

Government of UT of Jammu and Kashmir

Office of the Executive Engineer R&B Division Handwara

IA No. 436/2025 in OA No. 163/2024 Titled Rasikh Rasool Bhat V/s UT of Jammu and Kashmir & Ors.

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Executive Engineer
R & B Division Handwara
Executive Engineer
R&B Division Handwara

Government of UT of Jammu and Kashmir

Office of the Executive Engineer R&B Division Handwara

Mr. Gautam Singh
Govt. Advocate for UT of J&K

No. 2504-10
Date:- 18/08/2025

Subject:- Para-wise reply / Response of I.A. No. 436/2025 in O.A No. 163/2024 titled Rasikh Rasool Bhat V/s UT of Jammu and Kashmir & Ors.

Sir,

Enclosed kindly find herewith copy of parawise reply / response in the above titled case with a request for filing the same in the Hon'ble court before the next date of hearing i.e 22-08-2025 of above titled case as directed by the Hon'ble court vide order dated 07-07-2025. (p/s copy enclosed)

Enclosure 07 leaves

Yours faithfully


Executive Engineer
R&B Division Handwara

Copy to the:-

01. Chief Engineer PW(R&B) Department North Kashmir, alongwith copy of Para-wise reply / Response of I.A No. 436/2025 in O.A. No. 163/2024 titled Rasikh Rasool Bhat V/s UT of J&K & Ors. for information.
02. Deputy Commissioner Kupwara, alongwith copy Para-wise reply / Response of I.A No. 436/2025 in O.A. No. 163/ titled Rasikh Rasool Bhat V/s UT of J&K & Ors. for information.
03. Superintending Engineer PWD(R&B) Circle Kupwara, alongwith copy Para-wise reply / Response of I.A No. 436/2025 in O.A. No. 163/ titled Rasikh Rasool Bhat V/s UT of J&K & Ors. for information.
04. Assistant Executive Engineer R&B Sub Division Handwara, alongwith copy Para-wise reply / Response of I.A No. 436/2025 in O.A. No. 163/ titled Rasikh Rasool Bhat V/s UT of J&K & Ors. for information.
05. Technical Officer Divisional Office for information.
06. Public Law Officer PW(R&B) Department Civil Secretariat Srinagar for information. Alongwith copy Para-wise reply / Response of I.A No. 436/2025 in O.A. No. 163/ titled Rasikh Rasool Bhat V/s UT of J&K & Ors. for information.
07. Assistant Legal Remembrancer PWD(R&B) North Kashmir for information.

428
01

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

I.A No. 436/2025 In Original Application No.163/2024.

In the case of :
(Applicant/Petitioner)

Rasikh Rasool Bhat

V/s

Union Territory of J&K &Ors.

(Non-Applicant/Respondent)

In the matter of: **Reply on behalf of respondent No. 02, 04 & 05**

May it please you Lordships;
The answering respondent most respectfully submit as under:-

That the roads constructed by the Department of PWD (R&B) are aimed to ease of access for the masses particularly for the places of social, economic and cultural spots & the instant road is aimed to boost the economy of the region and also for the promotion of tourism. It is further to reproduce that the road has been constructed primarily for National security and defense utility, as the said road serves only connectivity to the adjoining camps of Nagranar, Badarakali, Yemlar, Wadder, Bala, Mohaldoori and Bangus Base Camp, where the security forces of the country are performing their duties in the harsh conditions with no transport / logistic support and will serve as the shortest possible option for Bangus valley with a length of 40.50Kms from Handwara to the Bangus valley.

The instant road is being constructed as per the norms and the respondents have always ensured that no violation of environmental laws is done as the respondents are civilized citizens and are well aware of the constitutional and moral obligations with respect to environment in general and other duties towards the locals.

It is most respectfully submitted that the applicant is making bald allegations against the answering respondents for his political gains as the answering respondents are constructing the road as per the applicable normal of the project. The answering respondents would never imagine of doing anything which would cause any harm to the environment. The respondents being the

[Handwritten Signature]

public servants are well aware of the duties towards the people and also are well aware of the constitutional and statutory obligations and have always acted in consonance to these rules.

Para-wise reply is as under:-

Para 01. No environmental hazardous takes place as the road is of ODR nature which does not require any environmental clearances. This department has not done any substantial land use of chemical materials. However, there is not any mining execution at present in the Baikhaikher Nallah. It pertains to Geology and Mining Department.

Para 02. The bituminous work is going on Handwara Bangus road and 19 KM stands completed. However, this department is using VG-10 grade of bituminous which is chemical free and doesn't possess a threat flora and fauna.

Para 03. This department has never involved in any such practices as it pertains to irrigation and flood control department.

Para 04. However, the applicant has filled an RTI Through online portal (p/s copy enclosed) for viewing the starting environmental clearances of this road it is pertinent to mention here that only state highway and National Highway comes under the ambit of EIA notification 2006. as such Handwara Bangus road doesn't come in this categories all the protection works to protect the surface runoff and stop soil erosion so, that environmental, ecological can be maintained. P2:06 OA

Para 05. That the contents of the para are baseless based on submission and conjunctures which are far from reality it is submitted in reply that the calculation and analysis intimated by the forest Department, an amount of Rs 3.81 crore stand estimated with the Forest Department which is not the cost as the ownership of the forest land doesn't change and the amount transferred is subsequently utilized by the Forest Department for afforestation purpose under CAMPA or any other such afforestation programme taken up by the said department from time to time on a yearly base. The road permission is not accorded merely on assurances but certain joint inspection and surveys are conducted by the stakeholder Departments periodically before arriving to any conclusive decision. As labeled that 25000 trees have been cut / de-rooted is purely a defamation and intentionally misrepresentation of figures. The joint site inspection was done by the R&B Department and Divisional Forest Officer Langate forest Division, as per the joint inspection only 1002 trees of different categories such as deodar, Kail, and Fir are

coming under the alignment of road. The trees thus marked coming in the alignment are cut down by SFC (a sister concern of forest Department). As such R&B Department has no role in cutting down of trees, as misrepresented by the petitioner in his petition.

(A copy of Joint inspection is annexed herewith as Annexure p1.)

Para 06. This Department has already construction a road of about 40.50 KM from Handwara to Bangus valley. Keeping a close vigil over its protection works and other related woks to minimize the damages caused due to construction and future damages as well (annexure enclosed as p2 showing all the proposed / constructed protection and drainage works) some photographs have been attached herewith for ready reference of Hon'lbe court for their kind perusal. The Governance of the federation is aimed to defend its territory, population, integrity & it is legitimate & obligatory duty of every citizen & Department to ensure the intactness of unified boarders & the instant road execution is an attempt though least to equip our combating forces with alternative road facility as and when required by them & this shall amount to be a contribution for the purpose by a civil Department on long run.

Yours faithfully



Executive Engineer
R&B Division
Handwara

Copy to the:-

01. Chief Engineer PW(R&B) Department North Kashmir, please.
02. Superintending Engineer PWD(R&B) Circle Kupwara for information.
03. Assistant Executive Engineer R&B Sub Division Handwara / Rajwar for information.
04. Technical Officer Divisional Office for information.
05. Public Law Officer PW(R&B) Department Civil Secretariat Srinagar for information.
06. Assistant Legal Remembrancer PWD(R&B) North Kashmir for information.

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04

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"Annexure-P1"

"Annexure-11"

(42)

Government of Jammu & Kashmir

OFFICE OF THE EXECUTIVE ENGINEER R&B DIVISION HANDWARA.

JOINT SITE INSPECTION REPORT

A proposal has been submitted under the J&K Forest (Conservation) Act 1997 for use of forest land for non forestry purpose. The subject envisages the use of forest land for construction of Handwara to Bungus road. The site inspection of the land involved in the proposal has been done by us on dated:- 02-07-2017 to 25-07-2017. On inspection of the site, it is found that the land required by the user agency is a forest land measuring 14.00ha.

Date: 25-07-2017

Place: Handwara

Executive Engineer
R&B Division Handwara

(a) The user agency has not violated the provision of J&K Forest (Conservation) Act 1997, and no work has been started without proper sanction.

Handwara
Place: Handwara
Dated: 07-07-2017

Divisional Forest Officer,
Langate Forest Division,
Langate.

P
Joint Ins

4325

compensation of forest crop coming under the construction of
 ara to Bungus (km 1 to 35) by PWD (R&B) Division Handwara
 Compartment Nos. 2, 3a, 3b, 5, 6, 10, 11, 13, 14, 15, 16, 24, 25,

46
97

	Dia- class	No of Trees/ Poles	Standard Rate/ Tree	Amount in Rs	2 Times Compensation (Net Amount)	
	0-10	204	170			
	10-20	153	650	34680.00	69360.00	
	20-30	84	130	10920.00	21840.00	
	30-40	46	2450	112700.00	225400.00	
	40-50	35	4150	145250.00	290500.00	
	50-60	23	6700	154100.00	308200.00	
	60-70	21	10480	220080.00	440160.00	
	70-80	04	14030	56120.00	112240.00	
	80-90	05	18110	90550.00	181100.00	
	90-100	01	24080	24080.00	48160.00	
	100 Over	02	26450	52900.00	105800.00	
		578		1000830.00	2001660.00	
Kail	0-10	08	110	880.00	1760.00	
	10-20	27	410	11070.00	22140.00	
	20-30	25	820	20500.00	41000.00	
	30-40	25	1280	32000.00	64000.00	
	40-50	10	2200	22000.00	44000.00	
	50-60	07	4560	31920.00	63840.00	
	60-70	01	6730	6730.00	13460.00	
	70-80	0	0	0	0	
	80-90	0	0	0	0	
	90-100	0	0	0	0	
	100 Over	0	0	0	0	
	TOTAL	103		125100.00	250200.00	
01	FIR	0-10	23	70	1610.00	3220.00
02		10-20	02	270	540.00	1080.00
03		20-30	29	450	13050.00	26100.00
04		30-40	60	1130	67800.00	135600.00
05		40-50	32	2000	64000.00	128000.00
06		50-60	60	3940	236400.00	472800.00
07		60-70	39	6480	252720.00	505440.00
08		70-80	33	9060	298980.00	597960.00
09		80-90	22	10970	241340.00	482680.00
10		90-100	13	13170	171210.00	342420.00
11		100 Over	08	14120	112960.00	225920.00
	TOTAL	321		1460610.00	2921220.00	
	G. TOTAL D/K/F	1002	0	2586540.00	5173080.00	

Range Officer,
Rajwar

967 to be
20m well

DFO, Langate Forest Division,
Langate

REVISED ABSTRACT FOR CONSTRUCTION COMPONENT					
for					
Construction of Handwara-Bangus Road					
S/No	Item of work	Unit	Qty.	Allotted Rate in Rs.	Amount in Lacs.
1	Earthwork				
1 a.	Cutting of Trees				0.75
i).	Girth above 1800 mm to 2700 mm	No	156.00	50.00	7.80
ii).	Stump removal	No	967	50.00	48.35
1 b.	Excavation in soil in hilly areas by mechanical means				
i).	All kinds of soils	Cum	359366	99.00	355.77
ii).	Ordinary rock	Cum	23958	175.00	41.93
iii).	Hard rock (requiring blasting).	Cum	95831	240.00	229.99
iv).	Filling available earth	Cum	83500	80.00	66.80
2	Drainage				
i).	Construction of 1 X 10 M span Bridge	No	1	13535400	135.35
ii).	Construction of 1 X 6 M span Culvert	No	2	3006460	60.13
iii).	Construction of 1 X 5 M span Culvert	No	1	2135969	21.36
iv).	Construction of 1 X 3 M span Culvert	No	8	1926344	154.11
v).	Construction of 1 X 2 M span Box Culvert	No	10	1062478	106.25
vi).	Construction of Causeway	No	4	755400	30.22
3	Providing/ Laying of RCC spun pipes				
a).	600 mm dia pipe culvert	No	43	148192	63.72
b).	900/1000 mm dia pipe culvert	No	22	180592	39.73
vi).	Construction of Cement Concrete Drain	Rm	1375	3196	43.95
3	Protection Works				
i).	Construction of R/Wall	Rm	1067.253	15168	161.88
ii).	Construction of B/Wall	Rm	785	10103	79.31
4	Estimate for Road Furniture				7.78
				Total	1598.56

Assistant Ex. Engineer
R&B Sub Division Handwara.

Executive Engineer
R&B Division Handwara

Rs 1598.56 Lacs

Superintending Engineer
R&B Circle Baramulla
Superintending Engineer
PWD (R&B) Circle Baramulla
H.O. Baramulla

Chief Engineer
PW(R&B) Kishinir

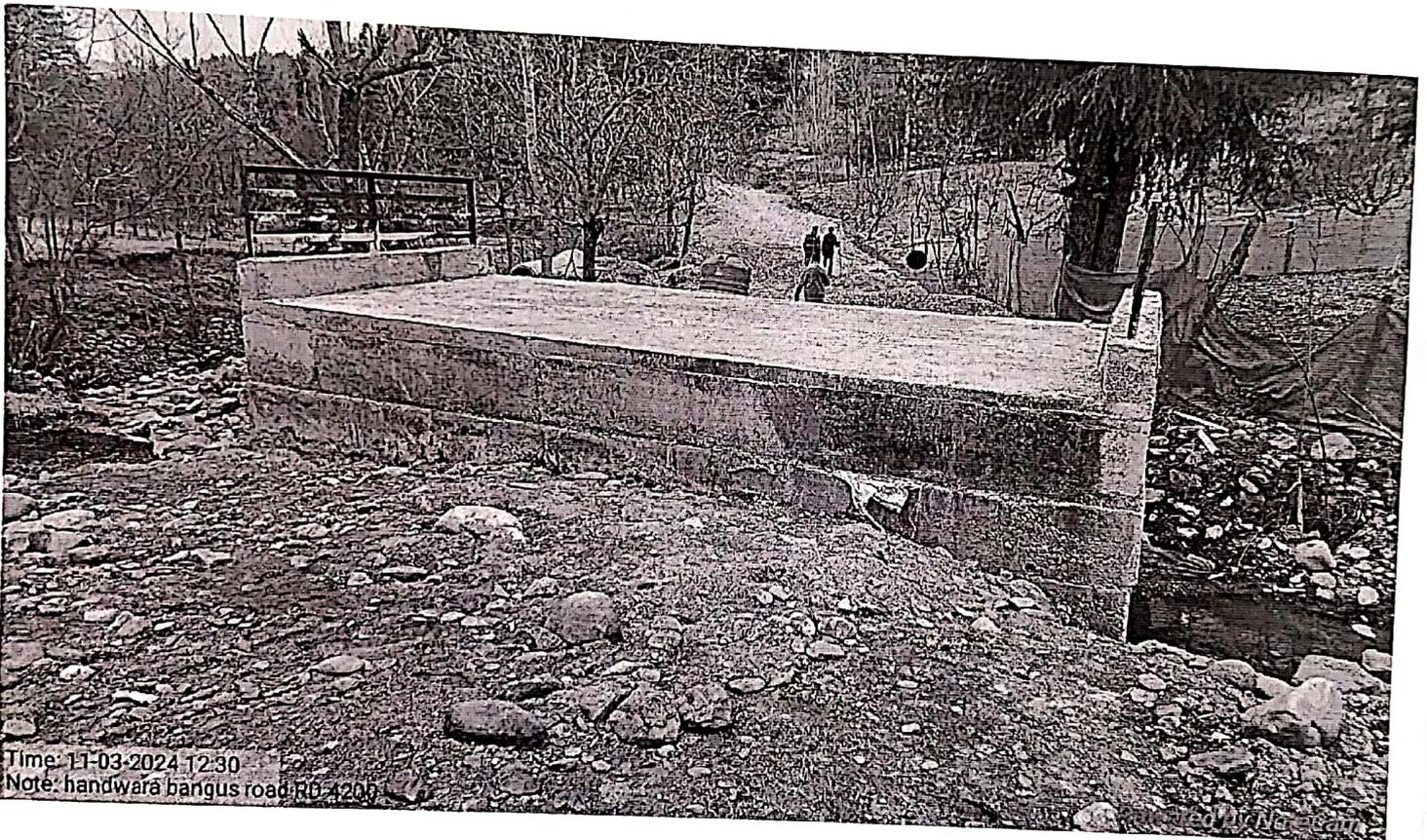
No of Culvert's / cross drainage = 21 NO's
of different spans

Construction of R/wall (Retaining) = 1067.25 Rm (Running meters)

Construction of B/wall (Breast wall) = 785 Rm (do do)

Spanned

07

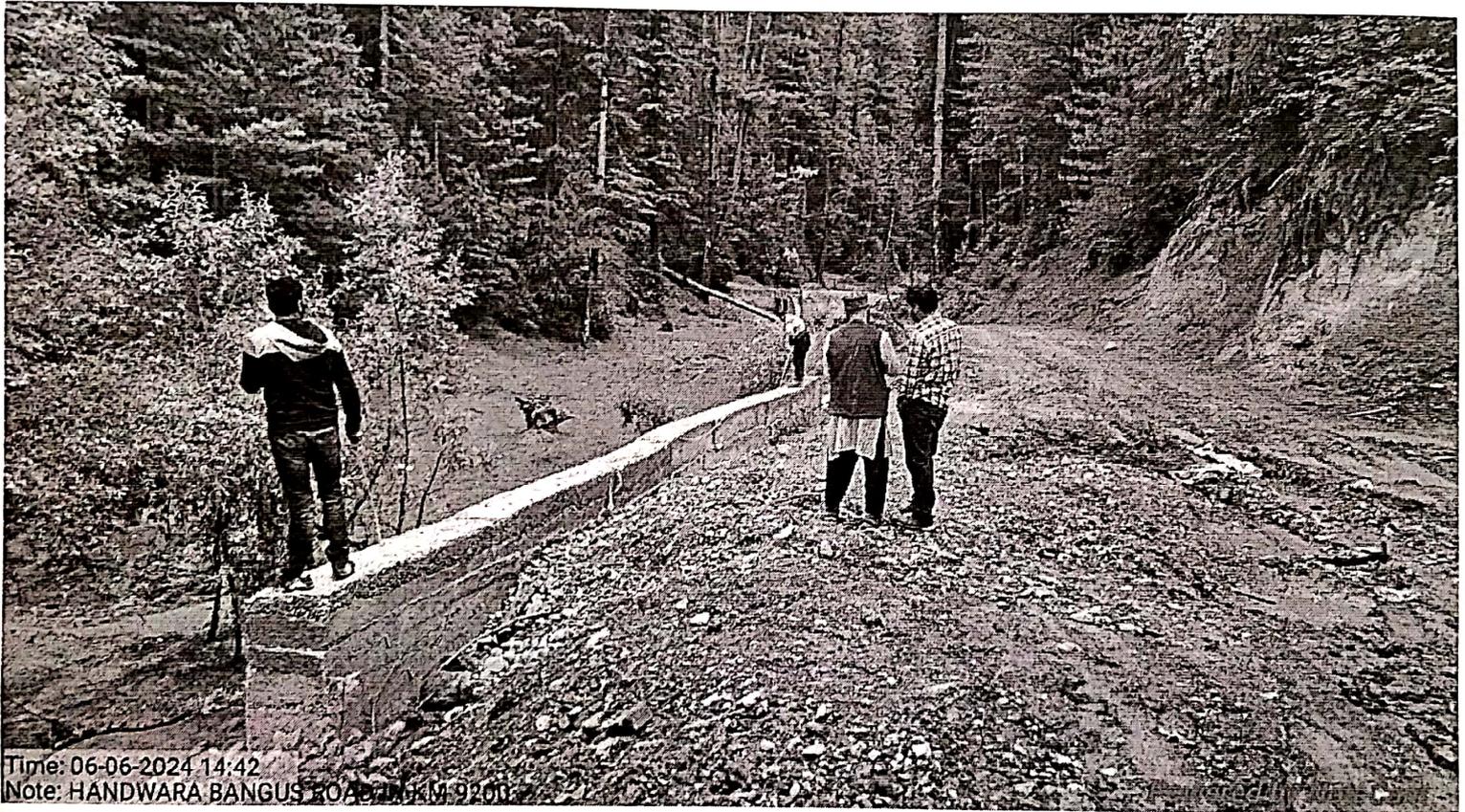


Time: 11-03-2024 12:30
Note: handwara bangus road RD 4200

08

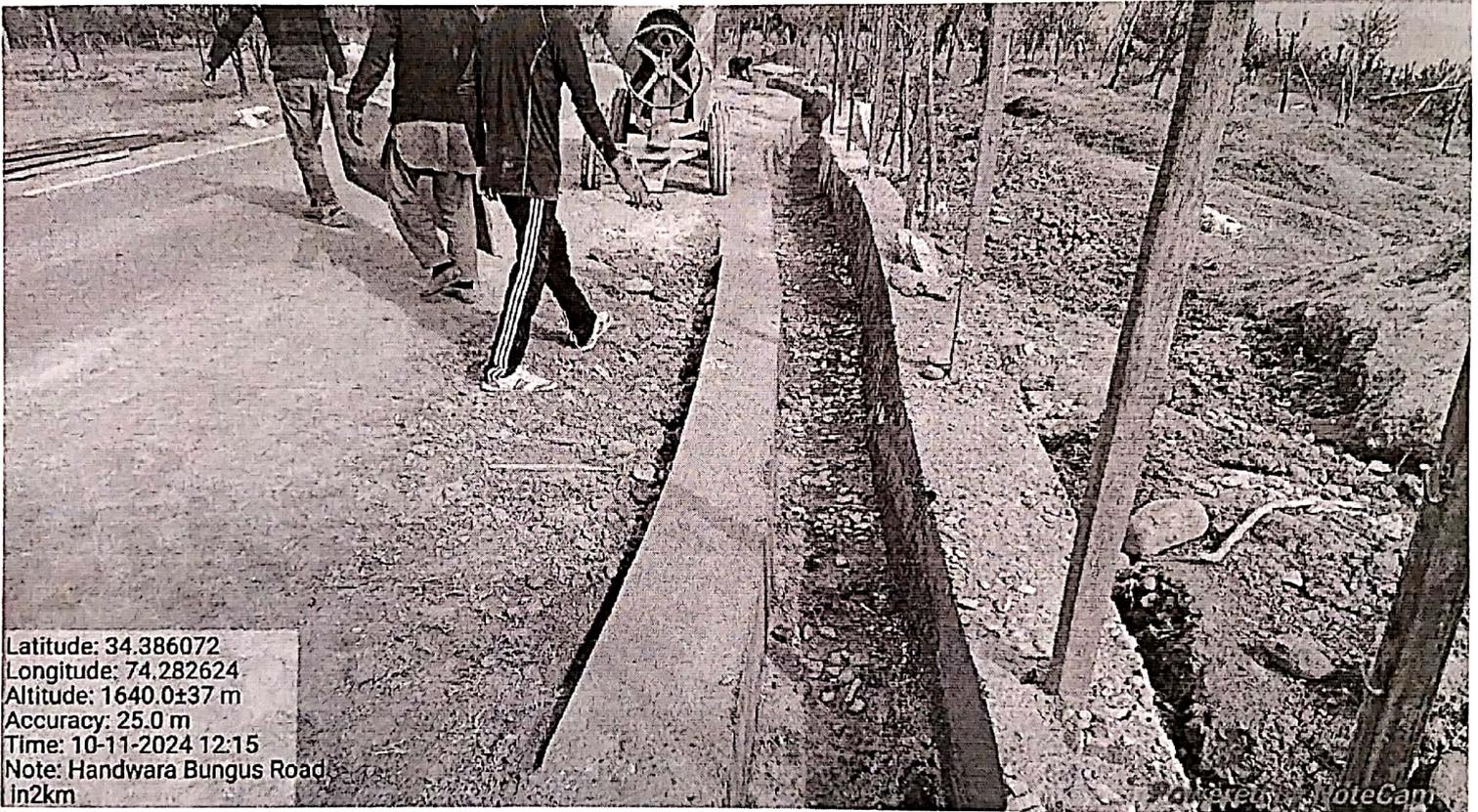


09



Time: 06-06-2024 14:42
Note: HANDWARA BANGUS ROAD IN KM 9200

10





438

11

GOVERNMENT OF JAMMU AND KASHMIR (UT)

OFFICE OF THE EXECUTIVE ENGINEER R&B DIVISION HANDWARA

The Member Secretary

No: 2652-56

J&K PCC Jammu

Dated: .22.08.2025

Sub: IA No 436/2025 in QA 163/2024 titled Rasikh Rasool Bhat V/s Union Territory of Jammu & Kashmir & Ors

Sir,

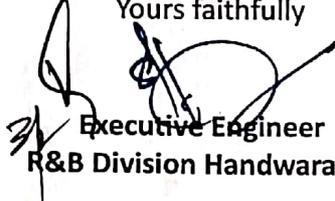
Kindly find enclosed herewith the relevant Permits bearing **permit No 27 dated 20.05.2023** and **Permit No 56 dated 22.07.2023** for quantities of **800 MTS** and **2000 MTS** respectively which clarify the discrepancy of 2728.8 MTs shown by J&KPCC mentioned in the order of Hon'ble NGT Principal bench New Delhi in the original application No 163 of 2024 Rasil Rasool Bhat v/s Government of UT J7K and others.

It is to mention here that these permits have been issued for the material which was lifted from **Maratgam land having khasra No 576** and not from Nallah Talri

Enclosures :

- i) Permit No27
- ii) Permit No56
- iii) Details of RBM used in Handwara Bangus Road as per J&KPCC report

Yours faithfully


Executive Engineer
R&B Division Handwara

Copy to

- i) Chief Engineer PWD (R&B) North Kashmir for information
- ii) Superintending Engineer PWD R&B Circle Kupwara Kashmir for information Please
- iii) Law officer PWD(R&B) North Kashmir for information and kind submission to Hon'ble NGT
- iv) Advocate Gautam Singh for information and kind submission to Hon'ble NGT





Government of Jammu & Kashmir (UT)
 District Mineral Office Geology & Mining Department Kupwara
 email: dmokup@gmail.com
 Tel. No: 01955-233572

DISPOSAL PERMIT

Permit No: 56
 Dated: 22-07-2023

-Valid Up to: - 02-08-2023

Subject: Construction of road from Handwara to Bangus Phase 2nd

Reference I: Letter from Executive Engineer (R&B) division Handwara vide No:
 13452-56 dated: 11-03-2023

Order

Whereas Executive Engineer R&B Division Handwara has requested for providing of sub-base material (GSB) for construction of road from Handwara to Bangus Phase 2nd vide his office letter No:- 13452-56 dated: 11-03-2023

Whereas the contractor Abdul Rashid has subcontracted the project to Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o: Langate vide his letter No: JKRC/OM/AM/1159 dated:01-04-2017

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. Have been exempted from requirement of Environmental Clearances.

Keeping in view the Govt. works of emergent nature and their time bond execution, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for removal of 2000 Mts of Mukh (GSB) form Maratgam (land vide khasra No:576) in consideration of payment of Rs. 66,300.00 (Rupees sixty six thousand three hundred ty only) on account of advance Royalty, Application Fee and TCS applicable vide G.R No:0916006 dated:22-07-2023

Subject to following terms and conditions

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM

Murad
 District Mineral Officer
 Geology & Mining Deptt.
 Kupwara

The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.

Surrender this permit in original to this department after dispatching last consignment within a weeks' time.

The permit holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.

- Work shall remain closed on Sundays.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited
- The Department shall not be responsible for any third party Claim.

No: DMO/Kup/DP/231/290-96
Dated: 22-07-2023

Authorized Officer
District Mineral Officer
Geology & Mining Deptt
Kupwara

Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
- Joint Director (K) Geology & Mining Deptt Srinagar for information please.
- Ex. Engineer (R&B) Division Handwara for favour of information please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for information and compliance
- Office file



Government of Jammu & Kashmir (UT)
 District Mineral Office Geology & Mining Department Kupwara
 email: dmokup@gmail.com
 Tel. No: 01955-251572

14 (3)

DISPOSAL PERMIT

Permit No: 08 27 L M
 Dated: 20-05-2023

Valid Up to: - 31-05-2023

Subject: Construction of road from Handwara to Bangus Phase 2nd

Reference I. Letter from Executive Engineer (R&B) division Handwara vide No:
 13452-56 dated: 11-03-2023

Order

Whereas Executive Engineer R&B Division Handwara has requested for providing of sub-baso material (GSB) for construction of road from Handwara to Bangus Phase 2nd vide his office letter No:- 13452-56 dated: 11-03-2023

Whereas the contractor Abdul Rashid has subcontracted the project to Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o: Langate vide his letter No: JKRCO/OM/AM/1159 dated:01-04-2017

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. Have been exempted from requirement of Environmental Clearances

Keeping in view the Govt works of emergent nature and their time bound execution, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o:Langate for removal of 800 Mts of Mukh (GSB) form Maratgam (land vide khasra No:576) in consideration of payment of Rs. 26,520.00 (Rupees Twenty Six Thousand Five Hundred and twenty only) on account of advance Royalty, Application Fee and TCS applicable vide G.R No:0914951 dated 20-05-2023

subject to following terms and conditions

- I. The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- II. The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- III. The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- IV. The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- V. The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.

(Signature)
 District Mineral Officer
 Geology & Mining Deptt.
 Kupwara

- VI. Surrender this permit in original to this department after despatching last consignment within a weeks' time.
- VII. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of Illegal Mining Rules 2016 failure of compliance/ any lapses/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- VIII. Work shall remain closed on Sundays.
- IX. Stocking of the extracted material is strictly prohibited.
- X. Mechanical screening of the extracted material is strictly prohibited.
- XI. The Department shall not be responsible for any third party Claim.

No: DMO/Kup/DP/22/S-77-85
Dated: 20-05-2023

[Signature]
Authorized Officer
District Mineral Officer
Geology & Mining Dept.
Kupwara

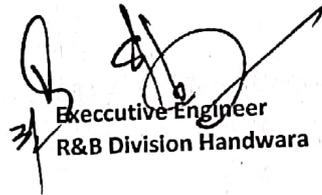
Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
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- Ex. Engineer (R&B) Division Handwara for favour of information please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- Mohammad Altaf Bhat S/o: Ghulam Mohidin Bhat R/o: Langate for information and compliance
- Office file

Details of permits for clarification of Quantities of RBM used in J&K PCC report				
	Material Extract from Nallah Talri	Quantity in MTS	Material obtained from Maratgam	Quantity in MTS
1	Permit No. 116 dated 19-10-2023	2000	permit No. 27 dated 20-05-2023	800
2	Permit No. 153 dated 28-11-2023	4992	Permit NO. 56 dated 22-07-2023	2000
3	Permit No. 175 dated 04-01-2024	800		
4	Nil			
Total Quantity (MTS)		7792	Total Quantity (MTS)	2800

Grand Total = 10592 MTS

The Discrepancy of materials shown by Jammu & Kashmir Pollution Control Committee in their report filed on 18-11-2024 is hereby cleared vide the annexure enclosed herewith as Annexure P14. The discrepancy of 2728.8 MTS shown by J&KPCC is actually the material obtained from another source by the name as Maratgam Land Khasra No. 576. The relevant permit issued vide No Permit No 27 dated 20.05.2023 & Permit No 56 dated 22. 07.2023 For quantity 800 MTS and 2000MTS are here by enclosed for ready reference


Executive Engineer
R&B Division Handwara