

SECTION IVA
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

INTERLOCUTORY APPLICATION NOS.175787/2018

(Applications for seeking direction for early hearing of Curative
Petition)

IN

CURATIVE PETITION (CIVIL) NOS. 345-347 OF 2010

IN

REVIEW PETITION (CIVIL) NOS. 229 AND 623-624 OF 1989

IN

CIVIL APPEAL NOS. 3187-3788 OF 1988

WITH

INTERLOCUTORY APPLICATION NOS. 1-3

(Applications for exemption from filing Certified copies of
impugned Judgment & Orders)

WITH

INTERLOCUTORY APPLICATION NOS. 4-6

(Applications for permission to raise Additional ground)

WITH

INTERLOCUTORY APPLICATION NOS. 10-12

(Applications for Directions by Mr. Aparna Bhat)

WITH

INTERLOCUTORY APPLICATION NOS. 13-15

(Applications for Intervention by Mr. C.D. Singh)

WITH

INTERLOCUTORY APPLICATION NOS. 19-21

(Applications for directions by Mr. S.C. Patodia)

WITH

INTERLOCUTORY APPLICATION NOS. 22-24

(Applications for Impleadment field by Ms. Anitha shenoy)

WITH

INTERLOCUTORY APPLICATION NOS. 22-24

(Applications for Impleadment field by Ms. Anitha shenoy)

WITH

INTERLOCUTORY APPLICATION NOS. 31-33

(Applications for early hearing by Mr. S.C. Patodia)

WITH

INTERLOCUTORY APPLICATION NOS. 34-36

(Applications for permission to file affidavit on behalf of
petitioner Nos. 2 to 6 with additional submissions by Ms. Aparna
Bhat)

WITH

INTERLOCUTORY APPLICATION NOS. 37-39

(Applications for interim directions on behalf of Petitioner Nos.
2 to 6 by Ms. Aparna Bhat)

WITH

INTERLOCUTORY APPLICATION NOS. 40-42

(Applications for clarification/direction by Mr. S.C. Patodia)

WITH

INTERLOCUTORY APPLICATION NOS.

(Applications for permission to file Additional document filed by
Ms. Aparna Bhat, Advocate on 09.12.2017)

UNION OF INDIA & ORS. PETITIONERS
VERSUS
M/S UNION CARBIDE CORPORATION & ORS. RESPONDENTS

OFFICE REPORT

The above-mentioned matter were listed before the Hon'ble Court on 13th April, 2011 when the Court was pleased to pass the following order:-

"Curative petition @Nos. 345-347 of 2010 and Transfer
Petition @ No. 170 of 2011:

Interlocutory Application Nos. 7-9 are allowed, subject to service.

Issue notice on the maintainability of the interlocutory applications and mrtits of the matter.

Dasti service, in addition, is also permitted.

As service of notice and pleadings are not complete in Curative Petition @ Nos. 345-347 of 2010 in R.P.@ Nos. 229 and 623-624 of 1989 in Civil Appeal Nos. 3187-3188/1988 and S.L.P @ No. 13080/1999 titled as Union of India vs. M/s. Union of Carbide Corporation & Ors. And Transfer. Petitione @ No. 170 of 2011 titled as Union of India vs. Dow Chemical Company & ors., these petition will be taken up immediately after conclusion of hearing in writ petition @ No. 95 of 2010 (Society for un-aided Private School of Rajasthan V. Union of India & Anr.) and connected matters.

Curative Petition (Crl.) Nos. 39-43 of 2010.

The Criminal Miscellaneous Petition NO...../2011, filed by Mr. P.S. Sudheer, plearned advocate, is taken on record.

The Criminal Miscellaneous petitions for impledment/intervention are allowed, subject to service.

Mr. Goolam E. Vahanvati learned Attorney General Started his arguments at 10.30 a.m. And had not conluded till the court rose for the day at 4.00 p.m.

The matters reained part-heard."

It is submitted that Writ Petition No.95 of 2010 was disposed vide Court's order dated 12.04.2012. Judgment of the same has been reported in 2012(2) SCR 715.

It is submitted that, upon notice on Curative Petition to Respondents vide this Court's order dated 28.02.2011, Mr. S.C Patodia and M/s O.P. Khaitan & Co., Advocates has filed vakaltnama and appearance on behalf of Respondent Nos. 1-2 and 3-4, respectively. They have also on 18.11.2011 and 29.08.2014 filed counter affidavits on behalf of respondents. Counsel for the petitioner/ Union of India has not filed rejoinder affidavit to the counter affidavits, sofar.

It is further submitted that, in pursuance of above order, show cause notice on the maintainability of the interlocutory applications and merits of the matter, was issued to counsels appearing for Respondent Nos. 1-2 & 3-4 through Regd. AD. Dasti notice to be served upon Respondents by Ms. Aparna Bhat, Advocate was issued.

It is further submitted that Ms. Aparna Bhat, Advocate appearing for impleaded Petitioner Nos. 2 to 6 has on 09.04.2011 filed an application for direction and same is registered as IA Nos. 10-12 She has also on 28.01.2016 filed Application for permission to file affidavit with additional submissions and application for interim directions on behalf of Petitioner Nos. 2 to 6. The same has been registered as Interlocutory Application Nos. 34-36 and 37-39, respectively. Mr. S.C Patodia, Advocate has on 18.11.2011 filed reply affidavit to the application for impleadment (IA Nos. 7-9 filed by Ms. Aparna Bhat, Advocate) on behalf of Respondent No. 1.

It is further submitted that Mr. C.D. Singh, Advocate has on 15.04.2011 filed application for intervention of State of M.P in the matter and same is registered as IA Nos. 13-15. Mr. S.C. Patodia, Advocate has on 18.11.2011 filed reply affidavit to application for intervention on behalf of Respondent No.1.

It is further submitted that Ms. Anitha Shenoy, Advocate has filed on 24.10.2013 filed an application for impleadment alongwith Vakalatnama/appearance on behalf of Applicants. The same has been registered as Interlocutory Application Nos. 22-24. She has also on 10.09.2015 filed an additional affidavit of Applicants in I.A. Nos. 22-24.

It is submitted that Mr. S.C. Potodia, Advocate on behalf of Respondent No. 1 has on 13.04.2012 filed an application to direct the Appellants/Union of India and all such other parties who intend to file a response to the replies filed by the present Applicant/UCC and the Respondent No.2 (TDCC) within a period of 2 weeks so that the record of the petitions and the application for direction can be completed. The same has been registered as Interlocutory Application Nos. 19-21 He has on 11.06.2015 filed an application for early hearing and same has been as I.A. Nos. 31-33. He has also on 19.07.2016 filed an application for clarification/direction and same has been registered as I.A. Nos.40-42.

It is further submitted that Ms. Bina Gupta, Advocate has on 06.09.2016 filed vakalatnama/appearance with copy of power of Attorney on behalf of Respondent Nos. 3 & 4 as erstwhile counsel M/s. O.P. Khaitan & Co., Advocates has been deregistered due to demise of Mr. O.P. Khaitan, Advocate.

It is further submitted that Ms. Aparna Bhat, Advocate has on 9.12.2018 filed an Application for permission to file Additional document but the same is defective as counsel has not served its copy on Mr. S.C. Patodia, Advocate for Respondent no. 1 & 2 and Ms. Anita Shenoy, Advocate for appellant no. 2.

It is lastly submitted that Mr. G.K. Makker, Advocate for the Petitioner has on 04.12.2018 filed Application for seeking direction for early hearing of Curative Petition on behalf of Union of India (Registered as I.A. No. 175787/2018).

Service is complete.

The application for seeking direction for early hearing in the Curative Petition above mentioned is listed before the Hon'ble Court.

Dated this the 24th day of January, 2019.

ASSISTANT REGISTRAR