

# SUPREME COURT OF INDIA

M.C. Mehta

Vs.

Union of India (UOI)

(D.K. Jain and Anil R. Dave JJ.)

22.09.2011

## ORDER

1. By this application, Indian Oil corporation Limited (IOC) has sought the following orders:

a. An order directing the Ministry of Environment and Forests to process the proposal for the expansion project of the applicant by giving suitable permissions and clearances including the issuance of the Terms of Reference for an Environmental Impact Assessment study;

b. Upon the receipt and acceptance of the report of the Environmental Impact Assessment study, direct the Ministry of Environment and Forests to accord clearance by issuing a suitable Environmental Clearance (EC) for Mathura Refinery expansion.

c. Pass such other order and further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. Mr. Gopal Subramaniam, learned Senior Counsel and Mr. Parag P. Tripathi, the learned ASG, appearing for the applicant have referred us to the reports submitted by the Central Empowered Committee (CEC) and Ministry of Environment and Forests vide their report/letter dated 21st July, 2010 and 13th April, 2010 respectively. Relying on the said reports, Learned Counsel submit that since both the Expert Bodies have suggested that the Ministry of Environment and Forests may be permitted to take a decision regarding the grant of environmental clearance for expansion of Mathura Refinery, IOC may be permitted to pursue their proposal with the Authorities concerned.

3. Having perused the said reports, we find that there is no clear statement as to whether or not the expansion or modernization of the existing refinery is likely to have any adverse impact on Taj. However, bearing in mind the fact that both the said authorities have recommended grant of permission to the Ministry of Environment and Forests to take a decision regarding the grant of environmental clearance or the expansion of the Mathura Refinery, we allow the Ministry of Environment and Forests to examine applicant's application and take a final decision thereon. It goes without saying that the proposal shall be considered keeping in view the Environmental Impact Assessment Notification, 2006.

4. We clarify that this order is being made solely with a view to facilitate the applicant to have its application processed so that if ultimately applicant's proposal is cleared by this Court, the project may be executed without unnecessary delay. Needless to add that the final clearance of the project would be subject to further orders by this Court upon receipt of final decision by all the authorities concerned.

5. The application stands disposed of in the above terms.