

Item No. 1

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Appeal No. 11/2023(WZ)
I.A. No. 80/2023(WZ)

Shardulbhai Devibhai Chudasama

.....Appellant

Versus

SEIAA, Gujarat through Member Secretary & Ors.

....Respondent(s)

Date of hearing: 17.05.2023

**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. Kishan Patel h/f 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

I.A. No. 80/2023(WZ)

1. This application has been filed by the Appellant, seeking quashing of the CRZ Clearance dated 21.01.2023 issued by the Respondent No. 1/SEIAA-Gujarat to the Respondent No. 6/Project Proponent, with delay of approximately 17 days. Notices were directed to be issued to all the Respondent. Service affidavit has been filed, as per which the service of notice upon all the Respondents is found to be sufficient.

2. From the side of Respondent No. 1/SEIAA-Gujarat and for Respondent No. 4/GCZMA, learned Counsel Mr. Kishan Patel holding brief of learned Counsel Mr. Maulik Nanavati has appeared, who has no objection to the delay condonation application being allowed.

3. From the side of Respondent No. 3/GPCB, learned Counsel Mr. Arvindakshan V. Nair has appeared, who has no objection to the delay condonation application being allowed.

4. From the side of Respondent No. 5/MoEF&CC, learned Counsel Mr. Rahul Garg has appeared, who says that he has no objection to the delay condonation application being allowed.

5. From the side of Respondent No. 6/Project Proponent, learned Counsel Ms. Garima Malhotra has appeared. She has not filed any written objection against the said delay condonation application. She has left it to the discretion of this Tribunal to decide this issue.

6. We have gone through the averments made in the said application. It is clearly stated by the learned counsel for the Appellant that she came to know about the issuance of impugned CRZ Clearance on 19.02.2023 when the same was uploaded on the website of Respondent No. 1/SEIAA-Gujarat. She was constantly keeping an eye on which date the same was being uploaded and soon thereafter, she had to collect the relevant documents before filing the present appeal, which took time, therefore, 17 days' delay needs to be condoned.

7. We find justified ground for condoning the delay of 17 days in filing the present appeal. Accordingly, we allow this application.

I.A. No. 80/2023(WZ) stands disposed of accordingly.

Appeal No. 11/2023(WZ)

8. The Appellant has challenged the CRZ Clearance dated 21.01.2023 granted by the Respondent No. 1/SEIAA-Gujarat in favour of Respondent No. 6/Project Proponent for the "proposed project of salt works in 692 Ha. in Survey No. 447/1, P1, Juna Village, Khar No. 01, Darbari Bhada & unsurveyed land, Taluka & District: Bhavnagar, Gujarat" alleging that the

salt work is not permitted activity in CRZ-I(A) area. According to the Appellant, out of total 692 Ha. of the said Survey Number, 263 Ha. lies in CRZ-I(B) area while 429 Ha. lies in CRZ-I(A) area and the entire area is also cover under CVCA. He has also drawn our attention to page no. 622 of the paper book, which is a part of CRZ Notification dated 06.01.2011, where-in following is laid down:-

*“4(a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas [which]*30 shall be managed with the involvement of the local coastal communities including the fisher folk;-*

*(b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambhat and Gulf of Kutch in Gujarat, Malvan, [Achra in Ratnagiri]*31 in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local [fisher folk]*32 and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;*

(c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;

(d) the Integrated Management Plans (IMPs) prepared for such CVCA shall inter alia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;

(e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.”

9. Having drawn our attention to this provision, it is argued by the learned Counsel for the Appellant that no Integrated Management Plant (IMP) has been prepared in consultation with the local coastal community

so far, therefore, no such permission for production of salt could have been given by the Respondent No. 1. For the identification of the said area to be lying in CRZ-I(A) & I(B), our attention is also drawn to the maps, which have been annexed at page nos. 553 to 557 of the paper book.

10. Based on the argument made by the learned Counsel for the Appellant, we deem it appropriate to admit this Appeal. We, accordingly admit the same.

11. We direct the Respondents, who are already present today, to file their reply affidavits within a period of four weeks.

12. The learned Counsel for the Appellant has apprised us that a copy of appeal has already been served upon all the Respondents, which is evident from the service affidavit filed by her. The other Respondents, who are not present today, they may also file reply affidavit within a period of four weeks.

13. We direct the Registry to place this matter on 11.07.2023 because the learned Counsel for the Appellant says that the connected matters i.e. Appeal No. 46/2022(WZ) and Appeal No. 47/2022(WZ) are also listed on the said date.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 17, 2023
Appeal No. 11/2023(WZ)
I.A. No. 80/2023(WZ)
P.Kr