

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 241/2021

Raja Muzaffar Bhat

Petitioner

V/s

Union of India and others

Respondents

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Respondents
Through counsel

(G. M Kawoosa),
Additional Standing Counsel

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

Original Application No. 241/2021

Raja Muzaffar Bhat

Applicant

Versus

Union of India & Others

Respondent (s)

In the matter of

Compliance report in terms of order dated **23.11.2023**

May it please your honour

The answering respondents respectfully submit as under:-

1. That the Hon'ble National Green Tribunal passed an order on 23.11.2023 in the above titled original application. The operative part of order is reproduced as under:-

Learned Counsel appearing for the State has also submitted that the action plan in terms of the directions of the Tribunal has been approved yesterday and he has handed over the details of the amount which has been sanctioned under different heads as under:-

[Signature]
Commissioner/Secretary to Govt.
Housing & Urban Dev. Deptt. (J&K)

O.A No. 241/2021		Amt. in Cr.
SL.	Particular	Total

	Chief Engineer UEED	
1.	UDDSS2022101801 Sewerage Treatment Plant for daily Dry Weather flow discharging in to Doodh Ganga Nallah from Baghi Mehtab to Chadoora	16.00
2.	Sewerage Treatment Plant for Daily Dry Whether flow discharging into Doodh Ganga	12.93
	Total	28.93
Director Urban Local Bodies Kashmir		
Beautification and Restoration of Aesthetic View of Mamath Kaul		
a)	Fencing Along Mamath Khul in MC Budgam 50%of Total (3500m)	2.006
b)	Fencing along Doodh ganga in MC Chadura 70% of Total (1800m)	1.031
c)	Signages with Anti Littering	0.033
	Total	3.07
	G.Total	32.00

Learned Counsel for the State is directed to disclose if the aforesaid sanctioned amount has been released by filing of the fresh report, on the next date of hearing. Learned Counsel for the State has also informed that Rs. 3.03 crores has been sanctioned for District Badgam. He is directed to place on record the copy of the action plan as also the details relating to the release of the amount for the specified purpose. Let the fresh report disclosing the current status be filed at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in

*Commissioner/Secretary to Govt.
Housing & Urban Dev. Deptt. (J&K)*

preferably in the form of searchable PDF/ OCR

Support PDF and not in the form of Image PDF.

Counsel for the State has submitted that he will ensure that a competent officer of the State remains present by virtual mode on the next date of hearing.

List this matter on 07.02.2024.

2. That, it is submitted that the requisite funds (Rs. 32.00 Cr) stand released in favour of the concerned implementing agencies i.e. Director Urban Local Bodies Kashmir and Chief Engineer J&K UEED for utilization as per the action plan approved by the worthy Chief Secretary J&K UT. (Copy of sanction letter is enclosed as **Annexure R-1**)
3. Further department has conveyed approval to Action Plan for an amount of Rs. 3.03 Crore vide No. HUD-PLANOCAPX/26/2023-01 (7202204) dated 22-11-2023 and these funds are already available with DC budgam. (Copy enclosed as **Annexure R-2**).

Hence Compliance report is submitted.



Commissioner/ Secretary to Government
Housing & Urban Development Department
Commissioner/Secretary to Department
Housing & Urban Dev. Deptt. (J&K)

Annexure - R-1

No. HUD-PLAN0CAPX/26/2023-01/7202204
Dated: 01.12.2023

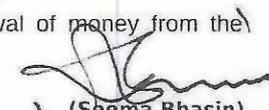
Subject:- Release of funds under 028-GIA as per the directions of Hon'ble NGT.

In pursuance to Finance Department's authorization, conveyed vide UO No.FD-BDGT0D-19/19/2021-03-Finance Department dated 16.05.2023, funds amounting to ₹3200.00 lakh (Rupees thirty two crore only) are hereby further transferred in favour of following Departments through BEAMS for the financial year 2023-24 under MH:2217-Urban Development, 028-GIA for further depositing the same into MH 8443-Civil Deposit as compensation on account of illegal mining, discharge of sewerage and dumping of Solid Waste as per the directions of the Hon'ble NGT.

S. No.	Office	Amount (₹ in lakh)
1	1138 - Chief Engineer, J&K UEED	2893.00
2	2034 - Director Urban Local Bodies, Kashmir	307.00
	G. Total	3200.00

The Utilization of these funds shall be subject to the following conditions:

1. That these funds shall be utilized only to meet out the compensation levied by Hon'ble NGT in OA No. 241/2021 against the approved activities conveyed vide communication No. HUD-PLAN0CAPEX/26/2023-01(7202204), dated 22.11.2023
2. Funds shall be utilized after fulfilment of all the required codal formalities as provided in the rules and GFR - 2017.
3. That expenditure shall be made strictly in accordance to the classification under which the funds have been authorized by the Finance Department and on the approved items only.
4. No omissions/commissions or diversions shall be made under any pretext unless specifically and separately authorized.
5. The ban on engagement of casual workers, need based workers, daily wagers etc. shall continue to be in force.
6. All the procurements of Goods and Services shall be made through GeM portal in terms of relevant provisions of GFR 2017, Manual for Procurement of Goods 2022 and Manual for Procurement of Consultancy and other Services 2022.
7. The process of e-tendering, wherever required as per GFR shall be initiated immediately for the year 2023-24.
8. The DDO shall ensure the timely submission of UC's to the concerned quarters within the stipulated time.
9. All the controlling officers shall duty bond to ensure submission of expenditure statements to the Administrative Department on monthly basis.
10. All the controlling officers/DDOs shall conduct periodic reconciliation of drawals with the Treasury and the office of the Accountant General (A&E) J&K to ensure correct reflection of income and expenditure in the Finance and other accounts.
11. Controlling Officers/DDOs shall strictly inspect and supervise the expenditure with reference to the authorized Appropriation Act 2023 and all the standing rules and regulations.
12. All the sanctions/approvals and clearances shall be in place before drawal of money from the Treasury.


(Seema Bhasin)
Director Finance
Housing & Urban Dev. Deptt.

Copy to the:

1. Principal Accountant General, J&K
2. Principal Secretary to the Govt., Finance Department.
3. Chief Engineer, J&K UEED.
4. Director, Urban Local Bodies, Kashmir.
5. Treasury Officer _____
6. Pvt. Secretary to Principal Secretary to Govt. H&UDD.

Annexure - R2

Government of Jammu and Kashmir,
Housing & Urban Development Department,
Civil Secretariat, Srinagar/ Jammu.

District Development Commissioner,
Budgam.

No: HUD-PLAN0CAPX/26/2023-01-(7202204)

Dated: 22 -11-2023

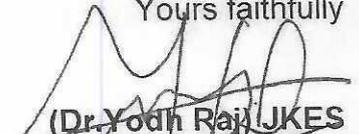
Subject: NGT's Action Plan – approval of activities thereof.

Sir,

Kindly find enclosed herewith a copy of NGT's Action Plan as **Annexure-A** under OA. No. 241/2021 approved by Worthy Chief Secretary.

In this connection, I am directed to request you to take further appropriate necessary action as per the NGT directions/orders passed under OA. No. 241/2021 (copy enclosed).

Encl: A/A

Yours faithfully

(Dr. Yodh Raj) JKES
Deputy Director (Planning)
Housing & Urban Dev. Deptt. 3

Copy for information to the:

1. Director Finance, HUDD.
2. Mission Director, SBM(U)-2.0.
3. Special Secretary (Legal) HUDD.
4. Private Secretary to Chief Secretary for information of the Worthy Chief Secretary.
5. Private Secretary to Principal Secretary to Govt. Forest Department for information of the Principal Secretary to Govt. Forest Deptt.
6. Private Secretary to Principal Secretary to Govt. Housing & Urban Development Department for information of the Principal Secretary to Govt. H&UDD.
7. Private Secretary to Secretary to Govt. Geology & Mining Department for information of the Secretary to Govt. Geology & Mining Department.

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 241/2021

Raja Muzaffar Bhat

Applicant

V/s

Union of India and others

Respondents

In the matter of :- Affidavit

I, Mandeep Kaur, presently posted as Commissioner/
Secretary to Government, Housing & Urban Development
Department, Civil Secretariat Jammu do hereby state on
solemn affirmation that I have read the Compliance report to
the afore titled case and the contents of Paras 01 to 03 of the
said Compliance report are true and correct on the basis of
the official record available with me and those of paras 01 to
03 based upon the legal advice received by me which I
believe to be true.

Handwritten signature
Ldly

*Bilal Ahmed
90 Housing & Urban Dev
Deptt Jm.*



Handwritten signature
Deputy Secretary to Govt.
Housing & Urban Dev. Deptt. (J&K)

*3095
30/1/24*

Verification:

Verified today on 30/1/24 at Jammu that

the averments made here in above are true and correct to

Certified that Smt/ Shri Mandeep Kaur
Who is identified by Bilal Ahmed
And witnessed by do
Presented that do before me today
the 30 day of Jan 24
& I administered to her/him who
Sworn / Solemnly affirmed that the contents of
This affidavit hence attested

Oath Commissioner
Handwritten signature

Handwritten signature
Deputy Secretary to Govt.
Housing & Urban Dev. Deptt. (J&K)

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BEFORE NATIONAL GREEN TRIBUNAL AT NEW DELHI
O.A No. 241/2021

Raja Muzaffar Bhat
Vs
Unon of India and others

VAKALATNAMA

Know all to whom these present shall come that I/We the above named Respondent No do hereby appoint Sh. G.M Kawoosa, Adv. (hereinafter called the advocate/s) to be my/our advocate in the above notes cases authorize him:-

To Act, appear and plead in the above noted case in the court or in other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign the verify and present pleading, application, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages & future subjects to payment of fees for each stage.

To file and take back document, to admit and /or deny the document of opposite party.

To withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case. To make execution proceedings. The deposit, draw and receive money cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other legal practitioner authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do so and to sign, the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts by the advocate or his substitute in the matter as my/ our own acts, as if done by me/us to all intents and purpose. And I/we undertake that I/we or my/our duly authorized agent would appear in Court on all hearings and will inform the advocate for appearance when the case is called.

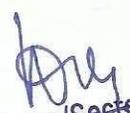
And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolong for more than 3 years the original fee shall be paid again by me/us.

In WITNESS WHERE OF I/WE do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.

Accepted subject to the terms of the fees

Advocate


Commissioner/Secretary to Govt.
Housing & Urban Dev. Deptt. (J&K)