

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

APPLICATION NO. 138 OF 2020 (SZ)

BETWEEN:

V.B.R. Menon, B.E (Mech). MBA (IIMA), LLB,
Advocate,
Flat No. 4B, Barook Dale Apartments,
No. 12, P.T. Rajan Salai,
K.K. Nagar, Chennai – 600 078

... Applicant

AND

The Chief Secretary to Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai – 600 009
& 7 Others

... Respondents

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Dated at Chennai on this the 31st day of October, 2020

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AND

1. The Chief Secretary to Government of Tamil Nadu,
Forst St. George, Secretariat,
Chennai – 600 009
2. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department
Fort. St.George, secretariat,
Chennai – 600 009
3. The Chairman,
Central Pollution Control Board,
Parivesh Bhawan East Arjun Nagar,
New Delhi – 110 032
4. M/s. Indian Oil Corporation Ltd.,
Rep. by: The Executive Director (Retail)
Indian Oil Bhawan,
No. 139, Nungambakkam High Road,
Chennai – 600 034
5. M/s. Bharat Petroleum Corporation Ltd.,
Rep. by: The State Head (Retail),
Southern Regional Office,
No.1, Ranganathan Gardens,
Off. 11th Main Road, Anna Nagar,
Chennai – 600 040
6. M/s. Hindustan Petroleum Corporation Ltd.,
Rep. by: The Zonal Managar,
GMO SZ – Retail,
Thalamuthu Natarajan Building,
4th Floor, No. 3045, Gandhi Irwin Road,
Chennai – 600 008
7. M/s. Shell India Markets Private Limited,
Rep. by: The Regional Managar,
South Zone Office,
Campus-4A, RMS Millenia Business Park,


 बालाजी आनंदन / BALAJI ANANDAN
 उप महा प्रबंधक - रिटेल / Deputy General Manager - Retail
 विधिवत गठित प्रतिनिधि / Duly Constituted Attorney
 हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
 HINDUSTAN PETROLEUM CORPN. LTD.
 चेन्ने रिटेल क्षेत्रीय कार्यालय / Chennai - Retail Region
 पेट्रो भवन, दूसरी मंजिल, सं 82, टी. टी. के रोड
 Petro Bhavan, II Floor, No.82, T.T.K. Road,
 आल्वारपेट, चेन्ने / ALWARPET, CHENNAI - 600 018.

No. 143, Dr.M.G.R. Road,
Perungudi, Chennai – 600 0906

8. M/s. Nayara Energy Limited,
Rep. by: The Divisional Manager,
Chennai Divisional Office,
No. 58, New Avadi Road,
Thandavaraya, Kilpauk,
Chennai – 600 010

... Respondents

STATUS REPORT FILED ON BEHALF OF 6th RESPONDENT,

I, BALAJI ANANDAN, Son of Mr. Anandan, aged 46 years, the Dy. General Manager-Retail, Chennai Retail Regional Office of Hindustan Petroleum Corporation Limited, having office at No.82, TTK Road, Alwarpet Chennai 600018, do hereby solemnly affirm and sincerely state as follows:-

1. I state that I am the Deputy General Manager of, Hindustan Petroleum Corporation Ltd., the 6th Respondent herein and as such I am well acquainted with the facts of the case from available records. I am filing this Status Report in my official capacity for and on behalf of 6th Respondent and I am authorized to file the same.

2. I humbly submit that the present Original Application has been filed for the following relief:-

"A. Direct the Respondent Oil Marketing Companies, R-5 to R-9, to install Vapour Recovery Systems, Stage 1 and 2 in good working condition before opening and commissioning of any new Petroleum Retail Outlets in Tamilnadu,

B. Direct the Respondent Oil Marketing Companies, R-5 to R-9 to install and operate Vapour Recovery Systems, Stage 1 and 2, in all the existing Petroleum retail outlets in Tamil Nadu with a time schedule to be prescribed by this Hon'ble Tribunal for each City, Town and rural area situated in Tamil Nadu.

and


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C. pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice”.

3. I humbly submit this Hon'ble Tribunal in its order dated 04.08.2020 in the present Application, has directed the Oil Companies to file their response regarding the compliance / status report of implementation of installation of Vapour Recovery Systems (VRS) in the petroleum outlets on the basis of the directions issued by the Principal Bench of National Green Tribunal, New Delhi.

4. I humbly submit in compliance of the above direction, we are submitting the following report for the consideration of this Hon'ble Tribunal:

i. the Hon'ble Principal Bench of the National Green Tribunal, New Delhi in its order dated 22.07.2019 in Sathyadevan Vs. Union of India & Others (O.A. No. 31/2019) and Gyana Prakash @ Pappu Singh Vs. Union of India and Others (O.A. No. 86/2019) had directed as follows:-

"2. In the order dated 29.01.2019, this Tribunal noted that as per the Central Pollution Control Board (CPCB) guidelines, VRDs are required to be installed if capacity of the outlet is more than 300 KL per month and population of the city is 10 lakhs. The Tribunal, however, sought opinion of the CPCB whether such requirement should be laid down for cities of lesser population or outlets of lesser business and also feasibility of number of outlets.

3. As per report furnished by the CPCB on 20.03.2019, it was suggested that installation of Vapour Recovery System (VRS) should be applicable to petrol pumps selling 100 KL of oil per month in cities with population of 10 lakhs and 300 KL per month in cities with population of ten lakhs. Regarding feasibility of more outlets, it is stated that the same is considered while permitting every new outlet”.

ii. Pursuant to the above direction of the Hon'ble Principal Bench, the Central Pollution Control Board in its Notification in CPCB B-13011/1/2019-20/AQM/10824 dated 7th January 2020 wherein issued guidelines for setting new petrol pumps, in which it specifically stated as follows:-

"D. Installation, Operation and maintenance of Vapour Recovery System:

1. All new retail outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 1 lakh will be provided with VRS. VRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/PCCS equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

2. All new retail outlet set up in cities having population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with VRS. VRS should be installed within a period of 3 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCB/PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance".

iii. Reiterating the above notification, on 18.09.2020, the Central Pollution Control Board has issued direction under Section 5 of the Environment (Protection) Act, 1986 to all the oil companies i.e., both Public sector and Private Section, wherein provide specific timeline for installation of Vapour Recovery System, which reads as follows:-

"Public sector Oil Marketing Companies:

Complete installation of VRS at all existing retail outlets selling more than 100 KL per month and located in million plus cities, and retail outlets selling more than 300 KL per month and

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located in cities with population between 01 lakhs to 1 million (except Delhi-NCR) as per the prescribed timelines:

VRS stage II:

100% retail outlets by August 2022 out of which 50% of retail outlets shall have VRS by September 2021.

VRS 1B:

100% retail outlets by February 2022 out of which 50% of retail outlets shall have VRS by July 2021.

VRS stage 1A (storage terminals):

March 2022:

Private sector Oil Marketing Companies:

Install VRS at all existing retail outlets selling more than 100 KL per month and located in million plus cities, and retail outlets selling more than 300 KL per month and located in cities with population between 01 lakh to 1 million by July 2021”.

iv. Apart from the above timeline, the Central Pollution Control Board has also directed the oil companies both Public and Private, to file monthly progress report of installation of Vapour Recovery System.

v. It is apparent from the above that as per the timeline granted by the Central Pollution Control Board, the Public Sector Oil Companies are having time till mid of 2022 and the Private Sector Oil Companies are having time till July 2021. Further, CPCB has also directed all the oil companies to file the report on monthly progress of installation of Vapour Recovery System.

vi. The present status of implementation of Vapour Recovery System in the State of Tamil Nadu is mentioned in the Annexure – I.


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5. I humbly submit that these respondents are strictly in compliance with the directions issued by this Hon'ble Tribunal and the statutory authorities without any default and the authorities are also continuously monitoring the same.

Under the above circumstances, I respectfully pray that this Hon'ble Tribunal may be pleased to record the above statements and dismiss the present application and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this 29th day of October, 2020


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6th RESPONDENT

VERIFICATION

I, BALAJI ANANDAN, Son of Mr. Anandan, aged 46 years, the Dy. General Manager-Retail of Hindustan Petroleum Corporation Ltd., Corporation, having office at No.82, TTK Road, Alwarpet, Chennai 600018, do hereby verify that the contents of Paragraph Nos. 1 to 5 are true to the best of my knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 29th day of October, 2020


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ANNEXURE - I

SL. NO.	NAME OF THE CITY IN THE STATE OF TAMIL NADU	NO. OF OUTLETS HAVING SALE POTENTIAL OF MS PER MONTH				NO. OF OUTLETS PROVIDED WITH VRS	
		100 KL		300 KL		Existing	New
		Existing	New	Existing	New		
1	Chennai	47	2	5	0	7	
2	Coimbatore	6	-	-	-	-	
3	Madurai	2	-	-	-	-	
4	Tirupur			1	-	-	


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STATUS REPORT

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COUNSEL FOR THE RESPONDENT
NOS. 4, 5, 6 & 8**