

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, AT PUNE

ORIGINAL APPLICATION NO. 02 OF 2019

Ashok Shrimali

...Applicant

Versus

Union of India & Ors.

...Respondent

AFFIDAVIT OF THE RESPONDENT NO.13

I, Subhash B Joshi, Geologist Banaskantha aged adult, occupation service, authorized signatory of the Respondent no.13 herein, do hereby state on solemn oath and make this affidavit as under :-

1. I say that I have read and understood the application and being conversant with the facts and circumstances of the present case, I am competent to file this affidavit as under-
2. At the outset, I say and submit that I am filing the present affidavit in compliance of the directions issued by this Hon'ble Tribunal dated 09.08.2021 and I reserve my right to file a further detailed affidavit dealing with the contentions raised by the Applicant in the present application.
3. I say that the Hon'ble Tribunal had in the aforesaid order, directed the answering Respondent to produce on record the details regarding number of permits issued for transportation of quarried materials for the period of mining lease, nature of minerals to be quarried and the royalty paid. In compliance of the aforesaid directions, I hereby annex in tabular form the details as called for by the Hon'ble Tribunal at Annexure-R1.

4. I further say and submit that none of the above entities are permitted mining within 1 km. radius of Balaram Ambaji Sanctuary. In fact, I say that there is no mining activity which is ongoing or permitted within 1 km. radius from the boundary of the said Sanctuary.
5. I further say and submit that the Ministry of Environment, Forest and Climate Change has issued a draft notification dated 05.01.2021 proposing the boundary of eco-sensitive zone around Balaram Ambaji Sanctuary. The said notification invited objections from public at large to the proposed boundary. In view thereof, I say that the present Applicant can avail the remedy of raising objections before the MOEF in respect of the proposed boundary.
6. In view of what has been stated hereinabove, the present application does not deserve to be entertained.

What is stated hereinabove is true to the best of my knowledge and information and belief.

SOLEMNLY AFFIRMED AT HIMATNAGAR ON
THIS 22 DAY OF SEPTEMBER, 2021.


DEPONENT



Reg. No. 33/2021
Solemnly affirmed and signed before me
by Shri. Subhash B. Jesh
of Village. Himatnagar, Taluka. Himatnagar
who is identified by Shri. S.H.
whom I know personally
Himatnagar
Date. 22-09-2021


Executive Magistrate
Himatnagar 22/9/21

4. I further say and submit that none of the above entities are permitted mining within 1 km. radius of Balaram Ambaji Sanctuary. In fact, I say that there is no mining activity which is ongoing or permitted within 1 km. radius from the boundary of the said Sanctuary.
5. I further say and submit that the Ministry of Environment, Forest and Climate Change has issued a draft notification dated 05.01.2021 proposing the boundary of eco-sensitive zone around Balaram Ambaji Sanctuary. The said notification invited objections from public at large to the proposed boundary. In view thereof, I say that the present Applicant can avail the remedy of raising objections before the MOEF in respect of the proposed boundary.
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THIS 22 DAY OF SEPTEMBER, 2021.


DEPONENT



Reg. No. 33/2021

Solemnly affirmed and signed before me

by Shri. Subhash B. Joshi

of Village Himatnagar Taluqa Himatnagar

who is identified by Shri. Self

whom I know Personally

Himatnagar

Date. 21-09-2021


Executive Magistrate
Himatnagar 22/9/21

Annexure-R 1

The National Green Tribunal Principal Bench, New Delhi Application No.02/2019 (WZ)
Major and Minor Minerals lease near by Balaram-Ambaji Sanctuary

Sr No	Name of Lease Holder	Name of Mineral	Village / Place	Name of Taluka	Area (in hector)	Date of commencement of lease	Expiry Date after deemed Extension	Period	No of Permit (TPS issued) (up to 2011 -12 to 31.08.2021)	Mining closed since
1	Gujarat Mineral Development Corporation (G.M.D.C)	Base Metal	Kumbhariya, Ambaji Jhariyav, etc.	Danta	184.98.40	26.07.73	25.07.2023	50 Year	NIL	No mining in lease area since 1992.
2	Shiva Marble	Limestone	Khatal	Danta	3.76.00	30.01.2013	30.05.2045	32 Year	11	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
3	Shiva Marble	Calcite	Khatal	Danta	3.76.00	31.05.95	30.05.2045	35 Year	NIL	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
4	Ambaji Minerals Pro.Abhishekhsinh Sindhavi	Marble	Chikhala	Danta	4.04.69	23.10.67	31.03.2030	63 Year	28966	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
5	Jay Ambe Mining and Mineral	Marble	Chikhala	Danta	0.54.00	06.08.86	31.03.2030	44 Year	2153	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.



Sr No	Name of Lease Holder	Name of Mineral	Village / Place	Name of Taluka	Area (in hector)	Date of commencement of lease	Expiry Date after deemed Extension	Period	No of Permit (TPS issued) (up to 2011 -12 to 31.08.2021)	Mining closed since
6	Suyog Granite and Marble Pro. Sunilbhai Shah	Marble	Chikhala	Danta	2.05.38	29.10.80	31.03.2030	50 Year	199	1) By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary. 2) Extension pending due to outstanding dues.
7	Bravim Enterprise, Pro.Sunilbhai	Marble	Chikhala	Danta	1.42.00	19.09.74	31.03.2030	56 Year	25784	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
8	Hindustan Marble Ltd., Pro.Nayanbhai	Marble	Koteshwar jharivav chikhala	Danta	51.01.09	25.02.57	24.02.2037	80 Year	159689	No mining work carried out in the lease since July-2017
9	MB Stone Pvt Ltd, Tran. to Jay Ambe Mining and Mineral Pro.Suresabhai Patel	Marble	Chikhala	Danta	2.56.15	18.08.15	17.08.2045	30 Year	5165	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
10	MB Stone Pvt Ltd, Tran. to Jay Ambe Mining and Mineral Pro.Suresabhai Patel	Marble	Koteshwar	Danta	1.67.00	18.08.15	17.08.2045	30 Year	5070	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
11	Bhamarsinh Mansingh Parmar	Building stone	Navavas	Danta	1-00-00	17.12.1979	31.03.2030	51 Year	865	1) By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary. 2) Extension is pending.

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12	Asvinakumar Kantilal Joshi	Building stone	Navavas	Danta	3.60.00	17.10.11	31.03.2030	19 Year	1010	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
13	Sipai Abdul Khan Bhurekhan	Building stone	Navavas	Danta	1.00.00	8.11.11	31.03.2030	10 Year	100	By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary.
14	Tirupati Quarry Works	Building stone	Chikanvas	Amirgadh	3.00.00	11.06.1984	31.03.2030	46 Year	15694	1) By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary. 2) Extension is pending.
15	RP infrastructure	Building stone	Chikanvas	Amirgadh	6.00.00	30.08.1982	31.03.2030	48 Year	8244	1) By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary. 2) Extension is pending.
16	Patel Dinesabhai Mayibhai Successor to Sagarabhai Dinesabhai Mayibhai	Building stone	Chikanvas	Amirgadh	3.87.00	26.07.1982	31.03.2030	48 Year	8998	1) By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance from the boundary of sanctuary. 2) Extension is pending.
17	Param Udhog	Building stone	Chikanvas	Amirgadh	2.00.00	18.04.1990	31.03.2030	40 Year	23177	1) By an Order Dated 26.09.2019, Mining is stopped in 1 km. Distance
18	Dharti Quarry Works	Building stone	Chikanvas	Amirgadh	0.75.69	18.04.02	31.03.2030	28 Year	8582	Mining has been stopped by the order dated 26.09.2019

By 22

Sr No	Name of Lease Holder	Name of Mineral	Village / Place	Name of Taluka	Area (in hector)	Date of commencement of lease	Expiry Date after deemed Extension	Period	No of Permit (TPS issued) (up to 2011 -12 to 31.08.2021)	Mining closed since
19	Dadabhai Hathibhai Sindhi	Building stone	Chitrasani	Palampur	1.52.81	25.07.1996	31.03.2035	39 Year	10010	No mining work carried out in the lease since August-2018 & The lease is in the process of cancellation.
20	Ahemadkhan H. Sindhi	Building stone	Hasanpur	Palampur	3.32.00	02.11.1972	31.03.2030	58 Year	200	No mining work carried out in the lease since March-2013 & The lease is in the process of cancellation.

