

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

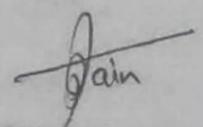
3. Oil and Natural Gas Corporation Ltd.
Represented by its Chairman
Deendayal Upadhyaya Urja Bhavan,
5, Nelson Mandela Marg,
Vasant Kunj
New Delhi-110070
E-mail: ongcdelhicc@ongc.co.in
Phone: 011-26752021, 26122148

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

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,
Guntur,

B. Srinanth
B. Srinanth
p. 11-3-346 Katari Gardens,
RAJAHMUNDRY-533 103



NILESH JAIN
EE (ENV)-ASSET HSE
ONGC, RAJAHMUNDRY ASSET

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

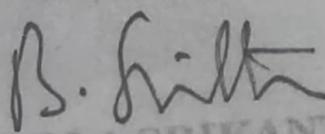
8. Director General Fire Services
Office of the Director General, State
Disaster Response & Fire Services
Department, Near Police Control Room,
Governorpet Vijayawada,
Andhra Pradesh-534006
E-mail: peshi_apfire@yahoo.com,
Ph: 0866-2570101

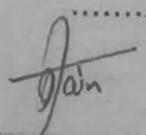
9. Andhra Pradesh Police Department
Represented by its DIG of Police
Eluru Range, Eluru,
Andhra Pradesh-522501
Phone : 9490618572,
E-mail: dgp@appolice.gov.in

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


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

.....Respondents

NILESH JAIN
EE (ENV)-ASSET HSE
OMGC, RAJAHMUNDRY ASSET

ADDITIONAL AFFIDAVIT FILED BY THE 3RD RESPONDENT (ONGC)

I, Nilesh Jain, son of Shri Tejkumar Jain aged 34 years, Indian, having office at Rajahmundry, do hereby solemnly affirm and sincerely state as follows:

1. I am an Authorized Representative of 3rd Respondent Company herein working as Executive Engineer(Environment) and I am well acquainted with the facts and circumstances of the case. I am duly authorized to file the present affidavit. In furtherance to the permission granted by this Hon'ble National Green Tribunal vide order dated 24.03.2022 on filing an additional affidavit with respect to the correction to be carried out to the objections to committee report dated 19.07.2021 filed by ONGC, the present additional affidavit is being filed.

2. The Respondent ONGC has filed their objections to the Joint Committee's report dated 19.07.2021. It is pertinent to note that in the said objections, at para no. 6.3.5 and 6.3.6, it was stated, as follows:

"6.3.5. It is also important to note that the APPCB was regular in conducting its inspections and analysis at the Respondent units. Annexure- 43 is a proof for the same. It is a communication from APPCB to ONGC seeking payment of analysis charges, which proves that APPCB regularly inspects the Respondent units and is aware of the Respondent's activities. Recently in November 2020, the Environment Engineer RO, Kakinada suggested to apply for separate CFO for marine disposal of treated effluent from New ETP of Kesanapalli GGS. As suggested by APPCB, Kakinada, separate CFO application (Application no. 1468310) for Marine disposal for treated effluent from Kesanapalli-W ETP was also applied on 3.12.2020 and ONGC has paid Rs 78,000 on 3.12.2020 to APPCB, Regional office, Kakinada. The online payment receipt for the same is filed as Annexure-44.

6.3.6. Further, ONGC received another mail dated 29.12.2020 (Annexure-45) from APPCB seeking for CFE payment of Rs.1,52,000/- for processing the CFO for the marine disposal for the Kesanapalli-w ETP and for the increased investments. The Respondent paid the additional fees sought by APPCB and communicated the same through its letter dated 31.12.2020 (Annexure- 46). The said CFO application is pending before the APPCB, Head office, Vijayawada. Though the existing CFO is valid upto 31.07.2023, on the suggestion of APPCB we have also written a letter to APPCB, RO, Kakinada seeking amendment in Kesanapalli GGS CFO to reflect all the changes in the infrastructure. Thereafter, on 04.01.2021 a letter from APPCB to ONGC (Annexure- 47) on CFO and CFE related issue with respect to Kesanapalli GGS was received. The Respondent replied to the said letter from APPCB through its letter dated 07.01.2021 (Annexure- 48)."

3. During the discussions with the counsel for making submissions in the final hearing, it came to light that the said CFO application made on 3.12.2020 by ONGC for marine disposal was actually not pending before the APPCB, Head Office, Vijayawada but has already been rejected vide APPCB's letter dated 09.03.2021. The statement made in the objections filed by ONGC that the CFO application is

pending was a mistake that crept in due to communication gap among the concerned officers of the Respondent company. Since the same statement by ONGC was adopted in the Respondent's Status cum compliance report dated 04.01.2022, the status of CFO for marine disposal was stated as pending at point 2 of the Respondent's Status cum compliance report at page no.6, which also requires a correction.

4. The above error crept in due to communication gap between concerned officers of the Respondent ONGC and the same was due to inadvertence. Both the Objections to committee report and the compliance cum status report filed by ONGC was signed by the representative of ONGC's Surface Section whereas the issue of application, renewal of CFO and other related activities were dealt by the Health Safety and Environment Section with time to time interaction with Surface Team. It is submitted that the Respondent have made the above said error due to oversight and communication gap between the concerned officers and seeks for an apology for the same.

It is therefore prayed that this Hon'ble Tribunal be pleased to rectify the mistake made by the Respondent and permit the Respondent ONGC to amend

(i) Respondent's objections to Committee report dated 19.07.2021 at Para 6.3.6. as

"6.3.6. Further, ONGC received another mail dated 29.12.2020 (Annexure-45) from APPCB seeking for CFE payment of Rs.1,52,000/- for processing the CFO for the marine disposal for the Kesanapalli-w ETP and for the increased investments. The Respondent paid the additional fees sought by APPCB and communicated the same through its letter dated 31.12.2020 (Annexure- 46).

The said CFO application was subsequently rejected by APPCB, Head office, Vijayawada vide their letter dated 09.03.2021. *Though the existing CFO is valid upto 31.07.2023, on the suggestion of APPCB we have also written a letter to APPCB, RO, Kakinada seeking amendment in Kesanapalli GGS CFO to reflect all the changes in the infrastructure. Thereafter, on 04.01.2021 a letter from APPCB to ONGC (Annexure- 47) on CFO and CFE related issue with respect to Kesanapalli GGS was received. The Respondent replied to the said letter from APPCB through its letter dated 07.01.2021 (Annexure- 48)."*

Instead of

*" 6.3.6. Further, ONGC received another mail dated 29.12.2020 (Annexure-45) from APPCB seeking for CFE payment of Rs.1,52,000/- for processing the CFO for the marine disposal for the Kesanapalli-w ETP and for the increased investments. The Respondent paid the additional fees sought by APPCB and communicated the same through its letter dated 31.12.2020 (Annexure- 46). **The said CFO application is pending before the APPCB, Head office, Vijayawada.** Though the existing CFO is valid upto 31.07.2023, on the suggestion of APPCB we have also written a letter to APPCB, RO, Kakinada seeking amendment in Kesanapalli GGS CFO to reflect all the changes in the infrastructure.*

Thereafter, on 04.01.2021 a letter from APPCB to ONGC (Annexure- 47) on CFO and CFE related issue with respect to Kesanapalli GGS was received. The Respondent replied to the said letter from APPCB through its letter dated 07.01.2021 (Annexure- 48).”

(ii) Respondent’s Status cum compliance report dated 04.01.2022 at point 2 at page no.6 under the column, “remarks” as
“.....Further, ONGC received another mail dated 29.12.2020 (Annexure-45) from APPCB seeking for CFE payment of Rs.1,52,000/- for processing the CFO for the marine disposal for the Kesanapalli-w ETP and for the increased investments. The Respondent paid the additional fees sought by APPCB and communicated the same through its letter dated 31.12.2020 (Annexure- 46). **The said CFO application was subsequently rejected by APPCB, Head office, Vijayawada vide their letter dated 09.03.2021.** Though the existing CFO is valid upto 31.07.2023, on the suggestion of APPCB we have also written a letter to APPCB, RO, Kakinada seeking amendment in Kesanapalli GGS CFO to reflect all the changes in the infrastructure.”

Instead of

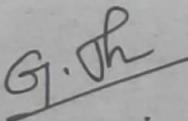
“Further, ONGC received another mail dated 29.12.2020 (Annexure-45) from APPCB seeking for CFE payment of Rs.1,52,000/- for processing the CFO for the marine disposal for the Kesanapalli-w ETP and for the increased investments. The Respondent paid the additional fees sought by APPCB and communicated the same through its letter dated 31.12.2020 (Annexure- 46). **The said CFO application is pending before the APPCB, Head office, Vijayawada.** Though the existing CFO is valid upto 31.07.2023, on the suggestion of APPCB we have also written a letter to APPCB, RO, Kakinada seeking amendment in Kesanapalli GGS CFO to reflect all the changes in the infrastructure.”

and thus render justice.

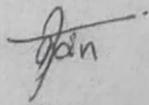
VERIFICATION

I, Nilesh Jain, son of Shri Tejkumar Jain aged 34 years, Indian, having office at Rajahmundry, residing at ONGC Colony Rajahmundry do hereby declare and verify that what are stated in the above Compliance report are all true to the best of my knowledge and belief.

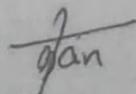
Dated at 20, this the Wednesday of April, 2022.



Counsel for the Respondent



Respondent
NILESH JAIN
EE (ENV)-ASSET HSE
ONGC, RAJAHMUNDRY ASSET



Respondent
NILESH JAIN
EE (ENV)-ASSET HSE
ONGC, RAJAHMUNDRY ASSET