

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 1139/2024**

In the matter of:

Jagveer Singh

...Applicant

Versus

State of U.P. & Ors.

...Respondents

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RESPONDENT

35

THROUGH



COUNSEL

B. P. SINGH

Advocate

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New Delhi-14.

Mob: 9873835833

Email: officebpsingh.dl@gmail.com

Place Delhi

Dated: 23.01.2025

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1139 OF 2024

In the matter of:

Jagveer Singh ...Applicant

Versus

State of Uttar Pradesh & Ors ...Respondent

REPLY ON BEHALF OF U.P. POLLUTION CONTROL BOARD

I, Utsav Sharma, aged about 39 years, S/o. Late Shri Rajiv Sharma, presently posted as Regional Officer, U.P. Pollution Control Board, Bulandshahr do hereby solemnly affirm and declare as under:

1. That in the above-noted capacity, I am well conversant with the facts and records of the present case and am authorized to swear the present affidavit on behalf of the Uttar Pradesh Pollution Control Board.
2. That the present case has been registered as an Original Application under Section 14 and Section 15 of the National Green Tribunal Act, 2010 on basis of a letter petition dated 06.02.2024 from Jagveer S/o Sonpal, resident of Village Ahmadbai, Bulandshahr.
3. That in the said letter petition it has been alleged that a petrol pump is being established at Khasra No. 923, Pahasu,



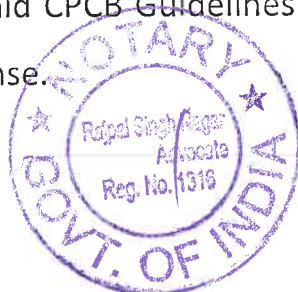
Bulanadshahr in violation of siting criteria laid down by Central Pollution Control Board as there is a cremation ground at 50 meters, Kali river at 75 meters, three hospitals at 20 meters and residential/abadi area at about 100 meters from the proposed site where petrol pump is being established.

4. That in view of above-mentioned allegations, Hon'ble Tribunal vide its order dated 19.11.2024 constituted a Joint Committee of District Magistrate, Bulandshahr, Uttar Pradesh Pollution Control Board and Central Pollution Control Board to carry out site visit and verify the facts stated in the complaint. Central Pollution Control Board was nominated as the nodal agency for coordination and compliance of said orders.
5. That in compliance of orders of Hon'ble Tribunal, nominated members of the Committee conducted site inspection on 6.12.2024. During said inspection, it has come to light that the project, Hamara Pump Shree Sai Filling Station is located at Khasra No. 923, Village Pahasu, Khurja, Bulandshahr and is a retail outlet of Hindustan Petroleum Corporation Limited (HPCL) and has been issued selection letter and Letter of Intent by HPCL on 26.02.2019 and 30.03.2019 respectively and copy of these letters has been annexed as Annexure 4 and Annexure 5 of the report filed by the Joint Committee before the Hon'ble Tribunal on 19.12.2024. Copy of Joint



Committee's report is annexed as **Annexure I** of the response.

6. That the Uttar Pradesh Pollution Control Board has issued Consent to Establish to the said retail outlet on 23.10.2019, that is prior to issuance of guidelines by CPCB. Copy of said Consent to Establish is annexed as **Annexure II** of the response.
7. That the said retail outlet has also obtained requisite permissions from District Magistrate, Bulandshahr for storage of petroleum products, PESO and Fire Department. Copy of all such permissions have been filed in the report filed by the Joint Committee before the Hon'ble Tribunal on 19.12.2024.
8. That with regards to distance of cremation ground, hospital, residential area and River Kali, Iekhpal from the Revenue Department has reported that neither the cremation ground, nor the hospitals nor residential area is within 50 meters of the fill point/dispensing unit/vent pipe of the retail outlet and are thus meeting the siting criteria of 50 meters as per CPCB Guidelines issued vide memorandum no. B-13011/1/2020-21/AQM on 29.01.2021. Distance from the banks of River Kali have been reported as 115.20 meters. Copy of said CPCB Guidelines is annexed as **Annexure III** of the response.



9. That it is pertinent to mention that Hon'ble Supreme Court in its order dated 14.03.2022 in Civil Appeal 421/2022, M/s Indian Oil Corporation Ltd Versus V.B.R. Menon and others have passed following orders with regards to applicability of Consent to Establish and Consent to Operate on retail outlets/petrol pumps:

"...46. What is important for us to note is that in the directions/guidelines issued by the CPCB dated 30.04.2020 and 07.03.2016 reply the automobile fuel outlets have been classified as "green" which may be exempted from consent management. The learned Solicitor General submitted that it is only after due consideration and deliberations that the CPCB issued the said directions. The NGT itself in para 66 of its impugned order has noted that the oil industry is characterized as "green category" and the CTE and CTO was not required. It appears to us that the apprehension on the part of the NGT that the installation of VRS may not be strictly monitored by the State Pollution Control Boards, led the NGT to issue directions to the CPCB & State Pollution Control Boards to issue a circular making it mandatory for obtaining the CTE and CTO as a condition precedent for establishing new petroleum outlets.

What has been argued before us and also on the basis of the materials on record, we are convinced that it is not necessary to make obtaining of CTE and CTO mandatory. We would like to impress upon the CPCB to ensure that its guidelines referred to above are scrupulously followed and once the guidelines are scrupulously adhered to, no direction to obtain CTE and CTO for starting/operating a RO is warranted. We are at one with the learned counsel appearing for the respective appellants that asking the



existing ROs to obtain CTO is something very unreasonable and may lead to various difficulties. Even directing the ROs that may come up in future to obtain the CTE and CTO would be cumbersome and time consuming and thus we do not find it reasonable..."

Copy of said order of Hon'ble Supreme Court is annexed as **Annexure IV** of the response.

10. That it is humbly prayed that the present Reply may kindly be taken on record by this Hon'ble Tribunal.

23/1/25
DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of above reply are true and correct to my knowledge derived from official record. No part of the same is false and nothing material has been concealed therefrom.

VERIFIED ON THIS THE *23rd* DAY OF JANUARY, 2025 AT NOIDA, GAUTAM BUDDHA NAGAR.

23/1/25
DEPONENT



ATTESTED
[Signature]
Rajpal Singh Nagar
Notary Public Noida
Gautambudh Nagar (U.P.)

23 JAN 2025

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
ORIGINAL APPLICATION NO. 1139/2024

In the matter of: -

Jagveer Singh

Applicant

Versus

State of Uttar Pradesh

Respondent

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1.	Report in the matter of O.A No. 1139/2024 Jagveer Singh Vs. State of Uttar Pradesh in compliance to Hon'ble NGT order dated 19.11.2024.	
2.	Annexure- 1 A copy of Hon'ble NGT order dated 19.11.2024, in O.A No.1139/2024.	
3.	Annexure- 2 A copy of GST Registration Certificate	
4.	Annexure-3 A copy of Project Proponent applied dated 17.11.2024 for retail outlet of HPCL.	
5.	Annexure-4&5 A copy of Selection Letter and Letter of Intent (LOI) dated 26.02.2019 & 30.03.2019 issued by HPCL.	
6.	Annexure-6 A copy of letter dated 01.04.2023 issued by office of District Magistrate, Bulandsehar.	
7.	Annexure-7 A copy of Consent to Establish for new unit dated 23.10.2019 issued by UPPCB.	
8.	Annexure-8 A copy of PESO certificate dated 06.04.2023 issued by HPCL.	
9.	Annexure-9 A copy of Fire Safety Certificate dated 12.12.2023 issued by Fire Department.	
10.	Annexure-10 A copy of Office Memorandum of CPCB dated 29.01.2021.	
11.	Annexure-11 A copy of report of Lekhpal.	
12.	Annexure-12 A copy of latest Judgement PIL No. 2368 of 2023.	

Rajkumar

Filed by Adv. Rajkumar
On behalf of Central Pollution Control Board

Place: Delhi

Dated:19.12.2024

Report in reference to Hon'ble NGT order in the matter of Original
Application No. 1139/2024, Jagveer Singh Versus State of Uttar
Pradesh

1. Hon'ble NGT vide its order dated 19.11.2024 in Original Application No. 1139/2024, Jagveer Singh Versus State of Uttar Pradesh directed to visit the site, collect relevant information, interact with complainant as well as Project Proponent and other stakeholders and submit a factual report. The operative part of the order is as follows: -

"3. In our view, before taking any further action in the matter, we find it appropriate to verify the facts and for this purpose, we constitute a joint Committee comprising District Magistrate, Bulandshahr; Uttar Pradesh Pollution Control Board (hereinafter referred to as "UPPCB") and CPCB.

4. CPCB shall be the nodal agency for coordination and compliance.

5. The above Committee shall visit the site, collect relevant information, interact with complainant as well as Project Proponent and other stakeholders and submit a factual report within one month.

6. List on 20.12.2024. "

Copy of reference NGT order is annexed as **Annexure-1**.

2. In compliance of reference NGT order, following members were nominated from the concern departments:

2.1. Sh. Runa Oraon, Scientist-E, Central Pollution Control Board, Lucknow

2.2. Sh. Deepak Kumar Pal, Sub-Divisional Magistrate, Shikarpur, Bulandshahr

2.3. Sh. Geetesh Chandra, Scientific Officer, UPPCB, Bulandshahr

3. The visit of the site was carried out on 06.12.2024 by the joint committee to verify the factual status. During visit, following officials were also present to assist the committee:

3.1. Sh. Akshay Dahiya, Nayab Tehsildar, Shikarpur

3.2. Sh. Rahul, Lekhpal

3.3. Sh. Ravi, Lekpal

4. During the visit, the committee also interacted with the applicant (Jagveer Singh) over phone. The applicant informed that he is out of station and unable to be present on site. The project proponent (Owner-Sh. Manish Kumar) was also present during visit. Copy of GST certificate of the owner is annexed as **Annexure-2**.

5. Salient observations as per Hon'ble NGT order based on field visit and record provided by concern is as below:

5.1. The project (Hamara Pump Shree Sai Filling Station) is located on Khasra No. 923, Village-Pahasu (Pahasu-Shikarpur Road), Khurja, Bulandshahr, UP. The project is having area of 1296.504 sq. mt.

5.2. Chronology for installation of the project is as below:

- 5.2.1. Hindustan Petroleum Corporation Limited (HPCL) advertised for retail outlet (petrol pump) dealership in Pahasu -Shikarpur Road on 11.10.2014 and 13.10.2014.
- 5.2.2. The Project Proponent (PP) has applied for the retail outlet on 17.11.2014. (**Annexure-3**)
- 5.2.3. Selection letter and Letter of Intent (LOI) was issued to the PP by HPCL on 26.02.2019 & 30.03.2019. (**Annexure-4 & 5**)
- 5.2.4. District Magistrate, Bulandshahr has issued No Objection Certificate (NOC) to HPCL on 01.04.2023 for storage of petroleum products at Khasra No. 923, Village-Pahasu (Pahasu-Shikarpur Road), Khurja, Bulandshahr, UP under Petroleum Rules,2002 considering reports from all concerned departments. (**Annexure-6**)
- 5.2.5. UPPCB has issued Consent to Establish (CTE) to the project on 23.10.2019. (**Annexure-7**)
- 5.2.6. PESO certificate was issued to HPCL on 06.04.2023, which was valid upto 31.12.2026. (**Annexure-8**)
- 5.2.7. Fire Safety Certificate was issued to the project on 12.12.2023, which was valid from 17.12.2023 to 16.12.2026. (**Annexure-9**)
- 5.2.8. It was informed by the PP, construction work of the retail outlet was started on April, 2023 and operation of retail outlet started on February,2024.
- 5.3. Retails outlet has two tanks with capacity 22 KL and 35 KL for storage of Petroleum products.



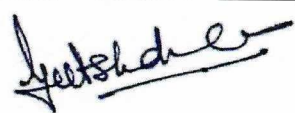
- 5.4. The PP has installed 02 dispensing machines with 08 nozzles. Each machine equipped with 04 nozzles (02 nozzles for petrol and 02 nozzles for diesel).
- 5.5. As per CPCB Office memorandum no. B-13011/1/2020-21/AQM, dated 29.01.2021 (**Annexure-10**), sitting criteria of retail outlets as per CPCB guidelines are applicable to the Project.
- 5.6. During visit, distance of Hospitals, residential area, River, cremation ground etc. from fill point/dispensing units/vent pipe of retail outlet was measured by the revenue department (lekhpal). Report of Lekhpal is annexed as **Annexure-11**. As per lekhpal report, cremation ground is 57.80 m, River Kali East is 115.20 m (from bank of river), Hospitals (two hospitals in the name of Nav Durga Hospital (06 bedded) and Global Eye Care Centre (non-bedded)) are 62.50 m and 93 m respectively. Residential houses (under construction) were observed 51.5 m away from the project. It is informed by the Executive Officer, Nagar Palika Parishad, Bulandshahar that no local bylaws are available to define residential area of Village-Pahasu. It is evident that presently sitting criteria of 50 m is meeting by the project as per CPCB guideline.
- 5.7. It is also informed by the PP, Public Interest Litigation (PIL) No. 2368 of 2023 Punit Sharma Vs State of UP and Ors. is also filed for sitting criteria of the project on 04.10.2023 and it is pending before the Hon'ble High Court, Allahabad. Copy of the PIL was not available with the PP. Copy of latest judgement of the PIL is annexed as **Annexure-12**.

6. Concluding Remarks/Recommendations:

6.1. It is evident from the above field observations & information provided by the project proponent and concern department; the permission for installation of retail outlet is granted by the district administration and other departments considering prevailing rules. The project is presently also meeting the siting criteria as per CPCB guidelines.

6.2. The Committee would like to inform that the matter is also sub judice before the Hon'ble High Court of Allahabad.

7. Inspection Team:

1.	Sh. Runa Oraon, Scientist-E, Central Pollution Control Board, Lucknow	 Runa 18/12/2024
2.	Sh. Deepak Kumar Pal, Sub- Divisional Magistrate, Shikarpur, Bulandshahr	 18/12/2024
3.	Sh. Geetesh Chandra, Scientific Officer, UPPCB, Bulandshahr	 Geetesh Chandra

Item No. 01

Court No. 2

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1139/2024

Jagveer Singh

Applicant

Versus

State of UP

Respondent

Date of hearing: 19.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

ORDER

1. Letter petition dated 06.02.2024 of Jagveer s/o Sonpal r/o Village Ahmadbaj, PS Pahasu, District Bulandshahr has been registered as Original Application (hereinafter referred to as '**OA**') under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') in exercise of *suo-moto* jurisdiction in view of law laid down by Supreme Court in "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.
2. Complainant has said that petrol pump is being established at Khasra No. 923, Pahasu town in violation of siting criteria laid down by Central Pollution Control Board (hereinafter referred to as "**CPCB**") in as much as there is a cremation ground just at 50 mtrs. from the site, Kali river at 75 mtrs., three hospitals at 20 mtrs. and even residential area/abadi about 100 mtrs.
3. In our view, before taking any further action in the matter, we find it appropriate to verify the facts and for this purpose, we constitute a joint

Committee comprising District Magistrate, Bulandshahr; Uttar Pradesh Pollution Control Board (hereinafter referred to as “**UPPCB**”) and CPCB.

4. CPCB shall be the nodal agency for coordination and compliance.
5. The above Committee shall visit the site, collect relevant information, interact with complainant as well as Project Proponent and other stakeholders and submit a factual report within one month.
6. List on 20.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 19, 2024
Original Application No. 1139/2024
SN



Annex-2

Annexure 2

Government of India

Form GST REG-06

(See Rule 10(1))

Registration Certificate

Registration Number : 09EKNPK3719P1ZA

1.	Legal Name	MANISH KUMAR			
2.	Trade Name, if any	M/S HAMARA PUMP SHREE SAI FILLING STATION			
3.	Additional trade names, if any				
4.	Constitution of Business	Proprietorship			
5.	Address of Principal Place of Business	0, SHIKARPUR, SHIKARPUR PAHASU, PAHASU, Pahasu Bulandshahr, Uttar Pradesh, 203396			
6.	Date of Liability	06/06/2023			
7.	Period of Validity	From	06/06/2023	To	Not Applicable
8.	Type of Registration	Regular			
9.	Particulars of Approving	Uttar Pradesh			
Signature		Signature Not Verified Digitally signed by DS GOODS AND SERVICES TAX NETWORK 07 Date: 2023.06.28 13:46:20 IST			
Name		RAHUL KUMAR RAI			
Designation		Assistant Commissioner			
Jurisdictional Office		Bulandshahr Sector-4			
Date of issue of Certificate		28/06/2023			
Note: The registration certificate is required to be prominently displayed at all places of business in the State.					

This is a system generated digitally signed Registration Certificate issued based on the approval of application granted on 28/06/2023 by the jurisdictional authority.

अनुलग्नक- जे Annexure - J



हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

वेदव्यास पुरी, परतापुर इण्डस्ट्रियल एरिया, मेरठ - 250002

120

हस्त-सुपुर्दगी से प्राप्त आवेदन-पत्रों की पावती

संदर्भ Ref: मेरठ/2014/

BY HAND

दिनांक Date: 17/11/2014

श्री/ श्रीमती/ कुमारी

मनीष कुमार

से दिनांक 17/11/2014 को एक सीलबंद लिफाफा जिसमें

स्थान के लिए डिस्ट्रीब्यूट डीलरशिप हेतु आवेदन-पत्र लिखा है, हस्तसुपुर्दगी द्वारा प्राप्त हुआ।

सीलबंद लिफाफे में मौजूद कागजातों के सत्यापन किये बिना यह पावती दी जा रही है।

We acknowledge receipt of a sealed envelope super scribed 'Application for RO dealership for Location _____ from Shri / Smt / Kum. _____ by hand delivery on

This acknowledgement is issued without verification of contents.

हस्ताक्षर:

कृते मुख्य क्षेत्रीय प्रबन्धक

Signature:

For Chief Regional Manager

GSTIN : 09AAACH1118B1ZA

CIN No.: L23201MH1952GOI008858



हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस : 17, जमशेदजी टाटा रोड, मुंबई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A GOVERNMENT OF INDIA ENTERPRISE) REGISTERED OFFICE : 17, JAMSHEDJI TATA ROAD, MUMBAI-400 020

85/4, इस्पत भवन, तृतीय मंजिल, संजय प्लेस, आगरा-282002 (उ.प्र.) फोन: 0562-2523076 फैक्स : 0562-2523024
85/4, Ispat Bhawan, 3rd Floor, Sanjay Place, Agra-282002 (U.P.) Ph.: 0562-2523076 Fax : 0562-2523024

Regd AD / Speed Post

Ref: No. ARR/AK/DS/250

Date- 26.02.2019

To.
Shri Manish Kumar
S/o Shri Ramesh Chand,
Village - Hajipur Bhataula,
Post Office - Mundakheda,
District - Bulandshāhar - 203131

Dear Sir.

SUB: DECLARATION OF RESULT

Name of Location: ON PAHASU TO SHIKARPUR ROAD WITHIN 2 KMS FROM INTERSECTION WITH KHURJA - CHATARI ROAD (SH-63), Category: SC, Name of District: BULANDSHAHR.

We are pleased to inform you that, you have been declared as selected for the above mentioned location.

This is only a preliminary intimation towards your selection for Retail Outlet dealership. However, the award of the dealership is subject to compliance of terms and conditions of the Corporation in this regard.

Thanking You.

Yours faithfully


Rakesh Gupta
Deputy General Manager



हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस : 17, जमशेदजी टाटा रोड, मुंबई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

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85/4, इस्पत भवन, तृतीय मंजिल, संजय प्लेस, आगरा-282002 (उ.प्र.) फोन: 0562-2523076 फैक्स : 0562-2523024

85/4, Ispat Bhawan, 3rd Floor, Sanjay Place, Agra-282002 (U.P.) Ph.: 0562-2523076 Fax : 0562-2523024

Ref: ARR/AK/LOI/250

Date: 30.03.2019

To
Shri Manish Kumar
S/o Shri Ramesh Chand.
Village - Hajipur Bhataula.
Post Office - Mundakheda,
District - Bulandshahr - 203131

Dear Sir,

Sub: Proposed MS/HSD Retail Outlet Dealership at Location: ON PAHASU TO SHIKARPUR ROAD WITHIN 2 KMS FROM INTERSECTION WITH KHURJA - CHATARI ROAD (SH-63), District Bulandshahr, State UP, Category: SC.

We refer to our advertisement dated 11.10.2014 & 13.10.2014 and your application form No. 250/1 for the award of MS/HSD Retail Outlet dealership at the above location.

Please be informed that by this Letter of Intent, we propose to offer you a Retail outlet dealership of Hindustan Petroleum Corporation Limited at the above location on the following terms & conditions:-

1. You have offered a suitable piece of land admeasuring 36 meters (frontage) X 36 meters (depth) at Khasra No. / Gata No. 923, Village Pahasu, Pargana Pahasu, Tehsil Shikarpur, Distt Bulandshahr as indicated by you in the application for the development of the subject Retail Outlet. You have to make available this land within 2 months from the date of this letter failing which this offer is liable to be withdrawn. (For Group 1)
2. As and when advised by the Corporation, the site offered by you would be duly developed up to the road level by cutting/filling (as applicable), with good earth/murum, layer-wise compacted as per standard engineering practices. You shall also construct necessary retaining wall and compound wall of 1.5 meters height, designed as per site conditions as per approval of Corporation as committed under Clause 12 (e) of affidavit submitted by you along with application. Subsequently, the land would be required to be transferred on lease for a minimum period of 30 years with renewable option at rentals mutually agreed upon / sold to Hindustan Petroleum Corporation Limited. Kindly note that in case the site as offered by you for leasing/sale to Hindustan Petroleum Corporation Limited for putting up the Retail Outlet is not made available for lease/purchase as per the advice of the Corporation, this Letter Of Intent will be withdrawn without any further notice. However, there is no commitment from Hindustan Petroleum Corporation Limited, for taking the said land from you.

3. Hindustan Petroleum Corporation Limited will develop the retail outlet at the above location ON PAHASU TO SHIKARPUR ROAD WITHIN 2 KMS FROM INTERSECTION WITH KHURJA - CHATARI ROAD (SH-63), Distt Bulandshahr on the said site to be taken on lease by Hindustan Petroleum Corporation Limited with appropriate structures, storage tanks and pumps.

Additional facilities (site specific) may also be developed by Hindustan Petroleum Corporation Limited on its sole discretion such as Canopy, Service Station or any other facility as may be decided by Hindustan Petroleum Corporation Limited from time to time.

4. For the facilities that may be provided by the Corporation as aforesaid, we will recover from you license fee as may be decided by the Corporation and applicable to you from time to time. At present, the license fee recoverable is Rs.472.77/-KL for MS and Rs.393.97/-KL for HSD.
5. The corporation will not be held liable for any loss or damage on account of delay that may be caused in providing you the facilities mentioned above, whatever may be the cause of the failure or delay.
6. You will provide at the retail outlet other mandatory facilities to be specified by M/s Hindustan Petroleum Corporation Limited.
7. For enabling you to operate the dealership, Working capital, as may be determined by the Corporation at its sole discretion to be utilized only for the purpose of taking delivery of MS/HSD/Lubes from the Corporation to maintain supply.

The above working capital will carry interest, which at present is @ 11% per annum payable monthly from the date of disbursement of the working capital by the Corporation.

The aforesaid working capital along with the interest mentioned above, will be repayable by you in 100 equal monthly installments commencing from the 13th month of commissioning of the dealership.

8. You shall not induct any partner(s) in case of individual (s) nor make any changes in the constitution of the partners as existing at the time of application, except your spouse as per terms and conditions of the Hindustan Petroleum Corporation Limited, and shall give an undertaking to this effect.
9. It will always be a basic condition for the award of MS / HSD retail outlet dealership that you shall be paying attention towards day to day working of the dealership by personally managing the affairs of the dealership you will give us a written undertaking to this effect and shall not assign or part with the same to any other person (s).

You will not be eligible for taking up any employment. If you are already employed you will have to resign from the employment and produce the letter of acceptance of resignation by the employer before the issuance of Letter of Appointment by the Oil Company.

10. As agreed, you will be initiating necessary action towards enabling registration of site where the Retail Outlet is planned. You will also assist us in getting the requisite NOC from appropriate Authorities.
11. You will deposit with us a Demand Draft for Rs. 50,000/- (fifty thousand) drawn on any scheduled bank in favour of Hindustan Petroleum Corporation Limited payable at Agra towards security Deposit at the time of issuance of appointment letter after compliance of all the requirements of LOI. Kindly note that the Security deposit will not carry any interest and is refundable at the time of expiry of agreement between you and the Corporation. However, if such expiry of agreement is consequent to proven adulteration/malpractice at the dealership, this amount will be forfeited. Moreover, this Corporation reserves its right to adjust this amount towards any dues to it.
12. You will be notified by the corporation, in writing, after the facilities mentioned above are made available and are ready for commissioning the dealership. Immediately on receipt of the above notice from the corporation, you shall obtain each and every license necessary for operating your dealership as may be required under any central / state govt. / municipal or local authorities for the time being in force.
13. If we find that the progress made by you towards the above is not to our satisfaction, this offer is liable to be withdrawn.
14. Please note that you are required to fulfill the conditions with regard to inducting Spouse as Co-owner in the dealership before issuance of Letter of Appointment.
15. This letter of intent will stand automatically withdrawn and cancelled on the happening of any of the following events:-
 - a) In case you or your close relatives like spouse, unmarried son(s) and unmarried daughter(s) receive anytime or have received a letter of intent for any other dealership or distributorship from our company or any other oil company either in your individual capacity or in partnership with any other individual(s).
 - b) If it is found that you have suppressed and / or misrepresented any material facts in your application.
 - c) In case you are found to be convicted for any criminal / economic offence involving moral turpitude.
 - d) In the event of death if you are an individual/partner.

16. In case you are not able to provide the developed land within the specified time or fail to fulfill of terms & conditions of LOI or withdraw for any reason, then LOI can be withdrawn and selection cancelled.
17. This letter is merely a letter of intent and is not to be construed as a 'firm offer' of dealership to you. The dealership will be allotted to you on your complying with the terms and conditions spelt out herein above by issuance of appointment letter along with signing of our standard dealership agreement between you and us.

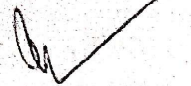
Should you require any further details / guidelines, please get in touch with our office at the address mentioned below:

Hindustan Petroleum Corporation Limited
85/4, 3rd Floor, Ispat Bhawan,
Sanjay Place, Agra 282002

Please acknowledge receipt of this letter.

Thanking you.

Yours faithfully



Rakesh Gupta
Deputy General Manager &
Duly Constituted Attorney

कार्यालय जिला मजिस्ट्रेट, बुलन्दशहर

पत्रांक : 1709/प्रधान सहायक-शस्त्र

दिनांक :

01/04/2023

अनापत्ति प्रमाण-पत्र

उप महाप्रबन्धक-रिटेल,

हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड(भारत सरकार का उपक्रम),

85/4, इस्पात भवन, तृतीय मंजिल, संजय प्लेस, आगरा-282 002, उ०प्र०

आपके द्वारा दिनांक 07-05-2019 को इस कार्यालय में प्रस्तुत आवेदन संख्या आगरा/आरजी/अना०/पहासू/19-20/250 के संदर्भ में पेट्रोलियम नियम, 2002 के अनुसरण में, पेट्रोलियम नियम, 2002 के अधीन मैसर्स हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड (भारत सरकार का उपक्रम), 85/4, इस्पात भवन, तृतीय मंजिल, संजय प्लेस, आगरा-282 002, उ०प्र० को, आपके द्वारा श्री मनीष कुमार पुत्र श्री रमेशचन्द्र, निवासी ग्राम हाजीपुर भटौला, तहसील व जनपद बुलन्दशहर, जो आपके द्वारा निर्गत पत्रांक एआरआर/एके/एलओआई/250 दिनांक 30-03-2019 के अनुसार नवीन रिटेल आउटलेट के लिए अधिकृत डीलर हैं, को उनके द्वारा श्री सुशील कुमार सिंह पुत्र श्री भाग सिंह, निवासी ग्राम बराल, तहसील व जनपद बुलन्दशहर से पंजीकृत लीज डीड दिनांक 21-07-2018 के द्वारा 30 वर्ष की अवधि के लिए किराये पर लिया हुआ है, के परिसर भूमि गाटा संख्या 923 स्थित ग्राम-पहासू (पहासू-शिकारपुर रोड) (ओ.डी.आर.-एल.एस.एच.) (कि०मी० स्टोन नं० 01, सी०एच०-00.775), तहसील-शिकारपुर, थाना-पहासू, जनपद-बुलन्दशहर, राज्य-उत्तर प्रदेश में जैसा कि साइट प्लान में दिखाया गया है, जो यहाँ सम्यक् रूप से पृष्ठांकित और संलग्न है, में पेट्रोलियम उत्पादों के भण्डारण के लिए अनुज्ञप्ति प्रदान करने पर कोई आपत्ति नहीं है।

1. इस अनापत्ति प्रमाण-पत्र को जारी करते समय निम्नलिखित विशिष्टियों पर विचार किया गया है, अर्थात्:-

- (क) पेट्रोलियम उत्पादों के भण्डारण के लिए इन नियमों के अधीन परिसर का विकास करने के लिए भू-स्वामी या पट्टेदार से प्राधिकार सहित आवेदक द्वारा स्थल पर विधिमाम्य कब्जा;
- (ख) लोक, विशेष रूप से ऑफ-साइट जैसी सुविधाओं, विद्यालयों, अस्पतालों या सार्वजनिक सभा के आस-पास स्थित स्थलों और उपशमन उपाय, यदि कोई हों, प्रदान किये गये हैं;
- (ग) यातायात घनत्व और यातायात पर प्रभाव;
- (घ) स्थानीय या क्षेत्र विकास योजना के अनुरूप प्रस्ताव;
- (ङ) आपातकालीन मामलों में आग लगने पर स्थल तक पहुंच और आपातकालीन मामलों से निपटने के लिए अग्निशमन सेवाओं की तैयारी;
- (च) उद्देश्य की वास्तविकता;
- (छ) सार्वजनिक सुरक्षा एवं प्रशासनिक व्यवस्था से संबंधित बिन्दु :

(1) वरिष्ठ पुलिस अधीक्षक बुलन्दशहर द्वारा थाना प्रभारी पहासू, क्षेत्राधिकारी खुर्जा, प्रभारी डी.सी.आर.वी. एवं अपर पुलिस अधीक्षक ग्रामीण बुलन्दशहर से जांच कराकर अपने पत्रांक आर-एसएसपी-06/2022 दिनांक 06-11-2022 के द्वारा संस्तुति सहित आख्या आवश्यक कार्यवाही हेतु प्रेषित की है, जिसके अनुसार भूमि गाटा संख्या 923 स्थित ग्राम-पहासू (पहासू-शिकारपुर रोड) (ओ.डी.आर.-एल.एस.एच.) (कि.मी. स्टोन नं० 01, सी.एच.-00.775), तहसील-शिकारपुर, थाना-पहासू, जनपद-बुलन्दशहर में नवीन पेट्रोल पम्प (रिटेल आउटलेट) की स्थापना हेतु अनापत्ति प्रमाण-पत्र जारी किये जाने की संस्तुति की है। साइट प्लान पुलिस उपनिरीक्षक थाना पहासू द्वारा हस्ताक्षरित है।

(2) उपजिलाधिकारी शिकारपुर द्वारा तहसीलदार से जांच कराने के उपरान्त अपने पत्रांक 2239/एसटी-एसडीएम दिनांक 23-10-2019 के द्वारा संस्तुति सहित आख्या प्रेषित की है, जिसके अनुसार गाटा संख्या 923 स्थित ग्राम पहासू व शिकारपुर से पहासू रोड के मध्य कोई गाटा संख्या नहीं है, गाटा सं० 923 खुर्जा से छतारी रोड से 800 मीटर लगभग व नदी के पुल से लगभग 150 मीटर दूरी पर स्थित है, गाटा सं० 923 आबादी से हटकर स्थित है, गाटा सं० 923 में बिजली लाइन ऊपर से स्थित नहीं है, रिटेल आउटलेट की प्रस्तावित भूमि संक्रमणीय भूमिधरी है तथा उसमें ग्राम समाज का नम्बर नहीं है। साइट प्लान उपजिलाधिकारी शिकारपुर द्वारा हस्ताक्षरित है।

(3) जिला पूर्ति अधिकारी, बुलन्दशहर द्वारा पूर्ति निरीक्षक तहसील शिकारपुर से प्रस्तावित स्थल की भौतिक जांच कराने के उपरान्त अपने पत्रांक 21/जि०पू०अ०/पे०उ०(डीजल)/2023 दिनांक 09-01-2023 के द्वारा

प्रमाणित (शस्त्र)
बुलन्दशहर।

आख्या प्रेषित करते हुए उल्लेख किया है कि विभागीय तौर पर अनापत्ति प्रमाण-पत्र जारी किये जाने पर कोई आपत्ति नहीं है। साइट प्लान पूर्ति निरीक्षक शिकारपुर द्वारा सत्यापित है।

(4) मुख्य अग्निशमन अधिकारी बुलन्दशहर ने प्रस्तावित स्थल का अग्निशमन अधिकारी सिकन्द्राबाद से निरीक्षण कराने के उपरान्त अपने पत्रांक प-13/फा0स0/बु0शहर/2019 दिनांक 22-08-2019 के द्वारा निम्न बिन्दुओं पर आख्या प्रेषित की है :

01. प्रस्तावित स्थल पर अग्निशमन वाहन सुगमता पूर्वक आवागमन कर सकते हैं।
02. प्रस्तावित स्थल के ऊपर से वर्तमान में कोई भी हाईटेंशन लाइन नहीं गुजर रही है।

प्रस्तावित व्यवस्था एवं अग्निशमन प्रणाली

1. सम्पूर्ण विद्युत व्यवस्था आई0एस0-1646:2015 के मानकों के अनुरूप किया जाये तथा विद्युत वायरिंग में एम0सी0बी0/ई0एल0सी0बी0 का प्रयोग किया जाये।
 2. टैंक के लिए अलग-अलग वेन्ट पाइप का प्रावधान किया जाये, जो आपस में जुड़ी नहीं होनी चाहिए एवं उसके चारों तरफ 04 मी0 में कोई निर्माण कार्य नहीं होना चाहिए।
 3. वेन्ट पाइप पेट्रोलियम नियम, 2007 के मानक के अनुरूप होना चाहिए।
 4. टैंक में तेल भरते समय टैंक, डिस्पेन्सर व लारी के पास खुली आग का प्रयोग करना वर्जित है।
 5. लारी से टैंक में तेल भरते समय उचित अर्थिंग होना अति आवश्यक है।
 6. स्टोरेज टैंक के पास फायर बकेट न्यूनतम 09 ली0 क्षमता के बालू से भरी हुई 12 अदद स्टैण्ड पर रखी जाये।
 7. प्रत्येक डिस्पेन्सर के पास आई0एस0 मार्का फोम टाइप फायर एक्सटिंग्यूशर 2-2 अदद क्षमता 09 ली0 एवं आई.एस. मार्का ए.बी.सी. टाइप फायर एक्सटिंग्यूशर 2-2 अदद क्षमता 09 किय्रा0 के रखे जाये, समस्त अग्निशमन उपकरण सदैव क्रियाशील दशा में रखा जाना अनिवार्य होगा एवं उनका रख-रखाव नियमानुसार किया जाना आवश्यक होगा।
 8. डीजल जनरेटर सेट के पास आई0एस0 मार्का ए.बी.सी. टाइप फायर एक्सटिंग्यूशर 02-02 अदद क्षमता 09 किय्रा0 के रखे जाये और डी.जी. स्टैंक की ऊंचाई नियमानुसार होनी चाहिए एवं टैंक के वेन्ट से उचित दूरी होनी चाहिए।
 9. सम्पूर्ण परिसर की अग्नि सुरक्षा हेतु क्षमता 50 के0जी0 के ए0बी0सी0 टाइप फायर एक्सटिंग्यूशर (ट्राली माउन्टेड) 02 अदद कार्यशील दशा में रखा जाना आवश्यक होगा।
 10. लाइसेंस एरिया में जंक्शन वाक्स के साथ सभी लाइट फ्लेम प्रूफ होनी चाहिए।
 11. प्रत्येक डिस्पेन्सर पर इमरजेन्सी स्टाप सिस्टम होना चाहिए।
 12. आपरेटिंग प्रोसीजर के बोर्ड लगे होने चाहिए।
 13. पेट्रोल पम्प पर धुम्रपान निषेध के बोर्ड लगे होने चाहिए।
 14. आपातकालीन विभाग के टेलीफोन नम्बर का बोर्ड सार्वजनिक रूप से अंकित होना चाहिए।
- (अ) तेल भरवाने से पहले वाहन का इंजन बन्द कर दें।
(ब) धुम्रपान न करें।

निम्नांकित का बोर्ड डिस्पेन्सर के पास लगायें :

क्या करें	क्या न करें
1. तेल भरवाने से पहले वाहन का इंजन बन्द रखें।	1. वाहन का इंजन तब तक स्टार्ट न करें जब तक वाहन के टैंक से नोजुल अलग न हो जायें।
2. मोबाइल फोन बन्द रखें।	2. धुम्रपान न करें।
3. सुनिश्चित कर लें कि डिस्पेन्सर के पास अग्निशमन यंत्र रखे हुए हैं।	3. खुली आग का प्रयोग न करें।
4. तेल रिसाव/आग की स्थिति में डिस्पेन्सर का इमरजेन्सी स्टाप बटन दबायें।	4. लारी से टैंक में तेल भरते समय वाहनों में तेल न भरें।

उपरोक्त ढांचागत सुरक्षा व्यवस्था एवं प्रस्तावित अग्निशमन व्यवस्था को दृष्टिगत रखते हुए पेट्रोलियम एक्ट, 1934 व पेट्रोलियम नियम, 2002 एवं P.E.S.O विभाग द्वारा निर्गत आदेशों का अनुपालन किये जाने की शर्तों के अधीन उल्लिखित नियमों का कड़ाई से पालन किये जाने तथा सम्पूर्ण निर्माण हो जाने के उपरान्त उपयोग से पहले पुनः


 (अध्यक्ष/अधीक्षक) (शिकारपुर)
 बुलन्दशहर

निरीक्षण कराकर स्थायी अनापत्ति प्रमाण-पत्र प्राप्त किया जायेगा अन्यथा निर्गत प्रोविजनल हेतु आख्या स्वतः ही निरस्त समझी जायेगी तथा अन्त में उपरोक्त शर्तों के अनुसार हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड के द्वारा भूमि गाटा संख्या 923 स्थित ग्राम-पहासू (पहासू शिकारपुर रोड) (ओ.डी.आर.-एल.एस.एच.) (कि.मी. स्टोन नं० 01, सी.एच.-00.775) तहसील-शिकारपुर, थाना-पहासू, जनपद-बुलन्दशहर में एच.एस.डी.(डीजल) व एम.एस.(पेट्रोल) के अण्डरग्राउन्ड भण्डारण क्षमता का एक नवीन रिटेल आउटलेट स्थापित किये जाने हेतु अग्नि सुरक्षा विषयक आख्या संस्तुति सहित प्रेषित की है। साइट प्लान मुख्य अग्निशमन अधिकारी बुलन्दशहर द्वारा अनुमोदित है।

(5) अधिशासी अभियन्ता, निर्माण खण्ड, लोक निर्माण विभाग, खुर्जा द्वारा मुख्य अभियन्ता, मेरठ क्षेत्र, लो०नि०वि०, मेरठ द्वारा अनापत्ति प्रमाण-पत्र प्रदान करने हेतु प्रदान की गई स्वीकृति के क्रम में अपने पत्रांक 1443/14सी दिनांक 23-07-2020 के द्वारा निम्नलिखित शर्तों के साथ अनापत्ति प्रमाण-पत्र निर्गत करते हुए साइट प्लान प्रमाणित किया गया है :-

1. मै० हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड (भारत सरकार का उपक्रम) द्वारा उत्तर प्रदेश रोड साइड लैण्ड कन्ट्रोल एक्ट के अन्तर्गत जनपद बुलन्दशहर में पहासू-शिकारपुर मार्ग (अन्य जिला मार्ग) के कि०मी०-01 चैनेज 0.775 में स्थित पहासू थाना पहासू तहसील-शिकारपुर, जनपद-बुलन्दशहर में भूमि गाटा सं० 923 पर एक नवीन रिटेल आउटलेट मार्ग के बायीं ओर सड़क के मध्य से 55.00 फीट की दूरी के उपरान्त स्थापित किया जायेगा।
2. मै० हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा प्रस्तावित पेट्रोल पम्प की स्थापना संलग्न एनेक्सर-1/2/3 में वर्णित शर्तों का पालन करते हुए करेगी। उनके द्वारा यदि एनेक्सर 1/2/3 में वर्णित कोई भी शर्तों का उल्लंघन किया जाता है तो यह अनुमति स्वतः निरस्त समझी जायेगी।
3. बफर स्ट्रिप का निर्माण आई.आर.सी. मानक के अनुसार कम से कम 3.00 मीटर चौड़ाई एवं 12 मीटर लम्बाई में होनी चाहिए।
4. रिटेल आउटलेट के पहुंच मार्ग में 150 एम.एम. जी.एस.बी., 250 डब्लू.एम.एम., 50 एम.एम. डी.बी.एम. व 30 एम.एम. बी.सी. का न्यूनतम पेवमेंट कम्पोजीशन होना चाहिए।
5. रिटेल आउटलेट के पहुंच मार्ग में स्लैब कलवर्ट बनायी जायेगी जिसमें लोहे की ग्रेटिंग की ओपनिंग होगी, ताकि रिटेल आउटलेट एवं पहुंच मार्गों पर आने वाला वर्षा का पानी पुलियों के द्वारा डिस्पोजल किया जा सके।
6. मार्ग की 300 मीटर की दूरी पर कोई अन्य रिटेल आउटलेट नहीं होना चाहिए।
7. रिटेल आउटलेट के प्लॉट का साइज 36 x 36 मीटर से कम नहीं होना चाहिए।
8. रिटेल आउटलेट पेंटेड एरिया का लेबिल सड़क के पेंटेड सतह के मध्य लेबिल से 0.30 मीटर नीचे होना चाहिए।
9. रिटेल आउटलेट एवं नाली का निर्माण मार्ग की स्थायी भूमि, आर.ओ.डब्लू. एवं बिल्डिंग लाइन के बाहर होना चाहिए तथा निर्माण सामग्री इसकी सीमा में एकत्रित न की जाये।
10. रिटेल आउटलेट स्थापित करने में शासन के पत्रांक 1882/23-12-19-1365/17टीसी दिनांक 04-12-2019 द्वारा जारी नियमावली, 2019 में दिये निर्देशों का पालन अनिवार्यतः किया जायेगा।
11. भूमि के स्वामित्व का सत्यापन राजस्व विभाग से होना चाहिए। इस संबंध में लोक निर्माण विभाग का कोई उत्तरदायित्व नहीं होगा।
12. यदि निर्माण स्थल भूमि पर न्यायालय में कोई वाद विचाराधीन है तो ऐसी दशा में अनापत्ति प्रमाण-पत्र स्वतः निरस्त समझा जायेगा।
13. मानचित्र में दर्शाये गये प्लान से निर्माण भिन्न होने की स्थिति में एवं उल्लिखित किन्हीं भी शर्तों का पालन न होने की स्थिति में अनापत्ति प्रमाण-पत्र स्वतः ही निरस्त समझा जायेगा। सड़क परिवहन एवं राज्य मार्ग मंत्रालय तथा लोक निर्माण विभाग के समस्त निर्देशों का पालन करना अनिवार्य होगा।
14. इस प्रकार की कोई भी स्थायी अथवा अस्थायी संरचना नहीं की जायेगी, जो सुलभ यातायात में बाधित हो अथवा दुर्घटना का कारण बने।
15. रिटेल आउटलेट के पहुंच मार्ग का रख-रखाव मै० हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड के डीलर द्वारा स्वयं के व्यय पर करना होगा।
16. पेट्रोल पम्प पर स्वच्छ पीने का पानी एवं टॉयलेट की व्यवस्था किया जाना अनिवार्य होगा।


प्रभारी अधिकारी (सख)

17. एनेक्सचर-3 के बिन्दु-4/14 में वर्णित शर्त के अनुसार एकमुश्त दो लाख रुपये अधिशासी अभियन्ता, निर्माण खण्ड, लो0नि0वि0, खुर्जा के खाते में पेट्रोल पम्प की स्थापना से पूर्व जमा करेगी। उपरोक्त धनराशि जमा किये बगैर कोई भी कार्य कराया जाना अवैध होगा।

(6) सचिव, खुर्जा विकास प्राधिकरण, खुर्जा द्वारा प्रेषित आख्या पत्रांक 2569/खु0वि0प्रा0/2022-23 दिनांक 25-01-2023 के अनुसार नियोजन अनुभाग की आख्या के अनुसार प्रश्नगत स्थल प्रस्तुत मानचित्र के अनुसार वर्तमान में खुर्जा विकास प्राधिकरण के विकास क्षेत्र के अन्तर्गत नहीं है। उक्त क्षेत्र को सम्मिलित किये जाने का प्रस्ताव शासन में विचाराधीन है। उक्त के संबध में शासकीय अनुमोदन के उपरान्त निर्माण किये जाने की स्थिति में नियमानुसार प्राधिकरण से मानचित्र स्वीकृत कराना होगा।

(7) प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, बुलन्दशहर द्वारा अपने पत्रांक 3024/14-1 बु0शहर दिनांक 11 फरवरी, 2020 के द्वारा आवेदक/मैसर्स हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लि0 आगरा को भूमि गाटा संख्या 923 स्थित ग्राम-पहासू तहसील-शिकारपुर, जनपद-बुलन्दशहर में पहासू-शिकारपुर मार्ग कि0मी0 1 की बांयी पटरी के किनारे निजी भूमि पर रिटेल आउटलेट स्थापित करने हेतु अनापत्ति साइट प्लान प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, बुलन्दशहर द्वारा हस्ताक्षरित करते हुए निम्न शर्तों एवं प्रतिबन्धों के तहत प्रदान की है :

(1) हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा भूमि गाटा संख्या 923 ग्राम-पहासू तहसील-शिकारपुर, जनपद-बुलन्दशहर में स्थापित किये जा रहे रिटेल आउटलेट से वाहनों के आवागमन हेतु प्रस्तावित मार्ग पटरी की भूमि का उपयोग करने के संबध में यदि मा0उच्चतम न्यायालय/विभागीय उच्च स्तर द्वारा कोई निर्देश निर्गत किये जाते हैं तो वे प्रस्तावक फर्म/प्रतिष्ठान को मान्य होंगे। प्रस्तावक फर्म/प्रतिष्ठान के स्वामी को इस आशय का फोटोयुक्त शपथ-पत्र प्रस्तुत करना होगा।

(2) आउटलेट के सामने मार्ग पटरी की भूमि पर खड़े किसी भी वृक्ष का कटान सक्षम अधिकारी की अनुमति प्राप्त किये बिना किया जाना वर्जित होगा।

(8) क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर द्वारा अपनी आख्या पत्रांक 2087/एनओसी-1313/19 दिनांक 31-10-2019 के अनुसार प्रस्तावित स्थल पर रिटेल आउटलेट पम्प की स्थापना हेतु पर्यावरणीय प्रदूषण के दृष्टिकोण से कार्यालय के पत्रांक 70035/यू.पी.पी.सी.बी./बुलन्दशहर(यू.पी.पी.सी.बी.आर.ओ.)सी.टी.ई./बुलन्दशहर/2019 दिनांक 23-10-2019 द्वारा सशर्त अनापत्ति प्रमाण-पत्र निम्नानुसार निर्गत किया गया है :-

1. Consent to Establish is being issued for following specific details:

A. Site along with geo-coordinates : 28.175192 78.068539

B. Main Raw Material :

Main Raw Material Details		
Name of Raw Material	Raw Material Unit Name	Raw Material Quantity
MS AND HSD LUBRICANT	Metric Tonnes/Day	10000

C. Product with capacity :

Product Detail	
Name of Product	Product Quantity
MS AND HSD LUBRICANT	20

D. By-Product if any with capacity:

By Product Detail			
Name of by Product	Unit Name	Licence Product Capacity	Install Product Capacity
MS AND HSD LUBRICANT	Numbers/Day	900	900

2. Water Requirement (in KLD) and its Source:

Source of Water Details		
Source Type	Name of Source	Quantity (KL/D)

3. Quantity of effluent (In KLD):

Effluent Details	
Source Consumption	Quantity (KL/D)

4. Fuel used in the equipment/machinery Name and Quantity (per day):

Fuel Consumption Details		
Fuel	Consumption (tpd/kld)	Use

5. For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again, No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

2. You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.

3. Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plan/Air Pollution control System shall be submitted by the industry till 21/10/2020 to the Board.

4. Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air(Prevention and control of Pollution) Act, 1981 from the Board

5. It is mandatory to submit Air and Water consent Application, complete in all respect, four months before start of operation, to the U.P. Pollution Control Board

6. Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 may be initiated against the industry With out any prior information, in case of non compliance of above conditions.

Specific Conditions :

Retail Outlet should ensure strictly compliance of all terms & conditions with CTE and compliance report submitted within one month time.

1. This CTE valid for storage & distribution M.S.(Patrol)- 22 KL, M.S.Power-(Petrol)-16 KL & HSD(Diesel)- 35 KL. only.
2. This CTE only valid for dischrge of domestic effluent only.
3. Domestic effluent shall be treated property/discharged through septic tank in soak pit.
4. Retail outlet shall insure the proper/sufficient plantation of your Retail outlet campus for the improvement of environment nearby area and submit the compliance report within three month.
5. Retail outlet shall insure the installation of Rain Water Harvesting system on your Retail Outlet campus and submit the compliance report within three months.
6. Retail outlet should comply all the directions of M/s Hidustan Petroleum Corporation Ltd.
7. Retail outlet should comply all the directions and expressive and fire department.
8. Land conversion certificate should be submit within three month If same shall not be submitted within three month hence CTE will be deemed cancelled.
9. The Retail outlet shall comply with various provisions of Air (Prevention and Control of Pollution)Act, 1981 as amended, Water (Prevention and Control of Pollution) Act,1974 as amended and all other applicable rules notified under E.P. Act, 1986.

Please note that consent to Establish will be revoked, in case of, non compliance to any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 23/11/2019 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

क्षेत्रीय अधिकारी, उ०प्र०प्रदूषण नियंत्रण बोर्ड बुलन्दशहर के पत्रांक 1051/एन.ओ.सी.-1313/22 दिनांक 16-12-2022 के अनुसार आवेदक द्वारा अपने पत्र दिनांक 15-12-2022 के द्वारा स्थापनार्थ सहमति की वैधता अवधि बढ़ाये जाने के क्रम में आवेदक से प्राप्त अभिलेखों के दृष्टिगत आवेदक/इकाई को जारी स्थापनार्थ सहमति आदेश दिनांक 23-10-2019 की वैधता अवधि दिनांक 19-10-2025 तक की अवधि के लिए आदेश दिनांक 23-10-2019 में अधिरोपित विशिष्ट एवं सामान्य समस्त शर्तें यथावत रखते हुए बढ़ाई गई है।

(9) सहायक निदेशक विद्युत सुरक्षा, उत्तर प्रदेश शासन, बुलन्दशहर जोन, बुलन्दशहर के पत्रांक 2343वि०सु०नि०/ बुलन्दशहर जोन/नियम-79-82/निरी० दिनांक 02-03-2023 के द्वारा प्रेषित आख्या के अनुसार प्रस्तावित स्थल (भूमि गाटा संख्या 923 स्थित ग्राम-पहासू, पहासू-शिकारपुर रोड, तहसील-शिकारपुर, जिला-बुलन्दशहर) एवं उसके आस-पास से बिजली की ओवरहेड लाईन नहीं गुजर रही है अतः प्रस्तावित स्थल को पेट्रोल पम्प के

प्रयोजन हेतु प्रयोग किये जाने में विद्युत सुरक्षा कार्यालय को कोई आपत्ति नहीं है तथा अन्त में उल्लेख किया है कि यह अनुमति निम्नलिखित शर्तों के अधीन होगी :-

1. किसी भी ओवरहेड लाईन एवं निर्मित की जाने वाली बिल्डिंग/स्ट्रक्चर के मध्य क्षैतिज मुक्तान्तर (Horizontal Clearance) कम-से-कम 02 मीटर अनुरक्षित रखा जायेगा।
2. किसी भी उच्च विभव ओवरहेड लाईन में न्यूनतम ऊंचाई मानक के अनुरूप कम-से-कम-6.1 मीटर अनुरक्षित रखी जायेगी और लाईन में गार्डिंग हेतु व्यवस्था करवायी जायेगी।
3. निर्मित की जाने वाली बिल्डिंग/स्ट्रक्चर का निर्माण किसी भी दशा में ओवरहेड लाईन के नीचे नहीं किया जायेगा।

पंजीकृत किरायानामा मुद्दत 30 वर्ष दिनांकित 21-07-2018 के अनुसार नवीन रिटेल आउटलेट के लिए प्रस्तावित भूमि गाटा संख्या 923 में से 1406 वर्ग मीटर भूमि उसके स्वामी श्री सुशील कुमार सिंह पुत्र श्री भाग सिंह, निवासी ग्राम बराल, तहसील व जनपद बुलन्दशहर ने श्री मनीष कुमार पुत्र श्री रमेशचन्द, निवासी ग्राम हाजीपुर भटौला, तहसील व जिला बुलन्दशहर, जो प्रस्तावित नवीन रिटेल आउटलेट के लिए आवेदक/कम्पनी द्वारा अधिकृत डीलर हैं, को 30 वर्ष की अवधि के लिए पेट्रोल पम्प के उपयोग हेतु किराये पर दी है। उपरोक्त भूमि न्यायालय उपजिलाधिकारी शिकारपुर द्वारा वाद संख्या 4630/2022(कम्यूटरीकृत वाद संख्या टी202211170604630) सुशील कुमार बनाम सरकार, अन्तर्गत धारा 80 उ0प्र0राजस्व संहिता, 2006 में पारित आदेश दिनांक 24-11-2022 के अनुसार उत्तर प्रदेश राजस्व संहिता, 2006 की धारा-80(2) के अन्तर्गत लगानी पर्ता से मुक्त करते हुए कृषि भूमि से अकृषक भूमि घोषित किया गया है।

उपरोक्त सभी विभागों से प्राप्त अनापत्ति से सम्बन्धित आख्याओं में वर्णित प्रतिबन्धों के साथ-साथ उपरोक्त नवीन रिटेल आउटलेट की स्थापना हेतु निम्न प्रतिबन्धों के अधीन अनापत्ति प्रमाण-पत्र निर्गत किया जाता है :-

- (1) समय-समय पर संबंधित विभागीय अधिकारी अपने मानकों के अनुसार रिटेल आउटलेट का निरीक्षण कर सुनिश्चित करेंगे कि रिटेल आउटलेट का संचालन संबंधित विभागों द्वारा दी गई शर्तों एवं प्रतिबन्धों का अनुपालन करते हुए संचालित किया जा रहा है।
- (2) साइट प्लान में प्रदर्शित भण्डारण स्थल को बिना अनुमति के किसी भी दशा में नहीं बदला जायेगा।
- (3) आवेदक कम्पनी/अधिकृत डीलर द्वारा संबंधित विभागों द्वारा निर्धारित उपरोक्त किसी भी शर्त का अनुपालन न करने की दशा में अनापत्ति स्वतः निरस्त समझी जायेगी।
- (4) प्रस्तावित स्थल पर निर्माण कार्य कराने से पूर्व सहायक निदेशक, विद्युत सुरक्षा, उ0प्र0शासन, बुलन्दशहर जोन, बुलन्दशहर द्वारा निर्दिष्ट शर्तों/प्रतिबन्धों का पालन करना अनिवार्य है।
- (5) प्रतिष्ठान में उत्पन्न किसी भी जोखिम के लिए स्वामित्वधारी/प्रबन्धन जिम्मेदार होगा।

संलग्नक : उपरोक्तानुसार मानचित्र।



(चन्द्र प्रकाश सिंह)
जिला मजिस्ट्रेट, बुलन्दशहर।

पृष्ठांकन संख्या : ()/प्रधान सहायक-शस्त्र तद्दिनांक :-
प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. मुख्य विस्फोटक नियंत्रक, मध्यांचल 63/4, संजय पैलेस, केन्द्रालय, आगरा-282 002
2. वरिष्ठ पुलिस अधीक्षक, बुलन्दशहर।
3. सचिव, बुलन्दशहर विकास प्राधिकरण, बुलन्दशहर।
4. उप जिलाधिकारी शिकारपुर।
5. जिला पूर्ति अधिकारी, बुलन्दशहर।
6. मुख्य अग्निशमन अधिकारी, बुलन्दशहर।
7. अधिशासी अभियन्ता, निर्माण खण्ड, लोक निर्माण विभाग, खुर्जा (बुलन्दशहर)
8. प्रभागीय निदेशक, सामाजिक वानिकी प्रसार, बुलन्दशहर।
9. क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर।
10. सहायक निदेशक विद्युत सुरक्षा, उ0प्र0 शासन, बुलन्दशहर जोन, शिवपुरी, बुलन्दशहर।

जिला मजिस्ट्रेट,
बुलन्दशहर।

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UTTAR PRADESH POLLUTION CONTROL BOARD

Validity Period :23/10/2019 To 22/10/2020

Ref No. - 70035/UPPCB/Bulandshahar(UPPCBRO)/CTE/BULAND SHAHAR/2019 Dated:- 23/10/2019

To ,

Shri MANISH KUMAR

M/s SHRI SAI FUEL FILLING STATION

VILLAGE PAHASU TEHSIL SHIKARPUR DISTT BULANDSHAHR, BULAND

SHAHAR, 203396

BULAND SHAHAR

Sub : Consent to Establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and control of pollution) Act, 1974 as amended and Air (Prevention and control of Pollution) Act, 1981 as amended.

Please refer to your Application Form No.- 6265469 dated - 15/10/2019. After examining the application with respect to pollution angle, Consent to Establish (CTE) is granted subject to the compliance of following conditions :

1. Consent to Establish is being issued for following specific details :

A- Site along with geo-coordinates : 28.175192 78.068539

B- Main Raw Material :

Main Raw Material Details		
Name of Raw Material	Raw Material Unit Name	Raw Material Quantity
MS AND HSD LUBRICANT	Metric Tonnes/Day	10000

C- Product with capacity :

Product Detail	
Name of Product	Product Quantity
MS AND HSD LUBRICANT	20

D- By-Product if any with capacity :

By Product Detail			
Name of By Product	Unit Name	Licence Product Capacity	Install Product Capacity
MS AND HSD LUBRICANT	Numbers/Day	900	900

2. Water Requirement (in KLD) and its Source :

Source of Water Details		
Source Type	Name of Source	Quantity (KL/D)

3. Quantity of effluent (In KLD) :

Effluent Details	
Source Consumption	Quantity (KL/D)

4. Fuel used in the equipment/machinery Name and Quantity (per day) :

Fuel	Fuel Consumption Details	
	Consumption(tpd/kld)	Use

5. For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.
 For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.
2. You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.
3. Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plant /Air Pollution control System shall be submitted by the industry till 22/10/2020 to the Board.
4. Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and control of Pollution) Act, 1981 from the Board.
5. It is mandatory to submit Air and Water consent Application, complete in all respect, four months before start of operation, to the U.P. Pollution Control Board.
6. Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 may be initiated against the industry With out any prior information, in case of non compliance of above conditions.

Specific Conditions:

Retail Outlet should ensure strictly compliance of all terms & conditions with CTE and compliance report submitted within one month time.

1. This CTE valid for storage & distribution M.S.-(Petrol)-22 KL, M.S. Power-(Petrol)-16 KL & H.S.D.(Diesel)-35 KL only.
2. This CTE only valid for discharge of domestic effluent only.
3. Domestic effluent shall be treated properly/discharged through septic tank in soak pit.
4. Retail Outlet shall insure the proper/sufficient plantation of your Retail Outlet campus for the improvement of environment nearby area and submit the compliance report within three month.
5. Retail Outlet shall insure the installation of Rain Water Harvesting system on your Retail Outlet campus and submit the compliance report within three months.
6. Retail Outlet should comply all the directions of M/s Hindustan Petroleum Corporation Ltd.
7. Retail Outlet should comply all the directions of expressive and fire department.
8. Land conversion certificate should be submit within three month. If same shall not be submitted within three month hence CTE will be deemed cancelled.
9. The Retail Outlet shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.

Please note that consent to Establish will be revoked, in case of, non compliance of any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 23/11/2019 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

GOVIND SHANKAR SRIVASTAV Digitally signed by GOVIND SHANKAR SRIVASTAV Date: 2019.10.23 18:08:52 +05'30'

Dated:- 23/10/2019

Copy To -

Chief Environment Officer (C-4), U.P. Pollution Control Board,
Lucknow (U.P.)

GOVIND SHANKAR SRIVASTAV Digitally signed by GOVIND SHANKAR SRIVASTAV Date: 2019.10.23 18:09:26 +05'30'

प्ररूप XIV
(प्रथम अनुसूची का अनुच्छेद 5 देखिए)
FORM XIV
(see Article 5 of the First Schedule)

मोटर वाहनों में ईंधन डालने के लिए पम्प आउटफिट के संबंध में टैंक या टैंकों में पेट्रोलियम भंडारकरण के लिए अनुज्ञप्ति
LICENCE TO STORE PETROLEUM IN TANK/S IN CONNECTION WITH PUMP OUTFIT FOR FUELING MOTOR
CONVEYANCES

अनुज्ञप्ति सं. (Licence No.) : P/CC/UP/14/13297(P453488)

फीस रूपए (Fee Rs.) 10000/- per year

पेट्रोलियम अधिनियम, 1934 के उपबंधों और उसके अधीन बनाए गए नियमों तथा इस अनुज्ञप्ति की अतिरिक्त शर्तों के अधीन रहते हुए 22.00 KL of Petroleum class A and 35.00 KL of Petroleum class B को टैंक/टैंकों में भण्डारकरण मात्र के लिए M/s. Hindustan Petroleum Corporation Limited, 85/4, ISPAT BHAWAN, 3RD FLOOR, SANJAY PLACE, AGRA, SAME, Agra, Agra, Taluka: Agra, District: AGRA, State: Uttar Pradesh, PIN: 282002 को नीचे वर्णित अनुज्ञप्त परिसरों में जो कि इससे उपबद्ध नक्शा संख्या P/CC/UP/14/13297(P453488) तारीख 06/04/2023 में दिखाया गया है, के लिए विधिमान्य अनुज्ञप्ति अनुदत्त की जाती है।

Licence is hereby granted to M/s. Hindustan Petroleum Corporation Limited, 85/4, ISPAT BHAWAN, 3RD FLOOR, SANJAY PLACE, AGRA, SAME, Agra, Agra, Taluka: Agra, District: AGRA, State: Uttar Pradesh, PIN: 282002 valid only for the storage of 22.00 KL of Petroleum class A and 35.00 KL of Petroleum class B in tank/s in the licensed premises described below and shown on the plan no: P/CC/UP/14/13297(P453488) dated 06/04/2023 attached hereto subject to the provisions of the Petroleum Act, 1934 and the rule made thereunder and to the further conditions of this Licence.

यह अनुज्ञप्ति 31st day of December 2026 तक विधिमान्य रहेगी।

The Licence shall remain in force till the 31st day of December 2026

April 6, 2023

Jt. Chief Controller of Explosives
CC, Agra

अनुज्ञप्त परिसरों का विवरण और अवस्थान
DESCRIPTION AND LOCATION OF THE LICENSED PREMISES

अनुज्ञप्त परिसर जिसकी सीमाएं संलग्न नक्शे में दिखाई गई हैं Khasra No: 923, Village-Pahasu, Pahasu TO Shikarpur road, Pahasu, Khurja, Taluka: Shikarpur, District: BULANDBAHAR, State: Uttar Pradesh, PIN: 203396 में स्थित हैं और उसमें निम्नलिखित सम्मिलित हैं:

The licensed premises, the boundaries of which are shown in the attached plan, are situated at Khasra No: 923, Village-Pahasu, Pahasu TO Shikarpur road, Pahasu, Khurja, Taluka: Shikarpur, District: BULANDBAHAR, State: Uttar Pradesh, PIN: 203396 and consist of:

- क पेट्रोलियम वर्ग क परिसर के लिए 22.00 किलोलिटर क्षमता के/क्रमशः 1 क्षमता के भूमिगत गैस टाइट टैंक जो विद्युतचालित/हस्तचालित 1 डिस्पेंसिंग पम्पों से जुड़े हुए हैं।
- a 1 number(s) underground gas tight tanks of capacity 22.00 kilolitres respectively of petroleum Class A connected with 1 number(s) electrically/manually operated dispensing pump(s)
- ख पेट्रोलियम वर्ग ख/ग परिसर के लिए 35.00 किलोलिटर क्षमता के/क्रमशः 1 क्षमता के भूमिगत गैस टाइट टैंक, जो विद्युतचालित/हस्तचालित 1 डिस्पेंसिंग पम्पों से जुड़े हुए हैं।
- b 1 number(s) underground gas tight tanks of capacity 35.00 kilolitres respectively of petroleum Class B connected with 1 number(s) electrically/manually operated dispensing pump(s).
- ग एक विक्रय कक्ष/कियोस्क
- c A sales room/kiosk
- घ सर्विस सम्बन्धी सुविधाएं जिनमें Lube room, Electric room, Sample room, Sales room, change room, Toilets etc. सम्मिलित हैं।
- d Servicing facilities consisting of Lube room, Electric room, Sample room, Sales room, change room, Toilets etc. As per attached plan

Note: This is system generated document does not require physical signature.

अनुज्ञप्ति संख्या-(Licence No.) P/CC/UP/14/13297 (P453488)

नवीनीकरण के पृष्ठांकन के लिए स्थान
SPACE FOR ENDORSEMENT OF RENEWALS

पेट्रोलियम अधिनियम, १९३४ के उपबन्धों या नवीकरण की तारीख	समाप्ति की तारीख	अनुज्ञापन प्राधिकारी के हस्ताक्षर और
उनके अधीन बनाए गए नियमों या इस अनुज्ञप्ति	Date of	स्टाम्प
की शर्तों का उल्लंघन न होने की दशा में यह	Renewal	Signature and office stamp of the
अनुज्ञप्ति फ़िस में बिना किसी छूट के दस वर्ष	Expiry of license	licencing authority.
तक नवीकृत की जा सकेगी।		

This licence shall be renewable without any concession in fee for ten years in the absence of contravention of any provisions of the Petroleum Act, 1934 or of the rules framed thereunder or of any of the conditions of this licence.

यदि अनुज्ञप्ति परिसर इसमें उपाबद्ध विवरण और शर्तों के अनुरूप नहीं पाए जाते हैं और जिन नियमों और शर्तों के अधीन यह अनुज्ञप्ति मंजूर की गई है उनमें से किसी का उल्लंघन होने की दशा में यह अनुज्ञप्ति रद्द की जा सकती है और अनुज्ञप्तिधारी प्रथम अपराध के लिए साधारण कारावास से, जो एक मास तक हो सकता है, या जुर्माने से, जो एक हजार रुपये तक हो सकता है, या दोनों से, और प्रत्येक पश्चात्तवर्ती अपराध के लिए साधारण कारावास से जो तीन मास तक हो सकता है, या जुर्माने से, जो पांच हजार रुपये तक हो सकता है, या दोनों से, दण्डनीय होगा।

This licence is liable to be cancelled if the licensed premises are not found conforming to the description given on the approved plan attached hereto and contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may be extend to one month, or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months, or with fine which may extend to five thousand rupees or with both.

Note:-This is system generated document does not require physical signature.

प्रारूप-छ (संलग्नक-6)
अग्नि सुरक्षा प्रमाणपत्र (पूर्णता (कम्प्लीशन) अनापत्ति प्रमाणपत्र)

यूआईडी संख्या: UPFS/2023/102326/BLR/BULANDSHAHR/1736/DD

दिनांक: 12-12-2023

प्रमाणित किया जाता है कि मैसर्स **HAMARA PUMP SHREE SAI FILLING STATION PAHASU** (भवन/प्रतिष्ठान का नाम) पता **Khasra No.- 923, Village Pahasu, Shikarpur** तहसील - **Shikarpur**, प्लॉट एरिया **1296.504 sq.mt**, कुल कवर्ड एरिया **38.50** (वर्ग मीटर), ब्लॉकों की संख्या - **1** जिसमें

ब्लॉक/टावर	प्रत्येक ब्लॉक में तलों की संख्या	बेसमेन्ट की संख्या	ऊँचाई
A	1	0	03 55 mt.

है। भवन का अधिभोग मैसर्स **HAMARA PUMP SHREE SAI FILLING STATION PAHASU** द्वारा किया जा रहा है। इनके द्वारा भवन में अग्नि निवारण एवं अग्नि सुरक्षा व्यवस्थाएं, एन0बी0सी0 एवं तत्संबंधी भारतीय मानक ब्यूरो के आई0एस0 के अनुसार भवन में स्थापित करायी गयी व्यवस्थाओं का निरीक्षण द्वारा दिनांक **14-12-2023** को भवन स्वामी/भवन स्वामी के प्रतिनिधि श्री **Manish** के साथ किया गया। भवन में अधिस्थापित अग्नि सुरक्षा व्यवस्थाएं मानकों के अनुसार अधिस्थापित पायी गयी। अतः प्रश्रगत भवन को अग्नि सुरक्षा प्रमाणपत्र (फायर सेफ्टी सर्टिफिकेट) एन0बी0सी0 की अधिभोग श्रेणी **Mercantile** के अन्तर्गत वैधता तिथि **17-12-2023** से **16-12-2026** तक **3** वर्षों के लिए इस शर्त के साथ निर्गत किया जा रहा है कि भवन में नियमानुसार स्थापित सभी अग्निशमन व्यवस्थाओं का अनुरक्षण करते हुए क्रियाशील बनाये रखा जायेगा। भवन में स्थापित की गयी अग्निशमन व्यवस्थाओं में पायी गयी कमी के कारण किसी भी घटना के लिए मैसर्स **HAMARA PUMP SHREE SAI FILLING STATION PAHASU** अधिभोगी पूर्ण रूप से जिम्मेदार होगा/होगें। निर्गत अग्नि सुरक्षा प्रमाणपत्र का नवीनीकरण निर्धारित समयावधि के अन्दर न कराये जाने पर निर्गत अग्नि सुरक्षा प्रमाणपत्र स्वतः ही निरस्त मान लिया जायेगा, जिसके लिए मैसर्स **HAMARA PUMP SHREE SAI FILLING STATION PAHASU** अधिभोगी पूर्ण रूप से जिम्मेदार होगा/होगें।

Note : अग्निशमन अधिकारी /मुख्य अग्निशमन अधिकारी द्वारा प्रेषित स्थलीय भौतिक निरीक्षण संस्तुति आख्या के आधार पर petroleum rule के अनुसार अनापत्ति प्रमाण पत्र निर्गत किया जा रहा है अन्य विभाग यथा सत्ता प्राधिकारी अपने मानकों के अन्तर्गत निर्गत करें।

"यह प्रमाण-पत्र आपके द्वारा प्रस्तुत अभिलेखों, सूचनाओं के आधार पर निर्गत किया जा रहा है। इनके असत्य पाए जाने पर निर्गत प्रमाण-पत्र मान्य नहीं होगा। यह प्रमाण-पत्र अग्नि / भवन के स्वामित्व / अधिभोग को प्रमाणित नहीं करता है।"

हस्ताक्षर (निर्गमन अधिकारी)

(उप निदेशक)



Digitally Signed By
(Aman Sharma)

निर्गत किये जाने का दिनांक : 17-12-2023
स्थान : MEERUT

[A02698658740788D0DE1F7D7C6707A357F263D40]

17-12-2023



CENTRAL POLLUTION CONTROL BOARD

DELHI 110032

B-13011/1/2020-21/AQM

January 29, 2021

OFFICE MEMORANDUM


Sub: Clarification with regard to cut-off date for applicability of siting criteria referred in Guidelines for Setting Up of New Petrol Pumps dated 07.01.2020

This is in reference to guidelines issued by CPCB on 07.01.2020 for setting up of new petrol pumps indicating the siting criteria to be got implemented for new Retail Outlets.

References/cases have been received with regard to applicability of CPCB siting criteria dated 07.01.2020, in case of Retail Outlets where Letter of Intents (LoIs) have been issued or applications have been made for obtaining NOC or prior clearance/ initial approval has been obtained from PESO.

In this regard, it is clarified that the siting criteria for new Retail Outlets is to be complied with in cases where construction of Retail Outlets by Oil Marketing Companies commenced on or after 07.01.2020. In other words, the siting criteria will not apply to those cases where PESO prior clearance/ initial approval has been obtained and subsequently construction has been started by the OMC before 07.01.2020.

This is issued with the approval of Competent Authority.


(P. K. Gupta)
 Additional Director and Head
 AQM division

To:

1. All SPCBs/PCCs - *With a request to circulate to Commissioner of civil supplies or other similar authorities who look after issues related to fuel Retail Outlets at State level and District Collectors.*
 (As per list enclosed)
2. Ministry of Petroleum And Natural Gas
 Joint Secretary (Marketing)
 Ministry of Petroleum and Natural Gas, Govt. of India
 Shastri Bhavan,
 New Delhi – 110001

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ओरिजनल एप्लीकेशन नं०-1139/2024 जगवीर सिंह बनाम स्टेट ऑफ उ०प्र० में पारित आदेश के अनुपालन में मैसर्स साईं पयूल लिफिंग स्टेशन, खसरा नं०-923, ग्राम पहासू, पहासू-शिकारपुर रोड, जनपद बुलन्दशहर के सम्बन्ध में स्थलीय जाँच आख्या।

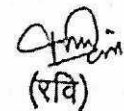
कृपया उपरोक्त विषयक उप जिलाधिकारी महोदय, शिकारपुर के निर्देशानुसार श्री रुना ओरान, वैज्ञानिक-ई, क्षेत्रीय कार्यालय, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, लखनऊ, श्री अक्षय दहिया, नायब तहसीलदार, श्री सतेन्द्र प्रताप सिंह, अवर अभियन्ता, उ०प्र० प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर के साथ संयुक्त निरीक्षण दिनांक 06.12.2024 को किया गया। निरीक्षण के समय उपरोक्त रिटेल आउटलेट से मापी गयी दूरी का विवरण निम्नलिखित है:-

1. रिटेल आउटलेट मैसर्स साईं पयूल लिफिंग स्टेशन, खसरा नं०-923, ग्राम पहासू, पहासू-शिकारपुर रोड, जनपद बुलन्दशहर से किमेशन ग्राउण्ड की दूरी 57.80 मीटर है।
2. रिटेल आउटलेट मैसर्स साईं पयूल लिफिंग स्टेशन, खसरा नं०-923, ग्राम पहासू, पहासू-शिकारपुर रोड, जनपद बुलन्दशहर में स्थापित बेन्ट पाइप से काली नदी की दूरी 115.20 मीटर है।
3. रिटेल आउटलेट मैसर्स साईं पयूल लिफिंग स्टेशन, खसरा नं०-923, ग्राम पहासू, पहासू-शिकारपुर रोड, जनपद बुलन्दशहर से मै० नव दुर्गा हॉस्पिटल (06) बेडड एवं मै० ग्लोबल आई केयर सेन्टर (नॉन बेडड) कमरा: 62.50 मीटर एवं 93.00 मीटर है।
4. रिटेल आउटलेट मैसर्स साईं पयूल लिफिंग स्टेशन, खसरा नं०-923, ग्राम पहासू, पहासू-शिकारपुर रोड, जनपद बुलन्दशहर से निकटतम आवासीय घर की दूरी 51.5 मीटर है।

उपरोक्त रिटेल आउटलेट पम्प (एचपीसीएल पेट्रोल पम्प) से मापी गई दूरियों को आख्या में समावेशित करते हुये आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।



(राहुल)
लेखपाल



(रवि)
लेखपाल(चक्रवर्ती)

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2368 of 2023

Petitioner :- Punit Sharma

Respondent :- The State Of U.P. And 5 Others

Counsel for Petitioner :- Rajesh Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Grievance of the petitioner is that petrol pump is being constructed near the burial ground, which is not permissible.

Learned State Counsel submits that from the petition, it appears that the petitioner is also running a petrol pump.

Be that as it may, let State Counsel may seek instructions and list this case on 6.11.2023.

Shri Prem Narayan Rai, learned counsel appearing for respondent No. 6 may also file counter.

If ultimately, it is found that the petitioner has filed this petition after suppressing the material facts and has misled the Court, exemplary costs be imposed upon him.

Order Date :- 11.10.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, CJ.)



UTTAR PRADESH POLLUTION CONTROL BOARD

Validity Period :23/10/2019 To 22/10/2020

Ref No. - 70035/UPPCB/Bulandshahar(UPPCBRO)/CTE/BULAND SHAHAR/2019 Dated:- 23/10/2019

To ,

Shri MANISH KUMAR
M/s SHRI SAI FUEL FILLING STATION
VILLAGE PAHASU TEHSIL SHIKARPUR DISTT BULANDSHAHR,BULAND
SHAHAR,203396
BULAND SHAHAR

Sub : Consent to Establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and control of pollution) Act, 1974 as amended and Air (Prevention and control of Pollution) Act, 1981 as amended.

Please refer to your Application Form No.- 6265469 dated - 15/10/2019. After examining the application with respect to pollution angle, Consent to Establish (CTE) is granted subject to the compliance of following conditions :

1. Consent to Establish is being issued for following specific details :

A- Site along with geo-coordinates : 28.175192 78.068539

B- Main Raw Material :

Main Raw Material Details		
Name of Raw Material	Raw Material Unit Name	Raw Material Quantity
MS AND HSD LUBRICANT	Metric Tonnes/Day	10000

C- Product with capacity :

Product Detail	
Name of Product	Product Quantity
MS AND HSD LUBRICANT	20

D- By-Product if any with capacity :

By Product Detail			
Name of By Product	Unit Name	Licence Product Capacity	Install Product Capacity
MS AND HSD LUBRICANT	Numbers/Day	900	900

2. Water Requirement (in KLD) and its Source :

Source of Water Details		
Source Type	Name of Source	Quantity (KL/D)

3. Quantity of effluent (In KLD) :

Effluent Details	
Source Consumption	Quantity (KL/D)

4. Fuel used in the equipment/machinery Name and Quantity (per day) :

Fuel Consumption Details		
Fuel	Consumption(tpd/kld)	Use

- 5 For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.
- For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.
2. You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.
3. Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plant /Air Pollution control System shall be submitted by the industry till 22/10/2020 to the Board.
4. Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and control of Pollution) Act, 1981 from the Board.
5. It is mandatory to submit Air and Water consent Application, complete in all respect, four months before start of operation, to the U.P. Pollution Control Board.
6. Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 may be initiated against the industry With out any prior information, in case of non compliance of above conditions.

Specific Conditions:

Retail Outlet should ensure strictly compliance of all terms & conditions with CTE and compliance report submitted within one month time.

1. This CTE valid for storage & distribution M.S.-(Petrol)-22 KL, M.S. Power-(Petrol)-16 KL & H.S.D.(Diesel)-35 KL only.
2. This CTE only valid for discharge of domestic effluent only.
3. Domestic effluent shall be treated properly/discharged through septic tank in soak pit.
4. Retail Outlet shall insure the proper/sufficient plantation of your Retail Outlet campus for the improvement of environment nearby area and submit the compliance report within three month.
5. Retail Outlet shall insure the installation of Rain Water Harvesting system on your Retail Outlet campus and submit the compliance report within three months.
6. Retail Outlet should comply all the directions of M/s Hindustan Petroleum Corporation Ltd.
7. Retail Outlet should comply all the directions of expressive and fire department.
8. Land conversion certificate should be submit within three month. If same shall not be submitted within three month hence CTE will be deemed cancelled.
9. The Retail Outlet shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.

Please note that consent to Establish will be revoked, in case of, non compliance of any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 23/11/2019 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

GOVIND
SHANKAR
SRIVASTAV

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GOVIND SHANKAR
SRIVASTAV
Date: 2019.10.23
18:08:52 +05'30'

Dated:- 23/10/2019

Copy To -

Chief Environment Officer (C-4), U.P. Pollution Control Board,
Lucknow (U.P.)

GOVIND
SHANKAR
SRIVASTAV

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GOVIND SHANKAR
SRIVASTAV
Date: 2019.10.23
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CENTRAL POLLUTION CONTROL BOARD

DELHI 110032

B-13011/1/2020-21/AQM

January 29, 2021

OFFICE MEMORANDUM

Sub: Clarification with regard to cut-off date for applicability of siting criteria referred in Guidelines for Setting Up of New Petrol Pumps dated 07.01.2020

This is in reference to guidelines issued by CPCB on 07.01.2020 for setting up of new petrol pumps indicating the siting criteria to be got implemented for new Retail Outlets.

References/cases have been received with regard to applicability of CPCB siting criteria dated 07.01.2020, in case of Retail Outlets where Letter of Intents (LoIs) have been issued or applications have been made for obtaining NOC or prior clearance/ initial approval has been obtained from PESO.

In this regard, it is clarified that the siting criteria for new Retail Outlets is to be complied with in cases where construction of Retail Outlets by Oil Marketing Companies commenced on or after 07.01.2020. In other words, the siting criteria will not apply to those cases where PESO prior clearance/ initial approval has been obtained and subsequently construction has been started by the OMC before 07.01.2020.

This is issued with the approval of Competent Authority.

(P. K. Gupta)

Additional Director and Head
AQM division

To:

1. All SPCBs/PCCs - *With a request to circulate to Commissioner of civil supplies or other similar authorities who look after issues related to fuel Retail Outlets at State level and District Collectors.*
(As per list enclosed)
2. Ministry of Petroleum And Natural Gas
Joint Secretary (Marketing)
Ministry of Petroleum and Natural Gas, Govt. of India
Shastri Bhavan,
New Delhi – 110001

3. Petroleum And Explosives Safety Organisation
Chief Controller of Explosives
Petroleum and Explosive Safety Organization (PESO)
A Block CGO Complex Fifth Floor Seminary Hills
Nagpur-(Maharashtra) -440006
4. The Chairman,
M/s. Bharat Petroleum Corporation Limited
Bharat Bhavan, 4 and 6 Currimbhoy Road
Ballard Estate, Mumbai 400 001
5. The Chairman,
M/s. Hindustan Petroleum Corporation Limited
Petroleum House, 17, Jamshedji Tata Road, Mumbai
Maharashtra 400020
6. The Chairman,
M/s. Indian Oil Corporation Limited
Indian Oil Bhawan, G9, Ali Yavar Jung Marg
Bandra East, Mumbai, Maharashtra 400 051
7. General Manager (International Trade),
Mangalore Refinery and Petrochemicals Limited,
Core - 8, 7th Floor,
Scope Complex, Lodhi Road,
New Delhi – 110003
8. The Chairman and Managing Director,
M/s. Shell India Pvt. Ltd.
Plot No. 7, Bangalore Hardware Park,
Devanahalli Industrial Park
Mahadeva Kodigehalli
Bangalore- 562 149, Karnataka.
9. The Chairman and Managing Director,
M/s Reliance Industries Limited,
Maker Chambers - IV
Nariman Point
Mumbai 400 021
10. Chairman
M/s. Nayara Energy Limited (Formerly Essar Oil Limited)
5th Floor, Jet Airways Godrej BKC,
Plot No. C-68, G Block
Bandra Kurla Complex, Bandra East
Mumbai- 450 051

Copy to:

1. Regional Director
Regional Directorate, Bhopal
Third Floor Sahkar Bhawan
North T T Nagar
Bhopal 462003
2. Regional Director
Regional Directorate Bengaluru
A-Block, Nisarga Bhavan,
1st and 2nd Floors, 7th D Cross,
Thimmaiah Road, Shivanagar,
Bengaluru-560079
3. Regional Director
Regional Directorate, Chennai
No. 76, Mount Salai,
Guindy, Chennai-600032
4. Regional Director
Regional Directorate Kolkata
South end Conclave Block-502, 5th and 6th Floor,
1582, Razidanga, Main Road,
Kolkata-700107
5. Regional Director
Regional Directorate, Lucknow
PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
6. Regional Director
Regional Directorate, Shillong
TUM-SIR. Lower Motinagar,
Near Fire Brigade H.Q., Shillong-793014
7. Regional Director
Regional Directorate, Vadodara
Parivesh Bhawan, Opp. Ward No. 10
VMC Office Subhanpura, Vadodara - 390 023
8. Regional Director
Regional Directorate, Pune
Row House No.1, Nisarg Vihar,
Balewadi, Pune -411045

List of SPCBs/ PCCs

1.	The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayavada-520010	2.	The Member Secretary Arunachal Pradesh State Pollution Control Board 'Paryavaran Bhavan', Yupla Road, Pappu Nallah, Naharlagun - 791110 Arunachal Pradesh
3.	The Member Secretary Assam State Pollution Control Board Bamunimaidan, Guwahati - 781021 Assam	4.	The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800023
5.	The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 Naya Raipur - 492 099 Chhattisgarh	6.	The Member Secretary Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa - 403511
7.	The Member Secretary Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar - 382043 Gujarat	8.	The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109 Haryana
9.	The Member Secretary Himachal Pradesh State Pollution Control Board Paryavaran Bhavan, Phase III, New Shimla - 171009 Himachal Pradesh	10.	The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu (J&K)
11.	The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi - 834004 Jharkhand	12.	The Member Secretary Karnataka State Pollution Control Board Parisara Bhavan, 4 th & 5 th floors Church Street, Bangalore - 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
15.	The Member Secretary Madhya Pradesh State Pollution Control Board Paryavaran Parisar, E-5 Arera Colony Bhopal - 462016 Madhya Pradesh	16.	The Member Secretary Manipur State Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex - 795004 Manipur
17.	The Member Secretary Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong - 793014 Meghalaya	18.	The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl Mizoram 796001
19.	The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland - 797112 Nagaland	20.	The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit -VIII, Bhubaneshwar - 751012 Odisha
21.	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001 Punjab	22.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri Jaipur - 302004 Rajasthan

23.	The Member Secretary Sikkim State Pollution Control Board State land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok., Sikkim	24.	The Member Secretary Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai – 600032, Tamil Nadu
25.	The Member Secretary Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad – 500 018 Telangana	26.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, West Tripura - 799 006 Tripura
27.	The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun – 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh State Pollution Control Board 3 rd floor, PICUP Bhavan, Vibhuti Khand, Gomti Nagar, Lucknow – 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board Paribesh Bhavan Building, No.10-A, Block –LA, Sector 3, Salt Lake City, Kolkata – 700 091, West Bengal	30.	The Member Secretary Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, Delhi-110006
31.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair – 744102	32.	The Member Secretary Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh
33.	Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman – 396220	34.	Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
35.	Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005		

REPORTABLE**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 421 OF 2022**

M/s Indian Oil Corporation Limited ...Appellant(s)
Versus
V.B.R. Menon & Others ...Respondent(s)

WITH**CIVIL APPEAL NO. 494 OF 2022****CIVIL APPEAL NO. 1695 OF 2022****CIVIL APPEAL NO. 2039 OF 2022****CIVIL APPEAL NO. 1758 OF 2022****CIVIL APPEAL NO. 1912 OF 2022****J U D G M E N T****J.B. PARDIWALA, J. :**

Since the issues raised in all the captioned appeals are the same and the challenge is also to the self same order passed by the National Green Tribunal, Southern Zone, Chennai, (for short, “NGT, Chennai”), those were

taken up for hearing analogously and are being disposed of by this common judgment and order.

2. For the sake of convenience, the Civil Appeal No. 2039 of 2022 is treated as the lead matter.

3. This appeal is filed by an oil marketing company viz. the Reliance BP Mobility Limited incorporated under the Companies Act, 2013 and is directed against the judgment and order dated 23.12.2021 passed by the NGT, Chennai in the Original Application No. 138 of 2020 (SZ) insofar as the impugned order directs the Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards to issue directions to make it mandatory to obtain Consent to Establish ("CTE") and the Consent to Operate ("CTO") for new retail petroleum outlets as well as the existing retail petroleum outlets.

FACTUAL MATRIX:

4. It appears from the materials on record that the respondent No. 2 herein Mr. V.B.R. Menon, a resident of Chennai, filed the Original Application No. 138 of 2020 (SZ) before the NGT, Chennai raising the issue in regard to the

non-installation of Vapour Recovery Systems (VRS) in the petroleum outlets by the oil marketing companies (OMCs). In the Original Application No. 138 of 2020, the applicant (respondent No. 2 herein) prayed for the following reliefs:-

“Reliefs:

A. Injunct the respondents 5 to 9 from commissioning and operating any new petroleum retail outlets in Tamil Nadu without installing Vapour Recovery Systems, Stage 1 and 2 in good working condition, pending disposal of this application and

B. Pass such further order or orders as may fit proper and necessary in the facts and circumstances of the case

Prayer

A. Direct the respondent oil marketing companies R-5 to R-9 to install and operate Vapour Recovery Systems, Stage 1 and 2, in good working condition before opening and commissioning of any new petroleum retail outlets in Tamil Nadu.

B. Direct the respondent oil marketing companies R-5 to R-9 to install and operate Vapour Recovery Systems Stage 1 and 2, in all the existing petroleum outlets in Tamil Nadu within a time schedule to be prescribed by this Hon’ble Tribunal for each city, town and rural area situated in Tamil Nadu.

C. Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.”

5. The basis for filing of the original application as aforesaid before the NGT, Chennai was the order passed by the Principal Bench of the NGT in the Original Application No. 147 of 2016 wherein the Principal Bench of the NGT issued directions to install Stage-I and Stage-II vapour recovery devices (VRD) at all fuel stations, distribution centers, terminals, railway loading/unloading facilities and airports in the National Capital Territory of Delhi. Vide order dated 28.09.2018 passed in the O.A. No. 147 of 2016 by the Principal Bench of the National Green Tribunal, the time line of installation of VRD was extended.

6. The NGT, Chennai adjudicated the O.A. No. 138 of 2020 (SZ) and disposed of the same vide order dated 23.12.2021 by issuing the following directions:-

“69. In the result, this application is disposed of as follows:-

i. We made it clear that all the Retail Petroleum Outlets which are located in cities having more than 10 Lakh population should have installed the VRS mechanism which are having turnover of more than 300 KL/Month and above, as insisted by the

Central Pollution Control Board in consultation with the Ministry of Petroleum and Natural Gas as per circular dated 12.12.2016. If any of the Retail Petroleum Outlets had not installed the same within the time frame fixed by the CPCB or extended by the Hon'ble Apex Court in this regard, then CPCB is directed to take appropriate action against those petroleum outlets/storage depot which have not complied with the same by imposing environmental compensation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).

ii. As regards the new petroleum outlets of Stage 1 and Stage 2 (having 100 KL/Month to 300 KL/Month) and for Stage 1A (Storage depots) are concerned, the same will have to be installed within the extended time fixed by the CPCB both by public sector undertaking and private sector undertaking and if there is any violation found, then they are directed to take appropriate action for such violation as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.147 of 2016 (Aditya N. Prasad & Ors. Vs. Union of India & Ors.).

iii. The Central Pollution Control Board (CPCB) as well as the State Pollution Control Boards are directed to issue direction under Section 5 of the Environment (Protection) Act, 1986 and Section 18 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to make it mandatory to obtain Consent to Establish and Consent to Operate for new petroleum outlets to be established in future

and even to those which are under the preparation of establishment, but not started construction as has been done by the State Pollution Control Board, Kerala and such a direction should be issued within a period of 3 (Three) months and till then, all the new Retail Petroleum Outlets are directed to apply for Consent to Establish and Consent to Operate before its establishment.

iv. We also direct all the existing Retail Petroleum Outlets irrespective of its turnover to obtain Consent to Operate for the existing outlets within a period of 6 (Six) Months. If it is not obtained, then the concerned State Pollution Control Board is directed to take appropriate action against such petrol pumps in accordance with law.

v. Considering the circumstances, parties are directed to bear their respective cost in the application.

vi. The Registry is directed to communicate this order to the Ministry of Environment, Forests & Climate Change (MoEF&CC), Central Pollution Control Board, New Delhi, Integrated Regional Office of the Central Pollution Control Board, Bangalore and Chennai, State Pollution Control Boards of Tamil Nadu, Kerala, Andhra Pradesh, Telangana, Karnataka and also to the Pollution Control Committee of Union Territory of Puducherry for their information and compliance of the direction.”

7. Being dissatisfied with the aforesaid directions issued by the NGT, Chennai, the appellant is here before this Court.

8. The other oil marketing companies (OMCs) before this Court seeking to challenge the very self same order passed by the NGT are : (1) M/s Indian Oil Corporation Limited, (2) M/s Hindustan Petroleum Corporation Limited; (3) M/s Bharat Petroleum Corporation Limited, (4) M/s Nayara Energy Limited, and (5) M/s Shell India Markets Private Ltd.

Submissions on behalf of the appellant:

9. At the outset, the learned counsel appearing on behalf of the appellant herein submitted that it does not seek to challenge the directions contained in para 69(i) and 69(ii) resply of the impugned order i.e. regarding the installation of the VRS/VRD. The learned counsel would like to confine his challenge only to the direction issued in para 69(iii) and para 69(iv) resply referred to above i.e. in regard to the Consent to Establish (CTE) and Consent to Operate (CTO).

10. The learned counsel submitted that the present appeal gives rise to three substantial questions of law which read thus:-

A. Whether the NGT can issue directions which are in the nature of legislative functions?

B. Whether the public sector and private sector OMCs and/or ROs (Retail Outlets) are required to obtain Consent to Establish and/or Consent to Operate for operation, establishment and carrying on the business of ROs?

C. Whether the NGT can impose requirement of obtaining an additional approval merely to provide for a regulating mechanism to supervise compliance of the existing guidelines issued by the CPCB?

11. The learned counsel submitted that the directions issued in para 69(iii) and 69(iv) respily of the impugned order are legislative in nature and therefore beyond the jurisdiction of the NGT. He would submit that the directions issued by the NGT, Chennai to the CPCB making it mandatory to obtain CTE and CTO for ROs would amount to enacting a law under the guise of judicial order. It was further submitted that there is no rational basis to

issue the directions making it mandatory for the ROs to obtain CTE and/or CTO. According to the learned counsel, the only basis for the NGT to issue such directions is to ensure proper regulatory mechanism and/or to secure compliance of the guidelines issued by the CPCB regarding installation of VRS, etc. It was also submitted that the impugned directions are directly in conflict with the object with which the reclassification of industries has been done by the CPCB. It was pointed out that the petroleum retail outlets fall within the green zone and for any industry falling within the green zone, it is not mandatory to obtain CTO and/or CTE. It was further submitted that the process of setting up of a RO requires obtaining of numerous approvals and the same takes a considerable period of time. For instance, even prior to the construction of ROs, the OMCs are required to obtain approvals from *inter alia* (1) Petroleum & Explosives Safety Organisation (PESO), (2) Town and Country Planning Officers, (3) National Highway Authority of India, (4) District/Divisional Forest

Officer/Regional Forest Officer, (5) approvals from the State Cabinet, etc. Furthermore, the OMCs are also required to obtain No-Objection Certificate from the concerned District Magistrate. Such NOC from the District Magistrate comprises of approvals from various authorities, such as – the fire department, Police Department, PWD, Health and Safety, concerned Municipality and/or any other authority that the District Magistrate may consider necessary. Thereafter, upon construction of the ROs, the OMCs are required to obtain final approvals from inter alia PESO, National Highway Authority of India, Legal Metrology Department Labour Department and the concerned Municipality. The timelines for some of the aforesaid approvals range over 120 to 240 days. In such circumstances, according to the learned counsel, by making it mandatory to obtain the CTO and CTE for setting up/operating a RO would cause lot of hardship and also delay the setting of ROs.

12. The learned counsel laid much stress on the fact that the CPCB its vide Office Memorandum dated 07.01.2020 had issued guidelines for setting up of new petroleum pumps in compliance of the order passed by the NGT dated 18.01.2019 in O.A. No. 86 of 2019 titled **Gyanprakash @ Pappu Singh v. GoI & Ors.** The guidelines are very exhaustive and they take care of the apprehension expressed by the NGT in its impugned order. Once these guidelines are scrupulously observed and followed, there is no need thereafter to obtain CTO and/or CTE.

13. In such circumstances referred to above, the learned counsel appearing for the appellant prayed that there being merit in his appeal, the same may be allowed and the directions issued in para 69(iii) and para 69(iv) of the impugned order passed by the NGT, Chennai be set aside.

Submissions on behalf of the respondent No. 2 – the original applicant before the NGT:

14. The learned counsel appearing for the respondent No. 2 (the original applicant) vehemently submitted that no error, not to speak of any error of law, could be said to have

been committed by the NGT in issuing the impugned directions. It was submitted that no interference is warranted at the hands of this Court in an appeal filed under Section 22 of the National Green Tribunal Act, 2010 (for short, 'the NGT Act'). According to the learned counsel, an appeal under Section 22 of the NGT Act is restricted to substantial questions of law. There is no substantial question of law involved in the present appeal. In such circumstances referred to above, the learned counsel prays that there being no merit in the present appeal, the same may be dismissed.

Submissions on behalf of the respondent No. 1- CPCB:

15. Mr. Tushar Mehta, the learned Solicitor General submitted that there was no need for the NGT to issue the impugned directions as contained in para 69(iii) and para 69(iv) resply, more particularly in view of the detailed guidelines issued by the CPCB vide the Office Memorandum dated 07.01.2020. According to Mr. Mehta, what is sought to be achieved by asking the ROs to obtain

CTE and/or CTO can very well be taken care of by ensuring that all the existing ROs and the ROs that may come up in future scrupulously abide by the guidelines issued by the CPCB. The CPCB has ensured that all the State Pollution Control Boards keep a very strong vigil on the ROs across the country so as to ensure that the guidelines issued by it are scrupulously followed. Even, according to Mr. Mehta, to ask all the existing ROs to obtain CTO is something very unreasonable. According to Mr. Mehta, the same requires a lot of paper work and is very time consuming.

16. Mr. Mehta would submit that it is highly debatable that the NGT could have directed the CPCB that it should in exercise of powers under Section 5 of the Environment (Protection) Act, 1986 (for short, 'the Act 1986') make it mandatory to obtain CTE and/or CTO.

17. Mr. Mehta in the last submitted that so far as directions contained in para 69(i) & 69(ii) respaly are concerned, the same shall be complied with in its true perspective and the State Pollution Control Boards shall

ensure due compliance of the same. He would submit that the CPCB shall also ensure that the guidelines issued by it referred to above are strictly adhered to by the all State Pollution Control Boards and, if there is any lapse at the end of any retail outlet, then necessary action shall be taken in accordance with law.

18. In such circumstances referred to above, Mr. Mehta prays that the directions contained in para 69(iii) and 69(iv) may be set aside or modified appropriately.

Analysis:

19. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is : (i) whether the NGT has the jurisdiction to direct the CPCB that it should in exercise of its powers under Section 5 of the Act 1986 make obtaining of the CTE and CTO resply mandatory for all the petroleum retail outlets across the country?

20. This Court, while issuing notice vide order dated 07.02.2022 in one of the connected appeals i.e. Civil Appeal 494 of 2022, observed thus:-

“Issue notice, returnable in six weeks.

Meanwhile, the directions issued vide impugned order of the National Green Tribunal dated 23.12.2021 shall remain stayed provided the petitioner complies with the directions issued by the Central Pollution Control Board (CPCB) dated 04.06.2021 prescribing fresh timeline for completion of installation of Vapor Recovery Devices (VRD).

Mr. Sanjay Kapur, learned counsel appearing for the appellant has stated that in terms of the said directions of CPCB dated 04.06.2021, Vapor Recovery Devices have already been installed in 50% retail outlets by December, 2021 in the specified category and the remaining timeline shall also be complied with.”

21. As the principal argument of all the learned counsel appearing for the respective oil marketing companies in the present litigation is in regard to the jurisdiction of the NGT to issue the impugned directions, it is necessary to first understand the entire scheme of the NGT Act.

Scheme of the NGT Act, 2010:

22. The preamble to the NGT Act reads as follows:-

“An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

AND WHEREAS India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1992, in which India participated, calling upon the States to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of population and other environmental damage;

AND WHEREAS in the judicial pronouncement in India, the right to healthy environment has been construed as a part of the right to life under article 21 of the Constitution.

AND WHEREAS it is considered expedient to implement the decisions taken at the aforesaid conference and to have a National Green Tribunal in view of the involvement of multi-disciplinary issues relating to the environment.”

23. The jurisdiction and powers of the NGT are to be found in Sections 14 to 20 respily. A close look at these provisions would show that the NGT has both original as

well as appellate jurisdiction. The range of powers that the NGT has include:-

- (i) the power to adjudicate upon civil cases where a substantial question relating to environment is involved (Section 14(1));
- (ii) the power to grant relief and compensation to the victims of pollution (Section 15(1)(a); and
- (iii) the power to order restitution of either property damaged or of the environment (Section 15(1)(b).

24. A person in whose favour the NGT passes an award or order, is entitled to two types of remedies, if the award or order or the decision of the NGT is not complied with. The first is a right to seek execution of the award under Section 25 and the second is to seek the prosecution of the offenders before a criminal court under Section 26.

25. Apart from the bar of jurisdiction of civil courts under Section 29, the NGT Act is also conferred the

overriding effect upon any other law under Section 33, which reads as follows:

“Section 33. Act to have overriding effect:—The provisions of this Act, shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

26. Sub-section (1) of Section 38 of the NGT Act repeals the following enactments:-

(i) The National Environment Tribunal Act, 1995

(ii) The National Environment Appellate Authority Act, 1997

27. Apart from repealing the above two enactments expressly under sub-section (1) of Section 38, the NGT Act also contains a provision in sub-Section (8) of Section 38 which deals with implied repeal. Sub-Section (8) of Section 38 reads as follows:-

“(8) The mention of the particular matters referred to in sub-sections (2) to (7) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.”

28. In so far as the execution of the orders of NGT are concerned, Section 25 confers two types of powers as noted below:-

(a) The power to execute the award by itself, as if the award is a decree of a civil court and

(b) The power to transmit the award to a civil court for its execution.

29. As stated earlier, the failure of any person to comply with the award of the NGT is also made punishable under Section 26, with imprisonment for a term that may extend to three years or with fine which may extend to ten crore rupees or with both. Section 27 makes every company and every person directly in charge of the affairs of the company liable to prosecution. Section 28 makes even the Government Departments liable to be prosecuted and punished. Such powers are not available for the Loss of Ecology Authority.

30. Though Sub-Section (2) of Section 26 makes offences under the AGT Act known cognizable, Section 30(1)(b) entitles any person who has given notice of not less than sixty days in the prescribed manner, of the alleged offences and of his intention to prosecute, to file a complaint before the competent court. Interestingly, Section 30(1)(b) does not even use the expression “aggrieved person”. It uses only an expression “any person”.

31. The 186th Report of the Law Commission, submitted in 2003, eventually paved the way for the enactment of the NGT Act. This can be seen from the relevant portion of the Statement of Objects and Reasons of the NGT Act which read as follows:-

“4. The National Environment Tribunal Act, 1995 was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment. However, the National Environment Tribunal, which had a very limited mandate, was not established. The

National Environment Appellate Authority Act, 1997 was enacted to establish the National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. The National Environment Appellate Authority has a limited workload because of the narrow scope of its jurisdiction.

5. Taking into account the large number of environmental cases pending in higher courts and the involvement of multidisciplinary issues in such cases, the Supreme Court requested the Law Commission of India to consider the need for constitution of specialised environmental courts. Pursuant to the same, the Law Commission has recommended the setting up of environmental courts having both original and appellate jurisdiction relating to environmental laws.

6. In view of the foregoing paragraphs, a need has been felt to establish a specialised tribunal to handle the multidisciplinary issues involved in environmental cases. Accordingly, it has been decided to enact a law to provide for the establishment of the National Green Tribunal for effective and expeditious disposal of civil cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment.”

32. From the 186th Report of the Law Commission and the salient features of the Act, the following could be deduced:

(1) The creation of the National Green Tribunal, was in pursuance of the repeated directions issued by this Court in at least four cases namely, M.C. Mehta v. Union of India [(1986) 2 SCC 176], Indian Council for Enviro Legal Action v. Union of India [(1996) 3 SCC 212], A.P. Pollution Control Board v. M.V. Nayudu [(1999) 2 SCC 718], A.P. Pollution Control Board v. M.V. Nayudu [(2001) 2 SCC 62].

(2) The object of creation of the National Green Tribunal was to provide, what could be called a one-stop-shop solution, for all types of issues such as Environmental clearances, settlement of disputes relating to environment, relief and compensation for victims of pollution and environmental damage, restitution of property, restitution of environment etc.

(3) The Tribunal was to have both original and Appellate jurisdiction, with enormous powers not only to execute its orders as decrees of civil courts, but also to punish those who fail to comply with its orders.

(4) The Tribunal was to collect a court fee and entertain claims preferred within a period of limitation.

33. Under the NGT Act, the Act 1986 was also amended. By Section 36 of the NGT Act, Section 5A was inserted in the Act 1986. Under this Section, any direction issued by the Central Government under Section 5, either for the closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of the supply of electricity or water or any other service, was made appealable to the National Green Tribunal.

34. The legal effect of Section 5A of the Act 1986, if juxtaposed in to Section 5 read with Section 3(3) will be:—

(1) that Central Government is competent to issue certain directions under Section 5;

(2) that the power under Section 5 can also be exercised by the Authority constituted under Section 3(3); and

(3) that the directions issued under Section 5, either by the Central Government itself or by the Authority constituted under Section 3(3) are amenable to the appellate jurisdiction of the National Green Tribunal.

35. We now proceed to consider whether the NGT has the power & jurisdiction to issue directions to the CPCB/its delegates to take all such measures if in a given case the NGT finds that such directions are necessary in the interest of justice.

36. Section 3 of the Act 1986 expressly empowers the Central Government or its delegate, as the case may be, to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government or its delegate with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2(a), Sections 3 and 5 respaly clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose.

37. We take notice of the fact that the Central Government has framed the National Green Tribunal (Practices and Procedures) Rules, 2011 (for short, 'the NGT Rules'). For our purpose, Rule 24 is important which reads thus:-

“Rule 24. Order and directions in certain cases.— The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice.”

38. The aforesaid Rule 24 fell for the consideration of this Court in ***Municipal Corporation of Greater Mumbai v. Ankita Sinha***, 2021 SCC OnLine SC 897. We quote the few relevant observations made by this Court in ***Ankita Sinha*** (supra) as regards the powers of the National Green Tribunal:-

“16.3 The said Rules make it clear that the NGT has been given wide discretionary powers to secure the ends of justice. This power is coupled with the duty to be exercised for achieving the objectives. The intention understandably being to preserve and protect the environment and the matters connected thereto.

16.4 By choosing to employ a phrase of wide import, i.e. secure the ends of justice, the

legislature has nudged towards a liberal interpretation. Securing justice is a term of wide amplitude and does not simply mean adjudicating disputes between two rival entities. It also encompasses inter alia, advancing causes of environmental rights, granting compensation to victims of calamities, creating schemes for giving effect to the environmental principles and even hauling up authorities for inaction, when need be.

16.5 Moreover, unlike the civil courts which cannot travel beyond the relief sought by the parties, the NGT is conferred with power of moulding any relief. The provisions show that the NGT is vested with the widest power to appropriate relief as may be justified in the facts and circumstances of the case, even though such relief may not be specifically prayed for by the parties.

21.6 ... The above would show that from the very inception, the role of the NGT was not simply adjudicatory in the nature of a lis but to perform equally vital roles which are preventative, ameliorative or remedial in 17 (1999) 2 SCC 718 nature. The functional capacity of the NGT was intended to leverage wide powers to do full justice in its environmental mandate.

IX. AUTHORITY WITH SELF-ACTIVATING CAPABILITY

25.1 Given the multifarious role envisaged for the NGT and the purposive interpretation which ought to be given to the statutory provisions, it would be fitting to regard the NGT as having the mechanism to set in motion all necessary functions within its domain and this, as would follow from the discussion below, should necessarily clothe it with

the authority to take suo motu cognizance of matters, for effective discharge of its mandate.

25.7 The duty to safeguard Article 21 rights cannot stand on a narrow compass of interpretation. Procedural provisions must be allowed to fall in step with the substantive rights that are invoked in the environmental domain, in larger public interest. The specialized forum is bestowed with the responsibility to ensure protection of the environment. To be effective in its domain, we need to ascribe to the NGT a public responsibility to initiate action when required, to protect the substantive right of a clean environment and the procedural law should not be obstructive in its application.

26.3 As earlier seen, S.20 of the NGT Act which includes the term “decision”, in addition to “order” and “award”, also require the Tribunal to apply the ‘Precautionary Principle’ and the statutory mandate being relevant is extracted:-

“20. Tribunal to apply certain principles.

- The Tribunal shall, while passing any order or decisions or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.”

26.4 The principle set out above must apply in the widest amplitude to ensure that it is not only resorted to for adjudicatory purposes but also for other ‘decisions’ or ‘orders’ to governmental authorities or polluters, when they fail to “to anticipate, prevent and attack the causes of environmental degradation”. Two aspects must

therefore be emphasized i.e. that the Tribunal is itself required to carry out preventive and protective measures, as well as hold governmental and private authorities accountable for failing to uphold environmental interests. Thus, a narrow interpretation for NGT's powers should be eschewed to adopt one which allows for full flow of the forum's power within the environmental domain."

CONSENT TO ESTABLISH & CONSENT TO OPERATE:

39. What is "Consent to Establish" (CTE) and what is "Consent to Operate" (CTO)? Consent to Establish (CTE) means the prior permission of the pollution control board to begin the work of construction of petrol retailing outlet at any place. At this stage, the ground water level in the proposed site, nature of the ground water, its corrosive properties, availability of residential premises, schools, probable danger to environment from the proposed outlet, etc. would be considered by the Pollution Control Board. In case consent to establish is given, the conditions to be complied with would be prescribed in order to safeguard the air ambience and ground water quality and also the

soil. The power in this regard is available under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.

40. Consent to Operate (CTO) means after the establishment of the retail petroleum outlets, a certificate is issued permitting to commence operation. At this stage, the actual compliance of the conditions imposed while issuing the “consent to establish” are ascertained. In case, any additional measures are required to be undertaken, further orders would be issued. After satisfying about the complete safeguard to environment such certificate is issued. In case of a new outlet, the company will first get the consent to establish and after establishment and before operationalizing the petrol bank, the consent to operate is to be obtained. In existing outlets, the safeguards available in their units will have to be shown, thereby indicating & assuring the pollution control board that the unit would not cause damage to the environment. After such satisfaction, the pollution control board would issue a certificate permitting them to operate continuously. The

object of the last direction is to ensure that the existing outlets are safe not only regarding air pollution but also against seepage to the ground water and soil. NGT has inherent power to issue this direction since it is only to ensure the safety of the existing units.

41. The fundamental documents required for seeking CTE and CTO are as under:-

Consent to Establish:

- Site plan of the production unit/project
- Brief project report which covers the details of raw material, proposed product, the capital cost of the establishment (land and plant machinery), water-balance, water source, and its proposed quantity
- Land documentation such as rent deed/ Registration deed/ Lease deed
- Details of air pollution control/ Water Pollution control equipment

- MOA /Partnership Deed

Consent to Operate:

- Copy of the last Consent granted by competent Authority
- Layout schematics manifesting the detail of manufacturing processes
- Latest analysis report of effluent, solid wastes, fuel gases, and hazardous wastes.
- Balance sheet copy attested by CA
- Detail relating to land in case trade effluent is discharged on land for percolation
- Occupation registration accorded by Town & Country Planning Department in case of area development projects/ Building & construction projects
- MOA /Partnership Deed

42. It will be in the fitness of things to incorporate in this judgment the guidelines issued by the CPCB vide its Office Memorandum dated 07.01.2020 for setting up new petroleum pumps. The guidelines are as follows:-

“GUIDELINES FOR SETTING UP OF NEW PETROL PUMPS

A. Containment and treatment of spillages from fuel filling operations at petrol pumps:

1. Petrol pumps located in areas with high groundwater table i.e. groundwater levels less than 04 meters shall have secondary containment by way of double walled tanks or concrete protection walls so as to minimize groundwater and soil contamination. It shall be the responsibility of OMC to properly get measured groundwater level at the site of proposed petrol pump and ensure implementation of these adequate protection measures for such sites. Details of measures taken by Oil Marketing Company shall be placed in public domain and in case of contradictory view, view of State/ Central Ground Water Board/ Authority will prevail.
2. All new retail outlets shall have underground tanks/ above ground tank and its ancillary components such as pipes, flexible connectors, pumps fittings etc(protected from leaks due to corrosion by adopting materials (HDPE/ Mild Steel etc.) with required protective coating, as applicable, duly approved by PESO.
3. Any major leakage/ spillage of Petrol, Diesel, Lube Oil (more than barrel-165 litres) occurs at fueling station, concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within

24 hours of occurrence.

Operation of concerned underground storage tank (UST) and its ancillary components shall be stopped immediately and not be resumed till corrective measures to contain and stop leakage/spillages are implemented to the satisfaction of PESO and concerned SPCB.

OMCs will be held liable for Environmental Compensation (imposed by SPCBs/PCCs) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation. Consultant/Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 5 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

4. All DUs shall have Auto Cut off Nozzles which shuts dispensation of fuel if its level in customer fuel tank reaches full capacity.
5. Breakaways to be installed for all the hoses of dispensing units to reduce spillage in the event of customer vehicles moves away with nozzle still in the fueling position.
6. Single/double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refueling does not fall off accidentally.
7. In pressurized dispensation, all dispensing units shall be installed with shear valves to cut the fuel flow from pipe line immediately upon accidental knocking of dispensing units from its position.
8. In pressurized system all Submersible Turbine Pumps (STPs) are to installed with line leak detectors and in the event of pipeline leaks STPs shall stop pumping fuel from underground tanks.

9. Emergency stop button switch shall be provided on the Multi-Product Dispenser (MPD) to stop the dispensation in case of emergency.
 10. Automation system shall be installed at all new retail outlets to alert in case of tank leak by way of auto gauging system approved by PESO.
 11. All Retail Outlets shall provide overfill alarm through automation.
 12. Measures for spill containment in fill point chambers and forecourt area shall be implemented as prescribed by PESO.
- B. Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater and soil contamination:
1. All new retail outlets *will* have automation system installed which will provide reports on volume balance after every day operation and records shall be maintained.
 2. Manual gauging shall be done once in a month and compare the same with Automatic Tank Gauging for accuracy.
 3. Daily MS and HSD loss shall not exceed MoPNG prescribed limits. In case of leakage beyond such limits, matter shall be got analyzed by OMCs and further action shall be taken for ascertaining the reasons of losses. In case of leakage resulting in soil/groundwater contamination:
 - a. Concerned OMC shall report to State Pollution Control Board, PESO and District Administration under intimation to CPCB within 24 hours of occurrence. Operation of such underground storage tank (UST) and its ancillary components shall be stopped immediately.
 - b. Fuel shall be removed immediately from underground storage tank to prevent further release to environment. Measures to prevent

explosion due to vapors released due to leakage as recommended by PESO shall be implemented immediately.

- c. OMCs will be held liable for Environmental compensation (imposed by SPCBs/PCCS) and assessment of environmental damage (depending on extent of contamination in soil and groundwater) and site remediation.

Consultant/ Expert agency appointed by OMCs for damage assessment and site remediation shall have minimum national/ international experience of 05 years in this field. Various approved methods shall be considered for cleaning underground contaminants.

- d. Operation of Underground tank and its ancillary components shall not be resumed till corrective measures to contain and stop leakages are implemented to the satisfaction of PESO and concerned SPCB.

4. All underground tanks and pipelines shall be subjected to test for leaks every 7 years.

- C. Policy towards Treatment and disposal of sludge removed from underground tanks during cleaning:

D. Installation, Operation and maintenance of Vapour Recovery System:

1. All new retail outlets set up with sale potential of 300KL MS per month and setting up in cities with population more than 1 lakh will be provided with YRS. YRS should be functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

2. Any new retail outlet set up in cities having

population more than 10 lakh and having sale potential of 100 KL MS per month will be provided with YRS. YRS should be installed within a period 03 months from the day of sale of MS touch 100 KL. In case of failure of installation of VRS, Environment Compensation will be levied by SPCBs/ PCCs equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

- 3.**In case of Stage II VRS, nozzle shall be provided with flexible cover flap or other alternative system for proper covering of filling tank and therefore proper recovery of vapors.
- 4.**OMCs are responsible for maintaining installed VRS. They have to maintain periodic inspections for AJL regulator as prescribed by Legal Metrology. Proper record shall be maintained,
- 5.**Working of dispenser shall be interlinked with VRS functioning. Online system shall be developed within 06 months to monitor status of operation of VRS. In case of non-operation of YRS, the same shall be automatically reported to concerned OMC. YRS shall be brought into operation immediately within 24 hrs and in any case within 72 hrs failing which sale of MS shall be stopped from the fueling station. Proper records of operation of YRS shall be maintained.
- 6.**Work zone monitoring for Total VOC and Benzene shall be conducted by OMCs for petrol pumps selling more than 300 KL/ month and more than 10 lakh population (in first phase) by E(P)Act, 1986 approved labs once in a year to check compliance with OSHA norms (Time-Weighted Average) and report shall be submitted to SPCB. In addition, pilot study shall be conducted by OMCs through expert institutions for online monitoring of VOCs.

E. Ground water and soil quality monitoring within

petrol pump selling more than 300 KL/ month and more than 10 lakh population shall be conducted by OMCs once in two years through E(P)Act, 1986 approved labs for the following parameters from the nearest source and report submitted to SPCB:

Permissible Limit

S.No.	Parameter	Permissible Limit
1.	Total petroleum hydrocarbons	600 pg/I
2.	BTEX	i. Benzene-950 pg/I ii. Toluene-300 pg/I iii. Zylenes- a. O-xylene-350 pg/I b. M&p-xylene-200 pg/I
3.	Ethanol	1400 Pg/I
4.	Methyl Tertiary Butyl Ether	13 Pg/I
5.	PAH	0.000 Pg/I

Enforcement agencies including SPCB can collect samples in and around petrol pump to check contamination

F. Measures for protection of Worker's Health

1. All workers engaged at retail outlets may be covered under ESI, OMC dealers shall implement the personal protective equipment (PPE) in par labor laws.
2. IEC (Information Education Communication) activities should be organized by OMC dealers for workers at regular intervals in order to sensitize them about harmful impacts of VOC emissions,

G. Audit of all protection measures and monitoring system implemented at petrol pumps:

PESO shall conduct audit of tanks and fuel equipment including pipes, overfill protection equipment and alarm system on annual basis and maintain records.

H. 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 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.”

43. Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 places restrictions, both on establishment and operation of any industrial plant located

in an air pollution control area without previous consent of the Board. The legislative intent behind this provision would lead to decipher two concepts - one, the consent for the purpose of establishing an industrial plant while the other for operation of that plant. The purpose of this Section is to ensure that when a unit or an industrial plant is given consent to operate, the unit ought to have satisfied all the conditions stated in the order of consent to establish and would have installed the requisite effluent treatment plants and other anti-pollution devices to ensure that it causes no pollution.

44. The upshot of our aforesaid discussion is that the NGT was well within its powers and jurisdiction to issue the directions which have been impugned before us. However, we would like to address on the question — whether the impugned directions are reasonable and whether the same may lead to unnecessary harassment and cause immense hardships to the retail outlets?

45. We take notice of the fact that all the appellants before us have installed VRS and VRD at their sites and retail outlets. We also take notice of the fact that the respondent No. 2 (original applicant) had not prayed before the NGT, Chennai to make CTE and CTO mandatory. The prayers in O.A. No. 138 of 2020 (SZ) were limited to the State of Tamil Nadu only. However, the NGT, Chennai by its impugned order has directed all the petroleum ROs in cities having more than 10 lakh population to install VRS mechanism which are having turnover of more than 300 KL/Month. We also take notice of the fact that the CPCB in consultation with the Ministry of Petroleum and Natural Gas has issued circulars/guidelines from time to time for installation of VRS (also known as Vapour Recovery Device circular). We are not inclined to disturb the impugned directions issued by the NGT, Chennai in regard to installation of the VRS. The CPCB shall ensure that these directions are scrupulously followed and complied with.

46. What is important for us to note is that in the directions/guidelines issued by the CPCB dated 30.04.2020 and 07.03.2016 resply the automobile fuel outlets have been classified as “green” which may be exempted from consent management. The learned Solicitor General submitted that it is only after due consideration and deliberations that the CPCB issued the said directions. The NGT itself in para 66 of its impugned order has noted that the oil industry is characterized as “green category” and the CTE and CTO was not required. It appears to us that the apprehension on the part of the NGT that the installation of VRS may not be strictly monitored by the State Pollution Control Boards, led the NGT to issue directions to the CPCB & State Pollution Control Boards to issue a circular making it mandatory for obtaining the CTE and CTO as a condition precedent for establishing new petroleum outlets. What has been argued before us and also on the basis of the materials on record, we are convinced that it is not necessary to make obtaining of CTE and CTO mandatory.

We would like to impress upon the CPCB to ensure that its guidelines referred to above are scrupulously followed and once the guidelines are scrupulously adhered to, no direction to obtain CTE and CTO for starting/operating a RO is warranted. We are at one with the learned counsel appearing for the respective appellants that asking the existing ROs to obtain CTO is something very unreasonable and may lead to various difficulties. Even directing the ROs that may come up in future to obtain the CTE and CTO would be cumbersome and time consuming and thus we do not find it reasonable.

47. In such circumstances, while holding that the National Green Tribunal has the power to direct the CPCB that it should exercise its powers under Section 5 of the Act 1986 for the purpose of protecting the environment, we are inclined to modify the impugned directions issued by the NGT, Chennai as contained in para 69(iii) and 69(iv) resply of the impugned order.

48. In view of the aforesaid, we dispose of the Civil Appeal No. 2039 of 2022 in the following terms:-

(a) The CPCB shall ensure that all the retail petroleum outlets located in different cities having population of more than 10 lakh and having turn over of more than 300 KL/Month shall install the VRS mechanism within the fresh timeline as prescribed in its Circular dated 04.06.2021. To put it in other words, the CPCB shall ensure that the directions issued by the NGT as contained in para 69(i) and (ii) of the impugned order is fully complied with. It shall be the legal obligation of all the State Pollution Control Boards to ensure that the directions issued by the NGT in regard to the installation of the VRS mechanism is complied with within the fresh timeline as prescribed by the CPCB.

(b) We set aside the directions issued by the NGT in the impugned order as contained in para 69(iii) and (iv). Instead, we direct the CPCB to instruct all the

State Pollution Control Boards to ensure that the guidelines issued by it vide the Office Memorandum dated 07.01.2020 are strictly adhered to. If there is breach of any of the guidelines issued by the CPCB vide Office Memorandum dated 07.01.2020, then the concerned State Pollution Control Board shall proceed against the erring outlet in accordance with law at the earliest.

49. The connected Appeals are also disposed of in the aforesaid terms.

50. There shall be no order as to costs.

51. Pending application, if any, stands disposed of.

.....**J.**
(SUDHANSHU DHULIA)

.....**J.**
(J.B. PARDIWALA)

NEW DELHI;
MARCH 14, 2023