

**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

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

No: JKPCC/NGT/OA 969/1379

Date:-25 -10-2025

Sub:-Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 29.08.2025 passed in OA No. 969/ 2024, titled "Rakesh Kumar Choudhary V/s Union Territory of Jammu & Kashmir & Ors".

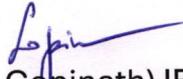
Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order **dated 29.08.2025 passed in OA No. 969/ 2024, titled "Rakesh Kumar Choudhary V/s Union Territory of Jammu & Kashmir & 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


(Dr. R. Gopinath) IFS
Member Secretary
J&K PCC

Original Application No. 969 of 2024

IN THE MATTER OF

“Rakesh Kumar Choudhary V/s Union
Territory of Jammu & Kashmir & Ors”.

Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 29.08.2025 passed in OA No. 969/ 2024, titled “Rakesh Kumar Choudhary V/s Union Territory of Jammu & Kashmir & Ors”.

Background:

That the Hon'ble National Green Tribunal vide order dated 29-08-2025 in OA No. 969 of 2024 directed as follows: -

“Report dated 28.08.2025 has been filed by J&K, PCC.

Learned Counsel for respondent no.1-MoEF&CC, Learned Counsel for respondent no.3-J&KPCC and Member Secretary, J&KPCC seek time for filing of additional responses.”

Status Report:

In compliance of order issued on 29-08-2025 in OA No. 969 of 2024 by the Hon'ble National Green Tribunal, the report of the J&K Pollution Control Committee is as follows:

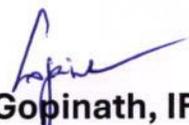
1. That Application for consent to operate (renewal) for stone Crusher M/s Shivalaya Construction Company Pvt. Ltd. located at village Chak Daulat, was refused vide order No. JKPC/T/C/25/5242461 of 2025; dated: 14.07.2025 (**Copy enclosed as Annexure 1**), based on the observation of the following shortcomings/deficiencies:

- a) That the pollution control devices and measures were not properly covered
 - b) The damaged conveyor covering was lying in the unit
 - c) Waste water was found not properly recycled
 - d) Lack of plantations in and around the unit.
2. That Closure order was issued against M/s Shivalaya Construction Company Pvt. Ltd. located at village Chak Daulat, Tehsil Mandal District Jammu vide this office No. JKPCC/LSJ/Sc-Jammu (North)/2025/1945-1954; dated 30.08.2025 **(Copy enclosed as Annexure 2)**.
 3. That Regional Director J&K Pollution Control Committee Jammu was requested vide this office No. JKPCC/NGT/OA 969/2024/1331; dated: 11.10.2025 to intimate if the closure order has been implemented by the District Administration Jammu or not **(Copy enclosed as Annexure 3)**.
 4. That Regional Director J&K PCC Jammu vide its office No. PCC/RDJ/2025/2017-2018; dated 13.10.2025 has reported that the closure order issued by the J&K PCC has not been implemented by District Administration till date **(Copy enclosed as Annexure 4)**.
 5. That District Administration Jammu has been requested to ensure implementation of the closure order as above with immediate effect vide this office No. JKPCC/Sc./OA- 969-2024/25/1360; dated: 17.10.2025 **(Copy enclosed as Annexure 5)**.
 6. That the Divisional Officer, Pollution Control Committee, Jammu (North) has inspected the site again on 24-10-2025 and reported that the unit is in operation in violation of closure order issued by the JK PCC. (Report of the Divisional Officer, PCC Jammu is enclosed as **Annexure 6**).



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.


Dr. R. Gopinath, IFS
Member Secretary
J&K PCC

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex || Silk Factory Road
 Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008
 Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

Consent Refusal Order

To
M/s Shivalaya Construction Co. Pvt. Ltd.
Village Chak Daulat Kh. No. 1/1 Tehsil Mandal
Jammu North

No. JKPCCT/C/25/5242461 of 2025

Dated: 14/07/2025

Sub:- Refusal of Consent under Section 27 of Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act 1981.

Ref.:- Your Online application No. 5242461 for Consent to Operate (Renewal) for Stone Crusher received from Regional Director, Pollution Control Committee, Jammu.

Whereas, J&K Pollution Control Committee had received your online application for grant of Consent to Operate Renewal of **M/s Shivalaya Construction Co. Pvt. Ltd. Village Chak Daulat KH. No. 1/1 Tehsil Mandal Jammu North** under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act, 1981.

Whereas, your application has been examined online on JKOCMMS portal of J&K Pollution Control Committee and the following shortcomings / deficiencies have been observed in your case:

That the pollution control devices and measures have not properly covered. The damaged conveyor covering is lying in the unit. Waste water is not properly recycled. There is lack of plantations in and around the unit. Moreover the unit is involved in O.A No. 969/2024 before the Hon'ble National Green Tribunal, where M/s Shivalaya Construction Co. Pvt. Ltd. is respondent

Accordingly, your application No. 5242461 is hereby refused under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 read with Section 25/26 of said Act, on the grounds mentioned above.

"As approved by Competent Authority"

Angraze Singh
 Angraze Singh
 Asstt. Env. Engineer

Ghansham Singh
 (Ghansham Singh) JKAS
 Member Secretary 14.7.25

Copy to the: -

1. Regional Director, Pollution Control Committee, Jammu for information.
2. Divisional Officer, Pollution Control Committee Jammu (North). He will monitor the unit and shall ensure that the unit holder shall not operate the unit till the short comings met the conditions.

Jammu and Kashmir Pollution Control Committee

PariveshBhavan, Forest Complex || Silk Factory Road
 Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008
 Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

Subject: Closure of M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu

Order No. : 174 JK PCC of 2025

Dated : 30 /08/2025

Whereas, earlier Consent to Operate (Fresh) was issued to **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu** vide Consent Order No. **PCC/digital/24043887554 of 2024** dated **16-01-2024**, which was valid upto **January,2025**, and thereafter, unit holder failed to renew the consent from J&K Pollution Control Committee, as warranted under Section 25/26 and of the Water (Prevention and Control of Pollution) Act 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 respectively; and

Whereas, on the basis of pollution potential, Stone Crusher and Hot/Wet Mixing Plants are classified as "**Orange category**" activity and obtaining the prior consent from the J&K Pollution Control Committee is mandatory of such units, alongwith adoption of pollution control measures to achieve the Prescribed Standards of pollution; and

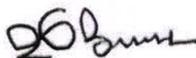
Whereas Hon'ble National Green Tribunal in its order dated 07-11-2024 in O.A. No. 969/2024 titled Rakesh Kumar Choudhary Versus Union Territory of Jammu and Kashmir & Ors directed to take legal action against **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu** as the project proponent is violating the conditions of the consent issued by the J&K Pollution Control Committee; and

Whereas, **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu**, is operating in violation of 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 without valid consent from the Jammu & Kashmir Pollution Control Committee; and

Whereas, the Divisional Officer, Pollution Control Committee, Jammu (North) conducted fresh inspection of the stone crusher, reported that the unit holder has applied for consent to operate (Renewal) vide application No. 5242461, which was refused to the project proponent on the following grounds vide letter No. JKPCC/T/C/25/5242461 of 20925 dated 14-07-2025 ;

- (i) Pollution Control Devices/Pollution Control Measures are not properly maintained in the unit.
- (ii) Damaged conveyor covering is lying within the premises in the unit.
- (iii) Waste water is not being properly recycled.
- (iv) Plantations in and around the unit is deficient.

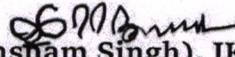
Whereas, **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu** after refusal of consent.



Now therefore, in exercise of powers vested with J & K Pollution Control Committee under Section 33 (A) of Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981, the following directions are hereby issued: -

- i. Deputy Commissioner/ District Magistrate, Jammu shall close down the stone crusher under the name and style of **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu** immediately.
- ii. Director, Department of Industries and Commerce, Jammu shall de-register **stone crusher**, if registered.
- iii. Executive Engineer, (JPDC) Electric Division, Jammu shall disconnect the electric supply to **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu.**
- iv. Executive Engineer, Jal Shakti Department, Division Jammu shall disconnect the water supply to **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu.**
- v. Prop. **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu** is directed to cease the operation of the stone crusher, forthwith.

Issued with the Approval of Competent Authority.


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

30.8.25

No:- JK PCC/LSJ/SC-Jammu(North)/ 2025/1945-1954

Dated:- 30/08/2025

Copy to the:-

- i. Deputy Commissioner/ District Magistrate, Jammu for information and necessary action.
- ii. Director, Department of Industries and Commerce, Jammu for information and necessary action.
- iii. Regional Director, PCC, Jammu for information and follow up action within a fortnight.
- iv. Chief Engineer, Jammu Power Distribution Corporation Ltd. (JPDC), Canal Road, Jammu for information and necessary action.
- v. Chief Engineer, Jal Shakti Department, Jammu for information and necessary action.
- vi. Executive Engineer, (JPDC) Electric Division, Jammu for information and necessary action.
- vii. Executive Engineer, Jal Shakti Department, Division Jammu for information and necessary action.
- viii. Divisional Officer, PCC, Jammu (North) for information and with the direction to follow up and get the closure order implemented through District Administration.
- ix. I/c web site Pollution Control Committee Jammu for uploading the closure order.
- x. Prop. **M/s Shivaliya Construction Company Pvt. Ltd. located at Village Chak Daulat, Tehsil Mandal,-District Jammu** for compliance.

**Jammu and Kashmir
Pollution Control Committee**

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Regional Director,
JK Pollution Control Committee,
Jammu.

No: JKPCCC/NGT/OA 969/2024/1331

Dated:- 11 -10-2025

Sub:- O.A No. 969/2024 titled "Rakesh Kumar Choudhary V/s Union Territory of Jammu & Kashmir & Ors.

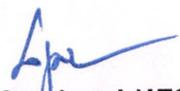
Ref:- Closure Order vide No.174 JKPCCC of 2025 dated 30-08-2025

Madam,

Please refer to the subject and reference cited above. In this connection, I am to convey that the closure order was issued against M/s. Shivalaya Construction Company Pvt. Ltd. Vide this office No. JKPCCC/LSJ/SC-Jammu(North)/2025/1945-1954 dated 30-08-2025 (Copy enclosed)

As such, you are requested to intimate , if the closure order as above, has been implemented by the District Administration Jammu or not.

Yours faithfully,


(Dr.R.Gopinath)IFS
Member Secretary



Government of Jammu & Kashmir
Jammu and Kashmir Pollution Control Committee
Parivesh Bhawan, Forest Complex, Transport Nagar, Jammu, 180 006
regionaldirectorjkspcbjmu@gmail.com

The Member Secretary,
J&K PCC, Jammu.

No. : PCC/RDJ/2025/ 2017-18

Dated : 13/10/2025

**Sub : Closure of M/s Shivalya Construction Company Pvt. Ltd. located at
Village Chak Daulat, Tehsil Mandal, District Jammu.**

Sir,

Kindly find enclosed herewith the latest status submitted by Divisional Officer, PCC Jammu North vide his letter No. PCC/DOJN/2025/154 dated 06-10-2025 wherein he has reported that closure order issued by the Committee vide No. 174 JKPC of 2025 dated 06-10-2025 has not been implemented by District Administration till date.

Hence, report is submitted for information and further necessary action.

Yours faithfully,

Encls : 02 leaves


Regional Director
J&K PCC Jammu

Copy to Divisional Officer, PCC Jammu North for information.

OFFICE OF THE DIVISIONAL OFFICER POLLUTION CONTROL COMMITTEE
JAMMU (NORTH)

The Regional Director
Pollution Control Committee
Jammu.

No: PCC/DOJN/2025/154

Date: 6/10/25

Subject:- Closure of M/s Shivaliya Construction Company pvt.Ltd.
located at village chak Daulat, Tehsil Mandal, District Jammu.

Respected Madam,

With respect to the cited subject, as directed the above said unit was inspected by field officer today on 6/10/25 and found that closure order Vide order no. 174 JKPC of 2025 dated 30/8/2025 issued against above said unit is not implemented by Deputy Commissioner, Jammu.

Submitted please.

Yours faithfully,

(Signature)
(Deepak Abrol)

Divisional Officer
PCC, Jammu (North)

TO (RDT)

Write to DC
Jammu for implementation
of the closure order.
with copy to C.O.

SAC(NGT)

Draft letter to MS
(Signature)
7.0

(Signature)
RDT

J&K Pollution Control Committee
(Jammu)

Receipt No.: 1876

Date: 06/10/2025

Encls: _____

Signature

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

No.: JKPC/Sc./OA- 969-2024/25/1360

Date: 17-10-2025

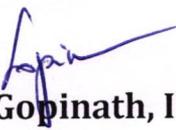
**Sub: Closure of M/s Shivalaya Construction Company Pvt. Ltd. Located at
Village Chak Daulat, Tehsil Mandal, District Jammu.**

Sir,

Please refer to the subject cited above. In this connection, I am to convey that closure order was issued against M/s Shivalaya Construction Company Pvt. Ltd. Vide this office No. JKPC/LSJ/SC-Jammu(North)/2025/1945-1954; dated: 30.08.2025 (Copy enclosed). The matter is sub-judice and is being heard by Hon'ble NGT.

As per the latest field report submitted by Divisional Officer Jammu North (Copy enclosed), the closure order has not been implemented yet. It is therefore, requested that the closure order may be got implemented with immediate effect in compliance to Hon'ble NGT directions dated 11.12.2024 (Copy enclosed).

Yours faithfully,


Dr. R. Gopinath, IFS
sk **Member Secretary**

OFFICE OF THE DIVISIONAL OFFICER POLLUTION CONTROL COMMITTEE
JAMMU (NORTH)

The Regional Director
Pollution Control Committee
Jammu.

No: PCC/DOJN/2025/178-179

Date: 24-10-25

Subject: OA No. 969/2024 in the matter of Rakesh Kumar Chaudhary Vs. union Territory
J&K &Ors. Before NGT (PB), New delhi

Ref No: JKPC/ RDJ/NGT/25/2073

Date: 23/10/25

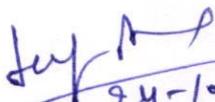
Respected Madam,

The report as desired by higher authority vide above said Reference No and subject cited above is as under:

1. The project is still ongoing.
2. As per letter from NHAI, PIU –Jammu, the date of completion for project is 31.12.25 (copy enclosed for reference)
3. The consent issued to the unit namely M/s Shivalaya Construction Company Pvt. Ltd, Village Chak Daulat, Tehsil Mandal, Jammu was valid up to Jan- 2025 and thereafter closure order has been issued against the unit vide no **174 JKPC of 2025 Dtd. 30/08/25 from JKPC** and unit is operational in violation of closure order .The closure order is not implemented by concerned authority till date.

Submitted Please.

Yours faithfully


24-10-25

(Deepak Abrol)

Divisional Officer Jammu (North)

Copy to: Member Secretary, JKPC for kind information



भारतीय राष्ट्रीय 195 मार्ग प्राधिकरण

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार

NATIONAL HIGHWAYS AUTHORITY OF INDIA

(Ministry of Road Transport and Highways, Govt. of India)

प. का. ई - जम्मू 315/1, दूसरी मंजिल, छत्री हिम्मत-जम्मू - 180015

Project Implementation Unit, 315/1, 2nd Floor, Channi Himmat - Jammu - 180015

दूरभाष/Tel-0191-3511750, 0191-2467491

ईमेल- jam@nhai.org, वेबसाइट- www.nhai.gov.in



PD/JMU/DKE/Pkg-16/2024-25/290

Dated: 25 Feb 25

Divisional Officer
JKPCC
Jammu-North

Sub: Development of Jakh (Vijaypur)-Kunjwani Section of NH-44 to Six Lane Expressway standards as part of Delhi Amritsar Katra Expressway (Design Km 503+200 to Km 515+000) including development of Kunjwani to 4th Tawi Bridge Section of NH-144A to four lane NH standards (Ch 0+000 to 7+385 of NH-144A; spur connectivity to Jammu Airport) on Hybrid Annuity Mode under Bharatmala Pariyojna in the UT of Jammu and Kashmir (Phase-II-Package-XVI)-**Documentary proof of completion date for renewal of stone crusher plant and other units-Reg.**

Ref: M/s Vijaypur Kunjwani Highways Pvt. Ltd. letter No. SCCPL/2024-25/DAK1765/2051 dated 03.02.2025 (copy enclosed).

Sir,

With reference to the cited subject, concessionaire for subject project vide letter cited above has submitted that documentary proof has been asked for the expected project completion date for the renewal of their stone crusher plant and other associated units as per the request received from your office.

2) In this regard, it is to be informed that the likely date of completion for the subject project is 31.12.2025. As such, the request of concessionaire is herewith being forwarded for renewal of NOC for stone crusher plant and other units for the early completion of the project.

Enclosure: as above

(Rajiv Kumar)
Project Director
NHAI, PIU-Jammu

Copy to:

- 1) Team Leader, Pkg-16, M/s Theme Engineering Services. Pvt Ltd, Jammu.
- 2) Authorized Signatory, M/s Vijaypur Kunjwani Highways Pvt. Ltd. for information and necessary follow up action.