

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

I N D E X

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| 1 | Rejoinder Affidavit dated 30.12.2025 in Response to the Counter Affidavit filed by the 3 rd Respondent. | 1 – 4 |
| 2 | Copy served to opposite side Counsels | 5 |

Place : Chennai

Date : 04.01.2026

Filed by :



V.B.R. MENON
COUNSEL FOR APPLICANTS
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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, 2nd 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



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**REJOINDER AFFIDAVIT FILED TO THE COUNTER AFFIDAVIT FILED BY
THE 3rd 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. Chitreakha , 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 have read the above Counter Affidavit filed by the 3rd 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.

2. We deny all the averments made by the 3rd Respondent in the Counter Affidavit except those which are specifically admitted herein and the 3rd Respondent is put to strict proof of the rest.

3. The applicants have already filed the Rejoinders to the Reply statements filed by the 1st and 4th Respondents . Now the 3rd Respondent has filed an Affidavit dated 23.12.2025 and the instant Rejoinder Affidavit is filed in response to that.

4. The para-wise responses to the reply statement submitted by the 3rd Respondent are as under ;

5. Regarding Para Nos. 1 & 2 , there is no repartee to make

6. Regarding Para Nos.3 & 4 , the Hon'ble Apex Court had directed the State PCBs to ensure strict compliance of CPCB Circular dated 07.01.2020, including the Siting Criteria prescribed therein ,and to take appropriate punitive actions against the erring OMCs. Pursuant to the above, CPCB has also issued the Memorandum dated 16.06.2023 directing compliance from the State PCBs

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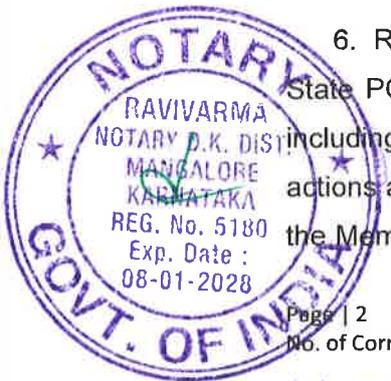
Neena

Chitreakha

Gunavathi

Shashikala

30 DEC 2025



in this regard. Therefore, the 3rd Respondent was not doing any favor to this Hon'ble Tribunal or to the Applicants by making a visit to the Site on 16.12.2025 i.e. more than 20 months after receipt of the grievance from the Applicants.

7. Regarding Para No. 4 (a) & (b), obviously there could have been no Air or Water pollution problems at site during his visit on 16.12.2025 as this Hon'ble Tribunal had ordered closure of the Petrol Pump operations vide the interim order dated 06.05.2024 ie. for more than 18 months. As regards, CNG, the emission standards and Siting Criteria are yet to be formulated and notified by CPCB and till then the same cannot be agitated through the instant OA proceedings .

8. Regarding Para No. 4 (c) , the 3rd Respondent has made the most irresponsible and misleading statement that " residential units of the Applicants are more than 30 M from -----, **as per the revised layout plan submitted by the Petroleum Outlet**" whereas he should have conducted a joint site inspection and prepared a sketch and report showing the distances of the nearest restricted residential areas from the Vent , etc. without confining to those owned by the Applicants alone .Further, the 3rd Respondent should have checked and verified the veracity of the claim of the 4th Respondent instead of blindly accepting and reproducing it in the above Reply Affidavit. When the vent pipes are yet to be fixed at the site and the width of the plot is only 35 M, anybody with basic common sense would not have made such bald statements in a sworn affidavit.

9. Finally, the issue involved in the instant case is whether the already Approved Site Layout plan meets the minimum distance criteria prescribed by CPCB and not whether any revised Site Layout plan , to which the 3rd Respondent may be privy , could be okay or not. Assuming without admitting that any alternate Site Layout plan is possible to meet the CPCB Siting Criteria , the proposal needs to go to the drawing board once again and go through another round of approval/ licensing proceedings which the 4th Respondent is certainly entitled to. But that does not validate and permit the existing palpably unlawful Site Layout Plan to stay any further .

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10. The averments made in the Original Application No. 127 of 2024 (SZ) , Additional Documents Nos.1, 2 and 3 and Rejoinder Affidavits to the Reply statements filed by the 1st and 4th Respondents , 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 Counter Affidavit filed by the 3rd Respondent being devoid of any merit and allow the above Original Application as prayed for and thus render justice .

Counsel for the Applicants

Applicants

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 10 are true to our personal knowledge and that we have not suppressed any material fact .

Applicants

Solemnly affirmed at Mangaluru
on this the 30th 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
Advocate & Notary Roll No. 790/87
Lotus Paradise Centre, Karangalpadu
MANGALURU - 575 003

ADVOCATE :: MANGALURU

NOTARIAL REGISTER No. 4319/2025
30 DEC 2025

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

30/12/2025
Notary, Mangaluru

Sworn/Solemnly affirmed and signed
before me, this 30th
day of Dec 2025 at Mangaluru

20/12/2025
NOTARY
MANGALURU

Errors/Corrections Etc



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SERVING OF REJOINER AFFIDAVIT TO THE COUNTER AFFIDAVIT FILED BY 3RD RESPONDENT IN OA NO. 127 OF 2024

V B R MENON <vbrmenon.office@gmail.com>

Sun, Jan 4, 2026 at 4:16 PM

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

Cc: saleem abdul <saleemperson@gmail.com>

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 Counter Affidavit filed by 3rd Respondent in OA No. 127 of 2024 (SZ) - Reg.

Attached please find a soft copy of the Rejoinder Affidavit to the Counter Affidavit filed by the 3rd 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 may be 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

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