

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

Execution Application No. 05/2018 (THC)
IN
Original Application No. 40/2014
(With report dated 30.10.2019)

Charudatt Koli

Applicant(s)

Versus

M/s Sea Lord Containers Ltd.

Respondent(s)

Date of hearing: 06.11.2019

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
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Mr. Nikhil Nayyar, Sr. Advocate with Mr. Sangram Singh R. Bhonsle, Ms. Aditee V. Dongrawat, Ms. Samridhi S. Jain, Advocates

For Respondent(s): Mr. Atmaram N.S Nadkarni, ASG with Mr. Rajat Navet, Mr. S.S Rehelo, Advocates for BPCL
Mr. Rajkumar, Advocate for CPCB
Mr. S. Sukumaran, Mr. Anand Sukumar, Advocates for MCGM
Ms. Liz Mathew, Mr. Navneet R., Advocates for R-1&2, Sealord and Aegis
Mr. Mukesh Verma, Advocate for MPCB
Mr. Krishnan Venugopal, Sr. Advocate, Mr. Sanjay Kapur, Mr. Bharath Gangadhar, Advocates for HPCL

ORDER

1. The issue for consideration is the remedial steps to be taken for control of air pollution in the outskirts of Mumbai, in and around villages Ambapada and Mahul. The major contributor to the air pollution are said to be the logistic services, storing oil, gas and chemical items, as well as oil companies releasing emissions. The

emissions include Volatile Organic Compounds (VOCs) on account of loading, storage and unloading operations of hazardous chemicals at various stages.

2. The matter has been put up for consideration in continuation of the earlier proceedings for execution of judgement of this Tribunal dated 18.12.2015 for preparation and execution of action plan for control of air pollution. The Tribunal found that there is deterioration of ambient air quality, threatening the health of the residents in the area.

3. On 15.07.2019, this Tribunal considered the steps taken till then and directed:

“17. Learned counsel for the Units have expressed willingness to carry out the suggestions in the report of the CPCB. Learned counsel for BPCL seeks longer timeline for which there is no justification. The problem has been continuing since long and final order of this Tribunal is in operation for the last four years. In spite of such a long time, damage is continuing. There is no justification to give further timeline longer than what has been suggested by CPCB.

18. We make it clear that CPCB must refer to the earlier reports and data base and consider the observations in the orders of the Hon'ble Supreme Court and assess the value of the damage to the environment and public health and the proportion in which the amount is required to be recovered from the identified contributors to the pollution. BPCL and HPCL may deposit the amount with CPCB in terms of orders of the Hon'ble Supreme Court. CPCB in consultation with MPCB may evolve source standards for chemical storage terminals in accordance with the direction in PARA 57(g) of the judgement of this Tribunal dated 18.12.2015, if not already done.

19. The parties including the applicant are liberty to furnish their respective viewpoint to the CPCB on or before 31.07.2019. On 14.08.2019, in the office of CPCB, the parties will be allowed to peruse the viewpoint of each other, including the documents already submitted from 11.00 AM to 1.00 PM.

20. The CPCB will be at liberty to take the help of such experts as may be considered necessary and may file its report by October 31, 2019 by e-mail at judicial-ngt@gov.in.”

4. The CPCB has filed status report dated 30.10.2019. The status report mentions that the MPCB has issued direction under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981 to both BPCL and HPCL on 19.10.2019 for not completing the target work in stipulated time as per the approved Action Plan. The CPCB has sought extension of six months to submit its final report. It is mentioned that the NEERI has to conduct requisite study for which time is required.
5. We are of the view that since there is serious deterioration of air quality in the area, impacting the health of the citizens, leisurely approach is unwarranted. The study, as already directed by this Tribunal, has to be conducted expeditiously. Already four years have gone by and no further time can be lost. The CPCB must carry out the study in-house with the association of such expert/Institutions as may be necessary. The study may now be completed positively within two months. The study should include all the issues mentioned in the order dated 15.07.2019.
6. We note the stand of the Maharashtra State PCB that pollution was still being caused in the area by the BPCL and HPCL for which notice dated 19.10. 2019 was issued. While on behalf of the BPCL and HPCL, it is stated that steps have been taken, this needs to be looked into by the concerned authority.

List for further consideration on 05.02.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 06, 2019
Execution Application No. 05/2018 (THC)
In Original Application No. 40/2014
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