

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

OA NO. 18 of 2022

BETWEEN

Seethalakshmi @ Vijaya

Vs

... Applicant

1. Hindustan Petroleum Corporation Limited
Rep. by the Deputy General Manager,
Retail and Duly Constituted Attorney,
No. 17, Jamshedji Tata Road, Mumbai – 400 020.
2. Hindustan Petroleum Corporation Ltd,
Trichy Retail Regional Office,
No.90, 2nd Floor, Tiruchirapalli – 620001.
3. The Deputy Controller of Explosives,
A&D Wing, Block 1-3-2nd Floor, Shastri Bhavan,
No. 26, Haddous Road,
Nungambakkam, Chennai – 600 006.
4. The Central Pollution Control Board,
Represented by its Chairman,
Parivesh Bhavan, East Arjun Nagar,
Shahdar Delhi – 110 032
5. Pondicherry Pollution Control Board,
Represented by its Chairman Pondicherry,
IIIrd Floor, PHB Building, Anna nagar,
Puducherry – 605005.
6. The District Magistrate,
Government of Puducherry,
New Revenue Complex
1st Floor,
Vaxhudavyur Road,
Pettaouam Chathithram,
Puducherry – 605 009.
7. The Sub – Divisional Magistrate (North)
Government of Pondicherry,
Revenue complex Ground Floor,


पीतबास षडंगी / PITABAS SARANGI
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दिविदत गठित इकील / Duly Constituted Attorney
हिन्दुस्तान पेट्रोलेियम निगम सीमित / Hindustan Petroleum Corp. Ltd.
चेन्नई एलपीजी क्षेत्रीय कार्यालय / Chennai LPG Regional Office

No. 505, Kamaraj Salai, New Saram Pondicherry – 605013.

8. The Commissioner Olulgret Municipal office,
Main Road, Boomianpet, Jawahar Nagar,
Pondicherry.
9. Smt. Sengottouvane Dharani,
W/o Sengouttouvane,
No.5, 2nd Cross Nanda Nagar,
Sellaperumalpet, Lawspet,
Pondicherry – 605 008.

... Respondent

**REPLY STATEMENT FILED ON BEHALF OF RESPONDENTS 1
and 2**

1. I, Pitabas Sarangi, Son of Mr. Braja Sundar Sarangi, aged 51 years, working as having address at Flat No: 2, RITES Saravanaba, 2nd Cross, RA Puram, Chennai – 6000028; do hereby solemnly affirm and sincerely state as follows:
2. I state that I am the Deputy General Manager and duly constituted attorney of Hindustan Petroleum Corporation Limited, representing the 1st and 2nd Respondent herein and as such I am well aware of the facts of this case and am competent to swear this affidavit, as I am authorized to do so.
3. I submit that the present application has been filed under Section 18(1) read with Section 14(1) of the National Green Tribunal Act, 2010, by the Applicant for the following relief:

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दियुदत गठित दकील / Duty Constituted Attorney
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- "a) *Restrain the respondents 1,2 and 9 from proceeding to establish a new petrol pump in R.S. No. 116/1/A/1/E, Saram Village, Pondicherry District.*
- b) *Direct the Respondents 1 to 8 to ensure that the Guidelines and circular issued by the 4th Respondent is strictly implemented and ensure that the new pump are established in R.S No. 116/1/A/1/E, Saram Village, Pondicherry District.*
- c) *Issue any other order of direction that this Hon'ble Tribunal may deem appropriate in the facts and circumstances of the case."*

4. I humbly submit that nothing contained in this Reply Statement shall be construed as an admission of any statement or averment made in the present Application save and except what has specifically been admitted by the answering Respondent herein.

5. I humbly submit 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.

6. I humbly submit 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 Application. The answering Respondent reserves liberty to file a further detailed Statement/Affidavit and additional documents if the situation so necessitates at a later stage.

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7. I humbly submit that the above application is not maintainable at all and is completely devoid of merits on both factual and legal aspects. I state that the Applicant has filed this present application prematurely, with absolutely no cause of action nor locus standi and the same has been filed only with vested and malafide interests and as such it is an abuse of the process of law.

8. It is humbly submitted that the subject retail outlet, is only proposed to be established and as such this respondent is only in its nascent preliminary stage of obtaining the requisite statutory permissions, licenses and clearances, as is required for its establishment and operation. It is submitted that this Respondent has applied to the Commissioner of Police, Revenue Department, Fire and Rescue Service and the District Collector, for obtaining the No Objection Certificate (NOC) for the subject retail outlet and the same is yet to be considered and given.

9. It is humbly submitted that as on date, this Respondent has not started any work on the site, since any work can only be undertaken only after obtaining the requisite clearances and permissions from the appropriate authorities.

10. It is submitted that the relevant statutory authorities would be carrying out enquiries and processes to ensure that the proposed outlet is meeting all the norms/rules that are applicable as per the applicable laws and as such, a cause of action, if any, would only arise only if there are discrepancies or short comings in the enquiry/process. Hence, it is submitted that this applicant should



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not be allowed to misuse the jurisdiction of this Hon'ble Tribunal to fulfil his ulterior motives and vested interests and this applicant is liable to be imposed heavy costs for approaching this Hon'ble Tribunal with the complete knowledge that this present application does not arise from any cause of action whatsoever and is prima facie premature.

11. It is submitted that the applicant has filed a vexatious and frivolous application without any cause of action, by doing so, he has wasted the time of this Hon'ble Tribunal and as such huge cost may be imposed.

12. I further state that the applicant has approached this Hon'ble Tribunal with tainted and unclean hands and knowingly suppressed material facts and made misrepresentation and the same is abuse of process of law. Hence, the applicant is not entitled to any relief from this Hon'ble Tribunal.

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 Chennai on this the 24th day of February 2022

1st and 2nd RESPONDENT

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VERIFICATION

I, Pitabas Sarangi, Son of Mr. Braja Sundar Sarangi, aged 51 years, working as having address at Flat No: 2, RITES Saravanaba, 2nd Cross, RA Puram, Chennai – 6000028; do hereby verify that the contents of Paragraph Nos. 1 to 12 are true to the best of my knowledge and Paragraph Nos. 1 to 12 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 24th day of February 2022

1st and 2nd RESPONDENT

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