

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 53/2025

In the matter of: -

Bharat Petroleum Corporation Limited

Appellant

Versus

Central Pollution Control Board

Respondent

Index

S No.	Particulars	Page Nos.
1.	Reply on behalf of Central Pollution Control Board (CPCB) to the Appeal filed by the Appellant in Appeal No. 53/2025.	
2.	Annexure I- The Table of non-compliance of BPCL terminals.	
3.	Annexure II- A copy of Hon'ble NGT Order dated 10.07.2025 in Appeal No. 26 of 2024	
4.	Annexure III - A copy of Hon'ble NGT Order dated 29.01.2019 in OA no. 31 of 2019 with directions to CPCB.	
5.	Annexure IV- A copy of BPCL letter dated 12.05.2021	
6.	Annexure V and VI- A Copy of order dated 23.12.2021 in OA no. 138/2020 Hon'ble NGT (SZ) and Order dated 14.03.2023 in Civil Appeal No. 1695 of 2022 Hon'ble Supreme Court.	
7.	Annexure VII- A Copy of the Letters/ representations issued by the Appellant dated 10.05.2024, 27.06.2024, 24.09.2024, 28.11.2024 and 31.03.2025 and CPCB Show cause notice dated 04.09.2024, Directions dated 11.11.2024 and letter dated 23.07.2025	



(Adv. Saurabh Balwani)

(On behalf of Central Pollution Control Board)

Place: - Delhi

Date: 24.11.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 53/2025

In the matter of: -

Bharat Petroleum Corporation Limited

Appellant

Versus

Central Pollution Control Board

Respondent

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) TO THE APPEAL FILED BY THE APPELLANT**

MOST RESPECTFULLY SHOWETH:

1. That the present Appeal under consideration has been filed by the Appellant seeking to challenge the impugned directions dated 23.07.2025 issued by the CPCB to the Appellant.
2. That the Answering Respondent, Central Pollution Control Board (CPCB), is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.
3. That at the very outset, the answering Respondent denies all claims, contentions, allegations, and averments against the answering Respondent CPCB in the above Appeal contrary to anything stated or submitted in this reply. Nothing in these Appeal may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save and except any averment which has been expressly admitted hereinafter.



PRELIMINARY OBJECTIONS

4. That at the outset, it is humbly submitted that the present appeal is liable to be dismissed as being barred by limitation under Section 16 of the National Green Tribunal Act, 2010. The impugned direction of CPCB was issued on 11.11.2024 under Section 5 of the Environment (Protection) Act, 1986, whereby the Appellant was called upon to deposit Environmental Compensation (EC) of Rs. 1 crore within 15 days for not installing Vapour Recovery System (hereinafter referred as VRS) Stage-IA at 28 storage terminals till the deadline of 31.03.2024. The subsequent communication dated 23.07.2025, impugned herein, is only in the nature of a reminder / reiteration of the earlier order, and does not give rise to a fresh cause of action. The Appellant was required to assail the direction dated 11.11.2024 within 30 days, extendable up to 90 days, as prescribed under Section 16 of the NGT Act.

Having failed to do so, the Appellant cannot, by the device of challenging the reminder dated 23.07.2025, revive or reopen the limitation period which has expired since long. Accordingly, the appeal filed on 06.08.2025 is time-barred and not maintainable in law, and is liable to be dismissed *in limine*.

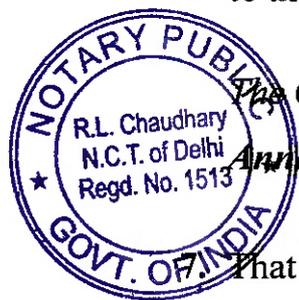
5. That in the present case, BPCL failed to complete Stage-IA VRS at 28 storage terminals within the CPCB deadline of 31.03.2024. Accordingly, CPCB on 04.09.2024 issued show-cause notice and on 11.11.2024 issued directions, levying EC for not installing VRS Stage IA at 28 storage terminals across 15 States.

The Table of non-compliance of BPCL terminals are annexed as Annexure I.

6. That it is humbly submitted that the Appellant while arguing the said appeal before the Hon'ble NGT on 20.08.2025 has expressly relied on the Tribunal's order in the matter of Appeal No.26/2024 Reliance Industries Ltd. Vs. CPCB. It



is relevant to note that said order is fact-specific and is based on the fact that relevant Stage-IA VRS was installed within the extended timeline in Delhi-NCR recognised as applicable in that case; and on the Hon'ble Tribunal's assessment that the appellant there had obtained the benefit of the Hon'ble Supreme Court's substitution/extension. However, the present case is regarding delay in VRS Stage-IA installation in the country (except Delhi-NCR), and the said order must therefore be read restrictively and not as a broad precedent automatically controlling cases with materially different facts as the said order is not applicable to the present appeal.



The Copy of the Order dated 10.07.2025 in Appeal No. 26 of 2024 is annexed as Annexure II.

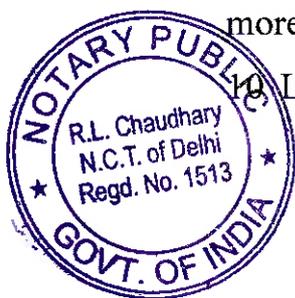
That it is also submitted that CPCB in the present appeal had duly issued a show-cause notice dated 04.09.2024, received BPCL's written reply dated 24.09.2024, and thereafter issued direction dated 11.11.2024. Additionally, BPCL's submissions on the directions dated 11.11.2024 vide letters dated 28.11.2024 and 31.03.2025 were also examined and were duly considered and accordingly the letter dated 23.07.2025 to BPCL was issued on merits of the case wherein the earlier directions issued dated 11.11.2024 were reiterated by CPCB. The above facts conclude that just, reasonable and fair procedure has been adopted by CPCB in all its dealings with BPCL on the subject matter and there has been no violation of established principles in relation to the written hearing process.

8. That it is further submitted that the Appellant's allegation of violation of natural justice is wholly misconceived. CPCB, prior to issuance of the impugned direction, served a detailed show-cause notice dated 04.09.2024, to which the Appellant submitted written replies dated 24.09.2024. The reply was duly considered before passing the direction dated 11.11.2024. Further, CPCB had also taken into consideration BPCL's submissions dated 28.11.2024 and

31.03.2025 before reiterating the directions dated 11.11.2024 vide letter dated 23.07.2025. Thus, the Appellant was provided clear and sufficient opportunity to present its case. It is well settled that compliance with natural justice does not invariably require an oral or personal hearing, a fair and adequate opportunity through written submissions fully satisfies the requirement, especially in administrative proceedings under Section 5 of the Environment (Protection) Act, 1986. The Appellant's submissions were examined but found unsatisfactory, particularly in light of compliance by other Oil Marketing Companies (OMCs) for installation of VRS Stage IA at storage terminals within the timelines, the need to control emissions of Volatile Organic Compounds (VOC) including Benzene and the directions of the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 and the Hon'ble Supreme Court vide order dated 14.03.2023 in Civil Appeal no. 1695 of 2022. Therefore, the plea of violation of natural justice is liable to be rejected.

PARA WISE REPLY TO THE APPEAL

9. That the averments made in Para 4.1 in Appeal refer to the business of appellant. Hence need no comments from this Answering Respondent.
10. That with regard to the averments made in Para 4.2 in Appeal, it is humbly submitted that the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide order dated 29.01.2019 in O.A. No. 31/2019: K. Sathyadevan Vs Union of India & Ors. directed CPCB to look into the issue of extension of requirement of VRS in petrol pumps other than those selling petrol more than 300 KLPM and located in cities with more than one million populations. Subsequently, CPCB submitted its report recommending for installation of VRS at retail outlets selling more than 100 KLPM and located in million plus cities and retail outlets selling more than 300 KLPM and located in cities with population between 01 Lakh to 10 Lakh. The Hon'ble NGT vide order dated 22.07.2019 directed CPCB to



finalize timelines for VRS installation, and, accordingly timeline for VRS installation at storage terminals by March 2024 was prescribed by CPCB based on the inputs received from Ministry of Petroleum & Natural Gas (MoPNG) including Public Sector Undertaking (PSU) Oil Marketing Companies (OMCs), vide directions dated 18.09.2020.

The Copy of the Order dated 29.01.2019 of the Hon'ble NGT in the matter of OA No. 31 of 2019 with directions to CPCB is attached herewith as Annexure III.

11. That with regard to the averments made in para 4.3, it is humbly submitted that the Appellant vide its letter dated 12.05.2021 had requested for extension of timelines prescribed in CPCB directions dated 18.09.2020 in view of COVID-19 pandemic. Time extension was requested only for installation of VRS Stage IB and VRS Stage II at its retail outlets, which was subsequently granted by CPCB vide modified directions dated 29.07.2021. It is further submitted that the appellant had not sought any time extension for VRS Stage IA in its letter dated 12.05.2021.

A Copy of BPCL letter dated 12.05.2021 is attached herewith as Annexure IV.

12. That the averments made in para 4.4 under reply are partly admitted to the extent that the retail outlets are largely compliant as BPCL completed VRS installation at its retail outlets within prescribed timelines except for one retail outlet at Agra.

13. That with reference to the averments made in para 4.5 to 4.8, it is submitted that appellant failed to install VRS at 28 out of 43 storage terminals by March 2024, as prescribed by CPCB in its directions dated 18.09.2020. It is further submitted that other Public Sector Undertaking (PSU) OMCs (HPCL and IOCL) were also required to install VRS at storage terminals by March 2024 and that despite having higher number of terminals, both the OMCs installed VRS at their eligible storage terminals, within the prescribed timelines. It is also submitted

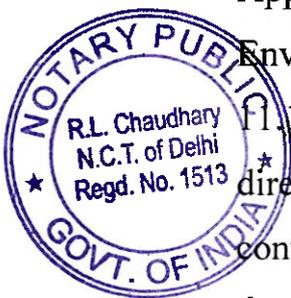
that Representation dated 10.05.2024 indicating the reasons for delay in VRS installation and seeking time extension was submitted by appellant to CPCB only after the timelines for VRS installation were expired and the compliance report was sought by CPCB. Further, the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 directed CPCB to take appropriate action for those storage depots (terminals) which have not installed Stage 1A within the timelines prescribed by CPCB. This direction of the Hon'ble NGT was challenged by BPCL in Civil Appeal no. 1695 of 2022 before the Hon'ble Supreme Court and the aforesaid direction of the Hon'ble NGT was upheld by the Hon'ble Supreme Court vide order dated 14.03.2023, with the Hon'ble Supreme Court directing CPCB to ensure that the direction issued by Hon'ble NGT, as stated above, is fully complied with. Thereby, considering all the relevant facts including the need to control emissions of Volatile Organic Compounds (VOC) including Benzene, the representation of the appellant and the aforesaid orders of Hon'ble NGT and Hon'ble Supreme Court, the CPCB arrived at the decision of not extending the timelines retrospectively. It is further submitted that any relaxation in timelines or modification of existing directions may be considered by the Hon'ble NGT and Hon'ble Supreme Court.

The Copy of the order dated 23.12.2021 in OA no. 138/2020 before the Hon'ble NGT (SZ) and Order dated 14.03.2023 in Civil Appeal No. 1695 of 2022 before Hon'ble Supreme Court of India is annexed herewith as Annexure V and VI respectively.

14. That the averments contained in the Paras 4.9 and 4.10 are matter of record and need no comments from this respondent.

15. That with reference to the averments made in para 4.11 to 4.14, it is submitted that appellant failed to install VRS at 28 out of 43 storage terminals by March 2024 as prescribed in CPCB directions dated 18.09.2020. Further, the Hon'ble

NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 directed CPCB to take appropriate action for those storage depots (terminals) which have not installed Stage 1A within the timelines prescribed by CPCB. This direction of the Hon'ble NGT was challenged by BPCL in Civil Appeal no. 1695 of 2022 before the Hon'ble Supreme Court and the aforesaid direction of the Hon'ble NGT was upheld by the Hon'ble Supreme Court vide order dated 14.03.2023, with the Hon'ble Supreme Court directing CPCB to ensure that the direction issued by NGT, as stated above, is fully complied with. Accordingly, show-cause notice was issued by CPCB on 04.09.2024 to the appellant, directing to show cause as to why EC of Rs 1 crore shall not be imposed on it for not installing VRS within the CPCB prescribed timelines. BPCL vide letter dated 24.09.2024 attributed certain reasons for the delay, however, its submissions were deemed unsatisfactory, considering that other OMCs having greater number of terminals complied with the CPCB directions, the need to control emissions of Volatile Organic Compounds (VOC) including Benzene and the directions of the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 and the Hon'ble Supreme Court vide order dated 14.03.2023 in Civil Appeal no. 1695 of 2022. Accordingly, directions under Section 5 of the Environment (Protection) Act, 1986 were issued to BPCL by CPCB on 11.11.2024 directing it to pay EC of Rs. 1 crore within 15 days of receipt of the direction. Thereby, considering all the relevant facts including the need to control emissions of Volatile Organic Compounds (VOC) including Benzene, the representation of the appellant and the aforesaid orders of Hon'ble NGT and Hon'ble Supreme Court, the CPCB arrived at the decision of not extending the timelines retrospectively. It is further submitted that any relaxation in timelines or modification of existing directions may be considered by the Hon'ble NGT and Hon'ble Supreme Court. It is further re-iterated that an opportunity of making submissions for failing to install VRS within the prescribed timelines was provided to the appellant by issuing show-cause notice.



*The Copy of the Letters/ representations issued by the Appellant dated 10.05.2024, 27.06.2024, 24.09.2024, 28.11.2024 and 31.03.2025 and CPCB Show cause notice dated 04.09.2024, Directions dated 11.11.2024 and letter dated 23.07.2025 are annexed herewith as **Annexure VII (Colly.)***

16. That with reference to the averments made in para 4.15, it is submitted that submissions made by the appellant were unsatisfactory. Further, the submissions made in para 15 of this reply are re-iterated and are not repeated herein for the sake of brevity.

17. That with reference to the averments made in para 4.16 to 4.17, it is submitted that VRS installation at 28 out of 43 eligible terminals was completed beyond the timelines prescribed by CPCB, and, accordingly, CPCB vide letter dated 23.07.2025 asked Appellant again to deposit Environment Compensation (EC) of Rs 1 Crore because BPCL did not deposit EC. Further, action of closure of terminals was indicated by CPCB as the appellant failed to submit EC of Rs. 1 Crore in compliance to CPCB directions dated 11.11.2024. It is submitted that later compliance does not erase the period of breach for which CPCB had levied EC on 11.11.2024 (and reiterated on 23.07.2025). CPCB's reminder letter dated 23.07.2025 was therefore a lawful administrative step to ensure compliance with the earlier direction.

PARA WISE REPLY TO THE GROUNDS

18. That the para A of the grounds under reply is denied. It is submitted that CPCB acted strictly within the jurisdiction conferred by Section 5 of the Environment (Protection) Act, 1986, read with Hon'ble NGT's directions in OA No.147/2016 and Hon'ble Supreme Court order dated 14.03.2023. The direction dated 11.11.2024 was issued after due process, pursuant to CPCB's statutory



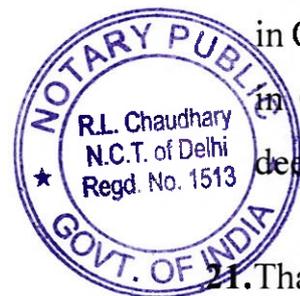
directions dated 18.09.2020 requiring Stage-IA VRS installation in storage terminals.

19. That the para B of the grounds under reply is denied. It is submitted that a show-cause notice dated 04.09.2024 was served to BPCL and after duly considering BPCL's written submissions dated 24.09.2024, directions were issued by CPCB for levy of EC on 11.11.2024. Hence, the order is reasoned and not hasty.

20. That the para C and E of the grounds under reply is denied. It is submitted that the EC amount was determined based on CPCB Report on Methodology for Assessing Environmental Compensation, and was levied as a regulatory enforcement measure due to BPCL's non-compliance with CPCB directions issued under Section 5 of the Environment (Protection) Act at 28 terminals and considering the directions of the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 and the Hon'ble Supreme Court vide order dated 14.03.2023 in Civil Appeal no. 1695 of 2022. Later compliance (31.03.2025) cannot be deemed to rectify the earlier prolonged violation.

21. That the para D of the ground under reply is denied. CPCB issued a detailed show-cause notice to the appellant and received two sets of written replies from the appellant, which were duly considered. It is well settled that natural justice does not mandatorily require personal hearing in every case; adequate opportunity through written representations is sufficient, particularly in administrative directions under Section 5, Environment (P) Act 1986.

22. That the para F of the grounds under reply is denied. It is submitted that the submissions made by BPCL were duly considered however, these were deemed unsatisfactory, considering that other OMCs having greater number of terminals complied with the CPCB directions, the need to control emissions of VOC



including Benzene and the directions of the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 and the Hon'ble Supreme Court vide order dated 14.03.2023 in Civil Appeal no. 1695 of 2022. It is submitted that these difficulties did not justify retrospective relaxation of timelines fixed pursuant to Hon'ble NGT directions.

23. That the para G of the grounds under reply is denied. It is submitted that the timelines for VRS installation were prescribed by CPCB after due consultation and ample time (more than 3 years) was provided for Stage-IA VRS completion by March 2024. It is further submitted that other OMCs with larger number of storage terminals (IOCL & HPCL) complied with the directions within the same timeframe.

24. That the para H of the ground under reply is denied. It is submitted that VRS installation at 28 out of 43 eligible terminals was completed beyond the timelines prescribed by CPCB, and, accordingly, CPCB vide letter dated 23.07.2025 asked Appellant again to deposit Environment Compensation (EC) of Rs 1 Crore because BPCL did not deposit EC. Further, action of closure of terminals was indicated by CPCB in its letter dated 23.07.2025 as the appellant failed to submit EC of Rs. 1 Crore in compliance to CPCB directions dated 11.11.2024. It is submitted that later compliance does not erase the period of breach for which CPCB had levied EC on 11.11.2024 (and reiterated on 23.07.2025). It is submitted that Section 5 of the E(P) Act, 1986 expressly empowers CPCB to issue directions including closure in case of continued non-compliance. The mention of closure in the letter dated 23.07.2025 was a lawful reminder of BPCL's non-compliance with CPCB directions.

25. That the para I of the grounds under reply is denied. It is submitted that the EC amount was determined based on CPCB Report on Methodology for Assessing



Environmental Compensation, and was levied as a regulatory enforcement measure due to BPCL's non-compliance with CPCB directions issued under Section 5 of the Environment (Protection) Act at 28 terminals and considering the directions of the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 and the Hon'ble Supreme Court vide order dated 14.03.2023 in Civil Appeal no. 1695 of 2022. It is further submitted that the Appellant had an opportunity to contest quantum at the show-cause stage and did not demonstrate sufficient reason as to why EC should be waived.

26. That the para J of the grounds under reply is denied. It is submitted that BPCL's submissions were duly considered, however its submissions were deemed unsatisfactory considering the compliance of other OMCs having greater number of terminals with the CPCB directions, the need to control emissions of VOC including Benzene and the directions of the Hon'ble NGT (SZ) vide order dated 23.12.2021 in OA no. 138/2020 and the Hon'ble Supreme Court vide order dated 14.03.2023 in Civil Appeal no. 1695 of 2022. The fact that other OMCs complied within the same time-frame shows that BPCL's lapses were not inevitable.

27. That the para K of the ground under reply is denied. It is submitted that VRS installation is critical for control of Benzene emissions which are carcinogenic in nature and further the same has also been recognised by the Hon'ble NGT in Original Application No. 31/2019 with Original Application No. 86/2019. Further, later compliance does not erase historical violation or exposure to risk. The liability to deposit EC attaches to the period of default. The Appellant's completion in March 2025 is acknowledged but is irrelevant to the legality of CPCB's direction of 11.11.2024.

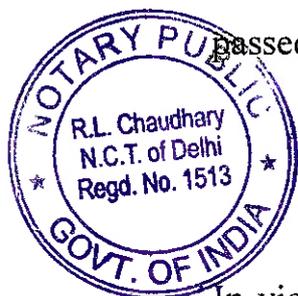


28. That the para L and M of the grounds under reply are denied. In this regard the submissions made at para 13 of this reply stands re-iterated and are not repeated herein for the sake of brevity.

29. That the paras N to Q of the grounds under reply are denied. It is submitted that VRS installation at 28 storage terminals across 15 states was not completed within the timelines by the appellant and appellant did not deposit EC also, as directed by CPCB on 11.11.2024. Accordingly, CPCB vide letter dated 23.07.2025 asked Appellant again to deposit EC of Rs 1 Crore. Further, action of closure of terminals was indicated by CPCB as the appellant failed to submit EC of Rs. 1 Crore in compliance to CPCB directions dated 11.11.2024.

30. The answering respondent craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.

31. That, in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA and render justice.



PRAYER

In view of the facts, law and submissions above, the Respondent respectfully prays that this Hon'ble Tribunal may be pleased to:

- A. Dismiss the Appeal being devoid of merit;
- B. Uphold CPCB's direction dated **11.11.2024** and letter dated **23.07.2025**;
- C. Direct the Appellant to deposit the Environmental Compensation of **Rs.1,00,00,000 (Rupees One Crore only)** forthwith (or within such short period as the Tribunal may allow), subject to the Tribunal awarding any

equitable credit as it deems fit for amounts demonstrably expended in bona fide compliance post-direction; and

D. Pass any other order as this Hon'ble Tribunal may deem fit in the interests of justice and protection of environment.



Pankaj Agarwal

(Pankaj Agarwal)
Scientist 'F'
Central Pollution Control Board
21.11.2025

पंकज अग्रवाल / Pankaj Agarwal
संशोधक 'F' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
नियंत्रण, प्रदूषण नियंत्रण विभाग, नई दिल्ली
Control, Pollution Control Department, New Delhi
21-11-2025



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 53/2025

In the matter of: -

Bharat Petroleum Corporation Limited

Appellant

Versus

Central Pollution Control Board

Respondent

AFFIDAVIT

I, **Pankaj Agarwal** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



Pankaj Agarwal

DEPONENT

पंकज अग्रवाल / Pankaj Agarwal
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at New Delhi on this day of 24 NOV 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



DEPONENT



ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

24 NOV 2025

पंकज अग्रवाल / Pankaj Agarwal
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

List of BPCL storage terminals violating VRS installation timelines

S. No.	BPCL supply point	State/UT
1	Kota	Rajasthan
2	Salawas	Rajasthan
3	Kanpur	Uttar Pradesh
4	Mughalsarai	Uttar Pradesh
5	Najibabad	Uttar Pradesh
6	Srinagar	Jammu & Kashmir
7	Jalandhar	Punjab
8	Sangrur	Punjab
9	Lalru	Punjab
10	Budge Budge	West Bengal
11	Patna	Bihar
12	Sewree	Maharashtra
13	Pakni	Maharashtra
14	Borkhedi	Maharashtra
15	Koyali	Gujarat
16	Hazira	Gujarat
17	Navegaon	Gujarat
18	Manglia	Madhya Pradesh
19	Bakania	Madhya Pradesh
20	Rairu	Madhya Pradesh
21	Bhitoni	Madhya Pradesh
22	Karur	Tamil Nadu
23	Devangonhi	Karnataka
24	Cherlapalli	Telangana
25	Visakhapatnam	Andhra Pradesh
26	Kondapally	Andhra Pradesh
27	Irimpanam	Kerala
28	Paradeep	Odisha

Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 26/2024
(I.A. Nos. 313/2024, 312/2024, 311/2024 & 378/2025)

Reliance Industries Limited

Appellant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 10.07.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Pinaki Misra, Senior Advocate with Mr. K.R. Sasiprabhu, Mr. Ekansh Sisodia, Mr. Vishnu Sharma AS, Ms. Namrata Saraogi & Mr. Gaurav Mitra, Advocates

Respondents: Mr. Raj Kumar, Adv. with Mr. Bharat Kumar Sharma (Through VC), Member Secretary, CPCB

ORDER

1. On the previous date, no one had appeared on behalf of the CPCB, therefore, we directed the Member Secretary, CPCB to virtually remain present today to assist the Tribunal. Learned Member Secretary, CPCB appearing virtually has stated that now the instructions have been issued to all the Advocates to appear physically before the Tribunal and to ensure that they are fully prepared in the matter and they appear before the Tribunal without any default.

2. In view of such a statement made by the Member Secretary, CPCB his virtual appearance is exempted. Since the Member Secretary has appeared virtually therefore I.A. No. 378/2025 has become infructuous which is accordingly disposed of.

3. By this Appeal filed under Section 18(1) read with Section 16(g) of the National Green Tribunal Act, 2010 (NGT Act, 2010), appellant has challenged the order dated 13.06.2024 issued by Central Pollution Control Board (CPCB) directing the appellant to comply with the earlier direction of the CPCB dated 15.02.2024 and deposit the Environmental Compensation (EC) of Rs. 1 crore within 15 days.

4. Submission of the Counsel for the appellant is that above order has been passed without complying with the Principles of Natural Justice and without giving opportunity of hearing to the appellant. His further submission is that this order can be challenged independent of earlier order dated 15.02.2024 issued by CPCB because impugned order is in the nature of a direction under Section 5 of the Environment (Protection) Act, 1986 (EP Act, 1986). His further submission is that impugned order has been issued in violation of the order of the Hon'ble Supreme Court dated 14.02.2019 passed in *Civil Appeal No. 161-163 of 2019* in the matter of *M/s. Indian Oil Corporation Limited v. Aditya N Prasad & Ors*, whereby order of NGT was substituted and in compliance of the order of the Hon'ble Supreme Court, appellant had implemented the direction of the NGT within the extended time-limit.

5. Learned Counsel for respondent no.-1-CPCB has submitted that direction contained in the order of the NGT dated 28.09.2018 passed in OA No. 147/2016 in the matter of *Aditya N Prasad & Ors. Vs. Union of India & Ors.* was not complied with by the appellant within the time-limit fixed by the Tribunal and appellant was not a party in the proceedings before the Hon'ble Supreme Court, therefore, appellant is not entitled to benefit of the order of the Hon'ble Supreme Court.

6. Further submission of Learned Counsel for the CPCB is that no show cause notice to the appellant was necessary because it was only an issue of compliance of the order of the NGT.

7. Learned Counsel for the CPCB has also referred to the order dated 23.12.2021 passed in OA No.138/2020(SZ): V.B.R. Menon vs. The Chief Secretary to Government of Tamil Nadu & Ors. and has submitted that direction contained in paragraph 69 (ii) was not challenged before Hon'ble Supreme Court, therefore, it was required to be complied with.

8. Having heard the Learned Counsel for the parties and perusal of the record, it is noticed that NGT in the OA No. 147/2016 in the matter of Aditya N. Prasad & Ors. (supra) had considered the issue of installation of stage-I and stage-II vapor recovery devices at all fuel stations, distribution centers, terminals, railway loading/unloading facilities and airports in National Capital Territory of Delhi. Tribunal had noted the undisputed position about the need for installing such stage-I and stage-II vapor recovery devices, therefore, OA was disposed of with the following directions:

“...10 Accordingly, we direct that all the oil companies present before this Tribunal must complete the process by 31.10.2018. The CPCB and the Ministry Petroleum and Natural Gas are directed to issue directions and ensure that necessary steps are taken by all the concerned. In respect of petrol pumps selling more than 300 KL per month, the directions must be required to comply with preferably on or before 31.10.2018 and with regard to remaining on or before 31.12.2018. The Tribunal may have to consider directing prosecution of the Chairman of the oil complies for violation.”

9. As per the above direction, all the oil companies present before the Tribunal were required to complete the process by 31.10.2018.

10. Appellant was one of the parties before the Tribunal.

11. The above order was subject matter of challenge before Hon'ble Supreme Court in Civil Appeal Nos. 161-163 of 2019 at the instance of M/s. Indian Oil Corporation Limited but no Civil Appeal was preferred by the present appellant.

12. Hon'ble Supreme Court by order dated 14.02.2019 had disposed of the Civil Appeal Nos. 161-163/2019 and other connected Appeals by extending the time in so far as Stage I-A is concerned till 31.03.2020 and in so far as Stage IB and II are concerned till 31.08.2019, time limit for retail outlets less than 300 Kl spm in NCR was also extended. Supreme Court while disposing of the Civil Appeal by order dated 14.02.2019 had directed as under:

“

ORDER

Having heard Mr. Tushar Mehta, learned Solicitor General and Mr. Aditya N. Prasad, we are cognizant of the fact that by a letter dated 12.02.2016 sent by the Central Pollution Control Board to all the oil companies, the equipment in question was to have been installed in 46 cities insofar as (above 300 KLD is concerned) by December, 2017 and that this has not yet been done.

The National Green Tribunal's order is, therefore, correct in principle. However, under the aegis of the learned Solicitor General, a meeting has been called in which certain time-lines were discussed so that the aforesaid equipment could be set up within a realistic time-frame both in the NCT as well as in NCR.

So far as Stage 1-A is concerned, a device is installed at the filling depots/ terminals. So far as the Stage 1-B is concerned, a separate device (VRD) is installed on the tanks of the retail outlets i.e. petrol pumps where petroleum products are stored underground.

Stage 2 is where a third category of device (VRD) is fitted in the dispensing units of each retail outlet. Each such dispensing unit has more than one nozzle and all the nozzles will have to be fitted with the aforesaid device.

Insofar as the NCT of Delhi is concerned, the learned Solicitor General has informed us that Stage 1-A has been completed by all the three oil companies.

So far as State 1-B is concerned, he says a realistic estimate of time would be by 30.06.2019.

We, therefore, extend the time so far as Stage 1-B & Stage 2 are concerned to 30.06.2019.

We have also taken on record the undertakings given by the authorized persons of each of the three oil companies to see that the aforesaid time-line is strictly adhered to.

Insofar as the NCR is concerned, this has been divided into two different groups those are selling more than 300 Klspm and those selling less than 300 Klspm.

Insofar as the first category is concerned, the time schedule is extended, insofar as Stage 1-A is concerned till 31.03.2020. So far as the Stage 1-B and 2 are concerned, the time schedule is extended till 31.08.2019.

Insofar as retail outlets selling less than 300 Klspm in the NCR are concerned, so far as Stages 1-A and 1-B are concerned, time is extended till 31.03.2020. is extended till 30.09.2020. So far as Stage 2 is concerned, time

For this also, we have taken on record the requisite undertakings to adhere strictly to the aforesaid time-lines.

In this view of the matter, the NGT orders stand substituted.

The appeals are disposed of accordingly.

Pending applications also stand disposed of.”

13. Appellant had filed an Misc. Application in disposed of Civil Appeal No. 161-163/2019 with the prayer for impleadment in Civil Appeal Nos. 161-163/2019 and for appropriate directions. Registrar, Judicial decline to receive those applications vide order 10.07.2024 by observing that no misc .application for impleadment, intervention, direction by third party

will be entertained unless and otherwise directed by the Supreme Court. Registrar Judicial, therefore, permitted the appellant to take appropriate measures in accordance with law. Such an order of Registrar, Judicial, Supreme Court will not come in the way of the appellant in taking up the further proceedings because no adjudication was done by Registrar Judicial and Registrar Judicial had only declined to receive the application on technical ground since it was not permission under rules.

14. The stand of the appellant is that it had installed the requisite VRS in its retail outlet within the time extended by Hon'ble Supreme Court by order dated 14.02.2019. This is not disputed by the Counsel for respondent but the respondent is insisting that it was not done within the time limit fixed by the NGT order.

15. Respondent-CPCB had thereafter issued first order dated 15.02.2024 under Section 5 of the EP Act, 1986 by observing that appellant had not complied with the orders of the NGT dated 01.11.2018 and 22.11.2018 passed in OA No. 147/2016 and had caused delay in VRS installation at 01 storage terminal located in Rewari. By this order, appellant was directed to pay EC of Rs. 1 crore for not installing VRS within the time prescribed by the NGT.

16. Against this order, appellant had filed the representation dated 08.03.2024 pointing out that Civil Appeal Nos. 161-163/2019, Civil Appeal Nos. 256-258/2019 and Civil Appeal Nos. 253-255/2019 were preferred before Hon'ble Supreme Court and Hon'ble Supreme Court had passed order dated 08.04.2020 by substituting the order of the Tribunal and extending the timeline for installation of Stage-IA VRS upto 30.09.2020. It was also stated in the representation that installation of Stage-IA of Rewari terminal was completed within the extended timeline. Hence, prayer for withdrawal of the order dated 15.02.2024 was made in this representation

and prayer was also made for giving personal hearing to enable the appellant to clarify the position.

17. Respondent-CPCB had passed the impugned order dated 13.06.2024 rejecting the representation by stating that benefit of extended deadline of VRS installation by the Hon'ble Supreme Court is not applicable to the appellant as appellant was not an appellant in Civil Appeal. By the impugned order, CPCB had directed the appellant to comply with the order dated 15.02.2024 and deposit of Rs. 1 crore within 15 days. By this order, CPCB has also provided consequence of non -deposit of amount as it would close the operation of concerned terminal in the NCR. No such direction for closure was mentioned in the earlier order.

18. So far as issue of extending the benefit of order of Hon'ble Supreme Court dated 14.02.2019 in Civil Appeal No. 161-163/2019 to the appellant concerned, though, appellant was not a party before Hon'ble Supreme Court but appellant was very much a party before the Tribunal. Paragraph 6 of the order of the Tribunal dated 28.09.2018 passed in OA No., 147/2016 specifically mentions the name of the appellant. This very order of the Tribunal was subject matter of challenge before the Hon'ble Supreme Court in Civil Appeal Nos. 161-163/2019 and connected Civil Appeals by other aggrieved oil companies. Hon'ble Supreme Court while passing the order dated 14.02.2019 in the above Civil Appeals had not only extended the time for compliance but had also substituted Tribunal's order by directing as under:-

“In this view of the matter, the NGT orders stand substituted.”

19. Once order's of the NGT stood substituted by order of Hon'ble Supreme Court, parties were required to comply with the order of the Hon'ble Supreme Court. Undisputedly the appellant had done compliance within the time extended by Hon'ble Supreme Court.

20. Respondent-CPCB is not justifying in imposing the environmental compensation on the basis of the timeline fixed by NGT in the order dated 28.09.2018 because that timeline and order of the NGT stood substituted by order of Hon'ble Supreme Court dated 14.02.2019. This issue was clearly raised by the appellant in the representation dated 08.03.2024 but it has not been considered while passing of the order impugned in this appeal. In the representation dated 08.03.2024 appellant had also prayed for an opportunity of personal hearing which was not granted before passing of the impugned order dated 13.06.2024. Even if the appellant was not a party in the Civil Appeal Nos. 161-163/2019 before Hon'ble Supreme Court then also the CPCB cannot insist upon the appellant to comply with the timeline given in the order of NGT in view of the fact that timeline given in the order of NGT stood substituted by order of Hon'ble Supreme Court dated 14.02.2019 passed in Civil Appeals.

21. Learned Senior Counsel for the appellant placing reliance upon the judgment of Hon'ble Supreme Court in the matter of *Civil Appeal No.1943/2002; Lt. Col. Suprita Chandel v. Union of India & Ors.*, reported in 2024 SCC OnLine SC 3664 has submitted that when a law is declared by Hon'ble Supreme Court in the case of one person all other similarly situated person must be extended the benefit without the need for them to approach the Court. Hon'ble Supreme Court in the matter of *Lt. Col. Suprita Chandel v. Union of India*, (supra) has held as under:

“...14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See *Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others*, (1975) 4 SCC 714].

15. In *K.I. Shephard and Others vs. Union of India and Others*, (1987) 4 SCC 431, this Court while reinforcing the above principle held as under:-

“19. The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employees have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners.”

(Emphasis Supplied).

16. No doubt, in exceptional cases where the court has expressly prohibited the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment.

17. That is not the situation here. In the submissions too, the respondents have not been able to point out any valid justification as to how the applicants who obtained the benefit from the AFT, Principal Bench in OA No. 111 of 2013 and batch are not identically situated with the appellant. Like the applicants who succeeded, the appellant was also ripe for the third chance before the amended para 4(a) of AI No. 37 of 1978 was introduced on 20.03.2013. The Principal Bench of the AFT in OA No. 111 of 2013 after clearly holding that the applicants therein were denied the third chance directed consideration of their cases for permanent absorption by granting one-time age relaxation by considering them under the unamended policy.

18. The respondent authorities on their own should have extended the benefit of the judgment of AFT, Principal Bench in OA No. 111 of 2013 and batch to the appellant. To illustrate, take the case of the valiant Indian soldiers bravely guarding the frontiers at Siachen or in other

difficult terrain. Thoughts on conditions of service and job perquisites will be last in their mind. Will it be fair to tell them that they will not be given relief even if they are similarly situated, since the judgment they seek to rely on, was passed in the case of certain applicants alone who moved the court? We think that would be a very unfair scenario. Accepting the stand of the respondents in this case would result in this Court putting its imprimatur on an unreasonable stand adopted by the authorities.”

22. In view of the above order also, appellant is entitled to benefit of the order of the Hon'ble Supreme Court dated 14.02.2019 passed in Civil Appeal Nos. 161-163/2019.

23. In view of the above analysis, impugned order dated 13.06.2024 cannot be sustained and is hereby set-aside.

24. The Appeal is accordingly allowed.

25. All pending IA are disposed of accordingly.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

July 10, 2025
Appeal No. 26/2024
(I.A. Nos. 313/2024,312/2024, 311/2024 & 378/2025
JG.

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL JUDGE, NEW DELHI**

Original Application No. 31/2019
(I.A. No. 07/2019)

K. Sathyadevan

Applicant(s)

Union of India & Ors.

Versus

Respondent(s)

Date of hearing: 29.01.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Ms. Usha Nandini V. Advocate

ORDER

Issue for consideration is the requirement of Vapour Recovery Devices in the fuel stations, distribution centres, terminals, railway loading/unloading facilities and airports in the State of Kerala.

We are informed by an officer of the oil company present before this Tribunal that the requirement of Vapour Recovery Devices is applicable throughout the country as per CPCB guidelines if the capacity of an outlet is more than 300 Kilo litre petrol per month where population of a city is more than 10 lacs.

Report
at p.38

Other question raised is the feasibility study report about the number of outlets which are viable.

Ref to
the
115

The CPCB may give its views in the matter, including whether the above requirement should extend to all the retail units even with lesser population area. The CPCB may also consider geographical and meteorological questions while furnishing its views on the matter.

The applicant is permitted to serve a set of papers to the CPCB.

The report of CPCB may be furnished by e-mail at ngt.filing@gmail.com within one month.

List again on 01.04.2019.

105



भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड
भारत सरकार का उपक्रम

BHARAT PETROLEUM CORPORATION LTD.
A Public Limited Enterprise

VRS/CPCB/2021-22

12 May 2021

To,
The Chairman,
Central Pollution Control Board,
Parivesh Bhawan,
East Arjun Nagar,
Delhi - 110032

Additional time required for implementation of CPCB guidelines
Ref. B-33014/30/2013/AQM dated 18.09.2020

Respected Sir,

This has reference to the subject referred guidelines and discussions held during the meeting on 08th April 2021 which were minuted vide your communication ref. B-13011/1/2020-21/AQM dated 15th April 2021.

Vide above guidelines, OMCs have been advised to comply with the following timelines for installation of VRS:

- VRS Stage II: 100% Retail Outlets by August 2022 out of which 50% of Retail Outlets shall have VRS by September 2021.
- VRS Stage IB: 100% Retail Outlets by February 2022 out of which 50% of Retail Outlets shall have VRS by July 2021.
- VRS Stage 1A (Storage Terminals): March 2024

However, as conveyed during the above meeting held on 08.04.2021 and in view of the COVID-19 pandemic, it is becoming practically difficult to meet these timelines and there is a genuine need of a holistic review of these timelines. Accordingly, it was kindly conveyed by Chairman CPCB to OMCs and CPCB officials to review these timelines; keeping all factors in view so that a realistic schedule is drawn to complete the installation of VRS.

Accordingly, OMCs have checked back with vendors, assessed the associated activities and have the following submissions for sympathetic consideration:

A. Stage II VRS

- OMCs had earlier installed Central Vapour Recovery Systems to meet the CPCB directions but are moving towards Inbuilt VRS Dispensing Units for complying with the latest CPCB directions.
- The number of Retail Outlets (ROs) and the number of such Inbuilt VRS dispensers required to meet the CPCB directions are as follows:

OMC	No. of ROs	No. of Inbuilt VRS DUs required
IOCL	974	3345
BPCL	760	2700
HPCL	600	1500
Total	2334	7545

12/12/2021 12:12 PM, वेबसाइट ऑफिस का पता: पोस्ट बॉक्स नं. 19949 मुंबई - 400 005, फोन 2189172 फैक्स नं. 2182304 ग्राम, पेट्रो टावर
रजिस्टर्ड ऑफिस : भारत भवन, 4 & 6 कर्णभोय रोड, बेलारड इस्टेट, पोस्ट बॉक्स नं. 688, मुंबई-400 001

12/E & F Maker Towers, Cuffe Parade, Post Box No.19949 Mumbai - 400 005, Phone 2189172, Fax: 2182304 Gram, PETROTOWER
Registered Office: Bharat Bhavan, 4 & 6 Currambhoy Road, Ballard Estate, P.B. No. 688, Mumbai-400 001. CIN : L23220MH1962GOI008931

3. In order to meet the above requirements, all the OMCs have already invited tenders which are in various stages as follows:

OMC	Tender status
IOCL	<ul style="list-style-type: none"> ✓ LOA has been placed for procurement of 635 Inbuilt VRS DUs. ✓ Tender is under finalization for 3345 Inbuilt VRS DUs.
BPCL	<ul style="list-style-type: none"> ✓ LOA has been placed for procurement of 100 DUs in March 2020. However, CDAC approval got delayed and took one year due to COVID issues at OEM and CDAC offices. ✓ Currently also, supply of these DUs is a challenge considering the COVID lockdown rules in Maharashtra where OEM is based. ✓ Another tender for 2700 VRS DUs was floated in Feb 2021 and is towards finalization (pending price bid opening). ✓ Tenders are in progress for Stage IB VRS, as well.
HPCL	<ul style="list-style-type: none"> ✓ Order is available for 400 outlets with central vacuum system, PO placed for 600 in-built VRS DUs. ✓ Additional tender for in- built VRS DUs is being floated to take care of further requirements, if any. ✓ Orders placed for Stage IB VRS peripherals.

4. After placement of LOA for Inbuilt VRS DUs, which is expected to be completed for all the OMCs by Jul'2021 considering the time required in finalizing tendering processes, such DU models are to be tested and certified by Centre for Development of Advanced Computing (CDAC), Trivandrum as per the standard procurement practice for Dispensing Units.
5. In view of COVID-19 pandemic and other factors, the testing process at CDAC, Trivandrum will take a minimum of 6 months for completion, i.e., the testing of all these Inbuilt VRS MPDs is expected to be completed by Jan'2022.
6. Post these approvals from CDAC, Trivandrum, the DU vendor may start the supplies of DUs (considering the worst scenario, when only one vendor receives all the orders in competitive bidding process) and will take minimum of eight months to complete all the supplies i.e., the supply of all the above DUs will be completed by Sep'2022. The delivery timelines will be longer for the DU vendor as there is immense shortage of critical semiconductors in the market and repeated disruptions in the production due to COVID-19 pandemic.
7. It is expected that 50% of these Dispensers will be delivered by the DU vendor by May'2022 and the installation can be completed by Aug'2022, while the installation of the balance can be completed by Dec'2022.
8. Hence, it is proposed to revise the timelines for implementation of VRS Stage II as "100% Retail Outlets by Dec' 2022 out of which 50% of Retail Outlets shall have VRS by August'2022."

B. VRS Stage IB

1. OMCs have already initiated actions for implementation of VRS Stage 1B including tender activities and the various pipeline works required to be done at Retail Outlets for implementation.
2. However, there are limited vendors and there are lot of restrictions as far as the movement of equipment and manpower is concerned in various States due to the restrictions imposed by various State Governments to control the spread of COVID-19 pandemic.
3. Hence, it is proposed to revise the timelines for implementation of VRS Stage II as "100% Retail Outlets by Jun'2022 out of which 50% of Retail Outlets shall have VRS by Dec'2021"

C. VRS Stage IA

As of now, no extension is proposed for VRS stage IA and it is requested to be reviewed subsequently in case external conditions impact the overall progress.

Hence, in view of various restrictions due to COVID-19 pandemic and factors as mentioned above beyond our control, you are requested to consider the extension of timelines for implementation of CPCB guidelines ref. B-33014/30/2013/AQM dated 18.09.2020 as under:

VRS details	Current Timelines	Proposed Timelines
VRS Stage II	50% Retail Outlets by Sept 2021	50% Retail Outlets by Aug 2022
	100% Retail Outlets by Aug 2022	100 % Retail Outlets by Dec 2022
VRS Stage IB	50% Retail Outlets by July 2021	50% Retail Outlets by Dec 2021
	100 % Retail Outlets by Eeb.2022	100 % Retail Outlets by June 2022
VRS Stage IA	March 2024	March 2024

A word of confirmation shall be highly appreciated.

This has been issued on behalf of IOCL/ BPCL/ HPCL.

Thanking you,

Yours faithfully
For Bharat Petroleum Corporation Ltd.

Sanjeev Agrawal
Chief GM (Retail Engineering) HQ

CC : Dy. Secretary MOP&NG – For your kind information.
CC : Chief GM (Retail Engg.) IOC / HPC

108

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 421 OF 2022

M/s Indian Oil Corporation Limited ...Appellant(s)

Versus

V.B.R. Menon & Others ...Respondent(s)

WITH

CIVIL APPEAL NO. 494 OF 2022

CIVIL APPEAL NO. 1695 OF 2022

CIVIL APPEAL NO. 2039 OF 2022

CIVIL APPEAL NO. 1758 OF 2022

CIVIL APPEAL NO. 1912 OF 2022

J U D G M E N T

J.B. PARDIWALA, J. :

Since the issues raised in all the captioned appeals are the same and the challenge is also to the self same order passed by the National Green Tribunal, Southern Zone, Chennai, (for short, “NGT, Chennai”), those were

Signature Not Verified
Digitally signed by
Nisha Khulbe
Date: 2025.03.14
18:06:58 IST
Reason: 

taken up for hearing analogously and are being disposed of by this common judgment and order.

2. For the sake of convenience, the Civil Appeal No. 2039 of 2022 is treated as the lead matter.

3. This appeal is filed by an oil marketing company viz. the Reliance BP Mobility Limited incorporated under the Companies Act, 2013 and is directed against the judgment and order dated 23.12.2021 passed by the NGT, Chennai in the Original Application No. 138 of 2020 (SZ) insofar as the impugned order directs the Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards to issue directions to make it mandatory to obtain Consent to Establish ("CTE") and the Consent to Operate ("CTO") for new retail petroleum outlets as well as the existing retail petroleum outlets.

FACTUAL MATRIX:

4. It appears from the materials on record that the respondent No. 2 herein Mr. V.B.R. Menon, a resident of Chennai, filed the Original Application No. 138 of 2020 (SZ) before the NGT, Chennai raising the issue in regard to the

non-installation of Vapour Recovery Systems (VRS) in the petroleum outlets by the oil marketing companies (OMCs). In the Original Application No. 138 of 2020, the applicant (respondent No. 2 herein) prayed for the following reliefs:-

“Reliefs:

- A. Injunct the respondents 5 to 9 from commissioning and operating any new petroleum retail outlets in Tamil Nadu without installing Vapour Recovery Systems, Stage 1 and 2 in good working condition, pending disposal of this application and
- B. Pass such further order or orders as may fit proper and necessary in the facts and circumstances of the case

Prayer

- A. Direct the respondent oil marketing companies R-5 to R-9 to install and operate Vapour Recovery Systems, Stage 1 and 2, in good working condition before opening and commissioning of any new petroleum retail outlets in Tamil Nadu.
- B. Direct the respondent oil marketing companies R-5 to R-9 to install and operate Vapour Recovery Systems Stage 1 and 2, in all the existing petroleum outlets in Tamil Nadu within a time schedule to be prescribed by this Hon’ble Tribunal for each city, town and rural area situated in Tamil Nadu.
- C. Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.”

5. The basis for filing of the original application as aforesaid before the NGT, Chennai was the order passed by the Principal Bench of the NGT in the Original Application No. 147 of 2016 wherein the Principal Bench of the NGT issued directions to install Stage-I and Stage-II vapour recovery devices (VRD) at all fuel stations, distribution centers, terminals, railway loading/unloading facilities and airports in the National Capital Territory of Delhi. Vide order dated 28.09.2018 passed in the O.A. No. 147 of 2016 by the Principal Bench of the National Green Tribunal, the time line of installation of VRD was extended.

6. The NGT, Chennai adjudicated the O.A. No. 138 of 2020 (SZ) and disposed of the same vide order dated 23.12.2021 by issuing the following directions:-

“69. In the result, this application is disposed of as follows:-

i. We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the

Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not complied with the same by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).

ii. As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).

iii. The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future

and even to those which are under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply for Consent to Establish and Consent to Operate before its establishment.

iv. We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law.

v. Considering the circumstances, parties are directed to bear their respective cost in the application.

vi. The Registry is directed to communicate this order to the Ministry of Environment, Forests & Climate Change (MoEF&CC), Central Pollution Control Board, New Delhi, Integrated Regional Office of the Central Pollution Control Board, Bangalore and Chennai, State Pollution Control Boards of Tamil Nadu, Kerala, Andhra Pradesh, Telangana, Karnataka and also to the Pollution Control Committee of Union Territory of Puducherry for their information and compliance of the direction.”

7. Being dissatisfied with the aforesaid directions issued by the NGT, Chennai, the appellant is here before this Court.

8. The other oil marketing companies (OMCs) before this Court seeking to challenge the very self same order passed by the NGT are : (1) M/s Indian Oil Corporation Limited, (2) M/s Hindustan Petroleum Corporation Limited; (3) M/s Bharat Petroleum Corporation Limited, (4) M/s Nayara Energy Limited, and (5) M/s Shell India Markets Private Ltd.

Submissions on behalf of the appellant:

9. At the outset, the learned counsel appearing on behalf of the appellant herein submitted that it does not seek to challenge the directions contained in para 69(i) and 69(ii) resply of the impugned order i.e. regarding the installation of the VRS/VRD. The learned counsel would like to confine his challenge only to the direction issued in para 69(iii) and para 69(iv) resply referred to above i.e. in regard to the Consent to Establish (CTE) and Consent to Operate (CTO).

10. The learned counsel submitted that the present appeal gives rise to three substantial questions of law which read thus:-

115

A. Whether the NGT can issue directions which are in the nature of legislative functions?

B. Whether the public sector and private sector OMCs and/or ROs (Retail Outlets) are required to obtain Consent to Establish and/or Consent to Operate for operation, establishment and carrying on the business of ROs?

C. Whether the NGT can impose requirement of obtaining an additional approval merely to provide for a regulating mechanism to supervise compliance of the existing guidelines issued by the CPCB?

11. The learned counsel submitted that the directions issued in para 69(iii) and 69(iv) respily of the impugned order are legislative in nature and therefore beyond the jurisdiction of the NGT. He would submit that the directions issued by the NGT, Chennai to the CPCB making it mandatory to obtain CTE and CTO for ROs would amount to enacting a law under the guise of judicial order. It was further submitted that there is no rational basis to

116

issue the directions making it mandatory for the ROs to obtain CTE and/or CTO. According to the learned counsel, the only basis for the NGT to issue such directions is to ensure proper regulatory mechanism and/or to secure compliance of the guidelines issued by the CPCB regarding installation of VRS, etc. It was also submitted that the impugned directions are directly in conflict with the object with which the reclassification of industries has been done by the CPCB. It was pointed out that the petroleum retail outlets fall within the green zone and for any industry falling within the green zone, it is not mandatory to obtain CTO and/or CTE. It was further submitted that the process of setting up of a RO requires obtaining of numerous approvals and the same takes a considerable period of time. For instance, even prior to the construction of ROs, the OMCs are required to obtain approvals from *inter alia* (1) Petroleum & Explosives Safety Organisation (PESO), (2) Town and Country Planning Officers, (3) National Highway Authority of India, (4) District/Divisional Forest

117

Officer/Regional Forest Officer, (5) approvals from the State Cabinet, etc. Furthermore, the OMCs are also required to obtain No-Objection Certificate from the concerned District Magistrate. Such NOC from the District Magistrate comprises of approvals from various authorities, such as – the fire department, Police Department, PWD, Health and Safety, concerned Municipality and/or any other authority that the District Magistrate may consider necessary. Thereafter, upon construction of the ROs, the OMCs are required to obtain final approvals from inter alia PESO, National Highway Authority of India, Legal Metrology Department Labour Department and the concerned Municipality. The timelines for some of the aforesaid approvals range over 120 to 240 days. In such circumstances, according to the learned counsel, by making it mandatory to obtain the CTO and CTE for setting up/operating a RO would cause lot of hardship and also delay the setting of ROs.

12. The learned counsel laid much stress on the fact that the CPCB its vide Office Memorandum dated 07.01.2020 had issued guidelines for setting up of new petroleum pumps in compliance of the order passed by the NGT dated 18.01.2019 in O.A. No. 86 of 2019 titled **Gyanprakash @ Pappu Singh v. GoI & Ors.** The guidelines are very exhaustive and they take care of the apprehension expressed by the NGT in its impugned order. Once these guidelines are scrupulously observed and followed, there is no need thereafter to obtain CTO and/or CTE.

13. In such circumstances referred to above, the learned counsel appearing for the appellant prayed that there being merit in his appeal, the same may be allowed and the directions issued in para 69(iii) and para 69(iv) of the impugned order passed by the NGT, Chennai be set aside.

Submissions on behalf of the respondent No. 2 – the original applicant before the NGT:

14. The learned counsel appearing for the respondent No. 2 (the original applicant) vehemently submitted that no error, not to speak of any error of law, could be said to have

been committed by the NGT in issuing the impugned directions. It was submitted that no interference is warranted at the hands of this Court in an appeal filed under Section 22 of the National Green Tribunal Act, 2010 (for short, 'the NGT Act'). According to the learned counsel, an appeal under Section 22 of the NGT Act is restricted to substantial questions of law. There is no substantial question of law involved in the present appeal. In such circumstances referred to above, the learned counsel prays that there being no merit in the present appeal, the same may be dismissed.

Submissions on behalf of the respondent No. 1- CPCB:

15. Mr. Tushar Mehta, the learned Solicitor General submitted that there was no need for the NGT to issue the impugned directions as contained in para 69(iii) and para 69(iv) resply, more particularly in view of the detailed guidelines issued by the CPCB vide the Office Memorandum dated 07.01.2020. According to Mr. Mehta, what is sought to be achieved by asking the ROs to obtain

120

CTE and/or CTO can very well be taken care of by ensuring that all the existing ROs and the ROs that may come up in future scrupulously abide by the guidelines issued by the CPCB. The CPCB has ensured that all the State Pollution Control Boards keep a very strong vigil on the ROs across the country so as to ensure that the guidelines issued by it are scrupulously followed. Even, according to Mr. Mehta, to ask all the existing ROs to obtain CTO is something very unreasonable. According to Mr. Mehta, the same requires a lot of paper work and is very time consuming.

16. Mr. Mehta would submit that it is highly debatable that the NGT could have directed the CPCB that it should in exercise of powers under Section 5 of the Environment (Protection) Act, 1986 (for short, 'the Act 1986') make it mandatory to obtain CTE and/or CTO.

17. Mr. Mehta in the last submitted that so far as directions contained in para 69(i) & 69(ii) respaly are concerned, the same shall be complied with in its true perspective and the State Pollution Control Boards shall

121

ensure due compliance of the same. He would submit that the CPCB shall also ensure that the guidelines issued by it referred to above are strictly adhered to by the all State Pollution Control Boards and, if there is any lapse at the end of any retail outlet, then necessary action shall be taken in accordance with law.

18. In such circumstances referred to above, Mr. Mehta prays that the directions contained in para 69(iii) and 69(iv) may be set aside or modified appropriately.

Analysis:

19. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is : (i) whether the NGT has the jurisdiction to direct the CPCB that it should in exercise of its powers under Section 5 of the Act 1986 make obtaining of the CTE and CTO resply mandatory for all the petroleum retail outlets across the country?

20. This Court, while issuing notice vide order dated 07.02.2022 in one of the connected appeals i.e. Civil Appeal 494 of 2022, observed thus:-

“Issue notice, returnable in six weeks.

Meanwhile, the directions issued vide impugned order of the National Green Tribunal dated 23.12.2021 shall remain stayed provided the petitioner complies with the directions issued by the Central Pollution Control Board (CPCB) dated 04.06.2021 prescribing fresh timeline for completion of installation of Vapor Recovery Devices (VRD).

Mr. Sanjay Kapur, learned counsel appearing for the appellant has stated that in terms of the said directions of CPCB dated 04.06.2021, Vapor Recovery Devices have already been installed in 50% retail outlets by December, 2021 in the specified category and the remaining timeline shall also be complied with.”

21. As the principal argument of all the learned counsel appearing for the respective oil marketing companies in the present litigation is in regard to the jurisdiction of the NGT to issue the impugned directions, it is necessary to first understand the entire scheme of the NGT Act.

Scheme of the NGT Act, 2010:

22. The preamble to the NGT Act reads as follows:-

123

“An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

AND WHEREAS India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1992, in which India participated, calling upon the States to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of population and other environmental damage;

AND WHEREAS in the judicial pronouncement in India, the right to healthy environment has been construed as a part of the right to life under article 21 of the Constitution.

AND WHEREAS it is considered expedient to implement the decisions taken at the aforesaid conference and to have a National Green Tribunal in view of the involvement of multi-disciplinary issues relating to the environment.”

23. The jurisdiction and powers of the NGT are to be found in Sections 14 to 20 respily. A close look at these provisions would show that the NGT has both original as

124

well as appellate jurisdiction. The range of powers that the NGT has include:-

(i) the power to adjudicate upon civil cases where a substantial question relating to environment is involved (Section 14(1));

(ii) the power to grant relief and compensation to the victims of pollution (Section 15(1)(a); and

(iii) the power to order restitution of either property damaged or of the environment (Section 15(1)(b).

24. A person in whose favour the NGT passes an award or order, is entitled to two types of remedies, if the award or order or the decision of the NGT is not complied with. The first is a right to seek execution of the award under Section 25 and the second is to seek the prosecution of the offenders before a criminal court under Section 26.

25. Apart from the bar of jurisdiction of civil courts under Section 29, the NGT Act is also conferred the

125

overriding effect upon any other law under Section 33, which reads as follows:

“Section 33. Act to have overriding effect:—The provisions of this Act, shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

26. Sub-section (1) of Section 38 of the NGT Act repeals the following enactments:-

(i) The National Environment Tribunal Act, 1995

(ii) The National Environment Appellate Authority Act, 1997

27. Apart from repealing the above two enactments expressly under sub-section (1) of Section 38, the NGT Act also contains a provision in sub-Section (8) of Section 38 which deals with implied repeal. Sub-Section (8) of Section 38 reads as follows:-

“(8) The mention of the particular matters referred to in sub-sections (2) to (7) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.”

126

28. In so far as the execution of the orders of NGT are concerned, Section 25 confers two types of powers as noted below:-

(a) The power to execute the award by itself, as if the award is a decree of a civil court and

(b) The power to transmit the award to a civil court for its execution.

29. As stated earlier, the failure of any person to comply with the award of the NGT is also made punishable under Section 26, with imprisonment for a term that may extend to three years or with fine which may extend to ten crore rupees or with both. Section 27 makes every company and every person directly in charge of the affairs of the company liable to prosecution. Section 28 makes even the Government Departments liable to be prosecuted and punished. Such powers are not available for the Loss of Ecology Authority.

30. Though Sub-Section (2) of Section 26 makes offences under the AGT Act known cognizable, Section 30(1)(b) entitles any person who has given notice of not less than sixty days in the prescribed manner, of the alleged offences and of his intention to prosecute, to file a complaint before the competent court. Interestingly, Section 30(1)(b) does not even use the expression “aggrieved person”. It uses only an expression “any person”.

31. The 186th Report of the Law Commission, submitted in 2003, eventually paved the way for the enactment of the NGT Act. This can be seen from the relevant portion of the Statement of Objects and Reasons of the NGT Act which read as follows:-

“4. The National Environment Tribunal Act, 1995 was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment. However, the National Environment Tribunal, which had a very limited mandate, was not established. The

National Environment Appellate Authority Act, 1997 was enacted to establish the National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. The National Environment Appellate Authority has a limited workload because of the narrow scope of its jurisdiction.

5. Taking into account the large number of environmental cases pending in higher courts and the involvement of multidisciplinary issues in such cases, the Supreme Court requested the Law Commission of India to consider the need for constitution of specialised environmental courts. Pursuant to the same, the Law Commission has recommended the setting up of environmental courts having both original and appellate jurisdiction relating to environmental laws.

6. In view of the foregoing paragraphs, a need has been felt to establish a specialised tribunal to handle the multidisciplinary issues involved in environmental cases. Accordingly, it has been decided to enact a law to provide for the establishment of the National Green Tribunal for effective and expeditious disposal of civil cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment.”

32. From the 186th Report of the Law Commission and the salient features of the Act, the following could be deduced:

(1) The creation of the National Green Tribunal, was in pursuance of the repeated directions issued by this Court in at least four cases namely, M.C. Mehta v. Union of India [(1986) 2 SCC 176], Indian Council for Enviro Legal Action v. Union of India [(1996) 3 SCC 212], A.P. Pollution Control Board v. M.V. Nayudu [(1999) 2 SCC 718], A.P. Pollution Control Board v. M.V. Nayudu [(2001) 2 SCC 62].

(2) The object of creation of the National Green Tribunal was to provide, what could be called a one-stop-shop solution, for all types of issues such as Environmental clearances, settlement of disputes relating to environment, relief and compensation for victims of pollution and environmental damage, restitution of property, restitution of environment etc.

(3) The Tribunal was to have both original and Appellate jurisdiction, with enormous powers not only to execute its orders as decrees of civil courts, but also to punish those who fail to comply with its orders.

(4) The Tribunal was to collect a court fee and entertain claims preferred within a period of limitation.

130

33. Under the NGT Act, the Act 1986 was also amended. By Section 36 of the NGT Act, Section 5A was inserted in the Act 1986. Under this Section, any direction issued by the Central Government under Section 5, either for the closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of the supply of electricity or water or any other service, was made appealable to the National Green Tribunal.

34. The legal effect of Section 5A of the Act 1986, if juxtaposed in to Section 5 read with Section 3(3) will be:—

(1) that Central Government is competent to issue certain directions under Section 5;

(2) that the power under Section 5 can also be exercised by the Authority constituted under Section 3(3); and

(3) that the directions issued under Section 5, either by the Central Government itself or by the Authority constituted under Section 3(3) are amenable to the appellate jurisdiction of the National Green Tribunal.

35. We now proceed to consider whether the NGT has the power & jurisdiction to issue directions to the CPCB/its delegates to take all such measures if in a given case the NGT finds that such directions are necessary in the interest of justice.

36. Section 3 of the Act 1986 expressly empowers the Central Government or its delegate, as the case may be, to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government or its delegate with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2(a), Sections 3 and 5 resply clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose.

37. We take notice of the fact that the Central Government has framed the National Green Tribunal (Practices and Procedures) Rules, 2011 (for short, 'the NGT Rules'). For our purpose, Rule 24 is important which reads thus:-

“Rule 24. Order and directions in certain cases.— The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice.”

38. The aforesaid Rule 24 fell for the consideration of this Court in ***Municipal Corporation of Greater Mumbai v. Ankita Sinha, 2021 SCC OnLine SC 897***. We quote the few relevant observations made by this Court in ***Ankita Sinha*** (supra) as regards the powers of the National Green Tribunal:-

“16.3 The said Rules make it clear that the NGT has been given wide discretionary powers to secure the ends of justice. This power is coupled with the duty to be exercised for achieving the objectives. The intention understandably being to preserve and protect the environment and the matters connected thereto.

16.4 By choosing to employ a phrase of wide import, i.e. secure the ends of justice, the

legislature has nudged towards a liberal interpretation. Securing justice is a term of wide amplitude and does not simply mean adjudicating disputes between two rival entities. It also encompasses inter alia, advancing causes of environmental rights, granting compensation to victims of calamities, creating schemes for giving effect to the environmental principles and even hauling up authorities for inaction, when need be.

16.5 Moreover, unlike the civil courts which cannot travel beyond the relief sought by the parties, the NGT is conferred with power of moulding any relief. The provisions show that the NGT is vested with the widest power to appropriate relief as may be justified in the facts and circumstances of the case, even though such relief may not be specifically prayed for by the parties.

21.6 ... The above would show that from the very inception, the role of the NGT was not simply adjudicatory in the nature of a lis but to perform equally vital roles which are preventative, ameliorative or remedial in 17 (1999) 2 SCC 718 nature. The functional capacity of the NGT was intended to leverage wide powers to do full justice in its environmental mandate.

IX. AUTHORITY WITH SELF-ACTIVATING CAPABILITY

25.1 Given the multifarious role envisaged for the NGT and the purposive interpretation which ought to be given to the statutory provisions, it would be fitting to regard the NGT as having the mechanism to set in motion all necessary functions within its domain and this, as would follow from the discussion below, should necessarily clothe it with

the authority to take suo motu cognizance of matters, for effective discharge of its mandate.

25.7 The duty to safeguard Article 21 rights cannot stand on a narrow compass of interpretation. Procedural provisions must be allowed to fall in step with the substantive rights that are invoked in the environmental domain, in larger public interest. The specialized forum is bestowed with the responsibility to ensure protection of the environment. To be effective in its domain, we need to ascribe to the NGT a public responsibility to initiate action when required, to protect the substantive right of a clean environment and the procedural law should not be obstructive in its application.

26.3 As earlier seen, S.20 of the NGT Act which includes the term “decision”, in addition to “order” and “award”, also require the Tribunal to apply the ‘Precautionary Principle’ and the statutory mandate being relevant is extracted:-

“20. Tribunal to apply certain principles.

- The Tribunal shall, while passing any order or decisions or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.”

26.4 The principle set out above must apply in the widest amplitude to ensure that it is not only resorted to for adjudicatory purposes but also for other ‘decisions’ or ‘orders’ to governmental authorities or polluters, when they fail to “to anticipate, prevent and attack the causes of environmental degradation”. Two aspects must

135

therefore be emphasized i.e. that the Tribunal is itself required to carry out preventive and protective measures, as well as hold governmental and private authorities accountable for failing to uphold environmental interests. Thus, a narrow interpretation for NGT's powers should be eschewed to adopt one which allows for full flow of the forum's power within the environmental domain."

CONSENT TO ESTABLISH & CONSENT TO OPERATE:

39. What is "Consent to Establish" (CTE) and what is "Consent to Operate" (CTO)? Consent to Establish (CTE) means the prior permission of the pollution control board to begin the work of construction of petrol retailing outlet at any place. At this stage, the ground water level in the proposed site, nature of the ground water, its corrosive properties, availability of residential premises, schools, probable danger to environment from the proposed outlet, etc. would be considered by the Pollution Control Board. In case consent to establish its given, the conditions to be complied with would be prescribed in order to safeguard the air ambience and ground water quality and also the

136

soil. The power in this regard is available under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.

40. Consent to Operate (CTO) means after the establishment of the retail petroleum outlets, a certificate is issued permitting to commence operation. At this stage, the actual compliance of the conditions imposed while issuing the “consent to establish” are ascertained. In case, any additional measures are required to be undertaken, further orders would be issued. After satisfying about the complete safeguard to environment such certificate is issued. In case of a new outlet, the company will first get the consent to establish and after establishment and before operationalizing the petrol bank, the consent to operate is to be obtained. In existing outlets, the safeguards available in their units will have to be shown, thereby indicating & assuring the pollution control board that the unit would not cause damage to the environment. After such satisfaction, the pollution control board would issue a certificate permitting them to operate continuously. The

object of the last direction is to ensure that the existing outlets are safe not only regarding air pollution but also against seepage to the ground water and soil. NGT has inherent power to issue this direction since it is only to ensure the safety of the existing units.

41. The fundamental documents required for seeking CTE and CTO are as under:-

Consent to Establish:

- Site plan of the production unit/project
- Brief project report which covers the details of raw material, proposed product, the capital cost of the establishment (land and plant machinery), water-balance, water source, and its proposed quantity
- Land documentation such as rent deed/ Registration deed/ Lease deed
- Details of air pollution control/ Water Pollution control equipment

138

- MOA /Partnership Deed

Consent to Operate:

- Copy of the last Consent granted by competent Authority
- Layout schematics manifesting the detail of manufacturing processes
- Latest analysis report of effluent, solid wastes, fuel gases, and hazardous wastes.
- Balance sheet copy attested by CA
- Detail relating to land in case trade effluent is discharged on land for percolation
- Occupation registration accorded by Town & Country Planning Department in case of area development projects/ Building & construction projects
- MOA /Partnership Deed

42. It will be in the fitness of things to incorporate in this judgment the guidelines issued by the CPCB vide its Office Memorandum dated 07.01.2020 for setting up new petroleum pumps. The guidelines are as follows:-

“GUIDELINES FOR SETTING UP OF NEW PETROL PUMPS

- A.** Containment and treatment of spillages from fuel filling operations at petrol pumps:
1. Petrol pumps located in areas with high groundwater table i.e. groundwater levels less than 04 meters shall have secondary containment by way of double walled tanks or concrete protection walls so as to minimize groundwater and soil contamination. It shall be the responsibility of OMC to properly get measured groundwater level at the site of proposed petrol pump and ensure implementation of these adequate protection measures for such sites. Details of measures taken by Oil Marketing Company shall be placed in public domain and in case of contradictory view, view of State/ Central Ground Water Board/ Authority will prevail.
 2. All new retail outlets shall have underground tanks/ above ground tank and its ancillary components such as pipes, flexible connectors, pumps fittings etc(protected from leaks due to corrosion by adopting materials (HDPE/ Mild Steel etc.) with required protective coating, as applicable, duly approved by PESO.
 3. Any major leakage/ spillage of Petrol, Diesel, Lube Oil (more than barrel-165 litres) occurs at fueling station, concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within

24 hours of occurrence.

Operation of concerned underground storage tank (UST) and its ancillary components shall be stopped immediately and not be resumed till corrective measures to contain and stop leakage/spillages are implemented to the satisfaction of PESO and concerned SPCB.

OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 5 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

4. All DUs shall have Auto Cut off Nozzles which shuts dispensation of fuel if its level in customer fuel tank reaches full capacity.
5. Breakaways to be installed for all the hoses of dispensing units to reduce spillage in the event of customer vehicles moves away with nozzle still in the fueling position.
6. Single/double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refueling does not fall off accidentally.
7. In pressurized dispensation, all dispensing units shall be installed with shear valves to cut the fuel flow from pipe line immediately upon accidental knocking of dispensing units from its position.
8. In pressurized system all Submersible Turbine Pumps (STPs) are to installed with line leak detectors and in the event of pipeline leaks STPs shall stop pumping fuel from underground tanks.

141

9. Emergency stop button switch shall be provided on the Multi-Product Dispenser (MPD) to stop the dispensation in case of emergency.
 10. Automation system shall be installed at all new retail outlets to alert in case of tank leak by way of auto gauging system approved by PESO.
 11. All Retail Outlets shall provide overflow alarm through automation.
 12. Measures for spill containment in fill point chambers and forecourt area shall be implemented as prescribed by PESO.
- B. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater and soil contamination:
1. All new retail outlets *will* have automation system installed which will provide reports on volume balance after every day operation and records shall be maintained.
 2. Manual gauging shall be done once in a month and compare the same with Automatic Tank Gauging for accuracy.
 3. Daily MS and HSD loss shall not exceed MoPNG prescribed limits. In case of leakage beyond such limits, matter shall be got analyzed by OMCs and further action shall be taken for ascertaining the reasons of losses. In case of leakage resulting in soil/groundwater contamination:
 - a. Concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such underground storage tank (UST) and its ancillary components shall be stopped immediately.
 - b. Fuel shall be removed immediately from underground storage tank to prevent further release to environment. Measures to prevent

explosion due to vapors released due to leakage as recommended by PESO shall be implemented immediately.

- c. OMCs will be held liable for Environmental compensation (imposed by SPCBs/PCCS) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 05 years in this field. Various approved methods shall be considered for cleaning underground contaminants.
 - d. Operation of Underground tank and its ancillary components shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned SPCB.
4. All underground tanks and pipelines shall be subjected to test for leaks every 7 years.

C. Policy towards Treatment and disposal of sludge removed from underground tanks during cleaning:

D. Installation, Operation and maintenance of Vapour Recovery System:

1. All new retail outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 1 lakh will be provided with YRS. YRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
2. Any new retail outlet set up in cities having

143

population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with YRS. YRS should be installed within a period 03 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

- 3.**In case of Stage II VRS, nozzle shall be provided with flexible cover flap or other alternative system for proper covering of filling tank and therefore proper recovery of vapors.
- 4.**OMCs are responsible for maintaining installed VRS. They have to maintain periodic inspections for AJL regulator as prescribed by Legal Metrology. Proper record shall be maintained,
- 5.**Working of dispenser shall be interlinked with VRS functioning. Online system shall be developed within 06 months to monitor status of operation of VRS. In case of non-operation of YRS, the same shall be automatically reported to concerned OMC. YRS shall be brought into operation immediately within 24 hrs and in any case within 72 hrs failing which sale of MS shall be stopped from the fueling station. Proper records of operation of YRS shall be maintained.
- 6.**Work zone monitoring for Total VOC and Benzene shall be conducted by OMCs for petrol pumps selling more than 300 KL/ month and more than 10 lakh population (in first phase) by E(P)Act, 1986 approved labs once in a year to check compliance with OSHA norms (Time-Weighted Average) and report shall be submitted to SPCB. In addition, pilot study shall be conducted by OMCs through expert institutions for online monitoring of VOCs.

E. Ground water and soil quality monitoring within

144

petrol pump selling more than 300 KL/ month and more than 10 lakh population shall be conducted by OMCs once in two years through E(P)Act, 1986 approved labs for the following parameters from the nearest source and report submitted to SPCB:

Permissible Limit

S.No.	Parameter	Permissible Limit
1.	Total petroleum hydrocarbons	600 pg/I
2.	BTEX	i. Benzene-950 pg/I ii. Toluene-300 pg/I iii. Zylenes- a. O-xylene-350 pg/I b. M&p-xylene-200 pg/I
3.	Ethanol	1400 Pg/I
4.	Methyl Tertiary Butyl Ether	13 Pg/I
5.	PAH	0.000 Pg/I

Enforcement agencies including SPCB can collect samples in and around petrol pump to check contamination

F. Measures for protection of Worker's Health

1. All workers engaged at retail outlets may be covered under ESI, OMC dealers shall implement the personal protective equipment (PPE) in par labor laws.
2. IEC (Information Education Communication) activities should be organized by OMC dealers for workers at regular intervals in order to sensitize them about harmful impacts of VOC emissions,

G. Audit of all protection measures and monitoring system implemented at petrol pumps:

PESO shall conduct audit of tanks and fuel equipment including pipes, overfill protection equipment and alarm system on annual basis and maintain records.

H. Siting criteria of Retail Outlets:

In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.”

43. Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 places restrictions, both on establishment and operation of any industrial plant located

146

in an air pollution control area without previous consent of the Board. The legislative intent behind this provision would lead to decipher two concepts - one, the consent for the purpose of establishing an industrial plant while the other for operation of that plant. The purpose of this Section is to ensure that when a unit or an industrial plant is given consent to operate, the unit ought to have satisfied all the conditions stated in the order of consent to establish and would have installed the requisite effluent treatment plants and other anti-pollution devices to ensure that it causes no pollution.

44. The upshot of our aforesaid discussion is that the NGT was well within its powers and jurisdiction to issue the directions which have been impugned before us. However, we would like to address on the question — whether the impugned directions are reasonable and whether the same may lead to unnecessary harassment and cause immense hardships to the retail outlets?

45. We take notice of the fact that all the appellants before us have installed VRS and VRD at their sites and retail outlets. We also take notice of the fact that the respondent No. 2 (original applicant) had not prayed before the NGT, Chennai to make CTE and CTO mandatory. The prayers in O.A. No. 138 of 2020 (SZ) were limited to the State of Tamil Nadu only. However, the NGT, Chennai by its impugned order has directed all the petroleum ROs in cities having more than 10 lakh population to install VRS mechanism which are having turnover of more than 300 KL/Month. We also take notice of the fact that the CPCB in consultation with the Ministry of Petroleum and Natural Gas has issued circulars/guidelines from time to time for installation of VRS (also known as Vapour Recovery Device circular). We are not inclined to disturb the impugned directions issued by the NGT, Chennai in regard to installation of the VRS. The CPCB shall ensure that these directions are scrupulously followed and complied with.

46. What is important for us to note is that in the directions/guidelines issued by the CPCB dated 30.04.2020 and 07.03.2016 resply the automobile fuel outlets have been classified as “green” which may be exempted from consent management. The learned Solicitor General submitted that it is only after due consideration and deliberations that the CPCB issued the said directions. The NGT itself in para 66 of its impugned order has noted that the oil industry is characterized as “green category” and the CTE and CTO was not required. It appears to us that the apprehension on the part of the NGT that the installation of VRS may not be strictly monitored by the State Pollution Control Boards, led the NGT to issue directions to the CPCB & State Pollution Control Boards to issue a circular making it mandatory for obtaining the CTE and CTO as a condition precedent for establishing new petroleum outlets. What has been argued before us and also on the basis of the materials on record, we are convinced that it is not necessary to make obtaining of CTE and CTO mandatory.

We would like to impress upon the CPCB to ensure that its guidelines referred to above are scrupulously followed and once the guidelines are scrupulously adhered to, no direction to obtain CTE and CTO for starting/operating a RO is warranted. We are at one with the learned counsel appearing for the respective appellants that asking the existing ROs to obtain CTO is something very unreasonable and may lead to various difficulties. Even directing the ROs that may come up in future to obtain the CTE and CTO would be cumbersome and time consuming and thus we do not find it reasonable.

47. In such circumstances, while holding that the National Green Tribunal has the power to direct the CPCB that it should exercise its powers under Section 5 of the Act 1986 for the purpose of protecting the environment, we are inclined to modify the impugned directions issued by the NGT, Chennai as contained in para 69(iii) and 69(iv) resply of the impugned order.

48. In view of the aforesaid, we dispose of the Civil Appeal No. 2039 of 2022 in the following terms:-

(a) The CPCB shall ensure that all the retail petroleum outlets located in different cities having population of more than 10 lakh and having turn over of more than 300 KL/Month shall install the VRS mechanism within the fresh timeline as prescribed in its Circular dated 04.06.2021. To put it in other words, the CPCB shall ensure that the directions issued by the NGT as contained in para 69(i) and (ii) of the impugned order is fully complied with. It shall be the legal obligation of all the State Pollution Control Boards to ensure that the directions issued by the NGT in regard to the installation of the VRS mechanism is complied with within the fresh timeline as prescribed by the CPCB.

(b) We set aside the directions issued by the NGT in the impugned order as contained in para 69(iii) and (iv). Instead, we direct the CPCB to instruct all the

151

State Pollution Control Boards to ensure that the guidelines issued by it vide the Office Memorandum dated 07.01.2020 are strictly adhered to. If there is breach of any of the guidelines issued by the CPCB vide Office Memorandum dated 07.01.2020, then the concerned State Pollution Control Board shall proceed against the erring outlet in accordance with law at the earliest.

49. The connected Appeals are also disposed of in the aforesaid terms.

50. There shall be no order as to costs.

51. Pending application, if any, stands disposed of.

.....**J.**
(SUDHANSHU DHULIA)

.....**J.**
(J.B. PARDIWALA)

NEW DELHI;
MARCH 14, 2023

Item No.1:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI****Original Application No. 138 of 2020 (SZ)***(Through Video Conference)***IN THE MATTER OF**

V.B.R. Menon, B.E. (Mech), MBA (IIMA), LLB,
Advocate,
Flat No.4B, Brook Dale Apartments,
No.12, P.T. Rajan Salai,
K.K. Nagar, Chennai - 600 078.

...Applicant(s)

Versus

The Chief Secretary to Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai and Ors.

...Respondent(s)

For Applicant(s):Mr. V.B.R. Menon (*Party in person*)**For Respondent(s):**

Dr.D. Shanmuganathan for R1 and R2.

Mr. T.N.C. Kaushik for R3.

Mr. Abdul Saleem,

Mr. S. Saravanan and E. Karthikeyan for R5 & R6.

M/s. King & Patridge for R7.

Mr. Jose John for R8.

Judgment Pronounced on: 23rd December, 2021.**CORAM:****HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER****HON'BLE Mr. SAIBAL DASGUPTA, EXPERT MEMBER**

153**ORDER**

Judgment pronounced through Video Conference. The original application is disposed of with directions vide separate Judgment.

Pending interlocutory application, if any, shall stand disposed of.

Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.138/2020 (SZ)
23rd December, 2021. Mn.

NGT

Item No.1:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI****Original Application No. 138 of 2020 (SZ)***(Through Video Conference)***IN THE MATTER OF**

V.B.R. Menon, B.E. (Mech), MBA (IIMA), LLB,
Advocate,
Flat No.4B, Brook Dale Apartments,
No.12, P.T. Rajan Salai,
K.K. Nagar, Chennai - 600 078.

...Applicant(s)

Versus

- 1) The Chief Secretary to Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2) The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 3) The Chairman,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi - 110 032.
- 4) Joint Controller of Explosives,
A and D Wing, Block 1 - 8,
2nd Floor, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.
(Deleted from the party array as per order dated 04.08.2020)
- 5) M/s. Indian Oil Corporation Limited,
Rep. by the Executive Director (Retail),
Indian Oil Bhawan,
No.139, Nungambakkam High Road,
Chennai - 600 034.

6) M/s. Bharat Petroleum Corporation Limited,
Rep. by the State Head (Retail),
Southern Regional Office,
No.1, Ranganathan Gardens,
Off. 11th Main Road, Anna Nagar,
Chennai – 600 040.

7) M/s. Hindustan Petroleum Corporation Limited,
Rep. by the Zonal Manager,
GMO SZ – Retail,
Thalamuthu Natarajan Building,
4th Floor, No.3045, Gandhi Irwin Road,
Chennai – 600 008.

8) M/s. Shell India Markets Private Limited,
Rep. by the Regional Manager,
South Zone Office,
Campus – 4A, RMZ Millenia Business Park,
No.143, Dr. M.G.R. Road,
Perungudi, Chennai – 600 096.

9) M/s. Nayara Energy Limited,
Rep. by the Divisional Manager,
Chennai Divisional Office,
No.58, New Avadi Road,
Thandavaraya, Kilpauk,
Chennai – 600 010.

...Respondent(s)

For Applicant(s): Mr. V.B.R. Menon (*Party in person*)

For Respondent(s): Dr.D. Shanmuganathan for R1 and R2.
Mr. T.N.C. Kaushik for R3.
Mr. Abdul Saleem,
Mr. S. Saravanan and E. Karthikeyan for R5 & R6.
M/s. King & Patridge for R7.
Mr. Jose John for R8.

Judgment Reserved on: 03rd December, 2021.

Judgment Pronounced on: 23rd December, 2021.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Mr. SAIBAL DASGUPTA, EXPERT MEMBER

Whether the Judgment is allowed to be published on the Internet - Yes/No

Whether the Judgment is to be published in the All India NGT Reporter - Yes/No

JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. The grievance in this application is regarding non-installation of Vapour Recovery Systems (VRS) in the petroleum outlets by the oil marketing companies as directed by the Principal Bench of National Green Tribunal.
2. It is also alleged in the application that it is a well known fact that the fumes coming out of petroleum outlets have impact on air quality in the area and affect the health of the people. It was recognised by the Hon'ble High Court of Madras in B. Moorthi vs. The District Revenue Officer and ors¹ and also by the Principal Bench of National Green Tribunal in Aditya N. Prasad &Ors. Vs. Union of India and Ors.². Considering these aspects the Principal Bench of National Green Tribunal in Aditya N. Prasad case directed the Central Pollution Control Board (CPCB) to prepare an action plan for the oil marketing companies to implement the installation of VRS in the retail outlets and accordingly, CPCB had evolved an action plan in

1W.P. No. 23546 of 2017

2O.A. No. 147 of 2016

coordination with the Ministry of Petroleum and Natural Gas and also MoEF&CC and issued directions that they will have to install VRS during fuelling of vehicles at all retail outlets in Delhi and all high selling outlets that is selling more than 300 KL per month in the country.

3. Central Pollution Control Board had mentioned that they have issued directions under Section 5 of the Environment (Protection) Act, 1986 to the following petroleum companies (Indian Oil Corporation Ltd, Bharat Petroleum Corporation Ltd and Hindustan Petroleum Corporation Ltd) for installation of Stage-I and Stage-II VRS in petrol re-filling stations located in the cities with population having more than a million and they have directed the State Pollution Control Boards to monitor the same. After considering those aspects, the Principal Bench of National Green Tribunal had directed the oil marketing companies to complete the process by 31.10.2018 in respect of petrol pump selling more than 300 KL per month and with regard to remaining on or before 31.12.2018. It is also observed therein that if it is not done, the Chairman of the oil companies will have to be prosecuted for violation. The Central Pollution Control Board was directed to submit the report of compliance by the oil companies on or before 15.01.2019. On that basis since there was failure of the implementation, the CPCB had imposed environmental compensation of Rs. One crore each against those oil marketing companies which have not complied with the same within the time line. The same was challenged before the Hon'ble Supreme Court by

M/s Indian Oil Corporation Limited as Civil Appeal Nos. 161-163 of 2019 and by other companies as Civil Appeal Nos. 253-258 of 2019 and all these cases were disposed of by the Hon'ble Apex Court without interfering with the necessity for installation of these systems but only extended the time in respect of Stage-IA till 31.03.2020 and as regards Stage-IB and II to 31.08.2020. As regards the retail outlet which are selling less than 300 KL per month for implementation of Stage-IA and IB in NCR areas, time was extended till 31.03.2020 and as regards Stage-II it was extended till 30.09.2020. With these modifications the appeals were disposed of.

4. According to the applicant, the Principal Bench has again considered these aspects in K. Sathyadevan vs. Union of India and Ors³ and Gyanprakash @ Pappu Singh vs. Union of India and Ors.⁴ and directed the authorities to implement the same and also directed to conduct the feasibility study of establishing more retail outlets and come with a guideline as to how this will have to be carried out and after considering the report by order dated 22.07.2019 directed to install VRS in all new petrol pumps and also issued guidelines regarding sitting criteria and directed the Central Pollution Control Board to implement the same and disposed of the applications with above directions.
5. On the basis of the directions issued by the Principal Bench dated 22.07.2019 in O.A. No. 31 of 2019 and O.A. No. 86 of 2019, the Central Pollution Control Board issued an office memorandum no. B-

³ O.A. No. 31 of 2019

⁴ O.A. No. 86 of 2019

13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 directing installation of VRS in the new petroleum retail outlets subject to the sales volume restrictions. Though the Ministry of Petroleum and Natural Gas decided to establish more number of petroleum outlet, none of them were complying with the direction issued by the Principal Bench and even in the in the existing petrol pumps also the directions were not strictly complied with as far as State of Tamil Nadu is concerned. Though this was brought to the notice of authorities, no action was taken. That prompted the applicant to file this application seeking following interim as well as final reliefs:

Interim Relief

- A. Injunct the respondents 5 to 9 from commissioning and operating any new petroleum retail outlets in Tamil Nadu without installing Vapour Recovery Systems, Stage 1 and 2 in good working condition, pending disposal of this application and
- B. Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case

Prayer

- A. Direct the respondent oil marketing companies R-5 to R-9 to install and operate Vapour Recovery Systems, Stage 1 and 2, in good working condition before opening and commissioning of any new petroleum retail outlets in Tamil Nadu.
- B. Direct the respondent oil marketing companies R-5 to R-9 to install and operate Vapour Recovery Systems Stage 1 and 2, in all the existing petroleum retail outlets in Tamil Nadu within a time schedule to be prescribed by this Hon'ble Tribunal for each city, town and rural area situated in Tamil Nadu.
- C. Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

6. Central Pollution Control Board has filed their reply affidavit contending that on the basis of the direction issued by the Principal Bench of National Green Tribunal in Gyanprakash @ Pappu Singh vs. Union of India and Ors.⁵ they have issued guideline for setting up new petrol pumps prepared by the Expert Committee constituted by

⁵ O.A. No. 86 of 2019

the Central Pollution Control Board including the various measures for prevention and control of pollution that is likely to be caused on account of operation of the retail petrol pumps with sitting criteria for setting up new petrol pumps and circulated the same on 07.01.2020 to the oil marketing companies, State Pollution Control Boards for implementation evidenced by Annexure-1.

7. Subsequent to the order dated 22.07.2019, the guidelines prepared by Expert Committee for setting up new petrol pumps which inter-alia recommended installation of VRS in new petrol pumps were placed on CPCB website for public comments and the comments received were reviewed by Expert Committee and guidelines were circulated on 07.01.2020 to the oil marketing companies, State Pollution Control Board for implementation.
8. Following criteria were specified in the guidelines with respect to VRS installation and oil marketing companies were required to install VRS and State Pollution Control Board was directed to take action in case of non-compliance:
 - i. Installation of VRS in all new retail outlets set up with sale potential of 300KL per month and located in cities with population of more than 1 lakh, and that VRS should be functional by the time monthly sales touch 300 KL.
 - ii. Installation of VRS in all new retail outlets set up in cities having population more than 10 lakh and having sale potential of 100 KL per month, within a period of 03 months from the day monthly sales touch 100 KL.
9. The Hon'ble National Green Tribunal as well as Hon'ble Supreme Court directed installation of VRS in all the petrol pumps in Delhi-NCR. The compliance of these directions for both Stage-IB and Stage-II has been installed in at all petrol pumps in Delhi. In case of NCR,

VRS stage IB has been installed at all petrol pumps selling fuel more than 300 KL per month and less than 300 KL per month. VRS stage II has been installed at all petrol pumps selling fuel more than 300 KL per month and further work in the matter is underway for those petrol pumps selling less than 300 KLPM. The timeline given by the Hon'ble Supreme Court for installation of VRS Stage II in petrol pumps selling fuel less than 300 KL per month is September 30, 2020 and the detailed status on installation has been annexed as Annexure-2 to the counter.

10. The guidelines issued by the Central Pollution Control Board vide OM dated 07.01.2020 was supplementary to all the existing guidelines rules, orders etc., Central Pollution Control Board on 12.02.2016 issued directions to oil marketing companies (except M/s Shell India Markets Private Limited) for installation of Stage I & II VRS in retail outlets with sales more than 300 KL per month and located in 46 cities with million plus population. All new retail outlets selling more than 300 KL per month shall have in-built VRS. Updated status with respect to VRS installation by Oil marketing companies against the total number of petrol pumps in 46 million plus cities was produced as Annexure 3 and further, updated compliance status with respect to VRS installation in million plus cities of Tamil Nadu is produced as Annexure 4.

11. Subsequent to the order of Principal Bench of National Green Tribunal dated 22.07.2019, CPCB sought concurrence of Ministry of Petroleum and Natural Gas on following timelines for installation of

VRS at retail outlets selling more than 100 KL per month and located in million plus cities and retail outlets selling more than 300 KL per month and located in cities with population between 01 lakh to 1 million:

Public Sector Oil Marketing Companies (IOCL, BPCL and HPCL):

VRS stage II: 100 % retail outlets by August 2022 out of which 50% of retail outlets shall have VRS by September 2021.

VRS stage IB: 100% retail outlets by February 2022 out of which 50% of retail outlets shall have VRS by July 2021.

VRS stage IA (storage terminals): March 2024.

Private Sector Oil Marketing Companies (RIL, Shell, Nyara):

VRS at all existing retail outlets by July 2021

12. The criteria for VRS installation based on sale and population was recommended by expert members in the meeting held on 11.03.2019 which was reported to Hon'ble NGT in CPCB report dated 20.03.2019 in O.A. No. 31/2019. The Ministry of Petroleum and Natural Gas vide letter dated 22.08.2019 provided concurrence on timelines for installation of VRS by OMCs and informed that OMCs (Indian Oil Corporation Ltd, Bharat Petroleum Corporation Ltd and Hindustan Petroleum Corporation Ltd) have been advised to comply with the timelines. The progress on installation of VRS in the State of Tamil Nadu was directed to be informed by the respective oil marketing companies. They also issued directions to (IOCL, BPCL and HPCL), on 18.9.2020 to meet the timelines. They have also issued direction to (RIL, Shell, Nayara) to meet the timelines and copies of said directions were annexed as Annexure-5 series.

13. Necessary directions have been issued by the Central Pollution Control Board in this regard and it is for the oil marketing companies

to install the same and the failure of the same will be considered by the CPCB and appropriate action will be taken. They prayed for accepting the contention and passing appropriate order.

14.M/s Shell India Markets Private Limited (amended 7th respondent) filed their report stating that they were not party to the proceedings mentioned in the application before the National Green Tribunal, Principal Bench, New Delhi but they have provided VRS across all its outlets. They have commenced construction post July, 2019. All company and dealer owned sites have provisions readily kept in place for installing and commencing the operation of VRS I and VRS II once the threshold level of sales is reached.

15.This Tribunal vide order dated 04.08.2020 directed oil marketing companies including this respondent to file a status report on implementation of VRS in relation to their petroleum outlets. In the meanwhile, the CPCB had directed this respondent to install VRS at all existing retail outlets by July, 2021 vide letter dated 18.09.2020 in terms of its guidelines dated 07.01.2020. The status of installation of VRS by this respondent company is as follows:

- a. In Greater Chennai and surrounding districts, this Respondent has 25 retail outlets that are covered by the CPCB directions. Out of the 25, this respondent company has installed VRS in 8 outlets. In the remaining 17 outlets, this respondent company will comply with the timelines specified by CPCB.
- b. This respondent company has 1 retail outlet that is covered by the CPCB directions. The VRS will be installed in the retail outlet in accordance with the CPCB directions.
- c. To summarise, 26 retail outlet of the respondent company are covered by the Directions. Out of which 8 retail outlets have been fitted with the VRS system and in the remaining 18 outlets, VRS will be installed in accordance with the timelines in the CPCB directions.

16.They prayed for accepting their status report and passing appropriate orders.

17.4th respondent (M/s Indian Oil Corporation Limited) filed their status report as follows: Principal Bench has disposed of the matter, namely, O.A. No. 31 of 2019 and 86 of 2019 by order dated 22.07.2019 with following directions:

2. In the order dated 29.01.2019, this Tribunal noted that as per the Central Pollution Control Board (CPCB) guidelines, VRDs are required to be installed if capacity of the outlet is more than 300 KL per month and population of the city is 10 lakhs. The Tribunal, however, sought opinion of the CPCB whether such requirement should be laid down for cities of lesser population or outlets of lesser business and also feasibility of number of outlets.

3. As per report furnished by the CPCB on 20.03.2019, it was suggested that installation of Vapour Recovery System (VRS) should be applicable to petrol pumps selling 100 KL of oil per month in cities with population of 10 lakhs and 300 KL per month in cities with population of ten lakhs. Regarding feasibility of more outlets, it is stated that the same is considered while permitting every new outlet.

18.Pursuant to the direction of the Principal Bench, the Central Pollution Control Board issued its notification no. B-13011/1/2019-20/AQM/10824 dated 07.01.2019 wherein they have given the following directions:

"D. Installation, Operation and maintenance of Vapour Recovery System:

1. All new retail outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 1 lakh will be provided with VRS. VRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/PCCS equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

2. All new retail outlet set up in cities having population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with VRS. VRS should be installed within a period of 3 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCB/PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance".

m. sharma

19. Further, they have also issued another direction under Section 5 of the Environment (Protection) Act, 1986 dated 18.09.2020 to all oil marketing companies both public sector and private sector for installation of the VRS with specific timeline which reads as follows:

"Public sector Oil Marketing Companies:

Complete installation of VRS at all existing retail outlets selling more than 100 KL per month and located in million plus cities, and retail outlets selling more than 300 KL per month and located in cities with population between 01 lakhs to 1 million (except Delhi-NCR) as per the prescribed timelines:

VRS stage II:

100% retail outlets by August 2022 out of which 50% of retail outlets shall have VRS by September 2021.

VRS 1B:

100% retail outlets by February 2022 out of which 50% of retail outlets shall have VRS by July 2021.

VRS stage 1A (storage terminals):

March 2022:

Private sector Oil Marketing Companies:

Install VRS at all existing retail outlets selling more than 100 KL per month and located in million plus cities, and retail outlets selling more than 300 KL per month and located in cities with population between 01 lakh to 1 million by July 2021".

20. As per the above guidelines, public sector oil companies are having time up to mid of 2022 and private sector oil companies are having time up to July, 2021 and they are submitting the installation status of VRS in Tamil Nadu to CPCB which is produced as annexure 1 to the counter statement. So they prayed for passing appropriate orders accepting their contention.

21. In annexure 1, they have shown the progress of installation of VRS in State of Tamil Nadu which reads as follows:

ANNEXURE - I

SL. NO.	NAME OF THE CITY IN THE STATE OF TAMIL NADU	NO. OF OUTLETS HAVING SALE POTENTIAL OF MS PER MONTH				NO. OF OUTLETS PROVIDED WITH VRS	
		100 KL		300 KL		Existing	New
		Existing	New	Existing	New		
1	Chennai	68	0	6	0	3	0
2	Coimbatore	15	0	1	0	1	0
3	Madurai	15	0	0	0	0	0
4	Pondicherry	0	0	1	0	0	0
5	Mettupalayam	0	0	1	0	0	0

Note-1 : Work Order placed on vendor for the balance 3 ROs having sales of more than 300 KL MS per month in Chennai city. Work completion by 30.03.2021.

Note-2 : Proposal for providing VRS at two ROs having sales of 300 KL per month located in Pondicherry and Mettupalayam and 98 ROs selling more than 100 KL MS per month located in the 45 select cities has been initiated.

22.5th respondent (M/s Bharat Petroleum Corporation Limited) has filed their status report more or less reiterating the contentions of 4th respondent regarding the timeline etc and also produced the status of implementation of VRS in State of Tamil Nadu as annexure 1 to their counter statement which reads as follows:

SN	NAME OF THE CITY IN THE STATE OF TAMIL NADU & PONDICHERRY	District	Population as per 2011 CENSUS	NO. OF OUTLETS HAVING SALE OF MS PER MONTH				NO. OF OUTLETS PROVIDED WITH VRS	
				100 KL		300 KL		Existing	New
				Existing	New	Existing	New		
1	Chennai	Chennai	86,96,010	72	NIL	18	NIL	14	0
2	Coimbatore	Coimbatore	21,51,466	29	2	NIL	NIL	0	Budget being taken
3	Madurai	Madurai	14,62,420	12	NIL	1	NIL	1	0
4	Tiruchirappalli	Tiruchirappalli	10,21,717	12	NIL	NIL	NIL	0	0
5	Tiruppur	Tiruppur	9,62,982	5	NIL	NIL	NIL	0	0
6	Salem	Salem	9,19,150	9	NIL	NIL	NIL	0	0
7	Erode	Erode	5,21,776	5	NIL	NIL	NIL	0	0
8	Tirunelveli	Tirunelveli	4,98,984	5	NIL	NIL	NIL	0	0
9	Vellore	Vellore	4,81,966	4	NIL	NIL	NIL	0	0
10	Thoothukkudi	Thoothukkudi	4,10,760	3	NIL	NIL	NIL	0	0
11	Dindigul	Dindigul	2,92,132	2	NIL	NIL	NIL	0	0
12	Thanjavur	Thanjavur	2,90,724	4	NIL	NIL	NIL	0	0
13	Ranipet	Ranipet	2,62,346	0	NIL	NIL	NIL	0	0
14	Sivakasi	Virudhunagar	2,34,688	0	NIL	NIL	NIL	0	0
15	Karur	Karur	2,33,763	3	NIL	NIL	NIL	0	0
16	Udhagamandalam	The Nilgiris District	2,33,374	1	NIL	NIL	NIL	0	0
17	Hosur	Krishnagiri	2,29,507	3	NIL	NIL	NIL	0	0
18	Nagercoil	Kanyakumari	2,24,329	2	NIL	NIL	NIL	0	0
19	Kancheepuram	Kanchipuram	2,21,749	3	NIL	NIL	NIL	0	0
20	Kumarapalayam	Namakkal	1,94,992	1	NIL	NIL	NIL	0	0
21	Karaikkudi	Sivaganga	1,81,347	3	NIL	NIL	NIL	0	0
22	Neyveli	Cuddalore	1,78,925	0	NIL	NIL	NIL	0	0
23	Cuddalore	Cuddalore	1,73,361	2	NIL	NIL	NIL	0	0
24	Kumbakonam	Thanjavur	1,67,098	0	NIL	NIL	NIL	0	0
25	Tiruvannamalai	Tiruvannamalai	1,44,683	3	NIL	NIL	NIL	0	0
26	Pollachi	Coimbatore	1,35,235	3	NIL	NIL	NIL	0	0
27	Rajapalayam	Virudhunagar	1,30,119	1	NIL	NIL	NIL	0	0
28	Gudiyatham	Vellore	1,24,274	1	NIL	NIL	NIL	0	0
29	Pudukkottai	Pudukkottai	1,17,215	0	NIL	NIL	NIL	0	0
30	Vaniyambadi	Tirupathur	1,16,712	1	NIL	NIL	NIL	0	0
31	Ambur	Tirupathur	1,13,856	1	NIL	NIL	NIL	0	0
32	Nagapattinam	Nagapattinam	1,02,838	1	NIL	NIL	NIL	0	0
33	PONDICHERRY	PONDICHERRY	241773	6	NIL	1	NIL	1	0
34	KARAIKAL	PONDICHERRY	200222	1	NIL	NIL	NIL	0	0

23.6th respondent (M/s Hindustan Petroleum Corporation Limited) also filed status report more or less reiterating the contentions regarding the timelines provided for installation as mentioned by respondents 4 and 5 and then annexed their status report as annexure to their counter statement which reads as follows:

ANNEXURE - I

SL. NO.	NAME OF THE CITY IN THE STATE OF TAMIL NADU	NO. OF OUTLETS HAVING SALE POTENTIAL OF MS PER MONTH				NO. OF OUTLETS PROVIDED WITH VRS	
		100 KL		300 KL		Existing	New
		Existing	New	Existing	New		
1	Chennai	47	2	5	0	7	
2	Coimbatore	6	-	-	-	-	
3	Madurai	2	-	-	-	-	
4	Tirupur			1	-	-	

24. The applicant has filed common objections to the status report filed by respondents 4 to 7 wherein he had categorically stated that for existing outlets, the present notifications are not applicable as CPCB had issued direction under Section 5 of the Environment (Protection) Act, 1986 on 12.02.2016 to all petroleum retail outlets with monthly sales over 300 KL and situated within 45 numbers of cities having more than one million population across India and directed them to complete installation of VRS Stage-IB and II before 31.12.2017. In respect of non-compliance of the said directions in respect of Delhi region, Principal Bench of National Green Tribunal has imposed Rupees One Crore as penalty and this was confirmed by the Hon'ble Apex Court in Civil Appeal No. 161-163 of 2019. But the Hon'ble

Apex Court has modified the time schedule while disposing of the same by final order dated 14.02.2019.

25.The direction dated 12.02.2016 was equally applicable to petroleum outlet having more than 300 KL monthly sales in Chennai, Coimbatore, Madurai and Trichy where population was over one million as per 2011 census. The status report produced as annexure by respondents 4 to 6 will go to show the dismal compliance of the above directions. So respondents 4 to 8 are also liable for payment of penalty and other penal action for non-compliance of the direction within the time limit of 31.12.2017.

26.Directions issued to respondents 4 to 8 by CPCB on 18.09.2019 under Section 5 of the Environment (Protection) Act, 1986 is in addition and not a substitute or modification of earlier direction issued on 12.02.2016. As categories of outlet covered by second direction are separate and distinct. The direction dated 12.02.2016 shall apply to those outlets having monthly sales over and above 300 KL and situated within 45 million population cities in India and the subsequent direction dated 18.09.2020 shall apply only to the other two category of outlets one situated within million population cities and having monthly sales of 100 KL to 300 KL and those (2) situated within other cities having population above one lakh and less than one million and having more than 300 KL on monthly basis. There were no over lapse of the time line provided in the directions dated 12.02.2016 and 18.09.2020.

27. The documents produced by them will go to show that they were not properly complying with the direction and no action has been taken.

The applicant also produced certain replies obtained under Right to Information Act, 2005 and also the notices issued by the CPCB to some of the oil companies.

28. Central Pollution Control Board in compliance with the order of this Tribunal dated 22.11.2020 produced status report which reads as follows:

Annexure-I

Delhi VRS status

OMC	No. of petrol pumps < 300 KLPM	No. of pump installed VRS	No. of petrol pumps > 300 KLPM	No. of pump installed VRS
IOCL	109	109	77	77
BPCL	56	56	47	47
HPCL	66	66	32	32
Reliance	2	2	0	0
Nayara	1	1	1	1

NCR VRS status

OMC	No. of petrol pumps < 300 KLPM	No. of pump installed VRS	No. of petrol pumps > 300 KLPM	No. of pump installed VRS
IOCL	1398	1398	18	18
BPCL	444	444	11	11
HPCL	666	666	12	12
Reliance	48	48	1	1
Nayara	272	264*	2	2

* For remaining 8 petrol pumps, contract termination of 4 petrol pumps is under process, 03 petrol pumps VRS installation delayed due to COVID-19 and 01 station dispensing unit not functional. Motor Spirit sale stopped from all 08 pumps since 01.10.2020.

Status of VRS installations at petrol pumps in 46 million plus cities (Sale >300 KLPM)

OMC	Existing as on date of directions (E)/ Newly installed (N)/ Sales crossed 300 klpm post directions (S)	No. of petrol pumps	No. of pump installed Stage IB	No. of pump installed Stage II
IOCL	E	154	115	143
	S	62	45	51
	N	5	2	3
BPCL	E	128	34	128
	S	53	13	41
	N	06	0	0
HPCL	E	90	35	89
	S	48	3	48
	N	7	0	6
Reliance	E	03	03	03
	S	12	12	12
Nayara	N	9	9	9

**STATUS OF VRS INSTALLATION IN MILLION PLUS CITIES IN TAMIL NADU
(Sale>300KLPM)**

Chennai

	Total	Stage IB installed	Stage II installed
IOCL	6	3	3
BPCL	18	0	16
HPCL	6	3	6
RIL	0	0	0
Nayara	0	0	0

Coimbatore

	Total	Stage IB installed	Stage II installed
IOCL	2	1	1
BPCL	0	0	0
HPCL	0	0	0
RIL	0	0	0
Nayara	0	0	0

Madurai- Nil

29.They also issued directions to the oil companies to comply with their directions and the reply received from several oil companies.

30. The applicant also produced further memo along with certain documents obtained under Right to Information Act, 2005 regarding the installation of these systems.

31. 8th respondent (Nayara Energy Limited) also filed status report wherein they have reiterated the contentions raised by the respondents 4 to 6 regarding the timeline provided and status of compliance report of installation of VRS as annexure-1 which reads as follows:

- i. Status Report of Operating RO's under the category Cities having population above 1 Million & Monthly Sales Volume above 100 KL and below 300KL

Sl. No.	Outlet Name	City	Status	Work completed in %
1	Visvin Agencies	Chennai	Will be Complied on or before July 2021	In progress
2	T.Ganesan Petro Agency	Chennai	Will be Complied on or before July 2021	In Progress
3	Sri Ramachandran Agencies	Chennai	Installation under Process	In progress
4	Munishwar Enterprises	Chennai	Will be Complied on or before July 2021	In progress
5	V R N Enterprises	Chennai	Will be Complied on or before July 2021	In progress
6	Kamaldeep Enterprises	Chennai	Installation under Process	In progress
7	Thilaga Agency	Chennai	Will be Complied on or before July 2021	In progress
8	Malar Agencies	Chennai	Will be Complied on or before July 2021	In progress
9	Universal Fuels	Chennai	Will be Complied on or before July 2021	In progress
10	Shrivaaru Filling Station	Chennai	Will be Complied on or before July 2021	In progress
11	Masi Reddi Enterprises	Chennai	Will be Complied	In progress



			on or before July 2021	
12	Sai Baba Fuels	Chennai	Will be Complied on or before July 2021	In progress
13	Meena Fuels	Trichy	Installation under Process	In progress
14	Subbu Fuels	Coimbatore	Installation under Process	In progress
15	Sai Siddhi Infrastructures	Coimbatore	Installation under Process	In progress
16	Inndway Agency	Coimbatore	Installation under Process	In progress
17	Palaniswamy Agencies	Coimbatore	Will be Complied on or before July 2021	In progress
18	SUBBIAH GOUNDER FUELS	Coimbatore	Will be Complied on or before July 2021	In progress
19	Raamasamy Gounder Agency	Coimbatore	Will be Complied on or before July 2021	In progress
20	J S Enterprises	Coimbatore	Installation under Process	In progress
21	Adinath Enterprises	Chennai	Will be Complied on or before July 2021	In progress

- ii. Cities having population above 1 Lakh but less than one million & Monthly Sales Volumes above 300KL

NIL

They prayed for passing appropriate orders accepting their contention.

32.4th respondent (M/s Indian Oil Corporation Limited) also filed reply statement stating that the CPCB has given an instruction to install VRS in 46 selected cities by 31.12.2017. The modified dispensing units are to be approved by Department of Legal Metrology, for which oil companies got approval only on 05.02.2018. After series of deliberation with oil industry and Ministry of Power and Natural Gas, the Hon'ble Supreme Court has directed to complete 2900 retail outlets falling under NCR and NCT region to be completed on

priority. Since, there were only two qualified/PESO approved vendors during that time, priority was assigned as per the direction of the Hon'ble Supreme Court. Once the same was completed, the State of Tamil Nadu was given subsequent priority and accordingly, the work was completed at four retail outlets in the State of Tamil Nadu by 2019.

33.As per the list of cities attached in circular dated 12.02.2016 only Chennai, Coimbatore and Madurai were appearing in the list. However, Trichy was not in the list. The implementations of VRS in these three cities were already explained in their status report. While three ROs were falling under this category in Chennai and one RO was falling under this category in Coimbatore. No RO was selling more than 300 KL per month in Madurai. So no notice was issued to ROs under Tamil Nadu.

34.The CPCB issued latest direction dated 18.09.2020 where certain additional guidelines were also issued.By adopting the same, the work will have to be completed by August, 2022. Due to delay in getting permission from Department of Legal Metrology and the Hon'ble Supreme Order to complete retail outlets in NCR and NCT on priority, the work of Tamil Nadu was taken later and completed in 2019. VRS stage-II is a technical job for which only limited vendors are available. VRS Stage-II can be done by doing retrofitting.The dispensing units of oil companies can order for new dispensing units which has an in-built VRS system. Provisions of Stage IB are more of

piping and civil works which can be done at local level even without floating a tender.

35. The oil companies have submitted a joint representation dated 06.01.2021 to CPCB that VRS may not be required in ROs cited under circular dated 18.09.2020 and selling between 150 KL to 300 KL. This representation was made based on a study conducted by Council of Scientific and Industrial Research, Indian Institute of Petroleum, Dehradun.

36. In spite of the above representation, this respondent is contemplating to procure in build VRS DUs which is being done by the Head Office. Simultaneously one tender vide Ref No. HCC/RA04/PT61/2021 for retrofitting of VRS Stage II has been finalised by the Head Office on 27.09.2020 for procuring retrofitting equipment's for 635 DUs. Similarly, another tender Ref No. HCC/RS-02/GT-05/2020-21 has been floated for procuring 2710 in-build VRS DUs for which tender opening dated was 15.03.2021 which is under finalisation.

37. In the meantime, the oil marketing companies have made a request to the CPCB to extend the timeline for installation of VRS in their respective retail outlets, which was considered by CPCB in its letter dated 04.06.2021 and issued following directions:

“Complete installation of VRS at all existing retail outlets selling more than 100 KL per month and located in million plus cities, and retail outlets selling more than 300 KL per month and located in cities with population between 01 lakh to 1 million (except Delhi-NCR) as per the prescribed timelines:

VRS Stage : 100% retail outlets by October 2022 out of which 50 % of retail outlets shall have VRS by June 2022.

VRS Stage IB :100% retail outlets by June, 2022 out of which 50% of retail outlets shall have VRS by Dec 2021

It is to further mention that these amended timelines are timelines till final selection of vendors is done for installation of all Dispenser Units, which shall be intimated to CPCB by OMCs, by July end as indicated in the said letter.”

38.VRS Stage-IA is applicable for depots and terminal and not for retail outlets. Tenders for these works at IOC terminal have already been floated and will be completed well with the timeline of March 2024. Regarding Stage-II and Stage IB which pertains to retail outlets, necessary action has been initiated and the installations were completed in all respect. In this regard only four ROs qualified for providing VRS which was completed by the respondent during the year 2019-20. Three more ROs have qualified for providing VRS during the 2020-21 for which work order has already been placed by them on 21.10.2020. The ROs falling within the Municipal limits of the 46 selected cities alone were considered.Hence the retail outlet in Mettupalayam, Coimbatore zone will be covered by 18.09.2020 circular.

39.VRS Stage-IA is not applicable for retailoutlets.However, VRS Stage-IB and Stage II by IOC are in working conditions which can be ascertained by regulatory authorities by conducting inspection. CPCB is monitoring the progress work regarding implementation of VRS in the retail outlet and the status reports are being sent to CPCB on monthly basis. In compliance of the direction of the CPCB, they have sent detailed compliance statement to CPCB by their letter dated 16.07.2021.

40. Respondents 5 and 6 also filed similar further status report. 5th respondent had detailed the present status of installation of VRS in para 7 of that counter which reads as follows:

Sl.No	District	Location / Area	MS sales Volume in KL	Status of installation of Stage 2 in %	Status of installation of Stage 1B in %
1	Chennai	St. Mary's Road	323	Completed	Completed
2	Chennai	Anna Nagar	647	Completed	80%
3	Chennai	T Nagar	380	Completed	80%
4	Tiruvallur	AVADI	283	Completed	80%
5	Chengalpet	SELAYUR	407	Completed	Completed
6	Chennai	GUINDY	413	90%	Completed
7	Tiruvallur	AMBATTUR	325	Completed	Completed
8	Chennai	KOTTIVAKKAM	202	Completed	80%


Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.
35, Vaidyanathan Street,
Tondiarpet, Chennai - 600 081.

9	Chennai	Ullagaram	344	Completed	Completed
10	Tiruvallur	Ayyappanthal	357	Completed	Completed
11	Chennai	Anna Nagar	431	70%	Completed
12	Chengalpet	Tambaram	427	Completed	80%
13	Chennai	ST.Thomas Mount	290	Completed	80%
14	Chennai	Velacherry	477	Completed	Completed
15	Chengalpet	Medavakkam	284	Completed	50%
16	Chengalpet	Gowrivakkam	257	Completed	50%
17	Chennai	Meenambakkam	620	50%	30%
18	Chennai	Kandanchavadi	391	Completed	80%
19	Chengalpet	Vandalur	365	70%	50%
20	Kanchipuram	Nazratpet	365	50%	50%
21	Chennai	Kodambakkam	337	30%	50%
22	Chennai	Thoraipakkam	395	50%	40%
23	Chengalpet	Maraimalai Nagar	679	50%	40%
24	Pondicherry	Pondicherry Town	414	100%	50%
25	Madurai	Madurai Town	304	80%	50%

41.6th respondent also filed their status of completion along with the status report in para 7 which reads as follows:

Status Plan	Stage I	Stage II
Completed as on date	20	8
Proposed to complete in Q2 of 21-22	6	0
Proposed to complete in Q3 of 21-22	8	0
Proposed to complete in Q4 of 21-22	11	10
Proposed to complete in Q1 of 21-22	15	14
Proposed to complete in Q2 of 21-22	0	28
Total	60	60
Plan to complete 50% by	31.12.2021	30.06.2022
Plan to complete 100 % by	30.06.2022	31.10.2022

42.7th respondent has produced a letter dated 12.07.2020 issued by CPCB and the directions issued in respect of them was modified and they have been permitted to complete the work of installation of VRS at all retail outlets selling more than 100 KL per month and located in million plus cities and retail outlets selling more than 300 KL per month and located in cities within population of one lakh and 10 lakh by January, 2022 and they have been directed to submit the compliance report.

43. The applicant also filed additional affidavit giving the details of the directions given in a tabular form which reads as follows:

Sl. No	Category	Date of Direction U/s. 5	Target Date for completion	Present Status
1	Turnover > 300 KL PM Population > 1 Million (Ref: Pages nos. 29 to 36 of Objections filed by the Applicant on 31.12.2020)	12.12.2016	December, 2017	Incomplete. Outlet-wise details are not given by the Respondents for physical verification.

2	Turnover > 100 KLPM Population > 1 Million (Ref: PP 16 to 30 of Reply filed by CPCB on 21.09.2020)	18.09.2020	(i) VRS-1B; 50% by Dec. 2021 and balance by June, 2022 (ii) VRS-2 : 50% by June, 2022 and balance by October, 2022	Extended by CPCB vide letter dated 04.06.2021 (Ref; Status Report dated 02.08.21 by the 6 th Respondent)
3	Turnover > 300 KLPM Population: 1 L to 1 Million <u>Ref:</u> PP 16 to 30 of Reply filed by CPCB on 21.09.2020	18.09.2020	Same as above	Extended by CPCB vide letter dated 04.06.2021 (Ref; Status Report dated 02.08.21 by the 6 th Respondent)

Note: In respect of the 7th Respondent, the first direction dated 12.12.2016 is not applicable. Further, the 7th Respondent has been directed vide modified direction dated 12.07.2021 to complete installation of VRS Stage-1B and 2 by January, 2022 in respect of all the Outlets coming under the categories 2 and 3 above i.e. above 100 KLPM and Population above 1L (Ref: Addl. T.S. filed by R-7 on 29.07.2021)

44. According to the applicant the subsequent directions issued did not modify the direction dated 12.12.2016 which is applicable to retail outlets which were having more than 300 KL per month sale and situated in cities having more than 1 million population.

45. Heard the applicant who appeared in person and also the Learned Counsel appearing for Central Pollution Control Board and Oil Marketing Companies and also perused their status reports and the written submission submitted by them and their pleadings.

46. The point that arises for consideration are:

- i) What is the nature of direction to be given for implementation of VRS in the retail outlets and the depots in view of the directions issued by the Principal Bench in Aditya N. Prasad & Ors. Vs. Union of India and Ors.⁶ and subsequent decisions in K. Sathyadevan vs. Union of India and Ors⁷ and Gyanprakash @ Pappu Singh vs. Union of India and Ors.⁸

Point:

47. There is no dispute regarding the fact that the volatile vapours containing inorganic substances such as Benzene, Toluene and Xylene (BTX) released from petroleum products reaches the atmosphere and will have great impact on human health. There is also no dispute regarding the fact, on the basis of the studies conducted on these aspects show that persistent exposure to high levels of BTX may cause injury to human bone marrow, DNA damage in mammalian cells and damage to the immune system. Mild exposure causes irregular heartbeat, headache, dizziness, nausea and even unconsciousness, if exposure is continued for a long time. Early manifestation of toxicity is in the form of anaemia, leucocytopenia and thrombocytopenia. Benzene is a known human carcinogen. The World Health Organization (WHO) estimates four in one million risk of leukemia on exposure to a concentration of 1 microgram per cubic meter.

⁶ O.A. No. 147 of 2016

⁷ O.A. No. 31 of 2019

⁸ O.A. No. 86 of 2019

48. It is also an admitted fact that considering these health hazardous that is likely to be caused on account of mixing of the seinorganic substance in the atmosphere, on the basis of the recommendations made by the Expert Committee appointed by Central Pollution Control Board, the Ministry of Petroleum and Natural Gas has agreed with the suggestions of Central Pollution Control Board for installation of VRS to control pollution that is likely to be caused on account of release of volatile organic compounds from the retail outlets and also in the storing depots of petroleum products.

49. It is also not in dispute that they have evolved a policy for installing the same in the retail outlets in Delhi and also all high selling retail outlets of more than 300KL per month in the country. It is also not in dispute that this aspect was considered by the Principal Bench in Aditya N. Prasad &Ors. Vs. Union of India and Ors.⁹ by order dated 28.09.2018 directing the oil companies based on the guidelines issued by the Central Pollution Control Board dated 18.07.2016 issued under Section 5 of the Environment (Protection) Act, 1986 observed that the timelines prescribed by Central Pollution Control Board have expired and there was no justification for the long delay which has already taken place in the matter in taking requisite steps necessary for protection of environment and public health. The Tribunal had directed all the companies present before this Tribunal to complete the process by 31.10.2018. It was also further directed therein that in respect of petrol pumps selling more than 300 KL per month, the

9 O.A. No. 147 of 2016

directions must be required to comply with preferably on or before 31.10.2018 and with regard to remaining petrol pumps on or before 31.12.2018.

50. Further, it is also not in dispute that since those directions were not complied with, the Central Pollution Control Board has imposed an environmental compensation of Rs. One Crore for non-compliance of installation of Stage-I and Stage-II of VRS in petrol retail stations to Bharat Petroleum Corporation Ltd and other oil companies and that was challenged before the Hon'ble Apex Court by filing Civil Appeal Nos.256-258 of 2019 to 161-163 of 2019- M/s Indian Oil Corporation Limited vs. Aditya N. Prasad & Ors and other connected cases and the Hon'ble Apex Court by Judgement dated 14.02.2019 confirmed the observations made by the National Green Tribunal but only modified the timeline and passed the following Judgement:

"Having heard Mr. Tushar Mehta, learned Solicitor General and Mr. Aditya N. Prasad, we are cognizant of the fact that by a letter dated 12.02.2016 sent by the Central Pollution Control Board to all the oil companies, the equipment in question was to have been installed in 46 cities insofar as (above 300 KLD is concerned) by December, 2017 and that this has not yet been done.

The National Green Tribunal's order is, therefore, correct in principle. However, under the aegis of the learned Solicitor General, a meeting has been called in which certain time-lines were discussed so that the aforesaid equipment could be set up within a realistic time-frame both in the NCT as well as in NCR.

So far as Stage 1-A is concerned, a device is installed at the filling depots/terminals. So far as the Stage 1-B is concerned, a separate device (VRD) is installed on the tanks of the retail outlets i.e. petrol pumps where petroleum products are stored underground.

Stage 2 is where a third category of device (VRD) is fitted in the dispensing units of each retail outlet. Each such dispensing unit has more than one nozzle and all the nozzles will have to be fitted with the aforesaid device.

Insofar as the NCT of Delhi is concerned, the learned Solicitor General has informed us that Stage 1-A has been completed by all the three oil companies.

So far as State 1-B is concerned, he says a realistic estimate of time would be by 30.06.2019.

We, therefore, extend the time so far as Stage 1-B & Stage 2 are concerned to 30.06.2019.

We have also taken on record the undertakings given by the authorized persons of each of the three oil companies to see that the aforesaid time-line is strictly adhered to.

Insofar as the NCR is concerned, this has been divided into two different groups : those are selling more than 300 Klspm and those selling less than 300 Klspm.

Insofar as the first category is concerned, the time schedule is extended, insofar as Stage 1-A is concerned till 31.03.2020. So far as the Stage 1-B and 2 are concerned, the time schedule is extended till 31.08.2019.

Insofar as retail outlets selling less than 300 Klspm in the NCR are concerned, so far as Stages 1-A and 1-B are concerned, time is extended till 31.03.2020. So far as Stage 2 is concerned, time is extended till 30.09.2020.

For this also, we have taken on record the requisite undertakings to adhere strictly to the aforesaid time-lines.

In this view of the matter, the NGT orders stand substituted.

The appeals are disposed of accordingly.

Pending applications also stand disposed of."

51. Further, the same issue has been considered by the Principal Bench in *K. Sathyadevan vs. Union of India and Ors*¹⁰ and *Gyanprakash @ Pappu Singh vs. Union of India and Ors.*¹¹ and reiterated the importance of installation of VRS in the retail outlets in respect of new petroleum outlets to be established and also considered the question of extending the same to lesser population area and selling lesser to quantity as well and directed the Central Pollution Control Board to conduct a study in this regard as per order dated 01.04.2019. Thereafter, the matter was again considered by the National Green Tribunal on 22.07.2019 and the Tribunal had considered the report of

¹⁰ O.A. No. 31 of 2019

¹¹ O.A. No. 86 of 2019

the Expert Committee dated 08.07.2019 which was extracted in para 6 of the order which reads as follows:

“A. Containment and treatment of spillages from fuel filling operations at petrol pumps.

1. Petrol pumps located in areas with high groundwater table shall have secondary containment by way of double walled tanks or concrete protection walls so as to minimize groundwater and soil contamination. Ground water level of less than 4m shall be considered for such provision, to be verified from online data being reported by State/ Central Ground Water Board/ Authority. In such case, measures taken by Oil Marketing Company shall be placed in public domain and in case of contradictory view, view of State/ Central Ground Water Board/ Authority will prevail.

2. All new retail outlets shall have underground tanks and its ancillary components such as pipes, flexible connectors, pumps, fittings etc. protected from leaks due to corrosion by adopting materials conforming to IS standards with required protective coating as applicable.

3. Any major spillage of Petrol, Diesel, Lube Oil (more than 1 barrel-165 litres) occurs at fueling station, concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence.

Operation of such Retail Outlet shall be stopped immediately.

OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 07 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

Operation of retail outlet shall not be resumed till corrective measures to contain and stop spillages are implemented to the satisfaction of PESO and concerned SPCB.

4. All DUs shall have Auto Cut off Nozzles which shuts dispensation of fuel if its level in customer fuel tank reaches full capacity.

5. Breakaways to be installed for all the hoses of dispensing units to reduce spillage in the event of customer vehicles moves away with nozzle still in the fueling position.

6. Two pane swivels shall be installed for all the dispensing units for better positioning of nozzle while refueling so that it does not fall off accidentally.

7. In pressurized dispensation, all dispensing units shall be installed with shear valves to cut the fuel flow from pipe line immediately upon accidental knocking of dispensing units from its position.

8. In pressurized system all Submersible Turbine Pumps (STPs) are to installed with mechanical leak detectors and in the event of pipeline leaks STPs shall stop pumping fuel from underground tanks.

9. Emergency stop button switch shall be provided on the MultiProduct Dispenser (MPD) to stop the dispensation in case of emergency.

10. Automation system shall be installed at all new retail outlets to alert in case of tank leak by way of auto gauging system.

11. All Retail Outlets shall provide overflow alarm through automation.

12. Measures for spill containment in fill point chambers and forecourt area shall be implemented as prescribed by PESO.

B. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater and soil contamination

1. All new retail outlets will have automation system installed which will provide reports on volume balance after every day operation and records shall be maintained.
2. Manual gauging shall be done once in a month and compare the same with Automatic Tank Gauging for accuracy.
3. Daily MS and HSD loss shall not exceed MoPNG prescribed limits. In case of leakage beyond such limits, matter shall be got analyzed by OMCs and further action shall be taken for ascertaining the reasons of losses. In case of leakage resulting in soil / groundwater contamination:
 - a. Concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such Retail Outlet shall be stopped immediately.
 - b. Fuel shall be removed immediately from underground storage tank to prevent further release to environment. Measures to prevent explosion due to vapors released due to leakage as recommended by PESO shall be implemented immediately.
 - c. OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 07 years in this field. Various approved methods shall be considered for cleaning underground contaminants.
 - d. Operation of retail outlet shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned SPCB.
4. All underground tanks and pipelines shall be subjected to test for leaks every 5 years.

C. Policy towards Treatment and disposal of sludge removed from underground tanks during cleaning: Sludge shall be collected, stored and disposed as per Rule 8 of Hazardous Waste (Management and Transboundary) Rules, 2016 and amendments thereof and records shall be maintained.

D. Installation, Operation and maintenance of Vapour Recovery System

1. All new retail outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 16 lakh will be provided with VRS. VRS should be functional by the time of sale of MS touch 300 KL per day. In case of failure of installation of VRS, Environment Compensation will be levied equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
2. Any new retail outlet set up in cities having population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with VRS. VRS should be functional by the time of sale of MS touch 100 KL per day. In case of failure of installation of VRS, Environment Compensation will be levied equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
3. In case of Stage II YRS, dispensers shall be provided with flexible cover flap or other alternate system for proper covering of filling tank and therefore proper recovery of vapors.

4. OMCs are responsible for maintain installed YRS systems. They have to maintain periodic inspections for AIL regulator as prescribed by Legal Metrology. Proper record shall be maintained.

5. Working of dispenser shall be interlinked with VRS functioning. Online system shall be developed within 06 months to monitor status of operation of VRS. In case of non-operation of VRS, the same shall be automatically reported to concerned OMC. YRS shall be brought into operation immediately within 24 hrs and in any case within 72 hrs failing which sale of MS shall be stopped from the fuelling station. Proper records of operation of YRS shall be maintained.

6. Work zone monitoring for Total VOC and Benzene shall be conducted by OMCs for petrol pumps selling more than 300 KL/month and more than 10 lakh population (in first phase) by E(P)Act, 1986 approved labs once in a year to check compliance with OHSAS norms and report shall be submitted to SPCB. In addition, pilot study shall be conducted by OMCs through expert institutions for online monitoring of voes.

E. Ground water and soil quality monitoring within petrol pump selling more than 300 KL/ month and more than 10 lakh population shall be conducted by OM Cs once in two years through E(P)Act, 1986 approved labs for the following parameters from the nearest source and report submitted to SPCB:

- I. Total petroleum hydrocarbons
- II. BTEX
- III. Ethanol
- IV. Methyl Tertiary Butyl Ether 7
- V. PAH

Enforcement agencies including SPCB can collect samples in and around petrol pump to check contamination.

F. Measures for protection of Worker's Health

1. All workers engaged at retail outlets are being covered under ESL OMC dealers shall implement the personal protective equipment (PPE) as per labor laws.

2. IEC (Information Education Communication) activities should be organized by OMC dealers for workers at regular intervals in order to sensitize them about harmful impacts of VOC emissions. **G. Audit of all protection measures and monitoring system implemented at petrol pumps:** PESO shall conduct audit of tanks and fuel equipments including pipes, overfill protection equipments and alarm system on annual basis and maintain records.

H. Siting criteria of Retail Outlets: New retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ underground storage tanks/ vent pipe whichever is nearest) from schools and hospitals (10 beds and above). In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet and sensitive areas shall be less than 30 meters. No high tension line shall pass over the retail outlet.

2. Feasibility study of new petrol pumps: MoPNG in the meeting convened by CPCB on February 08, 2019 in compliance of order dated 18.1.2019 OA No. 86/2019: Gyanprakash @ Pappu Singh vsUol informed that the any new outlet proposed to be set up by oil marketing company is after conducting feasibility study.

As regard to preventive measures for minimizing pollution, all new petrol pumps shall have VRS as per CPCB plan, and, shall follow guidelines for setting up of petrol pumps."

And then passed the following order:

7. The report states that the timeline for installation of VRS as per above plan was to be finalized in a separate meeting before today's hearing and the CPCB was to place the guidelines on its website.

8. Learned Counsel appearing for the CPCB states that the guidelines have now been placed on the website. He is not aware of further steps.

9. We may note that installation of VRS is important as in addition to reducing the release of VOC, VRS also help in reduction of particulate matter 2.5 concentration. The VOCs released are converted into semi volatiles and these subsequently results in formation of secondary organic aerosols which may contribute to 12-15% of particulate matter of 2.5 concentrations.1 Installation of vapour recovery systems is necessary to reduce the risks of toxic chemicals such as benzene, toluene and ethyl benzene. Cars and gasoline-burning engines are large sources of volatile organic compounds (VOCs). VOCs are a precursor to ground level ozone, the main constituent of summer time smog. Exposure to ozone can damage crops and ecosystems, and presents a direct risk to human health. Benzene, for example, is a genotoxic human carcinogen. Benzene is a potent carcinogen and is blamed for leukemia. The WHO estimates a 4 in 1 million risk of leukemia on exposure to benzene to a concentration of $1\mu\text{g}/\text{m}^3$.4 Thus, Vapour recovery systems need to be installed at service stations to reduce emissions of VOCs. The impact of VOCs on the environment and public health has been noted by this Tribunal even earlier.

10. Mr.Rakesh Kumar, learned Counsel appearing for the oil marketing companies seeks to appear on behalf of oil marketing companies, only to seek adjournment for which we find no justification.

11. In view of the above, the Expert Committee having already gone into the matter, finalization of timelines as contemplated in the report, if not yet done, may be done within one month from today which will be the responsibility of the Secretary, MoPNG and the Chairman, CPCB. Further action in terms of the report may be ensured. We may also add that a safe distance from the residential areas must be maintained for any new outlet to be set up which may also be specified within one month, keeping in view the health and safety of the inhabitants.

The applications are disposed of.

52.It is clear from this, that in order to protect the environment and also to avoid air pollution being caused on account of emission of volatile organic compound from the petroleum retail outlets and also storing stations, installation of VRS is highly necessary and that was the reason why, certain guidelines were issued by the Central Pollution Control Board (CPCB) in consultation with the Ministry of Petroleum and Natural Gas which have to be complied with by the oil marketing companies. When the Government undertake their

commercial activities through their public sector undertakings and in order to promote that industry as a growing commercial activity, then there is a corresponding responsibility on the Government to provide necessary protective mechanism as well to monitor such activities which are classified as Hazardous Industry and regulate their activities conducive with environment. With this principle in mind, applying the "Precautionary Principle", the Principal Bench of National Green Tribunal, New Delhi had directed the CPCB to conduct a study and regulatory mechanism including siting criteria and on the basis of the study conducted by the CPCB with Expert Committee, that the guidelines given by the CPCB were accepted by the Principal Bench of National Green Tribunal, New Delhi and directed the oil marketing companies to install the VRS in the Retail Petrol pumps with certain timeline, which in fact, in principle was accepted by the Hon'ble Apex Court as well in the decision referred to above, where that was challenged by the oil marketing companies before the Hon'ble Apex Court, except with certain modifications regarding time line for implementation of the same.

53. It will be seen from the documents produced by both sides and also from the contentions raised by the parties that in respect of petrol outlets which were in existence in cities having more than one million population and sale turnover of 300 KL/Month or more of petroleum products, the CPCB in concurrence of the concerned Ministry had directed the oil marketing companies who have arrayed as

Respondents No.5 to 9 in this original application, that the same will have to be implemented on or before December 2017, vide their Communication dated 12.12.2016 and they were directed to produce the compliance report as well.

54. The subsequent decision of the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad &Ors. Vs. Union of India &Ors.) dated 28.09.2018 is in respect of implementation of the same viz., installation of VRS not only in outlets situated in cities more than one million population and selling turnover of more than 300 KL/Month in NCR and NCT Region alone, but to extend the same to throughout the country and they were directed to implement the same as follows:-

“10. Accordingly, we direct that all the oil companies present before this Tribunal must complete the process by 31.10.2018. The CPCB and the Ministry Petroleum and Natural Gas are directed to issue directions and ensure that necessary steps are taken by all the concerned. In respect of petrol pumps selling more than 300 KL per month, the directions must be required to comply with preferably on or before 31.10.2018 and with regard to remaining on or before 31.12.2018. The Tribunal may have to consider directing prosecution of the Chairman of the oil companies for violation.”

55. But, that timeline was extended by the Hon'ble Apex Court in M/s. Indian Oil Corporation Limited Vs. Aditya N. Prasad and Ors. and connected appeals (Civil Appeal Nos.161-163 of 2019, Civil Appeal Nos.253-258 of 2019) dated 14.02.2019.

56. Further, the same aspect has been considered by the Principal Bench in O.A. No.31 of 2019 (K. Sathyadevan Vs. Union of India &Ors.) and O.A. No.86 of 2019 (Gyanprakash @ Pappu Singh Vs. Union of India &Ors.) wherein, the same has been extended at outlets with sale of petrol more than 300 KL/Month located in cities with population of 10 Lakhs and the same also should be installed where sale of petrol is between 100 KL/Month to 300 KL/Month located in cities with population of more than 10 Lakhs and to outlets selling more than 300 KL/Month in cities with population above one lakh. So, irrespective of the population depending upon the quantity of petrol being sold, installation of VRS in the outlets was made mandatory by virtue of this Judgment dated 22.07.2019. Further, the siting criteria were also made mandatory for this purpose.

57. Further, in the same decision, it was mentioned that in case of failure of installation of VRS, environmental compensation will have to be levied equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance. Certain other protective measures were also provided which will have to be implemented by them. Since this was not implemented by the Oil Marketing Companies in the State of Tamil Nadu, the present application has been filed to enforce the same.

58. It is true that as per the direction of the Principal Bench, CPCB had issued the direction under Section 5 of the Environment (Protection) Act, 1986, fixing the timeline for installation of VRS in respect of

outlet selling more than 100 KL/Month and located in million plus population city and retail outlet selling more than 300 KL/Month and located in cities with population between one lakh to one million as follows:-

“Public Sector Oil Marketing Companies (IOCL, BPCL and HPCL)

VRS Stage II: 100% retail outlets by August 2022 out of which 50% of retail outlets shall have VRS by September, 2021.

VRS Stage IB: 100% retail outlets by February 2022 out of which 50% of retail outlets shall have VRS by July 2021.

VRS Stage IA (Storage Terminals): March 2024.

Private Sector Oil Marketing Companies (RIL, Shell, Nyara):

VRS at all existing retail outlets by July 2021.”

59. So, it is clear from this that the same will not apply to the existing outlets which are existed prior to the pendency of this case and who are selling more than 300 KL/Month and located in cities having population of more than one million as per the direction dated 12.12.2016. But, the subsequent relaxation of timeline given will not be applicable to those outlets mentioned above and this is intended for the purpose of installation of the same throughout the country, irrespective of the population, but depending on the quantity that is being sold.

60. Further, in the same directions, it has been mentioned that VRS Stage 2 has to be completed by August 2022, of which, 50% of retail outlets shall have VRS by September 2021 and VRS Stage 1B has to be completed 100% by February 2022, out of which, 50% retail outlets shall have VRS by July 2021. VRS Stage 1A (Storage Terminals) has

to be completed by March 2024. As regards private sector oil marketing companies are concerned, they will have to install VRS at all existing outlets by July 2021 which was later extended to January 2022.

61. Further, as per the letter issued by the CPCB dated 04.06.2021, further extension was granted for implementation of the same which reads as follows:-

“Complete installation of VRS at all existing retail outlets selling more than 100 KL per month and located in million plus cities, and retail outlets selling more than 300 KL per month and located in cities with population between 01 Lakh to 1 Million (except Delhi-NCR) as per the prescribed timelines:

VRS Stage II: 100% retail outlet by October 2022 out of which 50% of retail outlets shall have VRS by June 2022.

VRS Stage IB: 100% retail outlets by June 2022 out of which 50% of retail outlets shall have VRS by December 2021.

VRS Stage IA (Storage Terminals): March 2024.

It is to further mention that these amended timelines are timelines till final selection of vendors is done for installation of all Dispenser Units, which shall be intimated to CPCB by OMCs, by July end as indicated in the said letter.”

62. Here also this was only intended for the outlets which are located in areas less than population of 10 Lakh and not to those which were already covered by the direction dated 12.12.2016.

63. So, we are not inclined to accept the contentions raised by the public sector undertakings that they have got time till June 2022 for implementation of the same, as it is not the intention of the CPCB while issuing the guidelines and a reading of the directions also will go to show otherwise.

64. Further, the status reports filed by the public sector undertakings will go to show that none of the public sector undertakings have achieved the target as specified by the CPCB. In cases where target as directed by them have not been implemented, then the CPCB is bound to implement the direction of imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.31 of 2019 (K. Sathyadevan Vs. Union of India &Ors.) and O.A. No.86 of 2019 (Gyanprakash @ Pappu Singh Vs. Union of India &Ors.) by Judgment dated 22.07.2019.

65. So under such circumstances, there is some force in the submission made by the applicant that unless certain directions are given to implement the same in its letter and spirit, no purpose will be served by making orders by the Tribunal, applying the "Precautionary Principle", as the Government has intended to enhance the number of petroleum outlets throughout the country, so as to improve their income through the sale of petroleum products by the public sector undertakings to achieve the economic development.

66. Considering the number of outlets that are likely to come in future and also the possibility of pollution being caused, though there is a direction in the guideline that it should be monitored by the State Pollution Control Board/Central Pollution Control Board as well as directed by the Principal Bench of National Green Tribunal, New Delhi, unless, it is brought under the direct regulating mechanism under the Pollution Control Board, we do not think that such an

exercise could be possible by them. The categorization made by the CPCB of industries, though it falls under the "Orange Category" as per the original categorization, but as per the subsequent categorization, it falls under "Green Category", they will have to obtain Consent from the Pollution Control Board. But, later when subsequent categorization was made, it was exempted from obtaining Consent from the Pollution Control Board. But only in the State of Kerala, it was made mandatory for obtaining Consent to Establish and Consent to Operate for retail petrol pumps to be established. Once such mechanism is followed, all guidelines issued by the CPCB in respect of siting criteria, installation of VRS etc. can be strictly scrutinized by the Pollution Control Board while issuing the consent. Otherwise, there will not be any proper regulating mechanism to supervise as to whether the conditions are being complied with by other agencies which are expected to give No Objection Certificate for such establishment. So, it is high time that the State Pollution Control Boards and the Central Pollution Control Board must bring the Consent mechanism for establishment of new petrol pumps and also to get consent for the existing petrol pumps in future, if they want to continue with the operation has to be made mandatory. We feel that it is a fit case where such a direction can also be given, so that regulation mechanism can made more effective and that will help to prevent the pollution being caused on account of emission of volatile organic compound from the petroleum outlets. So, we direct the State Pollution Control Boards as well as the Central

Pollution Control Board to issue circular, making it mandatory for obtaining Consent to Establish and Consent to Operate as a condition precedent for establishing new petroleum outlets, so that the Pollution Control Board can verify the siting criteria as well as impose conditions for installation of VRS and violation of which will attract the penal as well as regulatory mechanism which will avoid evasion of such mandatory provision by oil marketing companies which is required in the interest of protection of environment, applying the "*Precautionary Principle*".

67. So under such circumstances, we feel that following directions can be given to implement the establishment of VRS in the petroleum outlets:

- a. We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not complied with the same by imposing environmental compensation as directed by the

Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad &Ors. Vs. Union of India &Ors.).

- b. As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad &Ors. Vs. Union of India &Ors.).
- c. The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future and even to those which are under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply

for Consent to Establish and Consent to Operate before its establishment.

- d. We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law.

68. The point is answered accordingly.

69. In the result, this application is disposed of as follows:-

- i. We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not

complied with the same by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad &Ors. Vs. Union of India &Ors.).

ii. As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India &Ors.).

iii. The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future and even to those which are

under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply for Consent to Establish and Consent to Operate before its establishment.

- iv. We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law.
- v. Considering the circumstances, parties are directed to bear their respective cost in the application.
- vi. The Registry is directed to communicate this order to the Ministry of Environment, Forests & Climate Change (MoEF&CC), Central Pollution Control Board, New Delhi, Integrated Regional Office of the Central Pollution Control Board, Bangalore and Chennai, State Pollution Control Boards of Tamil Nadu, Kerala, Andhra Pradesh, Telangana, Karnataka and also to the Pollution Control

Committee of Union Territory of Puducherry for
their information and compliance of the direction.

70. With the above observations and directions, this Original Application
is disposed of.



Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.138 of 2020 (SZ)
23rd December, 2021. AM & Mn.

NGT

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड
भारत सरकार का उपक्रम



BHARAT PETROLEUM CORPORATION LTD.
A Govt of India Enterprise

RHQ/Ops. & Logistics/VRS

10.05.2024

To,

Sh. P. Agarwal,
Scientist 'F' and Head
Air Quality Management Division
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi 110032

Sub: Compliance to CPCB directions ref. B-33014/30/2013/AQM dated 18th September 2020

Sir,

This is with reference to your letter EQ-11099/20/2021-AQM-HO-CPCB-HO dated 22nd April 2024 regarding status of installation of Vapour Recovery System (VRS) Stage 1A at storage terminals of BPCL.

As per CPCB directions, Vapour Recovery System (VRS) is to be provided at Stage 1A Storage terminals (37 nos.) of BPCL catering 46 cities with million plus population. VRS has been installed and commissioned at 14 of our supply locations catering to 16 Cities. Details of the cities and supply locations provided with VRS, along with the date of commissioning is attached as Annexure 1. The works on the providing VRS at balance 23 supply locations catering to 30 cities are also progressing expeditiously. Details are attached as Annexure 2. In addition to above, we have also installed VRS at other supply locations viz. Muzaffarpur (Bihar).

Following factors impacted the installation and commissioning of VRS at 23 supply locations leading to time overruns:

- 1. Top/Bottom Tank Lorry Loading Facilities** - VRS is most efficient when used with bottom loading tank lorries. Many of our supply locations have very old top tank lorry loading facilities which cannot be converted to bottom loading, unless the entire Gantry structure is dismantled, and a new bottom loading tank lorry filling gantry is constructed. The conversion of top loading to bottom loading facilities involves augmentation/replacement of product pumps, connected piping along with modifications in storage tank appurtenances. These conversion works are extremely challenging particularly at a working supply location, due to site constraints at one hand and maintaining regular supply line of MS and HSD to the market. However, to comply with the instructions of CPCB, innovative measures were adopted so as to make existing facilities compatible with the requirement of VRS. We propose to convert most of our top loading facilities to bottom loading. To make our top loading tank lorries compatible with VRS we are required to carry out some PESO approved modifications on the tanks mounted on these tank lorries. There are limited numbers of PESO approved vendors in market authorized to carry out such modifications. Since we cannot afford to disrupt our supplies, we are constraint to release tank lorries in phases to carry out the necessary modifications.
- 2. Minimum Safety Distance stipulated as per OISD guidelines** - As per guidelines issued by OISD, the VRS shall have a distance of minimum 15 mtrs. from supply location facilities like hydrant line/ monitors / valves, boundary wall and hydrocarbon storage and handling facilities viz. Bulk loading/unloading, Storage Tanks, Pump House etc. Also, VRS should be at a minimum distance of 30 meters away from non FLP electrical source viz. DP Structure (HT), substation etc. Considerable time was spent by us while finalizing layouts at each location to ensure that the installation of the proposed VRS maintained the minimum separation distances as per OISD. Still at some of our locations like Koyali and Patna, realigning some of our facilities is necessitated to meet the safety distances as stipulated. Wherever it is not possible to meet the safety distances, we are carrying out Quantitative Risk Analysis (QRA) and implement mitigation measures before commissioning of VRS. Implementation of these mitigation measures requires additional time.

hapi

12/इ एण्ड एफ, मेकर टावर, कफ परेड, पोस्ट बॉक्स क्र 19949, मुंबई - 400 005 फोन 2217 5000
रजिस्टर्ड ऑफिस भारत भवन, 4 & 6, करीमभाय रोड, बेलाई इस्टेट, पोस्ट बॉक्स क्र 688, मुंबई-400 001

ई-मेल info@bharatpetroleum.in वेबसाइट www.bharatpetroleum.in CIN L23220MH1952GOI008931

12/E & F, Maker Tower, Cuffe Parade, PB No 19949, Mumbai-400 005 Phone 2217 5000

Registered Office Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, P B No 688, Mumbai - 400 001

Email info@bharatpetroleum.in Website www.bharatpetroleum.in CIN L23220MH1952GOI008931

202

3. **Fine tuning of VRS equipment requirement** - VRS was commissioned at all Delhi/NCR locations in the year 2020. Based on our experience on the efficacy of VRS at Delhi/NCR locations, we have further fine-tuned our equipment requirements for the VRS which will further help in expeditious commissioning of VRS at the balance 23 locations.
4. **Development of indigenous technology (Atmanirbhar Bharat)** - Our earlier experience with VRS had challenges of imported components, limited vendors, long lead times of delivery of parts particularly the imported ones, various available technologies, and exorbitant costs etc.

Our In House R&D team worked on the development of a cost-effective indigenous technology and the following was taken up further for a cost effective solution:

- Literature review on technology options viz. Absorption, Condensation, Adsorption and Membrane.
- Process Selection, Performance Evaluation and Emission monitoring through Modelling & Simulation study using Aspen Hysys.

The In-house solution is progressing towards development of a prototype developed by BPCL R&D team. This will be a game changer for Oil Industry and a big step towards Atmanirbhar Bharat. However, the same could not be pursued further due to approaching statutory timelines. In order to complete the VRS installation at the earliest, we proceeded with the tendering activities for provision of VRS at Stage IA Storage Terminals.

5. **Integration of VRS with automation system** – We have worked out Modalities for integration of VRS with Terminal Automation System. Pilot is nearing completion at our Ennore Coastal Installation.

We wish to inform you that VRS implementation works are progressing expeditiously.

Vendors executing VRS project have limited manufacturing capacity but have got orders from multiple locations. They face challenges in logistics movement of material and resource allocation at sites due to multiple jobs being undertaken concurrently at locations across the country.

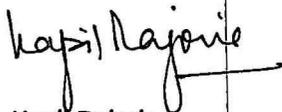
The entire process of deployment of VRS at Supply Locations is expected to be over in approx. 9-10 months.

In view of the above, we request you to kindly grant us an extension till March 2025 to install VRS at balance supply locations, to facilitate completion without compromising on quality and safety standards. We shall have a close follow-up with the installation of VRS at locations and shall endeavour to complete the same in minimum time possible.

We assure you of our utmost dedication to environmental compliance and our commitment to mitigate the impact of our operations on the environment. We shall provide regular updates on the progress of the installation of VRS at supply locations.

We shall be extremely grateful for your kind consideration of our request.

Yours sincerely,



Kapil Rajoria
General Manager Distribution (Retail) HQ

List of Supply Locations (POL LOCATIONS) provided with VRS (Stage 1A)

Sr. No.	City	BPCL Supply point	State	Region	Address	Date of VRS commissioning
1	Delhi	Bijwasan (NCT)	Delhi	North	BPCL Bijwasan Installation, UER-II, Near Dwarka under pass, Bijwasan, New Delhi, Pin-110062	01.09.2020
	NCR	Rewari (NCR)	Haryana	North	Rewari TOP, Village Karnawas , Rewari - Bawal Road, Rewari , Haryana , 123401	30.09.2020
		Panipat (NCR)	Haryana	North	BPCL POL Installation, NEAR I O C REFINERY, PANIPAT, Haryana, 132140	07.09.2020
		Bharatpur (NCR)	Rajasthan	North	BPCL, Bharatpur Depot, Near Dhourmui Jaghina Rly Station,P.O Dhourmui Village, Bharatpur-321025- Rajasthan	29.09.2020
2	Fardabad	Piyala (NCR)	Haryana	North	BPCL Piyala Installation, Vill Piyala, PO – Asaoti, Fardabad – 121002, Haryana	18.09.2020
3	Jaipur	Jobner	Rajasthan	North	Jobner Installation, Village Asalpur, Near Asalpur, Jobner Railway Station, Jaipur-303604	29.10.2020
4	Agra	Mathura (NCR)	Uttar Pradesh	North	Mathura Installation, BHARAT PETROLEUM CORPN LTD D-1,U.P.S.I.D C-INDUSTRIAL AREA SITE 'B', MATHURA- 281005	14.09.2020
5	Meerut					
6	Ghaziabad					
7	Dhanbad	Bokaro	Jharkhand	East	Radhagaon POL depot . Radhanagar , Bokaro , Jharkhand - 827010	15.02.2024
8	Ranchi					
9	Raipur	Raipur CUF	Chhattisgarh	West	Indian Oil Adani Ventures Limited, Common User Terminal, National Highway 59, Chhattisgarh 493441	15.12.2015
10	Pune	Haveli	Maharashtra	West	Haveli Installation, Gat No. 1, Vill Tarade, Taluka – Haveli, Off Pune-Solapur Highway, Pune, Maharashtra - 412201	16.02.2024
11	Pimpri Chinchwad					
12	Chennai	Ennore	Tamil Nadu	South	ENNORE COASTAL INSTALLATION, BHARAT PETROLEUM CORPORATION LTD., ATHIPATTU VILLAGE, PONNERI TALUK,VALLUR POST,CHENNAI(T.N)-600120	01.03.2022
13	Nashik	Manmad	Maharashtra	West	BPCL POL Installation, Panewadi, Manmad Nandgaon Road, Manmad, 423104.	16.03.2024
14	Aurangabad					
15	Rajkot	BPCL Dispatch Unit - Reliance Industries Limited (RIL) Jamnagar (VRS not Provided) Nayara Energy Ltd (Essar) Jamnagar (VRS provided)	Gujrat	West	NAYARA - BHARAT PETROLEUM CORPORATION LTD REFIENRY COORDINATION OFFICE NAYAR ENERGY LIMITED C/O.TLCV BUILDING DESPATCH AREA PO.KHAMBALIYA ,VADINAR DIST – DEVBHUMI DWARKA PIN 361305 GUJRAT STATE	27.04.2023
16	Coimbatore	Irugur	Tamil Nadu	South	BPCL IRUGUR TOP INSTALLATION, RA/ATHUR P.O., IRUGUR VIA, COIMBATORE, Tamil Nadu 641103	17.01.2024

List of Supply Locations (POL LOCATIONS) wherein VRS (Stage 1A) works are in progress.

PROVISION OF VAPOUR RECOVERY SYSTEM AT POL LOCATIONS (STAGE 1A)						
Sr. No.	City	BPCL Supply point	State	Region	Present Status	Timelines
17	Kota	Kota	Rajasthan	North	Job awarded, Work in progress	Jan'25-Feb'25
18	Jodhpur	Salawas	Rajasthan	North	Job awarded, Work in progress	Feb'25-Mar'25
19	Kanpur	Kanpur	Uttar Pradesh	North	Job awarded, Work in progress	Jan'25-Feb'25
20	Lucknow					
21	Allahabad	Mughalsarai	Uttar Pradesh	North	Job awarded, Work in progress	Jan'25-Feb'25
22	Varanasi					
23	Srinagar	Srinagar	Jammu & Kashmir	North	Job awarded, Work in progress	Feb'25-Mar'25
24	Amritsar	Jalandhar	Punjab	North	Job awarded, Work in progress	Jan'25-Feb'25
25	Ludhiana	Sangrur	Punjab	North	Job awarded, Work in progress	Jan'25-Feb'25
26	Howrah	Budge Budge	West Bengal	East	Job awarded, Work in progress	Jan'25-Feb'25
27	Kolkata					
28	Patna	Patna	Bihar	East	Job awarded, Work in progress	Feb'25-Mar'25
29	Mumbai	Sewree	Maharashtra	West	Job awarded, Work in progress	Jan'25-Feb'25
30	Vasai-Vihar					
31	Thane					
32	Navi Mumbai					
33	Kalyan Dombivali					
34	Nagpur	Borkhedi	Maharashtra	West	Job awarded, Work in progress	Jan'25-Feb'25
35	Vadodara	Koyali	Gujrat	West	Job awarded, Work in progress	Jan'25-Feb'25
36	Surat	Hazira	Gujrat	West	Job awarded, Work in progress	Feb'25-Mar'25
37	Ahmedabad	Navegaon	Gujrat	West	Job awarded, Work in progress	Jan'25-Feb'25
38	Indore	Manglia	Madhya Pradesh	West	Job awarded, Work in progress	Jan'25-Feb'25
39	Bhopal	Bakania	Madhya Pradesh	West	Job awarded, Work in progress	Feb'25-Mar'25
40	Gwalior	Rairu	Madhya Pradesh	West	Job awarded, Work in progress	Feb'25-Mar'25
41	Jabalpur	Bhitoni	Madhya Pradesh	West	Job awarded, Work in progress	Feb'25-Mar'25
42	Madurai	Karur	Tamil Nadu	South	Job awarded, Work in progress	Jan'25-Feb'25
43	Bangalore (BBMP)	Devangonthi	Karnataka	South	Job awarded, Work in progress	Jan'25-Feb'25
44	Hyderabad	Cherlapalli	Telangana	South	Job awarded, Work in progress	Jan'25-Feb'25
45	Vishakhapatnam	Visakhapatnam	Andhra Pradesh	South	Job awarded, Work in progress	Jan'25-Feb'25
46	Vijaywada	Kondapally	Andhra Pradesh	South	Job awarded, Work in progress	Jan'25-Feb'25

Email

RE: Direction under Section 5 of Environment (Protection) Act, 1986 for installation of Vapour Recovery Systems at storage terminals dated 18.09.2020-reg.

From : rajoria k (राजोरिया कपिल)
<rajoriak@bharatpetroleum.in>

Thu, Jun 27, 2024 07:47 PM

📎 1 attachment

Subject : RE: Direction under Section 5 of Environment (Protection) Act, 1986 for installation of Vapour Recovery Systems at storage terminals dated 18.09.2020-reg.

To : CPCB K AQM Div <aqm.cpcb@gov.in>

Cc : Pankaj Agarwal <pagarwal.cpcb@gov.in>, Ankush Tewani <ankush.cpcb@nic.in>, Gautam Kumar Sharma <gautam.cpcb@gov.in>, Ajay Kumar <ajaykumar.cpcb@gov.in>

Dear Sir,

Invite your attention to the trail mail from your good offices.

Attached, please find our letter reference RHQ/Ops & Logistics/VRS dated 27.06.24 in response to your letter EQ-11099/20/2021-AQM-HO-CPCB-HO dated 14.06.24.

Post copy of the letter follows.

Regards,

Kapil Rajoria
General Manager Distribution (Retail) HQ
Mobile : +91-9599902510 Tel: +91-22-24176575

From: CPCB K AQM Div <aqm.cpcb@gov.in>

Sent: Friday, June 14, 2024 2:59 PM

To: cmd (अध्यक्ष एवं प्रबंध निदेशक) <cmd@bharatpetroleum.in>; sebastian joy (सेबॅस्टियन जोजी) <sebastianj@bharatpetroleum.in>

Cc: Pankaj Agarwal <pagarwal.cpcb@gov.in>; Ankush Tewani <ankush.cpcb@nic.in>; Gautam Kumar Sharma <gautam.cpcb@gov.in>; Ajay Kumar <ajaykumar.cpcb@gov.in>

Subject: [EXT] Direction under Section 5 of Environment (Protection) Act, 1986 for installation of Vapour Recovery Systems at storage terminals dated 18.09.2020-reg.

Warning: This email has not originated from BPCL. Do not click on attachment or links/URL unless sender is reliable. Malware/Viruses can be easily transmitted.

Sender Email ID : prvs=888f7acb4=aqm.cpcb@gov.in

Sir/Madam,

I am directed to forward CPCB letter dated June 13, 2024 on above mentioned subject for kind consideration and necessary action, please.

206

--

Regards
PA to Head, AQM
Central Pollution Control Board
Ministry of Environment, Forest and Climate Change

 Please consider the environment before printing this email



***** अस्वीकृति/
 Disclaimer *****

यह संदेश भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड (बीपीसीएल) - भारतवर्ष की मेलिंग संदेश प्रणाली से भेजा गया है। संदेश में जो विचार व्यक्त किये गये हैं वे प्रेषक के अपने हैं, जब तक कि इन्हे बीपीसीएल द्वारा स्पष्ट रूप से अधिकृत न किया गया हो। इस संदेश एवं किसी भी अनुलग्नक में दी गई जानकारी, प्राप्तकर्ता(ओं) के अनन्य उपयोग के लिए है और इसमें मालिकाना, गोपनीय या विशेषाधिकार की जानकारी हो सकती है। अनभिप्रेत प्राप्तकर्ता कृपया इसको हटा दें एवं प्रेषक को तुरंत सूचित करें। प्राप्तकर्ता(ओं) को सतर्क किया जाता है कि संदेश/ संलग्नक में किसी भी प्रकार का वायरस ना हो, इसकी जांच कर लें। This message was sent from Mailing System of Bharat Petroleum Corporation Limited (BPCL), India. Unless explicitly authorized by BPCL, the views expressed in the message are of the sender. The information in this message and any attachments are intended for exclusive use of the recipient(s) and may contain proprietary, confidential or privileged information. Unintended recipient(s) may kindly delete it and notify the sender immediately. Recipient(s) are cautioned to check message/ attachments for any virus.

 **CPCB.pdf**
 1 MB

RHQ/Ops. & Logistics/VRS

27.05.2024

Sh. P. Agarwal,
Scientist 'F' and Head
Air Quality Management Division
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi 110032

Sub: Compliance to CPCB directions ref. B-33014/30/2013/AQM dated 18th September 2020

Dear Sir,

This is with reference to your letter EQ-11099/20/2021-AQM-HO-CPCB-HO dated 14th June 2024, seeking information on Vapour Recovery System (VRS) installation at BPCL's terminals supplying fuel to pumps located in cities with population between 1 lakh to 10 lakhs.

We would like to inform that supplies to BPCL's Retail Outlets (ROs), having a monthly MS (Motor Spirit) sale of more than 300 KLs and having a population between 1 lakh to 10 lakhs located in 32 cities across country, are from our 17 storage terminals as per the list as attached.

Out of these 17 storage terminals, 15 terminals belong to BPCL while one storage terminal each is owned by Numaligarh Refinery Limited (NRL) and Zuari Indian Oil Adani Venture Pvt. Limited, respectively.

The updated status of VRS implementation of our above mentioned 15 storage terminals is as follows:

- Vapour Recovery System has already been provided at 5 storage terminals catering to retail outlets in 7 cities with population between 1 lakh to 10 lakhs. Details enclosed as Annex-1. The details of these terminals have already been submitted to your good office vide our letter of even reference dated 10.05.2024.
- Works have been initiated to provide Vapour Recovery System at 10 storage terminals catering to retail outlets in 17 cities with population between 1 lakh to 10 lakhs. Details enclosed as Annex-2. The details about majority of these terminals have already been submitted to your good office vide our letter of even reference dated 10.05.2024.

VRS at the dispatch unit at Numaligarh Refinery Limited (NRL) and storage terminal of Zuari Indian Oil Adani Venture Pvt. Limited catering to retail outlets located in 8 cities with population between 1 lakh to 10 lakhs shall be provided by NRL and ZIAV Pvt. Ltd. respectively. Details enclosed as Annex-3.

We would also wish to inform you that VRS implementation works are progressing expeditiously at 10 storage terminals catering to retail outlets located in 17 cities with population between 1 lakh to 10 lakhs.

We shall provide regular updates on the progress of the installation of VRS at supply locations.

Yours sincerely,

Kapil Rajoria

Kapil Rajoria
General Manager Distribution (Retail) HQ

भारत भवन, 4 एवं 6, कुर्रिम्भोय रोड, बालार्ड एस्टेट, पोस्ट बॉक्स क्र. 688, मुंबई - 400 001. फोन: 2271 3000/4000, फैक्स: 2271 3874

Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, P.B.No. 688, Mumbai- 400 001. Phone : 2271 3000/4000, Fax : 2271 3874.
email: info@bharatpetroleum.in web : www.bharatpetroleum.in CIN:L23220MH1952GOI000931

208

Annexure 1

List of Supply Locations (POL LOCATIONS) provided with VRS

S.N	City (Population from 1 lakh to 10 lakhs)	Supply Location	State	Region
1	Kanchipuram	Ennore	Tamil Nadu	South
2	Pondicherry			
3	Gurgaon	Piyala	Haryana	North
4	Rewari			
5	Noida			
		Mathura	Uttar Pradesh	North
6	Purnea	Muzaffarpur	Bihar	East
7	Amravati	Manmad	Maharashtra	West

Annexure 2

List of Supply Locations (POL LOCATIONS) wherein VRS works are in progress

S.N	City (Population from 1 lakh to 10 lakhs)	Supply Location	State	Region	Timelines
8	Chittorgarh	Kota	Rajasthan	North	Jan'25-Feb'25
9	Udaipur				
10	Dehradun	Najibabad	Uttar Pradesh	North	Jan'25-Feb'25
11	Haldwani				
12	Ankaleshwar	Koyali	Gujarat	West	Jan'25-Feb'25
13	Ratlam	Manglia	Madhya Pradesh	West	Jan'25-Feb'25
14	Solapur	Pakni	Maharashtra	West	Jan'25-Feb'25
15	Nalasopara	Sewree	Maharashtra	West	Jan'25-Feb'25
16	Silvassa				
17	Vatar				
18	Warangal	Cherlapalli	Telangana	South	Jan'25-Feb'25
19	Ernakulam	Irimpanam	Kerala	South	Feb'25-March'25
20	Chandigarh	Lalru	Punjab	North	Feb'25-March'25
21	Panchkula				
22	Bhubaneswar	Paradeep	Odisha	East	Feb'25-March'25
23	Puri				
24	Rourkela				

Annexure 3

Other Supply Locations

S.N.	City (Population from 1 lakh to 10 lakhs)	Supply Location	State	Region	Timelines
25	Guwahati	Numaligarh Refinery Limited (NRL) DU	Assam	East	VRS shall be provided by NRL
26	Calangute	Zuari Indian Oil Adani Venture (ZIAV) Pvt. Limited Terminal	Goa	West	VRS shall be provided ZIAVL
27	Mapusa				
28	Margao				
29	Parra				
30	Porvorim				
31	Siolim				
32	Vasco-Da-Gama				

Page 2 of 2

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड

१२ / ई एण्ड एफ, मेकर टावर्स, कफ परेड

मुंबई - 400 005. फोन : 22175000

**BHARAT PETROLEUM CORPORATION LTD.**

12 / E & F, Maker Towers, Cuffe Parade

Mumbai - 400 005. Phone : 22175000

24.09.2024

To,

**The Chairman
Central Pollution Control Board
Ministry of Environment Forest & Climate Change
Government of India
Parivesh Bhawan, East Arjun Nagar,
New Delhi – 110032**

Sub: Reply to Show Cause Notice bearing ref. no. EQ-11099/20/2021-AQM-HO-CPCB-HO dated 04.09.2024 under section 5 of Environment (Protection) Act, 1986 for non-installation of Vapour Recovery Systems at storage terminals – reg.

Dear Sir,

We, Bharat Petroleum Corporation Limited (BPCL) on 10.09.2024 received your Show Cause Notice bearing ref. no. EQ-11099/20/2021-AQM-HO-CPCB-HO dated 04.09.2024 issued under section 5 of Environment (Protection) Act, 1996 for non-installation of Vapour Recovery Systems at storage terminals, and in reply thereof we state as under:

Central Pollution Control Board (CPCB) vide letter 18.09.2020 read with letter dated 29.07.2021 issued directions to BPCL for installation of VRS at Retail Outlets selling more than 100 KLPM and located in million population plus cities and those selling more than 300 KLPM and located in cities with population of 1 lakh to 1 million population and at Storage terminals as follows:

- VRS Stage II – 100% Retail Outlets by October 2022
- VRS Stage 1B - 100% Retail Outlets by June 2022
- VRS Stage 1A (Storage Terminals) – March 2024

BPCL has taken requisite steps to comply with aforesaid directions of CPCB and has completed installation of VRS Stage II and VRS Stage 1B at 100% BPCL Retail Outlets within prescribed timeline. BPCL has also completed the installation of VRS Stage 1 A at 13 nos. Storage Terminals out of its 41 nos. storage terminals. Thus, BPCL has completed installation of 32% of Storage Terminals as mandated by CPCB within prescribed timeline of March 2024 and is committed to complete the installation of balance 68% by March 2025.

भारतभवन, 4 & 6, करीमभाँय रोड, बलार्ड एस्टेट, पोस्ट बॉक्स क्र. 688, मुंबई - 400 001 फोन : 022-22713000, 22714000 फॅक्स : 022-22713874

Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, PB.No. 688, Mumbai- 400 001. Phone : 22713000 / 4000, Fax : 22713874
email: info@bharatpetroleum.in web : www.bharatpetroleum.in CIN:L23220MH1952GOI008931



We by our letters dated 10.05.2024 & 27.06.2024 highlighted the difficulties being faced by us in achieving 100% target of installation of VRS Stage 1A at our Storage Terminals within prescribed timeline of March 2024 and sought extension of time till March 2025 for completing the installation of VRS at remaining 28 storage terminals. Copy of our said letters dated 10.05.2024 & 27.06.2024 are attached herewith as Annexure-1 and Annexure-2 respectively for your ready reference and the contents of same may be read as part & parcel of this reply.

We reiterate that installation of VRS Stage 1A at remaining 28 storage terminals could not be completed within prescribed timeline of March 2024 for the following reasons:

1. Minimum Safety Distance stipulated as per Oil Industry Safety Directorate (OISD) a technical directorate under MO P&NG guidelines – VRS should maintain a minimum distance of 15 meters from facilities like hydrant line / monitors / valves, boundary wall and hydrocarbon storage & handling facilities. Further, VRS should be at a minimum distance of 30 meters from non FLP electrical source viz. DP Structure (HT), substation etc. With limited space available at many Supply locations, considerable time was spent by us while finalizing layouts at each location to ensure that the installation of the proposed VRS maintains the minimum separation distances as per OISD. Wherever it is not possible to meet the safety distances, we have carried out Quantitative Risk Analysis (QRA) so that mitigation measures can be carried out before commissioning.
2. Petroleum products are essential commodities under the Essential Commodities Act, 1955 and to maintain uninterrupted supply to public at large the storage terminals have to be kept operational. Further, petroleum products are covered under the Explosives Act, 1884 and the safety guidelines issued by the Petroleum and Explosives Safety Organisation (PESO) has to be mandatorily followed while executing any work at Storage Terminals where petroleum products are stored. The work of installation of VRS stage 1A at operational Storage Terminals could not be executed in full speed.
3. COVID pandemic adversely impacted the installation of VRS stage 1A at Storage Terminals.
4. During the ongoing COVID pandemic, the efficacy of VRS was studied based on our experience of units installed at all Delhi/NCR locations & few locations viz. Jobner, Ennore etc and the equipment requirements / technology was revisited. We also explored development of VRS using indigenous technology under 'Atmanirbhar Bharat' to overcome the challenges of delay due to imported components, limited vendors, long lead times of delivery, exorbitant costs etc.



Our in-house R&D team worked on the development of a cost-effective indigenous technology. However, the same could not be pursued further due to approaching statutory timelines.

- Vendors executing VRS project have limited manufacturing capacity and have received orders for multiple locations and from different Oil Marketing Companies (OMC's). Being cost intensive, vendors faced challenges in funding, material / resource allocation at sites due to multiple jobs being undertaken concurrently. The entire process of deployment of VRS takes nearly a year and it is not possible to crunch the time period any further

BPCL is committed for protection of environment. We have been taking all steps to comply with the directions of CPCB and will be able to complete the installation of VRS Stage 1A at remaining 28 Storage Terminals before March 25. We assure you of our utmost dedication to environmental compliance and our commitment to mitigate the impact of our operations on the environment. We have completed VRS at all Retail outlets and all Delhi/NCR locations as mandated by CPCB and 13 nos. Storage locations. Works are in progress at balance 28 Storage locations..

Hon'ble Supreme Court in its judgment dated 14.03.2023 passed in Civil Appeal No. 421 of 2022 - Indian Oil Corporation Ltd. vs. V.B.R. Menon & others has directed CPCB to ensure the compliance of the directions issued by the NGT. However, neither hon'ble Supreme Court nor hon'ble NGT has restrained CPCB from exercising its power to modify the timelines and grant extension for installation of VRS keeping in view the overall circumstances.

Section 21 of General Clauses Act, 1897 provides that where any Central Act or Regulations confer a power to issue notifications, orders, rules or bye-laws, that power includes the power exercisable in like manner, and subject to sanction and conditions, if any, to add, to amend, vary or rescind any notification, order, rule or bye-law so issued. Therefore, we request CPCB to consider the practical difficulties faced by BPCL in achieving 100% target in pragmatic & sympathetic manner and not to impose any Environmental Compensation. Further, CPCB may kindly be pleased to exercise its power under section 5 of Environment Protection Act, 1986 read with sections 14 & 21 of General Clauses Act, 1897 and modify the timeline prescribed in its letters/directions dated 18.09.2020 & 29.07.2021 and grant extension till March 2025 to BPCL for completing the installation of VRS Stage 1A at remaining 28 storage terminals.

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड

१२ / ई एण्ड एफ, मेकर टावर्स, कफ परेड

मुंबई - 400 005. फोन : 22175000

**BHARAT PETROLEUM CORPORATION LTD.**

12 / E & F, Maker Towers, Cuffe Parade

Mumbai - 400 005. Phone : 22175000

In view of above, we request you to kindly withdraw the Show Cause Notice dated 04.09.2024 and grant us extension till March 2025 for completing the installation of VRS Stage 1A at remaining 28 Storage Terminals and oblige. We request you to grant us personal hearing to enable us to explain our commitment to comply with the directions of CPCB.

Thanking you

Yours faithfully

For **Bharat Petroleum Corporation Ltd.****Inderjit Singh****Chief General Manager I/c Operations & Logistics (Retail), HQ**h
24/9

भारतभवन, 4 & 6, करीमभॉय रोड, बलाई एस्टेट, पोस्ट बॉक्स क्र. 688, मुंबई - 400 001 फोन : 022-22713000, 22714000 फॅक्स : 022-22713874

Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, PB.No. 688, Mumbai- 400 001. Phone : 22713000 / 4000, Fax : 22713874
email: info@bharatpetroleum.in web : www.bharatpetroleum.in CIN:L23220MH1952GOI008931

RHQ/Ops. & Logistics/VRS

10.05.2024

To,

Sh. P. Agarwal,
Scientist 'F' and Head
Air Quality Management Division
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi 110032



Sub: Compliance to CPCB directions ref. B-33014/30/2013/AQM dated 18th September 2020

Sir,

This is with reference to your letter EQ-11099/20/2021-AQM-HO-CPCB-HO dated 22nd April 2024 regarding status of installation of Vapour Recovery System (VRS) Stage 1A at storage terminals of BPCL.

As per CPCB directions, Vapour Recovery System (VRS) is to be provided at Stage 1A Storage terminals (37 nos.) of BPCL catering 46 cities with million plus population. VRS has been installed and commissioned at 14 of our supply locations catering to 16 Cities. Details of the cities and supply locations provided with VRS, along with the date of commissioning is attached as Annexure 1. The works on the providing VRS at balance 23 supply locations catering to 30 cities are also progressing expeditiously. Details are attached as Annexure 2. In addition to above, we have also installed VRS at other supply locations viz. Muzaffarpur (Bihar).

Following factors impacted the installation and commissioning of VRS at 23 supply locations leading to time overruns:

- 1. Top/Bottom Tank Lorry Loading Facilities** - VRS is most efficient when used with bottom loading tank lorries. Many of our supply locations have very old top tank lorry loading facilities which cannot be converted to bottom loading, unless the entire Gantry structure is dismantled, and a new bottom loading tank lorry filling gantry is constructed. The conversion of top loading to bottom loading facilities involves augmentation/replacement of product pumps, connected piping along with modifications in storage tank appurtenances. These conversion works are extremely challenging particularly at a working supply location, due to site constraints at one hand and maintaining regular supply line of MS and HSD to the market. However, to comply with the instructions of CPCB, innovative measures were adopted so as to make existing facilities compatible with the requirement of VRS. We propose to convert most of our top loading facilities to bottom loading. To make our top loading tank lorries compatible with VRS we are required to carry out some PESO approved modifications on the tanks mounted on these tank lorries. There are limited numbers of PESO approved vendors in market authorized to carry out such modifications. Since we cannot afford to disrupt our supplies, we are constraint to release tank lorries in phases to carry out the necessary modifications.
- 2. Minimum Safety Distance stipulated as per OISD guidelines** – As per guidelines issued by OISD, the VRS shall have a distance of minimum 15 mtrs. from supply location facilities like hydrant line / monitors / valves, boundary wall and hydrocarbon storage and handling facilities viz. Bulk loading/unloading, Storage Tanks, Pump House etc. Also, VRS should be at a minimum distance of 30 meters away from non FLP electrical source viz. DP Structure (HT), substation etc. Considerable time was spent by us while finalizing layouts at each location to ensure that the installation of the proposed VRS maintained the minimum separation distances as per OISD. Still at some of our locations like Koyali and Patna, realigning some of our facilities is necessitated to meet the safety distances as stipulated. Wherever it is not possible to meet the safety distances, we are carrying out Quantitative Risk Analysis (QRA) and implement mitigation measures before commissioning of VRS. Implementation of these mitigation measures requires additional time.

Kapil

12/इ एण्ड एफ, मेकर टावर्स, कफ परेड, पोस्ट बॉक्स क्र. 19949, मुंबई - 400 005. फोन: 2217 5000
रजिस्टर्ड ऑफिस: भारत भवन, 4 & 6, करीमभाय रोड, बेलार्ड इस्टेट, पोस्ट बॉक्स क्र. 688, मुंबई-400 001.
ई-मेल: info@bharatpetroleum.in वेबसाइट: www.bharatpetroleum.in CIN : L23220MH1952GOI008931

12/E & F, Maker Tower, Cuffe Parade, P.B. No.19949, Mumbai-400 005. Phone: 2217 5000
Registered Office: Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, P. B. No. 688, Mumbai - 400 001
Email : info@bharatpetroleum.in Website: www.bharatpetroleum.in CIN : L23220MH1952GOI008931

Page 1 of 4

214

3. **Fine tuning of VRS equipment requirement** - VRS was commissioned at all Delhi/NCR locations in the year 2020. Based on our experience on the efficacy of VRS at Delhi/NCR locations, we have further fine-tuned our equipment requirements for the VRS which will further help in expeditious commissioning of VRS at the balance 23 locations.
4. **Development of indigenous technology (Atmanirbhar Bharat)** - Our earlier experience with VRS had challenges of imported components, limited vendors, long lead times of delivery of parts particularly the imported ones, various available technologies, and exorbitant costs etc.

Our In House R&D team worked on the development of a cost-effective indigenous technology and the following was taken up further for a cost effective solution:

- Literature review on technology options viz. Absorption, Condensation, Adsorption and Membrane.
- Process Selection, Performance Evaluation and Emission monitoring through Modelling & Simulation study using Aspen Hysys.

The In-house solution is progressing towards development of a prototype developed by BPCL R&D team. This will be a game changer for Oil Industry and a big step towards Atmanirbhar Bharat. However, the same could not be pursued further due to approaching statutory timelines. In order to complete the VRS installation at the earliest, we proceeded with the tendering activities for provision of VRS at Stage IA Storage Terminals.

5. **Integration of VRS with automation system** – We have worked out Modalities for integration of VRS with Terminal Automation System. Pilot is nearing completion at our Ennore Coastal Installation.

We wish to inform you that VRS implementation works are progressing expeditiously.

Vendors executing VRS project have limited manufacturing capacity but have got orders from multiple locations. They face challenges in logistics movement of material and resource allocation at sites due to multiple jobs being undertaken concurrently at locations across the country.

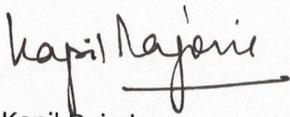
The entire process of deployment of VRS at Supply Locations is expected to be over in approx. 9-10 months.

In view of the above, we request you to kindly grant us an extension till March 2025 to install VRS at balance supply locations, to facilitate completion without compromising on quality and safety standards. We shall have a close follow-up with the installation of VRS at locations and shall endeavour to complete the same in minimum time possible.

We assure you of our utmost dedication to environmental compliance and our commitment to mitigate the impact of our operations on the environment. We shall provide regular updates on the progress of the installation of VRS at supply locations.

We shall be extremely grateful for your kind consideration of our request.

Yours sincerely,



Kapil Rajoria
General Manager Distribution (Retail) HQ

List of Supply Locations (POL LOCATIONS) provided with VRS (Stage 1A)

Sr. No.	City	BPCL Supply point	State	Region	Address	Date of VRS commissioning
1	Delhi	Bijwasan (NCT)	Delhi	North	BPCL Bijwasan Installation, UER-II, Near Dwarka under pass, Bijwasan, New Delhi, Pin-110062	01.09.2020
	NCR	Rewari (NCR)	Haryana	North	Rewari TOP, Village Karnawas , Rewari - Bawal Road, Rewari , Haryana , 123401	30.09.2020
		Panipat (NCR)	Haryana	North	BPCL POL Installation, NEAR I.O.C. REFINERY, PANIPAT, Haryana, 132140	07.09.2020
		Bharatpur (NCR)	Rajasthan	North	BPCL, Bharatpur Depot, Near Dhourmui Jaghina Rly Station,P.O. Dhourmui Village, Bharatpur-321025- Rajasthan	29.09.2020
2	Faridabad	Piyala (NCR)	Haryana	North	BPCL Piyala Installation, Vill: Piyala, PO – Asaoti, Faridabad – 121002, Haryana	18.09.2020
3	Jaipur	Jobner	Rajasthan	North	Jobner Installation, Village Asalpur, Near Asalpur, Jobner Railway Station, Jaipur-303604	29.10.2020
4	Agra	Mathura (NCR)	Uttar Pradesh	North	Mathura Installation, BHARAT PETROLEUM CORPN. LTD D-1,U.P.S.I.D.C-INDUSTRIAL AREA SITE 'B', MATHURA- 281005	14.09.2020
5	Meerut					
6	Ghaziabad					
7	Dhanbad					
8	Ranchi	Bokaro	Jharkhand	East	Radhagaon POL depot . Radhanagar , Bokaro , Jharkhand - 827010	15.02.2024
9	Raipur	Raipur CUF	Chhattisgarh	West	Indian Oil Adani Ventures Limited, Common User Terminal, National Highway 59, Chhattisgarh 493441	15.12.2015
10	Pune	Haveli	Maharashtra	West	Haveli Installation, Gat No. 1, Vill. Tarade, Taluka – Haveli, Off. Pune-Solapur Highway, Pune, Maharashtra - 412201	16.02.2024
11	Pimpri Chinchwad					
12	Chennai	Ennore	Tamil Nadu	South	ENNORE COASTAL INSTALLATION, BHARAT PETROLEUM CORPORATION LTD., ATHIPATTU VILLAGE, PONNERI TALUK,VALLUR POST,CHENNAI(T.N)-600120	01.03.2022
13	Nashik	Manmad	Maharashtra	West	BPCL POL Installation, Panewadi, Manmad Nandgaon Road, Manmad, 423104.	16.03.2024
14	Aurangabad					
15	Rajkot	BPCL Dispatch Unit - Reliance Industries Limited (RIL) Jamnagar (VRS not Provided) Nayara Energy Ltd. (Essar) Jamnagar (VRS provided)	Gujrat	West	NAYARA - BHARAT PETROLEUM CORPORATION LTD REFIENRY COORDINATION OFFICE NAYAR ENERGY LIMITED C/O.TLCV BUILDING DESPATCH AREA PO.KHAMBALIYA ,VADINAR DIST – DEVBHUMI DWARKA PIN 361305 GUJRAT STATE	27.04.2023
16	Coimbatore	Irugur	Tamil Nadu	South	BPCL IRUGUR TOP INSTALLATION, RAVATHUR P.O., IRUGUR VIA, COIMBATORE, Tamil Nadu 641103	17.01.2024

List of Supply Locations (POL LOCATIONS) wherein VRS (Stage 1A) works are in progress.

PROVISION OF VAPOUR RECOVERY SYSTEM AT POL LOCATIONS (STAGE IA)						
Sr. No.	City	BPCL Supply point	State	Region	Present Status	Timelines
17	Kota	Kota	Rajasthan	North	Job awarded, Work in progress	Jan'25-Feb'25
18	Jodhpur	Salawas	Rajasthan	North	Job awarded, Work in progress	Jan'25-Feb'25
19	Kanpur	Kanpur	Uttar Pradesh	North	Job awarded, Work in progress	Feb'25-Mar'25
20	Lucknow					
21	Allahabad	Mughalsarai	Uttar Pradesh	North	Job awarded, Work in progress	Jan'25-Feb'25
22	Varanasi					
23	Srinagar	Srinagar	Jammu & Kashmir	North	Job awarded, Work in progress	Feb'25-Mar'25
24	Amritsar	Jalandhar	Punjab	North	Job awarded, Work in progress	Jan'25-Feb'25
25	Ludhiana	Sangrur	Punjab	North	Job awarded, Work in progress	Jan'25-Feb'25
26	Howrah	Budge Budge	West Bengal	East	Job awarded, Work in progress	Jan'25-Feb'25
27	Kolkata					
28	Patna	Patna	Bihar	East	Job awarded, Work in progress	Feb'25-Mar'25
29	Mumbai	Sewree	Maharashtra	West	Job awarded, Work in progress	Jan'25-Feb'25
30	Vasai-vihar					
31	Thane					
32	Navi Mumbai					
33	Kalyan Dombivali					
34	Nagpur	Borkhedi	Maharashtra	West	Job awarded, Work in progress	Jan'25-Feb'25
35	Vadodara	Koyali	Gujrat	West	Job awarded, Work in progress	Jan'25-Feb'25
36	Surat	Hazira	Gujrat	West	Job awarded, Work in progress	Feb'25-Mar'25
37	Ahmedabad	Navegaon	Gujrat	West	Job awarded, Work in progress	Jan'25-Feb'25
38	Indore	Manglia	Madhya Pradesh	West	Job awarded, Work in progress	Jan'25-Feb'25
39	Bhopal	Bakania	Madhya Pradesh	West	Job awarded, Work in progress	Feb'25-Mar'25
40	Gwalior	Rairu	Madhya Pradesh	West	Job awarded, Work in progress	Feb'25-Mar'25
41	Jabalpur	Bhitoni	Madhya Pradesh	West	Job awarded, Work in progress	Feb'25-Mar'25
42	Madurai	Karur	Tamil Nadu	South	Job awarded, Work in progress	Jan'25-Feb'25
43	Bangalore (BBMP)	Devangonithi	Karnataka	South	Job awarded, Work in progress	Jan'25-Feb'25
44	Hyderabad	Cherlapalli	Telangana	South	Job awarded, Work in progress	Jan'25-Feb'25
45	Vishakhapatnam	Visakhapatnam	Andhra Pradesh	South	Job awarded, Work in progress	Jan'25-Feb'25
46	Vijaywada	Kondapally	Andhra Pradesh	South	Job awarded, Work in progress	Jan'25-Feb'25

217

भारत पेट्रोलेियम कॉर्पोरेशन लिमिटेड
भारत सरकार का उपक्रम



BHARAT PETROLEUM CORPORATION LTD.
A Govt. of India Enterprise

RHQ/Ops. & Logistics/VRS

27.06.2024

Sh. P. Agarwal,
Scientist 'F' and Head
Air Quality Management Division
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi 110032

Sub: Compliance to CPCB directions ref. B-33014/30/2013/AQM dated 18th September 2020

Dear Sir,

This is with reference to your letter EQ-11099/20/2021-AQM-HO-CPCB-HO dated 14th June 2024, seeking information on Vapour Recovery System (VRS) installation at BPCL's terminals supplying fuel to pumps located in cities with population between 1 lakh to 10 lakhs.

We would like to inform that supplies to BPCL's Retail Outlets (ROs), having a monthly MS (Motor Spirit) sale of more than 300 KLs and having a population between 1 lakh to 10 lakhs located in 32 cities across country, are from our 17 storage terminals as per the list as attached.

Out of these 17 storage terminals, 15 terminals belong to BPCL while one storage terminal each is owned by Numaligarh Refinery Limited (NRL) and Zuari Indian Oil Adani Venture Pvt. Limited, respectively.

The updated status of VRS implementation of our above mentioned 15 storage terminals is as follows:

- Vapour Recovery System has already been provided at 5 storage terminals catering to retail outlets in 7 cities with population between 1 lakh to 10 lakhs. Details enclosed as Annex-1. The details of these terminals have already been submitted to your good office vide our letter of even refence dated 10.05.2024.
- Works have been initiated to provide Vapour Recovery System at 10 storage terminals catering to retail outlets in 17 cities with population between 1 lakh to 10 lakhs. Details enclosed as Annex-2. The details about majority of these terminals have already been submitted to your good office vide our letter of even refence dated 10.05.2024.

VRS at the dispatch unit at Numaligarh Refinery Limited (NRL) and storage terminal of Zuari Indian Oil Adani Venture Pvt. Limited catering to retail outlets located in 8 cities with population between 1 lakh to 10 lakhs shall be provided by NRL and ZIAV Pvt. Ltd. respectively. Details enclosed as Annex-3.

We would also wish to inform you that VRS implementation works are progressing expeditiously at 10 storage terminals catering to retail outlets located in 17 cities with population between 1 lakh to 10 lakhs.

We shall provide regular updates on the progress of the installation of VRS at supply locations.

Yours sincerely,

Kapil Rajoria

Kapil Rajoria
General Manager Distribution (Retail) HQ

भारत भवन, 4 एवं 6, करीमगंज रोड, बेलार्व इस्टेट, पोस्ट ऑफिस क्र. 688, मुंबई - 400 001. फोन: 2271 3000/4000. फैक्स: 2271 3874
Bharal Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, P.B.No. 688, Mumbai- 400 001. Phone : 2271 3000/4000, Fax : 2271 3874.
email: info@bharatpetroleum.in web : www.bharatpetroleum.in CIN:L23220MH1952GOI000931

List of Supply Locations (POL LOCATIONS) provided with VRS

S.N	City (Population from 1 lakh to 10 lakhs)	Supply Location	State	Region
1	Kanchipuram	Ennore	Tamil Nadu	South
2	Pondicherry			
3	Gurgaon	Piyala	Haryana	North
4	Rewari			
5	Noida			
		Mathura	Uttar Pradesh	North
6	Purnea	Muzaffarpur	Bihar	East
7	Amravati	Manmad	Maharashtra	West

List of Supply Locations (POL LOCATIONS) wherein VRS works are in progress

S.N	City (Population from 1 lakh to 10 lakhs)	Supply Location	State	Region	Timelines
8	Chittorgarh	Kota	Rajasthan	North	Jan'25-Feb'25
9	Udaipur				
10	Dehradun	Najibabad	Uttar Pradesh	North	Jan'25-Feb'25
11	Haldwani				
12	Ankaleshwar	Koyali	Gujarat	West	Jan'25-Feb'25
13	Ratlam	Manglia	Madhya Pradesh	West	Jan'25-Feb'25
14	Solapur	Pakni	Maharashtra	West	Jan'25-Feb'25
15	Nalasopara	Sewree	Maharashtra	West	Jan'25-Feb'25
16	Silvassa				
17	Vatar				
18	Warangal	Chertlapalli	Telangana	South	Jan'25-Feb'25
19	Ernakulam	Irimpanam	Kerala	South	Feb'25-March'25
20	Chandigarh	Lalru	Punjab	North	Feb'25-March'25
21	Panchkula				
22	Bhubaneswar	Paradeep	Odisha	East	Feb'25-March'25
23	Puri				
24	Rourkela				

Other Supply Locations

S.N.	City (Population from 1 lakh to 10 lakhs)	Supply Location	State	Region	Timelines
25	Guwahati	Numaligarh Refinery Limited (NRL) DU	Assam	East	VRS shall be provided by NRL
26	Calangute	Zuari Indian Oil Adani Venture (ZIAV) Pvt. Limited Terminal	Goa	West	VRS shall be provided ZIAVL
27	Mapusa				
28	Margao				
29	Parra				
30	Porvorim				
31	Siolim				
32	Vasco-Da-Gama				

207522/MS

28/11/24

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड
(भारत सरकार का उद्यम)
नोएडा क्षेत्रीय कार्यालय



BHARAT PETROLEUM CORPORATION LTD.
(A GOVT. OF INDIA ENTERPRISE)
NOIDA Regional Office

Date 28/11/24

To,

The Chairman
Central Pollution Control Board
Ministry of Environment Forest & Climate Change
Government of India
Parivesh Bhawan, East Arjun Nagar,
New Delhi – 110032

Pl. examine
DH(AQM)
AT/SE
28/11/2024
SCC (GS)
R/12

Sub: Request for review of your direction dated 11.11.2024 issued under section 5 of Environment (Protection) Act, 1986 for non-installation of Vapour Recovery Systems at storage terminals – reg.

Dear Sir,

We, Bharat Petroleum Corporation Limited (BPCL) are in receipt of your direction vide ref. no. EQ-11099/20/2021-AQM-HO-CPCB-HO dated 11.11.2024 issued under section 5 of Environment (Protection) Act, 1996 directing us to pay Environmental Compensation of Rs. One crore for not installing VRS at 28 storage locations. In this regard, we place the following facts for your kind consideration:

1. BPCL has shown its commitments towards protection of environment and has complied with the directions of CPCB regarding installation of VRS at 100% of Retail Outlets within prescribed timelines.
2. With respect to CPCB direction of installation of VRS at storage terminals by 31.03.2024, BPCL has completed the installation of VRS at 32% of storage terminals within prescribed timeline.
3. By letters dated 10.05.2024, 27.06.2024 and 24.09.2024, BPCL has highlighted the difficulties faced by it in completing the installation of remaining 68% of storage terminals (total 28 no.) and requested extension of time till 31.03.2025. We enclose herewith the details of progress of work of installation of VRS at remaining 28 numbers of storage terminals as Annexure-1.
4. The works of installation of VRS at remaining 28 numbers of storage terminals are in full swing, and we will be able to complete the same by 31.03.2025.
5. We would like to reiterate that installation of VRS Stage 1A could not be completed within prescribed timeline of March 2024 largely due to the typical site specific a challenge/s at many of our locations as submitted earlier which are resubmitted as under.

ए-5 एवं 6, सेक्टर-1, नोएडा-201301 फोन : 0120-2474100 फैक्स : 0120-2532413
रजिस्टर्ड ऑफिस : भारत भवन, 4 एवं 6 करीमभाँय रोड, बेलार्ड इस्टेट, मुम्बई-400001 फोन : 22713000, 22714000 फैक्स : 22713837
ईमेल : info@bharatpetroleum.in वेब : www.bharatpetroleum.in सीआईएन : L23220MH1952GO1008931

A - 5 & 6, Sector-1, NOIDA - 201301 Phone : 0120-2474100 Fax : 0120-2532413

Registered Office : Bharat Bhawan, 4 & 6 Currimbhoy Road, Ballard Estate, Mumbai-400 001 Phone : 22713000, 22714000 Fax : 22713837

File No. EQ-11099/20/2021-AQM-HO-Email: info@bharatpetroleum.in Web : www.bharatpetroleum.in CIN : L23220MH1952GO1008931

143

- a) Most of our depots are set up in small land parcels having smaller loading gantries. Many of our locations hence has severe space constraints to accommodate the VRS facilities. Setting up of new VRS facilities particularly in compliance with the Minimum Safety Distances of 15 Mts from the nearby facilities as stipulated by Oil Industry Safety Directorate (OISD) has been the biggest challenge.
 - b) Based on the efficacy study on the VRS facilities installed at our Delhi/NCR locations, upgradation in activated carbon technology facilitated us in increasing the adsorption capacity of hydrocarbon and a reduction in carbon vessel sizes to be installed at locations. A reduction in the footprint size of VRUs has facilitated setting up of VRS at such locations having severe space constraints .
 - c) VOC measurements were done using PPM meters during initial periods which warranted periodical calibration through accredited laboratories which has later on been replaced with Online Gas Analysers. These analyzers are having provision of remote monitoring also.
 - d) For effective assessment of VRU efficacy, Online Gas Analysers are utilised for monitoring vapour concentration at both input and output of VRU skids.
 - e) The execution of works at such locations in adherence to the safety guidelines issued by the Petroleum and Explosives Safety Organisation (PESO) , OISD etc has also affected the preparatory works taken up for setting up VRS facilities at our locations .
6. We would hence once again request you to kindly consider the difficulties faced by us in achieving 100% target as highlighted/explained by us in our aforesaid letters dated 10.05.2024, 27.06.2024 & 24.09.2024 and grant us extension 31.03.2025 for completing the installation of VRS at remaining 28 number of storage terminals.

In view of above, we request you to review your direction dated 11.11.2024 and grant us extension till 31.03.2025 for installation of VRS stage 1A at remaining 28 number of storage terminals and also waive the environmental compensation of Rs. One Crore imposed upon us.

Thanking you

Yours faithfully
For **Bharat Petroleum Corporation Ltd.**



Enclosure : As above.

भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड

१२ / ई एंड एफ, मेकर टावर्स, कफ परेड

मुंबई - 400 005. फोन : 22175000



BHARAT PETROLEUM CORPORATION LTD.

12 / E & F, Maker Towers, Cuffe Parade

Mumbai - 400 005. Phone : 22175000

E-235718/22-4-25

31.03.2025

To,

Member Secretary
Central Pollution Control Board
Ministry of Environment Forest & Climate Change
Government of India
Parivesh Bhawan, East Arjun Nagar,
New Delhi - 110032

Handwritten notes:
M/S
D17-AQM
24/4
A/ISE
PL/SPK SC/63
25/4

Sub: Compliance with CPCB Directions on Installation of VRS Systems at BPCL Storage Locations.

Respected Sir,

This is in reference to the directions issued by the Central Pollution Control Board (CPCB) for installation of Vapour Recovery Systems (VRS) at storage terminals.

In this regard, we would like to submit that Bharat Petroleum Corporation Limited (BPCL) has ensured strict adherence to the applicable guidelines, and Stage IA Vapor Recovery Systems (VRS) have been installed at BPCL storage terminals, as mandated by the Central Pollution Control Board (CPCB).

We would like to reaffirm our commitment to environmental protection and compliance. Thank you for your continued support and guidance.

Thanking you

Yours faithfully
For Bharat Petroleum Corporation Ltd.

Handwritten signature of Inderjit Singh

Inderjit Singh
Chief General Manager I/c Operations & Logistics (Retail), HQ





222

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

SPEED POST and E-MAIL

EQ-11099/20/2021-AQM-HO-CPCB-HO 4006

September 04, 2024

To,
The Chairman,
M/s Bharat Petroleum Corporation Limited,
Bharat Bhavan, 4 and 6 Currimbhoy Road,
Ballard Estate, Mumbai 400001

Sub: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for non-installation of Vapour Recovery Systems at storage terminals - reg.

WHEREAS, clean air is a matter of right and it is necessary to take steps towards improvement of Air Quality and for protecting public health National Ambient Air Quality Standards have been prescribed for 12 pollutants viz. PM_{2.5}, PM₁₀, SO₂, NO₂, CO, Ozone, NH₃, Benzene, Benzo(a) pyrene, Pb, Ni, and As;

WHEREAS, many towns and cities, where ambient air is monitored under National Ambient Monitoring Programme, are not complying with the National Ambient Air Quality Standards, particularly with respect to particulate matter pollution, and NO₂, Benzene and Ozone are becoming a matter of concern;

WHEREAS, petrol refueling stations are a major source of emissions of Benzene, which is a carcinogenic compound, and the people in the vicinity of these stations including the workers engaged in the dispensing activities may potentially be at risk of benzene exposure;

WHEREAS, Benzene and other volatile organic compounds (VOC), which are emitted from loading operations at storage terminals, and during refueling of individual vehicles and unloading operations at refuelling stations are precursors to tropospheric ozone; therefore, requiring control of VOC emissions from such installations is an important step for improving air quality, particularly in regard to benzene and ozone.

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notification No. GSR 913 (E) dated 24.10.1989, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and the rules notified under the Environmental (Protection) Rules, 1986 and amendment thereof,

WHEREAS, CPCB on 18.09.2020 issued directions to M/s. Bharat Petroleum Corporation Limited (BPCL) for installation of Vapour recovery system at petrol pumps selling more than 100 KLPM and located in million plus cities, and, those selling more than 300 KLPM and located in cities with population between 01 Lakh to 01 million, and, at storage terminals catering to the petrol pumps in such cities;

WHEREAS, the Hon'ble National Green Tribunal, Southern Zone, Chennai, vide order dated 23.12.2021 in Original Application No. 138 of 2020: V.B.R. Menon v/s The Chief Secretary to Government of Tamil Nadu and Ors., directed CPCB to take appropriate action, against those petroleum outlets and depots which failed to install VRS within the extended time fixed by the CPCB in direction dated 18.09.2020, as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.);

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

223

WHEREAS, M/s BPCL filed a Civil Appeal No. 1695 of 2022 in the Hon'ble Supreme Court against the said order and the order of Hon'ble NGT was stayed by the Hon'ble Supreme Court vide order dated 28.01.2022;

WHEREAS, the Hon'ble Supreme Court vide order dated 14.03.2023 directed CPCB to ensure that the directions issued by the NGT as contained in para above is fully complied with;

WHEREAS, the status submitted by M/s Bharat Petroleum Corporation Limited vide emails dated 10.05.2024 and 27.06.2024 show delay in VRS Stage 1A installation at 28 storage terminals (list enclosed), in violation of the timelines prescribed by CPCB;

WHEREAS, above status indicated non-compliance of timelines prescribed in CPCB directions dated 18.09.2020;

NOW THEREFORE, in view of above and in exercise of power vested under Section 5 of Environment (Protection) Act, 1986, **M/s Bharat Petroleum Corporation Limited** is hereby directed **to show cause as to why Environmental Compensation of Rs. One crore shall not be imposed upon it, for not installing VRS within the CPCB prescribed timelines;**

M/s BPCL is hereby given opportunity to file its reply to above notice within 15 days of receipt of this notice, failing which necessary action will be taken as per law.


(Tanmay Kumar)
Chairman


List of BPCL storage terminals violating VRS installation timelines

S. No.	BPCL supply point	State
1	Kota	Rajasthan
2	Salawas	Rajasthan
3	Kanpur	Uttar Pradesh
4	Mughalsarai	Uttar Pradesh
5	Najibabad	Uttar Pradesh
6	Srinagar	Jammu & Kashmir
7	Jalandhar	Punjab
8	Sangrur	Punjab
9	Lalru	Punjab
10	Budge Budge	West Bengal
11	Patna	Bihar
12	Sewree	Maharashtra
13	Pakni	Maharashtra
14	Borkhedi	Maharashtra
15	Koyali	Gujarat
16	Hazira	Gujarat
17	Navegaon	Gujarat
18	Manglia	Madhya Pradesh
19	Bakania	Madhya Pradesh
20	Rairu	Madhya Pradesh
21	Bhitoni	Madhya Pradesh
22	Karur	Tamil Nadu
23	Devangonthi	Karnataka
24	Cherlapalli	Telangana
25	Visakhapatnam	Andhra Pradesh
26	Kondapally	Andhra Pradesh
27	Irimpanam	Kerala
28	Paradeep	Odisha



225

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

SPEED POST and E-MAIL

EQ-11099/20/2021-AQM-HO-CPCB-HO

November 11, 2024

To,
The Chairman,
M/s Bharat Petroleum Corporation Limited,
 Bharat Bhavan, 4 and 6 Currimbhoy Road,
 Ballard Estate, Mumbai 400001

Sub: Directions under Section 5 of Environment (Protection) Act, 1986 for non-installation of Vapour Recovery Systems at storage terminals - reg.

WHEREAS, clean air is a matter of right and it is necessary to take steps towards improvement of Air Quality and for protecting public health National Ambient Air Quality Standards have been prescribed for 12 pollutants viz. PM_{2.5}, PM₁₀, SO₂, NO₂, CO, Ozone, NH₃, Benzene, Benzo(a)pyrene, Pb, Ni, and As;

WHEREAS, many towns and cities, where ambient air is monitored under National Ambient Monitoring Programme, are not complying with the National Ambient Air Quality Standards, particularly with respect to particulate matter pollution, and NO₂, benzene and Ozone are becoming a matter of concern;

WHEREAS, petrol refueling stations are a major source of emissions of benzene, which is a carcinogenic compound, and the people in the vicinity of these stations including the workers engaged in the dispensing activities may potentially be at risk of benzene exposure;

WHEREAS, Benzene and other volatile organic compounds (VOC), which are emitted from loading operations at storage terminals, and during refuelling of individual vehicles and loading/unloading operations at refuelling stations are precursor to tropospheric ozone; therefore, requiring control of VOC emissions from such installations is an important step for improving air quality, particularly in regard to benzene and ozone.

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notification No. GSR 913 (E) dated 24.10.1989, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and the rules notified under the Environmental (Protection) Rules, 1986 and amendment thereof,

WHEREAS, CPCB on 18.09.2020 issued directions to M/s. Bharat Petroleum Corporation Limited (BPCL) for installation of Vapour Recovery System (VRS) at petrol pumps selling more than 100 KLPM and located in million plus cities, and, those selling more than 300 KLPM and located in cities with population between 01 Lakh to 01 million, and, at storage terminals catering to the petrol pumps in such cities;

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Tel : 43102030, 22305792, वेबसाइट / Website: www.cpcb.nic.in

WHEREAS, the Hon'ble National Green Tribunal, Southern Zone, Chennai, vide order dated 23.12.2021 in Original Application No. 138 of 2020: V.B.R. Menon v/s The Chief Secretary to Government of Tamil Nadu and Ors., directed CPCB to take appropriate action, against those petroleum outlets and depots which failed to install VRS within the extended time fixed by the CPCB in direction dated 18.09.2020, as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.);

WHEREAS, M/s BPCL filed a Civil Appeal No. 1695 of 2022 in the Hon'ble Supreme Court against the said order and the order of Hon'ble NGT was initially stayed by the Hon'ble Supreme Court vide order dated 28.01.2022;

WHEREAS, the matter was further heard by the Hon'ble Supreme Court and the Hon'ble Court vide its final judgement dated 14.03.2023 directed CPCB to ensure that the directions issued by the NGT as contained in para above is fully complied with;

WHEREAS, the status submitted by M/s Bharat Petroleum Corporation Limited vide emails dated 10.05.2024 and 27.06.2024 show delay in VRS Stage 1A installation at 28 storage terminals (list enclosed), in violation of the timelines prescribed by CPCB;

WHEREAS, above status indicated non-compliance of timelines prescribed in CPCB directions dated 18.09.2020;

WHEREAS, CPCB issued a show cause notice (SCN) dated 04.09.2024 to BPCL under Section 5 of Environment (Protection) Act, 1986, to show cause as to why Environmental Compensation of Rs. One crore shall not be imposed upon it, for not installing VRS within the CPCB prescribed timelines;

WHEREAS, BPCL vide letter dated 24.09.2024 submitted its reply against the show cause notice, and the submissions made were deemed unsatisfactory;

NOW THEREFORE, in view of above and in exercise of power vested under Section 5 of Environment (Protection) Act, 1986, **M/s Bharat Petroleum Corporation Limited is hereby directed to pay Environmental Compensation of Rs. One crore for not installing VRS at 28 storage terminals within the CPCB prescribed timelines;**

The Environmental Compensation amount shall be deposited with CPCB within 15 days of receipt of this direction, failing which necessary action will be taken as per law.


(Tanmay Kumar)
Chairman


List of BPCL storage terminals violating VRS installation timelines

S. No.	BPCL supply point	State/UT
1	Kota	Rajasthan
2	Salawas	Rajasthan
3	Kanpur	Uttar Pradesh
4	Mughalsarai	Uttar Pradesh
5	Najibabad	Uttar Pradesh
6	Srinagar	Jammu & Kashmir
7	Jalandhar	Punjab
8	Sangrur	Punjab
9	Lalru	Punjab
10	Budge Budge	West Bengal
11	Patna	Bihar
12	Sewree	Maharashtra
13	Pakni	Maharashtra
14	Borkhedi	Maharashtra
15	Koyali	Gujarat
16	Hazira	Gujarat
17	Navegaon	Gujarat
18	Manglia	Madhya Pradesh
19	Bakania	Madhya Pradesh
20	Rairu	Madhya Pradesh
21	Bhitoni	Madhya Pradesh
22	Karur	Tamil Nadu
23	Devangonhi	Karnataka
24	Cherlapalli	Telangana
25	Visakhapatnam	Andhra Pradesh
26	Kondapally	Andhra Pradesh
27	Irimpanam	Kerala
28	Paradeep	Odisha

228**Direction dated 11.11.2024 under Section 5 of Environment (Protection) Act, 1986 for non- installation of VRS at storage terminals****CPCB AQM Div** < aqm.cpcb@gov.in >

Thu, 24 Jul 2025 11:51:22 AM +0530

To "cmd"<cmd@bharatpetroleum.in>,"satheeshkumarkv"
<satheeshkumarkv@bharatpetroleum.in>,"singhi"
<singhi@bharatpetroleum.in>,"sebastianj"<sebastianj@bharatpetroleum.in>

Cc "MEMBER SECRETARY CPCB"<mscb.cpcb@nic.in>,"Pankaj Agarwal"
<pagarwal.cpcb@gov.in>,"Ankush Tewani"<ankush.cpcb@nic.in>,"Gautam Kumar
Sharma"<gautam.cpcb@gov.in>

Sir,

I am directed to forward CPCB letter dated 23.07.2025 for necessary action please.

--

Regards,
PA to Head, AQM
Central Pollution Control Board
Ministry of Environment, Forest and Climate Change



Please consider the environment before printing this email

1 Attachment(s)

CPCB letter dated 23.07.2025 ...
356.4 KB



229

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

SPEED POST and EMAIL

EQ-11099/20/2021-AQM-HO-CPCB-HO

July 23, 2025

The Chairman,
M/s Bharat Petroleum Corporation Limited,
Bharat Bhavan, 4 and 6 Currimbhoy Road,
Ballard Estate, Mumbai 400001

**Sub: Direction dated 11.11.2024 under Section 5 of Environment (Protection) Act, 1986
for non- installation of Vapour Recovery Systems at storage terminals - reg.**

Sir,

This is with reference to letter dated 28.11.2024 of M/s Bharat Petroleum Corporation Limited (BPCL) in response to CPCB directions dated 11.11.2024, and subsequent BPCL letter dated 31.03.2025 vide which M/s BPCL has reported installation of VRS Stage IA at storage terminals, as mandated by CPCB.

The above responses have been examined. It is further noted that M/s BPCL has not complied with the timelines prescribed in CPCB directions dated 18.09.2020.

Accordingly, M/s Bharat Petroleum Corporation Limited is directed to comply with the CPCB directions dated 11.11.2024 and deposit Environmental Compensation of Rs. 1 crore with CPCB within 15 days from the date of issue of this letter, failing which CPCB shall be constrained to close operation of the concerned terminals.

(Bharat Kumar Sharma)
Member Secretary

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट /Website: www.cpcb.nic.in

2