

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO 134 OF 2024**

IN THE MATTER OF:

**RATHOD GULABSINH HARISANG AND OTHERS
APPLICANTS**

VERSUS

UNION OF INDIA AND OTHERS RESPONDENTS

INDEX

Sl NO	PARTICULARS	PAGE NO
1	Response Affidavit on behalf of Applicant to the Reply affidavit filed by GPCB	1-6
2	Photographs of various dates indicating continuous pollution as ANNEXURE-1.	7-33

PLACE: BHUBANESWAR

**SANKAR PRASAD PANI
ASHUTOSH PADHY**

DATE:28/01/2026

S.Pani *A.Padhy*

ADVOCATE

Bubaneswar 751002, Cell-9437279278,
email: sankarprasadpani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO 134 OF 2024
IN THE MATTER OF:

RATHOD GULABSINH HARISANG AND OTHERS
APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS
RESPONDENTS

RESPONSE AFFIDAVIT ONBEHALF OF APPLICANT TO THE
AFFIDAVIT DATED 08/12/2025and 29/01/2026 FILED BY GPCB

IT IS MOST RESPECTFULLY SHOWETH

I, Rathod Gulabsinh Harisang, S/o- Rathod Harisang, aged about 36 years, Resident of Athamana vaas, Ler, Kachchh, Kukma, Gujarat, 370105, do hereby solemnly affirm, and declare, that I am the Applicant No.1, in the above mentioned application and authorized by co- applicants to sign this affidavit.

1. That the Applicant has filed the present application challenging the pollution caused by the respondent Unit and damaging the crops of Applicant.
2. That the Respondent No.3 i.e GPCB on dated 08/12/2025 has filed one affidavit wherein in paragraph No.4 the GPCB is admitting the non-compliances of the Respondent Unit.

3. It is further submitted that in paragraph No.8 of the affidavit dated 08/12/2025 filed by the GPCB it is mentioned that *“During the visit almost **all violations identified by the Board were found to be complied with.** The unit also informed that it has made an application for amendment of Consent to Establish vide inward no. 422241 with respect to **the new Hot Air Generator with dryer.**”* It is most humbly submitted that the above mentioned observation made by the GPCB is not true as the Respondent Unit is continuously polluting the environment and damaging the crops of Applicant No.1&2.
4. It is further submitted that the GPCB on oath dated 08/12/2025 in paragraph No.9 it is specifically mentioned that “I submit that the aforesaid facts, duly supported by contemporaneous material, clearly show that the State Pollution Control Board has taken cognizance of complaints from the applicants and other persons, and taken prompt action against the project proponent. The Board has ensured that all non-compliances are remedied and the project proponent becomes fully compliant to the conditions imposed by the Board and otherwise adheres to the environmental laws.” It is most humbly submitted that **the above-mentioned submission is not true as the Respondent Unit is still not compliant to the environment laws and continuously polluting the environment as evident from the photographs of various dates attached in the present affidavit.**

5. This is not out of place to mention here that the GPCB during inspection of the Unit in question have not taken care the crop loss of the Applicants and also not taken any stringent action against the Respondent Unit, rather the GPCB has only done paper work by issuing show cause notice from time to time.
6. That the photographs of various dates suggest the respondent unit is emitting thick black polluted smoke into the air and also illegally **dumping gypsum waste outside the Units premises**. Photographs of various dates is annexed here unto as **ANNEXURE-1**.
7. The gypsum dump is still lying on Survey No 168 but the GPC Board has not mentioned this in its report.
8. That during inspection only 2 units (Unit No 5 and 6) were in operation and rest six units were not in operation, hence the plant was not in operation with full capacity and the assessment of pollution can not be ascertained in view of partial operation of the unit. The pollution potential need to be assessed when the units are in operation with full capacity.
9. That again the unit and the farm land was inspected by GPCB and Team on 21/01/2026 and 22/01/2025. Prior to that the unit was completely shut down for almost a week so as to coverup the deficiencies. On the day of inspection only 2 unit was in operation as evident from the Chimney. Hence no air pollution potential could be assessed as the unit was not in operation with full capacity.

10. The respondent company has also put fire on the Jumbo Plastic bags adjoining the lands of applicant and caused more pollution. The photographs of fire are attached. So also, the gypsum are still dumped near the Ler Dam and during rain all those carried into the water channel. The gypsum is transported with overloaded vehicles and spilling of gypsum take place on road. Also, there is no boundary wall constructed by the Pvt Respondent on the side of applicant's farm land
11. So far, the encroachment of govt land (plot 167/paike2) with in the plant premises is concerned, as of now no eviction has been carried out even though the notice has been served by Mamaltadar, Bhuj Rural much before.
12. **Further no inspection has been done by CGWA in respect of illegal borewells for extraction of Ground Water**
13. It is not out of place to mention here that due to the illegal activities of the Respondent Unit the crops of Applicant No. 1 and 2 are getting damaged and the Applicant No.1 is suffering a lot of crop damage.

Pune

By the Applicant

Through

S.Pani → *A.Patny*

28/01/2026

ADVOCATE

RG. Sr. No. 41
Book No. 01
Page No. 07
Date: 28 JAN 2026

Kinjal C. Chauhan
KINJAL C. CHAUHAN
NOTARY
GOVT. OF GUJARAT



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.- 134 OF 2025

IN THE MATTER OF:
RATHOD GULABSINH HARISANG & ORS... APPLICANTS
VERSUS
UNION OF INDIA AND OTHERS.... RESPONDENTS
AFFIDAVIT

I, **Rathod Gulabsinh Harisang**, S/o- Rathod Harisang, aged about 36 years, Resident of Athamana vaas, Ler, Kachchh, Kukma, Gujarat, 370105, do hereby solemnly affirm, and declare as under:

- 1. That I am Applicant No.-1 in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- 2. That I have been authorized by co-applicants to file this affidavit.
- 3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

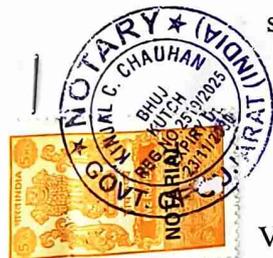
રથોડ ગુલાબસિંહ. રમેશ
DEPONENT

VERIFICATION

Verified on this 28 day of Jan. 2026 at Bhuj...that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
Advocate
28 JAN 2026
SOLEMNLY AFFIRMED
BEFORE ME
Kinjal C. Chauhan
KINJAL C. CHAUHAN
NOTARY
GOVT. OF GUJARAT

રથોડ ગુલાબસિંહ. રમેશ
DEPONENT



The Notary Public does not assume any responsibility liability for legality of any contents of documents, identity of executors/witnessed identifiers and fulfilment of any legal requirements.

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 17/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 17/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 17/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 27/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 07/12/2025 SUGGESTS THE RESPONDENT UNIT HAS DUMPED GYPSUM WASTE OUTSIDE UNIT PREMISES



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 11/12/2025 SUGGESTS THE RESPONDENT UNIT HAS DUMPED GYPSUM WASTE OUTSIDE UNIT PREMISES



THAT THE BELOW ATTACHED PHOTOGRAPH DATED 07/12/2025 SUGGESTS THE RESPONDENT UNIT HAS DUMPED GYPSUM WASTE OUTSIDE UNIT PREMISES



BELOW ATTACHED PHOTOGRAPH DATED 20/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



Google

Kachchh, Gujarat, India 🇮🇳

P And D Building, Avl, Gujarat 370105, India, Kachchh,
Gujarat 370105, India

Lat 23.200563° Long 69.74435°

Saturday, 20/12/2025 09:16 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 20/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



 GPS Map Camera



Kachchh, Gujarat, India 
P And D Building, Avl, Gujarat 370105, India, Kachchh,
Gujarat 370105, India
Lat 23.200568° Long 69.744367°
Saturday, 20/12/2025 09:19 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 20/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



 GPS Map Camera



Kachchh, Gujarat, India 
P And D Building, Avl, Gujarat 370105, India, Kachchh,
Gujarat 370105, India
Lat 23.200566° Long 69.744369°
Saturday, 20/12/2025 09:19 AM GMT +05:30

168

16

BELOW ATTACHED PHOTOGRAPH DATED 20/12/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE



 GPS Map Camera



Google

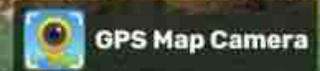
Kachchh, Gujarat, India 

P And D Building, Avl, Gujarat 370105, India, Kachchh,
Gujarat 370105, India

Lat 23.200494° Long 69.744328°

Saturday, 20/12/2025 09:18 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 28/12/2025 SUGGESTS THE RESPONDENT UNIT IS BURNING PLASTIC BAGS NEAR THE FARMLAND OF APPLICANT NO.1



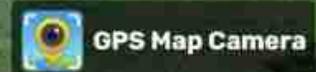
Kachchh, Gujarat, India 

Ashapura Volclay Rd, Gujarat 370105, India, Kachchh,
Gujarat 370105, India

Lat 23.199507° Long 69.746266°

Sunday, 28/12/2025 11:46 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 28/12/2025 SUGGESTS THE RESPONDENT UNIT IS BURNING PLASTIC BAGS NEAR THE FARMLAND OF APPLICANT NO.1



Kachchh, Gujarat, India 

Ashapura Volclay Rd, Gujarat 370105, India, Kachchh,
Gujarat 370105, India

Lat 23.199508° Long 69.746262°

Sunday, 28/12/2025 11:47 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 28/12/2025 SUGGESTS THE RESPONDENT UNIT IS BURNING PLASTIC BAGS NEAR THE FARMLAND OF APPLICANT NO.1



Kachchh, Gujarat, India 🇮🇳

Ashapura Volclay Rd, Gujarat 370105, India, Kachchh,
Gujarat 370105, India

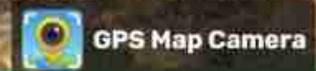
Lat 23.199499° Long 69.7463°

Sunday, 28/12/2025 11:40 AM GMT +05:30



GPS Map Camera

BELOW ATTACHED PHOTOGRAPH DATED 28/12/2025 SUGGESTS THE RESPONDENT UNIT IS BURNING PLASTIC BAGS NEAR THE FARMLAND OF APPLICANT NO.1



Kachchh, Gujarat, India 

Ashapura Volclay Rd, Gujarat 370105, India, Kachchh,
Gujarat 370105, India

Lat 23.199496° Long 69.74626°

Sunday, 28/12/2025 11:45 AM GMT +05:30

21 173
BELOW ATTACHED PHOTOGRAPH DATED 07/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE
OUTSIDE UNIT PREMISES



GPS Map Camera



Kachchh, Gujarat, India 
6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India
Lat 23.200604° Long 69.74552°
Wednesday, 07/01/2026 10:12 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 07/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



 GPS Map Camera



Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India

Lat 23.200601° Long 69.745519°

Wednesday, 07/01/2026 10:13 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 07/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



GPS Map Camera

Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India

Lat 23.200619° Long 69.745536°

Wednesday, 07/01/2026 10:06 AM GMT +05:30

176

24

BELOW ATTACHED PHOTOGRAPH DATED 07/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



 GPS Map Camera



Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India

Lat 23.200616° Long 69.745534°

Wednesday, 07/01/2026 10:06 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 10/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



GPS Map Camera

Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,

India, Kachchh, Gujarat 370105, India

Lat 23.200569° Long 69.745532°

Saturday, 10/01/2026 11:28 AM GMT +05:30

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 10/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES

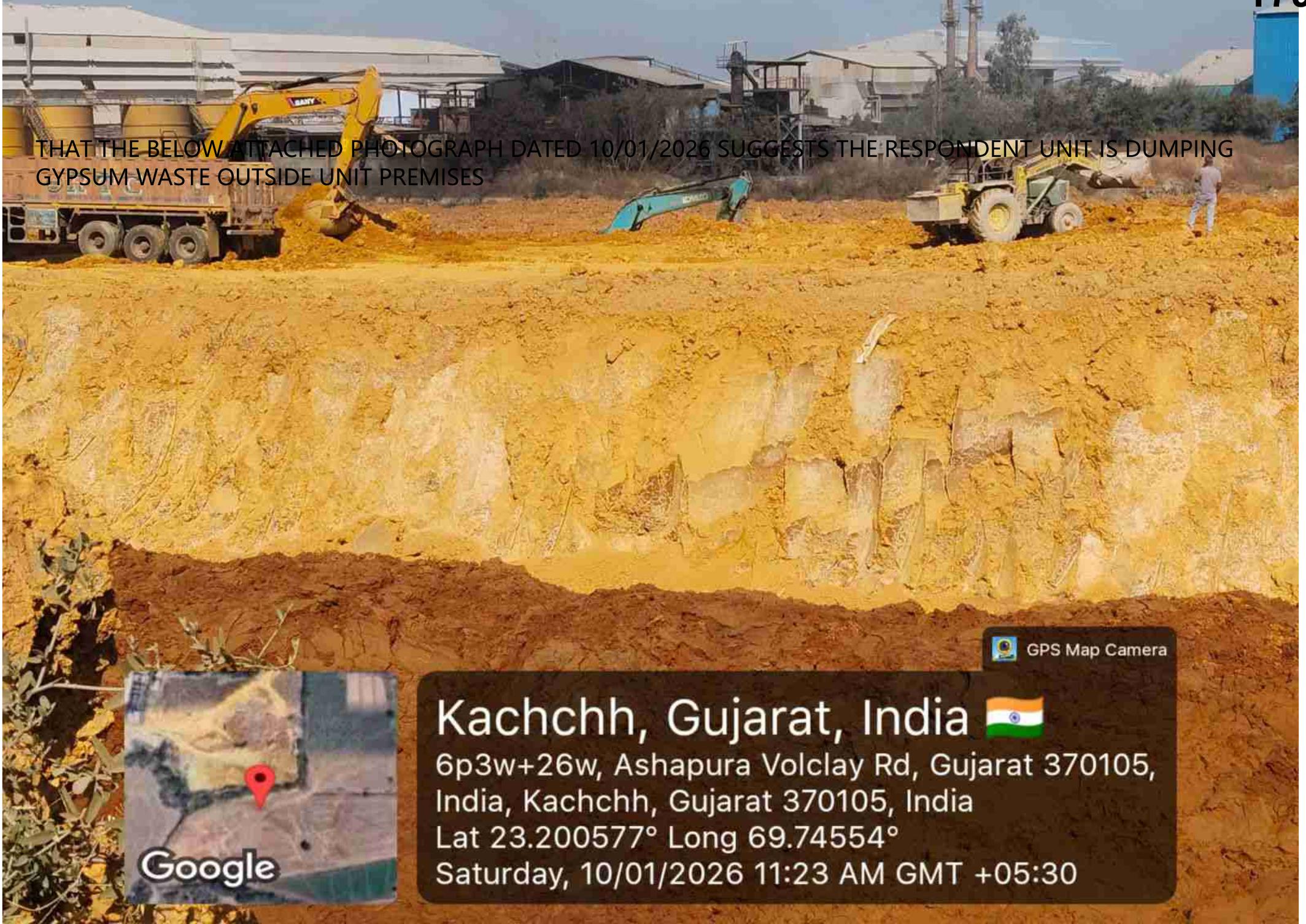


GPS Map Camera



Kachchh, Gujarat, India 
6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India
Lat 23.200565° Long 69.74553°
Saturday, 10/01/2026 11:28 AM GMT +05:30

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 10/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



GPS Map Camera



Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India

Lat 23.200577° Long 69.74554°

Saturday, 10/01/2026 11:23 AM GMT +05:30

180

28

BELOW ATTACHED PHOTOGRAPH DATED 16/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



GPS Map Camera

Kachchh, Gujarat, India 

P And D Building, Avl, Gujarat 370105, India,
Kachchh, Gujarat 370105, India

Lat 23.200836° Long 69.743515°

Friday, 16/01/2026 11:37 AM GMT +05:30

THAT THE BELOW ATTACHED PHOTOGRAPH DATED 16/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



GPS Map Camera

Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,
India, Kachchh, Gujarat 370105, India

Lat 23.200586° Long 69.745502°

Friday, 16/01/2026 11:18 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 16/01/2026 SUGGESTS THE RESPONDENT UNIT IS DUMPING GYPSUM WASTE OUTSIDE UNIT PREMISES



GPS Map Camera

Kachchh, Gujarat, India 

6p3w+26w, Ashapura Volclay Rd, Gujarat 370105,

India, Kachchh, Gujarat 370105, India

Lat 23.200607° Long 69.745524°

Friday, 16/01/2026 11:25 AM GMT +05:30

BELOW ATTACHED PHOTOGRAPH DATED 01/12/2025 SUGGESTS A THICK LAYER OF DUST HAS BEEN SETTLED OVER THE CROPS OF APPLICANT NO.1



BELOW ATTACHED PHOTOGRAPH DATED 01/12/2025 SUGGESTS A THICK LAYER OF DUST HAS BEEN SETTLED OVER THE CROPS AND TREES OF APPLICANT NO.1



BELOW ATTACHED PHOTOGRAPH DATED 01/11/2025 SUGGESTS THE RESPONDENT UNIT IS EMITTING BLACK TOXIC SMOKE INTO THE ENVIRONMENT

