

N

W.P(C)No. 13381 OF 1984

ITEM NO.1

COURT NO.07

SEC - PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. 142-160 IN WP(C) 13381/84

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(RE: PEE CEE SOAP AND CHEMICALS & ORS.)

I.A. 175-177 IN WP(C) 13381/84

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR DIRECTION ON BEHALF OF AMARASHIKHA WOOD PRODUCTS AND ORS)

I.A. 178-180 IN WP(C) 13381/84

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR EXEMPTION FROM FILING O.T.)

DATE : 05-03-2002

This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH

HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner(s) : Petitioner in-person

For State of UP Mr. Ajay K Agrawal, Adv.
Mr. C Siddharth, Adv.
Ms. Alka Agrawal, Adv.

For NHAI Mr. VB Joshi, Adv.
Mr. Ravi Kini, Adv.
Mr. Janardan, Adv.
Mr. AVL Ram Prasad, Adv.
Mr. AP Singh, Adv.

in IA 142-160 Mr. Sanjay Parikh, Adv.
Mr. Abinash K Misra, Adv.
Mr. RR Chandrachud, Adv.

For UP Jal Nigam Ms. Alka Agrawal, Adv.
Mr. Mahesh Chandra, Adv.

For CPCB Mr. Vijay Panjwani, Adv.

UP Pollution Control Board Mr. Pradeep Misra, Adv.
Mr. Mahipal, Adv.

Mr. Ajit Pudussery, Adv.

Agriculture Mr. BV Balramdas, Adv.

For GAIL

Mrs. Suchitra A. Chitale, Adv.

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

...L.....I....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard the learned counsel for the parties.

Despite the clear directions given by this Court as early as on 30th December, 1996 in M.C. Mehta v. Union of India and others [(1997) 2 SCC 353] two authorities are raising unnecessary hurdles in finalising the project envisaged in 1996. Objections which were considered in the said judgment are repeated. This Court in the said judgment (in paragraphs 20 and 21) observed that "we have no doubt that while laying down the supply line within the city of Agra, the safety of Taj and also the people living in the city of Agra shall have to be taken into consideration. We are told that expertise in this respect is available with the Gas Authority of India Limited (GAIL) and, if necessary, the opinion of NEERI would be sought, which has been associated with the GAIL." The Court also referred to the affidavit which was filed by Mr. P.C. Gupta, General Manager, Gas Authority of India, wherein it was stated that necessary precautions in the pipeline design, corrosion, protection, protection during construction and during operations have been taken by the Gas Authority of India.

In the present case, on behalf of National Highways Authority of India (NHAI), it has been pointed out that for laying of gas pipe line along National Highway no.2 in Agra Bypass portion, the requirements as per the guidelines are inter alia as under:

.....L.....I.....T.....T.....T.....T.....T.....T.....J

(i) The planning to earmark the position of each utility line expected along the road, and provide space therefore in such a manner that it does not interfere with other services or safe operation of road.

(ii) The proposals for new utility line should be carefully examined by the road authority to ensure that the existing service lines and future road development needs are not affected adversely.

(iii) Gas mains and other pipelines carrying combustible material should be faraway from electricity cables and sources of heat and located at extreme end of the Right of Way.

(iv) The depth of laying of gas mains and lines carrying combustible materials along the road should be 2 to 3 meter.

L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

It is also stated that the stretch of National Highway No.2 wherein proposed gas line is to be laid is having a row of residential areas, banquet halls, cinema halls, commercial & residential establishments and if any mishap by leakage or sabotage during construction or subsequent thereto may cause heavy losses and misery to human life and property. Along with the said affidavit, a letter dated 15.12.2001 written to the Additional General Manager, GAIL is also produced wherein it has been inter alia stated:

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

(a) The underground utilities like Gas lines etc. have to be taken in properly 'safe depth & casing' away from Electric line etc.

(b) The detailed plan showing all the features were not submitted on the map.

(c) It was difficult to permit a cutting of 2.00 to 3.00 meter within the city limits for laying down the gas pipeline.

L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

In reply to the aforesaid letter, Gas Authority specifically stated that broad recommendations about the depth of laying gas pipeline as given in the guidelines would be followed. Laying of gas line was designed in accordance with the applicable national and international standards and there should not be any cause on any account and that GAIL is already operating approximately 6000 kms. of gas pipelines in India. It is also pointed out that minimum cover requirement for buried hydrocarbon pipeline as given in this standard has already been exceeded. It is further stated that due care has already been taken in design of the system for laying down gas pipe line in the abadi area and such pipe line is laid in the cities of Agra (Zone-I) and Firozabad and the same is in operation since 1997-98. For the plans, it is pointed out that necessary detail as desired was submitted by letter dated 02.7.2001. Finally, it is pointed out that methodology of laying of gas pipeline along national highway was also enclosed and as there is no other alternative route for accessing the gas supply, requisite permission be granted.

Despite the aforesaid letter, as no action was taken, we have directed the concerned officers as well as G.M. (Technical)-cum-Project Director, NHIA, PIU, Agra and the D.G.M., Agra and Director Project, GAIL, Delhi to remain present personally and today they are present before the Court. Learned counsel for GAIL submitted that for over-seeing the progress of the project, the Committee consisting of members from the GAIL, NHAI and Engineers India Limited is to be constituted.

Learned counsel for the GAIL also submitted that time limit to complete the project be extended up to 31.10.2002 instead of 30.09.2002, because of the delay in getting requisite permission from NHAI.

Considering the aforesaid facts, in our view, the objections raised by the NHAI are of no substance. We have no doubt that while laying down pipe line within the abadi area, GAIL would take necessary precautions for the safety of the people and would adhere to the prescribed standard. It has also been stated by the learned counsel for the GAIL that:

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

(a) As per ANSI B 31.8, safety factor of 0.4 is to be considered for very congested area in the city. However, GAIL has gone for pipe thickness which is 3 times the safety factor requirement.

(b) GAIL is also practicing daily pipeline patrolling system in the city to prevent any third party damage to the pipe line.

(c) GAIL has also prepared disaster management plan in consultation with the district & state government, P/L. Same is already in place for the existing operating pipelines.

(d) GAIL is already operating approximately 45 kms.

of pipelines in AGRA & Firozabad.

L.....I.....T.....T.....T.....T.....T.....J
.SP2

Hence, NHAI is directed to give requisite permission to the GAIL for laying down gas line in Zone-3 and Zone-4, as submitted. Time limit to complete the project is extended up to 31st October, 2002.

.SP1

(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master