

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONAL BENCH AT CHENNAI
ORIGINAL APPLICATION No. 29 OF 2022**

Between

C.Danielraj,
3/6, Saveriyar Nagar,
Parvathipuram, Vadalur,
Kurinjipadi Taluk
Cuddalore District – 607 303
Mobile: - 9442258914
Mail Id:- taaurs@gmail.com

...Applicant

AND

1. Tamil Nadu Pollution Control Board,
Rep.by it's District Environmental Engineer,
Plot No. A-3, SIPCOT Industrial,
Complex, Kudikadu, Cuddalore – 607 005.
Phone:- 04142-239867
Email:- deetnpcbcud@gmail.com

2. Tamil Nadu Pollution Control Board,
Rep.by it's Chairman
76, Mount Salai, Guindy, Chennai – 600 032
Phone:- 044-2235 3134
Email:- tnpcb-chn@gov.in

3. The Central Pollution Control Board,
Rep. by it's Chairman,
Parvish Bhawan, East Arjun Nagar,
Delhi- 110 032
Phone:- 011 43102030
Email:- ccb.cpcb@nic.in

4. The District Collector Cuddalore,
First Floor, New Collectorate Building,
Collectorate,
Cuddalore – 607 001
Phone:- 04142-230652
Email:- collrcud@nic.in

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5. Mr.Anwar, S/o Kuthus,
S.No. 108/6A, Boothangudi Village,
Chidambaram Taluk, Cuddalore District,
Phone:- 9715709270

Email:- anwarkuthus72@gmail.com

6. M/s. Nayara Energy Limited,
Formerly Essor Oil Limited,
Rep. by its Managing Director,
(Opp, Karnataka Bank),
5B, New Avadi Road, Thandavaraya,
Kilpauk, Chennai – 600 010.

Phone:- Unknown

Email:- Unknown

7. The joint Chief Controller of Explosives
A&D Wings, Block 1-8, II-nd Floor, Shastri Bhawan,
No. 26, Haddows Roads, Nungambakkam,
Chennai- 600 006

Phone:- 044 28281023

Email:-jtccechennai@explosives.gov.in

...Respondents

REPLY STATEMENT FILED BY THE 5TH RESPONDENT

The 5th Respondent respectfully submits as follows:-

1. The 5th Respondent states that he has perused the application and the affidavit filed by the applicant and denies all the averments contained in the application except those that are specifically admitted hereunder and the applicant is to strict proof for the same.

2. The 5th Respondent at the outset denies that the Applicant is a Social Worker and is constrained to file the present application aggrieved by the illegal setting up of a new Fuel Station by this Respondent, at S.No. 108/6A, Boothangudi Village, Chidambaram

K. Anwar

Taluk, Cuddalore District., in violation to the citing criteria issued by the 3rd Respondent. The application is filed with ill motive, personal oblique and to have wrongful gain against this respondent.

3. In respect of the averments mentioned in para 2 of the application is concerned, the 5th Respondent has now proposed to setup a new NAYARA fuel station at the above mentioned site. But, it is utterly false that the above site is located at a distance of less than 50 meters from the Veeranam Lake. He has not disputed the historical background and other facts of the Veeranam Lake.

4. In respect of the averments mentioned in para 3 of the application is concerned, this Respondent is taking steps to set up a fuel station at the site mentioned above. But, the site is not situated less than 50 meters from the water body. The said site is situated more than 50 meters away from the water body and the proposed fuel station will not cause any negative impact to the environment. The allegation of leakages from the underground storage tanks are a threat to ground water and soil contamination is nothing but personal ill motive against the 5th respondent. Upon enquiry, this respondent came to know that the brother of the applicant namely C.Charless M.Chinnappan is running a fuel station in the name and style of Queen Agency at Keerapalayam Road, Boothangudi village, Chidambaram Taluk, Cuddalore District which nearer to the proposed fuel station of this respondent. This respondent has already obtained consents and No Objection Certificates from the authorities concerned. Separate No Objection Certificate from the 2nd Respondent is not necessary.

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5. In respect of the averments mentioned in para 4 of the application is concerned, at the time of obtaining the necessary permissions and no objection from the authorities concerned, this respondent has not aware of the guidelines issued by the 3rd respondent as addendum to the earlier guidelines for setting up of New Petrol Pumps on 16.08.2021 with regard to the minimum distance from water bodies to the petrol pump.

6. In respect of the averments mentioned in para 5 and 6 of the application is concerned, it is true that the Police department has issued No Objection Certificate (NOC) to the 5th respondent for setting up of a fuel station at the site in question and the proposed fuel station is in strict adherence to the guidelines issued by the 3rd Respondent. It is true that no actions has been taken by the officials against the 5th respondent as he has complied with all conditions and guide lines issued by the authorities in respect of setting up of fuel station.

7. It is submitted that the allegations mentioned in para 7 and 8 and the grounds (b) to (d) of the application are all false, imaginary, ill motive and to have wrongful gain. The proposed fuel station will not cause any environmental pollution as the same is being set up by following strict adherence to all the guidelines.

8. It is submitted that this respondent is doing all construction works to setup the fuel station. Almost, 60% of construction works are completed at the cost of Rs.55,00,000 by obtaining loan from the Tamil Nadu Mercantile Bank, Chidambaram branch.

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9. It is submitted that the site is situated 13 feet lower than the existing road. Therefore, this respondent has levelled the site on par with the top of the road by filling with sand and he has constructed compound wall with 6 feet breadth and 13 feet height as instructed by the Executive Engineer, PWD/ Water Resources Department in his No objection certificate dated 02.09.2021 issued to the District Revenue Officer, Cuddalore.

10. It is submitted that as stated above the applicant's brother Charles is running a fuel station in the name and style of Queen Agency at Boothangudi village, Keerapalayam road. If the 5th respondent started his business it will affect the sales ratio of the brother of the applicant, as a result of which, his profit will be reduced.

11. It is submitted that General layout for setting up of fuel station shows that the fuel tank is to be erected at a distance of 50.37 meters (14.37+ 36.0 meters) away from the central line of the road located on the banks of Veeranam Lake. It is to be noted that before issuance of distance related guidelines issued by 3rd respondent and without the knowledge of the order passed by the National Green Tribunal to submit report in respect of minimum distance from the water bodies, this site plan was prepared by fixing 50 meters distance from the Veeranam Lake. If the distance is measured from floodway or from firm banks/edge of the river as prescribed in the addendum dated 16.08.2021, the distance between the water bodies to the fuel storage tank would be around 60 meters.

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12. It is submitted that the said site survey for General Layout was conducted on 08.05.2021. The General Layout was prepared on 12.05.2021; checked on 17.05.2021; approved by the Tahsildar, Chidambaram Taluk on 01.09.2021, the Sub Collector/ Revenue Divisional Officer, Cuddalore District on 29.10.2021 and the District Revenue Officer, Cuddalore on 02.12.2021.

13. It is submitted that in the mean while Letter of Appointment of Franchise dated 28.05.2021 for selling MS/HSD/Lubes was issued by the 6th Respondent. The Ministry of Commerce and Industry Petroleum and Explosives Safety Organisation issued a final approval letter dated 02.07.2021 to set up proposed petroleum AB retail outlet. Therefore, the registered Lease deed dated 20.07.2021 was executed between the 5th respondent and the owner of the said land namely Varadarajan for a period of 29 years 11 months for a monthly rent of Rs.3,000/-.

14. It is submitted that No objection certificate dated 22.07.2021 was issued by the District Fire Officer, Tamil Nadu Fire and Rescue Services Department, Cuddalore, after conducting inspection on 21.07.2021. No objection certificate dated 02.09.2021 was issued by the Executive Engineer, Public Works Department Water Resources Department to the District Revenue Officer, Cuddalore with some conditions to store the petroleum products on behalf of 6th respondent. The Superintendent of Police has also issued no objection certificate dated 07.09.2021 to the DRO to store the petroleum products on behalf of the 6th respondent.

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15. It is submitted that the 1st Respondent on 11.10.2021, inspected the proposed site for the establishment of the retail out and issued a certificate dated 13.10.2021 to the District Revenue Officer, Cuddalore District stating that the location proposed for the establishment of petroleum retail outlet is in confirming with the guidelines issued by CPCB, 3rd Respondent herein.

16. It is submitted that the Divisional Engineer (H), (Construction and Maintenance), Cuddalore issued No Objection Certificate dated 18.10.2021 to the District Revenue Officer, Cuddalore District for storage of the petroleum products with some conditions and guidelines. Finally, the 4th Respondent has issued a No Objection Certificate dated 02.12.2021 for the storage of petroleum products in the above site.

17. It is submitted that in fact, the fuel station of the brother of the applicant is situated nearer to water containment area namely Paazh vaaikkal. Applicant is running a fuel station in the name and style of Antony Fuels at Chathirammadanagopalapuram village, Kullanchavadi Marungoor Road. The applicant is the native of Vadalur, which is situated about 20 kilometers away from the Veeranam Lake. His real intention is not to protect eco system of the lake. On the other hand, his intention is to protect the sales ratio of his brother's fuel station which is situated about 1 km away from the proposed fuel station of the 5th respondent.

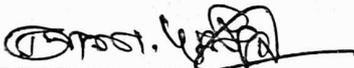
18. It is submitted that at the time of making application with the 6th Respondent for grant of franchise to set up fuel station, there is a fuel station at Sethiyathope and Kattumannarkoil that

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which are situated at distance of 5 kilo meters and 20 kilo meters respectively. Hence, the 6th respondent has granted franchise to set up fuel station on 28.05.2021. Thereafter only, the fuel station was started by the brother of the applicant.

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

Dated on this the 9th day of May, 2022.


COUNSEL FOR 5th RESPONDENT


5th RESPONDENT

VERIFICATION

I, Mr.Anwar son of Kudus, Indian Muslim aged about 48 years, proposed to set up fuel station at S.No. 108/6A, Boothangudi Village, Chidambaram Taluk, Cuddalore District, do hereby verify that the entire contents mentioned above and the Annexures filed along with are true and correct to the best of my knowledge and no material fact has been concealed.

Dated on this the 09th day of May, 2022.


COUNSEL FOR 5th RESPONDENT


5th RESPONDENT

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONAL BENCH
AT CHENNAI**

O. A. No. 29 OF 2022

Between

C.Danielraj,
...Applicant

AND

1. Tamil Nadu Pollution
Control Board,
Rep.by it's
District Environmental Engineer,
Cuddalore – 607 005.
and 6 others
...Respondents

REPLY STATEMENT FILED
BY THE 5TH RESPONDENT

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P.Nagaraju (1262/2000) &
M.Saravanan (305/2013)
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