

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

ORIGINAL APPLICATION NO.20/2026(WZ)

Applicant : Surtaji Hamirji Jadeja.

Versus

Respondents: State of Gujarat & Ors.

BOOK NO. -03-
PAGE NO. -32-
SR. NO. -105-
DATE 18/04/2026
NILESH R. PANDYA
NOTARY
GOVT. OF INDIA
18 APR 2026

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO. 5

I, Mukesh R. Macwana, aged about 57 years, Indian Inhabitant, Occupation : Service, presently serving as Senior Environmental Engineer with the Gujarat Pollution Control Board, having office address Sector 10A, Paryavaran Bhavan, Gandhinagar, do hereby solemnly affirm and state on oath as under:

I am serving with the Respondent No. 5, the Gujarat Pollution Control Board ("GPCB"), as a Senior Environmental Engineer and I am duly authorised and competent to swear this Affidavit-in-Reply in the captioned matter. I am also conversant with the facts of the case based on the records available with the Board and thus, am filing this Affidavit in Reply, as under:

1. At the outset, it is submitted that the present Original Application, inter alia, pertains to the alleged activities of Respondent No. 10 in relation to manufacturing of Bromine and Salt and purported environmental violations arising therefrom. It is respectfully submitted that there are no specific or direct allegations made against the answering Respondent – Gujarat Pollution Control Board (Respondent No. 5) – in the present Original Application. Without prejudice to the aforesaid, any and all averments, allegations or insinuations, if any, against the answering Respondent are hereby specifically denied. The answering



Respondent further submits that it has acted strictly in accordance with the provisions of applicable environmental laws and within the scope of its statutory functions.

2. The contents of the Original Application, save and except what are specifically admitted herein, are denied as false and incorrect. The Applicant is put to strict proof of each and every allegation, contention and averment made therein.
3. The contents of para 1 and 2 of the Original Application do not warrant any comments.
4. With respect to the contents of para 3 of the Original Application, the contents thereof are not admitted, so far as the same pertain to the introduction of the Applicant. It is submitted that so far as the contention raised in the para under reference that the activities of the Respondent No. 10 Company are being conducted without any statutory safeguards and permission, without getting into the merits of the issue, the Respondent No. 10 unit has obtained a valid CTE, CRZ and CCA.
5. With respect to the contents of para 4(a) to 4(c) of the Original Application, the same do not warrant any comments so far as the answering Respondent. However, the averments made therein which are inconsistent with the actual facts are not admitted and are denied.



6. The contents of para 5 & 6 do not warrant any comments from the answering Respondent. However, the averments made therein which are inconsistent with the actual facts are not admitted and are denied.
7. The contents of para 7 and 8 do not warrant any comments from the Respondent herein.
8. The contents of para 9(a) & 9(b) do not warrant any comments from the answering Respondent. However, it is pertinent to state that the Applicant has not produced any cogent evidence to substantiate the same.
9. The contents of para 9(c) are not true and are denied. It is denied that there is a violation of the conditions stipulated in the CTE granted by GPCB under the Water Act and the Air Act, as alleged.
10. The contents of para 9(d) are incorrect, inasmuch as, the Respondent No. 10 unit has obtained a valid CCA.
11. With respect to the contents of para 9(e) wherein, it has been stated regarding the alleged violation of the EIA Notification, 2006, by not obtaining the EC for manufacturing, handling, and storage of Bromine, it is humbly submitted that the applicability of EIA is for isolated storage and handling of hazardous chemical and the same is not applicable for production of Bromine and Salt. Thus, the same is not applicable to the facts of the present case.



12. With respect to the contents of para 9(f), without commenting on the allegations and averments made and the contentions raised therein, it is submitted that the Respondent No. 10 unit has obtained a CRZ Clearance.
13. With respect to the contents of para 10(a), it is submitted that as per the information available to and records available with the answering Respondent, there are no bore-wells found in the unit.
14. The contents of para 10(b), do not warrant any comments.
15. With respect to the contents of para 10(c) and 10(d) without commenting on the allegations and averments made and the contentions raised therein, it is submitted that as per the information available to and records available with the answering Respondent, there are no bore-wells found in the unit.
16. The contents of para 10(e) to 10(h), do not warrant any comments from the answering Respondent. However, it is reiterated that it is a matter of record that the Respondent No. 10 unit has obtained the CRZ clearance and has obtained CTE & CCA.
17. With respect to the contents of para 11(a) to 11(d) of the Original Application, the same do not warrant any comments from the answering Respondent. However, it is submitted that the Respondent No. 10 unit has obtained a valid CRZ Clearance from the competent authority. The averments made in the said paragraphs, to the extent they suggest any illegality or violation, are denied.



18. With respect to the contents of para 12(a) and 12(b), it is submitted that the Respondent No. 10 unit has been granted Consent to Establish (CTE) and necessary permissions in accordance with applicable law. The answering Respondent craves leave to refer to and rely upon the said permissions and records at the time of hearing.
19. The contents of para 12(c) are not admitted and are denied. It is submitted that the Respondent No. 10 unit has obtained valid Consent to Establish (CTE), Coastal Regulation Zone (CRZ) Clearance and Consent to Operate (CCA), and is operating in accordance with the permissions granted.
20. The contents of para 12(d) are not admitted and are denied. It is submitted that the Respondent No. 10 unit has obtained valid CRZ Clearance, and there is no violation as alleged.
21. The contents of para 13(a) do not warrant any comments from the answering Respondent.
22. With respect to the contents of para 13(b), it is submitted that the Respondent No. 10 unit has been granted Consent to Operate (CCA) on 31.01.2026 by the Gujarat Pollution Control Board.
23. With respect to the contents of para 13(c), it is submitted that the Respondent No. 10 unit has been granted Consent to Operate for production of Bromine (Br_2) up to 1250 MT/Month and NaCl (Salt) up

to 5,00,000 MT/Month vide Consent Order No. AWH-153102, which is valid up to 17.12.2030. The answering Respondent craves leave to refer to and rely upon the said Consent Order (Annexure-3) at the time of hearing.

24. With respect to the contents of para 14, insofar as the same pertain to alleged violation of the EIA Notification, 2006, the same are denied. It is submitted that the applicability of the EIA Notification is in respect of isolated storage and handling of hazardous chemicals. Further, Entry 6(b) has been omitted vide Notification S.O. 1960(E) dated 13.06.2019 (Annexure-5). It is therefore submitted that the EIA Notification is not applicable for production of Bromine (Br_2) and NaCl (Salt), and hence, the question of obtaining Environmental Clearance does not arise.

25. Without prejudice, it is submitted that the Respondent No. 10 unit has obtained valid CTE, CRZ Clearance and CCA, and is operating in compliance with the same.

26. With respect to the contents of para 15, it is submitted that the Respondent No. 10 unit has obtained CRZ Clearance. As per the said clearance, the project area does not fall under CRZ-I(A). The classification of the area is as per the approved CRZ plan, and the allegations made to the contrary are denied.

27. The contents of para 16 to 20 do not warrant any comments from the answering Respondent.



28. The answering Respondent submits that the Grounds raised in the Original Application are not dealt with individually, as the same are misconceived, legally untenable and devoid of any merit. The said Grounds do not constitute valid grounds for grant of any relief as sought for in the present Original Application.

29. It is submitted that the allegations made therein are based on presumptions and are not supported by any cogent evidence on record. On the contrary, it is a matter of record that the Respondent No. 10 unit has obtained all requisite statutory permissions, including valid Consent to Establish (CTE), Coastal Regulation Zone (CRZ) Clearance and Consent to Operate (CCA), and is operating in accordance with the conditions stipulated therein.

30. It is further submitted that no bore-well has been observed within the premises of the Respondent No. 10 unit, and the allegations regarding illegal extraction of groundwater are baseless and factually incorrect. Additionally, the issue of applicability of the EIA Notification, 2006, does not arise in the facts of the present case, inasmuch as the said Notification is not applicable to the production of Bromine (Br_2) and Sodium Chloride (NaCl), and further, Entry 6(b) relating to isolated storage and handling of hazardous chemicals stands omitted vide Notification S.O. 1960(E) dated 13.06.2019.



31. It is also submitted that, as per the latest inspection, the industrial effluent generated by the unit is being treated in an Effluent Treatment Plant (ETP) and is discharged into solar evaporation ponds and reused in the process, thereby ensuring compliance with applicable environmental norms.

h/s

In view of the above, the Grounds raised in the Original Application are liable to be rejected.

What is stated herein above is true and correct.

Solemnly affirmed at Gandhinagar on this *18th* day of April, 2026.

[Signature]

Deponent.



IDENTIFIED BY ME *m. B. Vihar* SOLEMNLY AFFIRMED BEFORE ME *[Signature]*
ADVOCATE/PERSON
NAME: *SINAGAL* NILESH R. PANDYA
ADD: *SINAGAL* NOTARY
DATE: *18/04/26* GOVT. OF INDIA
18/04

