

**Jammu and Kashmir
Pollution Control Committee**

chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006

Silk Factory Road
Rajbagh, Srinagar, 190 008

**The Consultant Judicial,
Hon'ble National Green Tribunal,
Principal Bench,
New Delhi.**

No: JKPCC/NGT/Appeal No. 34-2024/ 2068-66

Date:- 02-02-2025

Sub:- Compliance Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 16.12.2024 in Appeal No. 34/2024, titled "M/s K K Industries (Ice plant) Vs Union Territory of J&K & Ors".

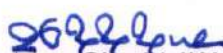
Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 16.12.2024 passed in in Appeal No. 34/2024, titled "M/s K K Industries (Ice plant) Vs Union Territory of J&K & Ors". the Compliance Report of the J&K Pollution Control Committee is submitted herewith.

It is, therefore, requested that the Compliance Report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As Above


(Ghansham Singh) JKAS
Member Secretary 02.02.25
J&K PCC

Copy to the:-

- 1) Sh. G. M Kawoosa, Additional Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.

**Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi**

Appeal No. 34/2024 (I.A No. 436/2024)

IN THE MATTER OF

**“M/s K K Industries (Ice plant) Vs Union
Territory of J&K & Ors”.**

Compliance Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 16.12.2024 in Appeal No. 34/2024, titled “M/s K K Industries (Ice plant) Vs Union Territory of J&K & Ors”.

Background:

That the Hon'ble National Green Tribunal vide order dated **16-12-2024** in **Appeal No. 34/2024** issued following directions:-

“Since it is a statutory appeal therefore it is entertained. Issue notice in Appeal No. 34/2024 and I.A. No. 436/2024 to the respondents. The appellant is directed to serve the respondents and file the affidavit of service at least one week before the next hearing date. Respondents are directed to file their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. Respondent No. 2 is directed to produce the original record leading to the passing of the order impugned. If any respondent directly files the reply/affidavit without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.”



Status Report:


In compliance to the aforesaid directions of Hon'ble National Green Tribunal dated **16-12-2024** in **Appeal No. 34/2024**, the following record leading to the passing of the order impugned by the J&K Pollution Control Committee is submitted herewith:

1. **Application of Residents of Kaka Road, Nai Sadak, Habbakadal, Srinagar / Intezamia committee, Masjid Nua, Habbakadal, Srinagar dated 02-05-2024.**
2. **Online Grievance No. 999005046406 received from Hon'ble LG Secretariat, Jammu and Kashmir .**
3. **Communication of Regional Director, J&K PCC Kashmir to Divisional Officer PCC Srinagar dated 21-05-2024 directed him to furnish a comprehensive report in light of the contents of the complaint.**
4. **Notice for initiating legal action against M/s K K ICE factory by the Regional Director, PCC Kashmir dated 25-05-2024.**
5. **Reply of the Proprietor Mohd Farooq of M/s K K Industries to the Regional Director, PCC Kashmir dated 12-06-2024.**
6. **Closure order format prepared and furnished by the Divisional Officer, PCC Srinagar and Regional Director PCC Kashmir dated 24-06-2024, alongwith recommendations for closure of the unit to the Member Secretary J&K Pollution Control Committee Jammu.**
7. **Communication of Regional Director PCC Kashmir 03-07-2024 to the DO PCC Srinagar for verification of claim of the unit holder after site inspection.**

8. Closure order issued by the Jammu & Kashmir Pollution Control Committee vide order No. 136 JKPCC of 2024 dated 22-07-2024.
9. Communication received from the Regional Director, PCC Kashmir dated 18-01-2025 alongwith record.
10. Copy of the DIC Registration issued by the Directorate of Industries & Commerce Department, Kashmir dated 22-08-1996 to the unit.
11. Detail of Techno – Economic-Cum-Pre Investment Project report of M/s K K Industries.

Prayer:

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.


(Ghansham Singh)
Member Secretary 6.2.25
J&K PCC

Typed copy

MASJID NUH

63

AMMONIA - III

A/C No.0202040100007257

IFSC Code: JAKA0GANPAT

No.736/(A-1)H (1) NUH MASJID

Dated:- 02/05/2024

Subject:- Urgent attention required health hazard due to the leakage in Ammonia Gas from "K.K Industries Ice PUNT"

No. DKS/REG/1050-52/01 22-08-1996.

Respect Sir,

This is to bring your immediate attention to a critical issue that passes a serious threat to the health and were being of the residents in our area. The 'ICE Factory' located on Kaka Road Nai Sarak, Habba Kadal, has been experiencing frequent leaks of Ammonia Gas, resulting in significant health problems for those living in close proximity.

The rapid usage of Ammonia Gas and its frequent leakage has not only caused respiratory issues but also led to serious health complications among the residents.

We the community of Kaka Road Nai Sarak, Habba Kadal ...sic... to take prompt action to investigate the matter and enforce the immediate closures of Kaka Ice Factory. The safety and health of the residents must besic...

Thank you for the keen attention

Yours Sincerely

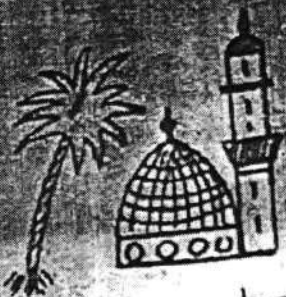
Residence of Kaka Road Nai Sarak

Habba Kadal, Srinagar

190001

(64)

III



الجمهورية الجزائرية الديمقراطية الشعبية
الجمهورية الجزائرية الديمقراطية الشعبية
الجمهورية الجزائرية الديمقراطية الشعبية

MASJID NUH
A/c No. 0202040100007257
IESC Code: JAKAOGANPAT

02/05/24

SUBJECT: URGENT ATTENTION REQUIRED: HEALTH HAZARD DUE TO THE LEAKAGE OF AMMONIA GAS FROM "K.K INDUSTRIES ICE PLANT"

RESPECTED SIR,
THIS IS TO BRING YOUR IMMEDIATE ATTENTION TO A CRITICAL ISSUE THAT POSES A SEVERE THREAT TO THE HEALTH AND WELL BEING OF THE RESIDENTS IN OUR AREA. THE "ICE FACTORY" LOCATED ON KAKA ROAD NAI SARAK, HABBA KADAL, HAS BEEN EXPERIENCING FREQUENT LEAKS OF AMMONIA GAS, RESULTING IN SIGNIFICANT HEALTH PROBLEMS FOR THOSE LIVING IN CLOSE PROXIMITY.

THE RAPID USAGE OF AMMONIA GAS AND ITS FREQUENT LEAKAGE HAS NOT ONLY CAUSED RESPIRATORY ISSUES BUT ALSO LED TO SERIOUS HEALTH COMPLICATIONS AMONG THE RESIDENTS.

WE THE WHOLE COMMUNITY OF KAKA ROAD NAI SARAK HABBA KADAL URGES TO TAKE PROMPT ACTION TO INVESTIGATE THE MATTER AND ENFORCE THE IMMEDIATE CLOSURE OF KAKA ICE FACTORY THE SAFETY AND HEALTH OF THE RESIDENTS MUST BE PRIORITIZED

THANK YOU FOR THE KEEN ATTENTION.

YOURS SINCERELY

PRESIDENT OF KAKA ROAD NAI SARAK

HABBA KADAL



B

E

C

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9469324854

700620372

PRESIDENT
MASJID NUH (A/S)
KAKA ROAD NAI SARAK

A

979614265

To whom it may concern.

65

We, the residents of Kaka Road, Nai Sarak, hereby declare that we have no objection to the operation of the ice factory, which has been in operation for the past thirty-five years.

A	Mr. Khurshheed Ahmed Matta	9419013884	Khurshheed
B	Mr. Noor din Jett	9419422505	ندین جت
C	Hij. Abdul Kebraam Jett	9669324854 8491049147	عبد کبرام جت
D	Mr. Abdul Hameed	9469809051	احمد
E	DR. M. S. Khuroo	9797149629	M. S. Khuroo
F	Mr. Abdul Rashid Bhat	7006203724	عبد رشید بھٹ
G	Advocate Mohd. Ashraf	9469411943	M. Ashraf
H	Mr. Farooq Ahmad	914970114	فاروق احمد
I	Abdul Rashid Bhat	9906031717	عبد رشید بھٹ



ACKNOWLEDGEMENT - ONLINE GRIEVANCE

Grievance Details

Type of Grievance	Other Complaints		
Grievance ID	999005046406	Grievance Date	16/05/2024
Applicant Name	Inhabitants of Kaka Road	Gender	Male
User Type	Citizen	Mobile / Complaint No.	9906644192
Email Id			

Address Details

Address Line1	Nai Sarak Kaka Road Haba Kadal		
Address Line2			
DOB			
Region	Kashmir Valley Division	District	Srinagar
Pincode	190001		

Past Grievance Details

Have you earlier lodged the grievance to the above Department on the same subject? No

Document Details

Document Attached

Grievance Details

Incharge, J&K Integrated Grievance Redress and Monitoring System. Srinagar. Subject:- Urgent attention required: Health hazard due to the leakage of Ammonia gas from "K.K Industries Ice Plant" at Kaka Road, Nai Sarak Haba Kadal. Respected Sir, With due respect, we the resident of Kaka Road, Nai Sarak Haba Kadal, Srinagar and through Masjid Committee (Noh AS) (copy attached) bring to draw your kind attention towards the following few lines as under: - That the Ice Factory running in Kaka Road, Nai Sarak, Haba Kadal, Srinagar frequently leaks of Ammonia gas, resulting in significant health problems for those living in close proximity. - The rapid usage of Ammonia gas and its frequent leakage has not only caused respiratory issues but also led to serious health complications among the residents. - It is pertinent to mention here that exposure to high concentrations of ammonia in air causes immediate burning of the eyes, nose, throat and respiratory tract and can result in blindness, lung damage or death. Keeping in view of above, kindly direct the concern to take prompt action in the matter and direct the owner of Ice factory to shift the said factory to any other suitable place. Your's faithfully, Azad Ahmad 9906644192 Abdul Rahman 9469324854 Gulam Ahmad 7006203729 Khursheed Ahmad 797149629

Forwarded to R.O (K)

S/S/DO for Verification
20/5/24





Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008
www.jkpc.nic.net.in / Email: regionaldirectorkmr@gmail.com, Tel/fax 0194-2311842

✓ District Officer,
Pollution Control Committee,
District Srinagar.

No. PCC/ROK/LS/2024/ 224

Dated. 21/5/24

Subject:- Report on the Greivance Cell Complaint No. 999005046406

Enclosed find herewith a formal complaint bearing No. 999005046406 received from Hon'ble LG's Greivance Cell against M/s K. K Industries (Ice Plant) at Kaka Road, Nai Sadak, Habba Kadal, District Srinagar & pollution problems in respect thereof. You are hereby directed to submit a comprehensive report in light of contents of the complaint with clear cut recommendation, so that further course of action in the matter can be taken accordingly.

Matter treated to be as urgent.

Encl- A/A

Regional Director,
PCC, Kashmir.

21.05.2024

ANNEXURE = IV

IV
66

Government of Jammu & Kashmir
J&K Pollution Control Committee

Office of the Regional Director Kashmir
Sheikh-ul-Alam Complex, Rajbagh, near Government Silk Factory, Srinagar-190008
www.jkspcb.nic.in (email: regionaldirectorjkmr@gmail.com) (Tel 0194-2135911/telefax 2311842)

M/s KAKA Ice Factory
At Kaka Road Nai sadak,
Habba Kadal, Srinagar.

No: PCC/ROK/LS/LN-I/2024/403-04

1st Legal Notice

(By Regd Post)

Date:- 25-5-24

Subject:- Notice for initiating legal action under Environmental Laws.

- Whereas, no unit can be established or put in operation without mandatory/valid consent of this Pollution Control Committee and without proper pollution control devices/pollution control measures as envisaged under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
 - Whereas, a formal complaint filled by residents of Kaka Road Nai Sadak, Habba Kadal against the M/s Kaka Ice Factory.
 - Whereas, the report submitted by District Officer, Pollution Control Committee, Srinagar has revealed that you are running Ice Factory within the residential area, un-authorizedly without valid consent of this Pollution Control Committee and that too without pollution control devices/ pollution control measures.
 - Whereas, operation of your unit without mandatory consent and without proper pollution control devices/ pollution control measures is a flagrant violation of the above mentioned laws and is also punishable under Section 15 of the Environment Protection Act, 1986 which states:
"Whosoever fails to comply with or contravenes any of the provisions of this Act, or the Rules made or orders or directions issued thereunder, shall be punishable with imprisonment for upto five years or with fine upto one lakh Rupees, or with both."
- Now, therefore, in light of the above, you are hereby directed to show cause within 15-days from issuance of the present notice as to why action proposed is not taken against you and as to why closure of the unit in question be not ordered. In the event of your failure to show any reasonable cause within notice period, action shall become obvious in the matter.

Regional Director,
Kashmir.

Copy to:-

1. District Officer, Pollution Control Committee, Srinagar, for information and submit the action taken report in the matter within notice period.

K.K INDUSTRIES (Regd)

SSI unit Registration No. 070904928/PMT dated 22.08.96
Kaka Road, nai sarak, Srinagar Kashmir 190001
Email: -K.kindustries71@gmail.com

cell. 8494007251
9419007251

Worthy Regional Director,
J&K Pollution Control Committee,
Kashmir, Srinagar.

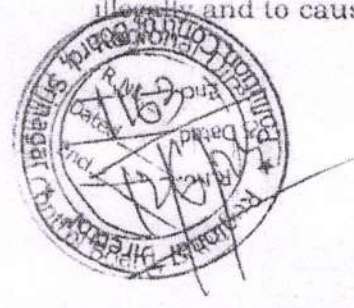
Subject:- Reply cum compliance on behalf of applicant undersigned to notice of this office issued under this office No. PCC/ROK/LS/LN-1/2024/403-04 dated 25.05.2024 received by undersigned on 30th day of May, 2024.

Respected Sir,

The applicant most humbly submits the reply / compliance which reads as under:-

4624268

1. That in reply to the notice dated (supra) the undersigned most humbly submits that I have applied in time by the mode of On-line to this office through one of the wing viz. Online Consent Management & Monitoring System on 08-05-2024. A Photostat copy of said On-line acknowledgement is annexed herewith for kind perusal of your goodself.
2. That the unit is formally registered with the Directorate of Industries & Commerce under No. 070904928/PMT dated 22.08.96 (copy whereof is enclosed for kind perusal of your goodself).
3. That the unit is having Udyam Registration No. UDYAM-JK-21-0015027 dated 28-05-2022 with the Government of India Ministry of Micro, Sm all and Medium Enterprises. (Copy enclosed).
4. That the unit is tiny in its nature and is producing /manufacturing ice slabs since last 35 years and is not a big unit which creates any sort of pollution health hazardous or pollutes the air, water (environment).
5. That actually the complainant happens to be the brother of the applicant and has developed personal vendetta and grudge against the applicant because of the fact that the said complainant is keeping an evil eye on some property of the applicant and that is why the complainant has filed the instant false, frivolous and concocted complaint against the applicant in order to gain illegally and to cause wrongful loss to the applicant.



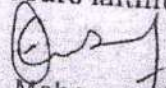
MS
[Handwritten signature]
20/6/24

6. That the unit is no way causing any sort of pollution to the environment but still the said so-called complainant succeeded in his illegal designs and filed the instant false complaint against the applicant.
7. That it is noteworthy to mention here that actually the said so-called complainant is the one of member of the Intizamia Committee Masjid Sharief "NUH" SA Nai Sarak Srinagar and that is why he had succeeded in mis-using the letter-pad of the Masjid Sharief for utilization of the same against the innocent applicant for settling his personal scores with the applicant. (NOC of local resident are enclosed for your kind perusal)
8. Germane to submit here that the whole area is maximumly commercial area, there are existing several hotels and small SSI Units in the area. In place to mention here that the applicant is conducting the said unit in the house wherein he is living alongwith his family members, had the unit been emitting any kind of health hazardous substance or polluting the environment in such eventuality the applicant would never dare to establish the said unit. I will also be obliged if the department advises to apply more precautionary measures/devices. I will immediately follow the instructions.
9. That the unit remains oftenly closed for 8 months because the valley remains under constant winter season for long eight months during which period no product is being manufactured. The only working months are May, June, July, August and that too without rainy days
10. That the undersigned had applied /installed all the requisite safety devices at the unit as are required, mandatory and directed by the law, as such there is no negligence or violation on my part.
11. That the applicant had also secured permission from Municipal Corporation and also the commercial electric connection for the smooth functioning of the said unit, (Copies whereof are annexed herewith).
12. That the said unit is directly and indirectly supporting as many as 10 families.

In the aforesaid context, it is most humbly requested to consider the instant reply as such withdraw the notice and drop the proceedings if any initiated against the undersigned.

With Regards,

Yours faithfully,



Prop: Mohammad Farooq
M/S K. K. Industries
Kaka Road, Nai Sarak,
Habba Kadal, Srinagar, Kashmir.

Dated: 12.06.2024



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR
 Sheikh-ul-Alam Campus, Rajbagh, near Government Silk Factory, Srinagar-190008
www.jkspcb.in Email: regionaldirectorkmr@gmail.com, Tel/fax 0194-2311842



Member Secretary
 JK, Pollution Control Committee
 Jammu

No:- PCC/RDK/PS/2024/ 440-441

Dated:- 24 -06-2024

Subject:- Closure Format of M/S KK Industries (Ice Plant), Kaka Road, Habba Kadak, Srinagar.

Sir,

Kindly find attached herewith the Closure Format of M/S KK Industries (Ice Plant), Kaka Road, Habba Kadak, Srinagar furnished by District Office, PCC Srinagar for information and further course of action.

Yours faithfully

(Signature)
 (Abhijeet Joshi)SFS
 Regional Director, PCC
 Kashmir
 24/06/2024

Encl:- (AA)

Copy to the :

1. PZ to Chairman, JK PCC Jammu for information of the worthy Chairman.



Government of Jammu & Kashmir
J & K Pollution Control Board
Office of the Regional Director Kashmir
Sheikh-ul-Alam Complex, Rajbagh, near Government Silk Factory, Srinagar-190008
www.jkspcb.nic.in (email: regionaldirectorkmr@gmail.com) (Tel 0194-2135911/telefax 2311842)

District Officer,
Pollution Control Board,
Srinagar.

No: SPCB/ROK/LS/2024 | 55

Dated. 03-07-24

Subject :- Reply to Legal Notice.

Enclosed herewith reply to the Legal Notice submitted by Mohammad Farooq Prop; of M/s K.K.Industries at kaka Road Nai Sarak Habba kadal, Srinagar. You are directed to verify the claim of the unit holder after spot inspection and submit your report within 10 days along with the consent status of the unit.

Encl: as above

Regional Director
Kashmir

o/c

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex || Silk Factory Road
Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008
Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

Subject: Closure of K K Industries (Ice Plant) Kak Raod, Nai Sadak Habba Kadal- District Srinagar

Order No. : 136 JK PCC of 2024
Dated : 22/07/2024

Whereas, Whereas, no activity having bearing on environment can be set up or put in operation, without the prior consent of the Pollution Control Committee as warranted under **Section 25/26** and **Section 21** of the **Water (Prevention and Control of Pollution) Act 1974** and **Air (Prevention and Control of Pollution) Act, 1981** respectively and;

Whereas, Ice plant is categorized as **Orange Category** activity on the basis of pollution potential, for the purpose of seeking the consent from the JK Pollution Control Committee and;

Whereas, Ice plant under the name and style of **M/s K K Industries (Ice Plant) Kak Raod, Nai Sadak Habba Kadal- District Srinagar** is in operation in flagrant violation of above said requirements of law without obtaining consent from the J&K Pollution Control Committee, and operation of the ice plant in its present status can prove detrimental to human health and environment and;

Whereas, pressing complaints against the operation of the ice plant have been received from LG's Grievance Cell, which have been verified at site as genuine and;

Whereas, fresh inspection was carried out by the Divisional Officer, Pollution Control Committee Srinagar on 20-05-2024, reporting that the status of the ice plant remained unchanged. Regional Director, Pollution Control Committee Kashmir confirmed the inspection report of Divisional Officer, PCC Srinagar and accordingly recommended it for closure and;

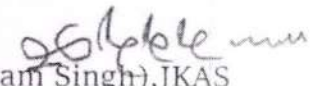
Whereas, the ice plant in question cannot be allowed to operate with above status as the operation can prove detrimental for human health and environment besides being in flagrant violation of laws governing environmental protection.

26/07/24

Now therefore in exercise of powers vested with J & K Pollution Control Board under Section 33 (A) of Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981, the following directions are hereby issued:-

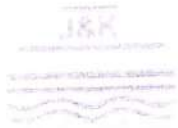
- i. Deputy Commissioner/ District Magistrate, **Srinagar** is directed to close down the Ice Plant of Mr. Mohammad Farooq Matta under the name and style of **M/s K.K. Industries (ice Plant) Kaka Road, Nai Sadak, Habba Kadal- Srinagar** immediately.
- ii. Director Industries and Commerce, **Srinagar** is directed to deregister the Brick Kiln, if registered.
- iii. Executive Engineer, (KPDCL) Electric Division, **Srinagar** is directed to disconnect the electric supply to above said ice plant.
- iv. Executive Engineer, **PHE**, **Srinagar** is directed to disconnect the water supply to the above said ice plant.
- v. **Mr. Mohammad Farooq Matta**, Prop. **M/s K.K. Industries (ice Plant) Kaka Road, Nai Sadak, Habba Kadal- Srinagar** is directed to cease the operation of the unit forthwith.

Issued with the Approval of Competent Authority.


 (Ghansham Singh), JKAS
 Member Secretary 22.7
 J&K PCC

No:- JK PCB/LSK/7507842/2024/454-463
 Dated:- 22/07/2024
 Copy to the:-

- i. Deputy Commissioner/ District Magistrate, **Srinagar** for information and necessary action.
- ii. Director Industries and Commerce, **Srinagar** for information and necessary action.
- iii. Regional Director, PCC, **Kashmir** for information and follow up action within a fortnight.
- iv. Chief Engineer, Kashmir Power Distribution Corporation Ltd. (KPDCL), Kashmir for information and necessary action.
- v. Chief Engineer, PHE Kashmir for information and necessary action .
- vi. Executive Engineer, (KPDCL) Electric Division, **Srinagar** for information and necessary action.
- vii. Executive Engineer, PHE Division, **Srinagar** for information and necessary action.
- viii. Divisional Officer, PCC, **Srinagar** for information and with the direction to follow up and get the closure order implemented through District Administration.
- ix. I/c Web site Pollution Control Committee **Jammu** for uploading the closure order
- x. **Mr Mohammad Farooq Matta Prop. M/s K.K. Industries (ice Plant) Kaka Road, Nai Sadak, Habba Kadal- Srinagar** for compliance.



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

PCC Sheikh-ul-Alam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008
www.jkspcb.in Email: regionaldirectorkmr@gmail.com, Tel/fax 0194-2311842

✓ The Member Secretary,
J & K Pollution Control Committee,
Jammu.

No: PCC/ROK/LS (NGT)/2025/39-40


Date:- 18/01/2025

Subject: - Appeal No. 34/2024 (I.A.No. 436/2024) M/s K.K. Industries (Ice Plant), Kaka Road, Nai Sadak, Habba Kadal, Srinagar V/s Union Territory of J & K & Ors."

Sir,

The afore-titled Appeal is filed under Section-16 of the NGT Act, 2010 by one Sh. Mohammad Farooq, *Proprietor of M/s K.K. Industries (Ice Plant)* before the Hon'ble National Green Tribunal whereby, the Appellant, in addition to quashment of the impugned order bearing No. 136 JK PCC of 2024 dated 22-07-2024 issued by the Respondent No. 2 (Member Secretary, JKPC) against operation of the afore-said unit is inter alia seeking direction against the respondents to allow operation of the unit in question under "Green Category" at the specified location, and if found necessary, the Appellant be grant permission to relocate the unit to another industrial area. The Hon'ble NGT while considering the entire matter has directed the respondents particular Respondent No. 2 to produce the original record leading to the passing of the order impugned and file the response/reply in the matter atleast one week before the next date of hearing fixed on 07-02-2025 is apparent on perusal of *the Notice dated 20-12-2024* (copy whereof is enclosed herewith) issued by the Hon'ble NGT. Accordingly, the instant case is hereby submitted for further course of action required in the matter please. The petition copy and case related documents are also enclosed.

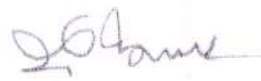
169
21/1/25


Regional Director,
Kashmir.
18.01.2025

Copy to:-

1. ALO, JK PCC, Srinagar for information and necessary action.

SC(A)(AN)


27.1.25

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

APPEAL NO. 2024

IN THE MATTER OF:-
M/S KK Industries (Ice Plant)

....Appellant

Versus

Union Territory of J&K and Ors.

...Respondent

SC(A)LAN

WITH

M
17.1.25

M.A. NO. 2024

(An application for Ex-Parte Stay)

KINDLY SEE INSIDE THE INDEX

PAPER BOOK

ADVOCATE FOR THE APPLICANT: ANILENDRA PANDEY

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

APPEAL NO. 2024

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IN THE MATTER OF:

M/S KK Industries (Ice Plant)

....Appellant

Versus

Union Territory of J&K and Ors.

...Respondents

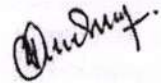
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Applicant

Through



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Place: New Delhi
Date :17/08/2024

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

APPEAL NO.

2024

MEMO OF PARTY

IN THE MATTER OF:

M/S KK Industries (Ice Plant)
Through its Proprietor
Mohammad Farooq
R/o. Kaka Road, Nai Sadak, Srinagar

Versus

... Applicant

1. Union Territory of J&K through, Regional Director, J&K Pollution Control Board, Sheikh ul-Alam Complex, Rajbagh, Srinagar.
Email: regionaldirectorkmr@gmail.com
2. Member Secretary, J&K Pollution Control Board, Transport Nagar, Narwal, Jammu/Sheikh ul-Alam Complex, Rajbagh, Srinagar
Email: membersecretaryjkspcb@gmail.com
3. Director Industries & Commerce, Kashmir Sanat Ghar, Bemina Srinagar Kashmir-190018
Email: director-industries@jk.gov.in
4. Deputy Commissioner, Amar Niwas Complex, Tankipora, Srinagar-190001
Email: Id: dscgr-jk@nic.in
5. Executive Engineer (KPDCL) Electric Division, Jahangir Chowk, Srinagar
Email: xtendstd1@gmail.com
6. Executive Engineer, PHE, Hazuri Bagh, Srinagar
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... Respondents



Appellant



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Email: apandeyadvsc@rediffmail.com

Place: New Delhi

Date : / /2024

Through

SYNOPSIS

That the present Appeal is being filed to quash the impugned order no. 136 JK PCC of 2024 dated:22.07.2024 issued by respondent no.2; seeking direction against the respondents to grant permission in favour of the Applicant to continue operating the ice plant, in accordance with the Green Category norms and environmental regulations, and if found necessary, grant permission for the Appellant to relocate the unit to another industrial area within the specified timeframe, in accordance with the undertaking previously given by the Appellant.

LIST OF DATES

22.07.2024	That on dated:22.07.2024 the respondent no.2 passed an order bearing Order No. 136 JK PCC of 2024 against the Appellant Firm for closure of the unit.
08.05.2024	That, the Applicant in order to have renew of the license applied issuance of consent to operate vide Application No.4624268 under Green Category but no action was taken..
29.06.2024	The Appellant again made an application under application No.4740996 under Green Category and submitted all the documents including copy of valid DIC registration certificate, Land revenue papers, Udyam Certificate, Project report and site plan and the requisite fee was also paid. The Appellant also submitted NOC which was received from the residents of the area. As already submitted that the ammonia gas used in the ice factory is the same gas used in local refrigerators and freezers as such the ice unit run by the Appellant falls under "Green category as defined by environmental regulations, indicating minimal potential for pollution and a generally environmentally benign nature.

02.05.2024	That, a complaint was filed against the Appellant unit by some persons on the ground that the rapid usage of ammonia gas and its
------------	--

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	<p>frequent leakage has not only caused respiratory issues but also led to serious health complications among the residents.</p> <p>That earlier also a complaint came to be filed against the Appellant unit by some disgruntled persons through Grievance Cell and in this connection, the Pollution control Board replied that the "Unit comes under Green Category (least polluting unit).</p>
25.05.2024	<p>That, it is respectfully submitted following the complaint, a show cause notice was issued to the Appellant, bearing No: PCC/ROK/LS/LN-1/2024/403-09 dated 25-05-2024 by the respondent No.2, stating therein that no unit can be established or put in operation without the mandatory and valid consent of the Pollution Control Committee and without proper pollution control devices or measures as required under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981.</p>
12.06.2024	<p>That, in response to the notice, the Appellant submitted a reply to the show cause notice, stating therein that the Appellant had applied in a timely manner for the requisite consent through the Online Consent Management & Monitoring System 08-05-2024 and provided a photocopy of the acknowledgment.</p>
23.07.2024	<p>That on dated:23.07.2024, the appellant filed a Writ Petition bearing No. 1593/2024 before the Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar against the present impugned order.</p>
24.07.2024	<p>That on dated: 24.07.2024 the Hon'ble High Court in WP(C) bearing No. 1593/2024, dismissed the petition with liberty to prefer an appeal before the Nation Green Tribunal.</p>
	<p>Hence, the present Appeal.</p>

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 2024**

IN THE MATTER OF:

M/s K.K. Industries (Ice Plant)
Through its Proprietor
Mohammad Farooq
R/o. Kaka Road, Nai Sadak, Srinagar

... Appellant

Versus

1. Union Territory of J&K through, Regional Director, J&K Pollution Control Board, Sheikh ul-Alam Complex, Rajbagh, Srinagar.
2. Member Secretary, J&K Pollution Control Board, Transport Nagar, Narwal, Jammu/Sheikh ul-Alam Complex, Rajbagh, Srinagar
3. Director Industries & Commerce, Kashmir, Srinagar
4. Deputy Commissioner Srinagar,
5. Executive Engineer (KPDCL) Electric Division, Srinagar
6. Executive Engineer, PHE Srinagar

... Respondents



Appellant

Through



Anilendra Pandey
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Mob. No. 9868259532
Email: apandeyadvsc@rediffmail.com

Place: New Delhi
Date :17 /08 /2024

APPEAL UNDER SECTION 16 OF THE NATIONAL GREEN

TRIBUNAL ACT, 2010

DETAILS OF APPLICATION

1. Particulars of the cause of action, for which the application is made:-

That the present Appeal is being filed under section 16 of National Green Tribunal Act, 2010 to quash the impugned order no. 136 JK PCC of 2024 dated:22.07.2024 issued by respondent no.2; seeking direction against the respondents to grant permission in favour of the Appellant to continue operating the ice plant, in accordance with the Green Category norms and environmental regulations, and if found necessary, grant permission for the Appellant to relocate the unit to another industrial area within the specified timeframe, in accordance with the undertaking previously given by the Appellant.

2. Jurisdiction:-

The applicant declares that the subject matter of the instant Appeal, against which he wants redressal, is well within the jurisdiction of this Hon'ble Tribunal. It is to submit that respondents are under territorial jurisdiction of this Hon'ble Tribunal. It is to submit that after retirement appellant is living in Srinagar at the address given above.

3. Limitation:-

That the present Appeal is being filed seeking a direction to the respondent to grant permission in favour of the Applicant to continue operating the ice plant, in accordance with the Green Category norms and

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environmental regulations. It is to submit that cause of action is still in existence that till now

the respondents have not granted permission to the Appellant to continue operating the ice plant which they should and since cause of action is still in existence, the application is filed well within limitation period as prescribed for the same.

4. Facts of the case:-

- 4.1 That the Appellant is a domicile of Union Territory of J&K, as such, is in law competent to maintain the present writ petition before this Hon'ble court for the enforcement of his legal, fundamental and statutory rights guaranteed to him under the Constitution of India and rules framed there under.
- 4.2 That, the Appellant Firm comes under Green Category of Classification of Industrial Sectors for which no prior permission of the respondents required; however, the respondent no.2 passed an order to close the unit wrongly considering the unit in Orange category. Copy of Relevant Portions of "Classification of Industrial Sectors into Red, Orange, Green and White Categories", issued by Central Government is annexed hereto and marked as **Annexure A-1**.
- 4.3 That, the Appellant is aggrieved of Order No. 136 JK PCC of 2024 dated 22/07/2024, as the same is not in accordance with law and has been issued without providing the Appellant an opportunity to be heard. The order has been passed in violation of the principles of natural justice, particularly the right to a fair hearing, as enshrined

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under Article 14 of the Constitution of India. The Appellant asserts that the closure of the ice plant, disconnection of electricity and water

supply, and deregistration of the unit have been directed without proper notice or an opportunity to present his case. This abrupt action has caused significant financial loss and operational disruption to the Appellant, who has been compliant with all environmental regulations and was willing to take corrective measures as required, hence the petition.

4.4 That, the Appellant has been operating and running a registered unit of "ice plant" for the last 35 years for manufacturing ice slabs and having been established decades back after due approval and permission of the Competent Authority and presently is being run under the license issued by the competent authority in his name. The unit operated by the Appellant falls under the "Green category" as defined by environmental regulations, indicating minimal potential for pollution and a generally environmentally benign nature. Industries in this category have low environmental impacts and are subject to fewer regulatory requirements compared to those in the Orange or Red categories, which have moderate and high pollution potential, respectively. As a Green category unit, the Appellants operation benefits from simplified consent procedures and is typically not subjected to stringent environmental clearances or comprehensive pollution control measures mandated for more polluting industries. This classification makes the unit's adherence to sustainable practices, minimal environmental impact, compliance with essential environmental standards, and commitment to maintaining a low ecological footprint.

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- 4.5 That, the respondent Pollution control Board, which has been assigned with the task and responsibility of ensuring of compliance of Pollution Control norms and guidelines and vested with the powers of issuance of NOC. The Appellant ensures proper compliance of the pollution norms and upon expiry of the pollution certificate, has applied for the renewal of pollution certificate from time to time.
- 4.6 That, the Appellant in order to have renewal of the licence applied issuance of consent to operate vide Application No.4624268 under Green Category but no action was taken. The Appellant again made an application under application No.4740996 under Green Category and submitted all the documents including copy of valid DIC registration certificate, Land revenue papers, Udyam Certificate, Project report and site plan and the requisite fee was also paid. The Appellant also submitted NOC which was received from the residents of the area. As already submitted that the ammonia gas used in the ice factory is the same gas used in local refrigerators and freezers as such the ice unit run by the Appellant falls under "Green category as defined by environmental regulations, indicating minimal potential for pollution and a generally environmentally benign nature. Copies of the applications as also NOC issued in favour of Appellant are annexed hereto and marked as **Annexure A-2**.
- 4.7 That, a complaint was filed against the Appellant's unit by some persons on the ground that the rapid usage of ammonia gas and its frequent leakage has not only caused respiratory issues but also led to serious health complications among the residents. It is submitted that the signatory of the complaint are those persons who had already given NOC in favour of the Appellant. Copy of complaint dated:02.05.2024 is annexed hereto and marked as **Annexure A-3**.

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4.8 That, it is respectfully submitted following the complaint, a show cause notice was issued to the Appellant, bearing No: PCC/ROK/LS/LN-1/2024/403-09 dated 25.05.2024 by the respondent No.2, stating therein that no unit can be established or put in operation without the mandatory and valid consent of the Pollution Control Committee and without proper pollution control devices or measures as required under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981. The notice alleged that the Applicant was operating the ice factory within a residential area without valid consent and without proper pollution control measures, in violation of the aforementioned laws. The notice further cited Section 15 of the Environment Protection Act, 1986, and directed the Appellant to show cause within 15 days as to why the proposed action, including the potential closure of the unit, should not be taken. Copy of a show cause notice dated: 25.05.2024, bearing No: PCC/ROK/LS/LN-1/2024/403-09 is annexed hereto and marked as **Annexure A-4.**

4.9 That, in response to the notice, the Appellant submitted a reply to the show cause notice, stating therein that the Appellant had applied in a timely manner for the requisite consent through the Online Consent Management & Monitoring System 08-05-2024 and provided a photocopy of the acknowledgment. The unit is formally registered with the Directorate of Industries & Commerce and possesses Udyam Registration with the Ministry of Micro, Small and Medium Enterprises. The ice factory is a small-scale operation that has been in existence for 35 years without causing any pollution hazardous to health or the environment. The complaint lodged against the Appellant is motivated by personal vendetta from the Appellant's brother, aiming to cause wrongful loss. The ice unit does not pose any health hazards,

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and operates only during certain months of the year and all mandatory safety devices have been installed and permissions from relevant

authorities have been secured and as such withdrawal of the notice. Copy of the reply dated:12.06.2024, of the Show cause Notice dated:25.05.2024, bearing No: PCC/ROK/LS/LN-1/2024/403-09 and also the receipt thereof, is annexed hereto and marked as **Annexure A-5**.

- 4.10 That, the Appellant was directed to submit an affidavit at the time of filing application for consent, with the undertaking that in case the unit is not found feasible as per norms, of Pollution Control Board, the Applicant shall shift the unit after 60 days to any other industrial area. Copy of the undertaking so submitted before the respondents is annexed hereto and marked as **Annexure A-6**.
- 4.11 That, earlier also a complaint came to be filed against the Appellant's unit by some disgruntled persons through Grievance Cell and in this connection, the Pollution control Board replied that the "Unit comes under Green Category (least polluting unit). The unit holder has applied for online consent and has submitted an affidavit where under he has undertaken that he will shift the unit to some feasible site within a period of two months. Copy of the reply so submitted by Pollution Control Board in response to the complaint filed, on Grievance Cell, is annexed hereto and marked as **Annexure A-7**.
- 4.12 That, the Appellant states and submits that he has provided all the requisite documents to the respondents, including the NOC from the Srinagar Municipal Corporation, the registration certificate from the Directorate of Industries and Commerce (DIC), and reports from various field agencies and other documents. Despite fulfilling all necessary documentation requirements, the respondents have failed to duly consider these submissions.

Alvina

4.13 That, the Appellant further submits that the months of June, July, August, and September constitute the peak season for the production of ice slabs, and consequently, the unit operates primarily during these four months. The closure of the unit during this critical period has inflicted severe financial losses on the Appellant.

Moreover, the respondents have not taken into account the detailed reply filed by the Appellant in response to the show cause notice. No opportunity for a hearing was provided to the Appellant, which is a gross violation of the principles of natural justice. The decision to close down the Appellant's unit appears to be based on a fabricated complaint and was made without reflecting upon or considering the substantive points raised in the Appellant's reply. The closure order was issued abruptly and directly, without addressing any of the Appellant's justifications or the merits of his case.

The petitioner also undertakes to shift the unit to another industrial area within 60 days should the unit be found non-compliant with the required norms. The Appellant submits that his unit complies with all environmental regulations and poses no hazardous pollution, as it falls under the Green Category, indicating minimal pollution potential.

4.14 That, an inspection allegedly conducted on 20-05-2024 claimed that the ice plant remained unchanged. However, the Appellant had no knowledge of this inspection, was not informed about it, and no officer or official visited the site after the Appellant had applied for the necessary permissions. The respondents proceeded with the closure of the unit without providing any prior information to the Appellant.

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It is pertinent to note that the area where the Appellant's unit is located is a commercial zone, housing various establishments such as hotels, garages, and other industrial units. This fact further clears the arbitrary nature of the respondents' actions in closing down the Appellant's unit.

4.15 That on dated:23.07.2024, the applicant filed a Writ Petition bearing no. 1593/2024 before Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar against the present impugned order, however on dated: 24.07.2024 the Hon'ble High Court in WP(C) bearing No. 1593/2024, dismissed the petition with liberty to prefer an appeal before the Nation Green Tribunal under law.

Copy of Writ Petition (Civil) bearing No. 1593/2024 is annexed hereto and marked as **Annexure P-8**.

Copy of order dated:24.07.2024 passed by Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar in WP(C) bearing No. 1593/2024 is annexed hereto and marked as **Annexure P-9**.

5. Grounds for reliefs (s) with legal provisions, if any:

- 5.1 For that the Appellant Firm comes under Green Category of Classification of Industrial Sectors for which no prior permission of the respondents required, however the respondent passed an order to close the unit wrongly considering the unit in Orange Category.
- 5.2 For that in case of any eventuality, the appellant has written various notices to the respondents regarding the same which were unanswered by the respondents.
- 5.3 For that the actions of the respondents is apparently malafide and requires interference of this Hon'ble Tribunal.

Amir

5.4 For that, the impugned Order No. 136 JK PCC of 2024 dated 22/07/2024 has been passed without providing the Appellant an opportunity to be heard, thereby violating the principles of natural justice. The right to a fair hearing is a fundamental principle under Article 14 of the Constitution of India. The abrupt closure of the Appellant's unit, without proper notice or an opportunity to present his case, is unjust and arbitrary.

5.5 For that, the Appellant has submitted all necessary documents, including the NOC from the Srinagar Municipal Corporation, registration certificate from the Directorate of Industries and Commerce (DIC), reports from various field agencies, and other relevant documents. The respondents have failed to duly consider these submissions, which reflects a lack of due diligence and procedural fairness.

5.6 For that, the closure of the Appellant's ice plant during the peak season of June, July, August, and September has caused significant financial losses and operational disruptions. The unit operates primarily during these four months, and the abrupt closure has inflicted severe economic harm on the Appellant.

5.7 For that, the respondents acted on the basis of a complaint without conducting a proper and thorough investigation. The closure of the Appellant's unit was ordered without validating the authenticity of the complaint or the evidence presented. The respondents have failed to apply their mind to the facts and circumstances of the case. The decision to close the unit appears to be mechanical and arbitrary, without proper consideration of the Appellant's compliance with environmental norms, the minimal pollution potential of the unit, and the adverse economic impact of the closure. It is apt to mention here

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that a previous complaint filed through the Grievance Cell was resolved in favour of the Appellant, with the Pollution Control Board acknowledging that the unit falls under the Green Category, supporting the Appellant's claim of compliance with all environmental norms and regulations.

5.8 For that, the action taken by the respondents is disproportionate to the alleged non-compliance. Even if there were any minor lapses, the respondents should have provided an opportunity for the Appellant to rectify them rather than ordering an immediate closure, which has severe financial and operational repercussions. The Impugned order seems to be influenced by extraneous considerations and bias, particularly the personal vendetta alleged by the Appellant. Such a prejudiced decision cannot be sustained under law and violates the Appellant's right to a fair and impartial administrative process.

5.9 For that, the respondents failed to consider mitigating factors such as the Appellant's long history of compliance, the minimal environmental impact of the ice plant, and the Appellant's willingness measures. Ignoring these factors reflects a lack of balanced judgment and fairness in the decision-making process. It is submitted that the closure order contradicts the government policies aimed at promoting small-scale industries and sustainable industrial practices. The Appellant's ice plant, being a Green Category unit, aligns with these policies, and its closure weakens the government's efforts to support environmentally compliant and economically viable industrial units

5.10 For that, the Appellant has shown readiness to relocate the unit if necessary by submitting an affidavit and has undertaken to shift the unit to another industrial area within 60 days if found non-compliant with pollution control norms/environmental norms. This

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willingness to cooperate and take corrective actions should have been considered by the respondents before passing the closure order, thereby providing a pathway for rehabilitation rather than punitive measures. The alleged health hazards from the use of ammonia gas are unfounded, as the same gas is commonly used in household refrigerators and freezers. The Appellant has complied with safety standards, and there is no immediate health risk posed by the continued operation of the unit.

5.11 For that, the procedure followed by the respondents in Issuing the closure order is riddled with irregularities, including lack of proper notice, failure to provide a fair hearing, and non-compliance with statutory requirements. The respondents have exercised their power in an arbitrary and capricious manner adequate justification or adherence to the principles of administrative fairness and justice. Such arbitrary use of power is contrary to the rule of law and needs to be rectified by this Hon'ble Court.

5.12 For that, the respondent's decision to close down the Appellant's unit appears to be based on a fabricated complaint, allegedly motivated by personal vendetta from the Appellant's relatives. The complaint lacks merit and should not have been the basis for such a drastic action without thorough investigation and consideration of the Appellant's detailed reply. Though the Appellant's unit falls under the Green Category, indicating minimal potential for pollution, the unit complies with all environmental regulations and poses no hazardous pollution. The Applicant has undertaken to shift the unit to another industrial area within 60 days

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if found non-compliant, further reflecting his obligation to adhering to all norms.

5.13 For that, an inspection allegedly conducted on 20-05-2024 claimed that the ice plant remained unchanged. However, the Appellant was neither informed about this inspection nor aware of it. No officer or official visited the site after the Appellant applied for the necessary permissions. The respondents proceeded with the closure of the unit without providing any prior information to the Appellant, which is a clear breach of procedural fairness. As already submitted that the area where the Appellant's unit is located is commercial zone, housing various establishments such as hotels, garages and other industrial units. This fact further clears the arbitrary nature of the respondents' actions in closing down the Appellant's unit.

5.14 For that the Appellant reserves the right of taking additional pleas at the time of hearing of the case.

5.15 Any other ground by the permission of this Hon'ble Tribunal.

6. Details of Remedies Exhausted:-

The appellant declares that no departmental remedy lies in the matter, however the applicant has already preferred sufficient number of communications seeking redressal of his grievances but nothing has been done by the respondents hence the present O.A. is being filed.

7. Matters not previously filed or pending with any other Court of law:-

Quinty

The appellant further declares that he has previously filed a Writ Petition before Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar against the present impugned order, however on dated: 24.07.2024, the Hon'ble High Court dismissed the petition with liberty to prefer an appeal before the Nation Green Tribunal under law. Presently, any proceedings against the present impugned order is not pending in any court of law.

8. Reliefs Sought:-

The applicant prays that this Hon'ble Tribunal may kindly be pleased to;

- a) Quash the impugned order dated: 22.07.2024 issued by respondent no.2;
- b) pass order or direction as deem fit and proper in the interest of justice.

9. Interim relief, if any, prayed for:-

The appellant prays that this Hon'ble Tribunal may kindly be pleased to;

- a) Stay the operation of the impugned order dated: 22.07.2024 Issued by respondent no.2;
- b) pass order or direction as deem fit and proper in the interest of justice.

Quash

10. The application filed Through counsel

Appellant

Through



Anilendra Pandey
 Counsel for the Applicant
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 B & C Block,
 Vikas Nagar Ext., Uttam Nagar,
 New Delhi-110059
 Mob. No. 9868259532
 Email: apandeyadvsc@rediffmail.com

Place: New Delhi

Date : / /2024

11. Postal Order No.

12. List of Enclosure:- As per index



Appellant

Through



Anilendra Pandey
 Counsel for the Applicant
 C-32, Gurudwara Road,
 B & C Block,
 Vikas Nagar Ext., Uttam Nagar,
 New Delhi-110059
 Mob. No. 9868259532
 Email: apandeyadvsc@rediffmail.com

Place: New Delhi

Date : 17 /08 /2024

VERIFICATION

I, Mohammad Farooq S/o. Ghulam Qadir R/o: Kaka Road Nai Sadak, Srinagar do hereby verify that the contents of paras 1 to 4 and 1 to 4 are true to my personal knowledge and those of paras 5-10 is true on the basis of legal advice, which I believe to be true. No part of it is false and nothing material has been concealed.

Signed and verified this day of August, 2024 at

Place:

Dated: 17/08/2024



Signature of the Appellant

(B)

BEFORE THE HON'BLE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT SRINAGAR
WP (C) No. _____/2024


MEMO OF PARTIES:

In the case of:-

M/s K.K. Industries (Ice Plant)
Through its prop.
Mohammad Farooq
aged 53 years
S/o. Ghulam Qadir
R/o: Kaka Road Nai Sadak, Srinagar.

...Petitioner

Versus

- 
1. Union Territory of J&K through, Regional Director, J&K Pollution Control Board, Sheikh ul-Alam Complex, Rajbagh, Srinagar.
 2. Member Secretary, J&K Pollution Control Board, Transport Nagar, Narwal, Jammu/Sheikh ul-Alam Complex, Rajbagh, Srinagar.
 3. Director Industries & Commerce, Kashmir Srinagar.
 4. Deputy Commissioner Srinagar.
 5. Executive Engineer (KPDCL) Electric Division Srinagar.
 6. Executive Engineer, PHE Srinagar.

...Respondents

Petitioner through Counsel

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Lic. NO. 872/2005

BEFORE THE HON'BLE HIGH COURT OF JAMMU & KASHMIR
LADAKH AT SRINAGAR

WP (C) No. _____/2024

In the case of:-

M/s K.K. Industries (Ice Plant)
Versus
Union Territory of J&K & ors

In The Matter Of:- Sequence of Dates and Events:

Annexure-I - Copy of impugned order dated 22-07-2024
Annexure-II- Copies of the applications as also NOC Issu in favour of petitioner
Annexure-III- Copy of complaint
Annexure-IV- Copy of notice
Annexure-V- Copy of the reply as also the receipt thereof
Annexure-VI- Copy of the undertaking
Annexure-VII- Copy of the reply submitted on Grievan Cell by Pollution Control Board in response to the comple filed.

①

Petitioner
Through Counsel

Mr. Suhail (Advocate)
& Associate

What's App No. 9419400158
E-mail Id No. mirsuhail20@gmail.com
Lic. NO. 872/2005

(5)

BEFORE THE HON'BLE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT SRINAGAR

WP (C) No. _____/2024

In the case of:-

M/s K.K. Industries (Ice Plant)

Versus

Union Territory of J&K & ors

In the matter of:-

SYNOPSIS:

That the petitioner is aggrieved of Order No. 136 JK PCC of 2024 dated 22/07/2024, as the same is not in accordance with law and has been issued without providing the petitioner an opportunity to be heard. The order has been passed in violation of the principles of natural justice, particularly the right to a fair hearing, as enshrined under Article 14 of the Constitution of India. The petitioner asserts that the closure of the ice plant, disconnection of electricity and water supply, and deregistration of the unit have been directed without proper notice or an opportunity to present his case. This abrupt action has caused significant financial loss and operational disruption to the petitioner, who has been compliant with all environmental regulations and is willing to take corrective measures as required, hence the petition

ant

Petitioner
Through Counsel

Mir Suhail (Advocate)

& Associates

What's App No. 9419400158;

E-mail Id No. mirsuhail20@gmail.com

Lic. NO. 872/2005

(6)

BEFORE THE HON'BLE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT SRINAGAR

WP (C) No. _____/2024

(MATTER PERTAINS TO DISTRICT Srinagar)

In the case of:-

M/s K.K. Industries (Ice Plant)
Through its prop.
Mohammad Farooq
aged 53 years
S/o. Ghulam Qadir
R/o: Kaka Road Nai Sadak, Srinagar.

...Petitioner

Versus

1. Union Territory of J&K through, Regional Director, J&K Pollution Control Board, Sheikh ul-Alam Complex, Rajbagh, Srinagar.
2. Member Secretary, J&K Pollution Control Board, Transport Nagar, Narwal, Jammu/Sheikh ul-Alam Complex, Rajbagh, Srinagar.
3. Director Industries & Commerce, Kashmir Srinagar.
4. Deputy Commissioner Srinagar.
5. Executive Engineer (KPDCL) Electric Division Srinagar.
6. Executive Engineer, PHE Srinagar.

...Respondents

In the Matter of :- **Writ petition under Article 226 of the Constitution of India for seeking appropriate reliefs.**

MAY IT PLEASE YOUR LORDSHIPS

The petitioner most humbly and respectfully submits as under:-

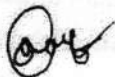
1. That, the petitioner is a domicile of Union Territory of J&K, as such, is in law competent to maintain the present writ petition before this Hon'ble court for the enforcement of his legal, fundamental and statutory rights guaranteed to him under the Constitution of India and rules framed there under.

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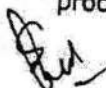
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2. That, the petitioner is aggrieved of Order No. 136 JK PCC of 2024 dated 22/07/2024, as the same is not in accordance with law and has been issued without providing the petitioner an opportunity to be heard. The order has been passed in violation of the principles of natural justice, particularly the right to a fair hearing, as enshrined under Article 14 of the Constitution of India. The petitioner asserts that the closure of the ice plant, disconnection of electricity and water supply, and deregistration of the unit have been directed without proper notice or an opportunity to present his case. This abrupt action has caused significant financial loss and operational disruption to the petitioner, who has been compliant with all environmental regulations and was willing to take corrective measures as required, hence the petition. Copy of impugned order dated 22-07-2024 is placed on record as Annexure-I.

That before adverting to the grounds on which the order impugned is sought to be challenged, a brief resume of the factual matrix is given as under:-



3. That, the petitioner has been operating and running a registered unit of "ice plant" for the last 35 years for manufacturing ice slabs and having been established decades back after due approval and permission of the Competent Authority and presently is being run under the license issued by the competent authority in his name. The unit operated by the petitioner falls under the "Green category" as defined by environmental regulations, indicating minimal potential for pollution and a generally environmentally benign nature. Industries in this category have low environmental impacts and are subject to fewer regulatory requirements compared to those in the Orange or Red categories, which have moderate and high pollution potential, respectively. As a Green category unit, the petitioner's operation benefits from simplified consent procedures and is typically not subjected to stringent



environmental clearances or comprehensive pollution control measures mandated for more polluting industries. This classification makes the unit's adherence to sustainable practices, minimal environmental impact, compliance with essential environmental standards, and commitment to maintaining a low ecological footprint.

4. That, the respondent Pollution control Board, which has been assigned with the task and responsibility of ensuring of compliance of Pollution Control norms and guidelines and vested with the powers of issuance of NOC. The petitioner ensures proper compliance of the pollution norms and upon expiry of the pollution certificate, has applied for the renewal of pollution certificate from time to time.

5. That, the petitioner in order to have renew of the licence applied issuance of consent to operate vide Application No.4624268 under Green Category but no action was taken. The petitioner again made an application under application No.4740996 under Green Category and submitted all the documents including copy of valid DIC registration certificate, Land revenue papers, Udyam Certificate, Project report and site plan and the requisite fee was also paid. The petitioner also submitted NOC which was received from the residents of the area. As already submitted that the ammonia gas used in the ice factory is the same gas used in local refrigerators and freezers as such the ice unit run by the petitioner falls under "Green category" as defined by environmental regulations, indicating minimal potential for pollution and a generally environmentally benign nature. Copies of the applications as also NOC issued in favour of petitioner are collectively placed on record as Annexure-II.

6. That, a complaint was filed against the petitioner's unit by some persons on the ground that the rapid usage of ammonia gas and its frequent leakage has not only caused respiratory issues but also led to serious health complications among the

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residents. It is submitted that the signatory of the complaint are those persons who had already given NOC in favour of the petitioner. Copy of complaint is placed on record as **Annexure-III**.

7. That, it is respectfully submitted following the complaint, a show cause notice was issued to the petitioner, bearing No: PCC/ROK/LS/LN-1/2024/403-09 dated 25-05-2024 by the respondent No.2, stating therein that no unit can be established or put in operation without the mandatory and valid consent of the Pollution Control Committee and without proper pollution control devices or measures as required under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981. The notice alleged that the petitioner was operating the ice factory within a residential area without valid consent and without proper pollution control measures, in violation of the aforementioned laws. The notice further cited Section 15 of the Environment Protection Act, 1986, and directed the petitioner to show cause within 15 days as to why the proposed action, including the potential closure of the unit, should not be taken. Copy of notice is placed on record as **Annexure-IV**.

8. That, in response to the notice, the petitioner submitted a reply to the show cause notice, stating therein that the petitioner had applied in a timely manner for the requisite consent through the Online Consent Management & Monitoring System on 08-05-2024 and provided a photocopy of the acknowledgment; The unit is formally registered with the Directorate of Industries & Commerce and possesses Udyam Registration with the Ministry of Micro, Small and Medium Enterprises; the ice factory is a small-scale operation that has been in existence for 35 years without causing any pollution hazardous to health or the environment; the complaint lodged against the petitioner is motivated by personal vendetta from the petitioner's brother, aiming to cause wrongful loss; the ice

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unit does not pose any health hazards, and operates only during certain months of the year and all mandatory safety devices have been installed, and permissions from relevant authorities have been secured and as such withdrawal of the notice. Copy of the reply as also the receipt thereof, is placed on record as Annexure-V.

9. That, the petitioner was directed to submit an affidavit at the time of filing application for consent, with the undertaking that in case the unit is not found feasible as per norms, of Pollution Control Board, the petitioner shall shift the unit after 60 days to any other industrial area. Copy of the undertaking so submitted before the respondents is placed on record and marked as Annexure-VI.

10. That, earlier also a complaint came to be filed against the petitioner's unit by some disgruntled persons through Grievance Cell and in this connection, the Pollution control Board replied that the "Unit comes under Green Category (least polluting unit). The unit holder has applied for online consent and has submitted an affidavit where under he has undertaken that he will shift the unit to some feasible site within a period of two months. Copy of the reply so submitted by Pollution Control Board in response to the complaint filed, on Grievance Cell, is placed on record and marked as Annexure-VII.

11. That, the petitioner states and submits that he has provided all the requisite documents to the respondents, including the NOC from the Srinagar Municipal Corporation, the registration certificate from the Directorate of Industries and Commerce (DIC), and reports from various field agencies and other documents. Despite fulfilling all necessary documentation requirements, the respondents have failed to duly consider these submissions.

12. That, the petitioner further submits that the months of June, July, August, and September constitute the peak season for the

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production of ice slabs, and consequently, the unit operates primarily during these four months. The closure of the unit during this critical period has inflicted severe financial losses on the petitioner.

Moreover, the respondents have not taken into account the detailed reply filed by the petitioner in response to the show cause notice. No opportunity for a hearing was provided to the petitioner, which is a gross violation of the principles of natural justice. The decision to close down the petitioner's unit appears to be based on a fabricated complaint and was made without reflecting upon or considering the substantive points raised in the petitioner's reply. The closure order was issued abruptly and directly, without addressing any of the petitioner's justifications or the merits of his case.

The petitioner also undertakes to shift the unit to another industrial area within 60 days should the unit be found non-compliant with the required norms. The petitioner submits that his unit complies with all environmental regulations and poses no hazardous pollution, as it falls under the Green Category, indicating minimal pollution potential.

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13. That, an inspection allegedly conducted on 20-05-2024 claimed that the ice plant remained unchanged. However, the petitioner had no knowledge of this inspection, was not informed about it, and no officer or official visited the site after the petitioner had applied for the necessary permissions. The respondents proceeded with the closure of the unit without providing any prior information to the petitioner.

It is pertinent to note that the area where the petitioner's unit is located is a commercial zone, housing various establishments such as hotels, garages, and other industrial units. This fact further clears the arbitrary nature of the respondents' actions in closing down the petitioner's unit.

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14. That the petitioner, therefore, is aggrieved of Order No. 136 JK PCC of 2024 dated 22/07/2024 and therefore, challenge the same on the following amongst other grounds:

- a. That, the impugned Order No. 136 JK PCC of 2024 dated 22/07/2024 has been passed without providing the petitioner an opportunity to be heard, thereby violating the principles of natural justice. The right to a fair hearing is a fundamental principle under Article 14 of the Constitution of India. The abrupt closure of the petitioner's unit, without proper notice or an opportunity to present his case, is unjust and arbitrary.
- b. That, the petitioner has submitted all necessary documents, including the NOC from the Srinagar Municipal Corporation, registration certificate from the Directorate of Industries and Commerce (DIC), reports from various field agencies, and other relevant documents. The respondents have failed to duly consider these submissions, which reflects a lack of due diligence and procedural fairness.
- c. That, the closure of the petitioner's ice plant during the peak season of June, July, August, and September has caused significant financial losses and operational disruptions. The unit operates primarily during these four months, and the abrupt closure has inflicted severe economic harm on the petitioner.
- d. That, the respondents acted on the basis of a complaint without conducting a proper and

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thorough investigation. The closure of the petitioner's unit was ordered without validating the authenticity of the complaint or the evidence presented. The respondents have failed to apply their mind to the facts and circumstances of the case. The decision to close the unit appears to be mechanical and arbitrary, without proper consideration of the petitioner's compliance with environmental norms, the minimal pollution potential of the unit, and the adverse economic impact of the closure. It is apt to mention here that a previous complaint filed through the Grievance Cell was resolved in favor of the petitioner, with the Pollution Control Board acknowledging that the unit falls under the Green Category, supporting the petitioner's claim of compliance with all environmental norms and regulations.

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- e. That, the action taken by the respondents is disproportionate to the alleged non-compliance. Even if there were any minor lapses, the respondents should have provided an opportunity for the petitioner to rectify them rather than ordering an immediate closure, which has severe financial and operational repercussions. The Impugned order seems to be influenced by extraneous considerations and bias, particularly the personal vendetta alleged by the petitioner. Such a prejudiced decision cannot be sustained under law and violates the petitioner's right to a fair and impartial administrative process.

- f. That, the respondents failed to consider mitigating factors such as the petitioner's long
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history of compliance, the minimal environmental impact of the ice plant, and the petitioner's willingness to take corrective measures. Ignoring these factors reflects a lack of balanced judgment and fairness in the decision-making process. It is submitted that the closure order contradicts the government policies aimed at promoting small-scale industries and sustainable industrial practices. The petitioner's ice plant, being a Green Category unit, aligns with these policies, and its closure weakens the government's efforts to support environmentally compliant and economically viable industrial units.

g. That, the petitioner has shown readiness to relocate the unit if necessary by submitting an affidavit and has undertaken to shift the unit to another industrial area within 60 days if found non-compliant with pollution control norms/environmental norms. This willingness to cooperate and take corrective actions should have been considered by the respondents before passing the closure order, thereby providing a pathway for rehabilitation rather than punitive measures. The alleged health hazards from the use of ammonia gas are unfounded, as the same gas is commonly used in household refrigerators and freezers. The petitioner has complied with safety standards, and there is no immediate health risk posed by the continued operation of the unit.

h. That, the procedure followed by the respondents in issuing the closure order is riddled with irregularities, including lack of proper notice, failure to provide a fair hearing, and non-

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compliance with statutory requirements. The respondents have exercised their power in an arbitrary and capricious manner, without adequate justification or adherence to the principles of administrative fairness and justice. Such arbitrary use of power is contrary to the rule of law and needs to be rectified by this Hon'ble Court.

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- i. That, the respondents' decision to close down the petitioner's unit appears to be based on a fabricated complaint, allegedly motivated by personal vendetta from the petitioner's relatives. The complaint lacks merit and should not have been the basis for such a drastic action without thorough investigation and consideration of the petitioner's detailed reply. Though the petitioner's unit falls under the Green Category, indicating minimal potential for pollution, the unit complies with all environmental regulations and poses no hazardous pollution. The petitioner has undertaken to shift the unit to another industrial area within 60 days if found non-compliant, further reflecting his obligation to adhering to all norms.
- j. That, an inspection allegedly conducted on 20-05-2024 claimed that the ice plant remained unchanged. However, the petitioner was neither informed about this inspection nor aware of it. No officer or official visited the site after the petitioner applied for the necessary permissions. The respondents proceeded with the closure of the unit without providing any prior information to the petitioner, which is a clear breach of procedural fairness. As already submitted that
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the area where the petitioner's unit is located is a commercial zone, housing various establishments such as hotels, garages, and other industrial units. This fact further clears the arbitrary nature of the respondents' actions in closing down the petitioner's unit.

- k. That the petitioner reserves the right of taking additional pleas at the time of hearing of the case.

15. That the petitioner has not filed any other writ petition on the same cause of action before any court of the country including the Hon'ble Supreme Court of India except the present one.

16. That the petitioner has no other alternate efficacious remedy available except the instant writ petition.

17. That the writ petition is supported by affidavit.

 **IN THE PREMISES**, it is therefore prayed that this Hon'ble Court be pleased to issue an appropriate writ, order or direction including one in the nature of:-

I. **A Writ of CERTIORARI**, Quashing the impugned Order No. 136 JK PCC of 2024 dated 22/07/2024 issued by respondent No.2.

II. **A Writ of Mandamus**, commanding the respondents grant permission in favour of the petitioner to continue operating the Ice plant, in accordance with the Green Category norms and environmental regulations.

Annexure IX

S. No.117
Supp. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1593/2024
CM 4290/2024
Cav 1566/2024

M/S K. K. INDUSTRIES (ICE PLANT)

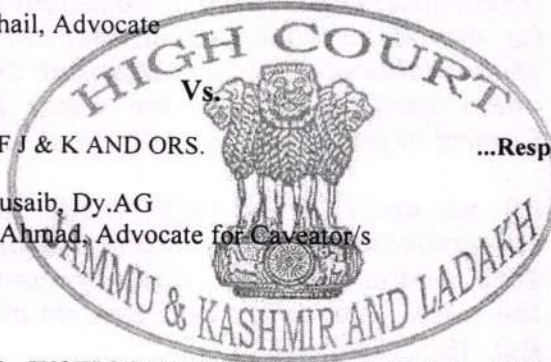
...Petitioner(s)/Appellant(s)

Through: Mr. Mir Suhail, Advocate

UNION TERRITORY OF J & K AND ORS.

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG
Mr. Zubair Ahmad, Advocate for Caveator/s

**CORAM:****HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE****ORDER****24.07.2024**

1. Heard learned counsel for the petitioner as also learned counsel for the respondents.
2. From a bare perusal of section 14 of National Green Tribunal Act, 2010, it is apparent that the Tribunal shall have jurisdiction over all cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.
3. It would also be apt to reproduce section 16 of the National Green Tribunal Act which provides as under:

16 Tribunal to have appellate jurisdiction.—Any person aggrieved by, --

(a) *an order, or decision on or after the commencement of the National Green Tribunal Act 2010, by the appellate authority under section 28 of the Water (prevention and Control of pollution) Act, 1974 (6 of 1974);*

(b) *an order passed, on or after the commencement of the National Green Tribunal act, 2010, by the state Government under section 29 of the water (Prevention and Control of Pollution) Act,*

(c) *directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a-Board, under section 33-A of the water (prevention and Control of pollution) Act, 1974 (6 of 1974);*

(d) *an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 13 of the water (Prevention and Control of pollution) Cess Act, 1977 (36 of 1977);*

(e) *an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the state Government or other authority under section 2 of the forest (Conservation) Act, 1980 (69 of 1980);*

(f) *an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010 by the Appellate Authority under section 31 of the Air (Prevention and control of Pollution) Act, 1981 (14 of 1981);*

(g) *any direction issued, on or after the commencement of the National Green Tribunal Act, 2010, under section 5 of the Environment (protection) Act, 1986 (29 of 1986);*

(h) *an order made, on or after the commencement of the National Green Tribunal Act, 2010 granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986);*

(i) *an order made, on or after the commencement of the National Green Tribunal Act, 2010, Refusing to*

grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986 (29 of 1986);

(j) any determination of benefit sharing or order made, on or after the commencement of the National Green Tribunal Act, 2010, by the National Biodiversity authority or a State Biodiversity Board under the provisions of the Biological Diversity Act, 2002 (18 of 2003),

May within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.

4. Since the case of the petitioner falls under the ambit of section 16 (C), thus it was incumbent upon the petitioner to have preferred an appeal within a period of 30 days from the date order came to be passed by the concerned Member Secretary of Jammu and Kashmir Pollution Control Committee. The petitioner without availing the alternative remedy provided under the statute i.e. section 16 (C) of Nation Green Tribunal, Act. 2010 has filed the instant petition which is not maintainable.
5. Confronted with the above said, the petitioner seeks withdrawal of the instant petition with liberty to prefer an appeal before the Nation Green Tribunal under law.
6. Permission is granted and the writ petition is *dismissed* as withdrawn with liberty as prayed for. However, till filing of the appeal within the period prescribed under the Act *supra*, status quo as it exists today shall be maintained. It is made clear that continuance of interim

order by way of status quo will be subject to the further orders to be passed by the National Green Tribunal.

7. *Dismissed* as above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
24.07.2024
Mubashir



VAKALATNAMA



IN THE COURT OF Id. N.G.T. Delhi
No. Appeal no of 2024
M/S K.K Industries (Ice Plant) Piff./Petition/Appealant

Versus

Union Territory of J.K. & Ors Defdt./Respondent
Know all to whom these presents shall come that I/we Md. Farooq, Proprietor
of the Applicant Firm the above-named Applicant do hereby appoint,

Anilendra. Pandey
D/1035-A/2002
C-32, Vikas Nagar Exd.
Uttam Nagar, New Delhi
9868259532

(hereinafter called the Advocates) to be my/our Advocate in the above-note case and authorise him :-

To act, appear and pleased in the above-noted case in the Court, or in any other Courts in which the same may be tried or heard and also in the appellate Courts.

To sign, file and present pleading, appeals, Cross-objections or petitions of execution, review, revision, restoration, withdrawal, Compromise or other petitions, replies, objections, or affidavits or other documents as may be deemed necessary or proper for the prosecutions of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case, or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said cause.

To take out execution proceedings.

To deposit draw and receive moneys and grant, receipts there for and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other legal Practitioner authorising him to exercise the power and authorities hereby conferred upon the advocate whenever they may think fit to do so.

And I/We, the undersigned to hereby agree ratify and confirm all acts done by the Advocate or his substitute in the matter as my /our own acts, as if done be me/us to all intents and purposes.

And I/We, undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings.

And I/we, the undersigned, do hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of their absence from the court when the said cause is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/We, the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by me / us to be paid to the Advocate remaining unpaid they shall be entitled to withdraw from the prosecution of the said cause until the same is paid up. If any costs are allowed from an adjournment, the Advocate would be entitled to the same.

In witness where of I/We hereun to set my/our hand to these presents the contents of which have been understood by me/us this 16th day of August 2024

Accepted

Client



**Regional Director,
J&K Pollution Control Committee,
Kashmir.**

No. JKPC/Sc./Appeal No. 34-2024/25/1696 **Date: 21 -01-2025**

Sub: Appeal No. 34/2024 titled "M/s K K Industries (Ice Plant) V/s Union Territory of Sate of J&K & Ors."

Ref: Hon'ble NGT order dated 16.12.2024.

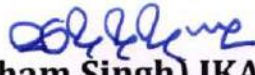
Sir,

Please refer to the subject and reference captioned above. In this connection, I am to convey that Hon'ble NGT vide its order dated 16.12.2024 in *Appeal No. 34/2024 titled "M/s K K Industries (Ice Plant) V/s Union Territory of Sate of J&K & Ors."* has issued following directions:

"Since it is a statutory appeal therefore it is entertained. Issue notice in Appeal No. 34/2024 and I.A. No. 436/2024 to the respondents. The appellant is directed to serve the respondents and file the affidavit of service at least one week before the next hearing date. Respondents are directed to file their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. Respondent No. 2 is directed to produce the original record leading to the passing of the order impugned. If any respondent directly files the reply/affidavit without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal."

In the light of above directions, you are requested to share the detailed factual report / records leading to passing of the order impugned by or before **25.01.2025** as case is listed for hearing on 07.02.2025.

Yours faithfully,


(Ghansham Singh) JKAS
Member Secretary

21.1.25

BY SPEEDPOST A.D./EMAIL

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Appeal No. 34/2024 (I.A. No. 436/2024)

M/s K K Industries (Ice Plant) Vs. Union Territory of J&K & Ors.

To

1. **UNION TERRITORY OF J&K**
Through, Regional Director,
J&K Pollution Control Board,
Sheikh ul-Alam Complex, Rajbagh, Srinagar.
Email: regionaldirectorkmr@gmail.com(RESPONDENT NO.1)
2. **MEMBER SECRETARY**
J&K Pollution Control Board,
Transport Nagar, Narwal,
Jammu/Sheikh ul-Alam Complex, Rajbagh, Srinagar
Email: membersecretaryjkspcb@gmail.com(RESPONDENT NO.2)
3. **DIRECTOR INDUSTRIES & COMMERCE**
Kashmir Sanat Ghar, Bemina Srinagar Kashmir-190018
Email: director-industries@jk.gov.in(RESPONDENT NO.3)
4. **DEPUTY COMMISSIONER**
Amar Niwas Complex, Tankipora,
Srinagar-190001
Email: Id: dscgr-jk@nic.in(RESPONDENT NO.4)
5. **EXECUTIVE ENGINEER (KPDCL) ELECTRIC DIVISION**
Jahangir Chowk, Srinagar
Email: xtendstd1@gmail.com(RESPONDENT NO.5)
6. **EXECUTIVE ENGINEER, PHE**
Hazuri Bagh, Srinagar
Email: Xenphecit1@gmail.com(RESPONDENT NO.6)

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 16.12.2024 (copy of order & appeal are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"3. Since it is a statutory appeal therefore it is entertained. Issue notice in Appeal No. 34/2024 and I.A. No. 436/2024 to the respondents. The appellant is directed to serve the respondents and file the affidavit of service at least one week before the next hearing date. Respondents are directed to file their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. Respondent No. 2 is directed to produce the original record leading to the passing of the order impugned. If any respondent directly files the reply/affidavit without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

5. List on 07.02.2025."

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2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 07.02.2025, at Faridkot House, Copernicus Marg, New Delhi-110001 through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file reply/response, as per directions of the Hon'ble Tribunal vide Order dated 16.12.2024.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 20th December 2024.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)



Consultant (Judicial), NGT

33

NO - DRS 129/10507

DIRECTORATE OF INDUSTRIES
DISTRICT INDUSTRIES CENTRE SPINNAAR

G.F.S. - 55

PERMANENT REGISTRATION CERTIFICATE

AS A

SMALL SCALE/ANCILLARY UNDERTAKING/
SMALL SERVICE ESTABLISHMENT/TINY UNIT

1890

This is to certify that M/s. K.K. INDUSTRIES
Proprietary/ partnership/Pvt. Ltd./ Normal Floor, Katta, s/o. Ghanta St. No.
Co-operative Society/others. (Off. Address)
Y. Ka Road, Spinnarak 5g-

Registration No. 0710904928 PMT 220896

Number								Date					
0	7	1	0	9	0	4	9	2	8	2	2	0	8

for the factory located at Spinnarak Habkaval.

for the manufacture/processing of the following items:-

Items

CODE NUMBER

Date of commencement of production (wherever applicable) 05.08.96

Place Spinnarak
Date 22.08.96

COPY for Unit Holder

- N.B :-
1. This registration is valid for the factory location products and the location of the unit. At the time of allotment of this Certificate.
 2. This registration is liable to revocation or cancellation in the event of misuse or unauthorised diversion as determined by the Industries Commission Director.
 3. This registration certificate should be kept in safe custody and it is to be produced for incorporating any changes like new item of products, change of location etc.
 4. This final registration certificate cancels all previous provisional or permanent registration certificates granted to this unit for items mentioned at for the location mentioned in this Certificate.

5/28/24, 2:05 PM

Print : Udyam Registration Certificate

34



भारत सरकार
Government of India
सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय
Ministry of Micro, Small and Medium Enterprises



UDYAM REGISTRATION CERTIFICATE

UDYAM REGISTRATION NUMBER

UDYAM-JK-11-0015017

NAME OF ENTERPRISE

INAM & CO.

TYPE OF ENTERPRISE *

S.No.	Classification Year	Enterprise Type	Classification Date
1	2024-25	Micro	27/04/2024
2	2023-24	Micro	09/05/2023
3	2022-23	Micro	24/06/2022
4	2021-22	Micro	28/05/2022

MAJOR ACTIVITY

TRADING

[For availing benefits of Priority Sector Lending (PSL) ONLY]

SOCIAL CATEGORY OF ENTREPRENEUR

GENERAL

NAME OF UNIT(S)

S.No.	Udyog Aadhaar Memorandum	Unit(s) Name
1	JK21A0001469	INAM & Co.
2		MA K.K INDUSTRIES (ICE SLABS)

OFFICIAL ADDRESS OF ENTERPRISE

Flat/Door/Block No.	KAKA ROAD	Name of Premises/ Building	NAJ SARAK
Village/Town	SRINAGAR	Block	SRINAGAR
Road/Street/Lane	KAKA ROAD	City	SRINAGAR
State	JAMMU AND KASHMIR	District	SRINAGAR - Pin 190001
Mobile	8494007251	Email	inam.co71@gmail.com

DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE

27/04/2022

DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS

25/04/2022

NATIONAL INDUSTRY CLASSIFICATION CODE(S)

S.No.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	37 - Sewerage	3700 - Sewerage	37001 - Treatment of waste water or sewer by means of physical, chemical or biological processes	Manufacturing
2	11 - Manufacture of beverages	1104 - Manufacture of soft drinks, production of mineral waters and other bottled waters	11044 - Manufacture of ice	Manufacturing

DATE OF UDYAM REGISTRATION

28/05/2022

* In case of graduation (upward/reverse) of status of an enterprise, the benefits of the Government Schemes will be availed as per the provisions of Notification No. S.O. 1110(F) dated 26.06.2020 issued by the Mo MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in/> & Date of printing: 28/05/2024

For any assistance, you may contact:

1. District Industries Centre: SRINAGAR (JAMMU AND KASHMIR)
2. MSME-DFO: JAMMU (JAMMU AND KASHMIR)

Visit : www.msme.gov.in ; www.dfo.msme.gov.in ; www.champions.gov.in

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DIRECTORATE OF INDUSTRIES
DISTRICT INDUSTRIES CENTRE SRINAGAR.
PERMANENT REGISTRATION CERTIFICATE
AS A
SMALL SCALE/ANCILLARY UNDERTAKING/
SMALL SERVICE ESTABLISHMENT/TINY UNIT

This is to certify that M/S... K.K Industries Proprietary /partnership/Pvt. Ltd./
 Co-operative Society/others. Mohammad Farooq Katta S/o Gh. .sic..

(Office Address)

.....sic.....

Number:- 070904928

Dated:- 22-08-1996

For the factory located at NIA Sarak Habba Kadal

For the manufacture/processing of thesic.....

Items

.....sic.....

Date of commencement of production05.06.1996

Wherever applicable).....

Place: Srinagar

Date 22.08.1996

- N.B:- 1. This registration is valid for the factory location products and the construction of the unit. At the time of allotment of this certificate.
2. This registration is liable to revocation or cancellation in the events of misuse or unauthorized diversion as determined by the industries ..sic... Director.
3. This registration certificate should be kept to safe custody and ..sic... to be produced for incorporating any changes like new items of products, ...sic... of location etc.
4. This final registration certificate cancels all previous provisional or permanent registration certificates granted to this unit for items mentioned ...sic... for the location mentioned in this certificate.

(31)

Transaction Id	Payment Date	Transaction Status	Amount
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Place :KAKA ROAD NAI SADAK

Dated :29/06/2024

Enclosures :

Yours faithfully,

Signature :

Name :MUHAMMAD FAROOQ FAROOQ

Designation :PROPRIETOR

1. Copy of valid DIC Registration (As Attached)
2. LAND PAPER (As Attached)
3. UDYAM CERTIFICATE (As Attached)
4. PROJECT REPORT (As Attached)
5. SITE PLAN (As Attached)

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JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

DETAILED TECHNO-ECONOMIC CUM PRE-INVESTMENT PROJECT REPORT

ON

LINE OF ACTIVITY : MANUFACTURING OF ICE SLABS

FOR

M/S K. K. INDUSTRIES

(LOCATION: KAKA ROAD NAI SADAK SRINAGAR)

NAME	PARENTAGE	RESIDENCE
MUHAMMAD FAROOQ	GHULAM QADIR	KAKA ROAD NAI SADAK SRINAGAR

APRIL, 2024

Consultancy Address:

JKITR INDUSTRIAL CONSULTANCY PVT. LTD (JK - ICS)

www.golegalfiling.com (CHECK YOUR DPR)

CIN NO: U74999JK2020PTC011525

H.O: AJAZ & CO. COMPLEX, JEHLUM BUND
(MUSLIM PUBLIC SCHOOL ROAD) KURSOO

RAJBAGH SRINAGAR RAJBAGH H.O:

6006751817, 9596194306

LAND LINE RAJBAGH: 0194 - 2312425, 6006751819

MILL STOP I.E. BAMK : 6006751813

BUDGAM OFFICE: 6006751812/ 7006880561

BUDGAM 2 OFFICE: 6006751816, 9541943069

ANANTNAG 9906879306

DI&C REGT. NO. PMT/MSME: 0100309371 DATED: 29-03-2021

REGISTERED AND APPROVED INDUSTRIAL CONSULTANCY (DI&C)



FOR K K INDUSTRIES - KAKA ROAD NAI SADAK SRINAGAR

(36)

JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

PROJECT COST SUMMARY OF K. K. INDUSTRIES

S.NO	PARTICULARS	AMOUNT (RS. IN LACS)
1	LAND AT KAKA ROAD NAI SADAK SRINAGAR	OWNED
2	PREMISES / SHED	1.00
3	PLANT & MACHINERY	7.10
4	MISCELLANEOUS FIXED ASSETS	0.60
5	PRELIMINARY & PREOPERATIVE EXPENSES	0.30
	TOTAL PROJECT COST	9.00
MEANS OF FINANCE		
1	PROMOTERS CONTRIBUTION (25%)	2.50
2	TERM LOAN FROM BANK (75%)	6.50
A	POWER REQUIREMENT	23 Kws
B	WATER REQUIREMENT PER DAY	

FOR K K INDUSTRIES KAKA ROAD NAI SADAK



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ASSUMPTIONS

All the activities in this project demand a proper infrastructure to maintain the quality of the raw materials as well as the product up to market. Therefore, it is essential to develop a well infra facilities.

A detailed technical and financial analysis is beyond the scope of this report. The actual product mix shall greatly depend on the demand and marketability of the products. Thus this cannot be anticipated here.

It has also been assumed that the Promoter shall be able to muster some of the finance on own along with unsecured loans as per their directions for the project cost as own contribution.

The proposed project as such would not face any difficulty for its smooth operation; the requirement of land for the envisaged program could be worked out on the basis of covered area besides marginal area for future expansions and internal infrastructural facilities to ensure the proposed venture to operate prompt and smoothly.

The Promoter shall in addition to other clearance require

1. Registration from the District Industries Centre / DIC/UDYAM.
2. Rent Deed/ Lease Deed or Allotted land papers may be required and the Promoter shall have to produce the lease deed papers as and when desired by agencies.
3. Consent from pollution department is required. This shall have to be checked by the Promoter at the concerned DIC.
4. Commitment from the power development department for sanction of minimum power.
5. The most important clearances, which the proposed venture should get from the framed up committee is financial assistance's from the commercial banks or corporations or from other financial institutions, keeping in the collateral, security, mortgage and equity towards the quantum.

FOR K K INDUSTRIES KAKA ROAD NAI SAD



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borrowed.

6. The unit shall have to get a consent to establish from dept. The project proposes to start repayment of loans right from the second year itself as its gestation time is very limited. Moreover, starting repayment shall reduce the interest burden on the Promoters in subsequent years. Hence, increase the profitability.
7. This project report has been prepared on the basis of the information and quotations furnished to us by the Promoter/s and is based on various assumptions and empirical formulations. Assumptions and formulations are subject to change and Promoters/ other agency scrutiny and approval.
8. The Financing institution shall consider this report if it is accompanied by the proper Quotations from the machinery supplier/manufacturer and the proper estimates and other information relevant for the financing decision including valuation of the assets as and when required. The financing shall be at the sole discretion of the agency.
9. We have taken into account other information in respect of the sale value, raw material cost and other costs and revenues as communicated to us by the Promoter/s. We at any point of time are not involved in the procurement/installation of the plant and machinery, civil works, raw materials, market, technology for the product/unit nor are we involved in rendering any advice on any matter.
10. The report gives only preliminary information on the establishment of the unit and may have to be changed at the time of the actual implementation of the unit.
11. The establishment of the enterprise is subject to all the rules and regulations, laws, government orders, court decisions.
12. The Financing institution shall not rely on the report unless it is accompanied by the proper Quotations from the machinery supplier/manufacturer and the proper estimates and, other information relevant for the financing decision including valuation of the assets as and when required.
13. The unit shall operate on 300 working days in a year. The cost

FOR K K INDUSTRIES KAKA ROAD NAI SABAK SKINGGAS



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- and consumables is based on the current prices and includes miscellaneous taxes & freight charges up to the plant site. Corresponding increase or decrease in the selling price of finished product shall take care of any increase or decrease in the cost of raw materials.
14. The cost of utilities like power and water, at installed capacity has been taken in the profitability estimate as per capacity utilization during different years of operation.
 15. We do not undertake any liability to third party relying on this report. This report is issued to the Promoter named in this report and our liability shall be to him only to the extent of the correction of any mistake brought to our notice within 90 days of the issuance of this report.
 16. The financial parameters given in this report are in consonance with the Promoter/s to which they have fully agreed.
 17. The report is being projected for the funding through Banks as per the request/directions of the promoter.
 18. This report is only indicative and does not claim to be final corrections and amendments will be entertained with the period of 3 months.
 19. In case of any doubts, please ask for clarifications.



FOR K K INDUSTRIES KAKA ROAD NAI SAO KY

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INTRODUCTION

FACTORY ICE SLABS

"FACTORY ICE SLABS" LIKELY REFER TO LARGE, MANUFACTURED SHEETS OR BLOCKS OF ICE PRODUCED IN AN INDUSTRIAL SETTING. THESE ICE SLABS ARE TYPICALLY MADE USING SPECIALIZED EQUIPMENT IN ICE FACTORIES OR ICE PRODUCTION FACILITIES.

Here are some common uses and applications of factory ice slabs:

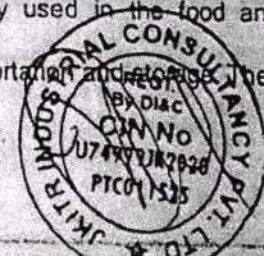
1. Food and Beverage Industry: Ice slabs are often used in the food and beverage industry for cooling purposes. They may be broken down into smaller pieces or crushed for use in drinks, seafood preservation, or food transportation.
2. Industrial Cooling: Some industries require large quantities of ice for cooling purposes, such as in the manufacturing of certain products or in air conditioning systems. Ice slabs can be used in these applications to maintain specific temperatures.
3. Special Events and Parties: Ice slabs are also used for decorative purposes in events, parties, and exhibitions. They can be sculpted into various shapes and designs, adding a visually appealing element to the environment.
4. Medical and Scientific Applications: In certain medical and scientific fields, ice slabs may be used for research purposes or for preserving biological samples at low temperatures.

Overall, factory-produced ice slabs provide a convenient and standardized way to produce and distribute large quantities of ice for various commercial and industrial purposes.

USES OF FACTORY ICE SLABS

Factory ice slabs have a range of uses across various industries and applications:

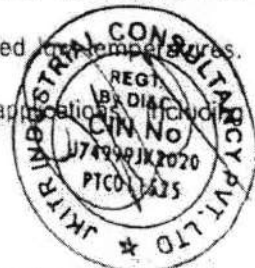
1. Food and Beverage Preservation: Ice slabs are commonly used in the food and beverage industry for preserving perishable items during transportation and storage. They help maintain low temperatures, ensuring food safety and quality.



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2. **Commercial Fishing:** Ice slabs are essential for preserving the freshness of fish and seafood caught during commercial fishing operations. They are used to pack and chill the catch, extending its shelf life until it reaches the market.
3. **Cold Chain Logistics:** Ice slabs play a crucial role in the cold chain logistics industry, where temperature-controlled transportation is necessary for perishable goods like fruits, vegetables, dairy products, and pharmaceuticals. They help maintain the required temperature throughout the supply chain.
4. **Event and Hospitality Industry:** Ice slabs are used for decorative purposes in events, parties, weddings, and exhibitions. They can be sculpted into various shapes, such as ice bars, sculptures, or displays, enhancing the ambiance and visual appeal of the venue.
5. **Medical and Pharmaceutical Applications:** Ice slabs are used in medical and pharmaceutical industries for storing and transporting temperature-sensitive medications, vaccines, and biological samples. They help maintain the required low temperatures to preserve the integrity of these products.
6. **Industrial Cooling:** In manufacturing and industrial processes, ice slabs are used for cooling equipment, machinery, and products. They help dissipate heat and maintain stable temperatures in various industrial applications, such as metalworking, plastic molding, and chemical processing.
7. **Recreational Activities:** Ice slabs are used for recreational activities such as ice skating, ice hockey, and curling. They serve as the foundation for ice rinks and provide a safe and enjoyable surface for participants.
8. **Research and Scientific Studies:** Ice slabs are utilized in research laboratories and scientific studies for conducting experiments that require controlled temperatures. They provide a stable cooling medium for various scientific applications, including environmental research, material testing, and cryogenics.



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Overall, factory-produced ice slabs are versatile products with diverse applications across industries, ranging from food preservation to scientific research and entertainment.

PROCESS FLOW CHART FOR MANUFACTURING OF FACTORY ICE SLABS

process flow chart for manufacturing factory ice slabs involves several steps. Here's a simplified overview:

1. Water Sourcing:

- Water is sourced from a clean and reliable water supply. It should be free from impurities and contaminants to ensure the quality of the ice.

2. Water Treatment:

- The water undergoes treatment processes such as filtration and purification to remove impurities, sediment, and microbes. This ensures that the ice produced is safe for consumption and meets regulatory standards.

3. Ice Making Equipment Setup:

- The ice making equipment, which typically includes ice makers, molds, and refrigeration systems, is set up and prepared for operation.

4. Water Filling:

- The treated water is filled into the molds or containers of the ice making equipment. The molds may be large trays or blocks depending on the desired size and shape of the ice slabs.

5. Freezing Process:

- The filled molds are placed into the freezing chamber of the ice making equipment. The refrigeration system cools the water rapidly, causing it to freeze into solid ice.

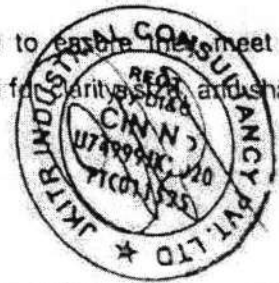
6. Ice Harvesting:

- Once the water has frozen completely, the ice slabs are ready for harvesting. Depending on the equipment design, the ice may be released from the molds automatically or manually removed.

7. Quality Inspection:

- The harvested ice slabs undergo quality inspection to ensure they meet the required standards. This may include visual inspection for clarity and shape, as well as testing for purity and temperature.

8. Packaging:



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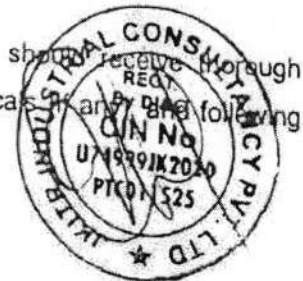
- The inspected ice slabs are packaged into containers or bags for storage and distribution. Packaging may include labeling with product information and handling instructions.
9. Storage and Distribution:
 - The packaged ice slabs are stored in a controlled environment, such as a freezer or cold storage facility, to maintain their quality and prevent melting. They are then distributed to customers, retailers, or other end-users.
 10. Quality Control and Monitoring:
 - Throughout the manufacturing process, quality control measures are implemented to ensure consistent production and adherence to standards. This includes monitoring temperature, water quality, and equipment performance.
 11. Cleaning and Maintenance:
 - Regular cleaning and maintenance of the ice making equipment are essential to prevent contamination and ensure optimal performance. This includes sanitization of surfaces and components to maintain hygiene.
 12. Waste Management:
 - Any waste generated during the manufacturing process, such as water runoff or ice scrapings, is managed properly according to environmental regulations. Recycling or proper disposal methods are employed to minimize environmental impact.

This flow chart provides a general outline of the manufacturing process for factory ice slabs. The specifics may vary depending on factors such as equipment design, production capacity, and quality standards.

SAFETY MEASURES TAKEN FOR MANUFACTURING OF FACTORY ICE SLABS

Ensuring safety during the manufacturing of factory ice slabs is essential to protect workers, maintain product quality, and prevent accidents. Here are some key safety measures typically implemented:

1. Employee Training:
 - All employees involved in the manufacturing process should receive thorough training on operating equipment safely, handling chemicals, and following proper procedures to minimize risks.
2. Personal Protective Equipment (PPE):



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- Workers should wear appropriate PPE such as safety goggles, gloves, aprons, and slip-resistant footwear to protect against hazards such as chemical exposure, slips, and falls.

3. Machine Guarding:

- Machinery and equipment should be properly guarded to prevent accidental contact with moving parts or exposure to hazardous areas. Guards, barriers, and interlocks should be in place and regularly inspected.

4. Emergency Stops:

- Emergency stop buttons should be installed on machinery to quickly shut down operations in case of emergencies or malfunctions.

5. Chemical Safety:

- If chemicals are used in water treatment or other processes, proper handling procedures should be followed. This includes storing chemicals securely, using appropriate dilution methods, and providing adequate ventilation.

6. Slip and Fall Prevention:

- Measures should be taken to prevent slips and falls, especially in areas where water or ice may accumulate. This includes keeping floors clean and dry, using anti-slip mats, and marking slippery areas.

7. Temperature Monitoring:

- Temperature monitoring systems should be in place to ensure that equipment operates within safe temperature ranges. This helps prevent overheating and potential hazards associated with refrigeration systems.

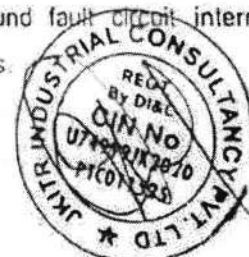
8. Fire Safety:

- Fire extinguishers, smoke detectors, and sprinkler systems should be installed and regularly maintained to mitigate fire risks. Flammable materials should be stored properly, and smoking should be prohibited in designated areas.

9. Electrical Safety:

- Electrical systems and equipment should be installed and maintained by qualified professionals to prevent electrical hazards. Ground fault circuit interrupters (GFCIs) should be used in wet or damp environments.

10. First Aid and Emergency Response



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- Adequate first aid supplies should be readily available, and employees should be trained in basic first aid procedures. Emergency response plans should be in place, including procedures for evacuations and medical emergencies.

11. Regular Inspections and Maintenance:

- Equipment and facilities should be inspected regularly for signs of wear, damage, or malfunctions. Any issues should be addressed promptly to prevent accidents and ensure continued safety.

12. Safety Culture:

- Promoting a culture of safety is essential to ensure that all employees are aware of and committed to following safety protocols. This includes encouraging reporting of hazards, near misses, and safety concerns.

By implementing these safety measures and fostering a culture of safety, manufacturers can minimize risks and create a safe working environment for producing factory ice slabs.



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POLLUTION CONTROL NORMS AND MEASURES TAKEN

The technology involved for the MANUFACTURING OF ICE SLABS is simple and is available indigenously. In the proposed unit shall be husked out of paddy as main ingredients. During Machine operation certain amount of noise will be produced which is well within the limits. Since the unit shall maintain the production section in enclosed walls, therefore it will not have any adverse effect on the local inhabitants.

1: Apart from the other recommendations, the promoter has agreed in principle that he will strictly adhere pollution norms as and when shall be implemented and shall use all possible devices to prevent pollution measures.

2: Adequate provisions of toilets, septic and soakage pit has been made to take care of human wastage and the waste water before discharging in the main drainage system, hence, there is no effluents discharged in the form of solid, liquid and gaseous and the plant, thus is considered free from the pollution aspects.

Careful consideration has been to noise during the late evenings when local residents have a legitimate expectations to peace and quiet and when noise may be more noticeable because of low background level.

Apart from the other recommendations, the promoter has agreed in principle that he will strictly adhere pollution norms as and when shall be implemented and shall use all possible devices to prevent pollution measures.

Adequate provisions of toilets, septic and soakage pit has been made to take care of human wastage and the waste water before discharging in the main drainage system, hence, there is no effluents discharged in the form of solid, liquid and gaseous and the plant, thus is considered free from the pollution aspects.

The promoter agrees to provide the following:

- a) Proper uniforms and face masks will be provided to the employees
- b) The eco friendly exhaust fans will be installed at proper places
- c) The activity will be done in closed chamber with acoustic walls
- d) Water Consumption Per Day will not be more than 3000 Ltrs a day. Waste water generated will be 300 Ltrs a day
- e) Working area will be kept clean and plants will plantation will also be done
- f) The Waste water will not be thrown in running water bodies however will be disposed in the Soakage Pit



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- g) The unit holder will put up comprehensive treatment system and the following standards will be maintained for effluents before disposal

1	ph	Between	6.0 and 8.5
2	Suspended solids	Not to exceed	100mg/l
3	BOD, 3 Days, 27Dc	Not to exceed	100mg/l
4	Cod	Not to exceed	250mg/l
5	Oil and grease	Not to exceed	10mg/l

- h) All the domestic waters shall be collected in the septic and soakage pit
- i) The non hazardous solid waste shall be handled and disposed as per the guidelines of Municipal Solid Waste Rules, 2000
- j) The unit shall comply with any other condition laid down or direction issues in due course by the PCB from time to time under the provisions of Water (prevention and control) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981
- k) The unit shall ensure that no air pollution problem or public nuisance is created in the area.
- l) The unit holder agrees that the unit shall be under the surveillance monitoring of JKSPCB and any further and shall provide for adequate arrangement for fighting the accidental leakages/discharge of any air pollutant/gas/ liquid from the vessel, mechanical etc which are likely to cause fire hazard including environmental pollution.
- n) Good House Keeping practice shall be adopted by the unit.



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DETAILS OF PRELIMINARY & PRE-OPERATIVE EXPENSES		
S.NO	PARTICULARS	AMOUNT(LACS)
1	TRAVELING & CONVEYANCE	0.15
2	PRINTING & STATIONARY	0.03
3	PROFESSIONAL CHARGES	0.02
4	MISC. EXPENSES	0.10
	TOTAL	0.30

DETAILS OF MISCELLANEOUS FIXED ASSETS		
S.NO	PARTICULARS	AMOUNT(LACS)
1	TABLE AND CHAIRS 2 SETS	0.05
2	FIRE EXTINGUISHER/EXHAUST FANS / DUST SUPPRESSION EQUIPMENTS	LS 0.30
3	ELECTRIFICATION, TRANSFORMER, POLES AND WIRES	LS 0.20
4	HAND TOOLS	LS 0.05
	TOTAL	0.60



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

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DETAILS AND ESTIMATED COST ON PLANT AND MACHINERY

While arriving at the requirement of various types of equipment and machinery required for the plant, due consideration has been given to the following points.

- Minimum wastage.
- High productivity.
- Maximum flexibility in operation.
- Adequate stand by provision where ever necessary.

The details of plant & machinery is as follows: -

S.NO	PARTICULARS	SIZE	QTY	AMOUNT IN RS.
1	COMPRASSOR	6 ½ * 6 ½	1.NO	75000
2	COMPRASSOR	5 ½ * 5 ½	1.NO	55000
3	AGITATOR		1.NO	3000
4	COOLING COIL		1.NO	110000
5	CONDENSOR		6.NO	175000
6	CANES		300	120000
7	MOTER	10 HP	1.NO	20000
8	MOTER	10 HP	1 NO	20000
9	PUMP WITH MOTER	5 HP	1.NO	15000
10	MOTER FOR AGITATOR	2 HP	1.NO	10000
11	BRAIN TANKS FOR NICE CANES		1.NO	107000
	TOTAL			710000



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

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METHODOLOGY FOR PREPARATION OF DETAILED PROJECT REPORT AND ROLE OF CONSULTANCY

This project report has been prepared on the basis of the information available with the J K INDUSTRIAL AND TECHNICAL CONSULTANCY SERVICE AND INFORMATION PROVIDED BY THE CLIENT. The intention here is to provide preliminary information to the prospective entrepreneurs. Prior to making a firm decision for investment in the project the entrepreneurs must verify the various feasibility aspects together along with the addresses for the procurement of plant and machinery and raw materials independently. Any matter relating to our standard points covered in this report may be modified within 30 days time only from the date of delivery.

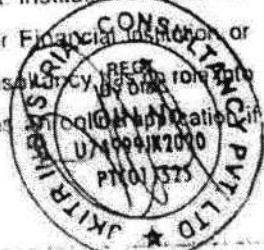
The promoter himself decided to start a venture and thereafter entrust preparation of this DPR to "J K INDUSTRIAL AND TECHNICAL CONSULTANCY SERVICE". Most of the data used in this DPR is based on various assumptions and empirical formulations on the principles of Capital Budgeting and Working Capital Management and in terms of Credit Policies of the Banking Institutions.

1: The material specification, processing procedures and safe structures required besides furniture/fixtures and other details of equipment's (Pollution devices etc) have been settled in consultation with the client for its construction, installations of allied misc. equipments and Electrical/water distribution Installations.

2: Based on the data and information thus available and has been carefully examined and analyzed to verify its techno economic feasibility and financial viability. The user of this report may put our projections to such tests as are required by him under the applicable guidelines and this report is issued excluding third party liability.

3. The Consultancy has prepared the Project Report only on the basis of preliminary data and information and rates provided by the Client and has himself entrusted this job to our consultancy. The Consultancy does not check the credit history of the client which is beyond our scope of work and is in no way liable to any Bank or financial institution for the clients with bad credit history.

4. The scope of work of the Consultancy is only preparation of the Projections in the project report and makes an online application wherever required for requirement of funds. The Consultancy do not broker or perform the function of loan syndication on behalf of the client with any of the bank and/or Financial Institution and Consultancy do not claim any subsidy from any Govt. institution on behalf of the client. The Loan and subsidy Case has to be followed with the Bank or Financial Institution or Government agency by the Client. Prospective Entrepreneur himself and consultancy has the role to do it. The job of Consultancy is purely preparation of Project Report and makes application for loan and subsidy if any.



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

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INSTALLED CAPACITY AND PRODUCTION PROGRAMME AT 100% CAPACITY UTILIZATION

NO. OF DAYS	120 DAYS
EFFECTIVE WORKING HOURS	12 HOURS A DAY
NO. OF SHIFTS	SINGLE
ANNUAL CAPACITY	18000 FACTORY ICE SLABS

SALES REALIZATION AT 100% CAPACITY UTILIZATION

S.NO	PARTICULARS	RATE (RS)/ QUINTAL	QUANTITY PER YEAR	RATE PER SLAB	AMOUNT IN RS LACS
01	ICE SLABS 7" X 30" X 18" 45 KGS WEIGHT INDUSTRIAL USE ONLY AND NOT FOR HUMAN CONSUMPTION	150 PER DAY	18000 PER YEAR	100.00	18.00
TOTAL SALES					18.00

STATEMENT OF PURCHASES AT 100% CAPACITY UTILIZATION DURING THE YEAR

S.NO	PARTICULARS	QUANTITY	RATE IN RS.	AMOUNT
01	WATER FROM BORE WELL	LS	LS	0.00
02	ENGINE OIL, COMPRESSOR OIL, AMMONIA GAS, SALT, JUTE BAGS	LS	LS	1.00
TOTAL				



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

FINANCIAL PROJECTIONS

COST OF PROJECT

A. Fixed Capital Investment			
			OWNED/ RENTED
a. Land/ Premises			
b. Workshed / Premises		Area Sq.ft	Rate in Rs.
		1000	1.00
Total:			1000.00

c. Machinery	Qty.	Rate	Amount in Rs.
AS PER SCHEDULE	1	710000.00	710000.00
0	0	0.00	0.00
0	0	0.00	0.00
Total			710000.00

Preliminary & Pre-operative Cost (in Rs) (Optional) Rs. 30,000.00

Furniture & Fixtures (in Rs) (mandatory) Rs. 60,000.00

Contingency/Others/Miscellaneous (in Rs) (mandatory) Rs. -

Total Capital Expenditure Rs. 2,01,000.00

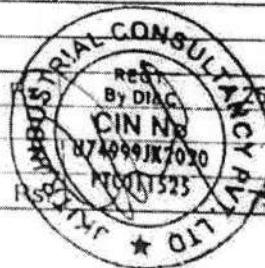
Working Capital Rs. 1,00,000.00

Means of Financing (Term Loan)

Own Contribution	25.00%	Rs.	2,00,250
Bank Finance	75%		
Term Loan		Rs.	6,00,750

Means of Financing (Working Capital)

Own Contribution (Margin Money)	25%	Rs.	25,000
Bank Finance	75%		
Working Capital			75,000



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

STATEMENT SHOWING THE REPAYMENT OF TERM LOAN AFTER MORATORIUM TERM LOAN/ loan on capital expenditure

Year	Opening Balance	Installment	Closing Balance	Interest @
1st	600750	120150	480600	72090
2nd	480600	120150	360450	57672
3rd	360450	120150	240300	43254
4th	240300	120150	120150	28836
5th	120150	120150	0	14418

WORKING CAPITAL

Year	Opening Balance	Installment	Closing Balance	Interest @
1st	75000	0	75000	9000
2nd	75000	0	75000	9000
3rd	75000	0	75000	9000
4th	75000	0	75000	9000
5th	75000	0	75000	9000

STATEMENT SHOWING THE DEPRECIATION ON FIXED ASSETS:

Particulars	WORKSHED @ 10.00%				
	1st Year	2nd Year	3rd Year	4th Year	5th Year
Opening Balance	1000	900	810	729	656
Depreciation	100	90	81	73	66
Closing Balance	900	810	729	656	590
	MACHINERY @ 15.00%				
Opening Balance	710000	603500	512975	436029	370624
Depreciation (Diminishing Value)	106500	90525	76946	65404	55594
Closing Balance	603500	512975	436029	370624	315031
	TOTAL DEPRECIATION				
Workshed	100	90	81	73	66
Machinery	106500	90525	76946	65404	55594
Total	106600	90615	77027	65477	55660

FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

Schedule of Sales Realization

Details of Projected Sales

Particulars of Product	Rate/	No. of	Amount in Rs.
	Pair/Unit	Pair/Unit	
AS PER SCHEDULE	1800000.00	1	1800000.00
0	0.00	0	0.00
0	0.00	0	0.00
Total			1800000.00

Capacity Utilization of Sales

Particulars	1st Year	2nd Year	3rd Year	4th Year	5th Year
Capacity Utilization	60%	60%	70%	70%	80%
Sales / Receipts	1080000	1080000	1260000	1260000	1800000

Rawmaterials

Particulars	Unit	Rate/unit	Reqd. Unit	Amount in Rs.
AS PER SCHEDULE	0	100000.00	1	100000.00
0	0	0.00	0	0.00
0	0	0.00	0	0.00
Total				100000.00

Wages

Particulars	No. of Worker	Wages	Amount in Rs. (Per Annum)
		Per Month	
SKILLED WORKERS	2	12000.00	288000.00
OTHER WORKERS	2	8000.00	192000.00
	0	0.00	0.00
Total	4		480000.00

Repairs and Maintenance Rs. 36000.00

Power and Fuel Rs. 18000.00

Other Overhead Expenses Rs. 15000.00

Administrative Expenses



FOR K.K. INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

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JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

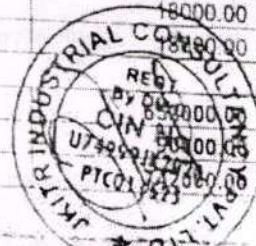
Telephone Expenses	4500.00
Stationery & Postage	4500.00
Advertisement & Publicity	36000.00
Workshed Rent	36000.00
Other Miscellaneous Expenses	9000.00
Total	90000.00

Capacity Utilization of Manufacturing & Administrative Expenses :

Particulars	1st Year	2nd Year	3rd Year	4th Year	5th Year
Capacity Utilization	50%	60%	70%	80%	90%
Manufacturing Expenses					
Rawmaterials	60000	60000	70000	70000	100000
Wages	288000	288000	336000	336000	480000
Repairs & Maintenance	21600	21600	25200	25200	36000
Power & Fuel	10800	10800	12600	12600	18000
Other Overhead Expenses	10800	10800	12600	12600	18000
Administrative Expenses					
Salary	0	0	0	0	0
Postage Telephone Expenses	2700	2700	3150	3150	4500
Stationery & Postage	2700	2700	3150	3150	4500
Advertisement & Publicity	21600	21600	25200	25200	36000
Workshed Rent	36000	36000	36000	36000	36000
Other Miscellaneous Expenses	5400	5400	6300	6300	9000
Total:	459600	459600	530200	530200	742000

Assessment of Working Capital

Particulars	Amount in Rs.
Sale	1800000.00
Manufacturing Expenses	
Raw Material	
Wages	100000.00
Repair & Maintenance	480000.00
Power & Fuel	36000.00
Other Overhead Expenses	18000.00
Production Cost	1874000.00
Administrative Cost	
Manufacturing Cost	



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

Working Capital Estimate			
Element of Working Capital	No of Days	Basis	Amount In Rs.
Stock in process (days) (mandatory) (Mention from 1 to 365)	1	Production Cost	2173.00
Finished goods (days) (mandatory) (Mention from 1 to 365)	1	Manufacturing Cost	2473.00
Receivable by (days) (mandatory) (Mention from 1 to 365)	30	Manufacturing Cost	5400.00
Total Working Capital Requirement		PER CYCLE	100000.00

Projected Profit & Loss Account :

Particulars	0 Year	1st Year	2nd Year	3rd Year	4th Year	5th Year
Sales / Receipts		1080000	1080000	1260000	1260000	1800000
Manufacturing Expenses						
Rawmaterials		60000	60000	70000	70000	100000
Wages		288000	288000	336000	336000	480000
Repairs & Maintenance		21600	21600	25200	25200	36000
Power & Fuel		10800	10800	12600	12600	18000
Other Overhead Expenses		10800	10800	12600	12600	18000
Depreciation		106600	90615	77027	65477	55659
Production Cost		497800	481815	533427	521877	707659
Administrative Expenses						
Postage Telephone Expenses		2700	2700	3150	3150	4500
Stationery & Postage		2700	2700	3150	3150	4500
Advertisement & Publicity		21600	21600	25200	25200	36000
Workshed Rent		36000	36000	36000	36000	36000
Other Miscellaneous Expenses		5400	5400	6300	6300	9000
Administrative Cost		68400	68400	73800	73800	90000
Interest on Bank Credit @ 12%						
Term Loan		72090	57672	43254	28836	14418
Working Capital Loan		9000	9000	9000	9000	9000
Cost of Sale		647290	616887	659481	633513	821077
Net Profit		432710	463113	600519	626487	978923
Drawings		0 00	20000 00	25000 00	25000 00	5000 00
Net Profit transferred to BS		432710	443113	575519	596487	973923



FOR K K INDUSTRIES KAKA ROAD NAI SADAK SRINAGAR

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JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

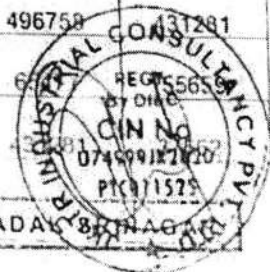
CALCULATION OF DEBT SERVICE COVERAGE RATIO (D.S.C.R) :

Particulars	0 Year	1st Year	2nd Year	3rd Year	4th Year	5th Year
Net Profit		432710	443113	575519	591487	933923
Add :						
Depreciation		106600	90615	77027	65477	55659
TOTAL - A		539310	533728	652546	656964	989582
Payments :						
On Term Loan :						
Interest		72090	57672	43254	28836	14418
Installment		120150	120150	120150	120150	120150
On Working Capital						
Interest		9000	9000	9000	9000	9000
TOTAL - B		201240	186822	172404	157986	143568
D.S.C.R = A/B		2.68	2.86	3.78	4.16	6.89
Average D.S.C.R						

PROJECTED BALANCE SHEET

Particulars	0 Year	1st Year	2nd Year	3rd Year	4th Year	5th Year
LIABILITIES :						
Promoters Capital		200250				
Profit		432710	443113	575519	591487	933923
Term Loan		600750	480600	360450	240300	120150
Working Capital Loan		75000	75000	75000	75000	75000
Current Liabilities		0	0	0	0	0
Sundry Creditors		0	0	0	0	0
Total		1308710	998713	1010969	906787	1129073
ASSETS :						
Gross Fixed Assets		771000	664400	573785	496758	431281
Less Depreciation		106600	90615	77027	65477	55659
Net Fixed Assets		664400	573785	496758	431281	375622

FOR K K INDUSTRIES KAKA ROAD NAI SADAK BANGALORE



JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

Preliminary & Pre-Op. Expenses	30000	22500	16875	12656	9492
Current Assets	75000	75000	75000	75000	75000
Cash in Bank/Hand	569310	349928	439211	400506	678451
Total	1308710	998713	1010969	906787	1129073

CASH FLOW STATEMENT

Particulars	0 Year	1st Year	2nd Year	3rd Year	4th Year	5th Year
Net Profit		432710	443113	575519	591487	933923
Add : Depreciation		106600	90615	77027	65477	55659
Term Loan		600750	480600	380450	240300	120150
Working Capital Loan		75000	75000	75000	75000	75000
Promoters Capital		200250				
Total		1415310	1089328	1067996	972264	1184732
Total Fixed Capital Invested		801000				
Repayment of Term Loan		120150	120150	120150	120150	120150
Repayment of WC Loan		0	0	0	0	0
Current Assets		75000	75000	75000	75000	75000
Total		996150	195150	195150	195150	195150
Opening Balance		0	419160	1313338	2206184	2983298
Surplus		419160	694178	892846	777114	989582

FOR K K INDUSTRIES KAKA ROAD NAI SADA K SRINAGAR



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JKITR INDUSTRIAL CONSULTANCY PVT. LTD. (JK - ICS)

BREAK EVEN POINT AND RATIO ANALYSIS

Particulars	0 Year	1st Year	2nd Year	3rd Year	4th Year	5th Year
Fixed Cost		247090	216687	194081	168113	160077
Variable Cost		506800	490815	542427	530877	716659
Total Cost		753890	707502	736509	698990	876737
Sales		1080000	1080000	1260000	1260000	1800000
Contribution (Sales-VC)		573200	589185	717573	729123	1083341
B.E.P in %		43.11%	36.78%	27.05%	23.06%	14.78%
Break Even Sales in Rs.		465557	397196	340791	290517	265973


JKITR.IN

600 675 1817
959 619 4306
0194-3590290

INDUSTRIAL CONSULTANCY

Cs. Ajaz-ul-Rehman

AJAZ & CO.

PRACTICING COMPANY SECRETARY

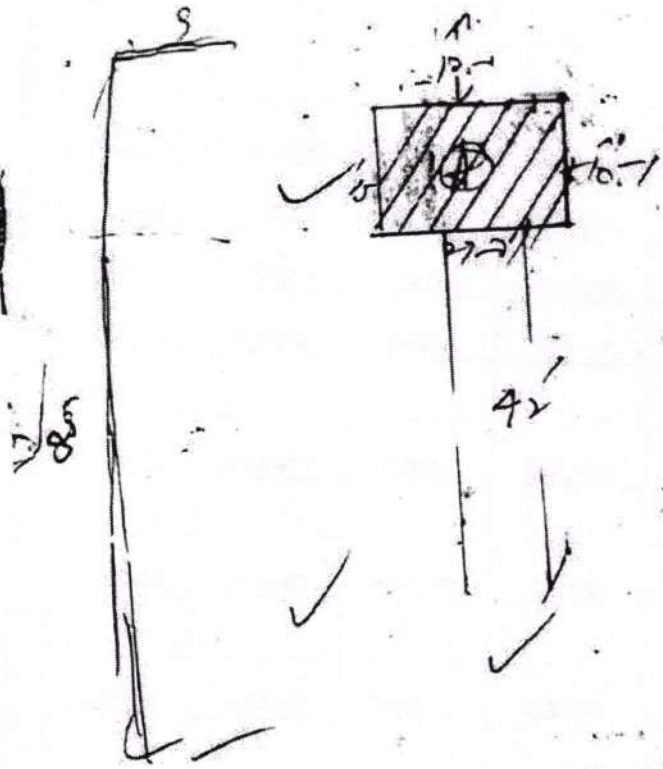
Jehlum Bund Road, Kursoo Rajbagh, Srinagar

PROJECT REPORTS (NEW / EXPANSION / HOTELS)
COMPANY INCORPORATION & LLP
MCA / ROC FILING & RETURNS
STAND-UP / MUDRA CASES (HAND HOLDING AGENCY)
INDUSTRIES DEPARTMENT REGISTRATIONS
HORTICULTURE / ANIMAL HUSBANDRY / HOSPITAL PROJECTS
LABOUR DEPARTMENT REGISTRATIONS
POLLUTION CONTROL BOARD CLEARANCE
KVIB / KVIC (JKREGP / PMEGP)
DIPP REGISTRATION (INCENTIVES & SUBSIDIES)
FSSAI LICENSING AND REGISTRATIONS

FOR K K INDUSTRIES KAKA ROAD NAI SARI



1796/FP
9-8-80
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Order no. 550
 Dated - 3-8-1980
 File no - 128/W-9
 - 1cc. Factory
 1796/FP -
 vide ER No. 3005

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