

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Application No.176 of 2013 (SZ)**

Applicant(s)

Shri V.P. Krishnamoorthy  
Chennai-21.

Vs

Respondent(s)

- 1) The Union of India,. MoEF, New Delhi
- 2) The Director, Dept of Environment and Forests, Chennai
- 3) The Member Secretary, Tamil Nadu Pollution Control Board, Chennai
- 4) The Indian Oil Corporation Limited, Chennai
- 5) The Chennai Petroleum Corporation Ltd, Chennai
- 6) The Bharat Petroleum Corporation Ltd, Mumbai
- 7) The Ministry of Environment and Forests, New Delhi
- 8) The Hindustan Petroleum Corporation Ltd, Chennai
- 9) The Chief Controller of Explosives, Chennai
- 10) The Secretary to Government, Ministry of Industries, New Delhi
- 11) The Deputy Salt Commissioner, Chennai
- 12) Central Pollution Control Board, New Delhi  
Rep. by its Member Secretary  
(Suo motu impleaded as 12<sup>th</sup> respondent  
Vide Order of this Tribunal dated 17.03.2016

Legal Practitioner(s) for Applicant

Shri. A. Yogeshwaran,

Legal Practitioner(s) for Respondent(s)

Sri Su..Srinivasan (Asst.Solicitor General)  
for R-1, R9 & R10  
Ms. M.K. Subramanian & P.Velmani for R2  
Smt. Rita Chandrasekar for R-3  
M/s.Abdul Saleem, S. Saravanan  
& Vidyalakshmi for R-4  
M/s. R. Senthil Kumar and  
S. Arjun Suresh for R-5  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R6  
Mr.M.R.Gokul Krishnan for R- 7  
M/s. King and Partridge for R-8  
Mr.D.S.Ekambaram for R12  
M/s.Jayash B.Dolia for r13

**Application No. 34 of 2014 (SZ)**

Applicant(s)

Respondent(s)

Shri K.S. Jayaraman, Chennai Vs.

The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s)  
M/s. E. Maharajan and D. Gentley  
Rathnaraj

Legal practitioners for respondent(s)

Mr.Su.Srinivasan  
(Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Mrs.Rita Chandrasekar for R5  
M/s.King & Patridge for R6  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8  
Mr.Abdul Saleem for R7

**Application No. 35 of 2014 (SZ)**

Applicant(s)  
R. Selvi, Tondiarpet, Chennai

Respondent(s)  
Vs. The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s)

Legal practitioners for respondent(s)

M/s. E. Maharajan and D. Gentley  
Rathnaraj

Mr.Su. Srinivasan  
(Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 36 of 2014 (SZ)**

Applicant(s)  
Shri K. Umachandran, Tondiarpet, Vs  
Chennai  
Gas,

Respondent(s)  
The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural  
New Delhi and others

Legal Practitioners for Applicant(s)  
M/s. E. Maharajan and D. Gentley  
Rathnaraj,

Legal practitioners for respondent(s)  
Mr.Su. Srinivasan  
(Asst. Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar, for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 37 of 2014 (SZ)**

Applicant(s)

Respondent(s)

Smt. S. Shanthi, Tondiarpet,  
Chennai

Vs.

The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s)

Legal practitioners for respondent(s)

M/s. E. Maharajan and D. Gentley  
Rathnaraj,

Mr.Su. Srinivasan  
(Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 38 of 2014 (SZ)**

Applicant(s)

Respondent(s)

Shri. G. Mahesh Kumar,  
Tondiarpet,  
Chennai

Vs.

The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s)

Legal practitioners for respondent(s)

M/s. E. Maharajan and D. Gentley

Mr.Su. Srinivasan

Rathnaraj,

(Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 39 of 2014 (SZ)**

Applicant(s) Respondent(s)  
Smt. R. Vijaya, Tondiarpet, Vs. The Union of India, rep. by its Secretary  
Chennai Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)

M/s. E. Maharajan and D. Gentley Rathnaraj, Mr.Su. Srinivasan  
(Asst. Solicitor General) for R1  
Mr.M.R.Gokul Krishnan R-2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 40 of 2014 (SZ)**

Applicant(s) Respondent(s)

Shri K. Sampath Kumar, Vs. The Union of India, rep. by its Secretary  
Tondiarpet, Ministry of Petroleum and Natural Gas,  
Chennai New Delhi and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)

M/s. E. Maharajan and D. GentleyRathnaraj, Mr.Su.Srinivasan  
(Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R-2

Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 41 of 2014 (SZ)**

Applicant(s) Respondent(s)  
Shri K. Kamalakannan,  
Tondiarpet,  
Chennai Vs. The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)  
M/s. E. Maharajan and D. Mr.Su.Srinivasan  
GentleyRathnaraj, (Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R-2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam &  
Associates for R3  
M/s. M.K. Subramanian for R4  
Smt. Rita Chandrasekar for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

**Application No. 42 of 2014 (SZ)**

Applicant(s) Respondent(s)  
Shri G. Purushothaman,  
Tondiarpet,  
Chennai Vs. The Union of India, rep. by its Secretary  
Ministry of Petroleum and Natural Gas,  
New Delhi and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)  
M/s. E. Maharajan and D. Mr.Su.Srinivasan  
GentleyRathnaraj, (Asst.Solicitor General) for R1  
Mr.M.R.Gokul Krishnan for R-2  
Mr.Krishna Srinivasan  
For M/s.Ramasubramaniam  
& Associates for R3  
M/s. M.K. Subramanian for R4

Smt. Rita Chandrasekar,for R-5  
M/s.King & Patridge for R6  
Mr.Abdul Saleem for R7  
M/s.Dua Associates,R.Senthil Kumar,  
S.Arjun Suresh, B.Kishore &  
Raghavendra Ross Divakar for R8

### COMMON ORDER

Note of the Registry	Orders of the Tribunal
Item No.56 to 65	<p data-bbox="407 602 813 639">Date: 11<sup>th</sup> September, 2017</p> <p data-bbox="407 674 1383 1231">The learned counsel appearing for BPCL has filed Status Report relating to the month of July, 2017 which is taken on record. In our order dated 05.07.2017, we have directed the State Pollution Control Board to file Analysis Report of water samples collected. The learned counsel appearing for the State Pollution Control Board submits that the analysis report has been received and the same will be filed by Wednesday, 13.09.2017 after serving advance copy to the learned counsel appearing on the other side.</p> <p data-bbox="407 1266 1383 1964">In so far as it relates to the space wherein the SVE activities of BPCL are carried on which is in the place of Devi Polymer, even though it is stated by the learned counsel appearing for the BPCL that Devi Polymer has been informed, they have not appeared before this Tribunal. It is also informed that there is an alternate suitable place available in the premises of Gayathri Eye Clinic of Dr.Suhas Prabhakar. Considering the public importance involved in this case and to arrive at an amicable solution regarding providing of space for continuation of SVE activities of BPCL, the Registry is directed to issue notice to the said following persons:</p> <p data-bbox="472 1999 862 2037">M/s.Devi Polymers Pvt. Ltd.</p>

715/231, T.H.Road,  
Tondiarpet, Chennai 60081

Dr.Suhas Prabhakar  
Gayathri Eye Clinic,  
No.7, Varadaraja Perumal Koil Street,  
Tondiarpet, Chennai 600081  
Mobile No.98400 40946

The notice shall indicate that the aforesaid proprietors shall appear before this Tribunal on the next date of hearing i.e. at 2.15 p.m. on 06.10.2017.

We have heard the officers of the CMRL as well as the other officials from BPCL and the learned counsel appearing for the applicant as well as State Pollution Control Board. It is after deliberation for the purpose of enabling the SVE activities to continue, apart from the notice to be issued to the owners of two premises one which the SVE activities are continuing, it is informed by the officials of the CMRL that the SVE activities can be done by mobile unit.

It is stated that a Joint Committee Meeting held in July, 2017 resolved making such suggestion. In view of the same, the stakeholders are requested to study the feasibility of the same and report on the next date of hearing.

Mrs.Varalakshshmi, Senior Environmental Engineer, Central Pollution Control Board (CPCB), Regional Directorate, Bangalore is present in the Tribunal. The CPCB in its report dated 4<sup>th</sup> July, 2017 has given its performance evaluation of SVE remediation system

which is as follows:

- i) The Soil Vapour Extraction (SVE) System operated by M/s.BPCL shows marginal reduction in concentration of petroleum hydrocarbons, measured in terms of TPH, DRO and GRO in ground water. While there is some reduction in petroleum hydrocarbon in ground water compared to June, 2016, the values have also increases in two samples. Moreover, the concentration of Total Organic Carbon (TOC) was found increased marginally in 06 out of the 07 monitoring wells. The results thus indicate that the SVE system could not establish substantial reduction of TPH, DRO and GRO concentration in ground water since one year of installing SVE system.
- ii) It is also observed that the results were not consistent with regard to reductions, which seems to have influenced by varying dilutions of ground water during pre and post monsoon periods and varying levels of ground water table.
- iii) It is observed that soil vapour was not extracted simultaneously from the all the extraction wells due to limitation in capacity of SVE system to extract vapors simultaneously from all the wells. Only 5-6 out of 14 extraction wells were operated in a month due to limitation of the exiting SVE system w.r.f. high VOC concentration and overheating of the combustion chamber. As a result, the system was operated at a flow rate of 25-29 CFM (cubic feet per minute) against the designed capacity of 250 CFM. This problem can be overcome by installing multiple vapor handling units or by augmenting the capacity of existing vapor handling unit so as to achieve simultaneous extraction from all the wells.
- iv) As per the data collected from SVE system so far, about 4325 kg of DRO has been extracted from soil and ground water till March, 30 2017 at an average of about 480 kg. DRO per month.

The report states about the deficiency in the operation of SVE system apart from stating that the operation of flow rate is much less than the designed capacity. The BPCL shall respond to the said conclusion arrived at by the CPCB in the report elicited above by the next date of hearing.



In all other aspects, the other directions given by the Tribunal shall continue particularly regarding the delimitation of the contaminated areas.

The State Pollution Control Board, as directed earlier, shall convene the Meeting of all the Oil Companies and also inspect the pipelines of all oil companies and find out their roles in leakage and file a report.

Post these applications on 06.10.2017 at 2.15 p.m. in the Conference Hall.

.....,JM  
(Justice Dr.P.Jyothimani)

.....,EM  
(Shri P.S. Rao)

