

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

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

No: JKPCC/NGT/OA 690-2023/1076-1077

Date:- 26-09-2024

Sub:- Compliance Report of Jammu and Kashmir Pollution Control Committee in compliance to Hon'ble National Green Tribunal directions dated 12.04.2024 passed in OA No. 690 of 2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir and Ors.

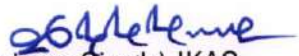
Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order **dated 12.04.2024 passed in OA No. 690 of 2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir and 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.

Your faithfully,

Encl:- As Above


(Ghansham Singh) JKAS
Member Secretary 26.9.24
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**

Original Application No. **690 of 2023**

IN THE MATTER OF

**“Raja Muzaffar Bhat V/s UT of Jammu
and Kashmir and Ors.**

Compliance Report of Jammu and Kashmir Pollution Control Committee in compliance to Hon'ble National Green Tribunal directions dated 12.04.2024 passed in OA No. 690 of 2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir and Ors.

Background:

That the Hon'ble National Green Tribunal was pleased to pass following *directions vide order dated 12.04.2024 in OA No. 690 / 2023:-*

“7. Member Secretary, J&K PCC appearing through virtual mode has submitted that he will take due steps to ensure that the closure order is fully complied with and will also take steps for imposition of environmental compensation for the past violation on respondent no.6 within a period of two weeks.

8. At this stage, Learned Counsel for the applicant has pointed out that though the action of the respondent no.6 has been challenged in the original application on various grounds but closure order has been passed by J&KPCC against respondent no.6 only on the ground of using of heavy machinery and other grounds have been completely ignored.

9. While taking further action, J&KPCC will duly consider the above aspect.

10. In view of the above, we do not find any reason to keep the present original application pending which is accordingly disposed of by directing the Member Secretary, J&K PCC to take

appropriate action in terms of the observations made above after fully complying with the Principle of Natural Justice and file action taken report before the Registrar General within a period of three months. If found necessary, the matter will be listed before the Bench for consideration

In compliance to the aforesaid directions of the Hon'ble National Green Tribunal dated 12-04-2024 in **OA No. 690 of 2023**, a 3 member committee comprising of the following officers was constituted vide this office No. JKPCC / NGT / OA/690 /3084-88 dated 12-04-2024 (**Copy enclosed as Annexure-1**). The committee was directed to verify the status of illegal mining activities at these sites in Ramshoo River / Nallah flowing in the District Pulwama and furnish a comprehensive report alongwith photographs after visiting the sites through the Regional Director, J&K PCC, Kashmir.

- i) Sh. Bilal Ahmad, AEE / I/c Divisional Officer, J&KPCC, Pulwama.
- ii) Sh. Shabir Ahmad Sheikh, Scientist 'A', J&K PCC, Srinagar
- iii) Sh. Nisar Ahmad, JEE, I/c Divisional Officer, PCC, Anantnag

Similarly, matter was taken up with Deputy Commissioner, Pulwama, who was requested to get the closure orders issued by the J&K PCC dated 01-01-2024 implemented and share an action taken report with a copy to the Senior Superintendent of Police, Pulwama for information and necessary action vide this office letter No. JKPCC/Sc./OA 690-2023/2024/58-62 dated 31-05-2024 (**Copy enclosed as Annexure-2**).

The joint committee constituted by the J&K PCC submitted its report vide No. JKPCC/RoK/W-Lab/24-25/12 dated 29-04-2024 (**Copy enclosed as Annexure-3**). The highlights of the joint committee report are as under:-

- i) At the time of the inspection, mining operation was not carried out within the leased area, however, heaps of boulders were



found stacked within the mining area indicating that before the mining operation was closed heavy machinery was used for extraction of boulder etc from the leased mining area.

- ii) Besides, minor mineral block 3, there are many minor mineral blocks within the areas viz. 1,2,4,5 of District Pulwama and some minor mineral blocks of District Shopian, where haphazard mining have resulted in forming of large heaps / mounds of river bed material with deep pits/trenches within the nallah.
- iii) The Pillars / Boards were found installed in the mining area, but no clear demarcation boundary of mining area was observed.
- iv) No person or machinery was found engaged for extraction of boulders from the mining in question at the time of inspection, however, some footprints of JCB were observed which indicates that extraction process has been carried out without disclosure.
- v) The closure order issued by the J&K Pollution Control Committee dated 01-02-2024 has been implemented by the local Administration.
- vi) During the inspection some pits / trenches were observed in nallah at some locations.

Similarly, Regional Director, PCC Kashmir was asked to clarify as to whether violations relating to the specific Environmental Clearance (EC) Conditions No. 22, 52, 53, 56, 64 and 65 have taken place on spot or not vide this office letter No. JKPCC/Sc/24/91 dated 04-06-2024 (**copy enclosed as Annexure-4**).

The report of the Joint Committee was also shared to the Director, Department of Geology and Mining, J&K and was requested to take further

necessary action on the issues / observations pointed out by the committee and furnish a report in the matter (**copy enclosed as Annexure-5**).

The Deputy Commissioner, Pulwama after obtaining a report in the matter from District Mineral Officer, Pulwama furnished his reply vide No. DCP/SQ/24-25/463-465 dated 03-06-2024 (**copy enclosed as Annexure-6**). As per the report of District Mineral Officer Pulwama dated 01-06-2024 endorsed by Deputy Commissioner, Pulwama, it was reported that no violation is occurring in the minor mineral block 36 and minor mineral block 03 by the lessee. That the block holders have complied with the directions passed to them and have not engaged in any sort of mining by way of manual or mechanical means either in their leased out blocks or outside prescribed areas and have not generated by e-challan w.e.f. first week of the February 2024. That an amount of Rs.2.24 lacs and Rs. 3.10 lacs have been realized from the various offenders involved in the illegal transportation/extraction in and around the Minor mineral block 36 and Minor mineral block 3 respectively since February 2024. Furthermore, local offenders involved in the illegal extraction of RBM in nallah Ramshoo and FIRs in the concerned Police Station have been lodged against 5 main culprits.

The District Mineral Officer, Pulwama who was asked to furnish the name of the persons involved in the illegal mining, who have been penalized and also booked for illegal transportation and extraction of Minor mineral in and around minor mineral block 36 and minor mineral block 3 vide this office letter No. JKPCC/NGT/OA 690/326-329 dated 11-07-2024 (**Copy enclosed as Annexure-7**).

The District Mineral Officer, Pulwama in his report submitted the list of 33 offenders found involved in the illegal transportation/extraction in and around minor mineral blocks 3 and 36. He has also furnished the name of following 5 main offenders involved in the illegal extraction of RBM in nallah



Ramshoo and against whom FIR have been also lodged in the concerned Police Station(**copy enclosed as Annexure-8**).

S. No.	Name, Parentage and address of the offender
1.	Hilal Ahmad Mir S/o Abdul Gani Mir R/o Rahmoo.
2.	Tanveer Ahmad Malla S/o Abdul Ahad Malla R/o Rahmoo.
3.	Hafeez Ahmad Dar S/o Gh. Qadir Dar R/o Rahmoo.
4.	Tanveer Ahmad Dar S/o Abdul Qasim Dar R/o Rahmoo.
5.	Bilal Ahmad Dar S/o Gh. Nabi Dar R/o Rahmoo, Pulwama.

The Regional Director, PCC Kashmir vide his letter No. PCC/RDK/PS/2024/478 dated 16-07-2024 reported that at River Ramshoo, no person or machinery was found engaged for extraction of boulders from the mine in question at the time of inspection, however some footprints of JCB were observed which indicate that extraction process has been carried out by using heavy machinery without disclosure. However, it was not possible for the committee to find out whether mining was done by local or by the contractor. At Rambiarra River, at the time of inspection Mining operation was not being carried out within the lease area, however, heaps of boulders were found stacked within the mining area indicating that before the mining operation was closed heavy machineries were used for extraction of boulders etc from the leased mining area (**copy enclosed as Annexure - 9**).

Subsequently, the Regional Director, PCC Kashmir vide his letter No. PCC /RDK/W-Lab/24-25/39 dated 31-07-2024 further submitted the EC format indicating therein the period of violation of 8 days.(**copy enclosed as Annexure - 10**).

Accordingly, the matter was referred to Technical Advisory Committee for assessment and evaluation of the Environmental Compensation, which

recommended levy of Environmental Compensation upon these lease holders vide No. JKPCC/T/C/EC/RBM/2024/187 dated 03-08-2024 (**Copy enclosed as Annexure- 11**).

In terms of the orders of the Hon'ble NGT, the show cause notices were issued to the Project Proponents and opportunity of being heard was also provided to them and were also directed to furnish their response within a period of 10 days as to why Environmental Compensation should not levied upon them vide this office letter No. JKPCC/NGT/OA (690/2023)/2024/3605-06 dated 03-08-2024. (**copy enclosed as Annexure-12**) However, no response was received from the project proponents within the expiry of prescribed period.

Accordingly, Environmental Compensation to the tune of Rs. 84,000/- has been imposed on i) Mr. Umesh Kumar Sharma Prop. M/s Mining of minor mineral (Riverbed Material) Block 36-B Rahmoo Bridge and ii) Environmental Compensation to the tune of Rs.70,000/- was imposed upon Mr. Khurshid Ahmad Mir Prop. M/s Mining of Minor Mineral (River Bed Material) at Block 03 Lassipora SIDCO Bridge Downstream Nallah Rambiarra for violation of conditions of Environmental Clearance by using heavy machinery. (**copy enclosed as Annexure - 13**).

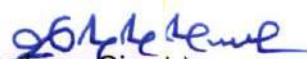
It is further submitted that the project proponents of Minor Mineral blocks namely i) Mr. Khursheed Ahmad Mir and ii) Sh. Umesh Kumar Sharma have challenged the closure order issued by the J&K PCC bearing No. 228-JKPCC of 2024 dated 01-02-2024 and sought its quashment before the Hon'ble High Court of Jammu & Kashmir and Ladakh on various grounds in the following Writ petitions: -

- i) 1891/2024 titled M/s Khursheed Ahmad V/s UT of J&K & Ors.
- ii) 1894/2024 titled M/s Umesh Kumar Sharma V/s UT of J&K & Ors.

The J&K PCC have filed the objections in both the cases before the Hon'ble High Court of Jammu & Kashmir and Ladakh and the writ petitions are still pending adjudication.

Prayer:

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


(Ghansham Singh)
Member Secretary 26.9.24
J&K PCC

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

Sub:- O.A No. 690/2023 titled Raja Muzaffar Bhat V/s UT of J&K & Ors.

ORDER

Whereas, the above subject case is pending adjudication before the Hon'ble NGT, New Delhi and the case was listed for hearing on 12-04-2024, and


Whereas, during the course of hearing before the Hon'ble NGT, in which the undersigned (Member Secretary J&KPCC) also appeared, through the virtual mode, the Ld. Counsel for the applicant pointed out that despite closure orders issued by the J&K PCC in respect of two mining units located at Rambiara nallah Pulwama and SIDCO Bridge, Stream Nallah Rambiara, along Ramshoo River in District Pulwama, mining activity in violation of environmental laws is continuing at the site, and

Whereas, the Hon'ble NGT has directed to submit a fresh status report after getting the site visited and verified to ascertain the factual position on ground.

Now, therefore, in view of the above, a Committee of the following officers of the J&K PCC is hereby constituted to verify the status of illegal mining activities at these sites in Ramshoo river / nallah flowing through District Pulwama :-

- 1) Sh. Bilal Ahmad, AEE, I/c Divisional Officer, PCC, Pulwama.
- 2) Sh. Shabir Ahmad Sheikh, Scientist 'A', I/c Water Lab, PCC, Srinagar.
- 3) Sh. Nisar Ahmad, JEE, I/c Divisional Officer, PCC, Anantnag.

The Committee shall visit the sites and furnish a comprehensive report along with photographs through the Regional Director, JKPC Kashmir, who shall submit the report along with his comments and recommendations to this office within a period of one week from the date of issuance of this order i.e by or before 19-04-2024, positively.


(Ghansham Singh) JKAS
Member Secretary 12.4.24

No:- JKPC/NGT/6A690/3084-88

Date:-12-04-2024

Copy to the :-

- 1) Regional Director, J&K PCC, Kashmir for information and necessary action.
- 2) Sh. Bilal Ahmad, AEE, I/c Divisional Officer, PCC, Pulwama for information and compliance.
- 3) Sh. Shabir Ahmad Sheikh, Scientist 'A', I/c Water Lab, PCC, Srinagar for information and compliance.
- 4) Sh. Nisar Ahmad, JEE, I/c Divisional Officer, PCC, Anantnag for information and compliance.
- 5) PA to Chairman, for kind information of the Chairman, J&KPCC, Jammu.



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



**Deputy Commissioner,
 Pulwama**

No.: JKPCC/Sc. /OA 690-2023 /2024/ 58-62

Date: 31-05-2024

Sub: Implementation of Closure orders against M/S Khurshid Ahmad, Lassipora SIDCO, Pulwama and M/s Umesh Kumar Sharma, Nallah Ramshoo, Pulwama.

Ref: Hon'ble NGT order dated 12.04.2024 in OA No. 690/2023 titled "Raja Muzzafar Bhat V/s Union Territory of Jammu & Kashmir".

Sir,

Kindly refer to the subject & reference referred above. In this connection, I am to convey that in compliance to order passed by Hon'ble NGT dated 28.11.2023, J&K PCC has issued closure orders against 1) M/S Khurshid Ahmad, Lassipora SIDCO, Pulwama and 2) M/s Umesh Kumar Sharma, Nallah Ramshoo, Pulwama vide this office order no. **228-JKPCC of 2024** dated **1-02-2024** and No. **227-JKPCC of 2024** dated **1-2-2024 (Copies enclosed)**

During the course of hearing in the case on 12-04-2024, the Learned Counsel for the applicant disputed the implementation of the closure order issued by the J&K PCC and have also refereed photographs.

The order of the Hon'ble NGT dated 12-04-2024 follows as under:-

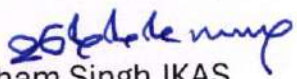
"Disputing this, Learned Counsel for applicant has referred to the photographs enclosed as annexure A-2 along with the reply dated 10.04.2024 and submitted that respondent no. 6 is still carrying out the mining in spite of the closure order."

"Member Secretary, J&K PCC appearing through virtual mode has submitted that he will take due steps to ensure that the closure order is

fully complied with and will also take steps for imposition of environmental compensation for the past violation on respondents no. 6 within period of two weeks.”

In this connection, you are requested to get the closure orders issued by the J&K PCC dated 01-02-2024 implemented and share an action taken report at the earliest, so that the Hon'ble NGT could also be apprised.

Yours faithfully,


Ghansham Singh JKAS
Member Secretary 31.5.24
J&K PCC

Copy to the:-

- 1) Senior Superintendent of Police, Pulwama for information and necessary action.
- 2) Regional Director, J&K PCC, Kashmir for information and necessary action.
- 3) Divisional Officer, PCC, Pulwama for information. He is directed to file a complaint before the Competent Court having jurisdiction in the area against these unit holders for violations of relevant provisions of Water (Prevention & Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986 noticed during the visit of the Committee.
- 4) District Mineral Officer, Pulwama for information and necessary action.



Winter office-November-April
Parivesh Bhawan, Forest Complex
Gladni, Transport Nagar,
Narwal, Jammu
Tel/Fax: 0191-24769225

Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
Jammu



Summer Office: May-October
Sheikh Alam Campus
Behind Silk Factory
Rajbagh Srinagar
Ph/Fax 0194-2311165

email: membersecretaryjkspcb@gmail.com

Order No. : 228 JK PCC of 2024
Dated : 01 /02/2024

Whereas, Consent for Mining Activity was issued to **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambhara-District Pulwama**, with some terms and conditions 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.

Whereas, **Mining Activity** is categorized as **Orange Category** activity on the basis of pollution potential, for the purpose of seeking the consent from the JK PCC.

Whereas, complaint against non compliance of Environmental Clearance conditions by the project proponent has been received.

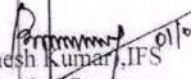
Whereas, fresh inspection was carried out by the Divisional Officer, Pollution Control Committee Pulwama, reveal that the project proponent is violating the conditions of Environmental Clearance viz *condition No. 53* by using heavy machinery with photographic evidence and Regional Director, Pollution Control Committee Kashmir vide letter No **JKPCC/ROK/TO/2023/25-26 dt.25-01-2024** confirmed the report of Divisional Officer, PCC Pulwama and accordingly recommended for closure of the mining activity.

Whereas, the Mining Activity in question cannot be allowed to run with above status and to the detriment of human health and environment.

Now, therefore in exercise of powers vested in the J & K Pollution Control Committee under **Section 31 (A)** of the **Air (Prevention and Control of Pollution) Act, 1981** and **Section 33(A)** of the **Water (Prevention and Control of Pollution) Act, 1974**, immediate closure of Mining Activity under the name and style of **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambhara-District Pulwama** is ordered and in this behalf, the following direction are hereby issued:-

- Deputy Commissioner/ District Magistrate, **Pulwama** is directed to get the Mining activity under the name and style of **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambhara-District Pulwama** closed immediately.
- Project proponent, M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambhara-District Pulwama**, is directed to cease the operation of the Mining activity forthwith.

As approved by the Competent Authority.


(K Ramesh Kumar), IFS
Member Secretary
JK PCC Jammu

No:-JK PCC/LSK/ /024/1265-1271

Dated:- 01 /02/2024.

Copy to the:-

- Member Secretary, J&K Environment Impact Assessment Authority (EIAA), Transport Nagar, Gladni Jammu for information and necessary action.
- Deputy Commissioner/ District Magistrate Pulwama for information and necessary action.
- Director Geology & Mining Department, Kashmir for information and necessary action.
- Regional Director, PCC, Kashmir for information and follow up action within fortnight and has reference to his letter No. **JKPCC/ROK/TO/2023/25-26 dt. 25-01-2024**.
- Divisional Officer, PCC Pulwama for information, with the direction to follow up and get the closure order implemented through District Administration in letter sand sprit.
- In-Charge web site Pollution Control Committee Jammu for uploading the closure order.
- Prop, **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambhara-District Pulwama** for compliance.



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
Jammu



Winter office-November-April
Parivesh Bhawan, Forest Complex
Gladni, Transport Nagar,
Narwal, Jammu
Tel/Fax: 0191-24759225

Summer Office: May-October
Sheikh Alam Campus
Behind Silk Factory
Rajbagh Srinagar
Ph/Fax 0194-2311165

email: membersecretaryjkpcb@gmail.com

Order No. : 227 JK PCC of 2024
Dated : 01/02/2024

Whereas, Consent for Mining Activity was issued to M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama, with some terms and conditions 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.

Whereas, Mining Activity is categorized as Orange Category activity on the basis of pollution potential, for the purpose of seeking the consent from the JK PCC.

Whereas, complaint against non compliance of Environmental Clearance conditions by the project proponent has been received.


Whereas, fresh inspection was carried out by the Divisional Officer, Pollution Control Committee Pulwama, reveal that the project proponent is violating the conditions of Environmental Clearance viz condition No. 53 by using heavy machinery with photographic evidence and Regional Director, Pollution Control Committee Kashmir vide letter No JKPC/ROK/TO/2023/25-26 dt.25-01-2024 confirmed the report of Divisional Officer, PCC Pulwama and accordingly recommended for closure of mining activity.

Whereas, the Mining Activity in question cannot be allowed to run with above status and to the detriment of human health and environment.

Now, therefore, in exercise of powers vested in the J & K Pollution Control Committee under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 and Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974, immediate closure of Mining Activity under the name and style of M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama is ordered and in this behalf, the following direction are hereby issued:-

- i). Deputy Commissioner/ District Magistrate, Pulwama is directed to get the Mining activity under the name and style of M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama closed immediately.
- ii). Project proponent, M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama, is directed to cease the operation of the Mining activity forthwith.

As approved by the Competent Authority.


(K Ramesh Kumar), IFS
Member Secretary
JK PCC Jammu

No:-JK PCC/LSK/024/1258-1264

Dated:- 01/02/2024.

Copy to the:-

- i). Member Secretary, J&K Environment Impact Assessment Authority (EIAA) Transport Nagar, Gladni Jammu for information and necessary action.
- ii). Deputy Commissioner/ District Magistrate Pulwama for information and necessary action.
- iii). Director Geology & Mining Department, Kashmir for information and necessary action
- iv). Regional Director, PCC, Kashmir for information and follow up action within fortnight and has reference to his letter No. JKPC/ROK/TO/2023/25-26 dt. 25-01-2024.
- v). Divisional Officer, PCC Pulwama for information, with the direction to follow up and get the closure order implemented through District Administration in letter sand spirit.
- vi). In-Charge web site Pollution Control Committee Jammu for uploading the closure order.
- vii). Prop, M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama for compliance.



J & K Pollution Control Committee
Shiekh-ul-Alam Complex Rajbagh Kashmir

**Inspection of Mining units located at Romshoo River and Rambiar Nallah
in District Pulwama**

In compliance to the directions vide letter no JKPCC/NGT/6A690/3084-88 Dated 12/04/2024 River Romshee and Rambiar Nallah were inspected on 25/04/2024 to ascertain the factual position on ground with respect to two mining units located at these two water bodies. During inspection following observations were made:-

Romshoo Nallah

Grant of Mining Lease of Minor Mineral Block No 36 with the description, B-Rahmoo Bridge Downstream, Nallah Ramshoo District Pulwama was accorded to Shri Umesh Kumar Sharama after obtaining Environmental Clearance granted by J&K Environment Impact Assessment Authority vide JKEIAA/2020/258/6513-26 dated 04/03/2022 and permission granted by Directorate of Geology and Mining vide order no. 171-DGM of 2022 dt. 04-03-2022 having consent to operate valid upto 17/05/2024. However on the basis of complaint, the inspection carried out by Divisional Officer/Officials of Pollution Control Committee Pulwama the closure order was issued to Minor Block No-36 for violating conditions of Environmental Clearance condition no 53. During the fresh inspection following observations were made:-

- At the time of inspection Mining operation was not being carried out within the lease area, however mining activity outside lease area was in progress as 7 to 8 no of tractors were found extracting boulders manually from Romshee Nallah.
- No person or machinery was found engaged for extraction of Boulders from the mine in question at the time of inspection; however some footprints of JCB were observed which indicate that extraction process has been carried out without disclosure however it was not possible for the committee to find out whether mining was done locally or by the contractor.
- Pertinently, the closure order of the said mine was issued on 01-02-2024 and implemented by the local administration and Geology & Mining Department who are monitoring the mining sites so, effective preventive measures have to be taken by Geology & Mining Department, so that illegal extraction of Boulder, Bajri and Sand from the mining is checked.
- During inspection some pits/ trenches were observed in nallah at some locations.
- Adequate demarcation pillars/ boards have not been installed for clear demarcation of mining lease by department of geology and mining.

Rambiara River

Grant of Mining lease of Minor Block No-03 with description ,C Lassipora SIDCO Bridge D/Stream Nallah Rambiara Lassipora Litter Pulwama Bridge District Pulwama was granted to Shri Khursheed Ahmad Mir after obtaining Environmental Clearance granted by J&K 30/12/2022 and permission granted by Directorate of Geology and Mining vide order no. 199-DGM of 2022 dt. 20-06-2022 and having consent to operate valid upto 15/03/2024 However on the basis of complaint, the inspection carried out by Divisional Officer/Officials of the Pollution Control Committee Pulwama the closure order was issued to Minor Block No-03 for violating conditions of Environmental Clearance condition no 53. During the fresh inspection following observations were made:-

- At the time of inspection Mining operation was not being carried out within the lease area, however heaps of boulders were found stacked within the mining area indicating that before the mining operation was closed heavy machinery was used for extraction of boulders etc from the leased mining area .
- During the inspection, it was observed that there are many mining blocks operating illegally which have changed the aesthetic look of the river, Department of geology and mining has not taken stringent steps to control Illegal mining in the area.
- Beside minor mineral block 3 there are many minor blocks within the area viz 1,2,4,5 etc. of District Pulwama and some minor blocks of District Shopian where unscientific, unsystematic and haphazard mining has resulted in forming of large heaps/ mounds of river bed material with deep pits/ trenches within the nallah
- During the present inspection of the area it was observed that the department of the geology and mining has not taken effective measures to check the illegal mining in the area. Despite the claim made in letter No.DMO/PUL/DGM/NGT/239-241 dated 24-04-2024 addressed to worthy Member Secretary JKPCC stating that an amount of Rs.2.24 lacs and 3.10 lacs have been imposed to various offenders involved in illegal mining since February 2024.Also the Geology & Mining Department has claimed in the letter that Rapid action team has been framed under section 21, 23A and 23B under MMDR Act.1957. but no FIR has lodged against the violators. The concerned department should take necessary action with provision of various acts and rules to stop illegal mining in the area.
- The pillars/ boards were found installed in mining area but no clear demarcation boundary of mining area was observed hence more boards and pillars in mining area need to be installed as per geo coordinates mentioned in Environment Clearance (EC).

[Handwritten signatures and initials]

Recommendations:

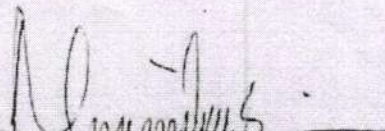
- Mining and Geology Department should ensure that mining activity should be carried out as per mining plan and as per conditions stipulated in EC. Regular surprise vigilance is required by District Administration and Mining Department to check illegal mining in areas.
- Warning boards intimating the penalty for illegal mining and transportation of mining material should be placed by the mining department.
- All precautions shall be taken to ensure that water stream flows unhindered and process of natural river meandering does not get effected.
- Detailed information about mining which include lease area, Geo- coordinates of lease area and mineral area should be displayed on the board near mining area.
- Department of Geology and Mining has to identify illegal miners and necessary action need to be taken against them as per law.
- Illegal mining within the cluster i.e. mining beyond the permissible capacity and mining excavation beyond allotted lease area required strict vigilance by the department who area at the helm of affairs.
- The replenishment study be conducted in the mine area to ensure that sufficient replenishment of minor minerals has taken place during the monsoon.

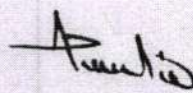
Some Photographs of both mining sites are appended with the report

Submitted for further of necessary action

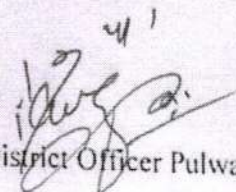
NO:- JKPCC/ROK/W.LAB/24-25/12

Dt:-29/04/2024


District Officer Anantnag

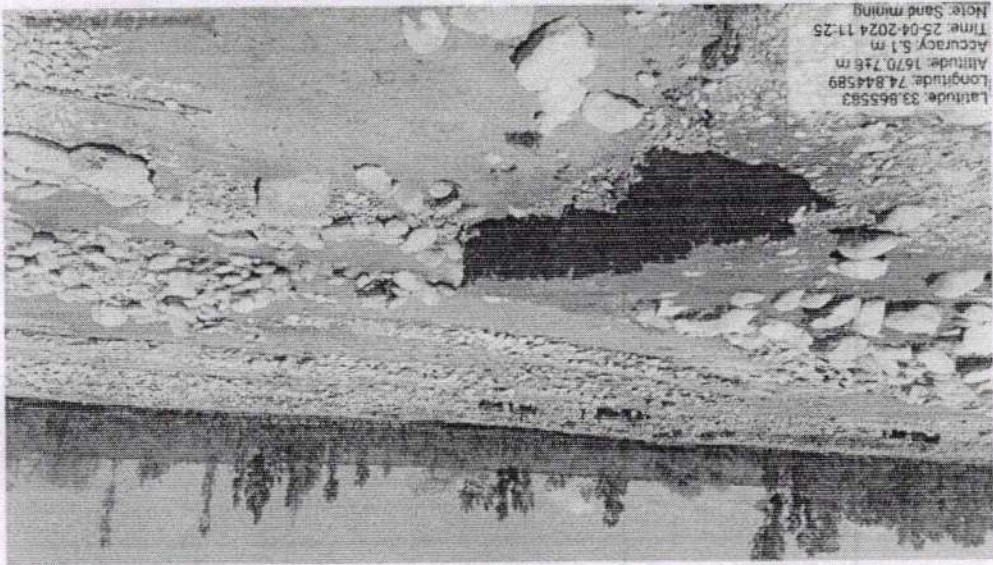
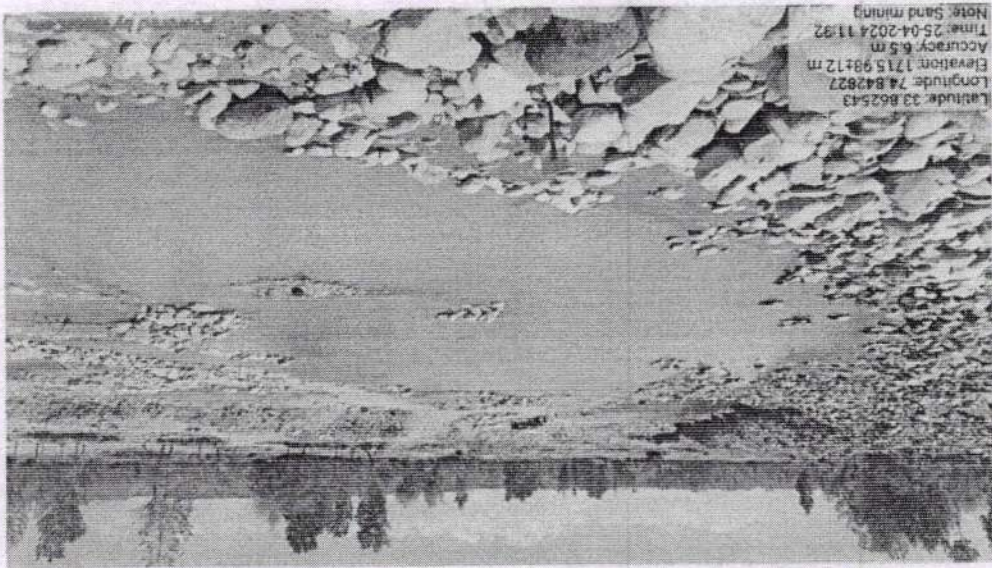

Scientist -A

I/C Water lab Srinagar


District Officer Pulwama

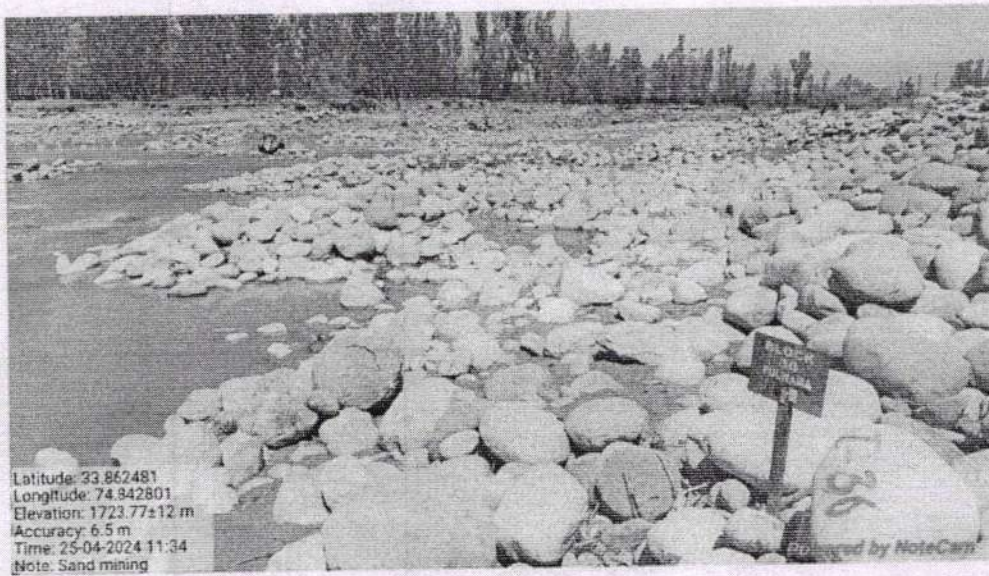
Handwritten signatures and initials, including "LA" and "P. S. S. S."

Mining activity outside Mining block 36 at River Romshoo



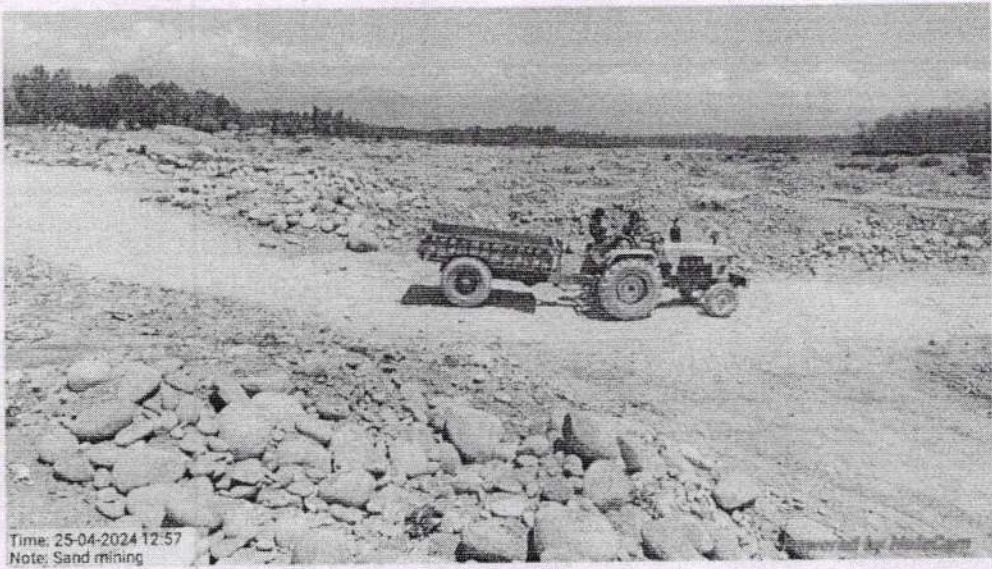


Some footprints of JCB



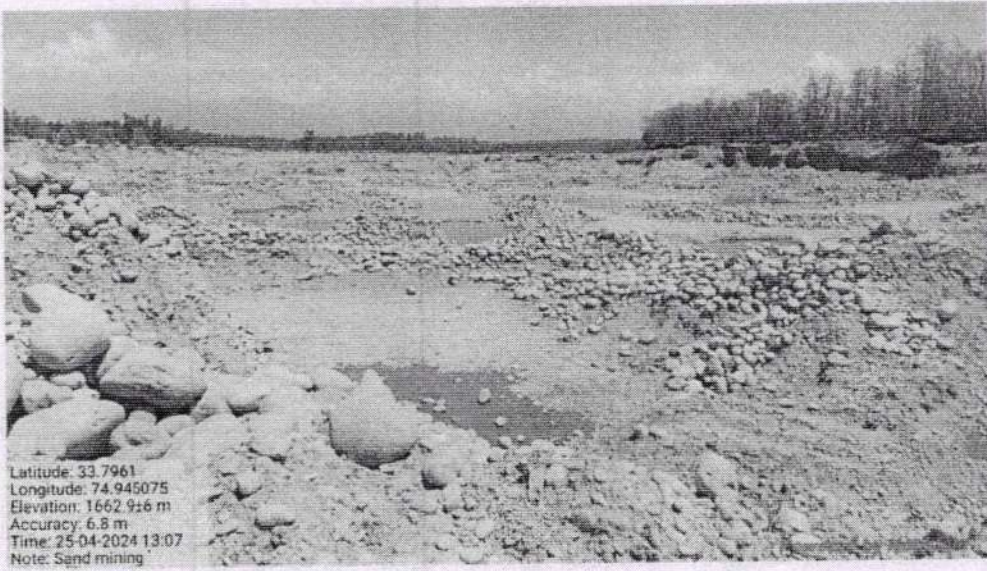
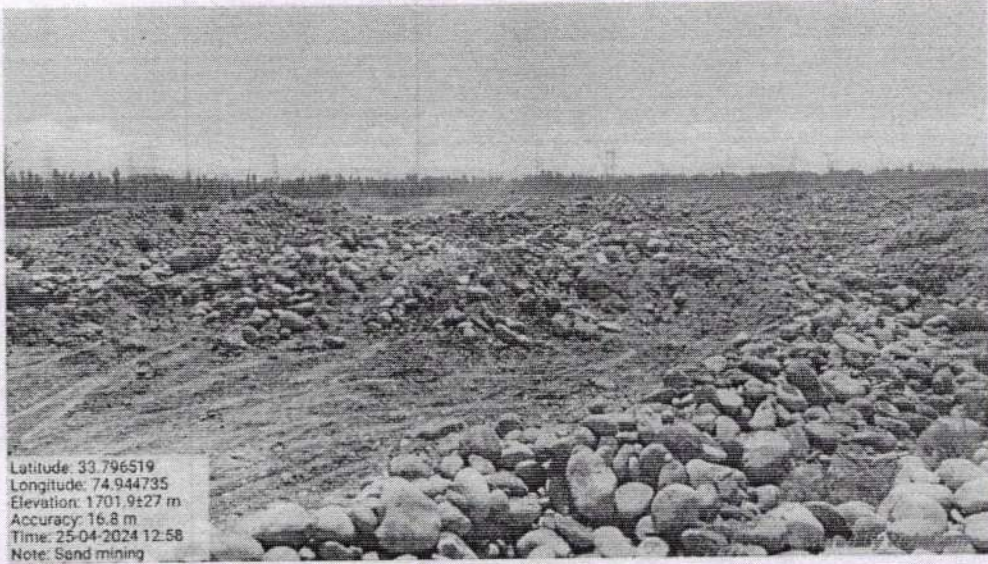
Mining block 36 at River Romshoo

Handwritten signatures and initials, including '36' and 'Romshoo'.



Mining being carried out at Rambiarra Nallah

Handwritten signature and initials



Mining being carried out at Rambiara Nallah

[Handwritten signature] *[Handwritten signature]*

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 - membersecretaryjkpcb@gmail.com

Regional Director,
Pollution Control Committee,
Kashmir.

No:- JKPC/ 3407/24/91

Dated: 4-06-2024

Sub:- O.A No. 690/2023 titled Raja Muzaffar Bhat V/s Union Territory of Jammu and Kashmir & Ors.

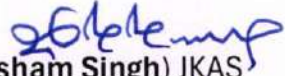
Ref.:- Your letter NO. JKPC/ROK/W/Lab/24-25/12 dated 29-04-2024.

Sir,

Please refer to the subject and reference captioned above. In the backdrop of your report, you are requested to furnish your reply as to whether violations relating to the specific Environmental Clearance (EC) conditions no. 22 52, 53, 56, 64 and 65 have taken place on spot or not. The specific EC conditions, violation of which was required to be verified in terms of the order of the Hon'ble NGT dated 12-04-2024 have been explained in the enclosed annexures as A..

Yours faithfully,

Encl: as above.


(Ghansham Singh) JKAS
Member Secretary 4.6.24
J&K PCC.

S. No. of Specific Condition of EC	Specific Condition of Environmental Clearance (EC) EC granted nos.:- i. JKEIAA/2020/325 dt. 30.12.2021 (M/s Khurshid Ahmad Mir Block No. 03, Pulwama) ii. JKEIAA/2020/258/6513-26 vdt. 04.03.2022 (M/s Umesh Kumar Sharma , Block No. 36/B , Pulwama)
22 ✓	The mining activity should in no case go beyond the area as mentioned in the letter of intent or Environmental clearance letter, whichever is less and a buffer area is maintained such that the slopes of adjoining area does not get disturbed.
52	Concealing of any information /data of submission of wrong/ fabricated information by the project proponent and failure to comply with any of the above conditions may lead to withdrawal of the EC and attract action under the provisions of EP Act,1986.
53 ✓	Mining shall be done manually minimally supported by semi-mechanized methods. Heavy machinery like JCBS Excavators/L&T hydraulic excavators etc .Should not be allowed. Emphasis should be given to employment of locally available labour force to address the socio-economic concerns of the locals.
56 ✓	No mining activity shall be carried out in flowing water channel area within the mining block and adequate measures shall be taken to safeguard water quality and aquatic life including fisheries if available in the same.
64 ✓	The JKEIA reserves the right to impose any other condition in the EC at any time during the period of mining lease. The JK EIAA reserves the right to revoke the EC in case any of the environmental clearance conditional are violated during the mining activity Mere grant of Environmental Clearance does not entitle the Project Proponent for grant of mining lease unless he obtains all other clearances as required under other provisions of law.
65 ✓	The EC is subject to condition that the project proponent shall not change the water course of the river and no mining activity shall be carried out in active channel area, if any in the mining block

25/6/24
4.6.24

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

**Director,
Department of Geology and Mining,
Jammu & Kashmir.**

No.: JKPC/Sc. /OA 690-2023 /2024/107

Date: 08 -06-2024

Sub: O.A no. 690/2023 titled Raja Muzaffar Bhat v/s Union territory of Jammu & Kashmir & ors.

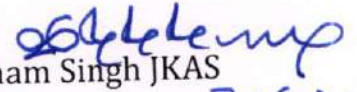
Sir,

Please refer to the subject cited above. In this connection, I am to say that a three-member committee was constituted by the J&K PCC for conduct of the inspection of two mining units located at Rambiaranallah Pulwama and SIDCO bridge stream Nallah Rambiaranallah, along Ramshoo River in District Pulwama, and report violation of environmental laws as alleged by the counsel for the petitioner during the course of hearing in the case on 12-04-2024, vide this office order No. JKPC/NGT/OA690/3084-88 dated 12-04-2024.

The committee constituted by the J&K PCC have submitted a detailed report after conducting site inspection of these two mining units, highlighting therein certain actionable points by the Geology and Mining Department. (**copy of which is enclosed herewith**)

You are therefore requested to take further necessary action on the issues / observations pointed out by the committee in the report and share a report within three days to the J&K Pollution Control committee.

Yours faithfully,


Ghansham Singh JKAS
Member Secretary 7.6.24
J&K PCC



J & K Pollution Control Committee
Shiekh-ul-Alam Complex Rajbagh Kashmir

**Inspection of Mining units located at Romshoo River and Rambiarra Nallah
in District Pulwama**

In compliance to the directions vide letter no JKPCC/NGT/6A690/3084-88 Dated 12/04/2024 River Romshee and Rambiarra Nallah were inspected on 25/04/2024 to ascertain the factual position on ground with respect to two mining units located at these two water bodies .During inspection following observations were made:-

Romshoo Nallah

Grant of Mining Lease of Minor Mineral Block No 36 with the description, B-Rahmoo Bridge Downstream, Nallah Ramshoo District Pulwama was accorded to Shri Umesh Kumar Sharama after obtaining Environmental Clearance granted by J&K Environment Impact Assessment Authority vide JKEIAA/2020/258/6513-26 dated 04/03/2022 and permission granted by Directorate of Geology and Mining vide order no. 171-DGM of 2022 dt. 04-03-2022 having consent to operate valid upto 17/05/2024, However on the basis of complaint, the inspection carried out by Divisional Officer/Officials of Pollution Control Committee Pulwama the closure order was issued to Minor Block No-36 for violating conditions of Environmental Clearance condition no 53. During the fresh inspection following observations were made:-

- At the time of inspection Mining operation was not being carried out within the lease area, however mining activity outside lease area was in progress as 7 to 8 no of tractors were found extracting boulders manually from Romshee Nallah.
- No person or machinery was found engaged for extraction of Boulders from the mine in question at the time of inspection; however some footprints of JCB were observed which indicate that extraction process has been carried out without disclosure however it was not possible for the committee to find out whether mining was done locally or by the contractor.
- Pertinently, the closure order of the said mine was issued on 01-02-2024 and implemented by the local administration and Geology & Mining Department who are monitoring the mining sites so, effective preventive measures have to be taken by Geology & Mining Department, so that illegal extraction of Boulder, Bajri and Sand from the mining is checked.
- During inspection some pits/ trenches were observed in nallah at some locations.
- Adequate demarcation pillars/ boards have not been installed for clear demarcation of mining lease by department of geology and mining.

[Handwritten signature]

Rambiara River

Grant of Mining lease of Minor Block No-03 with description ,C Lassipora SIDCO Bridge D/Stream Nallah Rambiara Lassipora Litter Pulwama Bridge District Pulwama was granted to Shri Khursheed Ahmad Mir after obtaining Environmental Clearance granted by J&K 30/12/2022 and permission granted by Directorate of Geology and Mining vide order no. 199-DGM of 2022 dt. 20-06-2022 and having consent to operate valid upto 15/03/2024 However on the basis of complaint, the inspection carried out by Divisional Officer/Officials of the Pollution Control Committee Pulwama the closure order was issued to Minor Block No-03 for violating conditions of Environmental Clearance condition no 53. During the fresh inspection following observations were made:-

- At the time of inspection Mining operation was not being carried out within the lease area, however heaps of boulders were found stacked within the mining area indicating that before the mining operation was closed heavy machinery was used for extraction of boulders etc from the leased mining area .
- During the inspection, it was observed that there are many mining blocks operating illegally which have changed the aesthetic look of the river, Department of geology and mining has not taken stringent steps to control Illegal mining in the area.
- Beside minor mineral block 3 there are many minor blocks within the area viz 1,2,4,5 etc. of District Pulwama and some minor blocks of District Shopian where unscientific, unsystematic and haphazard mining has resulted in forming of large heaps/ mounds of river bed material with deep pits/ trenches within the nallah
- During the present inspection of the area it was observed that the department of the geology and mining has not taken effective measures to check the illegal mining in the area. Despite the claim made in letter No.DMO/PUL/DGM/NGT/239-241 dated 24-04-2024 addressed to worthy Member Secretary JKPC stating that an amount of Rs.2.24 lacs and 3.10 lacs have been imposed to various offenders involved in illegal mining since February 2024.Also the Geology & Mining Department has claimed in the letter that Rapid action team has been framed under section 21, 23A and 23B under MMDR Act.1957. but no FIR has lodged against the violators. The concerned department should take necessary action with provision of various acts and rules to stop illegal mining in the area.
- The pillars/ boards were found installed in mining area but no clear demarcation boundary of mining area was observed hence more boards and pillars in mining area need to be installed as per geo coordinates mentioned in Environment Clearance (EC).

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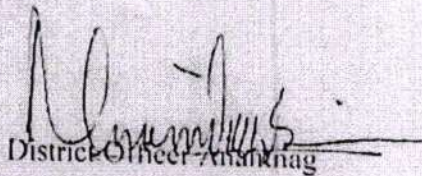
Recommendations:

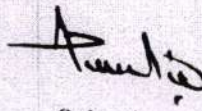
- Mining and Geology Department should ensure that mining activity should be carried out as per mining plan and as per conditions stipulated in EC. Regular surprise vigilance is required by District Administration and Mining Department to check illegal mining in areas.
- Warning boards intimating the penalty for illegal mining and transportation of mining material should be placed by the mining department.
- All precautions shall be taken to ensure that water stream flows unhindered and process of natural river meandering does not get effected.
- Detailed information about mining which include lease area, Geo- coordinates of lease area and mineral area should be displayed on the board near mining area.
- Department of Geology and Mining has to identify illegal miners and necessary action need to be taken against them as per law.
- Illegal mining within the cluster i.e. mining beyond the permissible capacity and mining excavation beyond allotted lease area required strict vigilance by the department who area at the helm of affairs.
- The replenishment study be conducted in the mine area to ensure that sufficient replenishment of minor minerals has taken place during the monsoon.

Some Photographs of both mining sites are appended with the report

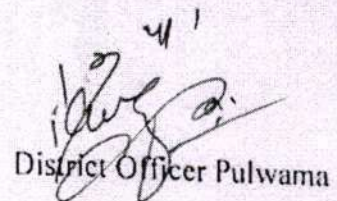
Submitted for further of necessary action

NO:- JKPCC/ROK/W.LAB/24-25/12
Dt:-29/04/2024


District Officer Anantnag


Scientist -A

I/C Water lab Srinagar


District Officer Pulwama

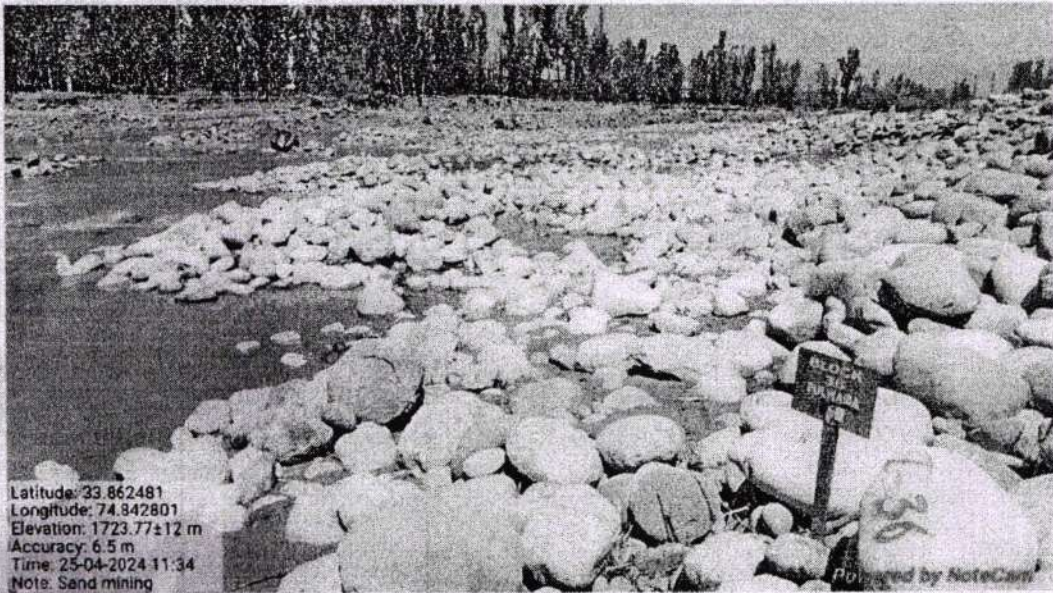


Mining activity outside Mining block 36 at River Romshoo

[Handwritten signature] *[Handwritten signature]*



Some footprints of JCB



Mining block 36 at River Romshoo

Handwritten signature and initials



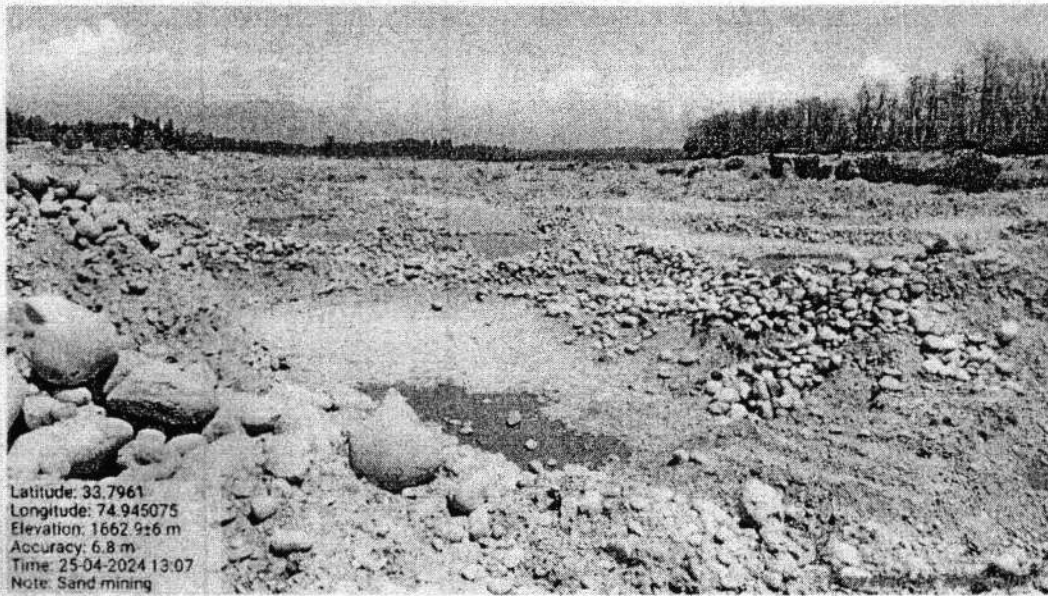
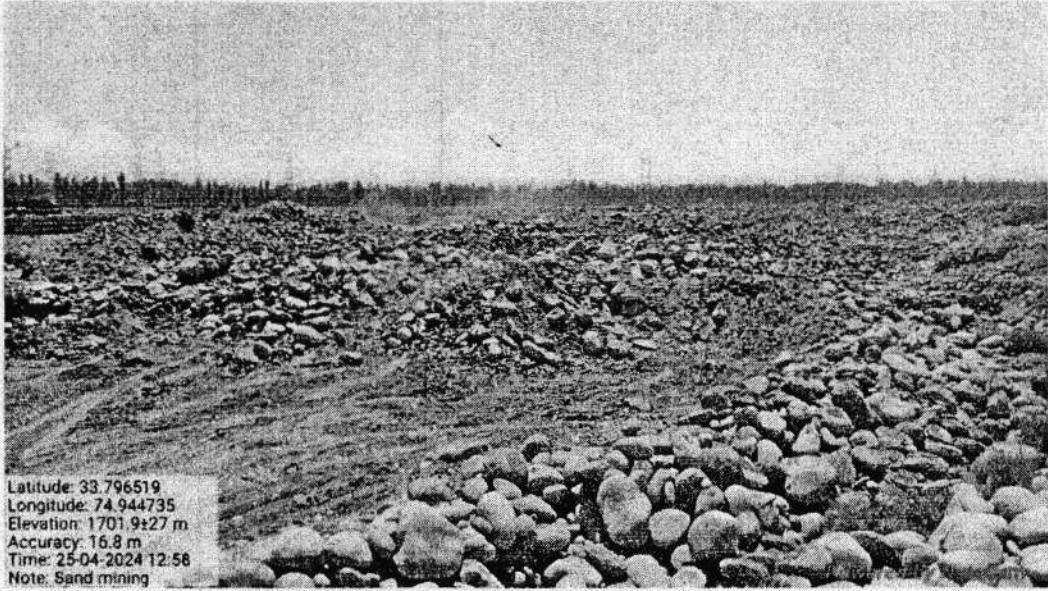
Time: 25-04-2024 12:50
Note: Sand mining



Time: 25-04-2024 12:57
Note: Sand mining

Mining being carried out at Rambiarra Nallah

[Handwritten signature] *[Handwritten signature]*



Mining being carried out at Rambiarra Nallah

[Handwritten signatures]



GOVERNMENT OF JAMMU & KASHMIR (UT)
OFFICE OF THE DISTRICT MAGISTRATE PULWAMA
Email ID: depul-jk@nic.in Phone NO: 01933-241243, Fax NO: 01933-241306

Member Secretary,
J&K PCC.

Subject:- Implementation of Closure orders against M/S Khurshid Ahmad, Lassipora SIDCO,
Pulwama and M/S Umesh Sharma, Nallah Ramshoo, Pulwama.

Sir,

Please refer to your communication No. JKPC/Sc./OA 690-2023/2024/58-62 dated 31.05.2024 regarding the subject captioned above. In this connection a detailed report was sought from District Mineral Officer Pulwama which is hereby enclosed for favour of your information and further necessary action.

Yours Faithfully

Addl. Deputy Commissioner
Pulwama

Dated:-03-06-2024

No. DCP/SQ/24-25/463-465

Copy to the:-

1. Regional Director J&K PCC Kashmir for favour of information and n/a.
2. Divisional Officer PCC Pulwama for information and n/a.



Government of Jammu & Kashmir

Department of Geology and Mining.
OFFICE OF THE DISTRICT MINERAL OFFICER PULWAMA

The Deputy Commissioner
 Pulwama

Dated: 01/06/2024

No: DMO/Pul/DGM/NGT/830

Sub: Implementation of Closure orders against M/S Khurshid Ahmad, Lassipora SIDCO, Pulwama and M/s Umesh Kumar Sharma, Nallah Ramshoo, Pulwama.

Ref: JKPC/Sc. /OA 690-2023 /2024/58-62 Dated 31- 05-2024

Sir,

Kindly refer to the above captioned subject and reference. In this connection, it is to submit that the minor mineral blocks in question i.e Blocks 36 with the description, "B- Rahmoo Bridge D/Stream" and Block No. 03 , with the description "C-Lassipora SIDCO Bridge Downstream Nallah Rambiarara" have **already been closed w.e.f first week of February 2024** by this office in compliance to the directions passed by the J&K Pollution Control Committee Jammu vide Order No. 227/JK/PCC of 2024 dated 01/02/2024 & and Order No. 228/JK/PCC of 2024 dated 01/02/2024 respectively and no extraction of any sort has been reported in the said minor mineral blocks by the lessees / authorized agents w.e.f February 2024. Further, the fresh report in this behalf has been sought from the concerned Area In-charges wherein they they have submitted that no violation is occurring in the Minor Mineral Block (36) & Minor Mineral Block No. 03 by the lessees. They have also stated that the Block holders have complied with the directions passed to them and have not engaged in any sort of mining by way of manual or mechanical means either in their leased out blocks or outside prescribed areas and have not generated any e-challan w.e.f first week of the February 2024.

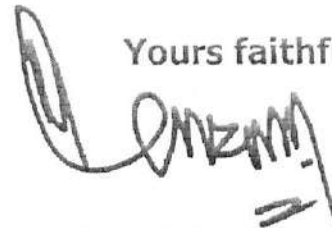
It is pertinent to mention here that the illegal mining of any kind during odd/wee/night hours by locals residing on the banks of the nallah Romushi and Nallah Rambiarara are being curbed promptly and desired action in the shape of seizing of vehicles/heavy compounding and lodging of the FIRs. An amount of

₹ 2.24 lacs and ₹ 3.10 lacs have been realized from various offenders involved in the illegal transportation/ extraction in and around the minor mineral Block 36 & Minor Mineral Block No. 03 respectively since February 2024. Further, various local offenders were identified who were involved in the illegal extraction of RBM in Nallah Romushi and FIR in the concerned Police Station have been lodged against five main culprits.

It is not out of place to mention here that in-spite of the limited manpower/ resources; this office is leaving no stone unturned in order to curb the menace of illegal mining. More stringent actions like lodging of the FIRs, Heavy pecuniary penalties and punishment for the offence as provided under section 21, Section 23 A and section 23 B of the Act for illegal mining under MMDR Act 1957, Rapid Action Team to control illegal mining, Seizures and late-night patrolling, dismantling of the ramps/approaching roads and announcements in local mosques are made to curb the illegal mining activities.

As such the report is submitted for favour of information and further course of action at your end, please.

Yours faithfully,



District Mineral Officer
Pulwama

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

The District Mineral Officer,
Pulwama.

No:- JKPC/NGT/OA 690/ 326-329 Date:- 11 -07-2024.

Sub:- OA No. 690/2023 titled Raja Muzaffar Bhat V/s UT of J&K & Ors.

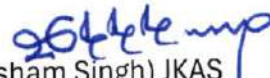
Sir,

Please refer to this officer letter No. **JKPC/NGT/690-2023/24/252 dated 01-07-2024 (Copy enclosed)** regarding the subject captioned above, whereunder, you were asked to share the name of the offenders who have been penalized with fine amounting to Rs. 2.24 lacs and Rs. 3.10 lacs and also those offenders who have been booked for illegal transportation and extraction of minor mineral in an around mineral block 36 and mineral block 03 against whom FIR has been lodged.

The requisite information is still awaited, which may please be furnished at the earliest as the same is required to comply the directions of the Hon'ble NGT in the aforesaid O.A.

Yours faithfully,

Encl: As above.


(Ghansham Singh) JKAS
Member Secretary
J&K PCC 11.7.24

Copy to the:-

- 1) Deputy Commissioner, Pulwama for information.
- 2) Regional Director, Pollution Control Committee, Kashmir.
- 3) Divisional officer, PCC, Pulwama for information. He is advised to follow-up with the concerned DMO and have the requisite information furnished by tomorrow evening.

mailed

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

The District Mineral Officer,
Pulwama.

No:- JKPC/NGT/690-2023/24/252 Date:- 01-07-2024.

Sub:- OA No. 690/2023 titled Raja Muzaffar Bhat V/s UT of J&K & Ors.

Sir,

Please refer to your letter No. DMO/ Pul/DGM/NGT/239-24 dated 24-04-2024 and letter No. DMO/Pul/DGM/NGT/ 130 dated 01-06-2024, whereunder, you have intimated that an amount of RS. 2.24 Lacs and 3.10 lacs have been realized from the offenders involved in the illegal transportation / extraction in an around the mineral block 36 and minor mineral block 03. Furthermore, offenders involved in illegal extraction of RBM in Nallah Ramshoo have been booked and FIR lodged in the concerned Police Station against 05 main culprits.

You are therefore, advised to share the name of the offenders who have been penalized with fine amounting to Rs. 2.24 lacs and Rs. 3.10 lacs and also those offenders who have been booked for illegal transportation and extraction of minor mineral in an around mineral block 36 and mineral block 03 against whom FIR has been lodged at the earliest.


Yours faithfully,

Ghansham Singh
(Ghansham Singh) JKAS
Member Secretary 1.7.24
J&K PCC

Copy to the:-

- 1) Regional Director, Pollution Control Committee, Kashmir.
- 2) Divisional officer, PCC, Pulwama for information. He is advised to follow-up with the concerned DMO.

member


 Government of Jammu & Kashmir
Department of Geology and Mining.
OFFICE OF THE DISTRICT MINERAL OFFICER PULWAMA

**The Member Secretary
J&K PCC**

No: DMO/Pul/DGM/NGT/1440-41

Dated: 13/07/2024

Sub: OA No. 690/2023 titled Raja Muzaffar Bhat V/s UT of J&K & Ors.

Ref: Your office letter No. JKPC/NGT/690-2023/24/252 Dated 01-07-2024

Sir,

Kindly refer to the above captioned subject and reference. In this connection, it is to submit that as per the available office records, the following offenders were found involved in the illegal transportation / extraction in and around minor mineral blocks in question i.e Blocks 36 with the description, "B-Rahmoo Bridge D/Stream" and Block No. 03, with the description "C-Lassipora SIDCO Bridge Downstream Nallah Rambiar. The lists of these offenders are as under;

S. No.	Location	Name/ address of Party/Offender
1	Lassipora	Shahnawaz Naik S/O Mohd afzal R/o Panjran
2	Lassipora	Waseem Qadir S/o Gh Qadir R/o Tahab
3	Lassipora	Sheikh Mohd Ashraf S/o Ab Gani R/o Nowhard Malpora
4	Newa	Ab Rashid Nengroo S/o Ab Gaffar R/o Charishareef
5	Lassipora	Mudasir Ahmad Naikoo S/o Gh Hassan R/o Beighpora
6	Panjran	Suhail Ahmad Hajam S/o Ab Hamid R/o Tumlehal
7	Lassipora	Bashir Ahmad Malik S/o Ali Mohd R/o Tumlehal
8	Lassipora	Muzaffar Ahmad Padder S/o Gh Rasool R/o Reshipora
9	Newa	Nazir Ahmad Malik S/o Farooq Ahmad R/o Narbal Urwan
10	Lassipora	Nazir Ahmad Mir S/o Mohammad kamal R/o Beigpora

SA

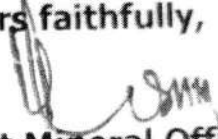
11	Lassipora	Nazir Ahmad Kuchay S/o Ab Gani R/o Nownagri
12	Lassipora	Nasir Ahmad Bhat S/o Gh Rasool R/o Batpora
13	Lassipora	Bilal Ahmad Kuchay S/o Gh Mohammad R/o Hajibal
14	Lassipora	Mohd Shafi Wani S/o Gh Nabi R/o Panthachowk
15	Lassipora	Sameer Ahmad Dar S/o Gh Ahmad R/o Zoonipora
16	Lassipora	Shakir Hussain Rather S/o Gh Mohd Rather R/o Kegam
17	Lassipora	Nazir Ahmad Bhat S/o Gh Mohd R/o Hawl Pul
18	Lassipora	Showkat Ahmad Sheikh S/o Gh Mohd Sheikh R/o Naira
19	Newa	John Mohd Kathr0 S/o Ab Khaliq R/o Lelhar
20	Newa	Javid Mukhtar Magray S/o Mohd Abdullah R/o wahibugh
21	Lassipora	Sameer Ahmad Mohand S/o Ghulam Mohammad R/o Trichal
22	Newa	Sajad Ahmad khan s/o Ali Mohd R/o Chewa Kalan
23	Newa	Javid Mukhtar Magray S/o Mohd Abdullah
24	Newa	Javeed Ahmad Hajam S/o Nazir Ahmad R/o Samboora
25	Lassipora	Yasir Gaffar Bhat S/o Ab Gaffar R/o Pinglena
26	Panjan	Sehran Ayoub S/o Mod Ayoub Bhat R/o Panjan
27	Pulwama Lassipora	Zahid Ahmad Dar S/o Ali Mohd R/o Samboora
28	Newa	Mohd Younis Magray S/o Farooq Ahmad R/o Wahibugh
29	Newa	Nadeem Ahmad Magray S/o Ab Rashid R/o Wahibugh
30	Newa	Bilal Ahmad Kuchay S/o Gh Mohd R/o Hajibal
31	Newa	Owais S/o Ab Qayoom Reshi R/o Ugergund
32	Newa	Mushtaq Ahmad Wagay S/o Gh Mohi Uddin R/o Simoo
33	Newa	Tufail Abdullah S/o Mohd Abdulla Pandith R/o kareemabad

Further, five offenders were identified who were involved in the illegal extraction of RBM in Nallah Romushi and FIR in the concerned Police Station have been lodged against them. The details of these offenders are as under;

S.no	Name, Parentage and address of the offender
1.	Hilal Ahmad Mir S/o Abdul Gani Mir R/o Rahmoo
2.	Tanveer Ahmad Malla S/o Abdul Ahad Malla R/o Rahmoo
3.	Hafeez Ahmad Dar S/o Gh Qadir Dar R/o Rahmoo
4.	Tanveer Ahmad Dar S/o Abdul Qasim Dar R/o Rahmoo
5.	Bilal Ahmad Dar S/o Gh Nabi Dar R/o Rahmoo Pulwama.

As such the report is submitted for favour of information and further course of action at your end, please.

Yours faithfully,


District Mineral Officer
Pulwama

Copy to;

1. The Divisional Officer, PCC, Pulwama for information.



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/ 477-478

Dated:- 16-07-2024

Subject:- OA No. 690/2023 titled Raja Muzaffar Bhat V/s UT of J&K & Ors'

Reference:- i) JKPC/SC/07/24/91 dt. 04-06-2024
 ii) JKPC/T/C/TSDF/325 dt. 11-07-2024

Sir,

With regard to the subject and references cited above, kindly find enclosed herewith the requisite information submitted by the Members of the Committee, for favour of information and necessary action.

Yours faithfully,

(Abhijeet Joshi) SPS
 Regional Director, PCC
 Kashmir

Enclosures:- (As above)

Copy to the :-

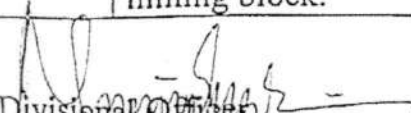
1. PA to Chairman JK PCC, Jammu for information of the worthy Chairman.

Information w.r.t violation of conditions.

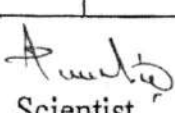
S.no Of specific Conditions	Condition	Reply
22.	The mining activity should in no case go beyond the area as mentioned in the letter of intent or environmental clearance letter, which is less and a buffer area is maintained such that the slop of adjoining area does not get disturbed.	Inadequate pillars/ boards were found installed in mining area but no clear demarcation boundary of mining area was observed at the time of inspection. Due to the reason it was not possible for the committee to identify the exact leased area to assess whether the mining was carried out by the project proprietor within the leased area.
52	Concealing of any information/data of submission of wrong /fabricated information by the project proponent and failure to comply with any of the above conditions may lead to withdrawal of the EC and attract action under the provision of EPA Act,1986	On the basis of inspection carried out by Divisional Office Pollution Control Committee Pulwama the closure orders were issued to Minor Block No-03 and 36 ,for violating conditions of Environmental Clearance (condition no. 53) which indicates the project proponent was Concealing information.
53	Mining shall be done manually minimally supported by semi-mechanized method ,heavy machinery like JCBS/Excavators/L&T hydraulic excavators etc, Should not be allowed .Emphasis should be given to employment of locally available labour force to addresses the socio-economic concerns of the the locals.	At River Romshee No person or machinery was found engaged for extraction of Boulders from the mine in question at the time of inspection ,however some footprints of JCB were observed which indicate that extraction process has been carried out by using heavy machinery without disclosure however it was not possible for the committee to find out whether mining was done by locals or by the contractor, At Rambiara River At the time of inspection Mining operation was not being carried out within the lease area, however heaps of boulders were found stacked within the mining area indicating that before the mining

Signature

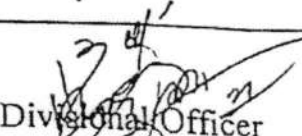
		operation was closed heavy machineries were used for extraction of boulders etc from the leased mining area.
56	No mining activity shall be carried out in flowing water channel area within the mining block and adequate measures shall be taken to safeguard water quality and aquatic life including fisheries if available in the same	At River Romshee mining activity was also carried out within the river ,however it was not possible for the inspecting committee to assess whether the mining was done by locals or by project proprietor. In Rambiarra River the mining area was completely dry except some water in pits, the course of river was outside the mining area .
64	The JKEIA reserves the right to impose any other condition in the EC at any time during the period of mining lease .The JKEIAA reserves the right to revoke the EC in case any of the environmental clearance conditions are violated during the mining activity mere grant of environmental clearance does not entitle the project proponent for grant of mining lease unless he obtains all other clearances as required under other provisions of law.	On the basis of report submitted by District office PCC Pulwama regarding the violations the closure orders were issued to the mines.
65	The EC is subject to conditions that the project proponent shall not change the water course of the river and no mining activity shall be carried out in active channel area, if any in the mining block.	Water course of both the rivers is still unchanged.


Divisional Officer

Anantnag


Scientist

Water lab Srinagar


Divisional Officer

Pulwama



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
J&K Pollution Control Committee,
Jammu

NO:- PCC/RDK/W.Lab / 24-25/39

Dated:- 31/07/2024

Subject: - OA NO .690/2023 titled Raja Muzaffar Bhat vs UT of J&K &Ors.

Sir,

In continuation to this office letter no PCC/RDK/PS/2024/477-478 dated 16/07/2024 it is to submit that

- Grant of Mining Lease of Minor Mineral Block No 36 with the description, B-Rahmoo Bridge Downstream, Nallah Ramshoo District Pulwama was accorded to **Shri Umesh Kumar Sharama** after obtaining Environmental Clearance granted by J&K Environment Impact Assessment Authority vide JKEIAA/2020/258/6513-26 dated 04/03/2022 and permission granted by Directorate of Geology and Mining vide order no. 171-DGM of 2022 dt. 04-03-2022 having consent to operate valid upto 17/05/2024. However on the basis of complaint, the inspection carried out by Divisional Officer/Officials of Pollution Control Committee Pulwama the closure order was issued to Minor Block No-36 vide order no 227 JKPC of 2024 dated 01/02/2024 for violating conditions of Environmental Clearance condition no 53 by using heavy machinery.

Grant of Mining lease of Minor Block No-03 with description ,C Lassipora SIDCO Bridge D/Stream Nallah Rambiarra Lassipora Litter Pulwama Bridge District Pulwama was granted to **Shri Khurshaed Ahmad Mir** after obtaining Environmental Clearance granted by J&K 30/12/2022 and permission granted by Directorate of Geology and Mining vide order no. 199-DGM of 2022 dt. 20-06-2022 and having consent to operate valid upto 15/03/2024 However on the basis of complaint, the inspection carried out by Divisional Officer/Officials of the Pollution Control Committee Pulwama the closure order was issued to Minor Block No-03 vide order no 228 JKPC of 2024 dated 01/02/2024 for violating conditions of Environmental Clearance condition no 53 by using heavy machinery.

As reported by District Mineral Officer vide letter no DMO/Pul/DGM/NGT/1451-53 Dated 13/07/2024 copy also addressed to your goodself stated that the closure order was implemented w.e.f first week of February and no extraction of any sort of material has been reported in said minor mineral block by leases/authorized agents from the date of closure .As per the records no complaint has been received in District office PCC Pulwama and Regional office PCC regarding extraction of mining material by the lease from the period of closure order. However, DO Pulwama has submitted the EC format vide his no. JKPC/DO/PUL/2146/2024 Dated 01/06/2024 which reveals details of violation 08 days in response to the receipt of complaint and inspection carried out in this regard on 25/01/2024.

It is pertinent to mention here that DMO has reported in his letter that illegal mining of any kind during odd/wee/night hours by locals residing on the banks of nallah Romushi are being curbed promptly and desired action in shape of seizing of vehicles/heavy compounding and lodging of FIRs and the detailed report depicting desired action was already been farwarded to your goodself by DMO Pulwama vide his letter no DMO/pul/DGM/NGT/239-24 dated 24/04/2024 and DMO/pul/DGM/NGT/1440-41 dated 13/07/2024

Yours Faithfully

(Ajijet Joshi) SES
Regional Director

Comd TAC

Amritha Oregical

Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu



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

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

email: membersecretaryjkspcb@gmail.com

The Member Secretary,
J&K Pollution Control Committee,
Jammu (J&K)

No: JKPCCT/T/C/EC/RBM/2024/ 187

Dated : 03/08/2024.

Sub.: Environmental Compensation format for levying EC to River bed Mining blocks no. 03 and 36 / B District Pulwama as per direction of Hon'ble NGT.

Sir,

With reference to the subject cited above, kindly find enclosed herewith the copy of Environmental Compensation (EC) **River bed Mining blocks no. 03 and 36 / B District Pulwama** duly signed by the Technical Advisory Committee for information and necessary action. The EC is calculated as per the Guidelines issued by CPCB for the same.

Encl. two blocks

Yours faithfully,

JN Sharma
(J N Sharma)
Head TAC
JKPCCT, Jammu.

ALD (Engineer)
May Please put up draft EC notice.

26 June
3.8.24

Jammu and Kashmir Pollution Control Committee

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

Mr. Khursheed Ahmad Mir (Prop.)

M/s Mining of Minor Mineral (River Bed Material),

**at Block 3, Lassipora SIDCO Bridge Downstream Nallah Rambiarra, Litter,
District Pulwama.**

No.: JKPC/NGT/OA(690/2023)/2024/3605-06 Dated. 03-08/2024

Sub :- Show cause notice for levy Environmental Compensation.

Sir,

Whereas, on the basis of pollution potential, **Mining** is classified as **Orange** category and obtaining the consent from the J&K Pollution Control Committee is mandatory along with adoption of pollution control mechanism to achieve the Prescribed Standards of pollution; and

Whereas, Consent for Mining Activity was issued to you vide Consent No. **PCC/digital/23063608993 of 2023** dated **06-04-2023** with valid upto **March, 2024** under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 with specific terms and conditions; and

Whereas, Environmental Clearance was issued to you by the J&K Environment Impact Assessment Authority (JKEIAA) vide No. **JKEIAA/2020/325/5062-75** dated **30-12-2021** with some specific terms and conditions; and

Whereas, complaint against non compliance of Environmental Clearance conditions by the project proponent has been received; and

Whereas, fresh inspection was conducted by the Divisional Officer, Pollution Control Committee, Pulwama, reported that the project proponent is violating the conditions of Environmental Clearance viz condition No.53 by using heaving machinery; and

Whereas, closure order was issued to you by the J&K Pollution Control Committee vide order No. 228 JKPC of 2024 dated 01-02-2024, which has been implemented by the District Administration, Pulwama; and

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in O.A. No. **690/2023** titled **Raja Muzaffar Bhaty Versus Union Territory of J&K** in its order dt. **12-04-2024**. has directed to take action against the stake holders involved in violating the conditions of Environment Clearance for imposition of environmental compensation and;.

26/08/24

respondent no.6 only on the ground of using of heavy machinery and other grounds have been completely ignored.

9. While taking further action, J&KPCC will duly consider the above aspect.

10. In view of the above, we do not find any reason to keep the present original application pending which is accordingly disposed of by directing the Member Secretary, J&K PCC to take appropriate action in terms of the observations made above after fully complying with the Principle of Natural Justice and file action taken report before the Registrar General within a period of three months. If found necessary, the matter will be listed before the Bench for consideration."

Whereas, a joint committee of three officers of J&K Pollution Control Committee was constituted and directed to visit the sites and furnish comprehensive report alongwith photographs through the Regional Director PCC Kashmir alongwith comments and recommendations vide this office Order No. JKPCC/NGT/OA690/3084-88 dated 12-04-2024.

Whereas, joint committee constituted by the J&K PCC furnished its reports vide no. JKPCC/ROK/W.LAB/24-25/12 dated 29-04-2024 and PCC/RDK/PS/2024/477-478 dated 16-07-2024 which has been duly endorsed and confirmed by the Regional Director, PCC Kashmir and found that you have violated conditions No. 52 and 53 of Environmental Clearance conditions by using heavy machinery. The relevant part of the report of the joint committee is reproduced as under: -

:Condition No. 52: On the basis of inspection carried out by Divisional Office Pollution Control Committee Pulwama the closure orders were issued to Minor Block No. 03 and 36, for violating conditions of Environmental Clearance (conditions No. 53) which indicates the project proponent was concealing information.

Condition No. 53: AT River Romshee No person or machinery was found engaged for extraction of Boulders from the mine in question at the time of inspection, however some footprints of JCB were observed which indicate that extraction process has been carried out buy using heavy machinery without disclosure however it was not possible for the committee to find out whether mining was done by locals or by the contractor; At Rambiarra River, at the time of inspection Mining operation was not being carried out within the lease area, however heaps of boulders were found stacked within the mining area indicating that before the mining operation was closed heavy machineries were used for extraction of bounders etc. from the leased mining area.

Whereas, the matter was referred to the Technical Advisory Committee (TAC) constituted by the JK Pollution Control Committee for expert assessment and evaluation of Environmental Compensation, which recommended levying of Environmental compensation for a period of **08 days** (as per the format submitted by D.O. PCC Pulwama) amounting to Rs. 70,000/= (Rupees Seventy Thousand only);and

Whereas, in terms of Hon'ble National Green Tribunal directions and the approved guidelines, you are liable for the **Environmental Compensation** for

20/04/24

damaging the environment besides, prosecution proceedings against you in terms of **Section 17 of Environment(Protection) Act, 1986.**

Now, therefore, take this notice and show cause within **10 days** from the date of issuance of this notice as to why:-

- i) *Environmental Compensation amount to **Rs. 70,000.00** (Rupees Seventy Thousand only) is levied against you on the basis of **Polluter Pays Principle (PPP)** in terms of directions of the Hon'ble National Green Tribunal be not recovered from you.*
- ii) *You may not be prosecuted under Environment (Protection) Act 1986 for offending illegal extraction of minerals.*

In the event, no tenable response is received within the notice period, the order for recovery of **Environmental Compensation** as per prescribed guidelines shall become obvious against you along with initiation of prosecution proceedings in court of law against you without further notice.

Encl: Calculation sheet.


(Ghansham Singh), JKAS

Member Secretary
JK PCC, Jammu.

3.8.24

Copy to the:-

1. Regional Director, PCC Kashmir for information and necessary action.



The Environmental Compensation formula as per CPCB guidelines

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in ₹
- PI = Pollution Index of industrial sector as per UCM
- N=Number of days of violation
- R= A factor in Rupees (₹) for EC
- S=Factor for scale of operation (Micro / Small / Medium / Large)
- LF = Location factor (based on population of the city / town as per latest census where the industry is located)

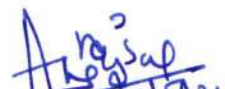
S. No.	Population (In million)	Location Factor
1.	Upto one million	1.0
2.	1 to <5	1.25
3.	5 to >10	1.5
4.	10 and above	2.0


Part-A		
1	Name of the River Bed mining	M/s Khurshid Ahmad Mir
2	Location of the river bed mining	Block no.- 3 , C- Lassipora SIDCO Bridge D/Stream Nallah Rambiara, Lassipora, Litter, Pulwama
3	Category as per UCM / Revised Industrial Classification as per CPCB dt. 22.09.2023	Orange
4	Capacity of mining as per Consent (JKPCC)	35000 MT/annum
5	Consent status	CTO(R) under Orange Category is valid upto 15.03.2024
6	Environmental Clearance (EC) Status	Environmental Clearance issued by J&K SEIAA vide no. JKEIAA/2020/325/5062-75 dated 30.12.2021.
7	Violation of EC	Yes, Violating conditions of Environmental Clearance conditions no. 53 by using heavy machinery.
Part-B		
1	Legal Status	Closure order issued vides no. 228 JKPCC of 2024 dated 01-02-2024.
2	Pollution Index of the Industry (PI)	50
3	No. of days of violation (N)	08 (as per the format submitted by DO)
4	Factor in Rupees for EC (R)	350 (as per CPCB)
5	Factor for scale of operation (S)	0.5
6	Location Factor (LF)	1.0 (as per EC format submitted by DO copy enclosed)
7	$EC = PI \times N \times R \times S \times LF = 50 \times 08 \times 350 \times 0.5 \times 1$	= Rs. 70000 (Rupees Seventy Thousands)
8	Format of EC as recommended by DO for levying of EC	Copy enclosed

A meeting of TAC held on 02/08/2024 in the Conference Hall of the PCC attended by the following members.


Chander Singh Kotwal
 Member


Randeep Manhas
 Member


Angrez Singh
 Convenor(TAC)


J.N Sharma
 Head(TAC)

Jammu and Kashmir Pollution Control Committee

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

Mr. Umesh Kumar Sharma (Prop.)
M/s Mining of Minor Mineral (River Bed Material),
at Block 36-B, Rahmoo Bridge Downstream, Nallah Ramshoo Village Taluka,
Rahmoo-District Pulwama.

No.: JKPCC/NGT/OA(690/2023)/2024 **3607-08** Dated. **03**-08/2024

Sub :- Show cause notice for levy of Environmental Compensation.

Sir,

Whereas, on the basis of pollution potential, **Mining** is classified as **Orange** category and obtaining the consent from the J&K Pollution Control Committee is mandatory along with adoption of pollution control mechanism to achieve the Prescribed Standards of pollution; and

Whereas, Consent for Mining Activity was issued to you vide Consent No. **PCC/digital/23063731629 of 2023** dated **11-08-2023** with valid upto **May, 2024** under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 with specific terms and conditions; and

Whereas, Environmental Clearance was issued to you by the J&K Environment Impact Assessment Authority (JKEIAA) vide No. **JKEIAA/2020/258/6513-26** dated **04-03-2022** with some specific terms and conditions; and

Whereas, complaint against noncompliance of Environmental Clearance conditions by the project proponent has been received; and

Whereas, inspection was conducted by the Divisional Officer, Pollution Control Committee, Pulwama, reported that the project proponent is violating the conditions of Environmental Clearance viz condition No. **53** by using heaving machinery; and

Whereas, closure order was issued to you by the J&K Pollution Control Committee vide order No. 227 JKPCC of 2024 dated 01-02-2024, which has been implemented by the District Administration, Pulwama; and

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in O.A. No. **690/2023** titled **Raja Muzaffar Bhat Versus Union Territory of J&K** in its order dt. **12-04-2024** made following observations as under:-

"8. At this stage, Learned Counsel for the applicant has pointed out that though the action of the respondent no.6 has been challenged in the original application on various grounds but closure order has been passed by J&KPCC against respondent no.6 only on the ground of using of heavy machinery and other grounds have been completely ignored.

SB

9. While taking further action, J&KPCC will duly consider the above aspect.

10. In view of the above, we do not find any reason to keep the present original application pending which is accordingly disposed of by directing the Member Secretary, J&K PCC to take appropriate action in terms of the observations made above after fully complying with the Principle of Natural Justice and file action taken report before the Registrar General within a period of three months. If found necessary, the matter will be listed before the Bench for consideration."

Whereas, a joint committee of three officers of J&K Pollution Control Committee was constituted and directed to visit the sites and furnish comprehensive report alongwith photographs through the Regional Director PCC Kashmir alongwith comments and recommendations vide this office Order No. JKPCC/NGT/OA690/3084-88 dated 12-04-2024.

Whereas, joint committee constituted by the J&K PCC furnished its reports vide no. JKPCC/ROK/W.LAB/24-25/12 dated 29-04-2024 and PCC/RDK/PS/2024/477-478 dated 16-07-2024 which has been duly endorsed and confirmed by the Regional Director, PCC Kashmir and found that you have violated conditions No. 52 and 53 of Environmental Clearance conditions by using heavy machinery. The relevant part of the report of the joint committee is reproduced as under: -

:Condition No. 52: On the basis of inspection carried out by Divisional Office Pollution Control Committee Pulwama the closure orders were issued to Minor Block No. 03 and 36, for violating conditions of Environmental Clearance (conditions No. 53) which indicates the project proponent was concealing information.

Condition No. 53: AT River Romshee No person or machinery was found engaged for extraction of Boulders from the mine in question at the time of inspection, however some footprints of JCB were observed which indicate that extraction process has been carried out by using heavy machinery without disclosure however it was not possible for the committee to find out whether mining was done by locals or by the contractor; At Rambhara River, at the time of inspection Mining operation was not being carried out within the lease area, however heaps of boulders were found stacked within the mining area indicating that before the mining operation was closed heavy machineries were used for extraction of bounders etc. from the leased mining area.

Whereas, the matter was referred to Technical Advisory Committee (TAC) constituted by the JK Pollution Control Committee for expert assessment and evaluation of Environmental Compensation, which recommended levying of Environmental compensation for a period of **08 days** (as per the format submitted by D.O. PCC Pulwama) amounting to Rs. 84,000/= (Rupees Eighty Four Thousand only);and

Whereas, in terms of Hon'ble National Green Tribunal directions and the approved guidelines, you are liable for the **Environmental Compensation** for damaging the environment besides prosecution proceedings against you in terms of **Section 17 of Environment(Protection) Act, 1986.**

26/04

Now, therefore, take this notice and show cause within **10 days** from the date of issuance of this notice as to why:-

- i) *Environmental Compensation amount to **Rs. 84,000.00** (Rupees Eighty Four Thousand only) levying against you on the basis of **Polluter Pays Principle (PPP)** in terms of directions of the Hon'ble National Green Tribunal be not recovered from you.*
- ii) *You may not be prosecuted under Environment (Protection) Act 1986 for offending illegal extraction of minerals.*

In the event no tenable response is received within the notice period, the order for recovery of **Environmental Compensation** as per prescribed guidelines shall become obvious against you along with initiation of prosecution proceedings in court of law against you without further notice.

Enclosure: Calculation Sheet.

Gansham Singh
(Gansham Singh), JKAS
Member Secretary
JK PCC, Jammu. *3/8/24*

Copy to the:-

1. Regional Director, PCC Kashmir for information and necessary action.



The Environmental Compensation formula as per CPCB guidelines

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in ₹
- PI = Pollution Index of industrial sector as per UCM
- N=Number of days of violation
- R= A factor in Rupees (₹) for EC
- S=Factor for scale of operation (Micro / Small / Medium / Large)
- LF = Location factor (based on population of the city / town as per latest census where the industry is located)

S. No.	Population (In million)	Location Factor
1.	Upto one million	1.0
2.	1 to <5	1.25
3.	5 to >10	1.5
4.	10 and above	2.0

Part-A		
1	Name of the River Bed mining	M/s Umesh Kumar Sharma
2	Location of the river bed mining	Block no.- 36/B, Rahmoo Bridge Downstream Nallah Ramshoo, Village Rahmoo, Taluka Rahmoo, District Pulwama
3	Category as per UCM / Revised Industrial Classification as per CPCB dt. 22.09.2023	Red
4	Capacity of mining as per Consent (JKPCC)	75000 MT/annum
5	Consent status	CTO(R) under Orange Category is valid upto 17/05/2024
6	Environmental Clearance (EC) Status	Environmental Clearance issued by J&K SEIAA vide no. JKEIAA/2020/258/6513-26 dated 04.03.2022
7	Violation of EC	Yes, Violating conditions of Environmental Clearance conditions no. 53 by using heavy machinery.
Part-B		
1	Legal Status	Closure order issued vides no. 227 JKPCC of 2024 dated 01-02-2024.
2	Pollution Index of the Industry (PI)	60
3	No. of days of violation (N)	08 (as per the format submitted by DO)
4	Factor in Rupees for EC (R)	350 (as per CPCB)
5	Factor for scale of operation (S)	0.5
6	Location Factor (LF)	1.0 (as per EC format submitted by DO copy enclosed)
7	$EC = PI \times N \times R \times S \times LF = 60 \times 08 \times 350 \times 0.5 \times 1$	= Rs. 84000 (Rupees Eighty Four Thousands)
8	Format of EC as recommended by DO for levying of EC	Copy enclosed

A meeting of TAC held on 02/08/2024 in the Conference Hall of the PCC attended by the following members.

Chandar Singh Kotwal
Member

Randeep Manhas
Member

Angrez Singh
Convenor(TAC)

J.N Sharma
Head(TAC)



Subject Levying of Environmental Compensation to Mr. Khursheed Ahmad Mir (Prop.) M/s Mining of Minor Mineral (Riverbed Material), at Block 03 Lassipora SIDCO Bridge Downstream Nallah Rambiarra, Litter-District Pulwama.

ORDER NO. **29** JKPCC of 2024
 Dated **24** -09-2024

Whereas, on the basis of pollution potential, **Mining** is classified as **Orange** category and obtaining of the consent from the J&K Pollution Control Committee is mandatory alongwith adoption of pollution control mechanism to achieve the Prescribed Standards of pollution; and

Whereas, Environmental Clearance was granted to **Mr. Kursheed Ahmad Mir (Prop.) M/s Mining of Minor Mineral (Riverbed Material), at Block 03, Lassipora SIDCO Bridge Downstream Nallah Rambiarra, Litter-District Pulwama** by the J&K Environment Impact Assessment Authority (JKEIAA) vide No. **JKEIAA/2020/325/5062-75** dated **30-12-2021**, with some specific terms and conditions; and

Whereas, consequent upon this, Consent to Operate (Fresh) was issued in favour of Mr. Khursheed Ahmad Mir, Prop. M/s Mining of Minor Mineral (River Bed Material at **Block 03 Lassipora SIDCO Bridge Downstream Nallah Rambiarra, Litter-District Pulwama**, by the J&K PCC vide Consent No. **PCC/digital/23063608993 of 2023** dated **06-04-2023**, with validity upto **March, 2024**, under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 with specific terms and conditions; and

Whereas, complaint of non-compliance of Environmental Clearance conditions by the project proponent was received and fresh inspection was conducted by the Divisional Officer, Pollution Control Committee, Pulwama who reported that the project proponent is violating the conditions of Environmental Clearance viz condition No. **53** by using heaving machinery; and

Whereas, closure order was issued to the project proponent of Minor Block No. **03** by the J&K Pollution Control Committee, vide order No. 228 JKPCC of 2024 dated 01-02-2024, which has been implemented by the District Administration, Pulwama; and

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in O.A. No. **690/2023** titled **Raja Muzaffar Bhat Versus Union Territory of J&K** in its order dated **12-04-2024**. has directed to take action against the stake holders involved in violating the conditions of Environment Clearance by imposition of environmental compensation; and

Whereas, a joint committee of three officers of J&K PCC was constituted and directed to visit the sites and furnish comprehensive report alongwith photographs through the Regional Director, PCC, Kashmir, alongwith comments and recommendations, vide this office order endorsement No. JKPCC/NGT/(690/203)/3084-88 dated 12-04-2024; and

Whereas, joint committee constituted by the J&K PCC, furnished its report vide No. JKPCC/ROK/W/Lab/24-25/12 dated 29-04-2023, reporting that the project proponent has violated the Environmental Clearance conditions No. 52 and 53 by using heavy machinery, which has been confirmed by the Regional Director, PCC Kashmir vide letter No. PCC/RDK/PS/2024/477-478 dated 16-07-2024; and

Whereas, Regional Director, J&K Pollution Control Committee, Kashmir forwarded the prescribed Environmental Compensation format submitted by the Divisional Officer, PCC Pulwama revealing the violation of **08 days** in response to the receipt of complaint and inspection carried out in this regard on 25-01-2024; and

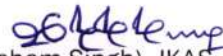
Whereas, the case was forwarded to Technical Advisory Committee (TAC) constituted by the JK Pollution Control Committee for expert assessment and evaluation of Environmental Compensation, which recommended levying of Environmental compensation for a period of **08 days** (as per the format submitted by D.O. PCC Pulwama) amounting to Rs. 70,000/= (Rupees Seventy Thousand only); and

Whereas, notice was issued to the project proponent of Minor Block No. 03 vide No. JKPC/NGT/OA/(690-23)/2024/3605-6 dated 03-08-2024 thereby affording him an opportunity of being heard and directing him to show cause within 10 days as to why Environmental Compensation may not be levied, which he failed to comply; and

Now, therefore, Environmental Compensation to the tune of Rs. 70,000/- as recommended by the Technical Advisory Committee (TAC) is hereby levied upon Mr. Khursheed Ahmad Mir, project proponent of **M/s Mining of Minor Mineral (Riverbed Material), at Block 03 Lassipora SIDCO Bridge Downstream Nallah Rambhara, Litter-District Pulwama to Rs. 70,000/= (Rupees Seventy Thousand only)** for violation of conditions of Environmental Clearance and the project proponent is hereby directed to deposit a sum of **Rs. 70,000/= (Rupees Seventy Thousand only)** in the **Environmental Compensation Fund Account No. 0023040510000001** of the JK Pollution Control Committee in J&K Bank Ltd. within **45 days** and on lapse of above said period, an interest @ 12% on the Environmental Compensation amount shall accrue and shall be recovered, at the risk and responsibility of the project proponent.

In case of default to pay Environmental Compensation in due time, the violator is liable to pay Environment Compensation by (2) two times, (4) four times, (8) Eight times for 2nd, 3rd and 4th quarter respectively as per the guidelines of Environmental Compensation issued by Central Pollution Control Board (CPCB).

Issued with the approval of the Competent Authority


(Ghansham Singh), JKAS
Member Secretary 24.9.24
J&K PCC, Jammu

No. JKPC/WJ/7398623/117-121
Dt: 24-09-2024

Copy to the:-

- 1) Deputy Commissioner, Pulwama information and necessary action.
- 2) Regional Director, PCC Kashmir for information and necessary action for information and necessary action.
- 3) Divisional Officer, PCC Pulwama for information and necessary action.
- 4) I/c Nodal Officer, J&K Pollution control Committee for information and necessary action.
- 5) Mr. Khursheed Ahmad Mir (Prop.) M/s Mining of Minor Mineral (Riverbed Material), at Block 03 Lassipora SIDCO Bridge Downstream Nallah Rambhara, Litter-District Pulwama.

**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

Sub:- Levying of Environmental Compensation to Mr. Umesh Kumar Sharma (Prop.) M/s Mining of Minor Mineral (Riverbed Material), at Block 36-B Rahmoo Bridge Downstream, Nallah Ramshoo Village Taluka, Rahmoo-District Pulwama.

ORDER No. **30** JKPC of 2024
Dated **24** -09-2024

Whereas, on the basis of pollution potential, **Mining** is classified as **Orange** category and obtaining the consent from the J&K Pollution Control Committee is mandatory along with adoption of pollution control mechanism to achieve the Prescribed Standards of pollution; and

Whereas, Environmental Clearance was granted to **Mr. Umesh Kumar Sharma (Prop.) M/s Mining of Minor Mineral (River Bed Material), at Block 36-B, Rahmoo Bridge Downstream, Nallah Ramshoo Village Taluka, Rahmoo-District Pulwama**, by the J&K Environment Impact Assessment Authority (JKEIAA) vide No. **JKEIAA/2020/258/6513-26** dated **04-03-2022**, with some specific terms and conditions; and

Whereas, consequent upon this, Consent to Operate (Fresh) was issued in favour of Shri Umesh Kumar Sharma Prop. M/s Mining of Minor Mineral (River Bed Material at Block **36-B** Rahmoo Bridge Downstream Nallah Ramshoo, Village Taluka Rahmoo, District Pulwama by the J&K PCC, vide Consent No. **PCC/digital/23063731629 of 2023**, dated **11-08-2023** with validity upto **May,2024** under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 with specific terms and conditions; and

Whereas, complaint of non-compliance of Environmental Clearance conditions by the project proponent was received and a fresh inspection was conducted by the Divisional Officer, Pollution Control Committee, Pulwama, who reported that the project proponent is violating the conditions of Environmental Clearance viz condition No. **53** by using heaving machinery; and

Whereas, closure order was issued to project proponent of Minor Block No. **36-B** by the J&K Pollution Control Committee, vide order No. 227 JKPC of 2024 dated 01-02-2024 which has been implemented by the District Administration, Pulwama; and

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in O.A. No. **690/2023** titled **Raja Muzaffar Bhat Versus Union Territory of J&K** in its order dated **12-04-2024**. has directed to take action against the stake holders involved in violating the conditions of Environment Clearance by imposition of environmental compensation; and

Whereas, a joint committee of three officers of J&K PCC was constituted and directed to visit the sites and furnish comprehensive report alongwith photographs through the Regional Director PCC Kashmir alongwith comments and recommendations, vide this office order endorsement No. JKPC/NGT/(690/203)/3084-88 dated 12-04-2024; and

Whereas, joint committee constituted by the J&K PCC furnished its report vide No. JKPC/ROK/W/Lab/24-25/12 dated 29-04-2023, reporting that the project proponent has violated the Environmental Clearance conditions No. 52 and 53 by using heavy machinery, which has been

25/9/24

confirmed by the Regional Director, PCC Kashmir, vide letter No. PCC/RDK/PS/2024/477-478 dated 16-07-2024; and

Whereas, Regional Director, Pollution Control Committee, Kashmir forwarded the prescribed Environmental Compensation format submitted by the Divisional Officer, PCC Pulwama revealing the violation of **08 days** in response to the receipt of complaint and inspection carried out in this regard on 25-01-2024; and

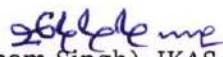
Whereas, the case was forwarded to Technical Advisory Committee (TAC) constituted by the JK Pollution Control Committee for expert assessment and evaluation of Environmental Compensation, which recommended levying of Environmental compensation for a period of **08 days** (as per the format submitted by D.O. PCC Pulwama) amounting to Rs. 84,000/= (Rupees Eighty Four Thousand only); and

Whereas, notice was issued to the project proponent vide No. JKPCC/NGT/OA/(690-23)/20243607-08 dated 03-08-2024, thereby affording him an opportunity of being heard and directing him to show cause within 10 days as why Environmental Compensation may not be levied, which he failed to comply; and

Now, therefore, Environmental Compensation to the tune of Rs. 84000/- as recommended by the Technical Advisory Committee (TAC) is hereby levied upon Mr. Umesh Kumar Sharma, project proponent of **M/s Mining of Minor Mineral (Riverbed Material), at Block 36-B, Rahmoo Bridge Downstream, Nallah Ramshoo Village Taluka, Rahmoo-District Pulwama to Rs. 84,000/= (Rupees Eighty Four Thousand only)** for violation of conditions of Environmental Clearance and the project proponent is hereby directed to deposit a sum of **Rs. 84,000/= (Rupees Eighty Four Thousand only)** in the **Environmental Compensation Fund Account No. 0023040510000001** of the JK Pollution Control Committee in J&K Bank Ltd. within **45 days** and on lapse of above said period, an interest @ 12% on the Environmental Compensation amount shall accrue and shall be recovered, at the risk and responsibility of the project proponent.

In case of default to pay Environmental Compensation in due time, the violator is liable to pay Environment Compensation by (2) two times, (4) four times, (8) Eight times for 2nd,3rd and 4th quarter respectively as per the guidelines of Environmental Compensation issued by Central Pollution Control Board (CPCB).

Issued with the approval of the Competent Authority


(Ghansham Singh), JKAS
Member Secretary 24.9.24
J&K PCC, Jammu.

NO: JKPCC/(O.A 690/2023)/7398623/122-126

Dated:- 24 -09-2024

Copy to the:-

- 1) Deputy Commissioner, Pulwama information and necessary action.
- 2) Regional Director, PCC Kashmir for information and necessary action for information and necessary action.
- 3) Divisional Officer, PCC Pulwama for information and necessary action.
- 4) I/C Nodal Officer, J&K Pollution Control Committee, for information and necessary action.
- 5) Mr. Umesh Kumar Sharma (Prop.) M/s Mining of Minor Mineral (Riverbed Material), at Block 36-B Rahmoo Bridge Downstream, Nallah Ramshoo Village Taluka, Rahmoo-District Pulwama.