

Gujarat Khedut Samaj Through President vs The Secretary Moef & Cc on 2 June, 2026

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

APPEAL NO.44/2016(WZ)

IN THE MATTER OF:

1. Gujarat Khedut Samaj
Address: 36, Jay Jalaram
Society, Rander Road, Tadwadi,
Surat - 395005, Gujarat.
2. Krishnakant Chauhan
H-102, Sai Darshan Residency,
Dindoli- Kharwasa Road,
Udhna, Surat - 394210, Gujarat.
3. MSH Sheikh
Kasba Mohalla, Mougul Street,
At Post Office: Olpad- 394540
Dist. Surat, Gujarat.
4. Trushit N. Desai
House No.4/41, Pore Faliya,
Degam, Tal-Chikhli,
Dist. Navsari, Gujarat - 396530

.....Appellants

Versus

1. The Secretary
Ministry of Environment, Forests and
Climate Change, Govt. of India
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi- 110003.
2. The Union of India
Through the Ministry of Road Transport
And Highways, Transport Bhavan,
Sansad Marg, New Delhi- 110001.
3. The Chairman
Gujarat Pollution Control Board
Paryavaran Bhavan, Sector-10A,

Gandhinagar- 382010, Gujarat.

4. The Chief General Manager
The National Highways Authority of India
G-5 & 6, Sector- 10, Dwarka,
New Delhi- 110075.

.....Respondents

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Counsel for the Appellants:
Mr. Pritesh Patni, Advocate

Counsel for the Respondents:
Mr. Pushkal Mishra, Advocate for R-1/MoEF&CC
Dr. Pinky Anand, Sr. Adocate, Mr. Naman Saraswat,
Ms. Saudamini Sharma & Ms. Nayoleeka Putty
Advocates for R-2/MoRTH & R-4/NHAI
Mr. Aravindakshan V. Nair, Advocate for R-3/GPCB

PRESENT:

Hon'ble Mr. Justice Dinesh Kumar Singh (Judicial Member)
Hon'ble Dr. Sujit Kumar Bajpayee (Expert Member)

Reserved on : 09.04.2026

Pronounced on : 02.06.2026

JUDGMENT

1. This appeal has been filed to get the Environmental Clearance (EC) dated 11.02.2016 granted to respondent no.4- The National Highways Authority of India (NHAI) by respondent no.1- MoEF&CC for Development of Vadodara-Mumbai Expressway Phase-I in the State of Gujarat, Dadra & Nagar Haveli and Maharashtra, set aside.

2. The submission made by the appellants is that the proposed VME Phase I project starts (km 0.0) at km 499 of Ahmedabad - Mumbai National Highway (NH-8) and ends at km 378.722 (at km 80 of Ahmedabad - Vadodara Expressway (NE-1)). The stretches of the expressway to be constructed under the VME project falling within Maharashtra, Dadra & Nagar Haveli and Gujarat are 112.851 km, 5.423 Km and 260.407 km respectively. The VME Project has been divided into three phases for implementation, which is as below:

"The Phase I of the project includes construction of new 6 to 8 lanes expressway from km 104+700 (km 390+864 of NH-8) to km 378+722 (km 80 of NE-1). The total length of Phase-I is 274.022 kms and the proposed breadth of the road (taking into account the entire right of way) is 100 to 120 m. The Phase I of VME will pass through Vadodara (54.4km), Bharuch (62.5 km), Surat (57.3 km), Navsari (37.6km)

and Valsad (48.6km) districts in Gujarat (260.40km); Union Territory of Dadra & Nagar Haveli (5.5kms); and, the district of Palgarh in the State of Maharashtra (8.1kms)."

"Phase II: From km 26+320 to km 104+700 (78.38km) in District Thane of Maharashtra."

"Phase III: From km 0.00 to km 26+320 (26.320 km) in District Thane of Maharashtra."

3. The present appeal is concerned with the EC dated 11.02.2016 granted for Phase I as mentioned above.

4. The respondent no.4- The Chief General Manager, the National Highways Authority of India submitted a proposal in 2010 to the respondent no.1- MoEF&CC, in accordance with the EIA Notification, 2006, because the said project or activities pertained to national highways, which are placed on Item No. 7(f) in the Schedule attached to the EIA Notification, 2006.

5. The VME Project was accorded ToR under the EIA Notification, 2006 in the minutes of the meeting of the EAC held from 21st to 23rd September, 2010. However, due to the modifications made by the respondent no.4- NHAI in the project proposal, a subsequent and revised ToR was granted for VME Project by letter dated 14.11.2013, a copy of which is annexed as Annexure-4.

6. Public hearings were conducted in Valsad on 18.02.2014, in Surat on 21.02.2014, in Bharuch on 24.02.2014, in Vadodara on 25.02.2014, and in Navsari on 28.02.2014. Each public hearing was attended by over 2000 people from affected villages. Apart that large number of written submissions that form part of the minutes of the public hearing show that the VME Phase I Project was objected to by majority of farmers, Gram Panchayats, who attended the meetings. The relevant pages of minutes of the public hearings held at Valsad, Surat, Bharuch, Vadodara and Navsari are annexed as Annexure 5, 6, 7, 8 and 9 respectively. Several objections were raised in the said public hearings from all the stakeholders on the following amongst other grounds:

a. It was specifically objected that the copies of the draft EIA was not circulated before conducting the public hearing. Three different versions of the draft EIA were uploaded on the website of the respondent no.3- Goa Pollution Control Board before the public hearings without any indication as to which draft EIA will be relied upon by the respondent no.3. None of the versions of draft EIA were in the vernacular language. Representations dated 11.02.2014, 16.02.2014, 17.02.2014, 18.02.2014, 21.02.2014, 22.02.2014, 24.02.2014, 25.02.2014 and 27.02.2014 were made during the Environmental Public Hearing, the copies of which are annexed as Annexure-A10 to A18 respectively.

b. Though the Chairmen of the public hearings stated that he had received the representations of the farmers and other persons, and would consider their objections, but no explanation was given as to

how their objections would be considered.

c. The summary of the minutes of the public hearings were not read out to the persons present in the vernacular language, as is required by Appendix IV, 6.1 of the EIA Notification of 2006.

d. The public hearings held in Valsad, Surat and Navsari districts were held in such a way that the participants were not allowed to speak and express their grievances and these public hearings were abruptly closed, the same is apparent from the video recordings of the public hearings.

e. In the public hearing held in Bharuch district, commandos were called to remove people who were deposing.

f. The issues raised in writing by the various persons present in public hearings have either been ignored or false replies have been given. Many times the replies were deliberately vague and ambiguous. This is apparent from the Final EIA Report and the minutes of public hearings. The Final EIA Report is annexed at Annexure-19.

g. It was specifically objected that the areas in the above cities, through which the proposed VME expressway would pass is fertile and forested areas. For instance, in Valsad district itself, there are more than 30,000 trees on the way of the proposed expressway.

h. It was also stated that in the concerned districts there exist canal irrigation network and natural streams and rivers. The river recharging and drainage will be adversely affected due to the VME Phase I project. This is especially harmful as the proposed expressway runs from North to South of rivers and streams in the concerned districts. The inhibition of drainage due to the proposed expressway is likely to result in regular floods and water-logging in the concerned districts as has been expressed with respect to the Ahmedabad - Vadodara expressway.

i. The lands through which the proposed expressway would pass is fertile where agriculture, horticulture, animal husbandry and dairy farming are flourishing. The said area is already declared an Agri-Export Zone.

j. The aforementioned districts also have various industrial complexes amongst which the industrial complexes like Vapi, Ankleshwar and Vadodara are classified as „Critically Polluted Areas by Central Pollution Control Board. k. The draft EIA for the proposed VME Phase I Project did not take into account several other roads and railway projects that have already been executed or are proposed for the said area. The National Highway No. 8 (NH8) already exists through Valsad, Navsari, Surat, Bharuch and Vadodara districts. Parallel to the NH8, there is a coastal highway passing through the coastal areas and Eastern Highway (SH5) is passing through the tribal region in these districts. The VME project is envisaged to run parallel to these National and State Highways, and is bound to further add to the cumulative environmental, social and economic impact due to these several other roads and highways passing parallel to each other. The Mumbai - Ahmedabad - Delhi railway line also passes through these districts. Additionally, a Dedicated Freight Corridor (DFC) and Bullet Train project has also been proposed for the areas through which the VME Phase-I

expressway is going to pass. However, the cumulative impact of all these projects have not been studied in the EIA studies.

1. The draft EIA was merely done as a routine with no actual assessment or evaluation of the impact on environment, which is clear from the fact that the draft EIA at several places referred to "Ganga Expressway" and the benefits which would accrue to the farmers of Uttar Pradesh. It shows that the draft EIA was merely copied from another EIA.

7. The EIA study for the VME Phase I project was prepared by Intercontinental Consultants and Technocrats Pvt. Ltd. (hereinafter referred to as „ICCTPI) which is based in Delhi. The said EIA study, on the basis of which all subsequent permissions came to be granted, apart from being inaccurate and factually incorrect in parts, is also not in consonance with the ToR. The part given in tabular form below shows various discrepancies and short-comings of the Final EIA with reference to the ToR dated 14.11.2013.

8. The proposal for the VME Phase I Project was discussed in its 154th meeting dated 22nd to 23rd December, 2015, by the EAC, wherein it recommended the VME Phase I, a copy of the minutes of the said meeting is annexed as „Annexure-21 . The said recommendation was granted without application of mind and without comprehensively dealing with the issues raised in the Public Hearings. The EAC also failed to consider that the EIA was conducted without any reference to the ToR dated 14.11.2013. The appellants requested for personal hearing. Based on the recommendation of the EAC, the respondent no.1- MoEF&CC granted EC to respondent no.4 by its letter dated 11.02.2016.

9. Further, it is mentioned that as a part of the post-environmental clearance monitoring mechanism for a Category „A project the Project Proponent is required to advertise the Environmental Clearance along- with the environmental conditions and safeguards prominently in two local newspapers of the District or State, where the project is located. The Project Proponent is also required to permanently display the Environmental Clearance on its official website. Apart from this, the MoEF&CC is required to upload the EC on its website. The Project Proponent is also required to provide copies of the EC to the local bodies, Panchayats, municipal bodies and all the relevant Government offices which in turn have to display it for the public within 30 days from the receipt of the EC from the Project Proponent.

10. However, the EC for VME Phase I project has not been put up by the respondent no.4 on its website till date. No advertisements have been issued by the respondent no.4 in any local newspapers till date, nor has the respondent no.4 has prominently advertised the EC and submitted it to the relevant local bodies. A copy of the EC was sent to all the NGOs, who had participated in the public consultation process.

11. It is further mentioned that the appellants came to know about the EC granted for VME Phase I on 29.06.2016, when the same was reported as a news item in the "Times of India", a copy of which is annexed as Annexure-25. Till date, the respondent no.4 has not uploaded the EC. The appellants then searched for EC on the official website of the respondent no.1- MoEF&CC on 07.07.2016 and

obtained a copy of the above EC therefrom. Therefore, it is submitted that since the mandatory post EC monitoring conditions were not complied with by the respondents. The period of limitation cannot be said to have started till date. Therefore, the appellants should be treated to have filed the appeal within limitation period.

12. No forest clearance has been taken despite the fact that it will pass through the forest area. Further, parallel to the National Highway No.8 (NH8), there is a coastal Highway passing through the coastal areas and Eastern Highway (SH5) is passing through the tribal region in these districts. The VME project is envisaged to run parallel to these National and State Highways, and is bound to further add to the cumulative environment, social and economic impact of these several other roads and highways, which has not been taken into consideration.

13. Further, it is mentioned that the major perennial rivers of Gujarat also flow through the areas through which the VME Phase I expressway is going to pass. These rivers are the major source of water for the entire State of Gujarat. The environment degradation, particularly the water pollution, is bound to affect the entire Gujarat State. Hence, the prayer is made to get the EC set aside.

14. The stand taken by respondent no.2- NHAI vide their affidavit dated 18.10.2026 is that on the receipt of the Environment Clearance dated 11.02.2016, the Answering Respondent vide order dated 24.02.2016 sought amendment of the Environment Clearance more specifically at specific condition no. ix, which stated as under:

"The environment clearance is subject to obtaining prior clearance from wildlife angle including clearance from the Standing Committee of NBWL (National Board for Wildlife)".

15. Vide the said letter dated 24.02.2016, the Answering Respondent informed the Ministry of Environment, Forests & Climate Change, the competent authority to issue the Environment Clearance stating that the project was 260m away from Dadra Nagar Haveli Wildlife Sanctuary and also outside the eco-sensitive zone as per the MoEF's Notification dated 04.09.2015. The same was already recorded in 154th meeting of EAC. Therefore, vide the said letter dated 24.02.2016 sought amendment of the Environment Clearance so that the construction activity could be initiated by respondent no.4.

16. Vide letter dated 09.05.2016 the respondent no.4 reiterated that the condition no. ix of the EC be deleted so that construction activity of the stretch could be initiated by respondent no.4.

17. Therefore, the above appeal challenging the EC prior to the issuance of amended EC is pre-mature and deserves to be rejected on.

18. Another affidavit dated 28.11.2016 has been filed by respondent no.4- NHAI, wherein it is submitted that initially, the VME project was to be undertaken as one stretch and later on after issuance of the initial Terms of Reference ("ToR") which was granted up to 2013, the project came to be divided into phases. Therefore, the proposal was modified accordingly and the revised ToR was

granted vide letter dated 14.11.2013.

19. The draft EIA Report and the executive summary in English as well as in Gujarati have been submitted to the respondent no.3 vide letter dated 11.12.2013. It is submitted that SIA (Social Impact Assessment) and R&R (Rehabilitation and Resettlement) have been prepared and annexed as separate volume and findings regarding the same have been incorporated in the Final EIA report. It is also submitted that the budgetary provisions for R&R in relation to displacement and loss of livelihood of affected people are considered and appraised at section 3.13 of chapter 3 and 4.10 of chapter 4, along with the detailed list of affected persons given in Annexure 4.4, 4.5, 4.6 and 4.7 of Final EIA report. Moreover, information on forest land to be affected and the corresponding mitigation measures are provided at section 4.8 of chapter 4 of final EIA report. Further it is submitted that the details on drainage/ rivers and the impact on the same are categorically specified at sections 3.2.3, 3.2.8 of chapter 3 and 4.4.3 of chapter 4 respectively. In addition to the aforesaid, impact on drainage has been dealt with in combination with other parameters in section 4.4.1, 4.2.4 (D) of the final EIA report. Therefore, it was submitted that the objections raised during the course of the public hearing was considered in the final EIA report submitted and based upon which the necessary clearance was given by MoEF&CC.

20. It is further submitted that the public hearings were conducted as per EIA Notification, 2006 and videos of the same have been submitted to MoEF by GPCB vide various letters annexed as Annexure 2 to Annexure

6.

21. All these evidence are incorporated in Section 6.6 of Chapter-VI.

22. It is further submitted that the details of the Consultant regarding the accreditation was submitted as a part of the public hearing proceedings. The letters and minutes are provided as Annexure 1.3 of the final EIA report. Therefore, they are not annexed in order to avoid the duplication.

23. It is submitted that keeping in view the importance of the National Highway for the economic development, the Government of India has taken up an ambitious programme of development of National Highways under different phases of National Highways Development Programme. One of the phases of NHDP, namely NHDP Phase-VI is for development of 1000 Km of Expressways. The Answering Respondent has been entrusted with inter alia the implementation of, NHDP Phase- VI. The construction of about 400 km long Mumbai Vadodara Expressway is one of the expressways, which has been identified for implementation in this phase. This project has been proposed to be implemented under Public Private Partnership mode and is to be executed as Design, Build, Finance & Operation (DBFO) contracts. The Mumbai-Ahmedabad Corridor in the western part of the country is one of the important transport corridors of the country. On one side of this corridor is Mumbai the financial capital of the country and on the other side is Ahmedabad, an important commercial and business city. There are many industrial centers on this route. Industries like, textile industry, gems & jewelries, petrochemical & fertilizer and other industrial complexes have

been established along this corridor. It also serves SEZ areas and ports situated along this part of the country. Development works of these corridors like improvement of National Highways, construction of expressways, construction of dedicated railway freight corridors, modernization of airports located along this corridor etc. have been taken up. Ahmedabad-Vadodara expressway is already constructed and is in operation. The project therefore envisages implementations of Vadodara Mumbai Expressway, so as to complete the whole corridor. The Mumbai-Ahmedabad road corridor along NH-8 is one of the corridors of National Highways, which carries highest range of volume of traffic. As per recent traffic data, the traffic on NH8 varies from 50,000 PCU to 85,000 PCU per day. Number of steps has been taken for development along this NH-8 to facilitate high speed and safe travel along this corridor. Already a 93 km long four lane access controlled expressway has been constructed between Ahmedabad & Vadodara in addition to existing 4/6 lane NH-8 section between these two cities.

24. The Government of Gujarat had frozen corridor of 600m for development of Mumbai -Vadodara Expressway as per the direction by Ministry of Road Transport & Highways, which has been followed in general out of which a strip of 100/120 m width is proposed to be acquired. The impact, if any, due to this acquisition will be linear spread and negligible. Further, provision has been made to mitigate the impact by plantation in median as well as avenue plantation in the right of way (ROW).

25. It is further mentioned that considering its national importance, the progress of the project is being reviewed by the Central Government as well as the State Government from time to time. It has been emphasized that there is urgent need to extend the Ahmedabad- Vadodara Expressway up to Mumbai considering it very much essential for the commodity / road user from economic growth point of view.

26. It is submitted that the Final EIA Report at Chapter 2, enumerates the details with regard to drainage. It is pertinent to note that 20 Major and 64 Minor bridges, 37 canal bridges, 343 nos. box culverts, 280 of hume pipe culverts and longitudinal drain on both side of the road are proposed for maintaining natural drainage of area. A 3 CD structure every Km has been provided to cater for the cross drainage. In addition, due consideration has been given to allow the surface runoff through the CD structure or earthen drain under proposal to avoid any ponding of water.

27. It is submitted that the instant project and the corresponding alignment was moved as early as 1992 therefore, the project in the sense has got delayed to that extent. It is reiterated that the identification of the route alignment of the Mumbai-Vadodara Expressway was initially taken up in early 1990s by respondent no.2 through a Technical Assistance (TA) programme of Asian Development Plan. Under the TA, the task of Preparing the Feasibility Study for the green field expressway was given to M/s. Wilbur Smith in association with consulting engineering services (India Private Limited), the feasibility study was submitted to the respondent no.2 in 1992, wherein consultant studied various alternative alignments for the expressway & recommended the alignment based on various techno, economic & environmental factors. Based on the alignment finalized, as per the direction of Government of India has frozen the 600m corridor and exercise appropriate measure for adequate land use control, way back in the year 1992, and it is out of this 600m the

VME Project is being designed in strip of 100/120 meter Right of Way. It is submitted that the respondent no.4 in the year 2008 awarded the task of finalization of VME to M/s. SECON through a desk study. Further, the respondent no.4 in the year 2009 awarded the Consultancy services for preparation of feasibility cum Preliminary design report to M/s. ICT wherein it was stipulated that the Consultant shall review the alignment if it passes through the areas which might be a cause of concern & proposed alternative solution. Accordingly, the Consultant studied the alignment and proposed the alignment as finalized by M/s. Wilbur Smith with certain deviation as necessitated considering various factors. Thereafter, after taking into consideration the views of the Government of Gujarat, the alignment was finalized and approved by the Competent Authority. The impact will be along straight line area being 274.022 km length. Admittedly, there will be an impact on the cultivation of the sugarcane due to the change in land use. The VME expressway will divide the area in two parts as far as access is concerned and it is for this reason that the access to farms on other side of the VME, provision of vehicles, pedestrians and cattle underpasses is provided in the design and details of which are enumerated in Chapter 2 of the Final EIA Report. The report prepared by the Consultant enumerates all the aforesaid details, which is annexed as Annexure-8.

28. It is further submitted that there will be no loss of livelihood of workers and labors engaged in sugar production as there is no reason of shut down of this sugar mill due to VME Project. On the contrary, VME Highway will provide better market connectivity to sugar produced around the area to Mumbai, Vadodara and other bigger markets can be reached in minimum time and the workers and labors can also get better connectivity while saving time and costs.

29. In order to mitigate the pollution the following has been planned and recorded in Final EIA report:

a. 2,53,300 trees shall be planted on vacant spaces on both sides of Vadodara Mumbai Expressway in 2-3 rows and Median. b. Only those trees which will be impinging on work shall be cleared in phases depending upon the progress of work. c. During construction, proper care will be exercised to avoid additional loss /cutting of trees.

d. Cost of compensatory plantation on double the Forest land diverted and Net Present Value for diverted forest land shall be paid to Forest Department.

e. Grassing along with plantation of creepers shall be carried out on slopes of high embankment.

30. Further, the trees and the vegetation shall be inventorized with the assistance of the Department of Forest and based on such inventory the valuation shall be arrived at and the corresponding compensation shall be made payable.

31. Further, it is mentioned that „NH-8 is of great significance for transportation in this corridor starting from the country s administrative capital of Delhi to financial capital of Mumbai.

32. It is submitted that even with six laning or further widening, segregation of long distance and local and/or slow traffic is difficult to achieve. The need for the expressway was recognized for segregating long distance traffic and local traffic.

33. The short-comings of the final EIA Report, which were enumerated by the appellants in Terms of Reference (ToR) dated 14.11.2013, have been denied and detailed explanation has been given regarding that in Para 7.22 in tabular form.

34. The respondent no.2- Ministry of Road Transport and Highways ("MoRTH") and respondent no.4- National Highway Authority of India ("NHAI") have filed another reply affidavit dated 03.07.2018 stating therein that the present appeal is barred by limitation as the cause of action first arose when the EC was published by MoEF&CC on its website on 11.02.2016. A print-out of the website of MoEF is annexed as Annexure-A1. Further it is mentioned that it is settled law that the date on which the order of EC is communicated to public at large, shall be the date from which the period of limitation shall commence under Section 16 of the National Green Tribunal Act. It is submitted that the appellants participated in every hearing and were aware of the progress of the said VME project. Therefore, the appellants were deemed to have knowledge of the said EC from the date on which it was published on the website. Therefore, the appellants have filed the present appeal after 168 days from 11.02.2016, which is beyond the expiry of prescribed period of 90 days.

35. Further it is mentioned that the 400 km long Vadodara-Mumbai Expressway is already constructed and is in operation. The project therefore envisages implementation of VME, so as to complete the whole corridor. The said project comprises of about 471 kms to be developed in different phases. Phase I comprises of 274 kms from km 104 to km 378. The project has all the requisite clearances for the said stretch. VME does not pass through any National Park, Wildlife or Eco-sensitive zone. Therefore, no NOC is required to be obtained from Dahanu Taluka Environment Protection Authority.

36. Respondent no.4/Project Proponent has received forest clearance in respect of Surat, Bharuch and Vadodara, forming part of Phase I of the project that the balance is under progress, a copy of which is annexed as Annexure A-2.

37. All the necessary statutory clearances have not been obtained by the Answering Respondent. The present appeal is filed with malafide intentions and ulterior motives to attempt to stall the VME project for collateral purposes. Hence, this appeal deserves to be rejected.

38. It is also mentioned that the project stretch comprises of 10 packages, out of which, on 4 packages, substantial work has been completed, and in one package, 100% work is completed and the Completion Certificate was issued on 02.04.2024.

39. Rest of the averments made in are nothing but reiteration of the earlier facts.

40. Another affidavit dated 12.01.2025 is filed by respondent no.2- "MoRTH", wherein the same facts are mentioned, which have already been considered by us above while dealing with the

affidavit of respondent no.4- "NHAI" dated 02.07.2024.

41. From the side of respondent no.1-MoEF&CC, reply dated 17.01.2017 has been filed, wherein it is submitted that this appeal is filed with the delay of 168 days, hence the same is extremely time barred.

42. Another affidavit has been filed by respondent no.1- MoEF&CC dated 17.04.2017, stating therein that the CRZ clearance has been granted to project as per provisions of CRZ 2011. Gujarat Coastal Management Authority has recommended the project as per the provisions contained in Notification CRZ 2011. The project was considered by the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects, in its meetings held on 21st to 23rd September, 2010. The Terms of Reference for the project were issued on 14.11.2013. Further, the public hearing was conducted on 18.02.2014 in Valsad, 21.02.2014 in Surat, 24.02.2014 in Bharuch, 25.02.2014 in Vadodra and 28.02.2014 in Navsari, 07.03.2014 in Silvassa and 01.12.2014 in District Palghar. The Expert Appraisal Committee recommended for grant of Environmental and CRZ Clearance. Based on the recommendations of the Expert Appraisal Committee, the project was accorded Environmental and CRZ clearance on 11.02.2016 subject to compliance of the specific and general conditions as stipulated therein. Therefore, the EC and the CRZ clearance has been accorded to the project following all the due process.

43. Another affidavit of respondent no.1- MoEF&CC dated 04.01.2018 is filed, wherein it is submitted that the NHAI, vide letter dated 24.02.2016, had requested to remove the condition no. ix, stipulated in Environmental & CRZ Clearance dated 11.02.2016 regarding which it was made clear that the Ministry has imposed the condition for obtaining wildlife clearance „as applicable and not mandatory. In case the same is not applicable as claimed by the NHAI, the said condition needs not to be complied with.

44. The last affidavit filed by the respondent no.1- MoEF&CC is dated 28.10.2024, which contains nothing but the same facts which we have already dealt with above while dealing with their earlier affidavit.

45. From the side of respondent no.3- Gujarat Pollution Control Board reply affidavit dated 17.04.2017 is filed, wherein they have given cryptic description of the proceedings, which were performed at their end.

46. Learned counsel for the appellants have filed rejoinder affidavit dated 24.05.2018, which is not relevant as the same pertains to the issue of transfer of the application.

47. Rejoinder was filed by the appellants dated 11.09.2018, wherein it is submitted that the respondent nos.2- 4 have raised the issue of limitation by their reply affidavit dated 03.07.2018. At the outset, the appellants stated that neither at the interim stage nor at any point until filing of the said affidavit in-reply dated 03.07.2018, had the said respondents raised any grouse of limitation and/or taken the stand that the above appeal is barred by limitation in its aforesaid brief or detailed

replies filed in the year 2016. In fact, it has always been the case of these respondents that the above appeal is premature, on the ground, that the EC dated 11.02.2016 was not final and hence could not be challenged. Accordingly, the question of the above appeal challenging the said EC dated 11.02.2016 being beyond limitation would not even arise. This clearly shows that these respondents have taken an entirely contradictory stand now, at this belated stage, with the sole purpose of avoiding addressing the above appeal on merits. The appeal is not time barred. The appellants came to know about the EC granted to the subject property on 29.06.2016 from a news report published in the Times of India (English Daily) annexed as Annexure-25 to the petition. The respondent no.4 did not advertise, publish or give notice of the EC to the general public. The requirements of post Environmental Clearance monitoring had not been complied with by respondent no.4. The appellants had addressed a letter dated 08.02.2016 to the respondent no.1 and several authorities, just a few days before the purported grant of EC, where several issues pertaining to Environment Impact Assessment (EIA), Terms of Reference (ToR) and scope of the EIA study, Public Consultation process etc. were raised. However, no reply has been received to the same by them from any authority. The EC dated 11.02.2016 itself provides a General Condition for advertisement of the said Environmental Clearance.

"7. The Project Proponent shall advertise in at least two local Newspapers widely circulated in that region, one of which shall be in the vernacular language informing that the project has been accorded Environmental and CRZ Clearance and copies to be seen on the website of the Ministry of Environment, Forest & Climate Change [http://www,envfor.nic.in/](http://www.envfor.nic.in/). The advertisement should be made within seven days from the receipt of the clearance letter dated and the copy of the same should be forwarded to the Regional Office of this Ministry".

48. Further, it is mentioned that it is not the case of respondent no.4- Project Proponent in its pleadings that the aforesaid condition was not complied with by it either within the prescribed duration of seven days or at all.

49. Accordingly, without the general public being put to notice of the EC by the Project Proponent, the period of Limitation cannot be said to commence. Respondent no.4- Project Proponent cannot be allowed to benefit from its own wrong and non-compliance. Until 29.06.2016, when the news appeared in the Times of India, the appellants had no way of knowing. The respondent no.4- Project Proponent being a Government authority and a State, cannot be expected to behave in such fashion to defeat the principles of natural justice, equity and conscience, and violate participatory laws in a democracy.

50. It is further mentioned that the appellants were not aware and do not admit that the impugned EC dated 11.02.2022 was put up on respondent no.1- MoEF&CC s website. Accordingly, the appeal is within the prescribed period of 30 days.

51. There are different figures mentioned for the numbers of trees to be cut in the draft EIA and the issue remained unanswered. Meanwhile, the figures contradict information received under RTI. The respondents have relied on the final EIA report, which was not in Public Domain for the

Environmental Public Hearing (EPH) and hence the contentions made are not tenable. Accordingly, the relevant facts were not disclosed to the public before the public hearing and were in fact kept hidden from scrutiny. It shows that Environmental Public Hearing was conducted just as a casual exercise by the Project Proponent and the Consultants. Also it is amply clear from the Minutes of the Environmental Public Hearing that the consultants were unable to provide details to the queries raised orally and also in writing prior to the EPH. It is denied that the appellants attempted to disrupt the hearings. The EIA also fails to mention the dates of sampling, and the timeline of the data quoted in the EIA. Even the duly accredited Certificate issued by QCI/NABET is missing in the Final EIA and the same was never produced in public in the draft EIA or during public hearing. Hence, it appears that a non- accredited consultant was carrying out the EIA study.

52. Further, it is mentioned that a bare perusal of the EC dated 11.02.2016 would show that respondent no.4- Project Proponent has failed to comply with the conditions stipulated therein, including but not limited to in relation to the post-Environmental Clearance monitoring, advertisement, publication etc. However, no action has been taken by the respondent no.1 against the respondent no.4 in respect of non- compliances and instead on 06.06.2017, the respondent no.1 issued a clarification in favour of respondent no.4, while returning the proposal for amendment, in effect leaving the interpretation of requirement of Wild Life Clearance to the respondent no.4. The Environmental Public Hearing was conducted only for Phase I. It is claimed that the entire project will be constructed in different phases, however, it is pertinent to note that the Impact Assessment and Public Consultation is not being done in respect of the entire project and is instead being carried out phase wise. Further, the Dedicated Freight Corridor (DFC) and Bullet train, other high scale projects, have also been proposed in the areas through which VME Phase I would pass. Accordingly, this process of piecemeal assessment of environment impact and approval is both unscientific and faulty and cannot be trusted to give a correct estimation of the actual cumulative damage of the project. Hence, it is urged that this appeal should be allowed and the impugned EC should be set aside.

53. We have heard the arguments of the learned counsel for the parties and perused the record in depth.

54. We may make it clear here that the learned counsel for the appellants were given opportunity to argue, who sought adjournment on the ground that their main arguing counsel was not available. But looking to the fact that this matter was very old and earlier also, adjournment had been sought by him, we decline to grant adjournment and permit the appellants to argue the case, but he did not argue. Thereafter, we gave an opportunity to the learned counsel for respondent no.4- Project Proponent to argue in this case. Besides that, learned counsel for respondent no.1- MoEF&CC has also made argument.

55. During argument, the learned counsel for the appellants had admitted that the matter involved in the present appeal, pertains to procedural deficiency in public hearing only and no other ground was pressed before us.

56. To the above limited argument, from the side of respondent no.4- Project Proponent, response is given by learned counsel for Project Proponent at length and it was urged that the public hearing was conducted absolutely in accordance with the procedure. There was no infirmity, which is also substantiated by the argument made by the learned counsel for the respondent no.1- MoEF&CC as well.

57. Since, the main emphasis laid by the learned counsel for the appellants that the proper procedure, as laid down for public consultation, has not been followed in the case in hand, it would be appropriate for us to reproduce here the Procedure For Public Consultation as stipulated in EIA Notification, 2006, for the sake of convenience:

58. In light of above stipulation, we have to see as to whether the said procedure has been followed in the case in hand or not. In this regard, the response is given by respondent no.4- Project Proponent in their affidavit dated 28.11.2016, which is submitted in Para 7.7 that the draft EIA Report and the executive summary in English as well as in Gujarati have been submitted to the respondent no.3- Gujarat Pollution Control Board vide letter dated 11.12.2023. The objections raised during the course of the public hearing were considered in Final EIA report submitted and based upon, which the necessary clearance was given by the respondent no.1- MoEF&CC. The public hearings were conducted as per the procedure given in EIA Notification, 2006, which was videographed also by all the Five Districts i.e. Vadodara, Bharuch, Valsad, Navsari, Surat. The details of the consultant regarding the accreditation were submitted as a part of the public hearing proceedings. We have already considered in detail about the public hearing proceedings while dealing with the concerned affidavit.

59. We may mention here that nothing submitted in this affidavit has been controverted through proper evidence by the learned counsel for the appellants by their rejoinder affidavit. Therefore, it will be treated that whatever has been stated in this affidavit regarding the proceedings of public hearing conducted in the present matter, shall be taken to have been correctly done.

60. Similarly, the respondent no.1- MoEF&CC vide their affidavit dated 21.04.2017 has submitted that the project was considered by the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects, in its meetings held on 21st to 23rd September, 2010. The Terms of Reference (ToR) for the project were issued on 14.11.2013. Further, the public hearings were conducted on 18.02.2014 in Valsad, 21.02.2014 in Surat, 24.02.2014 in Bharuch, 25.02.2014 in Vadodra and 28.02.2014 in Navsari, 07.03.2014 in Silvassa and 01.12.2014 in District Palgarh. Thereafter, the Expert Appraisal Committee in its meeting held on 22-23 December, 2015, after due consideration of the relevant documents submitted by the Project Proponent and additional clarifications furnished in response to its observations, recommended for grant of EC and CRZ Clearance. Based on the recommendations of the Expert Appraisal Committee, the project was accorded Environmental and CRZ Clearance on 11.02.2016 subject to compliance of the specific and general conditions as stipulated therein.

61. So, we find from the above affidavit of the respondent no.1 that they have also corroborated the version of respondent no.4- Project Proponent that the public consultation process was performed

in accordance with the procedure laid down in EIA Notification, 2006.

62. We may again reiterate that no specific non-compliance of the procedure of public hearing has been pointed out and established by the appellants in the present appeal by way of producing evidence in this regard. In view of above, we are of the view that there was no infirmity indicated and proved by the appellants in respect of the said public hearing proceedings. Accordingly, we find that the same is in accordance with the procedure laid down under EIA Notification, 2006.

63. With the above observations, we dismiss this appeal accordingly.

64. There shall be no order as to costs.

Dinesh Kumar Singh, JM Dr. Sujit Kumar Bajpayee, EM June 02, 2026 APPEAL NO.44/2016(WZ)
J.G.