

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No.151 of 2016 (SZ)**

**Applicant(s)**

1. Radhakrishnan K U  
Karolil, Puthuvyppe
2. K.S. Murali, Kannanveetil  
Puthuvyppe

**Respondent(s)**

1. Union of India, rep. by the MoEF  
thro. Its Principal Secretary, New Delhi
2. State of Kerala, rep by its Secretary  
Dept. Of Environment & Climate  
Change, Thiruvananthapuram
3. State Coastal Zone Management Authority  
Rep. by its Chairman, Thiruvananthapuram
4. SEIAA, Thiruvananthapuram - deleted
5. Elankunnappuzha Grama Panchayat, rep  
By its President
6. Indian Oil Corporation Ltd, rep. by its Senior  
Manager, Ernakulam

**Counsel appearing for applicant**

M/s. Neha Miriam Kurian

**Counsel appearing for respondents**

Mr. G.M. Syed Nurullah Sheriff for R1  
M/s. A.S. Suvitha for R2  
Mr.T.N.C. Kaushik for R3  
Mr. Harish Vasudevan for R4  
M/s. King & Patridge & M. Vijayan  
Mr. M. Kumaresan for R5

**M.A. No. 264 of 2016**

**M.A.No.09 of 2017**

Note of the Registry	Orders of the Tribunal
Item No.6	<p>Date: 10<sup>th</sup> October, 2017</p> <p>We have heard Mr.G.Masilamani, learned Senior Counsel appearing for the applicant in Application No.151 of 2016. The learned Senior Counsel is insisting that the case must be taken up since by adjournment, huge amount of loss amounting to about Rs.1/- Crore per day is caused to Indian Oil Corporation Ltd.</p> <p>Further, it is the case on record that by virtue of non</p>

functioning of the present project, the IOC is transporting the petroleum products particularly LPG all along around 1000 kms. from Mangalore Port and every day there are accidents apart from huge financial expenses incurred and effect on environment due to pollution caused by the movement of huge number of trucks to transport the LPG..

The learned counsel appearing for State of Kerala submits that it is true that the project is helpful for the State of Kerala. She also submits that the Government has constituted a Committee for the purpose of giving recommendation to tackle the situation as the people in the area are objecting the project. She would also submit that the Government is for the Project but the Government has to look into all the aspects since it has got responsibilities. The Government has constituted a Committee and the officials of IOC have also participated in the meetings.

There is no representation on behalf of the applicant. Mr.Yogeswaran, learned counsel appearing for the applicant has sent an Email to the learned counsel appearing for IOC stating that he is not available today and therefore the matter may be adjourned.

Taking note of the totality of the issue involved and since the learned Senior Counsel appearing for the IOC vehemently submits that the project is situated in CRZ III and therefore it is a permissible activity the application deserves to be disposed early. He also

stated that 6 months period of extension of Environmental Clearance granted by MoEF & CC already expired due to pendency of the case in the Tribunal and only 2 ½ years are left and if the project is not completed within the extension period, the EC becomes invalid and the process has to be started afresh, we are of the view that matter must be heard by both sides and the issue to be decided on merits and in accordance with law.

It is also relevant to note that pleadings are completed and there is no impediment on the part of the applicant and Government of Kerala to hear the matter finally. We make it clear that the applicant as well as the counsel appearing for the State of Kerala shall be present on the next date of hearing so as to hear the parties and pass orders finally. It is also relevant to note that Committee constituted by Government of Kerala is not pursuant to the order of this Tribunal and they constituted it on its own

Post this application on 26.10.2017.

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

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