

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## PRINCIPAL BENCH AT NEW DELHI

## ORIGINAL APPLICATION NO. 543 OF 2024

## IN THE MATTER OF:

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION OF INDIA &amp; OTHERS

...RESPONDENTS

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Through



RITWICK DUTTA


ITISHA AWASTHI  
ADVOCATES

Counsel for the Applicant

N-73, Lower Ground Floor, Greater Kailash-1,  
New Delhi-110048Email id:- [Litigation@dclawchambers.com](mailto:Litigation@dclawchambers.com)

Place:- Delhi

Dated:- 17.07.2025

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**REJOINDER OF THE APPLICANT TO RESPONSE DATED 14.03.2025****OF THE SRINAGAR MUNICIPAL CORPORATION****MOST RESPECTFULLY SHOWETH:-**

1. That the above-mentioned Original Application has been filed under Section 14 and 15 of the National Green Tribunal Act, 2010 highlighting a substantial question relating to environment relating to illegal and unscientific dumping of solid, bio-medical and plastic waste at the Achan landfill in District Srinagar, Jammu & Kashmir which is causing large scale pollution to the area, particularly discharge of leachate in nearby water bodies, canal and Anchar Lake. The Original Application also seeks compliance with the directions contained in Judgment dated 13.01.2015 and Order dated 12.12.2017 in Original Application No. 277 of 2013 (Dr. Irfan Ahmad & Ors. Vs. Mr. Nawang Rigzin Jora & Ors).
2. That vide Order dated 12.12.2024, this Hon'ble Tribunal had directed the Srinagar Municipal Corporation to file a time bound action plan report highlighting the steps that will be taken to remediate the issue. The Order read as follows:

*"8. Taking into consideration the seriousness of the issue, the Commissioner, Srinagar Municipal Corporation is directed to provide a time-bound action plan to mitigate the situation on a mission mode. Further, JKPC is hereby directed to initiate action against the violations.*

*9. A report by the Commissioner, Srinagar Municipal Corporation and Member Secretary, JKPC shall be submitted at least one week before the next date of hearing."*

3. That in compliance, the Srinagar Municipal Corporation filed a response affidavit dated 14.03.2025 to which the Applicant has the following response (elaborated from para 4 onwards):

- (i) Srinagar Municipal Corporation has failed to undertake compliance with the Orders of this Hon'ble Tribunal and the Solid Waste Management Rules, 2016 and has used non-setting up of waste-to-energy plant as an excuse for such non-compliance;
- (ii) Srinagar Municipal Corporation has failed to provide information on what action was taken since the previous orders of this Hon'ble Tribunal dated 13.01.2015 and 12.12.2017;
- (iii) Timelines given by Srinagar Municipal Corporation in the Response Affidavit are vague and not backed by any further information on how the action plan will be achieved;
- (iv) The timelines given by Srinagar Municipal Corporation in Response Affidavit have been missed, especially with respect to leachate discharge and odor control;
- (v) No steps for waste management have been taken by Srinagar Municipal Corporation despite orders passed on 13.01.2015 by this Hon'ble Tribunal in OA No. 277 of 2013.

**A. Non-setting up of waste-to-energy plant cannot be an excuse for non-compliance in last 10 years**

4. That the Srinagar Municipal Corporation in its Response (@ Para 4) has stated that following the failure of the development of the waste-to-energy plant by the developer, the Srinagar Municipal Corporation is providing an action plan. The relevant part reads as follows:

*"The report provides an in-depth analysis of the current situation, ongoing and planned projects, and the actions taken to overcome challenges, particularly following the failure of the Waste-to-Energy (WtE) plant."*

5. It is the submission of the Applicant that the primary responsibility as per the Solid Waste Management Rules, 2016 as well as the Order of this Hon'ble Tribunal in Original Application No. 277 of 2013, wherein the Hon'ble Tribunal had directed the Srinagar Municipal Corporation to take steps to remediate the waste at Achan landfill site.
6. That the responsibility of the local body under the Solid Waste Management Rules has been elaborated upon in Para 20 of the Original Application (@ Page 22). Rule 15 clearly makes it the responsibility of the local body to prepare a waste management plan, arrange for door-to-door collection, set-up material recovery facilities, maintain segregation of waste and set up sanitary landfill sites.
7. That this responsibility has been in place since the time the Solid Waste Management Rules were issued and not after the failure to develop the waste-to-energy plant.
8. That this Hon'ble Tribunal in an earlier order dated 13.01.2015 in OA No. 277 of 2013 had issued directions to the Srinagar Municipal Corporation which have been annexed with the Original Application (@ Page 96). These directions pertained to waste management such as door-to-door collection, transport of waste, processing and treatment of municipal solid waste etc.
9. That such non-compliance on the part of the local body has led to a situation where there is large scale dumping of unsegregated waste at Achan and leachate is flowing into nearby water bodies. This act on part of Srinagar Municipal Corporation warrants penal action against it.

**B. No information provided on what action was taken since the previous orders of this Hon'ble Tribunal dated 13.01.2015 and 12.12.2017**

10. That the directions given in the Orders dated 13.01.2015 and 12.12.2017 by this Hon'ble Tribunal in Original Application No. 277 of 2013 (Dr.

Irfan Ahmad & Ors. Vs. Mr. Nawang Rigzin Jora & Ors) were issued almost a decade back.

11. That vide Order dated 13.01.2015, clear directions were issued with respect to waste management such as door-to-door collection, transport of waste, processing and treatment of municipal solid waste etc. Vide Order dated 12.12.2017, directions were issued to set-up a waste-to-energy plant for which a power purchase agreement had to be signed within 7 days from the date of order.
12. That however, Srinagar Municipal Corporation has failed in providing information on what steps were taken to comply with the Orders and to ensure that proper waste management at Achan landfill site is undertaken.

**C. Vague timeline given by Srinagar Municipal Corporation  
without any evidence of how the action plan will be achieved**

13. That the Srinagar Municipal Corporation has given timeline for action plan that will be taken to remediate the waste at Achan landfill site. It is submitted that the timeline given in the Affidavit is vague and no further information on how the action plan will be achieved has been given in the Affidavit.
14. That in Para 3 of the Affidavit, it is stated that the Action Plan is annexed, however, no such annexure is made part of the Affidavit.
15. That the Srinagar Municipal Corporation has not provided any information to show the internal decision making of the authorities to achieve the timelines in a realistic manner. The Affidavit is silent on how the timelines will be achieved which puts question on the veracity of the timeline given by Srinagar Municipal Corporation.

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## **D. No compliance with the timeline given in the Response by Srinagar Municipal Corporation**

16. That the Srinagar Municipal Corporation in its Response has given a timebound action plan for waste management at Achan landfill site which will be achieved in a phased manner. Phase I of this Action Plan provides immediate actions that are to be taken within 0-6 months i.e. from January 2025 to June 2025. These actions include operationalizing leachate treatment plant, regular application of anti-odor chemicals and bio-enzymes, plantation of 3,200 trees, regular fumigation and water sprinkling etc.
17. That it is the submission of the Applicant that even though the timeline for Phase-I is over, none of the steps mentioned in the Response have yet been implemented.
18. That one of the actions to be taken was operationalisation of a leachate treatment plant to ensure there is no leachate discharge from the landfill site. However, no leachate plant has been set-up which is leading to a situation wherein a huge pool of leachate has accumulated around the landfill site.  
  
Copy of photographs dated 10.07.2025 showing leachate pool around Achan landfill site is annexed herewith as **ANNEXURE A-1.**
19. That this leachate is being pumped into nearby paddy fields and a drain from this leachate pool is flowing into the Anchar Lake.  
  
Copy of photographs dated 10.07.2025 showing pumping of leachate into nearby paddy fields in annexed herewith as **ANNEXURE A-2.**
20. That further, another action to be taken by June, 2025 was ensuring that the odor is reduced and there is regular application of anti-odor chemicals and bio enzymes.
21. That however, the issue of odor from the landfill site has not been addressed and areas as far as 10 kilometres away from the landfill site

are experiencing odor issues. Due to this, there are rising cases of respiratory and skin illnesses amongst the people living in the area.

**E. No steps for waste management have been taken despite orders passed on 13.01.2015 by this Hon'ble Tribunal in OA No. 277 of 2013**

22. That this Hon'ble Tribunal vide Order dated 13.01.2015 in Original Application No. 277 of 2013 had directed the authorities including the Srinagar Municipal Corporation to take steps to ensure that there is proper management of waste and to reduce unscientific dumping of waste at the Achan landfill site. However, since no steps were taken, this Hon'ble Tribunal took cognizance of the issue by admitting the present Original Application and issued directions to the Srinagar Municipal Corporation to provide a time-bound action plan.
23. That however, even after passing of more than a decade, the Srinagar Municipal Corporation has not been able to comply with the Order of this Hon'ble Tribunal. Not only has the Order dated 13.01.2015 of this Hon'ble Tribunal been violated, but also the short-term action plan given by the Municipal Corporation itself has been violated.
24. That the Affidavit of Srinagar Municipal Corporation has also not provided information on the steps taken by the authorities in the last 10 years since the Order dated 13.01.2015 of this Hon'ble Tribunal to comply with the directions and to ensure proper waste management at Achan landfill site.
25. That in this light, the Applicant prays that strict action is taken against the Srinagar Municipal Corporation and it is held liable for remediation and restoration of the area.

26) Pass any other order as this Hon'ble Commission may deem fit in the facts and circumstances of the present case.

APPLICANT 

THROUGH



RITWICK DUTTA



ITISHA AWASTHI  
ADVOCATES

COUNSELS FOR THE APPLICANT

N-73, LGF, Greater Kailash - 1,

New Delhi - 110048

Mobile: +91 9312407881

Email: litigation@dclawchambers.com



**VERIFICATION**

Verified by Raja Muzaffar Bhat, aged about 46 years, S/O Bashir Ahmad Bhat, R/O Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir- 191113 do hereby verify that the contents of Paragraphs 1 to 10 are true to my personal knowledge and nothing material has been concealed therefrom.

Certified that the statement declared on oath before me at Srinagar on this day of 16-07-2015 by Raja Muzaffar who is identified by [Signature]

SHAMIMA AZIZ  
NOTARY PUBLIC

APPLICANT 



**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 543 OF 2024**

**IN THE MATTER OF:**

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR & ORS.

...RESPONDENTS

**AFFIDAVIT**

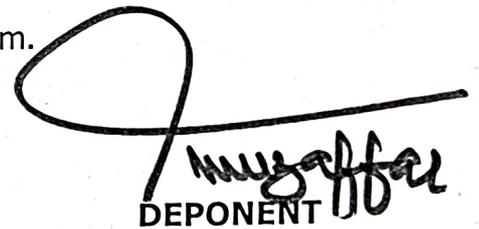
I, Raja Muzaffar Bhat, aged about 46 years, S/O Bashir Ahmad Bhat, R/O Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir- 191113, do hereby solemnly affirm and declare as under:

1. That I am Applicant in the above titled case, and hence well conversant with the facts and circumstances described in the present case and as such competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.



**VERIFICATION**

Verified on this 16 day of July 2025 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

  
DEPONENT

  
DEPONENT

ANNEXURE A-1

Photographs dated 10.07.2025 showing leacachte pool around the landfill site



ANNEXURE A-2

Photographs showing pumping of leachate into nearby paddy fields





Litigation . &lt;litigation@dclawchambers.com&gt;

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**Copy of Rejoinder on behalf of the Applicant in OA No. 543 of 2024 Raja Muzaffar Bhat Versus. MOEF & Ors.**

1 message

**Litigation .** <litigation@dclawchambers.com>

Thu, Jul 17, 2025 at 11:05 AM

To: "gmkawoosa@yahoo.com" &lt;gmkawoosa@yahoo.com&gt;, Advocate Raj Kumar &lt;advraj कुमार@gmail.com&gt;, membersecretaryjkspcb@gmail.com, secy-moef@nic.in

Cc: itishaawasthi@proton.me

Dear Sir/madam,

Please find attached- Copy of Rejoinder on behalf of the Applicant in OA No. 543 of 2024 Raja Muzaffar Bhat Versus. MOEF &amp; Ors.

Thanks & Regards  
Counsel for the Applicant

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 **Rejoinder to SMC on behalf of Applicant.pdf**  
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