

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 147 OF 2023

Irfan Baloch & Ors.

...Applicants

Versus

MoEF&CC & Ors.

...Respondents

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Dt.05/06/2026

JOINT COMMITTEE REPORT

In the National Green Tribunal, West Zone Bench, Pune Honble NGT Original Application No 147/2023 (WZ) Imran Baloch & Ors vs MOEFCC & Ors

Petitioners:

1. IRFAN SHERMAMAD BLOCH
2. LAVJI LALJI AMBALIYA
3. IDRISH MEPA ZEDA
4. RAMESH VAJUBHAI PARMAR
5. KATIYA HAIDARALI AHMADBHAI

Respondents:

1. MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE
2. TRINETHRA WIND AND HYDRO POWER PVT LTD
3. RENUABLE TRINETHRA PVT LTD
4. MARUTI WIND PARK N PVT LTD
5. SECRETARY GUJARAT STATE FOREST AND ENV DEPT
6. CHIEF CONSERVATOR OF FORESTS WILD LIFE
7. SECRETARY REVENUE DEPARTMENT
8. COLLECTOR MORBI DISTRICT
9. DY CONSERVATOR OF FOREST
10. DY COLLECTOR RAJKOT ROAD WANKANER MORBI
11. MAMLATDAR WANKANER
12. KINTECH SYNERGY PVT LTD.

Basic Facts of the Area in the matter:

The Rampara (Bhojpara Vidi) was "acquired" under private Forest Acquisition Act, 1972 wide Govt. Notification No. GMKH/97/1077-62709-P dated 18-4-1973. It was further declared "under Section 4" of the Indian Forest Act 1927, wide Govt. Notification No. AKH-189-83-FLD-1683-1977/V-3/715 dated 19-4-1975. Subsequently, it was declared a "Reserved Forest" by the Govt. Notification No. AKH-189-83-FLD-1683-1977/V-3/715

dated 18-11-1983. Finally, the area was declared as a "Sanctuary" by Govt. Notification No. GVN59/88WLP/1388/2466-V2 Dated 18-11-1988 (Annexure-A).

The sanctuary spans an area of 15 square kilometers, positioned between 70°55' 54" E to 70°58'59" E longitude and 22°31' 82" N to 22°34' 88" N latitude

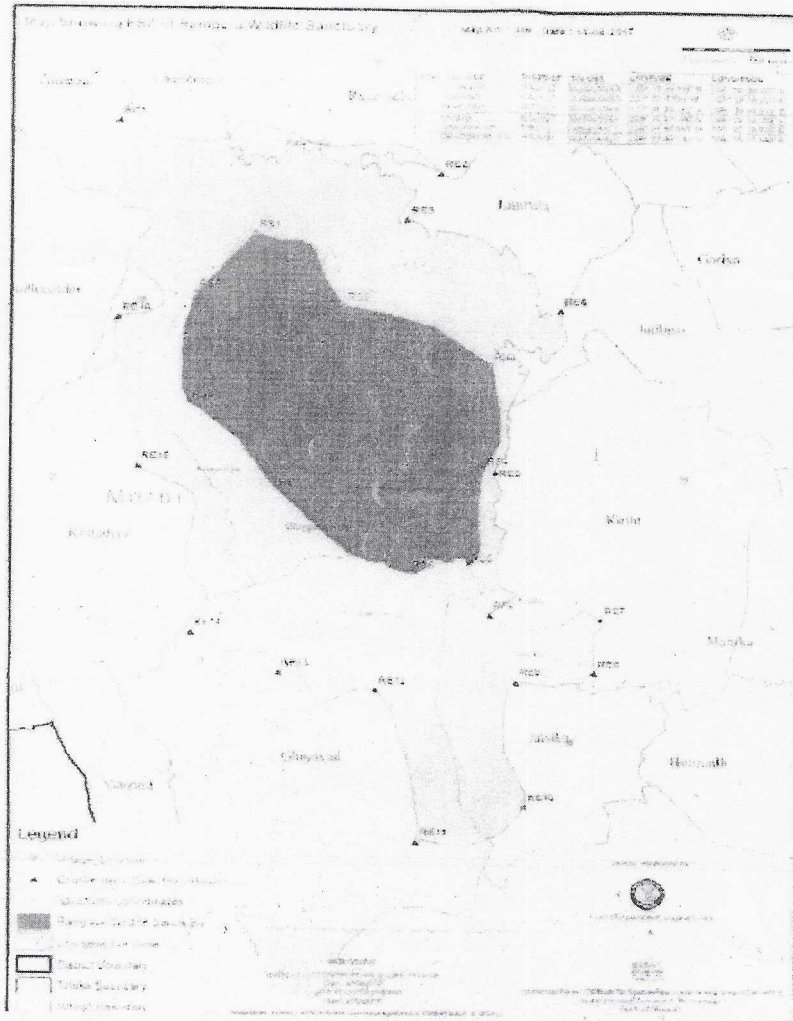
Situated in the Saurashtra region of Gujarat state, it lies approximately 42 kilometers northeast of Rajkot. Contrary to the village name, Rampara refers to the forest area and not the village itself. The sanctuary is situated within the boundaries of Vidi Bhojapara village, falling under Wankaner Taluka in Morbi District.

Located in the southeastern part of Morbi District, the sanctuary can be identified by the Ahmedabad-Rajkot broad-gauge Western Railway line to the west and the Bamanbore-Morbi-Samakhiali National Highway no. 8A to the east. To its north lies Wankaner town, while the southern boundary touches Machchhu dam.

Eco sensitive zone is a buffer zone around the sanctuary that helps to protect its wildlife and habitat. Rampara eco sensitive zone (ESZ) is located in Morbi district of Gujarat. There are 6 villages which are located within the eco sensitive zone of Rampara wildlife Sanctuary. The villages that fall within the ESZ are Ghiyavad, Jalsika, Khijadiya, Kothi, Rajavadla and Bhojpara vidi.

The ESZ was declared by the Ministry of Environment, Forests & Climate Change, GoI vide notification dated 28th December, 2017. The area of the Eco-sensitive Zone is 31.08 square Km and the minimum and maximum extent of the Eco-sensitive Zone is 0.17 km and 4.25 km respectively surrounding the protected area of the RWS. There are 6 villages in ESZ of RWS viz Ghiyavad, Jalsika, Khijadiya, Kothi, Rajavadala and Bhojpara Vidi of Wankaner taluka of Morbi district (Annexure-B).

- There are 3 categories of 26 activities in ESZ:
 1. Prohibited activities (12): Mining, Industries, Sawmills, etc
 2. Regulated activities (9): Road widening, hotel, tree felling etc.
 3. Permitted activities (5): Organic farming, Rain water harvesting, horticulture, etc.



4.

Brief Regarding the Petition:

The present petition bearing Original Application No 147/2023 (WZ) has been filed by the petitioners: Irfan Shermamad Bloch (resident of Wakaner), Lavji Lalji Ambaliya (Resident of Wakaner), Idrish Mepa Zeda (Resident of Morbi), Ramesh Vajubhai Parmar (Resident of Wakaner) and Katiya Haidarali Ahmadbhai (Resident of village Jali, Wakaner). In the petition, they have stated that Rampara has been declared as a sanctuary and also that the ecosensitive zone of the same has been declared. The petitioners allege that there are numerous windmills erected within the ecosensitive zone, which have been setup without due permission from competent authority. They have further alleged that windmills around the

sanctuary and the consequent power lines are resulting in disturbance to the wildlife and more and more wildlife moving towards Wakaner city and nearby rural areas. They have alleged that the respondent parties 9-11 along with respondent parties 1-10 have started power generation and related activities in the 1-10 km zone from the sanctuary.

They have alleged that the necessary environmental clearances have not been obtained from the competent authority for starting these projects, so also the clearance from wildlife board has not been obtained. Also, they allege that the windmills are causing pollution and damage to the ecosystem. The petitioners have alleged that the concerned Government authorities have not given legal permissions based on which the work can be undertaken.

They further state that there is illegal mining near the sanctuary due to which there is disturbance to the wildlife. Various persons have complained to authorities on various occasions but no action has been taken by them, as per the petitioners.

They have prayed for cancellation of NOC issued by the Forest Department as it is not backed by NBWL approval and have prayed to stop industrial activities with immediate effect. They have sought to recover the loss caused to the Rampara Sanctuary by the respondents.

Orders passed by Hon NGT:

The matter was listed in Hon NGT Western Bench, wherein two orders have been passed, namely order dated 10-10-2023 and 13-02-2024. In the order dated 10-10-2023 of Hon NGT, it has been taken note of that vide the guidelines of 9th September 2011 issued by MOEFCC, the use of renewable energy is required to be actively promoted in the Ecosensitive Zone. Also, in the notification dated 28 December 2017 of MOEFCC, declaring the ecosensitive zone of Rampara Sanctuary, in S No 37, it had been mentioned that the use of renewable resources shall be actively promoted. In light of this the tribunal had sought an answer from the applicants as to how they are claiming that no wind farm can be set up in the area in question. The tribunal had directed the Government to constitute a three member joint committee, to visit the site and submit a factual and action taken report in light of the petition by the applicants. The joint committee has also been tasked to submit a report with respect to the birds getting killed by the blades of wind mills and the solution to the same, if any. An

officer of Chief Conservator of Forests rank was asked to be the nodal agency for coordination and logistic support. GPCB had been directed to submit the matter in NGT portal.

In its order dated 13-02-2024, the tribunal had granted some more time to the joint committee, and directed that a copy of the report may be served upon all other parties.

Action Taken in compliance of the orders:

A. Formation of Joint Committee: Based on the order of the tribunal dated 10-10-2023, vide subsequent letter no FED/COC/e-file/6/2024/0056/ W section dated 09-01-2024 of Forest and Environment Department, Govt of Gujarat as well as Principal Chief Conservator of Forests (Wildlife), Gujarat State letter no WLP/ Courtcase/T21/A/1255-56 dated 18-12-2023 and WLP/ Courtcase/ T21/B/4762 dated 10-01-2024, a joint committee consisting of the following members was constituted: (Annexure-C)

1. Chief Conservator of Forests, Junagadh Circle, Gujarat Forest Department
2. Collector Morbi District
3. Director (Environment), Forest & Environment Department, Govt of Gujarat

B. Site visit of the committee and observations:

A meeting of the committee was called for on 30-01-2024 at Rampara Sanctuary Office wherein Deputy Conservator of Forests, Morbi Forest Division who has jurisdiction over the area in question, issued various communications addressed to the petitioners, the Government / private respondent parties and other stakeholders to appear before the Committee and submit their statements/representations/evidences in support of the same (Annexure-D).

Out of the five petitioners, three petitioners, Shri Ifran Shermohammadbhai Baloch (Petitioner No. 1), Shri Lavjibhai Laljibhai Ambaliya (Petitioner No. 2), and Shri Haiderali Ahmad Katiya (Petitioner No. 5) deposed before the committee and their statements were recorded. Petitioner No. 1 stated that he has the exact statement as that of Petitioner No. 5 beyond which there is no other submission (Annexure-E). Petitioner No. 2 stated that during installation and operation of windmills, the terms and conditions of Collector Morbi have been violated, blasting was done for laying foundation of windmill and that illegal approach

road had been made inside forest area thereby disturbing trees and water sources. Also, the transmission cables are non-insulated resulting in wildlife to migrate out of the area, death of a peacock by electrocution (Annexure-F).

Petitioner No. 5 stated that Windmills have been erected in sanctuary area in violation of terms and conditions of the allotment order by Collector Morbi, by use of explosives for foundation work, construction of new approach roads inside sanctuary and destroying water sources, vegetation and trees in the process. 17 windmills have been installed without proper procedure and the distribution network of uninsulated wires and poles have resulted in migration of wildlife and death of peacock by electrocution, continuous vehicular movement is damaging to wildlife. He said that till approval from NBWL is obtained, the entire operations should be stalled. The supporting evidences/documents will be submitted to the competent authority as soon as possible (Annexure- G).

Thereafter, statement of private respondents was recorded in presence of the committee as below:

1. Respondent no. 2 and 3, Shri Suriya Janak (Assistant Manager, Operation and maintenance services, Continuum Trinethra Renewables Pvt Ltd)
2. Respondent no. 2, Shri Solanki Bhavesh Keshubhai (Sr. Manager)
3. Respondent no. 2, Shri Rasik Arivindbhai Tank (Surveyor)

The above three persons had given a joint statement that vide Collector Morbi order no. JMN-2/Wankaner/11040321/18 dated 17/02/2020 and JMN-2/Wankaner/407973/2020 dated 17/02/2020 had allotted a total of 13 Hectare of Government wasteland bearing Survey no. 67/1 paiki 2, Vidi Bhojpara Village Taluka Wankaner District Morbi. Both the above mentioned orders were issued in favor of Shri Maruti Windpark (E) Pvt. Ltd., Rajkot, vide Collector Morbi order no. JMN-2/11717985/2020 dated 14/09/2020 had subleased the above mentioned assets in favor of M/S. Continuum Trinethra Renewables Pvt. Ltd. Mumbai (Annexure-H). They assured that further relevant details shall be submitted by the authorized Officer of the company, which has been subsequently submitted (Annexure-H-1). They also submitted GPS location details of currently functional 10 windmills (Annexure- H-2).

Thereafter, a statement of Circle Officer - 2 Wankaner, Shri Kuldeepsinh I. Jadeja was recorded in presence of the committee. Also, the statements of the following revenue department authorities were recorded in presence of the committee:

1. Shri Sodha Mohammadshoiab Latifbhai, Talati cum Mantri Village: Vidi Bhojpara & Sindhavadar, who stated that there are about 10 windmills in the jurisdiction of Vidi Bhojpara which have been installed as per law, and there is no known instance of death of any birds or animals due to this activity either in his observation, nor any such instance has been reported by the villagers to him. There is no instance of illegal tree cutting or illegal mining as alleged in the petition (Annexure-1).
2. Shri Zala Kirtirajsihn, Talati cum Mantri Village: Kothi, who stated that after going through the petition in question, no windmill has been approved or installed in his jurisdiction. He also stated that the damage to the environment as alleged in the petition is not true (Annexure-1-1).
3. Smt. Zala Upasanaba N. Talati cum Mantri, Village: Ghiyavad & Vanzara who stated that after going through the petition in question, no windmill has been approved or installed in her jurisdiction. She also stated that the damage to the environment as alleged in the petition is not true (Annexure-1-2).
4. Smt. Aksha H. Parasara, Talati cum Mantri, Village: Khijadiya & Pipardi who stated that after going through the petition in question, no windmill has been approved or installed in his jurisdiction. He also stated that the damage to the environment as alleged in the petition is not true (Annexure-1-3).
5. Smt. Makwana Meghna Amritlal, Talati cum Mantri, Village: Rajavadla who stated that after going through the petition in question, no windmill has been approved or installed in her jurisdiction. She also stated that the damage to the environment as alleged in the petition is not true (Annexure-1-4).

As per the statement of Shri Kuldeepsinh I Jadeja, Circle Officer 2 Wankaner, currently 10 windmills area functional in Vidi Bhojpara village of Wankaner as per the order of Collector, Morbi. These windmills have been established as per prevailing Rules and Policies of Government. According to his recorded statement there has been no known

instances of harm or death of Wildlife by windmills, or any illegal mining and illegal cutting of trees (Annexure- J).

Subsequently, Continuum Trinethra Renewables Pvt Ltd, vide its letter dated 31-01-2024 submitted further documents in support of their case, which is briefly summarised herewith. The Endorsement order of Collector Morbi vide letter no RFMS No 11717985/JMN-2/11717985/2020 dated 14-09-2020 sanctioning 20 year lease to M/S Maruti Windpark (E) Pvt Ltd, which as approved for sublease to M/S Continuum Trinethra Renewables Pvt Ltd. They also submitted technical data of the windmill, as per the approval accorded by Gujarat Energy Development Agency (GEDA). Operation permissions from Office of the Chief Electrical Inspector Gandhinagar, were attached. Also, the E-challan depicting payment of lease amount and the sub lease deed had been submitted in every such case in the jurisdiction under purview of the matter (Annexure-H-1).

Petitioner No 5, who stated that he would subsequently provide more evidence in support of his statements, has not submitted any such documents till the time of compilation of this report.

The Range Forest Officer in whose jurisdiction Rampara Sanctuary is vested, also is the Taluka Wildlife Warden of Wakaner taluka. In his statement, he submitted that there is not even a single windmill inside the sanctuary, rather there are 10 windmills in the ecosensitive zone of the PA. The windmill areas are not significant corridors for wildlife movement. He submitted that the allegation of the petitioner that due to installation of windfarms, wildlife has been disturbed and they are moving towards human habitations is factually incorrect (Annexure- K).

Site Visit:

The committee members and other officials present had visited a sample of two windmills, namely, BHOJ-08 (GPS 22.55413, 70.94888) and BHOJ-09 (GPS 22.54854, 70.95093) to observe for the ground situation in view of the contention of the petitioners and the statement of the respondents. It was observed that there are operational approach roads to the windmills which is necessary for the operation and day to day maintenance of the same. It was observed that the company had installed plenty of bird reflectors on the overhead

transmission cables, there were distinct orange reflector bands on the pole as well as the rotor blades of the wind turbines. Also, at the transformer point and other possible landing points, bird spikes were installed to avoid or prevent birds from coming into contact with live wires. Some wires at transformer have been insulated and brightly colored to prevent birds from electrocution. The rotational velocity of windmills and the height at which the blades are positioned makes it unlikely to be a target for fatal bird hits by accidental collision for peafowl and other birds, in the opinion of the committee (Annexure-L).

C. Some Photographs of the site visit: PI see Annexure-M

D. Facts on record: After recording the statements of the petitioners and the other stakeholders, and after undertaking the joint site visit, the observations were vetted vis a vis the facts on official record and the existing legal provisions to arrive at a logical conclusion.

The following are the facts on the record:

1. The then Ministry of Environment and Forests, Government of India had issued "Guidelines for declaration of eco-sensitive zones around national parks and sanctuaries" vide letter no F. No. 1-9/ 2007 WL-1 (pt) dated 09-02-2011, with a direction to all states and Union Territories to take necessary action as per the issued guidelines. The above mentioned guidelines elucidates the statutory provisions and the rationale for declaring ecosensitive zone. As per the provisions of the guideline, all human activities within the ecosensitive zone have been classified into permitted, regulated or prohibited activities. In Annexure-1 to the guidelines a broad list of activities has been listed under the above three categories. The "Use of renewable energy sources" features in the permitted category as mentioned in S No 16 of the annexure. Similarly, in S No 26, the activity "Adoption of green technology for all activities" features in the permitted category, both the above carrying the remarks "Should be actively promoted" (Annexure- N).
2. The ecosensitive zone of Rampara Sanctuary was notified by Ministry of Environment, Forests and Climate Change vide Gazette notification No S.O. 4108 (E) dated 28-12-2017. The area of the ecosensitive zone declared was 31.08 sq km and the minimum and maximum extent of the ecosensitive zone was 0.17 km and 4.25 km

respectively surrounding the protected area of Rampara Wildlife sanctuary. In S No 37 under the promoted activities category, use of renewable energy resources has been mentioned. Wind Farms come under this category. In S No 17, 20 there is mention regarding erection of electrical lines/ cables which is a regulated activity (Annexure- B).

3. Collector Morbi vide letter no RFMS No 11717985/JMN-2/11717985/2020 dated 14-09-2020 sanctioned 20 year lease to M/S Maruti Windpark (E) Pvt Ltd, which as approved for sublease to M/S Continuum Trinethra Renewables Pvt Ltd. A total of 13 windmills were sanctioned in the village Bhojpara vidi (Annexure- H-1).
4. The technical data of the windmill, as submitted by the company mentions the height of the structure from ground to Nacelle (Tower height) was 130m, the 65 m long blades were positioned in such a way that the blade is definitely 65 m or more from ground level, with an RPM range of 7.03 to 13.91. This is as per the approval accorded by Gujarat Energy Development Agency (GEDA) letter no GEDA/ PWF/ CTRPL/ 12/ 2021-22/ 4165 dated 21-12-2021 (Annexure- H-1).
5. Office of the Chief Electrical Inspector Gandhinagar, vide a series of letters has carried out the inspection process and found the compliance to technical matters satisfactory, due to which necessary operational permissions were granted to M/S Continuum Trinethra Renewables Pvt Ltd. Ten such windmills have been installed, details of which have been enclosed as attachments (Annexure- H).
6. Also, the E-challan depicting payment of lease amount and the sub lease deed had been submitted in every such case in the jurisdiction under purview of the matter (Annex- H).
7. The whole installations are guided by the Gujarat Wind Power Policy vide Govt of Gujarat GR No SLR-11-2016-164-B dated 02-08-2016, issued by Energy and Petrochemicals Department (Annexure- H).
8. Principal Chief Conservator of Forests and Chief Wildlife Warden, Gujarat State, vide order no. WLP/ T32/ B/ 7099-3101 dated 18-11-2019 had issued NOC to Collector Morbi for the proposal to give 20 year lease to Maruti Wind Park (India) Pvt Ltd for

the purpose of setting up the windmills in the ecosensitive zone of Rampara Sanctuary (Annexure- O).

9. Government of Gujarat vide letter no WLP/ 102016/ 1116/W dated 17-01-2022 had issued directive on the composition of the monitoring committee with specific mention of Collector Morbi as chairman and DCF Morbi as Member Secretary, for the purpose of deciding on the regulated activities to be done in the ESZ of Rampara Sanctuary (Annexure -P).

E. Opinion of the Committee:

The petitioners allege that there have been windmill installation inside sanctuary and in its ecosensitive zone. Based on the above mentioned facts, it is very clear that not a single windmill has been installed inside the sanctuary. There are 10 such windmills in the ecosensitive zone of Rampara wildlife sanctuary. The allegation of the petitioners that the windmills have been installed by breaking up land, blasting and massive tree cutting was verified for actual fact during the site visit. It was observed that windmills being tall structures, need transport to the hill tops where wind can be harvested, where it would be installed. So, the approach road had been made as per the bare minimum requirement. The construction has happened according to the approved technical design of GEDA and verified by Chief Electrical Inspector, Gandhinagar. Thus, the allegation of blasting/ illegal mining during construction of the structure was not backed by credible proof from the petitioner, nor was it reflected during the site visit of the committee. Thus this allegation is baseless and not proved. The statement by the Taluka Wildlife Warden cum Range Forest Officer Wankaner states that there has been no change in habitat use by wildlife nor any increase in human wildlife conflict has happened due to construction of the windmills. The statement by the Circle Inspector states that there has not been any violation of the lease order by the Collector or the terms and conditions attached with it, thus the contention of the petitioners regarding violation of the Collector's orders doesn't find any support.

The ecosensitive zone of Rampara Sanctuary was declared by the Ministry of Environment, Forests & Climate Change, GoI vide notification dated 28th December, 2017. However, the monitoring committee has been constituted by order of Forest and Environment Department dated 17-01-2022. Whereas from the records, it is evident that The Chief Wildlife Warden Gujarat State who is the competent authority, vide his letter dated 18-11-2019 had accorded his NOC to Collector Morbi for the proposal to give 20-year lease to Maruti Wind Park (India) Pvt Ltd for the purpose of setting up the windmills in the ecosensitive zone of Rampara Sanctuary. The petitioners had sought cancellation of NOC and approval from NBWL instead. This prayer is incorrect as the National Board for Wildlife is meant to accord wildlife clearances, which is not applicable in the present case. The order of CWLW is just and valid.

The Joint Committee Report has been finalized after due inspection, verification, and deliberation by the members of the Committee. It is placed on record that certain members, who were part of the Committee at the relevant time of inspection and inquiry, had examined the matter in detail and concurred with the findings and recommendations of the report. However, due to subsequent transfer, death, or other administrative reasons, they are not in a position to append their signatures to the present report.

The current members of the Committee, holding the same position, have independently perused the records, findings, and conclusions of the report. Upon being satisfied with its contents, they have appended their signatures in their official capacity. Accordingly, the report is submitted as the Final Joint Committee Report, duly finalized by the Committee.

Dipali Tamra
Director
Environment Department
Government of Gujarat

Harshad K...
Collector
Morbi District
Government of Gujarat

[Signature]
Conservator of Forest
Junagadh Forest Circle
Junagadh