

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN BENCH AT PUNE
APPEAL NO. 19 OF 2025

IN THE MATTER OF:

Vijaykumar Karsanbhai Gadhavi &Ors. ...Appellant (s)

-Versus-

Union of India & Ors. ...Respondent (s)

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Date: Pune

Place: 14.04.2026

SUBMITTED BY:

Mbachani

Mansi Bachani, Gitanjali Sanyal & Satvika Krishnan
Advocate for Respondent No. 4
29, Presidential Estate,
Nizammuddin East
Email: eldflegal@gmail.com +91- 8600531203

SETTLED BY:

Mr. Sanjay Upadhyay
[Senior Advocate]

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**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO. 4,
GHCL GREENFIELD CHEMICAL COMPLEX**

MOST RESPECTFULLY SHEWETH:

1. The abovementioned Appeal challenges the Environmental Clearance dated 12.12.2024 (**Annexure A1, Pg. 93 of the Appeal**) granted to GHCL Greenfield Chemical Complex Ltd.(hereinafter referred as R. No. 4, GHCL) for the proposed production of 11,00,000 TPA capacity of Light Soda Ash (LSA), 5,00,000 TPA capacity of Dense Soda Ash (DSA) and 2,00,000 TPA capacity of Sodium Bicarbonate (SBC) in village Bada, Taluka Mandvi, District Kutch in Gujarat.
2. The GHCL Greenfield Soda Ash Plant is being established in pursuance of a Memorandum of Understanding dated 12.01.2017 [**Annexure R/9 @Pg. 762**] 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. (**Para 17/Pg. 14 of the Reply dated 25.03.2025**).
3. It would not be out of place to mention the myriad end use of soda ash here, which include glass manufacturing, detergent production, water treatment, solar glass and lithium ion batteries and the need for making in India such raw material in order to save foreign imports and especially against the increased dumping of soda ash from the USA, Russia, among other countries, which has now become prevalent in view of the recent probe initiated by the Directorate General of Trade Remedies for imposition of antidumping duties. (The necessary documents may be placed before this Hon'ble Tribunal, if so directed)

4. The establishment of the Soda Ash Plant by R.No. 4 GHCL is being undertaken in complete compliance with the law, including all environmental compliances. At the outset, R.No. 4, GHCL seeks to submit preliminary objections to the maintainability of the Appeal and the bonafides of the Appellants, which are crucial for admissibility of the Appeal before this Hon'ble Tribunal as per the National Green Tribunal Act, 2010.

A. Appellants have submitted incomplete, false information and suppressed material facts and are not 'Aggrieved Persons' u/S 18 of NGT Act, 2010 but have vested interests

- i. *False declaration at page 23, as the Appellants are not residents of Bada Village - Appellant No. 1, Vijay Kumar's residence is in Mandvi Town, 20 km away from Bada Village.[Adhaar @R50, pg. 2350 of Reply of R. No. 4, GHCL]. Appellant No.3, Bharat Gala, is a trader in garments based out of Dadar, Mumbai [Sale Deed @Annex. R5/pg. 696, relevant page 698 and GST information @AnnexR51, relevant page 2352, 2353 of Reply of R. No. 4, GHCL]. Appellant No. 4, Rajesh Gangji also a resident of Mumbai and a director in certain companies.[Annex R52, Pg. 2357] – para 6 of preliminary objections read with para 1 of the par-wise response @Pg 586, 623 of the Reply dated 22.03.2025.*
- ii. Appellant No. 3, Bharat Gala, purchased 21.19 acres of land in Survey No. 426 of Village Bada in Mandvi Taluka at the cost of Rs. 26 Lakhs, which was part of the Land Agreement to Sell dated 23.12.2021 between R. No. 4, GHCL and landowners, as well as Approval dated 27.07.2021 of the Industrial Commissioner, Gandhinagar. The purchase, as ascertained by the Sale deed dated 09.12.2024, is clearly after the Expert Appraisal Committee (EAC) had recommended the Environmental Clearance (EC) for the Soda Ash Project on 24.10.2024. (See Copy of Sale Deed dt. 09.12.2024 @Annex. R/5 Pg. 686, 698) - Para 12/Pg. 10-11 of the Reply dated 22.03.2025.
- iii. *Suppression of Facts by Appellants - Appellant No. 3, Bharat Gala along with one Ms. Dhvani Shah (Petitioner No 3 in the HC) – challenged the validity of the public hearing dated 17.10.2022 of R. No. 4 GHCL's soda ash plant before the Gujarat High Court (HC) in W.P.(PIL) No. 85/2022 titled Bharat Gangji Gala and Others v. GPCB & Ors. The HC vide Order dated 18.10.2022 (Annexure R/1 @Pg. 639, Relevant pg . 672-676 and 683), dismissed the Petition for want of merit and imposed costs of Rs. 50,000/-*

for wilfully suppressing the EIA Amendment Notification dated 09.05.2022 - **Para 6/Pg. 8-9** of the Reply Affidavit dated 22.03.2025.

- iv. The HC Order of 18.10.2022 [**Annexure R/2 @Pg. 684**] was challenged in the Supreme Court by Appellant No. 3, Bharat Gala along with Other Petitioners in the HC including one Ms Dhvani Shah, through SLP (C) Diary No. 4709/2023 titled Bharat Gangji Gala & Ors. v. GPCB & Ors., which was dismissed through Order dated 27.03.2023 (**Para 7/Pg. 9 of the Reply Affidavit dated 22.03.2025**).
- v. The Appellants in the Appeal have also suppressed the Proceedings of 84th and 87th Meeting of the EAC- (**Para 51/Pg. 601 of the Reply Affidavit dated 22.03.2025**), which they now rely on in their arguments and was never a ground in the Appeal, which is not permissible without amendment of their pleadings as per Rule 16(7) of the NGT Rules, 2011. The Hon'ble Supreme Court in a catena of cases has deprecated the practice of suppression of facts and has dismissed SLPs with costs. [All India EPF Staff Federation Vs. Union Of India SLP(C) No. 013329 - 013330 / 2024; KD Sharma v. Steel Authority of India and Others [2008 12 SCC 481]; Dalip Singh v. State of Uttar Pradesh and Others 2010 2 SCC 114]. The Appellants have cried hoarse on this proposition, albeit wrongly, and must turn the compass on themselves when they make unsubstantiated arguments against the Project Proponent. It is crystal clear that it is infact the Appellants who are concealing crucial facts, hiding documents and making false statements before this Hon'ble Tribunal. These are sufficient grounds to dismiss this Appeal with huge costs.
- vi. *Appellants are proxies of Vipasana Meditation Centre at Dham Sidhu, Bada Village (Para 11/Pg. 10)* - Direct interest reflected through the RTI Application dated 28.06.2024 seeking information on lands allotted for the Soda Ash Project (**Para 10/Pg. 10 read with Annexure R/3 @Pg. 685 - 686**) as well as by the Letter circulated by the Centre on its Website at **Annexure R/4 @Pg. 687-695** and Change.org petition posted on 12.03.2025 titled "Save Dhamma Sidhu Vipassana Meditation Centre from massive chemical plant by GHCL in Bada" (**Para 13/Pg. 11-12 read with Annexure R/6 @Pg.731**). Such proxy litigation needs to be deprecated, where real vested interests are hidden and this clearly shows that the Appellants are only espousing someone else's cause which has got nothing to with substantial question of environment. This Hon'ble Tribunal must take serious note of such proxies and dismiss this Appeal with huge costs.

- vii. The Hon'ble Supreme Court on bonafides of a litigant approaching NGT, has clarified that the credentials and bonafides of the Applicants must be tested. Accordingly, the Hon'ble Supreme Court as well as this Hon'ble Tribunal NGT in a catena of cases has dismissed Appeals due to failure of Appellants to satisfy the test of S.18 of the NGT Act, 2010. [State of UP & Ors. RTC. ETC. v. Uday Education & Welfare Trust & Anr. (2022 SCC OnLine SC 1469), Anand Kumar Jha v. Union of India & Others (Appeal No. 05/2021), Satyabrata Sanjeev Kumar Mahanta v. Ministry of Environment and Forest and Others. NGT PB Rana Sengupta v. Union of India and Others (2013 SCC OnLine NGT 31). (**Para 15-16/Pg. 13 of Reply dated 25.03.2025**).
- viii. Further, Appellants during the hearing on 09.03.2026, 19.03.2026, 23.03.2026 and 24.03.2026 have suppressed and submitted incomplete facts with respect to the following issues –
- a. The NABET QCI list of 2017 [**Annexure R/11, Pg. 785-909 of Reply dated 22.03.2025**], prior to the allotment of the work Order to NEERI clarifies absence of soda ash specific accredited consultant
 - b. NEERI is accredited for Chlor alkali @pg. 125 of Appeal (Chlor Alkali is also a red category Industry i.e. Category A under the EIA Notification)
 - c. CSIR-NEERI is mentioned in the final Environmental Clearance dated 12.12.2024 @pg. 106 of the Appeal, contrary to the Appellants' oral claim that there is no mention of CSIR-NEERI in the final EC.
 - d. NABET Accreditation Committee meeting notes CSIR-NIO was engaged for special studies and not for the EIA report. Hence the same can be undertaken by any reputed agency @Pg. 131 of the Appeal.
 - e. Studies by Zoological Survey of India (ZSI), one of the most premier Institutes under the aegis of MOEF&CC and by Dr. Bharath Jethwa, A Functional Area Expert who is accredited by QCI, carrying out such specialised studies , can be undertaken by such reputed agencies and experts, as noted by NABET Accreditation Committee meeting dated 09.12.2022@Pg. 132-134 of the Appeal.

- f. 72nd minutes of the EAC meeting note @pg. 136 “PP and an accredited consultant”, and provides the details of NEERI’s accreditation for chlor alkali. Note that NEERI like other accredited experts , on Chlor Alkali, was one of the agencies that did the studies for soda ash including for all major players such as Tata Chemicals, Nirma and RSPL.
- g. 72nd minutes of the EAC meeting notes @pg. 137 that the “study area of 10 km” includes inter alia sea turtle for which a conservation plan has been prepared and submitted to PCCF and Chief Wildlife Warden on 09.11.2023.
- h. The same Appellants in the Appeal No. 144 (against the FC clearance) have contradicted their stance in the present Appeal by stating that despite mentioning the presence of turtles in Form 1 of EC, the DFO has not taken into consideration direct and indirect impacts.
- i. The Appellants have repeatedly stated that incomplete information is given in Form 1 and questioned the grant of TOR . However, the Form 1 annexed to the EC Application for the grant of TOR mentions correct information with regard to the absence of nesting site on the project site as well as the presence of turtle nesting site at a distance of 8 km as per the ZSI Report. (See Page No.(s) 352, 354 of the Appeal). The Appellants have conveniently missed out this crucial fact in their arguments orally as well as in their written submissions.
- j. Form 1 has also mentioned the distance of the Vengadi River, which is 0.5km away @Pg. 355 of the Appeal, unlike the vehement arguments about their non-disclosure.
- k. The Form 1 @Pg, 356 of the Appeal mentions TR Associates, who are accredited Consultants and who were brought on board, the moment it was informed by QCI on 27.01.2023. The Appellant completely ignores this crucial aspect, which demonstrates the robustness of the EIA studies conducted and thereafter vetted, owned, and further studied with additional data by the accredited Consultant specifically for soda ash. It must be noted that CSIR-NEERI is not only a nationally reputed agency but also accredited for Chlor Alkali which has been carrying out

such EIAs for soda ash industries, before specific accreditation of soda ash consultants was available. Further, when the project started, it was duly communicated to the MOEF&CC that no accredited Consultant specifically for soda ash existed at that point in time which is amply brought out by records. (See Annexure A/10, Pg. 764 of the Reply Affidavit of R. No. 4, GHCL)

1. Incomplete and partial reading of the EAC minutes - The EAC minutes of 78th meeting @Pg. 1964, note the ZSI report on sea turtle conservation plan. The minutes of 74th EAC Minutes @Pg. 1917 and 87th EAC Meeting (Pg. 2017-2018), also look into the findings and impacts on Vengadi river. (Both these crucial information although considered has been wrongly submitted that the PP has not mentioned the same. Such misleading statements by the Appellant is clearly deplorable and worthy of dismissal of the Appeal itself)

That the abovementioned submissions are but a few of the misleading and incorrect statements by the Appellants in their Appeal as well as in their Notes submitted before this Hon'ble Tribunal. Further, specifically with respect to Vengadi river, there are no submissions in the Appeal or the Rejoinder, and the issue has been raised for the first time through their Notes. There are a catena of cases against such practices of arguments on facts without pleadings and without the leave of the court.[Baldev Singh v. Manohar Singh [2006 6 SCC498]; Rajesh Kumar Agarwal v. KK Modi [2006 4 SCC 385]; Sheikh Noorul Hassan v. Nahakpam Indrajit Singh [(2024) 9 SCC 353]]

B. The Environmental Clearance dated 12.12.2024 has been granted in accordance with the law for the Soda Ash Plant of GHCL

1. The EIA Report has been prepared by accredited consultants and in accordance with the law.

- i. The Environment Impact Assessment Notification (EIA), 2006, specifically para 13 introduced vide Amendment dated 03.03.2016 *inter alia* states that the preparation of EIA and EMP Reports includes not only accredited consultants by QCI or NABET but also any agency notified by MoEF&CC:

“13. Preparation and presentation of Environment Impact Assessment (EIA) report and Environment Management Plan(EMP).- The Environmental consultant organisations which are accredited for a particular sector and the category of project for that sector with the Quality Council of India (QCI) or National Accreditation Board for Education and Training (NABET) or any other agency as may be notified by the Ministry of Environment, Forest and Climate Change from time to time shall be allowed to prepare the Environmental Impact Assessment report and Environmental Management Plan of a project in that sector and category and to appear before the concerned Expert Appraisal Committee (EAC) or the State Expert Appraisal Committee (SEAC). The Ministry will also prepare a panel of national level reputed educational and research institutions to work as Environmental Consultant Organisations.”

- ii. Apart from QCI NABET-accredited institutes, any national level ‘reputed’ educational and research institution that is identified by MoEF&CC may also prepare EIA Reports. Accordingly, R. No. 4, GHCL, wrote a Letter dated 23.11.2017 (**Annexure R/10 @Pg. 764**) to MoEF&CC seeking clarification on accredited/notified consultants for the preparation of EIA/EMP Study for soda ash plants, as there were no accredited consultants for soda ash Sector as per the list of QCI and NABET-2017 (**Annexure R/11 @Pg. 785-909**). However, no response was received from MoEF&CC. (**Para 18/Pg. 14 of Reply dated 22.03.2025**). Although during the process of granting the EC, they were not only aware of the studies done by CSIR-NEERI but also added the specifically mandated Soda Ash accredited Consultant (TR Associates) as and when they came to be known as accredited Consultant for Soda Ash. This clearly shows due application of mind on the basis of Precautionary Principle, which also guides this Hon’ble Tribunal under Section 20 of the NGT Act, 2010.
- iii. The Work Order was awarded to CSIR NEERI on 05.06.2018 for preparing the EIA Report as CSIR NEERI had previously prepared EIA Reports for soda ash projects of Tata Chemicals, RSPL Ltd. and Nirma Ltd. (**Para 19/Pg. 14 Reply dated 22.03.2025**) and is accredited for Chlor Alkali sector (**Pg. 860 of Annexure R/11 of Reply dated 22.03.2025**), which also involves production of soda ash. The copies of the EIA Report prepared by NEERI for other soda ash plants are available for the perusal of this Hon’ble Tribunal, if it so desires. (**Para 59/Pg. 25 read with Para 64/Pg. 27 of Reply dated 22.03.2025**).

- iv. At the time of scoping, i.e., at the stage of the application for the Terms of Reference, R. No. 4, GHCL duly clarified to MoEF&CC the engagement of CSIR-NEERI, as there were no sector-specific soda ash accredited or notified consultants, [Application for Terms of Reference (TOR) @Pg. 1034]. Subsequently, R. No. 4 GHCL also clarified the engagement of CSIR-NEERI in the response dated 06.08.2021 (Pg 1036) to MoEF&CC Essential Details Sought (EDS) dated 30.07.2021. After due perusal of the Consultant and its accreditation for Chlor Alkali, TOR (Annexure R/17 @Pg. 1034 of Reply dated 22.03.2025) was granted in August, 2021 to R. No. 4, GHCL . (Para 23/Pg. 16 of the Reply dated 22.03.2025).
- v. The draft EIA EMP Report was prepared by CSIR NEERI in October 2021, based on which the public hearing took place on 17.10.2022. The objections raised in the public hearing, the representations post the public hearing, including representations/objections vis-à-vis the accreditation of the EIA Consultant [Pg. 1447 read with 1091] were considered. R. No. 4 prepared the Final Action Plan [pg. 1293, 1300-1301] in response to the grievances of the Public Hearing, apart from specific responses to the representations [Pg. 1422], which were included in the final EIA Report (Annex R21, pg 1333), prepared in November 2022 and submitted along with the Application for Environmental Clearance (EC) on 30.11.2022. (Annex R21, pg 1333). This is in compliance with para 7(III)(vii) of the EIA Notification, 2006, which requires project proponents to make changes in the draft EIA report as per the objections of the public, including submission of any supplementary reports.
- vi. The final EIA Report by CSIR-NEERI included chapters on anticipated impacts, mitigation measures, analysis of alternatives, environmental monitoring studies, environment cost benefit analysis, environment management plan, mitigation measures, post project monitoring mechanisms, impact on local flora and fauna including sea turtles. Along with the EIA report, R. No. 4 GHCL also submitted the following reports –
- i. Zoological Survey of India (Study period from Sep'2018 - March'2019) – report on status and conservation of sea turtles along Mandvi Taluka [Pg. 934 of Reply dated 22.03.2025] , clarifying the lack of presence of turtles due to predators , rocky beach and the high tideline of the coast.

- ii. Bharath Jethwa (A Functional Area Specialist accredited by NABET/QCI) Study/Conservation Plan for Schedule I Species [Study period July 2019] - **Pg. 1314 of Reply dated 22.03.2025**
- iii. Marine EIA/AMP for Seawater Intake and effluent Disposal for GHCL complex off Bada Coast Report by CSIR NIO [**Pg. 980 of Reply dated 22.03.2025**]. The study period was from Oct/November 2018 to March 2019. Study included assessment of impact for laying the pipelines, anticipated environmental impacts, mitigation measures, marine biological diversity conservation plan, [**Pg. 1014 of Reply dated 22.03.2025**], environment management plan and project benefits among others.
- iv. CSIR NIO studies on sand dune mapping and morphological changes of the river mouth at the proposed GHCL greenfield Chemical Complex at Bada [**Pg. 962 of Reply dated 22.03.2025**]. The report undertook detailed shoreline analysis and suitable passage for intake and outfall pipelines among others crucial aspects.
- v. Addendum to Marine EIA Report by CSIR NIO [**Pg. 1028 of Reply dated 22.03.2025**] – of March 2022, includes a detailed sand dune conservation plan.
- vi. Conservation and Management Plan for Sand Dunes by Gujarat Institute of Desert Ecology of June 2022 [**Pg 3724 of the Sur Rejoinder**]
- vii. Conservation and Management Plan for Conservation of Significant Species by Gujarat Institute of Desert Ecology [**Pg. 1663 of Reply dated 22.03.2025**], the study period is March and April 2022. The reports provide a detailed analysis of the impacts on species and prepared a Conservation Plan for species, apart from noting the success indicators.
- viii. After submission of the final Report, another EDS was also sought by MoEF&CC on 07.12.2022 regarding accreditation details of the consultant, which was duly responded to on 05.01.2023, clarifying that CSIR NEERI was engaged in 2017, as there were no accredited soda ash consultants sector specific and CSIR NEERI was accredited consultant for Chlor Alkali who has carried out EIA for several previous reputed industrial houses such

as Tata Chemicals, Nirma and RSPL. **(Para 41/Pg. 20 read with Annexure R/25 @Pg. 1489 of the Reply dated 22.03.2025)**

- viii. However, for abundant precaution and in view of the public comments, R. No. 4, GHCL wrote to NABET for clarification for soda ash sector-specific consultants. NABET on 27.01.2023 [**Pg. 2051 of Reply dated 22.03.2025**] clarified for the first time that the accreditation for soda ash was provided to TR Associates along with two other consultants in 2019. Based on the response of TR Associates, R. No. 4, GHCL commenced with the engagement of TR Associates.
- ix. During the pendency of the Application for EC, CSIR NEERI was disqualified by NABET QCI on 23.12.2022 for a period of six months for preparing the soda ash report with no direction for any retrospective action on projects that were assessed by CSIR -NEERI under the Chlor Alkali accreditation. It is also clear that the EIA EMP Report prepared by CSIR NEERI in Nov 2022 was prior to their disqualification by NABET QCI on 23.12.2022, including submission of the EIA EMP Report along with Form 1 to the MoEF&CC for the grant of EC. It is also pertinent to mention that the Letter of NABET QCI has been cc'd to one Dhvani Shah, who, along with Appellant No. 3 was imposed with costs in the Gujarat High Court for misleading the Hon'ble High Court with respect to the position of law under the EIA Notification, 2006 qua the public hearing. **(Para 62/Pg. 26 of Reply dated 22.03.2025)**. It is unclear how such letter has reached the Appellant which has been used in the present Appeal. Clearly there is a nexus between Ms. Dhvani Shah and the Appellants which has been purposefully concealed by the Appellants herein for reasons best known to them. Such Letters should be discarded by this Hon'ble Tribunal and Appellants must be called for explanation for misleading this Hon'ble Tribunal. All arguments done by the Appellants for misleading this Tribunal is actually applicable vice versa on them as there are ample evidences as produced which shows malafide, blatant lies and a larger design to stop/impede a nationally important project such as the present one.
- x. After the first presentation, in the 72nd Expert Appraisal Committee (EAC) [**Minutes @Pg. 1711, rel pg. 1738 of the Reply dated 22.03.2025**], TR Associates was officially engaged to revalidate the EIA Report data and conduct **additional baseline studies** based on EAC recommendations. There is no restriction or prohibition in the EIA Notification, 2006, for the

revalidation of previous EIA report data of an accredited Consultant by another sector-specific Consultant in such unique and peculiar circumstances. Infact, Para 13 categorically states that for the “*preparation and presentation of EIA and EMP*”, QCI NABET-accredited or MoEF&CC- identified Consultant is to be engaged. Thereafter, subsequent appraisal of the soda ash project has been based on the report of the sector-specific accredited consultant. Thereafter, the EIA Report revalidated along with additional data as well as an addendum to the EIA Report has been examined in detail over a period of 1.5 years in 74th, 78th, 80th, 84th and 87th EAC Meetings.

- xi. The EAC in their meetings have actively deliberated on the data collected by CSIR NEERI apart from re-verification and revalidation of the same data by TR Associates along with their additional data based on – additional baseline studies
 - i. 72nd EAC Minutes – Pg. 1738
 - ii. 74th EAC Minutes – Pg 1922 and Pg. 1934
 - iii. 78th EAC Minutes – Pg. 1963 and 1964
 - iv. 80th EAC Minutes – Pg. 1994 -1995
 - v. 87th EAC Minutes – pg.2019
- xii. The final Environmental Clearance granted on 12.12.2024 [**Pg. 94 of the Appeal**], also mentions at Pg. 106 of the Appeal, that TR Associates has carried out further additional data collection and also observed that there are no significant deviations in the EIA Report prepared by NEERI. Thus, Appellant has incorrectly stated that the EAC and EC does not deliberate and record the initial preparation of the EIA Report by NEERI. The EC also clarified in detail the additional studies conducted by Zoological Survey of India, the Gujarat Desert Institute of Ecology studies on sand dunes and turtles, the preparation by Conservation plan by Dr. Bharath Jethwa, additional marine studies by CSIR NIO, preparation of CRZ Maps by Anna University [**pg. 105 of the Appeal**]. Thus, it is baseless to state that all the nationally recognised MoEF&CC institutes have failed to undertake a comprehensive study, based on their expertise, for recommending the project site.
- xiii. NGT in Akhil Bhartiya Jeev Raksha Bishnoi Sabha (Regd.) & Ors. Applicant(s) v. UoI and Ors. (Appeal No. 08 of 2014 and RA No. 06/2021),

vide Orders dated 24.09.2018 (**Annexure R/12 @Pg. 910, rel pg. 920**) and 04.03.2021 (**Annexure R/12 @Pg. 923, 925**) upheld the EIA Report prepared by the Consultant on the ground that NABET QCI had not finalised the criteria for accreditation on the date the Consultant was engaged for preparation of the EIA Report. Similarly, in the present case, NABET QCI did not have any accreditation for soda ash till December 2019. The said Judgment cannot be considered as per incuriam as the same has been delivered on 24.09.2018 by a five judgment bench of the NGT and duly notes compliance with the procedure in the EIA Notification, 2006 at para 15, pg. 920 of the Reply Affidavit dated 22.03.2025.

- xiv. Hon'ble Supreme Court in *Chinmay Mishra v. Union of India-& Ors.* vide Judgment dt. 27.02.2025 observed the credibility and reputation of NEERI. (**Para 19/Pg. 15 read with Annexure R/13 @Pg. 927, relevant pg. 928**). Recently Supreme Court in *T.N. Godavarman* as well as in *MC Mehta* requested NEERI to prepare expert reports [**Refer Pg. 4069 and 4081**].
- xv. The reliance on the case of *Sreeranganathan K.P. v. Union of India* is misplaced as the Consultant in *Sreeranganathan* is a private consultant and did not have any accreditation whatsoever and the same was not considered by the EAC unlike in the present case where CSIR-NEERI has accreditation for chlor alkali, with past experience of soda ash EIAs and which have been accepted by the MOEF&CC, and subsequent association and involvement and evaluation and further study by newly accredited Consultant namely TR Associates. However, EAC in the present case has asked for revalidation in view of subsequent appointment by NABET, of sector specific accredited consultants for soda ash. Further, the *Akhil Bhartiya* case supersedes the *Sreeranganathan KP* case, as it is later in time as well as a five judges bench Judgment of this Hon'ble Tribunal.
- xvi. Similarly, in the case of *BDA v. Sudhakar Hegde* [2020 15 SCC 63], the Consultant did not have any accreditation and is a private consultant. It is also pertinent to note that no new accredited Consultant was engaged, unlike in the present case where, prior to the completion of the appraisal process, an accredited Consultant specifically for Soda Ash Sector was duly engaged. Despite the same, the Hon'ble Supreme Court has noted in para 99 that rapid EIA report can be prepared by a new consultant. In the case of *D Swamy v. Karnataka State Pollution Control Board* [2022 SCC OnLine

SC 1278], the Supreme Court *inter alia* noted that EIA report can be prepared by a laboratory of CSIR working in the field of environment.

- xvii. That in the case of Kayalpatanam Environment Protection Association (Appeal No. 37 of 2014), this Hon'ble Tribunal held that in view of the doctrine of substantial compliance and the principle of proportionality as espoused by the Hon'ble Supreme Court in the Lafarge case, subsequent curing of the defect by engaging an accredited consultant is substantial compliance of the procedural requirement. The judgment will be submitted in an updated convenience compilation for the ready reference of this Hon'ble Tribunal.
- xviii. Further, the reliance by the Appellants on Hira Devi and Ors. v. District Board Shahjahanpur [1952 SCC 154] is without merit as the EAC in the present case ensured categorically that a sector-specific consultant validates the EIA Report prepared by another accredited Consultant, which is also a government body. There is no bar in the EIA Notification to the revalidation of Reports by accredited Consultants, and it does not dilute the process of preparing EIA Reports.
- xix. The reliance on the maxim *A Verbis Legis Non-Est Recedendum* is also misplaced, as the Hon'ble Supreme Court itself has recommended for rapid EIA by an accredited Consultant, thus clarifying that during the EIA Report before the EAC during the appraisal process should be prepared by an accredited Consultant, which has been duly complied with in the present case. Infact, on a literal reading of Para 13, it is clear that the preparation and presentation of the EIA Report before the EAC should be done by an accredited Consultant, which was undertaken by R. No. 4 after the 72nd meeting of EAC in the subsequent appraisal meetings of 78th EAC, 80th EAC, 84th EAC and 87th EAC.
- xx. Further, the reliance on "*Sublato Fundamento Cadit Opus*" is also without any basis in law as this Hon'ble Tribunal in the case of Akhil Bhartiya as well as Satyanarayan Rao has noted that where the Appellants have failed to highlight any technical, environmental considerations which would have been impacted due to the revised EIA Report, the same cannot be held to be invalid or illegal or in violation of the law.
- xxi. Infact, TR Associates has revalidated [Pg. 1742 of Reply of R. No. 4] the entire EIA Report prepared by CSIR NEERI as well as the marine parameters analysed by CSIR NIO, apart from considerations of turtle

nesting habitats and all the grievances raised during the public hearing and the subsequent action plan at the Appraisal stage. Thus, it is incorrect to state that only one chapter of the EIA Report has been analysed. Infact even after the EAC recommendation for EC in the 80th EAC meeting on 07.06.2024, the MOEF&CC deemed it fit to recommend another Committee, to undertake a site visit and consider the environmental impacts of the upcoming soda ash plant based in the 84th Meeting on 21/22.08.2024.

2. Work Order issued for a separate oceanographic study to CSIR-NIO for additional studies

- i. CSIR-NIO was engaged for additional marine studies to supplement CSIR NEERI Report. CSIR NIO accordingly prepared a report on sand dune mapping and morphological changes of the river mouth of the Soda Ash Project in August 2020, Marine EIA/EMP report in December 2020 (**Annexure R/16 @Pg. 980**) and March 2022 (**Annexure R/16 @Pg. 1028**) for Seawater intake and Effluent disposal for Soda Ash Project. (**Annexure R/15 @Pg. 962, relevant pg. 978**) - **Para 21/Pg. 16**
- ii. No restriction as per May 2012 Letter of NABET (**A10, Pg 224 of Appeal**) and Minutes of March 2012 of NABET (**@Pg 2358, rel. pg. 2359**) on NIO to undertake specialised studies with accredited agencies. In the present case, a specialised study was undertaken along with CSIR – NEERI, who had a valid accreditation for Chlor Alkali projects, who had carried out prior studies on soda ash plants and accepted by MOEF&CC. NABET Accreditation Committee Minutes [**Pg. 131 of the Appeal**] itself note there is no bar with CSIR NIO preparing the marine EIA Report for effluent intake and outfall as a specialised agency.
- iii. The Hon’ble NGT has relied upon the reports of NIO for conducting marine EIA in the cases of Conservation Action Trust v. Union of India and Others (2023 SCC OnLine NGT 5957) (**2250, rel pg 2293**), Vanshakti v. MPCB and Others (OA No. 37/2013) NGT WZ (**@Pg. 2230,2235**), News item published in Newspaper “The Hindu dated 19.03.2023” titled “India’s Sinking Island” (OA No. 249.2023) (**Annexure R/39 @Pg. 2247,2248**) - **Para 74/Pg. 30**
- iv. That this Hon’ble Bench, in O.A. No. 73 of 2017 titled Subhaniya Ismail Osman v. M/s RSPL Limited & Others, while adjudicating upon the challenge to the pipeline work by the RSPL Limited beneath the seabed near

the seashore in the intertidal area at Kuranga, Tal Dwarka District Jamnagar, Gujarat had directed NIO on 04.10.2017 to undertake a field visit and clarify adverse impact from laying the pipeline, if any. Thereafter, a five-judge bench of this Hon'ble Tribunal on 23.08.2022 in O.A. No.73 of 2017, dismissed a challenge to the soda ash project of RSPL at Kuranga village, Tehsil Dwarka, Jamnagar District, Gujarat *inter alia*, based on the report of the National Institute of Oceanography clarifying that there will be no adverse impact on the marine environment due to the intake and outfall pipeline of the soda ash plant. The copies of the said Orders dated 04.10.2017 and 23.08.2022 in O.A. No. 73 of 2017 is appended in the new Compilation.

3. No requirement in law for resubmitting the revised EIA Report for Public Hearing.

- i. The public hearing was duly conducted on 17.09.2022 [**Annexure R/18 @Pg. 1057-1286**] in accordance with the law by issuing prior Notices in Gujarati as well as English, displaying a copy of the draft EIA/EMP report. The same has also been confirmed by the High Court of Gujarat in WP(PIL) No. 85/2022 titled Bharat Gangji Gala & Ors v. GPCB filed on 11.10.2022, wherein the challenge to the public hearing was dismissed on 18.10.2022 with cost of Rs. 50,000/-. Based on the objections raised in the public hearing, an Action Plan was prepared [**Pg. 1293**] for addressing the grievances of the public and submitted with the revised EIA Report in November 2022 to the MoEF&CC for appraisal and grant of Environmental Clearance. (**Para 26-31/Pg. 17-18 of the Reply dated 25.03.2025**)
- ii. GHCL, R. No. 4, also responded to representations dt. 31.10.2022 (**pg 1445 – 1475 of the Reply dated 25.03.2025**) of the public on 10.01.2023, clarifying that EIA/EMP has been prepared by CSIR NEERI since there were no other accredited consultants at the time (**Para 36/Pg. 19 r/w Annexure R/22 @Pg. 1422 of the Reply dated 25.03.2025**). A number of representations were also received in favour of GHCL as well **@Pg 2337 of the Reply dated 25.03.2025**.
- iii. The EAC has deliberated in detail and watched the entire video of the public hearing [**78th Minutes at Pg. 1963-1964**] as well as a Sub Committee of EAC that undertook a site visit to verify the allegations in the public hearing

and representations [84th EAC at Pg. 2002 and 87th EAC at pg. 2017-2026].

- iv. Para 7(III)(vii) makes it clear that post the public hearing, revisions can be made to the final EIA Report, including preparation of supplemental reports for addressing grievances made in the public hearing. However, there is no legal requirement of re-submitting the revised report and re-holding of the public hearing after every revision. Accordingly, in the present case, the revalidation of data in the EIA Report, including preparation of an additional baseline, addendum to the report by TR Associates, is not required to be resubmitted for public hearing.
- v. Further, there was no misrepresentation with respect to NEERI's accreditation as the same was being clarified by the representative of R.No. 4, GHCL in the context of accreditation for Chlor Alkali which had undertaken similar studies on soda ash plants and accepted by MOEF&CC in the past. So it is also a case of legitimate expectation as espoused in a catena of cases. The allegations and comments reproduced in the Note from the Minutes of Public hearing are of one Ms. Dhvani Shah, who was one of the Petitioners before the High Court of Gujarat and has been imposed with a fine of Rs. 50,000 for suppression of material facts. [**Reference from High Court Order at Para 6/pg. 3958, para 21/Pg. 3986-3987, Pg. 3992, Pg. 3996**]. Infact, subsequently it has been clarified to her in the minutes that MOEF&CC has been informed at the time of TOR regarding NEERI and NIO's engagement [**Pg. 1099 -1104**]. It is important to add that the Appellants have procured some documents from Ms Shah but she is not an Appellant in the present case, raising reasonable doubt on the design of this case with outside interests masquerading in this case as proxy to the litigation. This Hon'ble Tribunal may take strict note of the same.
- vi. The Hon'ble NGT in Ramesh Agarwal v. SEIAA & Ors (Appeal No. 20/2011) [**Pg. 3839 of Convenience Compilation of R. No. 4**] and Budhasen Rathore v. Union of India and Others [Appeal no. 06/2020] [**pg. 3923, 3927 and 3945 of Convenience Compilation of R. No. 4**] dismissed Appeals noting that due intimation and consultation with the public had been undertaken, and the defects and deficiencies have been rectified by the project proponent through the final EIA Report. (**Para 37/Pg. 19 of Reply dated 25.03.2025**).

- vii.** In another case of *Satyanarayan Rao v. Union of India and Others* [Appeal No. 24 of 2022], NGT, while dismissing the Appeal noted in Para 55 that Appellants insistence on submission of revised EIA Report is without any merit as the Appellant has failed to mention any specific issue which is different in the revised EIA Report, technical detail which could have different implication or could have influenced public hearing and has not been able to raise any substantial issue of environment. Similarly, in the present case, the Appellants have failed to clarify how a revalidated EIA Report, along with the addendum by an accredited consultant, has technical considerations that could have impacted the public hearing. In fact, it creates an additional safeguard for the appraisal process. In another case of *Prafull Samantray v. Union of India and Others* [2023 SCC OnLine NGT 4874], this Hon' ble Tribunal has held that not conducting a fresh public hearing after the revised EIA Report will not be fatal to the grant of Environmental Clearance. - **Annexure R/11/Pg 3688, relevant pg. 3703.**
- viii.** The Hon'ble Supreme Court in *Dharampal Satyapal Ltd. v. Dy. Comm. of Central Excise, Gauhati* (2015) 8 SCC 519 has held that a breach of procedure cannot give rise to a remedy unless there is something of substance that has been lost by the failure, and that no one can complain of not being given an opportunity if such an opportunity would have availed nothing. (See para(s) 38-39)
- ix.** The Hon'ble Supreme Court in the case of *Lafarge Umiam Mining Corporation* (Para 119 at Pg. 4188 of the Convenience Compilation of R. No. 4), has applied the doctrine of margin of appreciation for upholding the decision of the MoEF&CC and the Doctrine of proportionality to allow the establishment of captive limestone mine in Nongtraï , East Khasi Hills, Meghalaya. The Hon'ble Court noted that once it is established that the decision making is fair, unbiased, the doctrine of margin of appreciation in favour of the decision maker would come into play. Similarly, in the present case the MOEF&CC after considering all aspects, including impacts on flora and fauna, has recommended the clearance. Based on the principles of Lafarge, this Hon'ble Tribunal's Special Bench) in *Sayyed Mohd v. UOI* [2021 SCC OnLine NGT 2143] refused to quash the EC of Nirma's soda ash plant in view of the principle of proportionality and in the absence of irreversible damage. – **Pg 4193 and 4200 of the Convenience Compilation of Respondent No. 4**

- 4. EAC has thoroughly reviewed and scrutinized the project of GHCL – Due application of mind as per the EIA Notification, 2006.**
- i. In the 72nd Meeting on 02.01.2024** – The Proposal was deferred and GHCL (R. No. 4) was directed to revalidate the data through TR Associates. TR Associates were directed to undertake a site visit, verify data in EIA EMP Report and submit an Undertaking for owning the data along with submission of baseline study for additional three months. **(Para 43/Pg. 21 r/w Annexure R/27 @Pg. 1712, 1738 of the Reply dated 25.03.2025)**
 - ii.** The Revised EIA EMP prepared by TR Associates was submitted in January 2024 **[pg 1741 of the reply dated 25.03.2025)**
 - iii. 74th Meeting on 06.02.2024** – The Proposal was again deferred, and the Consultant TR Associates and not GHCL, as argued by the Appellants, was asked to compare baseline data collected during December 2019-February 2020 and from December 2022-February 2023, conduct trend analysis by collecting additional one-month baseline data and respond to several representations received by EAC after the public hearing. **(Para 45/Pg. 21-22 r/w Annexure R/29 @Pg. 1888, rel pg 1934)**. The reference to GHCL in the minutes obviously implies the Consultant to GHCL and not to GHCL itself.
 - iv. 78th Meeting on 30.04.2024** – The EAC considered the response of GHCL (R. No.4) to the representations and also viewed video recording of the Public Hearing. The EAC noted that public was given due opportunity to raise grievances. The proposal was yet again deferred for want of view of CRZ Division as the proposal involved CRZ Clearance **(Para 46/Pg. 22 r/w Annexure R/30 @Pg. 1937, rel. pg 1963)**.
 - v. 80th Meeting on 07.06.2024** – The comments of CRZ Division were discussed which clarified that project was permissible under CRZ Notification 2011. The CRZ Division recommended that the adequacy of Marine Environment Plan by CSIR-NIO be examined along with Gujarat Coastal Zone Management Authority recommendations. Thereafter, the EAC recommended the grant of prior Environment Clearance subject to compliance with twenty five conditions **(Para 47/Pg. 22 r/w Annexure R/31 @Pg.1965, rel pg 1996)**. However the prior EC was still not granted.
 - vi. 84th Meeting on 21-22.08.2024** – The project was again considered in view of representations received by EAC and based on the recommendations of the then Joint Secretary, MoEF&CC a Sub-Committee was constituted to

visit the site and submit a report for further consideration. Accordingly, a visit was conducted by Sub-Committee along with GHCL, Integrated Regional Office of MoEF&CC and GPCB on 09.10.2024 (**Para 48/Pg. 22 r/w Annexure R/32 @Pg. 2002**). It is important to reiterate that despite a reference in the EC of this significant meeting, the Appellants concealed this fact from this Hon'ble Tribunal. This itself shows that that the Appellants conduct is more than what meets the eye.

- vii. 87th Meeting dt. 21-22.10.2024** – Observations and recommendations of Sub Committee were discussed. Based on site visit report, the EC was recommended to be granted along with measures as suggested by the Sub Committee (**Para 49/Pg. 22-23 r/w Annexure R/33 @Pg. 2006, rel pg 2017, 2026**). It is reiterated that even these Minutes were concealed by the Appellants for reasons known to them and clearly hints at a larger design to only stall a nationally significant project rather than any concern for environment. This Hon'ble Tribunal must take strict note of this misconduct by the Appellant.
- viii. GHCL submitted a letter to MoEF&CC on 24.10.2024** as a response to queries/suggestions of EAC in its 87th Meeting (**Para 50/Pg. 23 r/w Annexure R/34 @Pg. 3033**). It is, thus, only after considering the above that EC was finally granted on 12.12.2024 with due application of mind and a rigorous examination of all data in hand.

5. Baseline data collected in accordance with the law and submitted within the time period prescribed by OM dt. 08.06.2022 - The OMs dated 07.11.2014 (**pg 2052**) and 08.06.2022 (**Pg 2054**) allows for revalidation of baseline data if the baseline data is not older than three years at the time of submission of the application of Environmental Clearance. In the present case, CSIR NEERI collected baseline data from Dec 2019 to Feb 2020, before their disqualification. The application for Environmental Clearance was submitted in November, 2022 before expiration. Since, the baseline became older than three years during the appraisal, accordingly, the EAC on 02.01.2024 directed the accredited Consultant -TR Associates to collect fresh data. TR Associates conducted a baseline from December 2022 to February 2023 afresh (**Pg 1761, 1763, 1774, 1797**) and additional trend analysis for one month (February 2024). The overall assessment of TR Associates suggests that the marine

environment has remained stable, with no substantial deviations observed over time (pg 1864).

6. Site selected as per the EIA Technical Manual and after assessment of five different alternative sites assessment by GHCL

- i. Five sites of Pingleshwar village, Suthri village in Abdasa Taluka, Bambdhai and Modhva Village in Mandvi Taluka, including the present site at Bada village were studied and compared. The selected site was evaluated based on environmental, social and technical factors and considered most favourable (**Para 40/Pg. 20 read with Site Assessment at Annexure R/21 @Pg. 1389-1396 and R24 – 1481 of the Reply dated 22.03.2025**).
- ii. **EIA Technical Guidance Manual** -Siting criteria states that the criteria in the EIA technical manual ‘may’ be adopted. However, project is in compliance with the criteria as there is no ESZ/ESA within 5km. The proposed plant is situated at 500m from HTL, except for one part of the project where a pipeline will be installed and there are no major settlements (3,00,000 population). The Appellants have wrongly stated that Bada village has been missed out without clarifying the population of the village. (See page 346 of the Appeal for the relevant Extracts of the EIA Manual)
- iii. The Manual also states that for all new projects, the preferred location may be the sea coast with an adequate plan for safeguarding the marine ecology. Hence, the site location of the project is compliant with the standards prescribed.
- iv. The siting guidelines in the EIA Technical Manual itself mention that in some situations, adhering to these guidelines is difficult and unwarranted. However, they may be kept in the background while making decisions - **Annexure R/9, relevant pg. 3681**.
- v. The Application for Terms of Reference at Pg. 354 -355 clarifies distances including distance of Vengadi river. MOFE&CC also raised an EDS which included clarifications on distance of the nearest habitation and was duly responded to 06.08.2021 [**Pg. 1036 , relevant page 1037**], based on which ToR was issued.
- vi. EIA Reports also mention the requisite distances from population, from the river as per the Technical Manual. Hence there is no concealment as insinuated by the Appellants – Pg. 1357, 1368, 1372-1373, 1374, 1388

- 1396 of the CSIR NEERI Report, TR Associates Addendum to EIA Report at pg. 1751-1752 as per the EIA technical guidance manual.

- vii. The EAC Meeting Minutes have clearly looked into the compliance with the siting norms as per the EIA Guidance Manual - 72nd Minutes [Pg. 1738, recommendation no. 11], 74th Minutes [Pg. 1905, 1917, 1930], 78th Minutes [Pg. 1954 &1963], 87th Minutes [pg. 2010, 2017-2019].

7. CTE obtained as per Siting Criteria of Gujarat Pollution Control Board and has never been challenged – granted on 04.09.2021, however has not been challenged till date. **(Para 52/Pg. 23 of the Reply dated 25.03.2025).**

- i. The reliance on the Circular issued by the Gujarat Pollution Control Board dated 05.06.2022 is misplaced, as the site selection was carried out between 2018-2021, before the submission of the final EIA Report in December 2021 for assessment of Environmental Clearance.
- ii. The reliance by the Appellants in their Rejoinder as well as the Note on the GPCB Circular dated 05.06.2022 and the Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025, is misplaced as the same came into being much after the site selection, grant of Terms of Reference, grant of Consent to Establish and submission of final EIA Report to EAC for appraisal and cannot be retrospectively applicable. The Hon'ble Supreme Court has clarified in a catena of cases that a rule or law cannot be construed as retrospective unless it expresses clear or manifest intention. [Assistant Excise Commissioner, Kotyam v. Esthappan Cherian Civil Appeal No. 5815 of 2009]; Bharath Sanchar Nigam v. Tata Communications Ltd. Civil Appeal No. 1699-1723 of 2015].
- iii. Further, under CTE can be challenged only in an Appeal under S. 16 of the NGT Act, 2010 , which has not been done till date). This Hon'ble Tribunal in the case of DV Girish has clearly held that multiple remedies are barred as per Rule 14 of the NGT Rules, 2011.
- iv. The Judgment in Harbinder Singh Sekhon quoted by the Appellants is not applicable as the siting criteria therein existed prior to the grant of the Consent to the industry . In the present case the CTE has been granted almost a year before the siting criteria of Gujarat Pollution Control Board was introduced vide Circular dated 05.06.2022.

- 8. CRZ Clearance obtained and never challenged** - The Local level CRZ Map was prepared based on the draft CZMP dated January 2021 and final CZMP dated March 2023 and as per CRZ Notification 2011 by Anna University (**Pg 2301, rel pg 2313**) . The Map (**Pg 2317-2322**) clarifies that out of 1342.96 acres, 2.96 acres falls in CRZ III (No Development Zone), 26.07 acres fall in CRZ III (200m to 500 m from HTL) and 1313.93 acres fall outside the approved CZMP. Thus, the area falling within CRZ for construction of an underground pipeline was duly within permissible activities as per the CRZ Notification, 2011 (**Para 53/Pg. 23-24**) . The Final recommendation dated 26.12.2023 by GCZMA (**Para 54/Pg. 24 r/w Annexure R/8 @Pg. 751, rel pg. 759**) was subsequently affirmed by MoEF&CC CRZ Division in the 80th EAC meeting (**Refer page 1992 of the Reply Affidavit**) in compliance with OM dated 29.11.2022 (Pg. 3537)as well, before the grant of Environmental Clearance. It is important to re-emphasise that the CRZ clearance granted on 26.12.2023 by GCZMA was never challenged by the Appellants and therefore they are totally barred at this stage to challenge the same.
- 9.** Construction of pipelines in CRZ area and its exemption have been upheld in various cases - Essar Oil Limited v. Halar Ukarsh Samiti, Civil Appeal Nos. 352-357, 359-365 of 2004 AIR 2004 SC 1834, M. Nizamudeen v Chemplast Sanmar Limited and Ors., Civil Appeal No. 2284 of 2010 with WP (C) No. 130 of 2009 and TPs (C) Nos. 365-67 of 2009 (2010) 4 SCC 240; Environsare Foundation vs Union of India. 2003 (2) Bom CR 519 (**Para 55/Pg. 24 of the Reply dated 25.03.2025**)
- 10. No corals present in the area and thus there cannot be any adverse impact or destruction from the construction of the proposed Soda Ash Project** - MoEF&CC document “Climate Change and The Vulnerable Indian Coast” (2018) identifies coral sites across India . The Project site of R. No. 4 GHCL does not fall within the mapped coral areas. The Report also observed that the northern shoreline of the Gulf of Kutch does not show the presence of corals on the map, whereas the southern shoreline indicates a concentration of corals (**Para 69/Pg. 28-29 r/w Annexure R/38 @Pg. 2324**). Marine EIA by CSIR NIO at **Page 994, pg 1007** also records no siting of corals.
- 11. Project site is not in Critically Vulnerable Coastal Area (CVCA)**- Anna University maps confirm that the project site is not in CVCA . Further, CVCA boundary in CZMP map demarcated in 15 specific maps: GJ-192, GJ-193, GJ-

195, GJ-196, GJ-201, GJ-202, GJ-203, GJ-204, GJ-205, GJ-217, GJ-218, GJ-219, GJ-220, GJ-221, and GJ-222 also clarifies project site is located far from these demarcated CVCA areas. The maps GJ-176, GJ-188, and GJ-189, corresponding to the project site, do not contain any CVCA boundary demarcation. **GCZMA maps @ Pg 2330, rel pg 2335, Anna University recommendation @Pg 2301, rel pg 2313, Maps @2317,2328 and Copy of the map of NSCCM approved CVCA areas Pg 3577 of the Sur Rejoinder.**

12.No incorrect information given in Form 1 , part A – absence of turtles, except sporadic spotting, or their nesting sites confirmed by five reports from 2019 -2025 including site visit by Sub – Committee of GCZMA and EAC.

- i. **2019** – The Zoological Survey of India (ZSI) Report of 2019, undertook the study from September 2018 to March 2019 and recorded that -
“During the nearly six months daily monitoring of the 3 km beach between September 2018 – March 2019 (from Mota layja side to bada Village creek), we did not encounter any sea turtle and fresh/old nests or crawl marks of turtles on the beach. Since many of the factor for selection of a suitable nesting site are not conducive (beach width, vegetation cover, rocky substratum and slope in the inter tidal and subtidal region, tidal unundiation, presence of animals on the beach), nesting if all occurring is therefore highly sporadic at the project location of GHCL and on occasionally.” The sporadic nesting also occurs in the 7 km stretch between Rukmavati river mouth (about 20 km from the proposed project site) and Mandvi Palace (about 16 km from the project site). **(Para 20/Pg. 15-16 r/w Annexure R/14 @Pg. 934, rel pgs. 939, 946, 949,950,951, recommendation @Pg 956).**
- ii. **December 2020 – The CSIR NIO Marine EIA Report of 2020-** undertook specialised marine EIA and noted absence of any turtles during the study period of Oct/November 2018 and March 2019 [**Pg. 992 read with pg. 995**].
- iii. **2021** - Form I, Part A annexed at page 352 of the Appeal, at page 354-355 clearly states the shortest distance of 8km with respect to sea turtle nesting that as per the Survey undertaken by the Zoological Survey of India. This fact was completely ignored both during arguments and in their written submissions by the Appellant while making an argument of concealment, Infact the fact is that it is the Appellant who chose to ignore this important fact from Form I for reasons best known to them. This Hon’ble Tribunal may take strict note of the same.

- iv. **2022** - CSIR NEERI final report of 30.11.2022 noted that no turtles were sighted outside the coast of Bada [**Pg. 1383**]. Their study period was from December 2019 to February 2020 [**Pg. 1333**].
- v. **2022** - Ecological Study & Wildlife Conservation Plan (**Pg 1314**) by Dr. Bharat Jethwa, Functional Area Expert, accredited, records less density of nesting of turtles on the coast of Bada and Bambhdai village. Out of 23km study area, only 2 km falls in project area (**Para 25/Pg. 16-17**). The PCCF (WL) & Chief Wildlife Warden, the highest Officer under the Wildlife Protection Act in the state, has subsequently approved this Conservation Plan. The study period was from July 2019 [**Pg. 1313**].
- vi. **March 2022** – The Marine NIO Addendum to the Marine EIA/EMP reiterates at pg. 1033 the absence of sea turtles during the EIA survey.
- vii. **February 2023** – The Report by Gujarat Institute of Desert Ecology on Conservation and Management Plan for Conservation of Significant Species also does not record presence of turtles (**Para 42/Pg. 20-21 read with Annexure R/26 @Pg. 1663**). The study period is from March to April 2022 [**pg. 1675**]
- viii. **2024** - Addendum to EIA Report by TR Associates. The Study period was from December 2022 to February 2023 [**Pg. 1760**] which affirms the EMP as well as Conservation plan which was also considered by EAC.
- ix. National Marine Turtle Action Plan (2021-2026) (**R55, pg 2403, rel pg 2408**) by MoEF&CC does not identify the Kutch region, including Bada, as an important marine turtle habitat. It in fact recognises the Western Saurashtra coast (covering Junagadh, Jamnagar, and Porbandar districts) as a significant nesting ground.
- x. **2025** - The Photographs at Annex 2, pg. 3579-3587 of Sur Rejoinder filed by R.4 clarifies that the photos of the Appellant do not pertain to the site of GHCL's project. Further, the high tide line covers the entire beach, the sea coast is rocky and the beach is filled with fallen tree branches and other debris due to frequent storms, thereby making the said site unsustainable for any form of turtle nesting.
- xi. The EAC has also considered in detail the observations in EIA as well as specialised agency reports along with public hearing objections /allegations pertaining to the presence of turtles in the project site - 72nd Meeting [**Pg.**

- 1730], 74th EAC Meeting [Pg 1906 and 1934]. 78th Meeting [pg. 1964], 80th Meeting [Pg. 1992, 1994], 87th EAC Meeting [pg. 2009, 2010, 2019, 2021].
- xii.** Photographs in the Appeal as well as the Rejoinder and the I.A. No. 6 of 2026 cannot be relied upon as some of them do not mention the Geo Coordinates. Photograph of Turtle @ page 385 of the Appeal is a picture from 2023 where a fisherman had caught a turtle in its fishing net and brought it back to the coast (**Article @Pg 2329**). Further, the photographs of the site in the rejoinder are 3 -4 km away from the location of the Soda Ash Project. (**Refer google image map@Annex R4, pg. 3591**) - *para. 9-12/Pg. 3558 -3560 of the Sur Rejoinder*. The same therefore cannot be relied upon for adjudication of this lis as it is being submitted for mere optics than any substantive reasoning.
- xiii.** RTI response from Range Forest Officer, Mandvi Kutch does not clarify whether the information regarding the number of eggs found on the coastline pertains to Bada village. In any case, the figure of 8682 eggs over a 12yrs period and through-out the length of the Mandvi coast is spread over 50-55 Kms, where only a small stretch of 1.5 km is being used in parts has no bearing on the said project. It is well known in scientific literature that Turtles lay 100-200 eggs in one nest (**Article @Annex R3/Pg.3588**) and therefore, the figure of 8682 over a period of twelve years throughout the coast and not on the project site alone highlights that it cannot be a major turtle nesting site, which is confirmed by the top most national institutions of the country namely ZSI, GUIDE and CSIR NEERI in their Reports as well as through field visits of the Sub Committee.
- xiv.** Article by Mr. Wesley, Mr. Justus and Mr. Vijaya at page 457 of the Appeal itself, states that the Kachchh coast, due to its position in the funnel shaped gulf, experiences high wind velocities leading to low encounter of nests during the survey.
- xv.** The UN's report on Memorandum of Understanding on the Conservation and Management of Marine Turtles and their habitats of the Indian Ocean and South East Asia 2019, submitted by the Appellant does not clarify anything pertaining to the presence of turtles in Bada Village or the Project site.
- xvi.** Neither the EAC in its visit , nor the GCZMA in its physical visit found the presence of turtles.

- xvii. Turtle nesting period also captured by GUIDE from June 2022 till January 2023 and thus captures the peak nesting period which did not find any turtles during the study period – **Annex R5, pg 3592, rel pg. 3607.**
- xviii. Reliance on the study by Mr. Satish Bhaskar is misplaced as it is more than fifty years-old data . The research paper also shows that the study pertains to Bhaidar Island, which is on the Southern shoreline of Kutch and 49-50 km away from the project site. Google Image of the distances is **@Annex R6/Pg. 3612 of the Sur Rejoinder.**
13. **Biodiversity Impact Assessment conducted by CSIR NEERI, CSIR NIO and TR Associates - CSIR NEERI Report @Page. Page.1385 , CSIR NIO report @ And TR Associates Report@ Page. 1867 , GUIDE report @Page. 1681** record biodiversity impact assessments for flora, fauna including constitution of Committees for monitoring the impact on Biological Diversity, consultation with stakeholders and cross-checking Peoples Biodiversity Registers (PBRs). The Conservation Plan (**Pg 1314, Rel pg 1329 and 1332**) of Rs 136.50 lakhs has been prepared to mitigate potential ecological and biodiversity impacts. Plan was also approved by the PCCF (WL) & Chief Wildlife Warden on 24.04.2023 (**Annex R20, Pg 1331**). This is in addition to the Rs. 318.08 crores EMP (**Pg 1860 - 1862**) with Rs 7.53 crores recurring cost and Rs. 18.04 crores for Corporate Environment Responsibility (CER) (pg 1854) , as mandated by MOEF&CC vide OMs Dated 30.09.2020 and 25.02.2021. The same has now been increased in the final EC to Rs 20. 69 crores. (See page 112 of the Appeal)
14. **There are no lakes/water bodies within the land allotted for the Soda Ash Project.** - Survey No. 459 and Survey No. 548 in land record documents (**Annex R12, Pg 3708, rel pg. 3712**] refer to the land use as ‘Po. Kh. A’ which means particular land is not suitable for cultivation due to its poor quality. (categorization “Po Kha B” means a water body, lake among others which is being confused by the Appellant). However, the R. No. 4 has undertaken detailed hydrological assessments for capturing the impact of seasonal water bodies in and around the plant through a detailed hydrological assessment, which was undertaken by HPCL accredited Consultants and is part of the EIA Report. . - **para 21/Pg 3565 of the Sur Rejoinder . (Also refer to hydrological assessment report @Pg. 2340, relevant page. No. 2367 refer to Go Green.)**

15. The direct and indirect threats/impacts of the Soda Ash project on coral reefs, sea turtles, sand dune erosion, rise in sea temperature, and threat to algal communities have been duly looked into by the Respondent No. 4, GHCL Ltd. – para 22-26/pg 3566- 3567 of the Sur Rejoinder

- i. The map prepared by NCSCM, MoEF&CC listing the coral reef sites in Kutch and the distance of the same from the site of the Soda Ash Plant describes absence of corals at the project site of Respondent No. 4 - Annex R/13, pg. 3718.
- ii. New Discovery of Coral Rubbings in the North Western Gulf of Kutch, Gujarat, Western India – GIS-based evaluation by Ocean University of China - by a non- accredited foreign university submitted by the Appellants has no relevance or bearing to the project. The Study report titled “ Coral Reefs in India – status, threats and conservation measures”, 2012, by MoEF&CC and IUCN states that coral reefs in the Gulf of Kutch are largely on the Southern Shore of the Gulf which has been relied upon by the R 4. - **Annexure R/14, rel pg 3720, rel pg. 3723 of the Sur Rejoinder.**
- iii. A comprehensive impact analysis on marine biodiversity, including algal communities, was undertaken by CSIR NEERI, TR Associates and specifically by CSIR-NIO, which takes into account the potential impact on marine fauna and flora if any and is taken into account by the conservation plan as well as the EMP and other studies by the above mentioned studies which will be strictly adhered to by R4. - **Annexure R/15 , pg 3724 & pg 3731 of the Sur Rejoinder.**

16. The pipelines for sea water intake and outfall will not adversely impact the terrestrial or marine biodiversity. - para 27-30/pg 3568-3570 of the Sur Rejoinder

- i. Pipelines are part of the project and not the entire project. After a site visit, ADS and after considering the response (dt. 29.11.2022 and 29.04.2023) to the ADS(dt. 01.02.2022) , GCZMA granted CRZ Clearance for the pipelines. – **refer annex 16, pg 3746 of the Sur Rejoinder.** At the risk of repetition, the same was never challenged and is totally barred in time. Although even on substantial environment grounds all aspects have been rigorously examined by the GCZMA.

- ii. The challenge to CRZ Clearance is a separate remedy under NGT Act, 2010, which has never been exercised by the Appellant.
 - iii. Pipeline will be established by utilising the micro-tunnelling/pipe jacking technique, 15 mts. below the surface. No impact on forest land, shoreline or marine life, which has been examined in detail in the Forest Clearance dated 02.01.2024. Interestingly even the FC was never challenged till the filing of this Appeal and till the Response of Project Proponent was given on 22.03.2025, stating clearly that the FC was never challenged. As an after thought the appeal against the said FC was filed on 19.04.2025 .Also see Mitigation measures incorporated in CSIR NIO and GUIDE reports @ **Annexure R/15 , pg 3724 & pg 3731 of the Sur Rejoinder.**
 - iv. The waste water discharged from the pipeline will be treated with seawater for reduction in temperature and pH, as per the methodology prescribed in the EIA Technical Guidance Manual for Soda Ash Plants. At the time of discharge, the wastewater would be equal in temperature as well pH, among other parameters, to that of the seawater. The Tunnelling will be extended beyond the intertidal zone.
 - v. The Intake system has been designed to prevent entrainment and entrapment of marine life, including fish and juvenile and sub adult turtles. The low velocity (0.15m/s) fish escape velocity minimizing the risk of smaller organisms being drawn in. Additionally, 100 mm coarse bar screens act as a physical barrier, preventing larger marine life from entering the intake. The elevate intake position approx. 2.00 m above the seabed further reduces interactions with marine species, ensuring safe and environmentally conscious design. **(Photos @Annex 16, Pg. 3750 of the Sur Rejoinder).** Infact it is totally in the interest of the Project that no marine life is entrapped and hence enough safeguards are proposed to be undertaken.
 - vi. Further, the effluent/wastewater standards will comply with Consent conditions and EPR norms and Periodic Monitoring will be undertaken by the MoEF&CC, GCZMA and GPCB. **(Annex 17, pg. 3753-3754 of the Sur Rejoinder)**
17. The soda ash project construction has not been commenced yet by the R.No. 4 as the work with respect to the acquisition of land and demarcation of the boundary is still ongoing. However, R. No. 4, GHCL has already commenced implementing activities with reference to vocational and technical training of the members of the village community, generating employment opportunities,

and increasing health care facilities as part of its CSR. (Data of CSR activities @Annex R/18, pg. 3756-3806, Photos – 3768-3772)

The present written submissions may be read as a part of the pleadings and the pleadings will be referred at the time of arguments/submissions before this Hon'ble Tribunal.

18. The R. No. 4 GHCL most respectfully submits and prays that the present Appeal, which is a gross abuse of the process of law, deserves to be dismissed in limini by this Hon'ble Tribunal with exemplary costs as any further delay would cause irreparable prejudice and hardship to the R. No. 4, GHCL, which is setting up the Soda Ash Project at a huge cost of Rs.7,000 Crores with the fond hope that its Soda Ash Project would amongst other factors: (a) help generate huge employment opportunities both, direct and indirect, (b) Implementation of Wild Life Conservation Plan and other bio diversity improvement projects by the Answering Respondent to improve bio diversity of the regions. (c) help generate substantial revenue to the Central and State Exchequer in the form of direct and indirect taxes and (d) help bridge the demand supply gap present in the soda ash industry, all of which will cumulatively contribute to the growth and wealth of the Nation.

Date: Pune

Place: 14.04.2026

SUBMITTED BY:

Mbachani

Mansi Bachani, Gitanjali Sanyal & Satvika Krishnan
Advocate for Respondent No. 4
29, Presidential Estate,
Nizammuddin East
Email: eldflegal@gmail.com +91- 8600531203

SETTLED BY:

Mr. Sanjay Upadhyay
[Senior Advocate]



Service in Vijaykumar Karsanbhai Gadhavi Vs. Union of India & Ors. [Appeal No. 19 of 2025]

1 message

ELDF <eldflegal@gmail.com>

Tue, Apr 14, 2026 at 7:30 PM

To: Pushkal Mishra <pushkalm6@gmail.com>, bhattparth@hotmail.com, office@bhattandco.in, Neelkanth Mehta <mehtaneelkanth@gmail.com>

Cc: Mansi Bachani <mansi@eldfindia.com>, Gitanjali Sanyal <gitanjali@eldfindia.com>, Satvika Krishnan <satvika@eldfindia.com>

Dear Sir,

Please find attached the copy of Written Submissions filed on behalf of Respondent No. 4, GHCL, in the abovementioned case.

Thanks & Regards

--

Sameer Manher

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181

**Written Submission.pdf**

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