



BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, AT PUNE

**ORIGINAL APPLICATION No. 89 OF 2020**

IN THE MATTER OF:

SAMA SIDDIQ OSMAN

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST &  
CLIMATE CHANGE & ORS.

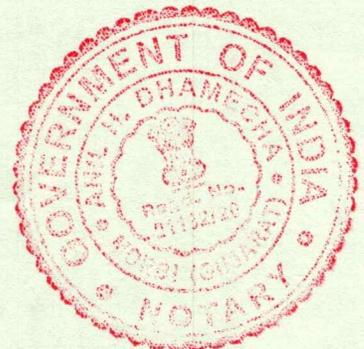
...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT No. 6 –

GUJARAT COASTAL ZONE MANAGEMENT AUTHORITY

I, Soni Mahendra Navinbhai, adult, having my office at Morbi in State of Gujarat hereby solemnly affirm and state on oath as under:

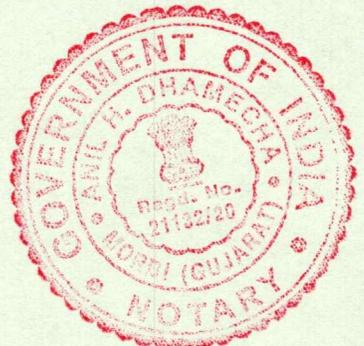
1. I am presently serving as Regional Officer, Morbi with the Gujarat State Pollution Control Board and in my said official capacity acting as Member secretary of the District Level Coastal Regulation Zone Committee, Morbi. I have read copy of the application and the orders passed by this Hon'ble Tribunal on the application on various dates. I am conversant with the facts of the case having perused the record pertaining to the case available in my office. District Coastal Zone



Management Authority is working as per guidance and directions of GCZMA therefore I am filing this affidavit as MS DLC committee of Morbi.

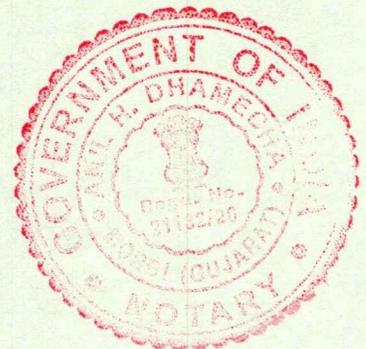
2. The application has been filed by the applicant praying for the following reliefs:

- (a) Quash the orders granting leases in CRZ 1A area;
- (b) Issue directions to implement the directions issued by the Additional Chief Secretary, Environment Department dated 16.08.2019;
- (c) Direct respondent No. 7 and Respondent No. 9 to initiate legal action against R-4 and R-5 for building 28.52 sq km bund in the middle of Surajbari Creek and altering the creek system amounting to blatant CRZ violations in the ecologically sensitive CRZ-1A area;
- (c) Constitute an expert committee to determine the extent of damage to the coastal ecology by the salt companies and arrive at a prescriptive formula to assess compensation for loss of coastal ecology due to bunding and blocking of creeks (ex. per square meter / foot length of the bund) that can be applied to all such cases of bunding and blocking of creeks and mangroves destruction (Damage of mangroves per hectare for restitution of environment);
- (d) Issue direction to GPCB to initiate legal action against R-2 for allotting the CRZ-1A category land to the salt companies and for preventing



the course of justice by keeping the Joint Inspection pending till date without any reasonable cause or justification and despite the directions by the Additional Chief Secretary, Environment Department to cancel the leases with immediate effect. Further direct R-2 to pay part of the environment compensation from his salary."

3. The grant on lease of un-surveyed land in the coastal area of Morbi district for the purpose of salt manufacturing to M/s Real Refined Salt & Allied Industries Limited and M/s Seaside Salt Private Limited has been made by the State Government. The issue of legality and permissibility to make such allotment of land on lease has been dealt with by the District Collector, Morbi in the separate affidavit filed in the present proceeding.
4. The Gujarat Coastal Zone Management Authority is concerned with performance of any activity by any person which violates the Coastal Regulation Zone Notification dated 6.01.2011 or 18.01.2019 and the Authority is duty bound to take action against the violator in accordance with law.
5. The applicant has made allegation about multiple violations of the provisions of the Coastal Regulation Zone Notification dated 6.01.2011 or 18.01.2019 as also provisions of the Forest (Conservation) Act, 1980 and the Biological Diversity Act, 2002. It is asserted that such violations have been made by M/s Seaside Salt Private Limited (Respondent No. 4) and M/s Real Refined Salt and Allied Industries Limited (Respondent No.



5), both of whom have been granted large area of barren government land in coastal area of Village Bagasara, Taluka Maliya, Morbi for salt harvesting.

6. Basis the complaint received from the applicant as also the directions of this Hon'ble Tribunal, inspection has been carried out to examine the veracity of the allegations as also assess and report the nature of violation and extent of damage caused to the environment and the ecosystem.

7. A visit was made on 1.07.2019. A representative of M/s Kachchh Camel Breeders Association, Bhuj & Bhachau also accompanied the members of the team for the site visit. It was observed that long straight earthen bunds were formed at 2 – 3 places. Destruction of mangrove, blocking of creek and formation of earthen approach road were noticed by the inspection team.
8. Because of absence of mapping of the leased area on land map, it could not be ascertained instantaneously as to whether the aforesaid activities have been performed within the leased area or not.
9. A complaint was also lodged with Maliya Miyana Police Station, Morbi by the Regional Officer, Gujarat Pollution Control Board, Morbi for offences punishable under Section 283 and 447 read with Section 114 of the Penal Code and Section 5 of the Environment (Protection) Act, 1986.

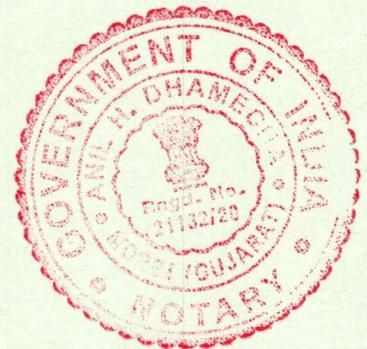




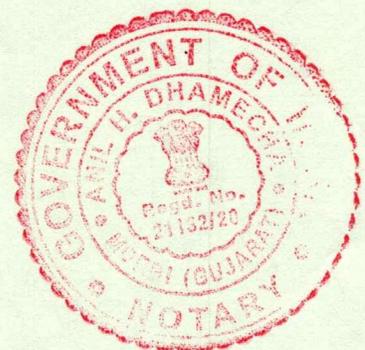
10. A visit was made on 7.02.2021. During this visit, earthen bunds of height of about 4-5 feet were seen at some locations. These were the same bunds which were noticed in the earlier visits. The bund soil on both sides was found wet, suggesting that the construction of bunds may or may not be blocking the flow of tidal water. Scattered mangroves were seen on both sides of the bund – the seaward side and the landward side, suggesting that the construction of bunds did not really impact the growth of the mangroves. In fact, new mangroves were observed during the visit in addition to growth in assemblage of existing mangroves. Cher vegetation was also observed at the site, which had grown to a height of about 3-4 feet. No activity of salt works or salt harvesting was noticed at the site. It appeared from visual examination that even in the past no such activity had been undertaken at the site.

11. A decision was taken to break and remove the bunds, even if they were not found to be blocking the free flow of tidal waters. The work of removing the bunds was started on 9.03.2021, and the same was completed. All the bunds that were found to have been erected were removed in March 2021. Today, no bunds are seen in the area.

12. Thereafter inspections have been carried out periodically. No activity of salt harvesting has been noticed till date over any part of the leased area. Today, there exists no bunds. There is no visible obstruction to free flow of inter-tidal water and/or blockage of outflow in any rivulet.



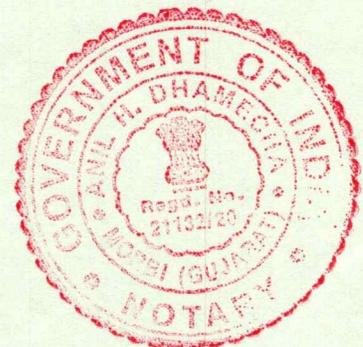
13. The applicant has alleged construction of bunds of a height of about 15 feet. No bunds of such height have been noticed during any of the site visits. The applicant has not been able to provide any cogent material in support of the allegation, nor has the applicant been able to provide details of location where such high bunds have been constructed. The allegation does not appear to be wholly correct. However, it is stated that small bunds of a height of about 4-5 feet were noticed and as stated hereinabove, these bunds have now been broken and the flattened by the authority.
14. The applicant has alleged that high bunds have been constructed over an area of 28.52 square kilometers or 2852 hectares. This is factually incorrect. The total area of land leased to M/s Real Refined Salt & Allied Industries Limited is 1951 hectares and the total area of land leased to M/s Seaside Salt Private Limited is 902.48 hectares. The figures mentioned by the applicant in the application would suggest that bund has been constructed on the circumference of the entire leased area of land. No construction of bund of such length along the entire boundary line of the leased area has been found by the authority during any visit between the year 2019 – 2023. The authority has found construction of bund in small patches, and such bunds have been removed.
15. The applicant has alleged large scale destruction of mangroves in the leased area. Such allegation has not been found to be true. It is true that in the first visit conducted in the year 2019, it was noticed that mangrove plantation has been destroyed over a small area of land. However, no such destruction has been observed at any location in any



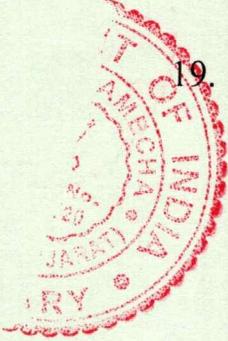


of the subsequent visits. The mangroves still exist and have been observed to be growing over these years. Other vegetation has also been found at some locations. The construction of bunds, observed in the year 2019 and which were removed in the year 2021, have not been found to have damaged or hampered the growth of mangroves. These bunds have not been felt to have obstructed the free flow of tidal water, particularly during high tide. The saline water seems to have flowed over these bunds, and has remained available in plenty for sustenance and growth of mangroves.

16. Though obstruction of creek was reported in the first visit of 2019, nothing has been found in any of the subsequent visits suggesting blockage of free flow of water in the inter-tidal zone. None of the rivulet has been found to have been blocked, thereby stopping outflow of water.
17. It is true and not denied that some bunds had been constructed in the ecologically sensitive area. However, the preliminary inquiry conducted by the local administration as well as the police authorities has not revealed the identify of persons responsible for making the bunds. Today, there does not exist sufficient material to conclusively establish that the bunds were constructed by the private respondents.
18. I say that, the inspection reports suggest that activity of bunding has been carried out at some locations, which amounts to violation of the provisions of Coastal Regulation Zone Notification dated 6.01.2011. In this regard appropriate legal action, including restoration of damaged

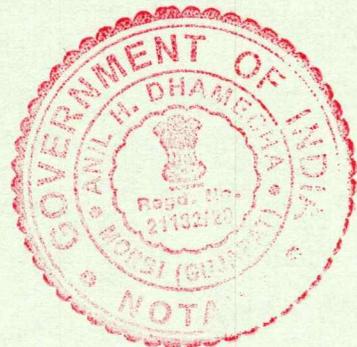


mangroves if any & removal of bunds will be taken care of and the cost will be recovered from violators.



19. Salt harvesting by solar evaporation of sea water is a permissible activity in the Coastal Regulation Zone area, but subject to obtainment of prior clearance from the Gujarat Coastal Zone Management Authority. In the present case, no such clearance has been granted by the Authority. Therefore, as on date, it is not permissible for the private respondents to carry out any salt harvesting activity, including preparatory activity for salt harvesting. In fact, the private respondents have themselves declares that they have not commenced any activity and shall not start the activity of salt harvesting by solar evaporation of seawater over any portion of the leased area without obtaining the requisite permissions from all the concerned statutory authorities. It is prayed that the private respondents may be bound by the statement made and assurance given to this Hon'ble Court, and prevented from harvesting salt or doing any other preparatory activity till obtainment of requisite statutory clearances.

20. I submit that the reports submitted by the District Inspector of Land Records, particularly the superimposition of the leased area of land on the Coastal Zone Management Plans approved under the CRZ Notification of 2011 shall be duly considered while examining proposal of the private respondents for grant of CRZ clearance for undertaking the activity of salt harvesting by solar evaporation of seawater.



21. The Gujarat Coastal Zone Management Authority shall abide by any and all reasonable directions that may be issued by this Hon'ble Tribunal in the present proceeding for the protection and safekeeping of the environment and the ecosystem.



M. N. Soni

DEPONENT

VERIFICATION

Verified at Morbi on this 17 day of August, 2023 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

M. N. Soni

DEPONENT

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Serial No. 501  
Date 17/8/23  
ANIL H. DHAMECHA - NOTARY



*Solemnly Affirmed / Declared  
Before me by M. N. Soni  
Identified by Shri.....  
Advocate who is personally know  
to me on this 17 day of 8, 2023*

Anil H. Dhamecha  
ANIL H. DHAMECHA  
(GOVERNMENT OF INDIA)  
NOTARY - MORBI (GUJARAT)





आयकर विभाग      भारत सरकार  
INCOME TAX DEPARTMENT      GOVT. OF INDIA

