

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
AT CHENNAI
O.A. No. 183 OF 2024

VBR Menon

...Applicant

Vs.

The Member Secretary
And 2 Ors.,

...Respondents

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It is Certified that the above documents are true copies of the Originals

DATED AT CHENNAI ON THIS THE 25th DAY OF APRIL 2026

COUNSEL FOR 3rd RESPONDENT



BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE

AT CHENNAI

O.A. No. 183 OF 2024

VBR Menon

...Applicant

Vs.

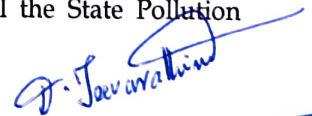
The Member Secretary
And 2 Ors.,

...Respondents

COUNTER FILED ON BEHALF OF 3rdRESPONDENT

I, Dr D. JEEVARATHINAM, Hindu, aged about 43 years, S/o G. Duraikannu Occupying the post of Controller of Explosives, in the 3rd Respondent i.e. O/o Joint Chief Controller of Explosives, South Circle, Chennai, having office at A & D Wing, Block 1-8, 2nd Floor, Shastri Bhavan, No. 26, Haddows Road, Nungambakkam, Chennai - 600 006, do hereby solemnly affirms and sincerely state as follows:

1. I am occupying the Post of Controller of Explosives in the Respondent herein and I am duly authorised to file this Counter affidavit on behalf of the Respondent herein.
2. I submit that in so far as the averments contained in Paragraph 1 to 5 is concerned all the averments contained therein are matter of records in which this Respondent was not involved in the same and puts the Applicants to strict proof of the averments made thereunder.
3. I submit that in so far as averments contained in Para 6 & 7 of the Application is concerned this Respondent states that the siting criteria mentioned in the CPCB guidelines dated 07/01/2020 was prepared by the CPCB after deliberation with various oil marketing companies, all the State Pollution



डॉ. डी. जीवराथिनम, आई.पी.ई.एस.एस.
Dr.D.JEEVARATHINAM, IPSS
विस्फोटक नियंत्रक
Controller of Explosives
पी.ई.एस.ओ. भारत सरकार/P.E.S.O, Govt. of India
दक्षिण मण्डल, जेन्ने-6 / South Circle, Chennai-6

Control Boards and PESO, Nagpur. PESO being a licensing authority under Petroleum Rules and having vast experience with respect to safety related issues covered under the said rules, issued additional safety measures for setting up of new petroleum service stations vide Circular No. C.VIII(3)125/Circular/Petroleum, dated 09/09/2024 (Enclosed as Annexure - 1) in line with Supreme Court Order dated 14/03/2023 in Civil appeal no. 421 of 2022, Civil Appeal no. 494 of 2022, Civil Appeal no 1695 of 2022, Civil Appeal No. 2039 of 2022, Civil Appeal no. 1758 of 2022 and Civil Appeal No. 1912 of 2022. The additional safety norms have been devised considering the mitigation measures and are being imposed based on the location of proposed site of new retail outlet.

4. I submit that the 3rd Respondent herein has been entrusted with the responsibility to enforce various provisions in Petroleum Rules, 2002 & Petroleum Act 1934 to safe guard life and property as well as environment. The Petroleum Act 1934 and Petroleum Rules, 2002 administered by this Organization do not specify the safety distance to be maintained. The siting criteria of Retail Outlets stipulates that in no case the distance between the new Retail Outlet from Schools, Hospitals (10 beds & above) and Residential area designated as per local laws shall be less than 30 metres. The designated Residential area is to be identified/decided by the State Government Authorities. The final license will be granted by the answering respondent only on receipt of the No Objection Certificate issued by the concerned District Authority as per the provisions of Rule 144 of Petroleum Rules, 2002 and other relevant documents such as Tank test certificate under Rule 126 and Safety Certificate under Rule 130 issued by Competent person recognized under the Petroleum rules, 2002.


 डॉ. डी. जीवरथिनम, अई. पी. इ. एस. एस.
 Dr.D.JEEVARATHINAM, IPSS
 विस्फोटक नियंत्रक
 Controller of Explosives
 पी.ई.एस.ओ. भारत सरकार / P.E.S.O, Govt. of India
 दक्षिण मण्डल, जेन्ने-6 / South Circle, Chennai-6

RECEIVED
 23/09/2024
 CONTROL BOARD
 PETROLEUM
 CHENNAI
 RECEIVED
 23/09/2024
 CONTROL BOARD
 PETROLEUM
 CHENNAI

5. I submit that in so far as the averments contained in Grounds (i) to (ix) are concerned that this Respondent states that the Applicant herein has not established any grounds that this Respondent has been acting in violation of the orders of this Hon'ble Tribunal and further that this Respondent herein has been acting in violation of Article 21 of the Constitution of India and the Applicant herein is put to strict proof thereof.
6. I submit that the Applicant herein has not established his contention by any plausible records and therefore the Applicant is not entitled to any of the reliefs that are claimed by him.
7. For all the reasons stated above it is therefore prayed that this Hon'ble Court may be pleased to dismiss the above Application against this Respondent with costs and pass such further or other orders as this Hon'ble Tribunal may deems fit in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai
 on this the 24th day of April 2026 and
 signed his name in my presence
 presence after reading the contents
 herein

[J. MOSHIKA]

* BEFORE ME,
 *
 * Moshika
 * MS/2577/23
 * No 366, Law Chambers,
 * ADVOCATE CHENNAI

D. Jeevarathinam
 डॉ. डी. जीवराथिनम, आई. पी. ई. एस. एस.
 Dr.D.JEEVARATHINAM, IPES
 विस्फोटक नियंत्रक
 Controller of Explosives
 पी. ई. एस. ओ. भारत सरकार / P.E.S.O, Govt. of
 दक्षिण मण्डल, चेन्नै-6 / South Circle, Chennai
 Highcourt
 Buildings,
 Chennai-109

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BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI

I.A. OF 2025

IN

O.A. No. 183 OF 2024

VBR Menon ... Petitioner/Applicant

Vs.

The Member Secretary

And 2 Ors.,

....Respondents/ Respondents

COUNTER FILED ON BEHALF
3rd RESPONDENT

S. JANARTHANAM
COUNSEL FOR 3rd RESPONDENT

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE

AT CHENNAI

I.A.No. of 2025

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VBR Menon

...Petitioner/Applicant

Vs.


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COUNTER FILED ON BEHALF OF 3rdRESPONDENT

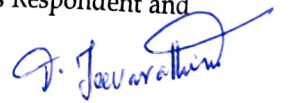
I, Dr D. JEEVARATHINAM, Hindu, aged about 43 years, S/o G. Duraikannu Occupying the post of Controller of Explosives, in the 3rd Respondent i.e. O/o Joint Chief Controller of Explosives, South Circle, Chennai, having office at A & D Wing, Block 1-8, 2nd Floor, Shastri Bhavan, No. 26, Haddows Road, Nungambakkam, Chennai - 600 006, do hereby solemnly affirms and sincerely state as follows:

1. I am occupying the Post of Controller of Explosives in the 3rd Respondent herein and I am duly authorised to file this Counter affidavit on behalf of the 2nd Respondent herein.
2. I submit that in so far as the averments contained in para 1 to 4 of the affidavit under reply are concerned are factual in nature .
3. I submit that in so far as the averments contained in para 5 of the affidavit under reply is concerned this Respondent states that the additional safety norms are been devised considering the mitigation measures and therefore


डॉ. डी. जीवरथिनम, आई. पी. ई. एस. एस.
Dr.D.JEEVARATHINAM, IPSS
विस्फोटक नियंत्रक
Controller of Explosives
पी.ई.एस.ओ. भारत सरकार/P.E.S.O, Govt. of India
दक्षिण मण्डल, जेनै-6 / South Circle, Chennai-6

nothing contra to the Order of this Hon'ble Tribunal in O.A. 176/2020 has been passed by this Respondent. Further the Office Memorandum dated 16.09.2024 is in line with the orders issued by this Hon'ble Tribunal and nothing contrary has been established by the Applicant herein.

4. In respect of the averments contained in para 6 of the affidavit under reply is concerned this Respondent states that the siting criteria mentioned in the CPCB guidelines dated 07/01/2020 was prepared by the CPCB after deliberation with various oil marketing companies, all the State Pollution Control Boards and PESO, Nagpur. PESO being a licensing authority under petroleum Rules and having vast experience with respect to safety related issues covered under the said rules, issued additional safety measures for setting up of new petroleum service stations vide Circular No. C.VIII(3)125/Circular/Petroleum, dated 09/09/2024 (Enclosed as Annexure - 1) in line with Supreme Court Order dated 14/03/2023 in Civil appeal no. 421 of 2022, Civil Appeal no. 494 of 2022, Civil Appeal no 1695 of 2022, Civil Appeal No. 2039 of 2022, Civil Appeal no. 1758 of 2022 and Civil Appeal No. 1912 of 2022. The additional safety norms have been devised considering the mitigation measures and are being imposed based on the location of proposed site of new retail outlet.
5. In respect of the averments contained in para 8 to 12 of the affidavit under reply are concerned the matter of record.
6. I submit that the Petitioner herein has not made any grounds to quash the Quash the Office Memorandum No. EQ/11099/25 /2021-AQMHO-CPCB-HO dated 16/09/2024 issued by the 1st Respondent and therefore the Petitioner is not entitled to any relief sought for by him in the prayers.
7. For all the reasons stated above it is therefore prayed that this Hon'ble Court may be pleased to dismiss the above application against this Respondent and



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दक्षिण मण्डल, जेन्-6 / South Circle, Chennai-6

pass such further or other orders as this Hon'ble Court may deems fit and proper in the interest of justice and thus render justice.

J. Jeevarathnam

डॉ. डी. जीवराथिनम, आई. पी. डी. एस. एस.
Dr.D.JEEVARATHINAM, IPSS
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दक्षिण मण्डल, चेन्नै-6 / South Circle, Chennai-6

Solemnly affirmed at Chennai on
this the 24th day of April 2026 and signed
his name in my presence after reading
the contents herein

* (J-MOSHICA)

BEFORE ME,

* *Medhi* MS/2577/23

* No 266, Law chambers, Highcourt
ADVOCATE, CHENNAI Building,
Ch-10y

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S. JANARTHANAM
COUNSEL FOR 3rd RESPONDENT

तार- "विस्फोटक", नागपूर
 Telegram: 'EXPLOSIVES', Nagpur
 Website: http://peso.gov.in
 Email: explosives@explosives.gov.in
 दूरभाष/ Telephone : 0712-2510248
 फॅक्स/ FAX : 2510577

कार्यालयीन उद्देश्य के सभी पत्रादि
 "मुख्य विस्फोटक नियंत्रक" के पदनाम से
 भेजे जाए उनके व्यक्तिगत नाम से नहीं.
 All communications intended for
 this Office should be addressed to the
 'Chief Controller of Explosives' and
 NOT to him by name.



भारत सरकार

GOVERNMENT OF INDIA

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन

Petroleum and Explosives Safety Organisation

(पूर्व नाम - विस्फोटक विभाग)

(Formerly- Department of Explosives)

"ए-ब्लॉक 4, पाँचवा तल, केन्द्रीय कार्यालय परिसर.

"A" Block, 5th Floor, CGO Complex,

सेमिनरी हिल्स, नागपूर - 440 006 (महा)

Seminary Hills, Nagpur- 440006

संख्या /No. C.VIII(3)125/Circular/Petroleum

दिनांक/ dated 09/09/2024

C I R C U L A R

Sub: Additional safety measures for setting up of new petroleum service station – reg.

As per CPCB guidelines dated 07.01.2020 for setting up of new petrol pumps, new retail outlets shall not be located within the radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential area 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 school, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters.

In view of the Directions of CPCB, the following additional safety measures shall be complied for setting up new petroleum service stations near residential areas, hospitals (10 beds and above) and schools within 30-50 meter radius.

1. The proposed petroleum service station shall be provided with minimum 2 meters high RCC/solid brick masonry boundary wall of 230 mm thick on the sides of proposed petroleum retail outlet facing the school, hospital (10 beds & above) and residential area designated as per Local Laws.
2. All underground tanks shall be in concrete pit in the proposed petroleum service station.
3. The tanker unloading platform shall preferably be located opposite to the side of the petroleum service station facing the school/residential area/hospitals (10 beds and above).
4. No Refuller loading or parking arrangement shall be allowed in the proposed petroleum service station.

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These additional safety measures are approved by DPIIT vide Explosives Section OM No. P-13033/100/2024-EXPLOSIVE dated 7th August 2024 (copy enclosed).

Encl : As above

Yours faithfully,



(P.Kumar)

Chief Controller of Explosives

To

All Stake holders for Petroleum Service Stations.

Copy to:

1. Explosives Section DPIIT: w.r.t. Explosives Section OM No. P-13033/100/2024-EXPLOSIVE dated 7th August 2024.
2. All PESO Circle /Sub-Circle offices.

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