

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

IN THE MATTER OF:

Vijaykumar Karsanbhai Gadhavi & Ors. ...Appellants
Versus
Union of India & Ors. ...Respondents

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Place: Pune
Date: 22.07.2026

SUBMITTED BY:



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**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO. 5,
GREENFIELD CHEMICAL COMPLEX LTD (GHCL).**

MOST RESPECTFULLY SHEWETH:

1. The present Appeal was filed on 19.04.2025 challenging, albeit belatedly after almost two years, the State I Forest Clearance dated 18.07.2023 and Stage II Forest Clearance dated 04.01.2024 as well as the Work Order dated 21.03.2025 for the diversion of only 0.9689 ha of unclassified forest land for laying part of the seawater intake and effluent disposal pipeline by Respondent No. 5, GHCL.
2. The Respondent No. 5, GHCL had filed its Reply Affidavit to the Appeal on 10.09.2025 [**Pg. 419-1038**], the Sur Rejoinder on 05.01.2026 [**Pg. 1297-1341**] to the Rejoinder of the Appellant and the Reply Affidavit dated 05.01.2026 [**Pg. 1342-1349**] to the Affidavit of the Forest and Environment Department, Government of Gujarat.
3. The Seawater intake and effluent disposal pipelines are part of the Greenfield Soda Ash Chemical Plant, which is being established in pursuance of a Memorandum of Understanding dated 12.01.2017 with Gujarat Industrial Development Corporation, Government of Gujarat, under the Vibrant Gujarat, 8th Global Summit, to boost the economy of the State with state-of-the-art technology for facilitating the production of soda ash in the country. [**Reference of MoU at Pg. 874**]
4. The Environmental Clearance for the entire plant has been challenged by the same Appellants in Appeal No. 19/2025, which *inter alia* includes similar

allegations of non-consideration of the impact of the project on the flora and fauna within 10 km of the project radius, specifically the impact on the sea turtles as well as the coral reefs. The Appeal No. 19/2025 has been adjudicated upon in detail by this Hon'ble Tribunal in April, 2026 and is reserved for Judgment.

5. The diversion of forest land for the pipeline in question is 0.9689 ha and is minimal. The scale and nature of the diversion is therefore wholly disproportionate to the sweeping challenge mounted against it. The pipeline will be laid approx. 15 metres below the surface through micro-tunnelling and does not involve any felling of trees or clearing of the unclassed forest land. **(Para 28/Pg. 437 of the Reply dated 10.09.2025)**. The photographs of the area sought for diversion at pg(s). 759-782 of the Reply Affidavit dated 10.09.2025 of Respondent No. 5 will clarify the nature of forest land and the absence of suitable habitat for nesting of turtles.
6. The grant of the Forest Clearance has been preceded by a holistic Sea Turtle Conservation Plan of Rs. 136.50 lakhs, duly approved by the PCCF (WL) & Chief Wildlife Warden **(Annexure R/13 at Pg. 715-734 of the Reply dated 10.09.2025)**, to minimise any direct or indirect impact from the diversion of 0.9689 ha. In fact, not only the impact of the pipeline but the entire project has been considered during the environmental impact assessment by the following six different institutes, including the Zoological Survey of India, Bharat Jethwa's report and Conservation Plan for Schedule I species, CSIR-NEERI EIA Report, CSIR-NIO Report, Gujarat Institute of Desert Ecology [GUIDE] and TR Associates. Along with this, the EAC committee of MoEFCC, Forest Dept. and officials of GCZMA have visited the project site. Thus, the allegations of failure to consider the direct and indirect impacts of the pipeline in the unclassed forest land, is grossly wrong as the Project and the diversion of a small patch of forest land, have not only been considered by the Deputy Conservator of Forest and the PCCF qua the pipelines but also for the entire GHCL Chemical Complex and the 10 km study area around the plant.
7. The present Appeal is a calculated afterthought that has been filed only after the Answering Respondent submitted its Work Order for Forest Diversion in the Appeal No. 19/2025 filed by the Appellants herein challenging the Environmental Clearance of the Answering Respondent. Thus, the Appeal is

not only barred by limitation and suffers from several laches on maintainability but is clearly frivolous and without any merit on facts as well as in law.

I. Submissions on Maintainability of the Appeal

1. The Appellants have challenged the Stage I Forest Clearance dated 18.07.2023 and the Stage II/Final Forest Clearance dated 04.01.2024 **(Prayer (ii) and (iii) at Pg. 61-62 of the Appeal)** under Section 16 (e), almost 1.5-2 years later and is much beyond the 30 day period of limitation as well as the additional 30 day condonable period as the said clearances were appealable from the very date of their grant **(Para 9/Pg. 425 of the Reply dated 10.09.2025)**. NGT, in a catena of cases, has accepted Appeals against Stage I and Stage II Forest Clearance under Section 16(h) [*Reliance is placed on NGT and SC decisions in Conservation Action Trust & Anr. v. MoEF&CC & Ors. [Appeal No. 29 of 2022] - Annexed at Page 1629, relevant Para(s) 2-5 at Page 1629-1630 of the Convenience Compilation; Citizens for Green Doon v. Union of India and Others [2021 SCC OnLine SC 1243] Annexed at Page. 1631, relevant Para(s) 15-16 at Page 1644-1645 of the Convenience Compilation*].
2. The plea of lack of awareness of the grant of Stage I and Stage II Forest Clearance is not tenable as the said clearances were mentioned in the Environmental Clearance dated 12.12.2024, which has been challenged by the Appellants in Appeal 19/2025. Further, the date of communication is the date of uploading of the clearance. [*Vimal Bhai v. Union of India [2012 SCC OnLine NGT 77] - Annexed at Page No. 1650, relevant Para No. 32 at Page No. 1664 of the Convenience Compilation ; Talli Gram Panchayat v. Union of India and Others (Civil Appeal No. 731 of 2023) -Annexed at Page No. 1666, relevant Para No. 20 at Page No. 1680 of the Convenience Compilation*]. Having let limitation expire, the Appellants have artificially anchored the Appeal to the Work Order dated 21.03.2025 to manufacture limitation and resurrect a stale challenge. **(Para 10/Pg. 1302-1303 of the Sur-Rejoinder dated 05.01.2026)**.
3. The Appellants are not aggrieved persons under Section 18 of the NGT Act, but proxies of the Vipassana Meditation Centre which operates on approximately 35 acres at Dham Sidhu, Bada Village, adjacent to the land acquired for the GHCL project. The direct interest of the Centre is

established by the RTI Application dated 23.03.2022 made through one Samatsinh K. Sodha (**Annexure R/7 at Pg. 602, english translation at Pg. 603 of the Reply dated 10.09.2025**) and by the letter circulated by the Centre on its website. (**Annexure R/8 at Pg. 604 -610 of the Reply dated 10.09.2025**). The Appellant No. 3 has also purchased Survey No. 429, which lies in the very middle of the project layout (**Sale Deed at Pg. 611, relevant Pg. 613; Para 21/Pg. 434 of the Reply dated 10.09.2025**), and the same Appellant, having been a petitioner before the High Court of Gujarat, concealed and misrepresented that fact. (**Para 17/Pg. 1308 of the Sur-Rejoinder dated 05.01.2026**). The Appellants' claim to be 'longstanding residents of Bada directly affected' is belied by the record, as the place of work and residence of the Appellants is Mumbai. (**Para 17/Pg. 1308 of the Sur-Rejoinder dated 05.01.2026**).

4. The Hon'ble Supreme Court recently has held that suppression of even a single material fact can be fatal to writ courts.[**Reliance on Vishnu Vardhan v. State of UP and Others (2025 SCC OnLine SC 1501) at Pg. No. 1487, Relevant Para No. 50 at Pg. 1513 of the Convenience Compilation**]. In view of false submissions on the place of residence, acquisition of project land, the credentials and bona fides of the Appellants must be tested, and the Appeals are liable to be dismissed where the test of Section 18 is not met. [(**Refer to State of Uttar Pradesh v. Uday Education and Welfare Trust (2022 SCC OnLine SC 1469) (Annexed at Pg. 1590, relevant Para 99 at Pg. 1625 of the Convenience Compilation)** and **Anand Kumar Jha v. Union of India (Appeal No. 05/2021) [Pg. 1577, relevant Para 11 -14 and 23 at Pg. 1582-1583, Pg. 1589 of the Convenience Compilation]**].
5. Further, the Appellants have raised multiple issues pertaining to the same project across different Appeals and forums, namely Appeal No. 19/2025 (EC) apart from previous challenge to the public hearing before the High Court of Gujarat and the Supreme Court, merely to delay the implementation of the project. (**Para 17 and Para 21/Pg. 1308, 1311 of the Sur-Rejoinder dated 05.01.2026**).
6. The Appellants' case also rests on RTI replies obtained by persons who are neither Appellants nor connected to the project. Sole reliance on RTI responses has been deprecated by the Hon'ble Supreme Court in *State of*

Odisha v. Arati Mohapatra & Ors. (Civil Appeal No. 5963-64 of 2021 - Annexed at Page No. 1682, relevant Para No. 13 at Page No. 1685 of the Convenience Compilation). (Para 11/Pg. 1304 of the Sur-Rejoinder dated 05.01.2026).

7. The allegations in the Appeal are also barred by Rule 14 of the NGT Rules, 2011 as the Appellants, under the guise of challenging the Forest Clearance for diversion of 0.9689 ha of forest land, seek to agitate an alleged violation of the CRZ Notification, 2011 by misrepresenting that the project falls within CRZ-IA and by alleging adverse impact on marine life. **(Para 10/Pg. 427 of the Reply dated 10.09.2025; grievances at Paras 3, 39 and 40-45 of the Appeal).** Rule 14 of the NGT (Practice and Procedure) Rules, 2011 requires an appeal to be founded on a single cause of action, wherein multiple reliefs being permissible only where consequential to one another. (Refer to D.V. Girish and Vikas Tripathi) **(Annexure R2 at Pg. 469, relevant Pg. 499 of the Reply dated 10.09.2025).** The CRZ clearance having been recommended on 26.12.2023 **(Annexure R15 at Pg. 748 of the Reply dated 10.09.2025)** cannot be challenged by way of this Appeal as it is beyond the scope and is beyond challenge/ barred by limitation.
8. The Additional Affidavit dated 31.07.2025, filed in compliance with the Order dated 27.06.2025, is in truth a 103-page affidavit that amends the original Appeal without the leave of this Hon'ble Tribunal as required by the NGT Rules, 2011. **(Para 70/Pg. 459-460 of the Reply dated 10.09.2025)**
9. Finally, the challenge to the Work Permission Order on the basis of Rule 5(e)(ii)(c) of the Forest Conservation Rules, 2022 is misconceived. It is important to mention that the said sub-rule pertains to the grant of In-Principle Approval and not to a Work Permission Order, and the Work Permission Order has been granted under the Van (Sanrakshan Evam Samvardhan) Rules, 2023 in consonance with Rule 11(7) thereof. **(Para 65/Pg. 456 of the Reply dated 10.09.2025).**

II. The Appeal is founded on allegations of violation of Forest Conservation Rules, 2022, which have been repealed and were never applicable qua the Forest Clearance application of Respondent No. 5, GHCL.

10. The allegation of violation of Rule 5(e)(ii)(C) (described by the Appellants as Rule 9(5)(e)(ii)(c) of the Forest (Conservation) Rules, 2022 is not tenable

in law as the application for Forest Clearance was submitted on 21.09.2021 [Annexure R1, pg. 468 read with R6, pg.586-590] and the Forest Conservation Rules, 2022 were enacted on 28.06.2022 and contain no provision for retrospective application. **(Para 11 and Para 14/Pg. 429-430 of the Reply dated 10.09.2025)**

11. The MoEF&CC clarification dated 18.07.2022 (**Annexure R/4 at Pg. 580 of the Reply dated 10.09.2025**) provides that proposals accepted by the Nodal Officer before 28.06.2022 would continue to be processed under the Forest Conservation Rules, 2003. The Respondent No. 5, GHCL's proposal for Forest Clearance was accepted on 28.01.2022 and thus continued to be processed under the Forest Conservation Rules, 2003. **(Para 17/Pg. 430 of the Reply dated 10.09.2025 read with)**. Accordingly, the Stage I Forest Clearance dated 18.07.2023 has been granted under the Forest Conservation Rules, 2003. **(Para 17 and Para 33/Pg. 431, 439 of the Reply dated 10.09.2025)**. MoEF&CC's Letter dated 18.07.2022 is a valid clarification in law and cannot be considered as amending the Forest Conservation Rules of 2022. SC in *Sree Sankaracharya University of Sanskrit v. Dr. Manu (2023 19 SCC 30* -has *inter alia* clarified that "38.1. If a Statute is curative or merely clarificatory of the previous law, retrospective operation may be permitted thereof."
12. The Forest Conservation Rules of 2022 have been superseded by the Forest (Conservation and Augmentation) Rules, 2023 / the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and thus no longer have any legal standing. Once a provision is repealed and replaced, it ceases to operate, as held in *Pernod Ricard India (P) Ltd. v. State of Madhya Pradesh* (Judgment dated 19.04.2024) (**Judgment annexed at Pg. 2219, relevant Para 18-19, pg. 2220 of the Convenience Compilation**). A challenge that rests its entire foundation upon a repealed Rule collapses at the threshold, the foundation being removed, the edifice must fall with it.**(Para 12-13/Pg. 428-429 of the Reply dated 10.09.2025)**
13. The Stage II approval and the Section 2 order have been granted under the Rules of 2023, as clarified by Rule 16(8) thereof. **(Para 18/Pg. 430 of the Reply dated 10.09.2025)**. On no permutation do the repealed Forest Conservation Rules, 2022, on which the entire Appeal is built, govern the

impugned clearances. This is a sufficient ground in itself for this Hon'ble Tribunal to dismiss this Appeal.

III. There is no misrepresentation by the Divisional Forest Officer in the form and the Forest Clearance has been granted in accordance with the law by submitting all the requisite details as mandated in law by the Respondent No. 5 GHCL, as well as by the Deputy Conservator of Forests.

14. The Application for Diversion of Unclassed Forest Land of 0.9689 ha was submitted on 21.09.2021 [**Application is at Annexure R6/Pg. 586-590**] under the Forest Conservation Act, 1980 and the Forest Conservation Rules, 2003, as applicable at the time [**Forest Conservation Rules, 2003 at Annexure R3, pg. 529 - 560**] . It is pertinent to mention that the said land was part of an Afforestation Scheme and was handed over to the Divisional Forest Officer vide Notification dated 26.07.1966. [**Para 6.1/pg. 1206 read with Notification dated 26.07.1966 at Page 1223 of the Affidavit of Forest Department**].
15. The Deputy Conservator of Forests recommended the proposal on 06.10.2021 and a site visit was undertaken on 29.11.2021. [**Site Inspection Report at Annexure R11/pg. 705-706 of Reply Affidavit dated 10.09.2025**] Based on the site visit, the Deputy Conservator of Forests submitted Part II of the Report *inter alia* clarifying that there are no rare or endangered species in the 0.9689 ha of forest land which is sought to be diverted [**Part II at Page 707-710 f Reply Affidavit dated 10.09.2025**]. The item 8 of the Form and Site Inspection Report with respect to the significance from a wildlife point of view, also specifies other sub-heads about distance from national parks, Eco-Sensitive Zone notified as well as 10km distance and presence of rare or endangered animal 'in the area'. [**Refer Page 1230-1231 of the Affidavit of the Forest Department**], whereby Divisional Forest Officer has given clarifications with respect to the land sought for diversion and specifically rare/endangered species are to be mentioned only if they are found 'in the area' of forest land sought for diversion. Similarly, at page 1237 of the Affidavit of Forest Department, the format of the inspection report clearly mentions in brackets against Sr. No. 8, Importance of area from wildlife point of view, status of wildlife (*density and abundance of important species, bird life reptiles, butterflies and other*

scheduled animals any endangered wildlife). Accordingly, in the absence of any scheduled or endangered animals as per the Wildlife Protection Act, 1972 'in and around the area' during the inspection, the DFO had answered the same as 'No'.

16. However, for abundant precaution, the Deputy Conservator of Forests had recommended the said diversion in its report dated 27.12.2021, by making it subject to study/assessment of sea turtles in the 10 km area surrounding the project and preparation of a holistic conservation plan for mitigation of any potential negative impacts.**[27.12.2021 Form II is at Pg. 711-714]**
17. After forwarding the proposal to the CCF on 27.12.2021, the CCF on 11.01.2022 specifically sought clarification on the presence of sea turtles and habitats and the requirement of a detailed study and Conservation Plan. **[letter dated 11.01.2022 at page 1240 of the Affidavit of Forest Department]**. The DCF then responded on 12.01.2022 with a revised condition incorporating a study/assessment of sea turtles within a 10 km radius and directing GHCL to prepare a Sea Turtle Conservation Plan. Thus, the allegation of the Appellant with respect to non-application of mind and misrepresentation is baseless. In fact there were a total of 16 EDS before the Project was granted Stage-II Clearance. Furthermore, the final Stage-II Forest Clearance was granted only after the compliance was verified by the Regional Office with the Conditions of Stage-I Forest Clearance. **(Paras 6.5.1-6.6.2/Pg. 1209-1211 of the Reply of R3 & R4 dated 31.12.2025 read with Letter dated 12.01.2022 at Annexure R/7 and 1241-1243).**
18. The requirement for undertaking assessments in a 10 km study area of a project is specific to the procedure for environmental impact assessment under the EIA Notification, 2006 . The assessment in the Part II of the Form for Forest Clearance is confined to the area of forest land sought to be diverted. Accordingly, the DCF correctly recorded in Part II that there is no presence of wildlife '*in and around it*'. However, it is reiterated that for abundant precaution, the DCF in Part II recommended study of the 10 km radius for presence of sea turtles and preparation of a turtle conservation plan. **(Para 55/Pg. 450-451 of the Reply dated 10.09.2025; Para 15/Pg. 1305-1306 of the Sur-Rejoinder dated 05.01.2026 and Part II of page 1244 -1245 of the Affidavit of Forest Department)**. The Appellant has relied on the Judgment of Workmen of Dimakuchi Tea Estate, which relates

to the issue of whether ‘workman disputes raised by a non-workman, could be considered as industrial disputes’, for interpretation of the term ‘in and around’ and to state that the words of a statute have to be best understood in the sense in which they harmonise with the subject of the enactment . Accordingly, item 8(i) of Part II of the Application form cannot be read in isolation but along with the subsequent items (ii) to (v) as per the rule for harmonious interpretation, which not only detail the distances but also the requirement of mentioning the rare/endangered species ‘in the area’ sought for diversion.

19. Thereafter, the application for forest diversion was recommended for diversion by the Circle Officer, Kutch on 28.01.2022 [**Pg. 1246 and 1249 of the Affidavit of Forest Department**], by the Nodal Officer, on 31.01.2022 [**Pg. 582 of Reply dated 10.09.2025**] and the State Government, on 04.02.2022 [**Pg. 584 of Reply dated 10.09.2025**] . On 09.11.2022, a detailed Conservation Plan for Schedule I species including turtles was prepared by a reputed agency for an amount of Rs. 136.50 lakh for Respondent No. 5, GHCL’s project. The Conservation Plan, which encompasses conservation of various scheduled species, was duly reviewed and approved by the Principal Chief Conservator of Forests and Chief Wildlife Warden of Gujarat on 24.04.2023.[**Conservation Plan is at R13/Pg. 715-734 of the Reply dated 10.09.2025**]. (Para 31-32/pg. 438-439 of the Reply dated 10.09.2025)
20. During the pendency of the application for Stage I Forest Clearance, the Forest Conservation Rules of 2022 were formulated. However, in view of the Clarification dated 18.07.2022 [**Annexure R/4 at Pg. 580 of the Reply dated 10.09.2025**], the Forest Conservation Rules [FCR] of 2003 continued to remain applicable qua the Respondent No. 5’s application for clearance as the approval of the Nodal Officer was granted before 28.06.2022. After seeking further clarifications/ Essential details almost sixteen times over nearly two years including approval of the Conservation Plan for Schedule I species, the Stage I Forest Clearance was finally granted on 18.07.2023. (Paras 31, 32 and 34/Pg. 438-440 of the Reply dated 10.09.2025; EDS details at Annexure R5, Pg. 584-585). Thus, the allegations of non-application of mind by the Deputy Conservator of Forest at the time of recommending Stage I Forest Clearance or submission of misleading and

incomplete information by Respondent No. 5, GHCL, are baseless and clearly without any merit in facts or law.

21. Thereafter, the Stage II/Final Approval was granted on 04.01.2024 only after the compliance report was submitted on 07.11.2023 with the conditions of Stage I Forest Clearance, duly perused and verified by the Nodal Officer. **(Para 36/Pg. 440 of the Reply dated 10.09.2025; Compliance Report dated 07.11.2023 at Annexure R14, Pg. 735-737).**
 22. Thus, the MoEF&CC has thoroughly examined all direct and indirect impacts on the forest, wildlife and environment by way of abundant precaution and in line with the recommendations of the Forest Officers, even though such assessment was not required under the FCR, 2003 for a diversion of less than 40 ha. **(Para 37/Pg. 440-441 of the Reply dated 10.09.2025).**
 23. The recommendation and the consequent Forest Clearance clearly show that the scrutiny process was not a mechanical or rubber-stamp exercise as shown by the layered scrutiny pleaded at **Paras 28-41 and Para 64 of the Reply dated 10.09.2025** and corroborated by the Reply of the Forest and Environment Department dated 31.12.2025.
 24. In *Rajeev Suri v. DDA [2021 SCC OnLine SC 7 - Annexed at page 1829, relevant para(s) 372-381 at para 509, Pg. 2100 of the Convenience Compilation*, the Hon'ble Supreme Court held that once an expert body has applied its mind, a challenge must rest on concrete material revealing a total absence of mind. **(Para 40/Pg. 441-442 of the Reply dated 10.09.2025).** The Appellants' own authorities, *Chhugamal Rajpal v. S.P. Chaliha*, *Central India Electric Supply Co. Ltd. v. ITO* and *Capital Broadways Pvt. Ltd.*, concern summary endorsements without supporting record, and are inapplicable. The present recommendations are informed by the entire record, detailed discussions and the explicit imposition of conditions and there has been no rubber stamping as wrongly alleged by the Appellants. **(Para 40/Pg. 441-442 of the Reply dated 10.09.2025).**
- IV. **There will be no direct or indirect impact on the flora or fauna due to the diversion of 0.9689 ha of forest land for laying the intake and outfall pipelines.**

25. The establishment of the pipeline for the soda ash plant is quintessential as the plant requires a large quantity of Seawater for cooling as well as a desalination plant (RO/DM Plant) for the production of Soda Ash. Due to a small patch of unclassified forest land between the plant and the Arabian Sea, the diversion of 0.9689 ha is unavoidable. However, the Respondent No. 5, GHCL will be undertaking micro-tunnelling approx. 15 mts underground to ensure that there is no impact on forest land. Additionally the DCF imposed a condition of passage through the treeless riverbed to prevent any tree felling. Accordingly, no felling of trees will be undertaken on the said forest land for the laying of the pipelines. **(Para 28/Pg. 437 of the Reply dated 10.09.2025 and Site Inspection Report of 29.11.2021 at Pg. 1238 of the Forest Department Affidavit).**
26. The impact of pipelines has not only been considered during the Forest Clearance process but also by the Gujarat pollution Control Board before the grant of Consent to Establish on 28.06.2021 as well as by the CRZ Committee at the time of grant of CRZ Clearance on 26.12.2023. Both the said clearances are before the grant of Stage II Forest Clearance on 04.01.2024. **(Para 38/Pg. 441 of the Reply dated 10.09.2025; Annexure R/15 thereof).** Infact the Project Proponent is obligated to comply with the prescribed standards by CPCB/GPCB for discharging the effluent in sea which is set by the competent Government authority and the Clearance/Approvals given by the competent authorities after seeing all possible impacts on the biodiversity and ecosystem of the sea. The discharge of Effluent water with proper dilution and treatment into sea as per CPCB/GPCB standard is already in practice by Soda ash industries from many decades in India. Therefore, it is a proven technique.
27. Additionally, Compensatory afforestation has been provided over 2.00 ha degraded reserved forest at Village Dhokda, Taluka Mandvi and a total of Rs. 21,71,521 (Rs. 12,43,528 towards Compensatory Afforestation and Rs. 9,27,993 towards Net Present Value) was deposited with CAMPA on 11.10.2023 by the Respondent No. 5, GHCL. **(Para 30/Pg. 438 of the Reply dated 10.09.2025 read with Compliance with Compensatory Afforestation condition at Annexure R14, Pg.735)**
28. Specifically, with respect to the alleged existence of turtle nesting sites on the forest land, the absence of nesting at the site is confirmed by six expert

reports. The Zoological Survey of India, CSIR-NIO [Pg. 919-953 and Pg. 986-1003 of Reply Affidavit dated 10.09.2025], CSIR-NEERI [Pg. 911-918 and Pg. 977-985 of Reply Affidavit dated 10.09.2025], Bharath Jhethwa study [Study at Pg 783-910 of Reply Affidavit dated 10.09.2025], TR Associates [Pg. 954-976 of the Reply Affidavit dated 10.09.2025] and the Gujarat Institute of Desert Ecology [Pg. 1004-1010 Reply Affidavit dated 10.09.2025]. confirm that there are no turtle nesting sites at the project site, which is unsuitable owing to a rocky beach, narrow beach width, vegetation cover, slope and pebbles/rubble. The photographs of June 2025 establish there can be no nesting on the forest land owing to a steep slope connecting it with the coast. [Photos at Annexure R/16 at Pg. 341-364]. The EAC members themselves visited the site and found no turtle sightings. (Paras 43-44/Pg. 442-444, Para 63/Pg. 455-456 of the Reply dated 10.09.2025 and Para 20/Pg. 1310 of the Sur-Rejoinder dated 05.01.2026).

29. Additionally, impact on sand dunes, coral reefs, thermal discharge, algal foraging among other impacts on the marine biodiversity from the laying of the pipelines have also been assessed, and the mitigation measures for the same have been duly incorporated in the CSIR-NIO Marine Impact Assessment Report, the CSIR NEERI Report as well as the TR Associates report. (Para 43 and Para 46(i)/Pg. 443-445; CSIR-NIO at Pg. 919, relevant Pg. 936-944, recommendation at Pg. 950 of the Reply dated 10.09.2025, CSIR-NEERI at Pg. 911, relevant Pg. 918; TR Associates at Pg. 954, relevant Pg. 962-967, mitigation at Pg. 973-974 of the Reply dated 10.09.2025). The Gujarat Institute of Desert Ecology, specifically engaged for the purpose, concluded that the project activities of laying the pipeline will not impact the sand dunes. They have also prepared a sand-dune conservation plan (monitoring, revegetation, debris removal) as an abundant precaution. (Para 47/Pg. 446 of the Reply dated 10.09.2025; CSIR NEERI at Annexure R/19 Pg 977, rel. pg. 985; CSIR-NIO at Pg. 986, relevant Pg. 1002; GUIDE at Pg. 1004, relevant Pg. 1006).
30. The Appellants' own evidence destroys their allegations. By their own admission in the Additional Affidavit dated 31.07.2025, which if at all is considered by this Hon'ble Tribunal, the alleged turtle nesting sites are 2.16 km to 6 km away from the project site, a fatal admission that demolishes the very foundation of the allegation of falsity. (Paras 58 and 61/Pg. 453-454

of the Reply dated 10.09.2025; Para 9(i)-(iii)/Pg. 316 of the Additional Affidavit).

31. Further, the UNDP-WII Book chapter pertains to an area beyond the 1.5 km stretch, and the paper of Mr. Satish Bhaskar (1984) relies on data over 40 years old and concerns Bhaidar Island, about 40-50 km away. Further, the MoEF&CC National Marine Turtle Action Plan (2021-2026) does not identify Kachchh as an important turtle habitat. **(Para 58/Pg. 453, Para 62/Pg. 454-455 along with National Marine Turtle Action Plan at Annexure R/20 at Pg. 1011, relevant Pg. 1015-1017 of the Reply dated 10.09.2025).**
32. In law, 'falsity' cannot be sustained in light of these facts. Falsity implies the concealment of an actual fact; however, the site inspection and six independent studies confirm the absence of turtle nesting at the specified location, demonstrating that there was no fact that could have been misrepresented. It is also important to note that *Hanuman Laxman Aroskar v. Union of India* and *Sreeranganathan K.P. v. Union of India* are distinguishable, as they concern proven gross suppression or total absence of assessment, whereas here every identified impact is the subject of express monitoring, mitigation and conservation planning. **(Para 59/Pg. 452-453 of the Reply dated 10.09.2025).** Subsequently, *the Save Mon Region Federation judgement* is also misplaced as the requisite information has been furnished and verified through site inspection. **(Para 62/Pg. 455 of the Reply dated 10.09.2025).**
33. In view of the abovementioned facts and position of law, it is humbly submitted that there is no false or misleading information in Form A, Part II or the Site Inspection Report of the DCF. The Forest Clearance has been granted only after a conscious application of mind and layered scrutiny as per the procedure established by law, and the 15-metre underground micro-tunnelled pipeline has no adverse impact on the forest, sand dunes, marine biodiversity, coral reefs or any turtle nesting site.
34. In the case of *Ashish Kothari v. MoEF&CC & Others* [O.A. No. 93/2024 - **Annexed at Page 1802., relevant para no. 23 page no. 1811. of the Convenience Compilation**] this Hon'ble Tribunal vide Orders dated 16.02.2026 had upheld the diversion of forest land in Great Nicobar, *inter*

alia stating that a balanced approach is required to be adopted while considering the issue of allowing development and upheld the Environmental Clearance and the Stage I Forest Clearance based on the reports of Zoological Survey of India and National Institute of Oceanography. This Hon'ble Tribunal further relied upon the Judgment of the Hon'ble Supreme Court in the case of M.K. Ranjitsinh & Ors. vs. Union of India & Ors., reported in 2024 SCC OnLine SC 570 and emphasised on the requirement of adopting a holistic approach.

35. Further, the Hon'ble Supreme Court in Lafarge Umiam Mining (P) Ltd. v. Union of India, (2011) 7 SCC 338, observed :

“ .. Time has come for us to apply the constitutional “doctrine of proportionality” to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilisation of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilisation of natural resources have to be tested on the anvil of the well-recognised principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of “margin of appreciation” in favour of the decision-maker would come into play.”

The copy of the Judgment dated 09.02.2011 of the Hon'ble Supreme Court in the case of Lafarge Mining is **Annexed at Page No. 1687, relevant Para No.30 at Page No. 1783-1784 of the Convenience Compilation.**

36. The reliance by the Appellants on the case of Narender Singh v. Divesh Bhutani is misleading as the case dealt with classification of lands notified under Section 4 of the Punjab Land Preservation Act, 1900 as Forest Lands under Forest Conservation Act, 1980. In the present case, as submitted above, there is no constitutional violation or dereliction of duty by the Forest Department officials. Similarly the reliance on the case of Save Mon is without any basis as it related to award of public work contract on an

allegation of arbitrariness wherein a close relative allegedly was awarded the contract, which has nothing to do in the present context. In the present case, the area sought for diversion is in accordance with law and by following a due process and moreover with abundant precautionary measures for any possible impact which the Appellants have been unable to prove otherwise either on facts or in law.

37. Further, the case of Sandeep Desai *inter alia* related to renewal of forest clearance for the mining leases and specifically pertained to the incorrect submission on the distance of the lease from the Wildlife Sanctuary/National park, incorrect density of forest, which is not the case here. Further, the quashing of the clearance was also on the grounds that the Respondent therein did not have a valid mining lease. Hence, the same cannot be considered as applicable to the present case, which is a Soda Ash Plant and is seeking diversion of 0.9689 ha of forest land without any clearing of trees merely to lay a pipeline 15 mts below the ground, which is integral to the plant and which has been assessed from the environmental standpoint as well as from the coastal zone perspective and due process has been followed with all rigor.
38. It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Appeal as not maintainable and as devoid of merit, with exemplary costs, and pass such further orders as may be deemed fit in the interest of justice. The present Written Submissions may be read as part of the pleadings, and the pleadings will be referred to at the time of arguments before this Hon'ble Tribunal.

Place: Pune

Date: 22.07.2026

SUBMITTED BY:



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