

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

APPEAL NO. 488 OF 2025 (WZ)

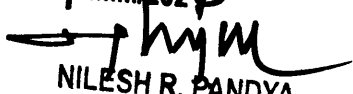
IN THE MATTER OF:

YATIN ISMAIL ATHNIYA

VERSUS

STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, GUJARAT

BOOK NO. 01-
PAGE NO. 155-
SR. NO. 586- ... APPELLANT
DATE 20/06/2026


NILESH R. PANDYA
NOTARY
GOVT. OF INDIA

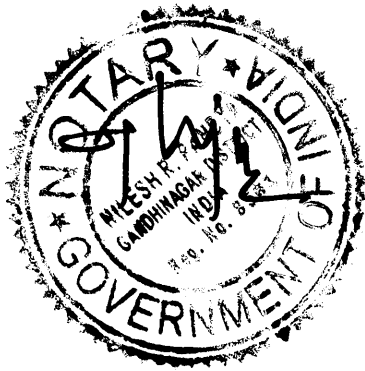
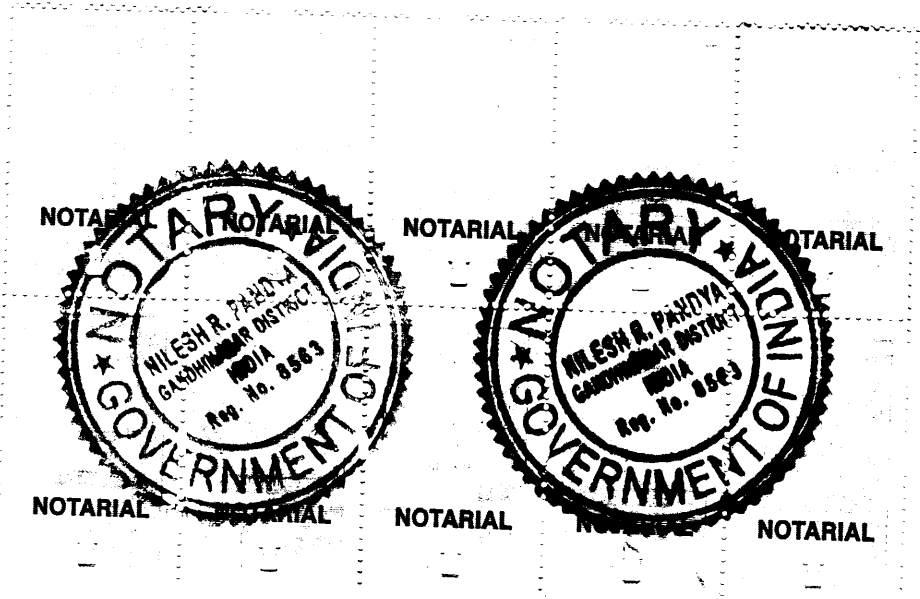
20 JUN 2026 ... RESPONDENT

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT No. 1 - STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

I, Prakash Solanki, adult, having my office at Paryavaran Bhavan, Sector 10A, Gandhinagar 382 010 in the State of Gujarat, do hereby solemnly affirm and state on oath as under:

1. I am presently serving as Member Secretary, Gujarat State Environment Impact Assessment Authority – the respondent no. 1 in the present appeal. I am authorized to swear the present affidavit being filed by way of an affidavit on behalf of the Gujarat State Environment Impact Assessment Authority and am otherwise competent to make the present affidavit.
2. State Environment Impact Assessment Authority (SEIAA / respondent authority) reappraised the Environment Clearance, bearing No. DEIAA/BANASKANTHA/EC/1(a)/B2/2018/2579 dated 25.06.2018 granted by District Environment Impact Assessment Authority (DEIAA), Banaskantha in terms of the directions issued by this Hon'ble Tribunal in its order dated 7.12.2022 passed in Original Application No. 142 of 2022 [Jayant Kumar vs. Ministry of Environment, Forest and Climate Change]





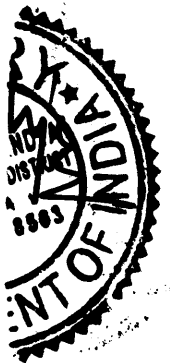
and in light of the check points contained in the Office Memorandum dated 28.04.2023 issued by the Ministry of Environment, Forest and Climate Change, Government of India.

3. SEIAA found that the environmental clearance granted by DEIAA ignores the restriction put on conducting mining activity in and around protected forest area and the eco-sensitive zone surrounding the protected forest area.
4. Aggrieved by the decision of SEIAA, the appellant preferred the present appeal
5. This Hon'ble Tribunal in cognate appeals passed an order on 28.07.2025 containing the following direction:

"7. There are several other grounds mentioned in the affidavit-reply of respondent No.1 - SEIAA, but the learned counsel for SEIAA made a statement in open court that respondent No.1 - SEIAA is ready to give an opportunity of hearing to the appellants in order to provide an opportunity to demonstrate that the impugned order passed by the SEIAA suffers from any infirmity, if at all and the same may be considered at their end.

8. In view of the aforesaid statement made by learned counsel Mr. Maulik Nanavati, appearing for respondent No.1 - SEIAA, we deem it appropriate to keep these appeals pending and direct the appellants to approach respondent No.1 - SEIAA within fifteen days from the date of uploading of this order and place their grievances before the SEIAA, which shall be considered extensively by the SEIAA after giving an appropriate opportunity of hearing and thereafter, a communication shall be made to us as to what was the outcome of the hearing given to the appellants and thereafter, we will pass the appropriate orders giving an opportunity of hearing to the parties."

6. The aforesaid order in essence accorded a post decisional hearing, a concept not alien to law and adopted consistently by judicial authorities whenever there is a complaint of non-grant of hearing. The order presented the appellants / project proponents to place before the



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regulatory authority any material that they may have in their possession which could *prima facie* disclose that incorrect or incomplete factual material had been considered by SEIAA at the time of making reappraisal

7. Subsequent to the aforesaid order, several project proponents appeared before the regulatory authority. In some cases, the ground for rejection was non-compliance of the distance criteria. Put differently, the environmental clearance was not approved on the ground that the mining lease area is situated within close proximity to road, forest, water body, etc., and thus offends the distance criteria adopted by the State Government. It was argued by the project proponents before the regulatory authority that the District Survey Report, which has been taken into consideration for determining the exact location of the mining lease area and arriving at a conclusion that the mining area is within impermissible distance, contains inaccurate and wrong Global Positioning System coordinates of the leased area. It was highlighted that the locational coordinates mentioned in the District Survey Report are distinct from the ones which find mention in the mining plan approved by the District Geologist and the markings made on the terrestrial maps prepared by the District Inspector of Land Records.
8. All the aforesaid facts were also placed before this Hon'ble Tribunal in the respective appeals. Thereupon, this Hon'ble Tribunal sought a specific response from SEIAA as regards the palpable error in the coordinates of the leased areas. SEIAA filed an affidavit stating that it had relied upon the District Survey Report *bona fide* believing that it contained correct data and that no fault can be found with the decision taken by SEIAA. SEIAA, however, could not deny there existed discrepancy in the coordinates of the mining area of the parties mentioned in the District Survey Report. This Hon'ble Tribunal therefore passed an order dated 9.12.2025 allowing the appeals and setting aside the orders made by SEIAA of rejecting the application of the appellants for reappraisal of their environmental clearances and directed SEIAA to freshly consider the applications "after ensuring that the discrepancy in

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the geographical locations of the leased area of the appellants i.e. the geographical coordinates (latitude and longitude coordinates) in the mining area of the appellants is cured by the Authority concerned”.

9. The appellant of the present appeal, relying upon the aforesaid judgment dated 9.12.2025 and in terms of the liberty granted by the earlier order dated 28.07.2025, sought to represent before the regulatory authority that there exists discrepancy in the locations coordinates of the appellant as appearing in the District Survey Report.
10. An additional affidavit dated 4.04.2026 has also been filed in the present appeal placing on record a tabular chart of the coordinates and pictorial depiction of such coordinates on site to demonstrate that the exact location of the mining lease area is different and that by relying upon such incorrect and inaccurate location the regulatory authority has rejected the environmental clearance previously granted by DEIAA.
11. The factual contention of the appellant, if examined closely, is without any merit and does not deserve acceptance by this Hon'ble Tribunal.
 - 11.1 The tabular chart prepared by the appellant, and appended as Annexure A-1 to the affidavit (page 247), itself shows that there is no discrepancy in the latitudes and longitude defining the mining lease area as appearing in the mining plan and the District Survey Report. They are same and show no variation, suggesting that the location of the lease area mentioned in the District Survey Report is exactly the same as appearing in the approved mining plan.
 - 11.2 Any party proposing to obtain environmental clearance is required to get the mining plan approved by the District Geologist. This mining plan specifies the location of the land leased for mining by the State Government. It is within this area of leased land that the mining activity is to be carried out, and the mining plan details the manner of opening the mine, carrying out the excavation and closing of the mine post completion of excavation or lease period.

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11.3 The coordinates mentioned in the mining plan are therefore sacrosanct and reflect the exact location of the leased land and the specific area where mining activity is permitted. Now, there is no difference in the coordinates mentioned in the mining plan and the District Survey Report.

12. There is variation in the coordinates mentioned in the mining plan and the District Survey Report when compared with the coordinates of the lease area specified in the application for reappraisal made on Parivesh portal. This difference, to begin with, suggests that the appellant / project proponent intentionally attempted to identify a wrong area as having been leased for mining while getting the reappraisal performed by the regulatory authority. In any event, any difference in the coordinates as appearing in the application made on Parivesh portal would be of no relevance as the determinative coordinates are the ones appearing in the approved mining plan and the District Survey Report.

13. It is reiterated that the appeal is devoid of merits. It is therefore humbly prayed that the Hon'ble Tribunal may be pleased to dismiss the appeal.

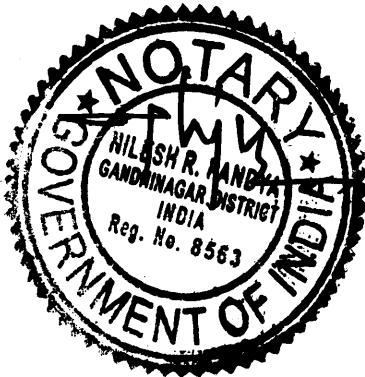
[Signature]
DEPONENT

VERIFICATION

Verified at Gandhinagar on this 20th day of June, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and information derived from records, that nothing stated therein is false and that nothing material has been concealed therefrom.



[Signature]
DEPONENT



IDENTIFIED BY ME SOLEMNLY AFFIRMED
BEFORE ME
ADVOCATE/PERSON
NAME *[Signature]*
NAGAR
DATE 20/06/26
20 JUN 2026
NILESH R. PANDYA
NOTARY
GOVT. OF INDIA.
20 JUN 2026

