

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 6933/2022

SHAKUNTALA DEVI

Appellant(s)

VERSUS

ROSHAN JOSHI & ORS.

Respondent(s)

(IA No. 144487/2022 - EX-PARTE STAY, IA No. 144488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 168487/2022 - EXEMPTION FROM FILING O.T., IA No. 144489/2022 - EXEMPTION FROM FILING O.T. AND IA No. 168486/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 8042/2022 (XVII)

(IA No. 45905/2023 - APPLICATION FOR PERMISSION, IA No. 164315/2022 - EXEMPTION FROM FILING O.T., IA No. 45910/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 196374/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 164314/2022 - STAY APPLICATION)

Date : 24-03-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Appellant(s)

Mr. V. Giri, Sr. Adv.
Mr. Parijat Sinha, AOR
Mr. Divyam Dhyani, Adv.
Mr. Rahul Narang, Adv.
Mr. Shaurya Nagpal, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Rudra Dutta, Adv.
Ms. Priyal Jain, Adv.
Mr. Ravindra Kumar Raizada, Sr. Adv.
Mr. Sarthak Raizada, Adv.
Mrs. Satyam Pahal, Adv.
Ms. Divya Roy, AOR

For Respondent(s)

Mr. Nizam Pasha, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Mr. Sidharth Kaushik, Adv.
Ms. Charu Sharma, Adv.
Ms. Awstika Das, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Vinay Garg, AOR

Mrs. Deepam Garg, Adv.
Mr. Upendra Mishra, Adv.
Mr. Ashish Ranjan, Adv.
Ms. Neetu Rawat, Adv.
Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Abhinav Pandey, Adv.
Mr. Shashank Singh, AOR
Mrs. Priya Puri, AOR
Mr. Sachin Dubey, Adv.
Mr. Abhishek Mishra, Adv.
Mr. Sharad Kumar Puri, Adv.
Ms. Riya Dogra, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

These cases turn upon the Office Memorandum dated 07.01.2020 issued by the Central Pollution Control Board¹ in compliance with the order dated 18.01.2019 passed by the National Green Tribunal² in O.A. No. 86/2019, titled "*Gyanprakash @ Pappu Singh vs. GOI & Ors.*", framing guidelines for setting up new petrol pumps.

We find that the judgment of a coordinate Bench of this Court in "*Indian Oil Corporation Limited vs. V.B.R. Menon & Ors.*"³, directed that these guidelines must be strictly adhered to and in the event of any breach thereof, the State Pollution Control Board concerned should take action against the erring outlet in accordance with law.

We find that the aforestated guidelines dated 07.01.2020 were subjected to clarification by the CPCB, *vide* Office Memorandum dated 29.01.2021, to the effect that the siting criteria mentioned in the guidelines dated 07.01.2020 would not apply to cases where the Petroleum & Explosives Safety Organization's prior clearance/

1 For short "CPCB"
2 For short "NGT"
3 (2023) 7 SCC 368

initial approval had been obtained and construction had been started by the Oil Marketing Company before 07.01.2020.

This clarification would have no application to the case on hand. However, we find that the zoning regulations of the State Government permitted installation of petrol pumps even in residential zones, subject to certain approvals. However, this aspect was not brought to the notice of the CPCB, when it invited objections upon the report submitted by the Expert Committee constituted by the NGT.

In the light of the dictum in the CPCB guidelines as opposed to the extant zoning regulations governing local bodies, it would be difficult to give effect to the 'siting criteria' as per the CPCB guidelines within residential zones. No exception being permitted in the guidelines, it would be difficult to hold that the same are mandatory in nature and not merely advisory. As the judgment in *Indian Oil Corporation Limited (supra)*, indicates to the contrary, we are of the opinion that it would be appropriate that a larger Bench considers the issue comprehensively and conclusively.

Registry is directed to place the matter before the Hon'ble The Chief Justice of India for appropriate directions for constitution of a larger Bench.

(BABITA PANDEY)
AR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)