

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 620 OF 2024

IN THE MATTER OF:

BASHIR AHMED BHAT

...APPLICANT

Versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ORS.

....RESPONDENTS

INDEX

NDOH: 22.07.2026

S.No.	PARTICULARS	PAGE No.
1.	Reply on behalf of the Applicants to the Objections dated 22.12.2025 filed by Respondent No. 1 and 13.12.2025 filed by Respondent No,2	568-576

FILED BY

SAURABH SHARMA

BIJAY KUMAR

Advocates

Counsels for the Applicant

Chamber No. 746, Lawyers Chamber Block,

Saket, New Delhi

e-mail: saurabh.envirolawyer@gmail.com

(M): 9810983559

PLACE: NEW DELHI

DATED: 21.07.2026

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

ORIGINAL APPLICATION NO. 620 OF 2024

IN THE MATTER OF:

BASHIR AHMED BHAT

...APPLICANT

Versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ORS.

....RESPONDENTS

REPLY ON BEHALF OF THE APPLICANT TO THE OBJECTIONS

DATED 22.12.2025 FILED BY RESPONDENT NO. 1 AND 13.12.2025

FILED BY RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH:

1. The present Application has been filed under Section 15 read with 20 of the National Green Tribunal Act, 2010 raising the issue of environmental damage in form of dust pollution and water logging which has led to flooding/damaging of approximately three acres of land of the Orchards of the Applicants. The Environmental damage has occurred due to the construction of Srinagar Ring Road passing through village Wathoora, Tehsil Chadoora in District Budgam in the Union Territory of Jammu where the Apple Orchards of the Applicants are situated.

2. That in response of J&K Pollution Control Committee-Page 256 at Point No 5 mentions about Air Quality. The quality of the air in the construction site near Apple Orchard of Bashir Ahmad Bhat and others is very bad. The report reads:

“ The air quality report reveals that PM10 PM2.5 is above the prescribed standards “

3. The said report on page 257 has been prepared by the Air Lab Team of J&K Pollution Control Committee. The air quality near orchard of Bashir Ahmad Bhat is very bad. PM 10 was recorded as 148.18 which is very dangerous as normal value is 0 to 50 or max 100. This report means the air quality is unhealthy for individuals and plants as well.
4. That it is submitted that the report of J&K Pollution Control Committee on page 257 which has been prepared by the Air Lab Team of J&K Pollution Control Committee is self-explanatory in this regard. The response of J&K PCC shows that at Page 250 that “ ***The air quality report reveals that PM10 PM2.5 is above the prescribed standards*** “
5. The above department i.e J&K Pollution Control Committee, is an independent Dept. of the Govt. and infact J&K Pollution Control Committee is a regulatory body of the Government, which has categorically proved the case of the Applicant with respect to Waterlogging and Air Pollution which has taken place in the fields of the Applicants due to construction of Ring Road by NHAI/NKC. Even otherwise the said Dept. has no axe to grind against Respondent Nos. 1 & 2.

6. That on the other hand the Respondent No.1 – NHAI has filed Objections dated 22.12.2025 which shows that it is relying upon Environmental Monitoring Reports annexed as ANNEXURE-R1/10 which is authored by Star Wire (India) Laboratories Pvt Ltd. The monitoring report from a Private Lab. creates a Conflict of Interest situation as the said Environmental Monitoring Report (ANNEXURE-R1/10) is being relied upon/presented by Respondent No.1 in it's favour, against whom there are serious allegations of causing flooding and environmental pollution/damage to the fields of the Applicants. Moreover, Star Wire (India) Laboratories Pvt Ltd. is not an independent body as it is a private consultant company which is a part and parcel of the Respondent No.1 as it has been paid by the Respondent No.1 to give Environmental Monitoring Report in it's favour. Hence, it is prayed by the Applicants that the said Environmental Monitoring Report authored by Star Wire (India) Laboratories Pvt Ltd. need to be disbelieved and rejected on this ground alone.
7. That the subsequent findings/report of Horticulture Department highlighting environmental damage is important and relevant and needs to be considered in this case infavour of the Applicants.
8. That the Response dated 10.09.2024 has been filed by the J&K PCC disclosing that a Joint Committee was constituted which had conducted the site inspection and had found as under:-

“That the Joint committee after conducting the site inspection furnished a inspection report along with its observations and recommendations vide his No.

PCC/RDK/PS/2024/564-565 dated 30-08-2024 (copy enclosed as Annexure-2). The joint committee reported as under:-

1) Flooding may have been caused due to diversion of the course of water channel/ nallah, which has been restored now. No flooding/water logging observed during the inspection.

2) No developmental activity other than the ring road project observed in the proximity of the apple orchard. The orchard is approximately 25 meters away from the embankment of road.

3) Dust observed in the area is due to the unmetalled road, which could have adversely affected the orchards.

4) The air quality monitoring carried out by the Air Lab. J&K PCC, Kashmir reveals that PM10 and PM2.5 is above the prescribed standards.”

9. The it is re-iterated that the above department i.e J&K Pollution Control Committee, is an independent Dept. of the Govt. and infact J&K Pollution Control Committee is a regulatory body of the Government, which has categorically proved the case of the Applicant with respect to Waterlogging and Air Pollution which has taken place in the fields of the Applicants due to construction of Ring Road by NHAI/NKC. As it is mentioned that *“Flooding may have been caused due to diversion of the course of water channel/ nallah, which has been restored now.*

No flooding/water logging observed during the inspection.” and there is “No developmental activity other than the ring road project observed in the proximity of the apple orchard. The orchard is approximately 25 meters away from the embankment of road”.

10. It is submitted that admittedly, the only developmental activity in the area was the ring road project which was in proximity of the apple orchard at that point of time when environmental violations have occurred. It is further submitted that the apple orchards where waterlogging has taken place is adjacent to the ring road project and not 25 meters hence the impact of any environmental violation would be immediate.
11. Therefore, the Applicants rely upon the response of the J&K PCC and re-iterate that there has been environmental damage in form of dust pollution and water logging which has led to environmental damage to the Orchards of the Applicants at village Wathoora, Tehsil, Chadoora in District Budgam in the Union Territory of Jammu and Kashmir. The Environmental damage has occurred due to the construction of Srinagar Ring Road passing through Village Wathoora, Tehsil, Chadoora in District Budgam in the Union Territory of Jammu where the Apple Orchards of the Applicants are situated.
12. That the Applicants re-iterate that the NHAI was duty bound to get done a thorough Environment Impact Assessment (EIA) done as required under Section 3 (2) (v) of the Environment Protection Act, 1986 read with Rule 5 sub-rule (3) clause (d) of the Environment Protection Rules, 1986. The EIA & EMP got done by the NHAI through its consultant Louis Berger

Consulting Pvt. Ltd. in 2015 is superficial and deficient in taking care of the actual impact on the Environment as is evident from the facts of the present case. Hence there is violation of the provisions of Environment Protection Act, 1986 read with Rules the Environment Protection Rules, 1986. There is poor impact assessment of natural drainage system that has led to massive impact on orchards leading to submergence of Orchard lands and damaging of crops.

13. It is submitted that this is a clear cut case of liability of NHAI and it's contractor NKC Projects Pvt. Ltd to pay compensation to the Applicants and other villagers living in neighboring villages for damage to their Orchards/agricultural fields on the basis of principles of No Fault Liability as per Section 17 of the NGT Act, 2010.
14. The NHAI and it's contractor NKC Projects Pvt. Ltd are also duty bound under Section 15 of the NGT Act, 2010 for restoration, restitution and remediation of the said Orchards.
15. As per Section 20 of the NGT Act, 2010 the principle of polluter pays is part of the NGT Act, 2010 and the Applicants rely on the said provision for imposition of a suitable compensation by this Hon'ble Tribunal
16. It is therefore submitted that the prayer of the Applicant in the Original Application be allowed forthwith in view of the above facts, circumstances and material on record.

THROUGH

SAURABH SHARMA
Advocate

certified that the statement as
declared on oath before me at
Buddam Magam on this day of

20-07-26 by Bashir
Ahmed Rht to Shukran Nohi Rht
R/o Gopelfur Chaudhary who is
identified by Shukri Mushtaq -
Mohd. Saeed

Mohd Faraz Magray
Notary Public
(Burdham, Maryland)

BHAT BASHIR AHMAD BHAT BASHIR AHMAD BHAT BASHIR AHMAD



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 620 OF 2024

IN THE MATTER OF:

Bashir Ahmed Bhat

...Applicant

Versus

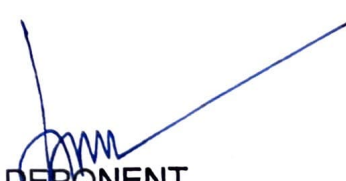
National Highways Authority of India & Ors.

....Respondents

AFFIDAVIT

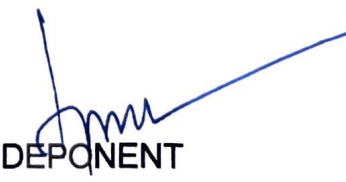
I, Bashir Ahmed Bhat, aged about 69 years, son of Shri son of Shri Ghulam Mohammad Bhat, resident of Alamdar Colony, Gopalpora, Chadoora, District Budgam, -191111 Union Territory of Jammu & Kashmir, do hereby solemnly affirm and declare as under:-

1. That I am the Applicant No.1 in the abovementioned Original Application and therefore competent to swear the present Affidavit.
2. That the abovementioned Reply has been drafted by my counsel on my instructions and the contents of the same are true and correct to my knowledge.


DEPONENT

VERIFICATION: Verified today on this 20/07/2024 at Srinagar, Union Territory of J&K do hereby verify and declare that the facts mentioned above are true and correct nothing material has been concealed therefrom and no part of it is false.

Verified that the statement as
declared by the deponent at
Budgam Magam on this day of
20th July 2024 by Bashir Ahmed
Bhat son of Ghulam Mohammad Bhat
Residing at Gopalpora Chadoora and
identified by Shahid Mushtaq
Muzam Fayaz Magam
Notary Public
(Budgam, Magam)


DEPONENT



सत्यमेव जयते

INDIA NON JUDICIAL

Government of Jammu and Kashmir

₹10

e-Stamp

Certificate No. : IN-JK38243970388728Y
Certificate Issued Date : 20-Jul-2026 03:31 PM
Account Reference : NEWIMPACC (SV)/ jk12516504/ BUDGAM/ JK-BG
Unique Doc. Reference : SUBIN-JKJK1251650458230109098823Y
Purchased by : Bashir Ahmad Bhat
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
 (Zero)
First Party : Bashir Ahmad Bhat
Second Party : Not Applicable
Stamp Duty Paid By : Bashir Ahmad Bhat
Stamp Duty Amount(Rs.) : 10
 (Ten only)



₹10

GHULAM NABI DAR
 Stamp Vendor
 Dist. Court, Budgam

Please write or type below this line

IN-JK38243970388728Y

Statutory Alert:

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