

M.C. Mehta

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE KULDIP SINGH HON'BLE MR. JUSTICE
FAIZAN UDDIN

Writ Petition (Civil) No. 13381 Of 1984 | 10-04-1996

Item 'A'

Pursuant to this Court's order dated 14-3-1996 (Ed. Details of order dated 14-3-1996 given in M.C. Mehta (Taj Tapezium Matter) v. Union of India, (1997) 2 SCC 353 at para 19.) Mr. C.P. Jain, Chief Managerf (Safety and Environment Protection), Indian Oil Corporation has filed an affidavit. In our order dated 14-3-1996 we noticed the statement of Mr. C.P. Jain to the effect that the Public Investment Board had given its clearance to the proposal for construction of Hydrocracking unit in Mathura Refinary on 14-3-1996.

Mr. Jain has in the affidavit under consideration stated that after the clearance from the Public Investment Board, the proposal shall have to be approved by the Cabinet Committee on Economic Affairs. It is stated that once the approval from the Administrative Ministry is received, the actual work of procurement of machinery and construction will start and the project is likely to be completed with a period of 42 months.

We are constrained to say that despite continuous monitoring by this Court even the paper work has not as yet been completed.

This Court on 20-1-1995 observed as under:

"....Mr. Mathur, in Para 7 of his affidavit has given details of the further procedure to be followed for the final completion of the project. According to

the affidavit the Committee of the Public Investment Board has to sanction expenditure for the preparation of detail feasibility report. We are informed that the Secretary, Expenditure is the Chairman of the Public Investment Board. We request the Secretary, Public Investment Board to have this matter examined by the Board expeditiously keeping in view the importance of the project. We do not wish to fix any period within which the Board should finalise the matter but we trust and hope that the matter shall be finalized at an early stage.”

It is obvious from the tenure of our order quoted above that this Court asked the Public Investment Board to grant its approval to the project expeditiously. Mathura Refinery is emitting more than 500 kg of sulphur dioxide per hour which is a health hazard for the human beings and also hazardous for the world heritage Taj Mahal. According to the NEERI Report, the emissions are 859 kg per hour, but according to Mr. Jain, present in Court, the emissions as at present are 500 kg per hour.

This Court directed the Public Investment Board to examine the matter expeditiously, which obviously did not mean a long period of 14 months. We are of the view that the Chairman of the Public Investment Board has shown scant respect to the orders of this Court. We issue show-cause notice to Mr. N.K. Singh, the Chairman of the Public Investment Board as to why contempt proceedings be not initiated against him.

We are informed that the project has now been sent to the Cabinet Committee on Economic Affairs. The learned counsel appearing for Mathura Refinery states that the project shall be forwarded to the Cabinet Committee within two weeks from today. They may do so. We request Mr. Surendra Singh, Cabinet Secretary to have this project placed before the Cabinet Committee on Economic Affairs as expeditiously as possible for clearance, after the same is received by the Committee. Mathura Refinery shall file a short affidavit before 10-7-1996 indicating the progress in this respect. The Refinery in the affidavit may also indicate as to whether other recommendations of the NEERI are being complied with, specially regarding the setting up of the Chemo-biochemical process.

Since the work of controlling pollution – despite this Court’s continuous efforts – is not being done according to the time schedule repeatedly set up by this Court and Refinery is polluting the ambience around Taj Mahal, we are of the view that pollution fine should be imposed on Mathura Refinery. We issue notice to Mathura Refinery to show cause as to why heavy pollution fine be not imposed on the Refinery.

To come up on 10-7-1996.

Gas Authority of India Ltd.

Pursuant to this Court’s order dated 14-3-1996 Mr. P.C. Gupta, General Manager (Civil), Gas Authority of India Ltd. Has filed an affidavit dated 2-4-1996. It is stated in the affidavit that the Ministry of Petroleum and Natural Gas has already allocated 0.60 MMSCMD for distribution to the industrial units in Agra and Ferozabad. It is stated that as per the time schedule already filed in this Court, the two pipelines shall be completed by December 1996. It is further stated that the quantity of gas as mentioned above is only for the purposes of supplying the same to the industries located within the Taj Trapezium.

We have no doubt that while laying down the supply line within the city of Agra, the safety of Taj and also the people living in the city of Agra shall have to be taken into consideration. We are told that expertise in this respect is available with GAIL. If necessary, the opinion of NEERI, which has been associated by this Court in Taj Trapezium matters, can also be obtained by GAIL.

We have already heard the arguments regarding relocation of industries from the Taj Trapezium. Some of the industries which are not in a position to get gas connections or which are otherwise polluting may have to be relocated outside the Taj Trapezium. GAIL may also examine whether in the event of availability of more quantity of gas, the same can be supplied to the industries outside the Taj Trapezium which are located in the vicinity from where the gas pipe is passing.

Mr. Gupta has further stated that for the purposes of laying distribution network within the Taj Trapezium; GAIL is establishing a joint venture company. However, pending formation of the joint venture company, the required functions are being performed by GAIL. It is stated that GAIL had advertised comparative prices and heat equivalent of various fuels in the newspapers circulated in Agra and Ferozabad to enable the industries, who are prospective consumers of gas to evaluate the economics of conversion to gas. So far 214 parties from Agra and 364 parties from Ferozabad have responded. According to the affidavit these responses are being processed.

Mr. Reddy, on our asking, states that he would have the matter examined and file an affidavit in this Court within two weeks indicating the time-frame regarding the laying of distribution network within the Taj Trapezium. Mr. Reddy further states that some land shall have to be required for the purposes of constructing city gas stations at Agra and Ferozabad. He states that the cooperation of the U.P. Government is required for acquiring the land. We direct the Collector, Agra, as well as the Collector, Ferozabad to render all assistance to GAIL in acquiring land for setting up the two stations for the public purposes.

Item 'G'

Pursuant to this Court's order dated 15-3-1996 (M.C. Mehta v. Union of India (1998) 8 SCC 711) Mr. Rakesh Kumar Goel, Joint Secretary, Government of U.P., has filed an affidavit. Mr. Satish Chandra, learned Senior Advocate appearing for U.P. State, states that the toll at Taj Mahal, Agra is being collected by the Agra Development Authority in terms of Section 39-A of the U.P. Urban Planning and Development Act, 1973. According to him the money collected is being spent on maintaining all the approach roads and other amenities provided by the authority to the tourists visiting the city of Agra. Mr. Satish Chandra states that he would persuade his clients to engage a professional planner and sanitation expert to beautify and clean Agra City specially the area which is directly connected with the Taj Mahal.

To come up on 8-5-1996.

Regarding supply of continuous electricity to Agra City

Mr. B.B. Singh and Mr. Surendra Singh, Chief Engineers, U.P. State Electricity Board have jointly filed affidavit dated 9-4-1996. It is stated in the affidavit that in order to ensure uninterrupted electricity supply in the Taj Trapezium, the Board has already planned the additional work required to be carried out for that purpose. The work has been divided into three categories, namely, short term, medium term and long term. It is stated in the affidavit that so far as the short term project is concerned, it shall be complete by August 1996 and the medium term, which is in two parts shall, be complete within 18 months i.e. by June 1997.

It is stated by Mr. Jaitley, learned counsel appearing for the Board that with the completion of the short term and the medium term projects, there shall be 30% improvement in the electricity supply, so far as Agra Town is concerned. After the completing of all the three projects, there shall be 100% uninterrupted supply to the Taj Trapezium. The total cost for all the three projects has been stated to be about Rs.190 crores.

According to the affidavit, the Board has already started the short term and the medium term work with the Board's own funds amounting to Rs.90 crores. The learned counsel for the Union of India states that the copy of the affidavit has been received by him today. He would place the affidavit before the authorities concerned of the Government of India and file a short affidavit in this Court within two weeks from today. The affidavit shall indicate as to from what sources and within how much time the sum of Rs.99.54 crores needed to complete the electricity supply projects shall be made available to the U.P. State Electricity Board.

To come up on 8-5-1996.

AgraBypass

Pursuant to this Court's order dated 12-3-1996 (M.C. Mehta v. Union of India (W.P.(C).No.13381 of 1984, order dated 12-3-1996 (SC)), additional affidavit has been filed by Mr. P.N. Batham, Joint Secretary, U.P. Shasan, Public Works Department, Lucknow. It is stated in the affidavit that the construction of 24 km proposed bypass shall continue. Mr. Srivastava, learned counsel appearing for the State of U.P. states that funds for the construction of this 24 km road are already available with the Department 4.1 km road is under construction. The remaining 19.9 km is required to be widened to 3.7 m width. The present proposed road is less than 3 m and it is to be widened to the width of 3.7 m which is the minimum requirement for single-lane road. This may be done.

The affidavit further states that another 1 m kachcha extension is necessary to provide clear sight of vision to drivers to prevent accidents. If that is done, then 263 trees are to be cut. We are not inclined to permit the cutting of such a large number of trees and as such the extension of the kachcha road may be done only at those places where there are no trees.

We make it clear that we do not permit the cutting of 263 trees as suggested in the affidavit. So far as cutting of 80 trees for widening the road by one metre is concerned, that may be done if it is absolutely necessary. Initially we were of the view that this stretch of road should be constructed within six months from the date of this Court's last order. Keeping in view the difficulties explained by Mr. Srivastava, we direct the PWD of U.P. to complete this 24 km bypass by 30-12-1996. A responsible officer of the Department shall file progress reports after every three months.