

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI  
(PRINCIPAL BENCH)**

Original Application No. 805 of 2022

**In the matter of**

S.Gurdev Singh

..... Applicant

V/s

State of Punjab and Others

..... Respondent

Written Statement of Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali on behalf of Punjab Pollution Control Board.

**RESPECTFULLY SHOWETH**

**Preliminary Submissions**

- 1) That the above mentioned case has been filed by the applicant S. Gurdev Singh resident of Gurdwara Ishar Parkash, near ITI Banur, Tehsil & District SAS Nagar Mohali under the provisions of the National Green Tribunal Act, 2010 seeking the issuance of appropriate directions to the respondents no. 6 and 7 to shift the CNG filling Station M/s Banur Filling Station situated at Zirakpur-Rajpura National Highway. The applicant has stated that above said Petrol Pump/CNG Station has been installed adjoining/next to the wall of the building of Sant Baba Waryam Singh Ji Memorial Public School, Banur. The School is more than 20 years old and there are around 750 students in the School. One old Gurudwara Sahib is situated there and large number of devotees offers prayers in the same. It is further stated in the application that the Sub Divisional Magistrate, Mohali has passed a conditional order directing the project proponent to bring down the noise level within the prescribed limit, but no action has been taken by the project proponent. As per the guidelines issued by the Central Pollution Control Board, new petrol pump, CNG gas station shall not be located in a radial distance of 50 meters from the school / hospital.



- 2) That after considering the application, the Hon'ble National Green Tribunal was pleased to pass an order dated 9.11.2022 whereby notices have been issued to the respondents requiring them to file their response / reply to the allegations made in the application within the one month.
- 3) That in compliance to the order dated 9.11.2022 of the Hon'ble National Green Tribunal, the Punjab Pollution Control Board is filing the present reply and the same may kindly be read in the following paragraphs.
- 4) That the application has been examined and it is submitted that the Central Government in the Ministry of Environment and Forest vide notification no. S.O123(E) dated 14.2.2000 has notified the Noise Pollution (Regulation and Control) Rules, 2000. The ambient air quality standards in respect of noise are mentioned in the schedule appended to the Noise Pollution (Regulation and Control) Rules, 2000 and the same are reproduced herein below for kind perusal.

**Ambient Air Quality Standards in Respect of noise**

Area Code	Category of Area / Zone	Limits in dB(A) Leq*	
		Day time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

- 5) That according to rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000, complaints are to be made to the authority if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area / zone. Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000 is reproduced herein below:

**Complaints to be made to the authority**

- (i) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area / zone (or if there is a violation of any provision of these rules

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regarding restrictions imposed during night time) make a complaint to the authority.

- (ii) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.

6) That it is pertinent to mention here that a complaint u/s 133 CrPC was filed before the Sub Divisional Magistrate, Mohali by the Gurudwara Management and Sant Baba Waryam Singh Ji Memorial Public School, Banur and on the directions of Sub Divisional Magistrate, Mohali, the noise monitoring of CNG filling station was carried out by the officer of the Punjab Pollution Control Board on 25.11.2021 in the presence of the complaint and the results thereof are reproduced herein below:

S.No.	Point of sample collection	Noise levels at 2 <sup>nd</sup> floor of Gurudwara Sahib building in dB(A)	In front of school premises in dB(A)	Permissible standards for silence zone
1	Noise Monitoring when CNG compressor was in operation	67.1	62.4	50
2	Noise Monitoring when CNG compressor was not in operation	64.0	57.4	50

As per the observations of the visiting officer the petrol pump is located adjoining the boundary of Gurudwara Sahib, which is at a distance of 80 feet from the boundary. It is mentioned in the visit report dated 25.11.2021 of the visiting officer that work for extending the brick wall upto 6 feet for acting as barrier has been initiated by the petrol pump.

7) That it is pertinent to mention here that the Hon'ble National Green Tribunal vide order dated 18.1.2019 passed in Original Application no. 86 of 2019 in the matter of Gyanprakash @ Pappu Singh v/s GoI and Others had directed the Central Pollution Control Board and the Ministry of Petroleum and Natural Gas (MoPNG) to look into the issue of setting up of large number of petrol

pump of the Country and directed that appropriate guidelines be issued by the Central Pollution Control Board in exercise of its statutory powers.

Accordingly, an Expert Committee comprising of members from IIT, Kanpur, NEERI, HP TERI, MOPNG and CPCB was constituted to frame guidelines for setting up of new petrol pumps including siting criteria and pollution prevention and control measures. The draft guidelines were placed in public domain by the Central Pollution Control Board and comments, suggestions, objections were invited from the general public and concerned stakeholders and final guidelines prepared by the expert committee were issued by the Central Pollution Control Board vide office memorandum no. 13011/1/2019-20/AQM/10822 dated 7.1.2020. The sitting criteria of retail outlets as mentioned in the office memorandum no. 13011/1/2019-20/AQM/10822 dated 7.1.2020 is reproduced herein below:

#### Siting criteria of Retail Outlets

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 school, 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 outlets.

- 8) That it is further pertinent to mention here that in reference to Punjab Pollution Control Board letter no. PPCB/SEE(HQ-2)/2022/26608 dated 15.12.2021 and PPCB letter no. PPCB/SEE(HQ-2)/2022/1793 dated 28.1.2022, the Central Pollution Control Board vide letter no. B-13011/1/2020-21/AQM-CNG Guidelines/ 2306 dated 18.7.2022 has informed that the matter relating to guidelines for CNG retail outlets / dispensing stations being established in the State / UT has been discussed with the expert committee and it has been decided that environmental guidelines / siting criteria may not be required for CNG retail outlets / dispensing stations and all existing guidelines would be applicable to CNG retail outlets / dispensing stations.

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- 9) That after examination of the facts and circumstances of the case, it is submitted that the ambient air standards in the area of complaint were monitored to be 64.0 dB(A) at the second floor of the Gurudwara Sahib building and 57.4 dB(A) in front of the school premises when CNG compressor was not in operation. With the operation of the CNG compressor, the noise levels were recorded @ 67.1 dB(A) at the second floor of the Gurudwara Sahib building and 62.4 dB(A) in front of the school premises. The contribution of noise in comparison to the existing ambient air standards with the operation of CNG compressor is calculated to be 3.1 dB(A) at the second floor of the Gurudwara Sahib building and 5.0 dB(A) in front of the school premises, which is less than 10.0 dB(A). Accordingly to the provisions of the rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000, a person may file the complaint before the competent authority if the noise level exceeds the ambient noise standards by 10 dB(A) or more. It is further pertinent to mention here that according to the order dated 28.4.2022 passed by the Sub Divisional Magistrate, Mohali, the petrol pump where the CNG facility has been provided after obtaining all the permissions was set up in the year 1973.
- 10) That it is pertinent to mention here that the Banur Filling Station situated at Banur Filling Station situated at Zirakpur – Rajpura National Highway adjoining Sant Baba Waryam Singh Ji Memorial Public School, Banur, which is causing noise pollution as per the allegations contained in the application has not been impleaded as respondent in the case by the applicant.
- 11) That the above facts are submitted for kind consideration of this Hon'ble National Green Tribunal.

**Reply on merits**

- 1) That the contents of para no. 1 of the application relating to the residential status of the applicant are a matter of record.
- 2) That the contents of para no. 2 of the application may be considered as matter of record.
- 3) That the contents of para no. 3 of the application are a matter of record as far as installation of CNG station by Banur Filling Station situated at Zirakpur – Rajpura National Highway adjoining Sant Baba Waryam Singh Ji Memorial Public School, Banur is concerned. However, it is pertinent to mention here that the Banur Filling Station which is the main party in the case has not been impleaded as respondent in the case by the applicant.

- 4) That the contents of para no. 4 of the application, which contain academic ill effects of noise, need no specific reply from the answering respondent no. 5.
- 5) That the contents of para no. 5 of the application are admitted being matter of record and reproduction of the ambient air quality standards in respect of noise as mentioned in the scheduled appended to the Noise Pollution (Regulation and Control) Rules, 2000.
- 6) That in reply to the contents of para no. 6 of the application, the reply given in paragraph 5 and 9 under the heading preliminary submissions may kindly be read.
- 7) That the contents of para no. 7 of the application are a matter of record as per the provisions of the Environment (Protection) Act, 1986.
- 8) That the contents of para no. 8 of the application do not relate to the office of the answering respondent Punjab Pollution Control Board.
- 9) That in reply to the contents of para no. 9 of the application, the reply given under the heading preliminary submission may kindly be read.
- 10) That the contents of para no. 10 of the application relating to the report given by the officer of the Punjab Pollution Control Board to the Sub Divisional Magistrate are a matter of record. However, the contents of preliminary submissions may kindly be read as part of reply to the contents of this application.
- 11) That the contents of para no. 11 of the application relating to the order passed by the Sub Divisional Magistrate, Mohali in complaint u/s 133 CrPC are a matter of record.
- 12) That in reply to the contents of para no. 12 of the application, it is submitted that the applicant has not given sufficient time to the parties concerned to reply to the legal notice. However, the reply given under the heading preliminary submission may kindly be read as reply to the contents of para no. 12 of the application.
- 13) That the contents of para no. 13 of the application relating to the guidelines issued by the Central Pollution Control Board are a matter of record. However, the reply given under the heading preliminary submission may kindly be read as reply to the contents of para no. 12 of the application.



### Reply to the Grounds

14) That the grounds mentioned in sub para a) to e) as mentioned in paragraph 14 of the application need no specific reply as all the points have been replied herein above under the heading preliminary submissions and also reply on merits.

### Limitation

15) That contents of para no.15 of the application need no reply from the answering respondent.

### Prayers

16) That the prayers made in paragraph 16 of the application relating to the shifting to CNG Filling station does not fall under the purview of the Punjab Pollution Control Board. However, the reply given under the heading preliminary submission may kindly be read as reply to the prayer clause of the application.

It is, therefore, prayed that the application may kindly be disposed of with appropriate orders in view of the submissions made herein above in the reply

Submitted by

Date: 14.12.2022

Place: SAS Nagar

(  )  
Environmental Engineer,  
Punjab Pollution Control Board  
Regional Office, Mohali

Verification

Verified that the contents of para no.1 to 11 of the preliminary submissions and that of para no.1 to 16 of the reply on merits are true and correct to my knowledge as derived from the official record. No part of the above written statement is false and nothing material has been kept concealed therein

Date: 14.12.2022

Place: SAS Nagar

(  )  
Environmental Engineer,  
Punjab Pollution Control Board  
Regional Office, Mohali