

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 9246 of 2017**

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AGRICULTURE PRODUCE MARKET COMMITTEE RAJKOT & 13

other(s)

Versus

STATE OF GUJARAT & 1 other(s)
=====

Appearance:

MR BHARAT T RAO(697) for the Applicant(s) No.

1,10,11,12,13,14,2,3,4,5,6,7,8,9

MR ANKIT SHAH(6371) for the Respondent(s) No. 2

MS M D MEHTA, APP for the Respondent(s) No. 1
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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 17/10/2022****ORAL ORDER**

1. Heard Ms. Vinita Vinayak, the learned advocate for Mr. Bharat T. Rao, the learned advocate appearing for the applicants, Ms. Maithili D. Mehta, the learned Additional Public Prosecutor appearing for the respondent No.1 - State and Mr. Ankit Shah, the learned advocate appearing for the respondent No.2.

2. By order dated 04/12/2017, Notice came to be issued by the Co-ordinate Bench of this Court, the order dated 04/12/2017 reads thus :-

"Let Notice be issued to the respondents, returnable on 7th March, 2018. Mr. Dharmesh Devnani, the learned Additional Public Prosecutor waives service of notice for and on behalf of the respondent No.1 - State of Gujarat. Direct service to the respondent No.2 is permitted.

Let there be an ad-interim order in terms of para 34[B]."

3. It appears that the notice came to be issued by the co-ordinate Bench of this Court on 04.12.2017, wherein ad-interim relief was granted in terms of para 34[B]. Thereafter, the present matter has been adjourned from time to time.

4. The order dated 13/09/2022 reads thus :-

"Mr. Bharat Rao, the learned advocate appearing for the writ-applicant has placed on record the affidavit dated 9.9.2022. Mr. Rao, the learned advocate placing reliance on the affidavit has

submitted that the application seeking environment clearance was processed by the State Level Expert Appraisal Committee of GPCB and recommendation was made on 1.9.2014 and certificate was received on 8.9.2014.

Mr. Rao, the learned advocate also submitted that the construction work was also completed and the environment clearance has been granted by the State Level Expert Appraisal Committee, and therefore, the writ-applicant AMPC has complied with the condition imposed by the Rajkot Urban Development Authority while granting the revised permission.

Mr. Rao, the learned advocate placed reliance on the certificate dated 1.9.2014 and application filed on 6.12.2013 and the same came to be granted on 1.9.2014 and the inspection in the meantime was undertaken on 28.8.2014.

Mr. Keval Patel, the learned advocate appearing for Mr. Ankit Shah, the learned advocate appearing for the respondent No.2 seeks time to take instructions.

Post this matter for hearing on 20.9.2022.

Interim relief, if any, granted earlier to continue till then."

5. Issue **RULE** making it returnable on **08.12.2022**.

Ms. Maithili Mehta, the learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent - State.

6. Ad-interim relief granted vide order dated 04/12/2017 stands confirmed till final disposal of the application.

(VAIBHAVI D. NANAVATI, J)

Pallavi