

To,

The Member Secretary,
Gujarat Pollution Control Board (GPCB),
Paryavaran Bhavan, Sector-10-A,
Gandhinagar – 382010.

Date: 9 May 2026

Subject: Follow-up Statutory Notice — Persistent Environmental Violations by Tata Chemicals Limited, Mithapur; Inadequacy of Action Taken to Date; and Demand for Time-Bound Compliance Outcomes.

Reference:

1. Statutory Complaint filed by the undersigned dated [original complaint date], GPCB File No. GPCB/CCA-JMN-51(41)/ID-17166.
2. Complaint filed under CAPC Form-133 before Prant Adhikari, Dwarka, regarding air and water pollution by TCL Mithapur in Devpara village.
3. Okha Municipality inspection conducted on 13 June 2012, confirming pollution in Devpara area, report forwarded to Prant Adhikari, Dwarka.
4. GPCB HQ Letter No. gu.pra.ni.board/CCEA-J.M.N-51(41)/ID-17166/900645, dated 8 May 2026.
5. GPCB Notice of Direction under Section 31-A, Air (Prevention and Control of Pollution) Act, 1981, dated 27 February 2026.
6. GPCB Direction under Section 33-A, Water (Prevention and Control of Pollution) Act, 1974, dated 8 April 2026.
7. Joint Committee Inspection Reports dated 8 December 2025, 22 December 2025, and 5 January 2026.
8. The Water (Prevention and Control of Pollution) Act, 1974.
9. The Air (Prevention and Control of Pollution) Act, 1981.
10. The Environment (Protection) Act, 1986.
11. The Wildlife (Protection) Act, 1972.
12. The Coastal Regulation Zone Notification, 2011 (CRZ-I classification of Marine National Park).
13. MoEFCC Eco-Sensitive Zone Notification for Marine National Park and Marine Sanctuary, Gulf of Kutch, dated 21 August 2013.
14. Hon'ble Supreme Court judgment in Vellore Citizens Welfare Forum vs. Union of India (Precautionary Principle and Polluter Pays Principle).
15. Hon'ble Gujarat High Court judgment in Pravinbhai J. Patel vs. State of Gujarat (1% Annual Turnover Formula for Environmental Remediation).

Respected Sir/Madam,

I, Devram Vala Ghoda, permanent resident of Devpara Village, Taluka Okhamandal, Devbhumi Dwarka District, write this follow-up statutory notice in continuation of my original complaint regarding the ongoing environmental violations by Tata Chemicals Limited (TCL), Mithapur.

It is necessary to state at the outset that this is not a new or recent complaint. As far back as 13 June 2012, the Okha Municipality conducted a ground-level inspection of Devpara and confirmed that pollution was occurring. Their report was forwarded to the Prant Adhikari, Dwarka. No effective action followed. Complaints were filed under CAPC Form-133 before the Prant Adhikari, Dwarka. Representations were made in person at GPCB's Gandhinagar office. Over more than a decade, the administrative trail is long — and the pollution on the ground remains.

I acknowledge the actions taken by this Board since October 2025 and am grateful for them. However, I am compelled to place on record that these steps are procedural in nature and have not produced measurable outcomes. The pollution continues. The livelihoods of farmers and fishermen remain destroyed. And the residents of Devpara continue to live with compromised air, water, and food — resulting in serious illnesses that have now become a visible public health crisis in these villages.

I am constrained to inform this Board that this notice is being submitted while I am on indefinite hunger strike (Aamarnaant Upvas), declared as a last resort after years of unresolved complaints through every available administrative channel. I urge this Board to treat this notice with the urgency the situation demands.

PART I — ACKNOWLEDGMENT OF ACTIONS TAKEN AND WHY THEY ARE INSUFFICIENT

This Board has issued:

- (a) A Notice of Direction under Section 31-A of the Air Act (dated 27.02.2026), citing recorded PM10 levels of 215 microg/M3 at Devpara Primary School — nearly double the permissible standard of 100 microg/M3. TCL was directed to engage a reputed national institute for an independent study.
- (b) A Direction under Section 33-A of the Water Act (dated 08.04.2026), acknowledging that TCL's current discharge is visibly altering the texture, colour, and shape of the sea surface, that solid deposition from long-term discharge is evident, and that the new deep-sea effluent pipeline must not be commissioned until all aspects are verified.
- (c) A Joint Committee was constituted and conducted field visits on 08.12.2025, 22.12.2025, and 05.01.2026.
- (d) NEERI has been requested to conduct an independent study.
- (e) During inspection on 04.05.2026, TCL's open channel discharge was reportedly stopped.

These are welcome developments. However, the following gaps remain:

- No deadline has been set for the NEERI study report.
- There is no interim monitoring mechanism until the study is completed.
- No compliance response from TCL has been placed on public record regarding the two Direction Notices.
- The deep-sea effluent pipeline is reportedly nearing completion. No binding condition exists to prevent its commissioning before NEERI clearance.
- No proceedings under the Polluter Pays Principle have been initiated.
- The 1987 Gujarat High Court stay order — which TCL continues to use as legal cover for past and continuing effluent discharge into the Marine National Park — has not been challenged by this Board.
- All sampling conducted during GPCB inspections has been done in the presence of TCL representatives and from locations determined in coordination with the company. No independent surprise sampling has been conducted. This has resulted in inspection reports that do not reflect ground reality and has been a consistent grievance across all our complaints for over a decade.

PART II — FACTUAL BASIS FOR CONTINUED CONCERN

A. The 1987 Stay Order — Background and Current Invalidity

In 1986, the Forest Department restricted TCL from discharging effluents into the Marine National Park. TCL obtained a stay order from the Gujarat High Court on the ground that the plant (established 1939) predated the Marine National Park notification (1982). That stay order has been used for nearly four decades to justify ongoing discharge.

This legal position is now untenable for the following reasons:

- (i) The Marine National Park now carries CRZ-I status under the Coastal Regulation Zone Notification, 2011, which prohibits all industrial discharge and activities in this zone. The original stay order pre-dates this notification and cannot override it.
- (ii) MoEFCC formally declared 326.26 sq km around the Marine National Park as an Eco-Sensitive Zone through a Gazette Notification dated 21 August 2013. This creates an additional statutory bar on TCL's discharge activities.
- (iii) The Wildlife (Protection) Act, 1972, prohibits destruction of habitat within a Marine National Park. Long-term effluent discharge — confirmed by this Board's own joint committee to be causing visible sea-surface alteration and solid deposition — constitutes destruction of marine habitat.

This Board is duty-bound to file an application before the Gujarat High Court for vacation of the 1987 stay order in light of these supervening legal developments.

B. Air Pollution — Two Distinct Sources

Air pollution from TCL operations affects Devpara residents through two distinct sources that must be addressed separately:

- (i) General plant emissions — This Board's own Section 31-A notice records PM10 at 215 microg/M3 at Devpara Primary School, against a permissible standard of 100 microg/M3. Children attending this school are exposed daily to air twice as polluted as the law permits. The notice also records that TCL has failed to increase water sprinkling frequency, has not covered material during transportation, and has not installed anti-smog guns — despite written instructions during site visits.
- (ii) TCL's cement plant specifically — The cement plant located in close proximity to Devpara's residential area is a separate and direct source of cement dust, toxic gases, and particulate emissions that is not fully captured in the general PM10 readings. This plant's consent conditions and emission compliance records must be examined independently. The cement plant's emissions have been a consistent complaint in every representation made by the affected residents over the past decade and deserve specific regulatory attention beyond what the Section 31-A notice addresses.

C. Groundwater and Soil Contamination

TCL operates captive salt pans in 18 of the 42 villages in the Okhamandal region. Brine seepage from unlined salt pans has contaminated groundwater across the affected villages. Salinity ingress data collected by the Gujarat government's own Salinity Ingress Prevention Circle, Rajkot, confirms that TDS levels near TCL's salt pans have been rising over years, making agricultural land infertile and compelling farmers to abandon their land or sell it at distress prices. This constitutes a direct violation of Article 21 — the Right to Livelihood — of the Constitution of India.

D. Marine and Fisheries Losses

TCL's effluent discharge has degraded approximately 10 km of the Marine Protected Area. The discharge has caused settlement of solids, alteration of sea surface conditions, and decline in marine life in the waters off Okha, Bet, and Arambhada — as confirmed by studies conducted by the National Institute of Oceanography.

Small fishermen of these coastal villages have lost their traditional fishing grounds, resulting in unemployment and livelihood destruction for thousands of families.

E. Public Health Crisis — Demand for Health Survey

Sustained exposure to polluted air, contaminated groundwater, and degraded food sources has resulted in a measurable deterioration in the health of Devpara and surrounding village residents. Serious illnesses — including respiratory conditions and other chronic diseases — have become widespread. This is not anecdotal. It is a visible community-level health crisis that has been building over years of unaddressed industrial pollution.

No government-sponsored health survey of the affected villages has ever been conducted. Such a survey is essential to: (a) create an official medical record linking illness patterns to industrial pollution, (b) provide a basis for medical compensation, and (c) inform the NEERI study's scope. This Board should coordinate with the Health Department to commission an independent health survey of all villages within a 15 km radius of TCL Mithapur.

F. TCL's Financial Capacity to Pay

Tata Chemicals Limited reported a consolidated revenue of Rs. 14,584 Crore for Financial Year 2024-25 (as reported in May 2026). Under the formula established by the Hon'ble Gujarat High Court in Pravinbhai J. Patel vs. State of Gujarat, TCL is liable to pay 1% of its annual turnover toward environmental remediation — amounting to a minimum of Rs. 145 Crore. No environmental audit has been conducted, and no remediation amount has been assessed or recovered.

PART III — SPECIFIC DEMANDS

1. NEERI Study — Binding Timeline

Direct NEERI to submit its complete study report — covering water environment, air quality, marine ecology, and hazardous waste management — within 90 days of this notice. Pending the report, this Board must establish an interim monthly monitoring protocol with results publicly disclosed.

2. Independent Surprise Sampling — Without TCL Presence

All future environmental sampling in and around TCL Mithapur must be conducted through unannounced inspections, with samples collected independently by GPCB officers or by a NABL-accredited third-party laboratory, without any TCL representative present during sample collection or selection of sampling locations. Samples must also be collected from locations identified by the complainant and affected villagers, not only from locations proposed by the company. This is critical to ensure that inspection reports reflect actual ground conditions.

3. Cement Plant — Separate Compliance Review

Direct a separate compliance audit of TCL's cement plant at Mithapur, specifically examining its emission consent conditions, the frequency and methodology of stack emission monitoring, and whether the plant's proximity to Devpara's residential area meets the required setback and pollution control standards. The results of this audit must be reported separately from the general plant inspection.

4. New Effluent Pipeline — Commissioning Moratorium

Issue a formal binding order that TCL's new deep-sea effluent pipeline shall not be commissioned under any circumstance until the NEERI study is completed, its findings are reviewed by this Board, and independent

environmental clearance is obtained. The Section 33-A Direction (April 2026) records this concern but does not create a legally binding moratorium. A specific order to this effect must be issued.

5. Compliance Report on Existing Directions

Direct TCL to submit its compliance response to the Section 31-A Air Act Direction (February 2026) and Section 33-A Water Act Direction (April 2026) within 30 days, and place these responses in the public domain. If TCL has failed to comply, proceed immediately with the penalty provisions under Section 41A of the Water Act and the corresponding provisions of the Air Act.

6. Legal Challenge to the 1987 Stay Order

This Board should file an appropriate application before the Gujarat High Court to vacate the 1987 stay order obtained by TCL, on the grounds that the CRZ Notification 2011 and ESZ Notification 2013 create a supervening statutory bar, and that the Precautionary Principle requires proactive action in an Eco-Sensitive Zone.

7. Environmental Audit and Polluter Pays Principle

Initiate a formal Environmental Audit of TCL Mithapur. Based on findings, assess and recover remediation costs applying the 1% annual turnover formula — a minimum of Rs. 145 Crore based on FY2024-25 consolidated revenue of Rs. 14,584 Crore. These funds must be directed toward groundwater restoration, soil rehabilitation, and compensation for affected farmers and fishermen.

8. Independent Health Survey

Commission an independent health survey of all villages within a 15 km radius of TCL Mithapur in coordination with the Health Department, to document illness patterns among the affected population, create an official medical record, and inform both compensation assessment and the scope of the NEERI study.

9. Interim Compensation for Affected Communities

Direct TCL to deposit an interim compensation amount with the District Collector, Devbhumi Dwarka, for distribution among farmers who have suffered agricultural land loss due to salinity ingress and among fishermen who have lost their traditional fishing grounds. The quantum may be assessed by the Committee already constituted by this Board in coordination with the Collector's office.

10. Fly Ash and Padeli Salt Pan Waste

Investigate whether TCL's use of Padeli salt pans for storage of chemical waste and fly ash is compliant with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, and whether leachate from these sites is contributing to groundwater contamination in surrounding villages.

PART IV — LEGAL WARNING

This notice is served in addition to the original statutory complaint. The original notice demanded action within 15 days. That period has elapsed. This Board has initiated procedural steps, but no measurable environmental improvement has occurred on the ground. As noted above, this complaint has been pending in various forms since at least 2012 — when Okha Municipality itself confirmed pollution and forwarded its report to the Prant Adhikari, Dwarka. No effective action followed that report either.

If this Board does not issue the specific orders demanded at Points 1 through 10 above within 30 days of receipt of this notice, I shall be constrained to:

- (a) File a Public Interest Litigation before the Hon'ble Gujarat High Court, challenging both TCL's continuing violations and the adequacy of regulatory response by this Board;
- (b) File a petition before the National Green Tribunal, Western Zone Bench, Pune, under Section 14 of the National Green Tribunal Act, 2010, for enforcement of environmental laws and recovery of compensation;
- (c) Move a formal complaint before MoEFCC and CPCB, New Delhi, regarding non-enforcement of the CRZ Notification 2011 and the ESZ Notification 2013.

In any such proceeding, this Board's own directions, inspection reports, and sampling records — which confirm PM10 violations, visible sea-surface alteration, solid deposition, and salinity ingress — will be placed before the Hon'ble Courts as evidence of documented, long-standing harm.

I place on record that this complaint is not adversarial toward this Board, whose officers have made sincere efforts. The concern is that procedural steps without binding timelines and measurable outcomes will not protect the ecosystem or the affected communities. I urge this Board to move from process to outcome.

Yours faithfully,

(Signature)

Devram Vala Ghoda

Village – Devpara, Taluka – Okhamandal,

District – Devbhumi Dwarka.

Mobile: 9727435237

Date: 9 May 2026

Copy to (For information and necessary action):

1. Regional Officer, GPCB, Jamnagar Division.
2. District Collector, Devbhumi Dwarka District Collectorate.
3. MoEFCC — Regional Office, Gandhinagar.
4. Gujarat Coastal Zone Management Authority (GCZMA), Gandhinagar.
5. National Green Tribunal — Western Zone Bench, Pune.
6. Central Pollution Control Board — Head Office, New Delhi.
7. Principal Chief Conservator of Forests / Chief Wildlife Warden, Gujarat — regarding Wildlife Protection Act violations in Marine National Park.