

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 253 OF 2023

IN THE MATTER OF:

Raja Muzaffar Bhat

...Applicant

Versus

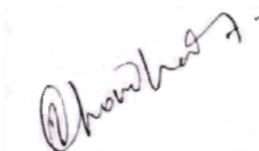
Union Territory of Jammu & Kashmir & Ors.

...Respondents

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Through

RITWICK DUTTA

RAHUL CHOUDHARY

ITISHA AWASTHI

Counsel for the Applicant

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi – 110048

Mobile No. 9312407881

Email:- Litigation@dclawchamber.com

Place:- New Delhi

Dated:- 18.08.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Union Territory of Jammu & Kashmir & Ors. ...Respondents

**RESPONSE TO REPORT DATED 23.12.2024 OF D.M. POONCH AND
REPORT DATED 15.04.2025 BY CEO, MUNICIPAL COUNCIL, POONCH**

MOST RESPECTFULLY SHOWETH:

1. That the above titled Application pertains to rampant and illegal disposal of solid and bio-medical waste on the banks of Poonch River, in the area falling between Sher-E-Kashmir Bridge (NH 144A) and the confluence of Poonch River and Belar Nala in Poonch Town, Union Territory of Jammu & Kashmir. Poonch River is a tributary of Jhelum River and towns such as Poonch, Sehra, Tatta Pani, Kotli and Mirpur are situated on its banks and the river water of Poonch is also a source of drinking water for the population living downstream.
2. That the District Magistrate, Poonch, Respondent No. 7 herein has filed a compliance report dated 09.04.2025 with respect to steps taken for recovery of environmental compensation of Rs. 162.9 lakhs. Further, the Respondent No. 6, Municipal Council of Poonch filed its Report dated 15.04.2025 which was taken on record by this Hon'ble Tribunal vide order dated 17.04.2025.
3. That at the outset, it is submitted that the directions passed by this Hon'ble Tribunal and the provisions of Solid Waste Management Rules, 2016, Municipal Council, Poonch Solid Waste Management Bye-Laws,

2019, Action Plan for Municipal Solid Waste Management, Jammu & Kashmir, 2018 and Water Act are not complied. The District Magistrate, Municipal Council, Poonch and Pollution Control Board has miserably failed to take any step with respect to management of waste on the bank of Poonch river. The Hon'ble Tribunal recorded that:

- a. The Hon'ble Tribunal recorded the apprehension of the applicant with respect to lying of waste on the bank of the river and the forthcoming monsoon, there is every likelihood that this legacy waste will flow to the river and contaminate the water. That Hon'ble Tribunal further directed the CEO Poonch to take adequate measures before the monsoon to clear the legacy waste on the side of the river.
- b. For remediating 15,000 MT of legacy waste, a contract was awarded to M/s. WeVOIS Labs Private Limited, Jaipur, Rajasthan and the said entire quantity has been processed and remediated as per norms.
- c. For the remaining quantity, it is disclosed that a tender has been floated for in cluster mode on 27.02.2025 for selecting the agency to undertake the remediation.
- d. The entire legacy solid waste will be remediated by August 2025, subject to smooth tendering process.
- e. 19000 MT of legacy waste is yet to be remediated and the entire legacy waste will be remediated by 31.08.2025
- f. In respect of the daily generated solid waste, it was stated that 11 tons per day is generated within the Municipal limits of Poonch, out of which 10.5 tons is collected, consisting of 4.5 tons of dry waste. Out of this 4.5 tons of dry waste, 2.5 tons is remediated and 2 tons is taken by the rag pickers for remediation. For remaining 6 tons which is a wet waste, it is stated that the same is sent to Waste to Compost Plant and is remediated there.

4. That based on the submissions of the Municipal Council, the Hon'ble Tribunal directed the CEO of Municipal Council, Poonch to file an undertaking in the form of affidavit stating that the entire legacy waste will be remediated by 31.08.2025 and also give the clear details with supporting material in respect of 100% treatment of the daily generated waste. It is submitted that no such affidavit has been filed by the CEO, Municipal Council till date. That the applicant is filing the recent photographs dated 16.08.2025 showing the large amount of solid waste is dump on the river bank and water is flowing through the dump waste. It is certainly taking away the waste downstream which is also a drinking water source.

The copy of photographs dated 16.08.2025 showing flowing river close to waste is annexed herewith as **ANNEXURE A-1**.

5. That the Municipal Corporation now trying to push entire waste into the river by using earth mover machines (JCBs). This is not only to cover up the violation but also dispose of the waste which is lying on the river bank. The applicant immediately on 16.08.2025 observing about the illegal disposal of waste in the river wrote a letter to the Deputy Commissioner, Poonch informing him that:

"Infact the JCBs are being used (12.30 PM Aug 16th 2025) to push the waste into rivers to destroy the evidence which is again a criminal act as per various provisions of BNS & MSW Rules 2016. I have already sent you Geotagged pics / Video on your whatsapp number. I request you to kindly initiate action and take the culprits to task."

The copy of letter dated 16.08.2025 and photographs taken on 16.08.2025 at 12:43 p.m. showing moving of waste into the river is annexed herewith as **ANNEXURE A-2 (Colly)**.

RESPONSE TO REPORT DATED 15.04.2025:

6. That at the outset, it is submitted that the statement made by Municipal Council, Poonch is false and incorrect whereby it was stated that the

steps are taken to ensure scientific processing and disposal of municipal solid waste including legacy waste. It is clear from the photographs filed above that there is not only the non-compliance by Municipal Council, Poonch but is also continue to violate the provisions of Solid Waste Management Rules, 2016 but also is violating the provisions of Water Act by contaminating the drinking water source by dumping of solid waste. Further, the statement made with respect to segregation of waste in para 8 is also incorrect as from the photograph it is very much clear that the mixed waste are dumped on the bank of the river.

7. That the CEO of Municipal Council, Poonch (Respondent No. 6) filed its report dated 15.04.2025 wherein submissions were made regarding waste disposal on the bank of River Poonch. The Applicant herein submits its objections to the submissions made in Report dated 15.04.2025:

S.No.	Submissions of the Respondent No. 6 in Report dt. 15.04.2025	Objections of the Applicant to submissions in Report dt. 15.04.2025
i.	Work for biomining of legacy waste awarded to WeVOIS Labs Pvt. Ltd. Total 15,000 MT of legacy waste has been scientifically processed and remediated as per norms (Para 4, Pg 400)	The contention by Respondent No. 6 is false as on the ground that no action has been taken till date to remove legacy waste and on the contrary, everyday fresh waste is dumped in the area. A copy of the photographs showing
ii.	The entire legacy solid waste is targeted to be bioremediated by August 2025, subject to smooth	legacy waste present at the dump site near River Poonch is already filed.

	tendering process. (Para 5, Pg 400)	
iii.	For the remaining quantity, a tender has been floated for in cluster mode on 27.02.2025 for selecting the agency to undertake dumpsite/landfill remediation through biomining for various ULBs including Municipal Council Poonch the remediation. (Para 5, Pg 400)	It is submitted that the legacy waste is still lying at the site which is very much clear from the photographs annexed with this response.
iv.	For development of waste management infrastructure including construction of Material Recovery Facility (MRF), compost pits, bio-fencing and other components, a tender has been floated on 9.04.2025. The work is targeted to be completed by October, 2025 subject to smooth tendering process. (Para 6, Pg 400)	The Municipal Council, Poonch is establishing a new waste processing facility at the site right next to River Poonch. For that the clearing of land and construction activity has already started. It is pertinent to mention that any such kind of facility would be in violation of the Solid Waste Management Rules, 2016 as it is located right at the banks of the river. It is submitted that as per Clause vii of Schedule I of Solid Waste Management Rules, 2016, the landfill site has to be minimum 100 meter away from river and cannot be permitted within the flood plains as recorded for last 100 years.

		<p>However, in the present, the solid waste management facility is proposed to be constructed next to the river and on the flood plain.</p> <p>The construction activity is also in violation of the Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as no consent has been obtained to set up the facility. It is further submitted that setting up the facility at such a close distance to Poonch River is in violation of Section 24 of the Water Act, as the leachate generated from the facility would directly pollute River Poonch.</p> <p>A copy of the photographs showing clearing of site for the construction of waste processing facility is annexed herewith as ANNEXURE A-3.</p>
v.	<p>Municipal Council Poonch is operating a decentralized solid waste management system involving waste pickers and community participation. Dry waste is segregated and processed at MRF Centre Surankote, while wet waste is processed at</p>	<p>The MRF, Surankote is 25 km from the Poonch city, and no dry waste has been sent to Surankote by the Municipal Council till date.</p> <p>Unscientific waste dumping is being undertaken in the site itself as mentioned by the Applicant in the Original Application.</p>

	Waste Compost Centre Poonch. (Para 7, Pg 400)	
vi.	Primary segregation is being done at household level, while for secondary segregation, necessary steps have been initiated and five unskilled labourers have been deployed to daily carry out sorting and processing of municipal waste. (Para 8, Pg 400)	No waste segregation at household level is being carried out.

8. That the Hon'ble Tribunal also recorded the statement of the CEO of Municipal Council (Respondent No. 6) vide order dated 17.04.2025 as below:

"2. ...In respect of the daily generated solid waste, it was stated that 11 tons per day is generated within the Municipal limits of Poonch, out of which 10.5 tons is collected, consisting of 4.5 tons of dry waste. Out of this 4.5 tons of dry waste, 2.5 tons is remediated and 2 tons is taken by the rag pickers for remediation. For remaining 6 tons which is a wet waste, it is stated that the same is sent to Waste to Compost Plant and is remediated there."

It is submitted that from the Annexure A-1, Annexure A-2 and Annexure A-3 at Pg 464-467 annexed with the 'Response to Report dated 21.12.2024' filed by the Applicant on 16.04.2025, it is quite clear that no waste had been processed till the time of filing of response and even now the amount of waste is dumped on the river bank, it is clear that mixed waste are reaching and being disposed of on the river bank. It is submitted that as the amount of waste is more than 5 tons per day, a buffer zone as required in Serial No. ix of Schedule I of the Solid Waste Management Rules, 2016 will also be applicable.

9. That in light of the above-submissions, the objections of the Applicant to report dated 15.04.2025 of the Respondent No. 6 be taken on record

by this Hon'ble Tribunal. The Hon'ble Tribunal may consider passing direction with respect to immediate stoppage of any dumping of waste on the river bank of Poonch river and immediate removal of all the solid waste lying at the river bank to stop any kind of further contamination of the water downstream which is source of drinking water.

Through



RITWICK DUTTA



RAHUL CHOUDHARY



ITISHA AWASTHI

Counsel for the Applicant

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi – 110048

Mobile No. 9312407881

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...Applicant

Versus

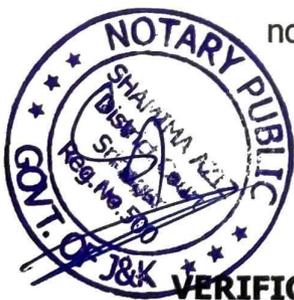
Union Territory of Jammu & Kashmir & Ors.

...Respondents

AFFIDAVIT

I, Raja Muzaffar Bhat, S/o Bashir Ahmed Bhat, aged about 49 years, R/o 64, Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir - 191113, do hereby solemnly affirm and declare as under:-

1. That I am Applicant in the above titled Original Application and am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of accompanying Response are true and correct and nothing material has been concealed therefrom.



VERIFICATION

Verified on this 10th day of August, 2025 that the contents of present Affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Certified that the statement declared
on oath before me at Srinagar on this
day of 10/08/2025

by Raja Muzaffar

who is identified by Sky

SHAMIMA AZIZ

NOTARY PUBLIC

Raja Muzaffar
DEPONENT

Raja Muzaffar
DEPONENT

ANNEXURE A-1

Photographs dated 16.08.2025 showing flowing river close
to waste





528

Fwd: Dumping of Municipal Waste in River in Poonch River**Annexure A-2 (Colly).**

From Raja Muzaffar Bhat <bhatrajamuzaffar@gmail.com>

To itisha.awasthi@proton.me

Date Monday, 18 August 2025 at 10:38

----- Forwarded message -----

From: **Raja Muzaffar Bhat** <bhatrajamuzaffar@gmail.com>

Date: Sat, 16 Aug, 2025, 14:02

Subject: Dumping of Municipal Waste in River in Poonch River

To: <dcpoonch@gmail.com>Cc: Rahul Choudhary <rahulchoudhary@proton.me>, Itisha Awasthi <itisha.awasthi@proton.me>

Dear Shri Ashok Kumar Sharma
Deputy Commissioner Poonch

Sub: Unscientific waste dumping near Poonch River (Plust Nadi)

Sir

This is in response to my telephonic conversation with you today wherein I expressed my concern about unscientific waste dumping in Poonch River also called Plust Nadi. I have been fighting for its restoration for more than 2 yrs in the Hon National Green Tribunal-NGT. On the NGTs direction DC Poonch on 8/04/2025 directed Tehsildar Poonch Haveli to recover Rs 162.9 lakhs as Environmental Compensation -EC from CEO MC Poonch. Till date neither the compensation has been recovered nor this illegal waste dumping near Poonch River around SK Bridge has been stopped.

A local Hindu Religious organisation has also raised concern on this issue. Copy of letter is attached along with pics and letter from Tehsildar to CEO MC Poonch (Writ of Demand)

Infact the JCBs are being used (12.30PM Aug 16th 2025) to push the waste into rivers to destroy the evidence which is again a criminal act as per various provisions of BNS & MSW Rules 2016. I have already sent you Geotagged pics / Video on your whatsapp number . I request you to kindly initiate action and take the culprits to task

Yours Sincerely

Dr Raja Muzaffar Bhat
Petitioner - NGT Case Poonch River
64, Alamdar Colony, Gopalpora, Tehsil Chadoora
District Budgam 191113- J&K

579.73 KB 3 files attached

Photographs taken on 16.08.2025 at 12:43 p.m. showing
moving of waste into the river



ANNEXURE A-3

Photographs showing clearing of site for the construction
of waste processing facility





531

Litigation . <litigation@dclawchambers.com>

Copy of Response on behalf of the Applicant in OA No. 253 of 2023 Raja Muzaffar Bhat Versus. Union Territory of Jammu & Kashmir and Ors.

1 message

Litigation . <litigation@dclawchambers.com>

Mon, Aug 18, 2025 at 12:57 PM

To: cs-jandk@nic.in, housingudd9@gmail.com, additionalsecretaryhealth@gmail.com, hudd-jk@nic.in, ccb.cpcb@nic.in, membersecy.pcb@jk.gov.in, eopoonch-jk@nic.in, poonch@nic.in, CMOPoonch@gmail.com

Cc: itishaawasthi@proton.me

Dear Sir/madam,

Please find attached- Response on behalf of the Applicant in OA No. 253 of 2023 Raja Muzaffar Bhat Versus. Union Territory of Jammu & Kashmir and Ors.

Thanks & Regards
Counsel for the Applicant

 **Response on behalf of Applicant.pdf**
3331K