

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,
No.23-9-744/3, Premier Aristo Apartments,
Flat No. 02, Ground Floor,
Mangaluru Thota Village,
Mangalore – 575 001 and 4 others ... Applicants

and

The Joint Chief Controller of Explosives,
South Circle, Chennai,
Petroleum and Explosives Safety Organisation (PESO),
A and D Wing, Block 1-8, 2nd Floor,
Shastri Bhawan, No.26, Haddows Road,
Nungambakkam, Chennai – 600 006 and 3 others ... Respondents.

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Place : Chennai
Date : 03.02.2025

Filed by :



V.B.R. MENON
COUNSEL FOR APPLICANTS
Mobile : 9384762930
E-mail : vbrmenon@gmail.com

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

ORIGINAL APPLICATION NO. 127 of 2024 (SZ)

1. Mrs. Neena.S,
No.23-9-744/3, Premier Aristo Apartment,
Flat No. 02, Ground Floor,
Mangaluru Thota Village,Mangaladevi,
Mangalore – 575 001
 2. Mrs.Vimala,
No.23-9-754, Krishnappa Compound,
Mangaladevi, Mangalore – 575 001
 3. Mrs. Chitrarekha,
No.23-9-753, Krishnappa Compound,
Mangaladevi, Mangalore – 575001
 4. Mrs. Gunavathi
No.23-9-752, Krishnappa Compound,
Mangaladevi, Mangalore – 575001
 5. Mrs. Shashikala,
No.23-9-751, Krishnappa Compound,
Mangaladevi, Mangalore – 575001
- ... Applicants

and

- 1.The Joint Chief Controller of Explosives,
South Circle, Chennai,
Petroleum and Explosives Safety Organization (PESO),
A and D Wing, Block 1-8, 2nd Floor,
Shastri Bhawan, No.26, Haddows Road,
Nungambakkam, Chennai – 600 006
- 2.The Commissioner of Police,
Mangaluru City,
Near Police Training School,
Pandeshwar, Mangaluru ,
Karnataka – 575 001

3. The Senior Environmental Officer,
Karnataka Pollution Control Board,
Plot No.10B, Parisara Bhavana, Baikampady,
Industrial Area, Mangaluru – 575 011
4. The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Mangaluru Retail Regional Office,
First Floor, Deo Gratias Building,
Chilimbi, Urwa Stores, Mangaluru – 575 006 ... Respondents.

**NOTES FILED BY THE COUNSEL FOR THE APPLICANTS ON THE
TYPED SET DATED 22.01.2025 FILED BY THE 4th RESPONDENT**

1. The Clarification issued by CPCB on 29.01.2021 requires both the following conditions to be simultaneously satisfied to become eligible for the exemption from the Siting Criteria dated 07.01.2020;

(i) Prior Site approval should have been obtained prior to 07.01.2020

and

(ii) Construction of the Outlet should also have commenced before 07.01.2020.

In the instant case , Prior from PESO for the CNG Station had been obtained prior to 07.01.2020 but no construction works had started at the Site till 2023 as clearly revealed from the Google earth photos dated 30.03.2022. The Copies of work order and payment detail for a paltry sum of Rs. 47,434 / was for some minor civil works carried out on the compound wall .

2. As per CPCB Guidelines , what is relevant is the classification of the surrounding lands within the prohibited zone of 50 M as per master plan , which in the instant case is a designated residential area. Assessment of the

ground floor of one of the surrounding buildings has been assessed under commercial category by the Corporation does not alter/ change the land use pattern of the area situated under residential zone. Apart from Premium Aristo apartment building, there are several other purely residential buildings situated adjacent to the proposed site which the Respondent has mischievously omitted to mention . A copy of the master plan pertaining to the above area as notified by the Mangalore Urban Development Authority has already been submitted by the Applicant @ page no.142 of the OA Application.

3. There is no dispute that the proposed site had already been converted “ **from residential to non-residential category**” and therefore could be used for commercial use *provided it does not violate the Siting Criteria prescribed by CPCB*. The law in this regard is well settled by the Judgment of the Hon’ble Apex Court in the case of Mantri Techzone P.Ltd. Vs. Forward Foundation & Ors, reported in (2019) 18 SCC 494 (Ref;Para No. 47) wherein it has been held that the environmental laws shall have the overriding effect over the provisions under the State laws.

It is therefore prayed that this Hon’ble Tribunal may be pleased to accept the instant Notes filed by the Counsel for the Applicant and allow the above Original Application as prayed for and thus render justice .

Dated at Chennai on this 02nd Day of February, 2025



Counsel for the Applicants

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

Original Application No. 127 of 2024

Mrs. Neena.S,
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Apartments,
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**NOTES BY THE COUNSEL
FOR APPLICANTS ON THE
TYPED SET FILED BY THE
4th RESPONDENT**

**V.B.R Menon, B.E, MBA(IIMA), LLB,
(Ms – 23 / 2012)
Counsel for Applicants
Ph: 9384762930**