

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**NEW DELHI, PRINCIPAL BENCH**

**O.A. NO. 295 OF 2016**

IN THE MATTER OF :

Amresh Singh

... Applicant

Versus

Union of India & Ors

... Respondent(s)

**Date of Hearing: 28.09.2020**

**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO.5,  
GAMMON INDIA LTD.**

**MOST RESPECTFULLY SHOWETH:**

1. That the submitting respondent has sub-contracted the works in the subject stretch of work to M/s. Chaudhry Powers Ltd. The said sub-contractor is executing the work in the stretch from Nashri to Ramban for more than a year now.
2. The submitting respondent has time and again reminded the sub-contractor to cease and desist from dumping muck in a haphazardous manner. The Letters written to the subcontractor are attached herewith.
3. That the report of the monitoring committee under consideration also notes that M/s. Chaudhary Powers Ltd. should not be allowed to execute works in such a casual manner.
4. That the stretch of the work from Nashri to Ramban has various sites which are prone to incessant landslides. The submitting respondent has in its earlier affidavits brought attention to the said facts by placing data from the State's Traffic Department.
5. That for instance, in the month of August 2020 only, there have been as many as 14 incidents of landslides in the region. In such situation the subcontractor of the answering respondent, on instructions from the

Administration has to dump the debris immediately to clear off the roads. The instructions are given to the contractors through whatsapp, a few snapshots are being attached herewith.

**ANIRUDDH SINGH**

**ADVOCATE FOR THE RESPONDENT NO.5**



Ref: GECPL/I402/URRP/PL/SC-CPPPL/3322

Date: 09.06.2015

**M/s Chaudhary Power Projects Pvt. Ltd.**  
Chaudhary tower 3<sup>rd</sup> floor,  
Sector-1A, Trikutanagar  
Jammu-180012, J&K

**Project:** Four Lining of Udampur to Ramban Section of NH-1A (now NH-44) from KM 67.00 to KM 89.00 and KM 130.00 to KM 151.00 on EPC mode in the State of J&K under NHDP Phase-II.

**Subject:** Notice for unscientific muck excavation causing dust pollution

**Ref:** JK Pollution Control Board Letter Jammu and Kashmir Letter no. PCB/NGT/38-41 dated 29.05.2020

Dear Sir,

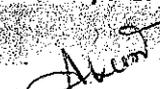
With reference to above mentioned subject please find enclosed herewith the JK Pollution Control Board Letter Jammu and Kashmir Letter no. PCB/NGT/38-41 dated 29.05.2020 which is self-explanatory

In this regard you are directed to furnish a report in the matter.

Thanking You

Yours faithfully,

For M/s **GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED**

  
Alok Kumar

Authorized signatory

**Enclosure:** JK Pollution Control Board Letter Jammu and Kashmir Letter no. PCB/NGT/38-41 dated 29.05.2020

**GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED**

GAMMON HOUSE, VEER SAVARKAR MARG, P.O. BOX NO. 9129, PRABHADEVI, MUMBAI-400 025. INDIA.

Telephone : 91 - 22 - 61115 3000 / 2430 6761 • Fax : 91 - 22 - 2430 0221 / 2430 0529

CIN No. " U45100MH2014PTC260191



Winter Office: November-April  
Parivesh Bhawan, Gladni  
Transport Nagar, Narwal,  
Jammu (J&K) 180008  
Ph/Fax: 0191-2476925

Government of Jammu and Kashmir  
JK POLLUTION CONTROL BOARD

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

Email: membersecretaryjkpcb@gamil.com.

Sh. Alok Kumar,  
Project Manager,  
M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL)  
No. No. 92, Sector 3, Channi Himmat  
Jammu.

No.: PCB/NGT/23/ 358-41

dt. 29 -05-2020

**Subject : Notice for unscientific muck excavation causing dust pollution.**

Whereas, persistent reports about illegal, unscientific and environment unfriendly manner of handling and disposal of the excavation muck by M/s Gammon Engineers and Contractors Pvt. Ltd have been received by Board through social media, and the latest such report dt. 28-05-2020, has also been verified by the District Officer Pollution Control Board Ramban, too.

Whereas, excavated muck is continuously being disposed off in un-scientific manner in brazen defiance of several directions of Hon'ble National Green Tribunal, issued in O.A. 295/2016 and in blatant violation of **Air (Prevention and Control of Pollution) Act 1981** and the conditions of Environmental Clearance issued by Government of India, Ministry of Environment & Forests vide No. 10-3/2010-iA-III dt. 31<sup>st</sup> August 2010.

Whereas, it has also been highlighted by the complainant that no water sprinkling and other measures are being taken by the M/s Gammon Engineers and Contractors Pvt. Ltd. during the excavation of muck which is causing massive dust pollution in the area.

Whereas, the *modus operandi* adopted by your organisation for handling and disposal of excavated muck has put the environment of the area to a grave threat due to deterioration caused by unscientific manner of muck excavation besides the irreversible damage done to flora-fauna and ecosystem of the area.

Now, therefore, you are hereby strictly warned to rectify the unscientific *modus operandi* adopted by you which is detrimental to the environment of the area as well as to the health of people, flora-fauna of the area, failing which firm action as warranted under rules shall be taken against you besides levying of **Environmental Compensation** on the basis of **Polluter Pays' Principle (PPP)** in terms of directions of the Hon'ble National Green Tribunal (NGT).

Action taken to mitigate dust emissions be intimated without further loss of time.

  
(B. M. Sharma) IFS  
Member Secretary  
J&K PCB

Copy to the:-

1. Regional Director, Pollution Control Board Jammu for information & submission of latest & fresh report on the subject.
2. Sh. Purshotam Kumar, Project Director, (PIU) National Highway Authority of India (J&K) H. No. 315, Sector 1, 2<sup>nd</sup> Floor, Channi Himmat Jammu for information and immediate necessary action under intimation.
3. P.A. to Chairman JKPCB for information of the Chairman.

Ref: GECPL/I402/URRP/PL/SC-CPPPL/3291

Date: 30.05.2020

**Choudhary Power Projects Pvt. Ltd.**

Choudhary Towers, 3rd Floor,  
Sector -1A, Ext. Trikuta Nagar,  
Jammu – 180012.



**Sub:** Four Laning of Udhampur to Ramban Section of NH-1A (now NH-44) from KM 67.00 to KM 89.00 and KM 130.00 to KM 151.00 on EPC mode in the State of J&K under NHDP Phase-II

**Reg:** Unauthorized muck dumping from Nashri to Banihal

**Ref:** Authority letter no. NHA/PIU-Ramban/2019/11001/3045 dated 27.05.2020

Sir,

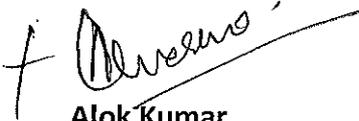
Please find attached the Authority letter no. NHA/PIU-Ramban/2019/11001/3045 dated 27.05.2020 attached thereto a copy of DM Ramban office order no. DMR/1071-73 dated 26.05.2020 on cited subject, which is self-explanatory. (Copy enclosed)

In this regard, you are hereby requested to kindly submit Action Taken Report (ATR) at the earliest. Delay in lifting of muck and action taken by DM, if any, regarding the subject matter CPPPL will be sole responsible.

Treat matter as **MOST URGENT**.

Yours faithfully,

For M/s. **GAMMON ENGINEERS & CONTRACTORS PVT. LTD.**



**Alok Kumar**

**Authorized Signatory**

**Enclosure:** Authority letter no. NHA/PIU-Ramban/2019/11001/3045 dated 27.05.2020

**Copy to:** 1. The Project Director, NHA/PIU-Ramban  
2. The Team Leader, TPF GETINSA EUROESTUDIOUS SL in association with SCIA,  
Udhampur

**GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED**

GAMMON HOUSE, VEER SAVARKAR MARG, P.O. BOX NO. 9129, PRABHADEVI, MUMBAI-400 025. INDIA.

Telephone : 91 - 22 - 61115 3000 / 2430 6761 • Fax : 91 - 22 - 2430 0221 / 2430 0529

CIN No. " U45100MH2014PTC260191



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
राष्ट्रक परिवहन और राजमार्ग मंत्रालय, भारत सरकार  
**NATIONAL HIGHWAYS AUTHORITY OF INDIA**  
(Ministry of Road Transport and Highways, Govt. of India)  
PIU Ramban C/o RO Jammu, House No.315, Sector -1, Channi Himmat



**BHARATMALA**  
ROAD TO PROSPERITY

NHA/PIU-Ramban/2019/11001/ 3545

27.05.2020

To

**Authorized Signatory**  
**M/s Gammon Engineers and Contractors Pvt. Ltd.**  
H. No. 92, Sector - 3,  
Channi Himmat,  
Jammu.

**M/s Hindustan Constructions Co. Ltd.**  
Gund Tethar, P.O. & Tehsil Banihal  
Distt. Ramban, Jammu & Kashmir  
Pin - 182146

**Sub: Four Laning of Udampur Ramban section of NH-1A (now NH-44) from Km 67+000 to Km 89+000 and km 130+000 to km 151+00 on EPC mode in the State of Jammu & Kashmir under NHDP Phase II- Unauthorized Muck Dumping from Nashri To Banihal-Reg.**

Str,

Please find enclosed herewith the DM Ramban office order DMR/1071-73 dated 26.05.2020 wherein DM had directed to remove the extra muck from the bank of the River Chenab which is dumped by the executing agency in non-designated Dumping yards.

In this regard, you are directed to submit the plan for lifting the unauthorized Muck dumped by you or your agency from the Bank of the River Chenab within 3 days without fail so that same will be submitted to District Magistrate Ramban. Delay in lifting of Muck and action taken by DM, if any regarding the subject matter the EPC contractor is sole responsible.

  
Purshottam Kumar  
Project Director  
PIU Ramban

Copy to:

District Magistrate, Ramban- for information.

Regional officer, J&K- for information

M/s TPF Getinsa-Eurostudios, S.L. In association with Segmental Consulting & Infrastructure Advisory (P) Ltd.- for information

M/s Euro studios S.L. In association with RODIC Consultants Pvt. Ltd.- for information.

प्रधान कार्यालय: जी-5 एव 6, सेक्टर-10 द्वारका, नई दिल्ली-110075  
Head Office: G-5&6, Sector-10, Dwarka, New Delhi - 110075

Office of the District Magistrate, Ramban

Subject: - Unauthorized Muck dumping from Nashri-Banihal.

ORDER

Whereas, National Highway Authority of India is executing the construction of NH-44 in the UT of Jammu & Kashmir and the construction of 71km Highway falls in District Ramban; and  
Whereas, the NHAI has allotted the work to MS Gammon and HCC in both the sections of Nashri-Ramban and Ramban-Banihal; and

Whereas, the Additional District Magistrate Ramban took a cognisance under section 133 of CrPC as the muck is directly going to River Chenab thereby threatening the existence of water body; and

Whereas, Additional District Magistrate passed an order under endorsement No. CIA/NH-44/2020/1763-67 dated 19/02/2020 after giving proper opportunity of being heard to the executing agency and its contractors wherein it was directed that extra muck dumped other than the muck dumping site be lifted and corrective measures be taken immediately; and

Whereas, Tehsildar Executive Magistrate also issued notices for illegal dumping of muck in Kowbagh area; and

Whereas, the muck dumping was banned vide this office order No. DMR/1711-15 dated 30-11-2019 under section -144 of CrPC by the undersigned other than the muck dumping sites; and

Whereas, after issuance of order by the ADM, it has been reported by the field agency that nothing has been done so far by the executive agency and its contractors and have dumped muck on the bank of river from Chanderkote to Seri without allotment of muck dumping site; and

Whereas, the haphazard dumping of muck in River Chenab has threatened the existence of the water body and National Green Tribunal and Pollution Control Board have also issued directions/notices from time to time; and

Now, therefore in order to save the River Chenab it is hereby directed under Section 133 of CrPC that NHAI shall remove the extra muck dumped in River Chenab other than muck dumping sites and also take corrective measures within a period of two months from the date of issuance of this order.

No.:- DMR/1071-73  
Date:- 26/05/2020



No. 26/05/20  
District Magistrate  
Ramban  
District Magistrate  
Ramban (J&K)

Copy to:-

1. Divisional Commissioner for kind information.
2. Regional officer, NHAI for information and N/A.
3. Project Director, PIU Ramban for necessary compliance.



**GAMMON**

Ref: GECPL/I402/URRP/PL/SC-CPPL/3084

Date: 03-02-2020

**Choudhary Power Projects Pvt. Ltd.**

Choudhary Towers, 3rd Floor,  
Sector -1A, Ext. Trikuta Nagar,  
Jammu – 180012.

**Sub:** Four Laning of Udhampur to Ramban Section of NH-1A (now NH-44) from KM 67.00 to KM 89.00 and KM 130.00 to KM 151.00 on EPC mode in the State of J&K under NHDP Phase-II

**Reg:** Careless Muck dumping under 33 KV HT line at Kowbagh

**Ref:** 1. Authority letter no. NHAI/PIU-Ramban/2019-20/11001/769 dated 29.01.2020

2. GECPL letter no. GECPL/I402/URRP/PL/SC-CPPL/ dated 29.11.2019

3. GECPL letter no. GECPL/I402/URRP/PL/SC/CPPL/2878 dated 21.10.2019

Sir,

Please find attached the Authority letter no. NHAI/PIU-Ramban/2019-20/11001/769 dated 29.01.2020 attached thereto a copy of Dy. Chief Engineer electrical, Northern railway department letter no. -4/1-Elect/C/USBRL/BAHL/NHAI/ dated 27.01.2020, which is self-explanatory.

With reference to the subject, it has been impressed upon that dumped muck in Kowbagh area so carelessly that under the 33 KV lines which has caused less clearance and in turn has caused power disruption for nearly 3 days in IRCON tunnel works at Sumber. Few months ago, the similar incident took place which has resulted in cutoff of power supply which in turn has delayed the IRCON tunnel works.

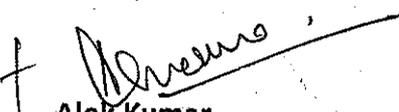
In this regard, you are hereby strictly directed to remove the muck and to place it at designated place adhering to the norms and guidelines set forth vide our letter at (3). Further, you are directed to submit the Action Taken Report (ATR) with photographs to Authority with copy to this office.

It is not out of point to mention that the Legal and Financial accountability in holistically shall be vested within M/s CPPPL whereas GECPL shall not be held responsible for it.

Treat matter as **MOST URGENT.**

Yours faithfully,

For M/s. **GAMMON ENGINEERS & CONTRACTORS PVT. LTD.**

  
Alok Kumar

Authorized Signatory

**Copy to:** 1. The Dy. Chief Engineer Electrical, Northern Railway

2. The Project Director, NHAI PIU-Ramban

3. The Team Leader, TPF GETINSA EUROESTUDIOUS SL In association with SCIA,  
Udhampur

**GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED**

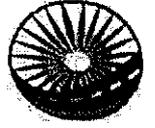
GAMMON HOUSE, VEER SAVARKAR MARG, P.O. BOX NO. 9129, PRABHADEVI, MUMBAI-400 025. INDIA.

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CIN No. " U45100MH2014PTC260191



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
राष्ट्रक परिवहन और राजमार्ग मंत्रालय, भारत सरकार  
**NATIONAL HIGHWAYS AUTHORITY OF INDIA**  
(Ministry of Road Transport and Highways, Govt. of India)  
PIU Ramban C/o RO Jammu, House No.315, Sector -1, Channi Himmat



**BHARATMALA**  
ROAD TO PROSPERITY

NHA/PIU-Ramban/2019-20/11001/769

29.01.2020

To,

**Authorised Signatory**  
**M/s Gammon Engineers & Contractors Pvt Ltd**  
H.no 92 Sec No 03,  
Channi Himmat Jammu.

**Sub:** Four Laning of Udhampur Ramban section of NH-1A (now NH-44) from Km 67+000 to km 89+000 and km 130+000 to km 151+000 on EPC mode in the State of Jammu & Kashmir under NHDP Phase II-Regarding muck dumping under 33 kv HT line ( HT feeder line from PDD grid Ramban to Railway station sumber for railway tunnel) by working agency of NHA M/a Gammon at Kohbag area, near in Ramban (J&K)

Sir,

Please refer letter no. 4/1-Elect/C/USBRL/BAHL/NHA dated 27.01.2019 regarding the cited subject. In this regard, you are requested to submit the comments to this office within 3 days.

An early action in this regard is highly solicited

**Purshotam Kumar**  
Project Director  
PIU Ramban.

Encl: As Above

Copy to:-

1. Regional Office NHA Jammu & Kashmir- For Information.



Gammon do with 3 days  
comment

Office of the,  
Dy. Chief Electrical Engineer/C,  
Northern Railway,  
VIII Krawah, P.O Banihal,  
Distt. Ramban, J&K-182146.

No.-4/1-Elect/C/USBRL/BAHL/NHAI/

Dt:-27.01.2020.

The Project Director,  
NHAI, Jammu (J&K).

(Kind Atten. Sh. Purushottam Ji.)

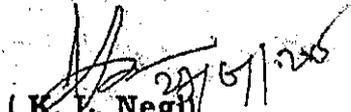
**Sub:** Regarding muck dumping under 33kV HT line (HT feeder line from PDD grid Ramban to Railway Station Sumber for railway tunnel project) by working agency of national highway M/s. GAMMON at Kohbag area, near in Ramban (J&K).

In reference to cited subject, a 33kV-HT feeder line (From PDD grid Ramban to Sumber Railway Station) which is passing at Kohbag area, was disconnected by Power Development Department (JPDCL) on 25<sup>th</sup> January due to less clearance under 33kV overhead conductors and top level of muck dumped by M/s. GAMMON working agency of national highway at Ramban, resulting from 25<sup>th</sup> to 26<sup>nd</sup> and up to 27<sup>th</sup> at 15 hrs 33kV feeder supply was disconnected by PDD, due to safety purpose, hence construction work of railway tunnels at Sumber got effected.

Such type process of muck dumping by working agency of NH, near 33kV HT line conductor or pole repeated regularly again and again, few months before pole/electrical structures was tilted and fittings/insulators were damaged due to unloading of muck near structure of 33kV near Ramban and same was rectified by IRCON.

In view of above, it is requested to do needful action for working agency of NH to stop and not to repeat such type activity in future and maintain sufficient clearance with 33kV feeder line as required for safety on priority.

Pl treat as most urgent.

  
( K. L. Negi )

Dy. CEE/USBRL/BAHL

Copy to:-

1. Sh. Ashwani Verma/DGM-Project /Gammon/Ramban for information pl.
2. CGM/IRCON/Sangaldan, for kind information pl.
3. CEE/USBRL/NR/Jammu.

Ref: GECPL/I402/URRP/PL/SC-CPPPL/2991

Date: 30-12-2019

**Choudhary Power Projects Pvt Ltd**

Choudhary Towers, 3rd Floor,  
Sector -1A, Ext. Trikuta Nagar,  
Jammu – 180012.



**Subject:** Four Laning of Udhampur to Ramban Section of NH-1A (now NH-44) from KM 67.00 to KM 89.00 and KM 130.00 to KM 151.00 on EPC mode in the State of J&K under NHDP Phase-II

**Reg:** Recklessness in excavation work and disregard of environmental norms.

**Ref:** News Published in Daily Excelsior Newspaper dated 29.12.2019, page 1 and page 11 Col 1.

Sir,

Reference is invited to the news published in Daily Excelsior newspaper dated 29.12.2019 in the matter of violation of NGT norms by your company.

GECPL vide its letter no. GECPL/I402/URRP/PL/SC/CPPPL/2878 dated 21.10.2019 guidelines and suggestions as prescribed in NGT order dated 12.2.2019 and certain directives from GECPL were communicated to your good offices and accordingly you were directed to refrain from the illegal and haphazard muck dumping along Nashri – Ramban Project stretch.

Due to your haphazard muck dumping it has caused serious concerns at District Administration level and higher echelons of the Central and State level. Series of notices have been issued against haphazard muck dumping and thereby polluting River Chenab and Nallahs, which have already forwarded to your office for intimation and corrective action but till date no compliance in the matter has been received by this office.

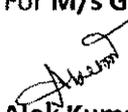
Please note that in connection to these received notices from various Govt. departments, news published in newspaper and any such further reference, the Legal and financial liability arises from it will be your sole responsibility and GECPL shall not be held liable for any Legal as well as Financial implications.

Hence, in view of the above it is directed kindly to look into the matter and consequently no violation of the environmental integrity or any statutory guideline be committed by your company and indemnify, defend, save and hold harmless the GECPL.

Treat matter as **MOST URGENT**.

**Yours faithfully,**

For M/s **GAMMON ENGINEERS & CONTRACTORS PVT. LTD.**

  
**Alok Kumar**

**Authorized Signatory**

**Copy to:** i. The Regional Officer, NHAI – Jammu

ii. The Project Director, NHAI – PIU Ramban

iii. The TEAM LEADER TPF GETINS EUROESTUDIOUS SL in association with SCIA, Udhampur.

**GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED**

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CIN No. " U45100MH2014PTC260191



NH44 Udhampur to Ramban

Aditya CPPPL, Alok Sir, Ashvani, Ch....



@ Sunil Mishra ji- plz do the maintainance also at peerah locations.

3:40 PM

Sanil NHAI PIU Jammu

Forwarded



3:41 PM

Clear the same

3:41 PM

+91 96508 69285 ~Sagar Kumar

Ok

3:41 PM





NH44 Udhampur to Ramban

Aditya CPPPL, Alok Sir, Ashvani, Ch....



+91 84938 67637

~chaitanya hari



Please deploy Grader at Dhalwas slide to clear slush @GECPL@CPPL.

12:56 PM

+91 84938 67637

~chaitanya hari



5:39 PM

+91 84938 67637

~chaitanya hari



5:39 PM

