

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

**IN**

**ORIGINAL APPLICATION NO. 07 of 2021**

Anwar K and others : Applicants(s)

**VS**

Additional District Magistrate,  
Malappuram and others : Respondent(s)

**VOLUME 1**

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Dated this the 27<sup>th</sup> day of March 2021

**Rema Smrithi**, Advocate  
ADDITIONAL STANDING COUNSEL FOR THE 6<sup>th</sup> RESPONDENT

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**REPORT FILED BY THE ENVIRONMENTAL ENGINEER, REGIONAL  
OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE KERALA  
STATE POLLUTION CONTROL BOARD AS PER THE ORDER DATED  
26.02.2021**

**Adv. Rema Smrithi**

**ADDITIONAL STANDING COUNSEL FOR THE 6<sup>TH</sup> RESPONDENT**

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**BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI**

**ORIGINAL APPLICATION NO. 7/2021**

Anwar, S/o Hamsa K. : APPLICANTS  
Kuroor House, Perunthaloer P.O.  
Thirur, Malappuram

**Vs**

Additional District Magistrate & Others : RESPONDENTS

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER,  
REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF  
THE KERALA STATE POLLUTION CONTROL BOARD**

I, Mini Mary Sam, aged 53 years, W/o Sri. Ranjan Jacob, Environmental Engineer do hereby submit that I am authorised to represent the Kerala State Pollution Control Board, the 6<sup>th</sup> respondent and that I am conversant with the facts of the above case and I may state as follows.

1. This application has been filed against establishment of a new petrol pump near the residence and drinking water source of the applicant.
2. Annexure A11 complaint was submitted by Sri.Hamza K., Smt. Abida Anvar and Sri. Shafi K. against a proposed petrol pump on 16.07.2019 in the Board. The complaint was forwarded to Thripprangode Panchayath Secretary vide Annexure A12 letter



*Mini Mary Sam*  
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Environmental Engineer(HG)

with direction to ensure that the unit obtains the consent of the Board.

3. It is submitted that petroleum outlets are included under "green category" as per the Circular dated 17.3.2017 issued by the Kerala State Pollution Control Board (hereinafter referred to as **Board**). A true copy of the relevant pages of the Circular dated 17.3.2017 is produced herewith and marked as **Annexure R6(a)**. As per the Circular dated 9.8.2004, Green category (small scale) units are required to maintain a distance of 3 meters from nearby residences. A true copy of the Circular dated 9.8.2004 issued by the Board is produced herewith and marked as **Annexure R6(b)**.
4. While so, the Hon'ble National Green Tribunal (PB) had, as per order dated 22.7.2019 in O.A No.86/2019 directed the Central Pollution Control Board (hereinafter referred to as the **CPCB**) to frame guidelines for the setting up of Petroleum Outlets. In compliance with the above direction, the CPCB issued Annexure A4 guidelines. In consonance with these guidelines, the Board issued Annexure A5 Circular dated 24.02.2020, prescribing the distance criteria to be followed for setting up of new petroleum outlets. Vide Annexure A5 Circular, new Petroleum Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/dispensing units/vent pipe which ever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. The circular further stipulates that "*in no case the distance between*



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*new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters*". Further, the circular dated 24.02.2020 was kept as supplementary to all the existing rules, guidelines, orders, etc.

5. It is submitted that, subsequently, the Board has issued Circular dated 18.08.2020 with a view to clarify Annexure A5 Circular. A true copy of the Circular dated 18.08.2020 issued by the Board is produced herewith and marked as **Annexure R6(c)**. Vide this Circular the Board clarified that the phrase "designated areas as per the local laws" would mean the "nearest residential building". Further, it was also clarified that if the applicants have obtained any of the requisite licenses, other than the consent of the Board, for establishing the petrol pump prior to the date of Annexure A5 Circular, then the siting criteria mentioned in Annexure R6(b) Circular dated 09.08.2004 shall be applicable to them. This was done in the light of the fact that many statutory licenses were required to be obtained by a project proponent applying for consent from the Board. That apart, the clarifications were issued in the light of the fact that many persons had already applied for and obtained the requisite statutory licenses, other than the consent from the Board.
6. Subsequent to the above, the Board vide circular dated 04.02.2021 issued further clarifications on the basis of clarification received from the CPCB as follows "*the new siting criteria will not apply to those cases where PESO prior*



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*clearance/initial approval has been obtained and subsequently constuction has been started by the OMC before 07.01.2020".*

Copy of the cicular dated 04.02.2021 of the Board is produced herewith and marked as **Annexure R6 (d)**.

7. Online application to establish a petrol pump in survey No. 253/9, 253/10 in Tripprangode Village, Tirur Taluk was received in the Board on 04.09.2020. The distance to the nearest residence was shown as 26.35m from the fuel dispenser as per the site plan submitted along with the application.
8. Inspections on the application were conducted on 11.11.2020 and 24.12.2020. As per the service plan and the proposed location shown by the applicant, the distance to the nearest residence was measured to be 26.2 meter. The distance from the bore well to the fuel dispensing point was measured to be 20 meter. The distance to the bore well from the vent pipe was measured as 24 meter.
9. The unit has obtained NOC from the District Medical Officer dated 11.07.2019 and consent letter from Executive Engineer, Public works Department dated 01.07.2019 which is prior to the date of circular dated 24.02.2020. Copy of the above are marked as **Annexure R6 (e1) & (e2)**. Accordingly as per Circular dated 04/02/2021 the applicable Siting Criteria is as per the Circular dated 09/08/2004.
10. Moreover as per the Joint Committee report filed in this case, it is seen that the applicant has obtained PESO approval on 29.10.2019. Also as per the report of the Joint Committee



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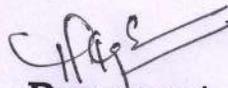
*“during site inspection, the proposed site was found to be filled and leveled with earth, boundary wall constructed and ring wall constucted around the open well , inside the proposed location.”*

11. The application submitted by the unit is under processing with the District Office of the Board. All the above circulars will be taken into consideration while taking decision on the application.

All that is stated above is true to the best of my knowledge, information and belief.

Dated this the 27<sup>th</sup> March 2021



  
**Deponent**

**Mini Mary Sam**  
Environmental Engineer(HG)