

विषय:- Harvinder Singh Vs State of Haryana and others. Next Date: 01-12-2023.

उपरोक्त विषय पर आपके आदेश दिनांक 17.08.2023 के संदर्भ में।

आप द्वारा पारित आदेश दिनांक 17.08.2023 की अनुपालना में प्रोपराईटर श्री पुष्पेश पुत्र श्री अमरनाथ पासी निवासी म0नं0 931, सैक्टर-17, हुड्डा, जगाधरी, जिला यमुनानगर (हरियाणा) व फील्ड ऑफिसर, इण्डियन ऑयल कार्पोरेशन लिमिटेड को दिनांक 19.09.2023 को निम्नाहस्ताक्षरी द्वारा निजी तौर पर सुना गया।

तदोपरान्त निम्नलिखित अधिकारियों की एक और संयुक्त कमेटी का गठन किया गया :-

1. अतिरिक्त उपायुक्त, यमुनानगर।
2. उपमण्डलाधीश, जगाधरी।
3. क्षेत्रीय अधिकारी, हरियाणा राज्य प्रदूषण नियन्त्रण बोर्ड, यमुनानगर।
4. जिला उच्च शिक्षा अधिकारी, जिला यमुनानगर।

उक्त संयुक्त कमेटी द्वारा मौका निरीक्षण रिपोर्ट अतिरिक्त उपायुक्त, यमुनानगर के कार्यालय के पत्र कमांक 1255 दिनांक 10.10.2023 (प्रति संलग्न) के माध्यम से प्राप्त हुई है। जिसके अनुसार "The installation of Petrol Pump near college violates the (Point-H) as both school & College are educational institutes and installation of Petrol Pump near educational Institute violates Point-H of CPCB notification dated 07.01.2020."

तदोपरान्त निम्नहस्ताक्षरी द्वारा आवेदनकर्ता श्री पुष्पेश कुमार पुत्र श्री अमरनाथ व DGM (रिटेल सेल) IOCL Panipat को इस कार्यालय के पत्र कमांक 574/पी0एल0ए0 दिनांक 20.11.2023 द्वारा निजी सुनवाई हेतु पुनः बुलाया गया। आवेदनकर्ता श्री पुष्पेश कुमार पुत्र श्री अमरनाथ ने निम्नहस्ताक्षरी के सम्मुख पेश होकर अपना ब्याज प्रस्तुत किया कि "स्कूल व 10 बेंड या 10 बेंड से अधिक के अस्पताल में समाज के 18 वर्ष से कम आयु के बच्चे जो कि किसी आपदा के समय खुद से बाहर नहीं आ सकते। हमारी दृष्टि में कानून में इस तबके की सुरक्षा को अहमियत दी गई है। जहां तक कॉलेज की बात है या फिर किसी भी कार्यालय जहां पर व्यस्क लोग काम करते हैं, वहां के लोग आपदा के समय अपनी सुरक्षा स्वयं कर सकते हैं। ऐसे में Educational Institute का हवाला देते हुए स्कूल और कॉलेज को एक दृष्टि से नहीं देखा जाना चाहिए। मान लीजिए कल को कोई प्राईवेट कॉचिंग सेंटर शुरू हो जाता है तो क्या हम उसे भी Educational Institute की श्रेणी में शामिल कर देंगे, यह बात विचार योग्य है। उपरोक्त तथ्यों को मध्यगजर रखते हुए मेरी जमीन CPCB Act के अनुसार निर्धारित मानकों का अनुसरण करती है। अतः मेरे पेट्रोल पम्प के अन्नापति प्रमाण पत्र को रद्द न किया जाए।"

तदोपरान्त इस कार्यालय द्वारा जिला न्यायावादी, यमुनानगर से गन्त्रणा ली गई। जिला न्यायावादी ने अपने कार्यालय के पत्र कमांक 4173/डी0ए0वाई/2023 दिनांक 30.11.2023 (प्रति संलग्न) द्वारा लिखा है कि "The word "Schools" is mentioned whereas the word "Colleges" is not mentioned in the guidelines. However, in my opinion it would be appropriate to seek the clarification from the CPCB regarding as to the inclusion of colleges in the word "schools" as mentioned in the guidelines dated 07.01.2020 issued by the CPCB because there is no clear guidelines, notifications and instructions regarding inclusion/exclusion of the "colleges" in the word "Schools" for the said purpose."

उपरोक्त तथ्यों को संज्ञान में रखते हुए इस कार्यालय द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली द्वारा जारी ज्ञापन दिनांक 07.01.2020 के बिन्दु नं0-H के संलग्न में केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली से मार्गदर्शन मांगा है। अतः आपसे विनम्र अनुरोध है कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली से मार्गदर्शन प्राप्त होने तक उत्तर दाखिल करने के लिये समय प्रदान किया जाये।

Memo ...4173.../DAY/2023

Dated ...30/11/2023.....

Legal Opinion

Central Pollution Control Board vide its office memorandum dated 07.01.2020 issued guidelines for setting up of new petrol pumps. As per clause 'H' of said guidelines reproduce as under: -

"In case of siting criteria for petrol pump, new retail outlets shall not be located within a radial distance of 50 meters from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraint in providing 50 meters distance retail outlet shall implement additional safety 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 law shall be less than 30 meters".

The word "schools" is mentioned whereas the word "colleges" is not mentioned in the guidelines. However, in my opinion it would be appropriate to seek the clarification from the CPCB regarding as to the inclusion of colleges in the word "schools" as mentioned in the guidelines dated 07.01.2020 issued by the CPCB because there is no clear guidelines, notifications and instructions regarding inclusion/exclusion of the "colleges" in word "schools" for the said purpose.

Submitted, please.

slk
30/11/23
(Guldev Kumar)

Deputy District Attorney,
Yamuna Nagar.

I agree with the opinion of Sh. Guldev Kumar, Deputy District Attorney.

bd
30/11/23
District Attorney,
Yamuna Nagar.

~~Worthy D.C., YNR~~

Put up reply for the above MAT accordingly

Sen (Ro) PCB

30/11/23



प्रेषित

उपायुक्त,
जिला यमुनानगर

क्रमांक 1255

/दिनांक 10-10-2023

विषय:- हिन्दू गर्ल्स कालेज परिसर के पास स्थापित किये जाने वाले पेट्रोल पम्प बारे।

उपरोक्त विषय पर आपके कार्यालय के पत्र क्रमांक 462/पी0एल0ए0 दिनांक 22/09/2023 के संदर्भ में।

संदर्भित पत्र द्वारा गठित कमेटी की रिपोर्ट पत्र के साथ संलग्न कर आपकी सेवा में आक्यक व आगामी कार्यवाही हेतु प्रेषित है।

संलग्न:- मूल फाईल

अतिरिक्त उपायुक्त,
यमुनानगर।

*Ref to day
put
at 5:50 P.M*

Detailed inspection report in compliance of orders issued by District Magistrate vide letter no. 462 dated 22.09.2023.

The site of the proposed retail fuel outlet in between Jagadhri Bus Stand to Aggarsain Chowk which is mentioned in the complaint filed before Hon'ble NGT New Delhi vide OA No. 408 of 2023 titled as Harvinder Singh Vs. State of Haryana and Others was visited on dated 22-09-2023 by the team comprising of following officers:-

1. Additional Deputy Commissioner, Yamuna Nagar.
2. Sub Divisional Magistrate, Jagadhri.
3. Regional Officer, HSPCB, Yamuna Nagar.
4. District Higher Education Officer, Yamuna Nagar.

Point wise reply of points as asked by District Magistrate, Yamuna Nagar vide letter no. 462 dated 22.09.2023 is as below:-

Observation 1. संयुक्त समिति की रिपोर्ट दिनांक 28.06.2023 जो कि उपमण्डलाधीश जगाधरी के कार्यालय के पत्र क्रमांक 842 / ए०एल०सी० दिनांक 28.06.2023 के माध्यम से प्राप्त हुई थी की पुनः जांच की जाये व रिपोर्ट करें कि केन्द्रीय प्रदूषण नियन्त्रण बोर्ड के पत्र दिनांक 07.01. 2020 (प्रति संलग्न) के बिन्दु H में वर्णित दिशा-निर्देशों के अनुसार शर्त पूर्ण करता है अथवा नहीं ?

Reply Point 1:- 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 again found approx **11.3 meter**, which is not fulfilling the criteria laid down by Central Pollution Control Board vide memorandum dated 07-01-2020 (Point-H) wherein the desired distance is **50 meters** from fill point /dispensing units/vent pipe whichever is nearest from schools, hospitals (10 beds and above) and residential areas designated as per local laws. 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**.

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.

Observation 2. शैक्षणिक संस्था के द्वारा दिये गए पट्टा की शर्तों के अनुसार क्या स्कूल / कॉलेज परिसर में पेट्रोल पम्प स्थापित किया जा सकता है अथवा नहीं?

Reply Point 2:- Principal of Hindu Girls College, Jagadhri has submitted sale purchase documents vide their letter dated 05.10.2023 and as per the conditions of sale deed there is no objection in setting up of Petrol Pump on the said land (copy of letter dated 05.10.2023 and copy of lease agreement is attached herewith). However petrol pump cannot be established on this land as it violates Point No.-H of CPCB memorandum dated 07.01.2020.

Observation 3. प्रार्थी द्वारा प्रस्तुत किये गए दस्तावेज में University Grant Commission Act, 1956 (College definition) Haryana School Education Act 1995 (School definition) व Hindu Girl College Law bye laws के बारे में स्थिति स्पष्ट करें।

Reply Point 3:- As per the criteria laid down by Central Pollution Control Board vide memorandum dated 07-01-2020 (in Point-H) it is mentioned that *"In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from **schools**, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety 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 Na high tension line shall pass over the retail outlet"*.

Therefore, the Applicant has submitted documents of University Grant Commission Act, 1956(College definition), Haryana School Education Act 1995 (School definition) and Hindu Girl College Law bye laws for clarifying the definition of school and college and pleading that Hindu Girls College is a college and not a school and thus they are not covered under point no. H of Central Pollution Control Board vide memorandum dated 07-01-2020.

Whereas the installation of petrol pump near college violates the (Point-H) as both school & college are educational institutes and installation of petrol pump near Educational Institute violates Point-H of CPCB notification dated 07.01.2020.

Dated:- 06.10.2023



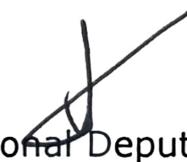
Assistant Environmental Engineer
HSPCB, Yamuna Nagar



District Higher Education Officer
Yamunanagar



Sub Divisional Magistrate
Jagadhri



Additional Deputy Commissioner
Yamuna Nagar