

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

Original Application No. 416 of 2025

IN THE MATTER OF:

Shri Gopal Chandra Vanwassi

... Applicant

VERSUS

Indian Oil Corporation Limited (IOCL) & Ors.

... Respondents

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Date: 24.12.2025

**BEFORE THE HON'BLE NATIONAL GREEN
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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
REPLY FILED BY THE RESPONDENT NO.4**

1. That the Applicant has filed the present application and as such he is well conversant with the facts and circumstances of the case. The applicant has gone through the content of the reply filed by the Respondent No.4 and have understood the contents thereof. At the outset the applicant denies each and every averment of law and facts made therein, save and except specifically admit hereinafter. The denial made in this paragraph may be treated as specific denial.
2. That the applicant craves leave of this Hon'ble Court to read and rely on the contentions raised in the present application which are not repeated herein for the sake of brevity.

PRELIMINARY SUBMISSION

3. The reply filed by District Magistrate, Pithoragarh is **based on misrepresentation, suppression of material facts,**

and selective disclosure. It fails to address the core legal and factual issues raised in the Original Application.

PARAWISE REPLY

4. That the contents of Para 1 as stated do not call for any comments being formal in nature and matter of record.
5. That the contents of Para 2 are **admitted only to the limited extent** that the land bearing **Khasra No. 478** is recorded as **Non-ZA** land and has been declared **non-agricultural**.

However, it is **categorically denied** that such declaration or regularisation legitimises the establishment of a retail fuel outlet in violation of **CPCB siting guidelines, environmental safeguards, safety norms, or statutory obligations**.

Change of land use or non-agricultural status does not override or dilute environmental laws, CPCB Guidelines dated 07.01.2020, subsequent Office Memoranda, or the binding directions of the Hon'ble Supreme Court and this Hon'ble Tribunal. Even on non-agricultural land, mandatory safety distances, protection of nearby habitation, and precautionary principles continue to apply.

Accordingly, the reliance placed by the Respondents on the land being non-agricultural is **misconceived, legally irrelevant, and does not cure the substantive violations** already detailed in the Rejoinder (R-2).

6. That the contents of Para 3 as stated do not call for any comments.
7. That the contents of Para 4 as stated are wrong hence denied. The contents of the answering paragraph have already been replied in Para 5 hereinabove It is reiterated that the **classification of land as Non-ZA does not exempt the project from compliance with CPCB siting guidelines, environmental safeguards, safety norms, or other statutory requirements**, all of which have been specifically raised in the present proceedings. Accordingly, the Respondents cannot avoid responding to the substantive issues by relying solely on the revenue classification of the land.
8. That the contents of Para 5 to Para 7 do not call for any comments.
9. That the contents of Para 8 are **denied as incorrect, misleading and contrary to the record**. It is specifically denied that a valid and lawful No Objection Certificate for the new Retail Outlet was issued only after obtaining unconditional approvals from all the departments mentioned therein.

It is reiterated that, as borne out from the District Magistrate's own NOC and the official record, **several departments did not verify or sign the site layout/map, and certain authorities only conducted inspections without granting any clear recommendation or approval**. Mere circulation of the proposal or receipt of

conditional or incomplete responses from various departments cannot be equated with full statutory compliance.

Further, the issuance of an NOC by the District Administration **does not override mandatory CPCB siting guidelines, environmental safeguards, or safety distance requirements**, nor does it cure defects arising from non-verification of layouts, omission of nearby residential structures, or violations of statutory norms.

Accordingly, the assertion that the NOC was validly issued solely on the basis of alleged departmental no-objections is **misconceived, incomplete, and legally unsustainable**, and does not rebut the substantive violations pleaded by the Applicant.

10. That the contents of Para 9 and Para 10 do not call for any comments.
11. That the contents of Para 11 are **denied as incorrect, misleading and contrary to the official record**. It is specifically denied that a valid No Objection Certificate for the new Retail Outlet was issued only after obtaining clear, unconditional and complete no-objections from all the departments listed therein.

It is reiterated that, as evident from the District Magistrate's own NOC and related records, **several departments did not verify or sign the site layout/map, and certain authorities merely conducted inspections without granting any categorical approval or**

recommendation. Conditional responses, site visits, or absence of objections cannot be equated with full statutory clearance.

Further, the issuance of an NOC by the District Administration **does not override or dilute mandatory CPCB siting guidelines, environmental safeguards, and safety distance requirements**, nor does it cure defects arising from non-verification of layouts, omission of nearby residential structures, or other statutory violations.

Accordingly, the assertion that the NOC was lawfully issued solely on the basis of alleged departmental no-objections is **misconceived, incomplete and legally untenable**, and does not rebut the substantive violations pleaded by the Applicant.

12. That the contents of Para 12 do not call for any comments
13. That the contents of Para 13 and Para 14 are **denied as misconceived and evasive**. It is incorrect to state that no comment is required merely because the petrol pump is being constructed on land bearing **Khasra No. 478**, which is recorded as **Non-ZA (NZA)** land.

It is specifically reiterated that **residential houses are situated at a distance of approximately 19 metres and 34 metres from the proposed petrol pump site**, which fact has already been acknowledged by the Respondents themselves and recorded in paragraph 1.8. The existence of residential houses within such close proximity **squarely attracts the mandatory CPCB siting**

norms, irrespective of the revenue classification of the land.

Accordingly, the plea that no comment is required on this ground is **untenable**, and the proximity of residential houses within the prohibited distance continues to constitute a **clear violation of CPCB guidelines and safety norms**, as detailed by the Applicant.

14. That the contents of Para 15 and Para 16 do not call for any comments.
15. That the contents of Para 17 are **denied as misconceived and evasive**. The mere fact that widening of NH-309A has been proposed **does not absolve the Respondents from compliance with statutory siting norms, safety requirements, and environmental safeguards** applicable to the establishment of a retail fuel outlet.

It is reiterated that the proposal for widening of NH-309A, far from rendering the issue irrelevant, **heightens the safety, traffic, and environmental concerns** associated with locating a petrol pump at the subject site. The Respondents cannot avoid responding to the issues raised in paragraph 1.17 by simply stating that the widening work is “proposed,” particularly when the project lies on a hilly national highway stretch.

Accordingly, the plea that no comment is required is **untenable**, and the implications of the proposed widening of NH-309A on siting, safety, and public interest remain

relevant and material for adjudication by this Hon'ble Tribunal.

16. That the contents of Para 18 to Para 29 as stated do not call for any comments.
17. That the contents of Para 30 are **denied as false, misleading and contrary to the record**. It is incorrect to state that no residential or built-up land exists within 100 metres of the proposed outlet merely because the District Supply Officer has not shown the same in his note.

It is reiterated that **residential houses are situated at a distance of approximately 19 metres and 34 metres from the proposed retail outlet**, which fact stands admitted and recorded elsewhere in the Respondents' own pleadings and official records. The existence of such residential structures cannot be negated by selective or incomplete depiction in a map.

It is further denied that the markings shown in the site plan are unilaterally prepared by Respondent No.1 alone. In any event, **even assuming the map was prepared by Respondent No.1, any omission or incorrect depiction therein cannot be used to defeat the applicability of mandatory CPCB siting norms**, which are based on actual ground reality and objective distance measurements, not on self-serving representations.

18. That the contents of Para 31 to Para 54 as stated do not call for any comments.

19. That the contents of Para 55 are **admitted to the limited extent** that residential houses are situated at a distance of approximately **19 metres and 34 metres** from the proposed petrol pump site, as already stated and recorded earlier, including in paragraph 8.

However, it is reiterated that the existence of residential houses within such close proximity **squarely attracts and violates the mandatory CPCB siting norms**, which prescribe a minimum distance of **30 metres in all cases** and up to **50 metres from residential areas**. The Respondents' reliance on the issue having been "answered earlier" does not cure or negate the statutory violation arising from such proximity.

20. That the contents of Para 56 to Para 60 as stated do not call for any comments.
21. That the contents of Para 61 are **admitted only to the limited extent** that, as per the Khatauni, the land is recorded as **Non-ZA (NZA)**.

However, it is **specifically denied** that such revenue classification has any bearing on or grants exemption from compliance with **CPCB siting guidelines, environmental safeguards, safety distance norms, or other statutory requirements** applicable to the establishment of a retail fuel outlet. The non-ZA status of the land does not dilute or override the mandatory environmental and public safety obligations, which continue to apply irrespective of the land's revenue classification.

22. That the contents of Para 62 to Para 75 as stated do not call for any comments.
23. That the contents of Para 76 as stated are wrong hence **denied as incorrect and misleading**. It is specifically denied that the No Objection Certificate was issued only after complete and lawful verification in accordance with statutory requirements.

It is reiterated that the impugned NOC was issued on the basis of **incomplete and defective verification**, including omission of nearby residential structures from the layout, absence of certified distance measurements, and non-compliance with mandatory CPCB siting norms. Mere assertion of having conducted an enquiry does not cure these substantive defects or validate an NOC issued in violation of law.

24. That the contents of Para 77 to Para 82 as stated do not call for any comments.
25. That the contents of Para 83 are **admitted only to the extent of factual narration of distances**, but the conclusions sought to be drawn therefrom are **denied as misconceived and self-defeating**.

It is specifically submitted that the answering respondents' own distance chart **unequivocally establishes the presence of residential buildings at a distance of 19 metres and 34 metres from the proposed petrol pump site**, including a **current residential house of Shri Pushkar Singh Khati at 19 metres** and another

residential building at **34 metres**. These admitted distances are **well within the prohibited minimum distance of 30 metres and the prescribed 50 metres under CPCB Guidelines**.

Further, the proximity of a **school at 121 metres, government offices at 34–37 metres, a national highway at 22 metres, internal vehicular roads at 21 metres, and public buildings in multiple directions** clearly demonstrates that the site is located in a **densely used and sensitive area**, making it wholly unsuitable for a retail fuel outlet from the standpoint of safety, traffic, and public interest.

Accordingly, instead of supporting the Respondents, the detailed distance particulars furnished by them **squarely corroborate the Applicant's case of violation of mandatory CPCB siting norms and safety requirements**, and render the impugned NOC legally unsustainable

26. That the contents of the Para 84 are **admitted only to the limited extent** that construction of the petrol pump is stated to be underway on land bearing **Khasra No. 478**, Village Uprada, recorded as **Non-ZA (Category 7 Ka)** land, and that the land has been regularised and ownership/transfer rights have been conferred in favour of **Shri Pushkar Singh** as per the order of the competent revenue authority.

However, it is **specifically denied** that such regularisation, change of land use, or conferment of ownership and sale rights **legalises or validates the establishment of a retail fuel outlet in violation of mandatory CPCB siting guidelines, safety distance norms, environmental safeguards, or binding judicial directions.**

It is reiterated that **revenue regularisation and ownership rights do not override environmental laws or public safety requirements.** Even on Non-ZA land, the proposed petrol pump is required to strictly comply with CPCB Guidelines dated 07.01.2020, PESO norms, and other statutory provisions. As already admitted by the Respondents themselves, **residential houses exist at distances of 19 metres and 34 metres,** which renders the siting of the petrol pump **impermissible and illegal,** irrespective of land regularisation or ownership status.

27. That the contents of the Para 85 and 86 are **admitted only to the limited extent of narration of the revenue entry.** However, it is **specifically denied** that such mutation or change in ownership has any bearing on the legality of the proposed petrol pump. **Revenue mutation or transfer of title does not confer any exemption from compliance with CPCB siting guidelines, PESO norms, environmental safeguards, or safety distance requirements.** The validity of the impugned Retail Outlet is required to be examined independently on the

touchstone of statutory and environmental compliance, irrespective of ownership or mutation entries

Accordingly, the concluding assertion that the petition is liable to be dismissed is **denied as misconceived and untenable**. The present petition raises **substantial and continuing issues of violation of mandatory CPCB siting norms and public safety requirements**, which cannot be defeated by reliance on revenue records or mutation orders.

In view of the facts stated above, it is respectfully submitted that the present Original Application deserves to be **allowed in the interest of justice, environmental protection, and public safety**, rather than disposed of on the basis of the Respondent's untenable assertions.



APPLICANT

Through



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Place: New Delhi

Date: 24.12.2025



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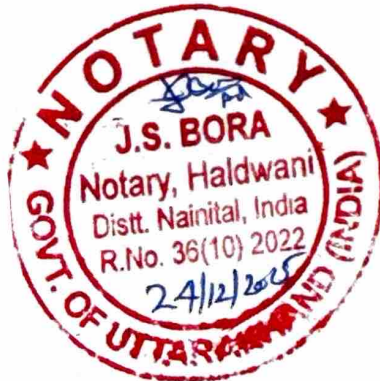
... Respondents

AFFIDAVIT

I, Gopal Chandra Vanwassi, Aged about ~~39~~ years, S/o Sri Madhan Ram, R/o Ritha near Bhramari Kot Mandir (Dangoli) Maj Kot Dist. Bageshwar, Uttarakhand – 263635, do hereby solemnly affirm and states as under;

1. That deponent is applicant in the above stated matted and as such is well conversant with the facts and circumstances of the present case and is competent to swear this present affidavit.
2. That the deponent has gone through the contents of the rejoinder. The same has been drafted as per my instructions. The contents of the same are true and correct to the best of my knowledge and nothing material has been concealed there from.


DEPONENT



S. N- 116
dt- 24/12/2025

VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom. Verified at Haldwani on this 24 day of December, 2025.


DEPONENT


Certified That Sri/smt. Gopal Chandra Varwasi
The Deponent Identified By..... Aayush Gaur Advocate
Sworn & Verified The Contents Of The
Affidavit At Haldwani
On Date 24/12/2025 at 02:30 PM





AAYUSH GAUR
(Adv.)

IDENTIFIED BY


JITENDRA SINGH BORA
Advocate
Notary, Haldwani
Distt-Nainital (UK) India 24/12/2025