

NGT (WEST ZONE) AT PUNE

I.A. NO. 231 OF 2025

IN

ORIG. APPLICATION NO. 202 OF 2024 (WZ)

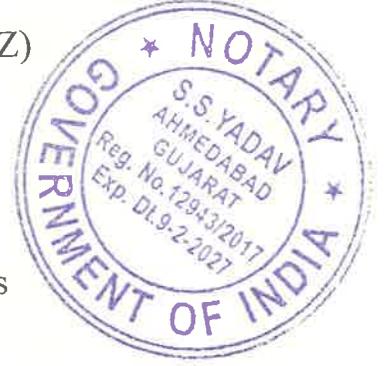
Janaksinh Khushalsinh Parmar

... Applicant

Vs

MOEF & CC through Secretary & Ors.

... Respondents



**INTERIM AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT
NO(S).5 AND 6**

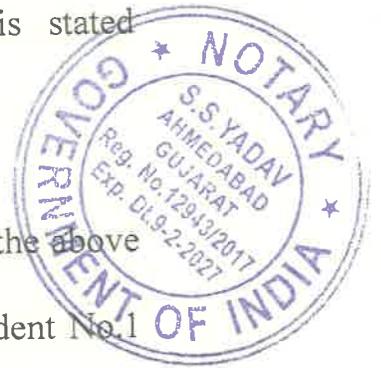
I, Rupesh Balwantbhai Brahmhatt, son of late Balwantbhai aged about 53 years, the Authorised Signatory of Respondent Nos. 5 and 6 Companies, having their Registered Office at B Safal House, Behind Mirch Masala Restaurant, Pakwan Cross Road, S.G. Highway, Ahmedabad, Gujarat-380054, do hereby solemnly and sincerely affirm and state as follows:

1. I have perused the copy of above Interim Application for Interim Stay dated 7th July, 2025 ("above Interim Application") and I am conversant with the facts and circumstances of the case and I am competent and authorised to file this Affidavit in Reply to the above Interim Application on behalf of Respondent Nos. 5 and 6 ("Respondents").
2. At the very outset, I repeat, reiterate and confirm all the statements, averments and submissions made in my Affidavit in Reply to the above O.A. dated 3rd February, 2025 ("Affidavit in Reply") and deny all that is contrary to or inconsistent therewith in the above Interim Application. I say that unless admitted specifically nothing contained in the above Interim Application be deemed to be admitted or

Rupesh

accepted by the Respondents and the same may be deemed to be denied in seriatim. I say that the rest of the Affidavit in Reply is preliminary in nature and without prejudice to what is stated hereinabove and to each other.

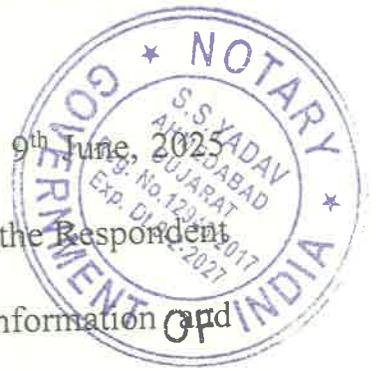
3. At the further outset, I say that the Applicant has taken out the above Interim Application based on Counter Affidavit of Respondent No.1 dated 25th June, 2025 which in turn refers to email dated 9th June, 2025 and the Inspection Report (for the sake of convenience referred to as "Inspection Report dated 9th June, 2025") annexed as Annexure R-2 thereto. I say that it is material to note that the said Inspection Report refers to various purported deviations from the EC Conditions by the Respondents and instructions given during the site visit conducted on 15th May, 2025 to the Respondents as the Project Proponent to submit various documents to Gujarat Pollution Control Board (Respondent No.3) as has been acknowledged in the Interim Application filed by the Applicant itself in para 12. I say that the matter is thus pending for the reply and compliance by the Respondents and it is premature for the Applicant to take out the above Application based on the said Inspection Report and presuming that there are deviations of the EC by the Respondents as alleged by the Applicant or at all. Therefore, the entire basis of the Interim Application, as can be seen from para 4 that "*the said inspection report confirms the core allegations made in the Original Application...*", para 5 that "*the said inspection report confirms large-scale violation of the Environmental Clearance conditions...*" and para 6, that "*the Inspection Report conclusively establishes grave*



Reply

violation of EC conditions..." is entirely misconceived, mischievous and erroneous.

4. The observations made in the Inspection Report dated 9th June, 2025 are subject to evaluation that is yet to be conducted by the Respondent No.1 and Respondent No.3 of the clarifications, information and documents that have been instructed to be supplied by the Respondents herein. Conclusive findings on the possible deviations to EC conditions are yet to be issued by the Respondent No.1 and Respondent No.3 as the process of submission of information/clarifications/documents by the Respondents and its evaluation by Respondent No.1 and Respondent No.3 is still ongoing. Thus, these allegations are also apart from being incorrect and false, are premature and not supported by any factual, technical or legal basis as can be seen from the Reply given hereinafter by the Respondents. The matter relating to inspection and the points raised therein is pending before the Respondent Nos. 1 and 3 and hence the said Inspection Report cannot be basis for filing any Interim Application for stay before this Hon'ble Tribunal. I say that the above Interim Application is premature, misconceived and not maintainable.
5. In any event, Respondent Nos. 5 and 6 are in the process of responding to/corresponding with the Respondent No.1 and Respondent No.3 in response to the Inspection Report. Accordingly, Respondent Nos.5 and 6 reserve their right to file a further/additional affidavit in the matter to place on record the additional information/documents in support of their submissions. Further the present interim reply is not dealing with particular paragraphs of the



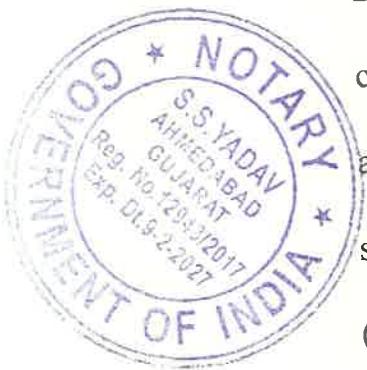
Prakash

Interim Application, however, the same shall not be construed as an admission of any allegations on behalf of Respondents.

Subject to the above, Respondents in the interim state as under:

- (i) There is no deviation or breach of the EC by the Respondents and the allegations made by the Applicant are misconceived and not maintainable and liable to be rejected with cost.
- (ii) The allegations that Respondents commenced large scale construction activity prior to grant of Environmental Clearance (EC) and thereby violated fundamental regulatory safeguards under the EIA Notification 2006 are factually incorrect and false.
- (iii) I say that EIA Notification dated 14th September, 2006 provides for an exception to do work for "securing the land".
- (iv) I say that prior to receipt of EC on 31st May, 2024, the Respondents solely carried out work of strengthening the soil and **securing the Subject Plot**.
- (v) I say that the Development Permission / Raja Chitthi dated 15th December, 2023 under the Condition No. 6 permits construction upto plinth level subject to the submission of EC and NOC before proceeding further. I say that the Respondents successfully obtained both the EC and Consent to Establish (CTE) from Gujarat Pollution Control Board, the process of which involves site inspection by the Authority before a recommendation is given by Respondent No.3 for grant of CTE and is proof that Respondents were always in compliance with applicable norms.

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- (vi) I say that thus from October, 2023 till obtaining of EC on 31st May, 2024 the Respondents carried out all the works of securing the land/Subject Plot.
- (vii) I say and submit that it is a settled position in law that construction activity upto 20,000 sq. mtrs. of built-up area can be carried out by the Project Proponent without obtaining prior EC.
- (viii) The Respondents have not committed any EC violations and alleged violations of deliberate and continuing wrong of threatening local ground water, surface water and public health are denied. There is no volume of untreated waste water discharge which is massive and if continued will cause irreversible and environmental degradation. I say that the said allegations are patently false and unsustainable. The Respondents are in the process of submitting relevant documents to Respondent No.1 and 3.
- (ix) I deny that Respondents are carrying out any unlawful construction, water extraction and discharge and undermining purpose of environmental clearance leading to infringement of the Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986.
- (x) Further no incidence of water pollution on any account has been reported.
- (xi) Respondents are not unauthorisedly extracting ground water. I deny that any case is made out by the Applicant for sealing six submersible pumps or for restraining Respondents from

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discharging ground water as permissible under the EC held by the Respondents.

- (xii) Accordingly, the inspection report does not confirm any alleged core allegations made in the OA.
- (xiii) Original Application as well as the above Interim Application for stay are both motivated Applications and are abuse of the process of the Court.

7. In the circumstances, the above Interim Application taken out by the Applicant is misconceived, not maintainable and liable to be rejected with costs. I submit that the Original Application is also in the nature of abuse of the process of the Court and deserves to be rejected with costs. I say that balance of convenience is in favour of the Respondents and irreparable harm and injury will be caused to the Respondents if any relief is granted by this Hon'ble Tribunal to the Applicant.

Signature

RB



THROUGH RESPONDENTS 5 & 6

Advocate for Respondent Nos. 5 and 6

Place : Ahmedabad

Date : 23/09/2025

VERIFICATION

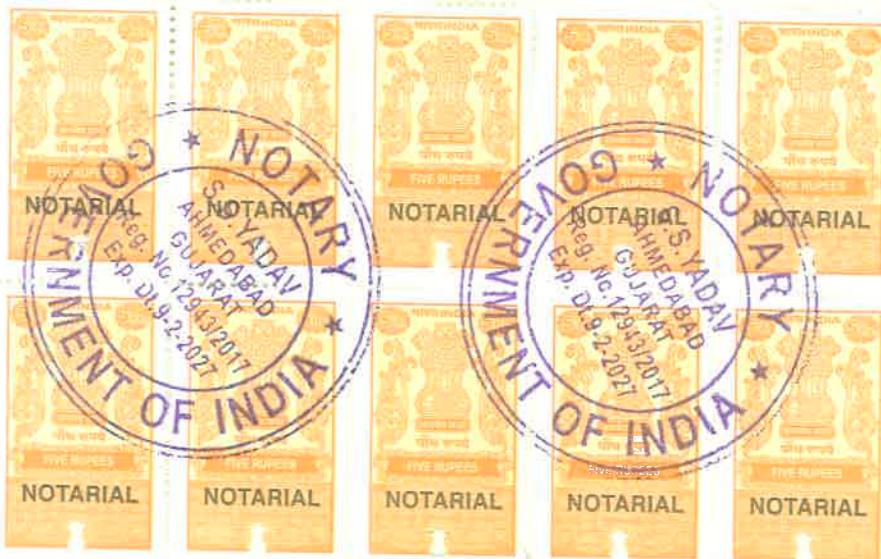
I, Rupesh Balwantbhai Brahmbhatt, son of late Balwantbhai aged about 53 years, the Authorised Signatory of Respondent Nos. 5 and 6 Companies, having their Registered Office at B Safal House, Behind Mirch Masala Restaurant, Pakwan Cross Road, S.G. Highway, Ahmedabad, Gujarat-380054 do hereby verify that the contents of the above Reply are true and I have not suppressed any material fact.

Deponent

Authorised Signatory for Respondent Nos. 5 & 6

**SOLEMNLY AFFIRMED
BEFORE ME**

**S. S. YADAV
NOTARY
GOVT. OF INDIA
23/09/2025**



Sr. No. B/172/2025

**S.S. YADAV
Notary
Govt. of India
23/09/2025**

