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**BEFORE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O A No. 163/2024

Rasikh Rasool Bhat & Ors.

.....Applicant(s)

Versus

Union Territory of Jammu & Kashmir & Ors.

..... Respondent(s)

IN THE MATTER OF:- I - N - D - E - X

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Dated: 31/10/2025

Place: Jammu


DISTRICT MINERAL OFFICER
On behalf of Respondent No. 2
DEPARTMENT OF GEOLOGY & MINING
District Mineral Officer, Kupwara
KUPWARA

**BEFORE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O A No. 163/2024

Rasikh Rasool Bhat & Ors.

.....Applicant(s)

Versus

Union Territory of Jammu & Kashmir & Ors.

..... Respondent(s)

In the matter of: Action taken report on behalf of respondent No. 7 in compliance of order dated: 22-08-2025.

Most Respectfully showeth as under:

1. That the present Original Application is pending adjudication before this Hon'ble Tribunal.
2. That the matter was came up for consideration on 22-08-2025 and the Hon'ble Tribunal has issued directions as under :

"During the course of hearing though the Executive Engineer, PWD (R&B) was present virtually but he could not furnish any satisfactory explanation referring to any of the document which is already on record about the discrepancy in the use mineral which has been noted by the Jammu & Kashmir PCC. This prima facie reflects there was illegal extraction of 2728.82 MT of mineral which was used for the project. The Applicant has referred to the order dated 26.12.2023 (page 221) and has submitted in the garb of the order concerning disposal of muck, the illegal extraction of


**DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA**

mineral has taken place. Thus, the Secretary, Mining Department is required to disclose the action which has been taken against the illegal extraction of mineral to the extent discrepancy reflected above and also explain the discrepancy which has been noted by the Jammu & Kashmir PCC.

3. That in compliance to the above said directions issued, District Mineral Officer, Kupwara and Executive Engineer R&B Division Handwara have worked out and made a detailed reconciliation of the mineral quantities consumed, permitted and sourced for the Handwara, Bangus Road Project, during re-conciliation it is found that the executive agency was granted two valid Disposal permits for lifting of Muck (GSB) from proprietary land (Non-stream area) falling under survey No. 576 in village Maratgam, Handwara which were not included in the initial data provided to the J&K PCC by the then District Mineral Officer, Kupwara.

Detail of the said Disposal Permits are as under:

- i) Disposal permit No. 27 Dated 20-05-2023 issued for a quantity of 800 MTs.
- ii) Disposal Permit No. 56 Dated 22-07-2023 issued for a quantity of 2000 MTs.

M. Shyl
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DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA

Copy of the detailed report submitted after reconciliation by the District Mineral Officer, Kupwara and Executive Engineer R&B Division Handwara is enclosed herewith

along with the Disposal Permits issued vide Nos. 27 & 56 are for the kind perusal and marked as **Annexure-I**.

4. It is most respectfully submitted that the Mineral consumption for the project has been conducted under valid permissions and the discrepancy highlighted in the J&K PCC report was the result of an omission in reporting with regard to the above mentioned Disposal permits.
5. That in view of the above made submissions it is most humbly requested to kindly consider the present action taken report.

An affidavit in support of the reply duly sworn is annexed herewith.

PRAYER:

Keeping in view of the submissions made hereinabove and those to be urged at the time of hearing, it is most respectfully prayed that this Hon'ble Tribunal may kindly consider the Action taken report in compliance of order dated 22-08-2025. Any other order/direction which this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

Place: Jammu

Dated: 31-10-2025

M. Shafiq
On behalf of Respondent no.7
DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOL. & MINING
District Mineral Officer, Kupwara
KUPWARA

Subject: Joint Report regarding OA No. 163/2024 titled Rasikh Rasool Bhat and Others Vs UT of J&K and Others before the Hon'ble NGT – Regarding points of illegal mining and discrepancy in mineral quantity.

Reference: 1. Hon'ble NGT's Order dated 22-08-2025.
2. Letter from Directorate of Geology & Mining, Kashmir No: DGM/LCJ/OA 163/2024/3805-3807 dated: 01-09-2025.

Action Taken Report

In compliance with the directives contained in the above cited references, a joint detailed reconciliation of the mineral quantities consumed, permitted, and sourced for the Handwara-Bangus road project was undertaken by District Mineral Officer, Kupwara and Executive Engineer, R&B Division Handwara. The reconciliation process was meticulously executed by cross-verifying all records, including Disposal Permits issued by District Mineral Officer, Kupwara and material consumed in the project by Executing Agency. The following findings were recorded:

Sr. No.	Description	Quantity in MTs	Remarks
1.	Total quantum of material consumed as per the report of Executive Engineer, PWD (R&B) Handwara.	74,461.60	As reported by J&K PCC
2.	Quantum of material for which disposal permits were obtained from Talri Nallah.	7,792.00	As initially reported
3.	Material used from the construction site (road cutting/earthwork).	63,940.18	As reported by J&K PCC
4.	Sub-Total of Accounted Material (Row 2 + Row 3)	71,732.18	
5.	Discrepancy initially observed (Row 1 - Row 4)	2,728.82	As highlighted by J&K PCC.
6.	Quantity from Disposal Permit No. 27 dated: 20-05-2023 (Survey No. 576, Maratgam Handwara)	800.00	Omitted in earlier report.
7.	Quantity from Disposal Permit No. 56 dated 22-07-2023 (Survey No. 576, Maratgam Handwara)	2000.00	Omitted in earlier report.
8.	Total Quantity from Additional Permits (Row 6 + Row 7)	2800.00	
9.	Grand Total of Accounted Material (Row 4 + Row 8)	74,532.18	

M. Shal
DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA

Findings:

- That the alleged discrepancy of 2,728.82 MTs observed by the J&K PCC has been fully reconciled and accounted for.
- That the Executing Agency was granted two more valid Disposal Permits for lifting of Muck (GSB) from proprietary land (non-stream area) falling under Survey No. 576 in village Maratgam, Handwara, which were not included in the initial data provided to the J&K PCC. These are:

M. Shal
22/09/2025

Disposal Permit No. 27 dated: 20-05-2023 for a quantity of 800 MTs.
(enclosed at Annexure-I)

Disposal Permit No. 56 dated: 22-07-2023 for a quantity of 2,000 MTs
(enclosed at Annexure-II).

- The addition of this quantity (2,800 MTs) to the previously accounted quantity of 71732.18 satisfactorily explains the source of the mineral, negating any allegation of illegal extraction of 2,728.82 MTs.
- The earlier report submitted by the then-District Mineral Officer, Kupwara, to the J&K PCC only mentioned the disposal permits granted for lifting of RBM from Talri Nallah and inadvertently omitted the permits granted for lifting of muck (GSB) from the proprietary land at Maratgam, leading to the apparent discrepancy.

Conclusion:

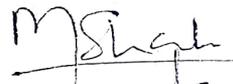
The mineral consumption for the project has been conducted under valid permissions and is fully accounted for. The discrepancy highlighted in the J&K PCC report was a result of an omission in reporting all issued disposal permits and not due to any illegal mining activity.



Executive Engineer,
R&B Division Handwara.



DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA



District Mineral Officer,
Geology & Mining Department,
Kupwara

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Government of Jammu & Kashmir (UT)
District Mineral Officer Geology & Mining Department Kupwara
email: dmop4@gmail.com
Tel. No: 01922-241572

DISPOSAL PERMIT

Permit No: 0027
Dated: 20-05-2023

Valid Up to: - 31-05-2023

Subject: Construction of road from Handwara to Bangus Phase 2nd

Reference: Letter from Executive Engineer (R&B) division Handwara vide No: 13452-56 dated: 11-03-2023

Order

Whereas Executive Engineer R&B Division Handwara has requested for providing of sub-base material (GSB) for construction of road from Handwara to Bangus Phase 2nd vide his office letter No:- 13452-56 dated: 11-03-2023

Whereas the contractor Abdul Rashid has subcontracted the project to Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o: Langate vide his letter No: JKRCC/OM/AM/1159 dated:01-04-2017

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 26th March 2020, where under in Appendix (IX), extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. Have been exempted from requirement of Environmental Clearances

Keeping in view the Govt works of urgent nature and their time bound execution, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for removal of 800 Mts of Muck (GSB) from Maratgam (land vide khasra No:576) in consideration of payment of Rs. 26,520.00 (Rupees Twenty Six Thousand Five Hundred and twenty only) on account of advance Royalty, Application Fee and TCS applicable vide G.R No 0914951 dated 20-05-2023

subject to following terms and conditions

- I. The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- II. The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- III. The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- IV. The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- V. The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.

Shah
DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA

Mineral Officer
Geology & Mining Deptt
Kupwara

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The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.

Surrender this permit in original to this department after dispatching last consignment within a weeks' time.

The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.

- Work shall remain closed on Sundays.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited
- The Department shall not be responsible for any third party Claim.

No: DMO/Kup/DP/231/290-96

Dated: 22-07-2023

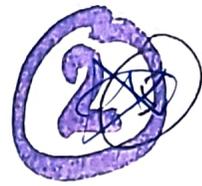
Authorized Officer
District Mineral Office
Geology & Mining Deptt
Kupwara

Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
- Joint Director (K) Geology & Mining Deptt Srinagar for information please.
- Ex. Engineer (R&B) Division Handwara for favour of information please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for information and compliance
- Office file

M. Shal
District Mineral Officer
Department of Geology & Mining
Kupwara

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Government of Jammu & Kashmir (UT)
District Mineral Office Geology & Mining Department Kupwara
email: dmokupw@emill.com
Tel. No: 01955-233572

DISPOSAL PERMIT

Permit No: 56
Dated: 22-07-2023

-Valid Up to: - 02-08-2023

Subject: Construction of road from Handwara to Bangus Phase 2nd

Reference I: Letter from Executive Engineer (R&B) division Handwara vide No:
13452-56 dated: 11-03-2023

Order

Whereas Executive Engineer R&B Division Handwara has requested for providing of sub-base material (GSB) for construction of road from Handwara to Bangus Phase 2nd vide his office letter No:- 13452-56 dated: 11-03-2023

Whereas the contractor Abdul Rashid has subcontracted the project to Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o: Langate vide his letter No: JKRC/OMAM/1159 dated:01-04-2017

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under In Appendix (IX), extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. Have been exempted from requirement of Environmental Clearances.

Keeping in view the Govt. works of emergent nature and their time bond execution, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for removal of 2000 Mts of Mukh (GSB) form Maratgam (land vide khasra No:576) in consideration of payment of Rs. 66,300.00 (Rupees sixty six thousand three hundred ly only) on account of advance Royalty, Application Fee and TCS applicable vide G.R No:0916006 dated:22-07-2023

Subject to following terms and conditions

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM

M. Ghale
12/5/23

DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA

M. Ghale
District Mineral Officer
Geology & Mining Deptt.
Kupwara

- VI Surrender this permit in original to this department after discharging the consignment within a week's time
- VII The permit holder shall be strictly governed by Rule 60 of J&K Mineral Concession, Transportation of Minerals and prevention of illegal mining Rules 2016 failure of compliance of any lapses/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- VIII Work shall remain closed on Sundays.
- IX Stacking of the extracted material is strictly prohibited.
- X Mechanical screening of the extracted material is strictly prohibited
- XI The Department shall not be responsible for any third party claim

No: DMO:Kup:DP/22/SFF-85
 Dated: 20-05-2023

[Handwritten Signature]
 Authorized Officer
 District Mineral Office
 Geology & Mining Deptt.
 Kupwara

Copy to the

- o Deputy Commissioner Kupwara for favour of information please.
- o Joint Director (K) Geology & Mining Deptt Srinagar for information please
- o Ex. Engineer (R&B) Division Handwara for favour of information please.
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- o Station House Officer Handwara for favour of information please
- o Area Incharge Handwara for information and necessary action
- o Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for information and compliance
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[Handwritten Signature]
DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA

**BEFORE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O A No. 163/2024

Rasikh Rasool Bhat & Ors.

.....Applicant(s)

Versus

Union Territory of Jammu & Kashmir & Ors.

..... Respondent(s)

In the matter of:

Affidavit in support of the accompanying objections.

May it please your lordships;

I Mumtaz Ahmad Shah Age 50 years presently posted as District Mineral Officer, Kupwara, do hereby state on oath/solemn affirmation that I have read the accompanying reply and the contents of the same are believed to be true and correct upon information received from the records which I believed to be true.

I solemnly swear/affirm that this affidavit is true, no part of this is false and nothing has been concealed.

Place: Jammu

Dated: 31-10-2025


**DISTRICT MINERAL OFFICER
DEPARTMENT OF GEOLOGY & MINING
KUPWARA**