



235
Government of Jammu and Kashmir
J&K Pollution Control Committee

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 Consultant (Judicial)
Hon'ble National Green Tribunal (P.B)
New Delhi.

No. JKPCC/NGT/114/ 40-42

Dt. 12 -05-2023.

Sub: - Action Taken Report in O.A No. 241 / 2021 titled as Raja Muzaffar Bhat V/s Union of India and Ors.

Ref.: Hon'ble National Green Tribunal Order Dated **14-10-2022**.

Sir,

In compliance to the Hon'ble National Green Tribunal Order Dated **14-10-2022** in **O.A No. 241 / 2021 titled as Raja Muzaffar Bhat V/s Union of India and Ors.**, kindly find enclosed herewith the Action Taken Report w.r.t J&K Pollution Control Committee.

The Action Taken Report may kindly be taken on record and placed before the Hon'ble NGT for consideration, please.

Yours faithfully,

Encl: (As above)

(K. Ramesh Kumar) IFS
Member Secretary
JKPCC, Jammu.
12/05/23

Copy to the: -

1. Sh. G.M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 Dated 12-10-2022.
2. PA to Chairman, J&K PCC for kind information of Chairman.

Response and Action Taken Report of J&K Pollution Control Committee in compliance to Hon'ble National Green Tribunal Order Dated 08-03-2022 and Order Dated 14-10-2022 in the O.A No. 241 / 2021 titled as Raja Muzaffar Bhat V/s Union of India and Ors.

Background: -

The Hon'ble National Green Tribunal Principal Bench, New Delhi in O.A. No. **241/2021** titled **Raja Muzaffar Bhat Versus Union of India and Ors.** vide its order dated **08-03-2022** has directed that

*“for illegal mining, the loss caused to the State in the form of value of minerals as well as the loss caused to the environment for undertaking such activity without requisite clearance needs to be recovered by the State PCB in light of judgment of the Hon'ble Supreme Court inter-alia in Goa Foundation Versus Union of India and Ors (2014) 6 SCC 590 and Common Cause Vs Union of India (2017) 9 SCC 499. it is also open to the State PCB to initiate prosecution against the violators and reiterated the same vide order dated **14-10-2022** that “there is nothing to show that compensation recovered covers the cost of restoration with deterrent element having regard to the value of illegal mining. the State PCB in coordination with the concerned Departments may take further action in this regard failing which the State itself will be liable to pay compensation for failing to perform its duties”.*

In compliance to the Hon'ble NGT orders, the District Mineral Officer, Budgam vide letter No. DMO/Bud/DGM/F-05/2903-2906 dated 27-12-2022 has reported that the lease holders of Minor Mineral Block No. 11 (Chadoora Old Bridge to Hanjigund D/S Doodhganga Nallah) and Block No. 12 (Chadoora Foot Bridge to Sogam Bridge U/S Doodhganga Nallah) have not been found involved in illegal mining within or outside the peripheries on their respective Blocks and furnished the list of Tractor/Tipper/Machine Owners found indulged in illegal extraction/ transportation of minerals from Doodhganga Nallah, which has been further submitted by the District Officer J&K Pollution Control Committee Budgam vide letter No. PCC/DO/Bud/2023/290 Dated 02-05-2023. The list of offenders is annexed as **Annexure A and B.**



In this regard, the Technical Advisory Committee (TAC) of J&K Pollution Control Committee has been entrusted with the assessment of the Environmental Compensation (EC) to be levied on account of illegal extraction/transportation of minerals from Doodhganga Nallah carried out by the offenders as per the report of the District Mineral Officer Budgam and the Technical Advisory Committee (TAC) has assessed and recommended to levy Environmental Compensation (EC) to the tune of Rs.28.50 Lacs on the offenders for illegal extraction / transportation of Minerals from Doodhganga Nallah. Copy of assessment of TAC is annexed as **Annexure C**.

Accordingly in compliance to the Hon'ble NGT Orders, Environmental Compensation to the tune of Rs. 28.50 lacs has been levied as per the Polluter Pays Principle on the offenders indulged in illegal extraction/transportation of minerals from Doodhganga Nallah and Orders of Environmental Compensation levied against the offenders have been already dispatched to them for depositing the Environmental Compensation within a period of 45 days, failing which an interest @12% on the Environmental Compensation amount shall be levied on them, which shall be complied.

Hence, the Action Taken Report of the J&K Pollution Control Committee is submitted for record.



GOVERNMENT OF JAMMU & KASHMIR
OFFICE OF THE DISTRICT MINERAL OFFICER, BUDGAM

Annexure - A

238

Ph: 7006733395

GEOLOGY & MINING DEPARTMENT

SIDCO COMPLEX OMPORA BUDGAM

email: dmobudgam12@gmail.com

The District Officer,
J&K Pollution Control Committee,
Budgam

No:- DMO/Bud/DGM/F-05/2903-2906

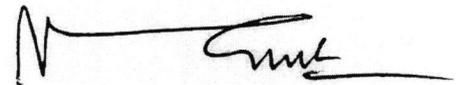
Dated: 27.12.2022

Subject:- Illegal mining in Doodhganga Nallah and penalty thereof.

Sir,

Kindly refer to the subject cited above. In this context, it is to inform that the lease holders of Minor Mineral Block No. 11 (Chadoora old bridge to Hanjigund D/S Doodhganga Nallah) and Block No. 12 (Chadoora Foot Bridge to Sogam Bridge U/S Doodhganga Nallah) have not been found involved in illegal mining within or outside the peripheries of their respective blocks. The fine realized as communicated in the Action Taken Reports furnished from time to time from this office has been collected from tractor/tipper/machine owners found indulged in illegal extraction/transportation of minerals from Doodhganga Nallah. It is worthwhile to place on record that the seized vehicles/machinery as communicated in the above said ATRs are not recorded on the name of Lease Holders of the said Blocks.

Yours faithfully,



District Mineral Officer,
Budgam

Copy to the:

1. Deputy Commissioner, Budgam for favour of information.
2. Director Geology & Mining Department, Jammu for favour of information.
3. Joint Director (K), Geology & Mining Department Srinagar for favour of information.

OFFICE OF THE DISTRICT MINERAL OFFICER, BUDGAM

GEOLOGY & MINING DEPARTMENT

Ph: 7006733395

SIDCO COMPLEX OMPORA BUDGAM

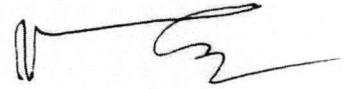
email: dmobudgam12@gmail.com

Details of seizures conducted in and around Doodhganga Nallah during the year 2021-22 & 2022-23:

S. No.	Name of the offender	Vehicle No.	Type of Mineral	Compounding of offence (Rs.)
1.	Manzoor Ahmad Rather S/o Gh. Mohi ud din Rather R/o Summerbugh	Tractor	Sand	12623
2.	Abdul Qayoom Dar S/o Mohd Ismail Dar R/o Lelhar	Chassis	Sand	22364
3.	Abdul Ahad Bhat S/O Ghulam Mohd Bhat R/o Naru Budgam	Tractor	Sand	10873
4.	Gh. Qadir Sheikh S/o Gh. Ahmad Sheikh R/o Dadompura	Excavator	Nallah Muck 150 MT	52275
5.	Safeer Ahmad Malik S/o Ali Mohd Malik R/o Kargam	Tractor	Nallah Boulder	10874
6.	Farooq Ahmad Magray S/o Abdul Gani R/o Mudbal	JK13F-5016	Sand	25043
7.	Abdul Aziz Dar S/o Gh. Mohi ud din Dar R/o Namtehal	Chassis	Sand	14127
8.	Mohd Rafiq Paul S/o Gh. Mohi ud din Paul R/o Checkpora	JK04A-8998	Nallah Bajri	12949
9.	Lateef Ahmad Mir s/o Abdul Gani Mir R/o Hussipora Chadora	Chassis	Sand	12164
10.	Adil Farooq Sofi S/o Farooq Ahmad Sofi R/o Hussipora Chadoora	JK01L-5299	Nallah Boulder	11771
11.	Younis Farooq S/o Farooq Ahmad Yatoo R/o Nagam Chadoora	Tractor	Nallah Bajri	11098
12.	Mohd Rafiq Ganie R/o Gh. Hasan Ganie R/o Hanjigund	JK04D-9651	Nallah Muck	12791

13.	Mehraj Ud Din Bhat S/O Abdul Gani Bhat R/o Razwen	Tractor	Nallah Muck	11378
14.	Mehraj ud din Sofi S/o Abdul Rahman Sofi R/o Chararisharief	JK04F-5657	Nallah Boulder	10873
15.	Basharat Ahmad Yatoo S/o Noor Mohd Yatoo R/o Chadoora	Tractor	Nallah Muck	12398
16.	Manzoor Ahmad Mir S/o Ali Mohd Mir R/o Doyan Chadoora	Tractor	Nallah Bajri	12118
17.	Abdul Qayoom Lone S/o Abdul Gani Lone R/o Watrad	JK01L-7404	Sand	22364
18.	Nazir Ahmad Chopan S/o Gh. Ahmad Chopan R/o Panzan	Tractor	Nallah Boulder	11193
19.	Basharat Ahmad Yatoo S/o Noor Mohd Yatoo R/o Chadoora	Tractor	Nallah Muck	12398
20.	Mohd Altaf Bhat S/o Abdul Rashid Bhat R/o Surasyar	JK04F-3702	Nallah Bajri	11378
21.	Shahad Ahmad Khan S/o Imdad Ahmad Khan R/o Bagi Mehtab	JK01P-8212	Nallah Boulder	12791
22.	Mukhtar Ahmad Sheikh S/o Nair Ahmad Sheikh R/o Checkpora Chadoora	Tractor	Nallah Boulder	10873
23.	Javaid Ahmad Dar S/o Bashir Ahmad Dar R/o Marvel	JK04E-4100	Sand	12164
24.	Shahnawaz Ali S/o Ali Mohd Mir R/o Summerbugh	JK01AC- 6984	Sand	12164
25.	Kumail Husain S/o Ghulam Mustafa /o Chadoora	JK16-1406	Nallah Boulder	11771
26.	Khursheed Ahmad Yatoo S/o Feroz Ahmad Yatoo R/o Lalgam	Tractor	Nallah Boulder	10649
27.	Maqbool Ahmad Dar S/o Ali Mohd Dar R/o Hanjibugh	Tractor	Nallah Boulder	10873

28.	Aqib Ahmad Hanji S/o Ghulam Rasool Hanji /o Bujibagh	JK03E 2126R	Sand	12164
29.	Shabir Ahmad S/o Abdul Rahman R/o Arizal	JK04F-4981	Sand	12164
30.	Mohd Iqbal S/o Gh. Mohd Sofi R/o Kralpora	JK01-6287	Sand	12164
31.	Ishfaq Ahmad Guroo S/o Abdul RAhman Guroo R/o Maloora	JK13G-1173	Crusher Boulder	12521
32.	Nazir Ashraf S/O Mohd Ashraf R/O Badipora Chadoora	Tractor	Nallah Boulder	10873
33.	Zahoor Ahmad Bhat S/o Gh. Rasool Bhat R/o Kralpora	JK01N-8061	Nallah Boulder	11771
34.	Bashir Ahmad Bhat S/o Gh. Mohi ud din Bhat R/o Huroo	JK13G-1811	Nallah Boulder	11771
Total				477765



District Mineral officer
Bongayam.

Government of Jammu & Kashmir

District office pollution Control Committee, Budgam.

Regional Director
Pollution Control Committee
Kashmir.

No:-PCC/Do/Bud/2023/ 240

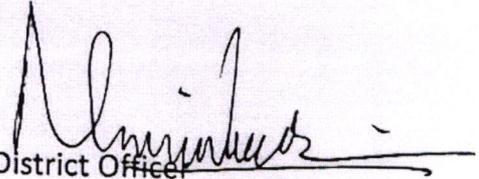
Dated. 2-05-2023

Subject:-List of violators doing illegal Mining.

Sir,

Kindly find enclosed the list of violators, doing illegal mining in Doodh Ganga Nallah, forwarded by DMO Budgam for levying of Environmental Compensation under rules.

Yours faithfully,


District Officer
PCC, Budgam. 2/5/23.


**Details of seizures conducted in and around Doodhganga Nallah during
the year 2021-22 and 2022-23**

S. No.	Name of the Offender	Type of Mineral	Rate Per MT	Quantity (MT)	Final EC in unconsented cases of violation (Rs.)
1	Manzoor Ahmad Rather S/o Gh. Mohi-ud-din Rather R/o Summerbugh	Sand	599	4	50,000
2	Abdul Qayoom Dar S/o Mohd Ismail Dar R/o Lelhar	Sand	599	7	1,00,000
3	AMul Ahad Bhat S/o Ghulam Mohd Bhat R/o Naru Budgam	Sand	599	3	50,000
4	Gh. Qadir Sheikh S/o Gh. Ahmad Sheikh R/o Dadompura	Nallah Muck	128	150	2,50,000
5	Safeer Ahmad Malik S/o Ali Mohd Malik R/o Kargam	Boulder	128	3	50,000
6	Farooq Ahmad Magray S/o Abdul Gani R/o Mudbal	Sand	599	7	1,00,000
7	Abdul Aziz Dar S/o Gh. Mohi ud din Dar R/o Namtehal	Sand	599	7	1,00,000
8	Mohd Rafiq Paul S/o Gh, Mohiud din Paul R/o Checkpora	Nallah Aggregate	346	7	1,00,000
9	Lateef Ahmad Mir s/o AMulGaniMir R/o Hussipora Chadora	Sand	599	7	1,00,000
10	AdilFarooq Sofi S/o Farooq Ahmad Sofi R/o Hussipora Chadoora	Boulder	128	7	1,00,000
11	Younis Farooq S/o Farooq Ahmad Yattoo R/o Naoam Chadoora	Nallah Aggregate	364	3	50,000
12	Mohd Rafiq Ganie S/o Gh. Hasan Ganie R/o Hanjiqund	Nallah Muck	128	7	1,00,000
13	Mehraj Ud Din Bhat S/o Aaul Gani Bhat R/o Razwen	Nallah Muck	128	3	50,000
14	Mehraj ud din Sofi S/o Abdul Rahman Sofi R/o Chararisharief	Nallah boulder	128	3	50,000
15	Basharat Ahmad Yattoo S/o Noor Mohd Yattoo R/o Chadoora	Nallah Muck	128	3	50,000
16	Manzoor Ahmad Mir S/o Ali Mohd Mir R/o Doyan Chadoora	Nallah Aggregate	128	3	50,000
17	Abdul Qayoom Lone S/o Abdul Gani Lone R/o Watrad	Sand	599	7	1,00,000
18	Nazir Ahmad Chopan S/o Gh. Ahrnad Chopan R/o Panzan	Nallah boulder	128	3	50,000
19	Basharat Ahmad Yattoo S/o Noor Mohd Yattoo R/o Chadoora	Nallah Muck	128	3	50,000
20	Mohd Altaf Bhat S/o Abdul Rashid Bhat R/o Surasyar	Nallah Aggregate	364	7	1,00,000
21	Shahad Ahmad Khan Slo Imdad Ahmad Khan R/o Baqi Mehtab128	Nallah boulder	128	7	1,00,000
22	Mukhtar Ahmad Sheikh S/o Nair Ahmad Sheikh R/o Checkpora Chadoora	Nallah boulder	128	3	50,000
23	Javaid Ahmad Dar S/o Bashir Ahmad Dar R/o Marvel	Sand	599	7	1,00,000
24	Shahnawaz Ali S/o Alli Mohd Mir R/o summerbugh	Sand	599	7	1,00,000
25	Kumail Husain S/o Ghulam Mustafa R/o Chadoora	Nallah boulder	128	7	1,00,000

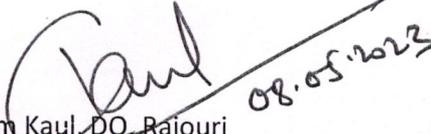
due 9/5/23

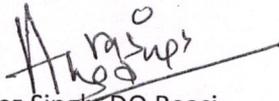
26	Khursheed Ahmad Yattoo S/o Feroz Ahmad Yattoo R/o Lalgam	Nallah boulder	128	3	50,000
27	Maqbool Ahmad Dar S/o Ali Mohd Dar R/o Hanjibugh	Nallah boulder	128	3	50,000
28	Aqib Ahmad Hanji S/o Ghulam Rasool Hanji R/o Bujibagh	Sand	599	7	1,00,000
29	Shabir Ahmad S/o Abdul Abdul Rahman R/o Ariza	Sand	599	7	1,00,000
30	Mohd Iqbal S/o Gh. Mohd R/o Karalpura	Sand	599	7	1,00,000
31	Ishfaq Ahmad Guroo S/o Abdul Rahman Guroo R/o Malpora	Nallah boulder	128	7	1,00,000
32	Nazir Ashraf S/o Mohd Ashraf R/o Badipora Chadoora	Nallah boulder	128	3	50,000
33	Zahoor Ahmad Bhat S/o Gh. Rasool Bhat R/o Kralpora	Nallah boulder	128	7	1,00,000
34	Bashir Ahmad Bhat S/o Gh. Mohi ud din Bhat R/o Huroo	Nallah boulder	128	7	1,00,000
Total					Rs. 28,50,000/- (Rs, Twenty eight lacs and Fifty thousand only)

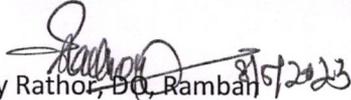
Table : Approved Final EC calculation Chart for offenders doing illegal mining through Trollies/ Tipper/ Truck/ Other transportations means for extraction of sand / boulder / Muck / Nallah Bajri from River bed :-

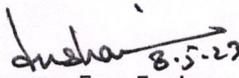
Quantity of Sand / Boulder / Muck / Nallah Bajri	Final EC (value) (Rs.)
For 0-5 T	Rs. 50,000/-
For >5 T-10 T	Rs. 1,00,000/-
For >10 T- 20 T	Rs. 2,50,000/-

T.A.C


Anupam Kaul, DO, Rajouri
(Member)


Angrez Singh, DO Reasi
(Convener)


Sanjay Rathor, DO, Ramban
(Member)


J.N. Sharma, Env. Engineer
Head Committee