

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO 134 OF 2024**

IN THE MATTER OF:

RATHOD GULABSINH HARISANG AND OTHERS

APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS

RESPONDENTS

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PLACE: BHUBANESWAR

**SANKAR PRASAD PANI
ASHUTOSH PADHY**

DATE: 08/07/2026

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Filed by Respondent No.-12, dated 16/04/2026

IT IS MOST RESPECTFULLY SHOWETH

I, Rathod Gulabsinh Harisang, S/o- Rathod Harisang, aged about 36 years, Resident of Athamana vaas, Ler, Kachchh, Kukma, Gujarat, 370105, do hereby solemnly affirm, and declare, that I am the Applicant No.1, in the above mentioned application and authorized by co- applicants to sign this affidavit.

1. That the **M/s Ashapura Perfoclay Ltd.** plant in Bhuj, Kutch (Gujarat), is located at **Survey No. 167** (along with additions on adjacent Survey Nos. 166 and 168) in **Village Ler**, near Bhujodi, along the Anjar-Bhuj Highway in the **Kutch district of Gujarat**. The unit is an industrial facility dedicated to the **manufacturing of Bleaching Clay (Bleaching Earth)**. The **raw materials used in the plant such as Montmorillonite Clay (Bentonite); Attapulgitic Mineral** is the main mineral raw material used to produce **natural bleaching earth**. It is processed using dry methods (crushing, drying, and pulverizing). **Mineral Acids (Sulphuric Acid)** Used in the chemical activation phase. The clay is treated with acid to strip away specific metallic compounds (like alumina, iron oxide, and magnesia), creating a highly porous structure with engineered catalytic sites. **Coal** is Utilized as the primary fuel raw material to power the facility's industrial boilers and rotary dryers. But here the plant uses pet coke as fuel which is banned for industrial use.

2. The unit secured its initial Environmental Clearance (EC) on **July 30, 2016** and also obtained the Consolidated Consent and Authorization (CC&A) to operate a mineral beneficiation plant for bleaching clay. The unit admitted that it constructed completely new processing facilities, sheds, and operating blocks (**Lines 7 and 8**) onto **Survey Nos. 166 and 168** without obtaining an amendment to its Environmental Clearance (EC). The initial expansion EC granted by SEIAA Gujarat was formally **cancelled/revoked** after it was discovered that the project proponent had provided false/incorrect baseline information. On February 6, 2025, SEIAA Gujarat officially designated the plant's current operational status as a "**Violation Case**" and issued strict Terms of Reference (ToR) requiring a comprehensive Ecological Damage Assessment, a Remediation Plan, and a mandatory Bank Guarantee prior to any future clearance appraisal. Hence the construction of line 7 and 8 on Survey No 166 and 168 needs to be demolished.

3. Industries Cannot be permitted to Use Kutcha Panchayat Roads meant for commutation of villagers for industrial use and transportation of raw materials and be prohibited from using the same: *Kutcha* roads and standard Panchayat village pathways are designed for light, local domestic traffic. Heavy industrial vehicles (trucks, tankers, or machinery) exceed permissible load capacities. The Supreme Court has recognized safe, motorable, and well-maintained roads as a fundamental right under **Article 21** of the Constitution. Industrial blockages or damage to these routes infringe upon local communities. Hence the Industry is required to stop all its transportation through this kutcha road which is causing dust and air pollution and damaging crops as well as endangering health of local population. The Joint committee has observed the dust pollution in its report.

4. That the Applicant has already served copy of the OA alongwith all annexures to the counsel of CGWA Respondent No. 6 on dated 17/06/2026 also previously served through speed post to the Respondents and filed affidavit of service.

5. The inspection report of the **Gujarat Pollution Control Board (GPCB)** details an evaluation of **M/s. Ashapura Perfoclay Limited** in Ler, Bhuj, Dist. Kutch. Conducted on **July 10, 2018**, confirms the history of violations and no remedial measures taken even after 8 years of reporting the violations. The joint vigilance team documented critical environmental violations, including the **unauthorized construction of a new manufacturing plant** before acquiring its environmental clearance. Serious issues were highlighted regarding the open-air storage of raw materials and heavy **industrial waste dumping**. Specifically, the unit left approximately 40 MT of petroleum coke (Petcoke) and gypsum waste exposed on surrounding government lands. Additionally, the factory operated its manufacturing facility using a non-approved fuel source

(solely Petcoke) and functioned with critical **Air Pollution Control Measures (APCM) deactivated**, such as a non-functional water scrubber . Compounding these problems, the industry operated unauthorized groundwater bore wells outside its boundaries . They also managed an **uncovered effluent neutralization area** that emitted strong acidic fumes and volatile ammonia gas directly into the surrounding atmosphere. The specific violations are reported as follows

- **Illegal Water Extraction:** The unit operates three illegal borewells outside its premises in Survey Numbers 163/164 to fulfill its industrial fresh water demand
- **Defective Evaporation Ponds:** Primary treated wastewater is collected in a kutchra solar evaporation pond lined only with a semi-permeable geo-membrane, creating a high risk of chemical leakage into the underground water strata
- **Regulatory Violations:** The industry failed to install essential flow meters on its Reverse Osmosis (RO) feed, permeate, and reject lines .
- **Lack of Record-Keeping:** No logbooks are maintained to quantify treated water and RO reject levels, directly violating CC&A conditions 3.3 and 3.4 .
- **Inadequate Sewage Treatment:** Domestic wastewater from 250 workers is sent entirely to a basic septic tank soak pit instead of a mandatory Sewage Treatment Plant (STP) .

Air Pollution and Fuel Violations

- **Illegal Fuel Consumption:** The unit utilizes petroleum coke (Petcoke)—a non-approved fuel source—as its sole fuel for operating Rotary Dryer No.
- **Disabled Pollution Controls:** While the twin cyclone separators and bag filters were functioning, the vital water scrubber attachment on the dryer's pollution control system was deactivated during operation
- **Toxic Chemical Fumes:** The open, uncovered acid dilution and neutralization tanks emit heavy acidic vapors and intense ammonia gas odors into the surrounding atmosphere
- **Severe Dust Emissions:** A thick layer of accumulated dust blankets the internal roads and open spaces, causing heavy, blinding fugitive dust emissions during material handling and vehicle movements

Copy of the Inspection Report dated **10th July 2018** is annexed here with as

ANNEXURE-1

6. The Illegality of GPCB's Cyclical Show-Cause and Rolling Revocation Orders

- **Dilution of Statutory Enforcement:** The regulatory database reveals a troubling enforcement pattern . GPCB issued **four distinct Show-Cause Notices (SCNs)** (dated 02.12.2023, 06.03.2024, 10.09.2024, and 04.04.2022) alongside multiple Notices of Directions. However, instead of executing definitive closures under Section 31A of the Air Act, 1981, GPCB diluted these actions by granting **six consecutive, short-term 6-month revocations** .
- **Institutionalized Non-Compliance:** This administrative loophole allowed the factory to operate in a permanent state of temporary compliance . By turning enforcement into a cyclical paperwork routine, the regulator permitted the project proponent to continue venting untreated chimney emissions over nearby agricultural land without implementing permanent technological fix.

7. Failure of the 8-Hour Single-Day Air Monitoring Methodology

A Highly Compromised Baseline: The Joint Committee's ambient air quality test—which recorded an excessive **PM₁₀ concentration of 256 µg/m³** at Gate No. 2—was restricted to a brief **8-hour window on a single day** (22.01.2026) due to "electrical availability" in the fields .

Bypassing Nighttime Monitoring: This snapshot completely fails to capture the true, long-term pollution footprint of the facility. Most critically, an 8-hour daytime test completely ignores the systematic **nighttime emission windows (between 22:00 PM and 04:00 AM)** previously logged by the community, during which unscrubbed processing gases are released under the cover of darkness.

8. Misleading Attempts to Classify Groundwater Pollution as "Naturally Saline"

Attempts to Shift Blame: GPCB and the industry rely heavily on a 2019–2020 regional survey published in local newspapers to argue that the area's groundwater is naturally saline and inherently unfit for drinking due to historically high TDS and Ammoniacal Nitrogen. While regional baseline salinity exists, the Joint Committee's own data clearly shows a sharp, localized spike in contaminants closer to the factory . Total Dissolved Solids (**TDS peaked at a hazardous 5,040 mg/l**) and **Ammoniacal Nitrogen reached 2.80 mg/l** directly at Mr. Gulabsinh's farm immediately adjacent to the facility premises, while dropping significantly at the upstream reference location (Dream Resort) . This gradient proves that current industrial operations and acid activation leaks are actively worsening the groundwater crisis

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10. Direct Admissions of Unremediated Agricultural and Structural Damage

- **The Mechanism of Crop Yield Loss:** The formal field inspection minutes (*Rojkam*) recorded by the joint team contain a critical admission . The agricultural scientists explicitly concluded that the unique industrial dust covering the leaves interferes with photosynthesis, creating a **definitive 10% to 15% reduction in crop yields** and
- **Admissions of Ineffective On-Site Control:** The inspection team recorded "significant fugitive emissions" active in the crusher feed zones, acid activation reactors, and coal storage yards . The company's own filings admit to regular raw material spillages and structural failures near transport bridges, proving that their internal pollution control systems are failing .

11. The applicant has raised the issue of pollution during Public Hearing and same has been recorded in the official minutes of the public hearing dated 27/02/2018, The Gujarat Pollution Control Board (GPCB) has recorded the specific complaint raised by **Shri Gulabsinh Rathod** (resident of Village – Ler, Taluka – Bhuj) contains the following core points:

- **Acidic Wastewater Discharge:** The company has illegally disposed of toxic, acidic industrial wastewater directly onto his agricultural land located at **Survey No. 171**.
- **Pond and Soil Dumping:** The industrial unit has unlawfully dumped processed soils and manufacturing waste into the local village pond.
- **Severe Land Damage:** These continuous liquid and solid discharges have actively washed out his farm's topsoil, causing severe land degradation and rendering the plot unfit for

cultivation. And he formally demanded an immediate, permanent engineering Copy of Public Hearing Minute in respect of the applicant is dated 27/02/2018 is annexed here with as **ANNEXURE-2**.

12. That on (24/02/2020) GPCB Issued an advisory public notice saying active remediation work (designed specifically to clean up and improve heavily degraded water quality) is currently underway. The impacted groundwater channels are located inside **Ler and Kukma villages** within the Bhuj Taluka of Kutch/Kachchh district. The notice explicitly identifies six critical borewells undergoing water purification measures due to localized industrial pollution tracking:

- 1. M/s. Ashapura Perfoclay Ltd.**– Located at **Survey No. 167, Village-Ler** (specifically at the Gate No. 2 Near Borewell zone).
- 2. Borewell belonging to the Samavandh Committee** – Village-Ler.
- 3. Borewell belonging to Shri Ramesh Pindoria** – Village-Ler.
- 4. Borewell belonging to Shri Vasudev Pindoria** – Village-Ler.
- 5. Borewell belonging to Shri Methamba Jadeja** – Village-Ler.
- 6. Borewell located at Shri Dinesh Maharaj's farm** – Village-Kukma.

Further GPCB issued a strict advisory to all local villagers **not to utilize the water from these specific six bore-wells for drinking or any other purpose**. And the ban remains operational until the water quality improvement and remediation processes are entirely completed. It further notes that this emergency notice is issued purely in the absolute interest of **public health** to avoid widespread toxic ingestion. This indicates degradation of ground water after operation of the unit.

- 7. The statutory show-cause notice issued by the Gujarat Pollution Control Board (GPCB) under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974**, bearing the handwritten outward date of **June 16, 2023 (16/6/23)** and addressed to the plant operating at **Survey Nos. 167, 163, and 164 in Ler Village, Bhuj Taluka, Kutch District**, following an official board inspection on April 26, 2023. This suggests critical environmental violations, including wastewater accumulation in a natural nallah, industrial waste traces on the road, and heavy dusting on pomegranate crop leaves. Laboratory analysis of water samples taken during the inspection confirmed severe contamination exceeding prescribed regulatory norms, with the highest toxicity recorded directly at **Gulabsingh Rathor's farm**, which registered an alarming **Total Dissolved Solids (TDS) level of 6026 mg/L, Chloride at 1420 mg/L, Sulphate at 1510 mg/L, and Fluoride at 2.2 mg/L**. Because the industry failed to comply

with on-site remarks within the stipulated time, the GPCB formally proposed punitive directions, calling upon the facility to show cause why it should not face an immediate manufacturing closure, disconnection of power and water supplies, an absolute halt to wastewater discharges into the nallah, and strict mandates to run its Effluent Treatment Plant (ETP) and Air Pollution Control Measures (APCM) efficiently.

8. The Groundwater Contamination and proceedings in O.A. 669/2018 instituted before the National Green Tribunal (NGT) Principal Bench regarding severe contamination of soil and groundwater due to unregulated open gypsum storage . and the committee in that case had reported the following violations

- **Documented Deficiencies:** Multiple joint committee inspections between 2019 and 2020 identified high levels of **Ammoniacal Nitrogen** and **Total Dissolved Solids (TDS)** in local aquifers, linked directly to the facility's manufacturing and neutralization processes .
- **Gypsum Tracking:** Out of **39 identified illegal open-dumping locations, 13 remained unremediated for years**. Gypsum was found dumped inside natural drains, along roadsides, and adjacent to religious sites (such as the Pithoradada and Shri Vakal Mata Temples) .
- **Closure & Revocation Interventions:** GPCB issued a formal closure mandate, which was subsequently modified into short-term, temporary **6-month revocations** on July 17, 2021, December 10, 2021, June 2, 2022, January 20, 2023, May 10, 2023, and March 14, 2024 .

Active Continuing Violations till date: Despite assertions of installing automated bag filters, field photographs from November and December 2025 systematically capture **turbulent black soot emissions** from the facility stacks . This has led to thick layers of industrial dust settling over neighboring agricultural fields, stunting crops. The Applicant's response affidavit from January 28, 2026, records that the unit **set fire to chemical-laden Jumbo plastic bags** right next to farmers' land . Gypsum remains openly dumped near the Ler Dam catchment area, spilling across roads due to overloaded transit vehicles . Unregulated open dumping, mining, and transport of industrial gypsum byproduct (such as phosphogypsum or flue-gas desulfurization gypsum) cause multiple short- and long-term ecological risks:

9. The applicant has taken the photographs of pollution including emission of the respondent unit on day to basis from 15th May 2026 till 5th July 2026 clearly suggesting unabated pollution and inaction of the GPCB.

- **May 15, 2026 (09:37 AM):** Truck moving on an unpaved road carrying a load covered with a green tarp
- **May 29, 2026 (10:00 AM – 10:01 AM):** An open dumper truck driving away from an open-pit excavation zone , leaving a thick cloud of dust behind .
- **June 09, 2026 (08:41 AM):** Wide-angle overview of an earthwork site showing heavily excavated red and yellowish soil beds .
- **June 13, 2026 (05:34 PM):** Rear view of a large dumper truck covered with a beige tarp parked at a staging/transit facility in Bhuj .
- **June 18, 2026 (12:15 PM):** Heavy industrial machinery (SANY excavator) working behind a boundary wall, clearing a massive pile of greyish material
- **June 21, 2026 (08:49 AM):** A dumper truck loaded with material under a green tarp on a dirt road
- **June 22, 2026 (10:42 AM):** A SANY excavator performing continuous earth-moving and sorting actions next to a large blue industrial facility
- **June 23, 2026 (01:03 PM):** A blue dumper truck with a beige cover kicking up dust while driving through thick brushwood
- **June 23, 2026 (05:25 PM):** Clear view of a over loaded dumper truck with a green tarp,

Chronological Photo Log & Descriptions of Stack Emission

- **May 15 (18:44 PM):** Thick, billowing black smoke discharging from industrial chimneys during the evening .
- **May 16 (22:25 PM):** Nighttime monitoring shows a large, illuminated plume of white smoke/vapour dispersing over the area .
- **May 17 (11:00 AM – 22:09 PM):** Continuous day-to-night emissions. Dense jet-black smoke covers agricultural fields during the day , shifting to thick low-lying white smog over the facility canopy at night .
- **May 19 (09:36 AM):** Heavy, dark particulate smoke tracking southeast across adjacent dry scrublands
- **May 21 (22:22 PM):** Nighttime ground-level hazy conditions captured along **Ashapura Volclay Road** (23.20056°N, 69.74552°E) .

- **May 22 (07:16 AM – 07:39 AM):** Early morning operations releasing long, unbroken linear paths of dark grey smoke extending above a green crop field
- **May 24 (17:10 PM – 17:12 PM):** High-altitude zoom shots capturing turbulent, dark grey exhaust choking the horizon above the plant roof
- **May 27 (03:41 AM):** Predawn image shows bright facility lighting reflecting off a massive, dense cloud of white processing exhaust .
- **June 04 (22:35 PM – 22:49 PM):** Intense nighttime activity with multiple chimneys venting smoke clouds simultaneously
- **June 05 – June 08 (Nighttime):** Repeating daily cycles of thick white/grey plumes obscuring the night sky from 22:35 PM to 23:09 PM .
- **June 11 (23:01 PM – 23:04 PM):** Multiple wide-angle views show a continuous stream of white exhaust tracking uniformly with the nighttime breeze
- **June 13 – June 14 (Evening/Night):** The facility is blanketed in a dense, ambient ground fog/smog at dusk , followed by high-velocity roof venting at 20:44 PM .
- **June 17 (03:38 AM – 03:40 AM):** Dead-of-night observations at 23.20862°N, 69.74681°E showing bright, unmitigated chemical/steam venting lit up against the dark backdrop .
- **June 19 (08:13 AM – 08:42 AM):** Early morning daytime sequence documenting an intense, jet-black carbonaceous plume emerging directly from the main stacks .
- **June 22 (21:46 PM – 22:29 PM):** The final log entry highlights strong, brightly lit stack emissions drifting directly into the upper boundary layer late at night .

Date	Time	Key Visual Description
24/06/2026	04:55 AM	Pre-dawn shot showing thick, low-lying white smoke and hazy emissions enveloping the illuminated plant structure
25/06/2026	03:27 AM	Close-up night view tracking a distinct, dense plume of smoke billowing continuously from a central main chimney .
25/06/2026	03:34 AM	Night view capturing the stack plume expanding and drifting laterally across the dark sky
25/06/2026	03:42 AM	Wide night angle documenting the factory lights shining through an active blanket of dark and white smoke

26/06/2026	09:34 PM	Late-night photograph showcasing thick white smoke dispersing low over the ground near the plant boundary
26/06/2026	09:37 PM	Similar night angle tracking the ongoing, low-altitude dispersion of flue gases behind local vegetation .
26/06/2026	09:49 PM	Night shot highlighting a steady, high-volume release of white smoke blowing eastward from the facility structures
28/06/2026	10:23 PM	Night view showcasing powerful floodlights reflecting heavily off dense, murky clouds of smoke blanketing the area
30/06/2026	09:36 PM	Night framing documenting an isolated, dense plume escaping from the primary stack while building lights are active
01/07/2026	11:10 AM	Daytime view revealing a massive, thick cloud of brown/beige fugitive dust blowing out unchecked from the open side of a blue industrial shed during material handling
01/07/2026	11:10 AM	Alternate zoom daytime view of the same blue industrial building, capturing heavy mineral dust settling over the surrounding soil and wild bushes
01/07/2026	09:42 PM	Night photo showing smoke emissions mixing into the night sky, creating a foggy haze around the facility .
03/07/2026	04:28 AM	Low pre-dawn angle capturing a stark white plume rising forcefully from the factory stack into the dark sky
03/07/2026	04:47 AM	Close-up night shot of the main stack venting a heavy, continuous column of thick white smoke into the air).
03/07/2026	04:51 AM	Medium-distance pre-dawn shot showing the industrial smoke cloud drifting across the horizon over open land
03/07/2026	05:03 AM	Pre-dawn shot logging a high-volume smoke column moving steadily away from the plant rooftops
03/07/2026	05:10 AM	Early morning shots (including GPS Map Camera interface at Lat 23.207538°, Long 69.747972°) documenting a thick plume still releasing right before daylight
03/07/2026	10:58 PM	Late-night profile of the factory operating with a clear white exhaust stream visible against the dark sky

04/07/2026	11:02 PM	Night panorama showing continuous stack emissions drifting directly across the rear side of the main factory sheds .
05/07/2026	10:39 PM	Night photographs (including Timestamp Camera data at 23.20737°N) capturing a large volume of white smoke moving low over neighboring fields

Copy of Photographs from the 15th May 2026 till 5th July 2026 is annexed here with as ANNEXURE-3.

10. Written Objections on Behalf of the Applicants to the Factual Report of the Joint Committee

The Applicants most respectfully submit these objections to highlight the clear admissions of environmental violations by M/s Ashapura Perfoclay Limited within the Joint Committee’s report , alongside critical systemic deficiencies, omissions, and methodological gaps in the report itself

I. Quantitative Proof of Excessive Air Pollution (PM₁₀ Violations):Ambient air quality monitoring conducted by the committee revealed massive breaches of the National Ambient Air Quality Standards (PM₁₀ 24-hr limit of 100 µg/m³) .The farm of Applicant Mr. Gulabsinh recorded 167 µg/m³ and Gate No. 2 of the industrial facility reached an alarming 256 µg/m³.The report formally concludes that the "maximum PM₁₀ concentration was found at Gate No. 2, indicating potential source of PM₁₀ from the industry"

II. Direct Admission of Industrial Dust Deposition on Crops: The Joint Committee explicitly observed "significant dust deposition on the crops nearest to the road".The official field inspection records (*Rojkam*) verify that "the colour of the dust (particulate matter) observed was different from the colour of the soil", establishing beyond doubt that the source is industrial processing fallout rather than natural dust.

III. Severe Groundwater Contamination Over Regulatory Limits:Water analysis from the applicants' borewells shows extreme contamination, making the water completely "not fit for drinking purpose" when compared to BIS Standards. Total Dissolved Solids (TDS) peaked at a hazardous 5,040 mg/l (against the permissible limit of 2,000 mg/l) and Ammoniacal Nitrogen reached up to 2.80 mg/l (against the acceptable safe limit of 0.5 mg/l) .

IV. Heavy On-Site Fugitive Emissions: The CPCB and GPCB inspection teams explicitly recorded "significant fugitive emissions in crusher feed zone, acid activation area and coal storage area", proving a total failure of internal pollution control systems (APCS).

Part II: Major Deficiencies, Omissions, and Gaps in the Joint Committee Report

I. Failure to Account for Actual Crop Yield Reduction: The agricultural scientists explicitly concluded that industrial dust deposition blocks sunlight, reduces photosynthesis, and directly triggers a **10% to 15% decrease in crop yield**. Despite documenting this critical mechanism of injury, the committee failed to calculate any physical or financial crop damage compensation for the applicants, rendering the report incomplete under the Tribunal's mandate.

II. Severely Compromised 8-Hour Air Monitoring Baseline

The ambient air sampling was restricted to a brief **8-hour window on a single day** (22.01.2026) due to electrical availability. This completely fails to capture the continuous 24-hour cycles of heavy stack emissions, particularly the persistent illegal nighttime processing windows previously logged by the applicant.

III. Deliberate Failure to Verify Core Violations

Complete Omission of Survey No. 168 Gypsum Dumping: The report completely ignored the fact that massive gypsum piles remain illegally dumped on Survey No. 168.

IV. No Investigation into Plastic Burning or Land Encroachments: The committee failed to assess or photograph the hazardous burning of chemical Jumbo bags next to the farms or investigate the documented encroachment on government Plot 167/paika 2.

V. No Ground Verification of Illegal Borewells: Despite localized groundwater degradation, the committee failed to cross-check or count the illegal active borewells operating without CGWA permission.

11. Rebuttal to GPCB's Compliance Claims & Attempted Cover-Ups: While the Gujarat Pollution Control Board (GPCB) claims in its latest affidavit that the industrial unit has remedied all violations, its previous filings explicitly admit to persistent non-compliances by the project proponent.

I. Evading Full-Capacity Assessment: The official site inspections conducted on January 21–22, 2026, are highly misleading . Prior to the arrival of the inspection team, the facility completely shut down operations for an entire week to mask systemic operational deficiencies . During the actual inspection, only two units (Units 5 & 6) were kept functional, meaning the regulatory authority failed to evaluate the plant's true air pollution potential under peak multi-line capacity .

II. Paper-Only Inspections: GPCB has continuously ignored the extensive physical crop losses suffered by local farmers . Instead of taking punitive statutory actions like facility closures, the Board has engaged in mere paper-shuffling by issuing repetitive show-cause notices .

Rejoinder on Behalf of the Applicants to the Reply Filed by Respondent No. 12 (M/s Ashapura Perfoclay Limited)

12. Rejoinder to Preliminary Objections: Continuous Cause of Action and No Limitation Bar: The private respondent's objection regarding statutory limitation under Sections 14 and 15 of the NGT Act is legally flawed . The environmental degradation, toxic chimney stack exhaust, and industrial dumping represent a continuous, ongoing injury . Geotagged evidentiary photographs systematically track these active pollution events stretching from mid-2025 deep into 2026, establishing a fresh and current baseline for legal action .

13. Res-Judicata is Wholly Inapplicable: The previous litigation (O.A. No. 669/2018) dealt with historical ammoniacal nitrogen ground contamination and remediation protocols up to 2021 . It does not bar the current application, which challenges completely separate, non reported violations . This includes unauthorized expansion onto Survey Nos. 166 and 168 under a pending "Violation Category" application, alongside entirely new open dumping instances .

14. Rebuttal to Specific Parawise Claims on Environmental Mismanagement

Continuous Visual Proof of Air Pollution: In direct contrast to the Respondent's claims of operating modern, closed filtering systems, extensive photographic logs from November 2025, December 2025, and early 2026 capture dense, turbulent black soot emerging from the stacks . This fine particulate fallout drifts over the adjacent agricultural lands, settling in thick, dense layers across the leaf surfaces of standing crops and trees, severely stunting their growth .

Illegal Waste Dumping and Burning: Raw byproduct gypsum remains exposed and stockpiled on **Survey No. 168** and near the vital **Ler Dam catchment area** . During rain events, this material leaches heavily and washes directly into the local water channels . Furthermore, rather than disposing of industrial containment materials at safe facilities, the company has routinely set

fire to massive piles of chemical-laden Jumbo plastic bags immediately adjacent to the Applicants' farming plots, introducing toxic combustion products into the ambient air .

Unenforced Ground Encroachments and Water Exploitation: The facility continues to illegally encroach upon adjacent government lands (**Plot 167/paike 2**) . Despite formal eviction notices served by the Mamlatdar (Bhuj Rural), no enforcement actions have been executed . Additionally, the Central Ground Water Authority (CGWA) has failed to conduct mandatory field inspections regarding unauthorized, un-monitored borewells operating within the premises .

Absence of Dust Protection Infrastructure: The private respondent has failed to install any physical barrier or structural boundary wall on the side of the property facing the Applicants' agricultural holdings . Material transit continues via overloaded, open-top heavy dumper vehicles, causing severe gypsum spillage and crushing directly along public roads .

Admitted Expansion Without Legal EC: Respondent No. 12 explicitly admits that they constructed new plant buildings, sheds, and operating lines (Lines 7 & 8) on **Survey Nos. 166 and 168** without obtaining prior EC amendments.

Violation of Terms of Reference (ToR): Official communications from SEIAA Gujarat on February 6, 2025, verify that Respondent No. 12's application was formally classified under the "**Violation Category**" . They are actively operating manufacturing lines on land parcels for which the Environmental Clearance has not been granted,

Admission of Toxic "Black Smoke": In Paragraph 40 of their reply, Respondent No. 12 attempts to normalize the emission of unburnt carbon black smoke . They claim it only occurs for "2 to 3 minutes" during system startups or shutdowns . However, photographic logs reveal continuous, turbulent daytime plumes drifting systematically over agriculture plots. This directly disproves the claim of short, isolated bursts

Exploitation of Nighttime Windows: Respondent No. 12's claim of installing "adequate air pollution control measures" stands completely invalidated by extensive night logs. Dense streams of white process exhaust and thick grounding chemical fog are routinely discharged between 22:00 PM and 04:00 AM. This pattern deliberately exploits dark hours to bypass standard public visibility and regulatory field monitoring .

Ineffective Dust Mitigation: While Respondent No. 12 states that material transfers are conducted in closed systems, their internal correspondence to GPCB explicitly admits to continuous "minor spillage near the bridge" and structural failures (pp. 15, 23-24). Jumbo storage bags have collapsed, spilling material directly into natural drainage paths like the **Paiya Valu**

Vahen . This causes heavy mineral tracking and layout contamination during the monsoon seasons

No Enforceable Rights Accrued: The SEIAA report makes it legally absolute that the mere issuance of the historical Terms of Reference (ToR under Violation) on February 6, 2025, **confers no right or equity to the industry** Any capital expenditures or operational actions executed by the facility are performed entirely at their own financial risk and cost .

No Consent to Operate (CTO) Allowed: Statutory mandates clarify that the Gujarat Pollution Control Board (GPCB) cannot issue or extend any valid Consent to Operate until a final, valid EC is digitally granted. Because the physical application is frozen at the SEIAA level the facility's expanded manufacturing units (Lines 7 and 8 across Survey Nos. 166 and 168) **remain entirely unauthorized and exposed to immediate closure** .

15. Environmental and Ecological Impacts of Pollution Due to Pvt Respondnet:The visual evidence of unscrubbed, high-density black smoke and persistent nighttime chemical/steam venting indicates several environmental threats to the local ecosystem. The Brother of the Applicant No 1 is suffering because of the pollution caused by the industry.

I. Severe Degradation of Ambient Air Quality

- **Particulate Matter (PM2.5 and PM10):** The jet-black plumes are characteristic of incomplete combustion or raw material processing . This releases large quantities of fine soot, heavy metals, and ash into the air breathe-zone.
- **Ground-Level Smog and Acid Gases:** Industrial emissions of this nature typically contain Sulphur Dioxide (SO₂) and Nitrogen Oxides. These gases mix with nightly ambient humidity to form localized acid fog and low-lying secondary smog

II. Damage to Agricultural Lands and Soil Health

- **Soot and Acid Deposition:** Images from May 17 and May 22 explicitly show these plumes blowing directly over standing food crops and agricultural plots. Heavy soot fallout settles onto crop leaves, blocking sunlight and reducing photosynthesis.
- **Soil Acidification:** Regular deposition of sulphur- and nitrogen-rich pollutants lowers the pH of surrounding soils. This locks away essential plant nutrients, stunts crop growth, and damages beneficial soil microbes.

III. Human Health Hazards for Local Communities

- **Chronic Respiratory Illnesses:** Constant exposure to PM2.5 and chemical gases causes high rates of asthma, bronchitis, and reduced lung capacity among nearby villagers and field laborers.
- **Exploitation of Nighttime Windows:** The extensive logs tracking heavy emissions between 10:00 PM and 4:00 AM indicate a pattern of releasing unscrubbed process gases under the cover of darkness bypassing standard daytime community visibility and regulatory oversight.

16. That the unit was show caused on 19th June 2026 for violation of emission norms and was asked to rectify the same within 7 days. However the violation still continues till date. Copy of show cause notice is annexed here with as **ANNEXURE-4**.

17. That after complaint to the GPCB, the unit is now operating in night time with unregulated emission. The entire atmosphere gets covered with the smoke from the unit.

18. That even today the materials are stored next to the agricultural land of applicant no 1 beyond the height of wall and openly dumped. Further the wind direction is towards the land of applicant and all the fugitive dusts get deposited on land and in respiratory tracts of the applicant and his family members. The complaint dated 8/07/2026 is annexed here with as **ANNEXURE-5**.

19. That the electronic display board of online emission data which was installed to satisfy the inspection has been immediately removed and no display board is there. As such the online emission monitoring mechanism needs to be enforced.

20. That the applicants seeking a fresh inspection of the unit, assessment of the damage caused to the agricultural field and seeking a short time to make his claim after a fresh assessment by any unit of ICAR.

21. The regulatory record demonstrates that GPCB has used rolling temporary revocations to keep a chronic polluter operational. Furthermore, the Joint Committee's report confirms severe air, water, and crop degradation. The Applicants pray that this Hon'ble Tribunal reject GPCB's compliance claims, order an immediate halt to operations on the unpermitted expansion lines, and direct the recovery of financial damages for the verified 10-15% crop yield losses.

By the Applicants Through



Date-08/07/2026

ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.- 134 OF 2025

IN THE MATTER OF:

RATHOD GULABSINH HARISANG & ORS...

APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS....

RESPONDENTS

AFFIDAVIT

I, **Rathod Gulabsinh Harisang**, S/o- Rathod Harisang, aged about 36 years, Resident of Athamana vaas, Ler, Kachchh, Kukma, Gujarat, 370105, do hereby solemnly affirm, and declare as under:

1. That I am Applicant No.-1 in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have been authorized by co-applicants to file this affidavit.
3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

 રાહોડ ગુલાબસિંહ. ઝેર
 DEPONENT

VERIFICATION

Verified on this 08th day of July...2026 at Madhapar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Advocate


 રાહોડ ગુલાબસિંહ.
 ઝેર
 DEPONENT

08 JUL 2026

SOLEMNLY AFFIRMED
BEFORE ME

The Notary Public does not assume any responsibility / liability for legality of any contents of documents, identity of executors/witnesses / identifiers and fulfilment of any legal requirements

 PINKY. M. MAHESHWARI
 "NOTARY" MADHAPAR
 Bhuj- Kutch
 Govt. of India

Gujarat Pollution Control Board ANNEXURE-1

"Parayavaran Bhavan" Sector 10-A,
Vigilance Cell - Gandhinagar

INSPECTION REPORT

Name of the Industry: M/s. Ashapura Perfoclay Limited.
Survey No. 167, Vill: Ler
Ta: Bhuj, Dist: Kutch.

Date & Time of Visit: 10/07/2018 at 16:00 Hrs.

Person Contacted: Shri Maheshbhai Chandani-V.P.

Reference: H.O. Instructions

With reference to the above, mentioned industrial setup is jointly inspected by a team of V.O. (Gandhinagar), R.O. Kutch (West) and DEE of the Kutch Unit of the Head Office, Gandhinagar. Following are the observations made during the inspection of the industrial unit:

- Prior to inspection of the industry, site investigation of the industry surroundings is carried with in presence of the complainant Shri Amrutbhai Vankar and residents of nearby Village. Complaint Investigation Report in vernacular along with relevant photographs is separately uploaded in "XGN" under PCB ID: 14287 and Inspection ID: 487800.
- Unit has stored approx. 40 MT of Petcoke in loose form, jumbo bags of Bentonite raw material as well as gypsum waste is loose form outside the premises on the government land of Traverse Survey No. 205 Paiky situated near the backside gate of the unit. One Bentonite Filling Hopper is also provided outside the premises on the government land of Traverse Survey No. 205 Paiky.
- Unit has two plants for manufacturing of Bleaching Earth viz. new plant and existing plant. Installation work of the new plant (except 6 TPH capacity new proposed Boiler) is already completed but it is not yet commissioned. Unit has erected the new plant before obtaining required

environmental clearance for the same. The existing old plant is found in operation and production of Bleaching Earth is going on in the old plant at the time inspection.

- Approx. 400 KL/day of fresh water is sourced from the GWIL water supply and rest of the water demand is met by ground water abstraction from bore wells made within the premises and also outside the premises.
- Unit has made 3 Nos. of bore wells within the premises. Unit has also made 3 Nos. of bore well outside the premises in S.No. 163/164. Out of these three Borewell, two are found defunct (motor-pump observed removed) whereas one bore well near the Sama Vandh Vasahat is found active and water from the same is being supplied to this unit as well as Sama Vandh Vasahat. The said bore well is constructed by the industry and power supply to this bore well is also provided by the industry. It is observed that unit has not obtained the required permissions for this outside bore well, to procure the fresh water outside the premises for industrial purpose.
- In the Acid Dilution Area, emanation of acidic fumes is also observed while diluting 98% Sulfuric acid to 75% Sulfuric acid.
- Spent Acid is generated from the Bentonite activation process. Spent sulphuric acid of higher concentration is sent to M/s. IFFCO, Kandla whereas spent sulphuric acid of lower concentration is being neutralized in the provided Neutralization Tanks in the ETP. Intense odour of Ammonia gas is experienced near the Neutralization Tanks. Operated neutralization tanks are not covered with the suitable enclosure.
- Generated wastewater (filtrate) after Neutralization is being presently collected into only Solar Evaporation Pond No.1 having only Geo membrane at the bottom, there are chances of intrusion wastewater into Under Ground Strata owing to the semi permeable bottom layer of the Evaporation Pond.
- Presently unit is using Solar Evaporation Pond No. 1 (Kutch pond with geo-membrane liner) & Solar Evaporation Pond No. 2 (having stone pitching) for storage of primary treated wastewater. Previously existing Solar Evaporation Pond No. 3 (Kuccha) has been removed recently. Construction of new pucca evaporation pond is going on besides the Solar Evaporation Pond No. 1 (Kutch pond with geo-membrane liner).
- Generated primary treated wastewater is being partly conveyed to R.O. plant and partly left for solar evaporation in the Solar Evaporation

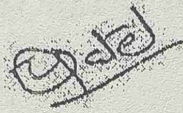
Ponds No. 1 & 2. RO permeate is reused in plant whereas RO reject is subjected to Solar Evaporation Ponds. Industry has not provided any sort of flow meter on R.O. feed line, RO permeate line & RO reject line. Unit is not maintaining log-book showing quantification of RO reject and RO permeate waters and thus violated the CC&A conditions No. 3.3 & 3.4

- Domestic wastewater is disposed into septic tank - soak pit near the canteen. Considering the employee strength of 250 workers and quantum of domestic wastewater generation, the unit is instructed to provide STP for treatment of domestic wastewater.
- During inspection, intense fugitive emission is observed from the material handling and vehicular movement. In plant premises, deposition of thick layer of dust is observed on the internal roads and open surface areas causing dust emission due to vehicle movement.
- In fuel storage shed, approx. 350 MT of Petcoke is observed stored whereas approx. 40 MT of Petcoke is observed stored on open land outside the premises on the government land of Traverse Survey No. 205 Paiky situated near the backside gate of the unit.
- From the provided Rotary Dryer No. 1 & 2, only Rotary Dryer No.1 is found in operation whereas Rotary Dryer No. 2 is found under maintenance. It is observed that in the Rotary Dryers, non-approved fuel - Petroleum Coke (Petcoke) solely is used as a fuel and at the time of inspection, use of Petcoke is going on in Rotary Dryer No. 1.
- Unit has provided Twin Cyclone Separators followed by Bag Filter followed by Water Scrubber as APCM with Rotary Dryer No. 1, out of which Twin Cyclone Separators and Bag Filter are in operation but Water Scrubber is not found in operation. During inspection, one sample of emission is collected from the stack attached to Rotary Dryer No. 1 for the probable pollutants.
- Unit has 6 TPH capacity Boiler using imported coal as a fuel. Multi-cyclone separator is provided as an APCM for the Boiler. Considering the capacity of the Boiler, the unit is instructed to provide Bag Filter as additional APCM.
- Gypsum waste is generated from the neutralization of acidic wastewater in the ETP. Existing generation of gypsum waste is approx. 3000 to 3500 MT/Month as verified from industry records for last three months.

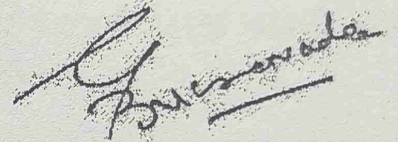
- Unit is storing gypsum waste at adjacent open land of Survey No. 170/1 which is outside the industry premises. Industry is also dumping the gypsum waste at open land of Survey No. 163/164 nearby the premises. Huge quantity of gypsum waste is also found dumped at several places in the government lands of Traverse Survey Numbers 205 Paiky of village Ler and Traverse Survey Numbers 331 Paiky of village Kukma. Details of the locations of gypsum waste disposal, its quantity along with relevant photographs are shown in the complaint investigation report separately uploaded in "XGN" under PCB ID: 14287 and Inspection ID: 487800.
- Satellite image showing the site conditions is also enclosed herewith.



(એમ. જી. બારડ)
ના.પ.ઈ.-વડી કચેરી,
ગાંધીનગર



(ટી. સી. પટેલ)
ના.પ.ઈ.-ત. શાખા,
ગાંધીનગર



(જી. બી. વસાવડા)
ત.અ.-ગાંધીનગર

(એસ. એન. અગ્રાવત)
પ્રા. અધિકારી - કચ્છ (પશ્ચિમ)

(એચ. એમ. સોરઠીયા)
વ. વૈ. મ. - કચ્છ (પશ્ચિમ)

(એસ. એસ. ચૌહાણ)
ના.પ.ઈ.- કચ્છ (પશ્ચિમ)

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6

Gujarat Pollution Control Board

REGIONAL OFFICE, Bhuj (Kutch)
 Katira Commercial Complex-1, 1st Floor, Nr. Income Tax office,
 Manglam Char Rasta, Sanskarnagar, Bhuj-370001
 Website: www.gpcb.gov.in



Sr. No.	Name and Address	Point Represented	Chronological Reply from the Project Proponent
	(Junavas), Taluka – Bhuj, Dist. – Kutch.	have no objections for its progress subject to give support and co-operation to panchayat and no harm to environment.	we are giving assurance for preserving the environment.
8	Shri Chamanbhai, Village – Bhujodi, Taluka – Bhuj, Dist. – Kutch	He informed that company has given employment to all till date. Cooperation is given to Gram Panchayat. Hira laxmi craft market place is provided by the company and from it small artisans get livelihood and also maintaining pollution under control and should be maintained.	Technical representative of the industry Ms. Kailash Makwana (Dy. Manager - Environment) expressed thanks and informed that we are giving assurance for preserving the environment.
9	Shri Gulabsinh Rathod, Village – Ler, Taluka – Bhuj, Dist. – Kutch.	He represented that company has disposed acidic water in my farm at survey no. 171 and it should be stopped, Disposed soil in pond and his farm has washed out and necessary solution for the same is required.	- Technical representative of the industry Ms. Kailash Makwana (Dy. Manager - Environment) informed that acidic waste water generated from their industry is neutralized and not disposed without treatment and now they will take all care and if intimated then they will definitely take actions. - Representative of the Industry Shri Hiren Gor (Executive CSR) informed that they will take care for this matter and problem will be resolved after approaching site by company representative and appropriate action shall be taken.

7



Rotate screen



Play



Share

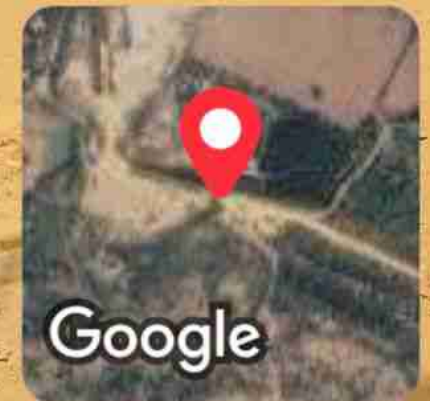


Search





Captured by Timestamp Camera
#Timestamp Camera
23/06/2026 05:25 PM GMT+05:30
Kachchh, Gujarat, India.
23.19849°N, 69.74253°E
Timestamp camera









GPS Map
Camera Lite

5PXQ+QWG, Bhuj, Gujarat 370105, India 🇮🇳

Latitude

23.19890706°

Longitude

69.74111907°

Local 05:34:57 PM

GMT 12:04:57 PM

Altitude 132 meters

Saturday, 13.06.2026

532

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542

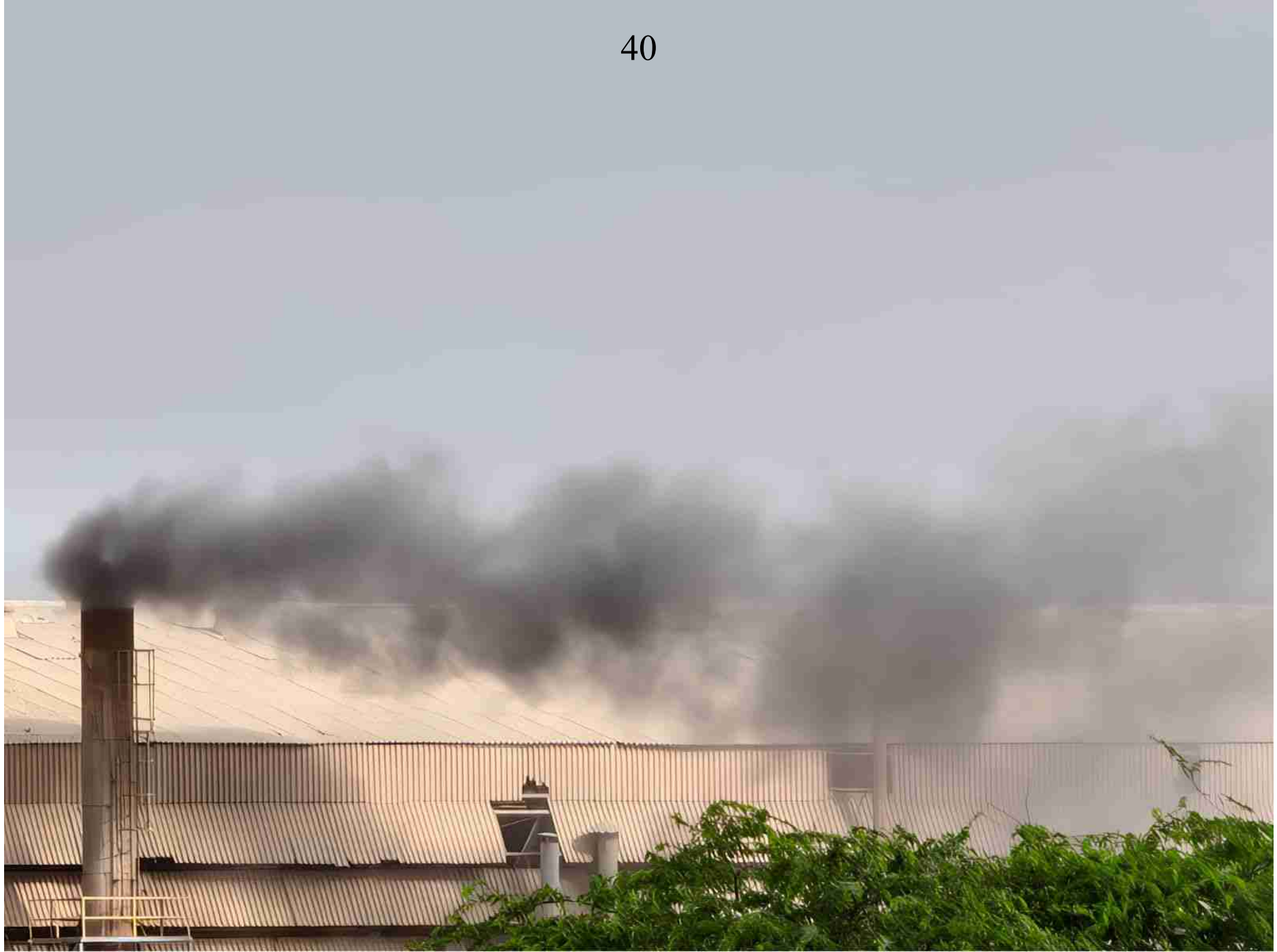
38





544

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Captured by Timestamp Camera
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17/06/2026 03:38 AM GMT+05:30
Kachchh, Gujarat, India.
23.20862°N, 69.74681°E
Timestamp camera



Captured by Timestamp Camera
#Timestamp Camera
17/06/2026 03:39 AM GMT+05:30
Kachchh, Gujarat, India.
23.20935°N, 69.74628°E
Timestamp camera



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vivo X300 FE | ZEISS

83mm f/1.57 1/8s ISO11956
06/11/2026, 23:01



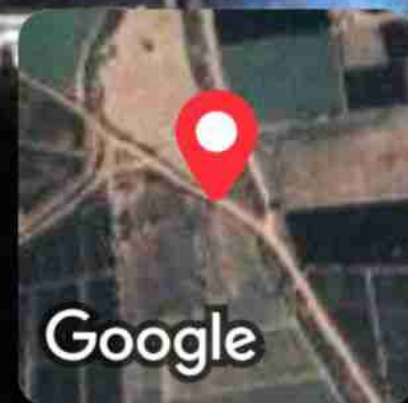




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Captured by Timestamp Camera
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04/06/2026 10:35 PM GMT+05:30
Kachchh, Gujarat, India.
23.21037°N, 69.74528°E
Timestamp camera





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Captured by Timestamp Camera
#Timestamp Camera
04/06/2026 10:35 PM GMT+05:30
Kachchh, Gujarat, India.
23.21023°N, 69.74349°E
Timestamp camera



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Ashapura Volclay Rd, Gujarat 370105, India 🇮🇳

Latitude

23.20056565°

Longitude

69.7455247°

Local 10:22:38 PM

GMT 04:52:38 PM

Altitude 128 meters

Thursday, 21.05.2026







576

72









Unnamed Road, Gujarat 370105, India 🇮🇳

Latitude

23.20734856°

Longitude

69.74843657°

Local 10:27:10 PM

GMT 04:57:10 PM

Altitude 118 meters

Saturday, 16.05.2026

580

76



 GPS Map Camera



Kachchh, Gujarat, India 

, Gujarat 370105, India, Kachchh, Gujarat 370105, India

Lat 23.207352° Long 69.748434°

Saturday, 16/05/2026 10:25 PM GMT +05:30



582

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586

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 GPS Map
Camera Lite

Unnamed Road, Gujarat 370105, India 

Latitude

23.20754798°

Longitude

69.74798153°

Local 10:49:33 PM

GMT 05:19:33 PM

Altitude 117 meters

Sunday, 05.07.2026

590

86













GPS Map Camera



Kachchh, Gujarat, India 🇮🇳

, Gujarat 370105, India, Kachchh, Gujarat 370105, India

Lat 23.207538° Long 69.747972°

Friday, 03/07/2026 05:10 AM GMT +05:30

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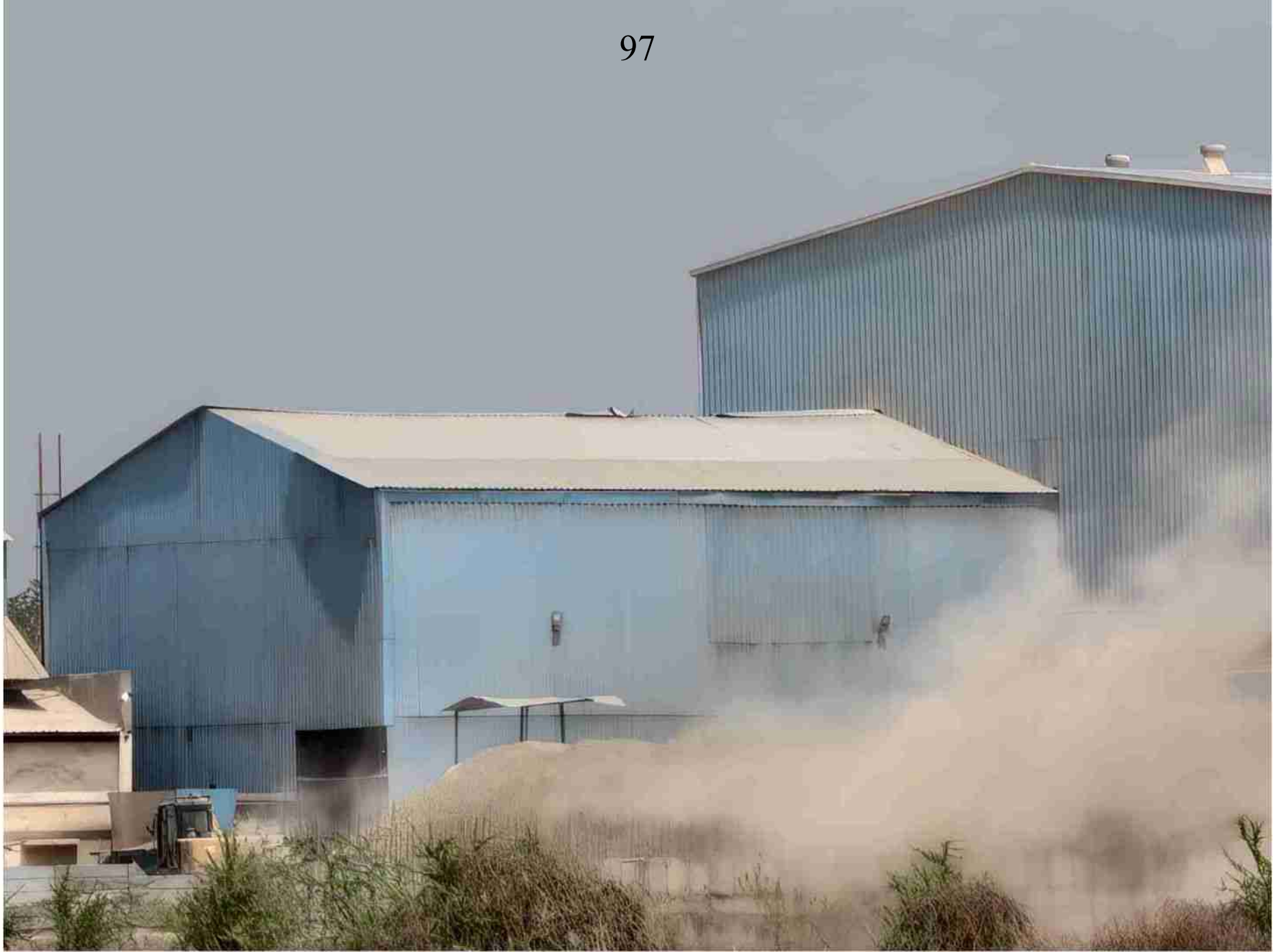




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GUJARAT POLLUTION CONTROL BOARD

Regional Office : Kutch - West

Katira Complex-1, Manglam Char Rasta, Sanskar Nagar, Bhuj-Kutch : 370 001.

Ph. No. 02832-250620. email : ro-gpcb-kutw@gujarat.gov.in xgn site:gpcbagn.gujarat.gov.in

BY R.P.A.D.

SHOW CAUSE NOTICE

Whereas you are having an Industrial plant located at Survey No. 163, 164 & 167, Vill.: Ler, Tal.: Bhuj, Dist.: Kutch for manufacturing of Bleaching Earth.

AND WHEREAS, the Board has granted CC&A vide order no. AWH - 147501, dated 16/07/2025, which is valid up to 24/06/2028 for production of above said product with conditions mentioned therein.

AND WHEREAS, the board officials visited your unit on 12/06/2026 and following non-compliances were observed:

- 1) During the startup phase of the dryer (3 & 4), abnormal emission was observed for 5 - 10 minutes.
- 2) It has come to our notice that abnormal emission was observed from stack of Dryer no. 3 & 4 on 19/05/26 @ 09:36 hrs and 08:42 hrs.

In view of the above, you are called upon to show cause within 7 days why legal action should not be initiated against your industry for contravening the provisions of the Air Pollution (Prevention and Control) Act-1981. You are directed to submit the compliance with respect to above noncompliance. Failure to which further action shall be initiated as per applicable Acts.

For and on behalf of
Gujarat Pollution Control Board

(S. S. Chauhan)

Regional Officer, Kutch (West)

NO: GPCB/RO/KUW/ID:17774/17821

Date: 19 JUN 2026

Issue to:

M/s. Ashapura Perfoclay Ltd,
Survey No. 163, 164 & 167,
Vill.: Ler, Tal.: Bhuj,
Dist.: Kutch (370020)

Copy to:

The Unit head - Kutch (West),
Gujarat Pollution Control Board,
Gandhinagar.....for information please.

ANNEXURE-5

To

The Regional Officer,

Gujarat Pollution Control Board (GPCB),

Bhuj Regional Office,

Kachchh, Gujarat.

Subject: Formal Complaint Regarding Severe Air Pollution, Illegal Nighttime Emissions, and Unregulated Gypsum Dumping in Bhuj/Kachchh (Coordinates: 23.20735°N, 69.74843°E & Surrounding Areas)

Dear Sir

I am writing on behalf of the local residents and farming communities of the Bhuj/Kachchh region to formally lodge a complaint against the persistent, severe environmental violations committed by the Ashapura Perfoclay operating near **Ler Road, Bhuj** (centered around coordinates 23.20735°N, 69.74843°E, 23.21037°N, 69.74528°E, and 23.19849°N, 69.74253°E).

Over a continuous 38-day monitoring period from **May 15, 2026, to June 23, 2026**, we have systematically documented a critical pattern of air pollution and hazardous material handling that directly violates the Air (Prevention and Control of Pollution) Act, 1981, and the Environment Protection Act, 1986.

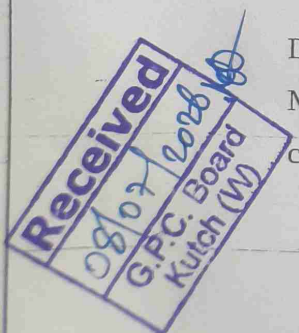
The specific violations observed and recorded include:

1. Deliberate and Heavy Nighttime Air Emissions

The facility is actively exploiting nighttime hours to bypass public visibility and regulatory oversight. Our logs reveal intense, unmitigated chemical/steam venting and thick white/grey smoke plumes released daily between **22:00 PM and 04:00 AM** (notably documented on May 16, May 21, May 27, June 4–8, June 11, June 13, June 17, and June 22). This creates a heavy, low-lying toxic smog blanket over the residential areas when ambient humidity is high.

2. Hazardous Daytime Black Smoke and Crop Damage

During daytime operations (documented extensively on May 15, May 17, May 19, May 22, and June 19), the plant chimneys regularly discharge turbulent, jet-black carbonaceous plumes. This un-scrubbed exhaust drifts directly over neighboring



agricultural plots and dry scrublands, depositing heavy soot onto standing crops, blocking photosynthesis, and threatening the livelihoods of local farmers through soil acidification.

3. Fugitive Dust from Gypsum Mining and Uncovered Transport

The facility utilizes heavy dumper trucks and SANY excavators to move massive piles of greyish industrial byproduct gypsum. This material is routinely transported on unpaved dirt roads either entirely overloaded and uncovered or with insufficient tarps (documented from May 29 to June 23). The heavy vehicles kick up continuous, massive clouds of fugitive dust, causing severe respiratory distress to workers and local residents, while open dumping poses a severe risk of heavy metal leaching into our groundwater aquifers during rains.

Impending Health and Ecological Crisis

The surrounding villages are facing an immediate health crisis, with a noticeable rise in chronic respiratory ailments, deep coughing, and eye irritation among children and senior citizens. Furthermore, the local ecosystem and agricultural soil health are suffering long-term degradation from steady pollutant deposition.

Demands for Immediate Action

Given the gravity of these visual and geotagged records, we urgently request the Gujarat Pollution Control Board to:

1. **Conduct a Surprise Nighttime Inspection** of the facility to catch the unauthorized stack venting in real-time.
2. **Install a Continuous Ambient Air Quality Monitoring Station (CAAQMS)** in the affected agricultural boundary layer.
3. **Issue a Strict Mandate** requiring the facility to use high-efficiency scrubbers/electrostatic precipitators (ESPs) and fully enclosed, sealed vehicles for all gypsum transport.
4. **Initiate Legal Actions/Closure Notices** under Section 31A of the Air Act if the unit fails to comply immediately.

We have maintained a comprehensive, dated photographic and geotagged log of these violations and are ready to present them to your field officers during a site inspection.

We look forward to your prompt, decisive intervention to safeguard our health and environment.

Sincerely

શ્રી ગુલાબસિંહ રાથોર
Gulabsingh Rathor

Village. Lera - Kutch

Bhuj - Kutch - 370001

Mo- 63537 42745

Date 08-07-2026

Attached - photograph



Sankar Pani <sankarprasadpani@gmail.com>

REJOINDER AFFIDAVIT FILED ONBEHALF OF APPLICANT IN OA 134/2025, NGT-WZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Thu, Jul 9, 2026 at 3:20 PM

To: Saurabh Kulkarni <sdkadocate@gmail.com>, maulik@nanavatico.com, Gigi C George George <gigicgeorge.adv42@yahoo.in>, Pushkal Mishra <pushkalm6@gmail.com>, Aniruddha Kulkarni <aniruddha1488@gmail.com>, collector-kut@gujarat.gov.in, "manvi@nclegal.in" <manvi@nclegal.in>, secfed@gujarat.gov.in, mam-bhuj@gujarat.gov.in, dilr-kut@gujarat.gov.in, kutchdao@gmail.com

Dear Sir/Madam, please find the attachment.

--

Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**REJOINDER 134 FINAL.pdf**
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