

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

O.A. No. 114 OF 2025

Sushil Kumar

...Applicant

V.

Union Territory of J&K & others

...Respondents

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09.03.2026
Jammu


Applicant


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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Union Territory of J&K & others

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In the matter of:

**Objection to the Report dated 15.12.2025 on behalf of the
Joint Committee.**

May it please your Lordships,

The applicant most respectfully submits as under:

Preliminary objections

1. The very composition of the 'Joint Committee', said to have been constituted and conducted the inspection in the three districts pursuant to the order passed by this Hon'ble Tribunal on 25.03.2025, was invalid for not comprising the members as directed by this Tribunal and so invalid is the Report submitted by the said 'Joint Committee'. Not only that, the final report submitted by the Deputy Commissioner, Jammu (Nodal Officer) vide his No. DCJ/2025/NGT/Legal/25-26/529 dated 15.12.2025 read with the interim report earlier submitted by him discloses a contradictory picture regards the composition of the 'Joint Committee'.

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2. As directed by this Hon'ble Tribunal vide the order passed on 25.03.2025, the Joint Committee was to comprise of; *i*) a representative of the Member Secretary, Central Pollution Control Board (CPCB), *ii*) the Member Secretary, State Pollution Control Board (now State Pollution Control Committee) (SPCC), *iii*) a representative of MoEF&CC, Chandigarh and *iv*) the District Magistrate, District, Jammu, also to act a nodal agency.

3. As per the final report submitted on behalf of the 'Joint Committee' by the Deputy Commissioner, Jammu (Nodal Officer) vide his No. DCJ/2025/NGT/Legal/25-26/529 dated 15.12.2025 read with the Interim Report earlier submitted by him, the 'Joint Committee' had conducted inspection in District, Jammu on 17.06.2025 and in Districts, Kathua and Samba on 23.06.2025.

District, Jammu

4. As per the interim report, the 'Joint Committee' that conducted the site inspection at different locations in District, Jammu on 17.06.2025 comprised of; *i)* the District Magistrate, Jammu, *ii)* Member Secretary, J&K Pollution Control Committee, *iii)* Regional Officer, MoEF&CC, Jammu, *iv)* one probationer IAS officer, *v)* Tehsildar, Jammu and *vi)* District Mineral Officer, Jammu. Indisputably, the said 'Joint Committee, did not comprise of any representative from the CPCB, who would have provided independent and much reliable opinion, given that the other three members were connected with issuance of the dredging permits and the transport permits leading to the violations as pointed out by the applicant in his application before this Hon'ble Tribunal.
5. Contrary to the interim report, as per Annexure-I, formulated by the District Mineral Officer, Jammu, to the final report the 'Joint Committee' that had inspected the sites on 17.06.2025 comprised of; *i)* the Deputy Commissioner (District Magistrate), Jammu, *ii)* Member Pollution Control Board (may be the Secretary, J&K Pollution Control Committee), *iii)* Member National Green Tribunal and *iv)* District Mineral Officer, Jammu. Indisputably, the Committee did not comprise of the representative of MoEF&CC, Chandigarh and the Member Secretary CPCB.



District, Kathua

6. As per the Interim Report, the 'Joint Committee' that conducted the site inspection at different locations in District, Kathua on 23.06.2025 comprised of; *i)* the Member Secretary, J&K Pollution Control Committee, *ii)* Regional Director, CPCB, Chandigarh, *iii)* Regional Officer, MoEF&CC, Jammu, *iv)*

ADM, Kathua, v) Tehsildar, Kathua, vi) District Mineral, Officer, Kathua, vii) Divisional Officer, PCC, Kathua and viii) Naib Tehsildar, Kathua. Indisputably, the District Magistrate, Jammu, appointed as the Nodal Officer by the Hon'ble Tribunal, did not participate in the proceedings.

7. Contrary to the interim report, as per Annexure-II, formulated by the District Mineral Officer, Kathua, to the final report the 'Joint Committee' that had inspected the sites on 23.06.2025 comprised of; i) Member Secretary, JKPCC, ii) Assistant Commissioner Revenue, Kathua, iii) Member National Green Tribunal and iv) District Mineral Officer, Kathua. Indisputably, the Committee as per the final report did not comprise of the representatives of the Member Secretary CPCB and MoEF&CC, Chandigarh as also the District Magistrate, Jammu/ the nodal officer.

District, Samba

8. As per the Interim Report, the 'Joint Committee' that conducted the site inspection at different location in District, Samba on 23.06.2025 comprised of; i) the Member Secretary, J&K Pollution Control Committee, ii) Regional Director, CPCB, Chandigarh, iii) Regional Officer, MoEF&CC, Jammu, iv) SDM, Ghagwal, v) Tehsildar, Ghagwal, vi) District Mineral Officer, Samba. Indisputably, the District Magistrate, Jammu, appointed as the Nodal Officer by the Hon'ble Tribunal, did not participate in the proceedings.
9. The final report in regard to District, Samba, however, sans any reference to the site inspections by any Joint Committee and on the other hand gives only 'Chronological Summary of Events Relating to Grant of Disposal Permits for River Bed Material from Bein River, District Samba.'

10. On a plain reading of the two reports it is clear that the Joint Committee, whatsoever, that is said to have visited the locations in the three districts did not comprise of all the members as directed by the Hon'ble Tribunal and sans the participation of important and, what may be called as, independent and most reliable members like the representatives of CPCB and the MoEF&CC. The District Magistrate, Jammu appointed as the Nodal Agency, who

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submitted the two reports, may well explain the contradiction in regard to the composition of the Joint Committee in regard to all the three districts, in particular the indisputable non-inclusion of a representative of the CPCB in the Joint Committee relating to Jammu, District. Unless a satisfactory explanation is given, the report of the 'Joint Committee' deserves no consideration and out-right rejection by this Hon'ble Tribunal.

11. It may be pointed out that the final report submitted on behalf of the 'Joint Committee' is in the shape of three Annexures (Annexure I, Annexure II and Annexure III) drawn by the District Mineral Officer of each district, none of whom has been kept as a member of the Joint Committee constituted by this Hon'ble Tribunal. None of these annexures bear the signatures of other members of the Joint Committee, said to have taken part in the inspection or even of the nodal officer. The final report, therefore, lacks authenticity and deserves rejection on that score also.

Objections on merits

12. It is important to refer to the order passed by the Hon'ble Tribunal on 25.03.2025, whereby the Joint Committee had been constituted. This Hon'ble Court while underscoring the seriousness of the allegations made in the original application of the applicant had prescribed two-fold mandate of the Joint Committee after visit of the site; i) to ascertain the correctness of allegations made by the applicant and ii) the extent of illegal dredging in the river bed by the respondent/project proponent.

13. The report submitted by the Nodal Officer as also the three annexures thereto clearly do not address the allegations of the applicant, in particular those arising from the contents of the Disposal Permit issued by Director, Geology and Mining in favour of M/S Shivalaya Construction Co. Pvt. Ltd. (Annexure VII to the application). The report along with a combined reading of the three annexures thereto at the most provides a brief account of chronology involved in issuance of dredging permits and transportation permits by the concerned authorities.

for

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14. That it is important to point out that the report or the annexures thereto lack any reference to the damage and violations to the environment committed by the agencies/project proponents under the garb of dredging/desilting of the rivers. On the other hand, the report and the annexures tend to give clean chit in this regard notwithstanding that an accumulative penalty of over eighty-two crore rupees have been imposed by the Geology and Mining Department on the executing agencies/project proponents for environmental violations committed in the process of excavation within a short span of time prior to the date of final report submitted on behalf of the 'Joint Committee'. This is borne out from the letter dated 31.07.2025 of the Directorate of Geology and Mining J&K to the Joint Director (K/J), Geology and Mining Department, Jammu/Srinagar and all the District Mineral Officers of the UT and other two applications dated 24.02.2025 and 17.04.2025 addressed to the project proponents (private respondents 12 and 11, respectively). This aspect seems to have been deliberately concealed in the report, notwithstanding that the annexures to the report have been drawn by the District Mineral Officers of the three Districts.

Copies of letter dated 31.07.2025, 24.02.2025 and 17.04.2025 are collectively enclosed as Annexure I.

That it is therefore most respectfully prayed that the report of the joint committee may be rejected and this Hon'ble Tribunal and also take note of the conduct of the officers involved in the preparation of the report. It is further prayed that the application may be disposed of on merits having regard to the objections filed/to be filed on behalf of the respondents.

09.03.2026
Jammu


Applicant


Ayushman Kotwal
Tejashwar Singh Chib
Advocates

(6)
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
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AFFIDAVIT IN SUPPORT OF
APPLICATION

I, Sushil Kumar, Age-38 years, S/O Tarsem Kumar, R/O Flat No. B-13, Sector 1, Dream Line, Trikuta Nagar, Jammu do hereby state on oath that I have read the present objections to the report and that the contents of the same are true to my personal knowledge and are also true upon legal advice received by me which I believe to be true.

Sushil Kumar
Deponent

 (6)
11/3/26

Verification

Verified by me at Jammu on 11.03.2026 that the contents made hereinabove are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Sworn that Smt / Shri Sushil Kumar
Who is Identified By [Signature]
and Witnessed by [Signature]
Presented to me today
I administered
Oath to her / him, which was affirmed to the
Contents of this affidavit hence attested

[Signature]
Deponent

OATH COMMISSIONER

[Handwritten signature]
As Witness

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Government of Jammu and Kashmir
Directorate of Geology and Mining, J&K

Annex I

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- 01-02)- The Joint Director (K/J)**
Geology & Mining Department
Jammu/Srinagar.
- 03-22) All District Mineral Officers**
Geology & Mining Department, J&K

No: - 1293/MCC/DGM/AMM/II/18/ 759- 782

Dated: -3 107.2025

Subject:- Extension in validity of Short-Term Permits and recovery of Penalty thereof.

Reference:- Govt. Order No.20-JK(MNG) of 2023 dated 09.05.2023

Sir,

Kindly refer above cited subject and reference. In this regard, this office vide letter No. 1293/MCC/DGM/AMM/II/18/2786-89 dated 26.06.2025 had instructed to direct the concerned *District Mineral officer (DMOs) to take immediate steps for recovery of the penalty amount to the tune of Rs. 82,57,71,150/- (Rupees Eighty-Two Crores, Fifty-Seven lacs, Seventy One thousand One Hundred Fifty Only) from the concerned executing agencies and furnish ATR to this Directorate within 02 days for its onward submission the Administrative Department.*

However, it is observed that Out of the above referred penalty amount, a meager amount of Rs. 86,445/- have been only recovered from the Executive Agencies till date and the matter has been viewed seriously by the higher authorities and the Administrative Department (Mining) vide letter No. GM-MNG/280/2021-04 dated 30.07.2025 has reiterated the instructions for immediate recovery the entire Penalty amount from the Executing Agencies without any further delay.

In this context, I am directed to request you to take urgent and concrete immediate necessary steps for the recovery of the Penalty amount from all the defaulters *without any further delay and furnish weekly report to this office.*

The Action Taken Report in this regard be submitted to this office within weeks time positively.

Matter may be treated as most urgent

Yours faithfully

Khurshedd Ahmad Mir
Tech. Officer to DGM
Directorate of Geology & Mining, J&K.

Copy to:-

1. The OSD to Hon'ble Deputy Chief Minister for kind information of the Hon'ble Deputy Chief Minister, J&K.
2. The Private Secretary to the Principal Secretary for kind information of the Principal Secretary to the Govt. Mining Department, Civil Secretariat, Srinagar.

31/7/2025

31.7.2025



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Government of Jammu & Kashmir (UT)
Geology & Mining Department
Office of the District Mineral Officer ,Kathua

Megha Engineering and Infrastructures Limited
MEIL Balsua- Hiranagar Expressway Pvt. Ltd. Package-14,
Sakta Chak, Barnoti ,Kathua ,J&K

No:- DMO/K/Misc/2024-25/1475-1477

Date :- 24/02/2025

Subject :- Excess excavation of minerals/Ordinary Earth /Penalty Notice

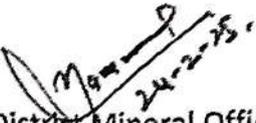
Sir,

It is intimated to you by this medium of conversation that undersigned along with field staff visited your following excavation sites (STP) and during the visit it was noticed that the material/ordinary earth excavated is much more than permitted as per STP's.

Sr No.	STP Permit Place / Area	Material	Qty over Excavated
01	@ Kothi site	Ord Erth	50000 MT Aprox
02	@ Dilman	Ord Erth	35000 MT Aprox
03	@ Danna	Ord Earh	25000 MT Aprox
	Total Amount of Ord Earth over excavated		110000 MT Aprrox

Where as you were asked to provide the details of extra excavated material ,which you failed to produce

As of now under powers vested to undersigned under SRO 105 to be read with MM (D&R) Act 1957 amended from time to time undersigned here by orders that a penalty amounting to Rs 24684000 /- (Rupees Two Crore Forty Six Lac Eighty Four thousand only) along with taxes as applicable for illegal mining of minor mineral be imposed on the aforementioned failing to which action under rules shall be taken against them.


District Mineral Officer
Kathua

Copy to :- 1.Deputy Commissioner , Kathua for kind information please.

2. Director Geology & Mining Deptt,J&K for kind information please.



Union Territory of Jammu & Kashmir

**Office Of the District Mineral Officer, Department of Geology & Mining
DC Office Complex, 2nd floor of Block No. 2, Nandini Hills Samba**

Pin Code: 184121

email: dmosambadgm@gmail.com

NOTICE



Vishwa Samudra Vaishnodevi Expressway Pvt. Ltd
R K Resort Near Nonath Ashram Ghagwal, Samba

No: - DMO/S/NOTICE/2025-26/ 52-54

Dated: - 17/04/2025

Subject: - Penalty Notice for illegal extraction by M/S Vishwa Samudra Engineering Pvt. Ltd in village Sangwali District Samba.

Whereas, a deputation of locals of village Sangwali, district Samba is received by this office regarding illegal extraction of minor minerals being carried out by the M/s Vishwa Samudra Engineering Pvt. Ltd. in the garb of Short Term Permits issued to the firm.

Whereas, during the perusal of the official record available, it has come to fore that 02 numbers of Short Term Permits have been issued in favour of M/s. Vishwa Samudra Engineering Private Limited at village Sangwali to extract 58,895 MT Ordinary Earth vide DGM order No. 1303/MCC/DGM/STP/2023/4970-75 dated 19-09-2024 and 56,694 MT Ordinary Earth vide DGM order No. 1303/MCC/DGM/STP/2023/6205-09 dated 09-12-2024.

Whereas, taking cognizance of the complaint a team of officers was constituted by the Office of the Joint Director Geology & Mining Department Jammu vide order no :- 44/Jt. DGM/VS/DAK/23-24/3701-3705, dated :- 19-02-2025 to conduct in depth inquiry of alleged illegal mining activities carried out by M/s Vishwa Samudra Engineering Pvt. Ltd.

Whereas, the committee constituted has submitted its report stating that M/s Vishwa Samudra Engineering Pvt. Ltd has violated the conditions stipulated under the issued STPs and an extra quantity of soil to the tune of 6000 MT has been extracted w.r.t to STP bearing Tracking Id No.1658755311.

Now, therefore, through the medium of this notice & under powers vested to undersigned under SRO 105 to be read with MM (D&R) Act 1957 amended from time to time you are hereby directed to deposit the penalty amounting to Rs 13,46,400 (Rupees Thirteen Lac Forty Six Thousand and Four Hundred only) including taxes on account of illegal extraction of 6000 MT of Ordinary Earth within 05 days positively failing which action under rules shall be taken against you.


 District Mineral Officer
 Geology & Mining Department
 Samba

Copy to the:-

1. Deputy Commissioner, Samba for favour of information please.
2. Joint Director, Geology and Mining Department, Jammu for favour of information please. This is in compliance to the committee constituted by your letter no 44/Jt.DGM/VS/DAK/23-24/3701-3705, dated 19-02-2025.