

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)
CHENNAI**

Original Application No 22 of 2021 (SZ)

IN THE MATTER OF:

D. Vijayaragavan

Applicant

Versus

The Commissioner of Police,
Greater Chennai Police, Chennai & Ors.

Respondent(s)

**REPLY FILED ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD,
RESPONDENT NO. 8**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 51 years and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600058, do hereby solemnly affirm and sincerely state on oath as follows:-

1. I am presently working as the Regional Director, Regional Directorate (South), Central Pollution Control Board, the 8th Respondent herein. I am fully conversant with the facts of the case and have been authorized to file the present affidavit on behalf of the 5th Respondent.
2. It is submitted that the petition relates to construction of BPCL Petrol Pump near residential houses and hospital in violation of CPCB guidelines dated 07.01.2020.



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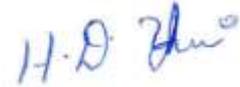
3. It is submitted that the siting criteria specified in CPCB guidelines dated 07.01.2020 applies to residential area designated as per local laws. It is submitted that a similar matter was referred to CPCB by Kerala State Pollution Control Board (KSPCB). In response, CPCB suggested that KSPCB in consultation with the State Government may decide about the classification of residential area for implementation of siting criteria.
4. Further, with regard to setting of new Petrol Pumps, a minimum distance of 30 meters from Hospital or School or residential area, designated as per local laws, has been prescribed in CPCB guidelines dated 07.01.2020. It is submitted that distance needs to be considered from fill point/ dispensing units/ vent pipe of the petrol pumps whichever is nearest to the Hospitals, School and Residential area.
5. Further, it is to submit that siting criteria for new Retail Outlets is to be complied in cases where construction of Retail Outlets by OMCs commenced on or after 07.01.2020. In other words, the siting criteria will not apply to those cases where PESO prior clearance/ initial approval has been obtained and subsequently construction has been started by OMC before 07.01.2020.
6. It is submitted that CPCB has prepared guidelines in compliance of orders of Hon'ble NGT and further circulated it to SPCBs/ PCCs for implementation by the concerned stakeholders. It is submitted that the matter of implementation of siting criteria is to be dealt by concerned State Government.



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PRAYER

In view of above, it is respectfully prayed that this answering Respondent No. 8, the Central Pollution Control Board shall abide by any order/direction passed by this tribunal



DEPONENT

H.D. VARALAXMI, M. Tech
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VERIFICATION

It is verified that the content of this reply statement which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 14th day of August 2021 at Chennai



DEPONENT

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**COUNSEL FOR
CPCB**