

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 24 of 2026**

With  
**CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2026**  
**In R/WRIT PETITION (PIL) NO. 24 of 2026**

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SATYAJEET PARAS NATH RAI KUMAR

Versus  
 STATE OF GUJARAT & ORS.

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**Appearance:**

MR DEVEN PARIKH, SENIOR ADVOCATE WITH ANSHUL N SHAH(8540)  
 WITH MR ASIF R KHAN(13052) & MR KARAN VIN, ADVOCATE for the  
 Applicant(s) No. 1  
 MS HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the  
 Opponent(s) No. 1,2,3,5  
 MR MAULIK G. NANAVATI, ADVOCATE FOR NANAVATI & CO.(7105) for  
 the Opponent(s) No. 4

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS.**  
**JUSTICE SUNITA AGARWAL**  
 and  
**HONOURABLE MR. JUSTICE D.N. RAY**

**Date : 18/08/2026****ORAL JUDGMENT****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. This is a writ petition filed in the nature of public interest litigation by a person who claims to own a manpower supply business and is a resident of Sarigam, District Valsad, State of Gujarat.

2. The prayers made in the writ petition are as under:-

*“12(a) Your Lordships may be pleased to admit and allow the present writ petition Public Interest Litigation;*

*(b) Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ or direction directing the respondent authorities to form an investigating committee and look into the violations committed by the Respondent No.8 – industry;*

*(c) During the pendency of the writ petition, Your Lordships may be pleased to direct the Respondent Nos.1 to 7 to immediately issue directions to Respondent No.8 to immediately stop generating any noise during the night time hours;*

*(d) During the pendency of the writ petition, Your Lordships may be pleased to direct the Respondent Nos.1 – 7 to immediately issue directions to Respondent No.8 to immediately cease from operating plastic boiler in violation of the EC and be pleased to temporarily suspend the EC dated 29.01.2019 granted to the Respondent No.8;*

*(e) Such other and further reliefs as may be deemed just and proper in the facts and circumstances of the present case may kindly be granted”.*

3. The allegations in the writ petition are against private respondent No.8 herein, to whom notice has not been issued after receipt of response of the Gujarat Pollution Control

Board [in short 'GPCB'], in view of the order dated 14.07.2026 passed by us. The writ petition is being decided on the response of GPCB as we do not find any substance in the contentions made in the writ petition.

4. The petitioner herein seeks for immediate closure of activities of respondent No.8 on the allegation that the respondent No.8 is causing substantial air, noise and water pollution. The assertion in the writ petition is that various representations were made to the respondent Nos.1 to 7 herein, including the GPCB impleaded as respondent No.4, to initiate an inquiry into the illegalities committed by respondent No.8 and to take necessary steps to cancel environmental clearance granted to the said respondent. However, the authorities have chosen not to respond to any of such representation/applications.

5. It is submitted that the petitioner is personally affected as he visits the vicinity of the plant set up by respondent No.8 on a daily basis and also stays in the same village. It is also contended that the petitioner is seeking to espouse the cause of various tribals and individuals residing in the vicinity who

are affected by the plant. The contention is that the petitioner has regularly interacted with such persons in the course of regular routine conversation and it is well known that the industry-in-question (respondent No.8) is committing substantial nuisance and pollution affecting all residents staying in the vicinity. But due to the threat to their livelihood, these persons are not coming forward. The petitioner would further submit that he has filed the present petition purely in the public interest on his own and not at the instance of any other person or political organization and has borne the litigation cost of filing the same.

6. The allegations in the writ petition are that the respondent No.8 - industry is located in village Sarigam, very close to the residential area and is in the business of manufacturing finished paper product and selling them in both domestic and international markets.

7. The assertions in paragraph 4.1 of the writ petition are that there is no other industry in the vicinity and Sarigam GIDC is at a distance of 2 km. The respondent No.8, thus, is a standalone industrial unit at a distance of 100 mtrs. from the

homes of tribal people who are residing in the periphery of the industry. The further assertion is that four schools are located within a distance of 500 to 700 mtrs. of radius from the plant. There are residential localities nearby at a distance of 100-200-300-400 mtrs.

8. From the above noted contentions, it may be noted that there is no clarity as to who are the persons residing nearby, whether they are the employees in the industrial unit of respondent No.8.

9. Be that as it may, the further assertions in the writ petition are that the respondent No.8 - industry had obtained environmental clearance in the year 2018 on the premise of being a Zero Liquid Discharge (ZLD) unit and after receiving requisite permission, it changed its process and started discharging its effluent into Common Effluent Treatment Plant (CETP), Sarigam. Further, fresh EC was necessitated in the event of expansion of respondent No.8 - industry in the year 2018. The State Level Environment Impact Assessment Authority (SEIAA), Gujarat granted Environmental Clearance dated 29.01.2019 to respondent No.8 subject to strict

adherence to 120 conditions enumerated in the permission letter.

10. A vague assertion has been made in paragraph 4.4 of the writ petition that despite such strict instructions for adherence to 120 conditions, certain conditions have not been complied with by respondent No. 8 - industry, which has caused grave damage to environment, immense pollution in terms of air, water and noise and led to deterioration of health in the residents of Sarigam.

11. The further contention is that one of the residents in the vicinity had suffered breathing problems on account of air pollution and got a test for ambient air conducted through Eco Clean Consulting Services, test results of which came in the year 2023, which show that the air quality of the area does not meet the standards prescribed. Further, there are reference to various complaints made by some persons and individuals getting test conducted on their own and the complaint filed by people in the vicinity, to assert that no action has been taken by the respondents though issues of air, water and noise pollution had been highlighted in those

representations and the test reports.

12. The contention is that the present petition arises out of a complaint dated 07.10.2025 filed by the present petitioner herein addressed to the Regional Officer, Sarigam of the GPCB, who is arrayed as respondent No.3, wherein allegations were leveled against the respondent No.8 - industry for carrying on industrial activity in contravention to the terms and conditions prescribed in the Environmental Clearance dated 29.01.2019 and causing grave damage to the environment. The assertion is that the facts stated in the writ petition would demonstrate that since the very inception the respondent No.8 - industry is sought to be accommodated even beyond the four corners of permissible parameters and the respondent authorities are favoring the said industry.

13. In paragraph 4.16 of the writ petition, it is sought to be submitted that the existing conditions like developing of green belt to mitigate dust and other pollution are purposely not being enforced despite obvious breach. Further, despite there being substantial residential settlements in the vicinity, noise pollution of a substantial nature takes place every night at

around 10:00 p.m. for hours at end.

14. The assertion in paragraph 4.18 of the writ petition is that as per condition No.50 of the Environmental Clearance (EC), a green belt was to be developed all around the plant's boundary and also along the roads to mitigate fugitive and transport dust emission. However, no such green belt has been developed anywhere, which has entirely defeated the purpose of mitigating the environmental impact. The EC condition demands an immediate revocation and cancellation of fresh EC issued to respondent No.8. There is further reference about a query made from the private respondent No.8 pertaining to developing of green belt which was responded as stated in paragraph 4.1 of the writ petition.

15. In reply thereto, the respondent No.8 intimated that more than 15,000 trees were implanted within the premises. However, the contention is that the satellite image of the premises do not indicate any such trees. Repeated assertions are made in the entire writ petition with regard to noise, air and water pollution in the vicinity of the industry. There is also an assertion with regard to the reply given by GPCB to

the complaint filed by the petitioner and the assertion is that the GPCB did not respond to the complaint of noise pollution.

16. In paragraph 4.30 of the writ petition, the petitioner had further submitted that the private respondent No.8 herein had applied for CCA renewal-cum-amendment on 08.01.2025 and stated that they run a captive power plant with a capacity of 30 MW, though earlier the capacity of captive power plant was 15 MW which came to be extended on 18.11.2024 with the consent order issued by GPCB.

17. It is submitted that since 2024, the unit has been operating a 34.5 TPH boiler with 7.5 MW captive power plant fueled entirely by non-recyclable solid waste including petroleum-based plastic waste. The boiler consumes approximately 2,20,000 kg. of plastic waste daily. This waste is not just waste generated from the plant itself, but also other waste that is brought into the incinerator from other industries/sources. The incinerator of such a huge quantity of plastic waste has a substantial environmental impact including emission of hazardous dioxins, fumes and other toxic pollutants. The operation of this captive power plant

without fresh EC permitting incineration for 2,20,000 kg. of plastic waste, not even generated at the source, is in direct contravention of EIA Notification 2006 as well as Sections 7 and 8 of the Environmental Protection Act, 1986 and is punishable under Section 15 of the Act.

18. The petitioner also made a complaint dated 07.11.2025 to the Member Secretary, SEIAA, the Member Secretary, Ministry of Environment, Forest and Climate Change and the Regional Officer, GPCB. It is contended that the respondent No.4 - GPCB has proceeded to grant Consent to Establish (CTE) amended dated 23.05.2024 for setting up a 7.5 MW Power Generation Plant from Non-recyclable Plastic Waste Boiler without mandating a Fresh Environmental Clearance under EIA Notification, 2006. Such an action on the part of GPCB is manifestly illegal. In the end, the assertion is that in spite of repeated representations on all these issues, GPCB has tried to protect the industry-in-question, though in other matters, closure orders are issued in a hurried manner.

19. In rebuttal of the stand of the writ petitioner, a detailed reply has been filed by GPCB vide affidavit dated 28.07.2026

of the Unit Head, Sarigam (District-Valsad), in the office of GPCB. The response of GPCB is on two points namely,:- (i) allegations of the respondent No.8 indulging in 'gross contravention and violation of environmental norms' and 'actively polluting the environment' by causing air, noise and water pollution; and (ii) allegations of inaction on the part of statutory and regulatory authorities to take action against the polluting industrial unit, despite multiple representations.

20. On the permission/consent granted by the regulatory authorities, the assertions in paragraphs '4 to 7' of the affidavit of GPCB, are that the Ministry of Environment & Forests, Government of India granted Environmental Clearance dated 25.10.2012 for 15 MW imported coal-based Co-generation Captive Power Plant to the 8<sup>th</sup> respondent herein. The GPCB granted Consent to Establish on 12.03.2012 and later Consolidated Consent and Authorization on 07.03.2015 to the project proponent for 15 MW imported Coal-based Co-generation Captive Power Plant. The Gujarat State Level Environmental Impact Assessment Authority (GSLEIAA) granted prior environmental clearance dated 29.01.2019 and amendment dated 29.06.2020 to Respondent

No.8 for setting up pulp and paper industry and a 30 MW captive power plant with permission to discharge treated effluent confirming the prescribed norms into Common Effluent Treatment Plant. The GPCB then granted Consent to Establish and later Consolidated Consent & Authorization (CCA) to the industry on 28.12.2023 for pulp and paper manufacturing. The Consent to Establish and later CCA was granted to the industry on 20.12.2024 for the 30 MW power plant with permission to discharge treated effluent conforming the prescribed norms into Common Effluent Treatment Plant. All these permissions/consent granted by the competent authorities are placed on record as Annexures - 'R1 to R5' with the affidavit of GPCB.

21. About the location of Respondent No.8 - industry, it is categorically stated therein that the Respondent No.8 is located in Sarigam village and is spread over 100 acres bearing various survey numbers mentioned therein. Enem Industrial Park is located adjacent to Respondent No.8, which has a total of 5 operational industries. Another industrial park namely, Ananta Industrial Park having two operational industrial units, is at a distance of 450 meters from the

Respondent No.8 - industry. GIDC Sarigam having 491 industrial units is at a distance of 400 meters. There are large industries like Bioaltus Pharmaceuticals Private Limited, Jainex Electricals and Pidilite Industries Limited situated within 500 meters from the Respondent No. 8.

22. The categorical assertion in paragraphs - '8, 9 and 10' of the affidavit of GPCB, thus, is that the Respondent No.8 is not located in a largely residential area, as is sought to be projected by the petitioner in the writ petition. The narration of the industry being a standalone industry in the midst of residential area is wholly misleading. The other assertions in the affidavit of GPCB are about inspection carried out by GPCB from time-to-time and observations and directions issued therein as a result of the inspection. It is placed on record that inspections were carried out on 31.01.2025, 30.05.2025, 21.07.2025, 13.10.2025, 29.10.2025, 07.11.2025, 02.02.2026, 09.04.2026 and lastly, on 10.06.2026. Many of these inspections were carried out on the complaint made by the petitioner herein and directions/instructions have been issued to the Respondent No.8 - industry where some aberration or violations are noticed.

23. With regard to the industry violating provisions of environmental laws by installing boilers without taking prior environmental pollution by manipulating data of inflow and discharge of water and by releasing harmful chemicals in Dharotha river, as alleged in one of the written complaints, it is submitted that it was observed in the inspection carried out on 30.05.2025 that the unit was found discharging treated industrial waste water into the Common Effluent Treatment Plant of Sarigam. The data of release of treated effluent mentioned in the logbook maintained by the industry and corresponding data mentioned in the logbook maintained by CETP matched, establishing that there was no diversion of the treated effluent discharged from the industry. The complaint of discharge of effluent treated water into Dharota khadi/river was, thus, not substantiated.

24. As regards ambient air quality, it is submitted that visible ambient air quality was observed normal and there was no significant increase in air pollution attributable to the process of the industry concerned. There were complaints with regard to foul odour emanating from the industry, which

was found to be incorrect. It is also stated that the industry has provided Online Continuous Emission Monitoring System and during the inspection, the stagnant value of 503.83 mg/Nm<sup>3</sup> was reflecting in Online Monitoring System as against the prescribed standard of 600 mg/Nm<sup>3</sup>. The unit was instructed to get calibration done of the system. Even a notice of direction was issued on 28.11.2025 and unit has replied that the reflection of standard stagnant values in the online monitoring system was due to malfunctioning SO<sub>2</sub> sensor, for which it had registered a complaint with the service provider and issue was resolved. The correct data has then started reflecting on the OMS (Online Monitoring System) and the values were physically verified and results have matched with the data reflecting in the OMS.

25. About noise pollution, the assertions in the affidavit of GPCB are that during the inspections carried out by GPCB, industry was required to adopt best possible technique to control accidental loud noise generated during release of excess steam in the atmosphere. In the inspection carried out on 09.04.2026, noise test was performed and results revealed that noise levels are compliant with the ambient standard. In

the last inspection carried out on 10.06.2026, the unit was found compliant with all operating conditions and it was observed that unit had commenced the work of installing acoustic enclosure on the blower house.

26. About the allegations of noise pollution, the assertions in paragraphs '21 to 23' of the affidavit of GPCB are to the effect that during routine inspection or while making an inspection on the basis of a complaint, the noise monitoring has been undertaken by three different recognized Schedule-II Environmental Auditors during the year 2022-23, 2023-24 and 2024-25. The data indicating substantial compliance with ambient noise standards has been annexed as Annexure 'R-15'.

27. The allegations of high PM10 level and air pollution have been in paragraphs '25 to 30' of the affidavit of GPCB and it is stated that monitoring carried out by third-party recognized Schedule-II Environment Auditors during 2022-23, 2023-24 and 2024-25 also tells that results of ambient air quality are as per the prescribed National Ambient Air Quality Standards. It is, however, stated in paragraph '30' as under:-

*“30. It would be apposite to mention here that Sarigam Village is situated close to Vapi, which is officially designated as a non-attainment city and is listed as a critically polluted area. The Air Quality Index Value in the Vapi industrial belt area has been upwards of 250 ppm (Very Unhealthy – Hazardous). The issue of consistently high levels of PM<sub>10</sub> exceeding the National Ambient Air Quality Standards in Vapi is being considered by the National Green Tribunal in Original Application No.687 of 2023 (Air Quality Index in Various Cities), Original Application No.9 of 2025 (News Item Titled Air Quality Alert : Gujarat Has 15 SO<sub>2</sub> Hot-spots, appearing in The Times of India dated 03.12.2024) and Original Application No.1228 of 2024 (News Item Titled ‘Lancet Study Links Alarming Mortality Rates to Poor Air Quality 12 Strategies to Combat Country’s Air Pollution Crisis’, appearing in the Indian Express dated 13.09.2024). The Gujarat State Pollution Control Board is a party in all the proceedings. The Tribunal is regularly monitoring the air pollution levels in the non-attainment cities, and overseeing the implementation of action plan prepared by the State Pollution Control Board together with the Central Pollution Control Board for controlling the air pollution in the non-attainment cities as well as other cities.”*

28. About the water pollution, the assertions in paragraph ‘31’ are that during the visits dated 30.05.2025 and 09.04.2026, samples of ground-water from three different locations were collected and the test reports have shown no

contamination of any of ground-water caused by any process of the industry.

29. With regard to Clause 50 of the Environmental Clearance dated 29.01.2019 granted by Gujarat State Environment Impact Assessment Authority, it is submitted that the condition stipulated therein is of developing of green belt or in the alternative, the unit shall take up adequate plantation on road sides and suitable open area in GIDC estate or any other open area in consultation with GIDC/GPCB and submit an action plan for plantation of for next three years to the GPCB. During the visit made on 13.10.2025, it was observed that unit has sown about 12,000 trees and plants. An instructions have been given for developing more gardening and plantation. The unit has further informed that it has developed more than 12,000 trees and plants including Miyawaki forestation in and around the premises and proposed to increase the green area. During the visit made on 09.04.2026, the unit was found to have planted 2,000 new trees near the Effluent Treatment Plant. Action plan has been submitted for development of plantation within the premises as per the guidelines issued by Central Pollution Control

Board (CPCB). The project proponent has also planted trees on the side of the road which is commonly used by the vehicles for bringing raw material into and carrying out the finished product from the industry. So far 15,000 trees have been planted within its premises.

30. Further, on the issue of Non-obtaining of prior Environmental Clearance for Captive Power Plant, the assertions in paragraphs '36, 37 and 38', are as under:-

*"36. Ministry of Forest, Environment and Climate Change, Government of India has issued Office Memorandum No.F-No.22-24/2018-IA-III dated 23.01.2019, clarifying that 'setting up new or expansion of captive power plants employing WHRB without using any auxiliary fuel, in the existing Cement Plants, Integrated Steel Plants, Metallurgical Industries (Ferrous and Non ferrous) and other industries having potential for heat recovery, does not attract the provisions of EIA Notification 2006, read with subsequent amendments therein'. A copy of Office Memorandum dated 23.01.2019 issued by the Ministry of Forest, Environment and Climate Change is annexed herewith and marked as **Annexure R-20**.*

*37. The 8<sup>th</sup> respondent has obtained environmental clearance for a captive power plant using waste heat*

*boiler without any auxiliary fuel. In view of the aforesaid Office Memorandum, the industry is exempted from obtaining prior environmental clearance for setting up new or expansion of captive power plant employing Waste Heat Recovery Boiler.*

*38. State Pollution Control Board has granted Consolidated Consent and Authorization dated 01.04.2025 to the industry for Waste Heat Recovery Boiler 34.5 Tons Per Hour (TPH) for 7.5 MW power generation by receiving 220 metric ton a day Non-Recyclable Plastic Waste as fuel; and a copy of such Consolidated Consent and Authorization is annexed herewith and marked as **Annexure R-21**.*

31. As against these assertions made by the GPCB in its affidavit-in-reply, the assertions in rejoinder filed by the petitioner are vague. None of the paragraphs of the affidavit of GPCB are specifically denied and alternative clarificatory statements are made when the paragraphs of the affidavit of GPCB are being replied in the rejoinder.

32. One of such replies to paragraphs '8 to 10' of the affidavit of GPCB with regard to the assertion of the statement of the petitioner about the respondent no.8 - industry being a standalone industry located in the vicinity of a residential

area, has been responded in paragraphs '9 and 10' of the rejoinder in the following manner:-

*"9. The reply does not deny, and therefore admits, the specific averments in paragraph 4.1 of the petition that a gaushala and an anganwadi are situated within 100 meters of the plant, that four metres of schools are located within a radius of 500 to 700 meters, and that the residential localities named therein, including Chipafaliya and Pagipada which adjoin the plant and Dungrifaliya and Koliwad at about 100 meters, surround the premises. The presence of other industrial units in the wider vicinity neither removes these human receptors nor dilutes their exposure to the emissions and noise of the private respondent. In fact, photographs of the primary school and the anganwadi, from which the chimney of the private respondent is also visible, are annexed hereto and marked as Annexure Z1.*

*10. The categorisation of an area as an "industrial area" for the purposes of the Noise Pollution (Regulation and Control) Rules, 2000 is a matter of notification by the competent authority and does not follow from the mere existence of industries in the vicinity. Significantly, the Board's own conduct is destructive of its assertion: its notice issued after the inspection dated 13.10.2025 applied the limit of 55 dB(A) (**Annexure N** to the petition), and its own measurement at the gaushala on 29.10.2025 was made "against the permissible limit of 55 dB(A)" (paragraph 17 of the reply). The Board has thus itself*

*treated the receptors as falling outside any and it industrial categorisation, cannot approbate and reprobate."*

33. About the assertions in paragraphs '36 to 38' pertaining to the Memorandum dated 23.01.2019 issued by the Ministry of Forest, Environment and Climate Change, Government of India and the respondent no.8 having obtained Environmental Clearance for a captive power plant using waste heat boiler without any auxiliary fuel, has been responded in paragraph '30' by stating that :-

*"30. The claim of exemption from prior Environmental Clearance for the captive power plant, founded on the Office Memorandum dated 23.01.2019 (**Annexure R-20**), is inapplicable on the face of the reply itself, for the following reasons:*

*(a) the Office Memorandum clarifies exemption for captive power plants "employing WHRB without using any auxiliary fuel" existing cement in plants, integrated steel plants, metallurgical industries and other industries "having potential for heat recovery", that is to say, plants which recover waste heat already generated by the industry's own existing process and utilise it for power generation;*

*(b) waste heat recovery boiler is a specialised industrial*

*device that captures hot exhaust gases from processes such as gas turbines, kilns, or furnaces and uses the thermal energy to make steam without burning extra fuel;*

*(c) by the Board's own pleading, the boiler in question is a 34.5 TPH boiler generating 7.5 MW "by receiving 220 metric ton a day Non-Recyclable Plastic Waste as fuel" (paragraph 38 of the reply); a plastic waste fired boiler is an industrial system that burns processed non-recyclable plastics and other combustible waste to generate high temperature steam; the Board's officers saw "plastic waste being utilized as fuel in the boiler" (paragraph 12 of the reply); the Board's own narrative describes it as the "Waste to Energy Boiler" (paragraph 15 of the reply); and the Board's own inspection reports annexed to the reply repeatedly describe it as the "plastic waste fired Boiler";*

*(d) a boiler fired by 220 tonnes per day of externally procured plastic waste combusts fuel; it does not recover waste heat. A plastic waste fired boiler can generate PM<sub>2.5</sub>, PM<sub>10</sub> smoke and other irritants. Such generation may cause coughing, throat irritation, wheezing and breathlessness, aggravation of asthma, and may result in increased risk of serious cardiopulmonary disease. Additionally, when plastics containing chlorine, particularly PVC, are used as fuel, the resultant generation of polychlorinated dibenzo-dioxins and furans (PCDDs/PCDFs) may cause cancer and adverse impacts upon neuro-development, liver function and other bodily systems. The World Health Organization has recognised the high toxicity of polychlorinated dibenzo-dioxins and furans and has flagged their several adverse effects on*

*human health. A plastic waste fired boiler is the very antithesis of a Waste Heat Recovery Boiler operating "without using any auxiliary fuel", and the exemption fails in limine;*

*(e) the condition no.32 of the Environmental Clearance dated 29.01.2019 indicates the 'name of the fuel' for the steam boiler. Under the said column, the fuel has clearly been mentioned as 'imported coal + de-inking sludge'. Usage of de-inking imported coal + sludge as fuel results in emissions of air pollutants including PM, SO<sub>x</sub> and NO<sub>x</sub>. However, the said Environmental Clearance does not cover the usage of waste plastic as fuel for the boilers. Therefore, the present activity of the Respondent No.8 is operating without any environmental clearance. The grant of the consolidated consent and authorisation dated 01.04.2025 is beyond the scope of the environmental clearance granted.*

*(f) pulp and paper manufacture is, in any event, not among the categories of industry enumerated in the Office Memorandum, nor is the combustion of purchased plastic waste a process "having potential for heat recovery" within the meaning of the Memorandum;*

*(g) the plant is accordingly an expansion and modification with additional environmental impact, including the emission of dioxins, furans and other toxic pollutants from the combustion of plastics, requiring prior Environmental Clearance under the EIA Notification, 2006 and under the condition of the Environmental Clearance dated 29.01.2019 prohibiting expansion or modification without*

*prior clearance; and paragraphs 4.34 and 4.35 of the petition remain wholly unanswered in substance."*

34. In paragraphs 31, 32 while replying to paragraphs '36 to 38' of the affidavit of GPCB, it is stated that:-

*"31. Paragraph 37 of the reply asserts that the private respondent "has obtained environmental clearance for a captive power plant using waste heat boiler without any auxiliary fuel". No Environmental Clearance for a plastic waste fired boiler is identified or produced anywhere in the reply. The Environmental Clearance dated 29.01.2019 (**Annexure A** to the petition) pertains to the pulp and paper unit with a captive power plant and contains no clearance of a boiler fired by externally procured plastic waste. The assertion in paragraph 37 is also irreconcilable with the plea of exemption in paragraph 36: the respondent cannot simultaneously claim to hold a prior Environmental Clearance for the plant and claim that no prior Environmental Clearance was required for it.*

*32. The Board's treatment of this issue in its own inspection record is equally revealing. In answer to the specific complaint point that the unit had installed a plastic waste fired boiler "without prior Environment Clearance", the Board's inspection report annexed to the reply records only that the unit had installed and operated the boiler upon "obtained necessary permission from the Board". The Board's consent under the Air and Water Acts is not, and can never be, a substitute for prior*

*Environmental Clearance under the EIA Notification, 2006, and the Board's conflation of the two is itself indicative of the abdication complained of in the petition."*

35. Thus, we found that vague and misleading assertions have, thus, been made in the writ petition as well as affidavit-in-rejoinder, by the petitioner about the alleged violation of environmental norms by the respondent no.8 industry.

36. In view of the categorical assertions made by GPCB that the respondent no.8 has obtained environmental clearance for a captive power plant using waste heat boiler without any auxiliary fuel and in view of Office Memorandum dated 23.01.2019 issued by the Ministry of Forest, Environment and Climate Change, the industry is exempted from obtaining prior Environmental Clearance for setting up new or expansion of captive power plant employing waste heat recovery boiler, which cannot be denied without any specific statement made in that regard in the affidavit-in-rejoinder, we do not find any substance in the submissions of the petitioner that the respondent no.8 - industry is being run without requisite permissions and sanctions from the competent authorities.

37. Further, having noted all assertions made by the petitioner in the writ petition in detail hereinbefore and from the affidavit of GPCB as also the reply submitted by the petitioner in the affidavit-in-rejoinder, it is more than evident that the petitioner herein, who himself is a businessman engaged in manpower supply business, for some reasons best known to him, has targeted the respondent no.8 - industry by making false statements in the writ petition about the said industry being operating without any environmental clearance, proper permission from the competent regulatory authority, being a standalone industry in a residential area, causing air, noise and water pollution in the locality and running its industry/unit against the environmental laws.

38. All the assertions made in the writ petition, though were found vague initially as well, but the matter being related to environment, in order to get a response from the GPCB about violation to the environmental laws by the respondent no.8, if any, we required GPCB to file a detailed reply to the allegations made in the writ petition.

39. Having gone through the reply filed by the GPCB and the findings in the the inspections carried out by it on the complaint made by the petitioner, at least, the assertions made in the writ petition that no action has been taken by GPCB on the complaint of the petitioner and other residents of the locality, is found to be false.

40. The inspection reports are brought on record and a perusal thereof as also the assertions made in the affidavit of GPCB indicates that the ambient air quality, noise standards as well as water quality are meeting the standards. The allegations of the petitioners against the respondent no.8 in the writ petition in that regard are, thus, found to be incorrect. None of the assertions made in the affidavit of GPCB are specifically denied by the petitioner in rejoinder. However, in reply to the affidavit of GPCB, various other assertions have been made by the petitioner in the affidavit-in-rejoinder to explain as to what would mean by the ambient air quality, how an industrial areas are notified, etc.

41. For the aforesaid, it is more than evident that the

present petition has been filed by a person who is none other than a busybody and seemingly for some personal grudges against respondent no.8 with false and misleading assertions made in the writ petition about the respondent no.8 - industry being a standalone industry causing air, noise and water pollution in the vicinity.

42. For the aforesaid, we are of the view that the present public interest litigation being a motivated and frivolous writ petition filed by a busybody, deserves dismissal with a cost of *Rs.1,00,000/- (Rupees One Lakh)*, for misuse of the process of the Court and wastage of precious judicial time of the Court. The cost amount shall be deposited within a period of three weeks from today before the Registrar General of the High Court who shall transmit the same to the Gujarat State Legal Services Authority which will be used for planting more trees in the area chosen by the State Authority, for the benefit of orphan and tribal children of the area concerned under its various programs conducted from time-to-time.

43. With the above, the present writ petition is dismissed.

Consequently, the Civil Application for Joining Party would not survive and the same stands disposed of, accordingly.

**(SUNITA AGARWAL, CJ )**

**(D.N.RAY,J)**

A. B. VAGHELA