

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL (WESTERN ZONE BENCH) AT PUNE.**

ORG APPLICATION NO.58 OF 2018 (WZ)

In the matter between:

Protection of Environment and Public Service
Committee

... Applicant

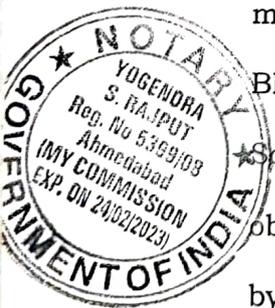
Versus

Union of India &Ors.

... Respondents.

**FURTHER AFFIDAVIT/OBJECTIONS OF THE
RESPONDENT NO.16 Ms. DHIRAJLAL VANCHANI IN
RESPONSE TO THE REPORT ON DAMAGE
ASSESSMENT DUE TO ILLEGAL MINING OF
LIMESTONE IN THE DISTRICTS OF JUNAGADH
AND GIR-SOMANATH**

I Naranbhai Jashmatbhai Ladani Power of Attorney
Holder of Dhirajlal Panchanbhai Vachhani , Age-___,
male, Male, age-78 having address at-44, Dharm
Bhakati, Tulsi dham Soc. Gir-Gadhda road, Unna, Gir-
Somnath, and by present affidavit I Lodge by
objections to the report dated 21/10/2019 produced
by the concerned authorities which includes Gujarat
Pollution Control Board, office of Geology and Mining
Department and Kadams Environment Consultant
Vadodara, my objections are as under



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government authorities has been committed by the objector.

4. It is submitted that respondent No.16 stands on different footing than other respondents in the present proceedings, however the concerned authorities have committed error in not considering admitted legal aspect that mining activity of respondent No.16 was not without any permission or breach of condition, the resp. No.16 could not have been treated as at par with other respondents. Therefore the said report may not be accepted qua, no.16.
5. It is submitted that an order dated 28/4/2011 came to be passed and Government of Gujarat granted permission for mining for a period of 30 years qua the subject matter property i.e. admeasuring 4-00-00 Hectare Are Sq. Mtr. It is submitted that the Gujarat pollution control board granted provisional consent order which is known as CCA by the same order the permission was granted to take mining activity upto 18/12/2018.
6. It is submitted that even GPCB (Gujarat Pollution Control Board) issued consent order dated

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27/10/2014 and condition No.I provides that unit shall obtain environment clearance for further mining lease. It is submitted that thus the respondent No.16 had never commenced mining activity without environmental clearance issued by the consolidated consent authorization (CCA) is absolutely similar to environmental clearance certificate and the resp. No.16 was granted provisional consent w.e.f. 27/10/2014 to 18/12/2018, the need for seeking environment clearance will be only at the time of renewal of mining lease, that would be in 2043 thus mining activity undertaken by Resp No.16 could not be termed and treated without there being any permission and could not be treated as unauthorized mining.

7. It is submitted that despite the clearance was required to be applied at the time of renewal in 2043, though consolidated consent authorization granted by the GPCB was equivalent to that of environmental clearance certificate is concerned and aforesaid CCA was granted, but respondent authorities submitted application as per notification

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and direction issued by government authorities as resp No.16 submitted first application on 2/1/2014 and had complied with all the requirements. It is submitted that, the objector had paid prescribed charges/fees for ENC in spite of which the concerned authorities proceeded with the same, though no objection were found in respect of granting such application, without justifiable reason was not considered and resp.No.16 was constrained to prefer succession application and continuously submitted such application in 2015-2106 and submitted all necessary documents, however the concerned authorities have not considered and decided the same. I state that, though CCA and provisional consent order which is equivalent to full fledge environment clearance, the provisional consent order is for limited period, however the same gives valid authority to lease holder to under take mining activity. It is submitted that, surprisingly and shockingly the present application came to be preferred and notice came to be issued, though Respondent No.16 was hav.ng PCO valid upto 2018 and abruptly the concerned authorities

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had suspended the mining account, virtual account and royalty account w.e.f. 25/10/2018 and the respondent No.16 was stopped from carrying out mining activity.

8. It is submitted that, accept the respondent No.16, others did not have CCA permission however the Government Of Gujarat has without application of mind suspended the virtual account and resultantly the mining activity was also stopped. It is submitted that, the respondent No.16 had also preferred subsequent application seeking ECC and had complied with all requirements as public notice inviting objections against grant of ECC had already taken place on 15/11/2019. That even Medical Officer, forest authorities, panchayat authorities had issued communication which contains that the subject matter mining is situated 3Kms from village Underi, Ta.-Gadhada, District-Gir-Somnath and even Medical officer issued certificate that, no villager has health complication.

9. It is submitted that, even as per document of primary health centre, not a single case of health complication, based on dusting pollution or spread

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of mining particles is even reported, Resp No.16 has already carried out mining in eco friendly process and had never blasting for mining activity and the lease land is situated beyond 10 Kms are from Gir Forest.

10. It is submitted that, Respondent NO.16 had complied with all requirements and on 3 occasions, the presentation came to be done therefore ECC ought to have been granted to respondent No.16. The resp. No.16 has sustained tremendous damage due to premature suspension of virtual account w.e.f. 25/10/2018. It is submitted that, mining activity could not be considered as unauthorized mining as valid CCA was obtained upto 18/12/2028 and therefore resp No.16 had paid huge amount of royalty and therefore mining activity could not be termed as violation of any rules/orders. It is submitted that, thus the report preferred by the concerned authorities may be quashed and set aside and respondent No.16 may kindly be granted ECC certificate. It is submitted that, even Respondent No.16 preferred petition before the Hon'ble High Court and surprisingly and

દાખલા નંબર 16 ની વિનય પત્રિકાને
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shockingly the application of respondent No.2 was filed/de-listed only on ground that respondent No.16 had not paid damages, though damages are not to be paid by respondent No.16, the writ petition came to be dismissed only on the ground of availability of alternative remedy by order dated 18/6/2021. The Hon'ble High Court never observed that No.16 had committed any violation of act/rules/order and therefore also the report preferred by the concerned authorities deserves to be quashed and set aside.

11. It is submitted that, the objector has complied with all the rules and regulations and therefore the case of the objector is on better footing, however concerned authorities have not considered the said aspect and therefore the report preferred by the concerned authorities deserves to be quashed and set aside. It is further submitted that, the concerned authorities have preferred supplementary amount for damage assessment i.e. Rs.95,48,977/- which also deserves to be quashed and set aside.

12. In light of the above the objections raised by the objector may kindly be considered and the

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objections raised by the concerned authorities may kindly be quashed and set aside.

SOLEMNLY AFFIRMED AT Ahmedabad ON THIS 2nd DAY OF Oct, 2021

Explained and interpreted to the

Deponent in vernacular language

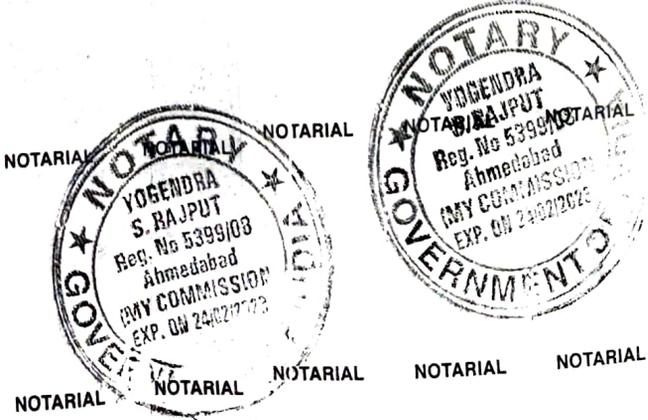
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Advocate દાનજલાલ પંચાણા ભાઈ વાઘાણીવા
કે.એ.

IDENTIFIED BY ME
ADVOCATE

[DEPONENT]

Serial No. 12229 /2021
Solemnly Affirmed & Signed Before Me
Yogendra S. Rajput
NOTARY PUBLIC
GOVT. OF INDIA
(MY COMMISSION EXPIRES ON DT. 24-02-2023)



શ્રી. વલ્મી, મારે ના. રૂ. ૨૨૨૭
કરવા થા. ૨૨/૧૨/૨૦૧૩

ધીરજલાલ પંચાણભાઈ વાઘાણી,

(બિલ્ડીંગ લાઈમ સ્ટોન)

સર્વે નં 49 પૈકી, ગામ: ઉદરી,

તાલુકો: ઉના, જિલ્લો : જુનાગઢ

તા. 02/01/2014

ભૂસ્તર શાસ્ત્રી ની કચેરી,

ભૂસ્તર વિજ્ઞાન અને ખનીજ ખાતું,

બહુમાળી ભવન, બ્લોક નં. 2, 2/3 જા માળે, જુનાગઢ

વિષય : આપના પરિપત્ર મુજબ EC ની અરજી કરવા બાબત

સંદર્ભનં: જી જે /લીઝ - સ્ટોકીસ્ટ/

જય ભારત સાથે આપના તરફથી મંગેલ પત્ર

1. ચોરીજનલ એપ્લીકેશન નં. 171/12013 માં નામ ગ્રીન ટ્રીબ્યુંનલ, નવી દિલ્લી ના તા 05/08/2013 ના હુકમ બાબત ટ્રીબ્યુંનલ બાર એસોસીએશન વિરુદ્ધ વન અને પર્યાવરણ મંત્રાલય, ભારત સરકાર તા. 27/08/2013

2. આપની કચેરી ના પત્ર ક્રમાંક નં. સીજીએમ/લીઝ/એમએલ/પરિપત્રો/3191 તા. 30/08/2013

3. આપની કચેરીના પત્ર ક્રમાંક નં. સીજીએમ/લીઝ/એમએલ/પોલીસી પરિપત્રો/3809 તા. 29/10/13

ઉપર જણાવ્યા પ્રમાણે આપની કચેરી દ્વારા EC એપ્લીકેશન કરવા સુચના આપેલ હોય જે અન્વયે તો આ પત્ર સાથે અમો એન્વાયરમેન્ટ ક્લીયરન્સ ની એપ્લીકેશન આપની કચેરી માં જમા કરાવીએ છીએ.

ધીરજલાલ પંચાણભાઈ વાઘાણી
આપનો વિશ્વાસુ

શ્યામગી શાખા
ભૂસ્તર વિજ્ઞાન અને ખનીજ ખાતું
બહુમાળી ભવન, બ્લોક નં. ૨,
૨/૩-જા માળે, જુનાગઢ.

Dhirajlal Panchanbhai Vachhani,
(Building Lime Stone)
Survey No.49 Paiki, Village : Undari,
Ta: Una, District: Junagadh.
Date: 02/01/2014

Office of the Geologist,
Geology & Minerals Department,
Bahumali Bhavan,
Block No.2, 2/3rd Floor,
Junagadh.

Subject: In the matter of Application for EC as per your Circular.

Ref: G J/Lease-Stockist/

This is with Jai Bharat with reference to the letter received from you.

1. In original Application No.171/12013 in regard the Order dated 05/08/2013 of Hon'ble Green Tribunal New Delhi, the letter dated 27/08/2013 of Ministry of Forest & Environment, Government of India against Tribunal Bar Association.
2. Your office letter No. CGM/LEASE/ML/ CIRCULARS/ 3191 dated 30/08/2013.
3. Your Office letter No. CGM/LEASE/ML/POLICY CIRCULARS/ 3809 dated 29/10/13.

Since, the instruction has been given by your office as stated above for forwarding an Application for EC, as such we are depositing the Application for Environment Clearance with this letter.

Sd/-as Dhirajlal Panchanbhai Vachhani,
Yours Faithfully

Sd/-illegible
Date: 02/01/14
Geology & Minerals Department,
Bahumali Bhavan, Block No.2,
2/3rd Floor, Junagadh.

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તા. ૨૧.૧૨.૧૪

Lime stone mine of
Dhirajlal Panchanbhai Vachhani,
Plot no.49/p, Vill.Undari
Tal.Una,
Dis.Junagadh
Mo.No. 9825524138

To.
State Level Expert Appraisal Committee,
Paryavaran Bhavan,
Sector-10/A,
Gandhinagar.

Sub: Application for Environmental Clearance for the Lime stone mine of
Dhirajlal Panchanbhai Vachhani, Admeasuring 4 hectore
Plot no.49/p, Vill.Undari, Tal.Una, Dis.Junagadh

Respected Sir,

We propose to start the operation of the lime stone mine of in above mentioned location. As per the moEF circular dated 18/05/2012. We require to obtain the prior environmental clearance.

We herewith apply (in From-1) for environmental clearance with the pre-feasibility study report and other supporting documents.

We request your good selves to kindly consider our case in earliest Committee meeting and grant us the recommendation/Environmental Clearance.

Thanking You,

Sincerely Yours,

ડા. સી. રાજાજી વાચ્છાણી
Dhirajlal Panchanbhai Vachhani
(LEASE OWNER)

CCA = 27-10-14 of 18-12-2018
23th Dec 12



GPCB

GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector-10-A, Gandhinagar-382 021.
Website : www.gpcb.gov.in

READ

In exercise of the power conferred under section-25 of the Water (Prevention and Control of Pollution) Act-1974, under section-21 of the Air (Prevention and Control of Pollution)-1981 and Authorization under rule 5(4) of the Hazardous Waste (Management, Handling & Trans boundary movement) Rules-2008 framed under the Environmental (Protection) Act-1986.

And whereas Board has received consolidated consent application No.85777 dated 16/09/2014 for the Renewal of Consolidated Consent and Authorization (CC & A) of his Board under the provisions / rules of the aforesaid Acts, Consents & Authorization are hereby granted as under:

CONSENTS AND AUTHORISATION:

(Under the provisions /rules of the aforesaid environmental acts)

To,

M/S. LIME STONE MINES OF DHIRJALAL PANCHANBHAI VACHHANI,
PLOT NO: 49/P,
UNDARI - 362560,
TAL: UNA,
DIST: JUNAGADH.

1. Consent Order No. : AWH- 65777 date of Issue: 27/10/2014

1.1 The consents shall be valid up to 18/12/2018 for use of outlet for the discharge of trade effluent & emission due to operation of industrial plant for manufacture of the following items/products:

SR NO	PRODUCT	CAPACITY
1	BUILDING LIME STONE	12,500 MT/M

SPECIFIC CONDITIONS:

i. Unit shall obtain EC when further renewal of mining lease.

CONDITIONS UNDER THE WATER ACT:

2.

	Water Consumption	Waste water generation
Industrial	1,000 Lit/Day	Nil
Domestic	800 Lit/Day	200 Lit/Day

2.1 Sewage shall be disposed into soak pit.

2.2 There shall be no generation of the Industrial effluent from the manufacturing process and other ancillary operations.

3. CONDITIONS UNDER THE AIR ACT:

3.1 There shall be no use of fuel hence there shall be no flue gas emission.

3.2 There shall be no process gas emission.

3.3 The applicant shall install & operate air pollution control system in order to achieve norms prescribed below.

3.4 The concentration of the following parameters in the ambient air within the premises of the industry shall not exceed the limits specified hereunder.

PARAMETERS	PERMISSIBLE LIMIT	
	Annual	24 Hrs Average
Particulate Matter-10 (PM ₁₀)	60 Microgram/M ³	100 Microgram/M ³
Particulate Matter- 2.5 (PM _{2.5})	40 Microgram/M ³	60 Microgram/M ³
SO ₂	50 Microgram/M ³	80 Microgram/M ³
NO _x	40Microgram/M ³	80 Microgram/M ³

(Signature)

- 3.5 The concentration of Suspended Particulate Matter in ambient air at a distance of 3 to 10 meters from crusher/quarry shall not exceed 500 microgram/M3.
- 3.6 The applicant shall install & operate following measures so that the emission of particulate matter shall not exceed the concentration mentioned at (3.2) above.
 - a) Water Spraying System.
 - b) Hood for Screening Classifier & Crusher.
 - c) Cover over conveyer belts.
 - d) Construction of wind breaking walls.
 - e) Construction of Metal Road within Premises.
 - f) Regular Cleaning & Wetting at Ground within Premises.
 - g) Dust Suppression System.
 - h) Green Belt of 10-meter width all along the periphery.

- 3.7 The applicant shall operate air pollution control equipment very efficiently and continuously so that the concentration of particulate matter always conforms to the standards Specified in condition no.3.4 & 3.5
- 3.8 The consent to operate the industrial plant shall lapse at any time if the concentration in the ambient air is not within the tolerance limits specified in the condition no. 3.5 & 3.4
- 3.9 The consent granted shall lapse at any time if any parameters or any condition of this Consent orders are not complied with.
- 3.10 The Industry shall take adequate measures for control of noise levels from its own Sources within the premises so as to maintain ambient air quality standards in respect of Noise to less than 75dB (a) during day time and 70 dB (A) during night time. Daytime is reckoned in between 6 a.m. and 10 p.m. and nighttime is reckoned between 10 p.m. and 6 a.m.

4. There shall be no Hazardous Waste from the manufacturing process and other ancillary operation as per your under taking

5. TERMS AND CONDITIONS OF AUTHORISATION

- a) The applicant shall comply with the provisions of the Environment (Protection) Act - 1986 and the rules made there under.
- b) The authorization shall be produced for inspection at the request of an officer authorized by the Gujarat Pollution Control Board. The persons authorized shall not rent, lend, sell, and transfer of otherwise transport the hazardous wastes without obtaining prior permission of the Gujarat Pollution Control Board.
- c) Any unauthorized change in personnel, equipment or working conditions as mentioned in the authorization order by the persons authorized shall constitute a breach of this authorization.
- d) It is the duty of the authorized person to take prior permission of the Gujarat Pollution Control Board to close down the facility.
- e) An application for the renewal of an authorization shall be made as laid down in rule 5 (6) (ii).
- f) Industry shall have to manage waste oil, discarded containers etc as per Amended Rules-2003 and shall apply Authorization/submit details for all applicable waste as per Amended Rules-2003 with 15 days.
- g) Industry shall submit annual report within 15 days and subsequently by 31st January every year.

6. General Conditions:

- 6.1 The waste generator shall be totally responsible for i.e. collection, storage, encapsulation, incineration, treatment, transportation and ultimate disposal) of the wastes generated.
- 6.2 Records of waste generation, its management and annual return shall be submitted to Gujarat Pollution Control Board in Form - 4 by 31st January of every year.
- 6.3 In case of any accident, details of the same shall be submitted in Form - 5 to Gujarat Pollution Control Board.
- 6.4 As per "Public Liability Insurance Act - 91" company shall get Insurance Policy, if applicable.
- 6.5 Empty drums and containers of toxic and hazardous material shall be treated as per guideline published for "Management & Handling of discarded containers". Records of the same shall be maintained and forwarded to Gujarat Pollution Control Board regularly.
- 6.6 In no case any kind of hazardous waste shall be imported without prior approval of appropriate authority.

(Handwritten signature)



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector-10-A, Gandhinagar-382 021.
Website : www.gpcb.gov.in

- 6.7 In case of transport of hazardous wastes to a facility for (i.e. treatment, storage and disposal) existing in a State other than the State where hazardous wastes are generated, the occupier shall obtain 'No Objection Certificate' from the State Pollution Control Board or Committee of the concerned State or Union territory Administration where the facility exists.
- 6.8 Unit shall take all concrete measures to show tangible results in waste generation, reduction, avoidance, reuse and recycle. Action taken in this regards shall be submitted within three months and also along with Form-4.
- 6.9 Industry shall have to display the relevant information with regard to hazardous waste as indicated in the Courts Order in W.P. No.657 of 1995-dated 14th October-2003.
- 6.10 Industry shall have to display on-line data outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emissions and solid hazardous wastes generated within factory premise.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD

(CHIRAG BHIMANI)

DY. ENVIRONMENTAL ENGINEER & UNIT HEAD

NO: GPCB/ID- 41329/CCA/JNG- 659/ 231816

05 28/11/2017

ISSUED TO:
M/S. LIME STONE MINES OF DHIRJALAL PANCHANBHAI VACHHANI,
PLOT NO: 49/P,
UNDARI - 362560,
TAL: UNA,
DIST: JUNAGADH.

Copy to: The Regional Officer, G.P.C.Board, Junagadh For information & Sampling.



GPCB

GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector 10-A, Gandhinagar 382011

Phone : (079) 23226295

Fax : (079) 23232156

website : www.gpcb.gov.in

BYRPAD

"Consent to Establish" (NOC)

CTE NO.57609

NO: GPCB/ID-41329/CCA/JNG-659/ 162849

02.18.10.2013

TO,
M/S. Lime Stone Mine of Dhirjalal Panchanhai Vachhani.
Plot no - 49/p
Undari -362560,
Tal - Una,
Dist: Junagadh.

SUB: Consent to Establish (NOC) under Section 25 of Water Act 1974 and Section 21
Air Act 1981.

REF: Your application No. 65738, dated: 26/02/2013.

Sir,

Without prejudice to the powers of this Board under the Water (Prevention & Control of Pollution) Act-1974, the Air Act-1981 and the Environment (Protection) Act 1986 and without reducing your responsibilities under the said Acts in any way, this Board grants Consent to Establish (NOC) for setting up of industrial plant/activities at Plot no- 49/p Undari -362560, Tal - Una, Dist: Junagadh for the manufacturing of the following items. The Validity period of the order will be 5 years i.e. up to 25/02/2018.

Sr. No.	Product	Capacity
1	Building Lime Stone	12500 MT/M

SPECIFIC CONDITION : (If Applicable)

1. Unit shall comply all the condition stipulated in industrial & mines department letter
2. No ground water shall be used for the project coming under
— Dark zone without permission of competent authority
3. Unit shall comply the directions given in the orders passed by Hon'ble High court with respect to mining activity.
4. Unit shall obtain environmental clearance at the time of renewal of mining lease.

CONDITIONS UNDER WATER ACT 1974:

1. There shall be no generation of industrial effluent from the manufacturing process and other ancillary industrial operations.
2. The quantity of the domestic waste water (Sewage) shall not exceed 200 Lits/Da
3. Sewage shall be disposed of through septic tank/soak pit system.

(Signature)

Clean Gujarat Green Gujarat

ISO - 9001 - 2008 & ISO - 14001 - 2004 Certified Organisation

CONDITIONS UNDER AIR ACT 1981 :-

4. There shall be no use of fuel hence there shall be no flue gas emission.
5. There shall be no process emission from the manufacturing process as well as any other ancillary process.
6. The concentration of Suspended Particulate Matter in ambient air measured between 3 meters and 10 meters distance from any equipment of stone crushing unit shall not exceed 600 microgram/M³.
7. The applicant shall install & operate following measures to control emission of particulate matter shall not exceed the permissible limits.
 - a) Water Spraying System at every source.
 - b) Construction of wind breaking walls.
 - c) Construction of Metal led Road within premises.
 - e) Regular Cleaning & Wetting at Ground within Premises.
 - f) Dust Suppression System.
 - g) Green Belt of 10-meter width all along the periphery.
 - h) Mining lease area is 00.4.00 Hector.
8. Ambient air quality within the premises of the industry shall conform to the following standards :-

PARAMETERS	PERMISSIBLE LIMIT	
	Annual	24 Hrs Average
Particulate Matter-10 (PM ₁₀)	60 Microgram/M ³	100 Microgram/M ³
Particulate Matter- 2.5 (PM _{2.5})	40 Microgram/M ³	60 Microgram/M ³
SO ₂	50 Microgram/M ³	80 Microgram/M ³
NO _x	40 Microgram/M ³	80 Microgram/M ³

1. All measures for the control of environmental pollution shall be provided before commencing production.

CONDITIONS UNDER HAZARDOUS WASTE (If Applicable)

10. Applicant shall have to comply with provisions of Hazardous waste (Management, Handling & Trans boundary movement) Rule-2008.
11. The applicant shall obtain membership of common TSDF site for disposal of Haz. Waste as categorized in Hazardous waste (Management, Handling & trans boundary movement) Rule-2008.
12. The applicant shall obtain membership of common Hazardous waste incinerator for disposal of incinerable waste.
13. The applicant shall provide temporary storage facilities for each type of hazardous Waste as per Hazardous Waste (Management, Handling & Trans boundary movement) Rule-2008.

GENERAL CONDITION :

14. Adequate plantation shall be carried out all along the periphery of the industrial premises in such a way that the density of plantation is at least 1000 trees per acre of land and a green belt of 10 meters width is developed.
15. The applicant shall have to submit the returns in prescribed form regarding water consumption and shall have to make payment of water cess to the Board under the Water Cess Act- 1977.
16. In case of change of ownership/management the name and address of the new owners/partners/directors/proprietor should immediately be intimated to the Board.

(Signature)



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector 10-A, Gandhinagar 382010
Phone : (079) 23226295
Fax : (079) 23232156
website : www.gpcb.gov.in

- 17. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gaseous emission or sewage waste from the proposed industrial plant. The applicant is required to make applications to this Board for this purpose in the prescribed forms under the provisions of the Water Act-1974, the Air Act-1981 and the Environment (Protection) Act-1986.
- 18. The applicant also comply with the General conditions as per Annexure - I attached herewith (No.1 to 38) (whichever applicable).
- 19. The concentration of Noise in ambient air within the premises of industrial unit shall not exceed following levels:
Between 6 A.M. and 10 P.M.: 75 dB(A)
Between 10 P.M. and 6 A.M.: 70 dB(A)
- 20. Applicant is required to comply with the manufacturing, Storage and Import of Hazardous Chemicals Rules-1989 framed under the Environment (Protection) Act-1986.
- 21. If it is established by any competent authority that the damage is caused due to their industrial activities to any person or his property in that case they are obliged to pay the compensation as determined by the competent authority.
- 22. The applicant shall not carry out any activities or projects listed in schedule of the new EIA Notification dated 14/09/06 requiring prior Environment Clearance.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD


(CHIRAG BHIMANI)
UNIT HEAD & DEE

COPY TO:

- 1. Regional Officer, G.P.C. Board, Junagadh.
For information and submission of monitoring report for compliance of the conditions)
- 2. M.P.R. File. Unit : 6

Clean Gujarat Green Gujarat

ISO - 9001 - 2008 & ISO - 14001 - 2004 Certified Organisation

ફુલકા આરોગ્ય સેન્ટ્રાલ
પોલ્યુશન થી ન થવાનું પ્રમાણ 1738

18



પ્રા.આ.કેન્દ્ર-ફુલકા

મુ. ફુલકા તા-ગીર ગઢડા

EMAIL ID :- phcfulka.health.junagadh@gmail.com



પ્રતિબ્ધ

વાહાણી. ધીરજતાલની

ભાગ

મીડીકલ ઓફીસર

પુ. આ. કેન્દ્ર- ફુલકા

તા: 25/11/2019

વિષય: સ્ત્રીસાકારિયા સંગીના માકીની આપણ
જાળ

બધા ભાગ સ્ત્રી સંગીના સુ. આપણ દાર
કોઈ, ફુલકા, ડાહ્યા પાકેરી, મધ્ય, આશીશાળા, ત્રિભા ગામમાં
કોઈ સ્ત્રીસાકારિયા સંગીના દર્દી જાણાયેલ કોઈ સંગી માકીની
માકીની જે જાળ સંગીના સંગીના આપણા ઓફીસ
આ સંગીના સંગીના સંગીના સંગીના સંગીના સંગીના
દર્દી કોઈ સંગીના સંગીના સંગીના સંગીના સંગીના
આ સંગીના સંગીના સંગીના સંગીના સંગીના સંગીના
જાળ સંગીના સંગીના સંગીના સંગીના સંગીના સંગીના

જકમ જાળ આરોગ્ય સંગીના
ગાળ સંગીના સંગીના સંગીના સંગીના સંગીના
2018/19

સંગીના સંગીના સંગીના સંગીના સંગીના સંગીના
25/11/2019

THE PRIMARY HEALTH CENTRE, FULKA,
At & Po. Fulka, Ta. Gir Gadhda.

Email id: phulka.health.junagadh@gmail.com

Medical Officer,
Primary Health Centre, Fulka,
Date: 25/11/2019.

To,

Vachhani Dhirajlal,
Una.

Subject: In the matter of providing information about the disease "Silicosis".

This is to inform with Jai Bharat that, the information was demanded by you whether any patient is registered of disease "Silicosis" in the villages Undari, Fulka, DAMasa, Panderi, Madharadi, Ankolia, Pithva. In that regard, on making inquiry in our OPD and on making inquiry after surveillance, no any patient of the aforesaid illness has been notified in our organization and, in past also no any patient has been notified in our organization.

Sd/- illegible
Medical Officer,
Primary Health Centre,
Fulka 25/11/2019.

Copy forwarded to:

The Taluka Health Officer,
Gir Gadhda.



Mo. 99780 11900 / 98255 24144

E-mail: rajoshinadani@gmail.com

DHIRAJLAL PANCHANBHAI VACHHANIC/o. Kailas Transport, B/5. Umiya Dham, Gir Gadhdha Road,
UNA-362560 Dist.:Gir Somnath

Date: 21/11/2019.

મા. તાબીબી અધીકારી શ્રી
પ્રાથમિક આરોગ્ય કેન્દ્ર
કુલડા - તા. ગીરગઢડા
જી. ગીરસોમનાથ.

વિષય:- લારીમસ્ત્રીન (ચુનાપરબર) ની ડમરી ઉડવાન
કારણે થતો કોગ "શીલીકીશીષ" ના
કેસ બાબત.

મા. સાહેબ શ્રી.

જયભારત સાથે જલાલવા નું હું કે કુલડા આરોગ્ય
કેન્દ્ર ના તબીબી નીચે મુજબ ના ઠામોમાં "લારીમસ્ત્રીન (ચુનાપરબર)
ની ડમરી ઉડવાને કારણે "શીલીકીશીષ" ના કોગના કેસ પુસ્તક
માંકે આજીવન સુધી બન્યા છે કે કોમ લેવી માટેની આપવા વિનંતી

ઠામના નામ

- (૧) ઉદરી
- (૨) કુલડા
- (૩) ડામરા
- (૪) પાંડરી
- (૫) મધરડા
- (૬) આંકીલાળી
- (૭) પેલા.

તો, આપ સાહેબ શ્રી ને વિનંતી કે ઉપર મુજબની
મહેતી આપવા વિનંતી.

લી.
દીપ્તજી પી. વાઘાણી.

Mo. 99780 11900/98255 24144
Email rajeshniadani@gmeial.com

DHIRAJLAL PANCHANBHAI VACHHANI,
c/O. Kalidas Transport, B/5, Umiya Dham,
Gir Gadhda Road,
UNA-362560, Dist. Gir Somnath

Date. 21/11/2019

To,
The Respected Medical Officer,
Public Health Centre,
Fulka, Ta. Gir Gadhda.
Dist. Gir Somnath.

Subject: In the matter of case for the disease "Silicosis"
being occurred on account of spreading of the
dust of lime-stone.

Respected Sir,

This is to inform with Jai Bharat that, you are
requested to give the information as to whether any case
of the disease of "Silicosis" taken place in past or till date
due to spreading of dust of "lime Stone" in the village
mentioned below near the Fulka Health Centre:

Name of villages:

- (1) Undari,
- (2) Fulka,
- (3) Damasa,
- (4) Panderi,
- (5) Madharadi,
- (6) Ankolali,
- (7) Pithva

So, it is request to you, the officer to provide the
information as above.

Sd/- as Dhirajlal P. Vachhani.

OR



નાયબ વન સંરક્ષકશ્રીની કચેરી, ગીર(પૂર્વ) વન વિભાગ, ધારી
વેકરીયાપરા ફોરેસ્ટ કોલોની, મુ. ધારી - ૩૬૫૬૪૦
ફોન નંબર ૨૦૨૭૯૭ - ૨૨૫૦૪૪
ફેક્સ નંબર ૨૦૨૭૯૭ - ૨૨૫૧૩૨
ઇ-મેલ - dcf_dhari@yahoo.com

ક્રમાંક:બ/જમન/ટે.૧૪/૩૪૪૪/૨૦૧૯-૨૦

તા. ૩/૦૭/૨૦૧૯

પ્રતિ,
ભૂસ્તરશાસ્ત્રીશ્રી,
ભૂસ્તર વિજ્ઞાન અને ખનીજ ખાતુ,
કલેક્ટર કચેરી બિલ્ડીંગ, રૂમ નં.૩૪૮ થી ૩૫૪
મુ. ઇણાજ તા. વેરાવળ



વિષય : ગીર અભયારણ્ય તથા ઇકો સેન્સીટીવ ઝોનમાં લીઝ ન હોવાનું
પ્રમાણપત્ર બાબત.

સંદર્ભ : તેમના પત્રકમાંક : જીજી/એમએલ/જનરલ/૧૪૩૪ તા. ૧૭.૦૬.૨૦૧૯

સવિનય ઉપરોક્ત વિષય અન્વયે જણાવવાનું કે, અરજદારશ્રી ધીરજલાલ પંચાણભાઇ વાછાણી તરફથી ગીરગઢડા તાલુકાના ઉંદરી ગામના સ.નં. ૪૯ પૈકીની હે. ૪.૦૦.૦૦ ચો.મી. જમીન લાઇમ સ્ટોન ખનિજની માઇનીંગ લીઝ મંજૂર થયેલ છે. જેથી સદરુહ સ્થળ ઇકોસેન્સીટીવ ઝોન તેમજ ગીર અભયારણ્યથી ૧૦ કિ.મી.ની ત્રિજ્યામાં આવતો ન હોવા બાબતનું પ્રમાણપત્ર માંગણી કરેલ છે. સદરુહ વિસ્તાર અભયારણ્યની હદથી ૧૦ કિ.મી.ની હદથી બહાર આવેલ હોય અત્રેથી કોઇ રીમાર્ક્સ આપવાના થતા નથી. જેની જાણ થવા વિનંતી છે.

નાયબ વન સંરક્ષક
ગીર(પૂર્વ) વન વિભાગ, ધારી

નકલ સાદર રવાના: મુખ્ય વન સંરક્ષકશ્રી જન્યપ્રાણી જર્નલ જુનાગઢ તરફ વિદિત થવા સારું.

નકલ રવાના: મદદનીશ વન સંરક્ષકશ્રી, ધારી તરફ જાણ સારું.

નકલ જય ભારત રવાના : શ્રી ધીરજલાલ પંચાણભાઇ વાછાણી મુ. ઉંદરી c/o નારણભાઇ જે
લાડાણી બી/એસ ઉમિયાધામ મુ. ઉના તરફ તેમની તા. ૧૮.૦૬.૧૯
ની અરજી અન્વયે જાણ સારું.

TRUE COPY
D. F. MALAVANI
NOTARY (Govt. of Gujarat)

Office of the Deputy Forest Conservator,
Gir (East) Forest Department,
Dhari, Vekariya Para Forest Colony,
At & Post Dhari-365640
Phone No. 02797-225044
Fax No. 02797-225132
Email. dcf_dhari@yahoo.com

No. B/JMN/TE.14/3442-45/2019-20 Date:03/07/2019

To,
The Geologist,
Geology & Minerals Department,
Collector Kacheri Building,
Room No.348 to 354,
At & Post: Inaj, Ta: Veraval.

Subject: In regard the certificate that, the lease is not in Gir Sanctuary and Eco Sensitive Zone.

Ref: Their letter No. GG/ML/GENERAL/1434 dated 17/06/2019.

This is respectfully to inform on above subject that, a Mining Lease of lime stone has been approved in the land admeasuring Hecter 4.00.00 Sq.Mtrs. of Survey No. 49 paiki of Village Undari of Taluka: Gir Gadhada and, so, the Applicant Shri Dhirajlal Panchanbhai Vachhani has made a demand of the certificate that, the aforesaid place does not fall within the radius of 10 km from Eco-Sensitive Zone as well as Gir Sanctuary. Since, the aforesaid area is situated outside the radius of 10 km from the sanctuary limit,, no any remarks are required to be given from this office, which may please be informed.

Sd/- illegible
Dy. Forest Conservator,
Gir (East) Forest Department,
Dhari

Copy respectfully forwarded to:

The Chief Forest Conservator,
Wildlife Circle, Junagadh. .. for information.

Copy forwarded with Jai Bharat to:

The Assistant Forest Conservator,
Dhari, ... for information.

Copy with Jai Bharat to:

Shri Dhirajlal Panchanbhai Vachhani,
At : Undari, C/o. Naranbhai J. Ladani,
Behind Umiyadham, At: Una.. for information in the
matter of his Application dated 18/06/19.

OFFICE OF THE GEOLOGIST,
Geology & Minerals Department
Kasturba Mahila Mandal road, Veraval,
Dist: Gir Somnath.

No. GJ/LEASE-STOCKIST/289

Date: 09/12/13

CIRCULAR

Read:-

1. In original Application No.171/12013 in regard the Order dated 05/08/2013 of Hon'ble Green Tribunal New Delhi, the letter dated 27/08/2013 of Ministry of Forest & Environment, Government of India against Tribunal Bar Association.
2. Your office letter No. CGM/LEASE/ML/ CIRCULARS/ 3191 dated 30/08/2013.
3. Your Office letter No. CGM/LEASE/ML/POLICY CIRCULARS/ 3809 dated 29/10/13.

Every lease holders as well as stockists are hereby informed that, the Registration of your Mining Lease/ quarry lease/ Stock registration are existing in this Office. You shall have to obtained Environment Certificate through Gujarat Pollution Control Board for Registration of your lease/stock and shall have to produce the same in this office and, considering the above matter, those who have not obtained the environment certificate then, you will intimate this office after making an application within 7 days for obtaining environment certificate. If delay shall be occurred by you then, legal action shall be taken up form this office which may clearly be noted.

Sd/-illegible
Geologist (In-charge)
Gir Somnath.

To,
Shri Dhirajlal Panchanbhai Vachhani
C/o Naranbhai J. Ladani
"Matru Chhaya" 69, Gayatri Society,
Nr. Rfaleshwar Temple,
At & Post: Una, Dist: Gir Somnath.

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C/SCA/2101/2021

ORDER DATED: 18/06/2021

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 2101 of 2021

=====

DHIRAJLAL PANCHABHAI VACHHANI
Versus
STATE OF GUJARAT

=====

Appearance:

MR. MAULIK M SONI(7249) for the Petitioner(s) No. 1

MR TRUPESH KATHIRIYA, AGP for the Respondent(s) No. 1,2,3,4,5,6,7

=====

CORAM: **HONOURABLE MR. JUSTICE J.B.PARDIWALA**
and
HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 18/06/2021

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)

1 We have heard Mr. Maulik Soni, the learned counsel appearing for the writ applicant. The writ applicant has prayed for the following reliefs:

“(A) Be pleased to admit this petition.

(B) Be pleased to issue appropriate writ, order and/or direction and be pleased to quash and set aside the action of the concerned respondent authorities of not granting the Environment Clearance Certificate to the petitioner and be pleased to quash and set aside the order and communication dated 21/10/2020 and 05/11/2020 and the respondents may kindly be directed to reconsider the applications preferred by the petitioner seeking Environment Clearance Certificate in connection with the subject matter land forming part of survey no.49 paiki 4.4 hectares of land of village Undari, District: Gir-Somnath; and the same may kindly be ordered to be considered and decided considering the order dated 28/4/2011; 11/10/2013; 27/10/2014 and 28/11/2014 and the same may kindly be ordered to be considered and decided in

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C/SCA/2101/2021

ORDER DATED: 18/06/2021

interest of justice.

(C) Be pleased to issue appropriate writ, order and/or direction and be pleased to pass appropriate order directing the concerned respondents to restore / to make virtual account / mining account functional in respect of land forming part of survey no.49 paiki 4 hectares of land of village Undari, District : Gir-Somnath.

(D) Be pleased to issue appropriate writ, order and/or direction and be pleased to quash and set aside the Damage Assessment Report qua the petitioner dated 21/10/2019 as the same is passed without hearing the petitioner and without there being any cogent evidence of any alleged damage caused by the petitioner to the environment or any other kind of damage therefore the said report may kindly be quashed and set aside.

(E) Be pleased to grant stay of operation, implementation and execution of recovery of alleged amount of damage on the basis of report dated 21/10/2019 from the petitioner, pending admission and final hearing of the present petition.

(F) Be pleased to pass such other and other orders as thought fit in the interest of justice.”

2 We decline to entertain this writ application on the ground that the writ applicant has an alternative efficacious remedy of going before the National Green Tribunal under the provisions of the National Green Tribunal Act, 2010. In such circumstances, this writ application is rejected only on the ground of alternative efficacious remedy. Nothing exceptional has been pointed out to us on the basis of which we may ignore the alternative efficacious remedy available to the writ applicant and entertain this writ application under Article 226 of the Constitution.

(J. B. PARDIWALA, J)

(VAIBHAVI D. NANAVATI, J)

CHANDRESH