

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**  
**MEMORANDUM OF APPLICATION**

(Under Section 18 (1) read with sections 14 and 15 of National Green  
Tribunal Act, 2010)

**Application No. 28 of 2022**

**Between:**

Chidipi Nakula Suresh (M/30 yrs)

...Applicant

**And**

The Indian Oil Corporation Ltd. And 7 Others

...Respondents

**STATEMENT OF OBJECTIONS FILED BY THE APPLICANT TO THE**  
**FINAL REPORT OF THE JOINT COMMITTEE**

Sl.No.	DATE	DESCRIPTION OF DOCUMENT	PAGE NUMBER
1	28.03.2017	Go Ms No. 119 of 2017	1-7
2	15.03.2022	Order passed by this Hon'ble Tribunal in Application No. 28 of 2022	8-13
3	18.07.2022	Objections Filed by the Applicant for the joint committee report	14-20
4		Images from Google Earth Pro revealing the site to be Market Cheruvu	21-24

Certified to be true copies of originals

Dated at Chennai on this the 18<sup>th</sup> day of July 2022

Counsel for Applicant



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**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Municipal Administration and Urban Development Department - Model Building Bye-Laws 2016 of GoI - Andhra Pradesh Building Rules, 2017 - Orders - Issued.

**MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (H) DEPARTMENT**

G.O.Ms.No.119

Dated:28.03.2017

Read the following:-

1. G.O.Ms.No.350 M.A & U.D. Department, dated: 09-06-2000
2. G.O.Ms.No.486 M.A & U.D. Department, dated:07-07-2007
3. G.O.Ms.No. 2 M.A & U.D. Department, dated:03-01-2011
4. G.O.Ms.No. 34 M.A & U.D. Department, dated: 22-01-2011
5. G.O.Ms.No. 45 M.A & U.D. Department, dated: 28-01-2011
6. G.O.Ms.No. 82 M.A & U.D. Department, dated:21-02-2011
7. G.O.Ms.No.168 M.A & U.D. Department, dated:07-04-2012
8. G.O.Ms.No. 30 M.A & U.D. Department, dated:28-01-2014
9. Model Building Bye Laws, 2016 of Ministry of Urban Development, GoI.
10. D.O.No.K-14011/83/2002-UD-II\_Pt), Dated:18.03.2016 of MoUD, GoI, New Delhi.

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**ORDER:**

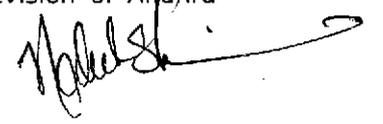
In the references 1<sup>st</sup> to 8<sup>th</sup> read above, the Government have issued Comprehensive Building Rules and other related rules which are applicable to Municipal Corporations, Municipalities, Nagar Panchayats and areas covered by Urban Development Authorities in the State. These Building Rules are regulating the building activities in the above areas in the State.

2. In the reference 10<sup>th</sup> cited the Ministry of Urban Development, Government of India informed that the Ministry have finalized a very comprehensive document for Model Building Bye-Laws 2016 and requested the State to immediately take up the revision of Building Rules in order to make the building environment safe, inclusive, environmentally sustainable and contribute towards enhancing "Ease of Doing Business in India".

3. Whereas, the Ministry that in Chapter 13 it provides a framework for strengthening the building plan approvals leading towards enhancing "Ease of Doing Business in India". Further in Chapter 14 it provides a framework to incorporate environmental concerns in the building bye laws enabling the ULBs/Development Authorities to approve the building plans without a requirement of separate environmental clearances. Further the reform Agenda under the Ministry's flagship programme AMRUT also mandates periodical review of Building Bye Laws which will, amongst other milestones contributes towards State being eligible for annual reform incentive grants from 2016-17. After bifurcation of the State, the Andhra Pradesh Building Rules 2012 issued in G. O. Ms. No. 168 MA & UD Department, Dt. 07.04.2012 needed certain amendments.

4. Accordingly, Government considered that there is a need to revise the existing Andhra Pradesh Building Rules 2012 with comprehensive, development oriented, energy conservation methods and easily adoptable building stipulations in the State in order to protect the environment and provide better living conditions to the citizens and also enable business friendly structure. Hence it is decided to take up revision of Andhra





**CHAPTER - I**

**JURISDICTION, APPLICABILITY (ADMINISTRATION)**

**1. SHORT TITLE, APPLICABILITY AND COMMENCEMENT**

**(1)** These Rules may be called 'The Andhra Pradesh Building Rules - 2017'.

**(2)** They shall apply to the building activities in the areas falling in:

- (a) Andhra Pradesh Capital Region Development Authority [APCRDA] except in Capital City Area,
- (b) All Metropolitan Region Development Authorities,
- (c) All Urban Development Authorities,
- (d) All Municipal Corporations,
- (e) All Municipalities,
- (f) All Nagar Panchayats,
- (g) Gram Panchayat areas covered in Master Plans/General Town Planning Schemes notified under Andhra Pradesh Town Planning Act, 1920 and
- (h) Industrial Area Local Authority (IALA)/Special Economic Zone (SEZ) notified by Government.

**(3)** All existing rules, regulations, byelaws, orders that are in conflict or inconsistent with these Rules shall stand modified to the extent of the provisions of these rules.

Subject to the provisions of the Act, these rules shall apply:

- (a) to the planning, design and construction of building in case of erection of a building;
- (b) to all parts of the building including change of roof whether removed or not, and in case of removal of whole or any part of the building;
- (c) to the remaining part of the building after demolition and work involved in demolition in case of demolition of whole or any part of a building;
- (d) to the whole building whether existing or new building (except only to that part of the building, which is consistent with these Regulations) in case of alteration of a building;
- (e) to all parts of the building affected by the change in case of change of occupancy of a building; and
- (f) to use of any land or building where sub-division of land is undertaken or use of land or building is changed.

**(4)** They shall come in to force from the date of publication in the Andhra Pradesh Gazette.

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**CHAPTER – II**  
**DEFINITIONS**

**2. DEFINITIONS**

In these rules, unless the context otherwise requires the definitions given below shall have the meaning indicated against each term. The terms and expressions which are not defined in these Rules shall have the same meaning as in the respective rules / regulations / Bye-laws of the respective local authorities and as defined in the National Building Code as the case may be, unless the context otherwise requires.

All mandatory Master Plan/Zonal Plan regulations regarding use, land use, coverage, FAR, set-back, open space, height, number of storeys, number of dwelling units, parking standards etc. for various categories of buildings including modification therein made from time to time shall be applicable mutatis mutandis in the Building Rules under this clause. All amendments /modifications made in the aforesaid regulations shall automatically stand deemed to have been included as part of these Rules.

- (1) Access**  
A clear approach to a plot or a building.
- (2) Act**  
The Act of the Local Body/Authority concerned.
- (3) Accessory Building**  
A Building separated from the main building on a plot and containing one or more rooms for accessory use such as Servant's Quarter, Garage, Store rooms or such areas as may be classified by the Competent Authority.
- (4) Accessory Use**  
Means any use of the premises subordinate to the principal use and customarily incidental to the principal use.
- (5) Addition and/or alteration**  
A structural change including an addition to the area or change in height or the removal of part of building, or any change to the structure, such as the construction or removal or cutting into of any wall or part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support, or a change to or closing of any required means of access ingress or egress or a change to fixtures or equipment as provided in these Rules.
- (6) Air Port Reference Point**  
Means a designated point which is established in the horizontal plane at or near the geometric center of the landing area.
- (7) Amenity**  
Includes road, street, open space, park, recreational ground, playground, garden, water supply, electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences.
- (8) Annealed Glass**  
Another term for "ordinary" glass, most commonly used for float glass.
- (9) Auditorium**  
The accommodation provided for the public to view the cinematograph exhibitions/cultural activities etc.

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**(2) Defense Establishments**

- (a) In case of Sites within 500m distance from the boundary of Defense Areas/Military Establishments prior clearance of Defense Authority shall be obtained.
- (b) In case of Naval Science and Technological Laboratory (NSTL), Visakhapatnam, no building shall be allowed with in a distance of 20m from the boundary wall of NSTL, Visakhapatnam.

**(3) Electrical Lines**

- (a) No building or part of a building shall be constructed or re-constructed and no additions or alterations to any existing building shall be made in the intervening spaces between the building and any overhead electric supply line unless as described in Table below and specified in the Indian Electricity Rules as amended from time to time.

**TABLE -15**

**Clearance from Overhead Electric Lines**

Sl. No.	Type of Electrical Supply Line	Minimum Vertical clearance (m)	Minimum Horizontal clearance (m)
(A)	(B)	(C)	(D)
1	Low and Medium Voltage lines and service lines	2.5	1.2
2	High Voltage lines up to and including 11000 volts	3.7	1.2
3	High Voltage lines above 11000V and up to including 33000 volts	3.7	2.0
4	Extra High Voltage lines above 33000 volts	3.70 plus 0.30m for every additional 33000 volts or part thereof	2.00 plus 0.30m for every additional 33000 volts or part thereof

- (b) In case of Electricity Tower lines, the land all along below the tower line shall be developed as green belt to an extent of the width of tower base and on either side of green belt there shall be a minimum of 10m wide roads or as defined in the Master Plan.

**(4) Environmental Impact Assessment Notification-2006**

As per the provisions laid under the EIA Notification S.O.1533, Dt.14.9.2006 and it's amendment dt.01.12.2009 issued by MOE&F, GOI and Notifications issued from time to time with reference to "Building / Construction Projects/Area Development Projects and Townships" complying with the following threshold limits fall under category B and are required to obtain prior Environmental Clearance (EC) from State Environmental Impact

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Assessment Authority (SEIAA), Ministry of Environment and Forests, Government of India.

**TABLE -16**  
**Building/Construction Projects/Area Development Projects and Townships**

Project / Activity		B Category with threshold limit	Conditions, If any
(A)		(B)	(C)
8(a)	Buildings and Construction Projects	$\geq 20000\text{sq.m}$ and $< 1,50,000\text{sq.m}$ of built up area#	#(Built up area for covered construction; in case of facilities open to the sky, it will be the activity area
8(b)	Townships and Area Development Projects	Covering an area $\geq 50\text{ha}$ and or built up area $\geq 1,50,000\text{sq.m}$ ++	++All Projects under Item8(b) shall be appraised as Category B1

**(5) H**  
**eritage Structures / Geo Heritage Sites**

- (a) In case of Sites located within the distance up to 100m from protected monuments as notified under Archeological Monuments and Ancient Sites and Remains Act 1955 and as amended no construction is allowed.
- (b) For the Sites located within distance of above 100m and up to 200m from the protected monuments, the construction is allowed only after obtaining prior permission from the National Monument Authority.
- (c) For the Sites located within the vicinity of any Heritage Structure / Geo Heritage Sites notified as per the respective law, the prior clearance from the concerned authority shall be obtained.
- (d) For the development/redevelopment of any notified Heritage Structure/ Geo Heritage Sites the stipulations as prescribed by the respective authority shall be followed.

**(6) Oil / Gas Pipelines**

In case of Sites in the vicinity of Oil/Gas pipelines, clearance distance and other stipulations of the Respective Authority shall be complied with. The Oil/Gas Authorities shall also specify the clearances required stretch wise to Local Body.

**(7) Railways**

The distance between the Railway Property Boundary and the edge of the building shall be 30m as per Indian Railways Works Manual or as per No Objection Certificate (NOC) given by the Railway Authorities.

**(8) Religious Structures**

- (a) In case of Sites located within a radius of 100m from the notified religious structure from time to time by the sanctioning authority, the construction is allowed up to 12m height only.

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- (b) For the Sites located within a radius of above 100m and up to 300m from the notified religious structure as notified from time to time, only non-high rise structures are allowed.

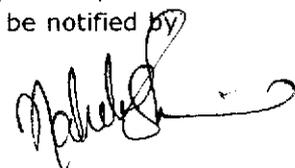
**(9) Site and Land Use Pattern**

Notwithstanding anything contained in these Rules, no building permit on any site shall be sanctioned if:

- (a) the proposed land use does not correspond to the land use in the Development Plan/Master Plan/Layout Plan or any draft/sanctioned plan for the area or the zoning regulations.
- (b) the use of building or place will be a source of annoyance to, or injurious to the health of the inhabitants of the neighbourhood.
- (c) the construction of any building is for public worship, which in the opinion of the Sanctioning Authority will affect the religious feelings of any class or persons in the vicinity thereof.
- (d) there is deposited refuse, excreta or other offensive matter, which is considered objectionable, until such refuse, excreta or other offensive matter has been removed there from and the plot has been prepared or left in a manner suitable for land development, redevelopment or building purpose.
- (e) it comprises or includes a pit, quarry or other similar excavation or any part thereof unless such plot has been prepared or left in a manner or condition suitable for land development or redevelopment or building purposes.
- (f) it is liable to flood or on a slope forming an angle of more than 45 degrees with the horizontal or on soil unsuitable for percolation or on area shown as floodable area in any plan/scheme or in sandy beds, unless it is proved by the owner that construction of such a building will not be dangerous or injurious to health and the site will not be subjected to flooding or erosion, or cause undue expenditure of public funds in the provision of roads, sewers, sanitation, water supply or other public services.
- (g) it is for any land development or redevelopment of land or construction in any area notified by Government of India as Coastal Regulation Zone under the Environment (Protection) Act, 1986 (29 of 1986) and Rules made there under and it shall be subject to the restrictions that may be imposed by Government of India contained in the said notification as amended from time to time.
- (h) it is in areas of natural waterways or drains and if the building is to be constructed over or under a municipal drain, sewerage line, electrical line, water main, any other government or public land, or public utility services;
- (i) the required permission/No Objection Certificates of any other Departments/Agencies as required under law has not been obtained for any land developments and constructions.

**(10) Vicinity of important buildings**

No private building exceeding 10m height shall be permitted within 200m radius from the boundary of the Governor's House, State Secretariat, Legislative Assembly, Official Residences of Chief Justice of High Court, Chief Minister, Heads of Legislature and such other buildings as may be notified by the ULB/Government from time to time.



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**(11) Water Bodies**

- (a) No building / development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands.

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

- (b) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

- (i) 100m from the boundary of the River outside the limits of Local Authorities and 50m within the limits of the Local Authorities. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.
- (ii) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.
- (iii) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;
- (iv) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (v) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

- (c) Unless and otherwise specified in the Master Plan/Zonal Development Plan.

- (i) In case of (b) (i) & (ii) above, the buffer zone may be utilised for road of minimum 12m width, wherever feasible.
- (ii) In case of (b) (ii) above, in addition to development of recreational / green belt along the foreshores, a ring road or promenade of minimum 12m may be developed, wherever feasible 3.6m walking / cycle track within the 30m buffer strip may be provided.
- (iii) The above buffer zone to be left may be reckoned as part of tot lot or organized open space and not for setback requirements.

- (d) In case of areas along the sea coast, the Coastal Regulation Zone Regulations shall be followed.

**(12) Swimming Pool:**

- (a) *Definition:* A pool or a tank indoor or outside the building, used for the purpose of swimming, bathing, aquatic sports or games, training, treatment (Therapy) or recreation, meant exclusively for human being, having a depth of water not less than that 60cm and the surface area exceeding 23.25sq. m both for the use of public or the institution concerned.

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Item No.01:

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BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 28 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Chidipi Nakula Suresh,  
East Godavari District.

...Applicant(s)

Versus

The Indian Oil Corporation Limited,  
Visakha Divisional Office,  
Visakhapatnam and others.  
Tiruppur and others.

...Respondent(s)

Date of hearing: 15.03.2022

CORAM:

HON'BLE Mr JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

M/s. N. Subhasree

For Respondent(s):

Mr. Abdul Saleem through

Mr. Karthikeyan for R1

Mrs. Maduri Donti Reddy for R3, R4 R5 & R8

ORDER

1. The grievance in this application is regarding the establishment of a retail

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*Nakula Suresh*

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petrol outlet by the 6<sup>th</sup> respondent as a franchise of the first respondent in Survey No. 81/34A, situated in the Sethanagaram Gram Panchayath in East Godavari District against the guidelines issued by the Central Pollution Control Board.

2. According to the applicant, the residential area is situated within a distance of 50 metres and there is a skating park situated adjacent to the proposed area. According to the applicant, they have not obtained necessary permission from all the authorities and even the Gram Panchayath had issued a notice for not complying with the terms of the agreement of obtaining necessary permissions from the authorities before establishment of the unit.
3. According to the applicant, the necessary permission from the district authorities also has not been obtained but before that they started their construction work and also started commissioning of the unit. Though Writ Petition was filed before the Hon'ble High Court of Andhra Pradesh as W.P. No. 28389 of 2021, later it was withdrawn with liberty to file an application before this Tribunal and the same was dismissed as withdrawn with above liberty on 18.02.2022. Since the authorities have not taken any steps. So the applicant has no other remedy but to approach this Tribunal seeking following reliefs:-

a. Issue an order directing the 1<sup>st</sup> respondent to cancel the LOI issued to the 6<sup>th</sup> respondent on 02.01.2020 for construction of the Petrol Bunk

b. Issue an order directing the 5<sup>th</sup> respondent to withdraw its resolution dated 06.01.2020.

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- c. Issue an order directing the 3<sup>rd</sup> respondent to withdraw the orders dated 05.02.2020 granting permission to the 5<sup>th</sup> respondent to lease out the premises to the 6<sup>th</sup> respondent.
- d. Issue an order directing the 5<sup>th</sup> respondent to cancel the lease agreement dated 06.03.2020 between themselves and the 6<sup>th</sup> respondent.
- e. Issue an order directing the 8<sup>th</sup> respondent to withdraw permission if any granted to the 6<sup>th</sup> respondent for erection of petrol bunk in the leased premises.
- f. Issue order restraining the 6<sup>th</sup> respondent from proceeding to establish a new petrol bunk in the site shown in Annexure in line with order in O.A. No. 86 of 2019 dated 22.06.2019 passed by the Hon'ble Principal Bench, National Green Tribunal, New Delhi.
- g. Issue an order to the 1<sup>st</sup> and 2<sup>nd</sup> respondents and 5<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> respondents that guidelines dated 07.01.2020 of the 5<sup>th</sup> respondent CPCB is strictly implemented and to ensure that no new petrol pumps are established in the site shown in Annexure.
4. As regards certain reliefs, claimed namely directing the 5<sup>th</sup> respondent to withdraw its resolution dated 06.01.2020 directing the 3<sup>rd</sup> respondent to withdraw the orders dated 05.02.2020 granting permission to the 5<sup>th</sup> respondent to lease out the premises to the 6<sup>th</sup> respondent and directing the 5<sup>th</sup> respondent to cancel the lease agreement dated 06.03.2020 etc., will not fall within the jurisdiction of this Tribunal. This Tribunal can only consider the question as to whether there was any violation of the existing guidelines for establishment of the retail petrol outlets and if so, what is the nature of action to be taken against the violator in accordance with law. To that extent, the application is admitted.

*S. Subhakar*

*M. K. S. S.*

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5. Issue notice to the respondents by Registered post with acknowledgement due, by e-mail and also by dusthi if possible and produce proof of service on them, by filing proof affidavit as per rules.
6. The applicant is also directed to serve a copy of the application along with the documents produced to the standing counsel appearing for the official respondents within a week to avoid delay in getting instructions by them from the concerned respondents.
7. The applicant is also directed to produce necessary requisites along with postal cover and the necessary postal stamps before this Tribunal within a week, so as to enable this Tribunal to send notice to the respondents through Tribunal, to ensure service on them and proceed against them, if they did not appear, in their absence in accordance with law.
8. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee consisting of (1) The District Collector, East Godavari District or an officer not below the rank of Assistant Collector or Sub Divisional Magistrate as nominated by the District Collector and (2) a Senior Officer from Andhra Pradesh State Pollution Control Board (APPCB) as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report if there is any violation found.
9. The committee is directed to ascertain as to whether there was any violation of siting criteria imposed by the Central Pollution Control Board in

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establishing the retail petroleum outlet in the disputed area, and if so, what is the nature of action taken against them by the regulators and also submit a plan along with the report showing the existence of any water body, school, hospital and other sensitive areas which were mentioned in the guideline provided by the Central Pollution Control Board showing their distance from the proposed retail petrol outlet.

10. The Andhra Pradesh State Pollution Control Board (APPCB), Vijayawada will be the nodal agency for co-ordination and providing necessary logistics for this purpose.

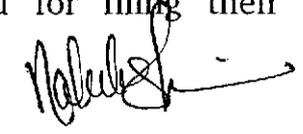
11. The applicant is also directed to submit a set of papers to the committee members within a week, so as to enable them to comply with the direction.

12. Any constriction or activities made by the 6<sup>th</sup> respondent will be subject to further orders to be passed by this Tribunal.

13. The committee as well as official respondents are directed to submit a report and file their independent response to this Tribunal on or before 12.04.2022 by e-filing in the form of searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.

14. The Registry is also directed to communicate this order to the members of the committee as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction and for filing their

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independent response to the allegations made in the application and also for filing their independent report as directed by this Tribunal.

15. For appearance of parties, filing their independent response and also for consideration of report, post on 12.04.2022.

Sd/-

.....J.M.  
(Justice K. Ramakrishnan)

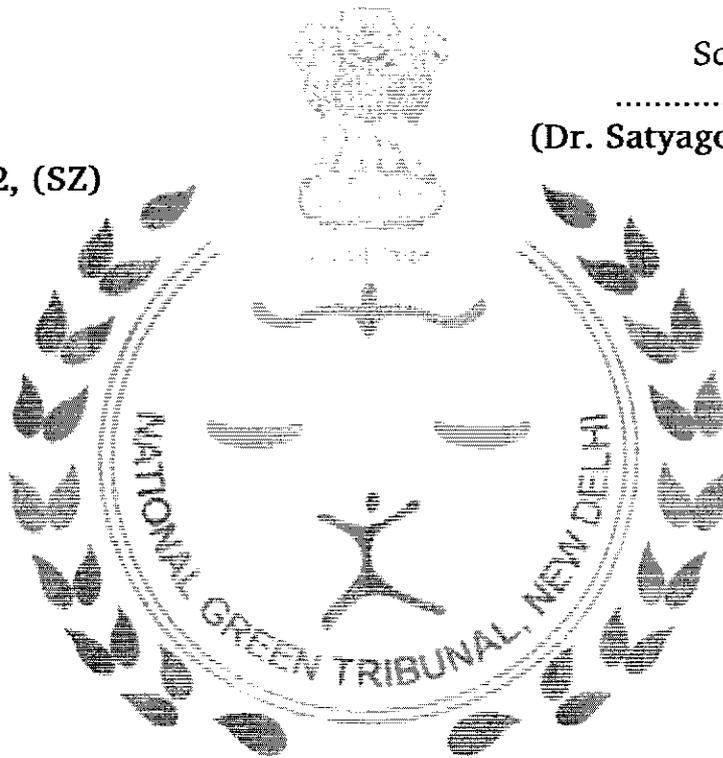
Sd/-

.....E.M.  
(Dr. Satyagopal Korlapati)

O. A. No.28/2022, (SZ)  
15.03.2022, Sr.

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**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**  
**MEMORANDUM OF APPLICATION**

(Under Section 18 (1) read with sections 14 and 15 of National Green  
Tribunal Act, 2010)

**Application No. 28 of 2022**

**Between:**

Chidipi Nakula Suresh (M/30 yrs) ...Applicant

**And**

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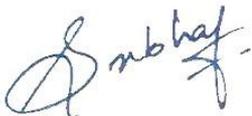
The above named Applicant begs to submit as follows:

1. It is humbly submitted that this Application is filed before this Hon'ble Tribunal seeking:
  - a. Issue an Order directing the 1<sup>st</sup> Respondent to cancel the LOI issued to the 6<sup>th</sup> Respondent on 02.01.2020 for construction of the Petrol Bunk
  - b. Issue an Order directing the 5<sup>th</sup> Respondent to withdraw its resolution dated 06.01.2020.
  - c. Issue an Order directing the 3<sup>rd</sup> Respondent to withdraw the Orders dated 05.02.2020 granting permission to the 5<sup>th</sup> Respondent to lease out the premises to the 6<sup>th</sup> Respondent
  - d. Issue an Order directing the 5<sup>rd</sup> Respondent to cancel the lease agreement dated 06.03.2020 between themselves and the 6<sup>th</sup> Respondent
  - e. Issue an Order directing the 8<sup>th</sup> Respondent to withdraw permission if any granted to the 6<sup>th</sup> Respondent for erection of petrol bunk in the leased premises

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- f. Issue an Order restraining the 6<sup>th</sup> Respondent from proceeding to establish a new petrol bunk in the site shown in Annexure in line with Order in OA No. 86 of 2019 dated 22.06.2019 passed by the Hon'ble Principal Bench, National Green Tribunal, New Delhi.
- g. Issue an Order to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents and 5<sup>th</sup> 7<sup>th</sup> and 8<sup>th</sup> respondents that guidelines dated 07.01.2020 of the 5<sup>th</sup> Respondent CPCB is strictly implemented and to ensure that no new petrol pumps are established in the site shown in Annexure
- h. Issue any other Order or direction that this Hon'ble Tribunal may deem appropriate in the facts and circumstances of the case and thus render justice.
2. Whereas, this Hon'ble Tribunal after hearing the matter has passed an interim Order dated 15.03.2022, wherein this Petition filed by this Applicant is considered ***"as to whether there was any violation of existing guidelines for establishment of retail petrol outlets and if so, what is the nature of action to be taken against the violator in accordance with law. To that extent the application is admitted."*** Hence this Application is admitted to the extent as to whether there is any violation of existing guidelines.
3. As per the Direction of this Hon'ble Tribunal, Joint Committee was constituted consisting of the Revenue Divisional Officer and Sub Divisional Magistrate, Rajamahendravaram nominated by the District Collector and Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, Kakinada deputed by the Chairman, APPCB and the inspection was conducted on **09.05.2022** as per the Joint Committee Report.



4. The following are stated in the Joint Committee Report:

- a. The PACS 6<sup>th</sup> Respondent has not obtained license from Petroleum Explosives Safety Organization (PESO)
- b. There are 13 residential structures, 2 completely comes under 30 metres and remaining 11 partially covered. The exact distance in metres of the partially covered 11 houses is not mentioned in the joint committee report
- c. The Conclusion Point No.2 of the Joint Committee Report in Page No. 6 states that the proposed site is not meeting the siting guidelines of CPCB with respect to minimum distance from the residential houses.
- d. Point No. 3 in Page 6 of the joint committee report states that PACS has not obtained PESO license yet
- e. Further, the lease deed between the 6<sup>th</sup> and 5<sup>th</sup> Respondent expired in March 2022 and is yet to be renewed.

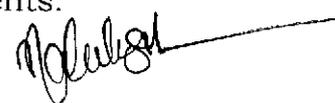
5. It is humbly submitted that as per the order dated 15.03.2022, the Committee is directed to ascertain any violation and the answer for the said question is "Yes" as per the Conclusion Part Point No. 2 of the Joint Committee Report.

6. This Hon'ble Tribunal has also directed the joint committee to report the existence of any water body. It is submitted that the entire skating area alleged by the Joint Committee to be situated in the south west corner of the site. Whereas it is prudent to mention that the said skating park, in fact the entire area of the petrol bunk and adjacent structures were earlier water body. Whereas the 5<sup>th</sup> Respondent by passing resolutions in the year 2015 has closed the water bodies, especially the skating park was constructed by closing a water body named as Pottman Pit. This fact is alleged by the 5<sup>th</sup> Respondent in their counter. Hence the entire area of the Petrol Bunk, skating park, and its adjacent structures are erected by closing a water body.





7. As per GO No. 119 dated 28.03.2017 of the Andhra Pradesh Government Municipal Administration and Urban Development Department "the above water bodies and courses shall be maintained as Recreational / Green buffer zone and no activity shall be carried out with in:....."
8. It is humbly submitted that in many cases, the Hon'ble Supreme Court and Hon'ble High Courts across the Country have observed and held that water bodies are to be protected by the Government and they cannot be alienated even if they are dry, and dried bed of water bodies does not denude the land of its character as a water body. In the instant case, a water body is converted into skating park and used for commercial purposes, which is a direct harm caused to the Environment.
9. It is humbly submitted that the counter of R3, Report of 8<sup>th</sup> Respondent APPCB and Joint Committee report states that the 6<sup>th</sup> Respondent has obtained NOC from the residents belong to the 13 houses.
- Nowhere in the entire CPCB guidelines, it is stated that getting NOC from the residents of the locality within the vicinity of 30 metres or 50 metres is suffice to ratify the violation done.
  - As per international standards, a minimum of 100 metres to be maintained between venting pump and residential facilities. Whereas CPCB has issued only 50 metres. Without considering the hazardous consequences of the petrol bunk within 50 metres vicinity, the 6<sup>th</sup> Respondent has acted blatantly and negligently.
  - The minimum distance of 50 metres is fixed, as the petroleum products contain carcinogenic agents and can be dispersed in air within 50 metres from its storage and use. These carcinogenic agents are the cancer causing agents.



- d. While the CPCB and the Government of India has framed the guidelines considering the health of the public and hazardous consequences of the petroleum products, it is strange that the 6<sup>th</sup> Respondent who is also a public entity is failing to follow the same and also ratifies the grave violation done by them.
- e. The guidelines framed are to support and safeguard the public. Whereas citing NOC as a reason to run the petrol bunk by the 6<sup>th</sup> Respondent who is a Government entity shows their irresponsible behaviour and attitude towards the public.
- f. The residents who have alleged to have given NOC have affixed their left thumb imprints and are people who belong to Tribals and have no knowledge with respect to the consequences of the carcinogen. Till date, the Bhopal tragedy is proving its consequences generation after generation.
- g. The Joint committee has admitted the violations on one hand and misleading on other hand quoting the NOC obtained from residents.
- h. The joint committee has not given a fair conclusion and has failed to compute the hazardous consequences of the petrol pump which is constructed in violation of the CPCB guidelines and its ill-effects on the residents in the vicinity.
- i. The Joint committee has altogether protecting their superiors who have committed illegality by granting all CONSENTS to the 6<sup>th</sup> Respondent even without obtaining the PESO license, which is the first and foremost requirement of construction of a petrol bunk for storage and retail purposes.
- j. It is mandatory disclose the exact distance between the petrol pump and the 11 other buildings which is said in the joint committee report to have been partially covered.
- k. That the joint committee has intentionally failed to bring on record and disclose the fact that the skating park was a water body earlier and has conveniently ignored the same.

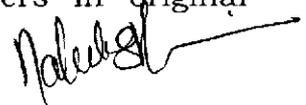
*S. Subhag*

*Abhishek*

- l. The Joint committee is unable to make any comments on the pollution caused by such petrol bunk in violation of the CPCB guidelines and the health hazards caused by it, as the construction of the petrol pump is completed and the operations are about to start even without the PESO license.
  - m. The Joint committee has blatantly suggested about the NOC granted by the residents without even appreciating the purpose for which the committee is constituted by this Hon'ble Tribunal.
  - n. The Joint Committee has worked effectively to uphold the construction of the petrol pump, which is constructed only for the use of the members of the 6<sup>th</sup> Respondent alone.
  - o. For the benefit of the 6<sup>th</sup> Respondent and its members, the health and hazards of the petrol pump in violation of the CPCB guidelines is put at stake.
10. It is humbly reiterated that the answer for the direction in the interim order dated 15.03.2022 as to whether there is any violation in erection of the petrol pump by the 6<sup>th</sup> Respondent is clearly answered in the Joint Committee Report in Page No. 6, Conclusion, Point No. 2. However, the misleading point of the joint committee report stating the grant of NOC by the residential people do not ratify the violation done, as CPCB has not stated anywhere in the guidelines that NOC can ratify the violation done.
11. The Joint Committee has considered the matter in biased manner to protect the superiors who have given consent for this illegal construction of the petrol bunk without even obtaining the PESO license, and has filed this false, baseless, misleading, casual, and blatant report and the same needs to be set aside to uphold environmental justice.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to record these objections, and grant the prayers in original





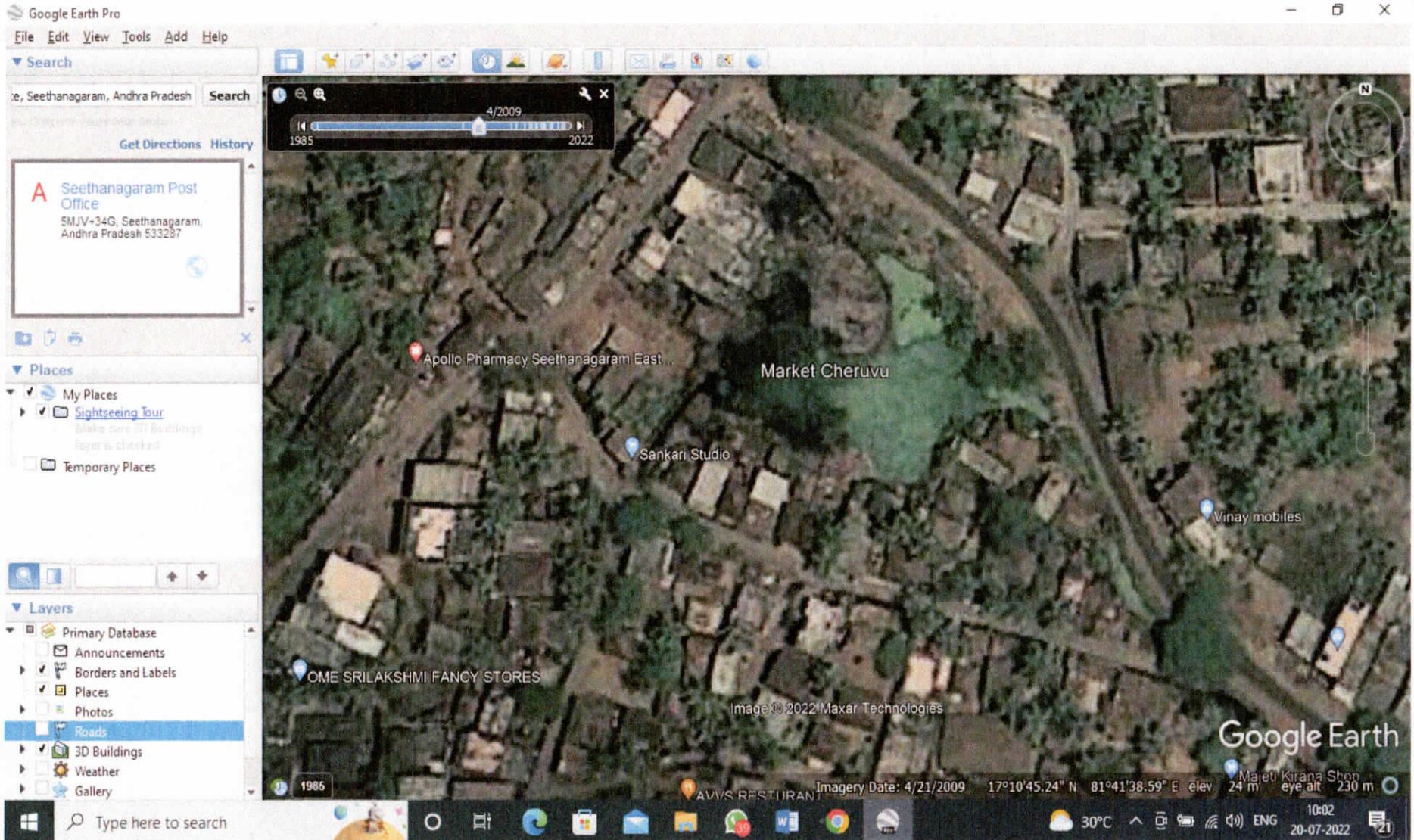
application, and pass such further or other orders in the interest of environmental justice.

Dated at Chennai on this the 18<sup>th</sup> day of July 2022

  
Applicant

  
Counsel for Applicant

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*Seethanagar*

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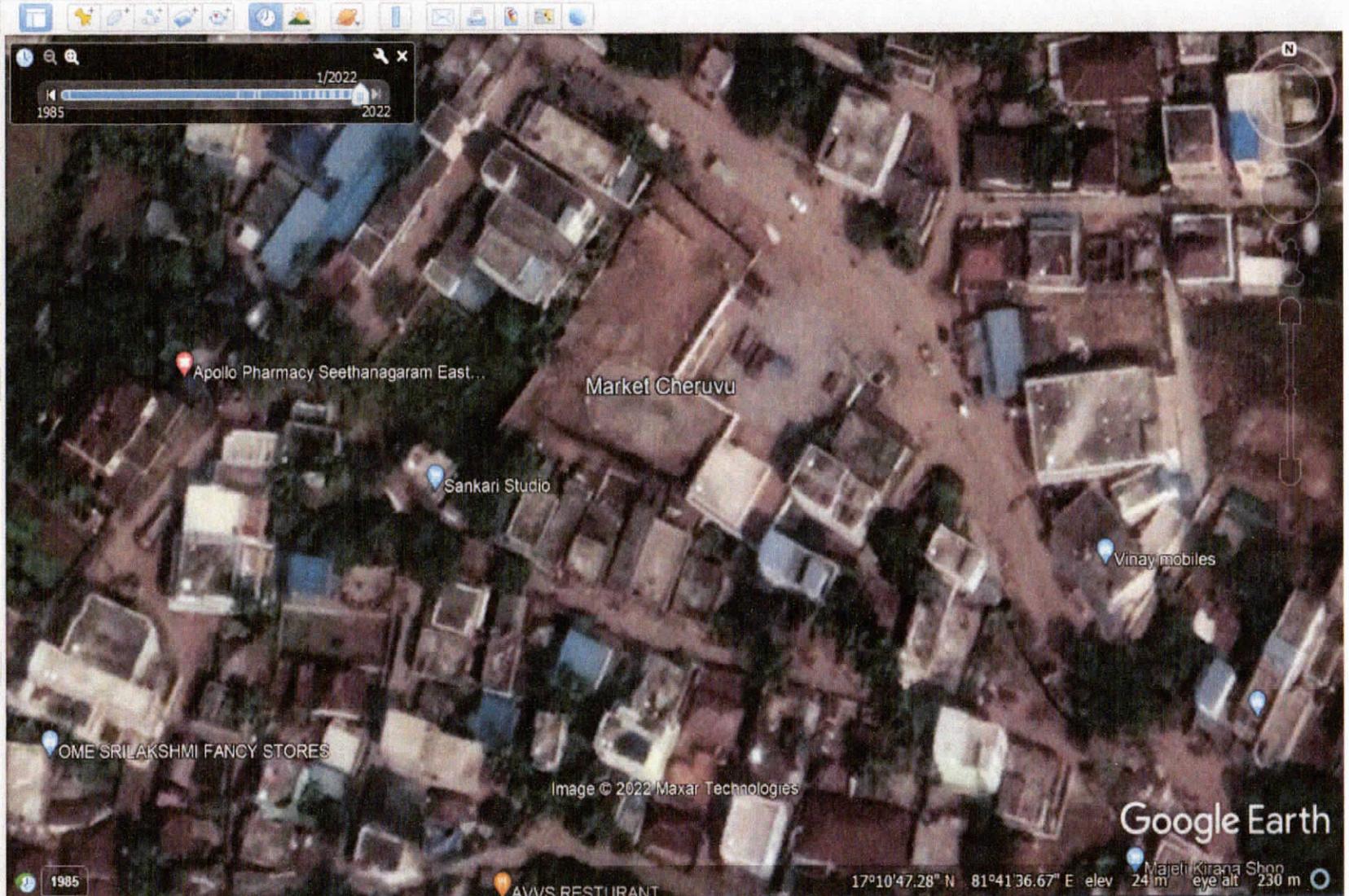
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**BEFORE THE NATIONAL GREEN  
TRIBUNAL (SZ) CHENNAI  
MEMORANDUM OF APPLICATION**

**Application No. 28 of 2022**

**Between:**

Chidipi Nakula Suresh

...Applicant

Vs

The Indian Oil Corporation Ltd and  
others

...Respondents

**OBJECTIONS TO THE JOINT  
COMMITTEE REPORT FILED  
BY THE APPLICANT**

**M/s N. SUBHASREE  
COUNSEL FOR APPLICANT  
No. 21/12, KACHALEESWARAR  
AGRAHARAM STREET  
2<sup>ND</sup> FLOOR, OFF. ARMENIAN  
STREET, GEORGE TOWN  
CHENNAI - 600 001  
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