

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
APPEAL NO. 36 OF 2020**

**IN THE MATTER OF:**

**Larsen & Toubro Limited**

**....Appellant**

**Versus**

**Sanghi Industries Limited & Ors.**

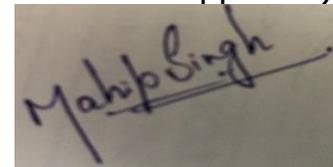
**....Respondents**

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**APPELLANT  
Through  
DSK Legal  
Advocates and Solicitors**

(Counsels for the Appellant)



Place: New Delhi  
Dated: 19.10.2021

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**BEFORE THE NATIONAL GREEN TRIBUNAL,  
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**....Appellant**

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**ADDITIONAL SUBMISSIONS ON BEHALF OF THE APPELLANT PURSUANT  
TO THE LIBERTY GRANTED BY THE HON'BLE TRIBUNAL VIDE ITS ORDER  
DATED 05.10.2021**

1. That the present appeal has been filed by the Appellant seeking to challenge the Environment Clearance bearing no. SEIAA/GUJ/EC/3(b)/1155/2018 dated August 23<sup>rd</sup>, 2019 (Impugned EC) granted to Sanghi Industries Ltd. (*hereinafter referred to as Project Proponent/ SIL*). The Hon'ble Tribunal heard the parties finally on 05.10.2021, whereafter the Hon'ble Tribunal granted two (2) weeks' time to the parties to file their respective Written Submissions i.e. on or before 19.10.2021.
2. The Appellant in addition to the *Written Submissions placed before the Committee*, submissions made in its *Reply / Objections to the Committee's Report dated 21.09.2021* filed before the Hon'ble Tribunal and the *Brief Note dated 04.10.2021* seeks to place on record the present Additional Submissions in compliance with the Order dated 05.10.2021 of the Hon'ble Tribunal.
3. **RESTRICTION ON DEVELOPMENT ON ACCOUNT OF SUDA DEVELOPMENT PLANS 2004 AND 2035**
  - 3.1 That the Project Proponent is setting up a project of 2.0 Million Metric Tonne Per Annum (TPA) Standalone Grinding Unit with bulk and bag packing at Hazira Industrial Zone, Survey No.125/1, 125/2, 126/1+2+3. Village Shivrampur, Taluka Choryasi, District- Surat, Gujarat (*hereinafter referred as "Cement Plant"*)
  - 3.2 It is pertinent to highlight that the issue of SUDA and the restrictions therein for the proposed cement plant was raised and relevant documents were filed by the Intervenor in the present Appeal i.e. the Suvali Village Gram Panchayat. It is only after the matter was referred to the Committee vide Order dated 21.01.2021 and detailed submissions were prepared by the parties did the Appellant procure the copy of the Notification dated 08.10.2020 vide which the GDCR, 2016 was notified along with the Development Plan of 2035. Thereafter, extensive and detailed research was done by the Appellant and the same is being laid out hereunder in the present submissions in absolute *bona-fide*.

- 3.3 It may be noted that on 12.08.1996 Hazira Industrial Area was notified vide the GIDC Notification under Section 2(g) Gujarat Industrial Development Act, 1962. At that point Surat was about 50kms away from Hazira Industrial Area. However, in 2015 Hazira was included under the Surat Urban Development Authority (SUDA) due to the exponential growth of Surat City. Pertinent to note that SUDA has been notifying the Development Plans [inclusive of General Development Control Regulations (GDCR)] for regulated growth of Surat. SUDA, so far has published the following Development Plans and Regulations i.e. GDCR:
- Development Plans 1986
  - Development Plan 2004
  - Development Plan 2035
- 3.4 That the Development Plan 2035 and its corresponding GDCR 2016 was only notified on 08.10.2020, prior to which the applicable Development Plan and Regulations was the Development Plan of 2004. The said provides that manufacturing of cement is an obnoxious and hazardous industry and therefore cannot be set up in General Industrial areas, that are specifically demarcated for less polluting industries.
- 3.5 That on 08.10.2020 SUDA published the Sanctioned Development Plan, 2035 showing various categories including General Industrial Zone and Obnoxious / Hazardous Industrial Zone (Pink – General Industrial Zone and Dark Pink with Textures – Obnoxious / Hazardous Industrial Zone). It is important to note that the land where the Respondent no.1 intends to set-up the proposed cement project falls under the General Industrial Zone (shown in Pink colour in the map)
- 3.6 Moreover, the Town Planner at Surat Urban Development Authority have vide their Zoning Certificate dated 11.01.2021 (*@ page 3739 of the record – internal page 1108 of the Committee Report*) confirmed and certified that the area of the proposed cement plant of the Project Proponent falls under General Industrial Zone and not Obnoxious and Hazardous Industrial Zone. The site for the cement plant of the Project Proponent is falling at Revenue / Block Survey No.125 and 126. It is pertinent to highlight that in Aug 2013, the area of the proposed cement plant was converted from agriculture zone to General Industrial zone.
- 3.7 It is pertinent to note that the Impugned EC was granted on 23.08.2019 i.e. prior to the Notification of Development Plan 2035 and during the applicability of Development Plan 2004. That Appendix C of the Development Plan 2004 provides the "list of obnoxious and hazardous industries" wherein Cement is one of the obnoxious and hazardous industry. Therefore, in view of the aforesaid it is submitted that the grant of the Impugned EC is bad in law in light of the restrictions imposed by the Development Plan of 2004 and the subsequent Draft Development Plan 2035. The relevant pages of the Development Plan of 2004 are annexed as **Annexure E** (*at page 26,28*).
- 3.8 In the alternative and without prejudice to the above submission, it is submitted that the Draft Development Plan-2035 (along with GDCR 2016) published on 10.05.2016 and notified on 08.10.2020 contain a Table with the heading 'Zoning and Use Provisions'. Serial number 5 and 6 are relevant which are extracted hereinunder:

S. No.	Zone	Type of development for which the zone is primarily intended	Type of development, which may be permitted by Competent Authority	Type of development, which may not be permitted	Remarks
5.	General Industrial Zone	<p>a) <u>All Industries except obnoxious and hazardous industries.</u></p> <p>b) Hotel Restaurant, canteen, bank, business building</p> <p>c) Development activities related to tourism sponsored/ recommended by tourism corporation of Government.</p> <p>d) Storage-warehouse, godown, cold storage, ice factory, steel stockyard</p> <p>e) Residential up to 20% FSI,</p> <p>f) Hotel, guest house, lodging, boarding, service apartment Auto-repair workshop, wood workshop, fabrication workshop, garage</p>	<p>a) Storage of inflammable goods such as petrol, diesel, crude oil and kerosene. Residential dwelling only for industrial workers and other public utility service staff working within the industrial premises, quarrying of gravel, sand, clay and stone. Dumping of solid industrial wastes (subject to N.O.C. and conditions laid down by Pollution Control Board)</p> <p>b) All uses mentioned in Column (4) of zone at Sr. No. 1</p>	<p><u>Obnoxious and hazardous industries, mental hospital, hospital for infectious &amp; contagious diseases, jail, dwelling except mentioned in Col 4 of this zone.</u></p>	<p>If mixed development is asked regulations relating to industrial zone shall be applicable.</p>
6.	Obnoxious and hazardous industrial zone	<p><u>All obnoxious and hazardous industries, storage of inflammable goods.</u></p> <p>b) Slaughter houses, meat processing units, leather processing</p>	<p>Residential dwelling only for industrial worker and other public utility services buildings for staff working within the industrial premises, shops, Restaurants, canteen and bank , business building, Quarrying of gravel, sand clay and stone. Dumping of solid industrial wastes, garbage disposal, treatment plant for solid or liquid industrial /domestic and hospital wastage (subject to N.O.C. and conditions laid down by Pollution Control Board)</p>	<p>Residential dwelling except mentioned in Col. 4 of this zone. Hospital for infectious and contagious diseases, mental hospital, jails</p>	

The aforesaid extracted table clearly points out that Obnoxious and Hazardous Industries are not permitted in the General Industrial Zone and for such Obnoxious industries, a separate zone has been notified called the Obnoxious and Hazardous Industrial Zone.

- 3.9 It is thus submitted that cement manufacturing being an obnoxious and hazardous industry, the same cannot be permitted as it has been notified by CPCB as a Red Category industry with a score i.e. above 73. Secondly, the Directorate General Factory Advise Services and Labour Institutes – Ministry of Labour categorises Cement Manufacturing under the List of Hazardous Industries. The relevant extract from the website of Directorate General Factory Advise Services and Labour Institutes is annexed as **Annexure F** (at page 31). Lastly, as stated above, the Government of Gujarat itself has categorised Cement Manufacturing as an Obnoxious and Hazardous industry under the Development Plan and Regulations 2004 i.e. the Appendix C mentioned above and annexed with the Written Submissions before Committee.
- 3.10 It is stated that the Development Plans include the General Development Control Regulations as well and the same is clarified from the Notification dated 08.10.2020 vide which the Development Plan 2035 was notified along with GDCR 2016. The Notification dated 08.10.2020 is annexed as **Annexure G** (at page 33,34). The relevant clause of the said Notification dated 08.10.2020 are extracted hereinunder:

*"AND WHEREAS, the said Authority prepared a Draft Development Plan – 2035 with General Development Control Regulations (hereinafter referred to as "the said Development Plan") in respect of the lands included within its limit, and submitted to the State Government under the provisions of Section 9 of the said Act, on dated 09.05.2016.*

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*NOW THEREFORE, in exercise of the powers conferred by clause © of the sub-section (1) of Section 17 of the said Act, the Government of Gujarat hereby:*

*(a) Finalise the said modifications;*

*(b) Sanction the said Development Plan subject to the modifications ...*

*(c) Specify that the final development plant shall come into force from the date of this notification"*

- 3.12 Therefore, in view of the aforesaid the *General Development Control Regulations (GDCR 2016)* came to be notified on 08.10.2020. Pertinent to highlight that the GDCR 2016 in its provision for Applicability specify that any thing which is not covered under these Regulations will be governed by the Development Plan of 2004. The relevant part is extracted hereinunder:

*"1.3 Applicability*

*Subject to the provisions of the Gujarat Town Planning and Urban Development Act-1976, these Regulations shall apply to all the developments within the Development Areas of the SUDA including area of Surat Municipal Corporation.*

*Regulations of GDCR- 2004, shall be applicable for the provisions which have not been covered under these regulations."*

The relevant pages of the GDCR 2016 are annexed as **Annexure H** (at page 50, 54).

- 3.13 In view of the afore-extracted applicability and savings clause, it is clarified that the 2004 Regulations will apply to any aspect not covered by the 2016 Regulations, including the categorisation of industries and zoning of the

General Industries and Obnoxious & Hazardous industries. This position is further fortified by the Zone Classification as shown in Table 7.1.1 of the Comprehensive General Development Control Regulations (CGDCR) dated 12.10.2017. The said table has been extracted in para 3.16.

- 3.14 Furthermore, the EC was granted on 23.08.2019 i.e. after more than 3 years of publication of the Draft Development Plan, 2035 on 10.05.2016. It is submitted that solely in compliance of Section 26 of the Gujarat Town Planning and Urban Development Act 1976, the Project Proponent applied to SUDA seeking its permission vide Application dated 07.09.2019.
- 3.15 It is pertinent to highlight that the purported application dated 7.09.2019 (Refer page 290 of the Report) stated to be filed by the Project Proponent before SUDA, the NIC Code mentioned therein is 410 i.e. for Construction of Buildings. It is pertinent to highlight the fraudulent act of the Sanghi Cement Ltd. is evident from the aforesaid fact itself wherein the Project Proponent is seeking approval on false and misleading pretexts. The relevant extracts of the NIC Code are annexed as Annexure D to the Objections to the Committee report filed on 04.10.2021, wherein it is stated that cement manufacturing falls under code 2394 and 410 is a code for building erecting complexes and buildings.
- 3.16 That in order to stream-line the entire timeline of the publication and notifications Development Plans and General Development Control Regulations by SUDA, the Appellant has prepared a chronological list of events. The Appellant has also added the significant events in the grant of the Impugned EC in order to present the facts in entirety.

#### **Chronological list of relevant events for the issue of SUDA**

<b>S. No</b>	<b>Date</b>	<b>Event</b>
1.	15.09.2004	Development Plan 2004 and the Development Control Rules for the 2004 under Section 17(1)(c) of the Gujarat Town Planning and Urban Development Act, 1976 vide Notification No. GH/V/100 of 2004/DVP/1403/3307/L dated 02.09.2004 and came into force.
2.	August, 2008	The Development Plan 2004 was revised and published again in 2008 including the variations made as per Section 19 upto 14.09.2007.
3.	December 2015	Gujarat government added 97 villages to the Surat Urban Development Authority and abolished the Hazira Area Development Authority (HADA) and Kathor Area Development Authority (KADA).  Pertinent to note that the proposed project site of the cement plant which originally lie in the Hazira area came under SUDA.
4.	10.05.2016	Draft Development Plan 2035 was notified under Section 13. The said plan specifically demarcates separate area for general industries and for obnoxious and hazardous industries.

		Section 26 of the Gujarat Town Planning and Urban Development Act 1976 prohibits any construction without prior permission of SUDA.												
5.	14.02.2017	Draft Revised Development Plan was submitted by SUDA to the State Government for sanction under Section 16.												
6.	12.10.2017	<p>Govt. of Gujarat under Section 116A and 122 of the Gujarat Town Planning and Urban Development Act 1976 Notifies Comprehensive General Development Control Regulations (CGDCR) dated 12.10.2017 applicable to the entire state of Gujarat. The said notification contemplates zone classification at Table No.7.1.1 at S.No.16 and 20 are reproduced hereinunder:</p> <table border="1"> <thead> <tr> <th><i>S. No</i></th> <th><i>Use Zone / Use as per Development Plan of Competent Authority</i></th> <th><i>Conceptualised Use Zone</i></th> <th><i>Code</i></th> </tr> </thead> <tbody> <tr> <td>16</td> <td><i>Industrial Zone General, Industrial Zone, Non Obnoxious &amp; Non Hazardous Industrial Zone, Light Industrial Zone, Industrial-A, GIDC.</i></td> <td><i>Industrial Zone- 1</i></td> <td><i>IZ-1</i></td> </tr> <tr> <td>20</td> <td><i>Heavy Industrial Zone, Industrial Zone- Special, Obnoxious &amp; Hazardous Industrial Zone</i></td> <td><i>Industrial Zone - 5</i></td> <td><i>IZ-5</i></td> </tr> </tbody> </table> <p><i>The said notification prescribes the concept of Zones. Para 7.2.9 and 7.2.10 are reproduced hereinunder:</i></p> <p><b>7.2.9. - Industrial Zone - 1, 2, 3, 4 (IZ1, IZ2, IZ3, IZ4, IZ7)</b>  <i>This zone is intended for the development of all types of light industries that include small scale factories, transport terminals, etc. except hazardous industries. Other non-hazardous uses like residential buildings for industrial workers, commercial and institutional buildings supporting the existing industries are also permitted subject to relevant regulations.</i></p> <p><b>7.2.10 - Industrial Zone – 5, 6 (IZ5, IZ6)</b>  <i>This zone is intended for the development of obnoxious and high hazard industries including storage of inflammable goods and petrol, LPG, CNG and eco-friendly fuel Fuelling stations. The residential dwellings in this zone are only for industrial workers having maximum built up area up to 50 sq.mts per dwelling unit up to a maximum of 20% of the total utilised FSI of the plot area or subject to the relevant regulations. Dumping of solid industrial wastes is permitted subject to N.O.C. and conditions laid down by Pollution Control Board.</i></p>	<i>S. No</i>	<i>Use Zone / Use as per Development Plan of Competent Authority</i>	<i>Conceptualised Use Zone</i>	<i>Code</i>	16	<i>Industrial Zone General, Industrial Zone, Non Obnoxious &amp; Non Hazardous Industrial Zone, Light Industrial Zone, Industrial-A, GIDC.</i>	<i>Industrial Zone- 1</i>	<i>IZ-1</i>	20	<i>Heavy Industrial Zone, Industrial Zone- Special, Obnoxious &amp; Hazardous Industrial Zone</i>	<i>Industrial Zone - 5</i>	<i>IZ-5</i>
<i>S. No</i>	<i>Use Zone / Use as per Development Plan of Competent Authority</i>	<i>Conceptualised Use Zone</i>	<i>Code</i>											
16	<i>Industrial Zone General, Industrial Zone, Non Obnoxious &amp; Non Hazardous Industrial Zone, Light Industrial Zone, Industrial-A, GIDC.</i>	<i>Industrial Zone- 1</i>	<i>IZ-1</i>											
20	<i>Heavy Industrial Zone, Industrial Zone- Special, Obnoxious &amp; Hazardous Industrial Zone</i>	<i>Industrial Zone - 5</i>	<i>IZ-5</i>											

		<p>The said development plan as provided for in Section 12(n) of the Gujarat Town Planning and Urban Development Act 1976 makes a provision for preventing or removing pollution of water or air caused by discharge of waste or other mean as a result of land use.</p> <p>SUDA thereafter as provided in Section 13(2)(c) submitted to the State Government the Draft Regulations for enforcing the provisions of the Draft Development Plan and the Draft Regulations.</p>
7.	December 2018	Form 1 under EIA Notification 2006 along with Pre-feasibility Report submitted, wherein false and misleading submissions were made by the Project Proponent wherein despite submitting the Form 1 in 2018, the Project Proponent made no mention or whisper of the applicable Development Plan of 2004 and the Draft Development Plan of 2035.
8.	30.03.2019	Environment Impact Assessment Report submitted by the Project Proponent – information pertaining to the Development Plan-2004 or the Draft Development Plan-2035 not disclosed.
9.	23.08.2019	Impugned EC granted to the Project Proponent
10.	07.09.2019	The Project proponent applies to SUDA for permission under Section 26 i.e. on the 17 <sup>th</sup> day of the grant of EC.
11.	20.09.2019	<p>Appeal filed by the Appellant challenging the grant of the Impugned EC.</p> <p>Pertinent to highlight that the Project Proponent nowhere in the pleadings or otherwise before the Hon'ble NGT discloses the fact that it has applied for permission before SUDA.</p>
12.	03.10.2019	Common GDCR for the entire state of Gujarat published for laying down the development regulations for all the districts in the State of Gujarat. The said GDCR has been published in three parts and provides for separate areas for Obnoxious and Hazardous Industries, explaining in detail such industries and their development code.
13.	08.10.2020	<p>State Government accords its sanction to the Development Plan 2035 and the Regulations under Section 17(1)(c) of the Gujarat Town Planning and Urban Development Act 1976.</p> <p>Consequently, on the grant of the sanction and notification the Draft Development Plan together with the Regulations became the Final Development Plan.</p>
14.	11.01.2021	SUDA issued a Zoning Certificate wherein it specified that the Revenue Survey number 125 and 126 where the Project Proponent plans to set it Cement Grinding Unit falls in General Industrial Zone.
15.	21.01.2021	NGT constitutes Committee and referred the issue of evaluation of the EIA and the impugned EC to it.

16.	12.03.2021	The Appellant and the Project Proponent filed its submissions before the Committee.
17.	13.04.2021	Hearing before the Committee of the parties
18.	15.04.2021	The Project Proponent for the first time discloses and places on record its Application to SUDA dated 07.09.2019 as Additional Details by email. It may be noted that the said documents were never served to the Appellant. The Application deceptively has been filed under the Code 410 i.e. the code for construction of buildings and nowhere mentions the Code for Cement Manufacturing i.e. 2394.

3.17 The precautionary principle as mandated in Section 20 of the NGT Act confers wide jurisdiction on the Hon'ble Tribunal to anticipate and impose restrictions in order to mitigate the impact of environmental degradation. After the notification of SUDA Development Regulations in particularly after the publication of the aforesaid map, it would be appropriate and in the interest of justice if a red category cement plant (which process is infamous for dust pollution) is not permitted.

#### 4. VIOLATION OF UNDERTAKING GIVEN IN FORM -I AND ITS CONSEQUENCES THEREOF

4.1 It is submitted that Section 3 of the Environmental Protection Act, 1986 empowers the Central Government to take all such measures to protect and improve the environment. The Central Govt. in furtherance of Section 3 and in conformity with rules 5(3) of the EPA Rules 1986, issued a notification imposing restrictions on setting up of specified industries without the prior consent of the designated Authorities. It is submitted that on the publication of the said notification the provisions thereof became a part of the said Rule 5 r/w section 03 of EPA as if it has been bodily incorporated therein. It is thus binding on all and has the force of law.

4.2 The said notification prescribes Form 1 wherein the Project Proponent has to submit all the possible impacts that the proposed project may have on the environment. The said Form 1 provides an 'Undertaking' to be tendered by the Applicant / Project Proponent. The said undertaking reads as under :-

***"(V) Undertaking***

*'I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.*

*Date: 21.12.2018*

*Place: Ahmedabad, Gujarat*

*Signature of applicant:  
Name: Mr. Gaurang Bhatt  
Designation: Sr. Vice President  
Address: Sanghi Industries Ltd. (SIL)*

*Sanghi Industries Limited  
10<sup>th</sup> Floor, Kataria Arcade, Off SG Highway,  
PO: Makarba, Ahmedabad – 380051*

4.3 In the present case the Project Proponent in Dec, 2018 submitted its Form I supported by a Pre- Feasibility Report. A bare perusal of the said Form shows as under:

**(I) Basic Information**

In the present case Form-1 under the EIA Notification was submitted by Project Proponent in December 2018 along with the Pre-Feasibility Report. In para 1 (Basic Information) entry 22 is relevant which is reproduced hereunder:

<b>S.No.</b>	<b>Basic Information</b>	<b>Comments</b>
22.	<i>Whether there is any Government Order / policy relevant / relating to the site?</i>	No

**(ii) Activity**

<b>S.No.</b>	<b>Information / Checklist confirmation</b>	<b>Yes / No</b>	<b>Details thereof (with approximate quantities / rates, wherever possible) with source of information data</b>
1.1	<i>Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)</i>	Yes	<i>Proposed project will be established on the land of 12.0 acre (48562.0 sq.m) already in possession of SIL acquired for the purpose. The proposed land is in Hazira Industrial Zone. The proposed land was agricultural land will be converted for industrial purpose.</i>
1.3	<i>Creation of new land uses</i>	No	<i>Hazira industrial Zone as per Urban Development and Urban Housing Department Notification dated 13<sup>th</sup> August 2013</i>

4.4 Project Proponent has concealed that the area falls under the General Industrial Zone in the draft Surat DP 2035 published on 08.10.2020 and that the Comprehensive General Development Control Regulation, 2017 have been notified on 13<sup>th</sup> October 2017 by the Government of Gujrat. The Project Proponent further conceals the fact that the said CGDCR 2017 read with Section 26 of the Gujrat Town Planning Urban Development Act, 1976 imposes restrictions on setting up of a cement manufacturing plant in the said zone pending the final publication of the said Plan and Regulations.

- 4.5 The concealment and misrepresentation on the other issues and environmental sensitivity including Wetland by the Project Proponent have already been elaborated in paras 4 to 4.9 of the submission before the Committee.
- 4.6 The Committee appointed by the Hon'ble Tribunal by its order dt 21.01.2021 has observed in Para 8(viii) of its report at 17.08.2021 as under:  
*"viii. PP has not addressed several aspects in the Form I inter-alia pre-construction site investigation, construction work, quantum of resources, solid and liquid waste generation, existence of vulnerable group and eco sensitive areas such as mangroves, hospitals in the study area with direction and distance, mitigation measures, occupational diseases etc."*

#### Effect of breach of Undertaking

- 4.7 The Project Proponent as reflected from the Project Proponent's website is an industrial conglomerate having an annual turnover of Rs 500 to 1000 Crores and is the flagship company of the Ravi Sanghi Group dealing in production and distribution of Cement. It has the largest cement plant in Abdasa Taluka, Dist. Kutch, Gujarat and the proposed plant at Hazira, Surat envisages a capital investment of Rs. 282.28 Cr. It can be safely presumed that the information provided in Form - I and the Pre- Feasibility report had been gathered and prepared by well educated and informed senior officers and consultants of the Project Proponent. Hence the false statements and deliberate omissions in Form I cannot be stated to be a *bona-fide* error or an inadvertent omission.
- 4.8 It is submitted that providing correct and complete information is a statutory obligation. If false information is provided or any information, which is crucial and has a bearing on the issue is omitted, the consequences as stipulated in the Undertaking would necessarily follow.
- 4.9 Providing of Correct and Complete information is an extremely essential ingredient as it forms the very foundation for the Authorities to take an informed decision in conformity with the Precautionary Principles. In Civil Jurisprudence the yardstick is 'Pre-Ponderance of Probability' for the consequences to be activated as contemplated in the Undertaking to come into play.
- 4.10 However, if the mistake or omission is minor and *bona-fide*, which has no major impact on the process of evaluation, such an omission/mistake may not strictly attract the full rigors of the Undertaking.
- 4.11 Secondly, a false statement or deliberate omission in Form I would be an offence u/s 15 of the Environment Protection Act, 1986, relevant part of which reads as under:

*"15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS.-  
 (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both....."*

- 4.12 Further providing misleading and false information to statutory authorities for procuring approvals or permissions is a punishable offence under the Indian Penal Code, subject to the provisions of the Environment Protection Act, 1986. The relevant sections of the Indian Penal Code are reproduced hereinunder:

**"177. Furnishing false information.**—Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

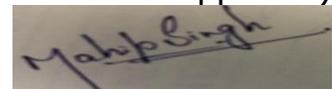
**182. False information, with intent to cause public servant to use his lawful power to the injury of another person** —Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

- 4.13 In view of the above, it is submitted that submitting false information to the detriment of the environment is an offence under the EPA,1986 and also the Indian Penal Code.
- 4.14 Thirdly, a Project Proponent seeking relief/ consent under the EIA notification must come with clean hands. A mala-fide conduct would deprive a Project Proponent of any empathy or leniency. It would be appropriate that a strong message emanates warning of the consequence for providing false or deliberate omission of information.
- 4.15 In view of the above, it is submitted that the Impugned EC should be cancelled in view of the deliberate concealment of facts and providing misleading and false information by the Project Proponent.

**APPELLANT**  
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Place: New Delhi  
 Dated: 19.10.2021



# **REVISED DEVELOPMENT PLAN**

## **(DEVELOPMENT CONTROL RULES)**

### **GENERAL DEVELOPMENT CONTROL REGULATIONS**

As sanctioned by Government under section 17(1)(c) of the Gujarat Town Planning & Urban Development Act, 1976 vide Notification No. GH/V/100 of 2004/DVP/1403/3307/L : dated 02-09-2004 & came into force from dated 15th September, 2004. Including Variations made as per section 19 upto 14-09-2007.

**SURAT URBAN DEVELOPMENT AUTHORITY**  
**AUGUST - 2008**

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## APPENDIX

- A Land Use Zoning In Hazard Prone Areas - Guidelines
- B Protection Of Buildings Structures And Infrastructures In Hazard Prone Areas
- C List Of Obnoxious And Hazardous Industries

### Forms

- 1 Application for Development Permission (Form-C)
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- 3 Lay Out Plan, Building, Plan Details Form.
- 4 Forms for Subdivision Amalgamation/Lay-Out of Land
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- 7 Completion Report.
- 8 Building Completion Certificate.
- 9 Form of Occupancy Certificate.
- 10 Application Form for Registration.
- 11 Structural Inspection Report

## 1. PREAMBLE

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In pursuance of provision contained in clause (m) of sub-section (2) of section 12 and clause (c) of subsection (2) of section 13 of the Gujarat Town Planning and Urban Development 1976, the Surat Urban Development Authority hereby makes the following Regulations.

### 1.1 SHORT TITLE-EXTENT AND COMMENCEMENT

#### 1.1.1

These regulations may be called the revised draft general development control regulation of the revised draft development plan of SUDA (including Surat Municipal Corporation area)

#### 1.1.2

These Regulations shall come into force on and from the date prescribed in the notification of sanction of the Development Plan.

#### 1.1.3

Subject to provision of the Gujarat Town Planning and Urban Development Act-1976 these Regulations shall apply to all developments in the Urban Development Area including Surat Municipal Corporation area notified under sub-section (2) of section 22 of Act vide Gujarat Government, Panchayat, Housing and Urban Development Notification No. GHB/ R1 / UDA / 1177 / 646 (4) - q-2 Dated 31<sup>st</sup> January, 1978 as may be modified or amended from time to time

#### 1.1.4

The sanctioned General Development Control Regulations of SUDA are Replaced by these Regulations.

#### SAVINGS :

Notwithstanding anything done or may action taken under the regulations in force prior to such revision shall be deemed to be valid and continue to be so valid, unless otherwise specified.

## 31. ZONING AND USE PROVISIONS

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The type of development in each land use zone shall be regulated as per Use Zone Table where ever permitted such zones and shall be applicable as per G.D.C.R. of other cities.

### 31.1 LAND USE ZONING IN HAZARD PRONE AREAS

In Natural Hazard prone areas namely the earthquake prone zones as per IS:1893 the cyclone prone areas as per IS:875 Part-3 and flood prone area as per the flood atlas prepared by the Central water Commission and/or the flood departments of the State, the development shall be regulated to ensure special protection from hazards for any type of development irrespective of use zone. Whereas the hazard prone areas identified as per the Vulnerability Atlas of India - 1997 (or revision thereof) prepared by Govt. of India or as may be prepared by State Government from time to time shall be used for such regulations, as given in Appendix-A Further action for protection from these hazards is to be dealt with taking into consideration the Guidelines given in Appendix-B.

## USE ZONE TABLE :

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development, which may be permitted by Competent Authority	Type of development which may not be permitted	Remarks
01	02	03	04	05	06
1.	Residential zone	<p>a) All type of Residential Dwellings. Chawls Flats, Tenements play fields gardens gymnasium swimming pool etc.</p> <p>b) Pre-primary and primary schools dispensary clinic maternity home pathological laboratory Service Establishment (Residential)</p> <p>c) The part of residential building may be permitted to use as office in case of professional requirements such as advocated doctors architects engineers chartered accountants etc. bank public buildings educational institutions such as secondary high school, college technical and vocational educational institutions. research institutions library community hall auditorium town hall</p> <p>d) Cottage industries not involving use of or installation of any machinery driven by power of any kind and which do not create noise vibrations fume dust etc. provided that such home occupations and cottage industries shall not be permissible in the tenement dwellings or flats service establishment (residential) light home workshop etc. lodging house boarding house. etc.</p> <p>Commercial use such as shopping / commercial centre/restaurant/hotel. hostel/indoor hospital, nursing home, surgical hospital etc. subject to provisions of regulation no. 21.1</p>	<p>a) LPG, Cylinder delivery centers for the domestic consumption, coal depot etc, on ground floor of building used for permissible non-residential use, petrol pump with or without service station.</p> <p>b) Development Activities related to tourism sponsored / recommended by tourism Department of Government.</p> <p>c) Diamond industries</p> <p>d) Development activities related to Information Technology.</p> <p>The above uses shall be permitted in accordance with the provisions of regulation No. 12.1</p>	<p>Obnoxious and hazardous uses, steel stock yard, truck terminal, saw mill, timber mart, ice factory and cold storage, junk yard, non-obnoxious and non-hazardous industries, wholesale market, ware houses, storage of perishable and inflammable goods, hospital for infectious and contagious diseases, mental hospital, jail, Dying house, LPG cylinder godown etc.</p>	<p>a) All permissible non residential uses in residential zone may be permitted in a residential dwelling only on ground floor or any other floor with separate means of access/staircase from within the building or outside the building but not within the prescribed marginal space.</p> <p>b) Club house, party plot wadi community hall, auditorium, town hall, public assembly shall be permitted as specified in not under this table.</p>

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development, which may be permitted by Competent Authority	Type of development which may not be permitted	Remarks
2.	Restricted Residential Use	Only EWS Housing and Low Cost Housing.	All uses mentioned in Col.4 of zone at Sr.No.1.	All uses mentioned in Col. 5 of zone at Sr.No. 1 college community hall, auditorium, town hall, vocational and technical education institutions, Cinema Theater, starred hotel, coal depot, storage of perishable and inflammable goods.	As mentioned Col 6 of zone at Sr. No. 1 Note : No development of non-residential building except dispensary and domestic flour-factory shall be permitted on roads having width less than 7.5 mts. * petrol pump, filling station or filling cum service station & CNG filling station are permitted on 18.0 mt. wide road or more than 18 mt. wide road.
3.	Garnial as defined under Regulation No. 2.48	All uses mentioned in Col.3 of zone at Sr. No. 1			
4.	Commercial Zone	All uses mentioned in Col 3 of zone at Sr. No. 1 use excluding residential uses, ice factory and their ancillary warehouses, godowns, transport terminal for goods and passengers, kerosene depot, steel stock yard, timber stock yard (lati) junk yard (kabadi) saw mill, stone cutting and polishing industries.	Development activities related to tourism sponsored/recommended by tourism corporation of Government building, Residential Dwellings.	As mentioned in Col.5 of zone at Sr.No.1 Obnoxious and hazardous uses, non-obnoxious and non-hazardous industries hospitals for infections and contagious diseases. mental hospital jail	As mentioned in Col. 6 of zone at Sr. No.1. Residential use is permitted but regulations of commercial zone shall be applicable.

\* Sanctioned Variation Vide Govt. Notification dtd. 14-09-07

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development, which may be permitted by Competent Authority	Type of development which may not be permitted	Remarks
		LPG Cylinder storage depot and delivery centre, storage of perishable goods, petrol pump with or without service station, cinema, cinema video hall, coal depot, newspaper printing press.			
5.	General Industrial Zone.	All Industries except obnoxious and hazardous industries as mentioned in Appendix-A All uses mentioned in col.3 of zone at Sr.No.3 except Col.3 of zone at Sr. no 1. Hotel Restaurant, canteen, bank, business building Development activities related to tourism sponsored/recommended by tourism corporation of Government.	a) Storage of inflammable good such as petrol, diesel, crude oil and kerosene Residential dwelling only for industrial workers and other public utility service staff working within the industrial premises, quarrying of gravel, sand, clay and stone, Dumping of solid industrial wastes (subject to N.O.C. and conditions laid down by Pollution Control Board) b) All uses mentioned in Column (4) of zone at Sr.No. 1	Obnoxious and hazardous industries, mental hospital hospital for infectious & contagious diseases, jail, dwelling except mentioned in Col 4 of this zone	If mixed development is asked regulations relating to industrial zone shall be applicable.
6.	All obnoxious and hazardous industrial zone	All obnoxious and hazardous industries as mentioned in Appendix-A storage of inflammable goods.	Residential dwelling only for industrial worker and other public utility services buildings for staff working within the industrial premises, shops, Restaurants, canteen and bank, business building Quarrying of gravel sand clay and stone. Dumping of solid industrial wastes, garbage disposal, treatment plant for solid or liquid industrial / domestic and hospital wastage (subject to N.O.C. and conditions laid down by Pollution Control Board)	Residential dwelling except mentioned in Col 4 of this zone Hospital for infectious and contagious diseases, mental hospital, Jails	

## Appendix - C

## LIST OF OBNOXIOUS AND HAZARDOUS INDUSTRIES

Sr. No.	Industrial Groups	Noxious Characteristics
01.	02.	03.
(1) (A) i) ii) iii) iv) (B) i) ii) iii) iv) v) vi) vii) viii)	<p><b><u>CHEMICAL INDUSTRY :-</u></b>            In Organic Manufacturing Industries :            i) Acids, sulphuric acid, nitric acid, acetic acid (glacial) picric acid, hydrochloric acid phosphoric acid, etc.            ii) Alkalis, caustic soda, caustic potash soda ash etc.            iii) production of mineral salts which involves use of acids            iv) Carbon disulphide, ultramarine blue. chlorine, hydrogen.            (B) <u>Organic Manufacturing Industries :</u>            i) Dyes and dyestuff intermediate manufacture            ii) Synthetic plastic like polyethylene P.V.C rexin, raisin nylon.            iii) Synthetic rubber            iv) Insecticides, fungicides and pesticides            v) Phenols and related industries based on coal tar distillations.            vi) Organic solvents, chlorinated minerals, methanol, methylated spirits.            vii) Manufacture of compressed 'Permanent' liquified and dissolved gases.            viii) Acetylides pyridines, lotoform, B-Nepthol etc.</p>	<p>Fir hazards, offensive fumes and smokes.             Fire hazards, smoke &amp; fumes.             Risk of fire, dust and fumes.             Washer water is acidic contain quantities of sluge.            Distillates from reaction vessels, fire risk also.            Liquid effluents with unpleasant smell.            Unpleasant smell and dust fire hazards.            Risk of fire.             Fire hazards unpleasant smell.             Risk of fire.             Risk of fire, smell.             Risk of fire.</p>
(2) (1)	<p><b><u>MISCELLANEOUS :-</u></b>            Electro-thermal industries such as manufacture of calcium carbide, phosphorous, aluminum dust, paste, powder, copper, zinc etc  <b><u>POISONS</u></b>            Ammonium Sulpho-cyanide, arsenic and its compound, barium acetates, barium bodies, barium carbonate, barium cyanide abrium ethylsuptate, barium cyanide, barium ethylsuptate, barium acetate, cinnabar copper sulphocyanide, Ferro cyanides, nitrocyanic acid, pottassium cyanide etc.</p>	<p>Contamination if stored on same floor as or on floors above food (fore hazards in any case).</p>

Sr. No.	Industrial Groups	Noxious Characteristics
01.	02.	03.
-	Manufacture of cellulosic products : rayon fibre waster products, rayophans paper etc. cellulose, nitrate, celluoid articles, scrap & solution. Paints, enamels, colors, varnish (other than Litho Varnish) and Varnish remover of all Kinds. Turpentine & turpentine substitutes Matches. Printing ink. Industrial alcohol Manufacture of newsprint	Risk of fire  Risk of fire and smell  Fire hazards Fire hazards Fire hazards Unpleasant smell Unpleasant smell, enormous quantity of contaminated waste, fire hazards.
II	<u>Petroleum Products :</u>	
1.	Crude oil refining processing & cracking petroleum jelly neptha cracking including gas cracking for any purpose.	Inflammable fumes & noise.
2.	Carbon black manufacture and black of all kinds.	Fire hazards.
3.	Petroleum coke usage for graphite production	Fire hazards.
4.	Lubricating & fuel oil & other oils such as schise oil, shale oil etc.	Fire hazards.
III	<u>Rubber Industry</u>	
	Reclamation of rubber and production of tyres rubber solutions containing mineral neptha and rubber waste	Fire hazards.
IV	Metallurgical Industries	
	With the following Operations : (1) Sintering smelting.	Inflammable fumes & Noise, dust, smoke & risk of fire
	(2) Blast furnaces.	
	(3) Recasting of ore sulphide	
V	Oxides mixtures	
	Manufacture of Radio Active Elements such as :	Radiation hazards

Sr. No.	Industrial Groups	Noxious Characteristics
01.	02.	03.
VI	<u>Thorium, radium &amp; similar isotopes recovery of rare earth</u> Paper & Parer Products : Large scale paper pulp and board manufacture.	Unpleasant smell, large quantities of contaminated waste water.
VII	<u>Lather &amp; other Animal Products</u> (1) Leather tanning Obnoxious smell (2) Glue & gelatine manufacture from bones & flesh. (3) Bone crist, bonemeal, bone powder or storage of bones in the plan (4) Gandular extractions. (5) Animal & fish oils,	Obnoxious smell. Obnoxious smell. Obnoxious smell. Risk of fire. Fire explosion hazards.
VIII	<u>Manufactures of explosive :</u> (1) All types of explosive of their ingredients such as fire works of all kinds, bombs, gun cotton, gun powder, flash powders, rockets (2) Industrial gelatine, nitregly cating and fulminate.	Dust Smoke & Solid wasters Smoke and furnace Fire
IX	<u>Manufacture of Cement &amp; Refractories :</u> (1) Portland cement (2) Refractories (3) Thamslling vitreous. (4) Glass furnaces of 4 tonne capacity and above. (5) Mechanical stone crushin	Fire, noise, atmosphere pollution due to obnoxious gases fair and dust.
X	<u>Fertilizers :</u> Nitrogenous and phosphatic manufacturing on a large scale except mixing of fertilizer for compounding .	
XI	<u>Heavy Engineering &amp; Forgoing shops</u> Using steam & power hammers & heavy metal forgings.	Noise, vibration & smoke.

Sr. No.	Industrial Groups	Noxious Characteristics
01.	02.	03.
XII	<u>Wood &amp; Wood Products :</u> Distillation of Wood	- Noise, vibration & smoke.
XIII	<u>Textiles :</u> 1) Oil sheets & waterproof clothing Wool spinning  2) Clean rags (not including clean textiles cutting only) and grassy rags. 3) Flax yarn & other fibre. 4) Textile finishing bleaching and dyeing	Fire hazards Wool washing liquors containing certain impurities. Fire hazards.  Fire hazards. Waste water containing acid etc.
XIV	<u>Foods :</u> 1) Vegetable oils 2) Abattoirs. 3) Alcohol distilleries and breweries & potanis spirit 4) Sugar refining	Noise, unpleasant smell Water, water with obnoxious smell Oxygen causing unpleasant smell, noise, fire hazards. Unpleasant smell, fire hazards.
XV	<u>Transport :</u> Manufactures of aircraft, locomotives, tractors etc.	Smoke and noise.

**ANNEXURE F**

कारखाना सलाह सेवा एवं श्रम संस्थान महानिदेशालय  
श्रम एवं रोजगार मंत्रालय

**Directorate General Factory Advice Service & Labour Institutes**  
Ministry of Labour & Employment, Government of India

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Menu

## List of Industries involving hazardous processes

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### List of Industries involving hazardous processes

#### 1. Ferrous Metallurgical Industries

Integrated Iron and Steel

Ferrow-alloys

Special Steels

#### 2. Non-ferrous metallurgical Industries

Primary Metallurgical Industries, namely, zinc, lead, copper, manganese and aluminium

#### 3. Foundries (ferrous and non-ferrous)

Castings and forging including cleaning or smoothening/roughening by sand and shot blasting

#### 4. Coal (including coke) industries

Coal , Lignite, Coke, etc.

Fuel Gases (including Coal Gas, Producer Gas, Water Gas)

#### 5. Power Generating Industries

#### 6. Pulp and paper (including paper products) industries

#### 7. Fertiliser Industries

Nitrogenous

Phosphatic

Mixed

#### 8. Cement Industries

Portland Cement (including slag cement, puzzolona cement and their products)

#### 9. Petroleum Industries

Oil Refining

Lubricating Oils and Greases

#### 10. Petro-chemical Industries

#### 11. Drugs and Pharmaceutical Industries

Narcotics, Drugs and Pharmaceuticals

#### 12. Fermentation Industries (Distilleries and Breweries)

#### 13. Rubber (Synthetic) Industries

#### 14. Paints and Pigment Industries

#### 15. Leather Tanning Industries

#### 16. Electro-plating Industries

#### 17. Chemical Industries

Coke Oven by-products and Coaltar Distillation products

Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide, halogenated hydrocarbon, ozone, etc.)

Industrial Carbon

Alkalies and Acids

Chromates and dichromates

Leads and its compounds

Electrochemicals (metallic sodium, potassium and magnesium, chlorates, perchlorates and peroxides)

Electrothermal produces (artificial abrasive, calcium carbide)

Nitrogenous compounds (cyanides, cyanamides and other nitrogenous compounds)

Phosphorous and its compounds

Halogens and Halogenated compounds (Chlorine, Flourine, Bromine and Iodine)

## Explosives (including industrial explosives and detonators and fuses)

18. Insecticides, Fungicides, Herbicides and other Pesticides Industries
  19. Synthetic Resin and plastics
  20. Man-made Fibre (Cellulosic and non-cellulosic) Industry
  21. Manufacture and repair of electrical accumulators
  22. Glass and Ceramics
  23. Grinding or glaxing of metals
  24. Manufacture, handling and processing of asbestos and its products
  25. Extraction of oils and fats from vegetable and animal sources
  26. Manufacture, handling and use of benzene and substances containing benzene
  27. Manufacturing processes and operations involving carbon disulphide
  28. Dyes and Dyestuff including their intermediates
  29. Highly flammable liquids and gases
- 

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# ANNEXURE G

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GOVERNMENT OF GUJARAT  
URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT  
NOTIFICATION No.GH/V/ 157 OF 2020/DVP-142018-5731-L  
SACHIVALAYA, GANDHINAGAR.

NOTIFICATION

Dated.08.10.2020



THE GUJARAT TOWN PLANNING AND URBAN DEVELOPMENT ACT, 1976

**No.GH/V/157 of 2020/DVP-142018-5731-L:WHEREAS**, Surat Municipal Corporation and surrounding area was declared as urban development area for which Surat Urban Development Authority (hereinafter referred as "the said Authority") was constituted vide Government notification No.GHB-23-UDA-1177-646(5)-QZ, Dated 30.01.1978 under provisions of section 22 of the Gujarat Town Planning & Urban Development Act, 1976 (President's Act No.27 of 1976) (hereinafter referred as "the said Act").

**AND WHEREAS**, the urban development area of the said Authority was modified by various notifications of the State Government, in exercise of the powers conferred by sub-section (2A) of section 22 of the said Act.

**AND WHEREAS**, the said Authority prepared a Draft Development Plan-2035 with General Development Control Regulations (hereinafter referred to as "the said Development Plan") in respect of the lands included within its limit, and submitted to the State Government under the provisions of Section 9 of the said Act, on dated.09.05.2016.

**AND WHEREAS**, notice regarding publication of the said Development Plan for inviting suggestions or objections under section 13 of the said Act, if any, with respect to the proposals of the said Development Plan was published in the Part II Extraordinary Gujarat Government Gazette on dated 10.05.2016.

**AND WHEREAS**, the said Authority submitted the said Draft Development Plan, in respect of the lands included within its limit under sub section (1) of section 16 of the said Act after following due procedure under section-14 of the said Act to the Government of Gujarat for sanction on dated.14.02.2017.

**AND WHEREAS**, the State Government sanctioned the Comprehensive General Development Regulations - 2017 for whole of the State including the development area under the jurisdiction of Surat Urban Development Authority by the Notification No.GH/V/269 of 2017/UDA-102016-3629-L, Dated 12.10.2017 and thereafter modified by different notifications.

**AND WHEREAS**, in exercise of the powers conferred by proviso to sub-clause(ii) of clause (a) of sub-section (1) of section 17 of the said Act, the Government of Gujarat published the modifications under Government Notification, Urban Development and Urban Housing Department No.GH/V/15 of 2019/DVP-142018-5731-L, dated.22.01.2019 in the Gujarat Government Gazette Ext. Part.IV-B dated.25.01.2019 on Page No.16-26 to 16-52 and Corrigendum No.GH/V/30 of 2019/DVP-142018-5731-L, dated.07.02.2019 in the Gujarat Government Gazette Ext. Part.IV-B dated.07.02.2019 on Page No.41-2 for inviting from any person, to

submit suggestions or objections, if any with respect to the proposed modifications for the lands excluding the lands proposed under various reservation to the then Principal Secretary to the Government of Gujarat, Urban Development and Urban Housing Department, Sachivalaya, Gandhinagar, in writing, within a period of two months from the date of publication of the said modifications in the Government Gazette.

**AND WHEREAS**, further, in exercise of the powers conferred by proviso to sub-clause(ii) of clause (a) of sub-section (1) of section 17 of the said Act, the Government of Gujarat published the modifications under Government Notification, Urban Development and Urban Housing Department No.GH/V/166 of 2019/DVP-142018-5731-L, dated.18.11.2019 in the Gujarat Government Gazette Ext. Part.IV-B dated.18.11.2019 on Page No.435-1 to 435-14 for inviting from any person, to submit suggestions or objections, if any with respect to the proposed modifications for the land under reservation in Draft Development Plan 2035 to the Additional Chief Secretary to the Government of Gujarat, Urban Development and Urban Housing Department, Sachivalaya, Gandhinagar, in writing, within a period of two months from the date of publication of the said modification in Government Gazette.

**AND WHEREAS**, the Hon'ble High Court of Gujarat disposed the S.C.A. NO. 8174 of 2020, vide oral order dtd.17.07.2020 with direction to the respondents to consider and decide the representation dated.27.12.2019 made by the petitioner within a period of four weeks from the date of receipt of copy of the said oral order.

**AND WHEREAS**, the Government of Gujarat has considered the suggestions and objections on merit;

**NOW THEREFORE**, in exercise of the powers conferred by clause (c) of sub section (1) of section 17 of the said Act, the Government of Gujarat here by;

- (a) Finalize the said modifications;
- (b) Sanction the said Development Plan subject to the modifications so finalized and as set out in the SCHEDULE appended hereto, and
- (c) Specify that the final development plan shall come into force from the date of this notification.

#### SCHEDULE

Sanction Modifications in Draft Development Plan 2035 of Surat Urban Development Authority

---

#### PART-A

**(Preliminary Notification dated.22.01.2019 and corrigendum dated.07.02.2019)**

- 1.a The lands falling within the villages of Sandhiyer, Madhar, Paria, Siwan, Bharundi, Kareli, Sayan, Kudsad, Khalipor, Narthan of Taluka: Olpad, Bhutpor, Kanav of Taluka: Palasana and village: Shekhpur, Velanja, Ghaludi, Antroli, Tharoli, Dhoran Paradi, Navi Paradi, Karjan, Valan, Parab of Taluka: Kamrej shall be designated for different uses under section 12(2)(a), 12(2)(d) and 12(2)(o) of the said Act as shown on the accompanying plans ( Sheet No. A, H1, J, P, K1, M1, L1, N1, O1, Q1, P1, R1, W, X, T1, U1, Y, Z, V1 & W1)
- 1.b The lands bearing Block No.84/B, 86/A, 87/B, 88, 90, 92/A, 117, 118/A, 116, 246/B, 255/B, 245/B/2, 255/A/1, 150/A, 152, 153/A, 154/A, 117/A, 118/B, 135/C, 248/A



**DEVELOPMENT PLAN- 2035**  
**GENERAL DEVELOPMENT CONTROL REGULATIONS**  
**of SURAT URBAN DEVELOPMENT AUTHORITY**

Draft General Development Control Regulations- 2016 of Surat Urban Development Authority as submitted under section 9 and published under section 13 of the Gujarat Town Planning and Urban Development Act, 1976.

**MAY- 2016**

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## **1 PREAMBLE**

In pursuance of the Provisions contained in Clause (m) of sub-section of (2) of Section 12 and Section 116A of the Gujarat Town Planning and Urban Development Act, 1976, the Surat Urban Development Authority("SUDA" from here on) hereby makes the following Regulations:

### **1.1 SHORT TITLE**

These regulations may be called the Draft General Development Control Regulations- 2035 of the Development Plan-2035 of SUDA.

### **1.2 COMMENCEMENT**

These Regulations shall come into force from the date of its publication in the *Official Gazette*.

### **1.3 APPLICABILITY**

Subject to the provisions of the Gujarat Town Planning and Urban Development Act-1976, these Regulations shall apply to all the developments within the Development Areas of the SUDA including area of Surat Municipal Corporation.

Regulations of GDCR- 2004, shall be applicable for the provisions which have not been covered under these regulations.

### **1.4 REPEAL**

The sanctioned General Development Control Regulations of SUDA 2004 are hereby modified, revised and replaced by these Regulations.

### **1.5 SAVING**

Notwithstanding such modifications and revision, anything done or any action taken under the regulations in force prior to such modification shall be deemed to be valid and continue to be so valid, unless otherwise specified.

### **NOTE**

In case of any conflict with the regulations prescribed in the TP scheme, these regulations shall prevail over.

## 29 ZONING AND USE PROVISIONS

Table 29.1: Land Use Table

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development, which may be permitted by Competent Authority	Type of development, which may not be permitted	Remarks
01	02	03	04	05	06
1	Residential zone	<p>a) All type of Residential Dwellings, Apartments, Chawls, Flats, Raw Houses, Tenements, EWS Housing, Play fields, gardens, gymnasium, swimming pool, training centre, fitness centre, etc.</p> <p>b) Pre-primary and primary schools, dispensary, clinic, maternity home, Nursing home, pathological laboratory, Service Establishment( Residential), hospitals</p> <p>c) The part of residential building may be permitted to use as office in case of professional requirements such as advocates, doctors, architects, engineers, chartered accountants, etc. bank, public buildings, educational institutions, such as secondary, high school, college, technical and vocational educational institutions, research institutions,</p>	<p>a) petrol pump with or without service station.</p> <p>b) Development Activities related to tourism sponsored / recommended by tourism Department of Government.</p> <p>c) diamond industries</p> <p>d) development activities related to Information technology</p> <p>The above uses shall be permitted in accordance with the provisions of regulation No.9.1</p>	<p>Obnoxious and hazardous uses, steel stock yard, truck terminal, saw mill, timber mart, ice factory and cold storage, junk yard, non-obnoxious and non-hazardous industries, wholesale market, ware houses, storage of perishable and inflammable goods, hospital for infectious and contagious diseases, mental hospital, jail, Dying house, LPG cylinder godown etc.</p>	<p>a) All permissible non-residential uses in residential zone may be permitted in a residential dwelling only on ground floor or any other floor with separate means of access/staircase from within the building or outside the building but not within the prescribed marginal space.</p> <p>b) Club house, party plot, wadi, community hall, auditorium, town hall, public assembly shall be permitted as specified in note under this table.</p>

		<p>library, coaching classes, community hall, auditorium, town hall.</p> <p>(d) Cottage industries not involving use of or installation of any machinery driven by power of any kind and which do not create noise, vibration, fume, dust etc. provided that such home occupations and cottage industries shall not be permissible in the tenement dwellings or flats; service establishment (residential), light home workshop, etc. lodging house ,boarding house,etc.</p> <p>Commercial uses such as shopping / commercial centre, restaurant, hotel, hostel, indoor hospital, nursing home, surgical hospital, etc. subject to provisions of regulation no.9.1</p> <p>e) Theatre, Multiplex, Convention Centre, Party Plot</p> <p>f) Religious places such as temple, church, mosque, gurudwara, synagogue, upashraya,, sant niwas</p>			
2	Restricted residential	Only EWS Housing and Low Cost Housing	-	-	-

	use				
3	Gamtal as defined under regulation no. 2.60	All uses mentioned in Col. 3 of zone at Sr. No.1.	All uses mentioned in Col.4 of zone at Sr.No.1	All uses mentioned in Col. 5 of zone at Sr. No. 1, college, community hall, auditorium, town hall, vocational and technical education institutions, Cinema Theater, starred hotel, coal depot, storage of perishable and inflammable goods,	As mentioned Col. 6 of zone at Sr.No.1. Note: No development of non-residential building except dispensary and domestic flour-factory shall be permitted on roads having width less than 7.50 m <i>Petrol</i> pump, filling station or filling cum service station and CNG Filling Station Are Permitted ON 18.00 m wide Road or more than 18.00 m wide Road.
4	Commercial Zone	All uses mentioned in Col. 3 of zone at Sr. no. 1 use excluding residential, however hostel, cottage industry, clinic and primary school is allowed. Wholesale market and their ancillary uses, shopping malls, ice factory and cold storage, ware houses, godowns, transport terminal for goods and passengers, kerosene depot, steel stock yard, timber stock yard (lati), Junk yard (kabadi), saw mill, stone cutting and polishing industries.  LPG Cylinder storage depot and delivery centre, storage of perishable goods, petrol pump with or without service station, cinema , cinema video hall, coal depot, newspaper printing press.	Development activities related to tourism sponsored/ recommended by tourism corporation of Government building, residential dwellings	As mentioned in Col.5 of zone at Sr.No.1 Obnoxious and hazardous uses, non-obnoxious and non-hazardous industries, hospitals for infections and contiguous diseases, mental hospital, jail.	As mentioned in Col.6 of zone at Sr.No.1 Residential use is permitted but regulations of commercial zone shall be applicable.

5	General Industrial Zone	<p>a) All Industries except obnoxious and hazardous industries .</p> <p>b) Restaurant, canteen, bank, business building</p> <p>c) Development activities related to tourism sponsored/ recommended by tourism corporation of Government.</p> <p>d) Storage-warehouse, godown, cold storage, ice factory, steel stockyard</p> <p>e) Residential up to 20% FSI,</p> <p>f) Hotel, guest house, lodging, boarding, service apartment Auto-repair workshop, wood workshop, fabrication workshop, garage</p>	<p>a) Storage of inflammable goods such as petrol, diesel, crude oil and kerosene. Residential dwelling only for industrial workers and other public utility service staff working within the industrial premises, quarrying of gravel, sand, clay and stone. Dumping of solid industrial wastes (subject to N.O.C. and conditions laid down by Pollution Control Board)</p> <p>b) All uses mentioned in Column (4) of zone at Sr. No. 1</p>	<p>Obnoxious and hazardous industries, mental hospital, hospital for infectious &amp; contagious diseases, jail, dwelling except mentioned in Col 4 of this zone.</p>	<p>If mixed development is asked regulations relating to industrial zone shall be applicable.</p>
6.	Obnoxious and hazardous industrial zone	<p>a) All obnoxious and hazardous industries, storage of inflammable goods.</p> <p>b) Slaughter houses, meat processing units, leather processing</p>	<p>Residential dwelling only for industrial worker and other public utility services buildings for staff working within the industrial premises, shops, Restaurants, canteen and bank , business building .</p>	<p>Residential dwelling except mentioned in Col. 4 of this zone. Hospital for infectious and contagious diseases, mental hospital, jails.</p>	

			Quarrying of gravel, sand clay and stone. Dumping of solid industrial wastes, garbage disposal, treatment plant for solid or liquid industrial /domestic and hospital wastage (subject to N.O.C. and conditions laid down by Pollution Control Board)		
7.	Educational Purpose	Schools, Colleges, University, Educational Buildings, research institutions, hostels, boarding houses, staff quarters, Banks, canteens, sports complex gymnasium, dispensary, auditorium, library.	Retail shops & restaurants as a part of educational institute. Development activities related to Information Technology.	All other uses not mentioned in Col. 3 and Col.4. of Sr. No. 6	The built-up area shall not exceed 30% of the area of the building Unit/Plot.
8.	Recreational Zone	Recreation of any type, Residential accommodation and shops incidental to recreation, aquarium, natural reserve and sanctuary race track, shooting range, zoo, nursery, stadium, botanical garden, planetarium, amusement park, swimming pool, exhibition and mela, drive-in-cinema, motion picture hall, cinema, restaurants, party plots, recreational use of water park, sports complex	Farm houses, educational and Medical institutions (excluding infectious and contagious diseases, mental hospital) Hotels as per norms notified by the tourism Corporation of Gujarat.	All other uses not mentioned in Col. 3 & 4.	<ol style="list-style-type: none"> <li>1) More than one farm house may be permitted provided the minimum area required for farm house is satisfied as mentioned in Col. 6, at Sr. No. 8.</li> <li>2) Building to be constructed at a distance of not less than 30 mts. from the road, on which it abuts.</li> <li>3) The built up area (ground</li> </ol>