

ITEM NO.47

COURT NO.5

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition(Civil) No. 657/1995

RESEARCH FOUNDN. FOR SCIENCE

Petitioner(s)

VERSUS

U O I & ANR.

Respondent(s)

(With appln. for impleadment and intervention and directions and exemption from filing O.T. and clarification/directions and office report)

(With I.A. No.24 - application for impleadment/directions)

WITH

SLP(C) NO. 16175 of 1997

(With appln. for ex-parte stay and impleading party)

Civil Appeal NO. 7660 of 1997

(With office report)

SUO MOTO CONMT.PET.(C) NO. 155 of 2005 in W.P.(C) No. 657/1995

(With office report)

Date: 13/02/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s) Mr. Sanjay Parikh, Adv.  
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For Respondent(s) Mr. Anil Kumar Jha, Adv.  
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    Mr. Ranjan Mukherjee, Adv.  
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Mr. Dushyant Dave, Sr. Adv.  
Mr. Nikhil Goel, Adv.  
Mrs. Sheela Goel, Adv.  
Mr. Raj Panjwani, Adv.

UPON hearing counsel the Court made the following

ORDER

Heard learned counsel appearing for the parties.

Let Mr. Gopal Subramaniam, learned Additional Solicitor General indicate the names of four/five officers who have headed the Mazgaon Dockyard, Mumbai/Kochi Dockyard, Cochin/Vishakapatnam Dockyard, Vizag. If the Ministry of defence feels that the Defence Research & Development Organization (D.R.D.O.) would be better equipped to provide the information, then, the name of retired officers of that organization may also be indicated in the list.

Stress shall be on their expertise in the field of construction/demolition of the warships. The list shall be filed before the next date which we fix to 17.02.2006.

Notwithstanding our direction that the concerned warship shall not be permitted to enter the Exclusive Economic Zone, the importers of the ship may file the bill of entry with the Customs authorities. It shall be examined to find out whether hazardous substances are present and whether it would be desirable to permit the ship to come to the Exclusive Economic Zone. This exercise of the Customs authorities shall be without prejudice to the claims of the owners of the ship or the importers.

In case the Customs authorities feel the need to do so, they shall obtain the views of the Central Pollution Control Board.

We are shocked to find that notwithstanding the pendency of the matter before this Court, public demonstrations are being held and articles are being written on issues which form the subject matter of dispute. If any person is found to be doing so, he shall be prima-facie held to have committed contempt of this Court and appropriate action shall be taken against him.

Copies of the Report shall be given to learned counsel appearing for the parties by the Registry.

Shri Raj Panjwani, learned counsel is permitted to appear on behalf of the Supreme Court Monitoring Committee.

(Neena Verma)

Court Master

(Vijay Aggarwal)

Court Master