

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 519 OF 2025 (WZ)

BOOK NO. 01
PAGE NO. 87
SR. NO. 325
DATE 02/04/2025


NILESH R. PANDYA
NOTARY
GOVT. OF INDIA
= 7 APR 2026

IN THE MATTER OF:

DINESHBHAI NARSANGBHAI CHAUDHARY
(POWER OF ATTORNEY HOLDER OF AMIT R DESAI) ... APPELLANT

VERSUS

STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, GUJARAT ... RESPONDENT

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

I, Dipali Tank, 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. The appeal has been filed challenging the decision of State Environment Impact Assessment Authority in not approving the application made by the appellant- project proponent for reappraisal of the environment clearance previously granted by the District Environment Impact Assessment Authority. The primary ground for rejection was that the mining lease area falls within a distance of 200 meters of public road and thus offends the distance criteria fixed by the regulatory authority.





Pending the appeal, the appellant has filed a further affidavit pointing out that the location of the mining lease considered by the regulatory authority at the time of reappraising the previously granted environmental clearance is erroneous in as much as the global positioning locational coordinates of the mining area as described in the District Survey report are different from the actual locational coordinates of the area leased to the appellant for performing mining activities by the state government.

3. I am filing this affidavit placing on record the stand of the regulatory authority to the specific submission made by the appellant on the aspect of incorrect description of the exact location of the area of land leased for carrying out mining activity in the District Survey Report prepared by the District Geologist, and request for fresh reappraisal of the cases basis the correct geographical location of the mining area.

4. 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 application of proximity criteria by the regulatory authority, even if the distance parameter of 200/100 meters is accepted as applicable and reasonable, returns erroneous results because of the mismatch in the geographical positioning or the location of the mining area.



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5. I state that the Notification dated 15.01.2016 and 25.07.2018 issued by the Ministry of Environment, Forest and Climate Change, Government of India prescribes for constitution of a Sub-Divisional Committee comprising Sub-Divisional Magistrate and Officers from Irrigation Department, State Pollution Control Board, Forest Department and Geology or Mining Department, and provides for the Sub-Committee to visit each site for which environment clearance has been applied and make recommendation on suitability of site for mining or prohibition thereof. Further, the Government Resolutions provide for preparation of Draft Survey Report for minor minerals by the Office of the District Geologist. In terms of the Office Memorandums, the Survey Report for each district has been prepared by the Office of the District Geologist. This report identifies areas of mineral deposits, enlists the existing mining leases in the district and delineates the areas where mining is allowed and/or prohibited. In every case, the District Geologist has submitted a certificate along with the report certifying that the Survey Report has been prepared in accordance with the prescribed procedure and that "information (lease details, cluster details, LOI details, etc.) furnished in the District Survey Report is true and correct to the best of our knowledge". The DSR also states that, "the report is prepared as per Appendix- 10, Para 7 of MoEF GoI notification S.O. 141 dated 15th January 2016 and subsequent MoEF notification dated 25th July 2018".



6. The regulatory authority has relied upon the District Survey Report. The regulatory authority is justified in placing reliance upon the District Survey Report, more so in light of the decisions of the Hon'ble Supreme Court holding that the District Survey Reports are of seminal importance. Under the circumstances, no fault can be found with the action of the regulatory authority in placing reliance on the District Survey Report and basing its decision on the information contained in the District Survey Report.
7. Without prejudice, it is submitted on behalf of the regulatory authority that if the contention of the appellant that there is discrepancy in the description of their mining area in the District Survey Report and that

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such variation has resulted in erroneous plotting of the mining area on the map and brought about a wrong spatial location of the mining area is found acceptable by this Hon'ble Tribunal, the regulatory authority does not have the authority in law to review and revise its own decision.

8. Nevertheless, the Hon'ble Tribunal may if it deems appropriate in the facts and circumstances of the case pass an appropriate order directing the Office of the District Geologist to again visit the mining area of appellant and earmark the exact location of the mining area. If need be, the District Geologist may first get the exact mining area demarcated by the District Inspector of Land Record and then record the coordinates of the identified area. Thereafter, the District Geologist may make suitable corrections, if so required, in the locational description of the mining areas. Post completion of this exercise by the District Geologist and basis the findings reported by the District Geologist, the regulatory authority shall reappraise the environmental clearance granted to the appellant(s) by the District Environment Impact Assessment Authority and grant or refusal approval.

9. The regulatory authority assures to abide by the order of this Hon'ble Tribunal.

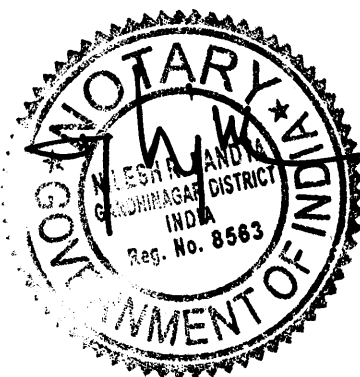


Dipali Tamb
DEPONENT

VERIFICATION

Verified at Gandhinagar on this 07th day of April, 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.

Dipali Tamb
DEPONENT



IDENTIFIED BY ME SOLEMNLY AFFIRMED BEFORE ME

ADVOCATE/PERSON NAME: Dipali Tamb NILES R. PANDYA
ADD.: Gandhinagar NOTARY
DATE: 07/04/26 GOVT. OF INDIA
- 7 APR 2026 - 7 APR 2026

