

...RESPONDENTS

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Itisha

Email ID:- Litigation@dclawchambers.com

Dated:- 23.07.2026

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**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 & OTHERS

...RESPONDENTS

**REJOINDER OF THE APPLICANT TO RESPONSE DATED SEPTEMBER
2025 OF SRINGAR 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 the Applicant is filing the present Rejoinder to the Response dated September 2025 (uploaded on website on 17.07.2026) filed by the Srinagar Municipal Corporation (SMC), in compliance with the directions of this Hon'ble Tribunal.
3. That at the outset, the Applicant has the following submissions:
 - (i) Failed waste management at the Achan landfill site is causing suffering to the nearby hospital.

- (ii) SMC has not only failed in addressing the issue of solid waste management at Achan landfill and but has also provided insufficient information with respect to the steps taken on ground. There is no documentary evidence on record to corroborate the submissions made by SMC.
- (iii) SMC has failed in its duty as a local body to manage waste at local level and has violated the provisions of Solid Waste Management Rules, 2016.
- (iv) SMC has not provided any information as to why the earlier order of this Hon'ble Tribunal in in Original Application No. 277 of 2013 has not been complied with, even after passing of more than 10 years.
- (v) SMC has missed or extended all deadlines stated in its Affidavit dated March 2025, showing a lackadaisical approach towards waste management.
- (vi) District Magistrate ought to take steps for compliance with the provisions of Solid Waste Management Rules, 2026 as per the directions of Hon'ble Supreme Court in ***Bhopal Municipal Corporation v. Subhash C. Pandey & Ors.*** (Civil Appeal No. 6174/2023).

A. No proper steps taken by SMC for waste management causing suffering to the nearby hospital

4. That the Response of SMC dated September 2025 states that for odor control from the landfill site, anti-odour sprays and bio-enzymes are being used. However, the Applicant submits that even if these measures are being undertaken, the odor and fumes originating from the Achan landfill are reaching the Sher-i-Kashmir Institute of Medical Sciences, a government medical institute located near the landfill. This fact is evident from the newspaper articles which state that multiple letters were written by the hospital authorities to the SMC highlighting that the

persistent foul odour emanating from the Achan landfill site poses potential health risks to critically ill patients, attendants and hospital staff. The article records as follows:

"Kashmir's largest multi-specialty hospital SKIMS Soura, has sent repeated communications to Srinagar Municipal Corporation (SMC), the trail of communications revealing the long-standing public health concerns surrounding the Achan landfill.

...

In a letter dated June 2, 2026, SKIMS Medical Superintendent Prof Farooq Ahmad Jan has reminded the SMC of an earlier communication regarding the "persistent foul smell emanating from the Achan Dumping Site and the inconvenience caused thereby to patients, attendants and staff of SKIMS."

The letter has noted that despite previous letters conveying the concerns, the problem continued, particularly during summer."

Copy of article titled "*SKIMS concerned over Achan landfill stink*" dated 09.07.2026 published in Greater Kashmir is annexed herewith as **ANNEXURE A-1.**

5. That the claims of waste remediation by SMC, as per the Response dated September 2025 can be rebutted by the fact that had there been any kind of waste management at the site, the odor and foul smell from the landfill would have reduced in the past one year. However, the odor and foul smell continue to be emitted and has the potential of causing health issues amongst the people living in the area.

B. SMC has not provided any proof to corroborate the facts stated in its Response and the Applicant is unable to verify the on-ground situation since the respondents have restricted entry near the landfill

6. That the Applicant submits that SMC has provided the status of compliance with respect to the directions of the Hon'ble Tribunal and have attempted to create a picture that steps are being taken on ground to remediate the waste. However, none of the statements made by SMC has been corroborated by any documentary evidence, which can prove compliance on ground. The Response is limited to SMC's own submissions and in the absence of any annexures corroborating the submissions, it is difficult to ascertain the situation on ground.
7. That further, the Applicant would like to highlight that verifying the veracity of the submissions of SMC from ground is also not possible because the SMC has restricted entry near the landfill site, due to which the Applicant could not provide this Hon'ble Tribunal with the on-ground situation.

C. The SMC has missed or extended all deadlines stated in its Affidavit dated March 2025, showing a lackadaisical approach towards waste management

8. That the Applicant submits that a perusal of the Report filed by SMC in March 2025 (at Page 746) and the Report filed by SMC in September, 2025 shows that the inaction on part of SMC is not a case of isolated or minor delay, but a continuing and repeated failure of SMC to meet self-declared, time-bound commitments made directly before this Hon'ble Tribunal. The following table clarifies the manner in which all timelines have been missed or extended, showing that non-seriousness on part of SMC to undertake scientific management of waste:

Commitment (March 2025 Filing)	Deadline Undertaken	Status per September 2025 Filing / J&KPCC Inspection (16.07.2025)
Operationalise Leachate Treatment Plant	Phase 1: January – June 2025	ETP found "nonfunctional"; leachate untreated as on 16.07.2025 — i.e., after the promised deadline had lapsed
Cap waste cells / stop dumping	Phase 1: January – June 2025 ("mission mode")	Cells 1 and 3 found uncapped; ~500 MT/day still being dumped
MRF expansion 100 → 250 TPD	Phase 2: July – December 2025	September 2025 filing cites only the original 100 TPD baseline as "functional" — no expansion demonstrated
Bio-mining execution	Commence April 2025; 5 lakh MT by December 2026; full remediation by March 2027	Only "initial" operations started by September 2025; full remediation date silently revised to September 2027
Ragpicker safety integration	Flagged as deficiency since December 2024 order	Only a "survey" completed and a "plan finalised"; ~30 ragpickers still found working without safety measures on 16.07.2025
Green buffer plantation	Ongoing, target 10,000 additional trees	Identical figure of 3,200 trees repeated verbatim in both filings — no increment shown over the intervening six months

9. That in this light, this Hon’ble Tribunal may direct the District Magistrate to take steps to ensure compliance with the Solid Waste Management Rules, 2026, as per the directions of Hon’ble Supreme Court in ***Bhopal***

***Municipal Corporation v. Subhash C. Pandey & Ors.* (Civil Appeal No. 6174/2023).**

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

10. That the Srinagar Municipal Corporation in its Response has stated that following the failure of the development of the waste-to-energy plant by the developer, the SMC is coming up with an action plan.

11. 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 has been upon the SMC.

12. 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.

13. 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.

14. 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.

15. 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.

E. 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

16. That the Original Application filed by the Applicant had raised the issue of non-compliance with 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), which were issued almost a decade back.

17. 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.

18. 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.

19. That in light of the present facts and circumstances, the Hon'ble Tribunal may be pleased to pass appropriate orders.

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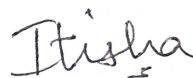
20. Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.


APPLICANT

THROUGH



RITWICK DUTTA



**ITISHA AWASTHI
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COUNSELS FOR THE APPLICANT

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VERIFICATION

Verified by Raja Muzaffar Bhat, aged about 48 years, S/O Bashir Ahmad Bhat, R/O Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir, do hereby verify that the contents of Paragraphs 1 to 20 are true to my personal knowledge and nothing material has been concealed therefrom.


APPLICANT

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**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 AND ORS. ...RESPONDENTS

AFFIDAVIT

I, Raja Muzaffar Bhat, aged about 48 years, S/O Bashir Ahmad Bhat, R/O Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir 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.

DEPONENT

VERIFICATION

Verified on this 23rd day of July 2026 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

I certify that the statement as
 contained on oath before me at
 Budgam Mission on this day of
23rd of July 2026 by Raja Muzaffar
Bhat S/O Bashir Ahmad Bhat
Gopalpura Budgam who is
 identified by S. K. Sharma
and Faraz Magrey
 Notary Public
 Budgam Mission

DEPONENT



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INDIA NON JUDICIAL

Government of Jammu and Kashmir

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 Unique Doc. Reference : SUBIN-JKJK-SELF59190503430597Y
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 Description of Document : Article 4 Affidavit
 Property Description : NOT APPLICABLE
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : RAJA MUZAFFAR BHAT
 Second Party : NOT APPLICABLE
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SKIMS concerned over Achan landfill stink

greaterkashmir.com/srinagar/skims-concerned-over-achan-landfill-stink-12147078

ZEHRU NISSA

July 8, 2026

[Srinagar](#)

The Institute has been sending pleas to SMC about the dumping site's impact on patients and residents.



SKIMS concerned over Achan landfill stink Photograph: (Mubashir Khan-File)

Srinagar, Jul 8: Kashmir's largest multi-specialty hospital SKIMS Soura, has sent repeated communications to Srinagar Municipal Corporation (SMC), the trail of communications revealing the long-standing public health concerns surrounding the Achan landfill.

The human-angle of the municipal failures raises fresh questions over whether the planned Rs 3s 361 crore interventions will match pace with the scale of the crisis.

Earlier in the week, J&K Assembly's Environment Committee ordered a health impact assessment of communities living around the Achan landfill. This brought renewed attention to what appears to have been years of documented warnings from the Sher-i-Kashmir Institute of Medical Sciences (SKIMS).

The Institute has been sending pleas to SMC about the dumping site's impact on patients and residents.

Official documents, accessed through an RTI reply obtained by activist M MShuja, show that SKIMS repeatedly wrote to SMC.

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It highlighted the persistent foul odour emanating from the Achan dumping site and warned that it posed potential health risks to critically ill patients, attendants and hospital staff.

The correspondence amply makes it clear that the issue was not merely one of civic inconvenience, but an emergency in the domain of public health.

In a letter dated June 2, 2026, SKIMS Medical Superintendent Prof Farooq Ahmad Jan has reminded the SMC of an earlier communication regarding the "persistent foul smell emanating from the Achan Dumping Site and the inconvenience caused thereby to patients, attendants and staff of SKIMS."

The letter has noted that despite previous letters conveying the concerns, the problem continued, particularly during summer.

The summer heat caused "considerable discomfort" and posed "potential health hazards to critically ill patients admitted in the Institute as well as to staff residing in adjoining residential areas."

SKIMS had also urged the municipal authorities to take "urgent and concrete measures" for effectively curbing the nuisance.

This, the Institute said, was critical in the larger interest of public health and patient welfare.

A similar letter had been sent to SMC on May 6, 2025.

The institute had stated that numerous complaints had been received from patient attendants affected by the odour.

It had also highlighted how the odour and fumes coming in from the site posed a health risk to terminally ill patients admitted at SKIMS.

The Assembly Environment Committee during its recent visit to the landfill, directed authorities to undertake a comprehensive health impact study of populations residing around the site.

This was sought amid long-standing concerns over environmental pollution and possible health consequences.

The Achan landfill has remained one of Kashmir's most persistent environmental challenges for years.

Residents living in surrounding areas have repeatedly complained of foul smell, smoke from periodic fires, leachate and increasing waste accumulation.

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The J&K government has sanctioned an Integrated Solid Waste Management (ISWM) Project at the Achan landfill site at an estimated cost of Rs 361 crore.

The project aims to establish a modern, scientifically managed waste processing facility with a capacity to handle approximately 800 tonnes of municipal solid waste per day.

Modern approach to collection, segregation, processing, treatment, resource recovery, and environmentally compliant disposal form the core areas of the project.

In addition, ongoing biomining and bioremediation programme to scientifically remediate nearly 11.5 lakh metric tonnes of legacy waste is also expected to help remediate the crisis.

Although the process of bio-remediation is expected to be completed over a period of approximately two years, stakeholders believe an independent civil society committee must be constituted to ensure success of the project.

Upon completion, the project is expected to substantially improve municipal solid waste management in Srinagar, and alleviate the suffering of its residents.

Related Articles



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Rejoinder to Respose on behafl of the Applicant in OA No. 543 of 2024 Raja Muzaffar Bhat Versus .MOEF & Ors.

1 message

Litigation . <litigation@dclawchambers.com>
To: Gautam Singh <gautamsinghh.ind@gmail.com>

Thu, Jul 23, 2026 at 12:06 PM

Dear Sir,

Please find attached- Rejoinder to Respose on behafl of the Applicant in OA No. 543 of 2024 Raja Muzaffar Bhat Versus .MOEF & Ors.

Thanks & Regards
Counsel for the Applicant



Rejoinder to Response on behalf of the Applicant.pdf
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