



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

(1). D.B. Civil Writ Petition No. 19341/2025

1. Dinesh Kumawat Son Of Shri Nemi Chand Kumawat, Aged About 36 Years, Resident Of Ward No.18, Nawa City, Didwana Kuchaman, Rajasthan.
2. Chetan Prakash Son Of Shri Lala Ram, Aged About 32 Years, Resident Of Beed Ka Rasta, Nawa City, Didwana Kuchaman, Rajasthan.
3. Pushkar Son Of Shri Mangi Lal, Aged About 36 Years, Resident Of Beed Ka Rasta, Nawa City, Didwana Kuchaman, Rajasthan.
4. Nanda Ram Kumawat Son Of Shri Gheesa Ram, Aged About 42 Years, Resident Of Beed Ka Rasta, Nawa City, Didwana Kuchaman, Rajasthan

----Petitioners

Versus

1. Union Of India, Through Secretary, Ministry Of Environment, Forest And Climate Change, CGO Complex, Lodhi Road, New Delhi.
2. State Of Rajasthan Through Chief Secretary, Secretariat, Jaipur.
3. State Of Rajasthan Through Principal Secretary, Forest Department, Secretariat, Jaipur.
4. Union Of India Through Secretary, Central Wetlands Regulatory Authority, CGO Complex, Lodhi Road, New Delhi.
5. Hindustan Salt Limited (HSL) Through Its Chairman And Managing Director, G-229, Sitapura Industrial Area, Jaipur-302022.
6. Sambhar Salts Limited Through Chairman And Managing Director, G-229, Sitapura Industrial Area, Jaipur.
7. Sjn Green Energy Limited, (Wholly-Owned Subsidiary Of The Public Sector Company Sjn) (Satluj Jal Vidyut Nigam) Through Its Chairman And Managing Director, 7A,





Seventh Floor, Naval Corporate Tower, J.L.N. Marg, Near  
Jawahar Circle, Jaipur

8. Rajasthan State Wetland Authority, Through Its Member Secretary, Food Building, Secretariat, Jaipur, Through Its Member Secretary.
9. District Collector, Didwana-Kuchaman, Rajasthan.

-----Respondents

Connected With

(2). D.B. Civil Writ Petition No. 6539/2017

Suo Motu

-----Petitioner

Versus

1. Secretary, Ministry of Environment and Forest and Climate Change, CGO Complex, Lodhi Road, New Delhi, Union of India.
2. Secretary, Central Wetlands Regulatory Authority, CGO Complex, Lodhi Road, New Delhi, Union of India.
3. Chief Secretary, State of Rajasthan, Secretariat, Jaipur
4. Principal Secretary, Forest Department, State of Rajasthan, Secretariat, Jaipur.

-----Respondent

(3). D.B. Civil Contempt Petition No. 988/2023

Hindustan Salts Ltd. (Hsl), Having Its Office At G-229, Sitapura  
Industrial Area, Jaipur-302022 Through Its Authorized Signatory

-----Petitioner

Versus

1. Dr. Amit Yadav, Collector District Nagaur, Collectorate Nagaur, Rajasthan 341001
2. Mr. Wasim Akram, Sarpanch Gram Panchayat Marwar Balia, Tehsil Deedwana, District Nagaur 341303

-----Respondents

(4). D.B. Civil Contempt Petition No. 116/2026

1. Suo Moto

-----Petitioners



Versus

1. Commodre Kamlesh Kumar(Retd.), The Then Chairman And Managing Director Hindustan Salt Limited (Hsl), G-229, Sitapura Industrial Area, Jaipur-302022.
2. Ajay Kumar Singh, Chief Executive Officer, Chairman And Managing Director, Sjvn Geen Energy Limited Wholly Owner Subsidiary Of The Public Sector Company Sjvn) (Satluj Jal Vidyut Nigam, 7A, 7Th Floor, Naval Corporate Tower, Jln Marg, Near Jawahar Circle, Jaipur.
3. Harsh Verma, Chief Executive Officer, Sambhar Salts Limited, G-229, Sitapura Industrial Area, Jaipur.

----Respondents

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JODHPUR**

(5). D.B. Civil Writ Petition No. 24108/2025

1. Prakriti Sarthi Foundation, Having Registered Office At T-401, 3Rd 190 Liions, Vaishali Nagar, Jaipur, (Rajasthan) 302021 (Registration No. 093437) Through Its Director Sukh Ram Choudhary S/o Shri Shiv Lal Choudhary, Age About 63 Years, Resident Of Near Iti Circle, Shastri Nagar Colony, Basni Road, Nagaur.
2. Pawan Kumar Modi S/o Shri Ram Gopal Modi, Aged About 58 Years, Resident Of Purani Dhan Mandi Nawa, Tehsil Nawa, District Deedwana-Kuchaman.

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Energy, Government Of Rajasthan, Jaipur.
2. Rajasthan Renewable Energy Corporation Limited, Through Its Executive Director, E-167, Yudhisthir Marg C-Scheme, Jaipur.
3. Rajasthan Urja Vikas Nigam Limited, Through Its Chief Engineer, Registered Office At Vidhyut Bhawan, Janpath, Jyoti Nagar, Jaipur.
4. District Collector, Deedwana-Kuchaman.
5. Tehsildar, Nawa District Deedwana-Kuchaman.





6. Municipal Board Nawa, Through Its Executive Officer Nawa, Tehsil Nawa, District Deedwana-Kuchaman.
7. Senior Town Planner, Ajmer.
8. M/s S.j.v.n. Green Energy Ltd., Through Its Director Address At 7-A, 7Th Floor, Nawal Corporate Tower, Jln Marg, Near Jawahar Circle Jaipur.
9. Sambhar Salts Ltd., Through Its General Manager, Sambhar Lake Sambhar, District Jaipur.
10. Union Of India, Through Its Secretary Department Of Environment, Forest And Climate Change, New Delhi.

----Respondents

For Petitioner(s) in CWP No.24108/2025	:	Mr. Moti Singh Mr. Prashant Kachhawa
For Petitioner(s) in CWP Nos. 19341/2025, 6539/2017, 988/2023, 116/2026	:	Mr. R.B. Mathur, Sr. Adv. assisted by Mr. Amit Malani, Mr. Manish Bhodiwal Mr. Falak Mathur, Mr. Yug Singh Mr. Utsal Verma, Mr. Salim Khan Gori, Mr. Chandra Mammani on behalf of Mr. Kapil Sharma through VC
For Respondent(s) in CWP No.24108/2025	:	Mr. Mahaveer Bishnoi, AAG Mr. Arpit Sharma for Mr. Nathu Singh Rathore, AAG Mr. Ramavtar Sikhwal Mr. Akshay Nagori Mr. Vaibhav Bhansali
For Respondent(s) in CWP Nos. 19341/2025, 6539/2017, 988/2023, 116/2026	:	Mr. Tushar Mehta, Senior Advocate (Solicitor General of India) through VC assisted by Mr. Lokendra Singh Kachhawa Mr. Bharat Vyas, Sr. Adv.-cum-A.S.G. through VC assisted by Mr. C.S. Sinha Mr. Dev Yadav, Ms. Anushka Khandelwal and Mr. Kapil Vyas Mr. Rajendra Prasad, Sr. Adv.-cum- A.G. assisted by Mr. Sheetanshu Sharma and Ms. Dhriti Laddha, Mr. Tanay Goyal Ms. Parinitoo Jain through VC Commodre Kamlesh Kumar Ex-CMD, HSL/SSL, present in person through VCK



**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**  
**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Judgment**

<b>Date of conclusion of Arguments</b>	<b>:</b>	<b>17<sup>th</sup> April, 2026</b>
<b>Date on which judgment was reserved</b>	<b>:</b>	<b>17<sup>th</sup> April, 2026</b>
<b>Whether the full judgment or only the operative part is pronounced</b>	<b>:</b>	<b>Full judgment</b>
<b>Date of pronouncement</b>	<b>:</b>	<b>28<sup>th</sup> April, 2026</b>

**(Per Hon'ble the Acting Chief Justice)**

1. The present application has been preferred by the applicant-respondent primarily praying for vacation of the interim order dated 17.12.2025, for permitting the respondent to proceed with the establishment of the proposed 100 MW Solar Power Project at Khasra No. 1174, Village Nawa, District Nagaur, Rajasthan and dismissal of the stay application with exemplary costs.

2. It has been contended by the Learned Counsel for the applicant-respondent that the writ petition has been filed suppressing material facts, particularly the pendency of proceedings being O.A. No. 143/2025 (CZ) titled *Rajendra Kumar & Ors. Vs. Union of India & Ors.* before the Hon'ble National Green Tribunal, Central Zone, Bhopal. It is submitted that the said proceedings pertain to the very same project and involve residents of the same village, and therefore the plea of ignorance taken by the writ petitioners is wholly untenable.

3. It is further contended that the Learned National Green Tribunal, while entertaining the said Original Application, has neither stayed the project nor restrained the respondents from proceeding further. Rather, by order dated 15.10.2025, a





Committee was constituted to examine the factual and legal aspects of the project. The applicant submits that all relevant documents were furnished before the Committee and local stakeholders were duly heard.

4. He has also pointed out that the project in question, being a Solar Power Project, falls within the "White Category" as notified under the Rajasthan Water (Prevention and Control of Pollution) Rules, 1975 and the Rajasthan Air (Prevention and Control of Pollution) Rules, 1983, and further clarified by the Rajasthan State Pollution Control Board. It is submitted that such projects do not require prior environmental clearance in view of the Office Memorandum dated 13.05.2011 issued by the Ministry of Environment and Forests under the EIA Notification, 2006.

5. The Learned Counsel further submits that the project site at Khasra No. 1174 is situated beyond a distance of 5 kilometers from the Sambhar Lake Wetland and is not part of any notified wetland area. Reliance has also been placed upon a communication issued by the Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, clarifying that the land in question lies outside the wetland boundary as well as outside the area involved in pending suo motu proceedings before this Court.

6. It is contended that the petitioners have misled this Court into passing the ex parte interim order dated 17.12.2025 by suppressing these material facts and that the continuation of the said order is causing serious prejudice to a project aimed at generation of clean energy for the State.





7. This Court finds that certain material facts, particularly the pendency of proceedings before the Hon'ble National Green Tribunal and the absence of any interim restraint therein, were not brought to the notice of this Court at the time of passing of the order dated 17.12.2025.

8. The suppression of material facts is a matter of serious concern and disentitles a litigant from equitable relief.

9. At the same time, this Court cannot be unmindful of the environmental concerns raised and the necessity of ensuring that developmental activities proceed in accordance with law and with due safeguards.

10. In this regard, guidance may be drawn from the judgment of the Hon'ble Supreme Court in **Harbinder Singh Sekhon v. State of Punjab, 2026 SCC OnLine SC 204**, wherein it has been held that the doctrine of sustainable development requires a balance between environmental protection and developmental needs, and that projects of public importance ought not to be stalled outright, but may be permitted subject to appropriate safeguards. The Hon'ble Apex Court has observed as follows-

*"54. As a general rule, this Court exercises circumspection in interfering with technical classifications and regulatory frameworks formulated by expert bodies. Matters such as industrial categorisation and pollution indices ordinarily fall within the domain of specialised authorities, and judicial review is not invoked merely because a different regulatory choice is possible. Intervention is confined to cases where the decision-making process or its consequences transgress constitutional limits.*

*55. However, this principle of restraint cannot apply where a regulatory classification has the direct and foreseeable effect of diluting safeguards that protect fundamental rights. When a classification decision results in a blatant erosion*





of preventive protections governing exposure to environmental hazards, the issue ceases to be a matter of technical regulation alone and assumes constitutional significance.

56. This Court has repeatedly recognised that while judicial restraint is the norm in matters involving policy choices and expert regulation, environmental adjudication occupies a distinct constitutional space. Where executive or regulatory action has the effect of exposing communities to foreseeable environmental harm or diluting preventive safeguards that protect life and health, judicial intervention is not an act of activism but a discharge of constitutional duty. This position has been consistently affirmed in landmark decisions such as *Vellore Citizens' Welfare Forum v. Union of India (Supra)*, *M.C. Mehta v. Union of India (Shriram - Oleum Gas)*<sup>13</sup>, *Indian Council for Enviro-Legal Action v. Union of India*<sup>14</sup>, and *A.P. Pollution Control Board v. Prof. M.V. Nayudu*<sup>15</sup>, where this Court held that when scientific uncertainty coexists with a credible risk to human health or the environment, courts must err on the side of protection. These decisions underscore that environmental governance is not immune from constitutional scrutiny, and that judicial intervention becomes imperative where regulatory choices undermine the fundamental right to a clean and healthy environment guaranteed under Article 21 of the Constitution of India.

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58. The right to life under Article 21 of the Constitution of India encompasses the right to a clean and healthy environment. Preventive environmental safeguards, including siting norms, are the means by which this right is protected. Where such safeguards are relaxed without a demonstrable and reasoned basis showing that the underlying risk has been materially reduced, the resulting action infringes the substantive content of Article 21. Further, Article 14 of the Constitution of India also comes into the picture. A regulatory downgrade that weakens environmental protection must bear a rational nexus to the object of safeguarding life and health. In the absence of a proportionate and scientifically substantiated justification, such dilution is arbitrary. Arbitrariness that impacts life and health cannot be sustained under constitutional scrutiny.

59. The precautionary principle which was recognized as the law of the land by this Court under Article 21 of the Constitution of India in *Vellore Citizens' Welfare Forum v. Union of India (Supra)*, and which underlines environmental governance in this country, mandates that where there is a plausible risk of harm, regulatory





frameworks must err on the side of protection. In the present case, the revised categorisation prioritises sectoral differentiation over preventive protection, without adequately addressing exposure risks in sensitive contexts. This Court does not interfere with classification merely because it concerns industrial activity. The present intervention is warranted because the impugned actions have the effect of lowering the constitutional minimum of protection guaranteed to affected communities. Where regulatory action compromises fundamental rights under Articles 14 and 21 of the Constitution of India, judicial review becomes a constitutional necessity rather than an intrusion into policy.

60. Before we proceed to the operative directions, it is necessary to underscore, in clear terms, the constitutional balance that must govern questions of development and environmental protection. Economic development and industrial growth are legitimate and important objectives of the State. However, in a constitutional framework founded on the rule of law, development is not an abstract or absolute goal. It is conditioned by the non-derogable obligation to protect life, health, and environmental integrity. Development that undermines these foundational values ceases to be constitutionally permissible development.

61. We believe that the doctrine of sustainable development is not a slogan of compromise but a principle of prioritisation. It requires that when developmental activity poses a credible risk to human health or environmental safety, regulatory frameworks must err on the side of protection. The Constitution does not permit a trade-off where civilian life and health are exposed to foreseeable harm on the assumption that economic benefit or industrial facilitation justifies such exposure. Articles 14 and 21 of the Constitution of India do not tolerate a regulatory calculus that treats environmental safety as negotiable.

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63. Equally important is the recognition that environmental harm, once caused, is often irreversible or incapable of full remediation. Public health consequences, degradation of air quality, and long-term ecological damage cannot be undone by subsequent regulatory correction. It is for this reason that environmental regulation is designed to be preventive rather than reactive. A regulatory framework that allows risk to materialise first and seeks to address consequences later is fundamentally incompatible with constitutional environmental jurisprudence.

64. At the same time, we reiterate that this Court does not ordinarily interfere with technical





*classifications or policy determinations made by expert bodies. Judicial restraint in matters of regulatory policy remains a settled principle. However, restraint cannot extend to abdication. Where regulatory action results in a lowering of the constitutional minimum of protection guaranteed to citizens, particularly in matters affecting life and health, judicial intervention becomes a constitutional obligation. The present case falls squarely within that exceptional category."*

Thus, it is evident that while courts ordinarily defer to expert regulatory frameworks, such deference is not absolute. Where regulatory action dilutes environmental safeguards and threatens the fundamental rights guaranteed under Articles 14 and 21, judicial intervention becomes imperative. The doctrine of sustainable development mandates that developmental activities proceed only with adequate protective measures. Consequently, any action that lowers the constitutional threshold of environmental protection cannot be sustained in law. The present petition, therefore, warrants scrutiny on the touchstone of these settled principles.

11. Vide order dated 17-03-2026, we had directed the Additional District & Sessions Judge No.1, Sambhar Lake, District Jaipur to file a fresh report with respect to Khasra no.1174 of village Nawa City (Shaher). The report has been filed on 02-04-2026 stating that the said Khasra is not a wetland and there is no water body existing in that Khasra. Also, the particular Khasra is not connected to the main Sambhar Lake and it is neither a salt area, wetland or buffer zone of Sambhar Lake.





12. We have carefully examined the report submitted by the Additional District & Sessions Judge No.1, Sambhar Lake. So far as the revenue record is concerned, it reflects that the nature of the land is '*Lawan Kshetra*' which means that it is a land which has salt content. However, we agree with the report submitted by the team of experts who assisted the Additional District Judge, which states that the land is not part of the Sambhar Lake, nor it is a wetland.

We also concur with the opinion advanced by the team of experts that, having regard to the peculiar geographical location, zoological features, and subterranean water composition, there exists a substantial tract of land exhibiting saline characteristics. However, the mere presence of such salinity, and its corresponding classification in the revenue records as "lawan kshetra," does not ipso facto render the entire land as forming part of the Sambhar Lake or a designated wetland area.

In principle, a revenue entry such as "lawan kshetra" is intended to denote the cultivability or nature of the soil. Such an entry, in itself, does not establish that the land comprised in Khasra No. 1174 constitutes a portion of the lake or any notified wetland.

13. This petition is essentially filed to protect the wetlands in Rajasthan. We have, therefore, proceeded very cautiously with regard to this issue, more so because Sambhar Salts Ltd. was allotted this land around the year 1950 as stated by the Ex-CMD (SSL). The purpose of allotting the land to Sambhar Salts Ltd. was to utilize the Sambhar Lake and the surrounding areas for





manufacturing salt. However, we cannot lose sight of the fact that, although the nature of the land remains 'Lawan Kshetra', it may not actually be used for salt manufacturing, and over time, the land has become virtually unutilized, particularly as there is no water present in that area.

14. On a specific query being raised with regard to the adjacent land where salt was found to be manufactured, we have been informed that same is being carried out by manual process of collecting the groundwater, extracted by using bore pumps and the land is neither a part of Sambhar lake itself, nor essentially wetland as such.

15. We have also been further informed by the Managing Director of Sambhar Salts Ltd., whom we heard personally, that water never existed in that area, and that the Sambhar Lake is approximately 2.25 kilometers away. It is only rarely, on account of rainfall, that some water may collect in the said area.

It was further contended that along the stretch of land measuring approximately 2.25 kilometers, situated between Sambhar Lake and Khasra No. 1154, several residential buildings as well as commercial establishments are already in existence.

It has also been urged that the land comprised in Khasra No. 1154 is neither directly connected to the lake or any wetland area, nor is there any continuous and uninterrupted tract of land linking it to the lake. This specific contention has not been rebutted by the petitioner.

The absence of any such rebuttal lends further credence to, and fortifies, the findings recorded in the report placed before us,





which concludes that the land in question does not form part of Sambhar Lake or any notified wetland area.

16. So far as the Sambhar Lake is concerned, it is not merely meant for the manufacturing of salt. Being the largest inland saltwater lake in India, it also serves as a significant bird sanctuary, with thousands of flamingos and various other kinds of migratory birds flocking to Sambhar Lake during the winter season. It is also an important breeding ground for these birds. This ecological significance is not confined to the lake area alone, but extends in and around the surrounding regions, including the concerned Nawa City.

17. We, therefore, have a duty to protect the birds that flock to this area during the winter season. While we recognize that the country as a whole, and the State in particular, require a substantial amount of electrical energy for various developmental activities, the recent concept of harnessing solar energy through the installation of solar panels has gained significant momentum in addressing the scarcity of electricity in India.

18. The project in question, being undertaken under the aegis of a Central Government agency, merits due encouragement yet at the same time, it is necessary to ensure that ecological considerations, particularly the protection of possible/proposed avian habitats, are adequately safeguarded invoking "precautionary principle".

19. With a view to maintaining a balance in respect of the possible aviary habitat of migratory birds, we have asked the learned Solicitor General to ensure that the area beneath the proposed





solar panels is designed in a manner that may serve as a facilitative environment, rather than a hindrance, to their natural habitat. In this regard, we deem it appropriate to direct that the entity undertaking the installation of the solar panels shall suitably increase the height of the panels so as to enable migratory birds to nest, lay eggs, and breed beneath them without obstruction.

20. As an upshot of above observations, interim order dated 17.12.2025 is vacated.

21. We, therefore, permit the applicant-respondent No.7, SJVN Green Energy Ltd., to proceed with the establishment of the solar plant project in Khasra No.1174 in Nawa City, subject to the following directions:

(i). It is made clear that, while establishing the solar plant and laying the solar panels, adequate height of not less than 1.5 meters shall be maintained. The respondent company shall be at liberty to increase the height, if deemed appropriate.

(ii). We also direct that if trees are required to be uprooted from the area, the same shall be replanted thrice in number in the adjacent areas.

(iii). As regards the inflow of water, there should be no restriction on the inflow of water onto the land, which may be used by the migratory birds during the rainy season and thereafter.

22. We say so as both the development works and the maintenance of environment including the flora and fauna, should be carried out in tandem. All the stakeholders shall, therefore, take necessary steps in this regard.





23. We are informed that, on account of interim order passed earlier, certain road blockages have occurred, affecting the establishment of the solar plant, which have its obvious effects owing to certain conditions in the contract between Hindustan Salts Ltd. and Sambhar Salts Ltd., in joint venture with SJVN Green Energy Ltd.

24. We, therefore, direct that the contract entered into between the Central Government company, i.e. the Hindustan Salts Ltd., and Sambhar Salts Ltd., in joint venture with SJVN Green Energy Ltd., shall not be affected and shall be deemed to have been extended, and the intervening period of stay shall be treated as dies-non period.

25. The application No.1/2025 filed by respondent No.7, SJVN Green Energy Ltd., stands disposed of accordingly.

26. List the main petitions for hearing on 14.05.2026.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

Govind/Gaurav 1-4 & 63