

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

**Original Application No. 17 of 2021**

**BETWEEN**

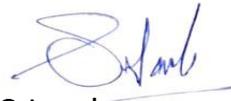
**VIPIN NATH AV & SINU C JACOB-----  
APPLICANTS**

*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 6<sup>th</sup> December 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: [mccb.cpcb@nic.in](mailto:mccb.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



**ADDITIONAL 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, Thiruvaniyoor Panchayat, Mamala PO, Kerala and second applicant is **Mr. Sinu C Jacob**, residing Kakkad Kara, Thondattil H, Near South Side of PDPP project, Mamala PO, Thiruvaniyoor Panchayat, 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 too close to the BPCL Petrochemical project (Kakkad Kara, South Side of PDPP), a high hazard installation of M/s BPCL Kochi Refinery is under partial operation. It is submitted that the present application has been seeking appropriate direction to **develop Green Belt and Buffer Zone to such an extent, the distance required from our residents whichever is more shall be made applicable** around the boundary in Kakkad Kara (South Side of PDPP project). It can be seen that it is impractical to provide such facilities as mandated in the Environmental clearance, which was specifically narrated by the technical committee as per their report which was already on the table of the Hon'ble Tribunal. With this submission I am filing the present additional Counter affidavit to the objections submitted by the 1<sup>st</sup> respondent namely Bharat Petroleum Corporation Limited.
  
2. As per the Order of the Hon'ble National Green Tribunal dated 01<sup>st</sup> October 2021, the pollution control board was conducted Noise Level monitoring test outside the factory including near the house of the applicants in OA 17 of 2021. But the time of monitoring, the site was partially shut down. But after

the sound monitoring, the sound level increased again and we have informed the Kerala State Pollution Control Board with evidence. Copy of the email which I have forwarded to Kerala State Pollution Control Board is produced herewith and marked as **Annexure 1**. In addition, the Kerala State Pollution Control Board carried out sound monitoring by giving advance notice to the 1<sup>st</sup> Respondent authorities. Here, it is suspected that the officials of the Board severely colluded with Bharat Petroleum Corporation Limited for allowing them get reduced sound levels in and around the unit. **The first respondent namely Bharat Petroleum Corporation Limited argued that there was huge difference in the online sound monitoring data and the sound monitoring done by Kerala State Pollution Control Board.** 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, IREP or MSBP. **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 was submitted as Annexure 1 in the counter affidavit filed on 13<sup>th</sup> November 2021.

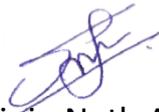
- 3. Kerala State Pollution Control Board** performed sound monitoring several times without prior notice and recorded more than 55 db which is more than the permissible sound level for a residential area. People in the area (Kakkad Kara, Near PDPP) have been experiencing noise pollution and other difficulties for many years. All the monitoring report done by Kerala State Pollution Control Board have been submitted before the Hon'ble National Green Tribunal. I may humbly submit that monitoring with prior intimation is merely a loop hole allowing them to get low readings in noise levels.

- 4. The root cause of all these issues is the inadequacy of Green Belt or Buffer Zone around the project site. The inspections conducted by various statutory authorities and the Technical Committee clearly mentions the absence of GreenBelt and Buffer Zone around the project site. It is respectfully submitted that there is a clear guideline for green belt where around the plant is mandatory and there is no chance to provide green belt in front of our area where heavy electrical tower lines, inadequate space and diverted stream are passing.** Applicant in OA 17 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. 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 Bharat Petroleum Corporation Limited- Propylene Deratives Petrochemical Project until the Green Belt and Buffer Zone is developed. It is also humbly submitted that during noise monitoring foul smell of obnoxious gases were severely experienced which may be inversely proportional to noise generated from these plants.
- 5. Our country has witnessed many industrial accidents due to non-maintenance of buffer zone around the project. Examples are the accident at IOC Jaipur in 2001 and the accident at LG Polymers chemical plant Visakhapatnam in 2020. The investigation reports clearly states that the casualties occurred due to the absence of buffer zone around the industry and A very important feature of the LG Polymers accident is that the residential areas have come up next to factory boundaries. Now the situation of Bharat Petroleum Corporation Limited is also similar. Approximately 25-30 families live within the radius of**

300-350 meter of Bharat Petroleum Corporation Limited PDPP on the south side (Kakkad Kara) of the project where the applicant resides. If there was an accident in the Bharat Petroleum Corporation Limited- PDPP like in 1984, the first to be affected would be the people living nearby. ***There is no logic in saying that there would not have been an accident, if there had been a buffer zone.*** 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. **Here it is sad to note that the PESO official purposefully made a dissent note to report of the technical committee though they are supposed to ensure the safety of the people residing nearby.** It is observed that Factories and Boilers also did not comment anything though they are the **8<sup>th</sup> respondent.**

6. If there is an accident like the one in 1984 at Bharat petroleum Corporation Limited- Propylene Derivatives Petrochemicals Project, we will probably have to witness the biggest industrial accident our country has ever seen. So, I pray before the Hon'ble National Green Tribunal to instruct the 1<sup>st</sup> respondent to maintain Buffer Zone around the Propylene Derivatives Petrochemicals Project (PDPP) to keep the residential area safe from risk. **I may humbly submit that the Hon'ble Tribunal may interfere and an immediate order may be passed to enquire in to the issue of non availability of escape route if a causality occurs.**
7. The 1<sup>st</sup> respondent pinpoints the report of Expert Committee. The expert committee was constituted on the recommendation of Petition Committee, Government of Kerala. But as of now the expert committee reports has not been accepted by the petitions committee. Expert committee report also mention an important recommendation (Page no 20 of 22) submitted before the Hon'ble tribunal on 13<sup>th</sup> September 2021. **“Surrounding population has to be made aware of the safety precautions to be taken in the event of any mishap within the Refinery”.** That means, the Expert Committee does not rule out the possibility of an accident or mishap within the refinery.

8. 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 made applicable to protect the environment and the families living closer to the project.
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: 06-12-2021**

**Place: Kakkad Kara, Mamala**

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



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## Sound monitoring

1 message

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**Vipin Nath** <vipinnathammencheril@gmail.com>

Fri, 3 Dec, 2021 at 8:19 pm

To: RO ERNAKULAM <pcbrokekm@gmail.com>

Cc: chn.kspcb@gov.in, ms.kspcb@gov.in

Dear Sir,

The Kerala State Pollution Control Board inspected the complainant's (OA 17 of 2021) residents as per the order of the Hon'ble Green Tribunal. But at the time of monitoring, the PDPP was partially shut down. But after the monitoring, the activity started again. The video captured after the sound monitoring is submitted for your reference. An example of this is the difference between advance notice monitoring and previous surprise monitoring. Surprise monitoring often records the sound level which is more than the permissible level for a residential area.

Therefore, I humbly request that the report also include the situation of the project (PDPP) when the site was monitored.

Thanks and regards

Vipin Nath A V  
9747773607