

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
APPEAL NO. 19 OF 2025**

IN THE MATTER OF:

VIJAYKUMAR KARSANBHAI GADHAVI AND ORS. APPELLANTS

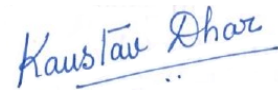
VERSUS

UNION OF INDIA AND ORS. RESPONDENTS

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THROUGH



**RAHUL CHOUDHARY KAUSTAV DHAR
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PLACE: PUNE/NEW DELHI**DATE: 10.09.2025**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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VERSUS

UNION OF INDIA AND ORS. RESPONDENTS

**REJOINDER ON BEHALF OF THE APPELLANTS TO THE REPLY
AFFIDAVIT DATED 24.03.2025 FILED BY RESPONDENT NO. 3,
GUJARAT POLLUTION CONTROL BOARD.**

MOST RESPECTFULLY SHOWETH:

1. That the above-mentioned Appeal was filed under Section 16(h) read with Section 20 of the National Green Tribunal Act, 2010 challenging the Environmental Clearance dated 12.12.2024 pertaining Proposal No. IA/GJ/IND3/408164/2022 granted by the Ministry of Environment Forest and Climate Change to Greenfield Chemical Complex Ltd. for the proposed production of 11,00,000 TPA capacity of Light Soda Ash (LSA), 5,00,000 TPA capacity of Dense Soda Ash (DSA) and 2,00,000 TPA capacity of Sodium Bicarbonate (SBC). That the impugned project site which is located near village Bada, Taluka – Mandvi, District Kutch in Gujarat falls under Category 'A' project and is listed at Schedule 4(e) i.e., a soda ash industry and 1(d) of EIA Notification 2006 and has been granted EC in blatant violation of the EIA Notification 2006, Technical EIA Guidance Manuals for Soda Ash Industry, 2010, Species Best Interest Principle and the Precautionary Principle.
2. That the present Rejoinder is being filed in response to the Reply Affidavit dated 24.03.2025 filed by Respondent No. 3, Gujarat Pollution Control Board (GPCB). The Appellants herein submit that nothing should be assumed to be admitted for want of specific traverse and all

averments in the Reply Affidavit should be assumed to be denied unless specifically admitted or part of the record. The Appellants reiterate all the facts and submissions made in the Appeal to be true and correct and the same may be read as part of the instant rejoinder and are not all being repeated for the sake of brevity.

PARA-WISE REPLY:

3. That the contents of Para No. 1 requires no response as these are factual averments relating to the filing of the Reply Affidavit by Respondent No.3, GPCB.
4. The contents of Para No. 2 require no response as these are factual averments relating to a separate case i.e., Writ Petition (PIL) No. 85 of 2022 filed before the Hon'ble High Court of Gujarat. The Appellants in this regard submit that the grounds raised in the present Appeal are not a continuation of those earlier proceedings of the mentioned Writ Petition.
5. The contents of paragraphs No. 3A of the Reply Affidavit are denied except which are matter of record. The allegation made by Respondent No. 3 is that a lot of ruckus being created by the objectors including the Appellant herein is denied. The Appellants submit that the project proponent and other officials were seated at a distance of about 8 to 9 feet, while the public was kept behind a fence. It is important to highlight that police personnel were deployed at the site, equipped with lathis, tear gas shells, and other gear. Whenever the villagers attempted to raise questions or objections, the police sought to silence them by intimidating and brandishing their lathis. The Appellants herein submit that the forum for public hearing is meant to facilitate consultation and participatory decision-making, and is expected to offer a platform for the communities to voice their objections. However, the manner in which the hearing was conducted has raised serious questions about its

fairness. Despite the overwhelming opposition, the public hearing was forcefully carried out amidst heavy police presence. Security forces were reportedly equipped with tear gas shells, water cannons, and lathis, creating an atmosphere of intimidation and fear. Such measures not only suppressed peaceful dissent but also compromised the participatory spirit of the communities. As a result, the hearing concluded under coercive circumstances, raising doubt on the fairness of the public hearing process and the extent to which the concerns of the affected communities were genuinely considered.

6. That the contents of Para No. 3B requires no response as these are factual averments relating to the advertisement of the notices for conduct of public hearing by the Respondent No.3, GPCB.
7. That the contents of Para No. 3C of the Reply Affidavit are denied except which are matter of record. The Respondent No.3, GPCB in the Reply Affidavit submits that a copy of the Draft EIA Report and the Executive Summary of the Draft EIA Report were made available to public for public inspection. In this regards, the Appellants herein submit:
 - i. The Draft EIA Report made available to the public was prepared by CSIR-NEERI, which is a non-accredited consultant lacking NABET accreditation for conducting EIAs for Soda Ash Plants. Subsequently, NIO conducted a one-season study (Dec 2022–Feb 2023), the findings of which were incorporated into an Addendum EIA Report submitted on 01.02.2024. However, this Addendum EIA Report prepared, based on fresh baseline data was never placed before the public for consultation, contrary to this Hon'ble Tribunal's directions. Respondent No. 3, GPCB, has remained silent on this issue and did not respond to the Appellants' submissions in Para 36 of the Appeal. Importantly, this Tribunal has earlier held that when a revised/updated EIA

Report is prepared, it must be placed before the public for a fresh hearing; otherwise, the public is deprived of crucial information forming the basis of EC. This Hon'ble Tribunal has categorically directed that another opportunity should be given to the public for tendering their views/suggestions on the basis of the materials and the updated EIA report. However, in the present case, no such opportunity was given by deliberately bypassing the mandatory public consultation process.

- ii. It is also crucial to note here that despite being fully aware that NEERI has no NABET Accreditation to conduct EIA for Soda Ash Plant, the project proponent has vehemently misled the attendees thereby stating that the NABET Accreditation Certificate is in possession with the project proponent and same will be uploaded as evident from Point no. 49 at Page 35 of the minutes of the public hearing:

*"I am N.N. Radiya, President & CEO of GHCL Plant. Our EIA representative is Mr. Karipadan and NIO representative is Mr. Pradhan. **NABET Accreditation Certificate is in their possession and will be uploaded. Dr. Karipadan: No, without NABET Accreditation no organization can do the EIA....."***

The Minutes of the Meeting is a voluminous document and hence only the copy of the relevant extracts of the Minutes of the Meeting of the Public Hearing is annexed herewith as **ANNEXURE A/1**. The Appellants humbly reserve the right to place the entire electronic copy of the Minutes of the Meeting of Public Hearing held on 17.10.2022 before this Hon'ble Tribunal.

8. That the contents of Para No. 3D of the Reply Affidavit are denied except which are matter of record.

9. That the contents of Para No. 3E requires no response as these are factual averments relating to the advertisement of the notices for conduct of public hearing by the Respondent No.3, GPCB.
10. That the contents of Para No. 3F has been appropriately addressed and replied in Para No. 7 of this Rejoinder and hence, the same shall not be repeated for the sake of brevity.
11. That the contents of Para No. 3G are denied. The Respondent No.3, GPCB states that approximately 1000 to 1500 individuals have attended the public hearing and 106 attendees have signed the signature sheet. The Appellants herein deny such submissions of the Respondent No. 3 and submit hereby:
 - i. That nearly 4,000 to 5,000 individuals attended the public hearing. However, the GPCB recorded the signatures of only 106 attendees, and the signature sheet was not circulated among the rest of the gathering. The Appellants further submit that when attendees raised objections or sought to ask additional questions, the Chairman of the GPCB directed them to submit written representations instead and refused to address any further objections or queries raised during the hearing.
 - ii. Further, it is it is submitted that the summary of the public hearing proceedings were not read over to the audience at the end of the proceedings and the same is evident from Pg. No. 231 of the minutes of the meeting which merely concludes:

"Environmental Public Hearing was finally closed by the Regional Officer Kutch (West), Gujarat Pollution Control Board with approval of the Sub Divisional Magistrate Shri".

It is crucial to note that the Minutes of the Meeting of the public hearing nowhere records that the summary of the public hearing proceedings accurately reflecting all the views and concerns expressed are read over to the audience at the end of the proceedings explaining the contents in the local / vernacular language as mandated in the EIA Notification, 2006. That the Respondent No. 3, GPCB is completely silent on this aspect and has deliberately did not respond to such contentions raised by the Appellants in Para No. 30 to 36 of the Appeal. Thus, is it to be noted that the public hearing was not conducted in accordance with the Para No. 6.0 of Appendix IV of the EIA Notification, 2006 which specifically dealt and listed out the proceedings / procedure to be followed for public hearing:

"6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the local/vernacular language and the agreed minutes shall be signed by the District Magistrate / District Collector / Deputy Commissioner or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned."

- iii. The Appellants herein submit that in the present case, this essential procedural requirement was blatantly disregarded. The

abrupt termination of the hearing deprived the affected local community of an opportunity to verify the accuracy and completeness of their recorded concerns. The Appellants submit that the summary of the public hearing proceedings accurately reflecting all the views and concerns expressed was not read over to the audience at the end of the proceedings. Instead, the public hearing process was terminated abruptly. Such actions undermine the very purpose of the public hearing, which serves as a platform for democratic participation and ensures that local communities have a say in environmental decision-making processes. Further, the available video recordings of the public hearing stand as compelling evidence of this procedural lapse. These recordings substantiate the claim that the public hearing ended without due process and that the concerns of the affected stakeholders were not read out or validated in their presence. That the GPCB is completely silent about this aspect in the Reply Affidavit dated 24.03.2025.

Copy of the relevant extracts of the Minutes of the Meeting of the Public Hearing is annexed herewith as **ANNEXURE A/2**.

12. That the contents of Para 4 of the Reply Affidavit are denied in its entirety. That the above facts and circumstances clearly demonstrates that the public hearing is not conducted in accordance with the Para No. 6.0 of Appendix IV of the EIA Notification, 2006 and hence completely lacks transparency, public participation and due process.
13. Thus, in the light of the above facts, circumstances and submissions, the Hon'ble Tribunal shall be pleased enough to allow the prayers of the Appeal.

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...APPELLANTS

VERSUS

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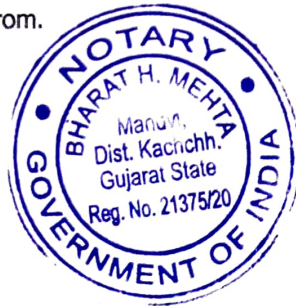
...RESPONDENTS


AFFIDAVIT

NOTARIAL REGISTER
SR. No. :.....2038.....
DATE :..09..SEP..2025

I, Vijaykumar Karsanbhai Gadhavi, S/o Karsanbhai Gadhavi, aged about 63 years, R/o Village - Panchotiya Vadi Visar, P.O. Mota Layaja, Pincode - 370465, do hereby solemnly affirm and state as follows:

1. I am the person authorized by the Appellant No. 1 in the above titled Appeal and conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.



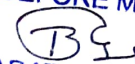

DEPONENT

VERIFICATION

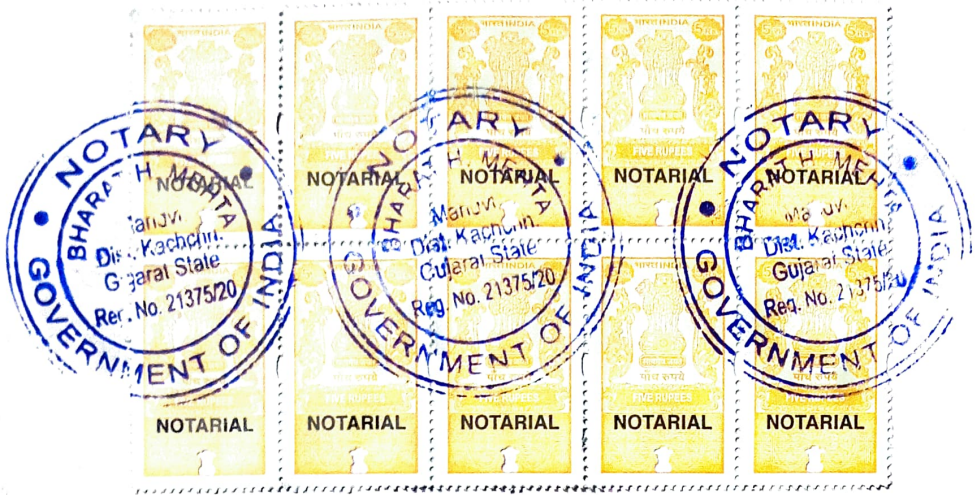
Verified on this 09 day of September, 2025 that the contents of the above mentioned Affidavit are true and correct and nothing material has been concealed therefrom.




DEPONENT

SOLEMNLY AFFIRMED
BEFORE ME

BHARAT H. MEHTA
ADVOCATE & NOTARY
LAYJA ROAD,
MANDVI - KACHCHH

09 SEP 2025





GUJARAT POLLUTION CONTROL BOARD

Regional Office : Kutch - West

Katira Complex-1, Manglam Char Rasta, Sanskar Nagar, Bhuj-Kutch : 370 001.

Ph. No. 02832-250620. email : ro-gpcb-kutw@gujarat.gov.in xgn site:gpcbagn.gujarat.gov.in

NO: GPCB/RO-KUTCH (WEST)/PH/T-27(110) 765

Date: 24 NOV 2022

To,

The Member Secretary,

Gujarat Pollution Control Board,

"Paryavaran Bhavan", Sector 10-A,

Gandhinagar -382010.

(Kind Attn: Smt.D.P.Shah, Senior Environment Engineer)

Sub: Proceeding of Public Hearing for "M/s GHCL Limited for 11,00,000 TPA Light Soda Ash, 5,00,000 TPA Dense Soda Ash, 2,00,000 TPA Sodium Bicarbonate, 120 Captive Co-Generation Power Plant, at Village. Bada, Ta. Mandvi, Dist. Kutch" covered under project Category "A" as mentioned in their request application.

Ref: GPCB H.O letter No. GPCB/PH/2022-23/Kutch (West)-184/681152, dated. 23/08/2022.

Respected Sir,

In context to the above mentioned subject and reference, the Public Consultation of M/s GHCL Limited for 11,00,000 TPA Light Soda Ash, 5,00,000 TPA Dense Soda Ash, 2,00,000 TPA Sodium Bicarbonate, 120 Captive Co-Generation Power Plant, at Village. Bada, Ta. Mandvi, Dist. Kutch, project category 'A' was scheduled to be held on 06/04/2022 at 11:00 Hrs, Venue: GHCL Project Site, Survey No. 432, Village: Bada, Taluka: Mandvi, Dist. Kutch. Public hearing is time being postponed due to unavoidable circumstances and now the Public Hearing was held on 17/10/2022 at 11.00 hrs, Venue: GHCL Project Site, Survey No. 432, Village: Bada, Taluka: Mandvi, Dist. Kutch. Please find enclosed herewith the proceeding of Public Consultation. This is for your information and necessary action please.

Thanking you.

Yours Sincerely,

T.C. Barmeda

(T.C. Barmeda)

Regional officer

Encl:

Two sets of proceeding along with.

- (1) Annexure-A, B & B1, C-1 to C-1154 (English & Gujarati), D-1 to D-1154 (English & Gujarati).
- (2) Video CD of Public Consultation.
- (3) CD of all Documents.



GUJARAT POLLUTION CONTROL BOARD

Regional Office –Kutch (West)

Katira Complex-1, Magalam Char Rasta, Sanskar Nagar,

Bhuj- 370001, Phone: (02832) 250620

E- mail: ro-gpcb-kutw@gujarat.gov.in

points are left complete them.

- As stated by the regional officer that, the mobile cannot be connected. we talked.
- According to the regional officer, whatever we discuss with you is on record. Nothing happens without a record. Continue your presentation.
- The regional officer said that whatever the issue is , the recording is still going on and if it is taken up on the record, continue your presentation.
- Told by the regional officer that, we will include your issues in the proceedings.
- Stated by the regional officer , the institution for the study is of national level and is reputed.
- The Regional Officer said that, however, we will take your submission on record. And the committee will give the answer to the people.
- Continue with your issues, continue with whatever issues you have , said the Regional Officer .
- People : sir please keep our mic on don't turn it off we request.
- As told by the regional officer , their presentations one after the other are fine, continue, don't interrupt, don't talk in between. Please let them speak, everyone will get a chance. Continue your submissions no issue .
- D.Y.S.P. As stated by that, now presentation can be done only when you sit properly. It can't happen until then. Sir, in this way presentation can be made.
- Told by the regional officer that, the proponent should reply if your points are completed. Speak, speak together, speak your points.
- Told by the regional officer that, if you speak all your points, then they will answer all together. Gadhavi bhai continue all your points.
- There is noise.
- Was told by the chairman that , after you all sit quietly, let us listen to the presentation, sit in a disciplined manner, let us maintain discipline. You make your presentation now.
- Sit down brother, everyone sit down for a while. Listen to all the topics.
- Listen to that, sit down for a while, then come, sit behind everyone. We don't want to back down at all. Let us sit down, drink water and sit down. All wise up and sit down. We have many questions and they have nothing.

48	Dhvani Shah Village : Bada	<ul style="list-style-type: none"> • The police can't show us your gun and stand up on us and oppress us. Please ask them to sit in his place. 	<ul style="list-style-type: none"> •
<ul style="list-style-type: none"> • As told by the Chairman that, then you also sit in one place and present peacefully. • Told by the regional officer that, present in turn, we are listen carefully and recording your presentations on camera. You make your presentations, we are here to listen you. 			
49	Dhvani Shah Village : Bada	<ul style="list-style-type: none"> • Sir, I am the daughter of Bada village Dhvani Shah, I am here to present by issue to you today. So this presentation should be done in Kutchi because we all are Kutchi and you have come to Kutch but for your convenience we are speaking in Gujarati and our issues which we will present now are expected from you as you are 	<ul style="list-style-type: none"> • I am N. N. Radiya, President & CEO of GHCL Plant. • Our EIA representative is Mr. Karipadan and NIO representative is Mr. Pradhan. • NABET Accreditation Certificate is in their possession and will be uploaded. • Dr. Karipadan : NO, Without NABET accreditation no any



GUJARAT POLLUTION CONTROL BOARD

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chairperson today, Chairman will respect this and give us a fair decision. Me and three other people filed a petition in the High Court, the judge has heard the petition but no order has been given, but even though the order has not been given, this public hearing is going on. Therefore, I present my submission under protest. If you wish, I will go further.

- You keep saying that you are takeing on-camera recording, you will write these points and read them at the end of this hearing with all the names and speak a summary of the points raised and the answers given or not?
- If you do not summarize all the points today, you are not meeting the EIA notification requirement.
- EIA notification that when the submissions of all done let it be one day, two days, five days or 10 days, at the end of the collector sir who is a chairperson, the officers of the GPCB in the chairmanship must give a summary and all should listen . And the same summary and same minutes are required to be approved by you on the same day. If this video recording is under your and the company 's and GPCB's control, it will be tampered with, whatever happens is not in our control.
- As Rule you needs to summarize this, tell us if you will do or not. Whenever this public hearing ends, we want to be assured that the 10 points presented by Dhvani, 10 points presented by Gadhavi Bhai and his company's reply will be read or not?
- The issues we have presented or

organization can do the EIA . NEERI is Hey brother will say in Gujarati latter.

- He can show if you listen, if you listen. It is not necessary to show everything, if you listen you can show it with date and it is necessary to give proof. And the proof will be shown in a minute. We are doing this public hearing .
- Dr. Karipadan : Madam, it's authorized , NEERI and NIO are national institute.
- Karipadan : I don't know Gujarati that's why.



GUJARAT POLLUTION CONTROL BOARD

Regional Office –Kutch (West)

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		<p>this sister is not from this area. Valji doesn't belong here, your are doing forcefully. Why are you doing that? The whole public hearing is in favor of the company and they are putting allegations on us.</p>	
1066		<ul style="list-style-type: none"> We people are not from here, then from where is the company? 	
<ul style="list-style-type: none"> It was stated by the Chairman, give any representation you have in writing. We conclude this hearing. 			



3822
GUJARAT POLLUTION CONTROL BOARD

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Regional officer, Kutch (West), Gujarat Pollution Control Board told the public that written submissions have been received from a total of 1154 persons including 1031 persons with reasonable interest before the public hearing and 123 persons during the public hearing will be included in the agenda.

Regional Officer, Kutch (West), Gujarat Pollution Control Board was present in the presence of any other people's views / suggestions / representations regarding the proposed project , but no other views were presented .

- Environmental Public Hearing was finally declared closed by the Regional Officer Kutch (West), Gujarat Pollution Control Board with the approval of the Sub Divisional Magistrate Shri.

Place :

Project Site , Survey no.
432 , Village: Bada ,
Taluk: Mandvi , District:
Kutch, Gujarat ,

Date : 17 / 10 / 2022

T. C. Barmada
T. C. Barmada
Regional Officer,
GPCB, Kutch (West) as
Representative of the
Member Secretary, GPCB

Chetan Misan
Chetan Misan (GAS) ,
Sub Divisional Magistrate and
Deputy Collector , Mundra
(Kutch)

**3823**

Litigation . <litigation@dclawchambers.com>

**Rejoinder to GSPCB on behalf of the Appellant in Appeal No. 144 of 2025
Vijaykumar Karsanbhai Gadhavi and ors. Versus. Union of India and ors.**

1 message

Litigation . <litigation@dclawchambers.com>

Wed, Sep 10, 2025 at 3:09 PM

To: maulik@nanavatico.com, ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>, secy-moef@nic.in,
chiefsecretary@gujarat.gov.in, ps2secfed@gujart.gov.in, pccf-forest@gujarat.gov.in, projectsodaash@gmail.com

Cc: Kol Office <kol_office@dclawchambers.com>

Dear Sir/madam,

Please find attached-Rejoinder on behalf of the Appellant

Thanks & Regards
Omprakash**REJOINDER TO GSPCB ON BEHALF OF THE APPELLANT.pdf**

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