

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

OA NO. 158 OF 2023 (SZ)

V Ayyasamy

... Appellant

Versus

District Collector and Ors.

... Respondents

REPLY STATEMENT FILED BY THE 7th RESPONDENT - IOCL

Dated - 04/11/2024



M/s. AAV PARTNERS

S SARAVANAN

E KARTHIKEYAN

COUNSEL FOR 7th RESPONDENT

**No.74-76, II Floor, Marshall's Enclave, Marshall's Road,
Egmore, Chennai - 08.**

Ph - 95000 69660 Email : saleemperson@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) SITTING
AT CHENNAI**

Original Application No. 158 of 2023

BETWEEN

V Ayyasamy,
S/o. Venkarachala Gounder,
No. 4/83, near Mahalakshmi Bakery,
Othakkalmandapam to Chetipalayam Road,
Okkilipalayam Village, Othakkalmandapam (Post),
Madukkarai Taluk,
Coimbatore District.

... APPLICANT

VS

1. District Collector, Coimbatore
Collectorate Building,
Coimbatore - 641018
2. The Chairman,
Central Pollution Control Board,
Parivesh Bhavan, East Arjun Nagar,
Delhi - 110032
3. The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai, Guindy Industrial Estate,
Race View Colony, Guindy,
Chennai - 600032.
4. District Environmental Engineer, Coimbatore (South)
Tamil Nadu Pollution Control Board,
Plot No. E.55A,
SIDCO Industrial Estate,
Pollachi Main Road, Kurichi,
Coimbatore - 651 021.
5. Joint Director,
Directorate of Town and Country Planning,
Corporation Commercial Complex,
Dr. Nanjappa Road, Coimbatore - 641 018.



Deepak Kumar
Divisional Retail Sales Head
Coimbatore Divisional Office
Indian Oil Corporation Limited
Marketing Division

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Indian Oil Corporation Limited
Marketing Division

दीपक कुमार
मंडल सुदूर विक्रय प्रमुख
कोयंबटूर मंडल कार्यालय
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
विपणन प्रभाग
इंडियन ऑयल भवन
8/1079, अविनाशी रोड
कोयंबटूर - 641018
तमिल नाडु

Deepak Kumar
Divisional Retail Sales Head
Coimbatore Divisional Office
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Tamil Nadu

6. Joint Chief Controller of Explosives,
Petroleum & Explosives,
Safety Organizaion (PESO), South Circle,
A and D – Wing, Block 1-8, Second Floor,
Shashtri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai – 600 006.
7. M/s. Indian Oil Corporation Ltd.,
Indian Oil Bhavan,
8/1079, Avinashi Road,
Coimbatore – 18.
8. R. Gayathiri Devi,
S.F No. 520/1, Otthakkalmandapam,
Madukkarai taluk, Coimbatore District.

... RESPONDENTS

REPLY STATEMENT FILED BY THE 7th RESPONDENT

I, Deepak Kumar, son of Shri. Dharamvir Singh, aged 47, having address at 8,1079, Avinashi Road, Coimbatore 641 018, do hereby solemnly affirm and sincerely state as follows :

1. I humbly submit that I am officiating as the Divisional Retail Sales Head, in M/s. INDIAN OIL CORPORATION LIMITED, the 7th Respondent herein and as such I am well aware of the facts and circumstances of the case and competent to swear this affidavit.
2. I humbly submit that the present application has been filed before this Hon'ble Tribunal, seeking for the following relief :

"It is respectfully prayed that this Hon'ble Tribunal may be pleased to issue direction to the Respondents 1 to 4, to take action against the Respondents 7 and 8 for the illegal setting up of the Fuel Station, at S.F No 520/1, Otthakkalmandapam Village, Madukkarai Taluk, Coimbatore District, which is in violation of the 2nd respondent office memorandum, in



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proceedings number B-13011/1/2019-20QM, dated 07.01.2020 and the addendum dt. 16.08.2021, and pass such further or other orders as this Hon'ble Tribunal may deem fit and necessary in the interest of justice."

3. That nothing contained in this Reply Statement shall be construed as an admission of any statement or averment made in the present Original Application save and except what has specifically been admitted by the answering Respondent herein.
4. That the answering Respondent denies each and every averment, which is contrary to and/or inconsistent with what is stated in this statement, as if the same were specifically traversed.
5. That the instant Reply Statement is being filed in order to bring out the true and correct factual position and to specifically deal with the averments and allegations made by the Applicant in the instant Original Application. The answering Respondent reserves his rights and liberty to file a further detailed Statement/Affidavit and additional documents if the situation so necessitates at a later stage.
6. That before traversing into the para wise reply of this Respondent with respect to the allegations raised in the application, it is necessary to set out the brief facts with respect to the subject retail outlet.
7. That this Respondent had published newspaper advertisement on 25.11.2028, inviting applications for setting up the retail outlet dealership at various locations in the State.
8. That pursuant to the same, the subject site situated at Survey No. 520/1, Madukkarai Taluk, Coimbatore – 641032, was identified for setting up the retail outlet.

Deepak Kumar
Divisional Retail Sales Head
Coimbatore Divisional Office
Indian Oil Corporation Limited
Marketing Division
Indian Oil Bhavan
8/1079, Avinashi Road

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भारतीय तेल निगम लिमिटेड
मार्केटिंग विभाग
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Indian Oil Corporation Limited
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9. That thereafter, the following approvals/permissions were obtained for the establishment of the retail outlet :

S No.	Date	Description
1.	14.08.2021	Application for NOC submitted with the District Authority.
2.	20.09.2021	Initial PESO License issued by the 6 th Respondent.
3.	10.03.2023	No objection certificate issued for the subject retail outlet.
4.	29.09.2023	Final PESO License issued by the 6 th Respondent.

10. That the pursuant to the above, the subject retail outlet commenced its sales on 30.09.2023, after obtaining all the necessary approvals and permissions from the competent authorities.

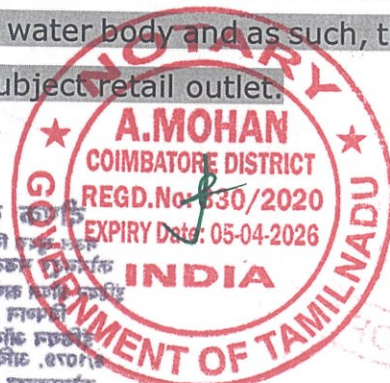
11. That the allegations raised in the subject application, that the subject outlet is situated at a distance of 29 metres from a waterbody classified as "ODAI", and hence established in violation of the CPCB guidelines dated 16.08.2021, are all false and vehemently denied and the Respondent categorically submits as follows :

NO VIOLATION:

12. With respect to the allegation that the retail outlet is situated at a distance of 29m from an alleged "ODAI", it is submitted that the Dispensing Unit is situated at a distance of 56.03 metres and the Underground storage tanks are situated at a distance of 66.32 metres, from the water body and as such, there is no violation of the guidelines by the subject retail outlet.

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13. It is submitted that this Respondent is further ready and willing to install any additional safety measure, including secondary containment of double walls for the storage tank, as provided in the guidelines for retail outlets falling within 100m from waterbody and to abide by any directions of the TNPCB and this Hon'ble Tribunal.

14. Further, it is submitted that the applicant herein has not provided any iota of proof to show that the retail outlet is situated at a distance of 29m from the waterbody and as such, the said allegation is nothing but a concocted falsity intended to prevent this respondent from establishing the outlet.

15. It is submitted that the subject retail outlet was established after obtaining No objection certificate from the competent authority, which had issued the same after verifying the compliance of the retail outlet with respect to applicable provisions of law.

VESTED INTEREST :

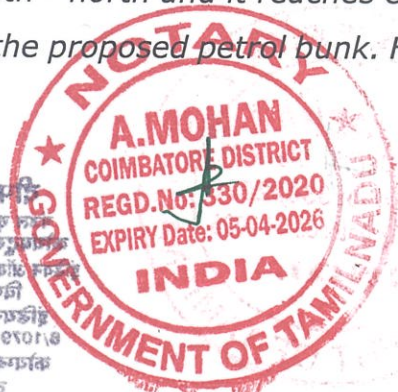
16. That the applicant has approached this Hon'ble Tribunal with vested and a malafide interest and there is no public or environment interest is involved in the present issue, hence the present application is liable to be dismissed with huge cost.

17. The same is evident from the averments made by the applicant in his representation seeking RTI query to the respondent authorities and is as follows :

"On the Northern side of the road there is a well established school is vacated within 400 meters. Hence the school childrens health is under dangerous. Apart from that, there is a north south tar road is running from south - north and it reaches east - west main state high way opposite to the proposed petrol bunk. Hence there is a chance for

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Indian Oil Corporation Limited
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Tamil Nadu

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இந்திய எண்ணெய் பவன்
8/1079, அவினாசி ரோடு
கொய்ம்பட்டூர் - 641 018
தமிழ் நாடு



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कोयंबटूर मंडल कार्यालय
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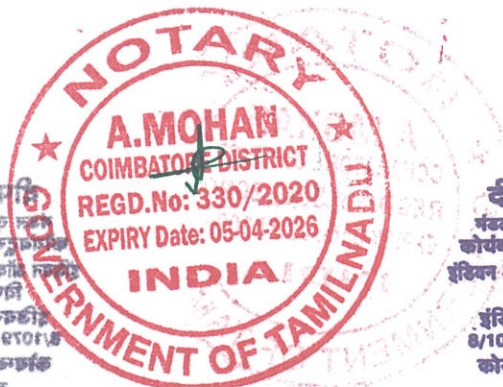
Deepak Kumar
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accident took place to the vehicle as well as the Petrol bunk. The proposed petrol bunk is formed in small village with a population of 50 peoples. For their convenience of the public already Hindustan Petroleum Corporation formed a Petrol Bunk and the same is functioning as on date. Hence it is an unnecessary for the formation of the another bunk within the short distance.

The common people is used to come to the temple for prayer regularly in the morning as well as in the evening. If the applicant is allowed to form the above said Petrol bunk, the common public will be afraid of coming to the prayer and for good health. Hence the formation of the new petrol bunk will affect the health of the public also."

18. The above erroneous and irrelevant averments made to malign the establishment of the retail outlet, would evidence the fact that the subject application has been filed with a malafide intention, with no environmental interest involved and as such, the application is liable to be dismissed with huge cost.

19. That, the allegations and averments raised in the application pertaining to the environmental pollution and hazard that the subject retail outlet is proposed to cause, is unfounded for the reason that the retail outlet is established after obtaining all the necessary permissions and no objection from the competent authorities and moreover, retail outlet meets all safety norms as per PESO as well as CPCB and this respondent will take care of all safety norms, distances, in operating the retail outlet and is ready and willing to install all additional safety precautions in accordance with the guidance of the authorities.



Handwritten signature in blue ink.

Deepak Kumar
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Indian Oil Corporation Limited
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20. That the retail outlet is dispensing petroleum product i.e. MS and HSD which are essential commodity to the motoring public. Besides, huge amount of money is invested by the company for the construction and commissioning of the retail outlet, established in accordance with law.
21. That the applicant with an ill intention to stall the operation of the subject retail outlet, has filed the present application and the same is an abuse of process of law. Further, he is not entitled to any relief as claimed in the present application.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above application with heavy cost and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.


Dated at Coimbatore on this the 4th day of November 2024

7th RESPONDENT

VERIFICATION


I, Deepak Kumar Son of Mr.Dharamvir Singh aged about 47 years, working as Divisional Retail Sales Head, having office at 8/1079, Avinashi Road, Coimbatore 641 018, do hereby verify that the contents of paras 1 to 21 are true to the best of my knowledge and paras 1 to 21 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Coimbatore on this the 4th day of November, 2024


A.MOHAN, M.A., B.L.,
ADVOCATE & NOTARY
GOVT. OF TAMILNADU
 No: 8, FIRST FLOOR, JAWANS BHAVAN,
 COIMBATORE - 641 018.
 Enrol.No: 847/1983
 0422 - 2211299, 98422 13755



7th RESPONDENT


दीपक कुमार
 मंडल वृद्धता विभाग प्रमुख
 कोयंबटूर मंडल कार्यालय
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