

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

Original Application No. 720 of 2024

IN THE MATTER OF: -

TRIBUNAL ON ITS OWN MOTION.

(News item titled "Tawi Barrage & Riverfront Projects in Jammu destroying river inviting disaster" appearing in sandrp.in dated 11.05.2024)

.....Applicant

Versus

Jammu Municipal Corporation & Ors

..... Respondents

INDEX

S.NO.	Particulars	Pages
1	Affidavit	1-24
2	<u>Annexure "R-1":</u> Photocopies of orders/judgement of various related cases	25-74
3	<u>Annexure "R-2":</u> Site plan for green spaces to be developed on left bank, right bank and central island	75
4	<u>Annexure "R-3":</u> Pictures of trial pondage of Tawi River Front during execution	76-77
5	<u>Annexure "R-4":</u> Pictures of under construction interceptor drain	78
6	<u>Annexure "R-5":</u> Pictures of under construction IPSs and other structures of the project	79-83
7	<u>Annexure "R-6":</u> Photocopies of disposal permits	84-109
8	<u>Annexure "R-7":</u> Cross section of the stepped RCC retaining walls	110



9	Annexure "R-8": Photocopies of Consent to Operate (CTO) and Consent to Establish (CTE)	111-117
10	Annexure "R-9": Photocopy of Letter of Intent (LOI) issued to contractor, M/s Oceao Enviro Management Solutions (India) Pvt. Ltd.	118-119


Respondent No.8

Date: 01/01/2025

Place: Jammu

Filed Through



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- i. Jammu Municipal Corporation, Through its commissioner
Town Hall Jammu, Jammu and Kashmir 180001
- ii. Jammu Development Authority
Vikas Bhawan, Rail Head Complex, Jammu-180004
- iii. J&K Pollution Control Committee, Through its member
Secretary,
Parivesh Bhawan, Forest Complex, Gladni, Narwal, Transport
Nagar, Jammu, Jammu and Kashmir- 180004
- iv. Director General, National Mission for Clean Ganga
1st Floor, Major Dhyan Chand National Stadium
India Gate, New Delhi - 110002
- V. Central Pollution Control Board, Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
- vi. Regional Office, MoEF & CC, Jammu.
WDP Complex, Narwal, Jammu-180010
- vii. Deputy Commissioner and District Magistrate, Jammu
Wazarat Road, Peer Kho, Pakki Dhaki,
Jammu, Jammu and Kashmir 180001
- viii. Jammu Smart City Limited
through its Chief Executive Officer,
4th Floor, North Block, Bahu Plaza,
Jammu 180001.
- ix. Irrigation and Flood Control Department
UT of Jammu and Kashmir through its Chief Engineer,
Jal Shakti (I&FC) Department, Jammu

.....Respondents



REPLY FOR AND ON BEHALF OF THE RESPONDENT NO. 8 Jammu Smart City Limited through its Chief Executive Officer,

Most Respectfully Showeth: -

PRELIMINARY OBJECTIONS

a) The Hon'ble Tribunal may kindly reconsider the adjudication of the issues raised in the aforesaid OA since the Hon'ble High Court of J&K and Ladakh in different PILs is/was already seized of the matter involving identical issues in the present OA, i.e. respect of unauthorised mining, encroachments, sewage problems and creation of artificial lakes, petitions in public interest, namely, **PIL No. 7 of 2014 titled Dewakar Sharma and another vs. State of J&K and others; PIL No. 19 of 2012 titled Ashish Sharma and another vs. State of J&K and others, PIL No. 27 of 2014 titled Inderjeet Khajuria vs. State of J&K and PIL No. 31 of 2018 titled Inhabitants of Village Barjala & Khandwal vs. State of J&K and Ors** as apparent from different orders passed by the Hon'ble Court from time to time. It is pertinent to mention herein that in the aforementioned PIL No.31 of 2018 the Hon'ble High Court vide their order dated 20/11/2024 have directed the answering respondent to file latest progress report disclosing completion period of the project.

b) It is respectfully submitted that since the Hon'ble High Court of J&K and Ladakh is seized of the matter involving identical allegations pertaining to the same project, the adjudication/continuation of the same by the Hon'ble Tribunal will lead to multiplicity of proceedings. In this regard, it is pertinent to note the decision of the Hon'ble Supreme Court in **State of Andhra Pradesh vs. Raghu Ramakrishna Raju Kanumuru (2022) 8 SCC 156** wherein it has been held that:

"11. In any case, no law is necessary to state that insofar as the Tribunals are concerned, they would be subordinate to the High Court insofar as the territorial jurisdiction of the High Court is concerned. A reference in this respect was also made to the judgment of the Constitution Bench of this Court in the case of L. Chandra Kumar v. Union of India and Others.

12. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed



by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the orders passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals.

13. In that view of the matter, we are of the considered view that the continuation of the proceedings before the learned NGT for the same cause of action, which is seized with the High Court, would not be in the interest of justice."

- c) The above decision was again relied on by the Hon'ble Supreme Court in the recent case of ***State of Himachal Pradesh & Ors. vs. Yogendra Mohan Sengupta and Anr.*** (Order dated 11.01.2024 in Civil Appeal No. 5348 of 2019) to observe that: -

"112...on the ground of judicial propriety, the NGT ought not to have continued with the proceedings after the High Court was in seisin of the matter and specifically when it was informed about the same."

Photocopy of the aforementioned orders/judgment are enclosed for kind reference and perusal of this Hon'ble Tribunal and is marked collectively as **Annexure - R1.**

WITHOUT FOREGOING INTO PRELIMINARY OBJECTIONS REPLY ON MERITS IS SUBMITTED AS UNDER:

1. The present Original Application has been registered suo-motu by the Hon'ble Tribunal on the basis of the news item titled "Tawi Barrage & Riverfront Projects in Jammu destroying river inviting disaster" appearing in sandrp.in dated 11.05.2024.
2. The Hon'ble Tribunal by order dated 03/07/2024 in the aforesaid OA No. 720 of 2024 has passed the following order:

Para 2 The matter relates to River Front Projects (RFD) in Jammu destroying the Tawi river leading to gradual decline in flows, continual rise in solid and liquid waste pollution, encroachments, and riverbed mining. According to the article, the government of Jammu has been pumping crores of rupees into an artificial lake and RFD project for over past one and half decade in a non-transparent and questionable manner. Initially, the project was to be completed in 2 years. But next one year was lost in the drawing, designing and consultancy and the actual work started in July 2010. Since then, the project has allegedly faced repeated delays and cost escalation due to slow release of funds and interdepartmental issues.



- Para 3 The news item states that the project was approved in 1986 by Governor Jagmohan with an estimated cost of around Rs. 23 crores. The main objectives were to facilitate groundwater recharge in Kandi belt, to get 120 cusec irrigation water for Chatha, Tawi island villages and to make Jammu an independent tourist destination. The project also had components to beautify riverbanks, implement flood control action plan and divert sewage drains polluting Tawi river in Jammu. However, the project saw no progress on ground for the next two decades.
- Para 5 According to the news item, the project kept getting delayed and stalled due to financial and other irregularities. Finally, the P&R Infra Projects was given project work in August 2022 through e-tendering and the company started completing the balance work since September 2022. However, the project has missed the April 2023 deadline and as of May 2024 the work has not been completed. Moreover, flood threats on the Tawi barrage project are looming large yet again. The project also faced some damages during May and July 2023 flash flood spells in the river. It is stated that only two of gates are remaining to be installed and the barrage project would be completed by June 2024. According to the article, this project has been environmentally insensitive, climate mal – adaptive and socially exclusive.
- Para7 The above matter indicates violation of the provisions of the Environment Protection Act, 1986 and the Water (Prevention and Control of Pollution) Act 1974.
- Para 8 The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.
- Para11 Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.
3. That subsequently, an application (I.A. No. 448/2024) has been filed by Jammu Smart City Limited for its impleadment as respondent and the same was allowed and answering was impleaded as party respondent no. 8. vide Hon'ble Tribunal order dated 18/09/2024 which is reproduced hereunder: -
- Para 1 As per office report notices have been duly served on all the respondents but none has appeared on behalf of respondent no. 2-JDA and respondent no. 6-MoEF & CC.
- Para 2 Replies have been filed by respondent no. 1-MC, Jammu and by respondent no. 3-J&KPCC vide separate emails dated 17.09.2024.
- Para 4. In its reply respondent no. 1-MC, Jammu has submitted that Tawi River Front Development Project is being executed by the Jammu Smart City Ltd.



while the Barrage Project pertains to the Irrigation and Flood 1 Control Department of the UT of Jammu and Kashmir and they may be impleaded as respondents.

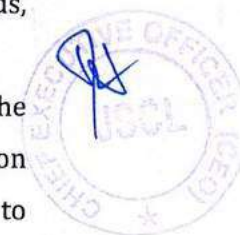
Para 5. I.A. No. 448/2024 has been filed by Jammu Smart City Limited for its impleadment as respondent.

Para 6. In view of the facts and circumstances mentioned above, I.A. No. 448/2024 is allowed and Jammu Smart City Limited through its Chief Executive Officer, 4th Floor, North Block, Bahu Plaza, Jammu is impleaded as respondent no. 8 and Irrigation and Flood Control Department of the UT of Jammu and Kashmir through its Chief Engineer, Jal Shakti (I&FC) Department, Jammu is impleaded as respondent no. 9.

Para 8. Notices be issued again to respondents no. 2 and 6 and also to newly added respondent no. 9 requiring them to file their responses at least one week before the next date of hearing fixed and also to ensure their representation before this Tribunal.

4. That at the outset it is submitted that the Tawi River Front Development Project is fully compliant with all government orders, guidelines, rules and regulations and the allegations made in the "NEWS ITEM" are completely devoid of merits. It is pertinent to mention herein that the Tawi River Front project was handed over to **Jammu Smart City Limited (JSCL)** in May, 2021 for execution. The project was put to execution in February, 2022 after framing the DPR and floating of tender. The project was taken up in hand by JSCL only after the directions to this effect were issued by Administrative Department in the month of April, 2021 and subsequently, the project was incorporated in JSCL plan works after obtaining the approval of Board of Directors of JSCL. In light of these averments the answering respondent seek leave of this Hon'ble Tribunal to allow the answering respondent being Chief Executive Officer of Jammu Smart City Ltd, as also conversant with the facts and circumstances of the case and competent to file response/reply affidavit in my official capacity and on behalf of Jammu Smart City Ltd. on the basis of the records, documents and facts available in the department.

5. That the answering respondent denies all allegations made in the aforementioned "NEWS ITEM Dated 11/05/2024" and is placing on record its reply to the allegations made herein and also craves liberty to raise additional submissions or file additional affidavit in case need arises during the course of arguments.



6. That the answering respondent denies all allegations made in the aforementioned "NEWS ITEM Dated 11/05/2024" and is placing on record its reply to the allegations made herein and also craves liberty to raise additional submissions or file additional affidavit in case need arises during the course of arguments.
7. **Brief summary of the Project:**

- (i) Tawi River Front Development Project is one of the flagship projects taken up under the aegis of Jammu Smart City Limited. The project was conceived in the year 2010 with the objective of:
- (a) providing a robust flood protection mechanism for Jammu city;
 - (b) creating a vibrant recreational space in the heart of city and
 - (c) preventing the effluent carrying nallahs flowing into the river.
- (ii) For the beautification and strengthening of the banks, stepped promenades at four levels have been constructed on both sides of the river and central island, extending from Bhagwati Nagar Barrage up to Bikram Chowk Bridge for a length of 1.10 kms. The construction of promenades shall lead to creation of land bank on the banks of the river as per following details:

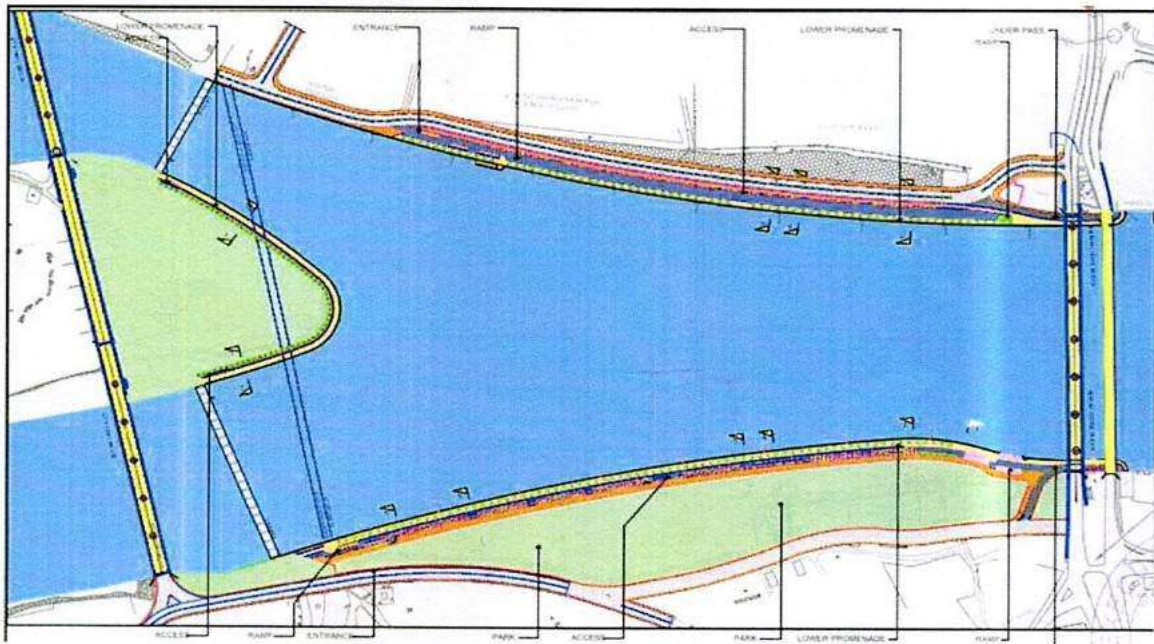
S.No.	Location	Area Reclaimed
1.	Left Bank	90,000 sqm (22.24 acres) (8.89 hectare)
2.	Right Bank	52,779.8 sqm (13 acres) (5.2 hectare)
3.	Central Island	62,461.9 sqm (15.4 acres) (6.16 hectare)
	Total	2,05,241.7 sqm (50.64 acres) (20.25 hectare)

- (iii) Prior to the construction of Tawi River Front Promenades, the riverside land was a neglected and degraded area that had been exploited as an unofficial garbage dumping ground, resulting into immensely insanitary conditions which had become an environmental hazard that destroyed the river's natural charm.



Before taking up the execution of the project, the accumulated garbage was lifted from the site and shifted to municipal garbage dump site at Kot Bhalwal, Jammu for bio remediation and final disposal.

- (iv) In between the promenades on left bank and right bank, a fresh water lake is being created in conjunction with Barrage being constructed by Irrigation and Flood Control Department. For leveraging the benefit of lakeside view, the land bank on both banks is envisaged to be used for creating green spaces in the form of landscaped parks and gardens, planting of trees of various species on the bottom and top promenades and development of planters and plazas all along the length of intermediate promenades. Besides, the promenades are being provided with amenities like cycle tracks, jogging tracks, sitting benches, viewpoints etc., aimed at creating a refreshing and rejuvenating atmosphere.



Proposed reach of Tawi River Front Project

8. Para wise reply to points/issues highlighted in the Hon'ble Tribunal order: -

Point No. (1): -

With respect to issues raised in Point No.1 of the notice, its assertions are outrightly denied as the River Front Project in no way is destroying river and inviting disaster. Far from it, the project has been conceived

with the following objectives which are aimed at rejuvenating and invigorating the river: -

- i). Creating a robust flood protection mechanism for the city.
- ii). Creation of green recreational spaces on areas adjoining stepped promenades.
- iii). Diversion of polluting nallahs through interceptor drains.
- iv). Rejuvenation of ground water aquifers in the vicinity of project reach.

As can be seen in the site plan attached at **(Annexure-R2)**, a number of green spaces are being created on the reclaimed land of left bank, right bank and central island as per the following details: -

Left Bank				
S.No	Location	Area	Quantity	Proposed species of plants to be provided
1	12 m strip adjacent to top promenade running throughout its length (see drawing)	12M Green Buffer: 10,732.5 sqm (21.2K)	Tree: 242 Shrubs: 5045 Fountain Grass :2500	Tree: 1. Thespesia populnea 2. Neolamarckia cadamba 3. Markhamia lutea 4. Dalbergia sissoo 5. Cassia fistula 6. Michelia champaca 7. Bauhinia purpurea 8. Pongamia pinnata 9. Tabebuia rosea 10. Jacaranda mimosaeifolia 11. Bismarck Palm Grass: 1. Red fountain grass 2. White fountain grass Shrubs : 1. Clerodendrum inerme 2. Bougainvillea 3. Hibiscus rosa sinensis 4. Murraya paniculata 5. Casesalpinia pulcherrima 6. Tecoma purpurea 7. Bauhinia purpere
2	Planters on 2 No. intermediate promenades	Total area of planters on 2nd and 3rd promenade: 1963.3 sqm (3.8K)	Tree: 30	Tree: 1. Michelia champaca 2. Bauhinia purpurea Shrubs: 1. Quisqualis indica 2. Ipomoea cairica 3. Vernonia Elaeagnifolia 4. Crinum latifolium 5. Clerodendrum inerme



			Shrubs: 5030	6. Leucophyllum Frutescens 7. Bougainvillea 8. Heleconia 9. Snake plant 10. Plumbago auriculata 11. Hibiscus rosa Sinensis 12. Murraya paniculata 13. Casesalpinia pulcherrima
3	Top promenade (trees)	6 m wide promenade	174 No. of Trees	Tree: 1. Thespesia populnea 2. Azadirachta indica 3. Callistemon lanceolatus 4. Butea monosperma 5. Michelia champaca 6. Bauhinia purpurea
4	Bottom promenade (trees)	8m wide promenade	95 No. of Trees	Tree: 1. Pongamia pinnata 2. Neolamarckia cadamba 3. Cassia siamea 4. Lagerstroemia speciosa 5. Weeping willow tree
Total plantation on left bank: Trees- 541 Shrubs - 10,075 Fountain Grass -2500				
Right Bank				
S.No	Location	Area	Quantity	Proposed species of plants to be provided
1	Park 1	5,196 sqm (10.2K)	Tree: 380 Shrubs: 2940	Tree: 1. Jacaranda mimosaeifolia 2. Cassia fistula 3. Tabebuia rosea 4. Bauhinia puperea 5. Neolamarckia cadamba 6. Thespesia populnea 7. Azadarichata indica 8. Butea monosperma 9. River tamarind 10. Michelia champaca 11. Dalbergia sisso 12. Alstonia 13. Bismarck palm 14. Pongamia pinnata 15. Silver oak 16. Casuarina 17. Camphor 18. Banana 19. Moringa



				<p>20. Tamarindus Indica 21. Callistemon citrinus 22. Cassia siamea 23. Rubber fig 24. Har shingar 25. Chinar 26. Jamun</p> <p>Shrubs :</p> <ol style="list-style-type: none"> 1. Tecoma purperea 2. Bauhinia purperea 3. Hamelia patens 4. Casesalpinia pulcherrima 5. Crinum latifolium 6. Vernonia Elaeagnifolia 7. Ipomoea cairica 8. Michelia champaca 9. Heleconia 10. Duranta 11. Ficus Panda 12. Baugainvilla 13. Hibiscus rosa sinensis 14. Plumbago auriculata 15. Quisqualis indica 16. Tecoma gaudichaudi 17. Tecoma capinsis 18. Plumeria alba 19. Clerodendrum inerme 20. Ficus benjamina 21. Sago palm
2	Park 2	3988.5 sqm (7.8K)	Tree: 170 Shrubs: 1187	<p>Tree:</p> <ol style="list-style-type: none"> 1. Jacaranda mimosaefolia 2. Callistemon citrinus 3. Cassia siamea 4. Silver oak 5. Alstonia 6. Thespesia populnea 7. Bismark palm 8. Markhamia lutea 9. Michelia champaca 10. Pongamia pinnata 11. Cassia fistula 12. Tabebuia rosea 13. Bauhinia puperea 14. Plumeria alba <p>Shrubs:</p> <ol style="list-style-type: none"> 1. Plumbago auriculata 2. Heleconia 3. Murraya paniculata 4. Snake plant 5. Clerodendrum inerme 6. Hibiscus rosa sinensis



				7. Quisqualis indica 8. Vernonia Elaeagnifolia 9. Tecoma gaudichaudi 10. Tecoma capinsis 11. Bamboo 12. Hamelia patens 13. Crinum latifolium 14. Duranta 15. Ficus Panda
3	Planters on 2 No. intermediate promenades	Total area of planters on 2nd and 3rd promenade: 1826 sqm (3.6K)	Tree: 30 Shrubs: 5030	Tree : 1. Michelia champaca 2. Bauhinia purpurea Shrubs : 1. Quisqualis indica 2. Ipomoea cairica 3. Vernonia Elaeagnifolia 4. Crinum latifolium 5. Clerodendrum inerme 6. Leucophyllum Frutescens 7. Bougainvillea 8. Heleconia 9. Snake plant 10. Plumbago auriculata 11. Hibiscus rosa Sinensis 12. Murraya paniculata 13. Casesalpinia Pulcherrima
4	Top promenade (trees)	6 m wide promenade	130 No. of Trees	Tree: 1. Thespesia populnea 2. Azadirachta indica 3. Callistemon lanceolatus 4. Butea monosperma 5. Michelia champaca 6. Bauhinia purpurea
5	Bottom promenade (trees)	8 m wide promenade	95 No. of Trees	Tree: 1. Pongamia pinnata 2. Neolamarckia cadamba 3. Cassia siamea 4. Lagerstroemia speciosa 5. Weeping willow tree
Total plantation on right bank:				Trees- 805 Shrubs- 9157
Central Island				
S.No.	Location	Area	Quantity	Proposed species of plants to be provided



1	12 m strip adjacent to top promenade running throughout its length (see drawing)	5478 sqm (10.8K)	Tree: 242 Shrubs: 5045 Fountain Grass :2500	Tree: 1. Thespesia populnea 2. Neolamarckia cadamba 3. Markhamia lutea 4. Dalbergia sissoo 5. Cassia fistula 6. Michelia champaca 7. Bauhinia purpurea 8. Pongamia pinnata 9. Tabebuia rosea 10. Jacaranda mimosaeifolia 11. Bismarck Palm Grass: 1. Red fountain grass 2. White fountain grass Shrubs : 1. Clerodendrum inerme 2. Bougainvillea 3. Hibiscus rosa sinensis 4. Murraya paniculata 5. Casesalpinia pulcherrima 6. Tecoma purpurea 7. Bauhinia purpurea
2	Top promenade (trees)	6 m wide promenade	96 No. of Trees	Tree: 1. Thespesia populnea 2. Azadirachta indica 3. Callistemon lanceolatus 4. Butea monosperma 5. Michelia champaca 6. Bauhinia purpurea
3	Bottom promenade (trees)	8 m wide promenade	51 No. of Trees	Tree: 1. Pongamia pinnata 2. Neolamarckia cadamba 3. Cassia siamea 4. Lagerstroemia speciosa 5. Weeping willow tree
Total plantation on Central Island:				
Trees- 389				
Shrubs - 5045				
Fountain Grass -2500				
Overall plantation on left bank, right bank and central island:				
Trees - 1,735				
Shrubs- 24,277				
Fountain Grass - 5,000				

The total plantation proposed to be provided on the reclaimed land and promenades of Tawi River Front Development Project on Left Bank, Right Bank and Central Island are as follows: -



- Trees : 1,735 No.
- Shrubs : 24,777 No.
- Fountain Grass : 5,000 No.

Therefore, it is submitted that the Tawi River Front Development Project is not aimed at degradation or inviting disaster but instead is a comprehensive project conceived with the objective of developing vibrant green and recreational spaces in the heart of city, besides, creating a formidable flood protection mechanism.

The trial pondage of the project was undertaken in December, 2023, when the project was partially complete and therefore pondage to the extent of 40% only could be achieved. The pictures of trial pondage of Tawi River Front taken during execution are attached at **Annexure-R3**.

Point No. (2): -

- a) With respect to the issues raised at S.No.2 of the order, it is submitted that instead of increasing the solid and liquid waste pollution flowing into the river, the waste generated in various nallahs has been prevented from flowing directly into the river.

At present all the nallahs on the left bank and right bank discharge effluent directly into the river. This effluent is one of the primary sources of river pollution. Besides being injurious for aquatic life, this is also a primary source of water pollution and contamination which makes it unfit for irrigation purposes as well.

An adequate provision for the construction of interceptor drains for intercepting the nallahs in the project reach has been made in riverfront project. The interceptor drains are being constructed by laying RCC Hume pipes of sufficient dia as per requirement, which run parallel to the promenades for carrying the sewage laden effluent directly to the STPs on left bank and right bank, thereby preventing the nallahs from directly debouching into the proposed lake. This single step shall eliminate any chance of pollution and contamination of river water and keep the lake pristine.

The nallahs in the project reach of Tawi River Front that are being intercepted and diverted by JSCL through interceptor drains and prevented from flowing into the river are as follows: -



Right Bank	i) Rehari Nallah
	ii) Krishna Nagar Nallah
	iii) Rajinder Nagar Nallah
Left Bank	i) Warehouse Nallah
	ii) Bikram Chowk Nallah

The construction of interceptor drains has been completed in all aspects.
(Please refer **Annexure - R4** of the under-construction interceptor drain)

- b) In addition, the Sewerage & Drainage Department has undertaken the diversion of nallahs on the upstream of project area by constructing Intermediate Pumping Stations (IPSS) for pumping the effluent into the main trunk sewer for carrying them directly to STPs on left bank and right bank. The diversion of nallahs undertaken by Sewerage & Drainage Department are listed below: -

Package-I (Allotted Cost: 9.03 Cr.)

Under Package-I, the Sewerage & Drainage Department has undertaken the interceptor and diversion of following nallahs on the right bank from Tawi Bridge up to Gujjar Nagar Bridge: -

- Christian Colony Nallah
- Gujjar Nagar Nallah
- Jogi Gate Nallah
- Prem Nagar Nallah
- Qasim Nagar Nallah

The work of the Package-I is completed to the extent of **90%** and it is **expected to be completed** by the end of January, 2025.

Package-II (Allotted Cost: 21.47 Cr.)

Under Package-II, the Sewerage & Drainage Department has undertaken the interceptor and diversion of following nallahs on the upstream side of Gujjar Nagar Bridge: -

- Laying of RCC Pipes including tapping of 4 Nos Nallahs upstream side of Gujjar Nagar



- Peer Kho Main Nallah
 - Peer Kho -1 Nallah
 - Julakha Mohalla Nallah
 - Dhontly Nallah
- Construction of 10 MLD capacity Equalization Tank including IPS at Peer Kho. The project is likely to be completed by April, 2025.

Please refer pictures of under-construction IPSs and other structures of the projects being executed at **Annexure-R5**.

- c) Far from creating any encroachments, the riverfront project has protected left bank, right bank and central island and shall result into creation of recreational/beautification zone without disturbing flow of water in the river.
- d) As regards riverbed mining, no riverbed mining is being done and only dredging and levelling is being carried out in project area, particularly on the right bank, where excess quantity of RBM is available, which was deposited there due to siltation. This extra material on the riverbed had caused imbalance in the discharge flowing in Nikki Tawi and Waddi Tawi streams of the river with Waddi Tawi (literally meaning the Big Tawi) catering to less than 30% of the discharge and Nikki Tawi (literally meaning the Small Tawi) catering to more than 70% of the discharge flowing through the river. This dredged out material is being used for the construction of embankments on both sides of the river for creating robust flood protection mechanism for the city.

Also, after dredging and levelling, the additional riverbed material from the right bank, the imbalance in the flow of discharge shall also be set right.

The activity of dredging and levelling has been undertaken after obtaining disposal permits for this purpose from the concerned authorities which is attached at **Annexure-R6**.

- e) It needs to be emphasized here that the Tawi River Front project was handed over to Jammu Smart City Limited (JSCL) in May, 2021 for execution. The project was put to execution in February, 2022 after framing the DPR and floating of tender. The project was taken up in hand by JSCL only after the directions to this effect were issued by Administrative Department in the month of April, 2021 and subsequently, the project was incorporated in JSCL



plan works after obtaining the approval of Board of Directors of JSCL. Till now, the project has been completed to the extent of 89% and is likely to be get completed in all respects in February, 2024. Hence, there is no question of JSCL delaying the project and wasting government exchequer.

It also needs mention here that the Tawi Barrage project which is under the execution of Irrigation & Flood Control Department, Jammu was planned in year 2010. JSCL in no way is associated with this project.

Point No. (3): -

With respect to queries raised at Point No.3 in the order, it is submitted that the Tawi River Front Development Project aims to beautify river banks by creating recreational and landscaped spaces on both the banks. The work of the project aimed at creating space filled with natural and environment friendly ambiance in Jammu is going on apace and shall be completed in October, 2024.

Point No. (4): -

- i) In the context of Point No.4, it is submitted that the Tawi River Front Development Project (Phase-I) is being constructed in the reach from Bhagwati Nagar Barrage up to Tawi Bridge near Bikram Chowk as per originally envisaged proposal.
- ii) With regard to the vulnerability of the project to the floods of magnitude observed during year 2014, it is submitted that the promenades are being protected by RCC retaining walls. These RCC retaining walls have been taken to a level of 306.5 meters (MSL) which is 1.5 meter above Highest Flood Level (HFL) observed during floods in September, 2014. The 2014 flood, as per data available with Irrigation & Flood Control Department was one in one-hundred-year event. In essence, the construction of riverfront shall almost eliminate the vulnerability of the city during floods.

The cross section of the stepped RCC retaining walls is attached for reference from which it can be clearly seen that the top level of last retaining wall is 1.5 m above than the HFL recorded in 2014 (**Annexure-R7**).

- iii) The Barrage, as already mentioned at S.No.3, is under execution with Irrigation & Flood Control Department.



Point No. (5): -

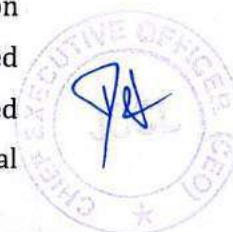
- i) As regards Point No.5, the execution of Tawi River Front project is going on schedule, as already mentioned and there is no question of the project having been delayed and stalled due to the financial and other irregularities. Besides, Tawi River Front Development Project has not suffered any damage during May and July 2023 floods.
- ii) The P&R Infra Projects, is the contractor for the Tawi Barrage project and JSCL has got nothing to do with it.
- iii) The Tawi River Front project shall enhance the green ambiance of the surrounding areas by developing eco-friendly recreational spaces for general public and in no way can be described as environmentally insensitive, climate maladaptive and socially exclusive.

Point No. (6): -

- i) The Tawi River Front Development project is being executed in constant coordination with the Tawi Barrage project of Irrigation & Flood Control Department. Meetings are held regularly between the representatives of both organizations for creating synergy aimed at efficient and effective implementation of the project as a whole.
- ii) There has been no change in the design of Tawi River Front project since its conceptualization in May, 2021. It is reiterated again that the River Front project is not vulnerable to floods and has not suffered any flood damages.

Point No. (7) & (8): -

- i) With regard to Point No. 7&8, it is submitted that there are no anticipated adverse environmental impacts of this project on human populations or environmentally important areas, including wetlands, forests, wildlife, agriculture, irrigation, grasslands, or protected areas.
- ii) The project's execution is limited to the river banks. It is not intended for irrigation, water supply, or any industrial use. No mining or mineral excavation is involved during the construction phase. Dredging activities, conducted under the supervision of field experts, are undertaken to remove deposited material from the riverbed, ensuring smooth river flow. The dredged material is utilized within the project for embankment and other works.



However, a robust environmental management plan has been prepared for the project which is being followed in letter and spirit.

- iii) The project has received CTO (Consent to Operate) and CTE (Consent to Establish) (**Annexure-R8**) clearance from the state pollution control board for the batching plant and a stone crusher. All necessary measures to contain dust have been implemented, with the stone crusher located away from densely populated areas.
- iv) All environmental concerns are thoroughly addressed through an Environmental Management Plan, which includes environment, health, and safety aspects of the project.
- v) The project has no negative impact on water quality. In fact, it is designed to improve the water quality of the Tawi River by diverting all existing nallas on both sides of the river through 1200 mm diameter interceptor drainage pipelines to the existing STPs on left bank and right bank.
- vi) Previously, sewage and other domestic waste was being dumped into the river, but this practice has been stopped due to the construction of Tawi River Front Project. Under this project, all nallas carrying toxic effluent from the city have been diverted to interceptor drainage pipelines, which will ultimately lead to the STP for treatment.

Hence, the execution of the project does not result into any violation of the provisions of the Environment Protection Act, 1986 and the Water (Prevention and Control of Pollution) Act 1974.

- vii) As mentioned at page 3&4 of this report with regard to reply to Point No.1 of the application, Hon'ble NGT is again apprised of the fact that Tawi River Front has been conceptualized with the following objectives: -

- a) Creating a robust flood protection mechanism for the city.
- b) Creation of green recreational spaces on areas adjoining stepped promenades.
- c) Diversion of polluting nallahs through interceptor drains.
- d) Rejuvenation of ground water aquifers in the vicinity of project reach.



Under Phase-I of the project regarding which the present application has been filed, open to sky promenades at four levels with stepped retaining walls are being provided on left bank, right bank and central island. The total area of promenades at four levels on left bank, right bank and central island is 60,000 sqm (26,000 sqm for left bank, 26,000 sqm for right bank and 8,000 sqm for central island). The activity area extends up to the reclaimed land of the project which is 405.12 Kanals i.e., 20.25 hectares as per the following details: -

S.No.	Location	Area Reclaimed
1	Left Bank	90,000 sqm (22.24 acres) (8.89 hectare)
2	Right Bank	52,779.8 sqm (13 acres) (5.2 hectare)
3	Central Island	62,461.9 sqm (15.4 acres) (6.16 hectare)
Total		2,05,241.7 sqm (50.64 acres) (20.25 hectare)

viii) The project, developed by Jammu Smart City Ltd., is being executed in two distinct phases:

- **Phase 1:** Construction of promenades (open-to-sky development)
- **Phase 2:** Development on reclaimed land along the Tawi River Front, Jammu

Phase 1 Details:

Phase 1 involves the construction of promenades/walkways, which is an open-to-sky development. The area under development spans **20.25 hectares** (Ha), and it does not involve the creation of any covered or erected structure. Therefore, this phase does not contribute to the built-up area as defined by the applicable environmental regulations.

The total area to be developed in Phase 1 is **60,000 sq. m.** of open space, and it is explicitly an open-to-sky development with no enclosed or covered structures.

Compliance with EIA Notification:

As per the Ministry of Environment, Forest and Climate Change (MoEF&CC) notification S.O. No. 695(E) dated 4th April 2011, the term "built-up area" is defined as the total covered area, including all floors, basements, and service areas, proposed for construction within a building or development project.



Since Phase 1 does not involve the erection of any structure, covered area, floor area, basement, or service area, this phase does not fall within the scope of the **EIA Notification dated 14th September 2006**, nor does it correspond to the activities listed under Schedule, particularly categories 8(a) and 8(b) of the notification.

As no covered or built-up structures are proposed in Phase 1, the Environment Clearance/Environmental Impact Assessment (EIA) has not been applied for this phase.

Phase 2 Details:

Phase 2 of the project, which will involve the development of reclaimed land along the Tawi River Front, Jammu, is a separate and distinct project. This phase will include the construction of buildings, infrastructure, and other covered areas, which necessitate the preparation of an **Environmental Impact Assessment (EIA)** and **Environmental Clearance (EC)** as per applicable regulations.

For Phase 2, JSCL has engaged the accredited environmental consultant **M/s Oceao Enviro Management Solutions (India) Pvt. Ltd.** to facilitate the EIA, and EC process, as evidenced by our letter no. CEO/Smart City/2024-25/20995-21000 dated 12.12.2024. The copy of the letter is enclosed as **Annexure-R9**.

In light of the above, we respectfully submit that Phase 1 and Phase 2 are separate and independent developments, which may be integrated to become a holistic development project in near future and these both projects are governed by distinct legal and regulatory contexts. Given that Phase 1 is an open-to-sky development with no covered or enclosed structures, Phase 1 is not subject to the EIA Notification dated 14th September 2006 and does not require Environmental Clearance.

The Phase-II of the project is still at a planning stage and the formal approval from the government is awaited.

An affidavit in support is enclosed.

Prayer: In the premises

The answering respondent respectfully prays that in the light of above facts, circumstances and submissions, made hereinabove and others to be taken up



during the course of hearing the Hon'ble Tribunal may be pleased to take on record the above objections/reply and pass such further or other order or orders in the circumstances of the case and the present application, being complete devoid of merits, deserves to be dismissed.



RESPONDENT NO.8

(C.E.O. JSCL)

THROUGH

(Rajnish Raina)

Advocate

J&K and Ladakh High Court

Jammu

MOB: +91-9419200509

Email: rajnish14@gmail.com

VERIFICATION

I, Dr. Devansh Yadav Aged - 34 years, at present working as do hereby verify and declare that the facts stated above in para nos. 1 to 8 (including preliminary objections paras a to c) are true upon information received from the records as well are true upon legal advice received by me which I believe to be true. The documents submitted are photocopies of the Originals.

RESPONDENT NO.8

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**
Original Application No. 720 of 2024

IN THE MATTER OF: -

TRIBUNAL ON ITS OWN MOTION.

(News item titled "Tawi Barrage & Riverfront Projects in Jammu destroying river inviting disaster" appearing in sandrp.in dated 11.05.2024)

...Applicant

Versus

Jammu Municipal Corporation & Ors

... Respondents

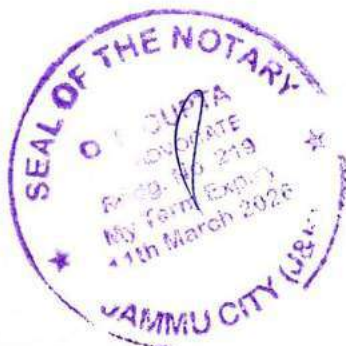
Affidavit in support of Objections to the Writ Petition

I, Dr. Devansh Yadav , Aged 34 years, at Present Chief Executive Officer, Jammu Smart City Ltd (JSCL) 4th Floor, North Block, Bahu Plaza, Jammu, do hereby state on oath/solemn affirmation that I have read the contents of the objections/ the objections have been read over and explained to me, that the contents of paras 1 to 08 are true upon information received from the records as well are true upon legal advice received by me which I believe to be true.

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

IDENTIFIED BY:
I/B
Ravish
(Rajnish Ravina)
Advocate


Deponent



Solemnly affirmed, Hence Attested

Notary Public

11/11/2025

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

Sr. No. 101-111 & 112

CJ Court

Case: **PIL No. 19 of 2012 &
PIL No. 7 of 2014**

Ashish Sharma and another

...Petitioner(s)

Through: Sh. Sunil Sethi, *Amicus curiae*
Sh. Parimoksh Seth, Advocate.

v/s

State of J&K & ors.

.... Respondent(s)

Through: Sh. F. A. Natnoo, AAG for 1& 4 to
6
Sh. Vishal Sharma, ASGI for
respondent nos. 2 and 3.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ALI MOHAMMAD MAGREY, JUDGE**

ORDER

PANKAJ MITHAL, CJ:

1. Heard Sh. Sunil Sethi, learned Amicus curiae assisted by Sh. Parimoksh Seth, Advocate; Sh. F. A. Natnoo, learned Additional Advocate General for respondent nos. 1, and 4 to 6 and Sh. Vishal Sharma, learned Assistant Solicitor General of India for respondent nos. 2 and 3.
2. Scores of miscellaneous applications are coming up before this court every day in relation to release of motor vehicles seized by the authorities on account of unauthorizedly carrying minor minerals allegedly without permission/challan from the competent authority.

3. The aforesaid illegal mining is ordinarily carried out from the river bed of Tawi which is said to be a life line for the city of Jammu. In respect of such unauthorised mining, encroachments, sewage problems and creation of artificial lakes, three writ petitions in public interest, namely, **PIL No. 7 of 2014**, *Dewakar Sharma and another vs. State of J&K and others*; **PIL No. 19 of 2012** *Ashish Sharma and another vs. State of J&K and others* and **PIL No. 27 of 2014** *Inderjeet Khajuria vs. State of J&K and others* are drawing the attention of this Court.

4. The main Public Interest Litigation for removal of encroachments from river Tawi and to check illegal mining is PIL No. 7/2014 of Dewakar Sharma. However an order has come to be passed in PIL No. 19/2012 of Ashish Sharma on 17th November 2016 observing that so far the menace of extraction of minor minerals from the river Tawi is concerned, the same is continuing unabated and, therefore, State is directed to immediately stop the same. The said order further provides that in connection with the extraction of minor minerals Senior Superintendent of Police, Jammu shall deploy some manpower to check illegal extraction and to seize the vehicles transporting the same without permission/challan from the concerned authorities. It also makes clear that the vehicles so seized carrying/transporting minor minerals without permission/challan from the concerned authority shall not be released by any court or authority unless directed by this Court. The relevant part of the aforesaid order is reproduced herein below:

“It is made clear here that seized vehicles, carrying/transporting extracted minor minerals without permission/challan from the concerned authority, shall not be released by any court/authority, unless directed by this Court.”

5. It is on account of the aforesaid order of this Court passed in PIL No. 19/2012 which probably ought to have been in PIL No. 7/2014 of Dewakar Sharma, that on the seizure of the vehicles transporting minor minerals unauthorizedly without proper permission/challan that applications for the release of the seized vehicles are being filed in this court every day.

6. The release of vehicles so seized is a ministerial act but is consuming enormous precious time of the court. The *Mines and Minerals (Development and Regulation) Act 1957* (hereinafter referred to as ‘**the Act**’) vide Section 21 provides for the penalties to be imposed for the contraventions of the provisions of the Act. Sub-section 4 of Section 21 of the Act *inter alia* provides for the seizure of the vehicle used in the transportation of the minor minerals without any lawful authority and Sub-section 4-A provides that such a vehicle shall liable to be confiscated by an order of the competent court and shall be disposed of in accordance with the directions of the court. The aforesaid Sub-section 4 and Section 4-A of Section 21 of the Act which are relevant for our purposes are reproduced herein below for the sake of convenience:

“21 [(4) *Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral, tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specially empowered in this behalf.*

(4-A) *Any mineral, tool, equipment, vehicle or any other thing seized under sub-section(4), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-section (1) and shall be disposed of in accordance with the directions of such court.]”*

7. In addition to the aforesaid statutory provisions, vide SRO 105 of 2016 dated 31.03.2016 there exist *Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016* (herein after referred to as '**the Rules**') which have been framed in exercise of powers under Section 15 read with Section 23-C of the aforesaid Act.

8. Rule 81 of the aforesaid Rules also provides for the penalties for illegal or unauthorized mining. It provides that for the first time violation, the tools, equipments and vehicles etc. are liable to be seized if they are found to be in unauthorized operation and may be released only after recovery of price of minerals along with royalty and fine of not less than **₹ 10,000/- (Rupees Ten Thousand)**. In case of second time violation, the release would be on recovery of price of minerals along with royalty and a fine of not less than **₹ 20,000/- (Rupees Twenty Thousand)**. It further provides that where a person is found indulging in such an offence for the third time or more, the officer concerned shall lodge an FIR and handover such tools, equipments and vehicles used for unauthorized operations to the Police, which shall entail their confiscation for a minimum period of thirty (30) days or more with pecuniary penalty and punishment as provided under Section 21, 23-A and Section 23- B of the Act.

9. Rule 83 of the Rules, additionally, provides that cognizance of any offence punishable under the Rules shall be taken by the court only upon a complaint in writing made by the Director or any other officer authorized by Government in this behalf not below the rank of Assistant Mineral Officer provided the complaint is made within three months on the date on which the said offence is alleged to have been committed.

10. The aforesaid Rule 81 and 83 of the Rules read as under:

“81. Penalties

(1) Any act of illegal or un-authorized mining shall be liable to the following:-

(i) for a first time violation, the said mineral shall be liable to be seized along with the impounding of all such tools, equipments, vehicles or any other things used for such un-authorized operation, which may be released only after recovery of price of mineral along with its royalty and a fine not less than Rupees ten thousand.

(ii) for a second time violation, the said mineral shall be liable to be seized along with the impounding of all such tools, equipments, vehicles or any other things used for such un-authorized operation for a minimum period of seven days which may be released only after recovery of price of mineral along with its royalty and a fine not less than Rupees twenty thousand.

(iii) wherever a person is found to be indulging in such offence for the third time or more, the officer concerned shall lodge an FIR and handover all such tools, equipments, vehicles or any other things used for such un-authorized operation to the police. Any such offence shall entail.-

(a) Confiscation of all such tools, equipments, vehicles or any other things used for such un-authorized operation for a minimum period of thirty days or more; and

(b) Pecuniary penalty and punishment for the offence as provided under Section 21, Section 23-A & Section 23-B of the Act

83. Cognizance of any offence

No court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by the Director or any other officer authorized by the Government in this behalf not below the rank of Assistant Mineral Officer within three months of the date on which said offence is alleged to have been committed.”

11. A conjoint reading of Section 21(4) and (4-A) of the Act and Rules 81 and 83 of the Rules would reveal that a vehicle carrying or transporting minor minerals without any lawful authority is liable to seizure and confiscation. In the event of first time violation and second time violation, the vehicle is liable to be released on recovery of price of mineral along with royalty and fine of ₹ 10,000 or 20,000/- as the case may be whereas in respect of third time violation or more, the seized vehicle is liable to confiscation for a minimum of thirty (30) days or more and an FIR is liable to be lodged. Moreover, the Director or any other officer authorized by the Government not below the rank of Assistant Mineral Officer is obliged to lodge a complaint within three months of the commission of such an offence before the competent court.

12. In view of the above machinery provided under the Act and Rules for seizure, confiscation and for taking cognizance of an offence by the court as also of the lodging of the FIR, we fail to understand the justification for the applicants to come up before this court for the release of vehicles except for the direction contained in order dated 17th November 2016 passed in PIL No. 19/2012. At the same time, we also are at a loss to understand why the Government is unable to control the menace of unauthorized mining from the

river bed of Tawi and other similar places and despite seizure of large number of vehicles, the crime is continuing unabated.

13. It may also be noteworthy to refer to Section 457 of the Code of Criminal Procedure (Cr.P.C.) which provides for the procedure to be followed by the Police upon seizure of the property. It provides that whenever the seizure of property by any Police Officer is reported to the Magistrate, he may make such order as he thinks fit respecting disposal of the or the delivery of such property to the person entitled to its possession. Thus, in view of the power of seizure and penalties provided under the Act and the Rules coupled with the fact that the procedure for dealing with such seized property is provided under the Cr.P.C., we are of the opinion that order dated 17th November 2016 needs a little modification to unburden this court from the task of dealing with such large number of applications for the release of vehicles and to delegate the said power to the Magistrate concerned, on the analogy or principle contained in the above provisions, to consider such applications in accordance with the procedure set out as above.

14. Accordingly, we direct that henceforth all applications for the release of vehicles on the ground of illegal or unauthorized mining shall be moved before the competent Magistrate who shall deal with all such application independently on merits on the analogy of the above referred provisions and may pass suitable orders but no such vehicle shall in the case of first time violation shall be released otherwise than realising a composite amount of ₹50,000/-; in case of second time violation a composite amount of ₹ 1.00 lac and, in the case of third time violation or more, confiscate the vehicle and may not release it unless the investigation pursuant to the FIR or the proceedings on the complaint referred to under Section Rule 83, if any, are completed.

15. It is needless to say that in the cases of third time or more violations, it shall be the responsibility of the officer concerned to lodge an FIR and it will be the duty of the Police to complete the investigation forthwith. It shall also be obligatory for the Director or any officer so authorised in this behalf to make a complaint in writing within time of the offence alleged to have been committed regarding the illegal or unauthorized mining before the Magistrate concerned.

16. Learned *Amicus curiae* as well as some counsel for the other parties pointed out that there may be connivance of the officers of Department of Geology and Mining and the Police in allowing illegal activity of transporting minor minerals from the river bed without proper permission/challan.

17. It is shameful if any such illegal activity is being permitted due to the connivance of the public officers. We expect such practice to be stopped immediately and mandate that the department in lodging FIR and complaints against the person operating unauthorizedly would also name therein the officers of any of the department found to be *prima facie* involved so that investigation may also be conducted with regard to the role if any played by them.

18. The Divisional Commissioner, Jammu, is directed to ensure that a monthly report is placed before the court on affidavit of a senior officer giving in a tabulation form the district-wise number of vehicles seized for unauthorizedly carrying minor minerals and those released by the Magistrates concerned and also to inform if any public officer is involved in abatement of such illegal activities.

19. As regards, all applications which have been filed before this court and are listed today for the release of vehicle seized on account of illegal or unauthorized use for mining purposes, they stand disposed of with the direction that in the case of first time violation, the vehicles shall be released on payment of composite amount of ₹50,000/- (Rupees Fifty Thousand) and in case of second time violation on composite payment of ₹ 1.00 lac (Rupees One Lac) whereas in respect of third time violation or more, the vehicle shall not be released and the authorities are directed to proceed in accordance with Rule 81 and 83 of the Rules without loss of any time.

20. All following miscellaneous applications stand disposed of.

S.No.	CM No. & PIL No.	Police Station	Challan / FIR No.
01.	446 of 2020 in PIL No. 19 of 2012	Police Post Chatta (Sunjwan), Jammu	Challan No. 979551
02.	531 of 2020 in PIL No. 19 of 2012	Police Post Chinore, Jammu	Challan No. 44149
03.	767 of 2020 in PIL No. 19 of 2012	Police Station Satwari, Jammu	Challan No. 6228
04.	782 of 2020 in PIL No. 19 of 2012	Police Post Chatha, Jammu	Challan No. 946203
05.	783 of 2020 in PIL No. 19 of 2012	Police Post Gardigarh, Jammu	Challan No. 72951
06.	1488 of 2020 in PIL No. 19 of 2012	Police Station Gandhi Nagar, Jammu	Challan No. 8361
07.	1541 of 2020 in PIL No. 19 of 2012	Police Post Canal Road, Jammu	Challan No. 50019
08.	1572 of 2020 in PIL No. 19 of 2012	Police Post Pouni Chak, Jammu	Challan No. 8588
09.	1589 of 2020 in PIL No. 19 of 2012	Police Post Phallan Mandal, Jammu	Challan No. 723875
10.	1594 of 2020 in	Police Post Pouni Chak, Jammu	Challan No. 994801

	PIL No. 19 of 2012		
11.	1739 of 2020 in PIL No. 19 of 2012	Police Post Tiki, Udhampur	Challan No. 322430
12.	8009 of 2020 in PIL No. 7 of 2014	Police Station Domana, Jammu	FIR No. 330/2020
13.	6064 of 2020 in PIL No. 7 of 2014	Police Post Panjtirthi, Jammu	Challan No. 0652
14.	7310 of 2020 in PIL No. 7 of 2014	Police Post Beli Charana, Jammu	Challan No.17563

21. Let a copy of this order be placed on the records of PIL Nos. 7/2014, 19/2012 and 27/2014.

22. Let PIL No. 19/2012 be listed on 5th March 2021 and PIL No. 7/2014 be listed on 17th February 2021, the dates already fixed in the matters.

23. In the meantime, learned *Amicus curiae* will come out with the suggestions in writing so that effective orders may be passed to check, control and stop all illegal mining of minor minerals within a week with an advance copy to the other side.

24. Sh. F. A. Natnoo, learned Additional Advocate General and Sh. Vishal Sharma, learned Assistant Solicitor General of India may file objections to the suggestions so filed and may make further suggestions by the next date.

(ALI MOHAMMAD MAGREY)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Jammu
09.02.2021
Sunita

Whether the order is speaking? : Yes/No
Whether the order is reportable? : Yes/No

Sr. No.206

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

CJ Court

Case: **PIL No. 7 of 2014**

Dewakar Sharma and another.

...Petitioner(s)/Appellant(s)

Through: Sh. Dewakar Sharma, petitioner
no.1 in person.
Sh. Sanveer S. Thakur, Advocate
in CM No. 4819/2020 &
3802/2020
Sh. Dinesh Verma, Advocate
in CM No. 475/2021
Sh. Kumar Love, Advocate
in CM No. 732/2021
Sh. Vinod Kumar Sharma,
Advocate in CM No. 708/2021
Sh. Anshu Mahajan, Advocate
Sh. Aditya Sharma, Advocate
in CM No. 1250/2021
Sh. Pankaj Bastora, Advocate
in CM Nos. 770, 814 & 1093/2021
Mohd. Shaqir Hussain, Advocate
in CM Nos. 46/2020 & 721/2021
Sh. Gagan Deep Sharma, Advocate
and Mr. Rohit Sharma, Advocate
in CM Nos. 3815 & 5249/2020
Sh. Aman Bhagotra, Advocate
in CM No. 6060/2020

v/s

State of J&K & others

.... Respondent(s)

Through: Sh. S. S. Nanda, Sr. AAG
Smt. Chetna Manhas, Advocate
vice Sh. F. A. Natnoo, AAG.
Sh. Jamrodh Singh, GA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

1. In the light of the order dated 02.02.2021 passed by this court, Sh. F. A. Natnoo, learned AAG has filed compliance report on affidavit of Director, Geology and Mining Department giving district-wise break-up of the number of vehicles seized and penalised w.e.f 17.11.2016 till date. The said chart is

taken on record and the copies of the same may be provided to the interested parties for any objections if any.

2. A similar chart has been filed by the Police Department of the State.

It may also be kept on record.

3. Sh. Dewakar Sharma, appearing in person submits that he has filed some suggestions for controlling and checking the illegal mining from the river Tawi. The said suggestions were filed in the Registry yesterday but are not on record.

4. It appears that the Registry may have kept those suggestions in the PIL No. 19 of 2012, Ashish Sharma and ors. V. State of J&K and others. The Registry is directed to trace out the said suggestions and to place them on record of PIL No.7 of 2014 and may keep a photo-copy of the same if necessary in the record of PIL No.19 of 2012.

5. Sh. Dewark Sharma is permitted to file additional suggestions as prayed by him after serving copies upon the counsel for the other parties.

6. List on 10th May 2021.

7. CM Nos. 22, 86, 92, 352, 355, 429, 475, 525, 684-687, 708, 721, 732, 769-774, 783, 814, 815, 820, 821, 974-976, 1093, 1094, 1137, 1150, 1250, 1276 of 2021 and CM Nos. 3802, 3815, 4297, 4320, 4343, 4380, 4397, 4454, 4458, 4486, 4490, 4631, 4642, 4819, 4935, 5249, 5312, 5579, 6060, 6066, 6257, 6533, 6683, 6687, 6710, 7099, 7241, 7491, 7509, 7542, 7853, 8067, 8263, 8291, 8295 and 8314 of 2020 stand allowed in terms of order passed by this court in PIL No.19/2012 on 09.02.2021.

(JAVED IQBAL WANI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Jammu
17.02.2021

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: PIL No. 7 of 2014
in
PIL No. 19 of 2012

Dewakar Sharma and another

.....Appellant/Petitioner(s)

Through :- Sh. Sunil Sethi, Amicus Curiae.
Sh. Dewakar Sharma, Advocate.
Sh. S S Ahmed, Advocate.
Smt. Meenakshi Salathia, Advocate.
Smt. Supreya Chouhan, Advocate.

v/s

State of J&K and others

.....Respondent(s)

Through :- Sh. Raman Sharma, AAG
Sh. S S Nanda, Sr. AAG.
Sh. Adarsh Sharma, Advocate for JDA.
Sh. F A Natnoo, AAG for Geology &
Mining Department.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MOHD. AKRAM CHOWDHARY, JUDGE

ORDER

1. Heard Sh. Sunil Sethi, learned Amicus Curiae assisted by Sh. Dewakar Sharma, Smt. Meenakshi Salathia, Sh. S. S. Ahmed & Smt. Supreya Chouhan, advocates appearing for the petitioners and Sh. S. S Nanda, Sr. AAG for Deputy Commissioner, Jammu; Sh. Raman Sharma, AAG for Inspector General of Police, Jammu; Sh. F A Natnoo, AAF for Geology and Mining Department and Sh. Adarsh Sharma, Advocate for Jammu Development Authority.

2. It has been informed that in pursuance to the directions of the court, some encroachments have already been removed from the River bank/bed but as per the reports on record still a vast area of land remains to be illegally occupied and the encroachers have not been removed.

3. Similarly, the mining from the River bed has been curtailed to a great extent but with the connivance of the administration, large number of trucks carry out illegal mining without any check from any corner.

4. In view of the above, we direct the Deputy Commissioner, Jammu and the Inspector General of Police represented by Sh. S S Nanda, Sr. AAG and Sh. Raman Sharma, AAG respectively to file status reports regarding the extent of removal of encroachments and about the alleged illegal mining still being carried out from the bed of River Tawi.

5. The Deputy Commissioner, Jammu will also inform the Court about the progress of the work so as to stop flow of sewage water into the river or regarding dumping of any waste material in the River/Tawi lake.

6. List on 18.02.2022.

7. All reports/affidavits that may be filed shall be served upon the learned Amicus Curiae and the learned counsel for the petitioners before submitting to the Court.

(MOHD. AKRAM CHOWDHARY)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

JAMMU
25.11.2021
Abinash

S. No.1 Suppl. list 1

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

**CM Nos.2180/22, 1015/2022, 1016/22 in
WPPIL No.19/2012 and WPPIL No.07/2014**

**Ashish Sharma and another
Dewakar Sharma and another**Petitioner(s)

Through:

V/s

State of J&K and others Respondent(s)

Through: Mr. D.C.Raina, Advocate General with
Mr. Ravinder Gupta, AAG in (CM No.2180/2022)
Mr. Parag Sharma, Advocate for the applicant in
CM Nos.1015-1018/2022)
Mr. Z.A.Shah, Sr.Advocate for 13 and 16
(in WPPIL 07/2014)
Mr. R.S.Jamwal, AAG

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

ORDER

05.08.2022

1. The District Mineral Officer, Geology and Mining Department, Government of Jammu and Kashmir, Jammu, has filed an application whereby the applicant has sought vacation/modification of order dated 17.11.2016 passed by this Court in the afore titled PIL. Vide the aforesaid order it was, inter alia, provided that extraction of minor minerals from River Tawi be immediately stopped till further orders.
2. In the application it has been contended that the blanket ban on extraction of minor minerals from River Tawi, imposed vide the aforesaid order, is causing great hardships to the public at large, inasmuch as, it has led to sky rocketing of costs of minor minerals and its illegal extraction. It has been further submitted that the

CM Nos.2180/22, 1015/2022,1016/22
in
WPPIL No.19/2012 and WPPIL No.07/2014

Government exchequer is being put to huge losses on account of ban on extraction of minor minerals and the continuous deposition of minor minerals in the River Tawi has become a potential threat of submerging of banks of the river in the event of a flood.

3. We have heard learned Counsel for the parties and the Advocate General appearing for the applicants and we have also gone through the record of the case.
4. In the above titled PIL, a detailed order came to be passed on 17th November, 2016, whereby a number of directions were extended to different authorities. The directions which are relevant to the context are reproduced as under:-

“4) As such, we further direct the State-respondent that insofar as extraction of minor minerals from River Tawi is concerned, it be immediately stopped till further orders.

5) As regards extraction of minor minerals from other river(s)/nalla(s), Senior Superintendent of Police, Jammu shall deploy manpower around the site(s), wherefrom extraction of minor minerals is undertaken to check illegal extraction and seize such vehicles carrying/transporting extracted minor minerals without permission/challan from the concerned authority. It is made clear here that seized vehicles carrying/transporting extracted minor minerals without permission/challan from the concerned authority, shall not be released by any Court/authority, unless directed by this Court. Considering the manpower shortage pleaded and to prevent illegal extraction, no extraction be permitted between 6.00 pm to 6.00 am.”

5. As a result of the aforesaid directions, extraction of minor minerals from River Tawi stands banned. This, according to the applicants, has led to illegal mining activities/operation of stone crusher units in River Tawi. It appears that the Government constituted a Committee

CM Nos.2180/22, 1015/2022,1016/22
in
WPPIL No.19/2012 and WPPIL No.07/2014

vide its order No.15-MNG of 2021 dated 04.05.2021 to examine the aforesaid aspect. Some of the recommendations made by the Committee are reproduced as under:-

I.....

II. *Due to ban on mining in river Tawi basin downstream of 4th Tawi bridge, by virtue of Hon'ble High Court's Order dated 17.11.2016, the consistent shortage of minor minerals has led to sprouting of a parallel industry of illegal operators who exploited the demand supply matrix and started free lancing mostly exploiting shoals formed in the Tawi basin for sand and at times for aggregates known 'bajri' in local parlance.*

III.

IV. *The non-exploitation of potential spots in river Tawi since 2016 has led to deposition of river bed material in vulnerable stretches which used to get removed periodically for local consumption and there is every apprehension of loss to human life and property in the event these are left as these are and the resultant flow pattern is likely to be detrimental to adjoining human habitations in case of sudden run off from the catchment areas during rainy season....*

6. Another Committee was constituted by the Government under the chairmanship of Director, Environment, Ecology and Remote Sensing to examine the issue and to suggest measures for removal of shoals so as to avoid the damage to the embankment and habitation of the banks of River Tawi around the Jammu City. The relevant recommendations of the Committee are reproduced as under:-

i) *As the Tawi River enters the plains it carries heavy sediments which consists of loose boulders, pebbles, gravels especially during monsoons and get deposited in the river bed from Kattal Battal to Indo Pak Border. These sediments have not been removed for the last 05 years i.e, since the ban on extraction imposed by the Hon'ble High Court. These excess sediments caused the channel to become unstable resulting into decrease in flood*

CM Nos.2180/22, 1015/2022,1016/22
in
WPPIL No.19/2012 and WPPIL No.07/2014

capacity due to infilling of channel and rising of the river bed. This in turn has led the erosion of banks, thus threatening the embankments and inhabitations on both the banks in and around Jammu city. From flood data analysis the maximum flood discharge observed during the last 05 years from 2016 to 2020 was 1,75,000 cusec during the month of August, 2016.

ii)

iii) *The geographical location of the Tawi River is such that it shares trans-border with Pakistan. The considerable quantity of minor mineral resource in the river gets transported across the international border during every monsoon period through natural processes of flow mechanism of river. The mineral resource in the form of aggregates and sand shall continue to deposit in the territory of Pakistan thereby putting loss to the UT exchequer if not retrieved systematically within guided principles of mine planning.*

iv) *The river has brought down sediments in large amount from its fragile slopes of Siwalik Hills upstream and significant aggradations in the form of Shoals that has raised the bed level of the river significantly over the recent years which has shifted the channel flow on the left bank near Sitlee Water Filtration Plant. Due to shifting of channel water intake capacity of Filtration Plant gets affected in regard to desired supply of water from the river especially in summer spells which ultimately makes the consumer supply deficit.*

v) *Bed level in Nikki Tawi downstream near Badyal Brahmana areas has attained higher level due to continuous deposition which may become potential factor to submerge its banks of flood of higher magnitude happens to occur. The sites namely Thub, Sohanjana, Miyan post and Kukrianin Wadi Tawi are located in flat elevations with wet & marshy land conditions. The study of some past Google imageries reveal that the course of active water channel is changing its trend. Thus, regular, planned and systematic removal of bed material in these locations becomes necessary to channelize the flow and to prevent banks from flooding.”*

CM Nos.2180/22, 1015/2022,1016/22
in
WPPIL No.19/2012 and WPPIL No.07/2014

7. From the above quoted recommendations of various Committees, it becomes clear that the blanket ban on extraction of minor minerals from River Tawi has led to deposition of large quantity of minor minerals in the river bed, which has the potential of causing damage to its embankments as also to the property and persons located around River Tawi. It also appears that because of the blanket ban, illegal extraction of minor minerals from River Tawi has assumed alarming proportions and it has also sky rocketed the costs of minor minerals. The reports of the Committees further indicate that because of non-extraction of minor minerals the Government is suffering huge losses in the shape of revenue that could have been earned by putting the minor minerals to e-auction.
8. It appears that Order dated 17.11.2016 was passed by this Court in order to check the illegal extraction of minor minerals. Having regard to the reports of the Committees, it appears that the aforesaid order has not served the desired purpose, inasmuch as, the illegal extraction of minor minerals, has led to sprouting of a parallel industry. It appears to us that at the relevant time, when the aforesaid order was passed, a Transitory Provision in the form of Rule 104-A incorporated in J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 (hereinafter referred to as the Rules of 2016), was in force. The said provision permitted extraction of minor minerals to any existing quarry holder or to any person extracting such minor minerals or for

CM Nos.2180/22, 1015/2022,1016/22
in
WPPIL No.19/2012 and WPPIL No.07/2014

transportation of such minerals on royalty basis. Under the shield of aforesaid Rule, the minor minerals were being extracted without environmental and other clearances that are mandatory as per the Rules of 2016. It appears that on account of this provision, extraction of minor minerals in River Tawi was going on unabated without any concern for the safety of the environment. In this backdrop, this Court was persuaded to pass an order of blanket ban on extraction of minor minerals so as to put brakes on the aforesaid situation.

9. The transitory provision of Rule 104-A is no longer in operation as the same stands omitted vide SO.169 dated 19.05.2020 and as per the existing Rules extraction of minor minerals without approval of Mining Plan and without environmental and other clearances, as provided under the Rules of 2016, is not permissible. Vide SRO 161 dated 07.03.2019, amendment has been effected to the Rules of 2016, so as to provide for grant of mining leases only through the mode of e-auction. This has obviated the possibility of allotment of mining leases on the basis of unfair competition which is generally associated with the cases of open auction.
10. In view of the aforesaid changed circumstances, we are of the opinion that order dated 17.11.2016 is required to be modified to the extent it provides for blanket ban on extraction of minor minerals from River Tawi.
11. Accordingly, it is directed that the relevant authorities of the Government are at liberty to get the minor minerals extracted from

CM Nos.2180/22, 1015/2022,1016/22
in
WPPIL No.19/2012 and WPPIL No.07/2014

River Tawi subject to strict adherence to the Rules of 2016 and the recommendations of the Committees mentioned hereinbefore. The applications stand disposed of accordingly.

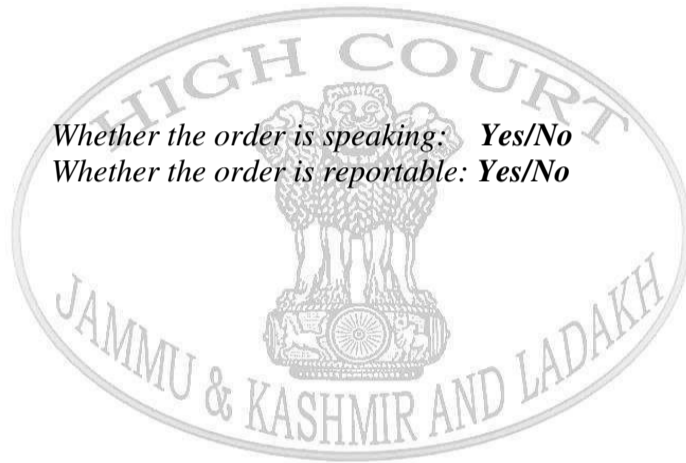
(SANJAY DHAR)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

SRINAGAR

05.08.2022

Sarveeda Nissar



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

PIL No.7/2014
c/w
PIL No.19/2012
CCP(D) No.42/2024

Dewakar Sharma and anotherPetitioner(s)/Appellant(s)

Through :- Mr. Parag Sharma, Advocate in
CCP(D) No.42/2024.

V/s

State and others

....Respondent(s)

Through :- Mr. S.S Nanda, Sr. AAG.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE**

ORDER

06.11.2024

CCP(D) No.42/2024

1. Statement of facts has been filed on 20.10.2024 by the District Mineral Officer, Jammu relying S.O No.1224(E) dated 28.03.2020, however, Office Memorandum dated 21.08.2023 (annexure-VI appended with this contempt petition) indicates that S.O No.1224(E) dated 28.03.2020 has been amended. It would be apt to reproduce paragraphs 4 and 5 of the Office Memorandum dated 21.08.2023 hereunder:

“4. In this regard, it is enjoined upon all the Projects proponents availing of the aforesaid provisions and carrying out activities related to entries 6 and 7 of Appendix IX of the EIA Notification, 2006 to inform the concerned State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) at least a fortnight before start of such activities in writing giving details of such activities and the environment safeguards being observed by them as laid out in the applicable SOP referred to in the para number 2 above.

5. All the State Pollution Control Board (SPCBs)/Pollution Control Committees (PCCs) shall independently monitor the compliance status of the aforementioned SoP/environmental safeguards as the case may be. All the State Pollution Control Board (SPCBs)/Pollution Control Committees (PCCs) shall also monitor the aforementioned SoP/environmental safeguards while monitoring the compliances of the CTE (Consent to Establish) and CTO (Consent to Operate) conditions. Further, the SPCBs/PCCs shall initiate legal action against the project proponent under the relevant provisions of Environment (Protection) Act, 1986 for the projects not complying with the aforesaid SoP/environmental safeguards, as may be applicable.

2. It is evident from the above paragraphs that the S.O No. 1224(E) dated 28.03.2020 has been superseded/amended and despite knowing this fact, Shri Verinder Singh, District Mineral Officer, Jammu has filed the statement of facts dated 20.10.2024, which is contrary to Government Memorandum dated 21.08.2023, annexure-VI to this contempt petition.
3. The District Mineral Officer, Jammu is directed to appear in person before the Court on the next date of hearing to explain his position.
4. List on 21.11.2024.
5. Registry to communicate a copy of this order to District Mineral Officer, Jammu forthwith.

(MA Chowdhary)
Judge

(Tashi Rabstan)
Chief Justice

Jammu:
06.11.2024
Surinder

Serial No. 1 Regular List
--

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

PIL No.31/2018, IA No.01/2018

Date of order: 20.11.2018

Inhabitants of Villages Barjala And Khandwal and Anr. vs. State and Ors.

Coram:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

Appearance:

For the petitioner/appellant (s)	: Mr. S S Ahmed, Advocate.
For the Respondent(s)	: Mr. H A Siddiqui, Senior AAG for R-2&3. Mr. Vishal Bharti, Deputy AG for R-1, 4 to 6.

Time is sought on behalf of the respondents to file status report with regard to the steps taken for managing the waters in the Nikki Tawi and the Baddi Tawi. The respondents shall also examine the possibility of undertaking development on the banks of the river of both the branches of the River Tawi and to place status report regarding the possibility of the developing of the same as recreational areas to facilitate the preservation and maintenance thereof as well as provide additional usable open areas to the citizens of Jammu.

The respondents shall also explain circumstances, differential volumes of waters are being discharged in the Nikki Tawi and Baddi Tawi. Such status report shall be filed within a period of six weeks from today.

List on 15th February, 2019.

(Rajesh Bindal)
Judge

(Gita Mittal)
Chief Justice

Jammu
20.11.2018
Raj Kumar

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

Reg. List Item No. 13

PIL No. 31/2018

IA No. 01/2018

Date of order: 17.05.2019

Inhabitants of Villages Barjala & Khandwal and another

Vs.

State of J&K and others

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

HON'BLE MS. JUSTICE SINDHU SHARMA, JUDGE

Appearance:

For the Appellant (s) : Mr. S.S Ahmed, Advocate

For the Respondent(s) ; Mr. K.D.S. Kotwal, Dy. AG

Learned counsel for the respondents shall produce in Court site plan showing the entire topography of the area. The discharge of water in Nikki Tawi and Baddi Tawi in last 5 years be also provided on the next date of hearing.

List on 24.05.2019.

**(Sindhu Sharma)
Judge**

**(Rajesh Bindal)
Judge**

JAMMU
17.05.2019
Angita

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

PIL No. 31/2018

IA No. 01/2018

Inhabitants of Villages Barjala and Khandwal

...Appellant(s)

Through :- Mr. S.S. Ahmed, Advocate.

v/s

State of J&K

...Respondent(s)

Through :- Mr. K.D.S Kotwal, Dy. AG.

**Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE
HON'BLE MS. JUSTICE SINDHU SHARMA, JUDGE**

ORDER

1. Issue under consideration in the present Public Interest Litigation is regarding flooding of the areas adjoining to the Nikki Tawi and Baddi Tawi. Though some temporary measures are taken by the Department on annual basis to check the floods, however, there is need to find some permanent solution.

2. We are apprised that Central Water Commission has been constituted by the Government of India and one of the work assigned to the Commission is Flood Control.

3. It was pointed out that Central Water Commission has its Office at Jammu which is looked after by a Director level office.

4. Let Central Water Commission through its Director, Near Kendriya Vidyalaya, Bantalab, Jammu be impleaded as respondent No. 7 in the petition. Registry to carryout necessary correction in the memo of parties.

5. Let notice of the petition be issued to the newly added respondent for 15.07.2019. Process *Dasti* only.

(Sindhu Sharma)
Judge

(Rajesh Bindal)
Judge

Jammu
03.07.2019
Angita



**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

PIL No. 31/2018
IA No. 1/2018

Inhabitants of Villages Barjala
and Khandwal Through, S. Gurdev Singh
and Ghulam Nabi Sheikh

....Petitioner(s)

Through:- Mr. S. S. Ahmed, Advocate
V/s

State of J&K and others

.....Respondent(s)

Through:- Mr. K. D. S. Kotwal, Dy. A. G for
respondent Nos. 1 to 6

Mr. Vishal Sharma, ASGI for
respondent No. 7

HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

Coram :

HON'BLE MS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

One of the issues under consideration in the present petition filed in public interest is how to control the floods in river Tawi. Annually lot of loss is caused to the villages on the banks of river.

Central Water Commission was also impleaded as party.

Mr. Vishal Sharma, learned ASGI appearing for the Central Water Commission submitted that the Commission only monitors the projects. He further submitted that the Director has already taken up the matter with the Ministry of Jal Shakti and will file a detailed report before the next date of hearing.

Mr. K. D. S. Kotwal, learned Dy. A. G appearing for the State may also communicate with the Ministry of Jal Shakti, Government of India seeking their advise giving all the details for control of floods in river Tawi

and also number of other rivers in the State where crores of rupees are spent annually for construction of retaining wall to control the floods or divert the water.

Let the needful be done on or before the next date of hearing.

Adjourned to 23.10.2019.

(Sindhu Sharma)
Judge

(Rajesh Bindal)
Judge

JAMMU
20.09.2019
Pawan Chopra



**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

PIL No. 31/2018
IA No. 1/2018

Inhabitants of Village Barjala and KhanwalPetitioner(s)/Applicant (s)

Through :- Mr. S. S. Ahmed, Advocate.

V/s

State of J&KRespondent(s)

Through :- Mr. K. D. S. Kotwal, Dy. AG for
Respondent Nos. 1 to 6.

Mr. Vishal Sharma, ASGI for
Respondent No. 7.

HON'BLE THE CHIEF JUSTICE

Coram:

HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

1. A status report dated 5th February 2020 has been filed by Mr. Vineet Gupta, Executive Engineer, Flood Control Department, Jammu.
2. On 23rd October 2019, Mr. Rakesh Gupta, Deputy Director, Central Water Commission had pointed out that National Institute of Hydrology is an expert body so far as guidance on control of floods in rivers is concerned has its office at Satwari.
3. This court had directed the Chief Engineer, Irrigation and Flood Control Department, Jammu to communicate with the Institute about the problem of floods being faced in river Tawi to enable the Institute to suggest ways and means to control the same.

4. Instead of complying with this direction, the Status Report dated 5th February 2020 has been filed informing this court that a meeting was called on 24th December 2019 with 10 officers present and that the Jhelum Tawi Flood Recovery Project (JTFRP) had engaged “*a consultancy company for the complete study of the River Tawi and the same company was to submit a Detailed Project Report (DPR) by 20th June 2020 as per the time allotted to them in the allotment order*”.

5. We fail to understand as to how, despite there being the availability of the National Institute of Hydrology in Jammu, our directions made on 23rd October 2019 have not been complied with by the Chief Engineer, Irrigation and Flood Control Department, Jammu. Instead a private body has been engaged which, has submitted a schedule for submission of the bare project report only by 20th June 2020.

6. The Status Report dated 5th February 2020 shows that no effort has been made to obtain the guidance of the National Institute of Hydrology.

7. Let the Chief Engineer, Irrigation and Flood Control Department, Jammu remain present before us on the next date.

8. List on 26th February 2020.

(RAJESH BINDAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
19.02.2020
Raj kumar

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

PIL No. 31/2018
IA No. 01/2018

Inhabitants of Villages Barjala and KhandwalPetitioner (s)

Through :- Mr. S. S. Ahmed, Advocate.

V/s

State of J&KRespondent(s)

Through :- Mr. K. D. S. Kotwal, Dy. AG for
Respondent Nos. 1 to 6.

Mr. Ashok Kumar Sharma, Chief
Engineer, Irrigation & Flood
Control Department present in
person.

Coram:

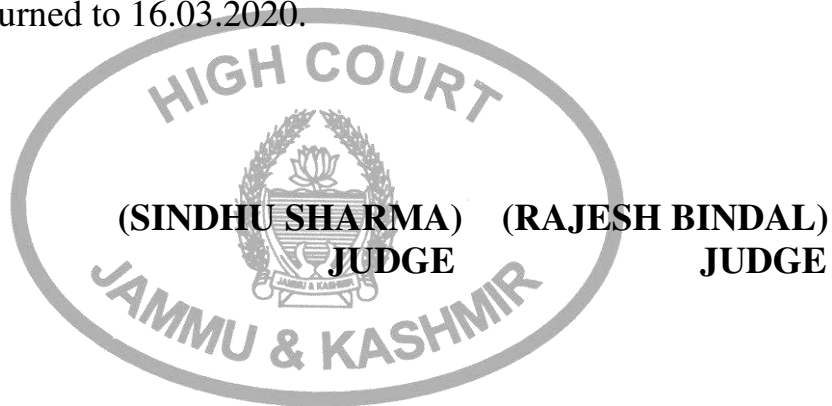
HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

HON'BLE MS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

1. At the time of hearing, it was pointed out that Jhelum Tawi Flood Recovery Project was prepared for control of flood in rivers Tawi and Jhelum. The same was constituted in the year 2016. Till date, nothing concrete has been done in this regard as what is being talked about is the temporary solution.
2. Mr. K. D. S. Kotwal, learned Dy. AG submitted that they have engaged a consultant to guide for the ways and means to control the floods in the aforesaid two rivers.
3. Insensitivity of the officers is writ large as in year 2014, there were huge floods in rivers Tawi and Jhelum. About six years are going to pass but till date no permanent solution has been found. Annually temporary solutions are put in place wasting crores of rupees.

4. Let the Chief Executive Officer of Jhelum Tawi Flood Recovery Project remain present in court on the next date of hearing along with all the details.
5. Chief Engineer, Irrigation and Flood Control Department shall also remain present on the next date of hearing.
6. The court shall also be apprised of the fact as to why various agencies/expert bodies in the government of India were not consulted and proper response was not given to the queries raised by the Central Water Commission as mentioned in para-4 of the Status Report filed by the Central Water Commission.
7. Adjourned to 16.03.2020.



Jammu
26.02.2020
Raj kumar

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

PIL No. 31/2018
IA No. 1/2018
CM No. 2112/2020

Inhabitants of Villages Barjala and KhandwalAppellant (s)/Applicant (s)

Through :- Mr. S. S. Ahmed, Advocate.

V/s

State of J&K and othersRespondent(s)

Through :- Mr. K. D. S. Kotwal, Dy. AG for
Respondent Nos. 1 to 6.

Mr. Rohit Kansal, Principal
Secretary, PD&MD, J&K is
present.

Mr. Ashok Kumar Sharma, Chief
Engineer, Irrigation & Flood
Control Department present in
person.

HON'BLE THE CHIEF JUSTICE

Coram:

HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

CM No. 2112/2020

Mr. Rohit Kansal, Principal Secretary, Planning Development and Monitoring Department, Government of Jammu and Kashmir, Civil Secretariat, J&K, Jammu is present. This application is rendered infructuous and is dismissed as such.

PIL No.31/2018

1. A status report dated 13th March 2020 has been filed by Mr. Rohit Kansal, Principal Secretary, Planning Development and Monitoring

Department, Government of Jammu and Kashmir, Civil Secretariat, J&K, Jammu, informing this Court that the World Bank funded Project Report for Flood Mitigation and Comprehensive River Management Measures for Tawi basin is underway which is expected to be completed by June 2020. It is submitted that based on the consultancy report, steps for mitigation of the floods will be evolved and undertaken by the concerned department.

2. Our attention is drawn to a status report dated 19th December 2019 (page-89) filed by the Central Water Commission (respondent No.7 added as a party by order dated 3rd July 2019), where in Para 4, it is inter alia disclosed as follows:

“4. That Monitoring & Appraisal Directorate, CWC, Jammu which is field organization under Central Water Commission helps in appraisal and monitoring of such Flood Management Projects for release of Central assistance. As per extant guidelines, Flood Management Project costing upto ₹25 Crores are appraised by the Directorate and those costing more than ₹25 Crores are examined preliminarily and submitted to SWC (Hq) for appraisal.

A DPR for “Bank Protection of Tawi River in Jammu City (Part-I) and Catch Water Drain for Tawi Ravi in Jammu City (Part-II) (located around 5 km upstream of village Barjala and Khandwala) with estimated cost of ₹375.732 Cr + ₹31.962 Cr was submitted by Jammu Development Authority (JDA) for appraisal vide letter dated 11.04.2018. As per extant guidelines, the DPR was examination preliminarily and it was observed in the initial examination that besides other deficiencies, basic information such as longitudinal section and layout plan was also not provided in the DPR. Therefore, it was not sent to CWC (HQ) for appraisal but project authorities were informed of these observations vide letter dated 30.05.2018. Due to non compliance of these observations issued on 30.05.2018 within a period of 3 months, as per extant guidelines, the project was deleted from the list of appraisal.”

3. It would appear that the Jammu Development Authority has to respond to the above. The Jammu Development Authority is not a party in the

present writ petition and it is directed to be impleaded as party respondent No.8.

4. Mr. Adarsh Sharma, learned counsel accepts notice for the Jammu Development Authority and prays for short adjournment to file response with regard to the above.

5. Let the same be filed within six weeks.

6. List on 21st April 2020.

7. Presence of the officers who have been called today in the court, shall stand exempted.

Jammu
16.03.2020
Raj Kumar



(RAJESH BINDAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

After Notice Cause List Sr. No.204

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

PIL No. 31/2018
CM No. 2112/2020
IA No. 1/2018
(Through Video Conferencing
from Srinagar)

Inhabitants of Village Barjala and KhandwalPetitioner(s)

Through:- Mr. S. S. Ahmed, Advocate.
(on Video Conference from office at Jammu)

v/s

The State of J&K & Others Respondent(s)

Through:- Mr. K. D. S. Kotwal, Dy. AG for the
respondent Nos. 1 to 6.
(On Video Conferencing from office at Jammu)

Mr. Vishal Sharma, ASGI for R-7
(On Video Conferencing from office at Jammu)

CORAM:

HON'BLE THE CHIEF JUSTICE

(on Video Conference from residence at Srinagar)

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

(on Video Conference from High Court at Jammu)

ORDER
19.08.2020

1. As ordered on 16th March 2020, reply has not been filed by the Jammu Development Authority.
2. There is no appearance also on its behalf.
3. In view thereof, let Vice Chairman, Jammu Development Authority remain present in court on the next date.
4. As per the status report dated 13th March 2020 which was filed by the Principal Secretary, Planning and Monitoring Department, government of Jammu and Kashmir, the project report for Flood Mitigation and

Comprehensive River Management Measures for Tawi basin was expected to be completed by June 2020.

5. Let the report with regard to this project be positively filed by the counsel of the concerned department before the next date of hearing.

Let on 28th October 2020.

(VINOD CHATTERJI KOUL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
19.08.2020
Raj kumar



**HIGH COURT OF JAMMU AND KASHMIR AND LADAKH
AT JAMMU
(THROUGH VIRTUAL MODE)**

CJ Court

Case: PIL No. 31 of 2018

Inhabitants of Villages Barjala and KhandwalAppellant/Petitioner(s)

Through :- Sh. S. S. Ahmed, Advocate.

v/s

State of J&K and others.Respondent(s)

Through :- Sh. K. D. S. Kotwal, Dy. AG.
Sh. Sachin Dogra, Advocate.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

ORDER

1. In this matter, a foreign agency was hired to study the Morphology of the river Tawi at Jammu. A report of the agency was to be brought on record after the study is completed.
2. The Executive Engineer, Flood Control, Division Jammu, has filed a status report dated 26.02.2020 which reveals that the study has not been completed and, as such, the report could not be submitted.
3. Sh.K. D. S. Kotwal, learned counsel appearing for the Economic Reconstruction Agency (ERA) submits that on account of Covid-19 restrictions on International travel probably the team could not visit to study the Morphology of the river and that he will update the Court as to the time period within which the report shall be filed.

4. He prays for and is allowed a month's time to update the Court on the issue.
5. List on 29th March 2022.
6. By the next date, Sh. Adarsh Sharma, counsel appearing for the Jammu Development Authority, shall update the Court regarding the construction of the river front alongside the river Tawi.

(SINDHU SHARMA)
JUDGE

(PANKAJMITHAL)
CHIEF JUSTICE

JAMMU
31.01.2022
SUNITA



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: PIL No. 31 of 2018

Inhabitants of Villages Barjala and KhandwalAppellant/Petitioner(s)

Through :- Sh. S.S.Ahmed, Advocate
Ms. Supriya Chauhan, Advocate

v/s

The State of J&KRespondent(s)

Through :- Sh. Amit Gupta, AAG

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

01. Sh. S.S.Ahmed, learned counsel submits that pursuant to the earlier orders, he has been handed over two reports, one by Economic Reconstruction Agency (ERA) and the other by the Jammu Development Authority (JDA).
02. The report of the JDA indicates that the Foreign Agency has started the study of morphology of River Tawi at Jammu which could not be earlier done on account of COVID restrictions and that the final report in that regard would be submitted by September 2022.
03. Let the said report be submitted, as indicated above.
04. Sh. S.S.Ahmed further submits that a new project '*Tawi River Front*' has been initiated and its first phase is due to start. The JDA has referred the entire project in this regard to '*The Jammu Smart City Limited*' and it is for the aforesaid Authority to initiate the development of the river front.
05. Let The Jammu Smart City Limited through its Chief Executive Officer be arrayed as respondent No. 9.

06. The newly impleaded party is directed to place on record a status report as to the work done so far in regard to the river front. The status report shall be placed on record within a period of one month.

07. List on 3rd June 2022.

(MOKSHA KHAJURIA KAZMI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

JAMMU
29.03.2022
Tilak.



Sr. No. 20

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

PIL No. 31/2018
CM No. 2112/2020
IA No. 1/2018
CM No. 6347/2020
CM No. 6350/2020
CM No. 6433/2020

Inhabitants of Villages Barjal and Khandwal
Through, S. Gurdev Singh

....Petitioner(s)/Appellant(s)

Through :- Mr. S.S. Ahmed, Advocate

V/s

State of J and K

....Respondent(s)

Through :- Mr. S.S. Nanda, Sr. AAG.
Mr. Amit Gupta, AAG.
Mr. Mayank Gupta, Advocate for R-9.

**CORAM: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE**

ORDER

Respondent No. 9 has filed a status report dated 09.09.2022 giving details about the project mentioning that the work is going on and the project is to be completed within a period of 18 months i.e., 31.07.2023.

Mr. Amit Gupta, learned AAG, seeks and is granted four weeks' time for filing latest status report.

Registry is directed to provide complete paper book to Mr. Mayank Gupta, appearing counsel for respondent No. 9.

List on 31.03.2023.

**(Moksha Khajuria Kazmi)
Judge**

**(Tashi Rabstan)
Judge**

Jammu:
21.02.2023

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

PIL No. 31/2018
CM Nos. 2112/2020, 6347/2020,
6350/2020, 6433/2020,
5009/2023
IA No. 1/2018

Inhabitants of Villages Barjala and Khandwal ...Petitioner(s)/Appellant(s)

Through :- M/s S.S Ahmed, Rahul Raina & Supriya Chouhan,
Advocates

V/s

The State of J and K

....Respondent(s)

Through :- Mr. S.S.Nanda, Sr.AAG
Mr. Vishal Sharma, DSGI
Mr. Mayank Gupta, Advocate

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE**

ORDER
20.11.2024

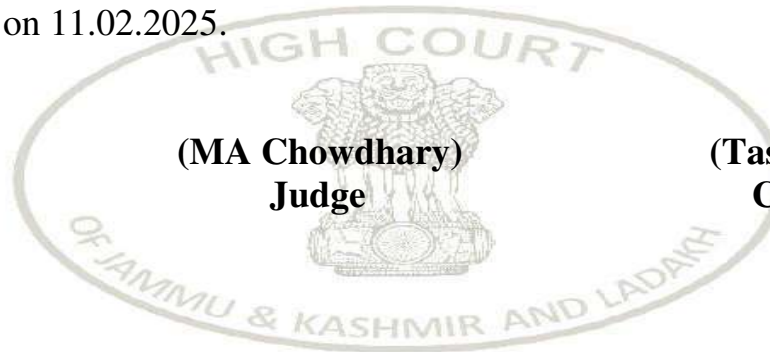
It is contended in para-6 of the application-CM No. 5009/2023 filed by the petitioner that the sub-projects include conducting River Morphology studies of Jhelum Basin, Tawi Basin, Multi hazard Risk Assessment and setting up of State Emergency Operations Centre (SEOC). It is further contended that the Consultancy Services for River Morphology studies/flood mitigation was awarded to M/s Aqualogus-Oiltech (JV) for which agreement was signed on 29.06.2018; that as per the status report filed by Sh. Ashok Kumar Khokhar, Project Manager, JKERA/JTFRP dated 28.03.2022 it has been divulged that the final report after incorporating comments and suggestions from reviewers has been completed and approved by expert committee and final detailed project report shall be completed by 30.06.2023 and the tendered documents shall be completed by 30.06.2023. However, in the status report filed by Mr. S.S.Nanda, learned Sr.AAG on behalf of the

Divisional Commissioner, Jammu there is no mention that whether the same has been approved or not and if not approved what is the reason for non approval and if approved what is the action taken, to which Mr. Nanda seeks and is granted time to file report by or before the next date of hearing.

Mr. S.S.Ahmed, learned counsel for the petitioner submits that now the Tawi River Front Development Project has been assigned to the Jammu Smart City Limited, which is being represented by Mr. Mayank Gupta, learned counsel. Mr. Gupta shall file the latest progress report disclosing completion period of the project by or before the next date of hearing.

List on 11.02.2025.

Jammu:
20.11.2024
Pawan Angotra



(MA Chowdhary)
Judge

(Tashi Rabstan)
Chief Justice



Licensed To: Rajnish Raina Advocate

State of Andhra Pradesh v. Raghu Ramakrishna Raju Kanumuru (M.P.) (SC) : Law Finder Doc Id # 1997675

2022 AIR Supreme Court 2850 : 2022 All SCR 1340 : 2022(9) Scale 215 : 2022(4) Andh LD 163 : 2022(3) PLR 93 : 2022(4) ALT 1 : 2022(8) SCC 156 : 2022(2) Apex Court Judgments (SC) 408 : 2022(3) AmLJ 300 : 2022 INSC 633 : 2022(2) TriLR 16 : 2022 SCC Online SC 728

SUPREME COURT OF INDIA

Before:-B.R. Gavai and Hima Kohli, JJ.

Civil Appeal No.4522-4524 of 2022 (@ Diary No.16486 of 2022). D/d. 1.6.2022.

State of Andhra Pradesh - Appellants

Versus

Raghu Ramakrishna Raju Kanumuru (M.P.) - Respondents

For the Appellants :- Dr. Abhishek Manu Singhvi, Sr. Adv., Mr. S. Niranjan Reddy, Sr. Adv., Mr. Mahfooz Ahsan Nazki, Mr. Polanki Gowtham, Mr. Shaik Mohamad Haneef, Mr. T. Vijaya Bhaskar Reddy, Mr. K.V.Girish Chowdary, Ms. Rajeswari Mukherjee, Ms. Akhila Palem, Mr. Abhishek Sharma, Mr. Sahil Raveen, Advocates.

For the Respondents :- Mr. Balaji Srinivasan, Advocate.

IMPORTANT

Tribunals like NGT are subordinate to High Court - Conflicting orders passed by NGT and High Court would lead to anomalous situation.

Constitution of India, 1950, Article 14 - Prohibited from undertaking any construction - Permission by High Court to carry out construction activities and other allied activities but dismissal of application for vacation of stay by National Tribunal - Held, not appropriate on part of NGT to have continued with proceedings before it, specifically, when it was pointed that High Court was also in seisin of matter and passed interim order permitting construction - No manner of doubt that in such situation, it is orders passed by constitutional courts, which would be prevailing over orders passed by statutory tribunals - Conflicting orders passed by NGT and High Court would lead to anomalous situation - Continuation of proceedings before NGT for same cause of action, which is seized with High Court, would not be in interest of justice - Proceedings pending before NGT quashed and set aside.

[Paras 12 and 13]

Cases Referred :-

East India Commercial Companies Ltd. v. Collector of Customs, AIR 1962 SC 1893.

L. Chandra Kumar v. Union of India, (1995) 1 SCC 400.

Official Liquidator v. Dayanand, (2008) 10 SCC 1.

Priya Gupta v. Additional Secretary, Ministry of Health and Family Welfare, (2013) 11 SCC 404.

JUDGMENT

B.R. Gavai, J. - Permission to file appeal without certified/plain copy of impugned order is granted.

Issue notice.

Shri Balaji Srinivasan, learned counsel accepts notice on behalf of the sole respondent, and as such, we have heard the matter finally.

The appellant challenges the order dated 6th May 2022 passed by the National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as the "NGT") in O.A. No.361 of 2021, vide which it prohibited the appellant from undertaking any further construction. The appellant also challenges the order dated 20th May 2022 passed by the learned NGT in I.A. Nos. 117 and 118 of 2022 in O.A. No. 361 of 2022, vide which the application seeking vacation of stay imposed vide order dated 6th May 2022 was rejected.

2. The appellant was already running a resort at Rushikonda Hill, near Visakhapatnam. According to the appellant, after obtaining the necessary permission, it has demolished the existing resort and is re-constructing the resort at the same place with additional facilities.

3. A writ petition being W.P. (P.I.L.) No.241 of 2021, challenging the said construction, has already been filed before the High Court of Andhra Pradesh at Amaravati. In the said writ petition, the Division Bench of the High Court has passed the following order on 16th December 2021:

"In the meanwhile, the construction activities and other allied activities in relation to the subject project, if any undertaken, shall be strictly in accordance with the permission accorded by the Ministry of Environment, Forest and Climate Change, as well as the existing master plan."

4. It appears that the aforesaid writ petition before the High Court was filed on 8th December 2021. However, a letter addressed by the respondent was sent on 31st October 2021 to the learned NGT. The respondent is a sitting Member of Parliament from one of the constituencies in the State of Andhra Pradesh. The learned NGT, after taking cognizance of the said letter, initiated the proceedings in O.A. No.361 of 2021. It further appears from the record that the learned NGT had appointed an Experts Committee on 17th December 2021 which submitted its Report on 29th March 2022. A perusal of the said report would reveal that the said Experts Committee consisting of four experts did not find any violation in the construction that was carried out by the appellant.

5. However, the learned NGT again, vide its order dated 6th May 2022, appointed a 2nd Experts Committee. The report of the said 2nd Experts Committee is still awaited. However, without waiting for the said report, by the same order, the learned NGT directed that no further construction to be undertaken.

6. It appears that after the order dated 6th May 2022 was passed by the learned NGT, the appellant filed an application for vacating stay on construction as directed in the said interim order dated 6th May 2022 passed by the learned NGT. However, the same was also rejected by the learned NGT vide its order dated 20th May 2022. Both these orders are impugned in the present appeals.

7. Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing on behalf of the appellant, submitted that when the High Court of competent jurisdiction was already in seisin of the matter, the learned NGT could not have entertained a lis with regard to the same cause of action. He submitted that though this fact was brought to the notice of the learned NGT, the learned NGT refused to vacate the interim order dated 6th May 2022, which was in conflict with the order of the High Court dated 16th December 2021.

8. Dr. Singhvi submitted that NGT is a Tribunal, which is subordinate to the High Court in so far as the territorial jurisdiction of the High Court is concerned. He, therefore, submitted that the very continuation of the proceedings before the learned NGT is not sustainable in law.

9. Shri Balaji Srinivasan, learned counsel appearing on behalf of the respondent, on the contrary, submitted that the appellant has acted in gross breach of the order dated 16th December 2021 passed by the High Court of Andhra Pradesh at Amravati. He submitted that the construction is rampantly going on in blatant violation of the order of the High Court. Contempt petition has already been filed before the High Court, wherein the High Court after taking cognizance of the blatant violation, issued notice on 4th May 2022.

10. This Court, in the case of *Priya Gupta and Another v. Additional Secretary, Ministry of Health and Family Welfare and Others*, (2013) 11 SCC 404, has observed thus:

"12. The government departments are no exception to the consequences of wilful disobedience of the orders of the Court. Violation of the orders of the Court would be its disobedience and would invite action in accordance with law. The orders passed by this Court are the law of the land in terms of Article 141 of the Constitution of India. No Court or Tribunal and for that matter any other authority can ignore the law stated by this Court. Such obedience would also be conducive to their smooth working, otherwise there would be confusion in the administration of law and the respect for law would irretrievably suffer. There can be no hesitation in holding that the law declared by the higher court in the State is binding on authorities and tribunals under its superintendence and they cannot ignore it. This Court also expressed the view that it had become necessary to reiterate that disrespect to the constitutional ethos and breach of discipline have a grave impact on the credibility of judicial institution and encourages chance litigation. It must be remembered that predictability and certainty are important hallmarks of judicial jurisprudence developed in this country, as discipline is sine qua non for effective and efficient functioning of the judicial

system. If the Courts command others to act in accordance with the provisions of the Constitution and to abide by the rule of law, it is not possible to countenance violation of the constitutional principle by those who are required to lay down the law. [Ref. *East India Commercial Companies Ltd. v. Collector of Customs* [AIR 1962 SC 1893] and *Official Liquidator v. Dayanand & Ors.* [(2008) 10 SCC 1]

11. In any case, no law is necessary to state that insofar as the Tribunals are concerned, they would be subordinate to the High Court insofar as the territorial jurisdiction of the High Court is concerned. A reference in this respect was also made to the judgment of the Constitution Bench of this Court in the case of *L. Chandra Kumar v. Union of India and Others*, (1995) 1 SCC 400.

12. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the orders passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals.

13. In that view of the matter, we are of the considered view that the continuation of the proceedings before the learned NGT for the same cause of action, which is seized with the High Court, would not be in the interest of justice.

14. We, therefore, quash and set aside the proceedings pending before the learned NGT in O.A. No.361 of 2021.

15. We further find that taking into consideration the serious allegations made by the respondent, it will be appropriate that all these facts are placed before the High Court and the High Court considers passing appropriate orders in accordance with law so as to strike a balance between the development and the environmental issues.

16. Needless to state that though development is necessary for economical progress of the nation, it is equally necessary to safeguard the environment so as to preserve pollution free environment and ecology for the future generations to come.

17. We, therefore, find that it will be appropriate that the parties move the High Court for appropriate orders. The respondent would be at liberty to file an application for impleadment before the High Court in the pending proceedings, which would be considered by the High Court in accordance with law.

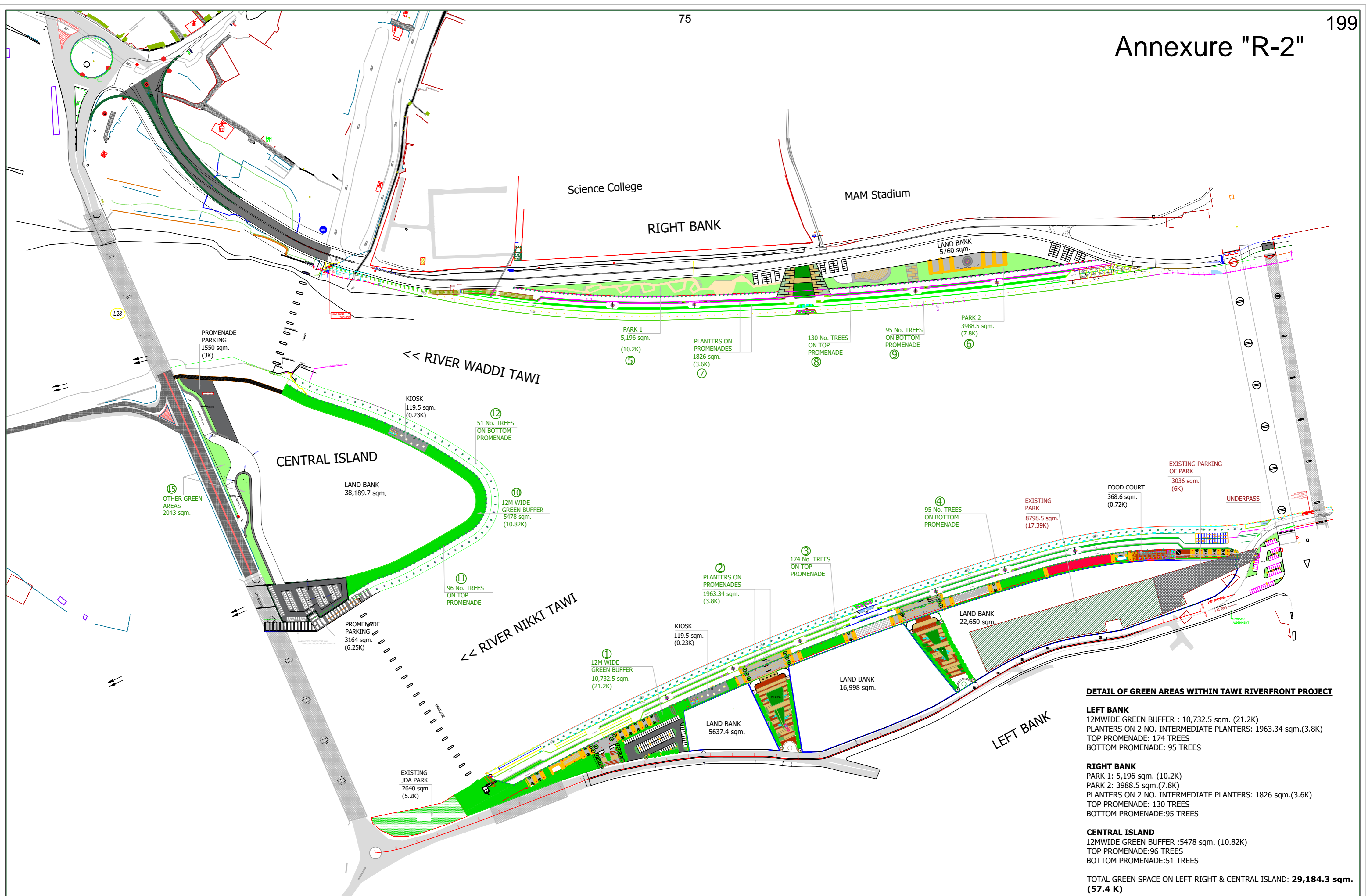
18. Though, the High Court has permitted construction to proceed in accordance with law, we find that till the High Court takes a fresh call on the said issue, it will be necessary to issue the following direction:

(a) Until the High Court considers the issue, the construction will be permitted only on the area where the construction existed earlier and which has been demolished and the flat area.

19. Dr. Singhvi, learned Senior Counsel appearing on behalf of the State, on instructions from Shri Mahfooz Ahsan Nazki, stated that the appellant would not claim any equities on account of the construction, which is permitted to be proceeded further.

20. We further clarify that we have not expressed any opinion on the merits of the matter and the parties would be at liberty to raise all the issues available to them before the High Court which shall be considered in accordance with law. Since the learned NGT has already constituted an Experts Committee, the High Court would be at liberty to take into consideration the report of the said Experts Committee or if it finds appropriate may appoint other Committee as it deems fit.

21. The appeals stand disposed of in the above terms. Pending application(s), if any, shall also stand disposed of.



DETAIL OF GREEN AREAS WITHIN TAWI RIVERFRONT PROJECT

LEFT BANK
 12MWIDE GREEN BUFFER : 10,732.5 sqm. (21.2K)
 PLANTERS ON 2 NO. INTERMEDIATE PLANTERS: 1963.34 sqm.(3.8K)
 TOP PROMENADE: 174 TREES
 BOTTOM PROMENADE: 95 TREES

RIGHT BANK
 PARK 1: 5,196 sqm. (10.2K)
 PARK 2: 3988.5 sqm.(7.8K)
 PLANTERS ON 2 NO. INTERMEDIATE PLANTERS: 1826 sqm.(3.6K)
 TOP PROMENADE: 130 TREES
 BOTTOM PROMENADE:95 TREES

CENTRAL ISLAND
 12MWIDE GREEN BUFFER :5478 sqm. (10.82K)
 TOP PROMENADE:96 TREES
 BOTTOM PROMENADE:51 TREES

TOTAL GREEN SPACE ON LEFT RIGHT & CENTRAL ISLAND: **29,184.3 sqm. (57.4 K)**

SITE PLAN OF TAWI RIVERFRONT



TRIAL PONDAGE AT SITE



TRIAL PONDAGE AT SITE





Picture showing Interceptor Drain On Left Bank



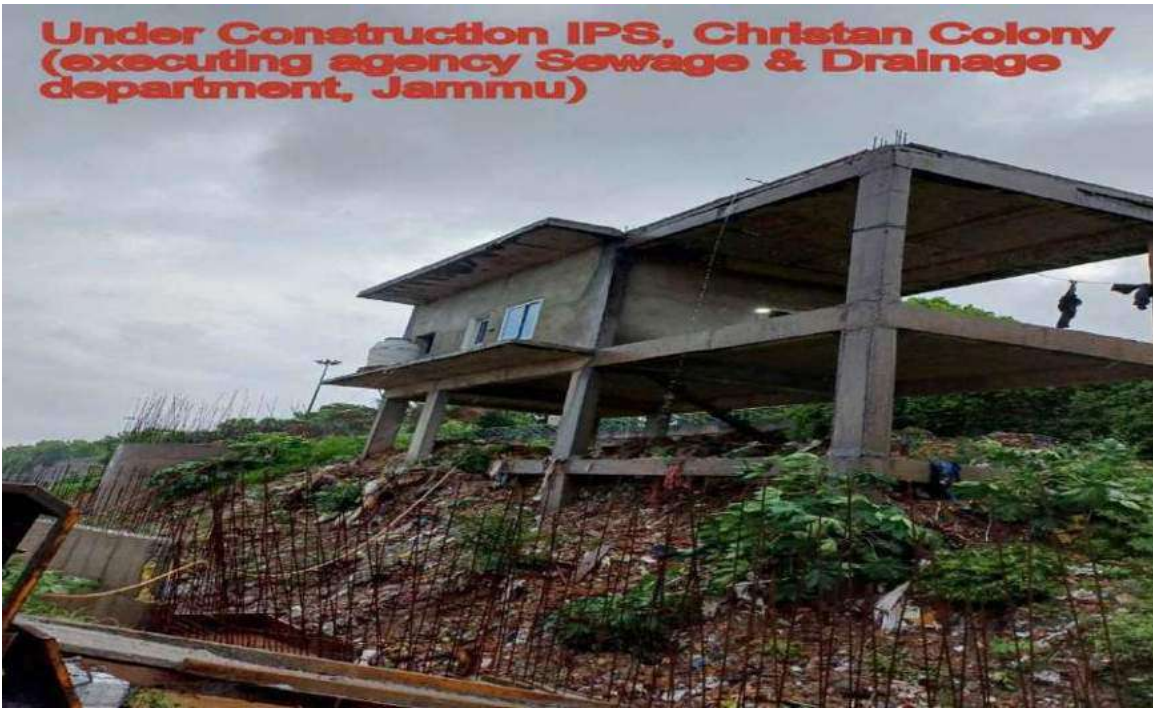
Picture showing Interceptor Drain On Right Bank



Picture showing Interceptor Drain On Right Bank

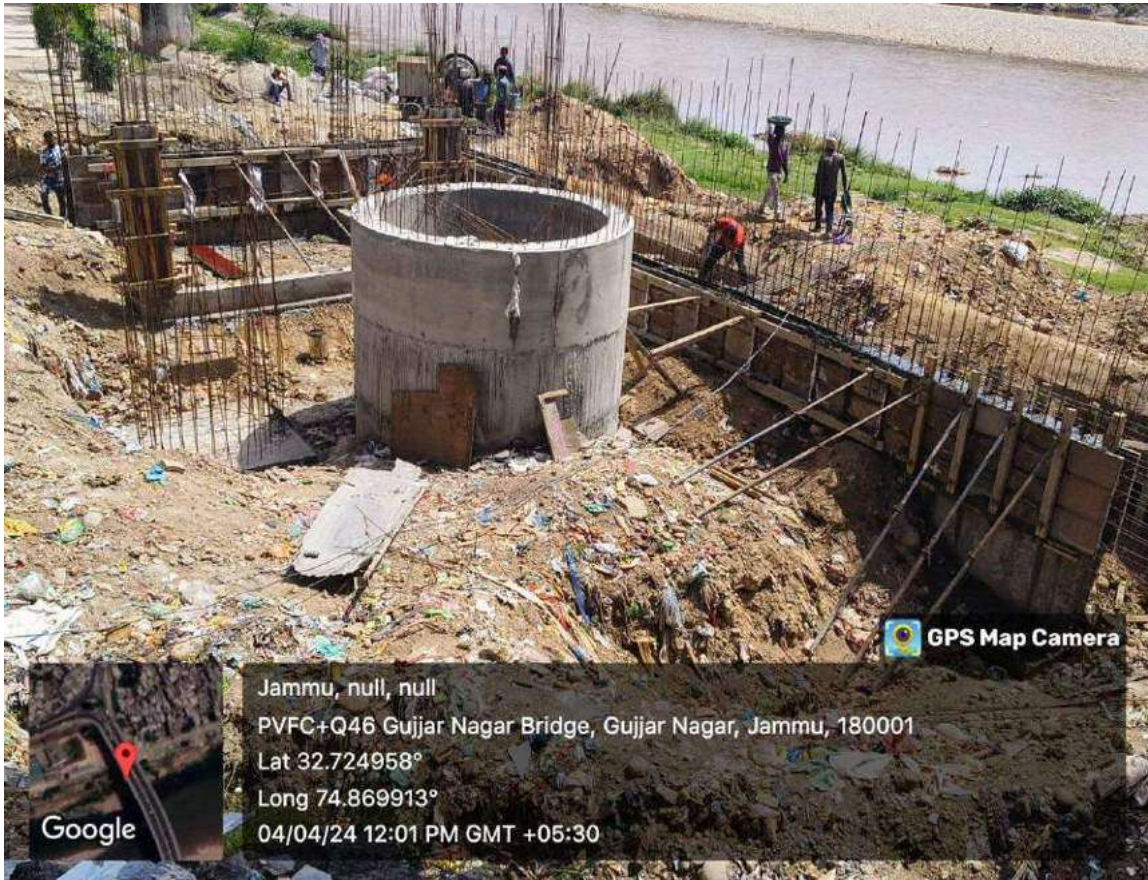
Under Construction Intermediate Pumping Station, Tawi Riverfront-Left Bank (executing agency JSCL)











Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
JDA Complex, New Plot Jammu Email Id: DmoofficeJammu@gmail.com

M/S Shree Balaji Engicons Ltd.

Jammu

No. **DMO/J/ Balaji /2022-23/1128-32** Dated:- **07.02.2023**

Subject: - Tawi River Front Development project -Issuance of Disposal Permit for 5000 MT RBM/ crushed Stone-reg.

Sir,

Whereas, online application vide tracking ID No 1451069773 dated 29.12.2022 for disposal permit for 5000 MT of RBM received wherein Addl. Chief Executive Officer, Jammu Smart City Limited vide letter no CEO/Smart City/ 2022-23/11389-94 dated 24.01.2023 intimated that during the course of execution, Mulba has been extracted from the work site which remained dumped inside the area of the project there by causing hindrance in its further execution and requested to issue disposal permit in favour of contractor ; and


Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that RBM were found lying at the site; and

Now a disposal permit is hereby granted for 5000 MT of RBM/ Nallah muck stocked as per site plan in consideration of payment of Rs 1,25,000/- (Rs One lakh Twenty Five Thousand only) being the Royalty on the said quantity and Rs 2500/- (Rs Two Thousand Five Hundred only) being the application fee including TCS @ 2%, subject to the following conditions:-

1. Restrict the lift RBM/ Nallah Muck from the allotted area
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral removed/ lift from the area has to make the transportation legally.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;
7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.

8. The Permit Holder shall confine his workings within the limits of the allotted area and shall restrict the Bonafede disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF & CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.

Permission is valid for 15 days from issuance of permit


(Dr. Gulshan Kumar) JKAS
District Mineral Officer
Jammu

Copy to:-

- 1) Deputy Commissioner, Jammu for information please.
- 2) The Director, Jammu Geology and Mining Deptt. For information Please.
- 3) The Joint Director, Jammu Geology and Mining Deptt. For information Please.
- 4) Addl. Chief Executive Officer, Jammu Smart City Limited for information please.
- 5) Office file

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
JDA Complex, New Plot Jammu Email Id: DmoofficeJammu@gmail.com

M/S Shree Balaji Engicons Ltd.

Jammu

No.

Subject: -

DMO/J/ Balaji /2023-24/1463-67.

Dated:- 14/08/2023.

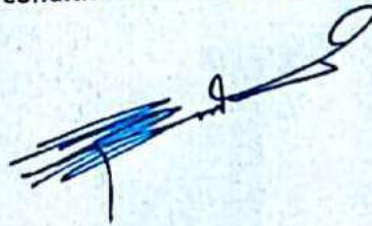
Tawi River Front Development project -Issuance of Disposal Permit for 5000 MT
 Mulba/ Nallah muck -reg.

Sir,

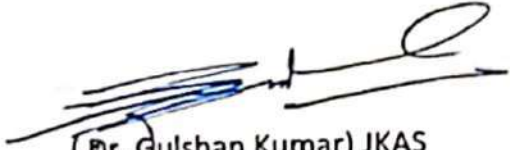
Whereas, online application vide tracking ID No 2003141105 dated 10.05.2023 for disposal permit for 5000 MT of Mulba/ Nallah muck received wherein Addl. Chief Executive Officer, Jammu Smart City Limited vide letter no CEO/Smart City/ 2022-23/11470-76 dated 30.01.2023 intimated that during the course of execution, Mulba has been extracted from the work site which remained dumped inside the area of the project there by causing hindrance in its further execution and requested to issue disposal permit in favour of contractor ; and

Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that Mulba/ Nallah muck were found lying at the site; and
 Now a disposal permit is hereby granted for 5000 MT of Mulba/ Nallah muck stocked as per site plan in consideration of payment of Rs 1,25,000/- (Rs One lakh Twenty-Five Thousand only) being the Royalty on the said quantity and, Rs 37,500/- DMFT @ 30% of royalty amount and 2% TCS amounting to Rs 3250/-) subject to the following conditions:-

1. Restrict the lift Mulba/ Nallah muck from the allotted area only.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit.
4. Surrender such permit after the quantity specified therein is dispatched to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral removed/ lift from the area has to make the transportation legally.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation.
7. Be responsible for any third-party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.



8. The Permit Holder shall confine his workings within the limits of the allotted area and shall restrict the Bonafede disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area, the Permit may be cancelled.
 9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
 10. The Permit Holder shall adhere to the instructions/orders of MoEF & CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
 11. The Disposal Permit shall exclusively be used for project works only.
 12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
- Permission is valid for 07 days from issuance of permit


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

- 1) Deputy Commissioner, Jammu for favour of kind information please.
- 2) Director, Geology and Mining Deptt. J&K UT For favour of kind information Please.
- 3) Joint Director, Geology and Mining Deptt. Jammu For favour of kind information Please.
- 4) Addl. Chief Executive Officer, Jammu Smart City Limited for favour of kind information please.
- 5) Office file

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
JDA Complex, New Plot Jammu Email Id: Dmoofficejammu@gmail.com

M/S Shree Balaji Engicons Ltd.

Jammu

No.

DMO/J/Balaji/2023-24/1460-72

Dated:- 14/08/2023.

Subject:-

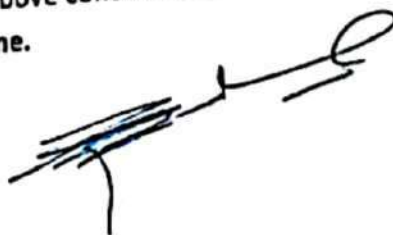
Tawi River Front Development project -Issuance of Disposal Permit for 5000 MT RBM/ Nallah muck -reg.

Sir,


Whereas, online application vide **tracking ID No 1321538437** dated 13.06.2023 for disposal permit for 5000 MT of RBM received wherein Addl. Chief Executive Officer, Jammu Smart City Limited vide letter no CEO/Smart City/ 2022-23/11470-76 dated 30.01.2023 intimated that during the course of execution, Mulba has been extracted from the work site which remained dumped inside the area of the project there by causing hindrance in its further execution and requested to issue disposal permit in favour of contractor ; and

Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that RBM/Nallah Muck were found lying at the site; and
 Now a disposal permit is hereby granted for 5000 MT of RBM/ Nallah muck stocked as per site plan in consideration of payment of Rs 1,25,000/- (Rs One lakh Twenty-Five Thousand only) being the Royalty on the said quantity and, Rs 37,500/- DMFT @ 30% of royalty amount and 2% TCS amounting to Rs 3250/-) subject to the following conditions:-

1. Restrict the lift RBM/ Nallah Muck from the allotted area only.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit.
4. Surrender such permit after the quantity specified therein is dispatched to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral removed/ lift from the area has to make the transportation legally.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation.
7. Be responsible for any third-party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.



8. The Permit Holder shall confine his workings within the limits of the allotted area and shall restrict the Bonafede disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area, the Permit may be cancelled.
 9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
 10. The Permit Holder shall adhere to the instructions/orders of MoEF & CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
 11. The Disposal Permit shall exclusively be used for project works only.
 12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
- Permission is valid for 07 days from issuance of permit


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

- 1) Deputy Commissioner, Jammu for favour of kind information please.
- 2) Director, Geology and Mining Deptt. J&K UT For favour of kind information Please.
- 3) Joint Director, Geology and Mining Deptt. Jammu For favour of kind information Please.
- 4) Addl. Chief Executive Officer, Jammu Smart City Limited for favour of kind information please.
- 5) Office file

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K

JDA Complex, New Plot Jammu, Email Id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd,
Jammu

No.DMO/J//2023-24/Balaji/1823-86

Dated: - 14/09/2023.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi

Sir,

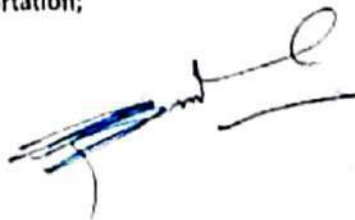
Whereas, online application vide tracking ID No 1599456219 dated 28.08.2023 for disposal permit for 4334 MT of Nallah Muck received, wherein application for crushing the material into aggregates from captive crusher plant for Tawi River front development project. The applicant will extract/ transport 4334 MT excavated Nallah muck and requested to grant permit for 5000 MT Nallah muck from said location as per policy in vogue; and

Whereas, as per application the Nallah muck shall be dispose to M/s Shree Balaji Engincons Ltd for captive crusher plant.

Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that muck stone were found lying at the site; and


Now a disposal permit is hereby granted for 4334 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs 108,350/- (Rupees One lakh eight thousand three hundred fifty only) being the Royalty on the said quantity, Rs 32,505/- (Rupees Thirty two thousand five hundred five only) being DMFT@ 30% and Rs 2,818/- (Rupees two thousand eight hundred eighteen only) being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 4334 MTs of Nallah muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e- challans.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;



7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No, with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 30 days from issuance of permit.


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information please.
2. Director, Geology and Mining Deptt. J&K for favour of kind information Please.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind Information Please.
4. Office file.

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
 JDA Complex, New Plot Jammu Email id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd.
 Jammu

No.DMO/J//2023-24/ 1878 - 24

Dated: - 14/09/2023.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi.

Sir,

Whereas, online application vide tracking ID No 1696813575 dated 19.08.2023 for disposal permit for 4804 MT of Nallah Muck received, wherein application for crushing the material into aggregates from captive crusher plant for Tawi River front development project. The applicant will extract/ transport 4804 MT excavated Nallah muck and requested to grant permit for 5000 MT Nallah muck from said location as per policy in vogue; and

Whereas, as per application the Nallah muck shall be dispose to M/s Shree Balaji Engicons Ltd for captive crusher plant.

Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that muck stone were found lying at the site; and


Now a disposal permit is hereby granted for 4804 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs 1,20,100/- (Rupees One lakh twenty thousand one hundred only) being the Royalty on the said quantity, Rs 36,030/- (Rupees Thirty six thousand thirty only) being DMFT@ 30% and Rs 3,123/- (Rupees three thousand one hundred twenty three only) being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 4804 MTs of Nallah muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc;
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e- challans.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;



7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the Instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 30 days from issuance of permit.


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information please.
2. Director, Geology and Mining Deptt. J&K for favour of kind information Please.
3. Joint Director, Geology and Mining Deptt, Jammu for favour of kind information Please.
4. Office file.

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
JDA Complex, New Plot Jammu Email Id: Dmoofficejammu@gmail.com

M/S Shree Balaji Engicons Ltd.

Jammu

No.

DMO/J / Balaji /2023-24/2337-41

Dated:- 22/11/2023.

Subject: - Tawi River Front Development project -Issuance of Disposal Permit for 5000 MT Mulba/ Nallah muck -reg.

Sir,

Whereas, online application vide tracking ID No 1655777513 dated 10.11.2023 for disposal permit for 5000 MT of Mulba/ Nallah muck received wherein Addl. Chief Executive Officer, Jammu Smart City Limited vide letter no CEO/Smart City/ 2022-23/11470-76 dated 30.01.2023 and Deputy Commissioner, Jammu letter no. DCJ/SQ/Mulba/TawiRiverFront/2022-23/7680-84 dated 15/03/2023 intimated that during the course of execution, Mulba has been extracted from the work site which remained dumped inside the area of the project there by causing hindrance in its further execution and requested to issue disposal permit in favour of contractor ; and

Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that Mulba/ Nallah muck were found lying at the site; and

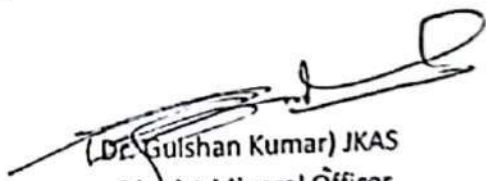
Now a disposal permit is hereby granted for 5000 MT of Mulba/ Nallah muck stocked as per site plan in consideration of payment of Rs 1,65,750/- (Rs One lakh sixty-Five Thousand seven hundred fifty only),(Rs 125000/- one lakh twenty five thousand only being the Royalty, on the said quantity and, Rs 37,500/- DMFT @ 30% of royalty amount and 2% TCS amounting to Rs 3250/-) subject to the following conditions:-

1. Restrict the lift Mulba/ Nallah muck from the allotted area only.
2. Take all precautions for the protection of environment and control of pollution,
3. No transfer of such permit.
4. Surrender such permit after the quantity specified therein is dispatched to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral removed/ lift from the area has to make the transportation legally.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation.



7. Be responsible for any third-party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine his workings within the limits of the allotted area and shall restrict the Bonafede disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF & CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. The permit holder shall be solely responsible for safety and protection of the Tawi Bridges on Tawi River upstream and downstream respectively and any other nearby infrastructure surrounding the Tawi River Front development Project.
14. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 10 days from issuance of permit


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

- 1) Deputy Commissioner, Jammu for favour of kind information please.
- 2) Director, Geology and Mining Deptt. J&K UT for favour of kind information Please.
- 3) Joint Director, Geology and Mining Deptt. Jammu for favour of kind information Please.
- 4) Addl. Chief Executive Officer, Jammu Smart City Limited for favour of kind information pleasew.
- 5) Office file

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
JDA Complex, New Plot, Jammu. Email Id: dmooofficejammu@gmail.com

M/S Shree Bala Ji Engicons Ltd.
 Tawi River Front development project,
 Near Warehouse, Nehru Market,
 Jammu

No. DMO/J/Disposal Permit/2023-24/ 2631-35

Dated: -19/12/2023

Subject: - Issuance of Disposal Permit for already excavated and dumped of 5000 MT Nallah Muck.

Sir,

Whereas, online application vide tracking ID No 2074444593 dated 05.12.2023 for disposal permit for 5000 MT of already Nallah Muck received, wherein such dumped Nallah Muck has requested for grant of disposal permit for dispatched of excavated and dumped material (Nallah Muck) available during Tawi River Front Development Project in Tawi river for Crushing the already excavated and Dumped Nallah muck into Aggregates from captive crusher unit for Tawi River Front Development Project Jammu between Bikram Chowk Bridge to Bhagwati Nagar Bridge. The applicant will dispose 5000 MT of already excavated and dumped Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per site plan downstream Nikki Tawi and policy in vogue; and

Whereas, as per application the Nallah Muck shall be disposed by M/S Shree Bala Ji Engicons Ltd.

Whereas, a team of officials of this office visited the site for on spot inspection and submitted the report stating that the already excavated and dumped 5000MT of Nallah Muck of was found lying at the applied site; and

Now, a disposal permit is hereby granted for 5000 MT of Nallah Muck as per site plan downstream Nikki Tawi for disposal permit for already excavated and dumped of 5000 MT Nallah Muck available during Tawi river front development project in Tawi river for Crushing the material into Aggregates from captive crusher plant for Tawi river front development project Jammu between Bikram chowk bridge to Bhagwati Nagar bridge in consideration of payment of Rs 165750/- credited in our office account on 15-12-2023 (One lakh Sixty five thousand seven hundred fifty only, being the Royalty of Rs 125000/- One Lakh Twenty five thousand only on the said quantity, Rs 37500/- Rupees Thirty seven thousand five hundred only being DMFT@ 30% and Rs 3250/- Rupees Three thousand two hundred fifty only being TCS (PAN) @ 2%), subject to the following conditions:-

1. Restrict to dispatch 5000 MT of Nallah Muck from the stocked area as shown in applied area as per site plan.
2. Take all precautions for the protection of environment and control of pollution.
3. No transfer of such permit.



4. Surrender such permit after the quantity specified therein is dispatched to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc.
5. The mineral dispatch/ lifted from the area must be transported legally i.e. with e-challans.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation.
7. Be responsible for any third-party claim/interference and department shall not be responsible for such claim's interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine to the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be canceled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals (Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid down in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. Issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. The permit holder shall be solely responsible for safety and protection of the Bridge on Tawl River and any other nearby infrastructure.
14. Permit holder shall submit details of viz Pan, Adhara, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.
Permission is valid for 15 days from issuance of permit.


(Dr. Gulshan Kumar)JKAS
District Mineral Officer,
Jammu.

Copy to the:-

- 1) Deputy Commissioner, Jammu for favour of kind information Please.
- 2) Director, Geology and Mining Dept. J&K for favour of kind information Please.
- 3) Joint Director, Geology and Mining Dept. Jammu for favour of kind information Please.
- 4) Office file.

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
 JDA Complex, New Plot Jammu Email Id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd,
 Tawi River Front Development project,
 Opp. Ware House, Nehru Mkt., Jammu.

No. DMO/J//2023-24/Disposal Permi/3430-33

Dated: - 23/03/2024

Subject: - Issuance of Disposal Permit for Nallah Muck In River Tawi.

Sir,

Whereas, online application vide tracking ID No 2025691376 dated 16.03.2023 for disposal permit for 5000 MT of Nallah Muck received, wherein application for crushing the Nallah muck into aggregates from captive crusher plant for Tawi River front development project. The applicant will extract/ transport 5000 MT excavated Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per policy in vogue; and

Whereas, as per application the Nallah Muck shall be disposed to M/s Shree Balaji Engicons Ltd for captive crusher plant.

Whereas, a team of officials of this office visited the site for on spot inspection on 17.3.2024 and submitted the report stating that muck stone were found lying at the site; and

Now a disposal permit is hereby granted for 5000 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs. 1,65,750/- (Rupees One lakh sixty five thousand seven hundred fifty only) and payment is received online in the office account on 21.03.2024 (Rs 1,25,000/- being the Royalty on the said quantity, Rs 37500/- being DMFT @ 30% and Rs 3250/- being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 5000 MTs of Nallah Muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e- challans.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;

7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid up in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. The permit holder shall be solely responsible for safety and protection of the bridge and any other nearby infrastructure.
15. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 25 days from issuance of permit.


(Dr. Gulshan Kumar) JKAS
District Mineral Officer
Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information.
2. Director, Geology and Mining Deptt. J&K for favour of kind information.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind information
4. Office file.

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K

JDA Complex, New Plot Jammu Email Id: dmoofficejammu@gmail.com

Ms Shree Balaji Engincons Ltd,
Tawi River Front Development project,
Opp. Ware House, Nehru Mkt., Jammu.

No. DMO/II/DP/2024-25/86-89

Dated: - 06/04/2024.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi.

Sir,

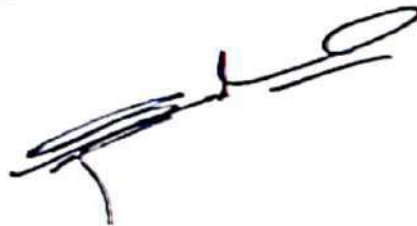
Whereas, online application vide tracking ID No 1037632603 dated 23.03.2024 for disposal permit for 5000 MT of Nallah Muck received, wherein application for crushing the Nallah muck into aggregates from captive crusher plant downstream Nikki Tawi Forth Bridge for Tawi River front development project. The applicant will remove/transport 5000 MT excavated Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per policy in vogue; and

Whereas, as per application the Nallah Muck shall be dispose to M/s Shree Balaji Engincons Ltd captive crusher plant for crushing of Nallah Muck.

Whereas, a team of officials of this office visited the site for on spot inspection on 03.04.2024 and submitted the report stating that muck stone were found lying at the site; and

Now a disposal permit is hereby granted for 5000 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs. 1,65,750/- (Rupees One lakh sixty five thousand seven hundred fifty only) and payment is received online in the office account on 03.04.2024(Rs 1,25,000/- being the Royalty on the said quantity, Rs 37500/- being DMFT@ 30% and Rs 3250/- being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 5000 MTs of Nallah Muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc;
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e- challans.



6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;
 7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
 8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
 9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid up in SRO-105 dated 21.03.2016
 10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
 11. The Disposal Permit shall exclusively be used for project works only.
 12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
 13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
 14. The permit holder shall be solely responsible for safety and protection of the bridge and any other nearby infrastructure.
 15. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No with alternate number, for registration and generation of e-challan (Form-A) from the portal.
- Permission is valid for 10 days from Issuance of permit.


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind Information.
2. Director, Geology and Mining Deptt. J&K for favour of kind information.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind Information

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
JDA Complex, New Plot Jammu Email id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd,
Tawi River Front Development project,
Opp.Ware House, Nehru Mkt., Jammu.

No.DMO/J/DP/2024-25/239-42

Dated: - 04 /05/2024.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi.

Sir,

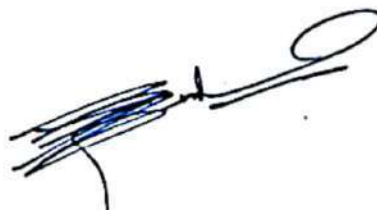
Whereas, online application vide tracking ID No 1014319405 dated 24.04.2024 for disposal permit for 5000 MT of Nallah Muck received, wherein application for crushing the Nallah muck into aggregates from captive crusher plant upstream Nikki Tawi Forth Bridge for Tawi River front development project. The applicant will remove/transport 5000 MT excavated Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per policy in vogue; and

Whereas, as per application the Nallah Muck shall be dispose to M/s Shree Balaji Engincons Ltd captive crusher plant for crushing of Nallah Muck.

Whereas, a team of officials of this office visited the site for on spot inspection on 27.04.2024 and submitted the report stating that muck stone were found lying at the site; and

Now a disposal permit is hereby granted for 5000 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs. 1,65,750/- (Rupees One lakh sixty five thousand seven hundred fifty only) and payment is received online in the office account on 02.05.2024(Rs 1,25,000/- being the Royalty on the said quantity, Rs 37500/- being DMFT@ 30% and Rs 3250/- being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 5000 MTs of Nallah Muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc:
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e- challans.



6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;
7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid up in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. The permit holder shall be solely responsible for safety and protection of the bridge and any other nearby infrastructure.
15. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 10 days from issuance of permit.


(Dr. Gulshan Kumar) JKAS
District Mineral Officer
Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information.
2. Director, Geology and Mining Deptt. J&K for favour of kind information.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind information

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
IDA Complex, New Plot Jammu Email Id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd,
Tawi River Front Development project,
Opp. Ware House, Nehru Mkt., Jammu.

No.DMO/J/DP/2024-25/ 334-36

Dated: - 22/05/2024.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi.

Sir,

Whereas, online application vide tracking ID No 1065285185 dated 03.05.2024 for disposal permit for 5000 MT of Nallah Muck received, wherein application for crushing the Nallah muck into aggregates from captive crusher plant upstream Nikki Tawi Forth Bridge for Tawi River front development project. The applicant will remove/transport 5000 MT excavated Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per policy in vogue; and

Whereas, as per application the Nallah Muck shall be dispose to M/s Shree Balaji Engincons Ltd captive crusher plant for crushing of Nallah Muck.

Whereas, a team of officials of this office visited the site for on spot inspection on 15.05.2024 and submitted the report stating that muck stone were found lying at the site; and


Now a disposal permit is hereby granted for 5000 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs. 1,65,750/- (Rupees One lakh sixty five thousand seven hundred fifty only) and payment is received online in the office account on 21.05.2024 (Rs 1,25,000/- being the Royalty on the said quantity, Rs 37500/- being DMFT@ 30% and Rs 3250/- being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 5000 MTs of Nallah Muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc;
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e- challans.



6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;
7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid up in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. Issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. The permit holder shall be solely responsible for safety and protection of the bridge and any other nearby infrastructure.
15. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 10 days from issuance of permit.


 (Dr. Gulshan Kumar) JKAS
 District Mineral Officer
 Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information.
2. Director, Geology and Mining Deptt. J&K for favour of kind information.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind information

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
 JDA Complex, New Plot Jammu Email id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd,
 Tawi River Front Development project,
 Opp. Ware House, Nehru Mkt., Jammu.

No.DMO/1/DP/2024-25/ 845-48

Dated: - 20/06/2024.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi.

Sir,

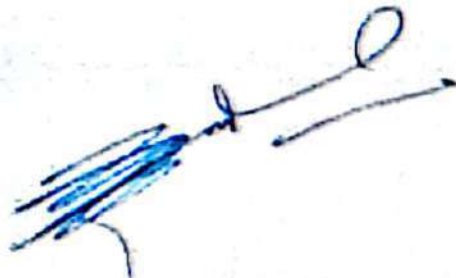
Whereas, online application vide tracking ID No 137288604 dated 20/06/2024 for disposal permit for 5000 MT of Nallah Muck received, wherein application for crushing the Nallah muck into aggregates from captive crusher plant upstream Nikki Tawi Forth Bridge for Tawi River front development project. The applicant will remove/transport 5000 MT excavated Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per policy in vogue; and

Whereas, as per application the Nallah Muck shall be dispose to M/s Shree Balaji Engicons Ltd captive crusher plant for crushing of Nallah Muck.

Whereas, a team of officials of this office visited the site for on spot inspection on 21/06/2024 and submitted the report stating that muck stone were found lying at the site; and

Now a disposal permit is hereby granted for 5000 MTs of Nallah Muck as per site plan for crushing purpose in consideration of payment of Rs. 1,65,750/- (Rupees One lakh sixty five thousand seven hundred fifty only) and payment is received online in the office account on 28.06.2024 (Rs 1,25,000/- being the Royalty on the said quantity, Rs 37500/- being DMFT @ 30% and Rs 3250/- being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 5000 MT of Nallah Muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution.
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc;
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e-challans.



6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;
7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/restrictions/general conditions laid up in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. The permit holder shall be solely responsible for safety and protection of the bridge and any other nearby infrastructure.
15. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 10 days from issuance of permit.


 Dr. Gulshan Kumar JKAS
 District Mineral Officer
 Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information.
2. Director, Geology and Mining Deptt. J&K for favour of kind information.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind information

Government of Jammu & Kashmir
Office of the District Mineral Officer, Jammu
Geology & Mining Department, J&K
 JDA Complex, New Plot Jammu Email id: dmoofficejammu@gmail.com

Ms Shree Balaji Engicons Ltd,
 Tawi River Front Development project,
 Opp. Ware House, Nehru Mkt., Jammu.

No.DMO/1/DP/2024-25/1259-62

Dated: - 25/07/2024.

Subject: - Issuance of Disposal Permit for Nallah Muck in River Tawi.

Sir,

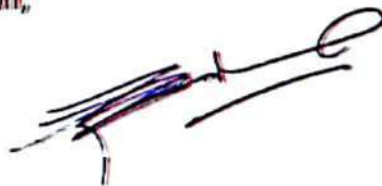
Whereas, online application vide tracking ID No 1007117268 dated 22.07.2024 for disposal permit for 5000 MT of Nallah Muck received, wherein application for back filling with Nallah muck in construction of Tawi River front development project. The applicant will remove/transport 5000 MT excavated Nallah Muck and requested to grant permit for 5000 MT Nallah Muck from said location as per policy in vogue; and

Whereas, as per application the Nallah Muck shall be dispose to M/s Shree Balaji Engincoms Ltd for back filling with Nallah Muck in construction of Taw River Front.

Whereas, a team of officials of this office visited the site for on spot inspection on 23.07.2024 and submitted the report stating that muck stone were found lying at the site; and


Now a disposal permit is hereby granted for 5000 MTs of Nallah Muck as per site plan for for back filling in consideration of payment of Rs. 1,65,750/- (Rupees One lakh sixty five thousand seven hundred fifty only) and payment is received online in the office account on 27.07.24(Rs 1,25,000/- being the Royalty on the said quantity, Rs 37500/- being DMFT @ 30% and Rs 3250/- being TCS (PAN) @ 2%, subject to the following conditions:-

1. Restrict to dispatch 5000 MT of Nallah Muck from the stocked area as shown in site plan.
2. Take all precautions for the protection of environment and control of pollution,
3. Not transfer of such permit;
4. Surrender such permit after the quantity specified therein is dispatched, to the Department within a week after the last consignment of dispatch along with the particulars by giving the details of the name of the consignee, the date and dispatch etc;
5. The mineral dispatch/ lifted from the area has to be transported legally i.e. with e-challans.
6. Allow the executive staff and the officers of the Department of Geology & Mining to inspect, check and measure the minor minerals at all stages including its transportation;



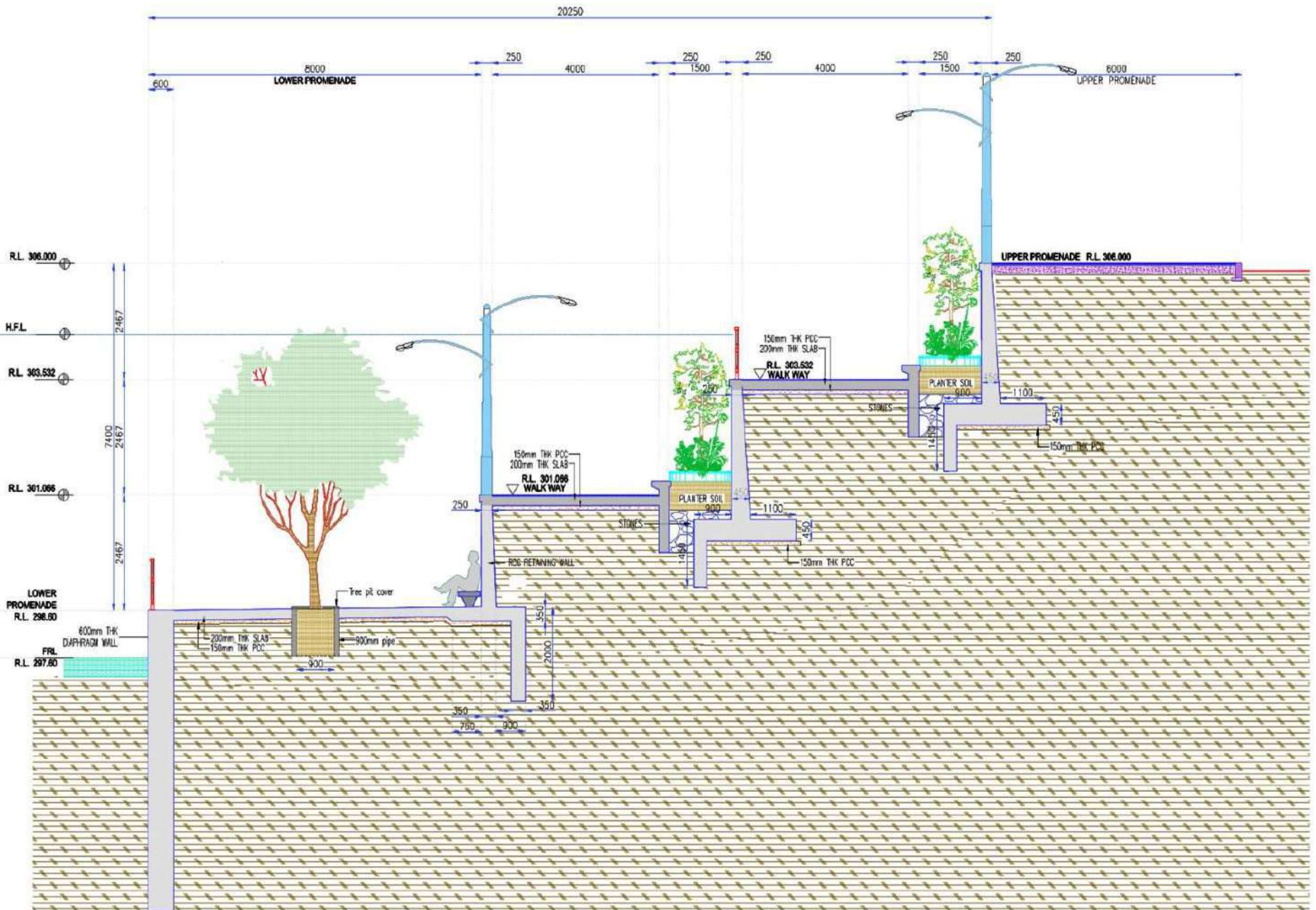
7. Be responsible for any third party claim/interference and department shall not be responsible for such claims interference within mineral concession area; and Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
8. The Permit Holder shall confine the disposal of mineral only from allotted area where the Mineral has been stocked and shall restrict the Bonafide disposal activities within the said area. In case the Permit Holder is found working outside the boundary of his allotted area or temper with the mineral stocked, the Permit may be cancelled.
9. The Permit Holder shall adhere to the provisions of Mines and Minerals(Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, and the rules made there under including the Rules/ restrictions/general conditions laid up in SRO-105 dated 31.03.2016.
10. The Permit Holder shall adhere to the instructions/orders of MoEF& CC, NGT, Stake Holder Departments & District Administration etc. issued from time to time.
11. The Disposal Permit shall exclusively be used for project works only.
12. Failure to comply with any of the above conditions shall be a ground for withdrawal of the permit or cancellation of the same.
13. Permit holder shall get back the same supplied quantity in process form from crusher unit holder.
14. The permit holder shall be solely responsible for safety and protection of the bridge and any other nearby infrastructure.
15. Permit holder shall submit details of viz Pan, Aadhar, GST No, Bank details to be linked, Mobile No. with alternate number, for registration and generation of e-challan (Form-A) from the portal.

Permission is valid for 10 days from issuance of permit.


(Dr. Gulshan Kumar) JKAS
District Mineral Officer
Jammu

Copy to the:-

1. Deputy Commissioner, Jammu for favour of kind information.
2. Director, Geology and Mining Deptt. J&K for favour of kind information.
3. Joint Director, Geology and Mining Deptt. Jammu for favour of kind information



SECTION 2-2
CROSS SECTION AT CH 780 m NEAR BIKRAM CHOWK BRIDGE
ON LEFT BANK

J&K Pollution Control Committee
Jammu/Kashmir (www.jkspcb.nic.in)



Consent Order

Consent No.:- PCC/digital/22042817045 of 2022

Date:- 21/09/2022

Consent To Establish/Operate (NEW) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974, and under Section 21 of the Air(Prevention & Control of Pollution)Act, 1981, as amended is granted in favour of

Sh. Rajesh Agarwal
 M/s Shree Balaji Engicons Limited
 MCJ Park, Transasia Building, Warehouse, Jammu
 Jammu South, Jammu(registered with DIC vide
 registration No: date:)

for a period upto APRIL 2023 for GREEN category of unit as per revised classification of industrial sector, subject to the following terms and conditions in a time bound manner :

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is granted valid for the manufacturing of the products / by-products of consented quantity as mentioned below with capital investment of Rs.45.00 lakhs(as per Schedule II):

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	Mixing of Concrete	60	Cubic Meters/Hour

Any change / enhancement in production capacity, process, raw materials etc shall have to be intimated to the Committee and the unit holder has to apply afresh for the same

3. Compliance under Water Act :

- (a) Sewage Effluent : The unit holder has to install and maintain continuous operation of a comprehensive treatment system as is warranted with reference to effluent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards before disposal

Standards of Discharge for Sewage Disposal:

Parameters	Range	Conc. in mg/l except for pH
pH	between	6-9
Suspended Solids	Not to exceed	100
BOD(3 days at 27 degree celsius)	not to exceed	30

(b) Water Consumption and Disposal :

- i. The daily quantity of water consumption shall not exceed KLD.
- ii. The daily quantity of sewage effluent from the unit shall not exceed from KLD.
- iii. Waste water generated from the unit shall be disposed through Septic Tank, Soakage Pit or ETP as applicable

4. Compliance under Air Act :

- a. The unit holder shall comply to National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B)).
 - b. The unit holder shall take adequate measures to treat the emissions generated, if any, during the process and comply to Environment Protection standards specific to Industry
5. The unit holder shall comply to the Solid Waste Management Rules 2016 dated 8-4-2016

Gulab



6. Under the Noise Pollution (Regulation and Control) Rules 2000, the unit holder shall take adequate measures for control of noise from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75dB(A) during day time and 70 dB(A) during night time. Daytime is reckoned in between 6 am to 10 pm and night time is 10 pm to 6 am
7. The unit holder shall comply to the Plastic Waste Management Rules 2016 dated 18-3-2016
8. Self Monitoring Schedule :
The unit holder shall have to get the samples of emission/Effluents analysed from the laboratory of J&K PCC or laboratories approved by J&K PCC after every twelve months to check the efficacy of Pollution Control Devices (PCDs) installed in the unit
9. The unit holder shall comply with the additional conditions as stipulated below:-
 - i. The unit holder has to keep a record of the environmental data monitored regularly with regard to operation and maintenance of pollution control devices viz Air Pollution and Water Pollution Control to achieve the desired standards notified in EP Act.
 - ii. Pollution Control Devices (ETP/ECD) as contemplated to achieve the quality of effluent emission within the tolerance limits prescribed, shall have to be operational during the course of production. The effluent/emission shall not contain constituents in excess of the tolerance limits as laid down by J & K Pollution Control Committee.
 - iii. The unit holder shall be liable to pay compensation in case any damage is caused to the environment.
 - iv. The unit holder shall abide by the directions of the Committee which will be issued from time to time. Any infringement/ violation or transgression of the statutory enactments of pollution control acts by the unit, shall be sufficient cause to prosecute the violator in conformity with relevant section of Air/Water Acts and Environment Protection Act in force.
 - v. The unit shall be under surveillance monitoring of J & K Pollution Control Committee
 - vi. The unit holder shall provide adequate arrangement for fighting the accidental leakages/discharge of any air pollutant/gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.
 - vii. The unit holder shall adhere to general standards terms and conditions of Water / Air Acts and compliance of environment standards as per environment protection act 1986
 - viii. The unit holder should apply 60 days in advance for renewal of consent before expiry the date of this Consent Order
 - ix. In case of violation of above mentioned conditions or any public complaint the consent shall be withdrawn.

Specific Conditions:-

In case of any genuine complaint with respect to pollution, the unit holder shall shift the unit to some other suitable place at his own risk and responsibility.

* This consent is issued purely from environmental angle and the Committee shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.

'By Order'

(TO to RD)

Regional Director

Copy to the :

1. Member Secretary J&K PCC Jammu for information
2. General Manager DIC Jammu for information.
3. D.O PCC Jammu South for information & ensure compliance of the conditions of the consent.
4. P.A to Chairman J&K PCC for the information of Chairman.
5. M/s Shree Balaji Engicons Limited, MCJ Park, Transasia Building, Warehouse, Jammu.
6. Office file

The unit holder shall comply to environment standards as notified under the environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website www.jkspcb.nic.in or at www.cpcb.nic.in

This is computer generated document from OCMMS by JKPCCC"

The industry can apply for Renewal/Expansion of Consent on the site www.jkocmms.nic.in directly



J&K POLLUTION CONTROL COMMITTEE
Jammu/Kashmir

Consent Order

Consent No.:- PCC/digital/23043639522 of 2023

Date:- 03/08/2023

Consent To Operate (Fresh) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended is granted in favour of Sh. Nitin Khajuria

M/s Shree Balaji Engicons Limited

MCJ Park Trans Asia Building Ware House Nehru Market Jammu North ,
Jammu

(registered with DIC vide registrationNo: Nil dt: 12/12/2022)

for a period upto **July 2024** for ORANGE category of unit as per revised classification of industrial sector subject to the compliance of following terms and conditions in a time bound manner:-

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is granted valid for operate of stone crusher having consented quantity as under with capital investment (as per Schedule II) Rs. 58.20 lakhs. Further any change / enhancement in production capacity, process ,raw materials shall have to be intimated to the Board and unit holder has to apply fresh for the same.

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	Stone Aggregates	144000	MT/annum

3. The emissions or discharge of environmental pollutants from the unit shall not exceed the relevant parameters and the standards for the said industry ,operation or process specified under respective schedules ofthe Environment (Protection) Rules ,1986 as amended from time to time.
4. The unit holder shall comply with the National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B)).
5. The unit holder shall comply with the Noise Pollution (Regulation and Control) Rules 2000 as amended to maintain noise level standards less than 75 db(A) during day time and 70 db(A) during night time, Daytime is reckoned in between 6am to 10pm and night time is 10pm to 6am.
6. The unit holder shall comply with the water (Prevention and Control of Pollution) Act 1974 and comply to the following parameters
 - a. Daily quantity of water consumption the unit shall not exceed from 05 KLD.
 - b. The unit holder shall take adequate safe guards for the treatment of sewerage water by way of providingseptic / soakage pit and its discharge shall conform to the following standards

Parameters	Conc. in mg/l except for pH
pH	6-9
Total Suspended Solids	100
BOD(3 days at 27 degree Celsius)	30

7. The unit holder shall install comprehensive air pollution control system so as to achieve the quality of emissions within the limits prescribed under Environment Protection Act 1986 (EP Act).

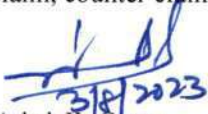


A.	Implementation of following Pollution Control Measures :
a.	Dust containment cum suppression system for the equipment.
b.	Construction of wind breaking wall.
c.	Construction of metalled roads within the premises.
d.	Regular cleaning and wetting of the ground within the premises.
e.	Growing of a green belt (Broad leave trees in three rows) along the periphery.
B.	Quantitative Standards for SPM:
	[The suspended particulate matter to be measured between three meters and ten meters from any processes equipment of a stone crushing unit shall not exceed 600 µgms per cubic meter] from a controlled isolated as well as from a unit located in a cluster should be less than 600 mgs/Nm ³ .
C.	Additional Parameters
a.	All the dust emitting points like jaw / roller crushers, screeners / classifiers shall be properly enclosed / covered.
b.	Conveyor belts shall be interlocked with the crushing operation.
c.	The water spray system shall be interlocked with the crushing operation.
d.	Annual health survey of the workers permanently employed by the unit holder shall be conducted.
e.	Regular water spray shall be carried out at all dust emitting points, boundaries and on road.

8. The unit shall not discharge any fugitive emissions from the unit beyond the permissible limits.
9. The unit holder shall abide by the directions of the Committee which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of pollution control acts by the unit shall be sufficient cause to prosecute the violator in conformity with relevant section of Air, Water Acts and Environment Protection Act in force.
10. The consent granted shall be under surveillance monitoring of J & K Pollution Control Committee.
11. The unit holder shall have to get the samples of emissions/effluents analyzed from the laboratory of J&K PCC or laboratories approved by J&K PCC to check the efficacy of Pollution Control Devices (PCDs) installed in the unit.
12. No raw materials shall be extracted or purchased / used brought from river one km upstream and one km from downstream of rail/road bridge, irrigation structures and any other government infrastructure/office.
13. The unit holder shall carry the stone aggregates /sand in covered trucks/Tippers.
14. **Specific Conditions:-**
 - a) The unit holder has to develop three rows of thick green belt along the periphery of the unit. This green belt must include a row of adequate number of ever green broad leaved tree species having good canopy.
 - b) The unit holder shall use authorized source of water and shall ensure that waste water is not discharged in to any water Body. Necessary no objection certificate with regard to extraction of ground water shall be obtained from concerned Chief Engineer , Jal Shakti Department.
 - c) The unit holder has to install permanent and mechanical water sprinkling system interlocked with the crushing point and other allied machinery of the stone crushers, and in no case the stone crusher operate without functioning of water sprinkling system.
 - d) This consent is issued with condition that the site papers from the revenue department with geo references as per Rule 10 of SO 60 dt: 23-2-2021 to be obtained by the unit holder with in a period of six months.
 - e) The unit shall be allowed to operate only during day time and unit holder shall submit self monitoring report of emission on six months basis.
 - f) This consent is issued subject to condition of installing / providing of covers to conveyer belts along with telescopic chutes at the end of conveyer belts to mitigate dust emissions and in case of any receipt of public complaint the stone crusher shall be closed. Being project specific the project proponent shall dismantle the unit after completion of project work.

15. In case of violation of above mentioned conditions or any public complaint the consent shall be withdrawn and unit holder shall shift the unit to another suitable site at his own risk and responsibility.
16. The above conditions shall be enforced inter-alia under the provision of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986.

* This consent is issued purely from environmental angle and the Committee shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.


31/8/2023
Ashok Kr Gupta
Asstt Env. Engineer


(K. Ramesh Kumar) 04/08/23
Member Secretary
B
Q

Copy to the :

1. Regional Director PCC Jammu for information.
2. Director Geology Mining Jammu for information & ensure compliance under EIA Notification & EP Act.
3. General Manager DIC Jammu for information.
4. D.O PCC Jammu North for information & ensure compliance of the conditions of the consent.
5. P.A to Chairman J&K PCC for the information of Chairman
6. M/s Shree Balaji Engicons Limited MCJ Park Trans Asia Building Ware House Nehru Market Jammu for information .
7. Office file

The unit holder shall comply to environment standards as notified under the environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website www.jkspcb.nic.in or at www.cpcb.nic.in



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J&K POLLUTION CONTROL COMMITTEE

Jammu/Kashmir

Consent Order

Consent No.:- PCC/digital/22013384440 of 2022

Date:- 20/12/2022

Consent To Establish (Fresh) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended is granted in favour of Sh. Nitin Khajuria

M/s Shree Balaji Engicons Limited

MCJ Park Trans Asia Building Ware House Nehru Market

Jammu North , Jammu

(registered with DIC vide registrationNo: nil 12/12/2022)

for a period upto December 2023 for ORANGE category of unit as per revised classification of industrial sector subject to the compliance of following terms and conditions in a time bound manner:-

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is valid for establishment of stone crusher having consented quantity as under with capital investment (as per Schedule II) Rs. 58.20 lakhs. Further any change / enhancement in production capacity, process ,raw materials shall have to be intimated to the Board and unit holder has to apply fresh for the same.

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	Stone Aggregates	144000	MT / Annum

3. The emissions or discharge of environmental pollutants from the unit shall not exceed the relevant parameters and the standards for the said industry ,operation or process specified under respective schedules ofthe Environment (Protection) Rules ,1986 as amended from time to time.
4. The unit holder shall comply with the National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B)).
5. The unit holder shall comply with the Noise Pollution (Regulation and Control) Rules 2000 as amended to maintain noise level standards less than 75 db(A) during day time and 70 db(A) during night time, Daytime is reckoned in between 6am to 10pm and night time is 10pm to 6am.
6. The unit holder shall comply with the water (Prevention and Control of Pollution) Act 1974 and comply to the following parameters

a. Daily quantity of water consumption the unit shall not exceed from 05 KLD.

b. The unit holder shall take adequate safe guards for the treatment of sewerage water by way of providingseptic / soakage pit and its discharge shall conform to the following standards

Parameters	Conc. in mg/l except for pH
pH	6-9
Total Suspended Solids	100
BOD(3 days at 27 degree Celsius)	30

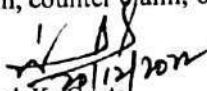
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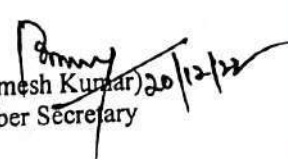
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- e) The unit shall be allowed to operate only during day time and unit holder shall submit self monitoring report of emission on six months basis when unit becomes operational.
- f) This consent is issued subject to condition of installing / providing of covers to conveyer belts along with telescopic chutes at the end of conveyer belts to mitigate dust emissions and in case of any receipt of public complaint the stone crusher shall be closed.
15. In case of violation of above mentioned conditions or any public complaint
16. he consent shall be withdrawn and unit holder shall shift the unit to another suitable site at his own risk and responsibility.
17. The above conditions shall be enforced inter-alia under the provision of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986.

* This consent is issued purely from environmental angle and the Committee shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.


Ashok Kr Gupta
Asstt Env. Engineer


(K. Ramesh Kumar)
Member Secretary

Copy to the :

1. Regional Director PCC Jammu for information.
2. Director Geology Mining Jammu for information & ensure compliance under EIA Notification & EP Act.
3. General Manager DIC Jammu for information.
4. D.O PCC Jammu North for information & ensure compliance of the conditions of the consent.
5. P.A to Chairman J&K PCC for the information of Chairman
6. M/s Shree Balaji Engicons Limited MCJ park Trans Asia Building Ware House Nehru Market , Jammu for information .
7. Office file

The unit holder shall comply to environment standards notified under the Environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website www.jkspcb.nic.in or at www.cpcb.nic.in



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**M/s Oceao-Enviro Management Solutions (India) Pvt. Ltd.,**

R/O: 208/79, Rameshwar Nagar,

Street No.4, Azadpur,

Delhi-110033.

Mobile No. 9953692693

Email ID: himanshu3_goel@yahoo.com

No. CEO/Smart City/2024-25/20995-21000

Dated: 12-12-2024

(Letter of Intent)**Subject: "Hiring of Consultant for Conducting Environment Impact Assessment (EIA) and Obtaining Environmental Clearance (EC) from Competent Authority for Real Estate Development of Reclaimed Land of Tawi River Front, Jammu".****Reference: e-NIT No. JSCL 153/10 of 2024-25 dated 16.10.2024.**

Sir,

I am directed to notify you that your Bid for "**Hiring of Consultant for Conducting Environment Impact Assessment (EIA) and Obtaining Environmental Clearance (EC) from Competent Authority for Real Estate Development of Reclaimed Land of Tawi River Front, Jammu**" bearing Bid Ref. No. JSCL 153/10 of 2024-25 dated 16.10.2024 for the Accepted Contract Amount of **Rs. 5,14,480.00/- (Rupees Five Lakh Fourteen Thousand Four Hundred Eighty) inclusive of GST and all other taxes**, in accordance with the NIT is hereby accepted by Jammu Smart City Ltd. and you are hereby declared as the Successful Bidder.

You, the Successful Bidder, is requested to return the duly signed and stamped duplicate copy of this Letter of Intent within 7 (seven) days from the date of receipt of this LoI, as a token of the receipt and acknowledgment of this LoI, and undertaking of absolute, unconditional and unqualified compliance of the conditions mentioned herein in the RFP Document.

Further, as per clause 30.1 of Section-D, you are requested to furnish the Performance Security in favour of "Chief Executive Officer, Jammu Smart City Ltd, Jammu at the rate of 5% of Bid price for an amount of **Rs.25,724/- (Rupees Twenty Five Thousand Seven Hundred Twenty-Four only)** in accordance with the condition of the RFP document. The Performance Security



shall be in favour of the JSCL and valid until a date sixty (60) days pursuant to the date of expiry of the Contract Duration of 8 months.

Upon the Performance Security being furnished for the requisite amount and in the format as prescribed, Jammu Smart City Ltd. shall execute the Contract Agreement with you. Accordingly, it is requested that stamp paper of appropriate value (purchased from the UT of Jammu and Kashmir) be provided to Jammu Smart City Ltd for further necessary action.

(Rakesh Kumar Gupta) JKAS

Addl. Chief Executive Officer

Jammu Smart City Ltd.

Copy for information to the:

1. Divisional Commissioner, Jammu (Chairman, Board of Directors, JSCL).
2. Chief Executive Officer, JSCL.
3. Director Projects, JSCL.
4. Sr. General Manager (Finance and Accounts), JSCL.
5. Sr. General Manager (Civil), JSCL.