

# R Chandracoumar vs State Of Tamil Nadu & Ors on 30 November, 2022

Item No. 5

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPALBENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original ApplicationNo.334/2022

R Chandracoumar

...Applicant

Versus

State of Tamil Nadu & Ors.

...Respondents

Date of hearing: 30.11.2022

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Application is registered based on a complaint received by post.

## ORDER

1. Mr. R Chandracoumar resident of 4/345, Annai Indira Street, Vazhuthareddy, Villupuram, Tamil Nadu has sent the present letter petition praying for firstly stopping the construction activities of BPCL Retail Outlet at Survey no.73/2A, Aiyankoilpattu village, Vikravandi Taluk, Villupuram Distt. Tamil Nadu and cancellation of NOC granted for the same.

2. The applicant has submitted that the Retail outlet is located very near to/ in close proximity of PWD lake Aiyankoilpattu lake-Survey No. 69, Kathirvel Murugan Temple, Visweswara Vidya Vikas Nursery and Primary School and Annamalai Hotel bus stop and is violative of NGT and Indian Road Congress (IRC) of Surface Transport Guidelines/norms on public safety, water bodies, religious public places and the provisions of the Petroleum Act, 1934 and the Petroleum Rules 2002. O.A. No. 334/2022 R Chandracoumar vs. State of Tamilnadu

3. Vide order dated 11.05.2022, this Tribunal constituted a Joint Committee comprising of State Ground Water Authority, State PCB and Collector, Villupuram and directed the same to submit factual and action taken report within two months.

4. In compliance thereof, TNPCB has submitted report vide email dated 12.09.2022. Relevant part of the report is reproduced as under:-

"Inspection Report of the Joint Committee formed to inspect the BPCL Retail Outlet site at Aiyankovilpattu, Vikravandi, Villupuram in the matter of Hon'ble NGT (PB), New Delhi O.A.No. 334 of 2022 filed by R. Chandracoumar Vs. State of Tamilnadu Reference - Hon'ble NGT (PB) Order dated 11.05.2022 in Date of Inspection:11.08.2022 S.N Title Inspection Details o.

1 Name and Address of the unit BPCL Retail Outlet, with co- ordinates Aiyankovilpattu Village, Vikravandi Taluk, Villupuram District 2 Details of the Occupier of the Mr. S. Arunachalam, Manager unit present during inspection 3 Date of Commissioning 06.04.2022 4 Objections Raised by the Petitioner

1. Location of the outlet The outlet is located at 58m within 50m distance from distance from the Aiyankoilpattu PWD Lake. Aiyankoilpattu PWD Lake.

2. Retail outlet site is a The site is coming under wet wetland-possibility of Agriculture land. There is no Contamination of ground chance for ground water water pollution due to the fuel retail outlet since there is occurrence of clay soil to a considerable depth within the sub surface which will act as barrier both for seepage and transmission of ground water from one place to another place. Copy of letter from Executive Engineer, WRO ground water division is enclosed.

Compliance of guidelines of CPCB issued on 07.01.2020 and addendum on 16 09.2021 for setting up of new Petrol pumps:

O.A. No. 334/2022 R Chandracoumar vs. State of Tamilnadu 1 Point No: (H) in Guidelines The retail outlet is located at for setting up of new 58m from the bank of PWD Petrol Pumps: lake.

Siting criteria of Retail No schools, hospitals and Outlets: residential area is located within 30m.

In case of siting criteria for petrol pumps new Retail No high tension line is passing Outlets shall not be located over the retail outlet. 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. No high tension line shall pass over the retail outlet.

2 Point No: (B) in Addendum Concrete bottom with brick to Guidelines for setting up masonry with plastering of new Petrol Pumps. around the tank is provided. Retail Outlets coming within 50 meter

to 100 meter from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around Underground Storage Tank (UST).

3 Point No: (D) in Addendum The BPCL retail outlet has to Guidelines for setting up not conducted the ground of new Petrol Pumps. water and soil quality analysis before the installation. However, Groundwater and soil quality during inspection, the BPCL monitoring shall also be retail outlet was requested conducted by OMCs before to conduct the Soil test and installation of the new fuel Ground water quality test retail outlet, for those retail and furnish the test report. outlets coming up within 100 Accordingly, the BPCL meter from the nearest point retail outlet has conducted of surface water bodies. samples analysis on 16.8.2022 and the test O.A. No. 334/2022 R Chandracoumar vs. State of Tamilnadu report was received on 29.8.2022 (Copy of analysis report is enclosed). "

5. We have gone through the report of the Joint Committee. In the report of the Joint Committee, it is mentioned that the outlet is located at 58m distance from the bank of Aiyankoilpattu PWD Lake and there is no chance for ground water pollution due to the fuel retail outlet since natural occurrence of clay soil to a considerable depth within the sub surface will act as a barrier both for seepage and infiltration of ground water from one place to another place. No schools, hospitals and residential areas are located within 30m. No high tension line is passing over the retail outlet. Concrete bottom with brick masonry with plastering around the tank is provided to ensure prevention of percolation/seepage into ground water. The Joint Committee did not find any violation of the guidelines or environmental norms in setting up of the Retail Outlet.

6. In view of the above, we are of the considered view that no further action is required to be taken by this Tribunal on the present application at this stage which is disposed of accordingly.

7. In case the applicant has any further grievance in future, the applicant may move this Tribunal for further directions in the matter.

Arun Kumar Tyagi, JM Dr. Afroz Ahmad, EM November 30, 2022 AVT