

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN BENCH AT PUNE  
APPEAL NO. 144 OF 2025**

**IN THE MATTER OF:**

Vijaykumar Karsanbhai Gadhavi & Ors. ...Appellant (s)

-Versus-

Union of India and Others ...Respondent (s)

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**NDoH: 08.01.2026**

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Place: Pune

Date: 05.01.2026

**DRAWN & FILED BY:**

*Mbachani*

Eisha Krishn, Mansi Bachani and Gitanjali Sanyal  
Advocates for the Respondent No. 5,  
29, LGF, Presidential Estate  
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**SETTLED BY:**

Mr. Sanjay Upadhyay  
[Senior Advocate]

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**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5, GHCL LTD.  
TO THE REPLY AFFIDAVIT OF FOREST AND ENVIRONMENT  
DEPARTMENT**

MOST RESPECTFULLY SHEWETH:

1. That this Hon'ble Tribunal is currently seized of the above-mentioned Appeal challenging the legality and correctness of the Order granting commencement of work dated 21.03.2025 by the Deputy Secretary of Forest, Gandhinagar, as well as the Grant of Stage I Forest Clearance dated 18.07.2023 and Stage II Forest Clearance dated 04.01.2024 by Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (hereinafter referred to as 'VSSA 1980'), for the diversion of 0.9689 ha of forest land for laying part of the seawater intake and effluent disposal pipeline and passage for related construction equipment movement in Mandvi Village, Kachchh District, Gujarat in favor of the Respondent No. 5, Greenfield Chemical Complex Ltd. (hereinafter referred to as 'Answering Respondent or GHCL Ltd.').
2. That the said clearance has been challenged by the Appellant, to which the Answering Respondent has filed an Affidavit on 10.09.2025, clarifying that the said Appeal raises frivolous and baseless grounds and should be dismissed for want of merit.

3. That on the last date of hearing on 17.11.2025, this Hon'ble Tribunal *inter alia* granted liberty to the Forest and Environment Department (Respondent No. 03) to file its Reply Affidavit. The Respondent No. 03 has filed its Reply dated 11.12.2025, submitting that the Stage I and Stage II Forest Clearance have been granted in accordance with the law. However, the Environment and Forest Department had submitted that the application for Forest Clearance has been submitted under Forest Conservation Rules, 2022, specifically Stage I Forest Clearance dated 18.07.2023 . The Answering Respondent, is, by and large, *ad idem* with the reply of the Forest Department ( Respondent No 3), however, there are certain factual clarifications vis a vis the submissions of the Environment and Forest Department in their Reply Affidavit dated 11.12.2025, which has become necessary to state the correct position of law and to assist this Hon'ble Tribunal.
4. That the Environment and Forest Department in their Reply Affidavit dated 11.12.2025 in paras 6.3 to 6.8 has submitted that the proposal was submitted by the User Agency/GHCL Ltd. on 21.09.2021 under Rule 9(2) of the Forest Conservation Rules, 2022 and thereafter has been processed in accordance with the provisions of the Forest Conservation Rules, 2022. It is pertinent to submit that the Forest Conservation Rules were enacted on 28.06.2022. Thus, it is factually incorrect to state that the Answering Respondent has submitted their application under the Forest Conservation Rules, 2022. Although the said Application for diversion was eventually processed under the Forest Conservation Rules, 2003 and later under the 2023 Rules, it would be important to set out the chronology of the Forest Clearance application proceedings for a holistic adjudication of the case.
5. That the Application for the grant of Stage I Forest Clearance was submitted on 21.09. 2021, under the Forest Conservation Rules of 2003 and not under Forest Conservation Rules of 2022. The subsequent processing of the Application has

also taken place under the Forest Conservation Rules, 2003. Thus for example, the Inspection by the DFO was carried out on 29.11.2021. The clarifications were sought by the DCF on 24.11.2021 and 01.12.2021. The queries of the CCF to DCF was dated 11.01.2022 and the response of DCF was dated 12.01.2022. Thereafter, the forwarding of the proposal to the Nodal Officer was on 28.01.2022 and the approval of the proposal by the Nodal Officer was on 31.01.2022. Thereafter, the Nodal Officer forwarded the said Application to the State Government for recommendation on the same date i.e. 31.01.2022. Clearly till this stage of Approval, the Application was being processed under the Forest Conservation Rules, 2003 and not under the Forest Conservation Rules, 2022.

6. That during the pendency of the proposal with the State Government, the Forest Conservation Rules of 2022 were enacted about five months later i.e. on 28.06.2022. The Ministry of Environment, Forest and Climate Change issued a clarification on 18.07.2022, with respect to the applicability of the Forest Conservation Rules, 2022 specifically for pending proposals. The said Letter clarified that the provisions of Forest Conservation Rules, 2003, shall apply to proposals submitted online through the Parivesh portal and which have been accepted by the Nodal Officer before 28.06.2022. Clearly, in this case, the Nodal Officer had accepted the proposal of the Answering Respondent on 31.01.2022, i.e. before 28.06.2022, as stated by the Forest Department themselves. Hence, the proposal for Stage I Forest Clearance was submitted and processed under the Forest Conservation Rules, 2003. Thus, in view of the said Letter, the subsequent recommendation of the State Government dated 16.05.2023 and the MoEF&CC recommendation dated 18.07.2023, is under the Forest Conservation Rules, 2003. In fact, the 14.07.2022 Letter of the District Collector, submitting that the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is complete and that the said

forest clearance is under the Forest Conservation Rules, 2003 as mentioned in the said Letter (Refer Page 94 of the Affidavit of the Environment and Forest Department, Respondent No. 03)

7. That further, even Stage II Forest Clearance dated 04.01.2024 has been processed under the Forest Conservation Rules, 2003 in view of the Letter dated 18.07.2022 of the Ministry of Environment, Forest and Climate Change which simply states that the proposals which have obtained approval of the Nodal Officer prior to 28.06.2022 *shall* be processed under the Forest Conservation Rules, 2003 instead of Forest Conservation Rules, 2022. In the humble submission of the Answering Respondent, subsequent provisions of the law cannot be applied retrospectively to a proposal that was processed under the erstwhile Forest Conservation Rules, 2003. However, it is pertinent to mention that as a matter of abundant precaution, the Divisional Forest Officer in his inspection report of December 2021 had recommended the diversion subject to Study/Assessment of Sea Turtle in 10km surrounding the project area as well as preparation and implementation of a holistic conservation plan for mitigation of any negative effects to the sea turtle. Further, the DFO had also assessed the presence of nearby Eco Sensitive Areas. Thus, the proposal has holistically considered including the direct and indirect impacts, which have been hidden by the Appellants herein for reasons best known to them. The Environment and Forest Department has duly submitted that the proposal was examined in depth with respect to the direct and indirect impacts including preparation and implementation of the Turtle Conservation Plan. However, with respect to the processing of the application for Forest Clearance, the Answering Respondent submits that the Environment and Forest Department has incorrectly stated that the same was processed under Forest Conservation Rules, 2022 as the said Rules were not enacted at the time when the application for Forest Clearance was submitted by the Answering Respondent in 2021.

Thereafter in December, 2023, the Forest Conservation Rules, 2022 have been replaced with Forest Conservation Rules, 2023. In January 2024 the Answering Respondent received Stage II Forest Clearance under the Van Sanrakshan Evam Samvardhan Adhiniyam, 1980. Thus, in the humble submission of the Answering Respondent, the processing of the application for Forest Clearance under the Forest Conservation Rules, 2022 could not have been undertaken in view of the abovementioned facts and position of law.

Place: Pune

Date: 05.01.2026

**DRAWN & FILED BY:**

*Mbachani*

Eisha Krishn, Mansi Bachani and Gitanjali Sanyal  
Advocates for the Respondent No. 5,  
29, LGF, Presidential Estate  
Nizamuddin East, New Delhi -110013  
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**SETTLED BY:**

Mr. Sanjay Upadhyay

*[Senior Advocate]*

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
APPEAL NO. 144 OF 2025**

**IN THE MATTER OF:**

Vijaykumar Karsanbhai Gadhavi & Ors.

... Appellant (s)

-Versus-

Union of India & Ors.

...Respondent (s)

**AFFIDAVIT**

I, Mr. Ranjan Tiwari, S/o Late Shri H.C. Tiwari, aged about 55 years, Office of B-38, Institutional Area, Sector - 01 Noida, Uttar Pradesh – 201301, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Reply are true and correct to the best of my knowledge.

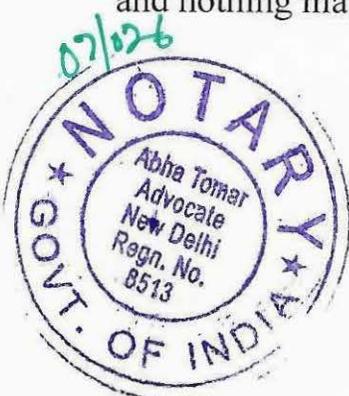
**GHCL LIMITED**  
For GHCL LIMITED  
*Ranjan Tiwari*  
Authorized Signatory

**DEPONENT**

*Girish Sahay*  
Dy. Secy. 26/07/2019  
Identify the deponent/Executant who has signed the affidavit  
*8/12/2018*

**VERIFICATION:**

Verified at..... **03 JAN 2026** .....on this.....day of....., 2026 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



... was declared on solemn affirmation before me which has been read over to the deponent who has admitted it as correct  
*Abha Tomar*  
Notary DELHI

**03 JAN 2026**

**GHCL LIMITED**  
For GHCL LIMITED  
*Ranjan Tiwari*  
Authorized Signatory

**DEPONENT**

# 1349



ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>

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## Service in Vijaykumar Karsanbhai Gadhavi Vs. Union of India & Ors. [OA. No. 144 of 2025/WZ]

1 message

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ELDF <eldflegal@gmail.com>

Mon, Jan 5, 2026 at 6:39 PM

To: RAHUL CHOUDHARY <litigation@dclawchambers.com>, maulik@nanavatico.com, STATE OF GUJARAT <chiefsecretary@gujarat.gov.in>, ps2secfed@gujart.gov.in, pccf-forest@gujarat.gov.in, projectsodaash@gmail.com, MOEF <secy-moef@nic.in>

Cc: Mansi Bachani <mansi@eldfindia.com>, Gitanjali Sanyal <gitanjali@eldfindia.com>

Dear Sir/Ma'am

Please find attached the copy of Reply & Sur- Rejoinder filed on behalf of Greenfield Chemical Complex, GHCL Ltd, Respondent No. 5 in the abovementioned case.

*Thanks & Regards*

--

**Sameer Manher**

*Clerk*

*Enviro Legal Defence Firm*

*29, Presidential Estate LGF,*

*Nizamuddin East New Delhi – 110013*

*Ph. No. 011-40573181*

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### 2 attachments

 **Reply.pdf**  
1062K

 **Sur Rejoinder.pdf**  
2344K