



**Office of the Chairman, NGT Monitoring Committee,
Jammu (J & K)**

-.-

Before the Hon'ble National Green Tribunal(NGT)

In the matter of : Execution Application No. 32/2016
In
Original Application No. 295/2016
And
Original Application No. 295/2016
(M.A.No.539/2016)
Amresh Singh Vs. Union of India & Ors.

Reference: Order dated 11. 07. 2019 passed by Hon'ble NGT.

Report by the Chairman of the Monitoring Committee

(As it was not possible to hold meeting of the Monitoring Committee in the months of August and September so this report is being submitted by the Chairman of the Monitoring Committee alone.)

Date: 23.09.2019

Pursuant to and in view of the order passed by the Hon'ble National Green Tribunal (NGT) on 26.04.2019, whereby the Monitoring Committee was required *inter alia* to conduct environmental audit, the Chairman, J&K State Pollution Control Board (stationed at Srinagar) was requested by me vide my office No. CHM/NGTMC/PS/2019/21 dt: 30.05.2019 to take up the matter and coordinate with the Member Secretary of the Monitoring Committee (stationed at Srinagar) for taking steps for implementing the order.

The Member Secretary of the Committee, who happens to be the Administrative Secretary of the Department of Forest, Environment and Ecology of the State, vide his No. FST/PCB/226/2019 dt. 03.07.2019 nominated four members of the Monitoring Committee (hereinafter to be referred as the 'inspection team') 'to visit the site/s and commence the evaluation of damage by conducting environmental audit:

- I) Dr. Ranjit Kumar – Scientist 'E', Himalayan Forest Research Institute, Shimla.
- II) Dr. V. K. Bhatt- Principal Scientist, Central Soil and Water Conservation Research and Training Institute, Chandigarh.
- III) Dr. Vimal Kumar Hatwal, Scientist 'D', Joint Director (S) Northern Regional Office, MoEFCC, Govt. of India, Chandigarh.
- IV) Representative from MoEFCC, Govt. of India, New Delhi.

The inspection team (short of a representative from MoEFCC, Government of India) visited and inspected the sites on the National Highway (NH-44) in Udhampur and Chenani Section and Nashri and Ramban Section up to Banihal on 10th and 11th July, 2019 and submitted a detailed report dated 02.08.2019 supported by photo images.

(Report enclosed herewith as annexure 'A'.)

Earlier than passing of the order dated 26.04.2019 by the Hon'ble NGT, meeting was held by me with the Administrative Secretary to the government, Department of Forest, Environment & Ecology (Member Secretary of Monitoring Committee) and the Regional Officer, NHAI, Mr. Hem Raj accompanied with the Project Director, Mr. Ajay Rajak on 23.04.2019 as a follow up to the order passed by Hon'ble NGT on

12.02.2019, whereby the suggestions made by the Monitoring Committee in the preliminary report dated 18.01.2019 were accepted by the Hon'ble NGT, and incorporated in the order.

In the meeting held on 23.04.2019 the Regional Officer Mr. Hem Raj, and the Project Director, Mr. Ajay Rjak, had informed that the project proponents and the National Highway Authority were in the process of implementing the suggestions incorporated in the order 12.02.2019 in letter and spirit. Later a status report dt. 15.06.2019 came to be filed on behalf of the NHAI to which response dt. 29.08.2019 was furnished by the State Pollution Control Board after verification by its field staff.

(Reports are enclosed as annexure 'B' and 'C' respectively).

Besides, in the meeting held on 23.04.2019, the Administrative Secretary had informed that the State Government has entrusted to the Divisional Commissioner, Jammu the task of providing suitable and adequate number of new dumping sites to the project proponents and had stated that a status report in this regard shall be furnished to the Chairman of the committee. No status report, however, has been received and the status report submitted on behalf of the NHAI indicates that no new dumping site has been provided to the project proponents.

It is important to point out that in context of the order passed by the Hon'ble NGT on 12.02.2019, whereby preliminary report dated 18.01.2019 (supra) has been accepted and incorporated in the order, the inspection team has in its report dated 02.08.2019 observed *inter alia* 'that fully exhausted utilised sites are being rehabilitated using mechanical measures' but plantation work has been started only in few sites', 'at most of the muck dumping sites, angle of repose has been

improved in the entire stretch, which is between 30° to 50°', 'long slopes are being intercepted to several short ones with the help of 1.0 to 2.0 m wide berms/terraces/ benches in between in order to maintain less than critical velocity for runoff water and simultaneously loss erosion will be controlled'. 'No where muck is directly being dumped into rivers except in cases of sudden land slide due to aberrant weather conditions when contractors are asked by the local authority to clear the road immediately for traffic'.

The inspection team, nonetheless, has observed also that 'at most of the sites the capacity/volume of muck disposal sites is either same or more than volume of muck to be disposed' and that 'only few dumping sites have been rehabilitated with local grass, shrubs and trees. No where application of Jute geo textile (JGT) could be seen for establishment of vegetation'.

Contextually, it is important to point out that one of the important suggestions made by the Monitoring Committee in the Preliminary Report dated 18. 01. 2019 and similarly incorporated in the order passed by the Hon'ble NGT on 12. 2. 2019 was that:

“(3) The State Government, Department of Forest, Ecology and Environment, shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.”

In this regard, it is important to note that the inspection team in its report dated 02. 08. 2019 has pointed out that lot of work is still to be done by Hindustan Construction Corporation (HCC) but most of their dumping

sites have exhausted and has again recommended that new dumping sites should be identified and allotted to HCC by local Revenue/Forest Department for dumping muck in future.

As regards the physical status on spot, *qua* the implementation of the directions issued by the Hon'ble NGT vide order dated 12.02.2019 and the order dated 26.04.2019, there is quite some conflict in the status report dt. 15.06.2019 furnished on behalf of NHAI and the response dt. 29.08.2019 furnished by the State Pollution Control Board. However, the inspection team in its report dated 02.08.2019 has observed some improvements on spot and at the same time has pointed out the deficiencies/violations as well. Non-availability of adequate dumping sites, however, remains the common thread in the whole gamut of things and unless and until adequate dumping sites are identified and provided to the project proponents, possibility of unauthorised and unscientific dumping will always be there.

In the same context I had called and had a meeting with the counsel for the petitioner, Mr. Swarn Kishore, Advocate in my office in the second week of this month, who informed me that, even though there is good improvement in the situation on spot after the order of the Hon'ble NGT passed on 12.02.2019 followed by the order passed on 26.04. 2019, lot of violations, mostly relating to dumping and disposal of the muck/debris generated in the widening process, still exist.

The position emerging on collective consideration of aforementioned reports necessitated a joint inspection by the Monitoring Committee along with representatives of NHAI and the project proponents, particularly in regard to the disposal/dumping of the muck/debris and

availability of authorised dumping sites to be identified by the State Government and their maintenance by the project proponents. However, no inspection could be made after submission of the report dated 02.08.2019 by the inspection team due to abrupt change in the situation prevailing in the State after 4th and 5th August, 2019. The fact of the matter, however, remains that there is quite some improvement on spot but lot remains to be done.

Sd/-

Date: 23.09.2019

(C H A I R M A N)

Copy to members of the Monitoring Committee each.



Environmental audit of Execution App. No. 32 of 2016 in OA 295 of 2016, Amresh Singh Vs Union of India &Ors, pending before NGT, New Delhi.

Subject:-Inspection for environment audit of National Highway

BACKGROUND:

With reference to above mentioned subject, committee appointed by the Ministry, New Delhi, had visited the sites on dated 10th to 11th July 2019 for environmental audit.

A team comprising scientists form Ministry of Environment, Forest and Climate Change, Regional Office, Chandigarh, from Indian Institute of Soil and Water Conservation, Research Centre Chandigarh, Himalayan Forest Research Institute Shimla visited project site, i.e., National Highway (NH-44) between Udhampur and Chenani section, Nashri and Ramban section up to Banihal from 10th July to 11th July 2019 as per the orders of NGT and prepared a report which is being submitted.

In compliance of directions of Commissioner / Secretary to the Government Dept of forest, Environment and Ecology, Government of Jammu and Kashmir following committee inspected the sites:

S.No.	Name of the Organization	Name and designation	Designation in said committee
1.	Indian Institute of Soil and Water conservation, Research Centre Chandigarh	Dr. V.K. Bhatt, Principal Scientist	Member
2.	Himalayan Forest Research Institute, Shimla	Dr. Ranjeet Kumar, Scientist-E	Member
3.	Ministry of Environment, Forest and Climate Change, New Delhi	Dr.V.K. Hatwal, Scientist D, NRO Chandigarh	Member

Representatives:

1. Divisional forest officers of Udhampur, Batot and Ramban
2. Divisional officers of SPCB Udhampur and Ramban
3. Consultant, National Highway Authority of India (Accompanied only up to Ramban)
4. Project Managers, M/s Gammon Engineers and M/s Hindustan Construction Company Ltd.

ISSUE BEFORE THE COMMITTEE

Hon'ble court directed to the committee as “.....8.....it is necessary to get an environment audit conducted by the Committee already appointed. While undertaking the exercise for assessment of damage, the Committee may take into account the entire damage right from the beginning of the project and not merely what was observed during a particular visit.

9. The Committee may visit all the existing designated and non-designated dumping sites and give report regarding current practices of muck/debris dumping therein, remedial measures proposed to secure the designated dumping sites including its capacity, quantity of debris/muck received, balance quantity to be

received, illegal dumping of mucks and debris on entire stretch along with the quantum of muck dumped.”

Environmental audit is for the impact of the projects on natural resources and environmental quality. Environmental Audit to verify compliance with environmental requirements, to evaluate the effectiveness of the environmental management system, to assess risks and to identify and correct environmental hazards.

Although the committee members are not expert in environment audit of such type of linier projects, however, they have tried their best to bring out the report in present form.

FIELD VISIT

Jammu –Srinagar high way (NH-44) is one of the busiest and important highway. The project involves four laning of highway by widening existing highway. Widening of road is being done through NHAI. National Highway (NH-44) between Udampur and Chenani section, Nashri and Ramban section up to Digdol was being executed by M/s Gammon Engineers & Contractors Pvt. Ltd. and Hindustan Construction Co. Ltd., (HCC)

i. Designated dumping sites: There are 18 and 16 designated dumping sites respectively in Udampur to Chenani and Nashri Ramban Section were identified and approved by the authorities. The details of these sites of both the sections including capacity of each site, quantity dumped till 30.06.2019 is shown in **Annexure 1.**

ii. Non-Designated dumping sites: There was no non-designated site as per officials of the NHAI and contractors. However, a very few sites were noticed by the committee which were developed by the local people as informed by the NHAI officials.

B. Four laning of Ramban to Banihal section of NH- IA (now NH – 44) from Km 151.00 to Km 187.00: The North Bound (NB) and South Bound (SB) lengths are 29.45 Km and 37.78 Km (total 61.23 Km), respectively. It has total 6 tunnels (5 SB & 1 NB). 6 major bridges (4 SB and 2 NB), 21 minor bridges (10 SB and 11 NB), 302 culverts and 7 nos. under pass.

i. Designated dumping sites: There are 7 and 11 designated dumping sites spread in forest land, government and private lands. The details of dumping sites including size and percentage status dumped and distance of Gabion wall from rives are enclosed in **Annexure II.**

ii. Non-Designated dumping sites: There was no non-designated site as per officials of the NHAI and contractors. However, committee had observed few land slide prone areas which might have been mistaken as non-designated dumping sites.

OBSERVATIONS ON THE ISSUES RAISED BY HONB'LE COURT:

Committee visited all the 53 dumping sites en-route to Banihal along the rivers Tavi, & Chenab and Bislery nalla. The observations are as below:

i. Current practices of dumping muck/debris to designated and non-designated sites:

Muck is being dumped through hydraulic dumpers at all dumping sites. In all the designated sites between Udhampur and Ramban section gabion walls have been constructed but their capacities need to be increased so that muck does not spill into the River. In order to intercept the long & steep slope, small terraces/benches have been constructed at certain places. However, between Ramban and Banihal, capacity of some gabion walls needs to be raised for properly accommodating the muck. Most of the muck coming from tunnel was being used for construction of breast wall and retaining walls of road.

Other agencies are also engaged in some or other works near the high way. Dumping sites, gabion/retaining walls constructed by them for supporting muck are designed poorly.

ii. Designated dumping sites:

1. In all the dumping sites between Udhampur and Ramban section of National highway (NH-44), suitable mechanical measures such as construction of retaining walls and gabion walls have been constructed in order to avoid moving of muck into the River (*see photos in Annexure III*) but at some sites there is need to increase capacity by raising the height of retaining walls/crate wire structures.
2. Muck was being disposed at identified designated & approved disposal sites and after dumping it is being leveled from top.
3. Gabion structures were found completed and filled to their full capacity between Ramban and Banihal section (*See photos in Annexure IV*). However, at few places, constructed structures are filled to their full capacity and spillages in going towards Bislery nalla due to sudden landslides during inclement weather conditions.
4. The possibility of polluting the river waters cannot be overruled due to overflow of debris/muck and soil erosion during inclement weather condition. Solution for which should be explored by competent authorities.
5. Overflow of muck/debris were noticed beyond gabion wall at certain land slide prone locations for which additional preventive efforts by the contractors of NHAI need to be taken.

iii. Non-Designated dumping sites:

1. Overflow of muck/debris were noticed at certain land slide prone locations for which additional preventive efforts like construction of gabion wall by the contractors of NHAI need to be taken.

2. At some places sediments were over flowing into River due to unscientific way of dumping muck by other local contractors involved in construction of petrol pump
3. M/s HCC had informed the committee that about 30-40 acres land along the Bislery nalla was used for reclamation of land by means of dumping of muck with prior permission of local authorities.

Committee observed following damage to environment caused by the construction of this hill road.

i. Damage of stability against geological disturbances.

As NH-44 passing through outer Himalaya to Greater Himalaya, it has different topography, variable hill slope and variable strata conditions and thus is highly sensitive and vulnerable areas towards the stability against geological disturbances, either by the natural or manmade. During this visit damage was identified because of the excavation for road widening. It was observed by the committee that hillside slopes have become unstable due to cutting during widening. There is need for checking soil erosion and landslide in the areas of chronic landslides and maintenance of angle of repose. Furthermore, the muck generated during road widening process also has stones and boulder in it and when dumped on the slopes, it does not allow any vegetation to survive underneath it. Consequently, it adversely affects regeneration of forests. Muck dumping also hinders the collection of fodder and access to grazing land. However, breast wall throughout the stretch has been constructed to retain boulders and soil. Natural vegetation on some of the slope has come up due to rehabilitation work done by contractors. At few locations special protection measures have also been adopted in the stretch between Udampur and Banihal. We appreciate the construction of well designed breast wall throughout the stretch from Udampur to Ramban and Ramban to Banihal. But due to fragile strata possibility of land slide are there at few locations.

ii. Hydro-meteorological Damage:

Committee had observed that natural drainage/rivulet system was damaged or plugged due to indiscriminate and unplanned dumping of muck/debris generated from the cutting of hills from Ramban to Banihal. For example, in most of the area where small bridges were being constructed over a rivulet or a road curve were being widening, the water course of natural drainage/rivulet system had been narrowed or completely blocked due to dumping of muck generated by the construction work. During flood like situations, effusive water and muck can cause extensive damage to biodiversity, river and population living downstream. Committee suggested the representative of contractors for restoring blocked natural surface drains at Battery chasma (chainage 158+710-960) between Ramban and Banihal. Representatives of HCC Ltd assured that they would use hume pipes for doing the needful.

iii. **Biodiversity Damage:**

Effect of road construction and deposited muck at various identified designated/approved disposal sites as well as at non-designated sites, as noticed by the committee, had also contributed to degradation of the environment and biodiversity loss at dumping sites. Nevertheless, as overflow of muck/debris were noticed at certain land slide prone locations, settlement of muck at the base of river/rivulet cannot be overlooked. The debris/muck may increase the turbidity of water and thus reduces the oxygen levels in water. This may harm to aquatic life of rivers.

iv. **Manmade Damage:**

- Overflow of muck/debris were noticed at certain land slide prone locations for which preventive efforts like construction of gabion wall by the contractors of NHAI were found inadequate. However, it was observed that at few locations, work of raising of wall is in progress.
- When natural conditions are modified by the construction of a road, it marks the start of a race between the appearance of erosion and the growth of vegetation. Disturbance during construction upsets the often delicate balance between stabilizing factors, such as vegetation, and others which seek to destabilize, such as runoff. Slope stability can be upset by the creation of road cuts or embankments. Excessive steepness of cut slopes, deficiency of drainage, modification of water flows, and excessive slope loading can result in landslides. However, according to representatives of Gammon Engineers provisions for prevention of landslide is already in the project proponent scope of work and would definitely be done in due course of time.
- Scientific stabilization of the slopes and plantation on stabilized designated dumping sites as per the guidelines issued by the NHAI is yet to be developed.
- A private petrol pumps cutting hills in the area in question without adequate management practices and dumping the muck at non-designated site.
- Committee feels that both the construction companies along with the Project Proponent NHAI to pay due attention to geo-technical and environmental aspects of hill roads.

General Observations

- Fully exhausted utilized sites are being rehabilitated using mechanical measures, but plantation work has been started only in few sites. Both the contractors have been asked to complete the plantation work at an early date.
- Muck is being dumped at designated dumping sites
- Committee has observed that at one site a new petrol pump is coming up at hillside near Bali-3. Dumping of muck is being carried out without constructing gabion wall at this site.

- It was observed that at most of the muck dumping sites, angle of repose has been improved in the entire stretch, which is between 30 to 50°. Long slopes are being intercepted to several short ones with the help of 1.0 to 2.0 m wide berms /terraces/benches in between in order to maintain less than critical velocity for runoff water and simultaneously mass erosion will be controlled.
- At most of the sites the capacity /volume of muck disposal site is either same or more than volume of muck to be disposed.
- Only few dumping sites have been rehabilitated with local grass, shrubs and trees. No where application of Jute geo textile (JGT) could be seen for establishment of vegetation.
- Nowhere muck is directly being dumped into Rivers except in cases of sudden landslide due to aberrant weather conditions when contractors are asked by local authority to clear the road immediately for traffic. This has resulted 3-4 illegal muck dumping sites particularly between Ramban to Banihal where blaming NHAI or its contractors is not justified.
- Committee feels that NHAI should pay due attention on work of contractors for rehabilitation of dumping yards.

Plantation works

Between Udhampur to Ramban

- The infestation of weed (*Parthenium hysterophorus*) in open space was seen on dumping sites, which is very serious issue for establishment of plantations on these dumping sites.
- Plantations works were not even started in most of dumping sites but on asking the representatives of contractor, the team was apprised that the plantation works would be completed during current monsoon season
- Although plantation intervention were initiated on four dumping sites i.e. Moud- I, Moud- II, Moud- III and Dhalwas – IV. Natural regeneration of some plants were also observed on these dumping sites so it was difficult to differentiate whether plantations have been done or plants have come up naturally on the above mentioned dumping sites because of lack of proper written records of plantation work.

Between Ramban to Banihal

- Plantation on all dumping sites is not complete. It is still in progress.
- One small patch of plantation was observed on dumping site named Battery Chashma but it is negligible because area of the dumping site was very large as compared to area of plantation done, RCC Fencing posts with barbed wire were observed on upper side of dumping site named Battery Chashma along national highway.

Suggestions:

- Being rainy season, plantation works should be done as soon as possible as part of rehabilitation measures.
- Weeds may be uprooted manually before starting plantations wherever dumping sites are exhausted.
- Proper record of plantations (register/plantation journal) should be maintained so that monitoring of plantation works can be done properly by monitoring committee/agency.

General recommendations and suggestions

- It was suggested in earlier visits that dumping sites which have been filled to their full capacity, construction of plain concrete cement (PCC) grids or RCC grid structure on the unstable slope is the best option. Such PCC/ RCC grid structures should be anchored/ tied properly with the nearest retaining wall so that the grid structure may not move down with the slipping of muck mass. But committee could not see any PCC/ RCC grid structures at any exhausted dumping sites. Committee recommends that NHAI should explore the possibility for doing needful at least at vulnerable sites (where there are chances of spillage to River).
- Disposal of muck has become part of Environment Impact Assessment (EIA) and Environment Management Plan (EMP). These dumping sites need to have proper breast and crate walls (which need to be maintained regularly) in order to check the spillage of the muck down the slope and into the rivers. It is always recommended to construct retaining wall well before start of muck dumping. However, in order to maintain proper angle of repose and wherever there are chances of spillover of muck to river, height of retaining wall may be increased. All the dumping sites should have properly designed retaining wall / gabion structures and should be maintained regularly in order to check the spillage of the muck down the slope and into the rivers. It was observed that increasing of height of gabion structures was in progress at few sites.
- Still lot of work is to be done by Hindustan Construction Corporation but their most of the dumping sites are exhausted. **It is recommended that new dumping sites should be identified and allotted to HCC by the local revenue/forest department for dumping muck in future.** This will further avoid the chances of illegal dumping of muck. In new identified dumping sites retaining/ gabion structures should be constructed well in advance at suitable vertical interval of 5-6 m so that entire disposed muck may not exert pressure only at one wall/toe wall rather the load of muck should be distributed on different walls.

Dr. V.K. Bhatt
2.8.2019

Dr. V.K. Bhatt,
Principal Scientist
IISWC, Research Centre
Chandigarh

R. Ranjeet Kumar

Dr. Ranjeet Kumar,
Scientist-E
HFRI, Shimla

Vimal Kumar

Dr. Vimal Kumar Hatwal
Joint Director, MOEFCC
Chandigarh

pdfelement

Annexure III

Photos showing retaining walls and rehabilitation work from Udhampur to Ramban



Name of Dumping Site: Thard-III, Geo- Co-ordinates: N 32° 58' 03.4" , E 075° 10' 14.6" , Elevation: 807m, Chainage No. 72.000



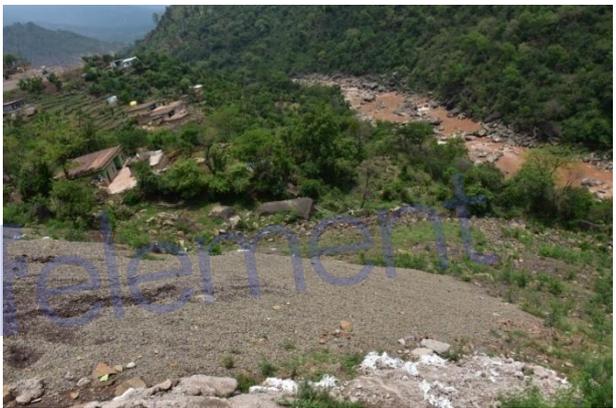
Name of Dumping Site: Bali-I, Geo- Co-ordinates: N 32° 58' 16.1" , E 075° 10' 21.7" , Elevation: 815m, Chainage No. 72.600



Name of Dumping Site: Bali-II, Geo- Co-ordinates: N 32° 58' 28.6" , E 075° 10' 58.3" , Elevation: 817m, Chainage No. 73.800



Name of Dumping Site: Bali -III, Geo- Co-ordinates: N 32° 58' 31.0", E 075° 10' 59.5", Elevation: 820m, Chainage No. 73.900



Name of Dumping Site: Bali-IV, Geo- Co-ordinates: N 32° 58' 35.4", E 075° 11' 01.5", Elevation: 817m, Chainage No. 74.120



Name of Dumping Site: Moud-I, Geo- Co-ordinates: N 32° 58' 47.7", E 075° 11' 11.4", Elevation: 808m, Chainage No. 74.500



Name of dumping sites: Moud-III, Geo co-ordinate: $N32^{\circ}59'11.0''$, $E075^{\circ}11'21.0''$ & Elevation=819 m, Chainage:75.400



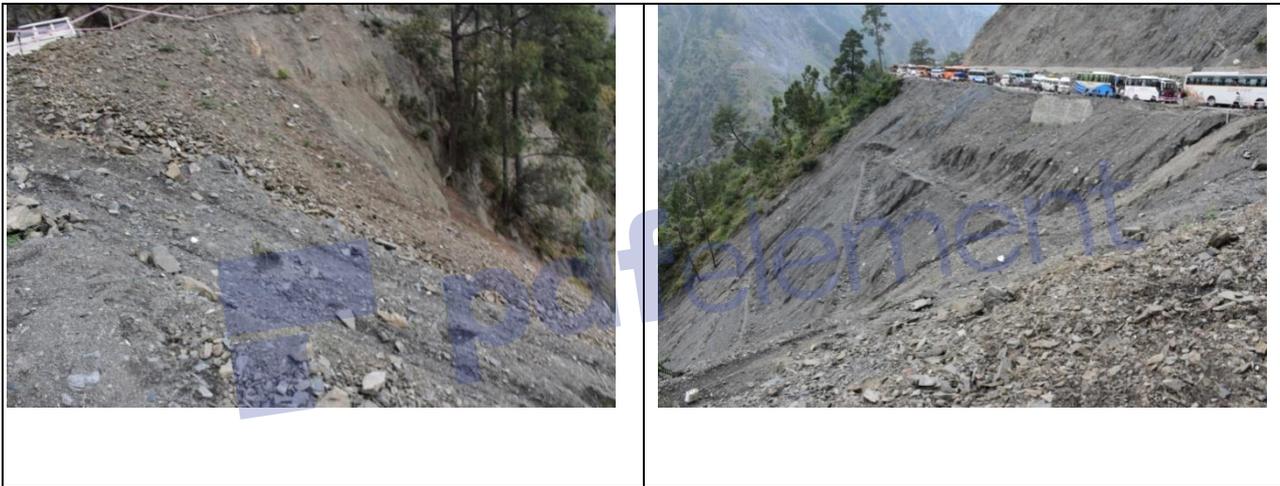
Name of dumping sites: Dhalwas IV, Geo co-ordinate: $N33^{\circ}09'30.8''$, $E075^{\circ}18'30.9''$ & Elevation=1025 m, Chainage:133+400

Annexure IV

Photos showing retaining walls and rehabilitation work from Ramban to Banihal



Name of dumping sites: Maroog-II (due to landslide but designated), Geo co-ordinate: N33°15'41.7", E075°11'29.1" & Elevation=881 m, Chainage: 155+000



Name of dumping sites: Battery Chasma, Geo co-ordinate: N33°16'48.4" , E075°10'48.8" & Elevation=1020m, Chainage:158-710+960



Name of dumping sites: Anokhi fall, Geo co-ordinate: N33°16'58.5" , E075°10'43.5" & Elevation=973m, Chainage:159-400



Name of dumping sites: Digdol I, Geo co-ordinate: $N33^{\circ}17'44.9''$, $E075^{\circ}10'38.3''$ & Elevation=1083m,
Chainage:161-200



Name of dumping sites: Digdol II, Geo co-ordinate: $N33^{\circ}17'45.9''$, $E075^{\circ}10'49.9''$ & Elevation=1115m,
Chainage:161-650



Name of dumping sites: Digdol III, Geo co-ordinate: $N33^{\circ}18'26.2''$, $E075^{\circ}10'52.1''$ & Elevation=1156m,
Chainage:163-200



Name of dumping sites: Mompassi, Geo co-ordinate: $N33^{\circ}19'58.3''$, $E075^{\circ}11'58.0''$ & Elevation=1169m, Chainage:167000-167600



Name of dumping sites: Ramsoo, Geo co-ordinate: $N33^{\circ}20'30.5''$, $E075^{\circ}11'14.0''$ & Elevation=1207m, Chainage:168+000-168+800



Name of dumping sites: Nachlana, Geo co-ordinate: $N33^{\circ}21'13.7''$, $E075^{\circ}10'20.1''$ & Elevation=1300m, Chainage:171-000



Name of dumping sites: Kharpora Baniyal, Geo co-ordinate: N33°25'21.7" , E075°12'16.3" & Elevation=1635m, Chainage: 181-600

 pdfelement

To,

Justice (Retd.) J.R. Kotwal
IWDP – Hills, Forest Complex.,
Gladni, Transport Nagar
Narwal, Jammu.

Sub: Compliance / Status Report to the Chairman of the Monitoring Committee w.r.t suggestions made by the Monitoring Committee in the report dated 18.01.2019 and accepted by the Hon'ble NGT vide order dated 12.02.2019.

Ref: Your Office letter no. NGT/MCCHM/PS/2019/12-14 dated 23.04.2019

Sir,

With reference to the subject matter, please find enclosed herewith letters No's: PD/JMU/PKG-IV/U-R/J&K/15-16/Vol-II/1651 dated 30.04.2019 and PD/SGR/14034/2015/HCC/689 dated 15.06.2019 from PD PIU Jammu & Srinagar respectively vide which compliance/ status report regarding suggestion made by the Monitoring Committee in the report dated 18.01.2019 and accepted by the Hon'ble NGT vide order dated 12.02.2019 are submitted for your kind information and necessary action please.



Yours sincerely,

Hem Raj, IDSE
Regional Officer
Jammu & Kashmir

Encl: As Above

Compliance report of recommendations issued by Hon'ble NGT Court

- 1. Dumping yard at Ch. 152+600 SB in village Seri**
 - i. Adequate Gabion wall is constructed to hold the muck
 - ii. Angle of repose for muck slope is 37 degree.
 - iii. Plantation is about to take up as leveling is already completed
 - iv. Benches/ terraces is under progress



Hkkjrh; jk"Vah; jktekXkZ izkf/kdj.k
IM+d ifjogu vkSj jktekXkZ ea=kky;] Hkkjr ljdkj
NATIONAL HIGHWAYS AUTHORITY OF INDIA
(Ministry of Road Transport and Highways, Govt. of India)
PIU Srinagar, C/o Bashir Ahmad Parray, Airport Road, Parry Pora,
Srinagar-190005. ईमेल /Email: piusrinagar@nhai.org, दूरभाष-फैक्स /Tele-Fax : 0194-
2430728



PD/SGR/14034/2015/HCC/

Date: 15.06.2019

To

The Regional Officer,
National Highway Authority of India
Channi Himmat, Jammu

Sub: Four Laning of Ramban to Banihal Section of NH-44, from km 151.000 to km 187.000 in the State of Jammu and Kashmir under NHDP Phase II through an Engineering, Procurement and Construction (EPC) Contract.

Sub: NGT Order dated 12.02.2019 and requested for strict compliance

Dear Sir,

With reference to subject matter, please find enclosed para wise reply of NGT order dated: 12.02.2019 for HCC stretch from Ramban to Banihal as here below:

S. N	Monitoring Committee Observations	NHAI Remarks
1	2	3
(i)	The project proponent shall immediately discontinue with the use of dumping sites, which have already attained full capacity, as pointed out above and shall take immediate steps to strengthen, stabilize and rehabilitate them by planting local grass, shrubs and trees and by adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 supra.	<p>It is pertinent to mention here that Answering respondent is complying to the recommendation/ suggestion made by Hon'ble Court and has stopped dumping in already filled dumping site. In addition to that, Answering respondent is adopting proper engineering intervention in terms of providing berms/ benches to intercept the unstable slopes. Also taking up plantation activity by themselves as well as forest department.</p> <p>However, since Jan'19 onwards there is unprecedented weather condition resulting in excessive landslides on project stretch which has delayed the plantation work and other development activity.</p>
(ii)	The project proponent shall immediately take steps for adequate preparation of the dumping sites, which are in use and where further dumping is possible, by raising/repairing the gabion walls, raising concrete retaining walls wherever necessary and adopting all other scientific	In respect of Recommendation no. 2 it is submitted that appropriate methodology of dumping management system along with required engineering intervention has been implemented on ground to avoid spilling of muck into the river. Further, to intercept the unstable slopes benching is done by constructing suitable

	<p>methods as directed by the Hon'ble NGT vide order dated 24.08.2018 and suggested by the experts in their comments supra.</p>	<p>berms. Hence, as per site conditions Gabion wall is sufficient to cater the load.</p> <p>However, instead of concrete retaining wall answering respondent is hereby constructing the Gabion wall at dumping sites.</p> <p>Because concrete is impervious. Due to concretization, water will start getting retained behind the concrete putting a higher pressure on the concrete resulting in breakage.</p>
(iii)	<p>The State Government, Department of Forest, Ecology and Environment, shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.</p>	<p>In this regard, it is to be noted that HCC has applied for additional dumping sites to Forest department since Oct-2017 and rigorously following up with concerned authorities, whereas approval is yet to be received from concerned Authorities.</p>
(iv)	<p>The project implementing authority (NHAI) in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PRJ) in particular shall ensure that the dumping sites are adequately and systematically developed before putting them to use and are adequately rehabilitated in the due course after they attain their full capacity.</p>	<p>In this respect, it is submitted that that the respondent is following the methodology as given below;</p> <ul style="list-style-type: none"> • Construction of Gabion wall – • Dumping of muck in authorized dumping yard • Creating of benches to hold the muck. • Plantation work.
(v)	<p>The NHAI in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in particular shall ensure visible improvement on the ground by the next inspection of the area, which shall be held in first week of March, 2019.</p>	<p>In this regard, this office informs that it is taking up periodic reports from Answering respondent regarding action taken up for the dumping sites on day to day basis and monitor shortcomings if any. Therefore, informs that Answering respondent has complied the recommendations/ suggestions made by Hon'ble NGT Court.</p> <p>Further, it is to worth mention here that, Ramban Banihal sector has encountered with unprecedented weather condition in the month of Jan'19 and Feb'19 which triggered multiple landslides, it has badly affected the condition of project stretch including dumping yards. Despite of that M/s HCC is making best possible efforts to comply recommendations/ suggestions by NGT court.</p>
(vi)	<p>The NHAI in general and the Regional Officer, MAT, J&K and Project Director of the project implementing unit (PIU) in</p>	<p>In respect of Recommendation no.6, it is being complied with as per Good Industry Practice by this office. Visits by our engineers are made</p>

	particular shall be responsible for strict compliance of all the conditions of environmental clearance obtained by them for execution of the project and the directions issued by the Hon'ble NGT from time to time and shall be liable for the failure/lapses in this regard. The State Government and the J&K SPCB shall be responsible for keeping strict vigil to ensure strict compliance and shall take necessary legal action, whenever there is any failure or lapse.	every month to the dumping sites to reassess damaged gabion structures, if any, for repair/ rectification and instructions is marked to M/s HCC for strictly compliance.
(vii)	All the concerned shall ensure that the directions issued by the Hon'ble NGT vide order dated 24.08.2018 are strictly complied with.	The respondent assure that the recommendation no. 7 of the order is being complied at all times. M/s HCC is directed to follow environment regulations including directions issued by Hon'ble NGT court vide its order dated: 24.08.2018.
(viii)	We request the Committee to examine the actual extent of damage and the amount required for restoration	Pertains to appointed Committee

In addition to above, it is pertinent to note that due to incessant rain and extremely adverse weather conditions at project stretch, there has been large scale destruction at site including but not limited to landslides at more than 30 locations. In order to understand the extent of damage on existing highway and construction activities of project; numbers of site visit has been conducted in presence of Advisor(s) to Governor, Divisional Commissioner, Inspector General of Police, NHAI Chairman, Chief General Manager(NHAI), Regional Officer (NHAI) and representative of competent Authorities of State and NHAI. Subsequently, Authority has taken decision to stop the excavation works and decided to take opinion of experts members of committee appointed by NHAI HQ vide letter No. NHAI/11019/22/2011/RB-RFQ/13369 dated 18.04.2019.(Copy enclosed for ready reference)

In view of foregoing this office submits that, in view of above compliance all the necessary measures shall be taken which is incidental to the site conditions. The necessary directions have been issued to the executing agency to submit periodic reports to the undersigned for better internal monitoring.

This is submitted for favour of information and onward submission to Shri Janak Raj Kotwal, Hon'ble Justice (Rtd), Chairman National Highway Monitoring Committee.

Yours Sincerely,

Hem Raj
Project Director
PIU-Srinagar

Ref: PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol-II/

Dated: 30.04.2019

Regional Officer (J&K)

National Highways Authority of India
Channi Himmat
Jammu

SUB:- FOUR LANING OF UDHAMPUR-RAMBAN SECTION OF NH-44 FROM KM. 67.00 TO KM. 89.00 AND KM. 130.00 TO KM. 151.00 ON EPC MODE IN THE STATE OF JAMMU AND KASHMIR - COMPLIANCE OF NGT ORDER DATED 12.02.2019 - REPORT - REGARDING.

Ref:- This office letter No. PD/JMU/Pkg-IV/J&K/15-16/Vol-II/1256 Dated: 27.03.2019 addressed to M/s GECPL with copy to Authority Engineer and your office enclosing NGT Order dated 12.02.2019 and requested for strict compliance.

Sir,

With reference to above subject, our parawise compliances of NGT Order Dated 12.02.2019 for the Gammon stretch from Udhampur to Ramban are as under:-

S. N	Monitoring Committee Observations	NHAI Remarks
1	2	3
(i)	The project proponent shall immediately discontinue with the use of dumping sites, which have already attained full capacity, as pointed out above and shall take immediate steps to strengthen, stabilize and rehabilitate them by planting local grass, shrubs and trees and by adopting all other scientific methods as directed by the Honable NGT vide order dated 24.08.2018 supra.	It is worthwhile to mention here that the answering respondent is already complying to the recommendation made and has stopped dumping wherever the dumping sites has attained full capacity. To intercept the unstable slopes benching is being done by constructing suitable berms. The plantation is the last step to be implemented of the respondent methodology, however when the monsoon arrives plantation will be done for early growth of shrubs.
(ii)	The project proponent shall immediately take steps for adequate preparation of the dumping sites, which are in use and where further dumping is possible, by raising/repairing the gabion walls, raising concrete retaining walls wherever necessary and adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 and suggested by the experts in their comments supra.	In respect of Recommendation no. 2 it is submitted that appropriate methodology of dumping management system has been implemented on ground to avoid spilling of muck into the river. To intercept the unstable slopes benching is done by constructing suitable berms. It is submitted that as such no steep slopes are present as the steep slopes have been intercepted by constructing of berms. Hence, as per the site condition Gabion wall is sufficient to cater the load. Moreover, the quantity dumped is less than the theoretical quantity. M/s GECPL need to raise/ repair the gabion walls and further raise concrete retaining walls wherever necessary. Directions has been issued in this regard

		vide letter No. PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol-II/1644 Dt: 30.04.2019.
(iii)	The State Government, Department of Forest, Ecology and Environment, shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.	In respect of recommendation no. 3 recently M/s GECPL have applied for private dumping yards on lease basis to District Administration Ramban, The respondent is yet to receive the 3 new dumping yards
(iv)	The project implementing authority (NHAI) in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PRJ) in particular shall ensure that the dumping sites are adequately and systematically developed before putting them to use and are adequately rehabilitated in the due course after they attain their full capacity.	In respect of recommendation no. 4, it is submitted that the respondent is following the methodology as given below; <ul style="list-style-type: none"> • Construction of Gabion wall – Step 1 • Dumping of muck in authorized dumping yard – Step 2 • Creating of berm if the slope is more than 70 degree – Step 3. • Plantation of shrubs – Step 4.
(v)	The NHAI in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in particular shall ensure visible improvement on the ground by the next inspection of the area, which shall be held in first week of March, 2019.	In respect of recommendation No. 5, the respondent has complied and rectified or reconstructed the gabion wall wherever found necessary. Photographs attached. M/s GECPL has to be proactive on day to day basis and monitor shortcomings, if any. Necessary directions has been issued to the executing agency PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol-II/1644 Dt: 30.04.2019.
(vi)	The NHAI in general and the Regional Officer, MAT, J&K and Project Director of the project implementing unit (PIU) in particular shall be responsible for strict compliance of all the conditions of environmental clearance obtained by them for execution of the project and the directions issued by the Hon'ble NGT from time to time and shall be liable for the failure/lapses in this regard. The State Government and the J&K SPCB shall be responsible for keeping strict vigil to ensure strict compliance and shall take necessary legal action, whenever there is any failure or lapse.	Recommendation no.6 is being complied with as per Good Industry Practice. Visits by our engineers are made every quarter to the dumping sites to reassess damaged gabion structures, if any, for repair/rectification Authority Engineer submits its Environmental Report every quarter wherein all aspects of environment are covered and also additional directions on regular basis vis-à-vis dumping yards are brought to the notice of M/s GECPL for rectification etc in case of deficiencies, if any.
(vii)	All the concerned shall ensure that the directions issued by the Hon'ble NGT vide order dated 24.08.2018 are strictly complied with..	The respondent assure that the recommendation no. 7 of the order is being complied at all times M/s GECPL from time to time is directed to abide by all prevalent environmental

		laws including directions issued by the Hon'ble NGT vide order dated 24.08.2018. The directions have been issued to Executing Agency in this regard PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol II/1644 Dt: 30.04.2019.
(viii)	Having regard to the entirety of the fact situation and the observations of the Committee to which there is no challenge, we direct the Gammon India Limited and the Hindustan Construction Company Ltd to pay interim compensation for the damage to the environment to the extent of Rs. 1 Crore each and also furnish Performance Guarantee for improving the situation in the manner.	As informed by M/s GAMMON that being not satisfied with the order passed by the Hon'ble NGT on 12.02.2019, its company had filed an review application on 12.03.2019. The review application hearing was done on 26.04.2019 and the Hon'ble NGT court again reappointed the previous committee to submit an environmental report with reassessing of the actual damages caused within 2 months. Being justice not made to the company, it shall file an appeal application in the Supreme court for the deferment of the penalty of Rs. 1 Crore.
(ix)	We request the Committee to examine the actual extent of damage and the amount required for restoration	Pertains to appointed Committee
(x)	The deposit of compensation be made with the Central Pollution Control Board (CPCB) within one month and the Performance Guarantee may also be furnished to the satisfaction of the CPCB within one month.	As informed by M/s GAMMON that being justice not made to the company, it shall file an appeal application in the Supreme court for the deferment of the penalty of Rs. 1 crore.

In addition to above compliance all the necessary measures shall be taken which is incidental to the site conditions. The necessary directions have been issued to the executing agency i.e. M/s Gammon Engineers and Contractors Private Limited to submit fortnightly report to the undersigned for better internal monitoring.

This is submitted for favour of information and onward submission to Shri Janak Raj Kotwal, Hon'ble Justice (Rtd), Chairman National Highway Monitoring Committee.

Yours Sincerely,

Ajay Kumar Rajak
Project Director
NHAI, PIU – Jammu



2. Dumping yard at Ch. 154+200 SB in village Maroog (Tunnel-2)

- i. Approved forest dumping yard
- ii. Gabion wall of adequate height is constructed to hold the muck
- iii. Angle of repose for muck slope is 36 degree.
- iv. Adequate benches is constructed



3. Dumping yard at Ch. 155+200 SB in village Maroog

- i. Angle of repose for muck slope is within 45 degree.
- ii. Area is continuous prone to landslides so Plantation work is not feasible at this stage.



4. Dumping yard at Ch. 158+800 SB in village Battrey Chashma

- i. Approved forest dumping yard
- ii. Gabion wall of adequate height is constructed to hold the muck
- iii. Angle of repose for muck slope is within 45 degree.
- iv. Adequate benches are constructed.
- v. Plantation work is also taken up.





5. Dumping yard at Ch. 159+200 SB in village Anokhifall

- i. Approved forest dumping yard
- ii. Gabion wall of adequate height is constructed to hold the muck
- iii. Angle of repose for muck slope is within 45 degree.

- iv. Adequate benches are constructed.
- v. Dumping is continues so plantation could not be taken up at present.



6. Dumping yard at Ch. 161+200 SB in village Digdole

- i. Approved forest dumping yard
- ii. Bund of adequate height is made to hold the muck
- iii. Angle of repose for muck slope is within 45 degree.
- iv. Steep Slope of valley benches is not possible to construct at present.
- v. Dumping is continues so plantation could not be taken up at present.



7. Dumping yard at Ch. 161+800 SB in village Digdole

- i. Approved forest dumping yard
- ii. Bund of adequate height is made to hold the muck
- iii. Angle of repose for muck slope is within 45 degree.
- iv. Benches is made
- v. Dumping is closed plantation was done but washout in recent rains





8. Dumping yard at Ch. 163+200 SB in village Digdole

- i. Approved forest dumping yard
- ii. Gabion wall of adequate height is made to hold the muck
- iii. Angle of repose for muck slope is within 45 degree
- iv. As dumping is continuous and valley is steep thus, benches and plantation work cannot be taken up at present.



9. Dumping yard at Ch. 165+800 SB in village Panthyal

- i. Approved forest dumping yard
- ii. As dumping is continuous and valley is steep thus, benches and plantation work cannot be taken up at present.

**10. Dumping yard at Ch. 167+200 SB in village Mompassi**

- i. Gabion wall of adequate height is constructed
- ii. As this area is slide prone area and there is continuous shooting stone. Thus, plantation work is not taken up.
- iii. Benches were constructed but now overflow due to landslide again construction of benches is in progress
- iv. Angle of repose is within 45 degree



11. Dumping yard at Ch. 169+000 SB in village Ramsoo

- i. Benches construction is in progress
- ii. Angle of repose is within 45 degree
- iii. Area is highly slide prone
- iv. Gabion wall is constructed



12. Dumping yard at Ch. 171+000 SB in village Salar

- i. Angle of repose is within 45 degree
- ii. Dumping yard is closed and WMM plant is erected



13. Dumping yard at Ch. 175+700 and 175+900 SB in village Salar

- i. Adequate gabion wall is constructed of adequate height
- ii. At Ch. 175+700 Sherbibi batching plant is installed
- iii. Dumping is in progress, plantation work cannot be taken up at present.
- iv. Benches is not required as on date as height of dumping is very minimal.



14. Dumping yard at Ch. 177+000 in village Chamalwas

- i. Adequate gabion wall was constructed but repairs work is continued
- ii. Angle of repose is within 45 degree
- iii. Benches construction is in progress



15. Dumping yard at Ch. 179+200, 179+500 and 179+560 SB in village Chamalwas

- i. Gabion wall is constructed at part of the stretch
- ii. Angle of repose is within 45 degree



16. Dumping yard 2 number at Banihal Pvt. Land in village Kharpora

- i. Natural vegetation is grow at slopes
- ii. Angle of repose is within 45 degree
- iii. Benches is not required due to less sumping height.



In addition to all above, HCC has formed a designated team for carrying out the following activities at dumping yard:

1. Site team is regularly visiting all dumping sites and immediately taking up repairing works for damage gabion structures to hold the muck securely.
2. Team is adopting all possible engineering intervention to hold the muck in an appropriate manner.
3. Regular inspection of side slopes of dumping yard to maintain in desired specified limits.
4. Periodic monitoring of river water and ambient air quality is taken up by Noida Testing laboratory.
5. Scope of Contract Agreement exclusively includes management plan for natural drainage and water courses.



Government of Jammu and Kashmir
J&K State Pollution Control Board

Winter office: November-April
Parivesh Bhawan, Gladni,
Transport Nagar, Narwal,
Jammu. (J&K) 180006.
Ph./Fax. 0191-2476925

Summer Office: May-October
Sheikh-ul-Alam Campus,
Behind Govt. Silk Factory,
Rajbagh, Srinagar (J&K) 190008
Ph./Fax. 0194-2311165.

email: membersecretaryjkspcb@gmail.com

✓ **Justice (Retd.) J. R. Kotwal,**
Chairman,
NGT Monitoring Committee NH 44,
IWDP Building Narwal,
Jammu.

No.: SPCB/LSJ/NH/NGT/27/842

Date. 29-08-2019

Sub:- Compliance / status report to the Chairman of the Monitoring Committee w.r.t. suggestions made by Monitoring Committee in the report dt. 18.01.2019 and accepted by the Hon'ble NGT vide Order dt. 12.02.2019 – reg.

Sir,

Pursuant to submission of the report by the Monitoring Committee, in the Hon'ble National Green Tribunal, cross verification of compliance report submitted by the Regional Office, NHAI, Jammu vide No. 224 dated 15th July, 2019 was carried out by the Board in both sections viz **Nashri to Ramban** and **Ramban to Banihal**. The detailed verification report has been received from the Regional Director, State Pollution Control Board, Jammu letter dt. 23.08.2019 along with photographs and comparative status of compliance.

It may be in place to mention that the report has been prepared after on site inspection and verification of the designated and non designated sites. Reportedly M/s HCC has not provided the details of non designated dumping sites as per the format provided to them till date. As such report has been prepared on the basis of information w.r.t drainage given by M/s Gammon Engineers and Contractors Pvt. Ltd. and Hindustan Construction Company.

Copy of the report is enclosed for further necessary action please.

Encls: Compliance / status report.

Yours faithfully,

(B. M. Sharma) IFS
Member Secretary
SPCB, Srinagar



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Government of Jammu & Kashmir
J&K STATE POLLUTION CONTROL BOARD
OFFICE OF THE REGIONAL DIRECTOR - JAMMU
Parivesh Bhawan, Forest Complex Gladni, Transport Nagar, Narwal, Jammu
Email: regionaldirectorjkspcbjmu@gmail.com, Tel/fax 0191-2476926

The Member Secretary,
SPCB, Srinagar

No: SPCB/ RDJ/2019/ 7227

Date 23 / 08 / 2019

Subject:- Compliance / status report to the Chairman of the Monitoring Committee w.r.t. suggestions made by Monitoring Committee in the report dated 18.01.2019 and accepted by the Hon'ble NGT vide Order dated 12.02.2019-reg.

Sir,

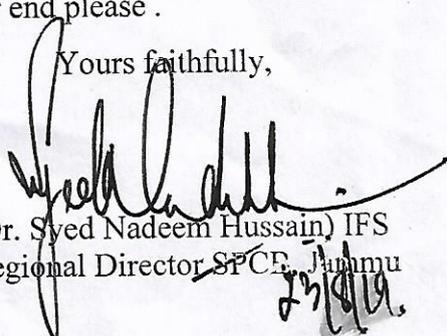
With regard to the subject cited above, it is submitted that the NHA1 had submitted a para wise action taken / compliance report to the directions issued by the Hon'ble NGT vide its order dated 12.02.2019 for M/s Gammon Engineers and Contractors Pvt. Ltd. (GECPL) stretch from Nashri to Ramban and M/s Hindustan Construction Company stretch from Ramban to Banihal.

Now, the Divisional Officer PCB Ramban has cross verified the point-wise compliance report submitted by NHA1 to the Chairman, Monitoring Committee and has submitted his detailed report vide his letter No. SPCB/DO/Rbn/19/140 dated 17.08.2019 along with photographs (copy enclosed). The report has been prepared after the onsite inspection and verification of all the designated and non designated sites and is self explanatory .Further, it is pertinent to mention that the chainages given by M/S Gammon Engineers and Contractors Pvt. Ltd. And M/S Hindustan Construction Company have not been certified by NHA1 despite repeated requests from this office for reasons best known to them. However ,a complete report has been prepared based on the information (w.r.t. chainage given by M/S Gammon Engineers and Contractors Pvt. Ltd. And M/S Hindustan Construction Company) which is enclosed herewith.

Hence, submitted for further necessary action at your end please .

Encl: As above

Yours faithfully,


(Dr. Syed Nadeem Hussain) IFS
Regional Director SPCB, Jammu
23/8/19

L.A.
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pl do the
a copy by
27/8/19



Government of Jammu and Kashmir
Office of the Divisional Officer
State Pollution Control Board
Ramban
 Tel:01998-266104
 (Email:dospcbramban@gmail.com)

The Regional Director
 SPCB Narwal, Jammu

No: SPCB/DO/Rbn/19/ 140

Dated: 17-08-2019

Sub: Compliance/Status report to the Chairman of the Monitoring Committee w.r.t. suggestions made by Monitoring Committee in the report dated 18-01-2019 and accepted by the Hon'ble NGT vide order dated 12.02.2019 -reg.

Ref: SPCB/RDJ/Consent-O/19/5986 dated: 09-07-2019 and SPCB/LSJ/755/452-54 dated: 28-06-2019

Sir,

With reference to above cited subject, point wise compliances of Hon'ble NGT order dated 12.02.2019 for the M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL) stretch from Nashri to Ramban is as under:-

S. No	NGT Monitoring Committee Observations	NHAI Remarks	DO SPCB Observations
1)	<i>The project proponent shall immediately discontinue with the use of dumping sites, which have already attained full capacity, as pointed out above and shall take immediate steps to strengthen, stabilize and rehabilitate them by planting local grass, shrubs and trees and by adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 supra.</i>	It is worthwhile to mention here that the answering respondent is already complying to the recommendation made and has stopped dumping wherever the dumping sites has attained full capacity. To intercept the unstable slopes benching is being done by constructing suitable berms. The plantation is the last step to be implemented of the respondent methodology, however when the monsoon arrives plantation will be done for early growth of shrubs.	<i>The monitoring committee observations in respect of strengthening, stabilization and rehabilitation of closed dumping sites by planting local grass, shrubs, trees and by adopting all other scientific methods as directed by NGT vide order dt. 12-02-2019 has not been complied till date except at 01 site (km 131+280 to 131+350 NB) out of 07 closed sites. (Refer pics attached)</i>
2)	<i>The project proponent shall immediately take steps for adequate preparation of the dumping sites, which are in use and</i>	In respect of Recommendation no. 2 it is submitted that appropriate methodology of dumping management system has been	<i>The project authorities were required to, as per monitoring committee observations to raise/repair the gabion walls,</i>

	<p>raising/repairing the gabion walls, raising concrete retaining walls wherever necessary and adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 and suggested by the experts in their comments supra.</p>	<p>spilling of muck into the river. To intercept the unstable slopes benching is done by constructing suitable berms. It is submitted that as such no steep slopes are present as the steep slopes have been intercepted by constructing of berms. Hence, as per the site condition Gabion wall is sufficient to cater the load. Moreover, the quantity dumped is less than the theoretical quantity. M/s GECPL need to raise/repair the gabion walls and further raise concrete retaining walls wherever necessary. Directions has been issued in this regard vide letter No. PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol-II/1644 Dt: 30.04.2019.</p>	<p>necessary and adopt all other scientific methods as directed by the Hon'ble NGT vide order dated 12-02-2019, However, the status of these dumping sites remains the same as communicated vide this office letter No. SPCB/DO/Rbn/19/81 dated 02-05-2019 whereby it was made clear that no such measures had been taken. (Refer Pics attached)</p>
3)	<p>The State Government, Department of Forest, Ecology and Environment, shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.</p>	<p>In respect of recommendation no. 3 recently M/s GECPL have applied for private dumping yards on lease basis to District Administration Ramban, The respondent is yet to receive the 3 new dumping yards</p>	<p>As per the directions of monitoring committee, 04 new dumping sites were identified by M/s GECPL for the purpose of dumping muck. On the directions of DC Ramban these identified sites were inspected by undersigned & accordingly report dated 21-05-2019 stands submitted to authorities. (Refer Annexure-1)</p>
4)	<p>The project implementing authority (NHAI) in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PRJ) in particular shall ensure that the dumping sites are adequately and systematically developed before putting them to use and are adequately rehabilitated in the due course after they attain their full capacity.</p>	<p>In respect of recommendation no. 4, it is submitted that the respondent is following the methodology as given below;</p> <ul style="list-style-type: none"> • Construction of Gabion wall – Step 1 • Dumping of muck in authorized dumping yard – Step 2 • Creating of berm if the slope is more than 70 degree – Step 3. • Plantation of shrubs – Step 4. 	<p>The dumping sites after inspection were found to be not adequately developed and no measures were taken to rehabilitate the closed dumping sites as per directions of Hon'ble NGT. (Refer Pics attached)</p>
5)	<p>The NHAI in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in.</p>	<p>In respect of recommendation No. 5, the respondent has complied and rectified or reconstructed the gabion wall wherever found necessary.</p>	<p>The dumping yards of M/s GECPL were inspected on 17-07-2019 along with their representatives and there is no marked/visible</p>

	<p>particular shall ensure visible improvement on the ground by the next inspection of the area, which shall be held in first week of March, 2019.</p>	<p>Photographs attached. M/s GECPL has to be proactive on day to day basis and monitor shortcomings, if any. Necessary directions have been issued to the executing agency PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol-II/1644 Dt: 30.04.2019.</p>	<p>change on the ground. Status of the designated dumping yards remains same as reported vide this office letter dated 02-05-2019. (Refer pics attached)</p>
<p>6)</p>	<p>The NHAI in general and the Regional Officer, MAT, J&K and Project Director of the project implementing unit (PIU) in particular shall be responsible for strict compliance of all the conditions of environmental clearance obtained by them for execution of the project and the directions issued by the Hon'ble NGT from time to time and shall be liable for the failure/lapses in this regard. The State Government and the J&K SPCB shall be responsible for keeping strict vigil to ensure strict compliance and shall take necessary legal action, whenever there is any failure or lapse.</p>	<p>Recommendation no.6 is being complied with as per Good Industry Practice. Visits by our engineers are made every quarter to the dumping sites to reassess damaged gabion structures, if any, for repair/rectification</p> <p>Authority Engineer submits its Environmental Report every quarter wherein all aspects of environment are covered and also additional directions on regular basis vis-à-vis dumping yards are brought to the notice of M/s GECPL for rectification etc in case of deficiencies, if any.</p>	<p>Undersigned has already submitted a detailed report of dumping sites in-use and closed vide this office letter No. SPCB/DO/Rbn/19/81 dated 02-05-2019.</p> <p>Further, undersigned also submitted "Non-compliance report of the directions of JKSPCB regarding regular water sprinkling on National Highway" vide this office letter No. SPCB/DO/Rbn/19/54 dated 29-03-2019, SPCB/DO/Rbn/19/65 dated 20-04-2019 and SPCB/DO/Rbn/19/113 dated 27-06-2019 wherein it was reported that executing agencies were not sprinkling water on road to prevent dust pollution. (Refer Annexure -2, 3 & 4).</p> <p>As a consequence of above stated reports Regional Director, Jammu issued Notices to executing agencies under Environmental Laws vide No. SPCB-RD-J/C-R/N-I/19/1388-93 dt. 02-05-2019 and SPCB-RD-J/C-R/N-I/19/1899-1903 dt. 08-07-2019 whereby they were asked to increase the number of water tankers to minimize the dust emissions on the road and also to install GPS Tracking system on them so that their movement can be monitored on highway, failing which they shall be charged with an offence punishable with imprisonment upto 05 years or with fine upto 01 lakh Rupees or</p>

			<i>both. (Refer Annexure- 5 & 6)</i>
7)	<i>All the concerned shall ensure that the directions issued by the Hon'ble NGT vide order dated 24.08.2018 are strictly complied with.</i>	The respondent assure that the recommendation no. 7 of the order is being complied at all times M/s GECPL from time to time is directed to abide by all prevalent environmental laws including directions issued by the Hon'ble NGT vide order dated 24.08.2018. The directions have been issued to Executing Agency in this regard PD/JMU/Pkg-IV/U-R/J&K/15-16/Vol II/1644 Dt: 30.04.2019.	<i>As per latest inspection carried out by undersigned on 17-07-2019 along with the representatives of concerned agencies, it has been found that the directions of Hon'ble NGT are not followed in letter and spirit.</i>
8)	<i>Having regard to the entirety of the fact situation and the observations of the Committee to which there is no challenge, we direct the Gammon India Limited and the Hindustan Construction Company Ltd to pay interim compensation for the damage to the environment to the extent of Rs. 1 Crore each and also furnish Performance Guarantee for improving the situation in the manner.</i>	As informed by M/s GAMMON that being not satisfied with the order passed by the Hon'ble NGT on 12.02.2019, its company had filed a review application on 12.03.2019. The review application hearing was done on 26.04.2019 and the Hon'ble NGT court again reappointed the previous committee to submit an environmental report with reassign of the actual damages caused within 2 months. Being justice not made to the company, it shall file an appeal application in the Supreme court for the deferment of the penalty of Rs. 1 Crore.	<i>Hon'ble Supreme Court vide its order dated 10th July, 2019 has rejected the review application and has upheld the Hon'ble NGT order dated 12-02-2019.</i>
9)	<i>We request the Committee to examine the actual extent of damage and the amount required for restoration</i>	Pertains to appointed Committee	NOT IN OUR DOMAIN. <i>The steps for complying with these directions of NGT are required to be taken by monitoring committee.</i>
10)	<i>The deposit of compensation be made with the Central Pollution Control Board (CPCB) within one month and the Performance Guarantee may also be furnished to the satisfaction of the CPCB within one month.</i>	As informed by M/s GAMMON that being justice not made to the company, it shall file an appeal application in the Supreme court for the deferment of the penalty of Rs. 1 crore.	<i>Inspite of the review application filed by M/s GECPL in Hon'ble Supreme Court being rejected, the agency has yet to comply with the directions of Hon'ble NGT which have been upheld by Hon'ble Supreme Court.</i>

17) The point wise compliances of Hon'ble NGT Order dated 12.02.2019 for the M/s Hindustan Construction Company (HCC) stretch from Ramban to Banihal is as under:

S. NO	Monitoring Committee Observations	NHAI Remarks	DO SPCB Observations
1)	<i>The project proponent shall immediately discontinue with the use of dumping sites, which have already attained full capacity, as pointed out above and shall take immediate steps to strengthen, stabilize and rehabilitate them by planting local grass, shrubs and trees and by adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 supra.</i>	<p>It is pertinent to mention here that Answering respondent is complying to the recommendation/ suggestion made by Hon'ble Court and has stopped dumping in already filled dumping site. In addition to that, Answering respondent is adopting proper engineering intervention in terms of providing beams/ benches to intercept the unstable slopes. Also taking up plantation activity by themselves as well as forest department.</p> <p>However, since Jan'19 onwards there is unprecedented weather condition resulting in excessive landslides on project stretch which has delayed the plantation work and other development activity.</p>	<i>The monitoring committee observations in respect of strengthening, stabilization and rehabilitation of closed dumping sites by planting local grass, shrubs, trees and by adopting all other scientific methods as directed by NGT vide order dt. 12-02-2019 has not been complied till date. except at 01 site i.e. Battery Chaihma (km 131+280 to 131+350 NB) out of 07 closed sites. (pics attached) plantation has been carried out. On the spot directions were given to project authorities to lay soil cover to the plantation done for their proper growth. (Refer Pics attached)</i>
2)	<i>The project proponent shall immediately take steps for adequate preparation of the dumping sites, which are in use and where further dumping is possible, by raising/repairing the gabion walls, raising concrete retaining walls wherever necessary and adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 and suggested by the experts in their comments supra.</i>	<p>In respect of Recommendation no. 2 it is submitted that appropriate methodology of dumping management system along with required engineering intervention has been implemented on ground to avoid spilling of muck into the river. Further, to intercept the unstable slopes benching is done by constructing suitable beams. Hence, as per site conditions Gabion wall is sufficient to cater the load.</p> <p>However, instead of concrete retaining wall answering respondent is hereby constructing the Gabion wall at dumping sites.</p> <p>Because concrete is impervious. Due to</p>	<i>The project authorities were required to, as per monitoring committee observations to raise/repair the gabion walls, concrete retaining walls wherever necessary and adopt all other scientific methods as directed by the Hon'ble NGT vide order dated 12-02-2019, However, the status of these dumping sites remains the same as communicated vide this office letter No. SPCB/DO/Rbn/19/ 81 dated 02-05-2019 whereby it was made clear that no such measures had been taken (Refer Pics attached)</i>

		concretization, water will start getting retained behind the concrete putting a higher pressure on the concrete resulting in breakage.	
3)	<i>The State Government, Department of Forest, Ecology and Environment, shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.</i>	In this regard, it is to be noted that HCC has applied for additional dumping sites to Forest department since Oct-2017 and rigorously following up with concerned authorities, whereas approval is yet to be received from concerned Authorities.	<i>As per the directions of monitoring committee, 06 new dumping sites were identified by M/s HCC for the purpose of dumping muck. On the directions of DC Ramban these identified sites were inspected by undersigned & accordingly report dated 27-06-2019 stands submitted to authorities. (Refer Annexure-7)</i>
4)	<i>The project implementing authority (NHAI) in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PRJ) in particular shall ensure that the dumping sites are adequately and systematically developed before putting them to use and are adequately rehabilitated in the due course after they attain their full capacity.</i>	In this respect, it is submitted that that the respondent is following the methodology as given below; <ul style="list-style-type: none"> • Construction of Gabion wall – • Dumping of muck in authorized dumping yard • Creating of benches to hold the muck. • Plantation work. 	<i>The dumping sites after inspection were found to be not adequately developed and no measures were taken to rehabilitate the closed dumping sites as per directions of Hon'ble NGT. (Refer Pics attached)</i>
5)	<i>The NHAI in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in particular shall ensure visible improvement on the ground by the next inspection of the area, which shall be held in first week of March, 2019.</i>	In this regard, this office informs that it is taking up periodic reports from Answering respondent regarding action taken up for the dumping sites on day to day basis and monitor shortcomings if any. Therefore, informs that Answering respondent has complied the recommendations/ suggestions made by Hon'ble NGT Court. Further, it is to worth mention here that, Ramban Banihal sector has encountered with unprecedented weather condition in the month of Jan'19 and Feb'19 which triggered multiple landslides, it has badly	<i>The dumping yards of M/s HCC were inspected on 15-07-2019 along with their representatives and there is no marked/visible change on the ground. Status of the desigrated dumping yards remains same as reported vide this office letter dated 02-05-2019. (Refer pics attached)</i>

		<p>affected the condition of project stretch including dumping yards. Despite of that M/s HCC is making best possible efforts to comply recommendations/ suggestions by NGT court.</p>	
6)	<p><i>The NHAI in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in particular shall be responsible for strict compliance of all the conditions of environmental clearance obtained by them for execution of the project and the directions issued by the Hon'ble NGT from time to time and shall be liable for the failure/lapses in this regard. The State Government and the J&K SPCB shall be responsible for keeping strict vigil to ensure strict compliance and shall take necessary legal action, whenever there is any failure or lapse.</i></p>	<p>In respect of Recommendation no.6, it is being complied with as per Good Industry Practice by this office. Visits by our engineers are made every month to the dumping sites to reassess damaged gabion structures, if any, for repair/rectification and instructions is marked to M/s HCC for strictly compliance.</p>	<p><i>Undersigned has already submitted a detailed report of dumping sites in-use and closed vide this office letter No. SPCB/DO/Rbn/19 /81 dated 02-05-2019.</i></p> <p><i>Further, undersigned also submitted "Non-compliance report of the directions of JKSPCB regarding regular water sprinkling on National Highway" vide this office letter No. SPCB/DO/Rbn/19 /54 dated 29-03-2019, SPCB/DO/Rbn/19 /65 dated 20-04-2019 and SPCB/DO/Rbn/19/113 dated 27-06-2019 wherein it was reported that executing agencies were not sprinkling water on road to prevent dust pollution.</i></p> <p><i>(Refer Annexure -2, 3 & 4)</i></p> <p><i>As a consequence of above stated reports Regional Director, Jammu issued Notices to executing agencies under Environmental Laws vide No. SPCB-RD-J/C-R/N-I/19/1388-93 dt. 02-05-2019 and SPCB-RD-J/C-R/N-I/19/1899-1903 dt. 08-07-2019 whereby they were asked to increase the number of water tankers to minimize the dust emissions on the road and also to install GPS Tracking system on them so that their movement can be monitored on highway, failing which they</i></p>

			<i>shall be charged with an offence punishable with imprisonment upto 05 years or with fine upto 01 lakh Rupees or both. (Refer Annexure- 5 & 6)</i>
7)	<i>All the concerned shall ensure that the directions issued by the Hon'ble NGT vide order dated 24.08.2018 are strictly complied with.</i>	The respondent assures that the recommendation no. 7 of the order is being complied at all times. M/s HCC is directed to follow environment regulations including directions issued by Hon'ble NGT court vide its order dated: 24.08.2018.	<i>As per latest inspection carried out by undersigned on 15-07-2019 along with the representatives of concerned agencies, it has been found that the directions of Hon'ble NGT are not followed in letter and spirit.</i>
8)	<i>We request the Committee to examine the actual extent of damage and the amount required for restoration</i>	Pertains to appointed Committee	NOT IN OUR DOMAIN. <i>The steps for complying with these directions of NGT are required to be taken by monitoring committee.</i>

Submitted for further necessary action at your end please.

Encl: 09 leaves

Yours faithfully


Divisional Officer
SPCB RAMBAN