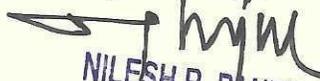


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DATE. 08/11/2025

  
NILESH R. PANDYA  
NOTARY  
GOVT. OF INDIA



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

**ORIGINAL APPLICATION No. 79 OF 2025 (WZ)  
[Earlier Original Application No. 317/2025(PB)]**

**IN THE MATTER OF:**

**IN RE: NEWS ITEM APPEARING IN THE INDIAN EXPRESS  
DATED 09.06.2025 TITLED "37 OUT OF 172 WATER BODIES IN  
AHMEDABAD HAVE 'VANISHED': CIVIC BODY REPORT"**

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 -  
GUJARAT POLLUTION CONTROL BOARD**

I, Mehul G Patel, adult, having my office at Paryavaran Bhavan, Sector 10A, Gandhinagar 382010 in the State of Gujarat, do hereby solemnly affirm and state on oath as under:

1. I am presently serving as Deputy Environment Engineer, Gujarat State Pollution Control Board - respondent no. 2 in the present application. I have acquainted myself with the limited facts of the case as available in the Office of the State Pollution Control Board and available in public domain and am filing the present affidavit placing on record the limited information available with the State Pollution Control Board. I am authorized to swear the present affidavit on behalf of the Gujarat Pollution Control Board and I am otherwise competent to make the present affidavit.
2. The Principal Bench of this Hon'ble Tribunal took Suo moto cognizance of an article appearing in local daily which suggested erosion and/or disappearance of water bodies in the



City of Ahmedabad. In its order dated 4.07.2025, the Tribunal made the following observations:

3. The article mentions a study undertaken for “Vastrapur Lake and small surrounding lakes”. No details are available with the State Pollution Control Board to ascertain the exact lake or lakes for which study was undertaken and/or a copy of the study report, so as to ascertain whether the report highlights any violation of environmental norms or indications violation of environmental laws. The article also speaks about an internal report of the Ahmedabad Municipal Corporation concerning “unnamed lake in Thaltej” which allegedly has now “been overtaken not only by a residential society but also by a water distribution center operated by the civic body itself”. Again, the State Pollution Control Board does not have a copy of the internal report of the Ahmedabad Municipal Corporation. In absence of any information or details concerning the lake that is being reported in the report, it is not possible for the State Pollution Control Board to ascertain whether there has been any violation of environmental laws in relation to the said lake.
  
4. The jurisdiction of the State Pollution Control Board extends to matters of pollution and/or violation of environmental norms. The construction or development of areas surrounding the water body fall outside the jurisdictional purview of the State Pollution Control Board. Also, the act and action of encroachment of any water body and removal of such encroachment do not fall within the domain or even purview of the State Pollution Control Board. Such responsibility is of the local civic body or authority, and not of the State Pollution Control Board.

*Out*

5. It is however not denied or disputed that if any pollution happens or any human activity, legal or illegal, results in causation of pollution in or of the water body, the State Pollution Control Board will surely have the legal authority to make inquiry and take necessary action against the erring person in accordance with law.
6. The State Pollution Control Board and its officers remain committed to taking lawful action against every person found responsible for causing pollution of water body, as also take necessary steps to prevent and mitigate the damage to the environment and protect the ecology.
7. As regards the present case, the State Pollution Control Board assures that as and when specific information about the lakes or water bodies in the City of Ahmedabad is made available to it, it shall promptly make inquiry and submit status report to this Hon'ble Tribunal. If it is found that the designated water body has been polluted, the State Pollution Control Board shall take all necessary actions contemplated in law, both for preventing and mitigating the pollution and penalizing the persons responsible for causing such pollution.
8. Separately, the Division Bench of the Hon'ble Gujarat High Court had an occasion to deal with water bodies in the City of Ahmedabad and delivered a judgment dated 2.08.2002 in Special Civil Application No. 10621/2000 along with 11049/2000 and 11635/2000, titled Shailesh R Shah vs. State of Gujarat, containing some directions, which are reproduced hereinbelow:

“50. In background of the above averments and statements, we direct that the question of determining the peripheral area surrounding a lake or pond on which construction may be prohibited will

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be taken up by the concerned authorities for consideration in the context of the development of individual lakes and ponds and the authorities will take decisions thereon having regard to the relevant factors which may have a bearing on the protection, preservation and improvement of lakes, ponds and other waterbodies and once the peripheral area, around a lake or pond, in which there will be no construction allowed is determined the same shall be notified. All the applications for building permissions which may be pending, may be accordingly decided as per the regulations and keeping in view the requirement of individual waterbodies. To sum up, we issue the following directions:

- 
- (A) The State Government will notify all the lakes and ponds as may have been shown in the areas covered by the Town Planning Schemes and the Development Plans, as also those in the areas not so covered throughout the State, in short, all the waterbodies in the territory of the State that vest in the State and/or the Area Development Authorities or the local bodies including Panchayats in the official gazette within three months from the date of this order.
- (B) The State Government and all Area Development Authorities and local Bodies will protect, maintain and preserve all the waterbodies in the State which are identified as per the development plans, town planning schemes and the government records and which will be notified in the official gazette as waterbodies and they will not be alienated or transferred or put to any use other than as waterbodies.
- (C) The respondent authorities should take steps to get the standards of quality of water of the lakes and ponds prescribed by the concerned authority under the law and devise mechanism for periodic monitoring of the quality of water in these lakes and ponds.

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(D) The State Government, the Area Development Authorities and the Local Authorities should take urgent measures to rejuvenate the waterbodies which are to be notified in the gazette by undertaking a declared phased programme of desiltation and make adequate provisions for recharging them by appropriate storm water drains and other feasible means and to take measures against pollution of such waterbodies.

(E) The State Government shall expeditiously take steps to constitute Water Resources Council as contemplated in the Draft Water Policy of the State, headed by the Hon'ble the Chief Minister with other Ministers, including the Ministers in charge of Environment and Urban Development Departments to oversee the programme for protection, preservation and improvement of the waterbodies. The State Government will also constitute the Water Resources Committee headed by the Chief Secretary which may include the Secretaries of Environment, Urban Development and Agriculture Departments for monitoring the implementation of the programme in a time-bound manner with periodic review of its success. This Committee shall place the particulars of the targets achieved and the causes of non-fulfilment of the targets periodically before the Water Resources Council for its consideration.

(F) The State Government, the Area Development Authorities and the local bodies are directed to prepare an authenticated record in form of videography, photography and panchnamas of the existing encroachments and take urgent steps to remove them in accordance with law and the rehabilitation policies of the Government. Responsibilities of the officers/staff concerned should be fixed in respect of non-removal of encroachments and fresh encroachments. The Water Resources Committee will closely monitor the removal of encroachments by the concerned

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authorities and the Area Development Authorities and the local bodies shall furnish, quarterly, particulars of such encroachments and their removal to the Water Resources Committee.

- (G) The question of determining the peripheral area surrounding a lake or pond on which construction may be prohibited will be taken up by the concerned authorities for consideration in the context of the development of individual lakes and ponds and the authorities will take decisions thereon having regard to the relevant factors which may have a bearing on the protection, preservation and improvement of lakes, ponds and other waterbodies and once the peripheral area, around a lake or pond in which there will be no construction allowed is determined the same shall be notified. All the applications for building permissions which may be pending may accordingly be decided as per the regulations and keeping in view the requirement of individual waterbodies.”



A perusal of these directions shows that the primary work of ensuring of identifying, recognizing and protecting the water bodies in the city and outside has been fixated on the governmental authorities, and not the regulatory authority. Accordingly, the local civil authorities and the governmental authorities will be able to provide better information and specific details of the water bodies which have been identified in the City of Ahmedabad, as also provide the current status of such identified and notified water bodies.

9. The State Pollution Control Board assures fullest cooperation to the advancement of cause of protecting the environment and shall abide by all reasonable directions that may be

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issued by the Hon'ble Tribunal for the protection of environmental and preservation of ecology.



*[Handwritten Signature]*

DEPONENT

**VERIFICATION**

Verified at Gandhinagar on this 8<sup>th</sup> day of November 2025 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.

*[Handwritten Signature]*

DEPONENT



IDENTIFIED BY ME SOLEMNLY AFFIRMED BEFORE ME

ADVOCATE/PERSON

NAME : *[Signature]*  
ADD. : *[Signature]*  
DATE : 08/11/25

- 8 NOV 2025

*[Signature]*

NILESH R. PANDYA  
NOTARY  
GOVT. OF INDIA

- 8 NOV 2025

