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**Jammu and Kashmir
Pollution Control Committee**

chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006

Silk Factory Road
Rajbagh, Srinagar, 190 008

The Consultant Judicial,
Hon'ble National Green Tribunal,
Principal Bench,
New Delhi.

No: JKPCC/NGT/OA 14/2025/752

Date:-02-08-2025

Sub:- Report on behalf of Jammu and Kashmir Pollution Control Committee in pursuant to the Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 22-01-2025 in OA No. 14/2025 titled Zahoor Ahmad Dar Versus Union Territory of J&K & Ors

Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 22-01-2025 in OA No. 14/2025 titled **Zahoor Ahmad Dar Versus Union Territory of J&K & Ors**, the Report of the J&K Pollution Control Committee is submitted herewith.

It is, therefore, requested that the Report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As Above


(Ghansham Singh) JKAS
Member Secretary 2.8.25
J&K PCC

65
Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Original Application No. **14/2025**

IN THE MATTER OF

**“Zahoor Ahmad Dar Versus Union
Territory of J&K & Ors.**

Report on behalf of Jammu and Kashmir Pollution Control Committee in pursuant to the Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 22-01-2025 in OA No. 14/2025 titled Zahoor Ahmad Dar Versus Union Territory of J&K & Ors.

Background:

That the Hon'ble National Green Tribunal vide Order dated **22-01-2025** in **OA No. 14/2025** directed as follows:-

6. *The J&KPCC must bring the said jurisdictional bar to the notice of the Civil Court which has passed the order in the civil suit wherein the order of the J&KPCC dated 27.05.2024 passed under the Air Act, Water Act and EP Act has been stayed.*
7. *The OA raises substantial issue relating to compliance of the environmental norms.*
8. *Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.*



Status Report:

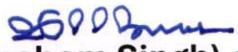
In compliance to the aforesaid directions of the Hon'ble NGT, the report of the J&K PCC is submitted as under:-

1. Accordingly, the matter of jurisdictional bar was brought into the notice of the Chief Judicial Magistrate, Srinagar by the J&K Pollution Control Committee with the request to vacate the stay order/dismiss the application filed by the applicant on against closure order issued by the J&K Pollution Control Committee dated 27-05-2024.
2. Pursuant to this, the matter was perused vigorously with the court of learned Chief Judicial Magistrate, Srinagar. The CJM, Srinagar vide its order dated 15-07-2025 after hearing the matter have rejected the application filed by applicant Mr. Aijaz Ahmad Wani in case titled **Aijaz Ahmad Wani Verus UT of Jammu & Kashmir and Ors.** against the closure order issued by the J&K Pollution Control Committee and have also vacated the stay order granted by the said court dated 28-10-2024. **(copy of the order enclosed as Annexure – 1)**
3. Consequent of the above, the J&K PCC have withdrawn the **kept in abeyance order dated 08-01-2025** issued against closure order dated 27-05-2024 with a copy to the Deputy Commissioner, Bandipora for taking further necessary action. **(copy enclosed as Annexure-2).**
4. Furthermore, the Deputy Commissioner, Bandipora has also been requested to ensure implementation of the closure order issued by the J&K PCC dated 27-05-2024. **(copy enclosed as Annexure -3) .**
5. The Deputy Commissioner, Bandipora, consequent upon the vacation of the kept in abeyance order of the J&K PCC dated 17-07-2025 have issued directions to the Tehsildar Hajin for taking further course of action vide letter dated 22-07-2025 **(copy enclosed as Annexure-4)**



Prayer:

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.


(Ghansham Singh) 2.8.25
Member Secretary
J&K PCC

IN THE COURT OF CIVIL JUDGE SR. DIVISION/CJM SRINAGAR

CNR NO: JKSG-0200-4687-2024

File No: IA/01/2024

Date of Inst: 28.09.2024

Date of Order: 15.07.2025

IN THE CASE OF:

1. Ajaz Ahmad Wani S/o Ghulam Ahmad Wani
R/o Naidkhai, Hajan, Bandipora

...Plaintiffs

Adv. Younis

VERSUS...

1. UT of J&K through Pollution Control, Board
2. Member Secretary Pollution Control, Committee
3. Regional Director, Pollution Control Committee
4. Deputy Commissioner Bandipora

..Defendants

Adv. Aarifa Amin Tak along Law officer for defendant 1 to 3
Nemo for defendant no. 4, who are in exparte.

In the Matter of:

Application for interim relief

IN/AND

CIVIL ORIGINAL SUIT

ORDERCORAM: ADIL MUSHTAQ AHMAD (JK00163)

1. An application for interim relief is on board whereby the plaintiff has prayed before this court that till final disposal of the main suit, the order dated 27.05.2024 bearing No. 71 PCC of 2024 be kept in abeyance and the defendant be directed to de-seal the unit of the plaintiff immediately in the interest of justice.
2. As per the plaint, the plaintiff is aggrieved of order bearing no. 71-PCC of 2024 dated 27th of May 2024 issued by the defendant no. 2 whereby the Deputy Commissioner, Bandipora i.e, defendant no. 4 has been directed to get the unit of the plaintiff closed. The aforesaid order as per the plaint has been issued by the defendant no.2 without affording any opportunity of being heard to the plaintiff and moreso, the unit of the plaintiff does not fall within the ambit of the Act under which the action has been taken place by the defendant no. 2. It is projected that in order to run the aforesaid Unit, the plaintiff also applied before the Power Development Department for obtaining the electricity connection for purpose of running the aforesaid Unit. Further as per the plaint, the mixer installed by the plaintiff in his Unit has to be run only

Ajaz A. Wani vs. UT of J&K & Ors

CNR NO: JKSG-0200-4687-2024

on electric motor. Therefore, the Power Development Department, accordingly installed the electricity connection in the Unit under installation No. BRK/MILL BP/NK. The Unit of the plaintiff as per the plaint does not require any big machinery, but only minor machinery, therefore, the Power Development Department sanctioned the electricity load of 7.5 KW, which is required in micro units. Plaintiff as per the plaint had applied for defendant pollution control committee along with all prerequisites in an online mode. Further it is averred that since the action of the respondents was contrary to law, therefore the plaintiff approached the Hon'ble High Court through the medium of writ plaint bearing WP (1282/2024 seeking direction upon the defendants to decide his application and the Hon'ble court directed the defendants to consider their application of the plaintiff within a period however same has not been decided till today. The aforesaid application for obtaining the consent to run the micro Unit at Hajin, Bandipora was received by the defendant Pollution Control Committee on 9th of April, 2022 and, as per the provisions of the Act of 1974 and 1981, the defendants were supposed to decide the said application filed by the Plaintiff for grant of sanction within a period of four months after the receipt of the application. Further it is projected that the Act of 1974 clearly envisages that the consent, unless given or refused earlier, shall be deemed given unconditionally on the expiry of a period of four months of the making of an application in this behalf. However, in the instant case, the Defendant-Pollution Control Committee, despite receiving the application and acknowledging the same on 9th of April, 2022, failed to decide the said application within four months, as is prescribed in the Act of 1974 and the Act of 1981. Even though, as per the aforesaid provision of law, the application not decided within four months would amount to granting of unconditional consent but the Defendants neither decided the application filed by the Plaintiff for grant of consent nor they were allowing the Plaintiff to operate the Unit, stated hereinabove, the aforesaid impugned Order dated 27th of May, 2024 has been issued by the Defendant No.2 without affording any opportunity of being heard to the Plaintiff and, more so, neither any show

cause notice the aforesaid impugned Order itself was ever served upon the Plaintiff.

3. Following relief has been sought by the plaintiff in the plaint:
 - A decree of declaration declaring the order no. 71-PCC of 2024 dated 27th of May 2024 issued by the defendant no. 2 as null and void non-est in the eyes of law, based and accordingly be quashed and set aside to the extent of plaintiff.
 - A decree of mandatory injunction by virtue of which the defendants be commanded to allow the plaintiff to run the hollow brick unit as usual and not cause any sort of impediment, interference and hurdle in smooth operation of unit.
 - A decree of permanent prohibitory injunction by virtue of which defendant be permanently restrained from causing any hurdle in smooth operation of unit.
 - Any other order or decree which this court may deem fit and proper in the circumstances of the case and can be also passed in favour of plaintiff and against the defendants as same shall be in the interest of justice.
4. The record before the court would indicate that this court in terms of order dated 28.10.2024, when the defendants despite due service choose not to appear passed the following direction:

"In the meantime, till final disposal of the main suit the order dated 27.05.2024 bearing no. 71 of PCC of 2024 shall remain in abeyance and the defendant no. 2 is directed to de-seal the unit of the plaintiff. This order, however, would be subject to objections from otherside who shall be at liberty to apply, for vacation, modification, cancellation and revocation of the order even before the next date fixed in the matter.
5. Defendants have entered appearance before the court only on 19.04.2025 in the main suit but in between on 13.02.2025 had filed written statement in the matter. As per the written statement, the suit of the plaintiff is misconceived and incorrect besides being without merit, as such deserves to be dismissed. It is submitted that the plaintiff has not come before this court with clean hands and is guilty of misrepresentation of facts, as such, the suit is liable to

be dismissed. The plaintiff has also suppressed the material facts and misrepresented the factual and legal position as such is not permissible. It is further submitted that this court has no jurisdiction to entertain the suit as the jurisdiction of civil courts is barred in terms of section 46 of Air (Prevention & Control of Pollution) Act, 1981 and section 58 of Water (Prevention & Control of Pollution) Act, 1974. As such the suit deserves to be dismissed. It is further submitted that the answering defendants have ensured that every application seeking consent for establishment/operation of a unit qualifies the requisite criteria/condition precedent for the establishment of particular unit as laid down by the government from time to time as well as inconformity to the environmental legislation. It is further submitted that on account of persistent complaints filed against operation of unit of the petitioner at the specified location and pollution problems in respect thereof particularly the noise generated by the machinery of the unit, show cause notices were issued to the plaintiff as to why unit shall not be closed, specific to mention herein is the notice dated 12.03.2024, however, the plaintiff failed to justify his actions with regard to complaints filed against the operation of the unit and consequently the unit was again inspected by the respondent committee through District Officer concerned, and the report submitted would reveal that the status of the plaintiff's unit remained unchanged. It is further submitted that the regional director pollution control committee, Kashmir vide communication dated 16.05.2024, confirmed the report of the Divisional Officer, Bandipora and accordingly recommended closure of the unit of plaintiff and in exercise of powers vested in J&K Pollution Control Committee under section 13-A of Water (Prevention & Control of Pollution) Act, 1974 and section 31-A of Air (Prevention & Control of Pollution) Act, 1981 r/w section 5 of the Environmental Protection Act, 1986 closure of Hallow Block unit of the plaintiff was issued vide order No. 71 JKPCC of 2024 dated 27.05.2024. As such the instant suit deserves to be dismissed as the plaintiff failed to obtain mandatory consent from J&K Pollution Control Committee, as required under section 25/26 of the Water (Prevention & Control of Pollution), Act 1974 and section 21 of the Air (Prevention & Control of Pollution) Act 1981.

6. Heard Ld. counsel for the parties and perused the record.
7. Plaintiff by way of the suit has contested the order bearing no 71 PCC of 2024 dated 27th of May 2024, issued by defendant no 2, where the immediate closure order with respect to mercantile operation of the plaintiff unit has been ordered. The order on the face of it appears to be passed in terms of the provisions contained under Water (Prevention and Control of Pollution)Act 1974, Air (Prevention and Control of Pollution Act) 1981 and Environment (Protection)Act 1986. The first question which arises before the court is whether the plaintiff is required to challenge the order by way of a statutory appeal or he can assail the order by way of a Civil Original suit. The settled principle of law under section 9 of Code of Civil Procedure is that Civil Courts have jurisdiction to try all suits of civil nature unless the jurisdiction is expressly excluded or the intention to take away the jurisdiction is by necessary intendment implied in the statute and no such presumption can be drawn against the jurisdiction of civil court to entertain a suit. Whenever a statute contains a provision barring the jurisdiction of a civil court, it is strictly construed and confined only to the four corners of the bar contained in the statute. The jurisdiction of the Civil Courts is all embracing except to the extent it is excluded by an express provision of law. This is the purport of Section 9 of the Code of Civil Procedure. Perusal of the provisions contained under Water (Prevention and Control of Pollution)Act 1974, Air (Prevention and Control of Pollution Act) 1981 and Environment (Protection)Act 1986 , especially section 33 A , 33B of Water (Prevention and Control of Pollution)Act 1974, section 46 of Air (Prevention and Control of Pollution Act) 1981 and section 22 of Environment (Protection)Act 1986, 58 of the Water Act in unequivocal terms create a tapper on the jurisdiction of the court to hear the controversy involved in the matter , while as the jurisdiction to determine the questions raised in the suit has been conferred on a statutory authority . Keeping in view the aforesaid discussion, the plaintiffs has not been able to project before this court triable question in the matter as such plaintiff has no prima facie in his favour .

8. Since the court has come to the conclusion that plaintiffs have no prima facie case, this court is not required to analyse the other two pre requisites. Reliance is placed on the case of Kashi Math Samasthan V/s Shrimad Sudbhidra Tbritha Swamy and anr 2010 (10) SCC 689, where Hon'ble Apex Court held as under:

“it is well settled that in order to obtain an order of injunction, the party who seeks for grant of such injunction has to prove that he has made out a prima facie case to go for trail, the balance of convenience is also in his favour and he will suffer an irreparable loss and injury if injunction is not granted. But it is equally well settled that when a party fails to prove prima facie case to go for trail, question of considering the balance of convenience or irreparable injury or loss to party concerned would not be material at all, that is to say, if that party fails to prove Prima facie case to go for trail, it is not open to the court to grant injunction in his favour even if, he has made out a case for balance of convenience being in his favour and would suffer irreparable loss and injury if no injunction order is granted”.

9. Falling in line with the authoritative judgment supra, I need not to determine other two requisites, when the very first is missing. For all what has been discussed above, application for interim relief is devoid of any merit are accordingly rejected and order dated 28.10.2024 is vacated. Main file to come up for recording of preliminary statement on _____.

10. Any observation be made hereinbefore is for the sole purpose of deciding the merits of the application and shall have no bearing on the merits of the main suit.

Announced:
15.07.2025

AADIL Digitally
MUSHT signed by (Aadil Mushtaq Ahmad)
AQ AADIL Civil Judge Sr. Division/CJM
MUSHTAQ Srinagar
BANDAY BANDAY

IN THE COURT OF CIVIL JUDGE SR. DIVISION/ CJM
SRINAGAR

CNR NO: JKSG-0200-4687-2024

File NO: 8596/2024

Date of Inst. 28.09.2024

Date of Order: 28.10.2024

In the Case of:-

Ajaz Ahmad Wani

S/o Ghulam Ahmad Wani

R/o Naikhal Hajan Bandipora

..Plaintiff

Adv. Younis

VERSUS..

1. UT of J&K through Pollution Control Board
2. Member Secretary Pollution Control Committee
3. Regional Director Pollution Control Committee
4. Deputy Commissioner Bandipora

..Defendants

In the Matter of: Application for Temporary Injunction

IN/AND

CIVIL ORIGINAL SUIT.

CORAM:

Aadil Mushtaq Ahmad.

JO Code:-JK-00163

ORDER

1. This file has come up for hearing today.
2. Counsel for the plaintiff present. Nemo for otherside.
3. The record available before the court would reveal that the notice of the matter stands served upon defendants, however, despite due service no one has appeared on behalf of the defendants. Office to issue fresh notice to

Ajaz Ahmad Wani vs UT of J&K & Ors

CNR NO: JKSG-0200-4687-2024

without affording any opportunity of being heard to the Plaintiff and, more so, neither any show cause notice the abovesaid impugned Order itself was ever served upon the Plaintiff.

5. At this stage, a case of prima facie is made out in favour of the plaintiff and the balance of convenience also tilts in favour of the plaintiff. In the meantime, till final disposal of the main suit the order dated 27.05.2024 bearing no. 71 of PCC of 2024 shall remain in abeyance and the defendant no. 2 is directed to de-seal the unit of the plaintiff. This order however, would be subject to objections from the otherside who shall be at liberty to apply for vacation, modification, cancellation and revocation of this order even before the next date fixed in the matter. This order be conveyed accordingly to defendants for compliance.

Put up on 16.11.2024

Announced
28.10.2024

Adil
(Adil Mushtaq Ahmad)
Civil Judge Sr. Division/ CJM,
Srinagar

Copy of Order Forwarded to Defendant/Non Applicant no. 2 for Compliance

Adil Mushtaq Ahmad
CIVIL JUDGE
Srinagar
Adil Mushtaq Ahmad
Civil Judge Sr. Division/ CJM,
Srinagar

**Jammu and Kashmir Pollution
Control Committee**
chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com
0191 - 2472881, 2476925



Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006
Silk Factory Road
Rajbagh, Srinagar, 190 008

ORDER No.: 288-JKPCC of 2025
DATED 08-1-2025

Whereas, closure of **M/s Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora**, was ordered by the JKPCCC vide order No. **71- JKPCCC of 2024** dated **27-05-2024** for the failure of the proprietor of Hollow Block Unit to obtain mandatory consent of the JKPCCC; and

Whereas, the above said order has been implemented by the District Administration, Bandipora and the unit is presently closed and sealed; and

Whereas, the unit holder has filed a Civil Suit before the Hon'ble Court of Chief Judicial Magistrate, Srinagar, OS No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors, wherein the Hon'ble Court by virtue of Order dated 28.10.2024 has passed the following direction;

"In the meantime, till final disposal of the main suit the order dated 27.05.2024 bearing No. 71 JKPCCC of 2024 shall remain in abeyance and the defendant No. 2 is directed to de-seal the unit of the plaintiff"

Now, therefore, in compliance to the Hon'ble Courts order dated 28.10.2024 passed in OS(Original Suits) No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors, the Order No. **71 JKPCCC of 2024** dated **27.05.2024** is hereby kept in abeyance, till final disposal of the suit.

This Order shall however remain subject to outcome of the OS(Original Suits) No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors.

Issued with the Approval of Competent Authority.


(Ghansham Singh), JKAS
Member Secretary, **8.1.25**
JKPCCC, Jammu

No: JK PCC/LSK/1953-196

Dt.: 08/1/2025

Copy to the :-

- i. Deputy Commissioner, Bandipora for information and necessary action for de-sealing the Hollow Block unit forthwith.
- ii. Regional Director, PCC, Kashmir for information.
- iii. Chief Engineer, Kashmir Power Distribution Corporation Ltd. (KPDCL), Kashmir for information.
- iv. M/s Arifa Amin Tak, Ld. Standing Counsel, JKPCCC, at Srinagar.
- v. Executive Engineer, KPDCL Electric Division, Naidkhai Bandipora for information.
- vi. Executive Engineer, PHE Naidkhai Bandipora for information.
- vii. Divisional Officer, PCC, Bandipora for information and necessary follow up.
- viii. I/c Website, J&K Pollution Control Committee, Kashmir/Jammu
- ix. **M/s Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora for information.**

**Jammu and Kashmir Pollution
Control Committee**chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com

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Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006
Silk Factory Road
Rajbagh, Srinagar, 190 008Deputy Commissioner
Bandipora

NO:- JKPCC/LSK/2025/ 248

Dated:- 01-07-2025

**Sub:- Implementation of closure order No. 71 JKPCC of 2024 dated 27-05-2024 against M/s
Wani Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora.**

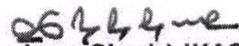
Sir,

Please find enclosed herewith a copy of this office Order No. 120-JKPCC of 2025 dated 17-07-2025, copy whereof endorsed to you on the above subject. Pursuant to the rejection of application filed by Aijaz Ahmad Wani against the closure order issued by the J&K Pollution Control Committee dated 27-05-2024 and vacation of order of learned Chief Judicial Magistrate, Srinagar on 15-07-2025, J&K Pollution Control Committee has withdrawn the abeyance order No. 288 JKPCC of 2025 dated 08-01-2025.

You are therefore, requested to ensure implementation of the closure order issued by the J&K PCC dated 27-05-2024 in letter and spirit.

Encl: As above.

Yours faithfully,


(Ghansham Singh) JKAS
Member Secretary 1.8.25
J&K PCC

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180006

Silk Factory Road
Rajbagh, Srinagar, 190008

Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

Order No: 71 PCC of 2024
Dated: 27 / 05/2024

Whereas, no activity having bearing on environment can be set up or put in operation, without the prior consent of the Pollution Control Committee, as warranted 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, manufacturing of **Hollow Block** is classified in **Green category**, for the purposes of obtaining of consent from the Committee, keeping in view the pollution potential of the unit

Whereas, **M/s Hallow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai Bandipora** has been setup and put in operation in violation of the above stated laws, in residential area that too without having valid consent of the JK PCC.

Whereas, persistent complaints have been received against the unit from local residents through **LGs Grievance Cell Complaint No. 999004804925** which stand verified as genuine.

Whereas, the unit holder was accordingly served with repeated notices, particularly notice dated 12-03-2024 calling upon him there-under to show reasons as to why legal action including closure of his unit be not taken for violation of law.

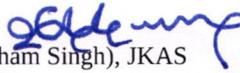
Whereas, the unit holder has failed to show any response to the notices, besides failing to take measures to meet the requirements of laws governing environmental protection and Regional Director, PCC Kashmir has recommended closure of the unit vide his No. **PCC/ROK/LS/Clo/46 dated 16-05-2024**.

Whereas, the unit in question, cannot be allowed to run un-authorizedly with above status and to the detriment of human health and environment.

Now, therefore, in exercise of powers vested in the J & K Pollution Control Committee under **Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) Air (Prevention and Control of Pollution) Act, 1981**, read with **Section 5 of Environment (Protection) Act, 1986**, immediate of **M/s Hallow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai Bandipora**, is hereby ordered and in this behalf the:-

- Deputy Commissioner/ District Magistrate, **Bandipora** is directed to get **M/s Hallow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai Bandipora** closed immediately.
- Exe. Engineer, (KPDCL) **Naidkhai** is directed to snap the electric supply to the above said units immediately.
- Director, Industries & Commerce Department, **Kashmir** is directed to deregister the units.
- Sh. Aijaz Ahmad Wani, Prop. **M/s Hallow Block unit at Laribal Naidkhai Bandipora** is directed to cease the operation of the unit forthwith.

By order of the Competent Authority.


(Ghansham Singh), JKAS
Member Secretary
JK PCC, Jammu
27.5.24

No.: PCC/LSK/2024/762-767
Dated:- / 05/2024

- Deputy Commissioner/ District Magistrate, Bandipora for information and necessary action, under intimation.
- Chief Engineer Electric & Maintenance (KPDCL) Kashmir for information and necessary action, under intimation.
- Director, Industries & Commerce Department Kashmir for information and necessary action
- Regional Director, PCC, Kashmir for information and follow up action.
- Incharge web site Pollution Control Committee Jammu for uploading the closure order.
- Sh. Aijaz Ahmad Wani, Prop. **M/s Hallow Block unit at Laribal Naidkhai Bandipora** for compliance.



Annexure-79
Government of Jammu and Kashmir
Office Of The

Deputy Commissioner Bandipora

E-Mail: aratotcbpr@gmail.com | Phone: 01957-226085 | Fax: 01957-226051

19436 37

16-26-7-25

The Tehsildar,
Hajin.

No.DCB/Legal/2025/ 546-48

Dated:- 22.07.2025

Sub:-Closure Order of M/s Hallow Block Unit at Naidkhai.

Sir,

Regarding the subject captioned above, kindly find enclosed herewith a copy of order bearing No. 120-PCC of 2025 dated 17.07.2025 received from J&K Pollution Control Committee for favor of information and further course of necessary action.

ALD

25/7/25
24.7.25

Yours faithfully

~~Zaffar Husson Shawl (JKAS),
Addl. Deputy Commissioner
Bandipora.~~

Copy to:

1. Member Secretary, JKPC, Jammu for favour of information.
2. Divisional Officer, PCC Bandipora for information.

Jammu and Kashmir Pollution**Control Committee**

chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com

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Parivesh Bhavan, Forest Complex
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Sub:- Closure Order of M/s Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, District Bandipora.

ORDER No.: 120-JKPCC of 2025

DATED 17 -07-2025

Whereas, closure of M/s **Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora**, was ordered by the JKPCCC vide order No. **71- JKPCCC of 2024** dated **27-05-2024**, for the failure of the proprietor of Hollow Block Unit to obtain mandatory consent of the JKPCCC; and

Whereas, the aforesaid order of the J&K PCC was implemented by the District Administration Bandipora and the unit was closed and sealed; and

Whereas, the unit holder filed a Civil Suit before the Court of Learned Chief Judicial Magistrate, Srinagar, OS No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors, wherein the Hon'ble Court by virtue of its Order dated 28.10.2024 passed the following directions:-

“ In the mean time, till final disposal of the main suit the order dated 27.05.2024 bearing No. 71 JKPCCC of 2024 shall remain in abeyance and the defendant No. 2 is directed to de-seal the unit of the plaintiff ”

Whereas, in compliance to the aforesaid order of the Chief Judicial Magistrate Srinagar dated 28.10.2024 passed in OS(Original Suits) No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors, the Closure Order No. **71 JKPCCC of 2024** dated **27.05.2024** issued by the J&K PCC was kept in abeyance, vide order No. 288- JKPCCC of 2025 dated 08-01-2025, subject to outcome of the OS(Original Suits) No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors; and

Whereas, the above referred civil suit was contested by the J&K, Pollution Control Committee before the court of Learned Chief Judicial Magistrate, Srinagar which vide its order dated 15-07-2025 was pleased to reject the application of the plaintiff for interim relief and have also vacated the interim order dated 28-10-2024, the operative portion of the order is reproduced as under;

25/07/25

“9. Falling in line with the authoritative judgment supra, I need not to determine the other two requisites, when the very first is missing. For all what has been discussed above, application for interim relief is devoid of any merit are accordingly rejected and order dated 28-10-2024 is vacated. Min file is to come up for recording of preliminary statement on-----”

Now, therefore, in view of the aforesaid stated reasons and vacation of the interim order of the Learned Chief Judicial Magistrate, Srinagar dated 28-10-2024, the **Abeyance Order** of the J&K PCC No. 288-JKPCC of 2025 dated 08.01.2025, is hereby **withdrawn, abinitio**.

Issued with the Approval of Competent Authority.

(Ghansham Singh), JKAS
Member Secretary,
JKPCC, Jammu
17.7.25

No: JK PCC/LSK/ *6879653/1053-1061*

Dt.: 17/07/2025

Copy to the :-

- i. Deputy Commissioner, Bandipora for information and necessary action.
- ii. Regional Director, PCC, Kashmir for information.
- iii. Chief Engineer, Kashmir Power Distribution Corporation Ltd. (KPDCL), Kashmir for information.
- iv. Executive Engineer, KPDCL Electric Division, Naidkhai Bandipora for information.
- v. Executive Engineer, PHE Naidkhai Bandipora for information.
- vi. Divisional Officer, PCC, Bandipora for information and necessary follow up.
- viii. I/c Website, J&K Pollution Control Committee, Kashmir/Jammu
- ix **M/s Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora for information.**