

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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Place: New Delhi

Date: 24.12.2025

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
REPLY FILED BY THE RESPONDENT NO.6**

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.6 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 Central Pollution Control Board 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 are admitted to the limited extent that the present Original Application has been filed by the Applicant challenging the establishment of a Retail Fuel Outlet (petrol pump) by Respondent No.1, Indian Oil Corporation Limited, at **Khasra No. 478, Village Uprara, Dasaithal, Tehsil Gangolihat, District Pithoragarh, Uttarakhand.** The rest of the contentions that the challenge is based merely on “allegations” or conjectures is **denied.** The present Original Application is founded on **specific, objective and documented violations** of mandatory statutory provisions and binding guidelines, including but not limited to:
 - a. **CPCB Guidelines dated 07.01.2020** and subsequent Office Memoranda,
 - b. **PESO safety and siting requirements,**
 - c. **MoRTH notifications and highway safety norms,**
 - d. **State Building Bye-laws applicable to hilly terrain,**
 - e. **Forest (Conservation) Act, 1980,** and
 - f. **Binding directions and principles laid down by the Hon’ble Supreme Court of India and this Hon’ble Tribunal.**

5. That the contents of Para 2 & 3 as stated do not call for any comments being formal in nature.
6. That the contents of Para 4 as stated are admitted only to the extent that the CPCB Guidelines prescribe mandatory siting distances for new Retail Outlets. However, the Respondents' interpretation and application thereof are **denied**. The Guidelines clearly mandate a **minimum distance of 30 metres in all cases** and up to **50 metres from residential areas**, and additional safety measures are permissible only where the distance is between 30–50 metres.

The attempt to exclude existing residential habitations on the ground that the area is not “designated as per local laws” is **misconceived and contrary to the CPCB Guidelines and the Office Memorandum dated 16.09.2024**, which clarify that absence of formal designation does not dilute mandatory safety norms, particularly in rural and hilly areas.

In the present case, residential houses exist well within the prohibited distance, including below 30 metres. Accordingly, the siting of the Retail Outlet is in **clear violation of CPCB Guidelines**, and the Respondents' claim of compliance is untenable.

7. That the contents of Para 5 are **admitted only to the limited extent** that CPCB Office Memorandum dated 29.01.2021 clarifies the applicability of siting criteria.

However, it is **denied** that the said clarification assists the Respondents in the present case.

The CPCB OM expressly provides that the siting criteria **apply to all retail outlets where construction commenced on or after 07.01.2020**. The subject Retail Outlet is a **post-07.01.2020 project**, and therefore, **full compliance with CPCB siting criteria is mandatory**. Accordingly, the Respondents cannot seek exemption under the said OM, and their reliance thereon is misconceived.

8. That the contents of Para 6 are **admitted** to the extent that the Hon'ble Supreme Court, vide judgment dated 14.03.2023 in Civil Appeal No. 421 of 2022, has mandated **strict adherence to CPCB Guidelines** and directed the concerned SPCBs to proceed against erring outlets in case of any breach.

It is submitted that the said directions **squarely support the Applicant's case**, as once a violation of CPCB siting norms is established, the Uttarakhand Pollution Control Board is duty-bound to take action against Respondent No.1. The Respondents cannot rely on the said directions to claim compliance while simultaneously violating the mandatory siting criteria.

9. That the contents of Para 7 as stated are **admitted only to the limited extent of narration of the NGT order dated 01.07.2022 in *V.B.R. Menon v. Commissioner of Police* and the consequent CPCB Office Memorandum dated**

16.09.2024, but the Respondents' reliance thereon is **misconceived and denied**.

It is submitted that the said NGT order and the CPCB OM dated 16.09.2024 **do not dilute or relax the mandatory CPCB siting criteria**. On the contrary, they clarify that **absence of classification or existence of non-planning areas cannot be used as a ground to bypass CPCB Guidelines dated 07.01.2020**. Till such classification is undertaken by the State, **existing habitations must be duly protected**, and SPCBs are duty-bound to ensure strict compliance with siting norms and environmental safeguards.

The OM further mandates implementation of **additional safety and environmental protection measures** and places enhanced responsibility on SPCBs and State authorities. Therefore, instead of supporting the Respondents, the said order and OM **squarely strengthen the Applicant's case** that the impugned Retail Outlet cannot be permitted in violation of CPCB siting criteria merely because the area is unclassified or a non-planning zone.

10. That the contents of Para 8 are **admitted**, to the extent that a public grievance dated 28.05.2025 regarding petrol pumps being located near rural habitations in violation of CPCB guidelines was received by CPCB and was **formally forwarded to the Uttarakhand Pollution Control Board for examination and action**.

It is submitted that the forwarding of the grievance by CPCB itself demonstrates that the issue raised is **serious, live and within the regulatory framework**, and has not been rejected or closed. The matter being referred to the State PCB further establishes a **continuing cause of action** and reinforces the Applicant's case that alleged violations of CPCB guidelines require statutory scrutiny and remedial action.

11. That the contents of Para 9 as stated are **admitted** to the extent that the Uttarakhand Pollution Control Board is statutorily bound to ensure **strict adherence to CPCB guidelines** in compliance with the judgment of the Hon'ble Supreme Court dated 14.03.2023 in Civil Appeal No. 421 of 2022.

It is submitted that the said obligation **squarely supports the Applicant's case**, as once a breach of CPCB siting norms is established, Respondent No.3 is duty-bound to take appropriate action against Respondent No.1 in accordance with law.

12. That the prayer contained in Para 10 is **misconceived and is therefore denied**. While the reply of the Answering Respondent may be taken on record as a matter of procedure, the same **does not rebut or dislodge the substantive violations of CPCB siting norms, statutory safeguards, and binding directions of the Hon'ble Supreme Court and this Hon'ble Tribunal** brought forth by the Applicant.

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



V.K. SHUKLA

Advocate for the Applicant

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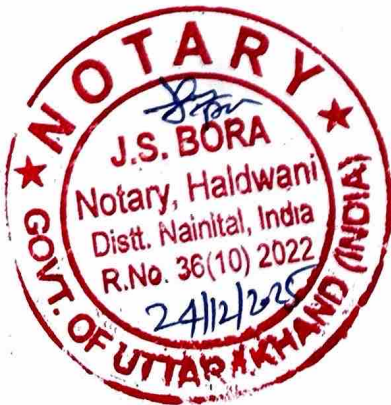
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... Respondents

AFFIDAVIT

I, Gopal Chandra Vanwassi, Aged about ~~37~~ 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.-117
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 day of December, 2025.


DEPONENT



Certified That Sri/smt. Gopal Chandra Vanwassi
The Deponent Identified By Aayush Gaur Advocate
Sworned & Verified The Contents Of The
Affidavit At Haldwani
On Date 24/12/2025 02:35 PM

Aayush Gaur

IDENTIFIED BY
AAYUSH GAUR
(Adv)


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