

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 213 Of 2024

RaghuvirsinhHathibhaiJebalia

... Applicant

//Versus//

Dhari Solar Park Pvt. Ltd. & Ors.

... Respondents

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Place:Pune

Date: 12.05.2025



 Advocate for the Respondent No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 213 Of 2024

Raghuvirsinh Hathibhai Jebalia ... Applicant

//Versus//

Dhari Solar Park Pvt. Ltd. & Ors. ... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT
NO.1 i.e. DHARI SOLAR PARK PVT.LTD.

I, Sanjaykumar S/o. Ishverlal Naik, Male, aged 57 years, Authorised Signatory of the Respondent No. 1 - Company, residing at Ahmedabad, on solemn affirmation and oath state as follows: -

1. I state that I am the authorised signatory of the Respondent No. 1 - Company.
2. I state that I am conversant with facts of the present case and after having gone through the copy of the captioned OA, averments and submissions made therein, in reply thereto, I *inter alia* submit as follows: -
3. Unless specifically and categorically admitted hereinafter, all the allegations, statement of facts and pleas raised in the captioned OA are denied by me in toto.
4. I say and submit that the Applicant by filing the captioned OA has prayed for manifold reliefs including an Order for



Sanjaykumar

directing the answering Respondent to take immediate remedial and effective measures to restore the entire ecology of the area.

5. I say and submit that after filing of the OA, on the first date of hearing i.e. 29.11.2024, the Applicant had moved an IA No. 297 of 2024 with a prayer for bringing certain documents on record of the OA. The said IA was allowed by this Hon'ble Tribunal.
6. I say and submit that as far as the main matter is concerned, this Hon'ble Tribunal after considering the submissions of the Applicant was pleased to observe in Paragraph 4 of its Order dated 29.11.2024 that as far as the construction of the Solar Power Plant / Project is concerned, that is being done under a validly granted NOC dated 30.12.2022 but the only grievance appears to be there is that the cables, which are laid there, are not underground. Hence, on this limited point of not laying down underground cable, this Hon'ble Tribunal has admitted the OA and issued the Notice to the Respondents.
7. I say and submit that in addition to the above, this Hon'ble Tribunal has also called upon the Respondents to clarify the incongruence between the fact that the site of project is at the distance of 0.490 km from the sanctuary and the Condition



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No. 3 of the NOC prohibits construction / project work in an area up to 1 km from the boundary of the sanctuary.

8. I therefore, say and submit that I will be dealing with both the issues referred to hereinabove. However, before dealing with the same, certain facts leading to setting up the Solar Power Project are required to be stated.

FACTS LEADING TO SETTING UP THE SOLAR POWER PROJECT:

9. The facts leading to leading to setting up the Plant are as follows: -

9.1 I say that the Respondent No. 1 - Dhari Solar Park Private Limited is a Company registered under the Companies Act, 2013. Since 14.12.2020, it is also registered as a Micro Industry under the Micro, Small and Medium Enterprises Development Act, 2006 ("MSME") and its Udyam Registration Number is UDYAM-GJ-03-0002243.

9.2 I say that the Respondent No. 1 Company is actively engaged in the development of sustainable energy solutions (which comes under the Permitted Green Energy) in India. It therefore, decided to set up a Solar Power Project having a capacity of 25MW on 5 different parcels of land being the lands of Survey



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Nos. 360 paiki 2, 342 paiki 4 / paiki 2, 342 paiki 7 / paiki 2, 342 paiki 8 / paiki 2 and 342 paiki 12 in all admeasuring 4,19,028 sq. metres. The said lands are situated at Village Monvel, Taluka Dhari, District Amreli.

9.3 I say and submit that as per the Office Memorandum dated 13.05.2011 issued by the Government of India, Ministry of Environment and Forest (hereinafter referred to as “**MoEF**” for sake of brevity), the Environmental Impact Assessment (“**EIA**”) Notification of the year 2006 is not applicable to the Solar PV Power Project, the same being outside the purview of the said Notification. Meaning thereby, no Environment Clearance is required for such projects. A copy of Office Memorandum dated 13.05.2011 issued by MoEF; Government of India is attached and annexed herewith as **ANNEXURE - “R-1”**.

9.4 I say and submit that as the lands on which the Solar Power Project was proposed to be set up was located at a distance of 0.490 km from the boundary of the Gir Sanctuary and was thus, falling under the jurisdiction of Forest Department, the Company initiated the process for availing requisite permission/s from various authorities including the Forest Authority.



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9.5 I say and submit that in view of the above, as a first step, the Respondent Company sought for a No Objection Certificate (“**NOC**”) from the perspective of wildlife from the Forest Department, so that it can convert the use of land from Agricultural to Non-Agricultural use by taking further requisite permission from the Revenue Authority.

9.6 I say and submit that the Chief Wildlife Warden, Gujarat State, Gandhinagar after having a Report from the Chief Forest Conservator, Junagadh which was sent to it vide letter dated 09.12.2022, proceeded to issue the NOC being No. 147/2022-23 dated 30.12.2022 on the terms and conditions stipulated therein. I further submit that the Applicant has produced a truncated copy of this NOC at page 227 of the compilation, hence, a complete copy of the NOC dated 30.12.2022 is attached and annexed herewith as ANNEXURE - “R-2”.

9.7 I say and submit that pursuant to the above NOC, the Respondent Company applied for permission under Section 65(B) of the Gujarat Land Revenue Code, 1879 before the Collector, Amreli for conversion of the lands from Agricultural use to non-Agricultural use. The Collector, Amreli thus, granted the NA Permission for 5 separate parcels of land by passing different



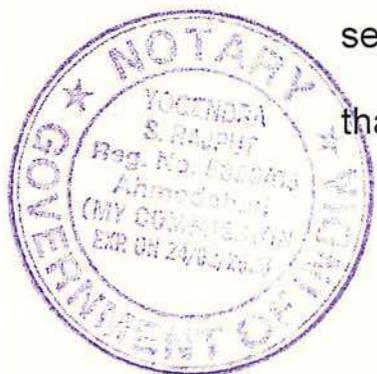
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Orders. Copies of such NA Permission Orders issued for the different parcels of lands situated at Village Monvel, Taluka Dhari, District Amreli is attached and annexed herewith as ANNEXURE - "R-3" (COLLY.).

9.8 I say and submit that after obtaining the requisite permission/s, the Company commenced the work of setting up the Solar Power Project.

9.9 At this stage, it may be apposite to state that though there is an abundance of agricultural lands in India, the Respondent Company has deliberately chosen not to use the fertile land for setting up the Solar Plant and instead, the selected site is barren, rocky and hilly which is unsuitable for carrying out the agricultural activities. Hence, by the conversion of use of land from agricultural to non-agricultural use, the valuable farmland is not wasted by the Company.

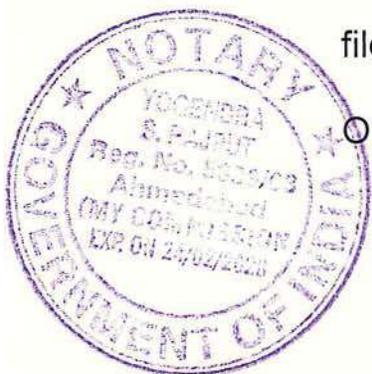
10. I say and submit that at the time when the entire project was on the verge of completion and only the Testing and Commissioning part is left, one Trust *viz.* Gurupalak, Environment, Wildlife and Marine life Conservation Trust filed a Petition before the Hon'ble Gujarat State Human Rights Commission, Gandhinagar alleging certain irregularities in setting up of the Solar Power Project. I further say and submit that on the face of it the said Petition is not maintainable



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inasmuch as the issues raised therein are beyond the scope of inquiry contemplated under the Protection of Human Rights Act, 1993. However, after the cognizance was taken by the Hon'ble Gujarat State Human Rights Commission, the Respondent No.1 - Company has filed its Reply.

11. Be that as it may, on account of the above Petition, certain inquiries were undertaken by the Collector's Office and it issued a direction for demolishing the construction carried out by the Respondent No. 1 - Company within the Eco Sensitive Zone i.e. 1 km. from the boundary of the Gir Sanctuary.
12. I say and submit that being aggrieved by the aforementioned direction and the consequent Notice of the Mamlatdar, to the extent of the direction issued for demolishing the purported construction, the Respondent No. 1 - Company challenged the same by filing a Special Civil Application No. 12963 of 2024 before the Hon'ble High Court of Gujarat.
13. I say and submit that the Hon'ble High Court vide Order dated 02.09.2024 was pleased to issue *Notice* upon the Respondents therein and by way of an *ad-interim relief*, directed to forthwith stop any activities of demolition at the site of the Project. Copies of Memo of the Petition (without annexures) being Special Civil Application No. 12963 of 2024 filed before the Hon'ble Gujarat High Court and a copy of Order dated 02.09.2024 passed in the said Petition are



attached and annexed herewith as ANNEXURE - "R-4"
(COLLY.).

14. I say and submit that while the above proceedings are pending, the captioned OA is filed before this Hon'ble Tribunal under Section 15 of the National Green Tribunal Act, 2010.
15. Now, one after another, I would deal with the issue of laying down the overhead transmission line as well as the issue regarding incongruence between the Preface of the NOC dated 30.12.2022 and the Condition No. 3 stipulated therein.

FACTS CONCERNING OVERHEAD TRANSMISSION LINE:

16. I say that by way of the Order passed by this Hon'ble Tribunal, certain clarifications have been called for from the Company with regarding to the overhead lines. I say and submit that as far as the laying of overhead transmission line instead of underground line is concerned, the relevant facts in that regard are as under: -

- 16.1 I say and submit that as per the Condition No. 2(b) of the NOC dated 30.12.2022, 11 KV and 66 KV electric lines have to be laid underground by the agency for transmission of Solar Wind Hybrid Energy to the sub-station. However, as the Company has designed the Solar Plant Voltage of 33 KV instead of 11 KV, the 33



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KV underground cable is laid up to the Solar Plant Sub-station. However, from the Solar Plant Sub-station to 66 KV GETCO Vekariya Sub-station, the Company has laid the overhead transmission line as per GETCO Connectivity Approval Letter No. CE (RC)/EE-C/2347 dated 23.12.2020. A copy of letter dated 23.12.2020 concerning GETCO Connectivity Approval for overhead transmission line is attached and annexed herewith as **ANNEXURE - "R-5"**.

16.2 I say and submit that thereafter vide Resolution dated 07.06.2021, the State Government in consultation of GETCO (State Transmission Utility) and the Chief Electrical Inspector, Gandhinagar (hereinafter referred to as "CEIG" for sake of brevity) and after considering the provisions of the Electricity Act, 2003, was pleased to accord an approval under Section 68 of the Electricity Act, 2003 to the Respondent Company for installation of 66 KV S/C overhead Line from the Company's Solar Plant to GETCO's 66 KV Vekariya Sub-station subject to the conditions enumerated therein. Copy of the Resolution dated 07.06.2021 issued by the Energy & Petrochemicals Department; Gandhinagar is attached and annexed herewith as **ANNEXURE - "R-6"**.



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16.3 I say and submit that thereafter the Office of CEIG vide letter dated 04.10.2023 was pleased to approve the drawing for electrical installation of 66 KV S/C AL/59 Tower Line (0.59000 km) from existing 66 KV GETCO Vekariya Sub-station to the proposed 66 KV Dhari Solar Plant. A copy of letter dated 04.10.2023 issued by the CEIG is attached and annexed herewith as **ANNEXURE - "R-7"**.

16.4 I say and submit that pursuant to the Approval as above, the tower line was installed and thereafter, upon initial inspection carried out by AEI, Junagadh on 19.10.2023, the same was found in order in accordance with the drawing approved and therefore, the CEIG vide letter dated 20.10.2023 under the Regulation of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulation, 2010 (hereinafter referred to as "**CEA Regulation, 2010**") for sake of brevity) was pleased to grant permission to energize the tower line along with associated equipment. A copy of letter dated 20.10.2023 issued by CEIG is attached and annexed herewith as **ANNEXURE - "R-8"**.

16.5 I say and submit that likewise upon initial inspection of the Electrical installation of 1 X 66 KV Feeder bay at existing 66 KV Vekariya Sub-station along with



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associated equipment was found in order, the CEIG vide letter dated 21.10.2023 was pleased to grant permission to energize the same under the CEA Regulation, 2010. A copy of letter dated 21.10.2023 issued by the CEIG is attached and annexed herewith as ANNEXURE - "R-9".

16.6 I say and submit that as the work of erection of 1x66 KV feeder bay at 66 KV Vekariya Sub-station for evacuation of 25 MW Solar Power was completed by the Contractor as per the Scope of Estimate, the Executive Engineer (Const), GETCO, Junagadh vide letter dated 23.10.2023 requested the Superintendent Engineer (TR), GETCO, Junagadh to accord necessary charging permission of the said Feeder bay. A copy of letter dated 23.10.2023 issued by Executive Engineer (Const), GETCO, Junagadh is attached and annexed herewith as ANNEXURE - "R-10".

16.7 I say and submit that thereafter the CEIG, vide letter dated 15.02.2024 as provided under Reg. 45 of the CEA Regulation, 2023, has granted permission to energize the transformer and HT Breaker installed. Finally, after all of the above permissions are granted, the CEIG, as provided under Reg. 45-34 of the CEA Regulation, 2023, issued letter dated 04.03.2024 and



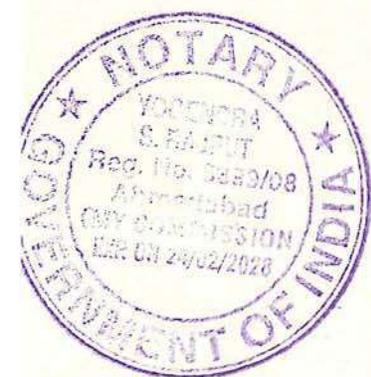
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granted permission to energize the electrical installation of Transformers, Solar PV Cells and Inverters for the entire Solar Plant. Copies of letter dated 15.02.2024 and letter dated 04.03.2024, both issued by the CEIG are attached and annexed herewith as **ANNEXURE - "R-11" (COLLY.)**.

17. I therefore, say and submit that from the perusal of the above documents, it becomes clear that even while laying the overhead transmission line from its Solar Plant Sub-station to 66 KV GETCO Vekariya Sub-station, requisite permissions were obtained by the Company from the competent authorities.

18. I further say and submit that pursuant to the Order dated 21.03.2024 passed by the Hon'ble Gujarat State Human Rights Commission, the Representative of the Respondent No. 1 - Company met the PCCF Wildlife and Chief Wildlife Warden on 02.04.2024 and consequent thereto, took following steps for shifting of the transmission line from overhead to underground: -

18.1 I say and submit that by writing a letter dated 03.04.2024 to the PCCF Wildlife and Chief Wildlife Warden, Gandhinagar, the Respondent No. 1 - Company has agreed to put an underground transmission line. A copy of letter dated 03.04.2024



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dated 10.04.2024 addressed to the DCF, GIR (West), Junagadh and his reply dated 26.04.2024 are attached and annexed herewith as ANNEXURE - "R-14" (COLLY.).

18.4 I say and submit that even an Additional Affidavit dated 29.04.2024 is filed by the Respondent No. 1 - Company before the Hon'ble Gujarat State Human Rights Commission stating that the Company undertakes to decommission the existing overhead transmission line and convert it to underground transmission line of 66KV from Dhari Solar Project to Vekariya GETCO Sub-station within a period of 3 months from the date of final approvals / permission granted by respective authorities excluding the time that may be consumed for dismantling / decommissioning the existing overhead line. The Respondent No. 1 - Company vide letter dated 29.04.2024 has also intimated to the office of PCCF Wildlife and Chief Wildlife Warden, Gandhinagar regarding filing of the said Additional Affidavit. A copy of Additional Affidavit filed by the Respondent No. 1 - Company before the Hon'ble Gujarat State Human Rights Commission is attached and annexed herewith as ANNEXURE - "R-15".



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18.5 I say and submit that thereafter, the Respondent No. 1 - Company received a response on 04.05.2024 to its letter dated 03.04.2024 addressed to the PCCF Wildlife and Chief Wildlife Warden, Gandhinagar, referred to hereinabove in Paragraph-18.1, wherein the Chief Wildlife Warden has responded with respect to the construction work proposed to be done. A copy of reply dated 04.05.2024 received from the Chief Wildlife Warden to Company's letter dated 03.04.2024 is attached and annexed herewith as ANNEXURE - "R-16".

18.6 I say and submit that pursuant to the directives received from the DCF, GIR (West), Junagadh vide its reply dated 26.04.2024 to Company's letter dated 10.04.2024, both referred to hereinabove in Paragraph-18.3, the Company in compliance thereof vide letter dated 22.05.2024 has submitted the documents as per the checklist before the DCF, GIR (West), Junagadh and requested for an approval on the underground cable route. This procedure was followed with the said Authority for the reason that though Company's Solar Project falls in Amreli Jurisdiction, the 66KV underground cable route comes under the Visavdar, Junagadh Jurisdiction. A copy of the entire checklist along with the documents



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submitted by the Respondent No. 1 Company vide letter dated 22.05.2024 addressed to the DCF, GIR (West), Junagadh is attached and annexed herewith as ANNEXURE - "R-17" (COLLY.).

18.7 I say and submit that in view of the above facts, the Respondent No. 1 Company by writing a letter dated 05.06.2024 requested the Collector, Junagadh to permit it to lay down an underground transmission line from Solar Plant to 66KV Vekariya GETCO Substation through land of Survey No.301B, which is a Government land, by accepting the requisite fees / charges. A copy of letter dated 05.06.2024 addressed to the Collector, Junagadh is attached and annexed herewith as ANNEXURE - "R-18".

18.8 I say and submit that after the Company vide letter dated 22.05.2024 submitted the documents as per the Checklist before the DCF, GIR (West), Junagadh seeking its approval on underground cable route, averments regarding which are stated hereinabove in Paragraph-18.6, the same was forwarded to the office of RFO, Visavdar Range, Visavdar who by its letter dated 10.06.2024 has informed the Respondent No. 1 Company that until a feasibility report regarding laying down of underground transmission line is received from the Competent Authority, no approval /clearance

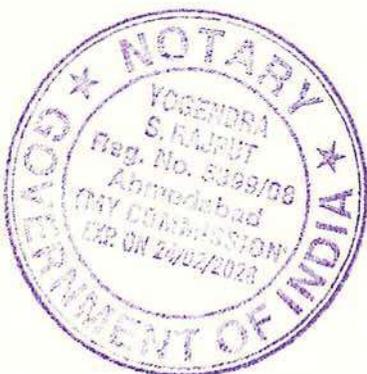


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can be given by it. A copy of letter dated 10.06.2024 received from the office of RFO, Visavdar Range, Visavdar is attached and annexed herewith as **ANNEXURE - "R-19"**.

18.9 I say and submit that in view of the above, the Respondent No. 1 - Company submitted an Application dated 17.06.2024 before the office of CEIG for seeking its approval on the drawing for the electrical installation of 630.0 sq. mm. 66 KV XLPE U/G Power Cable (0.80000 KM) from Existing 66KV GETCO Vekariya S/s to 66KV Dhari Solar Park PSS along with associated equipment. The CEIG vide letter dated 19.06.2024 has granted an approval to the layout / alteration subject to conditions mentioned therein. A copy of letter dated 19.06.2024 of CEIG approving the layout for underground cable is attached and annexed herewith as **ANNEXURE - "R-20"**.

18.10 I say and submit that after the CEIG granted an approval, as above; by a letter dated 24.06.2024 the Respondent No. 1 - Company informed about it to the RFO, Visavdar Range, Visavdar with a request to grant an approval on the same lines. A copy of letter dated 24.06.2024 addressed to the RFO, Visavdar Range, Visavdar is attached and annexed herewith as **ANNEXURE - "R-21"**.



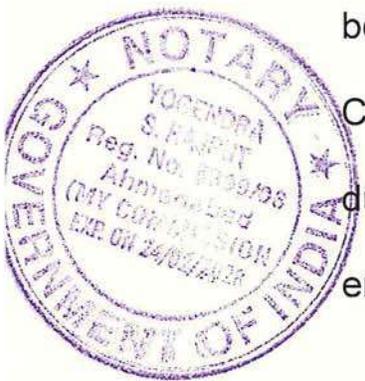
18.11 I say and submit that ultimately the RFO, Visavdar Range, Visavdar by addressing a letter dated 16.08.2024 to the RFO, GIR (West), Junagadh has informed that the request for forest clearance for laying down an underground cable cannot be considered on the ground that an approval given by the CEIG is not from the perspective of wildlife. A copy of letter dated 16.08.2024 addressed by the RFO, Visavdar Range, Visavdar to the DCF, GIR (West), Junagadh is attached and annexed herewith as **ANNEXURE - "R-22"**.

19. I say and submit that, regardless of everything, the Respondent No. 1 - Company is ready to lay down an underground transmission line and even the material for the same is purchased by it and is unloaded at the site of work.

20. I say and submit that the Condition No.3 of the NOC has become a cause for disintitling the Respondent No. 1 - Company to lay down an underground transmission line and due to it the Company is deprived of from Commissioning the entire Solar Plant and is thus, facing major financial losses.

REGARDING INSERTION OF THE CONDITION NO. 3 IN THE NOC DATED 30.12.2022:

21. I say and submit that as such it is for the Forest Authorities to clarify the incongruence occurring in the NOC, as referred to



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hereinabove. However, considering the Guidelines and the Notifications prevailing at the relevant point of time when the NOC was issued, the very act of inserting the Condition No. 3 becomes illegal.

21.1 I say and submit that, when the NOC was sought by the Respondent No. 1 Company from the Forest Department, the following Guidelines and Notifications specifically permitted / promoted setting up of the Solar Plants within the ESZs:

- (i) Item 16 of the activities identified in Annexure – 1 to the Guidelines dated 09.02.2011 marks “*use of renewable energy sources*” as a permitted activity and in the remarks portion it is stated that “*should be actively promoted*”;
- (ii) Item 16 of the activities to be prohibited, regulated and permitted within the ESZs around Girnar Wildlife Sanctuary in Annexure – III to the Notification dated 31.05.2012 marks “*use of renewable energy sources*” as a permitted activity and in the remarks portion it is stated that “*should be actively promoted*”; and
- (iii) Items 40 and 42 in the table provided under Clause 4 of the Draft Notification dated 25.10.2016 marks “*adoption of green technology*”



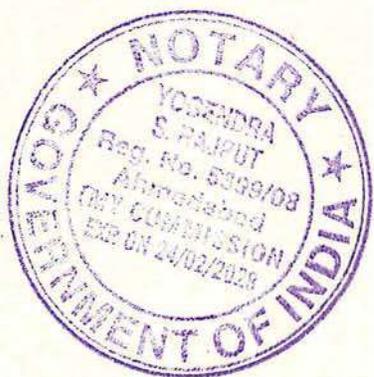
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for all activities” and “use of renewable energy” as a promoted activity and in the remarks portion against Item No. 40 it is stated that it shall be actively promoted and against Item No. 42 it is stated that Bio gas, solar light, etc. to be promoted.

Therefore, while issuing the NOC dated 30.12.2022, the fact that use of renewable energy and adoption of Green Technology for all activities are permitted / promoted in the ESZs, ought to have been given utmost importance inasmuch as while permitting / promoting the same, the MoEF has considered the provisions of the Environment (Protection) Act, 1986 and the Rules made thereunder.

21.2 I say and submit that the Condition No. 3 is contrary to the narrations of the NOC itself and the purpose for which it was sought and granted in the first place. The Condition No. 3 is so strict that it has rendered the purpose of Guidelines dated 09.02.2011 and the Notifications otiose and runs counter to the intent of the said Guidelines.

21.3 I say and submit that the Condition No. 3 has rendered the portion of Solar Plant within 1 km from the boundary of Gir Sanctuary as illegal and unauthorized, though admittedly, the Guidelines dated 09.02.2011 actively seeks to promote Solar Power Projects.



21.4 I say and submit that after the publication of Notification dated 31.05.2012, no new polluting industries are allowed to be set up within the ESZ and the construction activities in the villages named in Paragraph-3(2) of the said Notification are confined to the Farmhouse, Houses, Hotels, Resorts and such other activities that might lead to an unregulated tourism. Such construction activities are to be strictly controlled and monitored by the Monitoring Committee as referred to in paragraph-4 of the said Notification. What is more specifically prohibited in Paragraph-3(3) of the said Notification is quarrying and mining activities within the ESZ. Therefore, what is prohibited within the ESZ is polluting industries and construction activities, referred to hereinabove. It is pertinent to mention that this Notification does not define the industry as well as the construction activities.

21.5 I say and submit that under the Draft Notification dated 25.10.2016; the activities proposed to be prohibited, regulated and promoted are specifically enumerated. The Notification specifically provides for promotion of 'use' of renewable energy. Hence, there is no bar to set up a Solar Power Plant under this Draft Notification. Even otherwise, as per Item No. 17 which falls under the proposed Regulated activities, what is



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contemplated by "Construction activities" is commercial construction of any kind within 1 km. from the boundary of the protected area or up to the boundary of ESZ, whichever is nearer. A proviso thereto specifically provides that for construction activity related to Small Scale Industries not causing pollution is to be regulated. As the Respondent No. 1 - Company has set up a Solar Power Plant which is a non-polluting industry registered under the MSME Act, the proposed construction activities as contemplated under the Draft Notification are not applicable to the construction work carried out by the Company.

21.6 I say and submit that as far as the Resolution dated 01.07.2015 issued by the Forest & Environment Department, Government of Gujarat is concerned, the same does not dilute the Guidelines dated 09.02.2011 and Notification dated 31.05.2012 in any manner.

21.7 Furthermore, the Resolution dated 01.07.2015 concerns the Tourism and related activities in the Gir Sanctuary and was issued consequent to Orders passed by the High Court of Gujarat in Writ Petition (PIL) No. 284 of 2014. This Petition was a result of an anonymous letter addressed to the Hon'ble Chief Justice of the Gujarat High Court concerning the proposal of the State Government for setting up a new



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Tourism Zone at Chikhal Kuba near Jasadhar (Dhari Division) in the southeastern region of the Gir Wildlife Sanctuary. The reason assigned in the said letter for opposing the proposal was that the Gir Wildlife Sanctuary is an extremely important and critical sanctuary and should not be viewed as a tourism destination at least at the cost of the wildlife and the habitat in the Sanctuary. It also raised issues about the conditions of the Wildlife Sanctuary, particularly, in the region where tourism was already developed. It was in this background of the situation, the Hon'ble High Court from time to time passed appropriate Orders, as a result of which the above referred Resolution came to be issued.

21.8 I therefore say and submit that the Resolution dated 01.07.2015 has been passed in context of approval related to hotels, resorts, and other type of hospitality industries and farmhouses for commercial purposes, tourism activities referred to as scheduled activities which may disturb the natural environment and it prohibits issuing of Non-Agricultural and construction permission for home stay, commercial or hospitality industrial activity. It does not deal with the carrying out of permitted, promoted and regulated activities within ESZs as mentioned in the Guidelines dated

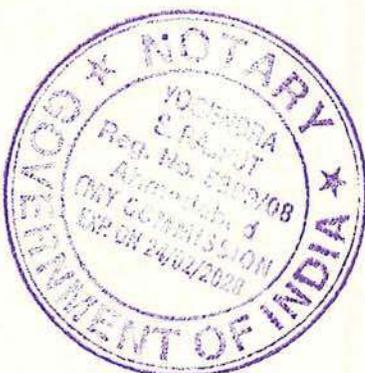


dr

09.02.2011, Notifications dated 31.05.2012 and Draft Notification dated 25.05.2016. It thus, was largely concerned with tourism activities. Based on this Resolution, permitted, promoted and regulated activities within ESZs cannot be meddled with by incorporating Condition No. 3 in the NOC. The Solar Power Project does not fall under the category of industries, such as hotels, resorts, tourism and other types of hospitality industrial units and farmhouses for commercial purposes, tourism activities which are alleged to be disturbing the environment.

21.9 I say and submit that it appears that the Condition No. 3 is inserted on account of misreading of the Order dated 03.06.2022 passed by the Hon'ble Supreme Court in the case of ***T.N. Godavarman Thirumulpad vs. Union of India & Ors.***, reported in **(2022) 10 SCC 544** though even as per the said Order, the activities categorized as permitted activities within ESZ have to be strictly adhered to. The relevant paragraph being 56.1 of the said Order is reproduced herein below:-

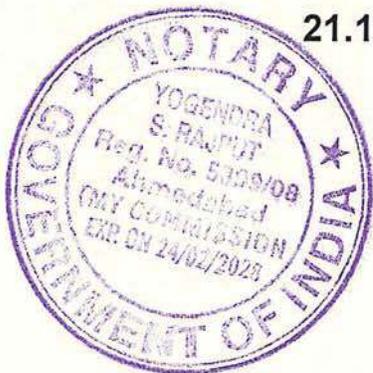
“56.1 Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometer measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2-2011 shall



be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.”

21.10 I say and submit that the above direction is modified by the Hon'ble Supreme Court vide Order dated 26.04.2023 passed in IA No. 131377 of 2022 and Cognate IA/s, reported in **2023 SCC Online SC 504** to the extent that the same would not be applicable to ESZ in respect of which a draft and final Notification has been issued by MoEF and CC and in respect of the proposals which have been received by the Ministry. Even after the modification of the direction, the Guidelines dated 09.02.2011 is to be strictly followed and adhered to by the authorities. Copies of Order dated 03.06.2022 passed by the Hon'ble Supreme Court in the case of *T.N. Godavarman Thirumulpad vs. Union of India & Ors.*, reported in (2022) 10 SCC 544 and Order dated 26.04.2023 passed in IA No. 131377 of 2022 and Cognate IA/s, reported in 2023 SCC Online SC 504 are attached herewith and marked as **ANNEXURE - “R-23”** **(COLLY.)**

21.11 I say and submit that even in the above-referred Orders, the restriction on carrying out construction activity within 1 km of ESZ is exclusively made



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applicable only to mining activities and for the rest of the activities, the Guidelines issued by MoEF and the Notification issued for notifying the respective ESZ have to be followed.

21.12 I say and submit that for the above reasons, the Condition No. 3 is not only illegal and contrary to the Guidelines and Notifications in place but is also contrary to the fact that the site of project is at the distance of 0.490 kms. from the boundary of the Gir Sanctuary.

22. I say and submit that by a Representation dated 11.09.2024 addressed to the Principal Chief Conservator of Forest & Chief Wildlife Warden; the Respondent No. 1 Company has already requested to modify the Condition No.3 from the date of issuance of the NOC i.e. 30.12.2022, by citing the reasons stated in the preceding paragraphs. A copy of Representation dated 11.09.2024 (without annexures) addressed by the Respondent No.1 - Company to the Principal Chief Conservator of Forest & Chief Wildlife Warden is attached and annexed herewith as **ANNEXURE - "R-24"**.

23. I say and submit that as there is no response received on the Representation dated 11.09.2024, the Respondent No. 1 Company has again made a detailed Representation dated 26.04.2025 to the DCF, GIR (East), Dhari, inwards on



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28.04.2025, with a request to make appropriate recommendations to the Principal Chief Conservator of Forest and Chief Wild Life Warden, Gujarat State for striking out or modify or delete the Condition No.3 inserted in NOC dated 31.12.2022 and bring the same in consonance with the Guidelines dated 09.02.2011 issued by Government of India, Ministry of Environment Forests. The answering Respondent is awaiting a decision on this Representation from the Forest Authorities. A copy of the Representation dated 26.04.2025 (without annexures) addressed by the Respondent No.1 - Company to the DCF, GIR (East), Dhari is attached and annexed herewith as ANNEXURE - "R-25".

24. I say and submit that insertion of Condition No. 3 is otherwise also not in consonance with the law inasmuch as in a recent decision of this Hon'ble Tribunal in the case of ***Kahar Samaj Panch Committee vs. The THDC India Ltd. & Ors.***, which was concerning the installation of floating Solar Power Project on the Jaikwadi Dam within the ESZ, this Hon'ble Tribunal by relying on the Guidelines according to which use of Renewable Energy and Fuels, like Bio gas, solar light, etc., are promoted activities, dismissed the Application vide Order dated 09.09.2024. The said decision is upheld by the Hon'ble Supreme Court by passing an Order dated 01.04.2025. Hence, the decision in the above referred case is significant enough and directly applicable so as to make the Condition



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No. 3 in the NOC as bad and illegal. Copies of the Order dated 09.09.2024 passed by this Hon'ble Tribunal Order and the Order dated 01.04.2025 whereby the decision of this Hon'ble Tribunal is upheld by the Hon'ble Supreme Court are attached and annexed herewith as ANNEXURE - "R-26" (COLLY.).

25. I say and submit that if the above facts are considered, the answering Respondent cannot be said to have committed any violations as alleged in the Application.

26. I lastly, say and submit that except alleging violations of various Notifications, the Applicant has not pointed out the substantial questions relating to environment in its Application and is also not an aggrieved or affected party; he being a resident of Rajkot. Hence, the captioned Application filed u/s. 15 of the National Green Tribunal Act, 2010 is not maintainable and is thus, required to be dismissed on this point alone.

27. In view of the above, the captioned OA is required to be dismissed. It is accordingly, prayed.

Solemnly affirmed at Ahmedabad on this 12 MAY 2025 day of May, 2025



Solemnly Affirmed & Signed Before Me

YOGENDRA S. RAJPUT DEPONENT
NOTARY PUBLIC
GOVT. OF INDIA
(MY COMMISSION EXPIRES ON 21/02/2028)
Off. FF-10, New Park Tower-B, Opp. Mukundham Towers, Thaltej, Ahmedabad - 380015
NOTARY REGISTERED
Sr. No. 4543/2025



12 MAY 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 213 Of 2024

Raghuvirsinh Hathibhai Jebalia

... Applicant

//Versus//

Dhari Solar Park Pvt. Ltd. & Ors.

... Respondents

AFFIDAVIT IN SUPPORT OF THE REPLY

I, Sanjaykumar S/o. Ishverlal Naik, Male, aged 57 years, the Authorized Signatory of the Respondent No. 1 - Company, do hereby on solemn affirmation and oath state as under:-

1. I say that I am aware of the facts and circumstances of the present case and hence, I am able to depose the same on oath.
2. I say that I am filing the Reply to oppose the Original Application. I further say that the contents of the said Reply and present Affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.

WHATEVER stated hereinabove is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at Ahmedabad on this 12 MAY 2025 day of May, 2025.



Solemnly Affirmed & Signed Before Me

DEPONENT

YOGENDRA PRAKASH
 NOTARY PUBLIC
 GOVT. EMPLOYEE
 (MY COMM. NO. 128)
 OFF. FLOOR, 4th Tower-B,
 Opp. Mukodharam Busar, Thaltej,
 Ahmedabad. (M) 7243 88070

NOTED & REGISTERED
 Sr. No. 4542/2025

12 MAY 2025



ANNEXURE R-1

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
 C.G.O. Complex, Lodi Road,
 New Delhi-110003.
 Telefax: 24362434

Dated the 13th May, 2011

Office Memorandum

Sub: Applicability of environmental clearance for Solar Photo Voltaic (PV) Power Projects – Regarding.

A reference has been received in this Ministry seeking clarification regarding applicability of EIA Notification, 2006 in respect of Solar Photo Voltaic (PV) Power Projects. The matter has been examined.

It is clarified that the Solar PV Power Project are not covered under the ambit of EIA Notification, 2006 and no environment clearance is required for such projects under the provisions thereof.

This issues with the approval of the Competent Authority.


 (Dr. S.K. Aggarwal)
 Director

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:-

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to SS(JMM)
4. Advisor (NB)
5. Website, MoEF
6. Guard File

Letter No: PCCFO/0839/12/2022 Dt: 30-12-2022

ANNEXURE R-2

ના-વાંધા પ્રમાણપત્ર નંબર- ૧૩/૨૦૨૨-૨૩

ગાંધીનગર, તા.૩૦.૧૨.૨૦૨૨

વિષય: અમરેલી જિલ્લાના ધારી તાલુકાના મોણવેલ ગામના સર્વે નં. ૩૪૨-પેકી ૧૨, ૩૪૨-પેકી ૪/પેકી. ૨, ૩૪૨-પેકી ૭/પેકી ૨, ૩૪૨-પેકી ૮/પેકી. ૨ તથા ૩૬૦ - પેકી.૨ ની કુલ ૪૧૯૦૨૮ ચો.મી. જમીન વિસ્તારને ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતીમાં ફેરવવાની પરવાનગી આપવા બાબતે વન્યજીવ ઢ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર આપવા બાબત.

અરજદારશ્રી ધારી સોલાર પાર્ક પ્રા.લી. ના ડાયરેક્ટરશ્રી કમલેશભાઈ મગનભાઈ સોલંકી

વંચાણે લીધા:

- (૧) મુખ્ય વન સંરક્ષકશ્રી, વન્યપ્રાણી વર્તુળ, જુનાગઢના પત્ર ક્રમાંક: અ/જમન/ટે.૧૪/૩૦૫૨-૫૩/૨૦૨૨-૨૩, તા. ૦૮.૧૨.૨૦૨૨
- (૨) વન અને પર્યાવરણ વિભાગના ઠરાવ ક્રમાંક: વપસ/૧૦૨૦૦૮/૧૮૨૭/૬૦૯૫, તા.૦૧/૦૭/૨૦૧૫ તથા સરખા ક્રમાંક: તા. ૨૩/૦૫/૨૦૧૬ અને તા. ૧૩/૦૬/૨૦૧૬
- (૩) વન અને પર્યાવરણ વિભાગના ઠરાવ ક્રમાંક: વપસ-૧૦૧૨-૧૩૩-૬૦૯૫, તા.૩૧.૦૫.૨૦૧૨
- (૪) ભારત સરકારશ્રીના ગીર અભયારણ્ય ઇકો સેન્સીટીવ ઝોન ડ્રાફ્ટ નોટીફિકેશન તા.૨૫.૧૦.૨૦૧૬

વંચાણે લીધેલ ક્રમ -૧ થી મળેલ અહેવાલમાં અરજદારશ્રી ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટરશ્રી કમલેશભાઈ મગનભાઈ સોલંકી દ્વારા ધારી તાલુકાના મોણવેલ ગામના સર્વે નં. ૩૪૨-પેકી ૧૨, ૩૪૨-પેકી ૪/પેકી. ૨, ૩૪૨-પેકી ૭/પેકી ૨, ૩૪૨-પેકી ૮/પેકી. ૨ તથા ૩૬૦ - પેકી.૨ ની કુલ ૪૧૯૦૨૮ ચો.મી. જમીનને ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતીમાં ફેરવવાની પરવાનગી આપવા બાબતે અત્રેનું વન્યજીવ ઢ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર મેળવવા દરખાસ્ત કરેલ છે.

દરખાસ્ત અનુસંધાને સદરહુ માંગણીવાળું સ્થળ ગીર અભયારણ્ય વિસ્તારથી ૦.૪૯૦ કિ.મી. અંતરે આવેલ છે તથા સદરહુ સ્થળનો સુચિત ગીર અભયારણ્યના ઇકો સેન્સીટીવ ઝોનમાં સમાવેશ કરવામાં આવેલ છે.

માંગણીવાળા સ્થળનું રે.કો.ઓ.શ્રી દ્વારા તા. ૧૬.૧૧.૨૦૨૨ના રોજ સ્થળ નિરીક્ષણ કરવામાં આવેલ છે.

માંગણીવાળો વિસ્તાર ગીર અભયારણ્યથી ૪૯૦ મીટર અંતરે આવેલ હોય તથા કુલ બીનખેતી થતા વિસ્તાર ૪૧૯૦૨૮ ચો.મી. જમીન વિસ્તારમાંથી ૧૬૦૦ ચો.મી. જમીનમાં બાંધકામ કરવાનું થાય છે, જે ૦.૩૮ % થાય છે. ગુજરાત સરકારશ્રીના તા.૦૧.૦૭.૨૦૧૫ના ઠરાવ મુજબ નિયત વિસ્તારો તથા તેની બાહ્ય હદથી ૧૦ કિ.મી. અથવા જાહેર થયેલ ઇકો સેન્સીટીવ ઝોન સુધીના વિસ્તારોમાં ઔદ્યોગિક પ્રવૃત્તિ કરી શકાશે નહીં તેમજ Government of India Ministry of Environment and Forests letter No. 1-9/2007 WL-1 (pt) dated 09.02.2011ની ગાઈડલાઈન મુજબ એનેક્ષર -૧ માં આપેલ કોલમ નં. ૧૬ માં Use of renewable energy sources અને આપેલ કોલમ નંબર -૨૬ માં adoption of green technology for all activities - should be actively promoted મુજબનો ઉલ્લેખ કરેલ છે. આમ ઉપરોક્ત વિગતો ધ્યાને લઈ સુચિત માંગણીવાળો વિસ્તાર ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતી ફેરવવાનો થતો હોવાથી વન્યજીવ સંરક્ષણના ઢ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર આપવા અંગે નાયબ વન સંરક્ષકશ્રી તથા મુખ્ય વન સંરક્ષકશ્રી દ્વારા ભલામણ કરવામાં આવેલ છે.

સદરહુ દરખાસ્ત બાબતે જણાવવાનું કે, ઉપરોક્ત માંગણીવાળી ઔદ્યોગિક (વિન્ડમીલ) પ્રવૃત્તિ Use of renewable energy પ્રવિત્તિની કેટેગરીમાં આવે છે. વંચાણે લીધેલ ક્રમ - ૪ ની જોગવાઈ મુજબ સદર Use of renewable energy પ્રવિત્તિને પ્રોત્સાહિત પ્રવૃત્તિની કેટેગરીમાં મુકવામાં આવેલ છે તેમજ ભારત સરકારશ્રીના પર્યાવરણ, વન અને જળવાયુ પરિવર્તન મંત્રાલયની તા.૦૮.૦૨.૨૦૧૧ની ઇકો સેન્સીટીવ ઝોનની ગાઈડલાઈનના એક્ટીવીટી લીસ્ટના અનુક્રમ નં. ૧૬માં પણ Use of renewable energy પ્રવૃત્તિને પરમીટેડ કેટેગરીમાં મુકવામાં આવેલ છે.

આમ, ઉપરોક્ત વિગતો તથા ક્ષેત્રિય અભિપ્રાય ધ્યાને લઈ અરજદારશ્રી ધારી સોલાર પાર્ક પ્રા.લી. ના ડાયરેક્ટરશ્રી કમલેશભાઈ મગનભાઈ સોલંકીને અમરેલી જિલ્લાના ધારી તાલુકાના મોણવેલ ગામના સર્વે નં. ૩૪૨-પેકી ૧૨, ૩૪૨-પેકી ૪/પેકી. ૨, ૩૪૨-પેકી ૭/પેકી ૨, ૩૪૨-પેકી ૮/પેકી. ૨ તથા ૩૬૦ - પેકી.૨ ની કુલ ૪૧૯૦૨૮ ચો.મી. જમીન વિસ્તારને ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતીમાં ફેરવવાની પરવાનગી આપવા બાબતે ભારત સરકારશ્રીના તા. ૨૫.૧૦.૨૦૧૬ના ડ્રાફ્ટ નોટીફિકેશન તથા ૦૮.૦૨.૨૦૧૧ની ગાઈડલાઈનની જોગવાઈઓ મુજબ તથા વન અને પર્યાવરણ વિભાગ, ગાંધીનગરના તા.૩૧/૦૫/૨૦૧૨ના ઠરાવ અનુસાર અત્રેને મળેલ સત્તાની રૂએ નીચેની શરતોને સાધિન વન્યજીવ ઢ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર આપવામાં આવે છે.

Signature valid

Signed by: Nityanand
Srivasatva

Date: 2022-12-30

File No: PCCFO/NOC/e-file/129/2022/1849/Wildlife

Approved By: Nityanand Srivasatva (Prl Chief Conservator of Forests, Wildlife, PCCFO)

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Letter No: PCCFO/0839/12/2022 Dt: 30-12-2022

શરતો:

૧. કામગીરી દરમ્યાન વન્યજીવોના સંરક્ષણ, વનસ્પતિ તેમજ વન્યજીવ સૃષ્ટિને કોઈ પ્રતેલ ન પડે તેમજ તેને કોઈપણ પ્રકારનું નુકશાન ન થાય તેની કાળજી લેવાની રહેશે.

૨. અ. એજન્સી દ્વારા સોર્ય/વિન્ડ/ હાઈબ્રીડ (સોર્ય + વિન્ડ) ઊર્જાના વહન (ઇલેક્ટ્રુએશન) માટે બનાવવામાં આવતા સબસ્ટેશનમાં કોઈ વન્યજીવોના પ્રવેશ ન થાય તે હેતુથી સબસ્ટેશનની ફરતે ફેન્સિંગની કિડાઈન સંબંધિત નાયબ વન સંરક્ષક પાસેથી મંજૂર કરાવી કામગીરી હાથ ધરવાની રહેશે.

બ. એજન્સી દ્વારા સોર્ય/વિન્ડ હાઈબ્રીડ (સોર્ય+વિન્ડ) ઊર્જાના સબસ્ટેશન સુધી વહન માટે ૧૧ કેવી/૬૬ કેવી ઇલેક્ટ્રી લાઇન અન્ડરગ્રાઉન્ડ નાંખવાની રહેશે.

ઉપરોક્ત ૨-અ અને ૨-બ માટે કામગીરી પછી સંબંધિત નાયબ વન સંરક્ષકશ્રીનું પ્રમાણપત્ર અત્રેને સાદર કરવાનું રહેશે.

૩. અભયારણ્યની બાહ્ય હદથી ૧ કિ.મી. સુધીના વિસ્તારમાં કોઈપણ પ્રકારનું બાંધકામ કે સદરહું પ્રોજેક્ટની કોઈ કામગીરી કરી શકાશે નહીં.

૪. ભવિષ્યમાં "ના વાંધા પ્રમાણપત્ર" નો આપેલ હેતુ સિવાય અન્ય કોઈ હેતુ માટે હેતુકેર કરી શકાશે નહીં. બાંધકામ દરમ્યાન તથા ભવિષ્યમાં હવા, પાણી, જમીન, અવાજ વિગેરેનું પ્રદુષણ થાય તેવી કોઈપણ કામગીરી કરી શકાશે નહીં.

૫. સદરહું વિસ્તારમાંથી પ્રવાહી, પ્લાસ્ટીક કે અન્ય કોઈપણ પ્રકારનો ઘન કે પ્રવાહી કચરો અભયારણ્ય કે અભયારણ્યના ઈકો સેન્સીટીવ ઝોનમાં પ્રવેશે નહીં તે રીતે કાચમી નિકાલની વ્યવસ્થા કરવાની રહેશે.

૬. આ કામે વન સંરક્ષણ ધારા - ૧૯૮૦ની દરખાસ્તમાં મંજૂરી મળેલ સિવાયના કોઈ વૃક્ષો કાપી શકાશે નહીં.

૭. વન ભૂમિના ઉપયોગ માટે વન સંરક્ષણ ધારા - ૧૯૮૦ હેઠળ અલગથી મંજૂરી મેળવવાની રહેશે.

૮. અરજદાર કૌંસની અથવા તેમના કોન્ટ્રાક્ટર પરવાનગી આપેલ જગ્યા સિવાય અન્ય કોઈ જગ્યાએ કામગીરી કરી શકાશે નહીં.

૯. કામગીરી શરૂ કરતા પહેલા તથા કામગીરી પૂર્ણ થયા બાદ વન વિભાગની સ્થાનિક કચેરીને લેખિતમાં જાણ કરવાની રહેશે.

૧૦. વન્યજીવોના સંરક્ષણ સંબંધે ભવિષ્યમાં ચીફ વાઇલ્ડલાઇફ વોર્ડન કે રાજ્ય સરકારશ્રી દ્વારા કોઈ વધારાની શરત મુકવી જરૂરી જણાશે તો આ વધારાની શરતોનો અમલ કરવાનો રહેશે.

ચીફ વાઇલ્ડલાઇફ વોર્ડન

ગુજરાત રાજ્ય, ગાંધીનગર



ક્રમાંક:વપસ/૩૨/બ/૪૪૦૩-૦૬/૨૦૨૨-૨૩

અરણ્ય ભવન, પ્લોટ બી/૧, સેક્ટર નં. ૧૦/એ,

ચ-૩ સર્કલ, ગુજરાત રાજ્ય, ગાંધીનગર

E-mail ID : cw/wgwpj@gmail.com

ફેક્સ નંબર : ૦૭૯-૨૩૨૫૪૭૮૮

તા. ૩૦/૧૨/૨૦૨૨

પ્રતિ,

મુખ્ય વન સંરક્ષકશ્રી,

વન વર્તુળ, જુનાગઢ

નકલ સવિનય રવાના: કલેક્ટરશ્રી, અમરેલી જીલ્લા તરફ જાણ સારૂ.

નકલ રવાના: નાયબ વન સંરક્ષકશ્રી, ગીર પૂર્વ વન વિભાગ, ધારી તરફ જાણ તથા જરૂરી કાર્યવાહી સારૂ.

Signature valid

Signed by: Nityanand Srivasatva
Date: 2022-12-30
15:45:24 +05:30

File No: PCCFO/NOC/e-file/129/2022/1849/Wildlife

Approved By: Nityanand Srivasatva (PrI Chief Conservator of Forests, Wildlife, PCCFO)

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No. PCCFO/0819/12/2022 Dt. 30-12-2022

जसल प्रयागराज तह स्थाना: हारी सोलर पार्क प्रा. लि. वा कारोडर वा कारोडरवाड मजलावाड सोलरी, सोलरी, २१०, विन्डोल,
हारीपेत हारी प्लोटनी आयुर्मा कावामप रोड, राजकोट तह जाल सोड.



Signature valid

Signed by: Nityanand
Srivasatva
Date: 2022-12-30
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Letter No.PCCFO/0839/12/2022 Dt.30/12/2022

No Objection Certificate Number : 147/2022-23
Gandhinagar, Dt.30/12/2022

Subject: To give No Objection Certificate in view of Wild Life for granting non-agricultural permission to convert into non-agricultural for the Industrial (Solar Energy Plant) purpose to Amreali District Taluka Dhari Moje Monvel Village Survey No.342 paiki 12, 42 paiki 4/paiki 2, 342 paiki7/paiki2, 342 paiki 8/paiki 2 and 360 paiki 2 Sq.Mtrs.419028 land area.

Applicant Shri Kamleshbhai Maganbhai Solanki the Director of Applicant Dhari Solar Park Pvt. Ltd.

Read :

- (1) The Chief Conservator of Forest, Wild Animal Circle, Junagadh Letter Number : A/JMN/Te.14/3052-53/2022-23, Dt.09/12/2022.
- (2) Forest and Environment Department Resolution Number : VPS/102008/1827/W, Date : 01/07/2015 and Even Number Date : 23/05/2016 and Date : 13/06/2016
- (3) Forest and Environment Department Resolution Number : VPS-1012-133-W, Date : 31/05/2012
- (4) The Government of India Gir Sanctuary Eco Sensitive Zone Draft Notification Date : 25/10/2016

That in the report received by Preamble-1 Kamleshbhai Maganbhai Solanki the Director of Dhari Solar Park Pvt. Ltd. has made proposal to give No Objection Certificate in view of Wild Life for granting non-agricultural permission to convert into non-agricultural for the Industrial (Solar

Energy Plant) purpose to Amreali District Taluka Dhari Moje Monvel Village Survey No.342 paiki 12, 42 paiki 4/paiki 2, 342 paiki7/paiki2, 342 paiki 8/paiki 2 and 360 paiki 2 Sq.Mtrs.419028 land area.

In respect of the proposal the place under said demand has been situated at the distance of 0.490 Km. from Gir Sanctuary and the said place has been covered in Eco Sensitive Zone of proposed Gir Sanctuary.

The spot visit of the place under demand has been done by R.F.O. on Date : 16/11/2022.

The area under demand has been situated at the 490 meter distance from Gir Sanctuary and from total non-agricultural area 419028 Sq.Mtrs. land area the construction is to be carry out in 1600 Sq.Mtrs. area which comes to 0.38%. As per the resolution of the Government of Gujarat as per the resolution of Date : 01/07/2015 the prescribed areas and from its outer limit 10 Km. or in the areas declared as Eco Sensitive Zone the industrial activities cannot be

done and as per guideline of Government of India Ministry of Environment and Forests Letter No. 1-9/2007 WL-I (pt) dated 09/02/2011 in Column No.16 given in Annexure-1 Use of renewable energy sources and in given Column No.26 adoption of technology for all activities – should be actively promoted has been mentioned. Thus, on perusal of the foregoing details the proposed area under demand is to be converted into non-agricultural for the purpose of industry (solar energy plant) hence in view of Wild Life Protection the recommendation has been made to grant No Objection Certificate from Deputy Conservator of Forest and Chief Conservator of Forest.

For the said proposal state that, the above industrial (wind mill) activity under demand fall within the category of renewable energy activity. As per the provision of Serial-4 under preamble the said use of renewable energy activity put into encouraging activity and as per Serial No.16 of activity list of guideline of Eco Sensitive Zone of Date : 09/02/2011 of Government of India

Environment, Forest and Climate Change also the use of renewable energy put into permitted category.

Thus, on perusal of the foregoing details and regional opinion for applicant Kamleshbhai Maganbhai Solanki the Director of Dhari Solar Park Pvt. Ltd. to convert into non-agricultural the land of Amreali District Taluka Dhari Moje Monvel Village Survey No.342 paiki 12, 42 paiki 4/paiki 2, 342 paiki7/paiki2, 342 paiki 8/paiki 2 and 360 paiki 2 Sq.Mtrs.419028 land area for the Industrial (Solar Energy Plant) purpose as per the Draft Notification of Date : 25/10/2016 of Government of India and provisions of Guideline of Date : 09/02/2011 and as per the powers conferred here as per Resolution of Date : 31/05/2022 of Forests and Environment Department, Gandhinagar relying over the following condition the No Objection Certificate has been issued in view of wild life.

Conditions :-

1. That during the work have to take care no interference caused to the residence of wild

animals, trees and natural wild life and no damage of the kind whatsoever happen to it.

2A. That in the sub-station prepared for solar/wind/hybrid (solar+wind) energy evacuation by the Agency for the purpose no wild animal entered the work shall have to be taken on hand getting approved the design of fencing surrounding to sub-station from Deputy Conservator of Forest.

B. The Agency shall have to install 11 KV/66 KV Electric Line underground up to Solar/Wind/Hybrid (Solar+Wind) Energy.

3. No construction of any kind or no work of said project shall be done in the area up to 1 Km. from outer limit of Sanctuary.

4. In future no change of purpose shall be done for any other purpose than the purpose for which the No Objection Certificate has been issued. No work shall be done during the construction and in future so that any pollution of air, water, land, noise etc. spread up.

5. From the said area liquid, plastic or any other kind of solid or liquid garbage do not enter in Sanctuary or Eco Sensitive Zone of Sanctuary in such a manner have to make arrangement of permanent disposal.

6. In this case no trees cut except the approval granted in proposal of Forest Protection Act – 1980.

7. For the use of forests land have to get separate approval under Forest Protection Act – 1980.

8. The applicant company or its contractor shall not do the work at any place other than the place given.

9. That prior to commencement of work and after completion of work have to inform in writing to the local office of Forests Department.

10. For the protection of wild life if any additional condition found necessary to be put up by Chief

Wild Life Warden or State Government than have to
implement the said additional conditions.

Chief Wild Life Warden
Gujarat State, Gandhinagar

Round Seal of
Chief Wild Life Warden
Gujarat State, Gandhinagar

Number – VPS/32/B/4503-06/2022-23
Aranya Bhavan, Block B/1, Sector No.10/A
Ch-3 Circle, Gujarat State, Gandhinagar
E-mail ID : cwlguj@gmail.com
Fax Number : 079-23254788
Date : 30/12/2022

To
The Chief Conservator of Forest
Forest Circle, Junagadh.

Copy respectfully forwarded to :
The Collector, Amreali District for information.

Copy forwarded to :
The Deputy Conservator of Forest, Gir East Forest
Department, Dhari for information and doing the needful.

Jay Bharat copy forwarded to :
Kamleshbhai Maganbhai Sokanki the Director of Dhari
Solar Park Pvt. Ltd. C/o. 210 Krypton, Besides Speedwell
Party Plot, Nana Mava Road, Rajkot for information.

Round Seal of
Chief Wild Life Warden
Junagadh

ANNEXURE : I

ANNEXURE R-3
(COLLY.)

મોજે મોણવેલ તાલુકા ધારી ના સરવે/પ્લોટ નંબર 342p8/p2 મળી કુલ ક્ષેત્રફળ 54,190.00 ચો.મી. વાળી જમીનમાં ખરેખર ઔદ્યોગિક હેતુ જમીન મહેસૂલ કાયદાની કલમ-54(બ) હેઠળ આપવામાં આવેલ બિનખેતીની પરવાનગી અન્વયે નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.

શરતો :-

- (૧) સદર હુકમ તારીખથી નિયત સમયમર્યાદામાં અરજદારે સંબંધિત સત્તામંડળની કચેરીમાંથી NOC મેળવી અત્રે રજુ કરવાનું રહેશે.
- (૨) ગુજરાત પોલ્યુશન કંટ્રોલ બોર્ડ, દ્વારા વખતોવખત ઠરાવેલ જોગવાઈઓ, સૂચનાઓ તથા શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે.
 ૧. આવા ઉદ્યોગનું સ્થળ રહેણાંક વિસ્તાર તેમજ સ્કુલ/ કોલેજ વિગેરેથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૨. આવા ઉદ્યોગનું સ્થળ ઐતિહાસિક ઇમારતો, ધાર્મિક સ્થળો, જંગલની હદ તેમજ દરિયા કિનારાથી ઓછામાં ઓછું અંતર ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૩. આવા ઉદ્યોગનું સ્થળ એક્સપ્રેસ ધોરીમાર્ગ, રાષ્ટ્રીય ધોરીમાર્ગ, રાજ્ય ધોરી માર્ગ અને જિલ્લાના મુખ્ય માર્ગથી માર્ગ અને મકાન વિભાગ દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવે તે મુજબ હોવું જોઈએ.
 ૪. આવા ઉદ્યોગનું સ્થળ રેલ્વેલાઇનથી ભારતીય રેલ્વે દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવેલ છે તે મુજબ હોવું જોઈએ.
 ૫. આવા ઉદ્યોગનું સ્થળ નદી, નાળા, તળાવ, સરોવર, નહેર વિગેરે જેવા જળસ્ત્રોતથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૬. આવા ઉદ્યોગના વિસ્તારમાં ચારે બાજુ ઓછામાં ઓછા પાંચ મીટર પહોળાઈ વાળા ગ્રિનબેલ્ટ વિકસાવવાનો રહેશે.
- (૩) સંબંધિત જિલ્લા ઇન્સ્પેક્ટરશ્રી, જમીન રેકર્ડની કચેરીમાં આ હુકમ આધારે તેમજ મંજૂર થયેલ પ્લાન મુજબ દુરસ્તી પત્રક તૈયાર કરાવવાનું રહેશે અને દુરસ્તી પત્રકનો મહેસૂલી દફતરે અમલ થયા બાદ જ પ્રશ્નવાળી બિનખેતીની જમીન/ પ્લોટનું રજિસ્ટર દસ્તાવેજથી થયેલ વેચાણ વ્યવહારના અમલ માટે નોંધ પાડવાની રહેશે.
- (૪) પ્રશ્નવાળી જમીનમાંથી આવવા-જવા માટે હયાત ગાડા માર્ગ/ રસ્તો હોય તો તેના હક્કે ચાલુ રહે છે જેથી હયાત ગાડા માર્ગ/ રસ્તાને તથા પાણીના નિકાલ માટે અડચણ રૂપ થાય તેવું બાંધકામ કરવું નહિ.
- (૫) દર વર્ષે પ્રસ્તુત ક્ષેત્રફળ 54,190.00 ચો.મી. જમીનનો ખરેખર ઔદ્યોગિક હેતુ માટે નિયત વિશેષધારો તેના ઉપર થતું લોકલ ફંડ, શિક્ષણ ઉપકર વિગેરે ભરવા પડશે તેમજ વખતો વખત સુધારેલ દરે ભરપાઈ કરવાના રહેશે.
- (૬) આ બાંધકામ માત્ર ખરેખર ઔદ્યોગિક હેતુ ના હેતુ માટે જ ઉપયોગમાં લઈ શકાશે. સદર હેતુ સિવાય કલેક્ટરશ્રીની પુર્વ મંજૂરી વિના ઉપયોગ કરી શકાશે નહિ. તેમ છતાં અન્ય હેતુ માટે બાંધકામનો ઉપયોગ થશે તો તે શરતલંગ ગણાશે.
- (૭) સંબંધિત વિકાસ સત્તામંડળ દ્વારા મંજૂર કરેલ પ્લાન મુજબ બાંધકામ કરવાનું રહેશે. તેનાથી વધુ જમીનનો બાંધકામમાં ઉપયોગ કરી શકાશે નહિ.
- (૮) ખાતેદારે કલેક્ટરને મોકલેલી નોટિસની તારીખથી ત્રણ વર્ષની અંદર, આવી જમીન ઉપર ઔદ્યોગિક પ્રવૃત્તિ શરૂ કરવી જોઈશે અને આવી તારીખથી પાંચ વર્ષની અંદર આવી જમીન ઉપર માલનું ઉત્પાદન કરવાનું અથવા સેવાઓ પુરી પાડવાનું શરૂ કરવું જોઈશે.
- (૯) સરકારશ્રીનાં મહેસૂલ વિભાગનાં પરિપત્ર ક્રમાંક: બખપ-૧૦૨૦૦૨-૧૯૦૭-ક તા.૨૮/૦૨/૨૦૦૩ ની સૂચના મુજબ "વરસાદી પ્રણાલીના ભૂગર્ભ વહન/ સંચય માટે દર મકાન/ બહુમાળી મકાન (નકશા મંજૂર કરવાની સત્તા ધરાવતા સત્તાતંત્રએ આપેલ મંજૂરી મુજબ) દીઠ નિયત દરે પરકોલેક્ટિંગ બોરવેલની વ્યવસ્થા અચૂક કરવાની રહેશે.
- (૧૦) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા.૦૭/૦૮/૧૯૯૧ પરિપત્ર નં.બખપ/૧૦૯૧/૧૭૫૬/ક ની જોગવાઈ મુજબ અન-અધિકૃત બાંધકામ બાબતે બાંધકામ નિયંત્રણ કરતી સંબંધિત સંસ્થાએ ધોરણસર પગલા લેવા અધિકાર આપેલ છે તે મુજબ ધોરણસરનાં પગલાં લેવાનાં રહેશે.
- (૧૧) આ હુકમ જમીન મહેસૂલ કાયદાની કલમ-54(બ) તથા નિયમ-૧૦૦ ની જોગવાઈઓને આધારે કરેલ છે. તે સિવાય કબજેદારે અન્ય મેળવવી જરૂરી હોય તેવી સંબંધિત કાયદાકિય પરવાનગી અલાયદી મેળવી લેવાની રહેશે.
- (૧૨) સદરહુ જમીનમાં ફક્ત ખરેખર ઔદ્યોગિક હેતુના હેતુ માટે બિનખેતીની પરવાનગી આપવામાં આવેલ છે. આ જમીન બાબતે કોઈપણ તકરાર, કોર્ટ પ્રકરણો, લિટિગેશન ફરિયાદો ઉપસ્થિત થશે તો તે અંગેની જવાબદારી પરવાનગી આપનાર અધિકારીની રહેશે નહીં.
- (૧૩) સદર જમીનમાંથી પેટ્રોલિયમ/ પાણીની કે અન્ય કોઈપણ પ્રકારની પાઈપલાઈન પસાર થતી હશે તો તો સંદર્ભે વિકાસ પરવાનગી આપનાર ઓથોરિટીએ નિયમાનુસાર મળવાપાત્ર વિકાસ પરવાનગી આપવાની રહેશે.
- (૧૪) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા. ૦૧/૦૭/૨૦૦૮ ના કસવ નં. બખપ/૧૦૦૬/૪૨૫/ક માં જણાવેલ નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.
 ૧. બાંધકામ શરૂ કરતા પહેલા બાંધકામનાં નકશા સક્ષમ અધિકારી પાસે મંજૂર કરાવવાના રહેશે. પરંતુ અરજદાર બિનખેતી પરવાનગી મેળવ્યા વગર આવા બાંધકામની રજા ચિઠ્ઠી મેળવી શકશે નહિ.

૨. શહેરી વિસ્તાર જ્યાં ટાઉન પ્લાનિંગ સ્કીમ મંજૂર થઇ ગઇ છે ત્યાં જી.ડી.સી.આર. અને ઝોનિંગના નિયમો અનુસાર બાંધકામ કરવાનું રહેશે.
 ૩. મંજૂર થયેલ નકશા મુજબ આરોગ્ય અને સ્વાસ્થ્યની દ્રષ્ટિએ ગંદા પાણીનાં નિકાલની જોગવાઈ કરવાની રહેશે.
 ૪. અરજદારે રિબન ડેવલપમેન્ટ રુલ્સ નીચે જે તે રસ્તાનો પ્રકાર ધ્યાને લઇ રસ્તાના મધ્યબિંદુથી બાંધકામ વચ્ચે અંતર જાળવવાનું રહેશે અન્યથા અરજદારની જવાબદારી થશે.
 ૫. ફ્લોર, મિલ, સિનેમા/ ટુરિંગ સિનેમા/ થિયેટર માટે બિનખેતી પરવાનગીના કામે જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૬. પેટ્રોલ, ડીઝલ, કેરોસીન, સી.એન.જી., એલ.પી.જી. પંપ નાંખવા માટે બિનખેતી પરવાનગીના કામે બાંધકામ શરૂ કરતાં પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૭. ઇન્ડિયન એક્ષપ્લોઝિવ એક્ટ અન્વયે મેગેનિઝ, ફાયર વર્કસ, દારૂખાના માટે બિનખેતીની કાર્યવાહી કરતા પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૮. સવાલવાળી જમીન જો રેલવે હદની નજીક હોય તો રેલવેની હદથી નિયમ મુજબ જગ્યા છોડી બાંધકામ કરવાનું રહેશે.
 ૯. સવાલવાળી જમીન ઉપરથી અથવા બાજુમાંથી વીજળી ગ્રિડના તાર/ હાઇટેન્શન પાવર અગર થાંભલા આવેલ હોય ત્યારે તે અન્વયે લાગુ પડતા નિયમોનું પાલન કરવા અને તે મુજબ બાંધકામ કરવાનું રહેશે.
 ૧૦. બિનખેતી માંગવામાં આવી હોય તેવી જમીન જો એરોડ્રામ આસપાસ નિયમ મુજબની ત્રિજ્યામાં આવતી હોય ત્યારે બાંધકામની ઉંચાઇ તથા એરોડ્રામની દ્રષ્ટિએ જરૂરી એવું ના-વાંધા પ્રમાણપત્ર સિવિલ એવિએશન ખાતા પાસેથી મેળવવાનું રહેશે અને સિવિલ એવિએશન ખાતાના નિયમોનું પાલન કરવાનું રહેશે.
 ૧૧. ઓ.એન.જી.સી. ના કુવાની નજીકમાં આવેલ જમીનના કિસ્સામાં અરજદારે સંબંધિત નિયમોનું પાલન કરવાનું રહેશે.
 ૧૨. નર્મદા કેનાલ/ અન્ય સિંચાઇ કેનાલની નજીકમાં આવેલ જમીનની બાબતમાં અરજદારે સૂચિત બાંધકામ માટે જાળવવાના થતાં અંતર અંગેના નિયમોનું પાલન કરવાનું રહેશે.
 ૧૩. અરજદારે/ જ્યાં જરૂરી હોય ત્યાં કેન્દ્ર સરકાર કે રાજ્ય સરકારના કાયદા નીચે રક્ષિત સ્મારક (Protected Monuments) તરીકે જાહેર કરેલ પ્રાચીન સ્મારકથી નિયમ મુજબનું અંતર જાળવવાની પ્રવર્તમાન જોગવાઈઓનું પાલન કરવાનું રહેશે.
- (૧૫) શહેરી વિકાસ વિભાગની મંજૂર/અમલી વિકાસ યોજનામાં સામાન્ય વિકાસ નિયંત્રણ વિનિમયો તથા પુનરાવર્તિત વિકાસ યોજનાના સામાન્ય વિકાસ નિયંત્રણ વિનિમયોમાં બંનેમાં જે જે સમાન બાબતો હોય તે લાગુ થાય અને અન્ય બાબતોએ જે વધુ નિયંત્રણ ધરાવતા હોય, તે બાબત લાગુ કરવાની રહેશે.
- (૧૬) જાહેર આરોગ્યના નિયમોનું પાલન કરવાની શરતે અને જાહેર આરોગ્ય માટે હાનિકારક, જોખમરૂપ કે અડચણરૂપ એવું કોઇપણ કૃત્ય કરવા નહિ તેમજ આરોગ્ય માટે હાનિકારક તેમજ કોઇ પણ પ્રકારનું પ્રદૂષણ ફેલાવવું નહિ.
- (૧૭) પ્રશ્નવાળી જમીનમાં સંબંધિત વિકાસ સત્તા મંડળની તથા અન્ય સંબંધિત ખાતાઓમાંથી જરૂરી પરવાનગી/ એન.ઓ.સી. મેળવવાની રહેશે.
- (૧૮) જો આ જમીન પર કોઇ બેંક/ મંડળીનો બોજો બાકી હોય તો, તે ભરપાઇ કર્યા સિવાય આ મિલકત કોઇપણ પ્રકારે વેચાણ, ભેટ, વસિયત, બાનાખત, ગિરો કરી શકાશે નહિ અને કોઇપણ અન્યને પ્રત્યક્ષ કે પરોક્ષ રીતે માલિકી કે કબજો લોગવટો તબદીલ કરી શકાશે નહિ.
- (૧૯) -નિયમાનુસારની પ્લોટવાઈઝ માપણી સંબંધે સેટલમેન્ટ કમિશનરશ્રી, ગાંધીનગરના પરીપત્રની સૂચનાનુસાર ડેવલપમેન્ટ પ્લાન આખરી થયે ડી.આઇ.એલ.આર.શ્રી અમરેલી દ્વારા પ્લોટવાઈઝ માપણી ફી અંગે તફાવતની રકમ ભરવા જણાવે ત્યારે દિન-૨ માં રકમ જમા કરાવવાની રહેશે તથા સક્ષમ સત્તાધિકારીશ્રી પાસે સવાલવાળી જમીનના પ્રવેશમાર્ગ સંબંધે સ્પષ્ટતા સાથેનો લે-આઉટ પ્લાન મંજૂર કરાવી દિન-૯૦ માં અત્રે રજૂ કરવાનો રહેશે.
- નોંધ નં.૪૯૯ ના વ્યવહારો સ્ટેમ્પડ્યુટીને પાત્ર હોય, ખૂટતી સ્ટેમ્પડ્યુટીની રકમ ભરપાઈ કરવાની રહેશે. તેમજ તે અંગેના આધારો દિન-૩૦ માં અત્રે રજૂ કરવાના રહેશે.
- ચીફ વાઈલ્ડ લાઈફ વોર્ડન, ગુજરાત રાજ્ય, ગાંધીનગરએ તેમના તા.૨૯-૧૨-૨૦૨૨ ના ના-વાંધા પ્રમાણપત્ર નં.૧૪૭-૨૦૨૨-૨૩, જાવક નં.વસપ-૩૨-બ-૪૫૦૩-૦૬-૨૦૨૨-૨૩ થી સવાલવાળી જમીનની ૧ થી ૧૦ શરતોને આધિન ના-વાંધા પ્રમાણપત્ર આપેલ છે તે તમામ શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. તેમજ તમામ શરતોનું પાલન કરવા બાંહેધરી રજૂ કરવાની રહેશે. તેમજ ઉક્ત ના-વાંધા પ્રમાણપત્રની વિગતો મામલતદારશ્રીએ ગા.ન.નં.૭ ના બીજા હકકમાં નોંધ કરવાની રહેશે. વધુમાં સદર જમીનનો ઈકો સેન્સિટીવ ઝોનમાં સમાવેશ થતો હોય, વન વિભાગ તરફથી જે હેતુ માટે ના-વાંધા પ્રમાણપત્ર આપેલ છે તે મુજબનું જ બાંધકામ કરવાનું રહેશે. ઉક્ત શરતો પૈકી કોઈ પણ શરતોનો ભંગ થયેથી ઉક્ત પરવાનગી આપોઆપ રદબાતલ ગણાશે.
- અરજદારે ઉપરોક્ત શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. જો તેમાં નિષ્ફળ જશે તો શરતભંગ ગણી સક્ષમ અધિકારી કાયદેસરની કાર્યવાહી કરી શકશે.

શિક્ષાત્મક કલમ :-

(૨૦) ઉપરની કોઈપણ શરતનો ભંગ થયેથી જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) મુજબ શિક્ષાત્મક પગલા લેવામાં આવશે તેમજ બીજી કોઈપણ શિક્ષાને પાત્ર હશે તો તેને બાધ આવ્યા સિવાય કે જે ફરમાવવાનું યોગ્ય લાગે તે પ્રમાણે દંડ અથવા આકાર લઈ સદરહુ જમીન અંગે નિયમાનુસાર કાર્યવાહી થશે.

(૨૧) ઉપરોક્ત પેટા કલમમાં ગમે તે મજકુર હોય તેમ છતાં, કલેક્ટરશ્રી સદરહુ હુકમ વિરુદ્ધ બાંધેલ/ અથવા વધારાના કોઈપણ મકાન અથવા ઈમલોને કલેક્ટરશ્રીએ આ અર્થે જે મુદત ઠરાવી હોય તે મુદત દરમ્યાન તેવી રીતે ખસેડવામાં ન આવે કે સુચવ્યા મુજબ ફેરફાર ન કરવામાં આવે તો તેમ કરવામાં જે ખર્ચ થાય તે જબજેદાર પાસેથી જમીન મહેસૂલની બાકી તરીકે વસૂલ કરવાને મુખત્યાર છે.



(ગૌરાગ મકવાણા)
કલેક્ટર, અમરેલી

આર.પી.એ.ડી.

પ્રતિ,

ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી

કે/ઓફ, ૨૧૦, કિસ્ટોન કોમ્પ્લેક્સ

સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્સ સામે

નાનામવા

રાજકોટ-૩૬૦૦૦૫

નકલ રવાના:-

નાયબ કલેક્ટરશ્રી, ધારી પ્રાંત, જિ. અમરેલી તરફ.

મામલતદારશ્રી તા. ધારી જિ. અમરેલી તરફ.

જિલ્લા ઈન્સ્પેક્ટરશ્રી જમીન રેકર્ડ અમરેલી તરફ.

કાર્યપાલ ઇજનેરશ્રી (આર એન્ડ બી) અમરેલી તરફ.

ટાઉન પ્લાનરશ્રી અમરેલી તરફ.

ઈધરા કેન્દ્ર મામલતદાર કચેરી, ધારી

નાયબ કલેક્ટરશ્રી, સ્ટેમ્પડ્યુટી મૂલ્યાંકન તંત્ર, અમરેલી

FORM: M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide industrial use of his land under section- 65(B) of the Bombay Land Revenue Code, 1879.

(As per Govt. Gujarat R.D.Circular No. BKP/1096/1572/K Dated.18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas a notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AMRELI (here in after referred to as "The Collector") with declaration under section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (here in after referred to as "The said Code") ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી being the registered legal occupant of Survey No. 342p૪/p૨ Area 54,190.00 sq.mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore this is to certify that the use of the said land by the occupant for bonafide industrial purpose under section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No. 1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment heretofore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.8,129.00/- till such time, the assessment is revised.

Application No. 31307202201158

SR. 17/13/07/001/2023

Collector Office, AMRELI

Date: 21/01/2023



(Signature)
(GAURANG MAKWANA)
COLLECTOR AMRELI

To,
ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ઓફ, ૨૧૦, કિસ્ટોન કોમ્પ્લેક્સ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્સ સામે
નાનામવા
રાજકોટ-360005

Copy To,

Deputy Collector, DHARI Prant Office, District AMRELI for information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information and revenue recovery.

D.I.L.R., AMRELI for information and necessary action.

Executive Engineer (R & B), AMRELI for information and necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

* The online mutation entry wide No. 4171 in mutation Register (VF-6) of Village MONVEL Taluka DHARI, District AMRELI has been generated through auto mutation.

(Schedule of Survey No. 342p8/p2 Village MONVEL Taluka DHARI District AMRELI)

SCHEDULE- I

length and breath		Total super-ficial Area. sq.mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remark	
North To South Mtr	East To West Mtr			North	South	East	West	Recovered assessment amount receipt No./ Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
—	—	54,190.00	342p8/p2	સ.ન. ૩૬૦ પૈકી ૧ ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૮ પૈકી ૨ ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૪/ પૈકી ની જમીન આવેલ છે.	સ.ન. ૩૬૦ પૈકી ૨ ની જમીન આવેલ છે.	570000135510 035210123136 95	4,33,520.00



Gaurang Makwana
(GAURANG MAKWANA)
COLLECTOR AMRELI

ANNEXURE : I

The following conditions are to be followed under non-agricultural permission granted under Section-65(b) of Land Revenue Code for actual Industrial Purpose in the land of Moje Monvel Taluka Dhari Survey/Block Number 342p4/p2 total Area 54,190.00 Sq.Mtrs..

Conditions :-

(1)	That from the date of said order within time limit the applicant shall have to obtain NOC from the office of concerned Authority and to submit here.
(2)	That have to scrupulously follow the provisions, instructions and conditions time to tome resolved by the Gujarat Pollution Control Board.
1.	The place of such industry shall have to be minimum 500 meter away from residential area and school/college etc.
2.	The place of such industry shall have to be minimum 500 meter away from the historical buildings, religious places,

		forest limits and sea shore.
	3.	The place of such industry shall have to be in a manner in which the control line fixed by the Road and Building Department from the express highway, national highway, state highway and main road of the District.
	4.	The place of such industry shall have to be in a manner in which the control line fixed by the Indian Railway from the Railway line.
	5.	The place of such industry shall have to be minimum 500 meter away from the river, water passage, ponds, lake, canal etc. like water resources.
	6.	In such industrial area shall have to develop green belt having minimum five meter width on all the four sides.
3.		In the office of concerned District Inspector Land Records, on the basis of this order as per the approved plan have to prepare the Durasti Patrak and only after implementation of

	Durasti Patrak in revenue record an entry shall have to be mutated for the implementation of sale transaction done through registered deed in respect of non-agricultural land/plot under question.
(4)	If there is existing cattle cart road/path for going in and out from the land under question than the rights thereof are continue, therefore, do not have to carry out construction which may cause obstruction to existing cattle cart road/path and water disposal.
(5)	Every year for the present area 10,798.00 Sq.Mtrs. land have to deposit special cess prescribed for industrial purpose and local fund, education cess etc. and have to deposit on the rate as amended time to time.
(6)	The said construction only be utilized for the purpose of industrial purpose only. Except the said purpose the usage cannot be done without prior approval of the Collector. Inspite of that if the construction utilized for other purpose than it shall be treated as breach

	of condition.
(7)	The construction shall have to be carry out as per the plan approved by the concerned Development Authority. The land more than that cannot be taken in use for construction.
(8)	That within three years from the notice sent by account holder to the Collector, the industrial activity shall have to be started and from such date within five years shall have to start production of goods on such land or to provide services.
(9)	For the underground flow/storage of rainy water, per every house/multi story building the arrangement of percolating bore-well for each house/building shall have to be made without fail. The construction shall have to be carry out by making arrangement of disposal of rainy water.
(10)	As per the provisions of Government Revenue Department Circular No.BKHP-1091/1756/K, Date : 07.08.1991 for the unauthorized construction the concerned municipal

	corporation/urban area authority controlling the construction shall have to take steps as per the rules.
(11)	This order has been passed as per the provisions of Section-65(B) and Rule-100 of the Land Revenue Code. Except that the concerned legal permission which are require to be obtained by the occupier shall have to be obtained separately.
(12)	In the said land non-agricultural permission granted only actually for the purpose of industrial purpose. That with regard to the said land if any dispute, court cases, litigation, complaints occur than the responsibility in that regard shall be of the Officer granting the permission.
(13)	From the said land if any kind of petroleum/water or any other kind of pipeline is passing through than in that regard the authority granting development permission has to give development permission as available under the rules.

(14)	That have to follow the following conditions as mentioned in the Resolution No.BKHP/1006/425/K, Date : 01/07/2008 of Revenue Department of the Government.	
	1	Prior to commencement of construction have to get approve the plans for construction from Competent Officer, but the applicant without obtaining non-agricultural permission shall not get the commencement letter for construction.
	2	The urban area where the Town Planning Scheme has been approved, where have to make construction as per G.D.C.R. and Zoning Rules.
	3	As per approved plans have to make provision for disposal of dirty water in view of health and sanitation.
	4	That under the ribbon development rules keeping in mind the nature of road the applicant shall have to maintain distance between construction from the center point of road otherwise it shall be the

		responsibility of the applicant.
	5	In the matter of non-agricultural permission for Flour Mill, Cinema/Touring Cinema/Theater obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	6	In the matter of non-agricultural permission to install petrol, diesel, kerosene, CNG, LPG pump, prior to starting the construction obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	7	For making non agriculture procedure for Manganese, fireworks, crackers as per Indian Explosive Act, first approval of District Magistrate will be obtained and there after further proceedings will be performed.
	8	If the land in question is near to railway border, then construction shall be carried

		out leaving space from railway border as per the rules.
	9	If there is electricity grid wire/high tension power pole exists from above or besides in a land in question then construction should be made complying those rules.
	10	If a land for which non-agriculture demand is made, falls within the vicinity of Airport then for height of construction and in view of Aerodram necessary "No Objection Certificate" shall be obtained from Civil Aviation Department and will have to comply rules of Civil Aviation Department.
	11	In case of land which is located near ONGC well then Applicant shall have to follow related rules.
	12	If the land falls near Narmda Canal/other irrigation canal then Applicant has to comply rules related to maintain distance for proposed construction.

	13	Applicant, where necessary has to comply with prevailing provisions of keeping distance from notified protected monuments under rules of Central or State Government.
(15)		In the approved/implemented development scheme of Urban Development Department in general development control rules and in general development control rules, in both whichever are the common matters there are applicable and for other matters the matter which is having additional control shall have to be applicable.
(16)		On the condition to follow the rules of public health and do not have to any such act which are harmful, risky or create obstruction for public health and do not have to spread any kind of pollution which is harmful for the health.
(17)		In the land under question shall have to obtain necessary permission/N.O.C. from the concerned Development Authority and other

	concerned Departments.
(18)	If there is any charge is due of any bank/society on the said land than without paying it the said property cannot be sold, gift, by will, agreement to sale, mortgaged in any manner and the ownership or possession enjoyment cannot be transferred directly or indirectly to any one.
(19)	For the plot wise measurement as per rules as per the instruction of the circular of Settlement Commissioner, Gandhinagar upon finalization of Development Plan when D.I.L.R. Amreli ask to deposit the amount of difference for plot wise measurement at that time have to deposit the amount within 2 days and getting approved lay-out plan with clarification regarding entrance of land under question from Competent Authority have to produce here within 30 days here.
	The transaction of Entry No.499 are liable for stamp duty hence have to pay the amount of deficit stamp duty. And for which have to

	produce the proof thereof within 30 days here.
	<p>The Chief Wild Life Warden, Gujarat State, Gandhinagar has vide its No Objection Certificate No.147-2022-23 of Date : 29/12/2022 Javak No.VPS-32-B-4503-06-2022-23 given No Objection Certificate for the land under question relying over the Condition 1 to 10 so all such conditions are to be followed scrupulously. And have to submit undertaking to follow all the conditions. And the details of aforesaid No Objection Certificate the Mamlatdar shall have to mutated in Second Right of V.F.No.7. Moreover as the said land covered in Eco Sensitive Zone hence the purpose for which No Objection Certificate issued by the Forest Department, have to carry out construction accordingly. On breach of any conditions from the above conditions the above permission automatically stands cancelled.</p>
<p>The applicant shall have to scrupulously follow the above conditions. Failing in which considering it as</p>	

a breach of condition the Competent Officer shall do the legal procedure.	
Disciplinary Section :	
(20)	On breach of any of the above condition the disciplinary steps shall be taken under Section-65(b) of Land Revenue Code and if liable for any other punishment than without any bar thereof as deem fit to order availing fine or assessment the procedure shall be carried out as per rules for the said land.
(21)	Whatever is there in above section however constructed against the said order or any additional house or structure not removed during the period which is the period prescribed by the Collector or not modified as suggested and whatever expenses incurred in doing so that entitled to recover from occupier as Land Revenue Dues.

Round Seal of
Collector
Amreli

Sd/- Illegible
(Gaurang Makwana)
Collector, Amreli

R.P.A.D.

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speed Well Party Plot Chawk,
Opposite Suvarnbhoomi Complex,
Nana Mava,
Rajkot - 360005

Copy forwarded to :

The Deputy Collector, Dhari Prant, Di. Amreli
The Mamlatdar, Ta. Dhari, Di. Amreli
The District Inspector Land Records, Amreli
The Executive Engineer (R&B) Amreli
The Town Planner, Amreli
The E-Dhara Center, Mamlatdar Office, Dhari
The Deputy Collector, Stamp Duty Valuation Department,
Amreli

FORM : M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide Industrial use of his land under section-65(B) of the Bombay Land Revenue Code, 1879. (As per Govt. Gujarat R.D. Circular No.BKP/1096/1572/K, Dated : 18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AHMEDABAD (herein after referred to as "The Collector") with declaration under Section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (herein after referred to as "The said Code") (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the Director of Dhari Solar Park being the registered legal occupant of Survey No.342p4/p2Area 54,190.00 Sq.Mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore, this is to certify that the said land by the occupant for bonafide industrial purpose under Section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No.1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment herebefore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.8,129.00/- till such time, the assessment is revised.

Application No.31307202201158
SR 17/13/07/001/2023
Collector Office, AMRELI

Date : 21/01/2023

Sd/-
(GAURANG MAKWANA)
COLLECTOR, AMRELI

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speedwell Party Plot Chawk, Opposite Swarnbhoomi
Complex, Nana Mava, Rajkot – 360005

Copy To :

Deputy Collector, DHARI Prant Office, District AMRELI for
information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information
and revenue recovery.

DILR, AMRELI for information and necessary action.

Executive Engineer (R&B) AMRELI for information and
necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

The online mutation entry wide No.4171 in mutation Register
(VF-6) of Village MONVEL, Taluka DHARI, District AMRELI
has been generated through auto mutation.

(Schedule of Survey No.342p4p2 Village MONVEL Taluka
DHARI District AMRELI)
SCHEDULE-1

length and breadth		Total super- ficial Area Sq.Mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remarks	
North To South Mtr	East To West Mtr.			North	South	East	West	Recovered assessment amount receipt No./Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
---	---	54190.00	342p4/p2	S.No. 360 paiki 1 land situated there.	S.No. 342 paiki 8 paiki 2 land situated there	S.No. 342 paiki 4/ paiki land situated there	S.No. 360 paiki 2 land situated there	570000135 510035210 12313695	4,33,520.00

Round Seal of
Collector, Amreli

Sd/- Illegible
(GAURANG MAKWANA)
COLLECTOR, AMRELI

ANNEXURE : I

મોજે મોણવેલ તાલુકા ધારી ના સરવે/બ્લોક નંબર 342p૭/p૨ મળી કુલ ક્ષેત્રફળ 99,509.00 ચો.મી. વાળી જમીનમાં ખરેખર ઔદ્યોગિક હેતુ જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) હેઠળ આપવામાં આવેલ બિનખેતીની પરવાનગી અન્વયે નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.

શરતો :-

- (૧) સદર હુકમ તારીખથી નિયત સમયમર્યાદામાં અરજદારે સંબંધિત સત્તામંડળની કચેરીમાંથી NOC મેળવી અત્રે રજુ કરવાનું રહેશે.
- (૨) ગુજરાત પોલ્યુશન કંટ્રોલ બોર્ડ, દ્વારા વખતોવખત કરાવેલ જોગવાઈઓ, સૂચનાઓ તથા શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે.
 ૧. આવા ઉદ્યોગનું સ્થળ રહેણાંક વિસ્તાર તેમજ સ્કુલ/ કોલેજ વિગેરેથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૨. આવા ઉદ્યોગનું સ્થળ ઐતિહાસિક ઇમારતો, ધાર્મિક સ્થળો, જંગલની હદ તેમજ દરિયા કિનારાથી ઓછામાં ઓછું અંતર ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૩. આવા ઉદ્યોગનું સ્થળ એક્સપ્રેસ ધોરીમાર્ગ, રાષ્ટ્રીય ધોરીમાર્ગ, રાજ્ય ધોરી માર્ગ અને જિલ્લાના મુખ્ય માર્ગથી માર્ગ અને મકાન વિભાગ દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવે તે મુજબ હોવું જોઈએ.
 ૪. આવા ઉદ્યોગનું સ્થળ રેલ્વેલાઇનથી ભારતીય રેલ્વે દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવેલ છે તે મુજબ હોવું જોઈએ.
 ૫. આવા ઉદ્યોગનું સ્થળ નદી, નાળા, તળાવ, સરોવર, નહેર વિગેરે જેવા જળસ્ત્રોતથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૬. આવા ઉદ્યોગના વિસ્તારમાં ચારે બાજુ ઓછામાં ઓછા પાંચ મીટર પહોળાઈ વાળા ગ્રિનબેલ્ટ વિકસાવવાનો રહેશે.
- (૩) સંબંધિત જિલ્લા ઇન્સ્પેક્ટરશ્રી, જમીન રેકર્ડની કચેરીમાં આ હુકમ આધારે તેમજ મંજૂર થયેલ પ્લાન મુજબ દુરસ્તી પત્રક તૈયાર કરાવવાનું રહેશે અને દુરસ્તી પત્રકનો મહેસૂલી દફતરે અમલ થયા બાદ જ પ્રશ્નવાળી બિનખેતીની જમીન/ પ્લોટનું રજિસ્ટર દસ્તાવેજથી થયેલ વેચાણ વ્યવહારના અમલ માટે નોંધ પાડવાની રહેશે.
- (૪) પ્રશ્નવાળી જમીનમાંથી આવવા-જવા માટે હયાત ગાડા માર્ગ/ રસ્તો હોય તો તેના હક્કો ચાલુ રહે છે જેથી હયાત ગાડા માર્ગ/ રસ્તાને તથા પાણીના નિકાલ માટે અડચણ રૂપ થાય તેવું બાંધકામ કરવું નહિ.
- (૫) દર વર્ષે પ્રસ્તુત ક્ષેત્રફળ 99,509.00 ચો.મી. જમીનનો ખરેખર ઔદ્યોગિક હેતુ માટે નિયત વિશેષધારે તેના ઉપર થતું લોકલ ડંડ, શિક્ષણ ઉપકર વિગેરે ભરવા પડશે તેમજ વખતો વખત સુધારેલ દરે ભરપાઈ કરવાના રહેશે.
- (૬) આ બાંધકામ માત્ર ખરેખર ઔદ્યોગિક હેતુ ના હેતુ માટે જ ઉપયોગમાં લઈ શકાશે. સદર હેતુ સિવાય કલેક્ટરશ્રીની પુર્વ મંજૂરી વિના ઉપયોગ કરી શકાશે નહિ. તેમ છતાં અન્ય હેતુ માટે બાંધકામનો ઉપયોગ થશે તો તે શરતભંગ ગણાશે.
- (૭) સંબંધિત વિકાસ સત્તામંડળ દ્વારા મંજૂર કરેલ પ્લાન મુજબ બાંધકામ કરવાનું રહેશે. તેનાથી વધુ જમીનનો બાંધકામમાં ઉપયોગ કરી શકાશે નહિ.
- (૮) ખાતેદારે કલેક્ટરને મોકલેલી નોટિસની તારીખથી ત્રણ વર્ષની અંદર, આવી જમીન ઉપર ઔદ્યોગિક પ્રવૃત્તિ શરૂ કરવી જોઈશે અને આવી તારીખથી પાંચ વર્ષની અંદર આવી જમીન ઉપર માલનું ઉત્પાદન કરવાનું અથવા સેવાઓ પુરી પાડવાનું શરૂ કરવું જોઈશે.
- (૯) સરકારશ્રીનાં મહેસૂલ વિભાગનાં પરિપત્ર ક્રમાંક: બખપ-૧૦૨૦૦૨-૧૯૦૭-ક તા.૨૮/૦૨/૨૦૦૩ ની સૂચના મુજબ "વરસાદી પાણીના સૂગર્ભ વહન/ સંચય માટે દર મકાન/ બહુમાળી મકાન (નકશા મંજૂર કરવાની સત્તા ધરાવતા સત્તાતંત્રએ આપેલ મંજૂરી મુજબ) દીઠ નિયત દરે પરકોલેટિંગ બોરવેલની વ્યવસ્થા અચૂક કરવાની રહેશે.
- (૧૦) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા.૦૭/૦૮/૧૯૯૧ પરિપત્ર નં.બખપ/૧૦૯૧/૧૭૫૬/ક ની જોગવાઈ મુજબ અન-અધિકૃત બાંધકામ બાબતે બાંધકામ નિયંત્રણ કરતી સંબંધિત સંસ્થાએ ધોરણસર પગલા લેવા અધિકાર આપેલ છે તે મુજબ ધોરણસરનાં પગલાં લેવાનાં રહેશે.
- (૧૧) આ હુકમ જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) તથા નિયમ-૧૦૦ ની જોગવાઈઓને આધારે કરેલ છે. તે સિવાય કબજેદારે અન્ય મેળવવી જરૂરી હોય તેવી સંબંધિત કાયદાકીય પરવાનગી અલાયદી મેળવી લેવાની રહેશે.
- (૧૨) સદરહુ જમીનમાં ફક્ત ખરેખર ઔદ્યોગિક હેતુના હેતુ માટે બિનખેતીની પરવાનગી આપવામાં આવેલ છે. આ જમીન બાબતે કોઈપણ તકરાર, કોર્ટ પ્રકરણો, લિટિગેશન ફરિયાદો ઉપસ્થિત થશે તો તે અંગેની જવાબદારી પરવાનગી આપનાર અધિકારીની રહેશે નહીં.
- (૧૩) સદર જમીનમાંથી પેટ્રોલિયમ/ પાણીની કે અન્ય કોઈપણ પ્રકારની પાઈપલાઈન પસાર થતી હશે તો તો સંદર્ભે વિકાસ પરવાનગી આપનાર ઓથોરિટીએ નિયમાનુસાર મળવાપાત્ર વિકાસ પરવાનગી આપવાની રહેશે.
- (૧૪) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા. ૦૧/૦૭/૨૦૦૮ ના ઠરાવ નં. બખપ/૧૦૦૬/૪૨૫/ક માં જણાવેલ નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.
 ૧. બાંધકામ શરૂ કરતા પહેલા બાંધકામનાં નકશા સક્ષમ અધિકારી પાસે મંજૂર કરાવવાના રહેશે. પરંતુ અરજદાર બિનખેતી પરવાનગી મેળવ્યા વગર આવા બાંધકામની રજા ચિઠ્ઠી મેળવી શકશે નહિ.

૨. શહેરી વિસ્તાર જ્યાં ટાઉન પ્લાનિંગ સ્કીમ મંજૂર થઈ ગઈ છે ત્યાં જી.ડી.સી.આર. અને ઝોનિંગના નિયમો અનુસાર બાંધકામ કરવાનું રહેશે.
૩. મંજૂર થયેલ નકશા મુજબ આરોગ્ય અને સ્વાસ્થ્યની દ્રષ્ટિએ ગંદા પાણીનાં નિકાલની જોગવાઈ કરવાની રહેશે.
૪. અરજદારે રિબન ડેવલપમેન્ટ રુલ્સ નીચે જે તે રસ્તાનો પ્રકાર ધ્યાને લઈ રસ્તાના મધ્યબિંદુથી બાંધકામ વચ્ચે અંતર જાળવવાનું રહેશે અન્યથા અરજદારની જવાબદારી થશે.
૫. ફ્લોર, મિલ, સિનેમા/ ટુરિંગ સિનેમા/ થિયેટર માટે બિનખેતી પરવાનગીના કામે જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
૬. પેટ્રોલ, ડીઝલ, કેરોસીન, સી.એન.જી., એલ.પી.જી. પંપ નાંખવા માટે બિનખેતી પરવાનગીના કામે બાંધકામ શરૂ કરતાં પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
૭. ઇન્ડિયન એક્સપ્લોઝિવ એક્ટ અન્વયે મેગેનિઝ, ફાયર વર્કસ, દારૂખાના માટે બિનખેતીની કાર્યવાહી કરતા પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
૮. સવાલવાળી જમીન જો રેલવે હદની નજીક હોય તો રેલવેની હદથી નિયમ મુજબ જગ્યા છોડી બાંધકામ કરવાનું રહેશે.
૯. સવાલવાળી જમીન ઉપરથી અથવા બાજુમાંથી વીજળી ગ્રિડના તાર/ હાઇટેન્શન પાવર અગર થાંભલા આવેલ હોય ત્યારે તે અન્વયે લાગુ પડતા નિયમોનું પાલન કરવા અને તે મુજબ બાંધકામ કરવાનું રહેશે.
૧૦. બિનખેતી માંગવામાં આવી હોય તેવી જમીન જો એરોડ્રામ આસપાસ નિયમ મુજબની ત્રિજ્યામાં આવતી હોય ત્યારે બાંધકામની ઉંચાઈ તથા એરોડ્રામની દ્રષ્ટિએ જરૂરી એવું ના-વાંધા પ્રમાણપત્ર સિવિલ એવિએશન ખાતા પાસેથી મેળવવાનું રહેશે અને સિવિલ એવિએશન ખાતાના નિયમોનું પાલન કરવાનું રહેશે.
૧૧. ઓ.એન.જી.સી. ના કુવાની નજીકમાં આવેલ જમીનના કિસ્સામાં અરજદારે સંબંધિત નિયમોનું પાલન કરવાનું રહેશે.
૧૨. નર્મદા કેનાલ/ અન્ય સિંચાઈ કેનાલની નજીકમાં આવેલ જમીનની બાબતમાં અરજદારે સૂચિત બાંધકામ માટે જાળવવાના થતાં અંતર અંગેના નિયમોનું પાલન કરવાનું રહેશે.
૧૩. અરજદારે/ જ્યાં જરૂરી હોય ત્યાં કેન્દ્ર સરકાર કે રાજ્ય સરકારના કાયદા નીચે રક્ષિત સ્મારક (Protected Monuments) તરીકે જાહેર કરેલ પ્રાચીન સ્મારકથી નિયમ મુજબનું અંતર જાળવવાની પ્રવર્તમાન જોગવાઈઓનું પાલન કરવાનું રહેશે.
- (૧૫) શહેરી વિકાસ વિભાગની મંજૂર/અમલી વિકાસ યોજનામાં સામાન્ય વિકાસ નિયંત્રણ વિનિમયો તથા પુનરાવર્તિત વિકાસ યોજનાના સામાન્ય વિકાસ નિયંત્રણ વિનિમયોમાં બંનેમાં જે જે સમાન બાબતો હોય તે લાગુ થાય અને અન્ય બાબતોએ જે વધુ નિયંત્રણ ધરાવતા હોય, તે બાબત લાગુ કરવાની રહેશે.
- (૧૬) જાહેર આરોગ્યના નિયમોનું પાલન કરવાની શરતે અને જાહેર આરોગ્ય માટે હાનિકારક, જોખમરૂપ કે અડચણરૂપ એવું કોઈપણ કૃત્ય કરવા નહિ તેમજ આરોગ્ય માટે હાનિકારક તેમજ કોઈ પણ પ્રકારનું પ્રદૂષણ ફેલાવવું નહિ.
- (૧૭) પ્રમુખવાળી જમીનમાં સંબંધિત વિકાસ સત્તા મંડળની તથા અન્ય સંબંધિત ખાતાઓમાંથી જરૂરી પરવાનગી/ એન.ઓ.સી. મેળવવાની રહેશે.
- (૧૮) જો આ જમીન પર કોઈ બેંક/ મંડળીનો બોજો બાકી હોય તો, તે ભરપાઈ કર્યા સિવાય આ મિલકત કોઈપણ પ્રકારે વેચાણ, ભેટ, વસિયત, બાનાખત, ગિરો કરી શકાશે નહિ અને કોઈપણ અન્યને પ્રત્યક્ષ કે પરોક્ષ રીતે માલિકી કે કબજો ભોગવતો તબદીલ કરી શકાશે નહિ.
- (૧૯) -નિયમાનુસારની પ્લોટવાઈઝ માપણી સંબંધે સેટલમેન્ટ કમિશનરશ્રી, ગાંધીનગરના પરીપત્રની સૂચનાનુસાર ડેવલપમેન્ટ પ્લાન આખરી થયે ડી.આઇ.એલ.આર.શ્રી અમરેલી દ્વારા પ્લોટવાઈઝ માપણી ફી અંગે તફાવતની રકમ ભરવા જણાવે ત્યારે દિન-૨ માં રકમ જમા કરાવવાની રહેશે તથા સક્ષમ સત્તાધિકારીશ્રી પાસે સવાલવાળી જમીનના પ્રવેશમાર્ગ સંબંધે સ્પષ્ટતા સાથેનો લે-આઉટ પ્લાન મંજૂર કરાવી દિન-૯૦ માં અત્રે રજૂ કરવાનો રહેશે.
- નોંધ નં.૪૯૯ ના વ્યવહારો સ્ટેમ્પડ્યુટીને પાત્ર હોય, ખૂટતી સ્ટેમ્પડ્યુટીની રકમ ભરપાઈ કરવાની રહેશે. તેમજ તે અંગેના આધારો દિન-૩૦ માં અત્રે રજૂ કરવાના રહેશે.
- ચીફ વાઈલ્ડ લાઈફ વોર્ડન, ગુજરાત રાજ્ય, ગાંધીનગરએ તેમના તા.૨૯-૧૨-૨૦૨૨ ના ના-વાંધા પ્રમાણપત્ર નં.૧૪૭-૨૦૨૨-૨૩, જાવક નં.વસપ-૩૨-બ-૪૫૦૩-૦૬-૨૦૨૨-૨૩ થી સવાલવાળી જમીનની ૧ થી ૧૦ શરતોને આધિન ના-વાંધા પ્રમાણપત્ર આપેલ છે તે તમામ શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. તેમજ તમામ શરતોનું પાલન કરવા બાંહેધરી રજૂ કરવાની રહેશે. તેમજ ઉક્ત ના-વાંધા પ્રમાણપત્રની વિગતો મામલતદારશ્રીએ ગા.ન.નં.૭ ના બીજા હકકમાં નોંધ કરવાની રહેશે. વધુમાં સદર જમીનનો ઈકો સેન્સિટીવ ઝોનમાં સમાવેશ થતો હોય, વન વિભાગ તરફથી જે હેતુ માટે ના-વાંધા પ્રમાણપત્ર આપેલ છે તે મુજબનું જ બાંધકામ કરવાનું રહેશે. ઉક્ત શરતો પૈકી કોઈ પણ શરતોનો ભંગ થયેથી ઉક્ત પરવાનગી આપોઆપ રદબાતલ ગણાશે.
- અરજદારે ઉપરોક્ત શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. જો તેમાં નિષ્ફળ જશે તો શરતભંગ ગણી સક્ષમ અધિકારી કાયદેસરની કાર્યવાહી કરી શકશે.

શિક્ષાત્મક કલમ :-

- (૨૦) ઉપરની કોઈપણ શરતનો ભંગ થયેથી જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) મુજબ શિક્ષાત્મક પગલા લેવામાં આવશે તેમજ બીજી કોઈપણ શિક્ષાને પાત્ર હશે તો તેને બાધ આવ્યા સિવાય કે જે ફરમાવવાનું યોગ્ય લાગે તે પ્રમાણે દંડ અથવા આકાર લઈ સદરહુ જમીન અંગે નિયમાનુસાર કાર્યવાહી થશે.
- (૨૧) ઉપરોક્ત પેટા કલમમાં ગમે તે મજકુર હોય તેમ છતાં, કલેક્ટરશ્રી સદરહુ હુકમ વિરુદ્ધ બાંધેલ/ અથવા વધારાના કોઈપણ મકાન અથવા ઇમલાને કલેક્ટરશ્રીએ આ અર્થે જે મુદત ઠરાવી હોય તે મુદત દરમ્યાન તેવી રીતે ખસેડવામાં ન આવે કે સુચવ્યા મુજબ ફેરફાર ન કરવામાં આવે તો સેમ કરવામાં જે ખર્ચ થાય તે કબજેદાર પાસેથી જમીન મહેસૂલની બાકી તરીકે વસૂલ કરવાને મામત્યાર છે.



(Signature)
ગૌરાગ મકવાણા
કલેક્ટર, અમરેલી

આર.પી.એ.ડી.

પ્રતિ,

ઘારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ઓફ, ૨૧૦, કિસ્તોન કોમ્પ્લેક્સ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્સ સામે
નાનામવા
રાજકોટ-૩૬૦૦૦૫

નકલ રવાના:-

નાયબ કલેક્ટરશ્રી, ઘારી પ્રાંત, જિ. અમરેલી તરફ.
મામલતદારશ્રી તા. ઘારી જિ. અમરેલી તરફ.
જિલ્લા ઇન્સ્પેક્ટરશ્રી જમીન રેકર્ડ અમરેલી તરફ.
કાર્યપાલ ઇજનેરશ્રી (આર એન્ડ બી) અમરેલી તરફ.
ટાઉન પ્લાનરશ્રી અમરેલી તરફ.
ઈધરા કેન્દ્ર મામલતદાર કચેરી, ઘારી
નાયબ કલેક્ટરશ્રી, સ્ટેમ્પડ્યુટી મૂલ્યાંકન તંત્ર, અમરેલી

FORM: M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide industrial use of his land under section- 65(B) of the Bombay Land Revenue Code, 1879.

(As per Govt. Gujarat R.D.Circular No. BKP/1096/1572/K Dated. 18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas a notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AMRELI (here in after referred to as "The Collector") with declaration under section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (here in after referred to as "The said Code") ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી being the registered legal occupant of Survey No. 342p૩/p૨ Area 99,509.00 sq.mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore this is to certify that the use of the said land by the occupant for bonafide industrial purpose under section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No. 1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment heretofore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.14,926.00/- till such time, the assessment is revised.

Application No. 31307202201130

SR. 18/13/07/001/2023

Collector Office, AMRELI

Date: 21/01/2023



(Signature)
(GAURANG MAKWANA)
COLLECTOR AMRELI

To,
ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ઓફ, ૨૧૦, કિસ્તોન કોમ્પ્લેક્ષ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્ષ સામે
નાનામવા
રાજકોટ-360005

Copy To,

Deputy Collector, DHARI Prant Office, District AMRELI for information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information and revenue recovery.

D.I.L.R., AMRELI for information and necessary action.

Executive Engineer (R & B), AMRELI for information and necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

* The online mutation entry wide No. 4172 in mutation Register (VF-6) of Village MONVEL Taluka DHARI, District AMRELI has been generated through auto mutation.

(Schedule of Survey No. 342p૭/p૨ Village MONVEL Taluકા DHARI District AMRELI)

SCHEDULE- I

length and breath		Total super-ficial Area. sq.mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remark	
North To South Mtr	East To West Mtr			North	South	East	West	Recovered assessment amount receipt No./ Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
---	---	99,509.00	342p૭/p૨	સ.ન. ૩૪૨ પૈકી ૭/ પૈકી ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૧૨ ની જમીન આવેલ છે.	સ.ન. ૩૬૦ પૈકી ૨ ની જમીન આવેલ છે.	સ.ન. ૩૩૯ તથા ૩૬૪ પૈકી ની જમીન આવેલ છે.	570000135510 035210123137 09	7,96,072.00



Gaurang Makwana
(GAURANG MAKWANA)
COLLECTOR AMRELI

ANNEXURE : I

The following conditions are to be followed under non-agricultural permission granted under Section-65(b) of Land Revenue Code for actual Industrial Purpose in the land of Moje Monvel Taluka Dhari Survey/Block Number 342p7/p2 total Area 99,509.00 Sq.Mtrs..

Conditions :-

(1)	That from the date of said order within time limit the applicant shall have to obtain NOC from the office of concerned Authority and to submit here.
(2)	That have to scrupulously follow the provisions, instructions and conditions time to tome resolved by the Gujarat Pollution Control Board.
1.	The place of such industry shall have to be minimum 500 meter away from residential area and school/college etc.
2.	The place of such industry shall have to be minimum 500 meter away from the historical buildings, religious places,

		forest limits and sea shore.
	3.	The place of such industry shall have to be in a manner in which the control line fixed by the Road and Building Department from the express highway, national highway, state highway and main road of the District.
	4.	The place of such industry shall have to be in a manner in which the control line fixed by the Indian Railway from the Railway line.
	5.	The place of such industry shall have to be minimum 500 meter away from the river, water passage, ponds, lake, canal etc. like water resources.
	6.	In such industrial area shall have to develop green belt having minimum five meter width on all the four sides.
3.		In the office of concerned District Inspector Land Records, on the basis of this order as per the approved plan have to prepare the Durasti Patrak and only after implementation of

	Durasti Patrak in revenue record an entry shall have to be mutated for the implementation of sale transaction done through registered deed in respect of non-agricultural land/plot under question.
(4)	If there is existing cattle cart road/path for going in and out from the land under question than the rights thereof are continue, therefore, do not have to carry out construction which may cause obstruction to existing cattle cart road/path and water disposal.
(5)	Every year for the present area 10,798.00 Sq.Mtrs. land have to deposit special cess prescribed for industrial purpose and local fund, education cess etc. and have to deposit on the rate as amended time to time.
(6)	The said construction only be utilized for the purpose of industrial purpose only. Except the said purpose the usage cannot be done without prior approval of the Collector. In spite of that if the construction utilized for other purpose than it shall be treated as breach

	of condition.
(7)	The construction shall have to be carry out as per the plan approved by the concerned Development Authority. The land more than that cannot be taken in use for construction.
(8)	That within three years from the notice sent by account holder to the Collector, the industrial activity shall have to be started and from such date within five years shall have to start production of goods on such land or to provide services.
(9)	For the underground flow/storage of rainy water, per every house/multi story building the arrangement of percolating bore-well for each house/building shall have to be made without fail. The construction shall have to be carry out by making arrangement of disposal of rainy water.
(10)	As per the provisions of Government Revenue Department Circular No.BKHP-1091/1756/K, Date : 07.08.1991 for the unauthorized construction the concerned municipal

	corporation/urban area authority controlling the construction shall have to take steps as per the rules.
(11)	This order has been passed as per the provisions of Section-65(B) and Rule-100 of the Land Revenue Code. Except that the concerned legal permission which are require to be obtained by the occupier shall have to be obtained separately.
(12)	In the said land non-agricultural permission granted only actually for the purpose of industrial purpose. That with regard to the said land if any dispute, court cases, litigation, complaints occur than the responsibility in that regard shall be of the Officer granting the permission.
(13)	From the said land if any kind of petroleum/water or any other kind of pipeline is passing through than in that regard the authority granting development permission has to give development permission as available under the rules.

(14)	That have to follow the following conditions as mentioned in the Resolution No.BKHP/1006/425/K, Date : 01/07/2008 of Revenue Department of the Government.	
	1	Prior to commencement of construction have to get approve the plans for construction from Competent Officer, but the applicant without obtaining non-agricultural permission shall not get the commencement letter for construction.
	2	The urban area where the Town Planning Scheme has been approved, where have to make construction as per G.D.C.R. and Zoning Rules.
	3	As per approved plans have to make provision for disposal of dirty water in view of health and sanitation.
	4	That under the ribbon development rules keeping in mind the nature of road the applicant shall have to maintain distance between construction from the center point of road otherwise it shall be the

		responsibility of the applicant.
	5	In the matter of non-agricultural permission for Flour Mill, Cinema/Touring Cinema/Theater obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	6	In the matter of non-agricultural permission to install petrol, diesel, kerosene, CNG, LPG pump, prior to starting the construction obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	7	For making non agriculture procedure for Manganese, fireworks, crackers as per Indian Explosive Act, first approval of District Magistrate will be obtained and there after further proceedings will be performed.
	8	If the land in question is near to railway border, then construction shall be carried

		out leaving space from railway border as per the rules.
	9	If there is electricity grid wire/high tension power pole exists from above or besides in a land in question then construction should be made complying those rules.
	10	If a land for which non-agriculture demand is made, falls within the vicinity of Airport then for height of construction and in view of Aerodram necessary "No Objection Certificate" shall be obtained from Civil Aviation Department and will have to comply rules of Civil Aviation Department.
	11	In case of land which is located near ONGC well then Applicant shall have to follow related rules.
	12	If the land falls near Narmda Canal/other irrigation canal then Applicant has to comply rules related to maintain distance for proposed construction.

	13	Applicant, where necessary has to comply with prevailing provisions of keeping distance from notified protected monuments under rules of Central or State Government.
(15)		In the approved/implemented development scheme of Urban Development Department in general development control rules and in general development control rules, in both whichever are the common matters there are applicable and for other matters the matter which is having additional control shall have to be applicable.
(16)		On the condition to follow the rules of public health and do not have to any such act which are harmful, risky or create obstruction for public health and do not have to spread any kind of pollution which is harmful for the health.
(17)		In the land under question shall have to obtain necessary permission/N.O.C. from the concerned Development Authority and other

	concerned Departments.
(18)	If there is any charge is due of any bank/society on the said land than without paying it the said property cannot be sold, gift, by will, agreement to sale, mortgaged in any manner and the ownership or possession enjoyment cannot be transferred directly or indirectly to any one.
(19)	For the plot wise measurement as per rules as per the instruction of the circular of Settlement Commissioner, Gandhinagar upon finalization of Development Plan when D.I.L.R. Amreli ask to deposit the amount of difference for plot wise measurement at that time have to deposit the amount within 2 days and getting approved lay-out plan with clarification regarding entrance of land under question from Competent Authority have to produce here within 30 days here.
	The transaction of Entry No.499 are liable for stamp duty hence have to pay the amount of deficit stamp duty. And for which have to

	produce the proof thereof within 30 days here.
	<p>The Chief Wild Life Warden, Gujarat State, Gandhinagar has vide its No Objection Certificate No.147-2022-23 of Date : 29/12/2022 Javak No.VPS-32-B-4503-06-2022-23 given No Objection Certificate for the land under question relying over the Condition 1 to 10 so all such conditions are to be followed scrupulously. And have to submit undertaking to follow all the conditions. And the details of aforesaid No Objection Certificate the Mamlatdar shall have to mutated in Second Right of V.F.No.7. Moreover as the said land covered in Eco Sensitive Zone hence the purpose for which No Objection Certificate issued by the Forest Department, have to carry out construction accordingly. On breach of any conditions from the above conditions the above permission automatically stands cancelled.</p>
<p>The applicant shall have to scrupulously follow the above conditions. Failing in which considering it as</p>	

a breach of condition the Competent Officer shall do the legal procedure.	
Disciplinary Section :	
(20)	On breach of any of the above condition the disciplinary steps shall be taken under Section-65(b) of Land Revenue Code and if liable for any other punishment than without any bar thereof as deem fit to order availing fine or assessment the procedure shall be carried out as per rules for the said land.
(21)	Whatever is there in above section however constructed against the said order or any additional house or structure not removed during the period which is the period prescribed by the Collector or not modified as suggested and whatever expenses incurred in doing so that entitled to recover from occupier as Land Revenue Dues.

Round Seal of
Collector
Amreli

Sd/- Illegible
(Gaurang Makwana)
Collector, Amreli

R.P.A.D.

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speed Well Party Plot Chawk,
Opposite Suvarnbhoomi Complex,
Nana Mava,
Rajkot - 360005

Copy forwarded to :

- The Deputy Collector, Dhari Prant, Di. Amreli
The Mamlatdar, Ta. Dhari, Di. Amreli
The District Inspector Land Records, Amreli
The Executive Engineer (R&B) Amreli
The Town Planner, Amreli
The E-Dhara Center, Mamlatdar Office, Dhari
The Deputy Collector, Stamp Duty Valuation Department,
Amreli

FORM : M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide Industrial use of his land under section-65(B) of the Bombay Land Revenue Code, 1879. (As per Govt. Gujarat R.D. Circular No.BKP/1096/1572/K, Dated : 18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AHMEDABAD (herein after referred to as "The Collector") with declaration under Section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (herein after referred to as "The said Code") (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the Director of Dhari Solar Park being the registered legal occupant of Survey No.342p7/p2 Area 99,509.00 Sq.Mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore, this is to certify that the said land by the occupant for bonafide industrial purpose under Section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No.1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment herebefore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.14,926.00/- till such time, the assessment is revised.

Application No.31307202201130
SR 18/13/07/001/2023
Collector Office, AMRELI

Date : 21/01/2023

Sd/-
(GAURANG MAKWANA)
COLLECTOR, AMRELI

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speedwell Party Plot Chawk, Opposite Swarnbhoomi
Complex, Nana Mava, Rajkot – 360005

Copy To :

Deputy Collector, DHARI Prant Office, District AMRELI for
information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information
and revenue recovery.

DILR, AMRELI for information and necessary action.

Executive Engineer (R&B) AMRELI for information and
necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

The online mutation entry wide No.4172 in mutation Register
(VF-6) of Village MONVEL, Taluka DHARI, District AMRELI
has been generated through auto mutation.

(Schedule of Survey No.342p7/p2 Village MONVEL Taluka
DHARI District AMRELI)
SCHEDULE-1

length and breadth		Total super- ficial Area Sq.Mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remarks	
North To South Mtr	East To West Mtr.			North	South	East	West	Recovered assessment amount receipt No./Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
---	---	99509.00	342p7/p2	S.No. 342 paiki 7/ paiki land situated there.	S.No. 342 paiki 12 land situated there	S.No. 360 paiki 2 paiki land situated there	S.No. 339 and 364 paiki land situated there	570000135 510035210 12313709	7,96,072.00

Round Seal of
Collector, Amreli

Sd/- Illegible
(GAURANG MAKWANA)
COLLECTOR, AMRELI

ANNEXURE : I

મોજે મોણવેલ તાલુકા ધારી ના સરવે/પ્લોટ નંબર 342pC/pર મળી કુલ ક્ષેત્રફળ 1,08,816.00 ચો.મી. વાળી જમીનમાં ખરેખર ઔદ્યોગિક હેતુ જમીન મહેસૂલ કાયદાની કલમ-5પ(બ) હેઠળ આપવામાં આવેલ બિનખેતીની પરવાનગી અન્વયે નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.

શરતો :-

- (૧) સદર હુકમ તારીખથી નિયત સમયમર્યાદામાં અરજદારે સંબંધિત સત્તામંડળની કચેરીમાંથી NOC મેળવી અત્રે રજુ કરવાનું રહેશે.
- (૨) ગુજરાત પોલ્યુશન કંટ્રોલ બોર્ડ, દ્વારા વખતોવખત ઠરાવેલ જોગવાઈઓ, સૂચનાઓ તથા શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે.
 ૧. આવા ઉદ્યોગનું સ્થળ રહેણાંક વિસ્તાર તેમજ સ્કુલ/ કોલેજ વિગેરેથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૨. આવા ઉદ્યોગનું સ્થળ ઐતિહાસિક ઇમારતો, ધાર્મિક સ્થળો, જંગલની હદ તેમજ દરિયા કિનારાથી ઓછામાં ઓછું અંતર ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૩. આવા ઉદ્યોગનું સ્થળ એક્સપ્રેસ ધોરીમાર્ગ, રાષ્ટ્રીય ધોરીમાર્ગ, રાજ્ય ધોરી માર્ગ અને જિલ્લાના મુખ્ય માર્ગથી માર્ગ અને મકાન વિભાગ દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવે તે મુજબ હોવું જોઈએ.
 ૪. આવા ઉદ્યોગનું સ્થળ રેલ્વેલાઇનથી ભારતીય રેલ્વે દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવેલ છે તે મુજબ હોવું જોઈએ.
 ૫. આવા ઉદ્યોગનું સ્થળ નદી, નાળા, તળાવ, સરોવર, નહેર વિગેરે જેવા જળસ્ત્રોતથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૬. આવા ઉદ્યોગના વિસ્તારમાં ચારે બાજુ ઓછામાં ઓછા પાંચ મીટર પહોળાઈ વાળા ગ્રિનબેલ્ટ વિકસાવવાનો રહેશે.
- (૩) સંબંધિત જિલ્લા ઇન્સ્પેક્ટરશ્રી, જમીન રેકર્ડની કચેરીમાં આ હુકમ આધારે તેમજ મંજૂર થયેલ પ્લાન મુજબ દુરસ્તી પત્રક તૈયાર કરાવવાનું રહેશે અને દુરસ્તી પત્રકનો મહેસૂલી દફતરે અમલ થયા બાદ જ પ્રશ્નવાળી બિનખેતીની જમીન/ પ્લોટનું રજિસ્ટર દસ્તાવેજથી થયેલ વેચાણ વ્યવહારના અમલ માટે નોંધ પાડવાની રહેશે.
- (૪) પ્રશ્નવાળી જમીનમાંથી આવવા-જવા માટે હયાત ગાડા માર્ગ/ રસ્તો હોય તો તેના હક્કો ચાલુ રહે છે જેથી હયાત ગાડા માર્ગ/ રસ્તાને તથા પાણીના નિકાલ માટે અડચણ રૂપ થાય તેવું બાંધકામ કરવું નહિ.
- (૫) દર વર્ષે પ્રસ્તુત ક્ષેત્રફળ 1,08,816.00 ચો.મી. જમીનનો ખરેખર ઔદ્યોગિક હેતુ માટે નિયત વિશેષધારો તેના ઉપર થતું લોકલ ફંડ, શિક્ષણ ઉપકર વિગેરે ભરવા પડશે તેમજ વખતો વખત સુધારેલ દરે ભરપાઈ કરવાના રહેશે.
- (૬) આ બાંધકામ માત્ર ખરેખર ઔદ્યોગિક હેતુ ના હેતુ માટે જ ઉપયોગમાં લઈ શકાશે. સદર હેતુ સિવાય કલેક્ટરશ્રીની પુર્વ મંજૂરી વિના ઉપયોગ કરી શકાશે નહિ. તેમ છતાં અન્ય હેતુ માટે બાંધકામનો ઉપયોગ થશે તો તે શરતભંગ ગણાશે.
- (૭) સંબંધિત વિકાસ સત્તામંડળ દ્વારા મંજૂર કરેલ પ્લાન મુજબ બાંધકામ કરવાનું રહેશે. તેનાથી વધુ જમીનનો બાંધકામમાં ઉપયોગ કરી શકાશે નહિ.
- (૮) ખાતેદારે કલેક્ટરને મોકલેલી નોટિસની તારીખથી ત્રણ વર્ષની અંદર, આવી જમીન ઉપર ઔદ્યોગિક પ્રવૃત્તિ શરૂ કરવી જોઈશે અને આવી તારીખથી પાંચ વર્ષની અંદર આવી જમીન ઉપર માલનું ઉત્પાદન કરવાનું અથવા સેવાઓ પુરી પાડવાનું શરૂ કરવું જોઈશે. સરકારશ્રીનાં મહેસૂલ વિભાગનાં પરિપત્ર ક્રમાંક: બખપ-૧૦૨૦૦૨-૧૯૦૭-ક તા.૨૮/૦૨/૨૦૦૩ ની સૂચના મુજબ "વરસાદી પાણીના ભૂગર્ભ વહન/ સંચય માટે દર મકાન/ બહુમાળી મકાન (નકશા મંજૂર કરવાની સત્તા ધરાવતા સત્તાતંત્રએ આપેલ મંજૂરી મુજબ) દીઠ નિયત દરે પરકોલેટિંગ બોરવેલની વ્યવસ્થા અચૂક કરવાની રહેશે.
- (૯) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા.૦૭/૦૮/૧૯૯૧ પરિપત્ર નં.બખપ/૧૦૯૧/૧૭૫૬/ક ની જોગવાઈ મુજબ અન-અધિકૃત બાંધકામ બાબતે બાંધકામ નિયંત્રણ કરતી સંબંધિત સંસ્થાએ ધોરણસર પગલા લેવા અધિકાર આપેલ છે તે મુજબ ધોરણસરનાં પગલાં લેવાનાં રહેશે.
- (૧૧) આ હુકમ જમીન મહેસૂલ કાયદાની કલમ-5પ(બ) તથા નિયમ-૧૦૦ ની જોગવાઈઓને આધારે કરેલ છે. તે સિવાય કબજેદારે અન્ય મેળવવી જરૂરી હોય તેવી સંબંધિત કાયદાકિય પરવાનગી અલાયદી મેળવી લેવાની રહેશે.
- (૧૨) સદરહુ જમીનમાં ફક્ત ખરેખર ઔદ્યોગિક હેતુના હેતુ માટે બિનખેતીની પરવાનગી આપવામાં આવેલ છે. આ જમીન બાબતે કોઈપણ તકરાર, કોર્ટ પ્રકરણો, લિટિગેશન ફરિયાદો ઉપસ્થિત થશે તો તે અંગેની જવાબદારી પરવાનગી આપનાર અધિકારીની રહેશે નહીં.
- (૧૩) સદર જમીનમાંથી પેટ્રોલિયમ/ પાણીની કે અન્ય કોઈપણ પ્રકારની પાઈપલાઈન પસાર થતી હશે તો તો સંદર્ભે વિકાસ પરવાનગી આપનાર ઓથોરિટીએ નિયમાનુસાર મળવાપાત્ર વિકાસ પરવાનગી આપવાની રહેશે.
- (૧૪) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા. ૦૧/૦૭/૨૦૦૮ ના ઠરાવ નં. બખપ/૧૦૦૬/૪૨૫/ક માં જણાવેલ નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.
 ૧. બાંધકામ શરૂ કરતા પહેલા બાંધકામનાં નકશા સક્ષમ અધિકારી પાસે મંજૂર કરાવવાના રહેશે. પરંતુ અરજદાર બિનખેતી પરવાનગી મેળવ્યા વગર આવા બાંધકામની રજા ચિઠ્ઠી મેળવી શકશે નહિ.

૨. શહેરી વિસ્તાર જ્યાં ટાઉન પ્લાનિંગ સ્કીમ મંજૂર થઈ ગઈ છે ત્યાં જી.ડી.સી.આર. અને ઝોનિંગના નિયમો અનુસાર બાંધકામ કરવાનું રહેશે.
 ૩. મંજૂર થયેલ નકશા મુજબ આરોગ્ય અને સ્વાસ્થ્યની દ્રષ્ટિએ ગંદા પાણીનાં નિકાલની જોગવાઈ કરવાની રહેશે.
 ૪. અરજદારે રિબન ડેવલપમેન્ટ રુલ્સ નીચે જે તે રસ્તાનો પ્રકાર ધ્યાને લઈ રસ્તાના મધ્યબિંદુથી બાંધકામ વચ્ચે અંતર જાળવવાનું રહેશે અન્યથા અરજદારની જવાબદારી થશે.
 ૫. ફ્લોર, મિલ, સિનેમા/ ટુરિંગ સિનેમા/ થિયેટર માટે બિનખેતી પરવાનગીના કામે જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૬. પેટ્રોલ, ડીઝલ, કેરોસીન, સી.એન.જી., એલ.પી.જી. પંપ નાંખવા માટે બિનખેતી પરવાનગીના કામે બાંધકામ શરૂ કરતાં પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૭. ઇન્ડિયન એક્સપ્લોઝિવ એક્ટ અન્વયે મેગેનિઝ, ફાયર વર્ક્સ, દારૂખાના માટે બિનખેતીની કાર્યવાહી કરતા પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૮. સવાલવાળી જમીન જો રેલવે હદની નજીક હોય તો રેલવેની હદથી નિયમ મુજબ જગ્યા છોડી બાંધકામ કરવાનું રહેશે.
 ૯. સવાલવાળી જમીન ઉપરથી અથવા બાજુમાંથી વીજળી ગ્રિડના તાર/ હાઇટેન્શન પાવર અગર થાંભલા આવેલ હોય ત્યારે તે અન્વયે લાગુ પડતા નિયમોનું પાલન કરવા અને તે મુજબ બાંધકામ કરવાનું રહેશે.
 ૧૦. બિનખેતી માંગવામાં આવી હોય તેવી જમીન જો એરોડ્રામ આસપાસ નિયમ મુજબની ત્રિજ્યામાં આવતી હોય ત્યારે બાંધકામની ઉંચાઈ તથા એરોડ્રામની દ્રષ્ટિએ જરૂરી એવું ના-વાંધા પ્રમાણપત્ર સિવિલ એવિએશન ખાતા પાસેથી મેળવવાનું રહેશે અને સિવિલ એવિએશન ખાતાના નિયમોનું પાલન કરવાનું રહેશે.
 ૧૧. ઓ.એન.જી.સી. ના કુવાની નજીકમાં આવેલ જમીનના કિસ્સામાં અરજદારે સંબંધિત નિયમોનું પાલન કરવાનું રહેશે.
 ૧૨. નર્મદા કેનાલ/ અન્ય સિંચાઈ કેનાલની નજીકમાં આવેલ જમીનની બાબતમાં અરજદારે સૂચિત બાંધકામ માટે જાળવવાના થતાં અંતર અંગેના નિયમોનું પાલન કરવાનું રહેશે.
 ૧૩. અરજદારે/ જ્યાં જરૂરી હોય ત્યાં કેન્દ્ર સરકાર કે રાજ્ય સરકારના કાયદા નીચે રક્ષિત સ્મારક (Protected Monuments) તરીકે જાહેર કરેલ પ્રાચીન સ્મારકથી નિયમ મુજબનું અંતર જાળવવાની પૂર્વતમાન જોગવાઈઓનું પાલન કરવાનું રહેશે.
- (૧૫) શહેરી વિકાસ વિભાગની મંજૂર/અમલી વિકાસ યોજનામાં સામાન્ય વિકાસ નિયંત્રણ વિનિમયો તથા પુનરાવર્તિત વિકાસ યોજનાના સામાન્ય વિકાસ નિયંત્રણ વિનિમયોમાં બંનેમાં જે જે સમાન બાબતો હોય તે લાગુ થાય અને અન્ય બાબતોએ જે વધુ નિયંત્રણ ધરાવતા હોય, તે બાબત લાગુ કરવાની રહેશે.
- (૧૬) જાહેર આરોગ્યના નિયમોનું પાલન કરવાની શરતે અને જાહેર આરોગ્ય માટે હાનિકારક, જોખમરૂપ કે અડચણરૂપ એવું કોઈપણ કૃત્ય કરવા નહિ તેમજ આરોગ્ય માટે હાનિકારક તેમજ કોઈ પણ પ્રકારનું પ્રદૂષણ ફેલાવવું નહિ.
- (૧૭) પ્રશ્નવાળી જમીનમાં સંબંધિત વિકાસ સત્તા મંડળની તથા અન્ય સંબંધિત ખાતાઓમાંથી જરૂરી પરવાનગી/ એન.ઓ.સી. મેળવવાની રહેશે.
- (૧૮) જો આ જમીન પર કોઈ બેંક/ મંડળીનો બોજો બાકી હોય તો, તે ભરપાઈ કર્યા સિવાય આ મિલકત કોઈપણ પ્રકારે વેચાણ, ભેટ, વસિયત, બાનાખત, ગિરો કરી શકાશે નહિ અને કોઈપણ અન્યને પ્રત્યક્ષ કે પરોક્ષ રીતે માલિકી કે કબજો ભોગવટો તબદીલ કરી શકાશે નહિ.
- (૧૯) -નિયમાનુસારની પ્લોટવાઈઝ માપણી સંબંધે સેટલમેન્ટ કમિશનરશ્રી, ગાંધીનગરના પરીપત્રની સૂચનાનુસાર ડેવલપમેન્ટ પ્લાન આખરી થયે ડી.આઇ.એલ.આર.શ્રી અમરેલી દ્વારા પ્લોટવાઈઝ માપણી ફી અંગે તફાવતની રકમ ભરવા જણાવે ત્યારે દિન-૨ માં રકમ જમા કરાવવાની રહેશે તથા સક્ષમ સતાધિકારીશ્રી પાસે સવાલવાળી જમીનના પ્રવેશમાર્ગ સંબંધે સ્પષ્ટતા સાથેનો લે-આઉટ પ્લાન મંજૂર કરાવી દિન-૬૦ માં અત્રે રજૂ કરવાનો રહેશે.
- નોંધ નં.૪૯૯ ના વ્યવહારો સ્ટેમ્પડ્યુટીને પાત્ર હોય, ખૂટતી સ્ટેમ્પડ્યુટીની રકમ ભરપાઈ કરવાની રહેશે. તેમજ તે અંગેના આધારો દિન-૩૦ માં અત્રે રજૂ કરવાના રહેશે.
- ચીફ વાઈલ્ડ લાઈફ વોર્ડન, ગુજરાત રાજ્ય, ગાંધીનગરએ તેમના તા.૨૯-૧૨-૨૦૨૨ ના ના-વાંધા પ્રમાણપત્ર નં.૧૪૭-૨૦૨૨-૨૩, જાવક નં.વસપ-૩૨-બ-૪૫૦૩-૦૬-૨૦૨૨-૨૩ થી સવાલવાળી જમીનની ૧ થી ૧૦ શરતોને આધિન ના-વાંધા પ્રમાણપત્ર આપેલ છે તે તમામ શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. તેમજ તમામ શરતોનું પાલન કરવા બાંહેધરી રજૂ કરવાની રહેશે. તેમજ ઉક્ત ના-વાંધા પ્રમાણપત્રની વિગતો મામલતદારશ્રીએ ગા.ન.નં.૭ ના બીજા હકકમાં નોંધ કરવાની રહેશે. વધુમાં સદર જમીનનો ઈકો સેન્સેટીવ ઝોનમાં સમાવેશ થતો હોય, વન વિભાગ તરફથી જે હેતુ માટે ના-વાંધા પ્રમાણપત્ર આપેલ છે તે મુજબનું જ બાંધકામ કરવાનું રહેશે. ઉક્ત શરતો પૈકી કોઈ પણ શરતોનો ભંગ થયેથી ઉક્ત પરવાનગી આપોઆપ રદબાતલ ગણાશે.
- અરજદારે ઉપરોક્ત શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. જો તેમાં નિષ્ફળ જશે તો શરતભંગ ગણી સક્ષમ અધિકારી કાયદેસરની કાર્યવાહી કરી શકશે.

શિક્ષાત્મક કલમ :-

- (૨૦) ઉપરની કોઈપણ શરતનો ભંગ થયેથી જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) મુજબ શિક્ષાત્મક પગલા લેવામાં આવશે તેમજ બીજી કોઈપણ શિક્ષાને પાત્ર હશે તો તેને બાધ આવ્યા સિવાય કે જે ફરમાવવાનું યોગ્ય લાગે તે પ્રમાણે દંડ અથવા આકાર લઈ સદરહુ જમીન અંગે નિયમાનુસાર કાર્યવાહી થશે.
- (૨૧) ઉપરોક્ત પેટા કલમમાં ગમે તે મજકુર હોય તેમ છતાં, કલેક્ટરશ્રી સદરહુ હુકમ વિરુદ્ધ બાંધેલ/ અથવા વધારાના કોઈપણ મકાન અથવા ઈમલોને કલેક્ટરશ્રીએ આ અર્થે જે મુદત ઠરાવી હોય તે મુદત દરમ્યાન તેવી રીતે ખસેડવામાં ન આવે કે સુચવ્યા મુજબ ફેરફાર ન કરવામાં આવેતો તેમ કરવામાં જે ખર્ચ થાય તે કબજેદાર પાસેથી જમીન મહેસૂલની બાકી તરીકે વસૂલ કરવાને મુખ્યત્યાર છે.



(ગોરાંગ મહેવાણા)
કલેક્ટર, અમરેલી

આર.પી.એ.ડી.

પ્રતિ,

ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી

કે/ઓફ, ૨૧૦, કિસ્તોન કોમ્પ્લેક્સ

સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્સ સામે

નાનામવા

રાજકોટ-૩૬૦૦૦૫

નકલ રવાના:-

નાયબ કલેક્ટરશ્રી, ધારી પ્રાંત, જિ. અમરેલી તરફ.

મામલતદારશ્રી તા. ધારી જિ. અમરેલી તરફ.

જિલ્લા ઈન્સ્પેક્ટરશ્રી જમીન રેકર્ડ અમરેલી તરફ.

કાર્યપાલ ઇજનેરશ્રી (આર એન્ડ બી) અમરેલી તરફ.

ટાઉન પ્લાનરશ્રી અમરેલી તરફ.

ઈધરા કેન્દ્ર મામલતદાર કચેરી, ધારી

નાયબ કલેક્ટરશ્રી, સ્ટેમ્પડ્યુટી મૂલ્યાંકન તંત્ર, અમરેલી

FORM: M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide industrial use of his land under section- 65(B) of the Bombay Land Revenue Code, 1879.

(As per Govt. Gujarat R.D.Circular No. BKP/1096/1572/K Dated.18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas a notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AMRELI (here in after referred to as "The Collector") with declaration under section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (here in after referred to as "The said Code") ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી being the registered legal occupant of Survey No. 342p૮/p૨ Area 1,08,816.00 sq.mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore this is to certify that the use of the said land by the occupant for bonafide industrial purpose under section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No. 1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment heretofore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.16,322.00/- till such time, the assessment is revised.

Application No. 31307202201159

SR. 35/13/07/001/2023

Collector Office, AMRELI

Date: 23/01/2023



Gaurang Makwana
(GAURANG MAKWANA)
COLLECTOR AMRELI

To,
ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ઓફ, ૨૧૦, કિસ્ટોન કોમ્પ્લેક્ષ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્ષ સામે
નાનામવાલ
રાજકોટ-૩૬૦૦૦૫

Copy To,

Deputy Collector, DHARI Prant Office, District AMRELI for information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information and revenue recovery.

D.I.L.R., AMRELI for information and necessary action.

Executive Engineer (R & B), AMRELI for information and necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

* The online mutation entry wide No. 4175 in mutation Register (VF-6) of Village MONVEL Taluka DHARI, District AMRELI has been generated through auto mutation.

(Schedule of Survey No. 342pC/p2 Village MONVEL Taluka DHARI District AMRELI)

SCHEDULE- I

length and breath		Total super-ficial Area. sq.mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remark	
North To South Mtr	East To West Mtr			North	South	East	West	Recovered assessment amount receipt No./ Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
—	—	1,08,816.00	342pC/p2	સ.ન. ૩૪૨ પૈકી ૪ /પૈકી ૨ ની જમીન આવેલ છે.	લાગુ વેકરીય ના ગામનો સીમાડો આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૮/પૈકી ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૧૨ ની જમીન આવેલ છે.	570000135510 035210123270 36	8,70,528.00



(Signature)
(GAURANG MAKWANA)
COLLECTOR AMRELI



ANNEXURE : I

The following conditions are to be followed under non-agricultural permission granted under Section-65(b) of Land Revenue Code for actual Industrial Purpose in the land of Moje Monvel Taluka Dhari Survey/Block Number 342p8/p2 total Area 1,08,816.00 Sq.Mtrs..

Conditions :-

(1)	That from the date of said order within time limit the applicant shall have to obtain NOC from the office of concerned Authority and to submit here.
(2)	That have to scrupulously follow the provisions, instructions and conditions time to tome resolved by the Gujarat Pollution Control Board.
1.	The place of such industry shall have to be minimum 500 meter away from residential area and school/college etc.
2.	The place of such industry shall have to be minimum 500 meter away from the historical buildings, religious places,

		forest limits and sea shore.
	3.	The place of such industry shall have to be in a manner in which the control line fixed by the Road and Building Department from the express highway, national highway, state highway and main road of the District.
	4.	The place of such industry shall have to be in a manner in which the control line fixed by the Indian Railway from the Railway line.
	5.	The place of such industry shall have to be minimum 500 meter away from the river, water passage, ponds, lake, canal etc. like water resources.
	6.	In such industrial area shall have to develop green belt having minimum five meter width on all the four sides.
3.		In the office of concerned District Inspector Land Records, on the basis of this order as per the approved plan have to prepare the Durasti Patrak and only after implementation of

	Durasti Patrak in revenue record an entry shall have to be mutated for the implementation of sale transaction done through registered deed in respect of non-agricultural land/plot under question.
(4)	If there is existing cattle cart road/path for going in and out from the land under question than the rights thereof are continue, therefore, do not have to carry out construction which may cause obstruction to existing cattle cart road/path and water disposal.
(5)	Every year for the present area 10,798.00 Sq.Mtrs. land have to deposit special cess prescribed for industrial purpose and local fund, education cess etc. and have to deposit on the rate as amended time to time.
(6)	The said construction only be utilized for the purpose of industrial purpose only. Except the said purpose the usage cannot be done without prior approval of the Collector. Inspite of that if the construction utilized for other purpose than it shall be treated as breach

	of condition.
(7)	The construction shall have to be carry out as per the plan approved by the concerned Development Authority. The land more than that cannot be taken in use for construction.
(8)	That within three years from the notice sent by account holder to the Collector, the industrial activity shall have to be started and from such date within five years shall have to start production of goods on such land or to provide services.
(9)	For the underground flow/storage of rainy water, per every house/multi story building the arrangement of percolating bore-well for each house/building shall have to be made without fail. The construction shall have to be carry out by making arrangement of disposal of rainy water.
(10)	As per the provisions of Government Revenue Department Circular No.BKHP-1091/1756/K, Date : 07.08.1991 for the unauthorized construction the concerned municipal

	corporation/urban area authority controlling the construction shall have to take steps as per the rules.
(11)	This order has been passed as per the provisions of Section-65(B) and Rule-100 of the Land Revenue Code. Except that the concerned legal permission which are require to be obtained by the occupier shall have to be obtained separately.
(12)	In the said land non-agricultural permission granted only actually for the purpose of industrial purpose. That with regard to the said land if any dispute, court cases, litigation, complaints occur than the responsibility in that regard shall be of the Officer granting the permission.
(13)	From the said land if any kind of petroleum/water or any other kind of pipeline is passing through than in that regard the authority granting development permission has to give development permission as available under the rules.

(14)	That have to follow the following conditions as mentioned in the Resolution No.BKHP/1006/425/K, Date : 01/07/2008 of Revenue Department of the Government.	
	1	Prior to commencement of construction have to get approve the plans for construction from Competent Officer, but the applicant without obtaining non-agricultural permission shall not get the commencement letter for construction.
	2	The urban area where the Town Planning Scheme has been approved, where have to make construction as per G.D.C.R. and Zoning Rules.
	3	As per approved plans have to make provision for disposal of dirty water in view of health and sanitation.
	4	That under the ribbon development rules keeping in mind the nature of road the applicant shall have to maintain distance between construction from the center point of road otherwise it shall be the

		responsibility of the applicant.
	5	In the matter of non-agricultural permission for Flour Mill, Cinema/Touring Cinema/Theater obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	6	In the matter of non-agricultural permission to install petrol, diesel, kerosene, CNG, LPG pump, prior to starting the construction obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	7	For making non agriculture procedure for Manganese, fireworks, crackers as per Indian Explosive Act, first approval of District Magistrate will be obtained and there after further proceedings will be performed.
	8	If the land in question is near to railway border, then construction shall be carried

		out leaving space from railway border as per the rules.
	9	If there is electricity grid wire/high tension power pole exists from above or besides in a land in question then construction should be made complying those rules.
	10	If a land for which non-agriculture demand is made, falls within the vicinity of Airport then for height of construction and in view of Aerodram necessary "No Objection Certificate" shall be obtained from Civil Aviation Department and will have to comply rules of Civil Aviation Department.
	11	In case of land which is located near ONGC well then Applicant shall have to follow related rules.
	12	If the land falls near Narmda Canal/other irrigation canal then Applicant has to comply rules related to maintain distance for proposed construction.

	13	Applicant, where necessary has to comply with prevailing provisions of keeping distance from notified protected monuments under rules of Central or State Government.
(15)		In the approved/implemented development scheme of Urban Development Department in general development control rules and in general development control rules, in both whichever are the common matters there are applicable and for other matters the matter which is having additional control shall have to be applicable.
(16)		On the condition to follow the rules of public health and do not have to any such act which are harmful, risky or create obstruction for public health and do not have to spread any kind of pollution which is harmful for the health.
(17)		In the land under question shall have to obtain necessary permission/N.O.C. from the concerned Development Authority and other

	concerned Departments.
(18)	If there is any charge is due of any bank/society on the said land than without paying it the said property cannot be sold, gift, by will, agreement to sale, mortgaged in any manner and the ownership or possession enjoyment cannot be transferred directly or indirectly to any one.
(19)	For the plot wise measurement as per rules as per the instruction of the circular of Settlement Commissioner, Gandhinagar upon finalization of Development Plan when D.I.L.R. Amreli ask to deposit the amount of difference for plot wise measurement at that time have to deposit the amount within 2 days and getting approved lay-out plan with clarification regarding entrance of land under question from Competent Authority have to produce here within 30 days here.
	The transaction of Entry No.499 are liable for stamp duty hence have to pay the amount of deficit stamp duty. And for which have to

	produce the proof thereof within 30 days here.
	<p>The Chief Wild Life Warden, Gujarat State, Gandhinagar has vide its No Objection Certificate No.147-2022-23 of Date : 29/12/2022 Javak No.VPS-32-B-4503-06-2022-23 given No Objection Certificate for the land under question relying over the Condition 1 to 10 so all such conditions are to be followed scrupulously. And have to submit undertaking to follow all the conditions. And the details of aforesaid No Objection Certificate the Mamlatdar shall have to mutated in Second Right of V.F.No.7. Moreover as the said land covered in Eco Sensitive Zone hence the purpose for which No Objection Certificate issued by the Forest Department, have to carry out construction accordingly. On breach of any conditions from the above conditions the above permission automatically stands cancelled.</p>
<p>The applicant shall have to scrupulously follow the above conditions. Failing in which considering it as</p>	

a breach of condition the Competent Officer shall do the legal procedure.	
Disciplinary Section :	
(20)	On breach of any of the above condition the disciplinary steps shall be taken under Section-65(b) of Land Revenue Code and if liable for any other punishment than without any bar thereof as deem fit to order availing fine or assessment the procedure shall be carried out as per rules for the said land.
(21)	Whatever is there in above section however constructed against the said order or any additional house or structure not removed during the period which is the period prescribed by the Collector or not modified as suggested and whatever expenses incurred in doing so that entitled to recover from occupier as Land Revenue Dues.

Round Seal of
Collector
Amreli

Sd/- Illegible
(Gaurang Makwana)
Collector, Amreli

R.P.A.D.

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speed Well Party Plot Chawk,
Opposite Suvarnbhoomi Complex,
Nana Mava,
Rajkot - 360005

Copy forwarded to :

- The Deputy Collector, Dhari Prant, Di. Amreli
The Mamlatdar, Ta. Dhari, Di. Amreli
The District Inspector Land Records, Amreli
The Executive Engineer (R&B) Amreli
The Town Planner, Amreli
The E-Dhara Center, Mamlatdar Office, Dhari
The Deputy Collector, Stamp Duty Valuation Department,
Amreli

FORM : M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide Industrial use of his land under section-65(B) of the Bombay Land Revenue Code, 1879. (As per Govt. Gujarat R.D. Circular No.BKP/1096/1572/K, Dated : 18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AHMEDABAD (herein after referred to as "The Collector") with declaration under Section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (herein after referred to as "The said Code") (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the Director of Dhari Solar Park being the registered legal occupant of Survey No.342p8/p2Area 1,08,816.00 Sq.Mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore, this is to certify that the said land by the occupant for bonafide industrial purpose under Section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No.1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment herebefore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.16,322.00/- till such time, the assessment is revised.

Application No.31307202201158
SR 17/13/07/001/2023
Collector Office, AMRELI

Date : 21/01/2023

Sd/-
(GAURANG MAKWANA)
COLLECTOR, AMRELI

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speedwell Party Plot Chawk, Opposite Swarnbhoomi
Complex, Nana Mava, Rajkot – 360005

Copy To :

Deputy Collector, DHARI Prant Office, District AMRELI for
information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information
and revenue recovery.

DILR, AMRELI for information and necessary action.

Executive Engineer (R&B) AMRELI for information and
necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

The online mutation entry wide No.4175 in mutation Register
(VF-6) of Village MONVEL, Taluka DHARI, District AMRELI
has been generated through auto mutation.

(Schedule of Survey No.342p8p2 Village MONVEL Taluka
DHARI District AMRELI)
SCHEDULE-1

length and breadth		Total super- ficial Area Sq.Mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remarks	
North To South Mtr	East To West Mtr.			North	South	East	West	Recovered assessment amount receipt No./Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
---	---	108816.0	342p8/p2	S.No. 342 paiki 4/ paiki 2 land situated there.	Adjo- ining outski rt of Vekar iya Villa ge.	S.No. 342 paiki 8/ paiki land situate d there	S.No3 42 paiki 12 land situat ed there	570000135 510352101 2327036	8,70,528.00

Round Seal of
Collector, Amreli

Sd/- Illegible
(GAURANG MAKWANA)
COLLECTOR, AMRELI

ANNEXURE : I

મોજ મોણવેલ તાલુકા ધારી ના સરવે/બ્લોક નંબર 342p૧૨ મળી કુલ ક્ષેત્રફળ 1,41,641.00 ચો.મી. વાળી જમીનમાં ખરેખર ઔદ્યોગિક હેતુ જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) હેઠળ આપવામાં આવેલ બિનખેતીની પરવાનગી અન્વયે નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.

શરતો : -

- (૧) સદર હુકમ તારીખથી નિયત સમયમર્યાદામાં અરજદારે સંબંધિત સત્તામંડળની કચેરીમાંથી NOC મેળવી અત્રે રજુ કરવાનું રહેશે.
- (૨) ગુજરાત પોલ્યુશન કંટ્રોલ બોર્ડ, દ્વારા વખતોવખત ઠરાવેલ જોગવાઈઓ, સૂચનાઓ તથા શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે.
 ૧. આવા ઉદ્યોગનું સ્થળ રહેણાંક વિસ્તાર તેમજ સ્કુલ/ કોલેજ વિગેરેથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૨. આવા ઉદ્યોગનું સ્થળ ઐતિહાસિક ઇમારતો, ધાર્મિક સ્થળો, જંગલની હદ તેમજ દરિયા કિનારાથી ઓછામાં ઓછું અંતર ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૩. આવા ઉદ્યોગનું સ્થળ એક્સપ્રેસ ધોરીમાર્ગ, રાષ્ટ્રીય ધોરીમાર્ગ, રાજ્ય ધોરી માર્ગ અને જિલ્લાના મુખ્ય માર્ગથી માર્ગ અને મકાન વિભાગ દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવે તે મુજબ હોવું જોઈએ.
 ૪. આવા ઉદ્યોગનું સ્થળ રેલ્વેલાઇનથી ભારતીય રેલ્વે દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવેલ છે તે મુજબ હોવું જોઈએ.
 ૫. આવા ઉદ્યોગનું સ્થળ નદી, નાળા, તળાવ, સરોવર, નહેરુ વિગેરે જેવા જળસ્ત્રોતથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૬. આવા ઉદ્યોગના વિસ્તારમાં ચારે બાજુ ઓછામાં ઓછા પાંચ મીટર પહોળાઈ વાળા ગ્રિનબેલ્ટ વિકસાવવાનો રહેશે.
- (૩) સંબંધિત જિલ્લા ઇન્સ્પેક્ટરશ્રી, જમીન રેકર્ડની કચેરીમાં આ હુકમ આધારે તેમજ મંજૂર થયેલ પ્લાન મુજબ દુરસ્તી પત્રક તૈયાર કરાવવાનું રહેશે અને દુરસ્તી પત્રકનો મહેસૂલી દફતરે અમલ થયા બાદ જ પ્રશ્નવાળી બિનખેતીની જમીન/ પ્લોટનું રજિસ્ટર દસ્તાવેજથી થયેલ વેચાણ વ્યવહારના અમલ માટે નોંધ પાડવાની રહેશે.
- (૪) પ્રશ્નવાળી જમીનમાંથી આવવા-જવા માટે હયાત ગાડા માર્ગ/ રસ્તો હોય તો તેના હક્કો ચાલુ રહે છે જેથી હયાત ગાડા માર્ગ/ રસ્તાને તથા પાણીના નિકાલ માટે અડચણ રૂપ થાય તેવું બાંધકામ કરવું નહિ.
- (૫) દર વર્ષે પ્રસ્તુત ક્ષેત્રફળ 1,41,641.00 ચો.મી. જમીનનો ખરેખર ઔદ્યોગિક હેતુ માટે નિયત વિશેષધારે તેના ઉપર થતું લોકલ ફંડ, શિક્ષણ ઉપકર વિગેરે ભરવા પડશે તેમજ વખતો વખત સુધારેલ દરે ભરપાઈ કરવાના રહેશે.
- (૬) આ બાંધકામ માત્ર ખરેખર ઔદ્યોગિક હેતુ ના હેતુ માટે જ ઉપયોગમાં લઈ શકાશે. સદર હેતુ સિવાય કલેક્ટરશ્રીની પુર્વ મંજૂરી વિના ઉપયોગ કરી શકાશે નહિ. તેમ છતાં અન્ય હેતુ માટે બાંધકામનો ઉપયોગ થશે તો તે શરતભંગ ગણાશે.
- (૭) સંબંધિત વિકાસ સત્તામંડળ દ્વારા મંજૂર કરેલ પ્લાન મુજબ બાંધકામ કરવાનું રહેશે. તેનાથી વધુ જમીનનો બાંધકામમાં ઉપયોગ કરી શકાશે નહિ.
- (૮) ખાતેદારે કલેક્ટરને મોકલેલી નોટિસની તારીખથી ત્રણ વર્ષની અંદર, આવી જમીન ઉપર ઔદ્યોગિક પ્રવૃત્તિ શરૂ કરવી જોઈશે અને આવી તારીખથી પાંચ વર્ષની અંદર આવી જમીન ઉપર માલનું ઉત્પાદન કરવાનું અથવા સેવાઓ પુરી પાડવાનું શરૂ કરવું જોઈશે. સરકારશ્રીનાં મહેસૂલ વિભાગનાં પરિપત્ર ક્રમાંક: બખપ-૧૦૨૦૦૨-૧૯૦૭-ક તા.૨૮/૦૨/૨૦૦૩ ની સૂચના મુજબ વરસાદી પાણીના ભૂગર્ભ વહન/ સંચય માટે દર મકાન/ બહુમાળી મકાન (નકશા મંજૂર કરવાની સત્તા ધરાવતા સત્તાતંત્રએ આપેલ મંજૂરી મુજબ) દીઠ નિયત દરે પરકોલેટિંગ બોરવેલની વ્યવસ્થા અચૂક કરવાની રહેશે. સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા.૦૭/૦૮/૧૯૯૧ પરિપત્ર નં.બખપ/૧૦૯૧/૧૭૫૬/ક ની જોગવાઈ મુજબ અન-અધિકૃત બાંધકામ બાબતે બાંધકામ નિયંત્રણ કરતી સંબંધિત સંસ્થાએ ધોરણસર પગલા લેવા અધિકાર આપેલ છે તે મુજબ ધોરણસરનાં પગલાં લેવાનાં રહેશે.
- (૧૧) આ હુકમ જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) તથા નિયમ-૧૦૦ ની જોગવાઈઓને આધારે કરેલ છે. તે સિવાય કબજેદારે અન્ય મેળવવી જરૂરી હોય તેવી સંબંધિત કાયદાકિય પરવાનગી અલાયદી મેળવી લેવાની રહેશે.
- (૧૨) સદરહુ જમીનમાં ફક્ત ખરેખર ઔદ્યોગિક હેતુના હેતુ માટે બિનખેતીની પરવાનગી આપવામાં આવેલ છે. આ જમીન બાબતે કોઈપણ તકરાર, કોર્ટ પ્રકરણો, લિથિગેશન ફરિયાદો ઉપસ્થિત થશે તો તે અંગેની જવાબદારી પરવાનગી આપનાર અધિકારીની રહેશે નહીં.
- (૧૩) સદર જમીનમાંથી પેટ્રોલિયમ/ પાણીની કે અન્ય કોઈપણ પ્રકારની પાઈપલાઈન પસાર થતી હશે તો તો સંદર્ભે વિકાસ પરવાનગી આપનાર ઓથોરિટીએ નિયમાનુસાર મળવાપાત્ર વિકાસ પરવાનગી આપવાની રહેશે.
- (૧૪) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા. ૦૧/૦૭/૨૦૦૮ ના ઠરાવ નં. બખપ/૧૦૦૬/૪૨૫/ક માં જણાવેલ નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.
 ૧. બાંધકામ શરૂ કરતા પહેલા બાંધકામનાં નકશા સક્ષમ અધિકારી પાસે મંજૂર કરાવવાના રહેશે. પરંતુ અરજદાર બિનખેતી પરવાનગી મેળવ્યા વગર આવા બાંધકામની રજા ચિઠ્ઠી મેળવી શકશે નહિ.

૨. શહેરી વિસ્તાર જ્યાં ટાઉન પ્લાનિંગ સ્કીમ મંજૂર થઇ ગઇ છે ત્યાં જી.ડી.સી.આર. અને ઝોનિંગના નિયમો અનુસાર બાંધકામ કરવાનું રહેશે.
 ૩. મંજૂર થયેલ નકશા મુજબ આરોગ્ય અને સ્વાસ્થ્યની દ્રષ્ટિએ ગંદા પાણીનાં નિકાલની જોગવાઈ કરવાની રહેશે.
 ૪. અરજદારે રિબન ડેવલપમેન્ટ રુલ્સ નીચે જે તે રસ્તાનો પ્રકાર ધ્યાને લઈ રસ્તાના મધ્યબિંદુથી બાંધકામ વચ્ચે અંતર જાળવવાનું રહેશે અન્યથા અરજદારની જવાબદારી થશે.
 ૫. ફ્લોર, મિલ, સિનેમા/ ટુરિંગ સિનેમા/ થિયેટર માટે બિનખેતી પરવાનગીના કામે જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૬. પેટ્રોલ, ડીઝલ, કેરોસીન, સી.એન.જી., એલ.પી.જી. પંપ નાંખવા માટે બિનખેતી પરવાનગીના કામે બાંધકામ શરૂ કરતાં પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૭. ઇન્ડિયન એક્સપ્લોઝિવ એક્ટ અન્વયે મેગેનિઝ, ફાયર વર્કસ, દારૂખાના માટે બિનખેતીની કાર્યવાહી કરતા પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
 ૮. સવાલવાળી જમીન જો રેલવે હદની નજીક હોય તો રેલવેની હદથી નિયમ મુજબ જગ્યા છોડી બાંધકામ કરવાનું રહેશે.
 ૯. સવાલવાળી જમીન ઉપરથી અથવા બાજુમાંથી વીજળી ગ્રિડના તાર/ હાઇટેન્શન પાવર અગર થાંભલા આવેલ હોય ત્યારે તે અન્વયે લાગુ પડતા નિયમોનું પાલન કરવા અને તે મુજબ બાંધકામ કરવાનું રહેશે.
 ૧૦. બિનખેતી માંગવામાં આવી હોય તેવી જમીન જો એરોડ્રામ આસપાસ નિયમ મુજબની ત્રિજ્યામાં આવતી હોય ત્યારે બાંધકામની ઉંચાઈ તથા એરોડ્રામની દ્રષ્ટિએ જરૂરી એવું ના-વાંધા પ્રમાણપત્ર સિવિલ એવિએશન ખાતા પાસેથી મેળવવાનું રહેશે અને સિવિલ એવિએશન ખાતાના નિયમોનું પાલન કરવાનું રહેશે.
 ૧૧. ઓ.એન.જી.સી. ના કુવાની નજીકમાં આવેલ જમીનના કિસ્સામાં અરજદારે સંબંધિત નિયમોનું પાલન કરવાનું રહેશે.
 ૧૨. નર્મદા કેનાલ/ અન્ય સિંચાઈ કેનાલની નજીકમાં આવેલ જમીનની બાબતમાં અરજદારે સૂચિત બાંધકામ માટે જાળવવાના થતાં અંતર અંગેના નિયમોનું પાલન કરવાનું રહેશે.
 ૧૩. અરજદારે/ જ્યાં જરૂરી હોય ત્યાં કેન્દ્ર સરકાર કે રાજ્ય સરકારના કાયદા નીચે રક્ષિત સ્મારક (Protected Monuments) તરીકે જાહેર કરેલ પ્રાચીન સ્મારકથી નિયમ મુજબનું અંતર જાળવવાની પ્રવર્તમાન જોગવાઈઓનું પાલન કરવાનું રહેશે.
- (૧૫) શહેરી વિકાસ વિભાગની મંજૂર/અમલી વિકાસ યોજનામાં સામાન્ય વિકાસ નિયંત્રણ વિનિમયો તથા પુનરાવર્તિત વિકાસ યોજનાના સામાન્ય વિકાસ નિયંત્રણ વિનિમયોમાં બંનેમાં જે જે સમાન બાબતો હોય તે લાગુ થાય અને અન્ય બાબતોએ જે વધુ નિયંત્રણ ધરાવતા હોય, તે બાબત લાગુ કરવાની રહેશે.
- (૧૬) જાહેર આરોગ્યના નિયમોનું પાલન કરવાની શરતે અને જાહેર આરોગ્ય માટે હાનિકારક, જોખમરૂપ કે અડચણરૂપ એવું કોઈપણ કૃત્ય કરવા નહિ તેમજ આરોગ્ય માટે હાનિકારક તેમજ કોઈ પણ પ્રકારનું પ્રદૂષણ ફેલાવવું નહિ.
- (૧૭) પ્રશ્નવાળી જમીનમાં સંબંધિત વિકાસ સત્તા મંડળની તથા અન્ય સંબંધિત ખાતાઓમાંથી જરૂરી પરવાનગી/ એન.ઓ.સી. મેળવવાની રહેશે.
- (૧૮) જો આ જમીન પર કોઈ બેંક/ મંડળીનો બોજો બાકી હોય તો, તે ભરપાઈ કર્યા સિવાય આ મિલકત કોઈપણ પ્રકારે વેચાણ, ભેટ, વસિયત, બાનાખત, ગિરો કરી શકાશે નહિ અને કોઈપણ અન્યને પ્રત્યક્ષ કે પરોક્ષ રીતે માલિકી કે કબજો ભોગવટો તબદીલ કરી શકાશે નહિ.
- (૧૯) -નિયમાનુસારની પ્લોટવાઈઝ માપણી સંબંધે સેટલમેન્ટ કમિશનરશ્રી, ગાંધીનગરના પરીપત્રની સૂચનાનુસાર ડેવલપમેન્ટ પ્લાન આખરી થયે ડી.આઇ.એલ.આર.શ્રી અમરેલી દ્વારા પ્લોટવાઈઝ માપણી ફી અંગે તફાવતની રકમ ભરવા જણાવે ત્યારે દિન-૨ માં રકમ જમા કરાવવાની રહેશે તથા સક્ષમ સતાધિકારીશ્રી પાસે સવાલવાળી જમીનના પ્રવેશમાર્ગ સંબંધે સ્પષ્ટતા સાથેનો લે-આઉટ પ્લાન મંજૂર કરાવી દિન-૯૦ માં અત્રે રજૂ કરવાનો રહેશે.
- નોંધ નં.૪૯૯ ના વ્યવહારો સ્ટેમ્પડ્યુટીને પાત્ર હોય, ખૂટતી સ્ટેમ્પડ્યુટીની રકમ ભરપાઈ કરવાની રહેશે. તેમજ તે અંગેના આધારો દિન-૩૦ માં અત્રે રજૂ કરવાના રહેશે.
- ચીફ વાઈલ્ડ લાઈફ વોર્ડન, ગુજરાત રાજ્ય, ગાંધીનગરએ તેમના તા.૨૯-૧૨-૨૦૨૨ ના ના-વાંધા પ્રમાણપત્ર નં.૧૪૭-૨૦૨૨-૨૩, જાવક નં.વસપ-૩૨-બ-૪૫૦૩-૦૬-૨૦૨૨-૨૩ થી સવાલવાળી જમીનની ૧ થી ૧૦ શરતોને આધિન ના-વાંધા પ્રમાણપત્ર આપેલ છે તે તમામ શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. તેમજ તમામ શરતોનું પાલન કરવા બાંહેધરી રજૂ કરવાની રહેશે. તેમજ ઉક્ત ના-વાંધા પ્રમાણપત્રની વિગતો મામલતદારશ્રીએ ગા.ન.નં.૭ ના બીજા હકકમાં નોંધ કરવાની રહેશે. વધુમાં સદર જમીનનો ઈકો સેન્સેટીવ ઝોનમાં સમાવેશ થતો હોય, વન વિભાગ તરફથી જે હેતુ માટે ના-વાંધા પ્રમાણપત્ર આપેલ છે તે મુજબનું જ બાંધકામ કરવાનું રહેશે. ઉક્ત શરતો પૈકી કોઈ પણ શરતોનો ભંગ થયેથી ઉક્ત પરવાનગી આપોઆપ રદબાતલ ગણાશે.
- અરજદારે ઉપરોક્ત શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. જો તેમાં નિષ્ફળ જશે તો શરતભંગ ગણી સક્ષમ અધિકારી કાયદેસરની કાર્યવાહી કરી શકશે.

શિક્ષાત્મક કલમ :-

- (૨૦) ઉપરની કોઈપણ શરતનો ભંગ થયેથી જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) મુજબ શિક્ષાત્મક પગલા લેવામાં આવશે તેમજ બીજી કોઈપણ શિક્ષાને પાત્ર હશે તો તેને બાદ આવ્યા સિવાય કે જે ફરમાવવાનું યોગ્ય લાગે તે પ્રમાણે દંડ અથવા આકાર લઈ સદરહુ જમીન અંગે નિયમાનુસાર કાર્યવાહી થશે.
- (૨૧) ઉપરોક્ત પેટા કલમમાં ગમે તે મજકુર હોય તેમ છતાં, કલેક્ટરશ્રી સદરહુ હુકમ વિરુદ્ધ બાંધેલ/ અથવા વધારાના કોઈપણ મકાન અથવા ઈમલ્તાને કલેક્ટરશ્રીએ આ અર્થે જે મુદત ઠરાવી હોય તે મુદત દરમિયાન તેવી રીતે પ્રસેડવામાં ન આવે કે સુચવ્યા મુજબ ફેરફાર ન કરવામાં આવે તો તેમ કરવામાં જેખર્ચ થાય તે કબજેદાર પાસેથી જમીન મહેસૂલની બાકી તરીકે વસૂલ કરવાને મુખત્યાર છે.



(Signature)
(ગૌરાંગ મકવાણા)
કલેક્ટર, અમરેલી

આર.પી.એ.ડી.

પ્રતિ,

ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ઓફ, ૨૧૦, કિસ્તોન કોમ્પ્લેક્સ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્સ સામે
નાનામવા
રાજકોટ-૩૬૦૦૦૫

નકલ રવાના:-

- નાયબ કલેક્ટરશ્રી, ધારી પ્રાંત, જિ. અમરેલી તરફ.
મામલતદારશ્રી તા. ધારી જિ. અમરેલી તરફ.
જિલ્લા ઈન્સ્પેક્ટરશ્રી જમીન રેકર્ડ અમરેલી તરફ.
કાર્યપાલ ઇજનેરશ્રી (આર એન્ડ બી) અમરેલી તરફ.
ટાઉન પ્લાનરશ્રી અમરેલી તરફ.
ઈંધરા કેન્દ્ર મામલતદાર કચેરી, ધારી
નાયબ કલેક્ટરશ્રી, સ્ટેમ્પડયુટી મૂલ્યાંકન તંત્ર, અમરેલી

FORM: M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide industrial use of his land under section- 65(B) of the Bombay Land Revenue Code, 1879.

(As per Govt. Gujarat R.D.Circular No. BKP/1096/1572/K Dated.18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas a notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AMRELI (here in after referred to as "The Collector") with declaration under section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (here in after referred to as "The said Code") ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી being the registered legal occupant of Survey No. 342p૧૨ Area 1,41,641.00 sq.mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore this is to certify that the use of the said land by the occupant for bonafide industrial purpose under section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No. 1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment heretofore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.21,246.00/- till such time, the assessment is revised.

Application No. 31307202201157

SR. 33/13/07/001/2023

Collector Office, AMRELI

Date: 23/01/2023



(GAURANG MAKWANA)
COLLECTOR AMRELI

To,
ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ચોક, ૨૧૦, કિસ્તોન કોમ્પ્લેક્ષ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્ષ સામે
નાનામવા
રાજકોટ-360005



Copy To,

Deputy Collector, DHARI Prant Office, District AMRELI for information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information and revenue recovery.

D.I.L.R., AMRELI for information and necessary action.

Executive Engineer (R & B), AMRELI for information and necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

* The online mutation entry wide No. 4173 in mutation Register (VF-6) of Village MONVEL Taluka DHARI , District AMRELI has been generated through auto mutation.

(Schedule of Survey No. 342p૧૨ Village MONVEL Taluka DHARI District AMRELI)

SCHEDULE- I

length and breath		Total super-ficial Area. sq.mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remark	
North To South Mtr	East To West Mtr			North	South	East	West	Recovered assessment amount receipt No./ Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
--	--	1,41,641.00	342p૧૨	સ.ન. ૩૪૨ પૈકી ૭/ પૈકી ૨ ની જમીન આવેલ છે.	લાગુ વેકરીય ા ગામનો સીમાડો આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૮ પૈકી ૨ ની જમીન આવેલ છે.	સ.ન. ૩૩૯ પૈકી ની જમીન આવેલ છે.	570000135510 035210123258 56	11,33,128.00



Gaurang Makwana
(GAURANG MAKWANA)
COLLECTOR AMRELI

ANNEXURE : I

The following conditions are to be followed under non-agricultural permission granted under Section-65(b) of Land Revenue Code for actual Industrial Purpose in the land of Moje Monvel Taluka Dhari Survey/Block Number 342p12 total Area 1,41,641.00 Sq.Mtrs..

Conditions :-

(1)	That from the date of said order within time limit the applicant shall have to obtain NOC from the office of concerned Authority and to submit here.
(2)	That have to scrupulously follow the provisions, instructions and conditions time to tome resolved by the Gujarat Pollution Control Board.
1.	The place of such industry shall have to be minimum 500 meter away from residential area and school/college etc.
2.	The place of such industry shall have to be minimum 500 meter away from the historical buildings, religious places,

		forest limits and sea shore.
	3.	The place of such industry shall have to be in a manner in which the control line fixed by the Road and Building Department from the express highway, national highway, state highway and main road of the District.
	4.	The place of such industry shall have to be in a manner in which the control line fixed by the Indian Railway from the Railway line.
	5.	The place of such industry shall have to be minimum 500 meter away from the river, water passage, ponds, lake, canal etc. like water resources.
	6.	In such industrial area shall have to develop green belt having minimum five meter width on all the four sides.
3.		In the office of concerned District Inspector Land Records, on the basis of this order as per the approved plan have to prepare the Durasti Patrak and only after implementation of

	Durasti Patrak in revenue record an entry shall have to be mutated for the implementation of sale transaction done through registered deed in respect of non-agricultural land/plot under question.
(4)	If there is existing cattle cart road/path for going in and out from the land under question than the rights thereof are continue, therefore, do not have to carry out construction which may cause obstruction to existing cattle cart road/path and water disposal.
(5)	Every year for the present area 10,798.00 Sq.Mtrs. land have to deposit special cess prescribed for industrial purpose and local fund, education cess etc. and have to deposit on the rate as amended time to time.
(6)	The said construction only be utilized for the purpose of industrial purpose only. Except the said purpose the usage cannot be done without prior approval of the Collector. In spite of that if the construction utilized for other purpose than it shall be treated as breach

	of condition.
(7)	The construction shall have to be carry out as per the plan approved by the concerned Development Authority. The land more than that cannot be taken in use for construction.
(8)	That within three years from the notice sent by account holder to the Collector, the industrial activity shall have to be started and from such date within five years shall have to start production of goods on such land or to provide services.
(9)	For the underground flow/storage of rainy water, per every house/multi story building the arrangement of percolating bore-well for each house/building shall have to be made without fail. The construction shall have to be carry out by making arrangement of disposal of rainy water.
(10)	As per the provisions of Government Revenue Department Circular No.BKHP-1091/1756/K, Date : 07.08.1991 for the unauthorized construction the concerned municipal

	corporation/urban area authority controlling the construction shall have to take steps as per the rules.
(11)	This order has been passed as per the provisions of Section-65(B) and Rule-100 of the Land Revenue Code. Except that the concerned legal permission which are require to be obtained by the occupier shall have to be obtained separately.
(12)	In the said land non-agricultural permission granted only actually for the purpose of industrial purpose. That with regard to the said land if any dispute, court cases, litigation, complaints occur than the responsibility in that regard shall be of the Officer granting the permission.
(13)	From the said land if any kind of petroleum/water or any other kind of pipeline is passing through than in that regard the authority granting development permission has to give development permission as available under the rules.

(14)	That have to follow the following conditions as mentioned in the Resolution No.BKHP/1006/425/K, Date : 01/07/2008 of Revenue Department of the Government.	
	1	Prior to commencement of construction have to get approve the plans for construction from Competent Officer, but the applicant without obtaining non-agricultural permission shall not get the commencement letter for construction.
	2	The urban area where the Town Planning Scheme has been approved, where have to make construction as per G.D.C.R. and Zoning Rules.
	3	As per approved plans have to make provision for disposal of dirty water in view of health and sanitation.
	4	That under the ribbon development rules keeping in mind the nature of road the applicant shall have to maintain distance between construction from the center point of road otherwise it shall be the

		responsibility of the applicant.
	5	In the matter of non-agricultural permission for Flour Mill, Cinema/Touring Cinema/Theater obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	6	In the matter of non-agricultural permission to install petrol, diesel, kerosene, CNG, LPG pump, prior to starting the construction obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	7	For making non agriculture procedure for Manganese, fireworks, crackers as per Indian Explosive Act, first approval of District Magistrate will be obtained and there after further proceedings will be performed.
	8	If the land in question is near to railway border, then construction shall be carried

		out leaving space from railway border as per the rules.
	9	If there is electricity grid wire/high tension power pole exists from above or besides in a land in question then construction should be made complying those rules.
	10	If a land for which non-agriculture demand is made, falls within the vicinity of Airport then for height of construction and in view of Aerodram necessary "No Objection Certificate" shall be obtained from Civil Aviation Department and will have to comply rules of Civil Aviation Department.
	11	In case of land which is located near ONGC well then Applicant shall have to follow related rules.
	12	If the land falls near Narmda Canal/other irrigation canal then Applicant has to comply rules related to maintain distance for proposed construction.

	13	Applicant, where necessary has to comply with prevailing provisions of keeping distance from notified protected monuments under rules of Central or State Government.
(15)		In the approved/implemented development scheme of Urban Development Department in general development control rules and in general development control rules, in both whichever are the common matters there are applicable and for other matters the matter which is having additional control shall have to be applicable.
(16)		On the condition to follow the rules of public health and do not have to any such act which are harmful, risky or create obstruction for public health and do not have to spread any kind of pollution which is harmful for the health.
(17)		In the land under question shall have to obtain necessary permission/N.O.C. from the concerned Development Authority and other

	concerned Departments.
(18)	If there is any charge is due of any bank/society on the said land than without paying it the said property cannot be sold, gift, by will, agreement to sale, mortgaged in any manner and the ownership or possession enjoyment cannot be transferred directly or indirectly to any one.
(19)	For the plot wise measurement as per rules as per the instruction of the circular of Settlement Commissioner, Gandhinagar upon finalization of Development Plan when D.I.L.R. Amreli ask to deposit the amount of difference for plot wise measurement at that time have to deposit the amount within 2 days and getting approved lay-out plan with clarification regarding entrance of land under question from Competent Authority have to produce here within 30 days here.
	The transaction of Entry No.499 are liable for stamp duty hence have to pay the amount of deficit stamp duty. And for which have to

	produce the proof thereof within 30 days here.
	<p>The Chief Wild Life Warden, Gujarat State, Gandhinagar has vide its No Objection Certificate No.147-2022-23 of Date : 29/12/2022 Javak No.VPS-32-B-4503-06-2022-23 given No Objection Certificate for the land under question relying over the Condition 1 to 10 so all such conditions are to be followed scrupulously. And have to submit undertaking to follow all the conditions. And the details of aforesaid No Objection Certificate the Mamlatdar shall have to mutated in Second Right of V.F.No.7. Moreover as the said land covered in Eco Sensitive Zone hence the purpose for which No Objection Certificate issued by the Forest Department, have to carry out construction accordingly. On breach of any conditions from the above conditions the above permission automatically stands cancelled.</p>
<p>The applicant shall have to scrupulously follow the above conditions. Failing in which considering it as</p>	

a breach of condition the Competent Officer shall do the legal procedure.	
Disciplinary Section :	
(20)	On breach of any of the above condition the disciplinary steps shall be taken under Section-65(b) of Land Revenue Code and if liable for any other punishment than without any bar thereof as deem fit to order availing fine or assessment the procedure shall be carried out as per rules for the said land.
(21)	Whatever is there in above section however constructed against the said order or any additional house or structure not removed during the period which is the period prescribed by the Collector or not modified as suggested and whatever expenses incurred in doing so that entitled to recover from occupier as Land Revenue Dues.

Round Seal of
Collector
Amreli

Sd/- Illegible
(Gaurang Makwana)
Collector, Amreli

R.P.A.D.

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speed Well Party Plot Chawk,
Opposite Suvarnbhoomi Complex,
Nana Mava,
Rajkot - 360005

Copy forwarded to :

- The Deputy Collector, Dhari Prant, Di.Amreli
The Mamlatdar, Ta.Dhari, Di.Amreli
The District Inspector Land Records, Amreli
The Executive Engineer (R&B) Amreli
The Town Planner, Amreli
The E-Dhara Center, Mamlatdar Office, Dhari
The Deputy Collector, Stamp Duty Valuation Department,
Amreli

FORM : M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide Industrial use of his land under section-65(B) of the Bombay Land Revenue Code, 1879. (As per Govt. Gujarat R.D. Circular No.BKP/1096/1572/K, Dated : 18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AHMEDABAD (herein after referred to as "The Collector") with declaration under Section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (herein after referred to as "The said Code") (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the Director of Dhari Solar Park being the registered legal occupant of Survey No.342p12 Area 1,41,641.00 Sq.Mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore, this is to certify that the said land by the occupant for bonafide industrial purpose under Section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No.1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment here before leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.21,246.00/- till such time, the assessment is revised.

Application No.31307202201157
SR 33/13/07/001/2023
Collector Office, AMRELI

Date : 23/01/2023

Sd/-
(GAURANG MAKWANA)
COLLECTOR, AMRELI

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speedwell Party Plot Chawk, Opposite Swarnbhoomi
Complex, Nana Mava, Rajkot – 360005

Copy To :

Deputy Collector, DHARI Prant Office, District AMRELI for
information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information
and revenue recovery.

DILR, AMRELI for information and necessary action.

Executive Engineer (R&B) AMRELI for information and
necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

The online mutation entry wide No.4171 in mutation Register
(VF-6) of Village MONVEL, Taluka DHARI, District AMRELI
has been generated through auto mutation.

(Schedule of Survey No.342p12 Village MONVEL Taluka
DHARI District AMRELI)
SCHEDULE-1

length and breadth		Total super- ficial Area Sq.Mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remarks	
North To South Mtr	East To West Mtr.			North	South	East	West	Recovered assessment amount receipt No./Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
---	---	141641.0	342p12	S.No. 342 paiki 7 paiki 2 land situated there.	Adjo- ining outski rt of Vekar iya Villa ge.	S.No. 342 paiki 8 paiki 2 land situate d there	S.No. 339 paiki land situat ed there	570000135 510035210 12325856	11,33,128.0

Round Seal of
Collector, Amreli

Sd/- Illegible
(GAURANG MAKWANA)
COLLECTOR, AMRELI

ANNEXURE : I

મોજે મોણવેલ તાલુકા ધારી ના સરવે/બ્લોક નંબર 360 પર મળી કુલ ક્ષેત્રફળ 14,872.00 ચો.મી. વાળી જમીનમાં ખરેખર ઔદ્યોગિક હેતુ જમીન મહેસૂલ કાયદાની કલમ-54(બ) હેઠળ આપવામાં આવેલ બિનખેતીની પરવાનગી અન્વયે નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.

શરતો :-

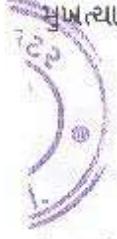
- (૧) સદર હુકમ તારીખથી નિયત સમયમર્યાદામાં અરજદારે સંબંધિત સત્તામંડળની કચેરીમાંથી NOC મેળવી અત્રે રજુ કરવાનું રહેશે.
- (૨) ગુજરાત પોલ્યુશન કંટ્રોલ બોર્ડ, દ્વારા વખતોવખત ઠરાવેલ જોગવાઈઓ, સૂચનાઓ તથા શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે.
 ૧. આવા ઉદ્યોગનું સ્થળ રહેણાંક વિસ્તાર તેમજ સ્કુલ/ કોલેજ વિગેરેથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૨. આવા ઉદ્યોગનું સ્થળ ઐતિહાસિક ઇમારતો, ધાર્મિક સ્થળો, જંગલની હદ તેમજ દરિયા કિનારાથી ઓછામાં ઓછું અંતર ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૩. આવા ઉદ્યોગનું સ્થળ એક્સપ્રેસ ધોરીમાર્ગ, રાષ્ટ્રીય ધોરીમાર્ગ, રાજ્ય ધોરી માર્ગ અને જિલ્લાના મુખ્ય માર્ગોથી માર્ગ અને મકાન વિભાગ દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવે તે મુજબ હોવું જોઈએ.
 ૪. આવા ઉદ્યોગનું સ્થળ રેલ્વેલાઇનથી ભારતીય રેલ્વે દ્વારા જે નિયંત્રણ રેખા નક્કી કરવામાં આવેલ છે તે મુજબ હોવું જોઈએ.
 ૫. આવા ઉદ્યોગનું સ્થળ નદી, નાળા, તળાવ, સરોવર, નહેર વિગેરે જેવા જળસ્રોતથી ઓછામાં ઓછું ૫૦૦ મીટર દુર હોવું જોઈએ.
 ૬. આવા ઉદ્યોગના વિસ્તારમાં ચારે બાજુ ઓછામાં ઓછા પાંચ મીટર પહોળાઈ વાળા ગ્રિનબેલ્ટ વિકસાવવાનો રહેશે.
- (૩) સંબંધિત જિલ્લા ઇન્સ્પેક્ટરશ્રી, જમીન રેકર્ડની કચેરીમાં આ હુકમ આધારે તેમજ મંજૂર થયેલ પ્લાન મુજબ દુરસ્તી પત્રક તૈયાર કરાવવાનું રહેશે અને દુરસ્તી પત્રકનો મહેસૂલી દફતરે અમલ થયા બાદ જ પ્રશ્નવાળી બિનખેતીની જમીન/ પ્લોટનું રજિસ્ટર દસ્તાવેજથી થયેલ વેચાણ વ્યવહારના અમલ માટે નોંધ પાડવાની રહેશે.
- (૪) પ્રશ્નવાળી જમીનમાંથી આવવા-જવા માટે હયાત ગાડા માર્ગ/ રસ્તો હોય તો તેના હક્કો ચાલુ રહે છે જેથી હયાત ગાડા માર્ગ/ રસ્તાને તથા પાણીના નિકાલ માટે અડચણ રૂપ થાય તેવું બાંધકામ કરવું નહિ.
- (૫) દર વર્ષે પ્રસ્તુત ક્ષેત્રફળ 14,872.00 ચો.મી. જમીનનો ખરેખર ઔદ્યોગિક હેતુ માટે નિયત વિશેષધારો તેના ઉપર થતું લોકલ ફંડ, શિક્ષણ ઉપકર વિગેરે ભરવા પડશે તેમજ વખતો વખત સુધારેલ દરે ભરપાઈ કરવાના રહેશે.
- (૬) આ બાંધકામ માત્ર ખરેખર ઔદ્યોગિક હેતુ ના હેતુ માટે જ ઉપયોગમાં લઈ શકાશે. સદર હેતુ સિવાય કલેક્ટરશ્રીની પુર્વ મંજૂરી વિના ઉપયોગ કરી શકાશે નહિ. તેમ છતાં અન્ય હેતુ માટે બાંધકામનો ઉપયોગ થશે તો તે શરતભંગ ગણાશે.
- (૭) સંબંધિત વિકાસ સત્તામંડળ દ્વારા મંજૂર કરેલ પ્લાન મુજબ બાંધકામ કરવાનું રહેશે. તેનાથી વધુ જમીનનો બાંધકામમાં ઉપયોગ કરી શકાશે નહિ.
- (૮) ખાતેદારે કલેક્ટરને મોકલેલી નોટિસની તારીખથી ત્રણ વર્ષની અંદર, આવી જમીન ઉપર ઔદ્યોગિક પ્રવૃત્તિ શરૂ કરવી જોઈશે અને આવી તારીખથી પાંચ વર્ષની અંદર આવી જમીન ઉપર માલનું ઉત્પાદન કરવાનું અથવા સેવાઓ પુરી પાડવાનું શરૂ કરવું જોઈશે.
- (૯) સરકારશ્રીનાં મહેસૂલ વિભાગનાં પરિપત્ર ક્રમાંક: બખપ-૧૦૨૦૦૨-૧૯૦૭-ક તા.૨૮/૦૨/૨૦૦૩ ની સૂચના મુજબ "વરસાદી પાણીના ભૂગર્ભ વહન/ સંચય માટે દર મકાન/ બહુમાળી મકાન (નકશા મંજૂર કરવાની સત્તા ધરાવતા સત્તાતંત્રએ આપેલ મંજૂરી મુજબ) દીઠ નિયત દરે પરકોલેટિંગ બોરવેલની વ્યવસ્થા અચૂક કરવાની રહેશે.
- (૧૦) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા.૦૭/૦૮/૧૯૯૧ પરિપત્ર નં.બખપ/૧૦૯૧/૧૭૫૬/ક ની જોગવાઈ મુજબ અન-અધિકૃત બાંધકામ બાબતે બાંધકામ નિયંત્રણ કરતી સંબંધિત સંસ્થાએ ધોરણસર પગલા લેવા અધિકાર આપેલ છે તે મુજબ ધોરણસરનાં પગલા લેવાનાં રહેશે.
- (૧૧) આ હુકમ જમીન મહેસૂલ કાયદાની કલમ-54(બ) તથા નિયમ-૧૦૦ ની જોગવાઈઓને આધારે કરેલ છે. તે સિવાય કબજેદારે અન્ય મેળવવી જરૂરી હોય તેવી સંબંધિત કાયદાકિય પરવાનગી અલાયદી મેળવી લેવાની રહેશે.
- (૧૨) સદરહુ જમીનમાં ફક્ત ખરેખર ઔદ્યોગિક હેતુના હેતુ માટે બિનખેતીની પરવાનગી આપવામાં આવેલ છે. આ જમીન બાબતે કોઈપણ તકરાર, કોર્ટ પ્રકરણો, લિટિગેશન ફરિયાદો ઉપસ્થિત થશે તો તે અંગેની જવાબદારી પરવાનગી આપનાર અધિકારીની રહેશે નહીં.
- (૧૩) સદર જમીનમાંથી પેટ્રોલિયમ/ પાણીની કે અન્ય કોઈપણ પ્રકારની પાઈપલાઈન પસાર થતી હશે તો તો સંદર્ભે વિકાસ પરવાનગી આપનાર ઓથોરિટીએ નિયમાનુસાર મળવાપાત્ર વિકાસ પરવાનગી આપવાની રહેશે.
- (૧૪) સરકારશ્રીનાં મહેસૂલ વિભાગનાં તા. ૦૧/૦૭/૨૦૦૮ ના ઠરાવ નં. બખપ/૧૦૦૬/૪૨૫/ક માં જણાવેલ નીચે મુજબની શરતોનું પાલન કરવાનું રહેશે.
 ૧. બાંધકામ શરૂ કરતા પહેલા બાંધકામનાં નકશા સક્ષમ અધિકારી પાસે મંજૂર કરાવવાના રહેશે. પરંતુ અરજદાર બિનખેતી પરવાનગી મેળવ્યા વગર આવા બાંધકામની રજા ચિઠ્ઠી મેળવી શકશે નહિ.

૨. શહેરી વિસ્તાર જ્યાં ટાઉન પ્લાનિંગ સ્કીમ મંજૂર થઇ ગઇ છે ત્યાં જી.ડી.સી.આર. અને ઝોનિંગના નિયમો અનુસાર બાંધકામ કરવાનું રહેશે.
૩. મંજૂર થયેલ નકશા મુજબ આરોગ્ય અને સ્વાસ્થ્યની દ્રષ્ટિએ ગંદા પાણીનાં નિકાલની જોગવાઈ કરવાની રહેશે.
૪. અરજદારે રિબન ડેવલપમેન્ટ રુલ્સ નીચે જે તે રસ્તાનો પ્રકાર ધ્યાને લઈ રસ્તાના મધ્યબિંદુથી બાંધકામ વચ્ચે અંતર જાળવવાનું રહેશે અન્યથા અરજદારની જવાબદારી થશે.
૫. ફ્લોર, મિલ, સિનેમા/ ટુરિંગ સિનેમા/ થિયેટર માટે બિનખેતી પરવાનગીના કામે જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
૬. પેટ્રોલ, ડીઝલ, કેરોસીન, સી.એન.જી., એલ.પી.જી. પંપ નાંખવા માટે બિનખેતી પરવાનગીના કામે બાંધકામ શરૂ કરતાં પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
૭. ઇન્ડિયન એક્સપ્લોઝિવ એક્ટ અન્વયે મેગેનિઝ, ફાયર વર્કસ, દારૂખાના માટે બિનખેતીની કાર્યવાહી કરતા પહેલાં જિલ્લા મેજિસ્ટ્રેટની જરૂરી મંજૂરી મેળવી આગળની કાર્યવાહી કરવાની રહેશે.
૮. સવાલવાળી જમીન જો રેલવે હદની નજીક હોય તો રેલવેની હદથી નિયમ મુજબ જગ્યા છોડી બાંધકામ કરવાનું રહેશે.
૯. સવાલવાળી જમીન ઉપરથી અથવા બાજુમાંથી વીજળી ગ્રિડના તાર/ હાઇટેન્શન પાવર અગર થાંભલા આવેલ હોય ત્યારે તે અન્વયે લાગુ પડતા નિયમોનું પાલન કરવા અને તે મુજબ બાંધકામ કરવાનું રહેશે.
૧૦. બિનખેતી માંગવામાં આવી હોય તેવી જમીન જો એરોડ્રામ આસપાસ નિયમ મુજબની ત્રિજ્યામાં આવતી હોય ત્યારે બાંધકામની ઉંચાઈ તથા એરોડ્રામની દ્રષ્ટિએ જરૂરી એવું ના-વાંધા પ્રમાણપત્ર સિવિલ એવિએશન ખાતા પાસેથી મેળવવાનું રહેશે અને સિવિલ એવિએશન ખાતાના નિયમોનું પાલન કરવાનું રહેશે.
૧૧. ઓ.એન.જી.સી. ના કુવાની નજીકમાં આવેલ જમીનના કિસ્સામાં અરજદારે સંબંધિત નિયમોનું પાલન કરવાનું રહેશે.
૧૨. નર્મદા કેનાલ/ અન્ય સિંચાઈ કેનાલની નજીકમાં આવેલ જમીનની બાબતમાં અરજદારે સૂચિત બાંધકામ માટે જાળવવાના થતાં અંતર અંગેના નિયમોનું પાલન કરવાનું રહેશે.
૧૩. અરજદારે/ જ્યાં જરૂરી હોય ત્યાં કેન્દ્ર સરકાર કે રાજ્ય સરકારના કાયદા નીચે રક્ષિત સ્મારક (Protected Monuments) તરીકે જાહેર કરેલ પ્રાચીન સ્મારકથી નિયમ મુજબનું અંતર જાળવવાની પ્રવર્તમાન જોગવાઈઓનું પાલન કરવાનું રહેશે.
- (૧૫) શહેરી વિકાસ વિભાગની મંજૂર/અમલી વિકાસ યોજનામાં સામાન્ય વિકાસ નિયંત્રણ વિનિમયો તથા પુનરાવર્તિત વિકાસ યોજનાના સામાન્ય વિકાસ નિયંત્રણ વિનિમયોમાં બંનેમાં જે જે સમાન બાબતો હોય તે લાગુ થાય અને અન્ય બાબતોએ જે વધુ નિયંત્રણ ધરાવતા હોય, તે બાબત લાગુ કરવાની રહેશે.
- (૧૬) જાહેર આરોગ્યના નિયમોનું પાલન કરવાની શરતે અને જાહેર આરોગ્ય માટે હાનિકારક, જોખમરૂપ કે અડચણરૂપ એવું કોઈપણ કૃત્ય કરવા નહિ તેમજ આરોગ્ય માટે હાનિકારક તેમજ કોઈ પણ પ્રકારનું પ્રદૂષણ ફેલાવવું નહિ.
- (૧૭) પ્રશ્નવાળી જમીનમાં સંબંધિત વિકાસ સત્તા મંડળની તથા અન્ય સંબંધિત ખાતાઓમાંથી જરૂરી પરવાનગી/ એન.ઓ.સી. મેળવવાની રહેશે.
- (૧૮) જો આ જમીન પર કોઈ બેંક/ મંડળીનો બોજો બાકી હોય તો, તે ભરપાઈ કર્યા સિવાય આ મિલકત કોઈપણ પ્રકારે વેચાણ, ભેટ, વસિયત, બાનાખત, ગિરો કરી શકાશે નહિ અને કોઈપણ અન્યને પ્રત્યક્ષ કે પરોક્ષ રીતે માલિકી કે કબજો ભોગવટો તબદીલ કરી શકાશે નહિ.
- (૧૯) -નિયમાનુસારની પ્લોટવાઈઝ માપણી સંબંધે સેટલમેન્ટ કમિશનરશ્રી, ગાંધીનગરના પરીપત્રની સૂચનાનુસાર ડેવલપમેન્ટ પ્લાન આખરી થયે ડી.આઇ.એલ.આર.શ્રી અમરેલી દ્વારા પ્લોટવાઈઝ માપણી ફી અંગે તફાવતની રકમ ભરવા જણાવે ત્યારે દિન-૨ માં રકમ જમા કરાવવાની રહેશે તથા સક્ષમ સતાધિકારીશ્રી પાસે સવાલવાળી જમીનના પ્રવેશમાર્ગ સંબંધે સ્પષ્ટતા સાથેનો લે-આઉટ પ્લાન મંજૂર કરાવી દિન-૯૦ માં અત્રે રજૂ કરવાનો રહેશે.
-ચીફ વાઈલ્ડ લાઈફ વોર્ડન, ગુજરાત રાજ્ય, ગાંધીનગરએ તેમના તા.૨૯-૧૨-૨૦૨૨ ના ના-વાંધા પ્રમાણપત્ર નં.૧૪૭-૨૦૨૨-૨૩, જાવક નં.વસપ-૩૨-બ-૪૫૦૩-૦૬-૨૦૨૨-૨૩ થી સવાલવાળી જમીનની ૧ થી ૧૦ શરતોને આધિન ના-વાંધા પ્રમાણપત્ર આપેલ છે તે તમામ શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. તેમજ તમામ શરતોનું પાલન કરવા બાંહેધરી રજૂ કરવાની રહેશે. તેમજ ઉક્ત ના-વાંધા પ્રમાણપત્રની વિગતો મામલતદારશ્રીએ ગા.ન.નં.૭ ના બીજા હકકમાં નોંધ કરવાની રહેશે. વધુમાં સદર જમીનનો ઈકો સેન્સેટીવ ઝોનમાં સમાવેશ થતો હોય, વન વિભાગ તરફથી જે હેતુ માટે ના-વાંધા પ્રમાણપત્ર આપેલ છે તે મુજબનું જ બાંધકામ કરવાનું રહેશે. ઉક્ત શરતો પૈકી કોઈ પણ શરતોનો ભંગ થયેથી ઉક્ત પરવાનગી આપોઆપ રદબાતલ ગણાશે.
અરજદારે ઉપરોક્ત શરતોનું ચુસ્તપણે પાલન કરવાનું રહેશે. જો તેમાં નિષ્ફળ જશે તો શરતભંગ ગણી સક્ષમ અધિકારી કાયદેસરની કાર્યવાહી કરી શકશે.

શિક્ષાત્મક કલમ :-

(૨૦) ઉપરની કોઈપણ શરતનો ભંગ થયેથી જમીન મહેસૂલ કાયદાની કલમ-૬૫(બ) મુજબ શિક્ષાત્મક પગલા લેવામાં આવશે તેમજ બીજી કોઈપણ શિક્ષાને પાત્ર હશે તો તેને બાધ આવ્યા સિવાય કે જે ફરમાવવાનું યોગ્ય લાગે તે પ્રમાણે દંડ અથવા આકાર લઈ સદરહુ જમીન અંગે નિયમાનુસાર કાર્યવાહી થશે.

(૨૧) ઉપરોક્ત પેટા કલમમાં ગમે તે મજકુર હોય તેમ છતાં, કલેક્ટરશ્રી સદરહુ હુકમ વિરુદ્ધ બાંધેલ/ અથવા વધારાના કોઈપણ મકાન અથવા ઈમલોને કલેક્ટરશ્રીએ આ અર્થે જે મુદત ઠરાવી હોય તે મુદત દરમ્યાન તેવી રીતે ખસેડવામાં ન આવે કે સુચવ્યા મુજબ ફેરફાર ન કરવામાં આવે તો તેમ કરવામાં જે ખર્ચ થાય તે કબજેદાર પાસેથી જમીન મહેસૂલની બાકી તરીકે વસુલ કરવાને મુખ્યત્વાર છે.



(Signature)
(ગૌરાંગ મકવાણા)
કલેક્ટર, અમરેલી

આર.પી.એ.ડી.

પ્રતિ,

ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી

કે/ઓફ, ૨૧૦, કિસ્તોન કોમ્પ્લેક્ષ

સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્ષ સામે

નાનામવા

રાજકોટ-૩૬૦૦૦૫

નકલ રવાના:-

નાયબ કલેક્ટરશ્રી, ધારી પ્રાંત, જિ. અમરેલી તરફ.

મામલતદારશ્રી તા. ધારી જિ. અમરેલી તરફ.

જિલ્લા ઈન્સ્પેક્ટરશ્રી જમીન રેકર્ડ અમરેલી તરફ.

કાર્યપાલ ઇજનેરશ્રી (આર એન્ડ બી) અમરેલી તરફ.

ટાઉન પ્લાનરશ્રી અમરેલી તરફ.

ઈધરા કેન્દ્ર મામલતદાર કચેરી, ધારી

FORM: M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide industrial use of his land under section- 65(B) of the Bombay Land Revenue Code, 1879.

(As per Govt. Gujarat R.D.Circular No. BKP/1096/1572/K Dated.18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas a notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District **AMRELI** (here in after referred to as "The Collector") with declaration under section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (here in after referred to as "The said Code") ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી being the registered legal occupant of Survey No. 360p2 Area 14,872.00 sq.mtrs. of Village **MONVEL** Taluka **DHARI** District **AMRELI**.

Now, therefore this is to certify that the use of the said land by the occupant for bonafide industrial purpose under section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No. 1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment heretofore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.2,231.00/- till such time, the assessment is revised.

Application No. 31307202201160

SR. 34/13/07/001/2023

Collector Office, AMRELI

Date: 23/01/2023



(Signature)
(GAURANG MAKWANA)
COLLECTOR AMRELI

To,
ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટર, (૧) કમલેશ મગનભાઈ સોલંકી, (૨) નીપુન કિશોર પાતાણી
કે/ઓફ, ૨૧૦, કિસ્તોન કોમ્પ્લેક્સ
સ્પીડવેલ પાર્ટી પ્લોટ ચોક, સુવર્ણભૂમી કોમ્પ્લેક્સ સામે
નાનામવા
રાજકોટ-360005



Copy To,

Deputy Collector, DHARI Prant Office, District AMRELI for information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information and revenue recovery.

D.I.L.R., AMRELI for information and necessary action.

Executive Engineer (R & B), AMRELI for information and necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

* The online mutation entry wide No. 4174 in mutation Register (VF-6) of Village MONVEL Taluka DHARI, District AMRELI has been generated through auto mutation.

(Schedule of Survey No. 360p2 Village MONVEL Taluka DHARI District AMRELI)

SCHEDULE- I

length and breath		Total super-ficial Area. sq.mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remark	
North To South Mtr	East To West Mtr			North	South	East	West	Recovered assessment amount receipt No./ Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
—	—	14,872.00	360p2	સ.ન. ૩૬૦ પૈકી ૧ ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૮/પૈકી ૨ ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૪/પૈકી ૨ ની જમીન આવેલ છે.	સ.ન. ૩૪૨ પૈકી ૭/ પૈકી ૨ ની જમીન આવેલ છે.	570000135510 035210123259 62	1,18,976.00



Gaurang Makwana
(GAURANG MAKWANA)
COLLECTOR AMRELI

ANNEXURE : I

The following conditions are to be followed under non-agricultural permission granted under Section-65(b) of Land Revenue Code for actual Industrial Purpose in the land of Moje Monvel Taluka Dhari Survey/Block Number 360p2 total Area 14,872.00 Sq.Mtrs..

Conditions :-

(1)	That from the date of said order within time limit the applicant shall have to obtain NOC from the office of concerned Authority and to submit here.
(2)	That have to scrupulously follow the provisions, instructions and conditions time to tome resolved by the Gujarat Pollution Control Board.
1.	The place of such industry shall have to be minimum 500 meter away from residential area and school/college etc.
2.	The place of such industry shall have to be minimum 500 meter away from the historical buildings, religious places,

		forest limits and sea shore.
	3.	The place of such industry shall have to be in a manner in which the control line fixed by the Road and Building Department from the express highway, national highway, state highway and main road of the District.
	4.	The place of such industry shall have to be in a manner in which the control line fixed by the Indian Railway from the Railway line.
	5.	The place of such industry shall have to be minimum 500 meter away from the river, water passage, ponds, lake, canal etc. like water resources.
	6.	In such industrial area shall have to develop green belt having minimum five meter width on all the four sides.
3.		In the office of concerned District Inspector Land Records, on the basis of this order as per the approved plan have to prepare the Durasti Patrak and only after implementation of

	Durasti Patrak in revenue record an entry shall have to be mutated for the implementation of sale transaction done through registered deed in respect of non-agricultural land/plot under question.
(4)	If there is existing cattle cart road/path for going in and out from the land under question than the rights thereof are continue, therefore, do not have to carry out construction which may cause obstruction to existing cattle cart road/path and water disposal.
(5)	Every year for the present area 10,798.00 Sq.Mtrs. land have to deposit special cess prescribed for industrial purpose and local fund, education cess etc. and have to deposit on the rate as amended time to time.
(6)	The said construction only be utilized for the purpose of industrial purpose only. Except the said purpose the usage cannot be done without prior approval of the Collector. In spite of that if the construction utilized for other purpose than it shall be treated as breach

	of condition.
(7)	The construction shall have to be carry out as per the plan approved by the concerned Development Authority. The land more than that cannot be taken in use for construction.
(8)	That within three years from the notice sent by account holder to the Collector, the industrial activity shall have to be started and from such date within five years shall have to start production of goods on such land or to provide services.
(9)	For the underground flow/storage of rainy water, per every house/multi story building the arrangement of percolating bore-well for each house/building shall have to be made without fail. The construction shall have to be carry out by making arrangement of disposal of rainy water.
(10)	As per the provisions of Government Revenue Department Circular No.BKHP-1091/1756/K, Date : 07.08.1991 for the unauthorized construction the concerned municipal

	corporation/urban area authority controlling the construction shall have to take steps as per the rules.
(11)	This order has been passed as per the provisions of Section-65(B) and Rule-100 of the Land Revenue Code. Except that the concerned legal permission which are require to be obtained by the occupier shall have to be obtained separately.
(12)	In the said land non-agricultural permission granted only actually for the purpose of industrial purpose. That with regard to the said land if any dispute, court cases, litigation, complaints occur than the responsibility in that regard shall be of the Officer granting the permission.
(13)	From the said land if any kind of petroleum/water or any other kind of pipeline is passing through than in that regard the authority granting development permission has to give development permission as available under the rules.

(14)	That have to follow the following conditions as mentioned in the Resolution No.BKHP/1006/425/K, Date : 01/07/2008 of Revenue Department of the Government.	
	1	Prior to commencement of construction have to get approve the plans for construction from Competent Officer, but the applicant without obtaining non-agricultural permission shall not get the commencement letter for construction.
	2	The urban area where the Town Planning Scheme has been approved, where have to make construction as per G.D.C.R. and Zoning Rules.
	3	As per approved plans have to make provision for disposal of dirty water in view of health and sanitation.
	4	That under the ribbon development rules keeping in mind the nature of road the applicant shall have to maintain distance between construction from the center point of road otherwise it shall be the

		responsibility of the applicant.
	5	In the matter of non-agricultural permission for Flour Mill, Cinema/Touring Cinema/Theater obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	6	In the matter of non-agricultural permission to install petrol, diesel, kerosene, CNG, LPG pump, prior to starting the construction obtaining necessary approval of the District Magistrate shall have to do the further procedure.
	7	For making non agriculture procedure for Manganese, fireworks, crackers as per Indian Explosive Act, first approval of District Magistrate will be obtained and there after further proceedings will be performed.
	8	If the land in question is near to railway border, then construction shall be carried

		out leaving space from railway border as per the rules.
	9	If there is electricity grid wire/high tension power pole exists from above or besides in a land in question then construction should be made complying those rules.
	10	If a land for which non-agriculture demand is made, falls within the vicinity of Airport then for height of construction and in view of Aerodram necessary "No Objection Certificate" shall be obtained from Civil Aviation Department and will have to comply rules of Civil Aviation Department.
	11	In case of land which is located near ONGC well then Applicant shall have to follow related rules.
	12	If the land falls near Narmda Canal/other irrigation canal then Applicant has to comply rules related to maintain distance for proposed construction.

	13	Applicant, where necessary has to comply with prevailing provisions of keeping distance from notified protected monuments under rules of Central or State Government.
(15)		In the approved/implemented development scheme of Urban Development Department in general development control rules and in general development control rules, in both whichever are the common matters there are applicable and for other matters the matter which is having additional control shall have to be applicable.
(16)		On the condition to follow the rules of public health and do not have to any such act which are harmful, risky or create obstruction for public health and do not have to spread any kind of pollution which is harmful for the health.
(17)		In the land under question shall have to obtain necessary permission/N.O.C. from the concerned Development Authority and other

	concerned Departments.
(18)	If there is any charge is due of any bank/society on the said land than without paying it the said property cannot be sold, gift, by will, agreement to sale, mortgaged in any manner and the ownership or possession enjoyment cannot be transferred directly or indirectly to any one.
(19)	For the plot wise measurement as per rules as per the instruction of the circular of Settlement Commissioner, Gandhinagar upon finalization of Development Plan when D.I.L.R. Amreli ask to deposit the amount of difference for plot wise measurement at that time have to deposit the amount within 2 days and getting approved lay-out plan with clarification regarding entrance of land under question from Competent Authority have to produce here within 30 days here.
	The transaction of Entry No.499 are liable for stamp duty hence have to pay the amount of deficit stamp duty. And for which have to

	produce the proof thereof within 30 days here.
	<p>The Chief Wild Life Warden, Gujarat State, Gandhinagar has vide its No Objection Certificate No.147-2022-23 of Date : 29/12/2022 Javak No.VPS-32-B-4503-06-2022-23 given No Objection Certificate for the land under question relying over the Condition 1 to 10 so all such conditions are to be followed scrupulously. And have to submit undertaking to follow all the conditions. And the details of aforesaid No Objection Certificate the Mamlatdar shall have to mutated in Second Right of V.F.No.7. Moreover as the said land covered in Eco Sensitive Zone hence the purpose for which No Objection Certificate issued by the Forest Department, have to carry out construction accordingly. On breach of any conditions from the above conditions the above permission automatically stands cancelled.</p>
<p>The applicant shall have to scrupulously follow the above conditions. Failing in which considering it as</p>	

a breach of condition the Competent Officer shall do the legal procedure.	
Disciplinary Section :	
(20)	On breach of any of the above condition the disciplinary steps shall be taken under Section-65(b) of Land Revenue Code and if liable for any other punishment than without any bar thereof as deem fit to order availing fine or assessment the procedure shall be carried out as per rules for the said land.
(21)	Whatever is there in above section however constructed against the said order or any additional house or structure not removed during the period which is the period prescribed by the Collector or not modified as suggested and whatever expenses incurred in doing so that entitled to recover from occupier as Land Revenue Dues.

Round Seal of
Collector
Amreli

Sd/- Illegible
(Gaurang Makwana)
Collector, Amreli

R.P.A.D.

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speed Well Party Plot Chawk,
Opposite Suvarnbhoomi Complex,
Nana Mava,
Rajkot - 360005

Copy forwarded to :

- The Deputy Collector, Dhari Prant, Di.Amreli
The Mamlatdar, Ta.Dhari, Di.Amreli
The District Inspector Land Records, Amreli
The Executive Engineer (R&B) Amreli
The Town Planner, Amreli
The E-Dhara Center, Mamlatdar Office, Dhari
The Deputy Collector, Stamp Duty Valuation Department,
Amreli

FORM : M-2
(See Rule 87-B)

Form of certificate to be issued to the occupant of the land who has started bonafide Industrial use of his land under section-65(B) of the Bombay Land Revenue Code, 1879. (As per Govt. Gujarat R.D. Circular No.BKP/1096/1572/K, Dated : 18/07/1996 & Gujarat Ordinance No.20 of 1996)

Whereas notice dated 15/12/2022 for the bonafide industrial use of the land has been given to the Collector of District AHMEDABAD (herein after referred to as "The Collector") with declaration under Section 65(B) of the Gujarat Land Revenue Code, 1879 as in force in the State of Gujarat (herein after referred to as "The said Code") (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the Director of Dhari Solar Park being the registered legal occupant of Survey No.360p2 Area 14,872.00 Sq.Mtrs. of Village MONVEL Taluka DHARI District AMRELI.

Now, therefore, this is to certify that the said land by the occupant for bonafide industrial purpose under Section 65(B) of the Code is valid subject to the other provisions of the said Code and Condition No.1 to 19 shown in ANNEXURE : I.

The occupant, in view of the assessment herebefore leviable in respect of the plot of land, shall pay to the Government with effect from the revenue year on the 1st day of August, of each year annual assessment of Rs.2,231.00/- till such time, the assessment is revised.

Application No.31307202201160
SR 34/13/07/001/2023
Collector Office, AMRELI
Date : 23/01/2023

Sd/-

(GAURANG MAKWANA)
COLLECTOR, AMRELI

To

- (1) Kamlesh Maganbhai Solanki (2) Nipun Kishor Patani the
Director of Dhari Solar Park Pvt. Ltd.
C/o. 210, Kriston Complex,
Speedwell Party Plot Chawk, Opposite Swarnbhoomi
Complex, Nana Mava, Rajkot - 360005

Copy To :

Deputy Collector, DHARI Prant Office, District AMRELI for
information and necessary action.

Mamlatdar, Taluka DHARI District AMRELI for information
and revenue recovery.

DILR, AMRELI for information and necessary action.

Executive Engineer (R&B) AMRELI for information and
necessary action.

Town Planner, AMRELI for information and necessary action.

Select File.

The online mutation entry wide No.4174 in mutation Register
(VF-6) of Village MONVEL, Taluka DHARI, District AMRELI
has been generated through auto mutation.

(Schedule of Survey No.342p4p2 Village MONVEL Taluka
DHARI District AMRELI)

SCHEDULE-1

length and breadth		Total super- ficial Area Sq.Mtrs.	Forming Part of Survey or Hissa No.	Boundaries				Remarks	
North To South Mtr	East To West Mtr.			North	South	East	West	Recovered assessment amount receipt No./Date	Conversion Tax Rs.
1	2	3	4	5	6	7	8	9	10
---	---	14872.00	360p2	S.No. 360 paiki 1 land situated there.	S.No. 342 paiki 8 paiki 2 land situated there	S.No. 342 paiki 4/ paiki land situated there	S.No. 342 paiki 7/ paiki 2 land situated there	570000135 510035210 12325962	1,18,976.00

Round Seal of
Collector, Amreli

Sd/- Illegible
(GAURANG MAKWANA)
COLLECTOR, AMRELI

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
DISTRICT: AMRELI

SPECIAL CIVIL APPLICATION NO. 12693 OF 2024

In the matter under Article 226, 14
and 19(1)(g) of the Constitution of
India;

AND

In the matter under the provisions of
the Gujarat Land Revenue Code,
1879;

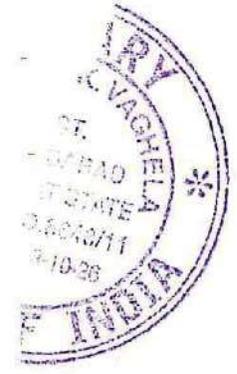
AND

In the matter of the impugned Order
dated 21.08.2024 passed by the
Respondent No.2 - Collector, Amreli
to the extent it directs the
Respondent No.3 - Range Forest
Officer, Dhari and the Respondent
No.4 - Mamlatdar, Dhari to
demarcate the portion of land over
which the construction / project work
is carried out by the Petitioner i.e.
within 1 km from the boundary of the
Sanctuary (Eco-sensitive Zone) and
demolish the same immediately;

AND



A handwritten signature in blue ink, consisting of a stylized 'G' followed by a horizontal line and a diagonal stroke.



In the matter of the impugned Notice dated 21.08.2024 issued by the Respondent No.4 - Mamlatdar, Dhari calling upon the Petitioner to remove the purported illegal construction / project work done on Eco-sensitive Zone, within 4 days, in terms of the above referred impugned Order dated 21.08.2024 passed by the Respondent No.2 - Collector, Amreli;
(Land laws matter)

AND

In the matter between:

Dhari Solar Park Private Limited

A Company registered under the Companies Act, 2013,

Having its address as:

Gr, Plot No.32, Rajshivalay Multi

Lotiabhagol, Anand,

Gujarat – 388 001

... Petitioner

VERSUS

1. The State of Gujarat

(Notice to be served through

The Secretary),

Revenue Department,

Block No-11, New Sachivalay,

Gandhinagar.

2. The Collector,

Office of Collector,

Jilla Seva Sadan,
Rajmahel Campus,
Amreli – 365 601, Gujarat.

3. The Range Forest Officer,

Office of the Range Forest Officer,
Gir (East), Forest Department,
Dhari, Vekariyapara Forest Colony,
Dhari – 365 640.

4. The Mamlatdar & Taluka Executive Magistrate,

Dhari,
Office of the Mamlatdar,
Dhari – Amreli Road,
Dhari, Dist. Amreli.

**5. Gaupalak, Environment, Wild Life
& Marine Life Conservation Trust,**

A Public Trust registered under the provisions
of the Bombay Public Trusts Act, 1950
Having its Registered Office at:
Sarambhada, Via. Chalala,
Taluka & Dist. Amreli – 365 630.

...Respondents

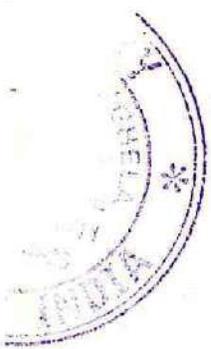
TO,
THE HON'BLE CHIEF JUSTICE AND THE
OTHER HON'BLE COMPANION JUDGES
OF THE HON'BLE HIGH COURT OF
GUJARAT AT AHMEDABAD.

THE HUMBLE PETITION OF THE
PETITIONER ABOVE-NAMED;

MOST RESPECTFULLY SHEWETH:

1. By way of the present Petition, the Petitioner Company seeks to challenge the impugned Order dated 21.08.2024 passed



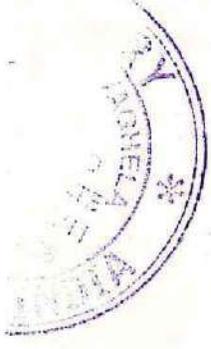


by the Respondent No.2 - Collector, Amreli to the extent it directs the Respondent No.3 - Range Forest Officer and the Respondent No.4 - Mamlatdar, Dhari to demarcate the portion of land over which the construction / project work is carried out by the Petitioner i.e. within 1 km from the boundary of the Sanctuary (Eco-sensitive Zone) and thereafter, demolish the same immediately. The Petitioner Company also seeks to challenge the impugned Notice dated 21.08.2024 issued by the Respondent No.4 - Mamlatdar, Dhari whereby the Petitioner has been called upon to remove the construction within 4 days in terms of the above referred impugned Order dated 21.08.2024 passed by the Collector, Amreli. As a matter of fact they have already initiated removal of the solar plant of the Petitioner on and from 30.08.2024. The Petitioner submits that the impugned Order as well as Notice, both are unwarranted in the facts and circumstances of the case for the following reasons:

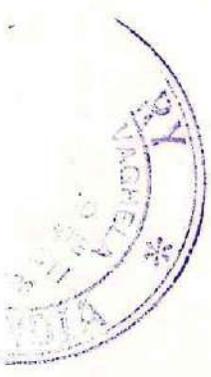
- (i) The proceedings in question are fallout of the Petition filed by the Respondent No.5 – Trust before the Gujarat State Human Rights Commission alleging irregularities in the Solar Power Project set up by the Petitioner in Eco-sensitive Zone, which proceedings are not maintainable at all before the Commission inasmuch as the Complaint / nature of cases to be inquired into by the Commission pertain to violation of human rights



only and does not permit inquiry into the allegations leveled by the said Respondent No.5 – Trust.

- 
- (ii) Furthermore, the Condition No.3 envisaged in the No Objection Certificate (NOC) dated 30.12.2022 directing the Petitioner to not to carry out any construction and/or project work within 1 km from the boundary of the Gir Sanctuary (Eco-sensitive Zone) based on which Condition No.19 is incorporated in the NA Order passed under Section 65(B) of the Gujarat Land Revenue Code, 1879, are not applicable to the Petitioner because the same are contrary to the Guidelines dated 09.02.2011 issued for declaration for Eco-sensitive Zone around National Parks and Wild Life Sanctuaries and the Draft Notification dated 25.10.2016, both of which permit and promote within the Eco-sensitive Zones use of renewable energy sources and adoption of green technology for all activities, which would encompass within itself the generation of solar energy produced by the Petitioner Company by setting up the solar plant. Thus, the activity carried on by the Petitioner would fall within permitted activity and therefore, not violative of the condition.
- (iii) Even otherwise the Condition No.3 envisaged in NOC dated 30.12.2022 is bad in view of the Order dated





26.04.2023 passed by the Hon'ble Supreme Court in the IAs' filed by the respective parties in the case of *T. N. Godavarman Thirumulpad vs. Union of India & Ors*, reported in 2023 SCC Online SC 504 whereby it is clarified that directions contained in its previous Order dated 3.06.2022 would not be applicable to the ESZs in respect of which a draft and final Notification has been issued by the MoEF & CC and in respect of the proposals have been received by the Ministry. Thus, the initial direction of having an Eco-sensitive Zone of minimum 1 km measured from demarcated boundary of protected forest is modified by making such a direction inapplicable to Eco-sensitive Zone in respect of which a draft and final Notification has been issued. In present case, there is already a Notification dated 31.05.2012 and Draft Notification dated 25.10.2016 where under the area of Eco-sensitive zones are notified.

- (iv) That the directions issued by the Collector, Amreli in the impugned Order fails to take into consideration the above aspects and the impugned Notice issued pursuant thereto by the Mamlatdar, fails to provide sufficient time to even respond to the act of demolition because the said Notice was received to the Petitioner on 29.08.2024 in the late evening directing to carry the demolition within 4 days from the receipt thereof.

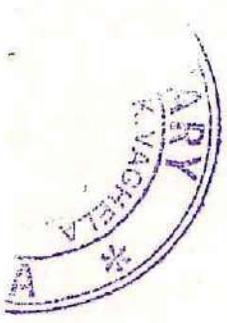


- (v) That the very action of demolition is contrary to the object with which the activity of use of renewable energy sources is permitted, as stated hereinabove.
- (vi) That the directions issued by the Collector, Amreli are even otherwise bad and illegal inasmuch as the same are passed while passing an interim order tantamounting to allowing the Complaint of the Respondent No.5 - Trust even before the issue is decided by the Gujarat State Human Rights Commission in the Petition preferred by the said Trust before it, though on face of it, the Complaint is not maintainable in law, more particularly, under the provisions of The Protection of Human Rights Act, 1993. Therefore, the consequent impugned Notice issued by the Mamlatdar is also bad and illegal.

For these reasons and the contentions urged in the Memo of the Petition, the impugned Order as well as the Notice is required to be quashed and set aside. A copy of the impugned Order dated 21.08.2024 passed by the Respondent No.2 – Collector, Amreli is annexed herewith and marked as **ANNEXURE-“A”** and a copy of the impugned Notice dated 21.08.2024 issued by the Respondent No.4 – Mamlatdar, Dhari is annexed herewith and marked as **ANNEXURE-“B”**.



Details of Parties:

- 
2. The Petitioner states that the Petitioner is a Company registered under the Companies Act, 2013 and is actively engaged in the development of sustainable energy solutions (comes under the Permitted Green Energy) in India.
 3. The Petitioner states that the Respondent Nos.1, 2 and 4 are the State and State authorities / Revenue officers duly appointed by the State Government and the Respondent No.3 is the jurisdictional Range Forest Officer having charge over the premises on which the solar plant is set up by the Petitioner Company. All of them being authorities within the meaning of 'State' for the purposes of Article 12 of the Constitution of India, the relief/s prayed for in this Petition against them are grantable and the Petition is thus, maintainable in law.
 4. The Respondent No.5 is a registered Trust under the provisions of Bombay Public Trusts Act, 1950 which has filed a Petition before the Gujarat State Human Rights Commission, Gandhinagar alleging that the Petitioner Company has illegally carried out the construction of the solar power project within Eco-sensitive Zone in village Monvel, Amreli without taking necessary permissions and prior approval under the Forest (Conservation) Act, 1980. This Petition in the submission of the Petitioner is beyond the scope of jurisdiction conferred upon the Commissions



constituted under the provisions of The Protection of Human Rights Act, 1993.

Brief facts:

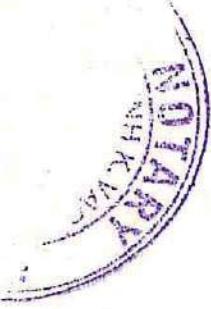
5. The facts leading to the filing of the present Petition are as under:-

5.1 The Petitioner states that the Petitioner is a Company registered under the Companies Act, 2013 and is actively engaged in the development of sustainable energy solutions in India.

5.2 The Petitioner states that it started setting up of a Solar Power Project for 25 MW on the lands of Survey Nos. 342 paiki 2, 342 paiki 4 / paiki 2, 342 paiki 7 / paiki 2, 342 paiki 2/ paiki 2 and 342 paiki 12 in all admeasuring 4,19,028 sq. mtrs, situated at village Monvel, District Amreli. The said land is 490 meters away from the boundary of the Gir Sanctuary and is thus, alleged to be falling under the Eco-sensitive Zone.

5.3 The Petitioner states that as such for setting up a solar power project (permitted Green Energy), no environment clearance is required. In that regard, the Petitioner makes a reference to Office Memorandum dated 13.5.2011 issued by the Government of India, Ministry of Environment and Forests. A copy of Office Memorandum dated 13.5.2011 is annexed herewith

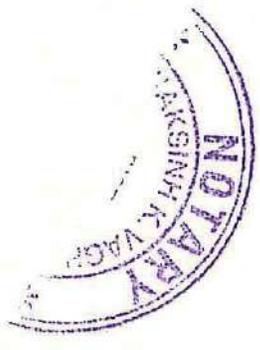




and marked as ANNEXURE-“C”. However, the Petitioner proceeded to obtain the requisite No-objection Certificates and permissions from competent authorities wherever it was required to obtain such permissions.

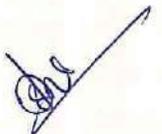
5.4 The Petitioner thus, was issued a No-objection Certificate dated 30.12.2022 (from the perspective of Wild Life) by the Chief Wild Life Warden, Gujarat State, Gandhinagar. It is also called Forest Clearance Certificate. The said Certificate notes that the project of the Petitioner Company is situated at the distance of 490 meters from the boundary of the Gir Sanctuary and thus, within Eco-sensitive Zone. However, after taking into consideration the Guidelines dated 9.2.2011 issued for Declaration of eco-sensitive zone around National Parks and Wild Life Sanctuaries by the Government of India, Ministry of Environment & Forests (Wild Life Division), the Notification dated 31.5.2012 issued by Ministry of Environment and Forests and the Draft Notification dated 25.10.2016 issued by Ministry of Environment, Forests and Climate Change, the Forest Authority has granted the permission to the Petitioner Company to use the lands referred to hereinabove for non-agricultural purposes on the terms and conditions stipulated therein. Copies of Guidelines for Declaration of Eco-sensitive Zones around National Parks and Wild





Life Sanctuaries dated 09.02.2011, Notification dated 31.5.2012 and Notification dated 25.10.2016, all issued by Ministry of Environment and Forests is annexed herewith and marked as ANNEXURE-“D” (Colly.) and the Copy of No-objection Certificate dated 30.12.2022 issued by the Chief Wild Life Warden, Gujarat State, Gandhinagar is annexed herewith and marked as ANNEXURE-“E”.

- 5.5 The Petitioner states that the Condition No.3 is against the spirit of the Guidelines and Notifications referred to hereinabove. The Annexure-I appended to the Guidelines dated 09.02.2011 specifically identified some of the activities which can be allowed in all the eco-sensitive areas and the activities which need to be regulated / prohibited. Items 16 and 26 thereof, permit and promote use of renewable energy sources and adoption of green technology for all activities within the Eco-sensitive Zones. These Guidelines are in operation and existence as on date. Therefore, such activities that promote generation of renewable energy would stand covered by the exception so granted under the guidelines. This is so because “use” would be impossible without generation, and the same cannot be read in isolation thereof.





5.6 The Petitioner states that the use of renewable energy sources can be possible only if there is generation of renewable energy within such eco-sensitive zones, in the present case, it would be setting up of a solar plant (Green Energy). India is endowed with vast solar energy potential. About 5,000 trillion kWh per year energy is incident over India's land area with most parts receiving 4-7 kWh per sqm per day. Solar photovoltaic power can effectively be harnessed providing huge scalability in India. Solar also provides the ability to generate power on a distributed basis and enables rapid capacity addition with short lead times. Off-grid decentralized and low-temperature applications will be advantageous from a rural application perspective and meeting other energy needs for power, heating and cooling in both rural and urban areas. From an energy security perspective, solar is the most secure of all renewable sources, since it is abundantly available. Theoretically, a small fraction of the total incident solar energy (if captured effectively) can meet the entire country's power requirements.

5.7 The Petitioner states that based on these Guidelines, Notification dated 31.5.2012 for protecting the area of Girnar Wild Life Sanctuary and prohibiting, regulating and permitting activities in the Eco-sensitive Zones as mentioned therein was issued under the provisions of





Environment Protection Act, 1986 and the Rules framed there under. The area upto 5 km from the boundary of the protected area of Girnar Wildlife Sanctuary is notified as Eco-sensitive Zone (Girnar Eco-sensitive Zone). Likewise, the Draft Notification dated 25.10.2016 is also issued by the Ministry of Environment notifying area to an extent of upto 16.3 km from the boundary of Gir Wild Life Sanctuary as Eco-sensitive Zones.

- 5.8** The Petitioner states that both these Notifications have provided for promotion of use of renewable energy (biogas, solar light i.e. Green Energy etc.) and adoption of green technology for all activities.
- 5.9** The Petitioner states that after obtaining the No-objection Certificate from the Chief Wild Life Warden, the Petitioner Company was granted permission under Section 65(B) of the Gujarat land Revenue Code, 1879 for putting the land to use for bona-fide industrial purpose. For 5 different parcels of land, 5 separate orders are passed by the Collector, Amreli. A specimen copy of one such NA Permission Order dated 21.1.2023 issued for the land of survey no.342 paiki 7 / paiki 2 situated at village Monvel, Taluka Dhari, District Amreli is annexed herewith and marked as **ANNEXURE-"F"**.



5.10 The Petitioner states that after obtaining the requisite permissions, it started setting up the solar power project on the lands referred to in the preceding paragraphs. The Petitioner further states that India has an abundance of agricultural land, however, the Petitioner Company has deliberately chosen not to use the fertile land for setting up the solar plant. Instead, the selected site is barren, rocky and hilly which is unsuitable for carrying out agricultural activities. While the Company could have opted for fertile agricultural land and converted it for solar use, but the same would have wasted the valuable farmland. Hence, as the chosen location is waste land, it is not suitable for agriculture. Even otherwise, the total expenditure incurred towards purchase of land and for setting up the plant & machinery at the current site is Rs.115 Crores (Approx.).

5.11 The Petitioner states that after the major chunk, almost 80%, of the project was completed; the Respondent No.5 Trust filed a Petition on 04.01.2024 before the Gujarat State Human Rights Commission, Gandhinagar alleging irregularities in the solar power project set up by the Petitioner Company at Village Monvel. A copy of Memo of Petition being case No. HRC / 2023 / AMR / 64/LEGAL-2 is annexed herewith and marked as **ANNEXURE-"G"**.





5.12 The Petitioner states that the Petition filed before the Gujarat State Human Rights Commission is itself not maintainable and is beyond the scope of jurisdiction of the Commission in view of the provisions of the Protection of Human Rights Act, 1993. The scope of inquiry contemplated there under cannot be stretched for the purported violation of environment laws and or the Notifications in place. No human right violation is alleged by the Respondent No.5 in its Petition, yet the cognizance was taken by the Commission and on account thereof, entire Revenue machinery got activated and have thus, reached the stage of demolishing the plant of the Petitioner Company. It may be stated that the Petition before the Commission is pending as on date.

5.13 The Petitioner states that the Petitioner Company has filed its Affidavit-in-Reply to the Petition filed by the Respondent No.5 - Trust before the Gujarat State Human Rights Commission and has pointed out about the details of the requisite permissions it has obtained and the one that were not required to be obtained from the authorities. A copy of Affidavit-in-Reply dated 26.2.2024 is annexed herewith and marked as **ANNEXURE-"H"**.





5.14 The Petitioner states that on account of the above Petition, the Gujarat State Human Rights Commission undertook the inquiry and thus, the Respondent No.4 – Mamlatdar, Dhari by issuing a Communication dated 27.02.2024 directed the Petitioner Company to stop using the lands in question for Non-agricultural purpose. Such a direction was based on the fact that there was a violation of Condition No.2(a) & (b) and 9 of the No-objection Certificate dated 30.12.2022 issued by the Chief Wild Life Warden as well as the Condition No.19 of the NA Permission issued under Section 65(B) of the Gujarat Land Revenue Code by the Respondent No.2 - Collector. A copy of Communication dated 27.2.2024 is annexed herewith and marked as **ANNEXURE-“I”**. The Petitioner states that pursuant to this Communication, no kind of activity / project work is undertaken by the Petitioner Company on the lands in question.

5.15 The Petitioner states that pursuant to such proceedings before the Commission, the Respondent No.2 – Collector, Amreli instituted a case for breach of conditions of NA Permission and issued a Show Cause Notice (SCN) dated 29.2.2024 to the Petitioner Company alleging breach of the Condition No.2(a) & (b) and 9 of the No-objection Certificate dated 30.12.2022 issued by the Chief Wild Life Warden and the Condition

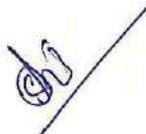




No.19 of the NA Permission Order amongst other violations and thus, called upon the Petitioner to submit its stand with regard to the alleged breach. A copy of Show Cause Notice dated 29.2.2024 issued by the Respondent No.2 - Collector is annexed herewith and marked as ANNEXURE-“J”.

5.16 The Petitioner states that on account of the proceedings before the Gujarat State Human Rights Commission certain authorities also issued Notices to the Petitioner Company calling for its clarification on the breach committed by it of the Conditions of the NOC dated 30.12.2022. One such Letter dated 11.3.2024 was issued by the Deputy Conservator of Forests, Dhari alleging the breach of Condition No.2(a) & (b), 9 and 3 of the said NOC. The Petitioner Company has responded to the same with a detailed Reply dated 14.3.2024 and has explained its stand against the alleged breach. A copy of reply dated 14.3.2024 made available to the Deputy Conservator of Forests; Dhari is annexed herewith and marked as ANNEXURE-“K”.

5.17 The Petitioner states that though the Petitioner was in process of arranging to file its reply to the Show Cause Notice dated 29.2.2024 issued by the Respondent No.2 - Collector, another Show Cause Notice dated 27.3.2024 came to be issued upon the Petitioner on the



similar lines. The Petitioner Company thereafter, filed its Reply before the Respondent No.2 - Collector and gave its explanation as regards the alleged breach. It is pertinent to note that the Show Cause Notices never specifically alleged the breach of Condition No.3 which was regarding restriction on construction activity within 1 km of the Eco-sensitive Zone. A copy of reply dated 25.4.2024 submitted before the Respondent No.2 Collector is annexed herewith and marked as **ANNEXURE-"L"**.

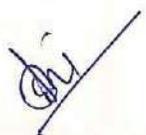
5.18 The Petitioner states that on account of the proceedings before the Gujarat State Human Rights Commission various authorities continued to seek explanation from the Petitioner Company and in that regard again a Letter dated 04.05.2024 came to be issued by the Chief Wild Life Warden, seeking clarification from the Petitioner Company on the issue of (a) underground installation of electric line, (b) approval of wire fencing design and (c) construction within 1 km from the Eco-sensitive Zones. The Petitioner Company has in detail clarified its stand on all the 3 issues. A copy of the Reply dated 16.8.2024 clarifying the stand of the Petitioner Company in response to the letter dated 4.5.2024 of the Chief Wild



Life Warden is annexed herewith and marked as ANNEXURE-"M".

5.19 The Petitioner states that without even waiting for the outcome in the Petition filed by the Respondent No.5 before the Gujarat State Human Rights Commission, Gandhinagar, wherein the Petitioner Company is about to raise the issue of jurisdiction, the Respondent No.2 - Collector passed the impugned Order dated 21.8.2024 and passed certain directions for implementing the Conditions stipulated in No-objection Certificate dated 30.12.2022 (received to the Petitioner on 29.08.2024 in the late evening) issued by the Chief Wild Life Warden. While so doing, it directed the Respondent Nos.3 and 4 to demarcate the area of land on which the construction is done by the Petitioner Company contrary to the Condition No.3 and thereafter, demolish the same immediately.

5.20 The Petitioner states that thus, to the extent of the direction of demolishing the purported construction, the Petitioner Company impugns the Order dated 21.8.2024 of the Collector. As far as other violations are concerned, the Petitioner is in process of addressing the same and even the Respondent No.3 & 4 are yet to move further in that regard in terms of the directions issued in the impugned Order. However, if required, the



Petitioner keeps its right open to challenge the Order dated 21.08.2024 regarding other violations, after the action of the Respondent No.3 & 4 concludes its view thereon.

5.21 The Petitioner states that acting on the aforesaid order of the Collector, Amreli, the Respondent No.4 - Mamlatdar has issued the impugned Notice dated 21.8.2024 and called upon the Petitioner Company to remove the construction in terms of the impugned Order dated 21.8.2024 passed by the Collector within 4 days, failing which the same shall be demolished by the authorities.

5.22 The Petitioner states that though there was a direction to first demarcate and then demolish, the Respondent No.4 - Mamlatdar contrary to the same, first issued the impugned Notice dated 21.08.2024 as stated hereinabove and thereafter, along with the Respondent No.3 has demarcated the portion of land over which the solar project is being set up (i.e. within 1 km of the eco-sensitive zones) and has started demolishing the metallic structure standing at the plant w.e.f 30.08.2024, all the process done simultaneously. Necessary Photographs showing such action of demolition are annexed herewith and marked as **ANNEXURE-"N" (Colly.)**.



6. The Petitioner thus, being aggrieved and dissatisfied by the impugned Order dated 21.08.2024 passed by the Respondent No.2 - Collector to the extent as stated herein above and the impugned Notice dated 21.8.2024 issued by the Respondent No.4 - Mamlatdar, seeks to challenge the same on the following grounds *inter alia*:

GROUND

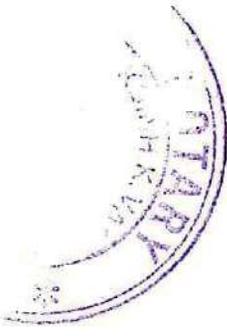
- (A) The Petitioner submits that the impugned Order as well as the notice is bad, illegal, arbitrary, perverse and contrary to the law and is therefore, required to be quashed and set aside.
- (B) The Petitioner submits that the proceedings in question are fallout of the Petition filed by the Respondent No.5 - Trust before the State Human Rights Commission alleging irregularities in the Solar Power Project set up by the Petitioner in Eco-sensitive Zone, which proceedings are not maintainable at all before the Commission inasmuch as the Complaint / nature of cases required to be inquired into by the Commission under the Protection of Human Rights Act, 1993 pertain to violation of human rights only and does not permit inquiry into the allegations leveled by the said Respondent No.5 - Trust.
- (C) The Petitioner submits that the Condition No.3 envisaged in the No Objection Certificate (NOC) dated



30.12.2022 directing the Petitioner to not to carry out any construction and/or project work within 1 km from the boundary of the Gir Sanctuary (Eco-sensitive Zone) based on which Condition No.19 is incorporated in the NA Permission Order passed under Section 65(B) of the Gujarat Land Revenue Code, 1879, are not applicable to the Petitioner because the same are contrary to the Guidelines dated 09.02.2011 issued for declaration for Eco-sensitive Zone around Nation Parks and Wild Life Sanctuaries and the Draft Notification dated 25.10.2016, both of which permit and promote within the Eco-sensitive Zones use of renewable energy sources and adoption of green technology for all activities, which would encompass within itself the generation of solar energy produced by the Petitioner Company by setting up the solar plant. The Petitioner alternatively submits that assuming they are applicable, the Petitioner's plant falls within the exception of activities that are not only permitted but are classified as actively promoted.

- (D) The Petitioner submits that even otherwise the Condition No.3 envisaged in NOC dated 30.12.2022 is bad in view of the Order dated 26.04.2023 passed by the Hon'ble Supreme Court in the IAs' filed by the respective parties in the case of *T. N. Godavarman Thirumulpad vs. Union of India & Ors*, reported in 2023





SCC Online SC 504 whereby it is clarified that directions contained in its previous Order dated 3.06.2022 would not be applicable to the ESZs in respect of which a draft and final Notification has been issued by the MoEF & CC and in respect of the proposals have been received by the Ministry. In present case, there is already a Notification dated 31.05.2012 and Draft Notification dated 25.10.2016 where under the area of Eco-sensitive zones is notified. Copies of Order dated 3.06.2022 and 26.04.2023 passed by the Hon'ble Supreme Court of India in the IAs' preferred by the respective parties in the case of *T. N. Godavarman Thirumulpad vs. Union of India & Ors.*, are annexed herewith and marked as **ANNEXURE-"O" (Colly.)**.

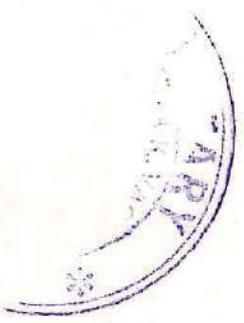
- (E) The Petitioner submits that the directions issued by the Collector in the impugned Order fails to take into consideration the above aspects and the impugned Notice issued pursuant thereto by the Mamlatdar, fails to provide sufficient time to even respond to the act of demolition. The demolition act of the Mamlatdar is premature and bad in law and without following due process of law. The Petitioner further submits that the very action of demolition is contrary to the object with which the activity of use of renewable energy sources is permitted and promoted under the Guidelines and



Notifications issued by the Ministry of Environment and Forest, Government of India.

- 
- (F) The Petitioner submits that even the Orders referred to herein above of the Hon'ble Supreme Court of India specifically restricts the mining activities within the Eco-sensitive Zones and has not restricted the carrying on of activities which are permitted (Green Energy), regulated and promoted under the Guidelines and the Notifications referred to in this Petition.
- (G) The Petitioner submits that what is expressly prohibited in the Guidelines dated 09.02.2011 is setting up of industries causing pollution (water, air, soil, noise), establishment of major hydroelectric projects etc., in the Eco-sensitive Zones. There is no whisper of any prohibition on solar projects, rather it permits and promotes use of renewable energy sources and adoption of green technology for all activities within the Eco-sensitive Zones. Therefore, there ought to have been a Report from the competent authority on the aspect of setting up a Solar Power Project within the Eco-sensitive Zone. Without so doing, the authorities have proceeded with action against the Petitioner Company.
- (H) The Petitioner submits that the directions issued by the Collector are even otherwise bad and illegal inasmuch





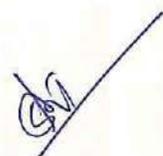
as the same are passed while passing an interim order tantamounting to allowing the Petition of the Respondent No.5 - Trust filed before the Gujarat State Human Rights Commission. Although, how far the said Commission has jurisdiction to deal with the issue raised by Respondent No.5 before it, remains to be examined and adjudicated. Thus, the consequent impugned Notice issued by the Mamlatdar is also bad and illegal.

- (I) The Petitioner submits that the No-objection Certificate dated 30.12.2022 issued by Chief Wild Life Warden already takes a note of the fact that the place on which the solar power project is to be set up by the Petitioner Company is situated at the distance of 490 meter from the boundary of Gir Wild Life Sanctuary which is within 1 km from the boundary of Sanctuary and is an Eco-sensitive Zone and while granting the permission, it refers to the Guidelines dated 9.2.2011, Notification dated 31.5.2012 and 25.10.2016 which provides for permitting and promoting of use of renewable energy resources. As such the Condition No.3 itself is contrary to the clarification made by the Hon'ble Supreme Court in the order referred to in the preceding grounds. Be that as it may, the authority was aware about the fact that the solar power project was to be set up within the eco-sensitive zone, yet it



incorporated a condition no.3 contrary to its observation, the Guidelines and the Notifications referred to hereinabove. Had the Condition No.3 been legally applicable and or had there been assessment on how solar power projects fall within the ambit of use of renewable energy, after noticing the facts as stated above, such Condition No.3 would not have been incorporated in the No-objection Certificate dated 30.12.2022.

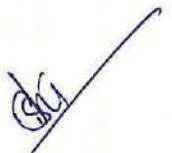
- (J) The Petitioner submits that the Condition for restricting construction activity within 1 km of Eco-sensitive Zone seems to have been incorporated in the No-objection Certificate dated 30.12.2022 pursuant to the Order dated 03.06.2022 passed by the Hon'ble Supreme Court of India referred to in the preceding grounds, however, the said Order came to be modified vide order dated 26.4.2023 and the restriction on carrying out construction activity within 1 km of eco-sensitive zones is exclusively made applicable only to mining activities and for rest of the activities, the Guidelines issued by Ministry of Environment and Forests and the Notification issued for notifying the Eco-sensitive Zone are to be followed. Therefore also, the action initiated for demolishing the solar power project plant is bad and illegal.



- (K) The Petitioner submits that after acknowledging the fact that the project falls under the category of permitted projects covered under “use of renewable energy sources” and “adoption of green technologies for all activities” in terms of the Guidelines dated 9.2.2011 and that the same has to be actively promoted, which guidelines permit these activities within the Eco-sensitive Zone, there was no reason for imposing the Condition for restricting the construction activity within 1 km of Eco-sensitive Zone.
- (L) The Petitioner submits that similar plants are installed and commissioned within the Eco-sensitive Zone of Gir Wild Life Sanctuary and the same is operational as on date. These plants are set up by one Jai Bhavani Energy at 750 meters from the boundary of the Sanctuary and another is Jai Ambe Energy which is situated at 950 meters from the boundary of the Sanctuary. Thus, both these plants are within Eco-sensitive Zone, yet no action is initiated against the said plant. This smacks of the differential treatment meted out to the Petitioner.
- (M) Even otherwise the impugned Order and the impugned Notice are bad, illegal and arbitrary and are therefore, required to be quashed and set aside.



7. The Petitioner submits that pursuant to the passing of the impugned Order dated 21.08.2024 by the Respondent No.2-Collector, the Respondent No.3 & 4 have already started taking steps to demolish the solar plant of the Petitioner. If the impugned Order and Notice are not stayed, the same would cause irreparable loss to the Petitioner without even examining as to how the solar power plants can be said to be prohibited within the Eco-sensitive Zone. Hence, the interim relief prayed for in this Petition may kindly be granted in the interest of justice.
8. The Petitioner craves leave to amend, alter and/or to rescind any of the foregoing paragraphs as and when necessary.
9. The Petitioner has no other alternative equally efficacious remedy except to approach this Hon'ble Court by way of this Petition.
10. The Petitioner has not filed any other Petition on the subject matter before this Hon'ble Court or before the Hon'ble Supreme Court save and except what is stated hereinabove.
11. The Petitioner, therefore, humbly prays that:
- (A) Your Lordships may be pleased to admit this Petition;
- (B) Your Lordships may be pleased to quash and set aside the impugned Order dated 21.08.2024 passed



by the Respondent No.2 - Collector, Amreli in Case No.1 of 2024, a copy of which is at **Annexure-A** to this Petition, in the interest of justice;

- (C) Your Lordships may be pleased to quash and set aside the impugned Notice dated 21.08.2024 issued by the Respondent No.4 - Mamlatdar & Taluka Executive Magistrate, Dhari, Amreli pursuant to the impugned Order dated 21.08.2024 of the Respondent No.2 - Collector, a copy of which is at **Annexure-B** to this Petition, in the interest of justice
- (D) Pending admission, hearing and final disposal of this Petition, Your Lordships may be pleased to stay the operation, implementation and execution of the impugned Order 21.08.2024 and impugned Notice dated 21.08.2024 passed and issued by the Respondent No.2 - Collector, Amreli and the Respondent No.4 - Mamlatdar & Taluka Executive Magistrate, Dhari, Amreli respectively, in the interest of justice;
- (E) Pending admission, and final hearing of the petition, Your Lordships may be kind enough to direct the Respondents from forthwith ceasing any activities of demolition of the plant so as to not render the Petition infructuous;



- (F) Pending admission and final hearing, Your Lordships be also pleased to direct the competent authorities to examine the issue of setting up of solar power plants in the Eco-sensitive Zones and place the Report on record of this case, in the interest of justice;
- (G) Grant *ad-interim* relief in terms of **Paragraph 11(D) & 11(E)** above; and
- (H) Your Lordships may be pleased to pass any such other and further relief as may be deemed just and expedient in the interest of justice.

AND FOR THIS ACT OF KINDNESS AND JUSTICE THE PETITIONER SHALL IN DUTY BOUND EVER PRAY.

Date: 01.09.2024
Place: Ahmedabad


For Nanavati Associates
Advocates for the Petitioner

AFFIDAVIT

I, Sanjaykumar S/o. Ishverlal Naik, Male, Aged: 57 years, Authorised Signatory of the Petitioner - Company, do hereby solemnly affirm and state on oath that the statement of facts made in **Paragraphs 1 to 5.22** and legal submissions made in **Paragraphs 6A to 6M** are true to best of my knowledge and the same are based on the information which I believe to be true. **Paragraph 7** contains ground for interim relief and **Paragraphs 8**



to 10 is formal in nature and Paragraphs 11A to 11H contains prayer clause.

Solemnly affirmed at Ahmedabad on this 1st day of 0 September, 2024

Amo: 6939 0885 1577

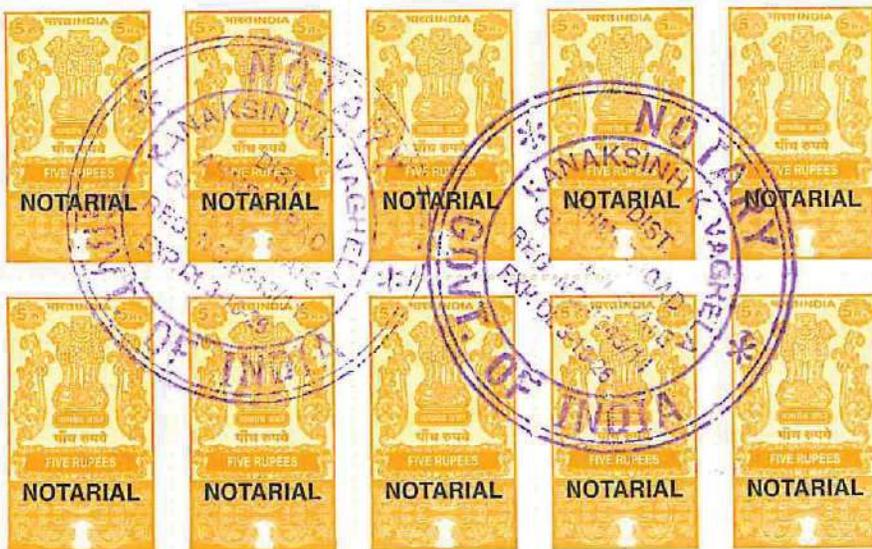
Identified by me

M. Dhotase
Mayur Dhotase
Advocate


DEPONENT



SR. No. - 16133 - /2024
SOLEMNLY AFFIRMED
BEFORE ME
111vamu
KANAKSINH K. VAGHELA, NOTARY
DATE 01/09/2024



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 12963 of 2024

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DHARI SOLAR PARK PRIVATE LIMITED

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR DM DEVNANI WITH MR MAYUR DHOTRE FOR M/s NANAVATI ASSOCIATES(1375) for the Petitioner(s) No. 1

MR JK SHAH ASSISTANT GOVERNMENT PLEADER/PP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 02/09/2024

ORAL ORDER

1. Heard learned Advocate Mr. D.M. Devnani with learned Advocate Mr. Mayur Dhotre for M/s Nanavati Associates on behalf of the petitioners and learned Assistant Government Pleader Mr. J.K. Shah on behalf of respondent- State.

2. The present petition has been taken upon an urgent mentioning made on behalf of the petitioner.

3. By way of this petition, the petitioners have challenged interim order by the Collector, Amreli and consequential notice dated 21.08.2024 by the Mamlatdar, Dhari.

4. Considering the submission made by learned Advocate Mr. Devnani and having perused the documents on record, it would prima facie appear to this Court that the present petitioner-company, had sought for conversion

of 419028 square meters of land at Village: Monvel Taluka: Dhari District Amreli for industrial purpose i.e for establishing a Solar Energy Plant. It would appear that the Chief Wildlife Warden, Gandhinagar had given no objection to such A project vide his certificate No. 147/2022-23 dated 30.12.2022. It also appears that the petitioners had inter alia received all requisite permissions from the Revenue Authorities and project was in the phase of being established. It is the submission of learned Advocates for the petitioners that 80% of the project has been complete.

4.1 It appears that respondent no. 5 herein had submitted a complaint on 03.11.2023 to the Human Rights Commission inter alia alleging breach of human rights upon the project being established. It appears that upon and after such a complaint, a notice under Section 67 of the Land Revenue Code had been issued by the Collector, Amreli to the petitioners alleging one that a tower constructed by the petitioners, appears to be in violation of the 'Gujarat Water and Gas Pipelines (Acquisition of Rights or User in Land) Act, 2000' had been violated more particularly since 10% of the market value of the land had not been deposited with the State. It is also alleged that the project is violating the condition no. (19) of permission under Section 65(B) which inter alia states about the project required to be in consonance with the no objection given by the Chief Wild Life Warden vide certificate dated 30.12.2022. It appears that the Collector, Amreli has thereafter, passed interim order dated 21.08.2024 inter alia holding that there is a breach of the No Objection Certificate issued by the Chief Wild Life Warden and whereas it is also observed that the petitioners had not paid the 10% amount as per the Gujarat Water and Gas Pipelines (Acquisition of Rights or User in Land) Act, 2000. The Collector vide the order impugned has inter alia directed the Range Forest Officer to take appropriate measurement of the project and to find out that whether the NOC has been breached or not and whereas the Mamlatdar has also been called upon to

demarcated the property and to take appropriate action thereafter. It appears that consequent to the impugned order of the Collector a notice had been issued on 21.08.2024 by Mamlatdar, Dhari inter alia calling upon the petitioners to remove their constructions in the land in question. It is alleged by learned Advocate Mr. Devnani more particularly relying upon photographs at page no. 146 to 152 that the Mamlatdar has visited the spot with his team along with JCB Machine and has already started demolition activity in the presence of RFO.

4.2 It is submission of learned Advocate Mr. Devnani that the entire proceedings are vitiated inasmuch as there is no final finding by the Collector as regards any breach committed by the present petitioners yet, it is the Mamlatdar, Dhari has taken upon himself to demolish the project or part of the project of the present petitioners.

5. As against the same it is submitted by learned AGP Mr. Shah that the project being inside the buffer zone i.e. in the zone which is consisting of 1 kilometer of length between the reserved forest and the revenue land, is undisputed. Learned AGP would submit that the said position not being disputed by the petitioners themselves, the actions taken by the Mamlatdar are well justified.

6. Insofar as the said submission is concerned, learned Advocate Mr.Devnanai would draw the attention of this Court to decision of the Hon'ble Supreme Court dated 03.06.2022 in case of **T.N. Godavarman Thirumulpad, vs. Union of India and others** reported in 2022(10) SCC 544 more particularly paragraph no. 56.1 thereof whereby the Hon'ble Supreme Court had demarcated 1 kilometer of buffer zone between national park or wildlife sanctuary and the revenue areas. It is mentioned in the said direction that guidelines of 09.02.2011 (by the Union of India) should be strictly

followed.

7. Learned Advocate would further draw the attention of this Court to guidelines for declaration of Eco Sensitive Zones(ESZ) around national parks and wildlife sanctuaries dated 09.02.2011, i.e. the same guideline which have been referred to by the Hon'ble Supreme Court and whereas learned Advocate would also in particular draw the attention of this Court to a table at Annexure I which contains identification of activities. Learned Advocate would take this Court to item at Sr. No. 16 which inter alia reads "use of renewal energy sources" which is a permitted activity and whereas in the remarks column, it is mentioned that the same should be actively promoted. Learned Advocate would submit that the petitioners intending to set up a Solar Power Plant, are infact promoting renewable energy and it is under such circumstances that the activity is deemed to be a permissible activity which even according to the Union of India should be actively promoted. Thus submitting learned Advocate would request this Court to intervene.

8. Having considered the submissions made by learned Advocates and having perused the documents on record, at the outset, after perusing the notice issued by the Collector, Amreli dated 29.02.2024 and the impugned order dated 21.08.2024, this Court fails to understand as to the circumstances under which, the Collector has initiated the entire proceedings. It would appear that respondent no. 5 has never approached either the State Government or the Collector questioning the permission given to the present petitioners. From a minute reading of order dated 21.08.2024, this Court is not able to locate any observation that any complaint had been sent by respondent no. 5 to the Collector or the State Government as the case may be or that even a copy of the complaint sent by respondent no. 5, has been forwarded or marked to the Collector, Amreli. As it is, the matter being pending before the Human Rights

Commission, the exercise of powers by the Collector, Amreli, appears to be quite baffling.

8.1 Again it requires to be noted that while the NA permission undoubtedly takes into account a condition that if the no objection granted by the Chief Wild Life Warden should not be violated. It would appear in this regard that even if there is an allegation of breach by the petitioners as regard the no objection given by the Chief Wild Life Warden, then at the first instance it would be that authority which should have taken appropriate action for breach of No Objection Certificate and whereas in the instant case, even without the said authority either being approached or even having taken up proceedings against the petitioners, the Collector, Amreli has taken upon himself to hold that the petitioners have prima facie breached the no objection granted by the Chief Wild Life Warden.

9. Furthermore it also appears that while the proceedings before the Collector, Amreli are at an interim stage, yet, the Mamlatdar has without specifically conducting the exercise of demarcation vide notice dated 21.08.2024 called upon the petitioners to remove their alleged unauthorized constructions and whereas it is as could be noticed from the photographs alleged that the Mamlatdar and his team are in the process of demolishing structures in the project. To this Court it would appear that unless a final decision is taken by the Collector, Amreli under Section 67 of the Land Revenue Code, provided the Collector was justified in initiating the proceedings at the first place, then and then only, the Mamlatdar was empowered to start demolition activity. The Mamlatdar being directed to start demolition activity, even without final order being passed by the Collector, an incongruous situation appears to be created whereby irreversible portion is sought to be created even without the proceedings having attained finality.

10. In view of the above prima finding, intervention at this stage is warranted. Hence issue **Notice** to the respondents returnable on **09.09.2024**.

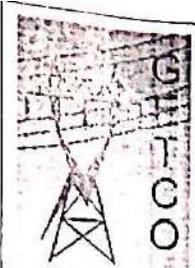
11. By way of ad-interim relief the respondents more particularly respondents no. 2, 3 and 4 are hereby directed to forthwith stop any activities of demolition at the sight of the project.

12. Learned AGP Mr. Shah shall instruct the Collector, Amreli to call off the demolitions immediately. Learned AGP would also waive service of notice on behalf of respondent No. – State. Direct service for the respondents is permitted **today**.

13. On the returnable date, an officer not below the rank of Deputy Collector shall remain present with the entire file relating to order dated 21.08.2024 and whereas this Court shall be specifically apprised as regards the starting point for initiation of the proceedings i.e initiation of proceedings under Section 67 of the Land Revenue Code which has taken place upon issuance of notice dated 29.02.2024.

NIRU

(NIKHIL S. KARIEL,J)

	<p>ANNEXURE R-5</p> <p>GUJARAT ENERGY TRANSMISSION CORPORATION LIMITED</p> <p>Regd Office:Sardar Patel Vidyut Bhavan, Race Course, VADODARA-390007 (CIN: U40100GJ1999SGCO36018) Phone No.(0265) 2353086 (D)/Fax No.(0265) 2337918/2338164 Web site: www.getcogujarat.com- Email:serc.getco@gebmail.com</p>	
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No. CE (RC)/ EE-C/2347

SPEED POST

Date: 23-12-2020

To,
Dr Nisarg Joshi,
Officer on Special Duty (Power),
Government of Gujarat
EPD Department
Block No 5, 5th Floor,
S P Bhavan, Sachivalaya,
Gandhinagar.

Subject: Regarding approval for installation of 66 Kv EHV lines and conferring power under Section (68) and Section 164 of Electricity Act 2003

Ref: PRC/-11-2020-2245-K-8-12-2020

Sir,

This is continuation to your letter dtd.8th December 2020 received by this office on 15th December 2020 with regards to the proposal submitted by Dhari Solar Park Private Limited (DSPPL) requesting the permission for installation of 66 Kv Overhead line and conferring power under section 68 and Section 164 of Electricity Act 2003.

In this regards it is to inform that GETCO has already granted them approval of connectivity of 25 MW solar generation after carrying out system study by laying the dedicated line from the solar park substation to 66 Kv Vekariya GETCO substation. The line will be erected by Dhari Solar Park Private Limited on their own at their own cost. Thus approval of Section 68 and Section 164 has to be taken by Dhari Solar Park Private Limited from GoG. O & M of dedicated line from solar substation to GETCO substation will be done by Dhari Solar Park Private Limited on their own at their own cost.

As per the provision of GERC Order, Tariff framework for procurement of power by distribution licensee and other from solar energy projects and other commercial issues for the state of Gujarat Order No 3 dtd.8-5-2020 clause 3.4 Evacuation facilities which reads as follows:

Quote

"The intending Solar generator shall lay dedicated line for evacuation of power up to Sub-Station of STU/ 11 kV system of DISCOM as per system study by STU/ DISCOM where the generator desires to inject power in the State grid. From there onwards, STU/ DISCOM shall ensure transmission/ distribution system and connectivity"

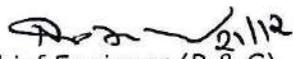
Unquote

In the said reference of the Hon'ble GERC order, the dedicated line has to be laid by the developer at their own cost. The ownership of the line will rest with the Dhari Solar Park Private Limited upto the metering point at GETCO substation. Accordingly, GETCO has no objection if approval is granted under Section 68 and Section 164 of the Electricity Act, 2003 to Dhari Solar Park Private Limited for the specific 66 Kv S/C line from their solar substation upto 66 Kv Vekariya substation of GETCO.

This is for your information and further needful please.

Yours faithfully

For Gujarat Energy Transmission Corporation Limited


Chief Engineer (R & C)

Copy to:

PA to MD(GETCO)

CE(Project), GETCO, Vadodara

SE(TR), Amreli, GETCO

EE(Const), Amreli, GETCO

ANNEXURE R-6

Government of Gujarat

Energy and Petrochemicals Department

Resolution No. **PRC-11-2020-2245-K**

Sachivalaya, Gandhinagar.

Dated the

7 JUN 2021

PREAMBLE :

M/s. Dhari Solar Park Private Limited (M/s. DSPPL) is carrying out the business of setting up of solar power plants. In this regard, M/s. DSPPL had applied to State Transmission Utility i.e. Gujarat Energy Transmission Corporation Ltd. (GETCO) for connectivity and feasibility study for evacuation of 25 MW Solar Power (Renewable Energy) at the 66 KV GETCO Vekariya sub-station. In response to the same, GETCO has granted connectivity of 25 MW solar generation after carrying out system study subject to the approval of Section 68 and Section 164 of the Electricity Act, 2003 from Government of Gujarat. For the purpose, M/s. DSPPL has proposed to grant approval to install 66 KV S/C overhead line from M/s. DSPPL's solar plant to Gujarat Energy Transmission Corporation Ltd. (GETCO)'s 66 KV Vekariya Sub-station, under Section 68 and 164 of the Electricity Act, 2003. The approximate line length is 0.52 KM.

In view of the above, the matter was under consideration of the Government.

RESOLUTION :

After careful consideration of the proposal of M/s. Dhari Solar Park Private Limited (M/s. DSPPL) in consultation of State Transmission Utility i.e. GETCO and O/o the Chief Electrical Inspector and relevant provisions of the Electricity Act, 2003, the State Government is pleased to accord an approval under section 68 of the Electricity Act, 2003 to M/s. DSPPL for installation of 66 KV S/C overhead line from M/s. DSPPL's solar plant to Gujarat Energy Transmission Corporation Ltd. (GETCO)'s 66 KV Vekariya Sub-station, subject to the following conditions : -

- (1) M/s. DSPPL shall be required to get prior plan approval for its route layout and method of construction for the lines from the Office of the Chief Electrical Inspector, Gandhinagar.

- (2) The Works of Licensee Rules, 2006 prescribed by the Central Government under the Electricity Act, 2003 vide Notification No. G.S.R. 217(E) dated 18.04.2016 shall be followed while carrying out the work.
- (3) M/s. DSPPL shall have to obtain written consents of the concerned authorities before starting the erection of lines.
- (4) M/s. DSPPL shall have to follow the regulations made by the Gujarat Electricity Regulatory Commission time to time.
- (5) The Central Electricity Authority (Technical standards for construction of electrical plants and electric lines) Regulations, 2010 shall be complied while carrying out installation of the proposed lines.
- (6) Considering the useful life of the Solar Power Project, the approval is for a period of 25 years only after commissioning of said transmission line.

The State Government is also pleased to empower M/s. DSPPL under section 164 of the Electricity Act, 2003, with all relevant powers of Telegraph Authority under the Telegraph Act, 1985 to place the said overhead lines.

By order and in the name of the Governor of Gujarat,


(Dipesh Raj)

Under Secretary to the Government

- To,
- 1) The PS to H.E. the Governor of Gujarat, Raj Bhavan, Gandhinagar.
 - 2) The PS to Hon. C.M., Swarnim Sankul-1, Sachivalaya, Gandhinagar.
 - 3) The PS to Hon. Min. (Energy), Swarnim Sankul-1, Sachivalaya, Gandhinagar.
 - 4) The PS to Hon. MoS (Energy), Swarnim Sankul-2, Sachivalaya, Gandhinagar.
 - 5) The Secretary, Gujarat Electricity Regulatory Commission, Gift City, Ahmedabad.
 - 6) The Managing Director, Gujarat Urja Vikas Nigam Limited, Vadodara.
 - 7) The Managing Director, Gujarat Energy Transmission Corporation Ltd., Vadodara.
 - 8) The Managing Director, PGVCL, Rajkot.
 - 9) The Chief Electrical Inspector, O/O the CEI, Udyog Bhavan, Gandhinagar.
 - 10) The Director, M/s. Dhari Solar Park Private Limited, Anand.
 - 11) The Select File.

ANNEXURE R-7

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR		
Office of the Chief Electrical Inspector Udyog Bhavan, 6th Floor, Block No.18, Sector-11, Gandhinagar.		
No/CEI/Gan/Plan/100088/2023	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 4/10/2023		fax no : (079) 232 566 51

To
Dhari Solar Park Pvt. Ltd.
C/s. Rajshivalay Multi, Lotia Bhagol, Plot No. 32,
Vi.Anand
Ta.Anand
Dist.Anand, 388001

Subject Approval to the drawing for the electrical installation of 66 KV S/C AL-59 Tower Line (0.59000 KM) from Existing 66KV GETCO Vekariya S/s to Proposed 66KV Dhari Solar Park PSS at Village Monvel & along with associated equipments at Dhari Solar Park Pvt. Ltd., At. Monvel, Vi.Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645.

Sir,
 Referring to your online Application Electrical Installation-E-AMR-02-10-2023-18-46-50 on date 02/10/2023 , the undersigned is pleased to approve the layout/alteration as shown in the enclosed drawing subject to the conditions that:

1. The work shall be carried out by Licensed Electrical Contractor of the Gujarat State.
2. The work shall be carried out in accordance with the relevant standards of the Bureau of Indian Standards.
3. If the installation is found defective in actual practice or any modification is necessary, you shall have to carry out addition and / or alteration as may be required by this Inspectorate.
4. Adequate fire protection shall be provided as required under the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010.
5. The value of earth resistance /I.R value shall be furnished along with the test report on completion of the work.
6. Adequate earthing shall be provided wherever required under the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010.
7. Safety Provision for Electrical Installations & Apparatus shall be provided as per Regulation 19,44,45,46,47, 48, 49 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010.
8. This approval doesn't contain approval for any kind of future installations mentioned in approved drawing and this approval is given only for those equipments which incorporated in above mentioned subject.

9. The line is to be shifted at your cost if and when so required by this department.

10. The communication of this approval shall in no way relieve the License / Sanction Holder by their obligation with respect to any other consent required by or under the Electricity Act, 2003 and such agencies viz (I) DISCOM Authorities / Licensees/Sanction holder Authorities, as the case be (ii) District Panchayat Authorities (iii) Post and Telegraph (iv) Railway Authorities (v) Gujarat Housing Board Authorities (vi) Municipal Authorities (vii) The Collector of the Districts (viii) Road and Building Authorities (ix) Telecommunication Authorities (x) Civil Aviation Authorities.

11. Adequate guarding and earthing shall be provided wherever required under Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.

12. Necessary protection shall be provided to the proposed line at the place of various crossing, if any.

13. This approval does not relieve the licensee from its obligations under section 10 (d) of the Indian Telegraph Act, 1985.

Your's Faithfully

A.B.CHAUDHARI
CHIEF ELECTRICAL INSPECTOR
Gandhinagar

Encl: As above

Copy along with the drawings forwarded for information to:

ANNEXURE R-8

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR		
Office of the Chief Electrical Inspector Udyog Bhavan, 6th Floor, Block No.18, Sector-11, Gandhinagar.		
No/CEI/Gan/Certi/101429/2023	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 20/10/2023		fax no : (079) 232 566 51

To
Dhari Solar Park Pvt. Ltd.
C/s. Rajshivalay Multi, Lotia Bhagol, Plot No. 32,
Vi.Anand
Ta.Anand
Dist.Anand, 388001

Subject Initial inspection for the electrical installation of 66 KV S/C AL-59 Tower Line (0.59000 KM) from Existing 66KV GETCO Vekariya S/s to Proposed 66KV Dhari Solar Park PSS at Village Monvel along with associated equipments at Dhari Solar Park Pvt. Ltd., At. Monvel, Vi.Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645.

Sir,
 Initial Inspection of the Electrical Installation of 66 KV S/C AL-59 Tower Line (0.59000 KM) from Existing 66KV GETCO Vekariya S/s to Proposed 66KV Dhari Solar Park PSS at Village Monvel at At. Monvel, Vi.Monvel, Dhari, Amreli, Gujarat, 365645 for Dhari Solar Park Pvt. Ltd. has been carried out by AEI, Junagadh on 19/10/2023 and the same is found in order in accordance with the drawing approved vide this office letter No: No/CEI/Gan/Plan/100088/2023, Date: 04/10/2023. The details of the same are as following.

Details of Installation

Type of Line	Length of Line(KM)	Type of Conductor	Total Location No.	From Location	To Location
Single circuit OH Line	0.59000	AL-59	4	Existing 66KV GETCO Vekariya S/s	Proposed 66KV Dhari Solar Park PSS at Village Monvel

As provided under the Regulation of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulation, 2010 permission is hereby granted to energize the above installation along with the associated equipments.

Your's Faithfully

A.B.CHAUDHARI
CHIEF ELECTRICAL INSPECTOR
Gandhinagar

Copy forwarded to:

Applicant
 Executive Engineer (GETCO)

ANNEXURE R-9

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR		
Office of the Chief Electrical Inspector Udyog Bhavan, 6th Floor, Block No.18, Sector-11, Gandhinagar.		
No/CEI/Gan/Certi/101448/2023	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 21/10/2023		fax no : (079) 232 566 51

To
GUJARAT ENERGY TRANSMISSION CORPORATION LTD.
The Executive Engineer (Const) Division office,
GETCO, 66KV Zanzarda Sub-station, Dhandhusar Road, Junagadh - 362015.
Vi.Jhanjharda
Ta.Junagadh City
Dist.Junagadh, 362015

Subject Initial inspection for the electrical installation of 1 x 66 KV Feeder bay at At existing 66kV Vekariya S/S along with associated equipments for To terminate new 66kV transmission line for evacuation of 25MW solar power from Solar power plant of M/s, Dhari Solar Park Private Ltd. along with associated equipments at GUJARAT ENERGY TRANSMISSION CORPORATION LTD., Electrical Installation of 1x66kV feeder bay at 66KV Vekariya S/S, for evacuation of 25MW Solar power by M/s Dhari Solar Park Pvt. Ltd., Village: Vekariya Taluka: Visavadar, Vi.Vekariya, Ta.Visavadar, Dist.Junagadh, Gujarat, 362130.

Sir,
 Initial Inspection of the Electrical Installation of 1 x 66 KV Feeder bay at At existing 66kV Vekariya S/S along with associated equipments for To terminate new 66kV transmission line for evacuation of 25MW solar power from Solar power plant of M/s, Dhari Solar Park Private Ltd. at Electrical Installation of 1x66kV feeder bay at 66KV Vekariya S/S, for evacuation of 25MW Solar power by M/s Dhari Solar Park Pvt. Ltd., Village: Vekariya Taluka: Visavadar, Vi.Vekariya, Visavadar, Junagadh, Gujarat, 362130 for GUJARAT ENERGY TRANSMISSION CORPORATION LTD. has been carried out by AEI, Junagadh on 20/10/2023 and the same is found in order in accordance with the drawing approved vide this office letter No: No/CEI/Gan/Plan/101150/2023, Date: 17/10/2023. The details of the same are as following.

Details of Installation

Type of Line	No. of Feeder bay	Voltage Level in KV	Purpose	Location
Feeder bay	1	66 KV	To terminate new 66kV transmission line for evacuation of 25MW solar power from Solar power plant of M/s, Dhari Solar Park Private Ltd.	At existing 66kV Vekariya S/S

As provided under the Regulation of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulation, 2010 permission is hereby granted to energize the above installation along with the associated equipments.

Your's Faithfully

A.B.CHAUDHARI
CHIEF ELECTRICAL INSPECTOR

Gandhinagar

Copy forwarded to:

Applicant
Executive Engineer (GETCO)

ANNEXURE R-10

	GUJARAT ENERGY TRANSMISSION CORPORATION LIMITED CONSTRUCTION DIVISION OFFICE - JUNAGADH. 66KV Zanzarda Sub Station compound, Opp. Nandrayji Gaushala, Dhandhusar Road, Junagadh - 362 015. Phone: (0285-2630427) e-mail: eeconstjunagadh.getco@gebmail.com	
	Ref. No.: 23-24/DN/JUN/PRJ/Tech-1/DHARI SOLAR/1750	Date: 23-10-2023

To,
The Superintending Engineer (TR)
 GETCO, Circle Office,
 Junagadh.

Sub.: Erection of new 1x66KV feeder bay at 66KV Vekaria GETCO S/S for Evacuation of 25MW Solar power of M/S Dhari Solar Park Pvt Ltd. under deposit scheme (Option – 3).
 – **Work completion certificate thereof.**

Ref: (1) Estimate No.: ACE(R&C)/EE-C/Solar/394 Dt. 23.02.2022
 (2) Vendor-contractor approval: CE(P)/ACE(P)/SE(P)/EE(SS)/T-5/VA/Dhari Park/1764 Dt.06.09.23.
 (3) Work completion submitted by DE Const. Sd Junagadh thro' e-mail dtd.: 21-10-2023.

In connection with the above & ref., it is to inform you the work of erection of 1x66KV Feeder Bay at 66KV Vekariya (GETCO) SS for Evacuation of 25MW Solar Power of M/S Dhari Solar Park Pvt Ltd. under deposit scheme (Option-3), is completed by approved agency M/s Simms Engineering Pvt Ltd. as per scope of ref. estimate.

- Part – I(A): Erection of 1x66KV feeder bay at 66KV Vekariya (GETCO) SS – GETCO Asset.
- Part – I(B): Erection of Metering CT-PT at GETCO 66KV Vekariya SS End – Developers Asset.
- Part – II: Erection of Metering CT-PT at Developer End – Developer Asset.

For 1x66KV Feeder Bay at 66KV Vekariya (GETCO) SS, electrical inspection is carried out by AEI, Junagadh on dt.: 20-10-2023 and accorded charging permission No: CEI/Gan/Certi/101448/2023 Dt.: 21-10-2023.

Details of ABT Meters:

1) **GETCO END:**

Sr. No	ABT Meter Sr. No	Make	Type	Mfg. Year	Class
1	GJ 7639 A (Main)	Secure	P3E	Sept 2023	0.2s
2	GJ 7640 A (Check)	Secure	P3E	Sept 2023	0.2s

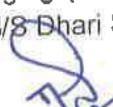
2) **Developer's END:**

Sr. No	ABT Meter Sr. No	Make	Type	Mfg. Year	Class
3	GJ 7641 A (Standby)	Secure	P3E	Sept 2023	0.2s

MOM of sealing of Tariff Metering System at 66KV Vekariya SS and developer S/S, is enclosed herewith.

In addition to above, applicant has removed manpower, tools tackles, machinery & earthing from site.

Therefore, you are requested for further action to accord necessary charging permission of new 1x66KV Feeder Bay at 66KV Vekariya S/S, for evacuation of 25MW Solar power of M/S Dhari Solar Park Pvt Ltd.


Executive Engineer (Const)

GETCO, Junagadh

Copy fwcs to: The Chief Engineer (R&C), GETCO, Vadodara
 CC to: The EE (TR), GETCO, Junagadh
 Copy to: The DE (Const), S/Dn, GETCO, Junagadh

D:\DISK(E)\CONST DIVISION-JND-040223\31 DEPOSIT WORK (WF-SOLAR-NEW CONNECTION)\31 13 DHARI SOLAR PARK PVT LTD-01 NOS. 66KV FB AT 66KV VEKARIYA SS\WCC-1X66KV FB-66KV VEKARIYA SS\WCC-1X66KV FB-66KV VEKARIYA SS.doc

Regd. Corporate Office: GUJARAT ENERGY TRANSMISSION CORPORATION LIMITED, Sardar Patel Vidyut Bhavan, Race Course, Vadodara-390007
 Corporate Identity No. (CIN): U40100GJ1999SGC036018 Phone: (0265) 2310582-86. Fax: (0285) 2337918, 2338164, Web site: www.getcogujarat.com

ANNEXURE R-11
(COLLY.)

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR

Office of the Chief Electrical Inspector Udyog Bhavan, 6th Floor, Block No.18, Sector-11, Gandhinagar.

No/CEI/Gan/Certi/110093/2024	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 15/2/2024		fax no : (079) 232 566 51

To
Dhari Solar Park Pvt. Ltd.
C/s. Rajshivalay Multi, Lotia Bhagol, Plot No. 32,
Vi.Anand
Ta.Anand
Dist.Anand, 388001

Subject Initial inspection for the electrical installation of 1 x 63.0 KVA 33/0.433 KV + 1 x 35000.0 KVA 66/33 KV Transformer(s) & 1 x 630.00 AMP 33.0 KV + 1 x 2500.00 AMP 72.5 KV HT Breaker(s) along with associated equipments at Dhari Solar Park Pvt. Ltd., At. Monvel, Vi.Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645.

Sir,
Initial Inspection of the Electrical Installation of 1 x 63.0 KVA 33/0.433 KV + 1 x 35000.0 KVA 66/33 KV Transformer(s) & 1 x 630.00 AMP 33.0 KV + 1 x 2500.00 AMP 72.5 KV HT Breaker(s) at At. Monvel, Vi.Monvel, Dhari, Amreli, Gujarat, 365645 for Dhari Solar Park Pvt. Ltd. has been carried out by CEI, Gandhinagar on 13/02/2024 and the same is found in order in accordance with the drawing approved vide this office letter No: No/CEI/Gan/Plan/108435/2024, Date: 25/01/2024. The details of the same are as following.

Details of Installation

Equipments	Make	Capacity	Sr. No.	Voltage level/Voltage ratio (KV)
Transformer	PVJ Power Solutions	63.0 KVA	PVJ/16032	33/0.433
HT Breaker	Jyoti	630.00 AMP	330220/20/3	33.0

Transformer	Hammond Power Solutions	35000.0 KVA	72711	66/33
HT Breaker	Siemens	2500.00 AMP	39964	72.5

As provided under the Regulation 45 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 permission is hereby granted to energize the above installation along with the associated equipments.

Your's Faithfully

A.B.Chaudhari
CHIEF ELECTRICAL INSPECTOR
Gandhinagar

Copy forwarded to:

Applicant
Executive Engineer (GETCO)

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR

Office of the Chief Electrical Inspector Udyog Bhavan, 6th Floor, Block No.18, Sector-11, Gandhinagar.

No/CEI/Gan/Certi/111838/2024	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 4/3/2024		fax no : (079) 232 566 51

To
DHARI SOLAR PARK PRIVATE LIMITED
At-Monvel,Ta-Dhari,Dis-Amreli
Vi.Monvel
Ta.Dhari
Dist.Amreli, 365645

Subject Initial inspection for the electrical installation of 2 x 25.0 KVA 0.660/0.415 KV KV + 2 x 12500.0 KVA 0.66/33KV KV Transformer(s) & 2 x 0.00 AMP 0.0 KV + 2 x 630.00 AMP 33.0 KV HT Breaker(s) & 35999.71 KW Grid Connected Solar Power Plant along with associated equipments at DHARI SOLAR PARK PRIVATE LIMITED, At-Monvel,Ta-Dhari,Dis-Amreli, Vi.Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645 (Consumer No.).

Sir,

Initial Inspection of the Electrical Installation of 2 x 25.0 KVA 0.660/0.415 KV KV + 2 x 12500.0 KVA 0.66/33KV KV Transformer(s) & 2 x 0.00 AMP 0.0 KV + 2 x 630.00 AMP 33.0 KV HT Breaker(s) & 35999.71 KW Grid Connected Solar Power Plant at At-Monvel,Ta-Dhari,Dis-Amreli, Vi.Monvel, Dhari, Amreli, Gujarat, 365645 for DHARI SOLAR PARK PRIVATE LIMITED has been carried out by EI, Bhavnagar on 04/03/2024 and the same is found in order in accordance with the drawing approved vide this office letter No: No/CEI/Gan/Plan/111167/2024, Date: 27/02/2024. The details of the same are as following.

Details of Installation

Equipments	Make	Capacity	Sr. No.	Voltage level/Voltage ratio (KV)
Transformer	CSJ Power	25.0 KVA	1115-01130-02	0.660/0.415 KV
HT Breaker	-	0.00 AMP	-	0.0

Transformer	Danish Pvt. Ltd.	12500.0 KVA	23058002	0.66/33KV
HT Breaker	Jyoti Switchgear	630.00 AMP	330220/10/1B	33.0

Transformer	CSJ Power	25.0 KVA	1115-01130-01	0.660/0.415 KV
HT Breaker	-	0.00 AMP	-	0.0

Transformer	Danish Pvt. Ltd.	12500.0 KVA	23058001	0.66/33KV
HT Breaker	Jyoti Switchgear	630.00 AMP	330220/10/1A	33.0

No.	Particular	Solar PV Cells (Modules)
1	Make	Waaree,Waaree,Waaree,Waaree
2	Capacity (Wp)	540,535,545,550
3	Total No. of Modules	20900,8300,29327,7800
4	Total Capacity (KWp)	35999.71
Total (KWp)		35999.71
No.	Particular	Inverters
1	Make	SINENG
2	Capacity in KW/KVA	3125KW
3	No. Of Inverters	8
4	Output Voltage in AC(V)	660
5	Sr.No.	300006342235400013, 14, 16, 19, 21, 22, 23, 26

As provided under the Regulation 45/34 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 permission is hereby granted to energize the above installation along with the associated equipments.

Your's Faithfully

A.B.Chaudhari
CHIEF ELECTRICAL INSPECTOR
Gandhinagar

Copy forwarded to:

Applicant
Executive Engineer (GETCO)

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN: U40106GJ2021PTC114490]
 Registered office: C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
 Email: dharihppl@gmail.com Contact: +919819760205

Ref No : Dhari / Forest / 28

Date : 03.04.2024

To,

PCCF Wildlife and Chief Wildlife Warden,

Aranya Bhavan, Opp, St.Xaviers School,

Near Ch-3 Circle, Sector 10/A, Gandhinagar, Gujarat.

Ref No: 25MW Solar Project work at Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 by M/s
 Dhari Solar Park Private Ltd

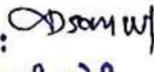
Ref No: 1) Your letter No - PCCFO/0839/12/2022 dated 30.12.2022 and No objection certificate number:
 147/2022-23 Gandhinagar

2) B/JMN/TE 14/1285-87/2023-24 dated 11/03/2024 sent by DCF Dhari Gir
 East

3) B/JMN/TE 14/1321-26/2023-24 dated 18/03/2024 sent by DCF Dhari Gir
 East

Dear Sir,

1. This has reference to the captioned letters, pursuant to which the representatives of the company appeared before your good office on 02.04.2024, and discussed the matter in length on the existing overhead transmission line.
2. During the discussion it was directed to us to put the transmission line underground as per the specific condition mentioned by your good office vide reference letter at sr. no.1.
3. As per the meeting direction, we are ready to put the transmission line underground till the GETCO's substation and we undertake to complete the said work within 3 months from the date of the afresh permission from your good office.
4. Also the condition related to construction of plant within the radius of 1km from forest boundary, it is clarified in the letter under reference at sr. no.1, that the said criteria is not applicable to the green technologies of all activities and use of renewable energy sources which are applicable to our Solar PV project. The said guidelines are given by the Government of India by Ministry of Environment and Forest which has been referred in the said letter dated 30.12.2022 issued by your good office.
5. Also with respect to the intimation to your good office before starting the construction work, we

સ્વાન-ની કારકુન :  ૦૩/૦૪/૨૪
 નાયબ વન સંરક્ષકની કચેરી,
 ગીર પશ્ચિમ વિભાગ, સરદાર બાગ,
 જુનાગઢ - ૩૬૨ ૦૦૧.

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN: U40106GJ2021PTC114490]
Registered office: C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email: dhariisppl@gmail.com Contact: +919819760205

have already intimated the same vide our letter reference number Dhari solar/25MW/03 dated 16th Aug 2023 along with fencing drawing to forest department and we requested local office to provide the fencing approval so that we can start the construction of fencing work accordingly.

6. We also request your good office to intimate the office of Collector (Amreli and Junagarh) and GETCO with respect to carry the underground transmission work along with solar project work by us so that the underground work will be completed smoothly.

Thanking you.

For DHARI SOLAR PARK PRIVATE



Authorized Signatory

- C.C: 1) The Collector, Amreli and Junagarh
2) The DCF Gir (East)
3) The DCF Gir (West)
4) The Mamlatar (Dhari)
5) The Sub Divisional Magistrate (Vizavaðar)

ANNEXURE R-13

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
 Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
 Email : dhariappl@gmail.com Contact : +919819760205

Ref: Dhari/Forest/29

Date: 10.04.2024

To,
 The Deputy Conservator of Forest
 Office of the Deputy Conservator of Forest,
 Gir (East), Forest Division,
 Dhari Vekaria Forest Colony, Dhari - 365640.

Subject: Permission to shift existing transmission line from overhead to underground till GETCO sub-station and the points undertaken as per our letter dated 03.04.2024 R/w. NOC dated 30.12.2022.

Reference:

- (1) Letter from Forest Dept. (Gandhinagar) no. PCCFO/ 0839/ 12/ 2022 dated 30.12.2022 and No objection certificate no. 147/2022-23 (Gandhinagar).
- (2) Your office letter no. B/JMN/TE14/1285-87/2023-24 dated 11.03.2024.
- (3) Your office letter no. B/JMN/TE14/1321-26/2023-24 dated 18.03.2024.
- (4) Our representative's meeting dated 02.04.2024 with respected Principal Chief Conservator of Forest Wildlife, Gujarat State.
- (5) Our undertaking dated 03.04.2024 to respected Principal Chief Conservator of Forest Wildlife, Gujarat State.

Dear Sir,

1. This refers to the meeting of our representatives and the Principal Chief Conservator of Forest Wildlife, at Gandhinagar on 02.04.2024. During the meeting it was decided that we have to shift our existing overhead transmission line from our solar park till GETCO sub-station underground and the relaxation granted to the condition no.3 of the said NOC dated 30.12.2022.
2. Pursuant to the said meeting dated 02.04.2024, and as per the direction from The Principal Chief Conservator of Forest Wildlife, Gandhinagar, Gujarat State, we have given the undertaking on 03.04.2024 to shift our existing overhead transmission line to underground, therefore, we request your good office to grant us the permission to carry out the work of transmission line underground from our solar park till GETCO sub-station and the points undertaken as per our letter dated 03.04.2024 R/w. NOC dated 30.12.022..

Thanking you,

Yours Truly

M/s Dhari Solar Park Private Ltd

Authorised Signatory



સ્વામીની કારકુલ
 નાયબ વન સંરક્ષક
 ગીર (પૂ.) વન વિભાગ
 ગી. ઈ - ૩૬૫ ૬૪૦
 ૧૦.૪.૨૪

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email : dhariisppl@gmail.com Contact : +919819760205

Ref: Dhari/Forest/30

Date: 10.04.2024

To,
The Deputy Conservator of Forest.
Gir (West) Division, Sardarbag,
Junagadh-362001.

Subject: Permission to shift existing transmission line from overhead to underground till GETCO sub-station and the points undertaken as per our letter dated 03.04.2024 R/w. NOC dated 30.12.2022.

Reference:

- (1) Letter from Forest Dept. (Gandhinagar) no. PCCFO/ 0839/ 12/ 2022 dated 30.12.2022 and No objection certificate no. 147/2022-23 (Gandhinagar).
- (2) Our representative's meeting dated 02.04.2024 with respected Principal Chief Conservator of Forest Wildlife, Gujarat State.
- (3) Our undertaking dated 03.04.2024 to respected Principal Chief Conservator of Forest Wildlife, Gujarat State.

Dear Sir,

1. This refers to the meeting of our representatives and the Principal Chief Conservator of Forest Wildlife, at Gandhinagar on 02.04.2024. During the meeting it was decided that we have to shift our existing overhead transmission line from our solar park till GETCO sub-station underground and the relaxation granted to the condition no.3 of the said NOC dated 30.12.2022..
2. Pursuant to the said meeting dated 02.04.2024, and as per the direction from The Principal Chief Conservator of Forest Wildlife, Gandhinagar, Gujarat State, we have given the undertaking on 03.04.2024 to shift our existing overhead transmission line to underground, therefore, we request your good office to grant us the permission to carry out the work of transmission line underground from our solar park till GETCO sub-station and the points undertaken as per our letter dated 03.04.2024 R/w. NOC dated 30.12.2022..

Thanking you,

Yours Truly

M/s Dhari Solar Park Private Ltd

Authorised Signatory



સ્વાન-ની કારકુન, ૧૨/૪/૨૪
નાયબ વન સંરક્ષકની કચેરી,
ગીર પશ્ચિમ વિભાગ, સરદાર બાગ,
જુનાગઢ - ૩૬૨ ૦૦૧.

CC to:- Range Forest Officer, Gir west division, Visavadar



નાયબ વન સંરક્ષકશ્રીની કચેરી
ગીર પશ્ચિમ વન વિભાગ
સરદારબાગ કેમ્પસ જુનાગઢ ગુજરાત-૩૬૨૦૦૧
ફોન:- ૦૨૮૫-૨૬૩૧૦૪૪
Email :- dcf.gir.west@gmail.com



ક્રમાંક:- બ/જમન/ટે.૧૩/ ૧૬૦

/૨૦૨૪-૨૫ તારીખ/૦૪/૨૦૨૪

પ્રતિ,

ધારી સોલાર પાર્ક પ્રા.લી.
સી/એસ રાજ શિવાલય મલ્ટી.
લીટીયા બંગ્લોઝ, પ્લોટ નંબર-૩૨
તા.આણંદ, જી.આણંદ,
મુ.આણંદ.

વિષય:- Permission to shift existing transmission line from overhead to underground till GETCO sub-station and the points undertaken as per our letter dated 03.04.2024 R/w. NOC dated 30.12.2022

જય ભારત સહ ઉપરોક્ત વિષય તેમજ સંદર્ભપત્ર અન્વયે જણાવવાનું કે, આપના ધ્વારા સંદર્ભપત્રથી મોણવેલ ખાતે આવેલ સોલાર પાર્કમાંથી વેકરીયા ગામે આવેલ ૬૬ કે.વી. સબ સ્ટેશન સુધી ૬૬ કે.વી. લાઇન અંડર ગ્રાઉન્ડ નાખવાની કામગીરી કરવા બાબતે અત્રેની મંજૂરી માગવામાં આવેલ છે. આ બાબતે જણાવવાનું કે, સદરહુ વિસ્તાર સુચિત ઇકો સેન્સિટીવ ઝોનમાં સમાવેશ થાય છે જેથી ચીફ વાઇલ્ડ લાઇફ વોર્ડનશ્રીનું " ના વાંધા પ્રમાણપત્ર" મેળવવાનું રહે છે. આ પ્રમાણપત્ર મેળવવા અંગેની દરખાસ્ત આ સાથેના ચેકલીસ્ટ મુજબના તમામ સાધનિક કાગળો સહ ફાઇલ કવર સાથે ૩ નકલમાં અત્રે રજુ કરવી. સદરહુ દરખાસ્ત રજુ થયા બાદ આગળની કાર્યવાહી હાથ ધરવામાં આવશે જે જાણશો.

સામેલ:- ઉપર મુજબ.

નાયબ વન સંરક્ષક
ગીર પશ્ચિમ વિભાગ, જુનાગઢ

Translation Copy Supply

Symbol Office of Deputy Conservator of Forest
 Gir West Forest Department
 Sardarbag Campus, Junagadh, Gujarat-362001
 Phone : 0285-2631044
 E-mail: dcf-gir.west@gmail.com LIFE
 Lifestyle for
 Environment

=====
 Number : B/JMN/T.13/760 /2024-25 Date: 26/04/2024

To
 Dhari Solar Park Pvt. Ltd.
 C/S. Raj Shivalaya Multi
 Litiya Bunglows, Plot Number-32
 Ta.Anand, Di.Anand
 At.Ananad

Subject: Permission to shift existing transmission line from overhead to underground till GETCO sub-station and the points undertaken as per our letter dated 03.04.2024 r/w. NOC dated 30.12.2022

Jay Bharat with reference to above subject and letter cited herein above under reference state that, a permission asked from here by you to do the work to install 66 KV line underground up to 66 KV Sub-Station situated at Vekariya Village from the Soar Park situated at Monvel. For which it is hereby stated that the said area fall within proposed Eco Sensitive Zone, therefore, have to obtain the “No Objection Certificate” of Chief Wild Life Warden. The proposal to get the said certificate as per the checklist herewith with all the material papers be

submitted here in 3 copies in file cover. The further procedure shall be taken on hand after submission of proposal which please note.

Encl.: a/a.

Sd/- Illegible
Deputy Conservator of Forest
Gir West Department-Junagadh

BEFORE THE HON'BLE GUJARAT STATE HUMAN
RIGHTS COMMISSION AT GANDHINAGAR

DISTRICT- AMRELI

CASE NO: HRC/2023/AMR/64/LEGAL-2

IN THE MATTER OF:

GURUPALAK, ENVIRONMENT, WILDLIFE AND
MARINE LIFE CONSERVATION TRUST

.... PETITIONER

VERSUS

DHARI SOLAR PARK PRIVATE LIMITED AND OTHERS

....OPPONENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF DHARI
SOLAR PARK PRIVATE LIMITED

1. I, Sanjay kumar Naik, Aged 57 years, Male, authorized signatory of Dhari Solar Ltd. (hereinafter, Respondent Company') having its registered office at Rajshivalay Multi Lotia Bhagol, Plot No. 32, Anand, Gujarat -388001 do hereby solemnly affirm and state under oath that I am authorized to make the present affidavit on behalf of the Respondent Company and accordingly, I am competent to make the present affidavit.

2. I am filing this affidavit to bring on record the viable solution suggested by the Principal Chief Conservator of Forest Wildlife and Chief Wildlife Warden during the



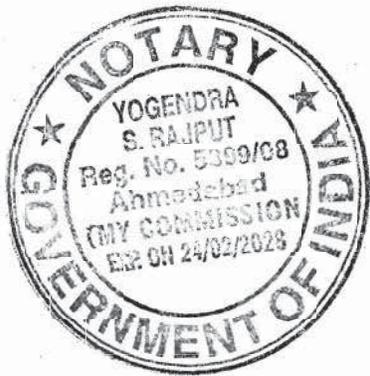
[Handwritten Signature]

course of the meeting and the acceptance on behalf of the Respondent Company. By way of Order dated 21.03.2024, this Hon'ble Commission had issued the following directions: -

"This Commission requests the highest authorities to sit and see that a viable solution is found out which is not harming the environment."

3. It is submitted that in pursuance of the said direction by this Hon'ble Commission to find a viable solution, the authorized representative of the respondent company met the Principal Chief Conservator of Forest Wildlife and Chief Wildlife Warden on 02.04.2024. After the discussion on the possible steps to address the issue, the respondent company was directed to convert the overhead transmission line to underground transmission line. The said proposal was put to the management of the Respondent Company and the same has been accepted and the Respondent Company undertakes to comply with the direction of the Principal Chief Conservator of Forest Wildlife and Chief Wildlife Warden.

4. By way of the present affidavit, I am authorized to state and submit that the Respondent Company undertakes to decommission the existing overhead transmission line and convert it into an underground transmission line of 66kv from Dhari Solar Project to Vekeriya GETCO Substation, within a period of 3 months from the date of final approvals/permissions granted by the respective authorities excluding the time of dismantling / decommission of the existing overhead transmission line. It is submitted that the respondent company undertakes to protect the environment by observing strict adherence to the environmental guidelines and employing adequate safeguards to ensure



A handwritten signature in black ink, appearing to be "S.S.", written over a horizontal line.

the protection of the environment. It is submitted that various other concerns are also resolved as per the undertaking given by the respondent company to the Principal Chief Conservator of Forest Wildlife and Chief Wildlife Warden, Gandhinagar on 03.04.2024 which is enclosed herewith and marked as **Annexure-A**.

5. Solemnly affirmed at Ahmedabad on this 29th day of April 2024.

Place: Ahmedabad

Date: 29.04.2024



DEPONENT



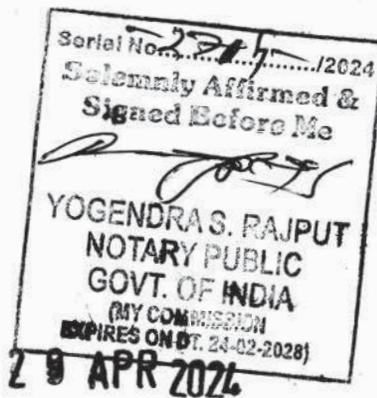
AFFIDAVIT

I, Sanjay Kumar Naik, aged 57 years, the authorized representative of the Respondent having my office at Rajshivalay Multi Lotia Bhagol, Plot No. 32, Anand ,Gujarat -388001, do hereby solemnly affirm and state that I am conversant with the facts and circumstances of the captioned matter and whatever is stated hereinabove is true to the best of my knowledge and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this 29th day of April, 2024.



Deponent



Place: Ahmedabad

Date: 29.04.2024.



ANNEXURE R-16

ય વન સંરક્ષકશ્રીની કચેરી,
બી/૧, સેક્ટર નં. ૧૦ 'એ' ચ-૩ સર્કલ
gmali.com, fax no: 079-23254788

ગુજરાત રાજ્ય, ગાંધીનગર

પત્ર ક્રમાંક: વપસ/ટે.૩૨/ક/૬૨-૬૪/સને-૨૦૨૪-૨૫

તા.૧૪/૦૫/૨૦૨૪

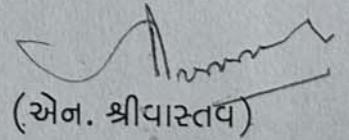
પ્રતિ,
ધારી સોલાર પાર્ક પ્રા.લી.,
રાજશિવાલય મલ્ટી લોટીયા ભાગોળ,
પ્લોટ નં.૩૨, આનંદ-૩૮૮૦૦૧

વિષય: Intimation of starting of 25MW Solar Project execution work at Survey No.342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 by M/s Dhari Solar Park Private Ltd.

સંદર્ભ: ધારી સોલાર પાર્ક પ્રાઇવેટ લીમિટેડના પત્ર ક્રમાંક:
ધારી/ફોરેસ્ટ/૨૮, તા.૦૩/૦૪/૨૦૨૪

ઉપરોક્ત વિષય અન્વયે સવિનય જણાવવાનું કે, આપના દ્વારા સંદર્ભના પત્રથી અત્રેને રજુઆત કરવામાં આવેલ છે, જેમાં પારા નંબર-૪ માં જણાવ્ય મુજબ અભયારણ્ય/રાષ્ટ્રીય ઉદ્યાનની હદથી ૧.૦૦ કિ.મી. સુધીના વિસ્તારમાં કોઈપણ પ્રકારની કામગીરી/બાંધકામ કરવાનું રહેશે નહિ, જે અત્રેથી ના વાંધા પ્રમાણપત્ર નંબર-૧૪૭/૨૦૨૨-૨૩, તા.૩૦/૧૨/૨૦૨૩ માં આ બાબતે શરત નંબર-૩માં ઉલ્લેખ કરવામાં આવેલ છે, જે બરાબર છે. તે મુજબ કામગીરી કરવાની રહેશે, જેની જાણ થવા સાડ.

વધુમાં તેઓના પત્રના પારા નંબર-૫ માં જે ફેન્સીંગ બાબતે ઉલ્લેખ કરવામાં આવેલ છે તે અંગે જણાવવાનું કે, તેમાં બાઉન્ડ્રી વોલ બનાવવાની રહેશે નહિ. પરંતુ ૧.૦૦ મીટરની ઉંચાઈની મજબુત વાયર ફેન્સીંગ કરવાની રહેશે. જેની જાણ થવા સાડ, તેમજ ઇલેક્ટ્રીક લાઇન અન્ડરગ્રાઉન્ડ નાખવાની રહેશે જેની પણ જાણ થવા સાડ.


(એન. શ્રીવાસ્તવ)

ચીફ વાઇલ્ડલાઇફ વોર્ડન,
ગુજરાત રાજ્ય, ગાંધીનગર

નકલ રવાના: મુખ્ય વન સંરક્ષકશ્રી, વન્યપ્રાણી વર્તુળ, જુનાગઢ તરફ જાણ તથા જરૂરી કાર્યવાહી સાડ.

નકલ રવાના: નાયબ વન સંરક્ષકશ્રી, ગીર પૂર્વ ધારી તરફ જાણ તથા જરૂરી કાર્યવાહી સાડ.

Translation Copy Supply

Office of Deputy Conservator of Forest
B/1, Sector No.10-A, Ch-3 Circle
Gmail.com Fax No.079-23254788
Gujarat State, Gandhinagar

=====
Letter Number :VPS/Te.32/K/62-64/Year 2024-25

Date : 04/05/2024

To
Dhari Solar Park Pvt. Ltd.
Raj Shivalaya Multi
Litiya Bhagol,
Plot Number-32, Anand-388001

Subject: Intimation of starting of 25MW Solar Project
execution work at Survey No.342P7P2,
360P2, 342P4/P2, 342P8/P2, 342P12 by
M/s.Dhari Solar Park Private Ltd.

Reference: Dhari Solar Park Private Limited Letter
Number : Dhari/Forest/28, Dt.03/04/2024

With reference to above subject state that,
submission has been made by you vide letter under
reference here, wherein as stated in Para Number – 4
do not have to carry out any kind of
work/construction in the area up to 1.00 Km. from
the limits of Sanctuary/National Forest, which has
been mentioned from here in this regard in Condition
Number – 3 in No Objection Certificate Number –
147/2022-23, Date : 30/12/2023, which is proper. So
have to do the work according, which for
information.

Moreover the fencing regarding which mentioning has been made in Para Number-5 of their letter for that state that, do not have to make boundary wall in it but have to make strong wire fencing of 1.00 Meter height, which is for information and electric line shall have to be installed underground which is also for information.

Sd/- Illegible
(N.Shrivastav)
Chief Wild Life Warden
Gujarat State, Gandhinagar

Copy forwarded to :
The Chief Conservator of Forest, Wild Animal Circle, Junagadh for information and doing the needful.

Copy forwarded to :
The Deputy Conservator of Forest, Gir East, Dhari for information and doing the needful.

ANNEXURE R-17 (COLLY.)

CHECK LIST FOR THE DIVERSION OF FOREST LAND OF GIR WILDLIFE
SANCTUARY AREA (In accordance with project for Wildlife Act. 1972)

Sr. No. (Annexure No.)	Name Of The Document	To be provided by User Agency/ Forest Dept.	Page Number
1	Demand letter of the project authority/ Part I- II details note and detail map scale of land used in 1:50000	User Agency	
2	Part- III by Deputy Conservator of Forests	Forest Dept.	
4	Statement showing the details i.e. Sy. No. /Coupe No. /F.S. No. /Comptt. No. of the forest area involved with its boundaries, along with item wise breakup of forest area proposed for diversion	Forest Dept.	
5	Statement giving the details of the non forest involved/abstract of trees	User Agency /Forest Dept.	
6	Index map of the forest area proposed for diversion showing the land use and boundaries of adjoining forest/non-forest land	User Agency /Forest Dept.	
7	Site Inspection report of concerned DFO or higher level forest officer regarding the forest area involved	Forest Dept.	
8	Specific recommendation of the proposal	Forest Dept.	
9	Certificate from the Chief Secretary, regarding non availability of non-forest land for compensatory afforestation	User Agency	-NA-
10	Net Present Value under taking	User Agency	
11	Wildlife Sanctuary & National Park Notification	Forest Dept.	
12	Reserve Forest/Protected Forest Notification	Forest Dept.	
14	NOC for proposal of approval from Wildlife regarding	Forest Dept.	

Deputy Conservator of Forests
Gir (West) Division, Junagadh

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
 Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
 Email : dhariSolarpark@gmail.com Contact : +91 88795 00273

DEMAND LETTER

Ref No: WRTL/Dhari Solar/23-24/DCF-Gir West /35

Date: 22/05/2024

To,

The Deputy Conservator of Forest,
 Gir West Division, Sardarbagh Campus,
 Junagadh. (dcf.gir.west@gmail.com)

Subject:

- Approval of cable route layout for 66kV underground cable to be laid from 25MW Dhari Solar Project to 66kV Vekariya GETCO Substation

Reference documents:

1. Dhari letter Dhari/forest/28 dated 03.04.2024 submitted to PCCF, Gandhinagar office
2. Additional Affidavit dated 29.04.2024 filed by our Company

Solar Project Owner Name

- M/s Dhari Solar Park Private Ltd

Solar Project Location:

- 25MW Dhari Solar Project, Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 at Monvel, Village Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645.

66kV underground cable route location:

- Survey No. 301B, government land, Village Vekariya, Dist Junagadh.
- Length 700 meters X Width 0.70 Meters = 490 Sq. M. (0.049 Hector)

રવાનગી કારકુન : 22/5/24
 નાયબ વન સંરક્ષકની કચેરી,
 ગીર પશ્ચિમ વિભાગ, સરદાર બાગ,
 જુનાગઢ - ૩૬૨ ૦૦૧.

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email : dharisolarpark@gmail.com Contact : +91 88795 00273

Dear Sir,

1. We have received the directive from Principal Secretary of Forest and Chief Wild Wildlife Warden, Gandinagar Gujarat to convert the 66kV overhead transmission line to underground line.
2. Our solar plant is come under the Amreli jurisdiction and 66kV cable route area come under the Visavdar Junagadh jurisdiction.
3. We hereby submitting you the following documents require for approval of 66kV underground cable route layout as asked by your good office under the check list for Diversion of forest land of Gir wildlife sanctuary area
 - Project Synopsis / Project Detail
 - Topo sheet map
 - Google map
 - Village Map
 - KML file of T/L route uploaded in CD
 - PCCF approval letter

We request you to initiate the approval process from your good office and provide us approval on proposed cable route layout so we can start underground cable laying work.

Thanking you.

For Dhari Solar Park Pvt. Ltd.

Authorized Signatory



CC to:

1. Principal Secretary of Forest and Chief Wild Wildlife Warden Gujarat
2. CCF Wildlife Junagadh
3. The District Magistrate, Collector and District Magistrate Office, Junagadh

PART – I

Proposal for Investigation and Survey in the National Park/ Sanctuary

1	Name of the Organization	Dhari Solar Park Private Limited
2	Aims and Objectives of the proposed project	Installation of 66kV Underground Transmission line from Dhari Solar Park Pvt. Ltd to 66kV Vekariya GETCO Sub Station.
3	Location and Map (1:150000 scale) of the area duly authenticated by the competent authority to be investigated / Surveyed	Attached herewith
4	whether investigation / survey requires clearing of vegetation	Not Applicable
5	If yes, Please Specify the extent (in ha)	Not Applicable
6	Opinion of the Officer in Charge of the N.P. WLS (Attach Signed copy)	
7	Opinion of the Chief Wildlife warden (Attach signed copy) The following be include in the opinion: (i) Brief history (ii) Current Status of Wildlife (iii) Current Status of projects on wildlife, habitat management and access/ use if resource by various: take holders. (v)Contiguous wildlife areas which would benefit wildlife if added to national park / Sanctuary. (vi) Other areas in the state which have been recommended by state Government, wildlife Institute of India, BNHS,SACON,IISC, JUCN or other exper body for inclusion in protected area network	

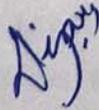
(Details to I be provided by the Applicant)

Signed

Project Head

Name: Dipakkumar Rajput

Organization: Dhari Solar Park Pvt. Ltd.



Signed

The Officer in Charge fo the WLS

Office Seal

Signed

The CWLW

Office Seal

Date of Submission to Govt. of India by CWLW



PART – II**(To be Provided by the Applicant)**

1	Project details	
	(I) Copy of the Investigation & Survey report	Not Applicable
	(II) Self contained and actual project report for which NP/WLS area area is required (Enclose copy of the project Appraisal document)	Not Applicable
	(III) Map (Duly authenticated by the Divisional / District Head of the Department dealing with Forests and wildlife, on a scale of 1: 150000 showing the boundaries of the NP/WLS, delineating the area in question an red Color)	Attached herewith
	(IV) self contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting National Park / Sanctuary area	Attached herewith
	(V) Copy of the Bio diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area	Not Applicable
2	Location of the Project /Scheme	
	(I) State / Union Territory	Gujarat
	(II) District	Junagadh
	(III) Name of the National Park / Sanctuary	Gir Wildlife Sanctuary
3	Details of the area required (in hectors) Only): (To be Provided by the Applicant) (provide break up the land use under the project, e.g. Construct on of dam, Submergence, housing for staff road etc..)	Length 700 Meters Width 0.700 meters Depth 1.5 meters Total 490 Sq. M. (0.049 Hector)
4	Details of displacement of People , if any due to the project	No
	(I) Total number of families involved in displacement	No
	(II) Number of Scheduled Caste/Schedule Tribe families involved in displacement	No
	(III) Details rehabilitation plan	No
5	N.A. Any other information relevant to the proposal out not covered in any of the columns above	No

Signed by :



Project Head : Dipakkumar Rajput

Name of Organization : Dhari Solar Park Pvt. Ltd.

Date of the submission to the Head of the National Park / Sanctuary

Dt: 30-12-2022

ના-વાંધા પ્રમાણપત્ર નંબર- ૧૩૦૨૨-૨૩

ગાંધીનગર, તા. ૩૦.૧૨.૨૦૨૨

વિષય: અમરેલી જીલ્લાના ધારી તાલુકાના મોણવેલ ગામના સર્વે નં. ૩૪૨-પેકી ૧૨, ૩૪૨-પેકી ૪/પેકી ૨, ૩૪૨-પેકી ૭/પેકી ૨, ૩૪૨-પેકી ૮/પેકી ૨ તથા ૩૬૦ - પેકી ૨ ની કુલ ૪૧૯૦૨૮ ચો.મી. જમીન વિસ્તારને ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતીમાં ફેરવવાની પરવાનગી આપવા બાબતે વન્યજીવ દ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર આપવા બાબત.

અરજદારશ્રી ધારી સોલાર પાર્ક પ્રા.લી. ના ડાયરેક્ટરશ્રી કમલેશભાઈ મગનભાઈ સોલંકી

વંચાણે લીધા:

- (૧) મુખ્ય વન સંરક્ષકશ્રી, વન્યપ્રાણી વર્તુળ, જુનાગઢના પત્ર ક્રમાંક: અ/જમન/ટે.૧૪/૩૦૫૨-૫૩/૨૦૨૨-૨૩, તા. ૦૯.૧૨.૨૦૨૨
- (૨) વન અને પર્યાવરણ વિભાગના ઠરાવ ક્રમાંક: વપસ/૧૦૨૦૦૮/૧૮૨૭/૬બલ્યુ, તા.૦૧/૦૭/૨૦૧૫ તથા સરખા ક્રમાંક: તા. ૨૩/૦૫/૨૦૧૬ અને તા. ૧૩/૦૬/૨૦૧૬
- (૩) વન અને પર્યાવરણ વિભાગના ઠરાવ ક્રમાંક: વપસ-૧૦૧૨-૧૩૩-૬બલ્યુ, તા.૩૧.૦૫.૨૦૧૨
- (૪) ભારત સરકારશ્રીના ગીર અભયારણ્ય ઇકો સેન્સીટીવ ઝોન ડ્રાફ્ટ નોટીફિકેશન તા.૨૫.૧૦.૨૦૧૬

વંચાણે લીધેલ કમ -૧ થી મળેલ અહેવાલમાં અરજદારશ્રી ધારી સોલાર પાર્ક પ્રા.લી.ના ડાયરેક્ટરશ્રી કમલેશભાઈ મગનભાઈ સોલંકી દ્વારા ધારી તાલુકાના મોણવેલ ગામના સર્વે નં. ૩૪૨-પેકી ૧૨, ૩૪૨-પેકી ૪/પેકી ૨, ૩૪૨-પેકી ૭/પેકી ૨, ૩૪૨-પેકી ૮/પેકી ૨ તથા ૩૬૦ - પેકી ૨ ની કુલ ૪૧૯૦૨૮ ચો.મી. જમીનને ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતીમાં ફેરવવાની પરવાનગી આપવા બાબતે અત્રેનું વન્યજીવ દ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર મેળવવા દરખાસ્ત કરેલ છે.

દરખાસ્ત અનુસંધાને સદરહુ માંગણીવાળું સ્થળ ગીર અભયારણ્ય વિસ્તારથી ૦.૪૯૦ કિ.મી. અંતરે આવેલ છે તથા સદરહુ સ્થળનો સુચિત ગીર અભયારણ્યના ઇકો સેન્સીટીવ ઝોનમાં સમાવેશ કરવામાં આવેલ છે.

માંગણીવાળા સ્થળનું રે.ડો.ઓ.શ્રી દ્વારા તા. ૧૬.૧૧.૨૦૨૨ના રોજ સ્થળ નિરીક્ષણ કરવામાં આવેલ છે.

માંગણીવાળો વિસ્તાર ગીર અભયારણ્યથી ૪૯૦ મીટર અંતરે આવેલ હોય તથા કુલ બિનખેતી થતા વિસ્તાર ૪૧૯૦૨૮ ચો.મી. જમીન વિસ્તારમાંથી ૧૬૦૦ ચો.મી. જમીનમાં બાંધકામ કરવાનું થાય છે, જે ૦.૩૮ % થાય છે. ગુજરાત સરકારશ્રીના તા.૦૧.૦૭.૨૦૧૫ના ઠરાવ મુજબ નિયત વિસ્તારો તથા તેની બાહ્ય હદથી ૧૦ કિ.મી. અથવા જાહેર થયેલ ઇકો સેન્સીટીવ ઝોન સુધીના વિસ્તારોમાં ઔદ્યોગિક પ્રવૃત્તિ કરી શકાય નહી તેમજ Government of India Ministry of Environment and Forests letter No. 1-9/2007 WL-1 (pt) dated 09.02.2011ની ગાઈડલાઈન મુજબ એનેક્સર -૧ માં આપેલ કોલમ નં. ૧૬ માં Use of renewable energy sources અને આપેલ કોલમ નંબર -૨૬ માં adoption of green technology for all activities - should be actively promoted મુજબનો ઉલ્લેખ કરેલ છે. આમ ઉપરોક્ત વિગતો ધ્યાને લઈ સુચિત માંગણીવાળો વિસ્તાર ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતી ફેરવવાનો થતો હોવાથી વન્યજીવ સંરક્ષણના દ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર આપવા અંગે નાયબ વન સંરક્ષકશ્રી તથા મુખ્ય વન સંરક્ષકશ્રી દ્વારા ભલામણ કરવામાં આવેલ છે.

સદરહુ દરખાસ્ત બાબતે જણાવવાનું કે, ઉપરોક્ત માંગણીવાળી ઔદ્યોગિક (વિન્ડમીલ) પ્રવૃત્તિ Use of renewable energy પ્રવિત્તિની કેટેગરીમાં આવે છે. વંચાણે લીધેલ કમ - ૪ ની જોગવાઈ મુજબ સદર Use of renewable energy પ્રવિત્તિને પ્રોત્સાહિત પ્રવૃત્તિની કેટેગરીમાં મુકવામાં આવેલ છે તેમજ ભારત સરકારશ્રીના પર્યાવરણ, વન અને જળવાયુ પરિવર્તન મંત્રાલયની તા.૦૯.૦૨.૨૦૧૧ની ઇકો સેન્સીટીવ ઝોનની ગાઈડલાઈનના એક્ઝીક્યુટીવ લીસ્ટના અનુક્રમ નં. ૧૬માં પણ Use of renewable energy પ્રવૃત્તિને પરમિટ્ડ કેટેગરીમાં મુકવામાં આવેલ છે.

આમ, ઉપરોક્ત વિગતો તથા ક્ષેત્રિય અભિપ્રાય ધ્યાને લઈ અરજદારશ્રી ધારી સોલાર પાર્ક પ્રા.લી. ના ડાયરેક્ટરશ્રી કમલેશભાઈ મગનભાઈ સોલંકીને અમરેલી જીલ્લાના ધારી તાલુકાના મોણવેલ ગામના સર્વે નં. ૩૪૨-પેકી ૧૨, ૩૪૨-પેકી ૪/પેકી ૨, ૩૪૨-પેકી ૭/પેકી ૨, ૩૪૨-પેકી ૮/પેકી ૨ તથા ૩૬૦ - પેકી ૨ ની કુલ ૪૧૯૦૨૮ ચો.મી. જમીન વિસ્તારને ઔદ્યોગિક (સોલાર એનર્જી પ્લાન્ટ) ના હેતુ માટે બીનખેતીમાં ફેરવવાની પરવાનગી આપવા બાબતે ભારત સરકારશ્રીના તા. ૨૫.૧૦.૨૦૧૬ના ડ્રાફ્ટ નોટીફિકેશન તથા ૦૯.૦૨.૨૦૧૧ની ગાઈડલાઈનની જોગવાઈઓ મુજબ તથા વન અને પર્યાવરણ વિભાગ, ગાંધીનગરના તા.૩૧/૦૫/૨૦૧૨ના ઠરાવ અનુસાર અત્રેને મળેલ સત્તાની રૂએ નીચેની શરતોને સાધિત વન્યજીવ દ્રષ્ટિકોણથી ના-વાંધા પ્રમાણપત્ર આપવામાં આવે છે.

Signature valid

Signed by: Nityanand
Srivasatva
Date: 2022-12-30

File No: PCCFO/NOC/e-file/129/2022/1849/Wildlife

Approved By: Nityanand Srivasatva (Prl Chief Conservator of Forests, Wildlife, PCCFO)

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શરતો:

૧. કામગીરી દરમ્યાન વન્યજીવોના સંરક્ષણ, વનસ્પતિ તેમજ વન્યજીવ સૃષ્ટિને કોઈ જાહેલ ન પડે તેમજ તેને કોઈપણ પ્રકારનું જુલમ ન થાય તેની કાળજી લેવાની રહેશે.

૨. અ. એજન્સી દ્વારા સોર્ય/વિન્ડ/ હાઈબ્રીડ (સોર્ય + વિન્ડ) ઉર્જાના વહન (ઇલેક્ટ્રીક એનર્જી) માટે બનાવવામાં આવતા સબસ્ટેશનમાં કોઈ વન્યજીવોના પ્રવેશ ન થાય તે હેતુથી સબસ્ટેશનની ફરતે કોર્સિંગની કિડાઈન સંબંધિત નાચબ વન સંરક્ષક પાસેથી મંજૂર કરાવી કામગીરી હાથ ધરવાની રહેશે.

બ. એજન્સી દ્વારા સોર્ય/વિન્ડ હાઈબ્રીડ (સોર્ય+વિન્ડ) ઉર્જાના સબસ્ટેશન સુધી વહન માટે ૧૧ કેવી/૬૬ કેવી ઇલેક્ટ્રીક લાઇન અવરજાઉન્ડ નાંખવાની રહેશે.

ઉપરોક્ત ૨-અ અને ૨-બ માટે કામગીરી પછી સંબંધિત નાચબ વન સંરક્ષકશ્રીનું પ્રમાણપત્ર અત્રેને સાદર કરવાનું રહેશે.

૩. અભચારણની બાહ્ય હદથી ૧ કિ.મી. સુધીના વિસ્તારમાં કોઈપણ પ્રકારનું બાંધકામ કે સદરહું પ્રોજેક્ટની કોઈ કામગીરી કરી શકાશે નહીં.

૪. ભવિષ્યમાં "ના વાંધા પ્રમાણપત્ર" નો આપેલ હેતુ સિવાય અન્ય કોઈ હેતુ માટે હેતુકેર કરી શકાશે નહીં. બાંધકામ દરમ્યાન તથા ભવિષ્યમાં હવા, પાણી, જમીન, અવાજ વિગેરેનું પ્રદુષણ થાય તેવી કોઈપણ કામગીરી કરી શકાશે નહીં.

૫. સદરહું વિસ્તારમાંથી પ્રવાહી, પ્લાસ્ટીક કે અન્ય કોઈપણ પ્રકારનો ઘન કે પ્રવાહી કચરો અભચારણ કે અભચારણના ઈકો સેન્સીટીવ ઝોનમાં પ્રવેશ નહીં તે રીતે કાચમી નિકાલની વ્યવસ્થા કરવાની રહેશે.

૬. આ કામે વન સંરક્ષણ ધારા - ૧૯૮૦ની દરખાસ્તમાં મંજૂરી મળેલ સિવાયના કોઈ વૃક્ષો કાપી શકાશે નહીં.

૭. વન ભૂમિના ઉપયોગ માટે વન સંરક્ષણ ધારા - ૧૯૮૦ હેઠળ અલગથી મંજૂરી મેળવવાની રહેશે.

૮. અરજદાર કેપની અથવા તેમના કોન્ટ્રાક્ટર પરવાનગી આપેલ જગ્યા સિવાય અન્ય કોઈ જગ્યાએ કામગીરી કરી શકાશે નહીં.

૯. કામગીરી શરૂ કરતા પહેલા તથા કામગીરી પૂર્ણ થયા બાદ વન વિભાગની સ્થાનિક કચેરીને લેખિતમાં જાણ કરવાની રહેશે.

૧૦. વન્યજીવોના સંરક્ષણ સંબંધે ભવિષ્યમાં શીફ વાઇલ્ડલાઇફ વોર્ડન કે રાજ્ય સરકારશ્રી દ્વારા કોઈ વધારાની શરત મુકવી જરૂરી જણાશે તો આ વધારાની શરતોનો અમલ કરવાનો રહેશે.

ચીફ વાઇલ્ડલાઇફ વોર્ડન

ગુજરાત રાજ્ય, ગાંધીનગર



ક્રમાંક:વપસ/૩૨/બ/૧૨૦૩-૦૬/૨૦૨૨-૨૩

અરણ્ય ભવન, બ્લોક બી/૧, સેક્ટર નં. ૧૦/એ,

ચ-૩ સર્કલ, ગુજરાત રાજ્ય, ગાંધીનગર

E-mail ID : cwlgwuj@gmail.com

ફેક્સ નંબર : ૦૭૯-૨૩૨૫૪૭૮૮

તા. ૩૦/૧૨/૨૦૨૨

પ્રતિ,

મુખ્ય વન સંરક્ષકશ્રી,

વન વર્તુળ, જુનાગઢ

બકલ સવિનય રવાના: કલેક્ટરશ્રી, અમરેલી જીલ્લા તરફ જાણ સારૂ.

બકલ રવાના: નાચબ વન સંરક્ષકશ્રી, ગીર પૂર્વ વન વિભાગ, ધારી તરફ જાણ તથા જરૂરી કાર્યવાહી સારૂ.

Signature valid

Signed by: Nityanand Srivasatva
Date: 2022-12-30
15:45:24 +05:30

File No: PCCFO/NOC/e-file/129/2022/1849/Wildlife
Approved By: Nityanand Srivasatva (Pr Chief Conservator of Forests, Wildlife, PCCFO)
Open the document in Adobe Acrobat DC to verify the E-sign

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email : dhariSolarpark@gmail.com Contact : +91 88795 00273

Project Synopsis / Project Details

Project Owner: Dhari Solar Park Private Limited

Project Name: 25 MW Ground Mount Solar Project

Solar Project Capacity: 25 MW

Project evacuation voltage: 66kV

Project Category: White category, green renewable energy project, non- polluting, no noise pollution.

Project Evacuation Point: 66 kV Vekariya GETCO Substation

Solar Project Location: 25MW Dhari Solar Project, Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 at Monvel, Village Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645

66kV underground cable route location: Survey No. 301B, government land, Village Vekariya, Dist Junagadh

Work Description:

Installation of 66kV Underground Transmission line from Dhari Solar Park Pvt. Ltd to 66kV Vekariya GETCO Sub Station.

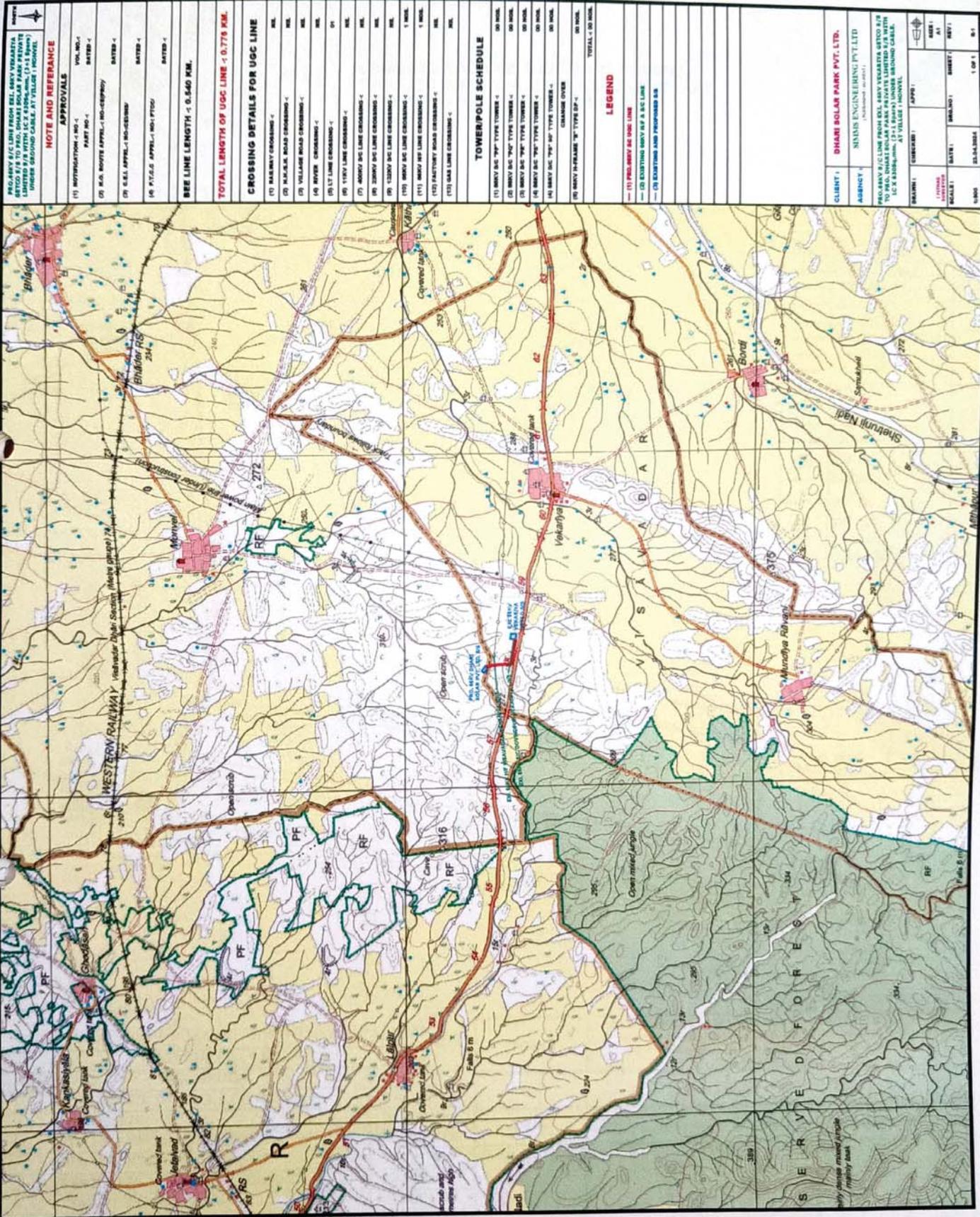
Summary note on proposed work:

As per directive received from Principal Secretary of Forest and Chief Wild Wildlife Warden, Gandhinagar Gujarat to convert the existing 66kV overhead transmission line to underground line, M/s Dhari Solar Park Pvt Ltd has selected the underground cable route as per the cable route layout mentioned the under the Annexure 1.

Proposed underground line cable route has been selected with following consideration.

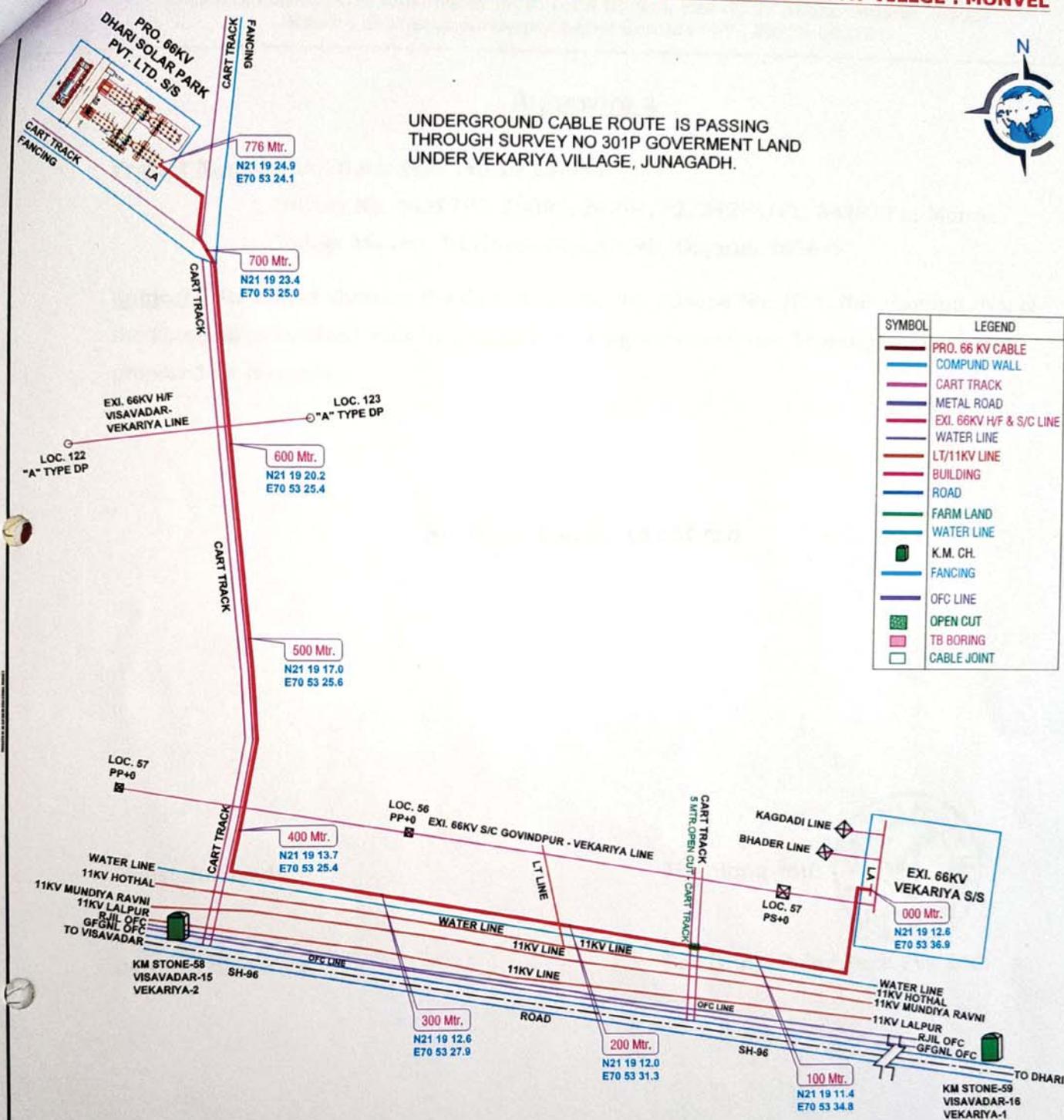
1. No trees and obstacles are coming in the proposed cable route layout
2. No road crossing involved
3. No vegetation cleaning required, selected land area is bare land.
4. The proposed route is 30 meter away from the state highway
5. No existing transmission line, cable route, water pipeline etc. crossing from the selected cable route





PRO. 66KV S/C LINE FROM EXI. 66KV VEKARIYA GETCO S/S TO PRO. DHARI SOLAR PARK PRIVATE LIMITED S/S WITH 1C X 630Sq.mm. (3+1 Spare) UNDER GROUND CABLE. AT VILLGE : MONVEL

UNDERGROUND CABLE ROUTE IS PASSING THROUGH SURVEY NO 301P GOVERNMENT LAND UNDER VEKARIYA VILLAGE, JUNAGADH.



SYMBOL	LEGEND
	PRO. 66 KV CABLE
	COMPUND WALL
	CART TRACK
	METAL ROAD
	EXI. 66KV H/F & S/C LINE
	WATER LINE
	LT/11KV LINE
	BUILDING
	ROAD
	FARM LAND
	WATER LINE
	K.M. CH.
	FANCING
	OFC LINE
	OPEN CUT
	TB BORING
	CABLE JOINT

$7+5+776+5+7 = 800.00 \text{ MTR. WITH LOOP LENGTH}$

TENTATIVE BILL OF QUANTITY		
SR.NO	DISCRIPTION	QTY.
1	TOTAL LENGTH OF SINGLE CIRCUIT	776.00MTR.
2	LOOP LENGTH	24.00 MTR.
3	OPEN EXCAVATION SINGLE CIRCUIT	755.00 MTR.
4	OPEN CUT WITH PIPE	5.00 MTR.
5	TRENCH LESS HORIZONTAL BOARING	00.00 MTR.
6	STRAIGHT THROUGH JOINT	AS PER SITE
7	END TERMINATION	AS PER SITE
8	LINK BOX WITHOUT SVL.	AS PER SITE
9	LINK BOX WITH SVL.	AS PER SITE
10	EARTHING	AS PER SITE
11	INSTALLATION OF LIGHTNING ARRESTOR	AS PER SITE

STATUTARY PERMISSION PURPOSE				
PROJECT	PRO.66KV S/C LINE FROM EXI. 66KV VEKARIYA GETCO S/S TO PRO. DHARI SOLAR PARK PRIVATE LIMITED S/S WITH 1C X 630Sq.mm. (3+1 Spare) UNDER GROUND CABLE. AT VILLGE : MONVEL			
Client:	DHARI SOLAR PARK PVT. LTD.			
Agency:	SIMMS ENGINEERING PVT.LTD			
DRAWN:	CHECKED:	RECMD:	APPD:	
(I PITHAD SURVEYOR)				
SCALE:	DATE:	DRG. NO.:	SHEET:	REV:
1 : 100			1 OF 1	R0

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email : dharisolarpark@gmail.com Contact : +91 88795 00273

Annexure 4

Project Name: Dhari Solar Park Private Limited

Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 at Monvel,
Village Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645

Subject: Statement showing the details i.e. Sy. No. /Coupe No. /F.S. No. /Comptt. No. of the Forest area involved with its boundaries along with item wise breakup of forest area proposed for diversion.

No forest area involved

Place: Junagadh

Date: 21/05/2024

Thanking you.



For Dhari Solar Park Pvt. Ltd.

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
 Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
 Email : dhariSolarpark@gmail.com Contact : +91 88795 00273

Annexure 5**Project Name:** Dhari Solar Park Private Limited

Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 at Monvel,
 Village Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645

Subject: Statement giving the details of the non- forest involved /abstract of trees.

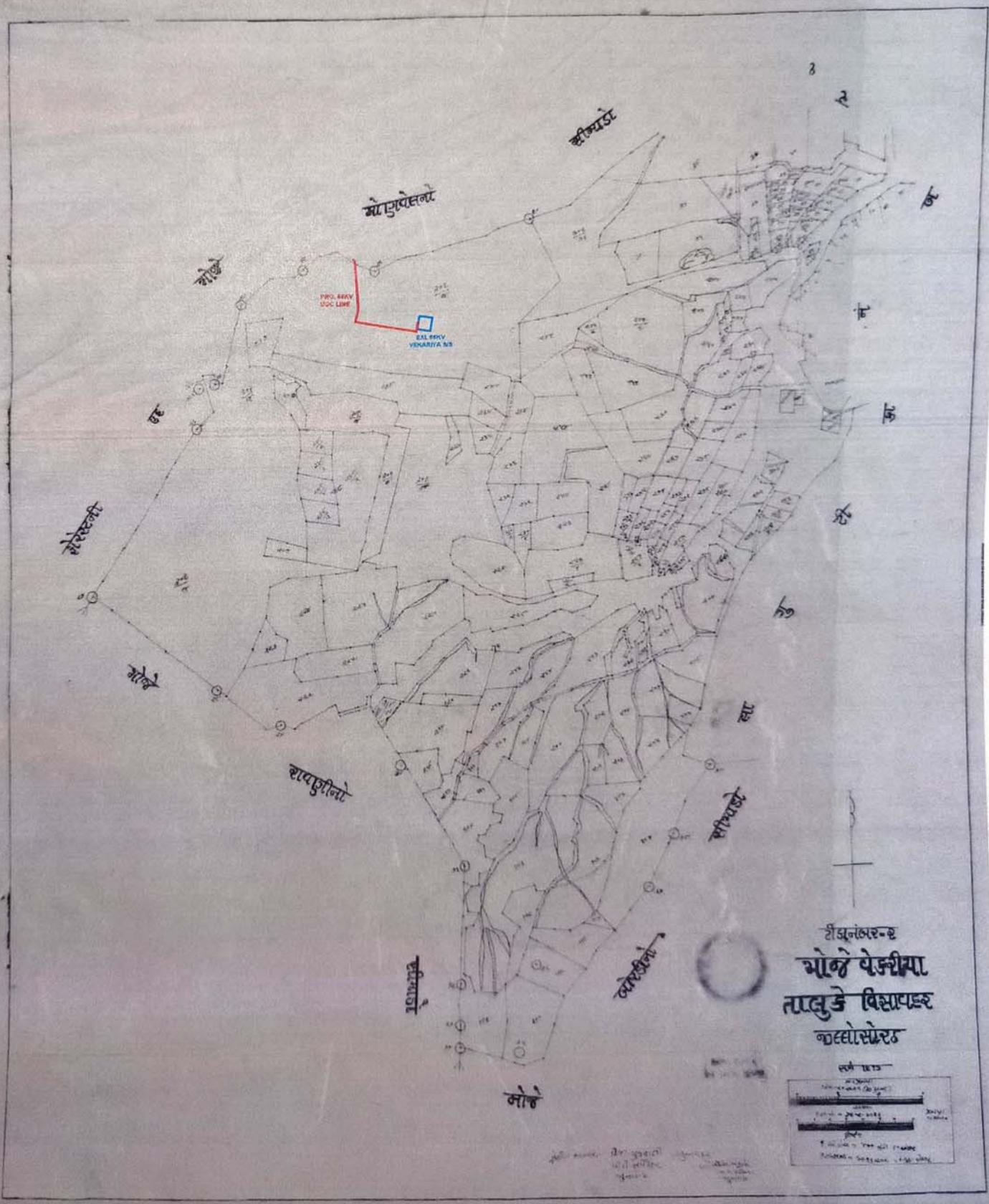
Sr. No.	Village Name	Area	Total Area
1	Vekariya	Length 700 M X Width 0.700 M	490 Sq. M. (0.049 Hector)

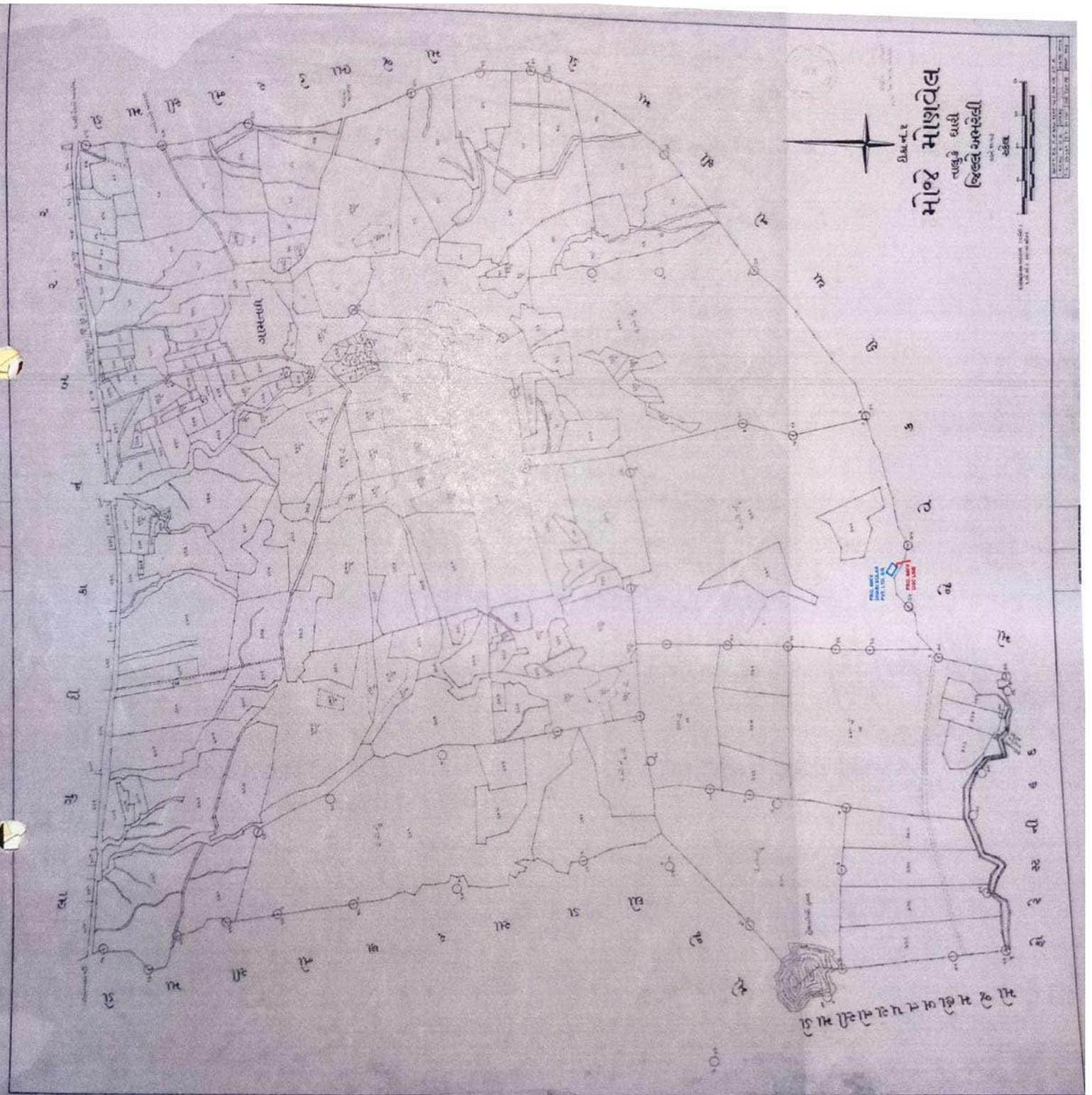
Depth: 1.5 Meters.**Place:** Junagadh**Date:** 21/05/2024

Thanking you.



For Dhari Solar Park Pvt. Ltd.





DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email : dharisolarpark@gmail.com Contact : +91 88795 00273

Annexure 9

Project Name: Dhari Solar Park Private Limited

Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 at Monvel,
Village Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645

Subject: Certificate from the Chief Secretary, regarding non availability of non-forest land for compensatory afforestation.

Not Applicable

Place: Junagadh

Date: 21/05/2024

Thanking you.

For Dhari Solar Park Pvt. Ltd.



DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email : dhariSolarpark@gmail.com Contact : +91 88795 00273

Annexure 10

Project Name: Dhari Solar Park Private Limited

Survey No: 342P7P2, 360P2, 342P4/P2, 342P8/P2, 342P12 at Monvel,
Village Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645

Subject: Net present value under taking.

Not Applicable

Place: Junagadh

Date: 21/05/2024

Thanking you.



For Dhari Solar Park Pvt. Ltd.

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PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN: U40106GJ2021PTC114490]
Registered office: C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email: dhariappl@gmail.com Contact: +919819760205

Ref No: Dhari Solar /25MW/38

Date: 05/06/2024

To,

Collector & DM,

Office of District Collector,

Jilla Seva Sadan, Opp. Shashikunj,

Junagadh, Gujarat 362001

Subject: Permission to carry out 66KV underground cable work of 25MW Dhari Solar Project at Survey No: 301B under Vekariya village, Junagadh

Dear Sir,

As per the directed by the Deputy Conservator of Forest, GIR west Division, We need to convert overhead 66KV transmission line to underground transmission line to be laid from Dhari Solar plant to Vekariya 66kV GETCO's substation.

Proposed 66kV underground transmission line fall under the survey number 301B Government land of Vekariya Gram Panchayant. We have submitted the detailed survey report and route map of the underground transmission line vide our letter reference number WRTL/Dhari Solar/23-24/DCF-Gir West/35 dated 22/05/2024 to DCF, Junagadh and copy to your good office. We are resubmitting you the all documents with letter for your ready reference.

We are requesting you to allow us carry out the 66kV underground transmission line/ cable laying work from Dhari Solar plant to 66kV GETCO Substation Vekariya through survey number 301B, government land under Vekariya village and inform you applicable government charges/ fees required to carry the above work.

We are ready the pay government fees as applicable.

We look forward to your kind cooperation in this regard and request you to issue the work permission at the earliest.

Thanking you,

Yours Truly

M/s Dhari Solar Park Private Ltd



Authorised Signatory

CC to: 1) Sub Divisional Magistrate, Visavadar, Junagadh

05/06/24
SC/15
સાચર સારી પ્રોજેક્ટ
2024/05/05

ANNEXURE R-19



રેન્જ ફોરેસ્ટ ઓફીસરશ્રીની કચેરી,
વિસાવદર રેન્જ, ગીર પશ્ચિમ વન વિભાગ,
સત્તાઘાર રોડ, હનુમાન પરા,
ફોરેસ્ટ કોલોની - વિસાવદર, - ૩૬૨૧૩૦
ફોન નં) - ૦૨૮૭૩ (૨૨૨૨૯૮)
ઇ-મેલ :- rfovsr009@gmail.com

ક્રમાંક :- ૩૫/જમન/૨૩૦-૩૮/૨૦૨૪-૨૫,

તા. ૧૦/૦૬/૨૦૨૪

પ્રતિ,
નાયબ વન સંરક્ષકશ્રી,
ગીર પશ્ચિમ વન વિભાગ,
જુનાગઢ

વિષય :- Approval of cable route layout for 66 kv underground cable to be laid from 25 MW dhari solar project to 66 kv vekriya GETCO Substation.

સંદર્ભ :- ના.વ.સં.ગી.પ.વ.વિ.જુનાગઢના પત્રાંક:-

બ/જમન/ટે.૧૩/૧૭૫૮/૨૦૨૪-૨૫ તા.૩૧/૦૫/૨૦૨૪

સાદર ઉપરોક્ત વિષય તથા સંદર્ભ અન્વયે જણાવવાનું કે, ધારી સોલાર પાર્ક દ્વારા મોણવેલ ગામ ખાતે આવેલ સોલારપાર્ક માંથી વેકરીયા ગામે આવેલ ૬૬ kv સબસ્ટેશન સુધી અંડર ગ્રાઉન્ડની લાઈન પસાર કરવાની કામગીરી માટે વાઇલ્ડ લાઇફ ક્લીયરન્સ મેળવવા દરખાસ્ત કરવામાં આવેલ છે જે દરખાસ્ત આપની કચેરી તરફથી પત્ર ક્રમાંક બ/જમન/ટે.૧૩/૧૭૫૮/૨૦૨૪-૨૫ તા.૩૧/૦૫/૨૦૨૪ થી જરૂરી કાર્યવાહી કરવા અર્થે અત્રેની કચેરી ને તા.૦૧/૦૬/૨૦૨૪ ના રોજ મળેલ છે આ દરખાસ્ત સાથે સામેલ સબમીટ કરવામાં આવેલ ચેકલીસ્ટ તથા સાધનિક કાગળો તપાસવા માલુમ પડેલ કે ૬૬ kv અંડર ગ્રાઉન્ડ લાઇન પસાર કરવા માટેની જરૂરી અંડર ગ્રાઉન્ડ ફીઝીબીલીટી રીપોર્ટ નો સમાવેસ આ સાથે કરવામાં આવેલ નથી જેથી અંડર ગ્રાઉન્ડ કેબલ ૬૬ kv વન્યપ્રાણી ની ડ્રસ્ટીએ જોખમ રૂપ નથી / સુરક્ષિત છે તે ચકાસવું જરૂરી છે આથી જરૂરી સક્ષમ ઓથોરીટી દ્વારા અંડર ગ્રાઉન્ડ ૬૬ kv કેબલ અર્થે તેઓનો લેખીત અભીપ્રાય(વન્ય પ્રાણીના સંદર્ભમાં જોખમ બાબતે) મળ્યા બાદજ વાઇલ્ડ લાઇફ દરખાસ્ત ક્લીયરન્સ બાબતે જરૂરી યોગ્ય અભીપ્રાય આપી શકાય. વધુમાં જણાવવાનું કે આ સોલારપાર્ક બાબતે ગુજરાત માનવ અધિકાર આયોગ ગાંધીનગર ખાતે HRC/2023/AMR/64/LEGAL-2 નં થી કેસ નોંધાયેલ છે જેની છેલ્લી મુદત તા.૨૮/૦૫/૨૦૨૪ ની હતી જેમાં આયોગ દ્વારા ૬૬ kv અંડર ગ્રાઉન્ડ લાઇન ફીઝીબલ છે કે કેમ તેવો લેખીત અભીપ્રાય મળ્યા બાદજ આગળની કાર્યવાહી થઈ શકે તેવું જણાવેલ તથા આ બાબતે સક્ષમ ઓથોરીટી ને આવતી મુદત તા.૨૮/૦૬/૨૦૨૪ ના રોજ હાજર રેવા આયોગ દ્વારા જણાવામાં આવેલ છે આથી સક્ષમ ઓથોરીટી તરફથી

૬૬ kV અંડર ગ્રાઉન્ડ કેબલ ફીઝીબીલીટી રીપોર્ટ આવ્યા બાદજ વાઈલ્ડ લાઈફ ક્લીયરન્સ બાબતે યોગ્ય લઈ શકાય જેની જાણ થવા આપ સાહેબ ને નમ્ર વિનંતી છે.

Vickram Jankhji
 રેન્જ ફોરેસ્ટ ઓફીસર
 વિસાવદર રેન્જ વિસાવદર

નકલ રવાના : (૧) ધારી સોલાર પાર્ક પ્રાઈવેટ લીમીટેડ, રાજ સિવાલય મલ્ટી લોટીયા ભાગોળ પ્લોટ નં.૩૨ આણંદ તરફ જાણ તથા જરૂરી કાર્યવાહી સારું.
 (૨) મદદનીશ વન સંરક્ષકશ્રી વિસસવાદર તરફ જાણ સારું તથા આ બાબતે ગુજરાત માનવ અધિકાર આયોગ માં ચાલી રહેલ કેસ ની આવતી મુદત તા.૨૮-૬-૨૦૨૪ જરૂરી સબમીસન અર્થે યોગ્ય જાણ કરવા સારું.

o/c

Translation Copy Supply

Symbol Office of the Range Forest Officer
 Visavadar Range, Gir West Forest Department
 Satadhar Road, Hanuman Para
 Forest Colony, Visavadar-362130
 Phone No. 02873 (222298)
 E-mail : rfovsr009@gmail.com

=====
 Number : A/JMN/230-32/2024-25 Date : 10/06/2024

To
 The Deputy Conservator of Forest
 Gir West Forest Department
 Junagadh.

Subject: Approval of cable route layout for 66 kv
 underground cable to be laid from 25 MW
 dhari solar project to 66 kv vekariya GETCO
 Substation.

Reference: D.C.V.G.W.F.D.Junagadh Letter Number
 B/JMN/Te.13/1758/2024-25, Dt.31/05/2024

Respectfully with reference to above subject
 and reference state that, a proposal has been made to
 get Wild Life Clearance for the work of passing
 underground line up to 66 kv sub station situated at
 Vekariya village from Solar Park situated at Monvel
 Village by Solar Park, the said proposal received by
 this office on Dae : 01/06/2024 for doing the needful
 from your office Letter Number :
 B/JMN/Te.13/1758/2024-25, Date : 31/05/2024 so on
 verification of checklist and material papers
 submitted along with the said proposal found that

the underground physibility report which is necessary to pass 66 kv underground line not included herewith, therefore, it is necessary to verify that the underground cable 66 kv is not risky/safer in view of wild animals, so the necessary proper opinion can be given regarding wild life clearance only after receiving their written opinion (for risk regarding wild animal) for underground 66 kv cable by necessary Competent Authority. Moreover, it is stated that, for the said Solar Park as case has been registered at Gujarat Human Rights Commission, Gandhinagar vide HRC/2023/AMR/64/Legal-2 and its last date was on Date : 28/05/2024 wherein it has been stated by the Commission that only after receiving written opinion that 66 kv underground line is physible or not and in this regard the Competent Authority has been asked to remain present on ensuing Date : 28/06/2024 by the Commission, therefore, by the Competent Authority only after receiving the 66 kv underground cable physibility report the proper decision shall be taken

for wild life clearance so it is humbly requested to you sir to be informed in this regard.

Sd/- Illegible
Range Forest Officer
Visavadar Range, Visavadar

Copy forwarded to :

- (1) Dhari Solar Park Private Limited, Raj Shivalaya Multi, Lotiya Bhagol Plot No.32, Anand for information and for doing the needful.
- (2) The Assistant Conservator of Forest, Visavadar for information and to give proper intimation regarding necessary submission on next Date : 28/06/2024 going on in Gujarat Human Rights Commission.

ANNEXURE R-20

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR		
Office of the Chief Electrical Inspector Udyog Bhavan, 6th Floor, Block No.18, Sector-11, Gandhinagar.		
No/CEI/Gan/Plan/121383/2024	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 19/6/2024		fax no : (079) 232 566 51

To
Dhari Solar Park Pvt. Ltd.
C/s. Rajshivalay Multi, Lotia Bhagol, Plot No. 32,
Vi.Anand
Ta.Anand
Dist.Anand, 388001

Subject Approval to the drawing for the electrical installation of 630.0 sq. mm. 66 KV XLPE U/G Power Cable (0.80000 KM) from Existing 66KV GETCO Vekariya S/s to 66KV Dhari Solar Park PSS at Village Monvel & along with associated equipments at Dhari Solar Park Pvt. Ltd., At. Monvel, Vi.Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645.

Sir,
 Referring to your online Application ElectricalInstallation-E-AMR-17-06-2024-14-46-03 on date 17/06/2024 , the undersigned is pleased to approve the layout/alteration as shown in the enclosed drawing subject to the conditions that:

1. The work shall be carried out by Licensed Electrical Contractor of the Gujarat State.
2. The work shall be carried out in accordance with the relevant standards of the Bureau of Indian Standards.
3. If the installation is found defective in actual practice or any modification is necessary, you shall have to carry out addition and / or alteration as may be required by this Inspectorate.
4. The value of earth resistance /I.R value shall be furnished along with the test report on completion of the work.
5. This approval doesn't contain approval for any kind of future installations mentioned in approved drawing and this approval is given only for those equipments which incorporated in above mentioned subject.
6. Adequate fire protection shall be provided as required under the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2023.
7. Adequate earthing shall be provided wherever required under the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2023.
8. Safety Provision for Electrical Installations & Apparatus shall be provided as per the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2023.

9. The line is to be shifted at your cost if and when so required by this department.

10. The communication of this approval shall in no way relieve the License / Sanction Holder by their obligation with respect to any other consent required by or under the Electricity Act, 2003 and such agencies viz (I) DISCOM Authorities / Licensees/Sanction holder Authorities, as the case be (ii) District Panchayat Authorities (iii) Post and Telegraph (iv) Railway Authorities (v) Gujarat Housing Board Authorities (vi) Municipal Authorities (vii) The Collector of the Districts (viii) Road and Building Authorities (ix) Telecommunication Authorities (x) Civil Aviation Authorities.

11. Necessary protection shall be provided to the proposed line at the place of various crossing, if any.

12. Adequate guarding and earthing shall be provided wherever required under Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023.

13. This approval does not relieve the licensee from its obligations under section 10 (d) of the Indian Telegraph Act, 1885.

Your's Faithfully

A.B.Chaudhari
CHIEF ELECTRICAL INSPECTOR
Gandhinagar

Encl: As above

Copy along with the drawings forwarded for information to:

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN: U40106GJ2021PTC114490]
Registered office: C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
Email: dharisolarpark@gmail.com / dharisppl@gmail.com Contact: +91778888235/9819760205

Ref No: WRTL/Dhari Solar/23-24/forest/39**Date:** 24/06/2024

To,
The Range Forest Officer,
Visvadar Range, Gir West forest Division
Satadhar Road, Hanuman Para,
Forest Colony, Visavadar, Gujarat-362130.

Sub: Approval of cable route layout for 66 KV underground cable to be laid from 25MW Dhari solar project to 66 KV Vekariya GETCO Substation.

Ref: (1) Your good office letter no ૫/જમન/230-32/2024-25 dated 10/06/2024

Dear Sir,

We have received your esteemed office's letter no. ૫/જમન/230-32/2024-25 dated 10/06/2024, wherein you requested the submission of a feasibility report for underground transmission line cable laying.

We are pleased to inform you that we have obtained the CEIG (Chief Electrical Inspector) plan approval from the Chief Electrical Inspector Office, Gandhinagar. Enclosed herewith, please find the approved plan for your information and records.

Chief Electrical Inspector has pursued 66 kV underground cable route drawings and has provided plan approval under the Central Electricity Authority Regulation 2003 and instructed us carry out the work accordingly.

We request you to provide us your good office approval in line with the chief electrical inspector approvals.

Thanks & regards,
For Dhari Solar Park Pvt Ltd.

Authorised Signatory



Enclosed: 66kV Underground Cable CEIG Plan Approval

- ✓CC: 1. Deputy Conservator of Forest, Gir West Division, Junagadh
2. Assistant Conservator of Forest, Gir West Division, Visavadar

રવાન-ની કારકુન : ૫૦૦/૧૫ - ૨૪/૦૬/૨૪
નાયબ વન સંરક્ષકની કચેરી,
ગીર પશ્ચિમ વિભાગ, સરદાર ભાગ,
જૂનાગઢ - ૩૬૨ ૦૦૧.

OFFICE OF THE CHIEF ELECTRICAL INSPECTOR

Office of the Chief Electrical Inspector Udyog Bhavan, 8th Floor, Block No.18, Sector-11, Gandhinagar.

No/CEI/Gan/Plan/121383/2024	E-mail : cei-epd@gujarat.gov.in	ph no : (079) 23256642 to 44
Date : 19/6/2024		fax no : (079) 232 566 51

To
Dhari Solar Park Pvt. Ltd.
C/s. Rajshivalay Multi, Lotia Bhagol, Plot No. 32,
Vi.Anand
Ta.Anand
Dist.Anand, 388001

Subject Approval to the drawing for the electrical installation of 630.0 sq. mm. 66 KV XLPE U/G Power Cable (0.80000 KM) from Existing 66KV GETCO Vekariya S/s to 66KV Dhari Solar Park PSS at Village Monvel & along with associated equipments at Dhari Solar Park Pvt. Ltd., At. Monvel, Vi.Monvel, Ta.Dhari, Dist.Amreli, Gujarat, 365645.

Sir,

Referring to your online Application ElectricalInstallation-E-AMR-17-06-2024-14-46-03 on date 17/06/2024 , the undersigned is pleased to approve the layout/alteration as shown in the enclosed drawing subject to the conditions that:

1. The work shall be carried out by Licensed Electrical Contractor of the Gujarat State.
2. The work shall be carried out in accordance with the relevant standards of the Bureau of Indian Standards.
3. If the installation is found defective in actual practice or any modification is necessary, you shall have to carry out addition and / or alteration as may be required by this Inspectorate.
4. The value of earth resistance /I.R value shall be furnished along with the test report on completion of the work.
5. This approval doesn't contain approval for any kind of future installations mentioned in approved drawing and this approval is given only for those equipments which incorporated in above mentioned subject.
6. Adequate fire protection shall be provided as required under the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2023.
7. Adequate earthing shall be provided wherever required under the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2023.
8. Safety Provision for Electrical Installations & Apparatus shall be provided as per the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2023.



9. The line is to be shifted at your cost if and when so required by this department.
10. The communication of this approval shall in no way relieve the License / Sanction Holder by their obligation with respect to any other consent required by or under the Electricity Act, 2003 and such agencies viz (I) DISCOM Authorities / Licensees/Sanction holder Authorities, as the case be (ii) District Panchayat Authorities (iii) Post and Telegraph (iv) Railway Authorities (v) Gujarat Housing Board Authorities (vi) Municipal Authorities (vii) The Collector of the Districts (viii) Road and Building Authorities (ix) Telecommunication Authorities (x) Civil Aviation Authorities.
11. Necessary protection shall be provided to the proposed line at the place of various crossing, if any.
12. Adequate guarding and earthing shall be provided wherever required under Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023.
13. This approval does not relieve the licensee from it obligations under section 10 (d) of the Indian Telegraph Act, 1885.

Your's Faithfully

A.B.Chaudhari
CHIEF ELECTRICAL INSPECTOR
Gandhinagar

Encl: As above

Copy along with the drawings forwarded for information to:

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN: U40106GJ2021PTC114490]
 Registered office: C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
 Email: dhariappl@gmail.com Contact: +919819760205

Ref No: Dhari Solar /25MW/38

Date: 15/06/2024

To,
 The Chief Electrical Inspector,
 6th floor, Block No. 18, Udyog Bhavan,
 Sector - 11, Gandhinagar - 382017

Subject: Request for Drawing Approval - Conversion of our 66KV O/H Single Circuit Panther Line to 66 KV Underground Transmission Cable at Village: Monvel, Ta. Dhari, Dist. Amreli connecting Dhari Solar Park PSS to 66KV GETCO Vekariya S/s.

References:

- Drawing Approval for existing 66 KV O/H Tower line with ACSR Panther Conductor vide no. No/CEI/Gan/Plan/100088/2023 dtd 04.10.2023
- Charging Approval for 66 KV O/H transmission line vide no. No/CEI/Gan/Certi/101429/2023 dtd. 20.10.2023
- Approval under Section 68 and 164 vide no. PRC-11-2020-2245-K dtd. 07.06.2021

Dear Sir,

We had constructed a 66KV O/H Transmission Tower Line with ACSR Panther Conductor.

The plan for the line was approved vide your office letter no. No/CEI/Gan/Plan/100088/2023 dtd 04.10.2023. The line charging approval issue vide letter no. No/CEI/Gan/Certi/101429/2023 dtd. 20.10.2023.

We are now planning to convert above 66KV Tower Line currently connecting Dhari Solar Park PSS to 66KV GETCO Vekariya S/s to 66KV Underground Cable Transmission Line.

Accordingly we are submitting the Plans for 66KV Underground Transmission Cable for your kind approval.

We request you to accord you approval and oblige.

Thanking You.

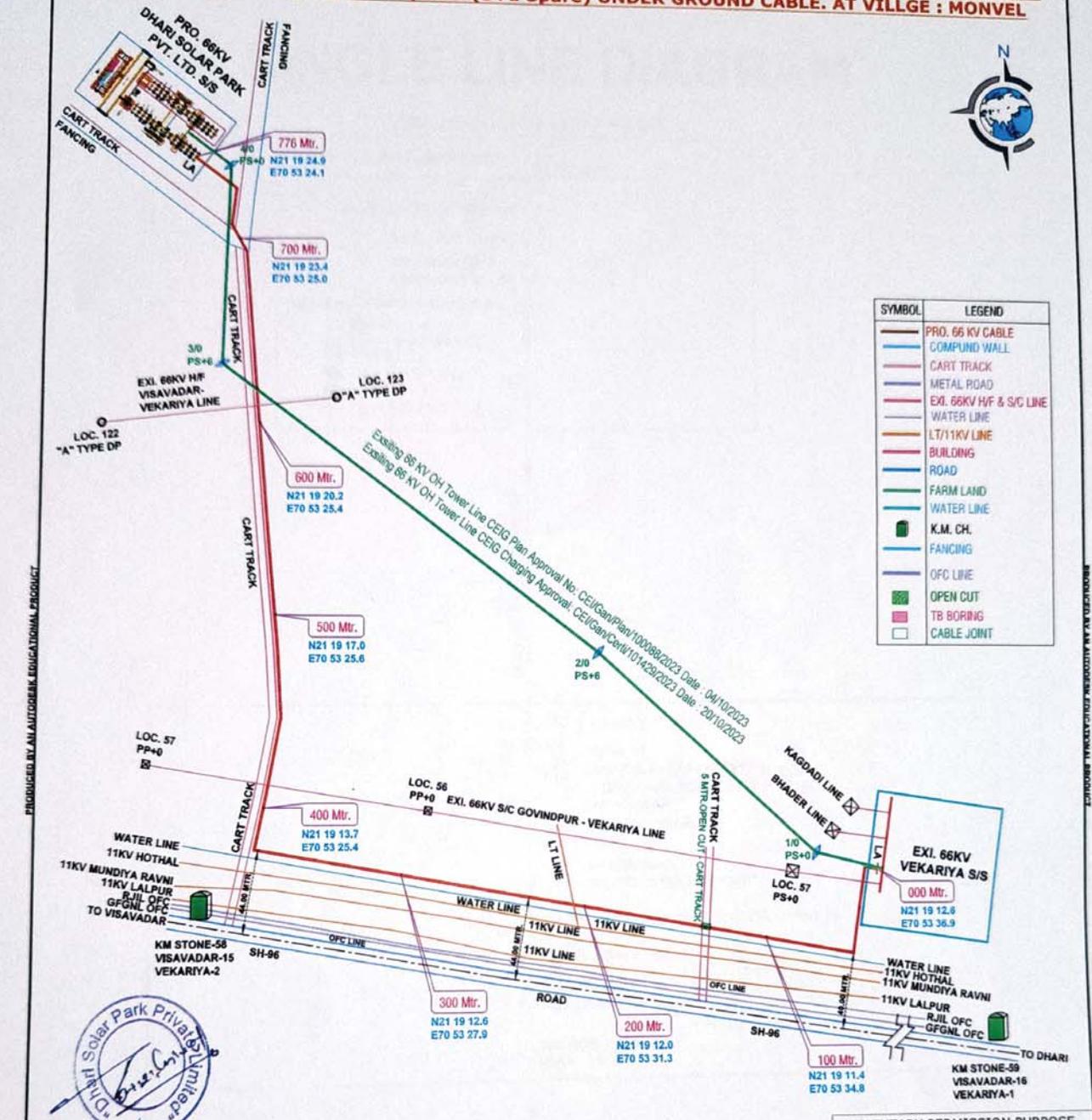
Yours Faithfully,

For Dhari Solar Park Pvt. Ltd.

Authorized Signatory



PRO.66KV S/C LINE FROM EXI. 66KV VEKARIYA GETCO S/S TO PRO. DHARI SOLAR PARK PRIVATE LIMITED S/S WITH 1C X 630Sq.mm. (3+1 Spare) UNDER GROUND CABLE. AT VILLGE : MONVEL



SYMBOL	LEGEND
	PRO. 66 KV CABLE
	COMPUND WALL
	CART TRACK
	METAL ROAD
	EXI. 66KV H/F & S/C LINE
	WATER LINE
	LT/11KV LINE
	BUILDING
	ROAD
	FARM LAND
	WATER LINE
	K.M. CH.
	FANCING
	OFC LINE
	OPEN CUT
	TB BORING
	CABLE JOINT

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT



7+5+776+5+7 = 800.00 MTR. WITH LOOP LENGTH

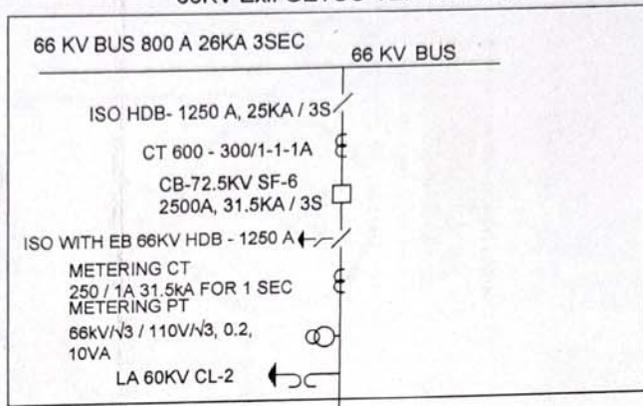
TENTATIVE BILL OF QUANTITY		
SR.NO	DISCRPTION	QTY.
1	TOTAL LENGTH OF SINGLE CIRCUIT	776.00MTR.
2	LOOP LENGTH	24.00 MTR.
3	OPEN EXCAVATION SINGLE CIRCUIT	771.00 MTR.
4	OPEN CUT WITH PIPE	5.00 MTR.
5	TRENCH LESS HORIZONTAL BORING	00.00 MTR.
6	STRAIGHT THROUGH JOINT	AS PER SITE
7	END TERMINATION	AS PER SITE
8	LINK BOX WITHOUT SVL.	AS PER SITE
9	LINK BOX WITH SVL.	AS PER SITE
10	EARTHING	AS PER SITE
11	INSTALLATION OF LIGHTNING ARRESTOR	AS PER SITE

STATUTARY PERMISSION PURPOSE				
PROJECT	PRO.66KV S/C LINE FROM EXI. 66KV VEKARIYA GETCO S/S TO PRO. DHARI SOLAR PARK PRIVATE LIMITED S/S WITH 1C X 630Sq.mm. (3+1 Spare) UNDER GROUND CABLE. AT VILLGE : MONVEL			
Client:	DHARI SOLAR PARK PVT. LTD.			
Agency:	SIMMS ENGINEERING PVT.LTD			
DRAWN:	CHECKED:	RECMD:	APPD:	 SIZE:
I PITHAD SURVEYOR)				
SCALE:	DATE:	DRG. NO.:	SHEET:	REV:
1 : 100			1 OF 1	RO

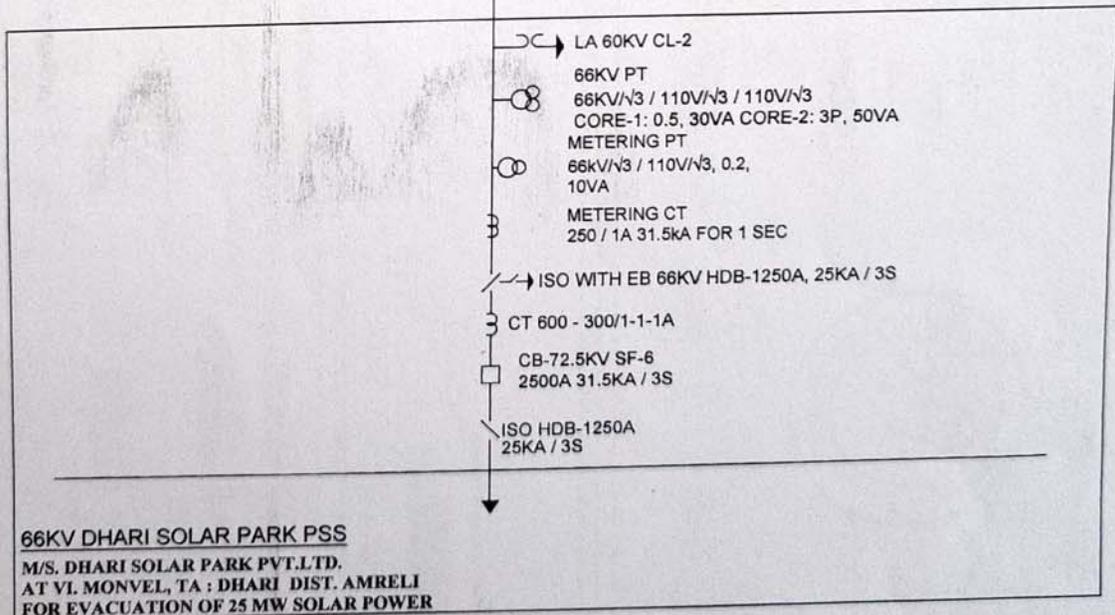
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

SINGLE LINE DIAGRAM

66KV Exi. GETCO VEKARIYA S/S



66 KV UG CABLE - 0.800 KM



66KV DHARI SOLAR PARK PSS
 M/S. DHARI SOLAR PARK PVT.LTD.
 AT VI. MONVEL, TA : DHARI DIST. AMRELI
 FOR EVACUATION OF 25 MW SOLAR POWER



EXECUTION PURPOSE			
PROJECT: PRO. 66KV S/C LINE OF M/S. DHARI SOLAR PARK PVT.LTD. FROM EXL 66KV GETCO VEKARIYA S/S TO PRO. 66KV SOLAR PSS WITH 1C X 630 Sq.mm. (3+1 Spare) UNDER GROUND CABLE AT VILLAGE: MONVEL			
CLIENT: M/S. DHARI SOLAR PARK PVT.LTD.			
SINGLE LINE DIAGRAM			
DRAWN:	CHECKED:	APPD:	SIZE A3
SCALE: N.T.S.	DATE:	DRG.NO:	SHEET X OF Y REV R-0

ANNEXURE R-22



રેન્જ કોર્સ્ટ ઓફીસરશ્રીની કચેરી,
સત્તાધાર રોડ, હનુમાન પરા,
કોર્સ્ટ કોલોની, વિસાવદર, - ૩૬૨૧૩૦,
ફોન નંબર - ૦૨૮૭૩-૨૨૨૨૯૮
ઈ-મેઈલ :- rfovsr009@gmail.com



LIFE
Lifestyle for
Environment

ક્રમાંક :- અ/જમન ૪૬૦ નવેમ્બર ૨૦૨૪-૨૫,

તા. ૧૬/૦૮/૨૦૨૪

પ્રતિ,
નાયબ વન સંરક્ષકશ્રી,
ગીર પશ્ચિમ વન વિભાગ,
જુનાગઢ.

- વિષય :-** Approval of cable route layout for 66 kv underground cable to be laid from 25 MW dhari solar project to 66 kv vekriya GETCO Substation.
- સંદર્ભ :-** (૧) આપની કચેરીના પત્રાંક - અ/જમન/ટે. ૧૩/૧૭૫૮/૨૦૨૪-૨૫, તા. ૩૧/૦૫/૨૦૨૪
(૨) અત્રેની કચેરીના પત્ર નં. અ/જમન/૨૩૦-૩૨/૨૦૨૪-૨૫, તા. ૧૦/૦૬/૨૦૨૪

સાદર ઉપરોક્ત વિષય તથા સંદર્ભ પત્ર અન્વયે જણાવવાનું કે, ધારી સોલાર પાર્ક દ્વારા મોણવેલ ગામ ખાતે આવેલ સોલાર પાર્કમાંથી વેકરીયા આવેલ ૬૬ કે.વી. સબ સ્ટેશન સુધી અંદર ગ્રાઉન્ડ લાઈન પસાર કરવાની કામગીરી માટે વાઈલ્ડ લાઈફ કલેવરન્સ મેળવવા દરખાસ્ત સાદર કરવામાં આવેલ. તથા સંદર્ભ પત્ર (૨)થી અંદર ગ્રાઉન્ડ કેબલ ૬૬ કે.વી. વાઈલ્ડ લાઈફ કલેવરન્સ માટે વાઈલ્ડ લાઈફની દૃષ્ટિએ જોખમ રૂપ નથી. સુરક્ષિત છે. તે બાબતે સક્ષમ ઓર્થોરીટી તરફથી તેઓનો વન્યપ્રાણીના લગત જોખમ બાબતે જરૂરી આ લાઈન માટે લંબીત અભિપ્રાય જરૂરી હોવાથી તે બાબતે કંપની તરફથી તે સાદર કરવો જરૂરી છે. તે જણાવેલ આ બાબતે કંપની તરફથી તા.૨૫/૦૬/૨૦૨૪ ના રોજ અત્રેની કચેરીએ ૬૬ કે.વી. અંદર ગ્રાઉન્ડ કેબલ રૂટ લે-આઉટ અપ્રુવલ સાદર કરવામાં આવેલ. જે ચીફ ઈલેક્ટ્રીકલ ઈન્સ્પેક્ટરશ્રીની ઓફીસ દ્વારા મંજૂર કરવામાં આવેલ છે. પરંતુ આ અપ્રુવલના સાધનિક કાગળોમાં કોઈ પણ જગ્યાએ વાઈલ્ડ લાઈફને લગત કોઈ પણ પ્રકારના રીસ્ક જોખમ તથા તેને ધ્યાને રાખી આપવામાં આવેલ જરૂરી મંજૂરીમાં આ બાબતોનો ઉલ્લેખ નથી. આ ઉપરાંત તા.૧૨/૦૮/૨૦૨૪ ના રોજ આ કંપનીની કેસ નં. ૬૪/૨૦૨૩ ની ગુજરાત માનવ અધિકારી આયોગ ખાતે કેસની સુનાવણીમાં જસ્ટીસ દ્વારા કંપનીને તેઓના પ્લાન્ટના ૦ થી ૧ કીલોમીટર (અભ્યારણ્ય હદથી) અંદર કંપની દ્વારા કરવામાં આવેલ ગેરકાયદેસર બાંધકામને દુર કરવા માટેની સુચના આપેલ છે. આથી નજીકના ભવિષ્યમાં ૦ થી ૧ કીલોમીટર અંતરમાં આવતા કંપનીના ગેરકાયદેસર બાંધકામને દુર કરવું જરૂરી છે. જેથી હાલમાં કંપની દ્વારા સાદર કરવામાં આવેલ. અંદર ગ્રાઉન્ડ કેબલ ૬૬ કે.વી.ની દરખાસ્તમાં પણ મોટા પાયે ફેરફાર થઈ શકે તેમ છે. આથી જ્યાં સુધી કંપની દ્વારા કરવામાં આવેલ ગેરકાયદેસર બાંધકામ દુર ન કરવામાં આવે ત્યાં સુધી અંદર ગ્રાઉન્ડ કેબલોગના સાદર કરવામાં આવેલ લે- આઉટ મુજબ કંપનીને આપવાની થતી વાઈલ્ડ લાઈફ કલેવરન્સની દરખાસ્તમાં કોઈ પ્રક્રિયા આગળ વધી શકે તેમ નથી. આથી કંપની દ્વારા સાદર કરવામાં આવેલ વાઈલ્ડ લાઈફ કલેવરન્સની દરખાસ્તમાં કંપની દ્વારા ગેરકાયદેસર બાંધકામ દુર કર્યા બાદ ઘનતર જગ્યા પરના ફેરફારને ધ્યાને રાખી કંપની દ્વારા કરીથી વાઈલ્ડ લાઈફ કલેવરન્સની દરખાસ્ત સાદર કરવાની રહેશે. આથી હાલની ૬૬ કે.વી. અંદર ગ્રાઉન્ડ કેબલોગની વાઈલ્ડ લાઈફ કલેવરન્સ માટેની દરખાસ્તની મંજૂરી સાદર કરવામાં આવેલ સાધનિક કાગળો મુજબ હાલમાં આપી શકાય તેમ ન હોવાથી દરખાસ્ત ઠાકીલ કરવામાં આવે છે. જે આપ સાહેબશ્રીને વિદીત થાય.

Jackit Jadhav
રેન્જ કોર્સ્ટ ઓફીસર
વિસાવદર રેન્જ વિસાવદર

નકલ રવાના :- (૧) ધારી સોલાર પાર્ક પ્રાઈવેટ લીમીટેડ, રાજ શિવાલય મલ્ટી હોટીયા, ભાગોળ પ્લોટ નં. ૩૨ આજંદ તરફ જાણ થવા સારું.
(૨) મહાનગર વન સંરક્ષકશ્રી વિસાવદર તરફ જાણ થવા સારું.

Translation Copy Supply

Symbol Office of Range Forest officer LiFE
 Satadhar Road, Hanuman Para Lifestyle
 Forest Colony, Visavadar-362130 for
 Phone Number-02873-222298 Environment

 Number: A/JMN/480-82/2024-25 Date:16/08/2024

To
 The Deputy Conservator of Forest
 Gir West Forest Department
 Junagadh.

Subject: Approval of cable route layout for 66 kv underground cable to be laid from 25 MW dhari solar project to 66 kv vekrya GETCO Sub Station.

Reference:1. Your Office Letter Number : B/JMN/
 Te.13/1758/2024-25, Dt.31/05/2024
 2. This Office Letter No.A/JMN/230-32/
 2024-25, Dt.10/06/2024

With reference to above subject and letter under reference state that, for the work of passing underground line from Solar Park situated at Monvel Village up to 66 KV Sub Station situated at vekriya by Dhari Solar Park the proposal to get Wild Life Clearance has been forwarded. And vide letter under Reference (2) the underground cable 66 KV for Wild Life Clearance not risky in view of the Wild Life it is safe. For which for the risk related to Wild Life Animal for the said necessary line the written opinion is necessary by the Competent Authority stated so therefore in this regard 66 KV

underground the cable route lay-out forwarded by the company on Date : 25/06/2024 to the office here for approval. It has been approved by the office of Chief Electrical Inspector but in the said approval papers there is no mentioning regarding the fact that the said approval granted for any kind of risk related to wild life and keeping it in mind. Moreover, on Date : 12/08/2024 in the hearing of this company in Case No.64/2023 before the Gujarat Human Rights Commission by the Justice instruction given to the company to remove illegal construction done by the company within the 0 to 1 Kilometer of plant (from the limits of Sanctuary). Therefore, in near future it is necessary to remove the illegal construction of the company fall within the distance of 0 to 1 kilometer. So there are likely to have major modification also in the proposal of underground cable 66 KV of the company. Therefore, till the illegal construction done by the company not removed no process proceeded further in the wild life clearance proposal of the company to be given as per the lay-out forwarded for

underground cabling. Therefore, in the proposal of wild life clearing forwarded by the company keeping in mind the modification on the place going to happen after removing illegal construction the company shall have to again forward the proposal of wild life clearance. Therefore, the permission for proposal for present 66 KV underground cabling for wild life clearance cannot be granted as per the material papers hence the proposal is filed. It is for information of you Sir.

Sd/- Illegible
Range Forest Officer
Visavadar Range Visavadar

Copy forwarded to :

- (1) Dhari Solar Park Private Limited, Raj Shivalaya Multi Lotiya Bhgol Plot No.32, Anand for information
- (2) The Assistant Conservator of Forest, Visavadar for information.

ANNEXURE R-23 (COLLY.)

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3J

(BEFORE L. NAGESWARA RAO, B.R. GAVAI AND ANTRUDDHA BOSE, JJ.)

(In the Matter of)

T.N. GODAVARMAN THIRUMULPAD, IN RE . . . Petitioner:

Versus

UNION OF INDIA AND OTHERS . . . Respondents.

IA No. 1000 of 2003[†] with IAs Nos. 982-84 of 2003, 1026-28, 1123-24, 1197-99, 1210-11, 1250-51 of 2004, 1412 of 2005, 1512 of 2006, 1992 of 2007, 3880 of 2015, 96949, 117831 of 2019, 65571 of 2021 and Writ Petition (C) No. 202 of 1995[‡], decided on June 3, 2022

A. Environment Law — Forests, Wildlife and Zoos — Wildlife Sanctuaries and National Parks

— (A) **Prescription and Determination of eco-sensitive zones (ESZ) or extended buffer zones, surrounding wildlife sanctuaries and national parks, and the activities prohibited and permitted in such ESZ/buffer zone;**

— (B) **Prohibition of mining within national parks and wildlife sanctuaries; and**

— (C) **Compensation and other rehabilitatory measures for carrying on of prohibited mining activities in and around Jamua Ramgarh Wildlife Sanctuary in Rajasthan**

— **Detailed directions issued**

— **Eco-Sensitive Zones Declaration around National Parks and Wildlife Sanctuaries Guidelines, 2011 — Environment (Protection) Act, 1986**

S. 3(v) Environment (Protection) Rules, 1986. Rr. 5(viii) and (x) (Paras 5 to 14 and 51 to 56)

B. Environment Law — Wildlife (Protection) Act, 1972 — Ss. 18 to 26 and 26-A (as ins. w.e.f. 2-10-1991 by Act 44 of 1991) — Declaration of wildlife sanctuary — Requirements of — Challenge made as to declaration of Jamua Ramgarh Wildlife Sanctuary in the State of Rajasthan on ground of violation of S. 26-A — Held, not tenable

— Settlement of rights found completed by the District Collector, Jaipur under Ss. 19 to 26 — S. 26-A dealing with declaration of area as sanctuary found incorporated in the statute with effect from 2-10-1991, but the declaration found to be made by State of Rajasthan in 1982 — Held, there was no flaw in such declaration and the subsequent amended provisions in this respect, held, not applicable to Jamua Ramgarh Wildlife Sanctuary — Hence, the plea taken that it did not have the status of a sanctuary because no declaration was there under S. 26-A, held, without any basis (Paras 46 to 50)

[†] Recommendation of CEC dated 20.11.2003

[‡] Under Article 32 of the Constitution of India [Allowed]

Held :

- a* Necessary directions are issued as under:
- (a) Each protected forest, that is, national park or wildlife sanctuary must have an eco-sensitive zone ("ESZ") of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines for Declaration of Eco-Sensitive Zones Around National Parks and Wildlife Sanctuaries, dated 9-2-2011 issued by MoEF&CC shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.
- b*
- (b) In the event, however, the ESZ is already prescribed as per law that goes beyond one kilometre buffer zone, the wider margin as ESZ shall prevail. If such wider buffer zone beyond one kilometre is proposed under any statutory instrument for a particular national park or wildlife sanctuary awaiting final decision in that regard, then till such final decision is taken, the ESZ covering the area beyond one kilometre as proposed shall be maintained.
- c*
- (c) The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arrange to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before the Supreme Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.
- d*
- (d) Mining within the national parks and wildlife sanctuaries shall not be permitted.
- e*
- (e) In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ.
- f*
- (f) The minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned shall approach CEC and MoEF&CC and both these bodies shall give their respective opinions/recommendations before the Supreme Court. On that basis, the Supreme Court shall pass appropriate order.
- g*
- (g) In the event CEC, MoEF&CC, the Standing Committee of National Board for Wildlife or any other body of persons or individual having special interest in environmental issues consider it necessary for maintaining a wider
- h*

or larger ESZ in respect of any national park or wildlife sanctuary, such body or individual shall approach CEC. In such a situation CEC shall be at liberty to examine the need of a wider ESZ in respect of any national park or wildlife sanctuary in consultation with all the stakeholders including the State or Union Territory concerned, MoEF&CC as also the Standing Committee of National Board for Wildlife and then approach the Supreme Court with its recommendations. a

(h) In respect of sanctuaries or national parks for which the proposal of a State or Union Territory has not been given, the 10 km buffer zone as ESZ, as indicated in the order passed by the Supreme Court on 4-12-2006 in *Goa Foundation*, (2011) 15 SCC 791 and also contained in the Guidelines of 9-2-2011 shall be implemented. Within that area, the entire set of restrictions concerning an ESZ shall operate till a final decision in that regard is arrived at. b

(i) The application of the State of Rajasthan registered as IA No. 3880 of 2015 relates to clarification of an order passed in *Goa Foundation case* [WP (C) No. 460 of 2004]. Let this application be placed before the Bench taking up the case of *Goa Foundation*. c

(j) IA No. 96949 of 2019 and IA No. 65571 of 2021 are disposed of with directions that the MoEF&CC as also CEC shall proceed to take a decision in regard to the draft proposal for ESZ made by the State of Maharashtra to the extent of 0-3.89 km and the MoEF&CC shall take final decision on that basis within a period of three months, if the said decision has not already been taken. d

(k) CEC shall quantify the compensation to be recovered from each miner indulging in mining activities within Jamua Ramgarh Sanctuary in violation of any statutory provision or order of the Supreme Court. Specific recommendations for compensatory afforestation, reclamation, clearing overburden dumping as also compensation in monetary units for degradation of forest resources shall also be made. A further set of recommendations concerning confiscation of earth moving equipments and other machineries lying within or in the periphery of the said sanctuary shall be made by CEC. Recommendations shall be made within a period of four months before the Supreme Court in the form of an application. The Supreme Court shall consider passing appropriate order upon going through such application. The exercise concerning such reparation, including quantifying compensation shall be undertaken upon giving the mining operator, State and MoEF&CC opportunity of hearing. e

(l) In the event there is any subsisting order of any High Court or any court subordinate to such High Court covering any of the issues dealt with by the Supreme Court in this order, this order shall prevail over any such order which may be contrary to these directions. f

(Para 56)

Goa Foundation v. Union of India, (2011) 15 SCC 791; *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740; *Goa Foundation v. Union of India*, (2011) 15 SCC 793. referred to g

C. Constitution of India — Arts. 32 and 226 — Public interest litigation (PIL) assuming in rem character — Desirability of procedure under Or. 8 R. 1 being followed by the Court — Emphasised — Impleadment of certain individuals/firms not arrayed as parties — When becomes necessary — Impact of the litigation on rights of such parties h

a Interlocutory applications arising out of the PIL, raised two issues i.e. first relating to mining activities in and around Jamua Ramgarh Wildlife Sanctuary in Rajasthan and, second involving prescribing eco-sensitive zones (ESZ) surrounding the wildlife sanctuaries and national parks — Subject of mining and other commercial activities within the wildlife sanctuaries and national parks (protected forests) also dealt with by Supreme Court —
b Impleadment sought by certain firms and individuals who were found having some kind of permission for carrying on mining activities in Jamua Ramgarh Sanctuary — Considering impact of orders passed in litigation of this nature, impleadment as claimed by the applicants, allowed

— Civil Procedure Code, 1908 — Or. 8 R. 1 — Public interest litigation assuming in rem character — Desirability of procedure under Or. 8 R. 1 being followed by the Court — Emphasised — Environment Law — Forests, Wildlife and Zoos — Wildlife Sanctuaries and National Parks — Wildlife (Protection) Act, 1972 — Ss. 18, 26-A and 35 — Environment (Protection) Act, 1986 — S. 3(v) — Environment (Protection) Rules, 1986, Rr. 5(viii) and (x)

c *Held :*

d The interlocutory applications which the Court is dealing with arise out of a public interest litigation and there is no doubt that orders passed in litigation of this nature could affect a large body of persons who may not be included in the array of parties at the time of institution of the proceeding. To an extent, litigations of this nature assume an in rem character. Ideally, for such a public interest litigation, the procedure contemplated in Rule 8 of Order 1 of the Civil Procedure Code, 1908 could be followed to the extent of issue of public notice or general intimation to public in such mode as the Court may consider fit and proper, having regard to the nature and scope of the proceeding. But in cases where such a course has
e not been taken, persons affected or likely to be affected by any order passed in the litigation would be entitled to join or participate in the proceeding. Thus, the impleadment prayers in IAs Nos. 984 of 2003, 1026, 1123, 1197 and 1251 of 2004 are allowed. (Para 42)

f **D. Environment Law — General Principles of Environmental Law — Precautionary Principle/Sustainable Development/Inter-Generational Equity Principle — Balancing of economic activities with protection of natural resources — Duties of State Government and the Court that arise from doctrines of “public trust”, “sustainable development” and “precautionary principle” — Principles clarified**

g — **Held, a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest — Thus, in case of a doubt, protection of environment would have precedence over economic interest**

Held :

h Public trust doctrine is part of the law of land and it primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status

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in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. (Para 34)

Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses. (Para 34)

It is the duty of the State under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on inter-generational equity. While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment. (Para 43)

The “precautionary principle” is an essential feature of the principle of “sustainable development”. The precautionary principle can be explained in the following terms:

(i) Environmental measures — by the State Government and the statutory authorities — must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The “onus of proof” is on the actor or the developer/industrialist to show that his action is environmentally benign. (Para 43)

The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by justified concern or risk potential. (Para 43)

A situation may arise where there may be irreparable damage to the environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Supreme Court has held that in case of a doubt, protection of environment would have precedence over the economic interest. It has further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on a reasonable suspicion: it has been emphasised that it is not always necessary that there should be direct evidence of harm to the environment. (Para 43)

E.N. Godavarman Thirumulpad v. Union of India. (2022) 9 SCC 306; *T.N. Godavarman Thirumulpad (104) v. Union of India.* (2008) 2 SCC 222; *Indian Council For Enviro-Legal Action v. Union of India.* (1996) 5 SCC 281; *Vellore Citizens' Welfare Forum v. Union of India.* (1996) 5 SCC 647, followed

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M.C. Mehta v. Kamal Nath. (1997) 1 SCC 388; *A.P. Pollution Control Board v. M.V. Nayudu.* (1999) 2 SCC 718. *affirmed*

- a* *Goa Foundation v. Union of India.* (2011) 15 SCC 791; *T.N. Godavarma Thirumulpad v. Union of India.* (2010) 13 SCC 740; *T.N. Godavarma Thirumulpad v. Union of India.* (2002) 10 SCC 606; *T.N. Godavarma Thirumulpad (87) v. Union of India.* (2006) 1 SCC 1; *T.N. Godavarma Thirumulpad v. Union of India.* (2012) 3 SCC 277; *Goa Foundation v. Union of India.* (2014) 6 SCC 589. *referred to*
M.C. Mehta v. Union of India. (2004) 12 SCC 118. *cited*

- b* **E. Constitution of India — Arts. 32 and 226 — Public interest litigation — Impleadment of legal representatives of petitioner after his death — When not necessary — Writ petition filed in nature of a public interest litigation for protection of forest lands of certain State and natural resources throughout the country — After death of original writ petitioner, petition being a public interest litigation, held, there was no requirement for bringing on record the legal representatives of the deceased petitioner (Para 2)**

- c* *T.N. Godavarma Thirumulpad v. Union of India.* (1997) 2 SCC 267. *considered*
T.N. Godavarma Thirumulpad v. Union of India. (2022) 10 SCC 584; *T.N. Godavarma Thirumulpad (50) v. Union of India.* (2013) 8 SCC 198; *T.N. Godavarma Thirumulpad v. Union of India.* (2012) 13 SCC 449; *T.N. Godavarma Thirumulpad, In re v. Union of India.* (2022) 10 SCC 589; *T.N. Godavarma Thirumulpad v. Union of India.* (2002) 10 SCC 634. *referred to*

- d* *Ambica Quarry Works v. State of Gujarat.* (1987) 1 SCC 213; *Rural Litigation & Entitlement Kendra v. State of U.P.*, 1989 Supp (1) SCC 504; *Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority*, WP (C) No. 719 of 1996, order dated 29-11-1996 (SC); *State of Bihar v. Banshi Ram Modi.* (1985) 3 SCC 643. *cited*

SK-D/68989/C

Advocates who appeared in this case :

- e* Balbir Singh, Additional Solicitor General, Saurabh Mishra and Nikhil Goel, Additional Advocates General (State of Madhya Pradesh), A.D.N. Rao (Amicus Curiae), Ms Aparajita Singh (Amicus Curiae), Nalin Kohli, Dr Manish Singhvi, Siddharth Bhatnagar and V.K. Shukla, Senior Advocates [Rahul Mishra, Amit P. Sahi, D. Shiva Shankar, Ms Ananya Khandhelwal, Agrima Singh, Siddhartha Chowdhury (Amicus Curiae), M.R. Chanchal Kr. Ganguli (Advocate-on-Record), Syed Mehdi Imam (Advocate-on-Record), T. Harish Kumar (Advocate-on-Record) (for M/s Mitter & Mitter Co.) (Advocate-on-Record), M/s Lawyer S. Kmit & Co. (Advocate-on-Record), Ms Anil Katiyar (Advocate-on-Record), Shuvodeep Roy (Advocate-on-Record), Ankit Roy, Ishaan Borthakur, Ms Nimisha Menon,
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25.	(1987) 1 SCC 213, <i>Ambica Quarry Works v. State of Gujarat</i>	566f-g
26.	(1985) 3 SCC 643, <i>State of Bihar v. Banshi Ram Modi</i>	566g

The Judgment of the Court was delivered by b

ANIRUDDHA BOSE, J.— These proceedings originate from the writ petition under Article 32 of the Constitution of India registered as WP (Civil) No. 202 of 1995 (*T.N. Godavarman Thirumulpad v. Union of India*), which is in the nature of a public interest litigation. It was instituted for protection of forest lands in the Nilgiris District of the State of Tamil Nadu. Subsequently, the scope of that writ petition was enlarged so as to protect such natural resources throughout the country. c

2. The original writ petitioner has since passed away (on 1-6-2016) but in an order passed on 3-2-2017¹, this Court opined that being a public interest litigation, there was no requirement for bringing on record the legal representatives of the deceased petitioner. The writ petition, in substance, continued with the cause-title *T.N. Godavarman Thirumulpad, In re v. Union of India*. Various orders have been passed from time to time in this writ petition to ensure preservation of forest resources of this country in balance with economic activities. By an order of this Court dated 9-5-2002², a Central Empowered Committee (“CEC”) was directed to be formed primarily for monitoring implementation of this Court’s orders and to place the incidents of non-compliance before us. Subsequently, by Notification issued on 17-9-2002 by the Ministry of Environment and Forests in exercise of power under Section 3(3) of the Environment (Protection) Act, 1986, this Committee was constituted under statutory provisions. CEC has been bringing to the notice of this Court the steps taken for removal of encroachment, implementation of working plans, compensatory afforestation, plantation and other conservation issues. d

3. In this order, we shall be mainly dealing with two sets of issues. The first set relates to mining activities in and around a wildlife sanctuary in the State of Rajasthan, known as “Jamua Ramgarh” (also spelt as Jamwa Ramgarh). The second set of issues is wider in scope, and involves prescribing eco-sensitive zones (“ESZ”) surrounding the wildlife sanctuaries and national parks. The subject of mining and other commercial activities within the wildlife sanctuaries and national parks (protected forests) shall also be dealt with by us in this order. e

4. The applications before us require examination in the perspective of a set of recommendations made by CEC and we have been urged by a set of applicants to make certain modifications of this Court’s earlier directions f

¹ *T.N. Godavarman Thirumulpad v. Union of India*, (2022) 10 SCC 584 g

² *T.N. Godavarman Thirumulpad (50) v. Union of India*, (2013) 8 SCC 198 h

- a* concerning steps to be taken for protection of forest resources. The applicants seeking modifications of our earlier orders include a set of miners, and, in some cases, the State Governments asking for opening up of the protected forest areas and their buffer zones, on which restrictions have been placed in by our earlier orders, for commercial exploitation. There is dispute as to what would constitute the buffer zones on ESZ in respect of national parks and wildlife sanctuaries, as there are divergence of views among the various stakeholders.
- b* 5. The present set of applications arise out of a report of CEC dated 20-11-2003. This report specifically pertains to Jamua Ramgarh Wildlife Sanctuary. This Sanctuary covers an area of about 300 sq km. The said report gives a horrific picture of ravaging of a protected forest mainly by private miners mostly with temporary working permits obtained from the governmental agencies. The following recommendations were made in this report:
- c*
- “17 ... (i) all mining leases which wholly or partly fall within the forest area inside Jamua Ramgarh Sanctuary and also within the safety zone, should be immediately cancelled. The mining activity can be allowed to be resumed only after the new/amended mining leases, after excluding the forest area and the safety zone are sanctioned by the competent authority and the conditions mentioned herein under are fully complied with;
- d*
- (ii) presently a safety zone of 25 m has been fixed for Jamua Ramgarh Sanctuary and other sanctuaries in Rajasthan as against 500 m for Ranthambhore National Park in Rajasthan itself. In Madhya Pradesh safety zone of 250 m for all the 20 forest area has been fixed. CEC is of the view that minimum 500 m safety zone around national parks and sanctuaries is necessary where no mining, construction and other projects should be allowed. Without a reasonable safety zone the habitat and wildlife in the national parks and sanctuaries are adversely affected. Although stringent conditions are imposed at the time of the sanction of the mining leases, none are practically complied with due to weak enforcement of the laws. The mining causes heavy disturbance in the area due to blasting, removal of overburden, chiselling, transportation, flying debris and movement of a large number of labourers and other persons. The safety zone of 25 m presently prescribed by the Rajasthan Forest Department is totally inadequate as the rocks torn apart during blasting can travel much beyond the present safety zone. However, increasing the safety zone to the desired level of 500 m will result in closure of large number of mines. Taking a holistic overall view of the situation, CEC recommends that for the Jamua Ramgarh Wildlife Sanctuary, for the “existing” mines the safety zone may be fixed as 100 m wherein no mining should be permitted. “For new” mining leases the safety zone may be fixed as 500 m.
- e*
- f*
- g*
- h* (iii) reclamation and rehabilitation of the area mined inside the sanctuary should be carried out in a time-bound manner at the cost of the user agency for which a detailed reclamation and rehabilitation plan along with various items of work, cost involved and time-frame should be prepared and implemented on priority basis. The plan presently prepared

by the State Government is totally inadequate. It does not provide for reclamation and rehabilitation of the mining pits at all. No provision for removal of stones and rocks scattered in the sanctuary has been made. Intensive plantations and protection has not been provided. The revised plan should incorporate the above and other necessary measures to provide a congenial habitat for wildlife. In the event adequate funds for this purpose cannot be recovered from the erstwhile mine lease owners, the same should be made available by the State Government;

(iv) mining around the sanctuary should be allowed to restart only after a foolproof mechanism is put in place to ensure recovery of funds for implementation of reclamation and rehabilitation plan by the State Government;

(v) exemplary compensation equivalent to the present market value of the entire mineral removed by the respective mine owners by mining inside the sanctuary in violation of the FC Act and/or the WP Act should be recovered from them on the basis of the recorded production or the estimated figures mentioned in the FC Act applications. The money so recovered should be used for protection and development of the sanctuary to its full potential;

(vi) the leftover minerals scattered inside the sanctuary should be directed to be removed immediately.

(vii) the leftover mining equipments such as cranes, etc. should be confiscated and removed outside the sanctuary at the cost of the erstwhile mine leaseholders;

(viii) no mining should be permitted adjoining the sanctuary till the boundary of the sanctuary is demarcated on the ground and the boundary pillars are verified with the fixed reference points;

(ix) disciplinary action should be taken in a time-bound manner against the erring officials in the Mines and the Forest Departments of the State of Rajasthan and the MoEF for allowing mining in violation of the Forest (Conservation) Act, the Wildlife (Protection) Act and/or this Hon'ble Court's order;" (quoted verbatim from paperbook)

6. This Court had converted this report with its set of recommendations into an interlocutory application and was allocated registration number IA No. 1000 of 2003.

7. On 20-9-2012, a second report was submitted by CEC. The recommendations made in the second report went beyond Janua Rangarh Sanctuary and dealt with creation of identification and declaration of safety zones around protected forests all across the country. The question of having ESZ around the protected forests was examined by this Court earlier in another writ petition [WP (Civil) No. 460 of 2004] in *Goa Foundation v. Union of India*. In the said writ petition, the following order was passed on 4-12-2006 [reported in *Goa Foundation v. Union of India*³]: (SCC pp. 792-93, para 4)

a “4. The Ministry is directed to give a final opportunity to all States/
Union Territories to respond to its letter dated 27-5-2005. The State of Goa
also is permitted to give appropriate proposal in addition to what is said
to have already been sent to the Central Government. The communication
sent to the States/Union Territories shall make it clear that if the proposals
are not sent even now within a period of four weeks of receipt of the
communication from the Ministry, this Court may have to consider passing
b orders for implementation of the decision that was taken on 21-1-2002,
namely, notification of the areas within 10 km of the boundaries of
the sanctuaries and national parks as eco-sensitive areas with a view
to conserve the forest, wildlife and environment, and having regard to
the precautionary principles. If the States/Union Territories now fail to
respond, they would do so at their own risk and peril.”

c 8. Two writ petitions have been instituted titled as *Goa Foundation v. Union
of India* [WP (Civil) No. 460 of 2004] and *Goa Foundation v. Union of India*
[WP (Civil) No. 435 of 2012], in relation to enforcement of various circulars
issued for enforcement of environmental laws and to prevent illegal mining
in different States including the State of Goa. There are certain overlapping
issues involved in the present writ petition and the cases of *Goa Foundation*.
d The directions which we propose to issue in this judgment/order shall take into
account the orders passed in the cases of *Goa Foundation* and such directions
shall be supplemental to the orders passed in any of the aforesaid two writ
petitions if our directions passed in this order relate to areas or subjects covered
by any mandate passed in the said two writ petitions.

e 9. A set of Guidelines for Declaration of Eco-Sensitive Zones Around
National Parks and Wildlife Sanctuaries had been formulated by the Ministry of
Environment, Forests and Climate Change (“MoEF&CC”) of the Government
of India on 9-2-2011 [F. No. 1-9/2007 WL — I (pt)]. These Guidelines deal
with the process and procedures to be adopted for declaring eco-sensitive zones
(“ESZ”). In Clauses 3 and 4 of these Guidelines, it has been stipulated:

f “3. *Purpose for declaring eco-sensitive zones.*

The purpose of declaring eco-sensitive zones around national parks and
sanctuaries is to create some kind of “Shock Absorber” for the protected areas.
They would also act as a transition zone from areas of high protection to areas
involving lesser protection. As has been decided by the National Board for
Wildlife, the activities in the eco-sensitive zones would be of a regulatory
nature rather than prohibitive nature, unless and otherwise so required.

g 4. *Extent of eco-sensitive zones.*

h 4.1. Many of the existing protected areas have already undergone
tremendous development in close vicinity to their boundaries. Some of the
protected areas actually lying in the urban setup (e.g. Guindy National Park,
Tamil Nadu; Sanjay Gandhi National Park, Maharashtra, etc). Therefore,
defining the extent of eco-sensitive zones around protected areas will have to
be kept flexible and protected area specific. The width of the eco-sensitive

zone and type of regulations will differ from protected area to protected area. However, as a general principle the width of the eco-sensitive zone could go up to 10 km around a protected area as provided in the Wildlife Conservation Strategy-2002. a

4.2. In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 km width, these should be included in the eco-sensitive zone.

4.3. Further, even in context of a particular protected area, the distribution of an area of eco-sensitive zone and the extent of regulation may not be uniform all around and it could be of variable width and extent.” b

(quoted verbatim from paperback)

10. In Clauses 6 and 7 of the said Guidelines, it has been specified:

“6. The procedure to be adopted.

6.1. As has been indicated in the foregoing paragraphs, the basic aim is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimise the negative impacts of such activities on the fragile ecosystem encompassing the protected area. As a first step towards achieving this goal, it is a prerequisite that an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the protected area (National Parks, Sanctuaries) as well as important corridors be made. The inventory could be done by the Range Officers concerned, who can take a stock of activities within 10 km of his range. c

6.2. For the above purpose, a small committee comprising the Wildlife Warden concerned, an ecologist, an official from the Local Self Government and an official of the Revenue Department of the area concerned, could be formed. The said committee could suggest the: d

(i) Extent of eco-sensitive zones for the protected area being considered. e

(ii) The requirement of such a zone to act as a shock absorber.

(iii) To suggest the best methods for management of the eco-sensitive zones, so suggested. f

(iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

6.3. Based on the above, the Chief Wildlife Warden could group the activities under the following categories (an indicative list of such activities is attached as Annexure I): g

(i) Prohibited.

(ii) Restricted with safeguards.

(iii) Permissible.

6.4. Once the proposal for Eco-sensitive zones has been finalised, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/Union h

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a Territory Forest Department could forward the proposals to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single protected area) are complete. An indicative list of details that need to be submitted along with the proposals is at Annexure 2.

b 6.5. It is to mention here that in cases where the boundary of a protected area abuts the boundary of another State/Union Territory where it does not form part of any protected area, it shall be the endeavour of both the State/Union Territory Governments to have a mutual consultation and decide upon the width of the eco-sensitive zone around the protected area in question.

c 6.6. The State Government should endeavour to convey a very strong message to the public that ESZ are not meant to hamper their day-to-day activities, but instead, is meant to protect the precious forests/protected areas in their locality from any negative impact, and also to refine the environment around the protected areas. A copy of the notification of the Sultanpur Eco-sensitive Zone issued by the Ministry is attached herewith at Annexure 3 for reference and guidance.

d 7. These guidelines are indicative in nature and the State/Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimising and preferably eliminating any negative impact on protected areas.”

(quoted verbatim from paperback)

e 11. As per the said Guidelines, commercial mining, setting up of sawmills and industries causing pollution, commercial use of firewood, establishment of major hydroelectric projects, use of production of any hazardous substances, undertaking activities related to tourism like overflying the national park area by any aircraft, hot-air balloons, discharge of effluents and solid waste in natural water bodies or terrestrial areas have been proposed to be made prohibited activities. Certain other activities having lesser environment damaging potential have been proposed to be regulated.

f 12. By an order passed on 4-8-2006⁴, this Court had, inter alia, restrained grant of temporary working permits for mining within safety zones around any national park/wildlife sanctuary declared under Sections 18, 26-A or 35 of the Wild Life (Protection) Act, 1972. As an interim measure, direction was issued to maintain one kilometre safety zone, which was subject to the orders that may be made in the present IA (IA No. 1000 of 2003).

g 13. The second report of the CEC dated 20-9-2012 makes the following recommendations as regards identification and declaration of ESZ. This report entitled “**Note regarding Safety Zones (Eco-Sensitive Zones) Around National Parks and Wildlife Sanctuaries**” makes the following recommendations:

h “10. After considering that during the last ten years no significant progress has been made regarding identification and declaration of safety zones around

4 *T.N. Godavarma Thirumulpad v. Union of India*, (2010) 13 SCC 740

protected areas and considering the matter in its totality, an implementable scheme has been prepared by CEC and which has been dealt with in subsequent paragraphs.

11. For the purpose of identification and declaration of the safety zones around National Parks/Wildlife Sanctuaries (hereinafter referred to as protected areas), the protected areas based on their areas, are classified into four categories:

(i) **CATEGORY A** — The protected areas having an area of 500 sq km or more. The total number of such protected areas is 73 and their total area is about 1,01,389 sq km (63.44 % of total area of protected areas);

(ii) **CATEGORY B** — The protected areas having an area between 200 sq km to 500 sq km. The total number of such protected areas is 115 and their total area is about 38,942 sq km (24.37 % of total area of protected areas);

(iii) **CATEGORY C** — The protected areas having an area between 100 sq km to 200 sq km. The total number of such protected areas is 85 and their total area is about 12,066 sq km (about 7.55 % of total area of protected areas); and

(iv) **CATEGORY D** — The protected areas having an area up to 100 sq km. The total number of such protected areas is 344 and their total area is about 7422 sq km (about 4.65 % of total area of all protected areas).

12. Wherever two or more protected areas are contiguous to each other, such protected areas will be placed in the appropriate category based on the sum total of their areas (and not on the basis of area of individual protected area). The details of some of the contiguous protected areas are given below:

(i) Corbett National Park (520 sq km) and Sonanadi Sanctuary (301 sq km) — total area is 821 sq km and therefore both will fall in Category A;

(ii) Gir National Park (258 sq km) and Gir Sanctuary (1153 sq km)—total area is 1411 sq km and therefore both will fall in Category A;

(iii) Periyar National Park (350 sq km) and Periyar Sanctuary (427 sq km)—total area is 777 sq km and therefore both will fall in Category A;

(iv) Satpura National Park (585 sq km), Bori Sanctuary (485 sq km) and Pachmarhi Sanctuary (417 sq km)—total area is 1488 sq km and therefore all three will fall in Category A;

(v) Valmiki National Park (335 sq km) and Valmiki Sanctuary (545 sq km) — total area is 880 sq km and therefore both will fall in Category A;

(vi) Tadoba National Park (116 sq km) and Andhari Wildlife Sanctuary (509 sq km) — total area is 625 sq km and therefore both will fall in Category A; and

(vii) Sariska National Park (273 sq km) and Sariska Sanctuary (219 sq km) — total area is 492 sq km and therefore both will fall in Category B;

13. The safety zone, in respect of protected areas falling in Category A and Category B, may comprise of all the areas including non-forest areas falling within a distance of two kilometres and one kilometre respectively from the boundaries of the protected area. Such distances, in respect of protected areas

falling within Category C and Category D, may be kept at 500 m and 100 m respectively.

a

14. The grant/renewal of mining leases (excluding for collection of boulders, gravel and sand from river beds), setting up of hazardous industries, brick kilns, wood-based industries (except MDF/Particle Boards Plants) will be treated as prohibited activities within the safety zone (eco-sensitive zones). The activities such as setting up of industries (other than those included in the list of prohibited activities), hotels and restaurants including resorts, commercial helicopter services, hydel projects, irrigation projects, canals, laying of transmission lines and distribution lines above 33 kV, roads of more than five metre width and collection of boulders, gravel and sand from the river beds will be treated as regulated activities and which will be permissible only after obtaining environment clearance and clearance of the Standing Committee, National Board for Wildlife. All other activities which are not prescribed as prohibited activities or regulated activities will be treated as permissible activities.

b

c

15. The State/UT concerned will be at liberty to shift a protected area from a lower category to higher category (say from Category C to Category B) after considering the importance of the protected area on account of:

d

(i) presence of flagship species/endangered species such as Tiger, Lion, Elephant, Rhino, Snow Leopard, Red Panda, Hangul, Musk deer, Great Indian Bustard, Lion Tailed Macaque, floricans;

(ii) fragile ecosystem such as Western Ghats, North Eastern States, areas having high altitude flora and fauna, rainforest, mangroves, marine ecosystem;

e

(iii) World Heritage sites; and

(iv) Wetland ecosystems.

f

16. The State/UT Governments concerned may after detailed examination of the status of habitation, existing industries and other activities and other relevant factors, and, if found desirable and in public interest forward the proposal(s) for shifting a protected area from a higher category to a lower category. They may also forward the proposal(s) for exclusion of the areas of cities falling within the safety zone. The MoEF thereafter will examine such proposals and place such proposals before the Standing Committee of the National Board for Wildlife for its consideration. The proposals cleared by the Standing Committee of the NBWL will be placed before this Hon'ble Court for seeking its permission. It is only after obtaining the permission of this Hon'ble Court that a protected area may be shifted from a higher category to a lower category.

g

17. The safety zones (eco-sensitive zones) around national parks and wildlife sanctuaries will be in addition to the following eco-sensitive zones notified by the MoEF (and by other notifications, if any):

h

(i) S.O. 20(E), (6-1-1989) Prohibiting industries on Murud-Janjira, District Raigadh, Maharashtra;

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(ii) S.O. 102(E), (1-2-1989) — Restricting location of industries, mining and other activities in Doon Valley (U.P.);

(iii) S.O. 416(E), (20-6-1991) Dahamu Taluka, District Thane (Maharashtra) to declare as Ecologically Fragile Area, amended 1999; a

(iv) S.O. 319(E), (7-5-1992) Restricting certain activities causing environmental degradation at Aravalli Range;

(v) S.O. 481(E), (5-7-1996) No Development Zone at Numaligarh, East of Kaziranga;

(vi) S.O. 884(E), (19-12-1996) Dahamu Taluka Environment Protection Authority, 1996, amended 2001; b

(vii) S.O. 350(E), (13-5-1998) — Order constituting the Taj Trapezium Zone Pollution (Prevent and Control) Authority;

(viii) S.O. 825(E), (17-9-1998) Pachmarhi Region as an eco-sensitive zone;

(ix) S.O. 52(E), (17-1-2001) Mahabaleshwar Panchgani Region as an eco-sensitive zone; c

(x) S.O. 133(E), (4-2-2003) Matheran and surrounding region as an eco-sensitive zone

1. S.O. 83 (E), (16-1-2004) — Amendments to S.O. 133(E) dated 4-2-2003;

(xi) S.O. 1545(E), (25-6-2009), Mount Abu as eco-sensitive zone; and d

(xii) S.O. 1260(E), (31-5-2012) — Girnar Reserve Forest as eco-sensitive zone.

18. It is respectfully submitted that the above proposals are submitted in the backdrop of inordinate delay that has taken place in the identification and declaration of safety zones around National Parks/Wildlife Sanctuaries and so as to ensure that the process of such declarations do not remain pending indefinitely.” e
(quoted verbatim from paperbook)

14. To the said report, another supplementary note dated 18-1-2013 has been submitted. This report is also in connection with notifying the ESZ around protected forests. The following passage from this report is relevant:

“4. After considering the inordinate delay which has already taken place in notifying the safety zone around National Parks/Wildlife Sanctuaries and considering the ground situation as it exists, CEC is of the considered view that it may be appropriate that an early decision is taken regarding the safety zones around National Park/Sanctuaries. The proposal submitted by CEC while ensuring that effective restrictions and regulations are put in place immediately and implemented in an objective manner also, after detailed examination, provides for adequate flexibility to modify the areas of the safety zones.” f
g
(quoted verbatim from paperbook)

15. In connection with IA No. 1000 of 2003, several other applications have been filed, mainly by miners concerning the Jamua Rangarh Wildlife Sanctuary. The order passed on 4-8-2006 by this Court [reported in *T.N. Godavarman Thirumulpad v. Union of India*⁴] in relation to grant of h

⁴ (2010) 13 SCC 740

a temporary working permits was made subjecting them to compliance of certain preconditions. These preconditions, inter alia, were: (SCC pp. 743-44, para 19)

“19. (i) TWPs can only be granted for the renewal of mining leases, and not where the lease is being granted for the first time to the applicant user agency;

b (ii) The mine is not located inside any national park/sanctuary notified under Sections 18, 26-A or 35 of the Wild Life (Protection) Act, 1972;

(iii) The grant of TWP would not result in any mining activity within the safety zone around such areas referred to in Precondition (ii) above (as an interim measure, one kilometre safety zone shall be maintained subject to the orders that may be made in IA No. 1000 regarding Jamua Rangarh Sanctuary);

c (iv) The user agency who has broken up the area of the mine (in respect of which TWP is being sought) has or had the requisite environmental clearances and at no time prior to the grant of the TWP was any mining being carried on by the user agency in relation to the mine in question, in violation of the provisions of the Forest (Conservation) Act (for short “the FC Act”). In cases involving violation of the FC Act, a formal decision on merit should be taken under the FC Act after considering the gravity of the violation. However, the grant of a TWP may be considered where past violations have been regularised by the Ministry of Environment and Forests (for short “MoEF”) by the grant of an approval under the FC Act with retrospective effect;

d (v) The conditions attached to the approval under the FC Act for the grant of the mining lease (or the renewal of the mining lease) have been fulfilled, particularly those in respect of (but not limited to) compensatory afforestation, reclamation plan and overburden dumping on the specified site;

e (vi) The user agency has, within the stipulated time, already filed a proposal in conformity with the Forest (Conservation) Rules, 1980 for seeking an approval under the FC Act along with the complete details as are required to be furnished. An application for the grant of TWP in favour of the user agencies, who have either not filed a proper proposal and/or have not provided complete information, particularly in respect of (but not limited to) compensatory afforestation, phased reclamation plan, felling of trees, details of minerals extracted in the past, etc. should not be entertained;

f (vii) A TWP shall be granted only limited to working in the area broken up legally and during the validity of the lease. No TWP can be granted in respect of, or extending to either unbroken area or the areas which have been broken after the expiry of the mining lease or have been broken in violation of the FC Act or any other law for the time being in force;

g (viii) In no circumstances can the duration of a TWP extend beyond the period of one year. Where an application for the grant of permission under

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the FC Act is not disposed of during the currency of TWP, the applicant, on the strength of the same TWP, may continue to operate for a period not exceeding three months unless specific orders are obtained from this Court; and

(ix) A valid lease under the MMRD Act exists [including by way of a deemed extension in terms of Rule 24-A(6) of the Mineral Concession Rules] in respect of the area of the TWP.”

16. We shall now briefly refer to the individual IAs filed in connection with IA No. 1000 of 2003:

16.1. The applicants in IAs Nos. 982-84 of 2003, 1026-28 of 2004, 1123-24 of 2004, 1197-99 of 2004, 1210-11 of 2004, 1250-51 of 2004 and 1512 of 2006 are firms who claim to be mining leaseholders or their representative bodies seeking impleadment in IA No. 1000 of 2003 as also other reliefs. All these applicants (barring the applicant in IA No. 1512 i.e. Andhi Marbles) seek impleadment in the present proceeding. All of them also seek certain direction that might allow them to carry on mining activities. Among them, Jaipur Mineral Development Syndicate Pvt. Ltd. (IAs Nos. 1123-24 of 2004) has taken a plea that Section 66(4) of the Wild Life (Protection) Act, 1972 was not applicable to it and in that regard a pending writ petition instituted by them in the High Court of Rajasthan (Writ Petition No. 570 of 2002) has been cited. In the said application permission has been sought for restarting the mining activities in non-forest area. Directions have also been asked to prevent initiation of penal proceedings against the applicant under the Wild Life (Protection) Act, 1972.

16.2. The applicant in IAs Nos. 982-84 of 2003 is one Smt Magan Devi Meena. Her case is that she was allotted mining area which is outside the reserve forest/sanctuary in Thali Village and falls outside Pillar No. 407 (the demarcation point of forest/sanctuary area). She essentially questions legality of the letter dated 30-5-2003 issued by the Mining Engineer, Jaipur, Office of Mining Engineer & Geology Department, Jaipur, Rajasthan stopping mining operation in the disputed area of Jamua Ramgarh Wildlife Sanctuary and pending completion of demarcation.

16.3. In IAs Nos. 1210-11 of 2004, the applicant is Madhu Agarwal. Her prayer is for fresh demarcation of Pillar No. 1 to Pillar No. 428 around the said sanctuary and she has also sought directions on the State Government to release the excess land from the reserve forest area after fresh demarcation. The applicant in this case has been involved in mining of dolomite in Jamua Ramgarh Tehsil in the area known as Rayanwala of Digota Forest Block 61.

16.4. IAs Nos. 1250-51 of 2004 have been taken out by Bhushan Sharma, successor-in-interest of one Sharda Devi, who was the original allottee of mining around Jamua Ramgarh Wildlife Sanctuary. It is the case of the applicant that his operations have been stopped by letter dated 30-5-2003 issued by the Mining Engineer, Jaipur, office of Mining Engineer & Geology Department, Jaipur, Rajasthan in the disputed area of Jamua Ramgarh Sanctuary. Survey had revealed that mining activities were being carried on

a inside the wildlife sanctuary. The report of CEC dated 27-5-2003 found number of mines operating around or in two villages, Sankotda and Thali, which were within the sanctuary and CEC also found that the earlier finding of a committee could not be taken as conclusive proof that the area involved was a non-forest land and fell outside the sanctuary. The State of Rajasthan, however, has taken a stand in their affidavit affirmed on 15-4-2004 that delineation and demarcation of the boundaries have already been done.

b **16.5.** In IA No. 1512 of 2006, M/s Andhi Marbles Pvt. Ltd. are the applicants. They have prayed for permission to resume mining operations excluding the land to the extent of 100 m from the forest/sanctuary.

c **16.6.** In IA No. 3880 of 2015, the applicant is the State of Rajasthan. Prayer has been made in this application for appropriate direction for issuing the ESZ of wildlife sanctuaries and national parks and to keep in abeyance a letter issued by CEC on 21-10-2014 by which one kilometre distance has been required to be maintained in respect of mining activities from the boundaries of the national parks and wildlife sanctuaries. Certain other clarifications have also been sought as regards the order of this Court passed on 4-8-2006⁴ and we shall deal with the said issues later in this judgment. The State of Rajasthan has filed several other affidavits and the common theme of these affidavits is for lifting the restrictions and permit mining activities in and around the protected forests to energise the economy of the State. The State seeks permission for subsisting mining activities to operate outside the protected forests and ESZ. It is also their stand that most of the mining areas in Jamua Ramgarh Sanctuary were sanctioned prior to coming into operation of the Forest (Conservation) Act, 1980 and declaration of the said sanctuary on 31-5-1982.

e **17.** Apart from mining activities in the Jamua Ramgarh Sanctuary, applications have also been taken out in relation to the CEC reports as the said reports deal with protected forests all across the country and contemplate uniform ESZ norms for their protection. On 14-7-2003, the recommendations of CEC dated 27-12-2002 were accepted⁵ by this Court in IA No. 887 of 2003. The said application related to wood-based industries in the State of Maharashtra, and, inter alia, 64 sawmills concerned. That application was disposed of with a direction for consideration of their cases within a period of two months and if they were found eligible, their applications were directed to be sent to CEC. The latter was to submit a report and the State of Maharashtra was directed to abide by the aforesaid recommendations.

f **17.1.** In IA No. 1412 of 2005, the applicants are Maharashtra Timber Laghu Udyog Mahasangha along with Poona Timber Merchant (owners of sawmills in the State of Maharashtra). They want clarification of the order of this Court passed in *T.N. Godavarman Thirumulpad v. Union of India*⁵ for consideration of the cases of 64 sawmill owners for grant of licence as per

g ⁴ *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740

h ⁵ *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 13 SCC 449

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Notification dated 16-7-1981 issued by the State of Maharashtra amending the Bombay Forest Rules, 1942. This Court had directed in the aforesaid order (of 14-7-2003⁵) that the cases of the applicants may be examined by the State Government within a period of two months and if they are found eligible, their applications could be sent to CEC who might submit a report to this Court. In the present application the applicants want grant of licence considering Condition No. 3 of the Government's Notification dated 16-7-1981.

17.2. The applicants in IA No. 117831 of 2019 are Maharashtra Timber Laghu Udyog Mahasangha along with Poona Timber Merchant (64 sawmills owners) in connection with grant of licences for operating sawmills. In the present order, we are confining our examination of proceedings arising out of IA No. 1000 of 2003. As such, the aforesaid applications ought to be listed independently before the appropriate Bench.

18. The applicant in IA No. 96949 of 2019 is the State of Maharashtra. On 11-12-2018⁶, this Court had passed an order in respect of 21 national parks and wildlife sanctuaries, which included Thane Creek Flamingo Sanctuary. This order, inter alia, records and directs: (*T.N. Godavarman Thirumulpad case*⁶, SCC p. 594, paras 7-10)

“7. It is submitted by the learned Amicus that this issue has been pending since sometime in December 2006. 12 years have gone by but no effective steps have been taken by the State Governments in respect of the national parks and wildlife sanctuaries mentioned above.

8. Under the circumstances, we direct that an area of 10 km around these 21 national parks and wildlife sanctuaries be declared as eco-sensitive zone by the MoEF. The declaration be made by the MoEF at the earliest.

9. Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF.

10. List the matters at the end of February 2019. In the meanwhile, interim order to continue.” (quoted verbatim from paperbook)

19. The prayer of the State of Maharashtra in this application is to the following effect:

“(A) This Hon'ble Court be pleased to modify its order dated 11-12-2018⁶ directing that an area of 10 km around Thane Creek Flamingo Sanctuary situated in the State of Maharashtra be declared as eco-sensitive zone by the Ministry of Environment and Forests; and

(B) That this Hon'ble Court be pleased to direct that the area of 0-3.5 km as proposed in the proposal submitted by the State Government on 22-5-2019 to the Ministry of Environment and Forests be declared as eco-sensitive zone in respect of Thane Creek Flamingo Sanctuary; and

(C) Pass any other order and or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

(quoted verbatim from paperbook)

⁵ *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 13 SCC 449

⁶ *T.N. Godavarman Thirumulpad, In re v. Union of India*, (2022) 10 SCC 589

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a **20.** The other applications in respect of the same sanctuary is by an association of real estate developers, CREDAI-MCHI registered as IA No. 65571 of 2021. The main prayer in IA No. 65571 of 2021 is:

b “(a) Modify the order dated 11-12-2018 passed by this Hon’ble Court in *T.N. Godavarman Thirumulpad, In re v. Union of India*⁶ inasmuch as it relates to Thane Creek Flamingo Sanctuary and direct that the eco-sensitive zone around the said Sanctuary shall be in terms of the proposal dated 10-3-2021 submitted by the State Government and the draft Notification dated 8-4-2021 published by the Ministry of Environment & Forests, Government of India; and/or

c (b) Pass such other order(s) as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(quoted verbatim from paperback)

d **21.** The order on 11-12-2018⁶ was passed by this Court as the proposals in respect of 21 national parks and wildlife sanctuaries had not yet been received by the Ministry of Environment, Forests and Climate Change. Recommendations of CEC as regards maintaining ESZ were made in relation to wildlife sanctuaries and national parks on 20-9-2012. As per the order passed on 11-12-2018⁶, the proposal of the State Government was to be made before the MoEF&CC and it appears that a draft Notification dated 8-4-2021 concerning Thane Creek Flamingo Sanctuary has already been published by the MoEF&CC. Let the MoEF&CC take final decision in relation to such draft notification as per the provisions of law. Such decision, if already taken, may be placed before this Court one week after reopening of the Court on conclusion of the summer vacation. If such decision is not taken, then the decision may be taken as per law within a period of six weeks and be placed before us within the same time-frame. This Court shall consider passing appropriate direction thereafter, upon going through such decision.

e **22.** In IA No. 1992 of 2007, the M.P. State Mining Corporation Ltd. has applied for the following reliefs:

f “(i) grant permission to file present application for clarification;

g (ii) clarify that the directions as contained in interim order dated 4-8-2006 of this Hon’ble Court in *T.N. Godavarman Thirumulpad v. Union of India*⁴. Pertains only to mining activity in Temporary Working Permission (TWP) cases requiring approval under the Forest (Conservation) Act, 1980 and that the said directions do not apply to the regular quarry lease on a revenue land particularly when such quarry lease is granted to the State-owned Mining Corporation by the State Government itself.”

(quoted verbatim from paperback)

h ⁶ (2022) 10 SCC 589
⁴ (2010) 13 SCC 740

23. So far as this application is concerned, we repeat that in this order, we are dealing with the issues arising out of IA No. 1000 of 2003. The scope of this application relates to mining and other activities within the national parks and wildlife sanctuaries and maintaining ESZ around individual protected forests. The reliefs asked for by the M.P. State Mining Corporation Ltd. in IA No. 1992 of 2007 do not come within the ambit of the subject we are addressing in this judgment/order. This application of the Mining Corporation/company is in connection with temporary working permits in non-forest areas. This application will also have to be addressed separately.

24. There are two affidavits of M/s Andhi Marbles Pvt. Ltd. affirmed on 19-2-2004 and 29-7-2004 pertaining to Jamua Rangarh Sanctuary. Complaint against said M/s Andhi Marbles is in relation to mining leases granted and operated by them. In the CEC report which has been transformed into IA No. 1000 of 2003, it has been recorded that they were granted mining leases in violation of the Forest (Conservation) Act, 1980 as well as the Wild Life (Protection) Act, 1972. They had continued working on the temporary permits after the order of this Court dated 12-12-1996⁷.

25. In the order of this Court in *T.N. Godavarman Thirumulpad v. Union of India*⁷ it has been inter alia observed: (SCC pp. 269-70, para 4)

“4. The Forest (Conservation) Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest (Conservation) Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works v. State of Gujarat*⁸, *Rural Litigation & Entitlement Kendra v. State of U.P.*⁹ and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority*¹⁰). The earlier decision of this Court in *State of Bihar v. Bansi Ram Modi*¹¹ has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate

⁷ *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267

⁸ (1987) 1 SCC 213

⁹ 1989 Supp (1) SCC 504

¹⁰ WP (C) No. 749 of 1996, order dated 29-11-1996 (SC)

¹¹ (1985) 3 SCC 643

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a this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.”

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d 26. CEC's observation in IA No. 1000 of 2003 is that no mining activity was permissible inside the sanctuary as per this Court's order dated 14-2-2000¹² and the temporary working permits were granted in violation of the applicable statutory provisions and guidelines as the area involved fell inside the sanctuary. Andhi Marbles Pvt. Ltd. have taken a defence that their mining activities were in terms of the temporary working permit issued and in compliance with the specified conditions laid down by the MoEF&CC. A point has also been taken that the limits of the sanctuary were not notified and no notification under Section 26-A of the Wild Life (Protection) Act, 1972 was issued to declare the said area as sanctuary. They have also taken a point that the mining lease covering forest has been deleted from the lease document and they seek to operate two quarries, on non-forest land beyond the safety zone of 25 m, which has been specified as part of the Mineral Policy, 1994 of the State of Rajasthan. They also, in effect, seek resumption of mining activities in the area beyond 25 m from the forest boundary.

e 27. As regards the Guidelines of 9-2-2011, which have been referred to in the affidavit of MoEF&CC affirmed/verified by Dr Subrata Bose, Scientist 'I' Ministry of Environment, Forests and Climate Change, Government of India, stand of Andhi Marbles Pvt. Ltd. is that no consensus has been reached as regards notifying the areas within 10 km of the boundaries of national parks and wildlife sanctuaries as ESZ.

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g 28. In the affidavit filed on behalf of MoEF&CC, which we have referred to in the preceding paragraph, it has been stated that the Guidelines for Declaration of ESZ have been notified by the Ministry of Environment, Forests and Climate Change, Government of India. For the purpose of formulation of ESZ in relation to individual protected forest area, Para 6 of the said Guidelines has been brought to our notice. A detailed hierarchy has been prescribed for declaration of ESZ. Referring to *Gou Foundation* [WP (C) No. 435 of 2012], it has been stated in this affidavit that mining activity is prohibited within a distance of 1 km or the specified ESZ, whichever is higher.

29. On the pleas of Andhi Marbles Pvt. Ltd. and another leaseholder, Munni Devi, in subsequent affidavit verified on 29-4-2004 the MoEF&CC had justified granting of working permit to the said firms.

h 12 *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 634. **Ed.:** See also *T.N. Godavarman Thirumulpad (61) v. Union of India*, (2008) 16 SCC 401, dated 16-12-2002 and *T.N. Godavarman Thirumulpad v. Union of India*, (2006) 5 SCC 25, dated 16-9-2005.

30. The next affidavit of MoEF&CC was verified on 14-9-2005 and this affidavit deals with fixing of buffer zones for activities outside sanctuaries/forests. In this affidavit, it has been admitted that with respect to the details given in the earlier affidavit dated 29-4-2004 the decision taken by the Ministry at that point of time while granting temporary working permission on already broken up area in Jamua Rangarh could not incorporate all factual details and thus might not have been strictly compatible with the principles of environmental conservation. It has further been stated in this affidavit that the Ministry directed the State Government to ensure phased closure of mines.

31. Altogether seven affidavits dated 15-4-2004, 17-9-2004, 9-12-2004, 13-10-2006, 10-5-2007, 12-8-2008 and 1-11-2012 filed by the State of Rajasthan are on record before us. The stand of the State of Rajasthan as reflected in these affidavits is primarily in relation to the creation of ESZ.

31.1. It is their case that the decision of 25 m safety zone in relation to Jamua Rangarh Sanctuary has been conceived by the State and the State Government has also taken a decision that in the vicinity of sanctuaries, national parks and reserve forests, mining activities should not be undertaken within 25 m.

31.2. As regards other forest areas, their position is that mining ought to be undertaken in the immediate vicinity of the forest areas. They have expressed difficulties over taking over or acquisition of land around any sanctuary or other protected forest and their ESZ without proper proceeding.

31.3. As regards mining operations within sanctuary area of Jamua Rangarh, it has been stated that all mining activities within the sanctuary have been stopped. In their affidavit dated 12-8-2008, it has been disclosed by the State that mining activities in non-forest areas within 100 m of the Jamua Rangarh Sanctuary has been closed. Their plea is for allowing mining activity in non-forest areas within protected forests and beyond the ESZ of 100 m for economic activities, in the interest of local population as also the State's economy.

32. It has also been highlighted by the State that 25 sanctuaries, 2 national parks have been declared by the State comprising of a total area of 9,07,070 hectares and an area of 23,29,659 hectares of area as forest area or deemed forest is already existing as eco-sensitive/eco-fragile/buffer/safety zones in that State within which no non-forest activities is allowed without proper permission under the Forest (Conservation) Act, 1980. The State of Rajasthan has opposed the proposal for declaring 10 km beyond the boundary of sanctuaries and national parks being declared as ESZ.

33. The role of the State cannot be confined to that of a facilitator or generator of economic activities for immediate upliftment of the fortunes of the State. The State also has to act as a trustee for the benefit of the general public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large.

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34. This Court has highlighted the public trust doctrine in *M.C. Mehta v. Kamal Nath*¹³ and opined that the public trust doctrine is part of the law of land. In para 25 of the said judgment, as reported, this doctrine has been explained with reference to writings of Joseph L. Sax, Professor of Law, University of Michigan, the proponent of Modern Public Trust Doctrine: (SCC pp. 407-408)

“25. The public trust doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax, the public trust doctrine imposes the following restrictions on governmental authority:

“Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses.”

35. Reliance has been placed on the said doctrine in earlier orders of this Court in this very writ petition, passed on 30-10-2002¹⁴, 26-9-2005¹⁵ and 13-2-2012¹⁶. So far as the views of the State of Rajasthan are concerned, as reflected in their affidavits and written notes, their consideration for justifying mining in Jamua Ramgarh and its periphery primarily stems from the prospect of immediate economic gains and their role as a trustee of natural resources of the land has been largely overlooked.

36. The Ministry of Environment, Forests and Climate Change (“MoEF&CC”) is against having a uniform ESZ for all national parks and reserved forests. Their view is that the ESZ area ought to be site-specific. Our attention has been drawn to the comprehensive Guidelines formulated, to which we have referred earlier in this order. In *Goa Foundation v. Union of India*¹⁷, the order passed in this proceeding [JA No. 1000 of 2003] on 4-8-2006⁴ has also been referred to and relied upon. Affidavits have been filed by the State of Goa affirmed on 19-9-2012 and 31-10-2012. Main concern of the State of Goa is over creation of ESZ of 10 km from the boundaries of protected forests as buffer zone and it is also contended on their behalf that such buffer zones should be site-specific. It is highlighted that in the State of

13 (1997) 1 SCC 388

14 *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606

15 *T.N. Godavarman Thirumulpad (S7) v. Union of India*, (2006) 1 SCC 1

16 *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 3 SCC 277

17 (2014) 6 SCC 589

4 *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740

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Goa vegetative aerial cover of Goa is more than 59.99% (as per the Indian State Forest Report of 2011) and protected forest areas constitute over 20% of the total geographic area. On this basis, they seek appropriate directions. It has also been brought to our notice that notifications have been issued in respect of several sanctuaries stipulating the ESZ boundaries. Written submissions have also been filed by Goa Foundation [the petitioners in WP (C) No. 460 of 2004] and WP (C) No. 435 of 2012 in which it has been urged that minimum extent of ESZ ought to be as per CEC recommendations incorporating therein the modifications/suggestions by the learned Amicus Curiae. So far as the State of Goa is concerned, the scope of mining activities is being dealt with in *Goa Foundation*¹⁷. In the present IA, we would not address issues specific to the said case. But the directives we shall make, as we have already indicated, which are not covered by the issues involved in *Goa Foundation*¹⁷ shall apply to the protected forest and adjacent areas.

37. On the point of buffer zone for activities outside the sanctuaries/national parks, the National Board for Wildlife in its 21st meeting held on 21-1-2002 adopted National Wildlife Conservation Strategy. Para 9 of the Strategy document concerns the buffer areas around the national parks and sanctuaries. It has been recorded therein:

“Lands falling within 10 km of the boundaries of national parks and sanctuaries should be notified as eco-fragile zones under Section 3(v) of the Environment (Protection) Act and Rule 5, sub-rules 5(viii) and (x) of the Environment (Protection) Rules.” (quoted verbatim from paperbook)

But it does not appear from the said affidavit that the said proposal of notifying 10 km as boundaries of the national parks and sanctuaries as eco-fragile zone was finalised.

38. The MoEF&CC essentially has argued in favour of having ESZ to be site-specific and for that purpose they have invited proposals from individual State Government in the aforesaid Guidelines. In cases where such proposals have not come, they want 10 km periphery of protected forests to be preserved as ESZ. As regards activities permissible within the buffer zone, certain works have been proposed to be regulated and certain activities to be permitted within the ESZ. This has been stipulated in Annexure I to the Guidelines. We have already referred to the prohibited activities.

39. Among the regulated activities, as per these Guidelines are:

- (i) Felling of trees with permission from appropriate authority.
- (ii) Establishment of hotels and resort as per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.
- (iii) Drastic change in agricultural systems.
- (iv) Commercial use of natural water resources including ground water harvesting as per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.

¹⁷ *Goa Foundation v. Union of India*, (2014) 6 SCC 589

- a* (v) Erection of electrical cables with stress on promoting underground cabling.
- (vi) Fencing of premises of hotels and lodges.
- (vii) Use of polythene bags by shopkeepers.
- (viii) Widening of roads with proper environmental impact assessment.
- (ix) Movement of vehicular traffic at night for commercial purposes.
- b* (x) Introduction of exotic species.
- (xi) Protection of hill slopes and river banks.
- (xii) Regulation of any form of air and vehicular pollution.
- (xiii) Putting up of sign boards and hoardings.

- c* **40.** Within permissible activities fall:
- (i) Ongoing agricultural and horticulture practices by local communities.
- (ii) Rain water harvesting.
- (iii) Organic farming.
- d* (iv) Use of renewable energy sources.
- (v) Adoption of green technology for all activities.

e **41.** In the affidavit of the Standing Committee of the National Board for Wildlife, the views of the non-official members of the Standing Committee have been placed on record, which essentially contemplates continuation of the 10 km buffer zone. The order passed by this Court on 4-12-2006 in *Goa Foundation*³ [WP (C) No. 460 of 2004] proposes following such a course if there is delay in site-specific preparation of ESZ for individual States/Union Territories. On the aspect of having site-specific ESZ under the Environment (Protection) Act, 1986, the view of the National Board for Wildlife, appears to be unanimous. It is their opinion that some protected areas, because of their smaller size, may require larger safety zone around it.

f **42.** We shall deal first with the question of impleadment of firms and individuals who had some kind of permission for carrying on mining activities in Janua Ramgarh Sanctuary. The interlocutory applications which we are dealing with arise out of a public interest litigation and there is no doubt that orders passed in litigation of this nature could affect a large body of persons

g who may not be included in the array of parties at the time of institution of the proceeding. To an extent, litigations of this nature assume an in rem character. Ideally, for such a public interest litigation, the procedure contemplated in Rule 8 of Order I of the Civil Procedure Code, 1908 could be followed to the extent of issue of public notice or general intimation to public in such mode as

h the Court may consider fit and proper, having regard to the nature and scope of

³ *Goa Foundation v. Union of India*. (2011) 15 SCC 791

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the proceeding. But in cases where such a course has not been taken, persons affected or likely to be affected by any order passed in the litigation would be entitled to join or participate in the proceeding. Thus, the impleadment prayers in IAs Nos. 984 of 2003, 1026, 1123, 1197 and 1251 of 2004 are allowed.

43. The approach of the Court in dealing with complaints of environmental degradation has been laid down by this very Bench in this writ petition itself in an order passed on 9-5-2022¹⁸ in connection with another set of applications. In this order, it has been observed and held: (*T.N. Godavarman Thirumulpad case*¹⁸, SCC pp. 315-16, paras 16-19)

“16. Adherence to the principle of sustainable development is a constitutional requirement. While applying the principle of sustainable development one must bear in mind that development which meets the needs of the present without compromising the ability of the future generations to meet their own needs. Therefore, courts are required to balance development needs with the protection of the environment and ecology¹⁹. It is the duty of the State under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on inter-generational equity²⁰. While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment²¹.”

17. In *Vellore Citizens' Welfare Forum v. Union of India*²², this Court held that the “precautionary principle” is an essential feature of the principle of “sustainable development”. It went on to explain the precautionary principle in the following terms: (SCC p. 658, para 11)

“11. ... (i) Environmental measures by the State Government and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The “onus of proof” is on the actor or the developer/ industrialist to show that his action is environmentally benign.”

18 *T.N. Godavarman Thirumulpad v. Union of India*, (2022) 9 SCC 306

19 *T.N. Godavarman Thirumulpad (104) v. Union of India*, (2008) 2 SCC 222

20 *A.P. Pollution Control Board v. M.V. Nayudu*, (1999) 2 SCC 718

21 *Indian Council For Enviro Legal Action v. Union of India*, (1996) 5 SCC 281

22 (1996) 5 SCC 647

a 18. The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by justified concern or risk potential²⁰.

b 19. A situation may arise where there may be irreparable damage to the environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest²³. This Court held that in case of a doubt, protection of environment would have precedence over the economic interest. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on a reasonable suspicion. Further, this Court emphasises in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment.”

While dealing with the applications in the present set of proceedings, we shall follow the same principles.

d 44. We shall now examine the prayers of the applicants for continuing their mining activities within the sanctuary. This relief has been asked for by Smt Magan Devi Meena (IAs Nos. 982-84 of 2003), Agarwal Marbles Centre Pvt. Ltd. and others (IAs Nos. 1026-28 of 2004), Jaipur Mineral Development Syndicate Pvt. Ltd. (IAs Nos. 1123-24 of 2004), Federation of Mining Associations of Rajasthan (IAs Nos. 1197-99 of 2004), Bhushan Sharma (IAs Nos. 1250-51 of 2004) and Andhi Marbles Pvt. Ltd. (IA No. 1512 of 2006).

f 45. We must point out here that in the affidavit of the State of Rajasthan, it has been stated that they had formulated a policy of maintaining a distance of 25 m from the vicinity of important forest areas like game sanctuary, reserved forest, mining activities to be prohibited. In other forest areas, mining could be undertaken in the immediate vicinity of the forest area as per the policy. This has been stated in the affidavit of the State of Rajasthan filed on 9-12-2004 and such a stand appears to have had been taken from the Mineral Policy of 1994. It, however, appears that a new Mineral Policy had been adopted by the State of Rajasthan in 2015.

g 46. There are also pleas for permitting some of the miners to continue mining activities within 25 m zone conceived by the State of Rajasthan as buffer zone. In three applications, IAs Nos. 1123-24 of 2004, IAs Nos. 1197-99 of 2004 and IAs Nos. 1210-11 of 2004, Jaipur Mineral Development Syndicate Pvt. Ltd., Federation of Mining Association of Rajasthan and Smt Madhu Agarwal have taken a point that there was improper declaration of Jamua

h 20 *A.P. Pollution Control Board v. M.V. Nayudu*, (1999) 2 SCC 718

23 *M.C. Mehta v. Union of India*, (2004) 12 SCC 118

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Ramgarh as a sanctuary. The Notification made under Section 18 of the Wild Life (Protection) Act, 1972 bearing No. F.11(19) Raj.-8/81 Jaipur dated 31-5-1982 has been annexed to IAs Nos. 982-84 of 2003 the applicant therein, being Magan Devi Meena. Initially, there was declaration of the said sanctuary as reserved forest under the Rajasthan Forest Act, 1953. Thereafter, the Notification of 31-5-1982 came into operation under the Wild Life (Protection) Act, 1972.

47. In IA No. 1000 of 2003, it has been disclosed that the settlement of rights were completed by the District Collector, Jaipur under Sections 19 to 26 of the Wild Life (Protection) Act, 1972. So far as Section 26-A is concerned, which deals with declaration of area as sanctuary the said provision was incorporated in the statute with effect from 2-10-1991. That amendment came by way of Act 44 of 1991.

48. After amendment, Section 18 of the Act stipulates:

“18. *Declaration of sanctuary.* (1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment.

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

Explanation. For the purposes of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.”

49. Section 26-A of the Act, which, again, was introduced by Act 44 of 1991 contemplates further declaration after compliance of certain formalities. No other amendment has been brought to our notice. Section 18 of the Wild Life (Protection) Act, 1972 as it originally stood, reads:

“18. *Declaration of sanctuary.* (1) The State Government may, by notification, declare any area to be a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment.

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

Explanation.—For the purposes of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.”

50. The declaration was made by the State of Rajasthan in 1982 and we do not find any flaw in such declaration. The amended provisions, thus, could not apply to the Jamua Ramgarh Wildlife Sanctuary. The plea taken that it did not have the status of a sanctuary because no declaration was there under

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a Section 26-A of the Wild Life (Protection) Act, 1972 is without any basis. We shall proceed in this order on the basis that Jamua Ramgarh is a subsisting sanctuary.

b **51.** We have already indicated that CEC in IA No. 1000 of 2003 has given a dreadful account of the condition of the sanctuary, ravaged by mining activities. CEC in the same document has also outlined the importance of the said sanctuary. These would appear from Paras 4 and 5 of the said IA which read:

c “4. In stark contrast to the above during the site visits to the Jamua Ramgarh Sanctuary CEC came across a horrible and unbelievable picture of devastated ecosystem due to indiscriminate mining activity in blatant violation of the Forest (Conservation) Act, the Wild Life (Protection) Act and even this Hon’ble Court’s orders. The sanctuary is littered with hundreds of deep mining pits, randomly scattered “overburdens”, scores of cranes and mined boulders and stones scattered all over the place. It is rare to see such a destruction even in a non-forest area, least of all inside a sanctuary. It is a horror story that has to be seen to be believed. This is a site where all the laws and conventions that govern the natural world have been violated for commercial gains. Instead of being managed as a wildlife sanctuary, it appears to have been managed as a mining sanctuary. In the present form it may be more appropriate to rename the area as “Jamua Ramgarh Wild Life Graveyard”. A photographic report is appended hereto at Annexure A graphically showing the ground situation.

d **5.** The forest of Jamua Ramgarh forms the critical catchment area of the lake which is the main source of water supply to the city of Jaipur. Notwithstanding this 69 mining leases were sanctioned from time to time in Jamua Ramgarh after enactment of the Forest (Conservation) Act, 1980 i.e. 25-10-1980. Each and every mine was sanctioned in violation of the provisions of the FC Act as well as the Wild Life (Protection) Act. No perceptible attempt was made to regulate the mines as per the provisions of the Forest (Conservation) Act and the Wild Life (Protection) Act. No valid and satisfactory explanation was given by the State Government for allowing the mining leases to operate for years together except that it was a common practice to allow mining leases in the forest area/sanctuary without obtaining specific approvals under the Forest (Conservation) Act or the Wild Life (Protection) Act. The details of these mines are given in Annexure B.” (quoted verbatim from paperbook)

e **52.** In their affidavits, the State of Rajasthan had referred to the Mining Policy of 1994 which stipulated 25 m to be safety zone around the periphery of Jamua Ramgarh Wildlife Sanctuary but subsequent thereto the Mining Policy of 2015 for the State of Rajasthan has come and they do not seem to have any specified safety zone. Moreover, in view of the order of this Court passed on 4-8-2006⁴, 1 km safety zone has been directed to be maintained as regards Jamua Ramgarh Wildlife Sanctuary. Beyond Jamua Ramgarh Wildlife

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⁴ *T.N. Godavarma Thirumulpad v. Union of India*, (2010) 13 SCC 740

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Sanctuary, CEC itself has given its view on eco-sensitive zone in their report dated 20-9-2012. The recommendations have been quoted in the earlier part of this order. In the affidavit of the Standing Committee of the National Board for Wildlife filed on 26-11-2012, the views of the said Committee were expressed and the Committee was of unanimous opinion that each State ought to delineate the outer limits of ESZ on a site-specific, case-by-case basis, keeping in view the ecological imperatives and the ground realities of the protected area. It was also the view of the said Committee that expert opinion and scientific inputs ought to be obtained from individuals and institutions in that regard. In substance the view of the Committee is that there should not be uniform ESZ.

53. We have also referred to the Guidelines dated 9-2-2011 which give a detailed procedure for evolving ESZ and identification of activities that could be carried on in such zones. The order of this Court in *Goa Foundation*³ [WP (C) No. 460 of 2004] passed on 4-12-2006 also contemplated issue of direction for maintaining a 10 km wide safety zone from the boundaries in respect of sanctuaries and national parks as there was lack of response from the States and Union Territories in relation to queries on various aspects in respect of wildlife conservation. The proposal for having an ESZ of 10 km from the boundaries of the national parks and wildlife sanctuaries was originally mooted on 21-1-2002 in the meeting of the Indian Board for Wildlife, as it appears from the order passed by this Court in *Goa Foundation*²⁴ [WP (C) No. 460 of 2004] on 30-1-2006. We have to collate the views of these experts' bodies including CEC, who have been assisting this Court through the different stages of this litigation.

54. In our opinion, the Guidelines framed on 9-2-2011 appear to be reasonable and we accept the view of the Standing Committee that uniform guidelines may not be possible in respect of each sanctuary or national park for maintaining ESZ. We are of the opinion, however, that a minimum width of 1 km ESZ ought to be maintained in respect of the protected forests, which forms part of the recommendations of CEC in relation to Category B protected forests. This would be the standard formula, subject to changes in special circumstances. We have considered CEC's recommendation that the ESZ should be relatable to the area covered by a protected forest but the Standing Committee's view that the area of a protected forest may not always be a reasonable criteria also merits consideration. It was argued before us that the 1 km wide "no-development-zone" may not be feasible in all cases and specific instances were given for Sanjay Gandhi National Park and Guindy National Park in Mumbai and Chennai metropolis respectively which have urban activities in very close proximity. These sanctuaries shall form special cases.

55. Turning specifically to Janua Ramgarh Sanctuary, the first report of the CEC proposed 100 m as ESZ. In the second report, however, one kilometre width has been recommended for all protected forests falling under Category

³ *Goa Foundation v. Union of India*, (2011) 15 SCC 791

²⁴ *Goa Foundation v. Union of India*, (2011) 15 SCC 793

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a 'B'. Having regard to its area, the said sanctuary comes in that category. In the order of this Court passed on 4-8-2006⁴, the same margin i.e. one kilometre as buffer zone has been prescribed. In the given facts concerning the Jamua Ramgarh Sanctuary, in our opinion the margin of 25 m as contemplated in the 1994 Mineral Policy of the State of Rajasthan is grossly inadequate. We, however, treat Jamua Ramgarh Sanctuary as a special case for fixing the ESZ as in the past, the buffer zone varied from 25 m to 100 m. In our opinion, ESZ of 500 m would be a reasonable buffer zone, within which subsisting activities which do not come within the prohibited list as per the Guidelines of 9-2-2011 could be carried on. But for commencing of any new activity which would be otherwise permissible, the ESZ norm of one kilometre shall be maintained for Jamua Ramgarh Sanctuary.

c **56.** We accordingly direct:

c **56.1.** Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2-2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.

d **56.2.** In the event, however, the ESZ is already prescribed as per law that goes beyond one kilometre buffer zone, the wider margin as ESZ shall prevail. If such wider buffer zone beyond one kilometre is proposed under any statutory instrument for a particular national park or wildlife sanctuary awaiting final decision in that regard, then till such final decision is taken, the ESZ covering the area beyond one kilometre as proposed shall be maintained.

e **56.3.** The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arrange to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before this Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.

g **56.4.** Mining within the national parks and wildlife sanctuaries shall not be permitted.

h **56.5.** In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each

⁴ *T.N. Godavarma Thirumulpad v. Union of India*, (2010) 13 SCC 740

State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ. a

56.6. The minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned shall approach CEC and MoEF&CC and both these bodies shall give their respective opinions/recommendations before this Court. On that basis, this Court shall pass appropriate order. b

56.7. In the event CEC, MoEF&CC, the Standing Committee of National Board for Wildlife or any other body of persons or individual having special interest in environmental issues consider it necessary for maintaining a wider or larger ESZ in respect of any national park or wildlife sanctuary, such body or individual shall approach CEC. In such a situation CEC shall be at liberty to examine the need of a wider ESZ in respect of any national park or wildlife sanctuary in consultation with all the stakeholders including the State or Union Territory concerned, MoEF&CC as also the Standing Committee of the National Board for Wildlife and then approach this Court with its recommendations. c

56.8. In respect of sanctuaries or national parks for which the proposal of a State or Union Territory has not been given, the 10 km buffer zone as ESZ, as indicated in the order passed by this Court on 4-12-2006 in *Goa Foundation*³ and also contained in the Guidelines of 9-2-2011 shall be implemented. Within that area, the entire set of restrictions concerning an ESZ shall operate till a final decision in that regard is arrived at. d

56.9. IA No. 1412 of 2005 and IA No. 117831 of 2019 do not relate to the issues involved in IA No. 1000 of 2003. These applications may be placed before the appropriate Bench to be heard independently. e

56.10. For the same reason, IA No. 1992 of 2007 shall also be dealt with independently by the appropriate Bench and no order is being passed concerning this application at this stage. f

56.11. The application of the State of Rajasthan registered as IA No. 3880 of 2015 relates to clarification of an order passed in *Goa Foundation*³ [WP (C) No. 460 of 2004]. Let this application be placed before the Bench taking up the case of *Goa Foundation*.

56.12. IA No. 96949 of 2019 and IA No. 65571 of 2021 are disposed of with directions that the MoEF&CC as also CEC shall proceed to take a decision in regard to the draft proposal for ESZ made by the State of Maharashtra to the extent of 0-3.89 km and the MoEF&CC shall take final decision on that basis within a period of three months, if the said decision has not already been taken. g

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³ *Goa Foundation v. Union of India*, (2011) 15 SCC 791

a **56.13.** Prayers for impleadment of the applicants in IAs Nos. 984 of 2003, 1026, 1123, 1197 and 1251 of 2004 are allowed. Necessary amendments may be carried out in these regards.

56.14. For the reasons already given, however, prayers of the applicants in IAs Nos. 982 of 2003, 1027, 1124, 1198, 1210, 1250 of 2004 and 1512 of 2006 are rejected.

b **56.15.** CEC shall quantify the compensation to be recovered from each miner indulging in mining activities within the Jamua Ramgarh Sanctuary in violation of any statutory provision or order of this Court. Specific recommendations for compensatory afforestation, reclamation, clearing overburden dumping as also compensation in monetary units for degradation of forest resources shall also be made. A further set of recommendations concerning confiscation of earth-moving equipments and other machineries c lying within or in the periphery of the said sanctuary shall be made by CEC. Recommendations shall be made within a period of four months before this Court in the form of an application. This Court shall consider passing appropriate order upon going through such application. The exercise d concerning such reparation, including quantifying compensation shall be undertaken upon giving the mining operator, State and MoEF&CC opportunity of hearing.

56.16. In the event there is any subsisting order of any High Court or any court subordinate to such High Court covering any of the issues dealt with by this Court in this order, this order shall prevail over any such order which may be contrary to these directions.

e **56.17.** We have already observed that there are certain overlapping issues involved in this writ petition and the cases of *Goa Foundation* [Writ Petition (C) No. 460 of 2004] and [Writ Petition (C) No. 435 of 2012]. We request the Hon'ble the Chief Justice of India to consider having the present writ petition i.e. *T.N. Godavarman Thirumulpad, In re v. Union of India*; WP (C) No. 460 of 2004 (*Goa Foundation v. Union of India*) as also WP (C) No. 435 of 2012 (*Goa Foundation v. Union of India*) be heard together before the same Bench. The Registry may place this order before the Hon'ble the Chief Justice of India.

f **57.** This order disposes of IA No. 1000 of 2003 in the above terms. Pending application(s), if any, shall stand disposed of.

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2023 SCC OnLine SC 504

In the Supreme Court of India

(BEFORE B.R. GAVAI, VIKRAM NATH AND SANJAY KAROL, JJ.)

I.A. Nos. 131377, 147102, 195467, 195468, 205092 of 2022

I.A. Nos. 162283 and 162284 of 2022

In

I.A. D. No. 125746 of 2022

With

I.A. Nos. 118604, 118606, 119400, 119401, 119404, 137132,
137138, 137140 And 137143 of 2022

I.A. Nos. 5764, 6804 and 10911 of 2023

In the Matter of:

Writ Petition (Civil) No. 202 of 1995

In Re : T.N. Godavarman Thirumulpad ... Petitioner
(s);

Versus

Union of India and Others ... Respondent(s).

I.A. Nos. 131377, 147102, 195467, 195468, 205092 of 2022, I.A.
Nos. 162283 and 162284 of 2022, I.A. D. No. 125746 of 2022, I.A.
Nos. 118604, 118606, 119400, 119401, 119404, 137132, 137138,
137140 And 137143 of 2022, I.A. Nos. 5764, 6804 and 10911 of
2023 and Writ Petition (Civil) No. 202 of 1995

Decided on April 26, 2023

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 Mr. Arun Kumar Jaiswal, Adv.
 Mr. Ravindra S. Garia, AOR
 Mr. Shashank Singh, Adv.
 Mr. Madan Chandra Karnatka, Adv.

The Judgment of the Court was delivered by

B.R. GAVAI, J.:—

I.A. NO. 131377 OF 2022:

1. The present I.A. is filed by the Union of India praying for modification/clarification of the order passed by this Court dated 3rd June 2022¹ in I.A. No. 1000 of 2003 in WP(C) No. 202 of 1995.

2. The applicant specifically seeks modification of the directions contained in paragraphs 56.1 and 56.5 of the order dated 3rd June 2022 (supra). The said paragraphs are reproduced hereinbelow:

“56.1. Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2-2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.

.....

56.5. In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this

order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ."

3. The clarification/modification of paragraph 56.1 of the order dated 3rd June 2022 (supra) is sought to the extent that the Eco-Sensitive Zones (for short, "ESZs") which have already been notified (final and draft) by the Ministry of Environment Forests and Climate Change (for short, "MoEF & CC") or the proposals for which have been received in the Ministry be exempted from the directions therein. The applicant also sought modification to the extent that paragraph 56.1 of the order dated 3rd June 2022 (supra) may not be made applicable where National Parks and Wildlife Sanctuaries are located along inter-State boundaries and/or common boundaries. Modification/clarification of the directions in paragraph 56.5 of the order dated 3rd June 2022 (supra) in its entirety is additionally sought.

4. We have heard Ms. Aishwarya Bhati, learned Additional Solicitor General (for short, "ASG") appearing on behalf of the applicant, Shri K. Parameshwar, learned *amicus curiae* as well as Senior Counsel appearing on behalf of various State Governments.

5. It is submitted that the Government of India has already issued Guidelines on 9th February 2011 (hereinafter referred to as the "said Guidelines") for declaration of ESZs around National Parks and Wildlife Sanctuaries. The said Guidelines were framed after consulting the National Board for Wildlife (hereinafter referred to as "NBWL"), and all the State and Union Territory Governments. The said Guidelines provide a detailed procedure for submitting a proposal for declaration of the areas around National Parks and Wildlife Sanctuaries as ESZs. It is further submitted that the said Guidelines itself contain various activities which have been categorized as prohibited, regulated and permitted.

6. It is further submitted that the direction as contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) is likely to cause great hardship to the citizens residing in the ESZs. It is further submitted that the said directions provide that if any activity is already being undertaken within one kilometre or extended buffer zone (ESZ), and which does not come within the ambit of prohibited activities as per the said Guidelines, such activities may continue with the permission of the Principal Chief Conservator of Forests (for short, "PCCF") of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. The said Guidelines further provide that such permission shall be given once the PCCF is satisfied that the activities concerned do not come within the prohibited list and were

continuing prior to passing of this Court's order dated 3rd June 2022 (supra) in a legitimate manner. It is further submitted that the direction that no new permanent structure shall be permitted to come up for whatsoever purpose within the ESZs would also cause great hardship.

7. It is further submitted that insofar as the direction in paragraph 56.1 of the order dated 3rd June 2022 (supra) is concerned, it mandates that each protected forest, that is, National Park or Wildlife Sanctuary, must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the said Guidelines shall be strictly adhered to. Insofar as Jamua Ramgarh Wildlife Sanctuary is concerned, it is directed that the ESZ shall be 500 meters so far as subsisting activities are concerned.

8. The learned ASG, *amicus curiae* and Senior Counsel appearing on behalf of various States submitted that in respect of various National Parks and Wildlife Sanctuaries, already final notifications had been issued, prescribing the boundaries for the ESZs. In some cases, the draft notifications are pending and in some other cases, the proposals for issuance of draft and final notifications are pending with the Government of India.

9. It is submitted that there cannot be a uniform boundary for all the National Parks and Wildlife Sanctuaries. It is further submitted that there cannot also be a uniform boundary for a particular National Park or Wildlife Sanctuary. At times, it may be longer on one side and shorter on the other side depending on various circumstances.

10. It is submitted that the rights of the citizens who are residing in the Protected Areas are settled under the provisions of Sections 18 to 25A of the Wild Life (Protection) Act, 1972 (hereinafter referred to as "1972 Act") whereas there is no settlement of rights of citizens residing in ESZs. The citizens therein continue to reside and are also continuing with their daily avocation like farming etc. It is submitted that various developmental activities like construction of schools, dispensaries, anganwadis, public health centres etc. are required to be undertaken in such areas. Not only that, but if the direction not to make any construction is continued, the persons residing therein would not be in a position to construct or reconstruct houses on their own land. It is submitted that the procedure prescribed for obtaining the permission of the PCCF is very tedious. If such a direction is issued, the PCCF would be left with no other work but to consider the applications for continuation of such activities.

11. It is further submitted that though this Court has observed in paragraph 54 of the order dated 3rd June 2022 (supra) that the said

Guidelines are reasonable, it has nevertheless issued directions which are in conflict with the said Guidelines.

12. It is further contended that the issue in I.A. No. 1000 of 2003 was restricted to prohibition of mining activities in and around Jamua Ramgarh Wildlife Sanctuary and prescribing ESZs for the said Wildlife Sanctuary only. As such, various State Governments did not have an opportunity to address this Court.

13. Having considered the rival submissions, we find it appropriate to refer to various orders passed by this Court on the issue of ESZs/Buffer Zones.

14. The first of such orders was passed by this Court on 16th September 2005². It will be relevant to refer to paragraph 13 of the said order, which reads thus:

"13. We have perused the affidavit dated 14-9-2005 filed by Mr Anurag Bajpai on behalf of MoEF and the statement showing the grant of temporary working permit in the last two years i.e. from 1-1-2003 to 31-12-2004 in the national parks, sanctuaries and forest area. This is despite the order passed by this Court restraining the mining activities in these areas. Learned amicus curiae submits that the inspection of the government record shows a dismal picture and he would shortly file an application for taking appropriate action against the persons concerned. Pending filing of the said application and further orders, we again reiterate that without compliance with the environmental laws, in particular the permission under the Forest (Conservation) Act, 1980, no temporary working permission or temporary permit or any other permission by whatever name called shall be granted for mining activities in the aforesaid areas. ***We further direct that no mining activity would continue under any temporary working permit or permission which may have been granted. It appears from the chart filed with the affidavit of Mr Anurag Bajpai that no temporary working permission is in operation as of today. If it is otherwise, an affidavit to that effect shall be filed within two weeks giving the particulars of such permission.***"

[emphasis supplied]

15. It can thus clearly be seen that this Court directed that no mining activity would be permitted to continue under any temporary working permit or permission which may have been granted.

16. It will further be relevant to refer paragraph 15 of the said order, which reads thus:

"15. MoEF is directed to place on record within three weeks its viewpoint on the question of area of buffer zone and other related matters such as should it be universal or place specific. This should

be done after also obtaining the viewpoint of the National Board of Wildlife.”

17. It can thus be seen from the said paragraph that this Court directed MoEF to place on record within three weeks its viewpoint on the question of area of buffer zone and other related matters such as should it be universal or place specific. The Court further directed that this should be done after obtaining the viewpoint of the NBWL.

18. The second of such orders is passed on 4th August 2006³. The said order basically pertains to banning the mining activities in the National Parks, Sanctuaries and forest areas. The Court laid down various pre-conditions wherein temporary working permits could be granted.

19. The next order is passed on 4th December 2006⁴. In the said order, the Court expressed its anguish towards the various State Governments for not responding to the letter issued by MoEF dated 27th May 2005 requiring them to initiate measures for identification of suitable areas and submit detailed proposals at the earliest. It will be relevant to refer to paragraphs 3 and 4 of the said order, which read thus:

“**3.** The order earlier passed on 30-1-2006 [*Goa Foundation v. Union of India*, (2011) 15 SCC 793] refers to the decision which was taken on 21-1-2002 to notify the areas within 10 km of the boundaries of national parks and sanctuaries as eco-sensitive areas. The Letter dated 27-5-2005 is a departure from the decision of 21-1-2002. For the present, in this case, we are not considering the correctness of this departure. That is being examined in another case separately. Be that as it may, it is evident that the States/Union Territories have not given the importance that is required to be given to most of the laws to protect environment made after Rio Declaration, 1992.

4. The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its Letter dated 27-5-2005. The State of Goa also is permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21-1-2002, namely, notification of the areas within 10 km of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now

fail to respond, they would do so at their own risk and peril.”

20. It can be seen that this Court refers to its earlier order dated 30th January 2006 wherein a reference is made to the decision dated 21st January 2002 to notify the areas within 10 kilometres of the boundaries of National Parks and Sanctuaries as ESZs. Though the order records that the letter dated 27th May 2005 is a departure from the decision taken on 21st January 2002, the Court observes that, in the said case, the Court was not considering the correctness of the said departure. The Court therefore directed the Ministry to give a final opportunity to all States/Union Territories to respond to its Letter dated 27th May 2005. The said order states that the communication should mention that if the proposals were not sent within a period of four weeks from the receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21st January 2002, i.e., notification of the areas within 10 kilometres of the boundaries of the sanctuaries and National Parks as ESZs.

21. The next order of this Court is dated 21st April 2014 in the case of *Goa Foundation v. Union of India*⁵. It will be relevant to refer to the following observations of this Court in the said order:

“**49.**The result is that the order passed by this Court saying that there will be no mining activity within one kilometre safety zone around national park or wildlife sanctuary has to be enforced and there can be no mining activities within this area of one kilometre from the boundaries of national parks and wildlife sanctuaries in the State of Goa.”

22. The Court has clarified that there shall be no mining activity within one kilometre of the safety zone around National Park or Wildlife Sanctuary and that this has to be enforced. It is also reiterated that there can be no mining activities within this area of one kilometre from the boundaries of National Parks and Wildlife Sanctuaries in the State of Goa.

23. The Court thereafter refers to the earlier order dated 4th December 2006 (supra) in the said case and observed thus:

“**50.**It will be clear from the order dated 4-12-2006 [*Goa Foundation v. Union of India*, (2011) 15 SCC 791] of this Court that this Court has not passed any orders for implementation of the decision taken on 21-1-2002 to notify areas within 10 km of the boundaries of national parks or wildlife sanctuaries as eco-sensitive areas with a view to conserve the forest, wildlife and environment. By the order dated 4-12-2006 [*Goa Foundation v. Union of India*,

(2011) 15 SCC 791] of this Court, however, the Ministry of Environment and Forests, Government of India, was directed to give a final opportunity to all States/Union Territories to respond to the proposal and also to refer to the Standing Committee of the National Board for Wildlife the cases in which environment clearance has already been granted in respect of activities within the 10 km zone from the boundaries of the wildlife sanctuaries and national parks. There is, therefore, no direction, interim or final, of this Court prohibiting mining activities within 10 km of the boundaries of national parks or wildlife sanctuaries.”

24. It could thus be seen that the Court has specifically observed that this Court had not passed any orders for implementation of the decision taken on 21st January 2002 to notify areas within 10 kilometres of the boundaries of National Parks or Wildlife Sanctuaries as ESZs with a view to conserve the forest, wildlife and environment. The Court therefore clarified that there is no direction, interim or final, prohibiting mining activities within 10 kilometres of the boundaries of National Parks or Wildlife Sanctuaries.

25. It will be relevant to refer to paragraphs 87.3 and 88.1 of the said order, which read thus:

“**87.3.** Until the order dated 4-8-2006 [*T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740] of this Court is modified by this Court in IA No. 1000 in *T.N. Godavarman Thirumulpad v. Union of India*, there can be no mining activities within one kilometre from the boundaries of national parks and sanctuaries in Goa.

88.1. MoEF will issue the notification of eco-sensitive zones around the national park and wildlife sanctuaries of Goa after following the procedure discussed in this judgment within a period of six months from today.”

26. It can thus be seen that this Court has held that until the order dated 4th August 2006 (supra) is modified by this Court in IA No. 1000 of 2003 in the case of *T.N. Godavarman Thirumulpad v. Union of India*, there can be no mining activities within one kilometre from the boundaries of National Parks and Sanctuaries in Goa. The Court further directed MoEF to issue the notification of ESZs around the National Park and Wildlife Sanctuaries of Goa after following the procedure discussed in the said judgment. The same was directed to be done within a period of six months from the date of the said order.

27. The next relevant order would be dated 11th December 2018. It will be relevant to refer to the following part of the said order:

“The learned ASG has informed us that there are 104 National Parks and 558 Wildlife Sanctuaries making a total of 662 National

Parks and Wildlife Sanctuaries in the country.

The proposals for declaring areas around these National Parks and Wildlife Sanctuaries as Eco Sensitive Zone have been received from State Governments/UT Administrations for 641 National Parks and Wildlife Sanctuaries. No proposals have been received in respect of 21 National Parks and Wildlife Sanctuaries.

The proposals have been accepted and Notification has been issued in respect of 289 National Parks and Wildlife Sanctuaries as on 26.11.2018 and draft Notification has been prepared in respect of 206 National Parks and Wildlife Sanctuaries.

The declaration with regard to Eco Sensitive Zone is under process with the Ministry of Environment, Forests and Climate Change (MoEF) as well as with the State Governments in respect of 4146 National Parks and Wildlife Sanctuaries.

We expect the Ministry of Environment, Forests and Climate Change to actively pursue the preparation of the draft Notification and to issue a final Notification at the earliest.

The proposals for 21 National Parks and Wildlife Sanctuaries in respect of which proposals have not yet been received by the MOEF are as follows:—

.....

It is submitted by the learned Amicus that this issue has been pending since sometime in December, 2006. 12 years have gone-by but no effective steps have been taken by the State Governments in respect of the National Parks and Wildlife Sanctuaries mentioned above.

Under the circumstances, we direct that an area of 10 Kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF. The declaration be made by the MoEF at the earliest.

Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF."

28. It can be seen that this Court has recorded the submissions of the learned ASG that there were 104 National Parks and 558 Wildlife Sanctuaries making a total of 662 National Parks and Wildlife Sanctuaries in the country. It was further recorded that the proposals for declaring areas around these National Parks and Wildlife Sanctuaries as ESZs had been received from the State Governments/Union Territories. It can further be seen that no proposals have been received in respect of 21 National Parks and Wildlife Sanctuaries. It further recorded that the proposals had been accepted and notification had been issued in respect of 289 National Parks and Wildlife Sanctuaries as

on 26th November 2018 and draft notification had been prepared in respect of 206 National Parks and Wildlife Sanctuaries. The Court therefore expected the MoEF & CC to actively pursue the preparation of the draft Notification and to issue a final Notification at the earliest. The Court then recorded 21 National Parks and Wildlife Sanctuaries in respect of which proposals have not yet been received by the MoEF & CC alongside its anguish that though 12 years had been passed, no effective steps have been taken by the State Governments in respect of the National Parks and Wildlife Sanctuaries named in the said order. Therefore, the Court directed that an area of 10 kilometres around these 21 National Parks and Wildlife Sanctuaries be declared as ESZs by the MoEF & CC. Liberty was granted to the State Governments to move an application for modification of the said order. However, it further directed that the application should be along with the proposal for declaration of ESZs.

29. It is to be noted that the learned Judges of this Court, in the case of *Goa Foundation*⁶, had directed that the MoEF & CC shall follow the procedure and issue notification of ESZs under Rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as "1986 Rules"). The relevant provisions of the 1986 Rules are reproduced hereinbelow:

"5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—

(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

- (i) Standards for quality of environment in its various aspects laid down for an area.
- (ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.
- (iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.
- (iv) The topographic and climatic features of an area.
- (v.) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.
- (vi) Environmentally compatible land use.
- (vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.
- (viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary,

National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area. (c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [, and in respect of the States of Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,]] from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to

[30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]"

30. It is to be noted that Rule 5 of the 1986 Rules prescribes a detailed procedure for issuing notification prohibiting or restricting various activities in the specified areas. The said power flows from Sections 3(v) of the Environment (Protection) Act, 1986 (hereinafter referred to as "1986 Act").

31. A perusal of clause (viii) of sub-rule (1) of Rule 5 of the 1986 Rules would reveal that one of the factors that has to be taken into consideration for declaring ESZ is the proximity to a sanctuary, National Park, game reserve or closed area notified, as such under the 1972 Act. Sub-rule 3(a) of Rule 5 of the 1986 Rules requires that whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions, it is required to give notice of its intention to do so by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time. As per sub-rule 3(b) of Rule 5, every such notification is required to give a brief description of the area, the industries, operations processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries on carrying out of the processes or operations in that area. Accordingly, as per sub-rule 3(c) of Rule 5, any person interested in filing an objection is entitled to file an objection to the Central Government within sixty days from the date of publication in the notification in the Official Gazette. The Central Government thereafter within the prescribed period provided under clause (d) of sub-rule (3) of Rule 5 of the 1986 Rules is required to issue a notification in the Official Gazette imposing such prohibition or restrictions in an area. This is required to be done only after considering all the objections received under clause (c) of sub-rule (3) of Rule 5 of the 1986 Rules. It can thus be seen that a detailed procedure is prescribed under the 1986 Rules for notifying ESZs.

32. It is to be noted that MoEF & CC has issued the said Guidelines for declaration of ESZs around the National Parks and Wildlife Sanctuaries.

33. The said Guidelines refer to a meeting of the Indian Board for Wildlife held on 21st January 2002, in which "Wildlife Conservation Strategy-2002" was adopted. Point No. 9 of the said Strategy

envisaged that lands falling within 10 kilometres of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under Section 3(v) of the 1972 Act and clause (viii) of sub-rule (1) of Rule 5 of the 1986 Rules. It further states that when the views were obtained from all the State Governments, some of the State Governments had raised concern over applicability of 10 kilometres range from the Protected Area boundary and informed that most of the human habitation and other areas including important cities in these States would come under the purview of ESZs and will adversely affect the development. The said Guidelines also refer to the National Wildlife Action Plan (2002-2016). The NBWL, in its meeting held on 17th March 2005, decided that the delineation of ESZs would have to be site specific and relate to regulation rather than prohibition of specific activities. The said decision was communicated to all the State Governments for compliance vide letter dated 27th May 2005.

34. The said Guidelines thereafter refer to the directions of this Court dated 4th December 2006. It also refers to the statutory provisions as contained in Section 5C (1) of the 1972 Act, Section 3 of the 1986 Act and Rule 5 of the 1986 Rules. The said Guidelines state that the purpose of declaring ESZs around National Parks and Sanctuaries is to create some kind of Shock Absorber for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection. It also reiterates the decision of the NBWL that the activities in the ESZs would be of a regulatory nature rather than prohibitive nature unless and otherwise so required. Paragraph 4 of the said Guidelines notes that many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. It refers to the Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc. and notes that the Protected Areas are lying in the urban set up. It therefore observes that defining the extent of ESZs around Protected Areas will have to be kept flexible and Protected Area specific. It notes that the width of ESZs and type of regulations will differ from one Protected Area to another Protected Area. It however notes that, as a general principle, the width of the ESZs could go up to 10 kilometres around a Protected Area as provided in the Wildlife Conservation Strategy-2002. It further notes that in case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kilometres width, these should be included in the ESZs. It further notes that even in context of a particular Protected Area, the distribution of an area of the ESZ and the extent of regulation may not be uniform all around and it could be of variable width and extent. The said Guidelines notes that though the directions were issued by this Court to all the

States/Union Territories, except a few States, several other States/Union Territories have not come forward with the proposals for declaration of ESZs. It was observed that this could be perhaps for want of guidelines in this regard. It further notes that this Court in its judgment and order dated 3rd December 2010 in a case relating to construction of park at Noida near Okhla Bird Sanctuary, observed that the ESZs around the Protected Areas had not been notified as the Government of India had not issued any guidelines in this regard.

35. It thereafter refers to the Committee under the Chairmanship of Shri Pronab Sen for identifying parameters for designating Ecologically Sensitive Areas in India.

36. The said Guidelines thereafter state in paragraph 6 that the basic aim of notifying ESZs is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimize the negative impact of such activities on the fragile ecosystem encompassing the Protected Area. It states that the first step towards it is to prepare an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the Protected Area as well as important Corridors. It states that the inventory could be done by the concerned Range Officers, who can take a stock of activities within 10 kilometres of the range. It further notes that a Committee comprising of the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed to suggest the following:

- (i) Extent of eco-sensitive zones for the Protected Area being considered.
- (ii) The requirement of such a zone to act as a shock absorber
- (iii) To suggest the best methods for management of the eco-sensitive zones, so suggested.
- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

37. It further notes that based on the above, the Chief Wildlife Warden could group the activities under the following categories:—

- (i) Prohibited
- (ii) Restricted with safeguards.
- (iii) Permissible

38. The said Guidelines thereafter note that once the proposal for ESZs has been finalized, the same should be forwarded to the MoEF & CC for further processing and notification. An indicative list of details that need to be submitted along with the proposals is also appended to the said Guidelines.

39. The said Guidelines further note that where the boundary of a

Protected Area abuts the boundary of another State/Union Territory where it does not form part of any Protected Area, it should be the endeavour of both the State/Union Territory Governments to have a mutual consultation and decide upon the width of the ESZs around the Protected Area in question. The said Guidelines emphasize that the State Government should endeavour to convey a very strong message to the public that ESZs are not meant to hamper their day to day activities, but instead, are meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas. It further notes that these guidelines are indicative in nature and the State/Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors etc. with a view to minimizing and preferably eliminating any negative impact on Protected Areas.

40. A list of the activities which are prohibited, regulated and permitted is contained in Annexure-I of the said Guidelines, which reads thus:

Sl. No.	Activity	Prohibited	Regulated	Permitted	Remarks
1.	Commercial mining	Y			Regulation will not prohibit the digging of earth for construction or repair of houses for manufacture of country tiles or bricks for housing for personal
2.	Felling of trees		Y		With permission from appropriate authority
3.	Setting of saw mills	Y			
4.	Setting of industries causing pollution	Y			

	(Water, Air, Soil., Noise, etc.)				
5.	Establishment of hotels and resorts		Y		As per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals
6.	Commercial use of firewood	Y			For hotels and other business related establishment
7.	Drastic change of agriculture systems		Y		
8.	Commercial use of natural water resources including ground water harvesting		Y		As per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.
9.	Establishment of major hydroelectric projects	Y			
10.	Erection of electrical cable		Y		Promote underground cabling
11.	Ongoing agriculture and horticulture			Y	However, excessive expansion of some of these

	practices local communities				activities should be regulated as per the master plan
12.	Rain Water harvesting			Y	Should be actively promoted
13.	Fencing of premises of hotels and lodges		Y		
14.	Organic farming			Y	Should be actively promoted
15.	Use of polythene bags by shopkeepers		Y		
16.	Use of renewable energy sources			Y	Should be actively promoted
17.	Widening of roads		Y		This should be done with proper EIA and mitigation measures
18.	Movement of vehicular traffic at night		Y		For commercial purpose
19.	Introduction of exotic species		Y		
20.	Use of production of any hazardous substances	Y			
21.	Undertaking activities				

	related to tourism like over-flying the National Park are by any aircraft, hot-air balloons				
22.	Protection of hill slopes and river banks		Y		As per the master plan
23.	Discharge of effluents and solid waste in natural water bodies or terrestrial are	Y			
24.	Air and vehicular pollution		Y		
25.	Sign board & hoardings		Y		As per the master plan
26.	Adoption of green technology for all activities			Y	Should be actively promoted.

41. It is to be noted that this Court in paragraph 54 of the order dated 3rd June 2022 (supra) has, in fact, held the said Guidelines to be reasonable and also accepted the view of the Standing Committee of the NBWL that uniform guidelines may not be possible in respect of each sanctuary or National Park for maintaining the ESZs. It is also observed that the sanctuaries like Sanjay Gandhi National Park and Guindy National Park in Mumbai shall form special cases. The said paragraph 54 is reproduced hereinunder:

“54. In our opinion, the Guidelines framed on 9-2-2011 appear to be reasonable and we accept the view of the Standing Committee that uniform guidelines may not be possible in respect of each sanctuary or national park for maintaining ESZ. We are of the opinion, however, that a minimum width of 1 km ESZ ought to be

maintained in respect of the protected forests, which forms part of the recommendations of CEC in relation to Category B protected forests. This would be the standard formula, subject to changes in special circumstances. We have considered CEC's recommendation that the ESZ should be relatable to the area covered by a protected forest but the Standing Committee's view that the area of a protected forest may not always be a reasonable criteria also merits consideration. It was argued before us that the 1 km wide "no-development-zone" may not be feasible in all cases and specific instances were given for Sanjay Gandhi National Park and Guindy National Park in Mumbai and Chennai metropolis respectively which have urban activities in very close proximity. These sanctuaries shall form special cases."

42. It is to be noted that an elaborate and exhaustive list has been prepared by MoEF & CC of the activities which shall be prohibited, the activities which shall be regulated and the activities which shall be permitted.

43. In the application, it is stated that after the proposals are received from the State Governments/Union Territory Administrations, they are scrutinized in consultation with the Wildlife Institute of India, Dehradun, and in case of tiger reserves, with the National Tiger Conservation Authority. They are thereafter published in the Official Gazette of the Central Government in both Hindi and English. They are also placed in the public domain for 60 days for seeking comments of concerned stakeholders. The comments so received are compiled and scrutinized and observation of the concerned State Government/Union Territory Administration is sought on the same. The aforesaid requirements are in tune with the provisions of Rule 5 of 1986 Rules.

44. The application further states that the proposal is thereafter placed before an Expert Committee constituted for ESZ within the MoEF & CC. The said Committee comprises of the following:

- (i) Indian Institute of Remote Sensing/Indian Space Research Organization,
- (ii) Ministry of Jal Shakti,
- (iii) Ministry of Rural Development,
- (iv) Forest Survey of India,
- (v) Town & Country Planning Organization, Government of India,
- (vi) National Tiger Conservation Authority,
- (vii) Wildlife Institute of India,
- (viii) GB Pant Institute of Himalayan Environment & Development,
- (ix) Indian Council of Forestry Research and Education,
- (x) World Wildlife Fund,
- (xi) Zoological Survey of India,

- (xii) Botanical Survey of India,
- (xiii) Salim Ali Centre for Ornithology and Natural History (SACON).

45. It is further stated in the application that based on the recommendation of the Expert Committee (ESZ), the Ministry finalizes the notification of ESZs and after due legal vetting by the Ministry of Law & Justice, final notifications specifying the ESZs around the Protected Areas are notified. It could thus be seen that an elaborate procedure including consideration by a Committee of Experts coming from 13 organizations having expertise in wildlife ecology, forest etc. is followed before a final notification prescribing ESZs is notified.

46. In the application filed by the Union of India, various illustrations have been given to point out as to how if the directions issued in paragraph 56.5 of the order dated 3rd June 2022 (*supra*) are not modified, a severe hardship would be caused to the millions of people. We refer to the same hereunder:

- (i) "The ESZ around Nagarjunasagar Srisaillam Tiger Reserve in Andhra Pradesh extends from 0 to 26 kilometres and 100 villages are situated within it (*Zero extent of ESZ is due to Krishna River and interstate boundary with Telangana*);
- (ii) The ESZ around Valmiki Wildlife Sanctuary, Valmiki National Park and Valmiki Tiger Reserve in Bihar extends from 0 to 9 kilometres and 323 villages are situated within it (*zero extent of ESZ is towards Western side sharing inter-state boundaries with Uttar Pradesh and towards Northern side sharing international boundary with Nepal*);
- (iii) The ESZ around Betla National Park, Palamau Wildlife Sanctuary, and Mahuadanr Wolf Sanctuary in Jharkhand extends from 0 to 9 kilometres and 382 villages are situated within it (*Zero extent of ESZ is due to Inter-State boundary*);
- (iv) The ESZ around Cauvery Wildlife Sanctuary in Karnataka extends from 1 to 14.5 kilometres and 107 villages are situated within it;
- (v) The ESZ around Kanha National Park and Phen Wildlife Sanctuary in Madhya Pradesh extends from 0 to 30 kilometres and 168 villages are situated within it (*Zero extent of Eco-sensitive Zone is towards the eastern side having interstate boundary with Chhattisgarh*);
- (vi) The ESZ around Tadoba-Andhari Tiger Reserve in Maharashtra extends from 3 to 6 kilometres and 150 villages are situated within it;
- (vii) The ESZ around Jaisamand Wildlife Sanctuary in Rajasthan extends from 1.6 to 8.9 kilometres and 83 villages are situated in it;

(viii) Even a small ESZ such as the one around Keoladeo National Park in Rajasthan which extends from 0.5 to 1.5 kilometres has 22 villages situated in it.”

47. It would thus reveal that in the ESZ around Nagarjunasagar Srisailem Tiger Reserve in Andhra Pradesh, 100 villages are situated within it. In the ESZ around Valmiki Wildlife Sanctuary, Valmiki National Park and Valmiki Tiger Reserve in Bihar, 323 villages are situated within it. In the ESZ around Betla National Park, Palamau Wildlife Sanctuary, and Mahuadanr Wolf Sanctuary in Jharkhand, 382 villages are situated within it. In the ESZ around Cauvery Wildlife Sanctuary in Karnataka, 107 villages are situated within it. In the ESZ around Kanha National Park and Phen Wildlife Sanctuary in Madhya Pradesh, 168 villages are situated within it. In the ESZ around Tadoba-Andhari Tiger Reserve in Maharashtra, 150 villages are situated within it. In the ESZ around Jaisamand Wildlife Sanctuary in Rajasthan, 83 villages are situated in it. Even in a small ESZ around Keoladeo National Park in Rajasthan, 22 villages situated in it.

48. If the direction as issued by this Court in paragraph 56.5 of the order dated 3rd June 2022 (supra) is continued, then no permanent structure would be permitted to come up for whatsoever purpose in the aforesaid ESZs. As already pointed out from the aforesaid examples, hundreds of villages are situated within the ESZs in the country. If no permanent construction is to be permitted for any purpose, a villager who is desirous to reconstruct his house would not be permitted. Similarly, if there is an extension in their family and some additional construction is required for accommodating the enlarged family, the same would also not be permitted. Similarly, if the Government decides to construct schools, dispensaries, anganwadis, village stores, water tanks and other basic structures for improvement of the life of the villagers, the same would also not be permitted. The effect of the order will be to prevent the State or the Central Government from constructing roads and provide other facilities to the villagers.

49. If the order dated 3rd June 2022 (supra) is not modified, it will also be impossible for the Forest Departments to conduct eco-development activities around National Parks and Sanctuaries. The said activities are required with the dual objectives of protection of wildlife and provision of benefits for the local communities. MoEF & CC provides financial assistance to the States under the Centrally Sponsored Scheme-Integrated Development of Wildlife Habitats, which includes assistance for eco-development activities. These activities often involve construction of small structures which are permanent in nature in areas including ESZs. For example, the said activities which are likely to be prohibited are thus:

- (i) The construction of community halls, bridges, threshing floors, fish-drying platforms, drinking water storage, etc., for the benefit of local communities/villages;
- (ii) The construction of forest chowkies, watch towers, and other structures for protection of wildlife and forests;
- (iii) The construction of interpretation centres, toilets and other basic structures for the environmental education of visitors to National Parks and sanctuaries.

50. It is further to be noted that there are various regulated and permissible activities. There are also certain projects of national and strategic importance such as construction of National Highways, Railways, Defence related infrastructure etc. The effect of the direction in 56.5 of the order dated 3rd June 2022 (supra) is that all such activities will be permanently prohibited. In this respect, it is to be noted that MoEF & CC has issued an Office Memorandum dated 17th May 2022 which required that any activity listed in Schedule of the EIA Notification 2006, when conducted in a notified ESZs, or in the case of *National Parks and Sanctuaries* for which no ESZ has been finally notified, when conducted within 10 kilometres of such National Park or Sanctuary, requires the consideration and recommendation of the NBWL or its Standing Committee in addition to the Environment Clearance under the 1986 Act. Additionally, activities which are regulated as per the specific ESZ notification, require approval as per that notification. As such, we find that there are inbuilt safeguards for preventing rampant construction and abuse of process which may be detrimental to the development and maintenance of wildlife habitats. It is further to be noted that if the direction as contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) that even for continuation of existing activities, the permission of the PCCF of each State or Union Territory would be necessary, remains unmodified, taking into consideration that in each State or Union Territory there will be hundreds of villages wherein millions of people would be residing, the PCCF would be left with no other job except to consider such applications for permission to continue such activities. Even a farmer desirous to continue farming activities would be required to seek such permission. We find that such a direction is impossible to be implemented.

51. We are of the view that if such a direction is continued, rather than avoiding man-animal conflict, it will intensify the same. As observed in the said Guidelines, the requirement of declaring ESZs is not to hamper day to day activities of the citizens but is meant to protect the precious forests/Protected Areas from any negative impact, and to refine the environment around the Protected Areas.

52. As already discussed hereinabove, the necessity to have ESZs is to provide a buffer zone around the Protected Areas. The rights of the villagers residing in the Protected Areas are required to be settled in accordance with the provisions contained in the 1972 Act and such villagers are rehabilitated outside the Protected Areas. However, no such settlement of rights is available to the villagers residing in the ESZs areas. As stated in the said Guidelines, the purpose of declaring ESZs is not to hamper the day to day activities of the citizens. If the direction as issued is continued, it would certainly hamper the day to day activities of the citizens residing in ESZs. As such, we find that the said direction needs to be modified.

53. It is further to be noted that the NBWL, in its meeting dated 17th March 2005, has also recommended that the delineation of ESZs should project as regulation rather than prohibition of activities.

54. As was pointed out by the counsel for one of the States, the entire municipal area of the Sulthan Bathery Block Panchayat is situated within the ESZ area.

55. Insofar as direction in paragraph 56.1 of the order dated 3rd June 2022 (supra) is concerned, a perusal of various orders would reveal that this Court has not directed any minimum area from the demarcated boundary of such Protected Areas. The area to be declared as ESZ cannot be uniform and will be Protected Area specific. In some cases, it may be 10 kilometres on one side and 500 meters on the other side. In certain cases, it may not be possible to have a uniform minimum area by virtue of inter-state boundaries or a sea or a river beyond one side of the Protected Area. In any case, a detailed procedure is required to be followed as prescribed under Rule 5 of the 1986 Rules which we have already referred hereinabove. We find that once such a notification is issued after following the procedure prescribed under the 1986 Rules, the ESZs will have to be as per the said notification.

56. It is further to be noted that, as required under sub-rule (3) of Rule 5 of the 1986 Rules, before any final notification is issued, a draft notification is required to be published in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time. Any person interested in filing any objection to such a draft notification is entitled to file objection within a period of 60 days from the date of publication of the draft notification in the Official Gazette. We find that the Central Government can be directed to give a wide publicity to the draft notification so that all persons interested have knowledge about issuance of such draft notification.

57. It is pertinent to note that after following the aforesaid procedure, the matter is placed before the Expert Committee consisting

of 13 organizations having expertise in the relative field. As such, before an ESZ area is specified, various factors are taken into consideration. There are various factors which will determine the ESZs for a particular Protected Area. The circumstances may differ from one Protected Area to another Protected Area. As such, we find that the direction which prescribes a uniform one kilometre ESZ requires to be modified.

58. It is further to be noted that on the date of filing of the present application, final notifications have been issued in respect of 474 Protected Areas whereas draft notifications have been issued in respect of 102 Protected Areas. 73 proposals are pending. As already discussed hereinabove, this Court has already found the said Guidelines to be reasonable and has accepted the same. The Court has also accepted the view of the Standing Committee of the NBWL that uniform guidelines may not be possible in respect of each Sanctuary or National Park for maintaining ESZs. Though the Court has observed that a minimum width of one kilometre in ESZ ought to be maintained, in paragraph 56.6 of the order dated 3rd June 2022 (supra) itself, it has observed that minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned is required to approach Central Empowered Committee (CEC) and MoEF & CC. It has further observed that both these bodies shall give their respective recommendations before this Court and on that basis, the Court should pass appropriate order.

59. As already discussed hereinabove, the ESZs are required to be notified after following the procedure as prescribed under the 1986 Rules and the said Guidelines. Such notifications cannot be issued unless a close scrutiny at various levels including the scrutiny by Expert Committee consisting of experts from 13 organizations. As such, we find that the direction as contained in paragraph 56.6 of the order dated 3rd June 2022 (supra) also needs to be modified.

60. Insofar as the restriction on mining is concerned, we are of the considered view that it has been the consistent view of this Court that the mining activities within an area of one kilometre of the boundary of the Protected Areas will be hazardous for the wildlife. Though in the case of *Goa Foundation* (supra), the said directions were issued in respect of State of Goa, we find that such directions need to be issued on Pan-India basis.

61. We are therefore inclined to allow the present I.A. The direction in paragraph 56.1 of the order dated 3rd June 2022 (supra) is modified and clarified that the directions contained therein would not be applicable to the ESZs in respect of which a draft and final notification has been issued by the MoEF & CC and in respect of the proposals

which have been received by the Ministry.

62. We, however, direct the Central Government that wide publicity should be given to the draft notification which is required to be published under the provisions of clause (a) of sub-rule (3) of Rule 5 of the 1986 Rules. We further direct that the final notification to be published under clause (d) of sub-rule (3) of Rule 5 of the 1986 Rules shall not be given effect for a period of 30 days from the date of issuance thereof.

63. It is further directed that any person who is aggrieved with such a final notification would be entitled to approach this Court directly by filing an application in the present proceedings.

64. We further clarify that the direction contained in paragraph 56.1 of the order dated 3rd June 2022 (*supra*) would not be applicable where the National Parks and Sanctuaries are located on inter-State borders and/or share common boundaries.

65. We also modify the direction contained in paragraph 56.4 of the order dated 3rd June 2022 (*supra*) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.

66. We also modify the directions contained in paragraph 56.5 of the order dated 3rd June 2022 (*supra*) and replace the same as under:

(i) The MoEF & CC and all the State/Union Territory Governments shall strictly follow the provisions in the said Guidelines dated 9th February 2011 and so also the provisions contained in the ESZs notifications pertaining to the respective Protected Areas with regard to prohibited activities, regulated activities and permissible activities;

(ii) We further direct that while granting Environmental and Forest Clearances for project activities in ESZ and other areas outside the Protected Areas, the Union of India as well as various State/Union Territory Governments shall strictly follow the provisions contained in the Office Memorandum dated 17th May 2022 issued by MoEF & CC.

67. All the other present I.As shall stand disposed of in terms of the above. No costs.

¹ (2022) 10 SCC 544

² (2006) 5 SCC 25

³ (2010) 13 SCC 740



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⁴ (2011) 15 SCC 791

⁵ (2014) 6 SCC 590

⁶ (2014) 6 SCC 590

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ANNEXURE R-24

DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
 Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
 Email : dharisolarpark@gmail.com Contact : +91 88795 00273

Date: 11.09.2024

To,

**The Principal Chief Conservator of Forest &
 Chief Wildlife Warden,**
 Aranya Bhavan,
 Block B/1, Sector-10/A,
 Ch-3 Circle,
 Gujarat State, Gandhinagar.

Sir,

Subject: Concerning modification of Condition No.3 stipulated in No
 Objection Certificate (NOC) dated 30.12.2022 issued to Dhari
 Solar Park Pvt. Ltd.

With reference to the subject, it is submitted as follows:

1. Dhari Solar Park Private Limited is a Company registered under the Companies Act, 2013 and is actively engaged in the development of sustainable energy solutions (which comes under the Permitted Green Energy) in India.
2. The National Institute of Solar Energy (NISE) an institution of the Ministry of New and Renewable Energy (MNRE), Government of India is engaged in advancements of solar energy. The mandate of NISE is to drive the Nation towards self-reliance in Renewable Power Generation while navigating the challenges inherent in the implementation of the Green Energy (Solar Energy). NISE have assessed the Country's Solar potential of about 748 GW assuming 3% of the waste land area to be

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 12/09/24
 અમલ મુખ્ય વન સંરક્ષક
 વન પ્રાણી, ગુજરાત રાજ્ય,
 ગાંધીનગર



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covered by Solar PV modules. Solar energy has taken a central place in India's National Action Plan on Climate Change with National Solar Mission (NSM) as one of the key Missions. NSM is a major initiative of the Government of India with active participation from the States to promote ecological sustainable growth while addressing India's energy security challenges. It also constitutes a major contribution by India to the global effort to meet the challenges of climate change. The Mission's objective is to establish India as a global leader in solar energy by creating the Policy conditions for solar technology diffusion across the country as quickly as possible. This is in line with India's Nationally Determined Contributions (NDCs) target to achieve about 50 percent cumulative electric power installed capacity from non-fossil fuel-based energy resources and to reduce the emission intensity of its GDP by 45 percent from 2005 level by 2030.

In order to achieve the above target, Government of India (GOI) have launched various schemes to encourage generation of Solar Power in the Country like Solar Park Scheme. We felt encouraged with the said mission/schemes of GOI and have acquired the waste land for the subject Solar Power Park with an aim to promote Solar Energy within the State of Gujarat and to achieve the target of GOI.

3. Our Company's goal is to support the zero-emission goals set by State and Central Governments of India. It has thus, initiated a sustainability development business by establishing a Solar Plant for generating electrical energy from renewable sources. This initiative aims to meet the Nation's electricity demands while combating climate change, lowering electricity costs over time, and providing a reliable, renewable



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energy source for homes, businesses, and communities. The solar plant, as an environmentally friendly and non-polluting industry, contributes to energy independence and security, creates jobs and fosters economic growth, and reduces greenhouse gas emissions by generating electricity at a lower cost.

4. Hence, as the Company was desirous of setting up a Solar Power Project of 25 MW on the lands of Survey Nos. 342 paiki 2, 342 paiki 4/paiki 2, 342 paiki 7/paiki 2, 342 paiki 2/paiki 2 and 342 paiki 12, in all admeasuring 4,19,028 sq.mtrs. and situated at Village Monvel, District Amreli, it initiated the process for taking permission/s from various authorities.
5. India has an abundance of agricultural land; however, the Company has deliberately chosen not to use fertile land for setting up the Solar Plant. Selected land referred above is barren, rocky, and hilly-unsuitable for agricultural activities. Our Company could have opted for fertile agricultural land and converted it for Solar use; however, this would have wasted valuable farmland. The chosen location is waste land, which is not suitable for agricultural activities.
6. As such for setting up a Solar Power Project, no environment clearance is required in view of Office Memorandum dated 13.05.2011 issued by the Government of India, Ministry of Environment and Forests (MoEF). However, for obtaining the other permissions required for setting up the Solar plant, we started by preferring requisite Application from the perspective of wildlife before the competent authority i.e. your goodself



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(Principal Chief Conservator of Forest & Chief Wildlife Warden)
(hereinafter referred to as Forest Clearance Certificate).

7. After examining the request made by us from the perspective of wildlife, your goodself was kind enough to issue a No Objection Certificate (NOC) dated 30.12.2022 on the terms and conditions envisaged therein. A copy of No Objection Certificate dated 30.12.2022 is enclosed herewith and marked as **ANNEXURE-'A'**.
8. In the NOC, more particularly, in the preface part thereof, it is specifically noted that the project proposed to be set up by Dhari Solar Park Pvt. Ltd. is situated at the distance of 490 meters from the boundary of Gir Sanctuary i.e. within the Eco-sensitive Zone. After considering the Guidelines dated 09.02.2011 issued for Declaration of Eco-sensitive Zone around National Parks and Wildlife Sanctuaries by the Government of India, MoEF (Wildlife Division), the contents of Notification dated 31.12.2005 issued by MoEF and the draft Notification dated 25.10.2016 issued by MoEF and Climate Change, the Authority thought it fit to grant the permission to use the lands referred to in the preceding paragraphs for non-agricultural purposes on the terms and conditions stipulated therein. One amongst the many is the Condition No.3, according to which no construction activity and/or project related work can be carried out within 1 k.m. from the boundary of Sanctuary. Copies of Guideline dated 09.02.2011 and Notifications dated 31.05.2012 and 25.10.2016 are enclosed herewith and marked as **ANNEXURE-'B' (Colly.)**.



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9. As regards the Condition No.3, at the outset, we would like to state that the same is contrary to and against the spirit of the Guidelines dated 09.02.2011 and the Notifications referred to hereinabove.
10. If the Guidelines dated 09.02.2011 are perused, it specifically identifies certain activities which are permitted and promoted and the activities which are prohibited and regulated within the Eco-sensitive Zones. Item Nos. 16 & 26 thereof, not only permits but actively promotes use of renewable energy sources and adoption of green technology for all activities respectively. An activity of setting up a Solar Power Project would fall under the Item Nos. 16 and 26 of the Guidelines. What is specifically prohibited is also provided in the said Guidelines which includes amongst others commercial mining, setting of saw mills, setting of industries causing pollutions, (Water, Air, Soil, Noise, etc.) etc. Likewise, the activities which can be regulated within the Eco-sensitive Zone are felling of trees, establishment of hotels and resorts, commercial use of natural water resources including ground water harvesting, erection of electrical cables, etc.
11. Furthermore, if a perusal of Notification dated 31.05.2012 is made, Annexure-III appended thereto provides for activities that are prohibited, regulated or permitted within the Eco-sensitive Zone around Girnar Wildlife Sanctuaries. This Notification as well, permits use of renewable energy source and adoption of green technology for all activities. In a similar manner, a draft Notification dated 25.10.2016 issued by MoEF & CC also provides for use of renewable energy and adoption of green technology for all activities as permitted and promoted activities.



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12. In light of the above, if the Condition No.3 is perused, the same is in contrast to the Guidelines and Notifications referred to hereinabove. Once an activity is designated as "Permitted" and "Promoted" Activity within Eco-sensitive Zone by the MoEF, Government of India, no artificial restriction can be put by the authorities at the time of execution of the said permitted and promoted activities and conditions in furtherance of and nothing in derogation of the guidelines can be incorporated.
13. Be that as it may, even the Order dated 03.06.2022 passed by the Hon'ble Supreme Court in IA No. 1000 of 2003 and cognate IA/s filed in Writ Petition (C) No. 202 of 1995, reported in (2022) 10 SCC 544, more particularly, paragraph 56.1 thereof, contains a direction that "Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometer measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 09.02.2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned." Meaning thereby, even within the said 1 km of ESZ, the Guidelines dated 09.02.2011 are to be strictly adhered to, which in fact permits and promotes the use of renewable energy source and adoption of green technology for all activities (which includes setting up of a Solar Power Project Plant).
14. The interpretation of the above direction has been wrongly made by the Forest authorities. It further appears that based on this direction and the



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wrong interpretation thereof, your goodself has stipulated Condition No.3 in the NOC dated 30.12.2022 issued to Dhari Solar Park Pvt. Ltd.

15. It is pertinent to state that the above direction is modified by the Hon'ble Supreme Court vide Order dated 26.04.2023 passed in IA No. 131377 of 2022 & other cognate IAs', reported in 2023 SCC Online SC 504 to the extent that the directions contained in paragraph 56.1 of the Order dated 03.06.2022 would not be applicable to ESZs in respect of which a draft and final Notification has been issued by the MoEF & CC and in respect of the proposals which have been received by the Ministry. We would like to state that if the direction contained in paragraph 56.1 is made applicable to Gir Sanctuary and even if the modified direction referred to hereinabove is made applicable to Gir Sanctuary, in either of the cases, the Guideline dated 09.02.2011 are to be strictly followed and adhered to by the authorities. Copies of Order dated 03.06.2022 and 26.04.2023 passed by the Hon'ble Supreme Court of India are enclosed herewith and marked as **ANNEXURE-'C' (Colly.)**.
16. We would like to inform you that the insertion of Condition No.3 is bad and contrary to the above Guideline and Notifications and therefore, needs to be modified and brought in consonance with the Guideline dated 09.02.2011. We would further like to inform that in this regard from time to time a request was made by the representative of our Company on its behalf, however, the same was not considered in a positive spirit. Rather, in reference to one of our Letter dated 03.04.2024 concerning intimation of starting of 25 MW Solar Project, your goodself vide letter dated 04.05.2024 informed us that the Condition No.3 is just and proper.



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DHARI SOLAR PARK PRIVATE LIMITED

[Corporate Identification Number CIN : U40106GJ2021PTC114490]
Registered office : C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001
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17. It goes without saying that the activity of setting up a Solar Plant itself being a permitted and promoted activity in view of it falling under the Item Nos. 16 and 26 of the Guideline dated 09.02.2011, any construction carried out for the purpose of setting up the Solar Plant, would not fall within the prohibited construction activity as was understood by the authorities while issuing the NOC. It further becomes important to bring to your kind notice that other Solar Plants in the Eco-sensitive Zone (within 1 k.m. from the boundary of Gir Sanctuary) are permitted by the authorities including forest authorities and to name a few, the same are Jay Bhavani Energy and Jay Ambe Energy.
18. Sir, this Condition No.3 is not in consonance with the Guideline dated 09.02.2011 and is in breach of the directions issued by the Hon'ble Supreme Court, as referred to in the preceding paragraphs.
19. On account of the Condition No.3, we are facing multiple litigations at various forums and one Petition is pending before the Gujarat State Human Rights Commission which on face of it is not tenable in law and another is the proceedings initiated by the Collector, Amreli as regards the purported breach of Condition No.19 of the NA Permission Order. Against the interim Order dated 21.08.2024 passed by the Collector, Amreli by which the Mamlatdar and Range Forest Officer are directed to demarcate and demolish the construction that falls within the 1 k.m. area from the boundary of sanctuary, our Company has already approached the Hon'ble Gujarat High Court by filing Special Civil Application No. 12963 of 2024. The Hon'ble Gujarat High Court vide Order dated 02.09.2024 was pleased to pass a detailed Interim Order and has



A handwritten signature in blue ink, consisting of a stylized 'D' followed by a diagonal line.

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restrained the authorities forthwith from carrying out the activity of demolition at the site of the project of the Company. A Copy of Order dated 02.09.2024 passed by the Hon'ble Gujarat High Court in Special Civil Application No. 12963 of 2024 is enclosed herewith and marked as **ANNEXURE-'D'**.

20. In the premises as aforesaid, it is humbly requested to your goodself to kindly modify the Condition No.3 stipulated in NOC dated 31.12.2022 suitably by bringing it in consonance with the Guideline dated 09.02.2011 issued by Government of India, Ministry of Environment Forests and give the effect to such modification from the date of issuance of NOC i.e. 30.12.2022.

Yours sincerely,

For, Dhari Solar Park Private Limited



Authorized signatory



Encl.: As above

DHARI SOLAR PARK PRIVATE LIMITED

ANNEXURE

R-25

[Corporate Identification Number CIN: U40106GJ2021PTC114490]

Registered office: C/s Rajshivalay Multi Lotia Bhagol, Plot No 32 Anand Gujarat 388001

Email: dharisolarpark@gmail.com /dharisppl@gmail.com Contact: +917738888235/8879500273

Ref. No.: Dhari Solar /25 MW /43

Date: 26.04.2025

To,

The Deputy Conservator of Forest (DCF)
Gir East Division, Forest Department,
Vekariyapara, Forest Colony,
Dhari, Gujarat – 365640
Email: dcf.dhari@yahoo.com

Sir,

Subject: Concerning the 25 MW Solar Power Project set up by Dhari Solar Park Private Limited on the lands situated at Village Monvel, Taluka Dhari, District Amreli.

Ref.: (i) No Objection Certificate (also known as Forest Clearance Certificate) dated 30.12.2022 issued by the Chief Wildlife Warden, Gujarat State, Gandhinagar.

(ii) Representation dated 11.09.2024 made by the Company to the Office of the Principal Chief Conservator of Forest & Chief Wildlife Warden, inwarded on 12.09.2024.

With reference to the subject matter and the NOC dated 30.12.2022 referred to at Serial No.

(i) above, it is submitted as follows:

1. M/s. Dhari Solar Park Private Limited is a Company registered under the Companies Act, 2013. Since 14.12.2020, it is also registered as a Micro Industry under the Micro, Small and Medium Enterprises Development Act, 2006 ("MSME") and its Udyam Registration Number is UDYAM-GJ-03-0002243.
2. The Company is actively engaged in the business of development of sustainable energy solutions in India (which comes under the Permitted Green Energy).
3. Looking to its activities, the Company decided to set up a Solar Power Project having a capacity of 25MW on the lands of Survey Nos. 360/p2, 342/p8/p2, 342/p7/p2, 342/p12, 342/p4/p2 in all admeasuring 4,19,028 sq. mtrs., situated at Village Monvel, Taluka Dhari, District Amreli.
4. As the lands on which the Solar Power Project was proposed to be set up was located at a distance of 490 mtrs. from the boundary of the Gir Sanctuary, which is falling under the

શ્રવામગી કારકુન
નાયબ વન સંરક્ષક
ગીર (પૂ.) વન વિભાગ
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jurisdiction of Forest Department, the Company initiated steps for availing requisite permissions from various authorities including the Forest Authority.

5. We would like to draw your attention to the Office Memorandum dated 13.05.2011 issued by the Government of India, Ministry of Environment and Forest (hereinafter referred to as "MoEF" for sake of brevity) whereby it is clarified that the Environmental Impact Assessment (EIA) Notification of the year 2006 is not applicable to the Solar PV Power Projects, the same being outside the purview of the EIA Notification 2006. Meaning thereby, no Environment Clearance was required for such projects. A copy of Office Memorandum dated 13.05.2011 issued by MoEF; Government of India is attached herewith and marked as **ANNEXURE- "A-1"**.

6. Furthermore, by a Communication dated 02.07.2012, the Secretary, MoEF has requested all the Chief Secretaries to advise the Departments of the Environment and Forests in the State to ensure that the Guidelines for declaration of Eco-sensitive Zones around National and Wildlife Sanctuaries issued by the Ministry is implemented in letter and spirit. It is also clarified that Projects falling in such ESZs, which are not covered under the EIA Notification, and which do not require Environmental Clearance, would also not require "prior" approval of this Standing Committee of National Board for Wildlife. A copy of Communication dated 02.07.2012 issued by the Secretary, MoEF, Government of India is attached herewith and marked as **ANNEXURE- "A-2"**.

7. As far as the requirement of obtaining consent of the respective State Pollution Control Board for operating and/or setting up the Solar Plant is concerned, vide Notification No. B-29012/ESS (CPA) 2015-16 dated 07.03.2016 issued by MoEF and Climate Change, the Companies like the present one are categorized as 'White Category Industry' i.e. Industrial Sector having Pollution Index Score including and up to 20 and therefore, there is no necessity to obtain the consent from the State Control Pollution Board before setting up the Solar Power Plant. A copy of Notification dated 07.03.2016 issued by MoEF and Climate Change is attached herewith and marked as **ANNEXURE- "A-3"**.

8. The Company, therefore, for the purpose of setting up the Solar Power Plant, proceeded to seek the requisite permissions from the competent authorities as mandated by the provisions of law.

9. The Company thus, filed an application for obtaining No Objection Certificate from the Forest Department. In view thereof, the Chief Wildlife Warden, Gujarat State, Gandhinagar after having a Report from the Chief Forest Conservator, Junagadh which was sent to it vide

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letter dated 09.12.2022, proceeded to issue the No Objection Certificate No. 147/2022-23 dated 30.12.2022 ("NOC") on the terms and conditions stipulated therein.

10. Based on the NOC dated 30.12.2022, the Company applied for getting the lands converted from agricultural to non-agricultural use. Such permission was granted by the Collector for all the parcels of land.
11. As far as the NOC is concerned, it is a very vital document for enabling the Company to set up the Solar Power Plant and thus, a foundation for obtaining other and further requisite permissions from various other authorities. The snippets of this NOC are as under:-

11.1 At the time when the NOC was sought for by the Company, the following Guidelines and Notifications were in place that dealt with the activities in the Eco-Sensitive Zone (hereinafter referred to as "ESZ" for the sake of brevity):

- (i) Guidelines for declaration of ESZ around National Parks and Wildlife Sanctuaries dated 09.02.2011;
- (ii) Notification dated 31.05.2012 issued by MoEF;
- (iii) Resolution dated 01.07.2015 issued by Forest and Environment Department, Government of Gujarat; and
- (iv) Notification dated 25.10.2016 issued by MoEF;

While issuing the NOC dated 30.12.2022, the above Notifications have been referred to and considered.

11.2 While considering the Application of the Company for issuing the NOC, the Forest Authority was alive to the fact that the lands on which the Project is proposed to be set up is located at distance of 0.490 Kms from the boundary of the Gir Sanctuary and is thus, falling under the ESZ and the said fact was recorded in the NOC issued to the Company.

11.3 Before issuing the NOC, the Forest Authority also carried out spot inspection through its Range Forest Officer on 16.11.2022 and duly noted that the proposed Power Plant is 0.490 Kms away from the boundary of Gir Wildlife Sanctuary.

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11.4 The contents of Guidelines dated 09.02.2011 were also pitted against the Resolution dated 01.07.2015, where after while issuing the NOC, the fact that "use of Renewable Energy Sources" and "Adoption of Green Technology for all activities" is directed to be actively promoted in the Guidelines dated 09.02.2011 was considered by the Forest Authority along with the contents of Notifications dated 31.05.2012 and 25.10.2016.

11.5 However, despite the fact that the Authority was aware of the geographical positioning of the proposed Plant, and despite the further fact that the applicable Guidelines did not prohibit setting up of such a Power Plant, the Forest Authority erroneously incorporated Condition No. 3 in the NOC, which is reproduced herein below: -

Condition No. 3: Within an area of 1 km. from the boundary of Sanctuary, no construction activity and/or project related work can be carried out.

It is relevant to note that the Application for seeking NOC was for setting up the Solar Power Plant within this 1 km. boundary from the Sanctuary, which the Authority was aware of. Thus, by incorporating such a Condition, which does not find any support in any of the applicable Guidelines at the time, an ironic situation has been created and as a result, the Authority grants a NOC for setting up the solar power Plant on a specific land, while prohibiting setting up of such Plant on the land for which NOC has been granted.

A copy of No Objection Certificate being No. 147/2022-23 dated 30.12.2022 is attached herewith and marked as **ANNEXURE- "A-4"**.

12. Though the entire work of setting up the Solar Power Plant is completed and only the Testing and Commissioning part is left, the said Condition No. 3 that has become an obstacle for Commissioning the Solar Power Plant.
13. In the above set of circumstances, it has become necessary for the Company to seek modification and/or deletion of the Condition No. 3.

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14. Before we proceed to specify the reasons in support thereof, it may be noted that when the NOC was sought by the Company, the following Guidelines and Notifications specifically permitted / promoted setting up of the Solar Plants within the ESZs:
- (i) Item 16 of the activities identified in Annexure – 1 to the Guidelines dated 09.02.2011 marks ***“use of renewable energy sources”*** as a ***permitted activity*** and in the remarks portion it is stated that ***“should be actively promoted”***;
 - (ii) Item 16 of the activities to be prohibited, regulated and permitted within the ESZs around Girnar Wildlife Sanctuary in Annexure – III to the Notification dated 31.05.2012 marks ***“use of renewable energy sources”*** as a ***permitted activity*** and in the remarks portion it is stated that ***“should be actively promoted”***; and
 - (iii) Items 40 and 42 in the table provided under Clause 4 of the Draft Notification dated 25.10.2016 marks ***“adoption of green technology for all activities”*** and ***“use of renewable energy”*** as a ***promoted activity*** and in the remarks portion against Item No. 40 it is stated that ***it shall be actively promoted*** and against Item No. 42 it is stated that ***Bio gas, solar light, etc. to be promoted.***
15. Therefore, while issuing the NOC dated 30.12.2022, the fact that use of renewable energy and adoption of Green Technology for all activities are permitted / promoted activities in the ESZs, ought to have been given utmost importance inasmuch as while permitting / promoting the same, the MoEF has considered the provisions of the Environment (Protection) Act, 1986 and the Rules made there under. However, due to an error or non-consideration of the same in its true spirit, it appears that Condition No. 3 is erroneously incorporated while issuing the NOC.
16. Therefore, by this Representation, the Company seeks to apply for modification / deletion of Condition No. 3 incorporated in the NOC dated 30.12.2022 for the following reasons: -
- a. The Condition No. 3 is contrary to the narrations of the NOC itself and the purpose for which it was sought and granted in the first place.
 - b. The Condition No. 3 is so strict that it has rendered the purpose of Guidelines dated 09.02.2011 and the Notifications otiose and runs counter to the intent of the said Guidelines.

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- c. The Condition No. 3 has rendered the portion of Solar Plant within 1 Km from the boundary of Gir Sanctuary as illegal and unauthorized, though admittedly, the Guidelines dated 09.02.2011 actively seeks to promote Solar Power Projects.
- d. Accordingly, the application of Condition No. 3 based on an undefined or ambiguously interpreted terms appears to be inconsistent with the objectives of both the Resolution dated 01.07.2015 and the Notification dated 31.05.2012.
- e. As far as the Notification dated 31.05.2012 is concerned, on or after the publication of the said Notification, no new polluting industries are allowed to be set up within the ESZ and the construction activities in the villages named in Paragraph-3(2) of the said Notification are confined to the Farm House, Houses, Hotels, Resorts and such other activities that might lead to unregulated tourism. Such construction activities are to be strictly controlled and monitored by the Monitoring Committee as referred to in paragraph-4 of the said Notification. What is more specifically prohibited in Paragraph-3(3) of the said Notification is quarrying and mining activities within the ESZ. Meaning thereby, what is prohibited within the ESZ is polluting industries and construction activities, referred to hereinabove. It is clarified that this Notification does not define industry as well as construction activities.
- f. As far as the Draft Notification dated 25.10.2016 is concerned, the activities proposed to be Prohibited, Regulated and Promoted is specifically enumerated therein. The said Notification specifically provides for promotion of 'use' of renewable energy. Hence, there is no bar to set up a Solar Power Plant under this Notification also. Even otherwise, as per Item No. 17 which falls under the proposed Regulated activities, what is contemplated by "Construction activities" is commercial construction of any kind within 1 km. from the boundary of the protected area or up to the boundary of ESZ, whichever is nearer. A proviso thereto specifically provides that for construction activity related to Small Scale Industries not causing pollution is to be regulated. As we have set up a Solar Power Plant – a non-polluting industry and as we are registered under the MSME Act, the proposed construction activities as contemplated under the Draft Notification are not applicable.
- g. As far as the Resolution dated 01.07.2015 issued by the Forest & Environment Department, Government of Gujarat is concerned, it does not dilute the Guidelines dated 09.02.2011 and Notification dated 31.05.2012 in any manner.

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- h. Furthermore, this Resolution dated 01.07.2015 concerns the Tourism and related activities in the Gir Sanctuary and was issued consequent to Orders passed by the High Court of Gujarat in Writ Petition (PIL) No. 284 of 2014. This Petition was a result of an anonymous letter addressed to the Hon'ble Chief Justice of the Gujarat High Court concerning the proposal of the State Government for setting up a new Tourism Zone at Chikhal Kuba near Jasadhar (Dhari Division) in the southeastern region of the Gir Wildlife Sanctuary. The reason assigned in the said letter for opposing the proposal was that the Gir Wildlife Sanctuary is an extremely important and critical sanctuary and should not be viewed as a tourism destination at least at the cost of the wildlife and the habitat in the sanctuary. It also raised issues about the conditions of the wildlife sanctuary, particularly, in the region where tourism was already developed. It was in this background of the situation, the Hon'ble High Court from time to time passed appropriate Orders and as a result of which the above referred Resolution came to be issued.
- i. **The Resolution dated 01.07.2015 had been passed in context of approval related to hotels, resorts, and other type of hospitality industries units and farmhouses for commercial purposes, tourism activities referred as scheduled activities which may disturb the natural environment** and it is prohibits issuing of Non-Agricultural and construction permission for home stay, commercial or hospitality industrial activity. It does not deal with the carrying out of permitted, promoted and regulated activities within ESZs as mentioned in the Guidelines dated 09.02.2011, Notifications dated 31.05.2012 and Draft Notification dated 25.05.2016. It thus, was largely concerned with tourism activities. Hence, on the basis of this Resolution, permitted, promoted and regulated activities within ESZs cannot be meddled with by incorporating Condition No. 3 in the NOC. The Solar Power Project does not fall under the category of Industries, such as hotels, resorts, tourism and other types of **hospitality industrial units** and farmhouses for commercial purposes, tourism activities which are alleged to be disturbing the environment.
- j. The Condition No. 3 is also unwarranted for the reason that the use of Renewable Energy Sources which is categorized as a permitted activity within the ESZ in the Guidelines and Notifications is possible only if there is generation of Renewable Energy within such ESZ.
- k. At this juncture we would also like to respectfully draw your attention to the NOC granted to neighbouring Power Plants located within 1 km from the boundary of Gir

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Wildlife Sanctuary wherein no such Condition prohibiting construction within this distance of 1 km. has been stipulated.

- I. It appears that the Condition No. 3 is inserted on account of misreading of the Order dated 03.06.2022 passed by the Hon'ble Supreme Court in the case of **T.N. Godavarman Thirumulpad vs. Union of India & Ors.**, reported in **(2022) 10 SCC 544** though even as per the said Order, the activities categorized as permitted activities within ESZ have to be strictly adhered to. The relevant paragraph being 56.1 of the said Order is reproduced herein below:-

“56.1 Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometer measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2-2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.”

- m. The above direction is modified by the Hon'ble Supreme Court vide Order dated 26.04.2023 passed in IA No. 131377 of 2022 and Cognate IA/s, reported in **2023 SCC Online SC 504** to the extent that the same would not be applicable to ESZ in respect of which a draft and final Notification has been issued by MoEF and CC and in respect of the proposals which have been received by the Ministry. Even after the modification of the direction, the Guidelines dated 09.02.2011 is to be strictly followed and adhered to by the authorities. Copies of Order dated 03.06.2022 and 26.04.2023 passed by the Hon'ble Supreme Court of India are attached herewith and marked as **ANNEXURE- “A-5” (COLLY.)**.
- n. It may be worthwhile to mention that even in the above-referred Orders, the restriction on carrying out construction activity within 1 km of ESZ is exclusively made applicable only to **mining activities** and for the rest of the activities, the Guidelines issued by MoEF and the Notification issued for notifying the respective ESZ have to be followed.
- o. The insertion of Condition No. 3 is otherwise also not in consonance with the law inasmuch as in a recent decision of the Hon'ble Supreme Court dated 01.04.2025 rendered in the case of **Kahar Samaj Panch Committee vs. The THDC India Ltd. & Ors.**, which was concerning installation of floating a Solar Power Project on the Jaikwadi Dam within the ESZ, the Hon'ble Supreme Court has upheld the decision

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of the National Green Tribunal on the ground that use of Renewable Energy and Fuels, like Biogas, solar light, etc. are promoted activities. Hence, the decision in this case is significant enough and directly applicable so as to make the Condition No. 3 in the NOC in question bad and illegal. Thus, in the case at hand also, the Solar Power Project within ESZ of 1 km from the Gir Sanctuary should not be restricted in any manner in view of the above decision. Copies of the Order dated 01.04.2025 passed by the Hon'ble Supreme Court and the Order dated 09.09.2024 passed by the Hon'ble National Green Tribunal, Western Zone, Pune which is upheld by the Hon'ble Supreme Court are attached herewith and marked as **ANNEXURE- "A-6" (COLLY.)**.

- p. The other important aspect of the matter is that Solar Power Plants do not cause any pollution as it is a non-polluting industry and in the present case the plant is set up on a barren, rocky and highly unsuitable land for agricultural activities and is thus, an arid land. Such lands are used only for movement of wildlife and there cannot be any vegetation, it being a barren land. Hence, the movement of animals would also be comparatively low. Moreover, the movement of animals would not be restricted as a result of the Plant either as routes have been planned so as to enable such movement.
17. In order to further ensure, to your satisfaction, that the free movement of animals is not hindered in any manner and to address the possible concern of the Forest Authorities, we are ready and have proposed suitable changes in the layout so that there is a free movement of the animals. We are also ready and willing to convert the overhead transmission line to underground cable at the earliest. However, this is possible only if the Forest Authorities either modify / delete the Condition No. 3 and bring it in consonance with the spirit of Guidelines dated 09.02.2011 and the Notifications in place and the decision of the Hon'ble Supreme Court including the recent Judgment, all of which is referred to in the preceding paragraphs.
18. The Condition No. 3 has become an obstacle to the Company's Power Project and the Country's mission to generate green energy, where the Company has made investment on the construction and installation of adequate Equipment required to generate Solar Power. Non-completion of the Project and non-generation of electricity is also hampering and discharging financial liability upon the Company towards the Project loan which is nothing but a loss to the Nation as well. Hence, for the said reason also, the issue with regard to modification of Condition No. 3 requires urgent attention.

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19. In light of the ongoing and substantial loss being incurred by the Company due to the continued stalling of the project, it is humbly requested to your good self to take prompt and immediate action in the interest of justice. The project holds paramount importance both at the Regional and National levels. Upon commencement, the project is poised to make a significant contribution to the generation of clean and renewable energy, thereby aligning with the national energy objectives and enhancing electricity supply to the surrounding areas. This enhancement is expected to help to mitigate the energy demand, reduce the carbon emissions and meet with the demand for electricity of at least 15,000 households.
20. In the premises as aforesaid, it is humbly requested to your good self to make appropriate recommendations to the Principal Chief Conservator of Forest and Chief Wild Life Warden, Gujarat State for striking out or modify or delete the Condition No.3 inserted in NOC dated 30.12.2022 and bring the same in consonance with the Guidelines dated 09.02.2011 issued by Government of India, Ministry of Environment Forests, and the decisions of the Hon'ble Supreme Court referred to in this Representation and give the effect to such modification / deletion from the date of issuance of the NOC i.e. 30.12.2022.

Yours sincerely,
 For, Dhari Solar Park Private Limited



Authorized signatory

Encl.: As above

C.C. TO:

1. **The Principal Chief Conservator of Forests & Chief Wildlife Warden**
 "Aranya Bhavan", Near CH-3 Circle, Sector-10A,
 Gandhinagar – 382010, Gujarat.
 Email: cwlguj@gmail.com

**ANNEXURE R-26
(COLLY.)**

Item No: 1

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.126 OF 2024 (WZ)

Kahar Samaj Panch Committee

.... **Applicant****Versus**THDC India Ltd. (Formerly Tehari Hydro
Development Corporation Ltd.) & Ors.....**Respondents**

Date of Hearing : 09.09.2024

**CORAM : HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Ms. Shriya Awale, Advocate

Respondents : Mr. Pushkal Mishra, Advocate for R-2/MoEF&CC

ORDER

1. This order is being passed in continuation of our previous order dated 12.07.2024.
2. By our previous order dated 12.07.2024, we had directed respondent No.2 – the Secretary, MoEF&CC as well as respondent No.4 – the Principal Chief Conservator of Forest, M.S., to submit a report as to whether the project in question is falling within the Eco-Sensitive Zone and as to whether the same is permissible activity. In compliance of that direction, the Registry had issued notice to these two respondents and in response thereto, from the side of respondent No.2-MoEF&CC, learned counsel Mr. Pushkal Mishra has appeared and prayed that the matter may be taken up at the end of the Board and till then, he would file the reply/report. Accordingly, we had kept back the matter till end of the Board.

3. When the matter was again taken up at the end of the board today, learned counsel Mr. Pushkal Mishra appearing for respondent No.2 – MoEF&CC sent us an e-mail dated 09.09.2024, annexing therewith a copy of the Notification dated 12.07.2017 and drew our attention to Clause (4) of the Notification relating to '*prohibited, regulated and promoted activities*', which are given in a table given therebelow and at serial no.35 thereof under the head '*C. Promoted Activities*', against the activity '*use of renewable energy and fuels*', the description is recorded as '*bio gas, solar light etc. to be actively promoted*'. Based on that, learned counsel for respondent No.2 has admitted that the present project being related to solar light is a permitted activity and the same may not be treated to be a prohibited activity.

4. At this juncture, learned counsel for the applicant is not satisfied with the said reply given on behalf of respondent No.2 and states that this is contempt of this Tribunal's order as respondent No.2 has not filed a detailed written reply despite this Tribunal's order. She further states that she should be granted some time to file written submissions. We failed to appreciate her request because we had already heard her in the morning session today and made repeated queries as to whether there is any law prohibiting setting up of a floating solar panel project in Eco-Sensitive Zone, to which she stated that there is no law laying down that such kind of project should be established in the Eco-Sensitive Zone. We are not convinced with the argument advanced by her because there is no clear law shown by her laying down that such kind of project is a prohibited activity in the Eco-Sensitive Zone. In view of that, this Original Application cannot be entertained.

5. Even if we consider the argument of the learned counsel for the applicant to be true, the fact as to whether a floating solar panel project (a

power plant) being set up is falling in Eco-Sensitive Zone was needed to be clarified by her by showing relevant legal position in that regard. Since she could not show any law prohibiting such kind of activity in Eco-Sensitive Zone, we do not find any force in the present Original Application. The same is rejected at the admission stage itself.

6. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 09, 2024
O.A. No.126/2024(WZ)
npj

ITEM NO.6

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 57301/2024

[Arising out of impugned judgment and order dated 09-09-2024 in OA No. 126/2024 (WZ) passed by the National Green Tribunal, Western Zone, Pune]

KAHAR SAMAJ PANCH COMMITTEE

Petitioner(s)

VERSUS

THE THDC INDIA LTD. (FORMERLY TEHARI HYDRO
DEVELOPMENT CORPORATION LTD) & ORS.

Respondent(s)

(IA No. 75286/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 75287/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 75288/2025 - STAY APPLICATION)

Date : 01-04-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Shreyas Gacche, Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

The civil appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(DIARY NO. 57301 OF 2024)

KAHAR SAMAJ PANCH COMMITTEE

APPELLANT(S)

VERSUS

THE THDC INDIA LTD. (FORMERLY TEHARI
HYDRO DEVELOPMENT CORPORATION LTD) &
ORS.

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. The appellant claims to be an NGO. It approached the National Green Tribunal (for short, the "Tribunal") alleging that the installation of a floating Solar Power Project on the Jaikwadi Dam, which is part of the Jaikwadi Bird Sanctuary and Eco-Sensitive Zone, would cause damage to the eco-system and to the sanctuary, which is home to 264 species of birds. It may be mentioned that the Godavari Marathwada Irrigation Development Corporation allotted 6 hectares of land for the erection of a pooling station to National Thermal Power Corporation Limited for the purpose of installing a floating solar project. Tenders were invited. No sooner the project was allotted, the appellant-NGO, approached the Tribunal, claiming that the project was likely to cause harm to the wildlife sanctuary.
3. The Tribunal directed the Secretary, Ministry of Environment and Forest as well as the Principal Chief Conservator of Forests to submit a report as to whether the project in question falls within the Eco-Sensitive Zone and whether the same is a permissible activity. In compliance thereto, counsel for the said Ministry

appeared and produced an e-mail dated 09.09.2024 along with a copy of the notification dated 12.07.2017. The attention of the Tribunal was drawn to clause 4 of the notification related to "PROHIBITED, REGULATED AND PROMOTED ACTIVITIES". These activities are then given in the table given below the aforesaid heading. It is not in dispute at serial no.35 thereof, under the head "C. Promoted Activities", "use of renewable energy and fuels", like "bio gas, solar light etc. to be actively promoted".

4. Relying upon that notification, the Tribunal has dismissed the Original Application.

5. We see no reason to interfere with the impugned judgment of the Tribunal, which is well-reasoned and based on correct appreciation of the law and the regulatory regime. The civil appeal is accordingly dismissed.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
APRIL 01, 2025