



Serial No.06
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No.110 of 2025

Date of Decision: 29.10.2025

Smti. Shida Nongrum,
W/o (L) B.Nongkynrih.

...Petitioner

-Versus-

1. The State of Meghalaya,
through its Chief Secretary,
Meghalaya, Shillong.
2. The Deputy Commissioner,
Ri-Bhoi District, Nongpoh,
Meghalaya.
3. Rangbah Shnong of Umran Dairy,
Raid Mawtoh, Myllem Syiemship,
Ri-Bhoi District, Meghalaya.
4. The Executive-Committee Dorbar Shnong,
Umran-Dairy, Myllem Syiemship,
Ri-Bhoi District, Meghalaya.
5. Chief General Manager
(Marketing), Numaligarh Refinery Limited
(A Government of India Enterprise)
(hereinafter NRL), Guwahati, Assam.
6. The Khasi Hills Autonomous District Council,
through its Chief Executive Member.

...Respondents



7. The Syiem of Myllem in Durbar,
Mawkhar, Shillong, East Khasi District,
Meghalaya.

...Proforma Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. K.C.Gautam, Adv.
Mr. J.M.Sangma, Adv.

For the Respondent(s) : Ms. S.Shyam, GA vice
Mr. K.P.Bhattacharjee, GA for R 1 & 2.
Dr. N.Mozika, Sr. Adv. with
Mr. E.Nongbri, Adv. for R 3 & 4.
Mr. S.S.Roy, Adv. for R 5.
Mr. J.K.Pariat, Adv. vice
Mr. T.T.Diengdoh, Sr. Adv. for R 6.
Mr. P.Lyngdoh, Adv. vice
Mr. L.Khyriem, Adv. for R 7.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioner by way of the instant petition has sought for directions with regard to issuance of an No Objection Certificate (NOC) by



the respondent No. 3 to enable her to register a long-term lease with the respondent No. 5.

2. The brief facts are that the petitioner is the owner of a plot of land measuring approximately 11.514 acres situated at village Umran Dairy, Raid Mawthoh, Myllem Syiemship, Ri-Bhoi District, and in response to an Expression of Interest (EOI) floated by the respondent No. 5 for setting of a Fuel Storage and Dispatch Terminal, had accordingly approached the respondent No. 5 Numaligarh Refinery Limited (NRL), for leasing the said plot to them. The NRL, finding the petitioner's land suitable, approved the proposal to take the said land on a long-term lease of 30 years and vide its letter dated 23-10-2024, requested the petitioner to obtain an NOC from the respondent No. 2 (Deputy Commissioner, Ri-Bhoi), for execution of the lease. The NRL had also by letter dated 22-11-2024, requested the respondent No. 2 for issuance of necessary permission. On the matter being set in motion, the petitioner had then approached the respondent No. 3 (Headman, Umran Dairy) on 18-01-2025, for issuance of NOC, which however, was not granted for reasons unknown, but was kept pending on one pretext or the other. Hence, the writ petition.

3. Mr. K.C.Gautam, learned counsel for the petitioner has submitted that the petitioner has been compelled to approach this Court being left with no



other recourse, inasmuch as, the said lease as per the instructions of the respondent No. 2, can be registered only after an NOC was received from the respondent No.3, who however, refused to grant the same citing the objections of the residents of the area on safety concerns. It is further submitted that the non-grant of NOC, is not based on the reasons given by the respondent No. 3, inasmuch as, the safety concerns which have been raised will surely be addressed by the respondent No. 5.

4. The learned counsel submits that on 25-02-2025, a joint inspection under the orders of the respondent No. 2, in the presence of the respondent No. 3 and respondent No. 5 was conducted, wherein the respondent No. 3, apart from informing the parties present that no NOC will be granted to the petitioner, had then offered an alternate plot of land to the NRL for setting up of the Storage and Dispatch Terminal for which he was ready to issue an NOC. It is contended that the refusal therefore, is totally on extraneous reasons and not on any valid grounds. Furthermore, he submits, the grant of lease is just an initial step, inasmuch as, further assessment has to be conducted by the relevant agencies such as, the Petroleum and Explosive Safety Organisation (PESO) for safety compliance, and the State Pollution Control Board for environmental standards which should meet the NRL's regulatory requirements. In conclusion, the learned counsel has also questioned the authority of the respondent No. 3 to deny the NOC which is



but a formality, inasmuch as, the petitioner is holding clear title and ownership over the land in question.

5. The respondents No. 3 & 4, who were earlier represented by different counsels, but later by Dr. N. Mozika, learned Sr. counsel assisted by Mr. E. Nongbri, learned counsel, have through affidavit and oral arguments, averred that though admittedly, the petitioner is the registered owner of the said plot, she was refused an NOC after a thorough discussion by the Executive Committee of the Dorbar, which was communicated to the petitioner. Further, it is submitted, in the inspection carried out on 25-02-2025, in the presence of the petitioner, Revenue Official and Headman of two villages i.e. Umran Dairy and Ngiangbyrnai, the presence of residential houses, lodges, shops etc. had been recorded which would go to show that serious safety issues would arise if an Oil Depot is set up in the said plot. The decision to not grant NOC, it is submitted is not an individual decision of the respondent No. 3, but the same was taken by a collective body. On the assertion that the respondent No. 3 had offered an alternate piece of land during the said inspection itself, it has been submitted that the same was only a suggestion and that at that point of time, there was no talk of grant of NOC yet.

6. As the contesting parties i.e. the petitioner and the respondent No.3 appeared to be at loggerheads, with the question of grant of NOC revolving



around the safety considerations that had been expressed, inspite of the inspection that had been conducted on 25-02-2025, this Court as the matter involved disputed questions of fact, by order dated 06-08-2025, had directed as follows:

“HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 110 of 2025 Date of Order: 06.08.2025

Smti. Shida M. Nongrum Vs. State of Meghalaya & 6
Ors.

Coram:

Hon’ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s): Mr. K.C. Gautam, Adv.
Mr. T.K. Sangma, Adv.

For the Respondent(s): Mr. K.P. Bhattacharjee, GA with
Ms. S. Shyam, GA (For R 1&2)
Dr. N. Mozika, Sr. Adv. with
Mr. E. Nongbri, Adv (For R 3&4)
Ms. P. Chettri, Adv. vice
Mr. S.S. Roy, Adv.(For R 5)
Mr. T.T. Diengdoh, Sr. Adv. with
Mr. J.K. Pariat, Adv. (For R 6)
Mr. W. Jyrwa, Adv. (For R 7)

1. *The instant matter it appears is surrounded basically by disputed questions of fact, as the reason given is that what prevented the respondents No. 3 and 4 from granting NOC, is on the ground that the proposed project site of the fuel depot is located within a populated area.*

2. *From the materials that has been filed, it is noted that a meeting had earlier been held and also inspection*



was conducted by the District Authorities at Ri Bhoi. However, it appears that the inspection report is not detailed, nor have the officials of the NRL been involved in the said inspection to explain the District Authorities, the exact implications, and the extent of the project.

3. In this view of the matter, as Mr. K.P. Bhattacharjee, learned GA for the State respondents No. 1 and 2 has prayed for further time to obtain instructions to file affidavit, it is directed that the State respondents i.e. the office of the Deputy Commissioner shall undertake a fresh inspection together with the petitioner, the respondent No. 3 and the officials of NRL.

4. As all the concerned parties are present in Court today, they are put to notice. It is directed that the Deputy Commissioner, Ri Bhoi District to chair the said Committee and fix a convenient date for a joint inspection.

5. List this matter on 4th September 2025, to await any outcome and for further orders.

*Sd/-
Judge”*

7. Accordingly, in compliance with the order dated 06-08-2025, a joint inspection was conducted on 08-09-2025, and a Joint Inspection Report dated 16-09-2025, including the inputs received from line departments, was filed before this Court by way of an affidavit by the respondent No. 2 Deputy Commissioner. For the sake of convenience, the entire Report of the inspection carried out on 08-09-2025 is reproduced herein below:



**“CONSOLIDATED JOINT INSPECTION REPORT
OF PROPOSED ROAD FED OIL DEPOT”**

Date of Inspection: September 8, 2025.

Project: Proposed Road Fed Oil Depot at Umran Dairy Village, Ri-Bhoi District.

Ordered By: Honorable High Court of Meghalaya Order dated August 6, 2025, in WP(C). No. 110 of 2025.

Introduction

A joint inspection of the land proposed to be leased by Numaligarh Refinery Ltd. (NRL) from Smti. Shida M. Nongrum was conducted on September 8, 2025, to assess the feasibility of establishing a Road Fed Oil Depot at Umran Dairy Village. The inspection was initiated as per the Honourable High Court of Meghalaya’s order dated August 6, 2025. The inspection team included officials from the Legal Metrology Department, Supply Department, Disaster Management, PWD (Buildings), and the Fire & Emergency Services Department. Representatives from NRL, the landowner, and the headman of Umran Dairy Village were also present.

Meeting and Site Briefing

The inspection commenced with a welcome by the Assistant Commissioner, who provided a brief context for the inspection and the court order. The Headman of Umran Dairy Village expressed the community’s reservations, citing concerns about the depot’s proximity to residential areas and the potential for fire, explosion, and environmental risks. In response, NRL’s Chief General Manager, Marketing, presented the proposed layout and assured the team of the company’s commitment to safety, security, and regulatory compliance. He highlighted that the depot would adhere to strict safety norms and that any potential hazards would be contained within the premises of the depot.



Departmental Observations

Following the briefing, a detailed inspection of the site and the proposed plans was carried out. Each department submitted its observations and findings as follows:

Legal Metrology Department

The department's assessment, based on the presented drawings and layout, concluded that the provisions for standard measures, calibration, and verification of dispensing units appear to be feasible. The layout shows adequate clearance for safe verification work. The project is deemed feasible from a safety compliance perspective, subject to the actual verification and stamping of all weighing and measuring instruments prior to operational use.

Food Civil Supplies and Consumer Affairs Department

The observations from the Supply Department also indicate that standard measures are in place and that the verification of dispensing units appears feasible, based on discussions and information provided by NRL officials.

PWD (Buildings)

The PWD (Buildings) team inspected the site and examined the drawings provided by the project's consultant. The site plan indicates that only one building, an Administrative Block is to be constructed. The building is single-storied and has a minimum setback of about 2.75 meters from the land boundary fencing. After a thorough examination, the PWD (B) concluded that the proposed building seems to be in order and save. However, proper Approval or Building



Permission should be obtained from the Competent Authority before the commencement of the project.

Fire & Emergency Services Department

*The Fire & Emergency Services Department inspected the proposed site and noted that construction had not yet started. The department provided several safety guidelines to be followed during and after construction, based on **Petroleum Act and OISD** (Oil Industry Safety Directorate) guidelines.*

Key recommendations include:

- *Providing a proper boundary wall for plant safety and an easy escape route.*
- *The pump house, including the Main Electric Driven Pump, Diesel Pump, and Jockey Pump, must be provided with a yard hydrant and hose box to cover the entire plant.*
- *An underground water storage of at least 2,00,000 litres should be available for firefighting purposes.*
- ***Fire extinguishers** of specific types and quantities must be installed in key locations, such as the fuel outlets and electrical panel board.*
- *Electrical installations must be flame/spark-proof and inspected by a competent authority.*
- *Placing “No Smoking” and “Do’s and Don’ts” signboards in both English and local languages.*
- *Loading and unloading of fuel tankers should be done only between sunset and sunrise.*



- *There should be no children under 18 or anyone not in a state of intoxication employed at the depot.*
- *NRL must also conduct periodic mock drills and training exercises in collaboration with the local Fire Station.*

District Disaster Management Office (DDMA)

The DDMA's report provides a detailed safety assessment, noting that the proposed site is on the eastern side of NH-6, near an Indian Oil petrol pump. The department highlighted the village's objections regarding proximity to residential areas and the risks of pollution and spillage.

The DDMA report outlines critical safety requirements for the project, including:

- ***Compliance*** with Petroleum and Explosives Safety Organisation (PESO) and Oil Industry Safety Directorate (OISD) standards.
- ***Controlled access*** and a perimeter boundary wall.
- ***An automated fire-fighting system.***
- ***Installation of pollution control utilities***, such as an Oil Water Separator (OWS) and DG set emission controls.
- ***A dedicated buffer zone*** inside the depot land along the residential area.
- ***An adequate fire water storage tank and pumping system***, along with a hydrant and monitor network.
- ***Periodic fire drills*** and joint mock exercises with the DDMA and the community.



Conclusion and Recommendations

The joint inspection found that, from the perspectives of Legal Metrology and Supply, the proposed project is feasible, assuming all standard measures and dispensing units are verified and stamped before use. Similarly, the PWD (Buildings) department finds the proposed building to be in order and safe, pending proper building permission.

Additionally, both the Fire & Emergency Services and DDMA have outlined several precautions that must be undertaken by Numaligarh Refinery Ltd. (NRL) in the interest of Public Safety and Security. These precautions can be perused from the reports in Annexures- I, II, III, IV & V.

Therefore, the project is deemed feasible for the proposed location provided the safety precautions as outlined are adhered and all necessary approvals are taken from Competent authorities.

Sd/-

*Shri. A.L.Myrthong, MCS,
Asst. Commissioner/BDO, Umsning C & RD
Block- Cum-Member of the Committee,
Ri-Bhoi District, Nongpoh.”*

8. A perusal of the Report would show that the project has been deemed feasible for the proposed location, provided safety precautions as outlined are adhered to, and all necessary approvals are obtained from the competent authorities. In this context, the affidavit filed by the respondent No.5 has also underlined the necessity of meeting all requirements before any construction can commence. The NRL, in its affidavit has categorically



stated that no construction or operation will commence without obtaining all statutory clearances from authorities, which include the State Pollution Control Board, Fire & Emergency Services, Environmental Authorities, District Administration as applicable, and that it will ensure full compliance with Oil Industry Safety Directorate (OISD) Standards, and all applicable norms prior to the commencement of any activity. The affidavit has also outlined the necessity to obtain Consent to Establish, Consent to Operate and Hazardous and other Waste Authorisation under the Environment (Protection) Act, 1986 from the State Pollution Control Board, under both the Water and Air (Prevention and Control of Pollution) Acts, 1974 and 1981 respectively. Further, it is seen Fire Safety Clearance, Building Plan approval, apart from Construction approval and Storage Licence under PESO in line with the Petroleum Act and Rules, which is mandatorily to be renewed every 3(three) years was also necessary before the commencement of the project.

9. The respondent No. 5 NRL, has also highlighted the importance of the project which is part of a strategic initiative intended to serve the larger public interest, by ensuring reliable and safe supply of petroleum products to Meghalaya and adjoining areas which is in national interest and for public welfare, and that it was in this backdrop that the EOI was floated and the



land of the petitioner found to be most suitable from among 14 offers which were received.

10. Dr. N.Mozika, learned Sr. counsel for the respondents No. 3 & 4, in the face of the Joint Inspection Report had prayed that these respondents be allowed to file an additional affidavit voicing their concerns, the same in the interest of justice was allowed by this Court, but on perusal thereof, finds no new concerns which had not already been addressed by the inspection.

11. Without lingering any further with the matter, this Court in view of the discussions, observations and the materials that have been examined, therefore, taking into account the Joint Inspection Report, the fact that the petitioner is the registered owner of the plot of land wherein the Oil Depot is proposed to be established, and the objections being centered only around safety concerns, apart from the fact that establishment of such a Depot is for public welfare and interest, the respondent No. 3 (Headman Umran Dairy) is directed to grant an NOC forthwith to the writ petitioner. This direction is being passed, inasmuch as, necessary processes are still to be completed before the project goes on stream, such as, the clearance from all the competent authorities with regard to safety, pollution etc., as referred to earlier.



12. As ordered above, the instant application is accordingly allowed and disposed of.

Judge