

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IA NO. 112633/2018

(APPLN. FOR DIRECTIONS ON BEHALF OF GRAPHITE INDIA LTD.)

(2) IA NO. 117302 AND 117304/2018

(APPLN FOR INTERVENTION AND DIRECTIONS ON BEHALF OF MOOKNAYAK)

Date : 06-09-2018 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Harish N. Salve, Sr. Advocate (A.C.)[NP]
Ms. Aparajita Singh, Advocate (A.C.)
Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Amit Sharma, Adv.
Mr. Devasis Bharuka, Adv.
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Raj Bahadur, Adv.
Ms. Anil Katiyar, Advocate
Mr. G.S. Makker, AdvocateIA NO. 112633/2018 and I.A. No. 112813/2018Mr. Shyam Divan, Sr. Adv.
Mr. Navneet Vibhaw, Adv.

For M/S Khaitan And Co.

IA NO. 117302 AND 117304/2018

Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Namit Saxena, Adv.
Ms. Taruna Ardhendumauli Prasad, Advocate

Ms. Pinky Anand, ASG
Mr. S. Wasim A. Qadri, Adv.
Ms. Snidha Mehra, Adv.
Mr. B.V. Balramdas, Advocate

Mr. Ajay Bansal, Adv.
Mr. Praveen Swarup, AOR

Mr. Chirag M. Shroff, Adv.

Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Mr. Anil Grover, AAG
Dr. Monika Gusain, Adv.

Mr. Sanjay Kr. Visen, Advocate

Mr. Abhishek, Advocate

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaswal, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Advocate

Ms. Sandhya Raghav, Adv.
Ms. Gurpreet Kaur Oberoi, Adv.
Mr. Rohitash Kumar Sharma, Adv.

M/S S Narain And Co.

UPON hearing the counsel the Court made the following

O R D E R

IA NO. 112633/2018 and I.A. No. 112813/2018

(APPLN. FOR DIRECTIONS ON BEHALF OF GRAPHITE INDIA LTD. And HEG LTD.)

I.A. No. 112813/2018 is taken on Board.

The prayer made in these applications is for permission to

import needle pet coke.

It is stated that imported needle pet coke will be used as feed stock for manufacture of Graphite Electrodes which in turn are used in the Steel Industry.

We had issued notice on these applications. It is stated on behalf of EPCA that given the specialized nature of feed stock and the specialized nature of the industry, there is no objection if the applications are allowed in so far as the import is concerned.

The Ministry of Environment, Forests and Climate Change has also filed an affidavit of Mr. Ritesh Kumar Singh, Joint Secretary, Government of India in which it is stated in Para 8 as follows:-

8. Use of Needle grade Pet Coke in Graphite Electrode Industry
(IA Nos. 112633 and 112633/2018 of Graphite India Ltd. And IA Nos. 112806 and 112813/2018 of HEG Ltd)

That the Ministry has received representation from the Graphite India Ltd and HEG Ltd regarding the use of needle pet coke for graphite electrode industry. Technical Inputs from CPCB were obtained in this regard vide letter dated 31.08.2018 and the same is annexed herewith and marked as Annexure R-4. CPCB has recommended the use of needle pet coke for graphite electrode industry as sulphur content in needle pet coke is reported to be 0.5% to 0.8% which is comparable to Indian coal. The view of CPCB have been examined in this Ministry and we are in agreement with the same. In view of the existing orders of the Hon'ble Court, this conclusion is presented for consideration and appropriate orders of the Hon'ble Court."

Under the circumstances, the prayer for import is allowed and the applications stand disposed of.

In so far as the guidelines are concerned (the second prayer in the applications), it is stated by the learned ASG that the matter is being considered by the Director General of Foreign Trade

(DGFT) in consultation with the Ministry of Environment, Forests and Climate Change. No orders are required to be passed in this regard.

IA NO. 117302 AND 117304/2018

(APPLN FOR INTERVENTION AND DIRECTIONS ON BEHALF OF MOOKNAYAK)

Learned counsel for the applicant seeks leave to withdraw the applications. He says that he will approach the jurisdictional High Court.

The applications are dismissed as withdrawn.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR