

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi
In
Original Application No. 176/2023

Rohit Padha

Applicant

Vs.

Union Territory of Jammu & Kashmir

Respondent

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(P.K. Mishra)

Divisional Head

Water Quality Management Division -I

Central Pollution Control Board

Delhi-110032

Date: 31.07.2023

Place: Delhi

Interim Report of Joint Committee constituted under the orders of Hon’ble NGT in the matter of O.A.No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir

1. Background and the Orders of Hon’ble National Green Tribunal:

The matter is related to an application filed before the Hon’ble National Green Tribunal, wherein, issue of huge illegal encroachment causing damage to the natural flow, flora and fauna of the river, has been raised. As per applicant, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

In the above matter, Hon’ble National Green Tribunal vide order dated 28/4/2023 (**Annexure-1**) has observed and directed as follows:

“In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

CPCB shall be the nodal agency for coordination and compliance of this order.”

2. Compliance of the orders of Hon’ble National Green Tribunal:

In compliance of the Directions of Hon’ble National Green Tribunal, a joint Committee was constituted, based on the nominations received from various agencies, comprising of the following members:

1. Shri Nelapatla Ashok Babu, IRS, Director, National River Conservation Plan (NRCP), Ministry of Jal Shakti, Government of India
2. District Magistrate, Udhampur, Jammu and Kashmir
3. Nominee of Irrigation Department, Jammu & Kashmir
4. Shri Bader Hussain, AEE, Divisional Officer , Udhampur, J&K Pollution Control Committee
5. Dr. Narender Sharma, Additional Director, Central Pollution Control Board (CPCB), Regional Directorate, Chandigarh.

The first meeting of the Joint Committee was held on 06/07/2023 in the meeting room of the Dak Bungalow, Udhampur. The meeting of the Joint Committee held on 06/07/2023 was chaired by Shri Nelapatla Ashok Babu, IRS, Director, NRDC, GoI, New Delhi, which was attended by all the members of the Joint Committee and other officials representing UEED, Irrigation and Flood Control Department, J&K PCC, and District Administration (Attendance sheet attached as **Annexure- 2**).

Shri Joginder Singh Jasrotia, JKAS, ADC, Distt. Udhampur attended the meeting on the behalf of District Magistrate, Distt. Udhampur. Er. Harpal Singh, XEN attended the meeting as a representative of Chief Engineer, Irrigation & Flood Control Department, Jammu.

The application filed by the applicant in the matter was examined and it was observed that the applicant has raised the following key issues in the petition filed in the National Green Tribunal:

- Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- Dumping of the waste by the Devika Project comprising of three STPs (8 MLD, 4 MLD and 1.6 MLD) into the river.
- Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

It was decided to include entire stretch of the Devika River, from Gangera Hills to Nain Su, in the investigation, along with assessing the status of Sewage Treatment Plants (STPs) and addressing other points mentioned in the NGT Order and petition filed in the National Green Tribunal.

3. Report of the Joint Committee:

The site visit was conducted by the Joint Committee on 6-7 July, 2023. The Deputy Commissioner, Shri Sachin Kumar Vaishy, IAS, also accompanied the Joint Committee during the site visit on 6/7/2023. The officers of UEED and MC, Udhampur were also present during the site visit.

During the site visit conducted on July 6, 2023, the Joint Committee focused on the following areas and points:

- i. Devika Ghat and the location where Doodh Ganga Nalla merge with the Devika River.
- ii. Upstream and downstream areas of Devika Ghat.
- iii. Five out of the total eleven nallahs/drains that meet the Devika River.
- iv. Three Sewage Treatment Plants (STPs): STP Zone 1 (8 MLD); STP Zone 2 (4 MLD) and STP Zone 3 (1.6 MLD).

The following points were covered by the Joint Committee during the visit to be conducted on 07/07/2023.

- i. Inspection of complete stretch of Devika river from Gangera Hills to Nain Su.
- ii. C&D waste site of Devika Project.
- iii. MSW disposal site of Municipal Corporation, Udhampur

The minutes of the meeting (MoM) and the site visit report of the Joint Committee is attached as **Annexure-3**.

3.1. Factual Report by the Joint Committee:

The following are the key observations made by the Joint Committee during the site visit:

- a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes (**Photograph 1 of Annexure-4**)
- b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste (**Photograph 2-4 of Annexure-4**)

- c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river (**Photograph 5-7 of Annexure-4**).
- d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLD STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode (**Photograph 8 & 9 of Annexure-4**). However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.
- e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.
- f) The installation of an 8 MLD STP is still in progress (**Photograph 10 of Annexure-4**). The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.
- g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River (**Photograph 11 of Annexure-4**). Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project (**Photograph 12 of Annexure-4**).
- h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners (**Photographs 13-17 of Annexure-4**).

- i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress (**Photograph 18 of Annexure-4**)
- j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river (**Photograph 19 & 20 of Annexure-4**). The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

3.2. Report on the Action Taken by various Government Departments:

The Joint Committee requested the relevant information from the concerned department as per following list (**Table -1**) to prepare action taken report, as directed by Hon'ble National Green Tribunal.

Table-1. Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Details/Information Required	Concerned Department
1.	As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. The Action Taken Report in this regard is required from UEED and Revenue Department. XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River. The Action Taken Report (ATR) in this regard, is required.	Revenue and UEED.
2.	Total number of houses (STP wise) in the catchment of all three STPs ? Total Number of houses (STP wise) connected/to be connected to three STPs ? If possible, pls provide drain network for each STP.	UEED
3.	Status of completion of work in all three STPs (Component wise and separately for each STP) ? Time lines for completion of remaining work in all three STPs (separately for each STP) ? Status of CTO for operation of STPs ?	UEED
4.	Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.	J&K PCC
5.	Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months. Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.	MC, Udhampur

6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	MC, Udhampur
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	MC, Udhampur
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	J&K PCC
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	I&FC Department
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC.

ADC, Udhampur was requested to issue a letter to all the concerned departments, for providing the information to the Joint Committee latest by 18th July, 2023. Based on the information received by Joint Committee on the above points as on , the following is the report on the Action taken by various Government Departments in this matter (**Table 2**):

Table 2: Action taken by various Government Department on various issued related to the matter.

S.No	Particulars	Action Taken Report as provided by the concerned department.
1.	As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River.	UEED. The action taken report as provided by UEED is attached as Annexure-5. It was informed that the action on the order issued by Deputy Commissioner vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of river Devika from the upstream end of Ekta Vihar to MH Chowk was issued earlier also by District Administration Udhampur vide No. ACRU/SO/2262-67 dated 24/11/2020 and the Committee on 24/12/2020 headed by

		Tehsildar, Udhampur along with representatives of MCU, UEED, PMC and the Executive agency conducted site visit of the area (Details provided in Annexure-5).
2.	<p>Total number of houses (STP wise) in the catchment of all three STPs ?</p> <p>Total Number of houses (STP wise) connected/to be connected to three STPs ?</p> <p>If possible, pls provide drain network for each STP.</p>	<p>UEED. As per details provided by UEED:</p> <p>Total No. of houses presently available for sewer system in Zone 1,2 and 3 combined : 10232</p> <p>Total Number of houses connected/to be connected to three STPs: 9032</p> <p>STP 1 (Zone 1):5000 (To be connected)</p> <p>STP 2(Zone 2):2456 (Connected)</p> <p>STP 3 (Zone 3): 1528 (Connected)</p> <p>Drain Network attached with Annexure-5</p> <p>No. of houses dependent on septage Management system (60 KLD FSTP) : 1200</p>
3.	<p>Status of completion of work in all three STPs (Component wise and separately for each STP) ?</p> <p>Time lines for completion of remaining work in all three STPs (separately for each STP) ?</p> <p>Status of CTO for operation of STPs ?</p>	<p>UEED</p> <p>Status of Completion of work (Details provided in Annexure-5):</p> <p>STP1: Civil: 96% ; E/M: 95%</p> <p>STP2: Civil: 100%; E/M: 100%</p> <p>STP3: Civil: 100% ; E/M: 100%</p> <p>STP 1 & 2: 15th August, 2023</p> <p>STP3: 25th September, 2023</p> <p>Applied for CTO. Under process with J&K PCC.</p>
4.	Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/4135-37 dated 28/10/2021, to Director, Urban Local Bodies, Jammu regarding implementation of C&D Waste Management Rules, 2016 and CPCB Guidelines (Annexure-6), with reference to directions of Hon'ble NGT in the matter of 606 of 2018.</p> <p>Letter no. PCC/RDJ/MSW/21/4330-35 dated 9/11/2021 issued to Deputy</p>

		Commissioner, Udhampur regarding identification of site for C&D Wastes mentioning terms & conditions for using the proposed site (Annexure-7).
5.	<p>Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months.</p> <p>Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.</p>	<p>MC, Udhampur</p> <p>Details not provided so far.</p> <p>Details not provided so far.</p>
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	<p>MC, Udhampur</p> <p>Details not provided so far.</p>
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	<p>MC, Udhampur</p> <p>Not provided so far.</p>
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/3563-77 dated 31/10/2022, to Director, Urban Local Bodies, Jammu regarding obtaining CTE and CTO for the for solid waste management facilities (Annexure-8).</p> <p>J&KPCC vide No. JKPC/PCC/RDJ/MSW/22/2181-85 dated 29/9/2022 issued final notice to Executive Officer, Municipal Committee, Udhampur, for “Open dumping of garbage by Udhampur Municipality and thereby causing severe health problems including air and land pollution” giving 7 days time to show cause as to why Environmental Compensation on “Polluter Pays’ Principle and based on the directions of Hon’ble NGT in the matters of OA No. 199 of 2014, OA No. 606 of 2018 and OA No. 247 of 2017 not be recovered (Annexure-9)</p>
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	<p>I&FC Department (Annexure-10)</p> <p>The job of dumping of MSW pertains to MC, Udhampur.</p> <p>According to I& FC Department, as far as dumping of C&D waste is concerned, it is submitted that no</p>

		construction activity is being carried out by I&FC department at the banks of River Devika.
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department UEED: Dredging/Removal of sludge is not in the scope of project under execution (Annexure-5)
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC.

Following the site visit, a meeting was conducted with the complainant/applicant on 07/07/2023 to inquire if there were any additional issues or information they wanted to present to the Joint Committee. The applicant stated that they would be sharing further details in addition to what had already been submitted to the Hon'ble National Green Tribunal (NGT) through the Departmental Officer (DO), J&K Pollution Control Committee (PCC), Udhampur, for the consideration of the Joint Committee. The points related to environmental issues shared by the applicant to DO, Udhampur, J&K PCC are covered in the report.

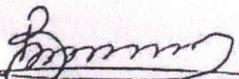
The following information requested by the Joint Committee is awaited from various Departments, for finalizing the action taken report, as directed by Hon'ble NGT:

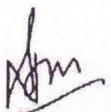
Table 3: Information awaited from various Departments.

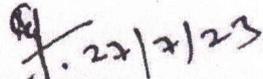
S.No.	Concerned Department	Information Awaited
1.	Revenue and UEED Udhampur	i) UEED and Revenue to clarify and incorporate in the report, if the structures/constructions observed by the Committee headed by Tehsildar (Annexure 5) are legal structures or encroachments, as alleged by the applicant.
ii)	MC, Udhampur	i) Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site. ii) Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?

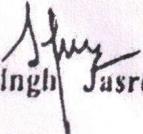
		<p>iii) Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat</p> <p>iv) Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.</p>
iii)		
	J&K PCC	<p>i) DO, Udhampur, J&K PCC to confirm, if CTE and CTO have been obtained by MC, Udhampur or still operating without CTO. If operating without clearances/permissions, action taken by J&K PCC</p> <p>ii) DO, Udhampur, J&K PCC to incorporate in the report, the action taken by J&K PCC after expiry of 7 days' time given to MC, Udhampur and details of Environmental Compensation recovered from MC. Udhampur.</p> <p>iii) Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.</p>

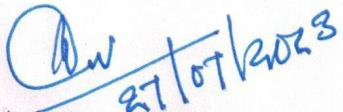
The above interim report of the Joint Committee is being submitted by the Joint Committee, before the Hon'ble National Green Tribunal, for consideration with a request for extension of time line upto August 12, 2023, to file the final report . The Joint Committee shall abide by the further orders of Hon'ble National Green Tribunal, in this matter.


 Badar Hussain, J&KPCC


 Er. Harpal Singh, I&FC


 Dr. Narender Sharma, CPCB


 Joginder Singh Jasrotia, JKAS,
 ADC


 Nelapatla Ashok Babu, IRS, MoJS

July 27, 2023

Item No. 04

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 28.04.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post/e-mail

ORDER

1. This original application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has been registered on a letter petition dated 02.10.2022 sent by Rohit Padha, 87/7, Dhar-Road, Shaktinagar, Garrian Talab, Udhampur.

2. The issue raised is that there is a river Devika in District Udampur, UT of Jammu & Kashmir. On the bank of said river there is a huge illegal encroachment causing damage to the natural flow, flora and fauna of the river. Further, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is also being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

3. In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has

arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

4. CPCB shall be the nodal agency for coordination and compliance of this order.

5. List for further consideration on 01.08.2023.

6. A copy of this order be forwarded to CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 28, 2023
Original Application No. 176/2023
SN

Sr. no.	Name of officer	Dept.	Contact no	Signature
1.	Raj Gopal Sharma	UEED	9419175045	
2.	SUSHIL RAZDAN	UEED	9419009808	
3.	Utkar Sharma, AEE	UEED,	9419121216	
4.	Randhir Singh	UEED	9419133960	
5.	Mahesh Gupta	ALPS PWA UEED (Consultant)	7889881816	
6.	Harpal Singh	Senior Investigator	9419198468	
7.	Bader Hussain	D.O. pcc udhampur	9419688550	
8.	Devendra Singh	Officer pcc udhampur	9419127656	
9.	Dr. Narendra Sharma	CPCB	9814004377	 Aut. 6/7/2023
10.	Sh. N Ashok Babu	M.O.S, Delhi	7588174955	
11.	Jaginder Singh Jorjia	ADM udhampur	9419114661	
12.	Dalip K. Ahrot	CEO M.C udhampur	7889563991	

Minutes of meeting (MoU) held on 06/07/2023 and Report of the Site Visit conducted by Joint Committee on 6-7 July, 2023 by the Joint Committee constituted under the orders of Hon'ble NGT in the matter of O.A.No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir

1. Background:

In the matter of O.A. No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir, Hon'ble National Green Tribunal vide order dated 28/4/2023 has observed and directed as follows:

“In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udhampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

CPCB shall be the nodal agency for coordination and compliance of this order.”

Accordingly, in compliance of the Directions of Hon'ble National Green Tribunal, a joint Committee was constituted, based on the nominations received from various agencies, comprising of the following members:

1. Shri Nelapatla Ashok Babu, IRS, Director, National River Conservation Plan (NRCP), Ministry of Jal Shakti, Government of India
2. District Magistrate, Udhampur, Jammu and Kashmir
3. Nominee of Irrigation Department, Jammu & Kashmir
4. Shri Bader Hussain, AEE, Divisional Officer , Udhampur, J&K Pollution Control Committee
5. Dr. Narender Sharma, Additional Director, Central Pollution Control Board (CPCB), Regional Directorate, Chandigarh.

The first meeting of the Joint Committee was held on 06/07/2023 in the meeting room of the Dak Bungalow, Udhampur.

2. Minutes of the meeting (MoM) held on 06/07/2023:

The meeting of the Joint Committee held on 06/07/2023 was chaired by Shri Nelapatla Ashok Babu, IRS, Director, NRDC, GoI, New Delhi, which was attended by all the members of the Joint Committee and other officials representing UEED, Irrigation and Flood Control Department, J&K PCC, and District Administration (Attendance sheet attached as **Annexure-1**).

Shri Joginder Singh Jasrotia, JKAS, ADC, Distt. Udhampur attended the meeting on the behalf of District Magistrate, Distt. Udhampur.

Er. Harpal Singh, XEN attended the meeting as a representative of Chief Engineer, Irrigation & Flood Control Department, Jammu.

After a short introduction of the attendees, Dr. Narender Sharma, with the Chair's approval, proceeded to provide the participants with a comprehensive overview of the subject matter. Additionally, the meeting also included a discussion on the extent and focus of the Joint Committee's responsibilities and tasks.

It was observed that the applicant has raised the following key issues in the petition filed in the National Green Tribunal:

- Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- Dumping of the waste by the Devika Project comprising of three STPs (8 MLD. 4 MLD and 1.6 MLD) into the river.
- Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

Shri Nelapatla Ashok Babu insisted that the entire stretch of the Devika River, from Gangera Hills to Nain Su, should be included in the investigation, along with assessing the status of Sewage Treatment Plants (STPs) and addressing other points mentioned in the NGT Order and petition filed in the National Green Tribunal.

It was agreed that following the site visit, the CPCB Member would compile a comprehensive list of necessary documents required from various departments to conclude the matter. This list would be issued to the respective departments through the District Magistrate/Additional District Magistrate of Udhampur District, for obtaining the required information and documents within a specified time frame.

Furthermore, it was agreed upon that a draft report comprising of both “Factual Report” and the “Action Taken Report” (ATR) would be prepared and circulated to all members of the Joint Committee no later than July 18, 2023, for seeking comments from the committee members, allowing for the finalization of the report by July 23, 2023. The nodal agency (CPCB), would then submit the report to the Hon'ble National Green Tribunal after obtaining approval of the Competent Authority.

Additionally, it was unanimously decided that the Joint Committee would conduct a site visit immediately following the ongoing meeting. The site visit would extend to the following day, July 7, 2023, to ensure a comprehensive examination of all the relevant points raised in the present matter.

The meeting ended with the vote of thanks to the Chair.

=====

3. Report of Site Visit:

06/07/2023:

The Deputy Commissioner, Shri Sachin Kumar Vaishy, IAS, also accompanied the Joint Committee during the site visit.

During the site visit conducted on July 6, 2023, the Joint Committee focused on the following areas and points:

- i. Devika Ghat and the location where Doodh Ganga Nalla merge with the Devika River.
- ii. Upstream and downstream areas of Devika Ghat.
- iii. Five out of the total eleven nallahs/drains that meet the Devika River.
- iv. Three Sewage Treatment Plants (STPs): STP Zone 1 (8 MLD); STP Zone 2 (4 MLD) and STP Zone 3 (1.6 MLD).

The following are the key observations made by the Joint Committee during the site visit:

- i. At Devika Ghat, the Devika River was found to be heavily contaminated with sludge, leaving minimal space for natural water purification processes.
- ii. The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river.
- iii. Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river.
- iv. The installation of a 4 MLD STP and a 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode. However, the installation of an 8 MLD STP is still in progress. The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented.
- v. It was noted that the flow meters installed at both the 4 MLD and 1.6 MLD STPs are inaccessible. Furthermore, the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed. The installation of centrifuges for sludge dewatering in the STPs is also pending.

The following points will be covered by the Joint Committee during the visit to be conducted on 07/07/2023.

- i. Inspection of complete stretch of Devika river from Gangera Hills to Nain Su.
- ii. C&D waste site of Devika Project.
- iii. MSW disposal site of Municipal Corporation, Udhampur

07/07/2023:

The following are the observations made by the Joint Committee during site visit on 07/07/2023:

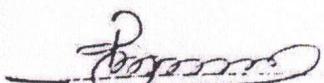
- i. Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River. Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project.
- ii. While inspecting the Sewage Treatment Plants (STPs) on 06/07/2023, the representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been effectively reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners. To ascertain whether the disposal of C&D waste complies with the project proposal approved by the Government, further information is being requested from the project proponent.
- iii. The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress.

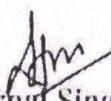
iv. Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river. The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

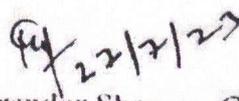
Further details have been requested from the MC representative in Udhampur to assess compliance with various provisions of the MSW waste rules at both sites.

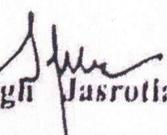
The Joint Committee has taken geo-tagged photographs of all the relevant points and locations visited during the site visit. These photographs will be incorporated into the report, providing a comprehensive analysis.

Following the site visit, a meeting was conducted with the complainant/applicant on 07/07/2023 to inquire if there were any additional issues or information they wanted to present to the Joint Committee. The applicant stated that they would be sharing further details in addition to what had already been submitted to the Hon'ble National Green Tribunal (NGT) through the Departmental Officer (DO), J&K Pollution Control Committee (PCC), Udhampur, for the consideration of the Joint Committee.


 Bader Hussain, J&KPCC


 Er. Harpal Singh, I&FC


 Dr. Narender Sharma, CPCB

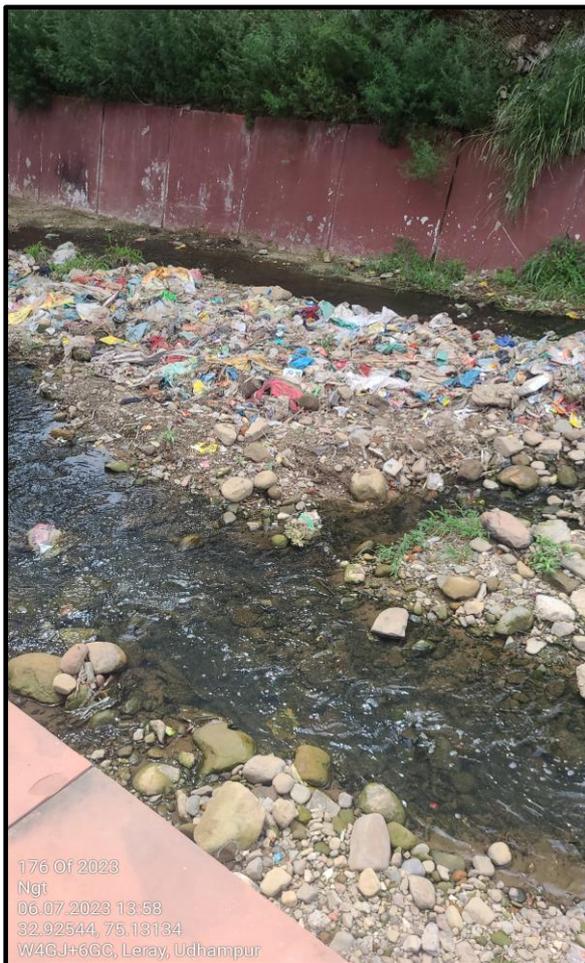

 Joginder Singh, JKAS,
 ADC


 Nelupatla Ashok Babu, IRS, MoJS

Annexure-4



Photograph 1: Devika River contaminated with Sludge and Silt at Devika Ghat



Photograph 2-4: Dumping of MSW and Plastic waste in River and drains



Photograph 5-7: Dumping of C&D wastes on the banks of Devika River downstream of Devika Ghat



Photograph 8-9: STP 2 and 3 under commissioning trial run



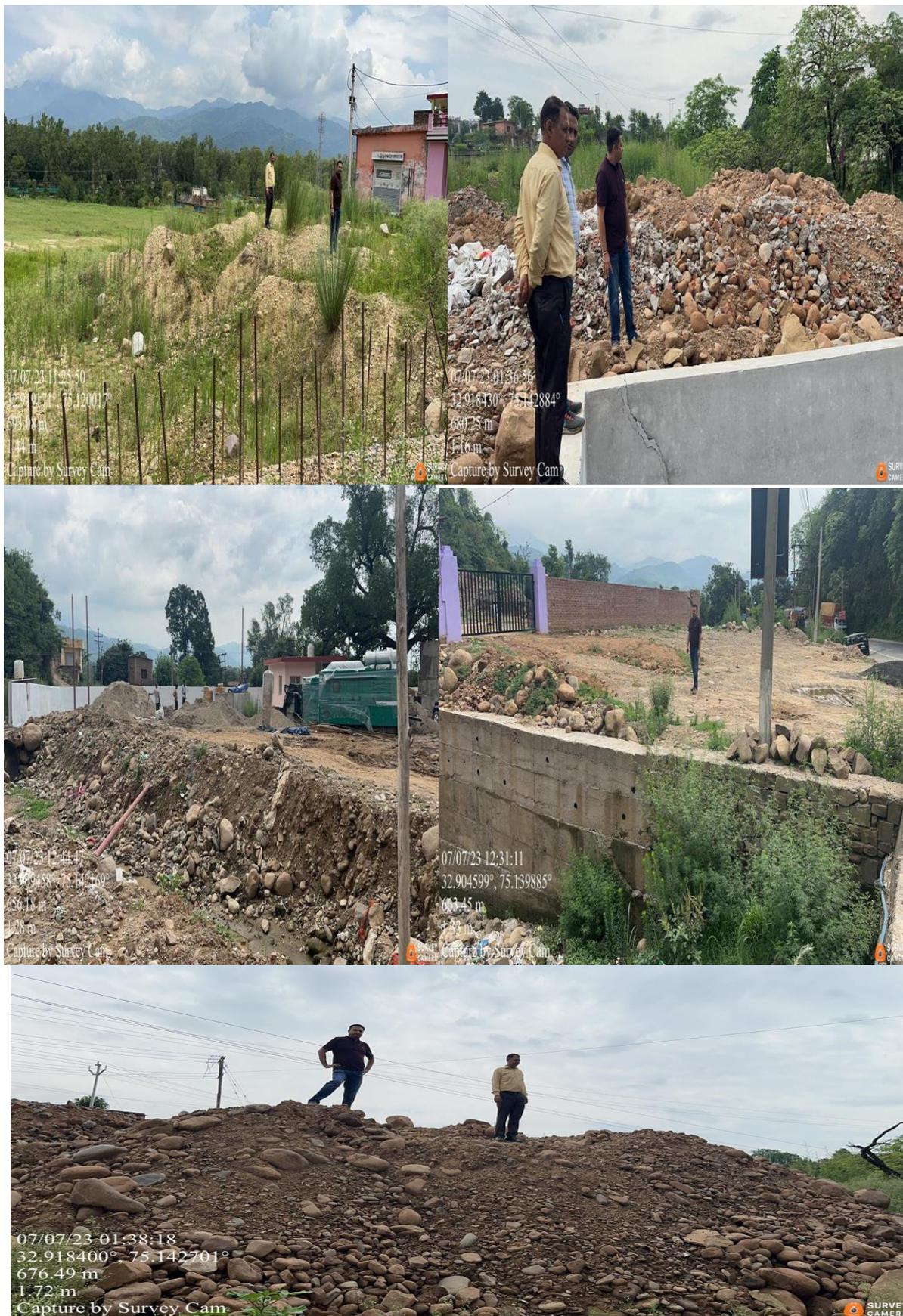
Photograph 10: STP 1 (8 MLD) under Installation



Photograph 11: Devika River at Gangera Hill which serves as source of its water



Photograph 12: Devika River at Nain Su downstream of Devika Project



Photograph 13-17: C&D Waste dumping locations



Photograph 18: MRF Facility at Legacy waste site



Photograph 19: Dumping of fresh MSW waste at proposed integrated processing site without obtaining clearances/permissions



Photograph 20: Dumping of fresh MSW waste at proposed integrated processing site without obtaining clearances/permissions

Annexure 5

in:sent

Narender Sharma 48

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**Re: NGT Matter of OA No 176 of 2023 Rohit Padha Versus Union Territory of Jammu &**

From: eesdwestjammu@gmail.com

To: Narender Sharma

No. of houses presently available for sewer system in Zone 1,2 and 3 combined : 10232

No of houses to be connected with sewer line upto STP : 9032

No. of houses dependent on septage Management system (60 KLD FSTP) : 1200

-With regards

Er. Vijay Singh Manhas
Executive Engineer
Sewerage & Drainage Division (West)
Jammu.

Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Details/Information Required	Action Taken by UEED
1	<p>As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal.</p> <p>The Action Taken Report in this regard is required from UEED and Revenue Department.</p> <p>XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River.</p> <p>The Action Taken Report (ATR) in this regard is required,</p>	<p>The action on the order issued by Deputy Commissioner Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of River Devika from the upstream end of Ekta vihar to MH chowk was issued earlier also by District Administration Udhampur vide no: ACRU/SQ/2262-67 dated: 24.11.2020 and the committee on 24.12.2020 headed by Tehsildar Udhampur along with representatives of MCU, UEED, PMC and Executing agency conducted site visit of the areas where the executing agency has shown his inability to lay sewer network due to resentment of public at some spots. (List of structures on Devika bank with layout plan attached for reference)</p> <p>The revenue officer after ascertaining the status with regard to ownership of the land discussed with few building owners whose houses were constructed on the bank of River Devika. All the occupants were requested for allowing a corridor from within their premises to lay the sewer network with the assurance that the minimum damage to their structure if so caused shall be restored by the executing agency. None of the occupants raised any objection and accepted to allow for execution of work. (Minutes of Committee report attached)</p> <p>Further the present status of the work is that 95% House hold connections of residential/commercial houses constructed on the banks of River Devika from Ekta vihar to MH chowk have been connected with sewer network and the liquid waste coming out from these houses is flowing in the piped sewers to STP and work of house connections for balance 5% is in progress, thus Devika River on this stretch shall be completely free from liquid waste.</p>

2	<p>Total number of houses (STP wise) in the catchment of all three STPs ? Total Number of houses (STP wise) connected/to be connected to three STPs? If possible, pls provide drain network for each STP.</p>	<p>Total No. of Houses proposed to be connected with 3 STP= 9032 STP-1 : 5000 No's STP-2: 2473 No's STP-3: 1559 No's Total (3STP's) : 9032 No's No. of Houses connected/to be connected: STP-1/zone-1: 5000 (To be connected) STP-2/zone-2: 2456 (connected) STP-3/zone-3: 1528 (connected)</p>
3	<p>Status of completion of work in all three STPs (Component wise and separately for each STP)? Time lines for completion of remaining work in all three STPs (separately for each STP) ? Status of CTO for operation of STPs?</p>	<p>Status of completion of work: STP-1: Civil works:96% & E/M works: 95% STP-2: Civil works:100% & E/M works: 100% STP-3: Civil works:100% & E/M works: 100% STP 2&3 have been put on Trial Run subject to few Punch items i.e. Installation of Centrifuge System & SCADA/online monitoring system wef 1st May & 1st June-23 respectively Time lines for completion of balance work: STP-1 : Proposed to be put on Trial Run by 10/12th Aug 23 with minimum 1500 HHC and the balance HHC by 25th Sept 23 STP-2 & 3 :Installation of Centrifuge System & SCADA & online monitoring system shall be completed by 15th Aug 23 Status of CTO for operation of STPs: under process with JKPC</p>
10	<p>Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat</p>	<p>Dredging /Removing of sludge is not in the scope of the project under execution.</p>

1005-2


Executive Engineer
Sewerage & Drainage Div. (West)
JAMMU



Name of the Project: Pollution abatement of river Devika and river Tawi at Udhampur town under NRCP Govt. Of India

Subject: Removal of Encroachment along river Devika for the construction of aforementioned work

*****Minutes Of Joint Visit*****

In pursuance to instructions from Deputy Commissioner Udhampur, vide his office letter no. ACRU/SQ/2262-67 dated 24/11/2020 issued by Assistant Commissioner(Rev) Udhampur, a joint visit by Revenue Authorities headed by Tehsildar Udhampur, Khalaf-Warzi officer from Municipal Council Udhampur, UEED Officers and executing agency of the sewage project (BGCC's) Senior Project Manager was conducted on 24/12/2020.

To begin with all the team members assembled at upstream end of proposed sewerage network at Ekta Vihar site and were explained about all the features of the project and various impediments/encroachments coming across the proposed layout along the left and right banks of river Devika. The revenue officer after ascertaining the status with regard to ownership of the land discussed with the following occupants of three buildings constructed on river banks

1. Raju Devi R/O Housing Phase II near Bridge Ph: 9086336405
2. Babu Ram Kotwal R/O Ekta Vihar (Rehmti) Ward no 19 Ph: 7006441102
3. Rajinder Kumar (R.K Traders) R/O Housing Phase II near Bridge

All the occupants were requested for allowing a corridor from within their premises to lay the sewage network with the assurance that minimum damage to their structures if so caused shall be restored by the executing agency. None of the occupants raised any objection and accepted to allow for execution of work.

This being a short visit due to pre-occupation of revenue authorities concluded with assurance from Tehsildar, Udhampur with staff and Khalaf-Warzi officer M.C Udhampur that this derive against encroachment shall continue unabatedly for successful achievement of the corridor for the network throughout the length of river Devika upto M.H chowck on both the sides and thus all the visiting members unanimously and responsibly decided that the executing agency BGCC shall immediately mobilize all the resources for starting the execution of sewage network from upstream end at Ekta Vihar and any problem regarding encroachment of land or outcry from any section of the society shall be instantly and responsibly addressed. On this the SPM of BGCC expressed affirmation and joint visit was concluded

SPM(BGCC)

J.E(UEED)

Khalaf-Warzi Officer
(MC, Udhampur)

Tehsildar
Udhampur

Issued by- Er. **S.K Gupta** (Team Leader)
For ALPS-PMR (Devika PMC)



ALPS Engineers - PMR Associates

Water, Waste Water, Solid Waste and Urban Infrastructure

Corporate Office: 701, 7th Floor, Jaina Towers, RDC, Raj Nagar, Ghaziabad -201001

Branch Offices: Srinagar Jammu Itanagar Udhampur



Copy to:

1. **Chief Engineer – UEED, Jammu & Kashmir– for kind information**
2. **Superintendent Engineer – Sewerage Circle UEED, Jammu– for kind information**
3. **Executive Engineer – Sewerage & Drainage Division (west) UEED, Jammu– for kind information with the request for onward submission to Deputy Commissioner Udhampur and other concerned agencies**
4. **AEE Sewerage Sub Division – II, Jammu– for information and necessary action please.**
5. **M/s Brij Gopal Construction Company Pvt. Ltd. – for necessary action urgently**

ALPS Engineers - PMR Associates

Water, Waste Water, Solid Waste and Urban Infrastructure

Corporate Office: 701, 7th Floor, Jaina Towers, RDC, Raj Nagar, Ghaziabad -201001

Branch Offices: Srinagar Jammu Itanagar Udhampur



To Jakhaini Park

Legend

Devika River	
Roads	
Houses	
Shops	
Factory	
Public/Semi Public	
Open Area	
Reduced Distance intervals	
Total Length of Devika River	3325 m
From Housing colony to Link Road Bridge	

NOTES:-

1. ALL DIMENSIONS ARE IN m. UNLESS OTHERWISE SPECIFIED.
2. DO NOT SCALE WORK. TO WRITTEN DIMENSIONS ONLY.

DEPTT	UEED, JAMMU (J&K)
PROJECT	POLLUTION ABATEMENT OF RIVER DEVIKA & TAWI AT UDHAMPUR, (J&K)
TITLE	Encroachment along Devika River

ALPS ENGINEERS
 701, 7th FLOOR, JAINA TOWER,
 RAJ NAGAR, GHAZIABAD - 2011001
 Telefax : 0120 -4544818
 E mail : erkb_69@hotmail.com

Details of structures along either side of Holy River Devika at Udhampur from Housing colony to link road bridge of length 3.32 kms under the project of pollution abatement of Holy River Devika and River Tawi at Udhampur (J&K)

A. Abstract of buildings

S.NO.	Types of buildings	Number of buildings
1.	Residential	41
2.	Commercial	5
3.	Schools	1
4.	Banquet halls	2
5.	Temples	6
6.	Taxi stand (government)	1
	Total	56

B. Details of structures constructed on the Banks of Devika River at Udhampur.

(Distance in mtrs.)

Building / Structure No. (as marked on the map)	Distance from Housing Colony to link road bridge near Omara Morh	Length of building / Structure along Devika River	Distance of building from bank of Devika River		Type of Building / Structure
			On left bank	On right bank	
1	150 m	26.00	0.20	-	Residential House 1
2	175 m	11.90	1.90	-	Residential House 2
3	200 m	22.14	1.10	-	Residential House 3
4	235 m	9.30	0.00	-	Residential House 4
5	240 m	8.80	0.00	-	Residential House 5
6	345 m	7.60	-	4.00	Residential House 6
7	350 m	8.00	-	0.00	Residential House 7
8	425 m	16.80	0.00	-	Residential House 8
9	470 m	24.25	0.00	-	Residential House 9
10	475 m	12.70	0.00	-	Residential House 10
11	490 m	7.50	0.00	-	Residential House 11
12	500 m	7.90	0.00	-	Residential House 12
13	450 m	7.30	-	0.00	Residential House 13
14	475 m	11.60	-	3.30	Residential House 14
15	500 m	23.50	-	0.00	Residential House 15

16	525 m	14.50	2.20	-	Residential House 16
17	535 m	9.80	2.20	-	Residential House 17
18	540 m	14.20	2.40	-	Residential House 18
19	545 m	14.00	2.80	-	Residential House 19
20	550 m	21.90	0.00	-	Residential House 20
21	620 m	10.00	3.50	-	Residential House 21
22	645 m	28.20	1.60	-	Residential House 22
23	875 m	7.00	-	0.00	Residential House 23
24	880 m	10.00	-	0.00	Residential House 24
25	885 m	3.30	-	0.00	Residential House 25
26	890 m	5.00	-	0.00	Residential House 26
27	895 m	3.60	-	0.00	Residential House 27
28	900 m	9.25	-	0.00	Residential House 28
29	915 m	7.50	-	0.00	Residential House 29
30	1025 m	11.00	-	0.50	Residential House 30
31	1050 m	8.20	-	1.00	Residential House 31
32	1075 m	16.75	-	4.00	Residential House 32
33	1095 m	20.40	-	4.90	Residential House 33
34	1105 m	12.15	-	3.40	Residential House 34
35	1120 m	9.00	-	0.00	Residential House 35
36	1625 m	11.80	-	0.00	Residential House 36
37	1630 m	9.50	-	0.00	Residential House 37
38	1640 m	5.50	1.30	-	Residential House 38
39	1800 m	15.50	-	0.00	Residential House 39
40	1825 m	24.20	-	0.00	Residential House 40
41	2600 m	9.20	-	3.5	Residential House 41
42	1150 - 1225 m	78.20	-	0.00	Commercial market at MH chowk
43	1395 - 1470 m	76.20	-	0.00	Commercial market opp. Sharika temple
44	1050 m	31.20	0.00	-	J.P Timber
45	1025 m	26.30	0.00	-	A - Z tiles
46	525 m	36.00	-	0.00	Godown near housing colony

47	985 m	15.00	0.00	-	Sacred Era school
48	550 - 645 m	91.30	-	0.00	Raiwayat Palace
49	375 - 425 m	55.50	0.00	-	Thappa Palace
50	1275 m	17.60	0.00	-	Taxi stand
51	1625 - 1735 m	109.40	-	1.00	Union Church
52	1200 m	59.00	0.00	-	Guru RaviDass ji temple
53	1900 m	15.80	-	0.00	ShanNi Temple
54	1925 m	14.00	0.00	0.00	Devak Mata temple
55	2500 m	16.00	-	3.30	Shiv temple
56	2125 m	34.00	-	0.00	Shiv temple

For Kavya Mitt

FOR ALPS ENGINEERS,
Raj Nagar, Gaziabad,
7th Floor, Jaina Tower,
Pin Code: 201001



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbimu@gmail.com; Tele/Fax: 091-2476926

NGT MATTER
 OA No. 606/2018

The Director,
 Urban Local Bodies,
 Jammu.

No.: PCC/RDJ/MSW/21/4135-37

Dated: 28/10/2021

Sub: **Implementation of Construction & Demolition waste management Rules, 2016 and CPCB guidelines issued thereof-regd.**

Sir,

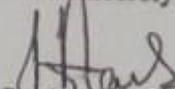
With reference to the subject matter regarding implementation of C&D waste management Rules, 2016, nothing concrete has been heard from your side till date. Your kind attention is further drawn towards few important duties of Urban Local Bodies as per Rule 6 (1, 4, 5, 10 & 11) under Construction and Demolition Waste Management Rules stated as below:

1. Issue detailed directions with regard to proper management of C&D waste within its jurisdiction in accordance with the provisions of these rules and shall seek detailed plan or undertaking as applicable from bulk generators of C&D waste;
2. Shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
3. Get the collected waste transported to appropriate sites for processing and disposal either through own resources or by appointing private operators;
4. Create a sustainable system of information, education and communication for C&D waste through collaboration with expert institutions and civil societies and also disseminate through their own website;
5. Make provision for giving incentives for use of material made out of construction and demolition waste in the construction activity including in non-structural concrete, paving blocks, lower layers of road pavements, colony and rural roads.

Pertinent to mention here that Recycling of C& D waste is important as it helps to reduce the dependence on natural resources and eliminates adverse environmental impacts of mining. Moreover, recycling of C&D waste has additional advantage of controlling the quantum of C&D waste destined for disposal at landfills besides reducing transportation costs.

As such, you are again requested to look into the matter and ensure compliance of the Hon'ble NGT directions in the matter of O.A. 606/2018 with respect to compliance under Rules for C&D waste, being one of the thematic areas identified.

Yours sincerely,


 (Sat Paul) IFS 27.10.2021
 Regional Director
 J&K PCC, Jammu

Copy for information to

- i. Member Secretary, J&K Pollution Control Committee, Jammu.
- ii. All DOs, JK PCC, Jammu for information and necessary action.
- iii. Concerned File.

D.O (Udh.)

2023.07.20 16:51



Government of Jammu and Kashmir
 J&K POLLUTION CONTROL COMMITTEE
 OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbmu@gmail.com
 Tele/Fax: 091-2476926

The Deputy Commissioner,
 Udhampur.

Date : 09 /11/2021

No.: PCC/RDJ/MSW/21/ 4320-25
 Sub: O.A. 606/2018 compliance of C&D Waste Management Rules, 2016 –Identification of site
 for collection / storage of C&D waste by Municipal Council, Udhampur -reg.
 Ref: MCU/2021-22/233; dt: 27.10.2021.

Sir,

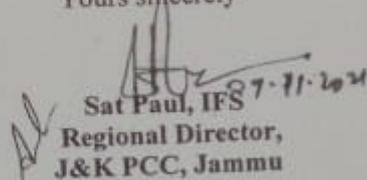
With regard to the subject and references mentioned above, it is to submit that the inspection of site measuring 10 kanals situated at Village Roun, District Udhampur was carried by the Committee comprising of Divisional Officer, PCC, Udhampur, and EO, Municipal Council Udhampur.

As per observations of the Committee, the proposed site apparently seems to be feasible for dumping / storage of construction and demolition waste, after proper leveling of the site, having medium slope.

Pertinent to mention here that concerned Municipal Council shall

- i). Issue detailed directions with regard to proper management of C&D waste within its jurisdiction in accordance with the provisions of these rules and shall seek detailed plan or undertaking as applicable from bulk generators of C&D waste;
- ii). Shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
- iii). Get the collected waste transported to identified site for processing and disposal either through own resources or by appointing private operators.
- iv) Provide an appropriate fencing and sign board outside the boundary wall of site / at site.
- v) Ensure development of buffer zone for C&D waste processing / Recycling facilities exceeding five Tonnes per day as per Buffer Zone Guidelines, 2019 issued by CPCB,

Yours sincerely


 Sat Paul, IFS
 Regional Director,
 J&K PCC, Jammu

Copy for information to

1. Divisional Commissioner, Jammu.
2. Member Secretary, J&K Pollution Control Committee.
3. The Director, Urban Local Bodies, Jammu.
4. Executive Officer, MC Udhampur for information and necessary compliance.
5. Divisional Officer, J&K PCC, Udhampur for information and necessary action.
6. Concerned File.

2023.07.20 16:49



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbimu@gmail.com; Tele/Fax: 091-2476926

The Director,
 Urban Local Bodies,
 Deeli, Jammu.

Dated: 31/10/2022

No.: PCC/RDJ/MSW/22/ 3563-67

Sub: Consent to establish and operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 - regd. Solid waste processing facilities.

Ref: DULBJ/2022/1028; dt27/05/2022.

Sir,

With regards to the subject cited and reference referred above and as per the annual report submitted by you vide No. DULBJ/2022/1028; dt27/05/2022. It is perused that

- i) There are five no. of solid waste processing facilities operational viz., Doda (STPD), Bhaderwah (STPD), Sunderwani (1.5TPD), Katra (200 KG) and Udhampur (1TPD).
- ii) There are two no. of MRF facilities in place, Viz katra (5TPD) and Udhampur (5TPD).
- iii) There are 16 no. of MRF facilities under construction & process to be taken up for 8 other Local bodies.

As such you are requested to ensure obtaining consent to establish and operate (CTE & CTO) for solid waste processing facilities (MC Doda, MC Bhaderwah, Sunderwani, Katra and Udhampur) through respective Executive Officers / Chief Executive Officers at the earliest.

Further it is pertinent to mention here that as defined under Rules there should be only dry waste (Non- compostable) waste collection, segregation, sorting and recovery of recyclables from various components of waste by authorized informal sector / any other work force engaged by the local body / any other entity before the waste is delivered for its processing or disposal. In case of additional line of activity, viz., processing of waste like composting / vermi composting / RDF within MRF facilities, *Consent to establish and operate* under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be obtained from JKPC.

Yours sincerely,

31.10.2022

(Sat Paul) IFS
 Regional Director,
 J&K PCC, Jammu

Copy for information to

1. Member Secretary, J&K Pollution Control Committee, Jammu.
2. Deputy Commissioner, Doda, Rajouri, Reasi & Udhampur.
3. Divisional Officer, JKPC, Doda, Rajouri, Reasi & Udhampur for information and updation after 15 days.
4. Executive Officers / Chief Executive Officers, MC, Doda, Rajouri, Reasi & Udhampur for information and necessary action.
5. Concerned File.

2023.07.20 16:55



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbjmu@gmail.com; Tele/Fax: 091-2476926

Executive Officer,
 Municipal Committee,
 Udampur.

No.: JKPCC/RDJ/MSW/22/ 2181-85

Date: 27-09-2022

Sub: Open dumping of garbage by Udampur Municipality and thereby causing serve health problems including air and land Pollution- show cause Notice for levying Environmental compensation.

- Ref:**
- i) No.: PCC/RDJ/MSW/21/1535-39; dt: 15/04/2021.
 - ii) No.: JKPCC/LSJ/847/2019/571-74; dt: 18/10/2021.
 - iii) No.: PCC/RDJ/MSW/21/7927-31; dt: 07/12/2021.
 - iv) News published in Jagran city Newspaper dated 10th July, 2022

FINAL NOTICE

Whereas, you were served with show cause notice vide No. JKPCC/LSJ/847/2019/571-74; dt:18/10/2021 to ensure implementation of SWM Rules, 2016 & Municipal Byelaws made there under.

Whereas, you were again served with another Notice from this office with advise to develop the said site identified as Material Recovery Facility only along with taking requisite steps to ensure compliance of relevant Rules and guidelines vide this office No. PCC/RDJ/MSW/21/7927-31; dt:07/12/2021 (Copy enclosed).

Whereas, as per fresh news article published in daily paper *Jagran City*, complete violation of the directions issued from this office, time to time with reports of burning of solid waste (News copy enclosed) has been observed, with heaps of mixed waste lying at the site.

Whereas, open littering of Solid waste is prohibited under Rule 9 (1 & 2) of J & K Non-Biodegradable material (Management, Handling and Disposal) Act, 2007, Rule 15 (g) of Solid Waste Management Rules, 2016 and Rule 6 (g) of Plastic Waste Management Rules, 2016 and burning of waste is also a punishable offence under above quoted Rules and as per directions issued by Hon'ble NGT dt: 22- 12- 2016 in OA 199 of 2014.

Whereas, the legacy waste collected at the Sui village, Udampur, being an open dumping site shall be treated as per provisions laid under Guidelines for treatment of legacy waste, 2019 as per clause "J" of SWM Rules, 2016.

Whereas, the *modus operandi* adopted by you repeatedly for handling and disposal of solid waste has put the environment of the area to grave threat due to deterioration caused by pollution of ambient air and water besides irreversible damage to whole ecosystem.

Now, therefore, take this notice and show cause within 07 days from the issuance of this notice as to why Environmental compensation on the stone of Polluter Pays' Principle (PPT) and based on the directions of Hon'ble NGT in the matter O.A No. 199 of 2014, O.A. No 606 of 2018 & O.A, No. 247/2017 not be recovered from you.

Encl: As above

(Sat Paul) IFS
 Regional Director
 J&K PCC, Jammu

Copy for information to:

- i) Member Secretary, J&K Pollution Control Committee, Jammu.
- ii) Director, Urban Local Bodies, Jammu.
- iii) Deputy Commissioner, Udampur.
- ✓ iv) Divisional Officer, Pollution Control Committee, Udampur for information and submission of updated status report within a week's time.
- v) Concerned File.

2023.07.20 16:56

OFFICE OF THE EXECUTIVE ENGINEER JAL SHAKTI IRRIGATION
DIVISION UDHAMPUR.

Email Id: - ifcjmuirrigationdivudhampur@gmail.com

Phone No: - 01992-270985

Dr. Narender Sharma,
Additional Director,
Central Pollution Control Board (CPCB),
Regional Directorate, Chandigarh.

No: - IDU/- 1371 Dated: - 13-07-2023

Subject: - In the matter of O.A. No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir, Hon'ble National Green Tribunal vide order dated 28/4/2023.

Sir,

Regarding point No: - 9, the reply is submitted as under:

The job of dumping of Municipal Solid waste (MSW) pertains to Municipal Council Udhampur. As far as dumping of C&D (Construction & Demolition) Waste is concerned, it is submitted that no construction activity is being carried out by the Irrigation & FC Department at the banks of river Devika.

Hence for information please.

Yours Faithfully



(Er. Harpal Singh Modi)
Executive Engineer
Jal Shakti Irrigation Division
Udhampur
(Nominee of Irrigation Deptt.
Jammu and Kashmir)