

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

I.A. NO. 171 OF 2022

IN

APPEAL NO. 46 OF 2022

**IN THE MATTER OF:**

Shardulbhai Devjibhai Chudasama and Anr.

.....Appellants

v/s

State Level Environment Impact Assessment Authority, Gujarat & Ors.

....Respondents

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Date: 22/12/2022

Place: GANDHIDHAM

For SALINE SALT PVT LTD



DIRECTOR

Advocate for the Respondent no.6

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....Respondents

**REPLY ON BEHALF OF RESPONDENT NO.6 TO THE APPLICATION UNDER SECTION 16 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 READ WITH RULE 24 OF THE NATIONAL GREEN TRIBUNAL (PRACTICE AND PROCEDURE) RULES, 2011 SEEKING CONDONATION OF DELAY IN PREFERRING APPEAL**

**Most Respectfully Showeth:**

**PRELIMINARY OBJECTIONS / SUBMISSIONS**

1. At the outset it is submitted the Appellants have not approached this Hon'ble Court with clean hands as the Appellants have placed materially false facts in its application under reply in order maintain the present Application under reply and thereby to mislead this Hon'ble Tribunal into condoning the delay in preferring the subject appeal. It is submitted that the true and accurate statement of facts placed before this Hon'ble Court herein below by the Respondent no.6, would manifest that in order to maintain this application within the prescribed limit of 60 days which can be condoned by this Hon'ble Court within Section 16 of the National Green Tribunal Act, the Appellants have concocted and averred a materially false fact on oath before this Hon'ble Tribunal, which not only makes the application under reply liable to be dismissed at the threshold

For SALINE SALT PVT LTD

  
DIRECTOR

as not maintainable but also the Appellants deserve to be prosecuted for perjury.

2. The Respondent no. 6 draws the attention of this Hon'ble Tribunal to para 2 and 4 of the Application under reply wherein it has sought to be averred by the Appellants that the Appellants were monitoring the concerned website and the impugned CRZ clearance order dated 05.08.2022 was uploaded on SEIAA website between 8-12<sup>th</sup> October. The Appellants further in para 4 of its application aver on oath that delay in preferring appeal occurred especially due to the fact that the copy of CRZ clearance was not uploaded on the website of either SEIAA or Parivesh or GPCB or SEAC. It is submitted that the foregoing fact is a patently and palpably false as the impugned CRZ clearance order was uploaded on 12.08.2022 itself and the Respondent no.6 supports this fact with the reply of SEIAA to the RTI application, which categorically reflects the upload date of the impugned CRZ clearance order. Copy of the reply of SEIAA to RTI Application is annexed herewith and marked as ANNEXURE R-6/1.
3. In this backdrop it is submitted that the Appellants have concocted facts before this Hon'ble Tribunal and wrongly computed the number of days of delay of 57 days. It is submitted here that since the impugned CRZ clearance order was passed on 05.08.2022, then in that case 30[thirty] days to challenge the impugned CRZ clearance order stood expired on 04.09.2022. However, the subject Appeal has been filed by Appellants on 09.11.2022 which is after a considerable delay of 65 days.
4. As the actual number of days of delay in filing of the subject appeal is 65 days, it is imperative to consider Section 16 of the NGT Act, which unequivocally mandates that the appeal has to be preferred within

30[thirty] days from the date on which order is made granting environment clearance and this Hon'ble Tribunal has been vested with the power to condone the delay beyond 30 days but where such number of days of delay do not exceed 60 days. The relevant part of Section 16 of the NCGT Act reads as under: -

*“16. Any person aggrieved by, -*

*(a)....*

*(b)....*

*(c)....*

*(d)....*

*(e)....*

*(f)....*

*(g)....*

*(h) an order made, on or after the commencement of the National Green Tribunal Act, 2019, granting environmental clearance in the area in which any industries operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986;*

*.....*

*.....*

*may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:*

*Provided that the Tribunal may, if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty.*

[EMPHASIS SUPPLIED]

5. Bare reading of the language of the Proviso of the afore-said section 16 would reveal the crucial words are “not exceeding sixty” days which emphasize the mandatory nature of the time limit provided in Section 16 sub-clause (h) for filing of appeal. It is hence most respectfully submitted that the statute confers a discretion on this Hon'ble Tribunal to condone delay only to the extent of 60 days if sufficient cause is made out and this discretion does not extend beyond 60 days.

For SALINE SALT PVT LTD

  
DIRECTOR

6. Since in the present case the number of days of delay extend beyond 60 days, it is most respectfully submitted that the same cannot be condoned in light of the restriction mandated in the Proviso to Section 16 to condone delay not exceeding 60 days and the Appellants are forbidden from filing the present Application under reply. In view of this fact, the present application deserves to be dismissed as not maintainable.
7. Furthermore, the present Application under reply also deserves to be dismissed in light of the fraud played by the Appellants upon this Hon'ble Tribunal by concocting facts and knowingly making misleading and false statements under oath. Without prejudice to the fact that present Application is not maintainable as per proviso to Section 16 of the NGT Act as the same exceeds the number of days of delay which can be condoned, it is submitted that though this Hon'ble Tribunal has the power to condone delay within the prescribed period of 60 [sixty] days, the Appellants are required to show "sufficient cause" for such extension. Since the very foundation of the reason cited by the Appellants has been evidenced to be false and misleading, there arises no question of the Appellants having shown any "sufficient cause", which is a pre-requisite for this Hon'ble Tribunal to exercise its discretionary powers while adjudicating the present application under reply. Furthermore,
8. In view of the fact of the present Application not being maintainable and further the Appellants having failed to show any cause, much less sufficient cause, and on the contrary placed materially misleading and false facts on oath tantamounting to offence of perjury, the Appellants are not entitled to extension of such time and the delay is not liable to be condoned.

For SALINE SALT PVT LTD

  
DIRECTOR

In this backdrop of facts, it is submitted that that this Hon'ble Court may be pleased to dismiss Appellant's Application for condonation of delay in filing the subject Appeal 46 of 2022 with exemplary costs;

For SALINE SALT PVT LTD  
  
DIRECTOR

**RESPONDENT NO.6**

**THROUGH**

**GARIMA MALHOTRA**

Advocate for the Respondent no.6

Date: 22/12/2022

Place: GANDHIDHAM

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

⑨

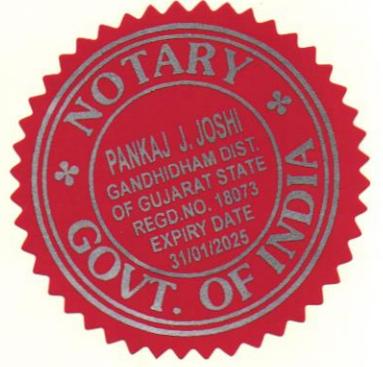


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**AFFIDAVIT**

I, Deepakbhai Chandnani, Aged about 38 years, S/o Prakashbhai Chandnani, Residing at House No. 135, Ward 3/B, Village : Adipur, Taluka : Gandhidham, District : Kachchh-370205, do hereby state on solemn affirmation and make this affidavit as under:-

1. I say that I am authorized representative of Respondent no.6 Company and I am well conversant with the facts of the case and am competent to swear this affidavit.
2. I say that I have gone through the accompanying Reply to the Application with this affidavit and state the contents thereof are true to the best of my knowledge, information and belief; and I believe the same to be true.
3. All annexures to this affidavit are true copies of the documents from which they are made.

Solemnly affirmed at Ahmedabad on this 22 day of December, 2022



For SALINE SALT PVT LTD

DIRECTOR

DEPONENT

SIGNED BEFORE ME

PANKAJ J. JOSHI  
NOTARY

SH. NO 11843/22

22 DEC 2022

Identified by me

Advocate.

Mayuri  
C Mayuri Shahy  
Advocate & Notary  
Cr/ 2454/1999





નમૂનો -ગ- "C"  
(જુઓ નિયમ-૪) ૧( ( )  
અરજદારને માહિતી આપવા અને /અથવા તેનો અસ્વીકાર કરવા બાબત.  
R.P.A.D

એસ.ઈ.એ.સી./ગુજ/આર.ટી.આઈ-આઈડી-૫૨/૨૦૨૨/ ૨૭૬૪

તા: ૧૭/૧૨/૨૦૨૨

જાહેર માહિતી અધિકારી,  
સ્ટેટ લેવલ એક્સપર્ટ અપ્રોક્લ કમિટી  
પર્યાવરણ ભવન, સેક્ટર-૧૦એ,  
ગાંધીનગર-૩૮૨૦૧૦,

પ્રતિ શ્રી,  
પારસભાઈ ગાંગજીભાઈ સુથાર  
મકાન નંબર-૧૦૫, સ.નં. ૩૯ ગામ શિલાય,  
તા.ગાંધીધામ, કચ્છ

વિષય:- જાહેર માહિતી અધિકાર અધિનિયમ - ૨૦૦૫ અન્વયે માહિતી આપવા બાબત.  
સંદર્ભ:- આપની માહિતી અધિકાર અધિનિયમ - ૨૦૦૫ હેઠળ તા. ૧૩/૧૨/૨૦૨૨ ની અરજી

શ્રીમાન,

ઉપરોક્ત વિષય અન્વયે જાણાવવાનું કે જાહેર માહિતી અધિકાર અધિનિયમ - ૨૦૦૫ હેઠળની ઉપરોક્ત સંદર્ભ મુજબની આપની અરજી જાહેર માહિતી અધિકારી શ્રી, અરજી એસ.ઈ.એ.સી.ને તારીખ: ૧૬/૧૨/૨૦૨૨ ના રોજ મળેલ છે. જેમાં માંગેલ માહિતિ નીચે મુજબ છે.

ક્રમ	માંગવામાં આવેલ માહિતી	પુરી પાડવામાં આવતી માહિતી
૧	આપશ્રી સાહેબ ના પત્ર નં. SEIAA/GUJ/CRZ/1906/2022 DATED 05/08/2022 ના રોજ સલાઈન સોલ્ટ પ્રાઈવેટ લીમીટેડ અને આપશ્રી સાહેબ ના પત્રનં. SEIAA/GUJ/CRZ/1905/2020 DATED 05/08/2020 ના રોજ જે.એચ. સોલ્ટ સલાઈન સોલ્ટ પ્રાઈવેટ લીમીટેડ આમ, જે કંપની ને સી.આર.એડ. ક્રીલીયરન્સ આપવામાં આવેલ હતું. તે NOC પત્રને આપની વેબસાઈટ seiaa.gujarat.gov.in પર કંઈ તારીખે પબ્લીશ / અપલોડ કરવામાં આવેલ હતું. તેની જાણકારી અમોને આપવા આપશ્રી સાહેબ ને નમ્ર અરજ સહ વિનંતી છે.	માંગવામાં આવેલ માહિતી ના કુલ- ૨ પાના થાય છે જેથી પાનાં દીઠ - રૂપ. ૨ લેખે કુલ રૂપ. ૪/- ભરેથી માહિતી પુરી પાડીયે.

આપ ઉપરના નિર્ણયથી નારાજ થયેલ હોય તો, નિર્ણય મળ્યાની તારીખથી ત્રીસ દિવસની અંદર આપ પ્રથમ એપેલેટ અધિકારીશ્રી, ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ, સેક્ટર-૧૦એ, પર્યાવરણ ભવન, વડી કચેરી ગાંધીનગરને અપીલ કરી શકશો.

એસ.ઈ.એ.સી ના નામે અને વતી

*Shangava*  
13/12  
(શ્રીમતી એસ.વી.ભાર્ગવ)  
પર્યાવરણ ઈજનેર  
જાહેર માહિતી અધિકારી  
કાર્યક્ષેત્ર: SEAC,  
ગુજરાત પ્રદૂષણ નિયંત્રણ બોર્ડ,  
પર્યાવરણ ભવન, સેક્ટર-૧૦એ,  
ગાંધીનગર-૩૮૨૦૧૦

**SPECIMEN – G “C”****See Rule 4(1)**

To Provide the information to the Applicant or to refuse  
to accept the said Application

**R.P.A.D**

**S.E.A.C/Guj/RTI-52/2022/2954**

**Date: 14/12/2022**

Right to Information Officer,  
State Level Export Appraisal Committee  
Environment Bhavan, Sector – 10A,  
Gandhinagar – 382010

To,  
Parasbhai Gangjibhai Suthar,  
House no 105, Survey No 39,  
Village: Sinaay,  
Taluka: Gandhidham, Kutch

**Subject:** To provide information under Right to  
Information Act, 2005.

**Reference:** Your application dated 13.12.2022 under Right  
to Information Act, 2005.

Sir,

with reference to above mentioned subject, and your  
application is received on date 16.12.2022. Where the  
information as asked for is as under :

Sr No	Information asked for	Information Provided
1	In refence to your letter nos SEIAA GUJ/CRZ/1906/2022 dated 05.08.2055 and DEIAA/GUJ/CRZ/1905/2020 dated 05.08.2020 Whether CRZ clearance has been issued to J.H. Salt Salaine Salt Private Limited have been issued NOC or not. Whether the said NOC has been uploaded on the web side seiaa.gujarat.gov.in. And the said information should be provded to us.	The information as asked for is 2pages and Rs 2/- per page so on payment of total 4/- Rs are required to be paid for the said information.

If you are aggrieved or dissatisfied with the information provided to you then you are requested to do appeal within 30 days to First Appellate Officer, Gujarat Pollution Control Board, Sector 10-A, Environment Bhavan, Head Office, Gandhinagar.

For and on behalf S.E.A.C

sd/-

(Smt. S.V. Bhargav)

Environment Engineer

Right to Information Officer

Jurisdiction: SEAC,

Gujarat Pollution Control Board,

Environment Bhavan, Sector-10/A,

Gandhinagar - 382010

9

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1905 05082022001	Adobe Acrobat Document	257 KB	No	400 KB	26%	8/5/2022 3:30 PM
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14 items

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## RE: Upload 1208



Support(GOG-Orange Support)

Fri 8/12, 5:18 PM

Mehul2 G Patel(GoG-GPCB Dept.)

Reply all |

inbox



Enterprise Vault



Done..kindly check

Thanks & Regards,  
Orange Support Team  
Gujarat State Data Center  
Phone - +91 79 232 58786  
E-mail - [support@gujarat.gov.in](mailto:support@gujarat.gov.in)

**From:** Mehul2 G Patel(GoG-GPCB Dept.)  
**Sent:** 12 August 2022 12:26  
**To:** Support(GOG-Orange Support)  
**Subject:** Upload 1208

Please find attached herewith files to be uploaded on [seiaa.gujarat.gov.in](http://seiaa.gujarat.gov.in).

You are requested to kindly do the needful.

**State Level Environment Impact Assessment Authority (SEIAA), Gujarat.**  
**Office: Gujarat Pollution Control Board, "Paryavaran Bhavan",**  
**Sector - 10A, Gandhinagar - 382010**



## GUJARAT POLLUTION CONTROL BOARD

Sector-10-A, Gandhinagar 382010

FORM No. 3A

Id. No - 52

Dt. 19/12/22

Book No. GEN/044

### RECEIPT

Receipt No. GR/004310

Received with thanks from Shri/Smt./Kum ચિત્તમણી ડાહ્યાભાઈ રાજુભાઈM/s દાસી ઈસ્ટ - 105, ટા.નં 39 ડાહ્યા પેટાડા,  
વિ. ડાહ્યા, ગુજRs. 4/- Rupees Four Rupees onlyby Cash/Cheque/D.D./Postal Order No. CashDate 19/12/22 towards R.T.I. Fee

For, Gujarat Pollution Control Board

Clerk / Sr. Clerk / Jr. Officer