

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-mal: secy-moef@nic.in
Phone: 011- 24695262, 24695265

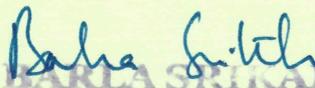
2. Union of India
Represented by its Secretary
Ministry of Petroleum & Natural Gas
Shastri Bhavan,
New Delhi-110001
E-mail: sec.png@nic.in,
Phone: 011-23383501/23383562

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

Through its:
Deputy General Manager (Law)
Mr. A.Venkatesan
Having office at Chennai Zonal Office
5th floor, “Kuppu Arcade”
New No. 4 Old No. 60, Venkatanarayana Road,
T.Nagar, Chennai – 600 017.

5. State of Andhra Pradesh
Represented by its Chief Secretary
Secretariat, Velagapudi,


BARLA SRINANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

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X 
P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

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

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


BARLA SRIKANTH
ADVOCATE
17-3-318, Karan Gardens
RAJAHMUNDRY-533106

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P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RIY ASSET
RAJAHMUNDRY-533106.

COUNTER AFFIDAVIT FILED BY THE 3RD RESPONDENT (ONGC) TO THE O.A

I, Pidikiti Jawahara Prasada Rao, son of Sri. Venkata Seshaiah, aged 56 years, Indian, having office at ONGC, Rajahmundry Asset, East Godavari District, Andhra Pradesh do hereby solemnly affirm and sincerely state as follows:

1. I am an Authorized Representative of 3rd Respondent Company herein working as General Manager (Production) and I am well acquainted with the facts and circumstances of the case. I am duly authorized to file the present affidavit. I have perused the Committee Report filed, and I deny all the averments and allegations made therein, except those that are specifically admitted herein.

2. The above OA is filed by the Applicant seeking the following reliefs in para 30 of the OA:

“30. That in light of the above facts and circumstances, it is humbly prayed that this Hon’ble Tribunal may be pleased to:

(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 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.

Bapla Srikanth

BAPLA SRIKANTH
ADVOCATE
77-3-33/8, Kalari Gardens,
RAJAHMUNDRY-533 103

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X *P.J. Prasad Rao*
P.J. PRASADA RAO, GM(P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

(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 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 Odarevu 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 those that are specifically admitted herein. The Applicant is put to strict proof of the averments and allegations made against this Respondent in the OA. The above OA is primarily based on accidents related to Natural Gas and Oil Exploration in the KG Basin in East and West Godavari Districts of Andhra Pradesh. The Applicant has arrayed Ministry of Petroleum & Natural Gas, New Delhi (Respondent No.2), District Collector and Magistrate of East Godavari (Respondent No.11) and District Collector and Magistrate of West Godavari (Respondent No.12) as parties to the O.A. As they are not necessary parties to the O.A, their names may be deleted from the array of parties to the O.A. This Respondent has filed a separate objections to the Joint Committee Report filed under O.A No. 175/ 2020. The same may be taken as part and parcel of this Counter Affidavit.


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

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X 
P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

BACKGROUND OF THE RESPONDENT ONGC:

3. Before dealing the wilful misrepresentations of the Applicant, this Respondent deems it necessary to briefly outline about this Respondent and the activities carried out by it.

3.1. Maharatna ONGC is the largest crude oil and natural gas Company in India, contributing around 71 per cent to Indian domestic production. Crude oil is the raw material used by downstream companies like IOC, BPCL, HPCL and MRPL (Last two are subsidiaries of ONGC) to produce petroleum products like Petrol, Diesel, Kerosene, Naphtha, and Cooking Gas LPG. ONGC has a unique distinction of being a company with in-house service capabilities in all areas of Exploration and Production of oil & gas and related oil-field services. Being the Winner of the Best Employer award, the Respondent has a dedicated team of around 28,500 professionals who toil round the clock in challenging locations.

3.2. ONGC is a Central Public Sector Undertaking (PSU) Company incorporated under the Companies Act, 1956 and is having its Corporate Registered Office at Deen Dayal Urja Bhawan, No.05, Nelson Mandela Marg, Vasant Kunj, New Delhi-110070. This public sector enterprise operates with 14 seismic crews, manages 262 onshore production installations, 268 offshore installations, 69 drilling (plus 37 hired) and 54 work-over rigs (plus 25 hired), owns and operates more than 25,500 kilometers of pipeline in India, including 4,500 kilometers of sub-sea pipelines. ONGC has adopted Best-in-class business practices for modernization, expansion and integration of all Infocom systems.

3.3. The Government of India (GoI) holds 60.41% stake in ONGC as on 31 December 2020. ONGC is the largest natural gas company ranking 11th among global energy majors. It is the only public sector Indian company to feature in Fortune's Most Admired Energy Companies' list. ONGC ranks 18th in Oil and Gas operations' and 220 overall in Forbes Global 2000. ONGC's wholly owned subsidiary and overseas arm ONGC Videsh is India's largest international oil and gas E&P Company with 39 projects in 18 countries.

ASPECTS RELATED TO PRODUCTION OF OIL & GAS:

4. ONGC has been implementing the best industry practices and guidelines in vogue and also as per the Statutory Authorities concerned in protecting the Environment during the exploration and exploitation of oil & natural gas. The



BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

5

X 

P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

following explanation would demonstrate the concern of ONGC for the safety & environmental aspects of the production of oil and natural gas.

4.1. Exploration/Production: When exploration of oil and gas is carried out, the same needs to be extracted from deep below the earth (approximately 15000 meters or below). During such extraction, the components that are brought out include oil, gasses, water, etc. They are processed by sending them to Group Gathering Stations/ Group collecting stations.

4.2. Group Gathering Station: A Group Gathering Station (GGS) is a unit which is used for separation of Gas from Oil and Water through a treatment process. In the machinery in GGS there is an unit called, "separator" which performs the function of separating Gas from Oil and Water. Once the Gas is separated from the Oil and Water, the remaining two components, i.e., Oil and Water are treated by a chemical called "demulsifier" which separates the oil from the water.

4.3. Flaring of Gas: There is always some gas which is still left in the unit even after the treatment. These gases have to be flared for technical as well as safety reasons. This flaring is a must for the entire safety of the operation, for if the same is not done, there are high risks of gasses being built up in the chamber where treatment takes place and may ultimately lead to an explosion. In order to avoid such incidents, the flare stack is created at each installation to handle any unforeseen situation/ technical constraint in the process of the compressors. Release of the gas to flare stack is a temporary phenomena to keep the safety of the plant till normalization of the repair of the compressors. Sometimes if delay takes place in repair of the gas compressors, the wells are closed to avoid continuous flaring.

4.4. Once the Oil is separated from the Water, the water and whatever waste is left out from such treatment is then sent to the Effluent Treatment Plant (ETP). It is important to note that not every GGS will have an ETP facility. Thus, in cases where there is no ETP, such GGS are connected through pipes or the effluent is transported through road tankers to the nearest ETP.

4.5. Effluent Treatment Plant (ETP): Effluents would mean wastes including sludge, oil, water, sediments which are left as an after product of the functioning of the GGS. These Effluents are sent to the ETP for further treatment. In the ETP, extraction of residual oil is carried out from the Effluent. After the treatment of Effluent, only 3 products remain, i.e., (a) Oil; (b) Treated Water and (c) Sludges. The treated water is then monitored based on the permissible limits prescribed by the


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103

6

X 
P. J. PRASADA RAO, GM (P)
I/M, ROP (W)-GGS & PNMD-GCS
RIPB-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

Pollution Control Board (PCB), and disposed into the disposal wells at a depth below 1000 meters.

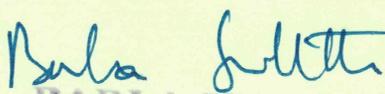
4.6 Recycling of treated water: After treatment and due testing as per the prescribed parameters of PCB, the treated water is re-injected below 1000 meters as per prescribed norm of Central Pollution Control Board.

4.7. ONGC has two establishments in Andhra Pradesh i.e. Rajahmundry Asset in Rajahmundry and an Eastern Offshore Asset in Kakinada. The Rajahmundry Asset looks after and is concerned with the onshore hydrocarbons fields and the ONGC – Eastern Offshore Asset is concerned with the development of offshore shallow and deep-water fields in the East Coast of India for exploration of hydrocarbons. ONGC Rajahmundry Asset operates in Krishna-Godavari basin of Andhra Pradesh for Exploration & Production of Hydrocarbons in East Godavari, West Godavari and Krishna District of Andhra Pradesh.

PARAWISE REPLY TO THE MAIN O.A:

5. The averments made by the Applicant at point IV of the O.A relating to categorization of the activities of ONGC and GAIL are denied and the Applicant is put to strict proof of the same. None of the documents filed by the Applicant are admitted.

5.1. The allegation that this Respondent is releasing huge smokes into air from Kesnapalli GCS is not admitted. The genuineness of the photograph attached is not admitted; it does not contain any date-stamp, nor is it disclosed as to who is the author of the photograph; in any case, the same does not prove the allegation in any way with regard to this allegation is false and misleading. This Respondent states that the release of smoke into the atmosphere occurs only at the situation of flaring. There is always some gas which remains in the unit even after the treatment of natural gas. This has to be flared for technical as well as safety reasons of the entire plant. Herein, flaring is a must for the entire safety of the operation, for if the same is not done, there are high risks of gasses being built up in the chamber where treatment takes place and may ultimately lead to an explosion. In order to avoid such incidents, the flare stack is created at each installation to handle any unforeseen situation/ technical constraint in the process of the compressors. Release of the gas to flare stack is a temporary phenomena to keep the safety of the plant till normalization of the repair of the compressors. Flaring is basically a safety measure that happens once in a while


BARLA SRIKAVATHI
ADVOCATE,
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103

7

X 
P.J. PRASADA RAO, GM (P)
I/M. KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

to prevent any large scale damage to instruments. It is a best industry practice that is carried out as a preventive and safety measure.

5.2. The Applicant's allegation that ONGC is damaging sea coast in East Godavari for conducting exploration activities is a false statement and the same is denied. ONGC strictly adheres to the statutory provisions in terms of its operation and has obtained the necessary licenses and clearances in conducting exploration activities. The various licenses and clearances obtained by ONGC for its exploration activities are filed as **Annexure- 1 to 6 and 18**.

5.3. The Applicant has alleged that ONGC is releasing polluted oil mixed with black water into Bay of Bengal, nearby ponds/water bodies, agriculture lands and that there is regular leakage of Gas and damage to agriculture, accidents in villages of East Godavari and West Godavari districts and Odor/foul smell coming from ONGC, GAIL plants/pipes. This Respondent denies all these baseless allegations. It is pertinent to note that the Joint Committee appointed in the present O.A, have not found reported any of the above- mentioned allegations against ONGC to be true. This Respondent maintains a systematic supervision of Ambient Air Quality and ground water parameters and these tests are carried out by third party accredited testing agencies. **(Annexure- 7)** is a sample Test Report of Ambient Air Quality at Mandapeta- Endamuru by Chennai Mettex Lab Pvt Ltd and **Annexure- 8** is a sample Test Report of Ground Water Sample at K.G Basin by Chennai Mettex Lab Pvt Ltd.

5.4. The Applicant has alleged that there is lack of supervision on Oil and Gas pipelines by ONGC. This respondent does not admit such allegations. It is important to note that ONGC follows a Standard Operating Procedure in maintaining the operation of onshore pipelines and follows several standard mechanisms to supervise the condition of pipelines. The **Annexure- 3 & 4** deals with Pin Hole Leakage Details in KG Basin and details on Hydro testing of pipelines in KG Basin.

5.5. The Applicant's allegation that there is misuse of funds which are supposed to be spent for providing drinking water, restoring environment etc. in the activity area is false and denied. The allegation is incorrect as the CSR funds of ONGC are handed over to the district, statutory authorities, who in turn disperse them as per the procedure. It is important to note that the beneficiaries to CSR funds are identified by the District Collector and revenue and other statutory authorities.


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

8

X 
P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

6. The averments made by the Applicant at para 1 of the O.A are not admitted and they are false and misleading. The averments that the Applicant and his family are residing at Kesavadasupalem village in East Godavari district; that GAIL and ONGC are involved in illegal activities and environmental degradation and that the youths of Odalarevu village have conducted 60 days Dharna in the year 2017 against GAIL and ONGC are not admitted. This Respondent states that the Applicant has enclosed certain pictures at Annexure- I of the O.A, which are not related to the alleged violations by ONGC and is subject to proof by the Applicant.

7. The averments at para 2 and 3 of the O.A relates to the various projects and activities of ONGC at the Krishna- Godavari Basin. The said information has been collected by the Applicant from ONGC through an RTI application. The descriptions on the installations of the ONGC are a matter of record.

8. The averments at para 4 and 5 of the O.A that the activities of ONGC are taking place in sensitive areas which are near to habitation resulting in heavy pollution, erasing of sea, damage to the soil, pollution of water bodies etc., are false and misleading.

9. The allegation at para 6 of the O.A that the oil & gas leakages are caused by ONGC and thus people are in fear and panic are far from truth and baseless. Further, allegation that the Gas leakage/accidents are taking place one in 15 days is also denied and the Applicant is said to strict proof of the same. The following safety measures are undertaken by ONGC for monitoring the pipelines:.

- i. All the operations are carried out on round- the- clock basis by taking all the safety precautions and time to time up-gradations. Except occasional leaks under abnormal conditions, the environment pollution caused is minimum and also there is no damage to coast line.
- ii. During round the clock operations there is a possibility of line leakages/oil spillage which can be caused either by miscreant activity or by unexpected conditions/accidents.
- iii. The leakage of oil/gas that is so caused, is immediately detected and action is initiated to restore the land (soil) free from oil. Hence leakages are not frequently happening in a specific area.
- iv. The following measures are taken in order to minimize the damages in the shortest possible time like immediate isolation of the line, deployment of the maintenance teams for repair/arresting the leakages, repair of the line,


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103


P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
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assessment of the damage and payment to the individual and partial statement of the compensation amounts paid.

- v. The oil and gas wells are connected to the nearby GGS/GCS with underground pipe line pipe lines, which are hydro-tested with pressure ranging from 1.25 times of the flowing pressure. Safety device called "High-low safety valve" is installed in high pressure wells. Monitoring of the flow and pressure is done on real time basis through "SCADA" (Supervisory Control And Data Acquisition) system at each production installation.
- vi. The Flow line from well to GGS carrying gas, water are laid underground of 1meter below the earth. Most of the pinhole leaks occurs due to internal corrosion of sand and water in the crude oil. The pinhole leakages occur in the flow line with a hole of approximately 1-2 mm in size causing the release of flow line fluid at the point of damage. These leaks are very minor in nature causing very less damage.
- vii. If gas leakage occurs, the nearby GGS/GCS crew rushes to the site, immediately. They close the well and stop the source gas. Then the entrapped gas/liquid is depressurized to the flare line in the GGS/GCS. The entire activity takes place in less than 30minutes. Thereafter, consent from the farmers with assessment of suitable land compensation is taken. Therefore, the repair work of the pipe line is being carried out in priority basis to restore normal production.

10. It is pertinent to note that the Committee Report submitted in O.A 175 of 2020 have reported at its conclusion part that on the verification of records, it was observed that any leakages or accident outside the unit premises in farmers land is immediately attended and addressed within 24 hours (all minor pinhole leakages are closed with 24hrs) and the unit has taken measures to restore the area as so to prevent any public outcry. Thus the allegation of the Applicant pertaining to frequent gas and oil leakages are false.

11. The Applicant's averments at para 7 and 8 relating to accidents and disasters occurring in the KG Basin (Krishna- Godavari Basin) are not admitted. It is important to note that the KG Basin is one the high pressure zone in the world where small pools of natural gas and crude oil are available with very high pressure. As such, the behaviour of the reservoir is very unpredictable, thereby leading to accidents which are duly reported to the concerned Government Authorities. A Disaster Management Plan is in place and there is a well-established protocol for handling any disasters/ accidents such as


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

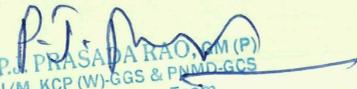
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P.J. PRASADA RAO GM (P)
I/M. KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC. RJY ASSET
RAJAHMUNDRY-533 106.

- i. Patrolling the pipeline networks through three-tier system, namely, (1) Special Protection Force (2) Production teams and (3) Crisis Management Team on 24X7 basis for monitoring the wells to avoid any untoward incident.
- ii. Display of dos and don't s at all well sites and nearby places for creating awareness among public.
- iii. The Asset has 24X7 toll free helpline No. 1800-425-7535 to ensure safety and security of pipelines.
- iv. The Fire stations are always continuously available

12. The allegations made in para 9 of the O.A are denied. It is an admitted fact that the District authorities and representatives of Director of Mines and Geology do visit the installations and the facilities of the Respondent ONGC and give suggestions for betterment of the facilities and for fire safety measures, which are meticulously followed by the ONGC. **Annexure- 13 & 19** are the examples of the fire safety measures taken up by ONGC.

13. The averments at para 10 of the O.A that ONGC is causing Environment pollution/disaster such as damaging coast line, discharging polluted water into Bay of Bengal & water bodies is baseless, false and are denied. The Applicant is put to strict proof of the photographs presented on this issue. ONGC has 5 number of ETP's (Effluent Treatment Plants) at various location spread across East Godavari, West Godavari & Krishna District. All the 5 ETPS are capable of handling the effluents produced from the oil & gas producer wells and they process the effluents to permissible limits prior to dispatch of the treated effluents into the disposal wells. Out of 5 ETPs, the outlet line of 4 ETP's are connected directly to effluent disposal wells, whereas only 1 ETP i.e. Kesinapally ETP is having the provision to release the treated effluents into Bay of Bengal, which is monitored on round the clock basis. The Details of flow lines in Kesanapalli Field is filed as **Annexure- 11**. The Kesanapalli GGS is located near the sea shore and hence ONGC has obtained required statutory consent orders for 'Marine Disposal' of the treated effluents released from Kesanapalli ETP. It is pertinent to note that the Joint Committee has observed in its report that the Kesanapalli unit had obtained CRZ clearance for laying of pipelines. Prior to dispatch of the treated effluents, the quality parameters of the effluents are maintained as per the Pollution Control Board Standards. The photographs at page no. 25 of the O.A are grossly misconceived as the said photographs cannot determine whether there is any continuous discharge of effluent to Sea/water bodies on regular basis. The Inlet and Outlet parameters of effluents treated at Kesanapalli ETP from 2018 to 2021 is filed as **Annexure- 14**.


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

X

P. PRASAD RAO, GM (P)
I/M, KCP (W)-GGS & PMD-GGS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

From the records of Kesanapalli ETP Effluent parameters, it can be observed that the parameters are always within the permissible limits before disposal into the sea.

14. The allegations made by the Applicant at para 11 of the O.A that ONGC has been releasing polluted blackish water into open lands, water bodies resulting water pollution and that the black colour water has been lying near the villages have become threat for the livestock and that the underground getting polluted due to the discharge of polluted water are denied and are subject to proof by the Applicant. The averments at para 12 of the O.A that ONGC and GAIL are extending their activities and its officials come to an agreement separately with affected farmers and while laying the pipeline and during the leakage/ accidents, the entire farm gets damaged are false and misleading statements and the same is not admitted. All measures as illustrated in the above paras clearly show that preventive steps/mechanism is in place for deducting leakages from the pipelines as they are fully monitored 24x7 and if there is any leakage deducted/noticed the same shall be arrested by the ONGC within span of 30 minutes and damages, if any, caused are examined by the District Authorities and compensation are paid under the supervision of the District Authorities.

15. The Applicant has averred at para 13 of the O.A that ONGC has been using lands of farmers in Survey No. 929/1, 929/2 at Odalarevu village of Allavaram Mandal, in East Godavari district. Applicant has given some data without the name of the actual owners who suffered for not paying the compensation. As per the records of ONGC there is no such complaint made by any land owner who is otherwise entitled for the compensation and not received the same. ONGC has been making regular payments to the farmers/ land owners against various heads discussed set out below among others:-

- i. Land Lease amounts on Half/Yearly basis.
- ii. Crop Damage compensation as per the incident(Pipe line leaks)
- iii. ROU (Right of use) payments as per the admissibility (State Govt. guidelines)

The details of Compensation paid to the farmers for pipeline leakages by the ONGC from the year 2016 to 2020 is filed as **Annexure-12**. Even otherwise, ONGC is open to examine if any specific case, if brought in the proper grievance mechanism with supporting documents in case, any farmer/owner has not been in receipt of such compensation/lease payments. Any compensation either for the damages for the crop or structure or the trees are evaluated by the District Authorities of the Revenue Department and as per their report and recommendations, the compensation is paid to the District authority, who will disburse the same to the


BARLA SRINIVAS
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.


P. PRASAD, BAO, EM (F)
I/M, KCP (W) GGS & PNMD-GCS
Area-1, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

concerned land owner who is entitled to. As such, the ONGC has no direct contact with the farmers or land.

16. The Applicant has averred at para 14 of the O.A about the massive explosion at Nagaram Village on 27.6.2014 due to GAIL gas pipeline leakage. This issue is not pertaining to ONGC and is related solely to GAIL and as such no comments are offered. The Applicant has stated various newspapers reports pertaining to various timelines. This Respondent has no specific comment or reply to make on these Newspaper reports. However, it is important to note that the Joint Committee in its report at para no. 5 has reported that the Committee visited two sites where previously accidental leakage took place, i.e., Kesanadasipalem and Nagaram; that it was observed that the area wherein previously accident took place was completely restored; that there was no leakage in the pipelines and no odour nuisance and VOC monitoring was also under the correct level. It was also concluded by the Committee that Sediment samples collected from Nagaram & Kesanadasipalem area where major accidents are reported to have taken place were analysed and the results were compared with soil screening values for agricultural purposes as per "Guidance document for assessment and remediation of contaminated sites" and it was found that the sites are not contaminated. It is important to note that during accident site visit by the Committee, it was observed that plantation has come up in the area.

17. The contents of para 15 of the O.A are denied. As stated in the above paragraphs, several pipelines have been replaced and safety and corrective measures are put in place to monitor any such leakages that may occur in the pipelines. The following table below, show as to the replacements done in respect of the pipelines network of Rajahmundry Asset in the last 10 yrs.

Details of Pipe line network of Rajahmundry Asset (Last 10 years)				
SL NO	YEAR	REPLACEMENT in KMS	NEW pipe for the cluster wells(in KMS)	TOTAL
1	2010-11	3.756	70.482	74.238
2	2011-12	4.1	23.24	27.34
3	2012-13	38.55	12.19	50.74
4	2013-14	60.43	37.1	97.53
5	2014-15	26.42	11.9	38.32
6	2015-16	23.05	5.3	28.35
7	2016-17	39.36	28.66	68.02

Barla Srikant
BARLA SRIKANT
 ADVOCATE
 # 77-3-33/8, Katari Gardens,
 RAJAHMUNDRY 533 102

P.J. Prasad
P.J. PRASADA BAO, GM (P)
 I/M, KCP (W)-GGS & PNMD-GCS
 Area-I, Surface Team
 ONGC, RYJ ASSET
 RAJAHMUNDRY-533 106.

8	2017-18	64.917	29.791	94.708
9	2018-19	6.862	48.119	54.981
10	2019-20	14.455	37.511	51.966
11	2020-21	0.3	13.137	13.437
TOTAL		282.2	317.43	599.63

Hence, it can be observed that pipeline replacements with new pipelines covering a distance of 599.63 Kms have been done by this Respondent in a systematic manner. Therefore, the Applicant's allegations that old pipelines have not been replaced is false and misleading. Moreover, the Joint Committee has positively observed that this Respondent has incorporated the upgraded technology of using 3 LPE pre-coated pipes as they are stronger, and thus external corrosion of the pipelines have been minimized.

18. The Applicant has averred at para 16 of the O.A that the onshore and offshore activities of drilling by ONGC is causing vibrations, noise, change in sea line and level of water is increasing at shore is baseless and denied. Further, it was alleged that ONGC contractors are extracting large scale sand causing damage to the beach. This Respondent states that there is no documentary evidence furnished by the Applicant to substantiate the above mentioned allegations against the Applicant and the Applicant has simply chose to make those allegations without any proof of the same. ONGC has only procured the sand as per its requirements in the Odalarevu plant area, following the due process and approval of the Government of Andhra Pradesh and therefore, the allegations that illegal sand excavation has been done by ONGC is false. ONGC has in fact gone for the tender to procure sand from registered and approved agency of the Government of Andhra Pradesh and procured the sand through due process and after payment of requisite fee. Hence, the allegations made by the Applicant are baseless and are denied.

19. The Applicant has averred at para 17 of the O.A that on the directions of the Hon'ble High Court of Andhra Pradesh in WP.No. 13341 of 2008, a committee was constituted to study the geological impact of drilling in KG basin by ONGC. This Respondent respectfully submits that the allegations made by the Applicant are not correct but misleading. The said Writ Petition No. 13341/2008 was filed by Krishna Godavari Parirakshana Samithi before the Hon'ble High Court of Andhra Pradesh at Amaravati seeking for a direction declaring the action of the Respondents in not considering the issue of subsidence and other geo-hazards due to large scale exploitation of oil and natural gas in Krishna-Godavari Basin of Andhra Pradesh as


BARLA SRIKANTH
 ADVOCATE
 # 77-3-33/8, Katari Gardens,
 RAJAHMUNDRY-533 103.

X

P.J. PRASADA RAO, GM (P)
 I/M, KCP (W)-GGS & PNMD-GCS
 Area-I, Surface Team
 ONGC, RJY ASSET
 RAJAHMUNDRY-533 106.

unconstitutional and consequently, direct the Respondents to take up measures to deal with these geo hazards like the subsidence which will be caused by the exploitation of oil and natural gas after declaring that of the issue of subsidence in KG basin due to extraction of oil and natural gas is to be tackled forthwith. Thereafter an expert Appraisal Committee was set up by the Hon'ble High Court of Andhra Pradesh to undertake field inspection and then submit its report. Accordingly, in compliance of the said directions of the Hon'ble Court, the committee, after undertaking field inspection had submitted its report as under :

"There is no direct evidence available to the Committee to indicate any land subsidence in the gas field or the adjoining areas in the KG Basin. From geological considerations also, this region does not appear to be prone to significant land subsidence. It is however suggested that an expert organization like the Indian School of Mines may be entrusted with a detailed study on the existing or likely land subsidence in this region."

The Hon'ble High Court of Andhra Pradesh upon examining the report of the committee, by order dated 23.06.2014 this Hon'ble Court was pleased to direct this respondent (ONGC) to respond to the recommendations in the Report of the Expert Appraisal Committee appointed by the Ministry of Environment and Forest (MoFE), Government of India and to take action based on the recommendations and measures suggested by the said Committee. Subsequently, the Delta Studies Institute, Andhra University, Visakhapatnam has conducted an elaborate study in terms of the given scope of work and submitted interim reports with the main conclusion as stated below:

"There is no specific trend of subsidence observed in the study area even at / near producing wells. Hence there is no relation of subsidence with respect to extraction of oil & gas in the KG Basin.

The salinity increase is due to mixing of marine water with groundwater due to back/ tidal waters/ aqua culture ponds/ excess sand mining from the river beds."

Thus, it can be seen that there is no relation to the land subsidence with respect to extraction of oil & gas in KG Basin, by the ONGC, Rajahmundry Asset. Therefore, the allegations made by the Applicant are misleading and far from truth.

20. The allegations made by the Applicant at para 18 of the O.A that the conditions imposed in the Environment clearances by MoEF and Consent for Establishment were not properly implanted by GAIL and ONGC are false and are denied. The

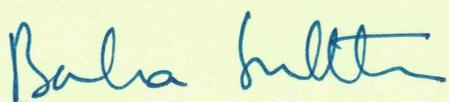

BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

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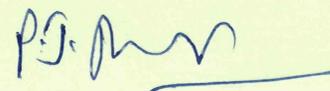
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P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

allegations that massive expansion was conducted without paying proper compensation, rehabilitation & resettlement and not implementing the assurances made during the Public hearings are not admitted. Expansions are carried out by the ONGC after public hearing in the presence of district authorities. The Applicant's allegation that no implementation mechanism or monitoring mechanism for proper implementation of mandatory conditions imposed by Statutory authorities are denied. The Respondent states that DGMS (Director General Of Mine Safety), OISD (Oil Industry Safety Directorate), QHSE (Quality, Health, Safety and Environment) Audits are carried out by ONGC through the assistance of third parties to ensure that there is regular monitoring mechanism. Also, ONGC employs a standard fire safety mechanism within its units. The Certificate for fire safety and fire prevention services implemented in ONGC, Rajahmundry Asset is filed as **Annexure-16**. The Applicant has also alleged that there is blind approval by MoEF, APPCB without cross checking/verification is false and baseless. It is pertinent to note that the statutory authorities carry out field inspections and survey before granting the required approvals. Also, there are regular inspections carried out by the statutory authorities to ensure that the ONGC units are complying with the conditions required for operation of units.

21. The averments at para 19 and 20 of the O.A are not admitted. The Applicant has alleged that ONGC and GAIL have been spending huge money under Corporate Social Responsibility as per sustainable development principles but the money sanctioned by them are going into the pockets of Politicians of ruling party whoever in power and that the Crores of rupees released under CSR scheme are either siphoned or partially spent and the majority of the funds are misused. These allegations are false, baseless, alleged with a malafide intention and are not admitted. ONGC has developed this Corporate Social Responsibility (CSR) and Sustainability Policy in consonance with the CSR Policy framework enshrined in the section-135 of Companies Act, 2013 (Act) and in accordance with the Companies (CSR Policy) Rules, 2014 (Rules) notified by Ministry of Corporate Affairs, Government of India and Guidelines on Corporate Social Responsibility and Sustainability for Central Public Sector Enterprises issued by Department of Public Enterprises, Government of India (DPE Guidelines, 2014) which are effective from 1st April 2014. The CSR funds are spend to the welfare of the areas of operations and for the upliftment of the socially disadvantaged classes of the society in the areas of operations. As such the allegations made in the paras 19 and 20 are baseless and denied. It is to be noted that the Joint Committee appointed in the present case had visited several villages and residential areas and had also


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.

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X 
P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

appreciated the CSR activities under taken by ONGC in and around the operational areas of ONGC.

22. The averments made in para 21 and 22 of the O.A are a matter of record and hence no comments are offered. The allegations made by the Applicant at para 23 of the O.A are not admitted. Applicant states that his case is similar to certain other cases with respect to large extent of pipelines are very old; Erosions and cracks in pipelines and Lack of adequate maintenance causing gas leakage. These are baseless allegations without any proof. Elaborate explanations regarding the safety measures taken up by ONGC for the protection of the pipelines are stated in the previous paragraphs.

23. The averments made in para 24 and 25 of the O.A are a matter of record and hence no comments are offered. The allegations made in para 26 of the O.A are denied. Elaborate explanation has been given above at para 19 of this counter statement, wherein a detailed study was undertaken for study of pollution, damages to the environment and subsistence in KG Basin. It was also reported that the ONGC has complied with the directions of the Hon'ble High Court of Andhra Pradesh and the Ministry of Environment & Forests and there is no relation to the land subsidence with respect to extraction of oil & gas in KG Basin, by the ONGC.

24. The averments at para 27 of the O.A are denied. The Applicant has alleged that ONGC has made blatant violation of CRZ Notification by causing damage and rise of sea level, drilling in sea, extracting sand from beach, laying of pipelines in sea and by discharging polluted water. This Respondent denies all these allegations and the Applicant is put to strict proof of the same. ONGC has been carrying out development drilling of 72 wells (East Godavari(48 wells), West Godavari(10 wells) and Krishna Districts(14 wells)) in the Krishna- Godavari Basin. CRZ clearance has been obtained for Marine disposal of treated effluent from Kesanapalli ETP pipeline. Also, the Consent to Operate orders from APPCB is obtained for all operational installations. All the stipulated conditions of Consent Orders are duly followed. Environment Quality Monitoring is conducted by third party periodically. Various studies including Ambient Air Quality Monitoring, VOC Monitoring, Noise Monitoring, DG Stack Monitoring, etc are carried out in a systematic and regular manner.

25. The Applicant has listed the grounds of the O.A at para 28 of the O.A, and the same has been replied by this Respondent as follows:


BARLA SRIKANTH
ADVOCATE
77-3-33/8, Kalari Gardens,
RAJAHMUNDRY-533 103.

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x 
P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

S.No	GROUNDS IN O.A	ONGC'S REPLY
1	Activities of ONGC and GAIL are severely causing damage to the ecology, biodiversity, agriculture lands, sea beaches and people living in the area.	There is no cogent proof on the said allegation. The said statements are contradictory to committee report.
2	Incidents of Gas leakages in pipelines have been continuously taking place resulting panic among the people of East Godavari district as there were massive blowouts, gas fire accidents earlier occurred in the region resulting deaths of tens of people and massive damage to environment, agriculture, biodiversity etc.	Leakages in pipelines are monitored by the ONGC and an elaborate explanation on the measures taken by ONGC in this regard is given at para 9, 10 & 14. The Committee has also reported that any leakages or accident outside the unit premises in farmers land is immediately attended and addressed within 24 hours (all minor pinhole leakages are closed with 24hrs) and the unit has taken measures to restore the area as so to prevent any public outcry.
3	Because there has been no independent monitoring mechanism in the Krishna Godavari Gas & Oil basin of Andhra Pradesh, the Oil companies are not regularly verifying the status of Pipelines whether they are intact or not, any erosion, cracks have come in the pipelines. This has resulted regular gas leakages.	DGMS, OISD, QHSE Audits are conducted regularly by third party recognised and NABL accredited agencies. ONGC also maintains regular In house department health safety and fire safety Audits.
4	Because the activities are contrary to Water Act,1974, Biodiversity Act of 2002 as well as the standards specified under the Environment Protection Rules, 1986.	Blatant and baseless allegations made against ONGC without any proof.
5	Because this Hon'ble Tribunal in O.A.No. 43 & 44 of 2020 (EZ) and O.A.No. 66 of 2020 (SZ) has interfered into the environmental violations/ disasters caused by ONGC and Oil India Company. That in the present case also large scale irreparable damage has been causing to environment, biodiversity, Sea, beach etc.	False and baseless ground taken by the Applicant.
6	Because the Respondent No. 3 & 4 are not taking proper precautionary measures. That the Oil companies have been allotting the maintenance works to third	The Applicant has made incorrect statements about the precautionary and safety measures taken by ONGC. The works that are allotted to third parties are recognised and

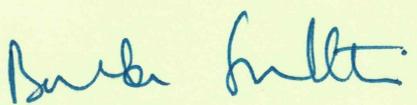
Bala Srikanth
BALA SRIKANTH
 ADVOCATE
 # 77-3-33/8, Katari Gardens,
 RAJAHMUNDRY-533 106

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P.J. Prasad
P.J. PRASADA RAO, GM(P)
 I/M, KCP (W)-GGS & PNMD-GCS
 Area-I, Surface Team
 ONGC, RJY ASSET
 RAJAHMUNDRY-533 106.

	parties. But they are not verifying whether the third party is doing their responsibility properly or not.	accredited by the concerned boards of the Government.
7	Because the effluents are generated from the refineries and other gas & oil production units are not properly treated either at the plant or at the Effluent Treatment Plants. The polluted water has been discharging in the open lands, ponds. This has become threat to livestock and causing ground water pollution.	Committee report has observed that the parameters of the treated effluents disposed by the ONGC are within the standards and there is no ground water contamination near the ONGC plants.
8	Because the funds allotted under Corporate Social Responsibility for taking up various welfare measures of the affected people in East Godavari, West Godavari districts are diverted/misused by self interested persons. That the nexus between the local officials of ONGC, GAIL and Politicians has resulted wastage of public funds. That several water plants, developmental works initiated with CSR funds are not properly done. Most of the works are left without completion.	These are false and misleading statements made against ONGC. CSR funds are forwarded to the State Government and dispersing of the same is handled by them. ONGC's role in dispersing of CSR funds is very minimal.
9	Because the compensation, rehabilitation and resettlement for the affected farmers, villagers, land losers is not being paid by Respondent No.3. The Respondent is not taking action on the directions of the District collector of East Godavari for the payment of compensation to the land losers.	This Respondent has been following the statutory provisions in case of compensation, rehabilitation and resettlement with the aid of State Government.
10	Because the Respondent No. 3 & 4 have not learnt lessons from the Blowouts, massive gas leakage at Nagaram village in East Godavari district. Except providing compensation to diseased persons, the Respondents have not taken measures assured at the time of accident.	These are blatant and false allegations against this Respondent without any cogent proof.


BARLA SRIKANTH
 ADVOCATE
 # 77-3-33/8, Katari Gardens,
 RAJAHMUNDRY-533 103.

X 
P. J. M. RAO, GM (P)
 I/M, KCP (W)-GGS & PMMD-GCS
 Area-I, Surface Team
 ONGC, RJY ASSET
 RAJAHMUNDRY-533 106.

A detailed statement of Objections has been filed in respect of the Report of the Committee; the same may be read as part and parcel of the present Counter.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above OA with cost and pass such further or other orders as this Hon'ble Tribunal may deem fit in the facts and circumstances of this case and thus render justice.

Dated at Rajahmundry this the 19th day of July, 2021.

Counsel for Respondent



Respondent

P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GGS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.

VERIFICATION

I, Pidikiti Jawahara Prasada Rao, son of Sri. Venkata Seshaiyah, aged 56 years, Indian, having office at ONGC, Rajahmundry Asset , East Godavari District, Andhra Pradesh and resident of Rajahmundry, do hereby declare and verify that what are stated in the above Counter Statement at paras 1 to 25 are all true to the best of my knowledge and belief.

Dated at Rajahmundry, this the 19th day of July 2021.

Counsel for Respondent



Signature of Respondent

P.J. PRASADA RAO, GM (P)
I/M, KCP (W)-GGS & PNMD-GCS
Area-I, Surface Team
ONGC, RJY ASSET
RAJAHMUNDRY-533 106.



BARLA SRIKANTH

ADVOCATE

77-3-33/8, Katari Gardens,
RAJAHMUNDRY-533 103.