

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

O. A. No. 913/2024

IN THE CASE OF:

Advocate Ashiq Ahmad Magray

...**Petitioner/Applicant**

VS

UT of Jammu & Kashmir & Or.

.....**Respondent(s)**

IN THE MATTER OF:-

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Respondent No.1,2,10 &11 of
UT of Jammu & Kashmir
Through Counsel
 Under Secretary to Govt
 Forest, Ecology & Env
 Deptt

Dated 02.03.2026

Gautam Singh Advocate
Chamber No.71, Supreme Court Compound,
Supreme Court of India

**BEFORE THE HON`BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI.**

O.A. No. 913/2024.

In the case of:

Ashiq Ahmad Magray

.....**Applicant.**

Vs.

Union Territory of Jammu and Kashmir and Others

.....**Respondents**

In the matter of:

Response/reply on behalf of respondent Nos 1,2,10 &11 in light of the directions dated: 01-12-2025 passed by the Hon`ble Tribunal in the above titled matter.

May it please your Lordships:

The answering respondents most humbly submit as under: -

1. That, it is respectfully submitted that the above titled Original Application is pending disposal before this Hon`ble Tribunal wherein the answering respondents had already filed/submitted detailed response/reply.
2. That, it is respectfully stated and submitted that the Hon`ble Tribunal on 01-12-2025 passed an order in the above titled matter. The operative part of the order is reproduced as under:

-
1" Compliance affidavit dated 27.11.2025 on behalf of respondents no. 1, 2, 10 & 11 has been filed stating in paragraph 12 therein that diversion of 0.125 hectares of forest land has been permitted exclusively for the construction of solid waste management plant by the Government order dated 27.12.2018. The said order has been placed on record as annexure R8.

Sharma
Under Secretary to Govt
Forest, Ecology & Env
Deptt

2" *Learned Counsel appearing for respondents no. 1, 2, 10 & 11 seeks four weeks' time to point out under which provision of law, the order annexure R8 has been passed.*"

3. That it is respectfully submitted that in compliance with the said directions of this Hon'ble Tribunal it is stated that an area measuring **0.125 hectares** of forest land has been diverted in favour of the Gulmarg Development Authority exclusively for the construction of a Solid Waste Management Plant, strictly in **accordance with Section 2 of the erstwhile Jammu & Kashmir Forest (Conservation) Act, 1997**. The diversion was accorded sanction vide **Government Order No. 399-FST of 2018 dated 27.12.2018**, issued pursuant to the recommendations of the **Forest Advisory Committee meeting dated: 06.09.2017** and the subsequent approval of the Cabinet vide **Decision No. 178/11/2017 dated 03.10.2017**. **Copies of the erstwhile J&K Forest (Conservation) Act, 1997, Forest Advisory Committee recommendations dated: 6th September 2017, Cabinet decision No. 178/11/2017 dated: 03.10.2017 and the Government Order No. 399-FST of 2018 dated 27.12.2018, are annexed herewith as Annexure-R1, R2, R3 and R4**

Rhasma
Under Secretary to Govt
Forest, Ecology & Env
Deptt

That the user agency has duly deposited the entire compensatory levies, amounting to **₹2,13,399/- (Rupees Two Lakh Thirteen Thousand Three Hundred Ninety-Nine only)**, in the CAMPA account, vide CD-259 dated 27.03.2018, towards the permitted use of the said forest land.

5. That it is respectfully submitted that the diverted land forms part of Compartment 47b/Gul of Gulmarg Forest Range, falling under the jurisdiction of the Special Forest Division, Tangmarg and that the user agency has been permitted to utilize the said land solely and exclusively for the purpose of establishing a Solid Waste Management Plant, subject to strict adherence to the terms and conditions stipulated in the sanction order.
- 6 That in the instant matter the detailed response/reply submitted by the Principal Chief Conservator of Forests and HoFF vide No.PCC/Lit/525/821-25 dated: 28.01.2026. Copy of PCCF & HoFF report dated: 28.01.2026 is enclosed as **Annexure No. R5**

An affidavit in support of this reply/ response is enclosed here with.

Prayer:

In the premises, it is therefore prayed that the response may be kindly placed on record in light of the directions dated 01-12-2025 passed by the Hon'ble Tribunal and dispose of the matter in light of the submissions made hereinabove and also in light of the reply/response already filed before the Hon'ble Tribunal.



Respondents No. 1, 2,10 and11

Through Counsel
Under Secretary to Govt
Forest, Ecology & Env
Deptt

Dated: 02.03.2026

**Gautam Singh Advocate
Chamber No.71, Supreme Court Compound,
Supreme Court of India.**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. No. 913/2024**

IN THE MATTER OF:

Advocate Ashiq Ahmed Magray

....**APPLICANT/PETITIONER**

VS

UT of Jammu & Kashmir & Ors.

.....**RESPONDENTS**

**IN THE MATTER OF: AFFIDAVIT IN SUPPORT OF ACCOMPANYING
REPLY/RESPONSE.**

I, Raj Kumar age 49 years S/o Shri Balkrishan presently posted as Under Secretary to the Government, Forest, Ecology & Environment Department, UT of Jammu & Kashmir hereby solemnly affirm and declare as under

- 1 That I am presently posted as Under Secretary to the Government, Forest, Ecology & Environment Department, UT of Jammu & Kashmir and is well conversant with the facts and circumstances of the present case and is thus competent and duly authorized to depose the same on the present affidavit.
- 2 That I have gone through the contents of the accompanying reply/response.
- 3 All statements of facts made by the deponent are true to my personal knowledge and all the statements of law are correct according to the information received by me from Department and I believe the same to be true.
- 4 That the contents of the accompanying application may kindly be read as part of the present affidavit as the same are not being repeated herein for the sake of brevity and to avoid prolixity.

VERIFICATION:-

I, the above-named deponent do hereby verify that the contents of the above affidavit from Para 1 to 4 are true and correct to the best of my knowledge and belief and nothing material has been concealed herein.

Verified at Jammu on this 3rd Day of March, 2026.

R Sharma

DEPONENT

Under Secretary to Govt
Forest, Ecology & Env
Deptt

R Sharma

DEPONENT

Under Secretary to Govt
Forest, Ecology & Env
Deptt

Solemnly affirmed / Sworn before me

Notary Public

Jammu City

03/3/26

**THE JAMMU AND KASHMIR
FOREST (CONSERVATION) ACT, 1997**

(Act No. XXX of 1997)

[29th September, 1997]

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Forty-eighth Year of the Republic of India as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Jammu and Kashmir Forest (Conservation) Act, 1997.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Restriction on denotifying of demarcated forest or dereservation or use of Forest land for non-forest purpose.—Notwithstanding anything contained in any other law for the time being in force,

(a) the Government shall not, except on a resolution of the Council of Ministers based on the advice of the Advisory Committee constituted under section 3 of the Act.

(i) make or issue any order or notification directing that any demarcated forest or any portion thereof shall cease to be a demarcated forest;

(ii) make any order directing that any forest land or any portion thereof may be used for any non-forest purpose;

(b) no officer of the Government or other authority shall have power to make or issue any order or notification in respect of any matter specified in clause (a) :

(1) Provided that the Administrative Department (Forests) shall be competent authority to accord permission after obtaining the approval of the Minister Incharge on the recommendations of the Advisory Committee constituted under section 3 of this Act, for the construction of Border/R & B/Irrigation roads when passing through the demarcated or undemarcated forest lands:

(2) Provided further that the Principal Chief Conservator of Forests may, on the recommendations of a Committee comprising the concerned Chief Conservator of Forests, Conservator of Forests, District Development Commissioner and the Divisional Forest Officer, accord permission for construction of,

(i) rural roads not exceeding 5 hectares of forest land; and

(ii) Border/R&B roads and irrigation works not extending 2.5 hectares of forest land, when passing through the demarcated or undemarcated forest land subject to the condition that :

a) permission shall be accorded only once in a case and no further extension shall be granted ;

b) permission shall be accorded only when the Principal Chief Conservator of Forests satisfies himself that the road is needed for the upliftment of the rural people and does not have any adverse impact on eco-system of the area ; and

c) all other conditions as laid down in this Act are complied with :

Provided also that the Chief Conservator of Forests may, on the recommendation of a Committee comprising the concerned Conservator of Forests, District Development Commissioner and Divisional Forest Officer, accord permission for construction of rural roads not exceeding 2.5 hectares of forest land when passing through the demarcated or undemarcated forest land subject to the conditions that :-

- (i) permission shall be accorded only once in a case and no further extension shall be granted;
- (ii) no permission shall be accorded unless the Chief Conservator of Forests satisfies himself that the road is needed for the upliftment of the rural people and does not have any adverse impact on eco-system of the area ; and
- (iii) that all other conditions as laid down in this Act are complied with.]

(3) Notwithstanding anything contained in sub-section (1) the District Planning and Development Board concerned may accord permission for construction of rural roads, execution of electric, irrigation and public health engineering works or such other development works when passing through demarcated or undemarcated forests subject to the condition that the land required for the purpose does not exceed two hectare of forest land and the permission shall be accorded only once for an individual case without any further extension.

(4) Notwithstanding anything contained in any law for the time being in force, the Forest Department shall not be entitled to any compensation for any forest land for which permission has been accorded under sub-section (1) or sub-section (2) subject to the condition that area of such land does not exceed 1 hectare.

Explanation I.—For the purpose of this section, “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for -

- (a) the cultivation of oil bearing plants, horticultural crops or medicinal plants;
- (b) any other purpose other than re-forestation but does not include any work relating or ancillary to conservation, development and management of forest and wildlife, namely, the establishment of check posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipe lines or other like purposes.

Explanation II.—For the purposes of this section,

- (a) “demarcated forest” and “undemarcated forest” shall have the same meaning as assigned to these in the Jammu and Kashmir Forest Act, Samvat 1987 (1930 A.D.);
- (b) “rural roads” means the roads including paths to be constructed by the District Rural Development Agency under the technical and administrative control of the concerned District Development Commissioner ; and
- (c) “border roads” means any kind of road to be constructed mainly for the defence purpose by the Army or Border Roads Organization or any of its agencies.

Constitution of Advisory Committee.—The Government may constitute a Committee consisting of such number of persons as it may deem fit to advise the Government with regard to—

- (i) any matter referred to in section 2 ;
- (ii) any other matter connected with the conservation of forests which may be referred to it by the Government.

4. Penalty for contravention of the provisions of the Act.—Whoever contravenes or abets the contravention of any of the provisions of section 2 shall be punishable with simple imprisonment for a period which may extend to fifteen days.

5. Offences by authorities and Government Department.—(1) Where any offence under this Act has been committed

- (a) by any department of Government, the Head of the Department; or
- (b) by any authority, every person who, at the time of offence was committed, was directly in charge of and was responsible to the authority for the conduct of the business of the authority as well as the authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the Department; or any person referred to in clause (b) liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department or in the case of any authority, any person other than the persons referred to in clause (b) of sub-section (1) such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

S-A. Cognizance of the offences.—The cognizance of the offences under this Act shall be taken by the Forest Officers in the same manner as is done under the provisions of the Jammu and Kashmir Forest Act, Samvat 1987 (1930 A.D.) and the procedure laid down therein shall mutatis mutandis apply to cognizance of such offences.

Explanation.—For purposes of this section, "Forest Officer" shall have the same meaning as assigned to it under clause (f) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987 (1930 A.D.).

6. Power to make rules.—The Government may, by notification in the Government Gazette, make rules for carrying out the purpose of this Act.

7. Repeal and saving.—(1) The Jammu and Kashmir Forest Conservation) Act, 1992 (Presidents Act No. 5 of 1992) is hereby repealed.

Notwithstanding such repeal, anything done, any action taken or any order issued or any rule made under the said Act shall be deemed to have been done, taken, issued or made under this Act.

MINUTES OF THE 102nd MEETING OF THE FOREST ADVISORY COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SH. B.B. VYAS IAS, CHIEF SECRETARY, JAMMU AND KASHMIR, AT CIVIL SECRETARIAT, SRINAGAR ON 06.09.2017.

The 102nd meeting of the Forest Advisory Committee (FAC) constituted under the J&K Forest (Conservation) Act, 1997, was held under the Chairmanship of Sh. B. B. Vyas IAS, Chief Secretary, Jammu and Kashmir Government, at Civil Secretariat, Srinagar on 6th September 2017.

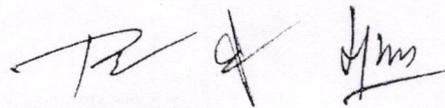
The following members of the Committee and Special Invitees attended the meeting:

(I) Members (FAC)

- | | |
|--------------------------------|---|
| 1. Sh. Lokesh Dutt Jha, IAS | Financial Commissioner (Revenue), J&K |
| 2. Sh. Muhammad Afzal, IAS | Commissioner/ Secretary Forests, J&K |
| 3. Sh. Ravi Kumar Kesar, IFS | Pr. Chief Conservator of Forests, J&K |
| 4. Sh. Manoj Pant, IFS | Addl. Pr. Chief Conservator of Forests, (Wildlife) |
| 5. Sh. O.P Sharma, IFS | Director, Environment and Remote Sensing Department, J&K |
| 6. Sh. Javed Iqbal Punjoo, IFS | Director, Soil and Water Conservation Dept., J&K |
| 7. Sh. Imtiyaz Ahmad wani | Director Budget, Rep. Pr. Secretary, Fin. Deptt., J&K |
| 8. Dr. S.P. Singh Dutta | Member (Non-official) |
| 9. Dr. G. A. Bhat | Member (Non-official) |
| 10. Dr. Mohit Gera, IFS | Addl. PCCF (Central)/CCF (FCA)
Member Secretary, Forest Advisory Committee |

(II) Special Invitees

- | | |
|--------------------------------|--|
| 1. Sh. Sanjeev Verma, IAS | Commissioner/ Secretary, PWD (R&B) Deptt., J&K |
| 2. Syed F.A. Gillani, IFS | Chief Conservator of Forests (Jammu) |
| 3. Syed Javaid Andrabi, IFS | Conservator of Forests, Srinagar Circle Rep.
Chief Conservator of Forests (Kashmir) |
| 4. Sh. Tawheed Ahmad Deva, IFS | Regional Director Social Forestry Department Rep.
Director, Social Forestry Department J&K. |
| 5. Sh. M. H. Malik, KAS | Secretary to Govt. Tourism Department, J&K |
| 6. Sh. S.P. Manhas | Chief Engineer (PMGSY), Jammu. |



7. Sh. Sheikh Ab. Hamid
8. Sh. G. M. Batt
9. Syed Haneef Balkhi, KAS

Chief Engineer PWD (R&B), Kashmir.
 Chief Engineer, PHE Kashmir.
 Chief Executive Officer, Gulmarg Dev. Authority

The item wise agenda of various proposals from the indenting agencies for diversion of forest land for non forest proposes under Forest Conservation Act was presented by Dr. Mohit Gera, IFS, Member Secretary, Forest Advisory Committee in the meeting and the following decisions were taken:-

Agenda No	Proposal	Decision
102.01	Proposal to allow use of 0.795 Ha. of forest land for construction of road from Barmeen Khas to Nardan in Ramnagar Forest Division by PMGSY.	Proposal was approved on the terms and conditions laid down in the agenda. As regards monitoring of muck dumping on private land and transplanting of poles/saplings during road construction, raised by Dr. S. P. Singh Dutta Environmentalist, the Chief Secretary/ Chairman FAC directed that the two issues be taken as a case study by the Forest and Engineering Departments. A report in this regard shall be presented by the User Agency through Forest Department in the FAC meeting to be conducted in December, 2017.
102.02	Proposal to allow use of 2.0976 Ha. of forest land for construction of road from LO 22 Bamyala to Kantha part-II upto Basantpur Stage-I in Nowshera Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
102.03	Proposal to allow use of 1.0374 Ha. of forest land for construction of road from LO 30 Km 7 th to Nah in Nowshera Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
102.04	Proposal to allow use of 0.75 Ha. of forest land for construction of road from Prowa Jagir to Chigla Paddar in Udhampur Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
102.05	Proposal to allow use of 3.10 Ha. of forest land for construction of road from Manjakote to Kalali passing through Co. 93/R and 94/R in Rajouri Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.

102.06	Proposal to allow use of 8.287 Ha. of forest land for construction of road from Dubigali to Nalinikka in Udhampur Forest Division by PMGSY.	The proposal was deferred on the ground that it involves removal of large number of conifer and broad leaved trees. It was decided that to revisit the proposal to ensure against felling of maximum number of trees.
102.07	Proposal to allow use of 0.759 Ha. of forest land for construction of road from Charal to Nappah in Udhampur Forest Division by PMGSY.	The proposal was deferred on the ground that it involves removal of large number of mature Deodar and Kail trees. It was decided to revisit the proposal and work out an alternate alignment so as to ensure against felling of Deodar/ Kail trees as far as possible.
102.08	Proposal to allow us of 2.635 Ha. of forest land for construction of road from Km 15 th LO 45 to Narla in Reasi Forest Division by PMGSY.	Proposal was deferred. The Chief Secretary/ Chairman FAC advised the Commissioner/ Secretary, PWD to apprise the Committee about the Administrative action taken against delinquent officers/officials pursuant to the direction given by FAC during its 85 th meeting held on 08.07.2014. The case will be placed in next FAC meeting.
102.09	Proposal for use of 7.82 Ha. of forest land for construction of road from Sohal to Chitoo by PMGSY in Kishtwar Forest Division.	Proposal was deferred. The Chief Engineer, PMGSY Jammu informed that he has visited the area and there is a possibility of re-alignment to avoid large number of trees. A revised indent will be submitted accordingly.
102.10	Proposal for diversion of 11.065 Ha. of forest land for construction of road from Sohal to Kaban in Kishtwar Forest Division by PMGSY.	Proposal was deferred. The Chief Engineer, PMGSY Jammu informed that he has visited the area and there is a possibility of re-alignment to avoid large number of trees. A revised indent will be submitted accordingly.
102.11	Proposal for felling of 704 saplings +120 bushes for construction of road from Sheindra link road to Dachi in Social Forestry Division Poonch by PWD (R&B)	The proposal was approved on the terms and conditions laid down in the agenda.
102.12	Proposal to allow use of 14 Ha. of forest land for construction of road from Handwara to Bangus Phase 1 st by PWD (R&B) in Langate Forest Division.	The proposal was approved in principal in view of the request of Chief Engineer PWD (R&B) that the work for the road has already been awarded and funds allocated. The Chief Secretary/ Chairman FAC directed that efforts be made to reduce the number of trees coming in the alignment by 20%.

102.13	Proposal to allow use of 4.63 Ha. of forest land for construction of road from Mujpathri to Doodhpathri via Sochalpathri including Mujpathri to Sochal pathri via Doban by PWD (R&B) in Pirpanjal Forest Division.	The proposal was approved on the terms and conditions laid down in the agenda.
102.14	Proposal to allow use of 0.125 Ha. of forest land for construction of Solid Waste Management Plant at Gulmarg by Gulmarg Development Authority in Special Forest Division Tangmarg.	The proposal was approved on the terms and conditions laid down in the agenda. The Chief Secretary/ Chairman FAC directed that new technologies for scientific disposal of biodegradable and non-biodegradable waste be adopted to replace the existing traditional method of land filling for waste disposal.
102.15	Indent for diversion of forest land for construction of various components related to Water Supply Scheme at Ningli Ghat in Bandipora Forest Division by PHE.	The indent may be processed and put up after examination under rules.

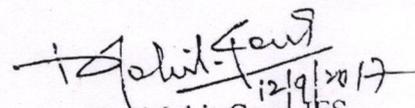
Syed F. A. Gillani, IFS, Chief Conservator of Forests, Jammu made a Power Point presentation on the monitoring of following projects:

- i) Construction of road from Nagulta to Razard under PMGSY in Udhampur Forest Division.
- ii) Construction of IIT Jammu by Higher Education Department in Jammu Forest Division.
- iii) Widening of National Highway from Jakhani to Chenani by NHIA in Udhampur Forest Division.

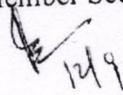
The Chief Secretary/ Chairman FAC directed for continued monitoring of the ongoing projects. Further, presentation on the projects which are in advanced stage or completed be made in the future FAC meetings.

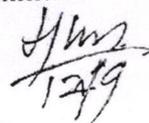
While clearing the above proposals (except 102.06, 102.07, 102.08, 102.09, 102.10 & 102.15) the Chief Secretary (Chairman FAC) directed that User Agencies belonging to Govt. of J&K against whom outstanding is due may clear the same in tranches within next two years. A note in this regard may be sent to PD & MD to enable allocation of appropriate funds at the RE stage.

Meeting ended with a vote of thanks to the Chair.


12/9/2017
Dr. Mohit Gera, IFS

Addl. Pr. Chief Conservator of Forests (Central)/
Chief Conservator of Forests (FCA)
Member Secretary, Forest Advisory Committee


12/9


12/9

protection work at muck dumping site. Muck disposal site shall be properly compacted and it will be protected by engineering and biological means.

11. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times the standard rate.
12. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
13. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.
14. The draft amounting to Rs.97,26,150/- on accounts of various heads as detailed in summary table above in favour of the Chief Account Officer office of the Principal Chief Conservator of Forests, J&K shall be deposited with the Nodal Officer FCA, in the office of the Principal Chief Conservator of Forests, J&K. The Govt. sanction order shall be issued only after the whole amount is deposited with the Forest Department.
15. The approval will remain valid for one year and in case the due amount against the project summarized above is not paid within the stipulated period i.e, from that date when user agency is asked to deposit the due amount, the approval shall be deemed to have been cancelled.

(i) Proposal to allow use of 0.125 Ha. of forest land for construction of Solid Waste Management Plant at Gulmarg by Gulmarg Development Authority in Special Forest Division Tangmang.

Details of the Current Proposal:

1.	User Agency/Applicant	Gulmarg Development Authority
2.	Location	Comptt : 47b/Gul Range : Gulmarg Block : Tangmag Division : Special Tangmag Forest Divn District : Baramulla
3.	Objective	The aim is to set up a Solid Waste Management Plant for utilization of biodegradable organic waste generated in Gulmarg.
4.	Protection Work	Nil.

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5. Salient Features of the project:					
I	Total Area proposed for the Project	0.125 Ha.			
II	Protection Work	Nil.			
6.	Crop Density of the area	Dense			
a	Whether the forest land proposed to be used for non forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.	No			
b	Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.	No			
c	Whether the Principal Chief Conservator of Forests had certified that it has, considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purposes, and,	Yes			
d	Whether the department or authority requisitioning forest land for non forest uses undertakes to provide at its own cost acquisition of an equivalent area and afforestation thereof.	Compensatory Afforestation not applicable as the area is less than one hectare. However, the user agency has undertaken to pay the cost to pay the NPV as per the Hon'ble Supreme court directions.			
7. Number of Trees / Poles/ Saplings involved:					
Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total	
Kail	4	0	0	4	
Fir	7	0	0	7	
Total	11	0	0	11	
8. Net Present Value of forest land involved:					
Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)

	47b/Gul	0.125	Dense	VI	8.97	1,12,125/-
9.	Compensation of trees/poles/saplings					Rs.1,01,274/-
10.	Compensatory Afforestation					Nil.

Summary of amount to be deposited under different components:

S.No.	Component	Amount
i	Net Present Value	Rs.1,12,125/-
ii.	Compensation of trees	Rs. 1,01,274/-
Total		Rs.2,13,399/-

Terms and Conditions:-

1. The proprietary and legal status of forest land shall remain unchanged.
2. The User Agency and /or its contractors will not bring any forest area under their use, other than the actual area/activity approved by the Government for the instant proposal. Any laxity or deviation on this account by the User Agency or its contractors will attract penal provisions of the relevant Acts/legal provisions.
3. The forest land shall be utilized only for the purpose for which it has been indented.
4. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner what so ever to any other agency.
5. The Construction shall be allowed on forest land only after payment of amount summarized above to the Forest Department and when Government sanction is issued in the case.
6. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.
7. (i) The extraction of the trees /poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Kashmir. The marking for tree felling will be done in consultation with the user agency and effort shall be made to save maximum number of trees/poles/saplings. The cost of extraction shall be paid by the User Agency directly to the agency executing the extraction.

8. (ii) The fundamental rule for marking of trees, enumerated during processing of the proposals, will be to save maximum number of trees without compromising with the construction and maintenance of the approved project structure and no trees/poles/saplings will be felled/cut/pruned/ lopped for purposes/project activities other than those approved/sanctioned.
9. The User Agency shall construct retaining walls/breast walls on forest land and take all necessary steps to check soil erosion which may result due to proposed construction.
10. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times the standard rate of 1992.
11. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
12. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.
13. As and when asked for an amount of Rs. 2,13,399/-on accounts of various heads as detailed in summary table above shall be paid/credited through e-transaction into the account of the Chief Accounts Officer in the office of the Principal Chief Conservator of Forests, J&K under intimation to the Nodal Officer FCA. The Govt. sanction order shall be issued only after the whole amount gets deposited with the Forest Department.
14. The approval will remain valid for one year and in case the due amount against the project summarized above is not paid within the stipulated period i.e, from that date when user agency is asked to deposit the due amount, the approval shall be deemed to have been cancelled.

Indent for diversion of forest land for construction of various components related to Water Supply Scheme at Ningli Ghat in Bandipora Forest Division.

J) Present Status of the case:

An indent for diversion of forest land for construction of various components related to water supply scheme at Ningli Ghat was received from Chief Engineer, PHE Kashmir vide No: PHE/Wks/826/26849-54 dated:07.12.2015. Due to outstanding of Rs. 18.31 lacs against Deptt. of PHE, Kashmir, the indent was not sent for processing the case. However, the indent now stands transmitted to concerned DFO vide this office No. PCCF/FCA/2070/3892-95 dated 31-08-2017 and the case will be put up immediately on receipt from CCF Kashmir, and clearing of outstanding amount as mentioned above

The afore mentioned (09) cases A to I of of para (1) for diversion of forest land for non-forestry purposes to various Organization/Departments are

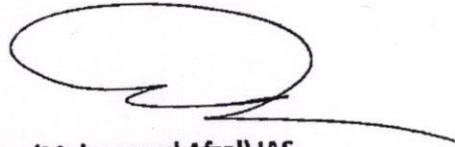
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required to be placed before the State Cabinet for consideration/approval, in terms of the provisions of the Jammu and Kashmir Forest (Conservation) Act, 1997, on the recommendations/clearance by the Forest Advisory Committee (FAC). The Forest Advisory Committee considered and recommended these cases in its 102nd meeting held on 06-09-2017.

(3) Upon approval by the Competent Authority, sanction orders for use of forest land for non-forestry purposes shall be issued after the User Agencies make the necessary payment due in full in all such cases.

(4) Accordingly, the Commissioner/Secretary to Government, Department of Forests, Environment & Ecology, with the prior approval of the Hon'ble Minister for Forests, Environment & Ecology, submits the above proposals to the Cabinet for consideration and approval to the use of Forest land for non-forestry purposes, as mentioned in item numbers A to J of para 1 of this Memorandum by the concerned Organization/Departments on specified terms and conditions mentioned against each as recommended by the State Forest Advisory Committee (FAC) in its 102nd meeting held on 06-09-2017 and subject to the clearance of all outstanding dues and fulfillment of pre conditions.



(Muhammad Afzal) IAS,
Commissioner/ Secretary to Government
Forest, Environment & Ecology Department



Government of Jammu and Kashmir
Department of Forest, Environment & Ecology
Civil Secretariat, Jammu
www.jkforestadm.nic.in

Subject:- Use of 0.125 Ha. of forest land for construction of Solid Waste Management Plant at Gulmarg by Gulmarg Development Authority in Special Forest Division Tangmarg.

- Reference: (i) Minutes of the 102nd meeting of the Forest Advisory Committee held on 06.09.2017 under the Chairmanship of Chief Secretary J&K, issued by the Chief Conservator of Forests/Nodal Officer(FCA) vide No. PCCF/FCA/ 2450/4143-63 dated: 12.09.2017.
(ii) Cabinet Decision No. 178/11/2017 dated 03.10.2017.
(iii) PCCF/FCA/2435/5691-94 dated 22.11.2018 received from the office of Pr. Chief Conservator of Forests, J&K, Jammu.

Government Order No:-399 -FST of 2018
D a t e d:- 27 -12-2018

Sanction is hereby, accorded to the use of 0.125 Ha. of Forest land for construction of Solid Waste Management Plant at Gulmarg by Gulmarg Development Authority in Special Forest Division Tangmarg, with the following particulars:-

1. User Agency/Applicant	Gulmarg Development Authority
2. Location	Comptt : 47b/Gul Range : Gulmarg Block : Tangmag Division : Special Tangmag Forest Divn District : Baramulla
3. Objective	The aim is to set up a Solid Waste Management Plant for utilization of biodegradable organic waste generated in Gulmarg.
4. Protection Work	Nil.
5. Salient Features of the project:	

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I	Total Area proposed for the Project	0.125 Ha.				
II	Protection Work	Nil.				
6.	Crop Density of the area	Dense				
a	Whether the forest land proposed to be used for non forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.	No				
b	Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.	No				
c	Whether the Principal Chief Conservator of Forests had certified that it has, considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purposes, and,	Yes				
d	Whether the department or authority requisitioning forest land for non forest uses undertakes to provide at its own cost acquisition of an equivalent area and afforestation thereof.	Compensatory Afforestation not applicable as the area is less than one hectare. However, the user agency has undertaken to pay the cost to pay the NPV as per the Hon'ble Supreme court directions.				
7.	Number of Trees / Poles/ Saplings involved:					
	Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total	
	Kail	4	0	0	4	
	Fir	7	0	0	7	
	Total	11	0	0	11	
8.	Net Present Value of forest land involved:					
	Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
	47b/Gul	0.125	Dense	VI	8.97	1,12,125/-
9.	Compensation of trees/poles/saplings				Rs.1,01,274/-	
10.	Compensatory Afforestation				Nil.	

The user agency has made the payment in full of the amount summarized below as reported by PCCF vide letter mentioned at Ref. (iii).

S.No.	Component	Amount
i	Net Present Value	Rs.1,12,125/-
ii.	Compensation of trees	Rs. 1,01,274/-
Total		Rs.2,13,399/-

Terms and Conditions:-

1. The proprietary and legal status of forest land shall remain unchanged.
2. The User Agency and /or its contractors will not bring any forest area under their use, other than the actual area/activity approved by the Government for the instant proposal. Any laxity or deviation on this account by the User Agency or its contractors will attract penal provisions of the relevant Acts/legal provisions.
3. The forest land shall be utilized only for the purpose for which it has been indented.
4. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner what so ever to any other agency.
5. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.
6. (i) The extraction of the trees /poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Kashmir. The marking for tree felling will be done in consultation with the user agency and effort shall be made to save maximum number of trees/poles/saplings. The cost of extraction shall be paid by the User Agency directly to the agency executing the extraction.
- (ii) The fundamental rule for marking of trees, enumerated during processing of the proposals, will be to save maximum number of trees without compromising with the construction and maintenance of the approved project structure and no trees/poles/saplings will be felled/cut/pruned/ lopped for purposes/project activities other than those approved/sanctioned.
7. The User Agency shall construct retaining walls/breast walls on forest land and take all necessary steps to check soil erosion which may result due to proposed construction.
8. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times the standard rate of 1992.
9. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
10. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.

[Handwritten signature]

11. The User Agency shall adopt new technologies for scientific disposal of bio degradable and Non biodegradable waste to replace the existing traditional method of land filling for waste disposal.

By order of the Government of Jammu & Kashmir.

Sd/-
(Manoj Kumar Dwivedi)IAS
Commissioner / Secretary to Government
Forest, Environment & Ecology Department.
Dated:- 27 -12-2018.

No:FST/Land/44/2017

Copy to the:-

1. Secretary to the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi.
2. Commissioner/Secretary to Government, Tourism Department, J&K, Jammu.
3. Principal Chief Conservator of Forests, J&K, Jammu.
4. Divisional Commissioner, Kashmir..
5. Chief Conservator of Forests, Kashmir.
6. CCF/Nodal Officer, FCA, office of the PCCF, J&K, Jammu
7. CEO Gulmarg Development Authority.
8. Director, Archives, Archaeology & Museums J&K, Jammu.
9. Officer on Special Duty with the Advisor (K) to Hon'ble Governor.
10. Private Secretary to the Chief Secretary (Chairman FAC).
11. Private Secretary to Commissioner Secretary to Government, Department of Forests, Environment & Ecology.
12. Private Secretary to Secretary (Technical) Department of Forest, Environment & Ecology.
13. Government order file.

Under Secretary to Government
Forest, Environment & Ecology Department.

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, J&K

NO. PCCF/FCA/2435/7118-21

Dated 29 -12-2018

Copy of above forwarded for necessary action to the.

1. Chief Conservator of Forests, Kashmir.
2. Conservator of Forests, Srinagar Circle, Srinagar.
3. Chief Executive Officer, Gulmarg Development Authority.
4. Divisional Forest Officer, Special Forest Division, Tangmarg.

Office of the
Chief Conservator of Forests
Srinagar Kashmir.
Receipt No. 150
Dated.. 29-12-2018
Sig. of Receipt Clerk

Mr. G. L. Upadhyay
M. J. Singh

Send in the Govt order.
- A. O.

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(Savesh Rai), IFS,
APCCF (CAMPA)
Link Officer
CCF & Nodal Officer (FCA)

29/12

for a PCCF terms of the Condition

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Annexure-R5

23

Office Address
Srinagar Office : Forest Complex, Shiekh Bagh, Lal Chowk, Sgr-190001 Phone: 0194-2483937
Jammu Office : Forest Resource Mgmt. Centre, Narwal Jammu-180006 Phone: 0191-3511909



URL Address: www.jkforest.gov.in
E-mail: pccf_for-jk@nic.in
lawpccfjkforest@gmail.com



Jammu & Kashmir Forest Department
Office of the Pr. Chief Conservator of Forests & HoFF
Government of Jammu & Kashmir

The Commissioner Secretary to the Government,
Department of Forest, Ecology & Environment,
Civil Secretariat, UT of J&K,
Jammu/ Srinagar.

No:- PCCF/Lit/525/ 021-25

Dated 20.01.2026.

Subject: O.A No. 913/2024 titled Advocate. Ashiq Ahmad Magray Vs. Union Territory of Jammu and Kashmir and Ors.

Madam,

Regarding the subject cited above, I am directed to submit that the above titled case was listed for hearing on 01.12.2025, wherein in the Hon'ble National Green Tribunal inter alia passed the following order:

"Compliance affidavit dated 27.11.2025 on behalf of respondents no. 1, 2, 10 & 11 has been filed stating in paragraph 12 therein that diversion of 0.125 hectares of forest land has been permitted exclusively for the construction of solid waste management plant by the Government order dated 27.12.2018. The said order has been placed on record as annexure R8. Learned Counsel appearing for respondents no. 1, 2, 10 & 11 seeks four weeks' time to point out under which provision of law, the order annexure R8 has been passed."

In this connection, I am directed to enclose forward herewith a copy of communication No. CCF (K)/LO/2026/04-08 dated 01.01.2026 received from the office of the Chief Conservator of Forests, Kashmir alongwith a copy of latest draft reply and documents furnished by the Divisional Forest Officer, Special Forest Division, Tangmarg, for favour of kind information and further course of appropriate necessary action in the matter, please.

Encls: A/A

Yours faithfully,

(Ajaz Ahmad) JKAS
Personnel Officer.

Copy to the:

1. Chief Conservator of Forests, Kashmir for information. This has reference to their communication No. CCF (K)/LO/2026/04-08 dated 01.01.2026.
2. Conservator of Forests, Srinagar Circle, Srinagar for information.
3. Divisional Forest Officer, Pir Panjal Forest Division, Budgam for follow up in this regard.
4. Divisional Forest Officer, Special Forest Division, Tangmarg for follow up in this regard.



**Government of Jammu and Kashmir,
OFFICE OF THE CHIEF CONSERVATOR OF
FORESTS, KASHMIR.**



Office Address: Sheikh Bagh Forest Complex Srinagar - 190001
Tel No. 0194-2455114 (Fax) 0194-2455366

**The Prl. Chief Conservator of Forests & HoFF,
Jammu and Kashmir Government,
Jammu.**

No: CCF (K)/LO/2026/04-08

Dated: 01-01-2026

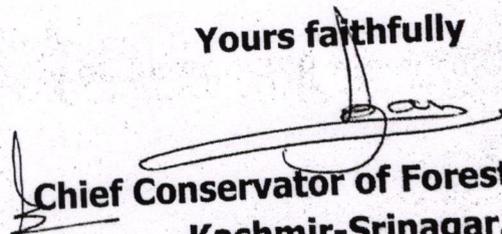
**Subject: - O.A. No. 913/2024 titled Advocate Ashiq Ahmad
Magray Vs. Union Territory of Jammu and Kashmir and
Others.**

Reference: Hon'ble NGT Order dated: - 01-12-2025
<><><>

Sir,

Regarding the subject and reference cited above, kindly find enclosed a copy of latest draft response/reply along-with report furnished by DFO, Spl. Forest Division, Tangmarg and other documents for further course of necessary action, please.

Yours faithfully


**Chief Conservator of Forests,
Kashmir-Srinagar.**

Copy to: -

1. Conservator of Forests, Srinagar Circle, Srinagar, for information.
2. Divisional Forest Officers, Pir-Panchal, Forest Division Budgam for information.
3. Divisional Forest Officers, Special Forest Division, Tangmarg for information and follow up action.
4. Assistant Legal Remembrancer, Office of the PCCF, Srinagar for information and necessary action.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI.

O.A. No. 913/2024.

In the case of:

Ashiq Ahmad Magray

Applicant.

Vs.

Union Territory of Jammu and
Kashmir and Others.

...Respondent(s).

Approved draft
sent through
copy draft by
writing - cc: k.
In the matter of:
Humbly
01/01/25.

Response on behalf of respondent Nos 1,2,10 & 11 in light of the directions dated: 01-12-2025 passed by the Hon'ble Tribunal in the above captioned matter.

May it please your Lordships:

The response/reply on behalf of answering respondents is humbly submitted as under: -

1. That, it is respectfully submitted that the above captioned Original Application is pending before this Hon'ble Tribunal in which the answering respondents already filed detailed response/reply.
2. That, it is respectfully stated and submitted that the Hon'ble Tribunal on 01-12-2025 passed an order, the same is reproduced as under: -

"Compliance affidavit dated 27.11.2025 on behalf of respondents no. 1, 2, 10 & 11 has been filed stating in paragraph 12 therein that diversion of 0.125 hectares of forest land has been permitted exclusively for the construction of solid waste management plant by the Government order dated 27.12.2018. The said order has been placed on record as annexure R8.

Learned Counsel appearing for respondents no. 1, 2, 10 & 11 seeks four weeks' time to point out under which provision of law, the order annexure R8 has been passed."

3. That, in compliance with the aforesaid directions of this Hon'ble Tribunal, it is respectfully submitted that an area measuring **0.125 hectares** of forest land has been diverted in favour of the Gulmarg Development Authority exclusively for the construction of a Solid Waste Management Plant, strictly in accordance with Section 2 of the erstwhile Jammu & Kashmir Forest (Conservation) Act, 1997. The diversion was accorded sanction vide **Government Order No. 399-FST of 2018 dated 27.12.2018**, issued pursuant to the recommendations of the **Forest Advisory Committee** and the subsequent approval of the Cabinet vide **Decision No. 178/11/2017 dated 03.10.2017**. Copies of the Forest Advisory Committee recommendations, Cabinet decision, and the Government Order are annexed herewith as **Annexure-1, 2 and 3**.
4. That the user agency has duly deposited the entire compensatory levies, amounting to **₹2,13,399/- (Rupees Two Lakh Thirteen Thousand Three Hundred Ninety-Nine only)**, in the CAMPA account, vide CD-259 dated 27.03.2018, towards the permitted use of the said forest land.
5. That it is respectfully submitted that the diverted land forms part of Compartment 47b/Gul of Gulmarg Forest Range, falling under the jurisdiction of the Special Forest Division, Tangmarg and that the user agency has been permitted to utilize the said land solely and exclusively for the purpose of establishing a Solid Waste Management Plant, subject to strict adherence to the terms and conditions stipulated in the sanction order.

That response is supported with an affidavit.

Prayer:

In the premises. It is therefore prayed that the response may be kindly put on records in light of the directions dated 01-12-2025 passed by the Hon'ble Tribunal and dispose of the matter in light of the submissions made hereinabove and also in light of the reply/response already filed. the same shall in consonance with law.

Respondents through Counsel

Verification:

The respondent at no___ verifies today on _____ that the averment made in response are correct and true to the best of my knowledge and belief and nothing herein has been concealed or kept at back.

Respondents through Counsel



Government of Jammu and Kashmir
OFFICE OF THE DIVISIONAL FOREST OFFICER
Special Forest Division Tangmarg

The Conservator of Forests,
 Srinagar Circle,
 Srinagar.

No.: DFO/TNG/LB/2025-26/234-35 /comp

Dated: 10-12-2025

Subject: - Original Application No. 913/2024 Titled V/s Advocate Ashiq Magray V/s Union Territory of J&K and Others.

Reference: - Report in light of direction dated 27-11-2025 issued by the Hon'ble NGT.

Sir,

In compliance to the recent directions issued into the above titled case, it is submitted that no forest land has been transferred to the Gulmarg Development Authority. Only a limited diversion of 0.125 Ha. Of forest land was permitted exclusively for the construction of Solid Waste Management Plant, in accordance with Government Order NO. 399-FST of 2018 dated 17-12-2018 (copy enclosed as Annexure "A")

The said diversion was accorded strictly under Section 2 of the J&K Forest Conservation Act, 1997, which categorically provides that;

- a) No forest land shall be diverted for non-forest purposes without the prior approval of the Government of J&K, acting as the competent authority under the act.
- b) Such approval is granted only on the recommendations of the Forest Advisory Committee after scrutiny of ecological and environmental safeguards. In the present case, the approval was recommended in the 102nd meeting of the Forest Advisory Committee held on 06-09-2017 under the chairmanship of the Chief Secretary, J&K. The minutes were issued by the CCF/Nodal Officer FCA vide No. PCCF/FCA/2450/4143-63 dated 12-09-2017 (copy enclosed as Annexure "B").
- c) Ownership and status of the land continue to vest with the Forest Department, and only a limited user agency right is granted for the specific approved purpose.

Accordingly, sanction was accorded vide Government Order No. 399-FST of 2018 dated 17-12-2018 under FCA-1997, after recommendations and Cabinet Decision No. 178/11/2017 dated 03-10-2017.

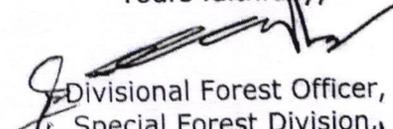
The said portion of land, located in Compartment 47b/Gul of Gulmarg Forest Range, Special Forest Division, Tangmarg, continues to be recorded as forest land in official records.

The user agency has been permitted to utilize the land only for the Solid Waste Management Plant, subject to strict compliance with the terms and conditions laid down in the sanction order, including compensatory afforestation and monitoring safeguards.

Hence report is submitted for your kind information and further necessary action.

Encl: 09 leaves.

Yours faithfully,


 Divisional Forest Officer,
 Special Forest Division,
 Tangmarg.

1. Copy submitted to Chief Conservator of Forests, Kashmir for information please.