

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Appeal No. 61/2017  
With I.A. No. 06/2021

Dedharota Grampanchayat

Appellant

Versus

Member Secretary, SLEIAA, Gujrat & Ors.

Respondent(s)

Date of hearing: 11.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Gurang Vaghela, Advocate for Respondents No. 5 & 6.  
Mr. Maulik Nanavati, Advocate  
Mr. Maulin Raval, Senior Advocate with Ms. Aditi, Advocate

**ORDER**

1. This appeal has been preferred against grant of Environmental Clearance (EC) by the SEIAA, Gujarat vide letter dated 15.03.2017 in favour of Alimiya Imam Ali Saiyad and Dedhorata Bauxite Mine for Bauxite Mine of Dedhrota Bauxite Mine (Lease Area 200000 Ha) at S. No. 335/1 part, Village Dedhrota, Tehsil Himmatnagar, District Sabarkantha, Gujarat.

2. The appeal was filed on 22.05.2017 and was admitted on 23.05.2017. The points raised in the appeal inter-alia are that land in question is on the bank of Sabarmati river on the hill of Bauxite Stones. Mining will affect the hill. The flood water will wash away the *Gaucher* (grazing) land and the standing crops. The inhabitants of the

village objected to the grant of EC during the public hearing and also filed writ petitions in the High Court being *Writ Petition (PIL) No. 192/2015, Zala Vikramsinhji Kishorsinhji & Ors. v. Alimiya Imam Ali Saiyal & Ors.*, and *Writ Petition (PIL) No. 86/2017, Dedharota Gram Panchayat & Ors. v. State of Gujarat & Ors.* which were disposed of on 21.09.2015 and 27.06.2017 respectively. On the issue of allotment of grazing land, it was observed that challenge had to be raised separately before an appropriate forum.

3. During pendency of the Appeal, the appellant has filed I.A. No. 06/2021 on 07.01.2021 to withdraw the appeal on the ground that vide order dated 18.06.2020 the nature of the land has been changed. The previous Sarpanch has been removed by order dated 15.09.2020 of the District Development Officer, in pursuance of order of the High Court in Writ Petition No. R/SCA No. 6784/2020. The Panchayat under the new Sarpanch has decided to withdraw the appeal on the ground that the land in question is no longer the grazing land.

4. In view of above developments, while the nature of land may have undergone change as mentioned above, and there can be no objection to withdrawal of the appeal, mitigation measures during the mining as per EC conditions and mining and Environment plans needs to be ensured by the Department of Mining, Gujarat, the State PCB and District Magistrate, Sabarkantha. The District Magistrate needs to act as the nodal agency for compliance and coordination. If any grievance survives on this issue, it will be open to the aggrieved party to take remedies as per law.

The appeal and I.A. No. 06/2021 are disposed of accordingly.

A copy of this order be forwarded to the Department of Mining, Gujarat, the State PCB and District Magistrate, Sabarkantha, by e-mail to facilitate compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 11, 2021  
I.A. No. 06/2021 in Appeal No. 61/2017  
AVT