

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI
Original Application No. 163 of 2024

IN THE MATTER OF:

Rasikh Rasool Bhat

...Applicant

VERSUS

Union Territory of Jammu & Kashmir & Others

...Respondents

OBJECTIONS/REPLY TO THE REPORT OF DMO KUPWARA RESPONDENT NO 9

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Place : Danziwacha Baramulla J&K

Dated: 1st November 2025



Rasikh Rasool Bhat

Applicant-in-Person

Ahgam Rajwar Handwara 193221 J&K

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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Rasikh Rasool Bhat

... Applicant

VS

Union Territory Government of Jammu & Kashmir and Others

... Respondents

**OBJECTIONS / REPLY TO THE REPORT SUBMITTED BY DMO KUPWARA
(RESPONDENT NO. 9)**

MOST RESPECTFULLY SUBMITTED:

I. Preliminary Objections

1. The Applicant submits that the report submitted by Respondent No. 9 (DMO Kupwara) is incomplete, misleading, and fails to accurately reflect the ground realities of the Handwara–Bangus Road project.
2. The report fails to address the serious discrepancies in the quantity of Granular Sub-Base (GSB)/River Bed Material (RBM) utilized versus the quantity permitted and sourced legally.
3. It is submitted that the report does not comply with statutory obligations under the Mines and Minerals (Development & Regulation) Act, 1957, and relevant environmental regulations, thereby undermining the protection of ecology, biodiversity, and public interest.
4. The Applicant further submits that the report does not take into account the illegal use of heavy machinery for excavation and

transportation of RBM, resulting in significant environmental and financial irregularities.

II. Detailed Submissions / Objections

1. **Requirement of Granular Sub-Base (GSB) / River Bed Material (RBM):**
The Handwara–Bangus Road project, spanning approximately 40 km, required 1,30,000 MTs of GSB/RBM. The District Mineral Officer (DMO), Kupwara, vide Communication No. 9693-98 dated 28.11.2022, addressed to the Executive Engineer, R&B Handwara, explicitly stated that the Handwara Division does not possess the capacity to supply 1.3 lakh MTs of RBM for a single project.

(Copy enclosed as ANNEXURE R-1)

2. **Limitations of the JKPCC Report:**
The report submitted by the J&K Pollution Control Committee (JKPCC) is based entirely on information provided by the User Agency and pertains only to the period ending 18.11.2024. The JKPCC has not conducted any site inspection of the road construction site or the Bakiaker–Zachaldara–Talri Nallah post-2024. Therefore, the report is incomplete as work remained continuing in the entire year 2024 and 2025

3. **Discrepancy in RBM/GSB Utilization:**

According to the JKPCC report dated 18.11.2024:

- a. Total material used including the GSB/RBM till 18.12.2024: **74,461.6 MTs**
- b. RBM/GSB utilized till 18.11.2024: **61,830 MTs**
- c. Disposal Permits issued for GSB/RBB : **7,792 MTs**

Calculation of Unaccounted Material:

- d. $61,830 - 7,792 = 54,038$ MTs unaccounted
- e. Additional permits disclosed subsequently now by DMO Kupwara in ATR : **2,800 MTs (2,000 + 800)**
- f. Total permitted quantity: **10,592 MTs**
- g. **Material without documented source: $61,830 - 10,592 = 51,238$ MTs**

Considering total project requirement of 1,30,000 MTs, the unaccounted quantity is **78,762 MTs**, evidencing a substantial discrepancy with no records of sourcing by the User Agency or DMO Kupwara.

4. Illegal Use of Heavy Machinery:

At **Dobigat-Zachaldara**, Chalpora and other places of Bakiaker Zachaldara Nallah Heavy excavator and at least fleet of 12 Tippers/dumpers were illegally used at Dobigat Zachaldara between 140 m and 200 m of two vital bridges, a **210 HP excavator** was deployed under the direction of the Executive Engineer, PWD Handwara, as confirmed by the DMO (Annexed, Running P No 72).

- a. The excavator was **used without proper authorization** for RBM extraction.

Geotag Photographs Showing RBM/GSB extracted by Excavator ANNEXURE R2

- b. Technical specifications indicate that such machinery can excavate **300–400 m³ per hour**. Assuming a conservative estimate of 200 m³ per hour: if only 200 cubic metre is considered and cubic metre is converted into Metric Tons it will be as under

Conversion & Calculation:

- c. $200 \text{ m}^3 \approx 390 \text{ MT}$
 d. $390 \times 5 \text{ hours/day} = 1,950 \text{ MT/day}$
 e. For 7 days: $1,950 \times 7 = 13,650 \text{ MT}$
 f. Permits issued for this extraction: **2,800 MT**
 g. Unpermitted extraction: $13,650 - 2,800 = 10,850 \text{ MT}$

This clearly indicates illegal excavation and transportation.

5. Failure to Protect Ecology and Environmental Compliance:

The reports submitted by DMO Kupwara and other authorities are misleading and inadequate. Respondent No. 9 and other authorities have failed to discharge their statutory duties under environmental and mineral extraction laws. The impugned project demonstrates serious environmental and financial irregularities, posing a substantial threat to the local ecology, biodiversity, wildlife, and public interest.

R. K. Singh

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PRAYER : In view of the foregoing submissions, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to allow the prayers made in the OA and IA submitted by the Applicant, and further be pleased to direct a comprehensive and independent investigation, by the Central Bureau of Investigation (CBI), into the Handwara-Bangus Road project, in respect of large-scale violations of Indian Forest Laws, Mining Laws, and Biodiversity Laws, which have resulted in extensive environmental degradation and ecological damage, and to pass such further orders or directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, in the interest of justice, equity, and environmental protection.

Place *Dangirwala Baramulla*
Dated *01-Nov-2025*


Rasikh Rasool Bhat
Applicant in person
Ahgam Rajwar, Handwara – 193221, J&K
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Email: rasikhrasool@gmail.com

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AFFIDAVIT

I, Rasikh Rasool Bhat, S/o Gh Rasool Bhat, aged 36 years, R/o Ahgam Rajwar, Handwara, Kupwara 193221, J&K, do hereby solemnly affirm and declare as under:

1. I am the Applicant in the above Original Application and am well conversant with the facts and circumstances of the case.
2. I have read and understood the contents of the accompanying reply/objections to the report of DMO Kupwara and I state that the facts stated therein are true to the best of my knowledge.
3. The averments of facts stated hereinabove are true to the best of my knowledge. No part of it is false, and nothing material has been concealed therefrom.

[Signature]

DEPONENT

VERIFICATION

I, Rasikh Rasool Bhat (Deponent), do hereby verify that the contents of the foregoing affidavit are true and correct to the best of my knowledge and belief, and that nothing material has been concealed therefrom.

Verified at Handwara on this 09 day of NOV. 2025.

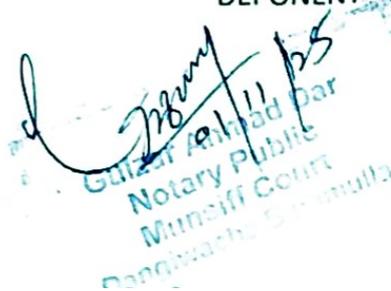
[Handwritten: Certified contents of this affidavit were declared on oath]

[Handwritten: Sworn by - Rasikh Rasool Bhat s/o Gh Rasool Bhat on 09-11-2025]

[Handwritten: Witnessed by H. A. ... S/o ... R/o ...]

[Signature]

DEPONENT



[Handwritten: Identified by H. A. ... S/o ... R/o ...]

Government of Jammu and Kashmir
Office of the District Mineral Officer Kupwara

The
Executive Engineer
R&B Division Handwara

ANNEXURE R 1

Subject: Permission for lifting of rover bed material (GSB) for construction of road from Handwara to Bangus 2nd Vide Chief Engineer's letter no. CE/RBKWS/14516-18 dated 02-08-2022

Reference: Your letter no 9693-98 dated 28-11-2022

Sir,

Apropos to cited subject and reference, it is to inform your good self that the 70% area of district falls under reserve forest area and a limited area of district is available for mining. The fewer streams following through inhabited area of district are available for river bed mining. Frequent public assets like bridge and inhabitation are available for river bed mining. Frequent public assets like bridge and inhabitation limit scope of extraction from rivers in the district. The Handwara division has not in capacity to supply 1.3 lakh Mts of RBM for single project.

Keeping the necessity of project into consideration this office has identified two spots outside nalla in the area where Khak Bajri/Bal Mukh is available. It is suggested that the material be tested for its strength and if feasible the same material can be used for completion of projected mentioned supra. However the same can be done only after clarification/ consultation of stake holding departments.

Thanking you

Yours Faithfully

Nr: DMO/KUP/DP/22/4004
dt: 01-12-2022.

[Signature]
District Mineral Officer
Geology and Mining
Kupwara

Copy to:

1. Deputy Commissioner Kupwara for information and necessary action please

[Signature]

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ANNEXURE R2



 **GPS Map Camera**

Zachaldara, ,
C55X+RHH, Zachaldara, 193221

Lat 34.410886°

Long 74.198672°

17/12/23 11:11 AM GMT +05:30



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ANNEXURE R2



 **GPS Map Camera**

Zachaldara, ,
C55X+RHH, Zachaldara, 193221

Lat 34.410886°

Long 74.198672°

17/12/23 11:11 AM GMT +05:30



Google

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ANNEXURE R2



 **GPS Map Camera**

Zachaldara, ,
C55X+RHH, Zachaldara, 193221
Lat 34.410886°
Long 74.198672°
17/12/23 11:11 AM GMT +05:30



Google

Objections/ Reply to the Report of DMO Kupwara in the OA 163 of 2024 NGT

Rasikh Rasool <rasikhrasool@gmail.com>

Mon, 10 Nov at 9:39 AM

To: <dmokup@gmail.com>, <dckup-jk@nic.in>, <Jkforest.adm@jk.gov.in>, Gautam Singh <gautamsinghh.ind@gmail.com>, <dfolangate@gmail.com>, <jkmining2021@gmail.com>, <cs-jandk@nic.in>, <membersecretaryjkspcb@gmail.com>, <jkpwd-rb@jk.gov.in>

Sir/Ma'am

Please find attached the objections/Reply by Applicant in response to Report filled by District Mineral officer Kupwara in OA

No. 163 /2024 titled Rasikh Rasool Bhat vs. Union Territory of J&K & Ors.

Regards

Rasikh Rasool Bhat

Applicant in Person

M No : 9103097097

objections to report of DMO Kupwarq.pdf