

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION No.127 of 2024 (SZ)

IN THE MATTER OF

Mrs.Neena.S and others

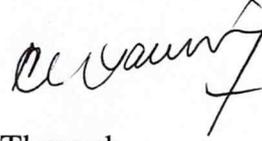
...Applicant

Vs

Joint Chief Controller of Explosives and others

...Respondents

REPLY FILED BY FIRST RESPONDENT, JOINT CHIEF CONTROLLER OF
EXPLOSIVES



Through

Mr.A.R.Sakthivel

SENIOR PANEL COUNSEL

FOR FIRST RESPONDENT



एस.सरवणन, आई.पी.इ.एस.एस.
S.SARAVANAN, IPSS
विस्फोटक नियंत्रक / Controller of Explosives
पी.ई.एस.ओ, भारत सरकार / P.E.S.O, Govt. of India
दक्षिण मण्डल, चेन्नै-8 / South Circle, Chennai-8

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No.127 of 2024 (SZ)

1.Mrs.Neena.S,

No.23-9-744/3, Premier Aristo Apartments,
Flat No.02, Ground Floor,
Mangaluru Thota Village,
Mangalore-575 001.

2. Mrs.Vimala,

No.23-9-754, Krishnappa compound,
Mangaladevi, Mangalore-575001.

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.

...Applicants

-Vs-



एस. सरवणन, आई.पी.इ.एस.एस.
S.SARAVANAN, IPSS
ब्लैक नियंत्रक / Controller of Explosives
भारत सरकार / P.E.S.O, Govt. of India
चennai, जेनै-8 / South Circle, Chennai-8

1. The Joint Chief Controller of Explosives,
South Circle, Chennai,
Petroleum and Explosives Safety Organization (PESO),
A and D Wind, 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,
Karataka-575 001.

3. The Senior Environmental Officer,
Karnataka Pollution Control Board,
Plot No.10B, Parisara Bhavaba, 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



एस. सरवणन, आई.पी.इ.एस.एस.
S.SARAVANAN, IPES
विस्फोटक नियंत्रक / Controller of Explosives
पी.ई.एस.ओ. भारत सरकार / P.E.S.O. Govt. of India
दक्षिण मण्डल, चेन्नै-8 / South Circle, Chennai-8

**REPLY STATEMENT FILED BY THE 1ST RESPONDENT JOINT CHIEF
CONTROLLER OF EXPLOSIVES**

The 1st respondent respectfully submits as follows:

1. With reference to Para 1 of the Original Application it is respectfully submitted that the Licence No. P/SC/KA/14/8485 (P434582) was granted in Form XIV of Petroleum Rules, 2002 by the 1st Respondent on 28/03/2024 to M/s. Hindustan Petroleum Corporation Limited to store petroleum in tank(s) in connection with pump outfit for fuelling motor conveyances at Sy. No. 644, Mangaluru Thota Village, Bangalore Taluk, Dakshin Kannada, Karnataka Districton receipt of No Objection Certificate issued by the Commissioner of Police, Dakshin Kannada under Rule 144 of Petroleum Rules, 2002 and other relevant documents as required under the said Rules. A prior approval vide No. A/S/HO/KA/05/859 (S99355) was accorded by the Chief Controller of Explosives, Nagpur on 11/11/2020 to M/s. Hindustan Petroleum Corporation Limited for construction of Auto – LPG Dispensing Station at the above mentioned location. The 4th Respondent has not yet applied for grant of Licence in Form LS1 A/B of SMPV(U) Rules, 2016 for Auto LPG Dispensing Station.


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दक्षिण मण्डल, चेन्नै-8 / South Circle, Chennai-8

2. With reference to Para 4 of the Original application it is respectfully submitted that the 1st Respondent granted a license to store Petroleum in tank or tanks in connection with pump outlet for fuelling motor conveyance in Form XIV of Petroleum Rules, 2002. No licence was granted to operate the Auto LPG dispensing station as pointed out by the petitioner. Hence the averments made by the Petitioner are denied.

3. With reference to Para 8 to 10 of the Original Application, it is respectfully submitted that a complaint was received from Premier Aristo Apartment Owners Association through e-mail on 12/02/2024 stating that the above said Petroleum retail outlet does not meet the siting criteria of the CPCB guidelines and hence the said petroleum retail outlet should not be allowed to operate in the residential location. This Office forwarded a copy of the complaint to M/s. HPCL, Mangalore seeking explanation within 14 days from the date of this letter and a copy was endorsed to the complainant. M/s. Hindustan Petroleum Corporation Limited (briefly referred to as HPCL) submitted a reply dated 24/02/2024 stating that the NOC was issued on 02/09/2021 which indicates that the CPCB guidelines were duly considered in the approval process of NOC and there are no designated residential area within 30m radius of the retail outlet and requested to reject the complaint and grant a licence.



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दक्षिण मण्डल, जेन्ने-3 / South Circle, Chennai-3

4. It is respectfully submitted that subsequently, M/s. HPCL submitted one more letter dated 28/03/2024 stating that condition H of the CPCB guidelines that such residential areas are designated as per local laws. In the instant case, the local laws are governed by Karnataka Town Planning Act, 1961 and Karnataka Municipal Corporation Act. Both the laws do not bar establishment or running of the petrol pumps in commercial zone and commercial converted property. The Tahsildar of Mangalore Taluk Office had issued a certificate dated 27/03/2024 that the Sy. No. 644/P1 of Mangaluru Thota Village, Mangalore Taluk is partly residential and partly commercial zone. According to Mangaluru Urban Development Authority Order reference: MNPA/NYOSA/NP/45/2020-21 dated 14/07/2020, the said land has been converted for commercial purpose vide order reference: LCUM100016475 dated 22/07/2020 and that the land is a commercial zone. (Copy of the letter issued in Kannada by the Tahsildar and its translated version in English is enclosed **Annexure – 1**).
5. It is respectfully submitted that considering the certificate issued by the Tahsildar, and on receipt of other requisite documents such as the NOC, Layout Drawing endorsed by the Commissioner of Police tank test certificate, safety certificate, undertaking with regard to legal possession of land, undertaking with regard to compliance of CPCB guidelines and compliance to this office



एस. सरवणन, आई.पी.इ.एस.एस.
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पी.ई.एस.ओ. भारत सरकार / P.E.S.O, Govt. of India
दक्षिण मण्डल, चेन्नै-8 / South Circle, Chennai-8

letter No: Comp/KAPET/2023-24/(P434582) dated 14/02/2024 vide Licence No. P/SC/KA/14/8495 (P434582), the granting officer has granted the Licence in accordance with Petroleum Rules, 2002.

6. With reference to Para 12 of the Original Application, it is respectfully submitted that the prior approval for establishing of petroleum retail outlet at Sy. No. 644, Mangaluru Thota Village, Dakshin Kannada District, Karnataka State was granted to M/s. HPCL, Karnataka on 06/10/2020 vide approval No. A/P/SC/KA/14/9587 (P434582) on receipt of the documents required under Rule 131 of the Petroleum Rules, 2002. The Commissioner of Police, Mangalore City, Mangalore issued No Objection Certificate along with layout drawing endorsed by him on 02/09/2021.
7. It is respectfully submitted that on 12/04/2023 PESO, Chennai had granted In-suppression of Prior Approval vide letter No. A/P/SC/KA/14/9587 (P434582) on receipt of requisite documents from M/s. HPCL with the conditions as follows “(i) You are advised to mention in the copied of drawings at the time of grant of licence that the site is complying with the CPCB guidelines dated 07/01/2020. (ii) You are advised to upload in the copies of drawings at the time of grant the exact distance of the buildings and description of the building i.e. House, Shop etc., from the marked boundary of the proposed premises”.

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8. It is respectfully submitted that the Hon'ble High Court of Madras, by order dt. 15.02.2024, in W.P. No.2095 of 2021 under para 20 (i) & (ii) issued the following directions:

(i) While granting prior site approvals under rule 131, the respondents 2 to 4 shall conduct due enquiry and satisfy themselves as to the fact that the site satisfies all the criteria mentioned under rule 131 (i) and all other legal requirements;

(ii) For the said purpose, it is not necessary to carry out physical inspection in each and every case, but whenever any doubt arises or in any situation which they deem fit and proper, a physical inspection shall also be made by PESO.

9. With reference to Para 14 of the Original Application, it is respectfully submitted that the 1st Respondent granted a license to store Petroleum in tank or tanks in connection with pump outlet for fuelling motor conveyance in Form XIV of Petroleum Rules, 2002. No licence was granted to operate the Auto LPG dispensing station as pointed out by the petitioner. Hence the averments made by the Petitioner are denied.



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दक्षिण मण्डल, चेन्नई-8 / South Circle, Chennai-8

10. With reference to the Grounds (i) to (xii) raised in the Original Application, it is respectfully submitted that the prior approval for establishing of petroleum retail outlet at Sy. No. 644, Mangaluru Thota Village, Dakshin Kannada District, Karnataka State was granted to M/s. HPCL, Karnataka on 06/10/2020 vide approval No. A/P/SC/KA/14/9587 (P434582) on receipt of the documents required under Rule 131 of the Petroleum Rules, 2002. The Commissioner of Police, Mangalore city, Mangalore issued No Objection Certificate along with Layout drawing endorsed by him on 02/09/2021.
11. It is respectfully submitted that on 12/04/2023 PESO, Chennai had granted In-suppression of Approval vide letter No. A/P/SC/KA/14/9587 (P434582) on receipt of requisite documents from M/s. HPCL with the conditions that (i) You are advised to mention in the copies of drawings at the time of grant of licence that the site is complying with the CPCB of drawings dated 07/01/2020. (ii) You are advised to upload in the copies of drawings at the time of grant the exact distance of the buildings and description of the building i.e. House, Shop etc., from the marked boundary of the proposed premises.
12. It is respectfully submitted that the Hon'ble High Court of Madras, by order dt. 15.02.2024, in W.P. No.2095 of 2021 under para 20 (i) & (ii) issued the following directions:



एस. सरवगन, आई.पी.ई.एस.एस.
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पी.ई.एस.ओ. भारत सरकार / P.E.S.O., Govt. of India
दक्षिण प्रभाग क्षेत्र-३ / South Circle, Chennai-९

- (i) While granting prior site approvals under rule 131, the respondents 2 to 4 shall conduct due enquiry and satisfy themselves as to the fact that the site satisfies all the criteria mentioned under rule 131 (i) and all other legal requirements;
- (ii) For the said purpose, it is not necessary to carry out physical inspection in each and every case, but whenever any doubt arises or in any situation which they deem fit and proper, a physical inspection shall also be made by PESO.

13. It is respectfully submitted that in the instant case, the local laws are governed by Karnataka Town Planning Act, 1961 and Karnataka Municipal Corporation Act. Both the laws do not bar establishment or running of the petrol pumps in commercial zone and commercial converted property. The Tahsildar of Mangalore Taluk Office had issued a certificate dated 27/03/2024 that the Sy. No. 644/P1 of Mangaluru Thota Village, Mangalore Taluk is partly residential and partly commercial zone. According to Mangaluru Urban Development Authority Order reference : MNPA/NYOSA/NP/45/2020-21 dated 14/07/2020, the said land has been converted for commercial purpose vide order reference: LCUM100016475 dated 22/07/2020 and that the land is a commercial zone.



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दक्षिण मण्डल, जेन्ने-3 / South Circle, Chennai-8

14. It is respectfully submitted that considering the certificate issued by the Tahsildar, on receipt of other requisite documents such as the NOC, Layout Drawing endorsed by the Commissioner of Police tank test certificate, safety certificate, undertaking with regard to legal possession of land, undertaking with regard to compliance of CPCB guidelines and compliance to this office letter No: Comp/KAPET/2023-24/(P434582) dated 14/02/2024 vide Licence No. P/SC/KA/14/8495 (P434582), the granting officer has granted the Licence in accordance with Petroleum Rules, 2002.

In view of the above, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above application and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai this 28th day of October 2025



एस. सरवणन, आई.पी.इ.एस.एस.
S.SARAVANAN, IPES
विस्फोटक नियंत्रक / Controller of Explosives
पी.ई.एस.ओ. भारत सरकार / P.E.S.O, Govt. of India
दक्षिण, सफ़ट, चेन्नै-8 / South Circle, Chennai-8

TRUE TRANSLATION FROM KANNADA TO ENGLISH

GOVT OF KARNATAKA
(Revenue Department)
Taluk Office, Mangalore

Office : 0824-2220587

Email: tah.mnglr@gmail.com

No. AMR/CR/24/2023-24(A3).

Date: 27-03-2024

Endorsement

Sub: Regarding the issue of confirmation on 0.60.80 acres of land at Mangaluru Thota Village T. S No. 644/p1 as **commercial non- residential zone.**

Reference: 1) Deputy general manager, Mangalore retail region, Hindustan petroleum corporation Limited, Chilimbi, Urwa store, Mangalore letter ref:. MRROMUDA/1 dated: 22-03-202

2) Manglore A Hobli evenue inspector's Report Ref: NDS/IR/1932/2023-2024 dated: 26-03-2024.

It has been requested in above reference (1) that , a certificate for total land of 0.60.80 acres in TS No. 644/P1 and 644/P2 of Mangaluru Thota Village, Mangaluru Taluk is non-residential zone.

According to the report of reference (2) above, the said place is falling under Mangalore Thota village under the jurisdiction of the city corporation and the said place is partly residential and partly commercial zone. Towards the east are residential apartments and three houses. Further, commercial complex exist in West. There is a road to the south. According to Mangaluru Urban Development Authority order ref: MNPA/NYOSA/NP/45/2020-21 Dated 14-07-2020, the said land has been converted for commercial purpose vide order ref: LCUM100016475 Dated 22-07-2020 and it is hereby informed that the land is in commercial zone.

Sd/-

Tahsildar
Mangalore Taluk

To,

Deputy General Manager
Hindustan petroleum corporation limited
Mangalore retail regional office
First floor, Deo gratias building
Chilimbi, Urwa store
Mangalore - 575006

एस. सरवणन, आई.पी.ई.एस.एस.
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विस्फोटक नियंत्रक / Controller of Explosives
पी.ई.एस.ओ. भारत सरकार / P.E.S.O, Govt. of India
वर्तमान मण्डल, जे-नै-8 / South Circle, Chennai-8

TRUE TRANSLATION

VASANT B SHETTY
वसंत बी शेट्टी
Manager - RE & ANALYTICS
एवंचक - आरई व एनलिटिक्स
HPCL Mangalore Retail R.O.
मंगलूर रिटेल क्षेत्रीय कार्यालय





ಕರ್ನಾಟಕ ಸರ್ಕಾರ
(ಕಂದಾಯ ಇಲಾಖೆ)
ತಾಲೂಕು ಕಛೇರಿ, ಮಂಗಳೂರು

ಕಛೇರಿ: 0824-2220587

Email:tah.mnglr@gmail.com

ನಂಟು:ಎಆರ್‌ಎಂ/ಸಿಆರ್/24/2023-24(ಎ3)

ದಿನಾಂಕ: 27-03-2024

ಹಿಂಬರಹ

ವಿಷಯ: ಮಂಗಳೂರು ತೋಟ ಗ್ರಾಮದ ಟಿ.ಎಸ್.ನಂ.644/ಸಿ1ರಲ್ಲ
0.60.08ಎಕ್ರೆ ಜಮೀನು ವಾಣಿಜ್ಯ ವಸತಿಯೇತರ ಪ್ರದೇಶ
ಎಂಬ ಬಗ್ಗೆ ದೃಢಪತ್ರ ನೀಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1)ಡೆಪ್ಯೂಟಿ ಜನರಲ್ ಮೆನೇಜರ್, ಮಂಗಳೂರು ರಿಜಲ್
ಲೀಜಿಯನ್ ಹಿಂದುಸ್ತಾನ್ ಪೆಟ್ರೋಲಿಯಂ ಕೋರ್ಪೊರೇಶನ್
ಲಿ. ಚಿಲಿಂಚಿ, ಉರ್ವಾಸ್ಟೋರ್, ಮಂಗಳೂರು ಇವರ ಪತ್ರ
ಸಂಖ್ಯೆ MRROMUDA/1 ದಿನಾಂಕ 22-03-2024
2)ಕಂದಾಯ ನಿರೀಕ್ಷಕರು ಮಂಗಳೂರು ಎ ಹೋಬಳಿ ಇವರ
ವರದಿ ಎನ್‌ಡಿನ್/ಐಆರ್/1932/2023-24 ದಿನಾಂಕ
26-03-2024

ಮಂಗಳೂರು ತಾಲೂಕು ಮಂಗಳೂರು ತೋಟ ಗ್ರಾಮದ ಟಿ.ಎಸ್.ನಂ.644/ಸಿ1 ಮತ್ತು
644/ಸಿ2ರಲ್ಲ ಒಟ್ಟು 0.60.08 ಎಕ್ರೆ ಜಮೀನು ವಸತಿಯೇತರ ಪ್ರದೇಶ ಎಂಬ ಬಗ್ಗೆ ದೃಢಪತ್ರ
ನೀಡುವಂತೆ ಉಲ್ಲೇಖ(1)ರಲ್ಲ ಕೋರಲಾಗಿರುತ್ತದೆ.

ಈ ಬಗ್ಗೆ ಉಲ್ಲೇಖ(2)ರ ವರದಿಯಂತೆ ಸದರಿ ಸ್ಥಳವು ಮಂಗಳೂರು ತೋಟ ಗ್ರಾಮವು
ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟ ಸದರಿ ಸ್ಥಳವು ಭಾಗಶಃ ವಸತಿ, ಭಾಗಶಃ ವಾಣಿಜ್ಯ
ವಲಯದಲ್ಲರುತ್ತದೆ. ಸೂರ್ವಕ್ಕೆ ಜನವಸತಿ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ಮತ್ತು 3 ಮನೆಗಳು ಇರುತ್ತದೆ.
ಅದರಂತೆ ಪಶ್ಚಿಮದಲ್ಲ ವಾಣಿಜ್ಯದ ಮಳಿಗೆ ಇರುತ್ತದೆ. ದಕ್ಷಿಣಕ್ಕೆ ರಸ್ತೆ ಇರುತ್ತದೆ. ಮಂಗಳೂರು
ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದ ಮನಪಾ/ನಯೋಸ/ನಿಪ/45/2020-21 ದಿನಾಂಕ 14-07-2020
ರಂತೆ ಸದರಿ ಜಮೀನು LCUM100016475 ದಿನಾಂಕ 22-07-2020 ರಂತೆ ವಾಣಿಜ್ಯದ
ಉದ್ದೇಶಕ್ಕೆ ಭೂಪರಿವರ್ತಿಸಲಾಗಿದ್ದು ಸದರಿ ಜಮೀನು ವಾಣಿಜ್ಯದ ವಲಯದಲ್ಲರುತ್ತದೆ ಎಂದು ಉಲ್ಲೇಖ
ವರದಿಯಿಂದ ತಿಳಿದು ಬರುತ್ತದೆ ಎಂದು ಈ ಮೂಲಕ ತಿಳಿಸಿದೆ.

ತಹಶೀಲ್ದಾರರು,

ಮಂಗಳೂರು ತಾಲೂಕು.

27/03/2024

ರಿಗೆ.

Deputy General Manager,
Hindustan Petroleum Corporation Limited
Mangalore Retail Regional Office,
First Floor, Deo Gratias Building,
Chilimbi, Urvastore,
Mangaluru-575006.

ಎಸ್.ಸರ್ವಣ್ಣ, ಅಧಿ.ಪಿ.ಇ.ಒ.
S.SARAVANAN, IPES
ನಿರ್ದೇಶಕ / Controller of Explosives
ಕರ್ನಾಟಕ ಸರ್ಕಾರ / P.E.S.O, Govt. of India
South Circle, Chennai-8

BEFORE THE NATIONAL
GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION
No.127 of 2024 (SZ)

REPLY FILED BY FIRST
RESPONDENT, JOINT CHIEF
CONTROLLER OF
EXPLOSIVES

Mr.A.R.Sakthivel
SENIOR PANEL COUNSEL
FOR FIRST RESPONDENT