

ITEM NO.5

COURT NO.10

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 No(s). 8229-8231/2019

THE TALOJA MANUFACTURERS ASSOCIATION

Appellant(s)

VERSUS

THE MINISTRY OF ENVIRONMENT AND FOREST
AND CLIMATE CHANGE & ORS.

Respondent(s)

IA No. 188294/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 182170/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 27621/2021 - CLARIFICATION/DIRECTION
 IA No. 170918/2019 - CONDONATION OF DELAY IN FILING
 IA No. 158510/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 188291/2019 - INTERVENTION APPLICATION
 IA No. 182167/2019 - INTERVENTION APPLICATION
 IA No. 183753/2019 - INTERVENTION/IMPLEADMENT
 IA No. 183757/2019 - MODIFICATION
 IA No. 46723/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 34336/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 158757/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 158507/2019 - STAY APPLICATION)

WITH

C.A. No. 8154/2019 (XVII)
 (IA FOR STAY APPLICATION ON IA 161456/2019
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 161457/2019
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 164239/2019
 FOR CLARIFICATION/DIRECTION ON IA 164241/2019
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 169788/2019
 IA No. 164241/2019 - CLARIFICATION/DIRECTION
 IA No. 161457/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 169788/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 164239/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 161456/2019 - STAY APPLICATION)

C.A. No. 9468/2019 (XVII)
(IA FOR STAY APPLICATION ON IA 194140/2019
IA No. 194140/2019 - STAY APPLICATION)

Date : 11-05-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

Counsel for the
parties

Mr. R. P. Bhat, Sr. Adv.
Mr. Mahesh Tiwari, Adv.
Mr. Siddharth Sangal, Adv.
Mr. S. S. Kadam, Adv.
Mr. Naresh Panvar, Adv.
Ms. Manju Jetley, AOR

Mr. Ashvini Kumar, Adv.
Mr. Pawan Mishra, Adv.
Mr. Bishnu Tiwari, Adv.
Mr. S. S. Kumar, Adv.
Mr. Dhairasheel S., Adv.
for M/S. Black & White Solicitors, AOR

Ms. Aishwarya Bhati, ASG
Mr. D. L. Chidananda, Adv
Ms. Archana Pathak Dave, Adv
Ms. Shivika Mehra, Adv.
Mr. Aman Sharma, Adv.
Mr. Manvendra Singh, Adv.
Mr. Apoorv Kurup, Adv
Ms. Diksha Rai, Adv.
Mr. Siddhant Kohli, Adv.
Mr. G. S. Makker, Adv.

Mr. Vivek Kolhi, Sr Adv.
Mr. Neetika Bajaj, Adv
Mr. Devansh Gupta, Adv
Mr. Sameer Abhyankar, AOR
Mr. Amish Tandon, Adv;
Mr. Ayush Beotra, Adv.
Mr. Uddhav Khanna Adv
Mr. Abhinav Mishra, Adv.
Ms. Nishi Sangtani, Adv.

Mr. Arvind P. Datar, Sr. Adv.
Mr. G. Pal, Adv.
Mr. Soumik Ghosal, Adv.
Ms. Shyamali Gadre, Adv.
Mr. Gaurav Singh, Adv.

Mr. Brij Kant Mishra, Adv.

Mr. Hitesh Kumar Sharma, Adv.
Mr. S. K. Rajora, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. E. Vinay Kumar, Adv.
Mr. Naresh Kumar, Adv.

Mr. Vinay Navare, Sr. Adv.
Mr. Mehul M. Gupta, Adv.
Mr. Ashwin Shete, Adv.
Mr. R. P. Gupta, Adv.
Mr. Zeeshar Syed, Adv.

Mr. Shirish K. Deshpande, Adv.
Mr. Rahul Chitnis, Adv.
Ms. Sachin Patil, Adv.
Mr. Aaditya A. Pande, Adv.
Ms. Shewtal Shepal, Adv.
Mr. Geo Joseph, Adv.

Mr. Chirag Joshi, Adv.
Mr. Ghanshyam Joshi, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, AOR
Mr. Shashank Singh, AOR

Mr. Arvind S. Avhad, AOR
Mr. Mahfooz Ahsan Nazki, AOR
Mr. R. P. Gupta, AOR
Mr. Sameer Abhyankar, AOR

Mr. Yash Pal Dhingra, AOR
Mr. Soumik Ghosal, AOR
Ms. Manju Jetley, AOR

Mr. Gurmeet Singh Makker, AOR
Mr. Sachin Patil, AOR
Mr. Ghanshyam Joshi, AOR
Mr. Shashank Singh, AOR
Mr. Soumik Ghosal, AOR
M/S. Black & White Solicitors, AOR
Mr. Arvind S. Avhad, AOR
Mr. R. P. Gupta, AOR
Mr. Sameer Abhyankar, AOR
Mr. Mahfooz Ahsan Nazki, AOR

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

Mr. Arvind P. Datar, learned senior counsel appearing for Maharashtra Industrial Development Corporation [in short, "MIDC"], has given the details of the funds required from the members of Taloja Common Effluent Treatment Plant Cooperative Society. It is pointed out that the Common Effluent Treatment Plant set up by the Association became non-functional somewhere in the year 2013 and the same was handed over to MIDC at the end of October, 2018. The same was made functional at the capital expenditure of Rs. 73 crores, including the legacy issues of defunct Common Effluent Treatment Plant, upgradation and rehabilitation of the same.

It is further pointed out that 25% of the capital expenditure, amounting to Rs. 18,41,47,500/- has to be borne by the members of the Cooperative Society, out of which an amount of Rs.9,80,00,000/- is still payable including Rs.7,42,00,000/- from Deepak Fertilizer, Rs. 1,60,00,000/- from IGPL and Rs. 26,00,000/- from Galaxy Surfactants.

Mr. Datar refers to a Resolution dated 13.10.2018 passed by the Cooperative Society that the cost of capital upgradation shall be payable only by the industries which are in 'Red' and 'Orange' Zones i.e. 324 units, out of the total 974 units in the industrial area.

It is also pointed out that the National Green Tribunal has imposed penalty of Rs. 5 crores on 09.04.2018, another 5 crores on 17.08.2018 and another 5 crores on 03.09.2019. Out of the said amount, Rs. 10 Crores and 50 Lakhs have been recovered, leaving the

balance of Rs. 4 crores and 50 Lakhs. As per Mr. Datar, the said amount towards the capital contribution as well as towards the penalty amount has to be borne by the members of the Association.

The learned counsel for the respondents seeks some time to submit their objections to the demand raised by MIDC.

Let the objections be filed within four weeks.

List the matter in the week commencing 18.07.2022.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER