

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

**Original Application No.
562/2018
(Earlier O. A. No. 176/2013
(SZ)
And
Original Application No.
563/2018
(Earlier O. A. No. 34/2014
(SZ)
And
Original Application No.
564/2018
And
(Earlier O. A. No. 35/2014
(SZ)
And
Original Application No.
565/2018
(Earlier O. A. No. 36/2014
(SZ)
And
Original Application No.
566/2018
(Earlier O. A. No. 37/2014
(SZ)
And
Original Application No.
567/2018
(Earlier O. A. No. 38/2014
(SZ)
And
Original Application No.
568/2018
(Earlier O. A. No. 39/2014
(SZ)
And
Original Application No.
569/2018
(Earlier O. A. No. 40/2014
(SZ)
And
Original Application No.
570/2018
(Earlier O. A. No. 41/2014
(SZ)
And
Original Application No.
571/2018
(Earlier O. A. No. 42/2014
(SZ)**

IN THE MATTER OF:

**V. P. Krishnamoorthy
Vs.
The Union of India & Ors.**

And
K. S. Jayaraman
Vs.
The Union of India & Ors.
And
R. Selvi
Vs.
The Union of India & Ors.
And
K. Umachandran
Vs.
The Union of India & Ors.
And
Smt. S. Shanthi
Vs.
The Union of India & Ors.
And
G. Mahesh Kumar
Vs.
The Union of India & Ors.
And
Smt. R. Vijaya
Vs.
The Union of India & Ors.
And
K. Sampath Kumar
Vs.
The Union of India & Ors.
And
K. Kamalakannan
Vs.
The Union of India & Ors.
And
G. Purushothaman
Vs.
The Union of India & Ors.

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

Present: **Applicant:** **Mr. Yogeshwaran, Adv**
HPCL: **King and Pridge**
BPCL: **Rama Subramanyam and Associates**
State of Tamil Nadu: **Mr. Kamlesh Ksnnsn.S, Adv**

	Date and Remarks	Orders of the Tribunal
	<p style="text-align: center;"> Through Video Conferencing Item No. 05 to 14 October 24, 2018 pu </p>	<p>1. This is a case which had been disposed of vide order dated 17th March, 2016. The Original Application as reveals from the records emanated from incidents of leakage of petroleum oil manufactured and supplied by various oil companies from the pipelines laid and used by such companies contaminating drinking water in North</p>

**Through
Video
Conferencing**

**Item No. 05
to 14**

**October 24,
2018
pu**

Chennai, more particularly, in Thondiarpeth impacting the wells on PH road and BP Koil street. The case was taken up on the basis of a newspaper report dated 16.07.2013 and other reports preceding it. The leakage, as per the applicant, was due to improper maintenance of pipelines, damaged tankers and dis-repair of old pipelines, etc. This has been a cause for damage people in the areas surrounding the sites. Preliminary investigation by the Tamil Nadu Pollution Control Board revealed that the spill products matched closely with diesel. Oil was being bailed out continuously for 20 days non-stop which indicated the presence of free flowing oil pool. The ground water was severely contaminated with petroleum products which was expected to continue for several decades if remediation was not done. The Tamil Nadu Pollution Control Board also found that the M/s Bharat Petroleum Corporation Limited was solely responsible for the contamination and was liable to bear the entire cost of investigation and remediation. Show Cause Notice issued by the Board to M/s Bharat Petroleum Corporation Limited directed the Corporation *inter-alia* to supply adequate water to the affected people until the ground water was remediated.

2. Without delving in to other details, it may be sufficient to observe that amongst the several directions passed from time to time during the course to the proceedings, the CPCB was directed to file remediation measures by way of a report and, in the interregnum, the Bharat Petroleum Corporation Limited was directed to continue with the work of remediation based on the

	<p>Through Video Conferencing</p> <p>Item No. 05 to 14</p> <p>October 24, 2018 pu</p>	<p>report of Experts from IIT, Madras.</p> <p>3. In terms of the said direction the CPCB filed its report on 30th May, 2016 whereby certain recommendations were made requiring the BPCL to revise the scope of work of remediation and to submit a copy of it to the TNPCB and the CPCB within a month.</p> <p>4. When we asked of the progress made in the remediation process, we are informed by Learned Counsel for the BPCL that the work was continuing even today and the time line adopted for the purpose was 03 years from the date of commencement of the work.</p> <p>5. It is further submitted that the pace of work has been impeded due to a metro railway Work Project and excavation of soil for the purposes.</p> <p>6. The learned counsel further submits that the soil samples of the excavated areas has since been collected and is being tested.</p> <p>7. The State Pollution Control Board on its part is not clear on the present status. Mr. Yogeshwaran, the learned Counsel for the applicant, also fairly concedes that he is not aware of what has transpired.</p> <p>8. As it appears that the matter pertaining to remediation of the areas concerned has reached quite an advanced stage, we require to ascertain the exact position and its present status.</p> <p>9. We, therefore, direct the BPCL and the TNPCB to submit reports on the present status of the work in respect of remediation of the area before the next date without fail. After considering the status we shall take up the other questions, pertaining to the environmental</p>
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	<p style="text-align: center;">Through Video Conferencing</p> <p style="text-align: center;">Item No. 05 to 14</p> <p style="text-align: center;">October 24, 2018 pu</p>	<p>damages and the compensation that requires to be paid.</p> <p>10. We have noted that a meeting was held on 29.07.2017 amongst the oil companies in terms of the order dated 21.04.2017 to assess the liabilities of each of the companies and that it was <i>inter alia</i> decided that the cost of remediation will be borne by all the companies based on the proportionate use of the pipeline expenditure in respect of which would be met from CSR funds.</p> <p>11. On our query, the learned counsel for the BPCL submits that the data of the use of the pipeline is maintained by both the BPCL and the user Corporations.</p> <p>12. In view of this, we direct the Tamil Nadu State Pollution Control Board to assess the cost of remediation on the basis of the data furnished by the BPCL and the other oil companies, namely, IOCL, CPCL and HPCL.</p> <p>13. Let the report be filed before the next date of hearing.</p> <p>14. Failure to comply of this direction shall entail penalty of Rs. 1 crore on each of the companies and Rs. 50 lakhs on the TNPCB.</p> <p style="text-align: center;">Let the matter be listed on 10th December, 2018.</p> <p style="text-align: right;">.....,JM (S.P. Wangdi)</p> <p style="text-align: right;">.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">24.10.2018</p>
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