

Item No. 02

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 140/2022
(I.A. No. 44/2022 & I.A. No. 81/2022)

Rakesh Verma

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 21.04.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ashish Rana, Advocate

Respondent: Mr. Mukesh Verma, Advocate for UEPPCB

ORDER

1. The grievance of the applicant is that Respondent no. 2 (Reliance BP Mobility Ltd.) along with Respondent no. 5 (Mussoorie Development Authority) is in the process of setting up a retail outlet/petrol pump at land bearing khasra no, 268. Min situated at Village Ajabpur Kalan, Dehradun and has applied for the no objection certificate from Respondent no. 3 for the same. Being resident of the area, the Applicant is concerned about the health of the resident and the children residing in the nearby areas. Concerned by the fact that the abovesaid land is surrounded by residential houses and have school and high-tension wires going in vicinity of the land, the Applicant filed its objection to the application filed by the Respondent no 3 seeking No Objection Certificate for setting up of the Retail Outlet.

2. It is next submitted that on 18.09.2021, in absence of any response from Respondent No. 3 and Respondent No.4, the applicant approached this Hon'ble Tribunal by filing Original Application No.230/2021. The said Original Application was disposed of vide order dated 23.09.2021 stating as follows:

"Grievance in this application is against apprehended grant of NOC for setting up of a petrol pump at khasra no. 268 Min, village Ajabpur Ka la n , Dehradun, in violation of the guidelines dated 17.01.2020. None appears for the applicant but Counsel for the project proponent appears on Caveat and states that according to her there is no violation of the Guidelines and before NOC authorities are bound to look into this aspect.

Since the applicant has remedy before the concerned authority, as above, we dispose of the matter with liberty to the applicant to avail such remedy in the first instance and if NOC is granted illegally, the applicant may challenge the same in accordance with law."

3. It is further submitted that thereafter within 4 days of the order dated 23.09.2021, wherein the project proponent stated that there is no violation of guidelines, the concerned authority would look into this and, on enquiry the Applicant has come to know that the Respondent No.3 based on report of other departments and in complete non application of mind granted NOC to the Respondent No.2 for setting up of petrol pump project subject to grant of approval of maps by Respondent No .5. It is submitted that thereafter on 14.12.2021, Respondent No.5 in neglect of guidelines and an arbitrary and prejudicial manner approved the map of the petrol pump, whereas in same board minutes other petrol pumps were kept on hold seeking report on the existence of residential area.

4. Vide order dated 22.02.2022, the Tribunal constituted a joint Committee of the State PCB and District Magistrate, Dehradun, Uttarakhand to undertake visit to the site and furnish a factual report to this Tribunal.

5. Accordingly, the State PCB has filed its report dated 19.04.2022, acknowledging the illegality in setting up of the petrol pump and concluding as follows:

“Conclusion and Action Taken by UKPCB:

xxxxxx.....xxx

2. However, based on the observations of the Joint Committee, Uttarakhand Pollution Control Board has suggested the District Magistrate Dehradun vide letter dated 18.04.2022 to cancel the said permission issued by the District Magistrate, Dehradun, as per rules.”

6. Report has also been filed by the District Magistrate, Dehradun on 08.04.2022 to the effect that location of the proposed petrol pump is in conflict with the CPCB guidelines dated 07.01.2020.

7. In view of above, the District Magistrate, Dehradun and State PCB may take remedial action in accordance with law.

The application is disposed of

All pending I.A.s will also stand disposed of.

A copy of this order be forwarded to the District Magistrate, Dehradun and State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Prof. A. Senthil Vel, EM

April 21, 2022
Original Application No. 140/2022
I.A. No. 44/2022 & I.A. No. 81/2022
DV