

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

ORIGINAL APPLICATION NO. 176 of 2020 (SZ)

IN THE MATTER OF

V.B.R. Menon, B.E (Mech), MBA (IIMA), LLB,
Advocate, Chennai - 600 078

... Applicant

and

1. The Commissioner of Police,
Trichy City Police Office
Tiruchirappalli – 620 020 and 5 others

... Respondents.

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Place : Chennai
Date : 06.02.2021

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Tiruchirappalli – 620 020 and 5 others

... Respondents.

ADDITIONAL WRITTEN SUBMISSIONS FILED BY THE APPLICANT

MOST RESPECTFULLY SHOWETH :

The Applicant prays to submit the following Additional Written Submissions in addition to the Written Submissions dated 22.01.2021 , already submitted.

1. The 6th Respondent has served on the Applicant on 01.02.2021 an unauthenticated and unsigned soft copy of the map of the Local Planning Area (LPA) of Srirangam Municipality in which the proposed site is located.
2. The Applicant has in the meanwhile obtained a true signed copy of the above map which is submitted as Exhibit No. 1 along with an enlarged part of the above map showing clearly the zonal classifications of the proposed site and the surrounding plots as Exhibit No.2 .
3. A cursory look of the above Exhibits 1 and 2 shall prove that even though the proposed site in T.S. No. 2470 comes under commercial category , the adjoining T.S.Nos. 2468, 2469 , 2493, 2496 , 2500, etc., come under residential category with existing residential buildings shown in the approved copy of the map itself.



4. **Hence, the proposed site in T.S.No. 2470 shall be in violation to the Siting Criteria prescribed under clause “H” of the CPCB Memorandum No. B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 as the adjoining plots come under residential category and the distance of the proposed site from the above adjacent “notified residential areas” is less than even 5 M as against the minimum prescribed distance of 50 M .**
5. The argument of the 6th Respondent that there is no bar to set up and operate Fuel outlets within commercial zones as per the Tamilnadu Combined Development and Building Rules, 2019 is preposterous and irrelevant to the present dispute.
6. The Applicant has challenged the right of the 6th Respondent to set up and operate the Fuel station , under an explosive licence, in the proposed site being violative of the clause “H” of the CPCB Memorandum No. B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 and not because it is violative of the Tamilnadu Combined Development and Building Rules, 2019 or under any other statute .
7. As the scope and objectives of the Siting Criteria prescribed under Clause “H” of CPCB Memorandum No. B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 and statutory provisions under the Tamilnadu Combined Development and Building Rules, 2019 pertain to and operate in different spheres, one shall not substitute or overrule the other and both the conditions will have to be necessarily satisfied separately .
8. It shall be unreasonable to believe that the 6th Respondent is ignorant of even such a rudimentary position of law unless his intention is to mislead and misrepresent the facts which he is accustomed to do..



9. The averments of the Applicant in the Original Application dated 08.09.2020, the Rejoinder dated 30.12.2020 and the Written Submissions dated 22.01.2021 may be read as part and parcel of this Additional Written Submissions to get a better appreciation of the facts of the case .

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the Original Application as prayed for and thus render justice.

Dated at Chennai on this 06th day of February, 2021



V.B.R. MENON

Applicant.



Annexure – XVIII
[See rule 33]
Zoning Regulations

Residential use zone

- (1) In this zone buildings or premises shall be permitted only for the following purposes and accessory uses. Permissible non-residential activity shall be limited to one in a sub-division.
- i) Any residence including dwelling, detached, semi-detached, tenements or flats and service apartments.
 - ii) Professional consulting offices and incidental uses thereto occupying a floor area not exceeding 40 sq.m.
 - iii) Nursery schools, Primary Schools, High Schools, Higher Secondary Schools, Libraries and reading rooms.
 - iv) Parks, play grounds, farms, gardens, nurseries, including incidental buildings thereon.
 - v) Cottage industries listed in G.O.Ps.Nos.565 and 566 dated 12.3.1962 as amended and indicated in Annexure - V, with number of workers not exceeding 8 and electric machineries not exceeding 5 H.P.
 - vi) Installation of Motor for pumping water, Air conditioning, Lifts, Solar Heaters, Dish Antennas, etc.
 - vii) Storage of domestic cooking gas cylinders subject to the conditions prescribed in G.O.M.sNo.329 dated 24.2.1977 viz. the applicant should obtain necessary clearance from the Director of Fire and Rescue Services and from the Dept. of Explosives of the Govt. of India.
 - viii) Working women hostels, old age homes
 - ix) Professional consulting offices, Schools of Commerce including Tutorial Institutions, Govt./Semi Govt. Offices, Banks, Pay Offices, Post Office, Offices of Electricity Board, Chennai City Corporation, Tamil Nadu Cooperative Milk Producers Federation Limited, etc. occupying a floor area not exceeding 300 sq.m.
 - x) Public Utility Buildings like sewage pumping stations, water works, Fire stations, Telephone exchanges.
 - xi) Swimming Pool attached to residential activity in a plot.
 - xii) Daily or weekly markets serving local needs.
 - xiii) Transport depots, Bus Terminus and Railway Stations.
 - xiv) Burning, Burial grounds, crematoria and cemeteries.

- xv) Air-conditioned Cinema Theatres abutting min. 12 m wide road.
 - xvi) Banks and Safe Deposit Vaults, Business Office and other Commercial or Financial Institutions occupying floor area not exceeding 500 sq.m. provided the width of the abutting road is minimum 10m.
 - xvii) Hotels, Restaurants occupying a floor area not exceeding 500 sq.m.
 - xviii) Hostels, Dormitories, Boarding and Lodging houses and Welfare Institutions occupying a floor area not exceeding 500 sq.m.
 - xix) Clinics, Hospitals, Dispensaries, Nursing Homes and other Health facilities occupying a floor area not exceeding 500 sq.m. provided the width of the abutting road is minimum 10m.
 - xx) Establishments and shops retailing in vegetables, fruits, flowers, fish, meat and such other daily necessities of the residents, including provisions, soft drinks, newspapers, tea stalls, milk kiosks, cycle repair shops, internet / computer centres, ATMs etc. departmental stores occupying floor area not exceeding 500 sq.m. or organized markets.
 - xxi) Bakeries, Confectionaries, Laundries, tailoring, Goldsmith shops, hairdressing saloons occupying floor area not exceeding 500 sq.m.
 - xxii) Fuel filling stations, and automobile service stations with installation not exceeding 30 HP.
 - xxiii) Industries listed by the Tamil Nadu Pollution Control Board as 'Green' Industries listed in Annexure - VI and subject to maximum installation of 30 HP.
 - xxiv) Taxi stands and car parking including multilevel parking
 - xxv) Automobile workshop with floor area not exceeding 300 sq.m and electrical installations not exceeding 15 H.P.
 - xxvi) Religious buildings and welfare institutions occupying a floor area not exceeding 500 sq.m.
- (2) All uses/activities not specifically mentioned under sub-regulations (1) above shall be prohibited in this zone.

Commercial use zone

- (1) In this zone, buildings or premises shall be permitted only for the following purposes and accessory uses:
- i) All activities that is permissible in Residential Zone without restriction of floor area (except industries)
 - ii) All commercial and business uses including all shops, stores, markets, shopping centers and uses connected with the display and retail sale of

merchandise but excluding explosives, obnoxious products and other materials likely to cause health hazards and danger to lives.

- iii) Fuel filling stations, automobile service stations and workshops with installation not exceeding 50 HP.
 - iv) Industries listed out by the Tamil Nadu Pollution Control Board as “Green” Industries listed in Annexure - VI and as “Orange Industries” listed in Annexure - VII subject to a maximum installation of 50 HP.
 - v) Research, Experimental and Testing laboratories not involving danger of fire, explosives or health hazards.
 - vi) Warehouses and other uses connected with storage of wholesale trade in commodities not notified under the Specified Commodity Act, but excluding storage of explosives or products which are either obnoxious or likely to cause health hazards.
 - vii) Buildings for development of software and its associated computer technology applications, IT Parks.
 - viii) Broadcasting, telecasting and telecommunication stations.
 - ix) Helipads subject to clearance by Civil Aviation department, Directorate of Fire and Rescue Services and police department.
 - x) Manufacture of computer hardware
 - xi) Preview theatres and dubbing theatres.
 - xii) Colleges, higher educational, technical and research institutions.
 - xiii) Foreign Missions, Embassies and Consulates.
 - xiv) Air-conditioned Cinema Theatres along roads of width min. 12 m and Assembly Halls and Kalyana Mandapams along roads of width min. 15 m and Multiplex / Malls along roads of width min. 18m.
- (2) All uses/activities not specifically mentioned under sub-regulations (1) shall be prohibited.

Industrial use zone

- (1) In this zone, buildings or premises shall be permitted only for the following purposes and accessory uses:
- i) In approved layouts residential, commercial, institutional and other activities as designated therein.
 - ii) Using electrical H.P or with employees not exceeding 100 in number but excluding industries of obnoxious and hazardous nature by reasons of odour,

ANNEXURE - 1**Circular by Kerala Pollution Control Board
regarding Siting Criteria of Petrol Pumps**

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.ksoeb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

No. PCB/HO/HOW/RULES9/7/2019

Date: 18/08/2020

CIRCULAR

Sub: - Distance criteria for new petrol pumps – clarification - reg.
Ref: - 1. Circular No. PCB/TAC/18/2004 Dated: 09/08/2004
2. Circular No. PCB/HO/HOW/RULES9/7/2019 Dated: 24/02/2020

Vide circular cited above, new retail outlets for petrol pumps shall not be located within a radial distance of 50 metres (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 and in no case it shall be less than 30 meters. In partial modification of the circular cited above, the siting criteria for new retail outlets of petrol pumps from the nearest 'residential building' may be considered instead of residential areas. Also if any requisite licence other than the PCB consent is obtained by the applicant for establishing the petrol pump prior to the date of the circular cited (2) above, the siting criteria mentioned in circular dated 09/08/2004 shall be applicable.


CHAIRMAN

To

1. The Chief Environmental Engineer,
Regional Office, Trivandrum/Ernakulam/Kozhikode.
2. The Senior Environmental Engineer,
Regional Office, Ernakulam.
3. The Environmental Engineer, District Office,
Thiruvananthapuram, Kollam, Pathanamthitta, Alapuzha, Idukki, Kottayam,
Ernakulam-1, Ernakulam-2. ESC - Floor, Thrissur, Palakkad, Malappuram,
Kozhikode, Kannur, Wayanad. Kasargod.

Copy to:-

- 1) All Technical Staff in HO
- 2) IT Cell (for uploading in the website)
- 3) C.A to CHN & MS



Government of India
Ministry of Commerce & Industry
Petroleum & Explosives Safety Organisation (PESO)
A & D - Wing, Block 1-8, IInd Floor, Shastri Bhavan, 26 Haddous Road, Nungambakkam, Chennai - 600006

E-mail : jtcechennai@explosives.gov.in
Phone/Fax No : 044 - 28287118,28281023,282810

No : P/SC/TN/14/9111 (P483916)

Dated : 11/01/2021

To,

M/s. Indian Oil Corporation Limited,
234, 1st Floor,,
NH-7, Salem-Bangalore Bypass Road,,
Salem,
Taluka: Salem,
District: SALEM,
State: Tamil Nadu
PIN: 636010

Sub : Petroleum Class A,B Retail Outlet Service Station at Survey No, 407/1A, CHINNAMPALLI, CHINNAMPALLI, Dharmapuri, Taluka: Pennagaram, District: DHARMAPURI, State: Tamil Nadu, PIN: 636811 . License No. P/SC/TN/14/9111 (P483916) granted in FORM XIV of Petroleum Rules 2002 - Suspension of License regarding.

Sir(s),

Please refer to this office showcause notice of even number dated 11/12/2020 and inspection report received vide memo number P/SC/TN/14/9111(P483916) from Controller of Explosives,Vellore. The subject premises was inspected by an officer of the organization on 12/12/2020. The following observation were made which were communicated to this office vide the cited memo.

1. The position of the vent pipe was not found as per approved plan and was not observing safety clearance of 4.0m clear all around – Violation of condition 1 and condition 5 of licence in form XIV of the Petroleum Rules,2002.
2. The installation work of underground pipeline from underground tanks to dispensing unit was in progress-Violation of condition 12 licence in form XIV of the Petroleum Rules,2002.
3. You have received 15.0 KL of HSD in the underground tanks without completion of pipeline connection- Violation of Rule 12 of the Petroleum Rules,2002.

It seems that you have submitted false declaration regarding completion of work in all respects at the time of grant of licence.

Therefore the subject licence is hereby suspended with immediate effect for 90 days as an interim measure and an order suspending the subject licence is enclosed herewith.

You are advised to intimate this office the stock of Petroleum in your possession.

Your's faithfully,

Manmeet Singh Manhas
Dy. Controller of Explosives
For Jt. Chief Controller of Explosives
Chennai

Copy forwarded to :-

1. The Additional District Magistrate, DHARMAPURI(Tamil Nadu) with reference to his NOC No D.Dis.10301/2020/C3 Dated 28/10/2020
2. Controller of Explosives, Vellore

(For more information regarding status,fees and other details please visit our website <http://peso.gov.in>)

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

Original Application No. 176 of 2020 (SZ)

V.B.R. Menon,
B.E (Mech), MBA (IIMA), LLB,
Advocate,
Flat No: 4B, Brook Dale Apartments,
No:12, P.T. Rajan Salai,
K.K. Nagar, Chennai – 600 078 ... Applicant

And

The Commissioner of Police,
Trichy City Police Office
Pudukkottai Main Road,
Subramaniapuram
Tiruchirappalli - 620 020
and 5 others Respondents

ADDITIONAL WRITTEN SUBMISIONS

**V.B.R Menon, B.E, MBA(IIMA), LLB,
Party-in-Person
Ph: 9384762930**