

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 1362/2024

Raja Muzaffar Bhat

.....Applicant

Versus

Union Territory of Jammu & Kashmir &Ors.

..... Respondent(s)

In the matter of:

Reply on behalf of Deputy Commissioner Doda  
(Respondent No. 2) and Geology and Mining  
Department, Jammu and Kashmir  
(Respondent No. 4) to the Original Application.

Most Respectfully showeth as under:

1. It is to submit that the Stone crusher units are established and operated as per sub-rule-3 of Rule-3 of S.O-60 dated 23 of February 2021. The said rule is reproduced as under:-

***"Stone crusher / hot and wet mixing plant shall establish/operate only on securing:***

- (i) Consent to establish/ operate from the Jammu and Kashmir Pollution Control Board issued as per the procedure/ guidelines and sitting criteria prescribed by the Jammu and Kashmir Pollution Control Board.***
- (ii) No Objection Certificate from Deputy Commissioner concerned regarding title verification of land and its usage; and***
- (iii) Registration with the District Industries Centre (DIC) if the unit holder intends to avail any incentives available in the Industrial policy."***

According to Rules 3 (1) and 3 (2), these units are classified as processing units rather than mining units. Consequently, as per Rule 3(2), no NOC from the Geology and Mining Department is necessary for these units. Therefore, these units do not require additional licenses.

*Dandy*  
District Mineral Officer  
Geology & Mining Deptt  
DODA

The Stone crusher units in Doda district are operating after obtaining the requisite No Objection Certificate (NOC) from the concerned Deputy Commissioner and Consent to Operate (CTO) from the Pollution Control Department. However, in compliance to the direction of District Magistrate Doda, this office had deactivated E- Portal of 13 numbers of Stone Crushers of District Doda for pending renewal of CTO from JKPC. E-portal is a online platform used for generating e challan, which serves as transite challans for legal transportation of finished products from stone crusher unit. Subsequently e portal of three stone crushers were reactivated after they submitted the renewed CTO of their units. Copy of SO 60 is annexed herewith for perusal and marked as **Annexure-I**.

2. It is submitted that 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 of such minerals is utilized to produce aggregate and screen sand by crusher units after issuance of disposal permits. The proper utilization of these minerals not only prevents wastage but also generates revenue for the department. Further Stone crusher units are utilizing minerals produced during the construction of various district roads constructed by PMGSY, R&B(PWD) and other departments after getting disposal permits from DMO, Office.
3. It is submitted that the photographs annexed as annexure A-1 with Original Application reveals that two photographs at Page No. 26 & 27 are road cutting executed during widening of national highway 244 (Doda-Kishtwar road) by NHIDCL and rest of photographs are old cuttings for which District Administration has taken action from time to time to stop the extraction from the hilly area adjacent to some stone crushers. Tehsildar, Doda imposed Blanket ban on every extraction of Minor Minerals in and around GMC Ghat road and within a radius of 500mts of crushers vide his Notice no 71-79/JC/TD Dated 14.06.2023. In another letter, tehsildar Doda requested Station House Officer, police Station Doda to deploy patrolling party which will patrol the area regularly and if any illegal mining activity is found on uphill side of stone crushers of village Bhabore, the same (machinery) may be seized and FIR registered on the concerned vide letter no 80-83/JC dated 19.09.2020. That the District Mineral Officer has also seized Machinery/ raw material/finished products of stone crushers installed in vicinity of River Chenab of Doda District, and imposed and realized the penalties amounting to ₹19,38,605/- (Rupees Nineteen Lacs Thirty-Eight Thousand Six Hundred Five Only) during last five years. Copies of notice dated 14-

*Sandy*  
District Mineral Officer  
Geology & Mining Dept  
DODA

06-2023 and letter dated 19-09-2020 are annexed herewith for perusal and marked as **Annexure-II & III**.

4. The Deputy Commissioner, Doda, on 07-11-2024, convened a meeting to address mining related issues. Instructions were issued to maintain strict vigilance over illegal mining activities. Subsequently, the SDM Thathri held another meeting to caution the general public, particularly those involved in extraction work, against indulging in illegal mining activities. Non-compliance will attract strict action under relevant rules. A detailed report regarding apprehensions of illegal mining during night hours was submitted to the Deputy Commissioner, Doda. Based on the request Additional District Magistrate has imposed Section 163 of the BNSS Act to ban illegal mining vide order dated 27-01-2025, and the order remains in force. Strict action is being taken against violators involved in illegal mining in the Chenab riverbed. Machinery, materials, and vehicles have been seized, and penalty amounting to ₹14,13,040/- (Rupees Fourteen Lacs Thirteen Thousand Forty Only) have been imposed and realized during the current financial year (till February, 2025). Copies of Minutes Notice dated 07-11-2024 and Order dated 27-01-2025 are annexed herewith and marked as **Annexure-IV and V**.

**An affidavit in support of the reply duly sworn is annexed herewith.**

**PRAYER:**

Keeping in view of the submissions made hereinabove and those to be urged at the time of hearing, it is therefore most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to dismiss the Original Application filed by the applicant against the answering respondents in the interest of Justice and fair play.

Any other order/direction which this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

Place: Jammu  
Dated: 24-06-2025

**For and on behalf of  
Respondent No.2 & 4**

  
(Sandeep Kumar Gupta)  
District Mineral Officer, Doda  
Mobile: 9419106643

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

Original Application No. 1362/2024

Raja Muzaffar Bhat

.....Applicant

Versus

Union Territory of Jammu & Kashmir &Ors.

..... Respondent(s)

In the matter of:

Affidavit in support of the accompanying objections.

May it please your lordships;

I, Sandeep Kumar Gupta, Age 52 Years, presently posted as District Mineral Officer, Doda, do hereby state on oath/solemn affirmation that I have read the accompanying reply and the contents of Para's 1 to 4 are believed to be true and correct upon information received from the records which I believed to be true.

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

Place: Jammu

Dated: 24-06-2025

  
District Mineral Officer  
**DEPONENT**  
Geology Deptt  
DODA

EXTRAORDINARY

REGD. NO. JK-33



सत्यमेव जयते

**THE  
JAMMU AND KASHMIR OFFICIAL GAZETTE**

Vol. 133] Jammu, Tue., the 23rd Feb., 2021/4th Phal., 1942. [No. 47-f

Separate paging is given to this part in order that it may be filed as a separate compilation

**PART III**

**Laws, Regulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—DEPARTMENT OF MINING

Notification

Jammu, the 23rd of February, 2021.

SO-60.—In exercise of the powers conferred by section 15 and section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Government of Jammu and Kashmir hereby makes the following rules, namely :—

1. **Short title, extent and commencement.**—(1) These rules may be called the Jammu and Kashmir Stone Crushers/Hot and Wet Mixing Plants Regulation Rules, 2021.

*Sandy*  
District Mineral Officer  
Geology & Mining Deptt  
DODA

2 The J&K Official Gazette, 23rd Feb., 2021/4th Phal., 1942. [No. 47-f

(2) They shall extend to whole of the Union Territory of Jammu and Kashmir.

(3) They shall come into force from the date of publication in the Official Gazette.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (i) “**Act**” means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) ;
- (ii) “**Government**” means the Government of Union Territory of Jammu and Kashmir ;
- (iii) “**Minor Mineral**” means the minerals as defined in the section 3(e) of the Act ;
- (iv) “**Mineral Concessions**” means a mining lease, mining license, quarry license, short term permit and disposable permit in respect of minor mineral permitting the mining of minor mineral in accordance with the Jammu and Kashmir Minor Mineral (Concession, Storage, Transportation of Minerals and Prevention of Illegal Minings) Rules, 2016 ;
- (v) “**Stone Crusher Unit/Hot and Wet Mixing plant**” means the industrial units/plants/crushers installed or established for the processing of the Minor Minerals into value added/ finished products ;
- (vi) “**Processing**” means all physical processes such as grading, washing, crushing, pulverization, calcinations, powdering, cutting and polishing of Minor Minerals ; and
- (vii) “**Processor**” means a unit/plant/crusher holder involved in processing, value addition and sale of Minor Minerals under these rules.

Words and expression used but not defined in these rules shall have the meaning respectively assigned to them under the Mines and Minerals (Development and Regulation) Act, 1957 and the Jammu and Kashmir Minor Mineral (Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining) Rules, 2016.

  
District Mineral Officer  
Geology & Mining Deptt  
DODA

No.47-f] The J&K Official Gazette, 23rd Feb., 2021/4th Phal., 1942. 3

**3. General Requirements.**—(1) A Stone Crusher/Hot and Wet Mixing Plant is not a mining unit but a processor of minerals obtained from a source with a valid mineral concession. Such units shall be regulated by laws, rules and other provisions applicable to industrial units.

(2) No permission/license would be needed by a Stone Crusher/Hot and Wet Mixing Plant from the Mining Department except where it also engages in mining, which activity shall be regulated by laws/rules applicable to mining.

(3) Stone Crusher/Hot and Wet Mixing Plant shall establish/operate only on securing,—

- (i) Consent to establish/operate from the Jammu and Kashmir Pollution Control Board issued as per the procedure/guidelines and siting criteria prescribed by the Jammu and Kashmir Pollution Control Board ;
- (ii) No Objection Certificate from Deputy Commissioner concerned regarding title verification of land and its usage ; and
- (iii) Registration with the District Industries Centre (DIC) if the unit holder intends to avail any incentives available in the Industrial Policy.

**4. Raw/Processed Minor Minerals.**—Every Stone Crusher/Hot and Wet Mixing Plant established/operating under these rules shall procure minor minerals, for storage and processing in the Unit/Plant/Crusher for conversion to finished goods and sale, from a valid mining concessionaire only under the relevant provisions of Jammu and Kashmir Minor Mineral Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016.

**5. Power of Inspection/Penalties.**—The provisions of the Jammu and Kashmir Minor Mineral Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 shall apply to seizure of Minor Minerals and tools and associated penalties for their illegal procurement, transportation and storage in any Stone Crusher/Hot and Wet Mixing Plant.

**6. Protection of Environment.**—Every Stone Crusher/Hot and Wet Mixing Plant established under these rules shall strictly comply with the provisions of the Environment (Protection) Act, 1986, the Water

*Daudy*  
District Mineral Officer  
Geology & Mining Deptt  
DODA

4 The J&K Official Gazette, 23rd Feb., 2021/4th Phal., 1942. [No. 47-f

(Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, guidelines of the Pollution Control Board and the Ministry of Environment, Forest and Climate Change issued from time to time and other relevant laws/rules.

**7. Fixation of Price and Sale.**— (1) The Deputy Commissioner of the district may from time to time, by notification in the Official Gazette, fix the maximum price of finished product per cubic meter for whole of the district or different areas and different prices may be fixed for different kinds having regard to specific gravity, size, compressive strength colour and end use. While fixing such price per cubic meter for a minor mineral all relevant cost factors would be taken into account.

(2) No processor shall sell or offer/cause to sell or otherwise dispose of, to any person finished goods for a price or at a rate exceeding the maximum selling fixed under rule 7(1).

(3) Every consignment of finished goods shall invariably be accompanied by a valid sale bill indicating the quality, price and tax charges.

(4) No processor shall refuse to sell the goods to any person if he is holding the stock for such sale. Such refusal by the above unit holder or dealers shall constitute an offence under relevant provisions of law in force.

(5) Each processor shall maintain all records/accounts of the minor minerals procured, processed and supplied to further destinations and submit monthly returns.

(6) Any processor who contravenes the provisions of these rules shall be liable to pay penalty as per the provisions of the Act.

**8. Delegation of powers.**— The Government may, by notification in the Official Gazette, direct that any or all the powers exercisable by it under these rules may in relation to such matter and subject to such conditions, if any, as may be specified in such notification, be exercisable also by such officers or authority subordinate to the Government :

Provided that powers already delegated under Rule 84 of the Jammu and Kashmir Minor Mineral Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 shall also be exercised by such officers under these rules.

  
District Mineral Officer  
Geology & Mining Deptt  
DODA

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**9. Conformity to other statutory provisions and court directions.**— Notwithstanding anything contained in these rules, the processor shall abide by the applicable Acts and rules or any modification/amendments made under such Acts and rules from time to time, any guidelines of Jammu and Kashmir Pollution Control Board and the Central Pollution Control Board.

**10. Units existing prior to the commencement of the Jammu and Kashmir Minor Mineral Exploitation and Processing Rules, 2017.**—Notwithstanding anything contained in these rules, an unlicensed Crusher Unit/Hot and Wet Mixing Plant existing before the commencement of the Jammu and Kashmir Minor Mineral Exploitation and Processing Rules, 2017 having valid consent to operate from the Jammu and Kashmir Pollution Control Board shall be allowed to operate. However, after expiry of consent to operate, it shall have to obtain fresh permission as per Rule 3(3)(ii) as one time requirement.

**11. Repeal and savings.**—(1) The Jammu and Kashmir Minor Mineral Exploitation and Processing Rules, 2017 issued vide Notification SRO-302 of 2017 dated 19-07-2017 shall stand repealed.

(2) Notwithstanding such repeal, nothing in these rules shall affect validity, effect of consequence of anything done or suffer to be done under the said law, rule or order before the date on which these rules come into force.

By order of the Lieutenant Governor.

(Sd.) MANOJ K. DWIVEDI, IAS,  
Commissioner/Secretary to the Government.

  
District Mineral Officer  
Geology & Mining Deptt  
DODA

**UNION TERRITORY OF JAMMU AND KASHMIR  
OFFICE OF THE TEHSILDAR (EXECUTIVE MAGISTRATE 1<sup>st</sup> Class),  
DODA**

M/S Chenab Stone Crusher,  
Village Arnora, Ghat,  
Doda.

M/S Riyaz Stone Crusher  
Village Arnora, Ghat,  
Doda.



**NOTICE**

**Sub:- Discontinuation of extraction in and around M/S Chenab Stone Crusher and M/S Riyaz Stone Crusher.**

Whereas, a representation has been received from the inhabitants of village Ghat Tehsil and District Doda on the online LG Grievance Portal; and

Whereas, in the said representation, the inhabitants of the village have requested this office to intervene regarding the danger to the habitation and environment due to illegal extraction of minor minerals by your stone crushers; and

Whereas, it has been intimated that the habitation rests at a distance of only 100 mtrs from river Chenab and that such extraction has damaged the surroundings of the area; and

Whereas, the extraction process has caused grave threats to graveyard located on the northern side of the extraction site; and

Whereas, it has been intimated that you have are extracting minor minerals by going deep into the ground, particularly during night time; and

Whereas, it has further been intimated that you have gone almost 100 feet deep to extract minerals and that it is a serious threat to the habitation since it has hollowed the eastern bed of the area which can prove fatal when the water level in the nallah increases; and

Whereas, it has been intimated that you lift water from Chenab river using motors and throw the polluted water after washing minerals back into the Chenab thus polluting the water body; and

Tehsildar  
Executive Magistrate 1<sup>st</sup> Class  
Doda

*[Signature]*  
District Mineral Officer  
Geology & Mining Deptt  
DODA

Whereas, the dust and smoke from the extraction has caused great inconvenience to the inhabitants of the area; and

Whereas, from time to time, you have been notified of the grave impacts that the such type of extraction of minor minerals can have on the health of the people as well as on the surrounding areas. But the same has not been shown any positive response on your end.

Therefore, in the backdrop of this, it is ordered that a blanket ban is imposed on every extraction of minor minerals in and around GMC Ghat road and within a radius of 500 mtrs of crushers. Besides, necessary remedial measures be initiated forthwith to further escalate the damage.

No:- 71-79/JC/TD

Date:- 14.06.2023



  
Tehsildar  
Executive Magistrate 1st Class  
Doda

Copy to the:-

1. District Magistrate, Doda for kind information.
2. Senior Superintendent of Police Doda for kind information.
3. Additional District Development Commissioner, Doda for information. This is in reference to your office order No. PWD-5/23/1585-93 dated:- 13.06.2023.
4. Addl. Deputy Commissioner, Doda for kind information. This is in reference to the meeting held regarding the subject cited above.
5. Assistant Commissioner Revenue, Doda for kind information.
6. District Mineral Officer Doda for information and n/a.
7. SHO, Doda for information and n/a.
8. Divisional Pollution Officer Doda for information and n/a.

  
District Mineral Officer  
Geology & Mining Deptt  
DODA

OFFICE OF THE TEHSILDAR EXECUTIVE MAGISTRATE  
1<sup>ST</sup> CLASS DODA

The Station House Officer,  
Police Station,  
Doda.



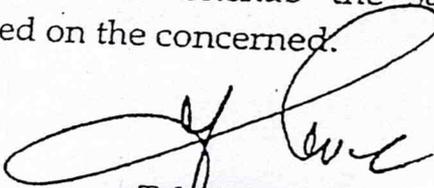
80-83/JC  
Dated: 19/09/2020

Sub:- Unauthorized extraction of minor minerals by the owners of crusher units in village Bhabore Tehsil Doda.

Sir,

Kindly refer the subject cited above. In this regard, it is to inform you that on the uphill side of crusher units at village Bhabore near the bank of river Chenab, there is a stretch of state land bearing Kh. No. 583/557/474 min. Time and again, the undersigned has stopped the illegal mining activity of crusher owners in the said state land of village Bhabore.

Now, it is requested to you to kindly deploy a patrolling party which will patrol the area regularly and if any illegal mining activity is found on the said state land i.e. on the uphill side & on the eastern side of stone Crushers at village Bhabore near river Chenab the same (machinery) may be seized and FIR registered on the concerned.

  
Executive Magistrate Class  
Doda

Copy to the:-

1. District Magistrate, Doda for information.
2. Dy. Sup. Of Police (Hqr), Doda for information & necessary action.
- ✓ 3. District Mining Officer, Geology & Mining Department, Doda (Khellani) for information & necessary action.

  
District Mineral Officer  
Geology & Mining Deptt  
DODA

Tele No:- 01996-233230, 233529, (0)  
Fax No:- 01996-233231(0)

**UNION TERRITORY OF JAMMU & KASHMIR**  
**OFFICE OF THE DEPUTY COMMISSIONER, DODA**

Ref. No:- Meeting Notice issued vide No.4276-4302/SQ Dated: 05-11-2024.

**MEETING NOTICE**

The meeting regarding Mining related issues, which was scheduled to be held on 07-11-2024 at 05:00 PM under the Chairmanship of worthy Deputy Commissioner, Doda, has been rescheduled and shall now be held on 07-11-2024 at 02:00 PM.

All the concerned officers are requested to take note of the revised schedule and attend the meeting accordingly.

No:- 4310-36 ISQ  
Dated: 06/11/2024.

(Sunil K. Shrivastava), JKAS  
Asstt. Commissioner, (Rev)  
Doda

Copy for information and necessary action to the:-

1. Senior Superintendent of Police, Doda.
2. Addl. Deputy Commissioner, Doda / Bhandarwah.
3. Sub Divisional Magistrate, Gandoh/Thathri/Assar.
4. District Mineral Officer, Doda.
5. Divisional Officer, Pollution Control Committee, Doda.
6. Tehsildar(s) All, District Doda.
7. District Informatics Officer, NIC DC Office Doda.
8. PA to Deputy Commissioner, Doda.

  
**District Mineral Officer**  
**Geology & Mining Deptt**  
**DODA**



UNION TERRITORY OF JAMMU AND KASHMIR  
OFFICE OF THE DISTRICT MAGISTRATE DODA

Ph. No. 01996-233230, 233529 (O)  
Fax No. 01996-233231

Sub:- Issuance of prohibitory order U/S 163 BNSS in District Doda regarding ban on illegal extraction of minor minerals from river Chenab & other Nallahs and subsequent dumping on National Highway thereof.

ORDER



Whereas, it has been come to notice of the undersigned through different sources that some persons are illegally extracting minor minerals from river Chenab, other Nallahs and subsequently dumping the same on the national Highway Road;

Whereas, such extraction is illegal and causing huge loss to state exchequer, besides causing narrowing of road and hindering of smooth movement of traffic;

Whereas, there is every apprehension of a law and order problem and likelihood of road accidents;

Whereas, to stop illegal mining, to avoid accidents and to save precious lives it has become expedient to enable strict enforcement of ban on illegal mining and consequent dumping on road by muleteers, general public and contractors.

Whereas, the District Mineral Officer, Doda has also intimated that the growing number of cases of illegal mining are proving a significant challenge and has requested this office to address this matter and impose a ban on illegal mining from river bodies.

Now, therefore, by virtue of powers vested in me under section 163 BNSS, I, Sudershan Kumar, JKAS, Addl. District Magistrate, Doda, do hereby impose ban on illegal extraction, dumping and transportation of sand, bajri, boulders etc. from river Chenab, Neeru Nallah (Bhaderwah), Bisran Nallah (Gandoh) and all other Nallahs and Khuds within the jurisdiction of District Doda except the areas permitted by Government.

Addl District Magistrate  
Doda (J&K)

*Dandy*  
District Mineral Officer  
Geology & Mining Deptt  
DODA



UNION TERRITORY OF JAMMU AND KASHMIR  
OFFICE OF THE DISTRICT MAGISTRATE DODA

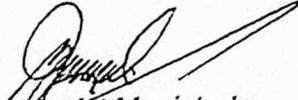
Ph. No. 01996-233230, 233529 (O)  
Fax No. 01996-233231

This order shall come into force with immediate effect and shall remain in force for a period of two months from the date of its issue.

The Senior Superintendent of Police, Doda and the District Mineral Officer, Geology and Mining Department, Doda shall implement the order in letter and spirit.

Issued under my seal and signature today on 27.01.2025.

No:- 22064 /DM/Doda  
Date:- 27/01/2025.

  
Addl. District Magistrate  
Doda (J&K)

Copy to the:-

1. Divisional Commissioner Jammu for kind information.
2. Dy. Inspector General of Police, HQ Batote for kind information.
3. Senior Superintendent of Police Doda for information and necessary action.
4. Addl. Deputy Commissioner (ADM), Bhandarwah for information and necessary action.
5. Sub-Divisional Magistrate/ Gandoh/Thathri/Assar for information and necessary action.
6. District Mineral Officer, Doda for information and necessary action.
7. District Information Officer, Doda with the direction to give wide publicity to the order through print, electronic and social media.
8. All Tehsildar for information and necessary action.
9. District Informatics Officer, NIC, Doda with the direction to upload the order on the District Official website.
10. SHO Doda/Thathri/Gandoh/Assar/Dessa for information and necessary action.

  
District Mineral Officer  
Geology & Mining Deptt  
DODA