

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SZ) CHENNAI**

Original Application No. 17 of 2021

BETWEEN

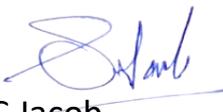
**VIPIN NATH AV & SINU C JACOB-----
APPLICANTS**

Versus

**M/s BHARAT PETROLEUM CORPORATION LIMITED AND OTHERS-----
RESPONDENTS**

***The documents submitted are true copies of their originals**


Vipin Nath A V
First Applicant


Sinu C Jacob
Second Applicant

Signature of Applicant

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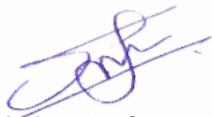
**M/s BHARAT PETROLEUM CORPORATION LIMITED AND OTHERS-----
RESPONDENTS**

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2	Source of Noise generated by BPCL- PDPP (Three Videos)	25 seconds, 7 Seconds and 14 Seconds
3.	Green Belt area inside BPCL- PDPP (Two Videos)	65 Seconds and 14 Seconds

Dated this the 25th January 2022

Place : Kakkad Kara


Vipin Nath AV


Sinu C Jacob

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SZ) CHENNAI**

Original Application No. 17 of 2021

Between:

1. Vipin Nath A V

S/O N K Viswanathan
Ammencheril House, Kakkad Kara,
Mamala PO, Ernakulam Dist
Kerala – Pin – 682305
Mobile – **9747773607**
Email: vipinnathammencheril@gmail.com

2. Sinu C Jacob

Thondattil House
Kakkad Kara, Mamala PO, Ernakulam Dist
Kerala – Pin – 682305
Mobile – 8281492012
Email: sinujacob2012@gmail.com

AND

1. M/s Bharath Petroleum Corporation Limited

Rep. by its General Manager (Public Relations)
(Propylene Derivatives Petrochemical Project- PDPP)
Post Bag No. 2, Ambalamugal-
Ernakulam District, Kerala, Pin – 682302
Mob: +91 9967239420, 0484-2821402
Email – thomasg@bharatpetroleum.in

2. Ministry of Environment, Forest & Climate Change

Rep. by its Secretary
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi - 110003
Mob: +91 11 24695262
Email – secy-moef@nic.in



3. Central Pollution Control Board

Rep. by its Member Secretary

'Parivesh Bhawan', East Arjun Nagar,
Shahdara, Delhi-110032

Tel: 011- 43102030

Email: mscb.cpcb@nic.in

4. Engineers India Limited

Rep. by its Company Secretary & Nodal Officer

El Bhavan, 1, Bhikaiji Cama Place,
New Delhi – 110 066, India

Tel: 011-26762855

Email: company.secretary@eil.co.in

5. Kerala State Pollution Control Board

Rep. by its Member Secretary

Pattom P.O., Thiruvananthapuram - 695 004

Email: ms.kspcb@gov.in

6. Petroleum and Explosives Safety Organization

Rep. by its Chief Controller of Explosives

A Block CGO Complex Fifth floor Seminary Hills
Nagpur-(Maharashtra) 440006

Phone: 7122510248

Email: explosives@explosives.gov.in

7. OIL INDUSTRY SAFETY DIRECTORATE

Rep. by its Executive Director

8th Floor, OI DB Bhawan, Plot No 2,
Sector-73, Noida Noida, Uttar Pradesh, 201301

Tel: 0120 - 2593800

Email: ED-Noida.oisd@gov.in,

8. DIRECTORATE OF FACTORIES & BOILERS

Rep. by its Director

Suraksha Bhavan
Kumarapuram, Medical College.P.O.
Thiruvananthapuram

Kerala- 695 011

Tel: +91-471-2441597, 2440974, +91-471-2441741

Email: directorate.fab@kerala.gov.in

.... Respondents



**ADDITIONAL STATEMENT SUBMITTED BY THE APPLICANT TO THE
OBJECTION SUBMITTED BY THE 1ST RESPONDENT & THE REAL
FACTS BASED ON THE REPORT OF 2ND, 3RD AND 4TH RESPONDENT**

To,

THE HON'BLE CHAIRMAN AND HIS COMPANION MEMBER OF THE NATIONAL GREEN
TRIBUNAL

HUMBLE APPLICATION SUBMITTED
BY THE APPLICANTS ABOVE NAMED

1. The first applicant is **Mr. Vipin Nath A V**, residing Kakkad Kara, Ammencheril H, Near South Side of PDPP project, Mamala PO, Kerala and second applicant is **Mr. Sinu C Jacob**, residing Kakkad Kara, Thondattil H, Near South Side of PDPP project, Mamala PO, Kerala. The applicants are permanent residents at the above-mentioned address. The applicants are interested in the protection of the environment and the families living closer to the BPCL Petrochemical project (Kakkad Kara, South Side of PDPP). It is submitted that the present application has been seeking appropriate direction to "**develop Green Belt and Buffer Zone whichever is more shall be made applicable**" around the boundary in Kakkad Kara (South Side of **PDPP** project). I am filing the present additional statement to the objections submitted by the 1st respondent namely Bharat Petroleum Corporation Limited and the real facts based on the report of 2nd, 3rd and 5th respondent namely **Ministry of Environment, Forest & Climate Change**, Central Pollution Control Board and Kerala State Pollution Control Board respectively

I. **About Bharat Petroleum Corporation Limited - Propylene Derivative
Petrochemical Project (PDPP)**

According to BPCL, the Propylene Derivative Petrochemical Project will produce **acrylic acid, acrylates, oxo-alcohol, and other niche petrochemicals** that are currently being imported by India. (*Exposure to petrochemicals: Propylene can affect you when breathed in. Exposure to Propylene can cause you to feel dizzy, lightheaded and to pass out. Death may result from lack of Oxygen*)



2. The applicants in OA 17 of 2021 has been facing difficulties due to the operation of PDPP project. It is due to the lack of Green Belt or Buffer Zone in between the Industrial Zone and the Residential Zone. People have been living in this residential area for about 50 years. But the PDPP project was built only in 2015. Moreover, as published on the website of the Department of Registration, this area is considered as a residential plot with panchayat access.
3. It is clear from the letter of the Industrial Department- Ernakulam that the area where BPCL is situated to have been notified as an Industrial Area in 2015 has not been declared as an Industrial Area. According to the information of the Industrial Department D P Kalamasserry, D A Vazhakkulam, D A Angamaly, D P Angamaly, D A Aluva, D A Edayar are the only industrial area supervised by Ernakulam district Industrial Department. Copy of the letter date 23/03/2021 No. DICEKM/699/2021-A12 is produced herewith and marked as **Annexure 1** with English Translate.
4. **Kerala State Pollution Control Board** performed sound monitoring several times without prior notice and recorded more that 55db which is more than the permissible sound level for a residential area. People in the area (Kakkad Kara, Near PDPP) have been experiencing noise pollution and other difficulties for many years. All the monitoring report done by Kerala State Pollution Control Board have been submitted before the Hon'ble National Green Tribunal. As per the report of Kerala State Pollution control board dated 18th December 2021, the Source Noise measures 56.2 and 55.8 during day and night respectively and measures noise at complainant's spots 50.5 and 47.1 during day and night respectively. (**Enclosure 3, Location Kakkad Kara**)
5. The Hon'ble court observed that in some area the noise level increased with distance. The main reason for this is the structure of the location where BPCL-PDPP is located. PDPP is located in a low-lying area and the source of sound (Plant/ Tank) is approximately 40-45 meter high. The adjacent residential area located adjacent to the PDPP is a land area similar to the landscape. Therefore, the noise level

detects at 250 Meter more than the sound measure at 100 Meters. In addition, BPCL has several projects spread over an area of about 1560 acres and is located in two different panchayats. The applicant in OA 17 of 2021 suffers from BPCL-PDPP while other complainants suffer from IREP plant or some other plants.

Environmental Clearance for Propylene Derivative Petrochemical Project (PDPP), Submitted by 1st respondent dated at Chennai on this 13th September 2021, Annexure 15, Page No: 120.

xxi. Green belt shall be developed at least **40 acres of land (33%) in and around the plant premises** to mitigate the effects of fugitive emissions all around the plant as per the CPCB guidelines in consultation with DFO. Thick green belt with suitable species shall be develop around unit. Selection of plant species shall be as per CPCB guidelines.

**Findings of Technical Committee member (CPCB, Page No: 70-73)
Document submitted by 5th Respondent dated 29th May 2021**

Findings of Technical Committee member (CPCB, Page No: 71)

Point 3: - The map submitted to show the green belt development is misleading as it shows the entire vacant site as green patch irrespective of the building, internal/ peripheral road open scraps yard, clearance zone, under the high-tension power lines, etc.

Point 4: - From the layout sketch submitted, it is observed that the vacant areas in the project layout were clearly marked as for future facilities. Now these areas are now projected for Green Belt.

6. The Kerala State Pollution Control Board has stated in its report that the noise level of BPCL – PDPP is very high and when the sound is monitored several times, it is

measured in excess of the limit to be maintained in a residential area. I hereby submit three videos before the Hon'ble Green Tribunal to understand the source of Noise generated by BPCL- PDPP (South Side, Kakkad Kara) and marked as **Annexure 2, Annexure 3 and Annexure 4.**

- 7. The inspections conducted by various statutory authorities and the Technical Committee clearly mentions the absence of Green Belt and Buffer Zone around the project site.** Applicant in OA17 of 2021 residents of Kakkad Kara required Green Belt or Buffer Zone whichever is more shall be made applicable to keep the residential area safe from the Propylene Derivatives Petrochemical Project (PDPP). People in the vicinity of 1st respondent Propylene Derivatives Petrochemical Project (PDPP). The 1st respondent is misleading the Hon'ble Green Tribunal by concealing the correct information and highlighting the incorrect details. So, I pray before the Hon'ble National Green Tribunal to stop all the activities in BPCL- Propylene Derivatives Petrochemical Project until the Green Belt and Buffer Zone is developed. I hereby submit two more videos before the Hon'ble Green Tribunal proving that there is no Green Belt on the South Side (Kakkad Kara) of BPCL-PDPP and no space to develop a Green Belt and marked as **Annexure 5 and Annexure 6.**
- 8. Considering Bharat Petroleum Corporation Limited - PDPP** as a single project and a new project they should develop Green Belt or Buffer Zone around the unit whichever is more shall be applicable to protect the environment and the families living closer to the project.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble tribunal may be pleased to:

- A. Direct the 1st respondent to develop and maintain proper green belt or buffer zone around the boundary of Propylene Derivative Petrochemical Project. (South Side, Kakkad Kara).



- B. Direct the 2nd respondent to revoke/Suspend the Environmental Clearance of the Propylene Derivative Petrochemical Project** until the proper green belt development is prescribed in the Environmental Clearance.
- C. Direct the respondents 3 and 5 to take action against the first respondent for the violation committed by them.
- D. Direct the 5th respondent to revoke the consent granted for Propylene Derivative Petrochemical Project until a permanent solution to the problems of the neighbors of Kakkad Kara.
- E. 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.



Vipin Nath A V
First Applicant



Sinu C Jacob
Second Applicant

Signature of Applicant

VERIFICATION

We, Vipin Nath A V and Sinu C Jacob the applicants herein, do hereby verify that the contents of the above paragraphs are true to the best of my Knowledge and we have not suppressed any material fact.

Date: 25-01-2022

Place: Kakkad Kara, Mamala

1.......... 2..........
Vipin Nath A V **Sinu C Jacob**
Applicants



'ഭരണഭാഷ-മാതൃഭാഷ'

നം. DICEKM/699/2021-A12

ജില്ലാ വ്യവസായ കേന്ദ്രം,
എറണാകുളം, കാക്കനാട്,
തീയതി: 23/03/2021

ഫോൺ : 0484-2421360

e-mail:gm.ekm.dic@kerala.gov.in

ജനറൽ മാനേജർ.

ശ്രീ.വിപിൻനാഥ്.എ.വി.
അമ്മൻചേരിൽ വീട്
കക്കാട് കര
മാമല.പി.ഒ.
തിരുവാങ്കുളം വഴി
പിൻ-682305

സർ,

വിഷയം :- വ്യവസായം- വ്യവസായ മേഖലകളുടെ വിവരങ്ങൾ നൽകുന്നത് -സംബന്ധിച്ച്.

സൂചന :- താങ്കളുടെ 15/02/2021 ലെ കത്ത്.

മേൽ സൂചനയിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. മാമല.പി.ഒ. കക്കാട് കര എന്ന പ്രദേശം ഈ ഓഫീസിലെ രേഖകൾ പ്രകാരം വ്യവസായ മേഖലയായി പ്രഖ്യാപിച്ചിട്ടില്ല. കൂടാതെ എറണാകുളം ജില്ലയിൽ വ്യവസായ വകുപ്പിന്റെ മേൽ നോട്ടത്തിലുള്ള വ്യവസായ മേഖലകളുടെ വിവരങ്ങൾ ചുവടെ ചേർക്കുന്നു.

- 1) ഡി.പി. കളമശ്ശേരി
- 2) ഡി.എ.വാഴക്കുളം
- 3) ഡി എ അകമാലി
- 4) ഡി.പി.അകമാലി
- 5) ഡി.എ.ആലുവ
- 6) ഡി.എ.എടയാർ

File No.DICEKM/699/2021-A12

Annexure 1, Page No: 10

Signature valid

Digitally signed by REMA
Date: 2021.03.23 04:19:38 PDT
Reason: Approved

വിശ്വസ്തയോടെ,

MANAGER

ജനറൽ മാനേജർക്കു വേണ്ടി.

ENGLISH TRANSLATE OF ANNEXURE 1

DICEKM699 / 2021 -A12

DICEKM699 / 2021 -A12

District Industrial Center

Ernakulam, Kakkanad,

Date: 23/03/2021

Phone: 0484-2421360

Email: gm.ekm.dic@kerala.gov.in

General Manager

Shri. Vipinnath A V

Ammencheril H, Kakkad Kara

Mamala PO, Thiruvankulam Via

Pin – 682305

Sir,

Subject: - Industry – About providing information in Industrial Area.

Reference: - Letter dated 15/02/2021

Draw attention to the above subject. The area of Kakkad Kara, Mamala has not been declared as an industrial area as per the records of this office. In addition, the details of the industrial areas in Ernakulam District under the supervision of the Department of Industries are given below.

- 1) D P Kalamasserry
- 2) D A Vazhakkulam
- 3) D A Angamaly
- 4) D P Angamaly
- 5) D A Aluva
- 6) D A Edayar

General Manager