



Government of Jammu and Kashmir
J&K Pollution Control Committee

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

No. JKPCC/NGT/139/ 203-205

Dt. 8 -08-2023.

Sub: - Hon'ble NGT Order dt. 29-05-2023 in O.A NO. 351/2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir & Ors.

Ref.: Hon'ble National Green Tribunal email dated 14-06-2023.


Sir,

In compliance to the Hon'ble National Green Tribunal Order Dated 29-05-2023 in O.A NO. 351/2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir & Ors., kindly find enclosed herewith the Factual and Action Taken Report of the Joint Committee, constituted by the Hon'ble NGT vide the referred order.

The Factual and Action Taken Report of the Joint Committee 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.
08/08/23

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.

Factual and Action Taken Report of Joint Committee constituted by Hon'ble National Green Tribunal (NGT) vide order dt. 29-05-2023 in OA 351/2023 (I.A. no. 519/2023) titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir & Ors.

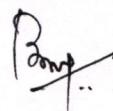
Background

The Hon'ble National Green Tribunal Principal Bench, New Delhi in OA No. 351/2023 (I.A. no. 519/2023) titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir & Ors. vide its order dt. 29-05-2023 has directed as under:

“In our view, on the issue raised before us, it will be appropriate to obtain a factual report for the purpose whereof, we constitute a joint committee comprising a) State PCB, b) State Environment Impact Assessment Authority (SEIAA) J&K, c) Director, Geology and Mining Department and d) District Magistrate, Budgam. The Factual and Action Taken Report shall be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.”

Accordingly, the Joint committee comprising of following members:

- 1) Regional Director, Pollution Control Committee, Kashmir (Rep. of J&K Pollution Control Committee)
- 2) Sub Divisional Magistrate, Chadoora Budgam (Rep. of District Magistrate, Budgam)
- 3) District Mineral Officer, Geology and Mining Department, Budgam (Rep. of Director, Geology and Mining Department J&K), has conducted the joint inspection of mining blocks viz. **Block no. 11/Bud: Chadoora old Bridge to Hanjigund Down Stream Doodhganga Nallah** and **Block No. 12 / Bud: Chadoora Foot Bridge to Sogam Bridge Up-Stream Doodhganga Nallah** on 20th July 2023.



The Member representing, SEIAA, J&K could not participate in the joint committee since the term of SEIAA, J&K expired on 4th of July 2023.

The Factual / Action Taken Report submitted by the joint committee vide Regional Director, J&K Pollution Control Committee, Kashmir's No. PCC/RDK/PS/2023/180 dt. 04-08-2023 is annexed as **Annexure 'A'**.

The summary of the report of joint committee with respect to Mining Block nos. 11 / 12 Budgam is as under:-

- 1) No mining was taking place in the blocks at the time of inspection of the joint committee.
- 2) The Project Proponent (PP) has not gone beyond the demarcated area of the e-auctioned block.
- 3) Heavy machinery was not being used for extraction / loading of minerals at present, though at the start of the operation of these blocks, JCB loaders were used for loading of heavy boulders which was permitted as per the approved Mining Plan. However, this was in violation of the EC conditions granted for the Blocks by JKEIAA (J&K Environmental Impact Assessment Authority) vide its approval dt. 11-10-2020.
- 4) That Doodhganga Nallah has no scope for keeping the mining patches outside stream because of less width of the Nallah. As such the mining activities go parallel to the running waters of the stream by diverting the water.

Hence, the Factual / Action Taken Report submitted by the joint committee constituted by the Hon'ble National Green Tribunal in this regard may kindly be taken on record and placed before the Hon'ble NGT for consideration please.





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: regionaldirectorkmr@gmail.com, Tel/fax 0194-2311842



The Member Secretary
J&K Pollution Control Committee
Jammu.

No:- PCC/RDK/PS/2023/.../180

Dated:- 04-08-2023

Subject:- Hon'ble NGT Order dated 29-05-2023 in O.A No. 351 /2023 titles Raja Muzaffar Bhat V/S UT of Jammu and Kashmir & Ors.

Reference:- Your office letter No. JKPC/NGT/23/149-154 dated 22-06-2023.

Sir,

With regard to the subject and reference cited above, kindly find enclosed herewith the Factual and Action Report of the Joint Committee in compliance to Hon'ble National Green Tribunal Order dated 29-05-2023 for further necessary action.

Yours faithfully

Regional Director
PCC Kashmir

Encl:- (10 lvs)

04.08.2023 ..
04/08/2023

Factual and Action Taken Report of the Joint Committee in compliance to Hon'ble National Green Tribunal Order Dated 29-05-2023 in **O.A No. 351/2023 (I.A. No. 519/2023)** in the case titled **Raja Muzaffar Bhat V/s Union Territory Of Jammu & Kashmir & Ors.**

Background:-

The Hon'ble National Green Tribunal Principal Bench, New Delhi in **O.A No. 351/2023 (I.A. No. 519/2023)** titled as **Raja Muzaffar Bhat versus Union Territory of Jammu & Kashmir & Ors.** vide its order dated **29-05-2023** has directed that;

"This Original Application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has been preferred alleging that Respondent Nos. 5 & 6 are undergoing with mining activities in violation of conditions of EC in as much as heavy machineries are being deployed, in-stream mining which is not permissible, is being undertaken and the said Respondent Nos. 5 & 6 have also undergone mining beyond the area for which the mining leases and ECs have been granted. Though in the Original Application some other grounds also taken but they are not pressed at the time of arguments. In our view, on the issue raised before us, it will be appropriate to obtain a factual report, for the purpose whereof, we constitute a joint Committee comprising State PCB; SEIAA J&K; Director, Geology and Mining Department and District Magistrate, Budgam. The factual and action taken report shall be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. State PCB shall be the Nodal agency for coordination and compliance."

In compliance to Hon'ble NGT order dated 29-05-2023, the J&K PCC vide its order No. 92-JKPCC of 2023 dated 22-06-2023 (Copy whereof is Annexed as **Annexure-A**) has nominated, Regional Director, Pollution Control Committee, Kashmir as Member representing J&K Pollution Control Committee for the purpose of preparation of factual and Action Taken Report (Joint report) with State Environment Impact Assessment Authority (SEIAA) J&K; Director, Geology and Mining Department and District Magistrate, Budgam.

As a follow up in the matter, the Committee members constituted in compliance to Hon'ble NGT's afore-mentioned order except Member representing JKEIAA held a meeting in the office of SDM, Chadoora, Budgam (Nominated as Member representing Distt Magistrate Budgam) on 20th July, 2023 and carried out a joint inspection of the Mining Blocks viz **Block No. 11/Bud: Chadoora Old Bridge to Hanjigund Down Stream Doodhganga Nallah & Block No. 12/Bud: Chadoora Foot Bridge to Sogam Bridge Up-stream Doodhganga Nallah.**

Inspection of Mining Block No. 11/Bud:-

This mining block is located along **Chadoora Old Bridge to Hanjigund Down Stream Doodhganga Nallah** which as per the communication made by the concerned District Mineral Officer, Geology & Mining Deptt. Budgam vide letter No. DMO/Bud/DGM/F-05-II/2293-95 dated 24-07-2023 was operationalised on 16-10-2021 after fulfilling all statutory requirements. It has been further reported that between October' 2021 and June'2023, the Project Proponent has extracted 16248 Metric Tonnes of River Bed Material (RBM) against a total allocated quantity of **164400 Metric Tonnes** to be extracted over a period of 5 years @ **32880 Metric Tonnes** per annum. The committee observed that no mining was taking place in the block at the time of inspection. The concerned District Mineral Officer, Geology & Mining Deptt. Budgam (Member representing Director Geology and Mining Deptt) was asked to share all the details pertaining to this block and it was revealed that:-

- 1) The PP (Project Proponent) has not gone beyond the demarcated area of the e-auctioned block.
- 2) That no heavy machinery was used for extraction/loading of minerals at present, though at the start of the operations of these blocks, JCB loaders were used for loading of heavy boulders which was permitted as per the approved Mining Plan, however was in violation of the EC conditions granted for the block by JKEIAA (J&K Environmental Impact Assessment Authority vide its approval Dated 11-10-2020
- 3) That Doodhganga Nallah has no scope for keeping the patches outside stream because of less width of the Nallah. As such the mining activities go parallel to the running waters of the stream by diverting the water.

Inspection of Mining Block No. 12/Bud:-

This mining block is located from **Chadoora Foot Bridge to Sogam Bridge Up-stream Doodhganga Nallah** which as per the communication made by the concerned District Mineral Officer, Geology & Mining Deptt. Budgam vide letter No. DMO/Bud/DGM/F-05-II/2296-98 dated 24-07-2023 was operationalised on 16-09-2021 after fulfilling all statutory requirements. It has been further reported that between October' 2021 and June'2023, the PP has extracted Approx. **44993 Metric Tonnes** of River Bed Material (RBM) against a total allocated quantity of **205090 Metric Tonnes** to be extracted over a period of 5 years @ **41018 Metric Tonnes** per annum. The committee observed that no mining was taking place in the block at the time of inspection. The concerned District Mineral Officer, Geology & Mining Deptt. Budgam (Member representing Director Geology and Mining Deptt) was asked to share all the details pertaining to this block and it was revealed that;

- 1) The PP has not gone beyond the demarcated area of the e-auctioned block.
- 2) That no heavy machinery was used for extraction/loading of minerals at present, though at the start of the operations of these blocks, JCB loaders were used for loading of heavy boulders which was permitted as per the approved Mining Plan, however was in violation of the EC conditions granted for the block by JKEIAA (J&K Environmental Impact Assessment Authority vide its approval Dated 11-10-2020
- 3) That Doodhganga Nallah has no scope for keeping the patches outside stream because of less width of the Nallah. As such the mining activities in this Block also go parallel to the running waters of the stream by diverting the water.

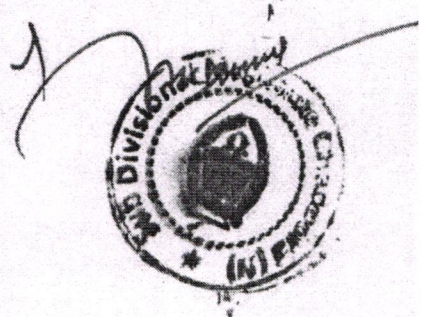
In this connection, detailed reports submitted by the District Mineral Officer, Geology & Mining Department, Budgam vide its Letter's dated 24-07-2023, 26-07-2023 as well 28-07-2023 pertaining to the Mining Blocks (**Block No.11/Bud & Block No. 12/Bud**) vide respective letter Nos. 2293-95/2296-98, 2315-17 & 2324-26 are annexed herewith as **Annexure-B, Annexure-C, Annexure-D & Annexure-E.**

The photographs of the Joint visit to the Mining Blocks are also enclosed at **Annexure-F**

Hence, the factual and Action Taken Report by the Joint Committee constituted in the matter is submitted for record.

[Signature]
District Mineral Officer
Geology & Mining Dept.
Budgam.

[Signature]
Divisional Officer
Pollution Control Committee
District Budgam



[Signature]
RDK PCC Inv.

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



Winter office: November-April
Parvathi Bhawan, Gladhi,
Transport Nagar, Narwal,
Jammu, J&K 180006
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Summer Office: May-October
Sheekh-ul-Alam Campus,
Behind Govt. Silk Factory,
Kajbagh, Srinagar (J&K) 190008
Ph. Fax. 0194-2311165.


email: membersecretaryjkspcb@gmail.com

(ANNEXURE 'A')

Sub:- Nomination of member for Joint Report in compliance to Hon'ble NGT Order dt. 29-05-2023 in O.A NO. 351/2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir & Ors.

ORDER No. 92-JKPCC of 2023
DATED: 22-06-2023

In Compliance to Hon'ble NGT Order dt. 29-05-2023 in O.A NO. 351/2023 titled Raja Muzaffar Bhat V/s UT of Jammu and Kashmir & Ors., Sh. Rafi Ahmad Bhat, Regional Director, Pollution Control Committee Kashmir is hereby nominated as Member representing J&K Pollution Control Committee for the purpose of preparation of factual and Action Taken Report (joint report) with SEIAA J&K, Director Geology & Mining Department and District Magistrate Budgam.


(S. Rakesh Kumar) IFS
Member Secretary
J&K PCC, Jammu

No. JKPC/NGT/23/139/143-148
Dt: 22-06-2022.

Copy to the:-

1. Director, Environment Ecology and Remote Sensing/ Member Secretary, SEIAA, J&K Jammu for information.
2. District Magistrate, Budgam for information and necessary action.
3. Director Geology and Mining Department, J&K Jammu for information.
4. Regional Director, Pollution Control Committee, Kashmir for information and necessary action.
5. PA to Chairman J&K PCC for kind information of the Chairman.

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

Ph: 7006733395

GEOLOGY & MINING DEPARTMENT

SIDCO COMPLEX OMPORA BUDGAM

email: dmobudgam19@gmail.com

(ANNEXURE - B)
The Regional Director (K),
J&K Pollution Control Committee,
Kashmir.

No: DMO/Bud/DGM/F-05-II/2293-95

Dated: 24.07.2023

Subject:- Direction of Hon'ble NGT dated: 29.05.2023 in Original Application No. 351/2023 (IANo. 519/2023) in the case titled Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir – Nomination of Nodal Officer for inspection and report thereof.

Sir,

Whereas; The District Level e-Auction Committee under the Chairmanship of Deputy Commissioner Budgam e-Auctioned Seven Minor Mineral Blocks on 22.06.2020 including the block with following description in Doodhganga Nallah:

Block No.	Description of the Block	Area in Hectares	Highest Bid Amount	Name of the Successful bidder
11/ Bud	Chadoora Old Bridge to Hanjigund D/S Doodhganga Nallah	3.75	117.33 lacs	Danish Yousuf S/o Mohd Yousuf Mir R/o Dounghama Kakapora

Whereas, Letter of Intent (LoI) was issued in favour of the successful bidder by the Director Geology & Mining Department Jammu vide his office No. 682/MCC/DGM/B-11/Budgam/20/3047-54 Dated: 29.07.2020.

Whereas, Mining Plan submitted by the Project Proponent was approved in the meeting of the Mining Plan Approval Committee held on 09/11/2020 under the Chairmanship of Deputy Commissioner Budgam and approval letter in this regard was communicated by Member Secretary Mining Plan Approval Committee vide No. 18-MPA/DGM/Bud/584-88 Dated: 10/11/2020.

Whereas, J&K Environmental Impact Assessment Authority (JKEIAA) granted granted Environmental Clearance for the said Mineral Block vide No. JKEIAA/2021/552/1682-94 dated: 06.07.202 subject to the submission of revised Mining Plan to JKEIAA for an area of 2.74 Ha instead of 3.75 Ha.

areas, approval to the resized mining plan for an area of 2.74 Ha was granted by the concerned committee headed by Deputy Commissioner Budgam vide No. 18-MPA/MSK/DGM/Sgr/Bud/26-29 Dated: 04/04/2022.

Whereas, Consent to operate (CTO) was granted by the J&K Pollution Control Committee to the said block (Block 11) vide No. PCC/digital/21042197334 Dated: 15.09.2021.

Whereas, the mineral block was operationalised on 16.10.2021 after fulfilling all the statutory requirements.

Whereas, the total Mineable Reserves as per the resized mining plan of the said block (**Block 11**) are 164400 Metric Tonnes to be extracted over a period of 5 years with 32880 Mt per annum.

Whereas, between October '2021 to June '2023, approx. 16248 Metric Tonnes of River Bed Material (RBM) have been extracted from Minor Mineral Block 11.

Hence submitted for favour of information please.

Yours faithfully,

[Signature]
24/7/23
District Mineral Officer,
Geology & Mining Deptt.,
Budgam.

Copy to the :

1. Sub Divisional Magistrate Chadoora for information plz.
2. District officer PCC Budgam for information plz.

OFFICE OF THE DISTRICT MINERAL OFFICER, BUDGAM

GEOLOGY & MINING DEPARTMENT

Ph: 7006753395

SIDCO COMPLEX OMPORA BUDGAM

email: dmobudgam12@gmail.com

The Regional Director (K),
J&K Pollution Control Committee,
Kashmir.

(ANNEXURE-C)

No: DMO/Bud/DGM/F-05-II/ 2296-98

Dated: 24.07.2023

Subject:- Direction of Hon'ble NGT dated: 29.05.2023 in Original Application No. 351/2023 (IANo. 519/2023) in the case titled Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir – Nomination of Nodal Officer for inspection and report thereof.

Sir,

Whereas; The District Level e-Auction Committee under the Chairmanship of Deputy Commissioner Budgam e-Auctioned Seven Minor Mineral Blocks on 22.06.2020 including the block with following description in Doodhganga Nallah:

Block No.	Description of the Block	Area in Hectares	Highest Bid Amount	Name of the Successful bidder
12/ Bud	Chadoora Foot Bridge to Sogam Bridge Up-stream Doodhganga Nallah	4.90	155.79 lacs	Rouf Ahmad S/o Gh. Qadir Dar R/o Dangerpora Awantipora Pulwama

Whereas, Letter of Intent (LoI) was issued in favour of the successful bidder by the Director Geology & Mining Department Jammu vide his office No. 683/MCC/DGM/B-12/Bud/20/3901-3908 Dated: 14.08.2020.

Whereas, Mining Plan submitted by the Project Proponent was approved in the meeting of the Mining Plan Approval Committee held on 09/11/2020 under the Chairmanship of Deputy Commissioner Budgam and approval letter in this regard was communicated by Member Secretary Mining Plan Approval Committee vide No. 18-MPA/DGM/Bud/579-83 Dated: 10/11/2020.

Whereas, J&K Environmental Impact Assessment Authority (JKEIAA) granted granted Environmental Clearance for the said Mineral Block vide No. JKEIAA/2021/551/1669-81 dated: 06.07.2021 subject to the submission of revised Mining Plan to JKEIAA for an area of 3.20 Ha instead of 4.90 Ha.

in this regard was communicated by Member Secretary Mining Plan Approval Committee vide No. 18-MPA/DGM/Bud/579-83 Dated: 10/11/2020.

Whereas, J&K Environmental Impact Assessment Authority (JKEIAA) granted granted Environmental Clearance for the said Mineral Block vide No. JKEIAA/2021/551/1669-81 dated: 06.07.2021 subject to the submission of revised Mining Plan to JKEIAA for an area of 3.20 Ha instead of 4.90 Ha.

Whereas, approval to the resized mining plan for an area of 3.2 Ha was granted by the concerned committee headed by Deputy Commissioner Budgam vide No. 18-MPA/MSK/DGM/Sgr/Bud/30-33 Dated: 04/04/2022.

Whereas, Consent to operate (CTO) was granted by the J&K Pollution Control Committee to the said block (Block 12) vide No. PCC/digital/21042171843 of 2021 Dated: 14.09.2021.

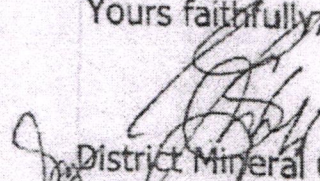
Whereas, the mineral block was operationalised on 16.09.2021 after fulfilling all the statutory requirements.

Whereas, the total Mineable Reserves as per the resized mining plan of the said block (**Block 12**) are 205090 Metric Tonnes to be extracted over a period of 5 years with 41018 Mt per annum.

Whereas, between October 2021 to June 2023, Approx. 44993 Metric Tonnes of River Bed Material (RBM) have been extracted from Minor Mineral Block 12.

Hence submitted for favour of information please.

Yours faithfully,


24/7/23
District Mineral Officer,
Geology & Mining Deptt.,
Budgam.

Copy to the :

3. Sub Divisional Magistrate Chadoora for information plz.
4. District officer PCC Budgam for information plz.

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

Ph: 7006735395

SIDCO COMPLEX OMPORA BUDGAM

email: dmobudgam12@gmail.com

The Regional Director (K),
 Pollution Control Committee,
 Kashmir.

(ANNEXURE-D)

No:- DMO/Bud/DGM/F-05-II/2315-17 .

Dated: 26.07.2023

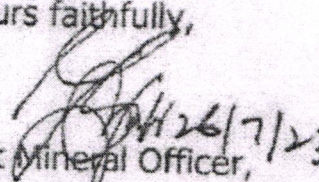
Sub:- Direction of Hon'ble NGT dated: 29.05.2023 in original Application No:351/2023 (IANo 519/2023) in the case titled Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir- Nomination of Nodal Officer for inspection and report thereof.

Sir,

In continuation to this office letter No:DMO/Bud/DGM/F-05-II/2293-95 dated: 24.07.2023 it is further submitted that in compliance to the directions of Hon'ble National Green Tribunal dated: 29.05.2023, the constituted team visited Block No:11 & 12 on 20.07.2023 for inspection of the said Minor Mineral Blocks in Nallah Doodhganga. The observations which were noticed during on-spot visit to these blocks (Block No:11 & 12) were summarized below.

1. That the project proponent didn't go beyond the demarcated area of the e-auctioned block.
2. That no heavy machinery was used for extraction/loading of minerals at present, though at the start of operations of these blocks JCB Loaders were used for loading of heavy boulders which was permitted as per the approved Mining Plan.
3. That the Doodhganga Nallah has no scope for keeping the patches outside the stream, because of less width of the Nallah. As such the mining activities go parallel to the running waters of the stream.

Yours faithfully,


 District Mineral Officer,
 Budgam.

Copy to :

1. Sub-Divisional Magistrate Chadoora for information please.
2. District Pollution Control Officer Budgam for information please.

GOVERNMENT OF JAMMU & KASHMIR

OFFICE OF THE DISTRICT MINERAL OFFICER, BUDGAM

GEOLOGY & MINING DEPARTMENT

Ph: 7006740497

SIDCO COMPLEX OMPORA BUDGAM

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The Regional Director (K),
Pollution Control Committee,
Kashmir.

(ANNEXURE - E)

No:- DMO/Bud/DGM/F-05-II/2324-26 .

Dated: 28.07.2023

Sub:- Direction of Hon'ble NGT dated: 29.05.2023 in original Application No:351/2023 (IANo 519/2023) in the case titled Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir- Nomination of Nodal Officer for inspection and report thereof.

Sir,

In continuation to this office letter No:DMO/Bud/DGM/F-05-II/2315-17 dated: 26.07.2023 Point No;3 may kindly be read as :

3. That the Doodhganga Nallah has no scope for keeping the patches outside the stream, because of less width of the Nallah. As such the mining activities go parallel to the running waters of the stream by diverting the waters to run parallel.
4. That from the compensation amount of Rs 01 Crore by the Hon'ble NGT 07 restoration works were carried out for the protection of the Nallah Doodhganga & Mamath Khul through Flood Spill Channel Division Narbal (Copy enclosed).
5. That the embankments of the Nallah were protected by the project proponents through raising of boulders along the sides of River embankments thus giving proper shape to channelize the waters through the streams, hence reducing the chances of erosion of the side walls of the Nallah.

Yours faithfully,

[Signature]
District Mineral Officer,
Budgam.

Copy to :

1. Sub-Divisional Magistrate Chadoora for information please.
2. District Pollution Control Officer Budgam for information please.





