

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 DEVAN PARIKH, SENIOR ADVOCATE with MR ANSHUL
N SHAH(8540) for the Applicant(s) No. 1****MR ASIF R KHAN(13052) for the Applicant(s) No. 1****DS AFF.NOT FILED (N) for the Opponent(s) No. 4****MS HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for
the Opponent(s) No. 1,2,5****MR MAULIK NANAVATI, ADVOCATE for Opponent No.3, 4**

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS.**JUSTICE SUNITA AGARWAL****and****HONOURABLE MR.JUSTICE D.N.RAY****Date : 14/07/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL)**

1. The present petition filed in the nature of Public Interest Litigation raises a serious environmental issue with regard to the allegations of breaches made by respondent No.8 to the environmental clearance given by the competent authority.

2. The allegations in the writ petition of breaches are contained in paragraph '4.18' onwards and the contention is

that the condition of environmental clearance, such as, development of green belt, put up an Online Continuous Emission Monitoring System (OCEMS), reflecting on the CPCB server on a real time basis, maintaining noise pollution levels in the vicinity, are utterly violative.

3. The assertion is that the complaint dated 07.10.2025 was sent to GPCB and reminders were sent through the e-mail dated 29.10.2025 and 31.10.2025 reporting violations. When inspection was carried out by GPCB on 13.10.2025 whereafter notice was issued to respondent No.8 pointing out violations, one of which was higher decibel level of the noise, being beyond permissible limit.

4. The contention is that respondent No.8 Industry is situated under the residential zone and hence is mandated to follow the Noise Pollution (Regulation and Control) Rules, 2000 (*hereinafter referred to as 'the Rules' 2000*) in its operation. Continued operations of respondent No.8 Industry generating the noise at level far exceeding the permissible limit, particularly during night hours is in direct violation of Rule 4(1) of the Rules' 2000 and constitute a grave infringement of the right to live and liberty of the residents of the vicinity.

5. The contention is that GPCB has also given a point-wise reply to the allegations made in the complaint but has chosen to skip responding to the complaint of noise pollution. Representations were thereafter given to the Principal

Secretary, Forest and Environment Department,
Gandhinagar.

6. It is further contended that the respondent No.8 had applied for CCA renewal cum amendment on 08.01.2025 by stating that they run a captive power plant with a capacity of 30 MW. The earlier capacity of the plant was 15MW which came to be expanded by another 15MW on 18.11.2024 vide consent order dated 18.11.2024. Both the CCA dated 18.11.2024 and 08.01.2025 are brought on record.

7. It is further contended that since 2024, 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 huge quantity of plastic waste generated has a substantial environment 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 the EIA notification, 2006, as well as Sections 7 and 8 of the Environment Protection Act' 1986 and is punishable under Section 15 of the said Act.

8. The contention is that despite numerous instances of violations made by respondent No.8, it has continued to apply for and secure various permissions in piecemeal, while suppressing all the fundamental non-compliances with the EC conditions, which is in direct violation of paragraph 7(ii) of the EIA notification of 2006. There are complaints by the villagers and people in the vicinity but there is no concrete action by the GPCB so far.

9. Mr. Maulik G. Nanavati, learned advocate has put in appearance on behalf of GPCB (respondent Nos.3 and 4) on an advance copy of the petition served upon him. He prays for and is granted two weeks' time to file a parawise reply, bringing on record the action taken inspection taken by GPCB and the action taken for violations, if any, reported in the inspection reports against the respondent No.8.

10. For respondent Nos.1, 2 and 5, the notice has been served in the office of the Government Pleader. Ms. Hetal Patel, learned Assistant Government Pleader appears for the said respondents. There is no need to issue notice to respondent Nos.6 and 7 at this stage. The question to issue notice to respondent No.8 would be considered on receipt of the response of the GPCB.

Put up on 28.07.2026.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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