

Union Carbide Corporation Ltd

v.

Union of India

(Supreme Court Of India)

SHIVARAJ V. PATIL and B.N. SRIKRISHNA,JJ.,

Interlocutory Application No. 46-51 In C.A. No. 3187-3188 Of 1988 &
Interlocutory Application No. 5-6 In Interlocutory Application No. 46-47 In
C.A. No. 3187-3188 Of 1988 & Interlocutory Application No. 1-2 In
Interlocutory Application No. 46-47 In C.A. No. 3187-3188 Of 1988 | 26-10-
2004

I.A. Nos. 50-51 in Civil Appeal No. 3187-3188 of 1988:

1. Issue notice.

2. Four weeks' time is granted to the parties, including the applicants in I.A. Nos. 46-47 and 48-49 in C.A. Nos. 3187-3188 of 1988, to file counter affidavits to these interlocutory applications.

I.A. Nos. 5-6 in I.A. Nos. 46-51 in Civil Appeal Nos. 3187-3188 of 1988:

3. The very question raised in these interlocutory applications is said to be pending consideration before the High Court. This being the position, no orders are required to be passed on these interlocutory applications. Hence, they are disposed of accordingly. However, liberty is reserved to the applicant in these interlocutory applications, if need be, to make an appropriate application at an appropriate stage.

I.A. Nos. 48-49 in Civil Appeal Nos. 3187-3189 of 1988:

4. Issue notice.

5. Four weeks' time is granted to the Union of India to file counter affidavit.

I.A. Nos. 46-47 in Civil Appeal Nos. 3187-3188 of 1988:

6. We have perused the Report of the Welfare Commissioner annexed to his letter dated 18th August, 2004 and heard the learned Counsel for the parties in regard to the said Report. The action plan proposed by the Welfare Commissioner appears to be well-thought and well-considered. There appears to be no objection for accepting the Report and the action plan, as proposed by the Welfare Commissioner. In this view, we approve the action plan, as proposed by the Welfare Commissioner, and permit him to proceed accordingly in the matter. We may only add that the disbursement of pro-rate compensation may commence from 15th November, 2004 and shall be completed by 30th April, 2003.

7. Interlocutory applications are, accordingly, disposed of.

I.A. Nos. 1-2 in I.A. Nos. 46-47 in Civil Appeal Nos. 3187-3188 of 1988:

8. Mr. S. Murlidhar, learned Counsel, states that in view of orders passed in I.A. Nos. 46-47 in Civil Appeal Nos. 3187-3188 of 1988, these interlocutory applications do not survive for consideration. Accordingly, they are dismissed.

Writ Petition (C) No. 547 of 2004:

9. We are not inclined to entertain this petition under Article 32 of the Constitution of India. The writ petition is, accordingly, dismissed.

10. However, it is open to the petitioner to approach the High Court in the first instance.