

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

ORIGINAL APPLICATION NO. 22 of 2021 (SZ)

IN THE MATTER OF

D. Vijayaragavan,
Tambaram, Chennai – 600 045

... Applicant

and

The Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007 and 6 others

... Respondents.

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Filed by :



Place : Chennai - 600 078
Date : 04.12.2021

V.B.R. MENON
Counsel for Applicant
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... Respondents.

ADDITIONAL WRITTEN SUBMISSIONS FILED BY THE APPLICANT

MOST RESPECTFULLY SHOWETH :

The Applicant prays to submit the following Additional Written Submissions by taking into account the various documents filed by the Applicant and other Respondents subsequent to the date of E-filing of the Written Submissions on 11.02.2021 by the Applicant .

1. The Applicant , at the outset, wishes to submit that the Joint Committee has submitted a detailed site Inspection Report wherein all the allegations raised by the Applicant have been reported as true . The Joint Committee has also come to the conclusion that the site of the Petroleum Retail Outlet proposed to be set up by the 7th Respondent is in gross violation to the siting criteria prescribed by CPCB vide Circular dated 07.01.2020 . **The Applicant has submitted photographs showing aerial view of the site taken through drone camera as exhibit No.3 in Additional Documents No.2 dated 08.04.2021 which shall vividly provide visual proof of the alleged illegalities committed by the 7th Respondent in siting the Petroleum outlet at the proposed site.**

2. The submission by the 7th Respondent that the Applicant should have approached the Hon'ble High Court instead of this Hon'ble Tribunal shall reveal either his ignorance or his mischievousness as the availability of an alternate

judicial forum does not prevent the Applicant from approaching any one of them according to the facts and circumstances of the case and the nature of reliefs sought. Probably he may be ignorant that the Applicant is also entitled to approach the Hon'ble Supreme Court under Article 32 of the Constitution to seek protection of a clean environment, which has been read into as a part and parcel of the Right to life guaranteed under 21 of the Constitution.

3. The 7th Respondent has advanced a fallacious argument that the proposed site is situated in a Mixed residential area as per CMDA plan in which operation of Petroleum outlets are permissible. This argument would have carried some sense if the Petroleum outlet was in existence and the residential buildings had come up later. However, in this case the proposed site itself housed a residential building which has been demolished to put up the petroleum outlet.

4. Moreover, the issue herein is not whether the petroleum outlet is permissible in a mixed residential zone but whether operation of the outlet adjacent to several pre-existing residential buildings, which are also permissible in mixed residential zones, in violation to the siting criteria prescribed by CPCB could be permitted. The answer shall be an emphatic "No" as the above CPCB siting criteria shall have an overriding effect as it is meant to protect the health and safety of public under the precautionary principle, which has been read into the right to life guaranteed under the Article 21 of the Constitution of India.

5. The Applicant has submitted Additional Documents No.3 dated 03.05.2021 to prove that the Applicant's home has been fraudulently shown as a commercial building by the 7th Respondent in the site topo plan and the 3rd Respondent has mechanically approved the same without conducting any verification or inspection of the site and the surrounding areas in gross violation to Rule 131.1.(iii) r/w 131.2 of Petroleum Rules, 2002.

6. **Mechanically granting prior site approvals and final explosives licences by the 3rd Respondent, without verifying even the possessory rights of the Applicant OMCs over the proposed sites, is the root cause of most of the siting criteria violations.** The OMCs are taking advantage of the callous and irresponsible conduct and procedure being adopted by the 3rd Respondent in granting approvals and licences to them and those through

submission of fraudulent drawings and false certification of site particulars and surrounding areas (**Ref; Page 92 of OA**).

7. It may be , hence, necessary that this Hon'ble Tribunal issues appropriate directions to the 3rd Respondent and other regulatory bodies to conduct mandatory site inspections and independent verification of all the drawings, plans and other site particulars submitted by the OMC s prior to issuing of all the permissions, approvals, licences and NOC s so that recurrence of similar cases can be contained/ avoided and precious judicial time could be saved.

8. It may also be necessary to prescribe that the OMC s shall obtain prior NOC/ Consent from the State Pollution Control Boards and CPCB before proceeding with construction of any new petroleum outlet . Otherwise, all the guidelines and norms prescribed by CPCB and the factors listed in the proforma NOC prescribed under Rule 144(7) of the Petroleum Rules, 2002 , in the interest of public health and safety, shall remain only in paper as it is happening almost everywhere due to the absence of any effective monitoring mechanism to ensure strict compliance of the same.

9. It is a travesty of justice that in spite of several judicial decisions , rules , circulars and guidelines, the OMC s are violating all of them with impunity as the District Authorities and the 3rd Respondent are granting NOCs , approvals and final explosives licences to operate Petroleum Outlets by showing scant regard to the issue of public health and safety. Moreover, most of the public are not adequately informed about the extremely harmful effects of Petroleum vapour on human bodies and potential growth of cancer and brain diseases in them.

10. The Approved copy of the Site plan itself shows that the proposed site is situated in a residential area and the Joint Committee has also found that there are several Residential buildings, a Mixed Residential area as per CMDA classification , and a Primary Health centre which are situated within the prohibited distance of even the concessionary distance of 30 M . Moreover, no additional safety measures have been prescribed by PESO and no exigencies out of public interest have been cited by the 7th Respondent which merit relaxation of the standard prescribed distance norm of 50 M for the proposed outlet .



11. The Applicant has annexed a set of documents as Annexures 7 to 10 herein to expose the dubious and fraudulent conduct of the OMC s ,including the 7th Respondent, in committing forgery and/ or procuring the necessary approvals and consents to establish Petroleum outlets across Tamilnadu. Hence the suspicious sources and lack of genuineness of a few unauthenticated and bogus documents that the 7th Respondent has submitted along with his Objections dated 15.07.2021 and Addl. Typed set of documents dated 14.09.2021 , to question the findings of the Joint Committee, shall not be surprising to anybody familiar with their past conduct and actions in similar matters.

12. The mischievous claim by the 7th Respondent for the concessionary distance criteria of 30 M from 50 M , as per CPCB Circular dated 07.01.2021 , shall also fail as no additional safety measures have been provided by PESO (3rd Respondent) while approving the site drawing . **A copy of the approved site drawing has been submitted as Item Nos.1 &2 in the Additional Documents No.3 dated 02.05.2021 .**

13. In Clause “ A.1 “ of the Original Circular dated 07.01.2020, CPCB has prescribed the steps to be taken for the containment and treatment of spillages prior to the setting up of all the new Petroleum outlets and the same has not been complied with by the 7th Respondent . Leakages from the underground tanks shall cause serious contamination of Petroleum products with the drinking water sources of neighboring residential buildings.

14. **The 3rd, 5th and 6th Respondents have not filed any Counter Affidavits which shall constitute deemed admissions on their part of all the allegations by the applicant involved in the present case.** The 7th Respondent appears to have not obtained the local body approval for carrying out the site development and construction activities at site even though the same have been substantially carried out as on date . It shall constitute a clear violation of CMDA Rules as applicable to the 7th Respondent.

15. Further, unauthorised constructions and unapproved site developments shall have harmful environmental consequences . NOC issued by the 5th Respondent is not a substitute for applying and obtaining Local body



approvals in accordance with CMDA / DTCP Rules. There is not a mention about any valid Local body/ CMDA approval of the site in the Joint Committee report also.

16. As long as the primary issue involved in the dispute is regarding protection of the environment, this Hon'ble Tribunal has the jurisdiction to decide on all the ancillary and incidental issues which are likely to affect the environment by applying the principle of “ **Pith and Substance**” . This would avoid the necessity to approach multiple forums for various reliefs arising out of the same cause of action i.e. operating the Petroleum Outlets to the detriment of the public at large. Hence, unauthorised site development and construction and IRC violations shall not be totally exempted from the scrutiny of this Hon'ble Tribunal.

17. Finally, regarding the relevance of the Distance Norms prescribed under IRC Circular No.12-2009 to the present case , it may appear at the first look that IRC Norms shall have no environmental consequences as the stated objectives therein are (i) to ensure smooth flow of traffic on the roads and (ii) safety and security of vehicles and pedestrians. However, a closer look at the above IRC Circular shall reveal that the main objective of IRC Norms is to ensure smooth flow of traffic and avoidance of traffic jams and hence it shall have a bearing on environmental pollution . Hence, to say that non-compliance of IRC Distance Norms shall have no environmental impact shall not be correct.

18. The proposed site for the Petroleum Retail Outlet is situated at a road junction which shall be violative of IRC Norms wherein a minimum distance of 100 M. from any road junction has been prescribed. However, the 7th Respondent has fraudulently stated in clause 13 of the approved site drawing that the site meets applicable IRC-12 Norms.

19. Assuming without admitting that IRC Distance norms are not mandatory , it does not augur well for 7th Respondent , a Public Sector Undertaking running on public money, to ignore the guidelines framed by Indian Road Congress , an All India Expert Professional Body under the Ministry of Highways , to enhance public safety and smooth flow of vehicles on roads .



It shows the deplorable attitude and scant concern towards public health and safety by the 7th Respondent .

20. Regarding the dispute whether IRC Norms are mandatory or not for establishing Fuel Stations within the state of Tamilnadu, the State government has taken an non-ambiguous stand that it shall be compulsory and the Principal Secretary and the Tamilnadu DGP have issued directions in this regard to all the District Authorities. The Government has also filed 2 Sworn Affidavits before the Hon'ble High Court affirming that IRC Norms shall be strictly adhered to. The 1st Respondent has openly flouted the above direction and assurances given to the Hon'ble High Court, in order to favour the 7th Respondent for obvious reasons. **(Copies of the Sworn Affidavits are submitted as Annexure No. 1 and 2).**

21. After the state government had taken a decision and had communicated it through the Circular dated 08.02.2020 to all the state authorities , exercising power under Rule 144 of Petroleum Rules,2002 , to strictly adhere to IRC Norms while issuing NOC for Fuel stations, the observations made earlier by a Division Bench vide Order dated 17.10.2019 in WP No. 19218 of 2019 shall have no force . Moreover, the order dated 12.12.2019 passed by a subsequent Division Bench in WP No. 18753 of 2019 shall reinforce the above contention .

22. As far as the Judgement in WP No. 34652 of 2019 and the connected Order in SLP © No. 12699 of 2021 are concerned, those were in respect of an Outlet situated in the UT of Puducherry where the Government has not yet adopted IRC Norms and hence those decisions do not apply to the State of Tamilnadu . **A copy of the RTI reply received in this respect is attached herewith as Annexure No. 3**

23. As far as the Judgement dated 11.03.2021 in WP No. 35885 of 2019 is concerned, it is an order contrary to the Order passed by a Division Bench in WP No. 18753 of 2019 pursuant to two sworn affidavits filed by the State Government . Moreover, a Writ Appeal No. 1187 of 2021 has been filed against the above judgement which is pending for disposal. Hence, the above decision in WP No. 35885 of 2019 has not reached finality yet . **A copy of the case status of WA No. 1187 of 2021 from the High Court website is attached herewith as Annexure – 4 .**



24. The Applicant is submitting a flow chart showing the various steps involved in setting up of Petroleum Retail Outlets in accordance with the relevant statutory provisions for a clear understanding of the processes and authorities involved in the matter (**A copy of the flow chart is annexed herewith as Annexure No. 5**).

25. The averments of the Applicant in the Original Application dated 31.01.2021 , Written Submissions dated.11.02.2021, Additional Documents dated 08.04.2021 , 02.05.2021 and 15.11.2021 may be read as part and parcel of this Additional Written Submissions to get a better appreciation of the facts of the case .

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the above Original Application as prayed for and thus render justice.

Dated at Chennai on this 4th day of December , 2021



V.B.R. Menon
Counsel for Applicant

ANNEXURE - 1

8

IN THE HIGH COURT OF JUDICATURE AT MADRAS (Special Original Jurisdiction)

W.P.No.691 of 2017

V.B.R. Menon, B.E. (Mech), MBA (IIMA), LLB,
Advocate,
Flat No. 4B, Brook Dale Apartments,
No.12, P.T.Rajan Salai, K.K.Nagar,
Chennai -600078.

.....Petitioner

Versus

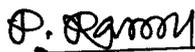
1. The Secretary to Union of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan,
New Delhi – 110 001.
2. The Secretary to Government of Tamilnadu,
Revenue Department,
Fort St.George, Secretariat,
Chennai – 600 009.
3. The Additional Chief Secretary to Government of Tamil Nadu,
Highways & Minor Ports Department,
Fort St.George, Secretariat,
Chennai – 600 009.
4. The Director General of Police,
No.1, Dr. Radhakrishnan Salai,
Near light house, Mylapore,
Chennai - 600 004.

.....Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF 2nd AND 3rd RESPONDENT

I, S. Ulaganathan, Son of Thiru. P. Sankaran, Hindu, aged 57 years,
residing at Plot No. 526, Secretariat Colony, Okkiam Thuraipakkam,
Chennai – 600 097, do hereby solemnly affirm and sincerely state as follows:

I am the Deputy Secretary to Government, Highways and Minor Ports
Department, Secretariat, Chennai -9 and as such I am well acquainted with
the facts of the case from the records available. I have been authorized to file


P. Rayan

UNDER SECRETARY TO GOVERNMENT
HIGHWAYS & MINOR PORTS DEPARTMENT
SECRETARIAT, CHENNAI-600 009.


Deputy Secretary to Government
Highways and Minor Ports Department
Secretariat, Chennai-600 009

this counter affidavit on behalf of the 2nd and 3rd Respondent, I have read the affidavit filed by the Petitioner herein in support of the above Writ Petition and I deny all the averments contained therein except those that are specifically admitted herein.

2. With regard to the averments made in paragraphs 3 to 14 of the affidavit, it is submitted that the petitioner has filed this petition seeking a writ of mandamus or other appropriate writ, order or direction in the nature of writ directing the Respondents to comply with the guidelines, IRC 12 – 2009 for issuance of 'No Objection Certificate' for road side petroleum retail outlets by Oil Marketing companies within the state of Tamilnadu.

3. It is submitted that in respect of State Highways, Major District Roads and Other District Roads, the concerned Divisional Engineer, Highways Department is the competent authority to accord 'No Objection Certificate' for setting up of the road side fuel stations and service stations. In respect of National Highways, the concerned road authority such as Regional Officers of National Highways Authority of India / Ministry of Road Transport and Highways will accord 'No Objection Certificate'.

4. It is submitted that while according 'No Objection Certificate' for road side petroleum retail outlet on Highways Roads, the guidelines issued in IRC 12-2009 is scrupulously followed. Moreover, the competent authority (Divisional Engineer) has been instructed to follow the IRC guidelines while issuing 'No Objection Certificate'.

5. Further, it is submitted that as instructed by the Chief Engineer, (Construction and Maintenance), Highways Department to the concerned

P. Ramon

UNDER SECRETARY TO GOVERNMENT
HIGHWAYS & MINOR PORTS DEPARTMENT
SECRETARIAT, CHENNAI-600 009.


Deputy Secretary to Government
Highways and Minor Ports Department
Secretariat, Chennai-600 009

Divisional Engineers, Highways Department vide, circular memo dated 05.04.2018, to comply with the IRC 12-2009 guidelines for access, location and layout of road side fuel stations and service stations for issuance of 'No Objection Certificate'. Divisional Engineers will issue the 'No Objection Certificate' for road side petroleum retail outlet by Oil Marketing Company within the State of Tamilnadu.

6. It is submitted that, the technical directive has been issued by the Chief Engineer (Construction and Maintenance), Highways Department to all the Divisional Engineers (Construction and Maintenance), Highways Department to comply with the IRC 12:2009 and brought into immediate effect for issuance of NOC for setting up the road side petroleum retail outlets in the Highways roads, State of Tamilnadu.

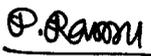
7. It is respectively submitted that this respondent reserves their right to file an additional counter affidavit as and when deemed necessary.

8. In the circumstances stated above, it is, therefore, humbly prayed that this Hon'ble Court may be pleased to dismiss the writ petition as devoid of merits and thus render justice.

Solemnly affirmed at Chennai)
 on this the first day of October 2018)
 and signed his name in my presence)


 Deputy Secretary to Government
 Highways and Minor Ports Department
 Secretariat, Chennai-600 009

BEFORE ME


 UNDER SECRETARY TO GOVERNMENT
 HIGHWAYS & MINOR PORTS DEPARTMENT
 SECRETARIAT, CHENNAI-600 009.

ANNEXURE - 2

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

WP No. 18753 of 2019

N.Krishnakumar
S/o, C.Narayanasamy,
No.2, Periyar Nagar,
Ranganathapuram,
Perianaicken Palayam,
Coimbatore - 641020

Petitioner

- 1) The District Collector,
Coimbatore District,
Collectorate Building, State Bank Road, Gopalapuram,
Coimbatore - 641 018
- 2) The District Revenue Officer,
Coimbatore District,
Collectorate Building, State Bank Road, Gopalapuram,
Coimbatore - 641 018
- 3) The Joint Chief Controller of Explosives,
A and D Wing, Block 1 - 8, Shastri Bhavan,
Haddows Road, Nungambakkam, Chennai - 600 006
- 4) The Divisional Engineer,
Construction & Maintenance, Highways Department,
ATT Colony, VOC Park Road,
Gopalapuram, Coimbatore - 641 018

Page No.:
Corrns:

Relawan

UNDER SECRETARY TO GOVERNMENT

V. S. S.

Deputy Secretary to Government

I have been authorized to file this affidavit on behalf of the Principal Secretary to Government, Highways and Minor Ports Department, Fort Saint George, Chennai-9.

2) I am the 9th Respondent impleaded, suo moto in the above Writ Petition and submitting this affidavit. It is submitted that the petitioner has filed this petition seeking a writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, to permanently forbear the Respondents from issuing No Objection Certificate (NOC), Explosive Licence and other necessary approvals / permissions / consents to the 7th Respondent to open and operate a New Road-side Petroleum Retail Outlet at SF No. 337/1, Agrahara Samakulam Vilage, Annur Taluk, Coimbatore North, Coimbatore.

3) It is submitted that the Hon'ble Court has impleaded the Secretary, Highways Department, Suo moto and directed to file an affidavit as to whether instructions have been given to the Revenue Authorities and the District Collectors to follow IRC Guidelines compulsorily while issuing NOC.

4) It is submitted that in respect of State Highways, Major District Roads and Other District Roads, the concerned Divisional Engineers (H) is the competent authority to accord 'No Objection Certificate' on behalf of Highways Department for setting up of the road side fuel stations and service stations and in respect of National Highways roads, the concerned road authority such as Regional

Page No.
Corrns:

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V. S. S. S.
Deputy Secretary to Government

Officers of National Highways Authority of India / Ministry of Road Transport Highways will accord 'No Objection Certificate'.

5) Further, It is also submitted that the Chief Engineer (H), Construction & Maintenance, Highways Department instructed all the Divisional Engineers of Highways Department vide circular memo dated 05.04.2018 to comply the IRC 12 – 2009 guidelines for access, location and layout of road side fuel stations and service stations for issuance of 'No Objection Certificate' and hence, Divisional Engineers will issue the 'No Objection Certificate' for road side petroleum retail outlet by Oil Marketing Company within the State of Tamil Nadu on satisfying the IRC guidelines.

6) It is submitted that while according 'No Objection Certificate' for road side petroleum retail outlet on Highways Roads, the guidelines issued in IRC 12-2009 has been followed so far. Moreover, the competent authorities on behalf of Highways Department (all the Divisional Engineers of Highways Department) have been instructed to follow the IRC guidelines while issuing 'No Objection Certificate'. Also, the NOC on behalf of the Highways Department has been rejected to the 7th Respondent due to non adherence of IRC guidelines 12-2009.

7) It is further submitted that issuing of NOC based on IRC guidelines was issued by Highways Department to the Divisional Engineers' of National Highways, State Highways, Major District Roads and Other District Roads. Now it has been communicated to

District Collectors' and Commissioner of Police to seek NOC from the concerned Divisional Engineer, Highways before issuing NOC by them.

8) In the circumstances stated above, it is therefore humbly prayed that this Hon'ble Court may be pleased to accept this affidavit and thus render justice.

Solemnly affirmed at Chennai,
on this the day of February, 2020
and signed his name in my presence.

V. S. S. S.
Deputy Secretary to Government
Highways and Minor Ports Department
Secretariat, Chennai-600 009
Before me

Rubram
UNDER SECRETARY TO GOVERNMENT
HIGHWAYS & MINOR PORTS DEPARTMENT
SECRETARIAT, CHENNAI-600 009.

ANNEXURE - 3**16****GOVERNMENT OF PUDUCHERRY
PUBLIC WORKS DEPARTMENT
BUILDINGS & ROADS (CENTRAL) DIVISION**No.5230/PW/BRC/A6/RTI-F1/2021-22 / 718

Puducherry, dt. 6/10/2021

To

Thiru. V.B.R, Menon,
Advocate, Madra High Court,
Flat No.4B, Brook Dale Apartments,
No.12 P.T. Rajan Salai, K.K. Nagar,
Chennai 600078
Cell.9384762930

Sir,

Sub: PW – BRC – Supply of information under RTI Act, 2005 – Furnished.**Ref:** Your RTI application dated 23.08.2021.

Please refer to your application cited above seeking information under the RTI Act.

2. The information pertaining to this Division is furnished in the annexure enclosed herewith.
3. Details of First Appellate Authority are given below:

**The Superintending Engineer,
Circle-I, Central Office,
P.W.D., Puducherry.**

Yours faithfully,

**PUBLIC INFORMATION OFFICER
CUM
EXECUTIVE ENGINEER**

Annexure

Question Sl. No.	Reply
1	Yes, IRC 12 -2009 is being adhered to in the UT of Puducherry while issuing No Objection Certificate (NOC) or consent by PWD for opening of new Petroleum Retail Outlets within the U.T of Puducherry.
2	All the new Petrol bunk under Jurisdiction stores Sub Division, PWD, the reports has been submitted to the Sub Divisional Magistrate (North), Puducherry as per the IRC 12-2009 for commissioning of new Petrol bunk.
3	No separate G.O, Circular or direction have been issued by the Government of Puducherry or PWD to comply with IRC 12-2009 while granting permission or consent for opening new Petroleum retail outlet within the U.T of Puducherry.

Executive Engineer
S & R (CENTRAL) DIVISION
PUDUCHERRY

Case Status

Madras High Court

In The Court Of :The Hon'ble Justice

CNR Number :HCMA010513432021

Case Number :WA/0001187/2021

P.G.M.PETROL BUNK **Versus** THE JOINT CHIEF CONTROLLER OF
EXPLOSIVES

Date : 23-04-2021

Business : ADMIT NOTICE TO RESPONDENTS 1
TO 4 MR NICHOLAS T/N FOR RESPT 5
POST ALONG WITH WP 18753/2019

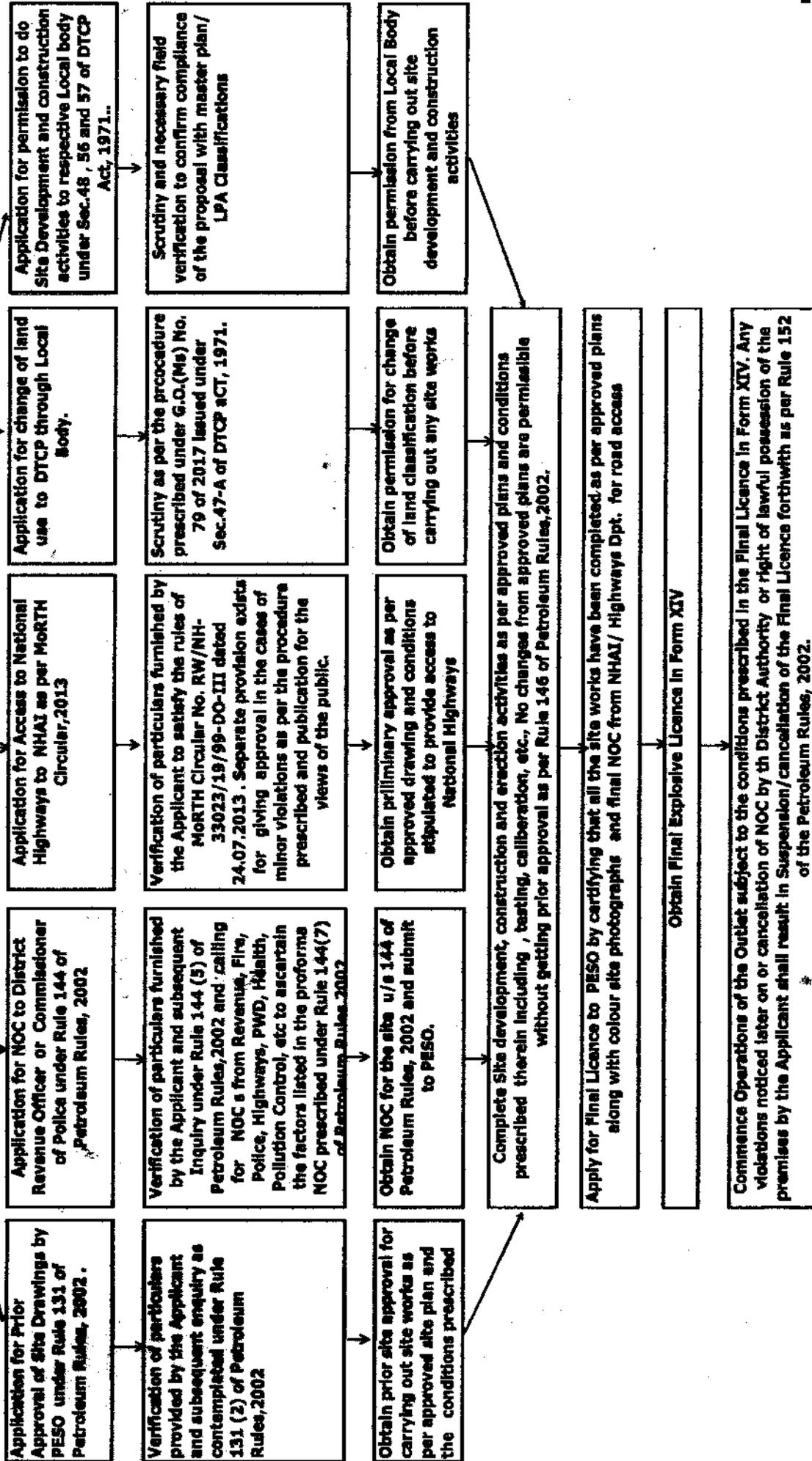
Next Purpose : FOR ADMISSION

Next Hearing :--
Date

The Hon'ble Justice

FLOW CHART FOR ESTABLISHING NEW PETROLEUM RETAIL OUTLETS

OIL MARKETING COMPANIES



H.C.P.Nos.565 & 589 of 2020

H.C.P.Nos.565 & 589 of 2020

N.KIRUBAKARAN, J.

and

P.VELMURUGAN, J.

(Order of the Court was made by **N.KIRUBAKARAN,J.**)

The matter relates to fabrication of No Objection Certificates issued by the Commissioner of Police and other authorities for the purpose of getting license to petroleum and gas outlets from the appropriate companies and the detenu is also one of the persons who was involved in the fabrication of No Objection Certificates. Therefore, this Court has directed the learned Additional Public Prosecutor to find out as to how many persons have used fake No Objection Certificates for obtaining license to their petroleum and gas outlets.

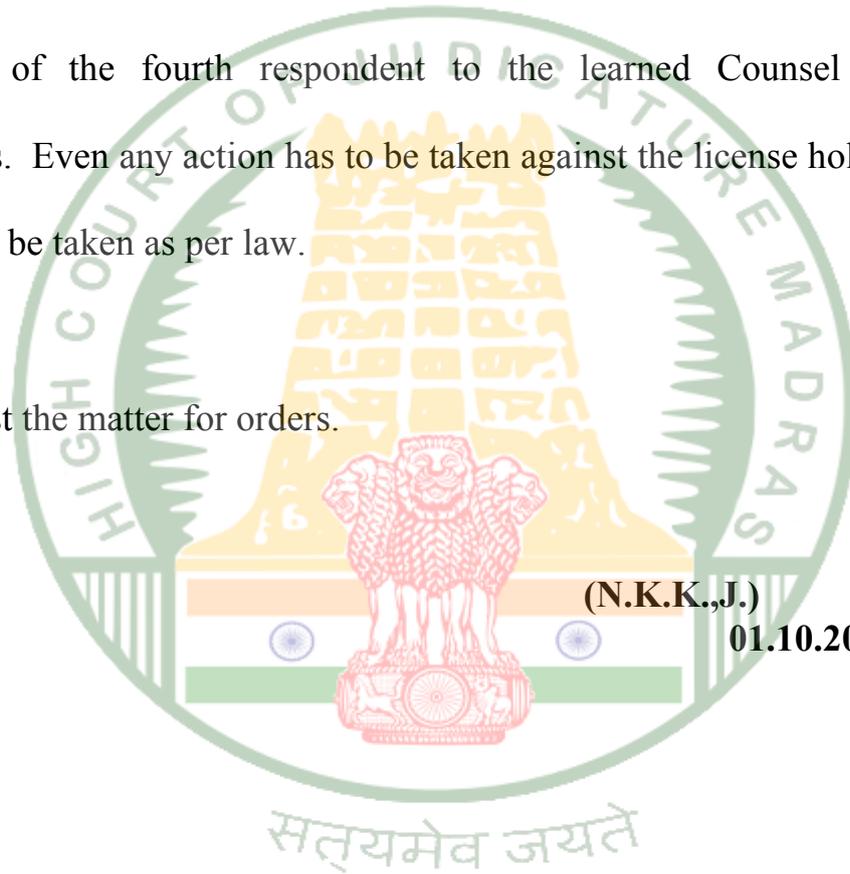
2.The learned Additional Public Prosecutor submitted that so far licenses to 91 Petroleum and gas outlets have been issued with fake No Objection Certificates. Mr.G.Karthikeyan, learned Assistant Solicitor General appearing for Central Government submitted that report of the fourth respondent will be filed before this Court by way of circulation. However, Mr.Salim, learned Standing Counsel for the respondents 10, 11

H.C.P.Nos.565 & 589 of 2020

and 12 submitted that only after furnishing the details of the fake No Objection Certificates and the persons involving in the fabrication of No Objection Certificate, action can be taken against the license holders. Therefore, the learned Additional Public Prosecutor is directed to circulate the report of the fourth respondent to the learned Counsel for the respondents. Even any action has to be taken against the license holders, the same has to be taken as per law.

3.Post the matter for orders.

ay



(N.K.K.,J.)

(P.V.,J.)

01.10.2020

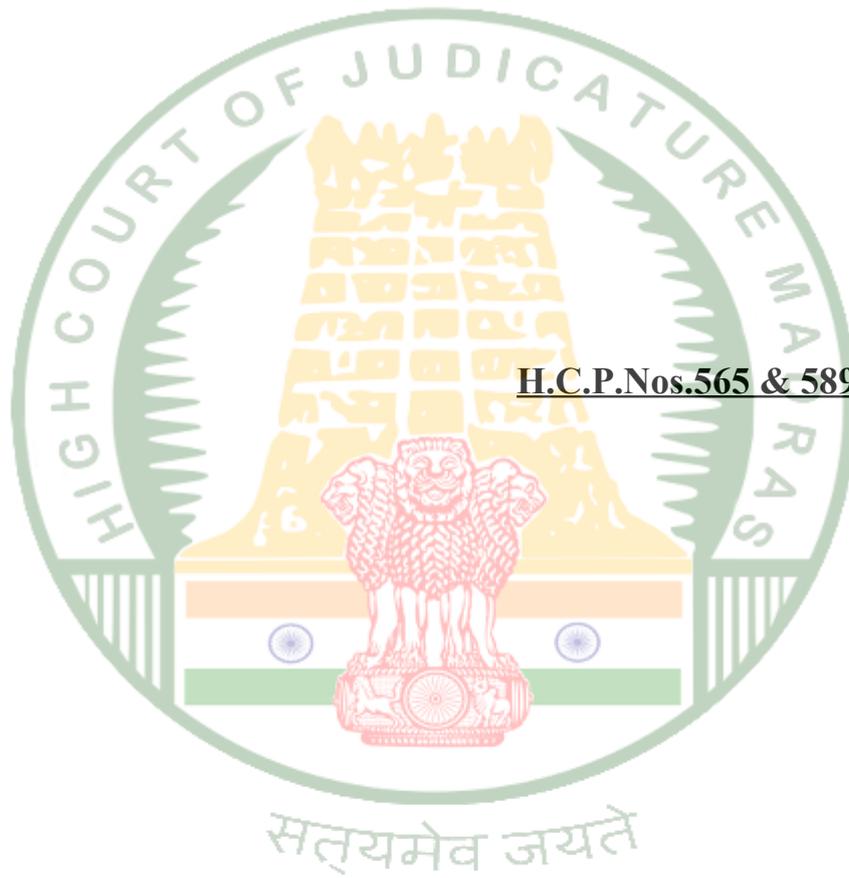
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N.KIRUBAKARAN, J.
and

H.C.P.Nos.565 & 589 of 2020

P.VELMURUGAN, J.

ay



H.C.P.Nos.565 & 589 of 2020

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Dated:01.10.2020

Three revenue officials held for taking bribe in Chennai

TNN | Jul 19, 2017, 03.31 PM IST

CHENNAI: Sleuths of the Directorate of Vigilance and Anti-Corruption (DVAC) have arrested three revenue officials -- a revenue divisional officer, a tahsildar and a revenue inspector -- for demanding and accepting a bribe of Rs 1 lakh from a fuel station owner to issue a clearance certificate.

The DVAC officials, led by a deputy superintendent of police and inspectors of police nabbed the revenue divisional officer (RDO) Ravichandran, Alandur tahsildar Dhanasekaran and revenue inspector Muthalagan on Tuesday night when they were accepting the bribe from the complainant, Mohanasundaram, who runs a fuel refilling station at Adambakkam.

The trio asked Mohanasundaram to visit the Tambaram RDO office to hand over the money to them.

As directed by the DVAC officials, Mohanasundaram gave currency notes laced with chemicals, which would stick on the hands of people who touch it.

Mohanasundaram walked into the office and gave the currency notes to the RDO, who received the money from him, while the revenue inspector and the tahsildar were also present inside. When Mohanasundaram came out of the room, DVAC officials entered the room and caught all the three revenue officials red-handed.

The DVAC officials seized the bribe money -- Rs1 lakh -- from them and recorded their statements after taking their fingerprints.

They were produced in a judicial magistrate court at Chengapet on Wednesday and remanded in judicial custody.

THE TIMES OF INDIA

Dist fire officer caught taking bribe of Rs 40K

tnn | Nov 9, 2019, 04.38 AM IST

Coimbatore: The district fire officer was caught red-handed accepting a bribe of Rs 40,000 from an elderly man on Friday evening to issue him a no objection certificate (NOC) to start a petrol bunk.

Directorate of Vigilance and Anti-Corruption (DVAC) sleuths said they arrested the officer, M Balasubramaniam, 52, based on a complaint lodged by Baladhandapani, 63, of Avarampalayam.

According to a DVAC sleuth, Baladhandapani had approached the district fire officer seeking no objection certificate to start the petrol bunk at Kannampalayam near Sulur. 'The officer, however, demanded Rs 50,000 from Baladhandapani to issue the certificate. At the end of a hard bargaining, the officer settled for Rs 40,000.'

Baladhandapani, meanwhile, lodged a complaint with the DVAC sleuths, who gave him chemical coated currencies to be handed over to the officer. As directed by them, Baladhandapani met the officer on Friday at the office of the district fire and rescue services on SBI Road and handed him over the cash that he received from the DVAC sleuths. They caught the officer while accepting the bribe.

DVAC sleuths said Baladhandapani had recently obtained permission from the Hindustan Petroleum Corporation Limited to open a new petrol bunk. "So, he approached the district fire officer to get the no objection certificate. The officer was booked under Section 7(a) of the Prevention of Corruption Act," another officer said.

6. Complainant / Informant:

(a) Name-

(b) Fathers / Husband's Name

(c) Date of Birth -----

(d) Nationality :

(e) Passport No.

Date of
IssuePlace of
Issue

(f) Profession

(g) Address

7. Details of Known / Suspected / Unknown accused with full particulars : (Attached separate sheet, if necessary)

A-1 Shri AK.Yadav, Joint Chief Controller of Explosives, Petroleum and Explosive Safety Organisation (PESO), IInd Floor, Shastri Bhavan, Chennai and unknown public servants and/or private persons.

A-2 Shri D. Sakthivel, M/s.AR & ce., Perambalur

A-3 Shri Kumaresan, M/s. Centaur Consultants, Chennai,

8. Reasons for delay in reporting by the complainant / informant

9. Particulars of properties Stolen (Attach separate sheet, if necessary)

10. Total value of property stolen

11. Inquest Report / U.D. case No. if any

12. First Information contents (Attach separate sheet if required)

K. Subramanyam
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 కృత్యాలు
 కృత్యాలు

INFORMATION

A reliable information has been received to the effect that Shri A.K.Yadav, Joint Chief Controller of Explosives, Petroleum and Explosive Safety Organisation (PESO), Shastri Bhavan, Chennai had demanded Rs.30,000/- from one Sh D.Sakthivel of M/s AR & Co., Perambalur and would be accepting illegal gratification for conducting inspection of the premises of the said company who have applied for grant of License, for storage of the Argon Gas cylinders in a building being constructed by him.

2. Information further revealed that Shri D. Sakthivel, constructed a building for storage of Argon Gas Cylinders at Perambalur after obtaining necessary NOC from Police Department, District Collectorate of Perambalur, etc. He had obtained NOC for

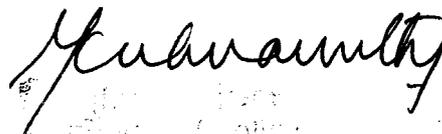
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construction of the said building from Shri A.K. Yadav. In March 2018, the construction of building was completed by Shri Sakthivel and thereafter he applied to PESO, for issue of License for storage of the Argon Gas cylinders, through Shri Kumaresan, Centaur Consultants,' -Chennai, who is a middleman. It is revealed that Shri Kumaresan coordinated on behalf of Shri D Sakthivel, with Shri A.K. Yadav, and arranged for the inspection of the said building on 07.04.2018.

3. Shri A K Yadav had also demanded air ticket from Shri Sakthivel for the travel from Chennai to Trichy and back. Shri Kumaresan had informed Shri Sakthivel to hand over Rs. 30,000/- in a cover to Shri Yadav when he visits for inspection at Perambalur on 07.04.2018

4. The above information discloses prima facie commission of cognizable offences by Shri A.K.Yadav, Joint Chief Controller of Explosives, Chennai, Shri D. Sakthivel, Perambalur, Shri Kumaresan, Centaur Consultants, Chennai, and other unknown public servants and private persons punishable under the Sections 120-B IPC and Sections 7, 8 and 12 of the Prevention of Corruption Act, 1988.

Hence the FIR


 Subramanyam
 Joint Chief Controller of Explosives
 PESO, Shastri Bhavan, Chennai
 07.04.2018

13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at item No~2

(1) Registered the case and took up the investigation or

Registered a case

(2) Directed (Name of 10) Rank No. Took up for Investigation

Case entrusted to Shri P.Muthukumar, Inspector of Police, CBI, ACB, Chennai for investigation.

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(3) Refused investigation due ,to ----- or

(4) Transferred to PS District on point of jurisdiction

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

15. Signature/Thumb impression
Of the complainant/informant

Signature of Officer in-charge
Police Station


7/4/18

Name N Krishnamurthy
Rank: Superintendent o.ol~~~
CBI, ACB, Chennai :. , _

15. Date and time of dispatch to the court: 07.04.2018 @ 0930 hrs

To

The Hon' ble Principal Special Judge for CBI Cases, Chennai.


7/4/18
Signature of recording Officer with date
Sund. of Police
CBI, ACB, Chennai.

**Posted for hearing
on 07.12.2021**

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

Original Application No. 22 of 2021 (SZ)

D. Vijayaragavan,
S/o.Duraisamy,
New No.36, Old No.2,
Alagesan Street,
West Tambaram,
Chennai – 600 045
Chengalpattu District ... Applicant

And

The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet, Chennai – 600 007
and others ... Respondents

**ADDITIONAL WRITTEN
SUBMISSIONS**

**V.B.R Menon, B.E, MBA(IIMA), LLB,
(Ms – 23 / 2012)
Counsel for the Applicant
Ph: 9384762930**