

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE SITTING AT CHENNAI

**ORIGINAL APPLICATION NO. 127 of 2024 (SZ)**

**IN THE MATTER OF**

Mrs. Neena.S,  
Mangalore – 575 001 and 4 others

... Applicants

and

The Joint Chief Controller of Explosives,  
South Circle, Chennai,  
Petroleum and Explosives Safety Organisation (PESO),  
Nungambakkam, Chennai – 600 006 and 3 others ... Respondents.

**I N D E X TO ADDITIONAL WRITTEN SUBMISSIONS**

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Place : Chennai

Date : 29.03.2026

Filed by :



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**Between**

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**ADDITIONAL WRITTEN SUBMISSIONS BY THE COUNSEL  
FOR THE APPLICANTS**

**MOST RESPECTFULLY SHOWETH :**

The Counsel for the Applicants had already submitted detailed Written submissions dated 05.01.2026 on the basis of all the pleadings and reports submitted by the parties till then . However, thereafter the 3<sup>rd</sup> Respondent had submitted his response and the senior counsel representing the 5<sup>th</sup> Respondent had made some oral submissions during the final hearing on the issues of limitation and estoppel without raising a whisper of those issues in their pleadings . Therefore, it has become necessary for the Counsel for the Applicants to submit the following Additional Written Submissions in the above OA No. 127 of 20224 (SZ) to counter the above belated submissions for the proper and complete



adjudication of **the case which has been reserved for Judgment on 19.03.2026.**

1. As regards the reply submitted by the 3<sup>rd</sup> Respondent at the eleventh hour to avoid the imposition of costs by this Hon'ble Tribunal, it shall be liable to be outrightly rejected as false and bereft of any relevant details pertaining to reporting of compliance of the Siting criteria prescribed by CPCB vide the Circular dated 07.01.2020. The 3<sup>rd</sup> Respondent has made a "**bald statement**" without annexing any site inspection report or the copy of the so called "Revised Drawing" which he alone seems to be privy to and obtained while visiting the site 2 years after the construction of the outlet had been completed. While the Site Layout Plan dated 19.02.2024 as approved by the 1<sup>st</sup> Respondent, based on which the outlet has been erected, clearly shows that **the distances of the nearest Filling point, Dispensing unit and Vent** are all in gross violation of the CPCB Siting criteria, the 3<sup>rd</sup> Respondent has made the above false statement which deserves to be rejected in toto with the contempt it deserves. The Applicants have already filed a detailed Rejoinder dated 30.12.2025 to the Reply filed by the 3<sup>rd</sup> Respondent.

2. As regards the oral submissions of the senior counsel representing the 5<sup>th</sup> Respondent on the issue of limitation, it is also liable to be outrightly rejected for the following reasons;

(i) The issue of Limitation is a preliminary issue involving the maintainability of the case which needs to be raised and decided at the



earliest stage of the proceeding and not at the fag end of final hearing. Having acquiesced with the proceedings for over 2 years and not raised the issue of limitation even in the pleadings, the 5<sup>th</sup> Respondent shall be precluded from raising the same after a deep slumber at the stage of final oral arguments of the instant case .Moreover, Limitation is a question of law and facts which need to be pleaded and proved with incontrovertible evidence instead of raising the claim in a casual manner.

(ii) In the instant case, the cause of action is of continuous nature due to emission of petroleum vapor and associated potential health hazards to the surrounding areas arising out of the operation of the proposed Petrol pump and based on precautionary principle the period of limitation shall not apply. As the proposed unit is ready to operate , the above dangers were already imminent and proximate at the time of filing of the instant case.

(iii) Even assuming without admitting that Limitation shall be a relevant issue, the cause of action to approach this Hon'ble Tribunal had arisen only on 19.02.2024 when the final site layout drawing was approved by the 1<sup>st</sup> Respondent for carrying out the site erection works accordingly, thereafter . The proposed locations of the Filling point, dispensing units and vent had become final only after the Site layout was approved by 1<sup>st</sup> Respondent and therefore the cause of action in the instant case due to violations of CPCB Siting Criteria had arisen only after the Site Layout Plan was approved by the 1<sup>st</sup> Respondent on 19.02.2024. Mere knowledge about the impending proposal to start a Petrol pump at the proposed site and before perusing the approved copy of the Site layout plan and ascertaining the violations of CPCB Siting Criteria therein , the Applicants



could not have approached this Hon'ble Tribunal for any relief. Hence, the instant Original Application had been filed well within the prescribed limitation period of 6 months from the date of occurrence.

(iv) Finally the Applicants are not challenging either the NOC or the Final Licence per se in the instant Application so that the dates on which those were issued are not relevant in determining the limitation period . What is under challenge is the erection of equipments by the 5<sup>th</sup> Respondent to start and operate a Petrol Pump in violation to CPCB Siting Criteria as revealed from the final Site Layout plan approved by the 1<sup>st</sup> Respondent on 19.02.2024. Therefore, all the events which had happened prior to 19.02.2024 shall not be relevant to determine the limitation period in the instant case .

3. As regards the oral submissions of the senior counsel representing the 5<sup>th</sup> Respondent on the issue of acquiescence / estoppel , by relying on a letter said to have been submitted by some of the Applicants to the 5<sup>th</sup> Respondent requesting to leave about 5 feet for the pathway to their houses, plain reading of the same letter shall show that the Applicants were not aware of the violations of the mandatory CPCB Siting Criteria involved in the proposal in the absence of the approved Site Layout plan at that point of time . Moreover, it is a settled position of law that there shall be no estoppel against mandatory provisions such as CPCB Siting Criteria which has acquired the status of law under Article 141 of the Constitution pursuant to the direction in this regard by the Hon'ble Apex Court.



4. As regards the oral submissions of the senior counsel representing the 5<sup>th</sup> Respondent on the issue of land classifications of the proposed site as well as the surrounding areas, the copy of the notified Master plan submitted by the Applicants shall leave no doubt that the entire area comes under “ **Mangala Nagar**” , a designated residential area with liberty to the owners of the plots lying adjacent to the main road to apply for conversion into commercial category upto 15 M inwards. In the instant case, the residential premises of Applicant Nos. 2 to 5 are all lying more than 15 M inwards from the main Road and therefore come under the category of designated primary residential area. As far as the Apartment in which the Applicant No.1 resides is also a designated residential area as no conversion of it has been done to commercial category till now. Running of a Restaurant in the ground floor(part) of the Apartment building consisting of 18 Residential Flats shall not change the classification of the entire premises into commercial category as per the by-laws of the corporation.

5. Finally it is submitted that allowing to operate the proposed petrol pump at the above site shall cause severe denial of the Right to life of the the Applicants and other residents of the area who have been living in their lawfully constructed residential premises for the past several years. It is unfortunate that a PSU -OMC , operating on public money and claiming to be a Navaratna enterprise , is showing scant respect and neglect to their duty to protect public health through protection and preservation of the environment.



6. The Averments made by the Applicants in the Original Application , Additional Documents Nos. 1, 2 and 3 , Notes to the typed set filed by 4<sup>th</sup> Respondent , 4 Rejoinder Affidavits and Written Submissions dated 05.01.2026 may be treated as part and parcel of this Additional Written submissions for better appreciation of the facts of the case.-

It is therefore prayed that this Hon'ble Tribunal may be pleased to accept the above Additional Written submissions and pass appropriate orders in the above Original Application No. 127 of 2024 (SZ) and thereby render justice .

Dated at Chennai on this 29<sup>th</sup> Day of March, 2026



Counsel for Applicants

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**SERVING OF ADDITIONAL WRITTEN SUBMISSIONS IN OA NO.127 OF 2024(SZ)**

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V B R MENON &lt;vbrmenon.office@gmail.com&gt;

Sun, Mar 29, 2026 at 10:31 PM

To: arslawassociates@gmail.com, darpan.advocate@gmail.com, saleem abdul &lt;saleemperson@gmail.com&gt;, saravanansennniyan@gmail.com, r.thirunavukarasu@bharatmail.co.in

**V.B.R. Menon**, B.E(Mech), MBA (IIMA), LL.B.**ADVOCATE****HIGH COURT OF MADRAS****CHENNAI****Mobile : 9384762930****Resi****: Apt.Nos. 4A&B, Brook Dale Apartments,****No.12, P.T. Rajan Salai, K.K. Nagar,****Chennai – 600078****E-mail : vbrmenon@gmail.com**

Date : 29.03.2026

To

1. Mr. A.R..Sakthivel for R-1
2. Mr. Darpan K.M. for R-2
3. Mr. Abdul Saleem for R-3
4. Mr. S. Saravanan for R-4
5. Mr. Thirunavukarasu for CPCB

Sirs,

**Sub:** Serving of Additional Written submissions in OA No. 127 of 2024 (SZ) -Reg.

Attached please find a soft copy of the Additional Written Submissions to be filed in OA No. 127 of 2024 (SZ) (Mrs. Neena.S and Ors., Vs.. The Joint Chief Controller of Explosives, Chennai and others). Kindly acknowledge receipt.

Thanking you,

Yours sincerely,

V.B.R. MENON  
Counsel for Applicants

Encl: As above.

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 **OA 127 OF 2024 ADDITIONL WRITTEN SUBMISSIONS1.pdf**  
1095K

**Reserved for Judgement on  
19.03.2026**

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**Before the Hon'ble National Green Tribunal  
Southern Zone sitting at Chennai**

**O.A. No. 127 of 2024**

**In the matter of**

Mrs. Neena .S,  
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And 4 others                      ... Applicants

And

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Petroleum & Explosives Safety Organisation,  
Nungambakkam, Chennai – 600006

and 3 others                      ... Respondents

**ADDITIONAL  
WRITTEN SUBMISSIONS**

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