

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION NO. 9 of 2025 (SZ)**

Between :
N. Balasubramani,

...Applicant

And

The Joint Chief Controller of Explosives and ors.

...Respondents

REPLY STATEMENT FILED BY THE 6th RESPONDENT

Dated : 10.06.2026



M/s. S SARAVANAN
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ORIGINAL APPLICATION NO. 9 of 2025 (SZ)

Between:

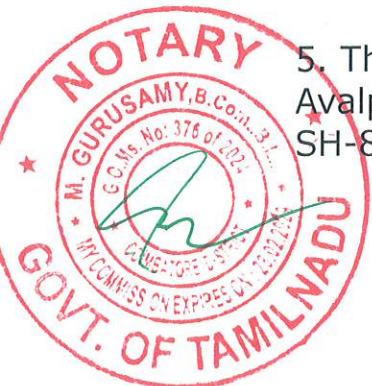
N. Balasubramani,
S/o. Nachimuthu,
No.11, Velankattuvalasu P.O.,
Thottipalayam, Avalpoondurai,
Erode District – 638 115.

...Applicant

And

1. The Joint Chief Controller of Explosives,
South Circle, Chennai,
Petroleum and Explosives Safety Organization (PESO),
A and D Wing, Block 1-8, 2d Floor,
Shastri Bhawan, No.26, Haddows Road,
Nungambakkam, Chennai - 600 006
2. The District Revenue Officer,
Erode District,
Collectorate Complex, State Highway 96,
Opp. District Court, Palapalayam,
Erode District – 638 001.
3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
CMP Plot, SIDCO Industrial Estate,
Chennimalai Road, Erode - 638 001
4. The Divisional Engineer,
(Construction and Maintenance)
Highway Department,
Poondurai Road, Bharathi Nagar,
Moolapayalam, Erode District - 638 002.

5. The Executive Officer,
Avalpoondurai Town Panchayat,
SH-83A, Erode-Dharapuram Road,



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Avalpoondurai, Erode District - 638 115.

6. The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.,
Combatore Retail Territory Office,
Ravathur Post, Irugur (Via),
Coimbatore - 641103.

...Respondents

REPLY STATEMENT FILED BY THE 6th RESPONDENT

I, Pankaj Meena, son of Ramjeelal Rampratab Meena, aged 44 years, having address at BPCL IRUGUR TOP INSTALLATION, Ravathur P.O., Irugur via, Coimbatore District, Pin-641103, do hereby solemnly affirm and sincerely state as follows:

1. That I am officiating as the Territory Manager (Retail), in M/s. Bharat Petroleum Corporation Limited, and the 6th Respondent herein and as such I am well aware of the facts and circumstances of the case and competent to swear this affidavit.
2. That the present Original Application has been filed under Section 14 of the National Green Tribunal Act, 2010, on the ground that the subject retail outlet is located within a prohibited distance from residential buildings which is in violation of the CPCB Guidelines, seeking for the following relief :

"A.Prohibit the 6th Respondent permanently from commissioning and operating the new Petroleum Retail Outlet on Avalpoondurai to Erode Road, SH - 83A, near Solipalayam Pirivu at Survey Field No. 271/411, Avalpoondurai Village, Modakkuruchi Taluk, Erode District, in gross violation to the Siting Criteria prescribed by the Central Pollution Control Board



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(CPCB) in Clause "H" of the Office Memorandum No. B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020, the mandatory distance norms prescribed by the Highways Department in G.O. (Ms) No. 25 dated 24.04.2022 and the G.O.(Ms) No. 79 of 2017."

3. On the outset, it is submitted that the present application is premature and without any merit or cause of action, for the reason that the retail outlet is only at the stage of obtaining all the requisite approvals and construction is yet to be commenced and as such, the applicant cannot allege any violation which have not yet occurred and his grievance is based on false assumptions that the retail outlet will be violative of the guidelines, which shall not be encouraged and is liable to be dismissed at the threshold.

4. 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.

5. 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.

6. 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.

7. That before traversing into the para wise reply of this Respondent with respect to the allegations raised in the application,



Clary

it is necessary to set out the important dates with respect to the subject retail outlet, which details are as follows:-

- i. On 24.12.2018, this Respondent had published newspaper advertisement inviting applications for setting up retail outlet dealerships at various locations in the State of Tamil Nadu.
- ii. On 20.06.2023, a Letter of Intent (LOI) was issued to the dealer for the operation of the retail outlet.
- iii. On 10.05.2024, Building approval obtained, issued by the Directorate of Town Panchayat.
- iv. On 18.06.2024, No Objection Certificate was issued by the District Collector, Erode for granting license under Rule 144 of the Petroleum Rules for storage of petroleum products in the subject retail outlet site, based on the recommendation of the Revenue Divisional Officer, Erode, the Tahsilar of Modakkurichi Taluk, the District officer Fire and Rescue Services, Erode, the Superintendent of Police, Erode and the report of the Divisional Engineer, Highways, Erode.
- v. On 02.10.2024, the Revenue Divisional Officer, Modakkurichi, issued Barren Land Certificate, certifying that no agricultural activity has taken place at the subject site and it is a barren land.
- vi. On 09.12.2024, the Office of the Joint Director, Agriculture Department, Erode District was pleased to issue Certificate stating that there is no objection for using the land for the purpose of the retail outlet, since there has been no agricultural activity in the said land.



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vii. On 02.03.2026, the Petroleum & Explosive Safety Organization (PESO) has issued its initial License indicating that the site is suitable for setting up of Retail Outlet.

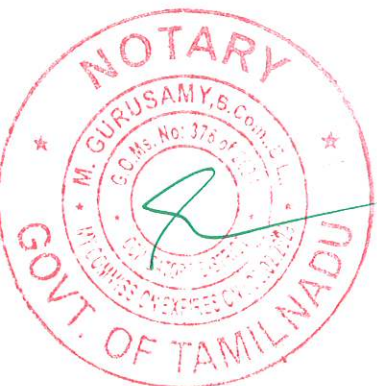
8. It is submitted that the retail outlet is proposed to be constructed by installing state-of-the-art equipment with underground tanks and connecting pipelines that can withstand extreme pressures without any leakage and all the safety measures have been implemented and installed at the subject retail outlet, including double walled concrete tanks and high compound walls around the site.

9. It is submitted that the allegation made in the application that the Retail outlet is situated at a distance of 20M from surrounding residential building and is violative of the Siting Criteria issued by CPCB, is false and denied and the Applicant is put to strict proof of the same. In this regard, it is necessary to reiterate the CPCB guidelines dated 07.08.2020 with respect to Siting Criteria:

SITING CRITERIA

"H. Siting criteria of retail Outlets:

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



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less than 30 meters. No high tension line shall pass over the retail outlet."

10. It is submitted that in this regard, the retail outlet is yet to be constructed and presently it is only a barren land and as such, the allegation that the retail outlet is situated within 20M from the residential building is unfounded and baseless since there is no structure as of yet to measure the distance. Therefore, this is only a premature allegation intended to stall the establishment of the outlet on baseless allegations and the same is liable to be dismissed and it is submitted that the retail outlet will be constructed strictly in accordance with the guidelines issued by CPCB.

11. Further, it is submitted that presently, the Layout Plan of the retail outlet currently has been prepared where the vent pipe/dispensing unit/underground storage tank are all proposed to be situated in compliance with the CPCB Guidelines and therefore, only after obtaining the necessary approvals for the said layout plan, will construction be carried out and as such, the Applicant cannot file a premature application restraining this Respondent at this stage, when there is no cause of action to file the present application.

12. It is also submitted that from the photographs furnished by the applicant, that the nearby alleged residential houses are all situated in an area that is not designated as Residential and are unapproved houses and therefore, the Siting Criteria with respect to CPCB Guidelines will not strictly apply to the said houses and in any case, the retail outlet will be situated at a distance that is in compliance of the guidelines.



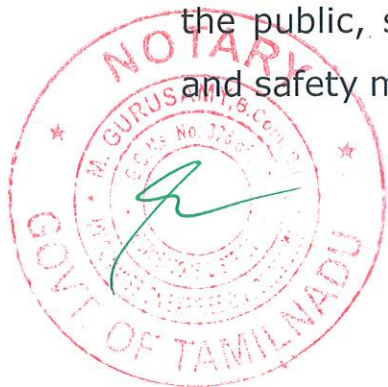
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13. That the allegation and averment made in the application with respect to violation of IRC Norms and is at a prohibited distance of 300M from nearest road intersection, are all false and denied and it is submitted that there are no roads situated on either side of the retail outlet which violates the distance norms and further the Hon'ble High Court vide its order dated 08.01.2025 dated WP No. 35047 of 2024, has observed that in the case of Other District Road, not being a State High Way, then the distance to be calculated from the road intersection is only 100M and not 300M from the retail outlet and as such, there is no violation as alleged by the applicant.

14. 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 will be established only after obtaining all the necessary permissions and moreover, the retail outlet will meet 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 precaution including installation of vapour recovery system in accordance with the guidance of the authorities.

15. That the Respondent Corporation is ready and willing to install any additional safety measures as may be directed by this Hon'ble Tribunal or the State Pollution Control Board or any other authority,

16. That, there will be no serious danger to the health and safety of the public, since, this Respondent has taken necessary precautions and safety measures for the establishment of the subject retail outlet.



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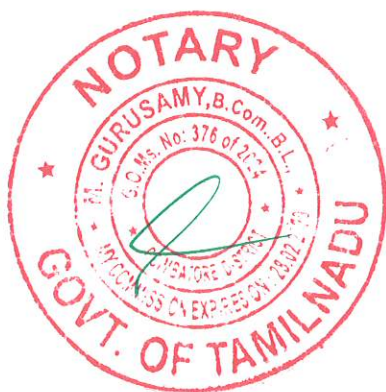
17. That the retail outlet is dispensing petroleum product i.e. MS and HSD & CNG, which are essential commodity to the motoring public. Besides, huge amount of money is invested by the company for the construction and commissioning of the retail outlet, established in accordance with law.

18. That after knowing of all the above, the applicant has approached this Hon'ble Tribunal for vested interest at a premature stage, at the instance of Rival retail outlet dealer 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.

19. 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 17th day of March 2026




TERRITORY MANAGER (RETAIL)
BHARAT PETROLEUM CORPN. LTD
RAVATHUR POST, IRUGUR
COIMBATORE-641 103

6th RESPONDENT

VERIFICATION

I, Pankaj Meena, son of Ramjeelal Rampratab Meena, aged about 44 years, having address at BPCL IRUGUR TOP INSTALLATION, Ravathur P.O., Irugur via, Coimbatore District, Pin-641103, do hereby verify that the contents of paras 1 to 20 are true to the best of my knowledge and paras 1 to 20 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Coimbatore on this the 17th day of March, 2026

Executed Before Me
At Coimbatore

Wony
TERRITORY MANAGER (RETAIL)
BHARAT PETROLEUM CORPN. LTD
RAVATHUR POST, IRUGUR
COIMBATORE-641 103

6th RESPONDENT

M. Gurusamy
17/03/2026
M. GURUSAMY, B.Com., B.L.,
ADVOCATE & NOTARY PUBLIC
17, First Floor, Jawan Bhavan
COIMBATORE - 641 018
Cell : 98431 16766

G.O. Ms No:376 Law (Admn.)Dept.
Dated : 15.03.2024

