

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.61 OF 2023(WZ)

IN THE MATTER OF:

FIRDOS CAMBATTA

...APPLICANT

VERSUS

STATE OF GUJRAT

...RESPONDENT

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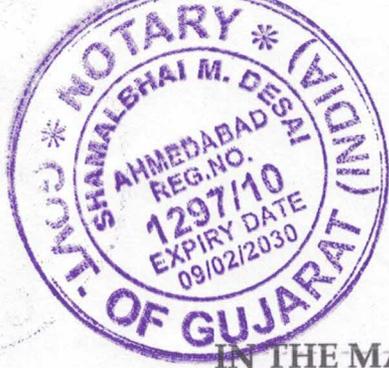
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BEFORE THE NATIONAL GREEN TRIBUNAL
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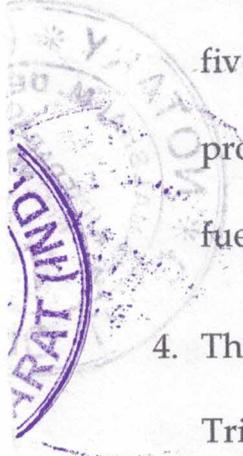
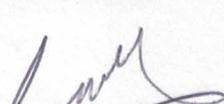
STATE OF GUJRAT & ORS.

...RESPONDENT

REJOINDER TO AFFIDAVIT IN REPLY BY RESPONDENT NO.5

1. The Applicant abovenamed respectfully submits that the instant rejoinder is being filed in response to the reply of the Gujrat State Aviation Infrastructure Company Ltd i.e. Respondent No.5.
2. At the outset, it is respectfully submitted that nothing in the Reply filed by Respondent No.5 should be deemed to have been accepted by the Applicant unless the same is specifically admitted/ accepted herein.
3. At the further outset, it is submitted that the Applicant is a highly respected and credible environmentalist and is the founder and current operator of a charitable organization known as "The Serenity Trust." In 1974, the Applicant undertook a significant environmental initiative by planting approximately 4,000 trees on Plot Nos. 313, 322, and 323 in Hansol Village, Ahmedabad. This initiative aimed to mitigate soil erosion, protect guachar lands from flood risks, and enhance the area's greenery. These efforts have significantly contributed to oxygen

exchange, thereby benefiting the residents in the vicinity and Ahmedabad city. Additionally, this initiative has fostered an ecosystem of indigenous flora and fauna, supporting species that are classified under Schedule I and listed as threatened by the IUCN. Over the past five decades, this project has also supported local communities by providing them with sustainable resources such as animal fodder and fuel wood, thereby enhancing their livelihoods.

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4. That the Present Original Application was registered before this Hon'ble Tribunal on the basis of a letter petition wherein the Applicant had stated that the Applicant had created a green cover by plantation in 1974 of about 4000 trees on plot no. 313, 322 and 323 in Hansol village which was included in the municipal limits of Ahmedabad Municipal Corporation in 1987, which were being cut down.
 5. Further, the Applicant has previously brought to this Hon'ble Tribunal's attention instances of unauthorized tree cutting, initially notifying the Hon'ble Tribunal vide letter dated 25.04.2022. Despite the Hon'ble Tribunal taking cognizance of the matter, tree-cutting activities continued unabated, with further instances recorded as recently as November 2023. Following this, the Applicant has filed multiple affidavits, supplemented with photographic evidence and corroborative newspaper reports, all of which substantiate the ongoing unauthorized
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tree cutting. These materials collectively demonstrate that the harmful activities persist despite the Hon'ble Tribunal's involvement.

6. It is respectfully submitted that on 26.10.2024, a company named PSP Project Ltd deployed a JCB bulldozer to clear trees on Plot No. 322. The JCB used in this operation was not RTO-registered, further indicating that the tree cutting on the land was unauthorized. Moreover, the claim made by Respondent No. 5 that no tree cutting has occurred on the land, either by them or by any other authorized individual, is inconsistent with the documented evidence of tree felling on the said land.

7. It is pertinent to mention here that the Applicant duly reported this incident to the police vide the emergency helpline number 100, following which the Airport Police Station dispatched a team to verify the reported facts. Inspector PI Sandip Khambala personally visited the location to investigate the Applicant's complaint. In addition, the Applicant has formally submitted a written request to the local police station for the registration of an official FIR in relation to this incident.

8. It is submitted that while Respondent No. 5, in their report dated 12.11.2024, claims that the only species present on the site is Gando Baval (*Prosopis Juliflora*), the Applicant has repeatedly emphasized before this Hon'ble Tribunal the significant ecological and biodiversity importance of even mature Gando Baval trees in the region. Additionally, the land



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in question contains other supporting species, some of which are classified under Schedule I and are listed as threatened by the IUCN.

Furthermore, under the provisions of the Saurashtra Felling of Trees

(Infliction of Punishment) Act, 1951, prior permission is required for the

felling of any trees. Unauthorized tree cutting is expressly prohibited by

this Act, and such permission must be obtained from the Ahmedabad

Municipal Corporation. However, in the present case, tree cutting and

felling have been carried out without the necessary authorization.

9. It is further respectfully submitted that Respondent No. 5 conducted the site inspection in the absence of any independent third-party observer.

Additionally, the presence of other species of flora and fauna along with

Gando Baval has already been presented by the Applicant before this

Hon'ble Tribunal. In light of these circumstances, the inspection

conducted by Respondent No. 5 raises legitimate concerns regarding its

accuracy and reliability.

10. Moreover, a recent article in *Times of India* features a study by the Gujarat

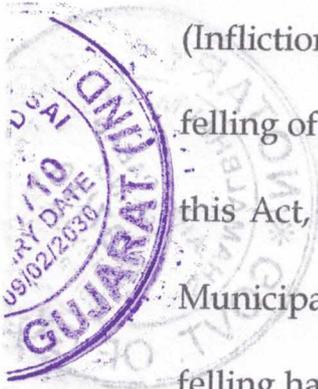
Institute of Desert Ecology (GUIDE), which recommends formulating a

separate management policy for Proliferous Prosopis juliflora. The study

underscores its potential to generate livelihoods and drive meaningful

ecological transformation across Kutch's Banni region. The study further

emphasized that once the seeds are removed, the pods of *Prosopis juliflora*



are rich in calcium and glucose, making them suitable for a variety of uses—including cattle feed formulations, edible biscuits, nutritional tonics for the elderly and children, and even as a coffee.

A true copy of the article dated 12.11.2021 is annexed herewith and marked as **Annexure A-1** [Pages to].

11. Furthermore, this Hon'ble Tribunal in *Niranjan Bagchi v State of Uttarakhand & Ors* OA No. 417 of 2022, vide its order dated 25.07.2023,, inter-alia observed here as under:

"10. The lack of protection of river floodplains from damaging impacts like encroachment and diversion for 'developmental projects' is a tragedy that affects both the river as well as those who encroach it adversely. The river suffers as it is unable to occupy and transport flood waters downstream during high rainfall events (monsoon in particular). It is unable to recharge aquifers, wet the lands along its banks or provide life sustaining conditions to plant and animal habitats along the river margins and banks. Damage to floodplains harms the riverine ecosystem, lessens groundwater recharge capacity and poses threats of flash floods. "People too suffer an immense loss of life and property, including loss of public infrastructure like bridges, roads, schools etc., during high floods."

12. Furthermore, the Hon'ble Supreme Court vide its order dated 05.08.2024 in *M. C Mehta V Union of India Writ Petition (Civil) No. 13381 of 1984* has also held here as under :

"23. Keeping in view the spirit of Article 51A of the Constitution of India and right of citizens to a healthy environment, every public authority which makes an

application before this Court seeking permission for felling the trees must make the best endeavour to reduce the number of trees which are required to be cut by re-examining the alignment of the public project."

13. Additionally, the Hon'ble Supreme Court recently in *M. C Mehta V Union of India Writ Petition (Civil) No. 13381 of 1984* vide its order dated 25.03.2025 has inter-alia observed as under:

"It will take a minimum of 100 years to again re-generate or recreate the green cover created by 454 trees which were brazenly cut without permission of this Court. Notwithstanding the embargo put by this Court which is in force right from the year 2015, he has indulged in this illegality. Destruction of so many trees adversely affects the environment and lives of several human beings."

14. That the Applicant respectfully states that, as a concerned citizen and environmentalist, his sole concern is the unlawful felling of trees, the destruction of green cover, and the resulting loss of biodiversity. The Applicant's commitment to protecting the environment and preserving natural resources remains paramount.

15. That the Applicant reserves the right to raise further points with the prior permission of the Hon'ble Tribunal.



[Handwritten Signature]
APPLICANT

THROUGH

[Handwritten Signature]

Ms. RANU PUROHIT
ADVOCATE FOR THE APPLICANT

DATE: __.05.2025

PLACE: NEW DELHI





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Ranu Purohit <office.ranupurohit@gmail.com>

REJOINDERS TO AFFIDAVIT IN REPLY BY RESPONDENT NO. 4, 5 AND 7 IN THE MATTER OF FIRDOS S CAMBATTA VS STATE OF GUJARAT THROUGH THE COLLECTOR AHMEDABAD O.A No. 61 of 2023(Western Zone)

1 message

Ranu Purohit <office.ranupurohit@gmail.com>

Mon, Jun 2, 2025 at 3:31 PM

To: maulik@nanavatico.com, simranjit@ghvirk.com, office@bhattandco.in, punengtwzb@gmail.com

Dear Sir/Madam,

Please find attached Rejoinders in the above captioned matter. Kindly consider it as a service.

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Kind regards,

Ranu Purohit

Advocate-on-Record

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(M) +91-9560457997**Please spare a thought for the environment. Print this mail only if necessary.****CONFIDENTIALITY NOTE**

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3878K **REJOINDER IN REPLY FOR R5.pdf**
3008K **REJOINDER IN REPLY FOR R4.pdf**
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