

Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 64/2021(CZ)
(I.A. No. 69/2021)

Halle Bhai Raikwar

Applicant

Versus

Narendra Chakraborty & Ors.

Respondent(s)

Date of hearing: 15.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant : Mr. Prashant Sthapak, Advocate

Respondent(s) : Mr. Sachin K. Verma, Advocate for the State of Madhya Pradesh
Mr. Yadvendra Yadav, Advocate for CPCB
Ms. Parul Bhadoria, Advocate for MPPCB
Mr. Sachin Jain, Advocate for R - 1

ORDER

1. The issue raised in this application is against construction of a petrol pump by respondent no.1 in violation of the norms and guidelines in siting criteria for location of retail outlets issued by the CPCB vide order dated 07.01.2020 and without obtaining mandatory consent to establish and consent to operate.

2. Vide order dated 31.08.2021, notice was issued to the respondents and a factual report was also called for in the matter from:-

(i) Collector, District Damoh, Madhya Pradesh

(ii) A representative from Madhya Pradesh Pollution Control Board.

(iii) A representative from the Bharat Petroleum Corporation Ltd.

3. Accordingly, reply has been filed by the project proponent and CPCB. Report has also been filed by the joint Committee constituted by this Tribunal, after inspection conducted on 13.10.2021. According to the said report, the location of the petrol pump is beyond 50 meters of school, hospital or a residential area and beyond 1 km from any water body. Panchayat Bhawan is 75 meters and residence of Shri Ashok Prajapati is 31 meters. Consent to Establish has been granted by the State PCB and NOC has been granted by District Magistrate. The petrol pump is complying with the guidelines of CPCB dated 07.01.2020.

4. Reply of respondent no. 1 is that application is at the instance of rival of the project proponent, Kalpit Dutt Sahu. CWP 20766/2020 has been filed on the same issue before Madhya Pradesh High Court. The site and running of petrol pump is compliant with the environmental norms.

5. Reply filed by the CPCB is to the same effect. It is further stated that siting guidelines dated 29.01.2021 are not applicable as petrol pump started prior to that, on 07.01.2020.

6. In view of above, no further order appears to be necessary except that the petrol pump in question must comply with the statutory norms, including norms with regard to discharge of emission of VOCs. In case there is any violation, it will be open to any aggrieved party to take remedies, in accordance with law.

The application is disposed of.

In view of order passed in the main application, IA No. 69/2021 also stands disposed of.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

Dr. Arun Kumar Verma, EM

November 15, 2021
Appeal No. 64/2021(CZ)
AVT