



Government of Jammu and Kashmir  
**J&K Pollution Control Committee**  
Jammu

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**Consultant (Judicial),  
Hon'ble National Green Tribunal, (P.B)  
New Delhi.**

No. PCB/NGT/130/022 | 814-816

Dt. 15-12-2022.

**Sub: - O.A No. 706/2022 Order Dated 28-09-2022 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi titled Asgar Ahmad Najar Versus Ministry of Environment, Forest and Climate Change & Ors.**

Ref.: Consultant (Judicial) (NGT) email dt. 01-10-2022.

Sir,

In compliance to the Hon'ble National Green Tribunal Order Dated 28-09-2022 in O.A No. 706/2022 titled **Asgar Ahmad Najar Versus Ministry of Environment, Forest and Climate Change & Ors.**, kindly find enclosed herewith the factual report submitted by the Joint Committee constituted in this regard.

The compliance report may kindly be taken on record and placed before the Hon'ble NGT for consideration please.

Yours faithfully,

Encl: (As above)

(K. Ramesh Kumar) IFS 15/12/22  
Member Secretary  
JKPCC, Jammu.

Copy to the: -

1. Sh. G.M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 Dated 12-10-2022.
2. PA to Chairperson, J&K PCC for kind information of Chairperson.

**Report of the Joint Committee in the matter of OA No. 706/2022; Asgar Ahmed Najjar Versus Ministry of Environment, Forests and Climate Change &Ors.**

**1. Background:**

The matter is regarding an application, wherein it is alleged that “respondent no. 8 under the aegis of Respondent no.7 has installed a benching plant (Cement concrete USBRL Project T- 77D, Tunnel) in the mid of residential area at Village Channar, Bankoot, District Ramban, Jammu and Kashmir. The respondent no.8 is continuously emitting highly toxic chemicals, which is causing huge damage to the flora and fauna including agricultural land and fruit bearing trees in the adjoining area. Respondent no. 7 is continuously discharging waste material over the land of the applicants, pathways, streets which makes the land unfit for cultivation and causes blockage to the public way and routes of Alam Shah Convent School, Adnam Academy Banihal and the Anganwadi Centre. Due to tunnel work and explosions conducted by respondents No.7 and 8, the houses of the applicants and other inhabitants got cracks in their walls because of danger of vibrations.”

Hon’ble National Green Tribunal (NGT) vide order dated 28/9/2022 (**Annexure-1**) directed, as follows:

*“In view of the allegations made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representatives of CPCB, State PCB and District Magistrate, Ramban and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the project proponent, verify the factual position and submit its report within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)”*

## 2.0. Compliance of the Directions of Hon'ble National Green Tribunal:

The Joint Committee constituted by Hon'ble NGT in this matter was assigned the task of **i) Undertaking the visit to the site; ii) Look into the grievances of the applicant; iii) Associate the applicant and the representatives of the project proponent; iv) Verify the factual position and v) submit its report.**

In compliance to the directions of Hon'ble NGT, the joint committee comprising of Zaheer Abbas, Sub Divisional Magistrate (SDM), Banihal (representative of Deputy Magistrate, Ramban), Dr. Narender Sharma, Additional Director, CPCB Chandigarh (Representative of CPCB, New Delhi) and Sanjay Rathore, Divisional Officer, PCC Ramban (Representative of JKPCC) visited the site on 16.11.2022, the date fixed for conducting joint visit by Deputy Commissioner, Ramban vide his office communication no. DCR/ARA/486-88 dated 1.11.2022. The applicant accompanied by other inhabitants of village Chanar, Bankoot and the representatives of the project proponent were associated and were present during the visit of site. During the visit, the applicant and other villagers physically showed all the points of their concern to the Joint Committee besides giving a written submission highlighting all the points (**Annexure-2**).

## 2.1. Verification and Factual Report of the Joint Committee:

The matter was examined by the Joint Committee from Environmental angle and as directed by Hon'ble National Green Tribunal, point-wise factual report prepared based on the physical verification and record made available to the Joint Committee, is submitted as follows:

S.No.	Grievance of the Applicant as filed in the OA No. 706 of 2022, by the applicant.	Verification and Factual Report of the Joint Committee as on 16/11/2022 along with suggested remedial measures.
1.	The benching plant installed by the respondent No. 7 and 8 has no water disposal mechanism in place and all the waste material generated from the Unit is being discharged over the land of the applicant.	The settling tank for settling the solid inorganic waste has been provided, for primary treatment of waste water generating from the batching plant as on 16/11/2022. However, the examination of record provided by Divisional Office of JKPCC, indicates that the facility for primary treatment of the waste water generated have been inadequate

		<p>in the past upto 16/8/2022 (Letter No. PCC/DO/Rbn/2022/66 dated 21/7/2022 attached as <b>Annexure-3</b> and Letter No, PCC/RD-J/2022/1288/2830-32 dated 16/8/2022 attached as <b>Annexure-4</b>), <i>thereby confirming that the pre-treatment/sedimentation tank of batching plant was of inadequate size and also project proponent was non-complaint before 16/8/2022 and the tunnel waste water without any proper treatment, was being discharged into the nearby drain (concrete lined except pathways/crossing points), leading to agriculture land. The physical condition of the land as verified by the Joint Committee also indicated the same (Photograph-1 of Annexure-6).</i></p> <p>J&amp;K PCC is required to take action for non-compliance of the terms &amp; conditions of the Consent to Operate (CTO) and the directions given to the project proponent.</p>
2.	The waste water also flows through the pathways streets make it difficult for the public to walk on the streets as wells as also makes hindrance for the school going children.	During visit to the site, this point was verified by the Joint Committee ( <b>Photograph 2&amp;3 of Annexure-6</b> ) and to avoid this problem, either ramps or closed pipes are required to transport the waste water at the points where waste water is crossing the pathways/crossing points.
3.	The respondent No. 7 and 8 have not made any proper way to handle the chemicals and steel fibre, slash etc and the water from the tunnel (de-winterization).	It was observed by the Joint Committee that the water accumulated in the tunnel under reference is muddy/slushy due to the construction activities and movement of vehicles engaged in the construction activities in the main tunnel, and is pumped outside through tunnel T-77A and discharged on down slope natural drainage

		<p>passing through one side of the village into the Bishleri Nallah.</p> <p>In this regard, the record shared by the concerned Divisional Office of JKPCC indicates that this site was previously visited by JKPCC team and it was found that the water from de-watering of the tunnel and is discharged into the small nallah/drain which passes through the nearby village (Letter No. PCC/DO/Rbn/2022/66 dated 21/7/2022 attached as <b>Annexure-3</b>). Subsequently, a letter was also issued by JKPCC to the project proponent asking them to construct settling tanks of adequate sizes outside the face of the tunnel and at the batching plant so that slush etc is settled and removed at regular intervals ( Letter No, PCC/RD-J/2022/1288/2830-32 dated 16/8/2022 attached as <b>Annexure-4</b>).</p> <p>During the verification of the factual position by the Joint Committee, it was observed that while the project proponent has provided the settling tank for the batching plant (<b>Photograph-4 of Annexure-6</b> ), <i>no arrangement/ settling tanks have been provided for the muddy water coming out of the tunnel as on 16/11/2022 and the muddy water is still going in the nearby nallah/drain and also on the pathways/crossing points being used by villagers (Photograph-5of Annexure-6 ) , leading to the village pathways and the land in the village ChanarBankoot Village, Tehsil Banihal, District Ramba (Photograph-6of Annexure-6). Therefore, it</i></p>
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		<p><i>may be concluded that the project proponent is yet to comply with the directions/advice of J&amp;KPCC to prevent damage to the public health and soil environment.</i></p> <p><i>J&amp;K PCC is required to take action for non-compliance of the directions issued to Project Proponent so that the tunnel work is performed with the compliance of prescribed norms/directions of J&amp;K PCC.</i></p>
4.	<p>The illegal activities of Respondent No. 7 &amp; 8 have resulted in creation of a huge dumping ground which can fall anytime and may cause damage to the whole village.</p>	<p>It was observed by the Joint Committee that the village Chanar Bankoot, tunnel T-77 A and batching plant are at lower elevation than the existing Tatnihal-Banihal road maintained by IRCON International Ltd. The project proponent has constructed an approach road in the acquired land towards batching plant and tunnel T-77A by dumping the muck at the junction for the purpose of widening it so that the construction vehicles can easily reach the site.</p> <p><i>However, at the same time, as apprehended by the applicant, it is true that if it slides due to any reason, this may cause damage on down slopes since proper retaining wall is not provided by the project proponent so far (Photograph-7 of Annexure-6.</i></p> <p><i>Therefore, a retaining structure such as gabions/crate wall to retain the muck dumped for construction of approach road on upper side of the village is needed badly to avoid any untoward incident, leading to loss of property or life.</i></p>

## **2.2. Other Observations made by the Joint Committee:**

1. It was informed by the representative of the Project Proponent that the Project Proponent namely M/s ABCI Infrastructure Ltd is at present executing the construction of balance work for Tunnel T-77D (Km 146.60 to 148.36 approx.) awarded by IRCON INTERNATIONAL Ltd. on Katra-Banihal section of Udhampur-Srinagar-Baramula Rail Link (USBRL) project. Due to the change in alignment of the railway tunnel/route, the already constructed tunnel (T-77 A) near village Bankoot is to be plugged permanently after completion of the realigned tunnel work which is nearing its completion stage and may take about 06 months more for its completion. The tunnel (T-77A) near the village Chanar, Bankoot is used for transportation of men and material by the project proponent and another construction company namely M/s Beigh Construction Company which has also been awarded work (in 373 mt length) inside main tunnel upto kapran bridge towards katra.
2. As per condition of CTO granted by JKPCC to the batching plant, the Project Proponent is required to apply for renewal of consent 60 days in advance before expiry of the consent order. However, the examination of the records indicates that it remained operational without valid consent to operate for 35 days.
3. The project proponent is required to collect and store the empty cement bags properly and dispose off the same through supplier or vendor, to avoid contributing towards particulate emissions.
4. With regard to the use of toxic chemicals, it was observed that project proponent is using only commonly used concrete additives to improve the setting time of the concrete.

## **2.3. Factual Report by other concerned Government Departments:**

Subsequent to the visit of the Joint Committee, Deputy Commissioner Ramban vide Office No. DC/Rbn/PS/2022/1782-88 dated 24.11.2022 (**Annexure-5**) has directed Sub Divisional Magistrate, Banihal, Chief Horticulture Officer Ramban, Chief Animal Husbandary Officer, Ramban, District Sheep Husbandary Officer, Ramban, District Mining Officer Ramban and Chief Agriculture officer, Ramban to visit the site and submit factual

report pertaining to their sectors with regard to the damages caused to the agricultural land of the applicant and inhabitants, fruit bearing trees, livestock, and cracks occurred to the houses of applicant and villagers with the operation of batching plant since its operation in the year 2020 and construction/ discharge of tunnel waste water.

The feedback on the above points as received from the respective departments and the comments of the Joint Committee on the feedback is summarized as follows:

**2.3.1. Feedback from District Mineral Officer, Ramban (Annexure-7):**

*The dumped material in the form of Tunnel muck/road cutting muck has been found on the site as it has been noticed that the said material has been dumped by M/s ABCL Infrastructure Pvt. Ltd to widen the sharp curve at the junction of link road leading to batching plant of ABCL and Old aligned Railway Tunnel T-77A for the smooth and easy movement of vehicles on the sharp curve as there is no huge dumping found on the ground as reported by the complainant at site. The crate stone wall and the old aligned Railway tunnel T-77A also found at the base of site in question as protection.*

*The report of the Mineral Officer was examined by the Joint Committee and it was observed that no feedback with regard to the adequacy of the protection provided to the muck dumped by the proponent and the additional measures required, to avoid any untoward incident leading to loss of property and life, have been provided.*

*Therefore, a revisit to the report is required by the Mining Officer in the interest of public property and precious life of inhabitants.*

**2.3.2. Feedback from Chief Animal Husbandry Officer, Ramban (Annexure-8):**

No livestock farmer of the area has reported death of any animal (Bovine) in the area due to pollution of drinking water since last two years. Also, no such incident has been seen by the field staff of Animal Husbandry Department, Ramban, during field inspections and visits since long.

**2.3.3. Feedback from District Sheep Husbandry Officer, Ramban (Annexure-9):**

No resident/breeder of the area has reported death of any animal (Sheep/Goat) in the area due to pollution of drinking water of animals since last two years. Also, no such incident has been

seen by the field staff of Sheep Husbandry Department, Ramban, during field inspections and visits since long.

**2.3.4. Feedback from Sheep Development Officer, Ramban (Annexure-10):**

Neither anybody (Breeder/Resident) of the said area reported to this office regarding death of Sheep and Goat in large numbers due to drinking of Cement-mix water nor this office has observed it during our routine field inspections.

**2.3.5. Feedback from Chief Horticulture Officer, Ramban (Annexure-11):**

The catchment area at Chanar Bankoot, Banihal has been visited along with HDO Banihal and observed that there is no considerable affect damage to the horticulture plantations.

*It was observed by the Joint Committee that report of the Chief Horticulture Officer does not speak anything about the land under reference, which was found to be occupied/filled with silt/mud and therefore nothing could be concluded from the report of the Chief Horticulture Officer. A revisit to the report with relevant data of the yield of horticulture crops before and after installation of batching plant is required, to conclude the matter.*

**2.3.6. Feedback from Sub Divisional Magistrate, Banihal (Annexure-12):**

The applicant namely Asgar Ahmed Najar is having land measuring 9 Marlas falling under Khasra No. 111 & 112 in Village Bankoot and recorded in the name of his father Ghulam Mohd as per revenue records. Regarding emitting of toxic chemicals, *it was observed that muddy water found coming from one abandoned tunnel of Northern Railway located at said location. This muddy water flows through one pucca drain leading to the agriculture land of local inhabitants and finally into Bichleri River.*

*During spot visit, some cracks were found in the walls of applicant's house and other inhabitants residing in locality. Cause of these cracks needs to be ascertained that whether these cracks are result of blasting or due to some construction fault.*

*Pucca Pathway of around 25-30 m was found in dilapidated condition leading to nearby locality. Further, one pucca drainage found reportedly constructed by concessionaire of IRCON. Muddy water emanating from abandoned tunnel flowing through the drainage found entering in land of applicant and other inhabitants near the tail end of this pucca drainage.*

*The said dumping is protected by Gabion Structures but there is apprehension that this dumping may slide down as it is done on the downhill side.*

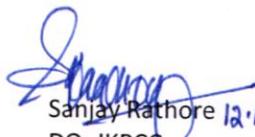
*The above facts reported by the SDM, Banihal is similar to what has been reported by the Joint Committee. It may be noted that SDM, Banihal was part of the Joint Committee during the site visit as a representative of the Deputy Commissioner, Ramban.*

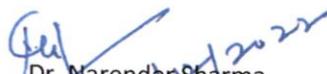
**2.3.7. Feedback from Chief Agriculture Officer, Ramban (Annexure-13):**

A team of Agriculture Officers of Zone Banihal visited the spot on 08-12-2022 and reported vide letter no. AEO/B/2022-23/78 Dated: 08-12-2022 that an area of 1-1.5 acre of Paddy land has been damaged due to the effluents coming from the construction site of Railway Tunnel by ABCI.

The above Factual Report is being filed in compliance to the directions of Hon'ble National Green Tribunal.

As directed by Hon'ble National Green Tribunal, a copy of the report is also being provided to the Project Proponent through Nodal Agency, to comply with the suggested measures or file objections against the observations of the Joint Committee. Further, a copy of the report is also being provided through the Nodal Agency to the concerned Statutory Authorities namely State PCB and District Magistrate, Ramban to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment, by giving notice to/hearing the project proponent and following due process of law, in compliance of the orders of Hon'ble National Green Tribunal.

  
Sanjay Rathore  
DO, JKPC  
Ramban  
12.12.2022

  
Dr. Narender Sharma  
Additional Director  
CPCB Chandigarh  
12/12/2022

  
Mussarat Islam, JKAS  
District Magistrate  
Ramban  
12/12/2022

Date: December 12, 2022

Item No.02

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)  
Original Application No. 706/2022

Asgar Ahmad Najar

...Applicant

Versus

Ministry of Environment, Forest and  
Climate Change & Ors.

...Respondents

Date of hearing: 28.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Amit Jain, Advocate.

**Application under Section 18 of the National Green Tribunal Act, 2010  
read with Rule 8 of the National Green Tribunal (Practice and  
Procedure) Rules, 2011.**

**ORDER**

1. The applicants have filed the present application under Section 18 of the National Green Tribunal Act, 2010 read with Rule 8 of the National Green Tribunal (Practice and Procedure) Rules, 2011 with the prayer *inter alia* for directing respondent no. 2 to cancel NOC granted to respondent no. 8 and directing respondents no. 7 and 8 to immediately stop discharging of waste material over the land of the applicant and Pathway School and install proper water disposal mechanism.

2. The applicant has submitted that respondent no. 8 under the aegis of respondent no. 7 has installed a benching plant (Cement concrete USBRL Project T-77 D, Tunnel) in the mid of residential area at Village Channar, Bankoot, District Ramban, Jammu and Kashmir. The respondent no. 8 is continuously emitting highly toxic chemicals, which is causing huge damage to the flora and fauna including agricultural land and fruit bearing trees in the adjoining area. Respondent no. 7 is continuously discharging waste material over the land of the applicants, pathways, streets which makes the land unfit for cultivation and causes blockage to the public way and routes of Alam Shah Convent School, Adnam Academy Banihal and the Anganwadi Centre. Due to tunnel work and explosions conducted by respondents no. 7 and 8, the houses of the applicants and other inhabitants got cracks in their walls because of dangerous vibrations.
3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.
4. Notices alongwith copies of the application and documents attached therewith be issued to the respondents no. 2,4,7 and 8 requiring them to file their response/ reply to the averments made in the application within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
5. The applicant is directed to take requisite steps for service of notices on the respondents no. 2, 4, 7 and 8 and file affidavit in this regard within two weeks.
6. In view of the allegations made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of

representatives of CPCB, State PCB and District Magistrate, Ramban and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the project proponent, verify the factual position and submit its report within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

7. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The Project Proponent to enable it to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file its response before this Tribunal within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.; and

(ii) The concerned Statutory Authorities including State PCB and District Magistrate, Ramban to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment, by giving notice to/hearing the project proponent and following due process of law within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. List for further consideration on 23.12.2022.

O. A. No. 706/2022  
Ors.

Asgar Ahmad Najar Vs MOEF & CC &

-4-

9. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the CPCB, State PCB and District Magistrate, Ramban by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 28, 2022  
AG

بیان ماسٹروگان کوہ ہیکوٹے مورڈھ جانٹار بالڈر مارح مورڈھ ۱۱  
درخواست دیندگان

- (۱) اصغر احمد دلہا محمد خاں سائن ہیکوٹے عمر 32 پستہ دراپو
- (۲) ارشد احمد دلہ محمد اشرف خاں سائن ہیکوٹے عمر 27 پستہ نزد درو
- (۳) عبدالکریم دلہ محمد سلیم خاں سائن ہیکوٹے عمر 40 پستہ رکان
- (۴) ایاض احمد دلہ محمد رمضان رمضان خاں سائن ہیکوٹے عمر 35 پستہ دراپو

فطران بالاتفاق رائے بیان کرتے ہیں کہ فطران جسٹس ہائینڈ مورڈھ جانٹار کے ریاہتیں ہیں۔ فطران کا بالاتفاق رائے بیان ملکہ ریسٹرائٹی NAT جوٹے مکیش ٹوفد ملا دیا گیا اور بعد ملافتہ ٹوفد اور بیانات ہائینڈ گاف بٹول ہیں

(۱) Muck dumping جو حصول شدہ رقبہ میں کمی ہے اس کی وجہ سے کچھ عین نقصان ہوتے کا اندیشہ ہے۔ رقبہ حصول شدہ دطلوان ہے۔

(۲) نٹلے اندر سے جو پانی باہر نکلتا ہے وہ جس کے ذریعے سے گنداسیے، جوں کی وجہ لوگ کہ دنے ہوتے ہے اور پانی آلودہ ہوتے کی وجہ سے حال پوسٹس دھار ہوتا ہے اور درتے کا اندیشہ ہے۔ فضل بھی خراب ہوتے ہے۔

(۳) Batching plant راتے کہ چلاتے سے شور ہوتا ہے جس کی وجہ سے گرد آلودگی کہ لوگوں کہ وقتے ہوتے ہے۔ زمین Batching plant چلنے کی وجہ سے لٹی ہے جس کی وجہ زمین آریے آتے ہیں۔ جس کی وجہ پگڑو غبار اٹھتا ہے۔ ماحول آلودہ ہوتا ہے۔ لوگوں زمین کمرہ دو سال سے بیکار رہتی ہوتے ہے۔

(۴) حصول شدہ رقبہ میں Steel Rods/fibers بڑا ہوتے کی وجہ سے چلنے میں عام لوگوں کو درفتے ہوتے ہے

(۵) مکانات حملہ جہاں گاڑیں بوجہ Blasting کرتے ہوتے ہیں۔

ضمان کے اس قدر بیان ہیں جو کہ کسی مفکر کے سامنے رکھے گئے۔

Roac

3

2  
عزت

(1)  
ASGAR

4

روبرگ گونا گونا گوں کے سامنے بیان لے گئے

گواہ میر ۲ شمس الدین ولد عزیز ترخار

گواہ میر ۱ بایر قلہ محمد الودعان

18  
ستار

18/11/10



**Office of the Divisional Officer**  
**Pollution Control Committee**  
**Ramban**

ANNEXURE-3

The Regional Director  
J&K Pollution Control Committee  
Jammu.

No: - PCC/DO/Rbn/2022/66

Dated: 21.07.2022

**Sub: - Application for taking action against the ABCI Pvt Limited for using Chemicals and Steel fiber, slash etc. which cause huge damage to the property of the applicants.**

Sir,

A complaint was received in this office from Sh. Manzoor Ahmed Najjar S/o of Ghulam Mohd. Najjar R/o Bankoot Tehsil Banihal (copy enclosed) for taking action against ABCI Private Limited which is engaged in the construction of Tunnel Railway Tunnel T-74 R balance work at and allied works on Katra-Banihal section of USBRL project package of T-74-B (N) for using chemicals and steel fiber, slash etc. which cause huge damage to the property of applicants. It is also claimed in the complaint that ABCI is using highly toxic chemicals which cause damage to the Agriculture land and fruit bearing trees, pedestrian stairs, pathways and water drains which are totally occupied by chemicals, steel fiber and slash etc. and the company has not made any proper way to handle chemicals, steel fiber and slash coming out of tunnel de-watering and washing of millers.

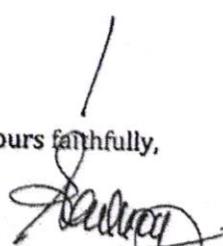
Accordingly, the site was inspected and found that the water from de-watering of tunnel and outside natural water is discharged into small nallah/drainage which passes through nearby village. The water which comes out of tunnel is muddy as construction activities are going on inside tunnel. The company has also constructed a pucca drain in downstream portion for tunnel water passing through nearby habitation but the waste water from batching plant which is operational at an approximate distance of 200 meter from tunnel (at higher elevation) also found discharged down the slopes. As claimed by the complainant no toxic chemicals found used in the cement concrete work but the problem of slush and muddy water is there. As per statement of the representative of the company, there shall be no water coming out of the tunnel as this tunnel is going to be plugged/closed once the new alignment work of railway line is completed.

It is therefore requested that the company may be directed to construct settling tanks of adequate sizes outside the face of tunnel and at batching plant so that the slush etc is settled and removed at regular intervals. The address for correspondence is as under:

Project Manager, ABCI Infrastructure Pvt. Ltd.  
T 74 R-B(N) Tunnel project Village Tatnihal, Banihal Distt. Ramban

Hence submitted please.

Yours faithfully,

  
Divisional Officer  
PCC, Ramban

21/7/2022

J&K POLLUTION CONTROL COMMITTEE  
 OFFICE OF THE REGIONAL DIRECTOR, JAMMU  
 Pariwesh Bhawan, Forest Complex Gloodni, Transport Nagar, Baramulla, Jammu  
 Email: regionaldirector@jkspcbi.nic.in, Tel/fax: 9191-2476926  
 www.jkspcbi.nic.in

The Project Manager,  
 ABCI Infrastructure Pvt. Ltd.  
 T74R-B(N) Tunnel Project,  
 Village Tatnihal, Banihal,  
 Distt. Ramban.

No.: PCC/RD-J/2022/1288/ 2830-32

Dated: 16/08/2022

Sub.: Complaint against ABCI Pvt. Ltd. For using Chemical & Steel Fiber, Slush etc. at Chandrol Bankoot Tehsil, Banihal Distt, Ramban.  
 Ref: PCC/DO/Rbn/2022/66 dated: 21.07.2022.

There is a complaint lodged by one Sh. Manzoor Ahmed Najjar S/o Ghulam Mohd. Najjar R/o Bankoot Tehsil Banihal wherein it has been claimed that you are using highly toxic chemicals and steel fiber, slush which are detrimental to the agricultural land and fruit bearing trees.

The complaint has been examined and verified by the Divisional Officer, Ramban and it has been reported as under:

- (i) No toxic chemicals, as claimed in the complaint, have been found used in the cement concrete work.
- (ii) Problem w.r.t slush and muddy water is there.

Now, in view of ground report received from Divisional Officer vide letter dt: 21.07.2022, you are advised to construct settling tanks of adequate sizes outside the face of tunnel and at batching plant so that slush etc. is settled and thereafter removed at regular intervals. Compliance report in this regard be submitted to this office within 30 days positively.

Sat Paul, IFS  
 Regional Director

Copy to the:

1. Member Secretary, J&K PCC Jammu for information.
2. Divisional Officer PCC, Ramban for information and necessary action.



**GOVERNMENT OF JAMMU & KASHMIR**  
**OFFICE OF THE DEPUTY COMMISSIONER, RAMBAN**

\*\*\*\*\*

**Sub Divisional Magistrate,  
Banihal**

<b>Chief Horticulture Officer, Ramban</b>	<b>Chief Animal Husbandry Officer, Ramban</b>	<b>District Sheep Husbandry Officer Ramban.</b>	<b>District Mining Officer, Ramban</b>	<b>Chief Agriculture Officer, Ramban</b>
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No: DC/Rbn/PS/2022/1782-88

Dated: 24.11.2022

Sub: Constitution of Joint Committee in case of Hon'ble NGT OA No. 706/2022 titled as Asgar Ahmad Najar V/s Ministry of Environment, Forest and Climate change &Ors.

Ref: JKPC/NGT/130/782-788, dated 03.10.2022.

Your attention is invited towards the subject, in reference to the Member Secretary, JKPC, communication as referred above.

Hon'ble NGT, vide order dated 28.09.2022 in OA 706/2022 constituted a committee to verify the factual position comprising of representative of CPCB, State PCB and District Magistrate Ramban to undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of project proponent, verify the factual position and submit report.

Accordingly, the Committee so constituted comprising Additional Director CPCB, New Delhi, Sub Divisional Magistrate Banihal and D.O Pollution Control Committee Ramban visited the site on 16.11.2022 to ascertain factual position on ground. The inspection report based on the observations on ground, is being prepared in this regard and factual reports are required from your department also, as the applicant in his petition also claimed the following points before Hon'ble NGT:

1. That the applicant is the owner of the land at Chanar Bankoot, Banihal and M/s ABCI infrastructures Private Limited (Respondent No. 8) is continuously emitting highly toxic chemicals which are causing huge damage to the Flora and Fauna including agriculture land and Fruit bearing trees in the said area.
2. That due to tunnel work and explosions conducted by M/s IRCON International Limited, (Respondent No 8) and M/s ABCI Infrastructures Private Limited (Respondent No 7), the houses of the applicant and other inhabitants got cracks in their wall because of dangerous vibrations.
3. That the livestock are dying in large numbers due to discharge of cement mix water in the Agriculture land/area.
4. That damage is being done by Respondent No 7 & 8 to the Agriculture land, pathway and streets of village Chanar, Bankoot.
5. That huge dumping ground has been created which can fall at any time and may cause damage to the whole village.

As such you are directed to submit factual reports pertaining to your sectors after conducting site visits. The factual reports shall be submitted at an earliest so that a comprehensive report is prepared and submitted to the Hon'ble NGT, well before the next date of hearing.

  
 24.11.2022  
 Mussarat Islam, JKAS  
 Deputy Commissioner  
 Ramban

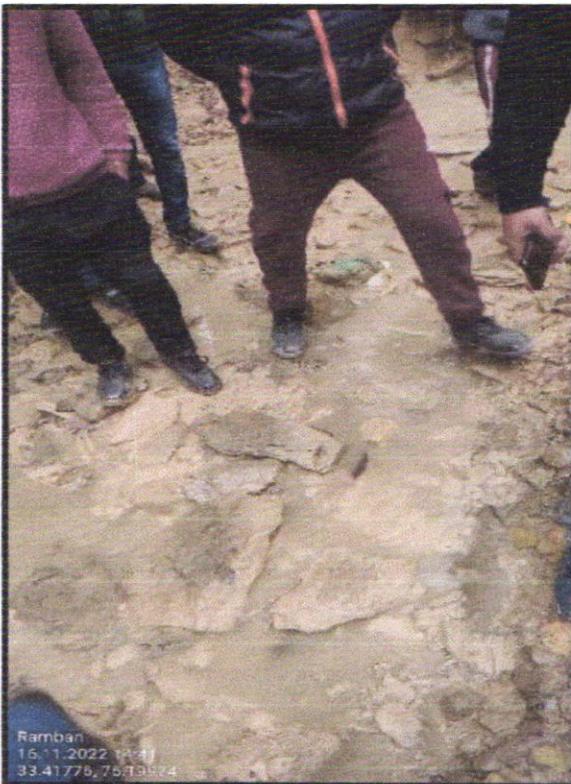
Copy to the:-

1. Member Secretary, J&K Pollution Control Committee, Jammu for favour of kind information.

**Annexure 6: Photographs taken by the Joint Committee during site visit.**



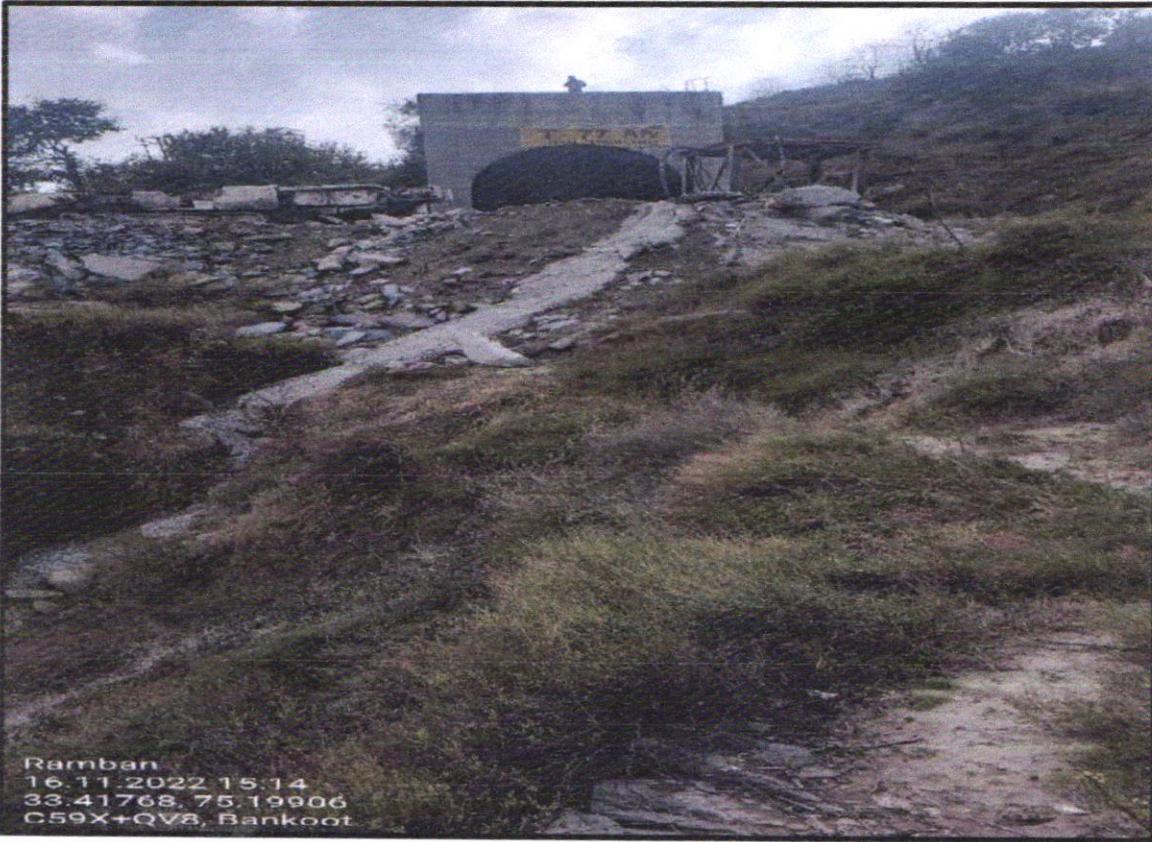
**Photograph 1:** Agriculture land under reference, occupied with silt/mud due to discharge of waste water without primary treatment



**Photograph 2 & 3:** Waste water flowing through pathways being used by villagers



**Photograph 4:** Settling tanks provided for the pretreatment of batching plant waste water



**Photograph 5:** No settling tanks provided for muddy water from tunnel as directed by J&KPCC



Ramban  
16.11.2022 15:04  
33.41776, 75.19974  
C59X+QV8, Bankoot, 182146

**Photograph 6:** Muddy water containing silt leading to pathways and agriculture land under reference



Ramban  
16.11.2022 16:59  
33.41681, 75.1994  
C59X+QV8, Bankoot

**Photograph 7:** Muck dumping without proper retaining wall.



1. The building is the headquarters of the Ministry of Agriculture, Government of India.

ANNEXURE-7

**Office of The District Mineral officer**  
**Geology and Mining Department Ramban**

✓ The Deputy Commissioner

Ramban

No:- DMO-R/NGT/2022-23/190

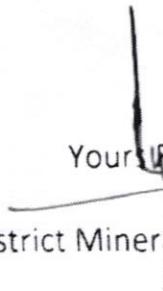
Date:- 07/12/2022

Sub:-Constitution of committee in case of Honble NGT OA No. 706/2022 Titled as Asgar Ahmed Najar  
V/S Ministry of Environment, Forest and climate change & Others

R/Sir

Kindly refer to the above cited subject ,The undersigned visited the spot on 6.12.2022 at bankoot Tatnihal Banihal. The site in complain falls at Right side (downstream) Bachleri nallah above the old aligned railway tunnel T77A at Tatnihal - banihal Railway Road. The dumped materail in the foim of Tunnel muck/Road cutting muck has been found on the site as it has been noticed that the said material has been dumped by M/S ABCI Infrastructure pvt. Ltd to widen the sharp curve at the junction of link road leading to batching plant of ABCI and old aligned Railway tunnel T77A for the smooth and easy movements of vehicles on sharp curve as there is no huge dumping found on ground as reported by complainant at the site. The crate stone wall and old aligned Railway Tunnel T77A also found at the base of site in question as a protection. Further as communicated by the officials of ABCI during visit that the said land has already been acquired by Northern Railway.

Hence the report is submitted for favour of information please.

Yours Faithfully  
  
07/12/2022  
District Mineral Officer  
Ramban

GOVERNMENT OF JAMMU & KASHMIR  
**OFFICE OF THE CHIEF ANIMAL HUSBANDRY OFFICER, RAMBAN**  
Email: cahormb123@gmail.com Phone/Fax 01998-295212

---

The District Development Commissioner,  
Ramban.

No: CAHO/R/ 2072

Dated: 08-12-2022.

**Sub: Case of Hon'ble NGT OA No: 706/2022 Titled as Asgar Ahmad Najar V/s Ministry of Environment Forest and Climate Change & Ors- Report Thereof.**  
**Reference: Your good office No: DC/Rbn/PS/2022/1782-88 Dated: 24-11-2022.**

Sir,

In context to the above cite/subject and reference, it is submitted that a factual report after visiting the site, has been received from Veterinary Assistant Surgeon Banihal (Copy enclosed) wherein it has been submitted that no livestock farmer of the area has reported death of any animal (Bovine) in the area due to pollution of drinking water since last two years. Also no such incident has been seen by the field staff of Animal Husbandry Department, Ramban during field inspections and visits since long.

It is also submitted that no such incident has been reported by any resident of the area to this office since more than 02 years.

Yours faithfully

Enc. ( 01 leave. )

  
Chief Animal Husbandry Officer,  
Animal Husbandry Officer  
Ramban

OFFICE OF THE VETERINARY ASSISTANT SURGEON VET. HOSPITAL BANIKHAL

The chief Animal Husbandry Officer  
Ramban

No:- VHB/336

Date:- 07/12/2022

Subject: Submission of report in case of Horrible NGT OA No. 706/2022  
titled as Asgar Ahmed Najar vs Ministry of Environment, Forest  
and Climate Change & ors.

Ref No:- JKPC/NGT/130/182-788 Dated 03-10-2022.

Sir,

Appropos the aforementioned subject. In this context, it is submitted that the undersigned has visited the place and enquired regarding the incident and found that no animal has died till date due to discharge of cement mix water in the agriculture land/area. Besides this no animal is registered in our office died due to discharge of cement mix water.

Hence, report is submitted for favour of information and necessary action please.

yours faithfully .

  
Veterinary Assistant Surgeon  
Department of Animal Husbandry  
Vet. Assistant Surgeon  
Banihal

GOVERNMENT OF UNION TERRITORY OF JAMMU AND KASHMIR  
**OFFICE OF THE DISTRICT SHEEP HUSBANDRY OFFICER RAMBAN**

Phone: 01998295206

Email: [dsho-ramban@jk.gov.in](mailto:dsho-ramban@jk.gov.in)

Email: [dshoramban@gmail.com](mailto:dshoramban@gmail.com)

The District Development Commissioner,  
Ramban.

No: DSHO/Rbn/Tech/2022-23/ 2683

Dated: 08-12-2022.

Sub: Case of Hon'ble NGT OA No: 706/2022 Titled as Asgar Ahmad Najar V/s Ministry of Environment Forest and Climate Change & Ors- Report Thereof.

Ref: Your good office No: DC/Rbn/PS/2022/1782-88 Dated: 24-11-2022.

Sir,

Kindly refer to above quoted subject and reference it is submitted that a report has been taken from Sheep and Wool Development Officer, Banihal (Copy enclosed) wherein it has been submitted by that no resident/breeder of the area has reported death of any animal (Sheep/Goat) in the area due to pollution of drinking water of animals since last two years. Also no such incident has been seen by the field staff of Sheep Husbandry Department, Ramban during field inspections and visits since long.

Also it is submitted that no such incident has been reported/ submitted by any resident of the area to this office also since more than 02 years.

This is for favour of your kind information and necessary action at your end.

Yours faithfully



(Dr. Vikas Gupta)  
District Sheep Husbandry Officer  
Ramban

# GOVERNMENT OF JAMMU AND KASHMIR (UT)

OFFICE OF THE

SHEEP AND WOOL DEVELOPMENT OFFICER BANIHAL

Email: sdobanihal182146@gmail.com

Contact No: 9682692652

The District  
Sheep Husbandry Officer  
Ramban.

No:- SDO/ Bnl/ Tech/ 2022-23/ 0881

Date:- 07.12.2022

Sub:- Constitution of Joint Committee in case of Hon'ble NGT OA No. 706/2022 titled as Asgar Ahmad Najar V/s Ministry of Environment Forest and Climate change & ORS ---report thereof.

Ret:- DSHO Ramban's letter No:-DSHO/Rbn/Tech/2022-23/2670, dated:07/12/2022.

Sir,

In context to the subject and reference cited above, it is to submit that neither anybody (**Breeder/ Resident**) of said area reported to this office regarding the death of Sheep and Goat in large numbers due to **drinking of Cement -mix water** nor this office has observed it during ~~our~~ routine field inspections.

As such the report is here-by submitted to your good self for favour of information.

Yours faithfully,

[Dr. Zahoor Ah. Maanday]  
Sheep Development Officer  
BANIHAL  
8/12  
7/12  
07/12/2022

Department of Horticulture  
OFFICE OF THE CHIEF HORTICULTURE OFFICER RAMBAN  
e-mail:- [chorambanoffice@gmail.com](mailto:chorambanoffice@gmail.com)

The District Development Commissioner  
Ramban

No:- CHO/Rbn/Dev/1643-44

Date: 08.12.2022

**Subject:-** Constitution of joint committee in case of Hon'ble NGT OA No. 706/2022 titled as Asgar Ahmed Najjar Vs Ministry of Environment, Forest and Climate Change & Ors.- Reporting thereof.

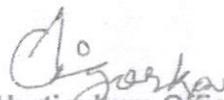
**Ref.:-** Letter No. DC/Rbn/Ps/2022/1782-88 dated 24.11.2022

Sir,

Regarding the subject and reference cited above, it is submitted that the catchment area at Chanar Bankoot, Banihal has been visited along with HDO Banihal and observed that there is no considerable affect/damage to the Horticulture plantations.

Hence the report is submitted for necessary action.

Your's faithfully,

  
Chief Horticulture Officer  
Ramban  
08.12.2022

OFFICE OF THE SUB DIVISIONAL MAGISTRATE BANIHAL

Deputy Commissioner  
Ramban.

No:- SDMB/22/ 818

Dated:-07-12-2022

Sub:- Constitution of joint committee in case of Honble NGT OA No.706/2022 titled as Asgar Ahmed Najar V/S Ministry of Environment, Forest and Climate changes & Ors.

Sir,

Your kind attention is invited towards the subject cited above and your good office communication number DC/Rbn/ps/2022/1082-83 dated 24/11/2022. Wherein, undersigned was directed to visit spot and submit factual report pertaining to revenue sector. Undersigned requested Tehsildar Banihal for submission of factual report after visiting spot visit vide this office letter no SDMB/ 22/783-84 dated 24/11/2022. In response Tehsildar Banihal has submitted factual report pertaining to revenue sector vide his office letter no TEH/BNL/OQ/851 dated 07/12/2022 (copy enclosed for kind reference)

1. That the applicant is the owner of the land at Chanar Bankoot, Banihal and M/S ABCI Infrastructures Private Limited (Respondent No. 8) is continuously emitting highly toxic chemicals with which are causing huge damage to the Flora and Fauna including agriculture land and fruit bearing trees in the said area.

The applicant namely Asgar Ahmed Najar is having land measuring 9 Marlas falling under Khasra No. 111 & 112 in village Bankoot and recorded in name of his father namely Ghulam Mohd as per revenue records. Regarding emitting of toxic chemicals it was observed that muddy water found coming from one abandoned Tunnel of Northern Railway located at said location. This muddy water flows through one pucca drain leading to the agriculture land of local inhabitants and finally into Bichleri River.

2. That due to Tunnel Work and explosions conducted by M/s IRCON International Limited (Respondent No. 8) and M/s ABCI Infrastructures Private Limited (Respondent No. 7), the house of the applicant and other inhabitants got cracks in their wall because of dangerous vibrations.

During spot visit some cracks were found in the walls of applicant's house and other inhabitants residing in locality. Cause of these cracks needs to be ascertained that whether these cracks are result of blasting or due to some construction fault.

3. That damage is being done by Respondent No. 7 & 8 to the agriculture land, pathway and streets of village Chanar, Bankoot.

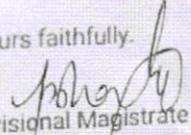
During visit at spot pucca pathway of around 25-30 m was found in dilapidated condition leading to nearby locality. Further one pucca drainage found reportedly constructed by concessionaire of IRCON. Muddy Water emanating from abandoned Tunnel flowing through this drainage found entering in land of applicant and other inhabitants near the tail end of this pucca drainage.

4. That huge dumping ground has been created which can fall at any time and may cause damage to the whole village.

There is one massive dumping site located at said location. Dumping is being done by concessionaire of IRCON namely M/s ABCI Infrastructure Ltd in private land and partly in acquired land of Railway. The said dumping is protected by Gabion structures but there is apprehension that this dumping may slide down as it is done on downhill side.

As such factual report is submitted for your kind perusal and further necessary action at your end please.

Encls(03 leaves)

Yours faithfully,  
  
Sub Divisional Magistrate  
Banihal

OFFICE OF THE SUB DIVISIONAL MAGISTRATE BANIHAL

Tehsildar  
Banihal

No: - SDMB/22/ 783-84.

Dated: - 24-11-2022.

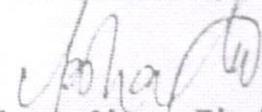
Sub: - Constitution of Joint Committee in case of Hon'ble NGT  
OA No. 706/2022 titled as Asgar Ahmed Najar V/s Ministry of  
Environment, Forest and Climate change & Ors.

Sir,

Please find enclosed herewith letter received from Deputy Commissioner Ramban vide his No. DC/Rbn/PS/2022/1982-88 dated: 24-11-2022 regarding the subject cited above, in this context you are requested to visit the spot and submit factual report pertaining to your sector within 02 days positively.

**Matter May be treated as most urgent.**

Yours faithfully,



Zaheer Abass Bhat  
Sub Divisional Magistrate  
Banihal

Copy to the: -

1. Deputy Commissioner Ramban for favour of kind information.

o/c

OFFICE OF THE TEHSILDAR BANIHAL

Sub Divisional Magistrate  
Banihal.

No:- TEH/BNL/DQ/851

Dated:-07-12-2022

Sub:- Constitution of joint committee in case of Hon-ble NGT OA No.706/2022 titled as Asgar Ahmed Najar V/S Ministry of Environment, Forest and Climate changes & Ors.

Sir,

Kindly refer the subject cited above, In this context report pertaining to revenue department is submitted as below;

**1.That the applicant is the owner of the land at Chanar Bankoot, Banihal and M/S ABCI infrastructures Private Limited (Respondent No. 8) is continuously emitting highly toxic chemicals with which are causing huge damage to the Flora and Fauna including agriculture land and fruit bearing trees in the said area.**

The applicant namely Asgar Ahmed Najar is having land measuring 9 Marlas falling under Khasra No. 111 &112 in village Bankoot and recorded in name of his father namely Ghulam Mohd as per revenue records. Regarding emitting of toxic chemicals it was observed that muddy water found coming from one abandoned Tunnel of Northern Railway located at said location This muddy water flows through one pucca drain leading to the agriculture land of local inhabitants and finally into Bichleri River.

**2.That due to Tunnel Work and explosions conduct by M/s IRCON International Limited (Respondent No. 8) and M/s ABCI Infrastructures Private Limited (Respondent No.7), the house of the applicant and other inhabitants got cracks in their wall because of dangerous vibrations.**

During spot visit some cracks were found in the walls of applicant's house and other inhabitants residing in locality. Cause of these cracks needs to be ascertained that whether these cracks are result blasting or due to some construction fault.

**3.That damage is being done by Respondent No.7 & 8 to the agriculture land, pathway and streets of village Chanar, Bankoot.**

During visit at spot pucca pathway of around 25-30 m was found in dilapidated condition leading to nearby locality. Further one pucca drainage found reportedly constructed by concessionaire of IRCON. Muddy Water emanating from abandoned Tunnel flowing through this drainage found entering in land of applicant and other inhabitants near the tail end of this pucca drainage.

**4.That huge dumping ground has been created which can fall at any time and may cause damage to the whole village.**

There is one massive dumping site is located at said location. Dumping is being done by concessionaire of IRCON namely M/s ABCI Infrastructure Ltd in private land and partly in acquired land of Railway. The said dumping is protected by Gabion structures but there is apprehension that this dumping may slide down as it is done on downhill side.

As such report is submitted for your further perusal please

Yours faithfully,

Tehsildar  
Banihal



GOVT OF INDIA  
UNION TERRITORY OF JAMMU & KASHMIR  
DEPARTMENT OF AGRICULTURE PRODUCTION AND FARMERS WELFARE  
OFFICE OF THE CHIEF AGRICULTURE OFFICER RAMBAN  
Email ID: caoramban@gmail.Com



Deputy Commissioner,  
Ramban.

No: E-1/CAO/Rbn/2022-23/ 2438-43

Dated: 08-12-2022

Sub:- Damage to Agriculture land due to polluted water coming from the construction site of Railway tunnel by ABCI.

Sir,

In reference to your letter no: DC/Rbn/2022/1982-88 Dated: 24-11-2022 regarding the subject captioned above, a team of Agriculture Officers of Zone Banihal visited the spot on 08-12-2022 and reported vide letter no. AEO/B/2022-23/78 Dated: 08-12-2022 that an area of 1-1.5 acre of Paddy land has been damaged due to the effluents coming from the construction site of Railway Tunnel by ABCI.  
This is for your kind information, Sir.

Thanking You.

Yours faithfully,

  
Chief Agriculture officer  
Ramban

Copy to the:-

1. Chief Planning Officer, Ramban for kind information.
2. Assistant Commissioner Revenue, Ramban for kind information.
3. District Agriculture Officer, Ramban for information.
4. Sub Divisional Agriculture Officer, Ramban for information.
5. Agriculture Extension Officer, Banihal for information.



**J&K POLLUTION CONTROL COMMITTEE**  
**OFFICE OF THE REGIONAL DIRECTOR - JAMMU**

Parivesh Bhawan, Forest Complex Gladni, Transport Nagar, Narwal, Jammu  
Email: regionaldirectorjkspcbmu@gmail.com, Tel/fax 0191-2476926

PCC

[www.jkspcb.nic.in](http://www.jkspcb.nic.in)

✓ M/s ABCI Infrastructure Pvt. Ltd.,  
Village Chanar Bankoot,  
Ramban.

Notice-I

No.PCC/RDJ/Green/2022/9076-78

Dated:- 19/03/2022

**Legal Notice**

Whereas, no industrial unit can be established or run without the consent of the Committee as envisaged under section 25/26 and section 21 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, respectively.

Whereas, every unit is also under statutory obligation to meet the prescribed standards of emissions / effluents by installing requisite pollution control devices.

Whereas, your online case vide application No. 2537262 for grant of Consent to Operate (Fresh) was examined and returned back to you due to some shortcomings regarding inadequate pollution control measures. Moreover, you have not resubmitted the case after rectification of deficiencies and still operating the unit un-authorizedly i.e. without valid consent from Pollution Control Committee and PCDs as well.

Whereas, you are hereby directed to stop the operation of the batching plant untill shortcomings are rectified.

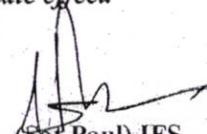
Whereas, operation of Batching Plant with this status is punishable under Section 5 of the Environment Protection Act 1986 which includes closure of your unit.

Whereas, operation of your Batching Plant with this status is a flagrant violation of the above mentioned laws and is also punishable under Section 15 of Environment Protection Act 1986 which states whosoever fails to comply with or contravenes any of the provisions of this Act or the rules made or order or directions issued there under, shall be punishable with imprisonment for up to five year or with fine up to one Lakh Rupees or with both.

Whereas, the Committee accordingly proposes to initiate legal action against you including closure of the Batching Plant as well for:-

- Operating the Batching Plant without valid consent from the Pollution Control Committee.
- Causing environmental pollution especially air/water pollution in the area adversely affecting the health of general public.

*Therefore, you are directed to show cause within 15 days from its issuance as to why legal action including closure of your Batching Plant should not taken up against you. Meanwhile, you are directed to stop the un-authorized operation of your unit with immediate effect.*

  
(Sat Paul) IFS  
Regional Director

vs Jammu

Copy to:-

- The Member Secretary, J&KPCC Jammu for kind information.
- Divisional Officer, PCC Ramban for information and necessary action. This is in reference to his letter No. PCC/DO/Rbn/2022/255 dated 10-03-2022. You are directed to also handover one copy of this notice to unit holder or paste at a suitable place on the main gate of the unit/address to ensure the delivery.
- Record file

ok



PCC

www.jkspcb.nic.in

**J&K POLLUTION CONTROL COMMITTEE  
OFFICE OF THE REGIONAL DIRECTOR - JAMMU**

Parivesh Bhawan, Forest Complex Gladni, Transport Nagar, Narwal, Jammu  
Email: regionaldirectorjksPCCjmu@gmail.com, Tel/fax 0191-2476926

**FINAL NOTICE**

M/s ABCI Infrastructure Pvt. Ltd.,  
Batching Plant,  
Village Channar Bankot,  
Ramban.

No: PCC/RD-J/Green //2022/ F-N/ 492-94 .

Dated: 23/05/2022

**NOTICE**

Ref:- PCC/RD-J/Green/2022/9076-78 dt.19-03-2022

You have already been served with the above referred notice but you have failed to respond to the notice till date.

Whereas, no industrial unit can be installed or run without the consent of the Committee as envisaged under section 25/26 and section 21 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, respectively.

Whereas, every unit is also under statutory obligation to meet the prescribed standards of emissions / effluents by installing requisite pollution control devices.

Whereas, your online case vide application no. 2537262 grant of Consent to Operate (Renewal) was examined and returned back to you due to some shortcomings regarding inadequate pollution control measures. Moreover, you have not resubmitted the case after rectification of deficiencies and still operating the unit un-authorizedly i.e. without valid consent from Pollution Control Committee and without PCDs.

Whereas, Operation of the unit with this status is punishable under Section 5 of the Environment Protection Act 1986 which includes closure of your unit.

Whereas, Operation of the unit with this status i.e. without consent & authorization from the Committee is a flagrant violation of the above mentioned laws and is also punishable under Section 15 of Environment Protection Act 1986 which states whosoever fails to comply with or contravenes any of the provisions of this Act or the rules made or order or directions issued there under, shall be punishable with imprisonment for upto five year or with fine up to one Lakh Rupees or with both.

*This notice is therefore issued and served upon you to show cause within 15 days from its issuance as to why legal action including closure of your unit should not be taken against you for the violation of various environmental laws.*

Sat Paul, IFS

Regional Director, Jammu

- i) The Member Secretary, J&K PCC Jammu for information.
- ii) Divisional officer, PCC Ramban for information. This is in reference to your letter no.PCC/DO/Rbn/22//35 dt.12-05-2022.
- iii) Record file