

BEFORE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH PUNE

O.A.109/2025

Hasmukhbhai Parmar

... Applicant

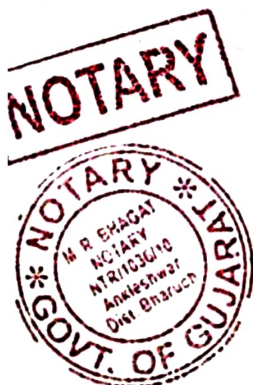
Vs.

Secretary water resources, Dept and others

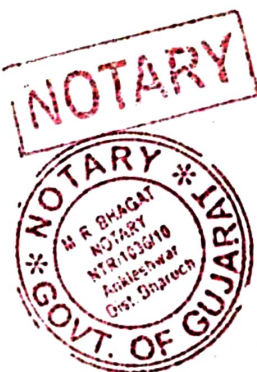
... Respondents

REJOINDER TO THE AFFIDAVIT OF RESPONDENT NO. 6

1. I say and submit that the contention of the Respondent No.6 that the present Application is misconceived, speculative and devoid of statutory foundation. As mentioned by the respondent number six is not correct and hence the applicant denies the same. The applicant has filed the present application with the only motive to protect the environment.
2. I say and submit that although the applicant has not filed any legally notified flood plain map, scientific demarcation or declaration of the new development zone showing Survey number 168-B, Village:- Naugama, Taluka:- Ankleshwar, District Bharuch, as falling within the flood plain of Narmada. It cannot be said that the low lying area where survey number 168-B is situated cannot be said to be a flood plain zone.
3. The applicant is the resident of the site in question since more than last 50 years and he has witnessed during heavy monsoon, the water level rises and the area between the bank of Narmada river till relocated village – is submerged in water. If the construction activity is allowed/permitted in the low line area, the same would definitely create obstruction to the river flow which would be detrimental to the environment. It is further submitted that while granting the permission, the authority has not taken into consideration the environmental impact. It has merely referred to the documents and neglected the actual situation/position at site in question.
4. I say and submit that merely getting NA Permission and certificate of 'white category' industry from the GPCB are merely paper formalities and no application of mind has been done with respect to the environmental consequences of the development, which are going ahead.
5. I say and submit that the present respondent has illegally purchased and/or stolen the soil and the same has illegally filled soil at the site to increase the height and then the construction has been carried out. This is done with the intention that the soil level is increased in height so that flood water cannot enter the site. This amounts to illegal reclamation at site changing the natural topography. It is pertinent to note that the applicant has made an application with the District Collector Bharuch in this regard, but for the reasons, best known to them, have not yet received any further information.
6. I say and submit that on 18.09.2023, the site and question was submerged and the flood levels are marked on the compound wall of structure situated at the site.

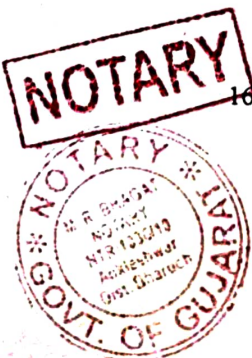


7. It is further submitted that there is no dense population between the Narmada river Bank and the land in question. It is important to note that due to the heavy floods in the year 1968 and 1970 Village Mandava Bazurg (where the applicant is residing) was relocated away from the flood affected area of Narmada river. A Google imagery depicting the same is annexed herewith and marked as "Annexure -A01".
8. I say and submit that after the devastation of terrible floods in the year 1968, the government has relocated the old Kansiya Village the new Kasiya village, which is away from the flood affected area. Similarly, some village is also relocated at a safe place away from the flood of Narmada river. I say and submit that in between the present Southern Bank of Narmada river and the relocated villages, there are farming lands which are very fertile due to the spread of flood sediments. As the village is relocated due to the flood, the distance between the Southern Bank of Narmada River and relocated villages is almost 3 to 4 km. In this particular belt, there are no settlements and only farm lands are in existence. In case of predictions of heavy rainfall, flood, the farming activity is temporarily suspended by the farmers considering the flooding. It is therefore clear that merely because the authorities have failed to identify and demarcate the flood plain, the fact cannot be changed that the area in question is a flood plain zone/flood prone zone. It is important to note that the parties/project proponents are taking undue advantage of this administrative situation and trying to change the use of land by constructing structures for commercial uses. I further say and submit that by doing so they are destructing the environment and changing the natural topography which will eventually result into washing of the whole settlement. Hence, it is necessary to stop any construction activity at the site in question and the authorities should not permit the same. It is further submitted that at the land in question no construction activity can be carried out because of the land being flood affected land, and hence if anybody wants to erect any structure, the same will only be possible by reclamation and strengthening of the land. This would definitely result into change of natural topography and if eventually flood situation occur, it would result into devastation.
9. I say and submit that the present respondent has carried out unauthorised filling of soil at site and respondent number 4 had already penalise the present respondent for causing environmental damage. Hence it is clear that the respondent number six has damaged the environment by illegal reclamation.
10. I say and submit that as I am the resident of the area since last 50 years, I myself have witnessed floods almost frequently. And almost frequently, the area between the Narmada river Bank (Southern) and the relocated villages is submerged in water. Thus the said area is flood prone zone.

11. I further say and submit that the non-agricultural permission which was granted to the present respondent is merely a paper formality. The Bharuch district collector that is respondent number – has not considered its environmental consequences. So also the fact that the area is flood prone area has also not been taken into consideration while granting the said permission.
12. I further say and submit that in the present the applicant has raised the concern about the adverse environmental impact if concrete construction is allowed in the flood prone area. The applicant is not challenging the categorisation of the GPCB). The concrete construction by respondent number six amounts illegal reclamation, resulting into change in natural topography and encroachment on the flood prone area. It is also important to note that the respondent number – GPCB) has issued notices to the present respondent to stop contamination of groundwater as the unit was illegally discharging the effluent.
13. I say and submit that the contention of the respondent number six that ordinarily hydrological understanding, flood plain influence is confined to a limited corridor at joining the river Bank, typically extending only 10 of metres from the active channel is not true and acceptable to the applicant. The present respondent has not provided/submitted any proof thereof nor it is the expert who can comment on the same. As mentioned earlier, the applicant being resident of the said village has witnessed floods in the area which is the subject matter of the present petition almost every year. The present respondent is trying to interpret and understand the situation as per his convenience without any support of evidence thereto.
14. It is also not true to say that the applicant has misconceived the 'Pollutor Pays Principle'. even though it can be considered true that the activity of respondent is classified under the white category by the GPCB, illegalities with respect to reclamation of land in increasing the height of the site in question to avoid flood and change in natural topography cannot be ignored.
15. I say, and submit that the present petition is purely in the interest of environment and I am not selectively targeting respondent number six alone while ignoring other residential developments in close proximity. I say and submit that the respondent number – GPCB) has observed degradation of environment by the respondent number six and hence the applicant have made them the party respondent. If any other parties are noticed/observed altering the natural topography of the region and/or carrying out construction; the applicant craves leave to add them as party respondent as well. I say and submit that the prayers in the present application are very much clear that the site in question is a low lying area, which is flood prone area and if any construction is allowed at the site area, it will create devastation and extreme flooding in the region.

16. I say and submit that although from the Google Maps satellite imagery placed on the record reveals that on the opposite Bank of Narmada river (Northern Bank), the town of Bharuch and its adjoining localities, including multiple residential societies, within a distance of approximately hundred metre from the river bed, the actual concern of the



[Signature]

present applicant is the low lying area between the Southern Bank of Narmada river and the relocated villages. It is important to note that the villages were relocated at a area which is on a height and the same was considered to be suitable and unaffected if the flood situation is witnessed.. The present respondent is trying to mislead the honourable tribunal by comparing the location of respondent number six with the locality situated at the northern side of the river Bank of Narmada river. It is important to note that the respondent number six is misrepresenting the actual natural geographical position of the northern Bank of Narmada river. In fact, the northern Bank of Narmada River is located at a natural height of more than 30 feet about the water level of the active stream of Narmada. Thus there is stark distinction in the topography of Northern river Bank of Narmada river and Southern River Bank.

17. I say and submit that the respondent is unnecessarily questioning the bona fides of the applicant. The applicant is coming before this tribunal with clean hands and with the only intention to protect the environment. The fact that the present respondent has been imposed the environmental damage compensation the tune of ₹107710 /- by the GPCB) itself, makes it clear that it is while violating the environmental norms.

Place:- Ankleshwar

Date:-22/07/2026



Deponent

NOTARY



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Hasmukhbhai Parmar

... Applicant

Vs.

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... Respondents

VERIFICATION

I, Hasmukhbhai Bahecharbhai Parmar, male, adult, Profession farming resident At & Post - Mandava Buzarg, Taluka - Ankleshwar, Dist- Bharuch, Gujarat - 393001, do hereby verify that the statements of facts made in para's 01 to 17 are true to the best of my knowledge,

Veerified at Ankleshwar, Dist - Bharuch.

On this 22nd July 2026.

[Signature]
HASMUKHBHAI BAHECHARBHAI PARMAR

Regd. No. 1610/26
Date 22 JUL 2026

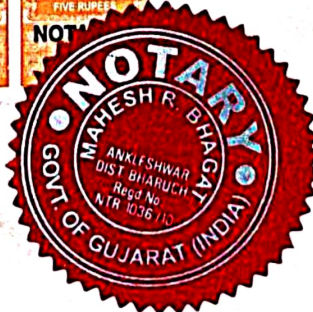


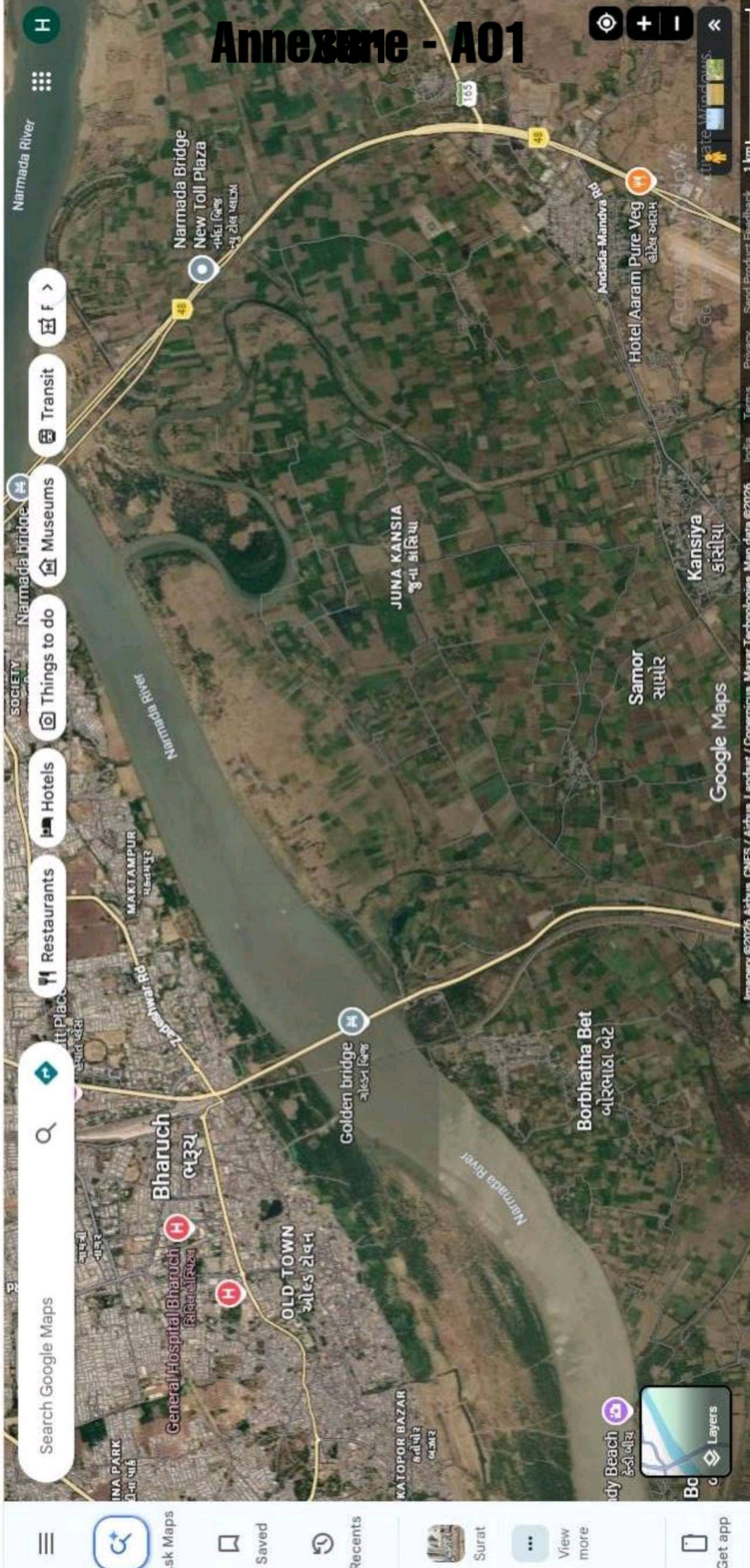
SOLEMNLY AFFIRMED
BEFORE ME
[Signature]
M. R. BHAGAT
NOTARY
NTR/1036/10
ANKLESHWAR, DIST. BHARUCH

Mo. 98245 47610
MAHESH R. BHAGAT
NOTARY Docu. Reg. No. 1610/26
Date 22 JUL 2026
Reg. No. NTR/ANK/1036/10
Ankleshwar-01, Dist. Bharuch

22 JUL 2026

NOTARY





Annexure - A01

