

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.**

Original Application No.22 of 2021

Thiru. D. Vijayaragavan,
Tambaram,
Chengalpattu District.

...Applicant

Vs

The Commissioner of Police,
Greater Chennai Police,
Chennai & others.

...Respondents

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**Filed by
Thiru. C. Kasirajan
Advocate, Chennai.**

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A. NO. 22 OF 2021 (SZ) FILED BY THIRU D.VIJAYARAGAVAN, TAMBARAM, CHENGALPATTU DISTRICT AGAINST THE ESTABLISHMENT OF A NEW PETROLEUM OUTLET IN TAMBARAM, CHENGALPATTU DISTRICT.

It is respectfully submitted that the grievance of the applicant Thiru. D.Vijayaragavan, Tambaram, Chengalpattu District is regarding the establishment of a new petroleum outlet in Tambaram Municipality, which according to the applicant is against the guidelines provided by the Central Pollution Control Board (CPCB), which in turn has been circulated by the Tamil Nadu State Pollution Control Board (TNPCB). As per the Town Planning Scheme the place where the present Petroleum outlet is going to be established is a residential area and the siting criteria in respect of establishment of new petroleum outlets has not been properly followed, hence forthwith the applicant has filed this application no.22 of 2021 before the Hon'ble National Green Tribunal (SZ).

ORDERS OF THE HON'BLE TRIBUNAL

Hon'ble National Green Tribunal (SZ) in its order in original application No.22 of 2021 dated 03.02.2021 has constituted a Joint Committee comprising of (1) the District Collector, Chengalpattu District, (2) a senior officer from Tamil Nadu Pollution Control Board to inspect the area in question and submit a factual as well as action taken report if there is any violation found.

It is respectfully submitted that the Hon'ble Tribunal directed the committee to ascertain as to whether the Siting Criteria has been complied with and also the distance between the nearest houses, the proposed petroleum outlet and whether necessary permission and consent etc., have been obtained by them for this purpose and if there is any violation found then, the proposed action to be taken also to be suggested.

The Tamil Nadu Pollution Control Board will be the nodal agency for coordination and for providing necessary logistics for this purpose.

It is respectfully submitted that the Chairman, Tamil Nadu Pollution Control Board, Chennai vide Proc.No.TNPCB/LAW/LAV/NGT/04168/2021 dated 23/02/2021 has nominated the District Environmental Engineer, Maraimalai Nagar as nodal officer.

It is respectfully submitted that the as per the CPCB guidelines vide office memorandum B-13011/1/2019-20/AQM dated 7th Jan 2020, in clause H - Siting criteria for new Retail outlet states that 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.

Observation of the Joint Committee as constituted by the Hon'ble Tribunal

The Joint Committee as constituted by the Hon'ble Tribunal has inspected the area in question on 26/06/2021 and the observations are as follows.

1. The proposed said Bharat petroleum retail outlet premises with a plot area of 7104 Sq.ft at T.S.No.77, Tambaram Municipality situated at New Door No.28 (Old No.1), Alagesan Street, West Tambaram, Chengalpattu District is owned by Thiru.M.Govindaraj and the same is leased by Tmt.Mahalakshmi to run the said retail outlet.
2. The proposed outlet has installed 2 Nos of underground storage tanks of 20KL capacity each (one for the storage of Diesel and other for Petrol) with 2 Nos. of air vent.
3. The proposed outlet has installed 3Nos of fuel dispensing unit.
4. A borewell is located in the North eastern corner of the site.
5. The proposed outlet site is surrounded by the following:
 - East – Commercial shops and residences.
 - West – Road and Commercial shops and residences.
 - North – Road, Urban Primary Health Centre (Ranganathapuram), Tambaram Municipality and Commercial shops and residences.
 - South – Residences and Commercial shops.
6. The proposed outlet is adjacent to the residences and commercial shops in east and southern sides.
7. Government Urban Primary Health Centre with 10 beds is operating within a distance of 30 metres. The said health care facility has obtained consent of the Board vide Procs.No.F.2139MMN/OS/DEE/TNPCB/MMN/W&A/2019 dated 13/05/2019 valid up to 31/03/2029.
8. The applicant Thiru. D.Vijayaragavan residence is located adjacent to the said proposed petroleum retail outlet.
9. No High tension TNEB line passes over the proposed site.
10. The proponent has provided permanent GI sheet gladding to a height of 22 feet in the eastern as well as southern side of the site boundary and provided temporary GI sheet gladding to a height of 20 feet in the western and northern side, the said temporary GI sheet gladding will be removed after the establishment of the retail outlet.
11. The proponent has stopped the further establishment activity as noticed during the time of inspection.

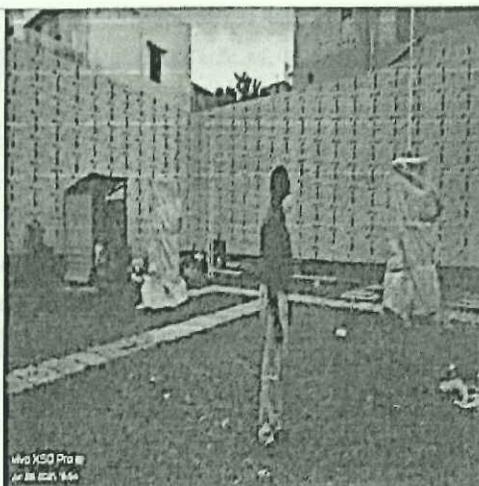
It is respectfully submitted that the proponent of the proposed petroleum outlet has obtained the permission/ NOC's from the following authorities:

1. PESO(petroleum and explosives safety organization has accorded prior approval No.A/P/SC/TN/14/9669 (P467698) dated: 03.02.2020.
2. No objection certificate obtained from the Commissioner of police, Greater Chennai Police dated: RC No.E2(2)/231/24159/2020, NOC No.28 of 2020 dated: 29.12.2020.
3. Tambaram Municipality vide letter No.1487/2020/F1 dated: 10.07.2020 accorded NOC stating that the site is located in the Mixed Residential Area.
4. NOC from Fire and Rescue Department No.1989/B1/20120 dated: 27.02.2020.

Photographs taken during inspection



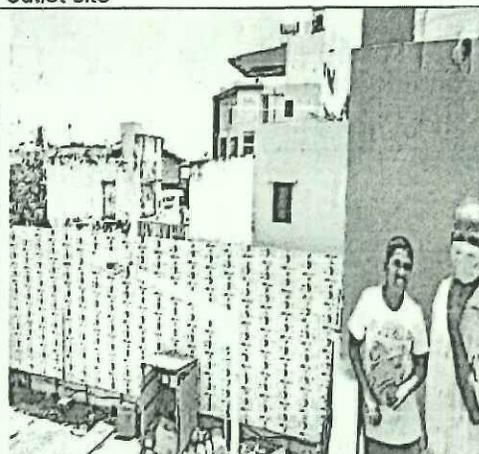
Joint Committee inspection to the proposed petroleum outlet site



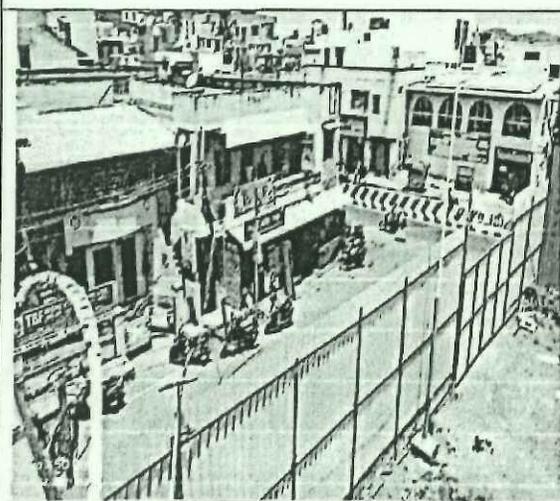
GI sheet gladding adjacent to the eastern & southern side of the proposed petroleum outlet site



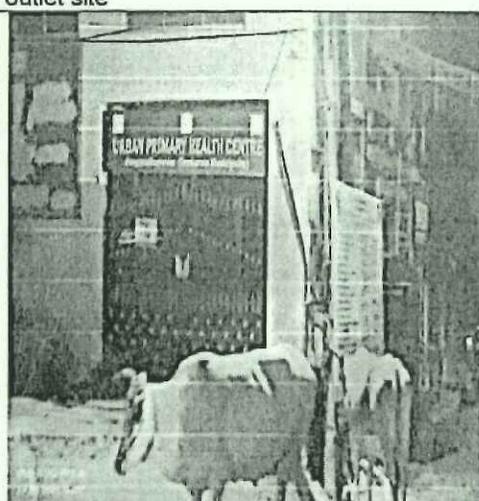
Top view of the proposed petroleum outlet site



Residences adjacent to the eastern & southern side of the proposed petroleum outlet site



Residences and Commercial shops separated by a road in the Western side of the proposed petroleum outlet site

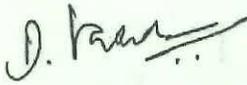


Urban Primary Health Centre at the Northern side of the proposed petroleum outlet site

Recommendations of the Joint Committee

Based on the above observation, the joint committee submits the following recommendation before the Hon'ble National Green Tribunal (Southern Zone)

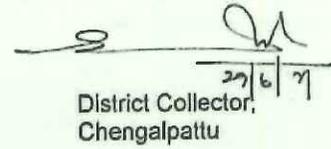
The proposed petroleum outlet is not satisfying the siting criteria prescribed by the Central Pollution Control Board in clause H of the Guidelines vide office memorandum B-13011/1/2019-20/AQM dated 7th Jan 2020, since it is located in the mixed residential use zone as per Tambaram Municipality, residences are located adjacent to the proposed outlet, healthcare facility having bed strength of 10Nos. is located within 30meters, hence the Petroleum and Explosives Safety Organization (PESO) shall be directed to revisit the approval accorded to the proposed outlet vide approval No.A/P/SC/TN/14/9669 (P467698) dated: 03.02.2020 in accordance with the above said CPCB guidelines.



District Environmental Engineer,
Maraimalainagar



Revenue Divisional officer
Tambaram


29/6/21

District Collector,
Chengalpattu

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RESPECT OF O.A.NO.22 OF 2021**

Advocate for Respondent No.TNPCB
Thiru. Kasi Rajan,
Advocate, Chennai.

Date:29.06.2021.

Date of hearing on:30.06.2021