

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN BENCH, PUNE

Appeal NO.17 OF 2025(WZ)

IN THE MATTER OF:

Jaydip Anjubhai DhakdaAppellant
Vs
Ministry of Environment, Forest and Climate Change and Ors
....Respondents

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Place: Amreli
Date: __.06.2025

Filed By:-



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Sr. No. -2613-
Dt. 30 JUN 2025

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BEFORE THE NATIONAL GREEN TRIBUNAL
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Appeal NO.17 OF 2025(WZ)

IN THE MATTER OF:

Jaydip Anjubhai Dhakda

.....Appellant

Vs

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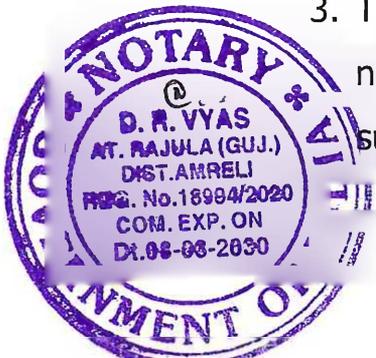
....Respondents

**REJOINDER TO THE REPLY AFFIDAVIT OF R-5/ M/S INDO ASIA
COPPER LIMITED TO IA 55/2025 (WZ)**

MOST RESPECTFULLY SHOWETH AS UNDER:

The Applicant submits this rejoinder to the affidavit-in-reply filed by Respondent No. 5, M/s Indo Asia Copper Ltd., and respectfully states as follows:

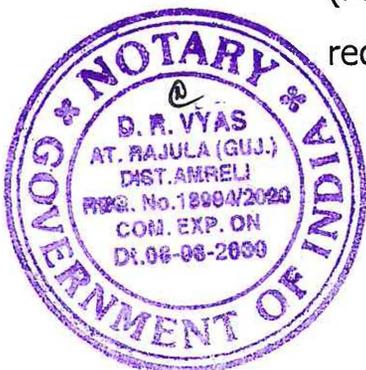
1. The averments made in the paragraphs of the Reply Affidavit are denied in toto unless specifically admitted hereunder. The Applicant reserves the right to respond to any subsequent affidavits or contentions filed by the Respondent-5.
2. The contents of these paragraph no.1 is formal in nature and do not call for any specific reply. The Applicant denies the submissions to the extent they attempt to avoid liability or obfuscate material facts. The respondent no. 5 is put to strict proof of the submissions made herein.
3. The contents of these paragraph no.2 is formal in nature and do not call for any specific reply. The Applicant denies the submissions to the extent they attempt to avoid liability or



E. A.

obfuscate material facts. The respondent no. 5 is put to strict proof of the submissions made herein.

4. The contents of these paragraph no.3 is formal in nature and do not call for any specific reply. The Applicant denies the submissions to the extent they attempt to avoid liability or obfuscate material facts. The respondent no. 5 is put to strict proof of the submissions made herein.
5. In response to the contents of paragraph no. 4 it is stated that the contents are denied and the averments made in the application and appeal are reiterated as correct and are affirmed.
6. In response to the contents of paragraph no. 5 it is stated that the contents are matter of record and need no response.
7. The contents of paragraph no, 5 is denied as wrong and false. The contention that the appeal is not maintainable due to one appeal being filed for two environmental clearances is misconceived. The Applicant has challenged both ECs as they pertain to the same industrial project-greenfield Integrated Copper plant of 10LTPA with fertilizer Plant of 16.5 LTPA. The integrated Copper project also involves interlinked activity of production of Chemical fertilizers as a by-product. The heading of the two EC's dated 01.11.2024 and 04.11.2024 under challenge also mention this aspect (Page 53, Page 75). The Letter dated 18.09.2023 of the MoEF&CC for grant of TOR for the Copper Plant mentions both the industrial activity in the particulars at SI No. (v) (Page 253). Further, in this order granting TOR, the EAC has recommended that separate TOR is required to be obtained for

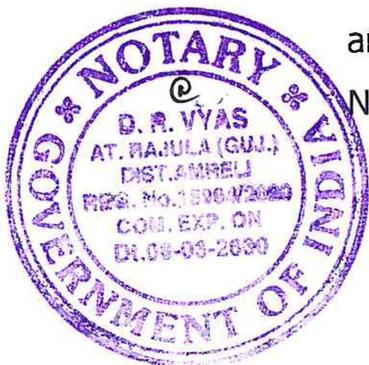


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interlinked activity in terms of the OM. (Page 254, 255). The relevant portion is extracted below for ready reference:-

"(i) In pursuance to MoEF&CC's OM dated 24/12/2010 for integrated and inter-linked projects, the PP shall obtain Terms of Reference for the fertiliser part of the proposed Integrated Copper and Fertilizer plant from Industry-III of IA Division of MoEF&CC."

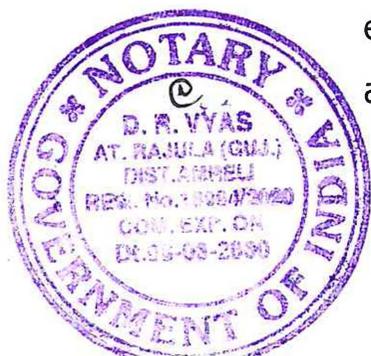
It is further mentioned that the project proponent has stated that application for obtaining TOR for Fertilizer Plant had been submitted. In furtherance to the same, R-5 after obtaining TOR for Integrated Copper Plant and Fertilizer Plant undertook combined EIA studies for the Integrated Copper Plant and Fertilizer Plant, as environmental impacts for the both the activities are the same and cumulative. The R-5 has undertaken combined EIA studies for both Integrated Copper Plant and Fertilizer Plant and the same is evident from the Final EIA report (Page 311) submitted to EAC for grant of EC. The section in the EIA report for compliance of the TOR is both for the TOR for the Integrated Copper Plant (Page 357) and TOR for Fertilizer Plant (Page 379). The Chapter 4 that deals with Environment Impacts (apge 386) and anticipated environmental impacts (page 369) for both the activities is the same. A combined public hearing was conducted for both Integrated Copper Plant and Fertilizer Plant and the outcomes of the same was included in the EIA report. The R-5 has not disputed anywhere that it is not an integrated and interlinked project. So, a single appeal can be filed under the NGT Act challenging two ECs relating to the integrated project as



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impacts are interconnected, project proponent is the same, the cause of action arises from the same factual and legal matrix. The ECs were issued to the same project proponent, on the same site, and the environmental impacts were interconnected and cumulative. This is consistent with the objectives of the NGT Act and its flexible procedure aimed at protecting the environment and avoiding multiplicity of litigation.

8. The contents of paragraph no. 7 to 10 are denied as wrong and false. The appellant has calculated the delay from the date of grant of EC. It is incorrect to suggest that there are no justifiable grounds for condoning the delay. The Applicant has clearly stated that the information about grant of ECs was not in the public domain or reasonably accessible in time, and became known only after local community awareness. The fact that the ECs were uploaded on the MoEF&CC website or Respondent's own website cannot doesn't aver to the knowledge to the appellant.
9. The contents of Paragraphs no. 11 to 16 are denied as wrong and false. The appellant has explained the reasons for not filing the appeal within prescribed period. The mention of the Appellant's marriage was only part of the factual explanation and not the sole ground. The real impediment was lack of access to the ECs and the time needed for mobilizing legal and financial support for the appeal. The marriage is cited as a concurrent personal circumstance, not an independent justification. The community funding effort is a genuine grassroots response and cannot be expected to produce detailed documentary records like a formal audit. The delay is neither deliberate nor mala fide but due to



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social and logistical constraints. Procedural rigidity must yield to substantive environmental justice. The Appellant reiterates that the delay is well within the reasonable period, and that sufficient cause exists under Section 16 of the NGT Act read with Rule 24. The law favors decisions on merits and not on technical rejections. The delay of 28 and 25 days, respectively, is not inordinate or unexplained. The Tribunal is empowered to condone such delay.

10. That in view of the facts and circumstances stated hereinabove, it is stated that the delay be condoned and the appeal be heard on merits.

Place: Pune

Date: 30.06.2025

Filed By:-

30 JUN 2025



(Shilpa Chohan)

Advocate

For

Indian Environment Law Organization

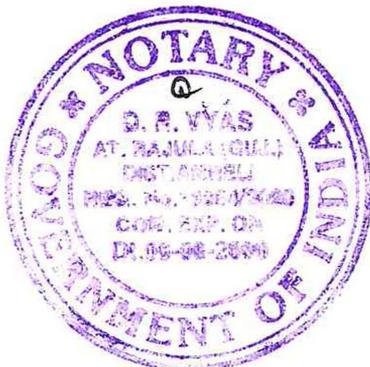
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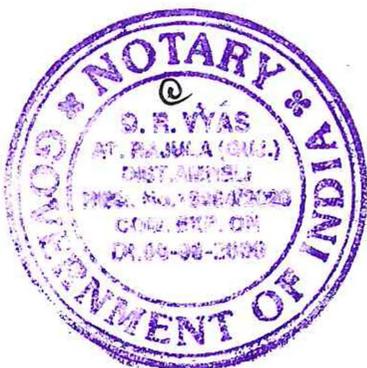
Ministry of Environment, Forest and Climate Change and Ors

....Respondents

AFFIDAVIT

I, Jaydeep Anjubhai Dhakhada, Aged about 25 years, S/o Shri Anjubhai Balubhai Dhakhada R/o Village Chatarpur, Ta: Rajula, Dist Amreli, Gujarat 365630, Gujarat do hereby solemnly affirm and state as under:

1. That I am the appellant in the above-mentioned matter and as such am competent to depose the present affidavit.
2. That the accompanying rejoinder to affidavit of reply of R-5 has been drafted by my counsel upon my instructions and the contents of same have been explained to me in the vernacular and are true and correct to the best of my knowledge and understanding.
3. That the annexures are the true copy of the originals.



E.A.
DEPONENT

VERIFICATION:

Verified at Rajula, Amerili on 30 day of June, 2025 that the contents of above affidavit are true and correct to the best of my knowledge and understanding and nothing material has been concealed there from.

Place: Rajula, Amreli, Gujarat

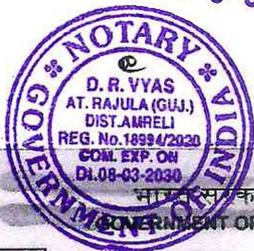
Date : 30.05.2025



[Signature]

DEPONENT

30 JUN 2025




 भारत सरकार
 GOVERNMENT OF INDIA

 धाખડા જયદીપ અંજુભાઈ
 Dhakhada Jaydeep Anjubhai
 જન્મ તારીખ/DOB: 13/02/1998
 પુરુષ/ MALE
 Mobile No: 9904944190
2386 2133 1334
 VID : 9199 3848 0975 5305
 મારો આધાર, મારી ઓળખ

SOLEMNLY AFFIRMED
BEFORE ME

[Signature]

DIPESHKUMAR R. VYAS
NOTARY
GOVT OF INDIA

Sr. No. -2613-
Dt. 30 JUN 2025

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