

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

ORIGINAL APPLICATION NO. 114/2025

IN THE MATTER OF:

Sushil Kumar

... Applicant

Versus

Union of India & Others

... Respondents

INDEX

NDoH : 12.03.2026

S.No.	PARTICULARS	PAGE NO.
1.	Reply by the Respondent to the OA No. 114/2025 along with the affidavit	2-18
2.	ANNEXURE R/1 : GAD Order No. 983-JK(GAD) of 2022 dated 30.08.2022	19-20
3.	ANNEXURE R/2 : Minutes of meeting chaired by Principal Secretary PWD (R&B) dated 22.12.2023	21-24
4.	ANNEXURE R/3 : DC Samba letter No. DSEO/S/2021-22/7124-30 dated 23.03.2022	25
5.	ANNEXURE R/4 : Executive Engineer, Flood Control Kathua in letter No. FCDK/5515-17 dated 03.01.2024	26

FILED BY:

Arnav

ARNAV VATS
Advocate for NHAI (R-9)
+91-8800535299
arnavats013@gmail.com

FILED ON: 06.03.2026

NEW DELHI

[Signature]

परियोजना निदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना कार्यालय
National Highways Authority of India P.O., Jammu

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

ORIGINAL APPLICATION NO. 114/2025

IN THE MATTER OF:

Sushil Kumar

... Applicant

Versus

Union of India & Others

... Respondents

**COMPREHENSIVE REPLY ON BEHALF OF RESPONDENT TO THE
ORIGINAL APPLICATION 114/2025 FILED BY THE APPLICANT.**

1. That this Hon'ble Tribunal is presently seized of the above-mentioned Original Application No. 114/2025 which allegedly characterises the works taken up legally as per the required procedures as "illegal mining" and imputes collusion. The works complained of were scientifically regulated dredging operations undertaken by competent authorities for disaster-management / flood-control purposes at pre-identified flood-prone locations in Jammu, Samba and Kathua districts. This Hon'ble Tribunal was pleased to issue Notice on 25.03.2025 and granted liberty to the Respondents to file their responses.
2. That at the outset, the answering Respondent denies and disputes all contentions, claims, allegations and stipulations contained in the captioned Application which is contrary to and/or inconsistent with what is stated herein. Save as otherwise admitted herein, the contents of the said Application are false and untrue. Nothing contained in the said Application shall be construed as an admission on the part of the Respondent No. 1 for


परियोजना निदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
National Highways Authority of India P/U, Jammu

want of specific traverse or otherwise, and unless expressly admitted herein.

3. That before responding to the para-wise submission on merits, the answering Respondent seeks liberty to submit preliminary objections and submissions, which in its opinion are essential for a holistic adjudication of the case.

PRELIMINARY OBJECTIONS

1. That the answering Respondent, at the outset , submits that the Original Application No. 114/2025 dated 09.02.2025 is misconceived to the extent it characterises the works as “illegal mining” equating it with uncontrolled dredging and imputes collusion. The works complained of were scientifically regulated dredging operations undertaken by competent authorities for disaster-management / flood-control purposes at pre-identified flood-prone locations in Jammu, Samba and Kathua districts.
2. That it is the submission of the answering Respondent that the present OA is not maintainable as the dredging exercise mentioned was undertaken in the public interest to : (a) restore river carrying capacity and avert imminent flood risk to habitations, infrastructure and Border Outposts (BOPs), and (b) use lawfully dredged material to meet the acute shortage of aggregates for the nationally significant Delhi–Amritsar–Katra (DAK) Expressway project , all under administrative oversight and statutory permits.
3. That the answering Respondent further submits that the activity mentioned in the OA falls within the exemption framework for dredging/disaster-

management in Appendix IX to the EIA Notification, 2006, and was governed by standing administrative directions, inter-departmental oversight (Divisional/District Task Forces), e-permit/royalty regimes and site-specific NOCs. The works are therefore not unregulated or unlawful as alleged.

PRELIMINARY SUBMISSIONS

1. That it is submitted that activity referred to as “mining” or “dumping” in the application is in fact a scientifically regulated dredging operation carried out at select locations across Jammu, Samba and Kathua districts. The Irrigation & Flood Control Department identified these stretches of Tawi and tributaries as flood-prone due to abnormal shoal deposition and riverbed sedimentation which materially altered river morphology and increased flood risk to adjoining villages, embankments, highways and Border Outposts.
2. That in light to mitigate flood risk dredging was authorised under emergency flood management and public safety directives as a preventive flood-mitigation measure to be conducted before monsoon onset.
3. That concurrently, several mining blocks (minor minerals) remained non-operational because Environmental Clearances (ECs) had lapsed and the J&K EIA Authority (JKEIAA) had not been reconstituted by MoEF&CC after July 2023, producing an acute shortage of legally available RBM for DAK packages.

परियोजना निदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
National Highways Authority of India PIU, Jammu

4. That the Government of J&K sanctioned that concessionaires / contractors engaged on DAK could utilise lawfully dredged RBM from Irrigation & Flood Control Department identified flood-prone sites under strict administrative control, thereby achieving simultaneous flood relief and resource utilisation.
5. That the entire exercise was carried out in accordance with approvals, clearances and coordination mechanism to ensure implementation and oversight, as follows:
- a) Implementation through Divisional and District Level Task Forces for safety of bridges and silt removal, constituted via GAD Order No. 983-JK(GAD) of 2022 dated 30.02.2022. Specific directions issued to Deputy Commissioners to convene District Level Committee (DLC) meetings and monitor dredging activity.[A copy of the said order is annexed hereto and marked as **ANNEXURE R/1**]
 - b) DC Samba letter No. DSEO/S/2021-22/7124-30 [A copy of the said letter is annexed hereto and marked as **ANNEXURE R/3**] dated 23.03.2022 which stated as follow :
 - i. *Apropos the subject cited above, kindly find enclosed a request made by Executive Engineer, Flood Control Samba for the removal of shoals/construction of diversion channel in River Basantar near Mallu Chak (Border Area) from RD 0 to 2000 M and near Kamour/Ballargate from RD 0 to 3000 M to avert the flood risk. It is intimated that this area is prone to flash floods especially during rainy season which can cause extensive damage to many villages including the BOP of BSF.*

परियोजना निदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
National Highways Authority of India PII, Jammu

- ii. *In view of the above, you are requested to work out the possibilities of getting the above mentioned work carried out under CSR component through the construction companies who have been allotted work on the Delhi Amritsar Katra Expressway project.*
- c) Minutes of Meeting chaired by Principal Secretary PWD (R&B) [A copy of the said minutes is annexed hereto and marked as **ANNEXURE R/2**] dated 22.12.2023 stated as follows :
- i. *In respect of earth requirement, it was informed that the issue has largely been resolved. It was clarified that earth does not qualify within the definition of minor mineral as per MMRD Act and Rules and Short Term Permits are not required.*
- ii. *Regarding availability of aggregates, it was informed that existing concessionaires (block holders) are not able to meet the requirement of minor minerals of NHAI for DAK project. It was also informed that MoEF&CC, Govt is yet to re-constitute J&K Environmental Impact Assessment Authority (JKEIAA) since July 2023, due to which Environment Clearance for mining blocks auctioned by the Mining Department is not being issued/ renewed and blocks not operational. It was informed that 44 blocks (annual capacity of 90 lakh MTs) are held up for want of EC in Jammu and Samba districts for which mining plans are ready. Secretary Mining may seek relaxation from the competent authority, purely in the interest of public and avoiding crisis, for extending ECs of leases of concessioners expired after July 2023 till JKEIAA is reconstituted*

परियोजना विदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
National Highways Authority of India P!J, Jammu

by MoEF&CC, Gol, if replenishment data is available in consultation with the Forest Department.

iii. Chief Engineer Irrigation & Flood Control Jammu informed that I&FC Department has mapped availability of 112.63 Lakh cum minor mineral in various rivers and streams in Jammu, Samba and Kathua districts (20 locations) which can be used to meet requirement of DAK project through dredging process. DCs were advised to hold district level committee meetings on 26th & 27th December for accord of dredging permission indicating monthly dredging targets. The material will be dredged at the earliest possible time before rains and stacked 100m away from riverbank. Geology & Mining will dispose of disposal permit applications within 7 days from date of receipt from NHAI.

d) Executive Engineer, Flood Control Kathua in letter No. FC DK/5515-17 dated 03.01.2024 has granted no objection for the dredging of RBM from the two spots viz. upstream of Ujh Barrage and Basantpur area as per the instructions issued by Principal Secretary PWD(R&B) in the meeting held on 22.12.2023 regarding the availability of aggregates and earth for Delhi Amritsar Katra Expressway. A copy of the said letter is annexed hereto and marked as **ANNEXURE R/4**

6. That the regulatory safeguards were ensured through the issuance of online e-permits by the Mining Department for each consignment, full payment of advance royalty deposit by concessionaires to the government for all extracted material, no installation of machinery at dredging locations, no encroachment or diversion of forest land and stacking at least 100 metres


 परियोजना निदेशक
 Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
 National Highways Authority of India PIJ, Jammu

from active riverbanks and regular monitoring by project engineers, DLC members and Mining Department officers.

7. That the dredging was not a commercial mining activity, but an urgent public safety measure. The action prevented major flooding and structural damage to critical assets including national highways, embankments, and nearby habitations. The rechannelling of river flow was done in accordance with flood control norms and involved no irreversible environmental disruption.
8. That furthermore, the usage of this dredged material for infrastructure projects ensured that the state was not burdened with separate dredging contracts requiring public funds, thus offering a cost-neutral and environmentally justified solution.

PARA-WISE REPLY

- I. That Para 1 of the captioned Application, save and except what are matters of record, the contents thereof are denied and disputed in totality. That the dredging operations were carried out as preventive flood-control / disaster-management works with all required regulatory safeguards and therefore fall within the exemption contained in Appendix IX to the EIA Notification, 2006.
- II. That the contents in Para 2 are denied. That sites were identified by the Irrigation & Flood Control Department on technical grounds and permissions were granted following District Level Committee deliberation. The engagement of DAK concessionaires was an administrative response to acute RBM shortage and not a result of

collusion. Thus, the process was not with the sole purpose of providing road construction material rather was undertaken purely as a matter of interdepartmental coordination, with the objective of promoting environmental sustainability, ensuring optimal utilisation of available resources and facilitating the speedy and efficient execution of works in the larger public interest along with ensuring prevention of floods.

- III. That the contents in Para 3 are denied. It is admitted that dredging was carried out at identified locations for flood mitigation and material recovery and it is denied that such activity was unlawful, unregulated or undertaken without oversight. The applicant appears to have overlooked or misunderstood the administrative framework under which the dredging was undertaken and has misconceived it as nexus. The actions taken were lawful, controlled, and in the larger public interest, both from an environmental and infrastructure standpoint. The dredging operation was not only necessary for disaster management but also ensured that the material was put to productive use in national infrastructure projects.
- IV. That the contents of Para 4 are matters of record and merit no response to that extent. Additionally, the activities were undertaken in full compliance with the EIA Notification, 2006 strictly following the SOPs and safeguards under Appendix IX. All requisite applications, committee approvals, extraction limits, environmental safeguards, and borrow area restoration measures were duly observed, and no activity was conducted beyond the permissible scope of the said amendments.
- V. The contents of Para 5 are purely matters of record, the veracity of which can be ascertained from the relevant official documents. Accordingly, no substantive reply is necessary.

परियोजना निदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
National Highways Authority of India PIJ, Jammu

- VI. The contents of Para 6 are purely matters of record, the veracity of which can be ascertained from the relevant official documents. Accordingly, no substantive reply is necessary.
- VII. The contents of Para 7 are purely matters of record, the veracity of which can be ascertained from the relevant official documents. Accordingly, no substantive reply is necessary.
- VIII. The averments contained in Para 8 are based on matters of record, which are self-explanatory and capable of verification from the concerned documents.
- IX. The contents of Para 9 are purely matters of record, the veracity of which can be ascertained from the relevant official documents. Accordingly, no substantive reply is necessary.
- X. The contents of Para 10 are purely matters of record, the veracity of which can be ascertained from the relevant official documents. Accordingly, no substantive reply is necessary.
- XI. The averments contained in Para 11 are based on matters of record, which are self-explanatory and capable of verification from the concerned documents.
- XII. That the contents in Para 12 are clarified and it is submitted that disposal permits were issued strictly under the statutory framework (Rule 56(1)(iii), J&K Minor Mineral Rules, 2016) as site-specific, quantity-restricted e-permits, conditional on NOCs and royalty payment. No open

or arbitrary disposal was permitted. The same has been clarified by the minutes of meeting chaired by Principal Secretary PWD (R&B) [Refer to **ANNEXURE R/2** dated 22.12.2023].

XIII. That the contents of Para 13 are denied, save what are the matters of record. That the permit issuance process is fully documented in departmental records, e-permit logs and payment receipts and was subject to inter-departmental oversight thus no material on record substantiates any impropriety.

XIV. That the contents of Para 14 are denied, save what are the matters of record, as all material dredged out were lawful and as per the procedure. Contrary to the allegations of illegal or unregulated activity, the dredging and transportation of material were conducted under strict supervision and compliance protocols, including:

- Issuance of online e-permits by the Mining Department for every consignment of RBM;
- Full payment of advance royalty by concessionaires to the government for all extracted material;
- No installation or operation of stone crushers at the dredging sites;
- No encroachment or diversion of forest land;
- Maintenance of required setback distances (100 m) from active riverbanks for material stacking.
- Regular site monitoring was carried out by project engineers, DLC members, and designated officers of the Mining Department.


 परियोजना निदेशक
 Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, परियोजना इकाई जम्मू
 National Highways Authority of India PIJ, Jammu

GROUND'S REPLY

- I. That Para 1 of the captioned Application, save and except what are matters of record, the contents thereof are denied and disputed in totality. That the dredging operations were carried out as preventive flood-control / disaster-management works with all required regulatory safeguards and therefore fall within the exemption contained in Appendix IX to the EIA Notification, 2006. That the activities were undertaken in full compliance with the EIA Notification, 2006 strictly following the SOPs and safeguards under Appendix IX. All requisite applications, committee approvals, extraction limits, environmental safeguards, and borrow area restoration measures were duly observed, and no activity was conducted beyond the permissible scope of the said amendments. Including (i) submission of applications in the prescribed format to the Competent Authority; (ii) obtaining approvals from the District-level Committee comprising the District Collector/Magistrate, District Forest Officer, representative of the State Pollution Control Board, and District Mines Officer/Geologist; (iii) adherence to extraction limits as approved; (iv) strict compliance with environmental safeguards, avoidance of ecologically sensitive areas, and site-specific mitigation measures; and (v) borrow area rehabilitation and restoration post-extraction, were scrupulously followed.
- II. That the contents in Para 2 are denied. That sites were identified by the Irrigation & Flood Control Department on technical grounds and permissions were granted following District Level Committee deliberation. The engagement of DAK concessionaires was an administrative response to acute RBM shortage and not a result of collusion. Thus, the process was not with the sole purpose of providing road construction material rather was undertaken purely as a matter of

interdepartmental coordination, with the objective of promoting environmental sustainability, ensuring optimal utilisation of available resources and facilitating the speedy and efficient execution of works in the larger public interest along with ensuring prevention of floods.

- III. That the contents in Para 3 are denied. That disposal permits were issued strictly under the statutory framework (Rule 56(1)(iii), J&K Minor Mineral Rules, 2016) as site-specific, quantity-restricted e-permits, conditional on NOCs and royalty payment. No open or arbitrary disposal was permitted.
- IV. That the contents in Para 4 are denied. That the permit issuance process is fully documented in departmental records, e-permit logs and payment receipts and was subject to inter-departmental oversight thus no material on record substantiates any impropriety.
- V. That the contents in Para 5 are denied in part. It is admitted that dredging was carried out at identified locations for flood mitigation and material recovery and it is denied that such activity was unlawful, unregulated or undertaken without oversight. The applicant appears to have overlooked or misunderstood the administrative framework under which the dredging was undertaken. The actions taken were lawful, controlled, and in the larger public interest, both from an environmental and infrastructure standpoint. The dredging operation was not only necessary for disaster management but also ensured that the material was put to productive use in national infrastructure projects
- VI. That the contents in Para 6 are denied in part for the reasons stated above; that documentary records support lawful planning and monitoring of the works.

परियोजना निदेशक
Project Director
भारतीय राष्ट्रीय राजमार्ग परियोजना परिषद
National Highway Authority of India



- VII. That the contents in Para 7 are denied to the extent it imputes illegality or collusion; that relevant facts and approvals are on record.
- VIII. That the contents in Para 8 are denied to the extent it suggests uncontrolled or excess removal. The consignment-wise quantities for the period are recorded in the e-permit/weighbridge logs and are annexed for verification and reconciliation.
- IX. That the contents in Para 9 are denied. That prior coordination, DLC meetings and district orders constituted adequate prior intimation in exercise of preventive flood measures.
- X. That the contents in Para 10 are denied for the same reasons as Para 9 that is where statutory notice obligations applied, the administrative record demonstrates compliance or reasonable procedural flexibility consistent with emergency/disaster management.
- XI. That the contents in Para 11 are denied. The chronology of official orders, meetings and notifications evidences prior departmental action and stakeholder intimation.
- XII. That the contents in Para 12 are denied. That dredging was targeted to remove abnormal shoals and restore the river cross-section. The environmental safeguards were respected and monitoring reports do not indicate irreversible ecological damage.
- XIII. That the contents in Para 13 are denied. Even during low-flow periods localized shoaling and sediment accretion can create acute flood risk on subsequent heavy rainfall. The pre-monsoon dredging was necessary as a part of flood mitigation in case of heavy rainfall.

- XIV. That the contents in Para 14 are denied. That all dredging was quantity-restricted, location-specific and supervised. The e-permit and monitoring records confirm adherence to approved limits.
- XV. That the contents in Para 15 are denied. The dredging was undertaken to restore hydraulic capacity and improve flow conveyance by removing obstructive shoals.
- XVI. That the contents in Para 16 are denied. As far as the allegation with respect to the crushing plant is concerned, the concerned concessionaire is bound to comply with the extant laws. The concessionaire has also provided a copy of the NOC and consent to operate issued to them by the competent authority.
- XVII. That the contents in Para 17 are denied as premature. That full documentary records are available. The activities in question were undertaken strictly in accordance with the law, with all requisite permissions, departmental supervision, and financial accountability. The dredging and subsequent use of the material were a model example of interdepartmental coordination, addressing two major public concerns: (i) the flood vulnerability of certain river stretches in the Jammu region, and (ii) the acute shortage of legally available aggregates for nationally significant expressway projects.
- XVIII. That the contents in Para 18 are denied for the reasons stated, the records on file provide a transparent audit trail and no prima facie evidence of malfeasance emerges from them. The Applicant has failed to demonstrate any violation of law or procedure by the respondents. The actions taken were in the larger public interest, balancing environmental concerns with the urgent need for infrastructure development and disaster management.

- XIX. That the contents in Para 19 are unnecessary as all necessary No Objection Certificates (NOCs) were obtained from the concerned departments by the duly constituted district and divisional task level force. The lawfully dredged material was disposed of for use in national projects in accordance with disposal permits issued under Rule 56(1)(iii) of the Mining Rules, 2016 of the Union Territory of Jammu & Kashmir.
- XX. That the Hon'ble Supreme Court [Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664] and various High Courts have consistently held that public interest projects, when carried out in accordance with law and with due safeguards, should not be stalled on the basis of unfounded allegations.
- XXI. That the application is based on mere apprehensions and conjectures, without any substantive evidence of illegality or environmental harm. The respondents have acted in good faith, with due diligence, and in strict compliance with all applicable laws and regulations.
- XXII. That the balance of convenience lies in favour of allowing the continuation of such coordinated activities, which serve both environmental and developmental objectives, rather than stalling them on the basis of unsubstantiated claims.

In the circumstances, it is humbly submitted that the captioned application Application No. 114/2025 be dismissed with exemplary costs. Record that the dredging operations were preventive, site-limited, and carried out under statutory exemption and administrative sanction.

Place: **New Delhi**

Date: **06.03.2026**

Filed by: **Arnav Vats**


परियोजना निदेशक
Project Director
राष्ट्रीय सड़क प्राधिकरण, परियोजना इकाई जम्मू
National Highway Authority of India DHI, Jammu

IN THE MATTER OF:

Sushil Kumar

Versus

Union of India & Others



AFFIDAVIT

I, Rajiv Kumar S/o Bishamber Dass, resident of Chak Manga, Rakhwal, Samba presently at Greater Kailash, Jammu, do hereby solemnly affirm and declare as under

1. That I am working as Project Director, duly authorised on behalf of NHAI, to represent the said Respondent in the above mentioned Original Application and a such I am well conversant with the facts and circumstances of the case and I am competent to swear the present Affidavit.
2. That the contents of the accompanying Reply have been drafted by the counsel under my instructions and the contents along with attached annexures are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Handwritten notes:
 2/11/25
 Jammu
 No new school

Verification :

Verified at Jammu on 07th day of November, 2025 that the contents of the above affidavit with its annexures are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

Signature
 DEPONENT
 परियोजना निदेशक
 Project Director
 भारतीय राष्ट्रीय राजमार्ग प्रधिकरण, परियोजना इकाई जम्मू
 National Highways Authority of India P.U. Jammu

Signature: Leju Kumar
 Certified that Smt / Sh. Leju Kumar
 who is Identified By [Signature]
 and Witnessed By [Signature]
 Presented in 10-11-2025 before me
 Oath to her / him was administered
 Contents of this affidavit Hence attested
 OATH COMMISSIONER

Signature
 DEPONENT
 परियोजना निदेशक
 Project Director
 भारतीय राष्ट्रीय राजमार्ग प्रधिकरण, परियोजना इकाई जम्मू
 National Highways Authority of India P.U. Jammu



सत्यमेव जयते

INDIA NON JUDICIAL

Government of Jammu and Kashmir

e-Stamp



Certificate No.	: IN-JK90343054968561X
Certificate Issued Date	: 10-Nov-2025 11:52 AM
Account Reference	: NEWIMPACC (SV)/ jk12529604/ JAMMU/ JK-JM
Unique Doc. Reference	: SUBIN-JKJK1252960465386754192477X
Purchased by	: RAJIV KUMAR
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: RAJIV KUMAR
Second Party	: Not Applicable
Stamp Duty Paid By	: RAJIV KUMAR
Stamp Duty Amount(Rs.)	: 10 (Ten only)

Vikas Sharma
O.S. at Piring
No. 10/1



Please write or type below this line



Statutory Alert:

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

**GOVERNMENT OF JAMMU AND KASHMIR,
GENERAL ADMINISTRATION DEPARTMENT,
Civil Secretariat, Srinagar.**

Subject:-Constitution of Divisional and District Level Task Force(s) for taking urgent measures for safety of bridges and removal of accumulated materials.

Reference:-U.O No.GM-MNG/317/2022-02 from Mining Department.

**Government Order No.983-JK(GAD) of 2022
Dated:30.08.2022**

Sanction is hereby accorded to constitution of the Divisional and District Level Task Force(s), comprising the following, for taking urgent measures for safety of bridges and removal of accumulated material due to heavy rains, on an urgent basis:-

A. Divisional Level Task Force(s):-

1.	Divisional Commissioner, Kashmir/ Jammu	Chairman
2.	Chief Engineer, PW (R&B) Kashmir / Jammu	Member Secretary
3.	Chief Engineer, I&FC Kashmir / Jammu.	Member

B. District Level Task Force(s):

1.	Deputy Commissioner Concerned	Chairman
2.	Executive Engineer, PW (R&B), Concerned	Member Secretary
3.	Assistant Commissioner Revenue /Sub-Divisional Magistrate Concerned	Member
4.	Executive Engineer, I&FC, Concerned	Member
5.	District Mineral Officers Concerned	Member
6.	Project Directors of Concerned Executing Agencies.	Member

Terms of Reference:-

- To examine threat to safety of bridges due to the flash-flood during rainy seasons on account of accumulation of huge loads of river borne material; and
- To ensure scientific removal of such material in a time bound manner.

By order of the Government of Jammu and Kashmir.

**Sd/-
(Dr. Piyush Singla) IAS
Secretary to the Government**

No. GAD-ADM0IV/178/2022-09-GAD

Dated:30.08.2022

Copy to the:-

- Principal Secretary to the Government, Public Works (R&B) Department.

2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
4. Divisional Commissioner, Kashmir/Jammu.
5. Secretary to the Government, Mining Department.
6. Deputy Commissioners (All).
7. Private Secretary to the Chief Secretary, J&K.
8. Private Secretary to Advisor (B) to the Lieutenant Governor.
9. Private Secretary to the Secretary to the Government, General Administration Department.
10. Government Order file/Stock file/website, GAD.


(Mohit Raina)JKAS

Under Secretary to the Government

//TRUE COPY//

**Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, Srinagar/ Jammu**

Subject: Record note of the meeting held under the chairmanship of Principal Secretary, PW(R&B) Department on 22.12.2023 regarding issues related to availability of aggregates and earth pertaining to Delhi-Amritsar-Katra Expressway.

A meeting to review issues related to availability of aggregates and earth pertaining to Delhi-Amritsar-Katra Expressway was held under the chairmanship of Principal Secretary, PW(R&B) Department on 22.12.2023 in his Office Chamber, Civil Secretariat Jammu.

List of participants is annexed.

While initiating discussion in the meeting, Regional Officer NHAI informed that for DAK expressway project, there is requirement of about 1 crore MT each of ordinary earth as well as aggregates during next 1 year. As per J&K Mining Rules, only short term permits are granted for mining over areas less than 1 Ha only. Therefore, NHAI agencies have to repeatedly obtain STPs (each of 20-30 thousand tons) to fulfill the huge gross earth requirement. For aggregates, private suppliers are not able to provide the required quantity and due to limited number of operational crushers, demanded rates are higher than the fair market value.

In order to address the issues raised by NHAI and for reducing the gap between demand and supply of construction material for the Expressway project, detailed discussions were held and following decisions taken/ directions issued in the meeting:

- 1) In respect of earth requirement, it was informed that the issue has largely been resolved and NHAI has started receiving earth for the project. It was clarified that earth does not qualify within the definition of minor mineral as per MMRD Act and Rules and STPs are not required, however the Mining Department is required to keep a watch on its excavation, disposal and transportation.
- 2) DivCom Jammu informed that title verifications in respect of blocks for which STPs have been granted by the Mining Department, have been expedited. DCs Jammu/ Samba/ Kathua were advised to issue title verifications in respect of DAK expressway STP blocks expeditiously and dispose of within a weeks' time. RO NHAI was also advised to share details of title verifications pending at DC level, if any, with the DivCom on weekly basis so that the same are resolved without delays.

Regional Office, Jammu	
Diary No.	3124
Dated	29/12/23
DGM (T)	X
Manager (T)	✓
Jt. Adv. (E&P)	
AM (F&A)	
PA - 1	✓
S. E.	
YP	

9
R/K

convey officially to PIO Jmu
29/12/23

7

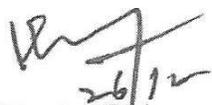
- 3) DCs were directed to take action against concessionaires in case any violation of the mining permits and its non-bonafide use is observed. RO NHAJ was also directed that earth cutting should be done in a scientific and safe way and cultivable land not used. If required, orientation sessions on benching method of excavation may be planned by the Mining department for the concessionaires for promoting safe earth cutting.
- 4) While submitting requisition for earth or mineral block, list of vehicles to be used for transportation may also be enclosed with the application by the NHAJ concessionaires, which will be used by the Mining department while issuing permission. RO should also use GPS vehicle tracking devices on transportation vehicles for monitoring mineral utilization in an effective manner.
- 5) Regarding availability of aggregates, it was informed that existing concessionaires (block holders) are not able to meet the requirement of minor minerals of NHAJ for DAK project. It was also informed that MoEF&CC, Gol is yet to re-constitute J&K Environmental Impact Assessment Authority (JKEIAA) since July 2023, due to which Environment Clearance for mining blocks auctioned by the Mining Department is not being issued/ renewed and blocks not operational. It was informed that 44 blocks (annual capacity of 90 lakh MTs) are held up for want of EC in Jammu and Samba districts for which mining plans are ready. Secretary Mining may seek relaxation from the competent authority, purely in the interest of public and avoiding crisis, for extending ECs of leases of concessioners expired after July 2023 till JKEIAA is reconstituted by MoEF&CC, Gol, if replenishment data is available in consultation with the Forest Department.
- 6) MoEF&CC has restricted the validity of ECs to two years due to non-completion of Replenishment studies. The Mining Department informed that the studies have been completed and reports completed within one week for submission to MoEF&CC.
- 7) It was also informed by the mining department that crushers are available in sufficient numbers and capacity for processing mining material that will be available from the blocks in Jammu, Samba and Kathua districts for which EC is pending. 25 crushers are available in Kathua district, 15 in Samba district and 49 in Jammu crushers as informed by DCs.
- 8) DC Kathua informed that on average, 80 to 100 tippers deliver minor mineral loads across Lakhanpur every day. It was advised that delivery of minor minerals to neighboring districts outside UT be restricted for a few months, till DAK project requirements are arranged. This will make available about 7.20 lakh MT additional minor mineral for the project in a year.

7

- 9) DivCom informed that JKPC has been allotted mining blocks in district Samba, which has capacity of about 1.98 lakh MT per annum. RO NHAI, MD JKPC and Director G&M were advised to work out a mechanism for supply of material to NHAI from the JKPC block.
- 10) Chief Engineer Irrigation & Flood Control Jammu informed that I&FC Department has mapped availability of 112.63 lakh cum minor mineral in various rivers and streams in Jammu, Samba and Kathua districts (20 locations) which can be used to meet requirement of DAK project through dredging process. DCs were advised to hold district level committee meetings on 26th or 27th December for accord of dredging permission indicating monthly dredging targets. The material will be dredged at the earliest possible time before rains and stacked 100 mtrs away from riverbank. Geology & Mining will dispose of disposal permit applications within 7 days from date of receipt from NHAI.

The meeting ended with a vote of thanks to and from the Chair.

This issues with the approval of the competent authority.


26/12
Joint Director (Plg)
Public Works (R&B) Department

No. PWD-PLNG/52/2022-05

Dated: 26-12-2023

Copy to the:

1. Administrative Secretary, Mining Department
2. Divisional Commissioner, Jammu
3. Regional Officer, NHAI, J&K Jammu
4. Chief Engineer, Irrigation & Flood Control, Jammu
5. Managing Director, JKPC
6. Director, Geology & Mining, J&K
7. Deputy Commissioner, Kathua/ Samba/ Jammu
8. PvtSecy to CS J&K for information of worthy Chief Secretary
9. PvtSecy to ACS Jal Shakti Department for information of the ACS
10. PvtSecy to Principal Secretary PWD for information of the PS

ANNEXURE**List of participants – meeting dated 22.12.2023**

1. Administrative Secretary, Mining Department
2. Divisional Commissioner, Jammu
3. Regional Officer, NHAI, J&K Jammu
4. Chief Engineer, Irrigation & Flood Control, Jammu
5. Director, Geology & Mining, J&K
6. Deputy Commissioner, Kathua/ Samba
7. Additional DC Jammu
8. District Mineral Officer, Jammu/ Samba/ Kathua
9. Xen Flood Control Division, Jammu/ Samba/ Kathua, Jal Shakti Department

7

//TRUE COPY//

ANNEXURE-R/3

Government of Jammu & Kashmir
OFFICE OF THE DISTRICT DEVELOPMENT COMMISSIONER, SAMBA
Nandini Hills

Phone No.: 01923-241143
samba@nic.in

dcofficesamba@gmail.com

The Project Director
National Highway Authority of India
Jammu

No.: DSEO/S/2021-22/7124-30

Dated: 23/03/2022

Subject: Removal of shoals/construction of diversion channel near Mallu Chak in river Basantar near border area of district Samba from RD 0 to 2000 M and near kamour /Ballargate from RD 0 to 3000 M – Request for CSR Contribution through Amulya Nidhi , an initiative of district administration, Samba - reg.

Sir,

Apropos the subject cited above, kindly find enclosed a request made by Executive Engineer, Flood Control Samba for the removal of shoals/construction of diversion channel in River Basantar near Mallu Chak (Border Area) from RD 0 to 2000 M and near Kamour/Ballargate from RD 0 to 3000 M to avert the flood risk. It is intimated that this area is prone to flash floods especially during rainy season which can cause extensive damage to many villages including the BOP of BSF.

In view of the above, you are requested to work out the possibilities of getting the above mentioned work carried out under CSR component through the construction companies who have been allotted work on the Delhi Amritsar Katra Expressway project.

Your contribution in this regard shall be highly appreciated.

Yours faithfully,


(Anuradha Gupta) JKAS
District Development Commissioner
Samba

Copy to the:

1. Additional District Development Commissioner, Samba for information.
2. Additional Deputy Commissioner, Samba for information.
3. District Informatics Officer, NIC, Samba for information and uploading of same on the website.
4. Assistant Director (Nodal Officer), FCS&CA Department, Samba for information and necessary action.
5. Executive Engineer, Flood Control Division, Samba for information and with the direction to follow up the matter with NHAI authorities
6. Office record file.

//TRUE COPY//

OFFICE OF THE EXECUTIVE ENGINEER FLOOD CONTROL DIVISION KATHUA
Phone/Fax: 01922-234811, email: ifcjmufcdkathua2014@gmail.com

The Deputy Commissioner
Kathua

No:-FCDK/ 5515-17
Dated:- 03-01-2024

Subject – Construction of Four/ Six Lane access-controlled expressway from junction with Pathankot-Gurdaspur Road (NH 44) near Balsua to junction with Hiranagar Road near village Guraha Balidaran of Delhi -Amritsar- Katra Expressway.

Reference- Your Office letter No DCK/SQ/2023-24/3284-86 Dated 30/12/2023.

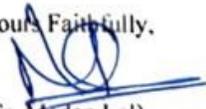
Sir

As per the instructions issued by Worthy Principal Secretary PWD(R&B) in his meeting held on 22/12/2023 regarding the availability of aggregates and earth for Delhi - Amritsar - Katra Expressway, this office has no objection to the dredging of RBM from the two spots viz. Upstream of Ujh Barrage and Basantpur area already identified during joint visit with authorities of the National Highway, subject to the following conditions.

1. Dredging of accumulated material is subjected to verification of title of the land by revenue authorities.
2. As directed by Worthy Principal Secretary PWD(R&B) UT of Jammu and Kashmir and as provisioned in Water Resources act (Regulation and Management)2010, the dredged material should be lifted simultaneously from the spot and stacked at a distance of 100 meters from the existing river bank or the site identified by the Engineer in charge of Flood Control Division Kathua.
3. Dredging of accumulated material should be conducted in a scientific manner so that the flow of water remains in the middle of the river, and if any damage to land or property is caused as a result of unscientific dredging, the National Highway authorities will be solely responsible.
4. Material will be transported from the site (where the material has been stacked) with the proper disposal permit from the Department of Geology and Mining Jammu.
5. Water Resources act (Regulation and Management)2010 should be followed in letter and spirit.
6. If any, damage caused to the existing flood protection work in the river during transportation and dredging of material will be the sole responsibility of the National Highway Authority.
7. No Objection certificate is not a permission for dredging the material, but will be followed by permission from the competent authority.
8. The material shown in the site plan is tentative is liable to increase or decrease during execution or after a flood is observed in the River.
9. All the dredging will be under proper supervision of Site Engineer and no dredging is permitted in wee hours.
10. This NOC is valid for 3 month from the date of issue.

Duly signed in copies of site plan showing the location of dredging sites has been attached with for reference

Yours Faithfully,


(Er. Madan Lal)
Executive Engineer
Flood Control Division
Kathua

Copy to the :-

1. Chief Engineer Jal Shakti I&FC Department Jammu for information please.
2. Superintending Engineer Hydraulic Circle Kathua for information.

Kamal Deep/CC/2023-24

//TRUE COPY//