

BEFORE NATIONAL GREEN TRIBUNAL WESTERN

ZONE BENCH, PUNE

Appeal No.15/2024(WZ)

IA. No.33/2024(WZ)

RSPL Ltd. &Anr.

...Appellant(s)

Versus

The State of Gujarat &Anr.

...Respondent(s)

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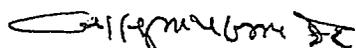
...Respondent(s)

FURTHER AFFIDAVIT ON BEHALF OF RESPONDENT

NO. 5

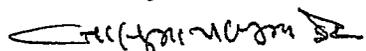
I, Balubha Pabubha Ker, Aged – 46 years, (hereinafter referred to as the “Respondent No. 5”), residing at village: Kuranga, District: Devbhoomi Dwarka do hereby solemnly affirm and sincerely state as under:

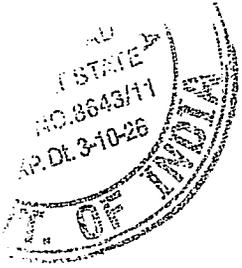
1. I submit that the present further affidavit is filed in compliance of order passed by this Hon’ble Tribunal dated 12.01.2026 wherein the Hon’ble Tribunal was pleased to direct the deponent for filing of supplementary affidavit dealing with the aspect of providing access to appellant herein for soil remediation in Revenue survey no. 540 and 606.
2. At the outset, I submit that the Hon’ble High Court High Court of Gujarat has issued directions on 27/03/2024, upon the Gujarat Pollution Control Board. Firstly, the Chairman was to initiate and enquiry and fix responsibility



on erring officers for the inaction on their part and for the predicament of the petitioner from the year 2019 or onwards. The Pollution Control Board was required to compensate for damages caused to the Petitioner for loss of his income from the land in question and other factors therein. This order was stayed by this Hon'ble Court in SLP (C) No. 11219 – 11220 of 2024, only so far as the direction of cost was concerned. The 2nd direction in the said order pertained to compliance with the recommendation of DDU, Nadiad to replenish the existing soil on the land of the present Respondent with fresh new soil and to recover the cost of representation from the appellant herein. There was no stay of the said order. On 27/03/2024, the Pollution Control Board made a prayer for 8 weeks to complete the replenishment work of the existing soil from the fields of the petitioner as per the recommendation of DDU, Nadiad, as extracted in the inspection report of GPCB dated 09/12/2023.

3. I submit that an affidavit dated 11/06/2024, the chairperson GPCB stated that the measurement of the land of the deponent had been carried out. The affidavit further stated that the identity of the land for extraction of soil for the purposes of soil remediation had been completed, samples had been taken an estimated cost of compensation had been deposited by the Appellant company with the Road and Building Department. The





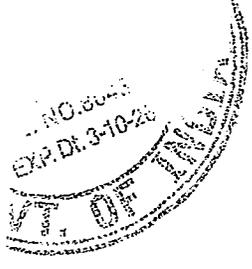
C

Affidavit further stated that the tender notice had been published on 21/05/2024 and bids were received and contractors had been shortlisted. The impugned judgement noted that there had been a long delay on the part of the GPCB for carrying out the work of remediation of soil and the soil remediation work which was assured vide affidavit dated 11/06/2024 to be completed within 2 months had not seen the light of day.

4. I submit that vide order dated 18/11/2024 Hon'ble Supreme Court in Special Leave to Petition(Civil) no. 26733/26734 of 2024 was pleased to stay further proceedings before the Hon'ble High Court of Gujarat. However, there was no stay of the directions of the High Court to complete the remediation work. Till date, no further steps have been taken for completing the remediation worked and an impression sought to be given as if it is being hindered by the present Respondent. It is therefore necessary to place on record the following documents:

4.1 A site inspection report dated 23/12/2024 was prepared by one officer by the name of Mr GB Bhatt. In his report, he incorrectly mentioned that the Respondent herein did not permit soil remediation work on the pretext that the matter was pending before the Hon'ble Supreme Court.

Signature



True translated copy of site inspection report dated 23/12/2024 is annexed as **Annexure R-1 (Page 1 to 2)**.

4.2 On the very same day, taking an objection to such observation the present Respondent made a representation to the Chief Minister and the Pollution Control Board, stating explicitly that the present Respondent had never objected to the soil remediation work and the site inspection report prepared by the officer of the Pollution Control Board was absolutely incorrect. True translated copy of letter dated 23/12/2024 is annexed as **Annexure R-2 (Page 3 to 13)**.

4.3 In response to letter dated 23/12/2024, the GPCB vide letter dated 23/01/2025, informed the respondent herein that the board was carrying out the work for remediation in accordance with orders of the Hon'ble High Court of Gujarat. True translated copy of letter dated 23/01/2025 is annexed as is annexed as **Annexure R-3 (Page 14 to 16)**.

4.4 As stated above, vide representation dated 02/02/2025, the deponent again wrote to the Pollution Control Board complaining that all the effluents were being discharged by way of an

Gujarat 7/10/25



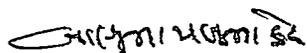
open canal on the field of the present Respondent.

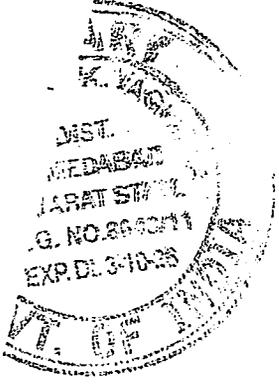
4.5 Vide letter dated 29/01/2025 by GPCB to the Executive Engineer (R and B), it was directed that soil remediation proceedings be carried out and completed. True translated copy of letter dated 29/01/2025 is annexed as **Annexure R-4**. (page 17 to 20)

4.6 Vide letter dated 04/02/2025, Mr. G.P. Bhatt has informed the GPCB that the company which was engaged for carrying out soil remediation work has expressed its inability to carry on the work and therefore the process of re-tendering will have to be initiated. True copy of letter dated 04/02/2025 is annexed as **Annexure R-5 (Page 21 to 23)**.

4.7 It is also submitted that on 25.11.2025, the Respondent GPCB had intimated the office of Executive Engineer, Roads and Building Department, State of Gujarat to initiate and complete the soil remediation work by one 'Sneh Constuction' in the subject land. Annexed herewith and marked as **Annexure R-6 (Page 24 to 25)**.

4.8 It is further submitted that the deponent herein had again requested the Respondent GPCB





against discharge of untreated effluents in the subject land by the appellant. As against which the Respondent GPCB has till date not responded to requests of deponent. Annexed herewith and marked as **Annexure R-7 (Page 26 to 30)**.

5. I submit that despite almost two years having passed since the date of order of the High Court of Gujarat dated 27/03/2024 directing GPCB to complete soil remediation work, no action has been taken by GPCB and the present Respondent being a farmer, continues to suffer on a day-to-day basis. The soil in the agricultural fields of the Respondent has been rendered infertile and unless the same is changed the respondent will not be able to carry out any agricultural operation in the said fields. The livelihood of the present respondent has been snatched due to the apathy of the Appellant and the GPCB. True copy of photographs dated June 2025 of the fields of the present respondent showing the discharge of trade effluents to open canal and the field of the respondent which has now become barren is annexed as **Annexure R-8 (Page 31 to 35)**.

6. I submit that on one hand the appellant herein is alleging that the deponent herein is obstructing in soil remediation work by not providing access to subject lands is without any basis and on the other side from the documents produced it clearly reveals that the Pollution Control Board without filing any response to

(Signature)

G

the appeal has chose not to bring on record any of the aforesaid development for perusal of this Hon'ble Tribunal.

I submit that that I have never objected in providing access to subject lands to appellatant herein for remediation of soil and by way of present affidavit also state on record that there will not be any objection for soil remediation.

VERIFICATION

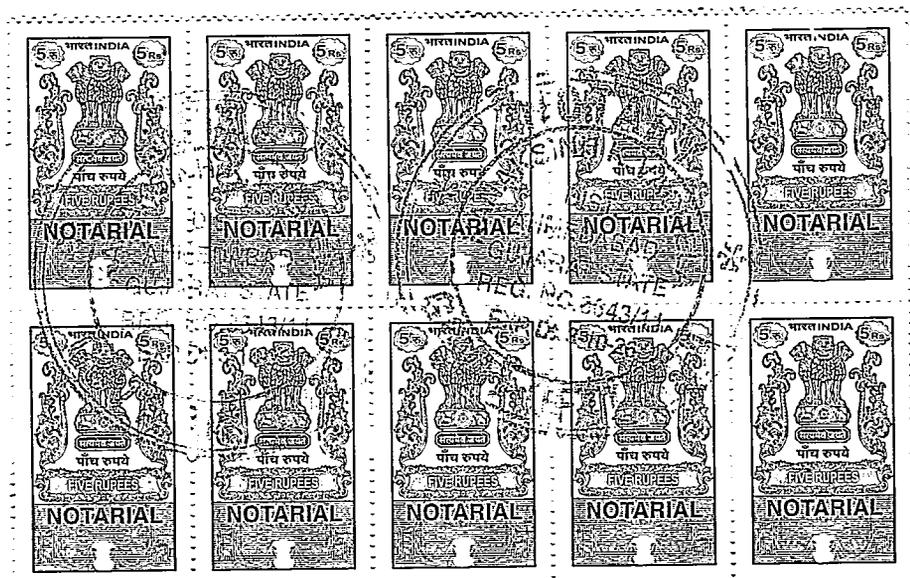
- 1. What is stated in above paragraphs are statement of facts derived from the relevant record and files and are true to the best of my knowledge and I believe the same to be true.
- 2. All the documents enclosed with the affidavit in reply are the true copies of their originals.

SOLEMNLY AFFIRMED AT AHMEDABAD ON THIS 11 DAY OF FEBRUARY, 2026.

Kanaksinh K. Vaghela

IDENTIFIED BY ME
D.N. VORA
ADVOCATE

DEPONENT



- 2098 -
 SR. No...../20 26
 SOLEMNLY AFFIRMED
 BEFORE ME
KVK
 KANAKSINH K. VAGHELA, NOTARY
 DATE11/02/2026

Annexure-R-1

①

Survey Number 606

Village: Kuranga

Taluka: Dwarka

District: Devbhumi

Dwarka

Date: 23-12-2024

Site - Daily Work

Today, dated 23-12-2024, under the case of Hon'ble Gujarat High Court - RSPL Company vs. Balubha Pabubha Ker - the following agenda members of the committee and representative of DDU Nadiad were present. Earlier, in reference to the previous daily work of the representative, the committee had, through a letter dated 15-11-2024, requested DDU Nadiad to provide appropriate comments and suggestions for resolving the difficulties occurring in solid remediation. In response, through their letter dated 23-12-2024, DDO Nadiad provided their remarks, based on which the representative of DDO was called today.

When the members of the committee and the representative of DDO were asked by the Sub-Divisional Magistrate, Dwarka, regarding the further proceedings in the presence of RSPL company representatives, the

(2)

applicant Shri Balubha Ker stated that currently a petition has been filed by RSPL Company in the Supreme Court and the Supreme Court has granted a stay. Considering this, the current proceedings should be kept on hold. Regarding this matter, when the representative further consulted the other members of the committee, it was unanimously decided that the future course of action shall be based on the orders or guidelines that may be issued by the Supreme Court in this case. Accordingly, this daily work record has been prepared.

1.G.B. Bhatt from the Pollution Control Board,
Jamnagar,

2.P.B Parmar - Not readable sd/-

3.Not readable sd/-

4.Not readable sd/-

5.Not readable sd/-

6.Not readable sd/-

7. RSPL has no objection to continuing the soil remediation work.

23/12/2024

12:00 Noon

The petition has been restricted from being signed by Balubha Ker.



//True Translated Copy//

Balubha Pabubha Ker
Residing at: Village Kuranga,
Taluka: Dwarka,
District: Devbhumi Dwarka.
Mo. 9898542841

To,

1. Hon'ble Chief Minister Shri Bhupendrabhai Patel
Government of Gujarat, Gandhinagar.
2. Hon'ble Chief Secretary Sir,
Government of Gujarat, Gandhinagar.
3. Hon'ble Chairman Shri R.B. Barad Sir,
Pollution Control Board,
Government of Gujarat, Gandhinagar.
4. D.M. Thakar, Member Secretary,
Gujarat Pollution Control Board, Gandhinagar.
5. Hon'ble Collector Sir, Devbhumi Dwarka District.

(As per the applicant's submission and in accordance with the order of the Hon'ble Gujarat High Court in SCA/6970 OF 2023, appointed as the Coordination and Guidance Officer of the committee declared by Office Order of the Member Secretary Shri D.M. Thakar of the Gujarat Pollution Control Board, Gandhinagar.)

(4)

6. Hon'ble Assistant Collector and Prant Officer,
Devbhumi Dwarka District.

(As per the applicant's submission and in accordance with the order of the Hon'ble Gujarat High Court in SCA/6970 OF 2023, appointed as the Coordination and Guidance Officer of the committee declared by Office Order of the Member Secretary Shri D.M. Thakar of the Gujarat Pollution Control Board, Gandhinagar, and as the representative appointed by the Hon'ble Collector.)

Subject: Regarding appropriate action against the misuse of power by the Regional Officer Shri G.B. Bhatt of the Pollution Control Board, Jamnagar, along with the officers associated and involved with him - for writing facts in the site report dated 23-12-2024 which were not stated by the applicant, with malicious intent to ensure the applicant does not receive justice in court and to benefit the company, and for the illegal act of colluding

(5)

with the company to forcibly evict the applicant from his own land.

Jai Bharat,

The applicant, along with his family and community, has been residing in Kuranga village since ancient times. Kuranga is the ancestral birthplace of the applicant and his successors. The applicant earns a livelihood through agriculture, inherited through generations. The applicant jointly owns agricultural lands located in Kuranga village, Taluka: Dwarka, District: Devbhumi Dwarka, with Revenue Survey Numbers 395, 397, 642, 643, 644, 723, 638, 629, 606, and 540. When RSPL Company began constructing a soda ash chemical plant in Kuranga village, the company illegally constructed boundary walls around the applicant's lands from all sides, obstructed the pathways leading to the applicant's land, discharged chemically contaminated and foul-smelling hot water from the plant into the applicant's land, and polluted the land using coal, limestone, and other means. In response, from 2017 to 2023, the applicant repeatedly

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submitted representations to the Pollution Control Board in Jamnagar and Gandhinagar. However, the Board failed to take any action against RSPL Company. Therefore, to seek justice, the applicant filed a Special Civil Application No. 6970 of 2023 in the Hon'ble Gujarat High Court. The Hon'ble High Court took the applicant's plea seriously and has issued orders accordingly. In this regard, against the order dated 27-03-2024 of the Hon'ble Gujarat High Court, the Gujarat Pollution Control Board filed SLP No. 11219-11220/2024, upon which the Hon'ble Supreme Court, by order dated 14-05-2024, granted a stay only on the part of the order directing payment of twenty lakh rupees to the applicant by the officers of the Pollution Control Board. However, the other directives—such as replacing the soil in the applicant's land and conducting an inquiry against the responsible officers of the Gujarat Pollution Control Board—have been upheld. Subsequently, as per the order passed by the Hon'ble Gujarat High Court in S.C.A. 6970 of 2023, RSPL Company filed SLP No. 26733-26734 of 2024 before the Hon'ble Supreme Court. By order dated 18-11-2024, the

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Hon'ble Supreme Court stayed the further proceedings in the ongoing matter before the Hon'ble Gujarat High Court and directed the company to deposit an amount of ₹1.5 crore. The applicant received a notice regarding the above-mentioned order of the Hon'ble Supreme Court on 16-12-2024.

The applicant received a message today, 23-12-2024, from the mobile number 7069429822 of an officer from the Pollution Control Board, Jamnagar, on the applicant's mobile number 9898542841 via WhatsApp at 9:04 AM. The message stated that the applicant should be present for proceedings at the Gujarat High Court at 10:30 AM today. A screenshot of this message is attached. Additionally, the applicant received a call from G.B. Bhatt Sahib at 9879205044 on the applicant's mobile number 9898542841 at 10:46 AM today, informing the applicant to be present for the proceedings related to the land with reference number 606.

Today, on 23-12-2024, the District Magistrate of Dwarka, Assistant Collector A.S. Awate (IAS), and Officer G.B. Bhatt from the Pollution Control Board,

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Jamnagar, along with other officers including the Executive Engineer from the R&B Department and officers from D.D.U. Nadiad, visited the applicant's land with reference number 606. During this time, officers from RSPL Company were also present with armed security staff. The RSPL officers did not inform everyone about the petition filed in the Hon'ble Supreme Court and the order passed by the Hon'ble Supreme Court. The applicant then informed all the present officers that the applicant had filed a petition in the Hon'ble High Court under SCA NO. 6970 OF 2023, and RSPL Company had filed an SLP in the Hon'ble Supreme Court, which has stayed the proceedings of the Hon'ble High Court. This is to be taken into consideration.

After that, Mr. G.B. Bhat, an officer from the Pollution Control Board, Jamnagar, and another officer from D.D.U. Nadiad went separately and met with company officials for a discussion. Afterwards, they came to us and informed us that a site inspection report would have to be prepared on the spot, so that we could be dismissed. Mr. G.B. Bhat then said this and himself wrote the site inspection report on a white paper on

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the bonnet of his government vehicle and told us to sign it. We told Mr. G.B. Bhat that we would like to take a photo of this site inspection report on our mobile and read it before signing. After listening to our request, Mr. G.B. Bhat showed us the handwritten report, and we took a photo of it on our mobile and read it. In that report, Mr. G.B. Bhat had written that (When the Sub-Divisional Magistrate of Dwarka inquired about the further proceedings in front of the committee members, the representatives of DDU, and the representatives of RSPL company, the applicant Mr. Balubha Ker stated that at present, RSPL company has filed a petition in the Hon'ble Supreme Court, and the Hon'ble Supreme Court has placed a stay on the matter. In light of this, the proceedings should currently be kept on hold. On this matter, when the Sub-Divisional Magistrate consulted with other committee members, it was unanimously decided that any further actions will be taken based on whatever orders or guidelines are issued in the future by the Hon'ble Supreme Court in this case. This site inspection report has been made accordingly.) We read the site inspection report and

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informed Mr. G.B. Bhat that the Sub-Divisional Magistrate had already left, and that we had informed him about the order passed by the Hon'ble Supreme Court as part of our duty since the company had not informed him about it. However, we never said, "In light of this, the proceedings should currently be kept on hold," so why are you writing false facts in the site inspection report? Upon hearing this, Mr. G.B. Bhat and an officer from DDU Nadiad threatened us and clearly stated that this is what will be written, and if you want to sign, then sign, otherwise you may leave. We humbly requested that, sir, we have only informed you about the Hon'ble Supreme Court's order as part of our duty, but the action regarding the change of soil on our land is essential for our life, and we have never asked for it to be put on hold. Our land has been polluted by RSPL company causing contamination, so the sooner the soil of our land is replaced, the more beneficial it is for us, and the earlier the soil is replaced, the sooner we can cultivate our land and produce crops. Even then, why are you falsely writing in the site inspection report to keep the proceedings

(11)

on hold? Upon hearing our words, Mr. G.B. Bhat, the officer from DDU Nadiad, and the company officials laughed mockingly, and Mr. G.B. Bhat clearly said that if you don't want to sign, then leave from here, and if you don't leave, then the security staff is here. We again humbly requested Mr. G.B. Bhat to write the truth in the statement and to remove the false statement that we had asked to keep the proceedings on hold, then we would sign. After hearing us, Mr. G.B. Bhat said that the site inspection report will remain as is and you can go wherever you want. Fearing for our lives and seeing that the site inspection report included statements we never made, we did not sign and immediately left our land to save our lives.

After that, we received the site inspection report PDF via the electronic WhatsApp application from Mr. G.B. Bhat on his mobile number: 98792 05044 to the applicant's mobile number: 98985 42841 at 12:13 PM. Upon viewing it, we realized that on page 2, item 7 of the site inspection report, there is a signature of RSPL's authorized officer Sunil M. Buch, and it is

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written by him that "RSPL has no objection" in continuing the soil remediation work." Further below, it is written that petitioner Balubha Ker refused to sign, and since the Sub-Divisional Magistrate had already left from the beginning, there is no signature from him anywhere. After his departure, Mr. G.B. Bhat, with malicious intent to portray the applicant's conduct negatively before the Hon'ble Court and to present the company's conduct as appropriate, has, in a pre-planned conspiracy and in exchange for financial benefit from the company, created this site inspection report with false facts that we never stated.

Considering all the above facts, it is requested to take appropriate action against Mr. G.B. Bhat, Regional Officer of Gujarat Pollution Control Board, Jamnagar, who, by taking financial benefits from RSPL company, included facts in the site inspection report that were never stated by us, the applicants, with the intention of portraying us negatively before the Hon'ble Court and presenting the company in a favorable light, and for carrying out such illegal actions, as well as against the officer of DDU Nadiad and those

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responsible for the illegal act of threatening and evicting us, the applicants, from our own land.

Place: Kuranga

Date: 23-12-2024

Balubha Pabubha Ker

Attachment: -

1. A copy of the screenshot photo of the WhatsApp message received today, dated 23-12-2024 at 9:04 AM by us, the applicants, on our mobile number: 9898542841 from the mobile number: 70694 29822 belonging to an officer of the Pollution Control Board, Jamnagar.
2. A copy of the unsigned site inspection report taken by us, the applicants, on our mobile today, dated 23-12-2024 at 11:31 AM.
3. A print copy of the signed site inspection report received via WhatsApp today, dated 23-12-2024 at 12:13 PM by us, the applicants, on our mobile number: 9898542841 from the mobile number: 98792 05044 belonging to Mr. G.B. Bhat, Regional Officer, Gujarat Pollution Control Board, Jamnagar.


//True Translated Copy//

Annexure-R-3

(14)

GUJARAT POLLUTION CONTROL BOARD
PARYAVARAN BHAVAN, SECTOR 10-A,
GANDHINAGAR - 382010,
(T) 079-23232152

R.P.A.D.

Ref. No.: GU.PR.NI.BOARD/CCA-JMN-1071(12)/ID-43851/851923

Date: 23/01/2025

To,
Shri Balubha Pabubha Ker
Village - Kuranga,
Taluka - Dwarka,
District - Devbhumi Dwarka.

Subject: Regarding misuse of power by the
Regional Officer and accompanying
officials at the Pollution Control
Board, Jamnagar.

Reference: Regarding the representation made
by you to various
departments of the Government, as well as
to the Hon. Chief Minister, Hon. Chief
Secretary, Government of Gujarat, and the
Forest and Environment Department.

Sir,

An RL has been filed by you in the Hon'ble High
Court against M.R.S.P.L. Limited, Village: Kuranga,

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Taluka: Dwarka, District: Devbhumi Dwarka. The Hon'ble Supreme Court has currently stayed the hearing of the case.

As per the orders of the Hon'ble High Court, the Gujarat Pollution Control Board has handed over the work of "Soil Remediation" on Survey No. 540, 540/1, and 606 to the Executive Engineer, R & B, Khambhaliya Division, by making a prior payment of Rs. 1 crore fifty-seven lakh fifteen thousand.

The said work is being carried out under the guidance of the District Magistrate. As per the copy of the work record submitted by you, it is seen that all the members of the committee have signed and given their consent.

Thus, the allegation made by you against the Regional Officer of GPCB and the accompanying officials is unreasonable and baseless.

Further, considering your representation and as per the directions issued from time to time by the Hon'ble Court, the Board is carrying out the work accordingly, for your kind information.

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On behalf of and in the name of Gujarat
Pollution Control Board,
(A.J. Patel)
Unit Head - Jamnagar

Copy forwarded to:--

1. Personal Secretary, Hon. Chief Minister's Office,
Sardar Patel Bhavan, Secretariat, Gandhinagar... GAD
Office Inward No. 300073, dated 31/12/2024 ...for
your kind attention.
2. Personal Secretary, Hon. Chief Secretary's Office,
Block No. 1, Fifth Floor, New Secretariat,
Gandhinagar... For your information.
3. Additional District Magistrate, Collector and
District Magistrate Office, First Floor, District
Seva Sadan, Lalpur Bypass Road, Dharampur, Taluka:
Khambhaliya, District: Devbhumi Dwarka... For your
information.
4. Assistant Collector and Prant Officer, Taluka:
Dwarka, District: Devbhumi Dwarka... For your
information.


//True Translated Copy//

Annexure R-4

(17)

GUJARAT POLLUTION CONTROL BOARD

IS/ISO : 9001 : 2008 and IS/ISO: 14001 : 2004

Certified Organization

REGIONAL OFFICE

Sardar Patel Bhavan, Rameshwar Nagar, JAMNAGAR -
361008.Ph. (0288) 2752366, E-mail : ro-gpcb-jamn@gujarat.gov.inwebsite : www.gpcb.gujarat.gov.in

No. GPCB/PRA.K. Jamnagar/T-222-221/6164

Date: 29/01/2025

To,

1. Executive Engineer (R & B) (State)
Collector's Office, District Seva Sadan,
Lalpur Bypass Road,
Dharmpur, Tal. Khambhaliya, Dist. Devbhumi
Dwarka.
2. Deputy Executive Engineer (R & B) (State)
Next to Mamlatdar Office,
Taluka: Dwarka, District: Devbhumi Dwarka.

**Subject: Regarding Soil Remediation work under
Special Civil Application No. 6970/2023 filed
by Shri Balubha Pabubha Ker before the Hon'ble
High Court**

Hon'ble Sir,

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With reference to the above subject and context, it is to inform you that in relation to the Special Civil Application No. 6970/2023 filed by Shri Balubha Pabubha Ker before the Hon'ble High Court, and in continuation of the order dated 18/11/2024 passed by the Hon'ble Supreme Court of India in the case of M/s. "RSPL Ltd." Vs "Balubha Pabubha Ker" SLP No. CS 26733-26734/2024, the Gujarat Pollution Control Board - Head Office, Gandhinagar has received a Legal Opinion from the Additional Solicitor General of India dated 20/01/2025, which is enclosed herewith. As stated in Page-7, Paragraph-E III of the said opinion: "Therefore, in the afore referred set of facts and circumstance of the case, I am of the considered opinion that the Department shall be obligated to continue the remediation work in petitioner's land and inquiry proceedings should be continued to fix responsibility on the erring officers of the Department for the inaction on their part as directed by Hon'ble high court of Gujarat vide order dated 27/03/2024 in SCA 6970 of 2023."

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In view of the above Legal Opinion, the soil remediation proceedings at M/s. RSPL Ltd., Kuranga, are to be carried out by the Gujarat Pollution Control Board, which are currently on hold. This responsibility has been delegated to you by the Gujarat Pollution Control Board. Therefore, you are hereby requested to restart and promptly complete the said proceedings as per instructions.

On behalf of and in the name of
Gujarat Pollution Control Board,

(G.B. Bhatt)
Regional Officer

Enclosure: As above

Copy Respectfully Forwarded To:

To,

- (1) Hon'ble District Collector,
Office of the Collector and District Magistrate,
First Floor, District Seva Sadan, Dharampur -
Lalpur Road,
Jam Khambhaliya, Dist. Devbhumi Dwarka - For kind
information.
- (2) Office of the Sub Divisional Magistrate and Prant
Officer,

- Sub Divisional Magistrate and
Prant Officer, Dwarka Office, Dwarka.
Dist. Devbhumi Dwarka - For kind information.
- (3) Hon'ble Member Secretary,
Gujarat Pollution Control Board,
**[For Special Attention: Smt. A. J. Patel (Unit
Head Jamnagar)]**
Paryavaran Bhavan, Sector No. 10-A, Gandhinagar -
For kind information.
- (4) M/s. RSPL Ltd.
Village: Kuranga, Taluka: Dwarka
District: Devbhumi Dwarka - For kind information.
- (5) Shri Balubha Pabubha Ker
Village: Kuranga, Taluka: Dwarka
District: Devbhumi Dwarka - For kind information.
- (6) M/s. Shiv Engineers
Shri Govindbhai Karangiya
Vijaynagar, Opp. Amarnath Tailor,
Behind Octroi Naka, Jamnagar - For kind
information.

//True Translated Copy//

1700

Annexure R-5

Annexure R-5

21

GUJARAT POLLUTION CONTROL BOARD

IS/ISO : 9001 : 2008 and IS/ISO: 14001 : 2004

Certified Organization

REGIONAL OFFICE

Sardar Patel Bhavan, Rameshwar Nagar,

JAMNAGAR - 361008.

Ph. (0288) 2752366,

E-mail : ro-gpcb-jamn@gujarat.gov.in

website : www.gpcb.gujarat.gov.in

No. G.P.C.B./PRAK-JAMNAGAR/T-266/6780

Date: 04/02/2025

To,

Hon'ble Member Secretary,

Gujarat Pollution Control Board,

Paryavaran Bhavan, Sector No. 10A,

Gandhinagar.

For Kind Attention: Smt. A.J. Patel

Unit Head - Jamnagar

Subject - Regarding Soil Remediation work under Special Civil Application No. 6970/2023 filed by Shri Balubha Pabubha Ker before the Hon'ble High Court

Hon'ble Sir,

With reference to the above subject, we would like to inform you that today, i.e., on 04/02/2025, a discussion was held at M/s. RSPL Ltd., Kuranga,

District Devbhumi Dwarka, regarding the soil remediation work under Special Civil Application No. 6970/2023 filed by Shri Balubha Pabubha Ker in the Hon'ble High Court, with the Executive Engineer R & B (State), Devbhumi Dwarka. In this matter, he informed that currently M/s. Shiv Agency has expressed inability to carry out this work. Therefore, the R & B (State) will initiate the process of retendering.

This is for your information and necessary orders.

Thanking you,

Yours faithfully,

(G.B. Bhatt)
Regional Officer

Copy forwarded to:

To,

- (1) Hon'ble Collector,
Collector's Office,
First Floor, District Seva Sadan,
Dharampur-Lalpur Road,
Jam-Khambhaliya,
District: Devbhumi Dwarka.
- (2) Hon'ble Sub Divisional Magistrate & Prant
Officer,
Office of the Sub Divisional Magistrate & Prant

Officer,

Taluka: Dwarka, District: Devbhumi Dwarka

(3) Executive Engineer,

Office of the Executive Engineer,

Devbhumi Dwarka (R&B) Department,

District Seva Sadan, Second Floor, Lalpur Bypass

Road,

Khambhaliya, District: Devbhumi Dwarka

(4) Deputy Executive Engineer (R & B) (State)

Next to Mamlatdar Office,

Taluka: Dwarka, District: Devbhumi Dwarka

(5) M/s. RSPL Ltd.

Village: Kuranga, Taluka: Dwarka

District: Devbhumi Dwarka

(6) Shri Balubha Pabubha Ker

Village: Kuranga, Taluka: Dwarka

District: Devbhumi Dwarka



//True Translated Copy//



GUJARAT POLLUTION CONTROL BOARD

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website : www.gpcb.gujarat.gov.in

સ્મૃતિપત્ર - ૧

ન ગુ.પ.નિ.બોર્ડ/પ્રા.ક.-જામ/ટી-૨૬૬(૧)/૭૨૬૭

તા. ૨૫/૧૧/૨૦૨૫

પ્રતિષ્ઠી

કાર્યપાલક ઇજનેરશ્રી,

માર્ગ અને મકાન વિભાગ (સ્ટેટ),

જિલ્લા સેવા સદન, બીજો માળ, લાલપુર બાયપાસ રોડ,

મુ: ખંભાળિયા, જી: દેવભૂમિ દ્વારકા

વિષય: નામદાર વડી અદાલતમાં સ્પેશીયલ સિવિલ એપ્લિકેશન નં. ૬૯૭૦/૨૦૨૩ શ્રી બાલુભા પબુભા કેર વિરુદ્ધ મે. આર.એસ.પી.એલ.ની. વિભાગની મેટરના અનુસંધાનમાં Soil Remediation ની કામગીરી બાબતે.

- સંદર્ભ:
- (૧) ગુ.પ્ર.નિ.બોર્ડ-ગાંધીનગર નો કાર્યાલય આદેશ; પત્ર ક્રમાંક નં.જીપીસીબી/સીસીએ-જીએમએન-૧૦૭૧/(૧૦)/૮૦૮૬૪૭, તા: ૧૫/૦૪/૨૦૨૪
 - (૨) કાર્યપાલક ઇજનેરશ્રી. માર્ગ અને મકાન વિભાગ (સ્ટેટ), દેવભૂમિ દ્વારકા નો પત્ર ક્રમાંક નં. ટીસી/૪૬૧ તા. ૧૨/૦૫/૨૦૨૫
 - (૩) સોઇલ રિમિડિએશન અને જિલ્લા વળતર કમિટી, દેવભૂમિ દ્વારકાની તા.૦૭/૦૭/૨૦૨૫ ના રોજ યોજાયેલ બેઠકની કાર્યવાહી નોંધ
 - (૪) અત્રેની કચેરીનો પત્ર ક. ગુ.પ્ર.નિ.બોર્ડ/પ્રા.ક.-જામ/ટી-૨૬૬(૧)/૭૨૦૬, તા. ૦૯/૧૦/૨૦૨૫
 - (૫) અત્રેની કચેરીનો તા: ૧૭/૧૧/૨૦૨૫ ના રોજનો ઇ-મેઇલ.

મહોદયશ્રી,

ઉપરોક્ત વિષય અને સંદર્ભ અન્વયે જણાવવાનું કે, નામદાર વડી અદાલતના તા. ૦૮/૦૮/૨૦૨૪ ના રોજના હુકમ મુજબ સ.નં. ૫૪૦ તેમજ સ.નં. ૬૦૬ ખાતે સોઇલ રેમિડિએશનની કામગીરી કરવાની થાય છે. જે માટે તા. ૦૫/૦૫/૨૦૨૫ના રોજના સંદર્ભિત (૨)ના હુકમ દ્વારા સદર સોઇલ રેમિડિએશનની કામગીરી 'મે. સ્નેહ કન્સ્ટ્રક્શન'ને સોંપવામાં આવેલ છે.

વધુમાં, સોઇલ રેમિડિએશન અને જિલ્લા વળતર કમિટી, દેવભૂમિ દ્વારકાની તા.૦૭/૦૭/૨૦૨૫ ના રોજ યોજાયેલ બેઠક દરમિયાન સમિતિના માર્ગદર્શક તેમજ જિલ્લા કલેક્ટરશ્રી, દેવભૂમિ દ્વારકા દ્વારા સદર સોઇલ રેમિડિએશનની કામગીરી વરસાદી ઋતુ પછી એક મહિનાની અંદર ઝડપથી પૂર્ણ કરવા જણાવેલ છે.

ઉપરોક્ત હકીકતોને ધ્યાનમાં લઈ, સોઇલ રેમિડિએશનની કામગીરી વરસાદ બંધ થયેથી તુરંત જ શરૂ થાય તે માટે આગોતરું આયોજન કરવા તેમજ વરસાદ બંધ થયા બાદ સોઇલ રેમિડિએશનની કામગીરી સત્વરે શરૂ થઈ શકે

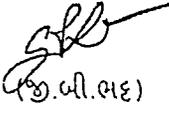
તેમજ કોન્ટ્રાક્ટર કે આપના દ્વારા જરૂરી રોયલ્ટીની કાર્યવાહી પણ પૂર્ણ થાય. તેવું સુનિશ્ચિત કરવા આપને તા ૦૯/૧૦/૨૦૨૫ના સંદર્ભિત (૪) ના રોજના પત્ર દ્વારા તેમજ તા. ૧૭/૧૧/૨૦૨૫ના સંદર્ભિત (૫) ના રોજના ઇ-મેઇલ દ્વારા વિનંતી કરેલ.

આથી, હવે વરસાદી ઋતુ પૂર્ણ થયેલ હોઇ સોઇલ રેમિડીએશનની કામગીરી સત્વરે પૂર્ણ કરવા આપને વિનતી કરવામાં આવે છે. જેથી આગામી મુદત સમયે નામદાર વડી અદાલતને થયેલ કામગીરીનો અહેવાલ આપી શકાય.

આભાર સહ.

ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડના

નામે અને વતી



(જી.બી.ભટ્ટ)
પ્રાદેશિક અધિકારી

સવિનય નકલ રવાના :

પ્રતિ,

- (૧) માનનીય જીલ્લા કલેક્ટરશ્રી,
કલેક્ટર અને જિલ્લા મેજિસ્ટ્રેટની કચેરી,
જીલ્લા સેવા સદન, ધરમપુર લાલપુર રોડ,
જામ ખંભાળીયા,
જી.દેવભૂમિ દ્વારકા..... જાણ અર્થે.
- (૨) માનનીય સભ્ય સચિવશ્રી, ખાસ ધ્યાનાર્થે:- શ્રી એ.જી.રાઠોડ (યુનિટ હેડ- જામનગર)
ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ,
પર્યાવરણ ભવન, સેક્ટર નં.૧૦ એ,
ગાંધીનગર..... જાણ અર્થે.

1705
TRANSLATION COPY

[GPCB Logo]

GUJARAT POLLUTION CONTROL BOARD

25/A

IS/ISO 9001: 2008 and IS/ISO: 14001: 2004 Certified Organization

REGIONAL OFFICE

Sardar Patel Bhavan, Rameshwar Nagar, JAMNAGAR - 361008.

Ph. (0288) 2752366, E-mail: ro-gpcb-jamn@gujarat.gov.in

website: www.gpcb.gujarat.gov.in

No. GPCB/RO-JAM/T-266(1)/7267

Date: 25/11/2025

Reminder - 1

To,

The Executive Engineer,

Roads and Buildings Department (State),

District Seva Sadan, Second Floor, Lalpur Bypass Road,

At: Khambhalia, Dist: Devbhumi Dwarka

Subject:

Regarding the work of Soil Remediation in the matter of the department against M/s R.S.P.L. in Special Civil Application No. 6970/2023 of Shri Balubha Pabubha Ker in the Hon'ble High Court.

Reference:

1. GPCB-Gandhinagar's office order; Letter No. GPCB/CCA-JMN-1071/(10)/808647, Dated: 15/04/2024
2. Letter No. TC/461 dated 12/05/2025 from the Executive Engineer, Roads and Buildings Department (State), Devbhumi Dwarka
3. Minutes of the meeting of the Soil Remediation and District Compensation Committee, Devbhumi Dwarka held on 07/07/2025
4. This office's letter No. GPCB/RO-JAM/T-266(1)/7206, dated 08/10/2025
5. This office's e-mail dated 17/11/2025.

Respected Sir,

With reference to the above subject, it is to inform that as per the order of the Hon'ble High Court dated 08/08/2024, the work of soil remediation is to be carried out at S.No. 540 and S.No. 606. For which, the said soil remediation work has been assigned to 'M/s. Sneh Construction' through the order of reference (2) dated 05/05/2025.

Furthermore, during the meeting of the Soil Remediation and District Compensation Committee, Devbhumi Dwarka held on 07/07/2025, the committee's mentor and the District Collector, Devbhumi Dwarka, have instructed to complete the said soil remediation work expeditiously within one month after the rainy season.

Considering the above facts, so that the soil remediation work can start immediately after the rain stops, and for making advance arrangements for the same, and so that the soil remediation work can begin promptly after the rain stops.

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TRANSLATION COPY

25/B

Also, the necessary royalty procedures are completed by the contractor or by you. You have been requested to ensure the same through the letter of reference (4) dated 08/10/2025 and the e-mail of reference (5) dated 17/11/2025.

Therefore, as the rainy season has now ended, you are requested to complete the soil remediation work at the earliest, so that a report on the work done can be submitted to the Hon'ble High Court at the next hearing date.

With thanks,

For and on behalf of the

Gujarat Pollution Control Board

[Handwritten signature]

(G.B. Bhatt)

Regional Officer

Copy with compliments to:

To,

1. Hon'ble District Collector, Collector and District Magistrate's Office, District Seva Sadan, Dharampur Lalpur Road, Jam Khambhalia, Dist. Devbhumi Dwarka..... For information.
2. Hon'ble Member Secretary, Special Attention:- Shri A. J. Rathod (Unit Head-Jamnagar) Gujarat Pollution Control Board, Paryavaran Bhavan, Sector No.10 A, Gandhinagar..... For information.

બાલુભા પબુભા કેર
ઉ.વ. ૪૨, વ્યવસાય : ખેતી, ધર્મ : હિન્દુ
રે. ગામ : કુરંગા, તા. દ્વારકા,
જી. દેવભુમી દ્વારકા.

પ્રતિ,
મા. અધિકારીશ્રી,
પોલ્યુશન કંટ્રોલ બોર્ડ,
જામનગર.

બાબત :- કુરંગા સ્થિત આર.એસ.પી.એલ. કંપની દ્વારા કંપનીમાંથી બહાર નીકળતું કેમીકલ યુક્ત જેરી પાણી અમારી માલિકીની જમીનમાં છોડી, અમારી જમીનો ની ફળદ્રુપતાનો નાશ કરેલ હોય, કંપની સામે કાર્યવાહી કરવા બાબત.

અમો અરજદારની માન સાથ નમ્ર અરજ કે,

અમો અરજદારની સ્વતંત્ર માલિકી, કબજા, ભોગવટાની ખેતીની જમીન દેવભુમી દ્વારકા જીલ્લાના દ્વારકા તાલુકાના ગામ : કુરંગા ખાતે રે.સ.નં. ૫૪૦ તથા અન્ય જમીનો આવેલ છે. અમારી માલિકીની ખેતીની જમીનની બાજુમાંથી આર.એસ.પી.એલ. કંપની માં ઉપયોગમાં લેવાતું દરીયાનું પાણી કે જે પાણી ઉપયોગ થયા બાદ કેમીકલ યુક્ત અને ખુબજ ગરમ અને કેમીકલની દુરગંધ મારતું પાણીનો નીકાલ ની મોટી કેનાલ આવેલી છે. આ કેનાલથી આ કેમીકલ યુક્ત અને ગરમ દુરગંધ યુક્ત પાણી દરીયામાં ઠાલવવામાં આવે છે. તા. ૨૭-૧૧-૨૦૨૫ ના રોજ કંપની દ્વારા ભયંકર બેદરકારી કરી અને ઈરાદા પુર્વક અમારી જમીનો પચાવી પાડવા અને અમો આ જમીનો કંપનીને વેચવા માટે મજબુર થાયે તે સંદર્ભે માનસીક ત્રાસ આપવા દરીયામાંથી વિશાળ પાઈપલાઈન મારફત કંપનીમાં આવતા પાણી ને પ્રોસેસ કરી કેમીકલયુક્ત, ગરમ અને દુરગંધ યુક્ત પાણી કેનાલ મારફત તથા પાઈપલાઈન મારફત ઈરાદા પુર્વક અમો અરજદારની જમીનમાં ઠાલવેલ છે. કંપનીના ઈરાદા પુર્વકના આવા કૃત્યના કારણે અમારી જમીનોમાં કંપની દ્વારા ઉપયોગમાં લેવાયાબાદ બહાર કાઢવાનું આ કેમીકલ યુક્ત, ગરમ અને દુરગંધ મારતું પાણીથી અમારી જમીનો છલોછલ ભરાઈ ગયેલ. કંપનીના આવા ગેરકાયદેસરના કૃત્યથી અમારી જમીનોની ફળદ્રુપતા ખતમ થવાના આરે છે. અમારી જમીનોમાં કેમીકલનું પ્રમાણ ખુબ માત્રામાં વધી ગયેલ છે. કંપનીના આવા ઈ-લીગલ અને ગેરકાયદેસરના કૃત્યના કારણે અમો ખેડુત પરિવારની આજીવીકા ખતમ થવાના આરે છે. અમો આપ સાહેબશ્રીને વીનંતી કરીયે છીએ કે,

કંપનીના ગેરકાયદેસરના અને ઈ-લીગલ કૃત્યના કારણે અમારી જમીનોની ફળદ્રુપતા ખતમ થવાના આરે છે તથા જમીનોને નુકશાન થયેલ હોય, જે સંદર્ભે આર. એસ.પી.એલ. કંપની સામે તાત્કાલીક કાર્યવાહી કરી તેમની આ કેમીકલયુક્ત, ગરમ અને દુરગંધ યુક્ત પાણી નીકાલની ખુલ્લી કેનાલ તથા પાઈપલાઈન મારફત અમો અરજદારની જમીનમાં ઠાલવાતું પાણી તાત્કાલીક અસરથી બંધ કરાવી જવાબદારો સામે પગલા લેવા વીનંતી છે. આ સાથે તા. ૨૭-૧૧-૨૦૨૫ ના ફોટોગ્રાફ્સ રજુ છે.

તા. ૨૭-૧૧-૨૦૨૫

દ્વારકા.

બાલુભા પબુભા કેર

બાલુભા પબુભા કેર

નકલ રવાના :-

૧. મા. ચેરમેનશ્રી, પોલ્યુશન કંટ્રોલ બોર્ડ ભારત સરકાર ન્યુદિલ્હી.
૨. મા. ચેરમેનશ્રી, પોલ્યુશન કંટ્રોલ બોર્ડ ગુજરાત રાજ્ય ગાંધીનગર.
૩. મા. મુખ્ય મંત્રીશ્રી ગુજરાત રાજ્ય, ગાંધીનગર.
૪. મા. મંત્રીશ્રી કૃષિ વીભાગ, ગુજરાત રાજ્ય, ગાંધીનગર.
૫. મા. કલેક્ટરશ્રી, દેવભુમી દ્વારકા જીલ્લો.
૬. મા. પ્રાંત અધિકારીશ્રી, દેવભુમી દ્વારકા.
૭. મા. મામલતદાર સાહેબશ્રી, દ્વારકા.

1708
TRANSLATION COPY

Age: 42, Occupation: Farming, Religion: Hindu

Resident of: Village: Kuranga, Taluka: Dwarka,

District: Devbhumi Dwarka.

To,

The Hon. Officer,

Pollution Control Board,

Jamnagar.

Subject: Regarding action against R.S.P.L. Company located at Kuranga for releasing chemical-laden toxic water from the company into our owned land, thereby destroying the fertility of our lands.

We, the applicants, humbly state that,

We, the applicants, have agricultural land under our independent ownership, possession, and enjoyment at Survey No. 540 and other lands in the village of Kuranga, Dwarka taluka, Devbhumi Dwarka district. Adjacent to our owned agricultural land, there is a large canal for the disposal of seawater used by R.S.P.L. Company, which after use becomes chemical-laden, very hot, and emits a chemical odour. This chemical-laden, hot, and foul-smelling water is discharged into the sea through this canal. On 27-11-2025, the company, with gross negligence and malafide intention to grab our lands and to compel us to sell these lands to the company, and to cause mental anguish, deliberately discharged the water coming into the company through a large pipeline from the sea, after processing it into chemical-laden, hot, and foul-smelling water, into our, the applicants', land through the canal and pipeline. Due to this intentional act of the company, our lands have been flooded with this chemical-laden, hot, and foul-smelling water discharged after use by the company. Due to this illegal act of the company, the fertility of our lands is on the verge of being destroyed. The amount of chemicals in our lands has increased tremendously. Due to such illegal and unlawful acts of the company, the livelihood of our farming family is on the verge of being destroyed. We request your honorable self that,

Due to the illegal and unlawful acts of the company, the fertility of our lands is on the verge of being destroyed and the lands have been damaged. In this regard, we request you to take immediate action against R.S.P.L. Company and to stop the discharge of this chemical-laden, hot, and foul-smelling water into our, the applicants', land through the open canal and pipeline, with immediate effect, and to take action against those responsible. Photographs dated 27-11-2025 are submitted herewith.

Date: 27-11-2025

Dwarka.

Balubha Pabubha Ker

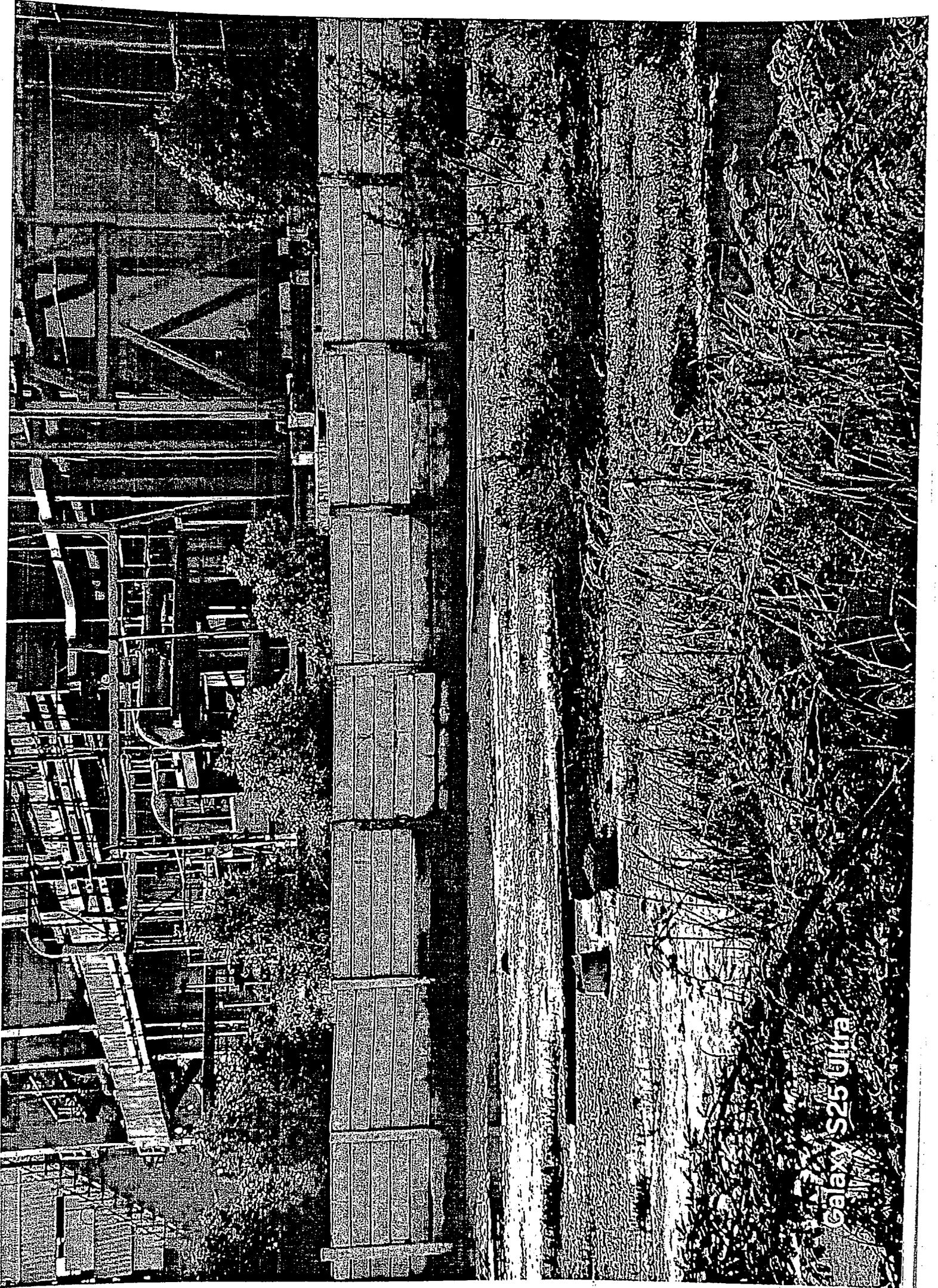
Balubha Pabubha Ker

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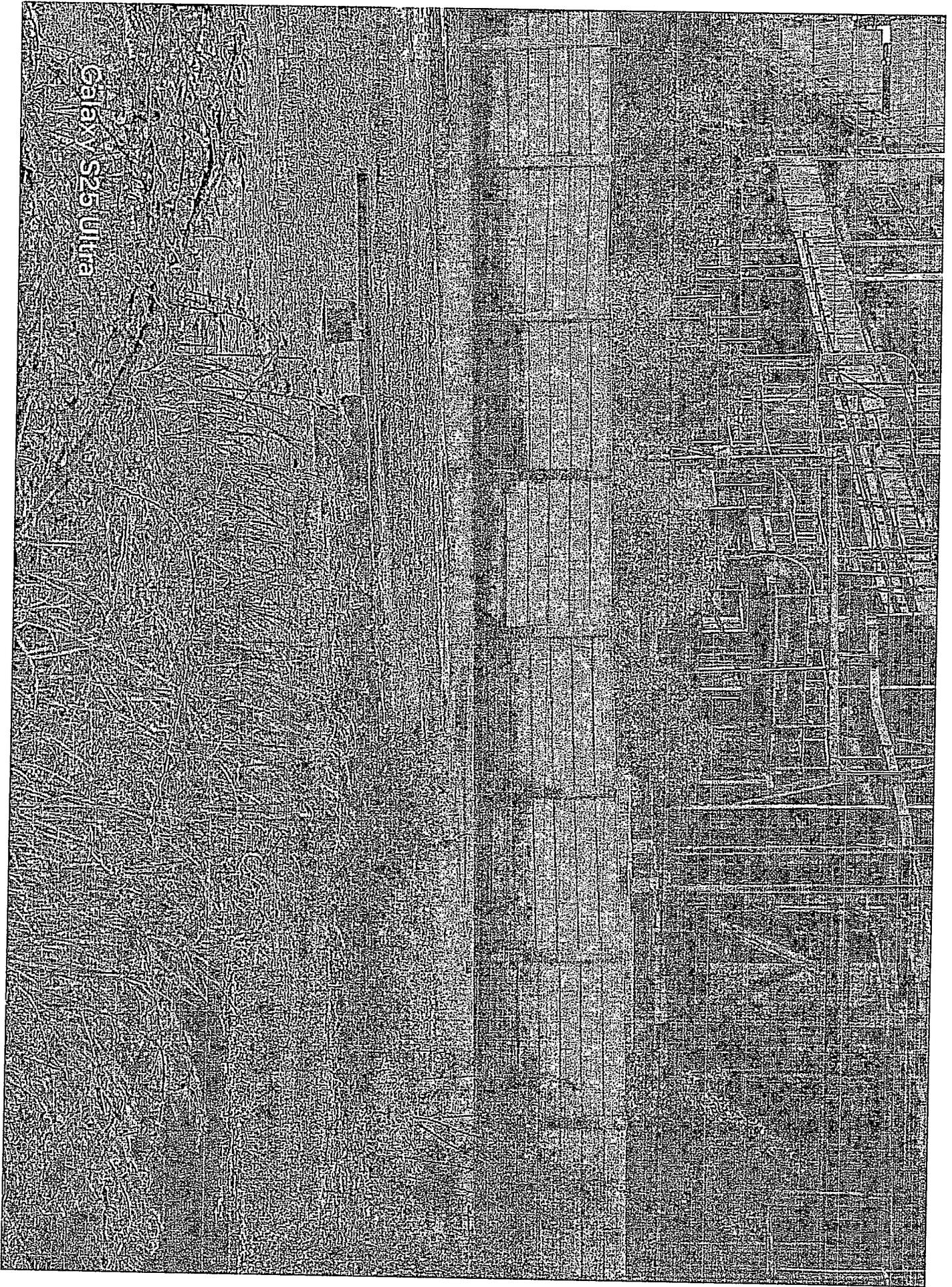
1. Hon. Chairman, Pollution Control Board, Government of India, New Delhi.
2. Hon. Chairman, Pollution Control Board, State of Gujarat, Gandhinagar.
3. Hon. Chief Minister, State of Gujarat, Gandhinagar.
4. Hon. Minister, Agriculture Department, State of Gujarat, Gandhinagar.
5. Hon. Collector, Devbhumi Dwarka District.
6. Hon. Provincial Officer, Devbhumi Dwarka.
7. Hon. Mamlatdar Sir, Dwarka.

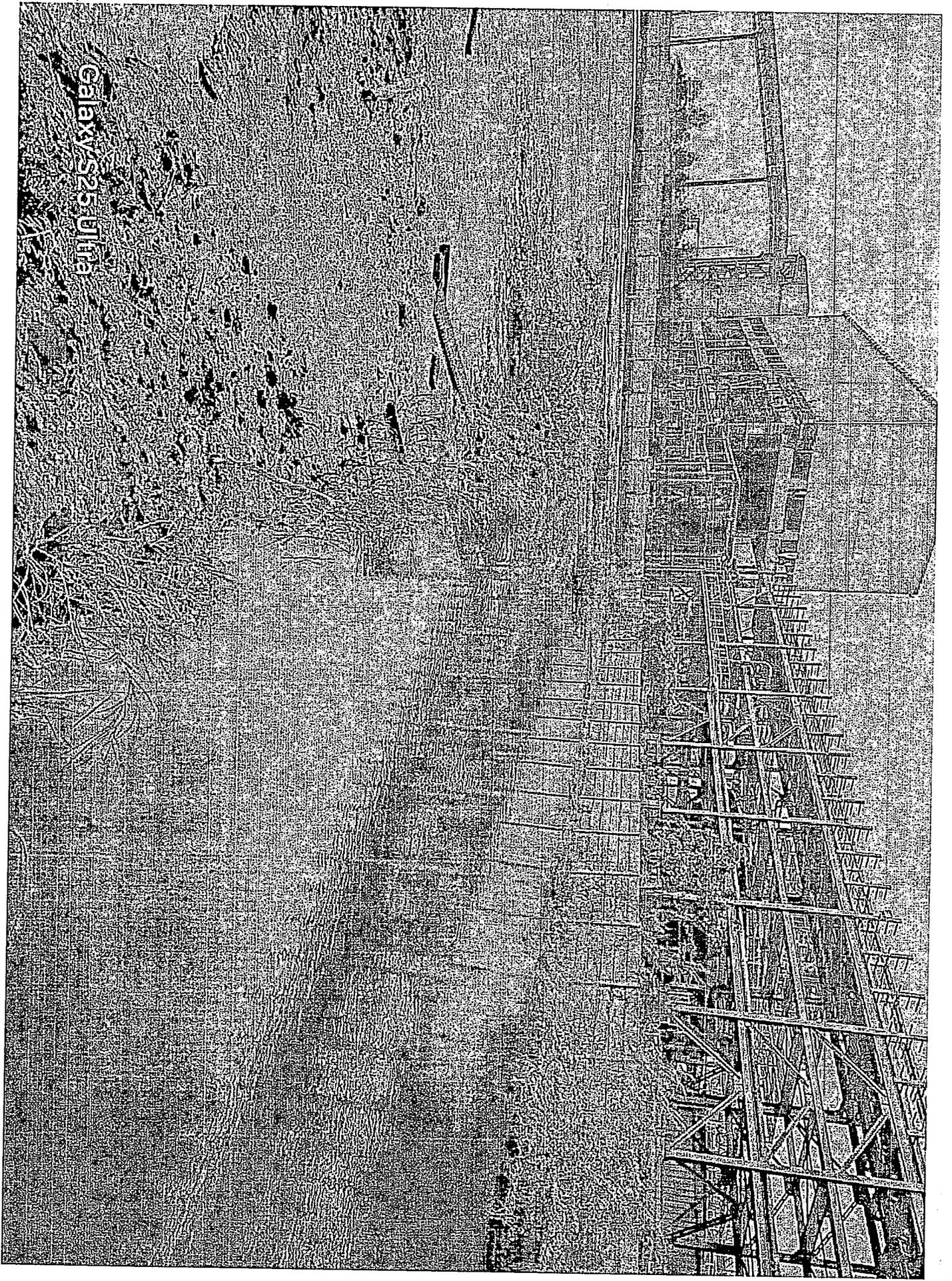
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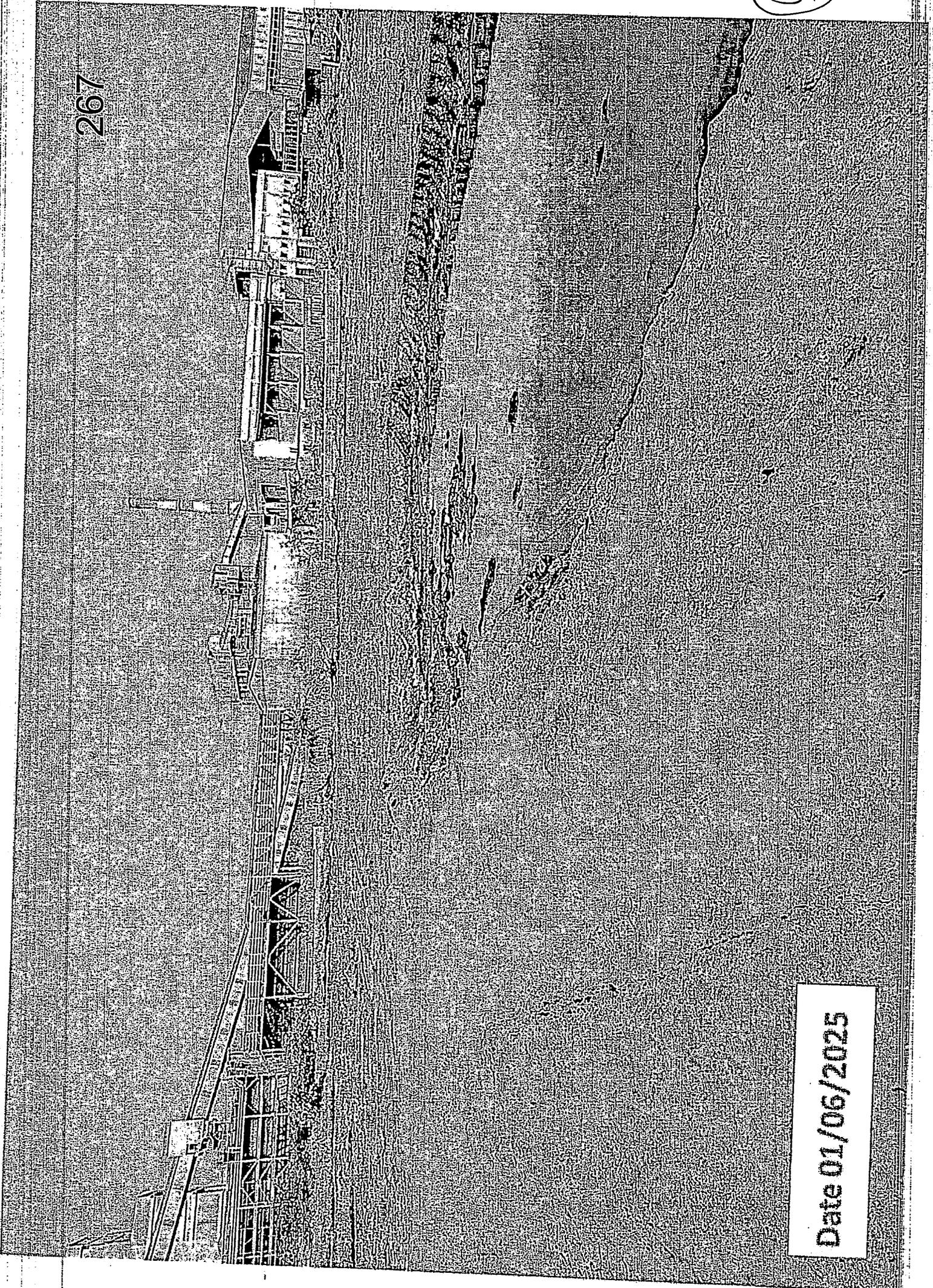


Galaxy S25 Ultra





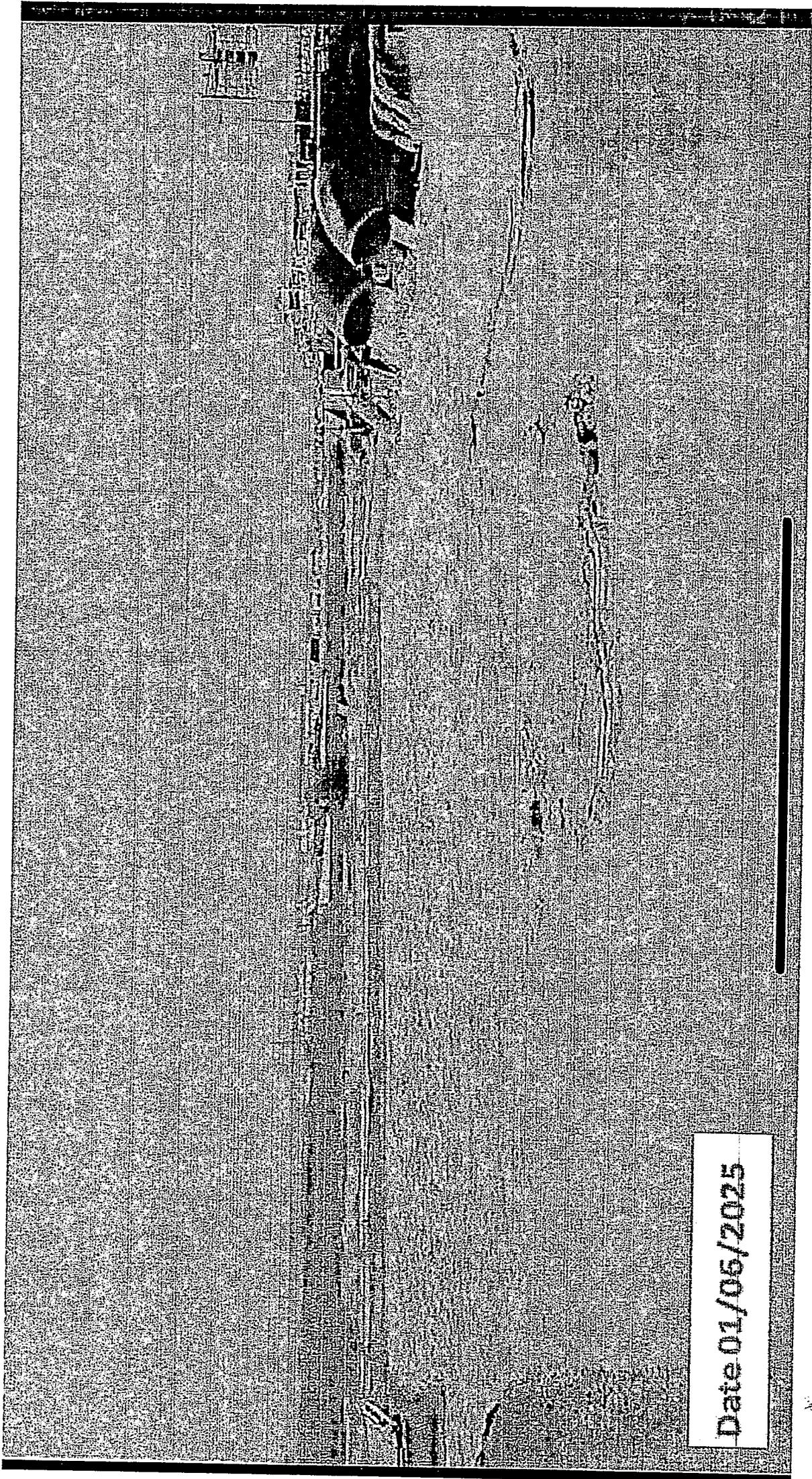
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Date 01/06/2025

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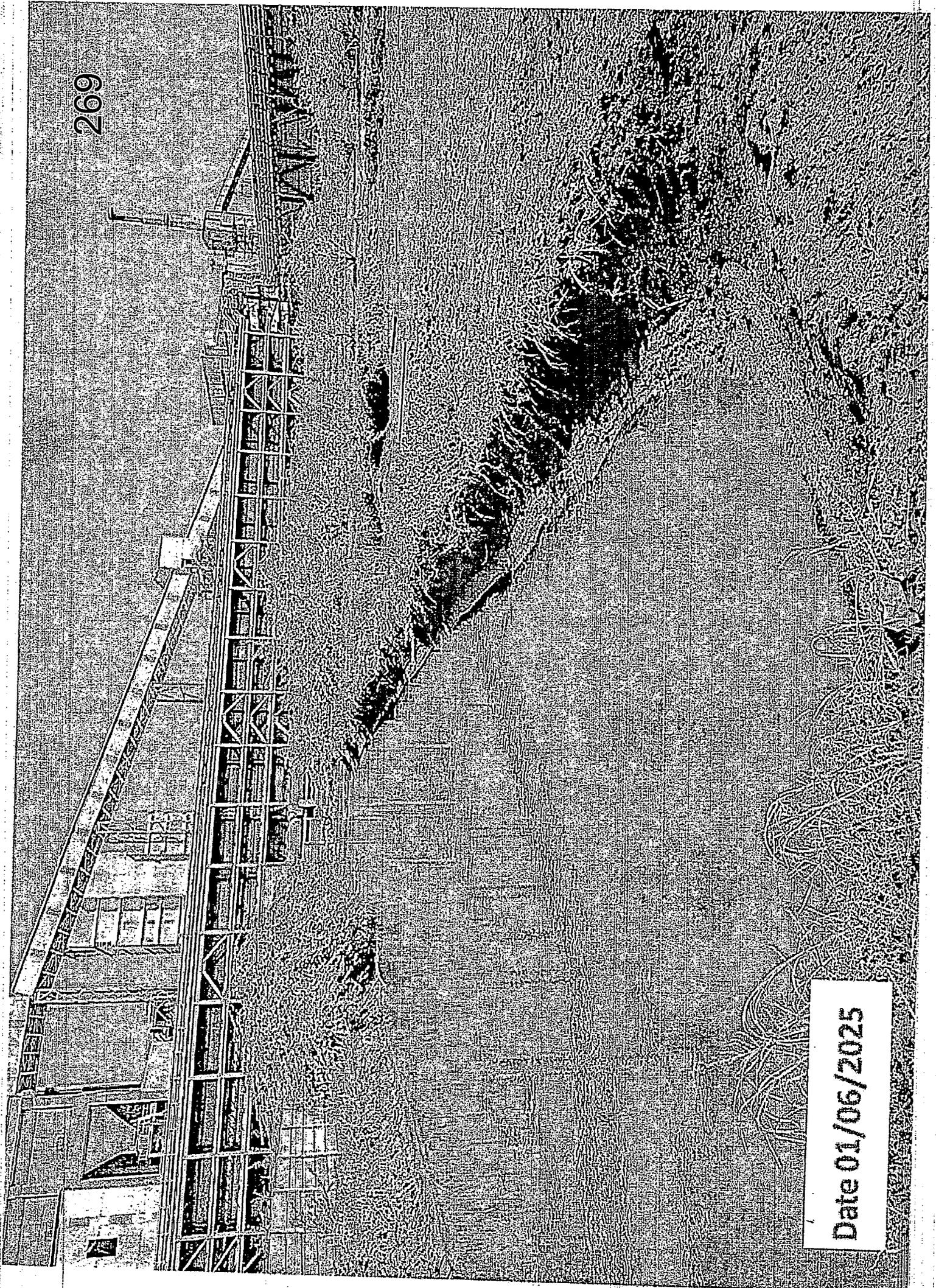
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Date 01/06/2025

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Date 01/06/2025

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Date 01/06/2025

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