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

O.A No.253/2023

Raja Muzaffar Bhat

V/s

Union Territory of J&K & Ors.

In the matter of: - Index

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Vikas Kundal, IAS
District Magistrate
Poonch
(J&K)

Place: Poonch
Date: 04-12-2024

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

O.A No.253/2023

Raja Muzaffar Bhat

V/s

Union Territory of J&K & Ors.

In the matter of: - Compliance report in pursuance to the
Order dated 09-09-2024.

May it please your Lordships: -

The compliance report is most respectfully
submitted as under:

1. That the answering respondent is a law-abiding citizen and responsible Government Officer and has highest regards and reverence for the majesty of the Hon'ble Tribunal and the orders passed by it and the answering respondent deems it his bounden duty to implement the orders of the Hon'ble Tribunal in letter and spirit and cannot dream of flouting the orders passed by the Hon'ble Tribunal.
2. That the answering respondents has been directed to file a report in terms of the Order dated 24.05.2024 passed by the Hon'ble Green Tribunal within four weeks with further directions to disclose the status of allotment of land for solid waste management by the Municipal Council, Poonch.


District Magistrate
Poonch
(J&K)

3. That in compliance to the directions passed by the Hon'ble Green Tribunal, the answering respondent allotted the State land measuring 3 Kanal and 17 Marlas out of Khasra No. 750 of Village Degwar Maldayalan, Tehsil Haveli in favour of Directorate of Urban Local Bodies for construction of (MRF) Material Recovery Facilities & Compost Pad vide Order No. 23 of 2024 dated 19-09-2024. The copy of the same is enclosed herewith and marked as **Annexure-I**.
4. That the Chief Executive Officer, Municipal Council Poonch has been directed vide this Office letter No DCP/LA/3085-86 dated 15-05-2024 followed by reminder vide No DCP/LA/1608-10 dated 05-10-2024 to deposit the Environmental Compensation imposed by the JKPC to the tune of Rs. 162.9 lakhs. The copies of the same are enclosed herewith and marked as **Annexure-II & III**.
5. That in reply to the letter dated 15-05-2024, followed by a reminder dated 05-10-2024, Chief Executive Officer, Municipal Council Poonch vide his letter no. MC/P/2024/1143 dated 10-10-2024 submitted that Municipal Council Poonch has no funds in its own resources for paying environmental compensation. The Directorate of Urban Local Bodies, Jammu, has been requested for the provision of required funds and also requested to take up the matter with the J&K PCC for waiver of environment compensation.

Besides, Municipal Council Poonch has submitted a plea before the Member Secretary J&K PCC Jammu vide no. MCP/2024-25/936-39 dated 05-09-2024 to waive off the environment compensation imposed which is still pending disposal and, in the meantime, has requested the answering respondent to grant time for managing funds. The copy of

the communication No. MC/P/2024/1143 dated 10-10-2024 is enclosed herewith and marked as **Annexure-IV**.

Hence compliance report may kindly be taken on record for appropriate orders, same shall be in consonance with law and justice.

Vikas Kunda, IAS
District Magistrate
Poonch
(J&K)

Place: Poonch

Date: 04-12-2024



UNION TERRITORY OF JAMMU AND KASHMIR

OFFICE OF THE DEPUTY COMMISSIONER POONCH

Subject: Transfer/Allotment of State Land for establishment of MRF & Compost Pad at Village Degwar Maldayalan, Tehsil Haveli, District Poonch.

ORDER NO: 23 of 2024**Dated: 19-09-2024**

Whereas, Tehsildar Haveli has identified State land measuring 03 Kanal 17 Marlas out of Khasra No. 750 of Village Degwar Maldayalan and submitted Revenue papers of the same vide his office letter No. TH/OQ/782 dated 25-07-2024. The type of Land is recorded as Gair Mumkin Rohar; And

Whereas, Revenue papers were forwarded to Chief Executive Officer, Municipal Council Poonch vide this office letter No. DCP/LA/141-42 dated 30/07/2024 for authentication and placement of Formal Indent from Competent Authority; And

Whereas, Director Urban Local Bodies Jammu has authenticated the Revenue papers and returned the same along with formal indent vide his letter No. DULBJ/P&S/2024/2773-76 dated 05/08/2024; And

Whereas, Executive Engineer I&FC, Poonch was requested vide this Office letter No. DCP/LA/332-33 dated 23-08-2024 to clarify from flood point of view whether the proposed land is suitable for establishment of MRF & Compost Pad; And

Whereas, Executive Engineer I&FC, Poonch vide No. IFCP/1227-28 dated 13-09-2024 has submitted that the proposed site is far away from right bank of Bettar Nallah on the uphill side of road making it feasible from flood point of view. However, there is an irrigation channel near the proposed site that must be protected during any construction activity.

Whereas, J&K Government vide Order No: 30(Rev(s) of 2019 dated: 05-03-2019 has authorized Deputy Commissioners to transfer State Land upto 10 Kanal free from all encumbrances to the State Government Department/(s) for public Purposes/developmental programs within their territorial jurisdictions; And

Whereas, State land measuring 03 Kanal 17 Marlas out of Khasra No. 750 of Village Degwar Maldayalan is required for public purpose i.e. for construction of MRF & Compost Pad, which is less than 10 Kanal and, as such, under the competency of under signed for transfer of same in favour of Directorate of Urban Local Bodies.

Therefore, in exercise of the power vested upon me vide Govt. Order No: 30-REV(S) of 2019 dated: 05-03-2019, State land measuring 03 Kanal 17 Marlas out of Khasra No. 750 of Village Degwar Maldayalan, Tehsil Haveli, District Poonch is hereby transferred to Directorate of Urban Local Bodies for construction of MRF & Compost Pad situated at village Degwar Maldayalan, Tehsil Haveli, District Poonch.

Vikas Kundra (IAS)
Deputy Commissioner
Poonch

No: DCP/LA/1529-32

Dated: 19/09/2024

Copy for information to:

1. Divisional Commissioner Jammu.
2. Director Urban Local Bodies Jammu.
3. Tehsildar Haveli, for necessary action.
4. Chief Executive Officer, Municipal Council Poonch for information.

PSC attested

Head Quarter Assistant to
Deputy Commissioner
Poonch



UT OF JAMMU AND KASHMIR

OFFICE OF THE DEPUTY COMMISSIONER POONCH

Chief Executive Officer,
Municipal Council,
Poonch.

No: DCP/ LA/ 3085-86

Dated: 15/05/2024

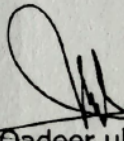
Sub: Violation of solid waste management Rules, 2016 by Muncipal Council Poonch.

Sir,

Kindly find enclosed herewith the Letter received from Pollution control Committee J&K vide Office letter No. JKPCC/OA253/2024/916-923 dated 26-03-2024 regarding the subject cited above

In this regard, you are requested to go through the same and take appropriate necessary action.

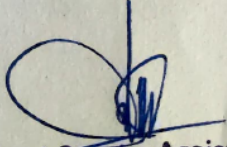
Yours faithfully,


Qadeer ul Rehman (JKAS)
Assistant Commissioner (Rev)
Poonch

Copy to:

1. P.S to Deputy Commissioner Poonch for information of worthy Deputy Commissioner.

PSC attested


Head Quarter Assistant to
Deputy Commissioner
Poonch



Annexure-III

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UNION TERRITORY OF JAMMU AND KASHMIR
OFFICE OF THE DEPUTY COMMISSIONER, POONCH

Tel. No. 01965-220333 Fax No. 01965-222363 e-mail: dcpoonch@ugmail.com

Chief Executive Officer,
Municipal Council,
Poonch.

Reminder-I

No: DCP/LA/1608-10

Dated: 05/10/2024

Sub: Violation of solid waste management Rules, 2016 by Municipal Council Poonch.

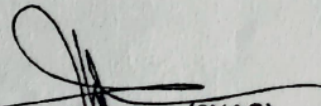
Sir,

Refer to this Office letter No. No: DCP/LA/3085-86 dated 15.05.2024, whereby you were directed to deposit the Environmental Compensation imposed by J&K PCC to the tune of Rs. 162.9 Lakhs. But despite lapse of considerable time the same is still is pending.

Now, Hon'ble National Green Tribunal, New Delhi has taken serious note of it and has imposed a cost of Rs. 10,000/- upon District Magistrate Poonch for not complying the Orders of Hon'ble National Green Tribunal, New Delhi.

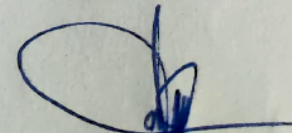
Accordingly, you are directed to deposit the Environmental Compensation imposed by J&K PCC to the tune of **Rs. 162.9 Lakhs** without any further delay and furnish the **Action Taken Report** to this office within two days positively.

Yours faithfully,


Qadeer ul Rehman (JKAS)
Assistant Commissioner (Rev)
Poonch

Copy to: -

1. Chairman J&K Pollution Control Committee, Jammu for kind information.
2. Private Secretary to District Magistrate/Deputy Commissioner Poonch for information of District Magistrate.


Head Quarter Assistant to
Deputy Commissioner
Poonch

PSC attested

OFFICE OF THE MUNICIPAL COUNCIL POONCH

The Deputy Commissioner,
Poonch

No: - MC/P/2024/1143

Dated: 10-10-2024

Sub: Violation of Solid Waste Management Rules, 2016 by Municipal Council Poonch.

Sir,

Kindly refer to the subject cited above; in this connection, it is submitted that the Municipal Council Poonch has no funds in its own resources for levying environmental compensation. The Directorate of Urban Local Bodies, Jammu, has already requested for the provision of required funds and also requested to take up the matter with the Jammu and Kashmir Pollution Control Committee for waiver of environmental compensation.

Moreover, this office has already submitted a plea before the Member Secretary, Jammu and Kashmir Pollution Control Committee Jammu, with the request to waive off the environmental compensation vide this office commination No. MCP/2024-25/936-39 dated. 05-09-2024.

It is further submitted that the legacy work for dumpsite/landfill remediation through biomining of Legacy Waste of Poonch Town is in progress through an agency, M/s WeVOIS Labs Private Limited, Jaipur Rajasthan, selected by the Directorate of Urban Local Bodies, Jammu, and the Letter of Award (LOA) was issued vide No. DULBJ/2024/2970-72 dated 14-08-2024. The fresh waste is processed on a daily basis by the Municipal Council Poonch through its own staff and rag pickers. Land for establishment of MRF and compost pad has been transferred; DPR is in progress. Funds for the establishment of a solid waste facility have already been provided by the Directorate of Urban Local Bodies, Jammu.

Therefore, it is requested to kindly grant times for managing funds and also requested to take up the matter with the JK Pollution Control Committee to waive off the environmental compensation.

DSC attested



Head Quarter Assistant to
Deputy Commissioner
Poonch

Yours faithfully,

[Signature]
Chief Executive Officer,
Municipal Council Poonch