5. However, in the instant case notice was issued and this Court also directed the appellant Corporation to seek any other relief on the basis of the order of this Court in the above SLP (Civil) No. 5465 of 1989. By an order dated September 13, 1991 the SLP was adjourned to November 15, 1991 for enabling the Corporation to provide alternative suitable sites for the respondents according to the scheme. Thereafter the matter was adjourned several times at the request of the counsel. Meanwhile on February 4, 1992 a rejoinder was filed in which it is stated that the Corporation had offered to the respondents hawking licenses etc. under the scheme but the respondents are not accepting the same. It is also stated therein that the respondents were offered four alternative sites in Plot No. 174 of the Town Planning Scheme and that the same are suitable to carry on their businesses. On February 7, 1992 learned counsel appearing for the respondents stated before this Court that they will choose any one of the alternative sites now offered by the appellant Corporation and move to the offered place. The matter was again adjourned. The respondents once again have come forward with the same kind of grievance and it is also submitted that they are not encroaching upon the public road and some other shops similarly situated are not being shifted and that the sites offered by the Corporation are not suitable. We have heard both the parties at length and we are satisfied that the respondents have been trying their best to thwart the implementation of the scheme which was examined by this Court as well as the High Court on more than one occasion. Therefore we allow this appeal with costs, set aside the order of the High Court in Civil Application No. 2857 of 1989 in appeal from Order No. 393 of 1989 dated September 27, 1990 and the interim injunction granted by the High Court stands vacated. We confirm the order of the City Civil Court dated September 18, 1989 vacating the injunction. Consequently appeal from Order No. 393 of 1989 pending in the High Court stands dismissed.

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(BEFORE N.M. KASLIWAL AND M. FATHIMA BEEVI, JJ.)

(Record of Proceedings)

M.C. MEHTA .. Petitioner;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

Writ Petition (Civil) No. 3727 of 1985, decided on January 20, 1992

Constitution of India — Arts. 32 and 21 — PIL — Kanpur Tanneries and Distilleries — Water pollution — Discharge of trade effluents by Kanpur tan-

neries and distilleries into Ganga river — Time granted to riparian industries for filing affidavits — State Pollution Control Board directed to serve report on all distilleries within three days and distilleries directed to file replies within two weeks — Tanneries not operating their primary treatment plants directed to be closed down — Tanneries which failed to deposit full amount of contribution to be closed down — Objections filed by some of the tanneries against Pollution Control Board's order rejecting their applications for modifying the orders concerning amount of contribution would be considered by Supreme Court — Board directed to dispose of the application for modification of amount of contribution pending before it — Time granted to the Board for submitting its report in respect of the tanneries inspected by it

R-M/11521/S

Advocates who appeared in this case:
Petitioner-in-person

M/s A.K. Sil, G. Joshi, V.B. Saharya, Subodh Markandeya, Ms Chitra Markandeya, G. Seshagiri Rao, Renu Gupta, P. Gaur, Jitendra Sharma, R.P. Bhatt, Senior Advocates (M.N. Shroff, Dr A.M. Singhvi, Jagant Nath, K.C. Dua & Sashi Prabhu, Anip Sachthey, J.C. Satha, Bimal Roy Jad, Sunil K. Jain, Vijay Hansaria, D.K. Sinha, J.R. Das, P.K. Pillai, M.T. George, Mridula Ray, Urmila Sirur, Rishi Kesh, Jawahar Chawla, Balraj Dawar, S.P. Sharma, Vineet Kumar, Nina Gupta, R.B. Mishra, Bina Gupta, Monik Mohil, R.K. Maheshwari, D.K. Agarwal, S.K. Gupta, Bharat Sangal, S.P. Singh, Surya Kant, T. Rajappa, Advocates, with them) for the appearing parties;

C.S. Vaidyanathan, S.R. Setia, V.C. Mahajan, R.P. Srivastava, C.V.S. Rao, K.J. John, Deepa Dixit, Shajad Khan, Ms Madhu Sikri, A.K. Srivastava, Sushma Suri, Mr and Ms Qumaruddin, B.D. Agarwala, Vinay Garg, A.B. Divan, R.K. Jain, Vinod Bobde, Senior Advocates (Harish Salve, J.B. Dadachanji, A.K. Verma, D.N. Mishra, S. Sukumaran, Gaurav Jain, Abha Jain, Praveen Kumar, Indrani Ghosh, H.K. Puri, Sunil Gupta, G.M. Khanna, Advocates, with them) for the Respondents.

ORDER

1. In compliance to the order of the Court dated December 10, 1991 notices have been published in the newspapers to all riparian industries of the river Ganga. A direction was given to file the affidavits before January 15, 1992 but only some of the industries have filed replies before that date. It has been prayed on behalf of the other industries that they may be granted four weeks' time to file their affidavits. All the industries are permitted to file their affidavits within four weeks from today. As regards respondent 396, Shankar Straw Boards their affidavit filed on January 14, 1992 was returned by the office as late by one day. It is now directed that Shankar Straw Boards may file their affidavit within a week and the same would be accepted by the office. List the case on February 19, 1992 at the bottom of the miscellaneous cases. The application filed by Shri M.C. Mehta for appointing a committee shall be considered on the next date.

Distilleries Matters

2. As regards distilleries matters, the State Pollution Control Board shall serve the report on all the distilleries within three days. The dis-

tilleries are permitted to file reply within two weeks thereafter. The matters with regard to distilleries may be posted on February 12, 1992.

Tannery matters

3. In compliance of the order dated November 1, 1991 the sites of the tanneries concerned were inspected by Shri A.K. Sharma, Assistant Environment Engineer, UP Pollution Control Board. A copy of the compliance report dated November 28, 1991 has been submitted by the Regional Officer, UP Pollution Control Board, Kanpur. According to the said report, four tanneries (out of 18 tanneries which had been directed to be operated) have although taken advantage of the order dated November 1, 1991 for operating their tanneries and discharging their trade effluent but they are not operating their primary treatment plant. In view of these circumstances, it is directed the following four tanneries shall be closed.

1. M/s Aizaz Tannery, Jajmau, Kanpur
2. M/s Shabnam Tannery, Jajmau, Kanpur.
3. M/s Decent Leather Finishers, Jajmau, Kanpur.
4. M/s Zunaid Tanning Industries, Jajmau, Kanpur.

A copy of this order may be sent to the District Magistrate, Kanpur to take steps for closing down these four tanneries.

4. In the order dated November 1, 1991 this Court had granted three weeks' time to the nine tanneries for depositing full amount of contribution failing which it was directed that their tanneries would be closed down. According to the report only one tannery, namely, M/s Adil & Company, Jajmau, Kanpur had deposited full amount of contribution while the other eight tanneries have not deposited their full amount of contribution. Learned counsel appearing for M/s Hindustan Tannery Pvt. Ltd. pointed out that the full amount of contribution has now been deposited by the said company. In view of this statement made by the learned counsel, no further order is necessary at this stage as regards M/s Hindustan Tannery Pvt. Ltd. is concerned.

5. As regards the following five tanneries, learned counsel has stated that applications were submitted on their behalf for modifying the earlier order in respect of the amount of contribution shown in the demand notice but the same were dismissed by the Pollution Control Board. Learned counsel submits that he has filed objections before this Court with regard to the dismissal of their applications for modifying the amount of contribution. Those objections would be considered by this Court on the next date.

1. M/s Universal Leather Finishers, Jajmau, Kanpur.

2. M/s Union Tanning Industries, Jajmau, Kanpur

3. M/s Mona Tanning Industries, Jajmau, Kanpur.

4. M/s Star Tannery, Jajmau, Kanpur.

5. M/s Indian Tanning Industries, Jajmau, Kanpur.

6. As regards M/s Greater Arafat Tanners, Jajmau, Kanpur, learned counsel submits that an application has been submitted to the Board for modifying the amount of contribution but the same has not been disposed of so far. The Board shall now consider such application and pass appropriate orders with regard to the said company. As regards M/s Amin Leather Finishers and M/s Fatima Leather Crafts, it has been reported that their applications for modifying the amount of contribution has already been rejected by the Board. No objection of any such order of the Board has been filed by these companies before this Court. In view of these circumstances, for these companies also the District Magistrate, Kanpur shall take appropriate steps for closing down their industries.

7. As regards the following 13 tanneries, it has been submitted in the report that the site is being inspected and suitable orders have yet to be passed by the Board. The Board is allowed to do and submit the report within four weeks. The case of the following 13 tanneries would also be considered on February 19, 1992.

1. M/s Delhi Tannery, Jajmau, Kanpur.

2. M/s Elahi Tannery, Jajmau, Kanpur.

3. M/s Triveni Tannery, Jajmau, Kanpur.

4. M/s Anerwar Leather Finishers, Jajmau, Kanpur.

5. M/s Kanpur Leather Finishers, 150 ft. Road, Jajmau, Kanpur.

6. M/s Malik Tanning Industries Pvt. Ltd., Jajmau, Kanpur.

7. M/s Rafiq Tannery, 150 ft. Road, Jajmau, Kanpur.

8. M/s Diamond Tannery & Danish Tanners, Jajmau, Kanpur.

9. M/s Leather Finishers, Jajmau, Kanpur.

10. M/s Sikandarpur Trade & Industries, Jajmau, Kanpur.

11. M/s HK Tanning Industries, 286/268, Jajmau, Kanpur.

12. M/s Imperial Leather Finishers, Chabilepurva, Jajmau, Kanpur.

13. M/s Zeenat Tanners, Sarai Ram Rai, Jajmau, Kanpur.

Court Masters