

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 202 OF 2024 (WZ)

IN THE MATTER OF:

JANAKSINH KUSHALSINH PARMAR

... APPLICANTS

VERSUS

MINISTRY OF ENVIRONMENT, FOREST
& CLIMATE CHANGE & ORS.

... RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 - STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

I, Ms Maulika Shah, adult, having my office at Paryavaran Bhavan, Sector 10-A, 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 – respondent no. 2 in the present application. I am conversant with the facts of the case having perused the record pertaining to the case available in my office. I am authorized to swear the present affidavit on behalf of the Gujarat State Environment Impact Assessment Authority and am otherwise competent to make the present affidavit.
2. No averment and/or submission made in the petition in support of the prayer shall be deemed to have been admitted for and on behalf of the Authority, unless specifically admitted in the present reply.



3. I say that the applicant has filed the present petition praying for the following principle reliefs:

"A. Declare that the Respondent No. 5 has violated the conditions stipulated in the Clearance granted for the Thoth Mall project in Surat, including but not limited to unauthorized felling of trees, illegal excavation, commencing large scale construction activities pending the environmental clearance, failure to abide by the rules governing dust mitigation measures, misrepresentation of water usage, and improper disposal of excavated earth & construction waste.

B. Direct the registration of an FIR against respondent No. 5 for providing false particulars and submitting forged documents to obtain the Environmental Clearance. Further, to initiate prosecution under the Environment Protection Act against Respondent No. 5 and Respondent No.6 for committing environmental violations, including unauthorized felling of trees, illegal excavation, commencing large scale construction activities pending the environmental clearance, failure to abide by the rules governing dust mitigation measures, furnishing false and misleading information to obtain Environment clearance and misrepresentation of water usage, cement usage and waste disposal.

C. Direct the Respondent authorities to take immediate corrective measures to bring the Thoth Mall project into full compliance with the Environmental Clearance conditions, including the implementation of proper environmental safeguards, dust mitigation measures, and legal disposal of excavated soil and construction waste.

D. Order the Respondent No. 5 to restore the environment at the project site to its original state, as far as possible, by undertaking reforestation, soil remediation, and other necessary measures, under the supervision of an independent expert committee appointed by this Hon'ble Tribunal.

E. Impose appropriate penalties and costs against Respondent No. 5 and Respondent no.6 for fraudulently obtaining the Environmental Clearance by misrepresentation and false undertaking and for the violations of the Environmental Clearance conditions prescribed, under applicable laws and regulations, as deemed fit by this Hon'ble Tribunal.

F. Direct the Respondent authorities to strengthen their monitoring mechanisms to prevent future violations of Environmental Clearance conditions and ensure that all ongoing



[Handwritten signature]

7. In so far as submission of incomplete or incorrect information by the project proponent for obtaining clearance, it is stated that the Authority shall be calling both the parties – the project proponent and the objecting party, to appear before it and place the material that is claimed to have been withheld and elaborate on the misrepresentation made at the time of applying for and obtaining the clearance. If any material is found to have been suppressed or it is noticed that the project proponent had indulged in material misrepresentation of facts and events likely to alter the recommendation of State Expert Appraisal Committee and the final decision of the Authority to grant clearance, then appropriate notice shall be issued to the project proponent calling for its explanation. Appropriate decision shall thereafter be taken by the Authority in accordance with law.

8. As regards the complaint of violation of conditions of Environment Clearance, it is stated that the Authority has written to the Integrated Regional Office of Ministry of Environment Forest and Climate Change to conduct a site inspection and submit a factual report. A copy of letter dated 17.09.2024, 11.12.2024 and 19.02.2025 written to the Integrated Regional Office of Ministry of Environment Forest and Climate Change is annexed herewith and marked as **Annexure R-1 (colly)**. If it is reported that the project proponent has in fact violated any condition of the clearance, then suitable action shall be taken commensurate with the nature of violation after following principles of natural justice and in accordance with the law.

9. The Authority assures that it has taken cognizance of the complaint made by the applicants and shall take all reasonable and necessary steps as required in law.



10. The Authority commits to taking lawful action against the project proponent if it is found to have misrepresented or withheld vital facts at the time of obtaining clearance as also for any violation of conditions of clearance in accordance with law. The Authority shall also abide by any reasonable direction be issued by this Hon'ble Court.


DEPONENT

VERIFICATION

Verified at Gandhinagar on this 16th day of April, 2025 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.


DEPONENT



SOLEMNLY AFFIRMED
BEFORE ME

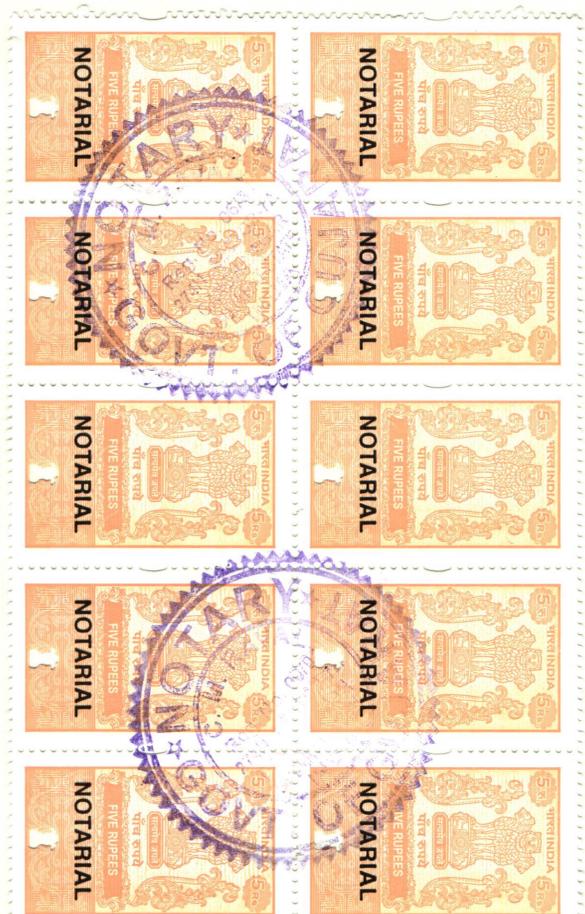

(C. M. RAVAL)
NOTARY
GOVT. OF GUJARAT

16 APR 2025

Entered in Notary Register at
Serial No. 162 Vol. No. I

C. M. RAVAL ADVOCATE & NOTARY
GANDHINAGAR

16 APR 2025



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ASAV P. GADHVI,
MEMBER SECRETARY
SEIAA (GUJARAT)

ANNEXURE-R-1
STATE LEVEL ENVIRONMENT
IMPACT ASSESSMENT
AUTHORITY
GUJARAT

No. SEIAA/GUJ/Gen-178 / 1206 / 2024

Date : 07 SEP 2024

e-mail followed by post.

To.
Dr. Yogeshkumar, Scientist-C,
Integrated Regional Office,
Ministry of Environment, Forest and Climate Change,
"Aranya Bhavan", Room No. : 407,
Nr. CH-03 Circle,
Sector 10-A; Gandhinagar.

Sub. : False facts, misleading submissions, illegal felling of the trees & illegal construction / excavation activity commenced by the developer (in violation of environmental laws and without taking the mandatory Environment clearance) with respect to the proposed Thoth Mall, Surat : Reg. (Inspection of EC violation complaints/construction without EC).

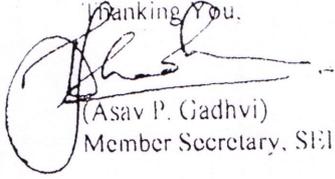
Ref. : 1. Representation received from Janaksinh Khushalsinh Parmar, Ahmedabad dated 22-07-2024 received by SEIAA on 30-07-2024 (Copy attached Annexure - A)

Dear Sir,

In context to the above mentioned subject and letters references, SEIAA has decided to forward the presentation for the site inspection and submission of factual inquiry report.

This is issued with the approval of SEIAA.

Thanking You,


(Asav P. Gadhvi)
Member Secretary, SEIAA, Gujarat

Encl. : As above.

mc 
17.09.2024

No SEIAA/GUJ/GEN/2024/1586

URGENT

Date: 11 DEC 2024

To,
Dr. Yogesh Kumar, Scientist-C
Integrated Regional Office
Ministry of Environment Forest & Climate Change
"Aranya Bhavan", Room no. 407,
Nr. CH-03 Circle,
Sector 10-A, Gandhinagar

Subject: False facts, misleading submission, illegal felling of the trees & illegal construction/ excavation activity commenced by the developer (in violation of environmental laws & without taking the mandatory EC) with respect to the proposed Thoth Mall, Surat. Reg. (Inspection of EC violation complaints/ Construction without EC).

Reference:

1. EC granted vide letter no. SEIAA/GUJ/8(a)/2622/2022 dated 09.11.2022
2. Representation received from Janaksinh Khushalsinh Parmar, Ahmedabad dated 22.07.2024 received by SEIAA on 30.07.2024
3. Recent complaint against Thoth Mall without date received this office on 17.10.2024
4. Complaint received from Janaksinh kushalsinh Parmar dated 17.10.2024
5. This office letter vide no. SEIAA/GUJ/GEN/2024/1206 dated 17.09.2024

Sir,

In context to above subject and reference, this office has earlier forwarded representation of Janaksinh against Thoth Mall, Surat wrt misleading submission illegal felling of trees excavation work etc. vide this office letter dated 17.09.2024. It was requested to carry out site inspection & factual submission of report as informed earlier vide this office letter dated 17.09.2024. The copy of letter is further, attached herewith for your ready reference pl.

Further, recently, there is Hon'ble NGT matter vide OA no. 202/2024 (WZ) filed by Janaksinh Kushalsinh Parmar vs. MoEF&CC, through Secretary & others. The copy of Notice of Hon'ble NGT & other relevant papers are attached herewith for your ready reference please.

In view of the above, it is hereby informed to carry out site inspection and submit report on an urgent basis. Kindly treat this matter on an urgent basis. This letter is issued after obtaining necessary permission from competent authority.

With Regards,


(Ms. Maulika Shah)
Member Secretary
SEIAA

Encl: as above

F.No. IA3-22/8/2024-IA.III [E 243830]
Government of India
Ministry of Environment, Forest and Climate Change
IA.III Section (IA Policy)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003

Date: 10th September, 2024

To

The Member Secretary,
State Level Environmental Impact Assessment Authority (SEIAA),
Government of Gujarat
Email: msseiaagj@gmail.com

Sub: Standard Operating procedure (SOP) for identification and handling of violation cases under EIA notification, 2006 - reg.

Sir/Madam,

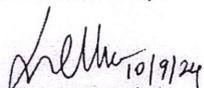
This is with reference to your letter dated 01.06.2024 on the subject mentioned above. The said letter has been examined and it is informed that in view of the stay imposed by Hon'ble Supreme Court on Ministry's OMs dated 07.07.2021 and 28.1.2022, as on date, action may not be initiated, as per any of the provisions of the aforesaid OMs.

2. However, the Regional Offices /Sub Regional Offices of this Ministry are mandated to carry out site inspection with regard to implementation of conditions and safeguards imposed on various projects/ activities covered under EIA Notification, 2006 or to conclude regarding violation of the EIA Notification. Further, based on the outcome of site inspection necessary action for non-compliance of environmental clearance conditions or for violation of EIA Notification, 2006, as applicable, under Environment (Protection) Act, 1986 shall be taken by Ministry and SEIAA for Category A and Category B projects, respectively.

3. It is pertinent to mention that State Pollution Control Boards are duly empowered under Air Act, Water Act and Environment Protection Act to take action against the projects which have commenced their operation/ activities without requisite clearances/ consents or have non-complied with the prescribed safeguards/conditions.

4. This issues with the approval of the Competent Authority.

Yours faithfully,


(Dr. J.D. Marcus Knight)
Scientist E

No SEIAA/GUJ/GEN/2025/ 93

Date:

19 FEB 2025

To,
✓ Dr. Yogesh Kumar, Scientist-C
Integrated regional office
Ministry of Environment Forest & Climate change
"Aranya Bhavan" Room no. 407
Nr. CH-03 Circle.
Sector 10-A Gandhinagar.

Subject: False Facts, Misleading submission, illegal felling of the trees & illegal construction/ excavation activity commenced by the developer (in violation of environment laws & without taking the mandatory EC) with respect to the proposed Thoth Mall, Suart. Reg (Inspection of EC Violation complaints/construction without EC)

Reference:

1. Representation received from Janaksinh K Parmar, Ahmedabad dated 22/07/2024 received by SEIAA on 30/07/2024.
2. Complaint against Thoth Mall without date received to this office on 17/10/2024
3. This office letter vide No SEIAA/GUJ/GEN/20241206 dated 17/09/2024.
4. This office E Mail dated 12.12.2024 for inspection of Thoth mall and glade mall

Sir

In context to above subject and reference, this office has informed and requested for carrying out site-inspection of M/s Thoth Mall Surat, wrt complain of Mr. Janaksinh against Thoth Mall, Surat misleading of information, falling of trees and excavation work etc, wide this office letter dated 17/09/2024, 11/12/2024 etc. The copy of earlier letter is attached herewith for your ready reference please.

It is to inform that till date, this office has not received Inspection report of M/s. Thoth Mall, Surat. Thereafter, matter was discussed in SEIAA meeting dated 12/02/2025, where Authority observed that said inspection is not carried out. Further, there is a matter in Hon'ble NGT wide OA No 202/2024 (WZ) Filed by Janaksinh Parmar vs. MoEF& CC through secretary and others.

In view of above, it is here by requested to carry out inspection of M/s. Thoth Mall, Surat on an urgent basis, so that necessary action of affidavit can be carried out before Hon'ble NGT.

Kindly treat this matter on an urgent basis.

With Regards,



(Ms. Maulika Shah)
Member Secretary

Encl: as above