

ITEM NO.7+8

VIRTUAL COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No.11327/2020

(Arising out of impugned final judgment and order dated 08-05-2020
in OA No.73/2020 passed by the National Green Tribunal)

LG POLYMERS INDIA PRIVATE LIMITED

Petitioner(s)

VERSUS

ANDHRA PRADESH POLLUTION CONTROL BOARD & ORS.

Respondent(s)

WITH

SPECIAL LEAVE PETITION (CIVIL) Diary No.11636/2020

Date : 15-06-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Ms. Pallavi Shroff, Adv.
Mr. Anuj Berry, Adv.
Mr. Chaitanya Safaya, Adv.
Mr. Sourabh Rath, Adv.
Mr. Kostubh Devnani, Adv.
Ms. Anusha Ramesh, Adv.
Mr. PSS Bhargava, Adv.
Mr. Abhik Chakraborty, Adv.
Mr. Tanvee Kanaujia, Adv.
Mr. Shardul S. Shroff, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

I] In Civil Appeal Diary No.11327 of 2020 the order taking *Suo Moto* cognizance by the National Green Tribunal is under challenge. In terms of order dated 19.05.2020 passed by this Court, submissions were raised and the National Green Tribunal by its order dated 01.06.2020 has ruled that it has power and jurisdiction

to take *suo moto* cognizance in respect of environmental issues. The order passed by the National Green Tribunal has been placed on record along with I.A. No.52391 of 2020.

Said order records that the Report of the Committee was uploaded on 28.05.2020 and said Report has been relied upon by the National Green Tribunal.

During the course of its order, the National Green Tribunal has also observed that the amount of Rs.50 crores, which was deposited pursuant to the initial order passed by the National Green Tribunal, be appropriated towards part liability and interim compensation.

Mr. Mukul Rohatgi, learned Senior Advocate submitted *inter alia*:

- a. The Report of the Committee was uploaded on 28.05.2020 and the decision was rendered by the National Green Tribunal on 01.06.2020 and as such the time available for the appellant to put in its response to the Report was highly inadequate. In the circumstances, the Report of the Committee ought not to have been relied upon.
- b. Because of the multiplicity of the proceedings pending before different Fora/Courts and the fact that the record of the appellant is presently lying in sealed condition, the appellant has been completely handicapped in presenting its viewpoint and could not appropriately file its response to the Committee; and

- c. The appellant is taking steps to challenge the order dated 01.06.2020 passed by the National Green Tribunal and till such time, the directions so far as disbursements from the amount deposited by the appellant are concerned, be suspended.

Though there is no substantive challenge insofar as the order dated 01.06.2020 is concerned, considering the fact that the initial order is presently under challenge, we pass ad-interim direction staying the operation of the directions issued by the National Green Tribunal in para 40 of its order dated 01.06.2020 for next ten days.

II. Special Leave Petition (Civil) Diary No.11636 of 2020 arises out of the order dated 22.05.2020 passed by the High Court of Andhra Pradesh at Amaravathi in WP (PIL) No.112 of 2020, WP (PIL) No.117 of 2020 and WP (PIL) No.119 of 2020.

By an ad-interim order dated 26.05.2020, this Court had permitted the appellant to submit a list of 30 personnel in the office of the District Magistrate so that their services could be availed of to maintain adequate safety measures at the plant in question.

Mr. Mukul Rohatgi submitted that three sets of applications are presently pending consideration before the High Court.

- (a) Seeking access to the plant by way of ad-interim relief;

- (b) Seeking appropriate directions so that the finished products lying in the plant can be allowed to be cleared; and
- (c) Seeking appropriate directions that the original record lying in sealed condition be de-sealed so that the appellant can have access thereto and respond to various queries put by various Committees.

It appears that in first two sets of applications, notices have been issued by the High Court but no notice has yet been issued insofar as application at Serial No.(c) is concerned.

We have also been given to understand that the matters were initially listed before the Bench comprising Hon'ble the Chief Justice and Hon'ble Smt. Justice Lalitha Kanneganti. However, during summer vacation, the matters were listed before some other Bench but the matters could not be heard and disposed of.

Now that the High Court has resumed its functioning after summer vacation, we request the Chief Justice of the High Court to either list the matters before the Bench presided over by the Chief Justice or to assign them to any other appropriate Bench so that all the pending applications can be disposed of at an early date.

Mr. Mukul Rohatgi submitted that the appellant intends to file one more set of applications seeking directions that the plant be de-sealed and the Passports of the Directors which are lying deposited with the concerned authorities be returned to them. We say nothing so far as the merits or demerits of the contentions are

concerned. As and when such application is filed, the same shall be considered on merits.

We request the High Court to dispose of the matters as early as possible and preferably by the end of the next week.

List these matters after two weeks before the appropriate Bench.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER