

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 616 OF 2019
WRIT PETITION (PIL) NO. 114 OF 2018**

IN THE MATTER OF:

Ramdevbhai Samatbhai Sanjva

... Applicant

Versus

State of Gujarat & Ors.

....Respondents.

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7 JETPUR
DYEING AND PRINTING ASSOCIATION**

[ADVOCATE FOR THE RESPONDENT NO.7, DHARITA MALKAN]

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BEFORE THE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

Ramdevbhai Samatbhai Sanjva

... Applicant

Versus

State of Gujarat & Ors.

... Respondents

REPLY/ COUNTER AFFIDAVIT FOR AND ON BEHALF OF RESPONDENT
NO. 7 JETPUR DYEING AND PRINTING ASSOCIATION

I Dipakkumar Balvantray Bhatt S/o Balvantray J Bhatt, aged about 55 years holding the post of Office Manager, Jetpur Dyeing and Printing Association, Respondent no. 7 herein having office at Kanakia Plot, Jetpur, Rajkot, Gujarat – 360370 do hereby solemnly affirm and state as under :

1. That I am working and holding the post of Office Manager in the Office of Jetpur Dyeing and Printing Association (hereinafter the Respondent no. 7) and as such in my official capacity as well as having perused the available record of the case, I am well acquainted with the facts and circumstances of the present case and therefore, competent to swear the present Affidavit.
2. That this Hon'ble Tribunal on the hearing dated 12.08.2024 raised queries with respect to the orders passed by this Hon'ble Tribunal in Original Application No. 616 of 2019 which were challenged by the



Dipakkumar

Respondent no. 7 before the Hon'ble Supreme Court. As such, this Hon'ble Tribunal vide order dated 12.08.2024 directed the Respondent no. 7 to place on record the relevant details disclosing the orders of the Tribunal which were under challenge before the Hon'ble Supreme Court. The relevant excerpt of the order dated 12.08.2024 is reproduced herein for the ready reference of this Hon'ble Tribunal"

"1. This matter is taken up in pursuance of the order dated 04.03.2024 passed in Civil Appeal No. 1807/2020 with Civil Appeal No. 2901/2020 and Civil Appeal No. 55/2021. Learned Counsel for the Respondent No. 7 (Appellant before the Hon'ble Supreme Court) seeks time to place on record the relevant details disclosing the orders of the Tribunal which were under challenge before the Hon'ble Supreme Court."

3. That in pursuance and compliance of the aforesaid directions passed by this Hon'ble Tribunal vide order dated 24.08.2024, the Respondent no. 7 craves leave of this Hon'ble Tribunal to place on record the following details:

- a. The order dated 06.12.2019 passed by this Hon'ble Tribunal in OA no. 616 of 2019 was challenged before the Hon'ble Supreme Court by the Respondent no. 7 in Civil Appeal no. 1807/2020 wherein the Hon'ble Supreme Court vide order dated 18.03.2020 was pleased to issue notice and order stay of prosecution and recovery of any amounts of penalty.

DN Shah



The order dated 18.03.2020 passed by the Hon'ble Supreme Court in Civil Appeal no. 1807/2020 is annexed hereto and marked as **Annexure R – 1.**

- b. The order dated 22.06.2020 passed by this Hon'ble Tribunal in OA no. 616 of 2019 which was uploaded on 29.06.2020 was challenged before the Hon'ble Supreme Court by the Respondent no. 7 in Civil Appeal No. 2901/2020 where in the Hon'ble Supreme Court vide order dated 21.08.2020 was pleased to issue notice on the appeal as well as on the application for stay and tag the appeal with C.A. No. 1807/2020.

The order dated 21.08.2020 passed by the Hon'ble Supreme Court in Civil Appeal no. 2901/2020 is annexed hereto and marked as **Annexure R – 2.**

- c. The order dated 14.12.2020 passed by this Hon'ble Tribunal in OA no. 616 of 2019 was challenged before the Hon'ble Supreme Court by the Respondent no. 7 in Civil Appeal no. 55/2021 wherein the Hon'ble Supreme Court vide order dated 25.01.2021 was pleased to issue notice and tag the appeal with C.A. No. 1807/2020.

The order dated 25.01.2021 passed by the Hon'ble Supreme Court in Civil Appeal no. 55/2021 is annexed hereto and marked as **Annexure R – 3.**



LSR Shrivastava

d. Consequently, the aforesaid three appeals i.e., the Civil Appeal No. 1807/2020, Civil Appeal No. 2901/2020 and Civil Appeal No. 55/2021 were disposed by the Hon'ble Supreme Court vide order dated 04.03.2024 and the Hon'ble Supreme Court was pleased to set aside the impugned orders dated 06.12.2019, 22.06.2020 and 14.12.2020 while directing this Hon'ble Tribunal to take up the matters expeditiously and after giving opportunity to the concerned parties pass such orders as are necessary for disposal of the cases.

Order dated 04.03.2024 passed by the Hon'ble Supreme Court disposing of Civil Appeal No.'s 1807/2020, 2901/2020 and 55/2021 is annexed hereto and marked as **Annexure R – 4**.

4. It is respectfully submitted that the Respondent no. 7 has to the best of its ability placed the facts within the knowledge of the Respondent no. 7 on account of the record available, however, in case any aspect has been left out inadvertently on account of oversight, the Respondent no. 7 craves the leave of this Hon'ble Tribunal to file further affidavit.

Solemnly affirmed at Jetpur on this 08th day of October, 2024.



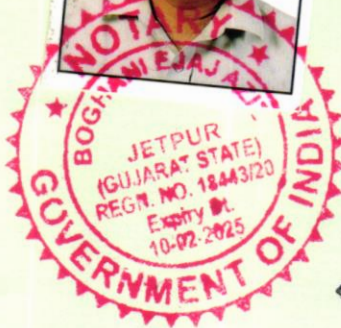
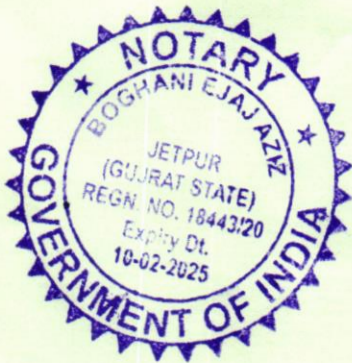
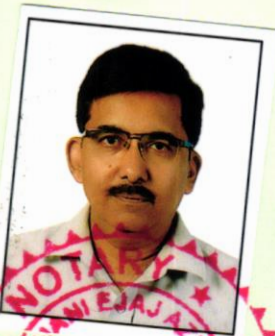
Ujjwal
DEPONENT

Verification

Verified at Jetpur on this 08th day of October, 2024 that the contents of the present Affidavit are correct to the best of information knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Book No. 02/2024
Page No. 29
Serial No. 5284
Date 8/10/2024

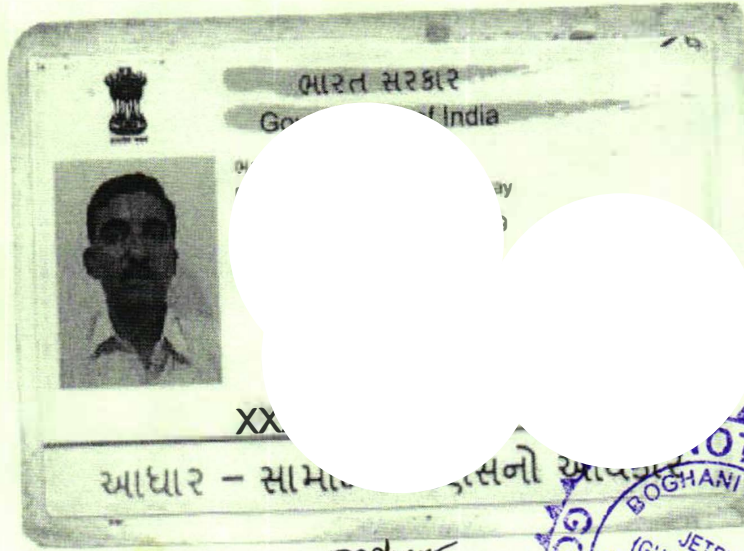
[Signature]
DEPONENT



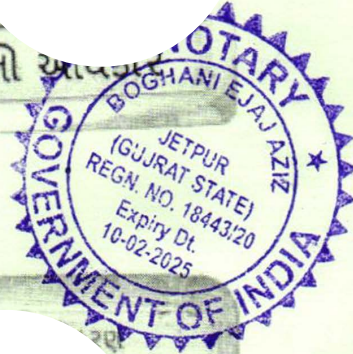
Solemnly Affirmed Before me by Dipal Kanubhai Belpary Bhatt.
who is identified by [Signature]
Whom I know personally

[Signature]
BOGHANI EJAJ AZIZ
NOTARY
GOVT. OF INDIA
8/10/2024





Dr. Shastri



Dr. Shastri

ITEM NO.5

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Civil Appeal No. 1807/2020

JETPUR DYEING AND PRINTING ASSOCIATION

Appellant(s)

VERSUS

RAMDEVBHAI SAMATBHAI SANJVA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.35528/2020-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.35529/2020-STAY APPLICATION)

Date : 18-03-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)

Mr. Nakul Dewan, Sr. Adv.
Mr. Purvish Jitendra Malkan, AOR
Ms. Bharita J. Malkan, Adv.
Mr. Alok Sharma, Adv.
Ms. Neha Ambashtha, Adv.
Mr. R. B. Rawal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

There shall be stay of prosecution and recovery of any
amounts as penalty, in the meanwhile.

(NIDHI AHUJA)
AR-cum-PS

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER



True Copy

Annexure R-2

ITEM NO.17 Court 4 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2901/2020

JETPUR DYEING AND PRINTING ASSOCIATION Appellant(s)

VERSUS

RAMDEVBHAI SAMATBHAI SANJVA & ORS. Respondent(s)

(IA No.72367/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.72368/2020-STAY APPLICATION)

Date : 21-08-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s) Mr. Nakul Dewan, Sr. Adv.
Mr. Purvish Jitendra Malkan, AOR
Mr. R.D. Raval, Adv.
Ms. Dharita P. Malkan, Adv.
Mr. Jitendra M. Malkan, Adv.
Ms. Deepa Gorasia, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

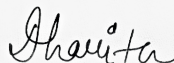
Application seeking exemption from filing certified copy of
the impugned order is allowed.

Issue notice on the appeal as well as on the application for
stay.

Tag with C.A. No. 1807/2020.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER



True Copy

Annexure R-3

ITEM NO.19 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 55/2021

JETPUR DYEING AND PRINTING ASSOCIATION Appellant(s)

VERSUS

RAMDEVBHAI SAMATBHAI SANJVA & ORS. Respondent(s)

(IA No.3821/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.3822/2021-STAY APPLICATION)

Date : 25-01-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Mr. Purvish Jitendra Malkan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application seeking exemption from filing certified copy of
the impugned order is allowed.

Issue notice.

Tag with C.A. No. 1807/2020.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER



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Annexure R-4

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 1807/2020

JETPUR DYEING AND PRINTING ASSOCIATION

Appellant(s)

VERSUS

RAMDEVBHAI SAMATBHAI SANJVA & ORS.

Respondent(s)

WITH


CIVIL APPEAL NO.2901/2020

CIVIL APPEAL NO.55/2021

O R D E R

1. Heard the learned Senior Counsel appearing for the appellant(s).

2. The grievance of the appellant(s) is that the orders impugned before us are passed without giving an opportunity of being heard. Following our earlier decisions¹, we are compelled to set aside the orders impugned and remand the matters back for reconsideration.

1  **Veena Gupta and Another vs. Central Pollution Control Board and Others (2024) SCC Online SC 103; Singrauli Super Thermal Power Station vs. Ashwani Kumar Dubey and Ors. (2023) 8 SCC 35**

3. We make it clear that we have neither examined nor are expressing any opinion on the merits of the case. The orders impugned are set aside only on the ground that opportunity is not given to the effected parties.

4. The Tribunal shall take up the matters expeditiously and after giving opportunity to the concerned parties pass such orders as are necessary for disposal of the cases.

5. The Civil Appeals are disposed of accordingly.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ARAVIND KUMAR]

New Delhi
March 4, 2024.



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ITEM NO.43

COURT NO.16

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1807/2020

JETPUR DYEING AND PRINTING ASSOCIATION

Appellant(s)

VERSUS

RAMDEVBHAI SAMATBHAI SANJVA & ORS.

Respondent(s)

(IA No. 61485/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 35528/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 35529/2020 - STAY APPLICATION)

WITH

C.A. No. 2901/2020 (XVII)
(IA No. 72368/2020 - STAY APPLICATION)

C.A. No. 55/2021 (XVII)
(IA No. 3822/2021 - STAY APPLICATION)

Date : 04-03-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Nakul Dewan, Sr. Adv.
Mr. Purvish Jitendra Malkan, AOR
Ms. Dharita Purvish Malkan, Adv.
Mr. Alok Kumar, Adv.
Mr. Khush Goel, Adv.
Mr. Kush Goel, Adv.
Mr. Yashasvi Virendra, Adv.
Ms. Deepa Gorasia, Adv.
Ms. Bhavna Sarkar, Adv.

For Respondent(s) Mr. Rohit Kumar Singh, AOR
Mr. Dharamvir Sharma, Adv.
Mr. Om Shanker Shrivastava, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

Ms. Aastha Mehta, Adv.

Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.

Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Nirbhaya S Tiwari, Adv.
Mr. Abhishek Pandey, Adv.
Ms. Priya Kaushik, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeals are disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)
(signed order is placed on the file)

(NIDHI WASON)
COURT MASTER (NSH)



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Dhriti Malkan <malkandhriti@gmail.com>

Service of the Affidavit filed by Respopndent No. 7 in Original Application No. 616 of 2019 before National Green Tribunal

1 message

Dhriti Malkan <malkandhriti@gmail.com>

Fri, Oct 11, 2024 at 5:39 PM

To: "np_jetpur@yahoo.co.in" <np_jetpur@yahoo.co.in>, collector-raj@gujarat.gov, ccb.cpcb@nic.in, chiefsecretary@gujaerat.gov.in, chairman-gpcb@gujarat.gov.in, uh-gpcb-jetpur@gujarat.gov.in

The affidavit filed by the Respondent No. 7 in Ramdevbhai Samathbhai Sanjva vs. State of Gujarat and Ors. (Original Application No. 616 of 2019) before National Green Tribunal is enclosed below. Please find the attachment.

 **Affidavit in Jetpur.pdf**
3139K