

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 170 OF 2024**

IN THE MATTER OF

GURMAIL SINGH

...APPLICANT

VERSUS

PUNJAB POLLUTION

CONTROL BOARD AND ORS

...RESPONDENTS

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RESPONDENT NO. 3

THROUGH



H.K. PURI AND CO

CH. NO. 41, SUPREME COURT OF INDIA,

NEW DELHI - 110001

PHONE NO. 23388160, 23383360

CODE NO. 1880

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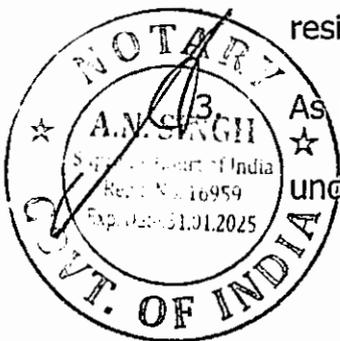
... RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 3 INDIAN OIL
CORPORATION LIMITED**

RESPECTFULLY SHOWETH:

1. The Respondent Corporation issued an advertisement for selection of dealers for setting up regular and rural retail outlets in State of Punjab including in Ludhiana for KSK location Village Deep, Tehsil Payal, District Ludhiana and Respondent No. 4 was selected for the above dealership.
2. On 7.1.2020 PPCB issued Guidelines for setting up new Petrol pumps. The said Guidelines only stated the distance to be maintained by new petrol pumps from school, designated residential areas as per local laws and Hospitals.

As per the provisions of the Petroleum Act and the Rules there under the Respondents Corporation applied for grant of NOC from



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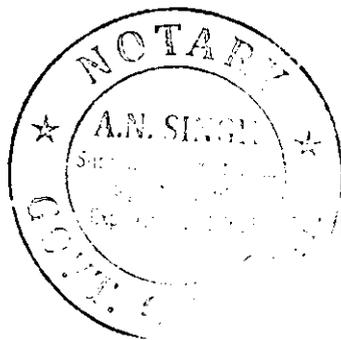
the District Magistrate to established retail outlet at the said site on the Canal road, Doraha District, Ludhiana.

4. The District Magistrate forwarded the application of the Respondent Corporation to all relevant authorities including Punjab Pollution Control Board (PPCB) for their objections, if any.
5. The PPCB issued NOC for the establishment of retail outlet at the site on 9.4.2021. NOCs were received by the District Magistrate from all the other authorities also. Thereafter, District Magistrate issued NOC (No Objection Certificate) for the establishment of the petrol pump on 10.11.2023.
6. An addendum to the Guidelines for setting up new petrol pumps was issued by CPCB on 16.8.2021 wherein for the 1st time it was stated that the distance of new petrol pumps from water bodies was to be 50 meters. As the guidelines were on addendum the distance from the nearest fill points/dispensing units/vent pipes was to be more than 50 meters from the edge of the water body.
7. The construction of the retail outlet started after all required permissions were received. The distance of the canal from the nearest fill points/dispensing units/vent pipe was more than 50 meters.



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8. The present O.A which is not bonafide and is motivated was filed. The present O.A has been filed in order to harass the Respondents alleging therein that the distance of the Petrol Pump from the Canal is less than 50 meters. The O A was listed for hearing before this Hon'ble Tribunal on 22.2.2024 on which date this Hon'ble Tribunal was pleased to issue notice to Respondents.
9. The District Magistrate after the receipt of the notice from this Hon'ble Tribunal directed PPCB to file a status report in respect of the site of the present retail outlet.
10. Thereafter, a Show Cause Notice dated 28.3.2024 was issued by the District Magistrate to the Respondent Corporation to show cause as to why the NOC should not be cancelled. The District Magistrate without following due process of law by giving an opportunity of hearing to the Respondent Corporation unilaterally suspended the NOC issued by it vide this notice dated 28.03.2024.
11. The answering Respondent immediately submitted its reply to the Show Cause Notice on 1.4.2024 to the District Magistrate. The respondent corporation in its reply vide letter ref-IOC/ REPLY/ 19997/M. A/01 dated 01.04.2024 stated that the guidelines issued by the CPCB dated 16.08.2021 prescribe that retail outlets shall not be located within 50 meters from the nearest point of water



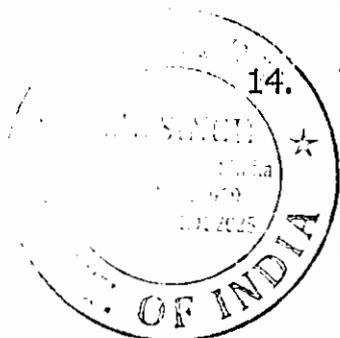
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bodies. Guidelines dated 16.08.2021 are an "addendum" to the Guidelines issued by the Central Pollution Control Board dated 07.01.2020. It was submitted that in the guidelines dated 07.01.2020, the distance for the purpose of siting criteria for setting up of retail outlet is calculated from the fill point/ dispensing unit / vent pipe nearest to the school, hospital and residential area designated as per the local laws. The IOCL in its reply also stated that the distance between the fill points/ dispensing unit / vent pipes of the retail outlet is more than 50 meters from the nearest point of water bodies.

12. As the suspension of the NOC was illegal the Respondent NO.4 approached the High Court who was pleased to stay the suspension of the NOC. The District Magistrate has been directed to give the respondents a hearing in the matter.

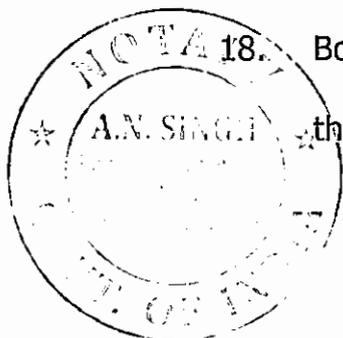
13. A report dated 1.4.2024 was submitted to the District Magistrate by PPCB stating therein that the revenue authorities are required in order to determine the distance of the site of petrol pump from the canal.

14. The District Magistrate vide letter dated 1.4.2024 to the SDM Payal directed the SDM Payal to provide the exact distance of the said petrol pump from the canal.



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15. The SDM allegedly carried out an inspection and on the basis of the said alleged inspection sent a letter dated 2.4.2024 to the DM wherein it was stated that the distance of petrol pump from the canal was 29.956 meters.
16. The said letter does not state from which point at the petrol pump the distance has been measured. The said report has not taken into consideration that the distance has to be measured from the filling points or from the dispensing unit or from the vent pipes and not from the boundary of the petrol pump.
17. It is submitted that the inspection has been carried out with ill intentions which is apparent as the same has been carried out in the absence of the answering Respondent and the dealer. Infact, the SDM did not even give any prior intimation about visiting the site and taking the alleged measurements. The answering Respondents is objecting to the said measurements as the same are vague. The answering Respondent is disputing the veracity of the report/measurement. The inspection and subsequent measurements have not been carried out in accordance with the relevant and applicable Guidelines dated 7.1.2020 and 16.8.2021.
18. Both the SDM and the DM have not considered the Judgment of the Bhopal Bench of this Hon'ble Tribunal in the case of Rakesh



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Arora Vs State of Madhya Pradesh OA/55/2022 (CZ) wherein it has been held that the radial distance has to be measured from the nearest fill point/vent pipe/dispensing unit and not from the boundary. In the present case the distance of the canal from the nearest Fill Point/Dispensing Unit/Vent pipe is more than 50 meters.

PARA WISE REPLY

1. In reply to the contents of para 1 to 6 it is submitted that according to the map approved by the appropriate authority, the measured distance between the nearest water body and the dispensing unit of the proposed retail outlet is 51.5 meters. The applicant has, with malafide intention and ulterior motives, has filed the present application before this Hon'ble Tribunal without any merit as the Retail outlet is in complete compliance of the CPCB guidelines.
2. In reply to the contents of paragraph 07 it is submitted that the guidelines framed by CPCB for implementation in case of petrol pumps near water bodies, all the water bodies irrespective of utility shall be protected from any possible contamination. Retail outlet shall not be located within a distance of 50 meters from the nearest point of water bodies. Furthermore, it is submitted that in



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the guidelines dated 07.01.2020, the distance for the purpose of siting criteria for setting up of retail outlet is calculated from the fill point/ dispensing unit / vent pipe nearest to the school, hospital and residential area designated as per the local laws. In the present case the said distance between the fill points/ dispensing unit / vent pipes of the retail outlet is more than 50 meters from the nearest point of water bodies, hence, is not in violation of siting criteria prescribed by the CPCB Guidelines.

3. The contents of paragraph no. 8, 9 & 10 are a matter of record hence need no reply.
4. The contents of paragraph no. 11 are wrong and denied. It is denied that the dispensing unit is located just around 31 meters to the nearest point of canal and thus, not complying with the guidelines dated 07.01.2020. It is most respectfully submitted that the measured distance between the nearest dispensing unit of the retail outlet and the canal is 51.5 meters and the distance is to be calculated from the fill points/ dispensing unit/ vent pipes.
5. The contentions in paragraph no. 12 are incorrect and are hereby denied. The No Objection Certificate (NOC) issued by the Punjab Pollution Control Board and the Deputy Commissioner of Ludhiana fully complies with the mandatory guidelines set by the Central

Naureen



Pollution Control Board (CPCB). These CPCB guidelines aim to prevent the contamination of water bodies by establishing required minimum distances from potential pollution sources, such as fill points, dispensing units, and vent pipes. In the current case, the distance between the canal and the retail outlet is 51.5 meters. Therefore, the issued NOC adheres to the CPCB guidelines and is not in violation of any regulatory requirements.

6. The contentions of paragraph no. 13 to 17 are a matter of record and hence need no reply.
7. In reply to Paragraph no. 18, it is submitted that the applicant is trying to mislead this Hon'ble Tribunal by stating that the NOC issued by the Respondent No. 1 & 2 is illegal. It is submitted that the present retail outlet (Kissan Sewa Kendra) is in compliance with the guidelines framed by the CPCB, hence, not illegal.
8. The submissions made in paragraph no. 19 to 20 are general in nature and need no specific reply.



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In the light of the above facts and circumstances, the present original application is liable and to be dismissed.

Naveen
 नवीन कुमार / Naveen Kumar
 वरिष्ठ पबंधक (रिटेल सेल्स) / Senior Manager (Retail Sales)
 इंडियन ऑयल कॉर्पोरेशन लिमिटेड (एम.डी.)
 Indian Oil Corporation Limited (MD)
 चण्डीगढ़ मण्डल कार्यालय CHANDIGARH DIVISIONAL OFFICE
 एस.सी.ओ. 35-36, सेक्टर 7-सी, मध्य मार्ग, चण्डीगढ़-160019
 S.C.O. 35-36, Sector- 7C, Madhya Marg, Chandigarh-160019
RESPONDENT NO. 3

VERIFICATION:

Verified at *N. Datta* on this 4th day of July, 2024 that the contents of above reply are true and correct to the best of my knowledge and belief based on the official records maintained in the office of the Respondent Corporation no part of it is false and nothing material has been concealed there from.

Naveen
 नवीन कुमार / Naveen Kumar
 वरिष्ठ पबंधक (रिटेल सेल्स) / Senior Manager (Retail Sales)
 इंडियन ऑयल कॉर्पोरेशन लिमिटेड (एम.डी.)
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 S.C.O. 35-36, Sector- 7C, Madhya Marg, Chandigarh-160019
RESPONDENT NO. 3

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..... APPLICANT

Versus

**PUNJAB POLLUTION CONTROL
BOARD AND ORS.**

..... RESPONDENTS

AFFIDAVIT

I, Naveen Kumar, Aged about 42 years, S/o Sh Krishan Pal
R/o 606, GH 107, Sector 20, Panchkula, do hereby solemnly
affirm and state on oath as under: -

1. That I am working as Senior Manager (Retail Sales),
Chandigarh Divisional office of Indian Oil Corporation
Ltd. and I am well conversant with the facts and
circumstances of the case as derived from the records
maintained at the office of the Respondent IOCL. As
such I am competent to swear and depose the present

affidavit.



Naveen

2. That the accompanying reply has been drafted under my instructions and the contents of the same are true to my knowledge and belief and nothing material has been concealed therefrom and no part of it is false.
3. That the Annexures annexed hereto are true and correct copies of their respective originals.

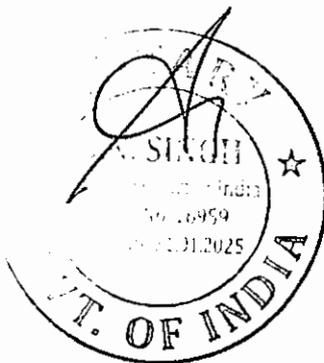
Naveen
 नवीन कुमार / Naveen Kumar
 वरिष्ठ प्रबंधक (रिटेल सेल्स) / Senior Manager (Retail Sales)
 इंडियन ऑयल कॉर्पोरेशन लिमिटेड (एम.डी.)
Indian Oil Corporation Limited (MD)
 चण्डीगढ़ मण्डल कार्यालय : CHANDIGARH DIVISIONAL OFFICE
 एस.सी.ओ. 35-36, सेक्टर 7 - सा. मध्य मार्ग, चण्डीगढ़ - 160019
 S.C.O. 35-36, Sector- 7C, Madhya Marg, Chandigarh-160019

VERIFICATION:

That the contents of the above affidavit are true and correct to the best of my knowledge and belief as derived from the records maintained at the office of the Respondent IOCL; no part of it is false and nothing material has been concealed therefrom.

Verified at *New Delhi* on 4th day of July, 2024

I Identify the deponent who has Signed/Put T.I. in my presence



Naveen
 नवीन कुमार / Naveen Kumar
 वरिष्ठ प्रबंधक (रिटेल सेल्स) / Senior Manager (Retail Sales)
 इंडियन ऑयल कॉर्पोरेशन लिमिटेड (एम.डी.)
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 S.C.O. 35-36, Sector- 7C, Madhya Marg, Chandigarh-160019

ATTESTED
 A.N. Singh, Adv.
 Notary Public
 New Delhi, New Delhi

04.07.2024



Priya Puri <hkpuriandco@gmail.com>

**Advance Service of the Reply on behalf of Respondent No. 3 in O.A. No. 170 of 2024
- "Gurmail Singh v. Punjab Pollution Control Board and Ors." in NGT**

1 message

Priya Puri <hkpuriandco@gmail.com>
To: Vishvendra Singh <vishvendra858@gmail.com>

Mon, Jul 8, 2024 at 3:04 PM

Please find the attachment to the Reply on Behalf of the Respondent No. 3 in "Gurmail Singh v. Punjab Pollution Control Board and Ors."

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Priya Puri, Advocate
H.K. Puri & Co
Chamber No.41
R. K. Garg Block
Supreme Court of India
New Delhi - 110001
+911123388160
+9111123383360

 **Gurmail Singh Vs PPCB Reply_0001.pdf**
374K

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
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IN THE MATTER OF:

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PUNJAB POLLUTION CONTROL BOARD AND ORS.

...RESPONDEE

KNOW ALL to whom these present shall come that I/We Respondent No. 3

do hereby appoint: Mrs. Priya Puri, Advocate

Enrolment No. D/562/ 1998 (R)

Chamber No. 41, Supreme Court of India, New Delhi-110001

Tel No. 23388160/ 23383360

Mobile: 9810365571

Email: hkpurianco@gmail.com

(hereinafter called the Advocates) to be my/our Advocates in the abovenoted cases and authorise them:

To act, appear and plead in the above-named case in this Court, or in any other Court in which the same may be tried or heard and also in the appellate courts.

To sign, file, verify and present pleadings, replications, appeals, cross-objections, or petitions for executions, review, revisions, restorations, withdrawals, compromise or other petitions, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

To file and take back documents.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive money, cheques and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocates whenever they may think fit to do so and to sign the Power of Attorney on my/our behalf.

And I/ We the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or their substitutes in the matter as my our own acts, as done by me/us to all intents and purposes.

And I/ We the undersigned do hereby agree that in the event of the above case being taken up to tour, I/we undertake that I/we shall pay extra fees.

And I/ We undertake that I/we or my/our duly authorised agent would appear in court on all hearings and will inform the Advocates for appearance, when the case is called.

And I/ We the undersigned do hereby agree not to hold the Advocates or their substitute responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitute.

And I/ We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocates remaining unpaid, they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment the Advocates shall be entitled to the same.

IN WITNESS WHEREOF I/We do hereby set my our hand to these present the contents of which have been understood by me/us this 24 day of June, 2024

Accepted subject to terms of fees

Advocates

Signature or thumb impression of client

संजीव कुमार / Sanjeev Kumar

मुख्य प्रबंधक (कृषि वित्त) / Manager (Retail Sales)
इंडियन ऑयल कॉर्पोरेशन लिमिटेड (एम.डी.)
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S.C.O. 35-36, Sector-7C, Madhya Marg, Chandigarh-160019

ANIMESH UPADHAY
(ADVOCATE)

UP 9855/2021

mob - 8004919122

Address - Tower C-1, 2002
Clea Concity, Sector-121,
Noida, Uttar Pradesh.

