

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE**  
**SITTING AT CHENNAI**

**APPLICATION NO.176 OF 2020 (SZ)**

V.B.R. Menon, B.E(Mech) MBA(IIMA) LLB.

- Applicant

Vs

1. The Commissioner of Police,  
Trichy City.
2. Joint Chief Environmental Engineer (a/c),  
Tamil Nadu Pollution Control Board,  
Trichy.
3. The Joint Chief Controller of Explosives,  
A and D Wing, Block 1-8,  
Chennai.
4. The Commissioner,  
Trichy City Municipal Corporation,  
Trichy.
5. The District Collector,  
Trichy District.
6. M/s. Indian Oil Corporation Ltd.,  
Rep. by the Divisional Manager,  
Trichy.

- Respondents.

**COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT**

I Dr. J. Loganathan, IPS., S/o.Thiru.Jayaraman, aged about 47 years and working as Commissioner of Police, Tiruchirappalli City do hereby solemnly affirm and sincerely state as follows:

I am the First respondent herein as such I am well acquainted with the facts and circumstances of the case. I am filing this counter affidavit based on available material records in our office. I have gone through the application No.176 of 2020 filed by the petitioner and I deny all the allegations set out therein except those that are specifically adverted to and admitted herein.

1. Regarding the averment put forth in para 1 and 2 of the application submitted by the Petitioner, I respectfully submit that these are only the self-introduction of the petitioner. Hence I have no remarks to offer.

  
**Asst. Commissioner of Police**  
Law and Order,  
Srirangam Range  
Trichy City.

  
**Commissioner of Police**  
Tiruchirappalli City.

2. It is submitted that the petitioner is seeking to forebear the 6<sup>th</sup> Respondent from opening and operating a new road side petroleum retail outlet at Survey No.247D, Ward-B, Block-38, Thimmarayasamudhiram village, Ammamandapam, Srirangam, Tiruchirappalli by this application.

3. Regarding the averment made by the petitioner in para-1 of the application under the head "Facts in Brief" that the 6<sup>th</sup> Respondent has commenced erection and commissioning of a new petroleum retail outlet at Survey No.247D, Ward-B, Block-38, Thimmarayasamudhiram village, Ammamandapam, Srirangam, Tiruchirappalli, will endanger the health and safety of the public who are residing in the neighbourhood are vague and not supported by evidences.

4. Regarding the averment in para-2 that the operation of the above petroleum retail outlet poses serious environmental hazards to the public due to the presence of harmful vapour (VOC) in the atmosphere, it is submitted that since the installation of Vapour Recovery System is mandatory the 6<sup>th</sup> respondent should install Vapour Recovery System and it should be functional by the time of sale of motor spirit (MS) touch 300KL.

5. Regarding the submission of the petitioner in para-3, on exhibiting of several research papers to highlight the potential hazards of Petroleum vapour, it is respectfully submitted that petitioner have put to strict proof of the same

6. Regarding the averments putforth in para-4, it is not correct to state that the proposed petroleum outlet is being set up in gross violation of the norms prescribed by the Central Pollution Control Board. I respectfully submit that the Police department is issuing NOC after making field verification by the Jurisdictional Officers.

7. Regarding the averments put forth in para-5, I submit that it is not correct to state that the jurisdictional Inspector of Police had submitted a report dated 24.01.2020, objecting to the proposal by citing the various problems that arise if the proposed petroleum outlet is allowed to operate at the proposed site, but disregarding the above objections, the 1<sup>st</sup> respondent has allowed the 6<sup>th</sup> respondent to start the

Asst. Commissioner of Police  
Law and Order.  
Srirangam Range

Commissioner of Police  
Tiruchirappalli City.

petroleum outlet at the proposed site. I submit that after detailed field inspections were made by the Inspector of Police, Srirangam, Trichy and the Assistant Commissioner of Police, Srirangam Range and on the basis of their recommendations for granting No Objection Certificate and after perusing the No Objection Certificate in Na.Ka.No.1653/E1/2020 dated 26.02.2020 by the District Fire Officer, No Objection Certificate has been issued based on the rules in force and the recommendation of the Jurisdiction officers. Since the jurisdictional Inspector report is confidential and privileged document of this respondent, the filing of Annexure K, is not admissible both in law and on facts.

8. Regarding the averment made in para 6 of the application that the 3<sup>rd</sup> Respondent has issued the License to the 6<sup>th</sup> Respondent based on the NOC issued by this respondent, without conducting any site inspection, it is submitted that the petitioner have to put strict proof. The NOC for setting up of petroleum sales outlet issued by the police department is only after making field verification conducted by their officials. The police department is issuing NOC for setting up fuel outlets taking into account the possession of the site by the applicant is lawful and authorisation from land owner or lease holder for developing the premises under the rules for storage of petroleum products; interest of public, specially the facilities like schools, hospitals or proximity to places of public assembly and the mitigating measures if any is provided; traffic density and impact on traffic; conformity of proposal to the local or area development planning; accessibility of the site by fire tenders in case of emergency and preparedness of services for combating the emergencies; genuineness of the purpose and any other matter pertinent to public safety.

9. I deny the averment made in para 7 of the application that enquiry envisaged under rule 144(5) of the Petroleum Rules 2002 has not been held before issuing the NOC. I respectfully submit that the No Objection Certificate has been issued by the Police department based only on the spot visit and enquiry conducted by the jurisdictional Police officers.

  
**Asst. Commissioner of Police**  
Law and Order,  
Srirangam Range

  
**Commissioner of Police**  
Tiruchirappalli City.

10. Regarding to Grounds (i)(ii) and (iii), the applicant have to put strict proof of the same.

11. Regarding to ground (iv) to (viii) of the applicant as per Central Pollution Control Board (CPCB) guidelines, all new retail outlets set up with sale potential of 300 KL Motor Sprit (MS) per month in cities with population of more than 1 Lakh will be provided with Vapour Recovery System. The said VRS should be functional when the sale of Motor Sprit (MS) touches 300 KL. These conditions are to be followed by 6<sup>th</sup> respondent when the sale of Motor Sprit (MS) touches 300 KL only.

12. Regarding the ground (ix) and (x) it is not correct to state that setting up of the new petroleum outlet of the above location shall be highly dangerous and harmful. The petitioner set out these allegations only for filing this writ petition.

13. Regarding interim relief prayed by the applicant, it is submitted that the prayer itself shows that there is some ulterior motive to the applicant and he is not entitled for any further order or orders both in law and on facts.

14. No objection certificate issued by the Police department is based on consideration of the interest of public, traffic density and impact on traffic and following the existing guidelines.

15. Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the application as devoid of merits in the interest of public and thus render justice.

  
Commissioner of Police  
Tiruchirappalli City,  
Tiruchirappalli City

### VERIFICATION

I, the above named deponent, do hereby verify that the contents of the paragraphs No.1 to 10 of this counter affidavit are true to the best of my knowledge and I have not suppressed any material facts.

Verified at \_\_\_\_\_ on this \_\_\_\_\_ day of October, 2020.

IDENTIFIED BY ME

  
Asst. Commissioner of Police,  
Srirangam L&O Range,  
Trichy City.



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