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BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 19 OF 2025 (WZ)

VIJAYKUMAR KARSANBHAI GADHAVI & ORS. ...APPELLANTS

VS.

UNION OF INDIA

...RESPONDENTS

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1.		A copy of Affidavit in Reply on behalf of Respondent No. 2.	



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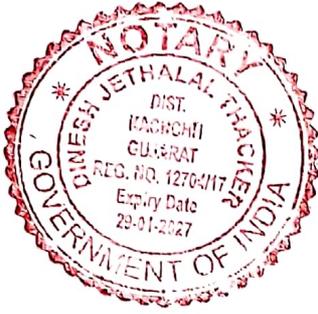
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

APPEAL NO. 19 OF 2025 (WZ)

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Book No. 03
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Date: 04.12.2025



IN THE MATTER OF

VIJAYKUMAR KARSANBHAI GADHAVI & ORS ...APPELLANTS

VS

UNION OF INDIA

...RESPONDENTS

AFFIDAVIT-IN-REPLY ON BEHALF OF STATE OF GUJARAT
THROUGH ENVIRONMENT AND FOREST DEPARTMENT,
RESPONDENT NO. 2

1. I, Harsh J. Thakkar, aged adult being Deputy Conservator of Forest - Kutch West Division, authorized signatory and representative of Environment and Forest Department, Government of Gujarat having communication address at Block A, 1st Floor, Aranya Bhavan, Bear CH- 3 Circle, Sector 10-A, Gandhinagar, Gujarat - 382010 do hereby solemnly state on oath and submit that:-

1.1 I have perused the contents, submissions, reports, annexures filed by the parties herein. Further I have perused the Orders passed by this Hon'ble Tribunal. I state


Dy. Conservator of Forest
Kutch West Division, Bhuj

4 DEC 2025



that I am aware about the facts involved the present Appeal and I am competent to make the present Affidavit – in – Reply (hereinafter referred as “Answering Respondent”).



1.2 The captioned matter is challenging the Environment Clearance and CRZ Clearance granted by the Ministry of Environment, Forest & Climate Change MoEF & CC, respondent No. 1 (hereinafter referred as “MoEF & CC”) to Project-Proponent GHCL Ltd, Respondent No. 13 (hereinafter referred as “Respondent No. 13”). The said Environment Clearance and CRZ was granted for setting up Respondent No. 13’s Soda Ash Plant located at Village Bada, Taluka – Mandvi, District Kutch, in Gujarat for following productions: -

- a. 11,00,000 TPA capacity of Light Soda Ash (LSA)
- b. 5,00,000 TPA capacity of Dense Soda Ash (DSA)
- c. 2,00,000 TPA capacity of Sodium Bicarbonate (SBC)

1.3 It is respectfully submitted that the project is categorized as Category-A of item 4 (e) Soda Ash Industry and 1 (d) under the Environment Impact Assessment Notification, 2006, hence required appraisal at Central Level by Expert Appraisal Committee. The State of Gujarat, through the Environment & Forests Department, respectfully submits that it has only limited, procedural and facilitative role in EC and CRZ clearances.


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Kachchh West Division, Bhuj

1.4 ENVIRONMENT CLEARANCE

- I. Answering Respondent humbly submits that Environmental Clearance is granted in accordance with the procedure prescribed under the Environment Impact Assessment Notification, 2006 and its subsequent amendments, by the competent authority i.e., the MoEF & CC, Government of India.
- II. The technical appraisal is undertaken by the Expert Appraisal Committee (hereinafter referred as "EAC") which is independent statutory body; thereafter the final authority for granting the Environment Clearance is MoEF&CC.
- III. The Answering Department of the State Government is neither the regulatory authority nor the appraisal body for Environment Clearance.
- IV. Further Answering Respondent wish to clarify that the State Environment Department, Principal Chief Conservator of Forest and Chief Wildlife Warden have no role in granting Environment Clearance in the present case.

**1.5 COASTAL REGULATION ZONE CLEARANCE**

- I. Answering Respondent humbly submits that the State Government's Environment Department does


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not undertake the appraisal or grant of Coastal Regulation Zone Clearance (hereinafter referred as "CRZ Clearance") and therefore cannot be attributed responsibility for the merits or conditions of such clearances. With respect to CRZ, it is respectfully clarified that CRZ Clearances are granted by the Gujarat Coastal Zone Management Authority (Hereinafter referred as "GCZMA").



II. Further, the GZCMA is a regulatory authority constituted by the Central Government as per the Notification dated 20.12.2022, it has a functional autonomy to carry out regulatory mandate. The GZCMA is the authority which recommends to MoEF & CC to grant CRZ Clearance.

III. Therefore, the answering respondent is merely the committee member; however, the decision of recommendation to grant CRZ Clearance is unanimous decision of the GZCMA.

1.6 The role of the State Government is primarily administrative, such as forwarding proposals, issuing inter-departmental communications, and coordinating with field offices, when and if required. The State does not conduct environmental impact appraisal nor does it approve EC as well as CRZ proposals. Hence, the core


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issues raised in the petition do not fall within the statutory domain of the State Government.

1.7 In view of the above, the State of Gujarat humbly prays that the allegations and reliefs pertaining to the validity, legality, or appraisal of the EC and CRZ Clearances is not maintainable against answering Respondent, as it is not the competent authority under the relevant Notifications.

2. The answering respondent craves leave to file further submissions or material, if so, directed by this Hon'ble Tribunal.



3. In light of above, the answering respondent humbly prays to this Hon'ble Tribunal to delete the name of answering Respondent i.e Respondent No. 2, State of Gujarat and may please to further direct the Appellants to amend the memo arraigning proper and necessary authority.

4. This Hon'ble Tribunal may please to pass any Order as deem fit and proper in the interest of justice. The answering Respondent assures to abide by all or any directions that may be issued by this Hon'ble Tribunal.

AND FOR THIS ACT OF KINDNESS AND JUSTICE THE RESPONDENT NO. 2 AS IN DUTY BOUND SHALL EVER PRAY.

Date -

Place -


Deponent

Respondent no. 2


Dy. Conservator of Forest
Kachchh West Division, Bhuj

VERIFICATION

I, Harsh J. Thakkar, aged adult, being Deputy Conservator of Forest - Kutch West Division, being authorized signatory and representative of Principal Chief Conservator of Forest and Chief Wildlife Warden, Government of Gujarat having communication address at Block A, 1st Floor, Aranya Bhavan, Bear CH- 3 Circle, Sector 10-A, Gandhinagar, Gujarat - 382010 solemnly states that the contents of the Affidavit are true and correct and best of my knowledge, nothing stated therein is false and nothing material has been concealed therefrom.



Date -
Place -

[Signature]
Deponent
Respondent no. 2

IDENTIFIED BY ME:

[Signature]
ADV. K. T. MUKHESHWARI

[Signature]
Dy. Conservator of Forest
Kachchh West Division, Bhuj



SOLEMNLY AFFIRMED
BEFORE ME
[Signature]
DINESH J. THACKER
NOTARY
GOVT. OF INDIA

- 4 DEC 2025