

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.128/2023(WZ)
L.P. No.03/2023 (WZ)**

Nilesh Bhai Lakhabhai Garenia

.....Applicant

Versus

The Collector, Junagadh & Ors.

....Respondents

Date of hearing: 03.01.2025

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

Applicant : None present.

Respondents : Ms. Reshma Mutha, Advocate h/f
Mr. Parth H. Bhatt, Advocate for R-1/Dist. Magistrate
Ms. Garima Malhotra, Advocate for R-2/PP
Mr. Maulik Nanavati, Advocate for R-3/GPCB & R-4/SEIAA

ORDER

1. From the side of respondent No.3 - GPCB and for respondent No.4- SEIAA, Gujarat, learned counsel Mr. Maulik Nanavati has appeared before us, who submits that he has sent us an e-mail on 09.12.2024, stating therein that respondent No.2- M/s Jay Khodiyar Enterprise was earlier granted EC for mining activity by SEIAA. Pursuant to the order of the Principal Bench of this Tribunal, all such mining activity would require EC to be granted by the SEIAA. But before the SEIAA could consider the same, in the case in hand, mining activity has been stopped by respondent No.2. But we find that there is no such affidavit to that effect on record. Learned counsel for respondent Nos.3 & 4 submits that he will file the same within two weeks. We allow him the said time.

2. From the side of respondent No.2- M/s Jay Khodiyar Enterprise, learned counsel Ms. Garima Malhotra has appeared before us, who submits that she may be supplied all the necessary documents. We direct the Registry to serve the same upon the said learned counsel. But we find that in the memo of parties, address of respondent No.2 is erroneously recorded because the District Collector, Junagadh, Gujarat vide letter dated 30.12.2024 has sent us a communication, in which it is mentioned that the lease is abandoned by lease holder. Therefore, it is quite likely that on the given address, notice/documents could not be served. Therefore, we direct learned counsel for respondent No.2 to provide correct address of respondent No.2 to the Registry of this Tribunal forthwith.

3. From the side of respondent No.1 – Collector, Junagadh, learned counsel Ms. Reshma Mutha, holding brief of learned counsel Mr. Parth H. Bhatt, has appeared before us, who has filed report through e-mail dated 30.12.2024, wherein it is submitted that in compliance with this Tribunal's order dated 09.12.2024, team of the District Collector visited the premises of respondent No.2- M/s Jay Khodiyar Enterprise but they could not find any person there, as the lease is abandoned by the lease holder.

4. The other report of the District Collector had also been sent by respondent No.1 through e-mail dated 01.08.2024, which we had already considered vide order dated 09.08.2024, wherein it is recorded that a penalty order to the tune of Rs.13,18,66,288/- (Rs. Thirteen Crores Eighteen Lakhs Sixty Six Thousand Two Hundred Eighty Eight only) has been issued to respondent No.2- M/s Jay Khodiyar Enterprise on 19.07.2024. But when we enquired from learned counsel for respondent No.1 as to whether this amount pertains to the environmental

compensation or not, she could not reply. We direct her that the said fact be made clear before us on the next date.

Put up this matter for further consideration on 04.03.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 03, 2025
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P.Kr