

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 520 OF 2025 (WZ)

IN THE MATTER OF:

SURESHBHAI JAYANTIBHAI PATEL
(PROPRIETOR OF JAY AMBE MINING AND MINERALS)
APPELLANT

VERSUS

STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, GUJARAT

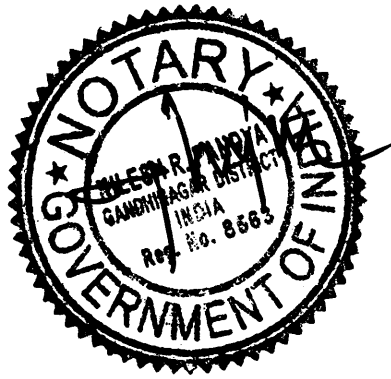
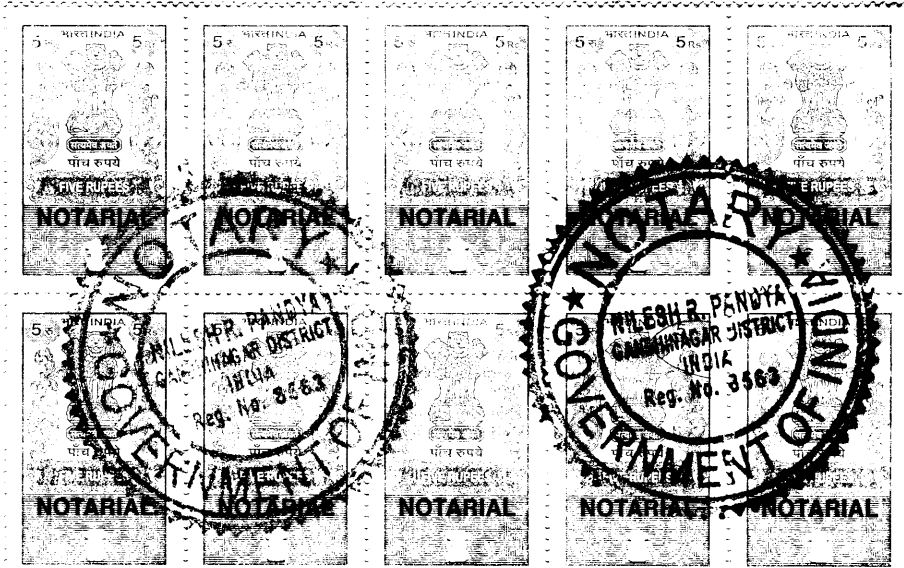
... RESPONDENT

**FURTHER REPORT ON BEHALF OF STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY**

I, Prakash Solanki, adult, having my office at Paryavaran Bhavan, Sector 10A, Gandhinagar 382 010 in the State of Gujarat, do hereby solemnly affirm and state on oath as under:

1. I am presently serving as Member Secretary, Gujarat State Environment Impact Assessment Authority - the respondent no. 1 in the present appeal. I am authorized to swear the present report being filed by way of an affidavit on behalf of the Gujarat State Environment Impact Assessment Authority and am otherwise competent to make the present affidavit.
2. State Environment Impact Assessment Authority (SEIAA / respondent authority) had reappraised the Environment Clearance, bearing No. DEIAA/BANASKANTHA/EC/1(a)/B2/2016/17/9884 dated 18.08.2017, granted by District Environment Impact Assessment Authority (DEIAA), Banaskantha to the appellant in terms of the directions issued by this Hon'ble Tribunal in its order dated 7.12.2022 passed in Original

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NOTARY
GOVT. OF INDIA
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Application No. 142 of 2022 [Jayant Kumar vs. Ministry of Environment, Forest and Climate Change] and in light of the check points contained in the Office Memorandum dated 28.04.2023 issued by the Ministry of Environment, Forest and Climate Change, Government of India. SEIAA found that the mining area falls within the buffer zone of the Balaram-Ambaji Wildlife Sanctuary, notified by notification dated 8.11.2021.

3. The notification issued by the Central Government dated 8.11.2021 notifying the eco-sensitive zone around the boundary of Balaram-Ambaji Wildlife Sanctuary gives the boundary description and enlists the prohibited and regulated activities within the eco-sensitive zone. Commercial mining is included in the list of prohibited activities, with a declaration contained in the notification that "all new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses within Eco-sensitive Zone".



Initially the appellant had contended that SEIAA at the time of performing appraisal or reappraisal of the environmental clearance granted by DEIAA should not look into any material which has come into existence subsequent to the date of grant of environmental clearance by DEIAA. A reply has been filed on behalf of SEIAA contesting such submission, and submitting that all subsequent developments which concern ecology and are aimed at protecting the environment can be legitimately looked in at the time of appraisal by SEIAA.

5. Later, the appellants have submitted that the latitude and longitude of the mining area mentioned in the District Survey Report prepared by the District Geologist and considered by SEIAA at the time of appraising the environmental clearance granted to the appellant by DEIAA are not correct and do not give a true description of the exact location of the area of land leased by the State Government for carrying out mining activity, and have requested for fresh reappraisal of the cases basis the correct geographical location of the mining area.

Bz

6. The appellant has filed an affidavit placing on record of the present proceeding material showing errors in the geographical positioning of the mining area. An attempt is made to demonstrate that there is variance in the correct geographical coordinates of the leased area within which it is conducting mining, and the latitudes and longitudes mentioned in the District Survey Report while describing its lease area. A google image of defined areas markedly different when plotted on terrestrial maps / cadastral maps by feeding the geographical coordinates as stated in the mining plan and application for reappraisal vis-a-vis the coordinates stated in the District Survey Report has also been appended to the additional affidavit filed in the present proceeding. On the strength of this pictorial material, it is contended that the conclusion drawn by SEIAA that the mining area falls within the buffer zone is erroneous as such conclusion is based on incorrect geographical location or positioning of the mining area.
7. It is respectfully submitted that there is no discrepancy in the Global Positioning Coordinates appearing in the .kml file of the leased area uploaded by the appellant in the Parivesh Portal at the time of making an application for reappraisal of the environmental clearance granted to it by DEIAA and the locational coordinates of the lease area as mentioned in the District Survey Report. The only discrepancy, if any, exists in the description of coordinates in the mining plan and those mentioned in the Parivesh Portal; however, the same would not be of any relevance as the appellant itself has recognized the correct geographical location of its mining area and uploaded .kml file with coordinates of the lease area on the Parivesh Portal as are identical to the ones reflecting in the District Survey Report.
8. As regards the alternative submission of the appellant about division of the lease area, it is submitted that the lease of land has been granted by the State Government. SEIAA has no say in the grant of lease or the area of lease to be granted by the State Government. SEIAA is only concerned with permissibility of mining in the said area, and that too from the stand point of environmental protection. The regulatory authority has no objection to the appellant making a suitable fresh application to the State Government for reduction of the lease area, if permissible in law,



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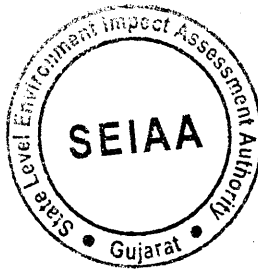
and the appellant then making an application for grant of environmental clearance for the reduced lease area. As and when such application is made by the appellant, the same shall be considered in accordance with law.

[Handwritten Signature]

DEPONENT

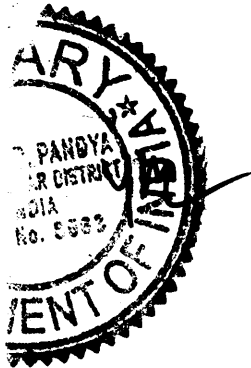
VERIFICATION

Verified at Gandhinagar on this 08th day of June, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and information derived from records, that nothing stated therein is false and that nothing material has been concealed therefrom.



[Handwritten Signature]

DEPONENT



**SOLEMNLY AFFIRMED
BEFORE ME**

[Handwritten Signature]
NILESH R. PANDYA

NOTARY
GOVT. OF INDIA

- 8 JUN 2026



IDENTIFIED BY ME

~~ADVOCATE~~/PERSON
NAME:
ADD. *G. Nagar*
DATE: ^.....

- 8 JUN 2026

