

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 739/2024

IN THE MATTER OF:

ROSHAN JOSHI

....PETITIONER

VERSUS

STATE OF UTTARAKHAND AND ORS

....RESPONDENTS

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NEW DELHI

DATED: 28.09.2024

FILED BY

Priya Puri
PRIYA PURI



Advocate for the Respondent No. 6
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IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

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IN THE MATTER OF:

ROSHAN JOSHI

....PETITIONER

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....RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6, INDIAN

OIL CORPORATION LIMITED STATE AS UNDER

I, *Krishna Kumar Gupta s/o Parmeshwar Prasad*, aged about **41** years, by religion *Hindu*, by occupation business, residing at *Flat No. 6101, Kailash Palm Street, Panditwari, Dehradun* do hereby solemnly affirm and as say as follows: -

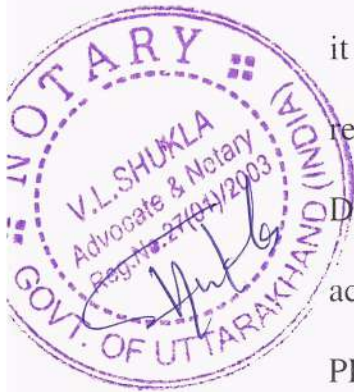
1. That I am employed as *Divisional Retail Sales Head, Dehradun Divisional Office* at the Indian Oil Corporation Limited, the Respondent No. 6 herein. I am conversant with the facts and circumstances of the case as per the records maintained in the office of IOCL. I am




 कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
 मंडल रिटेल सेल्स प्रमुख/Divisional Retail Sales Head
 इंडियन ऑयल कार्पोरेशन लिमिटेड
 Indian Oil Corporation Limited
 देहरादून मंडल कार्यालय / Dehradun Divisional Office
 25-नींबूवाला, गढ़ी कैंट, देहरादून-248003
 25-Nimbuwala, Garhi Cantt, Dehradun-248003

competent and authorized to swear this affidavit on behalf of Respondent no. 6.

2. The Applicant has filed the present OA alleging that the proposed site for the Retail Outlet does not comply with the siting criteria for setting up the petrol pump dated 07.01.2020 prescribed by CPCB.
3. The contents and the allegations made in the said OA are incorrect and wrong as the site in question is complying with said siting criteria. The present OA has been filed in order to harass the parties. The Applicant has been filing various cases against setting up of Retail Outlets and in all these cases the applicant is making the same allegations.
4. That the answering respondent is filing a short affidavit to bring on record relevant facts which go to the root of the matter and are necessary for the adjudication of the present matter. The respondent reserves its right to file a detailed response to the OA, if required.
5. On 06.06.2024, the conditional NOC under relevant rules of the Petroleum Act, 1934 has been granted by the District Magistrate, Dehradun wherein it has specifically stated that, ".....the construction work of the proposed retail outlet will be started after map approval from Mussoorie Dehradun Development Authority.....". It has also been mentioned that the necessary action is to be taken to fulfill additional safety measures as prescribed by PESO at the proposed site as per the standards of "Siting Criteria of Retail




 कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
 मंडल रिटेल सेल्स प्रमुख/Divisional Retail Sales Head
 इंडियन ऑयल कॉर्पोरेशन लिमिटेड
 Indian Oil Corporation Limited
 देहरादून मंडल कार्यालय / Dehradun Divisional Office
 25-नींबूवाला, गढ़ी कैंट, देहरादून-248003
 25-Nimbuwala, Garhi Cantt, Dehradun-248003

Outlet” mentioned in the “Guidelines for Setting up of New Petrol Pumps” dated 07.01.2020.

The true copy of the NOC along with the translated copy is annexed herewith as Annexure R-1.

6. It is stated that the Retail Outlet will have to comply with all the conditions as mentioned in the NOC otherwise appropriate action can be taken as per rules.
7. That to comply with the additional conditions laid down in the NOC granted by the District Magistrate Dehradun, the answering respondent has submitted revised layout drawings meeting the CPCB guidelines for siting up of new Petrol Pump to the District Magistrate on 9.9.2024.

The true copy of the letter dated 09.09.2024 is hereby annexed as Annexure R-2.

8. The answering respondent has also filed for obtaining approval from the Mussoorie and Dehradun Development Authority for siting up of the Retail Outlet.
9. In view of the contents of the present affidavit the OA is liable to be dismissed.




28.09.24
DEPONENT

कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
मंडल रिटेल सेल्स प्रमुख/Divisional Retail Sales Head
इंडियन ऑयल कार्पोरेशन लिमिटेड
Indian Oil Corporation Limited
देहरादून मंडल कार्यालय/Dehradun Divisional Office
25-नींबूवाला, गढ़ी कैंट, देहरादून-248003
25-Nimbuwala, Garhi Cantt, Dehradun-248003

ANNEXURE R-1

कार्यालय जिलाधिकारी देहरादून

अनापत्ति प्रमाण पत्र

संख्या 110/स्थापना

दिनांक 06/06/24

विषय:- अनापत्ति प्रमाण पत्र

डिविजनल रिटेल सेल्स हेड, इण्डियन ऑयल कॉर्पोरेशन लिमिटेड डिविजन ऑफिस 25 निम्बूवाला गढ़ी कैंट, देहरादून के पत्र संख्या- DDN DO/NRO/RAIPUR दिनांक 03.01.2024 के संदर्भ में एवं पेट्रोलियम नियम 2002 के नियम 144 के अनुसरण में पेट्रोलियम नियम 2002 के अधीन भूमि खसरा संख्या 447मि0 ग्राम रायपुर तहसील व जिला देहरादून राज्य उत्तराखण्ड जैसा कि इस साइट प्लान में दिखाया गया है जो यहां सम्यक रूप से पृष्ठांकित और संलग्न है, पर इण्डियन ऑयल कॉर्पोरेशन लिमिटेड के रिटेल आउटलेट स्थापित किये जाने हेतु अनुज्ञप्ति प्रदान किये जाने हेतु अनापत्ति इस प्रतिबन्ध के साथ प्रदान की जाती है कि प्रस्तावित रिटेल आउटलेट का निर्माण कार्य मसूरी देहरादून विकास प्राधिकरण से मानचित्र स्वीकृति के उपरांत प्रारम्भ किया जायेगा। प्रस्तावित रिटेल आउटलेट की दूरी साइग्रेस एकेडमी इंटरनेशनल रायपुर विद्यालय से 36 मीटर होने के कारण भूमि खसरा संख्या-447मि ग्राम रायपुर तहसील सदर देहरादून पर इण्डियन ऑयल कॉर्पोरेशन लिमिटेड के रिटेल आउटलेट स्थापित किये जाने हेतु केन्द्रीय प्रदूषण नियन्त्रण बोर्ड द्वारा निर्गत "Guidelines for Sitng up of New Petrol Pumps" दिनांक "Sitng Criteria of Retail Outlet" दिनांक 07.01.2020 के मानकों के अनुसार प्रस्तावित स्थल पर PESO द्वारा निर्धारित सुरक्षा के अतिरिक्त मानक (additional safety measures as prescribed by PESO) पूर्ण किये जायेंगे तथा प्रस्तावित स्थल से 25 मीटर की दूरी पर खलिंगा नहर स्थित होने के कारण उत्तराखण्ड शासन आवास अनुभाग-2 की अधिसूचना संख्या-1647/V-2/2021-11(एल0यू0सी0)/2003 टी0सी0 दिनांक 05 अक्टूबर, 2021 में दिये गये निर्देशों के क्रम में रिटेल आउटलेट का निर्माण नहर से 50 मीटर की दूरी छोड़ने के उपरान्त किया जायेगा।

1. इस अनापत्ति प्रमाण-पत्र को जारी करते समय निम्नलिखित विशिष्टियों पर/विचार किया गया है, अर्थात :-
 - (क) पेट्रोलियम उत्पादों के भंडारण के लिए इन नियमों के अधीन परिसर का विकास करने के लिए भू-स्वामी या पट्टेदार से प्राधिकार सहित आवेदक द्वारा स्थल पर विधिमान्य कब्जा;
 - (ख) लोक, विशेष रूप से ऑफ-साइट जैसी सुविधाओं, विद्यालयों, अस्पतालों या सार्वजनिक सभा के आस-पास स्थित स्थलों और उपशमन उपाय, यदि कोई हो, प्रदान किए गए हैं;
 - (ग) यातायात घनत्व और यातायात पर प्रभाव;
 - (घ) स्थानीय या क्षेत्र विकास योजना के अनुरूप प्रस्ताव;
 - (ङ) आपातकालीन मामलों में आग लगने पर स्थल तक पहुंच और आपातकालीन मामलों से निपटने के लिए अग्निशमन सेवाओं की तैयारी;
 - (च) उद्देश्य की वास्तविकता;
 - (छ) सार्वजनिक सुरक्षा से सम्बन्धित अन्य कोई मामला।



जिला मजिस्ट्रेट,
देहरादून

कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
मंडल रिटेल सेल्स प्रमुख/Divisional Retail Sales Head
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
Indian Oil Corporation Limited
देहरादून मंडल कार्यालय/Dehradun Divisional Office
25-नींबूवाला, गढ़ी कैंट, देहरादून-248003
25-Nimbuwala, Garhi Cantt, Dehradun-248003

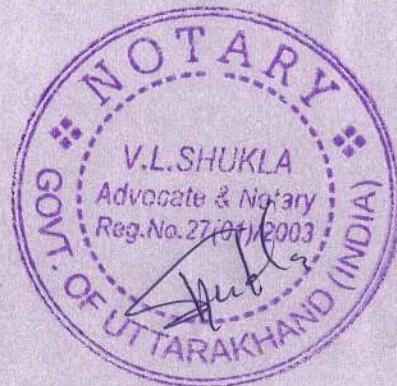
(2)

प्रतिलिपि -निम्नलिखित को इस आशय से प्रेषित कि विभाग द्वारा जिन प्रतिबन्धों/शर्तों के अधीन अनापत्ति निर्गत किये जाने की संस्तुति/आख्या प्रस्तुत की गयी है, उनका पूर्ण रूप से अनुपालन कराना सुनिश्चित करें। आवेदक द्वारा प्रतिबन्धों/शर्तों का उल्लंघन किये जाने की दशा में सम्बन्धित के विरुद्ध नियमानुसार कार्यवाही प्रस्तावित करने करें।

1. वरिष्ठ पुलिस अधीक्षक, देहरादून।
2. सचिव, मसूरी देहरादून विकास प्राधिकरण, देहरादून।
3. उपजिलाधिकारी, सदर।
4. जिला पूर्ति अधिकारी, देहरादून।
5. मुख्य अग्निशमन अधिकारी, देहरादून।
6. क्षेत्रीय अधिकारी (प्रशासन), उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।
7. अधिशासी अभियन्ता, अस्थाई खण्ड, लोक निर्माण विभाग, ऋषिकेश
8. मण्डल रिटेल सेल्स प्रमुख, देहरादून मण्डल कार्यालय, इंडियन ऑयल कार्पोरेशन लि0, 25 नींबूवाला, गढ़ी कैंन्ट, देहरादून को इस आशय से कि प्रस्तावित रिटेल आउटलेट पर केन्द्रीय प्रदूषण नियन्त्रण बोर्ड द्वारा निर्गत "Guidelines for Setting up of New Petrol Pumps" दिनांकित 07.01.2020 में उल्लिखित "Siting Criteria of Retail Outlet" के मानकों के अनुसार प्रस्तावित स्थल पर PESO द्वारा निर्धारित सुरक्षा के अतिरिक्त मानक (additional safety measures as prescribed by PESO) पूर्ण किये जाने हेतु आवश्यक कार्यवाही करना सुनिश्चित करें।
9. आवेदक श्री आशीष राजवंशी, निवासी-महाराणा प्रताप चौक, रायपुर देहरादून को इस निर्देश के साथ उक्त अनापत्ति में उल्लिखित समस्त प्रतिबन्धों का अनुपालन कराना सुनिश्चित करें।



जिला मजिस्ट्रेट,
देहरादून



28.09.24
कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
मंडल रिटेल सेल्स प्रमुख/Divisional Retail Sales Head
इंडियन ऑयल कार्पोरेशन लिमिटेड
Indian Oil Corporation Limited
देहरादून मंडल कार्यालय / Dehradun Divisional Office
25-नींबूवाला, गढ़ी कैंन्ट, देहरादून-248003
25-Nimbuwala, Garhi Cantt, Dehradun-248003

TRANSLATION NOC**Office of District Magistrate Dehradun****No Objection Certificate**

No. 110/ Establishment

Dated 06/06/24

Subject: No Objection Certificate

In reference to letter No. - DDN DO/NRO/RAIPUR dated 03.01.2024 of Divisional Retail Sales Head, Indian Oil Corporation Limited Division Office 25 Nimbuwala Garhi Cantt, Dehradun and in pursuance of Rule 144 of Petroleum Rules 2002, no objection is given for grant of license to set up retail outlet of Indian Oil Corporation Limited on land Khasra No. 447 Mi Village Raipur Tehsil and District Dehradun State Uttarakhand under Petroleum Rules 2002 as shown in this site plan which is duly endorsed and attached herewith, with the restriction that the construction work of the proposed retail outlet will be started after map approval from Mussoorie Dehradun Development Authority. As the distance of the proposed retail outlet is 36 meters from Cygrace Academy International Raipur School, for setting up the retail outlet of Indian Oil Corporation Limited on land Khasra No.-447 Mi Village Raipur Tehsil Sadar Dehradun, as per the standards of "Guidelines for Siting up of New Petrol Pumps" dated 07.01.2020 issued by the Central Pollution Control Board, additional safety measures as prescribed by PESO will be fulfilled at the proposed site and as the Khalinga

Canal is located at a distance of 25 meters from the proposed site, as per the instructions given in the notification number-1647/V-2/2021-11 (LUC)/2003 TC dated 05 October, 2021 of Uttarakhand Government Housing Section-2, the retail outlet will be constructed after leaving a distance of 50 meters from the canal.

1. The following particulars have been taken into consideration while issuing this No Objection Certificate, namely:-

- (a) lawful possession of the site by the applicant with authorisation from the landowner or lessee to develop the premises under these regulations for storage of petroleum products;
- (b) public, particularly off-site facilities such as schools, hospitals or public gathering places nearby sites and mitigation measures, if any, provided;
- (c) traffic density and impact on traffic;
- (d) the proposal is in conformity with the local or area development plan;
- (e) Access to the site of fire in case of emergency and preparedness of fire services to deal with emergencies;
- (f) genuineness of purpose;
- (g) any other matter relating to public safety.

District Magistrate, Dehradun

Copy - Sent to the following with the intention to ensure full compliance of the restrictions / conditions under which the recommendation / report for issuing no objection has been submitted by the department. In case the applicant violates the restrictions / conditions, propose to take action against the concerned as per rules.

1. Senior Superintendent of Police, Dehradun.
2. The Secretary, Mussoorie Dehradun Development Authority, Dehradun.
3. The Sub-Divisional Magistrate, Sadar.
4. District Supply Officer, Dehradun.
5. Chief Fire Officer, Dehradun.
6. Regional Officer (Administration), Uttarakhand Pollution Control Board, Dehradun.
7. Executive Engineer, Temporary Section, Public Works Department, Rishikesh
8. Divisional Retail Sales Head, Dehradun Divisional Office, Indian Oil Corporation Ltd., 25 Nimbuwala, Garhi Cantt, Dehradun, to ensure that necessary action is taken to fulfil additional safety measures as prescribed by PESO at the proposed site as per the standards of "Siting Criteria of Retail Outlet" mentioned in the "Guidelines for Setting up of New Petrol Pumps" dated 07.01.2020 issued by Central Pollution Control Board at the proposed retail outlet.
9. The applicant Shri Ashish Rajvanshi, resident- Maharana Pratap Chowk, Raipur Dehradun is hereby instructed to ensure compliance with all the restrictions mentioned in the said NOC.

District Magistrate, Dehradun
TRUE COPY

ANNEXURE R-2



Indian Oil
A Maharatna
Company

मार्केटिंग डिविजन
Marketing Division

इंडियन ऑयल कॉर्पोरेशन लिमिटेड

देहरादून डिविजनल ऑफिस : 25, निम्बूवाला,
गढ़ी कैंन्ट, देहरादून -248003 (उत्तराखण्ड)

Indian Oil Corporation Limited

**Dehradun Divisional Office: 25, Nimbuwala,
Garhi Cantt, Dehradun, Uttarakhand-248003**

Tel : 0135-2750108, 2750110 Fax : 0135-2750111

Ref : DDN DO/NRO/RAIPUR/2
DTD: - 09.09.2024

To,
The District Magistrate,
Dehradun.
Uttarakhand.

SUB:- No Objection Certificate for Development of New Petroleum Class A/B Retail Outlet at Khasra No. 447Mi, Village - RAIPUR, Tehsil - DEHRADUN, District- DEHRADUN (Uttarakhand) site offered by Shri Ashish Rajvanshi, our letter ref no. DDN DO/NRO/RAIPUR dt 03.01.2024 and your NOC letter ref no. 110/Sthapna dt 06.06.2024.

Sir,

With ref to our letter ref no. DDN DO/NRO/RAIPUR dt 03.01.2024, NOC is issued for the subject offered land for development of New Petroleum Class A/B Retail Outlet at Khasra No. 447Mi, Village - RAIPUR, Tehsil & Dist - DEHRADUN.

As advise in the NOC, 8 copies revised layout drawing which is meeting the CPCB guidelines for siting up of new Petrol Pump is being submitted for your kind persual. The approved layout drawings may kindly be forwarded to this office duly signed and stamped.

In case of any clarification Ms Ilina Choudhary, Mgr(RS), Dehradun East RSA may be contacted on his mobile no. 9871702661 & LOI Holder Shri Ashish Rajvanshi on 9012019064.

Thanking You,

Yours faithfully,
For/Indian Oil Corporation Ltd. (MD)




* Divisional Retail Sales Head

 28.09.24
कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
गंडल रिटेल सेल्स प्रमुख/Divisional Retail Sales Head
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
Indian Oil Corporation Limited
देहरादून मंडल कार्यालय / Dehradun Divisional Office
25-नींबूवाला, गढ़ी कैंन्ट, देहरादून-248003
25-Nimbuwala, Garhi Cantt, Dehradun-248003

पंजीकृत कार्यालय : जी-9, अली यावर जंग मार्ग, (पूर्व), गुम्बई - 400051 (भारत)
Reg. Office.: G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai-400051 (India)

TRUE COPY

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 739/2024

IN THE MATTER OF:

ROSHAN JOSHI

PETITIONER

VERSUS

STATE OF UTTARAKHAND & ORS.

RESPONDENT

Know all to whom these presents shall come that I/We KRISHNA KUMAR GUPTA, DIVISIONAL RETAIL SALES HEAD (IOCL). The above named the Respondent 6 do hereby appoint:

Mrs. Priya Puri Advocate
Enrolment No. D/562/1998 (R)
Chamber No.41, R.K. Garg Block,
Supreme Court of India
New Delhi- 110001
Mobile No. - 9810365571
E-mail- hkpuriandco@gmail.com

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby conferred on the Advocate (s) whenever he/they may think fit to do so.

And I/We hereby agree that whatever the Advocate (s) or his/ there substitute shall do in the premises shall be binding on me in all intents and purposes just as if it would have been done by me.

And I/We hereby agree not to hold the Advocate (s) or his/their substitute responsible for the said case in consequence of his absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

In witness whereof I/We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us.

Date: 28/09/2024

Advocate (s)

[Signature]
D/10799/2021

[Signature]
Priya ms'

[Signature]
कृष्ण कुमार गुप्ता/Krishna Kumar Gupta
मंडल रिटेल रोल्स प्रमुख/Divisional Retail Sales Head
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
Indian Oil Corporation Limited
देहरादून मंडल कार्यालय / Dehradun Divisional Office
25-बी बुवाला, गढ़ी चौक, देहरादून-248003
Nimbuwala, Garhi Cantt, Dehradun-248003





Priya Puri <hkपुरिandco@gmail.com>

Roshan Joshi vs. State of Uttarakhand & Ors. in Original Application Number 739/2024

1 message

Priya Puri <hkपुरिandco@gmail.com>

Sat, Sep 28, 2024 at 6:27 PM

To: "office.nizampasha@gmail.com" <office.nizampasha@gmail.com>

Dear Sir.

PLEASE FIND HERE ATTACHED SHORT AFFIDAVIT IN THE ABOVE MATTER.

--

Priya Puri, Advocate

H.K. Puri & Co

Chamber No.41

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Supreme Court of India

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**ROSHAN JOSHI COMPILED.pdf**

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