

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION No. 1807
TO BE ANSWERED ON: 17.03.2022

Vapour recovery system at petrol pumps

1807. SHRI VAIKO:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether Southern Bench of the National Green Tribunal (NGT) has directed the State and Central Pollution Control Boards to make it mandatory for new petroleum outlets to obtain consent to establish and consent to operate, if so, the details thereof;
- (b) whether the NGT also directed the retail petroleum outlets, irrespective of their turnover, to install the vapour recovery system within six months, for the protection of the environment;
- (c) whether petroleum outlets in various States have complied with the direction of the NGT to obtain consent within the time limit; and
- (d) if not, action taken for non compliance and the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

(a) to (d)

The Hon'ble National Green Tribunal (NGT), vide Judgement dated 23.12.2021 in Original Application No. 138 of 2020(SZ) in the matter of V B R Menon vs. Chief Secretary to Government of Tamilnadu directed the following:

- (i) All the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the Vapour Recovery System (VRS) mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the Central Pollution Control Board (CPCB) 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 CPCB as well as the State Pollution Control Boards (SPCBs) 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) 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.

However, the Hon'ble Supreme Court of India in Civil Appeal No(s). 421/2022 in the matter of M/s Indian Oil Corporation Limited vs. V.B.R Menon&Ors.dated 28.01.2022, has stayed the directions issued by the Hon'ble National Green Tribunal (SZ) in OA no. 138 of 2020 vide order dated 23.12.2021 (A copy of Order is annexed at Annexure-I). The excerpt of the order is reproduced below:

“...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 Vapour Recovery Devices (VRD)...”

STATEMENT REFERRED TO IN REPLY TO PARA (a) TO (d) OF THE RAJYA SABHA UNSTARRED QUESTION NO. 1807 DUE FOR REPLY ON 17.03.2022 REGRADING 'VAPUR RECOVERY SYSTEM AT PETROL PUMPS' RAISED BY SHRI VAIKO, HON'BLE MEMBER OF PARLIAMENT

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ITEM NO.11 Court 9 (Video Conferencing) SECTION XVII
S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).421/2022

M/S INDIAN OIL CORPORATION LIMITED Appellant(s)

VERSUS

V.B.R MENON & ORS. Respondent(s)

(IA No.9504/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.9502/2022-STAY APPLICATION and IA No.9506/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.9501/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-01-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s) Mr. Tushar Mehta, SG
Mr. Balaji Srinivasan, AOR
Mr. Abdul Saleem, Adv.
Mr. Prateek Yadav, Adv.
Ms. Pallavi Sen Gupta, Adv.
Ms. Aakriti Priya, Adv.
Mr. M.B.R.S. Raju, Adv.

For Respondent(s) Mr. Sanjay Kapur, AOR
Ms. Megha Karnwal, Adv.
Mr. Arjun Bhatia, Adv.
Ms. Shubhra Kapur, Adv.
Mr. Lalit Rajput, Adv.

Mr. Mukul Rohatgi, Sr. Adv.

UPON hearing the counsel the court made the following
O R D E R

Issue notice, returnable in six weeks.

Meanwhile, the directions issued vide impugned order of the

Signature Not Verified
Digital Signature
Rajni
Date: 03/01/2022
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Reason:

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).

Learned Solicitor General appearing for the petitioner 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.

(ARJUN BISHT)
(COURT MASTER (SH)

(PRADEEP KUMAR)
(BRANCH OFFICER)

(ASHWANI THAKUR)
AR-CUM-PS