

576

Serial No.: 12787
24
My Commission Expire Dt 26/7/27

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.81 OF 2023 (WZ)

IN THE MATTER OF:

JIGNESHBHAI CHHAGANBHAI TOGADIYA

... APPELLANT

VERSUS

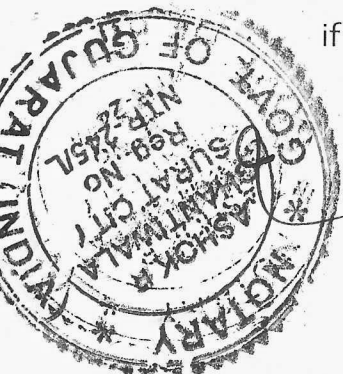
STATE OF GUJARAT & ORS.

... RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO.4 -
GUJARAT POLLUTION CONTROL BOARD

I, JIGNASA DISHANK OZA, adult, having my office at Regional Office, Gujarat Pollution Control Board, Plot No 11 - 12/2, 3 GIDC Pandesara, Surat do hereby solemnly affirm and state an oath as under:

1. I am presently serving as **REGIONAL OFFICER** with Gujarat Pollution Control Board. I have perused the record pertaining to the case available in my office and am conversant with the facts of the case. I am authorized to swear the present affidavit on behalf of the Gujarat Pollution Control Board and am otherwise competent to make the present affidavit.
2. I am filing the present affidavit in compliance with order dated 16.08.2024 passed by this Hon'ble Tribunal by which the Board was called upon to clarify as to whether the Project Proponent was informed about the site inspection conducted by the Committee, and if yes, the manner of intimation.



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3. This Hon'ble Tribunal by its order dated 29.05.2023 formed a Joint Committee comprising of one member each of Gujarat Coastal Zone Management Authority (GCZMA), the District Magistrate, Surat and State Level Environment Impact Assessment Authority. One of the terms of reference assigned by this Hon'ble Tribunal to the Committee was to conduct inspection of site of the Project Proponent and thereafter submit the findings before the Tribunal.
4. In compliance with the order dated 29.05.2023 passed by this Hon'ble Tribunal, GCZMA has formed Expert Group consist of representative from joint committee members i.e. GCZMA, SEIAA & District Collector as well as expert from educational institute – SVNIT as extensive terms of reference given by the Hon'ble NGT involves site inspection, continues discussion with local authorities, engagement of educational institution. A visit to the site by the Expert Group was fixed on 19.08.2023. A written intimation of date of site visit was sent to the Project Proponent by emails dated 10.08.2023 and 18.08.2023. Both the mails were sent to the address - infrabuildcon@gmail.com. A copy of the email communications dated 10.08.2023 and 18.08.2023 is annexed herewith and marked as **Annexure R-1 (Colly)**.
5. On the day of inspection, the applicant was present but no one from the side of Project Proponent attended the site. A phone call was made on mobile number '9904622655' by Expert Group, which is available in the record of the Gujarat Pollution Control Board.
6. The Project Proponent was duly informed about the proposed date of site inspection, both prior to and on the date of inspection. Yet, for reasons best known, the Project Proponent chose not to attend the inspection being conducted by the Expert Group.
7. Subsequent to the inspection, the Project Proponent was informed over the mobile phone to file a written response to Regional Office,



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Gujarat Pollution Control Board - Surat within 7 days, if it so desires. Again, no response was filed by the Project Proponent. A copy of screenshot of message sent to the Project Proponent and acknowledged by him is annexed hereto and marked as Annexure R-2

- 8. It is submitted that any allegation by the Project Proponent about non-intimation of proposed site inspection by Expert Group is incorrect and denied. It is asserted that the Board duly informed the Project Proponent about the scheduled site visit in advance and even on the day of visit the Project Proponent was contacted by the officer of the Board. Despite being well informed about the inspection and an opportunity having been given to file a written response, the Project Proponent failed to submit any response or remain present during the site visit.

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 DEPONENT

VERIFICATION

Verified at SURAT, GUJARAT on this 13th day of November, 2024 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

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 DEPONENT

Solemnly affirmed before me

Ashok R. Ghantiwala

 Ashok R. Ghantiwala
 (NOTARY)

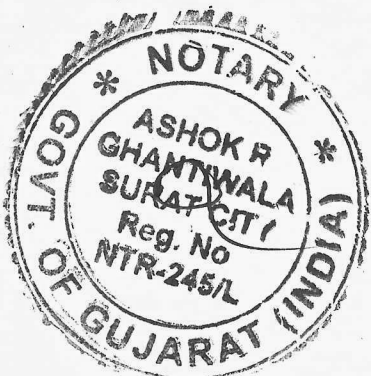
13 NOV 2024

Serial No.:	13787
	23
My Commission Expires On:	23/7/27



KNOW THE SIGNATORY
 WHO IS IDENTIFIED BY ME

AS
A.S. Shah
 Advocate





सत्यमेव जयते
भारत सरकार

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आधार

भारत सरकार
Government of India

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

7/27/2018



भारत सरकार, नई दिल्ली



भारत

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Personal hearing as per Hon. NGT order dated: 29-05-2023 in O.A.
81/2023

Dr. Jignasa D Oza(GoG-GPCB Dept.)

Fri 18-08-2023 18:22

To:infrabuildcon@gmail.com <infrabuildcon@gmail.com>;

Cc:Legal Officer <legal.gpcb@gmail.com>; gczma.crz@gmail.com <gczma.crz@gmail.com>; D.M.Thaker <ms-gpcb@gujarat.gov.in>;

Sir,

In connection with trailing mail, The Expert group site visit is decided on 19-08-2023 on 10:00 hrs. You are hereby informed & given opportunity to remain present during site visit with all relevant documents of the Case.

Location: At M. M. Infra Buildcon site at Tapi River (21.134562, 72.711754).

Note: Kindly carry original ID card issued by government (Aadhar, DL, Voter card). Only Director/partner/Authorized person having authority letter will be allowed to present before committee.

Thanking You,

(Dr Jignasa Oza)
Regional Officer,
Gujarat Pollution Control Board
Plot No: 11 – 12/2, 3
GIDC PANDESARA,
SURAT-394221
Phone: (0261) 2891696,
E-mail : ro-gpcb-sura@gujarat.gov.in

From: Dr. Jignasa D Oza(GoG-GPCB Dept.)
Sent: 10 August 2023 16:02
To: infrabuildcon@gmail.com
Cc: Unit Head Surat (GoG-GPCB Dept.); Legal Officer; D.M.Thaker; gczma.crz@gmail.com
Subject: Personal hearing as per Hon. NGT order dated: 29-05

581

Personal hearing as per Hon. NGT order dated: 29-05-2023 in O.A. 81/2023

Dr. Jignasa D Oza(GoG-GPCB Dept.)

Thu 10-08-2023 16:02

To:infrabuildcon@gmail.com <infrabuildcon@gmail.com>;

Cc:Unit Head Surat (GoG-GPCB Dept.) <uh-gpcb-sura@gujarat.gov.in>; Legal Officer <legal.gpcb@gmail.com>; D.M.Thaker <ms-gpcb@gujarat.gov.in>; gcзма.crz@gmail.com <gcзма.crz@gmail.com>;

Dear Project Proponent (M/s M. M. Infra Buildcon),

As you aware that, Hon'ble NGT Order has passed an order on 29/05/2023 in the OA No. 81 of 2023 (WZ) "Jignesh Bhai Chhaganbhai Togadia Vs. State of Gujarat & Ors. Hon. NGT has constituted a Joint Committee & asked to submit report. In pursuant to order, F&ED, Govt. of Gujarat has issued office order with the subject "Joint Committee constituted as per the Hon. NGT Order regarding illegal mining in riverbed of Tapi river" vide dated: 19-06-2023. Expert group is constituted by said office order.

As per Hon. NGT order & office order of F&ED, The Expert group site visit is decided on 19-08-2023 on 10:00 hrs. You are hereby informed & given opportunity to remain present during site visit with all relevant documents of the Case.

Note: Kindly carry original ID card issued by government (Aadhar, DL, Voter card). Only Director/partner/Authorized person having authority letter will be allowed to present before comm



Saturday, Aug 19, 2023 • 11:07

Texting with Hirenbai (SMS/MMS)

As per telephonic discussion with Regional Officer GPCB, you are requested to remain present before committee with your representations regarding OA No. 81/2023 oh Hon'ble NGT at Regional Office, GPCB, Plot No. 11,12/2-3, Pandesara GIDC, Surat at 02:00 PM, without delay.

Ok

11:15 • SIM1



Text me...

