

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

ORIGINAL APPLICATION NO. 178 of 2023

**Cuddalore District Growth of Consumer
Protection Society**

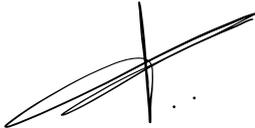
... Applicant

Vs

The District-Collector and Ors.

... Respondents

REPLY STATEMENT FILED BY THE 7th RESPONDENT



M/s. AAV PARTNERS

COUNSEL FOR 7th RESPONDENT

No.74-76, II Floor, Marshall's Road,
Egmore, Chennai – 600 008.

Email : saleemperson@gmail.com / Ph – 95000 69660

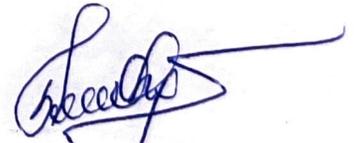
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

OA No. 178 of 2023 (SZ)

Cuddalore District Growth of Consumer Protection Society,
Represented by its General Secretary, K.S Sethu,
No.66, 4th Street, Thiruppanampakkam,
Kalaiyur Post, Cuddalore Taluk & District - 607 109. ... Applicant

Vs

1. The District Collector,
Gundusalai Road,
Alpet, Manjapakkam,
Cuddalore - 607001.
2. The Revenue Divisional Officer,
Cuddalore Division,
Cuddalore - 607001.
3. The Tamil Nadu Pollution Control Board,
Rep. by its Joint Commissioner,
No.25, Developed Plots, Thuvakudy,
Trichy - 620 015.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.A-3, SIPCOT Industrial Complex,
Kudikadu, Cuddalore - 607 005.
5. The District Officer,
Fire and Rescue Services,
Cuddalore.
6. The Tahsildar,
Cuddalore Taluk,
Beach Road, Cuddalore - 607001.
7. Indian Oil Corporation Limited,
Rep. by its Divisional Officer,
Trichy Divisional Office,
"Triveni", 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy - 620 018.



Indian Oil

शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि वंडल कार्यालय
Trichy Divisional Office

8. Azhagananthan,
S/o. Krishnamoorthy,
No.1, Azhagappa Nagar, Manjakuppam,
Cuddalore - 607 001.

... Respondents

REPLY STATEMENT FILED BY THE 7th RESPONDENT

I, **SHIV MURTHY**, son of **Mr. T K MURTHY**, aged 57 Years, having address at Indian Oil Corporation Limited, "Triveni", 3rd Floor, B-35, Shastri Road, Thillai Nagar, Trichy - 620 018" do hereby solemnly affirm and sincerely state as follows :

1. I humbly submit that I am officiating as the **Chief Manager (RS), Trichy DO**, in M/s. INDIAN OIL CORPORATION LIMITED, the 7th Respondent herein and as such I am well aware of the facts and circumstances of the case and competent to swear this affidavit.
2. I humbly submit that the present Application has been filed before this Hon'ble Tribunal, seeking for the following relief :

"It is therefore respectfully prayed that this Hon'ble Tribunal may be pleased to grant a permanent injunction restraining the Respondents, their men or agents or servants or any other person from setting up petrol pump outlet in S No. 2241/3, Ward No.3, Block No. 58, in Karaiyeravittakuppam Cuddalore Taluk and Cuddalore District and thus render justice."



Shiv Murthy

शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि मंडल कार्यालय
Trichy Divisional Office

3. That nothing contained in this Reply Statement shall be construed as an admission of any statement or averment made in the present Original Application save and except what has specifically been admitted by the answering Respondent herein.
4. That the answering Respondent denies each and every averment, which is contrary to and/or inconsistent with what is stated in this statement, as if the same were specifically traversed.
5. That the instant Reply Statement is being filed in order to bring out the true and correct factual position and to specifically deal with the averments and allegations made by the Applicant in the instant Original Application. The answering Respondent reserves his rights and liberty to file a further detailed Statement/Affidavit and additional documents if the situation so necessitates at a later stage.
6. That before traversing into the parawise reply of this Respondent with respect to the allegations raised in the application, it is necessary to set out the brief facts with respect to the subject retail outlet.
7. That this Respondent had published newspaper advertisement on **25.11.2018** inviting applications for setting up retail outlet dealerships at various locations in the State of Tamil Nadu.
8. That pursuant to the same, a Letter of Intent (LOI) was issued to the dealer Mr. K Alaganandan on **29.03.2022** and



शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि मंडल कार्यालय
Trichy Divisional Office



Indian Oil

3. That nothing contained in this Reply Statement shall be construed as an admission of any statement or averment made in the present Original Application save and except what has specifically been admitted by the answering Respondent herein.
4. That the answering Respondent denies each and every averment, which is contrary to and/or inconsistent with what is stated in this statement, as if the same were specifically traversed.
5. That the instant Reply Statement is being filed in order to bring out the true and correct factual position and to specifically deal with the averments and allegations made by the Applicant in the instant Original Application. The answering Respondent reserves his rights and liberty to file a further detailed Statement/Affidavit and additional documents if the situation so necessitates at a later stage.
6. That before traversing into the parawise reply of this Respondent with respect to the allegations raised in the application, it is necessary to set out the brief facts with respect to the subject retail outlet.
7. That this Respondent had published newspaper advertisement on **25.11.2018** inviting applications for setting up retail outlet dealerships at various locations in the State of Tamil Nadu.
8. That pursuant to the same, a Letter of Intent (LOI) was issued to the dealer Mr. K Alaganandan on **29.03.2022** and



शिव मुर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि पंडल कार्यालय
Trichy Divisional Office



Indian Oil

thereafter, the following approvals/permissions was obtained for the establishment of the retail outlet :

S No.	Date	Description
1.	15.03.2023	Initial PESO License.
2.	(24.08.2023)	No Objection Certificate granted by the District Collector.
3.	06.10.2023	Final PESO License.

9. That thereafter, the construction of the retail outlet was started on 07.10.2023 and was completed and the retail outlet is yet to commence sales. That the retail outlet has been constructed by installing state-of-the-art equipment with underground tanks and connecting pipelines that can withstand extreme pressures without any leakage and all the safety measures have been implemented and installed at the subject retail outlet.

10. That the allegations and averments made in the present application, that the subject retail outlet is situated within a distance of 11 metres from a School, are all false and vehemently denied. In this regard, it is necessary to refer to the guidelines issued by CPCB dated 07.01.2020, which is deemed to have been violated and the same is produced hereunder :

SITING CRITERIA

"H. *Siting criteria of 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

शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुचि प्रंडल कार्यालय
Trichy Divisional Office



शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुचि प्रंडल कार्यालय
Trichy Divisional Office

*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."*

11. That on a perusal of the above guidelines, it is made clear that in any case, the least distance that is to be maintained by a retail outlet from a School is **30 metres**.

12. That contrary to what is alleged by the applicant, as per ground measurements, the dispensing unit of the subject retail outlet is situated at a distance of **32.2 Metres** and the vent pipe is at a distance of **46 metres** from the School and as such, the above distances are in compliance of the above guidelines issued by CPCB and there is no violation as alleged.

13. 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 and is ready and willing to install all additional safety precautions will be taken in accordance with the guidance of the authorities.

14. That, there will be no serious danger to the health and safety of the students and public residing in the surrounding area,



SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि मंडल कार्यालय
Trichy Divisional Office

since, this Respondent has taken necessary precautions and safety measures for the establishment of the subject retail outlet.

15. That the retail outlet is dispensing petroleum product i.e. MS and HSD, which are essential commodity to the motoring public. Besides, huge amount of money is invested by the company for the construction and commissioning of the retail outlet, established in accordance with law.

16. That after knowing of all the above, the applicant has approached this Hon'ble Tribunal for vested interest and there is no public or environment interest is involved in the present issue, hence the present application is liable to be dismissed with huge cost.

17. 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 Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Trichy on this the 8th day of January, 2024


7th RESPONDENT



शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि वंडल कार्यालय
Trichy Divisional Office

VERIFICATION

I, **SHIV MURTHY**, son of **Mr. T K MURTHY**, aged 57 Years, having address at Indian Oil Corporation Limited, "Triveni", 3rd Floor, B-35, Shastri Road, Thillai Nagar, Trichy - 620 018" do hereby verify that the contents of paras 1 to 17 are true to the best of my knowledge and paras 1 to 17 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Trichy on this the 8th day of January, 2024



7th RESPONDENT



Indian Oil

शिव मूर्ति
SHIV MURTHY
मुख्य प्रबंधक (खुदरा विक्रय)
Chief Manager (Retail Sales)
तिरुच्चि पंडल कार्यालय
Trichy Divisional Office