

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No. 09 of 2025

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

...Applicant

Vs

The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
CMP Plot, SIDCO Industrial Estate,
Chennimalai Road, Erode-638 001 & Ors.

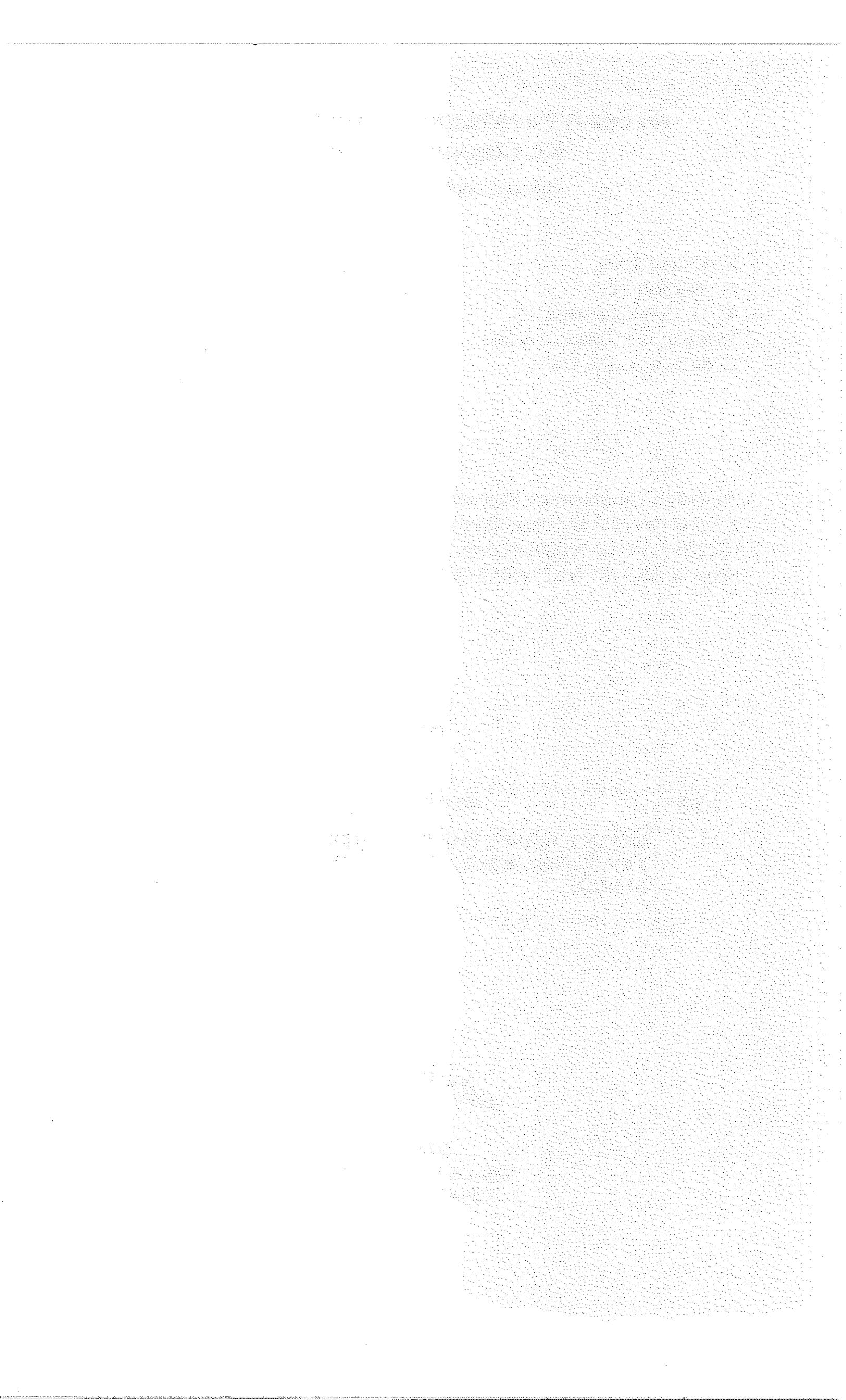
...Respondents

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Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 09 of 2025

N. Balasubramani,
S/o. Nachimuthu,
No.11, Velankattuvalasu P.O.,
Thottipalayam, Avalpoondurai,
Erode District - 638 115.
E-mail: subuun5@gmail.com
Phone: 9597157545
...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, 2nd Floor,
Shastri Bhawan, No.26, Haddows Road,
Nungambakkam, Chennai - 600 006.
E-mail: jtccechennai@explosives.gov.in
Phone: 044-28281023
2. The District Revenue Officer,
Erode District,
Collectorate Complex, State Highway 96,
Opp. District Court, Palapalayam,
Erode District - 638001.
E-mail: droerd@gmail.com
Phone: 0424-2266333

Tom-Jay Blami
04/11/2025
Environmental Engineer,
Arinadu Pollution Control Board,
ERODE.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
CMP Plot, SIDCO Industrial Estate,
Chennimalai Road, Erode-638 001.
E-mail: deerd@tnpcb.gov.in
Phone: 0424-2272596
 4. The Divisional Engineer,
(Construction and Maintenance)
Highway Department,
Poondurai Road, Bharathi Nagar,
Moolapayalam, Erode District-638 002.
E-mail: deherode@gmail.com
Phone: 0424-2281763
 5. The Executive Officer,
Avalpoondurai Town Panchayat,
SH-83A, Erode-Dharapuram Road,
Avalpoondural, Erode District-638 115.
E-mail: avalpoondurai_tp@yahoo.com
Phone: 0424-2331276
 6. The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.,
Coimbatore Retail Territory Office,
Ravathur Post, Irugur (Via),
Coimbatore-641103.
E-mail: pankajmeena@bharatpetroleum.in
Phone: 0422-2910083/2688189.
- ...Respondents

Tom-Juris Devi
04/11/2025
District Environmental Engineer
Tamilnadu Pollution Control Board
ERODE

**REPLY FILED BY THE THIRD RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD.**

I, N.Rajkumar, S/o. Nagarajan, aged about 46 years, having office at Tamil Nadu Pollution Control Board, CMP Plot, SIDCO Industrial Estate, Chennimalai Road, Erode - 638 001, do hereby solemnly affirm and sincerely state as follows:-

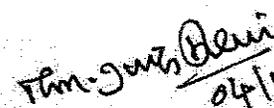
2. I submit that I am the District Environmental Engineer, Tamil Nadu Pollution Control Board, Erode and the third respondent in this OA. I am well acquainted with the facts of the case from the records available at our office.

3. It is respectfully submitted that the OA has been filed before the Hon'ble NGT, SZ, Chennai with the following interim prayers:

A. Forebear the 1st to 5th respondents from granting NO Objection Certificate, Approvals and Licences to the 6th respondent to erect and commission the new petroleum Retail Outlet on Avalpoondurai to Erode Road, SH - 83A, near Sollipalayam Pirivu at Survey No. 271/4A11, Avalpoondurai Village, Modakurichi Taluk, Erode District, pending disposal of this application.

B. Injunct the 6th respondent from erecting and commissioning the proposed Petroleum Retail Outlet on Avalpoondurai to Erode Road, SH - 83A, near Sollipalayam Pirivu at Survey No. 271/4A11, Avalpoondurai Village, Modakurichi Taluk, Erode District

and the applicant has sought his main prayer as follows:


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 District Environmental Engineer
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A. To Prohibit the 6th Respondent permanently from commissioning and operating the new Petroleum Retail Outlet at Avalpoondurai to Erode road, SH- 83A, near Sollipalayam Pirivu at Survey No. 271/4AII, Avalpoondurai Village, Modakurichi Taluk, Erode District in gross violation to the Siting Criteria prescribed by the Central Pollution Control Board (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.

4. It is respectfully submitted that on 18.2.2025, the Hon'ble National Green Tribunal, SZ, Chennai has directed the respondents to file their replies. As per the direction the third respondent (TNPCB) submits the reply herein.

5. It is respectfully submitted that a complaint petition was received from the Applicant on 09.01.2025, raising objection for setting up of new petrol/ diesel retail outlet at SH 83A, Sollipalayam Pirivu at Survey No 271/4II, Avalpoondurai Village, Modakurichi Taluk, Erode District.

6. It is respectfully submitted that the CPCB has issued a Guidelines for setting up of New Petrol Pumps in compliance of Hon'ble NGT order dated 18.01.2019 in OA No.86 of 2019 vide B-13011/1/2019-20/AQM dated 07.01.2020 with the following siting criteria;

Thm. Juthi Devi
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District Environmental Engineer,
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“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 less than 30 meters. No high tension line shall pass over the retail outlet”.

7. It is respectfully submitted that the CPCB has also issued an Addendum to the Guidelines for setting up of New Petrol Pumps issued on January 07, 2020 vide B-13011/1/2019-20/AQM dated August 16, 2021 as follows:

- a) *All the surface water bodies irrespective of utility shall be protected from any possible contamination. These include lakes, ponds, streams, rivers, wetlands, canals and creeks as per revenue records. Retail outlets shall not be located within a distance of 50 meters from the nearest point of water bodies. In case of streams and rivers, the distance shall be considered from floodway. In case floodway is not defined, the distance shall be considered from firm banks/edge of river. The siting criterion is to be implemented for all new petrol pumps where construction by OMCs starts post the issuance of these guidelines.*

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04/11/2025
District Environmental Engineer,
Tamilnadu Pollution Control Board
ERODE.

- b) Retail outlets coming within 50 meter to 100 meter from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around Underground Storage Tank (UST).
- c) Ground water and soil quality monitoring near the premises of fuel retail outlets shall be conducted by OMCs once a year through E(P) Act, 1986 approved labs or labs with national/international accreditation. The monitoring shall be done for those Fuel Retail Outlets which are located within 100 meter from the nearest point of surface water bodies. These shall be applicable to all petrol pumps, regardless of the date of establishment. In case of any clarification and/or difficulty in obtaining samples for groundwater and soil quality monitoring, OMCs may seek assistance of local administration/SPCB/PCC/CGWB.
- d) Groundwater and soil quality monitoring shall also be conducted by OMCs before installation of the new fuel retail outlet, for those retail outlets coming up within 100 meter from the nearest point of surface water bodies.

8. It is respectfully submitted that, likewise in the matter of petroleum outlets, a case was filed by Thiru. V.B.R. Menon before the Hon'ble NGT (SZ), Chennai in O.A No. 138 of 2020 against M/s. Indian Oil Corporation Limited, Chennai & 8 others and the Hon'ble NGT has passed the Judgment order dated. 23.12.2021 in O.A.No.138 of 2020 inter-alia that,

Thm. J. V. B. Menon
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Tamilnadu Pollution Control Board.

“...69. In the result, this application is disposed of as follows:-

- (i) *We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not complied with the same by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad &Ors. Vs. Union of India &Ors.).*
- (ii) *As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in*

thm. J. S. Devi
06/11/2025

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O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).

- (iii) *The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future and even to those which are under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply for Consent to Establish and Consent to Operate before its establishment.*
- (iv) *We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law."*

Thm. Juthi
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District Environmental Engineer,
Tamilnadu Pollution Control Board,
ERODE.

9. It is respectfully submitted that a case was filed by M/s. Indian Oil Corporation Limited, Chennai Vs Thiru. V.B.R. Menon before the Supreme Court of India in Civil Appeal No. 421 of 2022 & Civil Appeal No. 2039 of 2022 against the Judgment order dated 23.12.2021 passed by the Hon'ble NGT, SZ in O.A.No.138 of 2020 and the Hon'ble Supreme Court of India has passed its Judgment dated 14.03.2023 in Civil Appeal No. 421 of 2022 & Civil Appeal No. 2039 of 2022 as below,

"..48. In view of the aforesaid, we dispose of the Civil Appeal No. 2039 of 2022 in the following terms:-

- (a) The CPCB shall ensure that all the retail petroleum outlets located in different cities having population of more than 10 lakh and having turnover of more than 300 KL/Month shall install the VRS mechanism within the fresh timeline as prescribed in its Circular dated 04.06.2021. To put it in other words, the CPCB shall ensure that the directions issued by the NGT as contained in para 69(i) and (ii) of the impugned order is fully complied with. It shall be the legal obligation of all the State Pollution Control Boards to ensure that the directions issued by the NGT in regard to the installation of the VRS mechanism is complied with within the fresh timeline as prescribed by the CPCB.*
- (b) We set aside the directions issued by the NGT in the impugned order as contained in para 69(iii) and (iv). Instead, we direct the CPCB to instruct all the 43 State Pollution Control Boards to ensure that the guidelines issued by it vide the Office*

Thm. Govt. Bauri
06/11/2025
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Memorandum dated 07.01.2020 are strictly adhered to. If there is breach of any of the guidelines issued by the CPCB vide Office Memorandum dated 07.01.2020, then the concerned State Pollution Control Board shall proceed against the erring outlet in accordance with law at the earliest.

49. The connected Appeals are also disposed of in the aforesaid terms”.

10. It is respectfully submitted that in view of the above, as per the Hon'ble Supreme Court of India, in its judgment dated 14.03.2023, has mandated the Retail Petroleum Outlets located in cities having more than 10 Lakh population and having a turnover of 300 KL/Month and above should have installed the VRS mechanisms as insisted by the CPCB as per circular dated: 12.12.2016 and for the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) shall also install VRS mechanism within the extended time fixed by the CPCB. Also, the requirement for Consent to Establish and Consent to Operate, as directed by the NGT, was set aside, requiring adherence strictly to the CPCB guidelines.

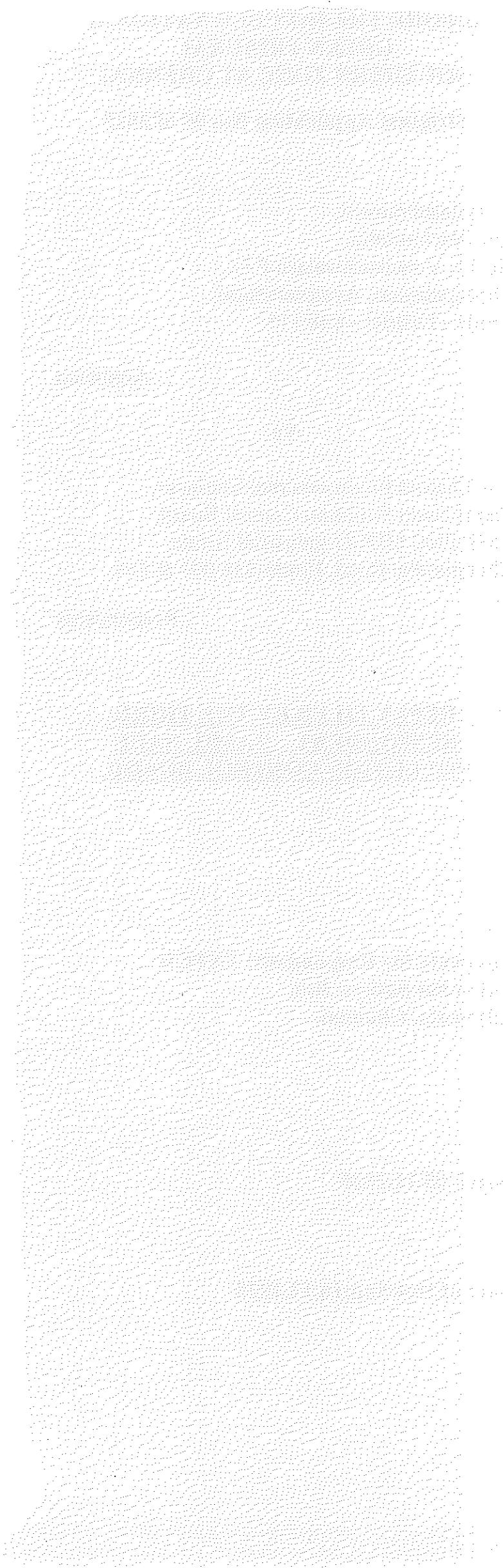
11. It is respectfully submitted that based on the above, the proposed new Petrol / Diesel retail outlet site was inspected by the officials of District Environmental Engineer, TNPC Board, Erode on 17.06.2025. During inspection, it was observed that compound walls were found constructed on Eastern, Northern and Southern Boundary of the proposed new Petrol / Diesel retail outlet. The Western side of the proposed site SH -83 A (Avalpoondurai – Erode road) is located. No other activities were noticed inside the site and it was found vacant.

Thm. J. S. Devi
04/11/2025
District Environmental Engineer,
Tamilnadu Pollution Control Board
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VERIFICATION

I, N.Rajkumar, S/o. Nagarajan, aged about 46 years, having my office at Tamil Nadu Pollution Control Board, CMP Plot, SIDCO Industrial Estate, Chennimalai Road, Erode - 638 001, do hereby verify that the contents of above reply are true to the best of my knowledge through records.

T.N. Durai Devi
04/11/2025
District Environmental Engineer,
Tamilnadu Pollution Control Board,
ERODE.



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GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

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**REPLY FILED BY THE THIRD
RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD.**

**Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date: 05.11.2025

Date of Hearing:16.12.2025