

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH PUNE

AT PUNE

Original Application No. 181/2023 (WZ)

In the Matter of:

Hridaynath Yashwant Tawade

... Applicant

Versus

Union of India & Ors.

... Respondents

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Pune

Date: 16/03/2026



Advocate for Respondent No.8

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REPLY ON BEHALF OF RESPONDENT NO. 8
BHARAT PETROLEUM CORPORATION LIMITED

MAY IT PLEASE THE HON'BLE TRIBUNAL

1. The Respondent no. 8 is a Public Sector Oil Marketing Company under the aegis of Ministry of Petroleum & Natural Gas, Government of India. Respondent no. 8 participated in the tender floated by Respondent no.3 in August 2021 and having emerged as the successful bidder was allotted 2 Plots at Plot no. 53, Sector 34A Kharghar and Plot no. 132+143+144, New Panvel for establishing petrol fuel station for the convenience of the general public residing in and around the vicinity.
2. The clarification to CPCB Guidelines dated 07/01/2020 as received from CPCB provide that "In this regard, it is to inform that the 50 and 30 metres siting distance of new petrol pump w.r.t. Schools, Hospitals (10 beds and above) and Residential area (designated as per local laws), as prescribed in the guidelines for setting up of new petrol pumps dated 07.01.2020, is to be considered from the source of emissions (fill point/dispensing units/vent pipe which is nearest)." In light of the clarification as above from CPCB, the Joint Committee has erred in arriving at a conclusion that the plots are not satisfying the siting criteria as the distance has been wrongly

measured from the boundary of the allotted plot. Copy of the clarification dated 27.11.2025 received from CPCB regarding the distance to be maintained as per siting criteria is annexed as **ANNEXURE-R-1**.

3. Further, the CPCB Guidelines dated 07.01.2020 explicitly provide that in case of "constraints in providing 50 meters distance," the retail outlet shall implement additional safety measures as prescribed by PESO. The Respondent No.8 remains committed to implementing all such mandated safety measures to mitigate any perceived risks.
4. The Joint Committee correctly noted that the plot was erroneously identified as Plot No. 49 in previous filings, whereas the actual allotted site is Plot No. 53. The Respondent No.8 submits that while the report suggests the plot is within 30m of residential areas , the Respondent No.8 submits that the final positioning of the hazardous components (dispensing units/vent pipes) will be optimized within the plot to maintain the maximum possible distance from the building line of adjacent structures, as per UDCPR 2020 norms which require marginal open spaces.
5. The Respondent No.8 submits that regarding the observation that construction was underway without issued PESO approvals, Respondent No.8 clarifies that all internal processes for safety compliance are strictly followed. The committee classifies nearby areas as "surface water bodies". However, Respondent No.8 maintains that these are man-made holding ponds designed for storm water drainage by CIDCO and are not natural water bodies as per revenue records. Consequently, the addendum dated 16.08.2021 to

the CPCB Guidelines of 50m buffer for natural water bodies should not apply.

6. The Respondent No.8 submits that in planned cities like Navi Mumbai, fuel stations are essential public utilities meant to be "in midst of the layout" to serve residents. Absolute adherence to a 50m buffer in high-density urban zones would make it impossible to provide essential fuel services to the public. It is pertinent to mention here that considering the importance of petrol pumps as public utility service, the Govt. of Maharashtra vide GO no. TPB.4308/911/Pra. Kra. 87/2009/Na VI-11 dated 3.12.2009 directed all Municipal Corporations to incorporate in their Development Control Rules that change of user of lands earmarked for filling and service station of petrol, diesel, CNG or any other motor vehicle fuel should not be allowed. Copy of the GO no. TPB.4308/911/Pra. Kra. 87/2009/Na VI-11 dated 3.12.2009 is annexed as ANNEXURE-R-2.
7. The Respondent No.8 submits that for urban "designated residential areas," the focus should be more on stringent safety protocols and technological interventions (like Vapour Recovery Systems and secondary containments) which Respondent No.8 is ready to install for the retail outlets in the allotted plots.
8. The Respondent No.8 submits that the Plot No. 132+143+144, Sector 9, New Panvel (E), Navi Mumbai, was lawfully allotted to Respondent No.8 by CIDCO on 12.11.2021 following a successful bid in Scheme No.MM-FUELSTATION-2021-22. A formal Agreement to Lease was executed on 26.03.2024 for a term of 60 years. Respondent No.8 took formal possession of the 1,421.00 sq. meter plot on the same day.

9. The Respondent No.8 submits that the Respondent No.8 obtained Prior Approval from the Petroleum & Explosives Safety Organisation (PESO) on 30.09.2024 (Prior Approval No: A/P/WC/MH/14/16493) for the proposed retail outlet. The Office of the Commissioner of Police, Navi Mumbai, issued a No Objection Certificate (NOC) under Rule 144 of the Petroleum Rules, 2002, on 24.01.2025 after verifying public safety interests, including proximity to schools and hospitals. A formal license (No. P/WC/MH/14/12171) was subsequently granted by PESO on 19.03.2025, valid until 31.12.2029, for a total storage capacity of 130.00 KL. Subsequent thereto, Respondent no. 8 has erected retail outlet at the said plot and is currently operational.
10. The Respondent no. 8 submits that the Plot no. 53, Sector 34A Kharghar, was lawfully allotted to Respondent No.8 by CIDCO on 12.11.2021 following a successful bid in Scheme No.MM-FUELSTATION-2021-22. A formal Agreement to Lease was executed on 26.03.2024 for a term of 60 years. Respondent No.8 took formal possession of the 1499.35 sq. meter plot on the same day. Retail outlet has not yet been commissioned at this site and Respondent No. 8 is in the process of obtaining the requisite permissions.
11. The Respondent No.8 submits that as per CPCB Guidelines dated 07.01.2020, new retail outlets must maintain a radial distance of 50 meters from schools, hospitals, and residential areas. However, in cases of constraints, a minimum distance of 30 meters is permitted provided additional safety measures are implemented. In compliance with the minutes of the meeting chaired by the

Secretary, DPIIT on 25.07.2024, Respondent No.8 has committed to the following additional safety measures for retail outlets in the allotted plots:

- Construction of a 230 mm thick boundary wall.
- Placement of all underground tanks in concrete pits.
- Installation of Vapour Recovery Systems (VRS) as per CPCB norms.
- Strategic placement of tanker unloading platforms away from sensitive boundaries.

The approved layout plan for the Panvel retail outlet site specifically includes a double containment wall on underground petroleum tanks as mandated by PESO.

12. The Respondent No.8 reiterates that the 30m/50m siting criteria should be measured from the fill point, dispensing units, or vent pipe, whichever is nearest to the sensitive structure, and not from the plot boundary. The Respondent No.8 maintains that the "water bodies" mentioned in committee remarks are man-made holding ponds part of the city's storm water drainage system and do not constitute natural water bodies under revenue records.

In view of the above, it is humbly submitted that the present application be dismissed.

Pune

Date : 16/03/2026



Advocate for Respondent No.8

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A F F I D A V I T

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Mr. Maulik Kapadiya, adult, Occu.: business, having address at BPCL Khau Creek Installation, Pratiksha Nagar, Wadala East, Mumbai 400037 do hereby state on solemn affirmation as under: -

I am the authorised signatory of the Respondent No.8 above named and responsible for day to day administration of the business. As such, I have gone through the Reply and annexure thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at

Mumbai on 16th day of March 2026.

TERRITORY MANAGER
MUMBAI TERRITORY (RETAIL)
DHARAT PETROLEUM CORPORATION LTD.
Khau Creek Installation, Pratiksha Nagar,
Near IOC Terminal, Wadala (East),
MUMBAI - 400 037.

Deponent

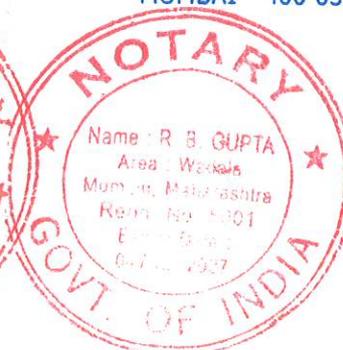
BEFORE ME

R. B. GUPTA

B.Com. R. B., Regd. No. 5001
NOTARY GOVT. OF INDIA
Room No. 8/8, Nanabhai Wadi,
S. P. Road, Wadala (E), Mumbai - 400 037

16 MAR 2026

NOTED & REGISTERED
Sr. No. 84891 Page No. 55
Date: **16 MAR 2026**





739

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

SPEED POST/EMAIL

ANNEXURE-R-1

EQ-11099/25/2021-AQM-HO-CPCB-HO-Part (1)

November 27, 2025

1. Joint Chief Controller of Explosives

Petroleum and Explosives Safety Organisation (PESO)
9th floor, Park Paradise Building
Vadsar, Vadodara- 390010

2. Territory Manager (Retail)- Rajkot Territory

Bharat Petroleum Corporation Limited
Bharat Bhavan, 2nd Floor, Limda Chowk
Opp. Shastri Maidan, Rajkot- 360001

Sub: Clarification on the distance to be maintained between a new Petroleum Retail Outlet from Schools, Hospitals and Residential area as per siting criteria- reg.

Sir,

This is in reference to PESO letter no. Petroleum/General dated 08.10.2025 and BPCL letter no. BPCL.RRT.CPCB.01 dated 10.10.2025 on the subject matter.

In this regard, it is to inform that the 50 and 30 meters siting distance of new petrol pump w.r.t. Schools, Hospitals (10 beds and above) and Residential area (designated as per local laws), as prescribed in the *guidelines for setting up of new petrol pumps dated 07.01.2020*, is to be considered from the source of emissions (fill point/dispensing units /vent pipe which is nearest).

This issues with the approval of the competent authority.



Yours faithfully,

(P. Agarwal)
Scientist 'F' and Head
Air Quality Management division

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
 कलम ३७(१) सह १५४ अन्वये निदेश.....
 विद्यमान पेट्रोल / डिझेल / सी.एन.जी. इ. पंपाच्या
 विद्यमान वापर बदलांवर निर्बंध.

महाराष्ट्र शासन,
 नगर विकास विभाग,
 शासन आदेश क्रमांक: टिपीबी-४३०८/१९९/प्र.क्र.८७/१००५/नवि-१९
 मंत्रालय, मुंबई : ४०० ०३९,
 दिनांक : ०३ डिसेंबर, १००९.

शासनाच्या असे निदर्शनास आले आहे की, बहुतांशी महानगरपालिका क्षेत्रामधील मुख्य ठिकाणी विद्यमान पेट्रोल / डिझेल / सी.एन.जी. इ. पंप बंद करून विद्यमान जमीन वापर बदल करून त्या ठिकाणी विद्यमान वापरान्वयतिरिक्त अन्य वापरासाठीचे विकास प्रस्ताव महानगरपालिकेस मंजुरीसाठी प्राप्त होतात. अशा विद्यमान पेट्रोल पंपाच्या जमिनीवर विकास वोजनेतील प्रस्तावित जमीन वापर तसेच विकास नियंत्रण नियमावलीच्या तरतुदी विचारात घेऊन विकास परवानगी महानगरपालिकेकडून दिली जाते.

नागरीकरणाचा वेग तसेच दिवसेंदिवस वाढत असलेली वाहनांची संख्या विचारात घेता, विद्यमान पेट्रोल पंपाची संख्या देखील अपुरी पडत आहे. अशा परिस्थितीतील विद्यमान पेट्रोल / डिझेल / सी.एन.जी. इ. पंप बंद करून ती जागा अन्य कारणासाठी वापरणेस मान्यता देण्यात येऊ नयेत अशा आशयाची निवेदने शासनास प्राप्त झालेली आहेत.

मुंबई टॅक्सी असोशिएशन यांनी मुंबई उच्च न्यायालयात दाखल केलेली रिट याचिका क्र.११५३/२००९ मध्ये मा.उच्च न्यायालयाने दिनांक ६.७.२००९ रोजी दिलेल्या निकालाच्या अनुषंगाने मा.मुख्य सचिव यांच्या अध्यक्षतेखाली दिनांक २७.७.२००९ रोजी बैठक घेण्यात आली. सदर बैठकीत मुंबईतील पेट्रोल / डिझेल / सी.एन.जी. इ.पंपाची जागा केवळ त्याच प्रयोजनासाठी (Designate) वापरण्यात यावी असे आदेश जारी करण्याचा निर्णय झालेला आहे.

वरील सर्व बाबी विचारात घेऊन शासनाने आता असा निर्णय घेतला आहे की, सर्व महानगरपालिका क्षेत्रातील जागेवरील विद्यमान पेट्रोल पंप / डिझेल / सी.एन.जी. इ. पंप बंद करून तेथे विद्यमान वापरान्वयतिरिक्त इतर वापर करण्याबाबत निर्बंध आणण्यात यावेत. त्या अनुषंगाने महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम ३७(१) सह १५४ अन्वये सर्व महानगरपालिकांना त्यांच्या विकास नियंत्रण नियमावलीत घालील तरतुद योग्य त्या सर्व ठिकाणी समाविष्ट करण्याचे निदेश देण्यात येत आहेत.

Provided that in the redevelopment of sites of existing filling & service station of Petrol, Diesel, Compressed Natural Gas or any other Motor Vehicle fuel, change of user shall not be permitted.

वरील निदेशाच्या दिनांकापासून सर्व महानगरपालिकांनी याबाबतची वैधानिक कार्यवाही पूर्ण करून फेरबदल प्रस्ताव शासनाच्या माध्यमातून विहित मुदतीत सादर करावा. सदर निदेश हे या आदेशाच्या दिनांकापासून अमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(राजेंद्र हाबडे)
अवर सचिव, महाराष्ट्र शासन.

प्रति,

सर्व महानगरपालिका आयुक्त.

प्रत,

संचालक, नगर रचना, महाराष्ट्र राज्य, मुंबई.

सर्वविभागीय उपसंचालक, नगर रचना

कार्यालय अधिकारी, नवि-९, नवि-१२, नवि-१३, नवि-२०.

निवडनमती.

As per Maharashtra Regional & Town Planning Act 1966
Rule no. 37/1 Inclusive of 154

Existing Petrol / Diesel / CNG etc Pumps :
Restriction on the change of purpose.

Maharashtra Govt
Urban Development Dept.
Govt. Order No. TPB.4308/911/Pra. Kra. 87/2009/Na VI-11
Mantralaya, Mumbai 400 032
Date : 03.12.2009

It has come to the notice of Government that in the areas of most of the Municipal Corporations proposals are being received for closure of the existing Petrol / Diesel Pumps and CNG Stations and the resolutions are received to accord the change of purpose of existing places for some other purpose. On the receipt of such proposals for development of land of the existing Petrol Pumps, the development permission is granted by Municipal Corporation after considering Govt. Control Orders.

Considering the rapid speed of urbanization and the increasing numbers of vehicular population, the existing number of petrol pumps are as it is insufficient. Under the circumstances, the Govt has received the applications requesting not to give the permission of existing places of Petrol / Diesel Pumps and CNG Station for some other purpose.

The writ petition no. 1153 / 2009 dated 06.07.2009 was filed by Mumbai Taxi Association in Hon. High Court Mumbai, and on the verdict of Hon. High Court, a meeting was held on 27.07.2009 under chairmanship of Chief Secretary. It was decided in the meeting that the places of existing Petrol / Diesel Pumps and CNG stations should be used only for designated purpose.

In view of the above, the Govt has decided that in all Municipal Corporation areas restrictions should be brought for closure of existing Petrol / Diesel Pumps and CNG Stations and use this existing place for any other purposes. Accordingly as per Maharashtra Regional and Town Planning Act, 1966, rule 37 (1) Inclusive of 154, all the Municipal Corporations under their Development Control Rules, the following additions are ordered to be incorporated in appropriate places. (of the relevant rules of the Municipal Corporation)

"Provided that in the redevelopment of sites of existing filling and service station of Petrol, Diesel, Compressed Natural Gas or any other Motor Vehicle fuel, change of user shall not be permitted."

From the date of aforesaid order, all Municipal Corporations are advised to complete legal action and submit the proposals for modifications within specified time limit. This order is applicable from the date of order.

For and on behalf of Governor of Maharashtra

Sd xxx
(Rajendra Habade)
Additional Secretary, Govt. of Maharashtra

To, The Commissioners of All Municipal Corporations
Cc : Director, Town Planning, Govt. of Maharashtra, Pune
All Dy. Directors, TP
Desk Officer Na Vi 9, Na Vi 12, Na Vi 13, Na Vi 30

