

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 134 OF 2025 (WZ)

IN THE MATTER OF:

Gulabsinh Harisang & Ors.

: Applicants

V/s

Union of India & Ors.

: Respondents

REPLY ON BEHALF OF THE RESPONDENT No. 07: CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That, Hon'ble NGT (PB) vide order dated 09.12.2025 sought reply of respondents (CPCB is Respondent No. 07) in the instant matter. Thereby, the submission is made in following paragraphs.
2. That, CPCB has been constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "E (P) Act, 1986") and the rules made therein.

PRELIMINARY SUBMISSIONS

3. The matter is related to allegation against M/s. Ashapura Perfoclay Limited, which is located at Survey No. 167, Village: Ler, Nr. Bhujodi, Anjar Bhuj Highway, Ta.: Bhuj, District: Kutch, Gujarat.
4. The applicant stated in his application that M/s. Ashapura Perfoclay Limited is operating a Bleaching Clay Manufacturing Plant, due to which damage is being caused to the agricultural output of the applicant's farm for the crops namely Pomegranate, Israeli dates, Dragon Fruit, Cotton, Corn and Castor.
5. Besides, above mentioned allegation, the applicant in its petition has submitted that;
 - i. The respondent unit has obtained Environmental Clearance (EC) and consolidated consent and authorization (CC&A) for operation of the plant at Survey No.167. However, the respondent unit is illegally operating its Unit at Survey No.166 & 168 for which EC or CCA has not been granted by the concerned authorities. It is further submitted that though the unit has applied for amendment of EC and inclusion of Survey No.166 & 168 but as on date no EC has been granted to include Survey No.166 & 168 in their plant premises.
 - ii. The respondent unit has history of continuing violations of environment norm, EC and Consent conditions and in every inspection, the unit was found to be violating EC and CTO conditions.
 - iii. The photographs of various dates suggest that the air pollution of the respondent Unit is unabated. The thick black smoke from the unit suggests non-operation of ESP and Bag filters. Similarly, the acidic waste water is being



directly discharged to nearby nalla. As Such the unit does not have adequate green belt of 33 percent of the plant premises. Further the photographs suggest layer of dust exists over the crops of Applicant No.1 &2, emitted from the Respondent Unit and also suggests the Respondent Unit has dumped Gypsum waste outside the Unit premises including near a bridge which rolled down to the local nallah called Paiyaa 13 Vaddu Nalu.

- iv. The unit is extracting ground water from four bore wells though CGWA permission valid from 26/03/2025 till 8/06/2026 for 90 cubic meter per day on survey number 167 in village Ler with series of conditions which are not complied. Two illegal bore wells are operating on survey No. 163 and 164.
- v. The Respondent Unit is also contaminating the ground water of the area and during the inspection of the Respondent Unit on dated 27/02/2025, one water sample was collected from the borewell situated in the farm of the Applicant No.1 and during analysis of the water sample, the Ammonical Nitrogen 3.72 Mg/L. is found in the sample.
- vi. In the EC letter, there is a specific provision that the Unit shall discontinue production activities strictly during the high rainy days and but during rainy days the unit is operating in violation of EC conditions. Similarly, the ETP sludge (Gypsum waste) and evaporation residue (salt) is required to be dried, packed and stored in separate designated hazardous waste storage facility with impervious bottom and leachate collection facility before its disposal but this condition is not complied.
- vii. The applicant referred to the Hon'ble NGT matter OA No. 669/2018 (Marvada Amrutlal Becharlal Vs. State of Gujarat - Ashapura Group of Companies, Kutch), which is related to unauthorized dumping of Gypsum waste by Ashapura Group of Companies causing ground water contamination. The applicant mentioned about the observations / findings of Joint Committee of GPCB and CPCB in the said matter.
- viii. The land owners are not able to cultivate their land because of the waste untreated water drained into their land as well as the layers of dust in the agricultural land. Air and dust pollution during non-monsoon days is rampant and unbearable. Fugitive dust generated from running of vehicles, activities within plant premises, dust from dumping site, etc., are a major problem. Although the unit have installed ESP, but they do not run them during night thus increasing the pollution levels and the ESP is for eye wash. Leakage of flue gases from the kiln was also observed. Its bag filter at the product house location was nonfunctional and the visibility of fugitive dust was very high in three different sets of inspection reports over the two-year period.
- ix. That the Unit continues to discharge the untreated water and in this regard the applicant and other persons also, have brought the same to the Knowledge of the Pollution Control Board by placing photographs and videos of such discharge. The unit is supposed to be Zero Liquid discharge, the unit continues to discharge the water to outside, which is a clear violation of the Conditions of CTO. The continuous discharge of untreated process water is in contravention to the Environment Clearance condition and Supreme Court judgment in Paryavaran Surakshya Samiti Case.
- x. The applicant referred to various orders of Hon'ble NGT in different matters related to development of Standard Operating Procedure (SOP) for EC violation cases and installation of "online, real time, continuous monitoring system" by industries.



- xii. The applicant also referred to various complaints against M/s. Ashapura Perfoclay Limited related to air pollution, water pollution, illegal dumping of Gypsum waste etc. submitted to GPCB and action taken by GPCB in this regard.
- xiii. Applicants alleged that the Respondent unit is planting canocarpas saplings which are already banned since 2023.
- xiii. The applicants prayed for directing Gujarat Pollution Control Board and SEIAA Gujarat to revoke the CTO and EC respectively until the unit is fully compliant and put in place all environment pollution control measures. It is further prayed to constitute a committee to assess environment compensation for the Air Pollution, Water Pollution & its impact on water bodies, agricultural land and standing trees. The applicants also prayed for directing District Magistrate Kutch to initiate criminal proceedings against the private respondent for grossly violating the environmental norms and causing environmental pollution and inconvenience to general public.

REPLY:

6. That, it is humbly submitted that earlier, in a matter (O.A. No 669 / 2018, Veeral P. Chauhan vs. State of Gujarat) related to violation of pollution laws by Ashapura Group of Companies, Village Ler, Taluka Bhuj, District Kutch, Gujarat has been considered by Hon'ble NGT (Principal Bench, Delhi).
7. That, Hon'ble NGT(PB) passed several orders in the matter starting from 21.02.2019. Based on the orders, restoration process for groundwater and chemical gypsum dump cleaning was initiated by the unit and Hon'ble NGT directed CPCB and GPCB to jointly furnish status reports from time to time.
8. That, in compliance of the order dated 21.02.2019 passed by Hon'ble NGT (PB), initially a joint inspection report was submitted to the Hon'ble NGT on 23.03.2019 by GPCB and CPCB. Subsequently, the matter was dealt by the Hon'ble Tribunal on several dates in the light of action taken reports submitted by GPCB from time to time. In the process, Hon'ble NGT passed an order on 20.11.2019 stating that

“it is clear that Gypsum dumps have caused contamination of ground water with respect to ammonia, electrical conductivity and total dissolved solids. To remedy the situation, restoration processes are placed and these need to be examined by the GPCB and CPCB”.

Accordingly, a restoration plan was prepared by the respondent unit. As directed by Hon'ble NGT(PB), the status of restoration processes was verified by team of CPCB and GPCB and the status report was submitted to the Hon'ble NGT by GPCB on 21.05.2020. The report made following observation;

“the unit is engaged in the removal of Gypsum from the dumped sites and lifted the dumped Gypsum from 26 out of 39 locations, however, Gypsum was still found unattended on 13 locations”. Further the report concluded about ground water restoration as;

“the unit is using fresh lime for neutralization process and stopped using ammonia contaminated lime from GNFC and thus eliminated the source of contamination. The analysis trend of ground water samples shows that



concentration of Ammonical Nitrogen decreases on both the contaminated Bore-wells where restoration process is in place, however the concentration levels are still significantly high. Also, the unit is in the process of establishing one ground water recharge well which may help in reduction of contamination level”.

9. Hon’ble NGT (Principal Bench, Delhi) passed an order on 01.09.2020 directing M/s Ashapura Perfoclay Ltd. Bhuj to execute the remaining work of remediation and restoration of ground water and soil at locations of contamination expeditiously within next three months and asked the joint committee of CPCB and GPCB to undertake periodic checks and monitor the remedial measures.
10. In compliance of the said order, officials of CPCB and GPCB carried out assessment of remediation work at remaining 13 locations where Gypsum was found dumped and ground water restoration processes on 05.10.2020 and on 09th & 10th December 2020. The report of Joint Committee submitted to Hon’ble NGT recorded following salient observations:
 - It can be concluded that out of total 39 locations where Gypsum waste was dumped, the unit had removed dumped Gypsum from 26 locations in the past and cleared 01 more location during recent visit of the committee. Further, out of remaining 12 locations, the unit is managing 10 locations with approved plan of plantation, 01 location is covered with natural wild vegetation and 01 location remain unattended due to legal dispute of mine owner with the local administration.
 - The disposal record of Gypsum waste submitted by the unit shows that presently the unit is disposing the generated Gypsum waste as per the prescribed CC&A condition.
 - The unit has been continuing pump and treat process at contaminated groundwater locations. So far two locations have been treated by this method and the treatment process at third location is under progress. Apart from the groundwater treatment, the unit has installed four rainwater recharge wells at strategic locations in the area to augment natural restoration process.
 - The analysis results of ground water samples of 10 selected locations shows that 04 locations where initially Ammonia concentration was significantly high (11.76 mg/l, 33.04 mg/l, 55.44 mg/l and 7.28 mg/l respectively) during December 2019 has shown significant improvement in concentration and were reported to ND (Not Detectable) for two locations and 2.24 mg/l for other two locations in the latest sampling of December 2020. Unprecedented heavy rains during monsoon season of 2020 in Bhuj region coupled with rain water recharge wells provided by the unit may have significant dilution impact on the ammonia concentration in the ground water.
 - The concentration of Total Dissolved Solids (TDS) has shown fluctuating trend throughout the sampling period and there is no significant change in the concentration of TDS over the period and hence it can be inferred that the TDS quality of ground water in the area may be associated with the geological composition of the area.
 - The aforementioned joint committee report recommended that “The unit needs to maintain the plantation sites continuously for the survival of the planted vegetation and ensure that these sites develop into healthy cover. Further, the unit should continue the periodic upkeep of rain water recharge wells for betterment of ground water quality in the area. GPCB needs to ensure that the Gypsum waste generating from regular operation of the unit is disposed as per the condition prescribed in CC&A.”



11. Subsequently, Hon'ble NGT passed an order dated 29.01.2021, wherein the following was directed:

- I. The recommendations in the report be duly complied with for improvement of the ground water quality. The gypsum waste generated may be disposed of as per consent conditions which may be overseen by the State PCB.
- II. A Joint Committee of nominees of MoEF&CC, CPCB, State PCB and SEIAA, Gujarat look into this aspect (regarding requirement of Environment Clearance by the unit) and if it is found that Environment Clearance is necessary, the State PCB and SEIAA, Gujarat may take remedial action in accordance with law. GPCB will be nodal agency for coordination and compliance.

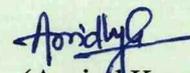
12. In compliance of above order, the Joint Committee of MoEF&CC, CPCB, GPCB and SEIAA, Gujarat concluded as;

- M/s Ashapura Perfoclay Pvt. Ltd., Bhuj has replaced existing production line 1 & 2 with new production line 7 & 8 without any change in production process and existing production capacity of 12000 MTPM.
- The Joint Committee recommended that GPCB shall verify the land record of production line 7 & 8 and if it is found that the new plant i.e. production line 7 & 8 is constructed on land / plot other than the existing land / plot of the unit i.e. M/s Ashapura Perfoclay Pvt. Ltd. then the unit is not exempted from EC as per MoEF&CC Notification of 2016 and SEIAA/ GPCB should initiate appropriate action against the unit. If the land / plot is not changed for the new plant, M/s Ashapura Perfoclay Pvt. Ltd. shall obtain "No increase in pollution load certificate" for new production line 7 & 8 as per MoEF&CC Notification dated 02.03.2021 and the unit shall not operate production line 7 & 8 till "No Increase in Pollution Load Certificate" and valid CC&A is obtained from GPCB.
- Unit shall immediately dismantle Production line no 1 & 2. Unit shall strictly comply with Honorable NGT order Dated 29.01.2021 in the Matter of O.A. 669/2018.

13. That, it is humbly submitted that Hon'ble NGT vide order dated 09.12.2025 in instant OA No. 134 / 2025 (WZ) has constituted a Joint Committee in the matter wherein CPCB is member. The Joint Committee report will be submitted based on the field visits of unit as well as surrounding areas as directed by Hon'ble NGT.

14. That, the answering respondent craves reply of the Hon'ble Tribunal to file additional reply, in future, if required.

15. That, in light of the above submission, it is respectfully submitted that this answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



(Arvind Kumar Jha)

Scientist 'E' & RD(Vadodara)

Central Pollution Control Board
डॉ. अरविंद कुमार झा / Dr. Arvind Kumar Jha

क्षेत्रीय निदेशालय / Regional Director

केंद्रीय प्रदूषण नियंत्रण बोर्ड / CENTRAL POLLUTION CONTROL BOARD

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)

(Ministry of Environment, Forest & Climate Change, Govt. of India)

क्षेत्रीय निदेशालय, वडोदरा - 390023, गुजरात.

Regional Directorate, Vadodara - 390023, Gujarat.

Regd. No. : 07
Date : 27/01/2026

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: Respondents

AFFIDAVIT

I Arvind Kumar Jha, aged 48 years, having office at the Regional Directorate (Vadodara), Central Pollution Control Board (CPCB), No VMC Ward No. 10 Office, High Tension Road, Subhanpura, Vadodara, 390023, do hereby solemnly affirm, declare on oath and state as under:

That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

That the accompanying reply has been drafted and filed under my instructions and the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Arvind Kumar Jha

DEPONENT

VERIFICATION

Verified at Vadodara on this 27th Day of January, 2026 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Vadodara on this the 27th Day of January, 2026.

Arvind Kumar Jha

डॉ. अरविंद कुमार झा **DEPONENT** Arvind Kumar Jha
क्षेत्रीय निदेशालय / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड / CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण, वन्य जन्तुवैद्यु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
क्षेत्रीय निदेशालय, वाडोदरा - 390023, गुजरात.
Regional Directorate, Vadodara - 390023, Gujarat.



Solemnly Affirmed / Declared
Sworn Before me by *Arvind Kumar Jha*
Arvind Kumar Jha
MALINI AMARISINGH RAWAT
NOTARY, (Govt. of India)

My Commission Expires
on 29/01/2027
MALINI AMARISINGH RAWAT
NOTARY (Govt. of India)

