

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 1362 OF 2024**

IN THE MATTER OF:-

RAJA MUZAFFAR BHAT ...APPLICANT
VERSUS

UNION TERRITORY OF J&K & OTHERS ...RESPONDENTS

INDEX**NDOH: 13.02.2026**

| S.NO. | PARTICULARS | PAGE NO. |
|--------------|---|-----------------|
| 1. | Rejoinder on behalf of the Applicant to the Reply filed by the Respondent Nos. 2 & 4 and reports dated 19.08.2025 and 13.11.2025 filed by J&KPCC | 148-155 |
| 2. | <u>ANNEXURE-A6 (Colly)</u> Photographs from November, 2025 till 10.02.2026 which shows Stone Crushers operating with heavy machineries right next to Chenab river and muck dumping taking palce in the Chenab river. | 156-163 |

Proof of service

164

FILED BY



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PLACE: NEW DELHI

DATED: 11.02.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 1362 OF 2024**

IN THE MATTER OF:-

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION TERRITORY OF J&K & OTHERS

...RESPONDENTS

**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY
FILED BY THE RESPONDENT NOS. 2 & 4 AND REPORTS DATED
19.08.2025 AND 13.11.2025 FILED BY J&KPCC**

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application is being filed under Sections 14,15 and 20 of the National Green Tribunal Act, 2010 highlighting a substantial question relating to environment. As per the Original Application the issue relates to Environmental degradation being caused due to operation of about 10-12 illegal stone crushers in district Doda of Kashmir. All these stone crushers are located near the banks of Chenab around Doda town within 5 to 6 kms radius.
2. That in response to the Original Application a reply has been filed by the Respondent Nos. 2 & 4 and Reports dated 19.08.2025 and 13.11.2025 filed by J&KPCC. The following issues have been taken up by the Respondent Nos. 2 & 4 and Reports dated 19.08.2025 and 13.11.2025 filed by J&KPCC filed by them :-
 - i. According to the Reply filed by the Respondent Nos. 2 & 4 five companies are currently engaged in road construction (including tunnel work) from Goha to Thathri under the supervision of the National Highways and Infrastructure Development Corporation Limited (NHIDCL) During these construction activities, hill slopes were cut for widening purposes, resulting in the generation of significant quantities of minerals. The part such minerals is utilised to produce aggregate and screen sand by crusher units after issuance of disposal permits.

- ii. According to the Reply filed by the Respondent Nos. 2 & 4 photographs annexed as Annexure-A1 with Original Application reveals that two photographs at Page No. 26 & 27 are road cutting executing during widening of national highway 244 (Doda-Kishtawar road) by NHIDCL and rest of the photographs are old cuttings for which District Administration has taken action from time to time to stop extraction from hilly area adjacent to some stone crushers.
 - iii. According to the Reply filed by the Respondent Nos. 2 & 4 the District Mineral Officer has also seized Machinery/raw material/finished products of stone crushers installed in the vicinity of river Chenab of Doda District and imposed and realised the penalties amounting to Rs. 19,38,605/- (Rupees Nineteen Lakhs Thirty Eight Thousand Six Hundred Five only) in last five years. Copies of notice dated 14-06-2023 and letter dated 19-09-2020 are annexed herewith for perusal and marked as Annexure-II and III.
 - iv. According to the Reports dated 19.08.2025 and 13.11.2025 no muck has been found disposed by the stone crushers units.
3. **That in rejoinder to the Contention No. i** it is submitted that the same is wrong and denied. As according to the Reply of Respondent No 2 &4 during these construction activities, hill slopes were cut for widening purposes, resulting in the generation of significant quantities of minerals. The part such minerals is utilised to produce aggregate and screen sand by crusher units after issuance of disposal permits, it is submitted that the said contention is vague and fails to disclose the exact quantum of the mineral which is going to be extracted from excavating the mountains during road construction and then how much mineral is parted to produce aggregate and screen sand by crusher units. The fact that no such calculation of mineral extracted and the mineral provided to sand crushers has been provided which is usually done by a road construction company like NHIDCL it shows that illegal mining/excavation is taking place at the site in question.
4. **That in rejoinder to the Contention No. ii** it is submitted that the same are wrong and denied. According to the Reply filed by

Respondent No. 2 & 4 "*photographs annexed as Annexure-A1 with Original Application reveals that two photographs at Page No. 26 & 27 are road cutting executing during widening of national highway 244 (Doda-Kishtawar road) by NHIDCL and rest of the photographs are old cuttings for which District Administration has taken action from time to time to stop extraction from hilly area adjacent to some stone crushers*". It is submitted that Photographs at page Nos. 26 and 27 are dated 02.11.2024 and those at page Nos. 28 and 29 are dated 30.09.2024. This refutes the fact that two photographs at Page No. 26 & 27 are road cutting executing during widening of national highway 244 (Doda-Kishtawar road) by NHIDCL while rest of the photographs are old cuttings for which District Administration has taken action from time to time to stop extraction from hilly area adjacent to some stone crushers. The photographs at page No. 28 and 29 are infact later in time then the photographs at page No. 26 and 27 so this contention of the Respondent No. 2 & 4 is patently wrong and misconcieved.

5. **That in rejoinder to the Contention No. iii** it is submitted that the same is wrong and denied. According to the Respondent No. 2 & 4, the District Mineral Officer has also seized Machinery/raw material/finished products of stone crushers installed in the vicinity of river Chenab of Doda District and imposed and realised the penalties amounting to Rs. 19,38,605/- (Rupees Nineteen Lakhs Thirty Eight Thousand Six Hundred Five only) in last five years. Copies of notice dated 14-06-2023 and letter dated 19-09-2020 are annexed herewith for perusal and marked as Annexure-II and III. In case the District Mineral Officer has:-
- Seized Machinery/raw material/finished products of stone crushers installed in the vicinity of river Chenab of Doda District and

- imposed and realised the penalties amounting to Rs. 19,38,605/- (Rupees Nineteen Lakhs Thirty Eight Thousand Six Hundred Five only) in last five years.

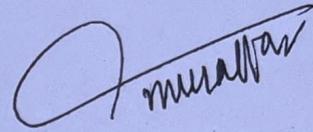
Only a single notice dated 14.06.2023 has been annexed as Annexure-II in this regard for a period where action has been claimed to be have taken in last five years. Moreover, no proof has been filed of realisation of Rs.19,38,605/- (Rupees Nineteen Lakhs Thirty Eight Thousand Six Hundred Five only) in last five years. Therefore, these Contentions are wrong and denied in toto.

6. **That in rejoinder to the Contention No. iv** that according to the Reports dated 19.08.2025 and 13.11.2025 no muck has been found disposed by the stone crushers units is wrong and denied. The Applicant is hereby annexing photographic evidence from November, 2025 till 10.02.2026 which shows Stone Crushers operating with heavy machineries right next to Chenab river and muck dumping taking palce in the Chenab river. Photographs from November, 2025 till 10.02.2026 which shows Stone Crushers operating with heavy machineries right next to Chenab river and muck dumping taking palce in the Chenab river are annexed herwith as **ANNEXURE-A6 (Colly)**
7. That it is also important to mention here that a perusal of Air Pollution Control Measures/Devices shows that all operational Stone Crushers have Partially provided/installed, no settling tank provided for waste water. This clearly shows that the operational Stone Crushers are flouting the CTO conditions.
8. That it is submitted that earlier also case of muck dumping in river Chenab in district Ramban have been taking place and this Hon'ble Tribunal in the ***Execution Application No.***

32/2016 in Original Application No. 295/2016 titled Amresh Singh vs. Union of India & Ors. wherein there was rampant dumping of soil in the Chenab and Tawi Rivers adversely affecting the environmental balance. Four-laning of National Highway from Udhampur to Banihal was in progress for which excavation work was done. In the process, the soil was dumped in the river. The work was executed by the Gammon India Ltd. and the Hindustan Construction Co. Ltd. directly or through their contractors. This Hon'ble Tribunal after hearing the matter was pleased to impose interim compensation for the damage to the environment to the extent of Rs. 1 Crore each and also furnish Performance Guarantee for improving the situation in the sum of Rs. 1 Crore each.

9. That it is submitted that the Polluter Pays Principle, which is an established tenet of environmental jurisprudence in India is also to be strictly applied in cases of violation of environmental law which is also clear from this Hon'ble Tribunal's view in **Forward Foundation, A Charitable Trust and Ors. vs. State of Karnataka & Ors.** reported in **2016 SCC Online NGT 1409** and thus the violators are liable to be saddled with imposition of Environmental Compensation in terms of 'Polluter Pays Principle' for operating illegal stone crushers, illegal extraction sand from river bed of river Chenab, illegal extraction of stones, *bajri* etc from mountains in around district Doda and muck dumping being done by these stone crusher units into the river Chenab.

10. Any other or further relief may also be granted in favour of the Applicant.



RAJA MUZAFFAR BHAT
APPLICANT

THROUGH

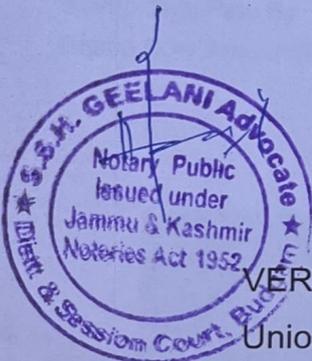


SAURABH SHARMA

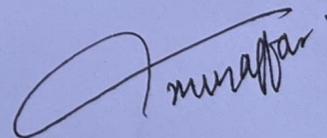


BIJAY KUMAR
Advocates

Counsels for the Applicants
Chamber No. 746, Lawyers Chamber Block,
Saket, New Delhi
e-mail: saurabh.envirolawyer@gmail.com
(M): 9810983559



VERIFICATION: Verified today on this 11th Feb. 2016 at Srinagar, Union Territory of J&K do hereby verify and declare that the facts mentioned above are true and correct nothing material has been concealed therefrom and no part of it is false.



RAJA MUZAFFAR BHAT
APPLICANT



सत्यमेव जयते

INDIA NON JUDICIAL

Government of Jammu and Kashmir

₹10

e-Stamp

| | |
|---------------------------|--|
| Certificate No. | : IN-JK08065771185337Y |
| Certificate Issued Date | : 11-Feb-2026 10:59 AM |
| Account Reference | : NEWIMPACC (SV)/ jk12561204/ DISTRICT COURT BUDGAM/ JK-BG |
| Unique Doc. Reference | : SUBIN-JKJK1256120499737552827149Y |
| Purchased by | : Raja Muzaffar |
| Description of Document | : Article 4 Affidavit |
| Property Description | : Not Applicable |
| Consideration Price (Rs.) | : 0 (Zero) |
| First Party | : Raja Muzaffar |
| Second Party | : Not Applicable |
| Stamp Duty Paid By | : Raja Muzaffar |
| Stamp Duty Amount(Rs.) | : 10 (Ten only) |

BASHER AHMAD RATHER
Stamp Vendor
L.No. 107/LRA/18



Please write or type below this line

IN-JK08065771185337Y

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.ahcilestamp.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.

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IN THE MATTER OF:-

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...APPLICANT

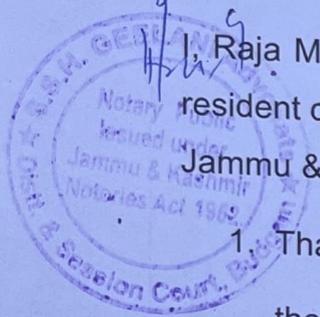
VERSUS

UNION TERRITORY OF J & K & OTHERS

...RESPONDENTS

AFFIDAVIT

Raja Muzaffar Bhat, aged about 49 years, son of Shri Bashir Ahmed Bhat, resident of 64, Alamdar Colony, Gopalpura, District Budgam, Union Territory of Jammu & Kashmir, do hereby solemnly affirm and declare as under:-



1. That I am the Applicant in the abovementioned Original Application and therefore competent to swear the present Affidavit.
2. That the accompanying Rejoinder has been drafted by my counsel on my instructions and the contents of the same are true and correct to my knowledge.

Muzaffar

DEPONENT

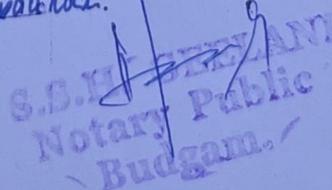
VERIFICATION: Verified today on this 11th Feb. 2026 at Srinagar, Union Territory of J&K do hereby verify and declare that the facts mentioned above are true and correct nothing material has been concealed therefrom and no part of it is false.

Muzaffar

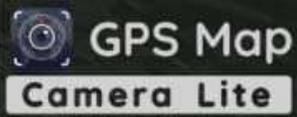
DEPONENT

Identified by
Amir Hussain Khan
ADVOCATE
High Court of J&K

Certified that the statement is departed
on oath and solemn affirmation before
me on this day of 11/02/2026
by Raja Muzaffar Bhat
S/o Bashir Ahmad Bhat
R/o Gopalpura Budgam
who is identified by Amir Hussain Khan.



Annexure A-6 (Colly).



NH244, New Thathri, 182204

Latitude

33.15184333333333°

Longitude

75.79811333333333°

Local 04:51:07 PM

GMT 11:21:07 AM

Altitude 896 meters

Saturday, 08.11.2025



NH244, New Thathri, 182204

Latitude

33.15184333333333°

Longitude

75.79811333333333°

Local 04:51:14 PM

GMT 11:21:14 AM

Altitude 896 meters

Saturday, 08.11.2025



 **GPS Map**
Camera Lite

4QWV+34H, New Thathri, 182203

Latitude

33.13909833333333°

Longitude

75.75824166666666°

Local 11:41:27 AM

GMT 06:11:27 AM

Altitude 918 meters

Wednesday, 31.12.2025



 **GPS Map**
Camera Lite

4QWV+34H, New Thathri, 182203

Latitude

33.139005°

Longitude

75.75824166666666°

Local 11:41:34 AM

GMT 06:11:34 AM

Altitude 918 meters

Wednesday, 31.12.2025



GPS Map
Camera Lite

4QWV+34H, New Thathri, 182203

Latitude
33.150085°

Longitude
75.71559333333333°

Local 10:59:51 AM
GMT 05:29:51 AM

Altitude 918 meters
Wednesday, 31.12.2025





GPS Map
Camera Lite

NH244, Chira, 182201

Latitude
33.139019999999995°

Longitude
75.7582°

Local 10:56:21 AM
GMT 05:26:21 AM

Altitude 953 meters
Tuesday, 10.02.2026



NH244, Chira, 182201

Latitude

33.13903666666667°

Longitude

75.75822833333334°

Local 10:55:15 AM

GMT 05:25:15 AM

Altitude 953 meters

Tuesday, 10.02.2026



Saurabh Sharma <saurabh.envirolawyer@gmail.com>

Advance Service of Rejoinder in OA 1362/2024

1 message

Saurabh Sharma <saurabh.envirolawyer@gmail.com>
To: Gautam Singh <gautamsinghh.ind@gmail.com>

Wed, Feb 11, 2026 at 6:12 PM

Dear Sir,

Please find attached the Rejoinder being filed by the undersigned on behalf of the Applicant in OA 1362/2024 titled Raja Muzaffar Bhat vs Union Territory of J&K & Ors. listed for 13.12.2026 before the Hon'ble NGT.

Regards

--

Saurabh Sharma, Advocate
+91 9810983559
Counsel for Applicant

 **Rejoinder.pdf**
3207K