

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WEST ZONE AT PUNE

ORIGINAL APPLICATION NO. 47 OF 2023 (WZ)
[Earlier Original Application No.27 of 2023 (LP)]

IN THE MATTER OF

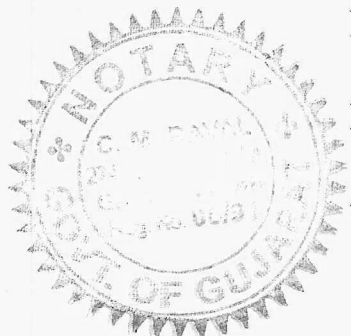
News Item published in The Times of India dated 03.01.2023 titled
"Encroachment alleged Inside Wild Ass Sanctuary"

AFFIDAVIT IN REPLY ON BEHALF OF THE
RESPONDENT NO. 3 (GUJARAT POLLUTION CONTROL BOARD)

1. I, J. B. Pandya, Adult, holding the post of Scientific Officer & In charge Unit Head - Kutch (East) with the respondent No. 3 (Gujarat Pollution Control Board), do hereby state on solemn affirmation that I am duly authorized signatory of GPCB in Hon'ble National Green Tribunal in O. A. No. 47 of 2023 (News Item published in The Times of India Dated 03.01.2023 titled "Encroachment alleged Inside Wild Ass Sanctuary).

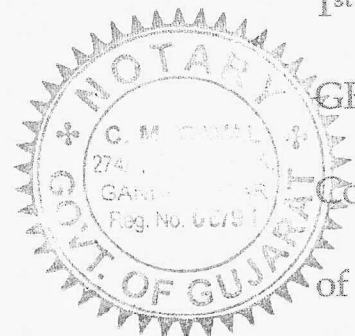
2. It is submitted that the answering respondent is committed to discharge its statutory functions and obligations. The answering

J. B. Pandya



respondent hereinafter referred to as the "Board" is making its best efforts to discharge its statutory functions with utmost commitment with whatever limited resources and manpower at its disposal.

3. It is respectfully submitted that the present affidavit is being filed in compliance of the directions issued by Hon'ble National Green Tribunal in O. A. No. 47 of 2023 vide order dated 24.09.2024 inter alia seeking an explanation from Gujarat Pollution Control Board (GPCB), being Nodal Agency of the Joint Committee as to why the Joint Committee reports, which are filed, have been signed by only three members of the Committee on behalf of large number of members and also the report of the Joint Committee and affidavit by the GPCB giving details/clarification to the queries made by the Hon'ble Tribunal.
4. It is respectfully submitted that Hon'ble NGT (WZ) vide order dated 24.04.2023 directed the Joint Committee to conduct the site inspection and to submit a factual report.
5. In connection with Hon'ble Tribunal's order dated 24.04.2023, the 1st meeting of the Joint Committee was convened on 10.05.2023 at GPCB, Gandhinagar, wherein it was decided that District Level Compliance Monitoring Committees shall complete the exercise of site inspection within 15 days and shall their factual report to



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from the District Compliance Monitoring Committees; which were subsequently submitted to Hon'ble Tribunal.

8. It is respectfully submitted that the supplementary reports with signatures of members of District Compliance Monitoring Committees were submitted to Hon'ble Tribunal, considering that they are supplementary reports to the original Joint Committee Report submitted to Hon'ble NGT on 18.07.2023 for providing missing information and latest status of industrial units already mentioned in the Joint Committee Report submitted to Hon'ble NGT on 18.07.2023.

9. During the hearing on the matter on 24.09.2024, Hon'ble Tribunal noticed that the reports of the District Compliance Monitoring Committees were signed by district level authorities and not by the Joint Committee constituted by the Tribunal vide first order dated 22.02.2023 and desired that the report of the Joint Committee shall be filed by the GPCB giving details / clarification to the queries made by the Tribunal.

10. In view of the Hon'ble Tribunal's order dated 24.09.2024, 3rd meeting of the Joint Committee was convened on 18.10.2024 at GPCB, Gandhinagar, wherein the issues raised by Hon'ble Tribunal in the previous orders as well as supplementary reports of the District Compliance Monitoring Committees were



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discussed in detail and it was decided to submit a report addressing the concerns of Hon'ble Tribunal.

11. The report of the Joint Committee is prepared based on the deliberations in the 3rd meeting of the Joint Committee held on 18.10.2024; which is annexed hereto and marked as ANNEXURE-R1.

12. It is respectfully submitted that GPCB, as duty bound, is committed to discharge its duties as a Nodal Agency of the Joint Committee in this matter, as may be directed by Hon'ble Tribunal.

What is stated herein above is true to the best of my knowledge and information and beliefs.

Solemnly affirmed, on the oath of this 5th day of Nov, 2024 at ~~Ahmedabad.~~ Amthinsar

J. B. Panshya

Deponent

Entered in Notary Register at
Serial No. 617 No. 2
C. M. RAVAL
Notary Public & Notary
Gujarat

15 NOV 2024



Solemnly Affirmed
Before Me
C. M. RAVAL

(C. M. RAVAL)
NOTARY
Govt. of Gujarat

15 NOV 2024

ANNEXURE - R1

Report of the Joint Committee Constituted by Hon'ble NGT

Pursuant to

**Order dated 24-09-2024 passed by the
HON'BLE NATIONAL GREEN TRIBUNAL (WZ)**

in

Original Application (O.A.) No. 47/2023

**In re: News item published in the Times of India dated 03.01.2023 titled
"Encroachment alleged inside wild ass sanctuary"**



**For submission to Hon'ble NGT (WZ) in the matter of
Original Application (O.A.) No. 47/2023**

OCTOBER 2024

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1.0 BACKGROUND:**The Hon'ble National Green Tribunal (NGT) (PB) Order**

Hon'ble NGT, Principle Bench – New Delhi has taken a *Suo moto action* on a newspaper report titled “*Encroachment alleged inside wild ass sanctuary*” published in Times of India dated 03.01.2023 and registered an Original Application under Section 14 & 15 of National Green Tribunal Act, 2010.

Vide Para 2 of the order dated 22-02-2023 in OA 27/2023, Hon'ble NGT (PB) observed that,

*“It is said that there are some big salt manufacturing units who have **encroached on some parts of Little Rann of Kutch (LRK) that is inside famed Wild Ass Sanctuary**, the last abode of protected animal locally known as ‘ghudkhar’. The salt manufacturing units are **using heavy machinery like earth movers disturbing wild ass and also entire ecology**. It is further alleged that above encroachers are also engaged in **illegal mining by extracting soil used for constructing bundhs for collection of salt water and preparation of salt which is a big threat to the ecology**. It is a matter of common knowledge that LRK is a declared wild ass sanctuary spread over 3900 KM. It is unique and only habitat for endangered wild ass found only in this part of Gujarat and also in Surendranagar. The area has also been declared as eco-sensitive zone. The wild ass is listed as near threatened by IUCN and is a protected animal under Wildlife Protection Act, 1972.”*

In the above context, Hon'ble NGT (PB) has constituted a joint committee comprising of following offices and directed to submit a factual report within two months.

1. Space Application Centre, Ahmadabad,
2. State Wetland Authority,
3. Gujarat, Gujarat Coastal Management Zone Authority,
4. Collector, Kutch and Surendranagar,
5. PCCF, Wildlife and
6. State PCB - nodal agency for coordination and compliance

Subsequently, Hon'ble NGT (WZ) ordered on 24-04-2023 to conduct the site inspection and to submit a factual report within a period of one month and kept the next hearing on 19-07-2023.

In connection with Hon'ble Tribunal's order dated 24/04/2023, The 1st meeting of the Joint Committee was convened on 10/05/2023 at 15:00 Hrs at Gujarat Pollution

Control Board (GPCB), Gandhinagar, wherein it was decided that District Level Compliance Monitoring Committees shall complete the exercise of site inspection within 15 days and shall their factual report to the Joint Committee at the earliest. Subsequently, Compliance Monitoring Committees of Kutch, Surendranagar, Morbi and Patan districts conducted site inspections at the vulnerable locations in their districts during the month of May, 2023 and submitted their reports to the Joint Committee by 14/07/2023. Reports submitted by the Compliance Monitoring Committees of all the four districts were discussed and reviewed in the 2nd meeting of the Joint Committee convened on 15-07-2023 at 17:00 Hrs at GPCB, Gandhinagar and based on the same, a compiled report of Joint Committee was prepared and submitted to Hon'ble NGT on 18-07-2023.

The report submitted by the Joint Committee was considered by Hon'ble NGT in the hearing 13-02-2024, wherein several lacuna were noticed by Hon'ble Tribunal in the Joint Committee Report and directed Joint Committee to submit a detailed report, citing therein the industries which were visited by them, their current status and action taken in case of any violation, in tabular form.

In connection with Hon'ble Tribunal's order dated 13-02-2024, all four District Level Compliance Monitoring Committees were asked to submit detailed reports, citing therein the industries which were visited by them, their current status and actions taken in case of any violation, in tabular form as desired by Hon'ble Tribunal. Subsequently, supplementary reports were received from the District Compliance Monitoring Committees of Surendranagar, Morbi & Patan Districts; which were subsequently submitted to Hon'ble Tribunal.

During the hearing on the matter on 24/09/2024, Hon'ble Tribunal noticed that the reports of the District Compliance Monitoring Committees were signed by district level authorities and not by the Joint Committee constituted by the Tribunal vide first order dated 22/02/2023 and desired that the report of the Joint Committee shall be filed by the GPCB giving details / clarification to the queries made by the Tribunal.

In view of the Hon'ble Tribunal's order dated 24/09/2024, 3rd meeting of the Joint Committee was convened on 18/10/2024 at 13:00 Hrs at Gujarat Pollution Control Board (GPCB), Gandhinagar, wherein the issues raised by Hon'ble Tribunal in the previous orders as well as supplementary reports of the District Compliance Monitoring Committees were discussed in detail and it was decided to submit a report addressing the concerns of Hon'ble Tribunal.

2.0 STATUS OF INDUSTRIAL UNITS:

Status of the industrial units in the Wild Ass Sanctuary or Eco-sensitive zone of the Wild Ass Sanctuary has been checked by the District Level Compliance Monitoring Committees in the month of April 2024. It is evident from the reports of the District Level Compliance Monitoring Committees that out of 18 industrial units, 15 have been permanently closed and only 3 industrial units are presently in operation. The details of these industrial units, including the name & address of the industries visited, their current status and actions taken in case of any violation, are presented below in tabular form.

Status of Operational Industrial Units:

Sr. No.	Name of Unit / Category	Village & Tehsil	Date of Inspection / Salient Observations	Actions taken
1	Roshni Chem Food (Category – White)	Vill. Tikar, Ta. Halvad Dist. Morbi	18/04/2024 – <ul style="list-style-type: none"> Unit is situated in ESZ. Unit is engaged in processing of raw salt to make Common salt. This unit falls under White category WA9 Common salt crushing and packing units. 	No actions required.
2	Shakti Chemical Industries (Category – Red)	Vill. Tikar, Ta. Halvad Dist. Morbi	18/04/2024 – <ul style="list-style-type: none"> Unit is situated in ESZ. Unit obtained CTE & CCA before ESZ Notification dated 01/10/2018. Unit is engaged in manufacturing of Calcium Sulphate @ 150 MT/Month, Magnesium Hydroxide @240 MT/Month and Magnesium Oxide @ 150 MT/Month. CCA obtained by the unit is valid upto 01/01/2027 No any non-compliance observed. 	No actions required
3	DCW Ltd. (Category – Red)	Vill. Dhragandh ra,	10/04/2024 – <ul style="list-style-type: none"> Unit is not situated in the Sanctuary / ESZ area but 	# Please refer note narrated below this table.

Sr. No.	Name of Unit / Category	Village & Tehsil	Date of Inspection / Salient Observations	Actions taken
		Ta. Dhragandhra, Dist. Surendranagar	<p>effluent disposal point falls in Wild Ass Sanctuary.</p> <ul style="list-style-type: none"> • Earthen bund has been built in the periphery of designated area (@ 300 m * 128 m) for disposal of effluent. Seepage were observed from earthen bund and seeped wastewater was being accumulated at 5 locations in nearby wild ass sanctuary, in the form of ponding. 	

Actions taken against M/s. DCW Limited

- For violation of Wild Life Protection Act, 1972, forest offense report was registered by the office of Range Forest Officer, Dhrangadhra and for compounding the offence, DCW Ltd. has deposited Rs. 20,000/- on 19/08/2023.
- District Compliance Monitoring Committee had visited M/s. DCW Ltd. w.r.t Hon'ble NGT matter - OA No. 47/2023 (WZ) & 27/2023 (LP) on 10/04/2024 and based on the non-compliances observed by the District Level Compliance Monitoring Committee, GPCB forfeited the Bank Guarantee of Rs. 5.0 Lakhs and issued necessary Directions under section 33-A of the Water Act-1974 on 01/05/2024.
- Thereafter, M/s. DCW Ltd. had submitted new double Bank Guarantee of Rs.10 Lakhs and assured for compliance in future. Based on the same, the GPCB issued trial run revocation extension for three months under section 33-A of the Water Act-1974 on 24/06/2024.
- The industry was recently visited and collected treated effluent sample by GPCB on 01/10/2024. Analysis report of the treated effluent sample was conforming to the norms prescribed by the GPCB. Based on the inspection report dated 01/10/2024, GPCB has issued extended trial run revocation for three months (i.e. up to 29/01/2025) under section 33-A of the Water Act-1974.
- GPCB has extended validity of CCA issued to M/s. DCW Ltd. for further one year (i.e. up to 24/08/2025) on dt.20/08/2024.

Status of Permanently Closed industrial Units:

Sr. No.	Name of Unit	Village & Tehsil	Action taken by GPCB	Date of Inspection / Status of plant & machinery
1	Shiv Krupa Enviro Systems P. L. (Shiv Krupa Chemicals)	Vill. Tikar, Ta. Halvad Dist. Morbi	Closure Order - 30/04/2022	18/04/2024 - Plant & machinery removed from site.
2	Falcon Industries	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 30/04/2022	18/04/2024 - Plant & machinery removed from site.
3	Shiv Industries	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 15/06/2022	18/04/2024 - Looking to plant & machinery, unit is in non-operation condition since long.
4	Shivay Exports P. L.	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 30/04/2022	18/04/2024 - Plant & machinery removed from site.
5	Chem stone Industries	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 30/04/2022	18/04/2024 - Plant & machinery removed from site.
6	Floris Chemicals LLP	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 10/02/2020	18/04/2024 - Plant & machinery removed from site.
7	Tikar Chemical Works LLP	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 10/02/2020	18/04/2024 - Plant & machinery removed from site.
8	Poly Atom Lifescience LLP	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 13/12/2022	18/04/2024 - Plant & machinery removed from site.
9	M/s. Vidhi salt (New Name: M/s. Tithi Salt)	Vill. Tikar, Ta. Halvad, Dist. Morbi	Closure Order - 29/04/2024	19/09/2024 - Looking to status of plant & machinery, unit is closed since last 4 to 5 months.
10	M/s. Abd Chemicals	Vill. Tikar, Ta. Halvad, Dist. Morbi	SCN - 14/02/2020	18/04/2024 - Looking to plant & machinery, unit is in non-operation condition since long.

Sr. No.	Name of Unit	Village & Tehsil	Action taken by GPCB	Date of Inspection / Status of plant & machinery
11	Jivika Chemicals	Vill. Kidi, Ta. Halvad, Dist. Morbi	Closure Order - 12/07/2022	18/04/2024 – Looking to plant & machinery, unit is in non-operation condition since long.
12	Vajjnath Chemical	Vill. Kidi, Ta. Halvad, Dist. Morbi	Closure Order - 21/07/2022	18/04/2024 – Plant & machinery removed from site.
13	Adinath Technochem Industries	Vill. Odu, Ta. Dasada, Dist. Surendranagar	Closure Order - 30/05/2023	09/04/2024 – Production activity is not started. All plant machineries observed in standstill/idle condition. They have stopped further installation work of plant & machineries. Power supply is disconnected by PGVCL on 19/06/2023.
14	Sang Froid Marine Chem Private Limited	Vill. Odu, Ta. Dasada, Dist. Surendranagar	Closure Order - 30/05/2023	09/04/2024 – No any production activity was observe at site. No plant & machineries were observed installed at site. No electric power supply was available at site.
15	Adhya Shakti Salt Suppliers	Vill. Zinzuwada, Ta. Dasada, Dist. Surendranagar	Closure Order - 20/04/2022	09/04/2024 – No any plant & machineries were observed installed at site. Electric power supply is disconnected on 26/04/2022.

3.0 STATUS OF ENCHROACHMENT BY SALT PANS:

Agariyas begin their work in the Little Run of Kutch in the month of September-October each year by repairing their temporary huts and installing solar powered water pumps in wells to extract the ground water required for the salt farming activity. The temporary embankments of the salt pans prepared by the Agariyas in the previous season usually gets damaged during the monsoon season. Therefore, the embankments of the salt pans are also repaired every year. Further, it has been observed that due to geographical conditions and underground water system, the productivity of saline water in wells decreases with the passage of time and hence Agariyas shift their wells and their salt pans in new places after every few years. Due to such forced shifting of salt pans in the Little Run of Kutch, the location & the area under salt farming may differ on ground every year.

Attempt for assessment of encroachment by salt pans in Wild Ass Sanctuary, Little Rann of Kutch (LRK) has been done by Space Application Centre (SAC), Ahmedabad by using Indian Remote Sensing Satellite IRS LISS4 data [Source: NRSC (ISRO), Hyderabad] of time frames Feb-Apr 2018, Feb-Apr 2020, and, Feb-Apr 2023. Preliminary assessment of satellite data shows that salt pans (numbers & area covered) have significantly increased over a period as per the Indian satellite images of 2018, 2020 and 2023 of Little Rann of Kutch.

As apprised by Forest Department, Government of Gujarat took cognizance of increasing encroachment in the LRK and deployed State Reserve Police (SRP) at strategic places in August – 2023 and issued guidelines for regulating entry-exit of eligible Agariyas in the sanctuary area. The eligible Agariyas were instructed to submit their particular like Adhaar, Name of village etc. to the range offices and collect their identity cards for entry in the sanctuary. Due to such efforts, it has been observed that the number of ineligible Agariyas considerably reduced leading to reduction in the encroached area. However, the same is not depicted in the report of SAC, Ahmedabad. The SAC, Ahmedabad has been requested to map the data of salt farming for the month of February-April – 2024 to understand the impacts of the action taken by the Forest Department. SAC, Ahmedabad has agreed to include Feb-April – 2024 data and revise the report.

Further it has been apprised by the Forest Department, that the process of survey and settlement for recognizing user rights of Agariyas in Little Runn of Kutch was initiated in 1997 by the Settlement Officer appointed under the Wildlife Protection Act. 1972 and reports were submitted in 2004, 2013 & 2020. The last updated 2020 report of the Settlement Officer has been submitted to the State Government and it

is presently under consideration by the State Government. The Settlement Report 2020 contains Registers A, B, C, D, E & F, where in user rights of stakeholders including salt producers, fishermen and Sathani lands have been accepted and/or recommended by the Settlement Officer, according to which: (1) accepted rights / claims of small and big salt factories and small Agariyas for total 32820 acre area in Register A, (2) accepted rights / claims of small and big salt factories and small Agariyas for total 24602 acre area in Register C, (3) accepted user rights of 12 cases out of 18 cases remanded by Hon'ble High Court, but area is not mentioned in Register E, and (4) Register B & D are regarding land allotted for industrial, commercial and public purpose and Suo Motu cases thereof, and not regarding Agariyas, (5) accepted user rights of 145 big lease holders of salt units in Shikarpur, Manaba and Bhimdevka in Settlement Zone-6, for total 17400 Hactare area in Register F. The user rights are also recommended for Vachhra Dada Temple Campus and Dhrangadhra Chemical Works, which is subjected to outcome of Hon'ble High Court, Gujarat order in the matter of 01/2008.

The area for which user rights have been accepted/recommended in the Settlement Officer's 2020 report can't be treated as an encroachment and unauthorized. However, it has been apprised by the Forest Department that settlement officer orders of user rights to 153 big lease holders of salt units in Shikarpur, Manaba and Bhimdevka in settlement zone – 6 for total 10283 ha. area have been declared illegal and necessary orders have been passed for removal of encroachment. Further the anomalies in the order of settlement officer are being scrutinized for further administrative orders, if any. It is further to be noted that structures / encroachment can be identified only after acceptance of Settlement Officer's report and GPS mapping.

4.0 CONCLUSIONS:

- Satellite imagery shows significant increase in numbers of salt pans and area covered by salt pans in the Wild Ass Sanctuary, Little Rann of Kutch (LRK), over up to Feb-April – 2023 however, the data of Feb-April – 2024 has not been incorporated in the report. A revise report needs to be prepared.
- The settlement report has not been finalized by the Government of Gujarat due to various anomalies in the report. The anomalies in the report are being scrutinized so that only illegal Agariyas are removed from the sanctuary area.
- Entire Little Rann of Kutch is allotted single survey number 'Zero' and the Agariyas shift their salt pans as per saline water availability making it difficult to identify the illegal salt pan.

- GPS mapping of the salt pans have not been done due to shifting nature of salt pans and none finalization of the settlement report.
- The area covered by salt pans in the Wild Ass Sanctuary, Little Rann of Kutch (LRK), for which user rights have been accepted/recommended in the Settlement Officer's 2020 report can't be treated as encroachment and unauthorized structures / encroachment can be identified only after acceptance of Settlement Officer's report and after GPS mapping is done by field survey.

D. M. Thaker.

(D. M. Thaker)
Member Secretary, GPCB and
GCZMA

Nityanand Shrivastava

(Nityanand Shrivastava, IFS)
PCCF, Wildlife

R. J. Bhanderi

(R. J. Bhanderi)
Scientist SF,
Space Application Centre,
Amhedabad

Dr. Sandeep Munjpara

(Dr. Sandeep Munjpara)
Representative of Gujarat Wetland
Authority