

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

Original Application No. 17 of 2021

BETWEEN

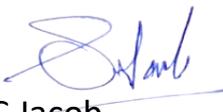
**VIPIN NATH AV & SINU C JACOB-----
APPLICANTS**

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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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

**REJOINDER FILED BY APPLICANT TO THE OBJECTION
SUBMITTED (PART-2)**

To,

**THE HON'BLE CHAIRMAN AND HIS COMPANION MEMNER 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** around the boundary in Kakkad Kara (South Side of PDPP project). I am filing the present rejoinder as filed against the objections submitted by the 1st respondent. **(Part-2)**
2. On **18th September 2021** around 10:00 Pm there was a deadly explosion sound from 1st respondent's PDPP site (Kakkad Kara, South side of PDPP) and it continued for **about 15-20 minutes**. People in this area were panicked because of sound. Kerala State Pollution Control Board was informed as soon as there was a loud noise occur. The 1st respondent authorities were also notified at the same time, but they were simply ignored. We have captured the video of the incident and a small part of the video (42sec) has been uploaded to the cloud storage of Google Drive at the link given below for reference. The noise was controlled when the State Pollution Control Board officials came to inspect the location.

<https://drive.google.com/file/d/1uIWLQjLO6oSE9MDpgQvVBcioZUoldXcX/view?usp=sharing>



3. Neighbors here have had similar experience many times from the 1st respondent PDPP site (Kakkad Kara). But the authorities are ignoring the lives of the people living nearby. Bharat Petroleum Corporation Limited also has a history of accidents (1984). At that time, even within a radius of two Kilometres, there were significant casualties. Many families now live in the area which should be considered as the buffer zone of 1st respondent project. If there are any major issues happen with this project, there is no doubt that the first to be affected will be the neighbours.
4. The Ministry of Environment Forest and Climatic Changes issues Standard Operating Procedure (SOP) deal with Environmental Violations include shut down projects that have failed to acquire environmental Clearance or non-compliance of the clearance they have received. Based on this, a letter was forwarded to Ministry of Environment, Forest and Climate Changes to take action against or non-compliance of the clearance they have received. Copy of the letter dated 18th September 2021 to The Secretary- Ministry of Environment, Forest & Climate change is produced herewith and marked as **Annexure 1**. In case of non-compliance with the conditions set out in the Environment Clearance, I hereby pray before the Hon'ble National Green Tribunal to cancel or revoke the Environment Clearance for Propylene Deratives Petrochemical Project obtained by the 1st respondent. **(Bharat Petroleum Corporation Limited)**.
5. Having experienced similar issues from a high hazard petroleum installation (1st respondent), it is imperative to make necessary arrangements to develop Green Belt and buffer Zone **which ever is more shall be made applicable**. Based on our complaint against the 1st respondent, the inspection conducted by various statutory authorities clearly mentions the **absence of Green Belt and Buffer Zone around the project site**. So, I pray before the Hon'ble National Green Tribunal to stop all the activities in BPCL- Propylene Deratives Petrochemical Project until the Green Belt and Buffer Zone is developed.
6. The 1st respondent pinpointing the report of the expert committee as per the order of the petitions committee and the dissent note of PESO in the technical



committee through their affidavit as objections on "Technical Committee" findings. But as of now the expert committee reports have not been accepted by the petitions committee and do not mention any of the specific recommendations.

7. Hence the recommendation of technical committee which includes almost all the regulatory authorities shall be enforced immediately and any committed violations shall be treated as non-compliance of Environment Clearance conditions and also addressed by imposing Environmental compensation and assessing environmental damage.
8. 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: 22-09-2021

Place: Kakkad Kara, Mamala

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



Mamala PO, Ernakulam District, Kerala (South Side of PDPP)-682305
Email: vipinnathammencheril@gmail.com; Mob: 9747773607

Date: 18th September 2021

To
The Secretary
Ministry of Environment, Forest & Climate change
Government of India

**Subject: Complaint against BPCL – PDPP -Kunnathunadu Taluk, Kakkad Kara,
(South Side of PDPP), Mamala P O, Ernakulam District, Kerala**

Refer: OA 17 / 2021 (NGT Chennai Zone)

Grievance Registrations: PMOPG/E/2020/0724861, PMOPG/E/2020/0727542 &
PMOPG/E/2020/0837775

Respected Sir,

I have lodged several complaints against the **Bharat Petroleum Corporation Limited** (PDPP Project, Kochi, South Side of PDPP, Thiruvaniyoor Panchayat) and submit my complaint before National Green Tribunal (NGT – OA17/2021). Based on this case a committee was constituted and Inspection report was submitted before the Hon'ble Tribunal. This committee consists of statutory authorities such as Kerala State Pollution Control Board (KSPCB), Central Pollution Control Board (CPCB), Ministry of Environment Forest and Climatic Changes (MoEF&CC) and Petroleum & Safety Organization (PESO). In the committee report, all the committee members have unanimously confirmed that everything I have mentioned in the complaint is true. I have attached the relevant page of the committee report with this mail for your reference. The main recommendation of this committee members is the **Green belt** and the **Buffer zone**. With no Green Belt or Buffer Zone, we are really struggling here. It is important for the protection of the nearby residence.



Mamala PO, Ernakulam District, Kerala (South Side of PDPP)-682305

Email: vipinnathammencheril@gmail.com; Mob: 9747773607

Refer: (Doc No: Fl. No. EP/12.1/1/2015-2016/KER-50)

MoEF&CC, the 2nd respondent in this case, had submitted its individual report before Hon'ble National Green Tribunal for consideration. The following are the observations made by MoEF&CC as per the individual report.

1. PA has planted some shrubs like Ixora, Calotropis, Punica, Plumeria and Nerium species. The shrubs and lawns cannot be treated as trees/Green Belt area.
 - It is clear from this statement that BPCL is not following the CPCB guidelines to develop the green belt. Not only that, the map submitted to show the green belt development is misleading as it shows entire vacant site as green path irrespective of the building, internal/peripheral roads, Open Scrap yards, clearance zone, under the high-tension power line, etc.

2. During the earlier inspection in the year 2017, PA reported that "Out of total approx. 40 acres of Green Belt have been developed and another 40 Acres will be developed as part of Petrochemical Project. Also propose to acquire another 168 acres of adjacent FACT land, which is having thick green belt and propose to maintain the same. Further, it was observed that the green belt development has focused on few locations and PA informed that it was due to safety point of view. It was noted during the recent inspection that the land acquired from FACT has been diverted for project development and not for green belt development.



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- The space set aside for the green belt is now being used for another project. High hazard industries such as BPCL are advised to develop the Green Belt and Buffer Zone to protect the people living nearby from various pollutions and for safety. BPCL authorities are ignoring all the problems faced by the neighbors.

As part of the Expansion of capacity of Cochin Refinery (BPCL) from 4.5 MMTPA to 7.5 MMTPA, 500-meter-wide green belt as recommended. (EC. No. J-11011/32/90-IA. II dated 20th August 1991). With respect to the document No: 03/HSE/ENV/202/04 dated 10.06.2021 (Half early compliance report on EC issued by MoEF&CC), it is stated that 500 meters wide green belt has been complied. The technical committee report submitted before National Green Tribunal stated that there is no green belt or space to develop green belt in BPCL- PDPP.

Central Pollution Control Board set the criteria for the industry to develop and maintain the green belt. As a member of technical committee, Central Pollution Control Board clearly states the absence of Green Belt around the boundary. Therefore, it is essential to develop Green Belt around the boundary in accordance with the guidelines of Central Pollution Control Board as set out in the Environment Clearance for the protection and safety of the people in the vicinity.

The Ministry of Environment Forest and Climatic Changes issues Standard Operating Procedure (SOP) deal with Environmental Violations include shut down projects that have failed to acquire environmental Clearance or non-compliance of the clearance they have received. The Standard Operating Procedure in the form of



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an office Memorandum as a result of order from the National Green Tribunal, which earlier this year directed the ministry to put in place penalties an SOP for green violations.

Continuous noise (Sound Pollution) is already identified by all the committee members. It is clear that all these difficulties are due to the **lack of green belt and buffer zone** around the project. The same is made clear in the recommendation of the technical committee. In case of non-compliance with the conditions set out in the Environment Clearance, I hereby request MoEF&CC to cancel or revoke the Environment Clearance for Propylene Deratives Petrochemical Project obtained by Bharat Petroleum Corporation Limited So, I would be highly obliged if you take appropriate action in this matter as soon as possible.

Sincerely,

Vipin Nath A V
Ammencheril H, Kakkad Kara,
Mamala PO, South Side of PDPP
Ernakulam District, Kerala- 682305
Mob: **9747773607**

Copy : National Green Tribunal - Chennai