

**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:

Union of India
Rep. by its Secretary,
Ministry of Environment, Forest & CC
Indira Paryavaran Bhavan,
Jorbagh, NewDelhi-110 003 and Others

... Respondents

**Respondent No. 7 (HPCL's) Reply to Applicant (allegations) dated
03.10.2021 in relation to Joint Committee Report**

M/s. KING & PARTRIDGE

M.VIJAYAN

M.KUMARESAN

2nd Floor, Catholic Centre,
No. 108, Armenian Street,
Chennai – 600 001.
Mob: 9942036873

**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, Visakhapatnam
Andhra Pradesh-530 011

...Respondent


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

**Respondent No. 7 (HPCL's) Reply to Applicant (allegations) dated
03.10.2021 in relation to Joint Committee Report**

I, Gudala Bhagavan, S/o Gudala Appanna, aged about 52 years, Deputy General Manager - Technical in Visakh Refinery, Hindustan Petroleum Corporation Limited, Malkapuram Post, Visakhapatnam, Andhra Pradesh-530 011, do hereby solemnly affirm and sincerely state as follows:

1. I am Deputy General Manager - Technical in Visakh Refinery, Hindustan Petroleum Corporation Limited and as such I am well acquainted with the facts and circumstances of the case.

Preliminary Objections:

2. The original complaint of the Applicant is with respect to alleged odour from the refinery of this Respondent and the alleged non-compliance with the recommendations of the IISc Study Report in 2016. As has already been submitted, this Respondent is fully compliant with the recommendations of the IISc Study Report. There is also no observation of the Joint Committee or APPCB regarding any non-compliance with the recommendations of the IISc Study Report by this Respondent. Further, the Report of the Joint Committee, which has examined the issue of odour in detail has not made any finding of odour released by the refinery of this Respondent which is causing odour nuisance. In fact, the findings of the Joint Committee has found that this Respondent is generally meeting the prescribed criteria and standards. Therefore, it is submitted that the complaint of the Applicant with respect to odour is not pertaining to HPCL-VR and for this reason alone, the Application deserves to be dismissed.
3. The Applicant first complained about alleged odour from the refinery of this Respondent, however, the Applicant appears to have maliciously changed the direction of the matter by diverting to other issues which are not related to odour. It is humbly submitted that the Applicant has approached this Hon'ble Tribunal with vested interests


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

which have nothing to do with environmental consideration or care. The constantly changing allegations of the Applicant appears to show that the Applicant is undertaking a fishing expedition against a reputed Central Government Public Sector Undertaking with some malicious intent. It is prayed that the Application be dismissed forthwith by the Tribunal and the antecedents of the Applicant be checked.

4. It is submitted that the Applicant has thoroughly and willfully attempting to mislead this Hon'ble Tribunal into believing that the constituted agencies have not performed their tasks as required under law or in line with the earlier direction of this Hon'ble Tribunal. This Respondent could not respond to the baseless allegations of the Applicant in relation to the Report of the Joint Committee as this Respondent was not provided with a complete copy of the Report of the Joint Committee until 29-11-2021. The actions of Applicant in willfully misleading this Hon'ble Tribunal has resulted in the constituted agencies and the Joint Committee having to revisit the premises of the HPCL-VR for no reason due to the baseless allegations of the Applicant. It is submitted that once there is a finding that this Respondent has not caused any environmental damages or degradations, then there is neither a question of assessing any compensation or enhancement of the compensation.

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
2	2	That the Joint committee appoint by this Hon'ble Tribunal has confirmed the violations and non-compliances of conditions imposed by MoEF and APPCB as alleged by the Applicant herein. It had mentioned in the concluding remarks of the report that " a) the unit is not complying the majority	Compilation of compliance to all ECs is done separately as


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

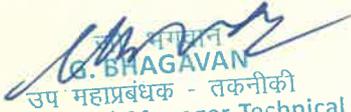
Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>of conditions stipulated in Environmental Clearances granted to Vishakha Refinery.</p> <p>b) The unit is not complying with the majority of consent & authorization conditions issued by APPCB on March 9, 2021; these are the same conditions given by APPCB at the time of consent & authorization renewal.</p> <p>c) APPCB had issued 16 points directions for non-compliance on March 19, 2020; the unit is not complying</p>	<p>per the Annexure-12 of the Joint Committee Report read with the Attachment-I of HPCL-VR's reply to Joint Committee report. Reference and reliance is placed on the same, and it is not being reiterated for the sake of brevity.</p> <p>The latest CFO compliance is enclosed as Attachment-II of HPCL-VR's reply to Joint Committee report. Reliance is placed on the same, and it is not being reiterated for the sake of brevity.</p> <p>It is submitted that the committee inspected our premises on 25.03.2021 in just 2 weeks after receipt of latest CFO dated 09.03.2021.</p> <p>It is stated that total CFO conditions are 84 (Schedule A-13, Schedule-B-53 and Schedule C-18) out of which 81 conditions are complied with and action initiated for implementation of remaining 3 conditions. These 3 conditions are stipulated in this new CFO and were not there in any of the previous CFOs.</p> <p>Furthermore, as observed by the committee, these items do not have any impact on environment.</p> <p>The compliance for Task force directives is enclosed as Attachment-III of Respondent's (HPCL-VR) reply to Joint Committee</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>for 6 points and partially complied for one point even after one year.</p> <p>d) The committee had monitored stack emissions at five stacks, manual ambient air quality monitoring at three locations and CAAQM using mobile van at two locations. The stack emissions are meeting prescribed standards. the ambient air quality for PM10, PM 2.5 parameter is exceeding at all the five locations, at one point near the ETP-IV area the concentration value of SO2 is exceeding the standards.”</p>	<p>report. Reliance is placed on the same, and it is not being reiterated for the sake of brevity.</p> <p>It is stated that out of 16 Task force directives, 15 are complied and 1 directive (to carry out odour study) is under implementation.</p> <p>PM10 & PM2.5 values most of the time exceed the maximum prescribed limits of 100 µg/m³ and 60 µg/m³, respectively in the entire Visakhapatnam city and therefore, HPCL refinery is not responsible for the same. Visakhapatnam is an industrial town having various other industries. Needless to state that various causes are attributable to increase in PM10 & PM2.5 level, such as vehicular pollution, Port activities, Construction works, industrial activities etc., in Visakhapatnam. It is observed from publicly available data that PM levels recorded within the refinery is in line with the PM levels recorded outside the periphery of the refinery that is to say that when the PM levels in the city of Visakhapatnam increase, the readings within the refinery also proportionately increase. Further, the stack monitoring data, which is shared with APPCB and also forms part of the Joint Committee Report, clearly shows that the emission of PM by the</p>


P. BHAGAVAN
 Dy. General Manager-Technical
 एच.पी.सी.एल. - विशाख रिफाइनरी
 H.P.C.L - Visakh Refinery

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>Though the Committee consisting of enforcing agencies such as MoEF, CPCB and APPCB have confirmed the pollution and non-compliance of the majority mandatory conditions imposed in Environment Clearances and Consent For Operation (CFO) by MoEF and APPCB, neither</p>	<p>Respondent is always within the limits prescribed. Hence, there is no violation of the prescribed PM levels by this Respondent.</p> <p>It may please be noted that SO₂ value recorded (84 µg/m³) in the mobile station at North west corner of the industry near ETP-4 was slightly above the maximum prescribed limit of 80 µg/m³. The 24hr Average SO₂ value recorded in the Store Yard CAAMS station near the same location (approx. 100 meters away) was within the prescribed limit.</p> <p>As mentioned in the JC report and the values recorded in the APPCB mobile CAAQM station, all other parameters were well within the standards. Further, the stack monitors also support that the emissions are within prescribed limits. This indicates that the emissions from the refinery have not resulted in exceedances of ambient air quality parameters in the nearby residential area.</p> <p>It is submitted that the Joint Committee report itself observes that activities of refinery are generally within the prescribed parameters. The Joint Committee is empowered to recommend compensation only if any violation is found causing environmental degradation, and in this case there was no</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>the Committee has recommended closer of the unit/stopping of the production/expansion of the unit, nor the enforcing agencies have taken coercive action against the Polluting industry.</p>	<p>environmental degradation caused by the alleged non-compliances.</p> <p>Furthermore, as per the directions of NGT the Joint Committee had to ascertain the source of pollution (if any). The Joint Committee has found in its report that HPCL-VR is complying with all prescribed parameters. Hence, even if there is any pollution as alleged, the same appears to be from other sources outside the refinery, as the refinery is situated in a designated industrial area and surrounded by many other industries. Hence, there cannot be any question of assessing environmental compensation or taking action against HPCL-VR.</p>
3	3	<p>No coercive steps taken or proposed by the Joint Committee or enforcing agencies such as MoEF, CPCB and APPCB except recommending nominal Environmental Compensation against the Unit.</p>	<p>The Joint Committee has found in its report that HPCL-VR is complying with all prescribed parameters. Hence, even if there is any pollution as alleged, the same appears to be from other sources outside the refinery, as the refinery is situated in a designated industrial area and surrounded by many other industries. Hence, there cannot be any question of assessing environmental compensation or taking action against HPCL-Visakh Refinery.</p> <p>Reliance is placed on the reply of this Respondent to the Joint Committee Report in relation to the recommendations of the Joint</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
			<p>Committee, and it is not being reiterated for the sake of brevity.</p> <p>It is submitted that the mandate of Joint Committee is limited to the recommendations and assessment of compensation if any environmental degradation is found by it caused due to the activities of HPCL-VR.</p> <p>Also, it is to be noted that the joint committee observed that there was no environmental degradation caused by the alleged non-compliances. Therefore, there is no question of assessment of compensation.</p> <p>Further, it is submitted that the Applicant is neither an expert body nor a constituted statutory authority. By stating that the statutory authorities are not taking coercive steps against this Respondent, even when there is no finding of pollution or of environmental degradation or of odour as alleged by the Applicant, it appears that the Applicant has some vested interests in pursuing this litigation beyond any environmental considerations.</p>
8		The industry has planted trees only on southern side, there is hardly any tree available at other three sides. There is no 33% area of green belt in the Industrv."	As stated earlier, even though there is shortage of space in refinery, tree plantation on a massive scale has been carried out in various locations of Visakhapatnam


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>That the HPCL Industry in its Counter Affidavit categorically stated at para 9.(ix) page 6 that it lacks sufficient space for the mandatory 33% plantation within the industry premises. The relevant extracts states that</p> <p>"ix. As there is shortage of space in refinery, for this shortfall in greenbelt, tree plantation on a massive scale has been carried out in various locations off Visakhapatnam under "Green Visakha" program. The Green Visakha and Vanam Manam programs were taken up by Respondents Visakha Refinery as per the directives of APPCB.</p> <p>It was communicated to MoEF that a plantation of 4,50,000 saplings out of targeted plantation of 6,50,000 saplings completed in 2015 as part of Green Visakha program. The balance 2,00,000 saplings plantation was completed in 2016.</p> <p>In addition, plantation of 10,000 saplings was completed in 2019 under Vanam Manam program."</p> <p>Since the unit itself stated on oath that it is not having sufficient land for maintaining the requisite 33% Green belt and the</p>	<p>under "Green Visakha" program. The Green Visakha and Vanam Manam programs were taken up by Respondent's Visakh Refinery as per the directives of APPCB.</p> <p>It was communicated to MoEF that a plantation of 4,50,000 saplings out of targeted plantation of 6,50,000 saplings completed in the year 2015 as part of "Green Visakha" program. The balance 2,00,000 saplings plantation was completed in the year 2016 as recommended in VRMP CFE. Above plantation measures provide a green cover more than the present shortfall of green belt within the refinery. Further, green belt is being developed in a vacant land in the vicinity of refinery under VRMP (modernization project).</p> <p>This implies that even though there is shortage of space, Respondent has planted 6,50,000 plantations covering an area of approximately 700 acers of Plantation. Approximately Rs.26 crores were incurred for green belt development during 2011-2021 by HPCL-VR. The compliance of HPCL green belt condition has been confirmed as achieving 100% target by APPCB in action taken report dated 10.11.2021.</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>compliance report also confirms that there is no green belt on 3 sides of the plant, the enforcing authorities are bound to restrict the unit's capacity according to the availability of natural resources, remediation measures including maintaining mandatory 33% Green belt within the plant area to control odour and air pollution.</p> <p>But the MoEF, APPCB have allowed the unit for the massive expansion of the capacity even though the unit failed to comply the bare minimum conditions according to the Environment Clearance.</p> <p>It is further shocking that the Joint Committee consisting of MoEF, CPCB and APPCB have not proposed/initiated action against the unit as it is a Central Government Public Sector Unit. This is completely illegal and contrary to the Environment (Protection) Act, 1986 and Article 14, 21 of the Constitution of India.</p>	<p>Hence, it is clear that the Applicant is making baseless allegations that the terms of the EC with respect to Greenbelt are not being complied with by this Respondent.</p>
9		<p>Further in the table at Annexure 1 of the Counter of Respondent Industry shows that the recommendations of IISc were not implemented. The responsibility for stopping odour/implementing IISc recommendations was thrown on APPCB and Odour squad by the industry.</p>	<p>HPCL-Visakh Refinery is complying with the recommendations of IISC. Compliance status to IISC-Bangalore study recommendations, was submitted earlier in Respondent's reply dated 12.04.2021.</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>That the Joint Committee has not verified this aspect of compliance of IISc, Bengaluru report.</p> <p>That in the Compliance report at page 187 of JC Report, it was mentioned that:</p> <p>"16. Odour control systems shall be improved at the Merox plants and ETP areas. The industry shall not cause any odour nuisance problem.</p> <p>Status: Not complied.</p> <p>During the inspection, committee experienced strong VOC odour at all the ETPs and also at the guard ponds. The Merox plant was not in operation, hence could not be verified.</p> <p>The Industry has not installed VOC Stripper in ETP System"</p>	<p>The odour experience by the Committee during its inspection was localized & intermittent and it was not felt beyond ETPs area. VOC recovery system is being implemented in the IETP (Integrated Effluent Treatment Plant) as part of VRMP (Visakh Refinery Modernization Project) which is under mechanical completion stage. The existing ETPs will be non-operational post commissioning of IETP.</p>
9		<p>The Specific Condition (iv) of EC dated 2.9.2009 mandated the Industry that "the Company shall undertake measures for control of dust emission during construction and traffic congestion."</p> <p>This condition is clearly violated by the unit.</p>	<p>Various mitigation measures like water sprinkling on the roads at project sites, higher barricades around project sites, regulating the traffic near civil works of project activities, usage of RMC (Ready Mix Concrete) material etc. are taken up regularly to control dust emissions.</p> <p>However, it is observed that PM10 & PM2.5 values most of the time exceed the maximum prescribed limits of 100 µg/m³ and 60 µg/m³, respectively in the entire</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
			<p>Visakhapatnam city and therefore, HPCL refinery is not responsible for the same. Visakhapatnam is an industrial town having various other industries. Needless to state that various causes are attributable to increase in PM10 & PM2.5 level, such as vehicular pollution, Port activities, Construction works, industrial activities etc., in Visakhapatnam. It is observed from publicly available data that PM levels recorded within the refinery is line with the PM levels recorded outside the periphery of the refinery that is to say that when the PM levels in the city of Visakhapatnam increase, the readings within the refinery also proportionately increase. Further, the stack monitoring data, which is shared with APPCB and also forms part of the Joint Committee Report, clearly shows that the emission of PM by the Respondent is always within the limits prescribed. Hence, there is no violation of the prescribed PM levels.</p>
10, 11		<p>It is humbly submitted that the Unit has not spent the above allocations for pollution control measures, providing safe and healthy environment and livelihood to residents living in neighboring villages.</p> <p>That the Unit is not disclosing the works undertaken under CSR/CREPICREF schemes.</p>	<p>It is submitted that the Applicant is making baseless allegation without any proof. Respondent has taken up various socio-economic activities and other corporate social responsibility activities within Visakhapatnam and surrounding areas on a regular and robust basis.</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>The entire money which is supposed to spend on pollution control measures, remedial action plan and livelihood, health facilities to the people living in the surrounding areas been diverted to some other places.</p> <p>That the MoEF and CFOs though mentions that the EC/approval will be revoked if the Unit does not implement any of the conditions. But that is not implemented by regulatory agencies.</p>	<p>Some of the major Enterprise Social Responsibility (ESR) activities carried out are given below:</p> <ul style="list-style-type: none"> • Construction of Malkapuram Drain, Visakhapatnam. • Purchase of 10 Nos "108 Ambulance" Vehicles for saving lives of Citizens. • Providing 3 Nos container Toilet Blocks and one unit of Toilet block i.e. Four Urinals and Two Toilet blocks to GVMC, Visakhapatnam • Arranging Road Stoppers and No Parking Boards to Police Dept. for placing them from Scindhia to Sriharipuram. • Release of funds to district Collector (For purchase of critical care equipment, drugs etc for saving lives of citizens). • Release of funds to GVMC commissioner (For distribution of 13,250 nos. food provision kits to migrant and poor community in the vicinity of Visakh refinery. • Procurement of Push Carts, House Hold Dustbins 10lts (Small), Pet Bottles Crushing Machines and Try Bins (Wet, Dry Hazardous Waste) being carried out by Greater Visakhapatnam Municipal Corporation (GVMC) under "Swachh Bharat Mission - 2020"


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
			The activities carried on by Respondent in this respect have been widely appreciated by the local and district authorities, and has also received positive media coverage. The Respondent is committed to take up more activities under ESR.
12		<p>That the ECs and CFO granted to PP categorically mandates the unit to take all safeguards to prevent accidents.</p> <p>But the recent accident on 25.5.2021 took place due to lack of maintenances of the pipelines resulted leakage and created massive fire accident.</p> <p>Though this lacuna was found by MoEF, CPCB and APPCB they did not take action on the unit or responsible person.</p> <p>Prior to the accident of 25.5.2021, there were several accidents occurred in the unit.</p> <p>It is further submitted that the unit does not obtain NOC from Fire department. This was evident from the compliance report attached to the Joint Committee report.</p>	<p>It is submitted that the points alleged by the Applicant in relation to the fire incident on 25.05.2021 have already been covered in the earlier filed replies of this Respondent, and the reliance is placed on it and reference is drawn to the same for the sake of brevity.</p> <p>The commitment of obtaining fire NOC was basis pending application dated: 23.05.2019. Subsequently, the application was sent back to HPCL-VR twice asking some additional information, and HPCL-VR had resubmitted the application on 13.01.2020 and 20.02.2020 respectively with necessary additional information.</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
			<p>After receiving CFO, HPCL has submitted an online application for "Occupancy NOC" from AP State Disaster Response and fire services department on 26.03.2021.</p> <p>The concerned authorities visited the refinery on 03.04.2021 for issuing NOC for buildings as applicable and sought additional/new inputs. As advised by the authorities during May 2021, the inputs pertaining to new buildings under VRMP were also submitted on 07.10.2021.</p> <p>Subsequently, the authorities visited the refinery on 15.11.2021. Respondent is awaiting the site inspection report and subsequent approval.</p> <p>Hence, the delay in obtaining the Fire NOC is not attributable to Respondent and Respondent has been following the instructions and directions of the concerned authorities, which are communicated to the Respondent, to ensure that the NOC is issued expeditiously.</p>
12		<p>The condition of Environment Clearance dated 30.5.1995 of MoEF states that;</p> <p>"21. The project Authority should set up laboratory facility for collection and analysis of samples under the supervision of competent technical personnel, who will</p>	<p>It is clearly identified in the Report of the Joint Committee in its Annexure-12 that the condition referred to by the Applicant is 'Being Complied' by HPCL-VR and stated that "It has been observed that the PA have a dedicated laboratory facility for collection and analysis of</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>directly report to the Chief Executive.”</p> <p>This condition has been violated by the project proponent for the past 26 years. But no action was taken by the MoEF and APPCB and the Joint committee also not made any recommendation for non-compliance.</p>	<p>samples”. The Applicant has made a baseless allegation that this condition has not been complied with by this Respondent for more than 26 years. It is submitted that this Respondent is compliant with all conditions in various environmental clearances and conditions for operation.</p>
13	4	<p>It is humbly submitted that Applicant has annexed an Order passed by the Ld. Principal Bench of this Hon'ble Tribunal with regard to pollution caused by Indian Oil Corporation (IOCL) refinery at Panipat at page no. 378 of Original Application. The relevant extracts of the Order dated 24.7.2020 in OA No. 738 of 2018 (PB) are reproduced as under:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....In case of OA no 148 of 2021, the joint committee consisting of MoEF, CPCB and other have imposed environment compensation for the entire period starting from the works of irrigation projects to as on day of filing the report before Hon'ble tribunal.</p>	<p>It is submitted that the order of the Ld. Principal Bench of the Hon'ble Tribunal and Case of OA no 148 of 2021 has no applicability in the present circumstances. It is seen from the extracts produced by the Applicant that in the said case, the joint committee categorically found that there is pollution and environmental degradation due to the acts and non-compliance of the industry therein.</p> <p>Furthermore, certain pollution/environmental damage was also recorded by the respective state pollution control board and the CPCB. It is after taking into consideration all the findings of damage to the environment that the Ld. Principal Bench has directed deposit of certain amounts for restitution of the environment. However, in the present case, there is no finding of any environmental degradation or damage caused by the refinery of HPCL-VR either by the Joint Committee constituted by</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
			<p>this Hon'ble Tribunal or by APPCB or by CPCB.</p> <p>And in later case OA no 148 of 2021 that there are violations with regard to the environmental laws. However, in the present case, there is no finding of any violation to the environmental laws.</p> <p>It is humbly submitted that any order of this Tribunal towards environment damage compensation in absence of any finding of environmental damage or degradation or violation of environmental laws will be patently illegal and contrary to the principles of natural justice. When there is no finding of environmental damage or degradation or violation of environmental laws by the activities of this Respondent, then it cannot be open to fix any liability on this Respondent for baseless allegation made by the Applicant.</p>
15	5	That the Applicant requested a Hyderabad based Scientific organization consists of retired Scientists and academicians namely "Scientists for People" to review the reports of the Joint Committee. The Organization concluded that the Joint Committee has not properly gone into the issues of pollution caused by M/s. HPCL Refinery and also held that Joint Committee incorrectly calculated the Environment Compensation.	It is submitted that any study, opinion or report can only be provided by an agency which is competent to do so and is suitably certified by the relevant authorities. It is not known to this Respondent whether the organization that has opined on the Report of the Joint Committee is proper or having any of the required certifications or is technically competent to do so.


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		True copy of the Observations of "Scientists for People", Hyderabad on Joint Committee reports in OA No.73 of 2021 is annexed as ANNEXURE A2.	The observations/opinion of an unknown body of individuals against a report which has been prepared by a panel of experts selected by this Hon'ble Tribunal deserves no consideration and should be struck off from the record. Without prejudice to the above, it is also evident that the observations of the organization is not signed by all, which gives reason to question even the unanimity of conclusion within the alleged framers of the report. Thus, the report does not have any value. It appears to be a hasty job that has been done without applying mind or done with the sole intent of criticizing the Report of the Joint Committee.
15	6	It is humbly submitted that Joint Committee report confirms that the Project proponent, a Central government Unit has been continuously violating the mandatory conditions directed by MoEF and APPCB. It is further submitted that there is shortage of space in the refinery for mandatory plantation prescribed in EC granted by MoEF. The compliance report also found that the unit has "plantation only on south side and remaining 3 sides there is no plantation which is resulting odour and air pollutions. That the PP being a responsible Public Sector Unit, must have abide by the	As stated earlier, even though there is shortage of space in refinery, tree plantation on a massive scale has been carried out in various locations of Visakhapatnam under "Green Visakha" program. The Green Visakha and Vanam Manam programs were taken up by Respondent's Visakh Refinery as per the directives of APPCB". It was communicated to MoEF that a plantation of 4,50,000 saplings out of targeted plantation of 6,50,000 saplings completed in the year 2015 as part of "Green Visakha" program. The balance 2,00,000 saplings plantation was



जी. भगवान
G. BHAGAVAN

उप महाप्रबंधक - तकनीकी

Dy. General Manager-Technical

एच.पी.सी.एल. - विशाख रिफाइनरी

H.P.C.L - Visakh Refinery

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
		<p>mandatory rules and conditions imposed by the regulating authorities. But it has failed and trying to mislead this Hon'ble Tribunal and regulating authorities.</p> <p>The Regulating agencies also adopting lenient approach against the Project Proponent as it is Central Government Public Sector Unit. It is humbly submitted that the Regulatory authorities of MoEF and CPCB/PCB have adopted transparent and deterrent approach in case of Indian Oil Corporation (IOCL) Panipat, whereas in case of M/s. HPCL Refinery, Visakhapatnam, though they are confirming the massive violations, the authorities adopted soft approach contrary to the law and formula prescribed by the CPCB and the directions passed by the Hon'ble National Green Tribunal and Hon'ble Supreme Court of India.</p>	<p>completed in the year 2016 as recommended in VRMP CFE. Above plantation measures provide a green cover more than the present shortfall of green belt within the refinery. Further, green belt is being developed in a vacant land in the vicinity of refinery under VRMP (modernization project).</p> <p>This implies that even though there is shortage of space, HPCL-VR has planted 6,50,000 plantations covering an area of approximately 700 acers of Plantation. Approximately Rs.26 crores were incurred for green belt development during 2011-2021 by HPCL-VR. The compliance of HPCL green belt condition has been confirmed as achieving 100% target by APPCB in action taken report dated 10.11.2021.</p>
16	7	In the above circumstances.....	<p>It is submitted that the Applicant does not make out any case for granting any of the prayers sought by the Applicant therein.</p> <p>While this Hon'ble Tribunal has directed that the relevant agencies take into consideration the objections of the Applicant and relook at their recommendations, it is submitted that the Applicant has thoroughly and willfully attempting to mislead this Hon'ble Tribunal into</p>


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

Page No	S.No	Reply Affidavit by Applicant	HPCL-VR Reply
			<p>believing that the constituted agencies have not performed their tasks as required under law or in line with the earlier direction of this Hon'ble Tribunal. It is reiterated that this Respondent could not respond to the baseless allegations of the Applicant in relation to the Report of the Joint Committee as this Respondent was not provided with a complete copy of the Report of the Joint Committee until 29.11.2021.</p> <p>Hence, this Respondent prays that the Application be dismissed with cost imposed on the Applicant for misleading not only statutory agencies but also this Hon'ble Tribunal.</p>

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above application as against the 7th Respondent-HPCL and thus render justice.

Solemnly affirmed at Visakhapatnam
on this the twenty third day of February, 2022 and
signed his name in my presence.


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

BEFORE ME


23.2.2022

NOTARY: VISHAKHAPATNAM
N. NAGESWARAN RAO M.Com., B.L.
ADVOCATE & NOTARY
Main Road, Sriharipuram,
VISHAKHAPATNAM-530 011