

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI

\*\*\*

Original Application No. 408/2023

Harvinder Singh

..Applicant

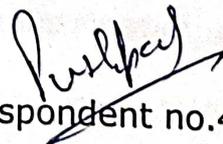
Versus

State of Haryana & Others

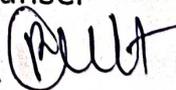
..Respondent

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..Respondent no.4

Through Counsel

Robin Dutt. 

Advocate

P-754/1999

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Ph.98155 54111

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI

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Original Application No. 408/2023

Harvinder Singh ..Applicant

Versus

State of Haryana & Others

..Respondent

**Reply on behalf of respondent no.4 Pushpesh**

**RESPECTFULLY SHOWETH**

**PRELIMINARY OBJECTIONS**

1. That answering respondent arrayed as an respondent no.4 in the abovesaid Original Application with the ulterior motive and with the malafide intention just to harass the answering respondent and to stop the smooth working of granting the LOI for the outlet issued by Indian Oil Corporation Ltd., hereinafter called (IOCL.).
2. That the application is not maintainable in the present form and applicant very smartly twisted the fact and tried to mislead this Hon'ble Tribunal by giving the wrong facts to the effect that the present outlet is near the school and there is violation of guidelines , which was framed by Central Pollution

Board, while complying with the order in OA No.2056 of 2019 .

3. That the true facts of the case are that :-

- (i) IOCL on 24.11.2018 through an Advertisement called for Retail Outlet and issued the broucher and answering respondent applied for and after the visit of the officials of IOCL, the place which was chosen for the outlet was passed by Land Evaluation Committee of IOCL and issued the LOI and directed the answering respondent to start the development of the place where the outlet is to be installed and as per the directions answering respondent started the development as answering respondent came to know that IOCL has applied for No Objection Certificate for storing the Diesel & Petrol from the concerned departments.
- (ii) That District Magistrate cum Collector i.e. respondent no.2 called the No Objection from various departments that are Municipal Corporation, Forest Department, Pollution Department, National Highway Authority, Fire Department, Labour Department, Industry

Department, Electricity Board, S.D.O.(Civil), Town & Country Planning & Police Department etc. and after obtaining the NOCs, respondent no.2 on dated 15.5.2023 issued the No Objection Certificate, which is annexed as **Annexure R4/1** before this Hon'ble Tribunal. They suggest that enquiry has thoroughly been conducted since 2020 to till 2023 and then NOC was issued.

- (iii) That applicant with ulterior motive and just to harass the answering respondent filed the present application, while twisting the facts submitted that NOC was issued while ignoring the by laws and rules and regulations and safety of the children in the premises of Hindu Girls College & Hindu Girls School Jagadhri, Yamuna Nagar, whereas the facts are otherwise. It is humbly submitted before this Hon'ble Tribunal that there is long process of issuing NOC as District Magistrate cum Collector issue the directions to various departments and all the departments to whom the directions were issued inquire the matter at spot and prepare that spot report and thereafter submit the report before

the District Magistrate as answering respondent is annexing one of the example before this Hon'ble Tribunal as **Annexure 4/2** , the report submitted by S.D.O.(Civil).

- (iv) That it is not out of place to mention here that while complying with the order passed by this Hon'ble Tribunal in O.A. No.86 of 2019 Central pollution Board framed the policy after taking the Expert Committee Opinion for the installation of the new petrol pumps and in their guidelines it was specifically mentioned at point "h" that the siting criteria of Retail Outlet not to be located within radial distance of 50 meters (from all points/ dispensing unit/vent pipe, whoever is nearest) from school, hospital ( 10 bed and above) . It is humbly submitted before this Hon'ble Tribunal that expert committee while framing the guidelines , which were in their mind expressed in the words specifically mentioned the school and the hospital and in the brackets it was very much clear that the hospital means 10 bed and above., hence expert committee can express while mentioning school only, but neither the educational institution nor

the college is mentioned meaning thereby that after perusing the guidelines issued by the Central Pollution Board it is very much clear that answering respondent can install the petrol pump near the college. The guidelines issued by Central Pollution Board is annexed as **Annexure 4/3** before this Hon'ble Tribunal.

- (v) That there is difference in between the definition of school and college in Haryana. The Haryana School Education Act 1995,(hereinafter called Haryana Education Act 1995 ). Section 2(r) are defined the school as :-

**"r. "School includes a primary, middle, high or senior secondary school and also includes any other institution which imparts education or training below degree level, but does not include an institution, which imparts technical education:"**

(vi) Hence, after perusing the definition defined in the Act 1995, it is very much clear that college is different from the school as University Grant Commission Act 1956 define the college in chapter 3 , **section 12(a)(i)(b)** as **"College"** means any institution whether

known as such or by any other name, which provides for a course of study for obtaining any qualification from a University and which, in accordance with rules and regulations of such university, is recognized as competent to provide for such course of study and present students under going such course of study for the examination for the award of such qualification:". Hence, after perusing the abovesaid provisions in the Act, it is very much clear that school and college is different from each other.

- (vi) That the present application is misconceived and not sustainable in the eye of law as NOC issued by respondent no.2 on 15.5.2023 is well within the frame work of law and after thorough inspection and enquiry.
- (vii) That this Hon'ble Tribunal was pleased to pass the interim order on dated 31.5.2023 and directed the State of Haryana to frame a Joint Committee to verify the factual position. The Joint Committee was framed and Joint Committee after visting the spot measured the

distance from the vent pipe to the college auditorium hence the committee, which was constituted vide the order dated 31.5.2023 by this Hon'ble Tribunal also did not find that the school is situated nearby vent pipe or premises of petrol pump, but respondent no.2 in very hurry and arbitrary passed the order and cancelled all NOCs. On 30.6.2023 without calling the answering respondent to explain his case, hence, remain with no option answering respondent challenged the illegal action of respondent no.2 before Hon'ble High Court for the States of Punjab & Haryana at Chandigarh. While filing CWP , which was numbered as 15708 of 2023 titled as Pushpesh Passi Vs State of Haryana & Others and Hon'ble High Court was pleased to set aside the illegal order passed by respondent no.2. The order is annexed as **Annexure 4/4** before this Hon'ble Tribunal.

(viii) That the present application is filed with ulterior motive and malafide intention just to stop the smooth working. Applicant is very much aware of the fact that almost 90% of the work have already been completed and answering

respondent has spent more than 50 Lacs Rupees to develop the site, which clear cut prove that the LOI was issued in year 2020 and the NOC was issued on 15.5.2023 and applicant was very much aware with the fact that LOI has already been issued as applicant is local resident of Jagadhri and projected himself to be RTI activist, but he chose to kept mum upto 2020, which clear cut suggest the malafide intention of the applicant, hence, the present application deserves to be dismissed on this sole ground.

**ON MERITS :-**

1. That contents of the para no.1 of the application are denied for want of knowledge. The applicant be put to strict proof of the averments made in the para.
2. That contents of the para no.2 of the application are admitted to the extent that IOCL has issued the letter to answering respondent . It is wrong to suggest that the NGT Rules have been floated. It is further wrong hence denied that Administration has issued NOC illegally. It is humbly submitted before this Hon'ble Tribunal that LOI was issued in the year 2020 and IOCL applied for NOC, which

was issued after 3 years after thorough inspection and enquiry hence it is wrong and vehemently denied that NOC was issued without keeping the safety of girls students of Hindu Girls College. It is further wrong and hence denied that there is any school situated where the site for retail outlet is developed. The fact mentioned in next paragraphs, regarding issuance of guidelines by this Hon'ble Tribunal are matter of record, hence admitted, whereas after perusing the Bold words it is very much clear that outlet can not be installed near the school, but it is no where mentioned that it can not be installed near the college or educational institution.

Regarding the interpretation given in the para it is humbly submitted before this Hon'ble Tribunal that applicant can not interpret in his own words regarding the guidelines issued by Central Pollution Control

Board. It is further wrong and hence denied that answering respondent have not complied with NGT guidelines and CPCB guidelines. It is further submitted before this Hon'ble Tribunal that the applicant very smartly twisting the facts and tried to mislead this Hon'ble Tribunal by inter mingling the school and college. As far as moving of complaint by the applicant before the CPCB & CM Window, the same is denied for want of knowledge.

It is further wrong and hence denied that the answering respondent has no respect for the law or guidelines issued by NGT and CPCB as alleged.

It is further wrong and hence denied that Local Administration illegally helping the answering respondent.

The prayer clause of the application is wrong and hence denied.

It is, therefore, respectfully prayed that the present application is misconceived by law and the same deserves dismissal, which may kindly be dismissed with exemplary costs.



..Respondent no.4

Through Counsel



Robin Dutt.

Advocate

P-754/1999

[robindutt@yahoo.com](mailto:robindutt@yahoo.com)

Ph.98155 54111

**Verification :-**

Verified that the contents mentioned in the abovesaid reply are true and correct to the best of my knowledge and belief. Nothing has been concealed therein.

Verified at Jagadhri on 07.08.2023.



..Respondent no.4

Date 15/05/2023

**Subject: - Issuance of NOC for development of proposed retail outlet situated Between Jagadhari Bus Stand to Aggarsen Chowk on NH,RD.+1.400(RHS) at Village/Town Jagadhari, District Yamuna Nagar(Haryana).**

In reference to application No. PDO/RO/Jagadhari dated 11-07-2020 Submitted by Deputy General Manager(Retail Sales), Panipat Divisional Office, Panipat read with Rule 144 of the Petroleum Rules, 2002, there is no objection for granting licence under the Petroleum Rules, 2002 to Deputy General Manager(Retail Sales), Panipat Divisional Office, Indian Oil Corporation Limited(M.D), Panipat Marketing Complex, Vill. Baholi, Post office Panipat Refinery, Distt. Panipat (Haryana) for storage of petroleum products in their premises at Under Property ID-131C4U3(PPID WITH EQUAL LENGH J 131 C0004U0003A,Village/Town Jagadhri District Yamuna Nagar, Haryana. After taking into consideration the reports received from the various departments, No Objection Certificate for the installation of Retail Outlet at the proposed site given in the layout plan (copy enclosed) is hereby granted subject to the following conditions:-

1.	That the owner of the retail outlet will adhere the norms of the Environment (Protection) Act,1986/water act,1974/Air Act,1981 and will not start any polluting process without prior permission of the Board. D.G. set to be installed should be adhering to the Noise standards as well as emission standards.
2.	In compliance of Hon'ble NGT order dated January 18, 2019 in OA No. 86/2019 the guidelines issued by the Central Pollution Control Board, Delhi vide letter No. B-13011/1/2019-20/AQM/10809 dated January 07, 2020 if the said company/owner of the retail outlet failed to comply the said guidelines the NOC would be revoked automatically without prior information(copy enclosed) and will follow the condition mentioned in the Memo No. HSPCB/YMN/2020/10769 dated 16-03-2021 (Copy enclosed) received from Regional Officer, Haryana State Pollution Control Board, Yamuna.Nagar.
3.	The company will install fire safety arrangements/equipments as per the instructions of Fire Station Officer, Yamuna Nagar given in their letter No. 167/FSY/2021 dated 26-03-2021 (copy enclosed).
4.	That the company will follow the instructions issued by the Department of Ministry of Environment, Forest and Climate Change, Govt. of India, Integrated Regional Office, Chandigarh vide letter No. 9-HRB063/2023-CHA dated 28-03-2023 which is received through Dy. Conservator of forests, Yamunanagar, Forest Division Yamunanagar vide through office Endst. No. 7218-20 dated 31-03-2023 (copy enclosed).
5.	That the company/Owner will be bound to follow the order that may be passed by the Hon'ble High Court of Punjab & Haryana in writ petition (c) No. CWP- 15813 of 2020 - Harvinder Singh & Other V/s State of Haryana and Others as per affidavit mentioned by the applicant.
6.	That the company will follow the instructions issued by the Project Director, NHAI, PIU Chandigarh vide letter No. NHAI/PIU/CHD/11162/RO/PP/NH-73A/58 dated 23-10-2021 (Copy enclosed)
7.	The Oil Company/ Owner of the property may construct or develop the fuel station/private property along with its access as per approved drawing at their own cost within 12 months from the date of issue of provisional permission for access. In case, the construction is not done in one year, the provisional approval shall be deemed to be cancelled, unless renewed by the Highway Administration.

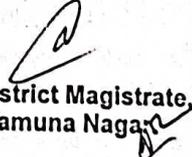
8.	That the Oil company/Owner shall arrange all the clearance required (if any) for constructing the proposed access as per approved drawing himself. The Oil company/ applicant shall also arrange for shifting of utilities if required at his own cost as per the direction of the concerned department.
9.	That the Oil company/Owner shall not do or cause to be done, in pursuance of access permission, any act by which safety and convenience of traffic on the Highway shall be disturbed.
10.	That the Oil Company/Owner shall arrange all the clearances including forest clearance (if any) required for constructing the proposed access as per approved drawing himself. The applicant shall also arrange for shifting of utilities if required at his own cost as per the direction of the concerned department.
11.	That the Oil Company/owner shall do necessary alternation including complete removal/shifting of the approach roads at its own cost if so required by Ministry/NHAI, for the development of National Highway or in the interest of safety in this section.
12.	That the Oil Company/Owner shall not do or cause to be done in pursuance of the access permission any acts which may cause any damage to Highway.
13.	That the Oil Company/Owner shall while utilizing permission shall observe guidelines relating to safety and connivance of traffic of the Highway, hygiene (in accordance with the requirement of Swachh Bharat Abhiyan), prevention of nuisance and pollution on the Highway.
14.	That the Oil Company/Owner shall ensure that proposed service road shall not be used for parking purpose and there is no overflow of vehicles on approach road.
15.	That there shall be adequate drainage system on the access to the private property and inside its area so as to ensure that surface water doesn't flow over the highway or any water logging takes place.
16.	Regarding traffic safety, all safety features shall be as per the approval plan to the satisfaction of NHAI or its authorized representative.
17.	That height restrictions of building structure shall be as per local Govt. guidelines and the building line shall be as per the statutory requirements and IRC guidelines.
18.	If any increase in license fee/bank guarantee or any discrepancy found in calculation of fee in future/later stage, owner of the private property will be liable to pay the same.
19.	That the Oil Company/ Owner shall install all the requisite road signs as per IRC:67 & provide road marking as per IRC:35 & in accordance with the Ministry's guidelines dated 26-06-2020 to the satisfaction NHAI.
20.	That the provisional approval/NOC shall be deemed to be cancelled if there will be any violation of the any applicable law(s).



In addition to the above, all other terms and conditions imposed by the Government from time to time will also be applicable.

Hence the company is directed to furnish the compliance report about the conditions of the NOC before starting the operation of the Retail Outlet.

If any condition mentioned above is breached, the present NOC shall be treated as withdrawn/cancelled.

  
District Magistrate  
Yamuna Nagar

Enclosure: - As above/Site Plan

## Annexure P-5

From Sub Divisional Officer, Jagadhri

To

Deputy Commissioner, Yamuna Nagar

Memo No.73/AC

dated

19.4.2023

Subject : Issuance of NOC for development of proposed retail outlet situated between Jagadhri Bus stand to Aggarsain Chowk on NH,RD 1400(RHS) at village/Town Jagadhri , Tehsil and Distt. Yamuna Nagar ( Haryana)

Regarding above said subject your office vide memo letter No. 2/PLA dated 5.4.2023

Regarding the above said subject the report was received from the Tehsildar, Jagadhri vide memo No.100/OK dt. 17.4.2023 for issuance of N.O.C. to open the retail outlet .

The report is as follows :-

The proposed site as per the revenue record is the ownership of Abadi-deh and as per registry no. 1655 dated 2.6.2021 the lease deed , the possession is of Pushpesh son of Amar Nath . The copy of registry is annexed

2 As per the revenue record of the proposed site there is no stay .

3 As per revenue record of proposed site , it is free from encumbrance.

4. As per revenue record the proposed site is abadi deh , the copy of registered Lease deed is annexed .

5 Hindu Girls College is about 100 far from the proposed site and there is no Hospital nearby.

6 Hindu Girls College is about 100 meter far from the proposed site and there is no public site is nearby.

7 On the proposed site no school, hospital and residential house came within 100 meters .

Hence after agreeing with the above said report of tehsildar , the original copy of report and documents is annexed for your perusal for further action. Hence this office has no objection for establishing the new Retail Out-let.

True Typed copy

Advocate

## ANNEXURE P-2

CENTRAL POLLUTION CONTROL BOARD  
DELHI 110032

B-13011/2019-20/AQM 10802-10847

January 07,2020

## OFFICE MEMORANDUM

Sub : Guidelines for setting up of New Petrol Pumps in Companies  
of

Hon'ble NGT order dated Janary 18, 2019 in OA No. 86/2019  
Gyanprakash @ Pappu Singh Vs Gol & Ors – regarding.

Hon'ble National Green Triobunal, vide order dated  
January 18,2019 Gyanprakash@ Pappu Singh Vs Gol & Ors  
directed Central Pollution Control Board and Mo PNG to look  
into the issue of seeking up of large number of period pumps  
in the contrary and directed that appropriate guidelines be  
issued by the Central Pollution Control Board in exercise of  
statutory power.

An Expert Committee comprising of members from IIT  
Kanpur, NEERI, UP TERI MoPNG and CPCB was  
constituted to fram guidelines for setting up of new Petrol  
Pumps including siting criteria and pollution prevention and  
control measures.

The guidelines were placed in public domain and  
comments/suggestions/objections were invited from Public  
and concern stakeholders and these were reviewed and  
guidline have been finalized.

The final guidelines prepared by Expert Committee are hereby circulated for implementation by concerned stakeholders. These guidelines are hereby issued with the approval of the Competent Authority.

Sd/-

(V.K.Shukla)

Additional Director, AQM Div

Dnc: As above

To

1. Joint Secretary  
CP Division  
Ministry of Environment, Forest and Climate Change  
Indian Paryavaran Bhavan  
Jorbagh Road, New Delhi-110003
2. PC to CCB
3. PS to MS

#### **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 level is 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 property got 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 Water Board/Authority will prevail.

2. All new retail outlets shall have underground tanks/above ground tank and is ancillary components such as pipes, flexible connections, pumps, fittings etc. protected from leaks due to corrosion by adopting materials (HDPE/Mildmsteel etc.) with required protective coating as applicable duly approved by PESO
3. Any major leakage/spillage of Petrol, Diesel, Lube Oil ( more than 1 Barrel-165 liters) 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 as ancillary components shall be stopped immediately and not be resumed till corrective measures to contain and stop leakage/spillage are implemented to the satisfaction of PESO and concerned SPCB.

OMCs will be held liable for Environmental Compensation imposed by SPCEs/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 concerned 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 houses 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 so that it 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 be installed with line leak doctors and in 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 (MPC) 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 full point chambers and forecourt area shall be implemented as prescribed by PESO
8. Check on leakage ( 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 ground water contamination.
  - a) Concerned OMC shall report to State Pollution Control Board PESO and District Administration under intimation to CPCB and within 24 hours of occurrence. Operation of suchg 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 shall be held liable for environmental compensation (imposed by SPCS/pccS) and assessment of environmental damage ( depending on extent of contamination in soil and groundwater) and site remediation. Consultant/Expert agency appointed by CMCs for damage assessment and site remediation shall have minimum national international experience of 05 days in this Delt . 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 leakage are implemented to the satisfaction of PESO and concerned SPCS

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

Sludge shall be collected, stored and disposed as per rule 8 of Hazardous Waste (Management and transboundary) Rules, 2016 and amendments thereof and records shall be maintained.

D. Installation, operation and maintenance of Vapour Recovery System.

1. All new retail outlets set up with sale potential of 300 kl MS per month and setting up in cities with population more than 1 Lakh will be provided with VRS. VRS 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 leveled by SPCBs/PCCs equipment 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 VRS. VRS should be installed within a period of 03 months from the day of sale of MS touch 100 KL

in case of failure of installation of VRS. Environment Compensation will be leveled by SPCBs/PCCs equipment to the cost of VRS and this will further increase proportionate to the period of non-compliance.

3. In case of state II VRS nozzle shall be provided with flexible cover flap or another 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 instructions for A/L 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 VRS the same shall be automatically reported to concerned OMC. VRS 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 VRS shall be maintained.
6. Work zone monitoring for Total VOC and Benzene shall be conducted by OMC s for petrol pumps selling more than 300 KL/Month and more than 10 lakh population ( in first phase) by E(P)Act 1986 approved tabs once in a year to check compliance with OSH norms (Time Weighted average) and report shall be submitted to SPCBs. In addition point 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 tabs for the following parameters from the nearest source and report submitted to SPCB .

Permissible Limit

Sr. No.	Parameter	Permissible Limit
1.	Total petroleum hydrocarbons	600 pg/l
2.	BTEX	I. Benzene 960ug/l II. To(sic) 300 pg/l III. Xyienes a. C-Xyience 350pg/l b. M & p xyence 200 ug/l
3.	Ethanol	1400 Pg/l
4.	Methyl Teriary Buty Ether	13 Pg/l
5.	PAH	0.0001 Pg/l

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

F. Measures for protection of workder's Health

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

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

PESO shall conduct audit of tanks and fuel equipment including pipes overall 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 all points/dispensing units/ vent pipe whichever is nearest) from school , hospitals ( 10 beds and above ) and residential areas designated as per local laws. In case of constraints in proving 50 meters distance, the retail outlet shall implement additional safely 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.

*These guidelines are supplementary to all existing relevant rules, guidelines orders etc.*

True Typed copy

Advocate

53

For Private Use  
Certified to be true copy  
Incharge,  
Central Copying Agency  
(Authorized u/s 76 of Indian Evidence Act, 1872)  
High Court of Ph. & Hcr, Chandigarh.

25

CWP\_15708\_2023\_MEMO\_OF\_PARTIES 27-Jul-2023 at 9:29

IN THE HIGH COURT FOR THE STATES OF PUNJAB

AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. <sup>15708</sup> OF 2023

MEMO OF PARTIES.

Pushpesh Passi aged about 36 years son of Sh. Amar Nath Passi  
Resident of House No. 931 Sector 17, HUDA, Jagadhri District  
Yamuna Nagar. 135001

(Adhar Card No. 3220 1440 6641 Mob. No. 7206662401)

... Petitioner

Versus

1. State of Haryana, through Chief Secretary, Civil Secretariat, Chandigarh.
2. Deputy Commission cum District Magistrate, Yamuna Nagar, Mini Civil Secretariat, Jagadhri, Distt. Yamuna Nagar.
3. Central Pollution Control Board , through its Chairman , Parivesh Bhawan , East Arjun Nagar, Delhi .
4. Deputy General Manager ( Retail Sales ) , Panipat Divisional Office, Indian Oil Corporation Ltd. Village Bohli, P.O. Panipat Refinery Distt. Panipat ( Haryana ).

... Respondents

Chandigarh

Dated:-19.07.2023



(ROBIN DUTT)  
ADVOCATE  
COUNSEL FOR THE  
PETITIONER

ENROLMENT NO.P-754 OF 1999

NOR No.224369

CWP\_15708\_2023\_MEMO\_OF\_PARTIES 27-Jul-2023 at 9:29

*Civil Writ Petition under articles 226/227  
of the Constitution of India* praying therein  
for issuance of a writ in the nature of  
Certiorari for quashing the impugned  
Order <sup>dt. 30.06.2023</sup> passed by respondent No. 2 (  
Annexure P-7).

OR

Pass such other order or direction as may  
be deemed fit and appropriate in the facts  
and circumstances of the instant case.

**RESPECTFULLY SHOWETH:-**

1. That Indian Oil Corporation on 24<sup>th</sup> Nov. 2018 through an advertisement called for retail Rural Out-lets and issued the Brochure . The copy of Brochure is annexed as Annexure P-1 for the kind perusal of this Hon'ble Court.
2. That it is not out of place to mention here that Respondent No.3 vide office memo No.10802-10847 dated 7.1.2020 frame the guidelines for setting up for new Petrol Pumps while complying the order passed by NGT. The office memorandum alongwith guidelines are annexed as Annexure P-2 for the kind perusal of this Hon'ble Court.
3. That petitioner applied under scheduled Caste Category in Group-2 and offered the suitable piece of land to respondent No. 4 and the Land Valuation Committee of respondent No.4

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-15708-2023

Date of Decision : 25.07.2023

Pushpesh Passi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.Robin Dutt, Advocate  
for the petitioner.

Mr. Raman Sharma, Addl.A.G., Haryana.

Mr. Ankur Sharma, Sr. Panel Counsel  
for respondent No.3.

Mr. Ashish Kapoor, Advocate  
for respondent No.4.

\*\*\*\*

**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 30.06.2023 (Annexure P-7) whereby District Magistrate has cancelled NOC granted to establish a petrol pump.

2. The brief facts of the case are that petitioner pursuant to advertisement issued by respondent No.4 applied for retail outlet. The respondent No.4-IOC issued LOI on 04.07.2020. The respondent No.4-IOC applied for NOC in terms of Rule 144 of Petroleum Rules, 2012. The District Magistrate issued NOC on 15.05.2023 after getting clearance from different authorities. The respondents vide impugned order dated

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30.06.2023 has cancelled NOC.

3. Mr. Robin Dutt, Advocate *inter alia* contends that the petitioner has already spent more than Rs.50 lakhs on the development of site and civil work. The respondent has cancelled NOC in a mechanical and whimsical manner. The petitioner as well as respondent No.4 were neither issued show cause notice nor granted opportunity of personal hearing. The act of respondents amounts to gross violation of principal of natural justice. He further submits that this Court in identical situation in the case of "Hindustan Petroleum Corporation Limited vs. District Magistrate, Ferozepur" CWP No.12070 of 2019 vide order dated 19.07.2023 has quashed order of cancellation of NOC on the ground that neither show cause notice was issued nor opportunity of hearing was granted.

4. Mr. Sharma, on being confronted with aforesaid order of this Court as well as order dated 19.07.2023 passed by this Court in CWP No.12963-2023 expressed his inability to controvert the applicability of these judgment to present case.

5. The relevant extracts of the order dated 19.07.2023 passed in CWP No.12070 of 2019 read as :

*9. On being asked, learned State counsel failed to produce copy of show cause notice which preceded the impugned order. From the perusal of impugned order, it comes out that it has been passed in a mechanical manner. Neither show cause notice has been issued nor opportunity of hearing has been granted. Impugned order itself is non-speaking. It is settled proposition of law that every order which entails civil or criminal consequences is bound to be passed after compliance of principles of natural justice and it should be a reasoned order.*

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10. *The respondent has passed impugned order without issuing show cause notice as well granting opportunity of personal hearing. In the absence of show cause notice followed by opportunity of personal hearing, the impugned order can not be sustainable.*

11. *The petition deserves to be allowed and accordingly allowed. The impugned order dated 28.01.2019 (Annexure P-10) is hereby set aside.*

5. The case of the petitioner is squarely covered by aforesaid order, thus, the present petition deserves to be allowed and accordingly allowed. The impugned order dated 30.06.2023 (Annexure P-7) is hereby set aside.

( JAGMOHAN BANSAL )  
 JUDGE

25.07.2023  
 anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>



प्रेषक,

सेवा में

जिलाधीश, यमुनानगर।

Deputy General Manager(Retail Sales),  
Panipat Divisional Office, Indian Oil Corporation Limited(M.D),  
Panipat Marketing Complex, Vill. Baholi,  
Post office Panipat Refinery,  
Distt. Panipat (Haryana)

क्रमांक १५३ /पी०एल०ए० दिनांक ३०/०६/२०२३

विषय:- इस कार्यालय के पत्र क्रमांक ४५/पी०एल०ए० दिनांक १५.०५.२०२३ द्वारा जारी की गई एन.ओ.सी निरस्त करने बारे।

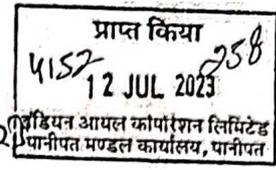
आपको सूचित किया जाता है कि आपको इस कार्यालय के पत्र क्रमांक ४५/पी०एल०ए० दिनांक १५.०५.२०२३ द्वारा Under Property ID-131C4U3(PPID WITH EQUAL LENGH J 131 C0004U0003A गांव/शहर- जगाधरी, जिला यमुनानगर (हरियाणा) में IOCL कम्पनी नया रिटेल आउटलेट लगाने के लिये अन्नापति प्रमाण पत्र जारी किया गया था।

इस बारे Application No. 408/2023 में माननीय नेशनल ग्रीन ट्रिब्यूनल (NGT) के द्वारा दिनांक ३१.०५.२०२३ को पारित आदेशों की पालना में संयुक्त समिति की मौका निरीक्षण रिपोर्ट प्राप्त की गई, जिसमें स्पष्ट तौर पर लिखा गया है कि The distance of the auditorium situated in the college premises was measured on the spot by revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was found approx 11.3 meter, In view of position explained above it is found that the said retail fuel outlet is not meeting the required siting criteria distance as laid down by central pollution control board vide memorandum dated 07-01-2020. जबकि इस कार्यालय द्वारा जारी किये गए अन्नापति प्रमाण पत्र के बिन्दु नं० २ में लिखा गया था कि In compliance of Hon'ble NGT order dated January 18, 2019 in OA No. 86/2019 the guidelines issued by the Central Pollution Control Board, Delhi vide letter No. B-13011/1/2019-20/AQM/10809 dated January 07, 2020 if the said company/owner of the retail outlet failed to comply the said guidelines the NOC would be revoked automatically without prior information .

अतः संयुक्त समिति की रिपोर्ट दिनांक २८.०६.२०२३ जो कि उपमण्डलाधीश जगाधरी के कार्यालय के पत्र क्रमांक ८४२/ए०एल०सी० दिनांक २८.०६.२०२३ के माध्यम से प्राप्त हुई हैं, के मध्यनजर Under Property ID-131C4U3(PPID WITH EQUAL LENGH J 131 C0004U0003A गांव/शहर- जगाधरी, जिला यमुनानगर (हरियाणा) में IOCL कम्पनी नया रिटेल आउटलेट लगाने के लिये इस कार्यालय के पत्र क्रमांक ४५/पी०एल०ए० दिनांक १५.०५.२०२३ के द्वारा जारी किया गया अन्नापति प्रमाण पत्र को तुरन्त प्रभाव से निरस्त किया जाता है।

संलग्न: संयुक्त रिपोर्ट।

जिलाधीश, यमुनानगर।



**VAKALATNAMA  
POWER OF ATTORNEY**

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

Harvinder Singh  
VERSUS

Petitioner/ Appellant

P

State of Haryana

Respondent

KNOW ALL to whom these present shall come that I/We Appellant/Petitioner/Respondent appoint <sup>7109</sup>  
**ROBIN DUTT, ADVOCATE, PUNJAB & HARYANA HIGH COURT AT  
CHANDIGARH, H.NO.3021, SECTOR 46, CHANDIGARH PHONE 98155 54111 Email :  
robindutt@yahoo.com, Bar Room No.1, R/G. Push Park.**

(Hereinafter called the advocate for us in the above mentioned case to do all the following Act deeds, all things or any of them that is to say)

1. **To act**, appear or plead in the above mentioned case in this court or any other court in which the same may be tried, heard in the first instance or in appeal letters, patent appeal or review revision or execution or any other stage of its progress until its final decision.
2. **To present** Pleading, Appeal Letters, Patent Appeals, Cross Objections or Petitions for executions revision withdrawal, Compromise or other petition or affidavits or other documents as shall deemed necessary or Advisable for the prosecution of the said case in all its stages.
3. **To Withdraw** or compromise the said case or submit to arbitration any differences or disputes that arise touching or in any manner relating to the said case.
4. **To receive** money and grant receipts therefore & to do all other acts and things which may be necessary to be done for the progress & in the course of prosecution of the said case.
5. **To employ** any other legal Practitioner authorizing him to exercise the power & authorities hereby conferred on the Advocates whenever he may think fit to do so.

**AND I/We** hereby agreed to ratify whatever the Advocate or his Substitutes shall do in the premises.

**AND I/We** hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the court when the said case is called up for hearing and agree that I or some authorized agent shall appear on the date of hearing.

**AND I/We** hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid. The said Advocate shall be entitled to all costs of adjournments recoverable from the opposing party.

**AND** the Advocate shall not be held responsible for any loss to the case for non-appearance when the bar will be on strike.

**IN WITNESS WHEREOF I/We** here into set out hands to these presents the contents of which have been explained to and understood by Me/Us.

Dated

ACCEPTED

ROBIN DUTT  
ADVOCATE  
P-754/1999,  
Nor No.PH224369  
98155 54111

robindutt@yahoo.com  
Bar Room No.1,  
Punjab & Haryana High Court, Chandigarh

(Signature or Thumb impression)