

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

MISCELLANEOUS APPLICATION NO. 03 OF 2025

IN

APPEAL NO. 74 OF 2016 (WZ)

Conservation Action Trust & ORS.

...APPLICANTS/ APPELLANTS

Versus

The Union of India & ORS.

...RESPONDENTS

**INDEX FOR AFFIDAVIT - IN - REPLY ON BEHALF OF
RESPONDENT NO. 5, - PRINCIPAL CHIEF CONSERVATOR OF
FOREST, AND HEAD OF FOREST FORCES**

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Filed Through,

Parth H. Bhatt, Advocate

For Respondent No. 5

Email - office@bhattandco.in


Asstt. Conservator of Forest
Bharuch Region Sub Division, Bharuch

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FOREST, AND HEAD OF FOREST FORCES**

MOST RESPECTFULLY SHOWETH:

1. I, Hiteshsinh Ramsinh Jadav, aged 39 adult, being Assistant Conservator of forest sub division Bharuch, 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 do hereby solemnly state on oath and submit that: -

2. The Answering Respondent hereby makes Preliminary Submissions:-



[Handwritten Signature]
Asstt. Conservator of Forest
Bharuch Region Sub Division, Bharuch

- 2.1. At the outset, it is respectfully submitted that the present Miscellaneous Application filed by the Applicant is misconceived, and the answering Respondent is required to be deleted, inasmuch as the prayers sought therein are entirely directed against the Project Proponent and do not arise any cause of action against the answering Respondent.
- 2.2. It is humbly submitted that there are neither any contentions in the captioned application nor have any prayer against the Answering Respondent. It is humbly submitted that moreover the Applicants in the main matter i.e. captioned Appeal which was disposed of by this Hon'ble Tribunal vide an order dated 23.11.2023 have neither sought any prayer nor this Hon'ble Tribunal has given any specific directions to the answering Respondent.

3. Background of the Matter

- 3.1. It is submitted that the captioned Appeal was filed by the Applicant challenging the Environmental Clearance and CRZ Clearance dated 14.10.2016 granted by the Ministry of Environment, Forest and Climate Change (MoEF&CC) to the Project Proponent.
- 3.2. The Hon'ble Tribunal was pleased to reject the said Appeal, while issuing a direction to the National Institute of Oceanography (Hereinafter referred as "NIO") to conduct a scientific study. Pursuant to the said directions, NIO has


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conducted the study and submitted its report titled as “Impact Assessment Study on mudflats & Mangroves in the area due to the expansion of Phase III” on 01.07.2024.

3.3. The captioned Application of the applicants are arising in response to the report filed by NIO based on the direction of this Hon’ble Tribunal vide an order dated 23.11.2023; the applicants are aggrieved by the deficiencies in the Impact Assessment Report prepared by NIO for the project site, located at Dahej.

3.4. The present Miscellaneous Application is seeking directions inter alia that further reclamation should not be permitted to the Project Proponent; Mudflats and mangroves be restored back to their original state; Creeks be deepened so tidal waters can reach to the mudflats; Compensatory afforestation all such directions to be completed within 6 months.

3.5. It is respectfully submitted that all the aforesaid prayers are directed solely against the Project Proponent and pertain to execution, regulation, or modification of the project.

4. No Role or Liability of the Answering Respondent

4.1. Without prejudice, it is respectfully submitted that the answering Respondent acts strictly in accordance with statutory provisions, including the Forest (Conservation)




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Act, Wildlife Protection Act, CRZ Notifications, and applicable guidelines.

- 4.2. The answering Respondent neither grants Environmental Clearance nor CRZ Clearance, nor does it approve or execute reclamation activities or developmental works undertaken by the Project Proponent.
- 4.3. The answering Respondent has no authority to grant Environment Clearance and Coastal Regulation Zone Clearance which was challenged in the captioned appeal.
- 4.4. Further the answering Respondent submits that in present application, answering respondent has no independent authority to stop, permit, modify, or reverse reclamation activities carried out pursuant to valid statutory clearances issued by MoEF&CC or other competent authorities.
- 4.5. It is submitted that the Miscellaneous Application does not attribute any specific illegality, omission, or dereliction of duty on the part of the answering Respondent. In absence of any such allegation, the answering Respondent has been unnecessarily impleaded.
5. In view of the aforesaid facts and submissions, it is respectfully submitted the present Miscellaneous Application is not maintainable against the answering Respondent.

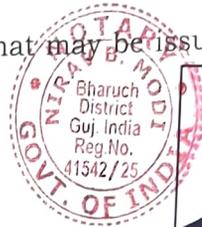



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- 6. Further no directions as prayed for can be issued against answering Respondent; in light of such the answering Respondent may be deleted.
- 7. The answering respondent craves leave to file further submissions or material, if so, directed by this Hon'ble Tribunal.
- 8. 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.

Date -20-01-2025

Place - Bharuch



[Handwritten Signature]

Deponent

Respondent no. 5, Principal Chief Conservator of Forest, And Head of Forest Forces

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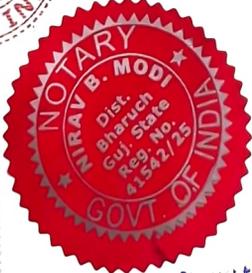
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Sr. No. : 564/2026
 Date 20 JAN 2026



NIRAV B. MODI
 Advocate & Notary
 My Commission is expired on
 Date 17 FEB 2030

Now the Signatory and Identified by me

S.S. Hathila
 Advocate/Person
 05/1424/2010



Solemnly Affirmed before me by Hitesh Singh Ramesh Jadau who is identified by Advocate Shri S.S. HATHILA whom I personally know.
 Date 20 JAN 2026

(NIRAV B. MODI)
 NOTARY
 BHARUCH DISTRICT

20 JAN 2026

[Handwritten Signature]
 Asstt. Conservator of Forest
 Bharuch Region Sub Division, Bharuch

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VERIFICATION

I, Hiteshsinh Ramsinh Jadav, aged 39 adult, being Assistant Conservator Of Forest Sub Division Bharuch, 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 - 20-01-2026
Place - Bharuch



Deponent
Respondent no. 5, Principal Chief
Conservator of Forest, And Head of
Forest Forces



Asstt. Conservator of Forest
Bharuch Region Sub Division, Bharuch

