

Before the Hon'ble National Green Tribunal

Western Zone Bench, Pune

Original Application No.06/2020 (WZ)

(I.A.No.11/2020)

Shankarlal Gopalbhai Patel

..... Applicant

Versus

Union of India and ors.

..... Respondents



AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENTS NO. 5 & 6

I, Vasant Khemabhai Solanki, aged 57 years serving as Mamlatdar Nakhatrana, Taluko-Nakhtrana Dist.Kutchh-Bhuj on behalf of Respondent No.5 & 6, herein do hereby solemnly affirm on oath & state as under:

1. It is respectfully submitted that the present petitioner had approached the Hon'ble National Green Tribunal (NGT) for direction to official respondents to not allow wind farms in the areas of Sangnara Village Nakhatrana Kutch Gujarat and to issue closure of operations of M/s Green Infra Wind Energy and cancel the land lease granted in the areas of Sangnara Village, Nakhatrana, Kutch, Gujarat and to cancel the lease of other private respondents vide OA No.06/2020 (WZ) I.A. No.11/2020.
2. It is submitted that on application of Suzlon Gujarat Wind Park Ltd. dated 25/03/2008 for allotment of Government waste land on lease for wind farm project, Land measuring 4.00 Hactre of S.No.84/Paiki 1 was allotted on lease of 20 years by order of District Collector-Kutch, Bhuj No.Jaman/2/Vashi/4640/2015 dated 26/10/2015. (Copy Attached) Allotment of afore said land was done after obtaining necessary opinions/approvals/NOC of relevant departments including DILR and Forest Department. In this case, opinion of Forest Department was obtained vide Letter of Deputy Conservator of Forest (West) No.B/Jaman/T.11/1724/2015-16 dated 15/05/2015,

It is submitted that on application of Suzlon Gujarat Wind Park Ltd. dated 23/10/2013 for allotment of Government waste land on lease for wind farm project, Land measuring 7.00 Hactre of S.No.84/Paiki was allotted on lease of 20 years by order of District Collector-Kutch, Bhuj No.Jaman/2/Vashi/3314/2015 dated 01/08/2015. (Copy Attached). Allotment of afore said land was done after obtaining necessary opinions/approvals/NOC of relevant departments including DILR and Forest Department. In this case, opinion of Forest Department was obtained vide Letter of Deputy Conservator of Forest (West) No.B/Jaman/T.11/810/2014-15 dated 22/04/2015.

Out of the total 11 locations allotted to Suzlon Gujarat Wind Park Ltd. windmills have been installed on 6 (Six) locations while foundation work has been done on 2 locations as per report of Mamlatdar Nakhatrana vide letter no.Jaman/Vashi/1970/2020 dt.22/07/2020 (Copy Attached).

As no activity has been carried out by Suzlon Gujarat Wind Park Ltd. on the remaining 3 locations, the land measuring 3.00 hactre has been forfeited back to government on the ground of breach of conditions as mentioned in the original allotment order by District Collector-Kutch, Bhuj vide order no.Jaman/4/Windmill/Vashi/1250/2021 dated 15/07/2021 (Copy Attached).

3. It is submitted that on application of Shree Adani Green Energy (M.P) Ltd. dated 12/02/2018 for allotment of Government waste land on lease for wind farm project, Land measuring 7.00 Hactre of S.No.4,89,75,174 & 194 (1.00 Hactre in each Survey Number) 2.00 Hactre in S.No.163 was allotted on lease of 20 years by order of District Collector-Kutch, Bhuj No.Jaman/4/Windmill/Vashi/1168/2018 dated 20/12/2018. (Copy Attached). Allotment of afore said land was done after obtaining necessary opinions/ approvals / NOC of relevant departments including DILR and Forest Department. In this case, opinion of Forest Department was obtained vide Letter of Chief Conservator of Forest Bhuj No.B/Jaman/T.12/806-07/2018-19 dated 25/04/2018.

As per report of Mamlatdar Nakhatrana vide letter no.Jaman/Vashi/1970/2020 dt.22/07/2020, no activity has been carried out by Shree Adani Green Energy (M.P) Ltd. so show cause notice has been served by District District Collector-Kutch, Bhuj vide letter no. Jaman-4/J.M.KA.K.79-A/vashi/1727/2021 dated 07/10/21 for Cancellation of lease on ground of breach of conditions mentioned



in the allotment order. hearing for the same has been scheduled on 29/10/2021. (Copy Attached)

4. It is submitted that on application of Shree Torent Power Ltd. dated 13/03/2019 for allotment of Government waste land on lease for wind farm project, Land measuring 10.00 Hactre of S.No.4,65,89,95,174 (1.00 Hactre in each Survey Number) 2.00 Hactre in S.No.75 paiki and 3.00 hactre in survey no.60 paiki was allotted on lease of 20 years by order of District Collector-Kutch, Bhuj No.Jaman/4/Windmill/Vashi/2777/2019 dated 08/08/2019. (Copy Attached). Allotment of afore said land was done after obtaining necessary opinions/approvals/NOC of relevant departments including DILR and Forest Department. In this case, opinion of Forest Department was obtained vide Letter of Chief Conservator of Forest Bhuj No.B/Jaman/T.12/3502-03/2019-20 dated 19/07/2019.



As per report of Mamlatdar Nakhatrana vide letter no.Jaman/Vashi/1970/2020 dt.22/07/2020, no activity has been carried out by Shree Torent Power Ltd. so show cause notice has been served by District District Collector-Kutch, Bhuj vide letter no. Jaman-4/J.M.KA.K.79-A/vashi/1727/2021 dated 07/10/2021 for Cancellation of lease on ground of breach of conditions mentioned in the allotment order. Hearing for the same has been scheduled on 29/10/2021 (Copy Attached).

5. It is submitted that on application of Shree Green Infra Wind Energy Ltd. dated 12/10/2018 for allotment of Government waste land on lease for wind farm project, Land measuring 12.00 Hactre of S.No.4,65,109,174 (1.00 Hactre in each Survey Number) 2.00 Hactre in S.No.75 paiki and 3.00 hactre in survey no.60 paiki and 209 paiki each was allotted on lease of 20 years by order of District Collector-Kutch, Bhuj No.Jaman/4/Windmill/Vashi/2637/2019 dated 05/07/2019. (Copy Attached). Allotment of afore said land was done after obtaining necessary opinions/approvals/NOC of relevant departments including DILR and Forest Department. In this case, opinion of Forest Department was obtained vide Letter of Chief Conservator of Forest Bhuj No.B/Jaman/T.12/1874-75/2019-20 dated 29/05/2019.

Lease of afore said land has been terminated by District District Collector-Kutch, Bhuj vide order no.Jaman-4/windmill/vashi/1727/2020 dated 07/10/2021 due to breach of conditions mentioned in the original allotment order as well as submission by

the Shree Green Infra Wind Energy Ltd. for voluntary surrender of leased land (Copy Attached).

During wind farm related activities by Shree Green Infra Wind Energy Ltd. penalty of Rs.304950/- for unauthorized felling of 432 trees has been imposed alongwith an order for planting double the number of trees in consultation with the Gram Panchayat by Mamlatdar Nakhatrana vide its order no.Saurashtra Vruksh Chhedan Dhara/Case No.01/2019 dated 30/08/2019 (Copy Attached) and penalty of Rs.47500/- for unauthorized felling of 95 trees has been imposed alongwith an order for planting double the number of trees in consultation with the Gram Panchayat by Mamlatdar Nakhatrana vide its order no.Saurashtra Vruksh Chhedan Dhara/Case No.02/2019 dated 11/12/2019 (Copy Attached).



On application to permit felling of trees by Shree Green Infra Wind Energy Ltd. dated 05/10/2019, permission to cut 96 trees were given by Mamlatdar Nakhatrana vide its order no.Jaman/Vruksh Chhedan/Case No.4/2019 dated 11/12/2019 as per the provisions of saurashtra vruksh chhedan dhara, 1951. (Copy Attached) However, as per report of Mamlatdar Nakhatrana vide letter no.Jaman/Vashi/1970/2020 dt.22/07/2020, Shree Green Infra Wind Energy Ltd. has not cut any trees in reference to the said permission order.

6. It is respectfully submitted that the answering deponent reserves his right to file further necessary affidavit as and when deemed necessary by this Hon'ble Tribunal.
7. On the facts mentioned herein above, it is prayed by the deponent before this Hon'ble Tribunal to dismiss the petition.



 (V.K.SOLANKI)
Mamlatdar-Nakhatrana
MAMLATDAR NAKHTRANA

VERIFICATION

I Vasant Khemabhai Solanki

1. What is stated here in above are statements of facts derived from

the relevant records and files and are true to the best of my knowledge and I believe the same to be true.

- 2. All the documents enclosed with the affidavit in reply are the true copies of their originals.

SOLEMNLY AFFIRM AT NAKHTRANA ON 27th DAY OF OCTOBER, 2021



[Handwritten signature]

(V.K.SOLANKI)
Mamlatdar-Nakhatrana
MAMLATDAR NAKHTRANA

R.No. 9873/2021
 SOLEMNLY AFFIRMED BEFORE ME
 BY SHRI. Vasant Khemabhai Solanki
 OF Nakhatrana Kutch
 WHO HAS BEEN IDENTIFIED BY
 SHRI. Niteshbhai Pandya
 WHOM I PERSONALLY KNOW

[Handwritten signature]
EXECUTIVE MAGISTRATE
Nakhatrana-Kutch

Date :- 27/10/2021