

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

APPLICATION NO. 176 OF 2020 (SZ)

V.B.R. Menon

... Applicant

VERSUS

1. The Commissioner of police,
And ORS.

...Respondents

**ADDITIONAL REPLY STATEMENT FILED BY THE 6th
RESPONDENT**



**M/s. ABDUL SALEEM
S SARAVANAN**

COUNSEL FOR 6th RESPONDENT

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

APPLICATION NO. 176 OF 2020 (SZ)

V.B.R. Menon,
Advocate,
Flat No. 4B, Brook Dale Apartments,
No.12, P.T.Rajan Salai,
K.K.Nagar, Chennai- 600 078

... Applicant

VERSUS

1. The Commissioner of police,
Trichy City Police Office,
Pudukkottai Main Road,
Subramaniapuram,
Tiruchirapalli- 620 020
2. Joint Chief Environment Engineer (a/c),
Tamilnadu Pollution Control Board,
No.25, Development Plots,
Thuvakudy
Tirchy- 620 015
3. The Joint Chief Controller of Explosives,
A and D Wing, Block 1-8,
2nd Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006
4. The Commissioner,
Trichy City Municipal Corporation,
No.58, Bharathidasan Salai,
Opp. Campion School, Cantonment,
Tiruchirapalli - 620 001
5. The District Collector,
Trichy District,
District Collector Office, Raja Colony,
Tiruchirappalli - 620 001.
6. M/S. Indian Oil Corporation Ltd.,
Rep.by The Divisional Manager
3rd floor, No.B-35, Shastri Road,
Thillai Nagar,
Trichy - 620 018

... Respondents



**Divisional Retail Head
Indian Oil Corporation Ltd
Trichy Divisional Office
"Triveni" 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy- 620 018.**

**ADDITIONAL REPLY STATEMENT FILED ON BEHALF OF THE
SIXTH RESPONDENT**

I, R.Rajeswaran, Son of late T.R.Ramasamy, aged 44 years, having address at Indian Oil Corporation Ltd, "Triveni" 3rd floor, B-35, Shastri road, Thillai nagar, Trichy - 620 018 , working as Divisional Retail Head, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Divisional Retail Head of Indian Oil Corporation Limited, Trichy Divisional Office representing the 6th Respondent herein and as such I am well acquainted with the facts of the case from the records and I am authorized to file this Reply Statement on behalf of the sixth Respondent.

2. I humbly submit that the present application has been filed under Section 18(1) read with Section 14 (1) of the National Green tribunal, Act, 2020, by the Applicant for the following relief:

"A. permanently forbear the 6th Respondent to opening and operating a New Road-side Petroleum Retail Outlet at Survey No. 2470, Ward-B, Block-38, Thimmarayasamudhram Village, Ammamandapam, Sreerangam, Tiruchirapalli, adjacent to several residential buildings and commercial building and in violation to the siting criteria prescribed by the Central Pollution Control Board (CPCB) in Clause "H" of the Office memorandum No. B-13011/1/2019-20/AQM/10802-1087 dated 07.01.2020 and the norms prescribed under the Circular No.12-2009 by the Indian Road Congress.

And

B. pass such further order or orders as may be fit and proper and necessary in the facts and circumstances of the case and thus render justice"




 **Divisional Retail Head**
Indian Oil Corporation Ltd
Trichy Divisional Office
"Triveni" 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy- 620 018.

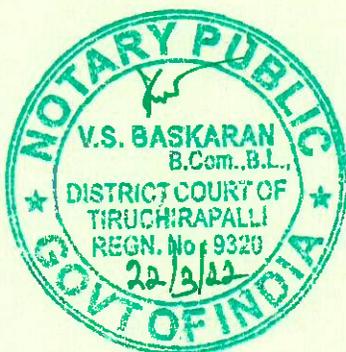
3. I state that the respondent has already filed a detailed reply statement along with documents and detailed written arguments before this Hon'ble Tribunal and made oral arguments in detail. Considering the above the Honorable Tribunal was pleased to reserve judgement, however this Honorable Tribunal in its order dated 10.02.2022, has reopened the above case and raised the following query :

"Considering the circumstances, we feel that it is necessary to ascertain the present status of the proceedings initiated by the authority in this regard and we also want to ascertain as to whether in the conditions issued by the Oil Marketing Companies and the applications filed by them for permission before the various authorities or in the tender notice issued, whether anything was mentioned about the compliance of guidelines provided by the Indian Roads Congress Circular No. 12 of 2009 to ascertain as to whether there was any violation committed by them in this regard."

4. I humbly submit that though the above queries are not related to any Environmental issue and this Hon'ble Tribunal has no jurisdiction to interfere with the same. However, in compliance of the above direction of this Honorable Tribunal, this respondent filed documents as directed and the same were considered by this Honorable Tribunal and in its order dated 08/03/2022 has directed as follows :

"Further, they are also directed to file a statement regarding the applicability of the IRC Rules irrespective of the decision that has been relied on by them as to whether it is situated in the National Highway or in the State Highway and whether the tender condition contains this clause."

5. I humbly submit that the reply statement and written arguments filed by this respondent may be treated as part and parcel of this additional statement.




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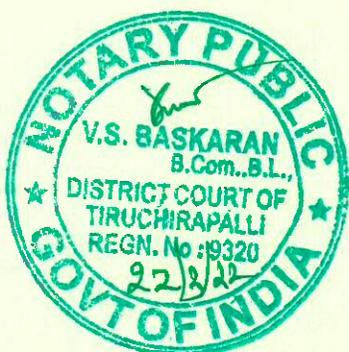
6. I humbly submit that IRC is only a society registered under the Societies Registration Act who issued the guidelines which is not statutory in nature as held in various judgements of the Hon'ble High Court. I submit that IRC guidelines are mostly recommended practice for access permission for fuel stations, private properties along the highways.

7. I humbly submit that this respondent has established the fuel retail outlet at Survey No. 247D, Ward-B, Block-38, Thimmarayasamudhiram Village, Ammamandapam, Sreerangam, Tiruchirapalli of Ammamandapam Road, and obtained necessary permissions from the competent authorities.

8. I humbly submit that, IRC Guidelines was not notified at the time of establishment of the Retail Outlet and therefore it was not applicable. Moreover the subject site where the retail outlet is operated, is neither a State Highway nor a National Highway.

9. I humbly submit that the proposed retail outlet meets all safety norms as per PESO as well as CPCB for establishment of retail outlet. This respondent will take care of all safety norms, distances, in establishing and operating the retail outlet. All due precautions and efforts will be made in dealing with petroleum vapor as being done at thousands of retail outlets across the country.

10. With respect to the building approval, presently only temporary structures have been put up at the subject site and it is submitted that this respondent for putting up permanent structure, had applied for the building approval and the same was returned for clarifications. It is submitted that when the clarifications were in process and before the same could be filed again, the application was rejected by the corporation and a penal action has been initiated against this Respondent and a charge sheet was also filed before the Judicial Magistrate, Srirangam.



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Divisional Retail Head
Indian Oil Corporation Ltd
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11. I humbly submit that the Respondent has approached the corporation for the building approval again, however due to the pendency of the present matter before this Hon'ble Tribunal, the authorities refused to receive the application for building approval and it was informed that the same will be considered only after the disposal of the matter. It is submitted that no permanent structure will be put up by this Respondent, until building approval is obtained from the corporation.

12. I humbly submit that this apart, this Respondent has obtained all other necessary clearances from the statutory authorities before the establishment and operation respectively of the subject retail outlet as mandated under law.

13. I humbly submit that the applicant with an ill intention to stall the operation of the subject retail outlet, has filed the present application and the same is an abuse of process of law. Further, he is not entitled to any relief as claimed in the present application.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above application with heavy cost and pass such further or other orders as this Hon'ble Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Trichy on this the 22nd day of March, 2022



6th RESPONDENT



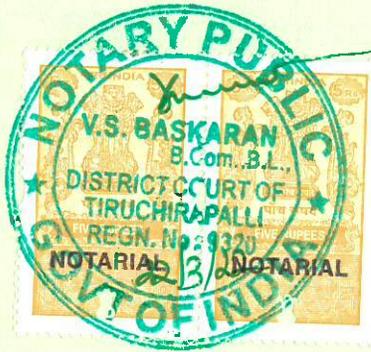
Indian Oil

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VERIFICATION

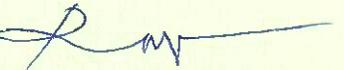
I, R.Rajeswaran, Son of late T.R.Ramasamy, aged 44 years, having address at Indian Oil Corporation Ltd, "Triveni" 3rd floor, B-35, Shastri road, Thillai nagar, Trichy - 620 018, working as Divisional Retail Head, do hereby verify that the contents of Paragraph Nos. 1 to 13 are true to the best of my knowledge and Paragraph Nos. 1 to 13 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Trichy on this the 22nd day of March, 2022



Attested  22/03/2022
V.S. BASKARAN, B.Com., B.L.,
ADVOCATE & NOTARY PUBLIC
GOVT. OF INDIA, REGN. No : 9320
41/BISHOP ROAD, SIVA COMPLEX
1ST FLOOR, PUTHUR, TRICHY - 17
CELL : 94437 66404





6th RESPONDENT

Divisional Retail Head
Indian Oil Corporation Ltd
Trichy Divisional Office
"Triveni" 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy- 620 018.