

Presented on: 22/01/2022

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL SOUTHERN ZONE
AT CHANNAI

O.A.NO : 265 of 2017 (SZ)

N G Soman : Applicant

Vs

Bharath Petroleum : Respondents
Corporation Ltd, Kochi
& Other

ARGUMENT NOTE FILED BY THE
APPLICANT IN OA NO:265/2017(SZ)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE AT CHENNAI

Original Application No: 265 of 2017 (SZ)

N.G.SOMAN		Applicant
	Vs	
BHARATH PETROLEUM CORPORATION LTD, KOCHI and Others		Respondents

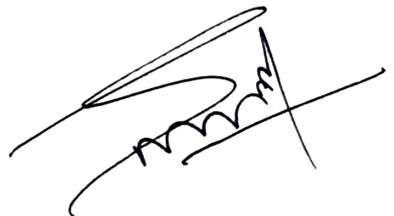
ARGUMENT NOTE FILED BY THE COUNSEL FOR THE APPLICANT IN

OA No:265/2017 (SZ)

1. It is submitted that along with the above matter connected cases are finally heard on 21.01.2022 and taken for orders. Unfortunately, due to technical glitches I could not able to attend the VC proceedings in time. Hence I am hereby filing this argument note for the appreciation of remedial measures sought in the above Original Application.
2. **The contentions of this Applicant as follows:-**
 - a. *Without complying the EC conditions respondent commissioned the plant.*
 - b. *There is no proper green belt maintained as the EC Conditions. {EC produced along with rejoinder as Annexure-A2}.*
 - c. *Applicant cause of action for filling the OA due to series of gas leakage accidents occurred in the Ambalamugal area.*
 - d. *Applicant never intended or sought reliefs under land acquisition. Applicant at no point of time sought such relief as argued by the respondent.*
 - e. *Applicant is aggrieved by the commission and operation of PDPP project of BPCL situated in 132.4 Acres of land only. The entire BPCL situated in 1310 Acres.*



3. The applicant apprehension is that the sulphar recovery unit, Oil distillation unit and hydrogen plants are situated very close proximity of the applicant residential building and kitchen area.
4. Without complying the EC conditions and basic safety measures like green belt, buffer zone etc the unit was commissioned and operating. The cause of action for filling the OA was due to series of gas leakage happened on 27/09/2016 and due to the gas leakage resulted in admitting more than 30 students to hospitals. Respondents did not taken any precautionary measures to reduce the emission of poisonous gases and other polluting articles.
5. The respondent BPCL is a RED CATEGORY industry hence the respondent No-1 are bound to strictly follow the EC conditions as well as the precautionary measures.
6. Applicant contentions are proven by the reply affidavit and follow up report submitted by the CPCB in OA No-17/2021 dated 08/03/2021 clearly demonstrate the volume of violation of conditions in environment clearance issued by the Respondent No-1.
7. It is submitted that as per the instruction from Central Pollution Control Board, the Kerala Pollution Control Board conducted a virtual meeting on 29/09/2020. During virtual meeting the Officials of Respondent No-1 BPCL-Kochi refinery submitted that till date the EC conditions regarding the Green belt was not complied and 40 Acres of land earmarked for green belt and around 8000 tree saplings were planted and moreover admitted that the grievance of the applicants are correct.



8. The Central Pollution Control Board conducted the physical inspection on the project site and reported a follow up report 29/12/2020; reported that during inspection it is confirmed that there is no proper green belt around the project site. To develop green belt as envisaged under the Environment clearance certificate there are several restrictions are prevailed including drawing of high tension power lines over the land earmarked for green belt as reported by the BPCL, inadequate space inside the project location, restrictions on account of some petroleum installations etc.
9. As per specific condition No-A-xxi in the EC [Annexure-A2]; it mandates that there should be a green belt at least 40 Acres of land in and around plant premises. The Respondent No-1 BPCL had submitted quarterly/yearly compliance reports regarding the compliance of Annexure-A2 EC conditions before respondent No-6. The compliance reports submitted by the Respondent No-1 BPCL for the last 3 years are contrary to the follow up report dated 29/12/2020 and reply affidavit filed in OA No-17/2021 by the CPCB.
10. It is submitted that as per the conditions stipulated in EC [Annexure-A2]; clearly mandates that the PDPP project site is situated in 132.4 Acres of land and out of which 40 Acres should earmarked for Green belt. It is also to be taken into account that the entire BPCL Ambalamughal is situated in 1310 Acres of land, out of which 33% or 40% is earmarked for the Green belt as reported by the BPCL. The specific condition of EC dated 12/05/2015 is that there should be a green belt in and around the plant premise of PDPP Project having plant area of 132.4 Acres and out of which 40 Acres should earmarked for Green belt. This condition was not complied by the respondents till date.



11. The applicant in this OA never ever made any contention regarding the acquisition of land as a pleaded by the respondent. By raising the contentions as to the intention of the Applicant is to pressurize the respondent BPCL to acquire their land is with some malafide intentions, so as to simplifying the pollutions i.e, Air, Water and Sound caused by the units in the Ambalamughal area.
12. The Pollution caused by the BPCL is not only causing harm to human beings but also to both flora and fauna, the water bodies, creature's etc.

Hence, Honble Court may pleased to allow the OA by issue appropriate directions to Respondent No-1 to take appropriate remedial measures to stop the Air, Water and Sound pollutions caused in the area.

Dated this the 22nd Day of January, 2022.



SUNIL.K.J
Counsel for the Applicant