



BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Original Application No. 228 of 2024 (WZ)

Devram Vala Ghoda

.....Applicant

VERSUS

State of Gujarat and Ors.

.....Respondents

SERIAL No. 25  
BOOK No. 01  
PAGE No. 03  
DATE 6/2/2025

AFFIDAVIT

RAMKRUSHNA C. BHAYANI  
NOTARY  
GOVT. OF INDIA

I, Devram Vala Ghoda, aged :56 years, presently and permanently residing at Devpara, Ta. Dwarka, Dist. Devbhumi Dwarka, Applicant herein do hereby solemnly affirm and state on oath as under:

1. I am a national and citizen of India and that I am a resident of village Devpara, a rural settlement with a populace of approximately 4000 inhabitants, predominantly adhering to *Maldharicaste* and that I am well acquainted with the facts and circumstances of the case. The villagers of Devpara primarily rely on animal husbandry and milk vending as their main source of livelihood. Also, it is pertinent to mention that the village Devpara is home to a sizable population of approximately 2000 livestock, comprising cows, buffaloes, goats, and other domesticated animals.

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2. It is stated that the Respondent No. 2 herein established the cement plant on 19.09.1993 and that the said cement plant operated by the Respondent No. 2 is in proximal proximity to the village Devpara, being approximately 200 meters distant from the village.
3. It is respectfully submitted that prior to the establishment of the cement plant, the village of Devpara was characterized by a thriving agricultural sector, with cultivation activities being undertaken on a scale three times greater than that presently prevailing. However, the commencement of operations by the cement plant has led to a drastic decline in agricultural productivity, such that the inhabitants of the village are presently precluded from cultivating their agricultural lands due to the deleterious effects of dust pollution emanating from the cement plant.
4. It is further submitted that the ambient air quality in the vicinity of the village of Devpara has been irreparably compromised, resulting in a concomitant diminution of the fertility of the agricultural lands, thereby rendering them increasingly inhospitable to cultivation.
5. It is respectfully submitted that the operations of the cement plant have had a detrimental impact on the water resources of the village of Devpara and its surrounding environs, inasmuch as the wells, ponds, and drinking water sources in the vicinity have been

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adversely affected by the dust emissions from the cement plant.

6. It is further submitted that after its establishment, the cement plant has been a persistent source of environmental degradation and health hazards for the villagers of Devpara.
7. I say and submit that the Effluent Solid Filtration Plant generates a substantial quantity of surplus solid waste, which is transported via open trucks to the Padli discharge point, where it is disposed of on open land in proximity to the settling ponds. Further, the solid waste generated by the company has accumulated into massive heaps, spanning an extensive area of approximately 2.5 square kilometres near the settling ponds at the Padli discharge point.
8. It is further submitted that the transportation of solid waste from the company to the disposal site is undertaken via trucks that traverse the Devpara road, and that these trucks are not adequately covered, resulting in fugitive emissions and dusting that disperses into the surrounding environment, causing undue harm to the villagers.
9. It is most respectfully submitted that the cement plant's operations have been causing significant air pollution, leading to various health issues for the villagers, including skin problems, breathing problems, and other health concerns and despite numerous complaints to the

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Respondent No. 4 Authority - Gujarat Pollution Control Board, the Respondent No. 2 company has failed to take adequate measures to mitigate the pollution.

10. It is said and submitted that the Respondent No. 4 Authority has conducted site visits with the community, observing firsthand the excessive dust emissions from the raw mill, alkali bypass, and cooler stack. The dust pollution has not only affected the nearby common lands and roads but also resulted in non-compliance with the conditions of the Consolidated Consent and Authorization (CCA).

11. It is alarming that the company has not installed air pollution control equipment, which is a critical requirement for preventing harm to human health and the environment. This negligence has serious consequences for the villagers, who are entitled to a safe and healthy environment.

12. It is most humbly submitted that to address this situation, it is essential to hold the Respondent No. 2 company accountable for its actions and that the Respondent No. 4 Authority should take stringent measures to ensure that the Respondent No. 2 company complies with the regulations and installs the necessary air pollution control equipment.

13. It is pertinent to mention that a Criminal Revision Application being has been filed. It is respectfully

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submitted that the said revision application is against an order under Section 133 of the Cr.P.C.

14. It is respectfully brought to the notice of this Hon'ble Tribunal that the Ministry, vide its circular dated 07.09.2017, has mandated that project proponents submit a certified compliance report for existing projects in cases of expansions. This circular unequivocally stipulates that compliance with existing conditions is a prerequisite for granting clearance for expansion.

15. Further, I state and submit that the Respondent No. 2 company has flagrantly disregarded the specific and general conditions stipulated in the Environmental Clearance granted to it on 20.11.2000 and despite this, the company has sought expansion, which is a blatant violation of the norms and regulations governing environmental clearances. The non-complied Specific and General Conditions stipulated in the Environmental Clearance Certificate granted to Respondent No. 2 company followed by Inspection Report by Respondent No. 4 Authority including adverse consequences of non-compliance may be produced as under :

**A. Specific Conditions:**

- 1. Gaseous and particulate matter emission from various units should conform to the standards prescribed by State Pollution Control Board. Specifically, particulate emissions should never exceed 50**

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mg/Nm<sup>3</sup>. An interlocking system should be installed in the pollution control equipment, ensuring that the respective units automatically shut down when the pollution control equipment is not functioning. Due to non-compliance with this condition, the State Pollution Control Board has issued a show-cause notice.

2. The cement plant was required to install online ambient air quality monitoring systems in the kiln chimney and raw mill chimney. Despite written instructions from the State Pollution Control Board, as noted in their visit report, this requirement remains unfulfilled to date.
3. As per the conditions stipulated in the Environment Clearance, the company was required to develop a green belt spanning a minimum of 25 acres to mitigate the effects of fugitive emissions. However, the company has only partially complied with this condition, developing green belts in select areas. Consequently, dust pollution levels continue to rise, exacerbating the problem.

**B. General Conditions :**

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1. The company is required to maintain proper housekeeping within and outside the plant premises. However, this condition has not been complied with. The State Pollution Control Board has taken note of this non-compliance and has issued a visit report as well as a formal notice to the company.
  
2. Pursuant to the provisions of the Environment Clearance, the Ministry reserves the right to cancel the clearance if the compliance with the conditions stipulated therein is found to be unsatisfactory. A review of the inspection reports over the past three years reveals a consistent pattern of non-compliance by the company, highlighting egregious violations and their detrimental impact on the environment. Despite repeated notices and warnings, the company has continued to flout environmental regulations. The following is a summary of the inspection reports and notices issued to the company between 2015 and 2018, along with the adverse consequences resulting from these non-compliances:



Date of Inspection Report	Conditions Not Complied With	Impact of Non-Compliance
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GPCB 01.07.2014	<ul style="list-style-type: none"> <li>- Development of greenbelt at the earliest wherever it is pending in the area occupied by the company.</li> <li>- Provide curtain from top to bottom at new lime stone crusher area to prevent dusting.</li> </ul>	<ul style="list-style-type: none"> <li>- That the company has not undertaken the development of the greenbelt area near Village Devpara, and furthermore, the wall thereof is also damaged.</li> <li>- The company has failed to provide adequate covering on the stacks, resulting in excessive dust emission.</li> </ul>
GPCB 10.01.2017	<ul style="list-style-type: none"> <li>- Upon inspection, excessive dust emissions were observed emanating from the raw mill, alkali bypass, and cooler stack exit.</li> <li>- It was observed that the boundary wall height needs to be raised up to 9 meters towards Devpara.</li> <li>- A substantial amount of dust generation was observed at the limestone transfer point within the material handling yard.</li> </ul>	<ul style="list-style-type: none"> <li>- Due to excessive dust, nearby villages are being affected, resulting in serious health consequences for both animals and humans.</li> <li>- To date, the boundary wall towards the village of Devpara remains unconstructed.</li> <li>- Excessive dusting was observed due to inadequate and irregular cleaning of the company premises.</li> </ul>
GPCB	<ul style="list-style-type: none"> <li>- During the site visit, written instructions</li> </ul>	<ul style="list-style-type: none"> <li>- Nearby villages are experiencing excessive dusting, and as a</li> </ul>

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26.07.2018	were issued to construct a 20 ft high boundary wall, create a wind barrier, and develop a greenbelt towards the village of Devpara.	consequence of this dusting, there are severe health implications for both human residents and local wildlife. - Even as of today, the boundary wall towards the village remains unfinished/unconstructed. - The company has failed to develop a greenbelt towards the village of Devpara, as required.
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**Notice issued by Gujarat Pollution Control Board to the Company :**

Date of Notice	Observations made	Impact of Non-Compliance
Direction Notice 04.09.2024	- Alkaline wastewater was observed discharging outside the industrial plant premises.	- The alkaline wastewater discharge is having a detrimental impact on the agricultural lands of villages Devpara, Padli, Lalsingpur, Hamusar, Bhimrana.
Direction Notice 02.03.2017	- Excessive dust emissions were observed emanating from the raw mill, alkali bypass, and cooler stack exit at the cement plant unit. - Exceedance of permissible limits	- Dust emissions from the cement plant are adversely affecting the surrounding common lands and roads. - Elevated emission levels

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	<p>was recorded for SO<sub>2</sub> and NO<sub>x</sub> emissions, as indicated by online monitoring meters installed on the stacks of HPB-4, CEHP-1, and CEHP-2 boilers.</p> <ul style="list-style-type: none"> <li>- During the site visit, it was observed that the sprinkler system for the coal conveyor belt in the material handling area was non-functional, resulting in significant fugitive dust emissions.</li> </ul>	<p>are contributing to a significant increase in air pollution levels.</p>
<p>Improvement Notice 15.04.2017</p>	<ul style="list-style-type: none"> <li>- Reduce the height of limestone and coal stacks.</li> <li>- Install a water sprinkling system at coal loading and unloading points in the coal yard.</li> <li>- Covering the limestone stack and sift the limestone at a designated place, located at a safe distance from the village Devpara boundary wall.</li> </ul>	<ul style="list-style-type: none"> <li>- Water sprinkling is not being done during loading and unloading in the coal yard, causing excessive dust emissions in the nearby areas. Additionally, uncovered coal and limestone stacks are leading to land degradation in surrounding villages of Padli, Devpara and nearby areas.</li> </ul>
<p>Show Cause Notice 15.04.2017</p>	<ul style="list-style-type: none"> <li>- During the site visit, the PM<sub>10</sub> levels were found to exceed the prescribed norms,</li> </ul>	<ul style="list-style-type: none"> <li>- The excessive dusting has resulted in respiratory issues, causing</li> </ul>

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	<p>as recorded by the machine installed on the terrace of the primary school in the village of Devpara.</p> <p>- Despite the requirement, salt transporting trucks were not covered with tarpaulin, allowing salt to spill and cause environmental damage.</p>	<p>breathing problems among the school children in the village of Devpara.</p> <p>- The transportation of salt from Samlasar to the company via open trucks results in significant spillage of salt, leading to the degradation of village roads and agricultural lands.</p>
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16. It is most respectfully submitted that the Respondent No. 2 company's non-compliance with the aforementioned conditions has had a devastating impact on the lives of the residents of villages Devpara, Padli, and Hamusar, causing irreparable harm to their health, well-being, and quality of life.

17. It is most respectfully submitted that the Respondent No. 2 company is dumping solid waste on land being Survey No. 27, where *gauchar* land falls, for several years, and has effectively occupied the land, causing harm to the environment and the local ecosystem. Further, the Respondent No. 2 company's activities have had a deleterious impact on the fertility of the village land, due to the uncontrolled release of white *chuna* and

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slurry from the settling ponds, which has contaminated the nearby agricultural land and sea.

18. It is humbly submitted that the Respondent No. 2 company's reckless disposal of waste chemicals has contaminated the wells, ponds, and groundwater of the nearby villages, including Padli, where waste chemicals have been conveyed through an open channel within the village boundary for several years.

19. The Respondent No. 2 company's discharge of chemical waste into the sea has had a devastating impact on the mangroves and marine ecology, resulting in the destruction of habitats and the depletion of fish populations, thereby affecting the livelihoods of fishermen from villages Arambhada and Okha. Also, the fishermen from villages Arambhada and Okha have suffered significant economic losses due to the scarcity of fish, caused by the Respondent No. 2 company's deposition of slurry into the sea, which has severely impacted their income and livelihoods.

20. It is stated and submitted that on 23rd March 2023, a team of officers comprising the SDM Officer, Mamlatdar Officer, and Circle Officer conducted a visit to Village Padli to investigate the concerns regarding the Respondent No. 2 company's unauthorized dumping of Tata chemicals Fly Dumping and waste chemical discharge into the open channel. Following their

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investigation, the officers duly prepared a *Panchroj Kaam* report, documenting their findings and observations.

21. It is most respectfully submitted that despite the State Pollution Control Board's repeated directions, show-cause notices, and improvement notices, the Respondent No. 2 company has failed to effect any meaningful change, and the situation remains unchanged to this day. The Respondent No. 2 company continues to disregard the conditions stipulated in the Environmental Impact Notification, demonstrating a blatant disregard for environmental regulations.

22. In light of the Respondent No. 2 company's persistent non-compliance and its egregious environmental track record, permission for expansion is sought to be denied as the Respondent No. 2 company's operations have had a devastating impact on the lives and livelihoods of the local population, causing irreparable harm to the land, water, and air in the region.

23. It is most humbly submitted that the Respondent No. 2 company's non-compliance with the conditions stipulated in the Environmental Clearance is unequivocally established by the reports and notices issued by the Gujarat Pollution Control Board, as well as other evidence submitted. This non-compliance constitutes an egregious violation of environmental law, with far-reaching consequences for the daily lives and livelihoods of the local community. Therefore, the present

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representation is made urging that immediate action be taken to safeguard the community's livelihoods and health, which are under constant threat due to the Respondent No. 2 company's reckless disregard for environmental regulations.

The facts stated hereinabove are true and correct to the best of my knowledge, belief, and information and I believe the same to be true and correct and nothing material has been concealed therefrom.

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DATE : 2/2/25  
PLACE : SURATKARATI

DEPONENT

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IDENTIFIED BY  
M.A. DAYAGRA



ADVOCATE  
Name DAYAGRA MAHENDRA A  
Sanad No G-3293/2005  
Address SURATKARATI

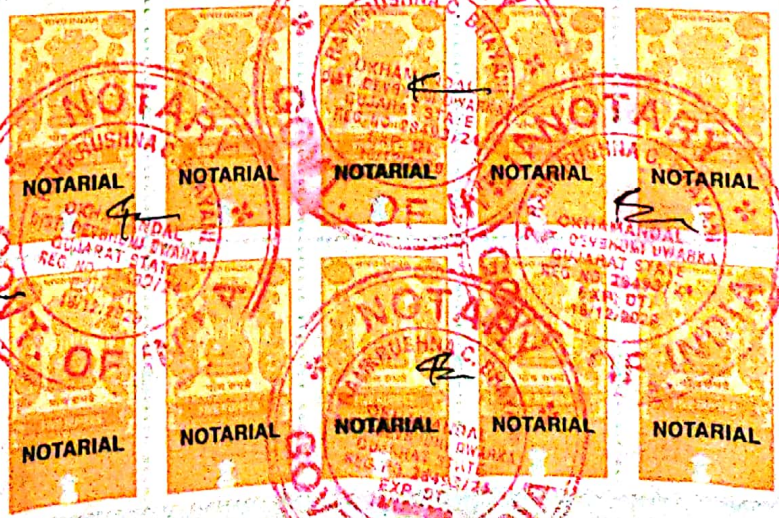
Solemnly Affirmed Before me  
by Devkanta Ghoda  
who is identified by M.A. DAYAGRA  
whom I know Personally.

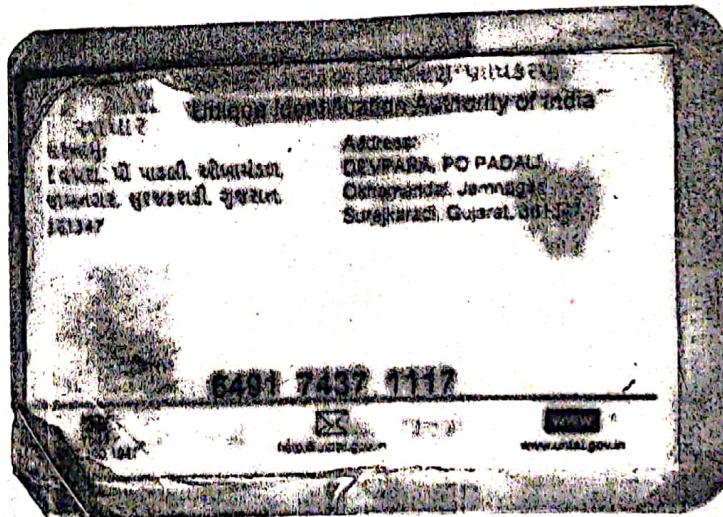
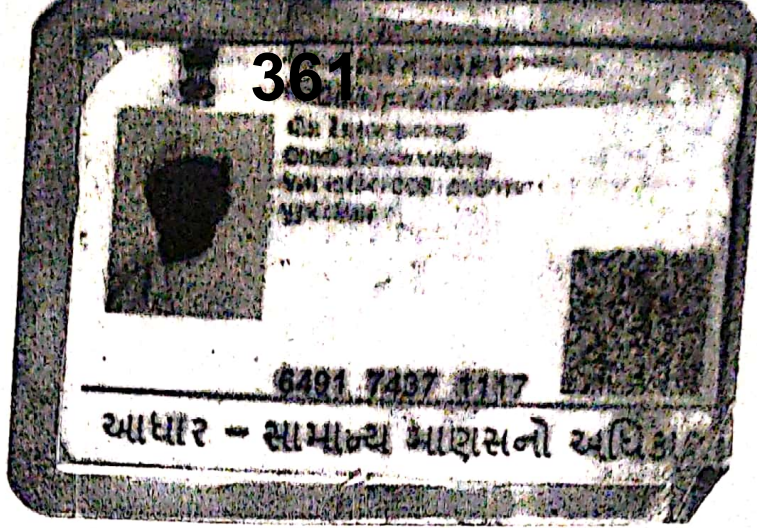
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NO. 01  
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DATE 6/2/2025

RAMKRUSHNA C. BHAYANI  
NOTARY  
GOVT. OF INDIA

Person Identified & Verified By  
the document  
NAME : Devkanta Ghoda  
RC PAN | DRIV. | PASS. NO. | AAD. NO.  
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