

Item Nos.17 & 18

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.25 OF 2026 (WZ)

M/s. Dharti Quarry

.....Applicant

Versus

SEIAA, Gujarat & Ors.

....Respondents

AND

ORIGINAL APPLICATION NO.26 OF 2026 (WZ)

Krishna Metals

.....Applicant

Versus

SEIAA, Gujarat & Ors.

....Respondents

Date of hearing: 28.04.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Applicants : Mr. Saurabh Kulkarni, Advocate along-with
Mr. Prashant Bhat and Mr. Adwait Gokhale, Advocate

Respondents : Mr. Maulik Nanavati, Advocate along-with
Ms. Manvi Damle, Advocate for R-1/SEIAA, Gujarat
Mr. Pushkal Mishra, Advocate for R-2/MoEF&CC

ORDER

1. Learned counsel for Respondent No.1- SEIAA, Gujarat has filed additional Report in the form of an affidavit dated 27.04.2026. The same is taken on record. A copy of the same is said to have been served upon learned counsel for the applicants.

2. Learned counsel for the applicants submits that he does not want to file rejoinder affidavit against the above affidavit of Respondent No.1. He further submits that these matters are ripe for final hearing and identical order is required to be passed in these cases also, which was passed by this Tribunal in Original Application No.12 of 2026 (WZ) and Original Application No.22 of 2026 (WZ) on 09.04.2026, a copy of which has been provided by him, which is taken on record.

3. These two applications are being decided by us by common order because the issues involved in both the applications are identical.

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4. This Original Application has been filed, seeking quashing of the order dated 21.12.2024 passed by Respondent No.1- SEIAA, Gujarat, whereby the application for re-appraisal of the EC to the proposed Project, under the EIA Notification, 2006 as amended from time to time, has been rejected, on the ground that public road is found to be within 200-meter from lease area, which is not in compliance with the distance criteria prescribed by the Principal Bench of this Tribunal in **Original Application No.85/2019** vide order dated 30.09.2020 etc. Hence, the SEIAA has unanimously decided to reject the proposal of the applicant.

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5. This Original Application has been filed, seeking quashing of the order dated 02.04.2025 passed by Respondent No.1- SEIAA, Gujarat, whereby the application for re-appraisal of the EC to the proposed Project, under the EIA Notification, 2006 as amended from time to time, has been rejected, on the ground that the District Geologist confirmed that, lease area falls in Go-Zone. SEAC has noted that, lease area falls within 200

mtrs. from water body/water stream, which is not in compliance with the Office Memorandum dated 24.12.2013 issued by the Ministry of Environment, Forest & Climate Change (MoEF&CC), etc. Hence, the SEIAA has unanimously decided to reject the proposal of the applicant.

6. From the side of Respondent No.1- SEIAA, Gujarat, additional report in the form of an affidavit dated 27.04.2026 has been filed, wherein it is submitted that the applicant has filed an affidavit placing on record the documents showing errors in the geographical positioning of the mining area. An attempt is made to demonstrate that there is variance in the correct geographical coordinates of the leased area, within which it is conducting mining, and the latitudes and longitudes mentioned in the District Survey Report while describing its lease area. A Google image of defined areas is markedly different when plotted on terrestrial maps/ cadastral maps by feeding the geographical coordinates as stated in the mining plan and application for reappraisal vis-a-vis the coordinates stated in the District Survey Report has also been appended to the additional affidavit filed in the present proceeding. On the basis of this pictorial material, it is contended that the application of proximity criteria by the regulatory authority, even if the distance parameter of 200/100 meters is accepted as applicable and reasonable, returns erroneous results because of the mismatch in the geographical positioning or the location of the mining area.

7. It is further submitted in this affidavit by Respondent No.1 that the regulatory authority has relied upon the District Survey Report, which is justified in placing reliance upon the District Survey Report, more so in light of the decisions of the Hon'ble Supreme Court holding that the District Survey Reports are of seminal importance. Under these circumstances, no fault can be found with the action of the regulatory authority in placing

reliance on the District Survey Report and based on its decision on the information contained therein.

8. It is further submitted in this affidavit by Respondent No.1 that without prejudice, it is submitted on behalf of the regulatory authority that if the contention of the appellant that there is discrepancy in the description of their mining area in the District Survey Report and that such variation has resulted in erroneous plotting of the mining area on the map and brought about a wrong spatial location of the mining area is found acceptable by this Tribunal, the regulatory authority does not have the authority in law to review and revise its own decision. Therefore, an appropriate order is required to be passed directing the District Geologist to again visit the mining area of the appellant and earmark the exact location of the mining area. If need be, the District Geologist may first get the exact mining area demarcated by the District Inspector of Land Record and then record the coordinates of the identified area. Thereafter, the District Geologist may make suitable corrections, if so required, in the locational description of the mining areas. Post completion of this exercise by the District Geologist and on the basis of the findings reported by the District Geologist, the regulatory authority shall re-appraise the environmental clearance granted to the applicant(s) by the District Environment Impact Assessment Authority.

9. We have heard the argument of learned counsel for the appellants as well as that of learned counsel for respondent No.1 and perused the entire records in depth.

10. Learned counsel for the applicants as well as learned counsel for Respondent No.1 have urged that the order dated 09.04.2026, which has been passed by this Tribunal in Original Application No.12 of 2026 (WZ)

(WZ) along-with connected Original Application, the same order may be passed in the present Original Applications as well because the facts of these Original Applications are identical and the issues involved herein are also identical.

11. In view of above, we have arrived on a conclusion that we allow both these applications in terms of the Judgment passed by this Tribunal on 09.12.2025 in Appeal No.35/2025 and in other connected appeals, to the effect that the impugned orders passed by Respondent No.1-SEIAA are set aside, with a direction that Respondent No.1-SEIAA, Gujarat shall make fresh consideration after ensuring that the discrepancy in geographical locations of the leased area of the applicants i.e. the geographical coordinates (latitude and longitude coordinates) in the mining area of the applicants is cured by the authority concerned. After such exercise is done, a fresh order shall be passed by Respondent No.1- SEIAA on the Environmental Clearances granted by DEIAA to all these applicants and for that, if any application is required to be moved by the applicants before the Respondent No.1-SEIAA via PARIVESH, they may move the same.

12. With the above directions, all these applications are allowed and disposed of.

13. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

April 28, 2026

ORIGINAL APPLICATION NO.25 OF 2026 (WZ) with
ORIGINAL APPLICATION NO.26 OF 2026 (WZ)

P.Kr.