

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
NEW DELHI

O.A. NO. 652/2022

In the matter of:

R.D.Singh Bandral

.... (Petitioner)

Versus

Union of India &Ors

....(Respondents)

INDEX

Sr. No.	Particulars	Page No.
1.	Affidavit in terms of Order dated 10.01.2024 & 12.03.2024	1-5
2.	Annexure A. Order dated 07.05.2024	6
3.	Annexure B. Document	7-8

FILED BY

11.05.2024



G.M.KAWOOSA

ADVOCATE FOR RESPONDENT

gmkawoosa@yahoo.com

9810271255

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
NEW DELHI

O.A. NO. 652/2022

In the matter of:

R. D. Singh Bandral (Petitioner)

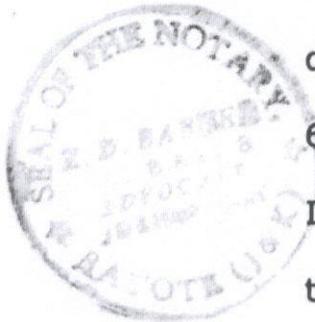
Versus

Union of India & Ors. (Respondents)

In the matter of:Affidavit in terms of Order dated
10.01.2024 & 12.03.2024
passed by this Hon'ble Tribunal.

I, Atul Bali, presently posted as Chief Engineer, PW(R&B) Department, Zone Chenab (U.T. of Jammu & Kashmir) do hereby solemnly affirm as under the following affidavit: -

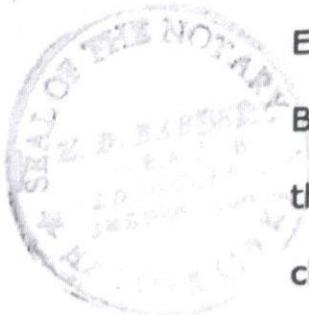
- Atul Bali*
1. That the deponent respectfully submits that being a law-abiding citizen and having great regards for the orders/ directions of the Hon'ble Court of Law, any delay caused in filing the reply/response in OA No. 652/2022 titled 'R. D. Singh Bandral V /s Union of India and others whether inadvertently or otherwise, the deponent unconditionally apologizes for the same.



2. It is submitted that pursuant to order dated 10.01.2024 & 12.03.2024 passed by this Hon'ble Tribunal, the matter was taken up with the administrative department for further necessary action. That, upon examination of the matter it was found that the tender dated 26.10.2018 issued by then Chief Engineer requires re-consideration and accordingly pursuant to instructions issued by Additional Secretary to Government, Public Works (R&B) Department (Legal Section), dated 21.02.2024, allotment of work namely "construction of road from Chattar Galla to Kailash Kund" stands cancelled. A copy of the order dated 07.05.2024 issued by Office of the Chief Engineer Public Works (R&B) Department Chenab Zone, Batote is annexed as Annexure -A.

Amal

3. I say that pursuant to the information provided by Executive Engineer, Public Works (R&B) Department Bhaderwah, vide its communication dated 09.05.2024, the proposal for Forest clearance and Wildlife clearance was uploaded on PARIVESH Portal vide Proposal No. FP/JK/Road/147229/2021 on 20.09.2021



and 06.04.2022. However, no clearance as requested was granted, therefore, the construction of work on the project never started nor any payment was made to the contractor. A copy of the document uploaded on PARIVESH Portal is annexed as Annexure-B.

4. The deponent respectfully submits that the proposed road Chattergala to Kailash Kund via Seoj-Dhar is a special facilitation for pilgrimage of Jammu and Kashmir to the religious Kailash Kund, destination of District Dada and also from the State of Himachal Pradesh. It is also an alternate connectivity and shortest access between the twin Districts of Udhampur and Dada in Jammu & Kashmir. It is further submitted that the main objectives of this road is to provide the connectivity during yatra to avoid human wildlife conflict, improve awareness, safety and reducing collisions. Therefore, in case the proposal for construction of said road is again considered, the same shall be done only after obtaining the necessary clearances as required under law.

Handwritten signature



In view of what is mentioned above, it is most respectfully prayed that present affidavit may kindly be taken on record.

Atul Bali
Deponent

VERIFICATION:

I, Atul Bali, the deponent above named do hereby verify that the contents of above affidavit are true to my knowledge that no part of the same is false and nothing material has been concealed therefrom.

Verified at Batoli on this 10th day of May 2024.



Atul Bali
Deponent

Atul Bali
Solemnly affirmed / Sworn before me
10/5/2024
NOTARY
BATOTE (UK)

Identified by
Mohd Sadique
PND (RAB)



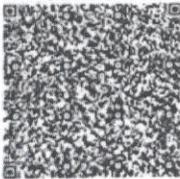
सत्यमेव जयते

INDIA NON JUDICIAL

Government of Jammu and Kashmir

e-Stamp

Certificate No. : IN-JK95598194200199W
Certificate Issued Date : 10-May-2024 11:03 AM
Account Reference : NEWIMPACC (SV)/ jk12650604/ COURT COMPLEX BATOTE/ JK-RB
Unique Doc. Reference : SUBIN-JKJK1265060480616207049567W
Purchased by : FIRST PARTY
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
 (Zero)
First Party : ATUL BALI CHIEF ENGINEER PWD R B DEPTT ZONE CHENAB
Second Party : Not Applicable
Stamp Duty Paid By : ATUL BALI CHIEF ENGINEER PWD R B DEPTT ZONE CHENAB
Stamp Duty Amount(Rs.) : 10
 (Ten only)



Please write or type below this line

**Statutory Alert:**

1. The authenticity of this Stamp certificate should be verified at www.shrestamp.com/ or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

UNION TERRITORY OF JAMMU & KASHMIR

OFFICE OF THE CHIEF ENGINEER PW (R&B) DEPARTMENT CHENAB ZONE BATOTE

Phone No. 01998-295203

e-mail:-cepwdchenab@gmail.com

Subject: - Order for cancellation of Contract / Allotment for work namely "Construction of road from Chattar Galla to Kailash Kund via Seoj Dhar (Length=11.00 Kms.) Phase I by way of earthwork and walling, drainage X-ing, protection works upto fair weather status (under CRF)".

In view of the directions issued by Hon'ble National Green Tribunal vide Order dated January 10, 2024 and subsequent instructions issued by Additional Secretary to Govt., Public Works (R&B) Department (Legal Section), Civil Secretariat, J&K vide letter No. PWD/15/2022-05-PWD dated 21-02-2024, the contract / allotment of work namely "Construction of road from Chattar Galla to Kailash Kund via Seoj Dhar (Length=11.00 Kms.) Phase I by way of earthwork and walling, drainage X-ing, protection works upto fair weather status (under CRF)" against e-NIT No. 81 of R&B Bholderwah/2018-19 dated 26-10-2018, allotted in favour of contractor M/s D K Projects H. No. 29-Rama Lane, Talab Tillo Jammu (Joint Venture of M/s Kasana Brothers MD, Sh. Abdul Jaleel Kasana S/o Sh. Mehboob Kasana R/o Hariganiwan Tehsil Kangan Srinagar - 49% Share and M/s Farooq Ahmed Dar and Co. Prop. Farooq Ahmed Dar S/o Haji Ghulam Mohd. Dar R/o Ward No. 03 Danishabad Colony Rajouri - 51% Share), issued by Chief Engineer PW (R&B) Department Jammu vide No. CEJ/G/20566-68 dated 25-02-2019 for Rs 107426248/- (Rupees Ten Crores Seventy-Four Lacs Twenty-Six Thousand Two Hundred and Forty-Eight only) is hereby **cancelled**.

No.: - CEC/1178-84

Date: - 07-05-2024


(Er. Atul Bali)
Chief Engineer,

PW(R&B) Department,
Zone Chenab.

Copy submitted to the: -

1. Secretary to Govt., Public Works (R&B) Department, Civil Secretariat, J&K for favour of kind information please.
2. Chief Engineer PW (R&B) Department Zone Jammu for favour of kind information please.
3. Additional Secretary to Govt., Public Works (R&B) Department (Legal Section), Civil Secretariat, J&K for favour of information please. This is in reference to his communication quoted above.
4. Sh. G. M. Kawoosa Additional Standing Counsel (Mobile / Whatsapp No. 98102-71255, e-mail id: gmkawoosa@yahoo.com) for information with the request to apprise the Hon'ble National Green Tribunal accordingly.
5. Superintending Engineer PWD (R&B) Circle Doda-Kishtwar for information.
6. Executive Engineer PWD (R&B) Division Bholderwah for information with the directions to initiate the process for seeking the statutory clearances. He shall not initiate any tendering process for the said work unless all the mandatory clearances are obtained as per the directions of Hon'ble NGT.
7. M/s D K Projects H. No. 29-Rama Lane, Talab Tillo Jammu (Joint Venture of M/s Kasana Brothers MD, Sh. Abdul Jaleel Kasana S/o Sh. Mehboob Kasana R/o Hariganiwan Tehsil Kangan Srinagar - 49% Share and M/s Farooq Ahmed Dar and Co. Prop. Farooq Ahmed Dar S/o Haji Ghulam Mohd. Dar R/o Ward No. 03 Danishabad Colony Rajouri - 51% Share) for information.

Letter was uploaded on PABIVESH portal on 13-10-2021 against the query raised by the Nodal offices of the Forest Department.

Query - I
Reply

Union Territory of Jammu and Kashmir
SECRETARY TO THE EXECUTIVE ENGINEER (R&B) B.C. ROAD DIVISION BHADERWAH

E-Mail : scbshah@rediffmail.com Ph. Fax No.: 01997-244160

Proposal no: FP/JK/ROAD/147229/2021

JUSTIFICATION LETTER FOR FOREST AND DIVERSION.

1. The project for construction of road from Chatergala to Kailash Kund via Seoz Dhar District Doda, U T of Jammu & Kashmir, length 11.0 KM Sanctioned under CRF. The whole road passes through forest/wild life land to connects to Religious Place Kailash kund and a famous tourist destination Seoz Dhar. By the construction of this road on its completion will provide/ facilitate to the people of pilgrims/tourists.
2. The proposed area cannot be avoided as the alignment proposed is the only feasible alignment providing vital connectivity to the above-mentioned religious/tourist destination.
3. As the whole alignment passes through the forest and this is the only feasible alignment which covers lesser forest and lesser number of trees than any other alignment.
3. Hence the diversion of forest land is the only choice to construct the said road.
4. The road is passing on rising gradient, However in some stretches the higher altitude to lower altitude gradient has been proposed to avoid huge cutting of earth on uphill side which may cause damage to the forest land.

Sh. H. R. A.
Executive Engineer
Shadernah Chamba Road Division
SHADARNAH

J. P.
Jawad ul Hassan
Executive Engineer
BWD(R&B) B C Road Division
Bhaderwah

UNION TERRITORY OF JAMMU AND KASHMIR
OFFICE OF THE EXECUTIVE ENGINEER PWD (R&B) DIVISION BHADERWAH



XENBHADERWAHRNB66@GMAIL.COM

The Chief Engineer,
PW (R&B) Department,
Chenab Zone, Batote.

No:- 151

Dated:- 09-05-2024

Subject:- NOC for Forest Clearance and Wildlife clearance for construction of road from Chattergala to Kailash Kund via Seoj Dhar Proposal No:- FP/JK/ROAD/147229/2021 (on PARIVESH Portal).

Sir,

It is hereby certified that the proposal for Forest clearance and Wildlife clearance was uploaded on PARIVESH Portal vide Proposal No:- FP/JK/ROAD/147229/2021, Dt:- 20-09-2021 and 06-04-2022 respectively on PARIVESH Portal for the work road from "Chattergala to Kailash Kund via Seoj Dhar". Further queries/observation which were raised by the Forest Department were also redressed properly by user agency on 13-10-2021. But as on date as verified from the PARIVESH portal till date **no such** clearance has been granted by the Forest Department J&K for the said work.

Yours Faithfully,

Executive Engineer 1.0
PWD (R&B) Division
Bhaderwah