

PETITIONER:
M. C. MEHTA

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT: 13/01/1998

BENCH:
CJI, A.S. ANAND, B.N. KIRPAL

ACT:

HEADNOTE:

JUDGMENT:

With W.P. (C) 939/96, 95/97
THE 13TH DAY OF JANUARY, 1998

Present:

Hon'ble the Chief Justice
Hon'ble Dr. Justice A. S. Anand
Hon'ble Mr. Justice B.N.Kirpal

Petitioner-in-person. (NP)

Mr. Ashok H. Desai, Attorney General, Mr.H.N.Salve and Mr.G.L.Sanghi, Sr.Advocates, Mr. Mukul Mudgal, Mr.ADN Rao, Mr. Wasim A.Qadri, Ms. Niranjana Singh, Mr. P. Parameshwaran, Mr. Arvind Kumar Sandeep Narain, Mr. R.K. Kapoor, Mr.P.Varma, Mr. S.K. Srivastava, Mr. Anis Ahmed Khan, Mr. S.N. Sikka, Mr. Vijay Panwani, Mr. Ranjit Kumar, Mr. Kailash Vasdev, Mr. R. Sasiprabhu, Mr. Manish Garg, Mr. Anees Ahmed, Mr. R.K.Maheshwari, Mr. Ashok Mathur, Mr.V.B.Saharya, Mr.Ejaz Maqbool, Mr.Satish Aggarwal Mr. A.A. Khan, Mr.L.K.Pandey, Mr. S.L. Upadhyay, Mr. S.R. Setia, Mr.Sanjay Parikh, Mr. D.K. Garg and, Mr.N.S. Mehra, Advocates with them for the appearing parties.

O R D E R

The following Order of the Court was delivered:

With W.P.(C) 939/96, 95/97

We have heard the learned Attorney General and the learned Amicus Curiae. The learned Attorney General has pointed out that the ad-hoc Committee set up pursuant to this Court's order dated 13th September, 1996 in IA No.18 in WP (C) 4677 of 1985 headed by Mr. Justice R K Shukla is no longer necessary after the constitution of the Authority under Section 3(3) of the Environment Protection Act headed by Shri Bhure Lal but there may be some matters pertaining to environment which may be out side the scope of the authority of the Bhure Lal Committee and be required to be dealt with by the concerned Statutory Authority. It is submitted that a clarification to this effect may satisfied that this clarification of our earlier order is necessary.

Accordingly, our order of January 7, 1998 shall be read with the following modification/addition:

"In case there are certain matters which are outside the scope of the authority of Bhure Lal Committee

constituted under Section 3(3) of the Environment Protection Act, the same shall be dealt with by the concerned Statutory Authorities. To avoid any ambiguity in this regard. we make it clear that on the constitution of the Committee, headed by Shri Bhure Lal as an authority under Section 3 (3) of the Act, the earlier ad-hoc Committee headed by Mr. Justice Shukla would cease to exit."

This addition is to be treated as inserted in internal page 4 of the order dated 7th January, 1998 in the paragraph beginning with the words 'In view of this order' after the words 'Committee headed by sh. Bhure Lal on its constitution. 'and before the sentence beginning with the words 'We also place on record our appreciation of the work done by Mr. Justice R K Shukla.'