

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

I.A.No.2 WITH I.A.Nos.3-6 & 8-10 & 11-12  
in I.A.No.2 & I.A.No.7

IN

CIVIL APPEAL NO.5343 OF 2007

TATYASAHEB KORE WARANA S.S.K.LTD.

... APPELLANT(S)

VERSUS

SHARAD BABURAO PATIL &amp; ORS.

... RESPONDENT(S)

WITH I.A.Nos.2-3 in C.A.Nos.5413-5414/2007

**O R D E R**

Heard both sides.

The Maharashtra Pollution Control Board has filed a statement to the effect that the petitioner/appellant has complied with the directions of this Court and has installed the ESPs. The latest report by the Regional Officer is to the following effect :

"i) The work of installation of ESP No.1 (310A-1) for the Boiler NO.1 (MR 10652), Boiler No.2 (MR 8530), and Boiler No.4 (MR 9730) has been completed and it was found in operation for trial runs;

ii) The work of installation of ESP No.2 (310-B) for the Boiler No.3 (MR 9443) has been completed and it was found in operation for trial runs;

iii) The work of installation of ESP No.3 (310A-2) to the Boiler NO.5(MR 11835) and Boiler No.6(MR 13027) has been completed and it was found in operation for trial runs. A copy of the said report is enclosed and marked as an Exh.1.

iv) The Board has carried out stack monitoring of source emission at ESPs installed to the Boilers 1,2, 4 and 3 on 24.11.2009 and 2.12.2009. The analysis results of total particulars matter emission

are within permissible limit of 150 mg/Nm<sup>3</sup> which are general emission standards, as per the Environment (Protection) Rules, 1986 stipulated as a condition in the consent. Copies of reports of air emissions from ESPs attached to boiler Nos.12, 4 and 3 carried out on 24<sup>th</sup> November, 2009 and 2.12.2009 are enclosed and marked as an Exh.II."

Learned counsel for the respondents disputes the genuineness of this certificate and says that the ESPs have not been installed. The Maharashtra Pollution Control Board, being a statutory authority, cannot be disbelieved. Having regard to this fact, these applications are disposed of with a direction that the company would be at liberty to carry on with the crushing work.



.....CJI  
(K.G. BALAKRISHNAN)

.....J.  
(ASOK KUMAR GANGULY)

.....J.  
(Dr. B.S. CHAUHAN)

JUDGMENT

NEW DELHI;  
16TH DECEMBER, 2009