

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

M.A. No. 145/2015 (WZ)

Bharat Petroleum Corporation Limited

AND

M.A. No. 72/2015 (WZ)

Bharat Petroleum Corporation Limited

AND

M.A. No. 58/2015 (WZ)

The Collector Ahmednagar

IN

Application No. 42/2014 (WZ)

Shree Sant Dasganu Maharaj Shetkari Singh Vs. Indian Oil Corporation Ltd. &  
Ors.

AND

Review Application No. 10/2015

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : Mr. Asim Sarode, Adv. &  
Mrs. Alka, Adv.  
Respondent No. 1 : Mrs. Sangeeta Shruti Uadya  
Respondent No. 2 : Mr. Sourabh Kulkarni, Adv.  
Respondents No. 4 : Mr. S.S. Sanyal, Adv. &  
Mrs. Supriya Dangare, Adv.  
Respondent No. 6 : Andhale Madhuri Sampatrao,  
Naib Tehsildar**

Date and Remarks	Orders of the Tribunal
Item No.3, 4, 6 & 7 27 August, 2015 Order No. 5	<p style="text-align: center;"><b><u>M.A. No. 72/2015, M.A. No. 145/2015 and Review Application No. 10/2015</u></b></p> <p>We have heard Learned Advocates for the parties.</p> <p>In substance, the contention of the Applicant i.e. original Respondent No. 1, is that the 24 families, who are claiming compensation and to whom compensation of Rs. 2,00,000/- (two lakhs) each is directed to be paid on Advoc basis, are not the parties to the original Application No. 42/2014 and have not filed any Application separately under Section 15 read with Section 18 of the NGT Act, 2010 and, therefore, they cannot be given any compensation which is granted arising out of the alleged environmental degradation said to have been caused due to percolation of the oil ( Petroleum or Crude Oil etc.) in the vicinity of Village of Akolner (Dist- Ahmednagar).</p> <p>While deciding Application No. 42/2014, specific finding has been recorded that due to certain leakage or otherwise there is</p>

**Item No.3,  
4, 6  
& 7  
27 August,  
2015  
Order No. 5**

ground water contamination which is related to activities of Respondent No. 1 & 2. There was contamination of the water in well and the crops in the nearby agricultural lands, were affected and particularly, one of the Applicant, namely Bapu Tabaji Gaikwad was, therefore, granted compensation of Rs. 5,00,000/- (five lakhs).

We directed that the other agricultural lands and the wells in the vicinity, which were subjected to environmental degradation due to water pollution may be identified by the District Collector and the report be submitted to the Tribunal. Alternative arrangement to supply portable water to the Villagers was also directed and it is now stated that such pipeline has been laid and the water supply will be made immediately as per the report of the District Collector in this context. It is stated by Officer of the Collector office that from tomorrow onwards water supply will begin because pumping of the water from the Visapur Dam will be commenced from today onwards. She states that the report will be filed within a week and so also report regarding preparation of the Location Map etc. will be filed within 2 (two) weeks as granted by this Tribunal.

It is the contention of the Respondent No. 2 that an Appeal has been preferred against order of this Tribunal, though no interim stay has been granted, yet, this Tribunal should await further directions of the Apex Court. Similar is the prayer of the Respondent No. 1 that even though it has deposited Rs. 12 Lakhs as directed by this Tribunal, yet it has filed an Review Application 10/2015 against the order 13.05.2015 directing compensation to 24 families also.

We may make it clear that the order passed by this Tribunal dated 13<sup>th</sup> May, 2015, takes care of the recoupment of the amount if paid to the 24 families by giving directions to the Collector and the same was also clarified in the order dated July 13<sup>th</sup>, 2015. Thus, the disbursement of Rs. 2,00,000/- (two lakhs) to the affected families, which may be identified prima facie by the Collector, Ahmadnagar, will not be made without obtaining Solvency Certificate and the undertaking for recoupment of the said amount.

We may make it clear that even though claim for compensation for 24 families may be the part of relief granted Under Section 14 of the NGT Act, 2010, but by way of abundant precaution, Learned Adv. Shri Asim Sarode undertakes to file separate Applications, giving names of the 24 family Members i.e. head of the families and the manner in which they are the sufferers. We make it clear that the compensation directed to be paid to them is not advoc ex-gratia basis but it is just for the present to ensure them to give a

**Item No.3,  
4, 6  
& 7  
27 August,  
2015  
Order No. 5**

holding hand to continue the agricultural activities and moreover, they are duty bound to repay the amounts because of furnishing of the Solvency certificate to the District Collector, in case of such payment. We also would like to make it clear that under Section 19 of the NGT Act, this Tribunal is at liberty to mould the procedure and remove the technicalities. The Tribunal may free itself from shackles of the procedural cow- webs. For this reason also, by exercising the inherent, powers available under Section 150 of the C.P.C, we do not find it necessary to entertain the Misc. Application 72/2015 as well as the Review Application filed by the Respondent No. 1 & 2. Still further, in case, further interim stay order may available, we wish to await for disbursement of the amount to the 24 families for 2 (two) weeks henceforth and after 2 (two) weeks without waiting any more, the District Collector shall disburse the amounts and the Respondent No. 2 is directed to immediately deposit such amount if not deposited or else, it shall be recovered by adopting coercive means.

M.A. No. 72/2015, M.A. No. 145/2015 and Review Application No. 10/2015 are disposed of accordingly.

All others connected matters **Stand over to 28<sup>th</sup> September, 2015.**

....., **JM**  
**(Justice V. R. Kingaonkar)**

....., **EM**  
**(Dr.Ajay A. Deshpande)**