

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
EXECUTION APPLICATION NO. 2 OF 2024  
IN  
ORIGINAL APPLICATION NO. 154 OF 2022  
(Under Section 25 of the National Green Tribunal Act, 2010)**

**IN THE MATTER OF:**

Yodh BDR. Thapa ...Applicant

Versus

Bharat Petroleum Corporation Limited and Ors. ...Respondents

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<b>S.NO.</b>	<b>PARTICULAR</b>	<b>PG.NO.</b>
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**Through**



(SAMEER ABHYANKAR)  
ADVOCATE FOR RESPONDENT NO.2  
D-247, LGF, DEFENCE COLONY  
NEW DELHI-110024  
CC-2516

PLACE: NEW DELHI  
Dated:09.01.2025

Email: [contactadvsa@gmail.com](mailto:contactadvsa@gmail.com)  
M-9953328394

BEFORE THE NATIONAL GREEN TRIBUNAL  
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IN THE MATTER OF: -

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Versus

BHARAT PETROLEUM CORPORATION LTD. & ORS.

.... RESPONDENTS

AFFIDAVIT PLACING ON RECORD COMPLIANCE WITH THE ORDER

DATED 05.11.2024 ON BEHALF OF THE RESPONDENT NO. 2

I, Ashwani Kumar Chand, I.P.S., Resident Commissioner, Government of Sikkim, Sikkim House, 12, Panchsheel Marg, Chanakyapuri, New Delhi, do hereby solemnly affirm and most humbly and respectfully submit as under:

1. That I am the Resident Commissioner of the State Government of Sikkim, and as such am competent to depose to the contents of this affidavit. I have gone through the contents of the Petition and have understood its contents.
2. That I am authorized to swear the present affidavit based on the instructions received from the State Pollution Control Board, Forest & Environment Department, Government of Sikkim.



3. That the Hon'ble Tribunal, vide its order dated 05.11.2024 directed the Respondent No. 2, Sikkim State Pollution Control Board (SPCB), to revise its Standard Operating Procedure (SOP) in light of the amended SOP filed by the Respondent No. 3, Central Pollution Control Board (CPCB), which clarified the provision of a buffer zone of 250 to 300 meters between the periphery of petrol depots and areas of human habitation, and mandated that the cumulative risk at the petrol depot boundary wall should be zero.

4. In compliance with the direction of the Hon'ble Tribunal, the State Pollution Control Board, Sikkim, has duly revised the Standard Operating Procedure for the siting criteria of liquid fuel depots, including petrol, diesel, and kerosene, in the State of Sikkim. The revised SOP, notified vide memo No. 900/SPCB dated 28.11.2024, includes the recommendations of the M.B. Lal Committee and the directions of the Central Pollution Control Board. The revised SOP includes the provision for maintaining a buffer zone of 250 to 300 meters between the periphery of fuel depots and areas of human habitation, such as residential zones, educational institutions, healthcare facilities, and places of public gathering.

True copy of the revised Standard Operating Procedure for Siting Criteria of Liquid Fuel Depots Namely Petrol, Diesel, Kerosene etc



A handwritten signature in blue ink, consisting of a stylized, cursive script.

issued by State Pollution Control Board, Sikkim vide memo no. 900/SPCB dated 28.11.2024 is being annexed here as **Annexure R2/1**.

5. I say that Respondent No.2 has complied and is further committed to ensure compliance with the directions of this Hon'ble Tribunal.

6. I say that the present affidavit is true to the best of my knowledge and information received from the Answering Respondent and nothing material has been concealed therefrom. The annexures are true copies of their respective originals.

*Identified  
Kishan Prastha  
D-04/30/2023*  
**I identified the deponent who  
has signed in my presence**



*[Signature]*  
**DEPONENT**

**Ashwani Kumar Chand, IPS**  
Principal Resident Commissioner  
Government of Sikkim

Sikkim House, 12, Panchsheel Marg,  
New Delhi-110 021

**VERIFICATION:**

Verified at New Delhi on 09 day of JAN 2025, that the contents of the

above said affidavit are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.

**ATTESTED**  
*[Signature]*  
**NOTARY PUBLIC  
(INDIA)**

*[Signature]*  
**DEPONENT**

**Ashwani Kumar Chand, IPS**  
Principal Resident Commissioner  
Government of Sikkim

Sikkim House, 12, Panchsheel Marg,  
Chanakyapuri, New Delhi-110 021

**09 JAN 2025**

**Annexure R2/1****REVISED STANDARD OPERATING PROCEDURE FOR SITING CRITERIA OF LIQUID FUEL DEPOTS NAMELY PETROL, DIESEL & KEROSENE, etc. IN THE STATE OF SIKKIM, DECEMBER 2024.****1. BACKGROUND:**

In the matter before the Hon'ble National green Tribunal (Eastern Zone Bench) Original Application No. 154/2022/EZ (I.A. No. 236/2022/EZ) Vide order dated 17/04/2023 directed the Central Pollution Control Board to prepare Standard Operating procedure (SOP) for Petrol Depots within three (3) Months. The Final SOP has been prepared by the CPCB and a copy of the same was circulated to all SPCBs/PCCs vide letter no. B-29016/IPC-I/510-545 dated 06/05/2024.

As per the SOP, *"The location & siting of petrol Depot shall strictly be in accordance with the extant law/guidelines issued by the Ministry of Petroleum and Natural Gas/PESP/any other statutory organization as applicable."*

Subsequently, the CPCB- Regional Directorate-Shillong vide its letter no. RDNE/335/NGT/2024-25/82-85 dated 25/04/2024 directed the State Pollution Control Board-Sikkim to prepare SOP for establishment of fuel depots in Sikkim.

Further, directions were also issued by the Hon'ble National Green Tribunal, Eastern Zone Bench on 05/11/2024 for revision of existing SPCB-Sikkim SOP dated 01/07/2024

**2. PURPOSE:**

1. This SOP outlines the various checklist, conditions to be considered while granting of Consent by the SPCB;
2. The SOP has been prepared in compliance to the directions issued by the Hon'ble NGT(EZ) and CPCB-Shillong in the matter before the Tribunal O.A. 154/2022/EZ;
3. The purpose of this SOP is to ensure that risk associated with the handling and storage of fuel oil are adequately managed in accordance to the relevant rules and in order to minimize the risk of accidents and prevention of damage to human life and environment.

**3. SCOPE:**

The scope of this SOP is limited to as a decision-making tool in application received by the SPCB such as Consent to Establish and Consent to operate in case of Depots as stated in 2(1) above and for uniformity in processing of such applications. This SOP is supplement to various guidelines issued/notified by CPCB.

This SOP shall be revised as and when, the Ministry of Petroleum and Natural Gas/Petroleum and Explosives Safety Organisation/ or any other Statutory Organisation issues/notifies National Guidelines for Siting Criteria for Fuel/Petrol Depots at any future date.

These facilities are set up to maintain and supply essential products and their strategic importance of the location must be balance by highest standards of safety. Such sites dealing with storage of hazardous chemicals on the basis of nature and quantity/volume of materials stored are regulated under the Manufacture Storage and Import of Hazardous Chemicals Rules, 1989 under the Environment (Protection)Act, 1986.

#### **4. GENERAL COMPLIANCE:**

Applicants shall strictly adhere to the Standard Operating procedure for Petrol Depots prepared by CPCB read with Recommendations of the M.B. Lal Committee constituted by Ministry of Petroleum and Natural Gas (MoPNG) on response to the POL Incident of M/S Indian Oil Corporation at Sitapura(Sanganer), Jaipur, Rajasthan along with SOP for siting criteria specified hereunder while submitting proposal/application for obtaining grant of Consent to Establish in the SPCB-Sikkim Online Consent Management & Monitoring System, [www.skocmms.nic.in](http://www.skocmms.nic.in)

#### **5. SITING CRITERIA FOR PETROL/FUEL DEPOTS:**

##### **A. Storage facility located in Urban Areas:**

- i. If the storage facility is located in areas under Urban Local Bodies such as Municipal Corporation, Municipal Councils and Nagar Panchayats where development plan is prepared, the units shall adhere to the said plan;
- ii. Fuel/Petrol depots shall not be permitted in residential areas and near any settlements like educational institutions, Healthcare facilities etc.;
- iii. The project proponent must obtain permission from the Local Authority and District/Sub-Divisional Administration prior to application for CTE;
- iv. The project proponent shall have to obtain Fire Safety Certificate from Fire and Emergency Services Department, GoS;
- v. The project proponent shall have to obtain necessary clearances from Petroleum and Explosives Safety Organisation;
- vi. The project proponent shall have to obtain insurance policy in accordance with the stipulations of the Public Liability Insurance Act,1991and amended thereof;
- vii. The project proponent/company shall consult with local panchayats & general public prior to initiating the process for obtaining CTE and report endorsed by the local panchayat/authority shall be submitted to the SPCB-Sikkim;
- viii. No projects shall be established in the MoEF&CC notified eco-sensitive areas of the state.

##### **B. Storage facility located in other areas:**

- i. If the storage facility is located in other areas, the land should be converted into non-agricultural use and orders should be issued by the Competent Authority if necessary under the prevailing norms that the land parcel use is for storage of petrol/fuel;
- ii. Compliance to criteria stated in 5. A (ii to viii) shall also be applicable.

##### **C. General siting criteria to be followed in Urban & Rural areas:**

- i. The unit shall maintain a buffer zone of atleast 250-300 m from residential areas, educational institutions, healthcare facilities, historical structures, places of worship within which no development/construction work shall be undertaken;

- ii. The unit shall maintain a distance of atleast 100 m from drinking water sources, water bodies such as lakes and ponds, forest boundary and river banks. In case of streams and rivers, the distance shall be considered from the floodway. In case floodway is not defined, the distance shall be considered from banks/edges of the river;
- iii. The unit shall be in accordance with control line of National Highway, State Highway, major district roads as notified by the Concerned Authority;
- iv. The unit shall be in accordance with the control line of railway track following the norms of Indian Railways;
- v. The unit shall establish a green belt of minimum 5 m along its peripheral boundaries;
- vi. The unit shall ensure that baseline monitoring of ambient air, soil and groundwater quality is conducted (of the locations situated between the boundary of the planned storage and 50m outwards) covering relevant pollutant parameters prior to submission of application for Consent to Establish to SPCB-Sikkim;
- vii. The report on Baseline environmental data focusing on soil and groundwater quality shall be prepared by the applicant duly engaging NABL accredited laboratories or MoEF&CC certified laboratories prior to initiation of an establishment work;
- viii. In addition, to the above-mentioned general siting criteria, each new proposal shall be considered by the SPCB-Sikkim after detailed examination of pollution potential and ecological sensitivity of the pertinent region. The SPCB-Sikkim shall also ensure that Consent to Establish is granted on the basis of Quantitative Risk Analysis (QRA) dependent on location and land use.
- ix. That, the Detailed Project Report shall ensure that the proposed facility has included provisions for appropriate primary, secondary and tertiary containment measures;
- x. That, the proposal shall ensure that Control room, Fire water tank/pump, major buildings and structures and emergency exits are located in upwind direction and far away from potential leak sources/storage tanks;
- xi. That the proposal shall ensure that all buildings/structures which are not related to operation shall be located outside the facility such as canteen/mess where open flame may exist;
- xii. The Detailed Project Report submitted during Application for Consent to Establish shall include Emergency Response Procedure/Protocol in case of any accidents;
- xiii. In consonance with, the guidelines of the Central Pollution Control Board dated 07/01/2020, there shall be no retail outlets within a radial distance of 50 m of the fuel depot;
- xiv. That, the Board reserves the right to reject the application for grant of Consent to Establish considering larger public interest and any likelihood of environmental issues that may arise from the proposed project;
- xv. That, in the event of such cancellation as provided in general siting criteria no. xiv, the SPCB- Sikkim shall not be responsible for any loss or liability suffered by the applicant or firm;
- xvi. These guidelines shall come into force w.e.f. 01/12/2024;



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**Advance Service Yodh Bdr. Thapa vs Bharat Petroleum Corp .Ltd & Ors EA/2/2024**

1 message

**Office of Sameer Abhyankar** <contactadvsa@gmail.com>

Thu, Jan 9, 2025 at 7:01 PM

To: aasia.hasan@vidhipartners.com, akshar@outlook.com, surendra kumar &lt;surendra\_kr15@rediffmail.com&gt;, arghya.chakraborty@vidhipartners.com

Dear sir

Please find attached a scanned copy of the Affidavit placing on record compliance with the order dated 05.11.2024 on behalf of the respondent no. 2.in the captioned Matter.

Thanks

Prince kumar

For

Mr.Sameer Abhyankar

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**Address for Correspondence:**

D-247, LGF, Defence Colony,

New Delhi 110024

Ph. +91-11-49402169

**Affidavit placing on record Compliance.pdf**

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