

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:

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. 1,2,3,5

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS.

JUSTICE SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 28/07/2026

ORAL ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL)**

1. The affidavit-in-reply filed on behalf of Gujarat Pollution Control Board (GPCB), in compliance of the order passed by us in the present Public Interest Litigation, in the Court today is taken on record.

2. Amongst various statements made in the affidavit, it is a categorical stand of the GPCB that in repeated inspections of the respondent No.8 unit, no aberrations were found and the contention of the petitioner that the Industry is being run without any environmental clearance is absolutely false.

3. It is stated therein that the respondent No. 8 industry is located in Sarigam village, and is spread over 100 acres of land bearing various survey numbers. Enem Industrial Park is located adjacent to the 8th respondent and has a total of 5 operational industries. Another Industrial park namely, Ananta Industrial Park having 2 operational industrial units is at a distance of 450 meters from the respondent No.8. GIDC Sarigam, having about 491 industrial units, is at a distance of about 400 meters. Large industries like Bioaltus Pharmaceuticals Pvt. Ltd., Jainex Electrical and Pidilite Industries Ltd. are situated within 500 meters of the industry.

4. A categorical statement has been made by the GPCB in its affidavit that 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 narrative, which is sought to be built by the petitioner in the writ petition is as if the respondent No. 8 industry is a stand-alone unit in the midst of a residential area, is wholly misleading.

5. Apart from the above, the contention is that the GPCB is making regular inspection of the industry to ensure that the

manufacturing process and discharge of industrial effluent are conforming to operating conditions.

6. An inspection was carried out on 31.01.2025 wherein industry was found to meeting all parameters/standards of maintaining environmental norms. The industrial wastewater was treated in the primary and the secondary effluent treatment plants and industry has installed equipments for reuse of plastic waste. It has also provided Online Continuous Emission Monitoring System for parameters like Suspended Particulate Matter (SPM), Nitric Oxide (NO) and Sulfur Dioxide (SO₂), which was recorded within the permissible limit. Noise was observed emanating from Effluent Treatment Plant Blower House, and therefore, instruction was given to cover the blower house area with a acoustic sheet to control the spread of noise.

7. In another inspection carried out on 31.01.2025, notice dated 12.03.2025 was issued to the industry mentioning that unit has provided shed for ETP blower house which is found open in one side and not covered properly with noise proof enclosure, thus, calling upon it why legal action be not initiated for contravention of provisions of Air Pollution (Prevention and Control) Act' 1981. In another inspection, carried out on 30.05.2025, on a written complaint that the industry was violating provisions of environmental laws, by installing boilers without taking prior environment permission, by manipulating data of inflow and discharge of water, and by releasing harmful chemicals in the Darotha

river, it was noticed that the unit had installed the boiler with the permission of GPCB. It was found discharging treated industrial wastewater into the Common Effluent Treatment Plant of Sarigam. The release of treated effluent mentioned in the logbook maintained by the industry and corresponding data mentioned in the logbook maintained by Common Effluent Treatment Plant was found to be matched, establishing that there was no diversion of treated effluent discharge from the industry.

8. No open drain was noticed. Darotha Khadi is at a distance of 2 kilometres (aerial distance) from the industry. No person having agricultural fields between the industry and Khadi complained of any industrial effluent flowing from over their fields.

9. The visible ambient air quality was observed normal. The unit submitted an environment audit report with ambient air quality report indicating that there has been no significant increase in air pollution attributable to the process of the industry. The noise levels were checked and they were found to be below the threshold limit prescribed for the industry.

10. Again, an inspection was carried out on 21.07.2025 on a message received by GPCB regarding foul odour emanating from the industry, but nothing was sensed outside the periphery and in the surrounding area.

11. Again, an inspection was carried out on 13.10.2025

pursuant to a complaint about the values of SO₂, etc., which was found to be without any basis.

12. The categorical assertion in the affidavit of GPCB is that repeated complaints were made by the petitioner about different violations at different point by the industrial unit at different point of time, and on each occasion, it was found that the industry was following the environmental norms, noise levels, and was duly operating with an Online Continuous Emission Monitoring System which matched with the data reflected, value of which, when physically verified, results had matched with the data reflected on the Online Monitoring System.

13. Again, inspections were carried out on 29.10.2025, 07.11.2025, 09.04.2026, 10.06.2026 and results were found meeting the parameters.

14. The industry was jointly inspected on 02.02-2026 with the team of the Regional Officer of the Ministry of Environment, Forest and Climate Change, Government of India, and the GPCB, the inspection of which is awaited.

15. It is, thus, the categorical stand of GPCB that monitoring done by the GPCB in various inspections carried out by it revealed that the emission is meeting the prescribed norms, the monitoring is also done by the third party as per the recognized Schedule-II Environment Auditors during 2022-2023, 2023-2024, and 2024-2025, which also proves that

result of ambient air quality are as per the prescribed National Ambient Air Quality Standards, and the emission samples also are meeting prescribed standards.

16. It is further contended 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 industry belt area has been upward in the category of very unhealthy/hazardous. The issue of consistently high level of PM₁₀ exceeding the National Ambient Air Quality Standards in Vapi is being considered by the National Green Tribunal in Original Application No.687 of 2023, Original Application No.9 of 2025 and Original Application No.1228 of 2024. The GPCB is party in all these proceedings. The tribunal is regularly monitoring the air pollution level in the non-attainment cities, and overseeing the implementation of the action plan prepared by the GPCB together with the Central Pollution Control Board for controlling the air pollution in the non-attainment cities as well as other area.

17. All other issues with regard to Water Pollution, provision of Green Belt etc. are answered in the said affidavit. As regard the issue of non-obtaining prior environmental clearance for captive power plant, there is a reference of an Office Memorandum dated 23.01.2019 of the Ministry of Forests, Environment and Climate Change, Government of India, 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 the said office memorandum is also annexed with the petition. It is then stated that the 8th respondent has obtained environmental clearance for a captive power plant using waste heat boiler without any auxiliary fuel.

18. In view of the aforesaid Office Memorandum, the industry is exempted from obtaining prior environment clearance for setting up new or expansion of captive power plant employing Waste Heat Recovery Boiler.

19. The GPCB has granted consolidated consent and authorisation dated 01.04.2025 to the industry for Waste Heat Recovery Boiler 34.5 Tons per hour for 7.5 MW power generation by receiving 220 metric ton a day Non-Recyclable Plastic Waste as fuel. A copy of such Consolidated Consent and Authorization is annexed as R-'21' to the said affidavit.

20. Taking note of these facts and circumstances of the present case, placed on record, it seems that the present petition has been filed by a person, who himself is a businessman, residing in Sarigam, District Valsad, for some ulterior motive. This aspect of the matter is required to be replied by the learned Counsel for the petitioner.

21. As prayed by Mr. Anshul Shah, learned advocate for the petitioner, the matter is posted on 11.08.2026. We may clarify that if we ultimately find that the present petition is a motivated Public Interest Litigation filed with some ulterior motive, we may even impose cost as a deterrent. The learned Counsel for the petitioner shall also be ready for arguments on the question of cost on the next date fixed.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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