

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). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IN RE: TAJ TRAPEZIUM ZONE

IA NO. 69657/2018

(APPLN. ARISING OUT OF NOTE SUBMITTED IN COURT BY MR. M.C. MEHTA,
PETITIONER-IN-PERSON)

2) IA NO. 67652/2018

(APPLN. FOR APPROPRIATE ORDERS AND DIRECTIONS ON B/O NATIONAL
CHAMBER OF INDUSTRIES AND COMMERCE)

3) REPORT RECEIVED FROM U.P. POLLUTION CONTROL BOARD

Date : 11-07-2018 These applications were called on for hearing
today.CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Petitioner-In-Person

ASI Mr. A.D.N. Rao , Adv.
Mr. Sudipto Sircar, Adv.

For Respondent(s) Ms. Anil Katiyar, Adv.

Mr. M.K. Maroria, Adv.

Mr. A.N.S. Nadkarni, ASG
Mr. R. Bala, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Amit Sharma, Adv.
Mr. Zaid Ali, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. G.S. Makker, Adv.

CPCB Mr. Vijay Panjwani, Adv.

U.P. Ms. Charu Singhal, Adv.
Mr. Vikas Chaudhary, Adv.
Ms. Rachna Gupta, Adv.

Mr. Rajiv Tyagi, Adv.
Mr. Love Kanwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 67652/2018 - Contempt of Court

This is an application filed for proceeding under the Contempt of Courts Act against some officials, *inter alia*, of the Taj Trapezium Zone Authority. One of the averments made in the application is to the effect that on 05.04.2018, the TTZ Authority has considered new proposals from several industries namely (i) M/s Balkishan Glass Industries (capacity expansion) (ii) M/s Highlight Glass (new Unit and capacity expansion), (iii) M/s Uma Glass (capacity expansion), (iv) M/s Mateshwari Glass (capacity expansion), (v) M/s Kadri Glass (capacity expansion) and several others.

In para 14 of the application, it is stated that M/s Highlight Glass has been granted permission to set up its manufactory in the garb of reopening of an existing coal based Unit which has been lying closed for more than two decades. It is alleged that the permission granted is despite the order of *status quo* passed by this Court from time to time including order dated 22.03.2018.

Issue notice to Taj Trapezium Zone Authority. We would like the personal appearance of Mr. K. Ram Mohan Rao, Chairman of the Taj Trapezium Zone Authority and the Commissioner, Agra Division to

explain why the orders of this Court are being flouted willfully. Mr. K. Ram Mohan Rao, Chairman of the Taj Trapezium Zone Authority will bring along with him the list of industries who have applied for consideration of their applications whether for expansion or re-opening etc.; the list of industries that are under consideration; the list of industries which have been granted permission. The detailed list of industries in the TTZ, as on 30th June, 2018, should also be produced in the Court.

List the application on 26th July, 2018.

I.A. No. 69657/2018

On 01.05.2018, Mr. M.C. Mehta, the petitioner in person had filed some submissions. He had also drawn our attention to the Department related Parliamentary Standing Committee on Science & Technology, Environment & Forests in its Two Hundred Sixty Second Report on Effect of pollution on Taj (presented to the Rajya Sabha on the 21st July, 2015 and the Lok Sabha on 22nd July, 2015).

The Report of the Standing Committee mentions, *inter alia*, that "the Taj Mahal is a symbol of India's national pride and heritage and a multi-pronged strategy is required to address the challenge of preserving the pristine beauty of this world famous historic monument. The Standing Committee recommended that all concerned Central and State Government agencies and the public at large should come together and work in coordination with each other to reduce the pollution level in TTZ and to ensure that the glory and beauty of Taj Mahal is restored not only for today but for

years, decades and centuries to come...”

A reply affidavit in response to the Note dated 01.05.2018 has been filed by Mr. A.D.N. Rao, learned counsel. The note does not take us much further with regard to preservation of Taj Mahal except pointing out that several orders have been passed by this Court from time to time as well as by the National Green Tribunal and other Authorities.

The learned ASG has handed over to us in the Court today an affidavit on behalf of the Ministry of Environment, Forest and Climate Change.

In spite of the Report of the Standing Committee on the effect of pollution on the Taj Mahal, the affidavit discloses that among other things, an assessment of Air Pollution Source in TTZ and its impact on Taj Mahal is being carried out by the IIT, Kanpur - Study awarded by CPCB.

We are unable to appreciate that when the Report has been presented before the Rajya Sabha and the Lok Sabha, what is the need for having further studies on the same subject.

The affidavit discloses that some steps have been taken but merely mentioning those steps is of absolutely no consequence. We would like to have full details of all the steps taken as mentioned in para 4 of the affidavit as well as the full details of the proposed action in the Taj Trapezium Zone. The proposed action should have clear-cut time-lines for implementation, responsibility and accountability for implementation.

The matter is just lingering on and no pro-active steps are being taken to preserve the pristine beauty of the Taj Mahal as

mentioned by the Standing Committee of the Parliament. Meetings are being held without any concrete decisions being taken pursuant to the Moratorium in TTZ which has now been converted into an *ad hoc* Moratorium. It appears that the *ad hoc* Moratorium in TTZ was introduced as an agenda item as per the Minutes of the meeting held on 11.04.2018 in the office of the Commissioner, Agra Division under the Chairmanship of Shri C.K. Mishra, Secretary to the Government of India, Ministry of Forest and Climate Change. Proceeding in reverse gear, even *ad-hoc* Moratorium in TTZ is sought to be dispensed with.

We wonder how the pristine beauty of Taj Mahal as mentioned by the Standing Committee of the Parliament can ever be preserved or protected, if there is no willingness on the part of the concerned authorities to take any positive steps, but on the other hand, to take steps which appear to have more of a negative impact.

The affidavit should be filed by the Union of India and if necessary by the State Government within a period of two weeks from today. We are not inclined to grant any extra time. This is made very much clear to learned counsel appearing for the Authorities. We propose to hear the matter on day-to-day basis before Taj Mahal is further damaged.

List the matter on 31st July, 2018. I.A. Nos. 470, 478, 479, 480, 481 and 426 will also be taken up for final disposal on that date.

Report received from U.P. Pollution Control Board

The District Magistrate, Agra Division should be present in

the Court on 26th July, 2018 with regard to action taken pursuant to the Report of the U.P. Pollution Control Board.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER