

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

APPEAL NO. 129 OF 2025 (WZ)

BOOK NO. = 01 =  
PAGE NO. = 168 =  
SR. NO. = 630 =  
DATE. 01/09/2025

NILESH R. PANDYA  
NOTARY  
GOVT. OF INDIA

- 1 JUL 2026

... APPELLANT

IN THE MATTER OF:

M/S GARGI BLACK STONE QUARRY WORKS

VERSUS

MINISTRY OF ENVIRONMENT, FOREST &  
CLIMATE CHANGE & ORS.

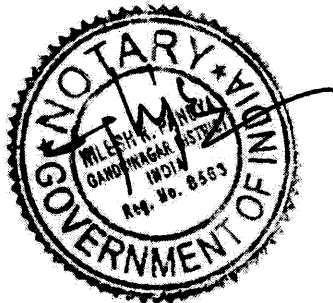
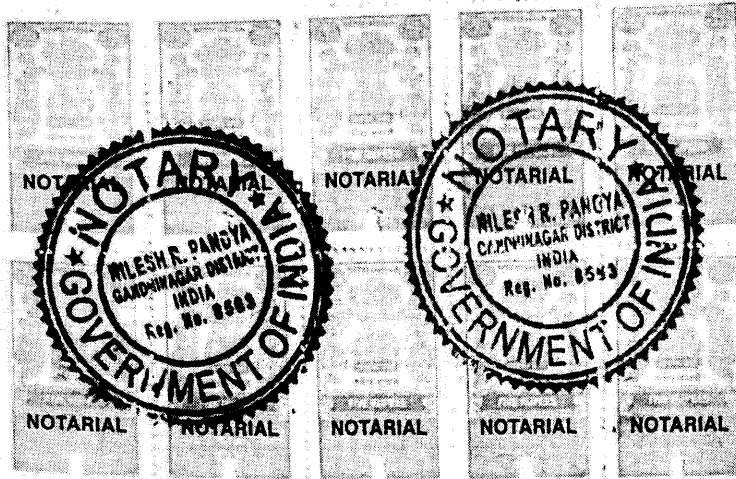
... RESPONDENTS

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

I, Prakash Solanki, adult, having my office at Paryavaran Bhavan, Sector 10A, 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 - the respondent no. 1 in the present appeal. I am authorized to swear the present report being filed by way of an affidavit on behalf of the Gujarat State Environment Impact Assessment Authority and am otherwise competent to make the present affidavit.
2. State Environment Impact Assessment Authority (SEIAA / respondent authority) reappraised the Environment Clearance bearing No. DEIAA/KHEDA/EC/1(a)/B2/2018 dated 7.06.2018 granted by District Environment Impact Assessment Authority (DEIAA) to the appellant in terms of the directions issued by this Hon'ble Tribunal in its order dated 7.12.2022 passed in Original Application No. 142 of 2022 [Jayant Kumar vs. Ministry of Environment, Forest and Climate Change] and in light of

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the check points contained in the Office Memorandum dated 28.04.2023 issued by the Ministry of Environment, Forest and Climate Change, Government of India.

3. SEIAA found on the basis of satellite images of the lease area shown by Appellant with re-appraisal application that the lease area is located in Mahi river and thus the environment clearance granted by DEIAA ignores the guidelines prescribing minimum distance criteria from water body. Therefore, SEIAA not approve and instead rejected the environmental clearance granted by DEIAA.
4. Aggrieved by the decision of SEIAA in not approving the environment clearance, the appellant preferred the present statutory appeal. In the appeal, this Hon'ble Tribunal after hearing the parties passed an order on 28.07.2025 containing the following direction:



"7. There are several other grounds mentioned in the affidavit-reply of respondent No.1 - SEIAA, but the learned counsel for SEIAA made a statement in open court that respondent No.1 - SEIAA is ready to give an opportunity of hearing to the appellants in order to provide an opportunity to demonstrate that the impugned order passed by the SEIAA suffers from any infirmity, if at all and the same may be considered at their end.

8. In view of the aforesaid statement made by learned counsel Mr. Maulik Nanavati, appearing for respondent No.1 - SEIAA, we deem it appropriate to keep these appeals pending and direct the appellants to approach respondent No.1 - SEIAA within fifteen days from the date of uploading of this order and place their grievances before the SEIAA, which shall be considered extensively by the SEIAA after giving an appropriate opportunity of hearing and thereafter, a communication shall be made to us as to what was the outcome of the hearing given to the appellants and thereafter, we will pass the appropriate orders giving an opportunity of hearing to the parties."

In terms of the aforesaid directive of this Hon'ble Tribunal, the appellant in the present appeal as well as the appellant of other appeals, which SEIAA has given multiple opportunities to Appellant to appear before

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SEIAA, However Appellant never appeared before SEIAA. Lately, Appellant made written submissions to SEIAA marked as **Annexure-A**.

5. The appellant submitted a written representation stating that the latitude and longitude of the mining area mentioned in the District Survey Report prepared by the District Geologist and considered by SEIAA at the time of appraising the environmental clearance granted to the appellant by DEIAA are not correct and do not give a true description of the exact location of the area of land leased by the State Government for carrying out mining activity. The appellant sought to demonstrate that there is variance in the correct geographical coordinates of the leased area within which it is conducting mining, and the latitudes and longitudes mentioned in the District Survey Report while describing its lease area. (A google image of defined areas markedly different when plotted on terrestrial maps / cadastral maps by feeding the geographical coordinates as stated in the mining plan vis-a-vis the coordinates stated in the District Survey Report was also placed before the regulatory authority.) On the strength of this pictorial material, it was urged by the appellant that the conclusion drawn by SEIAA that the mining area falls within the restricted distance from the river is erroneous as such conclusion is based on incorrect geographical location or positioning of the mining area. The appellant therefore requested for fresh reappraisal of the cases basis the correct geographical location of the mining area.

6. I state that the Notification dated 15.01.2016 and 25.07.2018 issued by the Ministry of Environment, Forest and Climate Change, Government of India prescribes for constitution of a Sub-Divisional Committee comprising Sub-Divisional Magistrate and Officers from Irrigation Department, State Pollution Control Board, Forest Department and Geology or Mining Department, and provides for the Sub-Committee to visit each site for which environment clearance has been applied and make recommendation on suitability of site for mining or prohibition thereof. Further, the Government Resolutions provide for preparation of Draft Survey Report for minor minerals by the Office of the District

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Geologist. In terms of the Office Memorandums, the Survey Report for each district has been prepared by the Office of the District Geologist. This report identifies areas of mineral deposits, enlists the existing mining leases in the district and delineates the areas where mining is allowed and/or prohibited. In every case, the District Geologist has submitted a certificate along with the report certifying that the Survey Report has been prepared in accordance with the prescribed procedure and that "information (lease details, cluster details, LOI details, etc.) furnished in the District Survey Report is true and correct to the best of our knowledge". The Report also states that every mining lease area has been visited physically and inspected, which suggests that the exact geographical location of the mining area has been personally assessed and verified by the visiting team and thereafter mentioned in the Report.



Independently, the Office Memorandum dated 19.06.2026 issued by the Ministry of Environment, Forest and Climate Change, Government of India clarifies that "State Department of Mines and Geology shall be the nodal organization/authority for preparation of District Survey Report (DSR) for sand mining or river bed mining and minerals other than sand mining or river bed mining through the sub-divisional committee" which shall comprise of Sub-Divisional Magistrate, District Geologist and officers from Irrigation Department, Forest Department and State Pollution Control Board. As per this Office Memorandum, the draft report shall be sent to State Expert Appraisal Committee and State Environment Impact Assessment Authority for approval. It is thus clarified that the work of preparing the report is to be performed by the committee, of which Geologist is a member, and only the approval of the draft prepared by the committee is to be done by the regulatory authority.

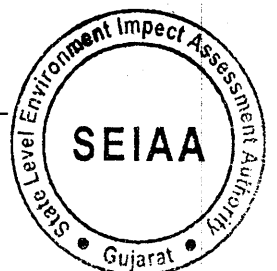
8. In the present case, the regulatory authority has relied upon the District Survey Report. The regulatory authority is justified in placing reliance upon the District Survey Report, more so in light of the decisions of the Hon'ble Supreme Court holding that the District Survey Reports are of

*for*

seminal importance. Under the circumstances, no fault can be found with the action of the regulatory authority in placing reliance on the District Survey Report and basing its decision on the information contained in the District Survey Report.

9. Without prejudice, it is submitted on behalf of the regulatory authority that if the contention of the appellant that there is discrepancy in the description of their mining area in the District Survey Report and that such variation has resulted in erroneous plotting of the mining area on the map and brought about a wrong spatial location of the mining area is found acceptable by this Hon'ble Tribunal, the regulatory authority does not have the authority in law to review and revise its own decision.
10. Nevertheless, the Hon'ble Tribunal may if it deems appropriate in the facts and circumstances of the case pass an appropriate order for reappraisal of the environmental clearance granted to the appellant by the District Environment Impact Assessment Authority after getting the mining area of the appellant visited and inspected by the Sub-Divisional Committee as per the Office Memorandum dated 19.06.2026. The Sub-Divisional Committee may, if need be, get the land of the appellant measured and demarcated by the District Inspector of Land Record and thereafter make suitable corrections in the coordinates of the mining area leased to the appellant mentioned in the District Survey Report.
11. The regulatory authority assures to abide by the order of this Hon'ble Tribunal.

*[Signature]*  
DEPONENT



#### VERIFICATION

Verified at Gandhinagar on this 01<sup>st</sup> day of July, 2026 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.



IDENTIFIED BY ME SOLEMNLY AFFIRMED  
BEFORE ME

ADVOCATE/PERSON

NAME: *[Signature]*

ADD: *[Signature]*

DATE: 01/07/26

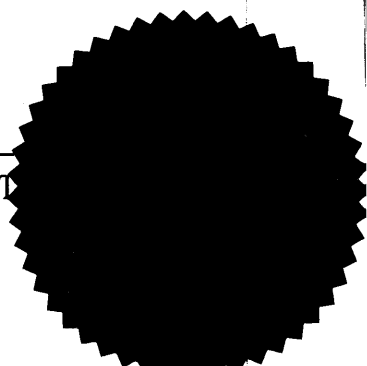
- 1 JUL 2026

NILESH R. PANDYA

NOTARY  
GOVT. OF INDIA

- 1 JUL 2026

*[Signature]*  
DEPONENT



**From -**

**M/s. Gargi Black Stone Quarry Works,**

(Jani Vedant Ajaykumar)

Survey No. 170 and 175 Sevalia road, Malvan Kheda,

Gujarat, Rustampura, Kheda, Gujarat 388245

District - Kheda

gargistone2024@gmail.com

**May 11, 2026**

To,

**State Environment Impact Assessment  
Authority(SEIAA),**

Gujarat Pollution Control Board,

Paryavaran Bhavan,

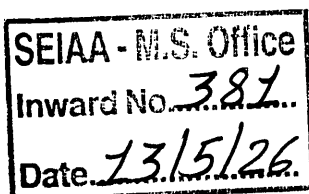
Sector 10A, Gandhinagar,

Gujarat

***Reg.: Reconsideration of rejection order of  
reappraisal of our Environmental Clearance  
Certificate in light of order of Hon'ble  
National Green Tribunal, Western Zone  
Bench Pune in group of appeals bearing No.  
33 of 2025 & others.***

Dear Sir/Madam,

I am holding leases of blacktrap mineral admeasuring  
01.00.00Hec. being and situated at **Survey No. 170 and  
175 Sevalia road, Malvan Kheda, Rustampura,  
Kheda,** at the relevant point of time, the Leases were  
granted environmental clearance from the District Level



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S-96

Environment Impact Assessment Authority, Kheda Dtd.  
07/06/2018.

Thereafter, I preferred a proposal for the lease before the SEIAA for reappraisal of Environmental Clearance through the PARIVESH Portal bearing proposal number **SIA/GJ/MIN/502565/2024**, the proposal submitted was considered by the SEIAA and the same came to be rejected.

That Hon'ble National Green Tribunal (West Zonal Bench) at Pune has vide common order dtd. 09/12/2025 was pleased to allow a group of appeals being *appeal bearing No. 33 of 2025 & others* on the ground that there is discrepancies in geographical coordinates of lease area in District Survey Report, the geographical coordinates of the leased area in mining plan and DSR are different. The Hon'ble NGT was pleased to set aside the order of SEIAA and directed SEIAA to reconsider the Environmental Clearance after the discrepancies in the District Survey Report in connection to leased area are removed by the authority. A Copy of the order dtd. 09/12/2025 by Hon'ble NGT is annexed herewith and marked as **Annexure – A.**

The geographical coordinates submitted in the valid Environmental Clearance issued by the District Level Environment Impact Assessment Authority **(Environmental Clearance issued by the district authority is annexed at Annexure -B)** and correct coordinates of our lease as per mining plan are:

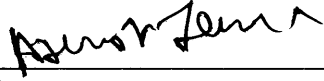
| Pillar | Latitude     | Longitude     |
|--------|--------------|---------------|
| A      | 22°47'5.68"N | 73°18'48.41"E |
| B      | 22°47'5.23"N | 73°18'52.45"E |
| C      | 22°47'2.38"N | 73°18'52.02"E |
| D      | 22°47'2.84"N | 73°18'47.99"E |

The coordinates as per the mining plan was submitted in/with the application of reappraisal of Environmental Clearance PARIVESH Portal.

However, the geographical coordinates (Latitudes and Longitudes) of my lease area mentioned in the District Survey Report are different, there is discrepancy of the geographical coordinates in the District Survey Report resulting into change of location of leased area. The Visual image of the change in location of the incorrect coordinates mentioned in the DSR are annexed herewith at **Annexure – C.**

In light of the above facts, discrepancies in District Survey Report and the common order of Hon'ble National

Green Tribunal, I Kindly request you to reconsider the rejection order of reappraisal of Environmental Clearance and oblige.



For,

**M/s. Gargi Black Stone Quarry Works**

**Enclosed:**

- 1. (Annexure - A) - (Common) Order dtd. 09/12/2025 passed by the Hon'ble National Green Tribunal, Western Zone Pune.**
- 2. (Annexure - B) - Environmental Clearance granted by DEIAA.**
- 2. (Annexure - C) - Visual image of the change in location of the incorrect coordinates mentioned in the DSR**