

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO 9 OF 2023

IN THE MATTER OF

AMRUTLAL PATEL & OTHERS

APPLICANTS

Versus

STATE OF ODISHA AND OTHERS

RESPONDENTS

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PLACE: Bhubaneswar

SANKAR PRASAD PANI

DATE: 16/02/2023

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO ...9 OF 2023

IN THE MATTER OF

NOTARISED

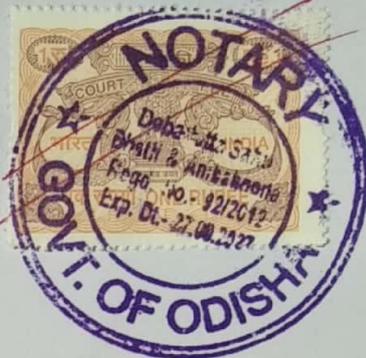
AMRUTLAL PATEL & OTHERS

APPLICANTS

Versus

STATE OF ODISHA AND OTHERS

RESPONDENTS



SUPPLIMENTARY AFFIDAVIT ON BEHALF OF APPLICANTS

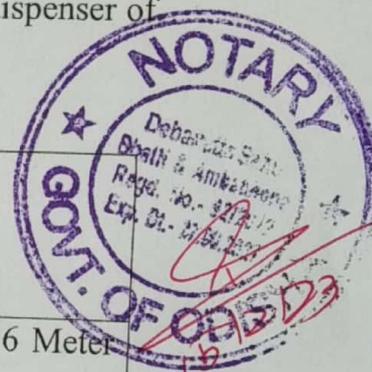
- 500
Dt. 15.2.23
1. Fakir Mohan Patel, S/O Late Jaykaran Patel, Aged About 64years, Resident of At/Po-Bhukta, Ps-Ambabhona, Dist-Baragarh, 768045 Odisha, do hereby solemnly affirm, and declare as under:
 2. That I am one of the applicant in the above mentioned Original Application and competent to swear this affidavit.
 3. That the OA was admitted on 18th January 2023 and Hon'ble NGT issued a stay order on further construction of the petrol pump in question
 4. It is humbly submitted that the applicant has sought information under Right to Information Act on 20/01/2023 received the information that the District Collector, Baragarh has issued No Objection Certificate to the petrol pump unit on 11th October 2022. Copy of RTI reply dated 20/0-1/2023 along with NOC letter dated 11/10/2022 is annexed here with as

ANNEXURE-1

90 119 2 081121 968

5. It is needless to state that the NOC has been issued even after the finding of Tahasildar Ambabhona that the nearest residential house is only 12metres which is not in conformity with the CPCB Siting Criteria mandating minimum distance of 50metres from a residential house.
6. It is further submitted that pursuant to the complaint petition, the State pollution control board team of three officers comprising of Biswakant Pradhan, Deputy Environmental Engineer, Manoranjan Pradhan, Asst Scientific Officer and RK Panda, Asst Environment Engineer have visited the site in question and measured the distance with the help of a hand held GPS device in presence of applicant and the representative of petrol pump owner as well Rohit Patel, the land owner. The distance of the dispenser of petrol pump to the nearby residential houses is as follows.

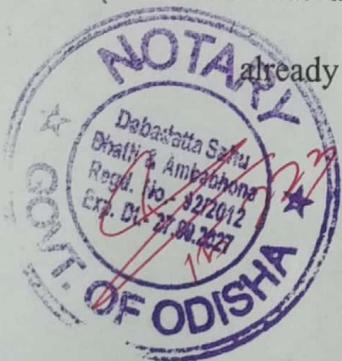
Sl No	Name of residence owner	Distance
1	Rohit Kumar Patel	6 meter from filling Point & 16 Meter from Dispensing Unit
2	Dinabandhu Patel	12 meters from dispensing unit & 20 meter from Fill point
3	Amrutlal Patel	22 meter from dispensing unit
4	Mahendra Sahu	22 meter from dispensing unit
5	Antaryami Pradhan	25 meter from dispensing unit



ମୁଖ୍ୟ ଅଧିକାରୀଙ୍କ ଦ୍ଵାରା

6 .	Fakir Mohan Patel	32 meter from dispensing unit
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7. It is humbly submitted that A petrol pump in a residential area close to residences are prohibited to be established as per the Sitting Criteria guidelines for petrol pumps issued by CPCB pursuant to order of Principal Bench of Honble National Green Tribunal.
8. It is further submitted that at the time of the verification by Tahasildar Ambavona, the dispenser unit was not set up and land was there. So once the measurement is made from the nearest Dispenser unit of petrol pump, the all the six residencies houses will be with in 50metres.
9. It is further submitted that after the stay order passed by the Honble NGT, the private respondent has started stocking the fuel in it's filling point on 22nd January 2023 and started fitting the electrical installation thereafter. The applicant has brought it to the notice of DM Bargarh and all other authorities on 24th January 2023. Copy of Photographs along with Complaint letter dated 24/02/2023 is annexed here unto as ANNEXURE-2
10. That the Block Chairman, Ambavona in his letter dated 11th Feb 2023 has also stated that residential houses in close proximity of the proposed petrol pump. Copy of letter dated 11/02/2023 is annexed here unto as ANNEXURE-3
11. That the copy of the OA along with annexures notice and order has already been served on respondent no 6 and 8 through speed post on 14th

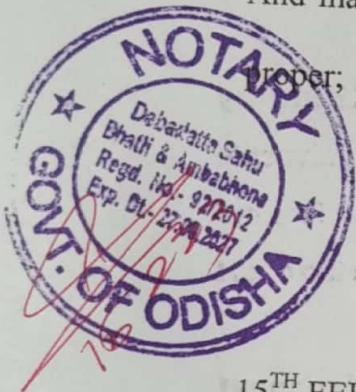


90/1192 DPH/21/2023

Feb. 2023. Copy of speed post receipt is annexed here with as ANNEXURE-4

12. That in view of the afore mentioned paras the applicant prays for direction against the private respondent as well as the state respondents to ensure no construction or any kind of activity relating to petrol pump on the site in question be undertaken till disposal of the final application and stringent action be taken for defiance of the order of Honble NGT dated 18th January 2023.

And may further be pleased to pass any other order(s) as deemed fit and



15TH FEB 2022

For this act of kindness the applicant will remain ever grateful to the Honble Tribunal.

[Handwritten signature]
Applicants Through

[Handwritten signature]

Advocate

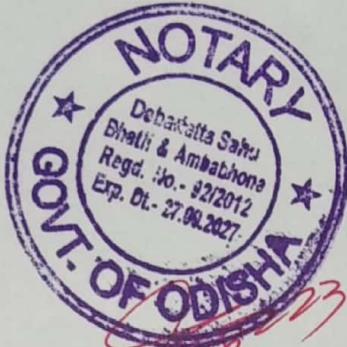
VERIFICATION

Verified on this 15th day of FEBRUARY 2023 at (Place) Bhadrak.....that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By *[Signature]*
Advocate 5.2.2023

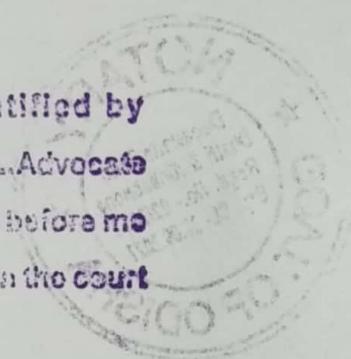
The deponent is sign. before me and who is known to me.
[Signature]

[Handwritten signature]
DEPONENT
15.2.2023



DT 16-2-23

The deponents being identified by
 Sri. *B. Barik.* Advocate
 Bhatti/Ambabhona solemnly affirmed before me
 on this *16-2-23* within the court
 premises at Bhatti/Ambabhona.



Readover and explained the deponent
 who seems perfectly understood the contents
 at the time of making this affidavit.

Debadatta Sahu
NOTARY
 Bhatti & Ambabhona, Dist. Bargarh
 Regd. No. - 92/2012
 Exp. Dt. - 27.09.2027

[Handwritten signature]
19/23

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, BARGARH

No 11 / (RTI) Dt 20.01.2023

To

Fakir Mohan Patel
S/o-Late Jayakaran Patel
At-Prakashpur, Po-Bhukta
Ps-Ambabhona, Dist- Bargarh
Pin-768045

Sub:- Information on your RTI application 01.01.2023.

With reference to your RTI application dtd. 01.01.2023, I am to enclose herewith the letter No.223/Judl.Dt.12.01.2023 of Deputy Collector (Judicial), Collectorate, Bargarh for your information.

Encl:- as above

Yours faithfully,


Public Information Officer,
Collectorate, Bargarh

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, BARGARH
(JUDICIAL SECTION)

No. V-19/2022 223 /Judl., Dated. 12.01.2023

To

The Public Information Officer,
Collectorate, Bargarh

Sub: Providing information under the Rule 4(1) of RTI Rules, 2005 on the RTI application of Sri Fakir Mohan Patel S/o-Late Jayakaran Patel, At-Prakashpur, PO-Bhukta, PS-Ambabhona, Dist-Bargarh, PIN-768045.

Ref: Your letter No.01/RTI/Dated.05.01.2023.

Madam,

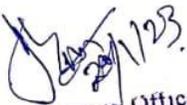
In inviting a reference to the letter on the subject cited above, I am to say that the applicant Sri Fakir Mohan Patel S/o-Late Jayakaran Patel, At-Prakashpur, vide his RTI application has sought for information on copy of NOC issued in favour of Smt. Hemalata Patel of village-Chicholi for construction of petrol pump. I am to enclose herewith a copy of the NOC issued in favour of Smt. Hemalata Patel of village-Chicholi for construction of petrol pump, as sought for by the applicant for your ready reference. This may be supplied the applicant.

This is for information and necessary action.

Encl: As above

Yours faithfully,


Deputy Collector (Judicial)
Collectorate, Bargarh
12.1.2023

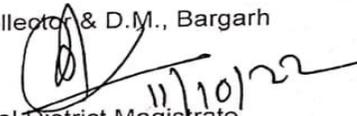

Public Information Officer,
Collectorate, Bargarh

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, BARGARH
(JUDICIAL SECTION)

Order No. 12397 / Judl, Dated. 11.10.2022
XXVII-36/2021

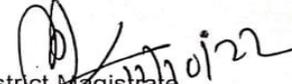
There is no objection for putting a new retail outlet by the Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited, Sambalpur Divisional Office, over Plot No. 122 (P) out of Khata No.346/262, area Ac.0.148 dec, Kism "Gharabari" of Mouza- Chicholi, PS/Tahasil- Ambabhona, District- Bargarh subject to the stipulated conditions of Assistant Fire Officer, Bargarh and Site Plan of IOCL.

By order of Collector & D.M., Bargarh


Additional District Magistrate,
Bargarh

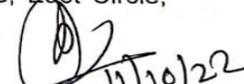
Memo No. 12398 / Dt. 11.10.2022

Copy forwarded to the Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited, Sambalpur Divisional Office with two nos. of land plans for information and necessary action.


Additional District Magistrate,
Bargarh

Memo No. 12399 / Dt. 11.10.2022

Copy to the Deputy Chief Controller of Explosive-B, Esplanade, East Circle, Kolkata-69 for information and necessary action.


Additional District Magistrate,
Bargarh

Memo No. 12400 / Dt. 11.10.2022

Copy to the Tahasildar, Ambabhona / Assistant Fire Officer, Bargarh/ E.E., R.W. Division, Bargarh, for information and necessary action.


Additional District Magistrate,
Bargarh


Public Information Officer,
Collectorate, Bargarh

**PHOTOGRAPHS OF DEVELOPMENT AT THE FUEL PUMP
SUNSEQUENT TO TO NGT ORDER DATED 18TH JAN 2023**



Figure 1 UNLOADING FROM THE TANKER AND FILLING OF FUEL TANK ON 22ND JAN 2023 WHILE STILL CONSTRUCTION MATERIALS LYING AT SITE AND PLATFORM IS STILL TO BE FINISHED WITH CONCRETE



Figure 2 ELECTRIC FITTINGS INSTALLED ON 27TH JAN 2023

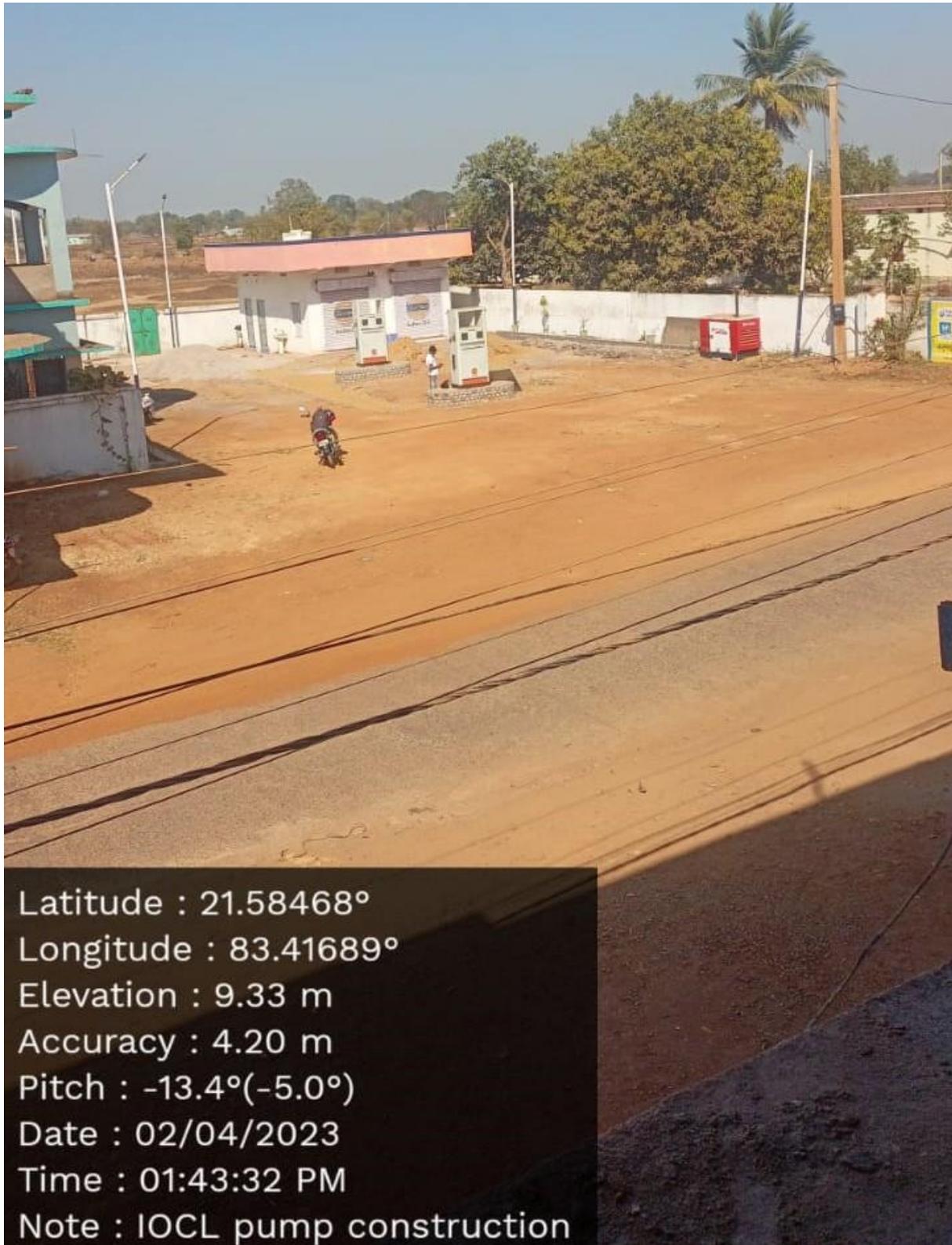


Figure 3 NOZLE SETTING AT THE FUEL DISPENSER

The Dy Chief Controller of Explosives
Petroleum & Explosives Safety Organisation (PESO)
F-35/A, BJB Nagar, Bhubaneswar-751014

24.01.2023

Respected Sir,

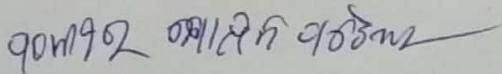
Subject-Indian Oil Corporation Ltd. Continuing Petrol Pump work in complete disregard to NGT stay order dated 18.01.2023
Ref- Original Application no.09/2023/EZ of National Green Tribunal

The honourable National Green Tribunal vide its order dated 18.01.2023 had ordered for complete stay on all further constructions of the alleged petrol pump situated in plot no.122 Khata no.346/262 in Prakashpur Mouza Chicholi Tahsil Ambabhona, District- Bargarh Odisha 768045 till the next date of listing that is 22.02.2023

However, the proprietor of the petrol pump Smt Hemalata Patel is continuing with the pump work even today. After unloading a tanker of petrol/diesel and testing the machines on 22nd, on 23rd she continued construction of floor on the right side of the boundary which is complete disregard to the mentioned order issued by Hon. Green Tribunal.

Hence, I request you to kindly take necessary action against IOCL and the said Hemalata Patel to desist her from any further violation of the order.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- GPS Tagged photo

Central Pollution Control Board
Parivesh Bhawan,
Maharshi Valmiki Marg,
East Arjun Nagar,
Vishwas Nagar Extension,
Vishwas Nagar, Shahdara, Delhi, 110032

24.01.2023

Respected Sir,

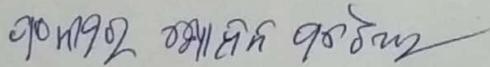
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Hence, I request you to kindly take necessary action against Indian Oil Corporation Ltd and the said Hemalata Patel to desist her from any further violation of the order.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- GPS Tagged photo

The District Magistrate & Collector
Bargarh-Odisha 768028

24.01.2023

Respected Madam,

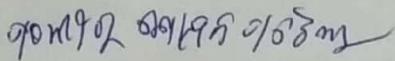
Subject-Indian Oil Corporation Ltd. Continuing Petrol Pump work in complete disregard to NGT stay order dated 18.01.2023
Ref- Original Application no.09/2023/EZ of National Green Tribunal

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Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- GPS Tagged photo

The Tahsildar
Ambabhona

24.01.2023

Respected Sir,

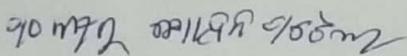
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Ref- Original Application no.09/2023/EZ of National Green Tribunal

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Hence, I request you to kindly take necessary action against the said Hemalata Patel to desist her from any further violation of the order.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- GPS Tagged photo

The District Magistrate & Collector
Bargarh-Odisha 768028

23.01.2023

Respected Madam,

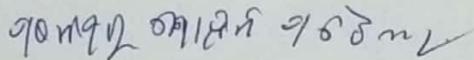
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Hence, I request you to kindly take necessary action against the said Hemalata Patel to desist her from any further violation of the order.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- Copy of the stay order &GPS Tagged photo of tanker being unloaded

The Divisional Manager(Retail Sales)
Indian Oil Corporation Ltd.
Sambalpur Retail Divisional Office
Kaensir Road, Ainthapali
Sambalpur-768004-Odisha

23.01.2023

Respected Sir,

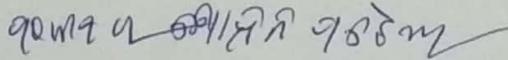
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However, the proprietor of the petrol pump Smt Hemalata Patel is continuing with the pump work even today. She has today unloaded a tanker of petrol/diesel and tested the machines which is complete disregard to the mentioned order issued by Hon. Green Tribunal.

Hence, I request you to kindly take necessary action against the said Hemalata Patel and desist from any further violation of the order.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- Copy of the stay order &GPS Tagged photo of tanker being unloaded

The Dy Chief Controller of Explosives
Petroleum & Explosives Safety Organisation (PESO)
F-35/A, BJB Nagar, Bhubaneswar-751014

23.01.2023

Respected Sir,

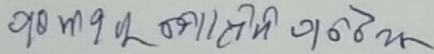
Subject-Indian Oil Corporation Ltd. Continuing Petrol Pump work in complete disregard to NGT stay order dated 18.01.2023
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Hence, I request you to kindly take necessary action against the said Hemalata Patel to desist her from any further violation of the order.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- Copy of the stay order &GPS Tagged photo of tanker being unloaded

The Metrology Officer
Weight & Measurement Department Bargarh
Railway Station Road
Bargarh-768028-Odisha

23.01.2023

Respected Sir,

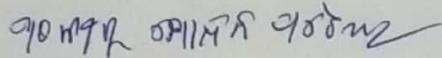
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Ref- Original Application no.09/2023/EZ of National Green Tribunal

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However, the proprietor of the petrol pump Smt Hemalata Patel is continuing with the pump work even today. She has today unloaded a tanker of petrol/diesel and tested the machines which is complete disregard to the mentioned order issued by Hon. Green Tribunal.

Considering the stay order I request you to kindly do not issue necessary license/approval to the pump.

Yours Faithfully,



Fakir Mohan Patel
At- Prakashpur, Po- Bhukta, Dist- Bargarh, Odisha 768045

Attachment- Copy of stay order .

ଶ୍ରୀଯୁକ୍ତ କିର୍ତ୍ତିଚନ୍ଦ୍ର ଦୁଆନ

ବୁଦ୍ଧ ଅଧ୍ୟକ୍ଷ

ପଞ୍ଚାୟତ ସମିତି କାର୍ଯ୍ୟାଳୟ, ଅମ୍ବାଭୋନା



ବ୍ଲକ୍/ତହ- ଅମ୍ବାଭୋନା, ଜି- ବରଗଡ଼

ମୋ.ନଂ:- ୯୮୭୧୭୭୦୩୫୦

ଚିଠି ନଂ:-

ତାରିଖ:-

11.02.2023

TO WHOMSOEVER IT MAY CONCERN

This is to confirm that the proposed petrol pump being constructed at Prakashpur by Indian Oil Corporation Ltd is located in ward no.4 which is a residential area of Chicholi Village in Bhukta Panchayat under Ambabhona Block of Bargah District, Odisha. This site is in very close proximity of residential houses. In the close proximity there also exists a coaching centre by the name of "Alpha Coaching Centre".

These residences exist since at least 20/25years.

Chairman, Ambabhona Block

[Handwritten Signature]
Chairman
Panchayat Samiti
Ambabhona

14th Feb2023

TO,

1. Divisional Retail Sales Head, Indian Oil Corporation Ltd, Sambalpur
Divisional Office, Kainsir Road, Ainthapali, Sambalpur-768004(Odisha),
Email vishalgarg@indianoil.in
2. Hemalata Patel, W/o Nandakishor Patel, Chicholi Village, Tahsil-
Ambabhona, Dist-Bargarh PIN-768045

Subject- Service of OA copy, Order dated 18th Jan 2023 and Notice in
Original Application No 9 of 2023/EZ

Dear Sir/Madam

Kindly accept the copy of the original application along with annexures,
Order copy dated 18th January 2023 and Notice copy issued by Hon'ble
National Green Tribunal in OA No 09 of 2023. The matter is fixed for
22nd Feb 2023.

Warm Regards



Sankar Prasad pani

Advocate for the Applicant

2132/4814, NageswarTangi, Bhubaneswar, 751002

Cell 9437279278

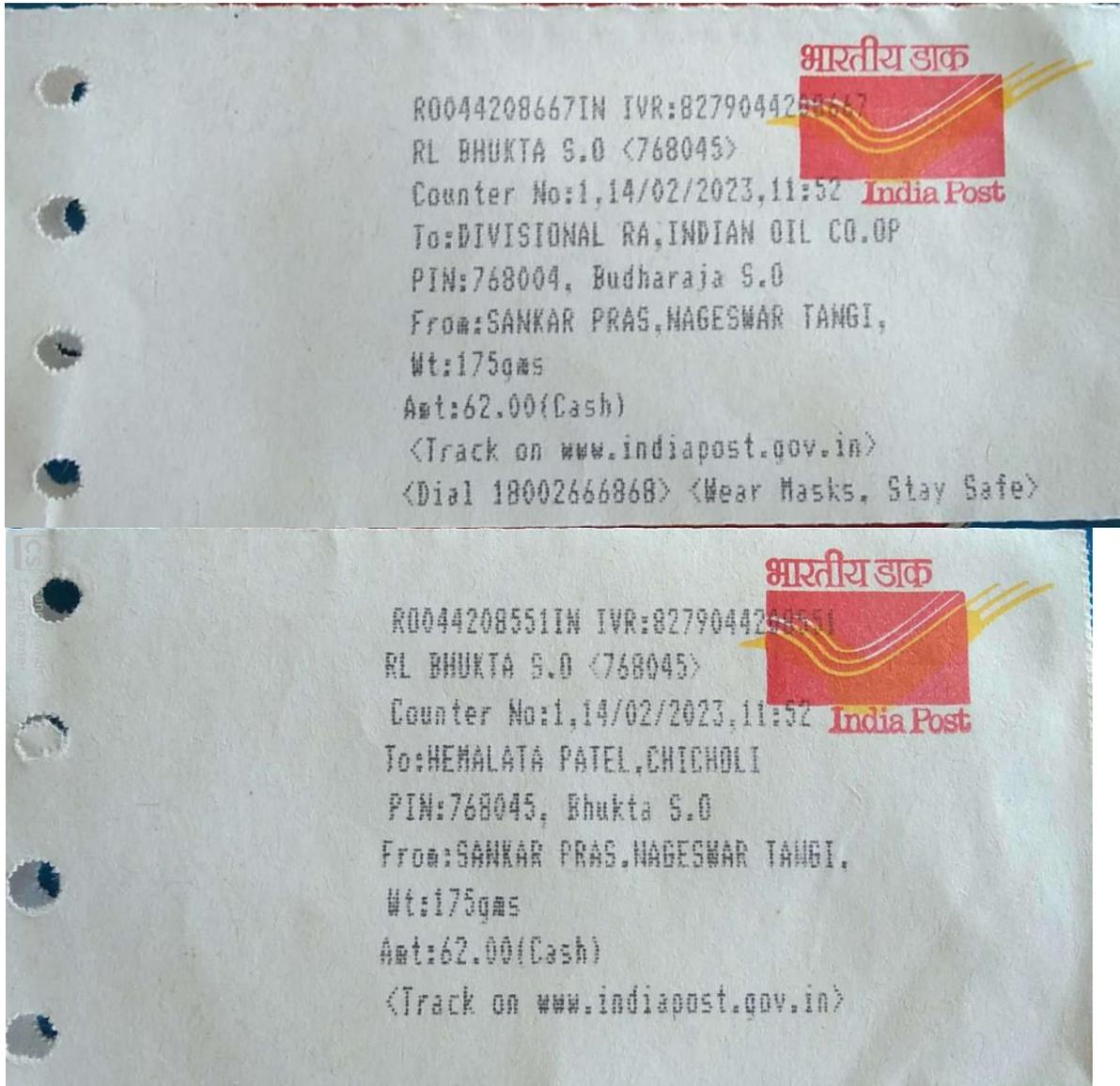
ANNEXURE-4**POSTAL TRACKING REPORT OF COPY SERVICE ON
RESPONDENT NO 6 AND 8**

Delivery Location:	Budharaja S.O
 Delivery Confirmed On:	15/02/2023 16:52:49

Event Details For : R0044208667IN**Current Status : Item Delivery Confirmed**

Date:	15/02/2023
Time:	16:52:49
Office:	Budharaja S.O
Event:	Item Delivery Confirmed
Date:	15/02/2023
Time:	10:57:50
Office:	Budharaja S.O
Event:	Out for Delivery
Date:	15/02/2023
Time:	10:11:59
Office:	Budharaja S.O
Event:	Item Received
Date:	15/02/2023
Time:	09:01:49
Office:	Sambalpur RMS L2R
Event:	Item Bagged
Date:	15/02/2023
Time:	07:49:21
Office:	Sambalpur RMS L2R
Event:	Item Received
Date:	14/02/2023
Time:	12:56:25
Office:	Bhukta S.O

Figure 1 Postal Delivery to divisional retail sales head, IOCL, Sambalpur



Booked At:	Bhukta S.O
Booked On:	14/02/2023 11:52:43
Destination Pincode:	768045
Tariff:	62.00
Article Type:	Registered Letter
Delivery Location:	Bhukta S.O
Delivery Confirmed On:	14/02/2023 13:18:51

Event Details For : R0044208551IN

Current Status : Item Delivery Confirmed

Date:	14/02/2023
Time:	13:18:51
Office:	Bhukta S.O
Event:	Item Delivery Confirmed

Date:	14/02/2023
Time:	13:06:35
Office:	Bhukta S.O
Event:	Out for Delivery

Date:	14/02/2023
Time:	13:00:53
Office:	Bhukta S.O
Event:	Item Received

Date:	14/02/2023
Time:	12:57:20
Office:	Bhukta S.O
Event:	Item Bagged

Figure 2 Postal delivery to Hemalata Patel on 14/02/2023