

Item No. 9

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Appeal No. 11/2023(WZ)

Shardulbhai Devibhai Chudasama

.....Appellant

Versus

SEIAA, Gujarat through Member Secretary & Ors.

....Respondent(s)

Date of hearing: 11.07.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Ms. Shilpa Chohan, Advocate
Respondent(s) : Mr. Maulik Nanavati, Advocate for R-1/SEIAA-Gujarat &
R-4/GCZMA
Mr. Arvindakshan V. Nair, Advocate for R-3/GPCB
Mr. Rahul Garg, Advocate for R-5/MoEF&CC
Ms. Garima Malhotra, Advocate for R-6/PP

ORDER

1. From the side of appellant, learned Counsel Ms. Shilpa Chohan has appeared.

2. From the side of respondent No.1/SEIAA-Gujarat and for respondent No.4/Gujarat Coastal Zone Management Authority, learned Counsel Mr. Maulik Nanavati has appeared, who has sent us an e-mail dated 10.07.2023 in Original Application No. 57/2021(WZ), where-in it is submitted by him that it has come to the notice of his client that *Writ Petition No. 7803 of 2019* has already been filed before the Hon'ble High Court of Gujarat, challenging the leasing of land by the State Government for salt pan. Originally, the State Environment Impact Assessment Authority (SEIAA), the State Coastal Zone Management Authority or even State Pollution Control Board were not joined as respondents in the said

petition. Later on, an amendment has been made in the said Writ Petition in June, 2023, challenging the CRZ Clearance dated 21.01.2023 granted by the SEIAA- Gujarat, which is also assailed before us in Appeal No. 11/2023(WZ). Therefore, it is prayed that since the matter is pending consideration before the Hon'ble High Court of Gujarat, in which the lease granted to the respondent No. 6 in Original Application No. 57/2021(WZ) and the EC dated 21.01.2023, which has been assailed in the present appeal, it would be appropriate for this Tribunal not to proceed till a decision is rendered by the Hon'ble High Court. It is also mentioned in the said e-mail that a prayer would be made before the Hon'ble High Court of Gujarat for dismissal of the writ petition on the ground that the present original application and the appeal mentioned above are pending before this Tribunal. Therefore, time is sought so that no overlapping order would be passed by us.

3. The learned Counsel for the appellant is in agreement with the request made by the learned Counsel for the respondent Nos. 1 & 4 but she prays that pleadings may be got completed in these matters, which are pending before us, to which there is no objection to the learned Counsel for the respondent Nos. 1 & 4 as well as the learned Counsel for the other parties.

4. None has appeared from the side of respondent No. 2/State of Gujarat through Addl. Chief Secretary despite sufficient service.

5. From the side of respondent No. 3/GPCB, learned Counsel Mr. Arvindakshan V. Nair has appeared, who prays that he may be granted three weeks' time to file reply affidavit, the same is allowed.

6. From the side of respondent No. 5/MoEF&CC, learned Counsel Mr. Mr. Raghvendra Kulkarni holding brief of learned Counsel Mr. Rahul Garg has appeared. He is granted three weeks' time to file reply affidavit.

7. From the side of respondent No. 6-M/s. H.A. Salt Pvt. Ltd., learned Counsel Ms. Garima Malhotra has appeared, who prays that she may be granted three weeks' time to file reply affidavit, the same is allowed.

8. The learned Counsel for the respondent Nos. 1 & 4 prays that he may also be granted three weeks' time to file reply affidavit, the same is allowed.

Put up this matter for further consideration on 14.09.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 11, 2023
Appeal No. 11/2023(WZ)
P.Kr