



IN THE HIGH COURT OF JUDICATURE FOR RAJASHAN
AT JAIPUR BENCH, JAIPUR

:: ORDER ::

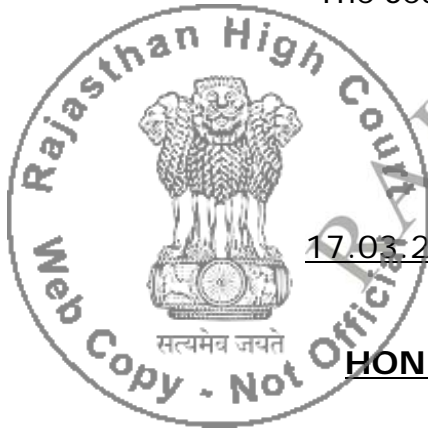
D.B. PUBLIC INTEREST LITIGATION NO.6457/2014
Human Settlement Technology Centre, Jaipur & Ors.
Vs.

The Secretary, Ministry of New and Renewable Energy, New Delhi & Ors.

D.B. PUBLIC INTEREST LITIGATION NO.4889/2013
Human Settlement Technology Centre, Jaipur & Ors.
Vs.

State of Rajasthan & Ors.

17.03.2015



HON'BLE THE ACTING CHIEF JUSTICE MR. SUNIL AMBWANI
HON'BLE MR. JUSTICE PRAKASH GUPTA

Ms.Neerja Khanna for the petitioners.
Mr.R.D.Rastogi, Addl.Solicitor General for Union of India.
Mr.Dharamveer Tholia, AAG for the State/respondents.
Mr.Sandeep Pathak with Mr.C.S.Katara for respondent-Hindustan Salts Ltd.

Reportable

1. These Writ Petitions have been filed, in public interest, for a direction to the respondents to take appropriate action, in accordance with the D.O. letter dated 25.01.2014 of the Hon'ble Chief Minister, requesting the Central Government, not to take up the proposal of establishing a Solar Energy Plant at Sambhar Salt Lake, known as "Ramsar Site", in the interest of protection of environment, and in direct contravention with the provisions of Wet Lands (Conservation and Management) Rules, 2010, made by Government of India under Section 25 of the Environment Protection Act, 1986. She had pleaded for protection of biodiversity of the region.

2. The petitioners have further prayed for a direction to abide by the terms and conditions as per the **V.T.Krishnamchari Award dated**



29.04.1961, as also the Gazette of India of the year 1961, laying the same conditions, for protection of the Sambhar Salt Lake. They have also prayed for directing the respondents to study the environmental impacts of setting up the Solar Power Plant, and check the clearances by Member of the Central Wetlands Regulatory Authority, to direct a monitoring committee of Advocates, to be formed, to protect the region. Prayers have also been made to the State-respondent authorities, not to violate the Rajasthan Land Revenue (Allotment of Land in Saline Areas) Rules, 2007, the Rajasthan Land Revenue (Conversion of Agricultural Land for Non-Agricultural Purposes in Rural Areas) Rules, 2007 and the Wetland (Conservation and Management) Rules, 2010. The writ petition has been filed on the allegations that Sambhar Salt Lake is among 25 wetlands of international importance in India, in which the setting up of industries in flood areas, or industrial activities, likely to have adverse impact on wetland ecosystems under the Wetland (Conservation and Management) Rules, 2010, issued under the Environment Protection Act, 1986.

3. By order dated 15.01.2015, the counsels appearing for the Central Government and the State Government were directed to seek instructions with regard to the progress of the project for setting up the Solar Power Plant in the Sambhar Salt Lake Area.

4. Today, when the matters were taken up, Shri R.D.Rastogi, Additional Solicitor General of India appearing for the Central Government and Shri Dharamveer Tholia, Additional Advocate General appearing for the State Government of Rajasthan, have categorically stated, on the basis of the instructions received by them from the



Central Government and State Government respectively, that no Solar Energy Plant is going to be established at Sambhar Salt Lake.

5. Ms. Neerja Khanna, states that the statement is incorrect, inasmuch as the State Government is actively considering to set up the Solar Energy Plant in the area.

6. We have no reason to disbelieve the statements given by the Counsels appearing for the Central Government and State Government, and thus, we find that the prayers made in the writ petitions, do not survive.

7. The Writ Petitions are dismissed, with liberty to the petitioners to file fresh writ petition, if there is any fresh proposal, or industrial activity in the Sambhar Salt Lake area, a notified wetland.

8. A copy of this order will be placed in the connected file.

(PRAKASH GUPTA),J.

(SUNIL AMBWANI),ACTG.CJ.

Skant/-, Proof Reader

All the corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Shashi Kant Gaur,
Proof Reader