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**Jammu and Kashmir
Pollution Control Committee**

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**The Consultant Judicial,
Hon'ble National Green Tribunal,
Principal Bench,
New Delhi.**

No: JKPCC/NGT/OA 1211/25/706

Date:- 28-07-2025

Sub:- Report of Jammu and Kashmir Pollution Control Committee in compliance to Hon'ble National Green Tribunal Order dated 14-05-2025 passed in OA No. 1211/2024 titled Raja Muzaffar Bhat v/s Union Territory of Jammu & Kashmir and Ors.

Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 14-05-2025 passed in OA No. 1211/2024 titled Raja Muzaffar Bhat v/s Union Territory of Jammu & Kashmir and Ors.", the report of the J&K Pollution Control Committee is submitted herewith.

It is therefore, requested that the report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As Above.


Member Secretary
J&K PCC

Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Original Application No. 1211 of 2024

IN THE MATTER OF

Raja Muzaffar Bhat Vs UT of Jammu &
Kashmir and Ors.

Report of J&K Pollution Control Committee in compliance to Hon'ble NGT Order dated 14-05-2025 in O.A No. 1211-2024 titled "Raja Muzaffar Bhat V/s Union Territory of Jammu & Kashmir & Ors."

Background: -

That the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, was pleased to pass following directions vide its order dated 14-05-2025 in O.A No. 1211/2024, the operative part of which is as under: -

"Learned Counsel appearing for the Applicant submits that the pleadings are complete and the matter can be heard finally. Learned counsel appearing for the Respondent No. 2 has also submitted that the Respondent No. 2 will remain virtually present on the next date of hearing."

Status Report:

That the joint committee constituted by the Hon'ble NGT has submitted the detailed report on 11-01-2025.

In continuation to the earlier report of the Joint Committee submitted to the Hon'ble NGT, the J&K PCC further constituted a three-member sub-committee headed by Regional Director Kashmir comprising of the following officer vide this office order No. J&K PCC/Sc./OA-1211/2024/615-617; dated: 14.07.2025 (Annexure-1):

1. Sh. Abhijeet Joshi, Regional Director J&K PCC Kashmir,
2. Sh. Bashir Wani Sc. B, J&K PCC Kashmir and
3. Sh. Ashraf Khanday, JEE J&K PCC Kashmir,

The Terms and References of the sub-committee:

- a) to work out the Status of permissions/short-term permits granted by the Department of the Geology and Mining to the lease holders.
- b) Status of illegal mining in Sukhnag river.
- c) Status of short-term permits (165 No.) granted by Department of Geology and Mining.

The sub-committee headed by the Regional Director, J&K PCC, Kashmir has submitted a report vide his letter No. PCC/RDK/PS/2025/499-500; dated: 19 -7-2025 (Copy enclosed as Annexure 2).

Highlights of the Sub-Committee Report are summarized as under:

- i. A total of 164 No. of short-term permits have been made available by the Geology and mining Department, which can be categorized into following three types based on the Departments/Agencies to whom the permits were issued.
 - a) The Deputy Commissioner, Budgam vide various endorsement No's have issued **99 No. of short-term permits in favour of M/s NKC Pvt. Ltd.** for construction of four lane ring road/by-pass around Srinagar city under Bharat Mata Pariyojana. The quantity of each permit has not exceeded the delegated quantity of 5,000 tons and approximately and 490391 tons of GSB/Nallah muck has been extracted from different sites of Sukhnag Nallah
 - b) A total of 31 short-term permits were issued in favour of the Executive Engineer, Flood Spill channel, Narbal, for the extraction of 39,770 tonnes of nallah boulders and GSB (Nallah

muck), classified as minor minerals. The extracted material was used for various developmental works, including:

- Upgradation of roads.
- Channelization of Sukhnag Nallah,
- Execution of protection works on Sukhnag Nallah, and Construction of bridges and other allied public infrastructure.

The total quantity extracted under these permits was 39,770 tonnes and the permitted quantity is also 39,770 tonnes.

- c) In addition, **31 short-term permits** were issued to various Government Departments and agencies, including the Deputy General Manager, JKPCC Ltd. for carrying out developmental and public interest works. A cumulative quantity of 63,864 tonnes of nallah boulders and GSB (nallah muck) was extracted by agencies such as Executive Engineer, R&B Division, M/s Rajindra Infrastructure Pvt. Ltd. and others. These materials were used for various public works, including road construction, upgrading of public infrastructure, and earth-filling operations. The extraction was done strictly within the permitted quantity limits under each short-term permit.

ii. Committee Observations and Conclusion:

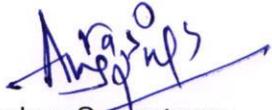
Taking into account the applicable rules and the total quantity extracted, the Committee observes the following based on the inputs received from the Department of Geology & Mining.

- i. All the extractions made are within the permitted limits.
- ii. A total of 164 short-term permits were issued by the District Mineral Officer, under the authority delegated through Rule 57(2) of the Jammu & Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016.

- iii. The works for which these permits were granted are of emergent nature and clearly fall under government/public interest projects.
- iv. All short-term permits were issued for a specific period not exceeding three months as per the prevailing regulations.

Prayer:

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.


Member Secretary
J&K PCC

**Jammu and Kashmir
Pollution Control Committee**

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Sub:- O.A No. 1211/2024 titled "Raja Muzaffar Bhat V/s Union Territory of Jammu & Kashmir & Ors.

Order

Whereas the Hon'ble NGT vide its order dated 14-05-2025 in O.A No. 1211/2024 titled "Raja Muzaffar Bhat V/s Union Territory of Jammu & Kashmir & Ors has directed as under:

"Learned counsel appearing for the Applicant submits that the pleadings are complete and the matter can be heard finally. Learned counsel appearing for the Respondent No.2 has also submitted that the Respondent No.2 will remain virtually present on the next date of hearing ."

Therefore, a committee of following officers of JKPC is constituted headed by Regional Director, JKPC Kashmir Sh. Abhijeet Joshi to work out the status of permissions/Short Term Permits granted by Department of Geology and Mining to the lease holders for further necessary action at this end.

1. Regional Director, PCC Kashmir
2. Sh. Bashir Wani, Scientist-B
3. Sh.Ashraf Khandey, JEE

Terms of Reference

1. Status of illegal mining in Sukhnag River
2. Status of Short- Term permits (165 No) granted by Department of Geology and Mining.

The Committee shall complete whole exercise within seven days and submit a factual report to this office without delay as the case is lister for hearing on 29-07-2025.

No: JKPC/Sc./OA-1211/2024/615-617

Dated:- 14 -07-2025

Yours faithfully

(Ghansham Singh) JKAS

Member Secretary 14.7.25

Copy to:-

1. 1. Regional Director, PCC Kashmir
2. Sh. Bashir Wani, Scientist-B PCC Srinagar
3. Sh.Ashraf Khandey, JEE, Divisional Officer, PCC Budgam.

mailed. 14



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, near Government Silk Factory, Srinagar-190008
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Member Secretary
JK Pollution Control Committee
Jammu

No:- PCC/RDK/PS/2025/ 499-500

Dated:- 19-07-2025

Subject:- O.A. No. 1211/2024 titled "Raja Muzafar Bhat" V/s Union Territory of Jammu and Kashmir & Ors.

Reference:- JKPCC //Sc/OA-1211/2024/615-617 dated 14-07-2025.

Sir,

With regard to the subject and reference cited above, kindly find attached herewith the ~~functional~~ report submitted by the committee constituted for the purpose, for information and necessary action.

Yours Faithfully,

Encl. - (4 lvs)

(Abhijeet Joshi)SFS
Regional Director, PCC
Kashmir

Copy to the :-

1. PA to Chairman, JKPCC for information of the worthy Chairman.

Subject: Examination report of the permissions/ short term permits granted by the Department of Geology and Mining to the lease holders in OA No. 1211/2024 titled Raja Muzaffar Bhat V/s Union Territory of Jammu & Kashmir & ors.

Reference: JKPCC/SC/OA-1211/2024/615-17 dated 14-07-2025.

** *** **

In pursuance to the above cited subject and reference. In this connection, it is to inform you that due to transfer of Shri Bashir Ahmad Wani, Scientists "B" as Divisional Officer Kupwara, Dr. Sabeena Sultan, Senior Scientist was nominated in place of Sh. Bashir Wani, Scientist 'B' as a member of the Committee. The rest of the committee members remain unchanged.

The committee examined the permissions/ short term permits received from the Geology & Mining Department, Budgam. The Committee's finding/examination as per rules position and actual extraction of minor minerals through permission /short term permits granted by District Mineral Officer Budgam. The examination report is as under:

1. Rule Position as per Jammu and Kashmir Minor Mineral (Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining) Rules, 2016.

A short term permit is defined under these rules as permit granted for excavation and sale of a specific quantity of minerals within a specified time period and from a specified area not exceeding one hectare.

Furthermore, Chapter-VII of the above rule reveals as under:

Chapter-VII: Restriction on the Grant of Short Terms/ Disposal Permit.

57.1 Short term permit shall be granted for:

- a) Disposal of minor minerals encountered in the process of constructions of tunnels, canals, roads, bridges, building etc

Handwritten signature/initials

- b) Disposal of minor minerals excavated during process of construction, maintenance and operation of tunnels, canals, roads, drainage system by state government departments.
- c) Government works of emergent nature for public interest.
- d) An area not less than 01 hectares and not covered under these rules for the excavation of specified quantity of minor minerals for a specified period on advance payment of royalty and guarantee amount. However, disposal permit shall be given on an area not exceeding one hectare.

57.2 The authority to grant short term permit shall be exercised as per the following delegations:

- a. Upto 5000 tones by the officer Incharge of the District concerned.
- b. Above 5000 upto 50, 000 by the Joint Director/Deputy Director / Mining Engineer of the department.
- c. Above 50, 000 tones by the Director

57.3 Short term/ disposal permit may be granted for a specified period not exceeding three months, for a specified quantity only without any provision for extension.

Examination of 164 short term permits in consonance with the above rules revealed as under:-

- i. A total of 164 number of short term permits have been made available by the Geology and Mining Department. On the basis of departments/ agencies. These 164 number of short terms permits can be categorized into following 3 types based on the departments/agencies to whom the permits were issued:
 - a. The deputy commissioner Budgam vide various endorsement Nos. have issued 99 short term permits in favour of NKC Pvt. Ltd. for the construction of four lane ring road /Bypass around Srinagar city under

Bharatmata Pariyajana. The Executive Engineer Spill Division has reported that 490391 tones of GBS/Nallah Muck have been extracted from different sites of Sukhnag Nallah. The quantity of each permit accorded has not exceeded from delegated quantity of 5000 tonnes.

- b. A total of 31 short-term permits were issued in favour of the Executive Engineer, Flood Spill Channel, Narbal, for the extraction of 39,770 tonnes of nallah boulders and GSB (Nallah muck), classified as minor minerals. The extracted material was used for various developmental works, including:
- Upgradation of roads,
 - Channelization of Sukhnag Nallah,
 - Execution of protection works on Sukhnag Nallah, and Construction of bridges and other allied public infrastructure.

The total quantity extracted under these permits was 39,770 tones and the permitted quantity is also 39,770 tonnes.

- c. In addition, 31 short-term permits were issued to various government departments and agencies, including the Deputy General Manager, JKPCC Ltd. for carrying out developmental and public interest works. A cumulative quantity of 63,864 tonnes of nallah boulders and GSB (nallah muck) was extracted by agencies such as Executive Engineer, R&B Division Budgam, Executive Engineer, DDB Division, M/s Rajindra Infrastructure Pvt. Ltd. and others. These materials were used for various public works, including road construction, upgrading of public infrastructure, and earth-filling operations. The extraction was done strictly within the permitted quantity limits under each short-term permit.

Committee Observations and Conclusion:

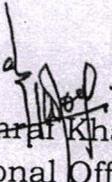
Taking into account the applicable rules and the total quantity extracted, the Committee observes the following based on the inputs received from the Department of Geology & Mining:

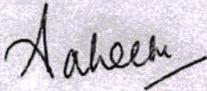
- i. All the extractions made are within the permitted limits.

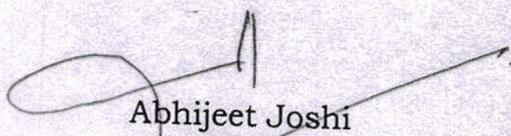
- ii. A total of 164 short-term permits were issued by the District Mineral Officer, under the authority delegated through Rule 57(2) of the Jammu & Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016.
- iii. The works for which these permits were granted are of emergent nature and clearly fall under government/public interest projects.
- iv. All short-term permits were issued for a specified period not exceeding three months as per the prevailing regulations.

Hence, no illegal mining activity has been reported or observed during the course of permit operations.

Hence the report is submitted for perusal and further necessary action.


M. Ashraf Khanday
Divisional Officer
J&K PCC, Budgam


Dr. Sabeena Sultan
Scientist-B
JKPCC Kashmir


Abhijeet Joshi
Regional Director,
JK PCC Kashmir