

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, 2<sup>nd</sup> Floor,  
Shastri Bhawan, No.26, Haddows Road,  
Nungambakkam, Chennai – 600 006 and 3 others ... Respondents.

**I N D E X**

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**Place : Chennai**  
**Date : 04.01.2026**

**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( since expired) ,  
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

... Petitioners

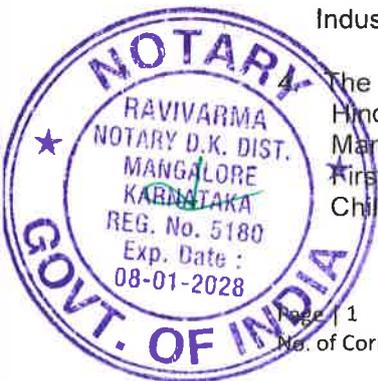
and

1. The Joint Chief Controller of Explosives,  
South Circle, Chennai,  
Petroleum and Explosives Safety Organization (PESO),  
A and D Wing, Block 1-8, 2<sup>nd</sup> 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.

30 DEC 2025



Page | 1  
No. of Corrnrs :

*Mus*

*Rekha*

*Genapati*

*SSC*

Errors/Corrections Etc. *1*

**REJOINDER AFFIDAVIT FILED TO THE REPLY STATEMENT FILED BY  
THE 1<sup>st</sup> RESPONDENT**

We, (i) Mrs. Neena.S, W/o Sameer.R, aged 66 years, residing at No.23-9-744/3, Premier Aristo Apartment, Flat No. 02, Ground Floor, Mangaluru Thota Village, Mangaladevi, Mangalore – 575 001, (ii) Mrs. Chitrarekha, W/o. B. Sudesh Kumar Rao, aged 49 years, residing at No.23-9-753, Krishnappa Compound, Mangaladevi, Mangalore – 575001 (iii) Mrs. Gunavathi, W/o. Udayakumar, aged 56 years, residing at No.23-9-752, Krishnappa Compound, Mangaladevi, Mangalore – 575001 and (iv) Mrs. Shashikala, D/o. B. Vasantha, aged 61 years, residing at No.23-9-751, Krishnappa Compound, Mangaladevi, Mangalore – 575001, do hereby solemnly affirm and sincerely state as follows :

1. We are the 1<sup>st</sup>, 3<sup>rd</sup> to 5<sup>th</sup> Applicants in the instant Original Application No. 127 of 2024 (SZ) and as such we are well acquainted with the facts and circumstances of the case and competent to swear this Rejoinder Affidavit to the Reply statement filed by the 1<sup>st</sup> Respondent. The 2<sup>nd</sup> Applicant, Mrs. Vimala has unfortunately died on 06.01.2025 and therefore not included in filing the instant Rejoinder Affidavit. The legal heirs of Mrs. Vimala are not interested to continue the present litigation as Applicant.

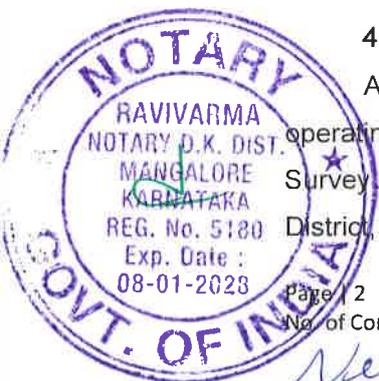
2. We have read the above Reply statement filed by the 1<sup>st</sup> Respondent and are filing this Rejoinder Affidavit in response to the same and seek liberty from this Hon'ble Tribunal to file further affidavit / affidavits, if found necessary later.

3. We deny all the averments made by the 1<sup>st</sup> Respondent in the Reply statement except those which are specifically admitted herein and the 1<sup>st</sup> Respondent is put to strict proof of the rest.

4. We state that we have filed the above Application seeking to :

A. permanently forebear the 4<sup>th</sup> Respondent from commissioning and operating the new Petroleum Retail Outlet -Cum- Auto LPG Dispensing Station at Survey No. 644, Mangaluru Thota Village, Mangaluru Taluka, Dakshin Kannada District, Karnataka State, in gross violation to the Siting Criteria prescribed by the

30 DEC 2025



Page 12  
No. of Corrn : 1

*Peelback*

*Guarantee*

*5786*

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 and thereby pose serious threats to the health and safety of the Applicants who reside in the adjacent approved residential premises.

and

B. pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

5. We further state **at the outset** that the entire Reply statement of the 1<sup>st</sup> Respondent is an attempt to justify the illegal acts committed by him for purely extraneous reasons in granting the Prior Site Approval and Final Explosives licence to the 4<sup>th</sup> Respondent to establish and operate a Petroleum Retail Outlet in gross violations of the mandatory Siting Criteria prescribed by CPCB vide the Circular dated 07.01.2020 and the specific directions issued by the Hon'ble First Bench of Madras High Court vide the Final Order dated 15.02.204 in WP No. 2095 of 2021.

The para-wise responses to the reply statement submitted by the 1<sup>st</sup> Respondent are as under :

6. Regarding Para Nos. 1 to 2 and 9 , there is no repartee to make except that the Final Licence was granted on 28.03.2024 disregarding the specific directions issued by the Hon'ble First Bench on 15.02.2024 in this regard. The 1<sup>st</sup> Respondent coming under the jurisdiction of the Hon'ble Madras High Court was bound to comply with the above directions in letter and spirit and against which a Contempt Petition No. 1662 of 2024 is also pending against the 1<sup>st</sup> Respondent.

7. Regarding Para No.3, it was unpardonable for the 1<sup>st</sup> Respondent to have not conducted an independent enquiry into the alleged violations CPCB Siting Criteria , submitted by the Applicants on 24.02.2024, instead of blindly relying on the responses of the 4<sup>th</sup> Respondent against whom the very allegations had been raised. The due procedure to be adopted by the 4<sup>th</sup> Respondent has been elaborately dealt with in the above cited judgment which he has wilfully omitted to comply for obvious reasons.

30 DEC 2025



Page | 3  
No. of Corrnrs :

*Murugan*

*Rajalakshmi*

*Genaraj*

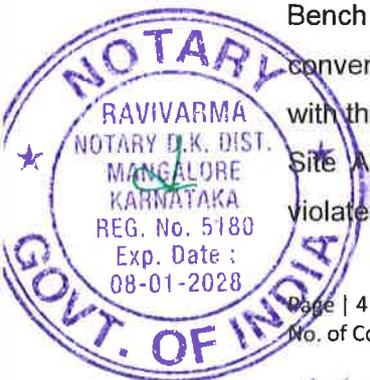
*5/3/25*

8. Regarding Para No.4 , 13 and 14 , while the alacrity with which the 1<sup>st</sup> Respondent had acted and issued the Final Licence on 28.03.2024 ie. on the same day when the 4<sup>th</sup> Respondent is claimed to have submitted another letter of even date shall raise reasonable doubt about his complicity/ collusion in committing the illegality , the 1<sup>st</sup> Respondent is well aware that the CPCB Siting Criteria shall have overriding effect over the Karnataka Planning Act and other State Acts/ laws as per the Decision of the Hon'ble Apex Court in the case of Mantri Techzone Private Limited Vs.. Forward Foundation and Ors., reported in (2019) 18 SCC 494 . Therefore, the classification of the Site in which the Petroleum outlet is proposed is not relevant and what is relevant is the classifications of the surrounding lands and the distances from the nearby residential lands. In the instant case, the proposed site is surrounded by notified residential plots/ areas of Mangala Nagar Residential layout as per the Master Plan published by the Mangalore Urban Development Authority, Mangalore. Therefore the Certificates claimed to have been obtained from the Tahsildhar and the Mangalore Development Authority regarding the reclassification of the Petrol Pump Site for commercial use are irrelevant to decide the instant case.

9. Regarding Para Nos.5 to 7 ,10 and 11 , it is very clear that the 1<sup>st</sup> Respondent had blindly/ mechanically issued the Prior Site Approval and Final Licence based on the certificate obtained from the Tahsildhar, the false submissions of the 4<sup>th</sup> Respondent , NOC from the 2<sup>nd</sup> Respondent and the prescribed tank test certificates from the testing agencies without conducting any independent verification or application of mind of the alleged CPCB Siting Criteria.

10. Regarding Para Nos.8 and 12, the 1<sup>st</sup> Respondent has mischievously quoted only 2 out of the 9 directions issued by the Hon'ble First Bench in the Final Judgment dated 15.02.2024 in WP No. 2095 of 2021 by conveniently ignoring the rest . The above judgment has comprehensively dealt with the procedure to be adhered to by the 1<sup>st</sup> Respondent while issuing Prior Site Approvals and Final Licences which the 1<sup>st</sup> Respondent had blatantly violated in the instant case for ulterior purposes .

30 DEC 2025



Page | 4  
No. of Corrnrs :

*Neeraj* *Rehbar*

*Srinaksh*

*JJSC*

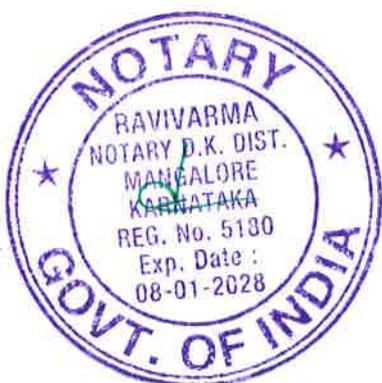
11. Finally, the 1<sup>st</sup> Respondent is conspicuously silent in his Reply affidavit dated 28.10.2025 about the 2 Notices dated 08.07.2024 and 19.07.2024 that he had sent the 4<sup>th</sup> Respondent and from disclosing the present status of the same thereof. Copies of the above 2 Notices are annexed herewith as Annexure Nos. 1 and 2 from which it shall be clear that the 1<sup>st</sup> Respondent is well aware of the statutory violations committed by the 4<sup>th</sup> Respondent but continues to refrain from taking appropriate punitive actions.

12. The averments made in the Original Application No. 127 of 2024 (SZ), Additional Documents Nos.1, 2 and 3 and Rejoinder Affidavit dated 15.01.2025 to the Reply filed by the 4 Respondent, may be read as a part and parcel of this Rejoinder Affidavit for better appreciation of the facts of the case.

It is therefore prayed that this Hon'ble Tribunal may be pleased to reject the Reply statement filed by the 1<sup>st</sup> Respondent being devoid of any merit and allow the above Original Application as prayed for and thus render justice.

Counsel for the Applicants

Applicants



30 DEC 2025

VERIFICATION

The Applicants (i) Mrs. Neena.S, (ii) Mrs. Chitrarekha , (iii) Mrs. Gunavathi, and (iv) Mrs. Shashikala, do hereby verify that the contents of paras 1 to 12 .are true to our personal knowledge and that we have not suppressed any material fact .

Neena Chitrarekha Gunavathi Shashikala

Applicants

Solemnly affirmed at Mangaluru  
on this the 30<sup>th</sup> day of December, 2025  
and the contents of the Rejoinder  
Affidavit are read out and explained  
to them in Kannada and they understood  
and signed their names in my presence

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Ravivarma  
**RAVIVARMA**  
Advocate & Notary, Roll no 790/87  
Lotus Paradise Centre, Karangalpady  
MANGALURU - 575 093

ADVOCATE ::: MANGALURU

NOTARIAL REGISTER No. 6370/2025

30 DEC 2025

Notary Stamps not available in  
Karnataka State from 01/04/03  
Hence not affixed.

30/12/2025  
Notary, Mangalore

Sworn/Solemenly affirmed and signed  
before me, this 30<sup>th</sup>  
day of Dec 2025 at Mangaluru

20/12/2025  
**NOTARY**  
MANGALORE

Errors/Corrections Etc. ✓

# Annexure - 1

7

भारत सरकार /Government of India  
वाणिज्य और उद्योग मंत्रालय/ Ministry of Commerce & Industry  
पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)/Petroleum & Explosives Safety Organisation (PESO)  
A और D - विंग, ब्लॉक 1-8, दूसरा तल, शास्त्री भवन,  
26 हड्डोउस रोड, नुंगम्बक्कम, चेन्नै/A & D - Wing, Block 1-8, IInd Floor, Shastri Bhavan,  
26 Haddous Road, Nungambakkam,  
Chennai - 600006

इमेल/Email :- jtccechennai@explosives.gov.in

दूरभाष/Phone, फ़ैक्स/ Fax :- 044 -  
28287118,28281023,28281041,28287119/28284848

सं. /No.: P/SC/KA/14/8495 (P434582)

दिनांक/Dated : 08/07/2024

सेवा में/To,

Hindustan Petroleum Corporation Limited,  
Mangalore Regional Office Retail Sales, First Floor, DEO  
GRATIAS BUILDING, CHILIMBI, URVA STORES, Taluka:  
Mangalore, District: DAKSHIN KANNADA,  
State: Karnataka, Pin: 575006

**विषय/Sub :** Survey No. 644 Mangaluru Thota Village, Mangalore, Taluka/Tehsil : Mangalore, Village: Mangalore, District: DAKSHIN KANNADA, State: Karnataka, PIN: 575001 में पेट्रोलियम रिटेल आउटलेट/में उपभोक्ता पम्प विसंगति पत्र - पेनल कार्रवाई: Penal Action/Petroleum Retail Outlet at Survey No. 644 Mangaluru Thota Village, Mangalore, Taluka/Tehsil : Mangalore, Village: Mangalore, District: DAKSHIN KANNADA, State: Karnataka, PIN: 575001 discrepancy letter - Regarding Penal Action

**महोदय/Sir,**

कृपया आपके आवेदन No. OIN1709030 dated : 05/07/2024. का संदर्भ ग्रहण करें//Reference your application No. OIN1709030 dated : 05/07/2024.

आपके द्वारा प्रस्तुत दस्तावेजों/ अनुपालना की जांच करने पर, निम्नलिखित टिप्पणी की जा रही है://On scrutiny of documents/compliance submitted by you, following observations are made :

1. The O.M of CPCB No. B-13011/1/2020-21/AQM dated 29/01/21 states that the siting criteria for new Retail outlets is to be complied with in cases where construction Retail outlets by Oil Marketing companies commenced on or after 07/02/2020. Hence, your reply is not accepted. Further action will be taken shortly.

उपर्युक्त दस्तावेजों/ अनुपालना की पावती प्राप्त होने पर आगे की कार्रवाई की जाएगी/ Further action will be taken on receipt of above documents/compliance.

भवदीय / Yours faithfully,

(पी.सीनीराज / P. SEENIRAJ)  
उप मुख्य विस्फोटक नियंत्रक / Dy. Chief Controller of Explosives  
कृते संयुक्त मुख्य विस्फोटक नियंत्रक  
चेन्नै/Chennai  
For Jt. Chief Controller of Explosives  
Chennai

True copy



VBR Menon

# Annexure - 2

8

भारत सरकार /Government of India  
वाणिज्य और उद्योग मंत्रालय/ Ministry of Commerce & Industry  
पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)/Petroleum & Explosives Safety Organisation (PESO)  
A और D - विंग, ब्लॉक 1-8, दूसरा तल, शास्त्री भवन,  
26 हड्डोउस रोड, नुंगम्बक्कम, चेन्नै/A & D - Wing, Block 1-8, IInd Floor, Shastri Bhavan,  
26 Haddous Road, Nungambakkam,  
Chennai - 600006

इमेल/Email :- jtccechennai@explosives.gov.in

दूरभाष/Phone, फ़ैक्स/ Fax :- 044 -  
28287118,28281023,28281041,28287119/28284848

सं. /No.: P/SC/KA/14/8495 (P434582)

दिनांक/Dated : 19/07/2024

सेवा में/To,

Hindustan Petroleum Corporation Limited,  
Mangalore Regional Office Retail Sales, First Floor, DEO  
GRATIAS BUILDING, CHILIMBI, URVA STORES, Taluka:  
Mangalore, District: DAKSHIN KANNADA,  
State: Karnataka, Pin: 575006

**विषय/Sub :** Survey No. 644 Mangaluru Thota Village, Mangalore, Taluka/Tehsil : Mangalore, Village: Mangalore, District: DAKSHIN KANNADA, State: Karnataka, PIN: 575001 में पेट्रोलियम रिटेल आउटलेट/में उपभोक्ता पम्प विसंगति पत्र - पेनल कार्रवाई: Penal Action/Petroleum Retail Outlet at Survey No. 644 Mangaluru Thota Village, Mangalore, Taluka/Tehsil : Mangalore, Village: Mangalore, District: DAKSHIN KANNADA, State: Karnataka, PIN: 575001 discrepancy letter - Regarding Penal Action

महोदय/Sir,

कृपया आपके आवेदन No. OIN1715469 dated : 15/07/2024. का संदर्भ ग्रहण करें//Reference your application No. OIN1715469 dated : 15/07/2024.

आपके द्वारा प्रस्तुत दस्तावेजों/ अनुपालना की जांच करने पर, निम्नलिखित टिप्पणी की जा रही है://On scrutiny of documents/compliance submitted by you, following observations are made :

1. Further action will be taken on receipt of order from NGT, SZ, Chennai.

उपर्युक्त दस्तावेजों/ अनुपालना की पावती प्राप्त होने पर आगे की कार्रवाई की जाएगी/ Further action will be taken on receipt of above documents/compliance.

भवदीय / Yours faithfully,

(पी.सीनीराज / P. SEENIRAJ)

उप मुख्य विस्फोटक नियंत्रक / Dy. Chief Controller of Explosives  
कृते संयुक्त मुख्य विस्फोटक नियंत्रक

चेन्नै/Chennai

For Jt. Chief Controller of Explosives  
Chennai

True copy



VBR Menon

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**SERVING OF REJOINDER AFFIDAVIT TO THE REPLY STATEMENT FILED BY 1ST RESPONDENT IN OA NO. 127 OF 2024**

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V B R MENON &lt;vbrmenon.office@gmail.com&gt;

Sun, Jan 4, 2026 at 3:44 PM

To: arslawassociates@gmail.com, darpan.advocate@gmail.com, saravanansennnayan@gmail.com,  
r.thirunavukarasu@bharatmail.co.in

Cc: Saleem Abdul &lt;saleemattorney@gmail.com&gt;

**V.B.R. Menon**, B.E(Mech), MBA (IIMA), LL.B.**ADVOCATE****Resi****: Apt Nos.4A&B, Brook Dale Apartments,****HIGH COURT OF MADRAS****No.12, P.T. Rajan Salai, K.K. Nagar,****CHENNAI****Chennai – 600078****Mobile : 9384762930****E-mail : vbrmenon@gmail.com**

Date : 04.01.2026

To,

1. Mr. A.R. Sakthivel for R-1
2. Mr.Darpan.K.M. for R-2
3. Mr.Abdul Saleem for R-3
4. Mr.S.Saravanan for R-4
5. Mr. Thirunavukarasu for CPCB

Sirs / Madam,

Sub: Serving of Rejoinder Affidavit to the Reply statement filed by 1st Respondent in OA No. 127 of 2024 (SZ) - Reg.

Attached please find a soft copy of the Rejoinder Affidavit to the Reply Statement filed by the 1st Respondent in OA No. 127 of 2024 (SZ) ( Mrs. Neena.S and Ors., Vs.. The Joint Chief Controller of Explosives, Chennai and ors) . The matter has been posted for further hearing on 12.01.2026 , Kindly acknowledge receipt.

Yours faithfully,



V.B.R. MENON

Counsel for Applicants.

Encl : As above.

**Before the Hon'ble National Green Tribunal  
Southern Zone sitting at Chennai**

**O.A. No. 127 of 2024**

**In the matter of**

Mrs. Neena .S,  
Mangalore – 575001

And 4 others                      ... Applicants

And

The Joint Chief Controller of Explosives,  
South Circle, Chennai  
Petroleum & Explosives Safety Organisation,  
Nungambakkam, Chennai – 600006

and 3 others                      ... Respondents

**REJOINDER AFFIDAVIT**

V.B.R. Menon (Ms – 23/2012)

Counsel for Applicants

Mobile : 9384762930

E-mail : [vbrmenon@gmail.com](mailto:vbrmenon@gmail.com)