

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 253/2023**

IN THE MATTER OF:

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR & ORS.

...RESPONDENT(S)

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(Gautam Singh)

Standing Counsel, J&K

National Green Tribunal

Chamber No. 71 Supreme Court Of India

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FILED ON: 05-01-2026

PLACE - NEW DELHI

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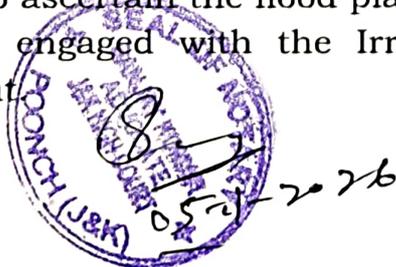
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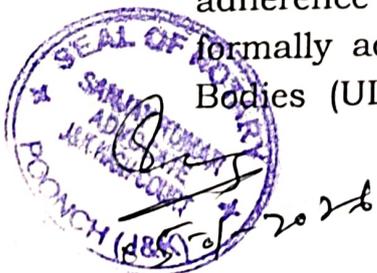
DETAILED STATUS REPORT BY WAY OF AFFIDAVIT ON BEHALF OF
CHIEF EXECUTIVE OFFICER, MUNICIPAL COUNCIL, POONCH

I, Khalil Ahmed, presently posted as District Panchayat Officer, Poonch, and also holding additional charge of Chief Executive Officer, Municipal Council (MC), Poonch, do hereby solemnly affirm and declare as under:

1. That this affidavit is being filed in pursuance of the directions passed by this Hon'ble Tribunal vide order dated 13.11.2025.
2. It is most respectfully submitted that during the hearing dated 13.11.2025, the quantity of legacy waste was stated as 19,000 MT. However, the written order erroneously records it as 90,000 MT due to a possible mishearing or clerical mistake. The Hon'ble Tribunal is humbly prayed to rectify the record to accurately reflect the correct quantity of 19,000 MT.
3. Furthermore, it is also submitted for the record that the total Environmental Compensation (EC) amount is ₹162.9lac - rather than the figure of ₹1,61,00,000/- mentioned in the previous order and after deposit of 25 Lakhs, there is balance of 137.9 remained to be paid.
4. That in also most respectfully submitted that compliance with the direction to ascertain the flood plain status of the proposed MRF site, this office engaged with the Irrigation and Flood Control (I&FC) Department.



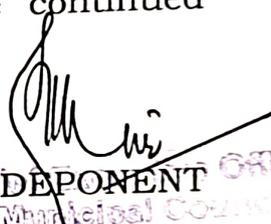
5. That the answering respondent requested Deputy Commissioner to update the status report regarding the flood situation pertaining to the identified site located at Village Kanuyian.
6. That in response to the request of the answering respondent, the office of the Deputy Commissioner, informed that as per information provided by Irrigation and Flood Control (I&FC) Department has informed that during the major flood event of the year 2014.
7. That it is respectfully submitted that as per the said technical report, the site is susceptible to flooding during heavy or high flood occurrences, rendering it unsuitable for the proposed construction of the Material Recovery Facility (MRF).
8. That consequently, this office has requested the Office of the Deputy Commissioner, Poonch, vide letter dated 20.12.2025 seeking identification and allotment of an alternative and safe parcel of land for establishing the Material Recovery Facility (MRF) at a location that lies outside the active flood plain. A copy of letter dated 20.12.2025 sent by the answering respondent to Deputy Commissioner, Poonch is annexed herewith and marked as **ANNEXURE-R-1**
9. That with respect to the tendering and clearance of legacy waste measuring approximately 19,000 MT, it is submitted that the technical evaluation process for bio-mining of the corrected quantity has been duly completed. M/s Bhagyadips Waste Management Private Ltd has been identified as the Lowest (L1) bidder and is the only bidder found qualified in the financial bid.
10. That for the implementation of scientific waste disposal mechanisms, this office has entered into a Memorandum of Understanding (MoU) dated 10.12.2025 with the Horticulture and Marketing Department, Poonch, under which agricultural waste will be processed in a scientific manner at their designated facility.
11. It has also submitted extensive public awareness campaigns are being conducted across all wards to achieve cent percent door-to-door segregation of waste at the source level.
12. That regarding financial compliance and the release of requisite funds, it is submitted that against the corrected Environmental Compensation (EC) amount of ₹1,62.9 Lakhs, a sum of ₹25 lakhs has been recovered so far and there is balance of 137.9 lakhs. To ensure adherence to the directions of the Hon'ble Tribunal, this office has formally addressed a communication to the Director, Urban Local Bodies (ULB), Jammu, for the release of the required EC funds.



Meanwhile, recovery proceedings for the remaining amount are being pursued by the J&K Pollution Control Committee (PCC) through attachment and auction in accordance with the existing orders. A copy of letter dated 24.12.2025 issued by answering respondent Municipal Council (MC) is annexed herewith and marked as **ANNEXURE-R-2**

13. That a representation dated 10.11.2025 has been given to J&K PCC for review of waiver of environmental compensation imposed by J&K PCC. A copy of representation dated 10.11.2025 has been given to J&K PCC for review of waiver of environmental compensation imposed by J&K PCC is annexed herewith and marked as **ANNEXURE-R-3**

14. That the community hall of Municipal Council (MC), Poonch being the community hall available for public and the administration for civic functions is attached for recovery of Environmental Compensation, the and is proposed for auction. Immediate recovery/auction thereof might paralyze the entire functional community centre available for public, causing irreparable adverse impact on for public at large. The answering party most humbly prays for ad-interim stay on recovery of the EC amount in the interest of justice, to ensure continued compliance with this Hon'ble Tribunal's directions.


 DEPONENT
 Chief Executive Officer
 Municipal Council
 Poonch

Verification:

Verified at Poonch on this 5th day of January, 2026, that the contents of the above affidavit are true and correct to the best of my knowledge and belief, based on official records, and nothing material has been concealed therefrom.



Solemnly Affirms, Sworn before me


 SANJAY KUMAR
 Advocate & Public Notary
 POONCH (J&K)

5-1-2026


 DEPONENT
 Chief Executive Officer
 Municipal Council
 Poonch

Government of Jammu and Kashmir (UT)
Department of Urban Local Bodies
Office of the Municipal Council Poonch

Deputy Commissioner
Poonch.

No: MC/P/2025/1773-74

Dated: 20-12-2025

Subject: Allotment of suitable land for construction of Material Recovery Facility (MRF)
Regarding.

Sir,

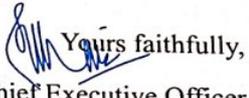
Apropos to the subject cited above, Municipal Council, Poonch is required to establish a Material Recovery Facility (MRF) as part of strengthening scientific solid waste management in accordance with the Solid Waste Management Rules, 2016 and guidelines issued under Swachh Bharat Mission (Urban).

It is submitted that a patch of land situated at Village Kanuyian, under Khasra No. 146/1, was earlier identified for construction of the MRF. However, the said patch of land could not be finalised as the site was found unsuitable from the flood safety perspective.

It is further submitted that the matter relating to solid waste management in Municipal Council, Poonch is presently under consideration of the Hon'ble National Green Tribunal, and the establishment of requisite infrastructure, including the MRF, forms part of the compliance framework being monitored. In the absence of approved land, the Municipal Council is unable to proceed further with the construction of the facility.

In view of the above, it is requested that a suitable alternative patch of land, free from encumbrances and located outside flood prone or restricted zones, may kindly be identified and allotted at the earliest to enable timely establishment of the Material Recovery Facility.

The Municipal Council assures that upon allotment of land, the construction work shall be taken up immediately and completed in a time bound manner as per prescribed norms.


Yours faithfully,
Chief Executive Officer
Municipal Council, Poonch

Copy to:

1. Director, Urban Local Bodies Jammu for kind information.

Government of Jammu and Kashmir (UT)
Department of Urban Local Bodies
Office of the Municipal Council Poonch

Email:- copoonch-jk@nic.in

The Director,
Urban Local Bodies,
Jammu.

No.: MC/P/2025/1782-83

Dated:- 24-12-2025

Subject:- Request for release of Environmental Compensation amount to prevent auction of Municipal Council property.

Sir,

In continuation of this office communications bearing No. MC/P/2024-25/1613-14 dated 28.12.2024, No. MC/P/2025/835-37 dated 28.07.2025, No. MC/P/2025/916-17 dated 19.08.2025, and No. MC/P/2025/1223-24 dated 10.10.2025, regarding the release of Environmental Compensation in favour of Municipal Council, Poonch, it is respectfully submitted that the District Collector, Poonch has ordered attachment of the Council's immovable property situated at Ward No. 13, Sheesh Mahal, Poonch.

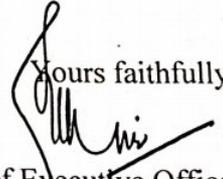
The said property is a vital revenue generating asset of the Municipal Council and is rented out for marriage functions and other community events. Any auction of the said property would impair the Council's ability to generate internal revenue and would consequently adversely affect the delivery of essential civic services to the general public.

It is further submitted that the Municipal Council being a local civic body with limited financial resources and heavy dependence on government grants, is not in a position to independently arrange the balance amount of Environmental Compensation. However, it is pertinent to mention that this office has already deposited an amount of Rs. 25.00 lakh as part payment towards the Environmental Compensation, demonstrating its bona fide efforts to comply with the directions.

In view of the urgency and seriousness of the matter, it is once again earnestly requested that the balance amount of Rs. 137.90 lakh may kindly be released at the earliest in favour of the Municipal Council, Poonch. Early release of the said amount shall enable the Council to comply with the orders of the Hon'ble National Green Tribunal and prevent auction of this critical public asset, which is essential for sustaining municipal revenues.

Your kind and immediate intervention in the matter is solicited Sir.

Yours faithfully,


Chief Executive Officer
Municipal Council, Poonch

Copy to the: -

1. The District Collector, Poonch for information, please.

Recd
24/12/25

Government of Jammu and Kashmir (UT)
Department of Urban Local Bodies
Office of the Municipal Council Poonch

Email:- copoonch-jk@nic.in

The Member Secretary,
Jammu & Kashmir Pollution Control Committee,
Jammu & Kashmir, Jammu.

Dated: 10-11-2025

No:- MC/P/2025/1622-24

Subject: Earnest plea for review of waiver or substantial remission of Environmental Compensation imposed vide Order No. 06-JKPCC of 2023 dated 22.02.2023 and Order No. 01-JKPCC of 2024 dated 22.05.2024.

Sir,

I, the Undersigned, presently posted as District Panchayat Officer Poonch and having additional charge of Chief Executive Officer, Municipal Council Poonch, respectfully submit this representation requesting waiver or at minimum, substantial remission of the Environmental Compensation imposed upon Municipal Council Poonch for alleged non compliance with the Solid Waste Management Rules, 2016. This plea is in continuation of communication No. MCP/2024-25/936-39 dated 05.09.2024.

1. That the Applicant most humbly submits that the orders dated 22-02-2023 and 22-05-2024 passed by the JKPCCC may kindly be reviewed in light of the substantial grounds set forth herein. If the requested relief is not granted, the Applicant is likely to face considerable difficulty, as the circumstances surrounding the orders warrant a compassionate and equitable reconsideration.
2. That the Applicant most humbly submits the directions issued by the JKPCCC could not be effectively complied with due to certain grounds which are summarised as under: -

(a) Persistent Non Availability of Land and Final Resolution:-

Compliance with the directions for establishing a Solid Waste Management Facility was delayed solely because no suitable land could be secured despite continuous efforts. Poonch's hilly terrain, border sensitivities, red zone restrictions, and repeated public objections made earlier sites unviable.

Chronology of efforts:

- Degwar (Jcephead): Identified and processed but dropped due to public resentment and feasibility objections.
- Kasallian: Process completed up to administrative scrutiny, but cancelled because of public objections.
- Nangali Sahib / Kanuyian: Processed but rejected due to red zone and issues.

Current Status:

A new and viable site in village Kanuiyan under Khasra number 146/1 min. has now been identified. All revenue papers have been duly authenticated by the Director, Urban Local Bodies Jammu and the complete case stand submitted to the Deputy Commissioner, Poonch for final allotment. Once the allotment process is complete, the work shall be started and that would be the top most priority. This resolves the core bottleneck that had prevented earlier compliance.

(b) Legacy Waste Management: Major Progress Achieved

The Council has taken concrete steps to address legacy waste:

- M/s We VOIS Labs Pvt. Ltd., Jaipur, engaged through an earlier tender process, has processed scientific disposal of 15,000 MT of legacy waste, substantially reducing the environmental burden.
- Capping and plantation work at the dumpsite are underway, with around 30% of the site already stabilised, with the goal of converting it into a green zone.

(c) Daily Waste Collection and Processing Efforts

The Municipal Council continues its daily operational responsibilities:

- 10 waste collection vehicles operate daily across the town.
- Dry waste is segregated and processed through the existing system with support from registered ragpickers.

These measures reflect consistent good faith efforts within the means available.

(d) Financially Weak Civic Body with No Capacity to Bear EC.

Municipal Council Poonch is a small local body with a population of 26,854 (Census 2011) and extremely limited financial resources. Revenues are insufficient even for routine civic obligations.

The Environmental Compensation imposed is far beyond the financial capacity of this Council. Imposing it will severely cripple essential service delivery in this sensitive border district.

(e) Material Facts Earlier Not Considered

Several key documents, revenue papers, correspondence with District Administration, feasibility objections, and record of land related challenges were not properly placed before higher authorities earlier. Their non-consideration shaped the perception of non compliance, though the Council has acted diligently throughout.

(f) Consistent Good Faith Conduct

At no stage, has the Municipal Council acted deliberately in violation of statutory directions. The constraints were objective, structural, and entirely beyond administrative control. Now that land identification is complete and allotment is underway and the file is before the Deputy Commissioner for allotment, compliance is finally feasible.

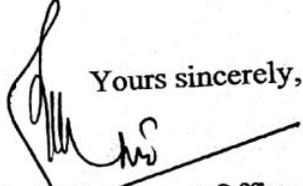
That the applicant being a local self government body which is financially and logistically constrained and immediate compliance of directions without administrative support from the UT Government is practically impossible. The applicant has been continuously taking steps within its means and capacity and the orders deserve reconsideration on equitable and fairgrounds to avoid penal consequences for circumstances beyond control.

In light of the above documented constraints, persistent efforts over several years, major progress in legacy waste disposal and the severe financial limitations of this small border District Council, it is humbly prayed that your esteemed office may kindly:

- (a) Reconsider/Review the Environmental Compensation imposed vide dated Order No. 06-JKPCC of 2023 dated 22.02.2023 and Order No. 01-JKPCC of 2024 dated 22.05.2024.
- (b) Grant a complete waiver or at the very least a substantial remission of the amount in the interest of justice, equity and practical feasibility.

This plea is made to ensure that Municipal Council Poonch can continue providing essential civic services without being incapacitated by an unmanageable financial penalty.

Yours sincerely,


District Panchayat Officer
Chief Executive Officer (Additional Charge)
Municipal Council Poonch

Copy to the: -

- (1) Deputy Commissioner Poonch for the information.
- (2) Director Urban Local bodies Jammu for information.