

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 73/2017(WZ)
I.A. 80/2022

Subhaniya Ismail Osman

Applicant

Versus

M/s RSPL Ltd. & Ors.

Respondent(s)

Date of hearing: 23.08.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant(s): Ms. Shilpa Chohan, Advocate

Respondent(s): Mr. Maulik Nanavati, Mr Saurabh Soparkar and Mr. Amit Agashe,
Advocates for R-1
Mr. Rahul Garge, Advocate for R-2

ORDER

1. Grievance in this application is against functioning of green field Soda Ash Plant alongwith captive power plant at village Kuranga, Tehsil Dwarka, District Jamnagar, Gujarat. Case of the applicant is that Respondent No. 1 - M/s RSPL Ltd. has been granted EC and CRZ Clearance for the project subject to the condition not to use heavy machinery but heavy machinery is being used such as Hitachi Costal Builder Berge for excavation work beneath the water. Under water rope blasting has been carried out. Further pipeline has been laid during

breeding period of sea turtle which is not permissible. The applicant has thus sought remedial action against such violations.

2. The application was admitted on 15.05.2017 and notice was issued to the PP, MoEF&CC and Government of Gujarat. Reply has been filed by the said respondents. Stand of Respondent No.1 is that the project has been undertaken at the cost of Rs. 2700 Crores and is complying with the environment norms. There is no violation of the EC conditions as the machinery was used for certain period while laying the pipelines. Work was carried out through authorized agencies without any damage to the environment.

3. Stand of the MoEF&CC is that the application is barred by limitation as CRZ Clearance was granted on 12.11.2015 and period of limitation for filing appeal has expired which cannot be extended. Stand of the Environment Department, Gujarat is that no relief is claimed against it.

4. Vide order dated 04.10.2017, the Tribunal rejected the application for interim injunction, holding that there was no *prima facie* case against which Civil Appeal No. 1890/2017 was dismissed by the Hon'ble Supreme Court on 12.03.2018. It was found that the machinery used was not heavy machinery and there was no violation of EC condition. However, National Institute of Oceanography (NIO) was directed to carry out local investigation and monitor the project site to ensure that there was no damage to the marine environment. As per report of NIO filed in March, 2019 the project was completed in 2018-2019 without adverse impact to the marine environment. I.A. No. 80/2022 has been filed by the PP seeking disposal of the matter as nothing survives for consideration.

5. We have heard learned counsel for the parties. Learned counsel for the applicant submitted that the applicant has died and, thus, the Tribunal may dispose of the matter on merits.

6. We have given due consideration to the issue raised and perused the pleadings of the parties and seen the report of the NIO that no damage was caused to the marine environment and the project has been completed. We thus do not find any violation of the EC/CRZ clearances calling for any further order.

The O.A. is dismissed. Pending I.A. also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dinesh Kumar Singh, JM

Prof. A. Senthil Vel, EM

Dr. Vijay Kulkarni, EM

August 23, 2022
O.A. No. 73/2017(WZ)
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