

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No.73 of 2021 (SZ)**

IN THE MATTER OF:

Visakha Pawan Praja Karmika  
Sangham, Andhra Pradesh

...Applicant

:Vs:

1. Union of India  
Rep. by its Secretary,  
Ministry of Environment, Forest & CC  
Indira Paryavaran Bhavan,  
Jorbagh, NewDelhi-110 003
2. Union of India  
Rep. by its Secretary  
Ministry of Petroleum & Natural Gas,  
Sastry Bhavan, New Delhi-1
3. Central Pollution Control Board  
Rep. by its Chairman  
Parivesh Bhavan,  
East Arjun Vihar, New Delhi-110 032
4. State of Andhra Pradesh  
Rep. by its Chief Secretary,  
Government Complex,  
Velagapudi, Guntur District  
Andhra Pradesh-522 503
5. Andhra Pradesh Pollution Control Board  
Rep. by its Member Secretary,  
D.No.33-26-14/D2  
Near Sunrise Hospital, Pushpa Hotel Center  
Chalamvari Street, Kasturibaipet  
Vijayawada, Andhra Pradesh-520 010
6. District Collector and Magistrate  
Main Road, Krishna Nagar,  
Maharani Peta, Vishakhapatnam  
Andhra Pradesh-530 002.
7. M/s.Hindustan Petroleum Corporation Limited  
Rep. by its Chairman & Managing Director  
Malkapuram Post, Vishkhapatnam  
Andhra Pradesh-530 001

...Respondents

**MEMO FILED ON BEHALF OF HINDUSTAN PETROLEUM  
CORPORATION LIMITED – 7<sup>th</sup> RESPONDENT**

The Advocate for the above named 7<sup>th</sup> Respondent humbly submits as follows:

1. The above Original Application O.A.No. 73 of 2021 is filed by Visakha Pawan Praja Karmika Sangam against the Respondents with the following main prayer:
  - i. Appoint a Committee consisting of experts from pollution control, health such as King George Hospital of Vizag/ AIIMs Delhi to conduct the factual inspection at the Respondent Industry and its surroundings to find the causes and impact of Air pollution, Odour nuisance, water pollution etc and remedial measures as it was done in the case of OA No. 738 of 2018 Satpal Singh, Sarpench, Gram Panchayat, Singhpura Sithna, Panipat Vs Indian Oil Corporation Ltd. Panipat Refinery by the Principal Bench of this Hon'ble Tribunal.
  - ii. Direct the Respondents to implement the recommendations of Indian Institute of Science Bangalore in regard to the Odour Nuisance causing in Visakhapatnam of Andhra Pradesh
  - iii. Direct the Respondents of State to provide appropriate health, safety measures to the residents living near the refinery who are aggrieved by the pollution, odour nuisance caused by the industry,
  - iv. Pass any such order as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
  
2. As per order dated 25.02.2021, this Tribunal had admitted the matter without giving opportunity to this Respondent and had appointed a Joint Committee comprising of (1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC) Integrated, Regional Office, Chennai, (2) a Senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Chennai , (3) a Senior Scientist having some experience in Petroleum Pollution from Andhra Pradesh State Pollution Control Board (APPCB) and (4) a Scientist having experience in Petro-Chemical activities from Indian Institute of Chemical Technology (IICT) under the Council of Scientific & Industrial Research (CSIR), Hyderabad to inspect the unit in question and submit a factual as well as action taken report, if there is any violation found.

3. The joint committee has filed the report dated 17.06.2021 to NGT without serving copies to this answering Respondent or to their advocates and the report was also not uploaded by NGT till the hearing dated 17.09.2021. However, the joint committee report dated 17.06.2021 was taken on record by NGT on 17.09.2021 and the following orders were passed:

*“11. So, under such circumstances, we direct the Committee to revisit those aspects and submit a further report incorporating their suggestions and recommendations on the basis of the observations made by this Tribunal.*

*12. The MoEF&CC as well as Andhra Pradesh Pollution Control Board are directed to file further action taken report on the basis of the violations noted by them, which they are expected to take as a regulator under the respective statutes and notification. They are also directed to file further action taken report to this Tribunal before the next hearing date.*

*13. The Committee as well as MoEF&CC and Pollution Control Board are directed to file their further reports to this Tribunal on or before 12.11.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.*

*14. The parties are at liberty to file their objections, if any, to the Committee reports within 3 weeks and submit a copy of the same to the members of the Committee, so that they can go through the same and submit their views on the same while submitting further report as directed by this Tribunal.*

4. Thereafter, on 18.09.2021 NGT had uploaded the Joint committee report dated 17.06.2021 wherein the joint committee index page shows that 22 documents in 395 pages have been filed. But the uploaded report contains only 338 pages. We had informed the registry of National Green Tribunal, Southern Zone Chennai twice about the missing pages and have requested them to upload the joint committee report containing 395 pages.
5. It is further submitted that on 28.09.2021, an email communication was also sent to [judicial-ngtsz@gov.in](mailto:judicial-ngtsz@gov.in), [ngtszvc@gmail.com](mailto:ngtszvc@gmail.com) informing of the missing pages of the report

and requesting to upload the full report containing 395 pages. We had also attached with the request mail the joint committee report downloaded from NGT website containing 338 pages along with NGT order dated 17.09.2021. As of now, the entire report is neither rectified nor uploaded in the website.

6. Without the Full joint committee report dated 17.06.2021, HPCL the 7<sup>th</sup> Respondent herein are unable to file their objections within the time specified (3weeks) by the Hon'ble Tribunal vide order dated 17.09.2021.
7. Due to the reasons stated above, Hon'ble Tribunal may extend the 3 weeks' time accorded to the 7<sup>th</sup> Respondent to file objections by a further period of 3 weeks from the date of uploading the full Joint Committee report dated 17.06.2021.
8. The copy of the order dated 17.09.2021, Joint committee report dated 17.06.2021 containing 338 pages and the request e-mail sent to the registry are attached along with this memo.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to record the memo filed on behalf of the 7<sup>th</sup> Respondent and direct the registry to upload the full and final joint committee report dated 17.06.2021 containing 395 pages at the earliest and extent the time period accorded to the 7<sup>th</sup> Respondent to file objections and thus render justice.

Dated at Chennai on this the 13<sup>th</sup> day of October 2021.

**King & Partridge**



**Partner**

Advocates for 7<sup>th</sup> Respondent