

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI**

**O.A. No. 297 of 2026**

**(I.A. No. 366 / 2026)**

**IN THE MATTER OF**

**ASHOK KUMAR SHARMA**

**...APPLICANT**

**VERSUS**

**CENTRAL POLLUTION CONTROL BOARD  
& ORS.**

**...RESPONDENT(S)**

**NDOH:25.05.2026**

**LDOH:12.05.2026**

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New Delhi

Dated: 22.05.2026

Filed by



**SOURABH MALHOTRA & P.P SOOD**  
**ADVOCATES FOR THE PETITIONER**  
**C-78/79, LGF, LAJPAT NAGAR, PART-II,**  
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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 297 OF 2026  
(IA No. 366 / 2026)**

IN THE MATTER OF:

ASHOK KUMAR SHARMA

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD

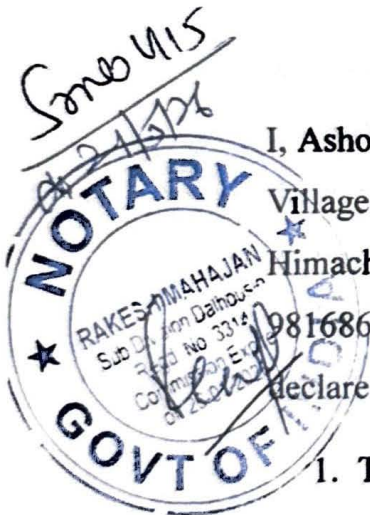
& ORS.

....RESPONDENTS

**ADDITIONAL AFFIDAVIT OF THE APPLICANT**

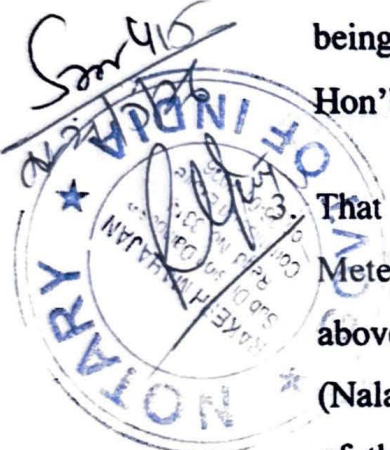
I, Ashok Kumar Sharma, S/o Ram Kishan Sharma, R/o Ward No. 3, Village Bharmala, Tehsil Bhattiyat, Chalama (134), Bakloh, Chamba, Himachal Pradesh – 176301, Aadhaar No. 4749 2220 9323, Mobile No. 9816866566, aged about 64 years do hereby solemnly affirm and declare as under:

1. That I, the Deponent, am the Applicant in the abovementioned matter and have filed the Original Application (O.A) under section 14 & 15 of the National Green Tribunal Act, 2010, seeking stay upon the construction of the Petrol Pump (Retail Outlet) situated at Khasra No. 447/63/1, Khata Khatouni No. 3/3 Min, Mohal, Ghural, Patwar, Circle Bathri, Tehsil Dalhousie,



District Chamba (Himachal Pradesh), being set up in violation of environmental norms with other related / consequential reliefs.

2. That the captioned O.A No. 297 / 2026 was listed before this Hon'ble Tribunal on the 12.05.2026 and an adjournment was sought on behalf of the Deponent to file additional affidavit alongwith copies of the relevant documents, in support of averments regarding proposed site of the Petrol Pump being violative of the CPCB guidelines. In terms of the Order dated 12.05.2026, the matter has been fixed for further hearing on the question of admission on 25.05.2026. The present affidavit is being filed pursuant to the Order dated 12.05.2026, passed by this Hon'ble Tribunal.



That the Deponent affirms that the plot size of the land is 30 Meters x 28 Meters; upon which the Retail outlet of the abovementioned Petrol Pump is being constructed. The Rivulet (Nala) is running parallel to the common outside boundary wall of the aforesaid plotted site of the Petrol Pump, as is more conspicuously depicted in the Site & Rivulet (Nala) Demarcation Plan of Khasra No. 447/63/1 & 60, being filed alongwith the present affidavit as **ANNEXURE-A1**

4. That the Rivulet (Nala) is the nearest point water body, located at a distance of only 25.56 Meters from the filling point of the three fuel tanks of the Petrol Pump.

The distance between vent pipe of the filling point and the Rivulet (Nala) is only 7.55 Meters.

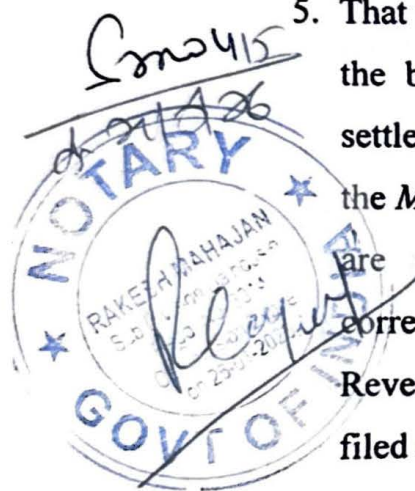
The distance between the dispensing unit 1 and the Rivulet (Nala) is 17.05 Meters and the distance between the dispensing unit 2 and the Rivulet (Nala) is 14.68 Meters.

The above stated distances are also depicted in **ANNEXURE-A1** and clearly make it apparent that the Petrol Pump retail outlet is being constructed in total violation 50 Metres distance criterion prescribed in the Addendum to the Central Pollution Control Board (CPCB) Guidelines, applicable in case of setting up new Petrol Pumps near water bodies.

5. That the **ANNEXURE-A1** has been prepared by an Architect on the basis of the *Musavi* (Original Map prepared during the settlement process of the Village) and the *Momi* (Copy of the of the *Musavi*, on which amendments reflecting changes to the map are recorded following the settlement). Copy of the corresponding *Musavi* of the aforesaid land, as certified by the Revenue Department, after comparing with the original, is being filed as **ANNEXURE-A2**.

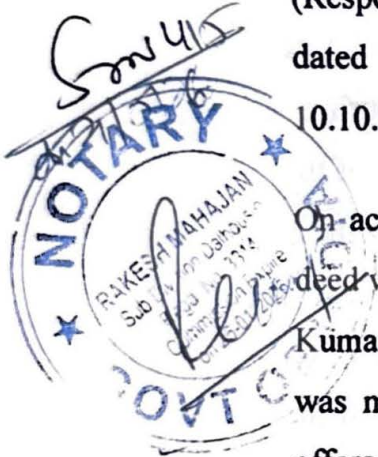
Copy of the corresponding *Momi* of the aforesaid land, as certified by the Office Kanungo, Tehsil Office, Dalhousie is also being filed as **ANNEXURE-A3**.

6. That the "BhuNaksha" of the aforesaid land extracted from the official site of Government of Himachal Pradesh also confirms that the waterbody (Rivulet) is running parallel to the site plot, upon which the aforesaid Petrol Pump is being constructed. Copy of the BhuNakhsa-Plot Report of the land, issued



by the Government of Himachal Pradesh, is being filed as ANNEXURE-A4.

7. That the land offered by Respondent No. 12, for construction of the aforesaid Petrol Pump, is situated in Khasra No. 447/63/1 (originally Khasra No. 63 that was subsequently partitioned vide mutation dated 13.10.2023 into 447/63/1, 447/63/2, and 447/63/3), Khata Khatouni No. 3/3min, Muhal Ghural, Patwar Circle Bathri, Tehsil Dalhousie, District Chamba (Himachal Pradesh), and was acquired in favour of Mr. Manoj Kumar (Respondent No. 13) from one Mr. Anil Kumar, vide lease deed dated 11.10.2023 for 21 years (commencing 11.10.2023, ending 10.10.2044).



On account of mutation of the concerned land, a rectification deed was entered into between Respondent No. 13 and Mr. Anil Kumar. It is reiterated that the application to Respondent No. 4 was made by Respondent No. 12, whereas the lessee of the offered land was her husband, i.e., Respondent No. 13.

Additionally, at the time of the application for the retail outlet, even Respondent No. 13 did not have a valid right over the property since the lease deed was signed before the mutation of the land was done and on account of being devoid of all co-owners being signatories, the lease deed was effectually void.

It is submitted that Clause 4(vi)(a) of 'Guidelines on Selection of Dealers for regular and rural retail outlets through the draw of lots/bidding process' clearly provides that in case the land offered

is obtained vide a long-term lease and the same is not executed by all co-owners, the lease deed shall be deemed invalid. It is submitted that mutation and rectification pertaining to the lease of the offered land was done subsequent to making of the application for the retail outlet, and hence, the same speaks to the continuous fraudulent conduct adopted by Respondent No. 12 & Respondent No. 13. Copy of the concerned revenue record depicting subsequent partition of the land into 447/63/1, 447/63/2 and 447/63/3 is being annexed herewith as ANNEXURE-A5.

8. That the Respondent No. 4 has intentionally not shown the Rivulet (Nala) in the drawing (i.e. ANNEXURE-P6 to the main petition) on the basis of which it has applied for construction approval to the Petroleum and Safety Organisation (PESO). In fact, instead of showing the Rivulet (Nala), the Respondent No.4 has falsely shown open land of 100 Meters in the aforesaid drawing, knowing well that if at all the Rivulet (Nala) is depicted in its drawing; the approval would not be granted for the construction of the retail outlet and license to operate the same would also not be issued.

9. That the Petrol Pump is being constructed and set up not only in total violation of Environmental Guidelines; but also Administrative Guidelines. If the Petrol Pump comes into operation and is allowed to function as a retail outlet for fuel, the same is likely to contaminate the environment through water and cause massive damage to the trees, fauna, flora and soil of the surrounding area in which it is presently being constructed.

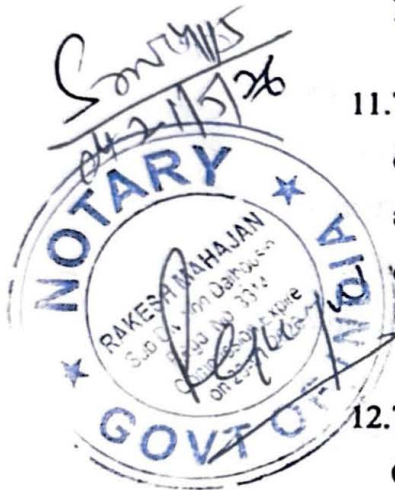


10. That the aforesaid Petrol Pump that is being constructed and set up is not at all required even for the sake of public utility; since there are already 6 functional Petrol Pumps (i.e. 3 Petrol Pump of Indian Oil Corporation, 2 Petrol Pumps of Hindustan Petroleum Corporation Limited and 1 Petrol Pump of Bharat Petroleum Corporation Limited) in operation within a span of 30 kms in the same area on the metalled road of National Highway No. 154A.

11. That the Hindustan Petroleum Corporation Limited already has 2 other separate fuel retail outlet(s) within 20 kms (approx) of the aforesaid fuel retail outlet, forming the subject matter of the captioned Original Application, pending before this Hon'ble Tribunal.

12. That recently, another fuel retail outlet of Hindustan Petroleum Corporation Limited got completely filled with water and debris from another Rivulet (Nala) in Chamba district, as it is in close proximity of the aforesaid water body flowing next to it on a different location.

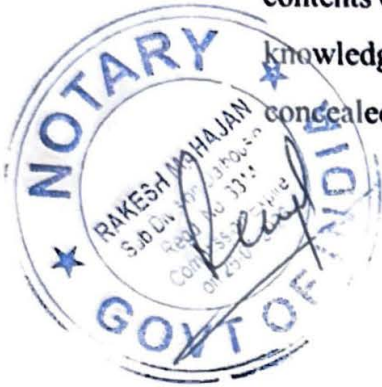
13. That due to the aforesaid reasons and other grounds urged in the Original Application. O.A. No. 297 / 2026 along with I.A. No. 366 / 2026 may be allowed for the prayers made thereunder.



  
DEPONENT

**VERIFICATION**

Verified at Dalhousie on this the 21 day of May 2026 that the contents of my aforesaid affidavit are true and correct to the best of my knowledge and belief. No part thereof is false and nothing material is concealed therefrom.



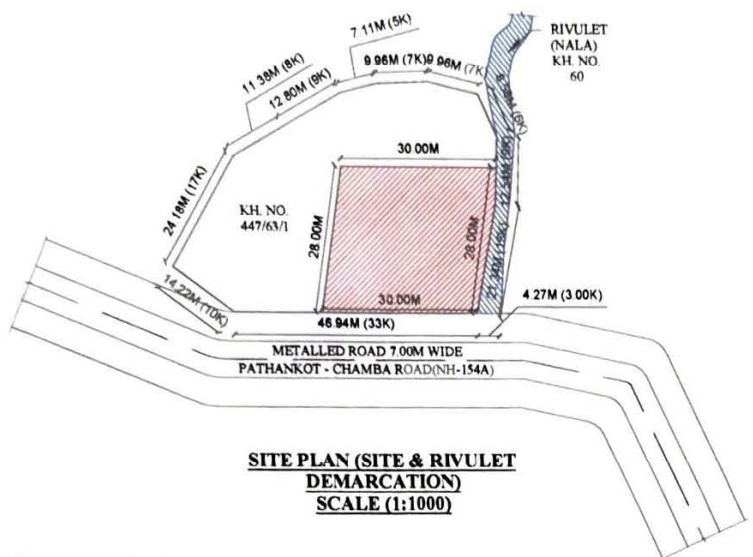
*Attested*

Certified that the declaration / affirmation / oath made before me on the 21 day of 05 2026 at Dalhousie by Ashok Kumar who is personally known to me and the contents were read over and explained to him in Hindi vernacular which seems to have perfectly understood and due time of making thereof

**DEPONENT**

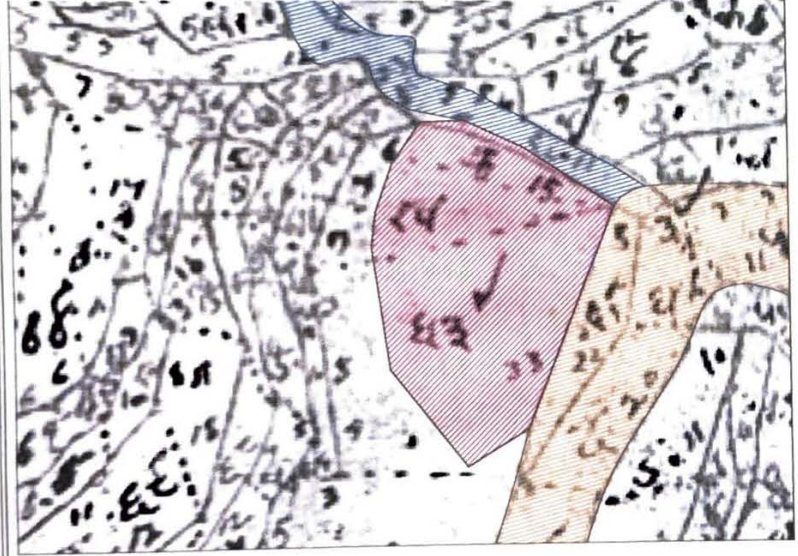
*R Mahajan*  
Rakesh Mahajan  
Notary Public Dalhousie  
District Chamba (H.P.)  
21/5/26

213  
DRAWING NO. - 1



**SITE PLAN (SITE & RIVULET DEMARCATION)**  
**SCALE (1:1000)**

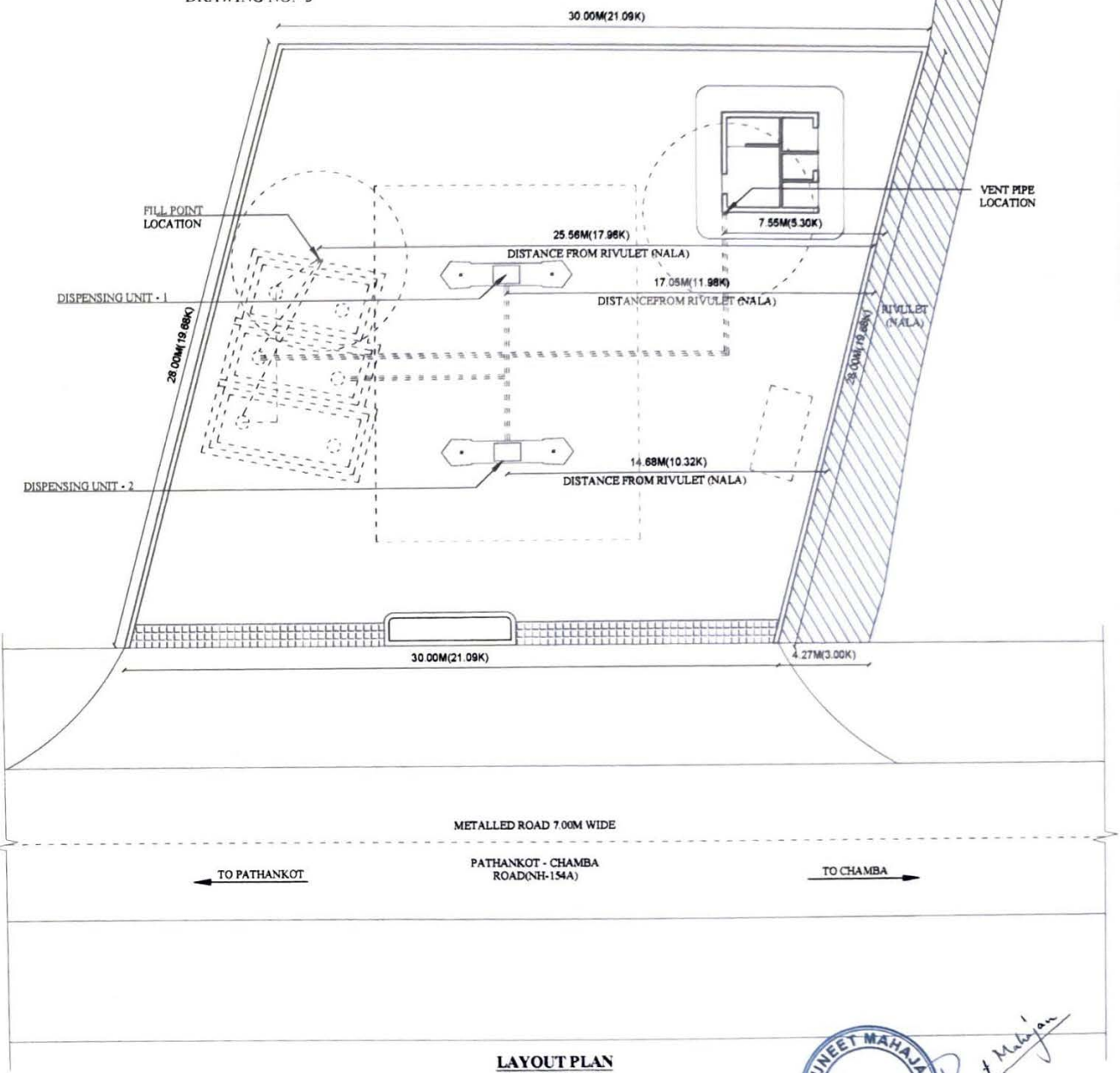
DRAWING NO. - 2



**KEY PLAN**  
**SCALE (NTS)**

1 KARAM = 1.42 METER

DRAWING NO. - 3



**LAYOUT PLAN**  
**SCALE (1:200)**

<b>TITLE:</b> SITE & RIVULET (NALA) DEMARCATION PLAN OF Kh NO. 447/63/1 & 60 AT VILLAGE GHURAL ON PATHANKOT - CHAMBA ROAD DISTRICT CHAMBA (H.P.)	<b>GENERAL NOTES:</b> 1 ALL DIMENSIONS ARE IN MILLIMETER AND METER, UNLESS MENTIONED 2 ALL DIMENSION ARE TO BE READ ONLY AND NOT TO BE MEASURED/SCALED	<b>LEGENDS:</b> [Red Box] PROPOSED SITE [Blue Box] RIVULET (NALA) [Green Box] HPCL RETAIL OUTLET STATION [Orange Box] METALLED ROAD	<b>BRIEF SPECIFICATIONS</b>	<b>SCALE :</b> AS PER MENTIONED	<b>APPROVED :</b>	<b>DEALT :</b> VERINDER	<b>CHECKED BY :</b> PUNEET MAHAJAN
				DATE: 20/05/26 DRG NO: H-101	REV NO: _____ REVISION RECORDS: _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____



पञ्चासत्तमः सन्वत् २००६-१० वि.सु.ता.विक.सन् १  
नकाशे भूखण्ड मुसावी मुहाल जंगल नं० १०-१६ तहसील डलहौजी जिला चम्बा हि०प्र०।

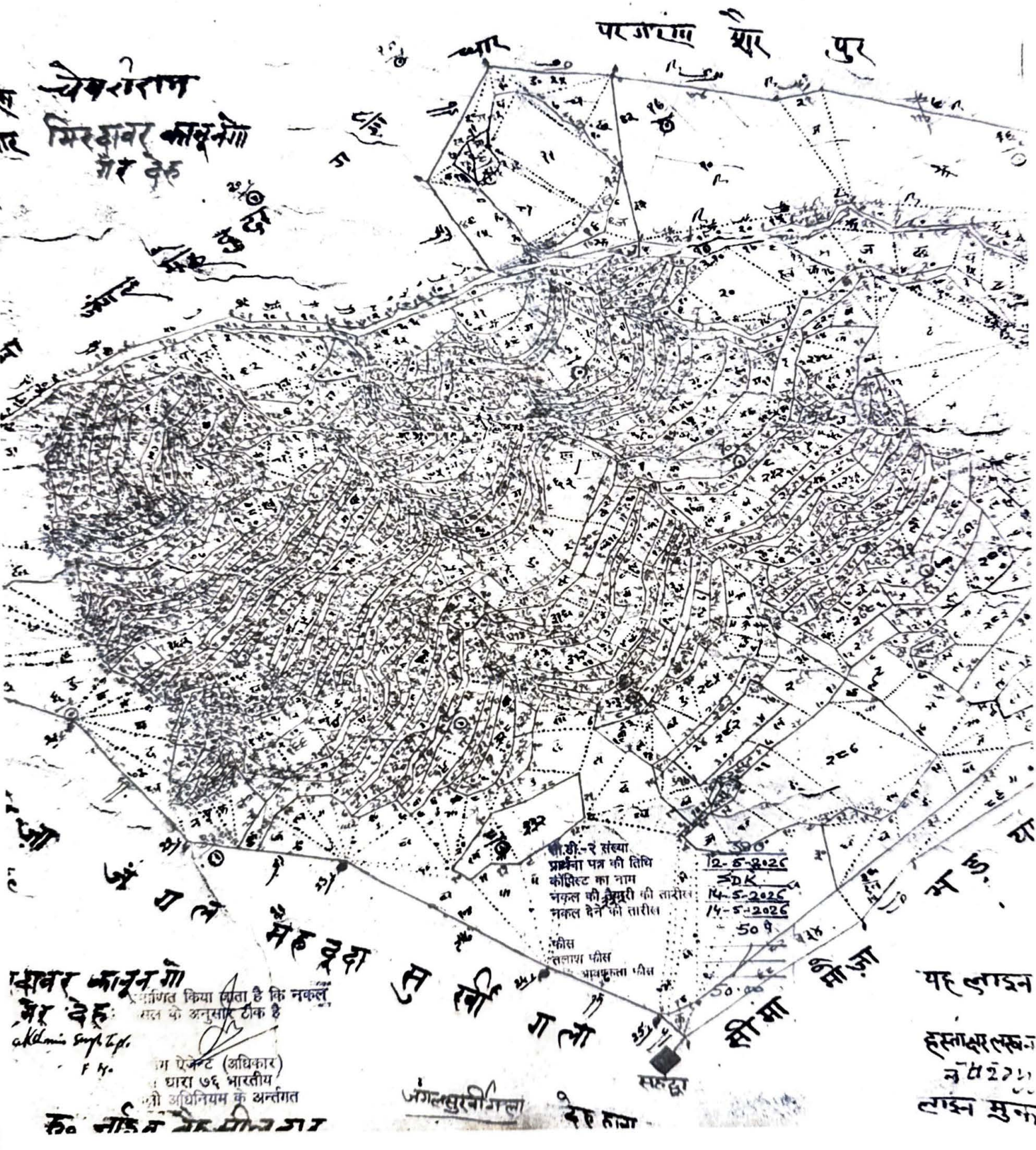
चैमाना व बिसाव  
५० कारम प्रति डंच

चैमाना बहिसाव चालीस (४०)  
तुलकाव - ५६ ईश्वर

नोट :- दाखिली देह हजा खारजी महाल जंगल गगीधार  
नम्बराव खसरा नं० १२ ता नं० १५

परजाला शार पुर

चैबराव  
मिरावर कावुन गो  
गैर देह



श्री.डी. २ संख्या  
प्रथमा पत्र की तिथि  
कॉन्सिड का नाम  
नकल की तारीख  
नकल देने की तारीख

12-5-2026  
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14-5-2026  
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फीस  
तलाश फीस  
भावकता फीस

मिरावर कावुन गो  
गैर देह  
अधिकृत किया जाता है कि नकल  
सब के अनुसार ठीक है  
अधिकारी (अधिकार)  
धारा ७६ भारतीय  
अधिनियम के अन्तर्गत  
क० न० १६ तहसील जंगल

जंगलसुरवीगला

देह हजा

परजाला  
हस्ताक्षर  
२०२६  
लाइन मुक

जबल अग्रस्य शक्ति किरतवार मीरी जुबल गुराल ह. नं. (१६) परगना काथरी लक्ष्मील जलदोजी  
जिल्ला चम्बा हिमाचल प्रदेश

येमना व हियल ५० र्ग प्रति ईन्च

# रु डा गगा धार परगनाकरपूर

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प्रमाणित किया जाता है कि नकल असल में अपुसोर मुहीक है

(नोट)

सी.डी.-२ संख्या  
आवृत्त मसुदा नियम  
कॉम्पिस्ट का नाम  
गंगाल की तैयारी की तारीख  
नकल देने की तारीख

जी महल

14-5-2026

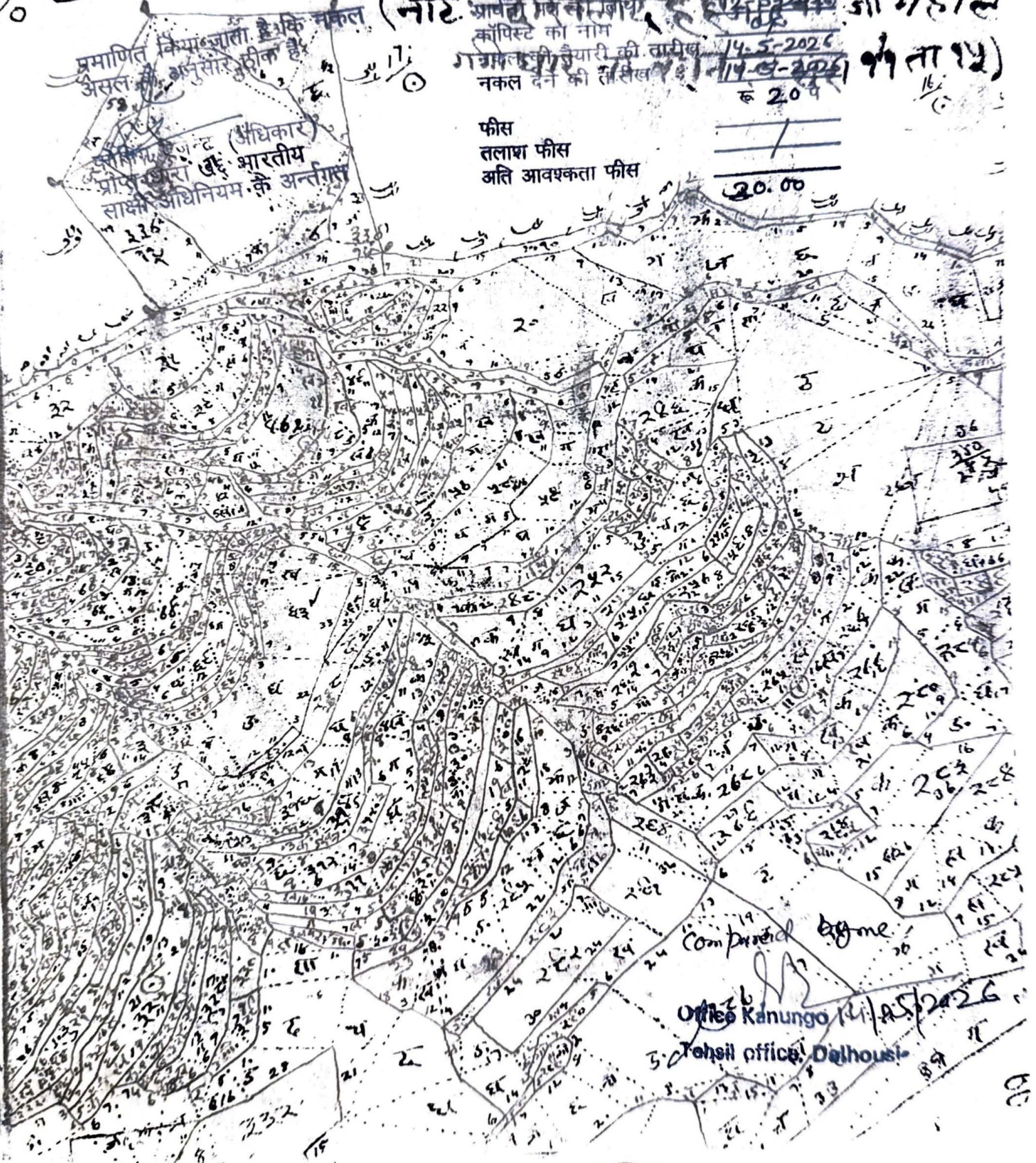
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तलाश फीस  
अति आवश्यकता फीस

20.00



Compared by me

Office Kanungo 14/5/2026

Tehsil office, Dalhousi

10

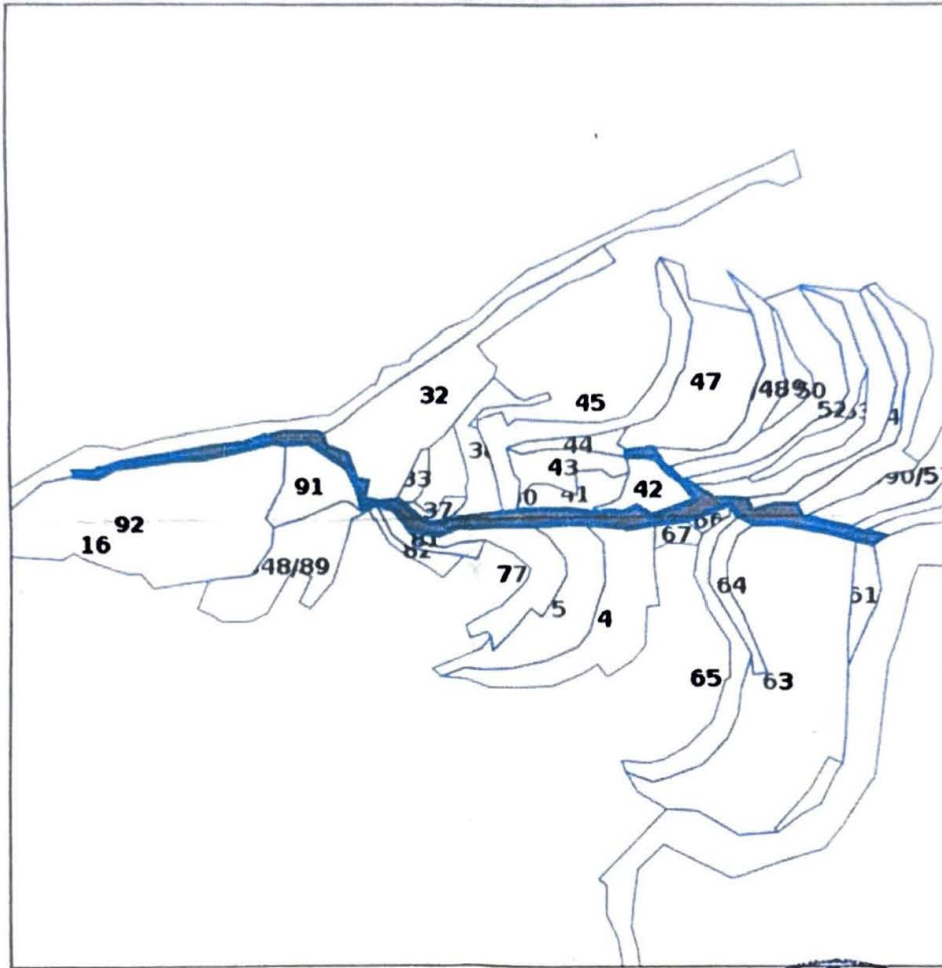


हिमाचल प्रदेश  
Government of Himachal Pradesh



भूमि का विवरण

District	Tehsil	Village
01 चम्बा	10 उतहीजी	009701 गुराल



Scale: 1:2000

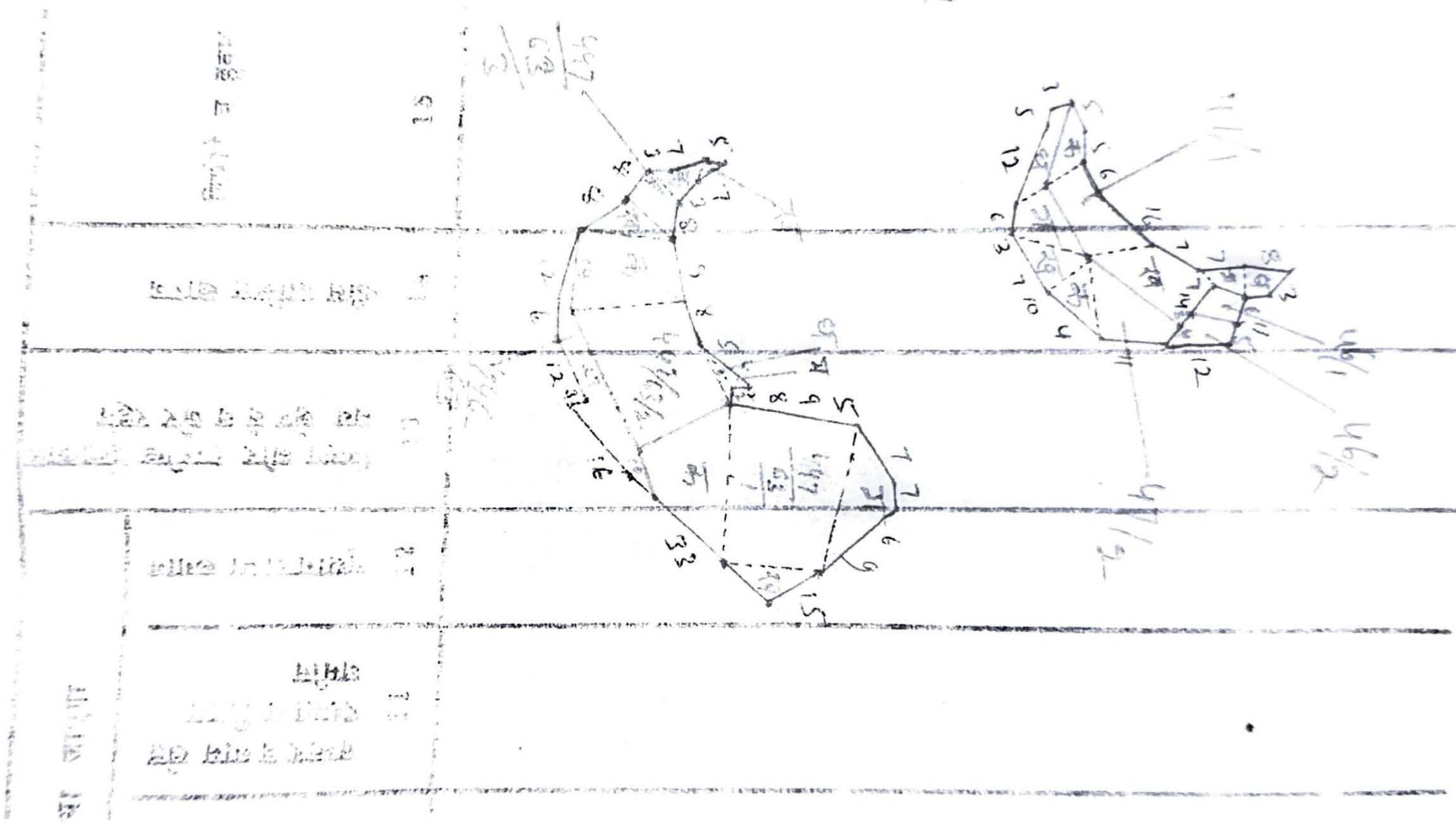
खसरा नंबर : 60

Plot Info : क्षेत्रफल : 01-15-00 गे.मु. नाला बीघा-बिस्वा-बि. सरकार हि. प्र.



Signatory / Officer

Thu May 14 2026 16:55:01 GMT+0530 (India Standard Time)



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**Advance Service of Additional Affidavit of the Applicant (O.A. no. 397 of 2026 in I.A. no. 366 of 2026, Ashok Kumar Sharma VS. Central Pollution Control Board & Others)**

1 message

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**Sunil Kumar** <sunil.uttaranchal@gmail.com>

22 May 2026 at 15:20

To: mscb.cpcb@nic.in, mspcb-hp@nic.in, dyccechandigarh@explosives.gov.in, shml.retrm@hpcl.in, dc-cha-hp@nic.in, adg-acb-hp@nic.in, sdmdal-cha-hp@nic.in, ee\_salooni@rediffmail.com, head-fordivdal-hp@hp.gov.in, thqdal-cha-hp@nic.in  
Cc: Volksgeistjurix@gmail.com, Chambers@sourabhmahotra.com

Dear All

Please find attached advance copy of the captioned Additional Affidavit of the Applicant (O.A. no. 397 of 2026 in I.A. no. 366 of 2026, Ashok Kumar Sharma VS. Central Pollution Control Board & Others) for your record. All Respondent(s) are marked on the present email.

Regards,

**SOURABH MALHOTRA**  
ADVOCATES FOR THE **APPLICANT**  
C-78/79, LGF, LAJPAT NAGAR PART-II  
NEW DELHI (SOUTH)- 110024, INDIA  
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#WIRELESS: 09811352442, 09811352440  
Email: [Volksgeistjurix@gmail.com](mailto:Volksgeistjurix@gmail.com)  
[Chambers@sourabhmahotra.com](mailto:Chambers@sourabhmahotra.com)

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 **ADDITIONAL AFFIDAVIT OF THE APPLICANT.pdf**  
3936K