

Nagar Palika Parishad

Vs

National Newsprint And Paper Mills Ltd.

Civil Appeal No. 1623 of 1978

(N. M. Kasliwal K. Ramaswamy JJ)

31.01.1991

ORDER

1. The controversy in this case relates to some trade effluents discharged by the respondent, the National Newsprint and Paper Mills Ltd. in river Tapti. During the pendency of this litigation Water Prevention and Control of Pollution Act, 1974, came into force. This Court on February 3, 1982 had given a direction to the respondent to file a reply to the counter-affidavit filed by the appellant and also to produce a certificate issued by the State Board under the above Act in order to show that the respondent has complied with all the directions of the Board. The respondent thereafter filed an affidavit of Sarad Chandra, Assistant Legal Adviser of the respondent Mill along with a photocopy of the consent granted by the M.P. State Prevention and Control of Water Pollution Board dated January 5, 1976. This sanction was valid up to June 26, 1976 and has been renewed every year as stated by Dr Chitale, senior advocate appearing on behalf of the respondent Mill. It was also stated in the affidavit that respondent Mill had erected an effluent treatment plant at the cost of Rs 1.2 crores and it was commissioned on October 18, 1980, by the Chief Minister of the State of Madhya Pradesh. In view of these developments having taken place in the intervening period, the present suit filed by the Municipal Council has become infructuous and is accordingly dismissed. In case the Municipal Council is still aggrieved and is satisfied that the trade effluent causing pollution is still being discharged by the respondent Mill, the Municipal Council would be free to take any appropriate action according to law. This appeal is decided in the manner indicated above. There will be no order as to costs.

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