

**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 543/2025/5448 .

Date:- 16-07-2025

**Sub:- Report on behalf of Jammu and Kashmir Pollution Control Committee in pursuant to the Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 20-03-2025 in OA No. 543/2024 titled Raja Muzaffar Bhat Versus MoEF & Ors.**

Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi **order dated 20-03-2025 in OA No. 543/2024 titled Raja Muzaffar Bhat Versus MoEF & 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**

  
(Ghansham Singh) JKAS  
Member Secretary 16.7.25  
J&K PCC

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

Original Application No. 543 of 2024

IN THE MATTER OF

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

**Report on behalf of Jammu and Kashmir Pollution Control Committee in pursuant to the Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 20-03-2025 in OA No. 543/2024 titled Raja Muzaffar Bhat Versus MoEF & Ors.**

**Background:**

That the Hon'ble National Green Tribunal vide Order dated **20-03-2025** in **OA No. 543 of 2024** directed as follows:-

4. *“Commissioner, Srinagar, Municipal Corporation appearing virtually has stated that he will furnish an undertaking and take the responsibility to ensure that within the said timeline entire work is completed. Said undertaking will be furnished within 10 days.*
5. *Learned Counsel for the applicant has also sought two weeks to file objections/response to the report of Municipal Corporation, Srinagar.*
6. *So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986. A list of 08 such officers who were posted as Commissioners, Srinagar, Municipal Corporation from 2017 onwards has been enclosed and three weeks has been sought to file a complaint before the competent*

forum/Adjudicating officer. Prayer is allowed. Let further progress **797**  
report be filed by J&K PCC within four weeks.”

**Status Report:**

In compliance to the aforesaid directions of the Hon’ble NGT, the report of the J&K PCC is submitted as under:-

**1. Levying of Environmental Compensation:**

J&K Pollution Control Committee have ordered levying of Environmental compensation upon the Srinagar Municipal Corporation amounting to Rs.1262.07 lacs on the basis of **Polluter Pays Principle** (PPP) for a period of 1805 days (w.e.f. 01-04-2020 to 10-03-2025) in respect of 475 (TPD) (600-125 TPD) with the advice to deposit the Environmental Compensation in the Environmental Compensation Fund Account No. No. 0023040510000001 of the JK Pollution Control Committee in J&K Bank Ltd. within 30 days from the date of issuance of this order, vide J&K PCC order No. 06-JKPCCC of 2025 dated 10-07-2025 (copy enclosed as **Annexure 1**).

**2. Civil action against the officers:**

J&K Pollution Control Committee have filed complaints against the five officers (Serving and retired) who remained posted as Commissioner, Srinagar Municipal Corporation onwards 04-02-2017 to 01-03-2021, for violations under the relevant provisions of Environment (Protection) Act, 1986 and Water (Prevention & Control of Pollution) Act, 1974, before the Adjudicating Officer, J&K (Commissioner /Secretary to Government, Department of Forest, Ecology and Environment) on 14-07-2025 (copies of the complaints are enclosed as **Annexure 2 A to 2 E**).

**3. Status of progress in implementation of time bound action plan submitted by the Commissioner, SMC:**

*The Regional Director, Pollution Control Committee, Kashmir was asked to furnish updated status of progress achieved with regard to the functionalization of the waste processing facilities at the site and bio-mining of legacy waste especially implementation of time bound action plan submitted by the Commissioner, SMC to the Hon'ble NGT, vide letter No. JKPCC/Sc/OA 543-20-2024/25/452 dated 11-06-2025 (copy enclosed as **Annexure 3**).*

*The Regional Director, J&K PCC, Kashmir got the site inspected by a team comprising of 3 officers of J&K PCC viz. (i) I/c Water Lab, (ii) I/c Air Lab and (iii) Divisional Officer, PCC Srinagar. The Regional Director, PCC, Kashmir has submitted site inspection report conducted by the team of officers vide No. PCC /RDK /LS /NGT/2025/799-802 dated 09-07-2025, which is enclosed herewith as **Annexure-4**. As per the site inspection report at Achan dumping site, the observations were made by the team is as under:-*

- 1) The site comprises of three waste cells. The first and third cell was found uncapped, with approximately 500 MT/day of waste is being dumped there.
- 2) No segregation activity observed at site during the visit. The Effluent Treatment Plant (ETP) for leachate management was non-functional, and the waste segregator was also found non-operational.
- 3) Around 30 rag pickers were seen working at the dumping area and it has been observed that rag pickers were picking manually recyclable materials such as plastic and

discarded aluminium cans/tins. As per inputs from the rag pickers, each individual collects approximately 30 kg of waste daily.

- 4) The civil work of extension part of segregation shed has been completed. However, no functional machinery has been found installed yet. Only non-operational equipment was found at the site. The legacy waste found still unprocessed and continues to accumulate.

**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.

  
(Ghansham Singh) 16.7.25  
Member Secretary  
J&K PCC

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

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**Sub:- Levying of Environmental Compensation upon the Commissioner, Srinagar Municipal Corporation. Srinagar for violation of Municipal Solid Waste Rules, 2016 at landfill site at Achan Syedpora.**

**ORDER No. 06/JKPCC of 2025**

**Dated: 10-07-2025**

Whereas, there have been persistent reports about illegal and unscientific handling and disposal of the solid waste generated from the Srinagar City and its dumping without treatment at Achan, Syedpora land fill site by Srinagar Municipal Corporation, Srinagar in violation to Solid Waste Management Rules, 2016 and;

Whereas, the unscientific and illegal dumping of municipal solid waste is in violation of Environmental laws and in defiance of the directions of the Hon'ble NGT in O.A. No. 543/2024 titled Raja Muzaffar Bhat Versus Ministry of Environment & Forest (MoEF) & Ors. and;

Whereas, Consent to Establish (Fresh) CTE (F) was granted to Srinagar Municipal Corporation, Srinagar vide No. **SPCB/416 of 2017** dated **30-06-2017**, which was valid upto **One year** and thereafter Srinagar Municipal Corporation, Srinagar also failed to obtain Consent to Operate (CTO)(F), as warranted under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981; and

Whereas, fresh inspection was conducted by the Divisional Officer, Pollution Control Committee, Srinagar, who reported that Srinagar Municipal Corporation, Srinagar has neither obtained Consent to Operate (F) nor Authorization for installation of Waste Processing Facility at the Landfill dump site, Achan nor have obtained for Authorization under Hazardous and Other Waste Management Rules, 2016 from the J&K Pollution Control Committee. Besides also reported that the processing/material Recovery facility was found non functional and the solid waste generated is not being disposed of as per Solid Waste Management Rules, 2016 by Srinagar Municipal Corporation, Srinagar and forwarded the report along with EC format to Regional Director, PCC Kashmir for levying of Environmental Compensation vide letter No. JKPC/DO/Sgr/EC-format/25/172 dated 06-03-2025; and;

Whereas, Regional Director, Pollution Control Committee, Kashmir endorsed the recommendations of the Divisional Officer, Pollution Control Committee Srinagar and submitted the Environmental Compensation Format, and also recommended for levying of Environmental Compensation to Srinagar Municipal Corporation, Srinagar vide letter No. PCC / RDK / LS)NGT) / 2025/82-83 dated 10-03-2025 and;

Whereas, the mode adopted by Srinagar Municipal Corporation, Srinagar for handling and disposal of Municipal Solid Waste at landfill site Achan, Syedpora, District Srinagar 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, accordingly, the case was forwarded to the Technical Advisory Committee (TAC) constituted by the JK Pollution Control Committee for expert assessment and evaluation of Environmental Compensation, which recommended levying of Environmental compensation in respect of (600TPD-125TPD)=**475 TPD** of solid waste for a

*26/07/25*

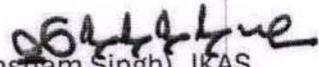
period of **1805 days** (w.e.f. **10-04-2020** to **10-03-2025**) amounting to **Rs.1262.07 lakhs (Rupees Twelve Crore Sixty Two lakhs and Seven thousand only)**, the said start date has been taken in compliance of the orders of the Hon'ble NGT dated 28-08-2019 in O.A. 593/2017 in the matter of Paryavaran Suraksha Samiti and Anrs. Versus Union of India as per the directions of Hon'ble NGT and guidelines framed in this behalf.

Whereas, notice for levying of Environmental Compensation was served upon the Commissioner, Srinagar Municipal Corporation, Srinagar vide Notice No. JKPCC/LSJ/2025/Achan Dumping site/2210-2213 dated 15-03-2025, calling upon him there under to show reasons within (15) days, followed by another reminder notice vide No. JKPCC/LSJ/2025/Achan Dumping site/77-81 dated 10-06-2025, with the direction to show cause within 10 days, as to why Environmental Compensation as worked out by the Technical Advisory Committee (TAC) to the tune of **Rs.1262.07 lakhs (Rupees Twelve Crore Sixty Two lakhs and Seven thousand only)** be not levied upon him for the violations of Environmental Laws, which he has failed to respond; and

Now, therefore, in view of the aforesaid reasons and in compliance to the directions of Hon'ble NGT in OA. 543/2024, Environmental Compensation amounting to **Rs.1262.07 lakhs (Rupees Twelve Crore Sixty Two lakhs and Seven thousand only)** is hereby levied upon Srinagar Municipal Corporation, Srinagar on the basis of **Polluter Pays Principle** (PPP) for a period of 1805 days (w.e.f. 01-04-2020 to 10-03-2025) in respect of 475 (TPD) (600-125 TPD) with the advise to deposit the Environmental Compensation in the Environmental Compensation Fund Account No. No. 0023040510000001 of the JK Pollution Control Committee in J&K Bank Ltd. within 30 days from the date of issuance of this order.

In case of default to pay Environmental Compensation in due time, the violator is liable to pay Environment Compensation by (2) two times, (4) four times, (8) Eight times for 2nd, 3rd and 4th quarter respectively as per the guidelines of Environmental Compensation issued by Central Pollution Control Board (CPCB), New Delhi.

**Issued with the approval of Competent Authority.**

  
(Ghansham Singh), JKAS  
Member Secretary, **10.7.25**  
JKPCC.

Encl: EC Calculation Sheet

No.: JKPCC/LSK/025/Achan Dumping Site/23-29

Dt.: 10-07-2025

Copy to the:-

- i). The Commissioner/Secretary to the Govt., Housing and Urban Development Department, Civil Secretariat, Jammu/Srinagar for kind information.
- ii). The Commissioner/Secretary to the Govt., Department of Forest, Ecology and Environment, Civil Secretariat, Jammu/Srinagar for kind information.
- iii). Deputy Commissioner/District Magistrate, Srinagar for information.
- iv). The Commissioner, Srinagar Municipal Corporation, Srinagar for immediate compliance.
- v). Regional Director, Pollution Control Committee, Kashmir for information and follow up action.
- vi). I/c Nodal Officer, NGT, J&K Pollution Control Committee, Jammu for information.
- vii). Divisional Officer, Pollution Control Committee, Srinagar for information and necessary action.

**Environmental Compensation to be levied for improper and unscientific management of MSW  
by Srinagar Municipal Corporation (J&K) as per MSW Rules, 2016**

As per approved formula for levying Environmental Compensation under Polluter Pays' Principle in O.A. No. 593/2017 by the Hon'ble NGT order dt. 28/08/2019, in a case titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors., the details are given as below:-

$$\text{Environmental Compensation} = \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \text{Environmental Externality} \times N$$

Where; waste quantity is in Tons Per Day (TPD)

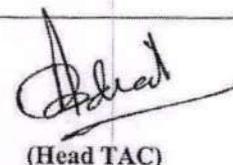
The status of MSW generation and violation committed by Srinagar Municipal Corporation w.r. to waste management as per different reports is as under: -

	Population of Srinagar City	11.93 Lacs, as per census 2011.
A)	a) Class of the City	Million-plus city
	b) Current estimated Population	15.50 Lacs
B)	Quantity of Solid waste generation	600 TPD (As per Annual report of SMC, Srinagar)
C)	Quantity of Waste disposed as per SWM Rules, 2016.	125 TPD (As per report of Joint Committee constituted by Hon'ble National Green Tribunal vide order dated 15-05-2024 in OA no. 543 of 2024)
D)	No. of days of violation (N)	1805 days (With effect from 01.04.2020* to the date of submission of latest report dated 10.03.2025 by Regional Director, J & K PCC, Kashmir on violations w.r. to MSW management by SMC, Srinagar) *(The said start date has been taken in compliance of order dated 28.08.2019 of the Hon'ble Principal Bench of the National Green Tribunal in OA no. 593/2017 in the matter of Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., which is reproduced below '---It is thus necessary to issue directions to all the States/ UTs to enforce the compensation regime latest with effect from 01.04.2020---')
E)	Capital Cost Factor	0.1 (As per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
F)	O&M Cost Factor	1.0 (As per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
G)	Marginal Average Cost for Waste Management	8.33 (calculated in the instant case, as per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
H)	Marginal Average O&M Cost	0.0008 (calculated in the instant case, as per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
I)	Environmental externality	0.1 (As per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
Environmental Compensation (Lacs Rs.)		$= 0.1 \times 8.33 \times (600 - 125) + 1.0 \times 0.0008 \times (600 - 125) \times 1805 + 0.10 \times 1805$ $= 1262.07 \text{ Lacs}$

  
(Member TAC)

  
(Member TAC)

  
(Convener PAC)

  
(Head TAC)

**FORM I**  
(see rule 3)

To,

**The Adjudication Officer,  
(Commissioner/Secretary to the Government,  
Department of Forest, Ecology and Environment)  
Jammu and Kashmir.**

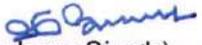
**1. Particular of complainant: -**

- (a) Name: **J&K Pollution Control Committee through Member Secretary.**  
(b) Address for service:  
(c) Contact No: **94197-94234**  
(d) Email (for service): **membersecretaryjkspcb@gmail.com**

**2. Particulars of complaint: -**

- (a) Date, time and instance of commission of the alleged contravention: **04-02-2017 onwards**  
i) Violation of Environment (Protection) Act, 1986.  
ii) Violation of Solid Waste Management Rules, 2016.  
iii) Violation of Water (Prevention & Control of Pollution) Act, 1974.  
(b) Statement of contravention setting out all relevant material particulars: **(Enclosed as Annexure-A)**  
(c) Evidence in support of the statement: **(Enclosed as Annexure-B)**  
(d) Tentative amount of damage (in pecuniary terms) with cost break-up. **(Calculation sheet for levying of Environment Compensation enclosed as Annexure-C)**

I/We, the J&K Pollution Control Committee through the Member Secretary, the complainant herein declare that the facts stated herein are correct as per the record available in the office.

  
(Ghansham Singh) **14.7.25**  
Member Secretary  
J&K PCC  
On behalf of J&K Pollution Control Committee

**3. Name and Signature of the Complainant:**

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## INDEX

Unscientific dumping of Mixed Waste, at Achan landfill site, Srinagar.	
1. Name of the Officer amongst whom complaint is being filed	Mr. Peerzada Hafizullah Shah
2. Tenure of posting as Commissioner, SMC	13-03-2018 to 13-02-2019
3. Present Place of Posting	Retired
4. Residential address in case of retired officers/officials.	R/o Vover Mohalla Allochi Bagh, near pump shed, Srinagar.
5. Type of Contravention	i) Section 7 of Environment (Protection) Act, 1986. ii) Section 9 of Environment (Protection) Act, 1986. iii) Section 45 A read with Section 48 of the Water (Prevention and Control of Pollution) Act, 1974.

**Statement of Contravention:**

That the above said officer remained posted as Commissioner, Srinagar Municipal Corporation, during the period mentioned above and the SMC was responsible for overall management, treatment and disposal of waste within the limits of 74 wards of Srinagar Municipal Corporation in accordance with the following Rules:

1. Solid Waste Management Rules, 2016.
2. Bio-Medical Waste Management Rules, 2016.
3. Plastic Waste Management Rules, 2016.

*25/7/25*

by facilitating construction operation and maintenance of solid waste processing facilities including setting up Material Recovery facilities or Secondary storage facilities with sufficient space for sorting recycled material.

**Section 7 of the Environment (Protection) Act, 1986: Persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess or the standards-** No person carrying on any carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

In the instant case, the Srinagar Municipal Corporation has not been able to functionalize even Waste Processing Facilities at dumpsite Achan which are found non-functional especially mechanical segregator, leachate treatment plant, bore wells, Fecal Sludge Treatment Plant as a result waste generated from the various wards from the SMC has been dumped unscientifically at site without proper segregation, treatment and disposal. The environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge waste is being dumped everyday and therefore, is a serious environmental concern for the Srinagar city.

**Section 9 of the Environment (Protection) Act, 1986: Furnishing of information to authorities and agencies in certain cases-**

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the

**806** environmental pollution caused as a result of such discharge and shall also forthwith –

- (a) intimate the fact of such occurrence or apprehension of such occurrence and
- (b) be bound, if called upon, to render all assistance to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

In the instant case also due to the dumping of unsegregated waste at the landfill site Achan without scientific treatment, discharge of environmental pollution is caused as a result of environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge quantum waste is being dumped everyday and SMC failed to prevent or mitigate the environmental pollution.

**Section 45 (A) of the Water (Prevention and Control of Pollution) Act, 1974,**Penalty for contravention of certain provisions of the Act-Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees

*25/2/2018*

for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

In the instant case, the J&K PCC after conducting the inspection of dumpsite from time to time have pointed out the deficiencies and directed the SMC to rectify / improve the functioning of the waste processing facilities at the site, but there has been no improvement on the ground as per the report submitted by the Joint Committee constituted by the Hon'ble NGT in November 2024 and as a result environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site and thus is in violation of provisions of 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974.

**Section 48 of the Water (Prevention and Control of Pollution) Act, 1974: Offences by Government Departments-** Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In terms of **Section 15 of Solid Waste Management Rules, 2016**, it was mandatory upon the Srinagar Municipal Corporation to take steps for proper collection, segregation, transportation and scientific treatment and disposal of all category of waste generated from 74 wards of Srinagar Municipal Corporation.

**Section 15 of the Environment (Protection) Act, 1986** provides that where any person contravenes or does not comply with any of the provisions of this act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to penalty in respect of each such contravention which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.



***Section 15-B of Environment (Protection) Act, 1986: Penalty for contravention by Government Department-* (1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary.**

Furthermore, the Hon'ble NGT in OA No. 277 of 2013 vide its Orders dated 13-01-2015, 22-08-2016, 24-01-2017, 28-02-2017 and 12-12-2017 had directed to take action for ensuring handling of Municipal Solid Waste at the Achan site in accordance with SWM Rules, 2016, but till date no concrete action have been taken by the local authorities for ensuring scientific treatment and disposal of the Solid Waste at landfill site Achan. Moreover, no action has been taken for bio-mining and remediation of huge quantum of legacy waste dumped at the site.

The Hon'ble NGT in OA No. 543 of 2024 dated 15-05-2024 titled Raja Muzaffar Bhat Versus MoEF had constituted joint committee comprising of representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF&CC, Deputy Commissioner, Srinagar and Member Secretary J&K PCC and directed to visit the site, ascertain the correct ground position and extent pollution caused by the illegal dumping at the landfill site in question and consequential health hazard and suggest remedial measures including setting up of Waste Processing facility to zero down landfill and submit the report before the tribunal.

The Joint Committee constituted by the Hon'ble NGT has submitted its report on 28 November 2024 which inter-alia observed and pointed out as under:-

*26/11/24*

- 1) The following waste processing facilities established at the site were found non-functional during the site inspection by the joint committee.
- i) Mechanical Segregator of 100 TPD (Presently manual segregation being done) is non-functional.
  - ii) Three leachate plants of 120 KLD capacity (60 KLD + 30 KLD + 30 KLD) are non-functional for quite some time.
  - iii) 3 Borewells for testing the quality of ground water not functioning properly.
  - iv) Fecal Sewage Treatment Plant (FSTP) of 130 KLD is non-functional.
  - v) Septage Treatment Plant established at the site was also found non-functional and defunct.
- 2) There was no arrangement found for collection of leachate waste at the site as the leachate treatment facility established at the site was found non-functional.
- 3) The green belt provided at the site was found inadequate and the condition of the road linking to the dump site was also not found good.

The Hon'ble NGT vide its order dated 12-12-2024 directed as under:

8. *"Taking into consideration the seriousness of the issue, the Commissioner, Srinagar Municipal Corporation is directed to provide a time-bound action plan to mitigate the situation on a mission mode. Further, J&K PCC is hereby directed to initiate action against the violations."*

Similarly, the Hon'ble NGT vide its order dated 20-03-2025 directed as under:

6. *"So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986: and three weeks has been sought to file a complaint before the competent*

*26/03/25*

*forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks”.*

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. 4790 (E) dated 04-11-2024 have notified Environment (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and Integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 7,8,9,10 & 11 of the Environment (protection) Act, 1986 before the adjudicating officer.

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. GSR 696 (E) dated 11-11-2024 have notified Water (Prevention and Control of Pollution) (Manner of Holding inquiry and imposition of penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 41, 41A, 42, 43, 44, 45A & 48 of the Act before the adjudicating officer.

The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 12-12-2024 and 20-03-2025 has directed to comply the directions of the Hon'ble NGT with regard to take action against the defaulting officers.

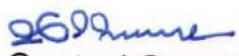
Accordingly, complaint under Rule-3 of the Environmental Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 read with Rule 3 of the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 against the above said officer is being filed.

*350me*

**Prayer:**

It is prayed that in view of the submissions made herein above and those to be argued at the time of hearing, complaint may be accepted and allowed in the interest of Justice, Equity Fair Play and in the best interest of protection of the Environment.

***With the approval of the Competent Authority.***

  
J&K Pollution Control Committee  
through 14.7.25  
Member Secretary  
J&K PCC

**FORM I**  
(see rule 3)

To,

**The Adjudication Officer,  
(Commissioner/Secretary to the Government,  
Department of Forest, Ecology and Environment)  
Jammu and Kashmir.**

**1. Particular of complainant: -**

- (a) Name: **J&K Pollution Control Committee through Member Secretary.**  
(b) Address for service:  
(c) Contact No: **94197-94234**  
(d) Email (for service): **membersecretaryjkspcb@gmail.com**

**2. Particulars of complaint: -**

- (a) Date, time and instance of commission of the alleged contravention: **04-02-2017 onwards**  
i) Violation of Environment (Protection) Act, 1986.  
ii) Violation of Solid Waste Management Rules, 2016.  
iii) Violation of Water (Prevention & Control of Pollution) Act, 1974.  
(b) Statement of contravention setting out all relevant material particulars: **(Enclosed as Annexure-A)**  
(c) Evidence in support of the statement: **(Enclosed as Annexure-B)**  
(d) Tentative amount of damage (in pecuniary terms) with cost break-up. **(Calculation sheet for levying of Environment Compensation enclosed as Annexure-C)**

I/We, the J&K Pollution Control Committee through the Member Secretary, the complainant herein declare that the facts stated herein are correct as per the record available in the office.

  
(Ghansham Singh) 14.7.25  
Member Secretary  
J&K PCC  
On behalf of J&K Pollution Control Committee

**3. Name and Signature of the Complainant:**

<b>Unscientific dumping of Mixed Waste, at Achan landfill site, Srinagar.</b>		
1.	Name of the Officer amongst whom complaint is being filed	Mr. Gazanfar Ali,
2.	Tenure of posting as Commissioner, SMC	06-02-2020 to 01-03-2021
3.	Present Place of Posting	Retired
4.	Residential address in case of retired officers/officials.	R/o Pandrethan, Pantha Chowk, Srinagar
5.	Type of Contravention	i) Section 7 of Environment (Protection) Act, 1986. ii) Section 9 of Environment (Protection) Act, 1986. iii) Section 45 A read with Section 48 of the Water (Prevention and Control of Pollution) Act, 1974.

### **Statement of Contravention:**

That the above said officer remained posted as Commissioner, Srinagar Municipal Corporation, during the period mentioned above and the SMC was responsible for overall management, treatment and disposal of waste within the limits of 74 wards of Srinagar Municipal Corporation in accordance with the following Rules:

1. Solid Waste Management Rules, 2016.
2. Bio-Medical Waste Management Rules, 2016.
3. Plastic Waste Management Rules, 2016.

*Gazanfar*

by facilitating construction operation and maintenance of solid waste processing facilities including setting up Material Recovery facilities or Secondary storage facilities with sufficient space for sorting recycled material.

**Section 7 of the Environment (Protection) Act, 1986: Persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess or the standards-** No person carrying on any carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

In the instant case, the Srinagar Municipal Corporation has not been able to functionalize even Waste Processing Facilities at dumpsite Achan which are found non-functional especially mechanical segregator, leachate treatment plant, bore wells, Fecal Sludge Treatment Plant as a result waste generated from the various wards from the SMC has been dumped unscientifically at site without proper segregation, treatment and disposal. The environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge waste is being dumped everyday and therefore, is a serious environmental concern for the Srinagar city.

**Section 9 of the Environment (Protection) Act, 1986: Furnishing of information to authorities and agencies in certain cases-**

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the

*95/2000*

environmental pollution caused as a result of such discharge and shall also forthwith –

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- (a) intimate the fact of such occurrence or apprehension of such occurrence and
- (b) be bound, if called upon, to render all assistance to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

In the instant case also due to the dumping of unsegregated waste at the landfill site Achan without scientific treatment, discharge of environmental pollution is caused as a result of environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge quantum waste is being dumped everyday and SMC failed to prevent or mitigate the environmental pollution.

**Section 45 (A) of the Water (Prevention and Control of Pollution) Act, 1974,** Penalty for contravention of certain provisions of the Act- Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees

*SSQ*

**816** for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

In the instant case, the J&K PCC after conducting the inspection of dumpsite from time to time have pointed out the deficiencies and directed the SMC to rectify / improve the functioning of the waste processing facilities at the site, but there has been no improvement on the ground as per the report submitted by the Joint Committee constituted by the Hon'ble NGT in November 2024 and as a result environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site and thus is in violation of provisions of 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974.

**Section 48 of the Water (Prevention and Control of Pollution) Act, 1974: Offences by Government Departments**- Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In terms of **Section 15 of Solid Waste Management Rules, 2016**, it was mandatory upon the Srinagar Municipal Corporation to take steps for proper collection, segregation, transportation and scientific treatment and disposal of all category of waste generated from 74 wards of Srinagar Municipal Corporation.

**Section 15 of the Environment (Protection) Act, 1986** provides that where any person contravenes or does not comply with any of the provisions of this act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to penalty in respect of each such contravention which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.

*26/02/24*

***Section 15-B of Environment (Protection) Act, 1986: Penalty for contravention by Government Department- (1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary.***

Furthermore, the Hon'ble NGT in OA No. 277 of 2013 vide its Orders dated 13-01-2015, 22-08-2016, 24-01-2017, 28-02-2017 and 12-12-2017 had directed to take action for ensuring handling of Municipal Solid Waste at the Achan site in accordance with SWM Rules, 2016, but till date no concrete action have been taken by the local authorities for ensuring scientific treatment and disposal of the Solid Waste at landfill site Achan. Moreover, no action has been taken for bio-mining and remediation of huge quantum of legacy waste dumped at the site.

The Hon'ble NGT in OA No. 543 of 2024 dated 15-05-2024 titled Raja Muzaffar Bhat Versus MoEF had constituted joint committee comprising of representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF&CC, Deputy Commissioner, Srinagar and Member Secretary J&K PCC and directed to visit the site, ascertain the correct ground position and extent pollution caused by the illegal dumping at the landfill site in question and consequential health hazard and suggest remedial measures including setting up of Waste Processing facility to zero down landfill and submit the report before the tribunal.

The Joint Committee constituted by the Hon'ble NGT has submitted its report on 28 November 2024 which inter-alia observed and pointed out as under:-

*26/11/24*

The following waste processing facilities established at the site were found non-functional during the site inspection by the joint committee.

- i) Mechanical Segregator of 100 TPD (Presently manual segregation being done) is non-functional.
  - ii) Three leachate plants of 120 KLD capacity (60 KLD + 30 KLD + 30 KLD) are non-functional for quite some time.
  - iii) 3 Borewells for testing the quality of ground water not functioning properly.
  - iv) Fecal Sewage Treatment Plant (FSTP) of 130 KLD is non-functional.
  - v) Septage Treatment Plant established at the site was also found non-functional and defunct.
- 2) There was no arrangement found for collection of leachate waste at the site as the leachate treatment facility established at the site was found non-functional.
  - 3) The green belt provided at the site was found inadequate and the condition of the road linking to the dump site was also not found good.

The Hon'ble NGT vide its order dated 12-12-2024 directed as under:

8. *"Taking into consideration the seriousness of the issue, the Commissioner, Srinagar Municipal Corporation is directed to provide a time-bound action plan to mitigate the situation on a mission mode. Further, J&K PCC is hereby directed to initiate action against the violations."*

Similarly, the Hon'ble NGT vide its order dated 20-03-2025 directed as under:

6. *"So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986: and three weeks has been sought to file a complaint before the competent*

*96/2025*

*forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks”.*

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. 4790 (E) dated 04-11-2024 have notified Environment (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and Integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 7,8,9,10 & 11 of the Environment (protection) Act, 1986 before the adjudicating officer.

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. GSR 696 (E) dated 11-11-2024 have notified Water (Prevention and Control of Pollution) (Manner of Holding inquiry and imposition of penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 41, 41A, 42, 43, 44, 45A & 48 of the Act before the adjudicating officer.

The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 12-12-2024 and 20-03-2025 has directed to comply the directions of the Hon'ble NGT with regard to take action against the defaulting officers.

Accordingly, complaint under Rule-3 of the Environmental Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 read with Rule 3 of the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 against the above said officer is being filed.

*SS*

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**Prayer:**

It is prayed that in view of the submissions made herein above and those to be argued at the time of hearing, complaint may be accepted and allowed in the interest of Justice, Equity Fair Play and in the best interest of protection of the Environment.

***With the approval of the Competent Authority.***

  
J&K Pollution Control Committee  
through 14.7.25  
Member Secretary  
J&K PCC

**FORM I**  
(see rule 3)

To,

**The Adjudication Officer,  
(Commissioner/Secretary to the Government,  
Department of Forest, Ecology and Environment)  
Jammu and Kashmir.**

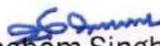
**1. Particular of complainant: -**

- (a) Name: **J&K Pollution Control Committee through Member Secretary.**  
(b) Address for service:  
(c) Contact No: **94197-94234**  
(d) Email (for service): **membersecretaryjkspcb@gmail.com**

**2. Particulars of complaint: -**

- (a) Date, time and instance of commission of the alleged contravention: **04-02-2017 onwards**  
i) Violation of Environment (Protection) Act, 1986.  
ii) Violation of Solid Waste Management Rules, 2016.  
iii) Violation of Water (Prevention & Control of Pollution) Act, 1974.  
(b) Statement of contravention setting out all relevant material particulars: **(Enclosed as Annexure-A)**  
(c) Evidence in support of the statement: **(Enclosed as Annexure-B)**  
(d) Tentative amount of damage (in pecuniary terms) with cost break-up. **(Calculation sheet for levying of Environment Compensation enclosed as Annexure-C)**

I/We, the J&K Pollution Control Committee through the Member Secretary, the complainant herein declare that the facts stated herein are correct as per the record available in the office.

  
(Ghansham Singh) 14.7.25

Member Secretary

J&K PCC

On behalf of J&K Pollution Control Committee

**3. Name and Signature of the Complainant:**

## INDEX

Unscientific dumping of Mixed Waste, at Achan landfill site, Srinagar.		
1.	Name of the Officer amongst whom complaint is being filed	Mr. Riyaz Ahmad Wani
2.	Tenure of posting as Commissioner, SMC	25-10-2017 to 13-08-2018
3.	Present Place of Posting	Additional Inspector General of Registration, J&K, Revenue Department.
4.	Residential address in case of retired officers/officials.	---
5.	Type of Contravention	i) Section 7 of Environment (Protection) Act, 1986. ii) Section 9 of Environment (Protection) Act, 1986. iii) Section 45 A read with Section 48 of the Water (Prevention and Control of Pollution) Act, 1974.

**Statement of Contravention:**

That the above said officer remained posted as Commissioner, Srinagar Municipal Corporation, during the period mentioned above and the SMC was responsible for overall management, treatment and disposal of waste within the limits of 74 wards of Srinagar Municipal Corporation in accordance with the following Rules:

1. Solid Waste Management Rules, 2016.
2. Bio-Medical Waste Management Rules, 2016.
3. Plastic Waste Management Rules, 2016.

by facilitating construction operation and maintenance of solid waste processing facilities including setting up Material Recovery facilities or Secondary storage facilities with sufficient space for sorting recycled material.

**Section 7 of the Environment (Protection) Act, 1986: Persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess or the standards-** No person carrying on any carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

In the instant case, the Srinagar Municipal Corporation has not been able to functionalize even Waste Processing Facilities at dumpsite Achan which are found non-functional especially mechanical segregator, leachate treatment plant, bore wells, Fecal Sludge Treatment Plant as a result waste generated from the various wards from the SMC has been dumped unscientifically at site without proper segregation, treatment and disposal. The environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge waste is being dumped everyday and therefore, is a serious environmental concern for the Srinagar city.

**Section 9 of the Environment (Protection) Act, 1986: Furnishing of information to authorities and agencies in certain cases-**

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the

**824** environmental pollution caused as a result of such discharge and shall also forthwith –

- (a) intimate the fact of such occurrence or apprehension of such occurrence and
- (b) be bound, if called upon, to render all assistance to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

In the instant case also due to the dumping of unsegregated waste at the landfill site Achan without scientific treatment, discharge of environmental pollution is caused as a result of environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge quantum waste is being dumped everyday and SMC failed to prevent or mitigate the environmental pollution.

**Section 45 (A) of the Water (Prevention and Control of Pollution) Act, 1974,**Penalty for contravention of certain provisions of the Act-  
Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees

for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

In the instant case, the J&K PCC after conducting the inspection of dumpsite from time to time have pointed out the deficiencies and directed the SMC to rectify / improve the functioning of the waste processing facilities at the site, but there has been no improvement on the ground as per the report submitted by the Joint Committee constituted by the Hon'ble NGT in November 2024 and as a result environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site and thus is in violation of provisions of 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974.

**Section 48 of the Water (Prevention and Control of Pollution) Act, 1974: Offences by Government Departments**- Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In terms of **Section 15 of Solid Waste Management Rules, 2016**, it was mandatory upon the Srinagar Municipal Corporation to take steps for proper collection, segregation, transportation and scientific treatment and disposal of all category of waste generated from 74 wards of Srinagar Municipal Corporation.

**Section 15 of the Environment (Protection) Act, 1986** provides that where any person contravenes or does not comply with any of the provisions of this act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to penalty in respect of each such contravention which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.

***Section 15-B of Environment (Protection) Act, 1986: Penalty for contravention by Government Department- (1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary.***

Furthermore, the Hon'ble NGT in OA No. 277 of 2013 vide its Orders dated 13-01-2015, 22-08-2016, 24-01-2017, 28-02-2017 and 12-12-2017 had directed to take action for ensuring handling of Municipal Solid Waste at the Achan site in accordance with SWM Rules, 2016, but till date no concrete action have been taken by the local authorities for ensuring scientific treatment and disposal of the Solid Waste at landfill site Achan. Moreover, no action has been taken for bio-mining and remediation of huge quantum of legacy waste dumped at the site.

The Hon'ble NGT in OA No. 543 of 2024 dated 15-05-2024 titled Raja Muzaffar Bhat Versus MoEF had constituted joint committee comprising of representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF&CC, Deputy Commissioner, Srinagar and Member Secretary J&K PCC and directed to visit the site, ascertain the correct ground position and extent pollution caused by the illegal dumping at the landfill site in question and consequential health hazard and suggest remedial measures including setting up of Waste Processing facility to zero down landfill and submit the report before the tribunal.

The Joint Committee constituted by the Hon'ble NGT has submitted its report on 28 November 2024 which inter-alia observed and pointed out as under:-

25 June

- 1) The following waste processing facilities established at the site were found non-functional during the site inspection by the joint committee.
- i) Mechanical Segregator of 100 TPD (Presently manual segregation being done) is non-functional.
  - ii) Three leachate plants of 120 KLD capacity (60 KLD + 30 KLD + 30 KLD) are non-functional for quite some time.
  - iii) 3 Borewells for testing the quality of ground water not functioning properly.
  - iv) Fecal Sewage Treatment Plant (FSTP) of 130 KLD is non-functional.
  - v) Septage Treatment Plant established at the site was also found non-functional and defunct.
- 2) There was no arrangement found for collection of leachate waste at the site as the leachate treatment facility established at the site was found non-functional.
- 3) The green belt provided at the site was found inadequate and the condition of the road linking to the dump site was also not found good.

The Hon'ble NGT vide its order dated 12-12-2024 directed as under:

8. *"Taking into consideration the seriousness of the issue, the Commissioner, Srinagar Municipal Corporation is directed to provide a time-bound action plan to mitigate the situation on a mission mode. Further, J&K PCC is hereby directed to initiate action against the violations."*

Similarly, the Hon'ble NGT vide its order dated 20-03-2025 directed as under:

6. *"So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986: and three weeks has been sought to file a complaint before the competent*

*26 June*

*forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks”.*

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. 4790 (E) dated 04-11-2024 have notified Environment (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and Integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 7,8,9,10 & 11 of the Environment (protection) Act, 1986 before the adjudicating officer.

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. GSR 696 (E) dated 11-11-2024 have notified Water (Prevention and Control of Pollution) (Manner of Holding inquiry and imposition of penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 41, 41A, 42, 43, 44, 45A & 48 of the Act before the adjudicating officer.

The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 12-12-2024 and 20-03-2025 has directed to comply the directions of the Hon'ble NGT with regard to take action against the defaulting officers.

Accordingly, complaint under Rule-3 of the Environmental Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 read with Rule 3 of the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 against the above said officer is being filed.



**Prayer:**

It is prayed that in view of the submissions made herein above and those to be argued at the time of hearing, complaint may be accepted and allowed in the interest of Justice, Equity Fair Play and in the best interest of protection of the Environment.

***With the approval of the Competent Authority.***

 14.7.25  
J&K Pollution Control Committee  
through  
Member Secretary  
J&K PCC

FORM I  
(see rule 3)

To,

The Adjudication Officer,  
(Commissioner/Secretary to the Government,  
Department of Forest, Ecology and Environment)  
Jammu and Kashmir.

**1. Particular of complainant: -**

- (a) Name: **J&K Pollution Control Committee through Member Secretary.**  
(b) Address for service:  
(c) Contact No: **94197-94234**  
(d) Email (for service): **membersecretaryjkspcb@gmail.com**

**2. Particulars of complaint: -**

- (a) Date, time and instance of commission of the alleged contravention: **04-02-2017 onwards**  
i) Violation of Environment (Protection) Act, 1986.  
ii) Violation of Solid Waste Management Rules, 2016.  
iii) Violation of Water (Prevention & Control of Pollution) Act, 1974.  
(b) Statement of contravention setting out all relevant material particulars: **(Enclosed as Annexure-A)**  
(c) Evidence in support of the statement: **(Enclosed as Annexure-B)**  
(d) Tentative amount of damage (in pecuniary terms) with cost break-up. **(Calculation sheet for levying of Environment Compensation enclosed as Annexure-C)**

I/We, the J&K Pollution Control Committee through the Member Secretary, the complainant herein declare that the facts stated herein are correct as per the record available in the office.

*Ghansham Singh*  
(Ghansham Singh) *14.7.25*  
Member Secretary  
J&K PCC

On behalf of J&K Pollution Control Committee  
**3. Name and Signature of the Complainant:**

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<b>Unscientific dumping of Mixed Waste, at Achan landfill site, Srinagar.</b>		
1.	Name of the Officer amongst whom complaint is being filed	Mr. Khurshid Ahmad Sanai, JKAS
2.	Tenure of posting as Commissioner, SMC	06-06-2019 to 06-02-2020
3.	Present Place of Posting	Additional Secretary to Government, Department of Food Civil Supplies and Consumer Affairs, J&K
4.	Residential address in case of retired officers/officials.	NA
5.	Type of Contravention	i) Section 7 of Environment (Protection) Act, 1986. ii) Section 9 of Environment (Protection) Act, 1986. iii) Section 45 A read with Section 48 of the Water (Prevention and Control of Pollution) Act, 1974.

**Statement of Contravention:**

That the above said officer remained posted as Commissioner, Srinagar Municipal Corporation, during the period mentioned above and the SMC was responsible for overall management, treatment and disposal of waste within the limits of 74 wards of Srinagar Municipal Corporation in accordance with the following Rules:

1. Solid Waste Management Rules, 2016.
2. Bio-Medical Waste Management Rules, 2016.
3. Plastic Waste Management Rules, 2016.



by facilitating construction operation and maintenance of solid waste processing facilities including setting up Material Recovery facilities or Secondary storage facilities with sufficient space for sorting recycled material.

**Section 7 of the Environment (Protection) Act, 1986: Persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess or the standards-** No person carrying on any carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

In the instant case, the Srinagar Municipal Corporation has not been able to functionalize even Waste Processing Facilities at dumpsite Achan which are found non-functional especially mechanical segregator, leachate treatment plant, bore wells, Fecal Sludge Treatment Plant as a result waste generated from the various wards from the SMC has been dumped unscientifically at site without proper segregation, treatment and disposal. The environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge waste is being dumped everyday and therefore, is a serious environmental concern for the Srinagar city.

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*95/2011*

environmental pollution caused as a result of such discharge and shall also forthwith –

- (a) intimate the fact of such occurrence or apprehension of such occurrence and
- (b) be bound, if called upon, to render all assistance to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

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Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees

*25/11/2018*

**834** for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

In the instant case, the J&K PCC after conducting the inspection of dumpsite from time to time have pointed out the deficiencies and directed the SMC to rectify / improve the functioning of the waste processing facilities at the site, but there has been no improvement on the ground as per the report submitted by the Joint Committee constituted by the Hon'ble NGT in November 2024 and as a result environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site and thus is in violation of provisions of 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974.

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*25/01/24*

***Section 15-B of Environment (Protection) Act, 1986: Penalty for contravention by Government Department- (1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary.***

Furthermore, the Hon'ble NGT in OA No. 277 of 2013 vide its Orders dated 13-01-2015, 22-08-2016, 24-01-2017, 28-02-2017 and 12-12-2017 had directed to take action for ensuring handling of Municipal Solid Waste at the Achan site in accordance with SWM Rules, 2016, but till date no concrete action have been taken by the local authorities for ensuring scientific treatment and disposal of the Solid Waste at landfill site Achan. Moreover, no action has been taken for bio-mining and remediation of huge quantum of legacy waste dumped at the site.

The Hon'ble NGT in OA No. 543 of 2024 dated 15-05-2024 titled Raja Muzaffar Bhat Versus MoEF had constituted joint committee comprising of representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF&CC, Deputy Commissioner, Srinagar and Member Secretary J&K PCC and directed to visit the site, ascertain the correct ground position and extent pollution caused by the illegal dumping at the landfill site in question and consequential health hazard and suggest remedial measures including setting up of Waste Processing facility to zero down landfill and submit the report before the tribunal.

The Joint Committee constituted by the Hon'ble NGT has submitted its report on 28 November 2024 which inter-alia observed and pointed out as under:-

*26/11/24*

The following waste processing facilities established at the site were found non-functional during the site inspection by the joint committee.

- i) Mechanical Segregator of 100 TPD (Presently manual segregation being done) is non-functional.
  - ii) Three leachate plants of 120 KLD capacity (60 KLD + 30 KLD + 30 KLD) are non-functional for quite some time.
  - iii) 3 Borewells for testing the quality of ground water not functioning properly.
  - iv) Fecal Sewage Treatment Plant (FSTP) of 130 KLD is non-functional.
  - v) Septage Treatment Plant established at the site was also found non-functional and defunct.
- 2) There was no arrangement found for collection of leachate waste at the site as the leachate treatment facility established at the site was found non-functional.
  - 3) The green belt provided at the site was found inadequate and the condition of the road linking to the dump site was also not found good.

The Hon'ble NGT vide its order dated 12-12-2024 directed as under:

8. *"Taking into consideration the seriousness of the issue, the Commissioner, Srinagar Municipal Corporation is directed to provide a time-bound action plan to mitigate the situation on a mission mode. Further, J&K PCC is hereby directed to initiate action against the violations."*

Similarly, the Hon'ble NGT vide its order dated 20-03-2025 directed as under:

6. *"So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986: and three weeks has been sought to file a complaint before the competent*

*26/3/25*

*forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks”.*

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. 4790 (E) dated 04-11-2024 have notified Environment (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and Integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 7,8,9,10 & 11 of the Environment (protection) Act, 1986 before the adjudicating officer.

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. GSR 696 (E) dated 11-11-2024 have notified Water (Prevention and Control of Pollution) (Manner of Holding inquiry and imposition of penalty) Rules, 2024.

Rule 3 provides that CPCB, SPCB, PCC and integrated Regional Offices of MoEF&CC in their respective jurisdictions, through their authorized officers or any other persons may file a complaint in Form 1 committed under any of Sections 41, 41A, 42, 43, 44, 45A & 48 of the Act before the adjudicating officer.

The Hon'ble NGT, Principal Bench, New Delhi vide its order dated 12-12-2024 and 20-03-2025 has directed to comply the directions of the Hon'ble NGT with regard to take action against the defaulting officers.

Accordingly, complaint under Rule-3 of the Environmental Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 read with Rule 3 of the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 against the above said officer is being filed.



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**Prayer:**

It is prayed that in view of the submissions made herein above and those to be argued at the time of hearing, complaint may be accepted and allowed in the interest of Justice, Equity Fair Play and in the best interest of protection of the Environment.

***With the approval of the Competent Authority.***

  
J&K Pollution Control Committee  
through 14.7.25  
Member Secretary  
J&K PCC

**FORM I**  
(see rule 3)

To,

**The Adjudication Officer,  
(Commissioner/Secretary to the Government,  
Department of Forest, Ecology and Environment)  
Jammu and Kashmir.**

**1. Particular of complainant: -**

- (a) Name: **J&K Pollution Control Committee through Member Secretary.**  
(b) Address for service:  
(c) Contact No: **94197-94234**  
(d) Email (for service): **membersecretaryjkspcb@gmail.com**

**2. Particulars of complaint: -**

- (a) Date, time and instance of commission of the alleged contravention: **04-02-2017 onwards**  
i) Violation of Environment (Protection) Act, 1986.  
ii) Violation of Solid Waste Management Rules, 2016.  
iii) Violation of Water (Prevention & Control of Pollution) Act, 1974.  
(b) Statement of contravention setting out all relevant material particulars: **(Enclosed as Annexure-A)**  
(c) Evidence in support of the statement: **(Enclosed as Annexure-B)**  
(d) Tentative amount of damage (in pecuniary terms) with cost break-up. **(Calculation sheet for levying of Environment Compensation enclosed as Annexure-C)**

I/We, the J&K Pollution Control Committee through the Member Secretary, the complainant herein declare that the facts stated herein are correct as per the record available in the office.

  
(Ghansham Singh) 14.7.25  
Member Secretary  
J&K PCC  
On behalf of J&K Pollution Control Committee

**3. Name and Signature of the Complainant:**

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## INDEX

<b>Unscientific dumping of Mixed Waste, at Achan landfill site, Srinagar.</b>	
1. Name of the Officer amongst whom complaint is being filed	Dr. Shafqat Khan
2. Tenure of posting as Commissioner, SMC	10-02-2017 to 24-10-2017
3. Present Place of Posting	District Health Officer, Shopian.
4. Residential address in case of retired officers/officials.	---
5. Type of Contravention	i) Section 7 of Environment (Protection) Act, 1986. ii) Section 9 of Environment (Protection) Act, 1986. iii) Section 45 A read with Section 48 of the Water (Prevention and Control of Pollution) Act, 1974.

**Statement of Contravention:**

That the above said officer remained posted as Commissioner, Srinagar Municipal Corporation, during the period mentioned above and the SMC was responsible for overall management, treatment and disposal of waste within the limits of 74 wards of Srinagar Municipal Corporation in accordance with the following Rules:

1. Solid Waste Management Rules, 2016.
2. Bio-Medical Waste Management Rules, 2016.
3. Plastic Waste Management Rules, 2016.



by facilitating construction operation and maintenance of solid waste processing facilities including setting up Material Recovery facilities or Secondary storage facilities with sufficient space for sorting recycled material.

**Section 7 of the Environment (Protection) Act, 1986: Persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess or the standards-** No person carrying on any carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

In the instant case, the Srinagar Municipal Corporation has not been able to functionalize even Waste Processing Facilities at dumpsite Achan which are found non-functional especially mechanical segregator, leachate treatment plant, bore wells, Fecal Sludge Treatment Plant as a result waste generated from the various wards from the SMC has been dumped unscientifically at site without proper segregation, treatment and disposal. The environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge waste is being dumped everyday and therefore, is a serious environmental concern for the Srinagar city.

**Section 9 of the Environment (Protection) Act, 1986: Furnishing of information to authorities and agencies in certain cases-**

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the

**842** environmental pollution caused as a result of such discharge and shall also forthwith –

- (a) intimate the fact of such occurrence or apprehension of such occurrence and
- (b) be bound, if called upon, to render all assistance to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

In the instant case also due to the dumping of unsegregated waste at the landfill site Achan without scientific treatment, discharge of environmental pollution is caused as a result of environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site whereabout huge quantum waste is being dumped everyday and SMC failed to prevent or mitigate the environmental pollution.

**Section 45 (A) of the Water (Prevention and Control of Pollution) Act, 1974,**Penalty for contravention of certain provisions of the Act-Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees

*26/2/2018*

for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

In the instant case, the J&K PCC after conducting the inspection of dumpsite from time to time have pointed out the deficiencies and directed the SMC to rectify / improve the functioning of the waste processing facilities at the site, but there has been no improvement on the ground as per the report submitted by the Joint Committee constituted by the Hon'ble NGT in November 2024 and as a result environmental degradation, leaching from the waste and contamination of the ground water and air pollution, foul smell and serious Oduor from the site and thus is in violation of provisions of 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974.

**Section 48 of the Water (Prevention and Control of Pollution) Act, 1974: Offences by Government Departments-** Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In terms of **Section 15 of Solid Waste Management Rules, 2016**, it was mandatory upon the Srinagar Municipal Corporation to take steps for proper collection, segregation, transportation and scientific treatment and disposal of all category of waste generated from 74 wards of Srinagar Municipal Corporation.

**Section 15 of the Environment (Protection) Act, 1986** provides that where any person contravenes or does not comply with any of the provisions of this act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to penalty in respect of each such contravention which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.

*g60amk*

***Section 15-B of Environment (Protection) Act, 1986: Penalty for contravention by Government Department- (1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary.***

Furthermore, the Hon'ble NGT in OA No. 277 of 2013 vide its Orders dated 13-01-2015, 22-08-2016, 24-01-2017, 28-02-2017 and 12-12-2017 had directed to take action for ensuring handling of Municipal Solid Waste at the Achan site in accordance with SWM Rules, 2016, but till date no concrete action have been taken by the local authorities for ensuring scientific treatment and disposal of the Solid Waste at landfill site Achan. Moreover, no action has been taken for bio-mining and remediation of huge quantum of legacy waste dumped at the site.

The Hon'ble NGT in OA No. 543 of 2024 dated 15-05-2024 titled Raja Muzaffar Bhat Versus MoEF had constituted joint committee comprising of representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF&CC, Deputy Commissioner, Srinagar and Member Secretary J&K PCC and directed to visit the site, ascertain the correct ground position and extent pollution caused by the illegal dumping at the landfill site in question and consequential health hazard and suggest remedial measures including setting up of Waste Processing facility to zero down landfill and submit the report before the tribunal.

The Joint Committee constituted by the Hon'ble NGT has submitted its report on 28 November 2024 which inter-alia observed and pointed out as under:-

*Same*

- 1) The following waste processing facilities established at the site were found non-functional during the site inspection by the joint committee.
- i) Mechanical Segregator of 100 TPD (Presently manual segregation being done) is non-functional.
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*of PCC*

*forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks”.*

The Ministry of Environment, Forest and Climate Change, Gol, vide Govt. notifications No. 4790 (E) dated 04-11-2024 have notified Environment (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

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*26/3/25*

**Prayer:**

It is prayed that in view of the submissions made herein above and those to be argued at the time of hearing, complaint may be accepted and allowed in the interest of Justice, Equity Fair Play and in the best interest of protection of the Environment.

***With the approval of the Competent Authority.***

  
J&K Pollution Control Committee  
through 14.7.25  
Member Secretary  
J&K PCC

Annex - B

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

Original Application No. 543 of 2024

**IN THE MATTER OF**

Raja Muzaffar Bhat Versus MoEF.

**Compliance Report of the Jammu and Kashmir Pollution Control Committee in compliance to the Orders of the Hon'ble National Green Tribunal dated 15-05-2024 in OA No. 543 of 2024 titled "Raja Muzaffar Bhat Versus MoEF".**

**Background:**

That the Hon'ble National Green Tribunal vide order dated **15-05-2024** in **OA No. 543 of 2024 inter-alia** issued following directions :-

*"9. To ascertain the correct factual situation, we constitute a Joint Committee comprising of the representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF & CC, Deputy Commissioner, Srinagar and Member Secretary, J & K PCC. The Deputy Commissioner, Srinagar will act as nodal agency.*

*10. The Joint Committee will visit the site, ascertain the correct ground position and the extent of pollution caused by the illegal dumping at the landfill site in question, consequential health hazard created by it and also suggest remedial measures including setting up of waste processing facilities to zero down landfill and submit the report before the Tribunal within eight weeks e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)*

*[Signature]*

*[Signature]*

preferably in the form of searchable PDF/OCR Support PDF  
and not in the form of Image PDF."

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In compliance to the aforesaid directions of Hon'ble NGT, matter was taken up with Central Pollution Control Board, New Delhi and requested for nomination of representative of CPCB as member of the joint committee, vide this office letter No. JKPCC/NGT/OA-543/258-259, dated 01-07-2024 (**Copy enclosed as Annexure-1**).

Similarly, Joint Secretary, Wetland and Lakes, Ministry of Environment and Forest, Climate Change, Gol was also requested for nomination of their representatives as a members of the Joint Committee constituted by the Hon'ble National Green Tribunal vide this office letter No. JKPCC/NGT/OA-543/262-263 dated 02-07-2024. (**Copy enclosed as Annexure-2**).

The Central Pollution Control Board, New Delhi vide email dated 2<sup>nd</sup> July 2024 nominated Dr. Narender Sharma, Director/Scientific F, CPCB, RD Chandigarh (**Copy enclosed as Annexure-3**). Similarly, the Govt. of India, Ministry of Environment, Forest and Climate Change, nominated Professor Sanjay Deshmukh, Department of Life Sciences, University of Mumbai as a representative of National Wetland Committee to be a member of the Joint Committee vide Office Memorandum No. W/6/2024-WTL dated 05-07-2024 (**Copy enclosed as Annexure-4**).

Accordingly, the site inspection was conducted on the scheduled date i.e 15-07-2024 notified by the Deputy Commissioner, Srinagar (Nodal Agency in terms of the Hon'ble NGT Order) vide

26/7/24

DSS

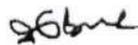
**1. SITE INSPECTION BY THE JOINT COMMITTEE ON 15.07.2024:**

The Members of the Joint Committee constituted by the Hon'ble National Green Tribunal visited the Achan Landfill site on 15-07-2024. Besides, following officers also accompanied the Joint Committee during the visit to the Landfill site:

1. Mr. Zahoor Ahmad, Additional District Development Commissioner, Srinagar.
2. Regional Director, J&K Pollution Control Committee, Kashmir.
3. Mr. Aijaz Ahmad Shah, Assistant Commissioner (Revenue) Srinagar.
4. Mr. Nazir Ahmad Baba, Chief Sanitary Officer of Srinagar Municipal Corporation.
5. Mr. Fiaz Ahmad, Divisional Officer, Pollution Control Committee, Srinagar.

**2. PROFILE OF SRINAGAR CITY AND WASTE GENERATION STATUS:**

Srinagar city with an area of 246 Sqm is largest city of Union Territory of Jammu and Kashmir and lies at average elevation 1586 mtrs from the sea level on the bank of River Jhelum. The population of the Srinagar city is 12.73 lacs as per 2011 census. The current estimated population of Srinagar city is approximately 15.50 lacs. Some of the important Water Bodies and Lakes in and around the Srinagar city are **Dal Lake, Nigeen Lake, Anchar Lake, Khushal sar, Gilsar and Hokersar.**



The current waste generation in the Srinagar city is around 600 TPD. The waste composition as per the reports of SMC is wet waste = 60% (360 TPD and dry waste 40% (240 TPD).

### 3. LANDFIL SITE ACHAN:

Co-ordinates of Dump Site:

Latitude : 34 °5'24" North Latitude.	74 °47'24" East Longitude
--------------------------------------	---------------------------

The Landfill Site Achan located at a distance of 10 kms from the centre of the Srinagar City was established in the year 1985 after allotment Land Measuring 517 Kanals and 16 Marlas vide Govt. Order No. Rev. (NDK) 102 of 1985 dated 27-03-1985 for mechanical compost and dumping of city refuse.

The Landfill Site consists of three cells 1, 2, and 3. The Status of the 3 cells at the landfill site is as under:

**Cell No. 1 :** Comprised of 40 kanals of land was operational from the year 2011 to 2013 and closed / capped in 2013. 1.80 lacs MT waste is dumped in this cell.

**Cell No. 2:** Comprised of 60 kanals of land was operational from 2013 to 2017. Temporarily capped in 2017. Now again put in operation. About 8.00 lacs MT waste is dumped in the cell.

**Cell No. 3:** Comprised of 30 kanals of land, was in operation during 2017-2018 and is capped. About 2.00 lacs MT waste is dumped in the cell.

### 4. STATUS OF LEGACY WASTE AT THE DUMP SITE:

*26/11/20*

*S. S. Mushro*

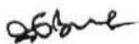
The daily waste generation in Srinagar city is approximately 600 MT per day. Approximately, 5% of the total waste generated is segregated at the source by the households and retained in the form of valuables. 100 MT waste is segregated manually at the site and remaining approximately 475 MT mixed and unsegregated waste is dumped daily at the site. Therefore, approximately 14.00 lacs MT (365x475x8) the legacy waste is dumped at the site.

The Srinagar Municipal Corporation has prepared an Action Plan for Bio-remediation / Bio-mining of Legacy waste for 11.00 Lacs MT to be completed in 2027 with an estimated cost of Rs. 60.50 crores @ Rs. 550 per MT.

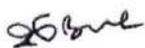
**5. OBSERVATIONS AS A MEMBER OF THE JOINT COMMITTEE DURING THE SITE INSPECTION:**

The J&K Pollution Control Committee (as a member of the joint committee) during the site inspection observed as under:-

- 1) The daily waste generation in Srinagar city is approximately 600 MT per day. Approximately, 5% of the total waste generated is segregated at the source by the households and retained in the form of valuables. 100 MT waste is segregated manually at the site and remaining approximately 475 MT mixed and unsegregated waste is dumped daily at the site. Therefore, approximately 14.00 lacs MT (365x475x8) the legacy waste is dumped at the site.
- 2) The following waste processing facilities established at the site were found non-functional during the site inspection by the joint committee.



- i) Mechanical Segregator of 100 TPD (Presently manual segregation being done) is non- functional.
  - ii) Three leachate plants of 120 KLD capacity (60 KLD + 30 KLD + 30 KLD) are non-functional for quite some time.
  - iii) 3 Borewells for testing the quality of ground water not functioning properly.
  - iv) Fecal Sewage Treatment Plant (FSTP) of 130 KLD is non-functional.
  - v) Septage Treatment Plant established at the site was also found non-functional and defunct.
- 3) There was no arrangement found for collection of leachate waste at the site as the leachate treatment facility established at the site was found non-functional and leachate was observed to be flowing in the drain leading to Anchar lake, which is located around 500 meters from the dumping sites.
- 4) The green belt provided at the site was found inadequate and the condition of the road linking to the dump site was also not found good.
- 5) During the site inspection of the joint committee, some local residents, especially, Social Welfare Committee, Zoonimar Srinagar submitted a memorandum pointing out therein that the dumpsite is posing a severe health risk to the residents of the area and requested for addressing the issue by immediate remediation of the legacy waste and taking of measures for abatement of water and air pollution being caused by the dumping of waste at the site (**copy enclosed as Annexure -6**).



## 6. CONSENT STATUS AND AVAILABILITY OF LAND AT THE DUMP

### SITE:

Consent to Establish (Fresh) to the plant was granted by the J&K Pollution Control Board on 30-06-2017, vide Consent Order No. SPCB 416 of 2017 dated 30-06-2017, for a period of one year in the Red Category for waste processing facility at the site:-

- 1) 300 TPD segregation plant
- 2) 200 MTR refused dry fuel (RDF and Material Recovery)
- 3) 200 TPD compost plant.

Land measuring about 902 kanal 10 Marlas allotted / transferred to the Srinagar Municipal Corporation, Srinagar as per the details given below:-

S. No.	Quantum of land allotted / transferred	Purpose	Order No. dated
1)	517 Kanal 16 marlas	For mechanical composts and dumping off city refuse.	No. REW NDK)/102 of 1985 dated 27-3-1985
2)	385 kanal and 13 marla	For expansion and modernization of garbage dumping site at Achan	30-03-2011 by the Deputy Commissioner, Srinagar

The CTE (Fresh) to the SMC Srinagar for operation of the waste processing facilities at the site was granted on 30-06-2017 for a period of one year in the Red Category which was valid up to 30-06-2018. Thereafter, SMC Srinagar initially applied for renewal of the CTO, vide

*Signature*

*Signature*

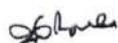
application No. 539399 on 04-08-2018, but the consent could not be granted / renewed to the SMC, Srinagar on account of the following deficiencies: -

- The segregation plant was functioning for only 100 TPD against the input of 450 TPD. Rest of the 350 TPD of waste was filled in Cell No. 02 without segregation.
- The MRF was found functional but, the air pollution control system was found defunct.
- The leachate treatment plant established at the site was found defunct.

The SMC again applied for consent to operate (Fresh) on 27-01-2021 for renewal. However, after site inspections by the team of the J&K PCC, the leachate treatment plant and air pollution control system at the site were found defunct and the facility remained continuously in the violations under different provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as a result, the CTO (F) could not be granted.

#### **7. FINDINGS OF THE WATER QUALITY ANALYSIS REPORT CONDUCTED BY THE J&K PCC :**

The Water Quality analysis in and around the Achan Dump site was also got conducted by collecting samples of water from various locations from nearby nallah of Achan Dumpsite, as also from the tube well lying within the premises of Achan Dumpsite. The samples of water collected were analysed for various physico-chemical and micro-biological parameters on 12-08-2024.





not been able to functionalize even basic waste processing facilities established earlier. The details of legal notices issued by the J&K PCC to the SMC are given as under:-

**I. Issuance of legal notices:**

- a) Legal notice by the Regional Director, PCC Kashmir to Commissioner, SMC vide No. SPCB/ROK/LS/17/183-87 dated 04-02-2017 (copy enclosed as Annexure 8).
- b) A legal notice by the Regional Director PCC Kashmir to the Commissioner, SMC vide No. SPCB/ROK/LS/17/282-84 dated 27-04-2017 (copy enclosed as Annexure 9).
- c) Legal Notice by Member Secretary, J&K PCC to the Commissioner, SMC vide No. SPC/NGT/11/17/391-92 dated 17-06-2019 (copy enclosed as Annexure 10).
- d) Legal Notice by Regional Director, PCC Kashmir to Commissioner, SMC vide No. PCC/RDK/PS/CA/003 dated 17-03-2022 (copy enclosed as Annexure 11).
- e) Legal Notice by Regional Director, PCC Kashmir to Commissioner, SMC vide No. PCC/RDK/PS/2022/453-455 dated 17-10-2022 (copy enclosed as Annexure 12).

**II. STATUS OF COMPLIANCE TO THE DIRECTIONS ISSUED Under Section 5 OF THE ENVIRONMENT (PROTECTION) ACT 1986 BY THE CPCB, New Delhi DATED 27-01-2021:**

- a) The J&K Pollution Control Committee have submitted department wise details of information for remediation of legacy waste dump site to the CPCB, New Delhi vide letter

*Signature*

*Signature*

No. JKPCCLLSJ/338/1479-80 dated 16-08-2021 (copy enclosed as Annexure 13).

- b) The J&K Pollution Control Committee have also advised all the Deputy Commissioner's to ensure integrating Solid Waste Dumpsite on site Emergency plans with the existing offsite District Disaster Management Plan in the Districts prepared by the Local Authorities in compliance with Rule 14 of the Manufacture, Storage and Import of Hazardous
- c) Chemical Rules, 1989 vide No. JKPCCLLSJ/22/338/279-302 dated 25-06-2022. (copy enclosed as Annexure 14).
- d) The J&K Pollution Control Committee have also submitted the status of Bio-mining of Legacy waste as received from the respective Municipal Corporations Jammu/Srinagar and Director of Urban Local Bodies, Jammu/Srinagar TO the CPCB vide this office letter No. JKPCCLLS/538/352-53 dated 13-07-2022 (copy enclosed as Annexure 15).

**9. STATUS OF ACTION PLAN PREPARED BY THE COMMISSIONER SMC, SRINAGAR FOR REMEDIATION OF LEGACY WASTE:**

The Commissioner, Srinagar Municipal Corporation was requested to share the Action Plan prepared by SMC for Bio-remediation of the Legacy Waste accumulated at the site and also steps and measures being taken for functionalization of existing Waste Processing Facilities / Setting up of additional Waste Processing Facilities at the site to zero down the

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landfill. Vide this officer letter No. JKPC/NGT/24/1447-51 dated 23-07-2024 (Copy enclosed as Annexure 16).

The Joint Commissioner, SMC Srinagar, has submitted a copy of the Action Plan for Bio-remediation of the Legacy Waste at the dumpsite and daily waste of SMC Srinagar vide his office letter No. SMC / CSO / SWMO/1282-83 dated 06-08-2024. (copy enclosed as Annexure- 17).

10) **STATUS OF TITLE OF THE LAND UNDER THE DUMPSITE AND VILLAGES FALLING ADJACENT TO THE SITE:**

Similarly, Deputy Commissioner, Srinagar was also requested to share the following information vide No. JKPC/NGT/24/452-56 dated 23-07-2024 (Copy enclosed as Annexure-18):-

- 1) The total land allotted to the SMC for establishment of waste management facility at Achan landfill site as per the revenue record.
- 2) Number of the villages falling adjacent to the site, their names and number of the facilities / population residing in these villages.
- 3) The status of the allotted land to the SMC as recorded in the Record of Rights (RoR) and Annual Records of the said village along with revenue record.

The Deputy Commissioner, Srinagar has submitted a report vide his No. DCS/ARA(901)/2024/371 dated 24-08-2024 (copy enclosed as Annexure-19)

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As per the report of Deputy Commissioner, Srinagar, the dumpsite is located in village Syedpora, District Srinagar and 5 villages are adjacent/around the landfill site Achan:-

The name of the villages, along with numbers of families and populations residing in these 5 villages is given as under: -

Name of village	No. of Families	Population residing in these villages
Saidapora Achan	1300	6352
Sangam	700	3356
Zoonimar	3558	17548
Dedmaribagh	190	973
Shunglipora	311	1479
	<b>6059</b>	<b>29708</b>

As per the Revenue papers, copy of the Record of Rights (RoR) for the year 1979-80 BK and Jamabandi of the year 1993-94 (AD), land measuring 517 Kanal 16 marlas comprising Khasra No. 1088/417 is recorded with description **Khalsa Sarkar** in the ownership column and with description **Makbuza Sarkar** in the cultivation column. (Copy of the report along with Revenue abstracts of the land enclosed as Annexure 20).

Finally, the directions have been issued by the J&K Pollution Control Committee to the Commissioner, Srinagar Municipal Corporation (SMC) for violation of Solid Waste Management Rules, 2016 vide No. JKPCC/NGT/3264-72 dated 18-05-2024 (copy enclosed as Annexure-

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21). The Commissioner, Srinagar Municipal Corporation has been directed to:

- i) Submit status of Consent and Authorization under the specified Acts and Rules, for operation of the Achan landfill site immediately and to submit a comprehensive report on the quantity of solid waste collected, segregated, treated and disposed per day and also submit the quantity of leachate generated and discharged per day.
- ii) Submit an Action Plan for ensuring implementation of the Rules as per the time frame prescribed under Rule 22 of the Solid Waste Management Rules, 2016.
- iii) Submit the Annual Report in Form-IV as prescribed under Rules 24 of the Solid Waste Management Rules, 2016.
- iv) Submit a list of officials of Srinagar Municipal Corporation, who are responsible for continuous violation of Solid Waste Management Rules, 2016 for their prosecution under the Environment (Protection) Act, 1986.
- v) Furnish quantity of solid waste generated in the jurisdiction of Srinagar Municipal Corporation.
- vi) Furnish the quantity of solid waste processed daily in Srinagar Municipal Corporation and disposal thereof.

#### 11) **RECOMMENDATIONS FOR REMEDIAL MEASURES**

The recommendations outlined below are structured into short-term immediate actions and long-term sustainable solutions, ensuring effective pollution control and prevention at the Achan Landfill.

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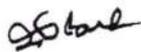
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11. (A) **Short-term Immediate Actions:**

- i) **Waste Segregation and Reduction at Source:** Enhancing waste segregation practices at the Achan Landfill is critical for effective management of diverse waste streams and minimizing environmental impacts.
- ii) **Establishing Segregation Zones:** Designating specific areas within the landfill for different types of waste, including municipal solid waste (MSW), bio-medical waste (BMW), and plastic waste, is essential. This zoning will facilitate systematic waste disposal and prevent cross-contamination.
- iii) **Educational Campaigns:** Launching comprehensive awareness programmes is crucial to educate local residents, waste generators, and handlers about the significance of segregation at the source. These educational initiatives will promote responsible waste management practices and compliance with regulatory guidelines.
- iv) **Enforcement of Segregation Guidelines:** It is imperative to implement strict monitoring and enforcement measures to ensure adherence to segregation guidelines. Regular audits and inspections will help prevent improper waste mixing and enhance the efficiency of waste processing and disposal operations.
- v) **Temporary Containment Measures:** Implementing immediate containment measures is vital to mitigate existing pollution and prevent further environmental degradation:
  - **Installation of Physical Barriers:** Erecting robust physical barriers around the landfill perimeter will help contain

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leachate and solid waste within designated areas. These barriers, constructed using impermeable materials, will prevent contaminants from spreading into surrounding ecosystems.

- **Covering of Waste:** Utilizing temporary covering methods, such as tarpaulins or geo-membranes, is essential to minimize releasing odors and airborne pollutants from the landfill. These covers will mitigate public health risks and improve air quality in the vicinity.
- **Enhanced Monitoring:** Strengthening surveillance and monitoring protocols is crucial for early detection of environmental breaches and unauthorized waste disposal activities. Continuous monitoring will facilitate prompt remedial actions and ensure compliance with environmental regulations.

**11 (B) Long-term Sustainable Solutions:**

**i) Setting Up Waste Processing Facilities:**

Establishing advanced waste processing facilities is essential to reduce reliance on landfills and promote sustainable waste management practices, especially establishing **Integrated Waste Management Plants**, constructing integrated facilities for composting, recycling, and energy recovery is pivotal. These plants will enable efficient processing of diverse waste streams, thereby minimizing the volume of waste destined for landfills and reducing environmental impacts.

**ii) Community Engagement and Awareness Programmes:**

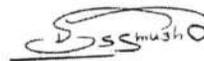
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Engaging local communities and stakeholders is integral to the success and sustainability of long-term waste management strategies:

- **Community Workshops:** Organizing educational workshops and seminars will empower residents with knowledge about sustainable waste practices and the environmental benefits of recycling. These outreach programmes aim to foster a culture of environmental responsibility and encourage active participation in waste reduction initiatives.
- **Public Participation:** Community involvement in waste reduction campaigns and clean-up drives is essential for building collective awareness and commitment to environmental stewardship. Public engagement initiatives will strengthen community bonds and promote a sense of ownership in local environmental conservation efforts.
- Recycling and energy recovery processes maximize resource utilization from waste streams, contributing to sustainable resource management and energy security.
- Transitioning towards a zero-waste approach requires holistic strategies to reduce waste generation, promote reuse, and optimize material cycles within the economy.
- Zero waste principles emphasize waste prevention, product design for longevity and recyclability, and the establishment of closed-loop systems that minimize resource consumption and waste generation.

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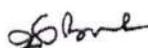
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- Circular economy principles aim to close material loops and minimize resource depletion by promoting product repair, refurbishment, and remanufacturing. Collaborative initiatives between stakeholders facilitate resource sharing and the development of circular supply chains.
- Interactive workshops and seminars educate community members about waste segregation, recycling practices, and the environmental impacts of waste mismanagement. Hands-on activities and demonstrations reinforce learning outcomes and encourage behavioral change.
- Partnerships between local governments, non-governmental organizations (NGOs), educational institutions, and businesses facilitate knowledge sharing, resource mobilization, and the implementation of collaborative waste management projects.

#### 12) Legal Adherence:

Ensuring strict adherence to regulatory frameworks is paramount. The Solid Waste Management Rules, 2016; Bio-Medical Waste Management Rules, 2016; Plastic Waste Management Rules, 2016; and the Action Plan for Municipal Solid Waste Management, Jammu and Kashmir, 2018, provide the foundational guidelines. Compliance involves not only halting illegal practices but also implementing measures that align with these rules. This includes detailed scrutiny of current practices against legal standards, identifying gaps, and implementing corrective actions.

#### 13) Infrastructure Development:



Establishing robust infrastructure for waste processing and segregation is fundamental to improving waste management practices. The current inadequacies in infrastructure contribute significantly to environmental degradation and health hazards. Modern waste processing facilities must be introduced, adhering strictly to environmental norms. This includes facilities for composting, recycling, bioremediation, and potentially waste-to-energy technologies. Each facility should be strategically located to optimize waste management efficiency and minimize environmental impact. The infrastructure plan should consider scalability and future demands, ensuring long-term sustainability.

#### 14) Timeline for Implementation of Remedial Measures:

The implementation timeline delineates phases designed for the systematic execution of remedial actions, addressing short-term urgencies, medium-term expansions, and long-term sustainability.

- a) **Short-term Actions:** Immediate interventions are crucial to mitigate pressing issues within the first 6 months. These include:
- **Waste Segregation:** *Implementing stringent protocols for waste segregation at the source to minimize contamination and optimize resource recovery.*
  - **Containment Measures:** *Erecting physical barriers and employing temporary covering methods to prevent further spread of pollutants.*
  - **Community Awareness:** *Launching comprehensive educational campaigns to foster residents' understanding of*

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the importance of waste management practices and compliance with regulations.

b) **Medium-term Actions:** Over the subsequent 1-2 years, efforts will focus on expanding infrastructure and technology deployment:

- **Infrastructure Scaling:** Constructing additional waste processing facilities and upgrading existing ones to handle increased volumes efficiently.
- **Technological Integration:** Introducing advanced technologies for enhanced waste treatment and resource recovery, thereby reducing reliance on landfill disposal.
- **Capacity Building:** Training personnel in modern waste management techniques and safety protocols to ensure effective operations and compliance.

c) **Long-term Actions:** The long-term strategy spans 3-5 years, emphasizing sustainable practices and continual improvement:

- **Zero Waste Goals:** Working towards achieving zero landfill waste through comprehensive waste reduction, recycling, and reuse strategies.
- **Environmental Monitoring:** Establishing a robust monitoring framework to track progress, assess environmental impacts, and adapt strategies as necessary.
- **Public Engagement:** Sustaining community involvement through ongoing education, participation in waste management initiatives, and feedback mechanisms to foster a culture of environmental stewardship.

15) **Data Collection:**

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Continuous monitoring of air, soil, and water quality parameters will provide critical insights into environmental impacts associated with the landfill site. Advanced analytical techniques will be employed to detect pollutants and assess their concentrations, ensuring early identification of potential risks to public health and ecosystem integrity.

## 16) **Conclusion:**

### i) **High Volume of Daily Waste Deposition:**

The Achan Landfill currently receives 450 metric tons of waste daily, far exceeding the permissible limits set by regulatory frameworks. This excessive deposition not only strains the landfill's capacity but also exacerbates environmental pollution. The sheer volume of waste poses severe health hazards to nearby communities and underscores the urgent need for effective waste management strategies.

### ii) **Pollution of Nearby Water Bodies:**

Improper waste disposal practices at the Achan Landfill have are likely to contaminate of nearby water bodies, most notably Achan Lake. The pollutants discharged into these water bodies include leachate, heavy metals, and organic contaminants, posing a threat to aquatic life and ecosystem health. Moreover, there is a significant risk of downstream contamination, impacting Dal Lake—a vital ecological and cultural asset of the region. The contamination of water bodies threatens biodiversity and compromises water quality, affecting human health and livelihoods dependent on these resources.

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iii) **Non-Compliance with Waste Management Rules:**

The inspection has identified non-compliance of the waste management rules, including the Solid Waste Management Rules, 2016; Bio-Medical Waste Management Rules, 2016; Plastic Waste Management Rules, 2016; and the Action Plan for Municipal Solid Waste Management, Jammu and Kashmir, 2018.

iv) **Inadequate Infrastructure for Waste Processing:**

The existing infrastructure at the Achan Landfill must be improved to manage the volume and diversity of waste generated. The absence of modern waste processing facilities hinders adequate waste segregation, recycling, and treatment.

v) **Investment in Modern Waste Processing Technologies:**

Allocate resources for establishing state-of-the-art waste processing facilities at the Achan Landfill. To optimize waste management practices, these facilities should integrate advanced technologies, such as bioremediation, composting, anaerobic digestion, and waste-to-energy systems. By adopting innovative technologies, the landfill can reduce waste volumes, minimize environmental pollution, and enhance resource recovery through sustainable practices.

vi) **Engagement of Local Communities:**

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Engage local communities through comprehensive awareness programmes and participatory initiatives. Educate residents on sustainable waste management practices, promote recycling initiatives, and encourage behavioral changes to minimize waste generation. Community involvement fosters a sense of ownership and responsibility towards environmental stewardship. Collaborate with local stakeholders, including community leaders, educational institutions, and non-governmental organizations, to mobilize collective efforts in achieving ecological sustainability goals.

**vii) Integration of Circular Economy Principles:**

Promote circular economy principles to minimize waste generation and maximize resource efficiency at the Achan Landfill. Encourage industries and businesses to adopt sustainable production practices, prioritize product reuse and recycling, and reduce reliance on single-use plastics. Implement policy incentives and regulatory frameworks that support the transition towards a circular economy, thereby promoting economic growth while reducing environmental impact.

**viii) Capacity Building and Training:**

Invest in capacity-building initiatives to enhance technical expertise and operational capabilities in waste management practices. Provide training programmes for personnel involved in waste handling, environmental monitoring, and

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regulatory compliance. Continuous professional development and knowledge exchange forums will empower stakeholders to implement best practices and adapt to evolving environmental challenges effectively.

ix) **Public-Private Partnerships:**

Foster collaborations between government agencies, private sector entities, and civil society organizations to leverage collective expertise and resources in waste management innovation. Public-private partnerships can facilitate investments in sustainable infrastructure, technology transfer, and knowledge sharing, thereby accelerating progress towards sustainable development goals. Collaborate with industry leaders and academic institutions to drive innovation in waste management solutions and promote industry-wide best practices.

x) **Addressing Environmental and Public Health Risks:**

The primary concern at the Achan Landfill is the excessive daily deposition of approximately 450 metric tons of waste, well beyond permissible limits. This unsustainable practice strains the landfill's capacity and contributes to environmental pollution and health hazards for nearby communities. The contamination of nearby water bodies, notably Achan Lake, further exacerbates the ecological impact, potentially affecting downstream areas, including the

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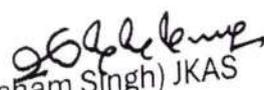
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iconic Dal Lake. Immediate cessation of illegal dumping and strict enforcement of waste management regulations are imperative to halt further degradation and protect water quality and biodiversity.

**xi) Importance of Regulatory Compliance:**

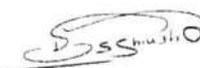
The inspection has identified widespread non-compliance with key waste management rules, including the Solid Waste Management Rules, 2016; Bio-Medical Waste Management Rules, 2016; and Plastic Waste Management Rules, 2016. This regulatory neglect underscores systemic failures in waste handling practices and necessitates stringent enforcement measures. Establishing a legal framework and implementing robust monitoring systems are essential to ensure compliance, uphold environmental standards, and hold those responsible for environmental harm accountable.

Dr. Narinder Sharma,  
Director / Scientist 'F',  
Regional Director,  
CPCB, Chandigarh

  
(Ghansham Singh) JKAS  
Member Secretary  
J&K PCC

Prof. Sanjay Deshmukh,  
Department of Life Science,  
Mumbai University

  
Dr. Bilal Mohi-ud-Din Bhat (I.A.S.)  
Deputy Commissioner,  
Srinagar



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<sup>26</sup>  
Prof Sanjay Deshmukh  
Department of Life Science  
Mumbai University.

Item No.11

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No.543/2024

Raja Muzaffar Bhat

Applicant

Versus

MOEF &amp; Ors.

Respondent(s)

Date of hearing: 12.12.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Itisha Awasthi, Advocate for Applicant

Respondents: Mr. G.M. Kawoosa, Advocate with Mr. Owais Ahmed (Through VC),  
Commissioner, SMC  
Mr. Rajkumar, Advocate for CPCB  
Ms. Nidhi Jaswal Advocate for MoEF (Through VC)  
Mr. Ghansham Singh, Member Secretary, J&K PCC (Through VC)**ORDER**

1. In this original application, grievance has been raised against illegal and unscientific dumping of municipal solid waste, Bio-medical waste and plastic waste at the Achan landfill of District Srinagar. The applicant has indicated that the landfill site is located near Bariwar Saldpora, which is the only dumping site. A canal passes along the said landfill site which joins Achan Lake and ultimately forms a part of Dal Lake. It is indicated that 450 MT of waste is dumped every day at the landfill site, which is spread over 75 Acres of land and is in close proximity of human habitation.

2. The matter came up for hearing on 15.05.2024 when the learned counsel for the applicant had referred to the order of NGT dated 13.01.2015 passed in O.A. No. 277/2013 in a matter relating to a certain

project wherein the issue of the same landfill site located near Achan wetland was involved, and Tribunal had issued directions.

3. To ascertain the factual position about the allegations made by the applicant regarding violations of Municipal Solid Wastes (Management & Handling) Rules, 2000 (MSW Rules) and the adverse impacts of the Achan Landfill site, a Joint Committee was constituted. The report was filed by the Joint Committee which was considered on 30.08.2024. As per the Joint Committee Report, several non-compliance and violations of statutory provisions were indicated.
4. Based on the Joint Committee Report, a response was sought from Deputy Commissioner Srinagar.
5. The matter came up for hearing today. Affidavit by Commissioner, Srinagar Municipal Corporation dated 11.12.2024 was considered. As per the report filed by the Commissioner, the current generation of waste is 600 TPD which is projected to increase 918.04 TPD by 2028. The composition of the said daily generation includes wet waste of 360 TPD which is 60 % of the total waste and 240 TPD of dry waste which is 40 % of the total waste. Presently, the waste processing capacity in Srinagar is insufficient. Only 150 TPD is processed, which includes 50 TPD of wet waste, which is processed by composting and 100 TPD by material recovery facility. The balance 450 TPD goes to the landfill site.
6. As per the response of the Commissioner, Srinagar Municipal Corporation, to address solid waste management, a waste-to-energy plant was proposed to be undertaken. However, the same could not be materialised as a developer of the waste-to-energy plant withdrew due to certain agreement issues. The report of the Commissioner indicates

several proposals that are still in the elementary stages. Further, it is also observed from the DPR prepared for "Bio-Mining/Bio-Remediation of legacy waste dumped at Achan" prepared by Srinagar Municipal Corporation that has been annexed to the response of Commissioner, Srinagar Municipal Corporation, the total area of the Achan dump site is around 123 acres and has an old legacy waste of 11 lakh metric tons. Further, 450 TPD of waste is also getting added to the existing legacy waste.

7. The Commissioner, Srinagar Municipal Corporation appeared virtually through VC and indicated steps being taken by the Municipal Corporation. He indicated that waste to energy plant which was supposed to be established could not be taken up due to the failure of the developer. Based on the response given by the Commissioner, we are of the opinion that no positive steps to address the solid waste, the leachate issue, or the sewage problem are being taken by the authorities. The effluent discharge is directly entering the streams and the river. Hence, there is complete violation of MSW rules, including the Water (Prevention and Control of Pollution) Act 1974. The Member Secretary, JKPCC, also appeared virtually and assured that he would also take action against the violations.

8. Taking into consideration the seriousness of the issue, the Commissioner, Srinagar Municipal Corporation is directed to provide a time-bound action plan to mitigate the situation on a mission mode. Further, JKPCC is hereby directed to initiate action against the violations.

9. A report by the Commissioner, Srinagar Municipal Corporation and Member Secretary, JKPCC shall be submitted at least one week before the next date of hearing.

10. List on 20.03.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 12, 2024  
O.A. No.543/2024  
HB..

Item No. 22

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 543/2024

Raja Muzaffar Bhat

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 20.03.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Itisha Awasthi, Advocate for Applicant  
Respondents: Mr. G.M. Kawoosa, Advocate with Mr. Owais Ahmed, Commissioner, SMC  
(Through VC)  
Mr. Rajkumar, Advocate for CPCB  
Ms. Nidhi Jaswal, Advocate for MoEF & CC (Through VC)  
Mr. Sikander Hyatt Khan, Mr. Sirhaan Seth & Mr. Sidhant Saraswat,  
Adv. for R - 10  
Mr. Abhijeet Joshi, Regional Director, J&K PCC (Through VC)

**ORDER**

1. In this original application, Tribunal is examining the issue of illegal and unscientific dumping of municipal solid waste, bio-medical waste and plastic waste at the Achan landfill of District Srinagar which is located near Bariwar Saldpora. By the side of this, a canal passes and joins the Achan lake which ultimately forms part of the Dal Lake.

2. Srinagar, Municipal Corporation has filed the response affidavit dated 14.03.2025 which reveals that legacy waste to the tune of 11 Lakh Metric Tones is lying at the site and daily generation of the waste is 550-600 TPD as against this, processing capacity is only 150 TPD. Meaning thereby, a large quantity of unprocessed daily generated waste is adding to the legacy waste.

3. Reply affidavit of Srinagar, Municipal Corporation discloses the following details and plans/timelines for remediating the problem:-

“6. That it is respectfully submitted that the Tribunal directed the SMC to submit a comprehensive action plan to ensure full compliance with the SWM Rules, 2016, and address the issues of unscientific waste disposal, leachate treatment, and environmental degradation at Achan landfill.

#### **Current Scenario and Challenges**

<b>Parameter</b>	<b>Details</b>
Total Waste Generation (2024)	1550-600 TPD
Projected Waste Generation (2028)	1918.04TPD
Existing Processing Capacity	150 TPD (50 TPD composting, .100 TPD MRF)
Legacy Waste at Achan	11 lakh MT

*Detailed Time-Bound Action Plan:*

*The detailed time-bound action plan is as follows:*

*Phase-wise Implementation Plan*

#### **Phase 1: Immediate Actions (0-6 Months: January – June, 2025)**

<b>Action</b>	<b>Status</b>
Leachat Treatment	Operationalized leachate treatment plant
Odour and Dust Control	Regular application of anti-odour chemicals and bio enzymes
Green Buffer Zone	Plantation of 3,200 trees
Fumigation and Dust Control	Regular fumigation and water sprinkling
Community Engagement	Strengthened grievance redressal mechanisms
Bio-Mining of Legacy Waste	The tender is in its final stage and is expected to be awarded by this month, with execution set to begin in April2025.
C&D Waste	The tender is under evaluation and is expected to be

Processing	awarded to be in April 2025.
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**Phase 2: Short-Term Plan (6-12 Months: July- December 2025)**

<b>Action</b>	<b>Status</b>
Expansion of Com posting Capacity	Increase from 50 TPD to 150 TPD
MRF Expansion	Increase from 100 TPD to 250 TPD
Garbage Transfer Stations (GTS)	Work will commence on the operationalization of three new Garbage Transfer Stations (GTS)
Leachate and Air Quality Monitoring	strengthened monitoring controls
Construction of 125 TPD C&D Facility	Post tender award execution begins
Tendering for Major Waste Facilities	Tendering for CBG Plant, RDF Plant, and expanded MRF facility

**Phase 3: Medium-Term Plan (12-24 Months: January 2026- December 2026)**

<b>Action</b>	<b>Status</b>
Bio – Mining of Legacy Waste	5 lakh MT targeted for processing by December 2026
Refuse-Derived Fuel (RDF) Plant	300 TPD RDF plant under construction
Compressed Bio-Gas (CBG) Plant	459 TPD CBG facility under construction
MRF Expansion Completion	Processing capacity increased to 459 TPD

**Phase 4: Long-Term Plan (24-36 Months: January 2027 March 2027)**

<b>Action</b>	<b>Status</b>
100% Scientific Waste Processing	Elimination of landfill dependency
Finalization of Bio-Mining	Full-scale remediation and land reclamation at Achan

<i>Green Buffer Zone Expansion</i>	<i>Additional 10,000 trees planted</i>
<i>Operationalization of RDF, CBG, and MRF Plants</i>	<i>Full functionality achieved by March, 2027</i>

### **Monitoring, Compliance & Reporting**

<b>Monitoring Activity</b>	<b>Frequency</b>	<b>Responsible Authority</b>
<i>Monthly Progress Reports</i>	<i>Submitted by SMC and JKPC</i>	<i>SMC Commissioner</i>
<i>Quarterly Review Meetings</i>	<i>Conducted with NGT and regulatory agencies</i>	<i>JKPC Member Secretary</i>
<i>Public Dashboard</i>	<i>Real-time tracking of progress</i>	<i>SMC IT Department</i>
<i>Environmental Audits</i>	<i>Regular Assessments for SWM compliance</i>	<i>JKPC Environmental Monitoring Unit</i>

4. Commissioner, Srinagar, Municipal Corporation appearing virtually has stated that he will furnish an undertaking and take the responsibility to ensure that within the said timeline entire work is completed. Said undertaking will be furnished within 10 days.
5. Learned Counsel for the applicant has also sought two weeks to file objections/response to the report of Municipal Corporation, Srinagar.
6. So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986. A list of 08 such officers who were posted as Commissioners, Srinagar, Municipal Corporation from 2017 onwards has been enclosed and three weeks has been sought to file a complaint before the competent forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks.

7. List on 18.07.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 20, 2025  
Original Application No. 543/2024  
JG..

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 277 of 2013  
(M.A. No. 214 of 2016 & M.A. No. 823 of 2016)**

**Dr. Irfan Ahmad & Ors. Vs. Mr. Nawang Rigzin Jora & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**      **Amicus Curie :**                      **Mr. Narender Pal Singh, Adv.**  
                         **MoUD**    **:Mr. B.V. Niren, Adv. with Mr. S.N. Jha, Adv.**  
                         **CPCB**    **: Mr. Rajkumar, Adv. with Mr. Bhupender**  
                            **Kumar, LA**  
                            **G. M. Kawoosa and M. A. Kirmani, Adv.,**  
                            **Mr. Hirdesh Kumar, comm./ Secy, Mr. Abdul**  
                            **Qasim, Jt. Comm. And Mr. Manzoor Ahmed,**  
                            **CSO**  
                            **Mr. Vikash Malhotra, Adv. for MoEF**

	Date and Remarks	Orders of the Tribunal
<p><i>In Relevant file</i> <i>2/2</i> <i>SA</i></p>	<p><b>Item No.</b> <b>01</b></p> <p><b>January</b> <b>24, 2017</b></p> <p><b>ss</b></p>	<p>The Tribunal has received a mail from Professor A.R. Yusuf, Former Expert Member of this Tribunal, which points out serious deficiencies existing on the Sanitary Landfill Site at Srinagar. The report has also been submitted by the team appointed in terms of the order of the Tribunal dated 06<sup>th</sup> December, 2016, even this report placed before the Tribunal is unsigned by any member of the Committee.</p> <p>The report again points out serious environmental issues in regard to the site in question. Even the facility for testing the groundwater was found to be defunct. It is shocking state of affairs. We have been accommodating Government of Jammu &amp; Kashmir now for more than a year and half. They have not been able to finalize any stakeholder for establishment of a Municipal Solid Waste Plant in any of its responses and the sanitary landfill site is causing serious environmental human health and groundwater pollution problems. The State is obligated to remedy the same but they have failed in this as the matter</p>

**Item No.  
01**

**January  
24, 2017**

**ss**

is being dealt with since 2013 and the Judgment passed by the Tribunal on 15<sup>th</sup> January, 2017. This state of affair cannot be permitted to continue any longer.

Thus, we direct the State Government that within one week from today it will bring complete and comprehensive action plan to ensure handing of municipal solid waste in accordance with Solid Waste Management Rules 2016. The State is entitled to have its opinion with regard to stakeholders who would establish Waste to Energy or Waste to Bio-methane and RDF to Power Plants. The joint inspection team shall be provided with complete facility and it will be ensured that the team is able to take groundwater samples from and around the sanitary landfill site of Srinagar. Samples will also be taken from Anchar Lake. The analysis will be done at the laboratory of the Jammu & Kashmir Pollution Control Board, National Institute of Technology, Srinagar and Central Pollution Control Board. The sample taken shall be divided into three different portions simultaneously and analysis reports be submitted to the Tribunal positively before the next date of hearing.

List this matter on 10<sup>th</sup> February, 2017.

.....,CP  
(Swatanter Kumar)

.....,EM  
(Bikram Singh Sajwan)

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 277 of 2013  
(M.A. No. 214 of 2016 & M.A. No. 823 of 2016)

Dr. Irfan Ahmad & Ors. Vs. Mr. Nawang Rigzin Jora & Ors.

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

**Present:** Amicus Curie : Mr. Narender Pal Singh, Adv.  
MoUD Mr. B.V. Niren, Adv. for MoUD and Mr. Varun Bhati, Adv.  
CPCB Mr. Rajkumar with Mr. Bhupender Kumar, Advs. for Central Pollution Control Board  
Mr. G. M. Kawoosa and Dr. Shafkat Khan, Commissioner SMC, Mr. Sameer Bharti, Member Secretary, Pollution Control Board, Mr. M.A. Tarray, CSO and Mr. M.M. Shah, Legal Advisor, Pollution Control Board  
Mr. Vikash Malhotra, Adv. for MoEF

Date and Remarks	Orders of the Tribunal
<p>Item No. 02</p> <p>February 28, 2017</p> <p>ss</p>	<p>We are entirely dis-satisfied with the manner in which Jammu &amp; Kashmir Pollution Control Board had been proceeded with as it is least compliant of our orders. There is complete contradiction in terms of parameters in the report and analysis of the effluents samples collected. Even the basic parameter like Bio-Chemical Oxygen Demand (BOD) is varying from 100 mg/l and 6 mg/l. The Jammu &amp; Kashmir Pollution Control Board is free to show cause as to why we should not impose cost upon them for not carrying out the orders of the Tribunal appropriately.</p> <p>In the meanwhile, we direct, the team of Central Pollution Control Board, Scientist from Ministry of Environment, Forest and Climate Change and Ministry of Water Resources who shall visit the site in question and collect samples of leachates, waterbodies, ground water and disposal of effluents. The analysis would be done at the inlet/intake as well as outlet point as per our previous order, be complied with by this Committee immediately and</p>

Process for Compliance Report  
04/03

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<p><b>Item No.</b> <b>02</b></p> <p><b>February</b> <b>28, 2017</b></p> <p><b>ss</b></p>	<p>report be placed before the Tribunal on the next date of hearing. The Committee would act under the supervision of the Hon'ble Prof. A.R. Yousuf, Ex-Expert Member, NGT in terms of our earlier order.</p> <p>The Learned Counsel appearing for State of Jammu &amp; Kashmir and Srinagar Municipal Corporation submits that he would like to place comprehensive Proposed Action Plan before the Tribunal. List this matter on 07<sup>th</sup> March, 2017 at his request. We have already made clear that on that day, we would be compelled to pass coercive order, in view of the conduct of the State of Jammu &amp; Kashmir, State Pollution Control Board Jammu &amp; Kashmir and Srinagar Corporation for last two years.</p> <p>One representative of the local residents shall be permitted to be with the committee, however, he will not disturb execution of the order of the Tribunal.</p> <p>The Registrar General, NGT would inform the order to Hon'ble Prof. A.R. Yousuf, Ex-Expert Member, NGT today itself.</p> <p>List this matter on 07<sup>th</sup> March, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 277 of 2013  
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HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: Amicus Curie : Mr. Narender Pal Singh, Adv.  
MoUD Mr. B.V. Niren, Adv. for MoUD and Mr. Varun  
Bhati, Adv.  
CPCB Mr. Rajkumar with Mr. Bhupender Kumar, Adv.  
for Central Pollution Control Board  
Mr. G. M. Kawoosa, Adv.  
Mr. Vikash Malhotra, Adv. for MoEF

Date and Remarks	Orders of the Tribunal
<p>Item No. 09</p> <p>March 07, 2017</p> <p>ss</p>	<p>The Learned Counsel appearing for the State of Jammu &amp; Kashmir submits that the Committee constituted under the order of the Tribunal has not visited the site as yet. The Learned Counsel appearing for Central Pollution Control Board submits that because of lack of coordination between the various members of the Committee that could not be done.</p> <p>We direct the members of the Committee shall visit the site and comply with the order dated 28<sup>th</sup> February, 2017 positively within this week. The Learned Counsel appearing for Ministry of Environment, Forest and Climate Change, Ministry of Water Resources, Central Pollution Control Board and the State of Jammu &amp; Kashmir shall fully coordinate and ensure that there is no default. Inspection report be submitted before the Tribunal before the next date of hearing. The Learned Counsel appearing for the State of Jammu &amp; Kashmir submits that he wish to file an affidavit along with proposed Action Plan. Let the needful be done within one week from today as prayed.</p>

<p><b>Item No.</b> <b>09</b></p> <p><b>March</b> <b>07, 2017</b></p> <p><b>ss</b></p>	<p>List this matter for hearing on 16<sup>th</sup> March, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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**Government of Jammu & Kashmir**  
**J&K State Pollution Control Board**  
**Office of the Regional Director Kashmir**

Sheikh-ul-Alam Complex, Rajbagh, near Government Silk Factory, Srinagar-190008  
[www.jkspcb.in](http://www.jkspcb.in) (email: regionaldirector@jkspcb.in) (Tel 0194-2135911/telefax 2311842)

1. Commissioner,  
Srinagar Municipal Corporation,  
Karan Nagar, Srinagar.
2. Chief Sanitation Officer, Srinagar Municipal Officer.
3. M/s Khalari Infra Structure Pvt. Ltd., Srinagar.

**URGENT**

No: SPCB/ROK/LS/17/103--07

Dated: 04-02-2017

**Subject: Malfunctioning of Municipal Solid Waste dumping site at Achen, Srinagar.**

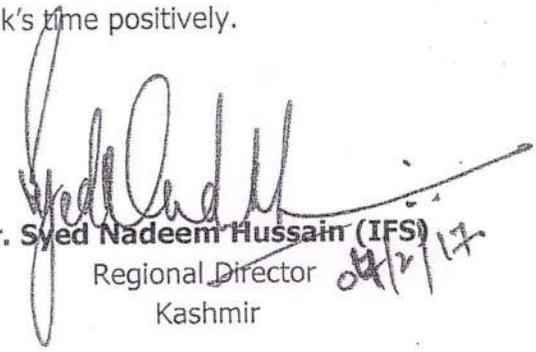
**NOTICE**

- Whereas, no unit can be put in operation without the necessary Pollution control measures/devices as envisaged under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- Whereas, it is mandatory for Srinagar Municipal Corporation to take adequate measures for control of Pollution from its own sources within the premises of Landfill site at Achen.
- Whereas, it is mandatory for Municipal Corporation to ensure that no air pollution problem or any nuisance is created in the area due to discharge of the emission from the Landfill site.
- Whereas, Municipal Corporation is bound to achieve the quality of effluent discharge within the prescribed permissible norms.
- Whereas, it is mandatory for Municipal Authority to provide adequate arrangements for accidental leakages/discharge of any pollutant that has adverse impact on Environment.
- Whereas, during the inspection of the site by undersigned along with Scientist and District officer Srinagar on 1<sup>st</sup> February 2017 and following observations were made:
  - 1) That, good housekeeping practices were not adopted at the site as the waste dumped at cell 2<sup>nd</sup> is not covered with thin layer of soil at the end of each working day which results in bad odour at the site.
  - 2) That, out of three leachate treatment plants only two LTPs were found functional resulting large gap of leachate generation and treatment as one 60 KLD LTP was found defunct, thereby seriously compromising the capability of the said unit.

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- 3) That, huge quantity of leachate was also found oozing from the 2<sup>nd</sup> cell in an uncontrolled manner which gets discharged into premises ultimately finding its way into public drainage which otherwise should go into leachate treatment plant for treatment. Hence is a serious potential health hazard.
- 4) That, no green belt of suitable plant species has been raised
- 5) That, **Methane Gas Flare** installed in the 1<sup>st</sup> cell to prevent the emission of methane gas into the atmosphere was found defunct thereby becoming a serious threat to public health.
- 6) **That ground water pump near dumping site was found defunct**, due to the reason the ground water sample could not be collected from the site.

Therefore, in light of the above, you are directed to explain as to why legal action as warranted under law should not be initiated within week's time positively.

  
**Dr. Syed Nadeem Hussain (IFS)**  
Regional Director  
Kashmir  
08/21/17

Copy to:

- 1. Chairman J&K SPCB Jammu for information.
- 2. Member Secretary J&K SPCB Jammu for information.

**Government of Jammu and Kashmir**  
**J&K State Pollution Control Board**

447



**Winter office: November-April**  
Parivesh Bhawan, Gladni,  
Transport Nagar, Narwal,  
Jammu. (J&K) 180006.  
Ph./Fax. 0191-2476925

**Summer Office: May-October**  
Sheikh-ul-Alam Campus,  
Behind Govt. Silk Factory,  
Rajbagh, Srinagar (J&K) 190008  
Ph./Fax. 0194-2311165.

**email: membersecretaryjkspcb@gmail.com**

**The Commissioner,  
Srinagar Municipal Corporation,  
Srinagar**

No.: SPC/NGT/II/17/391-92

Dt.: 17/06/2019

**Subject :- Non operation of Leachate Treatment Plants (LTPs) at Achen Landfill site.**

Sir,

It has been reported by the Regional Director Kashmir vide his letter No. **SPCB/RDK/W.Lab/19-20/09** dated 27-05-2019 that LTPs at landfill site Achen are defunct for quite a long time and advisories issued by the field officers of the Board at site for making the same functional have not been properly responded as LTPs continue to be defunct, resulting in discharge of Leachate without treatment.

The Achan dumping site is nearby to the water body of Anchar Lake and any laxity in proper treatment of wastes is bound to effect the environment adversely in general and the water body in particular.

You are therefore, directed to make the LTPs functional within 2 to 3 days and report compliance, failing which further action warranted under law, including imposition of environmental cost upon Srinagar Municipal Corporation shall be taken in light of Hon'ble National Green Tribunal (NGT) directions in O.A. 606 at your own risk and cost.

Yours faithfully,

17/6/19  
  
**(B. M. Sharma) IFS**  
Member Secretary  
J&K SPCB

Copy to the :-

Regional Director, SPCB Kashmir for information and to get the site inspected again and submit report within weeks time.



447

**Government of Jammu and Kashmir  
J&K State Pollution Control Board**



**Winter office: November-April**  
Parivesh Bhawan, Gladni,  
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Ph./Fax. 0194-2311165.

**email: membersecretaryjkspcb@gmail.com**

**The Commissioner,  
Srinagar Municipal Corporation,  
Srinagar**

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Yours faithfully,

  
(B. M. Sharma) IFS  
Member Secretary  
J&K SPCB

Copy to the :-

Regional Director, SPCB Kashmir for information and to get the site inspected again and submit report within weeks time.





SPCB  
www.jkspcc.in

Government of Jammu & Kashmir  
J&K Pollution Control Committee  
Office of the Regional Directorate-Kashmir  
Sheikh-ul-Alam Complex, Rajbagh, near Government Silk Factory, Srinagar-190008  
Email: regionaldirectorjkmr@gmail.com  
Tel/fax 0194-2311842

Commissioner  
SMC, Srinagar.

No:- PCC/ROK/PS/CA/093

Dated:- 07.03.2022

Subject:- Consent to Operate (F) in favour of M/s Land fill Site SMC.  
Ref:- Your Online Application No. 539399 dt.04-08-2018.

Sir,

With regard to the subject and reference cited above it is to intimate that your Online application stands examined and it has been revealed that dumping/ land filling is not being carried out as specified under Solid Waste Management Rules, 2016, therefore you are hereby advised that the Online application under reference can only be processed subject to rectification of deficiencies as has been pointed out by concerned District officer/ I/c Water Lab, failing which your application shall be recommended for closure and legal action as warranted under rules shall follow, which may even include levying of Environmental compensation.

Encl:- Report Copy Enclosed

Yours faithfully

Regional Director  
PCC, Kashmir

7/3/22

07/03/22



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  
www.jkspcb.in Email: regionaldirector@jkpc.com, Tel/fax 0194-2511842

The Commissioner  
Srinagar Municipal Corporation  
Karan Nagar,  
Srinagar

No:- PCC/RDK/PS/2022/453-455 Dated:- 17-10-2022

Subject:- Consent to Operate (Fresh) case of M/S Landfill Site, Srinagar  
Municipal Corporation, Syedpora Achan, Srinagar.

Reference:- SMCs Online Application No. 539399 dt. 27-01-2021.

Sir,

Apropos to the subject cited above, it is to convey that CTO(F) case of M/s Achan Landfill Site Srinagar Municipal Corporation, Syedpora Srinagar which is an integrated Solid Waste Management Plant with 350 TPD Segregation Plant, 200 Meter RDF and Material Recovery Plant and 200 TPD Compost Plant was examined and found deficient for various reasons, as enumerated below:-

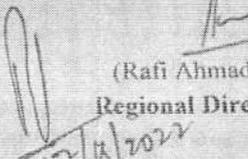
1. The Plant was inspected on 31-03-2021 and found functional with capacity of 350 TPD. Segregation Plant was functioning only for 100 TPD against an input of 450 TPD of Solid Waste. 350 TPD of Solid Waste was filled in Cell No.02 without segregation. The Material Recovery Plant was found functional but Leachate Treatment Plant was found defunct, which was being managed by J&K ERA.
2. Inspection team issued necessary on-spot instructions to officers of SM for rectification of the same and to run the plant as per Solid Waste Management Rules and instructions issued by the Hon'ble National Green Tribunal in OA No. 606/2014 in the compliance of Municipal Waste Management Rules, 2016.
3. The plant was further inspected on 31-08-2021 by a team of Pollution Control Committee, Kashmir and no considerable steps were taken for improvement / rectifications of the discrepancies highlighted during the previous inspection conducted on 31-03-2021.
4. This office letter dated 14-11-2021, sensitized the SMC about the matter, however no response has been received from your side till date.
5. It has been observed that the plant was operated upon in violation of the Municipal Solid Waste Management Rules, 2016 which is an offence and attracts the legal action prescribed in Solid Waste Management Rules, 2016 which leads to levying of heavy Environment Compensation as per the

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formula devised by Hon'ble NGT and prosecution in the Hon'ble Court of Law.

In view of above, you are once again requested to do the needful within a fortnight and report back to this office, so that plant is again inspected and case is decided for CTO (F) on merits. Failing to reply, it will be presumed that you have nothing to say and JK Pollution Control Committee is at liberty to proceed further, as per Municipal Solid Waste Management Rules, 2016.

Yours faithfully,

  
17.11.2022  
(Rafi Ahmad Bhat)SFS  
Regional Director Kashmir

Copy to the :-

1. Member Secretary, JKPC for information please.
2. PA to Chairperson, JKPC for information of the Chairperson.

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## STATUS OF SOLID WASTE OF SRINAGAR CITY AND ACHAN LANDFILL SITE

In continuation to the previous inspections conducted following the directions of the Hon'ble National Green Tribunal, New Delhi, in case of Dr. Irfan & Others Vs Mr. Nawang Rigzin Jora & Others (OA 277 of 2013), fresh inspection was carried out on 06/02/2017 and 23/02/2017 by a team of officials of Pollution Control Board along with Prof. A. Q. Dar, Sr. Professor of NIT Srinagar to assess the status of solid waste management of Srinagar City and Landfill site at Achan, Srinagar. The observations recorded are as under:

1. The waste collected from the Srinagar city is transported to the landfill site in trucks / dumpers. Mostly the trucks are covered, however at times un-covered trucks were observed (**Photo III**).
2. The dumpers/ collection containers at many locations of Srinagar City were found corroded/ rusted and are presenting a shabby look (**Photo II**). These need to be periodically cleaned/ painted or replaced by fresh ones.
3. A slight improvement was observed in primary storage of the waste in some areas like Khayam, Khanyar, Rainawari, Tengpora-Bye Pass, Hyderpora in terms of increased number of primary collection bins and hand carts. However, more improvement is needed in these areas as well as other areas of Srinagar Municipal Corporation on urgent basis to prevent open dumping on road sides etc.
4. The waste continues to be collected/ dumped at the Achan landfill site in an un-segregated manner (**Photo VII**) as no point source segregation of waste has been observed. However, negligible quantity of re-saleable items is being picked up by rag pickers at the primary collection sites (**Photo I**) as well as at the landfill site.
5. Mechanical segregator has not been purchased yet, however, civil work for the installation of the same was found under process.
6. The landfill site on an average receives 300 MTD of waste which is being dumped in the 2<sup>nd</sup> cell. As reported by ERA officials who are managing the landfill site on the spot, so far approx. 4.10 lac MT of waste has been dumped in the 2<sup>nd</sup> cell, which is much above its designed capacity of 2.42 lac MT. The construction of 3<sup>rd</sup> cell is not yet completed.
7. The waste collected from the city is transported to the landfill site and is being spread in the landfill site without a soil covering layer (**Photo VIII**) in violation of the Municipal Solid Waste Rules. The dumping of waste needs to be covered with 10 cm soil layer at the end of each day. The dumping of waste is totally unscientific and needs attention.

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8. During current inspection huge quantity of leachate generation was observed in the 2<sup>nd</sup> cell which gets oozed out (**Photo VI**) from various locations of the cell. Due to oozing out of leachate from various non-point sources, most of the leachate does not get collected for treatment in leachate treatment plants and gets discharged into the premises of the landfill site without treatment and emanates foul smell.
9. Three Leachate Treatment Plants (LTPs) of capacity 30 KLD, 60 KLD and 30 KLD (**Photo XI**) have been installed for the treatment of leachate generated from the landfill site. During the present inspection all the three LTPs were found operational, while during previous inspection (06/02/2017) only two were found in operation. During rainy season the leachate gets diluted with the rain water and a significant volume is generated which is beyond the capacity of the LTPs resulting in a huge gap in the generation and treatment of the leachate (**Photo XII**). As observed during current inspection huge quantity of un-treated leachate was found dispersed at many areas near the landfill site which needs immediate and effective remedial measures (**Photo V**).
10. In order to assess the performance the LTPs, samples from the influent (raw) and effluent were collected on 12/02/2017 and 23/02/2017. The test analysis report of samples collected on 12/02/2017 is enclosed herewith as **Annexure 1** which are within norms. However, the samples could not be analysed for trace elements/ toxic substances/ pesticides and the Pollution Control Board has been asked to get the latest samples analysed for the same from some recognized laboratory/ Central Pollution Control Board and the result of samples collected on 23/02/2017 shall be submitted after completion of analysis.
11. Samples were also collected from the Anchar lake at 05 different locations on 12/02/2017. The analysis reports in terms of various physico- chemical parameters are enclosed herewith as **Annexure 2**. On the basis of samples collected on 12/02/2017. The water quality data indicates that:
- DO (Dissolved Oxygen) determines the self-purifying capacity of water body and its concentration more than 5mg/l indicates good water quality. Its concentration in Anchar Lake ranged from 1.8 to 8.9 mg/l. Among the monitoring stations Dissolved oxygen level was found comparatively on lower side at, Confluence point of Gilsar and Anchar lake and at site opposite to SKIMS Soura.
  - BOD (Biochemical Oxygen Demand) is an important indicator of organic pollution. Its concentration in Anchar Lake ranged from 1.3 to 8.1 mg/l. The maximum concentrations of BOD (8.1mg/l) was recorded at Confluence point of Gilsar and Anchar lake.

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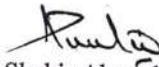
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- pH in all monitoring stations was found Alkaline and ranging from 7.46 to 7.82.
- 12. A single bore well at the land fill site has been made functional and sample from the same has been collected on 07/02/2017, 12/02/2017 and 23/02/2017 for analysis. The test analysis reports in terms of various physico- chemical parameters for the samples collected on 07/02/2017, 12/02/2017 are enclosed herewith as **Annexure 3 & 4**. The analysis report shows that among the analyzed parameters, Total Dissolved Solids (TDS) and Hardness are above the prescribed permissible limits and the result of samples collected on 23/02/2017 shall be submitted after completion of analysis. **(Photo X)**
- 13. Internal roads within the landfill site are not properly maintained and need immediate repairs and proper maintenance **(Photo IV)** as the dumpers and trucks after unloading at the dumping site carry the dirt on the city roads. Overall housekeeping within the landfill site particularly near the leachate treatment plants is very poor and needs to be improved **(Photo IX)**.
- 14. Most of the municipal waste is organic in nature and could be processed for composting. Composting will reduce the burden of the waste at landfill site. Due to lack of facilities like a segregation mechanism and a well designed composting platform, the composting of the waste at the landfill site is not carried out at all. To reduce the load on cells the segregation/ composting of the organic waste is the need of hour.
- 15. The Methane gas flare installed at the 1<sup>st</sup> cell to prevent the emission of methane gas into the atmosphere was found defunct thereby becoming a serious threat to public health.
- 16. As per the document made available to the present inspection team by the SPCB, it is pertinent to mention that the Landfill site was also inspected by Regional Director, Kashmir along with a team of SPCB officials on 01/02/2017 and many deficiencies/ mal practices were observed with respect to malfunctioning of one 60 KLD LTP, methane gas flare and ground water pump, oozing of large quantity of leachate from 2<sup>nd</sup> cell and bad housekeeping practices. Accordingly a notice was issued to Commissioner, Srinagar Municipal Corporation, Chief Sanitation Officer, Srinagar Municipal Corporation and M/s Khilari Infrastructure Pvt. Ltd., Srinagar vide No: SPCB/ROK/LS/17/183-87 dated: 04/02/2017 **(Annexure 5)** to immediately rectify the same. However, no correspondence from the Srinagar Municipal Corporation in response to these notices was made available to the team, suggesting that the Srinagar Municipal Corporation has not responded to the notices till date.
- 17. Green belt of suitable plants as per norms around the landfill site needs to be developed.

25/2/17

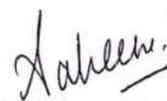
CONCLUSION

- a. There is no segregation of the Municipal Solid Waste being done at any point.
- b. The dumpers/collection bins at most of the places in the city are corroded/worn out.
- c. Some of Municipal Solid Waste is carried to the landfill site in uncovered trucks.
- d. The dumped material is not covered by soil layer on regular/daily basis.
- e. The Cell No. 2 has received almost double the quantity of Municipal Solid Waste than its designed capacity.
- f. The Leachate Treatment plants are not being properly operated and a significant volume of Leachate seeps out without treatment and is carried to the nearby natural drainage.
- g. Green belt of suitable plants as per norms around the landfill site needs to be developed.
- h. Internal roads at the dumping site are not maintained properly.
- i. Overall house keeping at the site is very poor.



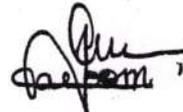
Shabir Ahmad

Scientist- A, SPCB



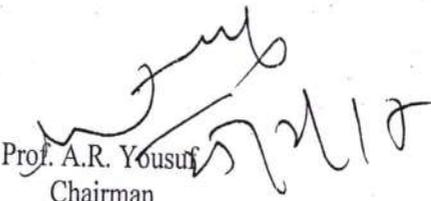
Dr. Sabeena Sultan

Scientist- B, SPCB



Dr. Abdul Qayoom Dar

Professor, NIT Srinagar



Prof. A.R. Yousuf  
Chairman

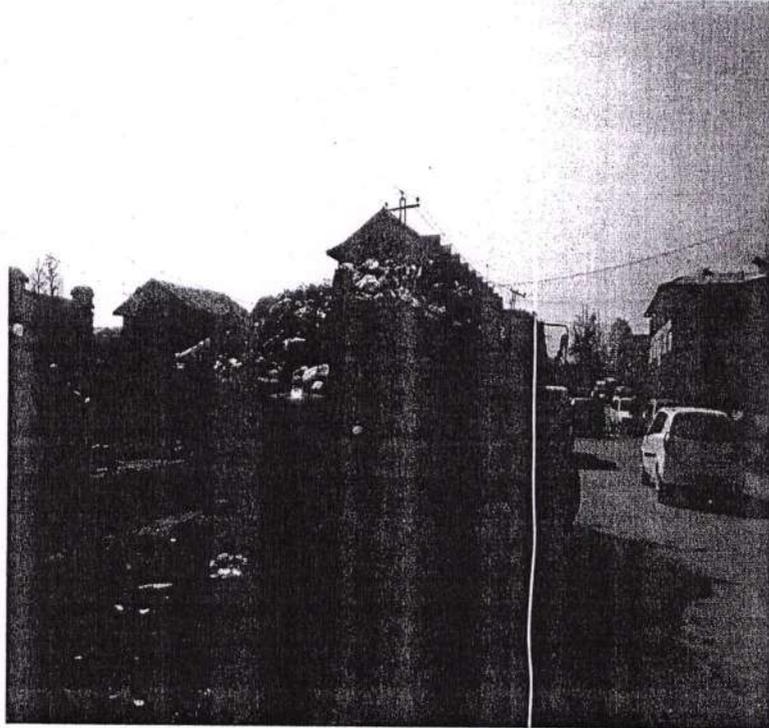


Segregation (manual) by rag pickers at the collection area near Khayam Chowk.



The waste container needs replacement or repairing/ painting near Zinshah Masjid, Rainawari

360



Un-covered truck carrying waste from the collection area, Lalbazaar to the landfill site .

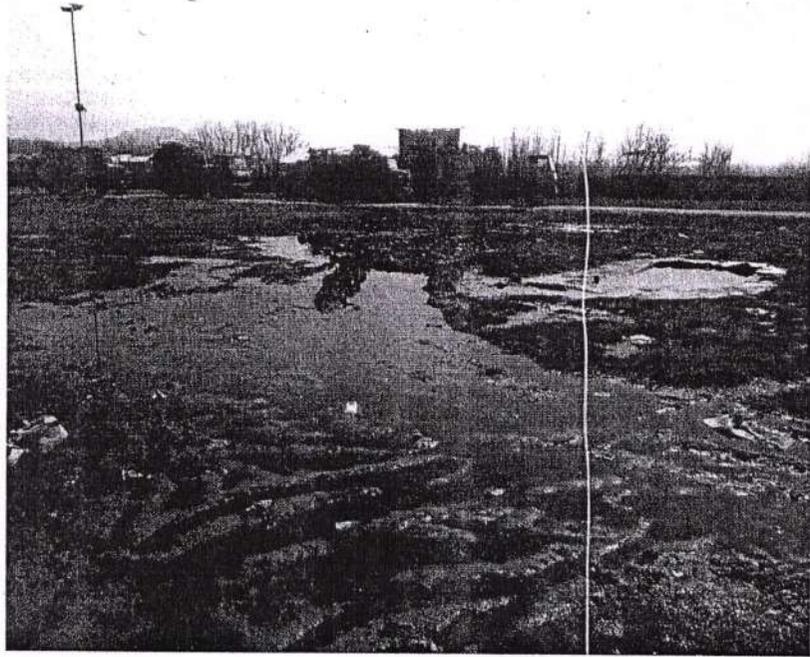


Internal roads at the landfill Achan site need repair and maintenance

*R. K. S.* ↑

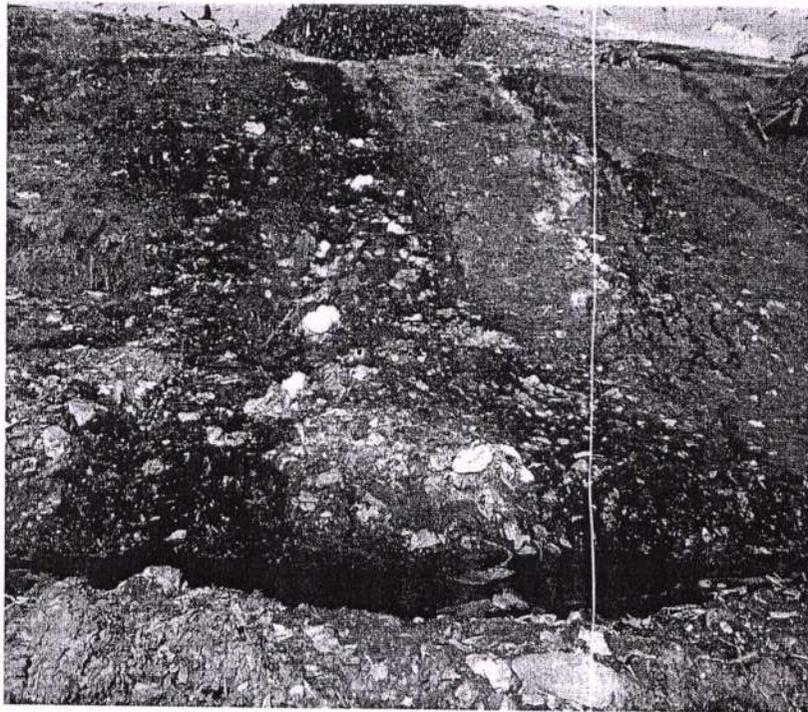
*[Handwritten signature]*

389



V

Un-treated leacheate found dispersed at many areas near the landfill site Achan



VI

Oozing out of leacheate from non-point sources from the 2<sup>nd</sup> cell

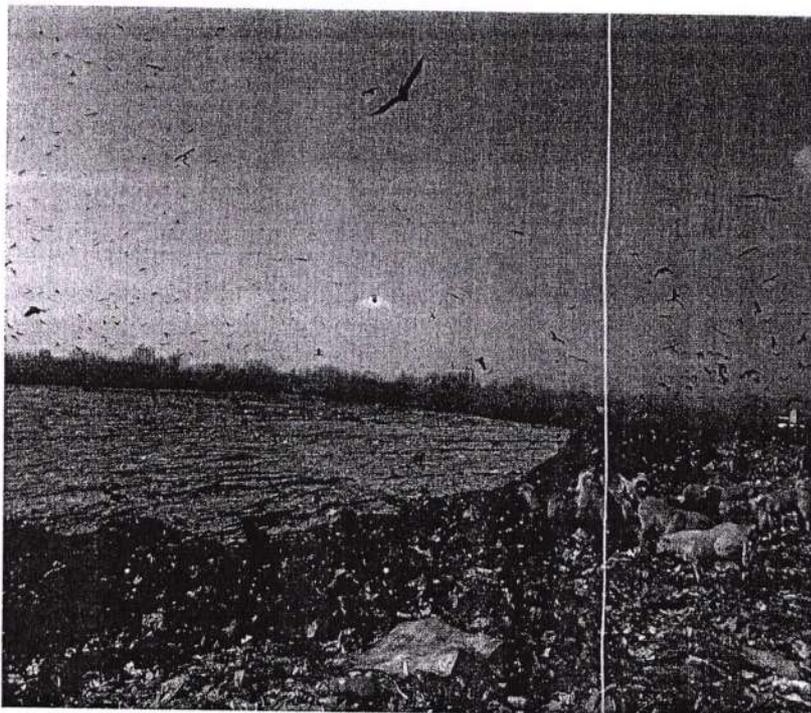
*[Handwritten signature]* ↑

*[Handwritten signature]*



VII

Un-segregated waste disposed off at the landfill site Achan



VIII

A portion of the 2<sup>nd</sup> cell at the landfill site Achan covered with HDPE lining

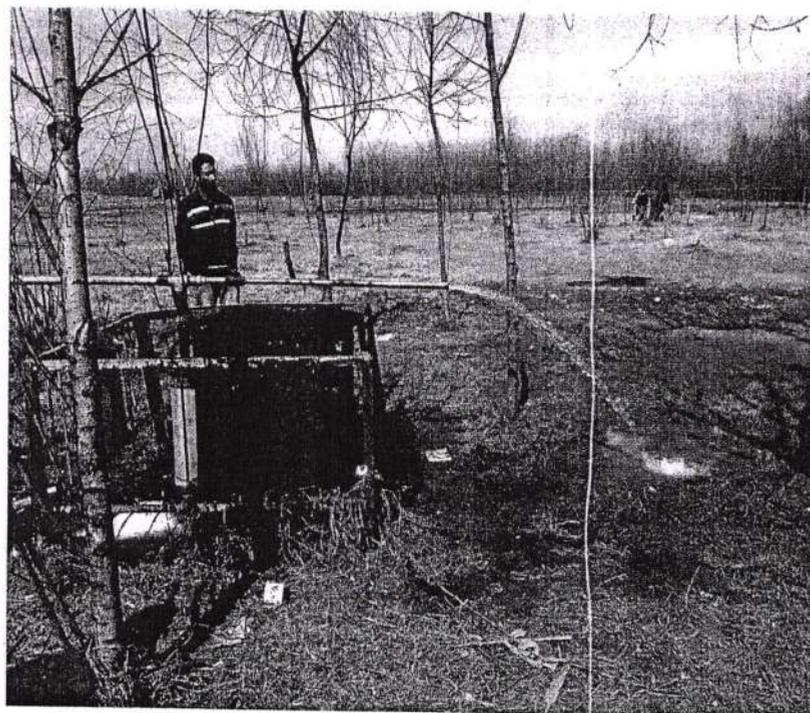
*[Handwritten signatures]*

*[Handwritten signature]*

357



Poor housekeeping near the leachate treatment plant at the landfill site Achan



Functional ground water pump at the landfill site Achan

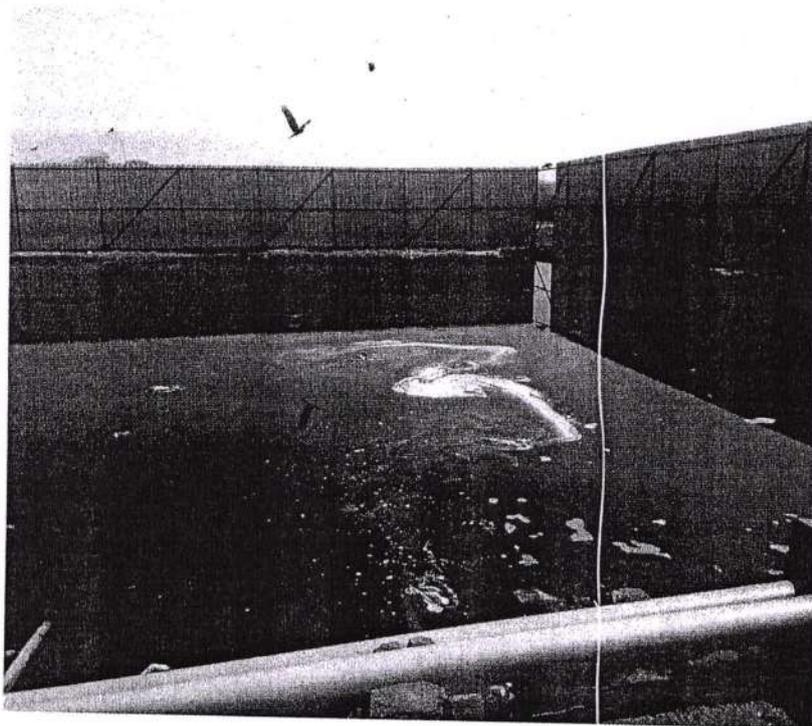
SPCB Photo 23/02/2017

858



XI

Leachate Treatment Plant at the landfill site



XII

Excess leachate collection pond

*[Handwritten signature]*

*[Handwritten signature]*

**Environmental Compensation to be levied for improper and unscientific management of MSW  
by Srinagar Municipal Corporation (J&K) as per MSW Rules, 2016** **905**

As per approved formula for levying Environmental Compensation under Polluter Pays' Principle in O.A. No. 593/2017 by the Hon'ble NGT order dt. 28/08/2019, in a case titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors., the details are given as below:-

$$\text{Environmental Compensation} = \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \text{Environmental Externality} \times N$$

Where; waste quantity is in Tons Per Day (TPD)

The status of MSW generation and violation committed by Srinagar Municipal Corporation w.r. to waste management as per different reports is as under: -

A)	Population of Srinagar City	11.93 Lacs, as per census 2011.
	a) Class of the City	Million-plus city
	b) Current estimated Population	15.50 Lacs
B)	Quantity of Solid waste generation	600 TPD (As per Annual report of SMC, Srinagar)
C)	Quantity of Waste disposed as per SWM Rules, 2016.	125 TPD (As per report of Joint Committee constituted by Hon'ble National Green Tribunal vide order dated 15-05-2024 in OA no. 543 of 2024)
D)	No. of days of violation (N)	1805 days  (With effect from 01.04.2020* to the date of submission of latest report dated 10.03.2025 by Regional Director, J & K PCC, Kashmir on violations w.r. to MSW management by SMC, Srinagar)  *(The said start date has been taken in compliance of order dated 28.08.2019 of the Hon'ble Principal Bench of the National Green Tribunal in OA no. 593/2017 in the matter of Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., which is reproduced below '---It is thus necessary to issue directions to all the States/ UTs to enforce the compensation regime latest with effect from 01.04.2020---')
E)	Capital Cost Factor	0.1 (As per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
F)	O&M Cost Factor	1.0 (As per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
G)	Marginal Average Cost for Waste Management	8.33 (calculated in the instant case, as per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
H)	Marginal Average O&M Cost	0.0008 (calculated in the instant case, as per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
I)	Environmental externality	0.1 (As per "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund")
Environmental Compensation (Lacs Rs.)		$= 0.1 \times 8.33 \times (600 - 125) + 1.0 \times 0.0008 \times (600 - 125) \times 1805 + 0.10 \times 1805$ $= 1262.07 \text{ Lacs}$

(Member TAC)

(Member TAC)

(Convener TAC)

(Head TAC)

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 - 2472881, 2476925



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

**Regional Director,  
J&K Pollution Control Committee,  
Kashmir.**

No.: JKPC/Sc./OA- 543-2024/25/ 452

Date: 11/ 06-2025

Sub: No. 543/ 2024 titled "Raja Muzaffar Bhat V/s MoEF & Ors."

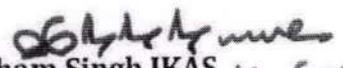
Sir,

Please refer to the subject and reference cited above. In this connection, I am to convey that Hon'ble NGT in its order dated 20.03.2025 in OA 543/2024 titled Raja Muzaffar Baht V/s MoEF&CC has directed as under:

1. Srinagar, Municipal Corporation has filed the response affidavit dated 14.03.2025 which reveals that legacy waste to the tune of 11 Lakh Metric Tones is lying at the site and daily generation of the waste is 550- 600 TPD as against this, processing capacity is only 150 TPD. Meaning thereby, a large quantity of unprocessed daily generated waste is adding to the legacy waste.
2. Commissioner, Srinagar, Municipal Corporation appearing virtually has stated that he will furnish an undertaking and take the responsibility to ensure that within the said timeline entire work is completed. Said undertaking will be furnished within 10 days.

As such, you are therefore advised to conduct site inspection along with District officer concerned incharge water lab and air lab and furnish current status of progress achieved with regard to the functionalization of the waste processing facilities at the site and bio-mining of legacy waste.

Yours faithfully,

  
Ghansham Singh JKAS 11.6.25  
Member Secretary



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  
[www.jkspcb.in](http://www.jkspcb.in) Email: [regionaldirectorkmr@gmail.com](mailto:regionaldirectorkmr@gmail.com), Tel/fax 0194-2311842

The Member Secretary,  
JK Pollution Control Committee,  
Jammu.

No: PCC/RDK/LS (NGT)/2025/ 799-002

Date:- 09/07/2025

Subject: - No. 543/2024 titled, "Raja Muzaffar Bhat V/s MoEF & Ors."

Reference: - Your letter No. JKPC/Sc./OA 543-2024/25/592 dated 30-06-2025.

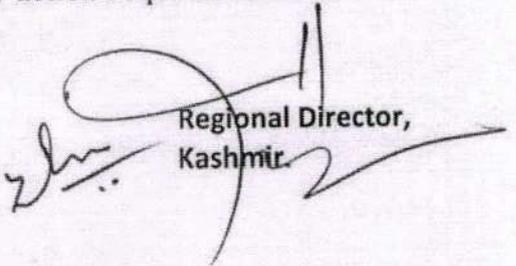
Sir,

Pursuant to your directions issued in context with the afore-titled NGT case in the subject and the letter referred hereinabove, a progress report details the updated status of bio-mining of legacy waste and functionalization of the waste processing facilities of Srinagar Municipal Corporation as submitted in site inspection conducted by the joint team comprises of Divisional Officer, PCC-Srinagar, Incharge Water Lab/& Air Lab is appended herewith for kind perusal and further course of necessary action required in the matter please.

Encls: - 08.

Copy to:-

1. Divisional Officer, PCC, Srinagar for information.
2. I/c Water Lab, PCC, Srinagar for information.
3. I/c Air Lab, PCC, Srinagar for information.

  
Regional Director,  
Kashmir.

Sub:- No.543/2024 titled "Raja Muzafar Bhatv/s MoEF &Ors

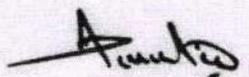
Ref No:- Member Secretary office no.JKPCC/Sc/OA-543-2024/25/452

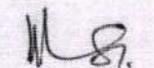
Dated:- 11-06-2025.

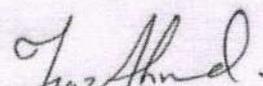
Inspection Report of Achan Dumping site

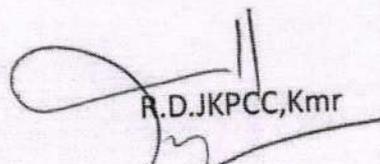
In response to the above cited subject and reference no, the site was inspected by the constituted team on 08<sup>th</sup> of July 2025 and the observations were made as under:-

- a) The site comprises of three waste cells. The First and Third cells were found capped, and the second cell was found uncapped, with approximately 500 MT/day of waste is being dumped there.
- b) No segregation activity observed at site during the visit. The Effluent Treatment Plant (ETP) for leachate management was non-functional, and the waste segregator was also found non-operational.
- c) Around 30 rag pickers were seen working at the dumping area and it has been observed that rag pickers were picking manually recyclable materials such as plastic and discarded aluminum cans/tins. As per inputs from the rag pickers, each individual collects approximately 30 kg of said waste daily. The unbearable foul/bad smell is felt up to the distant areas from the site.
- d) The civil work of extension part of segregation shed has been completed. However, no functional machinery has been installed yet. Only non-operational equipment were found at the site. The legacy waste found still unprocessed and continues to accumulate, compounded by the daily waste generation of 500 TPD at the said area.

  
i/c Water Lab.

  
i/c Air Lab.

  
D.O Srinagar.

  
R.D.JKPCC, Kmr

**Jammu and Kashmir  
Pollution Control Committee**  
chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com  
0191 - 2472881, 2476925



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

909

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**Regional Director,  
J&K Pollution Control Committee,  
Kashmir.**

No.: JKPCC/Sc./OA- 543-2024/25/592

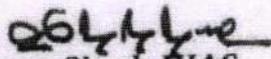
Date: 30-06-2025

Sub: No. 543/ 2024 titled "Raja Muzaffar Bhat V/s MoEF & Ors."  
Ref: JKPCC/Sc./OA-543-2024/25/452; dated: 11.06.2025.

Sir,

With reference to this office No. JKPCC/Sc./OA-543-2024/25/452; dated: 11.06.2025, on the subject cited above, you are again requested to furnish updated status of progress achieved with regard to the functionalization of the waste processing facilities at the site and bio-mining of legacy waste by or before 10.07.2025 for needful compliance.

Yours faithfully,

  
Ghansham Singh JKAS  
\*Member Secretary 30/6/25

**Jammu and Kashmir  
Pollution Control Committee**  
chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com  
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Parivesh Bhavan, Forest  
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6

Regional Director,  
J&K Pollution Control Committee,  
Kashmir.

No.: JKPC/Sc./OA- 543-2024/25/ 452

Date: 11/ 06-2025

Sub: No. 543/ 2024 titled "Raja Muzaffar Bhat V/s MoEF & Ors."

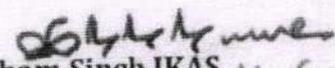
Sir,

Please refer to the subject and reference cited above. In this connection, I am to convey that Hon'ble NGT in its order dated 20.03.2025 in OA 543/2024 titled Raja Muzaffar Baht V/s MoEF&CC has directed as under:

1. Srinagar, Municipal Corporation has filed the response affidavit dated 14.03.2025 which reveals that legacy waste to the tune of 11 Lakh Metric Tones is lying at the site and daily generation of the waste is 550- 600 TPD as against this, processing capacity is only 150 TPD. Meaning thereby, a large quantity of unprocessed daily generated waste is adding to the legacy waste.
2. Commissioner, Srinagar, Municipal Corporation appearing virtually has stated that he will furnish an undertaking and take the responsibility to ensure that within the said timeline entire work is completed. Said undertaking will be furnished within 10 days.

As such, you are therefore advised to conduct site inspection along with District officer concerned incharge water lab and air lab and furnish current status of progress achieved with regard to the functionalization of the waste processing facilities at the site and bio-mining of legacy waste.

Yours faithfully,

  
Ghansham Singh JKAS 11.6.25  
Member Secretary

5

Item No. 22

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 543/2024

Raja Muzaffar Bhat

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 20.03.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Itisha Awasthi, Advocate for Applicant  
Respondents: Mr. G.M. Kawoosa, Advocate with Mr. Owais Ahmed, Commissioner, SMC  
(Through VC)  
Mr. Rajkumar, Advocate for CPCB  
Ms. Nidhi Jaswal, Advocate for MoEF & CC (Through VC)  
Mr. Sikander Hyatt Khan, Mr. Sirhaan Seth & Mr. Sidhant Saraswat,  
Advs. for R - 10  
Mr. Abhijeet Joshi, Regional Director, J&K PCC (Through VC)

**ORDER**

1. In this original application, Tribunal is examining the issue of illegal and unscientific dumping of municipal solid waste, bio-medical waste and plastic waste at the Achan landfill of District Srinagar which is located near Bariwar Saldpora. By the side of this, a canal passes and joins the Achan lake which ultimately forms part of the Dal Lake.
2. Srinagar, Municipal Corporation has filed the response affidavit dated 14.03.2025 which reveals that legacy waste to the tune of 11 Lakh Metric Tones is lying at the site and daily generation of the waste is 550-600 TPD as against this, processing capacity is only 150 TPD. Meaning thereby, a large quantity of unprocessed daily generated waste is adding to the legacy waste.

1

	April 2025.
C&D Waste	The tender is under evaluation and is expected to be

2

Processing	awarded to be in April 2025.
------------	------------------------------

**Phase 2: Short-Term Plan (6-12 Months: July- December 2025)**

Action	Status
Expansion of Com posting Capacity	Increase from 50 TPD to 150 TPD
MRF Expansion	Increase from 100 TPD to 250 TPD
Garbage Transfer Stations (GTS)	Work will commence on the operationalization of three new Garbage Transfer Stations (GTS)
Leachate and Air Quality Monitoring	strengthened monitoring controls
Construction of 125 TPD C&D Facility	Post tender award execution begins
Tendering for Major Waste Facilities	Tendering for CBG Plant, RDF Plant, and expanded MRF facility

**Phase 3: Medium-Term Plan (12-24 Months: January 2026- December 2026)**

Action	Status
Bio - Mining of Legacy Waste	5 lakh MT targeted for processing by December 2026
Refuse-Derived Fuel (RDF) Plant	300 TPD RDF plant under construction
Compressed Bio-Gas (CBG) Plant	459 TPD CBG facility under construction
MRF Expansion Completion	Processing capacity increased to 459 TPD

**Phase 4: Long-Term Plan (24-36 Months: January 2027 March 2027)**

Action	Status
100% Scientific Waste Processing	Elimination of landfill dependency
Finalization of Bio-Mining	Full-scale remediation and land reclamation at Achan

<i>Green Buffer Zone Expansion</i>	<i>Additional 10,000 trees planted</i>
<i>Operationalization of RDF, CBG, and MRF Plants</i>	<i>Full functionality achieved by March, 2027</i>

### **Monitoring, Compliance & Reporting**

<b>Monitoring Activity</b>	<b>Frequency</b>	<b>Responsible Authority</b>
<i>Monthly Progress Reports</i>	<i>Submitted by SMC and JKPCC</i>	<i>SMC Commissioner</i>
<i>Quarterly Review Meetings</i>	<i>Conducted with NGT and regulatory agencies</i>	<i>JKPCC Member Secretary</i>
<i>Public Dashboard</i>	<i>Real-time tracking of progress</i>	<i>SMC IT Department</i>
<i>Environmental Audits</i>	<i>Regular Assessments for SWM compliance</i>	<i>JKPCC Environmental Monitoring Unit</i>

4. Commissioner, Srinagar, Municipal Corporation appearing virtually has stated that he will furnish an undertaking and take the responsibility to ensure that within the said timeline entire work is completed. Said undertaking will be furnished within 10 days.
5. Learned Counsel for the applicant has also sought two weeks to file objections/response to the report of Municipal Corporation, Srinagar.
6. So far as, respondent-J&K PCC is concerned it has filed the reply dated 18.03.2025 disclosing the steps which are being taken to initiate civil action against the officers responsible for violation under the provisions of the Environment Protection Act, 1986. A list of 08 such officers who were posted as Commissioners, Srinagar, Municipal Corporation from 2017 onwards has been enclosed and three weeks has been sought to file a complaint before the competent forum/Adjudicating officer. Prayer is allowed. Let further progress report be filed by J&K PCC within four weeks.

7. List on 18.07.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 20, 2025  
Original Application No. 543/2024  
JG..