

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI**

Original Application No. 924/2024

IN THE CASE OF:

News Item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" appearing in Daily Excelsior dated 09.07.2024.

AFFIDAVIT IN COMPLIANCE OF ORDER DATED 30.05.2025

I, Dr. Basharat Qayoom, District Magistrate Pulwama, Union Territory of Jammu and Kashmir do hereby solemnly affirm and state as under:

1. That I am presently serving as District Magistrate, Pulwama, UT of Jammu and Kashmir and as such I am well aware of the facts of the present matter.
2. That I most humbly and respectfully submit that the Deponent herein, holds the highest regard and utmost respect for this Hon'ble Tribunal and directions issued by this Hon'ble Tribunal. It is submitted with humility that the deponent has always prioritized the prompt and sincere implementation of the Hon'ble Tribunal's orders, recognizing that administrative indifference is impermissible and frowned upon in the eyes of law.
3. That the Hon'ble National Green Tribunal, Principal Bench, New Delhi, has taken suo motu cognizance by registering the present Original Application based on a news item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" published in the Daily Excelsior dated 09.07.2024. Pursuant to the same, the Hon'ble Tribunal was pleased to pass an order dated




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26.07.2024, impleading the following authorities as party respondents:

- i) Central Pollution Control Board, through its Member Secretary
- ii) Pollution Control Committee, J&K, through its Member Secretary
- iii) Ministry of Environment and Forest, Integrated Regional Office
- iv) Geology and Mining Department, through its Director
- v) District Magistrate, Pulwama

4. That further, a Joint Committee was constituted by this Hon'ble Tribunal comprising the following members:

- a) Member Secretary, J&K Pollution Control Committee
- b) Regional Officer, MoEF&CC, Chandigarh
- c) District Magistrate, Pulwama

5. The Committee was directed to visit the site, ascertain the factual correctness of the news report, and file an Action Taken Report on or before 07.11.2024. The District Magistrate, Pulwama, was designated as the coordinating agency for the said joint inspection.

6. That in compliance with the said direction, the legal section in the office of the District Magistrate dealing with the matters of Courts/Tribunals issued a communication bearing No. DCP/Legal-24/223-31 dated 18.10.2024, scheduling the joint inspection for 21.10.2024. A copy of the said communication is placed on record and marked as **ANNEXURE-1**.

7. That due to an inadvertent administrative error of the legal section of the office of the deponent, the communication dated 18.10.2024 was addressed to the Regional Director, CPCB, Chandigarh instead of the Regional Office, MoEF&CC, Chandigarh and this overlap may have contributed to the misunderstanding. Furthermore, in furtherance of the joint inspection scheduled for



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21.10.2024, the Office of the District Magistrate, Pulwama, also undertook verbal follow-up to ensure timely coordination. The concerned official from the Personal Section of the District Magistrate's Office also made a telephonic call to mobile number 9814004377, which belongs to Mr. Narender Sharma, the Regional Director, CPCB Chandigarh. During the call, Mr. Sharma expressed his inability to participate in the joint inspection due to his preoccupation with assignments in other matters pending before this Hon'ble Tribunal. The miscommunication remained unnoticed with the bonafide belief that right addressee has been communicated. The addressee having been deemed perceivably right, the joint visit was made owing to the fact that matter being urgent and the compliance report was to be filed as directed by this Hon'ble National Green Tribunal.

8. That the office of the deponent was under the bonafide belief that due intimation had been extended to the concerned Committee member. It subsequently became apparent that the Regional Officer, MoEF&CC, Chandigarh had not received any formal notice. This fact was brought to light through the submission of the learned counsel appearing for RO, MoEF&CC on 30.05.2025.
9. That it is also most respectfully submitted that the timeline fixed by this Hon'ble Tribunal for compliance coincided with the period during which Assembly Elections were underway in Jammu & Kashmir. The District Magistrate, Pulwama, in his capacity as District Election Officer, was duty-bound to oversee and ensure the peaceful and orderly conduct of elections in the district. Notably, all polling stations in District Pulwama are categorized as



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critical and vulnerable, demanding exceptional logistical coordination, deployment of forces, and round-the-clock administrative vigilance. Consequently, the District Magistrate was entrusted with extensive responsibilities related to election preparedness, movement planning, security arrangements, and enforcement of the Model Code of Conduct. However, as soon as the incident of attempted breach of the Jhelum river bank was brought into the notice, immediate corrective action was taken by the District Administration along with allied departmental stakeholders by lodging FIR and the attempted breach was set right immediately, the compliance of which has already been submitted before this Hon'ble Tribunal on 06.11.2024.

10. That these exceptional election-related obligations, coupled with the unintentional misunderstanding explained above, led to the unfortunate situation of non-compliance, which the District Magistrate deeply regrets and takes full responsibility for.

11. That it is submitted with great respect and reverence that had the said misunderstanding noted earlier, the confusion could have been rectified promptly. Since the miscommunication remained unnoticed, the Office of the District Magistrate was left to reasonably believe that the requirement under the order dated 26.07.2024 stood fulfilled. Consequently, the joint visit proceeded in the absence of the Regional Officer, MoEF&CC, Chandigarh, solely for the purpose of ensuring timely compliance with the directions of this Hon'ble Tribunal. An initial Action Taken Report (ATR) was accordingly prepared and signed by the other two members.




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12. That to further involve the MoEF&CC, the said Action Taken Report was emailed to the Deputy Director / Scientist-C, Sub-Office, MoEF&CC, Jammu, at the official email ID iro.jammu-mefcc@gov.in, which had been retrieved from the official website and also reconfirmed with the District Pollution Control Officer, Pulwama. It was assumed, albeit erroneously, that the said office formed part of the Regional Office, Chandigarh (MoEF&CC), particularly because of the earlier communication addressed to the Regional Office, ChandigarhCPCB authority, which, although a party respondent, was not part of the joint committee. The copy of email dated 31.10.2024 followed by a reminder Dated: 02.11.2024 addressed to the Deputy Director / Scientist-C, Sub-Office MoEF&CC, Jammu seeking endorsement on the Action Taken Report is placed on record and marked as **ANNEXURE-2**.

13. That the Deputy Director / Scientist-C, MoEF&CC Sub-Office Jammu, however, refused to sign the ATR, which further compounded the confusion, especially when it was believed that a communication had already been made. In these circumstances, the District Magistrate was constrained to file the ATR before this Hon'ble Tribunal to the exclusion of the MoEF&CC. The filing of initial ATR was in bona fide and timely compliance to the order dated 26.07.2024. Subsequently, the third member of the joint committee (Deputy Director / Scientist-C, MoEF&CC Sub-Office Jammu) visited the spot on 19.02.2025 and the fresh Action Taken Report Dated: 25.02.2025 was submitted.

14. Further, that the order Dated: 26.07.2024 having been complied with in letter and spirit through the conduct of a subsequent joint



[Signature]
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visit to the inclusion of the representative of MOEF & CC and the submission of fresh Action Taken Report left the District Magistrate Pulwama(deponent) under a bonafide belief that his personal appearance probably stands dispensed with. However, this Hon'ble Tribunal vide order Dated:27.02.2025 issued a bailable warrant of a sum of Rs.10000/- along with imposition of cost of Rs.15000/- on the District Magistrate Pulwama for non-appearance on 27.02.2025 concerning which a recall application bearing IA No.225/2025 was filed which is pending adjudication before this Hon'ble Tribunal. Later, on the advice of the Ld. Counsel the fine imposed by this Hon'ble Tribunal has been deposited in the name of Registrar, National Green Tribunal, New Delhi vide demand draft No.888133 dated 05.06.2025.

15. That it is submitted that this error continued unnoticed by the deponent and his team, who projected the same communication before this Hon'ble Tribunal in good faith, until the last date of hearing when learned counsel for Regional Office, MoEF&CC, Chandigarh denied having received any such communication. This revelation prompted the District Magistrate to immediately verify internal records, call details, and correspondences, and the same were also shared with the newly appointed Ld. counsel and on careful perusal of all records, whereby it was discovered that the original letter was by mistake addressed to the Regional Director, CPCB, who was not part of the Joint Committee constituted by this Hon'ble Tribunal though a party to the case.

16. That the deponent humbly requests this Hon'ble Tribunal to consider his consistent record of compliance in other matters




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pending adjudication before this Hon'ble Tribunal. It is once again most respectfully submitted that there was no attempt to mislead or misrepresent before this Hon'ble Tribunal, nor any motive or reason or intention for the District Magistrate to withhold or falsify the facts. The District Magistrate recognizes the Hon'ble NGT as a statutory adjudicatory body, and no administrative authority, much less the District Magistrate himself, would ever dare to project misleading or inaccurate information before such an esteemed forum, particularly when compliance had already been substantially made.

17. That had the misunderstanding/miscommunication mentioned hereinabove been noticed before the last date of hearing i.e. 30.05.2025, the District Magistrate would not have projected the earlier compliance letter in such earnestness. Unfortunately, the inadvertent layered confusion on part of the legal section of this office dealing with such matters (Court/Tribunal) regarding CPCB and MoEF&CC, the said inadvertent error remained unnoticed, resulting in a situation that the District Magistrate deeply regrets.

18. That the District Magistrate, Pulwama, reiterates that there was no deliberate intent to disobey or defy the directions of this Hon'ble Tribunal. The situation arose purely due to inadvertent systemic error and exceptional circumstances of election duty. With the deepest sense of responsibility and sincerity, the District Magistrate tenders an unconditional and heartfelt apology to this Hon'ble Tribunal.



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19. That this affidavit is submitted to place the factual position on record and respectfully pray that this Hon'ble Tribunal may take a sympathetic and lenient view, in light of the factual matrix, and the circumstances. The deponent (District Magistrate Pulwama) is duty bound to be respectfully obedient to this Hon'ble Tribunal.



Deponent
District Magistrate Pulwama

Pulwama

Dated: 12-06-2025

VERIFICATION

I, Dr. Basharat Qayoom, District Magistrate Pulwama, Union Territory of Jammu and Kashmir, having my office address at Ground Floor, Mini Secretariat, Pulwama-192301 do hereby and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 12th day of June, 2025 at Pulwama.



Deponent
District Magistrate Pulwama



Certified that the contents of the affidavit are declared on oath this 12/6/2025 before me by the deponent. The deponent is identified

by Yunus Ah. Shah
S/o Ab. Rashid Shah
R/o Chatoigam
Tsal.

12/6/2025
ADVOCATE
MIR SHAKEEL AHMAD
NOTARY DIST. COURT
PULWAMA

IDENTIFIED BY
[Signature]



Government of Jammu and Kashmir (UT)

OFFICE OF THE DEPUTY COMMISSIONER PULWAMA

email: adc.pulwama@nic.in Ph. No. 01933-241240

1. Regional Director (RD Chandigarh)
Central Pollution Control Board (RD),
BSNL Telephone Exchange, 2nd Floor,
Sector-49, Chandigarh – 160047.
2. Member Secretary, J&K PCC,
Parivesh Bhawan, Forest Complex,
Transport Nagar, Jammu – 180 006.
(e-mail): membersecretaryjkspcb@gmail.com)

No: DCP/Legal/24/223-31

Dated:18/10/2024

Subject:- Constitution of Committee regarding the implementation of
the Order passed by Hon'ble NGT (PB) O.A. No. 924/2024
Order Dated: 26/07/2024-reg.

Sir/Madam,

In compliance to the Order passed by the Hon'ble NGT (PB)
O.A. No. 924/2024 Dated: 26/07/2024, I am directed to request you
to kindly make it convenient to visit the site as members of the Joint
Committee on 21st, October 2024 at 1200 hours so that compliance
report is submitted in this regard.

Yours faithfully,

**Addl. District Magistrate,
Pulwama.**

Copy to :-

1. District Magistrate, Pulwama for favour of information.
2. Scientist-F and Head IPC-II Division, Parivesh Bhawan, East Arjun Nagar, Delhi,
110032 (Telephone: 43102030, 22305792) (Website: www.cpcb.nic.in).
3. Executive Engineer, Flood Control Division Kakapora for information and n/a.
4. Executive Engineer, Irrigation Division Pulwama for information and n/a.
5. Tehsildar concerned for information and n/a.
6. District Pollution Control Committee Officer, Pulwama for information and n/a.
7. District Mineral Officer, Pulwama for information and n/a.





ARA Pulwama <aradcpul@gmail.com>

OA No 924/2024

3 messages

ARA Pulwama <aradcpul@gmail.com>
To: iro.jammu-mefcc@gov.in

Thu, Oct 31, 2024 at 2:12 PM

Kindly find attached herewith the copy of Order Dated 26/07/2024 passed by the Hon'ble NGT whereby the Ministry of Environment and Forest Integrated Regional Office has been arrayed as one of the party respondents.

In this regard, a joint report of the constituted members has been framed and signed by the rest of the members for onward submission to the Hon'ble NGT as desired. As such, the same is also being forwarded to your office for signatures please so that the needful as desired by the Hon'ble NGT is done within the prescribed timeline.

Regards,
Assistant Revenue Attorney with District Magistrate Pulwama.

ARA Pulwama <aradcpul@gmail.com>
To: iro.jammu-mefcc@gov.in

Thu, Oct 31, 2024 at 2:13 PM

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 **OA NO 924.PDF**
1036K**ARA Pulwama** <aradcpul@gmail.com>
To: iro.jammu-mefcc@gov.in

Sat, Nov 2, 2024 at 12:09 PM

Sir, it is to submit that the report supposed to be filed before the Hon'ble NGT with respect to the subject captioned above has already been transmitted to your office for favour of signatures.

Keeping in view, the exigency of the matter involved, it is, as such, requested to kindly do the needful so that the report could be filed before the Hon'ble NGT as desired.

Earliest action from your end would be highly solicited.

Regrads
Assistant Revenue Attorney
With Deputy Commissioner, Pulwama

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