

Textile Processors' Association, through Jt. Secretary Nitin Thakker

Vs

Chief Secretary, State of Gujarat and Others

Slp (C) No. 617 of 1995

(K. Ramaswamy, G.B. Pattanaik JJ)

04.01.1996

ORDER

1. Delay condoned.

2. This special leave petition filed by the Association seeks leave to file the appeal. The main grievance sought to be brought to our notice by Shri G. Ramaswamy, learned Senior Counsel is that some industries of the petitioner-Association are outside the Zone and effluents discharged from these industries are not directly leading to Kharicut Canal affecting the water in 11 villages identified by the High Court. Though the High Court had given positive finding in favour of the industries, nonetheless the High Court had directed them to contribute 1 per cent of the gross turnover. Many an industries which the petitioner-Association is representing, are running in losses. Consequently, each industry is required to pay the amount as directed by the High Court from their corpus and not from the profits.

3. Dr. A.M. Singhvi, learned Senior Counsel further points out that the units are already having temporary treatment plant and secondary treatment plant and they accumulate the effluents so that discharge would not arise. Unless the industries start working, it would be difficult to generate income by these industries, to comply with the directions issued by the High Court. Therefore, by virtue of the order passed by the High Court practically all the industries, as found by the High Court, though were not discharging the effluents polluting the water leading to the 11 villages, were prevented to run the operations. Consequently, they are put to great loss. In view of these averments, we think it is a matter to be gone into only by us but by the High Court. We are not inclined to exercise the jurisdiction under Article 136 of the Constitution for the reason they are matters for the High Court to be looked into. Counsel for the petitioner undertakes to file the application for review and in fitness of things, it would be open to each industry affected by the order to approach the High Court and place necessary facts before it and seek appropriate direction, if deemed necessary. Liberty is given to them to file the application as expeditiously as possible. It would be open to the High Court to dispose of the same according to exigency.

4. The SLP is accordingly disposed of.