

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 28 of 2022

BETWEEN

Chidipi Nakula Suresh (M/30 yrs)

... Applicant

AND

The Indian Oil Corporation Ltd. And Ors.

..Respondents

REPLY STATEMENT FILED BY THE 1st RESPONDENT



**M/s. S SARAVANAN
E KARTHIKEYAN
COUNSEL FOR 1st RESPONDENT**

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Marshalls Road,
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Ph – 9500069660 Email – saleemperson@gmail.com**

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 28 of 2022

BETWEEN

Chidipi Nakula Suresh (M/30 yrs)
S/o Abbulu
R/o D.No. 3-32, Chenakondepudi Village
SethanagaramMandal, East Godavari District

... Applicant

AND

1. The Indian Oil Corporation Ltd.,
Visakha Divisional Office, 8th Floor
LIC Building, Visakhapatnam - 530016
2. The Joint Chief Controller of Explosives
2nd Floor, Shastri Bhavan
26, Haddows Road
Nungambakkam, Chennai - 600 006
3. The District Collector
East Godavari District at Kakinada,
4. The Sub-Collector
Rajamahendravaram
East Godavari District at Kakinada
5. The SeethanagaramGramaPanchayathi
Rep. by its Secretary, Sethanagaram Village and Mandal
East Godavari District-533287
6. The Seethanagaram Primary Agricultural Co-operative Society
Rep. by its Secretary, No-B11, Sethanagaram Village and
Mandal
East Godavari District - 533287

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J. Prashanth
के. प्रशांत चौहान / K. Prashanth Chauhan
रिटेल प्रबंधक (इंधन विभाग) / Sr. Manager (Retail Sales)
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
INDIAN OIL CORPORATION LIMITED
विशाख मंडल कार्यालय / Visakha DO

7. The Central Pollution Control Board
Rep. by its Chairman
"PariveshBhawan" East Arjun Nagar
Shahdara, Delhi 110 032
8. The Andhra Pradesh State Pollution Control Board
Rep. by its Chairman
D.No.33-26-14 D/2, Near Sunrise Hospital
Pushpa Hotel Centre, Chalamalavari Street
Kasturibaipet, Vijayawada - 520 010

... Respondents

REPLY STATEMENT FILED ON BEHALF OF THE 1st
RESPONDENT

I, K.Prashanth Chauhan, Son of Mr. K.Dhanunjaya aged 39 years, having office at 8th Floor, LIC Building, Jeevitha Bima Road, Visakhapatnam-530 004 do hereby solemnly affirm and sincerely state as follows :

1. I state that I am the K.Prashanth Chauhan at M/s. Indian Oil Corporation Limited, the 1st respondent herein and as such I am well acquainted with the facts of the case from the records and I am authorized to file this Reply Statement on behalf of the 1st respondent.

2. I humbly submit that the present application has been filed seeking for the following relief :

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K. Prashanth Chauhan
Sr. Manager (Retail Sales)
INDIAN OIL CORPORATION LIMITED
విజయవాడ మండల కార్యాలయ / Visakha DO

- a) Issue an Order directing the 1st Respondent to cancel the LOI issued to the 6th Respondent on 02.01.2020 for construction of the Petrol Bunk.
- b) Issue an Order directing the 5th Respondent to withdraw its resolution dated 06.01.2020.
- c) Issue an Order directing the 3rd Respondent to withdraw the Orders dated 05.02.2020 granting permission to the 5th Respondent to lease out the premises to the 6th Respondent.
- d) Issue an Order directing the 5rd Respondent to cancel the lease agreement dated 06.03.2020 between themselves and the 6th Respondent.
- e) Issue an Order directing the 8th Respondent to withdraw permission if any granted to the 6th Respondent for erection of petrol bunk in the leased premises.
- f) Issue an Order restraining the 6th Respondent from proceeding to establish a new petrol bunk in the site shown in Annexure in line with Order in OA No. 86 of 2019 dated 22.06.2019 passed by the Hon'ble Principal Bench, National Green Tribunal, New Delhi.
- g) Issue an Order to the 1stand 2nd Respondents and 5th 7th and 8th respondents that guidelines dated 07.01.2020 of the 5th Respondent CPCB is strictly implemented and to ensure that

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विशाख मंडल कार्यालय / Visakha DO

no new petrol pumps are established in the site shown in Annexure."

3. I humbly submit that nothing contained in this Reply Statement shall be construed as an admission of any statement or averment made in the present Application save and except what has specifically been admitted by the answering Respondent herein.
4. I humbly submit 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.
5. I humbly submit 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 Application. The answering Respondent reserves liberty to file an additional detailed Statement/Affidavit and additional documents if the situation so necessitates at a later stage.
6. Before traversing into the allegations raised by the Applicant, I humbly submit that the averments made in the application, grounds raised and the prayer sought for, are all dealing with aspects that are beyond the jurisdiction and which cannot be raised as a grievance before this Hon'ble Tribunal and as such,

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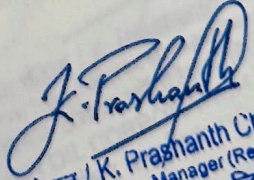
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क. प्रशांत चौहान / K. Prashant Chauhan
रिसेल्ट प्रबंधक (खुदरा बिक्री) / Sr. Manager (Retail Sales)
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
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the application is liable to be set aside on that ground at the first instance.

7. I submit that pursuant to the same, this Respondent vide Letter dated 02.01.2020, conveyed their consent to supply the High Speed Diesel (HSD) and Motor Spirit (MS) to the 6th Respondent for their proposed consumer pump subject to them meeting and obtaining all the statutory norms as required.
8. I submit that thereafter, after verification and on being satisfied with respect to the permissions and clearances obtained by the 6th Respondent including No Objection Certificate, this Respondent installed the facilities of Tank and Dispensing units at the said premises, however the Consumer Pump has not been commissioned till date, since the final PESO license was yet to be obtained by the 6th Respondent.
9. I submit that thereafter 6th Respondent requested this Respondent for establishing and operating a Retail Outlet instead of the Consumer Pump, and considering the said request, a fresh Letter of Intent was issued to the 6th Respondent on 21.02.2022., by this Respondent and fresh initial PESO License was obtained dated 04.04.2022. I submit that thereafter fresh application for No objection certificate was submitted with the District Authorities and the same is yet to be issued, due to the pendency of the present matter before this Hon'ble Tribunal.

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के. प्रशांत चौहान / K. Prashanth Chaunar,
वरिष्ठ प्रबंधक (खुदरा बिक्री) / Sr. Manager (Retail Sales),
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
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10. I submit that the allegation of the Applicant that the subject outlet is located on a water body or PWD channel is wholly misconceived. The Revenue Divisional Officer, Rajamahendravaram, vide report dated 12.12.2023, has categorically clarified that the land in Survey No. 81/3A4 stands classified as Government Poramboke / Gramakantam land as per the Fair Adangal published in 1965 and is not a water body. The report further records that there is no PWD channel in the said survey number, and that the depression/pit referred to by the Applicant had arisen historically due to gravel digging and Godavari floods of 1953, subsequently leveled and utilized for infrastructure such as RTC Bus Depot and drainage works. The said official finding conclusively establishes that the subject land is not a water body and therefore the allegations of the Applicant are factually untenable

11. I submit that with respect to the allegation made that the subject outlet is situated near residential buildings, it is submitted that the Central Pollution Control Board issued Office Memorandum No.B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 regarding siting criteria for the establishment of retail outlets wherein siting criteria prescribed in Clause "H" of the said circular which reads as follows:-

"H. Siting criteria of retail Outlets:

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वरिष्ठ प्रबंधक (खुदरा बिक्री) / Sr. Manager (Retail Sales)
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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."

It is apparent from the above clause that the new Retail Outlets shall not be located under no case, within a radial distance of 30 meters from schools, hospitals and **residential areas designated as per local laws.**

12. I submit that the subject retail outlet is established within the premises of the 6th Respondent, in an area that is designated as "Commercial" and as such the siting criteria issued by the CPCB vide its guidelines dated 07.01.2020 is not applicable to the said subject outlet and as such, the Application is liable to be dismissed.

13. I submit that the Joint Committee appointed by this Hon'ble Tribunal, in its report dated nil has stated as follows :

"...

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रिचिट प्रबंधक (सुकरा बिल्डिंग) / Sr. Manager (Retail Sales)
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a) The Seethanagaram Primary Agricultural Co-operative Society (PACS) established a petrol bunk at S No. 81/34A, Sethangaram Grama Panchayath, East Godavari District. The proposed site is located in **commercial** and residential area.

...

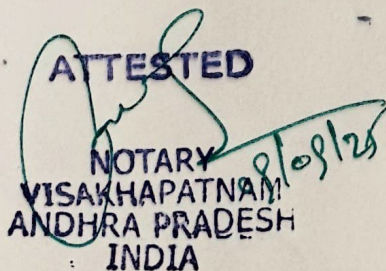
2. No hospital existing nearby.

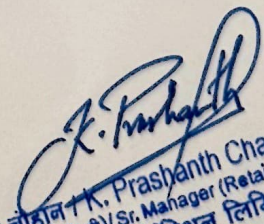
3. No school existing nearby."

14. It is submitted that all the other averments and allegations made in the present application and the concerned relief sought for, apart from the averment of violation of siting criteria, cannot be agitated before this Hon'ble Tribunal and as such this Respondent reserves its reply for the same.

15. I humbly submit the subject outlet was established, after obtaining all the necessary approvals/clearances as is required under law. I submit that this Respondent is ready and willing to implement and comply with any stringent condition or measure that may be imposed by this Hon'ble Tribunal.

16. I humbly submit that the above application is not maintainable at all and devoid of merits on both factual and legal aspects. I state that the Applicant has no locus standi to file the above Application since he is neither a resident of the subject area nor an affected party due to the establishment of the subject outlet and as such, the averments and allegations made in the present

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application are motivated from vested interests and as such it is liable to be dismissed.

17. I humbly submit that this present applicant has filed this present application with vested and malafide interests, only with an intention to unnecessarily agitate and make false and baseless allegations as against this respondent and the same is liable to be condemned heavily by this Hon'ble Tribunal and the application be dismissed.

For the reasons stated above, I respectfully pray that this Hon'ble Tribunal may be pleased to dismiss the above application 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 Visakhapatnam on this the 09th day of September, 2025.



COUNSEL FOR THE 1st RESPONDENT

1st RESPONDENT



के. प्रशांत चौहान / K. Prashanth Chauhan
वरिष्ठ प्रबंधक (खुदरा बिक्री) / Sr. Manager (Retail Sales)
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VERIFICATION

I, K.Prashanth Chauhan, Son of Mr. K.Dhanaunjaya aged 39 years, having address at, working as Senior Manager Retail Sales do hereby verify that the contents of Paragraph Nos. 1 to 16 are true to the best of my knowledge and Paragraph Nos. 1 to 16 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Visakhapatnam on this the 09th day of September, 2025.

1st RESPONDENT



के. प्रशांत चौहान / K. Prashanth Chauhan
वरिष्ठ प्रबंधक (खुदरा बिक्री) / Sr. Manager (Retail Sales)
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N. RAVI SEKHAR, B.Com. B.L.
ADVOCATE & NOTARY
NO.26-5-82, PRASAD GARDEN
BOWDARA ROAD
VISAKHAPATNAM-530 001
☎: 9059542508 897760614

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