

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
EXECUTION APPLICATION NO. OF 2024
IN
ORIGINAL APPLICATION NO. 154 OF 2022
(Under Section 25 of the National Green Tribunal Act, 2010)**

IN THE MATTER OF:

Yodh BDR. Thapa

...Applicant

Versus

Bharat Petroleum Corporation Limited and Ors.

...Respondents

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Date: 18.03.2024

Place: Kolkata

Filed by:



Akshar Bhatt and Sajal Sharma

Advocates for the Applicant

Church Road, Gangtok, Sikkim-737101

Email-akshar@outlook.com: Mobile-91+9818987688

Synopsis

This present execution application is being filed under Sections 25 of the National Green Tribunal Act, 2010 to bring to the fore the non-compliance of the order dated 17.04.2023 of this Hon'ble Tribunal. In brief, the Applicant had filed Original Application No. 154/2022 before this Hon'ble Tribunal bringing to the fore the issue pertaining to a petroleum depot with an approximate capacity of 10,00,000 litres of Petroleum being constructed 15 ft. away from the boundary wall of the Applicant, and approximately 24 ft. away from his office. Further, it is also pertinent to state that the dispensing unit of the petroleum depot was noted to be approximately 64 ft. away. The records also revealed that the Respondent No.1 Bharat Petroleum Corporation had proceeded to construct the depot without obtaining the grant of CTE/CTO from Respondent No.2, State Pollution Control Board, thereby blatantly disregarding the extant laws. Facts on the abovesaid violation reveal that on 27.09.2021, the Respondent No.1, Bharat Petroleum Corporation, applied for Consent to Establish. On 21.10.2021, the Respondent No.2, State Pollution Control Board, directed the Respondent No.1 to submit a Detailed Project Report, pursuant to which the said Report was submitted on 08.11.2021. The said report was considered on 17.11.2021 and found to be inadequate and the application for CTE was not granted. Despite not being granted CTE, the Respondent No.1 herein, in the month of March-April, 2022, commenced with construction activities, right adjacent to the boundary wall within 10 ft. of the Applicant's residential dwelling and barely 50ft away from a residential area and a temple. The Applicant became aware of the construction activities much later when large tanks were getting installed right adjacent to his boundary wall in total violation of the established procedure and law of the land. On 06.09.2022, the Applicant brought to the fore the installation of large petroleum tankers, right adjacent to his boundary wall before the Sub-Divisional Magistrate/Local Authorities. On 16.09.2022, a Spot Verification Report was prepared by the State Respondents, noting that the petroleum tanks are approximately 15 ft. away from the boundary wall of the Applicant and approx. 24 ft. away from office. Further, the

dispensing unit is noted to be approx. 64 ft away. On 20.09.2022 and 26.09.2022, the Respondent No.1 was directed to be present in the office of SDM/Local Authority with all relevant documents. On 17.10.2022, it was found that, despite the lapse of over fifteen days, no attempt was made by the Private Respondent No.1 to rectify defects. On 07.11.2022, the Applicant was further informed by the Sikkim SPCB (Respondent No.2) that the Respondent No.1 BPCL was operating without even a CTE. On 05.12.2022, this Hon'ble Tribunal in O.A. No. 154/2022 issued ex-parte stay, extending it on 12.01.2023. Further, in judgement dated 17.04.2023, this Hon'ble Tribunal ordered that Respondent No.3 prepare a Standard Operating Procedure before establishment of petrol depots within a period of three months and ordered for ex-parte stay till such a SOP is evolved. It further ordered that Respondent No.2 SPCB prepare a criteria for construction of fuel depots. Despite this specific direction, no such criterion has been evolved by the Respondents. In the meanwhile, there was usage of construction machinery in September, 2023 for a continuous period of 2-3 days. Hence, this execution Application.

List of Dates

27.09.2021	Respondent No. 1 applied for Consent to Establish for a LPG Bottling and Oil Depot at Majitar, Rangpo, East Sikkim from the Respondent No.2, Sikkim State Pollution Board.
21.10.2021	The Respondent No.2, Sikkim State Pollution Board. directed Respondent No. 1 BPCL to submit a Detailed Project Report for consideration of the Application for grant of CTE.
08.11.2021	Respondent No. 1, BPCL, submitted the Application for grant of CTE along with the Detailed Project Report (DPR) in compliance of the direction dated 21.10.2021.
17.11.2021	The SPCB, Respondent No. 2, considered the Application submitted by Respondent No. 1 BPCL and found that the DPR submitted by Respondent No. 1 BPCL lacks relevant information about the project such as investment details, technical specification and processes, pollution issues and control measures, statutory permissions viz. Environmental Clearance, PESO License, Crisis management plan, etc. In view of the inadequacies in the application submitted, the Application of Respondent No. 1 was not considered by the SPCB.
March-April, 2022	Despite not having obtained a valid CTE from Respondent No.2 SPCB, Respondent No.1 BPCL commenced with the project to build a fresh petrol depot in Rangpo, Majhitar without any statutory approvals in a densely populated area which is also adjacent to the boundary wall within 10 ft. of the Applicant's residential dwelling and barely 50 ft. away from residential area and a temple. The Applicant became aware of the construction activities much later when large tanks were getting installed right adjacent to his boundary wall in

	total violation of the established procedure and law of the land.
06.09.2022	The Applicant brought the issue of installation of large petroleum containers right adjacent to his boundary wall to the notice of SDM/local authorities. The Applicant submitted a letter dated 06.09.2022 highlighting the grave danger which the installation of the petrol depots in a residential area would pose.
16.09.2022	In view of the complaint letter dated 06.09.2022, the SDM/Local Authority conducted a Spot Verification on 07.09.2022 and prepared the spot verification report. The Spot Verification Report notes that on the land adjacent to that of the Applicant, construction of huge petroleum containers is going on. It further notes that the petroleum tanks are approximately 15 ft away from the boundary wall of the Applicant and approx. 24 ft away from office. Further, the dispensing unit is noted to be approx. 64 ft away. On the basis of the spot inspection, it was decided on 16.09.2022 through internal note, that the representative of Respondent No. 1 BPCL be directed to furnish all the documents pertaining to the installation.
20.09.2022	The SDM/ Local authority was pleased to issue Notice to the Respondent No.1 directing the Depot Incharge of BPCL, Majithar to be present on 26.09.2022 for consideration of the issue raised by the Applicant before the SDM.
26.09.2022	The SDM/ Local authority was pleased to issue Notice to the Respondent No.1 directing the Depot Incharge of BPCL, Majithar to be present on 26.09.2022 for consideration of the issue raised by the Applicant before the SDM.

17.10.2022	<p>Despite the expiry of the 15 days provided by the SDM in resolving the issue, Respondent no. 1, BPCL, made no attempts to rectify the defects. In view of such non – compliance by Respondent No. 1 BPCL the Applicant submitted another letter dated 17.10.2022 to the SDM stating that the Respondent No. 1 had made no attempts to rectify the defects. The Applicant in the meanwhile made enquiries into the permissions which were required to be taken by the Respondent No. 1 BPCL from various authorities while establishing a Petrol Depot. Further, it was also found that Respondent No. 1 BPCL was issued conditional PESO license for execution of construction work on specific conditions regarding submission of requisite documents including Fire NOC from District Administration which were not complied by Respondent No. 1 BPCL. The Applicant sought immediate stay on the construction work.</p>
07.11.2022	<p>Upon further such investigations with the Respondent NO.2 SPCB, it was discovered that Respondent No. 1 BPCL had not even obtained CTE before starting construction of the petrol depot. The Respondent No.2 SPCB issued letter dated 07.11.2022 wherein it was mentioned that Respondent No. 1 had not obtained CTE for establishment of 1000 KL depot and had only applied for the same on 27.09.2021. Further, the Applicant was provided with the Application stages of the CTE Application submitted by Respondent No. 1.</p>
05.12.2022	<p>This Hon’ble Tribunal was pleased to issue notice and order for ex-parte stay at Plot No. 2242, Majitar, Sikkim of Respondent No.1 BPCL which was carrying out construction activities pertaining to a petrol depot without prior and necessary environmental compliances.</p>

12.01.2023	This Hon'ble Tribunal was again pleased to order for stay at Plot No. 2242, Majitar, Sikkim of Respondent No.1 BPCL which was carrying out construction activities pertaining to a petrol depot without prior and necessary environmental compliances.
17.04.2023	This Hon'ble Tribunal directed Respondent No. 3, CPCB, to prepare a Standard Operating Procedure for Establishment of Petrol Depots within a period of three months. It also ordered Respondent No.2, SPCB, and Respondent No.4, District Collector, Pakyong District to ensure that no construction is carried out at Plot No. 2242, Majitar, Sikkim till a SOP is put into place. It also directed the Respondent No.2 SPCB to put in place criteria for establishment of petrol depot.
September, 2023	The Applicant observed the usage of construction material and equipments in Plot No. 2242, Majithar for a continuous period of two-three days.
March, 2024	That despite the lapses of over eleven months, the Respondents have not come out with a standard operating procedure for the establishment of petrol depots despite an order to do so within 3 months from 17.04.2023. Hence, this execution application.

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
EXECUTION APPLICATION NO. _ OF 2024
IN
ORIGINAL APPLICATION NO. 154 OF 2022
(Under Section 25 of the National Green Tribunal Act, 2010)
IN THE MATTER OF:**

Yodh BDR Thapa ...Applicant

Versus

**Bharat Petroleum
Corporation Limited and Ors.** ...Respondents

IN THE MATTER OF:

1. Yodh BDR. Thapa,

S/O K.B. Thapa,

R/O Property No.2254, Majhitar,

East Sikkim, Ph.9832051880

...Applicant

Versus

1. Bharat Petroleum Corporation Ltd. (BPCL),

Through Chairman and Managing Director

Bharat Bhavan, 4 And 6 Currimbhoy Road, Ballard Estate,

Mumbai 400001, Email: cmd@bharatpetroleum.in

2. Sikkim State Pollution Control Board,

Through Chairman,

Ground Floor, Forest Secretariat Annex I, Deorali Rd,

Gangtok, Sikkim 737102

Tel: +91 78724-78000;

Email: chairmansikkimpcb@gmail.com

3. Central Pollution Control Board (CPCB),

Through Its Chairman,

Parivesh Bhavan, CBD-Cum Office Complex,

East Arjun Nagar, Delhi- 110032,

Tel.: +91-11-22307233, Email: ccb.cpcb@nic.in

4. District Collector, Pakyong District

Office of the District Collectorate,
Pakyong, Sikkim, M-9474774456
Email: dm-pakyong@sikkim.gov.in

5. Petroleum and Explosives Safety Organization,

**Under Ministry of Commerce and Industry, Department for
Promotion of Industry and Internal Trade,**

Through Chief Controller of Explosives,
A Block CGO Complex Fifth Floor Seminary Hills,
Nagpur, Maharashtra- 440006

Tel: (0712) 2510248; Email: explosives@explosives.gov.in

6. Ministry Of Environment, Forest And Climate Change

Through Secretary,
Indira Paryavaran Bhawan, Jor Bagh Road

New Delhi-110003, Ph: 11-24695262, 11-24695265

Email- secy-moef@nic.in

...Respondents

To,

THE HON'BLE

**MEMBERS OF THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE (KOLKATA BENCH)**

MOST RESPECTFULLY SHOWETH:

1. The address of the counsel of Applicant is given for the purpose of service of notices and other correspondences.
2. The Addresses of the Respondents are given in the proper format for the purpose of service of notices and other correspondences in reference to the application.
3. The Applicant is a well-respected retired public servant having served as Chairman of the State Bank of Sikkim (1995-2005), as Member, State Planning Commission (2007-2012) and as Councillor, Gangtok Municipal Corporation (2009-2015).

4. The Respondent No.1 is a public sector enterprise, under the pervasive control of the Government of India; Respondent No.2 is an autonomous body set up through Government of Sikkim notification dealing with environmental laws, including but not limited to granting permissions under the Water Act, 1974 and Air Act, 1981, in the state of Sikkim; Respondent No.3 is an autonomous body set up through Government of India dealing with environmental laws including prescribing standards; Respondent No.4 is the district level authority in Sikkim; Respondent No.5 is the nodal authority concerned with granting safety permissions including those related to fire safety in the country, while also dealing with issues of trade and other aspects. Respondent No. 6 is the nodal government ministry dealing with all issues related to environment, forest and climate change in India.

5. That the Original Application No. 154/2022 was filed by this Applicant in order to stop the construction of a petrol depot by Respondent No.1 **Bharat Petroleum Corporation Ltd. (hereinafter referred to as "BPCL")** without valid environmental permissions, and to bring to the fore the lack of any standard operating procedure before deciding the site of a petrol depot which in this case was housing more than 10 lakh litres of petrol. It is pertinent to note that the petroleum tanks were installed approximately 15 ft. away from the boundary wall of the Applicant and approx. 24 ft. away from office. More importantly, the said Oil Depot was being constructed adjacent to residential buildings, including a temple, all of which are within a radial distance of 50 ft. from the Depot.

6. That on 27.09.2021, Respondent No. 1 BPCL applied for Consent to Establish a LPG Bottling and Oil Depot at Majitar, Rangpo, East Sikkim from the Sikkim State Pollution Board. Subsequently on 21.10.2021, the Respondent No.2 State Pollution Control Board, Sikkim (hereinafter referred to as SPCB

directed Respondent No. BPCL 1 to submit a Detailed Project Report for consideration of the Application for grant of CTE.

7. That on 08.11.2021, Respondent No. 1 BPCL submitted the Application for grant of CTE along with the Detailed Project Report (DPR) in compliance of the direction dated 21.10.2021. Subsequently on 17.11.2021, The Respondent No.2 SPCB considered the Application submitted by Respondent No. 1 BPCL and found that the DPR submitted by Respondent No. 1 lacked relevant information about the project i.e. investment details, technical specification and processes, pollution issues and control measures, statutory permissions viz. Environmental Clearance, PESO License, Crisis management plan etc. In view of the inadequacies in the application submitted, the Application of Respondent No. 1 BPCL was not considered by the Respondent No.2 SPCB.
8. The Applicant on 06.09.2022, alarmed by the sudden and abrupt installation process next to his dwelling, made a representation raising the issue of installation of large petroleum containers right adjacent to his boundary wall. In view of the complaint letter dated 6.09.2022, the SDM, /local authority Rangpo conducted a spot verification of the site on 07.09.2022 and prepared a Spot Verification Report. The Report noted that on the land adjacent to the Applicant, construction of huge petroleum containers was going on. It further noted that the petroleum tanks were approximately 15 ft away from the boundary wall of the Applicant and approx. 24 ft away from office. Further the dispensing unit was noted to be approx. 64 ft away. On the basis of the spot inspection, it was decided that the representative of Respondent No. 1 BPCL be directed to furnish all the documents pertaining to the installation through internal note circulation.
9. On the basis of such a decision, the SDM issued Notice dated 20.09.2022 to Respondent No. 1 BPCL directing the Depot

Incharge of BPCL, Majitar be present on 26.09.2022 for consideration of the issue raised by the Applicant before the SDM.

10.The SDM considered the issue raised by the Applicant in the presence of representatives of Respondent No. 1. The representative of Respondent No. 1 thereafter sought time to escalate the issue with superiors. The SDM was pleased to issue Order dated 26.09.2022 wherein the Respondent No. 1 and the Applicant were requested to settle the issue amongst themselves.

11.However, despite the expiry of the 15 days provided by the SDM to resolve the issue, the Respondent no. 1 made no attempts to rectify the defects. In view of such non-compliance by Respondent No. 1, the Applicant submitted another letter dated 17.10.2022 to the SDM stating that the Respondent No.1 had made no attempts to rectify the defects. In the meantime, the Applicant made his own enquiries with regard to the licences and approvals required by Respondent No. 1 while establishing a petrol depot in residential areas. The Applicant discovered that Respondent No. 1 was issued a conditional PESO license for execution of construction work which was subject to certain conditions, which have not yet been complied by respondent No. 1. In view of such blatant illegality, the Applicant sought immediate stay order on the construction work from the SDM.

12.The SPCB issued letter dated 07.11.2022 to the Applicant stating that Respondent No. 1 had not even obtained CTE before starting construction of the petrol depot.

13.That vide order dated 05.12.2022, this Hon'ble Tribunal was pleased to issue notice and order for ex-parte stay at Plot No. 2242, Majitar, Sikkim of Respondent No.1 which was carrying out construction activities pertaining to a petrol depot without prior and necessary environmental compliances. Relevant portion of the order dated 05.12.2022 is reproduced hereinbelow:

11. Till the next date of listing, the Respondent No.1, Bharat Petroleum Corporation Limited (BPCL), is restrained from carrying out any construction activity on Plot No. 2242, Rangpo, East Sikkim.

A copy of the order dated 05.12.2022 is annexed and marked as **Annexure A/1 (at Page No. 17 to 19)**

14.That vide order dated 12.01.2023, this Tribunal was again pleased to order for stay of construction of the Petrol Depot at Plot No. 2242, Majitar, Sikkim by Respondent No.1 which was carrying out construction activities pertaining to a petrol depot without prior and necessary environmental compliances. Relevant portion of the order dated 12.01.2023 is reproduced hereinbelow:

10. In the meantime, interim order already granted is extended till the next date of listing.

A copy of the order dated 12.01.2023 is annexed and marked as **Annexure A/2 (at Page No. 20 to 21)**

15.That vide judgement dated 17.04.2023, this Hon'ble Tribunal disposed off the matter, directing Respondent No. 3 CPCB to prepare a Standard Operating Procedure for Establishment of Petrol Depots within a period of three months. It also ordered Respondent No.2 and No.4 to ensure that no construction is carried out at Plot No. 2242, Majitar, Sikkim till a SOP is put into place. The operative part of the judgement is reproduced hereinbelow:-

21. However, since there is no Standard Operating Procedure (SOP) for Petrol Depots as in the case of the Gujarat State Pollution Control Board, we are of the view that the matter needs to be re-examined by the State Respondents in the light of the observations made above.

22. We accordingly direct the Central Pollution Control Board to examine this issue and prepare Standard Operating Procedure (SOP) for Petrol Depots within three months. Till such Standard Operating Procedure (SOP) is evolved and put in

place the Respondent No.1 is restrained from carrying out any construction activity on Plot No.2242, Rangpo, East Sikkim. The interim order shall be enforced by the Sikkim State Pollution Control Board as well as by the Resident Commissioner, Sikkim.

A copy of the judgment dated 17.04.2023 is annexed and marked as **Annexure A/3 (at Page No. 22 to 34)**

16.That the Central Pollution Control Board (Respondent No.3) was directed to issue and prepare Standard Operating Procedure for petrol depots within three months from 17.04.2023. That despite such a specific direction, no such SOP has been issued and prepared. Even the Sikkim State Pollution Control (Respondent No.2) has not examined the issue as had been directed by this Hon'ble Tribunal and come up with a criteria/SOP for establishment of petrol depots in the State of Sikkim.

17.That the Applicant observed certain construction equipment being used regularly for a period of 2-3 days in the month of September, 2023 at plot no. 2242, Majitar, Sikkim. The Applicant has not observed any movement since then. Being a senior citizen, the Applicant is afraid of the grave consequences that the establishment of a depot would have especially when human habitation is present in all four corners of the property in question. A few photographs of the usage of construction machinery in the month of September, 2023 are annexed and marked hereto as **Annexure A/4 (Colly) (at Page No. 35 to 38)**

18.That the construction equipment is still lying unattended at the premises. Even the waste generated has not been disposed of in a scientific manner, and there is fear, especially since the Applicant is a senior citizen, that construction may begin anytime.

19.That further, the Applicant is concerned that even at this juncture, since there has been no criteria evolved by Respondent No.3 pursuant of judgement dated 17.04.2023, the same would greatly jeopardise the lives of people living in Majhitar, Sikkim

.Further even the Respondent No.2 has failed to consider the seriousness of the situation and in consequence, failed to examine the need for a proper scientific criteria at the State level. Being a senior citizen and a social worker, the Applicant cannot leave the establishment of the depot to chance. Thus, the Applicant wants to ensure that a proper, scientific and holistic criteria/SOP is evolved before establishment of petrol depots.

20.That this Hon'ble Tribunal, Eastern Bench at Kolkata has proper jurisdiction to entertain this instant execution application as it arises out of non-compliance of judgement of this Tribunal namely, O.A. 154/2022 dated 17.04.2023.

21.That the present execution Application is being filed under the relevant section 25 of the NGT, Act, 2010 which grant this Tribunal powers of a civil court in matters of execution.

22.This present execution Application is filed within the period of limitation.

23.This application is made bonafide and in the interest of justice.

GROUND

A. Because CPCB, arrayed as Respondent No.3 has failed to bring out a Standard Operating Procedure for establishment of petrol depots.

B. Because Sikkim SPCB, arrayed as Respondent No.2, has failed to re-examine the situation at hand and issue directions towards preparing a Standard Operating Procedure before establishment of petrol depots.

C. Because without a Standard Operating Procedure in place, petrol depots could be set up without any criteria, therein.

D. Because the establishment of petrol depots requires a valid, scientific criteria in place.

E. Because the Sikkim SPCB and Resident Commissioner, Sikkim have failed to ensure that a stay is operational at Plot No. 2242, Majitar, Sikkim.

F. Because Respondent No.1, i.e. BPCL has failed to follow the order passed by this Hon'ble Tribunal.

PRAYER

That in light of the above facts and circumstances, it is most respectfully prayed by the appropriate orders or directions, this Hon'ble Tribunal may be pleased to:-

- i. Ensure compliance of judgement dated 17.04.2023 passed by this Hon'ble Court
- ii. Prohibit Respondent No.1 from proceeding with construction of a fuel depot at Plot No. 2242 in Majithar, Pakyong District, Sikkim.
- iii. Direct CPCB to prepare a SOP listing out specific criteria including but not limited to identification of area, size, storage, distance and other scientific measurements before establishment of a fuel depot in the country.
- iv. Direct Sikkim SPCB to prepare a SOP for establishment of fuel depots in Sikkim.
- v. Pass such other order/orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Date: 18.03.2024

Place: Kolkata

Filed by:



Akshar Bhatt and Sajal Sharma

Advocates for the Applicant

Church Road, Gangtok, Sikkim-737101

Email-akshar@outlook.com: Mobile-91+9818987688

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
EXECUTION APPLICATION NO. __ OF 2024
IN
ORIGINAL APPLICATION NO. 154 OF 2022

IN THE MATTER OF:

YODH BDR. THAPA

... APPLICANT

VS

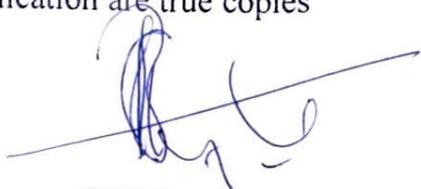
BPCL AND ORS.

... RESPONDENTS

AFFIDAVIT

I, Yodh Bdr. Thapa, S/o Late K.B. Thapa, R/o. Plot No. 2254, Majhitar, Pakyong District, Sikkim Pin Code- 737106, currently aged about 66 years hereby solemnly affirm and declare as under:

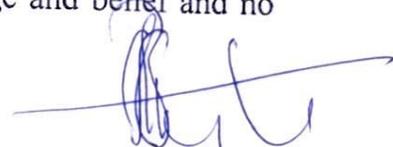
1. That I am fully conversant with facts and circumstances of this matter, and thereby competent to swear this Affidavit.
2. The contents of the accompanying Execution Application are true and correct, best to my knowledge and belief and nothing material has been concealed therefrom.
3. The Annexures in the accompanying Execution Application are true copies of their respective originals.


DEPONENT

VERIFICATION:

Verified at Delhi on this 28th day of February, 2024, that the contents of above affidavit are true and correct to my knowledge and belief and no part of it is false or has been concealed therefrom.

Identified by: Roshni Cheltra


DEPONENT

Solemnly affirmed before me on this
28th day of February 2024 by
Shri/Smt/Miss Yodh Bdr. Thapa of
Majhitar who is known and
Identified by Smt/Smt/Miss Roshni
Cheltra of Cangtok

Puja Kumari Singh
Miss Puja Kumari Singh
Oath Commissioner
High Court of Sikkim
Vide Notification No. 17/HCS/21/10/2022

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.154/2022/EZ
(I.A. No.236/2022/EZ)

Yodh Bdr. Thapa

Applicant(s)

Versus

Bharat Petroleum Corporation Ltd. & Ors.

Respondent(s)

Date of hearing: 05.12.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Akshar Bhatt, Advocate

ORDER

1. We have heard Mr. Akshar Bhatt, learned Counsel appearing for the Applicant.
2. This Original Application has been filed by the Applicant with the allegation that the Respondent No.1, Bharat Petroleum Corporation Limited (BPCL), is setting-up a Petrol Depot on Plot No. 2242 which is adjacent to the plot of the Applicant being Plot No. 2254 and Plot No. 2242 is under the proprietorship of one Mr. Arjun Chhetri, proprietor of M/s Pankaj Fuel, which is stated to have leased out the same to the Respondent No.1.
3. The allegation of the Applicant is that the said Petrol Depot is being set-up in violation of the Siting Criteria laid down by the Central Pollution Control Board in its Circular dated 07.01.2020, copy of which has been filed as Annexure A-16 to the Original Application.
4. The documents filed as Annexure-3 (colly) along with the Original Application further show that on the complaint of the Applicant, an inspection was carried out by the Sub-Divisional Magistrate,

Rangpo, East Sikkim, of the plot in question which mentions that construction of huge petroleum containers is going on in the Plot No. 2242 and this construction is approximately 15 feet away from the boundary wall of Shri Y. B. Thapa (the Applicant herein) and is about 24 feet away from the office and 64 feet away from the dispensing unit.

5. Learned Counsel for the Applicant further states that as per the Siting Criteria laid down by the Central Pollution Control Board in its Notification dated 07.01.2020, petrol pumps new retail outlets shall not be located within a radial distance of 50 meters from the fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals and residential areas. Paragraph 'H' of the Siting Criteria of the said Notification reads as under:-

“H. Siting Criteria for 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.”

6. Learned Counsel for the Applicant further submits that the Unit in question being established by the Respondent No.1, BPCL, does not have due Consents from the State Pollution Control Board, Sikkim. He has further referred to the letter of the Pollution Control Board, Sikkim, dated 07.01.2022 (Annexure A-7 to the Original

Application) which clearly states that Consent has not been issued to the said Unit by the State Pollution Control Board, Sikkim, though a Consent to Establish has been applied for by the Unit of Respondent No.1, BPCL, which has not been considered due to non-submission of the details required by the Board.

7. In our opinion, matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. All the Respondents shall file their counter-affidavits within four weeks.
10. The Applicant shall file affidavit of service within one week.
11. Till the next date of listing, the Respondent No.1, Bharat Petroleum Corporation Limited (BPCL), is restrained from carrying out any construction activity on Plot No. 2242, Rangpo, East Sikkim.
12. **List on 12.01.2023.**

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B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

December 05, 2022
Original Application No.154/2022/EZ
(I.A. No.236/2022/EZ)
AK

-True Copy-

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.154/2022/EZ
(I.A. No.236/2022/EZ)

Yodh Bdr. Thapa

Applicant(s)

Versus

Bharat Petroleum Corporation Ltd. & Ors.

Respondent(s)

Date of hearing: 12.01.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Akshar Bhatt, Advocate a/w
Mr. Pranoy Joe Sebastian Advocate & Mr. Sajal
Sharma, Advocate (in Virtual Mode)

For Respondent(s): Mr. Vikram Wadehra, Advocate for R-1,
Mr. Sameer Abhyankar, Adv. for R-2&4, (in Virtual Mode)
Mr. Surendra Kumar, Advocate for R-3,
Mr. Apurba Ghosh, Advocate for R-6, (in Virtual Mode)

ORDER

1. Mr. Akshar Bhatt, learned Counsel along with Mr. Pranoy Joe Sebastian and Mr. Sajal Sharma, learned Counsel are present (in Virtual Mode) for the Applicant.
2. Counter-affidavit dated 10.01.2023 has been filed by the Resident Commissioner, Government of Sikkim, on behalf of the Respondent No.2, the same is taken on record.
3. Counter-affidavit dated 11.01.2023 has been filed on behalf of the Respondent No.6, Ministry of Environment, Forests and Climate Change; the same is taken on record.
4. Mr. Apurba Ghosh, learned Counsel has put in appearance on behalf of the Respondent No.6, Ministry of Environment, Forests and Climate Change. He shall e-file his Vakalatnama in the course of the day.

5. Mr. Vikram Wadehra, learned Counsel states that he has instructions to appear on behalf of the Respondent No.1, Bharat Petroleum Corporation Ltd. (BPCL). Let him e-file his Vakalatnama in the course of the day.
6. Learned Counsel prays for and is granted three weeks time for filing counter-affidavit on behalf of the said Respondent.
7. Mr. Surendra Kumar, learned Counsel appearing for Respondent No.3, Central Pollution Control Board, prays for and is granted three weeks time for filing counter-affidavit.
8. Mr. Sameer Abhyankar, learned Counsel appearing (in Virtual Mode) for the Respondent Nos. 2 & 4, also prays for and is granted three weeks time for filing counter-affidavit on behalf of the Respondent No.4, District Collector, Pakyong District.
9. Mr. Akshar Bhatt, learned Counsel for the Applicant prays for and is granted three weeks time for filing rejoinder affidavit to the counter-affidavits of the Respondent Nos. 2 & 6.
10. In the meantime, interim order already granted is extended till the next date of listing.
11. **List on 20.02.2023.**

.....
B. Amit Sthalekar, JM

.....
Prof. A. Senthil Vel, EM

January 12, 2023,
 Original Application No.154/2022/EZ
 (I.A. No.236/2022/EZ)
 AK

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.154/2022/EZ
(I.A. No.236/2022/EZ)

In the matter of:

YODH BDR. THAPA,
S/o K.B. Thapa,
R/o Property No.2254,
Majhitar, East Sikkim

.....Applicant(s)

Versus**1. BHARAT PETROLEUM CORPORATION LTD.,**

Through Chairman and Managing Director,
Bharat Bhavan, 4 and 6 Currimbhoy Road,
Ballard Estate, Mumbai-400001

2. SIKKIM STATE POLLUTION CONTROL BOARD,

Through Chairman,
Ground Floor, Forest Secretariat Annex I,
Deorali Rd., Gangtok, Sikkim-737102

3. CENTRAL POLLUTION CONTROL BOARD,

Through its Chairman,
Parivesh Bhavan, CBD-cum-Complex,
East Arjun Nagar, Delhi-110032

4. DISTRICT COLLECTOR, PAKYONG DISTRICT,

Office of the District Collectorate,
Pkyong, Sikkim,

**5. PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION,
UNDER MINISTRY OF COMMERCE AND INDUSTRY,
DEPARTMENT FOR PROMOTION OF INDUSTRY
AND INTERNAL TRADE,**

Through Chief Controller of Explosives,
A Block CGO Complex Fifth Floor, Seminary Hills,
Nagpur, Maharashtra-440006

6. MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE,

Through Secretary,
Indira Paryavaran Bhawan, Jor Bagh Road,
New Delhi-110003

.....Respondent(s)

Date of hearing: 17.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Akshar Bhatt, Advocate a/w
Mr. Sajal Sharma, Advocate (in Virtual Mode)

For Respondent(s): Mr. Vikram Wadehra, Advocate (in Virtual Mode) a/w
Mr. Mayukh Roy, Advocate for R-1,
Ms. Vani V. Chhetri, Advocate for R-2&4 (in Virtual Mode),
Mr. Surendra Kumar, Advocate for R-3,
Mr. Apurba Ghosh, Advocate for R-6 (in Virtual Mode)

ORDER

1. This Original Application has been filed by the Applicant with alleging that the Respondent No.1, Bharat Petroleum Corporation Limited (BPCL), is setting-up a Petrol Depot on Plot No. 2242 which is adjacent to the plot of the Applicant being Plot No. 2254 and Plot No. 2242 is under the proprietorship of one Mr. Arjun Chhetri, proprietor of M/s Pankaj Fuel, which is stated to have been leased out to the Respondent No.1.
2. The allegation of the Applicant is that the said Petrol Depot is being set-up in violation of the Siting Criteria laid down by the Central Pollution Control Board in its Circular dated 07.01.2020, copy of which has been filed as Annexure A-16 to the Original Application.
3. The documents filed as Annexure-3 (colly) along with the Original Application further show that on the complaint of the Applicant, an inspection was carried out by the Sub-Divisional Magistrate, Rangpo, East Sikkim, of the plot in question, which mentions that construction of huge petroleum containers is going on in the Plot No. 2242 and this construction is approximately 15 feet away from the boundary wall of Shri Y. B. Thapa (the Applicant herein) and is about 24 feet away from the office and 64 feet away from the dispensing unit.
4. Learned Counsel for the Applicant further states that as per the Siting Criteria laid down by the Central Pollution Control Board in its Notification dated 07.01.2020, petrol pumps/new retail outlets

shall not be located within a radial distance of 50 meters from the fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals and residential areas. Paragraph 'H' of the Siting Criteria of the said Notification reads as under: -

“H. Siting Criteria for 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.”

5. Learned Counsel for the Applicant further submits that the Unit in question being established by the Respondent No.1, BPCL, does not have due Consents from the State Pollution Control Board, Sikkim. He has further referred to the letter of the Pollution Control Board, Sikkim, dated 07.01.2022 (Annexure A-7 to the Original Application) which clearly states that Consent has not been issued to the said Unit by the State Pollution Control Board, Sikkim, though a Consent to Establish has been applied for by the Unit of Respondent No.1, BPCL, which has not been considered due to non-submission of the details required by the Board.
6. At the time of admission, the Tribunal restrained the Respondent No.1, Bharat Petroleum Corporation (BPCL) from carrying out any construction activity on Plot No.2242, Rangpo, East Sikkim.

7. Affidavit dated 10.01.2023 has been filed by the Respondent No.2, Sikkim State Pollution Control Board, stating therein that immediately upon receiving information with regard to allegations regarding construction of the Petrol Depot, a site inspection was carried out on 24.11.2022 and it was found that the construction work had already been started by the Respondent No.1 without obtaining a Consent to Establish (CTE). Therefore, a Show Cause Notice dated 30.11.2022 was issued to the Respondent No.1 and another Show Cause Notice was issued on 09.12.2022 directing the Respondent No.1 to ensure strict adherence to the order dated 05.12.2022 passed by the Tribunal and to immediately stop further construction activities on Plot No.2242 at Majhitar, Pakyong District. It is stated that the Respondent No.1 had applied online on 27.09.2021 for grant of Consent to Establish (CTE) but the application was returned by the Board with a request to the Respondent No.1 to furnish relevant documents and information. It is categorically stated that since the Consent to Establish was under process for approval the Respondent No.1 was not entitled to undertake any construction. Details of the application submitted by the Respondent No.1 and action taken by the Board have been outlined in a chart given in paragraph-9 of the affidavit which reads as under: -

Sl. No.	Date of Submission by the Respondent No.1	Activity	Reason for Return by the Answering Respondent
1.	27.09.2021	Returned by the Answering Respondent	Certified copy of all the relevant documents to be uploaded in PDF format.

2.	21.10.2021	Returned by the Answering Respondent	Certified copy of the Detailed Project Report (“DPR”) to be uploaded in PDF format.
3.	17.11.2021	Returned by the Answering Respondent	All documents to be properly certified and scanned. Further, DPR lacks relevant information about the project i.e. investment details, technical specifications and processes, pollution issue and control measures, statutory permissions (EC, Fire NOC from the Petroleum and Explosives Safety Organization (“PESO”), crisis management plan etc.).
4.	09.05.2022	Returned by the Answering Respondent	<ol style="list-style-type: none"> 1. Capital investments to be provided for all civil work, plant and machinery, land and pollution control measures. 2. Authorization letter or Power of Attorney in respect of the authorized signatory to be provided.
5.	23.09.2022	Returned by the Answering Respondent	Legible registered Land Agreement in stamp paper to be uploaded.
6.	31.10.2022	Returned by the Answering Respondent	1. Attested copy of the Land Parcha to be uploaded in addition to the uploaded

			<p>documents.</p> <p>2. The DPR containing design details in compliance with the Central Pollution Control Board (“CPCB”) Guidelines on Petrol Pumps vide Office Memorandum dated 07.01.2020 and the addendum to the Guidelines vide Office Memorandum dated 16.08.2021 to be uploaded.</p> <p>It is pertinent to point out for the purposes of this application that the DPR was specifically called for, so as to ensure that the location of the Respondent No.1’s proposed project was more than 50 meters from a residential area as required by the Siting Criteria provided under the Respondent No.3’s Office Memorandum with Reference No. B-13011/1/2019-20/AQM dated 07.01.2020 (“OM dated 07.01.2020”) & the Office Memorandum with Reference No. B-13011/1/2019-</p>
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			20/AQM dated 16.08.2021 (“OM dated 16.08.2021”)
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8. With regard to violation of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (hereinafter referred to as ‘Rules, 1989’), it is stated that the Board has considered the Rules and returned the application of the Respondent No.1 seeking grant of Consent to Establish with a direction to the Respondent No.1 to furnish the Onsite Emergency Plan, Safety Reports and Safety Audit Reports but the Respondent No.1 has failed to provide the same and has continued with illegal constructions without intimation to the Board. It is stated that a Show Cause Notice was issued to the Respondent No.1, copy of which has been filed along with the affidavit.
9. The Respondent No.6, Ministry of Environment, Forests and Climate Change has filed affidavit dated 11.01.2023 bringing on record the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Notification dated 27.11.1989. Part-I Schedule 1 to the Rules, 1989 deals with Flammable Chemicals.
- Hazardous Chemicals in Rule (2) (e) of the Rules, 1989 is defined as-
- (i) any chemical which satisfies any of the criteria laid down in Part I of Schedule 1 or listed in Column 2 of Part II of Schedule;
 - (ii) any chemical listed in Column 2 of Schedule 2; and
 - (iii) any chemical listed in Column 2 of Schedule 3.
10. The Central Pollution Control Board has filed affidavit dated 14.02.2023 bringing on record the CPCB, O.M. dated 07.01.2020 which provides the sitting criteria for retail outlets.

11. The Resident Commissioner, Sikkim, has filed affidavit dated 18.02.2023 and it is stated that on receiving a complainant from the Applicant dated 06.09.2022 the SDM, Rangpo immediately deployed a surveyor to the Depot site who along with boundary holders, conducted a Spot Verification of the same on 07.09.2022 and prepared a Spot Verification Report dated 07.09.2022. It was found that on the land bearing Plot No.2242, recorded in the name of one Mr. Arjun Chettri, huge constructions of petroleum containers were being undertaken by the Respondent No.1. Petroleum tanks were being constructed approximately 15ft. away from the boundary wall of the Applicant, 24 ft. away from its office and 64 ft. away from its dispensing Unit. The Spot Verification Report has already been filed as Annexure-3, page no.62 to the Original Application. It is also stated that the SDM, Rangpo issued notice to the Depot In-charge, Respondent No.1, directing them to attend a hearing in the office of the SDM, Rangpo on 26.09.2022 with all the relevant documents regarding installation of the huge petroleum containers close to the boundary wall of the Applicant. It is also stated that on 26.09.2022, all the parties i.e. the Applicant and the representatives of the Respondent No.1 presented themselves in the office of the SDM and thereafter, the SDM vide another notice on 29.11.2022 again directing the Respondent No.1 and Applicant to attend the second hearing in the office of the SDM, Rangpo on 03.12.2022 with relevant supporting documents. It is further stated that on 03.12.2022, the Respondent No.1 did not produce the relevant permissions for establishment of the Depot and therefore, the parties were directed to approach a Court of competent jurisdiction for resolution of their dispute.

12. The Applicant in his rejoinder affidavits has stated that MoEF&CC has notified the Rules, 1989, already referred to hereinabove, as well as the Chemical Accidents (Emergency, Planning, Preparedness and Response) Rules, 1996 and it is stated that the State Chief Inspector of Factories and Petroleum and Explosives Safety Organization grant approvals to isolated storages and are expected to ensure preparation of the Onsite Emergency Plans and Safety Report by the Unit, reviewing the details of mock drills conducted and implementation of Standard Operating Procedures (SOPs) of industrial operation by the Unit from industrial safety point of view. His case is that there is no specific guideline which can govern the issue of appropriate sitting criteria for establishment of isolated storage petrol depot as distinguished from petrol pumps/retail outlets. The case of the Applicant is that the Respondent No.1 is establishing a Petrol Depot of 1000 KL capacity with a massive underground setup. 1000 KL is equivalent to 10 lakhs liters of petrol.
13. By way of illustration the Applicant has also stated that in the State of Gujarat, the Gujarat State Pollution Control Board has prepared a Standard Operating Procedure (SOP) for isolated storage facilities providing therein that within urban area no isolated storage facility can be permitted in a residential area. This SOP further provides that for storage facilities to be established in areas other than urban area, a minimum distance of 500 meters is to be ensured from residential area, school and college. Copy of the Standard Operating Procedure (SOP) has been filed as Anneuxre-A-15 to the Original Application. The Siting Criteria in the Gujarat SOP reads as under: -

“II. Storage facility should comply following siting criteria.

- a) *Unit should be minimum 500 meters away from the residential area, school and college.*
 - b) *Unit should be minimum 500 meters away from the Historic buildings, Religious places, forest boundary and coastline.*
 - c) *Unit should be in accordance with control line of National highway, Express highway, State highway, District major roads as per Notification of concerned authority.*
 - d) *Unit should be in accordance with control line of Railway track following the norms of Indian Railways.*
 - e) *Unit should be at least 500 meters away from the water source like river, nallah, canal, lake, pond etc.*
 - f) *Such industry according to use of non-agricultural land and all around industry should be maximum green belt area 5 meter in premises.”*
14. The submission is that no Standard Operating Procedure has been prepared by the Sikkim State Pollution Control Board or even by the State Administration regarding Siting Criteria for installation of Petrol Depots other than petrol pumps/retail outlets to ensure safety of residential/commercial areas in the State of Sikkim.
15. The Respondent No.5, Petroleum and Explosives Safety Organization (hereinafter referred to as ‘PESO’) has filed its affidavit dated 14.04.2023 stating that licence to import & store petroleum at an installation was granted to Respondent No.1, Bharat Petroleum Corporation Limited, by PESO on the strength of NOC dated 28.06.2000 issued by the District Collector, East Sikkim. Licence for Service Station/Petroleum Retail Outlet was granted to

the Respondent No.1 on 31.07.2014 on the strength of the NOC issued by the District Magistrate, East Sikkim.

16. The Respondent No.1 has obtained prior approval with respect to enhancement of petroleum storage capacity up to 1065 KL from the Chief Controller of Explosives, Nagpur vide letter dated 04.09.2021. It is stated that hazardous zone concerning petroleum installation defined in Rule 105 of Petroleum Rules, 2002 read with Schedule IV (B) lays down the minimum distance required to be maintained for granted of licence under the Petroleum Rules, 2002. It is also stated that the Siting Criteria laid down in the CPCB O.M. dated 07.01.2020 is applicable only for Petroleum Retail Outlet whose construction has commenced on or after 07.01.2020.
17. There is no dispute between the parties that what is being setup by the Respondent No.1 is not a petrol retail outlet but a petrol depot having a capacity of 1065 KL equivalent to 10,65,000 liters of petrol. It cannot be gainsaid that petrol is a hazardous substance within the meaning of the term as defined in Part I of Schedule 1 of the Rules, 1989. Here we are not concerned with a case of setting up of a petrol pump/retail outlet and therefore, the CPCB guidelines of 07.01.2020 have no application in the present case.
18. Be that as it may, the Spot Verification Report of the SDM, Rangpo clearly states that the Petrol Depot site in question is situate 15 ft. from the boundary wall of the Applicant, 24 ft. away from its office and 64 ft. away from its dispensing Unit. In this view of the matter, even if assuming that the CPCB guidelines of 07.01.2020 were applicable, the siting of the retail depot in question is in violation of the siting criteria given therein.

19. Having said that, we find there is no Standard Operating Procedure (SOP) with regard to establishment of Petrol Depots as distinguished from petrol pumps/retail outlets. It appears that the District Administration while issuing the NOC has not taken into consideration the fact that the Depot is situated in a mountainous urban area where the residential establishments are situated not only to the right, left and in front of the Depot but also above the Depot on the hill side as would be evident from the photographs which are on record. It appears that the District Administration has not applied its mind to the horrendous scene that would unfold, if an accident were to occur at this Petrol Depot. There would be untold loss of human lives other than a precipitous environmental disaster. On the own showing of the Resident Commissioner, Sikkim, the Respondent No.1 did not produce relevant documents during the second hearing on 03.12.2022. This does not show the bona fide of the Respondent No.1 to act in accordance with law.
20. The PESO in its affidavit has also not stated whether the adequate steps and mechanism for Disaster Management have been put in place before setting up the Petrol Depot in question.
21. However, since there is no Standard Operating Procedure (SOP) for Petrol Depots as in the case of the Gujarat State Pollution Control Board, we are of the view that the matter needs to be re-examined by the State Respondents in the light of the observations made above.
22. We accordingly direct the Central Pollution Control Board to examine this issue and prepare Standard Operating Procedure (SOP) for Petrol Depots within three months. Till such Standard Operating Procedure (SOP) is evolved and put in place the

Respondent No.1 is restrained from carrying out any construction activity on Plot No.2242, Rangpo, East Sikkim. The interim order shall be enforced by the Sikkim State Pollution Control Board as well as by the Resident Commissioner, Sikkim.

23. With the aforesaid directions, the Original Application No.154/2022/EZ is disposed of.
24. Interlocutory Applications, if any stand disposed of accordingly.
25. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

April 17, 2023
 Original Application No.154/2022/EZ
 (I.A. No.236/2022/EZ)
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH
AT KOLKATA

EXECUTION APPLICATION NO. ___ OF 2024

IN

ORIGINAL APPLICATION NO. 154 OF 2022

IN THE MATTER OF:

YODH BDR. THAPA

...APPLICANT

VS

BPCL AND ORS.

...RESPONDENTS

KNOWN ALL to whom these presents shall I, Yodh Bdr Thapa do hereby appoint SAJAL SHARMA AND AKSHAR BHATT hereinafter called Advocates to be my/ our advocates in the above noted case and authorize them.

To act, appear and plead in the above noted case in the court or in any court in which the same may be tried or heard and also in the appellate courts including High Court.

To sign, verify and present pleadings application, appeals, cross objections or petitions for execution, review, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw or compromise the said case or submit to arbitration any difference of disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts there and to all other acts and things which may be necessary to be done for the progress and in the course of prosecution of that said case.

To appoint and instruct other legal practitioners authorizing him to exercise the power and authorize hereby confer upon the advocate whenever he may think fit to do so and sign the power of attorney on our behalf.

And I/ We undersigned do hereby agree ratify and confirm acts done by the advocates or his substitute in the matter is my/ our acts as if done by me/us to all intents and purposes.

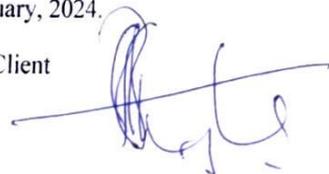
And I/We undersigned do hereby agree that in the event of any part of the fees agreed by me/ us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution and would be entitled to the same.

IN THE WITNESS WHEREOF I / We do hereby upto put my / our hand to these presents the contents to which have been understood by me/us on the 28th day of February, 2024.

Accepted

Client



SAJAL SHARMA AND AKSHAR BHATT
ADVOCATES FOR THE APPLICANT
C/o Sr. Adv. B. SHARMA,
CHURCH ROAD, GANGTOK,
SIKKIM 737101

Identified by: Roshni Chettri

Solemnly affirmed before me on this
28th day of February 2024 by
Shri/Smt/Miss Yodh Bdr Thapa of
Mayhitea who is known and
Identified by Smt/Miss Roshni
Chettri of Gangtok

Pooja Kumari Singh
Miss Pooja Kumari Singh
Oath Commissioner
High Court of Sikkim
Date Notification No. 17/MCS/21/10/2022