

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
AT PUNE**

APPEAL NO. 15 OF 2024 (WZ)

RSPLL LIMITD

... APPLICANT

VERSUS

STATE OF GUJARAT & ONE ANR.

...RESPONDENTS

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PLACE: PUNE

DATE: 03.07.2024



Advocate for the Appellant

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2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
AT PUNE**

APPEAL No.15 OF 2024 (WZ)

RSPPL LIMITED

...APPELLANT

V/s

STATE OF GUJARAT & ANR

...RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Mr. Harish Ramchandani, adult, Vice President of Appellant, having office at C-1/C-2, 3rd Floor, Safal Profitaire, near Pralhad Nagar Garden, Satellite, Ahmedabad 380015, do hereby state on solemn affirmation as under: -

1. I say that I am working as the Vice President of the Appellant for the last one year and am handling the day to day affairs of the Appellant. I am well versed with the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. I making the present additional affidavit only for the limited purpose of placing on record certain developments which have taken place pursuant to the order dated 12.02.2024 passed by this Hon'ble Tribunal in the subject matter.



Harish



That the subject matter of the appeal before this Hon'ble Tribunal was in respect of the closure notice dated 12.01.2024 issued by the Gujarat Pollution Control Board, Respondent No.2 herein. That the sum and substance of the closure notice, inter-alia, is that the present Appellant (i) failed to remove the salt containing top soil layer from survey no.540 and 606 as well as (ii) failed to construct water retaining wall at the common boundary of the Appellant and survey no.540 and 606 and (iii) further failed to provide surface gradient towards survey no.540 and 606 which is to be changed at appropriate location or/ in the alternative, trench at the boundary of the premises and (iv) further failed to submit work completion certificate in respect of the aforesaid work. **(Annexure-A1, Pg.38 to the appeal memo).**

4. That this Hon'ble Tribunal was pleased to pass order dated 12.02.2024 wherein it is observed that the Hon'ble Gujarat High Court at Ahmedabad in SCA No.1706 of 2024 was pleased to direct the Hon'ble Tribunal by way of order dated 05.02.2024 to proceed on merits without being influenced by the factum pendency of Special Civil Application No.6970 of 2023. This Hon'ble Tribunal was also please to take note of the order dated 30.11.2023 passed in Special Civil Application No.6970 of 2023 in para 4 and 5 of the order dated 12.02.2024.



The Hon'ble Tribunal was also pleased to observe in para 7 and 8 that despite all efforts made by the present Appellant to request the owners of the said Survey No.540 and 606 to grant consent, no consent was accorded by the owners of the aforesaid survey numbers permitting access to the survey nos. 540 and 606 for carrying out the said directions. It is also noted that the Appellant also requested the Respondent No.2 GPCB to procure the permission to undertake the said work however, no communication was received from the said owners. Therefore, for no fault of the Appellant, the impugned closure order dated 12.01.2024 came to be issued by the GPCB which is under challenge before this Hon'ble Tribunal in the subject appeal.

6. That in view of the aforesaid fact, this Hon'ble Tribunal was pleased to direct till the next date, the operation of the impugned order to remain in abeyance and the appeal was directed to be listed on 14.03.2024. Annexed hereto and marked as **ANNEXURE-A-1** is a copy of the order dated 12.02.2024.
7. Thereafter, the matter was listed on 14.03.2024 and a compliance report in respect of the various compliances mentioned in the order dated 12.02.2024 including that of the



service of notice on the Respondents and amendment to the appeal for inclusion of the land owners who were to be arraigned as party respondent, was submitted to the Hon'ble Tribunal which is on record of the subject appeal.

8. That the Hon'ble Tribunal in the order dated 12.02.2024 was pleased to direct the Respondents to submit their affidavits within four weeks and provide a copy of the same to the Appellants and other respondents however, only Respondent No.6 filed its affidavit in reply and that to belatedly and a copy of the same was served on the Appellant only on 11.03.2024 and the other Respondents did not bother to file any affidavit. That the Hon'ble Tribunal was pleased to extend the stay of the impugned order till the next date of hearing i.e. 09.07.2024 and was pleased to grant time to some of the Respondents to file their affidavit within four weeks and thereafter the Appellant was directed to file the rejoinder within six weeks thereon. However, none of the respondents have filed affidavits in compliance to the directions of the Hon'ble Tribunal in the order dated 14.3.2024. Annexed hereto and marked as **ANNEXURE-A-2** is a copy of the order dated 14.03.2024.
9. That certain developments have taken place subsequent to the hearing held on 14.03.2024 before this Hon'ble Tribunal which are relevant and germane to the outcome of the present



appeal. The Appellant, however, reserve its right to make a further and detailed affidavit if and when it becomes necessary.

10. That the Special Civil Application No.6970 of 2023 was subsequently taken up for hearing before the Hon'ble Gujarat High Court and after hearing all the parties, including the Respondents No. 5 & 8 herein who is the owners / co-owners of survey no.540 and 606, the Hon'ble Court was pleased to pass order dated 27.03.2024, relevant para of the same is reproduced hereinbelow:

" 28. Apart from the above, the GPCB is required to comply with the recommendation of the DDU, Nadiad to replenish the existing soil with fresh new soil. The cost of replenishment and transportation of the excavated soil as per the recommendation of the DDI, Nadiad shall have to be recovered from the defaulter Company, respondent no.4 whose stand before us is that it was always ready to carry out remediation work, but the owner of the aforesaid parcels of land, viz. the petitioner herein has not cooperated.

29. The petitioner herein is further directed to cooperate with GPCB to carry out the replenishment of the existing soil. As prayed by the learned senior counsel appearing for GPCB, 8 weeks' time is granted to comply with the above directions, i.e. to complete the inquiry and the replenishment work of the existing soil from the field of the petitioner in Survey Nos.540 and 606 as per the recommendation of DDU, Nadiad, as extracted in the inspection report of the GPCB dated 09.12.2023.

Shri



30. Before parting with this order, on the submissions of the learned counsel appearing for the defaulter Company/respondent no.4, we may only record that we are not concerned with the merit of the assertion of the respondent no.4 Company in the matter of Notice of Directions and closure directions issued by GPCB as the said issue is engaging attention of the National Green Tribunal in the appeal filed by the respondent no.4 Company. The directions contained hereinabove are confined to ensure compliance of the Schedule-I Auditor's Report and the inspection made by the GPCB and to address the concern of the Court where the GPCB has been found to be guilty of inaction on its part. It is kept open for the respondent no.4 Company to agitate all issues on the merits of its case before the National Green Tribunal and any of the observations made hereinabove will not come in its way."

Annexed hereto and marked as **ANNEXURE-A-3** is a copy of the order dated 27.03.2024.

11. That in effect, the Hon'ble High Court, inter-alia, directed the Respondent No.2 herein i.e. GPCB to undertake the remediation measures i.e. for removing the top soil layer of survey no. 540 (owned by Respondent No. 5 & 8 in the present appeal) and which also includes survey no.540/1 (owned by Respondent No. 6 in the present appeal) as well as survey no.606 (owned by Respondent No. 5 & 8 in the present appeal) and with a further direction to the present Appellant to make

Sanjiv



payment of the said work undertaken by the Respondent No.2 GPCB.

12. It is humbly and respectfully submitted that pursuant to the order dated 27.03.2024 passed by this Hon'ble Court in the captioned petition, the Respondent No.2 GPCB issued a direction dated 29.05.2024 asking Respondent No. 4 RSPL to deposit Rs. 1,57,15,000/- in the account of Respondent No.2 GPCB, details of which were provided in the aforesaid order dated 29.05.2024. Annexed hereto and marked as **ANNEXURE-A-4** is a copy of the direction dated 29.05.2024 passed by Respondent No.2 GPCB.

13. That in compliance thereof, the Appellant herein has thereafter transferred the said amount Rs. 1,57,15,000/- on 03.06.2024 in the account of the Respondent No.2 GPCB towards the work to be undertaken by the Respondent No.2 GPCB in compliance with the order dated 27.03.2024 passed by the Hon'ble Gujarat High Court in SCA No.6970 of 2023 captioned Petition. That Appellant herein has thereafter intimated the same to the Respondent No.2 GPCB via letter dated 04.06.2024 and email dated 05.06.2024. Annexed hereto and marked as **ANNEXURE-A-5 (Colly.)** are copies of letter dated 04.06.2024 and email dated 05.06.2024.

Stavir



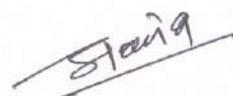
That the said aspect referred to hereinabove has been submitted by the Respondent No.2 GPCB in its compliance affidavit dated 11.06.2024 submitted before the Hon'ble Gujarat High Court in SCA No.6970 of 2023 and the present appellant has also submitted the said details before the Hon'ble Gujarat High Court by way of an affidavit. Annexed hereto and marked as **ANNEXURE-A-6** are the copies of the compliance affidavit of the respondent GPCB dated 11.06.2024 along with its annexures and Annexed hereto and marked as **ANNEXURE-A-7** are the copies of the compliance affidavit of the Appellant along with its annexures

15. Moreover, the Respondent No.2 GPCB also challenged the order dated 12.02.2024 of this Hon'ble Tribunal in the present appeal, before the Hon'ble Supreme Court by way of Civil Appeal No.(S) 6259 of 2024 and the same was listed for hearing on 17.05.2024 and the Hon'ble Supreme Court after hearing the parties was pleased to dismiss the said SLP at the threshold by confirming the order dated 12.02.2024 of this Hon'ble Tribunal. Annexed hereto and marked as **ANNEXURE-A-8** is a copy of the order dated 17.05.2024 in Civil Appeal No.(S) 6259 of 2024.
16. That the Respondent No.2 GPCB also challenged the order dated 27.03.2024 in SCA No.6970 of 2023 of the Hon'ble



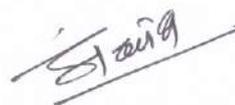
Gujarat High Court before the Hon'ble Supreme Court by way of Special Leave to Appeal (C) No.(S) 11219-11220/2024 on the limited aspect of the direction contained in para 27 with regard to payment of an amount of Rs.20,00,000/- to be made good by the Respondent No.2 GPCB to the present Respondent No. 5 & 8 (Petitioner of SCA No.6970 of 2023 and owner / co-owner of survey no.540 and 606) and the Hon'ble Supreme Court by way of order dated 14.05.2024 was pleased to issue notice and until further orders, to grant stay of the directions in respect of payment of amount of Rs.20,00,000/- by Respondent No.2 GPCB to the concerned respondent.

17. That the Hon'ble Gujarat High Court thereafter passed another order dated 2.7.2024 in SCA No.6970 of 2023 recording the subsequent events that transpired after the passing of the earlier order dated 27.3.2024. A copy of the same is not uploaded and will be tendered at the time of hearing.
18. That as far as the other all the directions contained in the closure notice dated 12.01.2024 are concerned, all of the same are practically complied with. As far as direction (b) in respect of retaining wall and construction thereof is concerned, the same stands complied by the Appellant as the same is already constructed on the common boundary. Annexed hereto and



marked as **ANNEXURE-A-9** is the completion certificate dated 02.07.2024 of the Schedule I auditor DDU Nadiad.

19. As far as the directions (a), (c) and (d) of the closure report are concerned, the same now stand complied in view of the directions of the Hon'ble Gujarat High Court in SCA No.6970 of 2023 wherein the work of remediation and salt removal has been entrusted to the Respondent No.2 GPCB and payment in this regard has been made to the Respondent No.2 GPCB by the Appellant on 03.06.2024
20. That as far as the aspect of non-compliance of coal handling guidelines are concerned, the same are also complied with and scrupulously followed by the Appellant and a report thereof is already annexed and forming part of the **Appeal (at pg. 81 Annexure A3)**
21. That as far as the aspect of sample collected on 05.10.2023 in respect of kiln 1 and lime grinding system is concerned, the same is also complied with and is being diligently and scrupulously maintained by the Appellant. Annexed hereto and marked as **ANNEXURE-A-10** are copies of the reports of the GPCB from time to time post the closure order.

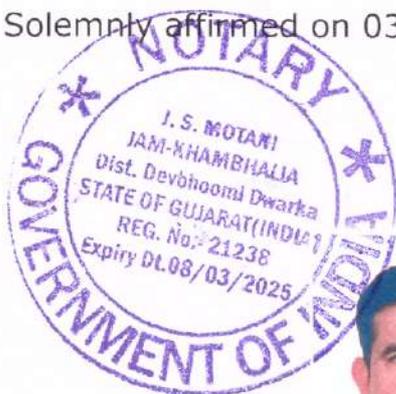




22. In view of the aforesaid circumstance and the subsequent development that have taken place, the impugned closure notice dated 12.01.2024 becomes redundant and in effect altered in view of the Order dated 27.3.2024 in SCA No. 6970 of 2023 r/w the order dated 02.07.2024 and/ or complied with and therefore, in the humble submission of the Appellant, the closure notice which is impugned in the present appeal is required to be quashed and set aside and the appeal is required to be allowed by this Hon'ble Tribunal.

What is stated hereinabove is true to the best of my knowledge, information and belief and I believe the same to be true.

Solemnly affirmed on 03 day of July, 2024.



Deponent

*Drafted and identified by me
Advocate
(A. C. MEHTA)*

SOLENNLY AFFIRMED BEFORE ME
BY Jyotish mangeshram Khambhani
AT Bhatiy WHO IS IDENTIFIED
BY SHRI A. C. Mehta
PALACE Khambhani
DATE 31/7/2024
R.S. NO. 1268/2024 J.S. MOTANI
PAGE NO. 163 NOTARY-81888

  <p>ભારત સરકાર Government of India</p>	  <p>ભારત સરકાર Government of India</p>
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<p>00609/62592</p>	<p>INFORMATION</p> <ul style="list-style-type: none"> ■ Aadhaar is a proof of identity, not of citizenship. ■ Verify Identity using Secure QR Code/ Offline XML/ Online Authentication. ■ This is electronically generated letter.
<p>J. S. KOTIYAL JAM-KHAMBIYALA Dist. Devbhogani Dwarka STATE OF GUJARAT REG. No. 22-238 Copy Dt: 08/03/2025</p>	<ul style="list-style-type: none"> ■ આધાર સમગ્ર દેશમાં માન્ય છે. ■ આધાર તમને વિવિધ સરકારી અને બિન-સરકારી સેવાઓને સરળતાથી મેળવવામાં મદદ કરે છે. ■ તમારા મોબાઇલ નંબર અને ઈમેઇલ આઈડીને આધારમાં અપડેટ કરો. ■ તમારા સ્માર્ટ ફોનમાં આધાર રાખો - એમઆધાર એપ્લિકેશનનો ઉપયોગ કરો. ■ Aadhaar is valid throughout the country. ■ Aadhaar helps you avail various Government and non-Government services easily. ■ Keep your mobile number & email ID updated in Aadhaar. ■ Carry Aadhaar in your smart phone – use mAadhaar App.

જાવિજ



Mentioned Matter

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Appeal No.15/2024(WZ)
I.A. No.33/2024(WZ)**

RSPL Limited

.....Appellant

Versus

State of Gujarat & Anr.

....Respondent(s)

Date of hearing: 12.02.2024

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

Appellant : Shri T. N. Subramaniam, Senior Advocate along-with
Mr. Saurabh Kulkarni and Mr. Abhishek Mehta, Advocates

ORDER

1. This appeal has been taken up today on mention being made by learned Senior Counsel Shri T. N. Subramaniam representing appellant because of the urgency, which we found to be there.

2. This appeal has been preferred against the order dated 12.01.2024 passed by the respondent No.2-GPCB, whereby closure direction was issued to the industry of appellant under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 because of the non-compliances of the following directions:-

- “
- a) Failed to remove salt containing top soil layer from the survey no.540 & 606 under the supervision of District Agricultural Department or its authorized expert institute/ officer or Schedule-I auditor.
 - b) Failed to construct water retaining wall at the common boundary of industry and survey no.540 & 606 to prevent water seepages/

leakages/overflow from the industry even during unforeseen situation under the supervision of authorized expert institute/officer in Civil Engineering field.

- c) Failed to provide surface gradient towards survey no.540 & 606 which is to be changed at appropriate location or a trench at the boundary of the premises within premises to be provided in order to divert surface runoff required precautionary measures for future release of water/ waste water from the industry leading to survey no.540 & 606 etc.*
- d) Failed to submit work completion certificate from related expert authorized institute separately for each work or consolidated from GPCB recognized schedule - 1 Environment Auditor.”*

3. The learned Senior Counsel Shri T. N. Subramaniam representing appellant apprised us that soon after this impugned order was passed, appellant approached the Hon'ble High Court of Gujarat at Ahmedabad by filing *R/Special Civil Application No.1706 of 2024*, wherein following order dated 05.02.2024 was passed:-

- “
- 1. After a brief submission, Mr. Shalin Mehta learned Senior Counsel assisted by Mr. Abhishek M. Mehta learned Counsel for the petitioners would submit that the petitioners seek to withdraw the present petition so as to avail the remedy of appeal under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and under the Air (Prevention and Control of Pollution) Act, 1974, before the competent authority, against the Closure Notice dated 12.01.2024, the subject matter of challenge here.*
 - 2. The only apprehension raised by the learned Senior Counsel for the petitioners is that since Special Civil Application No.6970 of 2023 filed by the complainant namely Balubha Pabubha Ker is pending consideration before this Court, wherein direction has been given to the Gujarat Pollution Control Board (GPCB) to carry out fresh inspection of the site in question and submit a Report, the Appellate Authority may not enter into the merits of the Appeal.*
 - 3. Noticing the order dated 30.11.2023 passed in Special Civil Application No.6970 of 2023, which has been placed before us during the course of hearing, it is provided that on the presentation of the Appeal under the above noted provisions, the Appellate Authority shall proceed on merits, without being influenced by the factum of pendency of Special Civil Application No.6970 of 2023 or any issue raised therein.*
 - 4. The Appellate Authority shall make an endeavour to decide the Appeal, as expeditiously as possible, on merits, strictly in accordance with law. It is further provided that it would be open for the petitioners to approach the GPCB after removal of the discrepancies (non-compliance) reported in the closure notice to seek recall thereof.*

5. *With the above, the appeal stands disposed of, at this stage.”*

4. Based on the above-mentioned order of Hon'ble High Court, the appellant has approached this Tribunal by filing above-mentioned appeal. In the order dated 05.02.2024 in *R/Special Civil Application No.1706 of 2024*, it is also recorded that despite the Special Civil Application No.6970 of 2023 filed by the Complainant namely Balubha Pabubha being pending consideration before the Hon'ble High Court, wherein direction had been given to the GPCB to carry out fresh inspection of the site in question, it was directed that this Tribunal may decide the appeal expeditiously in accordance with law without being influenced by the factum of pendency of Civil Application No.6970 of 2023.

5. The order dated 30.11.2023 passed in *R/Special Civil Application No.6970 of 2023* is found annexed at page nos.172 to 176 of the paper book, wherein following order has been passed:-

- “ 1. *The petitioner herein is raising up a grievance with regard to inaction on the part of the Gujarat Pollution Control Board (GPCB) to the situation brought before it about the release of chemical effluent in the agriculture field of the petitioner from the industry in the adjoining the plot owned by respondent No. 4. The petitioner herein claims to be the owner in possession of the revenue Survey Nos. 606, 540 and 629, which according to him are affected by illegal activity of the respondent No. 4 in releasing chemical effluent in the land in question. It is categorically stated in the writ petition that despite repeated representations moved by the petitioner from the year 2017 onward, no concrete action has been taken by the GPCB. Certain photographs have been appended with the writ petition to demonstrate that the respondent No. 4 is causing pollution in the area by releasing chemical effluent which are causing gaseous foul odour and the said effluents are also entering into the Arabian sea, ultimately.*
2. *We may note that notice in the present matter has been issued on 20.04.2023. Ms. Dhannishtha Raval, learned advocate has put in appearance on behalf of the respondent No. 3 namely the GPCB. On a query made by the Court, it is submitted by Ms. Raval that repeated inspections have been carried out by the GPCB between the year 2017 and 2021 and sample of the liquid discharge in the fields of the petitioner had been collected and sent to the laboratory. The submission is that the inspections were carried*

out in the presence of the petitioner and the inspection reports are with her. She, however, is not in a position to place the result of the laboratory investigation.

2.1 Moreover, she has no instructions with regard to the inspection having been carried out over the land in question after the notice had been issued to the GPCB in the instant matter. No affidavit-in-reply has been filed till date. An affidavit has been filed on behalf of the respondent No. 4 disputing the locus of the petitioner to maintain the present petition with the assertion that that petitioner has no concern with the land in question. Be that as it may, the issue raised by the petitioner herein is environment issue which is required to be taken care of on the submissions made herein.

3. We, therefore, do not find any substance in the preliminary objection raised by the counsel for the respondent No. 4 disputing the locus of the present petitioner to maintain the present writ petition. Moreover, the petitioner being the Sarpanch of the village in question can very well raise the environment issue agitated herein.

4. Taking note of the above that there has been complete inaction on the part of GPCB, we require GPCB to carry out a fresh inspection of the site in question in the presence of the petitioner and all other persons concerned having relation to the land in question as also the respondent No. 4 herein. The sample of the discharge over the lands in question shall be collected under the signatures of the representative of respondent No. 4, the petitioner and all other concerned persons and the Chemical Report be obtained with regard to the same. The inspection report as also the laboratory report as well as the action, if required at the ends of GPCB on the said report, shall be placed before this Court with the personal affidavit of the Chairman, GPCB, to be filed on the next date fixed.

4.1 Let this matter be posted on 18th January 2024.

4.2 The petitioner as also the respondent No. 4 are directed to cooperate in the inspection to be carried out by the GPCB and they shall not interfere or obstruct such process in any manner. Any obstruction or hindrance on their part would be viewed seriously.”

6. We find from the above-mentioned order that the owners of the Survey Nos.606, 540 and 629 had made a complaint against the GPCB for inaction against the appellant despite discharging of effluent from the industry over the land of the Petitioner of this above-mentioned Civil Application. Pursuant to the passing of order dated 30.11.2023 in above-mentioned Civil Application, the impugned order was passed directing closure of the industry of appellant.

7. The main ground set up in the present appeal, which orally submitted by the learned Senior Counsel representing appellant, is that the directions, which are cited above, were required to be complied with by the appellant, which could not have been carried out because the Survey Nos.540 & 606 from where the salt containing top soil layer was to be removed and construction of water retaining wall at the common boundary of the industry was to be constructed, was not possible without the consent being granted by the owners of these Survey Numbers.

8. The learned Senior Counsel for appellant has drawn our attention to the request having been made to the owners of Survey Nos.540 & 606 for permitting them to access their land for carrying out those directions, which are annexed at page nos.135-135 and 150-151 of the paper book and the refusal to grant permission dated 01.08.2023 in respect of Survey No.540 is annexed at page no.156 of the paper book, though it is stated that no response was given in respect of Survey No.606. It is also apprised by him that the fact that the owners of these Survey Numbers were not permitting the appellant to access their land for carrying out directions issued by the GPCB, was brought to the knowledge of the respondent No.2-GPCB, which finds mention in the impugned order itself. Pursuant to which the GPCB had written directly to the said owners of these Survey Numbers in question to extend help in carrying out the compliances, which were directed to be done by the appellant. But it is further recorded in the impugned order that thereafter, no communication was received from the Petitioner/appellant herein.

9. In this regard, it is brought to our notice by the learned Senior Counsel for appellant that they had written to the GPCB vide letter dated 26.12.2023, annexed at page nos.210-211 of the paper book, wherein it was requested that the GPCB may obtain consent of the respective land

owners so that back filling/replenishment work in the aforesaid Survey Numbers can be done at the earliest.

10. Having cited this fact, it is submitted by the learned Senior Counsel for appellant that for no fault on the part of appellant, the closure order of the industry has been passed by the respondent No.2-GPCB, which needs to be set aside.

11. Simultaneously, an Interim Application bearing I.A. No.33/2024(WZ) has also been filed from the side of appellant seeking interim relief to the effect that operation of the impugned order dated 12.01.2024 may be stayed till conclusion of the present appeal.

12. Looking the facts, which we have cited above, we deem it appropriate to admit this appeal and accordingly admit the same.

13. Registry is directed to issue Notice to the respondents on above-mentioned Interim Application as well as in the main appeal, returnable within 04(four) weeks.

14. Appellant is directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

15. Appellant is also directed to provide copy of the application and relevant documents to the respondents within a week.

16. Respondents are directed to submit their reply affidavits within four weeks and also circulate the same to the Appellant as also other respondents by available e-mail.

17. Rejoinder, if any, is directed to be submitted within one week thereafter.

18. Registry is directed to list this matter for further consideration on 14.03.2024.

19. Till the next date, operation of the impugned order shall remain *in abeyance*.

20. Though this is an appeal filed by the appellant against the order dated 12.01.2024 passed by the respondent No.2-GPCB, but looking to the fact that the land owners, who have not permitted the appellant to enter into their land for carrying out directions issued by the GPCB, we deem it appropriate to implead them as party respondents in the present appeal and grant them an opportunity to file their objections, if any.

21. Let the amendment be carried out in the present appeal by the appellant within two days and thereafter, Registry shall issue notices to the newly impleaded respondents as well, returnable within four weeks.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 12, 2024
Appeal No.15/2024(WZ)
I.A. No.33/2024(WZ)
P.Kr



Item No.5

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

APPEAL NO.15 OF 2024 (WZ)

RSPL Ltd. & Anr.

.... Appellants

Versus

State of Gujarat & Anr.

....Respondents

Date of hearing : 14.03.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**Appellants : Mr. T.N. Subramanian, Senior Advocate along with
Mr. Saurabh Kulkarni and Mr. Abhishek Mehta, AdvocatesRespondents : Mr. Jash Thakkar, Advocate for R-2/GPCB
Ms. Garima Malhotra, Advocate for R-5 and R-8
Mr. Bhayabhai Vershibhai, Advocate for R-6**ORDER**

1. From the side of the appellant, learned senior counsel Mr. T.N. Subramaniam, assisted by learned counsel Mr. Saurabh Kulkarni, has appeared and it is apprised by him that the service affidavit has been filed, as per which service on all the respondents, except respondent No.6 has been effected. But even from the side of respondent No.6, learned counsel Mr. Bhayabhai Vershibhai has appeared and states that respondent No.6 has filed reply-affidavit, a copy of which has been served upon the appellants yesterday evening, but the Registry has informed that the same has not been received. We direct learned counsel for respondent No.6 to e-file the same again and the Registry is directed to restore the same to the file.

2. From the side of respondent No.2 – GPCB, learned counsel Mr. Jash Thakkar has appeared and seeks four weeks' time to file the reply-affidavit. The same is allowed.
3. From the side of respondent Nos.5 and 8, learned counsel Ms. Garima Malhotra has appeared and seeks four weeks' time to file the reply. The same is granted.
4. Learned counsel for the appellants seeks time to file rejoinder against the reply-affidavits. Six weeks' time is allowed for the same.
4. In compliance with our previous order dated 12.02.2024, respondent Nos.3 to 9 have been impleaded and amended copy of the memo of appeal has also been filed on record.
6. Put up this matter for next consideration on 09.07.2024.
7. Till the next date, interim relief granted on 12.02.2024 shall continue.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 14, 2024
APPEAL No.15/2024 (WZ)
npj



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 6970 of 2023

With

CIVIL APPLICATION (DIRECTION) NO. 1 of 2024

In R/SPECIAL CIVIL APPLICATION NO. 6970 of 2023

=====

BALUBHA PABUBHA KER

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR ANSHIN DESAI, SR. ADVOCATE with SHIVANGI D VYAS(10117)
for the Petitioner(s) No. 1

MR KRUTIK PARIKH, AGP for the Respondent(s) No. 1

MR MIHIR JOSHI, SR. ADVOCATE WITH MR ABHISHEK M
MEHTA(3469) for the Respondent(s) No. 4

MR ANKIT SHAH(6371) for the Respondent(s) No. 2

MR DEVANG VYAS, SR. ADVOCATE with MS DHARMISHTA
RAVAL(707) for the Respondent(s) No. 3

=====

CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL

and

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 27/03/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)

1. The present petition has been filed by the owner of the land bearing Survey Nos.540, 606 and 629 of village Karunga, Taluka Dwarka, District Devbhoomi Dwarka with the assertion that the petitioner being resident of the said village is undertaking the activity of farming and agriculture for his livelihood. The lands of the petitioner bearing Survey Nos. 606 and 629 are located adjacent to the plant of the

respondent no.4 Company, viz. RSPL Ltd., whereas land bearing Survey No. 640 is located within the production unit. The dispute raised in the writ petition relates to the discharge of trade effluents from the plant of respondent no.4 company into Arabian sea adjacent to the land of the petitioner situated at Revenue Survey Nos.606 and 629, thereby polluting the lands in question making it unfit for cultivation, resulting into depriving the petitioner of his livelihood. Further, the contention of the petitioner was also with regard to emission of hot gaseous liquid with foul odour from the unit and the same being directly dumped into the Arabian sea located within 1 km. from the company premises, thereby causing large-scale water, air and soil pollution.

2. The petitioner further raises an issue about inaction on the part of the Government authorities, especially respondent no.3 Gujarat Pollution Control Board (GPCB) and states that the GPCB has been sitting tight over the repeated complaints made by the petitioner and has failed to perform its duties, as mandated under the law.
3. It is categorically stated in the writ petition that as the GPCB is not taking any

steps against the respondent no.4 Company, inaction on the part of the GPCB is encouraging the respondent no.4 Company to perpetuate illegality and cause large-scale pollution.

4. The prayer in the writ petition is to issue direction to respondents no.1 to 3, State, Central Pollution Control Board and GPCB to adjudicate upon the complaints made by the petitioner and take immediate steps and emergency measures against manufacturing plant of respondent no.4 situated at village Karunga, Taluka Dwarka, District Devbhoomi Dwarka. Further prayers have been made to issue directions to respondents to ensure compliance of the guidelines framed under the Environment Protection Laws, including but not limited to Water Act, Air Act and Environment Protection Act, etc. with respect to the manufacturing plant of respondent no.4 and to ensure that there may not any discharge of trade effluents openly by the respondents.

5. The brief facts stated in the writ petition are that the respondent no.4 Company, viz. RSPL Ltd. had set up factory/production plant for soda ash. The GPCB has granted 'consent to establish' the respondent no.4 vide order dated 12.08.2014. It seems that at the time of

establishment of the factory, complaints were made by the petitioner with regard to the allotment of lands to the respondent Company. However, the first complaint agitating the issue of pollution was made on 23.01.2018. Repeated complaints made thereafter, as per the case of the petitioner, had not been adverted to. When the matter was taken upon on 30.11.2023, noticing the grievances raised by the petitioner, we required GPCB to carry out fresh inspection of the site in the question in presence of the petitioner and all other persons concerned having relation to the lands in question as also the representative of the respondent no.4 Company. It was directed to collect the sample of the discharge over the lands in question under the signature of the representative of the respondent no.4, the petitioner and all other concerned persons and chemical report be obtained with regard to the same. The inspection report as also the laboratory report as well as the action, if required at the ends of GPCB on the said report was directed to be placed before this Court along with the affidavit of the Chairman, GPCB.

6. Resultantly, a joint inspection report of the GPCB was filed along with the affidavit dated

15.01.2024. From a perusal of the report appended at page '741' of the paper book of the joint inspection made on 09.12.2023, we have noted that there is a reference of the recommendation of the Environmental Site Assessment (ESA) Study report of Dharamsinh Desai University (DDU), Nadiad, which has been reproduced in the Site Inspection Report. The notice of directions was issued by GPCB on 23.11.2022 after various complaints moved by the petitioner, agitating that the respondent Company which was manufacturing the soda-ash was releasing effluents containing salt in the agricultural fields of the petitioner, making the entire agricultural fields infertile. The physical inspection of the site was carried out on 09.12.2023 only after the directions were issued by this Court in the order dated 30.11.2023. Noticing that there was complete inaction on the part of GPCB, as complained by the petitioner, we required the Chairman, GPCB to file a personal affidavit explaining the action/inaction of GPCB.

7. We may note, at this juncture, that as regards the claim of the defaulter company is concerned, we have clarified that against the notice of closure issued by GPCB, it is open for the

Company to avail appropriate remedy before the proper forum as already directed in the judgment and order dated 05.02.2024 in Special Civil Application No. 1706 of 2023, filed by the respondent no.4 Company.

8. In a recent affidavit dated 24.03.2024, the Chairman, GPCB has sought to explain the working of the GPCB and would submit that the Environment Audit is a management tool comprising of a systematic, documented, periodic and objective evaluation of how well the environment management systems are performing with the aim of waste prevention and reduction, assessing compliance with regulatory requirements, facilitating control of environment practices by a company management placing environmental information in the public domain.
9. Under the Environment Audit Scheme, GPCB had constituted an expert technical committee known as Environment Audit Committee for recognition of Environmental Auditor in context with the Environment Audit Scheme. As per the scope of work, committee members periodically visit the auditor's laboratories and advice them in the matter and will suggest/implement the new parameters which are being introduced by the

Central Pollution Control Board and Gujarat Pollution Control Board.

10. As per the Environment Audit Scheme, the GPCB has constituted various cells of professionals with requisite educational/technical qualifications, under its control for carrying periodical "Environment Monitoring, Data Certification and Audit" of the industrial units as per the potential. The aforesaid cells are further classified by GPCB into; (i) Schedule- I and, (ii) Schedule-II Auditors. Schedule-I auditors are Government colleges, reputed institutes, R & D centers. It is contended that as a standard practice uniformly followed by GPCB, it directs the concerned polluters to get the required study reports carried out through any of the scheduled auditors as per the aforesaid scheme. The concerned industry at its own cost, is required to approach such scheduled auditor and get such survey conducted through the scheduled auditor. Further, the actions pursuant to such study report are to be taken by the GPCB.

11. In the present case, the respondent no.4 Company appointed DD University as an expert to conduct Environmental Site Assessment of the respondent no.4 Company. It appears that the

officers of the aforesaid university had visited Survey nos. 540 and 606 and it is stated by the deponent, viz. Chairman of GPCB that it was imperative for the University officers to involve the petitioner in the process. However, an assurance has been given that if this Court desires, the GPCB on its own would undertake the entire study through any other scheduled auditor.

12. It is further stated that in any contingency where damage to environment has either occurred or alleged, it is the polluter who is required to pay right from the stage of asserting the extent of damage as also compensating for such damage, the industries are directed to do the required surveys at their own expenditure, inspite of GPCB getting such survey at its own expenditure and later on, recovering the same from the polluter. Such practice is adopted keeping in mind the urgency involved and the potential loss to the public exchequer in cases where recovery proceedings are drawn.

13. Keeping in mind all the aforesaid aspects and general policy of the GPCB, the polluter company was asked to get required survey carried out through independent/scheduled agencies which are of impeccable credibility and in whose report

neutrality is perceived as beyond doubts.

14. On the issue of inaction on the part of GPCB, the attention was invited by Mr. Devang Vyas, learned senior counsel appearing for the GPCB to the affidavit dated 15.01.2024 to assert that on the complaint made by the petitioner, GPCB had inspected the factory premises of respondent no.4 and its surroundings on various occasions from the year 2019 to 2022. On the basis of the inspection report, show-cause notices, notice of directions and other notices were issued to respondent no.4 Company for taking precautionary measures to ensure that the environmental loss are mitigated and compliance required therein. The allegation of the petitioner in the writ petition about the inaction on the part of GPCB has, thus, been denied.

15. It is submitted by learned counsel for the GPCB that pursuant to the communication dated 23.01.2018, the inspection of the site in question was made on 17.07.2018 and 28.11.2018. However, during the inspection on 28.11.2018, it was observed that the construction activities were going at the proposed location and it was noticed that unpaved channel in the industrial project area or adjacent to the petitioner's land (Survey No. 540) was filled with water,

which has the chances of spilling in the petitioner's land. The copies of the inspection reports dated 17.07.2018 and 28.11.2018 are appended with the affidavit dated 24.03.2024.

16. The second complaint of the petitioner after establishment of the industrial plant was received on 20.04.2019 with a request to remove salty layer from his land and restoration of its fertility. The said letter was addressed to the Central Pollution Control Board and the District Collector, Devbhoomi Dwarka, which was forwarded to the Regional Office, GPCB vide letter dated 30.04.2019. Based on the said complaint, inspection of the factory premises was carried out on 22.05.2019. During inspection, it was noted that kaccha drain, ditch in the industrial area adjacent to the petitioner's land (Survey No. 540) were filled with the water, which had the chances of spilling in petitioner;s land and 10000 MT Industrial salt was found stored in the open land. From a perusal of the report dated 22.05.2019 at page '1059' of the paper-book, though it is sought to be stated that the plant was not found in operation due to the breakdown of their boiler, but during visit, industrial salt was found stored in open land near the farm of the petitioner, within the premises of the

unit. It is noted in the report that no dusting was observed at this area. The fabrication work of the shed was in progress and 64 water sprinklers in the coal yard for coal suppression to minimize fugitive dusting were in place. However, in absence of the plant being in operation, 'apcm' could not be verified.

17. It seems that nothing was done thereafter. On the third complaint made by the petitioner on 10.12.2020, inspection of the premises of M/s. RSPL Ltd., respondent no.4 was carried out on 08.02.2021. The inspection report dated 08.02.2021 appended as Annexure 'R7' indicates that during inspection, it was found that the industrial plant was operational, salt was spread in the premises and from where, dusting was going on towards lands at Survey Nos.540 and 606. The analysis results of the sample collected from inlet mixing of ETP, outlet of ETP and water sample collected from open well at Survey No. 606 and water sample collected from pond at Survey No. 540 were all found similar.

18. However, it is more than evident that inspite of violations found during inspection, nothing was done by GPCB for a period of two months and a show-cause notice was given only on 30.04.2021, when the inspection itself was

carried out after a period of two months of the complaint.

19. There was a lull thereafter and on the fourth complaint filed by the petitioner on 04.03.2022 to the Chief Minister of the State of Gujarat with a copy to the Chairman, GPCB regarding restoration of his land fertility, damaged by the industrial activity of the respondent no.4 company, inspection of the factory premises was carried out on 29.03.2022. During inspection, it was observed that 1,50,000 MT of solids were generated from settling of hot particles from two effluent discharge ponds of the respondent No.4 Company, which was stored near these ponds for drying purpose. The show-cause notice dated 28.04.2022 was then issued.

20. On receipt of the fifth complaint of the petitioner, vide letter dated 20.05.2022, inspection was carried out on 04.07.2022. During inspection, it was observed that at petitioner's land at Survey No.540, a contaminated water pond was developed. The coal dusting in the surrounding areas was noted and solid waste stored near settling tanks were not disposed of at secured land fill site. Another show-cause notice was issued on 14.07.2022. The affidavit further records various inspections

carried out by GPCB and Instruction Notice issued by it to the respondent Company.

21. However, the fact remains that a notice of direction was issued to the respondent company after various show-cause notices on 23.11.2022, inspite of violations found during inspections carried out on 22.05.2019, 08.02.2021, 29.03.2022 and 04.07.2022. The inaction on the part of the GPCB for more than a period of three years, permitting the respondent company to continue with the environmental pollution by releasing contaminated water in the petitioner's land, coal dusting in the surrounding area and solid waste stored undisposed, is writ large on the face of the record. In spite of repeated reports of violation of the environmental laws on the part of the respondent no.4 Company and the notice of direction issued on 23.01.2022, directing the respondent Company to remove the salty layer on Survey Nos. 540 of 606 and to carry out the study, nothing concrete has been done on the part of GPCB. The closure direction has been issued only on 12.01.2024, i.e. three days prior to the filing of the first affidavit of the Chairman, GPCB dated 15.01.2024 in the present petition, inspite of due notice of the writ petition.

22. On the question of closure directions issued to the respondent no.4 Company dated 12.01.2024 under Section 33A of the Water Act, 31A of the Air Act, relevant is to note that the said closure direction contained a statement that the respondent company was required to comply pending directions as mentioned in the Notice of Direction dated 23.11.2022 and submit a time bound action plan with estimation to carry out pending works related to the compliance of the directions and further to close-down the operations of the industrial plant within 30 days with effect from the date of the order.

23. We may further note that we are not concerned with the merits of the closure direction issued by the GPCB on 12.01.2024, as the said issue is pending before the National Green Tribunal, West Zone Bench, Pune in the Appeal filed by respondent no.4. However, the fact remains that GPCB took about 1 year and 2 months to wake up from the slumber to take action against the respondent Company from the Notice of Direction dated 23.11.2022 for violation of the environmental laws, that too when the order was passed by us on 30.11.2023 in this petition requiring the Chairman, GPCB to file his personal affidavit after carrying out fresh

inspection report of the site in question.

24. From the statement of the affidavit of the Chairman, GPCB dated 24.03.2024, it is more than evident that GPCB officials remained inactive for about a period of more than 4 years till the cognizance was taken by this Court in the month of November 2023 by calling the response of the GPCB. The Schedule-I Auditor of DD University's report was received by GPCB after it carried out the site inspection on 20.01.2023. It seems that as per the Notice for Direction issued on 23.11.2022, wherein the polluting Company was permitted to carry out Geo-Hydro Report through the expert, report was submitted by Hydro-Geo Consultant Pvt. Ltd., Jodhpur after carrying out Geo-Hydro Survey. The affidavit of the Chairman, GPCB dated 24.03.2024 is silent about the date of receipt of the report. However, it is stated in the affidavit that physical copy of the aforesaid report was provided to the petitioner on 18.02.2024 and the report of the Environmental Site Assessment Study of the site by the DDU, Nadiad was handed over on 16.02.2024.

25. In this carefully crafted affidavit of the Chairman, GPCB it is evident that the efforts have been made to defend the glaring inaction on

the part of the officials of the GPCB. The GPCB which is a body constituted by the Government of Gujarat with a view to protect the environment, prevent and control the pollution, entrusted to ensure compliance of the statutory provisions of the Act and the Rules for pollution control, notified from time to time, cannot be permitted to act like this.

26. From a perusal of the Joint Inspection Report made on 09.12.2023, under the directions issued by this Court, salty/whitish layer was observed on the top soil of land in Survey No. 606. On the land at Survey No. 540 and 540 Paiki 1, settled coal dust on the top soil (coal dust emission due to poor coal handling activities in the past) was observed. Survey Nos. 540 and 540/1 are surrounded by industrial plant and manufacturing area. The report indicates that the land parcels are under the impact of salinity ingression. The recommendation in the report of the Scheduled Auditor are relevant to be noted herein under :-

(i) To replenish existing soil with fresh new soil and excavated to be send to captive salt works for embankments.

(ii) To construct peripheral storm water drain in S.No. 540 and S.No. 606 to cater surface water runoff.

(iii) To complete the lining of remaining unlined storm water drains.

(iv) To complete the construction of remaining unpaved roads of all the site to avoid dusting.

27. Noticing the above, we require the Chairman, GPCB to initiate inquiry to fix responsibility on the erring officials, for the inaction on their part. For the predicament of the petitioner from the year 2019 onwards, the GPCB is required to compensate the petitioner, the cost for the damages caused to him for loss of his income from the lands in question, mental harassment as well as the legal expenditures incurred by the the petitioner in order to wake up GPCB from its slumber. The cost amount to the tune of Rs. 20 lakhs shall be paid to the petitioner by the GPCB, which shall be recovered proportionately from the erring officials found responsible for inaction on their part in the inquiry to be conducted by the Chairman. In addition to the recovery of cost, disciplinary inquiry shall also be conducted against such erring officials.

28. Apart from the above, the GPCB is required to comply with the recommendation of the DDU, Nadiad to replenish the existing soil with fresh

new soil. The cost of replenishment and transportation of the excavated soil as per the recommendation of the DDI, Nadiad shall have to be recovered from the defaulter Company, respondent no.4 whose stand before us is that it was always ready to carry out remediation work, but the owner of the aforesaid parcels of land, viz. the petitioner herein has not cooperated.

29. The petitioner herein is further directed to cooperate with GPCB to carry out the replenishment of the existing soil. As prayed by the learned senior counsel appearing for GPCB, 8 weeks' time is granted to comply with the above directions, i.e. to complete the inquiry and the replenishment work of the existing soil from the field of the petitioner in Survey Nos.540 and 606 as per the recommendation of DDU, Nadiad, as extracted in the inspection report of the GPCB dated 09.12.2023.

30. Before parting with this order, on the submissions of the learned counsel appearing for the defaulter Company/respondent no.4, we may only record that we are not concerned with the merit of the assertion of the respondent no.4 Company in the matter of Notice of Directions and closure directions issued by GPCB as the said issue is engaging attention of the National

Green Tribunal in the appeal filed by the respondent no.4 Company. The directions contained hereinabove are confined to ensure compliance of the Schedule-I Auditor's Report and the inspection made by the GPCB and to address the concern of the Court where the GPCB has been found to be guilty of inaction on its part. It is kept open for the respondent no.4 Company to agitate all issues on the merits of its case before the National Green Tribunal and any of the observations made hereinabove will not come in its way.

Let this matter be posted on 12.06.2024.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

BIJOY B. PILLAI





GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,
GANDHINAGAR - 382010,
(T) 079-23232152

R.P.A.D

DIRECTION UNDER SECTION 33-A OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT-1974 AND UNDER SECTION 31-A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT-1981AS AMENDED FROM TIME TO TIME.

WHEREAS M/s.RSPL Limited is having industrial plant at Plot No:237/p3, 242/p1, 243, 245, 247/p1, 251/p3, 256 etc, Near NH-8E, Kuranga – 361335, Tal : Dwarka, Dist: Devbhoomi Dwarka for manufacturing Soda Ash(Light Soda Ash) - 40300 MT/Month, Steam (3 nos CFBC Boilers)-450 TPH, Power-50 MW.

The Board had granted Consolidated Consent and Authorization (CC & A) under the provisions of the Water (Prevention and Control of Pollution) Act-1974, Air (Prevention and Control of Pollution) Act-1981 and Authorization under the Hazardous Waste and other wastes (Management and Transboundary Movement) Rules'2016 framed under the Environment (Protection) Act-1986 vide consent Order No.AWH-99205, dated.04/02/2019,with stipulated conditions mentioned therein.

AND WHEREAS Board has issued Notice of Direction Under Section 33(A) of the Water Act vide order dated 23/11/2022 with specific direction mentioned therein.

AND WHEREAS Board has issued Closure Direction Under Section 33(A) of the Water Act vide order dated 12/01/2024 for the non-compliances mentioned therein.

AND WHEREAS you have made appeal in the Hon'ble NGT vide OA No.15/2024 (WZ) dated 12/02/2024. Hon'ble NGT has made closure order in abeyance vide order dated 12/02/2024.

AND WHEREAS Hon'ble High Court have issued direction to GPCB in SCA No.6970/2023 dated 27/03/2024.

“ Apart from the above, the GPCB is required to comply the recommendation with of the DDU, Nadiad to replenish the existing soil with fresh new soil. The cost of replenishment and transportation of the excavated soil as per the recommendation of the DDI, Nadiad shall have to be recovered from the defaulter Company, respondent no.4 whose stand before us is that it was always ready to carry out remediation work, but the owner of the aforesaid parcels of land, viz. the petitioner herein has not cooperated”.

AND WHEREAS, for the compliances of directions issued by the Hon'ble High Court, Board has appointed committee with the chairmanship of Executive Engineer Dev Bhumi Dwarka (R&B), Division- Khambhaliya to carryout soil remediation work of S.no.540 & 606 of village- Kuranga as per DDU, Sch-I Auditor report.

Clean Gujarat Green Gujarat

Website : <https://gpcb.gujarat.gov.in>

AND WHEREAS Executive Engineer Dev Bhumi Dwarka (R&B), Division-Khambhaliya has submitted estimation cost to GPCB of soil remediation work of S.no.540 & 606 of village- Kuranga as per DDU, Sch-I Auditor report as Rs.1,57,15,000/.

AND WHEREAS Board has made payment of Rs.1,57,15,000/- to the Executive Engineer Dev Bhumi Dwarka (R&B), Division- Khambhaliya (Vide Cheque No. "630740" dt.09/05/2024 and No."630769" dt.21/05/2024) for soil remediation work is being carry out on S.no.540 & 606 of village- Kuranga. As per Hon'ble High Court order cost of soil remediation shall be recovered from defaulter company i.e. from M/s. RSPL Ltd.

ORDER

UNDER THE CIRCUMSTANCES, I A.J. Patel, Unit Head-Jamnagar, Gujarat Pollution Control Board is directed to issue the directions under Section-33A of the Water (Prevention and Control of Pollution) Act-1974 as under:-

1. You are directed to submit the Rs.1,57,15,000/- to GPCB in A/C No. 10325062238, State Bank of India, Gandhinagar against payment made to Executive Engineer Dev Bhumi Dwarka (R&B) for soil remediation work is at S.no.540 & 606 of village- Kuranga within a 07 days.

If the above directions are not complied, you are liable for violation of direction issued by the Hon'ble High Court in dated 27/03/2024.

For and on behalf of
Gujarat Pollution Control Board

Ajanta
22/05/24
(A.J. Patel)

Unit Head-Jamnagar

Encl: As above

NO: GPCB/CCA-JMN-1071(11)/ID-43851/

Dated: /05/2024

Issued to:-

M/s. RSPL Limited,
Plot No: 237/p3, 242/p1, 243,245,247/p1, 251/p3, 256 etc.
Near NH-8E, Kurunga,
Kurunga - 361335,
Tal : Dwarka, Dist: Devbhoomi Dwarka.



Outward No: 8122/05/2024



CIN-U15111UP1988 PLC009771

RSPL LIMITED

Ahmedabad Office : C-1 / C-2, 3rd Floor, Safal Profitaire, Corporate Road, Near Prahlad Nagar Garden, Satellite, Ahmedabad - 380015
Tel - 079 - 29701607, 29701608, Fax No.- 079 - 29701606 • E-mail : projectamd@rspl.net.in

RSPL/CCG/VKG/ENV-004/017/2024-25

Date: 04.06.2024

The Unit Head- Jamnagar
Gujarat Pollution Control Board,
Gandhinagar – 382 010

Sub.: Intimation regarding deposit of Rs. 1,57,15,000/- to GPCB as directed vide letter dated.29.05.2024.

Ref.: Direction/Order dated 29.05.2024 issued under Section 33 A of Water (Prevention and Control of Pollution) Act, 1974 (Herein after referred to as the "Water Act") as amended time to time.

Respected Madam,

With reference to the above Direction/Order dated 29.05.2024 it is to inform you that as directed we have deposited the amount of Rs. 1,57,15,000/- to A/C No. 10325062238, of State Bank of India, Gandhinagar branch, of GPCB.

The details of transaction is as below:

Txn Date	Description	Ref. No./ Cheque No.	Branch code	Debit amount
03.06.2024	Cheque transfer to- A/C No. 10325062238 (GPCB)	993598	219	1,57,15,000/-

This is for your kind information and record please.

Thanking You.

Yours faithfully,

For RSPL LIMITED

Authorized Signatory

Copy to: The Regional Officer,
Gujarat Pollution Control Board
Jamnagar

6/06/24
Gujarat Pollution Control Board
Head Office
Sector No.-10-A,
Gandhinagar-382010

303

Intimation regarding deposit of remediation amount

HARISH RAMCHANDANI-CAF-AHD <harish.ramchandani@rsplgroup.com>

Wed 6/5/2024 2:46 PM

To:uh-gpcb-jamn@gujarat.gov.in <uh-gpcb-jamn@gujarat.gov.in>

Cc:REGIONAL OFFICER GPCB JAMNAGAR <ro-gpcb-jamn@gujarat.gov.in>;ms-gpcb@gujarat.gov.in <ms-gpcb@gujarat.gov.in>

📎 1 attachments (387 KB)

Intimation to GPCB with regard to Payment.pdf;

Respected Madam,

With reference to the Direction/ Order dt. 29.05.2024 we have deposited the amount of Rs. 1,57,15,000/- in GPCB Account.

The letter with regard to details towards the same is attached herewith for your kind information and record please.

With Regards,

Harish Ramchandani,

(Vice President)

RSPL LTD,

C-1 & C-2, 3rd Floor, Safal Profitaire,

Corporate Road,

Nr. Prahaladnagar Garden,

Satellite, Ahmedabad-380015

Mob.: 09727720397

TEL.: 079-29701606-7-8

E-mail: harish.ramchandani@rsplgroup.com

IN THE HIGH COURT OF GUJARAT AT SOLA, AHMEDABAD
District: Devbhumi Dwarka

SPECIAL CIVIL APPLICATION NO.6970 OF 2023

Balubha Pabubha Ker

... Petitioner

Versus

State of Gujarat and others

... Respondents

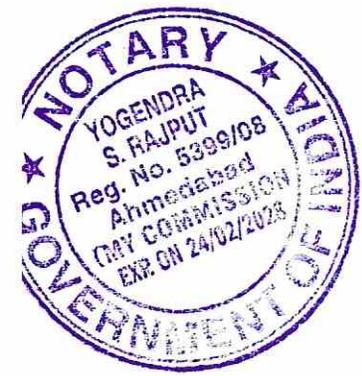
ADDITIONAL AFFIDAVIT
ON BEHALF OF RESPONDENT NO.4 RSPL Ltd.

I, Harish Ramchandani, son of Late Mangharam Ramchandani,
do hereby solemnly affirm and state on oath as under:

1. I have read a copy of the above captioned writ petition as well as its annexures as well as other relevant documents relating to the subject matter. Accordingly, I am conversant with the facts and circumstances of the present case and I am also competent to make the present affidavit.

2. I am making the present additional affidavit only for the limited purpose of placing on record certain developments which have taken place pursuant to the order dated 27.03.2024 passed by this Hon'ble Court in the captioned petition and in view of the limited purpose of present additional affidavit. I, however, reserve my right to make a further and detailed affidavit if and when it becomes necessary.

Harish





3. It is humbly and respectfully submitted that pursuant to the order dated 27.03.2024 passed by this Hon'ble Court in the captioned petition, the Respondent No. 3 GPCB issued a direction/order under section 33(A) of The Water (Prevention and Control of Pollution) Act, 1971 and under section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 asking Respondent No. 4 RSPL to deposit Rs. 1,57,15,000/- in the account of Respondent No. 3 GPCB, details of which were provided in the aforesaid order dated 29.05.2024. Annexed hereto and marked as **ANNEXURE-R1 (Colly.)** are copies of the order dated 27.03.2024 passed by this Hon'ble Court in captioned Petition and direction/order dated 29.05.2024 passed by Respondent No. 3 GPCB.

4. That in compliance thereof, the Respondent No. 4 here in has thereafter transferred the said amount Rs. 1,57,15,000/- in the account of the Respondent No. 3 GPCB towards the estimated cost of soil remediation work to be undertaken by the Respondent No. 3 GPCB in compliance with the order dated 27.03.2024 passed by this Hon'ble Court in captioned Petition. That Respondent No. 4 RSPL intimated the same to the Respondent No. 3 GPCB via letter dt. 04.06.2024 and email dated 05.06.2024. Annexed hereto and marked as **ANNEXURE-R2 (Colly.)** are copies of letter dated 04.06.24 and email dated 05.06.2024.

5. That the aforesaid payment has been made by Respondent No. 4 RSPL in compliance with the direction of this Hon'ble Court in

Shahad



the order dated 27.03.2024 and the subsequent directions/order issued by the GPCB dated 29.05.2024.

6. That the aforesaid is without prejudice to the stand of the Respondent No. 4 RSPL and without prejudice to the diverse contentions taken by Respondent RSPL in various proceedings pending before various Forums between the parties.

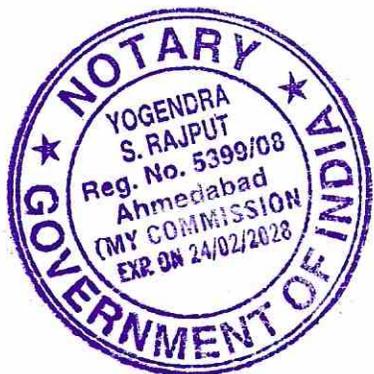
What is stated hereinabove is true to the best of my knowledge, information and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on 11th day of June, 2024.

IDENTIFIED BY ME
ADVOCATE

For, RSPL LIMITED
[Signature]
(Authorised Signatory)

DEPONENT



Solemnly Affirmed & Signed Before Me
[Signature]
YOGENDRA S. RAJPUT
NOTARY PUBLIC
GOVT. OF INDIA
(MY COMMISSION EXPIRES ON 24-02-2028)
Off. FF-10, New York Tower-B,
Opp. Muktidham Derasar, Thaltej,
Ahmedabad. (M)97243 08070
NOTED & REGISTERED
Sr. No. 3972/2024
11 JUN 2024



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 6970 of 2023
 With
 CIVIL APPLICATION (DIRECTION) NO. 1 of 2024
 In R/SPECIAL CIVIL APPLICATION NO. 6970 of 2023

=====

BALUBHA PABUBHA KER
 Versus
 STATE OF GUJARAT & ORS.

=====

Appearance:

MR ANSHIN DESAI, SR. ADVOCATE with SHIVANGI D VYAS(10117)
 for the Petitioner(s) No. 1
 MR KRUTIK PARIKH, AGP for the Respondent(s) No. 1
 MR MIHIR JOSHI, SR. ADVOCATE WITH MR ABHISHEK M
 MEHTA(3469) for the Respondent(s) No. 4
 MR ANKIT SHAH(6371) for the Respondent(s) No. 2
 MR DEVANG VYAS, SR. ADVOCATE with MS DHARMISHTA
 RAVAL(707) for the Respondent(s) No. 3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
 AGARWAL
 and
 HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 27/03/2024

ORAL ORDER
 (PER : HONOURABLE THE CHIEF JUSTICE
 MRS. JUSTICE SUNITA AGARWAL)

1. The present petition has been filed by the owner of the land bearing Survey Nos.540, 606 and 629 of village Karunga, Taluka Dwarka, District Devbhoomi Dwarka with the assertion that the petitioner being resident of the said village is undertaking the activity of farming and agriculture for his livelihood. The lands of the petitioner bearing Survey Nos. 606 and 629 are located adjacent to the plant of the

respondent no.4 Company, viz. RSPL Ltd., whereas land bearing Survey No. 640 is located within the production unit. The dispute raised in the writ petition relates to the discharge of trade effluents from the plant of respondent no.4 company into Arabian sea adjacent to the land of the petitioner situated at Revenue Survey Nos.606 and 629, thereby polluting the lands in question making it unfit for cultivation, resulting into depriving the petitioner of his livelihood. Further, the contention of the petitioner was also with regard to emission of hot gaseous liquid with foul odour from the unit and the same being directly dumped into the Arabian sea located within 1 km. from the company premises, thereby causing large-scale water, air and soil pollution.

2. The petitioner further raises an issue about inaction on the part of the Government authorities, especially respondent no.3 Gujarat Pollution Control Board (GPCB) and states that the GPCB has been sitting tight over the repeated complaints made by the petitioner and has failed to perform its duties, as mandated under the law.
3. It is categorically stated in the writ petition that as the GPCB is not taking any

steps against the respondent no.4 Company, inaction on the part of the GPCB is encouraging the respondent no.4 Company to perpetuate illegality and cause large-scale pollution.

4. The prayer in the writ petition is to issue direction to respondents no.1 to 3, State, Central Pollution Control Board and GPCB to adjudicate upon the complaints made by the petitioner and take immediate steps and emergency measures against manufacturing plant of respondent no.4 situated at village Karunga, Taluka Dwarka, District Devbhoomi Dwarka. Further prayers have been made to issue directions to respondents to ensure compliance of the guidelines framed under the Environment Protection Laws, including but not limited to Water Act, Air Act and Environment Protection Act, etc. with respect to the manufacturing plant of respondent no.4 and to ensure that there may not any discharge of trade effluents openly by the respondents.

5. The brief facts stated in the writ petition are that the respondent no.4 Company, viz. RSPL Ltd. had set up factory/production plant for soda ash. The GPCB has granted 'consent to establish' the respondent no.4 vide order dated 12.08.2014. It seems that at the time of

establishment of the factory, complaints were made by the petitioner with regard to the allotment of lands to the respondent Company. However, the first complaint agitating the issue of pollution was made on 23.01.2018. Repeated complaints made thereafter, as per the case of the petitioner, had not been adverted to. When the matter was taken upon on 30.11.2023, noticing the grievances raised by the petitioner, we required GPCB to carry out fresh inspection of the site in the question in presence of the petitioner and all other persons concerned having relation to the lands in question as also the representative of the respondent no.4 Company. It was directed to collect the sample of the discharge over the lands in question under the signature of the representative of the respondent no.4, the petitioner and all other concerned persons and chemical report be obtained with regard to the same. The inspection report as also the laboratory report as well as the action, if required at the ends of GPCB on the said report was directed to be placed before this Court along with the affidavit of the Chairman, GPCB.

6. Resultantly, a joint inspection report of the GPCB was filed along with the affidavit dated

15.01.2024. From a perusal of the report appended at page '741' of the paper book of the joint inspection made on 09.12.2023, we have noted that there is a reference of the recommendation of the Environmental Site Assessment (ESA) Study report of Dharamsinh Desai University (DDU), Nadiad, which has been reproduced in the Site Inspection Report. The notice of directions was issued by GPCB on 23.11.2022 after various complaints moved by the petitioner, agitating that the respondent Company which was manufacturing the soda-ash was releasing effluents containing salt in the agricultural fields of the petitioner, making the entire agricultural fields infertile. The physical inspection of the site was carried out on 09.12.2023 only after the directions were issued by this Court in the order dated 30.11.2023. Noticing that there was complete inaction on the part of GPCB, as complained by the petitioner, we required the Chairman, GPCB to file a personal affidavit explaining the action/inaction of GPCB.

7. We may note, at this juncture, that as regards the claim of the defaulter company is concerned, we have clarified that against the notice of closure issued by GPCB, it is open for the

Company to avail appropriate remedy before the proper forum as already directed in the judgment and order dated 05.02.2024 in Special Civil Application No. 1706 of 2023, filed by the respondent no.4 Company.

8. In a recent affidavit dated 24.03.2024, the Chairman, GPCB has sought to explain the working of the GPCB and would submit that the Environment Audit is a management tool comprising of a systematic, documented, periodic and objective evaluation of how well the environment management systems are performing with the aim of waste prevention and reduction, assessing compliance with regulatory requirements, facilitating control of environment practices by a company management placing environmental information in the public domain.
9. Under the Environment Audit Scheme, GPCB had constituted an expert technical committee known as Environment Audit Committee for recognition of Environmental Auditor in context with the Environment Audit Scheme. As per the scope of work, committee members periodically visit the auditor's laboratories and advise them in the matter and will suggest/implement the new parameters which are being introduced by the

Central Pollution Control Board and Gujarat Pollution Control Board.

10. As per the Environment Audit Scheme, the GPCB has constituted various cells of professionals with requisite educational/technical qualifications, under its control for carrying periodical "Environment Monitoring, Data Certification and Audit" of the industrial units as per the potential. The aforesaid cells are further classified by GPCB into; (i) Schedule- I and, (ii) Schedule-II Auditors. Schedule-I auditors are Government colleges, reputed institutes, R & D centers. It is contended that as a standard practice uniformly followed by GPCB, it directs the concerned polluters to get the required study reports carried out through any of the scheduled auditors as per the aforesaid scheme. The concerned industry at its own cost, is required to approach such scheduled auditor and get such survey conducted through the scheduled auditor. Further, the actions pursuant to such study report are to be taken by the GPCB.

11. In the present case, the respondent no.4 Company appointed DD University as an expert to conduct Environmental Site Assessment of the respondent no.4 Company. It appears that the

officers of the aforesaid university had visited Survey nos. 540 and 606 and it is stated by the deponent, viz. Chairman of GPCB that it was imperative for the University officers to involve the petitioner in the process. However, an assurance has been given that if this Court desires, the GPCB on its own would undertake the entire study through any other scheduled auditor.

12. It is further stated that in any contingency where damage to environment has either occurred or alleged, it is the polluter who is required to pay right from the stage of asserting the extent of damage as also compensating for such damage, the industries are directed to do the required surveys at their own expenditure, inspite of GPCB getting such survey at its own expenditure and later on, recovering the same from the polluter. Such practice is adopted keeping in mind the urgency involved and the potential loss to the public exchequer in cases where recovery proceedings are drawn.

13. Keeping in mind all the aforesaid aspects and general policy of the GPCB, the polluter company was asked to get required survey carried out through independent/scheduled agencies which are of impeccable credibility and in whose report

neutrality is perceived as beyond doubts.

14. On the issue of inaction on the part of GPCB, the attention was invited by Mr. Devang Vyas, learned senior counsel appearing for the GPCB to the affidavit dated 15.01.2024 to assert that on the complaint made by the petitioner, GPCB had inspected the factory premises of respondent no.4 and its surroundings on various occasions from the year 2019 to 2022. On the basis of the inspection report, show-cause notices, notice of directions and other notices were issued to respondent no.4 Company for taking precautionary measures to ensure that the environmental loss are mitigated and compliance required therein. The allegation of the petitioner in the writ petition about the inaction on the part of GPCB has, thus, been denied.

15. It is submitted by learned counsel for the GPCB that pursuant to the communication dated 23.01.2018, the inspection of the site in question was made on 17.07.2018 and 28.11.2018. However, during the inspection on 28.11.2018, it was observed that the construction activities were going at the proposed location and it was noticed that unpaved channel in the industrial project area or adjacent to the petitioner's land (Survey No. 540) was filled with water,

which has the chances of spilling in the petitioner's land. The copies of the inspection reports dated 17.07.2018 and 28.11.2018 are appended with the affidavit dated 24.03.2024.

16. The second complaint of the petitioner after establishment of the industrial plant was received on 20.04.2019 with a request to remove salty layer from his land and restoration of its fertility. The said letter was addressed to the Central Pollution Control Board and the District Collector, Devbhoomi Dwarka, which was forwarded to the Regional Office, GPCB vide letter dated 30.04.2019. Based on the said complaint, inspection of the factory premises was carried out on 22.05.2019. During inspection, it was noted that kaccha drain, ditch in the industrial area adjacent to the petitioner's land (Survey No. 540) were filled with the water, which had the chances of spilling in petitioner;s land and 10000 MT Industrial salt was found stored in the open land. From a perusal of the report dated 22.05.2019 at page '1059' of the paper-book, though it is sought to be stated that the plant was not found in operation due to the breakdown of their boiler, but during visit, industrial salt was found stored in open land near the farm of the petitioner, within the premises of the

unit. It is noted in the report that no dusting was observed at this area. The fabrication work of the shed was in progress and 64 water sprinklers in the coal yard for coal suppression to minimize fugitive dusting were in place. However, in absence of the plant being in operation, 'apcm' could not be verified.

17. It seems that nothing was done thereafter. On the third complaint made by the petitioner on 10.12.2020, inspection of the premises of M/s. RSPL Ltd., respondent no.4 was carried out on 08.02.2021. The inspection report dated 08.02.2021 appended as Annexure 'R7' indicates that during inspection, it was found that the industrial plant was operational, salt was spread in the premises and from where, dusting was going on towards lands at Survey Nos.540 and 606. The analysis results of the sample collected from inlet mixing of ETP, outlet of ETP and water sample collected from open well at Survey No. 606 and water sample collected from pond at Survey No. 540 were all found similar.

18. However, it is more than evident that inspite of violations found during inspection, nothing was done by GPCB for a period of two months and a show-cause notice was given only on 30.04.2021, when the inspection itself was

carried out after a period of two months of the complaint.

19. There was a lull thereafter and on the fourth complaint filed by the petitioner on 04.03.2022 to the Chief Minister of the State of Gujarat with a copy to the Chairman, GPCB regarding restoration of his land fertility, damaged by the industrial activity of the respondent no.4 company, inspection of the factory premises was carried out on 29.03.2022. During inspection, it was observed that 1,50,000 MT of solids were generated from settling of hot particles from two effluent discharge ponds of the respondent No.4 Company, which was stored near these ponds for drying purpose. The show-cause notice dated 28.04.2022 was then issued.

20. On receipt of the fifth complaint of the petitioner, vide letter dated 20.05.2022, inspection was carried out on 04.07.2022. During inspection, it was observed that at petitioner's land at Survey No.540, a contaminated water pond was developed. The coal dusting in the surrounding areas was noted and solid waste stored near settling tanks were not disposed of at secured land fill site. Another show-cause notice was issued on 14.07.2022. The affidavit further records various inspections

carried out by GPCB and Instruction Notice issued by it to the respondent Company.

21. However, the fact remains that a notice of direction was issued to the respondent company after various show-cause notices on 23.11.2022, inspite of violations found during inspections carried out on 22.05.2019, 08.02.2021, 29.03.2022 and 04.07.2022. The inaction on the part of the GPCB for more than a period of three years, permitting the respondent company to continue with the environmental pollution by releasing contaminated water in the petitioner's land, coal dusting in the surrounding area and solid waste stored undisposed, is writ large on the face of the record. Inspite of repeated reports of violation of the environmental laws on the part of the respondent no.4 Company and the notice of direction issued on 23.01.2022, directing the respondent Company to remove the salty layer on Survey Nos. 540 of 606 and to carry out the study, nothing concrete has been done on the part of GPCB. The closure direction has been issued only on 12.01.2024, i.e. three days prior to the filing of the first affidavit of the Chairman, GPCB dated 15.01.2024 in the present petition, inspite of due notice of the writ petition.

22. On the question of closure directions issued to the respondent no.4 Company dated 12.01.2024 under Section 33A of the Water Act, 31A of the Air Act, relevant is to note that the said closure direction contained a statement that the respondent company was required to comply pending directions as mentioned in the Notice of Direction dated 23.11.2022 and submit a time bound action plan with estimation to carry out pending works related to the compliance of the directions and further to close-down the operations of the industrial plant within 30 days with effect from the date of the order.

23. We may further note that we are not concerned with the merits of the closure direction issued by the GPCB on 12.01.2024, as the said issue is pending before the National Green Tribunal, West Zone Bench, Pune in the Appeal filed by respondent no.4. However, the fact remains that GPCB took about 1 year and 2 months to wake up from the slumber to take action against the respondent Company from the Notice of Direction dated 23.11.2022 for violation of the environmental laws, that too when the order was passed by us on 30.11.2023 in this petition requiring the Chairman, GPCB to file his personal affidavit after carrying out fresh

inspection report of the site in question.

24. From the statement of the affidavit of the Chairman, GPCB dated 24.03.2024, it is more than evident that GPCB officials remained inactive for about a period of more than 4 years till the cognizance was taken by this Court in the month of November 2023 by calling the response of the GPCB. The Schedule-I Auditor of DD University's report was received by GPCB after it carried out the site inspection on 20.01.2023. It seems that as per the Notice for Direction issued on 23.11.2022, wherein the polluting Company was permitted to carry out Geo-Hydro Report through the expert, report was submitted by Hydro-Geo Consultant Pvt. Ltd., Jodhpur after carrying out Geo-Hydro Survey. The affidavit of the Chairman, GPCB dated 24.03.2024 is silent about the date of receipt of the report. However, it is stated in the affidavit that physical copy of the aforesaid report was provided to the petitioner on 18.02.2024 and the report of the Environmental Site Assessment Study of the site by the DDU, Nadiad was handed over on 16.02.2024.

25. In this carefully crafted affidavit of the Chairman, GPCB it is evident that the efforts have been made to defend the glaring inaction on

the part of the officials of the GPCB. The GPCB which is a body constituted by the Government of Gujarat with a view to protect the environment, prevent and control the pollution, entrusted to ensure compliance of the statutory provisions of the Act and the Rules for pollution control, notified from time to time, cannot be permitted to act like this.

26. From a perusal of the Joint Inspection Report made on 09.12.2023, under the directions issued by this Court, salty/whitish layer was observed on the top soil of land in Survey No. 606. On the land at Survey No. 540 and 540 Paiki 1, settled coal dust on the top soil (coal dust emission due to poor coal handling activities in the past) was observed. Survey Nos. 540 and 540/1 are surrounded by industrial plant and manufacturing area. The report indicates that the land parcels are under the impact of salinity ingression. The recommendation in the report of the Scheduled Auditor are relevant to be noted herein under :-

(i) To replenish existing soil with fresh new soil and excavated to be send to captive salt works for embankments.

(ii) To construct peripheral storm water drain in S.No. 540 and S.No. 606 to cater surface water runoff.

(iii) To complete the lining of remaining unlined storm water drains.

(iv) To complete the construction of remaining unpaved roads of all the site to avoid dusting.

27. Noticing the above, we require the Chairman, GPCB to initiate inquiry to fix responsibility on the erring officials, for the inaction on their part. For the predicament of the petitioner from the year 2019 onwards, the GPCB is required to compensate the petitioner, the cost for the damages caused to him for loss of his income from the lands in question, mental harassment as well as the legal expenditures incurred by the the petitioner in order to wake up GPCB from its slumber. The cost amount to the tune of Rs. 20 lakhs shall be paid to the petitioner by the GPCB, which shall be recovered proportionately from the erring officials found responsible for inaction on their part in the inquiry to be conducted by the Chairman. In addition to the recovery of cost, disciplinary inquiry shall also be conducted against such erring officials.

28. Apart from the above, the GPCB is required to comply with the recommendation of the DDU, Nadiad to replenish the existing soil with fresh

new soil. The cost of replenishment and transportation of the excavated soil as per the recommendation of the DDI, Nadiad shall have to be recovered from the defaulter Company, respondent no.4 whose stand before us is that it was always ready to carry out remediation work, but the owner of the aforesaid parcels of land, viz. the petitioner herein has not cooperated.

29. The petitioner herein is further directed to cooperate with GPCB to carry out the replenishment of the existing soil. As prayed by the learned senior counsel appearing for GPCB, 8 weeks' time is granted to comply with the above directions, i.e. to complete the inquiry and the replenishment work of the existing soil from the field of the petitioner in Survey Nos.540 and 606 as per the recommendation of DDU, Nadiad, as extracted in the inspection report of the GPCB dated 09.12.2023.

30. Before parting with this order, on the submissions of the learned counsel appearing for the defaulter Company/respondent no.4, we may only record that we are not concerned with the merit of the assertion of the respondent no.4 Company in the matter of Notice of Directions and closure directions issued by GPCB as the said issue is engaging attention of the National

Green Tribunal in the appeal filed by the respondent no.4 Company. The directions contained hereinabove are confined to ensure compliance of the Schedule-I Auditor's Report and the inspection made by the GPCB and to address the concern of the Court where the GPCB has been found to be guilty of inaction on its part. It is kept open for the respondent no.4 Company to agitate all issues on the merits of its case before the National Green Tribunal and any of the observations made hereinabove will not come in its way.

Let this matter be posted on 12.06.2024.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

BIJOY B. PILLAI



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,

GANDHINAGAR - 382010,-

(T) 079-23232152

R.P.A.D

DIRECTION UNDER SECTION 33-A OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT-1974 AND UNDER SECTION 31-A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT-1981AS AMENDED FROM TIME TO TIME.

WHEREAS M/s.RSPL Limited is having industrial plant at Plot No:237/p3, 242/p1, 243, 245, 247/p1, 251/p3, 256 etc, Near NH-8E, Kuranga – 361335, Tal : Dwarka, Dist: Devbhoomi Dwarka for manufacturing Soda Ash(Light Soda Ash) - 40300 MT/Month, Steam (3 nos CFBC Boilers)-450 TPH, Power-50 MW.

The Board had granted Consolidated Consent and Authorization (CC & A) under the provisions of the Water (Prevention and Control of Pollution) Act-1974, Air (Prevention and Control of Pollution) Act-1981 and Authorization under the Hazardous Waste and other wastes (Management and Transboundary Movement) Rules'2016 framed under the Environment (Protection) Act-1986 vide consent Order No.AWH-99205, dated.04/02/2019,with stipulated conditions mentioned therein.

AND WHEREAS Board has issued Notice of Direction Under Section 33(A) of the Water Act vide order dated 23/11/2022 with specific direction mentioned therein.

AND WHEREAS Board has issued Closure Direction Under Section 33(A) of the Water Act vide order dated 12/01/2024 for the non-compliances mentioned therein.

AND WHEREAS you have made appeal in the Hon'ble NGT vide OA No.15/2024 (WZ) dated 12/02/2024. Hon'ble NGT has made closure order in abeyance vide order dated 12/02/2024.

AND WHEREAS Hon'ble High Court have issued direction to GPCB in SCA No.6970/2023 dated 27/03/2024.

“ Apart from the above, the GPCB is required to comply the recommendation with of the DDU, Nadiad to replenish the existing soil with fresh new soil. The cost of replenishment and transportation of the excavated soil as per the recommendation of the DDI, Nadiad shall have to be recovered from the defaulter Company, respondent no.4 whose stand before us is that it was always ready to carry out remediation work, but the owner of the aforesaid parcels of land, viz. the petitioner herein has not cooperated”.

AND WHEREAS, for the compliances of directions issued by the Hon'ble High Court, Board has appointed committee with the chairmanship of Executive Engineer Dev Bhumi Dwarka (R&B) Division- Khambhaliya to carryout soil remediation work of S.no.540 & 606 of village Kuranga as per DDU, Sch-I Auditor report.

Clean Gujarat Green Gujarat

Website : <https://gpcb.gujarat.gov.in>

AND WHEREAS Executive Engineer Dev Bhumi Dwarka (R&B), Division-Khambhaliya has submitted estimation cost to GPCB of soil remediation work of S.no.540 & 606 of village- Kuranga as per DDU, Sch-I Auditor report as Rs.1,57,15,000/.

AND WHEREAS Board has made payment of Rs.1,57,15,000/- to the Executive Engineer Dev Bhumi Dwarka (R&B), Division- Khambhaliya (Vide Cheque No. "630740" dt.09/05/2024 and No."630769" dt.21/05/2024) for soil remediation work is being carry out on S.no.540 & 606 of village- Kuranga. As per Hon'ble High Court order cost of soil remediation shall be recovered from defaulter company i.e. from M/s. RSPL Ltd.

ORDER

UNDER THE CIRCUMSTANCES, I A.J. Patel, Unit Head-Jamnagar, Gujarat Pollution Control Board is directed to issue the directions under Section-33A of the Water (Prevention and Control of Pollution) Act-1974 as under:-

1. You are directed to submit the Rs.1,57,15,000/- to GPCB in A/C No. 10325062238, State Bank of India, Gandhinagar against payment made to Executive Engineer Dev Bhumi Dwarka (R&B) for soil remediation work is at S.no.540 & 606 of village- Kuranga within a 07 days.

If the above directions are not complied, you are liable for violation of direction issued by the Hon'ble High Court in dated 27/03/2024.

For and on behalf of
Gujarat Pollution Control Board

A.J. Patel
12/05/24
(A.J. Patel)

Unit Head-Jamnagar

Encl: As above

NO: GPCB/CCA-JMN-1071(11)/ID-43851/

Dated: /05/2024

Issued to:-
M/s. RSPL Limited,
Plot No: 237/p3, 242/p1, 243,245,247/p1, 251/p3, 256 etc.
Near NH-8E, Kurunga,
Kurunga - 361335,
Tal: Dwarka, Dist: Devbhoomi Dwarka.

Outward No: 82/05/2024



CIN-U15111UP1988 PLC009771

RSPL LIMITED

Ahmedabad Office : C-1 / C-2, 3rd Floor, Safal Profitaire, Corporate Road, Near Prahlad Nagar Garden, Satellite, Ahmedabad - 380015
Tel - 079 - 29701607, 29701608, Fax No:-079 - 29701606 • E-mail : projectamd@rspl.net.in

RSPL/CCG/VKG/ENV-004/017/2024-25

Date: 04.06.2024

The Unit Head- Jamnagar
Gujarat Pollution Control Board,
Gandhinagar – 382 010

Sub.: Intimation regarding deposit of Rs. 1,57,15,000/- to GPCB as directed vide letter dated.29.05.2024.

Ref.: Direction/Order dated 29.05.2024 issued under Section 33 A of Water (Prevention and Control of Pollution) Act, 1974 (Herein after referred to as the "Water Act") as amended time to time.

Respected Madam,

With reference to the above Direction/Order dated 29.05.2024 it is to inform you that as directed we have deposited the amount of Rs. 1,57,15,000/- to A/C No. 10325062238, of State Bank of India, Gandhinagar branch, of GPCB.

The details of transaction is as below:

Txn Date	Description	Ref. No./ Cheque No.	Branch code	Debit amount
03.06.2024	Cheque transfer to- A/C No. 10325062238 (GPCB)	993598	219	1,57,15,000/-

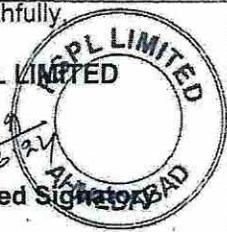
This is for your kind information and record please.

Thanking You.

Yours faithfully,

For RSPL LIMITED

Authorized Signatory



Copy to: The Regional Officer,
Gujarat Pollution Control Board
Jamnagar

6/06/24
Gujarat Pollution Control Board
Head Office
Sector No.-10-A,
Gandhinagar-382010

6/5/24, 2:49 PM

Mail - HARISH RAMCHANDANI-CAF-AHD - Outlook

Intimation regarding deposit of remediation amount**HARISH RAMCHANDANI-CAF-AHD <harish.ramchandani@rsplgroup.com>**

Wed 6/5/2024 2:46 PM

To:uh-gpcb-jamn@gujarat.gov.in <uh-gpcb-jamn@gujarat.gov.in>

Cc:REGIONAL OFFICER GPCB JAMNAGAR <ro-gpcb-jamn@gujarat.gov.in>;ms-gpcb@gujarat.gov.in <ms-gpcb@gujarat.gov.in>

1 attachments (387 KB)

Intimation to GPCB with regard to Payment.pdf;

Respected Madam,

With reference to the Direction/ Order dt. 29.05.2024 we have deposited the amount of Rs. 1,57,15,000/- in GPCB Account.

The letter with regard to details towards the same is attached herewith for your kind information and record please.

With Regards,
Harish Ramchandani,
(Vice President)
RSPL LTD,
C-1 & C-2, 3rd Floor, Safal Profitaire,
Corporate Road,
Nr. Prahaladnagar Garden,
Satellite, Ahmedabad-380015
Mob.: 09727720397
TEL.: 079-29701606-7-8
E-mail: harish.ramchandani@rsplgroup.com



12/6

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: DEVBHOMI DWARKA

TO Mr. Abhishek M. Mehta
C-34(69)

SPECIAL CIVIL APPLICATION NO. 6970 OF 2023

Balubha Pabubha Ker

...Petitioner

SERIAL No. 336/1/2024

Versus

HIMATLAL R. JADEJA
NOTARY

State of Gujarat and others

...Respondents

GOVT. OF GUJARAT

11 JUN 2024

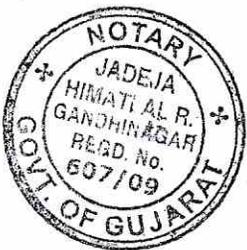
Compliance Affidavit by Respondent No. 3

I, R.B.Barad, IAS, holding the post of Chairman of the Respondent No. 3 i.e. Gujarat Pollution Control Board, do hereby solemnly affirm

on oath and state on under:-

1. It is submitted that this Hon'ble High Court was pleased to pass an order dated 27.03.2024 whereby this Hon'ble High Court was pleased to inter-alia issue directions to this Respondent more particularly contained in Para Nos. 27, 28 and 29 of the order dated 27.03.2024. By the said directions this Respondent was inter alia directed to,-

(1) To initiate enquiry to fix responsibilities on the Erring Officers;



due

(2) To pay Rs. 20,00,000/- to the Petitioner for loss and damages caused to the Petitioner;

(3).To implement the recommendation of DDU Nadiad to replenish the existing soil of the Petitioner's land with fresh new soil

2. It is submitted that on receipt of the order dated 27.03.2024, this Respondent has initiated the procedure to comply with the directions of this Hon'ble High Court to initiate the disciplinary proceedings against the Erring Officers.

3. It is submitted that this Respondent formed a Preliminary Inquiry Committee on 16/04/2024, consisting of three members as specified in office order no.Mehkam/T.A/Fariyaad/842/2024/38. This committee was established in adherence to the guidelines outlined by the General Administration Department for departmental inquiries, as well as the Gujarat Civil Service (Conduct) Rules of 1971 and Gujarat Civil Service (Discipline and Appeal) Rules of 1971.



[Handwritten signature]

The inquiry committee members are consisting

of (1) Shri M.P. Dave (Retired Joint Secretary),
(2) Shri Nilesh Trivedi (Retired Deputy
Secretary) and (3) Shri R.B. Trivedi (Retired
Senior Environment Engineer).

4. It is submitted that the primary objective of the committee was to identify the officials accountable for the actions being investigated. The inquiry focused on complaints lodged at both the Regional Office of this Respondent in Jamnagar and the Head Office in Gandhinagar dating back to 2017. The committee carefully examined all relevant records and conducted a site visit to the Regional Office in Jamnagar on 08/09/10/May 2024.

5. It is submitted that at the conclusion of the preliminary inquiry, based on the available evidence, 17 officers were identified prima facie as being involved, and show cause notices have already been issued on 03/06/2024 to these 17 officers.



6. It is therefore submitted that in view of the procedure involved this Respondent seeks
 extension of time to complete the inquiry

against the Erring Officers as the Respondent is required to mandatorily comply with the Gujarat Civil Services (Discipline and Appeal) Rules, 1971. It is expected that the inquiry would take about four more months to be completed.

7. It is further submitted that for the purposes of carrying out the remediation of soil of the Petitioner's land, this Respondent has appointed a committee under the guidance of Collector of Devbhoomi Dwarka. The aforesaid committee comprises of four members i.e. (i) Executive Engineer, Road & Building Dept. Dev Bhoomi Dwarka, (ii) Executive Engineer, Panchayat Dept. Dev Bhoomi Dwarka, (iii) District Agriculture Director, Agriculture Dept. Dev Bhoomi Dwarka, (iv) Regional Officer, Gujarat Pollution Control Board, Jamnagar.



8. The measurement of the land of the Petitioner has been carried out by DILR. The District Agricultural Authority and the Officers of the Geology & Mining Department were involved to determine the royalty payable and identify the land from which the soil can be extracted for

[Handwritten signature]

the purposes of soil remediation. Samples were taken and thereafter the land has been identified for soil extraction.

9. The aforesaid committee has estimated cost of remediation as Rs. 1,57,15,000/- which has already been paid by this Respondent to the Executive Engineer of the Road and Building Department. The said amount has also been recovered from the Respondent No. 4. The Election Commission's permission was sought to issue a tender for the purpose of awarding the work. The Road and Building Department has published Tender Notice on 21.05.2024 inviting bids for carrying out the remediation work. Bids were received and L1 has been identified and short listed. The tender has been awarded to L1 i.e. M/s Shiv Engineers, Jamnagar by the Road and Building Department. Furthermore, L1 has been asked to submit security deposit amount as part of tender allotment procedure. The work of remediation of the soil is expected to be completed within two months.



(Signature)

10. It is further submitted that the Respondent No. 4 had preferred an Appeal before the National Green Tribunal against the order of closure issued by this Respondent directing the Respondent No. 4 to close down the operations of the Respondent No. 4. The Tribunal was pleased to grant stay on the directions issued by this Respondent. This Respondent had preferred SLP No. 6259 of 2024 before the Hon'ble Supreme Court challenging the order of stay against the order of closure issued by this Respondent. The said SLP came up for hearing before the Hon'ble Supreme Court on 17.05.2024 and the Hon'ble Supreme Court was pleased to reject the SLP preferred by the Respondent. Annexed herewith and marked as **Annexure - R/1**, is a copy of the order passed by the Hon'ble Supreme Court in Special Leave to Appeal No. 6259 of 2024.



11. It is further submitted that the Respondent had preferred Special Leave Petition bearing No. 11219 - 11220 of 2024 before the Hon'ble Supreme Court against the order dated 27/3/2024 passed by this Hon'ble High Court in the present Special Civil Application. The

[Handwritten signature]

Hon'ble Supreme Court on 14.05.2024 was pleased to issue notice returnable in 10 weeks. The Hon'ble Supreme Court was also pleased to grant stay of the direction issued by this Honble High Court of payment of Rs. 20,00,000/- by this Respondent to the Petitioner. Annexed herewith and marked as **Annexure - R/2**, is a copy of the order passed by the Hon'ble Supreme Court in Special Leave to Appeal No. 11219 - 11220 of 2024.

12. It is submitted that this Hon'ble High Court may kindly extend the time to complete the inquiry proceedings against the Erring Officers and also extend the time to complete the work of remediation of the soil of the Petitioner's land.

Solemnly affirmed at Gandhinagar on this 11th day of June, 2024.

IDENTIFIED BY ME

B. R. Rathod

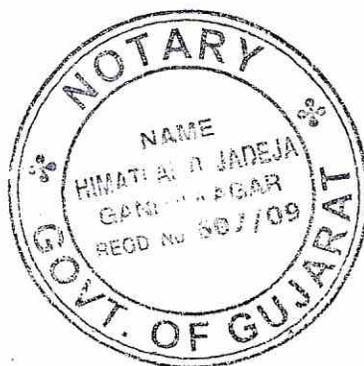
ADVOCATE

Name: B. R. Rathod

Dist. No. G. 1184/194

Dist. Court Gandhinagar

11 JUN 2024



Himatlal R. Jadeja

DEPONENT

SOLEMNLY AFFIRMED
BEFORE ME

Himatlal R. Jadeja
HIMATLAL R. JADEJA
NOTARY GOVT OF GUJARAT

11 JUN 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6259/2024

GUJARAT POLLUTION CONTROL BOARD

APPELLANT(S)

VERSUS

RSPL LIMITED & ANR.

RESPONDENT(S)

O R D E R

The impugned order is an *ad interim* order granting stay till the next date. We may note here that after the impugned order was passed, on 14th March, 2024, the appellant applied for adjournment and, therefore, the stay has now been extended till 9th July, 2024. Hence, no case to interfere with the impugned order is made out.

The Civil Appeal is, accordingly, dismissed.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 17, 2024.

ITEM NO.57

COURT NO.3

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).11219-11220/2024

(Arising out of impugned final judgment and order dated 27-03-2024 in SCA No. 6970/2023 27-03-2024 in CAD No. 1/2024 passed by the High Court of Gujarat at Ahmedabad)

GUJARAT POLLUTION CONTROL BOARD

Petitioner(s)

VERSUS

BALUBHA PABUBHA KER & ORS.

Respondent(s)

Date : 14-05-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Devang Vyas, Sr. Adv.
Mr. Dharmishta Raval, Adv.
Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prersna Mohapatra, Adv.
Ms. Yasha Goyal, Adv.

For Respondent(s) Mr. Maninder Singh, Sr. Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Girish Gojiya, Adv.
Mr. Chitranshul A. Sinha, AOR

Mr. Harin P. Raval, Sr. Adv.
Mr. Abhishek Mehta, Adv.
Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice, returnable in ten weeks.
2. Dasti service, in addition, is granted.
3. Until further orders, there shall be stay only insofar as the directions contained in paragraph 27 in the impugned order, with regard to payment of an amount of Rs.20,00,000/- by the petitioner herein, is concerned.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER

ITEM NO.32

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S). 6259/2024

GUJARAT POLLUTION CONTROL BOARD

APPELLANT(S)

VERSUS

RSPL LIMITED & ANR.

RESPONDENT(S)

(IA No.115759/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.120839/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-05-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.
Ms. Yasha Goyal, Adv.For Respondent(s) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Abhishek Mehta, Adv.
Mr. Milind Kumar, AORUPON hearing the counsel the Court made the following
O R D E R

The Appeal is dismissed in terms of the signed order.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]



CIVIL APPEAL NO(S). 6259/2024

GUJARAT POLLUTION CONTROL BOARD

APPELLANT(S)

VERSUS

RSPL LIMITED & ANR.

RESPONDENT(S)

O R D E R

The impugned order is an *ad interim* order granting stay till the next date. We may note here that after the impugned order was passed, on 14th March, 2024, the appellant applied for adjournment and, therefore, the stay has now been extended till 9th July, 2024. Hence, no case to interfere with the impugned order is made out.

The Civil Appeal is, accordingly, dismissed.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 17, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S). 6259/2024

GUJARAT POLLUTION CONTROL BOARD

APPELLANT(S)

VERSUS

RSPL LIMITED & ANR.

RESPONDENT(S)

(IA No.115759/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.120839/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-05-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.
Ms. Yasha Goyal, Adv.For Respondent(s) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Abhishek Mehta, Adv.
Mr. Milind Kumar, AORUPON hearing the counsel the Court made the following
O R D E R

The Appeal is dismissed in terms of the signed order.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]





TO WHOMSOEVER IT MAY CONCERN

This is to certify that RSPL Ltd., Soda Ash Plant, Kuranga Village, Devbhumi Dwarka District, Gujarat has successfully completed the construction of Peripheral drain with retaining wall of required surface gradient surrounding Survey No. 540 & 606.

Project Name: Environmental Site Assessment Phase II study at RSPL Ltd.

Location: RSPL Ltd., Soda Ash Plant, Kuranga Village, Devbhumi Dwarka District.

Completion Date: 29th February, 2024

Thanking you,

Yours Sincerely,

Coordinator,

Environmental Consultancy Cell

Date: 02-07-2024



Dharmsinh Desai University

343

ANALYSIS REPORT FOR AIR

TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:417262 - Analysis Completion:06/02/2024

Chlor Alkali / LAB Inward : 20104

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga Kuranga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gidc
3. Nature of Sample : REP-Representative/Grab , (Insp Type : DIR-After Direction)
4. Sample Collected By : K.N.Parmar, ROH
5. Date & Time of Collection & Receipt : 02/02/2024, (1845 to 1910)
6. Date of Start & Completion of Analysis : 03/02/2024 & 06/02/2024
7. Sampling Point : common stack attached to kiln 3&4 ~
8. Fuel : coal/coke
9. APCM : Scrubber and ESP
10. Thimble & Weight (gm) : Thimble no. 5. (in.wt 1.7846)
11. Temperature on Collection : 35 & Volume-Absord Media : 50 ml for SO2 and NOx each.
12. Volume-Gas Passed : 40 ltr for gas 550 ltr for pm
13. Parameters : 3 & Oper Time(Min) : 25 minute

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part – 1), 1985 (Reaffirmed 1999)	1 – 5000 mg/NM3	20
2	SO2-Stack (PPM)	PPM	IS: 11255 (Part – 2), 1985 (Reaffirmed 2009)	5 – 500 mg/NM3	12.21
3	NOX-Stack	PPM	IS:11255(Part-7), 2005	5 – 500 mg/NM3	0.338

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 06/02/2024


A.G. OZA, ROH

Field Observation :



344
ANALYSIS REPORT FOR AIR
TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:413093 - Analysis Completion:13/12/2023

Chlor Alkali / LAB Inward : 19977

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga
Kuranga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : ROU-Routine Visit)
4. Sample Collected By : K.N.Parmar, ROH
5. Date & Time of Collection & Receipt : 09/12/2023, (1910 to 1940)
6. Date of Start & Completion of Analysis : 12/12/2023 & 13/12/2023
7. Sampling Point : Stack attached to lime grinding system-1 ~
8. Fuel : --
9. APCM : Bag Filter
10. Thimble & Weight (gm) : T.NO 16 (In.wt.1.0175)
11. Temperature on Collection : 60 & Volume-Absord Media : --
12. Volume-Gas Passed : 450 ltr for PM
13. Parameters : 1 & Oper Time(Min) : 30

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part - 1), 1985 (Reaffirmed 1999)	1 - 5000 mg/NM3	11

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 13/12/2023

A.G. OZA, ROH

Field Observation :



345
ANALYSIS REPORT FOR AIR
TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:417265 - Analysis Completion:06/02/2024

Chlor Alkali / LAB Inward : 20107

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga
Kuranga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : DIR-After Direction)
4. Sample Collected By : K.N.Parmar, ROH
5. Date & Time of Collection & Receipt : 02/02/2024, (1745 to 1815)
6. Date of Start & Completion of Analysis : 03/02/2024 & 06/02/2024
7. Sampling Point : Stack attached to lime grinding system-1 ~
8. Fuel : --
9. APCM : Bag Filter
10. Thimble & Weight (gm) : Thimble no. 4. (in.wt 1.7622)
11. Temperature on Collection : 74 & Volume-Absord Media : ---
12. Volume-Gas Passed : 525 ltr
13. Parameters : 1 & Oper Time(Min) : 30 minuts

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part – 1), 1985 (Reaffirmed 1999)	1 – 5000 mg/NM3	12

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 06/02/2024

A.G. OZA, ROH

Field Observation :



346
ANALYSIS REPORT FOR AIR
TYPE : Stack-Process

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:433648 - Analysis Completion:25/04/2024

Chlor Alkali / LAB Inward : 20301

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga
Kuranga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : COM-On Complaint)
4. Sample Collected By : K.N.Parmar, EE
5. Date & Time of Collection & Receipt : 22/04/2024, (1400 to 1440)
6. Date of Start & Completion of Analysis : 23/04/2024 & 25/04/2024
7. Sampling Point : stack attached to lime grinding system ~
8. Fuel : --
9. APCM : Bag Filter
10. Thimble & Weight (gm) : t.no.24(1.7326)
11. Temperature on Collection : 72 & Volume-Absord Media : --
12. Volume-Gas Passed : 600 L for PM
13. Parameters : 1 & Oper Time(Min) : 30

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part - 1), 1985 (Reaffirmed 1999)	1 - 5000 mg/NM3	23

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 25/04/2024

A.G. OZA, ROH

Field Observation :



347
ANALYSIS REPORT FOR AIR
TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:433647 - Analysis Completion:25/04/2024

Chlor Alkali / LAB Inward : 20300

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga
Kuranga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : COM-On Complaint)
4. Sample Collected By : K.N.Parmar, EE
5. Date & Time of Collection & Receipt : 22/04/2024, (1305 to 1335)
6. Date of Start & Completion of Analysis : 23/04/2024 & 25/04/2024
7. Sampling Point : Stack attached to boiler 3 Nos. ~
8. Fuel : Coal
9. APCM : ESP
10. Thimble & Weight (gm) : t.no. 14(1.7169)
11. Temperature on Collection : 112 & Volume-Absord Media : 50 ml for SO2 and NOx each.
12. Volume-Gas Passed : 600 l for PM &60 ltr for SO2 & NOx
13. Parameters : 3 & Oper Time(Min) : 30

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part – 1), 1985 (Reaffirmed 1999)	1 – 5000 mg/NM3	19
2	SO2-Stack	MG/NM3	IS:11255(Part-2),1985	4-50mg/NM3	21.33
3	NOX-Stack	MG/NM3	ASTM D :1608-98	5-100mg/NM3	14.10

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 25/04/2024

A.G. OZA, ROH

Field Observation :



348
ANALYSIS REPORT FOR AIR
TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:370913 - Analysis Completion:16/02/2023

Chlor Alkali / LAB Inward : 19222

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga
Kurunga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : NOT-After Notice of DIR)
4. Sample Collected By : A.G. OZA, ROH
5. Date & Time of Collection & Receipt : 10/02/2023, (1500 to 1530)
6. Date of Start & Completion of Analysis : 13/02/2023 & 16/02/2023
7. Sampling Point : Sample collected from stack attached to Boilers (3Nos.) ~
8. Fuel : coal/lignite
9. APCM : ESP
10. Thimble & Weight (gm) : Thimble no: T
11. Temperature on Collection : 28 & Volume-Absord Media : 50 ML (0.1 N NaoH) for NOx & 50 ML 3 % H2O2 for S
12. Volume-Gas Passed : 60 litre for each SO2 and NOx, 480 L for PM
13. Parameters : 3 & Oper Time(Min) : 30

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part - 1), 1985 (Reaffirmed 1999)	1 - 5000 mg/NM3	39
2	SO2-Stack	MG/NM3	IS:11255(Part-2),1985	4-50mg/NM3	16
3	NOX-Stack	MG/NM3	ASTM D :1608-98	5-100mg/NM3	5.03

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 16/02/2023

A.G. OZA, ROH

Field Observation : --



349
ANALYSIS REPORT FOR AIR
TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:417269 - Analysis Completion:06/02/2024

Chlor Alkali / LAB Inward : 20105

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga Kuranga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : DIR-After Direction)
4. Sample Collected By : K.N.Parmar, ROH
5. Date & Time of Collection & Receipt : 02/02/2024, (1650 to 1720)
6. Date of Start & Completion of Analysis : 03/02/2024 & 06/02/2024
7. Sampling Point : Stack attached to boiler 3 Nos.(1 &3) ~
8. Fuel : Coal
9. APCM : ESP
10. Thimble & Weight (gm) : T.NO. 3(In.wt.1.7773)
11. Temperature on Collection : 116 & Volume-Absord Media : 50 ml for SO2 and NOx each.
12. Volume-Gas Passed : 540 ltr for PM &60 ltr for SO2 & NOx
13. Parameters : 3 & Oper Time(Min) : 30 minuts

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part – 1), 1985 (Reaffirmed 1999)	1 – 5000 mg/NM3	13
2	SO2-Stack	MG/NM3	IS:11255(Part-2),1985	4-50mg/NM3	74.67
3	NOX-Stack	MG/NM3	ASTM D :1608-98	5-100mg/NM3	16.92

Laboratory Remarks : Approved. By:326-lab_326 Dt.: 06/02/2024

A.G. OZA, ROH

Field Observation :



350
ANALYSIS REPORT FOR AIR
TYPE : Stack-Flue Gas

Gujarat Pollution Control Board
Jamnagar
Sardar Patel Bhavan
Rameshwar Nagar
Jamnagar-361008
Tele:(0288)2752366

Sample ID:413091 - Analysis Completion:13/12/2023

Chlor Alkali / LAB Inward : 19976

1. Name & : Rspl Limited. - 43851
2. Address of the Unit : 237/p3,242/p1,243,245,247/p1,251/p3,256 etc.,Near NH-8E,Kurunga
Kurunga - 361335,Taluka : Dwarka, District : Devbhoomi Dwarka, GIDC : Not In Gide
3. Nature of Sample : REP-Representative/Grab , (Insp Type : ROU-Routine Visit)
4. Sample Collected By : K.N.Parmar, ROH
5. Date & Time of Collection & Receipt : 09/12/2023, (1815 to 1845)
6. Date of Start & Completion of Analysis : 12/12/2023 & 13/12/2023
7. Sampling Point : Stack attached to boiler 3 Nos. ~
8. Fuel : Coal
9. APCM : ESP
10. Thimble & Weight (gm) : T.no.15 (in.wt.1.0314)
11. Temperature on Collection : 106 & Volume-Absord Media : 50ml (0.1 N NaOH)for NOx and 50ml 3%H2O2 For S
12. Volume-Gas Passed : 510 L for PM and 60 L for Gases.
13. Parameters : 3 & Oper Time(Min) : 30

Sr	Parameter	Unit	Test Method	Range of Testing	Result
1	PM-Stack	MG/NM3	IS: 11255 (Part – 1), 1985 (Reaffirmed 1999)	1 – 5000 mg/NM3	17
2	SO2-Stack	MG/NM3	IS:11255(Part-2),1985	4-50mg/NM3	32
3	NOX-Stack	MG/NM3	ASTM D :1608-98	5-100mg/NM3	11.28



Laboratory Remarks : Approved. By:326-lab_326 Dt.: 13/12/2023

A.G. OZA, ROH

Field Observation :