

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

**M.A. Nos. 1568/2018, 1572/2018 & 1575/2018
In
Original Application No. 147/2016**

IN THE MATTER OF:

Aditya N. Prasad & Ors. Vs. Union of India & Ors.

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

**Present: Applicant: Mr. Aditya N. Prasad, Adv.
Respondents: Meenakshi Arora, Sr. Adv. Ashish Rana, Adv. for R-5,6&7**

	Date and Remarks	Orders of the Tribunal
	Item No. 10 November 01, 2018 dv	<p>1. This order deals with three applications. M.A. No. 1568/2018 has been filed by the Hindustan Petroleum Corporation Limited (HPCL). M.A. No. 1572/2018 by the Bharat Petroleum Corporation Limited (BPCL) and M.A. No. 1575/2015 by the Indian Oil Corporation Limited (IOCL).</p> <p>2. Vide order dated 28.09.2018, in Original Application No. 147/2016, this Tribunal considered the issue of installation of Stage-I and Stage-II Vapor Recovery Devices (VRDs) at all fuel stations, distribution centers, terminals, railway loading/unloading facilities and airports in the National Capital Territory of Delhi. Such devices are required to safeguard against Volatile Organic Compounds (VOC) released in the process of transfer of petroleum products. VOCs are highly toxic in nature resulting in serious adverse health impact. The Central Pollution Control Board (CPCB) issued directions under Section 5 of the Environment (Protection) Act, 1986 in the matter. The Ministry of Environment, Forests & Climate Change</p>

	<p>Item No. 10</p> <p>November 01, 2018 dv</p>	<p>(MoEF&CC) also took the stand that safeguards against VOCs were required to be rigorously monitored.</p> <p>3. Accordingly, this Tribunal directed oil companies to complete the process of installing VRDs by 31.10.2018 with regard to petrol pumps selling more than 300 KL per month and the oil companies present before the Tribunal. The remaining were to comply with the directions by 31.12.2018.</p> <p>4. The directions were issued after consideration of the matter for two years. The stand of the oil companies, recorded in the said order, is as follows:</p> <p><i>“5. The Indian Oil Corporation (IOC) in its affidavit has stated that it has initiated process of installing VRS systems in 2006 and the process will be completed within four months. BPCL has also taken a similar stand. HPCL claims to have installed VRS systems at 53 retail outlets in New Delhi.”</i></p> <p>5. In the application of the HPCL, extension of time has been sought upto December 2019 for installing VRS Stage-IB at Retail Outlets in NCT Delhi. Direction is also sought to provide NOC for hassle free implementation, as such devices are to be imported which require approval.</p> <p>6. In the application of BPCL also, extension of time is sought upto December 2019 on similar grounds i.e. grant of approvals is a time consuming process for import of the devices.</p> <p>7. In the application of IOCL, apart from extension of time for VRS Stage-II at 129 Retail Outlets in Delhi upto October 2019, extension is sought upto March 2020 for and for depots connected to Tikri Kalan and for installing VRS Stage-IA at Bijwasan terminal time is sought upto October 2021. Extension is sought upto October 2021</p>
--	--------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Item No. 10</p> <p>November 01, 2018 dv</p>	<p>also for Retail Outlets connected to Biswasan for VRS Stage-IB.</p> <p>8. Once, it is undisputed that release of VOCs is a hazard to the public health which is to be safeguarded by installing VRDs/VRS, under the Precautionary Principle and Principle of Sustainable Development, no activity can be allowed to be carried out resulting in damage to the public health. In this view of the matter, we do not find any justification to grant further extension of time. In fact, there may be issue of recovering compensation for damage to the environment already caused by release of VOC.</p> <p>9. The difficulties in procuring devices or delay in granting approvals by the authorities cannot be ground for continuing any activity affecting public health without safety standards. As at this moment we are only dealing with the applications seeking extension of time, we refrain from going into any other issue.</p> <p>10. The applications are dismissed.</p> <p>11. We also direct that our directions will apply to the entire National Capital Region (NCR) where the air quality is extremely bad. This modified direction for area outside NCT Delhi be complied within three months from today.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">01.11.2018</p>
--	--------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------