

**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 Paryaran Bhavan,
Jorbagh, New Delhi-110 003.
2. Union of India
Rep. by its Secretary
Ministry of Petroleum & Natural Gas,
Sastry Bhavan, New Delhi-110 001
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.33-26-1/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, Visakhapatnam
Andhra Pradesh-530 011

....Respondents


जी. भगवान
G. BHAGAVAN
उप महाप्रबंधक - तकनीकी
Dy. General Manager-Technical
एच.पी.सी.एल. - विशाख रिफाइनरी
H.P.C.L - Visakh Refinery

**OBJECTIONS TO THE COUNTER AFFIDAVIT FILED BY
ANDHRA PRADESH COASTAL ZONE MANAGEMENT AUTHORITY**

It is respectfully submitted as follows:

1. This Respondent, Hindustan Petroleum Corporation Limited, is a Government Company and a Central Public Sector Enterprise. This Respondent, as a responsible Public Sector Undertaking, has highest regard for the laws of the land and it not only complies with all the environmental laws, but also is socially responsible and undertakes a lot of activities towards the betterment of the society at large.
2. At the outset it is submitted that the Counter Affidavit filed by Andhra Pradesh Coastal Zone Management Authority (APCZMA) should not be taken on record as this Hon'ble Tribunal vide order dated 25.02.2021 passed orders to remove original 6th Respondent being Indian Coast Guard Marine Environment Wing and 7th Respondent Andhra Pradesh Coastal Zone Management Authority as they are not necessary party to the proceedings as they have nothing to do with the pollution issue and remedial measures to be taken. The relevant portion of the order is extracted hereunder:

“ 6. ... Respondents 6 and 7 are not necessary party to the proceedings as they are nothing to do with the pollution issue and the remedial measures to be taken. So they are deleted from the party array.

7. The original respondents 8 and 9 are re-arrayed as respondents 6 and 7 after deleting the original respondents 6 and 7 from the party array. Office is directed to carry out the amendment in the cause title and the applicant is directed to produce the amended copy of the application....”

It is therefore submitted that the APCZMA affidavit is liable to be rejected in limine. That apart it is submitted that though the affidavit is signed in



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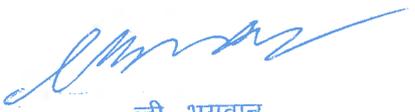
April, 2021 the same has been filed before the Hon'ble Tribunal only on 26.08.2022. The said affidavit is neither dated nor notarised. On this basis, the said affidavit is liable to be dismissed in limine.

3. Without prejudice to the above, it is submitted that the affidavit of the APCZMA is praying for the dismissal of the subject Original Application filed by the Applicant and the affidavit does not state that this Respondent is in violation of any requirement under law in relation to Coastal Regulatory Zone (*herein after referred as CRZ*).

4. Without prejudice to the above, it is submitted that the CRZ notification as stated in the said affidavit refers to the notification of 2011, which has been superseded by CRZ Notification of 2019. It is submitted that as per CRZ Notification of both 2011 and 2019, CRZ applies to maximum of 500 meters from the high tide line. The process units and storage tanks of HPCL Visakh Refinery are not within CRZ limits in Visakhapatnam. That apart, there is no requirement for HPCL to obtain clearance from APCZMA.

5. With regard to para 5, 6, 8 and 9, it is submitted that the final effluent discharge from Refinery does not directly join sea but gets discharged in Meghadrigdda Surplus Course through a common drain outside the refinery premises (and not maintained by the Respondent). The discharge channels (outside the refinery premises) is maintained by the District and State authorities and travels a few kilometres distance before joining the sea. The industrial effluents from neighbouring industries like Coromandel Fertilizers, Andhra Petrochemicals, etc., also join this Meghadrigdda Surplus Course.

6. It is submitted that Andhra Pradesh Pollution Control Board has authorised HPCL Visakh Refinery vide Consent for Operation APPCB/VSP/VSP/72/CFO/HO/2021 dated 09.03.2021 to discharge the Refinery final effluents to Meghadriggedda Surplus Course. Accordingly, the


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effluent is being discharged after treatment and ensuring that it meets the stipulated standards.

7. Alternatively, it is submitted that, without prejudice to the above, the discharge of treated effluents in CRZ is not prohibited and only discharge of untreated effluents in CRZ is prohibited. For permitted activities, permission of CRZ is required only in case of new projects, and hence, does not apply to this respondent facilities. It is submitted that in any event, obtaining CRZ clearance is an administrative requirement and does not have environmental impact as this respondent is discharging only treated effluent in Meghadrigdda Surplus Course.

It is therefore most respectfully prayed that taking into consideration of the objections set out above, this Hon'ble Tribunal may be pleased to reject the counter affidavit and dismiss the above application and thus render justice.

Dated at Visakhapatnam on this the 3rd day of September, 2022.

ADVOCATES FOR 7TH RESPONDENT

जी. भगवान
G. BHAGAVAN
उप महाप्रबंधक - तकनीकी
Dy. General Manager-Technical
7TH RESPONDENT
एच.पी.सी.एल. - विशाख रिफाइनरी
H.P.C.L - Visakh Refinery

VERIFICATION

I, Gudala Bhagavan, working as Deputy General Manager- Technical in Visakh Refinery, Hindustan Petroleum Corporation Limited, of the 7th Respondent herein, do hereby declare that what is stated in the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at Visakhapatnam on this the 3rd day of September, 2022.

07/15 respondent
signature attested.

19/09/2022

N. NAGESWARA RAO
M.Com., B.L.
ADVOCATE & NOTARY
Main Road, Sriharipuram
VISAKHAPATNAM - 530 011.

7TH RESPONDENT
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COUNTER AFFIDAVIT FILED
BY ANDHRA PRADESH
COASTAL ZONE MANAGEMENT
AUTHORITY**

**M/s.KING & PARTRIDGE
ADVOCATES FOR
7TH RESPONDENT**