

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

APPEAL NO. 35 OF 2025 (WZ)

IN THE MATTER OF:

GURUKRUPA STONE QUARRY WORKS

... APPELLANT

VERSUS

STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY

... RESPONDENT

**AFFIDAVIT ON BEHALF OF RESPONDENT - STATE ENVIRONMENT IMPACT**

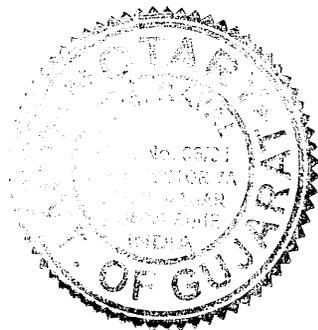
**ASSESSMENT AUTHORITY**

I, Dipali Tank, 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 – the respondent no. 1 in the present appeal. 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. This Hon'ble Tribunal passed an order dated 28.07.2025 in Appeal No. 35 of 2025 and connected appeals containing the following directions:

"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.

*Dipali Tank*



9. At this juncture, the learned counsel for the applicant in I.A. No.230/2025 submits that appropriate final order may be passed on the said I.A.

10. Considering the request made by the learned counsel for the applicant in I.A. No.230/2025 and in view of our observations, made hereinabove, we do not find it appropriate to keep the said I.A. for impleadment of the applicant – Association in Appeal pending. In the result, we reject I.A. No.230/2025 (WZ) with liberty to the applicant – Association to move independent and appropriate proceeding before the appropriate forum.

11. With the directions in foregoing paragraphs of this order to the appellants and respondent No.1 – SEIAA, we direct the Registry to place all these appeals for further consideration and consideration of the report by the respondent No.1 – SEIAA, as directed above, on 12.09.2025.”

Similar direction was maintained by the Hon'ble Tribunal in other appeals which got listed for hearing on different dates subsequent to 28.07.2025.

3. A total of 63 appellants have approached the State Environment Impact Assessment Authority (hereinafter referred to as “Authority”) pursuant to the direction passed by this Hon'ble Tribunal. Some came to the Authority within the stipulated time and some beyond the stipulated time. The Authority has personally heard 57 appellants on different dates till the making of the present affidavit. At the hearing, the appellants have made the following broad submissions:

- (i) Mining rights have been granted to them over a specified area by the State Government. A formal lease deed has been executed in their favour for such specified area so as to enable them to conduct mining activity in the leased area. They have thus acquired an absolute legal right to mine the minerals in the leased area. No restriction can now be imposed by any authority which has the effect of stopping them from conducting excavation of minerals from the leased area. Any curtailment of their legal right by way of imposition of any condition would offend Article 19 of the Constitution of India, 1950;
- (ii) District Survey Report has been prepared subsequent to the grant of mining rights over the leased area. Their absolute right to carry out

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mining activity in the entire leased area cannot be abridged by marking a certain portion of the leased area as falling in 'No Mining Zone' on the basis of adoption of distance criteria. Doing so offends their fundamental right of carrying out legitimate business activity guaranteed under Article 19 of the Constitution of India, 1950 and also violates the principle of legitimate expectation;

(iii) The inclusion and prescription of distance criteria in the District Survey Report is without any logical reasoning and fails the test of reasonable restriction. The length of area from water body, structures, schools, bridges and other public utilities as also habitation is fixed arbitrarily and has no nexus or reasonable connection with the protection of environment. The embargo on carrying out mining activity within a distance of 100 meters without blasting and within a distance of 200 meters with blasting from environmental sensitivities is irrational and not founded on any sound policy. There is also no legal sanction on putting such prohibition on carrying out mining activity withing a certain distance.

(iv) The restriction of distance, assuming to be valid, prohibits mining activity within a distance of 100 / 200 meters from the riverbed. There is no restriction on carrying out mining activity within the riverbed. Infact, sand mining activity is permitted in the bed of the riverbed.

4. All the appellants were informed of the observations made by the Hon'ble Supreme Court of India in the case of *State of Uttar Pradesh & Another vs. Gaurav Kumar & Others*, reported as 2025 SCC Online SC 1069 and *Union Territory of J & K (Previously State of Jammu & Kashmir) & Anr. vs. Raja Muzaffar Bhat & Ors.*, reported in 2025 SCC Online SC 1798 as also the decisions of the Hon'ble National Green Tribunal holding that 'District Survey Report is a document of seminal importance' and that all mining leases and mining permissions and as a sequitur mining activity must be in conformity with the District Survey Report. The appellants were asked to point out how and in what manner the Environment Clearance granted to them by the District Environment Impact Assessment Authority permitting them to carry out mining activity over the entire leased area is today in consonance with the

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approved District Survey Report. The Authority requested the appellants to feed the geographical coordinates (latitude and longitude) of their lease area, as reflecting in the approved mining plan, in the PARIVESH portal and get their mining area superimposed over the KML files available on PARIVESH portal to ascertain whether their entire lease area falls outside the restricted mining area or conversely whether no portion of the lease area falls within the restricted mining zone as per the approved District Survey Report. The Authority expressed openness to reconsider its decision if the appellants were able to highlight on the basis of official record that the entire lease area does not attract any restriction flowing from the approved District Survey Report.

5. The appellants, at this stage, sought time from the Authority to examine the matter from this angle and make submissions. Some appellants also submitted that they would like to explore the possibility of getting their mining area reduced by approaching the State Government and post reduction of the leased area, all of which would then fall outside the restriction zone as per the approved District Survey Report, apply afresh for grant of Environment Clearance for conducting mining activity in the reduced area.
6. The Authority granted them time with a clarification that it shall be informing the fact about appellants seeking further time to the Hon'ble Tribunal at the hearing scheduled on 12.09.2025 and declaring that any application for grant of fresh Environment Clearance for reduced area of lease shall be examined and considered by the Authority strictly in accordance with law and the observations made by the Hon'ble Supreme Court of India in the case of *Vanashakti vs. Union of India*, reported as 2025 SCC Online SC 1139 .
7. Considering the large number of appellants in whose favour orders containing direction similar to the one included in order dated 28.07.2025 have been passed subsequent to 28.07.2025 and as late as on 01.09.2025 coupled with the request being made by the appellants for grant of more time to produce material demonstrating that their mining area and mining activity does not offend in any manner the approved District Survey Report, a further time of atleast 06 weeks would be necessary for the Authority to complete the

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process of hearing the further submissions of the appellants and submit its response to the Hon'ble Tribunal.

8. Project proponents who had previously been granted Environment Clearance by District Environment Impact Assessment Authority and which Environment Clearances were rejected by the Authority on reappraisal have independently approached the Authority and sought to make submissions by referring to and relying upon the order dated 28.07.2025 passed by this Hon'ble Tribunal. They have claimed parity and sought reconsideration of their rejection. The Authority has refused to accept such request made by parties who have not approached the Hon'ble Tribunal by informing them that the Authority has no inherent power of reviewing its own decision and therefore absent any order from the Hon'ble Tribunal the Authority cannot revisit, review and/or reconsider its decision of rejection of Environment Clearance. The appeals preferred by some project proponents against the decision of rejection of the Authority have not been entertained by this Hon'ble Tribunal on the ground that they were preferred beyond the period of limitation. Allowing such parties amongst others to reagitate their grievance before the Authority would amount to defeating and/or frustrating the order passed by this Hon'ble Tribunal of not entertaining the appeal and thereby overriding the proceedings undertaken before the Hon'ble Tribunal.

9. Separately, it has become known to the Authority that project proponents who previously held valid Environment Clearances issued by District Environment Impact Assessment Authority and which Environment Clearances have now been disapproved and rejected by the Authority on reappraisal, not finding them to be in consonance with the approved District Survey Report, have continued mining activity post the uploading of decision of the Authority rejecting their Environment Clearances. Any mining from lease area, even during the subsistence of valid lease, without Environment Clearance is impermissible and illegal. Mining after rejection of the Environment Clearance would by all means be unlawful and almost felonious. The Authority has therefore written letters to the Commissioner of Geology, Government of Gujarat as well as the State Pollution Control Board bringing to their notice this brazen illegality and requested these statutory

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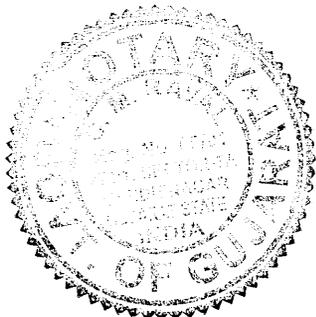
functionaries and authorities to take appropriate action in accordance with law and ensure that there is no continued violation of environmental laws.

- 10. In view of the above facts and circumstances, it would be just and proper and in the interest of justice if the time fixed for the Authority to hear the submissions of the appellants is enlarged by a further period of atleast 6 weeks and the hearing of the appeals is suitably adjourned for a period of 08 weeks.

Dipali Tamh  
DEPONENT

**VERIFICATION**

Verified at Gandhinagar on this <sup>11<sup>th</sup></sup> day of September, 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.



Dipali Tamh  
DEPONENT

Entered in Notary Register at  
Serial No. 3846 Vol No. I  
C. M. ROYAL ADVOCATE & NOTARY  
GANDHINAGAR

11-9-2025

SOLEMNLY AFFIRMED  
BEFORE ME  
(C. M. ROYAL)  
NOTARY  
GOVT OF GUJARAT

11-9-2025

