

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 211 OF 2020

IN THE MATTER OF:

Deepak SharmaApplicant
Versus
State of Uttarakhand & Ors. ... Respondents

AFFIDAVIT IN COMPLIANCE OF ORDER DATED 25.09.2020
PASSED BY THIS HON'BLE TRIBUNAL ON BEHALF OF THE
RESPONDNT NOS.1 & 4

P A P E R - B O O K
I N D E X

<u>Sr</u>	<u>Particulars</u>	<u>Pages</u>
1.	Affidavit in compliance of order dated 25.09.2020 passed by this Hon'ble Tribunal	
2.	<u>ANNEXURE-1</u> : A true copy of the order dated 25.09.2020 passed by this Hon'ble Tribunal	

Submitted by:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for the State of Uttarakhand
/Respondent

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RESPONDENT NOS.1 & 4

I, Jeet Singh Rawat S/o Late Shri A.S. Rawat aged about 55 years, presently posted as Executive Engineer, National Highway Division, Public Works Department, Dehradun, Government of Uttarakhand, Dehradun, do hereby solemnly affirm and declare as under:

1. That I the deponent, in the above noted official capacity and as per records, I am fully conversant with the facts and circumstances of the case, hence competent to swear this affidavit in compliance of order dated 25.09.2020 passed by this Hon'ble Tribunal, on behalf of the Government of Uttarakhand.

2. That the abovementioned matter was listed before this Hon'ble Tribunal for hearing on 25.09.2020, after hearing this Hon'ble Tribunal was pleased to pass the following order:-

"1. The issue involves compliance of guidelines of the CPCB for location of a petrol pump. In O.A. No. 163/2020, this Tribunal sought a factual report in the matter from a joint Committee of State PCB, District Magistrate, Dehradun and SEIAA, Uttarakhand. The matter is listed for 27.11.2020.

2. On the same pattern, in the present matter also, the said joint Committee may give a factual and action taken report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List again on 27.11.2020.

A copy of this order be forwarded to the State PCB, District Magistrate, Dehradun and SEIAA, Uttarakhand by e-mail.

The applicant may serve a set of papers to State PCB, District Magistrate, Dehradun and SEIAA, Uttarakhand and file affidavit of service within two weeks from today.

Since matter is proposed to be finally disposed of, no interim order is called. I.A. No. 330/2020 stands disposed of."

A copy of the said order dated 25.09.2020 is annexed hereto and marked as ANNEXURE-1.

3. It is submitted that the respondent nos. 5 and 6 received an application for establishment of retail outlet on Khasra No.41/1 situated in Village Jagjeetpur Mustkam Tehsil and District Haridwar, Uttarakhand from the respondent No.7.

4. It is submitted that on the query of District Magistrate, Haridwar for no objection for the abovesaid Retail outlet, the office of respondent no. 4 vide its letter dated 25.10.2019 informed that the no objection cannot be given for the said retail outlet, near the abovesaid place, because the Gas Agency and school is situated. Thereafter, the applicant referred guidelines issued by the Ministry of Road Transport and National Highway, Government of India vide dated 24.7.2013, thereafter, on perusal of the said guidelines it was not



found that the no objection cannot be issued for retail outlet, if there is any gas agency or school situated in the nearby area, and therefore, no objection was issued on 28.11.2019. But as per guidelines dated 26.6.2020, it was informed to the District Magistrate through letter, that no objection certificate can be issued for Retail Outlet in the urban area only on the condition of availability of land area of 30 x 30 meter = 900 meter, otherwise the no objection certificate can be cancelled.

5. That the no objection certificate was issued only on the basis of guidelines issued by the Ministry of Road Transport and National Highway, Govt. of India vide its letter bearing No. RW/NH-33023/19/99/DO/III dated 24.07.2013, but the decision for withdrawal of no objection certificate was not taken due to pendency of the present matter before this Hon'ble Tribunal.
6. That the respondent No.4 has informed vide letter bearing No.1102/1C dated 04.08.2020 about the decision of withdrawal of no objection certificate on the basis of guidelines dated 26.06.2020 issued by the Ministry of Road Transport and National Highway, Govt. of India.
7. That the District Magistrate vide its letter dated 25.07.2019 summoned the report from answering respondent including 6 other departments, regarding no objection for establishment of Petrol Pump on the land bearing Khasra No.41/1, Jagjeetpur Mustakam, Tehsil and District Haridwar, Uttarakhand, after receiving letter dated 10.07.2019 from Indian Oil Corporation.



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8. That the office of answering respondent sent report and after refused to grant the no objection certificate vide its letter dated 25.10.2019, but it was again sent for consideration in view of the guidelines issued by the Ministry of Road Transport and National Highway, Govt. of India vide its letter bearing No. RW/NH-33023/19/99/DO/III dated 24.07.2013, that establishment of retail outlet is prohibited because of the condition that there is school or gas agency situated in the nearby place of the site. After going through the abovesaid guidelines, the decision for giving the no objection certificate was taken on 28.11.2019, and thereafter the same was withdrawal by the District Magistrate, Haridwar, Uttarakhand and it was informed vide its letter bearing No. 1102/1C dated 04.08.2020 on the condition dated 26.06.2020 about minimum requirement of 30 meter x 30 meter = 900 meter land in the urban areas.



9. That the respondent No.3 withdrawn the no objection certificate vide its letter dated 25.10.2019 in view of the guidelines issued by the Ministry of Road Transport and National Highway, Govt. of India vide its letter bearing No. RW/NH-33023/19/99/DO/III dated 24.07.2013.

10. That the District Magistrate, Haridwar informed the respondent No.4 about the withdrawal of no objection certificate regarding establishment of Retail Outlet in view of the guidelines issued by the Ministry of Road Transport and National Highway,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line and a diagonal stroke.

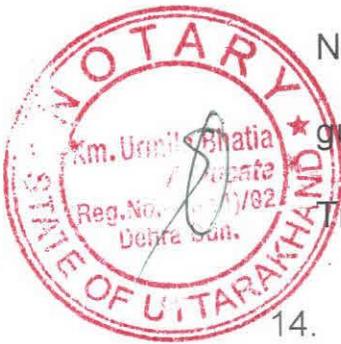
Highway, Govt. of India vide its letter bearing No. RW/NH-33023/19/99/DO/III dated 24.07.2013.

11. That answering respondent informed to the Indian Oil Corporation vide its report dated 25.10.2019 that there are Gas Agency and school situated in the nearby area.

12. That the Indian Oil Corporation does not fulfill the condition regarding availability of minimum land.

13. That only the respondent No.3 is having the right to withdraw the no objection certificate, however, the respondent

No.4 found that the Retail Outlet in question is suitable in view of guidelines dated 26.06.2020 issued by the Ministry of Roadway Transport and National Highway, Govt. of India.



14. That the applicant of the Retail Outlet does not fulfill the condition about the minimum requirement of land i.e. 30 meter x 30 meter = 900 meters.

15. That the proposed guidelines dated 26.06.2020 was came into knowledge of the answering respondent, and in view of the same, the information sent to the District Magistrate for withdrawal of no objection certificate dated 28.11.2019.

16. That the proposed guidelines issued by the Ministry of Road Transport and National Highway vide its letter No.RW/NH-33032/01/2017-S&RCR dated 26.06.2020 are applicable on all the Retail Outlets.

17. That the proposed Retail Outlet does not fulfill the conditions, because Gas Agency and School are situated in the nearby places as well as does not fulfill the condition of the land according to the proposed guidelines dated 26.06.2020, therefore, the no objection certificate dated 28.11.2019 was withdraw on 4.8.2020 and information of the same was also given to the respondent Nos. 3 and 7.

18. That the spot inspection report dated 25.10.2019 was given, it is further submitted that on the basis of guidelines dated 24.7.2013 the no objection certificate was issued and thereafter, in view of the proposed guidelines dated 26.06.2020, the no objection certificate dated was withdraw on 4.8.2020.

19. That the no objection was withdraw on the basis of the guidelines dated 26.06.2020 and it was informed to the respondent Nos. 3 and 7.

20. That the no objection was withdraw on 04.08.2020 on the basis of the guidelines dated 26.06.2020.

21. That the respondent Nos. 5, 6 and 7 does not fulfill the guidelines regarding the minimum land.

22. That the no objection certificate was withdrawn on 04.08.2020 in view of the new guidelines No.RW/NH-33032/01/2017-S&RCR dated 26.6.2020.

23. In view of the facts and circumstances as explained hereinabove, sincere efforts are taken by the State of Uttarakhand in



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compliance of the directions passed by this Hon'ble Tribunal vide its order dated 25.09.2020, and the present Affidavit in compliance of order dated 25.09.2020 passed by this Hon'ble Tribunal is being filed for kind perusal of this Hon'ble Tribunal, the same may kindly be accepted by this Hon'ble Tribunal, and the deponent hereby undertakes to comply with every direction passed by this Hon'ble Tribunal.


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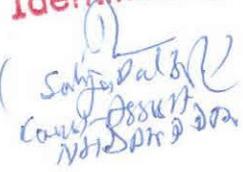

DEPONENT

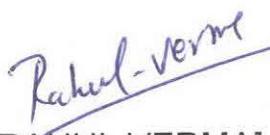
VERIFICATION:

Verified by me at Dehradun today on this 02 day of 10, 2020 that the contents of the above affidavit are true and correct to my knowledge and belief based on record. Nothing is wrong herein and nothing material has been concealed there from.


DEPONENT
Submitted by:



Identified by-

Sahjiv Datta
Court Assesst
N.H. S.P. D.D.


[RAHUL VERMA]

Additional Advocate General for the State of Uttarakhand
137, Tower no.10,
Supreme Enclave,
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Delhi – 110091
Mobile No. 9717706032
Email- advrahulverma9999@gmail.com

This affidavit is sworn before me by
Sahjiv Datta
who is identified by
Sahjiv Datta
at Dehradun on 02/10/2020

KM. URMILA BHATIA
Advocate & NOTARY, Dehradun



Item No. 05

Court No. 1

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

(By Video Conferencing)

Original Application No. 211/2020
(I.A. No. 330/2020)

Deepak Sharma

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 25.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. The issue involves compliance of guidelines of the CPCB for location of a petrol pump. In O.A. No. 163/2020, this Tribunal sought a factual report in the matter from a joint Committee of State PCB, District Magistrate, Dehradun and SEIAA, Uttarakhand. The matter is listed for 27.11.2020.

2. On the same pattern, in the present matter also, the said joint Committee may give a factual and action taken report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

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The applicant may serve a set of papers to State PCB, District Magistrate, Dehradun and SEIAA, Uttarakhand and file affidavit of service within two weeks from today.

Since matter is proposed to be finally disposed of, no interim order is called. I.A. No. 330/2020 stands disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 25, 2020
Original Application No. 211/2020
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