

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 12th 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) 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
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) Respondent(s)

R. Selvi, 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. 36 of 2014 (SZ)

Applicant(s) Respondent(s)
Shri K. Umachandran, 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)
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. Shanthy, 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 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)

Shri. G. Mahesh Kumar,
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)

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. 39 of 2014 (SZ)

Applicant(s)

Smt. R. Vijaya, 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)

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 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,
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.
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.
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. 42 of 2014 (SZ)

Applicant(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

Respondent(s)

Legal Practitioners for Applicant(s)

M/s. E. Maharajan and D.
GentleyRathnaraj

Legal practitioners for respondent(s)

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

COMMON ORDER

Note of the Registry	Orders of the Tribunal
Item.No.17 to 26	<p>Date: 17th October, 2017</p> <p>There is no appearance on behalf of the applicants. However, the respondents as well as their learned counsel are present. Mr.Krishna Srinivasan appearing for Bharat Petroleum Corporation Ltd. (BPCL) would submit that in so far as the functioning of SVE-I system which is situated in the place concerned, the Chennai Metro Rail Ltd. (CMRL) has permitted the SVE operations to go on and at present there is no problem in so far as the said SVE- I system is concerned.</p> <p>Regarding installation of SVE-II system, Mr.Krishna Srinivasan submits that negotiations are on with some of the shopkeepers and as</p>

soon as the same is completed, the SVE-II system also will be installed and operated.

Needless to state that when once the installation of SVE II goes through, on request made by the BPCL, all the authorities including the State Pollution Control Board (Board) and TANGEDCO shall consider the same and grant permission so as to enable the BPCL to proceed with the SVE –II operations.

In so far as it relates to the Meeting directed to be convened by the Board, the Board has filed its report dated 04.10.2017 along with various documents including the Minutes of the Meeting dated 27.09.2017. The report refers to the operation of the Minutes of the Joint Meeting wherein it is recorded “BPCL will take up the matter with IIT, Madras for expediting the study on contamination and suggesting remedial measures and ensure submission of reports by the 15th November 2013. The report shall be shared between Oil Marketing Companies (OMC) and Ministry of Petroleum and the cost will be shared by OMCs”.

It is also suggested in the report that the cost of remediation will be borne by the Oil Companies based on the proportionate use of pipeline by the Major Oil Corporations and the expenditure may even be met from CSR funds. It further states that suitable orders may be issued to all the major Oil Corporations to utilise their Corporate Social Responsibility (CSR) funds for meeting the expenditure and Compensation to the affected parties and for remediation of the areas contaminated by the oil leak that occurred at Tondiarpet based on the proportionate use of the pipeline.

The report itself is based on Minutes of the Meeting convened by the Board on 27.09.2017 in which apart from Pollution Control Board officials and Expert Committee Members, Members of the Oil Corporations including IOCL, BPCL, HPCL, CPCL have participated. However, Mr.Vijayan, learned counsel appearing for the HPCL seeks permission to file his objections to the report of the Board. Such objections shall be filed by the said Oil Corporation before the next date of hearing by giving advance notice to the learned counsel appearing on the other side.

BPCL has filed compliance affidavit as against the report of the Central Pollution Control Board (CPCB) dated 04.07.2017 after giving copies to the learned counsel appearing on the other side particularly Mr.Ekambaram, learned counsel appearing for the CPCB. We direct the CPCB to conduct another inspection and find out the correctness of the compliance and file a status report by the next date of hearing. The BPCL has also filed the monthly status report for the month of August, 2017 which is taken on record. The BPCL has also filed a "Report on the Product Pipelines at Tondiarpet Installation of BPCL" in pursuance to the meeting of the TNPCB.

Mr.Krishna Srinivasan has also referred to some of the portions of the previous report of TNPCB dated 13.09.2017 wherein while giving the conclusion, the Board has stated "the concentration of the parameter TPH, GRO, DRO, Benzene, O-Xylene, Ethyl Benzene, Naphthalene in the groundwater collected from the deep monitoring wells are almost same as the concentration in the ground water collected outside the remediation areas, and "the concentration of TOC, DRO, GRO, Benzene, Toluene, Ethyl Benzene and Total Xylene" was found reduced in all shallow

monitoring wells when compared to the report of BPCL of December, 2015. Therefore, according to the learned counsel, there is an improvement in the quality of water as acknowledged by the Regulatory Authority, State Pollution Control Board. The learned counsel appearing for the applicants may respond to the said conclusion arrived at by the PCB by the next date of hearing.

The learned counsel appearing for the Board Mrs.Rita Chandrasekar submits that as stated in the affidavit dated 22.02.2017 when CMRL proceeds with the excavation work, the same has to be approved by the Board since it may involve the contamination of groundwater with petroleum products.

The Joint General Manager of CMRL who is present would fairly submit that as and when a stage for such excavation arises, the Board will be approached for granting approval in accordance with law.

Post all these applications for further orders on 04.12.2017.

....., JM

(Justice Dr.P.Jyothimani)

.....,EM

(Shri P.S. Rao)