

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
APPLICATION NO. 22 OF 2021 (SZ)**

D. Vijayaraghavan

... Applicant

VERSUS

The Commissioner of Police and Ors

...Respondents

**ADDITIONAL REPLY STATEMENT FILED BY THE 7th
RESPONDENT**



**M/s. ABDUL SALEEM
S SARAVANAN**

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

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
E-mail: sanredy2@gmail.com
Contact-No: 9789800624

... Applicant

VERSUS

1. The Commissioner of police,
Grater Chennai Police,
No: 132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet, Chennai- 600 007.
2. The District Environmental Engineer,
Tamilnadu Pollution control Board,
Maramalai Adigalar Street, Maraimala Nagar,
Chennai- 603 209.
Chengalpattu District
3. The Joint Chief Controller of Explosives,
A and D Wing, Block 1-8,
2nd Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006
4. The District Collector,
Chengalpattu District,
District Collector Office
GST Road, Chengalpattu- 603 001.


Territory Manager (Retail)
BHARAT PETROLEUM CORPORATION LTD.
No. 35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.

5. The Commissioner,
Tambaram Municipality,
No: 28, Muthuranga Mudili Street,
Tambaram West, Tambaram,
Chennai- 600 045.
6. The Divisional Engineer (H),
Construction and Maintenance,
Highways Department,
Chennai City Road Division,
No: 394/4, Anna Salai, Saidapet,
Chennai- 600 015.
7. M/s Bharat Petroleum Corporation Ltd.,
Rep.by: The state head (Retail),
Southern Regional Office,
No: 1, Ranganathan Gardens,
Off. 11th Main Road, Anna Nagar,
Chennai- 600 040.

... Respondents

ADDITIONAL REPLY STATEMENT FILED ON BEHALF OF THE SEVENTH RESPONDENT

I, Gururaj Sankh, Son of Mr. Nagappa G Sankh, aged 39 years, having address at No. 35, Vaidyanathan Street, Tondiarpet, Chennai-, working as Territory Manager (Retail- Chennai),do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Territory Manager of Bharat Petroleum Corporation Limited, representing the 7th Respondent herein and as such I am well acquainted with the facts of the case from the records and I am authorized to file this Reply Statement on behalf of the seventh Respondent.



Territory Manager (Retail)
BHARAT PETROLEUM CORPORATION LTD.
No. 35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.

Corrections: Nil

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2. I humbly submit that the present application has been filed under Section 18(1) read with Section 14 (1) of the National Green Tribunal, Act, 2020, by the Applicant for the following relief:

"A. *permanently forbear the 7th Respondent to opening and operating a New Road-side Petroleum Retail Outlet at Survey T.S.No: 77, Tambaram Municipality at New Door No: 28 (Old No: 1), Alagesan Street, West Tambaram, Chennai- 600 045, Chengalpattu District, adjacent to several residential buildings and commercial building and in violation to the siting criteria prescribed by the Central Pollution Control Board (CPCB) in Clause "H" of the Office memorandum No. B-13011/1/2019-20/AQM/10802-1087 dated 07.01.2020 and the norms prescribed under the Circular No.12-2009 by the Indian Road Congress.*

And

B. *pass such further order or orders as may be fit and proper and necessary in the facts and circumstances of the case and thus render justice"*

3. It is submitted that the respondent has already filed a detailed reply statement along with documents and detailed written arguments before this Hon'ble Tribunal and made oral arguments in detail. Considering the above the Honorable Tribunal was pleased to reserve judgement, however this Honorable Tribunal in its order dated 10.02.2022, has reopened the above case and raised the following query :



Territory Manager (Retail)
BHARAT PETROLEUM CORPORATION LTD.
No. 35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.

"2. On going through the pleadings while making dictation, we felt it is necessary to ascertain as to whether in the conditions of tender notice issued by the Oil Marketing Companies and the applications filed by them for permission before the various authorities, whether anything was mentioned about the compliance of guidelines provided by the Indian Roads Congress Circular No. 12 of 2009 to ascertain as to whether there was any violation committed by them in this regard."

4. I humbly submit that though the above queries are not related to any Environmental issue and this Hon'ble Tribunal has no jurisdiction to interfere with the same. However, in compliance of the above direction of this Honorable Tribunal, this respondent filed documents as directed and the same were considered by this Honorable Tribunal and in its order dated 08/03/2022 has directed as follows :

"Further, they are also directed to file a statement regarding the applicability of the IRC Rules irrespective of the decision that has been relied on by them as to whether it is situated in the National Highway or in the State Highway and whether the tender condition contains this clause."

5. I humbly submit that the reply statement and written arguments filed by this respondent may be treated as part and parcel of this additional statement.

6. I humbly submit that IRC is merely a guideline issued by the Indian Road Congress which is only a society registered under Societies Registration Act. Hence these guidelines are not statutory in nature. IRC

guidelines are mostly recommended practice for access permission for fuel stations, private properties along the highways.

7. I humbly submit that, this respondent has established the fuel retail outlet as T.S No. 77, Tambaram Municipality at Door No. 28 (old No.1), Alagesau Street, West Tambaram, Chennai- 600045 adjacent to Gandhi Road and obtained necessary permissions from the competent authorities such as Initial PESO license, Local body, Commissioner of police as per the prevailing rules and in accordance with law.

8. I humbly submit that the subject retail outlet is located near Gandhi Road, however IRC norms were not notified in the State at the time of establishment of the Retail Outlet and as such was not applicable for the subject retail outlet.

9. I humbly submit that the proposed retail outlet meets all safety norms as per PESO as well as CPCB for establishment of retail outlet. This respondent will take care of all safety norms, distances, in establishing and operating the retail outlet. All due precautions and efforts will be made in dealing with petroleum vapor as being done at thousands of retail outlets across the country.

10. I humbly submit that the applicant with an ill intention to stall the operation of the subject retail outlet, has filed the present application and the same is an abuse of process of law. Further, he is not entitled to any relief as claimed in the present application.

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 22nd day of March, 2022



7th RESPONDENT
Territory Manager (Retail)
BHARAT PETROLEUM CORPORATION LTD.
No. 35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.

VERIFICATION

I, Gururaj Sankh, Son of Mr. Nagappa G Sankh, aged 39 years, having address at No. 35, Vaidyanathan Street, Tondiarpet, Chennai, working as Territory Manager (Retail-Chennai), do hereby verify that the contents of Paragraph Nos. 1 to 10 are true to the best of my knowledge and Paragraph Nos. 1 to 10 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 22nd day of March, 2022



7th RESPONDENT
Territory Manager (Retail)
BHARAT PETROLEUM CORPORATION LTD.
No. 35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.