

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI**

Original application No.720/2024


News Item titled "Tawi Barrage & Riverfront Projects in Jammu destroying river disaster" appearing in sandrp.in dated 11-05-2024

In the matter of : Response on behalf of Jammu Development Authority in compliance to order dated 3-07-2024 passed in Original Application No. 720/2024

AND

IN THE MATTER OF:- INDEX

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Adarsh Sharma
Advocate

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MAY IT PLEASE YOUR LORDSHIPS:-

The respondent most respectfully submits as under:-

- 1) That the Original Application No. 720/2024 was listed before the Hon'ble Tribunal on 03-07-2024 and the Hon'ble Tribunal directed the answering respondent authority to file response.
- 2) That in compliance to Hon'ble Tribunal directions, the response of Jammu Development Authority is submitted here under:-
 - a) The proposal for overall Development of **Tawi River Front in Jammu city on the pattern Sabarmati Riverfront** in Gujarat was approved in the **74th Meeting of the Board of Directors of JDA** held in **June 2015** under the chairmanship of the then Hon'ble Dy Chief Minister J&K State.
 - b) Thereafter the Comm/Secy to Govt. H&UDD vide No. HUD/Plan/SDA/JDA/140/2014 Dt. 08/10/2015 conveyed the approval of Hon'ble Dy CM/ Hon'ble Minister I/C H&UDD (Chairman JDA) FOR engagement of M/S Sabarmati River Front Development Corporation Limited (SRFDCL) Ahmedabad (an SPV of Ahmedabad Municipal Corporation) as project consultant for overall Implementation and Management Services for Tawi River Front Development Project (TRFDP) Jammu and accordingly M/S SRFDCL was appointed as consultant for the project.
 - c) A team of officers of SRFDCL visited Jammu w.e.f. 01-11-2015 to 03-11-2015 for site visit and Preliminary Survey of Tawi River and its adjoining areas in connection with preparation of a Comprehensive DPR of Tawi River Front Development Project.

- d) The matter was again placed before the BOD JDA in 79th Meeting held on 17-11-2017 under the Chairmanship of the then Hon'ble Dy CM J&K (Chairman JDA) and the following decision was taken:

The Board authorized the VC JDA in principle to seek funds from HUDCO/other Financial Institutions /Banks on most competitive rates by following a transparent bidding process. However, before proceeding with the above it was decided that the matter regarding availing of loan of the envisaged quantum and the purpose needs to be discussed and finalized by the Administrative Department in Consultation with the Finance Department.

- e) Under Phase 1, it was decided to take up the River Front Development from 4th Tawi Bridge d/s of barrage to Upstream of Sher-e-Kashmir Bridge (3.5km length approximately on both the banks). A DPR of Rs. 396.25 Crores was prepared by the consultant and submitted to Ministry of Water Resources, River Development and Ganga Rejuvenation for Funding.

- f) Further Ministry of Water Resources, River Development and Ganga Rejuvenation made observation to bifurcate the said DPR into components viz.

1. Bank Protection of Tawi in Jammu; and
2. Conservation of Tawi River in Jammu

Accordingly, the DPRs of the two components of pilot project 3.5 KMs were bifurcated by the Consultants M/s Sabarmati River Front Development Corporation Ltd., Ahmedabad as per break up and status given below: -

- i. **RIVER PROTECTION WORKS** = Rs. 375.73 Cr. under submission to National Institute of Hydrology Roorkee for model study.
- ii. **RIVER CONSERVATION WORKS** = RS. 31.96 Cr. under submission to MoEF.

In the review meeting of H&UDD held under the chairmanship of Hon'ble Dy. Chief Minister, J&K held on 04.09.2017, directions were issued for early submission of the bifurcated DPRs to the concerned quarters for technical vetting (Model Study) or release of funds as the

case may be. The DPR of Conservation was personally submitted by Superintending Engineer JDA in MoEF, New Delhi and DPR of Protection Works was submitted by to National Institute of Hydrology (NIH), Roorkee for its technical vetting (Model Study) by Executive Engineer JDA. The DPR stand vetted by NIH, Roorkee.

- g) While deliberating on the phasing of the project, it was discussed that the pilot project should be phased in such a manner so as to accrue maximum developmental and economic benefits to the city. It was further brought to the notice of the chair that for starting the work on the mega project of Jammu Habitat Centre, providing protection works which is a part of the DPR along the left bank of Tawi river in the stretch downstream of Bikram Chowk Bridges covering Ware House Nehru Market upto 4th Tawi Bridge is important and is to be taken up in Phase 1. After detailed deliberation, it was directed to take up the work of 1.5 KM. Length downstream of Bikram Chowk Bridges in 1st instance. Further, directions were issued in the meeting for early start of the work in the stretch after necessary tendering procedure as per norms. The directions vide Minutes of Meeting No. HUD/Plan/23/2017 were circulated by H&UDD of the meeting held under the chairmanship of Hon'ble Chairman JDA on 04/09/2017 for phasing out the project initially as a pilot project on self financing mode with cost recovery mechanism through commercial development of the land likely to be reclaimed.
- h) Further, in his review meeting of JDA works held on 09-01-2018, the Financial Commissioner, H&UDD directed to expedite the work by floating tenders.
- i) In pursuance to the decision taken during the meeting held in the office Chamber of Financial Commissioner H&UDD J&K, Civil Secretariate, Jammu on 16-11-2018, Tender for the work was floated by reducing the scope of work for the pilot project (left bank only) vide E-NIT No. 06 of 2018-19 dated 21-11-2018 to the Estimated cost of 64.095 Crores as per the suggestion of the consultant M/S SRFDCL vide their letter dated 15-11-2018 and the bids were evaluated by the Technical Consultant M/S AEC and M/S SRFDCL. The file was placed before the State Level Contract Committee on 14-01-2019 and 18-01-2019 for approval of the issue of the allotment of



the pilot project of the left bank of Tawi to the L1 bidder, but the decision could not be concluded in the meeting.

- j) Thereafter, a meeting was held under the Chairmanship of Lieutenant Governor, UT of J&K regarding the Smart City and Tawi River Front Project followed by the meeting held on the same day in the office Chamber of Principal Secretary to Government H&UDD J&K Civil Secretariate, Jammu to reframe the tender document as per JK SSR 2020 and go for Fresh tender.
- k) Further a letter was written to Principal Secretary to Government H&UDD J&K vide No. JDA/VC/2021/2080-83 dated 18/02/2021 that the tender floated vide E-NIT No. 06 of 2018-19 dated 21-11-2018 needs to be canceled first to proceed further in this matter.
- l) As per the letter no. HUD/PLAN/02/2019/SP/11, the Chief Executive Officer Jammu Smart City Limited Jammu was intimated to anchor the Pilot Project for Development of Tawi River Front 1.5 KM on both sides of river into the Jammu Smart City Ltd. and take up the same for execution. The Jammu Smart City can suitably modify the DPR.
- m) **All the details of the project stands handed over to the Jammu Smart City Ltd. and at present the project is being executed by the Jammu Smart City Ltd. (Vide letter no. HUD/PLAN/02/2019/SP/II, dated:- 22-04-2021. The copy of letter No. HUD/PLAN/02/2019/SP/II, dated: - 22-04-2021 is enclosed and marked as Annexure "I".**

An application in support of response is enclosed.

Answering Respondent
Through Counsel

Adarsh Sharma
Advocate

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NEW DELHI

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IN THE MATTER OF: -

Affidavit in support of objections.

I Vivek Modi, age 56 years, at present Director Land Management (OIC Litigation), Jammu Development Authority, Jammu, do hereby solemnly affirm and declare as under:-

1) That the contents of the accompanying response have been drawn and drafted by my Counsel on my instructions and the same have been read over and explained to me.

That the contents of para 1 to 2 of the response are true to my personal knowledge received from the records which I believe to be true and those of paras g to m are true upon legal advice received by me which I believe to be true.

3) That I solemnly swear/affirm that this affidavit is true, no part of this false and nothing has been concealed.



Id by
[Signature]
Sukhdev Singh
JDA

[Signature]
DEPONENT

Certified that Smt./Sh. *[Signature]*
Who is identified by *[Signature]*
and witnessed by *[Signature]*
presented this affidavit before me today
the 12 day of 7 25
& I administered oath to her/him who
swore/solemnly affirmed to the contents
of this affidavit, as above attested.

[Signature]
Commissioner



सत्यमेव जयते

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INDIA NON JUDICIAL

Government of Jammu and Kashmir

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Description of Document	: Article 4 Affidavit
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Second Party	: Not Applicable
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17/9/25

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shclrestamp.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.
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3. In case of any discrepancy please inform the Competent Authority.

Fax: 0191-2569126

e-mail: dphudd2018@gmail.com

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

Chief Executive Officer
Jammu Smart City Ltd.
Jammu.

To: HUD/PLAN/02/2019/SP/II

Date: 22.04.2021

Subject: Development of Tawi River Front on the pattern of Sabarmati River in Gujarat (phase-I).

Madam,

In reference to the above noted subject, the proposal regarding the Development of Tawi River Front in Jammu City on the pattern of Sabarmati River Front in Gujarat was discussed in the review meeting of Smart cities held on 04.02.2021 under the Chairmanship of Hon'ble Lt. Governor, J&K. It was decided that a revised DPR shall be got framed and in phase-I, a limited section of the front would be taken for execution as a pilot. The VC, JDA has accordingly framed the DPR which has been technically vetted for an amount of Rs. 417.63 Cr.

The Hon'ble Mayor, Jammu has separately asked for constitution of Tawi Development Authority for River Tawi. The matter has been examined and it has been decided with the approval of the competent authority that for the present, the pilot project of development of 1.5 Km. on River Front on both sides at an estimated cost of Rs. 75.00 Cr. may be anchored in the Jammu Smart City Ltd. which is being strengthened in terms of capacities by augmenting technical manpower, consultant etc. The constitution of the separate Tawi Development authority at this point of time, till the River Front becomes operational may not be required.

As regards, funding for the project, Jammu Smart City Ltd. is request to appropriately modify the DPR to ensure the funding for the project is made available by way of monetization of land which would become available as a result of River front Development.

In view if the above, I am directed to intimate you to anchor the Pilot Project for Development of Tawi River Front. 1.5 Km on both sides of river into the Jammu Smart City Ltd. and take up the same for execution. The Jammu Smart City can suitably modify the DPR to ensure that the funding for the project is made available by way of monetization of land which would become available as a result of River Front Development.

Yours faithfully,



(M.L. Pakehiwal)

Director (P&S)

Housing & Urban Dev. Deptt.

Copy to the:

1. VC, JDA for favour of information.
2. Private Secretary to Principal Secretary to Hon'ble LG for information of the Principal Secretary.
3. Private Secretary to Principal Secretary to Govt. Housing & Urban Development Department for information of the Principal Secretary to Govt. H&UDD.



JAMMU DEVELOPMENT AUTHORITY
Office of the Executive Engineer Mega Project Division
Jammu

To
The Director Projects
Jammu Smart City Limited

No. JDA/MP/ Div./ 160
Date:- 25-02-2022

Subject: Request for Documents.
Ref: DP/Smart City /2021-22/70 dated 18-0-2022

Sir,

In connection with the above quoted subject and reference, kindly find enclosed the following documents for onward submission to Jammu Smart City Limited. (Copies of documents handed over to Shruthi S. L.G. Fellow)

- 4) Detail Project Report (Hard Copy)
- 5) Feasibility Study Report (Hard Copy)
- 6) Project Drawings (Soft Copy)

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Yours faithfully

Executive Engineer
Mega Projects Division JDA
Jammu.

SPR/494
26/2/22