

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 416 of 2025

IN THE MATTER OF:

Shri Gopal Chandra Vanwassi ... Applicant

VERSUS

Indian Oil Corporation Limited (IOCL) ... Respondents

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V.K. Shukla

Advocate for the Applicant
B-69, LGF, Lajpat Nagar-1

New Dehi-110024

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Place: New Delhi

Date: 22.08.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 416 of 2025

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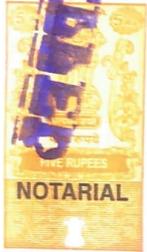
... Respondents

ADDL. AFFIDAVIT ON BEHALF OF APPLICANT

IN COMPLIANCE OF ORDER DATED 19.08.2025

I, Gopal Chandra Vanwassi, Aged about 57 years, S/o Sri Madhan Ram, R/o Ritha near Bhramari Kot Mandir (Dangoli) Maj Kot Dist. Bageshwar, Uttarakhand – 263635, do hereby solemnly affirm and states as under;

1. That the deponent is the Applicant in the above matter and is fully conversant with the facts and circumstances of the case and hence competent to swear this affidavit.
2. That this Hon'ble Tribunal, vide order dated 19.08.2025, directed the Applicant to file a typed copy of Annexure A/3 (distance criteria in CPCB guidelines), as the copy earlier filed was not legible.
3. That while preparing a typed copy of Annexure A/3, it came to the Applicant's notice that page 46 of the OA was actually the concluding page of Annexure A/4 (not of Annexure A/3). Annexure A/3 is only a one-page document. Accordingly, the Applicant is re-filing the true, correct and legible copies of both Annexures A/3 and A/4 for the kind perusal of this Hon'ble Tribunal:

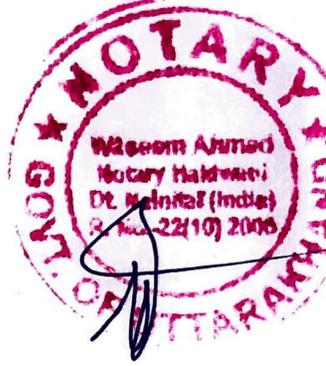


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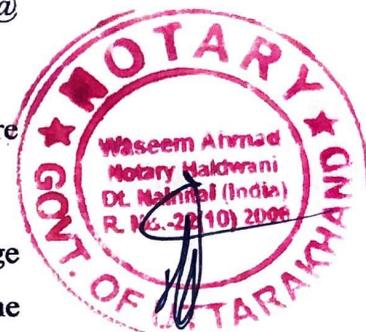
A complete typed and legible copy of the Office Memorandum dated 16.06.2023 is annexed as **Annexure A/3**.

A complete and legible copy of the Office Memorandum dated 07.08.2024 along with the Minutes of Meeting dated 25.07.2024 is annexed as **Annexure A/4**.

4. That the Applicant is also filing a better and complete copy of Annexure A/1 (CPCB Guidelines dated 07.01.2020). The copy earlier filed was unclear and inadvertently the last page containing clauses F to H was missing. A full and legible copy is annexed afresh as **Annexure A/1**.
6. That Clause H of the CPCB Guidelines dated 07.01.2020 (Annexure A/1) clearly stipulates that New retail outlets shall not be located within a radial distance of 50 meters from fill point, residential areas, schools, hospitals etc.
7. That the Minutes of Meeting dated 25.07.2024 (part of Annexure A/4) specifically refer to these CPCB siting criteria in Paragraphs 6 to 8. Despite such reference, the Respondents have proceeded with establishment of the retail outlet in violation of these mandatory guidelines.
8. That this Hon'ble Tribunal may kindly note that these distance criteria are not mere guidelines but are integral to environmental safeguards aimed at minimizing risks of fire hazards, air pollution, and threats to public health. Their violation is a matter of grave concern as it affects the right to life and environment under Article 21 of the Constitution of India.



9. That no No Objection Certificate (NoC) has been obtained by Respondent Nos. 1 & 2 either for (i) establishment of the retail outlet, or (ii) cutting of valuable Oak trees at the site. This is evident from:
- a) The letter dated 26.02.2024 written by the Forest Range Officer to the DFO (Annexure A/12 Colly @ Page 67).
 - b) Photographs annexed at Pages 101–108 (Annexure A/31).
10. That the photographs of original site condition (at Page 108) clearly depict Oak trees standing on the land. The subsequent photographs (Pages 101–103 & 106–107) show how a large number of trees were cut and removed without any permission from the Forest Department.
11. That the Google Earth historical imagery (2023 & 2024) also conclusively demonstrates large-scale tree felling at the site in question.
12. That Oak trees are classified as ecologically valuable species in the Himalayan region, playing a crucial role in:
- a) Preventing soil erosion and landslides,
 - b) Maintaining water recharge in hill aquifers, and
 - c) Supporting rich biodiversity.
13. That their illegal cutting without Forest Department approval is a violation of the Indian Forest Act, 1927, as amended by the Uttarakhand Amendments, and also contravenes the Forest (Conservation) Act, 1980.



14. That such reckless and unlawful actions of the Respondents are irreversibly damaging the fragile Himalayan ecology, and therefore the matter deserves the urgent and strict intervention of this Hon'ble Tribunal.

In light of the above, the Applicant respectfully submits this affidavit in compliance with order dated 19.08.2025, and humbly reiterates that the present case involves **serious environmental violations** including:



- a) Non-compliance with CPCB siting norms,
- b) Absence of mandatory Forest Department approvals, and
- c) Large-scale destruction of ecologically critical Oak trees.

Hence, this Hon'ble Tribunal may be pleased to take these facts into account while considering the Applicant's Original Application.


DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom.

Verified at Haldwari on this 22 day of August, 2025.

(Waseem)
IDENTIFIED BY
Waseem Ahmad

Attested that I/We...
the Deponent identified by...
Sworned & Verified the contents of
the Affidavit at...
In Date...
22/08/2025

Waseem Ahmad
Notary, Haldwari
Dist. Nainital (U.K.) India
DEPONENT
Waseem Ahmad
22/08/2025



CENTRAL POLLUTION CONTROL BOARD

DELHI 110 032

B-13011/1/2019-20/AQM

10802-10847

January 07, 2020

OFFICE MEMORANDUM

Sub: Guidelines for Setting Up of New Petrol Pumps in Compliance of Hon'ble NGT order dated January 18, 2019 in OA No. 86/2019: Gyanprakash@ Pappu Singh vs Gol & Ors -regarding.

Hon'ble National Green Tribunal, vide order dated January 18, 2019 in OA No. 86/2019: Gyanprakash@ Pappu Singh vs Gol & Ors directed Central Pollution Control Board and MoPNG to look into the issue of setting up of large number of petrol pumps in the country and directed that appropriate guidelines be issued by the Central Pollution Control Board in exercise of statutory power.

An Expert Committee comprising of members from IIT Kanpur, NEERI, IIP, TERI, MoPNG and CPCB was constituted to frame Guidelines for setting up of new Petrol Pumps including siting criteria and pollution prevention and control measures

The guidelines were placed in public domain and comments/suggestions/objections were invited from public and concern stakeholder and these were reviewed and guideline have been finalised.

The final Guidelines prepared by Expert Committee are hereby circulated for implementation by concerned stakeholders. These guidelines are hereby issued with the approval of the Competent Authority.

(V.K. Shukla)

Additional Director, AQM Div.

Encl.: As Above

To.

1. As per List Enclosed

Copy to:

1. Joint Secretary
CP Division
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110 003
2. PS to CCB
3. PS to MS

GUIDELINES FOR SETTING UP OF NEW PETROL PUMPS**A. Containment and treatment of spillages from fuel filling operations at petrol pumps:**

1. Petrol pumps located in areas with high groundwater table i.e. groundwater levels less than 04 meters shall have secondary containment by way of double walled tanks or concrete protection walls so as to minimize groundwater and soil contamination. It shall be the responsibility of OMC to properly get measured groundwater level at the site of proposed petrol pump and ensure implementation of these adequate protection measures for such sites. Details of measures taken by Oil Marketing Company shall be placed in public domain and in case of contradictory view, view of State/ Central Ground Water Board/ Authority will prevail.
2. All new retail outlets shall have underground tanks/ above ground tank and its ancillary components such as pipes, flexible connectors, pumps, fittings etc. protected from leaks due to corrosion by adopting materials (HDPE/ Mild Steel etc.) with required protective coating, as applicable, duly approved by PESO.
3. Any major leakage/ spillage of Petrol, Diesel, Lube Oil (more than 1 barrel-165 litres) occurs at fueling station, concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence.

Operation of concerned underground storage tank (UST) and its ancillary components shall be stopped immediately and not be resumed till corrective measures to contain and stop leakage/ spillages are implemented to the satisfaction of PESO and concerned SPCB.

OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 5 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

4. All DUs shall have Auto Cut off Nozzles which shuts dispensation of fuel if its level in customer fuel tank reaches full capacity.
5. Breakaways to be installed for all the hoses of dispensing units to reduce spillage in the event of customer vehicles moves away with nozzle still in the fueling position.

6. Single/ double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refueling so that it does not fall off accidentally.
 7. In pressurized dispensation, all dispensing units shall be installed with shear valves to cut the fuel flow from pipe line immediately upon accidental knocking of dispensing units from its position.
 8. In pressurized system all Submersible Turbine Pumps (STPs) are to installed with line leak detectors and in the event of pipeline leaks STPs shall stop pumping fuel from underground tanks.
 9. Emergency stop button switch shall be provided on the Multi-Product Dispenser (MPD) to stop the dispensation in case of emergency.
 10. Automation system shall be installed at all new retail outlets to alert in case of tank leak by way of auto gauging system approved by PESO.
 11. All Retail Outlets shall provide overfill alarm through automation.
 12. Measures for spill containment in fill point chambers and forecourt area shall be implemented as prescribed by PESO.
- B. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater and soil contamination:**
1. All new retail outlets will have automation system installed which will provide reports on volume balance after every day operation and records shall be maintained.
 2. Manual gauging shall be done once in a month and compare the same with Automatic Tank Gauging for accuracy.
 3. Daily MS and HSD loss shall not exceed MoPNG prescribed limits. In case of leakage beyond such limits, matter shall be got analyzed by OMCs and further action shall be taken for ascertaining the reasons of losses. In case of leakage resulting in soil / groundwater contamination:
 - a. Concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such underground storage tank (UST) and its ancillary components shall be stopped immediately.
 - b. Fuel shall be removed immediately from underground storage tank to prevent further release to environment. Measures to prevent explosion due to vapors released due to leakage as recommended by PESO shall be implemented immediately.

- c. OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 05 years in this field. Various approved methods shall be considered for cleaning underground contaminants.
 - d. Operation of Underground tank and its ancillary components shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned SPCB.
4. All underground tanks and pipelines shall be subjected to test for leaks every 7 years.

C. Policy towards Treatment and disposal of sludge removed from underground tanks during cleaning:

Sludge shall be collected, stored and disposed as per Rule 8 of Hazardous Waste (Management and Transboundary) Rules, 2016 and amendments thereof and records shall be maintained.

D. Installation, Operation and maintenance of Vapour Recovery System:

1. All **new retail** outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 1 lakh will be provided with VRS. VRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
2. Any **new retail** outlet set up in cities having population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with VRS. VRS should be installed within a period 03 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.
3. In case of Stage II VRS, nozzle shall be provided with flexible cover flap or other alternative system for proper covering of filling tank and therefore proper recovery of vapors.
4. OMCs are responsible for maintaining installed VRS. They have to maintain periodic inspections for A/L regulator as prescribed by Legal Metrology. Proper record shall be maintained.

5. Working of dispenser shall be interlinked with VRS functioning. Online system shall be developed within 06 months to monitor status of operation of VRS. In case of non-operation of VRS, the same shall be automatically reported to concerned OMC. VRS shall be brought into operation immediately within 24 hrs and in any case within 72 hrs failing which sale of MS shall be stopped from the fueling station. Proper records of operation of VRS shall be maintained.
6. Work zone monitoring for Total VOC and Benzene shall be conducted by OMCs for petrol pumps selling more than 300 KL/ month and more than 10 lakh population (in first phase) by E(P)Act, 1986 approved labs once in a year to check compliance with OSHA norms (Time-Weighted Average) and report shall be submitted to SPCB. In addition, pilot study shall be conducted by OMCs through expert institutions for online monitoring of VOCs.
- E. Ground water and soil quality monitoring within petrol pump selling more than 300 KL/ month and more than 10 lakh population shall be conducted by OMCs once in two years through E(P)Act, 1986 approved labs for the following parameters from the nearest source and report submitted to SPCB:

Permissible Limit

Sr.No.	Parameter	Permissible Limit
1.	Total petroleum hydrocarbons	600µg/l
2.	BTEX	i. Benzene- 950µg/l ii. Toluene- 300µg/l iii. Xylenes- a. o-xylene- 350µg/l b. m & p- xylene- 200µg/l
3.	Ethanol	1400 µg/l
4.	Methyl Tertiary Butyl Ether	13µg/l
5.	PAH	0.0001µg/l

Enforcement agencies including SPCB can collect samples in and around petrol pump to check contamination.

F. Measures for protection of Worker's Health

1. All workers engaged at retail outlets may be covered under ESI. OMC dealers shall implement the personal protective equipment (PPE) as per labor laws.
2. IEC (Information Education Communication) activities should be organized by OMC dealers for workers at regular intervals in order to sensitize them about harmful impacts of VOC emissions.

G. Audit of all protection measures and monitoring system implemented at petrol pumps:

PESO shall conduct audit of tanks and fuel equipment including pipes, overflow protection equipment and alarm system on annual basis and maintain records.

H. Siting criteria of Retail Outlets:

In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.

These guidelines are supplementary to all existing relevant Rules, Guidelines, Orders etc.

**TRUE COPY**

ANNEXURE: A/3

EQ-11099/25/2021-AQM-HO-CPCB-HO/ 1830-1879

June 18, 2023

OFFICE MEMORANDUM

Sub: Guidelines for setting up of new petrol pumps issued by CPCB-reg

The Hon'ble Supreme Court of India vide order dated 14.03.2024 in Civil appeal no. 421 of 2022; M/s Indian Oil Corporation Limited v/s V.B.R. Menon & Others, with Civil appeal no. 494 of 2022, Civil appeal no. 1695 of 2022, Civil appeal no. 2039 of 2022, Civil appeal no. 1758 of 2022 and Civil appeal no. 1912 of 2022 directed CPCB to instruct all the State Pollution Control Boards to ensure that the guidelines Issued by it vide the Office Memorandum dated 07.01.2020 are strictly adhered to. If there is breach of any of the guidelines issued by the CPCB vide Office Memorandum dated 07.01.2020, then the concerned State Pollution Control Board shall proceed against the erring outlet in accordance with law at the earliest. Copy of the order of the Hon'ble Supreme Court is enclosed herewith.

Accordingly, all SPCBs and PCCs are directed to ensure that CPCB guidelines for setting up of new petrol pumps issued vide office memorandum dated 07.01. 2020 and addendum dated 21.08.2021 are strictly adhered to. In case of violation of these guidelines, concerned SPCB/PCC shall take action against the erring outlets as per law.

(P.K. Gupta)
Scientist 'F' and Head
Air Quality Management Division

Encl: As Above

To:

All SPCBs and PCCs (as per list enclosed)

**TRUE TYPED COPY**

ANNEXURE:A/4

13087
13/8/2024
P-13033/100/2024-EXPLOSIVE
भारत सरकार/Government of India
वाणिज्य और उद्योग मंत्रालय/Ministry of Commerce and Industry
उद्योग संवर्धन और आंतरिक व्यापार विभाग/Deptt. for Promotion of Industry & Internal Trade
विस्फोटक अनुभाग/Explosives Section

Udyog Bhawan, New Delhi-110011
Dated: 7th August, 2024

OFFICE MEMORANDUM

Subject: Approved Minutes of the meeting held on 25.07.2024 under the Chairmanship of Secretary, DPIIT regarding recommendation of additional safety measures for siting of new petrol pump-reg.

The undersigned is directed to refer to the subject mentioned above and to forward herewith a copy of the approved minutes of the meeting held on 25.07.2024 under the Chairmanship of Secretary, DPIIT regarding recommendation of additional safety measures for siting of new petrol pump.

2. This issues with the approval of competent authority.

Encl: As above



(Pritam Kumar)

Under Secretary to the Govt. of India
Tel: 011-23063148
Email ID: pritam.k@gov.in

To,

1. The Secretary, Ministry of Petroleum and Natural Gas
- ✓ 2. Shri P. Kumar, CCE, PESO
3. The Chairman, Central Pollution Control Board

Copy to,

1. OSD to Secretary, DPIIT.
2. PS to JS (SB), DPIIT
3. Shri Bhuvnesh Pratap Singh, DS, DPIIT

Minutes of the meeting held on 25.07.2024 at 3:30 PM under the Chairmanship of Secretary, DPIIT (SIIT) regarding Additional Safety Measures for siting of new petrol pump-reg.

Agenda: Discussion on safety measures (**Annexure I**) recommended by PESO for setting up new petroleum retail outlets near residential areas, hospitals (10 beds and above), and schools within a 30-50 meter radius.

Dr. Bhuvnesh Pratap Singh welcomed all the participants. The meeting aimed to review and discuss these safety measures proposed for aforesaid new retail outlets. The list of participants is provided in **Annexure - II**.

Safety Measures and views of the participants thereto : -

- **Safety Measure 1:** A boundary wall of 230 mm thickness is proposed for outlets facing schools and hospitals. Shri Anil Ahir from BPCL suggested a reduced thickness of 170 mm. After detailed deliberations, OMCs agreed to adhere to the 230 mm requirement.
- **Safety Measure 2:** The measure recommends placing all underground tanks in concrete pits. OMCs proposed removing this requirement, citing existing CPCB norms for concrete protection only when the water table is less than 4 meters or near surface water bodies.
- **Safety Measure 3:** A Vapour Recovery System (VRS) is recommended. OMCs requested an exemption, arguing that VRS is mandated by CPCB for air pollution control, not safety. CPCB confirmed that it is a pollution related issue. However, Dr. Sanjana Sharma, Joint CCE, PESO, emphasized VRS's importance for safety to prevent vapour-related accidents at the premises where the residential areas, school and hospitals are located at 30 meter or within 30 to 50 meter. OMCs further argued that all PESO distance norms will be followed but VRS has got a backend infrastructure including preparation of Tankers, supply points based on the statutory requirements governed by population norms, which anyway will be followed if the subject RO falls under the same but should not be made mandatory. Secretary, DPIIT mentioned that this will be considered to be relaxed while all other requirements are put in place.
- **Safety Measures 4 and 5:** Recommendations include placing the tanker unloading platform away from sensitive areas and prohibiting refueler loading or parking in these ROs. OMCs argued that these measures may be unnecessary due to existing safety distances defined in the Petroleum Rules.
- **Safety Measures 6, 7, and 8:** Additional Measures No. 6, 7 and 8 are related to documentation, site plan drawing, etc.

Representatives of OMCs demanded to drop these measures as OMCs are submitting documents and layout Drawings duly signed by Authorized officer of OMCs, as per Petroleum Rules and Licensing requirements.

After detailed deliberation following actions were unanimously accepted by all the stakeholders: -

Safety Measures No. 1, 2, 4 and 5 were agreed upon by all stakeholders and shall be followed by OMCs and additional measures No. 6, 7 and 8 may be dropped as there are already provisions in Rule 131 and Rule 144 of Petroleum Rules, 2002 regarding these measures. Measure No. 3 (VRS) will be followed in line with CPCB's guidelines wherever applicable.

It was also decided: -

- i. To setup a committee comprising of officers of PESO, CPCB and one representative each from major PSU Oil companies to furnish a report on what are the best global practices regarding setting up of retail outlets in populated areas.
- ii. Based on the recommendation of the committee if required, an appeal for revision of CPCB guidelines will be made before Hon'ble Supreme Court.

The meeting concluded with a vote of thanks.



Annexure-I

In view of the above, a committee has been constituted by the Chief Controller of Explosives to suggest a way forward to implement said guidelines while granting prior approval for construction and licenses to new petroleum retail outlets. The matter is also discussed with the industry members as well as with all heads of Circle & Sub-Circle office of PESO. The committee report is enclosed herewith.

On the basis of recommendations of committee and deliberations with the industry members as well as PESO officers, PISO prescribes the following additional measures for siting of new petrol pump in case minimum distance of 30 meters is available with respect to above said 3 criteria with following conditions.

- 1) The proposed petroleum retail outlet shall be provided with minimum 2 meters high RCC/solid brick masonry boundary wall of 230 mm thick on the sides of proposed petroleum retail outlet facing the school, hospital (10 beds & above) and residential areas designated as per Local Laws.
- 2) All underground tanks shall be in concrete pit in the proposed petroleum retail outlet.
- 3) Vapour recovery system shall be provided in these retail outlets.
- 4) The tanker unloading platform shall preferably be located opposite to the side of the retail outlet facing the school/residential area/hospitals (10 beds and above).
- 5) No Refueller loading or parking arrangement shall be allowed in the proposed petroleum retail outlet.
- 6) The item wise compliance of CPCB guidelines duly signed by the Divisional/Regional Manager of OMC shall be submitted along with application for construction approval and it should be clearly mentioned in their undertaking that "No school, hospital (10 beds and above) and residential area designated as per Local laws is situated within 30 metres from the fill points dispensers and vent, pipes of the retail outlet
- 7) The site plan drawings of proposed petroleum retail outlet shall show 30 meters, 50 meters and 100 meters separation distance circles incorporating all the existing structures within the same. The site plan drawings shall clearly indicate minimum 30 meters radial separation distance is available from the fill points, dispensing units, vent pipes, from existing school, hospitals (10 beds and above) and residential area designated as per Local Laws and the same drawing shall be endorsed by District Authorities while issuing of NOC.
- 8) The District Magistrate shall mention in the NOC that no school, hospital (10 beds and above) and residential area designated as per Local Laws is existing within 30 meters from the proposed retail outlet fill points, dispensers and vent pipes.

Annexure – II**List of Participants**

1. Shri Rajesh Kumar Singh, Secretary, DPIIT
2. Ms Sujata Sharma, JS, MoPNG
3. Dr. Bhuvnesh Pratap Singh, DS, DPIIT
4. Shri Pritam Kumar, Under secretary, DPIIT
5. Shri P. Kumar, Chief Controller of Explosives, PESO
6. Dr. Sanjana Sharma, Jt Chief Controller of Explosives
7. Shri Sanjay Singh, Dy Chief Controller of Explosives
8. Shri R. N Meena, Jt Chief Controller of Explosives
9. Dr. M.I.Z Ansari, Jt Chief Controller of Explosives
10. Shri V.K Mishra, Jt Chief Controller of Explosives
11. Shri Ankush Tewani, Scientist F, CPCB
12. Shri Anil Ahir
13. Shri Pradeep
14. Shri ND Mathur, IOCL
15. Shri Anil Garg
16. Shri DHV Anand, HPCL

**TRUE COPY**