

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5850 of 2025**

=====

M/S. KUBER STONE QUARRY
Versus
STATE OF GUJARAT & ORS.

=====

Appearance:

MS. Kruti M. SHAH, ADVOCATE WITH

MR. JAY N SHAH(10668) for the Petitioner(s) No. 1

MR. BHAVESH DESAI, AGP for the Respondent(s) No. 1,2,3,4

=====

CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

Date : 22/05/2025

ORAL ORDER

1. **RULE** returnable forthwith. Learned AGP waives service of rule for the respondents.
2. Heard Ms. Kruti M. Shah, learned counsel appearing for the writ-applicant and Mr. Bhavesh Desai, learned Assistant Government Pleader appearing for the respondent Nos. 1 to 4 - State authorities.
3. Ms. Kruti M. Shah, learned counsel submitted that Letter of Intent has been issued in favour of the writ-applicant and that the writ-applicant has complied with almost all the conditions mentioned in the Letter of Intent. Ms. Shah, learned counsel further submitted that the writ-applicant has applied for grant of Environment Clearance by making an appropriate application to the State Environment Impact Assessment Authority.

However, the final clearance certificate has not been issued or granted by the Authority. Ms. Shah, learned counsel further contended that in the event the formal order of quarry lease is not made by the Government and a lease deed is not executed by the District Collector on or before 23.05.2025, the right of lease in favour of the writ-applicant would stand forfeited.

4. Ms. Shah, learned counsel relied on the order passed by the coordinate bench of this Court in Special Civil Application No. 7 of 2017 and Special Civil Application No. 6602 of 2021 with allied matters.

5. Having heard the learned counsels appearing for the respective parties, it is hereby directed that:

(I) The writ-applicant shall file an undertaking before the respondent Collector within a period of two weeks from the date of the receipt of the copy of the present order to the effect that the writ-applicant shall not commence or carry out any mining activity till the Environment Clearance certificate is issued in favour of the writ applicant.

(II) The State Government shall issue a formal order granting quarry lease within a period of two weeks from today and the District Collector shall thereafter execute the lease deed within a further period of two weeks from the date of the order granting quarry lease. The entire exercise of issuance of formal order granting lease and the execution of

lease deed is directed to be completed on or before the next date of hearing;

(III) In the meantime, the State Environment Impact Assessment Authority is directed to complete and/or facilitate completion of all formalities leading to grant of Environment Clearance and issue such instructions as may be necessary to the concerned agencies.

6. Let the matter to be listed for further hearing on 19.06.2025.

Direct service is permitted.

HARSHIT/GIRISH

(MOOL CHAND TYAGI, J)