



**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.02 of 2026

Sri Rishiraj Nath, S/O. Sri Bijan Kumar Nath, R/O. Shyamalima Apartments,
Flat no.-A3/A4-203, Block-2, Behind ILS Hospital, Agartala, West Tripura,
Pin-799006.

..... Petitioner-in-person(s).

V E R S U S

1. The State of Tripura, Represented by the Principal Secretary, Secretariat Complex, Agartala, West Tripura, Tripura, Pin-799006.
2. The District Magistrate, Dist.-West Tripura, Agartala, Tripura having its office at-Office Lane, Agartala, West Tripura, Tripura, Pin-799001.
3. The Chief Controller of Explosives, Petroleum and Explosives Safety Organisation, Formerly-Department of Explosives, Having its office at-A Block, 5th Floor, CGO Complex, Seminary Hills, Nagpur, Maharashtra, Pin-440006.
4. The Commissioner, Agartala Municipal Corporation, Having its office at-Paradise Chowmuhani, City Centre, Agartala, West Tripura, Tripura, Pin-799001.
5. The Indian Oil Corporation Limited, Represented by-The Regional Manager, Having its office at-Jagannath Apartment, Hospital Road, Rangirkhari, Dist.-Cachar, Silchar, Assam, Pin-788001.
6. The Divisional Retail Sales Head, Indian Oil Corporation Limited, Silchar Divisional Office, Moinarbond Depot, P.S.-Udharbond, P.O.-Gossaipur, Silchar, Dist.- Cachar, Assam, Pin-788030.
7. The Director of Fire and Emergency Services, Fire Brigade Chowmuhani, Agartala, West Tripura, Tripura, Pin-799001.
8. The Chairman, Parivesh Bhawan, Pandit Nehru Complex, Gorkhabasti, P.O.- Kunjaban, Agartala, Tripura, Pin-799006.

.....Respondent(s).

For Petitioner(s)	: Mr. Rishiraj Nath, Petitioner-in-person.
For Respondent(s)	: Mr. Dipankar Sarma, Addl. G.A., Mr. Arijit Bhaumik, Advocate, Mr. Rajib Saha, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

CAV reserved on : 27.04.2026.

Judgment delivered on : 25.05.2026.

Whether fit for reporting : NO.

**JUDGMENT & ORDER**

(M.S. Ramachandra Rao, C.J.)

Heard Mr. Rishiraj Nath, petitioner-in-person as well as Mr. Dipankar Sarma, Addl. Government Advocate appearing for the respondents No.1, 2 & 7, Mr. Arijit Bhaumik, counsel appearing for the respondent No.4 and Mr. Rajib Saha, counsel appearing for respondents No.5 & 6.

2. This Public Interest Litigation is filed by the party-in-person challenging a tender floated by the Indian Oil Corporation for development of a new site for the purpose of construction of a petrol pump at Badharghat Markfed Site, Agartala, West Tripura on the basis of a newspaper report published on 12.12.2025 in "Ajker Fariad", Agartala and other newspapers.

3. It is the contention of the petitioner that there was a circular issued on 09.09.2024 by the Petroleum and Explosives Safety Organisation (for short 'PESO') of the Government of India bearing No.C.VIII(3)125/ Circular/Petroleum (Annexure-11) which had laid down certain guidelines for setting up of new petrol pumps in residential areas, and the proposed location of the petrol pump violates these guidelines. In particular, he contends that according to the said circular, new retail outlets should not be located within the radial distance of 50 metres from schools, hospitals and residential area designated as per local laws, but if there are constraints in providing the 50 metres distance, the retail outlet shall implement additional safety measures as prescribed by the PESO.

4. He contends that according to the circular, the distance between the new retail outlet from a school or hospital of 10 beds and above and residential area shall not be less than 30 metres. According to him, the petrol



pump is being proposed in residential area and it risks the safety of the residents of the area as the minimum radial distance of 30 metres from fill point/dispensing unit/vent pipe ,whichever is nearest from the residential area, is being violated.

5. The respondents No.1 & 2 contend that as per Rule 144 of the Petroleum Rules, 2002, the District Magistrate & Collector is to issue an NOC for establishment of new petrol pumps after conducting a field level enquiry, and such enquiry is being conducted to ascertain all relevant facts and circumstances before a decision on the NOC can be taken.

6. The Under Secretary to the Fire and Emergency Services Department, Government of Tripura (respondent No.7) has also filed a counter affidavit contending that on 06.02.2026 an online application for NOC was received by the NOC Section concerning the proposed establishment of the new petrol pump at the Badharghat Markfed Site, Agartala, West Tripura and that the field level enquiry is under process. It is stated that as per the preliminary enquiry conducted by the Officer-in-Charge of the Badharghat Fire Station, no construction had been undertaken or built up at the proposed site for setting up of the new petrol pump or retail outlet. According to him, the Fire and Emergency Services Department will primarily assess safety aspects, and then only issue NOC based on compliance with fire safety norms as and when such a proposal is formally submitted and construction is undertaken. He contends that the role of the Fire and Emergency Services Department is to ensure that any proposed petrol pump, upon completion of its establishment and prior to its operationalization, meets the prescribed fire safety standards and regulations.



7. This Court had directed the petitioner to file details of petrol pumps located in the residential areas in the city of Agartala which are within the prohibited radial distance mandated by the Notification dt.09.09.2024 issued by the PESO.

8. The petitioner has filed a list of 10(ten) petrol pumps within Tripura which violate the said norms.

9. More importantly, Indian Oil Corporation has not filed any counter affidavit in the matter, though notice was accepted on 23.02.2026 by its counsel.

10. Even according to the petitioner, the circular issued is prospective in operation; secondly even though according to the circular dt.09.09.2024, a distance requirement is quoted as per CPCB guidelines dt.07.01.2020, additional safety measures such as the following are mentioned in the very same circular when the new petroleum service stations near residential areas or hospitals and schools is within the 30 to 50 metres radius. It reads as under:

"C I R C U L A R

Sub: Additional safety measures for setting up of new petroleum service station-reg.

As per CPCB guidelines dated 07.01.2020 for setting up of new petrol pumps, new retail outlets shall not be located within the radial distance of 50 meters (from fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential area 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 school, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters.

In view of the Directions of CPCB, the following additional safety measures shall be complied for setting up new petroleum service stations near residential areas, hospitals (10 beds and above) and schools within 30-50 meter radius.

1. The proposed petroleum service station shall be provided with minimum 2 meters high RCC/solid brick masonry boundary wall of 230 mm thick on the sides of proposed petroleum retail outlet facing the school, hospital (10 beds & above) and residential area designated as per Local Laws.

2. All underground tanks shall be in concrete pit in the proposed petroleum service station.

3. The tanker unloading platform shall preferably be located opposite to the side of the petroleum service station facing the school/ residential area/hospitals (10 beds and above).

4. No Refuller loading or parking arrangement shall be allowed in the proposed petroleum service station.

These additional safety measures are approved by DPIIT vide Explosives Section OM No.P-13033/100/2024-EXPLOSIVE dated 7th August 2024 (copy enclosed).

Encl : As above.

Yours faithfully,

Sd/- (P. Kumar)
Chief Controller of Explosives"

11. We may also note that there is an Office Memorandum dt.07.08.2024 issued by the Explosive Section of the Department of



Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India, which had looked into the matter, on the basis of which the circular dt.09.09.2024 has been issued.

12. It cannot be disputed that there is a need for petroleum service station in residential areas where people reside and sometimes it may not be possible to adhere to the strict norms indicated in the CPCB guidelines dt.07.01.2020. It is for that reason that even the circular dt.09.09.2024 permits the setting up of new petroleum service stations near residential areas, hospitals and schools within the 30-50 meters radius, subject to additional safeguards being implemented. It is the responsibility of the office of the District Magistrate, West Tripura District as well as the Fire and Emergency Services Department of Government of Tripura to ensure that the additional safety measures are followed when the person to whom the dealership is allotted as per the subject tender starts setting up the petroleum service station within the said radial distance.

13. We have no reason to believe that the said respondents will not take steps in the interest of safety of the general public of the area near the proposed petroleum service station by doing what is needful.

14. The Writ Petition filed at the stage of tender is thus premature, since admittedly a field survey is being conducted by the Office of the District Magistrate and even the respondent No.7 has stated that it would carry out its duty to ensure that the proposed petrol pump upon completion of its establishment and prior to its operationalization, would meet the prescribed fire safety standards and regulations.



15. Therefore, we do not deem it necessary to issue any directions in this PIL at the instance of the petitioner, who may be a public spirited citizen, but who is not even living in the neighbourhood of the proposed site, particularly when no other resident of the area has thought it fit to question the location of the petroleum service station in that area.

16. Therefore, this PIL is dismissed.

Pending application(s), if any, also stands disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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