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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE AT PUNE

ORIGINAL APPLICATION NO. 181 OF 2023 (WZ)

IN THE MATTER OF

Hridaynath Yashwant Tawade

..... Applicant

Versus

Union of India & Ors.

..... Respondents



AFFIDAVIT OF RESPONDENT NO. 3 - CITY AND INDUSTRIAL
DEVELOPMENT CORPORATION OF MAHARASHTRA LIMITED
(CIDCO)

I, **Raja Bhaguji Waghmare**, the authorized representative of Respondent No.3, Age - 47 Years, Occupation - Service, Office at CIDCO Bhavan, CBD Belapur, Navi Mumbai, District Thane - 400614, after verifying all the records do hereby state on the solemn affirmation that:-

1. I am duly authorized and competent to file the present Affidavit. I am aware of the facts of the case on the basis of documents maintained in our office in usual course of business. I am filing this additional Affidavit for and on behalf of CIDCO in terms and compliance of the orders dated 10 November, 2025 passed by this Hon'ble Court.
2. It is stated that to canalize and regulate it's powers, the Board of Directors, CIDCO has, with the previous approval of the State Government solicited

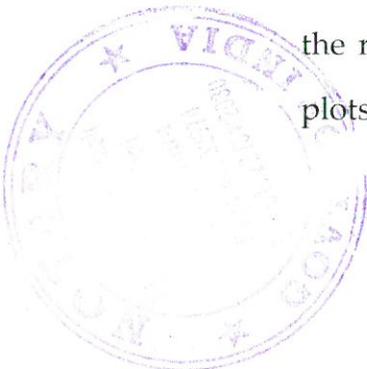
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under Section 159 of the Act, framed the New Bombay Disposal of Land Regulations 1975 and further, Navi Mumbai Disposal of Land (Amendment) Regulations, 2008. Section 118 of the MRTP Act provides that the Answering Respondent may dispose of any land to such persons and in such manner and subject to such terms and conditions, as it considers expedient for securing development of the New Town.

3. I say and submits that, the Board of Directors of CIDCO are empowered to add, amend, alter or supplement any conditions to these regulations which are conducive to the development of Navi Mumbai and supplement the said conditions/ regulations having the statutory force. Respondent No. 3 states that as instructed by the Hon'ble Tribunal, the objections of CIDCO on the joint committee report dated 06.11.2025 is *annexed herewith and marked as Annexure -1.*
4. I say and submit that with regard to the specific query by this Hon'ble Tribunal in its order dated 10/11/2025, I state that no plot was allotted in the name of private Respondents/Lessees.
5. I say and submit that, in reply to the contents of Joint Committee report, Respondent No. 3 states that, subsequent to securing managerial approval, an advertisement was disseminated on 15/08/2021, inviting bids for the lease of eight plots designated for fuel station development (including petrol pumps and CNG stations) at Ulwe, Pushpak Nagar, Kharghar, New Panvel, and Kalamboli Nodes within Navi Mumbai given the requisite accessibility of fuel stations to residential areas, the subject plots were proposed within such zones.

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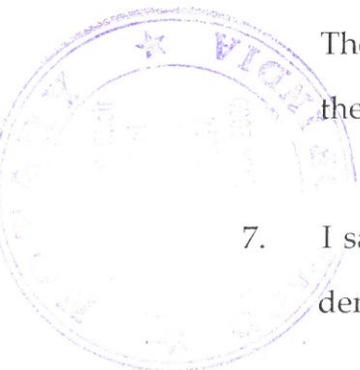


The guidelines about setting up New Petrol Pumps were issued by CPCB on January 07, 2020, the regulation no. H of the same is reproduced herein for ready reference:

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 a residential area 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 be pass over the retails outlet.

6. I say and submit that, there were no criteria about the distance from water bodies in the picture. Later CPCB vide dated 16/08/2021 issued an office memorandum about the addendum to the guidelines for setting up new petrol pumps earlier issued on 7 January, 2020 wherein the required distance from fuel stations is mentioned regarding water bodies. It is humbly submitted that the constraints on fuel location with reference to water body came into picture after the advertisement of scheme. Therefore, it is once again requested to not to consider the addendum to the subject scheme.

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7. I say and submit that, further, Respondent No. 3 states that Annexure A demonstrates that man-made water bodies are slightly affected by fuel

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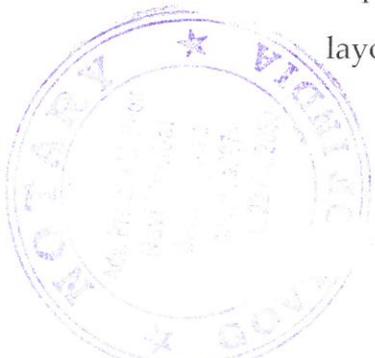
stations mentioned. Moreover, those are built by CIDCO as Holding Pond, a water channel for holding the storm water which later connected to the nearest creek. Such types of water bodies are needed in the Navi Mumbai city to avoid flooding etc. The water bodies are manmade and not natural water bodies as per revenue record.

8. I say and submit that, the Joint Committee Report has not mentioned about location of vent point/dispensing units/vent pipe within fuel station plot and the distance of affected plots are measured from plot boundary, also the affected plots were measured from their plot boundary and not as per the Building line / Marginal Open spaces. Therefore, after finalization of location of vent point/dispensing units/vent pipe, within the plot and considering the Building lines of the affected plots the affected plots may fall outside buffer. As per regulation no. 6.2.2, Table No. 6E, serial no. 6 Fuel station, column no. 4 (Minimum marginal Distances) of Chapter 6 of sanctioned Unified Development Control & Promotion Regulation 2020 (UDCPR 2020), the minimum 4.5 M from all sides of plots shall be necessary to be provided to construct the building as Marginal Open Spaces. This may increase as per the location and area of Plot particularly.

The copy of the same is annexed herewith and mark as Annexure-2.

9. I say and submit that, referring the buffer criteria for setting up petrol pumps, it is observed in many urban areas/layouts developed or in planned cities, petrol pumps/fuel station plots are in midst of the layout surrounded by residential and other plots having different uses. It is hereby made as Annexure -III

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- a. Cities such as Pune, Mumbai, Vadodara, Kochi and Bangalore etc. are one of the many such examples illustrating petrol pumps as integral part of the layout. Therefore Siting Criteria for fuel stations emphasizing on buffer limits (30/50m) for urban areas needs to be revised.
- b. It is suggested that Siting Criteria for petrol pumps shall be based on safety measures. Based on the submission that the plots were marketed on as-is-where-is basis, subject to the mandatory acquisition of a No Objection Certificate (NOC) from the Chief Controller of Explosives, Petroleum and Explosives Safety Organization (PESO) prior to the submission of a commencement certificate (building permit) as per regulation no. 6.2.2, Table No. 6E, serial no. 6 Fuel station, point no. ii) of Chapter 6 of sanctioned Unified Development Control & Promotion Regulation 2020 (UDCPR 2020). The lessee shall be responsible for implementing requisite safety measures within the plot to obtain such NOC.
- c. It is also to be noted that there are grievances from localities in Ulwe Node near Navi Mumbai International Airport (NMIA) for no development regarding petrol pumps inspite of being earmarked & marketed in the layout which are listed in this subject court matter.
- d. In urban areas, for establishing petrol pumps it is difficult to adhere to siting criteria of 30/50 m buffer considering ongoing surrounding development part of the layout. Adhering such guidelines will make it difficult to provide fuel station plots in urban areas.
- e. Since fuel station plots are essential facilities within the layout, depriving such provisions will impact the development within the layout.
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I say and submit that, on the basis of above contention and the detailed affidavit submitted earlier by Respondent No. 3, the Respondent No. 3 prayed that the present application be dismissed against Respondent No. 3.



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Respondent No. 3

VERIFICATION

I, Raja Bhaguji Waghmare, Senior Planner (R-12.5% / ARR), the authorized representative of Respondent No. 3, Age- 47 Years, Occupation- Service, Office At – CIDCO Bhavan, CBD Belapur, District Thane, after verifying all the records do hereby state on the solemn affirmation that whatever is stated hereinabove is true and correct to the best of my knowledge and information. Affirmed and signed on this ____ day of February, 2026.

[Handwritten signature]

Respondent No. 3



BEFORE ME

[Handwritten signature]
23/2/2026

Adv. PRERANA M. BHOIR
B.A., LLB
ADVOCATE HIGH COURT
REGN NO. 52974
NOTARY (GOVT. OF INDIA)
Plot No. 213 Matruchaya Niwas, Sector-31
Vashi Gaon, Navli Mumbai -400703
M. No. 98200415491
NOTARIAL REG NO. 101/2026
PAGE NO. 13 OF 02
DATE 23 FEB 2026

**ANNEXURE - 1
OBSERVATIONS ON JOINT COMMITTEE REPORT - PETROL PUMPS CASE**

Sr. No.	NODE	SECTOR	PLOT NO	Allotment status	Name of the Allottee / Lessees	Point No of Committee Report	OBSERVATIONS
1	Ulwe	21	84	Not allotted	Not allotted	5	School plot falling outside 30m buffer from fuel station & minor plot boundary is affected by 50m buffer. Also School building falling within last 4-5 m of 50m buffer. However this is measured from plot boundary as location of vent point/dispensing units/vent pipe within fuel station plot is not available. After finalisation of vent point/dispensing units/vent pipe, school building may fall outside 50m buffer. Based on above the remarks mentioned by the committee regarding school are denied
2	Morave	3	277A	Allotted	M/s Indian Oil Co.Ltd	5.4	As per 5.4.3, following is mentioned:- "Mangrove area is situated near the plot. However, it is yet to be registered and updated in MRSAC 2005, IST 2018 & M RSAC 2022 maps of the forest department" However specific distance from mangrove is not mentioned Residential plots and nearest pond is located beyond 30m and separated by the road. Hence requested to consider the location with adequate safety measures as may required by Competent Authority.
3	Pushpak	3	289	Not allotted	Not allotted	5.6	Agreed with observations
4	Pushpak	8	1	Allotted	M/s Indian Oil Co.Ltd	5.5	Agreed with observations
5	Kharghar	34A	53	Allotted	M/s.Bharat Petroleum C.Ltd.	5.1	Agreed with observations. The location of subject plot is same however plot no is modified from wrongly mentioned earlier as 49 to 53. The subject plot is to be read as Plot No.53 Sector No.34A Kharghar
6	Kharghar	37	2	Allotted	M/s Indian Oil Co.Ltd	5.2	Not Agreed with remarks Not Agreed with the statement that Hospital Plot is falling within 50 m buffer as the same is beyond 50 m in plan (5.2.2) of Committee Report. Remarks are Partially denied 1. Hospital is beyond 50m, Training Centre is not falling in prohibited category of siting criteria 2.
7	New Panvel	9	132+143+144	Allotted	M/s.Bharat Petroleum C.Ltd.	5.8	Not Agreed with remarks on water bodies which is a man made water body/holding pond part of storm water drainage system required for the city and not a natural water body as per revenue record.
8	Kalamboli	12	C 6	Not allotted	Not allotted	5.7	Not Agreed with remarks on water bodies which is a man made water body/holding pond part of storm water drainage system required for the city and not a natural water body as per revenue record.

General Notes:-

- A. As desired by Hon'ble Tribunal, 30 & 50m siting criteria is specified from vent point/dispensing units/vent pipe which is not elaborated/specified in the Committee Report.
- B. All the Waterbodies mentioned in the above list are man made waterbodies /holding pond part of storm water drainage system required for the city and not a natural water body as per revenue record.
- C. In generally it is observed that fuel stations are located in proximity with residential areas in any city of Maharashtra in order to offer services to public at ease.

- (6) No garage shall be permitted in a building having stilt or basement provided for parking.
- (7) Construction of ottas, railings, barricades or supporting columns for canopy or porch shall not be allowed in minimum front marginal distances. However, steps may be permitted within 1.2 m. from the building line. Also supporting columns for canopy or porch may be allowed within building line.
- (8) In case of Regional Plan areas, ribbon development rules shall not be relaxed without consent of the Highway Authority.
- (9) In case of special building, marginal distances shall be as per regulations for such buildings.
- (10) The plot width to depth ratio shall be 1 : 1.5 to 1 : 2.5, as far as possible in plotted layout.
- (11) In Public Housing Schemes for E.W.S. undertaken by government or semi-government organizations, marginal distances shall be as per the respective schemes and rules.
- (12) The front setback set-out in already approved and partially developed layouts/ schemes, may be retained as per original approval, so as to maintain the building line.
- (13) The pattern of development like semi-detached, row housing etc. in already approved layout shall be as per said approved layout.
- (14) Where commencement certificate is granted prior to publication of draft development plan or sanction of Development Plan and the plot gets affected by new road / road widening, proposed in the development plan, the front margin shall stand relaxed to that extent.
- (15) In case of redevelopment proposal affected by line of street up to 9.0 m. width under Municipal Council or Municipal Corporation Act or development plan road of up to 9.0 m. width, the front margin shall stand relaxed to the extent of land affected by such proposal ⁽¹⁾ subject to minimum setback of 1.0 m. for roads having width 12.0 m. or less and 2.0 m. for roads having width more than 12.0 m., from the final line of the street.
- (16) Subsidiary structure such as garage (limited to one), outhouse and independent sanitary block may be permitted only in plots having area 250 sq.m. or more.
- (17) Rear or side marginal distances for development along nallah or watercourses shall be subject to Regulation regarding "Sites Not Eligible for Construction of Building" and "Construction Within Flood Line". (Chapter 3)
- (18) The plots which are substandard in area shall be developed as per marginal distances mentioned in the above table with reference to road width.
- (19) In case of plots having approach by dead-end road, (point access) front margin shall be limited to width of point access.
- ⁽²⁾ (20) Building Line along classified roads as mentioned in Regulation No.3.1.6 shall be applicable for residential buildings defined in Regulation No.1.3.93(i) and Control Line along classified roads shall be applicable for other uses or for commercial uses as mentioned in Regulation No.3.1.6 or for mixed use buildings where non-residential uses are proposed at least 50% or more of total proposed built-up area.

6.2.2 Other Buildings

The Provision in respect of minimum road width, minimum marginal distances etc., as given in **Table No.6-E** below shall apply for different categories of other buildings.

⁽¹⁾ Inserted Vide Corrigendum / Addendum No.CR.79/2021, dt.02nd December, 2021

⁽²⁾ Inserted vide Corrigendum / Addendum No.CR.121/21, dt.02nd December, 2021

Table No.6-E				
Sr. No	Type of building	Minimum road width required	Minimum marginal distances	Other stipulations
1	2	3	4	5
1	Medical buildings			
	a) Hospital, Maternity Homes, Health Club, Clinics etc. buildings not being special buildings	9.0 m. in case of A, B, C class Municipal Corporation, Metropolitan Authority Area and 7.5 m. in case of other areas.	Margins as per Table No.6-D subject to side marginal distance of minimum 3.0 m.	NIL
	b) Hospital, Maternity Homes, Health Club etc. buildings under category of special building.	Road width as required for Special Buildings. (Regulation No.3.3.9)	6.0 m. on all sides	Height of building subject to provisions of Maharashtra Fire Prevention and Life Safety Measures Act 2006.
2.	Educational buildings			
	a) Pre-primary School	On any road.	Margins as per Table No.6-D	Other requirements shall be as mentioned in the Table No.7-A of Regulation No.7.1. Height of building subject to provisions of Maharashtra Fire Prevention and Life Safety Measures Act 2006.
	b) Primary School not being special building.	6.0 m.	-- do --	
	c) Other Educational Buildings not being special building.	9.0 m.	3.0 m. on all sides	
	d) Any building of category a, b, c above being special building.	Road width as required for Special Buildings	6.0 m. on all sides	
3.	Public-Semi Public Building			
	a) Public-Semi Public Building not being special building.	9.0 m.	Margins as per Table No.6-D subject to side marginal distance of minimum 3.0 m.	--
	b) Public-Semi Public Building being special building.	Road width as required for Special Buildings	6.0 m. on all sides	--

4.	Cinema Theatre	12.0 m.	Front - 12.0 m. (only on one major road). 6.0 m. on all remaining sides	<p>i) In case of cities having population more than 2.5 lakhs as per latest census, redevelopment of existing cinema theatre on plots shall be allowed subject to the condition that at least 1/3rd of the existing seats shall be retained, which shall not be below 150 seats and may be developed in combination with user permissible in R-2 zone.</p> <p>ii) For redevelopment of existing theatre, marginal distances including front margin as per these regulations shall not be insisted. Redevelopment shall be allowed as per existing set back distances. Parking area required as per these regulations shall not be insisted; however existing parking area shall be maintained.</p> <p>iii) In cases where redevelopment of existing Cinema Theatre is carried out on the same place with the capacity more than existing capacity in the form of single or multiscreen cinemas, then owner / developer shall be allowed FSI potential mentioned in column 6 or 9, as the case may be, of Table No.6-G at the rate of 20% land rate mentioned in Annual Rates of Statement without considering guidelines therein, for the additional capacity.</p> <p>iv) The existing Cinema Theatre shall be allowed to be relocated and constructed at some other place within a distance of 5 km. In such case, original site shall be allowed to be developed as per uses permissible in adjoining zone.</p> <p>Construction of Cinema Theatre / Multiplex shall conform to the provisions of Maharashtra Cinema (Regulations) Rules, 1966 and as amended from time to time, except the provisions mentioned above.</p> <p>v) For redevelopment of Cinema plot having area less than 1000 Sq.m., and if redevelopment of existing cinema theatre on such plot is not possible considering the other requirements in these regulations, the condition of providing atleast 1/3rd of the existing seats or minimum 150 seats for cinema theatre shall not be insisted. In such case users permissible in adjoining predominant zone shall be permissible with special permission of sanctioning authority.</p>
	Cinema Theatre / Drama Theatre / Assembly Hall / Multiplex / Shopping Malls			

5. Mangal Karyalaya				
	a) Mangal karyalaya and like buildings not under the category of special building.	Road width as required for R-2 zone.	3.0 m. on all sides.	-
	b) Mangal karyalaya and like buildings under the category of special building.	12.0 m.	6.0 m. on all sides.	-
6. ⁽⁶⁾ Fuel Stations				
	Fuel Filling Stations / including Petrol / Ethanol / LPG / CNG etc., Public Charging Stations for Electric Vehicles with or without service bays	9.0 m.	4.5 m. on all sides	<p>i) In case the plot is located on any Classified road in Regional Plan area, the distance from the junction of roads as may be specified by Indian Road Congress/ Ministry of Road, Transport and Highway, shall be followed. (IRC guideline 2009 and MORTH Letter No.RW/NH-33023/19/99-DOIII, Dated 25.09.2003 as amended from time to time)</p> <p>ii) NOC from Chief Controller of Explosives shall be necessary.</p> <p>iii) In a plot of Fuel Filling Station, other building or composite building for sales office, snack bars, restaurant, public conveniences or like activities may be permitted.</p> <p>The FSI shall not exceed 0.25 and underground structures along with kiosks shall not be counted towards FSI.</p>
7. Mercantile Buildings.				
	a) Mercantile / Business / Hotel / Commercial building under the category of special buildings.	Road width as required for Special Building.	Front 6.0 m. Side & rear 6.0 m.	<p>i) Shops may also face on side and rear of a plot.</p> <p>ii) Minimum width and area of Shop shall be as per convenience of the owner / developer.</p> <p>iii) In case of construction of shops / offices only on ground floor (not being special building) side and rear marginal distance shall be as per Table No.6-D.</p>
	b) Mercantile / Business / Hotel / Commercial building not under category of special buildings	Road width as required for R-2 zone.	Margins as per Table No.6-D subject to side marginal distance of minimum 3.0 m.	
	c) Convenience shopping in R-1 zone.	On any road.	Margins as per Table No.6-D.	--

⁽⁶⁾ Clarification issued vide letter No.CR.68/2021 dt., 10th May, 2021

8.	Stadium				
	Stadium with Pavilion		12.0 m.	6.0 m. on all sides	The covered portion of spectator's gallery shall not exceed 25% of plot area, which shall not be counted towards FSI. Shops below spectator's gallery may be permitted which shall not be counted towards FSI. In addition to this, ancillary office, sports persons accommodation, public convenience like structures may also be permitted which shall not consume more than 0.10 FSI on gross plot area.

Note :

- i) In case of plots fronting on National Highways, State Highways and Major District Roads in Regional Plan area, the building line shall be as per Ribbon Development Rules or as given in Table above, whichever is more.
- ii) Side and rear marginal distances mentioned in above Table shall be subject to Regulation No.6.2.3, whichever is more.
- iii) In case of special buildings, marginal distances shall be as per regulations for special buildings.
- iv) A stadium should desirably accommodate 400 m. running track.
- v) For above buildings, permissible FSI shall be as per Regulation No.6.3, unless otherwise specified above.
- vi) Point access (approach by dead end road) to a plot shall be considered for the minimum road width requirement mentioned in above table. In such case, front margin shall be applicable for the width of point access road.
- vi) The provisions about Cinema Theatre in column 5 of Table No.6-E shall be applicable to Cinema Theatres in congested area also.

6.2.3 Marginal distances for buildings of heights more than mentioned in Table No.6-D of Regulation No.6.2.1

- ^(a) (a) **Front Margin** - Front margin shall be as given in Table No.6-D shall be applicable to a building irrespective of its height.

Provided that, in the case of group housing schemes where building abuts on internal road, the minimum 3.0 m. set back from internal road or distance between two buildings, whichever is more, shall be provided. For Development / Regional Plan roads or classified roads or through roads, passing through Group Housing Schemes, the setback as prescribed in these regulations shall be provided.

- ^(b) (b) **Side or rear marginal distance** - Side or rear marginal distance in relation to the height of the building for light and ventilation shall be as below :-

The marginal distance on all sides shall be as per Table No.6-D / Table No.6-E for building height or floors mentioned therein. For height more than stipulated in Table No.6-D / Table No.6-E, the marginal distance on all sides, except the front side of a building, shall be minimum $H / 5$ (Where H = Height of the building above ground level).

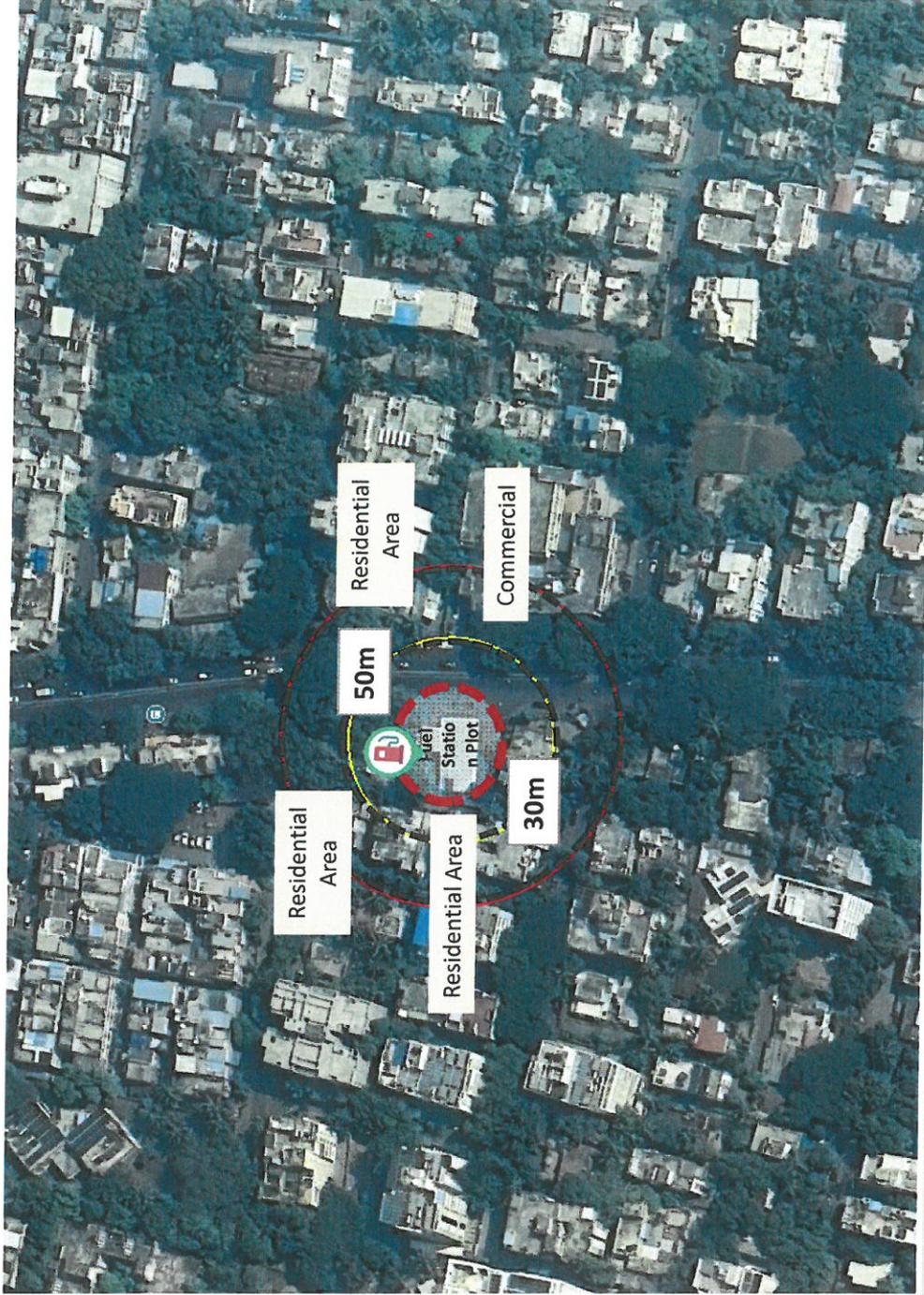
Provided that, such marginal distance shall be subject to a maximum of 12.0 m. from the plot boundary and distance between two buildings shall be ⁽¹⁾ as per Regulation No.6.2.4.

⁽¹⁾ Substituted Vide Corrigendum / Addendum No.CR.79/2021, dt. 02nd December, 2021

⁽²⁾ Clarification issued vide Order No.CR.236/18 (Part 2), dt., 23rd December, 2021

Petrol Pump/ Fuel Station plot cases across urban cities in India (Proximity of 30 -50m buffer)

Annexure -III

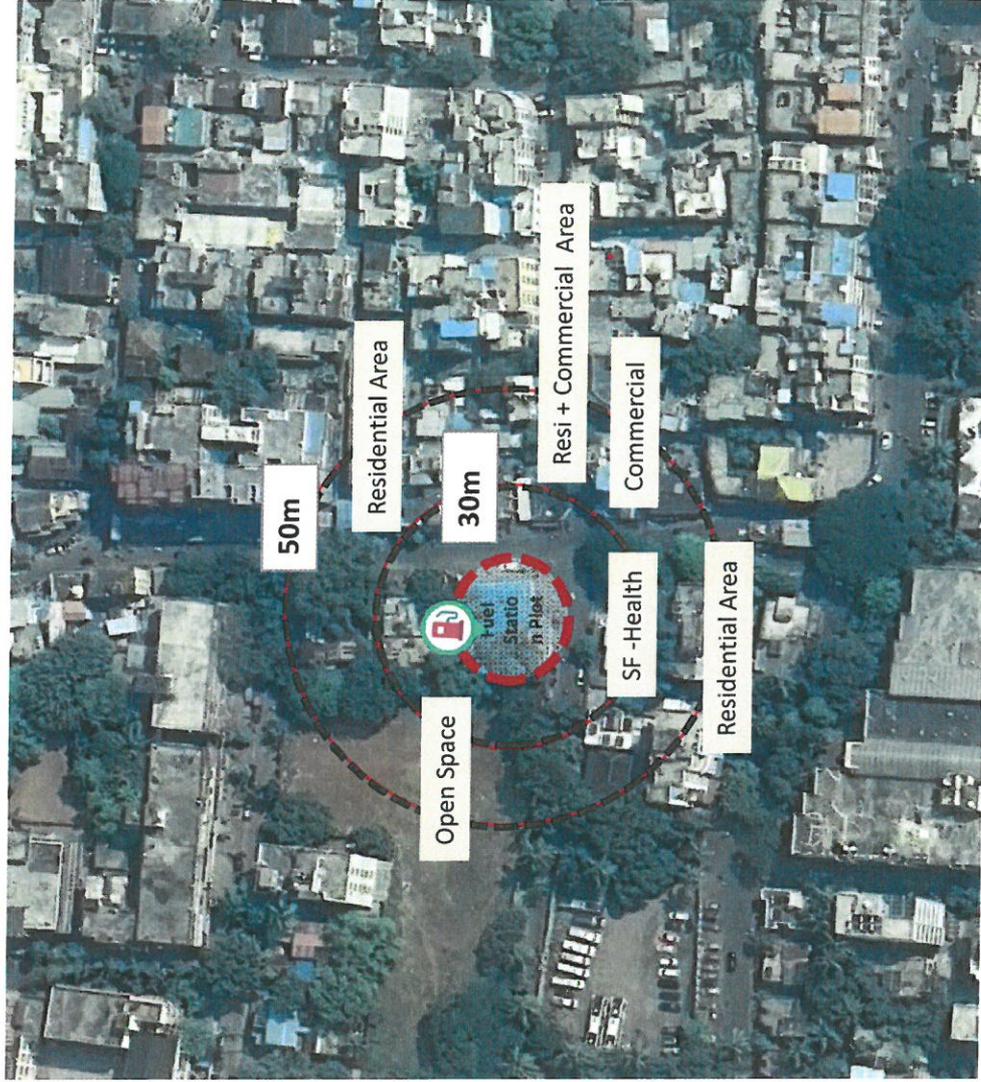


Case : PUNE (NAVI PETH)

* Buffer earmarked are tentative representing the different land uses in proximity of buffer.

Petrol Pump/ Fuel Station plot cases across urban cities in India (Proximity of 30 -50m buffer)

Annexure -III

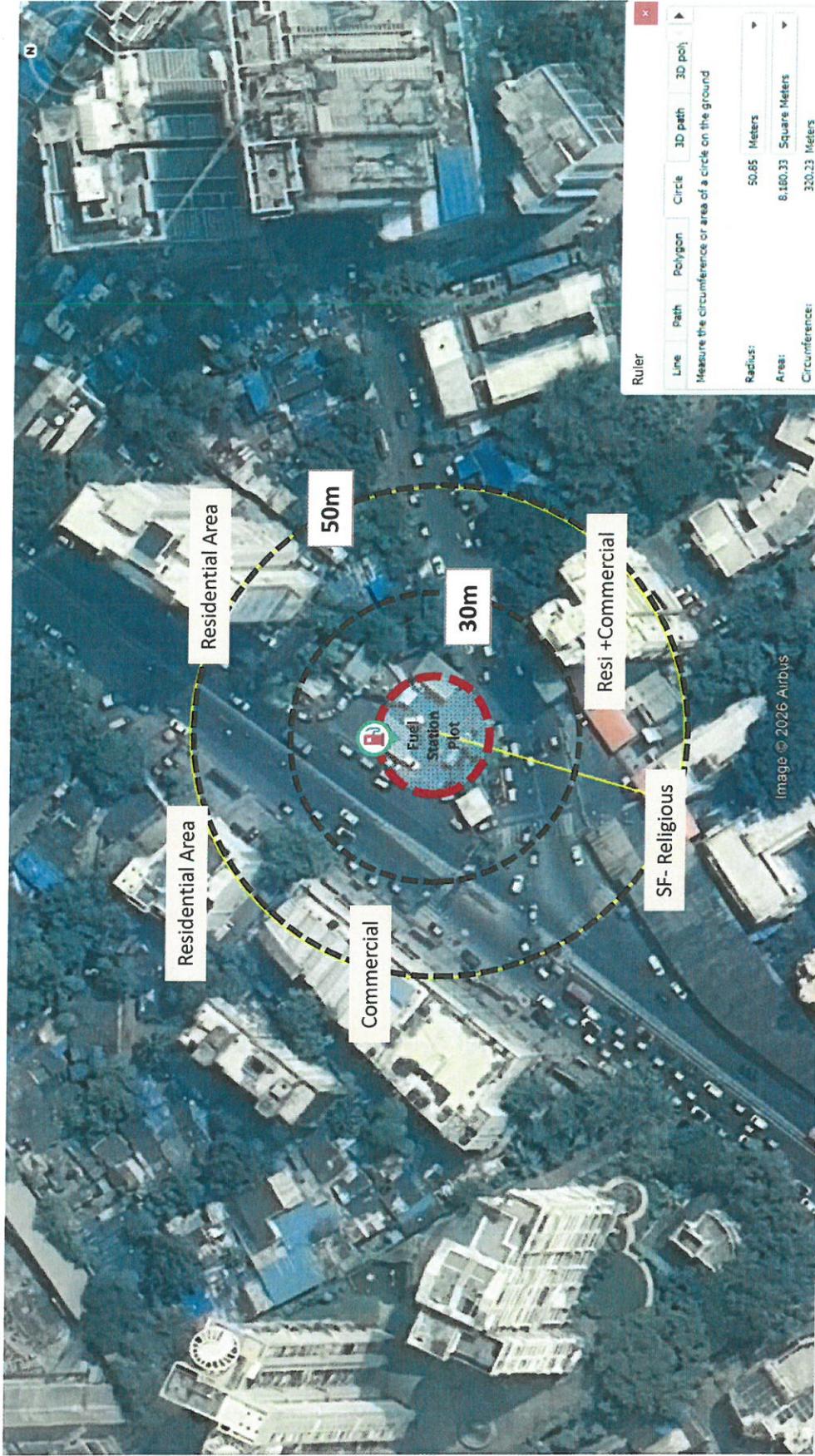


Case : PUNE (SHUKRAWAR PETH)

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Petrol Pump/ Fuel Station plot cases across urban cities in India (Proximity of 30 -50m buffer)

Annexure -III



Case : MUMBAI (DADAR WEST)

** Buffer earmarked are tentative representing the different land uses in proximity of buffer.*

Petrol Pump/ Fuel Station plot cases across urban cities in India (Proximity of 30 -50m buffer)

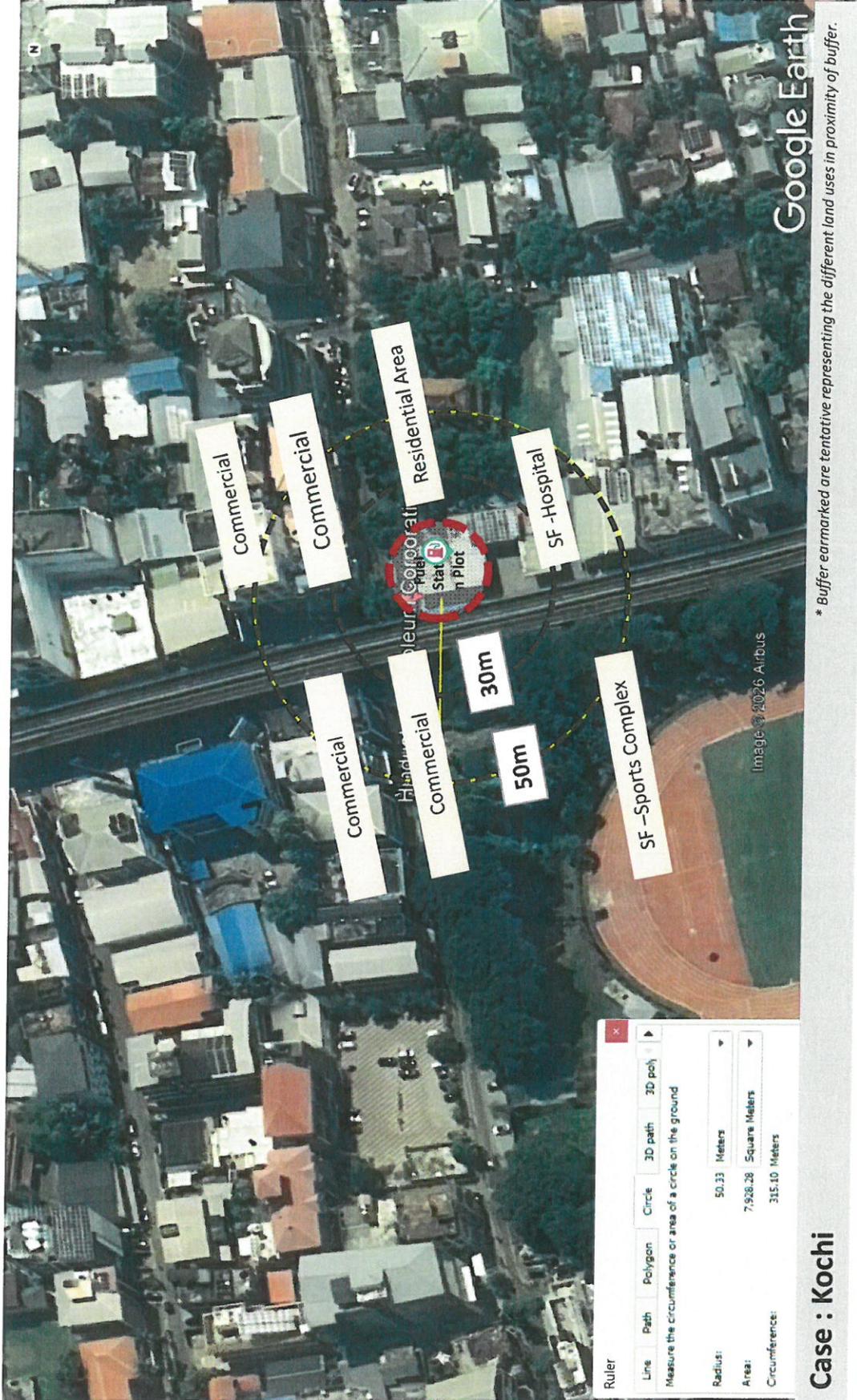
Annexure -III



Case : Vadodara (Karelibaug)

** Buffer earmarked are tentative representing the different land uses in proximity of buffer.*

Petrol Pump/ Fuel Station plot cases across urban cities in India (Proximity of 30 -50m buffer)

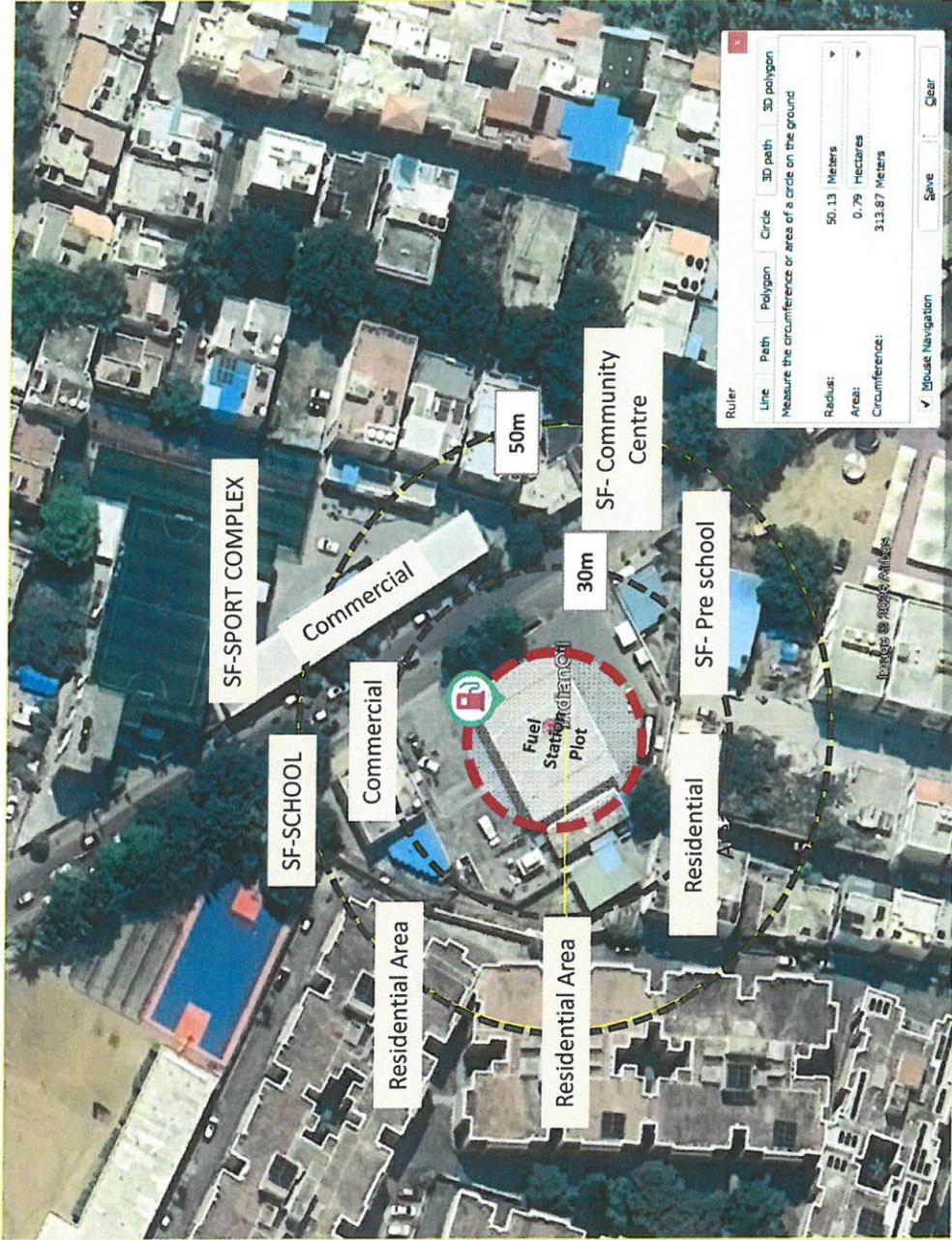


Case : Kochi

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Petrol Pump/ Fuel Station plot cases across urban cities in India (Proximity of 30 -50m buffer)

Annexure -III



Case : Bangalore (Virupakshapura)

** Buffer earmarked are tentative representing the different land uses in proximity of buffer.*

ANNEXURE - 1
OBSERVATIONS ON JOINT COMMITTEE REPORT - PETROL PUMPS CASE

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2	Morave	3	277A	Allotted	M/s Indian Oil Co.Ltd	5.4	As per 5.4.3, following is mentioned:- "Mangrove area is situated near the plot. However, it is yet to be registered and updated in MRSAC 2005, JST 2018 & MRSAC 2022 maps of the forest department" However specific distance from mangrove is not mentioned Residential plots and nearest pond is located beyond 30m and separated by the road. Hence requested to consider the location with adequate safety measures as may required by Competent Authority.
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5	Kharghar	34A	53	Allotted	M/s.Bharat Petroleum C.Ltd.	5.1	Agreed with observations. The location of subject plot is same however plot no is modified from wrongly mentioned earlier as 49 to 53. The subject plot is to be read as Plot No.53 Sector No.34A Kharghar
6	Kharghar	37	2	Allotted	M/s Indian Oil Co.Ltd	5.2	Not Agreed with remarks Not Agreed with the statement that Hospital Plot is falling within 50 m buffer as the same is beyond 50 m in plan (5.2.2) of Committee Report. Remarks are Partially denied 1. Hospital is beyond 50m, Training Centre is not falling in prohibited category of siting criteria 2.
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General Notes:-

- A. As desired by Hon'ble Tribunal, 30 & 50m siting criteria is specified from vent point/dispensing units/vent pipe which is not elaborated/specified in the Committee Report.
- B. All the Waterbodies mentioned in the above list are man made waterbodies /holding pond part of storm water drainage system required for the city and not a natural water body as per revenue record.
- C. In generally it is observed that fuel stations are located in proximity with residential areas in any city of Maharashtra in order to offer services to public at ease.