

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

ORIGINAL APPLICATION No. 73 OF 2021

In the matter of:

Visakha Pawan Praja Karmika Sangham

..... Applicant

Versus

Union of India & 6 Ors.

.....Respondent(S)

**REPLY AFFIDAVIT FILED ON BEHALF OF 3RD
RESPONDENT, CENTRAL POLLUTION CONTROL
BOARD**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 51 years and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows:-

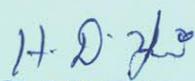
1. That I am presently working as Scientist 'E' & holding Charge of Regional Director (Chennai), Central Pollution Control Board (hereafter called as CPCB) and have been authorized to file the counter affidavit on behalf of 3rd respondent. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:
2. The 3rd Respondent submits that they have perused the Application filed by the Applicant raising substantial questions relating to the environment arising out of release of gases, ash and polluted water by M/s HPCL Refinery at Visakhapatnam, Andhra Pradesh. The applicant alleges that the residents nearby the refinery are facing severe health hazards such as eye, skin, lung, heart, breathlessness, nausea etc. diseases due to chemicals, odour and smoke released from the industry.



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3. It is submitted that averments made in Para 1 & 2 refers to the Environmental Clearance (EC) compilation verification report of the MoEF&CC dated 17.02.2015 and non-compliances observed during the monitoring of the HPCL on 3.02.2015 & 3.02.2015 by MoEF&CC. This Answering Respondent submits that The Environment Impact Assessment (EIA) Notification dated September 14th, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearances to the project/activities listed in the schedule of this notification. The EC is granted to the project proponents by the MoEF&CC under this notification. The conditions mentioned in the EC are periodically reviewed by MoEF&CC. Hence it is submitted that this Respondent has no role in issuing the EC and requires no reply from this respondent.
4. It is submitted that averments made in Para 3 & 4 refers to the conclusion of the report dated 17.02.2015 by MoEF&CC and no action was initiated against the HPCL for non-compliance of EC conditions and that this does not require any reply from this Respondent.
5. That the averments contained in Para 5 refer to the grant of EC for expansion to HPCL violating the public hearing conditions by MoEF&CC and also refers to various complaints made by the applicant associations to MoEF&CC, State Government, APPCB & District Collector, Visakhapatnam. This is to submit that the Respondent has no mandate in granting EC for expansion and is unaware of the complaints made to the various Government agencies and requires no reply from this Answering Respondent.
6. That the averments contained in Para 6 refer to the inspection of the HPCL Refinery on 25.02.2020 by APPCB and its observation and Para 7 refer to the directions issued by APPCB on 19.03.2020 to HPCL for the non-compliances observed during inspection. In reply, it is submitted that SPCB is empowered to grant the Consent to Establish (CTE) and Consent to Operate (CTO) to the industries and also to ensure compliance of the conditions of CTE & CTO to prevent air and water pollution. SPCB can issue directions and take appropriate actions for the non-compliance of the CTE & CTO and need no comments from this Answering Respondent.




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7. That the averments in Para 8, 9 & 10 refers to the subsequent inspections carried out by APPCB on July & November 2020 and the violations noted during inspection of HPCL Refinery. It is submitted that SPCB is a regulatory authority and are responsible for ensuring compliance of CTE & CTO conditions. This requires no comments from this Answering Respondent.
8. That the averments in Para 11 are the photographs inserted by the applicant showing the black smoke coming from the HPCL Refinery on December, 2020. This is to submit that it is a matter of record and requires no reply from this Answering Respondent.
9. That the averments contained in Para 12 refer to the study conducted by Indian Institute of Science, Bengaluru on the Odour Nuisance in Visakhapatnam from the year 2012 and the observations, recommendations & conclusion of the study report submitted to APPCB in the year 2016. This is to submit that it is a matter of record and require no comments from this Answering Respondent.
10. That the averments made in Para 13 refer to the extracts from the official website of Indian Coast Guard referring the responsibility of the coastal states in preservation & protection of marine environment and control of marine pollution. This is to submit that it is a matter of facts and does not require reply from this Answering Respondent.
11. That with regards to the averment contained in Para 14, the applicant alleges HPCL Refinery is discharging the untreated water into water body and sea thus causing water pollution; which does not require reply from this Answering Respondent.
12. That the averments made in Para 15 refer to the directions issued by Hon'ble NGT in case of OA NO. 738 of 2018 in the matter of Satpal Singh, Sarpanch, Gram Panchayat, Singhpura Sithana, Panipat Vs Indian Oil Corporation Ltd., Panipat Refinery and that this is a matter of record and does not require any comment from this Answering Respondent.
13. That the averments made in Para 16 refer to the judgment of the Hon'ble High Court of Andhra Pradesh in case of WP (PIL) No. 259 of 2017 and requires no further reply from this Answering Respondent.



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14. That the averments in Para 17 refer to the ground on which the applicant has filed the application and this requires no comments from this Answering Respondent.

15. That the averments in Para 18 requires no comments from this Answering Respondent.

16. That the averments in Para 19 & 20 are the prayers made by the applicant and requires no comments from this Answering Respondent.

Hence, it is respectfully prayed that this Respondent will abide by the order/directions passed by this Hon'ble Tribunal.

VERIFICATION

It is verified that the content of this Reply Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 25th day of June, 2021 at Chennai

Counsel for CPCB



Deponent
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