

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

ORIGINAL APPLICATION NO. 138 of 2020 (SZ)

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

... Applicant.

and

1. The Chief Secretary to Government of Tamilnadu,
Fort St. George, Secretariat,
Chennai - 600 009
2. The Secretary to Government of Tamilnadu,
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 Manager,
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 Manager,
South Zone Office,
Campus-4A, RMZ Millenia Business Park,
No.143, Dr.M.G.R. Road,
Perungudi, Chennai -600 096
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.

ADDITIONAL AFFIDAVIT FILED BY THE APPLICANT

I, V.B.R. Menon, S/o. (Late) KMB Menon, , aged about 68 Years, residing at Flat No. 4B&C, Brook Dale Apartments, No.12, P.T. Rajan Salai, K.K. Nagar, Chennai – 600 078, do hereby solemnly affirm and declare as under :

1. That I am the Applicant in the above titled Application and I am conversant with the facts and circumstances of the case and competent to swear this Affidavit.

2. The above Original Application No. 138 of 2020 (SZ) has been filed seeking directions to the Respondent Oil Marketing Companies, R- 4 to R- 8 , (i) to instal Vapour Recovery Systems , Stage 1 and 2 in good working condition before opening and commissioning of any new Petroleum Retail Outlets in Tamilnadu and (ii)to instal and operate Vapour Recovery Systems , Stage 1 and 2 , in all the existing Petroleum retail outlets in Tamilnadu within a time schedule to be prescribed by this Hon'ble Tribunal for each City, Town and rural area situated in Tamilnadu.

3. The Central Pollution Control Board (CPCB) has categorized the Petroleum Retail Outlets , where Vapour Recovery Systems (VRS) Stage-1B and Stage – 2 are to be installed , into following 3 groups and has issued separate directions under Sec. 5 of Environment (Protection) Act, 1986 as detailed below.



Sl. No	Category	Date of Direction U/s. 5	Target Date for completion	Present Status
1	Turnover >300 KLPM Population >1 Million (Ref: Page nos. 29 to 36 of Objections filed by the Applicant on 31.12.2020)	12.12.2016	December, 2017	Incomplete. Outlet-wise details are not given by the Respondents for physical verification.
2	Turnover > 100 KLPM Population > 1 Million (Ref: PP 16 to 30 of Reply filed by CPCB on 21.09.2020)	18.09.2020	(i) VRS-1B; 50% by Dec. 2021 and balance by June, 2022 (ii) VRS-2 : 50% by June,, 2022 and balance by October, 2022	Extended by CPCB vide letter dated 04.06.2021 (Ref; Status Report dated 02.08.21 by the 6 th Respondent)
3	Turnover > 300 KLPM Population : 1L to 1 Million Ref: PP 16 to 30 of Reply filed by CPCB on 21.09.2020	18.09.2020	Same as above	Extended by CPCB vide letter dated 04.06.2021 (Ref; Status Report dated 02.08.21 by the 6 th Respondent)

Note: In respect of the 7th Respondent , the first direction dated 12.12.2016 is not applicable . Further, the 7th Respondent has been directed vide modified direction dated 12.07.2021 **to complete installation of VRS Stage-1B and 2 by January, 2022** in respect of all the Outlets coming under the categories 2 and 3 above i.e. above 100 KLPM and Population above 1 L (**Ref: Addl.T.S. filed by R-7 on 29.07.2021**)

4. Neither CPCB nor the Respondent Oil Marketing Companies have given adequate details to ascertain about the compliance of the 1st direction dated 12.12.2016 issued by CPCB in spite of the direction by this Hon'ble Tribunal in para No. 9 of the order dated 14.06.2021 . The Respondent Oil Marketing Companies are pretending as though they are not aware of the earlier Direction dated 12.12.2016 and have not provided separate details.

5. Against similar non-compliance of the direction dated 12.12.2016 in respect of New Delhi area, the Principal Bench had imposed a penalty of Rs.1 Crore each on the Respondents 4 to 6 and the same had been upheld by the Hon'ble Apex Court vide the order dated 14.02.2019 in Civil Appeal No. 161-163 of 2019.

6. The Respondents are mischievously trying to avoid reporting of the non-compliance of the earlier direction issued by CPCB on 12.12. 2016 to install VRS Stage-1B and 2 in all the outlets situated in million cities with turnover above 300 KLPM . Chennai , Coimbatore , Madurai and Trichy come under the above category of million cities within Tamilnadu based on the 2011 census.

7. Apart from failing to fully comply with the 2016 direction , even after 5 years , the Respondent Oil Marketing Companies have not submitted any action plan such as status of tendering , procurement , etc., which they should have initiated by now to meet the extended targets given by CPCB vide the Letter dated 04.06.2021 in respect of the Direction dated 18.09.2020. It is relevant to note that VRS Stage -1B and 2 are **not off-the-shelf items** which could be readily purchased and installed in a short period .

8. Hence, it may be necessary that the Respondents 4 to 8 are directed to give **separate lists of** the names and addresses of all Petroleum Retail Outlets situated in Tamilnadu wherein VRS Stage-1B and 2 are to be installed to comply with the above 2 directions issued under Sec. 5 of Environment (Protection) Act, 1986 on 12.12.2016 and 18.09.2020 .

9. It is also submitted that this Hon'ble Tribunal may levy appropriate compensation towards environmental damages already caused by the Respondent OMC s due to non-installation of VRS Stage 1B and 2 from December, 2017 onwards , as it was done in the case of Delhi Region by the Hon'ble Principal Bench.

10. The Respondents 4 to 8 may be further directed to furnish the complete outlet-wise implementation schedule of VRS Stage 1-B & 2 and actions taken in this regard for meeting at least the revised target dates as above . It would facilitate monitoring of the above directions issued by CPCB on 12.12.2016 and 18.09.2020



11. . The Applicant has collected relevant details pertaining to the Chennai region and it shows that the status reports and details provided by the Respondent OMC s are not factually correct as could be seen from Page Nos. 11 to 13 of the Common Objections filed by the Applicant on 31.12.2020 .

12. Hence, an Independent verification through site visits by the regulators has become unavoidable in order to find out and report , before this Hon'ble Tribunal, the true status regarding the progress of installation works and about the working conditions of all the VRS Stage-1B and 2 systems , which the Respondents have claimed to have been already installed.

13. It may be regrettable to note that the CPCB is doing only the role of a postman in collecting and reporting the data provided by the Respondent OMC s without conducting any independent verification of the same through site visits or otherwise. It has been misused by the Respondent OMC s by reporting false and inaccurate data to CPCB in the present matter as they are accustomed to do in almost all other similar matters where no cross verification or site inspections are being carried out by the respective Authorities.

14. The CPCB has issued directions so far to instal VRS systems only in respect of high polluting petroleum outlets based on the sales volumes . It does not mean that the outlets falling outside the purview of the 2 directions dated 12.12.2016 and 18.09.2020 are non-polluting. Hence, it shall be necessary in future to make it mandatory for the rest of Petroleum Retail outlets also to instal VRS systems . The Applicant's prayer is aimed towards the above objective of reducing the environmental pollution due the escape of petroleum vapour from Petroleum Retail Outlets operating across the whole state of Tamilnadu..

15. The averments made in the Original Application No. 138 (SZ) of 2020 dated 28.07.2020 and Common objections dated 31.12.2020 may be read as part and parcel of this Additional Affidavit for better appreciation of the facts of the case.



It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the above Original Application as prayed for and thus render justice .



BEFORE ME

Solemnly affirmed at Chennai
on this the 29th Day of November, 2021
and signed his name in my presence.

T. KOKILAVANE
(T.KOKILAVANE, MS-153/89)

ADVOCATE :::: CHENNAI

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

Original Application No. 138 of 2020 (SZ)

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

-Vs-

The Chief Secretary to
Government of Tamilnadu,
Fort St. George, Secretariat,
Chennai - 600 009
and 7 others ... Respondents

**ADDITIONAL
AFFIDAVIT**

**V.B.R Menon, B.E, MBA(IIMA), LLB,
(Ms – 23 / 2012)
Applicant-in-Person
Ph: 9384762930**