

**Jammu and Kashmir Pollution
Control Committee**

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

No: JKPCCC/NGT/OA 969/ 2674

Date:- 12-03-2026

Sub:-Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 23-01-2026 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 23-01-2026 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

210
Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

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 23-01-2026 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 **23-01-2026** in **OA No. 969 of 2024** directed as follows: -

“The Member Secretary, J&KPCC seeks time to place on record the status of the consent in favour of the stone crusher in question and also the action which has been taken the J&K PCC for past violation of the environmental norms by the said stone crusher.

Let a fresh affidavit by the Member Secretary, J&K PCC be filed within six weeks.”

Status Report:

In compliance of order issued on **23-01-2026** 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 a detailed report was submitted by a committee of following officers of J&K PCC constituted vide No. JKPCC/CTC/2026/745-48;

dated: 29.01.2026 (**Copy enclosed as Annexure 1**) to verify whether Pollution Control equipments have been installed and other PCDs/PCMs required for control of environmental pollution have been adopted by the unit holder.

2. That the Committee visited the site on 31.01.2026 and found the said stone crusher is not in operation. Further observations made during the visit are as under:
 - a) The Jaw crusher found covered with CGI sheets.
 - b) The cone crusher found covered with CGI sheets.
 - c) The conveyer belts found covered on sides and top with CGI sheets.
 - d) Water sprinkling system found installed at requisite points.
 - e) Sedimentation tanks found existing for settlement of mud after washing of river bed material during screening.
 - f) The wind breaking wall is not of GI/MS/Brick but erected with green fiber net in length of about 150 meter in length and 06 feet high towards River Tawi side and about 50 Meter length towards residential houses.
 - g) Fresh plantation of about 100 plants found done.
 - h) In addition to above CCTV cameras also found installed at Dug.

In view of the above observations Committee has recommended granting of consent to the unit holder, the project being temporary in nature, subject to the monitoring of the efficiency of pollution control devices by air laboratory J&K PCC Jammu.

3. That Consent to Operate (Renew) has been granted to M/s Shivalaya Construction Co. Pvt. Ltd. (**Copy enclosed as Annexure 2**).
4. That regarding action to be taken for past violations, show cause notice for levying of Environmental Compensation for violation of

Environment (Protection) Act, 1986 has been issued by J&K PCC vide No. JKPC/NGT/(OA No. 969/2024)/2026/60-64; dated: 06.03.2026 **(Copy enclosed as Annexure 3)**, amounting to Rs. 7,08,125 for 103 days.

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**



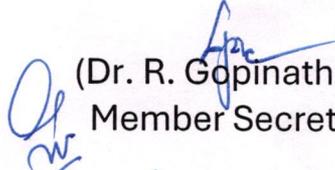
Sub:- M/s Shivalaya Construction Co. Pvt. Ltd at Village Chak Daulat, Tehsil Mandal, District Jammu- Constitution of Committee thereof.

OFFICE ORDER

A committee of the following officers of J&K Pollution Control Committee is hereby constituted to inspect of **M/s Shivalaya Construction Co. Pvt. Ltd** at **Village Chak Daulat, Tehsil Mandal, District Jammu.**

1. Divisional Officer, J&K PCC, Samba (North).
2. Divisional Officer, J&K PCC, Jammu (South).
3. Technical Officer to Regional Director, J&K PCC, Jammu.

The committee after spot visit will verify as to whether pollution controlling equipment's have been installed and other PCDs/PCMs required for control environmental pollution have been adopted by the unit holder and shall furnish a detailed report alongwith photographs and specific recommendations through Regional Director, J&K PCC, Jammu by or before 2 February 2026, positively.


(Dr. R. Gopinath) IFS
Member Secretary
29.1.26

No: JKPCC/CTC/2026/ 745-48

Dated 29 -01-2026.

Copy to the :-

1. Regional Director Pollution Control Committee, Jammu.
2. Divisional Officer, J&K PCC, Samba (North).
3. Divisional Officer, J&K PCC, Jammu (South).
4. Technical Officer to Regional Director, J&K PCC, Jammu.



Consent Order(Project Specific)

Annexure 2

Consent No.:- PCC/digital/26065826771 of 2026

Date:- 18/02/2026

Consent to Operate (Renew) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended is granted in favour of Sh. Pradeep Nandal

M/s Shivalaya Construction Co. Pvt. Ltd.

Village Chak Daulat Kh. No. 1/1 Tehsil Mandal

Jammu North , Jammu .

for a period upto **20-06-2026** for ORANGE category of unit as per revised classification of industrial sector subject to the compliance of following terms and conditions in a time bound manner:-

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is granted valid for operate of stone crusher having consented quantity as under with capital investment (as per Schedule II) Rs. 133 lakhs. Further any change / enhancement in production capacity, process ,raw materials shall have to be intimated to the Board and project proponent has to apply fresh for the same.

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	(Stone Crusher Plant)	2400	MT / day

3. The project proponent shall comply with the National Ambient Air Quality Standards CPCP Notification No. B-29016/20/90/PCI-1 dated 18-11-2009 to be followed.
4. The Noise Pollution (Regulation and Control) Rules 2000 as notified by MoEFCC S.O 123(E) dated 4-2-2000 to be followed. The project proponent shall take adequate measures for control of noise from its own sources with in the premises so as to maintain ambient air quality standards in respect of noise to less than 75 db (A) during day time.
5. A permanent water storage tank of a minimum 2000 Ltrs. capacity must be installed.
6. The project proponent shall take adequate safe guards for the treatment of sewerage water by way of providingseptic / soakage pit and its discharge shall conform to the following standards:

Parameters	Conc. in mg/l except for pH
pH	6-9
Total Suspended Solids	100
BOD(3 days at 27 degree Celsius)	30

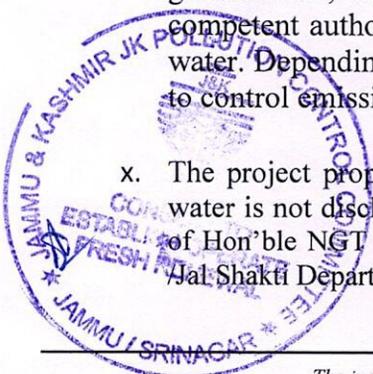
7. **All the stone crusher shall adopt the following measures to prevent / suppress fugitive dust emissions from their operation:**

- a. Water sprinklers must be provided at dust emitting points and on approach roads.
- b. Crusher must be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/maintenance.

- c. Primary crushers/jaw crushers must be covered with tarpaulin/cotton cloth/suitable materials to contain fugitive dust emissions
- d. Water sprinkler system with adequately designed nozzle which produces tiny droplets of water must be provided at primary crusher/jaw crusher so that fugitive emissions are contained and amount of water sprayed should be optimized.
- e. Dry extraction cum bag filter followed by cyclone to be provided for control of emissions.
- f. Flexible covers where conveyors pass through the screen house must be installed at entries and exits of conveyors to screen house.
- g. Dust extraction system connected with bag filter to be provided.
- h. Conveyor belts must be properly covered from node to node with a thick sheet of suitable material along with water sprinkling system with adequately designed nozzle which produces tiny droplets of water.
- i. Flexible Telescopic chute from top of discharge point to the ground level must be provided.

8. General Measures :

- i. **Wind breaking wall:** GI/MS/brick wall must be provided along the periphery of crusher. The height of the wall should be 3-ft more than the highest node of the crusher.
- ii. **Roads:** Metaled/concrete roads must be provided within the premises. Ramps and the entire ground area inside the premises should also be metaled.
- iii. **Housekeeping:** To curb the air pollution in the crusher premises, arrangement of rotating water sprinkling system/fogger/Anti-smog gun should be provided. Water sprinklers should have adequately designed nozzles for effective dust control and optimum water consumption. Fine dust accumulated and bag filters in the crushing area must be cleaned at regular intervals and the collected dust must be stored in sacks for further sale or disposal.
- iv. **Plantation:** 2-3 rows of tall trees to be planted around the periphery of crusher.
- v. The openings of housing for the movement of mechanical drivers, conveyor belts, etc. must be sealed properly with flexible rubber flaps.
- vi. **Display Board:** Name of the unit, contact details of the owner and address of the unit, plant capacity and date of issue of CTE/CTO from PCC must be displayed on the display board at the entrance.
- vii. **Transportation:** Vehicles carrying all kinds of material to and from the unit must be completely covered.
- viii. **Water sprinkling :**Regular wetting of roads must be done to suppress dust within the premises to control dust emission re-suspension.
- ix. **Water consumption and handling:** Unit must provide a water storage tank with adequate capacity and settling tanks of appropriate size for recycling and reuse of the water in process. For the use of groundwater, the stone crushing unit must obtain permission to extract groundwater from the competent authority in the UT of J&K. The Unit must maintain a logbook of consumption of fresh water. Depending on availability, efforts may be made to use STP treated water instead groundwater to control emissions from process activities.
- x. The project proponent shall have an authorized source of water and shall ensure that untreated waste water is not discharged in to any water Body. The project proponent shall ensure to comply the directions of Hon'ble NGT directions in OA No. 438/2018 with regard to permission from Central Ground Authority Jal Shakti Department for extraction of water.



- xi. The unit shall be allowed to operate only during day time i.e. from 8am to 6 pm and submit monitoring report of emission as per JKPCB norms.
- xii. **The Project Proponent shall deposit Environmental Compensation amount for past violation within 15 days from the date of issuance of orders by the competent authority failing which the consent shall be deemed to have been withdrawn.**
9. **The Project Proponent shall adhere to the Environmental Guidelines for stone crushing units issued by JKPCB vide No.70 of 2025 dated 09/05/2025 in respect of pollution control devices and general measures .The Project Proponent shall comply to the standards terms and conditions stipulated under Water (Prevention and Control of Pollution) Act 1974, and Air (Prevention and Control of Pollution) Act 1981.**
10. **The Project Proponent shall dismantle the plant and machinery soon after completion of project work.**
11. In case of violation of above mentioned conditions or any public complaint the consent shall be withdrawn and project proponent shall shift the unit to another suitable site at his own risk and responsibility.

* This consent is issued purely from environmental angle and the Committee shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.

Angraze Singh
Angraze Singh
Asstt Env. Engineer



“By order”

(Dr. R. Gopinath)
(Dr. R. Gopinath)
Member Secretary

Copy to the :

1. Regional Director PCC Jammu for information.
2. Director Geology Mining Jammu for information & ensure compliance under EIA Notification & EP Act.
3. D.O PCC Jammu North for information & ensure compliance of the conditions of the consent.
4. P.A to Chairman J&K PCC for the information of Chairman.
5. M/s Shivalaya Construction Co. Pvt. Ltd. Village Chak Daulat Khasra No. 1/1 Tehsil Mandal Jammu North, Jammu for information .
6. Office file

The project proponent shall comply to environment standards as notified under the environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website www.jkspcb.nic.in or at www.epcb.nic.in

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M/s Shivaliya Construction Company Pvt. Ltd.
located at Village Chak Daulat, Tehsil Mandal,
District Jammu

No.: JKPCC/NGT/(O.A.No.969/2024)/2026 /60-64

Dated: 06-03-2026

Subject: Notice for levying of Environmental Compensation for violation of Environmental (Protection) Act, 1986

Whereas, earlier directions under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A) of the Air (Prevention and Control of Pollution) Act 1981 were issued against your stone crusher, located at Village Chak Daulat, Tehsil Mandal,-District Jammu vide order No.174 JKPCC of 2025 dated 30-08-2025, for failure to obtain valid consent from J&K Pollution Control Committee, 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 and also on account of inadequate Pollution Control Devices /Pollution Control Measures in the said stone crusher, ; and

Whereas Hon'ble National Green Tribunal in its order dated 23-01-2026 in O.A. No. 969/2024 titled Rakesh Kumar Choudhary Versus Union Territory of Jammu and Kashmir & Others, directed Member Secretary, Jammu and Kashmir Pollution Control Committee to place on record the status of the consent in favour of the stone crusher in question and also the action which has been taken by the Jammu and Kashmir Pollution Control Committee for past violation of the environmental norms by the said stone crusher; and

Whereas, Regional Director, Pollution Control Committee, Jammu submitted the details of Environmental damage caused by the stone crusher operated by M/s Shivalaya Construction Co. Pvt. Ltd. at Village Chak Daulat Tehsil Mandal, Jammu alongwith recommendation for levying of Environmental Compensation for violation of Environmental laws on account of inadequate Pollution Control Devices/Pollution Control Measures w.e.f. 14-07-2025 to 25-10-2025, (i.e, date of implementation of closure order) as per the Environmental Compensation format submitted by Divisional Officer, Pollution Control Committee Jammu (North)) vide letter No. **JKPCC/RDJ/2025/3319** dated **12-02-2026**; and

Whereas, accordingly case was forwarded to Technical Advisory Committee (TAC) constituted by the J&K Pollution Control Committee for expert assessment and evaluation of Environmental Compensation, which recommended levy of Environmental Compensation amounting to **Rs. 7,08,125/-** (Rupees Seven lacs Eight Thousand and one Hundred Twenty Five only) upon the Stone crusher operated by M/s Shivalaya Construction Co. Pvt. Ltd. at Village Chak Daulat Tehsil Mandal, Jammu for violation of environmental norms, relating to inadequate Pollution Control Devices/Pollution Control Measures for **103 days** (w.e.f. 14-07-2025 to 25-10-2025) i.,e the date of implementation of closure order, as per the EC format submitted by the Divisional Officer, Pollution Control Committee Jammu (North), as

worked out in accordance with the guidelines framed in this behalf as per the directions of Hon'ble NGT; and

Whereas, in terms of Hon'ble NGT directions and rules governing the subject, it is proposed to proceed legally against you and impose Environmental Compensation as per the guidelines of Central Pollution Control Board, Government of India, duly approved by Hon'ble National Green Tribunal for such violations.

Now, therefore, you are hereby called upon to take this Environmental compensation notice and show cause within **15 days** from its issuance as to why:

- i). Environmental Compensation proposed and recommended by the Technical Advisory Committee of Jammu and Kashmir Pollution Control Committee amounting of **Rs. 7,08,125/-** (Rupees Seven Lacs Eight Thousand and one Hundred Twenty Five only) for **103 days**, on the basis of Polluter Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal be not levied upon you.
- ii). You may not be prosecuted under Environment (Protection) Act 1986 for violation of Environmental (Protection) Act 1986.

In the event, no tenable response is received within the notice period, the order for levying of Environmental Compensation as per prescribed guidelines will become imperative along with initiation of prosecution proceedings in court of law against you without further notice.

'Issued with the approval of the Competent Authority'.


(Dr. R. Gopinath), IFS
Member Secretary

* Copy for information and necessary to the:-

- i) Commissioner/Secretary to Govt. Forest, Ecology & Environment Department, Civil Secretariat, Jammu.
- ii) Deputy Commissioner, Jammu.
- iii) Regional Director, Pollution Control Committee, Jammu .
- iv). Divisional Officer, Pollution Control Committee, Jammu (North), with the direction to deliver this EC notice to the concerned authority under proper receipt and forward the acknowledged receipt to this office for record and reference.