

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN BENCH, PUNE

Original Application No. 89/2020(WZ)

**IN THE MATTER OF:**

Sama Siddiq Osman

....Applicant

VERSUS

Ministry of Environment, Forest and Climate Change and Ors  
..Respondents

NDOH: 31.03.2022

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Place: Pune

Date: 29.03.2022

Filed By:-



(Shilpa Chohan, Shawahiq Siddiqui)  
Advocates

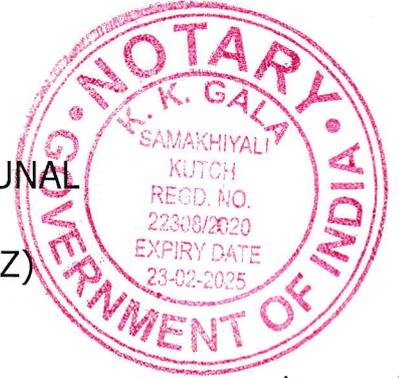
For  
Indian Environment Law Organization  
B-59 (Ground Floor),  
South Extension Part-II,  
New Delhi 110049  
(M)9811391760,9718647753

Serial No. 733/2392

Date : 29/03/2022

Email: [shilpa.ielo@gmail.com](mailto:shilpa.ielo@gmail.com)

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**IN THE MATTER OF:**

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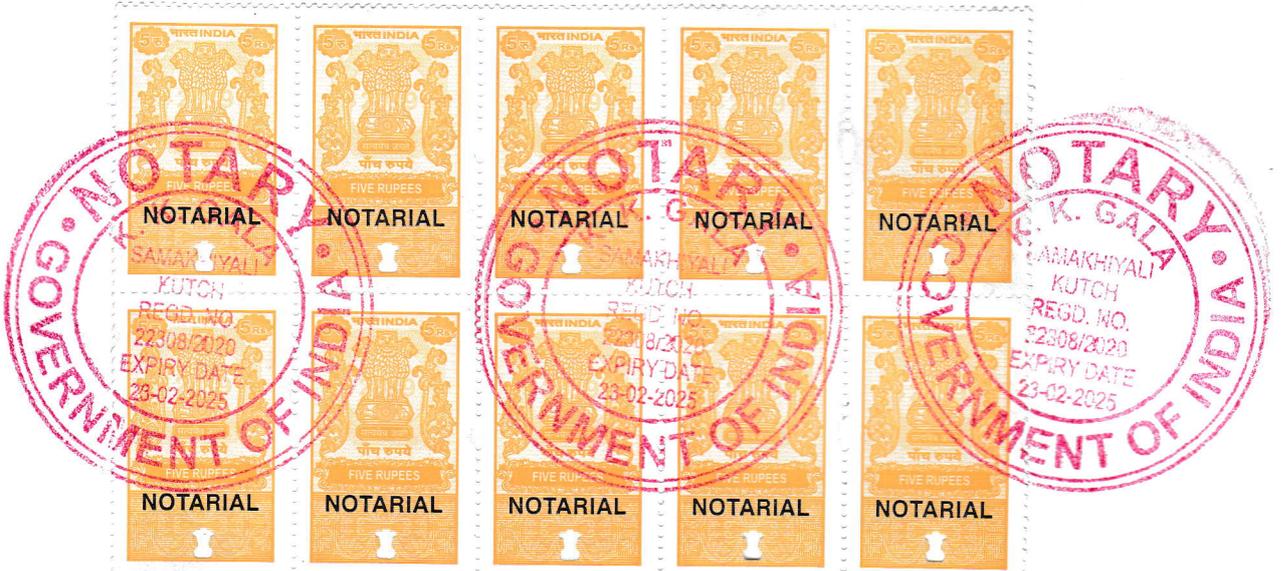
**REJOINDER AFFIDAVIT TO THE AFFIDAVIT-IN REPLY ON  
BEHALF OF RESPONDENT NO. 4-SEA SIDE SALT PVT LTD.**

I, Sama Siddiq Osman, Aged about 54 years, S/o Shri Usman Amad  
R/o R/o Village Cheravadi, Post Shikarpur, Taluka Bhachau, District  
Kachchh, Gujarat do hereby solemnly affirm and state as under: -

3. That I am the applicant in the above-mentioned matter and as  
such am competent to depose the present rejoinder affidavit.
4. That the contents of the affidavit in reply of R-4 is denied in  
totality, unless specifically accepted as true and correct.

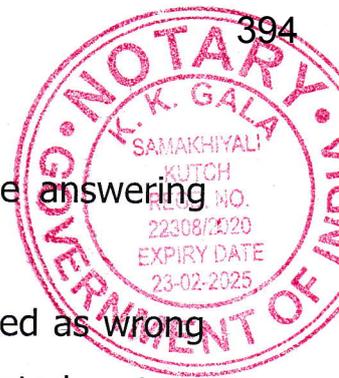
**REJOINDER TO PARAWISE REPLY**

  
K. K. GALA  
NOTARY  
GOVT. OF INDIA



*K.K. Gala*  
**K. K. GALA**  
 NOTARY  
 GOVT. OF INDIA

1. That the contents of para need no reply and the answering respondent is put to strict proof of the same.
2. That the contents of the para under reply are denied as wrong and correct and the contents of the OA are reiterated as true and correct. The Hon'ble Tribunal had granted opportunity to the answering respondent to respond to the contentions raised in the OA and if it chooses not to file parawise reply it is at their risk and cost.
3. That in reply to the contents of the para it is submitted that the land leased out to the R-4 is CRZ IA area as per the recent approved CZMP map and salt harvesting or manufacturing activity cannot be permitted in it. Further, the land could not have been leased out to R-4 being CRZ IA area. After the leasing of the land the bund created by R-4&5 is spread over an area of 28.52 sq km or 2852 hectares along the land leased to them by R-1. As this land is like a creek island in the way of network of creeks that carry discharge from rivers as well as heavy monsoon discharge from the villages, towns and cities. The discharge and flow from the rivers Banas, Saraswati, Rupen, Bajana, Phalku, Kankavati, Brahmni, Godhadharoi, Machhu flows into the Gulf of Cambay through the narrow gauge created by the land leased to the R-3&4. The leased land is located in the middle of the Surajbari Creek which carries substantial amount of flood discharge and regular surface runoff into the sea. The bund created by R-4&5 is approx 15 feet high. The 15 feet high bund along the 2852 hectare of land in the middle of the



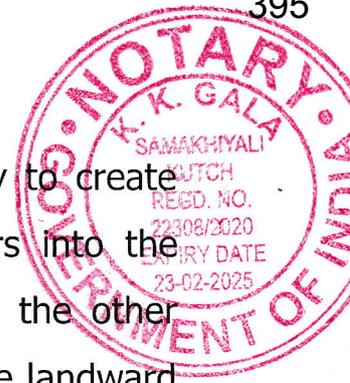
*K.K. Gala*  
**K. K. GALA**  
NOTARY  
GOVT. OF INDIA

Surajbari Creek will act as a wall and is most likely to create severe impacts on the flow and discharge of rivers into the creeks and further into to the Gulf of Cambay. On the other hand, there is tidal influence from the sea/Gulf to the landward side in the Rann of Kutch which makes it a unique landscape that serves as the Sanctuary for wild ass and migratory birds. The bund created by R-4&5 is obstructing the tidal flow into the Rann of Kutch thus threatening the wildlife and biodiversity in the protected area. The copy of the CZMP plan for the area and the Google Images showing the leased out area has already been annexed with the rejoinder to reply of R-5 and the same is relied upon in reply to the contentions in the para under reply.

4. That the contents of para under reply are denied as wrong and false and the contents of the OA are reiterated as true and correct.

4.1 That the contents as regards to leasing of the land to R-4 is true and correct, the contents of the rest of para are denied as wrong and false. The answering respondent has undertaken construction of earthen bund over the leased out area, so this is the basic activity required for salt manufacturing which is preparation of salt pans, and the same has obstructed the flow of tidal water and affected the mangroves in the area.

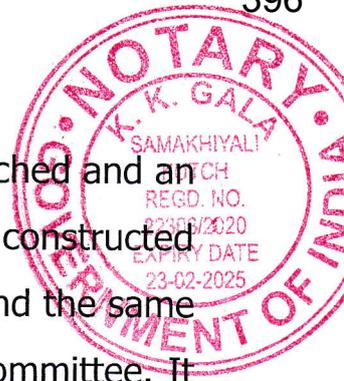
4.2 That the contents of the para are denied as wrong and false. The contentions of the answering respondent that



  
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there is an encroachment on their land is far fetched and an after thought as the earthen bunds have been constructed on the periphery of their leased-out land area and the same is evidenced by the report of the District CRZ committee. It is not fathomable as to why any third party would make earthen bunds over the same area leased to R-4 and 5 as the same reason has been brandied about by both the respondents who have been granted lease in the CRZ IA area. This is just an afterthought as these complaints have come up after the applicant made complaints to the respondent authorities as regards to the construction of the earthen bunds. The subterfuge of encroachment is just a way of deflecting legal action for undertaking activity without any permission.

- 4.3 That the contents of the para are denied as wrong and false. The contentions of the answering respondent that there is an encroachment on their land is far fetched and an after thought as the earthen bunds have been constructed on the periphery of their leased-out land area and the same is evidenced by the report of the District CRZ committee. It is not fathomable as to why any third party would make earthen bunds over the same area leased to R-4 and 5 as the same reason has been brandied about by both the respondents who have been granted lease in the CRZ IA area. This is just an afterthought as these complaints have come up after the applicant made complaints to the





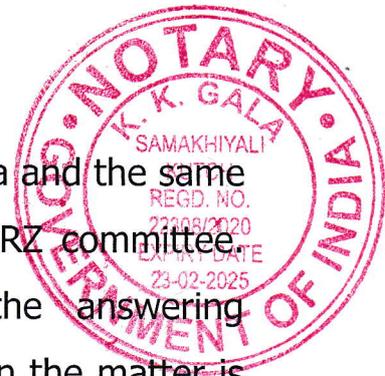
respondent authorities as regards to the construction of the earthen bunds. The subterfuge of encroachment is just a way of deflecting legal action for undertaking activity without any permission.

4.4 That the contents of the para are denied as wrong and false. The contentions of the answering respondent that there is an encroachment on their land is far fetched and an after thought as the earthen bunds have been constructed on the periphery of their leased-out land area and the same is evidenced by the report of the District CRZ committee. It is not fathomable as to why any third party would make earthen bunds over the same area leased to R-4 and 5 as the same reason has been brandied about by both the respondents who have been granted lease in the CRZ IA area. This is just an afterthought as these complaints have come up after the applicant made complaints to the respondent authorities as regards to the construction of the earthen bunds. The subterfuge of encroachment is just a way of deflecting legal action for undertaking activity without any permission. There is no permission undertaken by the answering respondent from GPCB for constructing these earthen bunds which are prohibited in CRZ IA area.

4.5 That the contents of the para are denied as wrong and false. The contentions of the answering respondent that there is an encroachment on their land is far fetched and an after thought as the earthen bunds have been constructed

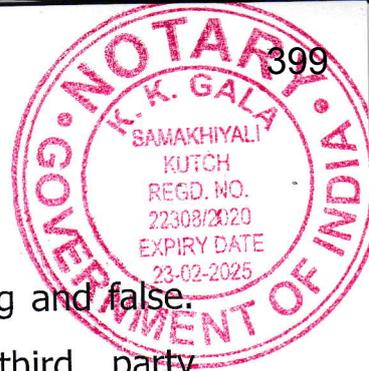
  
**K. K. GALA**  
NOTARY  
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on the periphery of their leased-out land area and the same is evidenced by the report of the District CRZ committee. The identification of two persons by the answering respondent comes at a convenient time when the matter is pending adjudication before the Hon'ble Tribunal and it is only aimed at deflecting the legal action.



- 4.6 That the contents of the para are denied as wrong and false. Even though FIR has been lodged, the earthen bunds continue to be in existence and are obstructing the flow of the tidal waters, even though a direction was issued by Additional Secretary and Member Secretary, GCZMA to District Level CRZ committee vide letter dated 23.02.2021 to undertake action of a) file case under section 19 EPA against responsible units for violation of CRZ Notification, b) break the illegal earthen bunds, c) cancellation of lease. This letter was communicated to the Hon'ble NGT by Additional Secretary and Member Secretary, GCZMA. It is submitted that the contention of encroachment is to avoid action as contained in these directions. So the earthen bunds need to be removed and the leases are to be cancelled as the same are in CRZ IA area as per the approved CZMP Map.
5. That the contents of the para are denied as wrong and false. The answering respondent has undertaken construction of earthen bund over the leased out area, so this is the basic activity required for salt manufacturing which is preparation of salt pans, and the same has obstructed the flow of tidal water and affected the mangroves in the area.

  
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6. That the contents of the para are denied as wrong and false. The answering respondent and not some third party encroachers have undertaken construction of earthen bund over the leased out area, so this is the basic activity required for salt manufacturing which is preparation of salt pans, and the same has obstructed the flow of tidal water and affected the mangroves in the area.
7. That the contents of the para are denied as wrong and false. In view of the contentions raised in OA, the prayer of the applicant deserves to be allowed.
8. That the contents of the para are denied as wrong and false.

29/03/2022

**DEPONENT**

**VERIFICATION:**

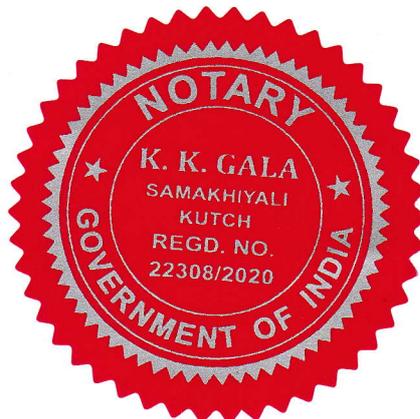
Verified at Samakhiali on 29th day of March, 2022 that the contents of above affidavit is true and correct to the best of my knowledge and understanding and nothing material has been concealed there from.

29/03/2022

Identified by me:

*Premji M. Dungariya*

**PREMJI M. DUNGARIYA**  
Advocate Gujarat High Court  
Samakhiali, Ta. Bhachau-Kutch.



**DEPONENT**

SOLE  
SOLEMNLY AFFIRMED  
BEFORE ME

*K. K. Gala*

K. K. GALA  
NOTARY  
GOVT. OF INDIA

Sr. No. 733/22  
Date:- 29/03/2022

भारतनुं चूटणी पंच  
 ELECTION COMMISSION OF INDIA  
 मतदार जेरो ओलपपत्र - ELECTOR PHOTO IDENTITY CARD



नाम : समा सिधीक  
 Name : Sama Sidhik  
 पित्तानु नाम : ओसामण  
 Father's Name : Osaman

जति / Sex : पुरुष / Male  
 जन्म तारीख / उमर : 57  
 सरनाम

Address :

मतदार नोंपणी अधिकारी  
 Electoral Registration Officer  
 Date: 21/12/2016  
 विधानसभा मतदारसंघाची नंबर वरून नाम : 6-रापर  
 Assembly Constituency No. & Name : 6-Rapar  
 जेजली नंबर वरून नाम : 72-सुपजवारी  
 Part No. & Name : 72-Surjavar  
 टीप / Note

1. आ ओलपपत्र फक्त पुरवण करवाली तमे प्रवर्तमान मतदार यादीमो मतदार जो जेव्ही वोटपत्री मजली तथी. ह्या इरी दरेक चुटणी पहेला तमाडे नाम प्रवर्तमान मतदार यादीमो राखली लावु.  
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समा सिधीक