

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, DELHI

ORIGINAL APPLICATION NO. 269 OF 2025

IN THE MATTER OF

ASSOCIATION OF FLY ASH  
PRODUCTS MANUFACTURERS

...APPLICANT

VERSUS

MoEF&CC & ORS.

...RESPONDENTS

INDEX FOR PRELIMINARY AFFIDAVIT-IN-REPLY ON  
BEHALF OF RESPONDENT NO. 9, FOREST AND  
ENVIRONMENT DEPARTMENT, STATE OF GUJARAT.

Sr. No.	Particulars	Annexure	Pg Nos.
1.	Affidavit -in- Reply for Respondent No. 9	-	
2.	Affidavit in support	-	
3.	Copy of letter dated 03.09.2025 issued by the answering department to GPCB	A	

BOOK NO. 03-

PAGE NO. 35-

SR. NO. 117-

DATE. 20/04/2026

*N.R.P.*

NILESH R. PANDYA  
NOTARY  
GOVT. OF INDIA

20 APR 2026

Filed Through,

*Parth H. Bhatt*

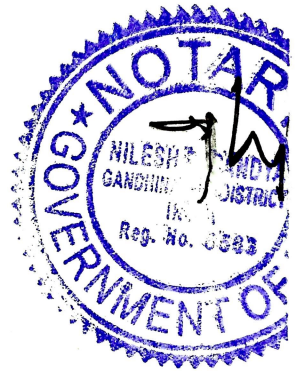
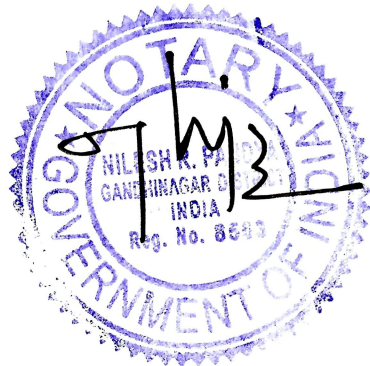
Parth H. Bhatt, Advocate

For Respondent No. 9

office@bhattandco.in



*Dipak Tamb*  
Director (Environment) &  
Member Secretary, GCZMA  
Forests & Environment Department  
Government of Gujarat  
Gandhinagar



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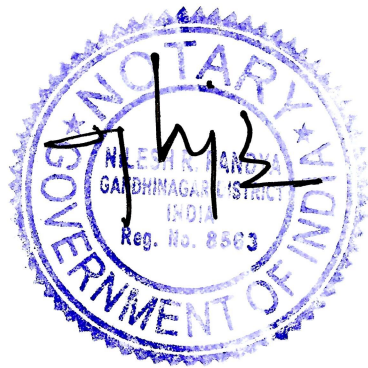
**PRELIMINARY AFFIDAVIT-IN-REPLY ON BEHALF OF  
RESPONDENT NO. 9, FOREST AND ENVIRONMENT  
DEPARTMENT, STATE OF GUJARAT.**

I, Dipali Tank, an Adult, I/C Director & Ex-Officio Deputy Secretary (Environment), Forest and Environment Department, Block No. 14, 8<sup>th</sup> Floor, New Sachivalaya, Gandhinagar, Gujarat being authorized signatory and representative of Forest and Environment Department, State of Gujarat do hereby solemnly state on oath and submit that:-

1. The present Original Application has been instituted by the Association of Fly Ash Products Manufacturers seeking various directions pertaining to the utilization, allocation, and regulation of fly ash generated from coal and lignite-based thermal power plants. The Applicant Association has primarily challenged the provisions of Ash Utilization Notifications dated 31.12.2021, and its amendment



*Dipali Tank*



notifications dated 30.12.2022, and 01.01.2024 issued by the Ministry of Environment, Forest and Climate Change (hereinafter referred to as "MoEF&CC"), inter alia contending that the revised regulatory framework has adversely impacted the interests of Micro and Small Enterprises (MSEs) engaged in fly ash-based manufacturing activities. Further seeking various directions against State Governments and Central Government.

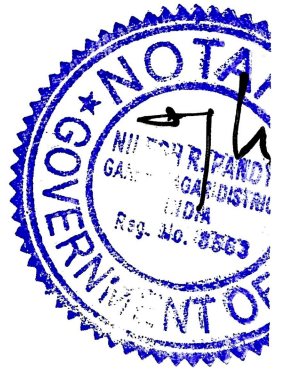
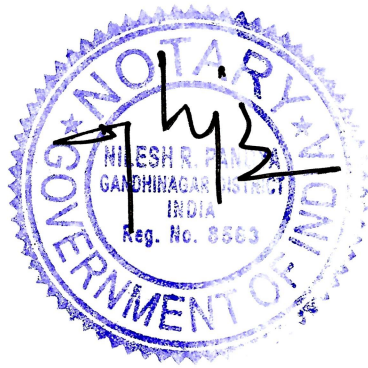


2. It is submitted that the said notification is issued by the Central Government in exercise of powers conferred under subsection 1, and clause (v) of subsection 2 of section 3 of Environment (Protection) Act, 1986 read with clause (d) of subrule (3) of Rule 5 of Environment (Protection) Rules 1986; wherein the Central Government is bestowed with the power to take measures to protect, improve the quality of environment, prevent, control and abate environmental pollution; whereby the said notification was issued by Central Government through the erstwhile Ministry of Forest and Environment on ash utilisation from coal or lignite thermal power plants.



3. The answering department most respectfully submits that the issues raised in the present Original Application primarily pertains to the notification issued by Ministry of Environment and Forest. It is submitted that for

*Dipali Tamb*



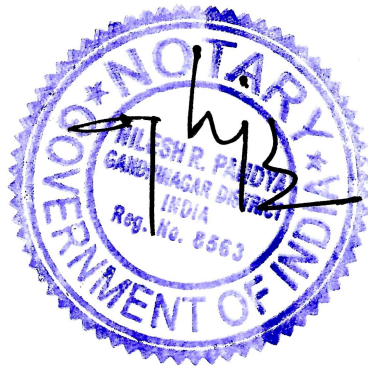
responding any grievance pertaining to the said notification, the Central Government would be appropriate party.

4. The role of the answering department is limited and confined to role attributed to it in implementation of the said notification. The answering Department is merely adhering to the directions provided under in the Notification, which is under challenge before the Hon'ble Tribunal in the present proceedings.

5. Since answering respondent has limited role in the subject matter of the captioned OA, therefore answering department vide a letter dated 03.09.2025 issued to Member Secretary, Gujarat Pollution Control Board asking to take necessary actions in the subject matter of the captioned OA in consultation with other department of State of Gujarat. The copy of the letter dated 03.09.2025 is annexed and marked as **ANNEXURE - A**. Further, it is necessary to deliberate respective roles of various Departments of State of Gujarat in implementation of the said notification. It was decided that for purpose of filing an effective and comprehensive reply on behalf of State of Gujarat, it is necessary to obtain the requisite details, information and data from all the concerned departments including Gujarat Pollution Control Board, Urban Development and Urban Housing Development



*Dipali Tamb*



Department, Road and Building Department. A communication in this regard has been issued to all the concerned departments and comments & instructions are being received and collated.

6. Therefore, the answering department; respectfully reserves its right to file an additional reply, affidavit, documents as may be necessary, after co-ordinating with all the concerned department of the State of Gujarat.

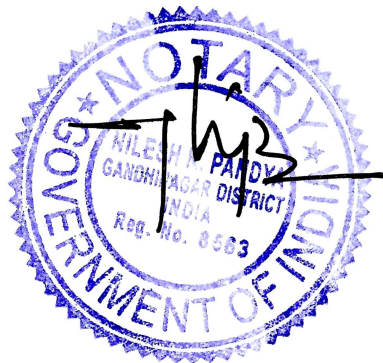
7. The answering Respondent states that in the event the Hon'ble Tribunal gives any direction to the Answering Respondent to render any reasonable assistance to any regulatory agency or other agency the administration shall extend all reasonable co-operation and assistance to concerned regulatory and enforcement agencies. I further submit that the Answering Respondent shall at all times abide by the legal orders passed by the Hon'ble Tribunal, and execute all and any directions as may be issued by the Hon'ble Tribunal in the present application.

Date - 20/04/26

Place - GANDHINAGAR

*Dipali Lamb*

Deponent  
Director (Environment) &  
Member Secretary, GCZMA  
Forests & Environment Department  
Government of Gujarat  
Gandhinagar



**VERIFICATION**

I, Dipali Tank, Adult, I/C Director & Ex-Officio Deputy Secretary (Environment), Forest and Environment Department, Block No. 14, 8<sup>th</sup> Floor, New Sachivalaya, Gandhinagar, Gujarat being authorized signatory and representative of Forest and Environment Department, State of Gujarat through solemnly states that the contents of the Affidavit are true and correct and best of my knowledge, nothing stated therein is false and nothing material has been concealed therefrom.

Date -

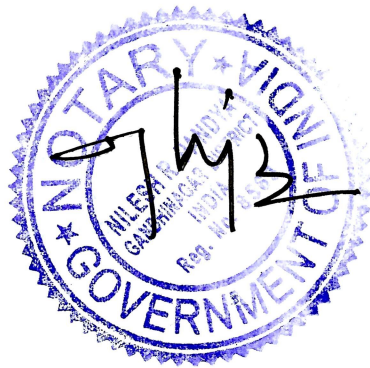
Place -

*Dipali Tank*

Deponent

Director (Environment) &  
Member Secretary, GCZMA  
Forests & Environment Department  
Government of Gujarat  
Gandhinagar





BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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...APPLICANT

VERSUS

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...RESPONDENTS

AFFIDAVIT

I, Dipali Tank, Adult, I/C Director & Ex-Officio Deputy Secretary (Environment), Block No. 14, 8<sup>th</sup> Floor, New Sachivalaya, Gandhinagar, Gujarat being authorized signatory and representative of representative of Forest and Environment Department, State of Gujarat. I have gone through the Reply and I state that the reply is drafted under my instructions. Contents and statements made herein the above in para 1 to \_\_\_\_\_ of reply are true and correct to the best of my knowledge and belief; and as per the datas available on the record.

Solemnly affirmed on

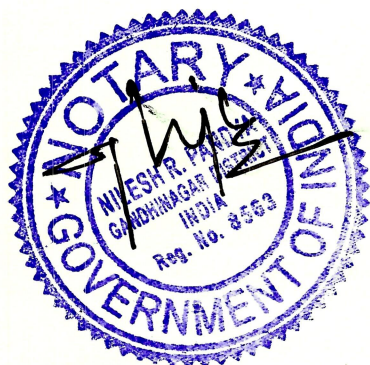
20 day of April 2026 at

GANDHINAGAR

Dipali Tank

Deponent

Director (Environment) &  
Member Secretary, GCZMA  
Forests & Environment Department  
Government of Gujarat  
Gandhinagar



IDENTIFIED BY ME SOLEMNLY AFFIRMED  
BEFORE ME

ADVOCATE/PERSON  
NAME Harsh Gaj  
ADD. GANDHINAGAR  
DATE 20/04/26

N

NILESH R. PANDYA  
NOTARY  
GOVT. OF INDIA

20 APR 2026

20 APR 2026





**Dipali Tank**

Director & Ex. Officio  
Deputy Secretary (Environment)  
Member Secretary (GCZMA)



**Government of Gujarat**

Forest & Environment, Department  
Block No-14/8th Floor,  
Sachivalaya, Gandhinagar  
Phone:079- 23255854  
E-mail: direnv@gujarat.gov.in

File No: FED/CMC/CourtCase/6/2025/2190/Tech Cell

Date:

To,  
The Member Secretary,  
Gujarat Pollution Control Board,  
Paryavaran Bhavan, Sector - 10/A,  
Gandhinagar - 382010

**Sub:** Hon'ble NGT Original Application No. 269 of 2025 (Principal Bench, New Delhi) Association of Fly Ash Products Manufacturers (AFAPM) (Applicant) Vs Ministry of Environment Forest and Climate Change & Ors. (Respondent(s)).

**Ref:** Notice dated 31.07.2025 served by the Hon'ble NGT to State of Gujarat (Through its Chief Secretary).

Respected Sir,

This department has received Notice dated 31.07.2025 served by the Hon'ble NGT to State of Gujarat (Through its Chief Secretary). This letter is regarding Hon'ble NGT Original Application No. 269 of 2025 (Principal Bench, New Delhi) Association of Fly Ash Products Manufacturers (AFAPM) (Applicant) Vs Ministry of Environment Forest and Climate Change & Ors. (Respondent(s)) where in Hon. NGT has served notice dated 31.07.2025 to the state of Gujarat through its Chief Secretary. The copy of Notice and order are attached here with.

As under the Fly Ash Notification, dated 31.12.2021, State Pollution Control Board has been entrusted responsibilities and shall be the enforcing and monitoring authority for ensuring compliance of the provisions and shall monitor the utilization of ash on quarterly basis.

Therefore, I am directed to request you to take necessary actions pertaining to this Original Application No. 269 of 2025 (Principal Bench, New Delhi) on behalf of the Chief Secretary, GoG in consultation with concerned department of the State.

Thanking You,

Yours sincerely,  
**(Dipali Tank)**

**Encl:** As above

