

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
EXECUTION APPLICATION NO. 26 OF 2025
IN
ORIGINAL APPLICATION NO. 351 OF 2019**

IN THE MATTER OF:

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

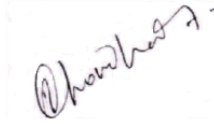
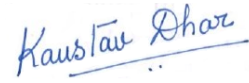
STATE OF JAMMU & KASHMIR AND ORS.

...RESPONDENTS

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THROUGH

RAHUL CHOUDHARY

KAUSTAV DHAR**ADVOCATES**

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PLACE: NEW DELHI

DATE: 18.05.2026

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
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IN THE MATTER OF:

RAJA MUZAFFAR BHAT APPLICANT

VERSUS

STATE OF JAMMU AND KASHMIR & ORS. RESPONDENTS

**RESPONSE TO THE COMPLIANCE REPORT DATED 20.11.2025 ON
BEHALF OF THE APPLICANT**

MOST RESPECTFULLY SHOWETH:

1. That the above-titled Execution Application was filed under Section 25 of the National Green Tribunal Act, 2010, seeking execution and compliance of order dated 25.11.2021 passed by this Hon'ble Tribunal in the matter titled *Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors. (Original Application 351 of 2019)*. It is submitted that the primary concern of the Applicant herein was with respect to Hokersar Wetland, Wullar Lake both of which are Ramsar Sit and Kreentchoo-Chandhara Wetland alleging the unscientific dredging, rampant illegal encroachments and dumping of municipal solid waste on the three major wetlands of Jammu and Kashmir. It is pertinent to point out that this Hon'ble Tribunal vide order and judgment dated 25.11.2021 has directed protection and conservation of all the Wetlands in the Jammu and Kashmir. That despite the specific directions, no necessary action has been taken for restoration even after 5 years of the judgment and hence the Applicant was constraint to file this present Execution Application.
2. That the Respondent No. 1, UT of J&K and the Department of Forest, Ecology and Environment has filed a Compliance Report dated

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20.11.2025 in pursuance and compliance to the order dated 23.04.2025 passed by this Hon'ble Tribunal. The Applicant herein is filing the following Response/Submissions highlighting the present status of the three wetlands, namely, Hokersar, Wullar and Kreentchoo-Chandhara:

PRELIMINARY SUBMISSIONS:

3. The Applicant herein submits that the Report in Para No. 6, Pg. 766 categorically records the findings of the Divisional Officers J&K, PCC, Srinagar, Bandipora and Budgam which clearly states and records the ongoing violation on ground. The same is hereby reproduced as follows:

"1. Dumping site is not fenced and provides an easy access to stray animals.

2. Leachate from crude dumping gets discharged into nearby Nallah called Gadarkul which ultimately gets discharged into Wullar Lake.

3. Earlier dumped waste has not been cleared from the dumped site."

4. It is submitted that the Report in Para 8 at Pg. 767 lists out several major intervention which are under implementation. The Report states that several activities are presently undertaken within Wullar Lake in accordance with Comprehensive Management Action Plan 2007 which includes desilting and dredging, hydrological restoration, solid waste management, catchment area treatment etc. It is pertinent to note here that none of the interventions listed disclose any stipulated timelines against each action and hence is ambiguous as to when such activities will be fulfilled.
5. The Applicant herein further submits that the Compliance Report dated 20.11.2025 in Para 11 at Pg. 768 categorically records that the present site is a temporary arrangement and that the site requires substantial financial investment for which Municipal Council, Bandipora has sought time. It clearly records that this temporary arrangement is 503 meters away from the Wullar Lake. The Applicants in this regard submit that

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the unsegregated wastes are being dumped unscientifically and illegally in the zone of influence which is 50 meters from the wetland in blatant violation of the Wetland Rules, 2017. It is unfortunate that even after 5 years of the judgment, there is no financial allocation for installation of SWM Facility as a result the grave situation remains the same. Further, it does not prescribe any stipulated timeframe within which the MSW facility will be installed: The relevant extracts are hereby reproduced:

"11.The site requires substantial financial investment for development and the Council has sought reasonable time to finalize a permanent SWM Facility away from the peripheries of Wullar Lake. The present site at Bandipora Bund Site is a temporary arrangement, 503 meters outside both the wetlands demarcated and buffer boundaries".

6. It is submitted that the Compliance Report in Para 15. That the Para No. 14(2)(f) at Pg. 770 states that road existed prior to 2013 and does not pass through any wetland:

"14. (f) Compliance regarding Annexure A5 (Page 197): Road construction in Kreencho-Chandhara Wetland. It is respectfully clarified that:

- ***The road shown in the image is old cart tract that pre-existed prior to 2013 and does not pass thorough any wetland area formally taken over by the Department of Wildlife Protection".***

7. The Applicant respectfully submits that, till date, large-scale earth filling activities continue unabated in the heart of the Wetland. The photographs taken by the Applicant on 16.05.2026 and 17.05.2026 clearly depict the present status of the site, demonstrating that a large number of trucks carrying earth are continuously dumping the same into the Wetland, thereby effecting illegal encroachment, while multiple JCB machines are being deployed for levelling operations. It is pertinent to note that, despite such blatant and continuing violations, the Compliance Report remains completely silent on the ongoing encroachment. Equally, the Department of Wildlife has failed to take any action whatsoever, despite the specific directions issued by this Hon'ble

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Tribunal vide Judgment dated 25.11.2021. The Applicant herein respectfully submits that there is an urgent necessity for the constitution of an independent Committee to conduct a site inspection so as to assist this Hon'ble Tribunal in ascertaining the actual ground situation, which the Compliance Report has conspicuously failed to disclose.

PRESENT STATUS ON GROUND REMAINS SAME DESPITE PASSAGE OF SIX YEARS OF THE JUDGMENT:

8. That the Applicant herein in this regard has filed two Additional Affidavits dated 26.08.2025 and 20.11.2025 placing on record the pictorial evidences of the then status of the Hokersar, Wullar and Kreentchoo-Chandhara Wetlands. It is to be noted that till date the situation remains the same on ground despite specific directions passed by this Hon'ble Tribunal.

I. Continuous Dumping of Waste into Hokersar Wetland –

- a) The Hokersar wetland which is a Ramsar Site was required to be demarcated and the vulnerable areas were to be closed by chain-link fencing, barbed wire fencing and bio fencing so that the waste from the River Doodhganga does not enter the Hokersar Wetland. However, the area is still being used as dumping of waste flowing from River Doodhganga gets accumulated. It is submitted that the trash guard constructed to stop the waste to flow into the wetland is very low and broken and as a result the entire waste from Doodhganga is entering into Hokersar Wetland. The Applicants herein submits that after the wastes are flowed from Doodhganga and gets accumulated in the fencing installed in Hokersar land, the same are accumulated and dumped unsegregated and unscientifically in the adjacent to the lake illegally. It is pertinent to note that the Compliance Report dated 20.11.2025 filed by Respondent No. 1, Union Territory of Jammu & Kashmir has also recorded the same thereby accepting that the waste visible in Hokersar Wetland is carried through

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Doodh Ganga spill over channel. (See Para 14 (2) (e) Pg. 770 of paper-book). Despite the passage of 6 long years from the judgment dated 25.11.2021, the situation on ground remains pathetic and till date no necessary action has been taken by the any authorities and the same are evident from the recent images dated 16.05.2026 taken by Applicant.

The copy of the recent photographs dated 16.05.2026 taken by the Applicant of Hokersar Wetland is annexed herewith as **ANNEXURE A/1.**

II. Continuous Dumping of Waste into Wullar Lake –

9. The dumping of municipal solid waste in the Wullar Lake, which is a Ramsar Site is still continuing in blatant violation of law and order. Till date, no necessary steps has been taken by the Municipal Council Bandipora. The recent images taken by the Applicant dated 10.04.2026 shows a disturbing status at present clearly demonstrating that piles of unsegregated municipal solid waste are dumped across the Wullar Lake. The image further demonstrates that stay animals like cows and birds are seen feeding on the same.

Copy of the images taken by Applicant of Wullar Lake dated 10.04.2026 showing massive dumping of municipal solid waste are annexed herewith as **ANNEXURE A/2.**

10. It is pertinent to note that during the pendency of the Original Application No. 351 of 2019, the J&K PCC issued a Show Cause Notice vide order dated 09.02.2021 thereby imposing an Environmental Compensation of Rs.64,21,000/ upon the Executive Officer Municipal Committee, Bandipora for violation of Solid Waste Management Rules, 2016:

"Whereas, reports about illegal and unscientific dumping and disposal of solid waste by Municipal Committee- Bandipora, District Bandipora were received with photographic evidence and the matter was accordingly taken up with concerned Deputy Commissioner, Director Urban Local Body and Executive Officer Municipal Committee Bandipora through series of communications, but without any tangible improvement on the ground.

Whereas, on continuous failure on part of the Executive Officer Municipal Committee Bandipora to dispose of solid waste in a scientific manner a show cause notice for levying of Environmental Compensation, in light of the directions of the Hon'ble National Green Tribunal was served upon Executive Officer Municipal Committee Bandipora vide No. PCB/LSK/489/020/124-130 dt. 26.06.2020, calling upon him there under to show reasons within fifteen(15) days as to why Environmental Compensation be not levied upon him for these blatant violations of Environmental Laws.

Whereas, a report from Regional Director, PCB, Kashmir Vide No. PCB/ROK/LS/2020/179 dt. 22.07.2020, was also received with photographic evidence indicates that no improvement on the ground was brought about by the concerned Municipal body and the Solid Waste is continuously dumped at Zalwan Nassu site in close proximity with the District head quarter Bandipora and on the catchment of Wullar lake near Zalwan Nallah in a haphazard and unscientific manner by the Municipal Committee.

Whereas, no concrete step has been taken by Municipal Committee Bandipora for the scientific disposal of Municipal Solid Waste, despite written communications by Regional Director, Pollution Control Board Kashmir who accordingly recommended Levying of Environmental Compensation vide No.PCH/ROK/LS/2020/228 dt. 25.09.2020. Whereas, the case was also referred to the committee constituted for expert examination of such cases which after examining the case recommended Levying of Environmental Compensation, and quantified the amount of Environmental Compensation.

Now, therefore, in view of foregoing back ground Environmental Compensation under Polluter Pays Principle as per approved guidelines of the Central Pollution Control Board and the Hon'ble National Green Tribunal, to the tune of the Rs.64,21,000/- is hereby levied upon Executive Officer Municipal Committee, Bandipora for violation of Solid Waste Management Rules, 2016 for the period commencing from the date show cause notice dated 26.06.2020 to 25.09.2020 i.e.

the date of latest report of Regional Director, PCB, Kashmir."

11. That the Show Cause Notice issued vide Order dated 09.02.2021 by the J&K PCC was challenged by the Chief Executive Officer, Municipal Council, Bandipora, Kashmir before this Ld. Tribunal in a separate Appeal No. 22 of 2021, whereby this Hon'ble Tribunal did not interfere with the Show Cause Notice and categorically held that the amount imposed for Environmental Compensation is to be used for restoration of the Wullar Lake. It was further directed that an Action Plan to be prepared along with the restoration of the Wullar Lake and that the Action Plan shall also take into account the plans prepared in the present case i.e., O.A. 351 of 2019:

"9. In view of above, no interference is called for with the above order. However, the amount recovered may be utilized for restoration of the environment by preparing an action plan with timelines by a joint Committee comprising State PCB and District Magistrate, Bandipora. The plan may be prepared within two months and executed within the stipulated timeline. The plan may take into account plan already prepared for protecting the water bodies/wetlands in compliance of order of the Tribunal dated 22.07.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors."

Copy of the order dated 21.10.2021 passed by this Hon'ble Tribunal in Appeal No. 22 of 2021 is annexed herewith as

ANNEXURE A/3.

12. That thereafter the Chief Executive Officer, Municipal Council, Bandipora also filed a Civil Appeal No. 7183 of 2022 before the Hon'ble Supreme Court challenging the order dated 21.10.2021 passed by this Hon'ble Tribunal, whereby the Apex Court also refused to interfere with the order of this Hon'ble Tribunal and dismissed the Civil Appeal:

"We find no ground to interfere with the impugned order passed by the National Green Tribunal. The civil appeal is, accordingly, dismissed."

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Copy of the order dated 19.10.2022 in Civil Appeal No. 7183 of 2022 passed by the Hon'ble Supreme Court is annexed herewith as **ANNEXURE A/4.**

13. It is submitted that since this Hon'ble Tribunal has passed specific direction that the amount of 64.22 lakhs will be used for restoration of Wullar Lake, the Applicant herein has filed a RTI Application dated 14.02.2026 before the Chief Executive Officer, Municipal Council, Bandipora seeking information whether the Environmental Compensation of 64.22 lakhs have been deposited. That the Reply dated 18.03.2026 received from the Chief Executive Officer, Municipal Council, Bandipora did not directly provide any information whether the environmental Compensation of 64.22 lakhs has been deposited or not, instead it replied that a Committee has been constituted and a work plan for eco-rehabilitation of the old dumping site has been recommended to utilize the amount for rehabilitation of the dumping site:

"In response to your RTI Application dated 14.02.2026, you are hereby informed a Committee constituted by the Worthy Deputy Commissioner, Bandipora, has recommended the work plan for eco-rehabilitation of the old dumping site to utilize the amount for rehabilitation of the old dumping site and accordingly the site has been reclaimed".

Copy of the RTI Application filed dated 14.02.2026 and RTI Response received on 18.03.2026 from Chief Executive Officer, Municipal Council, Bandipora is annexed herewith as **ANNEXURE A/5.**

14. It is pertinent to note that the Environmental Compensation was imposed in 2021 and this Hon'ble Tribunal has specifically directed to use the same for the restoration. However, even after passage of 6 long years, it is not clear whether the compensation is deposited as there has been no restoration/rehabilitation visible on ground which is clear from the recent images taken by the Applicant. Moreover, the Compliance

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Report of UT of J&K themselves recorded that the site requires substantial financial investment for development and the Council has sought reasonable time to finalize a permanent SWM Facility. Thus, it is clear till date no action has been taken in blatant violation of law and order.

III. Conversion of Kaccha Road into Pucca Road in Kreentchoo-Chandhara

15. The Applicant herein submits that the Wildlife Department of J&K has not taken any step for the restoration of the Kreentcho-Chandhara Wetland. The illegally constructed kaccha road has now been converted into a pucca road. Huge amount of dust, gravels, JCBs and road rollers were used to construct the same in blatant violation of the Wetland Rules, 2017. The illegal work started on 29.10.2025 - 30.10.2025. This illegally constructed road is used for the transportation of soil by conducting illegal mining from nearby Karewa Mountains which is happening even in the night. That the Applicant submits that there have been multiple instances of fires breaking out in the Kreentchoo-Chandhara Wetland, which have had a devastating impact on the wetland's ecology and biodiversity. The same has been submitted by the Applicant in the Execution Application. The copy of the photographs dated 30.10.2025 and 05.11.2025 showing illegal pucca road inside the wetland are already part of record and are annexed in the earlier Additional Affidavits dated 26.08.2025 and 20.11.2025 at Pg. 231 and 743.

16. That the Para No. 14(2)(f) at Pg. 770 states that road existed prior to 2013 and does not pass through any wetland. The Applicant respectfully submits that, till date, large-scale earth filling activities continue unabated in the heart of the Wetland. The photographs taken by the Applicant on 16.05.2026 and 17.05.2026 clearly depict the present

status of the site, demonstrating that a large number of trucks carrying earth are continuously dumping the same into the Wetland, thereby effecting illegal encroachment, while multiple JCB machines are being deployed for levelling operations. It is pertinent to note that, despite such blatant and continuing violations, the Compliance Report remains completely silent on the ongoing encroachment. Equally, the Department of Wildlife has failed to take any action whatsoever, despite the specific directions issued by this Hon'ble Tribunal vide Judgment dated 25.11.2021. The Applicant herein respectfully submits that there is an urgent necessity for the constitution of an independent Committee to conduct a site inspection so as to assist this Hon'ble Tribunal in ascertaining the actual ground situation, which the Compliance Report has conspicuously failed to disclose.

Copy of the images taken by the Applicant dated 16.05.2025 and 17.05.2025 of the illegal encroachment in the Kreentcho-Chandhara Wetland are annexed herewith as **ANNEXURE A/6.**

17. It is submitted that in **Sushil Raghav vs. Union of India & Ors Civil Appeal No. 1629 of 2022** order dated 20.02.2023, the Hon'ble Supreme Court has held that this Hon'ble Tribunal has the power to attach the property when there is a wilful and deliberate disobedience or violations of the orders of the Hon'ble NGT. It is pertinent to note that in the case at hand, despite specific directions of this Hon'ble Tribunal, the State has wilfully and deliberately violated the specific directions of the Hon'ble Tribunal:

*"6. We are of the considered view that the observation of the Tribunal that there was no case for executing the earlier order under Section 25 is misconceived. **The Tribunal is entrusted with the wholesome power to ensure that its orders are complied with. The absence of sewerage facilities is an important aspect which would merit the exercise of powers by the Tribunal under Section 25. The invocation of the power to levy a penalty under Section 26 will not necessarily sub-serve the purpose.**"*

18. The Applicant herein submits that understanding the power of civil court to execute a decree, the civil court is vested with the power of attachment of property, arrest, and detention in the civil prison and to deal with the question of resistance to execution of a decree as observed in **Rayons - Enlighting Humanity & Anr vs. MoEF & Ors. Original Application No. 186 of 2013** has held on the issue of application of Section 25 of the NGT Act, 2010 that this Hon'ble Tribunal has been granted the powers of a Civil Court to execute the orders/directions of the Tribunal. Therefore, this Hon'ble Tribunal has the power and jurisdiction to consider the instant Execution Application. In paragraph 39 of the said Judgment the NGT held that:

"39. In relation to the orders of the Tribunal, Section 25 of the NGT Act vests it with the powers of a 'civil court' and the order or decision of the Tribunal shall be executed as a decree of a civil court, that is, to say that all powers of execution under the CPC are specifically vested in the Tribunal for execution of its award, order or decision. In relation to execution of a decree, the civil court is vested with the power of attachment of property, arrest and detention in the civil prison and to deal with the question of resistance to execution of a decree. As such, all these powers could be deemed to be vested with the Tribunal. In the present case, both the orders dated 28th May, 2013 and 18th July, 2013 were passed in the court in the presence of the learned counsel appearing for the parties and in fact even the officers of the Respondent-authority. The respondents have not raised any question, and rightly so, with regard to knowledge or contents of the orders of the Tribunal. The flouting of an order which has the effect or consequence of an injunction will touch the jurisdiction of the Court of the Tribunal for application under Order XXXIX Rule 2-A of the CPC. The Tribunal has to ensure that the orders passed by it must be effectively and fruitfully implemented and should not be permitted to be frustrated by any party as all these relate to the matters of environmental significance and public health at large. The Courts have also taken a view that the provisions of Order XXXIX, Rule 2A would be given effect to even in preference to the Contempt of Court Act, 19. Once an order is passed by the Tribunal, it is not open to a party to go behind the order either by looking into the pleadings of the Tribunal or the mind of the Presiding Officer. The order must be construed on its plain language and all concerned are under an obligation to ensure implementation of the order in question. It is

equally true that the object of passing such an order is not to punish a person for disobedience of injunction order but to ensure the enforcement and compel the party to act according to the injunction. An application under Order XXXIX, Rule 2A of the CPC is maintainable only when there is disobedience of any injunction granted or other order passed under Order XXXIX, Rule 1 or 2 or breach of any terms on which injunction was granted or order was made [(Food Corporation of India v. Sukh Deo Prasad 2009(4) SCALE 38; Sarkar Code of Civil Procedure, 11th Ed.)]

19. Further, this Hon'ble Tribunal in the matter titled **Vikrant Kumar Tongad vs. Environment Pollution Authority and Ors. Execution Application No. 12 of 2016** has also held that:

"Despite our judgment and subsequent orders the State Government have failed to comply with the directions and take preventive precautionary and controlling measures for air pollution resulting from crop residue burning. We grant last and final opportunity requiring them, at least to file Action Plan with complete accountability and elements of performance, within one week from today. In the event now, compliance is not made, we will be compelled to attach treasury account of the concerned States."

20. The Applicant herein furthermore submits that this Hon'ble Tribunal in the matter titled **Manoj Mishra vs. Union of India & Ors. Original Application No. 06 of 2012** wherein it was held that:

"This Tribunal has all the trappings of the Civil Court and is to evolve its own procedure in consonance with the principle of natural justice. The decisions or the directions of the Tribunal are to be executed as a decree of the Civil Court. Consequently for execution and implementation of the directions issued by the Tribunal, by the provisions of the Code of Civil Procedure including attachment of property and arrest, could be taken recourse to. This is in adherence to and not in derogation to the powers of the Tribunal to have its orders to be executed in accordance with law if necessary including consequences of disobedience of the Order of the Court. We have mentioned this aspect to dispel the impression that the orders of the Tribunal can be avoided by any Authority or the Government without any justifiable reason. Thus, we reiterate that directions of the

Tribunal should be complied with by all the concerned without any default and delay, now at least”.

21. It is also submitted that This Hon'ble Tribunal in the matter titled **Sarang Yadwakar vs. The Commissioner Pune Municipal Corporation & Ors. 2015 SCC OnLine NGT 2** wherein it was held that:

"22. Perusal of the directions the compliance of which is to be procured would reveal that they are of the nature of mandatory injunction the enforcement of which can be procured by resorting to the provisions of Order XXI Rule 32 of the Code of Civil Procedure 1908. Order XXI Rule 32 lays down that where the party against whom decree for the injunction has been passed, has had opportunity of obeying the decree and has wilfully failed to obey it, the decree may be enforced by his detention in the civil prison or by the attachment, of his property, or by both. In case of the Corporation it permits enforcement of the decree by attachment of the property of the Corporation or with the leave of the court, by the detention of the Director or other Principal Officer thereof-in the instant case the Commissioner-or by both attachment and detention. There is also other mode of execution prescribed under Order XXI Rule 32(5) in lieu of or in addition to any of the processes mention therein, to procure the execution of the mandatory injunction. It enables the executing Court to appoint some other person to do the act required to be done at the cost of the Judgment-debtor-the respondent no. 1-Corporation herein."

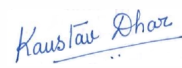
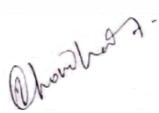
22. That in light of the above facts and circumstances, it is evident that present situation of these three wetlands are critical as a result of complete inaction by the Respondent Authorities. Therefore, it is humbly prayed that this Hon'ble Tribunal may pass appropriate directions and take necessary actions against the Respondents who has wilfully disobeyed and has miserably failed to comply the directions of this Hon'ble Tribunal in a time-bound manner.

23. Pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.



APPLICANT

THROUGH



RAHUL CHOUDHARY KAUSTAV DHAR

ADVOCATES

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MOBILE NO: 9312407881
Email: litigation@dclawchambers.com

PLACE: NEW DELHI

DATE: 18 .05.2026

VERIFICATION

I, Raja Muzaffar Bhat, S/o Bashir Ahmed Bhat, R/o 64, Alamdar Colony, Gopalpura, District Budgam Jammu & Kashmir, do hereby verify that the contents of paragraphs 1 to 23 are true to the best of my knowledge and I have not suppressed any material fact.

I hereby verified that the statement as required on oath before me at Budgam Magam on this day of 16-05-2026 by Raja Muzaffar Bhat S/o Bashir Ahmed Bhat R/o Gopalpura Budgam Jammu & Kashmir identified by Shehar Mushtaq.

Mohd. Fayez Magam
Notary Public
(Budgam, Jammu & Kashmir)



APPLICANT

**BEFORE THE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH SITTING AT NEW DELHI
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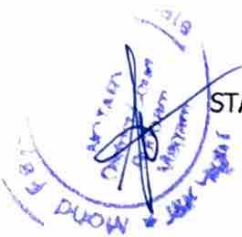
RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

STATE OF JAMMU & KASHMIR AND ORS.

...RESPONDENTS



AFFIDAVIT

I, Raja Muzaffar Bhat, S/o Bashir Ahmed Bhat, R/o 64, Alamdar Colony, Gopalpura, District Budgam Jammu & Kashmir, do hereby solemnly affirm and state as under:

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

DEPONENT

VERIFICATION

Verified on this 16th day of May, 2026 that the contents of the above-mentioned Affidavit are true and correct and nothing material has been concealed therefrom.

sworn that the statement as
 recorded on oath before me at
 Budgam, Jammu & Kashmir on this day of
16-05-2026 by Raja Muzaffar
Bhat S/o Bashir Ahmed Bhat
Gopalpura Budgam
Jammu & Kashmir
Shri M. M. M.

DEPONENT

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सत्यमेव जयते

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Government of Jammu and Kashmir

e-Stamp

Certificate No.	: IN-JK26179427967400Y
Certificate Issued Date	: 16-May-2026 04:06 PM
Account Reference	: NEWIMPACC (SV)/ jk12575404/ BUDGAM/ JK-BG
Unique Doc. Reference	: SUBIN-JKJK1257540434845802675245Y
Purchased by	: Raja Muzaffar Bhat
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: Raja Muzaffar Bhat
Second Party	: Not Applicable
Stamp Duty Paid By	: Raja Muzaffar Bhat
Stamp Duty Amount(Rs.)	: 10 (Ten only)




S. MUSHTAQ AHMAD
 Stamp Vendor Tehsil Office
 Budgam, L.No. 716

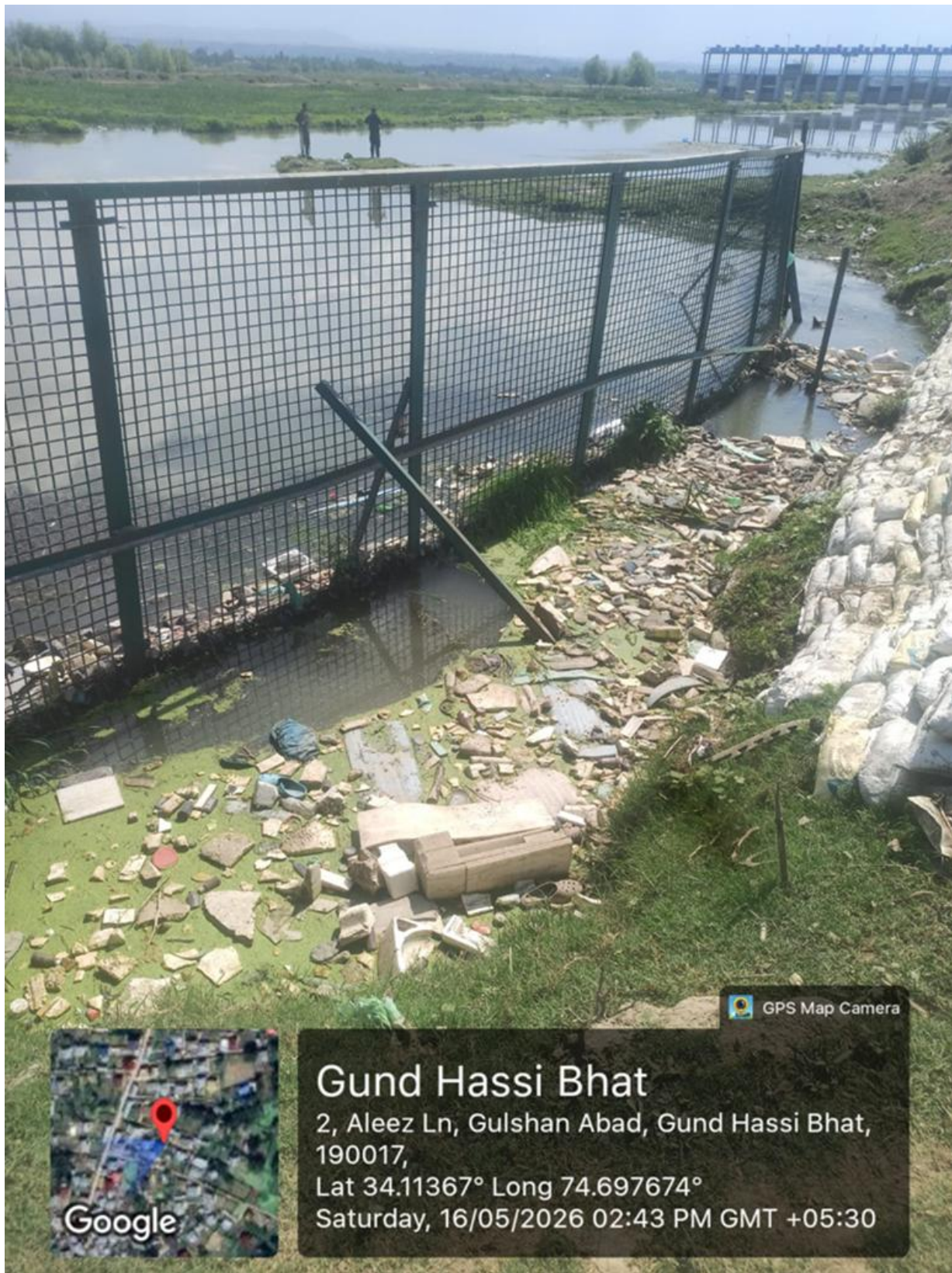
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Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

ANNEXURE A/1

COPY OF THE RECENT PHOTOGRAPHS DATED 16.05.2026 TAKEN BY THE APPLICANT OF HOKERSAR WETLAND SHOWS THAT ALL THE WASTES FROM DOODH GANGA RIVER GETS ACCUMULATED IN THE DOWNSTREAM AT HOKERSAR LAKE IN THE FENCING AND THE SAME ARE DUMPED UNSCIENTIFICALLY WITHOUT SEGREGATION ALONG THE LAKE:



ANNEXURE A/2

**COPY OF THE IMAGES TAKEN BY APPLICANT OF WULLAR LAKE DATED
10.04.2026 SHOWING MASSIVE DUMPING OF MUNICIPAL SOLID WASTE:**



Item No. 01

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Appeal No. 22/2021
(I.A. No. 188/2021)Chief Executive Officer, Municipal Council,
Bandipora, Kashmir

Appellant

Versus

Jammu and Kashmir Pollution Control Board

Respondent

Date of hearing: 21.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant: Mr. G.M. Kawoosa, Advocate

ORDER

1. This appeal has been preferred against order of the J & K State Pollution Control Committee dated 09.02.2021 which is reproduced below:-

“Whereas, reports about illegal and unscientific dumping and disposal of solid waste by Municipal Committee- Bandipora, District Bandipora were received with photographic evidence and the matter was accordingly taken up with concerned Deputy Commissioner, Director Urban Local Body and Executive Officer Municipal Committee Bandipora through series of communications, but without any tangible improvement on the ground.

Whereas, on continuous failure on part of the Executive Officer Municipal Committee Bandipora to dispose of solid waste in a scientific manner a show cause notice for levying of Environmental Compensation, in light of the directions of the Hon'ble National Green Tribunal was served upon Executive Officer Municipal Committee Bandipora vide No. PCB/LSK/489/020/124-130 dt. 26.06.2020, calling upon him there under to show reasons within fifteen(15) days as to why Environmental Compensation be not levied upon him for these blatant violations of Environmental Laws.

Whereas, a report from Regional Director, PCB, Kashmir Vide No. PCB/ROK/LS/2020/179 dt. 22.07.2020, was also received with photographic evidence indicates that no improvement on the ground was brought about by the concerned Municipal body and **the Solid Waste is continuously dumped at Zalwan Nassu site in close proximity with the District head quarter Bandipora and on the catchment of Wullar lake near Zalwan Nallah in a haphazard and unscientific manner by the Municipal Committee.**

Whereas, no concrete step has been taken by Municipal Committee Bandipora for the scientific disposal of Municipal Solid Waste, despite written communications by Regional Director, Pollution Control Board Kashmir who accordingly recommended Levying of Environmental Compensation vide No.PCH/ROK/LS/2020/228 dt. 25.09.2020.

Whereas, the case was also referred to the committee constituted for expert examination of such cases which after examining the case recommended Levying of Environmental Compensation, and quantified the amount of Environmental Compensation.

Now, therefore, in view of foregoing back ground **Environmental Compensation under Polluter Pays Principle as per approved guidelines of the Central Pollution Control Board and the Hon'ble National Green Tribunal, to the tune of the Rs.64,21,000/- is hereby levied upon Executive Officer Municipal Committee, Bandipora for violation of Solid Waste Management Rules, 2016 for the period commencing from the date show cause notice dated 26.06.2020 to 25.09.2020 i.e. the date of latest report of Regional Director, PCB, Kashmir.**

Accordingly, the Executive Officer Municipal Committee, Bandipora is directed to deposit a sum of Rs.64,21,000/- (Rupees sixty four lacs and twenty one thousand only) as Environmental Compensation in the Environmental Compensation Fund Account No. 002304051000000 of J&K Bank of the Board, within 45 days and on lapse of above said period, interest @ 12% on the compensation amount shall accrue, at the risk and responsibility of Executive Officer.

Environmental Compensation calculation sheet as per approved guidelines of the Hon'ble NGT order dated 28-08-2019 in O.A. No.593 /2017 is enclosed herewith.

The Environmental Compensation for the violation of environmental norms shall continue at the appropriate rate as per environmental laws and approved guidelines on day to day basis till compliance is made by the concerned Urban Local Body."

2. We have heard learned Counsel for the Appellant. He submits that the Municipal Council has taken remedial action for scientific management of the solid waste. There is no scope for ingress/egress of

water into the dumping site. Old dumping place has been abandoned which was in the vicinity of the water body. The water stream has been cleaned.

3. We have considered the submissions. It remains undisputed that the appellant did fail to scientifically manage the waste in terms of Solid Waste Management Rules, 2016. Whatever may be claimed to have been done subsequently, for the past undisputed violations, the appellant cannot avoid liability to pay compensation on 'polluter pays' principle in view of directions of this Tribunal which have attained finality.

4. The record shows that before passing the impugned order, the State PCC issued notice dated 26.06.2020 mentioning continued violation of orders of this Tribunal in OA No. 606/2018 and the statutory rules resulting in irreversible damage to the flora and fauna in the area. In the reply, past violations have not been disputed and only subsequent steps have been mentioned.

5. It may be noted that the issue of scientific management of solid waste remains serious challenge to the protection of environment and public health. The matter was dealt with and monitored by the Hon'ble Supreme Court for 18 years in WP No. 888/1996, *Almitra H. Patel v. Union of India & Ors.* Vide order dated 02.09.2014, the same was transferred to this Tribunal¹.

¹ Operative part of the order of the Hon'ble Supreme Court reads:

"Enforcement of the Rules and efforts to upgrade the technology relevant to the handling of solid municipal waste is a perennial challenge and would require constant efforts and monitoring with a view to making the municipal authorities concerned accountable, taking note of dereliction, if any, issuing suitable directions consistent with the said Rules and direction incidental to the purpose underlying the Rules such as upgradation of technology wherever possible. **All these matters can, in our opinion, be best left to be handled by the National Green Tribunal established under the National Green Tribunal Act, 2010.** The Tribunal, it is common ground, is not only equipped with the necessary expertise to examine and deal with the environment related issues but is also competent to issue in appropriate cases directions considered necessary for enforcing the statutory provisions."

6. The issue has been discussed at length in order dated 28.02.2020 in OA 606/2018 as follows:-

“.....

3. *The matter was earlier considered by the Hon'ble Supreme Court inter-alia vide judgments reported in (2000) 2 SCC 679 and (2004) 13 SCC 538 directing scientific disposal of waste by setting up of compost plants/processing plants, preventing water percolation through heaps of garbage, creating focused 'solid waste management cells' in all States and complying with the Municipal Solid Waste Management Rules, 2016 (SWM Rules, 2016) on urgent basis. **It was observed that the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees. Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums have multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open.** Accordingly, the Court directed that provisions pertaining to sanitation and public health be complied with, streets and public premises be cleaned daily, **statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste**, landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks.*
4. *Further observations in the judgment of the Hon'ble Supreme Court² are:*

"3. The petitioner has handed over a note in the Court showing the progress that has been made in some of the States and also setting out some of the suggestions, including the suggestion for creation of solid waste management cell, so as to put a focus on the issue and also to provide incentives to those who perform well as was tried in some of the States. The said note states as under:

- "1. As a result of the Hon'ble Supreme Court's orders on 26-7-2004, in Maharashtra the number of authorisations granted for solid waste management (SWM) has increased from 32% to 98%, in Gujarat from 58% to 92% and in M.P. from NIL to 34%. No affidavits at all have been*

² (2004) 13 SCC 538

received from the 24 other States/UTs for which CPCB reported NIL or less than 3% authorisations in February 2004. All these States and their SPCBs can study and learn from Karnataka, Maharashtra and Gujarat's successes.

2. **All States/UTs and their SPCBs/PCCs have totally ignored the improvement of existing open dumps, due by 31-12-2001, let alone identifying and monitoring the existing sites. Simple steps can be taken immediately at almost no cost by every single ULB to prevent monsoon water percolation through the heaps, which produces highly polluting black run-off (leachate). Waste heaps can be made convex to eliminate standing water, upslope diversion drains can prevent water inflow, downslope diversion drains can capture leachate for recirculation onto the heaps, and disused heaps can be given soil cover for vegetative healing.**
3. **Lack of funds is no excuse for inaction. Smaller towns in every State should go and learn from Suryapet in A.P. (population 103,000) and Namakkal in T.N. (population 53,000) which have both seen dustbin-free 'zero garbage towns' complying with the MSW Rules since 2003 with no financial input from the State or the Centre, just good management and a sense of commitment.**
4. **States seem to use the Rules as an excuse to milk funds from the Centre, by making that a precondition for action and inflating waste processing costs 2-3 fold. The Supreme Court Committee recommended 1/3 contribution each from the city, State and Centre. Before seeking 70-80% Centre's contribution, every State should first ensure that each city first spends its own share to immediately make its wastes non-polluting by simple sanitising/stabilising, which is always the first step in composting viz. inoculate the waste with cow dung solution or bio culture and placing it in windrows (long heaps) which are turned at least once or twice over a period of 45 to 60 days.**
5. **Unless each State creates a focussed 'solid waste management cell' and rewards its cities for good performance, both of which Maharashtra has done, compliance with the MSW Rules seems to be an illusion.**

6. **The admitted position is that the MSW Rules have not been complied with even after four years.** None of the functionaries have bothered or discharged their duties to ensure compliance. **Even existing dumps have not been improved.** Thus deeper thought and urgent and immediate action is necessary to ensure compliance in future.”
5. In this regard, reference may also be made to orders of Hon’ble Supreme Court in *Municipal Council, Ratlam vs. Vardhichand*³ and *B.L. Wadhera v. Union of India and Ors.*⁴ laying down that **clean environment is fundamental right of citizens under Article 21** and it is for the local bodies as well as the State to ensure that public health is preserved by taking all possible steps. **For doing so, financial inability cannot be pleaded.**
6. The Hon’ble Supreme Court also dealt with the issue of liquid waste management and after issuing requisite directions, required this Tribunal to monitor the compliance. Directions of the Hon’ble Supreme Court include steps for liquid waste management by setting up requisite treatment plants for which funds are to be generated by the local bodies and the States as per constitutional provisions.⁵

³ (1980) 4 SCC 162

⁴ (1996) 2 SCC 594

⁵ “10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. **In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds,** for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. **Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility.** The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). **The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.**

11. **Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.**

13. We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. **To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically.** The Pollution Control Board

7. *This Tribunal considered the matter of solid waste management after notifying all the concerned States/Regulatory Bodies and finally disposed of the same on 22.12.2016⁶ requiring all the States/UTs to follow the SWM Rules, 2016 after preparing requisite action plans in a time bound manner with further direction that **any State/UT which failed to comply with the Rules shall be liable to be proceeded against under Section 15 of the Environment (Protection) Act, 1986 (EP Act), apart from being required to pay environmental compensation and senior most officers of the States/Local Bodies being personally liable.** The directions also include requirement for segregation of waste, providing buffer zone around plants and landfill sites and due monitoring. The States/Local Bodies were also to create market for consumption of Refuse-Derived Fuel (RDF). Tipping fee was to include the efficient and regular monitoring of waste processing plant, segregation of inert and Construction and Demolition (C&D) material and its transportation. Landfill sites were required to be bio-stabilized preventing leachate and generation of Methane, enforcement of Extended Producer Responsibility, rights and liabilities under contracts being made consistent with the Rules, creating public awareness about the facilities available at regular intervals. **Copy of the judgment was circulated to all the Chief Secretaries/Advisors of States/UTs.***

7. The matter was earlier considered vide order dated 20.08.2018. All the States/UTs were required to finalize their action plan latest by 31.10.2018 and execute latest by 31.12.2019, to be overseen by the Principal Secretaries of the States. Vide order dated 16.01.2019, the Tribunal directed that the statutory timelines under the 2016 Rules to be strictly followed and required the presence of the Chief Secretaries of all the States/UTs before this Tribunal with the progress reports. After interaction with the Chief Secretaries concerned, further directions were issued and finally vide order dated 20.08.2020 passed in the presence of Chief Secretary of some of the States but made applicable to all the States, the Tribunal observed that:

“.....

concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.”

⁶ O.A. No. 199/2014 (2016) SCC Online NGT 2981

25. Accordingly, we have considered the matter further after interaction with the Chief Secretaries, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura and Meghalaya and Member Secretary, CPCB. Even though all the thematic areas of the environment are significant, interaction has been limited to few selected themes, other themes being left to be considered separately on different scheduled hearings.
26. As per available statistics, there is huge gap in generation and treatment of solid and liquid waste in the country. **As per CPCB report 2016 (06.12.2016), as against 61948 MLD sewage generated in urban areas in India, the treatment capacity is 23277 MLD. The deficit in capacity is 62%. There is no data of sewage generation in rural areas. As per CPCB estimate of solid waste⁷, about 65 million tonnes of waste is generated annually in the country out of which about 62 million tonnes is Municipal Solid Waste (MSW). Only about 75-80% of the municipal waste gets collected and out of this only 22- 28% is processed and treated and remaining is deposited indiscriminately at dump yards. It is projected that by the year 2031, the MSW generation shall increase to 165 million tonnes and to 436 million tonnes by 2050. There are more than 4000 dump sites as per CPCB data⁸ which need to be remediated to avoid harmful impact on environment and public health.**
27. All the States/UTs were directed by this Tribunal to commence remediation of legacy waste sites by 01.11.2019⁹. The Tribunal observed:

“28.We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health¹⁰.”

7

http://164.100.47.193/lsscommittee/Urban%20Development/16_Urban_Development_25.pdf

⁸ Order dated 18.10.2019 in O.A. No. 606/2018 para 6

⁹ Order dated 17.07.2019 O.A. No. 519/2019 Para 28

¹⁰ (a) What a Waste 2.0, Global Snapshot of Solid Waste Management to 2050, World Bank Group, ISBN (paper): 978-1-4648-1329-0, 2018 International Bank for Reconstruction and Development / The World Bank, <http://datatopics.worldbank.org/what-a-waste/>. The report states- When waste is burned, the resulting toxins and particulate matter in the air can cause respiratory and neurological diseases, among others (Thompson 2014). Piles of waste produce toxic liquid runoff called leachate, which can drain into rivers, groundwater, and soil. Organic waste entering waterways reduces the amount of oxygen available and promotes the growth of harmful organisms (Bhada-Tata and Hoornweg 2016). Marine pollution is also increasing as a result of mismanaged solid waste on land, poor disposal practices by sea vessels, and runoff from sewage and polluted streams.

(b) <https://www.epw.in/engage/article/institutional-framework-implementing-solid-wastemanagement-india-macro-analysis> Several studies have been published that link asthma, heart attack, and emphysema to burning garbage. Human faecal matter is also frequently found in

municipal waste—this, along with unmanaged decomposed garbage, attracts other rodents, that further lead to a spread of diseases such as dengue and malaria. Leachate from rotten garbage contains heavy metals and toxic liquid; with such emissions ending up either absorbed into the soil or flowing into water bodies today (Awasthi 2013), the entire food chain can be

“30. Needless to say that potential hazard of dumpsites on public health and environment is more or less on the same pattern and earliest such dumpsites are cleared, sooner it is better for public health. **Such dumpsites are undoubted source of air pollution resulting in respiratory and other diseases. Most vulnerable are the infants and the senior citizens.** The right to breathe fresh air being part of right to life, delay in remedying the situation is not desirable. The plea of capping is being put forward on the ground of need for urgent remedial action, ignoring that doing so will perpetuate the adverse consequences of retaining non-biodegradable and other polluting components in the garbage eventually causing continuous damage to the soil and the ground water. Biological solutions have to be preferred over engineering solutions on the subject. However action has to be taken fast. Delay which has taken place so far is on account of inaction of the concerned authorities for which there is no justification.

31. It will also be appropriate to note that the scheme of the SWM Rules is to prevent collection of waste and instead, to ensure its segregation, treatment and disposal at the earliest and as far as possible at the source itself. **If it is not done, the waste continues to be accumulated which becomes a challenge for the environment and public health. In this regard particular reference may be made to Rule 15 (zi). The authorities need to evolve a holistic strategy for integrated waste management in the municipal planning which may result in ‘zero waste’ going to the landfill in terms of the said rules¹¹.**

35. A copy of this order be sent to CPCB, all the Chief Secretaries, the MoEF&CC and MoHUA.”

28. The issue of solid and liquid waste needs to be taken seriously. We have already mentioned the available statistics on the subject. It is a matter of serious concern that legacy waste remediation has not even commenced at most of the sites even though statutory rules contemplate outer limit for completion of such remediation by 07.04.2021. Current processing of the waste generated and collected is also not taking place on regular basis. For any person travelling by train, hot spots of scattered garbage and overflowing sewage are common sights. Satisfactory sewage management also remains far cry. This unsatisfactory state of affairs must be remedied at the earliest and in a time bound manner by initiative at the highest level. Accountability needs to be fixed and consequences for failure clearly provided and enforced.

affected when this contaminated water is utilised for agriculture, human consumption and animal consumption.

¹¹ Reference may also be made to- Suggestive /Indicative “The National Action Plan for Municipal Solid Waste Management”, Central Pollution Control Board, https://cpcb.nic.in/uploads/MSW/Action_plan.pdf.

.....

41. *In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct:*

- a. *In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*
- b. *Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28¹² even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in*

¹² The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.

- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.*
- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:*
- e. Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
- f. Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
- g. Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in*

terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.

- h. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.*
- i. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.*
- j. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB."*

8. Vide order dated 14.12.2020 in OA No. 606/2018, the Tribunal *inter alia* directed:-

"9. The compensation in terms of earlier order be recovered and credited to a separate amount with the Environment Department of the States/UTs to be used for restoration of environment in the concerned States/UTs. The deposit, instead of being made with the CPCB, may now be made to the said account."

9. In view of above, no interference is called for with the above order. However, the amount recovered may be utilized for restoration of the environment by preparing an action plan with timelines by a joint Committee comprising State PCB and District Magistrate, Bandipora. The plan may be prepared within two months and executed within the stipulated timeline. The plan may take into account plan already prepared for protecting the water bodies/wetlands in compliance of order of the Tribunal dated 22.07.2021 in O.A. No. 351/2019, *Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors.*

The appeal is disposed of.

In view of order in the main matter, I.A. No. 188/2021 also stands disposed of.

A copy of this order be forwarded to the State PCB and District Magistrate, Bandipora by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 21, 2021
Appeal No. 22/2021
AVT

945
 IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION

Annexure A-4

CIVIL APPEAL NOS. 7183 OF 2022

CHIEF EXECUTIVE OFFICER,
 MUNICIPAL COUNCIL, BANDIPORA, KASHMIR

Appellant(s)

VERSUS

JAMMU AND KASHMIR POLLUTION CONTROL BOARD

Respondent(s)

O R D E R

We find no ground to interfere with the impugned order passed by the National Green Tribunal. The civil appeal is, accordingly, dismissed.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
 [AJAY RASTOGI]

.....J.
 [C.T. RAVIKUMAR]

New Delhi;
 OCTOBER 19, 2022.

ITEM NO.2

COURT NO.6
946

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7183/2022

CHIEF EXECUTIVE OFFICER,
MUNICIPAL COUNCIL, BANDIPORA, KASHMIR

Appellant(s)

VERSUS

JAMMU AND KASHMIR POLLUTION CONTROL BOARD

Respondent(s)

(IA No. 133596/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 19-10-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMARFor Appellant(s) Mr. Shailesh Madiyal, Adv.
Mr. Vaibhav Sabharwal, Adv.
Ms. Taruna Ardhendumauli Prasad, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal is dismissed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS(MATHEW ABRAHAM)
COURT MASTER

(Signed order is placed on the file)

Annexure A-5




Union Territory of Jammu & Kashmir
RTI Online

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Informatics
Centre

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Final Status of [ULBKR/R/2026/60009](#)

Applicant Name	Raja Muzaffar Bhat
Date of receipt	14/02/2026
Text of Application	In Oct 2022 the Hon Supreme court dismissed an appeal filed by MC Bandipora against Hon NGTs order and directed the Municipal Council Bandipora to pay an Environmental Compensation of Rs 64.22 lakhs for polluting Wullar Lake by dumping MSW around Zalwan area. Has this amount been deposited ? Pl provide receipt of the same
Reply document (if any)	
Status	REQUEST DISPOSED OF as on 08/04/2026
Date of Action	08/04/2026
Remarks	Reply :-

948

Government of U.T. Of Jammu & Kashmir
OFFICE OF THE CHIEF EXECUTIVE OFFICER
MUNICIPAL COUNCIL BANDIPORA
 Email: eomcbandipora@gmail.com Ph-No:01957225532

Shri Raja Muzafer Bhat
 R/o Opp. HDFC Bank Mehtab,
 Abdullah Furnishing House
 Chanpora Bypass near Petrol Pump

No:- MC/Bpr/2025-26/728

Dated:- 18/3/2026

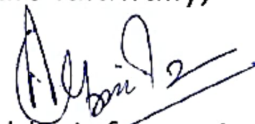
Subject: Reply regarding deposition of Environmental Compensation.

Sir,

In response to your RTI application dated 14.02.2026, you are hereby informed a Committee constituted by the Worthy Deputy Commissioner, Bandipora, has recommended the work plan for eco-rehabilitation of the old dumping site Vide No:- DCB/Legal/NGT/2021/1514-18 Dated:- 23.12.2021 to utilize the amount for rehabilitation of the old dumping site and accordingly the site has been reclaimed

Therefore, the information is submitted for your perusal.

Yours faithfully,

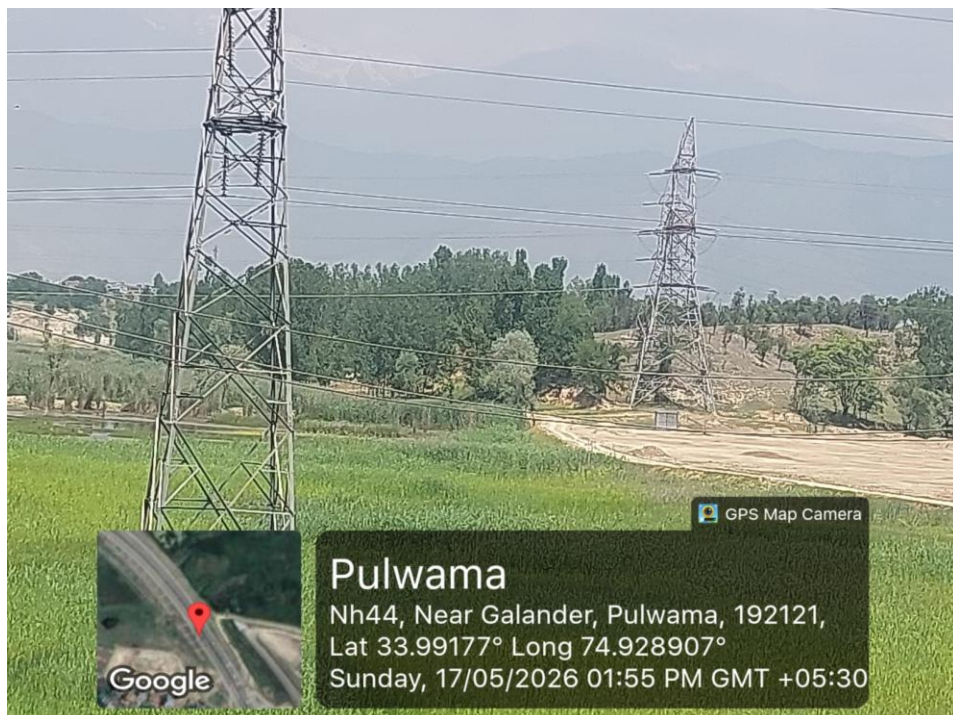
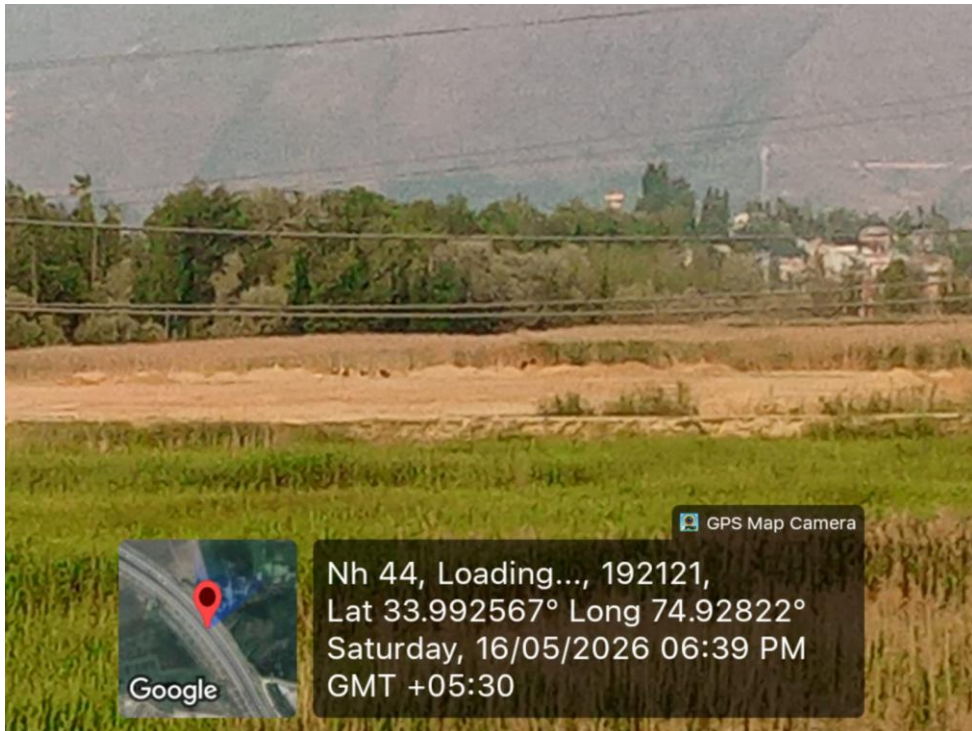

 (Public Information Officer.)
 Chief Executive Officer
 Municipal Council
 Bandipora

Copy to:

1. Director, Urban Local Bodies, Kashmir, for kind information.
2. file

ANNEXURE A/6

COPY OF THE IMAGES TAKEN BY THE APPLICANT DATED 16.05.2025 AND 17.05.2025 OF THE ILLEGAL ENCROACHMENT IN THE KREENTCHO-CHANDHARA WETLAND:



Response to Report on behalf of the Applicant in EA No. 26 of 2025 in Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir & ors.

1 message

Litigation . <litigation@dclawchambers.com>

Mon, May 18, 2026 at 11:57 AM


To: Gautam Singh <gautamsinghh.ind@gmail.com>, Bharat Malhotra <bharatmal2@gmail.com>, rohan.gupta@enlex.co.in

Cc: Kol Office <kol_office@dclawchambers.com>

Dear Sir/madam,

Please find attached- Response to Report on behalf of the Applicant in EA No. 26 of 2025 in Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir & ors.

Thanks & Regards
Counsel for the Applicant

 **Response to Report on behalf of the Applicant.pdf**
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