

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

**Original Application No. 17 of 2021**

**BETWEEN**

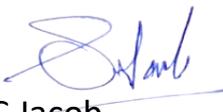
**VIPIN NATH AV & SINU C JACOB-----  
APPLICANTS**

*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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**Dated this the 13<sup>th</sup> November 2021**

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](mailto:vipinnathammencheril@gmail.com)

**2. Sinu C Jacob**

Thondattil House  
Kakkad Kara, Mamala PO, Ernakulam Dist  
Kerala – Pin – 682305  
Mobile – 8281492012  
Email: [sinujacob2012@gmail.com](mailto: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](mailto: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](mailto: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](mailto:mscb.cpcb@nic.in)

**4. Engineers India Limited**

**Rep. by its Company Secretary & Nodal Officer**

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

Tel: 011-26762855

Email: [company.secretary@eil.co.in](mailto: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](mailto: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](mailto:explosives@explosives.gov.in)

**7. OIL INDUSTRY SAFETY DIRECTORATE**

**Rep. by its Executive Director**

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

Tel: 0120 - 2593800

Email: [ED-Noida.oisd@gov.in](mailto:ED-Noida.oisd@gov.in),

**8. DIRECTORATE OF FACTORIES & BOILERS**

**Rep. by its Director**

Suraksha Bhavan  
Kumarapuram, Medical College.P.O.

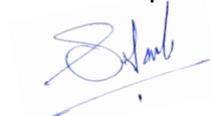
Thiruvananthapuram

Kerala- 695 011

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

Email: [directorate.fab@kerala.gov.in](mailto:directorate.fab@kerala.gov.in)

.... Respondents



**COUNTER AFFIDAVIT SUBMITTED BY THE APPLICANT TO THE  
OBJECTION SUBMITTED BY THE 1<sup>ST</sup> 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 Counter affidavit and additional documents to the objections submitted by the 1<sup>st</sup> respondent namely Bharat Petroleum Corporation Limited (**PART II**).
  
2. As per the hearing dated **01 October 2021**, the first respondent namely Bharat Petroleum Corporation Limited argued that the sound monitoring done by Kerala State Pollution Control Board was inappropriate and submitted a regular sound monitoring data conducted by Bharat Petroleum Corporation Limited (Kochi Refinery) as per the direction from Joint Director Factors and Boilers. But the document submitted by the 1<sup>st</sup> respondent has no authenticity. According to the RTI reply dated 1<sup>st</sup> November 2021 given by Bharat Petroleum Corporation Limited, it is clear that **real time sound monitoring has not yet been implemented** for the Propylene Derivatives Petrochemical Project. The 1<sup>st</sup> respondent is misleading the

Hon'ble Green Tribunal by submitting an unauthorized document. Copy of the RTI reply send by Bharat Petroleum Corporation Limited Ref. No. KR/RTI/Oct-01/2021 dated 1<sup>st</sup> November 2021 is produced herewith and marked as **Annexure 1**

3. Another argument of 1<sup>st</sup> respondent is that sound is generated from nearby industries and it affects sound monitoring. The air distance between **Kakkad Kara** where the applicants reside in OA 17 of 2021 and Hindustan Organic Chemicals (HOC) is approximately 1.33 KM and the distance from Kakkad Kara to Fertilisers and Chemicals Travancore Limited (FACT) is about 2.52 Km. These are the two industries operate in addition to Bharat Petroleum Corporation Limited. The screen shot of Google Map pictures with the measurement is produced herewith and marked as **Annexure 2**. It is also a fact that there was no sound pollution in Kakkad Kara before the advent of 1<sup>st</sup> respondent Propylene Derivatives Petrochemical Project (PDPP)
4. 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 1<sup>st</sup> respondent Propylene Derivatives Petrochemical Project (PDPP) suffer because the plant does not have the required Green Belt and Buffer Zone near the residential area.
5. Based on our complaint against the 1<sup>st</sup> respondent, the inspection conducted by various statutory authorities clearly mentions the **absence of Green Belt and Buffer Zone around the project site**. Hence the recommendation of technical committee which includes almost all the regulatory authorities shall be enforced immediately. 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.

6. Considering Bharat Petroleum Corporation Limited as a single unit 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.
7. 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. If the present application is not allowed then the applicants will suffer irreparable loss, injury and pollution which cannot be compensated by any means whatsoever.
9. 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: 13-11-2021**

**Place: Kakkad Kara, Mamala**

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

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड  
भारत सरकार का उपक्रम  
कोच्चि रिफ़ाइनरी



**BHARAT PETROLEUM CORPORATION LIMITED**  
A Govt. of India Enterprise  
Kochi Refinery

**SHRI VIPIN NATH A V**  
**AMMENCHERIL H, KAKKAD KARA, MAMALA**  
**PO, THIRUVANKULAM VIA,**  
**ERNAKULAM DIST, KERALA, PIN:682305**

KR/RTI/Oct-1/2021  
01 November 2021

Dear Sir,

**Information under Right to Information Act, 2005**

This is with regard to your query ref nos. BPCLD/R/E/21/00826 seeking information under Right to Information Act, 2005.

**Q.1)** Copy of the real time sound monitoring data of PDPP project from 15.09.2021 to 30.09.2021

**Ans.** BPCL has been declared as an Industrial zone under strict compliances to stipulations of various Central and State statutory bodies. None of the statutory bodies have recommended real time sound monitoring system at PDPP project site of BPCL Kochi Refinery.

**Q.2)** Copy of CAAQMS complete data from 15.09.2021 to 30.09.2021 of PDPP Project:

**Ans :** The Propylene Derivatives Petrochemical Project (PDPP) and facilities are under varied stage of stabilization. One CAAQMS station has been installed at the KSPCB designated location at PDPP complex for continuous monitoring of SO<sub>2</sub>, NO<sub>x</sub>, NMHC, H<sub>2</sub>S-Mercaptan, Benzene, PM<sub>10</sub>, PM<sub>2.5</sub> etc. The final stage of calibration of the instruments has been completed and data connectivity to CPCB / KSPCB servers is being established following approved data transmission protocols for CAAQMS and is systematically uploaded into the KSPCB and CPCB server. The data from respective servers may be requested to the respective authorities.

**Q.3)** Color picture of green belt area from storage tank to the boundary:

**Ans :** Attached as annexure 1

**Q.4.)** Who gave permission to BPCL to divert a natural stream rather than Thiruvaniyoor panchayath.

**Ans :** As per the Panchayati Raj and Nagarapalika Act, Grama Panchayat (Local Self Government) is the custodian of the Thodu. They have passed a resolution for  
पोस्ट बैग नं: 2, अम्बलमुगल - 682 302, एरणाकुलम जिला, केरल, दूरभाष: 0484 - 2722061 - 69 फैक्स: 0484 - 2720961 / 2721094  
पंजीकृत कार्यालय: भारत भवन, 4 & 6, करीमभाय रोड, बेल्लर्ड इस्टेट, पी. बी. नं. 688 मुंबई - 400 001

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड  
भारत सरकार का उपक्रम  
कोच्चि रिफाइनरी



**BHARAT PETROLEUM CORPORATION LIMITED**  
A Govt. of India Enterprise  
Kochi Refinery

diverting the Thodu as per the MoM dated 2<sup>nd</sup> February 2016. In addition to BPCL's request to Government of Kerala, Thiruvaniyoor Grama Panchayat has also submitted the necessary documents to Govt. of Kerala for obtaining necessary approval.

**Q.5.)** If there any permission from any Government body, send me the copy.

**Ans :** Copy of the minutes and correspondence with Govt. of Kerala is attached.

***In-case, you want to go for an appeal in connection with the information provided, you may appeal within 30 days from the date of receipt of this letter to the Appellate Authority :***

*Shri Mahadevan Easwaran, Chief General Manager (Marketing Corporate),  
Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, Mumbai - 400 001*

Yours faithfully,

**For Bharat Petroleum Corporation Ltd.**

George Thomas  
General Manager (PR & Admin)  
& CPIO, Kochi Refinery





Google Map Image No: 1 (Distance from Kakkad Kara to HOC)

Measure air distance: 1.33 Km (Approx.)



**Google Map image No: 2 (Distance from Kakkad Kara to FACT)**

**Measure air distance: 2.51 Km (Approx.)**