

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE :: CHENNAI

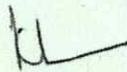
Original Application No.175 of 2020 (SZ)

Venkatapathi Raja Yenumula
H.No. 2-232, Kesavadasupalem
RAZOLU Taluka, Sakhinetipalli Mandal
East Godavari, Andhra Pradesh - 533 252
Mobile: 9528345678; +44 7837 200953
Email: rajavr.smile@gmail.com

.....Applicant

-Vs.-

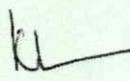
1. Union of India
Through its Secretary
Ministry of Environment, Forest & CC
Indira Paryavaran Bhavan, Jorbagh
New Delhi-110003
E-mail: secy-moef@nic.in
Phone: 011- 24695262, 24695265
2. Union of India
Represented by its Secretary
Ministry of Petroleum & Natural Gas
Shastri Bhavan, New Delhi-110001
E-mail: sec.png@nic.in,
Phone: 011-23383501/23383562
3. Oil and Natural Gas Corporation Ltd.
Represented by its Chairman
Deendayal Upadhyaya Urja Bhavan,
5, Nelson Mandela Marg,
Vasant Kunj, New Delhi-110070
E-mail: ongcdelhicc@ongc.co.in
Phone: 011-26752021, 26122148
4. GAIL (India) Limited
A company incorporated under
the Companies Act, 1956 having its office at:
GAIL Bhavan, Door No. 72-2-14A,
AV Appa Rao Road, Rajahmundry - 533 103



के.वी.एस.राव / K.V.S. RAO

मुख्य प्रशासक (अ.प.) / CHIEF GENERAL MANAGER (A.P.)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पासु राव / A.V.Appasoo Road
राजमंड्री (अ.प.) / RAJAHMUNDRY - 533 103, (A.P.)

5. State of Andhra Pradesh
 Represented by its Chief Secretary
 Secretariat, Velagapudi,
 Guntur, Andhra Pradesh-522503
 E-mail: cs@ap.gov.in,
 Phone: 08632444461
6. Central Pollution Control Board
 Through Member Secretary
 Parivesh Bhawan, CBD-cum office
 Complex, East Arjun Nagar,
 Delhi-110032
 E-mail: mscb@cpcb.nic.in,
 Phone: 22307078
7. Andhra Pradesh Pollution Control Board
 Represented by its Member Secretary
 D.No. 33-26-14/D2, Pushpa Hotel Center
 Chalamvari Street, Kasturibaipet
 Vijayawada, Andhra Pradesh-520010
 E-mail: membersecy@appcb.gov.in
 Phone: 08662463202
8. Director General Fire Services
 Office of the Director General, State
 Disaster Response & Fire Services
 Department, Near Police Control Room,
 Governorpet Vijayawada,
 Andhra Pradesh-534006
 E-mail: peshi_apfire@yahoo.com,
 Ph: 0866-2570101
9. Andhra Pradesh Police Department
 Represented by its DIG of Police
 Eluru Range, Eluru,
 Andhra Pradesh-522501
 Phone : 9490618572,
 E-mail: dgp@appolice.gov.in
10. District Collector and Magistrate
 East Godavari at Kakinada
 Andhra Pradesh-533001
 E-mail: collector_egd@ap.gov.in
 Phone: 0884-2365424


के.वी.एस.राव / K.V.S. RAO
 मुख्य महासचिव (अ.प्र.) / CHIEF GENERAL MANAGER (A.P.)
 गैल (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पाराव मार्ग / A.V.Apparao Road
 राजमंड्री (अ.प्र.) / RAJAHMUNDRI - 533 103, (A.P.)

11. District Collector and Magistrate
West Godavari District
Ameenapeta, Eluru,
Andhra Pradesh-534006
E-mail: collectorwg@gmail.com

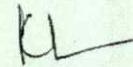
12. Andhra Pradesh Coastal Zone
Management Authority
Represented by its Chairman
Chalamvari Street, Kasturibaipeta
Vijayawada-520010
E-mail: apczma2016@gmail.com
Phone: 0866-2463200

....., Respondents

COUNTER FILED BY THE 4TH RESPONDENT (GAIL) TO
THE MAIN OA

The 4th Respondent respectfully submits as follows:

1. The above OA is filed by the Applicant seeking the following reliefs in para 30 of the OA:
 - (i). *Appoint a committee similar to O.A. No. 43 & 44 of 2020 (EZ) or O. A. No. 66 of 2020 (SZ) to find the loss caused to environment by the Respondent No.3 & 4 in Krishna Godavari Basin of Andhra Pradesh by conducting comprehensive survey by taking the representations from the affected villagers, aggrieved persons etc.*
 - (ii). *Direct the Respondents No.1,2 & 5 to take action on the persons responsible for continuous environmental*

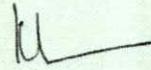


के.वी.एस.राव / K.V.S. RAO

मुख्य प्रशासक (ऑपरेटिंग) ए. वी. आर. / CHIEF GENERAL MANAGER (OPERATING)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए. वी. अप्पाराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

disasters such as accidents, gas leakages due to lack of effective monitoring in the KG Basin region.

- (iii). *Direct Respondent No 1, 5, 8, 10, 11, 12 to conduct cumulative study on damage caused to ecology, agriculture lands, Bay of Bengal, ground water, water bodies, etc due to the activities of ONGC and GAIL in East Godavari and West Godavari districts of Andhra Pradesh.*
- (iv). *Impose exemplary fine on Respondent No. 3 & 4 for the continuous irreparable damage caused to environment, sea, loss of health to the people, fertility of agriculture land, biodiversity etc in East Godavari and West Godavari districts.*
- (v). *Direct Respondent No. 4 to pay compensation to the people/victims who were denied justice in Nagaram fire tragedy and implement the assurances made at the time of massive fire accident due to GAIL gas pipeline leakage.*
- (vi). *Direct Respondent No. 3, 4, 8 & 9 to record all the incidents of gas leakages/environmental disasters and register an FIR immediately in future.*
- (vii). *Direct Respondent No. 3, 4 & 8 to provide fire safety measures to save ecology by setting up of Fire Station at all Gas Collection stations and important places as the large scale Oil and Gas activities are taking place in East Godavari and West Godavari districts of Andhra Pradesh as the Environmental Clearances issued by Union Environment, Forest and CC and Consent for*



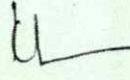
के.वी.एस.राव / K.V.S. RAO

मुख्य निदेशक (ऑ एम एन) एच. ई. डी. / CHIEF GENERAL MANAGER (OM)/OIC
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पाराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

Operation Orders issued by Andhra Pradesh Pollution Control Board mandates the Project proponent to provide safety measures in the plant and the place of operation.

- (viii). *Direct the Respondent No. 1 to 5 to implement the Corporate Social Responsibility funds transparently and complete all the pending works initiated under CSR programs by Respondent No. 3 & 4 in accordance with Office Memorandum No. 3-11013/25/2014-IA.I, dated 11.08.2014 of MoEF.*
- (ix). *Punish the responsible negligent persons who have caused death of 23 persons and injuring 17 persons, damaging the houses, agriculture, horticulture etc and illegal beach sand mining by the contractors of ONGC for the construction of Odalarevu Gas Collection Station for the past 5 years.*
- (x). *Direct the Respondent No. 2 to 5 to take appropriate measures to control erosion, rising of sea in East Godavari district of Andhra Pradesh due to the activities of ONGC and GAIL in Krishna Godavari Basin.*
- (xi). *Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."*

2. At the outset this Respondent denies all the averments in the main OA except that those are specifically admitted herein. The Applicant is put to strict proof of the averments and allegations made against this Respondent in the OA. The


के.वी.एस.राव / K.V.S. RAO

मुख्य प्रशासक (ऑफिस एन) एन. ३. ३३./CHIEF GENERAL MANAGER (O&M&OC)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पाराओ मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

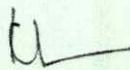
above OA is primarily based on incidents related to Natural Gas and Oil Exploration in the KG Basin in East and West Godavari Districts of Andhra Pradesh. At the outset the OA does not disclose any real cause of action against this Respondent (GAIL) as this Respondent is not involved in Exploration & Production (E&P) of oil or gas in the KG Basin. ONGC (Respondent No.3 in the OA), is into the business of "E&P" of oil & gas in KG Basin in Andhra Pradesh.

3. Before dealing the wilful misrepresentations of the Applicant, this Respondent (GAIL) deems it necessary to briefly outline:

- i. Background about this Respondent;
- ii. Oil and Gas industry and E&P activities; and
- iii. Safety of Natural Gas Pipelines in KG Basin, to establish that this Respondent has been unnecessarily dragged into this OA.

BACKGROUND ABOUT RESPONDENT NO.4: GAIL

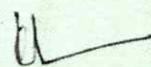
4. The 4th Respondent is a Maharatna 'Central Public Sector Undertaking' ("PSU") which was established in August 1984 in the name of "Gas Authority of India Limited" as a wholly owned company of the Government of India ("GOI", for short). The equity pattern in the Respondent has since changed and presently GOI holds about 52.1% shares in the



के.वी.एस.राव / K.V.S. RAO
 मुख्य महाप्रबन्धक (ऑई एण्ड गैस) एवं च. प्र. प्र. / CHIEF GENERAL MANAGER (O&G) ONGC
 गैस (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पागुव मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

Respondent. The name of the Respondent was changed from 'Gas Authority of India Ltd.' to 'GAIL (India) Limited' in November, 2002.

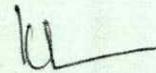
5. Pipeline transportation of gas offers a safe, economic and environmentally sound alternative to most other modes of energy transport. Since inception in 1984, this Respondent is the largest Natural Gas transmission and marketing company in the country. The Respondent's gas pipeline infrastructure has facilitated widespread industrialization and has brought significant socio-economic changes to different parts of the country.
6. Over the years, GAIL as a major gas pipeline operator, has contributed to the growth and development of natural gas pipeline infrastructure and natural gas market. The 4th Respondent has an existing 13718 kilometres of gas pipeline network with a capacity of 204 MMSCMD. The 4th Respondent's existing natural gas pipeline network covers 20 States (Andhra Pradesh, Assam, Bihar, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh & Uttarakhand, West Bengal) and 2 UT's (Puducherry & Dadra Nagar Haveli).



के.वी.एस.राव / K.V.S. RAO

मुख्य महासंचालक (ऑल इन्डिया) / CHIEF GENERAL MANAGER (O&M/S&C)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पागराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

7. Natural Gas, the new age fuel for the industrial and domestic use, is the cleanest, efficient, non-polluting, environmentally friendly and relatively economical of the fossil fuel in the modern-day society. Due to its characteristic clean burning nature and availability by pipeline connection which alleviates the need for local storages and other transportation logistics, natural gas has emerged as the fuel of choice, growing steadily in the energy basket of major nations. A big challenge lies in bridging the physical gap between demand and supply centres in an efficient, safe and eco-friendly manner. As India's leading Natural Gas Major, the Applicant has been instrumental in the development of the Natural Gas market in the country.
8. The 4th Respondent's Natural Gas Pipeline Infrastructure connects various gas sources to different gas markets to meet the existing/ future natural gas demand of various Power, Fertilizer, CGD and other industries in the country. Currently, GAIL sells around 60% of Natural Gas sold in the country. Of this, 15% is to the power sector and 46% to the fertilizer sector. Currently, GAIL is supplying around 46 MMSCMD of Natural Gas from domestic sources



के.वी.एस.राव / K.V.S. RAO

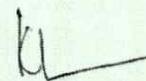
मुख्य महासंचालक (ऑपरेशन) / CHIEF GENERAL MANAGER (OPERATION)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पागराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRI - 533 103, (A.P.)

to customers across India. These customers range from the smallest of companies to mega power and fertilizer plants. The 4th Respondent has adopted a Gas Management System to handle multiple sources of supply and delivery of gas in a co-mingled form and provide a seamless interface between shippers, customers, transporters and suppliers.

9. The business activities of this Respondent range from Natural Gas marketing and distribution through trunk and regional pipeline systems, to retailing of Natural Gas to Gas processing for supply to customers involved in production and marketing of LPG, liquid hydrocarbons and Petrochemicals. As stated above, it is reiterated that GAIL is not involved in exploration or production of oil or gas in the KG Basin.

OIL AND GAS INDUSTRY AND E&P ACTIVITIES

10. The Oil and Gas industry is organised in three segments - 'Upstream', 'Midstream' and 'Downstream'.
11. 'Upstream' activities include exploration, drilling, and extraction. 'Midstream' businesses are those that are focused on transportation. They are the ones responsible for moving the extracted raw materials to refineries to process the oil and gas. Midstream companies are characterized by shipping, trucking, pipelines, and storing of the raw materials.



के.वी.एस.राव / K.V.S. RAO
 मुख्य प्रबन्धक (ऑ एल एन) एच. ई. डी. / CHIEF GENERAL MANAGER (O&N&OC)
 गैल (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पाराव मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

'Downstream' involves the actual selling and distribution of Natural Gas and Oil based products. Presently, many large oil companies are integrated, in that they maintain all three, viz., Upstream, Midstream, and Downstream units.

12. Upstream, or Exploration and Production (E&P) companies, find reservoirs and drill oil and gas wells and this process is taken care to a large extent by ONGC (Respondent No.3 in the OA) in KG Basin, for both onshore as well as offshore. Some other players like Cairn Energy, Reliance and BP, OIL India do operate primarily in offshore exploration and production.
13. It is important to state here that the Applicant (Respondent No.4 in the OA) has no exploration activities, either onshore or offshore, in KG Basin, and the Applicant is only involved in the midstream and downstream segments of oil and gas industry in KG Basin.

SAFETY OF NATURAL GAS PIPELINES IN KG BASIN

14. In Andhra Pradesh, the 4th Respondent supplies gas to some of the important Power Generation Plants, Fertilizer Plant and other industries thus contributing to the growth of the nation. Presently in KG Basin, the 4th Respondent receives Natural



के.वी.एस.राव / K.V.S. RAO
 मुख्य महासंचालक (ऑइल एंड गैस) एच.जी.डी. / CHEF GENERAL MANAGER (O&M) OIC
 गैस (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पाराओ मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

Gas from ONGC & CEIL and supplies the same to the various consumers through underground pipeline network.

15. Not only GOI, but also internationally, the distinct advantages of gas transportation by Pipelines have been recognized and pipeline transportation is accepted as the only mode of transportation for gaseous consignment over long distances for the following reasons:

- (a) Pipelines, being underground, will provide lesser direct contact with the populace thereby reducing its hazardous impact as well as provide better overall security.
- (b) Pipeline mode is the safest and reliable mode of transportation.
- (c) Availability of the highway / railways for transporting other materials / goods will improve.
- (d) Uninterrupted supply of gas will be ensured.
- (e) As processing of gas is not involved, there is no emissions / discharge. Hence, it is environmentally friendly.
- (f) Natural gas does not need any storage. Hence, the naphtha storage tanks, the major fire source is eliminated.
- (g) Natural gas is lighter than air. Hence, it does not get spread in case of leakage.
- (h) Movement of naphtha/oil tankers on the road will be eliminated. Reducing congestion on the roads.



के.वी.एस.राव / K.V.S. RAO
 मुख्य महासंचालक (ऑ एंड एम) एवं डी. जे. / CHIEF GENERAL MANAGER (O&M)/GIC
 गैस (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी. अप्पाराव मार्ग / A.V.Appareo Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

16. The safety aspects in the Design, Construction, Operation & Maintenance of the Pipelines have been briefly explained below:

- (a) Pipelines are designed as per International Standard ASME B 31.8 and OISD-226.
- (b) Pipelines are protected against corrosion by 3-layer PE coating followed by permanent cathodic protection.
- (c) 100% radiography for all weld joints to ensure zero failure.
- (d) Hydro test is done at 1.5 times of the design pressure.
- (e) Pigging facility for the pipeline.
- (f) Remote Operation of Sectionalizing Valves (SVs) are done through SCADA (Supervisory Control and Data Acquisition) system.
- (g) Pipeline is laid minimum of 1 Meter below the ground.
- (h) Anti-buoyancy measures at all major water crossings are provided.
- (i) During construction, Project Management Consultancy (PMC) engaged throughout the completion of project.
- (j) Third Party Inspection Agency (TPIA) for inspection and verification during construction stage.



के.वी.एस.राव / K.V.S. RAO
मुख्य महासंचालक (औद्योगिक एवं वा. अ.) / CHIEF GENERAL MANAGER (O&M/IOC)
गेल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पागुडु मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

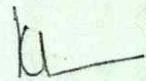
- (k) Approvals are required from statutory bodies, i.e., Andhra Pradesh Pollution Control Board (APPCB) and Petroleum & Explosives Safety Organization (PESO) for operation of pipelines.

17. The following security provisions are in place:

- (a) Pipeline markers (RoU boundary markers, Aerial markers, warning boards at all crossings) for facilitating easy identification of line are being installed.
- (b) All pipeline installations are guarded round the clock by ex-servicemen who are being monitored through regular and surprise checks.
- (c) All installations are provided with boundary walls as per MHA guidelines.
- (d) Round the clock deployment for protection of men, material and information.

18. The 4th Respondent's Pipelines are monitored in the following manner:

- (a) Daily foot patrolling line walkers engaged from nearby villages.
- (b) Foot patrolling once in a year along the pipeline is carried out by the employees of the Applicant.
- (c) Quarterly air surveillance by helicopter.
- (d) Dedicated Internal Communication facilities are available through own OFC network. A toll free number is also available for general public.



के.वी.एस.राव / K.V.S. RAO

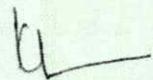
मुख्य प्रबन्धक (ऑ एफ एन) एच. ई. डी. / CHIEF GENERAL MANAGER (O&M/AOIC)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी. अप्पाराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

- (e) Awareness programs for public are conducted periodically to create awareness about pipeline activities.
- (f) Safety pamphlets for awareness about the hazards involved and channel of communication in case of emergencies are distributed to villagers in the surrounding areas.

19. The following Fire Safety Equipment are provided along the Pipelines at Terminals, SV/IP and Tap-off Stations:

- (a) DCP & CO2 Fire Extinguishers are provided in control and switch gear rooms and process area.
- (b) All fire extinguishers tested periodically and maintained in working condition.
- (c) Safe working procedures / SOP for O&M are followed.
- (d) Gas leak testing is done as and when required basis by using LEL Gas Detectors and corrective action taken, if required.
- (e) All valves are checked for leakage / passing and greasing / sealant injection is done as per the vendor recommendation.
- (f) Work permit system being followed for all the maintenance jobs.

20. The following Operational & Maintenance Safety measures are taken by the 4th Respondent:

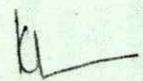


के.वी.एस.राव / K.V.S. RAO
 मुख्य प्रबन्धक (ऑपरेटिव) एच.ए.ओ. / CHIEF GENERAL MANAGER (OPERATION)
 गैल (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पाय्यव मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

- (a) Constant Monitoring of Pressure & Flow Data for Safe Operation.
- (b) Preventive maintenance of equipment in C.P. System like TR units, CPPSM, switch gear panel, anode bed and battery bank are done strictly as per schedule and break downs attended promptly.
- (c) Above ground thickness measurement as per schedule.
- (d) Earthling Systems are thoroughly checked.
- (e) Quarterly monitoring of PSP readings all along the pipeline length and taking corrective actions if required.
- (f) Cleaning pigging as per requirement /once in six months, Intelligent pigging once in 10 years as per Petroleum & Natural Gas Regulatory Board (PNGRB) guidelines.
- (g) All Safety Instruments duly calibrated and kept on line.
- (h) All Pressure Safety Valves (PSVs) are calibrated, and shutdown systems are tested, annually.

21. To ensure all the systems are in line and to identify the gaps, the following Safety Audits are conducted:

- (a) Internal Safety Audits by constituting multi-disciplinary committees for conducting internal safety audits of all the installations on half yearly basis.



के.वी.एस.राव / K.V.S. RAO

मुख्य महासंचालक (ऑपरेशन) / CHIEF GENERAL MANAGER (O&M) GAIL
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी. अप्पागराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

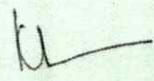
- (b) Internal Technical Audit by IA Team from Corporate Office - yearly audit has been carried out for studying the adequacy of existing safety measures and submitting recommendations for improvement as well as compliance.
- (c) External Safety Audits by accredited Third Parties once in a year.
- (d) Integrity Management System audit by PNGRB accredited Third Parties once in 3 years.
- (e) Pre-Commissioning and Commissioning Audits are carried out for new pipelines. Audits are also conducted by Oil Industry Safety Directorate (OISD) from time to time.

22. The following Emergency Action Plans are also in place:

- (a) Emergency Response & Disaster Management Plan is prepared which is certified by third parties accredited by PNGRB.
- (b) Periodic on-site and off-site Mock Drills are conducted to check emergency preparedness & findings, if any are implemented to further strengthening the system.

THE ORIGINAL APPLICANT HAS WILFULLY MISREPRESENTED FACTS REGARDING THE APPLICANT

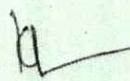
23. The Original Applicant has unnecessarily impleaded the 4th Respondent in the OA by wilfully misrepresenting that the 4th


के.वी.एस.राव / K.V.S. RAO
 मुख्य महासंचालक (ओ ई एन) एच. वी. आ. / CHIEF GENERAL MANAGER (O&M&OC)
 गैल (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी. अप्पाय्यार मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRI - 533 103, (A.P.)

Respondent, like ONGC (Respondent No.3 in the OA), is “concentrating on the exploration and extraction of Oil and Natural Gas without taking mandatory precaution, pollution mitigation and welfare measures.” It is on this premise that the Original Applicant has alleged that the activities of the 4th Respondent herein are causing damage to the environment in KG Basin. As already stated above, the 4th Respondent has no exploration activities, either onshore or offshore, in KG Basin, and the 4th Respondent is only carrying on midstream and downstream activities in KG Basin.

24. This Applicant not only misled this Hon'ble Tribunal into admitting the OA, but also into constituting a Committee, ex parte, and issuing directions to the said Committee to inspect and report, inter alia, about the activities of the 4th Respondent in KG Basin by 17.11.2020 by false allegations as against this Respondent.

25. If the OA is considered in light of the fact that the 4th Respondent does not carry on the activities of exploration and extraction of Oil and Natural Gas, it would be abundantly clear that none of the allegations of damage caused to the environment are relatable to the 4th Respondent. Even the


के.वी.एस.राव / K.V.S. RAO

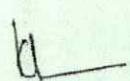
मुख्य महासंचालक (अ.प्र.) / CHIEF GENERAL MANAGER (A.P.)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पाराव मार्ग / A.V.Apparao Road
राजमंड्री (अ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

Committee has noted in para 4.c (page 28 of report dated 9.04.2021) that "In KG Basin M/s GAIL is not involved in the extraction of gas from the wells and is having only gas terminals where dry gas is received from ONGC terminals." As such, the averments in the OA do not pertain to the 4th Respondent at all.

26. The ex parte order dated 08.09.2020 passed by this Hon'ble Tribunal is in violation of the law laid down by the Hon'ble Supreme Court in a number of cases including Purnima Manthena v. Renuka Datla, (2016) 1 SCC 237, wherein the Apex Court has held that a judicial decision affecting the rights of the parties at the threshold stage is unsustainable in law. The Court also held as follows:

"It is settled that no adjudication at the preliminary stage of a proceeding in a court of law ought to have attributes of a final verdict so as to prejudge the issues at that stage, thereby rendering the principal determination otiose or redundant..."

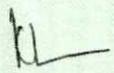
27. The Original Applicant, in support of his main prayer (i) in the OA, has relied on orders passed by this Hon'ble Tribunal in OA No.66/2020 and also common orders passed by the Hon'ble NGT, Principal Bench, New Delhi in OA Nos. 43 & 44 of 2020. Both these orders pertain to companies carrying on 'Upstream' activities like exploration, drilling, and extraction and hence will have no relevance vis-à-vis the Applicant who


के.वी.एस.राव / K.V.S. RAO
 मुख्य महासंचालक (ऑपरेशन) / CHIEF GENERAL MANAGER (O&M) / GIC
 गैल (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पाराओ मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

is only carrying on 'Midstream' and 'Downstream' activities in KG Basin. In any event, the directions passed in the said cases were in light of the facts peculiar to those cases and could not have been extended to the present case without hearing all parties concerned. The allegations relating to the accident in Nagaram in 2014 are not relevant to the present Application. Due compensation has been paid to the victims and remedial action has been taken to the satisfaction of competent authorities. In fact, the Committee too has visited the area and observed in para 5.0 that "*area where previously the accident has taken place is completely restored.*"

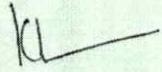
28. The jurisdictional error apparent on the face of the ex parte order dated 08.09.2020 is also evident from the fact that the Hon'ble Tribunal has admitted the OA without examining the main prayer (v) which is not only beyond the jurisdiction of his Hon'ble Tribunal but also ex facie barred by limitation under sections 14 (3) and 15 (3) of the NGT Act. Similarly, the main prayer (ix) also beyond the jurisdiction of his Hon'ble Tribunal.

29. The ex parte order dated 08.09.2020 directing the Committee to determine whether there was any pollution; whether there was any violation of environmental clearance and CRZ clearance; if so, the impact of those on the environment; the nature of the


के.वी.एस.राव / K.V.S. RAO
 मुख्य कार्यकारी अधिकारी / CHIEF GENERAL MANAGER (GMM/OC)
 गैल (इंडिया) लिमिटेड / GAIL (India) Limited
 ए.वी.अप्पाराव मार्ग / A.V.Apparao Road
 राजमंड्री (आ.प्र.) / RAJAHMUNDRI - 533 103, (A.P.)

damage caused to the environment; assessment of environmental compensation; ascertain as to whether pollution control mechanism provided are adequate; if not, specify the upgradation and improvement required; to conduct air and water quality tests; and to ascertain whether any damage caused to any resident of the locality, on account of any violation, amounts to a roving enquiry which is impermissible in law, particularly when there is no factual and evidentiary determination to necessitate such an enquiry. As such, the Committee has been delegated the essential function of adjudication of the issues even before the 4th Respondent herein was heard.

30. It is clear that none of the allegations in the Application pertain to this Respondent since they only pertain to exploration and production activity in which this Respondent has no role. As such, this Respondent is neither a necessary nor proper party and the OA is not maintainable as against this Respondent. It is a clear case of callous and irresponsible abuse of power on the part of the Applicant who should be saddled with exemplary costs. This Respondent reserves their rights to proceed against the Applicant for their false, mala fide and defamatory allegations and conduct.


के.वी.एस.राव / K.V.S. RAO

मुख्य महाप्रबन्धक (ऑपरेशन) ए. वी. आर. / CHIEF GENERAL MANAGER (OPERATION)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अप्पाराव मार्ग / A.V.Apparao Road
राजमंड्री (आ.प्र.) / RAJAHMUNDRY - 533 103, (A.P.)

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.175 of 2020 (SZ)

Venkatapathi Raja Yenumula
H.No. 2-232, Kesavadasupalem
RAZOLU Taluka, Sakhinetipalli Mandal
East Godavari, Andhra Pradesh - 533 252
Mobile: 9528345678; +44 7837 200953
Email: rajavr.smile@gmail.com

.....Applicant

-Vs.-

Union of India
Through its Secretary
Ministry of Environment, Forest & CC
Indira Paryavaran Bhavan,
Jorbagh, New Delhi-110003
E-mail: secy-moef@nic.in
Phone: 011- 24695262, 24695265

& 11 others

....Respondents

VERIFICATION AFFIDAVIT

I, Korrapati Venkata Sitarama Rao son of
Dr K.V. Lakshminarayana aged 53 years, presently working
as Chief General Manager, GAIL (India) Ltd., A.V.A Road,
Rajahmundry, East Godavari District do hereby state on
solemn affirmation as follows:

I state that I am the Chief General Manager of the
4th Respondent, GAIL (India) Ltd., in the above said case and
know the facts leading upto the case. I am swearing to this
counter on behalf of the 4th Respondent and I am authorized
to swear to the same.



14 JUL 2021

K.V.S. Rao
के.वी.एस.राव / K.V.S. RAO
मुख्य जनरल मॅनेजर / CHIEF GENERAL MANAGER (CMGC)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.आर. रोड / A.V.Appareo Road
राजमंड्री (ए.पी.) / RAJAMUNDRY - 533 103. (A.P.)

ATTESTE!

R. Rama Murthy

R. RAMA MURTHY
Advocate & Notary
Door No: 47-1-8/9, Pavan Heights, S1,
Danavaipeta,
RAJAMAHENDRAVARAM-533 103.

I further state that the statements made in para 1 to 30 of the accompanying reply statement are true to the best of my knowledge, belief and information. I state that what is stated above are true and correct.

VERIFICATION

I, the deponent above named do verify and state the statements made in para 1 to 30 of this affidavit are true and correct and I swear to the same.

Place: Rajahmundry

Date: 14.07.2021

K.V.S.
Deponent

के.वी.एस.राव / K.V.S. RAO
मानव संसाधन प्रबंधन एंड स. ए. / HRF GENERAL MANAGER (HR/HRD)
गैल (इंडिया) लिमिटेड / GAIL (India) Limited
ए.वी.अपारो रोड / A.V.Apparao Road
राजहमंड्री (आंध्रप्रदेश) / RAJAHMUNDRY - 533 103, (A.P.)

Solemnly affirm and Signed/
Affixed mark before me at
RAJAHMUNDRY on 14.7.2021

R. Rama Murthy

R. RAMA MURTHY
Advocate & Notary
Door No. 47-1-8/3, Pavan Heights, S1,
Danavapeta,
RAJAHMENDRAVARAM-533 103.

Certificate of Practice renewed
upto 25-06-2023 as per
G.O.Regn. No: 6185

14 JUL 2021

NOTARY

