

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3106 of 2019**

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INDIAN OIL CORPORATION LIMITED

Versus

AHMEDABAD URBAN DEVELOPMENT AUTHORITY

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Appearance:

MR MR BHATT SR.ADV. WITH MR MAYUR KISHANCHANDANI FOR M R
BHATT & CO.(5953) for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 2,3

MR UI VYAS(1000) for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 03/10/2023****ORAL ORDER**

1. Mr.M.R. Bhatt, learned Senior Counsel appearing with Mr.Mayur Kishanchandani, learned advocate for the petitioner has placed on record the notification dated 19.03.2005 issued by the Home Department in exercise of the powers conferred under the Indian Official Secrets Act, 1923. It is submitted that by the said notification, the lands in question have been declared as prohibited places for the purposes of the said Act. It is further submitted that the Director, Industrial Safety and Health, State of Gujarat, has also issued license for the factory, further followed by the license issued by the Chief Controller of Explosives, Nagpur. It is therefore, submitted that the LPG Bottling plant has been set up and it being a crucial and strategic location, garden suggested by the Town Planning Officer in the preliminary town planning scheme would not be appropriate. It is submitted that the Static and Mobile Pressure Vessels (Unfired) Rules, 2016 also make the provisions, namely, (i) location of pressure vessels; (ii) minimum safety distances to be maintained for liquefied flammables gases and; (iii) minimum safety

distances between facilities associated with storage of liquefied flammable gas in procuring the plant. It is therefore, submitted that considering the location of LPG Bottling plant, it would be appropriate, if the State Government considers the proposal, if any, of the concerned authority and take an appropriate decision.

2. On 25.09.2023, this Court has passed the following order:-

“1. Mr.M.R. Bhatt, learned Senior Counsel appearing with Mr.Mayur Kishanchandani, learned advocate for the petitioner submitted that as per the part plan, Preliminary Town Planning Scheme - 4A, the portion of the land of the petitioner has been designated as a garden whereas, on the other side of the land, 18 mtrs. wide road is provided. It is submitted that over the land, LPG Bottling plant has been set up. Being a crucial and strategic location, even the notification has been issued under the Indian Official Secret Act, 1923 so also, The Government of India, Ministry of Commerce & Industry, Petroleum and Explosive Safety Organization has issued a license for storage of LPG. It is submitted that if the garden is provided, that would be hazards and may have a catastrophic effect. So far as 18 mtrs. road is concerned, there is a dead end and it leads nowhere and therefore, it would be advisable to shift the road, so as to avoid the vehicular congestion, if any, at the main gate of the plant.

2. Mr.U.I. Vyas, learned advocate submitted that the Ahmedabad Urban Development Authority is an implementing authority and since the preliminary town planning scheme has been sanctioned, it has to implement the scheme.

3. Mr.Meet Thakkar, learned Assistant Government Pleader with Ms.Roshni Patel, learned Assistant Government Pleader to take instructions.”

3. Apropos the said order, Mr.Meet Thakkar, learned Assistant Government Pleader, upon instructions from Ms.Janki Patel, Junior Town Planning Officer, submitted that proposal has to be received from the Ahmedabad Urban Development Authority and thereafter,

decision shall be taken by the State Government.

4. In view of the above, let the petitioner make an application to the Ahmedabad Urban Development Authority by 10.10.2023, raising grievance and indicating the sensitivity of the location of the LPG Bottling plant. Once the application/proposal is received, the Ahmedabad Urban Development Authority i.e. respondent no.1 shall consider the same and take appropriate decision by 07.11.2023 and place the same on record of the captioned writ petition.

5. List the matter on **09.11.2023**. Interim relief granted earlier to continue till then.

Hitesh

(SANGEETA K. VISHEN,J)