

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. NO. _____ 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 AMENDMENT APPLICATION FILED BY THE APPLICANT ALONGWITH THE AFFIDAVIT	1-16

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. _____ OF 2025
IN
ORIGINAL APPLICATION NO. 739 OF 2024**

IN THE MATTER OF:

ROSHAN JOSHI

...APPLICANT

VERSUS

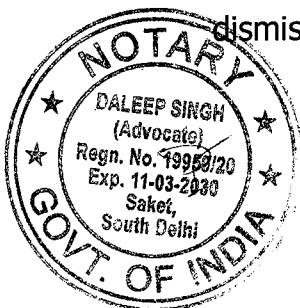
STATE OF UTTARAKHAND & ORS.

...RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 6 (INDIAN OIL CORPORATION LTD) TO THE AMENDMENT APPLICATION FILED BY THE APPLICANT

PRELIMINARY SUBMISSIONS

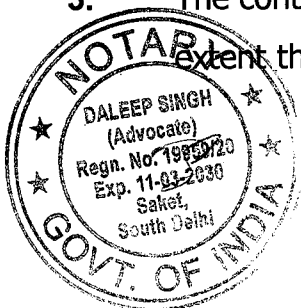
1. At the very outset, the answering Respondent submits that the present amendment application is wholly unsustainable in law, without any merit and is not maintainable. The Applicant is essentially trying to go beyond what was contended earlier in the application by introducing multiple new allegations, documents, and prayer clauses that were never part of the Original Application. Allowing these additions would, in fact, completely change the substance, scope, and character of the original proceedings, and therefore the application for amendment is liable to be dismissed.
2. The amendment application is an indirect attempt to challenge the detailed decision of Respondent No. 6 dated 01.05.2025 deciding the Applicant's representation. Instead of challenging that decision before the appropriate forum, the Applicant is attempting to insert fresh grievances into the existing Original Application. Such an approach is legally untenable as such the application for amendment is liable to be dismissed.



3. It is submitted that the proposed retail outlet site in question is fully compliant with the siting criteria for retail outlets prescribed by the Central Pollution Control Board (CPCB), guidelines issued by the State of Uttarakhand, the orders of this Hon'ble Tribunal and other local rules and regulations. As such the present application is liable to dismissed.

PARA-WISE REPLY:-

1. The contents of the Paragraph 1 of the application, wherein the Applicant describes himself as a public-spirited citizen and alleges rampant construction of petrol pumps in violation of the CPCB Guidelines dated 07.01.2020, is denied for want of knowledge.
2. The contents of paragraph 2 of the application are incorrect and are denied. The Applicant's claim of gross violation of guidelines, particularly CPCB Guidelines, in the course of development of the retail outlet at Khasra no. 447 Mi, Village – Raipur, Tehsil – Dehradun, District – Dehradun is misleading and incorrect and does not reflect the actual facts. It is stated that all necessary approvals, permissions and NOCs have been duly obtained and the site complies with the siting criteria as per the CPCB Guidelines dated 07.01.2020. The Applicant's claim that he will be directly affected is denied and the applicant be put to strict proof of the same. The allegation that the site is within 30 meters of a designated residential area or that the guidelines have been violated is incorrect and is denied as such. The authorities have already approved the site. The Respondent no.6 has also looked into the Applicant's complaints and have passed a detailed order after considering all contentions and documents. The Applicant's attempt to challenge the decision cannot be allowed to be raised before this Hon'ble Tribunal.
3. The contents of Paragraph 3 of the application are denied except to the extent they are admitted or are matters of record. The contention that

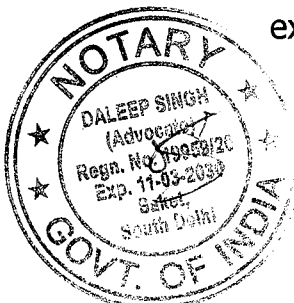


the Applicant has been constrained to file the present amendment application on account of alleged new circumstances or fresh information is specifically denied. No such material change or new fact has been pleaded that would justify amending the original application. The amendment sought is unnecessary and appears to be an attempt to reopen issues that have already been considered by the competent authorities and addressed by the answering Respondent through its grievance-redressal process. The Respondent no.6 admits that the Applicant sent a representation dated 08.01.2025, appeared before the Respondent's grievance committee on 22.01.2025 through his representative, and later submitted a written representation which was considered before issuing the letter dated 01.05.2025. However, the Respondent no.6 denies that the grievances were rejected arbitrarily or without proper consideration. The Respondent no.6 examined the issues considering the CPCB Guidelines, State notifications and the approvals/NOCs granted by competent authorities and found the representation to be without merit. The Applicant's claim that he has no alternate forum is also incorrect, as matters relating to land use, planning permissions and siting norms fall within the jurisdiction of the relevant statutory authorities, who have their own legal remedies.

4-5 The contents of this paragraph 4 and 5 of the application are a matters of record.

6 In reply to the contents of the paragraph 6 of the application it is submitted that as per the order of this Hon'ble Tribunal the Respondent No. 6 examined the Applicant's complaint/representation and after considering all the objections raised by the Applicant passed a detailed order.

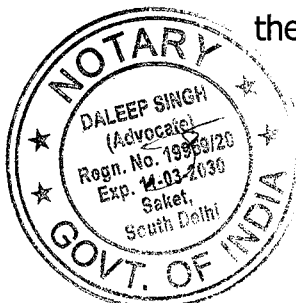
7 The contents of the paragraph 7 of the application, admitted only to the extent that the Applicant submitted a representation dated 08.01.2025



to the Retail Sales Officer of IOCL. The contents of the rest of the para are incorrect and are denied. It is denied that the revised layout plan violates the CPCB Guidelines dated 07.01.2020 or any directions of this Hon'ble Tribunal. The Respondent Corporation submits that the revised plan is in accordance with the CPCB Guidelines and all other applicable statutory and State norms, and it fully complies with the prescribed siting and safety criteria. The allegations made by the Applicant are unsubstantiated and fail to show any breach of the applicable guidelines or orders. It is submitted that the revised layout plan was submitted by Respondent No. 7 pursuant to the conditional NOC issued by Respondent No. 5, which is the competent authority for granting such approvals. It is reiterated that there is no violation as alleged.

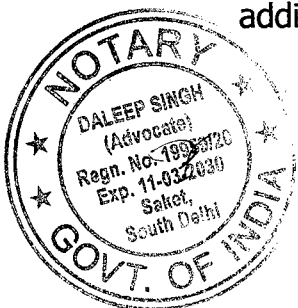
8 In reply to the contents of paragraph 8 of the application it is submitted that Respondent No. 6 received the Applicant's representations and, in compliance with the directions of this Hon'ble Tribunal, issued the letter dated 14.01.2025 to afford a personal hearing, without limiting the scope to the representation dated 01.07.2024 alone. Respondent No. 6 also received the subsequent representation dated 08.01.2025. At the Applicant's request, the hearing was rescheduled to 22.01.2025, where the Applicant's authorized advocate was heard at length. The Respondent dealer was also heard. The Applicant was then allowed to provide a consolidated written representation, which he submitted on 23.01.2025 and which was also duly considered at the time of passing the order. It is Thus apparent that due process was followed, full opportunity of hearing was granted to both parties and no prejudice was caused to the Applicant or to the Respondent dealer.

9 The contents of paragraph 9 of the application are admitted to the extent that the Respondent No.6 after considering the representation of the Applicant dated 01.07.2024 and 08.01.2025 and all other documents



and guidelines passed the order observing that the LOI holder has obtained all requisite approvals and NOCs from the competent authorities. It is submitted that the communication dated 01.05.2025 issued by Respondent No. 6 was passed after a detailed examination of the Applicant's representations, the documents placed on record, and the submissions made during the personal hearing. Respondent No. 6, upon due consideration of all material facts, found no substance in the allegations raised by the Applicant and accordingly recorded that the representation was devoid of merit. The statement regarding availability of requisite approvals and NOCs merely reflects the factual position based on records verified from the competent statutory authorities. Any assertion that the said decision lacked proper consideration, mechanical, or without proper consideration is specifically denied. The Applicant's allegations are unfounded, self-serving, and misconceived.

- 10 In reply to Paragraph No.10 of the amendment application, it is submitted that the Applicant is attempting to introduce the new facts which are unrelated to cause of action. It is submitted that the pendency of the Original Application does not permit the Applicant to widen its scope by introducing subsequent events unrelated to the original cause of action. The claim that amendments are needed to bring developments on record is merely an effort to revive issues that have already been duly examined by competent authorities. Respondent No. 6 has already considered the Applicant's representations and issued the communication dated 01.05.2025 in compliance with this Hon'ble Tribunal's directions. The Applicant cannot now seek to insert new allegations, documents, or grounds that would fundamentally alter the nature of the existing pleadings. Hence, the claim that the amendment is necessary is denied, and no basis exists for allowing the proposed additions.

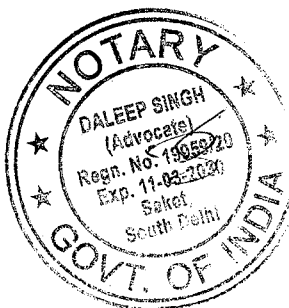


(a). The reply of Para 3 of the original application after 3.23:

3.24. That the content of Paragraph No.3.24, 3.23 and 3.24 so far as pertains to the Applicant approaching the grievance redressal committee of Respondent No.6 by way of representation dated 08.01.2025 and the Respondent No.6 providing an opportunity to the Applicant to state his grievance before the grievance redressal committee of Respondent No.6 on 20.01.2025 is admitted. It is submitted that the revised plan is in accordance with the CPCB Guidelines and all other applicable statutory and State norms, and it fully complies with the prescribed siting and safety criteria. The revised layout plan was submitted by Respondent No. 7 pursuant to the conditional NOC issued by Respondent No. 5, which is the competent authority for granting such approvals. The Respondent is relying upon the relevant approvals, the NOC of Respondent No. 5, and the revised layout plan to demonstrate that there is no violation as alleged and thus the present application of the Applicant is without merits

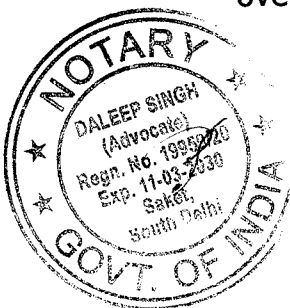
b). The reply to Para 4 of the original application after 4.34:

4.35. That the contents of the Ground /Para 4.35 of the Application are false, misconceived, and hence denied in entirety. Respondent No. 6, Indian Oil Corporation Limited (IOCL), has duly examined in detail all grievances raised by the Applicant. Pursuant to the directions of this Hon'ble Tribunal, a Grievance Redressal Committee was constituted, which after due inquiry and examination of all relevant records, facts, and applicable guidelines, dismissed the Applicant's representation. The allegation that the applicable guidelines have been violated in the course of layout revision or proposed construction is wholly baseless and unfounded. The revised layout plan has been prepared strictly in accordance with the Standard Operating Procedures (SOPs) of IOCL, the

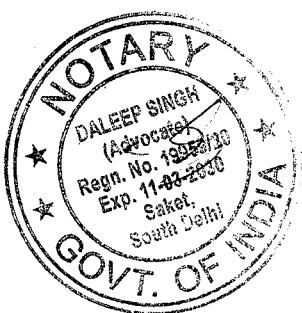


environmental norms prescribed by the Central Pollution Control Board (CPCB), and all other statutory and regulatory provisions. The Applicant has misinterpreted the reference to "commercial and operational requirements" mentioned in Respondent No. 6's letter dated 01.05.2025. These requirements are 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 or other compliances. It is submitted that 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 with current and future CPCB guidelines. 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.

4.36. That the contents of the Ground /Para 4.36 of the Application are false, misleading, and hence denied in entirety. The allegation that the revised layout plan overlaps with the earlier layout plan is factually incorrect and baseless. The Letter of Intent (LOI) holder possesses approximately 10,800 square meters of land situated at Khasra No. 447 min, Raipur, Dehradun, out of which the proposed retail outlet is to be developed over an area of 1430 square meters. Therefore, the question of overlapping does not arise. The layout area has, in fact, been increased



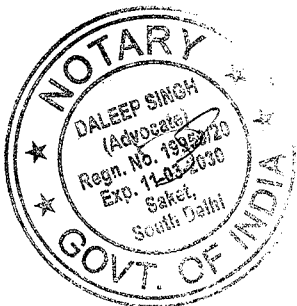
and realigned after giving full consideration to the safety, operational, and environmental parameters prescribed under IOCL's Standard Operating Procedures (SOPs) and the guidelines of the Central Pollution Control Board (CPCB). It is further submitted that since sufficient additional land was available with the LOI holder, a formal request for revision of the layout plan was made and processed strictly in accordance with procedures. The revision aimed to optimize land utilization, improve vehicle circulation and customer safety, and ensure alignment with the current and future CPCB norms. The revised layout plan was thoroughly scrutinized and approved after following all protocols and technical verifications. Moreover, an independent inquiry was conducted by the District Supply Office (DSO) under the directions of the District Magistrate (DM), Dehradun, prior to the endorsement of the revised layout plan. The said inquiry confirmed that there was no irregularity and only after such verification and scrutiny was the revised plan endorsed and subsequently granted a No Objection Certificate (NOC) through the Licensing System for District Authorities (LSDA). It is further clarified that the LSDA is an online platform of the Petroleum and Explosives Safety Organization (PESO), Government of India, used by District Authorities for issuing and managing licenses related to petroleum in accordance with the Explosives Rules, 2008. The LSDA ensures that every NOC or license is granted only after due verification and compliance with all statutory safety and environmental norms. Accordingly, the LSDA NOC for the present site was issued only after full verification and approval through the prescribed process. Hence, the applicant's contention that Respondent No. 6 remained silent on the alleged overlapping in its letter dated 01.05.2025 is factually incorrect, misconceived, and appears to be made out of frustration to obstruct legitimate proceedings. The revision of the layout has been carried out



transparently and strictly in accordance with all guidelines including environmental guidelines and applicable procedures. Therefore, the allegations made by the Applicant and misconceived and are liable to be outright rejected.

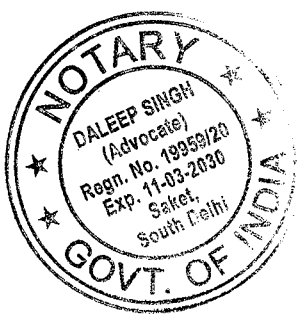
4.37. The contents of the Ground /Para 4.37 of the Application are denied in entirety. The survey report relied upon by Respondent No. 6 regarding the distance of the state animal hospital from the proposed retail outlet clearly mentions that the state animal hospital is approximately 30 meters from the dispensing unit. It is submitted that though under the guidelines reference is to hospital with 10 bed or more, which is intended for human healthcare and Rajkiya Pashu Chitiksayala does not fall within this category. Also, an NOC has already been granted by the Chief Veterinary Officer confirming no objection to the location as per CPCB guidelines, only human hospitals with 10 or more beds are relevant. The LOI holder has complied with all PESO and safety guidelines.

4.38. The contents of the Ground /Para 4.38 of the Application are denied as false and misleading. IOCL has duly considered the representations made by the Applicant. It has been reported that the Applicant, Mr. Roshan Joshi, has been repeatedly filing objections against retail outlets in the Raipur area, apparently to favour certain existing outlets. The authenticity of his identity in the present case is also doubtful, as noted during the meeting dated 22.01.2025 and reflected in the police report submitted by the LOI holder. IOCL respectfully requests the Hon'ble Tribunal to examine the bona fides of the complainant, as his actions appear motivated by personal and competitive interests rather than environmental concern.



4.39. The contents of the Ground /Para 4.39 of the Application are false, misleading, and denied in entirety. The Mussoorie Dehradun Development Authority (MDDA) has already issued a No Objection Certificate (NOC) for the proposed retail outlet after due verification. It has been clearly stipulated in the NOC that construction shall commence only after obtaining online map approval from the MDDA Map Approval Portal. As per CPCB guidelines dated 07.01.2020, the retail outlet should not be located within 30 meters distance from a designated residential area. The proposed site does not fall within 30 meters radius of a residential area designated as per law. As per revenue records, the LOI holder is the sole proprietor of Khasra Nos. 447, 466, and 465, comprising approximately 15 Bighas of open land, with no residential area within 30 meters from it. Furthermore, during the map approval process, land use conversion, if required, shall be duly carried out as per MDDA norms before the commencement of construction. IOCL and the LOI holder affirm that no construction activity will be undertaken prior to obtaining final map approval from MDDA. The allegation regarding the presence of a residential plot merely 2 meters from the proposed outlet boundary is factually incorrect and intended to mislead this Hon'ble Tribunal. It is submitted that making false and misleading statements before this Hon'ble Tribunal amounts to an offence and abuse of process of law, and such conduct of the Applicant deserves to be viewed seriously by this Hon'ble Tribunal. It is reiterated that there is no residential area as designated by law within 30 meters from the site.

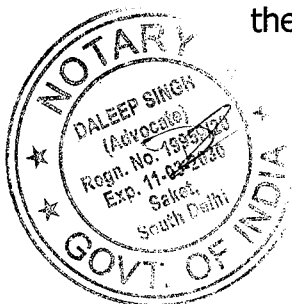
4.40. The contents of the Ground /Para 4.40 of the Application are false and misleading hence denied. As per the CPCB guidelines, the minimum required distance between a school and the dispensing unit is 30 meters. In cases where the distance is less than 50 meters, additional safety



measures as prescribed by PESO are to be implemented. The proposed site layout clearly reflects that the distance between the school boundary and the proposed dispensing unit is more than 30 meters, and IOCL has already affirmed that all necessary PESO-prescribed safety measures shall be strictly followed.

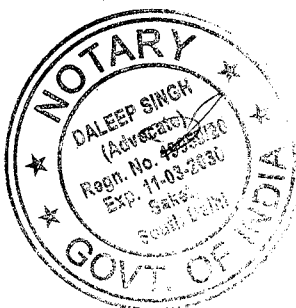
4.41. The contents of the Ground/Para 4.41 of the Application are false, misleading, and denied. The construction of the retail outlet has not yet commenced, and no dispensing unit has been installed. IOCL is fully aware of and committed to adhering to all applicable norms relating to the distance from water bodies as prescribed by the CPCB and the Government of Uttarakhand. The Applicant is deliberately misleading this Hon'ble Tribunal by misinterpreting the relevant provisions. As per the Government of Uttarakhand Notification No. 180884 dated 10.01.2024, the minimum distance has been revised from 50 meters to 5 meters only in respect of covered or underground drains (nala), commonly referred to as minor water channels used for irrigation or river outflow, irrespective of size. All other natural water bodies such as rivers, streams, and floodplains remain unaffected and governed by the earlier 50-meter norm. In the present case, the so-called "canal" is in fact a covered underground drain constructed with concrete hume pipes, serving as an irrigation nala and posing no environmental risk. Furthermore, if measured perpendicularly from the retail outlet boundary, there is no open water body within 50 meters of the proposed site. IOCL reaffirms that all prescribed distances and environmental safeguards will be strictly followed during the development of the retail outlet.

4.42. The contents of the Ground /Para 4.42 of the Application are false and hence denied. It is denied that the Respondent No.6 has proceeded on the erroneous premise that the proximity of intersection is not a



disqualifying factor if the site does not pose a traffic obstruction. 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. 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, the ground raised by the Applicant that the Respondent No.6 proceeded on erroneous premise is without any basis. It is respectfully submitted that this allegation regarding proximity of intersection cannot be decided by this Hon'ble Tribunal under its jurisdiction.

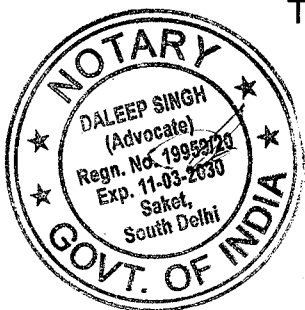
- 4.43. The contents of the Ground /Para 4.43 of the Application are false and misleading. IOCL has fully complied with the directions of this Hon'ble Tribunal and considered the Applicant's grievances through its Grievance Redressal Committee (GRC). The Applicant failed to follow the basic procedure under the Selection Brochure, which requires filing a complaint with a Rs. 5,000 demand draft within one month of LOI issuance, showing lack of bona fide intent. Despite this, in compliance with the order of this Hon'ble Tribunal IOCL examined both complaints dated 01.07.2024 and 08.01.2025 on merits. It is stated that the Applicant did not attend the personal hearing on 21.01.2025 and only sent an advocate who was heard at length before the order was passed. After thorough scrutiny, the GRC dismissed the complaints/representation by a detailed order as there were no violations as alleged by the Applicant. The decision was passed on 01.05.2025 after detailed consideration of all the contentions raised by the Applicant and the same communicated to the Applicant on



03.05.2025. The Applicant's claim of delay is misleading and intended to misrepresent facts before this Hon'ble Tribunal.

4.44. The contents of the Ground/Para 4.44 of the Application are false misleading and denied. The Applicant is misleading this Hon'ble Tribunal by claiming the need for a stay of construction. It is submitted that no construction activity has commenced at the proposed retail outlet site. Any construction will 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. Therefore, the Applicant's request for a stay is premature, unnecessary, and without any factual basis, and deserves to be rejected outright. It is also submitted that all the required permissions etc have been admittedly obtained from the various authorities as such no stay on construction can be granted.

C. In reply to the paragraph No. C of this Application seeking the amendment and modification of clause 'c' of the prayer clause. It is submitted that the No objection certificate dated 07.01.2025 bearing no. P/UC/DEH/NA/4(N7156) issued by the Additional District Magistrate after considering the comment from various authorities. It is further submitted that the Applicant has sought the direction to cancel NOC issued by the Additional District Magistrate without showing the illegality or the basis on which the issuance of NOC was incorrect. It is further submitted that the LOI was issued by IOCL as per the procedure to be followed by the OMCs. Also, the Letter was issued by the Respondent No.6 in compliance with the Brochure and guidelines which are uniformly applicable across the country to all Retail Outlets of all OMCs. Thus, it is submitted that there is no necessity and legal requirement




to conduct a fresh independent measurement and enquiry as there is no violation of the applicable norms.

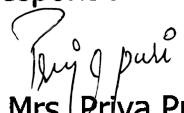
- 11 The contents of Para No. 11 of the Application are false and denied, it is submitted that the claims of great prejudice and irreparable harm to the Applicant, the environment, and the public are vague, speculative, and unsupported by any evidence. The Applicant has failed to show any imminent or real threat that would justify the relief sought. Conversely, granting such relief could cause significant prejudice, including financial, to the Respondents. Therefore, the Application is liable to be dismissed.
- 12 The contents of paragraph 12 of the Application regarding the proposed amendments are denied, and it is submitted that allowing such amendments is neither expedient nor justified in the interest of justice. It is submitted that the Applicant has not demonstrated any sufficient reason or justification for such amendments, and permitting the same may prejudice the Respondents.
- 13 The contents of paragraph 13 are denied, and it is submitted that allowing such amendments is neither necessary nor justified and would not serve the cause of justice.

It is respectfully submitted that in view of the contents of the present reply the application filed by the applicant is liable to be dismissed.

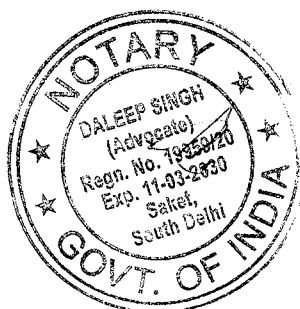
03 APR 2026


Anshul Yadav,
 Law Officer & Constituted Attorney,
 Uttar Pradesh State Office - II,
 Indian Oil Corporation Limited (MD),
 E-8, Sector-1, Noida - 201301
 Respondent No. 6

Through


Mrs. Priya Puri

Advocate for the Respondent No.6



ATTESTED

NOTARY PUBLIC

03 APR 2026

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. NO. _____ OF 2025**

**IN
ORIGINAL APPLICATION NO. 739 OF 2024**

IN THE MATTER OF:

ROSHAN JOSHI

...APPLICANT

VERSUS

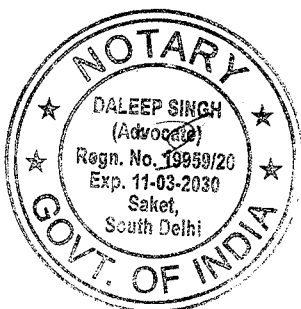
STATE OF UTTARAKHAND & ORS.

...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 based on the records maintained in the office of the answering Respondent. 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 (Indian Oil Corporation Limited) to the amendment 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.



Anshul
DEPONENT

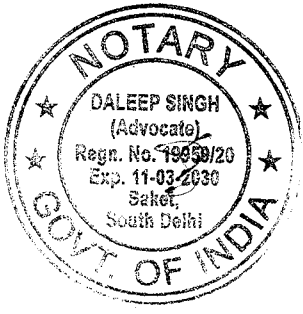
VERIFICATION

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

Anshul
DEPONENT

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



ATTESTED
DALEEP SINGH ADVOCATE
NOTARY DELHI-R-19959
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. 07

ATTESTED
[Signature]
NOTARY PUBLIC

03 APR 2026