

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO ... OF 2025

IN THE MATTER OF

SHUKADEV MOHANTY

APPLICANT

Versus

STATE OF ODISHA AND OTHERS

RESPONDENTS

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PLACE: Bhubaneswar

SANKAR PRASAD PANI

S.Pani

ASHUTOSH PADHY

A.Padhy

DATE: 26 /11/2024

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

SYNOPSIS

The present application challenges the Installation of CNG (Compressed Natural Gas) STATION AND District Regulating Station (DRS) IN RESIDENCIAL AREAS OF BHUBANESWAR in violation of CPCB Guideline dated 7th January 2020. The residential house is only 5 meters from the proposed CNG and **PNG (Piped Natural Gas)** STATION which is in clear violation of the minimum distance of 50metres as prescribed by the Central Pollution Control Board. And also the proposed CNG and PNG station is in violation of the Standard Operating Procedure (SOP) issued by Central Pollution Control Board pursuant to order dated 17/04/2023 passed by National Green Tribunal in Original Application No.154/2022/EZ . Since the proposed CNG and PNG STATION by GAIL does not confirm to the siting criteria of CPCB, the applicant pray for relocation of the unit.

LIST OF DATES

07/01/ 2020	CPCB guideline for filling stations
29/01/2021	Clarification issued by CPCB regarding cutoff date for application of the siting criteria
17/04/2023	Final order passed by Hon'ble NGT in Original Application No.154/2022/EZ
04/11/2024	Complaint petition to State Pollution Control Board

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(Under Section 14, 15, 20 r/w. Section 18(1) & (2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NOOF 2025

IN THE MATTER OF:

1. SHUKADEV MOHANTY, S/O LATE BRAJABANDHU MOHANTY AGED ABOUT 86 YEARS HIG-179, Kananvihar, PHASE-1, PATIA, BHUBANESWAR, Pin-751031

APPLICANT

VERSUS

1. **State of Odisha** Through Chief Secretary to Government of Odisha, LokaSeva Bhawan, Bhubaneswar, 751001, Email- csori@nic.in
2. **Commissioner, Bhubaneswar Municipal Corporation, BMC -ICOMC** Tower, Unit-IX, In front of Satya Nagar Kali Temple on Janpath, Bhubaneswar- 751022, Odisha, India, Email- commissioner@bmc.gov.in
3. Additional Chief Secretary, Department of Environment, Forest and Climate Change, Government of Odisha, Secretariat Building, Bhubaneswar, 751001, Dist-khurdha, Odisha email- fesec.or@nic.in
4. Chief Secretary, Department of General Administration, and Public Grievance, Government of Odisha, Secretariat Building, Bhubaneswar, 751001, Dist.- khurdha, Odisha, Email-publicgrievance.od@gmail.com
5. **District Collector, Khurdha** At/P.O.: Khurdha, Dist: Khurdha, Odisha, 752056, Email- dm-khurda@nic.in
6. **Member Secretary, Odisha State Pollution Control Board**

A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha,
Email: member.secy@ospcboard.org

7. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110032 Email: mscb.cpcb@nic.in,
8. The Deputy Chief Controller of Explosives Bhubaneswar Sub Circle office, Petroleum & Explosives Safety Organisation (PESO), At/Po- Plot no-68, Samad, Unit 6, Ganga Nagar, Bhubaneswar, Odisha 751001, Email- dyccebhub@explosives.gov.in
9. Zonal General Manager, Bhubaneswar Zonal Office, Gas Authority of India Ltd. (GAIL) GAIL (India) Limited 702, NSIC-IMDC Building, IDCO Plot no. 6, Block-D, Mancheswar Industrial Area, Bhubaneswar – 751010, Email- s.voleti@gail.co.in
10. Chairperson, Petroleum and Natural Gas Regulatory Board, At/Po-1st Floor, World Trade Centre, Babar Road, New Delhi – 110001, Email- chairperson@pngrb.gov.in

RESPONDENTS

- I. The addresses of the Applicants are given above for the service of notices of this Application.
 - II. The addresses of the Respondents are given above for the service of notices of this Application. The Bhubaneswar Municipal Corporation is the local authority who grants No Objection Certificate, PESO is the licensing authority in terms of grant of explosive license. GAIL India is setting up the CNG station.
-

MOST RESPECTFULLY SHOWETH

1. That the applicant is the resident of HIG 179, Kanan Vihar, Phase -1 where in the CNG and **Piped Natural Gas (PNG) station** is being setup in violation of CPCB guideline. That finding no other alternative remedy equally speedy and efficacious humbly invokes the original jurisdiction of this Hon'ble Tribunal challenging inaction of the Respondent No-5 and proceeding for issuing No Objection Certificate while ignoring the Central Pollution Control Board Guideline for Filling Stations. **The said CNG station and District Regulatory Centre for supply of PNG to households is going to be established /constructed near the said area within 5 meter distance from house of the applicant.** The petition is being filed in the larger interest of the entire public and commuters those who are passing through the Nandan Kanan, Acharya Vihar Road and other nearby area apart from the possible hazard expected once the unit is setup.
2. That, the GAIL(India) Limited initially applied for supply of Gas Pipeline in Bhubaneswar under Khurda district applied for grant of permission before the concerned authority and started construction over plot no.457 (Pt) under Khata No.619 Kisam Gochara in Mouza Chandrasekharpur which is under the Bhubaneswar Municipal Corporation. The said construction area is very close to the residential area of Kanan Vihar and Shree Vihar Ward No.3 and adjoining the residential area.
3. That, it is pertinent to mention here that as the said CNG station is a depot which deals with storage and supply of CNG to vehicles and PNG cooking gas for supply to the households for domestic purposes through pipeline, which is very dangerous and explosive so is should not be established near the area of habitation and should be set up in a distant place for the safety of life and property of locality.

4. That, is it respectfully submitted here that without following due procedure and in absence of requisite permission, the Opp. Parties are going to set up the said CNG station in the residential area which is bad, illegal and against the principles of natural justice.
5. That the Government of Odisha General Administrative and Public Grievance Department on dated 07/07/2021 allotted a government land measuring an area of Ac.0.300 dec. in mouza- Chandrashekharpur in favor of GAIL(India) India ltd. for establishment of CNG station knowing that the residential houses are just adjacent to the boundary of the CNG station, which also shows that the state government is less concerned about the safety of the local people who lives in the vicinity of the proposed PNG and CNG station. Copy of relevant portion of the land allotment letter dated 07/07/2021 is annexed here unto as **ANNEXURE-1**.
6. That the Gas Authority of India Limited (GAIL) is now constructing a CNG and PNG station over Plot No-457(Pt), Khata No-619, Kisam-Gochara, Mouza- Chandrasekharpur to provide **Compressed Natural Gas (CNG) to the vehicles and Piped Natural Gas (PNG) to the residential houses through pipe line for domestic use.**
7. That in close proximity to the proposed CNG and PNG station, senior citizens and children are residing. That the residential houses exist for more than 30 years. The **air and Noise pollution which will be caused** during operation of the CNG station and the vehicular movement will make the lives of applicant's families, nearby residents vulnerable to environmental hazards. The matter was escalated with all the concerned authorities and it was kept on hold for a period and again started construction recently despite of protest by local residents. Copy of Photographs showing Construction of CNG STATION dated 26/11/2024 is annexed as **ANNEXURE-2**

8. That in regard to the proposal for installation of the CNG STATION the applicant is the affected and aggrieved persons, they have objected to the proposed site as because the same is in close proximity to Residential area and does not confirm to the CPCB Siting Criteria for Fuel Stations. The copy of the complaint petition to authorities and State Pollution Control Board and other authorities on dated 04/11/2024 is annexed here unto as **Annexure-3**
9. As per Central Pollution Control Board the distance between a residential building and the petrol pump installation site should not be less than 50 meters whereas in the present case the distance between the residential houses and the proposed CNG station site is less than 5 meters.
10. That the issue of Grant of Authorisation by Petroleum and Natural gas Regulatory Board in favor of the GAIL India Ltd will severely jeopardize the lives of the Applicants as well as the residents of the nearby houses. That the issue of authorisation will directly violate the existing guidelines of Central Pollution Control Board, New Delhi
11. That it is humbly submitted that being concerned about the adverse impact of petrol pumps on the environment the Hon'ble National Green Tribunal in Original Application No 86/2019/Principal Bench, New Delhi on 18th January 2019 issued direction to the country's apex pollution control body, Central Pollution Control Board (CPCB). The operational part of the order is reproduced as follows

“We are of the view that matter needs to be looked into by a Joint Committee of representatives of the Central Pollution Control Board and the Ministry of Petroleum. The CPCB will be the nodal agency. The first meeting of the Committee may be held within one month and on review of the subject matter, appropriate guidelines be issued by the Central

Pollution Control Board, in exercise of its statutory power within three months thereafter.

11. That after the report submitted by CPCB, the matter was disposed of on 22nd July 2019. The operational part of the order is reproduced as follows

“ In view of the above, the Expert Committee having already gone into the matter, finalization of timelines as contemplated in the report, if not yet done, may be done within one month from today which will be the responsibility of the Secretary, MoPNG and the Chairman, CPCB. Further action in terms of the report may be ensured. We may also add that a safe distance from the residential areas must be maintained for any new outlet to be set up which may also be specified within one month, keeping in view the health and safety of the inhabitants. The applications are disposed of.”

12. That it is humbly submitted here that An expert committee comprising members from IIT Kanpur, National Environmental Engineering Research Institute (NEERI), The Energy and Resources Institute (TERI), Ministry of Petroleum and Natural Gas and CPCB has framed the guidelines for setting up of new petrol pumps in the country. The expert committee was set up on the directions of the NGT which was seized of a plea seeking a cap on the number of petrol pumps so as to avoid their adverse effects on environment. As per the guidelines, **"Retail outlets shall not be located within a radial distance of 50 meters from schools, hospitals (10 beds and above) and residential areas designated as per local laws.** In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO (Petroleum and Explosives Safety

Organisation), In no case the distance of new retail outlet **from schools, hospitals (10 beds and above) and residential areas designated as per local laws** shall be less than 30metres. No high power transmission line will pass over the retail outlet.

13. That pursuant to the Expert Committee report, the CPCB has issued an Office Memorandum in respect of siting criteria for new Fuel Stations. CPCB has directed oil marketing companies to **ensure fuel stations are at least 50 meters away from schools, hospitals and residential areas.** That the Central Pollution Control Board vide Office Memorandum dated 7th January 2020 directed the oil companies to follow the guideline strictly before setting up any fuel station, in pursuance to the directions of the National Green Tribunal dated 18th Jan 2019. The oil companies have been directed to also install vapor recovery systems (VRS) at new fuel stations which have a sale potential of 300 kilo litres motor spirit per month." In case of failure of installation of VRS, environmental compensation will be levied by the state pollution control board (SPCB) equivalent to the cost of VRS and will further increase proportionate to the period of non-compliance," . Copy of the CPCB guideline **dated 7th Jan 2020 is annexed here unto as Annexure-5**
14. THAT the Hon'ble NGT while deciding a matter relating to establishment of a petroleum Depot In Sikkim (**Yodh BDR Thapa Versus Bharat Petroleum Corporation Limited and Ors.**) **ORIGINAL APPLICATION NO. 154 OF 2022 /EZ** AND the judgement passed on 17/04/2023 has hold that even if there is no siting criteria for Petroleum Depot, considering the petrol as a Hazardous substance and the unit in Urban **area where the residential establishments are situated not only to the right, left and in front of the Depot but also above the Depot on the hill side as would be evident from the photographs which are on record. It appears that the District Administration has not applied its**

mind to the horrendous scene that would unfold, if an accident were to occur at this Petrol Depot. There would be untold loss of human lives other than a precipitous environmental disaster. Relevant part of the order is reproduced as follows

17. There is no dispute between the parties that what is being setup by the Respondent No.1 is not a petrol retail outlet but a petrol depot having a capacity of 1065 KL equivalent to 10,65,000 liters of petrol. It cannot be gainsaid that petrol is a hazardous substance within the meaning of the term as defined in Part I of Schedule 1 of the Rules, 1989. Here we are not concerned with a case of setting up of a petrol pump/retail outlet and therefore, the CPCB guidelines of 07.01.2020 have no application in the present case.

18. Be that as it may, the Spot Verification Report of the SDM, Rangpo clearly states that the Petrol Depot site in question is situate 15 ft. from the boundary wall of the Applicant, 24 ft. away from its office and 64 ft. away from its dispensing Unit. In this view of the matter, even if assuming that the CPCB guidelines of 07.01.2020 were applicable, the siting of the retail depot in question is in violation of the siting criteria given therein.

19. Having said that, we find there is no Standard Operating Procedure (SOP) with regard to establishment of Petrol Depots as distinguished from petrol pumps/retail outlets. It appears that the **District Administration while issuing the NOC has not taken into consideration the fact that the Depot is situated in a mountainous urban area where the residential establishments are situated not only to the right, left and in front of the Depot but also above the Depot on the hill side as would be evident from**

the photographs which are on record. It appears that the District Administration has not applied its mind to the horrendous scene that would unfold, if an accident were to occur at this Petrol Depot. There would be untold loss of human lives other than a precipitous environmental disaster. On the own showing of the Resident Commissioner, Sikkim, the Respondent No.1 did not produce relevant documents during the second hearing on 03.12.2022. This does not show the bona fide of the Respondent No.1 to act in accordance with law.

20. The PESO in its affidavit has also not stated whether the adequate steps and mechanism for Disaster Management have been put in place before setting up the Petrol Depot in question.

21. However, since there is no Standard Operating Procedure (SOP) for Petrol Depots as in the case of the Gujarat State Pollution Control Board, we are of the view that the matter needs to be re-examined by the State Respondents in the light of the observations made above.

22. We accordingly direct the **Central Pollution Control Board to examine this issue and prepare Standard Operating Procedure (SOP) for Petrol Depots within three months. Till such Standard Operating Procedure (SOP) is evolved and put in place the 13 Respondent No.1 is restrained from carrying out any construction activity on Plot No.2242, Rangpo, East Sikkim.** The interim order shall be enforced by the Sikkim State Pollution Control Board as well as by the Resident Commissioner, Sikkim”.

Copy of judgement dated 17/04/2023 is annexed here with as
ANNEXURE-4

15. That pursuant to the order of Hon'ble NGT in OA 154/2022/EZ the Central Pollution Control Board issued one standard operation procedure for the petrol pump depots wherein it is clearly stated that *“It is clarified that a buffer zone of 250 to 300 metres shall be provided between the periphery of petrol depot and any area of human habitation around it including residential, industrial and commercial areas and other sites of human gathering including educational institutions, healthcare facilities, historical structures, places of worship etc. in accordance with the recommendations of MB Lal Committee. The quantitative/cumulative risk of all tanks of petrol depots should be zero at petrol depot boundary wall by providing adequate mitigation / remedial measures.”* But in the present case the GAIL India ltd. is constructing a CNG and PNG station near to the residential area in violation of the SOP issued by the CPCB. Copy of the SOP issued by the CPCB is hereunto annexed as **ANNEXURE-5**.
16. It is needless to state that the Petroleum Substances are highly inflammable and thereby Hazardous, hence all preventive measures and precautionary measures including the siting criteria must be strictly taken into account prior to grant of permission to operate any of the petroleum pumps.
17. The respondent company has also started felling trees and uprooted the stumps from the site in question using JCB Machine
18. That the Respondent company has started construction without Consent to Establish from State Pollution Control Board. There is requirement of consent from SPCB and the respondent company has not obtained any Consent to Establish from the State Pollution control Board and the

petitioner could not find the CTE from the website of Odisha State Pollution control Board.

19. That recently there was a huge explosion in one of the IOCL petrol Pump at Bhubaneswar on 7th October 2020 leading death of one person and severe burn injuries to 9 persons. The impact of the blast has resulted Cracks in building in a radius of 500metres. Times of India online edition dated 7th October 2020 and Orissa Post article dated 10th October 2020 is annexed here unto as **ANNEXURE-6**
20. It is not out of place to mention here that the events on the ill-fated evening of Oct 29, 2009, at **IOCL Jaipur terminal** was a wake-up call for Oil & Gas and the entire Indian industry. **The fire left 11 persons dead and about 100 injured and impact of explosion was upto 3 KM.** In the aftermath of the events, the **MB Lal Committee reviewed the various operations at the terminals from the ground up and suggested a radically new way of operations with safety at the core and recommended** 113 recommendations which are applicable to oil industry and to the present case also as the CNG and PNG are also hazardous in nature and are more inflammable.
21. That the CNG is a compressed form of Natural Gas. It is mainly composed of methane and is compressed to reduce its volume for transport and storage. It is stored at high pressure which is generally 200-250 times the atmospheric pressure and is used as a fuel for automobiles.
22. That the PNG is natural gas - mainly Methane and supplied through mild steel (MS) and polyethylene (PE) pipes to cater to the natural gas demand of customers in various segments like Domestic / Commercial & Non - Commercial / Industrial and in the present PNG station the distribution of the PNG will be regulated and distributed through pipes to the district of Khordha.

23. That on 03/04/2018 the GAIL India ltd. wrote a letter to the secretary PNGRB regarding the PNGRB's Grant of Authorization to GAIL (India) Limited for development of CGD Network in the Geographical Area of khordha district in pursuance of the Policy Directive issued to PNGRB by the Ministry of Petroleum & Natural Gas under Section 42 of the PNGRB Act, 2006 and under Section 16 of the PNGRB Act, 2006. Copy of the letter of acceptance dated 03/04/2018 is annexed here unto as **ANNEXURE-7.**

GROUND

That the Petitioner therefore approaching this Hon'ble Tribunal in view of the blatant violation of the law and CPCB Guideline dated 07/01/2020 on the following among other grounds which the applicant might take at the time of hearing of the matter :-

- I. The Precautionary Principle is one of the important principles under the concept of sustainable development. The Principle states as follows – “In order to protect the environment, the Precautionary approach shall be widely applied by states according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. Thus the precautionary principle states that if there is a risk of severe damage to humans and/or the environment, absence of incontrovertible, conclusive, or definite scientific proof is not a reason for inaction. It is a better-safe-than-sorry approach. It is a proactive approach.
- II. The precautionary approach indicates that lack of scientific certainty is no reason to postpone action to avoid potentially serious or irreversible harm to the environment.** At the core of the precautionary principle is the element of anticipation, reflecting a

requirement of effective environmental measures based upon actions which take a long-term approach and which might anticipate changes on the basis of scientific knowledge. **This approach was adapted in Rio Conference, 1982.**

III. When the impacts of a particular activity such as emission of hazardous substances are not completely clear, the general presumption is to let the activities go ahead until the uncertainty is resolved completely. This approach is reactive approach. The Precautionary Principle counters such general presumptions. When there is uncertainty regarding the impacts of an activity, the Precautionary Principle advocates action to anticipate and avert environmental harm. Thus, the Precautionary Principle favours monitoring, preventing and/or mitigating uncertain potential threats. It is proactive approach.

IV. The precautionary principle concentrates on prevention rather than cure. The principle embodies the idea of careful planning to avoid risks in the first place, rather than trying to determine how much risk is acceptable. Decision-making processes should always endorse a precautionary approach to risk management and in particular should include the adoption of appropriate precautionary measures. Precautionary measures should be based on up-to-date and independent scientific judgment and be transparent. They should not result in economic protectionism. Transparent structures should be established which involve all interested parties, including non-state actors, in the consultation process. Appropriate review by a judicial or administrative body should be available

V. In *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715 case, the Hon'ble **Supreme Court accepted that the Precautionary Principle is part of the environmental law** of the country and shifted the burden of proof onto the developer or industrialist who is proposing

to alter the status. They found it “necessary to explain the meaning of the principles in more detail so that courts and tribunals or environmental authorities can properly apply the said principles in the matters which come before them

- VI. In *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715 case, the petitioners filed a petition in the public interest under Article 32 of the Constitution of India, directed against the pollution caused by enormous discharge of untreated effluent by the tanneries and other industries in the State of Tamil Nadu. The court required the Madras High Court to monitor the implementation of its orders through a special bench to be constituted and called a “Green Bench” The Court also opined that “though the leather industry is of vital importance to the country as it generates foreign exchange and provides employment avenues it has no right to destroy the ecology, degrade the environment and pose as a health hazard”.
- VII. In *M. C. Mehta v. Union of India*, AIR 1997 SC 734 , popularly known as the Taj Trapezium case which refers to an area of 10,400 sq. km. trapezium shaped area around Taj Mahal covering five districts in the region of Agra. The Honble Court applied the “Precautionary Principle’ as explained by it in Vellore Case and opined that “The environmental measures must anticipate, prevent and attack the causes of environmental degradation. That the State Government and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- VIII. The ‘onus of proof’ is on the actor or the developer/industrialization to show that his action is environmentally benign”.

- IX.** In *M. C. Mehta v. Union of India*, (1997)2 SCC 411, case commonly known as Calcutta Tanneries Case, the Court ordered the polluting tanneries operating in the city of Calcutta (about 550 in number) **to relocate themselves from their present location and shift to the new leather complex set up by the West Bengal Government.**
- X.** In *M.C. Mehta v. Union of India*, (1997)3 SCC 715,720 case, commonly known as Badkhal & Surajkund Lakes Case, the court relied on the 'Precautionary Principle'. The Honble Apex Court held that the 'Precautionary Principle' made it mandatory for the State Government **to anticipate, prevent and attack the causes of environmental degradation;** The Court had no hesitation in holding that in order to protect the two lakes from environmental degradation it was necessary to limit the construction activity in the close vicinity of the lakes.
- XI.** In *A.P. Pollution Control Board v. Prof M. V Nayudu*, AIR 1999 SC 812 case, tracing the evolution of precautionary principle the Court observed that "Earlier, the concept was based on the 'assimilative capacity' rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle assumed that science could provide policymakers with the information and means necessary to avoid encroaching upon the capacity of the environment to assimilate impacts and it presumed that relevant technical expertise would be available when environmental harm was predicted and there would be sufficient time to act in order to avoid such harm. But in the 11th Principle of the U.N. General Assembly Resolution on World Charter for Nature, 1982, the emphasis shifted to the 'Precautionary Principle', and this was reiterated in the Rio Conference of 1992 in its Principle 15."
- XII.** The Hon'ble Court opined that the inadequacies of science were the real basis that had led to the Precautionary Principle of 1982. It was

based on the theory that it is better to err on the side of caution and prevent environmental harm which may indeed become irreversible. The principle of precaution involved the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity.

XIII. That the representations cannot be an empty formality and no such measures have been taken to build confidence among the locality

LIMITATION

That there is a subsisting cause of action because of the ongoing construction work of CNG Station in violation of CPCB guideline and SOP issued by CPCB pursuant to the order of Hon'ble NGT in OA 154 of 2022 and further inaction on the representation dated 04/11/2024 and construction photo dated 26/11/2024, hence the OA is not barred by limitation.

INTERIM PRAYER

Hon'ble Tribunal may please to direct the District Collector Khordha to stop ongoing construction of the CNG station with immediate effect till the disposal of Original Application.

PRAYER

In view of the facts and ground set out in the Original application, the applicant humbly prays for the following reliefs;


- a) Show-cause the respondents in regard to the siting of the new CNG STATION at CHANDRASEKHARPUR MOUZA, in Bhubaneswar Municipal Corporation Area

- b) Hold and declare that the proposed site for CNG STATION is not in conformity with Standard Operating Procedure issued by CPCB.
- c) Direct the Respondent Company to relocate the Unit at present place to some other locations in conformity with CPCB guideline.

And may further be pleased to pass any other order(s) as deemed fit and proper;

26TH NOVEMBER 2024

Applicant Through



Advocate

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. _____ OF 2024

IN THE MATTER OF:

SHUKADEV MOHANTY

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS

RESPONDENTS

26 NOV 2024

AFFIDAVIT

86

I, Shukadev Mohanty, S/o- Late Brajabandhu Mohanty, Aged about 75 years,
At - HIG-179, Kanan Vihar, Phase-1, Po-Patia, Dist- Khordha, Pin- 751031, do
hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Original Application and the same is true and correct and is drafted on my instruction.

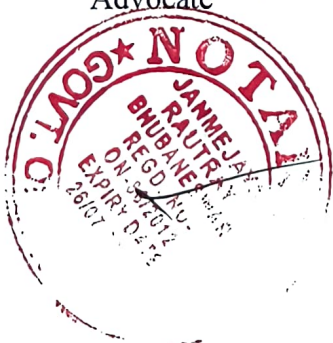
x Shukadev Mohanty
DEPONENT

VERIFICATION

Verified on this 26 day 2024.....2024 at BBR that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
Advocate

x Shukadev Mohanty
DEPONENT



The above Deponent(s) being duly identified by me at Bhubaneswar appears before me on 26 NOV 2024 at BBR and states on oath that the contents of this affidavit are true to the best of his / her / their knowledge and belief.

JANMEJA RAUTRA
NOTARY GOVT. OF ODISHA
BHUBANESWAR
REGD. NO-ON-86/2012
Mob. No. - 9337121273

Deponent(s) Notary, Bhubaneswar



Government of Odisha
General Administration and Public Grievance Department

ORDER

No. 17484 /CA, Bhubaneswar, Date. 07.7.2021
GAD-CA4-INST-0001-2019

Sub: - Allotment of Government land measuring Ac.0.300 dec. in Mz.-Chandrasekharpur in favour of GAIL(India) Ltd. for establishment of CNG Station.

In supersession of this Department Order No-1939/CA Dt.19.01.2019, Government land measuring Ac.0.300 dec. pertaining to the Plot No-457(Pt.), Khata No-619, Kisam-Gochara, Mz.-Chandrasekharpur, is hereby allotted in favour of GAIL (India) Ltd., Bhubaneswar for establishment of CNG Station, subject to the following terms and conditions:-

1. The land premium of the present allotted land is Rs.2,76,00,000/- (Rupees two crore seventy six lakh) only i.e. @ Rs.9,20,00,000/- per acre. After adjustment of the land premium of Rs.1,65,00,000/- deposited earlier by the GAIL (India) Limited in pursuance of this Department Order No-1939/CA Dt.19.01.2019, the balance land premium of Rs.1,11,00,000/- (Rupees one crore eleven lakh) only shall be deposited online through treasury deposit under the head of account "0029-Land Revenue-107-Sale of Waste Land and Redemption of Land-0228-Sale of Homestead Land in New Capital, Bhubaneswar-01056-Premium on Government Land" within 60 days from the date of receipt of this order and submit a copy of the e-challan in this Department immediately, failing which the allotment order shall automatically stands cancelled.

2. After submission of the copy of the e-Challan, the GAIL (India) Limited shall execute a lease deed in the prescribed form in triplicate, out of which two shall be in Stamp Papers to be purchased in consultation with the District Sub-Registrar, Khordha, Bhubaneswar and submit the same in this Department within 30 (Thirty) days from the date of receipt of the form from this Department, for approval.

3. The GAIL (India) shall deposit ground rent of Rs.90/- (Rupees ninety nine) only i.e. @ Rs.300/- per acre per annum in the office of the Tahasildar, Bhubaneswar. The rent payable is subject to revision from time to time.

4. The GAIL (India) shall not use the land other than the purpose for which it is allotted.

5. Construction works over the allotted land shall be completed within 36 (Thirty six) months from the date of taking over physical possession of the land.

PHOTOGRAPH DATED 26/11/2024 SHOWING LARGE SCALE CONSTRUCTION OF CNG STATION







PHOTOGRAPH DATED 26/11/2024 SHOWING LARGE SCALE CONSTRUCTION OF CNG STATION IN CLOSE PROXIMITY OF RESIDENTIAL HOUSE.



9:11 PM

53



Fwd: Photo from Myself Inbox ☆

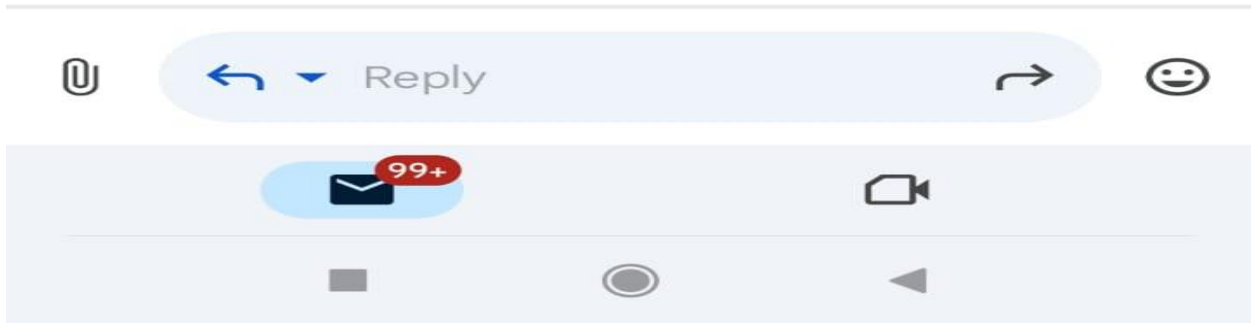
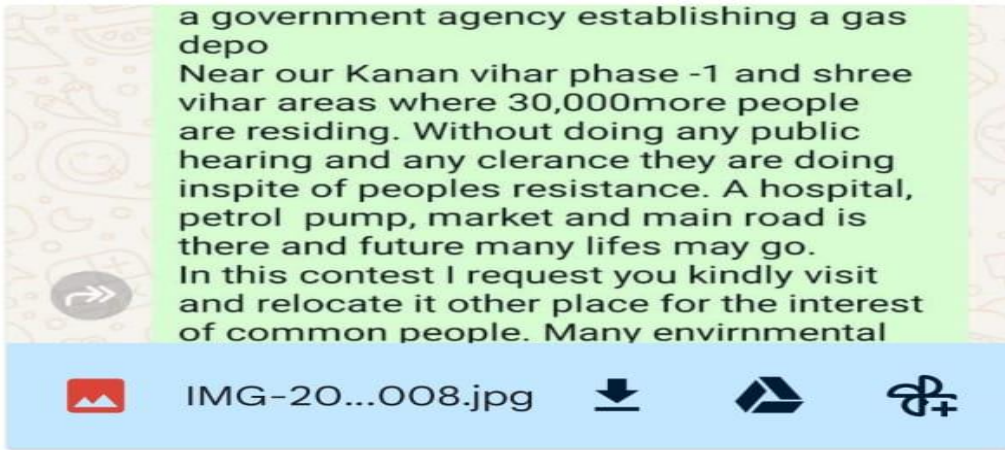


Hemanta Sasmal 9:05 pm
to me ▾



----- Forwarded message -----

From: **Hemanta Sasmal** <hsasmal138@gmail.com>
Date: Mon, 4 Nov 2024, 21:01
Subject: Photo from Myself
To: <member.secy@ospcboard.org>



Dear Member secretary,

I would like to inform you that, Gail india a government agency establishing a gas depo

Near our Kanan vihar phase -1 and shree vihar areas where 30,000more people are residing. Without doing any public hearing and any clerance they are doing inspite of peoples resistance. A hospital, petrol pump, market and main road is there and future many lifes may go.

In this contest I request you kindly visit and relocate it other place for the interest of common people. Many envirnmental hazarodous may take place there.

Looking farword your kind cooperation in this regards

Yours sincerely

Sukdev mohanty

Kanan vihar,

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.154/2022/EZ
(I.A. No.236/2022/EZ)

In the matter of:

YODH BDR. THAPA,
S/o K.B. Thapa,
R/o Property No.2254,
Majhitar, East Sikkim

.....Applicant(s)

Versus**1. BHARAT PETROLEUM CORPORATION LTD.,**

Through Chairman and Managing Director,
Bharat Bhavan, 4 and 6 Currimbhoy Road,
Ballard Estate, Mumbai-400001

2. SIKKIM STATE POLLUTION CONTROL BOARD,

Through Chairman,
Ground Floor, Forest Secretariat Annex I,
Deorali Rd., Gangtok, Sikkim-737102

3. CENTRAL POLLUTION CONTROL BOARD,

Through its Chairman,
Parivesh Bhavan, CBD-cum-Complex,
East Arjun Nagar, Delhi-110032

4. DISTRICT COLLECTOR, PAKYONG DISTRICT,

Office of the District Collectorate,
Pkyong, Sikkim,

**5. PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION,
UNDER MINISTRY OF COMMERCE AND INDUSTRY,
DEPARTMENT FOR PROMOTION OF INDUSTRY
AND INTERNAL TRADE,**

Through Chief Controller of Explosives,
A Block CGO Complex Fifth Floor, Seminary Hills,
Nagpur, Maharashtra-440006

6. MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE,

Through Secretary,
Indira Paryavaran Bhawan, Jor Bagh Road,
New Delhi-110003

.....Respondent(s)

Date of hearing: 17.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Akshar Bhatt, Advocate a/w
Mr. Sajal Sharma, Advocate (in Virtual Mode)

For Respondent(s): Mr. Vikram Wadehra, Advocate (in Virtual Mode) a/w
Mr. Mayukh Roy, Advocate for R-1,
Ms. Vani V. Chhetri, Advocate for R-2&4 (in Virtual Mode),
Mr. Surendra Kumar, Advocate for R-3,
Mr. Apurba Ghosh, Advocate for R-6 (in Virtual Mode)

ORDER

1. This Original Application has been filed by the Applicant with alleging that the Respondent No.1, Bharat Petroleum Corporation Limited (BPCL), is setting-up a Petrol Depot on Plot No. 2242 which is adjacent to the plot of the Applicant being Plot No. 2254 and Plot No. 2242 is under the proprietorship of one Mr. Arjun Chhetri, proprietor of M/s Pankaj Fuel, which is stated to have been leased out to the Respondent No.1.
2. The allegation of the Applicant is that the said Petrol Depot is being set-up in violation of the Siting Criteria laid down by the Central Pollution Control Board in its Circular dated 07.01.2020, copy of which has been filed as Annexure A-16 to the Original Application.
3. The documents filed as Annexure-3 (colly) along with the Original Application further show that on the complaint of the Applicant, an inspection was carried out by the Sub-Divisional Magistrate, Rangpo, East Sikkim, of the plot in question, which mentions that construction of huge petroleum containers is going on in the Plot No. 2242 and this construction is approximately 15 feet away from the boundary wall of Shri Y. B. Thapa (the Applicant herein) and is about 24 feet away from the office and 64 feet away from the dispensing unit.
4. Learned Counsel for the Applicant further states that as per the Siting Criteria laid down by the Central Pollution Control Board in its Notification dated 07.01.2020, petrol pumps/new retail outlets

shall not be located within a radial distance of 50 meters from the fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals and residential areas. Paragraph 'H' of the Siting Criteria of the said Notification reads as under: -

“H. Siting Criteria for Retail Outlets:

In case of siting criteria for petrol pumps new Retail outlets shall not be located within a radial distance of 50 meters (from fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.”

5. Learned Counsel for the Applicant further submits that the Unit in question being established by the Respondent No.1, BPCL, does not have due Consents from the State Pollution Control Board, Sikkim. He has further referred to the letter of the Pollution Control Board, Sikkim, dated 07.01.2022 (Annexure A-7 to the Original Application) which clearly states that Consent has not been issued to the said Unit by the State Pollution Control Board, Sikkim, though a Consent to Establish has been applied for by the Unit of Respondent No.1, BPCL, which has not been considered due to non-submission of the details required by the Board.
6. At the time of admission, the Tribunal restrained the Respondent No.1, Bharat Petroleum Corporation (BPCL) from carrying out any construction activity on Plot No.2242, Rangpo, East Sikkim.

7. Affidavit dated 10.01.2023 has been filed by the Respondent No.2, Sikkim State Pollution Control Board, stating therein that immediately upon receiving information with regard to allegations regarding construction of the Petrol Depot, a site inspection was carried out on 24.11.2022 and it was found that the construction work had already been started by the Respondent No.1 without obtaining a Consent to Establish (CTE). Therefore, a Show Cause Notice dated 30.11.2022 was issued to the Respondent No.1 and another Show Cause Notice was issued on 09.12.2022 directing the Respondent No.1 to ensure strict adherence to the order dated 05.12.2022 passed by the Tribunal and to immediately stop further construction activities on Plot No.2242 at Majhitar, Pakyong District. It is stated that the Respondent No.1 had applied online on 27.09.2021 for grant of Consent to Establish (CTE) but the application was returned by the Board with a request to the Respondent No.1 to furnish relevant documents and information. It is categorically stated that since the Consent to Establish was under process for approval the Respondent No.1 was not entitled to undertake any construction. Details of the application submitted by the Respondent No.1 and action taken by the Board have been outlined in a chart given in paragraph-9 of the affidavit which reads as under: -

Sl. No.	Date of Submission by the Respondent No.1	Activity	Reason for Return by the Answering Respondent
1.	27.09.2021	Returned by the Answering Respondent	Certified copy of all the relevant documents to be uploaded in PDF format.

2.	21.10.2021	Returned by the Answering Respondent	Certified copy of the Detailed Project Report ("DPR") to be uploaded in PDF format.
3.	17.11.2021	Returned by the Answering Respondent	All documents to be properly certified and scanned. Further, DPR lacks relevant information about the project i.e. investment details, technical specifications and processes, pollution issue and control measures, statutory permissions (EC, Fire NOC from the Petroleum and Explosives Safety Organization ("PESO"), crisis management plan etc.).
4.	09.05.2022	Returned by the Answering Respondent	<ol style="list-style-type: none"> 1. Capital investments to be provided for all civil work, plant and machinery, land and pollution control measures. 2. Authorization letter or Power of Attorney in respect of the authorized signatory to be provided.
5.	23.09.2022	Returned by the Answering Respondent	Legible registered Land Agreement in stamp paper to be uploaded.
6.	31.10.2022	Returned by the Answering Respondent	1. Attested copy of the Land Parcha to be uploaded in addition to the uploaded

			<p>documents.</p> <p>2. The DPR containing design details in compliance with the Central Pollution Control Board (“CPCB”) Guidelines on Petrol Pumps vide Office Memorandum dated 07.01.2020 and the addendum to the Guidelines vide Office Memorandum dated 16.08.2021 to be uploaded.</p> <p>It is pertinent to point out for the purposes of this application that the DPR was specifically called for, so as to ensure that the location of the Respondent No.1’s proposed project was more than 50 meters from a residential area as required by the Siting Criteria provided under the Respondent No.3’s Office Memorandum with Reference No. B-13011/1/2019-20/AQM dated 07.01.2020 (“OM dated 07.01.2020”) & the Office Memorandum with Reference No. B-13011/1/2019-</p>
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			<i>20/AQM dated 16.08.2021 (“OM dated 16.08.2021”)</i>
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8. With regard to violation of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (hereinafter referred to as ‘Rules, 1989’), it is stated that the Board has considered the Rules and returned the application of the Respondent No.1 seeking grant of Consent to Establish with a direction to the Respondent No.1 to furnish the Onsite Emergency Plan, Safety Reports and Safety Audit Reports but the Respondent No.1 has failed to provide the same and has continued with illegal constructions without intimation to the Board. It is stated that a Show Cause Notice was issued to the Respondent No.1, copy of which has been filed along with the affidavit.
9. The Respondent No.6, Ministry of Environment, Forests and Climate Change has filed affidavit dated 11.01.2023 bringing on record the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Notification dated 27.11.1989. Part-I Schedule 1 to the Rules, 1989 deals with Flammable Chemicals.
- Hazardous Chemicals in Rule (2) (e) of the Rules, 1989 is defined as-
- (i) any chemical which satisfies any of the criteria laid down in Part I of Schedule 1 or listed in Column 2 of Part II of Schedule;
 - (ii) any chemical listed in Column 2 of Schedule 2; and
 - (iii) any chemical listed in Column 2 of Schedule 3.
10. The Central Pollution Control Board has filed affidavit dated 14.02.2023 bringing on record the CPCB, O.M. dated 07.01.2020 which provides the sitting criteria for retail outlets.

11. The Resident Commissioner, Sikkim, has filed affidavit dated 18.02.2023 and it is stated that on receiving a complainant from the Applicant dated 06.09.2022 the SDM, Rangpo immediately deployed a surveyor to the Depot site who along with boundary holders, conducted a Spot Verification of the same on 07.09.2022 and prepared a Spot Verification Report dated 07.09.2022. It was found that on the land bearing Plot No.2242, recorded in the name of one Mr. Arjun Chettri, huge constructions of petroleum containers were being undertaken by the Respondent No.1. Petroleum tanks were being constructed approximately 15ft. away from the boundary wall of the Applicant, 24 ft. away from its office and 64 ft. away from its dispensing Unit. The Spot Verification Report has already been filed as Annexure-3, page no.62 to the Original Application. It is also stated that the SDM, Rangpo issued notice to the Depot In-charge, Respondent No.1, directing them to attend a hearing in the office of the SDM, Rangpo on 26.09.2022 with all the relevant documents regarding installation of the huge petroleum containers close to the boundary wall of the Applicant. It is also stated that on 26.09.2022, all the parties i.e. the Applicant and the representatives of the Respondent No.1 presented themselves in the office of the SDM and thereafter, the SDM vide another notice on 29.11.2022 again directing the Respondent No.1 and Applicant to attend the second hearing in the office of the SDM, Rangpo on 03.12.2022 with relevant supporting documents. It is further stated that on 03.12.2022, the Respondent No.1 did not produce the relevant permissions for establishment of the Depot and therefore, the parties were directed to approach a Court of competent jurisdiction for resolution of their dispute.

12. The Applicant in his rejoinder affidavits has stated that MoEF&CC has notified the Rules, 1989, already referred to hereinabove, as well as the Chemical Accidents (Emergency, Planning, Preparedness and Response) Rules, 1996 and it is stated that the State Chief Inspector of Factories and Petroleum and Explosives Safety Organization grant approvals to isolated storages and are expected to ensure preparation of the Onsite Emergency Plans and Safety Report by the Unit, reviewing the details of mock drills conducted and implementation of Standard Operating Procedures (SOPs) of industrial operation by the Unit from industrial safety point of view. His case is that there is no specific guideline which can govern the issue of appropriate sitting criteria for establishment of isolated storage petrol depot as distinguished from petrol pumps/retail outlets. The case of the Applicant is that the Respondent No.1 is establishing a Petrol Depot of 1000 KL capacity with a massive underground setup. 1000 KL is equivalent to 10 lakhs liters of petrol.
13. By way of illustration the Applicant has also stated that in the State of Gujarat, the Gujarat State Pollution Control Board has prepared a Standard Operating Procedure (SOP) for isolated storage facilities providing therein that within urban area no isolated storage facility can be permitted in a residential area. This SOP further provides that for storage facilities to be established in areas other than urban area, a minimum distance of 500 meters is to be ensured from residential area, school and college. Copy of the Standard Operating Procedure (SOP) has been filed as Anneuxre-A-15 to the Original Application. The Siting Criteria in the Gujarat SOP reads as under: -

“II. Storage facility should comply following siting criteria.

- a) *Unit should be minimum 500 meters away from the residential area, school and college.*
 - b) *Unit should be minimum 500 meters away from the Historic buildings, Religious places, forest boundary and coastline.*
 - c) *Unit should be in accordance with control line of National highway, Express highway, State highway, District major roads as per Notification of concerned authority.*
 - d) *Unit should be in accordance with control line of Railway track following the norms of Indian Railways.*
 - e) *Unit should be at least 500 meters away from the water source like river, nallah, canal, lake, pond etc.*
 - f) *Such industry according to use of non-agricultural land and all around industry should be maximum green belt area 5 meter in premises.”*
14. The submission is that no Standard Operating Procedure has been prepared by the Sikkim State Pollution Control Board or even by the State Administration regarding Siting Criteria for installation of Petrol Depots other than petrol pumps/retail outlets to ensure safety of residential/commercial areas in the State of Sikkim.
15. The Respondent No.5, Petroleum and Explosives Safety Organization (hereinafter referred to as ‘PESO’) has filed its affidavit dated 14.04.2023 stating that licence to import & store petroleum at an installation was granted to Respondent No.1, Bharat Petroleum Corporation Limited, by PESO on the strength of NOC dated 28.06.2000 issued by the District Collector, East Sikkim. Licence for Service Station/Petroleum Retail Outlet was granted to

the Respondent No.1 on 31.07.2014 on the strength of the NOC issued by the District Magistrate, East Sikkim.

16. The Respondent No.1 has obtained prior approval with respect to enhancement of petroleum storage capacity up to 1065 KL from the Chief Controller of Explosives, Nagpur vide letter dated 04.09.2021. It is stated that hazardous zone concerning petroleum installation defined in Rule 105 of Petroleum Rules, 2002 read with Schedule IV (B) lays down the minimum distance required to be maintained for granted of licence under the Petroleum Rules, 2002. It is also stated that the Siting Criteria laid down in the CPCB O.M. dated 07.01.2020 is applicable only for Petroleum Retail Outlet whose construction has commenced on or after 07.01.2020.
17. There is no dispute between the parties that what is being setup by the Respondent No.1 is not a petrol retail outlet but a petrol depot having a capacity of 1065 KL equivalent to 10,65,000 liters of petrol. It cannot be gainsaid that petrol is a hazardous substance within the meaning of the term as defined in Part I of Schedule 1 of the Rules, 1989. Here we are not concerned with a case of setting up of a petrol pump/retail outlet and therefore, the CPCB guidelines of 07.01.2020 have no application in the present case.
18. Be that as it may, the Spot Verification Report of the SDM, Rangpo clearly states that the Petrol Depot site in question is situate 15 ft. from the boundary wall of the Applicant, 24 ft. away from its office and 64 ft. away from its dispensing Unit. In this view of the matter, even if assuming that the CPCB guidelines of 07.01.2020 were applicable, the siting of the retail depot in question is in violation of the siting criteria given therein.

19. Having said that, we find there is no Standard Operating Procedure (SOP) with regard to establishment of Petrol Depots as distinguished from petrol pumps/retail outlets. It appears that the District Administration while issuing the NOC has not taken into consideration the fact that the Depot is situated in a mountainous urban area where the residential establishments are situated not only to the right, left and in front of the Depot but also above the Depot on the hill side as would be evident from the photographs which are on record. It appears that the District Administration has not applied its mind to the horrendous scene that would unfold, if an accident were to occur at this Petrol Depot. There would be untold loss of human lives other than a precipitous environmental disaster. On the own showing of the Resident Commissioner, Sikkim, the Respondent No.1 did not produce relevant documents during the second hearing on 03.12.2022. This does not show the bona fide of the Respondent No.1 to act in accordance with law.
20. The PESO in its affidavit has also not stated whether the adequate steps and mechanism for Disaster Management have been put in place before setting up the Petrol Depot in question.
21. However, since there is no Standard Operating Procedure (SOP) for Petrol Depots as in the case of the Gujarat State Pollution Control Board, we are of the view that the matter needs to be re-examined by the State Respondents in the light of the observations made above.
22. We accordingly direct the Central Pollution Control Board to examine this issue and prepare Standard Operating Procedure (SOP) for Petrol Depots within three months. Till such Standard Operating Procedure (SOP) is evolved and put in place the

Respondent No.1 is restrained from carrying out any construction activity on Plot No.2242, Rangpo, East Sikkim. The interim order shall be enforced by the Sikkim State Pollution Control Board as well as by the Resident Commissioner, Sikkim.

23. With the aforesaid directions, the Original Application No.154/2022/EZ is disposed of.
24. Interlocutory Applications, if any stand disposed of accordingly.
25. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

April 17, 2023
 Original Application No.154/2022/EZ
 (I.A. No.236/2022/EZ)
 MN

Standard Operating Procedure (SOP) for Petrol Depots

Background

Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the matter of Original Application No.154/2022/EZ (I.A. No.236/2022/EZ) vide order dated 17.04.2023 directed Central Pollution Control Board to prepare Standard Operating Procedure (SOP) for Petrol Depots within three months.

Accordingly, Central Pollution Control Board prepared Standard Operating Procedure (SOP) for Petrol Depots.

This SOP shall be applicable for Petrol Depots (other than Petrol Pumps / Retail Outlets) having facilities for storing, handling, distribution, transportation, loading or unloading of petrol and that are liable to take approval / license from the Chief Controller of Explosives for storage of petrol.

Standard Operating Procedure (SOP) for Petrol Depots is as follows:

A. General Compliance:

1. Petrol depots shall have to obtain Consent to Establishment prior to establishment and Consent to Operate prior to starting operations from the concerned State Pollution Control Board / Pollution Control Committee (SPCB / PCC).
2. Prior to commissioning, petrol depots shall take out one or more insurance policies in accordance with the stipulations of The Public Liability Insurance Act, 1991 as amended.
3. Prior to commissioning, petrol depots shall provide a baseline monitoring data of ambient air, soil and groundwater quality (of the locations situated between the boundary of the planned storage and 50 m outwards) covering relevant pollutant parameters; from any laboratory recognized under Environment (Protection) Act 1986 / laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) to concerned SPCB / PCC. The existing petrol depots may obtain baseline data from any earliest date within a year subsequent to issuance of this SOP.
4. Any major leakage/spillage occurring inside the petrol depot or around the petrol depot during transportation / supply of petrol / any other activity related

to the concerned petrol depot shall be reported by petrol depot to the concerned SPCB/ PCC, Petroleum and Explosive Safety Organization (PESO), Oil Industry Safety Directorate (OISD), Petroleum and Natural Gas Regulatory Board (PNGRB) and District Administration under intimation to CPCB within 24 hours of occurrence

5. Petrol Depots shall conduct groundwater monitoring to detect any contamination. Ground water sampling and monitoring for detection of any contamination shall be done through existing piezometer / bore well located within premises of petrol depot or within 50 m from petrol depot (in case no piezometer /bore well exists in petrol depot) from at least three different directions with reference to the expected point of groundwater contamination or in the upstream and downstream direction to the flow of groundwater with reference to the expected point of groundwater contamination.
6. Groundwater monitoring wells should be monitored within 30 days of commissioning of the petrol depots. Thereafter, groundwater sampling and analysis should be undertaken annually. Groundwater should compulsorily be sampled and analysed under information to the concerned SPCB / PCC when any leakage occurs or suspected to have occurred.

The parameters for which groundwater samples shall be analysed and their respective screening values are as follows:

S. No.	Parameter	Screening Values
1.	Total petroleum hydrocarbons (C ₁₀ -C ₄₀)	0.6mg/L
2.	Benzene, Toluene and Xylene	i. Benzene- 0.01mg/L ii. Toluene- 0.7mg/L iii. Xylene- 0.5mg/L
3.	Methyl Tertiary Butyl Ether	13µg/l
4.	Total Polycyclic aromatic hydrocarbons (PAH)	0.0001mg/l

7. Further, soil sample shall be collected from a borehole within the premises of the petrol depot adjacent to the underground storage tank or above ground storage tank. The depth of bore hole should be up to 1m below the bottom of the storage tank level.

The parameters for which soil samples shall be analysed and their respective screening values are as follows:

S. No.	Parameter	Screening Values(mg/kg)
1.	Total petroleum hydrocarbons (TPH)	5000
2.	Benzene	5
3.	Toluene	30
4.	Xylene	50
5.	Methyl Tertiary Butyl Ether	100
6.	Total PAH	40

8. Ground water and soil quality monitoring shall be conducted by petrol depots once a year through Environment (Protection) Act, 1986 approved laboratories / NABL accredited laboratories and the reports shall be submitted to concerned SPCB / PCC.
9. In case of exceedance of screening values for any parameter or; in case of any major deviation from the baseline data or; in case of leakage resulting in soil/groundwater contamination, the Petrol Depot shall immediately inform the concerned SPCB / PCC and shall take immediate action to detect and prevent the leakage; and shall carry out further environmental remediation.
10. The petrol depots shall submit ambient air monitoring report w.r.t. notified ambient hydrocarbon parameters on six monthly basis from any laboratory approved under Environment (Protection) Act, 1986 / laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) to concerned SPCB / PCC.
11. Petrol depots shall compulsorily provide adequate Effluent Treatment Plant or Oil Water Separator to treat any effluent generated because of tank cleaning or cleaning of storage area, contamination of storm water, any other effluent generating activity and shall ensure that the treated effluent complies with the prescribed standards.
12. Petrol depots shall take necessary steps to prevent entry of storm water to the storage area. In case storm water gets contaminated, there must be adequate arrangements for collection and treatment of storm water prior to its discharge.
13. Petrol depots shall obtain authorization for managing hazardous and other wastes under Hazardous and Other Wastes (Management and Transboundary

Movement) Rules, 2016 from the concerned SPCB / PCC. Storage, collection, handling and disposal of hazardous and other wastes generated because of tank cleaning, effluent treatment or other activities shall be strictly carried out as per stipulations of the aforementioned authorization.

14. The petrol depots shall install Vapour Recovery Systems w.r.t. pertinent directions issued by CPCB / concerned SPCBs / PCCs / PNGRB regulations for petroleum installations / other statutory bodies, as applicable.

B. Prevention of Leakage:

1. For preventing fugitive emissions and standards for equipment leaks, the petrol storage depots may comply with the relevant stipulations stated in Section C (under subheading Fugitive Emissions and Standards for Equipment Leaks) of the Petroleum Oil Refinery standards notified by the Ministry of Environment and Forests (Now the Ministry of Environment, Forests & Climate Change) vide Notification no. GSR 186 (E) dated 18.03.2008, as applicable (Annexed as Annexure –I) **OR** any other applicable norms / guidelines issued by Ministry of Petroleum and Natural Gas / other statutory bodies.

It is clarified that petrol depots may provide the storage tanks and seals as specified in the aforementioned standards notified by the Ministry of Environment and Forests or any other applicable norms / guidelines issued by Ministry of Petroleum and Natural Gas / other statutory bodies. However, the norms (for vapour removal efficiency, Emission control standards for Road tank truck/Rail Tank wagon loading in respect of VOC reduction and Emission, Standards for Equipment Leaks including Leak Detection and Repair, Frequency of monitoring of leaks etc.) that are more stringent among the aforementioned standards shall be complied by the petrol depots.

2. Petrol depots shall install hydrocarbon detectors along with alarming system at the leakage prone locations to detect any leakage at the earliest as per PNGRB regulations for petroleum installations, as applicable.
3. Petrol depots shall install spill prevention equipment and overflow prevention equipment as per extant and applicable standards and guidelines.
4. The separation between above ground petrol storage tanks shall be as per extant norms / guidelines of Ministry of Petroleum and Natural Gas (MoPNG) / OISD / PNGRB or other statutory bodies.

5. The tanks and pipework of petrol storage tanks should meet the following requirements:
 - i. The material of construction and design of storage tanks and pipelines should be in accordance with the extant and applicable standards.
 - ii. Efficient secondary containment (as detailed in Section C) shall be provided to prevent release of any leakage to the environment.
 - iii. There should be adequate monitoring system to detect any leakage from the tank or pipelines as per norms / guidelines of MoPNG / OISD or other statutory bodies.

6. The petrol depots shall provide adequate tertiary containment to prevent escape of spills due to failure of secondary containment as per Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for Petroleum Installations) Regulations, 2020.

C. Secondary containment:

Secondary containment systems must be designed, constructed, and installed to contain leakage / spillage released from the storage tank and shall have system to detect the failure / breach of the containment system and shall prevent the release of leaked petrol to the environment at any time during the operational life of the storage tank system; and may be checked for leakage regularly. There should be proper arrangements so that any leakage within the secondary containment area may be timely detected and disposed in an environmentally safe and sound manner.

1. Secondary containment for underground tanks:

All the underground petrol storage tanks shall provide secondary containment system to prevent the leakage to escape to the environment by providing enclosure which is impervious for petrol and able to contain and withstand the hydraulic pressure of the leaked petrol.

Secondary containment can be provided by providing double walled tanks or by constructing concreted and impervious enclosure around storage tanks.

Double walled tanks must be capable of:

- i. Contain a leak from any portion of the inner tank within the outer wall;
- ii. Detect the failure / breach of the inner wall.

2. Secondary containment for above ground petrol tanks:

All the above ground petrol storage depots shall provide secondary containment system to prevent the leaked petrol to escape to the environment. The secondary containment may be provided by constructing a dyked enclosure. The dyked area should prevent the interference of storm water or groundwater intrusion, should surround the tank completely and should be impervious and capable of preventing migration of leaked petrol.

Alternatively, any other secondary containment system for above ground / underground storage tanks as per norms / guidelines of MoPNG / OISD / Petroleum and Natural Gas Regulatory Board (PNGRB) or other statutory authorities / internationally best practiced containment systems that are adequate to contain the leakages may be provided.

The secondary containment system shall be routinely inspected for its structural stability and adequacy for providing containment.

D. Monitoring

1. Interstitial monitoring:

Interstitial monitoring system having hydrocarbon detectors and alarming system / other monitoring devices shall be installed between the petrol storage tanks and secondary containment barrier to detect any leakage.

2. Vapour monitoring wells:

In case interstitial monitoring (of underground tanks) is not feasible, vapour monitoring wells may be installed as alternative leak detection system that can be used either continuously or regularly to monitor for hydrocarbon vapours in the soil surrounding the tanks (beyond secondary containment). It should be ensured that the soil / filler material between secondary containment and the vapour monitoring wells has a sufficient liquid / vapour conductivity for passage of petrol vapours.

The vapour monitoring system should not be affected by rainfall or moisture or any contamination which can interfere with monitoring.

3. Other routine leakage detection systems:

All new petrol storage tanks will have automation system (automatic tank gauging) installed which will provide reports on volume balance after every day operation

and records shall be maintained. If feasible, manual gauging shall be done at least once in a month for determining the accuracy of Automatic Tank Gauging; alternatively, the automatic tank gauging system should be calibrated as per equipment manufacturer's guidelines.

The leakage detection system may be provided as per any other applicable norms / guidelines issued by Ministry of Petroleum and Natural Gas / OISD / other statutory bodies.

4. In case of leakage resulting in soil/groundwater contamination:

- i. Concerned Petrol Storage Depot shall report to the concerned State Pollution Control Board / Pollution Control Committee, OISD, PESO, PNGRB and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such underground storage tank and its ancillary components shall be stopped immediately.
- ii. Petrol shall be removed immediately from petrol storage tank to prevent further release to environment. Measures to prevent explosion due to vapours release due to leakage as recommended by PESO / OISD or other statutory body shall be implemented immediately.
- iii. The petrol storage depot may be held liable for Environmental Compensation (to be imposed by CPCB/ concerned State Pollution Control Board / Pollution Control Committee) and environmental remediation on the basis of proven negligence or violation resulting in environmental damage.
- iv. Operation of petrol storage tank and its ancillary components shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned State Pollution Control Board / Pollution Control Committee.

5. Equipment Integrity Test for underground petrol tanks:

The Equipment Integrity Test (EIT) measures the containment integrity of the tanks, fittings and pipes. An EIT should be conducted to evaluate if an underground petrol storage tanks can cause any leakage to the environment and to evaluate if it can provide containment as required

An Equipment Integrity Test should be performed:

- i. Before any new underground petrol storage tank is commissioned
- ii. After any modification or upgradation of underground petrol storage tanks.

- iii. After any repair following the discovery of a leak in the system or replacement of tanks or piping.

The Equipment Integrity Test should be done as per approved Indian or international procedure.

E. For prevention of accidents:

1. Subject to the quantity of petrol that may be stored in a depot and the threshold quantity specified for extremely flammable liquids in The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 as amended, a petrol depot shall ensure compliance of the aforementioned rules including but not limited to:
 - i. General responsibility of the occupier during industrial activity;
 - ii. Notification of Major accident;
 - iii. Approval and Notification of sites;
 - iv. Updating of the site notification following changes in the threshold quantity;
 - v. Safety audit reports and their updating;
 - vi. Quantitative risk assessment /Cumulative risk assessment;
 - vii. Preparation of offsite/ on-site emergency plan and carrying out of mock drills;
 - viii. Information to be given to persons liable to be affected by a major accident etc.
2. A petrol depot shall ensure compliance of all the provisions of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended), as applicable.
3. A petrol depot must obtain no objection certificate from the fire department, as per applicable laws of the concerned State / Union Territory. Approval from the concerned authority as stipulated in Rule 7 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended) must invariably be taken by the Petrol Depot.
4. A petrol depot must invariably comply with the extant laws / guidelines concerned with safety or prevention of accidents issued by Ministry of Petroleum and Natural Gas / PESO /OISD/ PNGRB / any other statutory organization, as applicable.

5. In case, a major accident occurs, the petrol depot shall within 48 hours notify the concerned authority as identified in Schedule 5 (of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 as amended) of that accident, and furnish thereafter to the concerned authority a report relating to the accidents in Schedule 6 (of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended)). However, the concerned authorities, local crisis group, District emergency authorities etc. have to be informed by the petrol depot as early as possible.
6. The petrol storage depots must provide proper arrangements to prevent and contain the spread of fire / explosion, as per extant and applicable norms and guidelines issued by Ministry of Petroleum and Natural Gas / PESO /OISD/ PNGRB any other statutory organization.
7. The petrol storage depots must have alarming system to inform and alert the surrounding inhabitants in case of any accident or emergency.
8. The Petrol Depot shall ensure carrying out routine leakage detection and leakage monitoring in case of temporary shutdown.
9. The petrol depots shall adhere to the provisions of the National Disaster Management Act and accordingly, prepare onsite and offsite Emergency Response and Disaster Management Plan(DMP) and shall comply with the Petroleum and Natural Gas Regulatory Board (Codes of Practices for Emergency Response and Disaster Management Plan) Regulations, 2010.
10. The petrol depots must ensure that overall safety measures taken by the depot and other ancillary procedures viz. safety audit, risk analysis, risk management etc. shall cover its own premises as well as the area beyond its premises which is vulnerable to risk in case of any incident. Adequate safeguarding measures must be taken so that there may be no risk to the life and property of inhabitants beyond the premises of depot in case of incident.

F. Location and Siting of Petrol Depot:

1. The location and siting of petrol depot shall strictly be in accordance with the extant law / guidelines issued by Ministry of Petroleum and Natural Gas / PESO / any other statutory organization as applicable.
2. The petrol depots shall comply with the MoPNG accepted recommendations of the M.B. Lal Committee (which was constituted by MoPNG to probe the incident of fire at Indian Oil Corporation's POL (Petroleum Oil Lubricants) Terminal at Jaipur in 2009) regarding creation of a buffer safety zone of 250 to 300 metres around petroleum installations (including petrol depots).

It is clarified that a buffer zone of 250 to 300 metres shall be provided between the periphery of petrol depot and any area of human habitation around it

including residential, industrial and commercial areas and other sites of human gathering including educational institutions, healthcare facilities, historical structures, places of worship etc. in accordance with the recommendations of MB Lal Committee. The quantitative/cumulative risk of all tanks of petrol depots should be zero at petrol depot boundary wall by providing adequate mitigation / remedial measures.

3. The SPCBs / PCCs while granting Consent to Establish / Operate to new petrol depots shall give due consideration to the pollution causing potential and ecological sensitivity of the pertinent region as well as extant local government laws regarding setting of such major accident hazard industries and extant law / guidelines issued by MoPNG / PESO / any other statutory organization as applicable.
4. New / upcoming petrol depots shall be located at least 100 m away from the surface water bodies including lakes, ponds, streams, rivers, wetlands, canals and creeks. In case of streams and rivers, the distance shall be considered from the flood way. In case, flood way is not defined, the distance shall be considered from firm banks / edges of the river.

G. Decommissioning of tanks:

1. In case any above ground or underground petrol storage tank has to be dismantled, the following must be ensured:
 - i. Removal of all petrol and its disposal in an environmentally sound manner.
 - ii. Removal of any residual flammable vapour and its safe disposal.
 - iii. Removal of any hazardous waste like tank sludge in an environmentally sound manner and its disposal as per extant hazardous waste management rules.
2. The petrol depot before dismantling of tanks shall take permission from the concerned statutory authority and concerned SPCB / PCC.
3. The petrol depot at the time of permanent decommissioning must ensure that the site is investigated for any potential environmental contamination from an expert institution and submit the report to the concerned SPCB / PCC.

Annexure -1

Section C (under subheading Fugitive Emissions and Standards for Equipment Leaks) of the Petroleum Oil Refinery standards notified by Ministry of Environment and Forests vide Notification no. GSR 186 (E) dated 18.03.2008

Fugitive Emission**Storage of Volatile Liquids: General Petroleum Products**

1. Storage tanks with capacity between 4 to 75 m³ and total vapour Pressure (TVP) of more than 10 kpa should have Fixed Roof Tank (FRT) with pressure valve vent.
2. Storage tank with the capacity between 75 to 500 m³ and total vapour Pressure (TVP) of 10 to 76 kpa should have Internal Floating Root Tank (IFRT) or External Floating Root Tank (EFRT) or Fixed Roof Tank with vapour control or vapour balancing system.
3. Storage tanks with the capacity of more than 500 m³ and total vapour Pressure (TVP) of 10 to 76 kpa should have Internal Floating Roof Tank or External Floating Roof Tank or Fixed Roof Tank with vapour control system.
4. The tanks with the capacity of more than 75m³ and total vapour Pressure (TVP) of more than 76 kpa should have Fixed Root Tank with vapour control system.
5. Requirement for seals in Floating Roof Tanks:
 - i.
 - a. IFRT and EFRT shall be provided with double seals with minimum vapour recovery of 96%.
 - b. Primary seal shall be liquid or shoe mounted for EFRT and vapour mounted for IFRT. Maximum seal gap width will be 4 cm and maximum gap area will be 200 cm²/m of tank diameter.
 - c. Secondary seal shall be rim mounted. Maximum seal gap width will be 1.3 cm and maximum gap area will be 20 cm²/m of tank diameter.
 - d. Material of seal and construction shall ensure high performance and durability.
 - ii. Fixed Roof Tanks shall have vapour control efficiency of 95% and vapour balancing efficiency of 90%.
 - iii. Inspection and maintenance of storage tanks shall be carried out under strict control. For the inspection, API RP 575 may be adopted. In-service inspection with regard seal gap should be carried out once in every six months and repair

to be implemented in short time. In future, possibility of on-stream repair of both seals shall be examined.

Storage of Volatile Liquids: Benzene Storage

1. FRT with vapour to incineration with 99.9% of removal efficiency for volatile organic compounds (VOC) shall be provided.
2. IFRT/EFRT with double seals, emission-reducing roof fitting and fitted with fixed roof with vapour removal efficiency of at least 99% shall be provided.

Solvents for Lube-Base Oil production (Furfural, NMP, MEK, Toluene and MIBK)

IFRT with double seals and inert gas blanketing with vapour removal efficiency of at least 97% shall be provided.

Emission control for Road tank truck/Rail Tank wagon loading		
Loading of Volatile Products	Gasoline and Naphtha :	
	i. VOC reduction, %	i. 99.5
	ii. Emission, gm/ m ³	ii. 5
	Benzene :	
i. VOC reduction, %	i. 99.99	
ii. Emission, mg/ m ³	ii. 20	
Toluene/Xylene:		
i. VOC reduction, %	i. 99.98	
ii. Emission, mg/ m ³	ii. 150	
Note :		
i.	It shall be applicable for Gasoline, Naphtha, Benzene, Toluene and Xylene loading.	
ii.	Road tank Truck shall have Bottom loading and Rail tank wagon shall have Top submerged loading.	
iii.	Annual leak testing for vapour collection shall be done.	

Standards for Equipment Leaks

1. Approach: Approach for controlling fugitive emissions from equipment leaks shall have proper selection, installation and maintenance of non-leaking or leak tight equipment. Following initial testing after commissioning, the monitoring for leak detection is to be carried out as a permanent on-going Leak Detection and Repair (LDAR) programme. Finally, detected leaks are to be repaired within allowable time frame.
2. Components to be Covered: Components that shall be covered under LDAR programme include (i) Block Valves; (ii) Control Valves; (iii) Pump seals; (iv) Compressor seals; (v) Pressure relief valves; (vi) Flanges - Heat Exchangers; (vii) Flanges - Piping; (viii) Connectors - Piping; (ix) Open ended lines; and (x) Sampling connections. Equipment and line sizes more than 1.875 cm or ¾ inch are to be covered.
3. Applicability: LDAR programme would be applicable to components (given at 2 above) for following products/compounds: (i) hydrocarbon gases; (ii) Light liquid with vapour pressure @ 20 °C > 1.0 kPa; and (iii) Heavy liquid with vapour pressure @ 20 °C between 0.3 to 1.0 kPa.
4. While LDAR will not be applicable for heavy liquids with vapour pressure < 0.3 kPa, it will be desirable to check for liquid dripping as indication of leak.
5. Definition of Leak: A leak is defined as the detection of VOC concentration more than the values (in ppm) specified below at the emission source using a hydrocarbon analyser according to measurement protocol (US EPA-453/R-95-017, 1995 Protocol for equipment leak emission estimates may be referred to:

Component	General Hydrocarbon (ppm)		Benzene (ppm)	
	Till 31 st Dec. 2008	w.e.f. January 01, 2009	Till 31 st Dec., 2008	w.e.f. January 01, 2009
Pump/Compressor	10000	5000	3000	2000
Valves/Flanges	10000	3000	2000	1000
Other Components	10000	3000	2000	1000

6. In addition, any component observed to be leaking by sight, sound or smell, regardless of concentration (liquid dripping, visible vapour leak) or presence of bubbles using soap solution should be considered as leak.

7. Monitoring Requirements and Repair Schedule: Following frequency of monitoring of leaks and schedule for repair of leaks shall be followed:

Component	Frequency of monitoring	Repair schedule
	Quarterly (semi-annual after two consecutive periods with < 2% leaks and annual after 5 periods with < 2% leaks)	Repair will be started within 5 working days and shall be completed within 15 working days after detection of leak for general hydrocarbons. In case of benzene, the leak shall be attended immediately for repair.
Pump seals	Quarterly	
Compressor seals	Quarterly	
Pressure relief devices	Quarterly	
Pressure relief devices (after venting)	Within 24 hours	
Heat Exchangers	Quarterly	
Process drains	Annually	
Components that are difficult to monitor	Annually	
Pump seals with visible liquid dripping	Immediately	Immediately
Any component with visible leaks	Immediately	Immediately
Any component after repair/replacement	Within five days	-

8. The percentage leaking components should not be more than 2% for any group of components, monitored excluding pumps/compressor. In case of pumps/compressors, it should be less than 10% of the total number of pumps/compressors or three pumps and compressor, whichever is greater.
9. Emission Inventory: Refinery shall prepare an inventory of equipment components in the plant. After the instrumental measurement of leaks, emission from the components will be calculated using stratified emission factors (USEPA) or any other superior factors. The total fugitive emission will be established.

10. Monitoring following types of monitoring methods may be judiciously employed for detection of leaks: (i) instrumental method of measurement of leaks; (ii) Audio, visual and olfactory (AVO) leak detection; and (iii) Soap bubble method.
11. Data on time of measurement and concentration value for leak detection; time of repair of leak; and time of measurement & concentration value after repair of leak should be documented for all the components.
12. Pressure relief and blow down systems should discharge to a vapour collection and recovery system or to flare.
13. Open-ended lines should be closed by a blind flange or plugged.
14. Totally closed-loop should be used in all routine samples.
15. Low emission packing should be used for valves.
16. High integrity sealing materials should be used for flanges.

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THE TIMES OF INDIA

Odisha: Explosion at fuel pump shakes Bhubaneswar, 9 hurt

TNN | Oct 7, 2020, 09.58 PM IST



BHUBANESWAR: A massive explosion ripped through a fuel pump close to Raj Bhawan on Wednesday, leaving behind a pile of debris and nine injured, two of them critical.

The blast, which occurred at an auto LPG dispensing station on the premises of the petrol pump, was so severe that the glass doors and windows of governor house, a number of houses belonging to ministers, IAS and IPS officers within 500-metre radius developed cracks. "Portions of Raj Bhawan's main building, administrative block and staff quarters were damaged. Luckily nobody was injured. The governor Ganeshi Lal expressed his concern on the petrol pump mishap and prayed speedy recovery of the injured," Raj Bhawan's PRO, Rakhyak Nayak told TOI.

Union petroleum minister Dharmendra Pradhan has ordered a probe to be headed by department secretary Tarun Kapoor, while chief minister Naveen Patnaik announced free medical treatment for the injured. Five fire tenders fought for nearly half an hour to douse the flame, its thick smoke visible several kilometres away.

The injured were initially taken to the nearby Capital Hospital from where two of them were later shifted to SCB Medical College and Hospital in Cuttack after their condition worsened. A couple of injured petrol pump staff were rushed to the hospital on two-wheelers by their colleagues even before the ambulances could arrive.

The incident took place at around 1.50 in the afternoon. ⁵⁸ Several people had lined with their vehicles for fuel when the explosion occurred. The blast ripped through the petrol pump with parts of its damaged roof flying several metres away. People scurried for cover, leaving behind their vehicles. At least a dozen two-wheelers and five four-wheelers were damaged after parts of the broken roof of the petrol pump and other structures landed on them.

Commissioner of police Sudhanshu Sarangi said the cause of the explosion is being investigated. “The fuel station has petrol, diesel and auto LPG dispensing points. The explosion occurred at the auto LPG dispensing station. We have registered a case. Inquiry is in progress to ascertain the cause of the explosion. Luckily, the fire did not engulf the adjoining petrol and diesel tanks,” Sarangi said.

A team of experts from the Indian Oil Corporation Limited (IOCL) visited the blast site to conduct a probe. “We have asked the IOCL experts to remove petrol and diesel from the tanks and take steps to prevent further damage. We have sealed routes around the blast site’s periphery to prevent movement of people and vehicles. People staying in the vicinity were advised not to ignite stoves till the gas and fuel were shifted from the petrol pump,” Sarangi said.

Capital Hospital authorities said they received nine persons who had sustained burn injuries. “We referred two of them to SCB Medical in Cuttack as they became critical. They sustained nearly 60% burn injuries,” Capital Hospital director Laxmidhar Sahoo said.

Sources said the injured included a few employees of the petrol pump and customers who were in the queue. “I had never heard nor seen such an explosion. We ran to safety, leaving our vehicles behind,” said Suresh Sahoo, who was waiting in the queue.

The petrol pump's staff said they are unaware of the cause of the fire. "Three of our employees were badly injured," said M K Hota, an employee.

Blast exposes safety loopholes⁶⁰

MANISH KUMAR, OP

Bhubaneswar, Oct 10: The recent filling station explosion at the heart of the capital city has exposed several loopholes in the legal framework monitoring the safety standards of petrol pumps.

The incident has also raised concerns regarding the safety of people living in close vicinity of such hazardous outlets.

Experts from various legal institutions claim that there is a desperate need to frame fresh rules for setting up petrol pumps in residential areas.

“We have a dearth of legal framework to restrict petrol pumps in residential and populated areas of cities. The latest we have is a norm by the Central Pollution Control Board (CPCB) which restricts setting up of new petrol pumps within 50 metres of schools, hospitals and residential areas,” Sankar Prasad Pani, lawyer at the National Green Tribunal (NGT), told Orissa POST.

He added, “The recent case showed that petrol pump explosions can impact an area of 200 metres. We need to look into restricting such stations in residential areas and revisit the law after taking into consideration



IN VIOLATION OF NORMS

CPCB states that filling stations cannot be set up within 50 metres of schools, hospitals and residential areas

Many petrol pumps in the state violate the 50-metre rule as it was enacted in 2020

Fire safety audits and mock drills in many of these stations are not conducted as per norms

the fatal effect of the recent case.”

The norm of the CPCB was framed in 2020 itself after a direction from the National Green Tribunal (NGT) while hearing a case.

Shilpa Chohan, a SC lawyer specializing in industrial accidents, stated

that such accidents often come to the fore due lack of regular scrutiny, monitoring and absence of regular mock drills despite such provisions finding its place in more than 5-6 legislations.

“All these plans are on paper. Its

efficacy is not tested by periodical mock drills. These safety reports are not even updated. Quantitative and qualitative risk assessment is the most important part of the exercise as it leads to identification of potential hazards,” she said.

However despite laws and provisions in hand, several older petrol pumps in the state violate the 50-metre rule blatantly.

The NGT, in a recent case of LG Polymers plant, also talked about ‘quality of the technical personnel employed’. This emerged as a major cause of the accident.

According to a recent reply by the Union Petroleum Ministry in September 2020 in the Lok Sabha, the petrol pumps are governed under the Petroleum Explosive and Safety Organisation (PESO) guidelines of 2002 which do not mention the ideal distance between petrol pumps and residential areas.

Chohan said that a site appraisal committee should be constituted under Factory Act before establishing a hazardous chemical plant but such provisions for LPG storage are not provided on a national level.

The threat is now significant with the petroleum ministry planning to set up 116 CNG stations in Odisha.



गेल (इंडिया) लिमिटेड

(भारत सरकार का उपक्रम - महारत्न कंपनी)

GAIL (India) Limited

(A Government of India Undertaking - A Maharatna Company)

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GAIL/RA/CGD/Khordha-Acceptance-Final/ 2010

To
The Secretary
Petroleum and Natural Gas Regulatory Board
1st Floor, World Trade Centre
Babar Road, New Delhi-110001

904/secy
STU/18

03.04.2018

AA(AE)/L-1592
9/9/18

DRAC/MTN

AA(AE)
STU/18
cc Member (J&T)

Sub: PNGRB's Grant of Authorization to GAIL (India) Limited for development of CGD Network in the Geographical Area of khordha district in pursuance of the Policy Directive issued to PNGRB by the Ministry of Petroleum & Natural Gas under Section 42 of the PNGRB Act, 2006 and under Section 16 of the PNGRB Act, 2006

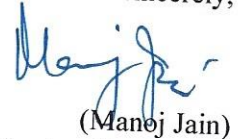
Respected Madam,

This has reference to the PNGRB letter no. Infra/NGPL/124/GAIL/JHBDPL-CGD/khordha/01/17 dated 07.03.2018 conveying the terms & conditions finalized by PNGRB in respect of the subject CGD network.

2. As per the requirement specified in the said PNGRB letter dated 07.03.2018, please find herewith GAIL (India) Limited's confirmation of its acceptance of the Grant of Authorization issued for the subject CGD network (i.e. all pages along with the Annexure are duly initialed and stamped) and the same is being returned to PNGRB in original.

Submitted please.

Yours sincerely,



(Manoj Jain)

Executive Director (Gas Mktg.)

E-mail: manojjain@gail.co.in

Encl: a/a

मनोज जैन / MANOJ JAIN

कार्यकारी निदेशक (विपणन-गैस) / Executive Director (Marketing-Gas)
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आर. कं. पुरम, नई दिल्ली-110 066 / R. K. Puram, New Delhi-110 066



पेट्रोलियम एवं प्राकृतिक गैस विनियामक बोर्ड

Petroleum and Natural Gas Regulatory Board

प्रथम-तल, वर्ल्ड ट्रेड सेंटर, बाबर रोड, नयी दिल्ली - 110001

1st Floor, World Trade Centre, Babar Road, New Delhi - 110001

Infra/NGPL /124/GAIL/JHBDPL-CGD/Khordha/01/17 March 07, 2018

To
Chairman & Managing Director
 GAIL (India) Limited,
 16, Bhikaji Cama Place,
 R. K. Puram, New Delhi - 110066

Subject: Grant of Authorization to GAIL (India) Limited for development of City Gas Distribution Network in the Geographical Area of Khordha District in pursuance of the Policy Directives issued to PNGRB by the Ministry of Petroleum & Natural Gas under Section 42 of PNGRB Act, 2006 and under Section 16 of the PNGRB Act 2006.

Reference:

- (i) MoP&NG's Letter No. L-14014/44/2006-GP-I (Pt. II), dated 15.03.2017
- (ii) GAIL's Letter GAIL/RA/JHBDPL-CGD/322123/2017/1710, dated 16.05.2017

Sir,

This is in response to your application referred above for consideration of the Board for grant of authorization to GAIL (India) Limited for development of City Gas Distribution Network in the Geographical Area of Khordha District in pursuance of the Policy Directives issued to PNGRB by the Ministry of Petroleum & Natural Gas under Section 42 of PNGRB Act, 2006.

2. Considering your submissions, the Petroleum and Natural Gas Regulatory Board has decided to grant you the authorization to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks in Khordha District in pursuance of the Policy Directives issued to PNGRB by the Ministry of Petroleum & Natural Gas under Section 42 of PNGRB Act, 2006 and under Section 16 of the PNGRB Act 2006.

3. Further on the basis of the submissions made, the following terms and conditions have been finalised by the Petroleum and Natural Gas Regulatory Board

अरविन्द कुमार
ARVIND KUMAR
 अपर सलाहकार
 Additional Adviser
 पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड
 Petroleum & Natural Gas Regulatory Board
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which shall be applicable during the construction as well as operative phase of the said City or Local Natural Gas Distribution Networks systems:

4. The Authorized Area for laying, building, operating or expanding the proposed CGD Network shall cover an area of **2,813 square kilometer** and as depicted in the enclosed drawing.
5. The activities of laying, building, operating or expansion of the CGD Network to commence within a period of **180** days from the date of this authorization.
6. The activities permitted above shall have to be completed as per the approved time schedule enclosed at **Annexure 1**. Any failure on the part of the entity in complying with the **milestones prescribed** in the time schedule shall lead to consequences as specified under regulation 16 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
7. The entity shall design and install an optimal size of the infrastructure in terms of pipelines of various types including steel belting of the authorized area, online compressors of adequate capacity for compressing of natural gas into CNG, allied equipments and facilities in the CGD network as identified in its DFR depending upon the potential demand for natural gas. The infrastructure in the CGD network should be adequate to maintain uninterrupted flow of natural gas in the pipelines and be also able to maintain supplies at adequate pressure to online CNG stations.
8. The entity shall maintain an uninterrupted supply of natural gas to all categories of customers in the CGD network. In the event of any disruption in the supply of natural gas in the CGD Network, first priority shall be accorded to restoration of supplies to domestic PNG customers. In case of disruption of supply to domestic PNG customers for more than twelve hours, the entity shall compensate to the domestic customer on the following basis: -
 - a. the normative volume of natural gas consumption for the first domestic PNG connection for cooking requirements based on last three months weighted average consumption per day to be applied for each day's disruption and multiplied by ten;
 - b. normative value of natural gas consumption shall be based on last three months' weighted average billing price of natural gas for supplies to the first domestic PNG connection for cooking requirements; and

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- c. the value of compensation shall be equal to normative volume of natural gas consumption as per clause (a) multiplied by normative value as per clause (b) and shall be adjusted by allowing a credit to the domestic PNG Customer in the next billing cycle or in the next pre-paid smart card in case of smart card metering.
- d. In case the disruption of supplies is attributed to any fault of the domestic PNG customer, no compensation shall be payable by the entity.
9. The entity is allowed an exclusivity period under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008, in respect of the following:
- (a) **300** months from the date of issue of this communication for laying, building and expansion of the CGD network; and
- (b) **60** months from the date of issue of this communication in terms of an exemption from the purview of common carrier or contract carrier for the CGD network:


Provided that the entity meets the obligations in line with the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008:

Provided further that the period of exclusivity allowed under sub-clause (a) or sub-clause (b) may be terminated before the expiry of the period mentioned above in line with the provisions under Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.

10. The authorized entity shall be required to take prior approval from the Board for creation of any lien, charge or hypothecation of the CGD network to secure finances for the project and furnish details of utilization of funds. However, in case of raising funds from any financial institution or bank, the entity will be required to only inform the Board of the sanction of the funds within a period of seven days.

11. The entity shall submit a detailed and clear financial closure report to the Board within a period of one hundred and eighty days from the date of authorization issued by the Board under regulation 10 of Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.

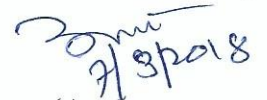

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 अपर सलाहकार
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12. The entity shall publish on its website the network tariff for transportation of natural gas as well as the compression charge for CNG in the CGD network in the authorized area which is also annexed to this schedule.
13. The entity shall publish the applicable retail selling price of PNG for all categories of customers and also for the purpose of invoicing in Rs./ MMBTU.
14. The entity shall publish and display the retail selling price of CNG for the purpose of invoicing to CNG customers in Rs./ Kg at all CNG dispensing stations.
15. The furnishing of performance bond of Rs. 12 crore is a guarantee for timely commissioning of the project as per the prescribed targets in the MWP and for meeting the service obligations during the operating phase of the project.
16. The entity shall comply with the applicable provisions under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008, the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008, relevant regulations for technical standards and specifications, including safety standards, any other regulations as may be applicable and the provisions of the Act.
17. In case the authorization of the entity is terminated, the Board may assign the rights and obligations of the entity to any agency or another entity on such terms and conditions, as it may deem fit. Further, the entity may be required, as per the directions of the Board, to continue the operations of the CGD network at the same level till another agency or entity appointed by the Board takes over the full control of the CGD network.

You are requested to confirm your acceptance by filling-in the acceptance of the grant of authorization provided below and return the same in original. (Please note that all pages along with the Annexure are to be initialed & stamped).

Yours faithfully,



(Arvind Kumar)
Additional Adviser

Dated: March 7, 2018



मनोज जैन / MANOJ JAIN
कार्यकारी निदेशक (विपणन-गैस) / Executive Director (Marketing-Gas)
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Babar Road, New Delhi-110001

Acceptance of the Grant of Authorization

I / We hereby accept the grant of authorization issued by the PNGRB vide letter ref. Infra/NAPL/124/GAIL/JH BDPL-CGD/Khordha/01/17 dated 07.03.2018 and agree to comply with all the terms and conditions subject to which I/ We have been granted the authorization for laying, building, operating or expanding city or local natural gas distribution network in the authorized area of Khordha District.



Signature of the Entity or Authorized Signatory

Date: 07/04/18
Place: New Delhi

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ANNEX 1 - GA of Khordha District


Minimum Work Programme

Minimum Work Program to be completed during first five years of exclusivity	
Inch- km of Pipeline to be Laid.	No. of Domestic PNG Connections
1,513	26,900

Year wise Break Up of targets					
Total Inch- km of Pipeline to be Laid.	Year1	Year 2	Year 3	Year 4	Year 5
1,513	303	756	1,210	1,362	1,513

Year wise Break Up of targets					
Infrastructure for PNG Domestic Connections.	Year1	Year 2	Year 3	Year 4	Year 5
26,900	1,000	5,200	13,450	19,900	26,900


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**BHUBANESHWAR (KORDHA DISTRICT)
GEOGRAPHICAL AREA (ODISHA)**

KEY MAP



Total Population within the Geographical Area as per 2011 Census
25.51 Lacs (Approx.)

Total Number of Households within the Geographical Area as per 2011 Census
58212 (Approx.)

Total Geographical Area (Sq. Km.)
2013 No. Charge Area 10

Charge Area Identification	Tehsil Name
CA-01	Bhubaneswar
CA-02	Bhubaneswar
CA-03	Bhubaneswar
CA-04	Bhubaneswar
CA-05	Bhubaneswar
CA-06	Bhubaneswar
CA-07	Bhubaneswar
CA-08	Bhubaneswar
CA-09	Bhubaneswar
CA-10	Bhubaneswar

LEGEND

LANDMARKS

- DISTRICT HEADQUARTER
- TANHSIL HEADQUARTER
- MAJOR TOWNS

VECTORS

- NATIONAL HIGHWAY
- STATE HIGHWAY
- MAJOR ROAD
- RAILWAY
- GA BOUNDARY
- WATER BODIES
- VILLAGE WITH POPULATION 5000 AND ABOVE

REMARKS:-

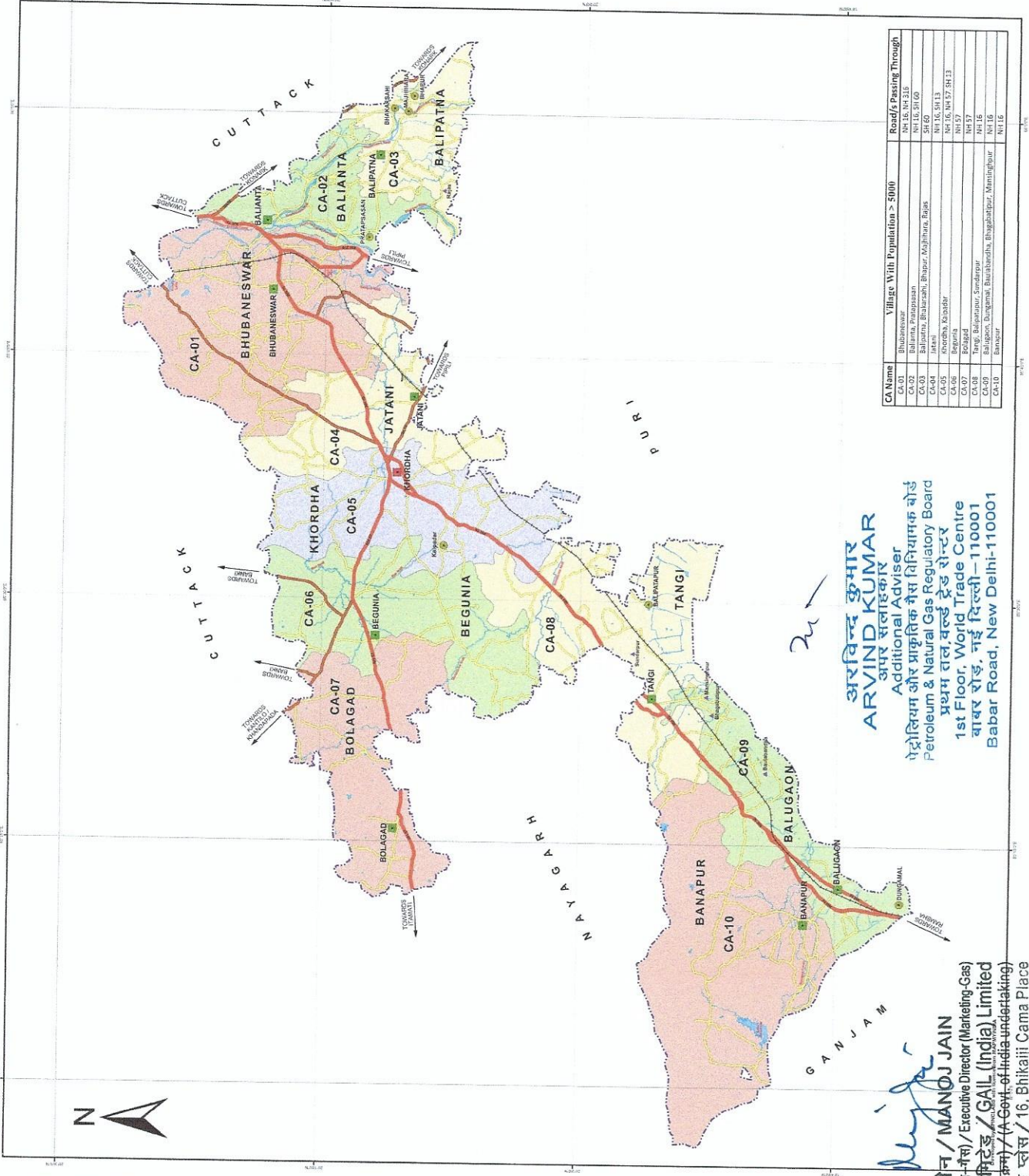
- Landmarks are indicative in nature.
- Each charge area is depicted in different color and is enclosed by physical features such as roads, rivers, railway tracks or administrative boundaries as shown in the map.
- This map is a part of application-sumitted document for the Bhubaneswar (Kordha District) Geographical Area.



PETROLEUM AND NATURAL GAS REGULATORY BOARD
1st Floor, World Trade Centre, Babar Road, New Delhi-110001

GAIL (India) Limited
6th Floor, Jubilee Tower, B-38 & 39, Sector-4, NOIDA - 201301

Map No.	GAIL/NOIDA/PROJ/CDD/BSR/2017/01
Date	August-2017
Map Title	Bhubaneswar (Kordha District) Geographical Area



CA Name	Village With Population > 5000	Road/s Passing Through
CA-01	Bhubaneswar	NH 16, NH 315
CA-02	Bhubaneswar	NH 16, NH 09
CA-03	Balianta, Bhubaneswar, Bhubaneswar, Bhubaneswar, Bhubaneswar	NH 62, NH 13
CA-04	Jatani	NH 16, NH 17, NH 13
CA-05	Khordha, Kordha	NH 157
CA-06	Begunia	NH 17
CA-07	Bolagad, Sundarpur	NH 16
CA-08	Banapur, Bhubaneswar, Bhubaneswar, Bhubaneswar, Bhubaneswar	NH 16
CA-09	Balugaon, Bhubaneswar, Bhubaneswar, Bhubaneswar, Bhubaneswar	NH 16
CA-10	Banapur	NH 16

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BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application No. _____ of 2024

In re:

SHUKADEV MOHANTY

APPLICANT

Versus

STATE OF ODISHA AND OTHERS

RESPONDENTS

KNOW ALL to whom these present shall come I, Shukadev Mohanty, S/o- Late Brajabandhu Mohanty, Aged about 80 years, At - HIG-179, Kanan Vihar, Phase-1, Po-Patia, Dist- Khordha, Pin- 751031, applicant in the above mentioned case, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :- **Sankar Prasad Pani**, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, Mob-no. 9437279278, Email- sankarprasadpani@gmail.com Enrollment no. O-785/07 and **Ashutosh Padhy**, Enrollment no. O-1018/23.

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 26th day of November 2024.

Accepted subject to the terms of fees.


Advocate

x Shukadev Mohanty
Client