

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 51 OF 2026 (WZ)

BOOK NO. -01-
PAGE NO. -92-
SR. NO. -350-
DATE. 07/04/2026,
NILESH R. PANDYA
NOTARY
GOVT. OF INDIA

IN THE MATTER OF:

DEVENDRA SINGH GULABBHAI RATHWA, SINCE DECD THROUGH LH-LR
MADHUBEN ... APPELLANT

= 7 APR 2026

VERSUS

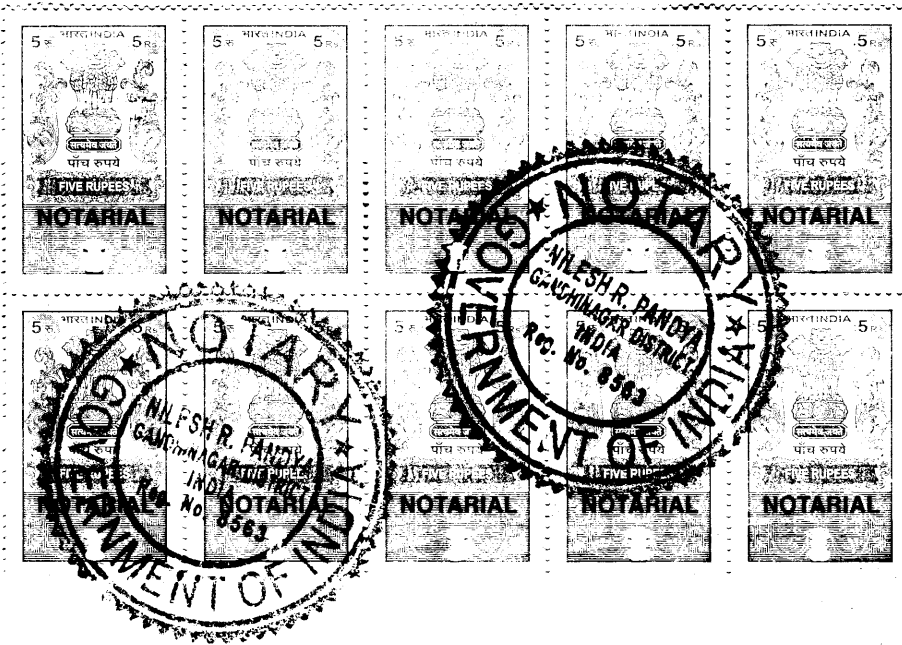
STATE OF GUJARAT & ORS. ... RESPONDENTS


**AFFIDAVIT ON BEHALF OF STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY**

I, Dipali Tank, 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. The present proceeding has been transferred to this Hon'ble Court by order dated 12.01.2026 passed by the Hon'ble High Court of Gujarat in Special Civil Application No. 30421 of 2025.
3. A preliminary objection was taken on behalf of State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") to the maintainability of the writ petition to the extent it laid a challenge to the decision by SEIAA of rejecting the environmental clearance previously







granted to the appellant by the District Environment Impact Assessment Authority (hereinafter referred to as "DEIAA") upon reappraisal as per the order passed by the Hon'ble National Green Tribunal on the ground that the same had been filed beyond the period of limitation available for preferring a statutory appeal before the statutory authority. It was specifically contended that Section 16 of the National Green Tribunal Act, 2010 provides for an appeal against the grant or rejection of environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986, and prescribes the time for filing such an appeal. A period of 30 days is given for filing appeal, with additional time of 60 days for lodging appeal on demonstration of sufficient cause for the delay. The outer limit for filing of appeal against an order granting or rejecting environmental clearance is 90 days. Beyond the period of 90 days, the right of appeal stands extinguished. The writ petition had been filed long after expiration of the 90 days period and thus was not maintainable as allowing the same would mean subverting the time frame prescribed by the statute for filing appeal and reviving a lost cause of action, both of which are impermissible in law.

4. Pending the writ petition, this Hon'ble Tribunal delivered a judgment on 9.12.2025 deciding a bunch of appeals preferred against similar orders passed by SEIAA rejecting the application for reappraisal of the environmental clearances granted to the respective appellants by DEIAA. Several legal contentions were raised by the appellants in the group of appeals. One of them was that a plain reading of the orders made by SEIAA rejecting the applications for reappraisal revealed that SEIAA had taken into consideration District Survey Report prepared by the District Geologist for the concerned district. This Report mentions the geographical positioning coordinates of the areas leased to different persons for carrying out mining activity by the State Government. Apart from the fact that the District Survey Report referred to and relied upon SEIAA is of a date subsequent to the grant of environmental clearance by DEIAA and therefore could not have been taken into consideration at the time of performing reappraisal, which is essentially in the nature of



re-evaluation of the material placed before DEIAA, the said District Survey Report contains inaccurate and wrong Global Positioning System coordinates. The location coordinates mentioned in the District Survey Report are distinct from the ones which find mention in the mining plan approved by the District Geologist and the markings made on the terrestrial maps prepared by the District Inspector of Land Records. It was contended that SEIAA had simply relied upon these coordinates without conducting physical re-verification of the actual site location and thereafter by relying upon satellite images of the lease area as per the coordinates of the lease area mentioned in the District Survey Report found that the lease area is located within prohibited distance from Riverbank. This Hon'ble Tribunal sought a specific response from SEIAA to the demonstrable error in the mapping of the mining area of the project proponents in the District Survey Report when compared with the location identified and marked in the approved mining plan. SEIAA filed an affidavit stating that the process of re-appraisal was carried out as per the direction of Hon'ble National Green Tribunal (NGT) in O.A. No. 186 of 2016 (Satyendra Pandey Vs MoEF&CC) and subsequent directions of MoEF&CC vide Office Memorandum (OM) dated 28-04-2023 having 12-Point checklist and as DSR is one of the checklist, SEIAA had relied upon the District Survey Report *bona fide* believing that it contained correct data and that no fault can be found with the decision taken by SEIAA. SEIAA, however, could not deny there existed discrepancy in the coordinates of the mining area of the parties mentioned in the District Survey Report. This Hon'ble Tribunal therefore passed an order dated 9.12.2025 allowing the appeals and setting aside the orders made by SEIAA of rejecting the application of the appellants for reappraisal of their environmental clearances and directed SEIAA to freshly consider the applications "after ensuring that the discrepancy in the geographical locations of the leased area of the appellants i.e. the geographical coordinates (latitude and longitude coordinates) in the mining area of the appellants is cured by the Authority concerned".



5. This decision of the Hon'ble Tribunal was placed before the Hon'ble High Court of Gujarat and it was contended that there is judicial imprimatur to the allegation made by the writ petitioner (appellant herein) about the inaccuracy in the District Survey Report and hence the District Survey Report prepared for the district be set aside by the Hon'ble High Court. To this submission of the writ petitioner (appellant herein), it was argued on behalf of SEIAA that the order of the Hon'ble Tribunal did not quash the District Survey Report but noticing error in the said Report qua the lease area of the appellant in the appeal ordered reconsideration of the application of reappraisal after correction of the locational coordinates of the mining area. Accepting this submission on behalf of SEIAA that the District Survey Report has not been disturbed and that its operation is still live and that the order has been passed by the Hon'ble Tribunal in the facts of the individual case, the Hon'ble High Court ordered transfer of the writ petitions to this Hon'ble Tribunal for factual examination of each case and passing of appropriate decision basis the true and correct facts obtaining in each case. Noticing that the District Survey Report contained incorrect description of the spatial location of the mining lease area and that such Report has been taken into consideration by SEIAA for forming its decision, the Hon'ble Court *prima facie* did not accept the objection of SEIAA about the writ petition having been filed beyond expiration of the statutorily prescribed period of limitation for filing appeal and felt that the issue needs to be examined wholistically by the Hon'ble Tribunal so as to ensure that no injustice is done to a private party and at the same time there is no compromise to the conservation and protection of environment. Nevertheless, the Hon'ble High Court left all the contentions open for the parties to agitate before the Hon'ble Tribunal. A copy of order passed by the Hon'ble High Court in Special Civil Application No. 30421 of 2025 is annexed herewith and marked as **Annexure R-1**.
6. After the orders dated 9.12.2025 passed by this Hon'ble Tribunal in Appeal No. 33 of 2025 and connected appeals and the order dated 12.01.2026 passed by the Hon'ble High Court of Gujarat in Special Civil Application No. 30421 of 2025 , the appellant herein submitted a

written representation to SEIAA pointing out the error in description of the Global Positioning System coordinates of the mining lease area as mentioned in the District Survey Report showing the difference in the location of the mining area when plotted using the coordinates mentioned in the District Survey Report as opposed to the actual location of the mining area submitted by PP with re-appraisal application. On the strength of this, it was submitted by the appellant that the distance parameter of 200/100 meters even if accepted as just and valid and applicable to the mining lease area of the appellant would return erroneous results because of the mismatch in the geographical positioning or the location of the mining area.

7. The stand of the regulatory authority on this specific issue of discrepancy in the Global Positioning System coordinates of the mining lease area of the appellant in the District Survey Report and the consideration of such Report while reappraising the application of the appellant for validation of the environmental clearance granted by DEIAA, is consistent and same as the one taken in the other re-appraisal cases. The process of re-appraisal of application and subsequent SEAC recommendation followed by SEIAA's decision is based on the location shown by PP in form of KML File/Document uploaded with re-appraisal application in PARIVESH.
8. 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 Geologist. In terms of the Office Memorandums, the Survey Report for each district has been prepared by the Office of the District Geologist.



81

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".

9. The regulatory authority has relied upon the 12-point checklist mentioned in MoEF&CC OM dated 28-04-2023 which includes 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 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 which is one of the checklist point mentioned in MoEF&CC OM dated 28-04-2023 for processing re-appraisal proposals.
10. 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 while submitting re-appraisal application on PARIVESH 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.
11. Nevertheless, the Hon'ble Tribunal may if it deems appropriate in the facts and circumstances of the case pass an appropriate order directing the Office of the District Geologist to again visit the mining area of appellant and earmark the exact location of the mining area. If need be, the District Geologist may first get the exact mining area demarcated by the District Inspector of Land Record and then record the coordinates of the identified area. Thereafter, the District Geologist may make suitable



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corrections, if so required, in the locational description of the mining areas. Post completion of this exercise by the District Geologist and basis the findings reported by the District Geologist, the regulatory authority shall reappraise the environmental clearance granted to the appellant(s) by the District Environment Impact Assessment Authority and grant or refusal approval.

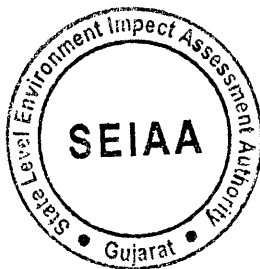
- 12. The regulatory authority assures to abide by the order of this Hon'ble Tribunal.



Dipali Tamb
DEPONENT

VERIFICATION

Verified at Gandhinagar on this 07th day of April, 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.



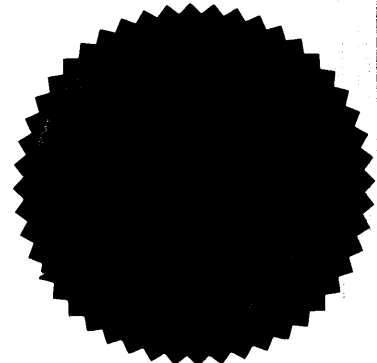
Dipali Tamb
DEPONENT



IDENTIFIED BY ME SOLEMNLY AFFIRMED
BEFORE ME

ADVOCATE/PERSON
[Signature]
03/04/26
- 7 APR 2026

[Signature]
NILESH R. PANDYA
NOTARY
GOVT. OF INDIA
- 7 APR 2026



URGENT TIME LIMIT

Despatch No.: DD-SCA/
Date:

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 13661 OF 2025
(Converted from SCA/30421/2025 dated 29/09/2025)DEVENDRA SINGH GULABBHAI RATHWA SINCE DECD. THROUGH LH-LR
MADHUBEN DEVENRASINH RATHWA ---- Petitioner(s)

V/S

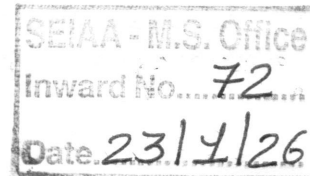
STATE OF GUJARAT ---- Respondent(s)

To,

- | | | | |
|---|--|---|--|
| 1 | STATE OF GUJARAT
NOTICE TO BE SERVED THROUGH
THE SECRETARY, INDUSTRIES AND
MINES DEPARTMENT,
SACHIVALAYA, GANDHINAGAR | 2 | COMMISSIONER OF GEOLOGY AND
MINING
AT GEOLOGY AND MINING
DEPARTMENT
BLOCK NO 15 DR JIVRAJ MEHTA
BHAVAN
GANDHINAGAR |
| 3 | COLLECTOR
AT OFFICE OF COLLECTOR
F 1 BLOCK 1ST FLOOR
CHHOTA UDEPUR | 4 | GEOLOGIST, GEOLOGY AND MINING
DEPARTMENT
AT JILLA SEVA SADAN
F 1 BLOCK 1ST FLOOR
CHHOTA UDEPUR |
| 5 | STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY
THROUGH ITS MEMBER SECRETARY
AT GUJARAT POLLUTION CONTROL
BOARD
PARYAVARAN BHAVAN
SECTOR 10A GANDHINAGAR | 6 | GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
NOTICE TO BE SERVED THROUGH
THE SECRETARY,
INDIRA PARYAVARAN BHAVAN,
JORBAGH ROAD,
NEW DELHI - 110003 |

(AMENDMENT CARRIED OUT AS PER
HON'BLE COURT ORDER DATED
30/09/2025)

To,

1 - JUDGE/ MEMBER,
THE NATIONAL GREEN

TRIBUNAL (WEST ZONE) AT
PUNE
B-WING, FIRST FLOOR, NEW
ADMINISTRATIVE BUILDING,
OPPOSITE COUNCIL HALL,
PUNE- 411001, MAHARASHTRA

Upon reading the SPECIAL CIVIL APPLICATION of the above named Petitioner(s) presented to this High Court of Gujarat at Ahmedabad on 26th day of September, 2025 praying to quash and set aside the order dated 07.01.2025 (24.12.2024) (ANNEXURE- B hereto) passed by the respondent no. 5 and etc.....

AND WHEREAS Upon Hearing

MR JAY N SHAH(10668), ADVOCATE for the PETITIONER(s) No. 1
DS AFF.NOT FILED (N) (11) for the RESPONDENT(s) No. 6
GOVERNMENT PLEADER(1) for the RESPONDENT(s) No. 1 - 4
NANAVATI & CO.(7105), ADVOCATE for the RESPONDENT(s) No. 5

The Hon'ble Court has passed the following order/judgement
CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 12/01/2026

ORAL ORDER

1. The present writ petition has been filed for quashing and setting aside the order dated 07.01.2025 passed by the respondent No.5 -State Environment Impact Assessment Authority, Gandhinagar, whereby the SEAC has unanimously decided not to recommend to issue fresh Environmental

Clearance to the petitioner. The said order is appealable to the National Green Tribunal. The petitioner herein has preferred the present writ petition against the said order.

2. After considering the submissions made on behalf of the learned advocates for the parties, the present writ petition is transferred to the National Green Tribunal (West Zone) at Pune, Maharashtra for adjudication on merits, as the writ petition raises substantial questions relating to environment. It is made clear that this Court has not gone into the merits of the case and no opinion is expressed thereon. All the contentions raised in the present writ petition are kept open to be agitated before the National Green Tribunal. The parties shall be at liberty to raise all the contentions as available in law.

3. The present writ petition accordingly stands disposed of.

4. Registry is directed to transmit the present writ petition to the National Green Tribunal (West Zone) at Pune, Maharashtra within a period of two weeks from today.

(ANIRUDDHA P. MAYEE, J.)

ORDERS ACCORDINGLY FOR THE COMPLIANCE OF THE DIRECTIONS GIVEN BY THE HON'BLE COURT IN THE ABOVE ORDER

Witness SUNITA AGARWAL, Esquire the CHIEF JUSTICE at Ahmedabad aforesaid this 12th day of January, 2026

By the Court

FOR DEPUTY REGISTRAR

This 17th Day Of January, 2026

Note:- This writ should be returned duly certified within 2 weeks.



You are hereby informed that the free legal services from the State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluka Legal Services Committees, as per eligibility criteria, are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authorities/Committees.

You are also informed that if you desire to negotiate your case for compromise, you may request the court to refer the case to the Gujarat High Court Mediation Centre.