

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 739/2024

ROSHAN JOSHI

.....APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS.

.....RESPONDENTS

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PLACE: NEW DELHI

FILED BY

DATED: 23.01.2025


GIGI C GEORGE ADV.

STANDING COUNSEL (UOI)

NATIONAL GREEN TRIBUNAL

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

Original Application No. 739/2024

(IA No 430/2024, IA No 358/2024, IA No 357/2024, IA No 284/2024, IA No
266/2024)

Roshan Joshi

-----Applicant

Versus

State of Uttarakhand & Ors.

----- Respondent(s)

REPLY BY WAY OF AFFIDAVIT

I, Sandeep Kumar, Aged about 42 years, S/o Shri Rajendra Singh, working as Controller of Explosives in the office of Joint Chief Controller of Explosives, PESO Faridabad, do hereby solemnly affirm and declare as under:

1. That I am the officer-in-charge and am well conversant with the facts and circumstances of the case, hence competent to swear this Affidavit on behalf of Respondent no. 8.
2. I.A. No. 357/2024 was filed by the applicant seeking permission to implead Petroleum and Explosives Safety Organization (PESO) located at A Block, CGO Complex, 5th Floor Seminary Hills, Nagpur (Maharashtra) as Respondent No. 8.
3. The reason provided by the applicant for impleadment of PESO was that conditional No Objection Certificate has been issued by the District



संदीप कुमार
संदीप कुमार, आई.पी.ई.एस.एस.
SANDEEP KUMAR, IPSS
विस्फोटक नियंत्रक
Controller of Explosives
कार्या. संयुक्त मुख्य विस्फोटक नियंत्रक
U/o Joint Chief Controller of Explosives
उत्तरी अंचल, फरीदाबाद
North Circle, Faridabad

Authority (Respondent no. 5) at the land situated at Khasra No. 447 MI RO on Dharampur to Maldevta Road, Village/City- Raipur, Taluka/Tehsil : Dehradun, District: DEHRADUN, State: Uttarakhand, PIN: 248001 for receiving of the license for retail outlet from PESO. The conditions inter alia include a condition that since the proposed petrol pump site is at a distance of 36 m from school therefore additional safety measures as prescribed by PESO must be complied with. In these circumstances, for better adjudication of the present application, it became necessary for PESO to be added as a party to the present OA.

4. I.A. was allowed by Hon'ble National Green Tribunal on 30.09.2024 whereby PESO was impleaded as Respondent No. 8. Hon'ble National Green Tribunal ordered the petitioner to serve the newly added Respondent No. 8 and file an affidavit of service and the amended memo of parties was taken on record.
5. It is submitted that the present matter primarily pertains to the suitability of the afore-mentioned land situated at Khasra No. 447 MI RO on Dharampur to Maldevta Road, Village/City- Raipur, Taluka/Tehsil : Dehradun, District: DEHRADUN, State: Uttarakhand, PIN: 248001 with respect to conformity to the statutory norms applicable for setting up new retail outlet at the said land. The statutory norms are related to grant of the license issued under Rule 116 of the Petroleum Rules, 2002 " Save as provided in Sections 7, 8 and 9 of the Act, no person shall store petroleum except under and in accordance with a license granted under these rules- Provided that no license shall be necessary : (i) for storage of petroleum in well head tanks: or (ii) for the storage of petroleum as transit cargo when



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the limits of a port subject to such conditions as may be specified by the Conservator" and compliance to the siting criteria guidelines issued by the CPCB vide its Office Memorandum dated 07.01.2020 for setting up new petroleum pumps and as per the order of Hon'ble Supreme Court of India under Civil Appellate Jurisdiction Civil Appeal No. 421 of 2022. Instructions as per CPCB Office Memorandum No. B-13011/1/2019-20/AQM dated August 16, 2021 shall also be complied to in this regard.

6. Prior approval of specifications and plan for issuance of the license in Form XIV under the Petroleum Rules, 2002 at the said location was sanctioned by PESO Agra vide letter No. A/P/CC/UC/14/1620 (P586568) dated 18.04.2024 to M/s Indian Oil Corporation Limited. The copies of the letter and the drawing sanctioned by PESO Agra. The copy of the same is annexed as **Annexure-A**.
7. However, later on M/s Indian Oil Corporation Limited applied again vide application no. OIN1874239 dated : 24/12/2024 for sanction of prior approval of specifications and plan for retail outlet at the said land in the office of Dy. Chief Controller of Explosives, Dehradun hereinafter referred to as PESO Dehradun with revised plan as the Power has been delegated to PESO, Dehradun. The application is termed as *in supersession of prior approval* in PESO online licensing module terminology.
8. Application for sanction of prior approval of specifications and plan stated in above para was made by M/s Indian Oil Corporation Limited in the office of PESO Dehradun due to the reason that power of granting of retail outlet licenses for the state of Uttarakhand had by such time been delegated from PESO Agra to PESO Dehradun.



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9. PESO Dehradun then issued discrepancy letters to M/s Indian Oil Corporation Limited bearing no. A/P/CC/UC/14/1620 (P586568) dated 10.10.2024 and later on 30.12.2024. The copies of these two discrepancy letters along with the revised plan submitted by M/s Indian Oil Corporation Limited. The copy of Letter dt.10.10.24 and 30.12.24 and Revise Plan are annexed as **Annexure-B, C and D.**
10. The afore-mentioned facts state that sanction for prior approval of specifications and plan for the revised plan submitted by M/s Indian Oil Corporation Limited is not accorded yet by PESO Dehradun.
11. It is also pertinent to mention that No Objection Certificate issued by the District Authority is a mandatory document to be submitted to PESO for granting of retail outlet license in Form XIV under the Petroleum Rules, 2002. The application for grant of the license is made by the applicant along with the copy of No Objection Certificate issued by the District Authority once he completes the construction of the retail outlet in line with the prior approval of specifications and plan sanctioned by PESO.
12. Till date even the prior approval of specifications and plan is not sanctioned by PESO Dehradun to M/s Indian Oil Corporation Limited hence the aspect of submission of No Objection Certificate (issued by the District Authority) by it in the office of PESO dehradun does not arise.



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 North Circle, Faridabad

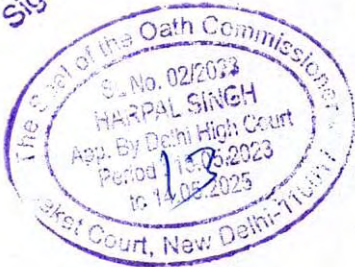
13. It is most respectfully submitted that the present Respondent No. 8 reserves the right to file further/additional reply as and when directed by this Hon'ble Tribunal.

Verification

I, Sandeep Kumar, S/o Shri Rajendra Singh the above named deponent do hereby verify that the contents of this affidavit are believed to be true and correct which are based on the information derived from the official records of the present case and nothing material has been concealed therein.

Verified at Delhi on the 23rd JAN 2025

I Identify the Deponent who has Signed / Put in my presence



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Sandeep Kumar
S/o/W/o/D/o. Rajendra Singh
P/o. G. G. C. Grover
Identified by Shri G. G. C. Grover
Has solemnly affirmed before me at Delhi
on.....that the contents of the
affidavit which have been read & explained
to him are true & correct to his knowledge

23 JAN 2025

संदीप कुमार

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North Circle, Faridabad



भारत सरकार

Government of India

वाणिज्य और उद्योग मंत्रालय

Ministry of Commerce & Industry

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)

Petroleum & Explosives Safety Organisation (PESO)

63/4, ए-विंग, दूसरा तल, केंद्रालय (सी.जी.ओ. कॉम्प्लेक्स), संजय प्लेस

आगरा- 282002

63/4, A-Wing, IInd floor,

Kendralaya (CGO Complex), Sanjay Place,

Agra - 282002

E-mail : jtceagra@explosives.gov.in

Phone/Fax No : 0562 - 2523244,2523266

पुर्व अनुमोदन संख्या /Prior Approval No : A/P/CC/UC/14/1620
(P586568)

दिनांक /Dated : 18/04/2024

सेवा में /To,

M/s. INDIAN OIL CORPORATION LIMITED,
INDIAN OIL CORPORATION LIMITED ,,
25 NIMBUWALA GARHI CANTT DEHRADUN
25 NIMBUWALA GARHI CANTT DEHRADUN,
Dehradun,
Taluka: Dehradun,
District: DEHRADUN
State: Uttarakhand
PIN: 248003

विषय /Sub : Khasra No, 447 MI, RO on Dharampur to Maldevta Road at Village/City- Raipur, Khasra No. 447 MI, District- Dehradun, Raipur, Dehradun, Taluka: Dehradun, District: DEHRADUN, State: Uttarakhand, PIN: 248001 में प्रस्तावित पेट्रोलियम वर्ग A,B Retail Outlet ।

Proposed Petroleum Class A,B Retail Outlet at Khasra No, 447 MI, RO on Dharampur to Maldevta Road at Village/City- Raipur, Khasra No. 447 MI, District- Dehradun, Raipur, Dehradun, Taluka: Dehradun, District: DEHRADUN, State: Uttarakhand, PIN: 248001

महोदय /Sir
(s),

कृपया आपके उपर्युक्त विषय से संबंधित पत्र संख्या OIN1656922 दिनांक 18/04/2024 का संदर्भ ग्रहण करें ।

Please refer to your letter No. OIN1656922 dated 18/04/2024 on the subject.

संदर्भित पत्र के साथ अग्रेषित उपर्युक्तन अधिष्ठापन का साइट (स्थल)/ले-आउट, आदि दर्शाता Drawing(s) nos. Siteplan dated 18/04/2024, Layout dated 18/04/2024 को अनुमोदित किया जाता है तथा प्रत्येक अरेखण की एक प्रति विधिवत पृष्ठांकित कर लौटाई जा रही है ।

The Drawing(s) nos. Siteplan dated 18/04/2024, Layout dated 18/04/2024, showing the site/layout/construction details forwarded with your letter under reference is approved and a copy (of each) of the same is returned herewith duly signed in token of approval.

Conditions of the Approval:-

gift/ lease deed shall be submitted prior to grant of license.

अनुमोदित प्लान के अनुसार निर्माण होने के पश्चात पेट्रोलियम नियम 2002 के अंतर्गत प्ररूप XIV में अनुज्ञप्ति जारी करने हेतु, कृपया निम्नलिखित दस्तावेज इस कार्यालय को प्रेषित करें ।

On completion of the construction work in the approved plan please forward the following

SANDEEP KUMAR, IPSS

विस्फोटक नियंत्रक

Controller of Explosives

कार्यालय संयुक्त मुख्य विस्फोटक नियंत्रक

Joint Chief Controller of Explosives

उत्तरी अंचल, फरीदाबाद

North Circle, Faridabad

documents for grant of licence in Form XIV of the Petroleum Rules, 2002.

1. प्ररूप IX (संलग्न) में विधिपूर्वक भरा हुआ एवं हस्ताक्षरित आवेदन ।
Form IX (enclosed) duly filled in and signed.
2. पेट्रोलियम नियम 2002 के तहत ऑनलाइन आवेदन पोर्टल पर उपलब्ध ई-भुगतान सुविधा के माध्यम से 10000/- (प्रति वर्ष- अधिकतम 10 वर्ष तक) का लाइसेंस शुल्क ऑनलाइन जमा किया जाना है ।
A license fee of Rs. 10000/- (per year - maximum upto 10 years) to be submitted online through e-payment facility available on online application portal under petroleum Rules, 2002.
3. अनुमोदित आरेखण की तीन प्रतियाँ ।
Three copies of the approved drawings.
4. मुख्य विस्फोटक नियंत्रक, नागपुर द्वारा अनुमोदित सूक्ष्म व्यक्ति द्वारा जारी पेट्रोलियम नियम 2002 (संलग्न) के अंतर्गत नियम 130 और 126 में आवश्यक सेफ्टी और टैंक टेस्ट प्रमाण-पत्र जो कि संगठन की वेबसाइट <http://peso.gov.in> पर "सूक्ष्म व्यक्ति" ऑनलाइन मॉड्यूल के माध्यम से बनाया गया हो ।
Safety and Test Certificate as required under rule 130 and 126 of the Petroleum Rules, 2002 (enclosed) issued by Competent person approved by CCE, Nagpur and generated through On-line Competent Person Module available at <http://Peso.gov.in>
5. पेट्रोलियम नियम, 2002 के नियम 144 के तहत निर्धारित प्रपत्र के अनुसार जिला प्राधिकरण (एलएसडीए) मॉड्यूल के लाइसेंसिंग सिस्टम के माध्यम से जारी किया गया अनापत्ति प्रमाण पत्र, उनके हस्ताक्षर और मुहर के साथ पृष्ठांकित आरेखण /प्लान की प्रति के साथ ही । युआरएल : <https://lsda.peso.gov.in/LSDAOnline/Login.aspx> के माध्यम से ऑनलाइन एनओसी आवेदन, ई-फाइलिंग किया जा सकता है ।
No objection certificate issued under Rule 144 of the Petroleum Rules, 2002 as per prescribed proforma by the District Authority through Licensing System for District Authority (LSDA) module only together with a copy of drawings/plans endorsed with his sign and seal. Online NOC application eFiling may be accessed through URL : <https://lsda.peso.gov.in/LSDAOnline/Login.aspx>
6. इस कार्यालय से होनेवाले पत्राचार पर हस्ताक्षर करने के लिए अधिकृत व्यक्ति(यों) के नमूना हस्ताक्षर ।
Specimen signature(s) of the person(s) authorised to sign the correspondence addressed to this office.
7. अनुमोदित प्लान के अनुसार कार्य के पूर्णता की पुष्टि ।
A confirmation to the effect that all work as per approved drawings has been fully completed by you in all respects.
8. विभिन्न कोणों से लिए गए पेट्रोल पम्प के रंगीन फोटोग्राफ का एक सेट ।
One set of colour photographs of the petrol pump taken from different angles.

जी.एस.आर. 519(ई) दिनांक 05/06/2000 द्वारा भारत सरकार, पेट्रोलियम तथा प्राकृतिक गैस मंत्रालय द्वारा अधिसूचित आदेश 2000 के 'सॉल्वेंट, रैफिनेट तथा स्लॉप (अधिग्रहण, बिक्री, भंडारण और ऑटोमोबाइल में उपयोग की रोकथाम) आवश्यकता/प्रावधान का कृपया पालन करें ।

Please follow the requirement/provision of " Solvent, Raffinate and Slop (Acquisition, Sale, Storage & Prevention of use in Automobiles)" Order 2000 notified by Government of India, Ministry of Petroleum and Natural Gas vide G.S.R. 519(E) dated 05/06/2000.

कृपया भविष्य में अपने सभी पत्राचार में इस कार्यालय की फाइल संख्या **A/P/CC/UC/14/1620 (P586568)** का संदर्भ दें ।

Please quote this office file No. **A/P/CC/UC/14/1620 (P586568)** in all your future correspondences.

फिर भी, यह अनुमोदन/अनुमति अन्य प्राधिकारियों से आवश्यक अनुमति/क्लीयरन्स प्राप्त करने से या यथा लागू अन्यभ विधियों से छूट नहीं देती है ।

This approval/permission, however, does not absolve from obtaining necessary permission/clearance from other authorities or under other statutes as applicable.

भवदीय /Yours faithfully,

((व्ही.के.मिश्रा)
(V K Mishra))

संयुक्त मुख्य विस्फोटक नियंत्रक
Jt. Chief Controller of Explosives
आगरा/Agra

(अधिक जानकारी जैसे आवेदन की स्थिति, शुल्क तथा अन्य विवरण के लिए हमारी वेबसाइट : <http://peso.gov.in> देखें)
(For more information regarding status, fees and other details please visit our website: <http://peso.gov.in>)
Note:-This is system generated document does not require signature.

Annexure B



भारत सरकार / Government of India
वाणिज्य और उद्योग मंत्रालय / Ministry of Commerce & Industry
पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो) / Petroleum & Explosives Safety Organisation (PESO)
42/1, इंदिरा नगर,
एशियन स्कूल के पास, देहरादून/42/1, Indira Nagar,
Near Asian School,
Dehradun - 248006

ईमेल/Email :- cedehradun@explosives.gov.in
दूरभाष/Phone, फ़ैक्स/ Fax :- 0135-2769780

अनुमोदन सं. /Approval No.: A/P/CC/UC/14/1620 (P586568)

दिनांक/Dated : 10/10/2024

सेवा में/To,

INDIAN OIL CORPORATION LIMITED,
INDIAN OIL CORPORATION LIMITED, 25 NIMBUWALA
GARHI CANTT DEHRADUN,
25 NIMBUWALA GARHI CANTT DEHRADUN,
City: Dehradun, Taluka: Dehradun, District: DEHRADUN,
State: Uttarakhand, Pin: 248003

विषय/Sub : Khasra No. 447 MI RO on Dharampur to Maldevta Road at Village/City- Raipur, Khasra No. 447 MI, District- Dehradun, Dehradun, Taluka/Tehsil : Dehradun, Village: Raipur, District: DEHRADUN, State: Uttarakhand, PIN: 248001 में पेट्रोलियम रिटेल आउटलेट/में उपभोक्ता पम्प विसंगति पत्र - संशोधित अनुमोदन जारी करने के बारे में/Petroleum Retail Outlet at Khasra No. 447 MI RO on Dharampur to Maldevta Road at Village/City- Raipur, Khasra No. 447 MI, District- Dehradun, Dehradun, Taluka/Tehsil : Dehradun, Village: Raipur, District: DEHRADUN, State: Uttarakhand, PIN: 248001 discrepancy letter - Regarding In-Supersession of Prior Approval

महोदय/Sir,

कृपया आपके आवेदन No. OIN1775814 dated : 26/09/2024 का संदर्भ ग्रहण करें//Reference your application No. OIN1775814 dated : 26/09/2024.

आपके द्वारा प्रस्तुत दस्तावेजों/ अनुपालना की जांच करने पर, निम्नलिखित टिप्पणी की जा रही है://On scrutiny of documents/compliance submitted by you, following observations are made :

1. The site plan and dimensions shown in the drawing is entirely different from the earlier approved drawing by the Jtce, Agra vide no. even Dated 18/04/2024. Please offer your explanation/clarification in this regards.
2. Whether any court cases in any court is pending, please provide details and present status of court cases.
3. Distances from compound wall to all the structures within 30.0, 50.0 and 100.0 meters radius shall be shown in the drawing.
4. Retail outlet shall not be located within a distance of 50 meters from the nearest point of water bodies, As per CPCB Office Memorandum No. B-13011/1/2019-20/AQM Dated August16, 2021. Please strictly implementation of CPCB Guidelines,.

उपर्युक्त दस्तावेजों/ अनुपालना की पावती प्राप्त होने पर आगे की कार्रवाई की जाएगी/ Further action will be taken on receipt of above documents/compliance.

भवदीय / Yours faithfully,

(डॉ. जी. के. पाण्डे / Dr. G. K. PANDEY)
उप मुख्य विस्फोटक नियंत्रक / Dy. Chief Controller of Explosives
कृते विस्फोटक नियंत्रक
देहरादून/Dehradun
For Controller of Explosives
Dehradun



भारत सरकार / Government of India
 वाणिज्य और उद्योग मंत्रालय/ Ministry of Commerce & Industry
 पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)/Petroleum & Explosives Safety Organisation (PESO)
 42/1, इंदिरा नगर,
 एशियन स्कूल के पास, देहरादून/42/1, Indira Nagar,
 Near Asian School,
 Dehradun - 248006

ईमेल/Email :- cedehradun@explosives.gov.in
 दूरभाष/Phone, फेक्स/ Fax :- 0135-2769780

अनुमोदन सं./Approval No.: A/P/CC/UC/14/1620 (P586568)

दिनांक/Dated : 30/12/2024

सेवा में/To,

INDIAN OIL CORPORATION LIMITED,
 INDIAN OIL CORPORATION LIMITED, 25 NIMBUWALA
 GARHI CANTT DEHRADUN,
 25 NIMBUWALA GARHI CANTT DEHRADUN,
 City: Dehradun, Taluka: Dehradun, District: DEHRADUN,
 State: Uttarakhand, Pin: 248003

विषय/Sub : Khasra No. 447 MI RO on Dharampur to Maldevta Road at Village/City- Raipur, Khasra No. 447 MI, District- Dehradun, Dehradun, Taluka/Tehsil : Dehradun, Village: Raipur, District: DEHRADUN, State: Uttarakhand, PIN: 248001 में पेट्रोलियम रिटेल आउटलेट/में उपभोक्ता पम्प विसंगति पत्र - संशोधित अनुमोदन जारी करने के बारे में/Petroleum Retail Outlet at Khasra No. 447 MI RO on Dharampur to Maldevta Road at Village/City- Raipur, Khasra No. 447 MI, District- Dehradun, Dehradun, Taluka/Tehsil : Dehradun, Village: Raipur, District: DEHRADUN, State: Uttarakhand, PIN: 248001 discrepancy letter - Regarding In-Supersession of Prior Approval

महोदय/Sir,

कृपया आपके आवेदन No. OIN1874239 dated : 24/12/2024 का संदर्भ ग्रहण करें//Reference your application No. OIN1874239 dated : 24/12/2024.

आपके द्वारा प्रस्तुत दस्तावेजों/ अनुपालना की जांच करने पर, निम्नलिखित टिप्पणी की जा रही है://On scrutiny of documents/compliance submitted by you, following observations are made :

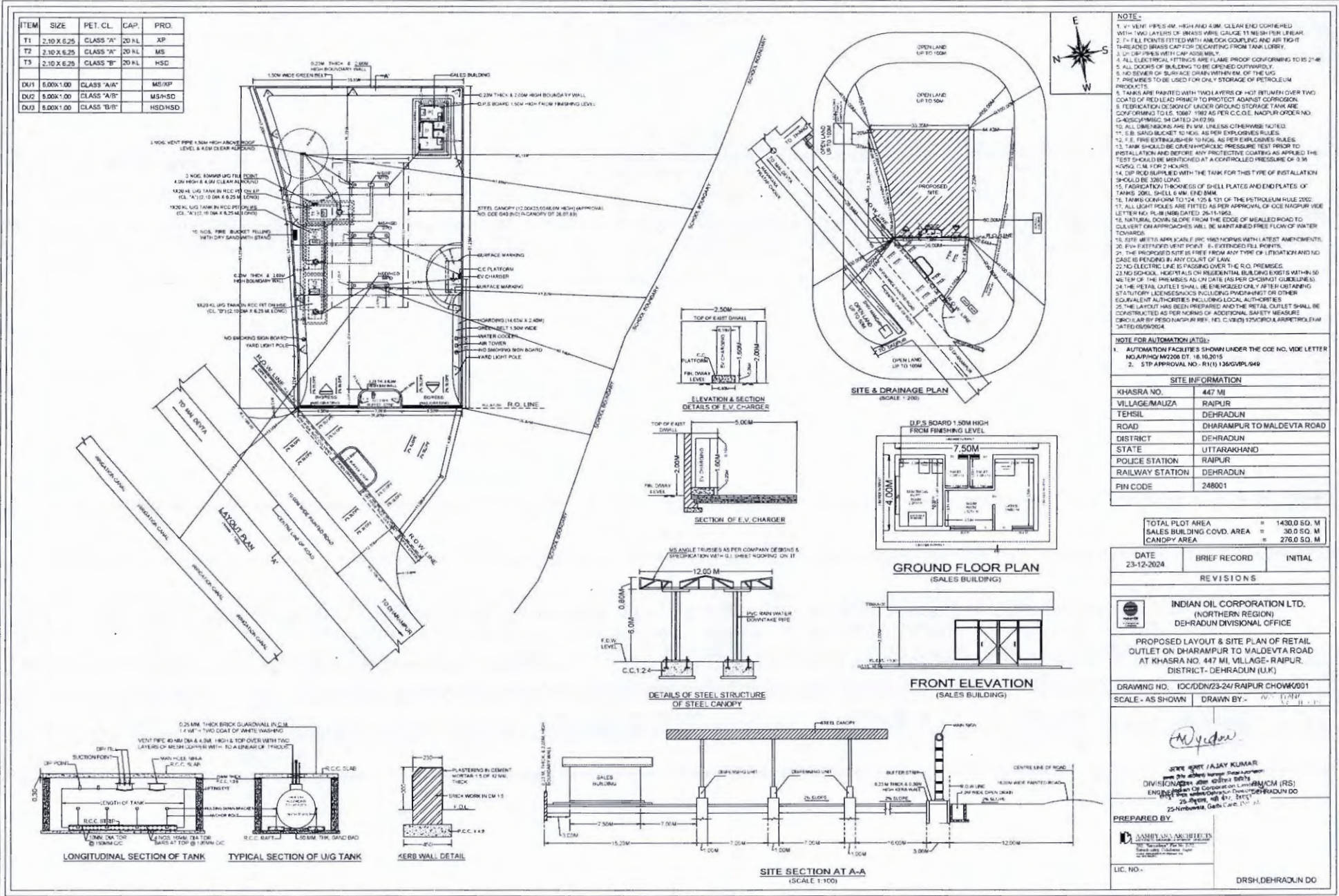
1. Please upload latest status of NGT case, whether any order/direction passed by NGT court.

It is seen that the discrepancy points mentioned in this office earlier letter of even no. dated 10/10/2024 have not been fully compiled with. Please note that if your compliance to this letter along with all necessary documents is not recieved your application will be rejected without any further reference.

उपरोक्त दस्तावेजों/ अनुपालना की पावती प्राप्त होने पर आगे की कार्रवाई की जाएगी/ Further action will be taken on receipt of above documents/compliance.

भवदीय / Yours faithfully,

(डॉ. जी. के. पाण्डे / Dr. G. K. PANDEY)
 उप मुख्य विस्फोटक नियंत्रक / Dy. Chief Controller of Explosives
 कृते विस्फोटक नियंत्रक
 देहरादून/Dehradun
 For Controller of Explosives
 Dehradun



Annexure D