

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

Petition(s) for Special Leave to Appeal (C) No(s). 16682-16683/2021

(Arising out of impugned final judgment and order dated 03-09-2021 in WP No. 16925/2021 27-09-2021 in RP No. 722/2021 passed by the High Court of M.P Principal Seat at Jabalpur)

SOM DISTILLERIES PVT. LTD. & ANR. Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS. Respondent(s)

(IA FOR CLARIFICATION OF ORDER DATED 25/10/21 TO BE LISTED BEFORE HON'BLE COURT.

IA No. 135322/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 142514/2021 - CLARIFICATION/DIRECTION

IA No. 135325/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 142515/2021 - EXEMPTION FROM FILING O.T.

IA No. 137082/2021 - EXEMPTION FROM FILING O.T.

IA No. 135326/2021 - EXEMPTION FROM FILING O.T.

IA No. 146290/2021 - EXEMPTION FROM FILING O.T.

IA No. 143898/2021 - EXEMPTION FROM FILING O.T.

IA No. 137081/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 145830/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 143897/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv
Mr. Gopal Sankaranarayanan, Sr. Adv
Mr. Sumeer Sodhi, AOR
Mr. Kapil Wadhwa, Adv
Ms. Shreya Nair, Adv

For Respondent(s) Mr. Saurabh Mishra, AAG
Mr. Pashupathi Nath Razdan, AOR
Mr. Prakhar Srivastav, Adv.
Ms. Sneha Bairwa, Adv.
Mr. Aakash Sinha, Adv.

Mrinal Gopal Elker, AOR
Mr. Manish Yadav, Adv.

Mr. Rajul Shrivastava, Adv
Ms. Charu Ambwani, AOR

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

IA No. 135322/2021 and IA No. 142514/2021

Having heard learned counsel on the issues and contentions raised and on consideration of the impugned orders passed by the High Court, we are inclined to dispose of the special leave petitions with the following directions :

(i) The petitioner(s) shall file an appeal under Section 28 of *The Water (Prevention and Control of Pollution) Act, 1974* ('The Water Act'), against the order dated 14th August, 2021, on or before 12th January, 2022, along with interim application(s). The appeal would be considered and decided on or before 15th February, 2022. The interim application(s) would be taken up for consideration and hearing in the week commencing 17th January, 2022 and thereafter as necessary and required. The interim application(s) would be decided expeditiously, but not later than 15th February, 2022.

(ii) The Madhya Pradesh Pollution Control Board ('the Board') has agreed that the petitioner(s) may undertake cleaning of lagoons 1, 2 and 3 , albeit, in the presence of the Officers of the Board. The aforesaid exercise would be undertaken between 17th to 21st January, 2022. The

petitioner(s) would be permitted to run/operate the unit for the limited purpose of cleaning, during the said period. Production, if any during the cleaning process would not be transferred/taken out of the factory premises or sold to third parties.

(iii) The Board would file its report regarding the cleaning of the lagoons and the compliance statedly made by the petitioner(s) as per I.A. No. 2795 of 2022 before the Appellate Authority on or before 27th January, 2022.

(iv) It is also open to the petitioner(s) to challenge the order of closure passed by the Board dated 27th August, 2021 under Section 33 A of The Water Act, before the National Green Tribunal. Such appeal filed would be considered and decided in accordance with law.

(v) Liberty is granted to the parties to approach this Court, if required and necessary. However, the petitioner(s), if aggrieved with the order passed under Section 28 of the Water Act, would have to file an appeal under Section 33 B of the Water Act before the National Green Tribunal.

We clarify that we have not expressed any opinion on the merits of the case.

The applications along with special leave petitions are disposed of accordingly.

All pending applications stand disposed of.

(SONIA BHASIN)

(DIPTI KHURANA)

