

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

R/SPECIAL CIVIL APPLICATION NO. 18353 of 2018
With
CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 18353 of 2018

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VADRAJ CEMENT LIMITED & ANR.

Versus
UNION OF INDIA & ANR.

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Appearance:

DELETED for the Petitioner(s) No. 2

MR.SHALIN MEHTA, SR.ADVOCATE WITH MR HARDIK P MODH,
ADVOCATE WITH SHRI AMIT LADDHA, ADVOCATE (5344) for the
Petitioner(s) No. 1

MS.HETAL PATEL, AGP for the Respondent(s) No. 2

MR. KIRTIMAN SINGH, SR.ADVOCATE WITH MR.VIKASH KUMAR,
ADVOCATE WITH MS.HINA BHARGAVA, ADVOCATE WITH MR.
HARSHEEL SHUKLA, ADVOCATE (6158) for the Respondent(s) No. 1

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

Date : 09/09/2025

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

1. Heard Mr. Shalin Mehta, learned Senior advocate with Mr. Hardik Modh, learned advocate with Mr. Amit Laddha, learned advocate for the petitioner; Ms. Hetal Patel, learned Assistant Government Pleader for the respondent No.2 and Mr.Kirtiman Singh, learned Senior advocate with Mr.Vikash Kumar, learned advocate with Ms.Hina Bhargava, learned advocate with Mr.Harsheel Shuukla, learned advocate appearing on behalf of the respondent No.1 namely Union of India through the Secretary, Ministry of Mines, New Delhi.

2. It is sought to be argued by the learned Senior Counsel



appearing for the respondent No.1 that pursuant to the judgment and order dated 08.09.2016 of the Apex Court passed on the interlocutory application filed by the petitioner herein namely ABG Cement Ltd., a final decision was required to be taken on the application dated 20.08.2011 filed under Section 3 of the Forest (Conservation) Act, 1980. The contention is that the process for letter of grant could be initiated only after the disposal of the said application in compliance of the order passed by the Apex Court.

3. The submission is that unless and until the exercise for determination of the nomenclature of the land in question (admeasuring 364 hectares) prior to the Notification under Section 4 of the Act, was completed, there was no question of issuance of the letter of grant of lease by the State Government.

4. On a query made by the Court as to whether the directions contained in the judgment and order dated 08.09.2016 passed by the Apex Court have been complied with by the Competent Authority who was required to take a decision on the application dated 20.08.2011 filed by the petitioner under Section 3 of the Forest (Conservation) Act, 1980, the answer is that the said fact is not on record. An inquiry is, thus, required to be made at the ends of the answering respondent No.1 and the facts are to be placed on record.

5. We, post the matter on **09.10.2025** at 2:30 p.m. to



enable the learned Senior Counsel appearing for the respondent No.1 to file an affidavit of a competent officer to bring on record the date of the application dated 20.08.2011, filed by the petitioner under Section 3 of the Forest (Conservation) Act, 1980, in compliance of the judgment and order dated 08.09.2016 passed by the Apex Court and placed on record the order passed, if any, of its disposal.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BINA SHAH