

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

APPLICATION NO. 138 OF 2020 (SZ)

BETWEEN

V.B.R Menon

... Applicant

And

The Chief Secretary and 7 others.

**REPLY STATEMENT FILED ON BEHALF OF THE 4th
RESPONDENT**

Dated at Chennai on this the 27th day of July, 2021.

E-Filing No. :

Date : 27.07.2021

M/s. ABDUL SALEEM

S.SARAVANAN

COUNSEL FOR THE 4TH RESPONDENT

No.74 & 76, II & III Floors,
Sukh Sagar Buildings, Marshalls road,
Egmore, chennai – 600 008, Tamil Nadu

Mobile:- +91-9500069660

E-mail: saleemattorney@gmail.com

**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

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,


आर. आदवन / R. ATHAVAN
महाप्रबंधक (रीटेल बिक्री) टी एन एस ओ
General Manager (Retail Sales), TNSO
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
139, उत्तमर गांधी सालै / 139, Uthamar Gandhi Salai,
चेन्नै - 600 034 / Chennai - 600 034.

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,
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

REPLY STATEMENT FILED ON BEHALF OF THE 4TH RESPONDENT

I, R Athavan Son of Late Mr. K.S. Rajendran, aged 57 years, having office at 139, Nungambakkam High Road, Chennai-34, do hereby solemnly affirm and sincerely state as follows:-

1. I state that I am the General Manager (RS) of Indian Oil Corporation Limited, representing the 4th 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 and I am authorized to file the same.



आर. आदवन / R. ATHAVAN
महाप्रबंधक (रीटेल विक्री) टी एन एस ओ
General Manager (Retail Sales), TNSO
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
139, उत्तमर गांधी साले / 139, Uthamar Gandhi Salai,
चेन्ने - 600 034 / Chennai - 600 034.

2. I humbly submit that the present Original Application has been filed seeking to install Vapour Recovery Systems in all the Petroleum Retail Outlets in the State of Tamil Nadu.
3. I humbly submit that 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 that in compliance of the above direction, the oil companies have already filed their respective Status Report and the same was considered by the Hon'ble Tribunal in its order dated 02.11.2020, however, this Hon'ble Tribunal has directed the oil companies to file their status in respect of progress of work regarding the installation of VRS in the retail outlets. The status report submitted by this Respondent may be treated as part and parcel of this reply statement.
5. I humbly submit that though the Central Pollution Control Board (CPCB) has given an instruction to complete the installation of Vapour Recovery System (VRS) in 46 select cities by 31.12.2017, the modified dispensing units are to be approved by Department of Legal Metrology, for which Oil Companies got approval only on 05.02.2018 after series of deliberation with Oil Industry and Ministry of Power and Natural Gas (MoP & NG).
6. I further submit that the Hon'ble Supreme Court directed to complete 2,900 Retail Outlets (ROs) falling under NCR and NCT region to be completed on priority. Since there were only two qualified / PESO approved vendors during that time, priority was assigned as per the direction of the Hon'ble Supreme Court. Once the same was completed, the State of Tamil Nadu was given subsequent priority and accordingly, the work was completed at 4 Retail Outlets in the State of Tamil Nadu by 2019.

आर. आदवन / R. ATHAVAN
महाप्रबंधक (रिटेल बिक्री) टी एन एस सी
General Manager (Retail Sales), TNSO
भारतीय पेट्रोल कॉर्पोरेशन लिमिटेड

7. I humbly submit that as per the list of cities attached in circular dated 12.02.2016, only Chennai, Coimbatore and Madurai are appearing in the list, however, Trichy is not in the list. The implementation of VRS in these three cities is already explained. While three ROs were falling under this category in Chennai, one RO was falling under this category in Coimbatore. No RO was selling more than 300 KL / month in Madurai. In view of the same, no notice was issued to ROs under Tamil Nadu.

8. I humbly submit that as per the latest direction from CPCB dated 18.09.2020, the additional guidelines given for completion of VRS works in other 2 categories of outlets are (i) situated within the Million Population Cities and having monthly sales of 100KL upto 300 KL and those (ii) situated within the other cities having population above 1 Lakh and less than 1 million and having more than 300 KL of monthly sales were as under:

i. VRS Stage II : 100% retail outlets by Aug 2022 out of which 50% of retail outlets shall have VRS by Sept 2021;

ii. VRS Stage 1B : 100% retail outlets by Feb 2022 out of which 50% of retail outlets shall have VRS by July 2021;

9. I humbly submit that as stated above, due to delays in getting permissions from the Department of Legal Metrology and the Supreme Court order to complete retail outlets in NCR and NCT on priority, the works of Tamil Nadu was taken later and completed in 2019.

10. I humbly submit that VRS Stage II is a technical job for which only limited vendors are available. VRS Stage II can be done by doing retrofitting the dispensing units or Oil Companies can order for new Dispensing units which has an in-built VRS system. Provision of Stage 1B is more of piping and civil works which can be done at local level even without floating a tender.

Rathnavel

आर. आदवन / R. ATHAVAN
महाप्रबंधक (रिटेल बिक्री) टी एन एस ओ
General Manager (Retail Sales), TNSO
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
139, उत्तमर गांधी साले / 139, Uthamar Gandhi Salai,
चेन्ने - 600 034 / Chennai - 600 034.

11. I humbly submit that the Oil Companies have submitted a joint representation dated 06.01.2021 to CPCB that VRS system may not be required in ROs cited under circular dated 18.09.2020 and selling between 150 KL to 300 KL. The said representation was made based on a study conducted by Council of Scientific and Industrial Research, Indian Institute of Petroleum, Dehradun.

12. I humbly submit that inspite of the above, this Respondent is contemplating to procure in build VRS DUs which is being done by the Head Office. Simultaneously one tender vide Ref No. HCC/RA04/PT61/2021 for retrofitting of VRS Stage II has been finalised by the Head Office on 27.09.2020 for procuring retrofitting equipment's for 635 DUs. Similarly, another tender ref. HCC/RS-02/GT-05/2020-21 has been floated for procuring 2710 inbuild VRS DUs for which the tender opening date was 15.03.2021 which is under finalisation.

13. I humbly submit that in the meantime, the Oil Marketing Companies have made a request to the CPCB to extend the timeline for the installation of VRS in their respective retail outlets, which was considered by the CPCB in its Letter dated 04.06.2021 and directed as follows:-

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

VRS stage II : 100% retail outlets by October 2022 out of which 50% of retail outlets shall have VRS by June 2022.

VRS stage IB : 100% retail outlets by June 2022 out of which 50% of retail outlets shall have VRS by Dec 2021.

आर. आदवन / R. ATHAVAN

आर. आदवन (सिस्टम डिप्टी) सी एन एस ओ

R. Athavan

VRS stage IA (storage terminals): March 2024

It is to further mention that these amended timelines are timelines till final selection of vendors is done for installation of all Dispenser Units, which shall be intimated to CPCB by OMCs, by July end as indicated in the said letter."

14. I humbly submit that VRS Stage IA is applicable for depots and terminal and not for Retail Outlets. Tenders for these works at IOC terminal have already been floated and will be completed well within the timeline of March 2024.

15. I humbly submit that regarding Stage II and Stage 1B which pertains to retail outlets, necessary action has been initiated and the installations were completed in all respect. In this regard, I humbly submit that only four ROs qualified for the installation of VRS, which was completed by this Respondent during the year 2019-20. This apart, three more ROs have qualified for providing VRS during the year 2020-21 for which work order has already been placed by this Respondent on 21.10.2020. Further, ROs falling within the municipal limits of the 46 select cities alone are considered, hence the RO in Mettupalayam, Coimbatore Zone will be covered by 18.09.2020 circular.

16. I humbly submit that further, VRS Stage 1A is not applicable for retail outlets, however, VRS Stage 1B and Stage II by IOC are in working condition, which can be ascertained by the regulatory authorities by conducting an inspection.

17. I humbly submit that the Central Pollution Control Board is also monitoring the progress of work regarding the implementation of VRS in the retail outlets and the status reports are being sent to CPCB on monthly basis. In compliance of the direction of the CPCB, this Respondent has sent a detailed compliance statement to CPCB by this Respondent on 16.07.2021 along with necessary annexure.

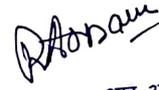
आर. आदवन / R. ATHAVAN
महाप्रबंधक (रीटेल बिक्री) टी एन एस ओ
General Manager (Retail Sales), TNSO
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
139, उत्तमर गांधी साहू / 139, Uthamar Gandhi Sahai,
चेन्नई - 600 034 / Chennai - 600 034.

ATHAVAN

18. I humbly submit that this Respondent is 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 the 26th day of July, 2021



आर. आदवन / R. ATHAVAN
4TH RESPONDENT
महाप्रबंधक (रीटेल बिक्री) टी एन एस ओ
General Manager (Retail Sales), TNSO
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
139, उत्तमर गांधी साले / 139, Uthamar Gandhi Sa
चेन्नै - 600 034 / Chennai - 600 034

VERIFICATION

I, R Athavan, Son of Late Mr. K.S. Rajendran, aged 57 years, having office at 139, Nungambakkam High Road, Chennai -34, do hereby verify that the contents of Paragraph Nos. 1 to 17 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 26th day of July, 2021



4TH RESPONDENT

आर. आदवन / R. ATHAVAN
महाप्रबंधक (रीटेल बिक्री) टी एन एस ओ
General Manager (Retail Sales), TNSO
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
139, उत्तमर गांधी साले / 139, Uthamar Gandhi Salai,
चेन्नै - 600 034 / Chennai - 600 034