

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 &amp; ORS.

Respondent(s)

RECOMMENDATION NOS. 2.2.1 AND 2.2.2 OF REPORT NOS. 71 AND 78  
SUBMITTED BY EPCA

Date : 23-08-2018 This matter was 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, Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Raj Bahadur, Adv.  
Dr. Arun Yadav, Adv.  
Mr. Rajesh K. Singh, Adv.  
Mrs. Anil Katiyar, Adv.  
Ms. Snidha Mehra, Adv.  
Mr. Devasis Bharuka, Adv.  
Mr. G.S. Makker, Advocate

Mr. Sanjay Kr. Visen, Advocate

Ms. Rachana Gupta, Adv.  
Mr. Jitendra Kumar Tripathi, Adv.  
Mr. Abhishek, Advocate, Adv.

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

Mr. B.V. Balramdas, Advocate

Ms. Anil Katiyar, Advocate

Dr. A.M. Singhvi, Sr. Adv.  
Mr. Ranjit Kumar, Sr. Adv.  
Mr. Sandeep Narain, Adv.  
Mr. Avishkar Singhvi, Adv.  
Ms. Anjali Agarwal, Adv.  
For M/S S Narain And Co.

Mr. Rohit K. Singh, Advocate

Mr. Rohit Narayan, Advocate

Mr. P. Chidambaram, Sr., Adv.  
Mr. Ajay Bhargava, Adv.  
Ms. Vanita Bhargava, Adv.  
Ms. Shweta Kabra, Adv.  
M/S Khaitan And Co.

Mr. Shyam Divan, Sr. Adv.  
Mr. Navneet Vibhaw, Adv.  
Mr. Sanjeev K. Kapoor, Adv.  
For M/S Khaitan And Co.

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Manu Nair, Adv.  
Mr. Kuber Dewan, Adv.  
Ms. Suverna Kashyap, Adv.  
Mr. Shardul S. Shroff

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ajay Bhargava, Adv.  
Ms. Vanita Bhargava, Adv.  
Ms. Shweta Kabra, Adv.

Mr. Jaideep Gupta, Sr. Adv.  
Mr. Ashish Prasad, Adv.  
Ms. Mukta Dutta, Adv.  
Mr. Avinash Tripathi, Adv.  
Mr. Rohan Roy, Adv.  
Mr. M.P. Devanath, Advocate  
Mr. Dhananjay Mishra, Adv.  
Mr. Arnav Dash, Adv.

Mr. Shyam Divan, Sr. Adv.  
Mr. Akshat Hansaria, Adv.  
Mr. Akash Chatterjee, Adv.

Mr. Ashwini Mata, Sr. Adv.  
Mr. Vijay K. Sondhi, Adv.  
Mr. Nakul Sachdeva, Adv.  
Mr. Niyamat Sistani, Adv.  
Mr. Aakarshan Sahay, Adv.

UPON hearing the counsel the Court made the following

**O R D E R**

List the matter on 27.08.2018.

**(MEENAKSHI KOHLI)**  
COURT MASTER

**(KAILASH CHANDER)**  
COURT MASTER

ITEM NO.7

COURT NO.3

SECTION PIL-W

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)

(2) IA NO. 108253/2018  
(APPLN. FOR CLARIFICATION OF ORDER DT. 26.7.2018 ON BEHALF OF  
INDIAN STEEL ASSOCIATION)

(3) IA NOS. 109174 AND 109181/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF RAIN CII  
CARBON (VIZAG) LTD.)

(4) IA NOS. 109735 AND 109742/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF GOA CARBON  
LTD.)

(5) IA NOS. 109747 AND 109783/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF SANVIRA  
INDUSTRIES LTD.)

(6) IA NOS. 109778 AND 109791/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF KALINGA  
CALCINER LTD.)

(7) IA NOS. 109767 AND 109784/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF PETRO CARBON  
AND CHEMICALS PVT. LTD.)

(8) IA NOS. 112629 AND 112633/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF GRAPHITE INDIA  
LTD.)

(9) IA NOS. 112806 AND 112813/2018  
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF HEG LTD.)

(10) IA NO. 117497/2018  
(APPLN FOR CLARIFICATION ON BEHALF OF ALUMINIUM ASSOCIATION OF  
INDIA)

Date : 23-08-2018 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.)  
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Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, Adv.  
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Ms. Snidha Mehra, Adv.  
Mr. Devasis Bharuka, Adv.  
Mr. G.S. Makker, Advocate  
  
Mr. Sanjay Kr. Visen, Advocate  
  
Ms. Rachana Gupta, Adv.  
Mr. Jitendra Kumar Tripathi, Adv.  
Mr. Abhishek, Advocate, Adv.  
  
Mr. S.S. Shamsbery, AAG  
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Mr. Vijay K. Sondhi, Adv.  
Mr. Nakul Sachdeva, Adv.  
Mr. Niyamat Sistani, Adv.  
Mr. Aakarshan Sahay, Adv.

UPON hearing the counsel the Court made the following

**O R D E R**

**IA NO. 108253/2018 (Indian Steel Association)**

Learned counsel for the applicant says that one consignment of

low grade sulphur pet coke was imported by the applicant in the vessel M.V. Shinano. He says that this consignment has been unloaded. The location of the consignment is not clear. Learned counsel for the applicant says that he will file an affidavit indicating where the consignment is located.

It is stated by the learned ASG that in any case the imported consignment cannot be used by the applicant in view of Notification dated 17.08.2018.

Learned counsel for the applicant requests for an adjournment till 09.10.2018 on which date the matter is already fixed.

We make it clear that the imports made by the applicant will be entirely at the risk of the applicant.

IA NOS. 109174 AND 109181/2018 ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.

The impleadment application for the purposes of this application filed by the applicant is allowed.

Learned counsel for the applicant says that a consignment of low grade sulphur pet coke was imported by the applicant in the vessel M.V. Spar Draco. He says that this consignment has been unloaded. It is stated that the imported goods are lying in the warehouse.

It is stated by the learned ASG that in any case the imported consignment cannot be used by the applicant in view of Notification dated 17.08.2018.

Learned counsel for the applicant requests for an adjournment.

List the application on 09.10.2018 on which date the matter is already fixed.

We make it clear that the imports made by the applicant will be entirely at the risk of the applicant.

Learned counsel says that another consignment is on the way from China.

Full details of this should be placed on record by way of an affidavit.

IA NOS. 109735 AND 109742/2018 ON BEHALF OF GOA CARBON LTD., IA NOS. 109747 AND 109783/2018 ON BEHALF OF SANVIRA INDUSTRIES LTD., IA NOS. 109778 AND 109791/2018 ON BEHALF OF KALINGA CALCINER LTD. And IA NOS. 109767 AND 109784/2018 ON BEHALF OF PETRO CARBON AND CHEMICALS PVT. LTD.

The impleadment applications for the purposes of these applications filed by the applicants are allowed.

List the applications on 09.10.2018.

IA NOS. 112629 AND 112633/2018 ON BEHALF OF GRAPHITE INDIA LTD.

The impleadment application for the purposes of this application filed by the applicant is allowed.

Learned counsel for the applicant says that the needle pet coke imported by the applicant is in the high seas and may be permitted to complete the import.

Issue notice.

Reply be filed within ten days.

List the application on 06.09.2018.

IA NOS. 112806 AND 112813/2018 ON BEHALF OF HEG LTD.

The impleadment application for the purposes of this application filed by the applicant is allowed.



Liberty to file additional documents.

List the application on 09.10.2018.

IA NO. 117497/2018 (APPLN FOR CLARIFICATION ON BEHALF OF ALUMINIUM ASSOCIATION OF INDIA)

Reply be filed.

List the application on 09.10.2018.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER