

ITEM NO.13

COURT NO.12

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). 11935/2018

M/S SOUTHERN PETROCHEMICAL INDUSTRIES  
CORPORATION LTD.

Appellant(s)

VERSUS

S. JOEL &amp; ORS.

Respondent(s)

(IA No.178718/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.178715/2018-STAY APPLICATION)

WITH

C.A. No. 12227/2018 (XVII)

(IA No.183854/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.183853/2018-STAY APPLICATION)

Diary No(s). 46271/2018 (XVII)

(IA No.182006/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.182460/2018-EX-PARTE STAY and IA No.182005/2018-  
PERMISSION TO FILE APPEAL and IA No.182007/2018-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 12224/2018 (XVII)

(FOR ADMISSION and I.R. and IA No.183730/2018-EX-PARTE STAY)

Date : 11-01-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Mr. A.R.L. Sundaresan, Sr. Adv.  
Mr. K. K. Mani, AOR  
Ms. T. Archana, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.  
Mr. Balaji Srinivasan, AAG  
Mr. Vinodh Kanna B., AOR  
S. Valarmathi, Adv.  
Ms. Pallavi Sengupta, Adv.

Mr. Ravindra Srivastava, Sr. Adv.  
C. Paramasivam, Adv.  
M. Arokiyaraj, Adv.  
Mr. M. Yogesh Kanna, AOR

For Respondent(s)

Ms. Anitha Shenoy, Adv.  
Mr. Riewick Dutta, Adv.  
Mr. Y. Arunagiri, Adv.  
Mr. Sathish Kumar, Adv.  
Mr. P. Soma Sundaram, AOR

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

Permission to file appeal is granted.

Issue notice.

Dasti service, in addition, is permitted.

Ms. Anitha Shenoy, learned counsel, accepts notice on behalf of the first respondent in all the matters.

Liberty granted to serve the Standing Counsel appearing on behalf of the Union of India, Ministry of Environment, Forests and Climate Change through Central Agency, in addition. Liberty is also granted to serve the Standing Counsel appearing on behalf of the State of Tamil Nadu.

Attention of the Court is drawn to the serious hardship which is presently faced by the Tuticorin Thermal Power Plant as a result of the impugned order of the National Green Tribunal ("Tribunal") dated 28 November 2018.

Mr. Huzefa Ahmadi, learned senior counsel appearing on behalf of the Tuticorin Thermal Power Plant, the appellant in Civil Appeal D. No. 46271 of 2018 submits that subject to drinking water needs being met fully, permission should be granted for supply of any surplus water which remains commensurate with the requirements of the appellant and in terms of the interim directions of the Tribunal dated 7 July 2017. The Court has also been assured of the

fact that there shall be no drawal of ground water.

The earlier permission dated 7 March 2008 under the Forest Conservation Act, 1980 was based on the representation of the Principal Chief Conservator of Forests that an intake well was being constructed for drinking water purposes. TWAD Board, it has been stated, has already applied for permission from the Ministry of Environment and Forests through the State Government on 23 July 2018.

We, accordingly, direct that, in the meantime, the impugned direction contained in the order of the Tribunal shall remain stayed insofar as the Tuticorin Thermal Power Plant is concerned, subject to the condition that drinking water needs are fully met. Any supply thereafter to the power plant of a surplus water, if any, shall be in accordance with the terms of the interim order dated 7 July 2017.

TWAD Board shall, before the next date of hearing, file an affidavit before this Court indicating

- (i) the extent of water which is available for distribution;
- (ii) the water which is required to fully meet the drinking water needs; and
- (ii) the surplus, if any, that is available.

List on 21 January 2019.

(MANISH SETHI)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER