

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
I.A NO. 136 OF 2025

IN

O.A. NO. 2 OF 2019 (WZ)

**IN THE MATTER OF:**

Ashok Shrimali

...Applicant

**-VERSUS-**

Union of India and Ors.

....Respondents

INDEX

S. No.	Particulars	Page No.
1.	Objection on behalf of the Original Application to I.A. No. 136 of 2025 filed by Respondent No. 9 seeking deletion of its name from the array of parties alongwith affidavit	1-8
2.	Proof of Service	9

Place: New Delhi

Date: 20.08.2025

**DRAWN & FILED BY:**

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**OBJECTION ON BEHALF OF THE ORIGINAL APPLICATION  
TO I.A. NO. 136 OF 2025 FILED BY RESPONDENT NO. 9  
SEEKING DELETION OF ITS NAME FROM THE ARRAY OF  
PARTIES**

**MOST RESPECTFULLY SHOWETH:**

1. That the objection has been filed on behalf of the Original Application against the I.A. No. 136 of 2025 filed by Respondent No. 9 – Hindustan Marbles Private Ltd. seeking deletion/striking out the name from the arrays of Parties in the present case.
2. That it is submitted that the present case has been filed by the Application against the illegal mining activities which has been undertaking in the environs of the Balaram Ambaji Wildlife Sanctuary in violation of environmental norms.
3. That it is submitted that Responded No. 9 is one of such mining leases which has operated in violation of such norms as is evident from the submissions below.
4. That in the present case, in view of directions passed by this Hon'ble Tribunal, the Deputy Conservator of Forest, Banaskantha Forest Department filed its Report dated 19.11.2019 submitting the findings of the 'Fact Finding Committee' revealing a list of 20 lease

holders falling within 1 Kilometre from the boundary of Balaram Ambaji Wildlife Sanctuary. That under the said list (page 167 of the Report dated 19.11.2019) the Respondent No. 9 has been listed at row number 12 from the top showing two blocks of their lease area to be falling within 1 km and the remaining two to be falling within 10 Kms from the boundary of the Balaram Ambaji Wildlife Sanctuary. That said list also shows that the approved date of lease is from 7<sup>th</sup> December 1955 and the status of lease is shown to be 'On'.

5. That further, this Hon'ble Tribunal passed its order dated 09.08.2021 wherein the State was directed to file an Affidavit interalia disclosing the period of mining lease, nature of minerals, royalty paid and number of permits issued for transportation of quarried materials to enable this Hon'ble Tribunal to consider and pass appropriate orders. That in view of the said order, the Respondent no. 13 – Industries and Mines Department, State of Gujarat filed its Affidavit dated 23.09.2021 revealing that up to 2011-12 to 31.08.2021, 1,59,689 permits has been issued to Respondent No. 9 showing that huge quantity of mineral have been quarried from the lease area during this period of time. The said Affidavit also reveals that the lease area is valid till 24.02.2037.
6. Therefore, from the facts mentioned above it is evident that the mining has taken place in the lease area in question which falls either within 1 km or within 10 kms from the boundary of Balaram Ambaji Wildlife Sanctuary.

7. That given that fact that mining within 1 km from Wildlife Sanctuaries and National Parks was banned by the Hon'ble Supreme Court under its orders/judgments dated 04.08.2006, 21.04.2014, 03.06.2022 and 26.04.2023 passed in W.P (C) No. 202 of 1995 titled T.N. Godavarman Thirumulpad Vs Union of India & Ors. and Goa Foundation case (W.P. No. 435/2012) respectively, all mining activity done in the lease area of Respondent No. 9 within this period is illegal and action against such extraction of mineral shall be taken in accordance with law including imposition and recovery of environmental compensation.
8. Further, the mining activities undertaken in the rest of the lease area falling outside 1 km but within 10 kms from the boundary of Balaram Ambaji Wildlife Sanctuary, till the issuance of the notification of dated 08.11.2021 declaring Eco-sensitive zone, is also illegal as it has been carried out without obtaining recommendation of the Standing Committee of the National Board of Wildlife (SCNBWL). That the said recommendation has been mandated by the Hon'ble Supreme Court under its order dated 04.12.2006 passed in Goa Foundation (2011 15 SCC 791) and further implemented by the Ministry of Environment Forest and Climate Change under its several Office Memorandums (OMs) issued over the years including the ones provided under its Affidavit dated 26.06.2025 filed in the present case viz. OMs dated 27.02.2007, 02.12.2009, 08.08.2019 and 17.05.2022 and 13.12.2023.

9. That as no information has been provided whether such recommendation of the SCNBWL has been taken by the Respondent No. 9 for its activities undertaken within 10 kms from the boundary of Balaram Ambaji Wildlife Sanctuary till the issuance of the notification of ESZ around Balara Ambaji Wildlife Sanctuary dated 08.11.2021, it can be concluded that no such recommendation exists and therefore the mining activities undertaken are illegal and action against such activity shall be undertaken in accordance with law.
10. Further, the reliance of Respondent No. 9 on Environmental Clearance dated 31.05.2022 under the corresponding paras of the I.A. 136/2025 to submit that they are carrying out mining outside 1 km is misleading given that fact that the mining operation under the said lease has been carried out way before the said Environmental Clearance was issued, viz. after the lease area was approved on 07.12.1955. Therefore, all the activities done in the mining lease within 1 km from the boundary of Balaram Ambaji Wildlife Sanctuary from 04.08.2006 (the date when Hon'ble Supreme Court passed its order prohibiting mining activities within the one km area in all Wildlife Sanctuaries and National Parks) till date is illegal and liable to be taken action against. Further all activities done within the area of 10 Kms from 04.08.2006 (the date when Hon'ble Supreme Court passed its order requiring recommendation of SCNBWL for project falling within 10 kms from Wildlife Sanctuaries and National Parks) till the notification of Eco sensitive area around Balara Ambaji Wildlife Sanctuary on 08.11.2021

without obtaining recommendation of the SCNBWL is also illegal and liable to be taken action upon.

11. Therefore, in view of the facts and position of law mentioned above, it is evident that Respondent no. 9 has undertaken mining activities in the lease area in question in violation of environmental norms mentioned above and the same pending to be adjudicated by the Hon'ble Tribunal under the present case thus rendering Respondent No. 9 as a necessary party for such adjudication. Therefore, their Application for deletion/striking out the name from the arrays of Parties is liable to be rejected.

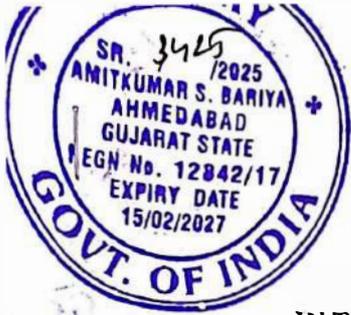
**DATE: 20.08.2025**

**PLACE: NEW DELHI**

**DRAWN & FILED BY:**



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& Gitanjali Sanyal  
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BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 02/2019 (WZ)

IN THE MATTER OF:

Ashok Shrimali .....Applicant

Versus

Union of India & Ors. ....Respondent

**AFFIDAVIT**

I, Shri Ashok Bipinbhai, S/o Shri Shrimali Bipinbhai, aged about 62 years, R/o Shyam Bunglows, IOC Road, Chandkheda, Ahmedabad - 382424 presently at Ahmedabad do hereby solemnly affirm and declares as under:

- That in my capacity as Applicant in the abovementioned matter I am fully conversant with the facts and circumstances of the case, as such I am competent to swear to this affidavit.
- The contents of the Objection have been drafted by the counsel under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.
- Annexures are the true copy of their respective original.

*Ashimall*

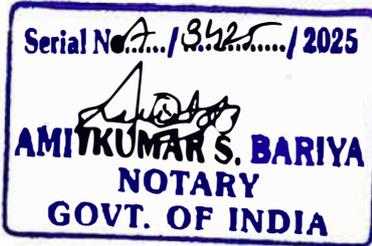
DEPONENT

**Verification:**

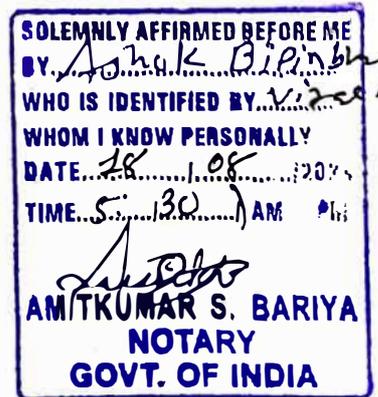
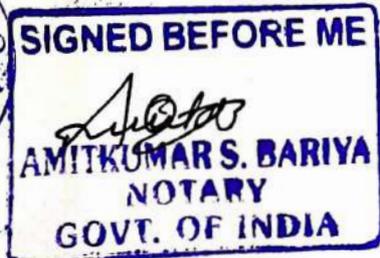
Verified at Ahmedabad on this 18 day AUG 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*Ashimall*

DEPONENT



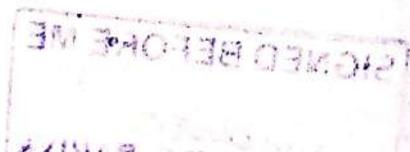
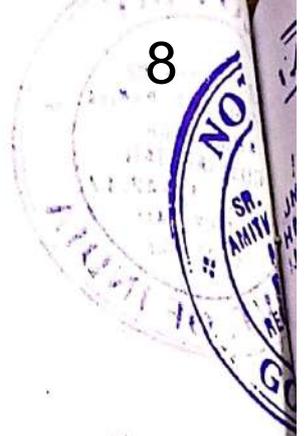
18 AUG 2025



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**Service in Ashok Shrimali Vs Uol & Ors (O.A. No. 02 of 2019/WZ)**

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**From** Saumitra <saumitra@eldfindia.com>

**Date** Wed 8/20/2025 1:46 PM

**To** patelps2406@gmail.com <patelps2406@gmail.com>; dilipsinhparsingia@gmail.com <dilipsinhparsingia@gmail.com>; tirupatiquarry42@gmail.com <tirupatiquarry42@gmail.com>; manishkumarpatelseiaa@gmail.com <manishkumarpatelseiaa@gmail.com>; aasthamehta@amlegalassociates.in <aasthamehta@amlegalassociates.in>; sureshbhaipatel202425@gmail.com <sureshbhaipatel202425@gmail.com>; ecban3131@gmail.com <ecban3131@gmail.com>; ayyappaconstruction@yahoo.co.in <ayyappaconstruction@yahoo.co.in>; bhattacharya@hotmail.com <bhattacharya@hotmail.com>; gursharanvirk@gmail.com <gursharanvirk@gmail.com>; office@akurup.com <office@akurup.com>; advocatesaurabhrajpal@gmail.com <advocatesaurabhrajpal@gmail.com>; advgupte@gmail.com <advgupte@gmail.com>; saxena.shantanoo@gmail.com <saxena.shantanoo@gmail.com>; saurabh.rajpal@gmail.com <saurabh.rajpal@gmail.com>; maulinraval@gmail.com <maulinraval@gmail.com>

**Cc** Eisha <eisha@eldfindia.com>; Gitanjali Sanyal <gitanjali@eldfindia.com>

3 attachments (19 MB)

2025.08.20 - IA for Additional Documents (1.pdf; 2025.08.20 - IA for Direction.pdf; 2025.08.20 - IA for Additional Documents (1.pdf;

Dear Ma'am/Sir,

Please find attached the following IAs/Objection filed on behalf of the Original Applicant:

1. IA to file Legible/Typed copy of Notification declaring Balara Ambaji WLS
2. IA for Direction
3. Objection to IA 136/2025

Warm Regards,

Saumitra

Advocate for the Original Applicant

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NOTE: Law Firms in India are not allowed to have websites as per Bar Council Rules. If you want to know more about Enviro Legal Defence Firm contact the address above. Incidentally, ELDF is India's first environmental law firm!