

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. NO. 612 OF 2025
IN
ORIGINAL APPLICATION NO. 739 OF 2024**

IN THE MATTER OF:

ROSHAN JOSHI

...APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS.

...RESPONDENTS

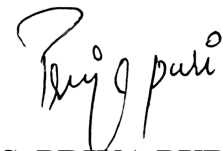
INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	REPLY ON BEHALF OF RESPONDENT NO. 6 (INDIAN OIL CORPORATION LTD) TO THE AD-INTERIM EX-PARTE STAY APPLICATION FILED BY THE APPLICANT ALONGWITH THE AFFIDAVIT	1-15

PLACE: NEW DELHI

DATE: 03.04.2026

FILED BY



MRS. PRIYA PURI

**(ADVOCATE FOR THE
RESPONDENT NO.6)**

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. NO. 612 OF 2025
IN
ORIGINAL APPLICATION NO. 739 OF 2024**

IN THE MATTER OF:

ROSHAN JOSHI

...APPLICANT

VERSUS

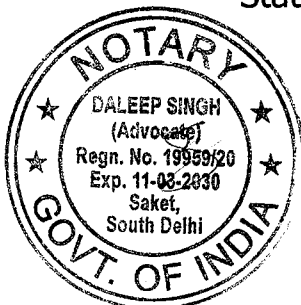
STATE OF UTTARAKHAND & ORS.

...RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 6 (INDIAN OIL CORPORATION LTD.) TO THE AD-INTERIM EX-PARTE STAY APPLICATION FILED BY THE APPLICANT

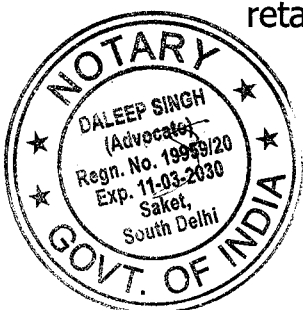
MOST RESPECTFULLY SHOWETH:

1. At the outset, it is respectfully submitted that the present application seeking ad-interim ex-parte stay is misconceived, based on incorrect and misleading facts and is liable to be dismissed. The allegations made by the Applicant in the instant application and the Original Application are false and contrary to record. The proposed retail outlet site in question is fully compliant with the siting criteria of retail outlets prescribed by the Central Pollution Control Board (CPCB), guidelines issued by the State of Uttarakhand, Home Section -2 vide notification dated



05.10.2021, the order of this Hon'ble Tribunal and other local rules and regulation and therefore the present application is liable to dismissed.

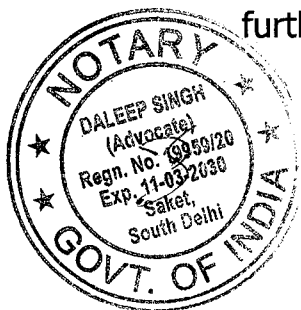
2. The Respondent No.6 specifically denies each and every allegation, averments, submission and the contention raised by the Applicant in the present stay application, save and except those specifically admitted herein. Nothing stated in the Original Application, the amendment application or the instant stay application shall be deemed to be admitted by the Respondent No.6 for want of traverse unless specifically admitted.
3. The contents of the replies already filed by Respondent No.6, including the reply to the amendment application and other application the point-wise reply to the Applicant's representations, may kindly be read as part and parcel of the present reply and the same is not repeated herein for the sake of brevity.
4. It is submitted that the Applicant in the present application is seeking the stay on construction and operation of petrol pump/filling station when no such construction activity has commenced at the proposed retail outlet site. It is submitted that construction of the site shall



commence only after obtaining map approval from the Mussoorie Dehradun Development Authority (MDDA), which will examine all aspects, including distances from schools, water bodies, and other sensitive structures, and will scrutinize the drawings to scale as per its authority, in accordance with laws.

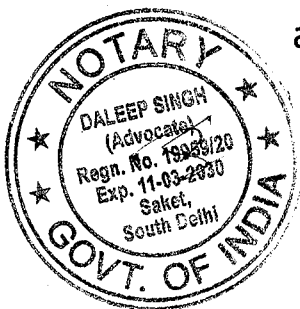
5. It is submitted that all relevant permissions from all authorities have been obtained for establishment of the Retail Outlet. As such the Applicant cannot be allowed seek stay on the basis of misconceived and false facts. Thus the present application for stay is liable to be dismissed.

6. It is further submitted that the Applicant has failed to establish any of the three essential ingredients for grant of interim relief namely; existence of prima facie case, balance of convenience or irreparable environmental harm or loss. It is submitted that the proposed petroleum class A / B retail outlet at Khasra no. 447 Mi, Village – Raipur, Tehsil – Dehradun, District – Dehradun (Proposed Petrol Pump) is compliant with the CPCB guidelines, applicable National Green Tribunal direction, PESO norms and other local rules and regulation. All necessary approvals, permissions and NOCs have been duly obtained by the LOI holder. It is further submitted that No Objection was applied before the District



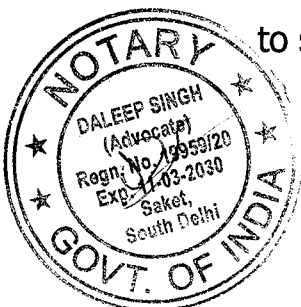
Magistrate office based on the original site/layout plan and No Objection certificate was issued by the District Magistrate on 06th June 2024 after thorough inspection and departmental reports with the condition on compliance with guidelines including CPCB criteria and safety measures prescribed by PESO.

7. Pursuant to the instruction of the District Magistrate, the revised layout plan was submitted before the District Magistrate for scrutiny who on 14th October 2024 directed the District Supply Officer (DSO) to scrutinize the updated layout. The revised layout was approved by the District Supply Office on 21.10.2024 and subsequently by the Addl. District Magistrate on 06.11.2024. Consequently, a No Objection Certificate dated 07.01.2025 was issued confirming compliance with all applicable guidelines.
8. It is further submitted that Respondent No.6 has filed the Original Application before this Hon'ble Tribunal seeking to quash the letter of intent dated 13.12.2023 proposing to offer a retail outlet dealership to Respondent No.7 and to quash the no objection certificate or any other approval granted by state government to setup a retail outlet dealership and other reliefs. The Hon'ble Tribunal vide order dated 30.09.2024



directed Respondent No.6 grievance redressal committee to adjudicate the veracity of the claims made in the complaint by the Applicant. The Respondent No.6 pursuant to the order dated 30.09.2024 passed by this Hon'ble Tribunal, had constituted the Grievance Redressal Committee to consider the objection raised by the Applicant. The Applicant has submitted representation dated 01.07.2024 and 08.01.2025 at Dehradun Divisional office of Respondent No.6 (IOCL) raising concerns regarding setting up of a proposed retail outlet/petrol pump in District Dehradun, Uttarakhand. After detailed consideration of all representations dated 01.07.2024 and 08.01.2025, the Grievance Redressal Committee passed a reasoned and speaking order dated 01.05.2025, holding that no violation of CPCB guidelines or statutory provisions was made out and that all approvals had been lawfully obtained.

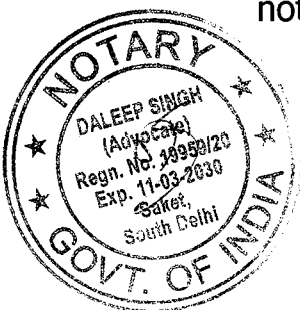
9. The Grievance Redressal Committee specifically observed that all requisite approvals and NOCs from the competent authorities have been duly obtained and that no procedural irregularities or violations of applicable norms have been identified in the issuance of the LOI or site selection process. The Applicant failed to produce any material on record to substantiate the alleged violations of the guidelines of CPCB and NGT



rules. Accordingly, the Applicant's representation was found to be devoid of any merit and the same was rejected. As such the stay application is liable to be dismissed.

10. It is pertinent to mention herein that the Applicant has earlier sought interim relief, which was categorically rejected by this Hon'ble Tribunal vide order dated 07.05.2025, holding that the Grievance Redressal Authority of Respondent No.6 had already considered the representation filed by the Applicant and rejected the issues raised by the Applicant by the reasoned order dated 01.05.2025 and that no ground for ad-interim ex-parte stay existed. The relevant extract of the order dated 07.05.2025 is reproduced herein:

"4. Heard the Counsel for the parties on IA No. 266/2024 which is an application for ad-interim ex-parte stay. Grievance redressal authority of respondent-Indian Oil Corporation has already considered the representation filed by the application raising specific issue, which has been rejected by order dated 01.05.2025 annexure A-1 which is not under challenge before the Tribunal. Even otherwise order dated 01.05.2025 is reasoned speaking order. Therefore, at this stage, we do not find any ground for grant of ad-interim relief.

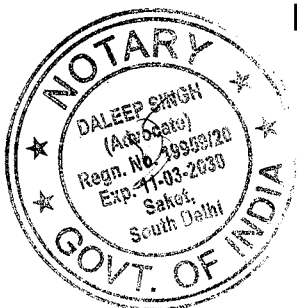


"

11. It is submitted that there has been no change in circumstances which necessitated the filing of another application for stay. The Applicant has not even pleaded any fresh circumstances which has led to filing of another stay application once the earlier stay application has been dismissed. In view of the above facts and settled position, the present ad-interim ex-parte stay application is wholly misconceived and liable to be dismissed.

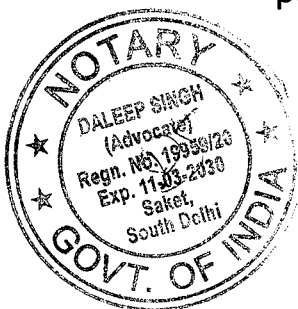
PARA WISE REPLY: -

1. The contents of Paragraph No.1 of the application, wherein the Applicant describes himself as a public-spirited citizen and makes allegation regarding alleged rampant construction of petrol pumps in violation of the CPCB Guidelines dated 07.01.2020, is denied. The Applicant be put to strict proof of the same.
2. The allegations made in this paragraph 2 of the application are false and denied. The Applicant's averments of gross violation of guidelines, particularly CPCB Guidelines, in the course of development of a new petroleum retail outlet at Khasra no. 447 Mi, Village – Raipur, Tehsil –



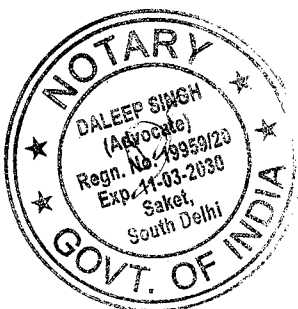
Dehradun, District – Dehradun is misleading and does not reflect the actual facts. It is submitted that all necessary approvals, permissions and NOCs have been duly obtained by the LOI holder, and the siting is as per the CPCB Guidelines dated 07.01.2020 and other applicable norms. The Applicant's claim that he will be directly affected is incorrect as the Applicant is not a resident who is staying near the proposed Retail Outlet and the applicant be put to strict proof of the same. It is denied that the site is situated within a distance of 30 meters from a designated residential area. A survey conducted by District Supply officer confirms the compliance with this requirement and thus the concern of proposed petrol pump situated next to a designated residential area is without any basis and is not maintainable. The Respondent no.6 has also looked into the Applicant's complaints and after considering all aspects, documents and guidelines passed the order deciding the representation.

3. In reply to the contents of the paragraph No.3 of the application so far as pertains to the Applicant approaching the grievance redressal forum of Respondent No.6 ,filing his representation, being given an opportunity to present his grievance on 22.01.2025 are admitted as correct. The grievance redressal committee constituted by the Respondent No.6 pursuant to directions of this Hon'ble Tribunal has considered all the



issues raised by the Applicant including those contained in the representation dated 01.07.2024 and 08.01.2025 and has passed the detailed and reasoned order dated 01.05.2025 dealing with each issues raised by the Applicant and the committee found the Applicant's representation to be devoid of merit and the same was rejected.

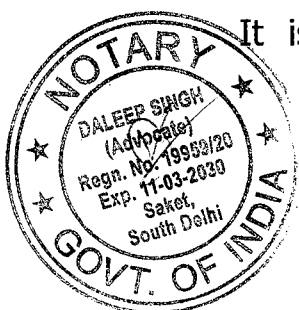
4. In reply to Paragraph No.4 of the application, it is submitted that the Respondent No.6 have already specifically denied all the allegation raised by the Applicant against the Respondent No.6 and has examined, and rejected the representation made by the Applicant. Furthermore, this Hon'ble Tribunal vide order dated 07.05.2025 has once rejected the interim relief sought by the Applicant and in the instant application also there is no such of circumstances warranting the grant of stay to the Applicant. It is submitted that permitting such a course would amount to allowing the Applicant to re-agitate settled issues.
5. The content of Paragraph No.5 of the Application are false, incorrect and misleading and hence denied. It is specifically denied that the Letter of Intent was issued by the Respondent No.6 in contravention of the environmental guidelines, including the CPCB guidelines. It is submitted that there is no residential area designated by law within 30 meters of the Retail outlet. The Mussoorie Dehradun Development Authority



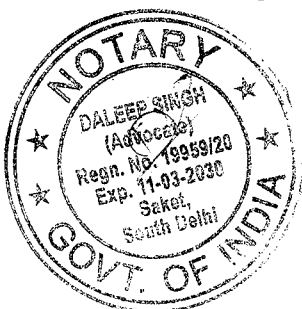
(MDDA) has issued pre-approval and has mandated that construction shall commence only after obtaining online map approval. A survey conducted by the District Supply Officer confirms compliance with this requirement. In regard to the objection raised by the Applicant regarding road intersection, it is submitted that the Government of Uttarakhand, Housing section, in its notification dated 05.10.2021, has specifically provided that the T- Junction / intersection that does not obstruct the traffic will not be considered for disqualifying the Applicant or the cognizance of such intersection will not be taken. It is further submitted that the NOC has also been submitted from the office of traffic department which has been issued after carrying out the thorough inspection of traffic viability vide NOC dated 31.12.2024. Thus, in view of the proposal of this T-junction/intersection not being on proposed filling station, cognizance of such junction is not be taken. Accordingly, the contention of the Applicant on this ground is without merits. It is also submitted that this contention of the Applicant cannot be agitated before this Hon'ble Tribunal .

It is further submitted that the site for the Retail outlet is complying with the CBCB guidelines and following safety measures prescribed by PESO.

It is further submitted that the applicant has misinterpreted the



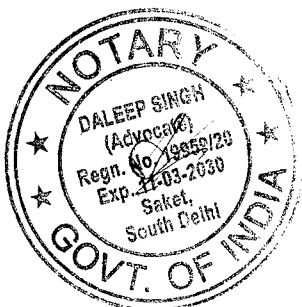
reference to "commercial and operational requirements" mentioned in Respondent No. 6's letter dated 01.05.2025. These requirements are part of IOCL's technical, operational, and safety parameters that ensure efficient functioning, public convenience, and adherence to environmental safeguards, and cannot be construed as criteria contrary to environmental compliance and infact are in addition to the same. The LOI holder possesses adequate land at Khasra No. 447, Raipur, Dehradun, and the layout revision was undertaken to optimize land utilization, improve site safety, ensure smooth vehicular movement, and align the outlet design all guidelines including CPCB. It is further submitted that no construction had commenced at the time of layout revision, and the No Objection Certificate (NOC) was granted only after due approval of the revised layout. Therefore, the applicant's contention that "commercial and operational requirements cannot be the criteria for grant of permission" is misplaced, devoid of merit, and appears to be motivated by competitive considerations rather than genuine environmental concern. Hence, the allegations levelled against Respondent No. 6 are incorrect, misleading, and liable to be rejected. It is submitted the proposed site complies with the prescribed CPCB guidelines and all the other necessary guidelines as per applicable law



and thus there is requirement for the urgent intervention of this Hon'ble Tribunal.

6-7 In reply to Paragraph No 6 and 7 of the application it is submitted that no prejudice or irreparable harm would be caused to the applicant as well as to the environment and public at large as the proposed as the site in question is fully compliant with the siting criteria of retail outlets prescribed by the Central Pollution Control Board (CPCB), guidelines issued by the State of Uttarakhand, Home Section -2 vide notification dated 05.10.2021, the order of this Hon'ble Tribunal, the applicable PESO norms, and other local rules and regulations. Furthermore, the Applicant has failed to establish the existence of prima facie case against the Respondents and therefore grant of the interim relief is wholly unwarranted.

8-10 In reply to Paragraph Nos. 8 to 10, it is denied that the balance of convenience lies in favour of the Applicant or that the present application is bona fide. On the contrary, the application is filed with mala fide intent, without any factual or legal basis, and seeks to delay a lawful project by repeatedly alleging non-existent violations of CPCB guidelines and NGT directions. The Applicant has already failed to obtain interim relief



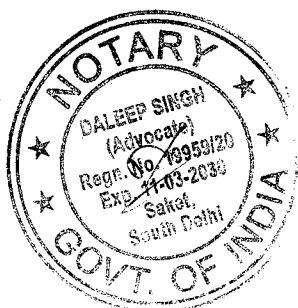
earlier, and the present application is a clear abuse of the process of law.

11 In reply to prayer clause it is submitted that the prayers made by the Applicant are misconceived, untenable in law, and liable to be rejected. It is respectfully submitted that the Applicant has failed to disclose any legal or factual basis warranting the grant of ad-interim ex-parte relief. No prima facie case is made out, the balance of convenience does not lie in favour of the Applicant, and no irreparable environmental harm has been demonstrated. On the contrary, the grant of such relief would cause unwarranted prejudice to Respondent No. 6 and the LOI holder, who have acted strictly in accordance with applicable laws and guidelines. Therefore, the present application of the Applicant is liable to be dismissed.

In view of the facts and submissions hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application filed by the Applicant.

03 APR 2026

Through



ATTESTED
NOTARY PUBLIC

03 APR 2026

Anshul
Anshul Yadav,
Law Officer & Constituted Attorney,
Uttar Pradesh State Office - II,
Indian Oil Corporation Limited (MD),
E-8, Sector-1, Noida - 201301

Respondent

Priya Puri
(Mrs. Priya Puri)

ADVOCATE FOR THE RESPONDENT NO.6

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. NO. 612 OF 2025
IN
ORIGINAL APPLICATION NO. 739 OF 2024**

IN THE MATTER OF:

ROSHAN JOSHI

...APPLICANT

VERSUS

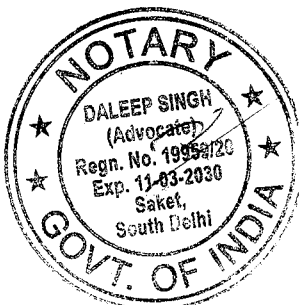
STATE OF UTTARAKHAND & ORS.

...RESPONDENTS

AFFIDAVIT

I, Anshul Yadav aged about 30 years, S/O Devendra Singh Yadav, authorized representative of Indian Oil Corporation Limited, having its office Uttar Pradesh State Office at Sector 1, Noida by the, do hereby solemnly affirm and state as under :-

1. I am working as Law Officer in Indian Oil Corporation Limited (IOCL), Respondent No.6 herein and I am well conversant with the facts and circumstances of the instant case. I am duly authorized and competent to swear this affidavit.
2. I have read and fully understood the contents of the accompanying reply on behalf of Respondent No.6 to the application filed by the applicant. I say that the facts stated in the instant reply are true to the best of my knowledge and belief as derived from the records maintained at the office of the



Applicant Corporation and that nothing material has been concealed and no part of it is false.

Aneesh
DEPONENT

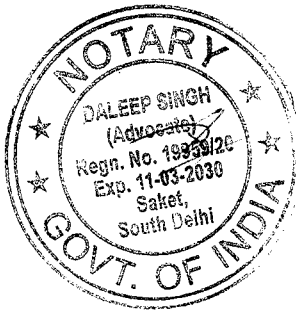
VERIFICATION

The contents of the above affidavit are true and correct to the best of my knowledge as derived from the records maintained at the office of the Respondent No.6 Corporation and no part of it is false and nothing material has been concealed therefrom.

Verified at _____ on this _____ day of 03 APR 2026, 2026

I Identify The Deponent Who Has Signed/Put T.I. In my Presence

Aneesh
DEPONENT



ATTESTED

DALEEP SINGH ADVOCATE
NOTARY DELHI-R-19959
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. etc.

ATTESTED

NOTARY PUBLIC

03 APR 2026