

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 17 of 2021 (SZ)

1. Vipin Nath A V
S/o N K Viswanathan
Ammencheril House, Kakkad Kara,
Mamala PO, Ernakulam Dist
Kerala - Pin -682305
 2. Sinu C.Jacob
Thondattil House
Kakkad Kara, Mamala PO, Ernakulam Dist
Kerela - Pin-682305
- ...Applicants

AND

1. M/s.Bharat Petroleum Corporation Limited
Rep. by its General Manager (Public Relations)
(Propylene Derivatives Petrochemical Project -PDPP)
Post Bag No.2, Ambalamugal-
Ernakulam District, Kerala, Pin-682 302
2. Ministry of Environment, Forest & Climate Change
Rep. by its Secretary
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi
3. Central Pollution Control Board
Rep. by its Member Secretary
'Parivesh Bhawan', East Arjun Nagar,
Shahdara, Delhi-110032
4. Engineers India Limited
Rep. by its Company Secretary & Nodal Officer
El Bhavan, 1, Bhikaiji Cama Place,
New Delhi-110 006, India
5. Kerala State Pollution Control Board

ए० भौमिक/A. BHOWMIK
समूह महाप्रबन्धक (मा.सं. एवं विधि)
Group General Manager (HR & Legal)
इंजीनियर्स इंडिया लिमिटेड/ENGINEERS INDIA LIMITED
(भारत सरकार का उपक्रम)/(A Govt. of India Undertaking)
1, भीकाएजी कामा प्लेस/1, Bhikaiji Cama Place,
नई दिल्ली/New Delhi-110 066




Rep. by its Member Secretary
Pattom P.O., Thiruvananthapuram-695 004

6. Petroleum and Explosives Safety Organization
Rep. by its Chief Controller of Explosives
A Block CGO Complex Fifth Floor Seminary Hills
Nagpur-(Maharashtra) 440006
7. OIL INDUSTRY SAFETY DIRECTORATE
Rep. by its Executive Director
8th Floor, OIDB Bhawan, Plot No.2,
Sector-73, Noida, Utar Pradesh-201302
8. DIRECTORATE OF FACTORIES & BOILERS
Rep. by its Director
Suraksha Bhavan
Kumarapuram, Medical College, P.O.
Thiruvananthapuram
Kerala-695 011

...Respondents

**REPLY STATEMENT FILED ON BEHALF OF ENGINEERS INDIA
LIMITED - 4th RESPONDENT**

It is respectfully submitted as follows:

The address for service of all notices and processes on the 4th Respondent is that of its advocates M/s. King & Partridge, "Catholic Centre", 108, Armenian Street, Chennai 600 001.

1. This Respondent denies all the averments and allegations contained in the application except those that are specifically admitted hereunder as true and puts the applicant to strict proof of the rest.
2. The present Application is filed by the applicants to direct the 1st respondent authorities to develop and maintain proper green belt and buffer zone around the boundary of PDPP (South Side of PDPP, Kakkad Kara) as recommended by Ministry of Environment Forest and Climate Change/CPCB/KSPCB, to direct the respondent 2, 3 and 5 to take action against the first respondent for the violation committed by them.

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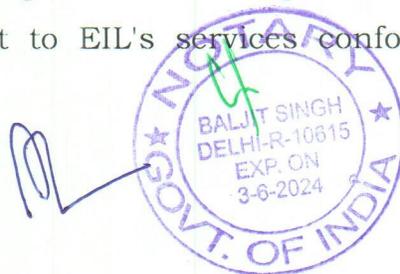


3. Engineers India Limited (EIL), Respondent no. 4 is a Public Sector Undertaking, Govt of India having its registered office at New Delhi and also having regional offices at Chennai, Kolkata and Vadodara and a branch office in Mumbai. It was established in 1965 to provide engineering and related services for Petroleum Refineries and other industrial projects. Over the years, it has diversified into and excelled in various fields. EIL has emerged as Asia's leading design, engineering and turnkey contracting company in Petroleum Refining, Petrochemicals, Pipelines, Onshore Oil & Gas, Mining & Metallurgy, Offshore Oil & Gas, Terminals & Storages and Infrastructure. EIL provides a wide range of design, engineering, procurement, construction supervision, commissioning assistance and project management as well as EPC services. It also provides specialist services such as heat & mass transfer equipment design, environment engineering, information technology, specialist materials and maintenance, plant operations & safety including HAZOPS & risk analysis, refinery optimization studies and yield & energy optimization studies.

4. Engineers India Limited (EIL) has earned recognition for jobs executed in India and several countries of West Asia, North Africa, Europe and South East Asia including Algeria, Bahrain, Kuwait, Korea, Malaysia, Norway, Qatar, Saudi Arabia, Sri Lanka, UAE and Vietnam. EIL is diversifying into the areas of Water & Waste Management, Nuclear Power, Thermal and Solar Power and City Gas Distribution.

5. It has inspection offices at all major equipment manufacturing locations in India and a wholly owned subsidiary Certification Engineers International Ltd. (CEIL) for undertaking independent certification & third-party inspection assignments. Outside India, EIL has offices in Abu Dhabi (UAE), London, Milan and Shanghai and a wholly owned subsidiary, EIL Asia Pacific Sdn. Bhd. (EILAP) in Malaysia. EIL has also formed a joint venture Jabal EIL IOT with IOTL & Jabal Dhahran for tapping business opportunities in Saudi Arabia. Backed by its unmatched experience, EIL enjoys a high professional standing in the market and is known as a versatile and competent engineering company that can be relied upon for meeting the clients' requirements. Quality Management System with respect to EIL's services conforms to ISO

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9001:2008 The Design Offices are equipped with state-of-the-art computing systems, design tools and infrastructure.

6. BPCL intends to establish a Propylene Derivatives Petrochemical Project (PDPP) at Kochi, India, to manufacture niche Petrochemicals products such as Acrylic acid, Oxo-alcohols and Acrylates. Polymer Grade Propylene (PGP) shall be supplied by BPCL Kochi Refinery after implementation of the Integrated Refinery Expansion Project (IREP) at Kochi, Kerala, India.

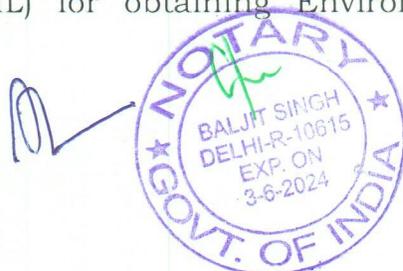
7. Initially the Propylene Derivatives Petrochemical Project (PDPP) was planned with LGChem, South Korea as a joint venture (JV). Project proposal for issue of Terms of Reference (TOR) for EIA was considered in the 6th reconstituted Expert Appraisal Committee (EAC) (Industry) meeting held during 5th March 2013. The Committee discussed the project details, utility requirements and the presentation by the project proponent/EIA Consultant (Engineers India Limited). After detailed deliberations, the Expert Appraisal Committee prescribed Terms of Reference (TOR) dated 30th April 2013 for preparation of EIA/EMP.

8. The objectives of prescribed TOR for preparation of EIA study are as follows:

- To establish environmental setting of the project in terms of site details, project description, products/chemicals its storage, safety measures and precautions taken during storage and transportation, pollution control devices/measures, emission summary, hazardous waste/chemicals management etc.
- Establish existing environmental status for the period of 3 months (except monsoon season) for meteorology, air quality, water quality, noise, soil, ecology and Socio economic aspects.
- Prediction and evaluation of the environmental impacts that may result from project development.
- Outline the Environmental Management Plan (EMP) to mitigate the negative impacts, if any.
- Risk assessment for storage for chemicals/solvents. Action plan for handling & safety system.

9. BPCL awarded the contract for preparation of Environmental Impact Assessment (EIA) and Risk Analysis/Assessment (RRA) studies to M/s Engineers India Limited (EIL) for obtaining Environmental

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Clearance. The 4th Respondent has examined and deliberated the entire project proposal document in accordance with the prescribed MoEF&CC terms of Reference (TOR) and the EIA Notification dated 14.09.2006 and its amendment dated 01.12.2009 published under Environmental Protection Act, 1986 which is the established law in India for grant of Environmental Clearances for Petro chemical projects. Also, the established procedures for Environmental Impact Assessment have also been followed by this Respondent at every step.

10. It is further submitted that the details of such assessment studies are given in chapters 3 to 5 of the EIA Final Report No. A419-EI-1741-1401 of January 2015. EIL is an accredited consultant for carrying out EIA studies by Quality Council of India in petrochemical industry.

11. It is submitted that M/S BPCL Kochi Refinery had obtained Environmental Clearance from MoEF& CC vide F.No.J-11011/26/2013 -IA II (I) dated 15th May, 2015. As per Specific Condition -xxi of EC Clearance letter "Green belt shall be developed at least in 40 acres of land 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 greenbelt with suitable plant species shall be developed around unit. Selection of plant species shall be as per the CPCB guidelines".

12. It is submitted that MoEF &CC has already considered the EIA recommendations and prevailing norms before issuing the Environmental Clearance conditions considering this particular site. The EC for PDPP (F.No.J-11011/26/2013 -IA II (I) dated 15th May, 2015) which spells clearly about the area of requirement for the green belt.

13. It is submitted that considering the above facts it appears that the Applicants are trying to misrepresent by not providing complete information, thereby misleading the NGT as it is clear from incomplete facts mentioned in para 8 of the application.

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It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above application as against the 4th Respondent and thus render justice.

Dated at on this the 11th day of August 2021.

Advocates for 4th Respondent

4th Respondent

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VERIFICATION

I, A. Bhowmik, Group General Manager (HR& Legal) of the 4th Respondent herein, do hereby declare that what is stated in the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at Delhi on this the 11th day of August, 2021.

4th Respondent

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SWORN BEFORE ME

ATTESTED
BALJIT SINGH
NOTARY DELHI-R-10615
Govt. of India
NEW DELHI



Notarial Book No.	02
Page No.	05
Entry Serial No.	1156/2021

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