

**459**  
**Jammu and Kashmir Pollution Control Committee**

Parivesh Bhavan, Forest Complex || Silk Factory Road  
Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008

Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

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

No: JKPCC/NGT/OA 241/ 287-288

Date:- 08-07-2024

**Sub:- Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal Order dated 03-04-2024 passed in OA No. 241 of 2021 titled "Raja Muzaffar Bhat Versus Union of India & Ors"**

Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi dated 03-04-2024. The Report of the J&K Pollution Control Committee is enclosed herewith.

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

Your faithfully,

**Encl:- As Above**

  
(GhanSham Singh) JKAS  
Member Secretary 8.7.24  
J&K PCC

Copy to the:-

- 1) Sh. Parth Awasthi, Government Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.

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

Original Application No. 241 of 2021

**IN THE MATTER OF**

**“Raja Muzaffar Bhat Versus Union of  
India & Ors”.**

**Report on behalf of Jammu and Kashmir Pollution Control Committee  
pursuant to Hon'ble National Green Tribunal Order dated 03-04-2024  
passed in OA No. 241 of 2021 titled “Raja Muzaffar Bhat Versus Union  
of India & Ors”**

**Background:**

That the Hon'ble National Green Tribunal vide Order dated **03-04-2024** in **OA No. 241 of 2021** issued following directions :-

*“11. The above sequence of events clearly revealed that though substantial time has lapsed after passing of initial order by the Tribunal 5 and bringing it to the notice of local authorities, the gravity of the situation, yet no serious efforts have been made by the local bodies i.e. Municipal Corporation of Srinagar, Municipal Committee Budgam and Municipal Committee Chadoora. We also find that inspite of repeated direction, no positive efforts are being made by these local bodies.*

*12. Hence, the only option left is to impose Environmental Compensation (EC) on the violators for continuous violation of environmental norms. Thus, the matter is adjourned to the next date giving opportunity to Respondents No. 6, 7 and 8 to argue on the*

*issue of imposition of EC on the next date of hearing. They may file their response in this regard at least one week before the next date of hearing..”*

## **Status Report:**

In compliance to the aforesaid order of the Hon'ble NGT, the process for levying of Environmental Compensation against respondent No. 7 & 8 i.e Municipal Committee, Budgam and Municipal Committee, Chadoora has been initiated.

The status of Action taken against the violators by the J&K Pollution Control Committee in the matter is submitted as under:-

- 1) The Technical Advisory Committee (TAC) of the J&K Pollution Control Committee has worked out Environmental Compensation to the tune of Rs. 372.1761 lacs for levy upon the Executive Officer, Budgam. Accordingly, final notice for levying of Environmental Compensation has been served upon Chief Executive Officer, Municipal Committee, Budgam vide No. JKPCC / LSJ / NGT / OA241 /021/024/434-39 dated 29-06-2024 (**Copy enclosed as Annexure-A**), who has been directed to furnish his response within 15 days.
- 2) Similarly, the Technical Advisory Committee of the J&K PCC has worked out Environmental Compensation to the tune of Rs. 141.43 lacs for levy upon the Executive Officer, Chadoora. The final notice has been served upon Chief Executive Officer, Municipal Committee, Chadoora vide No. JKPCC / LSJ / NGT / OA241 / 021 / 024 / 440-45 dated 29-06-2024 (**Copy enclosed as Annexure-B**), who has been directed to furnish his response within 15 days.

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Accordingly, a status report in the matter is being submitted for consideration of Hon'ble NGT.

**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.

*26/07/24*  
(Ghansham Singh)  
Member Secretary 8-7-24  
J&K PCC

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**Jammu and Kashmir  
Pollution Control Committee**

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The Executive Officer,  
Municipal Council,  
Budgam:

No.: No. JKPCB/LSJ/NGT/(O.A.241/021)/024/434-39 Dt. 29 -06-2024

**Sub :- Final Notice for Levying of Environmental Compensation for violation  
of Solid Waste Management Rules, 2016.**

Whereas, on account of persistent reports about illegal, unscientific and untreated handling and disposal of the solid waste generated from 13 wards by the Municipal Council (MC) Budgam is being disposed off alongside of Doodh Ganga in violation to Solid Waste Management Rules, 2016 and;

Whereas, the unscientific and illegal dumping of municipal solid waste is in blatant violations of laws and in brazen defiance of the directions of the Hon'ble NGT in O.A. No. 241 of 2021 titled Raja Muzaffar Bhat Versus Union of India and Ors and;

Whereas, fresh inspection was conducted by the Divisional Officer, Pollution Control Committee, Budgam, reporting that neither Municipal Council, Budgam has applied for Authorization granted under Solid Waste Management Rules, 2016 from the J&K Pollution Control Committee nor established processing/material Recovery Facility for Solid Waste and also reported in EC format that MSW generated from the 13 wards is being disposed off alongside of Doodh Ganga without any treatment by the Municipal Council Budgam and;

Whereas, Regional Director, PCC Kashmir vide letter No. PCC / RDK / PS / 2024 /434-437 dt. 20-06-2024 confirmed the report of the Divisional Officer, Pollution Control Committee, Budgam, and accordingly, recommended the case for levying of Environmental Compensation to Municipal Council, Budgam and;

Whereas, the *modus operandi* adopted by Executive Officer, Municipal Council Budgam for handling and disposal of Municipal Solid Waste has put the environment of the area to grave threat due to deterioration caused by Pollution of ambient air and water quality besides the irreversible damage done to flora, ecology and water bodies and ecosystem of the area and;

Whereas, in terms of Hon'ble National Green Tribunal directions and the guidelines framed by Central Pollution Control Board in this behalf, it is proposed to levy Environmental Compensation on MC Budgam for damaging the environment and it is further proposed to proceed against Executive Officer Municipal Council Budgam and the Head of Department i.e, the Director Urban Local Bodies in term of Section 17 of Environment (**Protection**) Act, 1986.

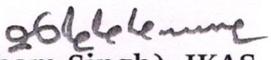
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Now, therefore, take this final notice and show cause within **15 days** from its issuance as to why:

- i). *Environmental Compensation to the tune of **Rs. 372.1761** lakh as calculated by Technical Advisory Committee of the J&K Pollution Control Committee on the basis of days of violation reported by Regional Director, Pollution Control Committee, Kashmir vide letter dt. 20-06-2024, apply **Polluter Pays Principle (PPP)** in terms of directions of the Hon'ble National Green Tribunal be not recovered from the Executive Officer, Municipal Council Budgam.*
- ii). *Concerned officers/officials of the Municipal Council, Budgam be not prosecuted under Environment (Protection) Act 1986 for violation of the Solid Waste Management Rules 2016.*

In the event, no tenable response is received within 15 days of the notice period, the final order for recovery of **Environmental Compensation** as per prescribed guidelines shall follow along with initiation of prosecution proceedings in court of law against you for blatant and repeat violation of Solid Waste Management Rules, 2016 and Hon'ble NGT directions without further notice.

**As Approved by the Competent Authority.**

  
(Ghansham Singh), JKAS  
Member Secretary, 29.6.24  
JKPCC.

Copy to the:-

- i) Deputy Commissioner/District Magistrate, **Budgam** for information .
- ii) Director, Urban Local Bodies, Kashmir for information.
- iii) Regional Director, Pollution Control Committee, Kashmir for information and necessary action.
- iv) Divisional Officer, Pollution Control Committee, Budgam for information and necessary action.
- v) Executive Officer, Municipal Council, Budgam for immediate compliance as directed.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

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Annex - B

The Executive Officer,  
Municipal Council,  
Chadoora,  
Budgam:

No. JKPCB/LSJ/NGT/O.A.241/2024/440-45 Dt. 29-06-2024

**Sub :- Final Notice for Levying of Environmental Compensation for  
violation of Solid Waste Management Rules, 2016.**

Whereas, on account of persistent reports about illegal, unscientific and untreated handling and disposal of the solid waste generated from 13 wards by the Municipal Council (MC), Chadoora, Budgam is being disposed off alongside of Doodh Ganga in violation to Solid Waste Management Rules, 2016 and;

Whereas, the unscientific and illegal dumping of municipal solid waste is in blatant violations of laws and in brazen defiance of the directions of the Hon'ble NGT in O.A. No. 241 of 2021 titled Raja Muzaffar Bhat Versus Union of India and Ors and;

Whereas, fresh inspection was conducted by the Divisional Officer, Pollution Control Committee, Budgam, reporting that neither Municipal Council, Budgam has applied for Authorization granted under Solid Waste Management Rules, 2016 from the J&K Pollution Control Committee nor established processing/material Recovery Facility for Solid Waste and also reported in EC format that MSW generated from the 13 wards is being disposed off alongside of Doodh Ganga without any treatment by the Municipal Council Chadoora-Budgam and;

Whereas, Regional Director, PCC Kashmir vide letter No. PCC / RDK / PS / 2024 /434-437 dt. 20-06-2024 confirmed the report of the Divisional Officer, Pollution Control Committee, Budgam, and accordingly, recommended the case for levying of Environmental Compensation to Municipal Council, Chadoora-Budgam and;

Whereas, the *modus operandi* adopted by Executive Officer, Municipal Council Chadoora, Budgam for handling and disposal of Municipal Solid Waste has put the environment of the area to grave threat due to deterioration caused by Pollution of ambient air and water quality besides the irreversible damage done to flora, ecology and water bodies and ecosystem of the area and;

Whereas, in terms of Hon'ble National Green Tribunal directions and the guidelines framed by Central Pollution Control Board in this behalf, it is proposed to levy Environmental Compensation on Municipal Council Chadoora-District Budgam for damaging the environment and it is further proposed to proceed against Executive Officer Municipal Council Chadoora-District Budgam and the Head of Department i.e, the Director Urban Local Bodies in term of Section 17 of Environment (**Protection**) Act, 1986.

f

Now, therefore, take this final notice and show cause within **15 days** from its issuance as to why:

- i). *Environmental Compensation to the tune of **Rs. 141.43** lakh as calculated by Technical Advisory Committee of the J&K Pollution Control Committee on the basis of days of violation reported by Regional Director, Pollution Control Committee, Kashmir vide letter dt. 20-06-2024, apply **Polluter Pays Principle (PPP)** in terms of directions of the Hon'ble National Green Tribunal be not recovered from the Executive Officer, Municipal Council Chadoora-District Budgam.*
- ii). *Concerned officers/officials of the Municipal Council Chadoora, Budgam be not prosecuted under Environment (Protection) Act 1986 for violation of the Solid Waste Management Rules 2016.*

In the event, no tenable response is received within 15 days of the notice period, the final order for recovery of **Environmental Compensation** as per prescribed guidelines shall follow along with initiation of prosecution proceedings in court of law against you for blatant and repeat violation of Solid Waste Management Rules, 2016 and Hon'ble NGT directions without further notice.

**As Approved by the Competent Authority.**

*Ghansham Singh*  
(Ghansham Singh), JKAS  
Member Secretary, 29.6.24  
§ JKPCC.

Copy to the:-

- i) Deputy Commissioner/District Magistrate, **Budgam** for information .
- ii) Director, Urban Local Bodies, Kashmir for information.
- iii) Regional Director, Pollution Control Committee, Kashmir for information and necessary action.
- iv) Divisional Officer, Pollution Control Committee, Budgam for information and necessary action.
- v) Executive Officer, Municipal Council, Chadoora-District Budgam for immediate compliance as directed.