

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

Original Application NO. 690/2023

**In the Matter of :**

Raja Muzaffar Bhat

(Applicant)

**Versus**

Union Territory of Jammu & Kashmir and Ors

(Respondents)

**Report filed on behalf of Respondent No 5**

***The Respondent No 5 begs to state as follows:***

The above titled application has been filed under Section 14 & 15 of the National Green Tribunal Act 2010 before the Hon'ble National Green Tribunal Principal Bench, New Delhi wherein the illegal mining purportedly committed by the Respondent No 6 in violation of the conditions laid down in the Environmental Clearance Dated 04-03-2022 granted by the Jammu and Kashmir Environment Impact Assessment Authority (JKEIAA) under the EIA Notification, 2006 (issued under Rule 5(3) of Environment Protection Rules, 1986) has been alleged/vehemented upon. Consequent thereupon, the Hon'ble Tribunal has been pleased to pass the order Dated 28-11-2023 wherein the Respondent No 2 and the Respondent No 5 have been directed to file their reports with respect to the subject matter of the application. In this regard, a detailed report has been sought from the District Mineral Officer Pulwama who has submitted the same vide no DMO/Pul/DGM/B-36/3758 Dated 30-11-2023. As per the report submitted, the department of Geology and Mining had carved out five Minor Mineral Blocks numbered as 35, 36, 37, 38 and 39 in Nallah Romushi which were put to e-Auction in the year 2020 by the District Level Auction Committee. The successful bidders of Minor Mineral Block No 35, 38 & 39 could not submit the requisite documents like Environmental Clearance, Consent to Operate and Mining Plant and subsequently their letters of intent (LoIs) had expired. In the same e-Auction Shri Umesh Kumar S/o Shri Shiv Narayan Sharma R/o Saroop Nagar Ludhiana, Punjab and Shri Arvind Kumar Gupta S/o Ram Chander Gupta R/o Rajpura Nagar Ludhiana, Punjab had emerged as the highest bidders for the Minor Mineral Block No 36 with the description (B-Rahmoo Bridge D/Stream Nallah Romushi) District Pulwama and Minor Mineral Block No 37 with the description (C-Chewa Bridge U/Stream Nallah Romushi) District Pulwama respectively. The said bidders were accordingly issued letters of intent (LoIs) by the Department of Geology and Mining for offering the highest bid amount of Rs 96,60,000 and

**Meghna**  
**Pulwama**

98,90,000 for the said blocks. It is not out of place to mention here that in the letters of intent issued, the bidders had been directed not to indulge in the mining activities unless and until the prerequisite documents like Environmental Clearance from J & K Environmental Impact Assessment Authority (JKEIAA), Department of Ecology, Environment and Remote Sensing, Consent to Operate from Pollution Control Board (PCB) are secured. After the completion of all the codal formalities, the Minor Mineral Blocks had been leased out in August 2022 and eventually handed over to the lease holders in October 2022. The Minor Mineral Block in question viz Block No 36 like other leased out Minor Mineral Blocks is catering to the needs of various developmental activities as well as for general masses. The said block has lifted a quantity of 823880 cfts out of 1182750 cfts allotted per annum.

The use of heavy machinery for the sake of lifting/extracting of RBM in any Minor Block is not allowed. Moreover, strict instructions have been given to the concerned authorities viz DMO office and Tehsil Office in particular not to allow any kind of Mining outside the prescribed areas. During the monsoon period, all sorts of extraction in the Minor Mineral Blocks remain suspended for a period of two and a half month. In response to the complaints being received with respect to the illegal extraction of material from Nallah Romushi preferably during odd/wee hours by locals residing on the banks of the said nallah who use men and machinery for the accomplishment of the same, our offices act promptly in the shape of seizing of vehicles / heavy compounding and lodging of FIRs. The prompt action can be gauged from the fact that our offices have done 48 seizures, compounding 8.81 lacs and lodged 10 FIRs in the year 2021-22, 77 seizures, compounding 12.49 lacs and lodged 6 FIRs in the year 2022-23 and 62 seizures, compounding 12.09 lacs and lodged 8 FIRs in the year 2023 till date. It is pertinent to mention here that our offices leave no stone unturned in order to curb the menace of illegal mining. Stringent actions like lodgment of FIRs, imposition of heavy pecuniary penalties and punishment for the offence as provided by Section 21, Section 23A and Section 23B of the Act for illegal mining under MMDR Act 1957 are being consistently taken. Rapid Action Team to control illegal mining, seizures and late night patrolling, dismantling of the ramps / approach roads and announcements in local religious institutions are made to curb the illegal mining activities. Furthermore, strict directions on the concerned DMO which deals with the subject in particular have been passed to curb the illegal mining activities and ensure that no transportation of any mineral by any means from the place of raising to another is made without being in possession of a valid "Mineral Transport e-challan" in form- "A". It is pertinent to mention here that the drives against the illegal Minor Mineral transporters/ extractors is being launched vigorously and consistent steps are being taken to maintain the ecologically fragile surroundings which could be well evidenced from the GEO Tag Photographs appended herewith for the kind perusal of this Hon'ble Tribunal and to ensure the repair of the venue to its pre existing condition viz to the circumstance existing earlier than the

occasion in case any violation viz illegal mining takes place outside the prescribed limits.

It is pertinent to mention here that the Government has already constituted an inspection committee vide Order no.990-JK (GAD) of 2023 Dated.21.08.2023 for the implementation of order Dated.26.02.2021 passed by this Hon'ble Tribunal in O.A. No.360/2015 ( with other connected matters) National Green Tribunal Bar Association V/s Vijendra Singh. The terms of reference of the committee are given as under:-

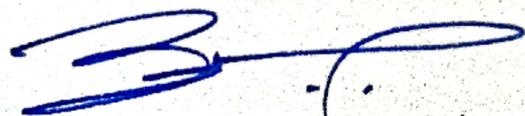
To conduct periodic inspections at least thrice for each lease as per the directions of Hon'ble NGT order Mentioned herein above.

To prepare inspection reports of hoisting on the website of JKEIAA, to be acted upon by the implementing agencies.

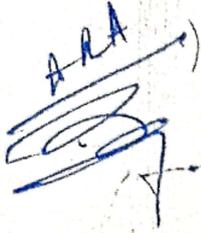
Regarding the complaint about the Use of JCB's in undertaking riverbed mining in leased out minor mineral blocks i.e C- Lassipora SIDCO Bridge D/Stream Nallah Rambhara & B-Rahmoo Bridge D/ Stream Nallah Romushi it is submitted that the lease holders have been strictly directed not to use the heavy machinery in their blocks and area incharge have been directed to keep complete vigil over the activities of the block holder and submit the report to this office regularly in this behalf. The block holders have been conveyed to comply all the provisions of Minor Mineral Rules as mentioned under SRO-105, "The Jammu and Kashmir Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules 2016". However, it is submitted that block holders are working from 6:00 A.M to 7:00 PM as per the specific conditions mentioned in their Environmental Clearance and as per point no. 53 of specific conditions, mining is being done supported by semi- mechanized methods. The loader is used for loading purposes only.

As such, the report is hereby submitted before the Hon'ble Green Tribunal as desired. Furthermore, in view of the report submitted, it is most respectfully prayed that the present Original Application be dismissed for the reasons stated above, with costs and pass such order or orders as the Hon'ble Tribunal deems fit in the interests of Justice and Equity.

Respondent No 5



District Magistrate Pulwama  
District Magistrate  
Pulwama

AAA  




**Government of Jammu & Kashmir**  
**DEPARTMENT OF GEOLOGY & MINING**  
**OFFICE OF THE DISTRICT MINERAL OFFICER PULWAMA**

**The Deputy Commissioner**  
**Pulwama**

No: DMO/Pul/DGM/Comp/3476

Dt: 20/12/2023

**Subject:** Use of JCB's and other heavy machinery in undertaking riverbed mining in multiple locations across the State of Jammu and Kashmir in violation of the conditions of Environmental Clearances.

**Sir,**

Kindly refer to the above subject. In context of which, it is to inform that this office, in spite of the limited manpower is working in the best interest of the administration and for effective implementation MMDR-Act 1957 and rules made there under, "J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016" notified vide SRO-105 Dated: 31.03.2016".

More stringent actions like lodging of the FIRs, Heavy pecuniary penalties and punishment for the offence as provided under section 21, of MMDR Act 1957 & rules made thereunder are being taken against the offenders, Rapid Action Team to control illegal mining, Seizures and late-night patrolling, dismantling of the ramps/approaching roads, blacklisting of the vehicles and announcements in local mosques are made to curb the illegal mining activities.

It is not out of place to mention here that these actions against the illegal mining have been intensified and cracking the whips on illegal miners, regular seizures are made and these illegal miners have been warned to desist from illegal extraction of minerals. Regular inspections are conducted in the area from where complaints of illegal mining and transportation of minor mineral are received.

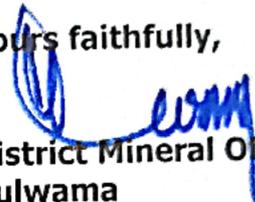
Regarding the complaint about the Use of JCB's in undertaking riverbed mining in leased out minor mineral blocks i.e C- Lassipora SIDCO Bridge D/Stream Nallah Rambiarra & B-Rahmoo Bridge D/ Stream Nallah Romushi it is submitted that the lease holders have been strictly directed not to use the heavy machinery in their blocks and area incharge have been directed to keep complete vigil over the activities of the block holder and submit the report to this office regularly in this behalf. The block holders have been conveyed to comply all the provisions of Minor Mineral Rules as mentioned under SRO-105, "The Jammu and Kashmir Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules 2016". However, it is submitted that block holders are working from 6:00 A.M to 7:00 P.M as per the specific conditions mentioned in their Environmental Clearance and as per point no. 53 of specific conditions, mining is being done supported by semi- mechanized methods. The loader is used for loading

However, action by way of seizing of vehicles / heavy compounding and lodging of FIRs is being taken by this office in case of any incidence of illegal mining. This can be gauged from the fact that this office has done seizures and lodged FIRs against offenders involved in illegal mining in and around Nallah Romushi depicted as under;

S.no	Year	No. of Seizures	Compounding in lacs	FIR's lodged
01	2021-22	48	8.81 lacs	10 FIRs
02	2022-23	77	12.49 lacs	06 FIRs
03	2023-24(till date)	62	12.09 lacs	08 FIRs

It is pertinent to mention here that in-spite of the limited manpower/ resources, this office is leaving no stone unturned in order to curb the menace of illegal mining.  
Hence submitted.

Yours faithfully,

  
District Mineral Officer  
Pulwama

**Jammu & Kashmir**  
DEPARTMENT OF GEOLOGY & MINING  
OFFICE Of the DISTRICT MINERAL OFFICER PULWAMA

**The Deputy Commisisoner**  
**Pulwama**

No: DMO/Pul/DGM/B-36/3758/3477

Dated: 20/12/2023

Sub: Hon'ble NGT Order dated 28/11/2023 in OA No. 690/2023 titled Raja Muzaffar Bhat V/S Union Territory of Jammu and Kashmir & Ors.

Sir,

Kindly refer to the above captioned subject. In this connection, it is submitted that the Department of Geology and Mining had carved out five Minor Mineral Blocks in Nallah Romushi which were put to e-Auction in the year 2020 by District Level Auction Committee. The detail of the successful bidders as emerged in the e-auction, in respect of these five Minor Mineral Blocks are as under;

S.no	Block No.	Description of the Minor Mineral Block	Name of the Successful Bidder	Bid Amount Offered
1	35	A- Rahmoo Bridge U/ Stream	Jugesh Aggarwal s/o Ram Chand R/o Anandpur Pathankot Pnb	9200000
2	36	B-Rahmoo Bridge D/ Stream	Umesh Kumar S/o Shiv Narayan Sharma R/o Saroop Nagar Ludhiana Pnb	9660000
3	37	C-Chewa Bridge U/ Stream	Arvind Kumar Gupta S/o Ram Chander Gupta R/o Rajgura nagar Ludhaina Pnb	9890000
4	38	D-Chewa Bridge D/Stream	Jagdish Singh S/o. Vijay singh Malikpur Pathankot, Tehsil and District Pathankot (PB)	15130000
5	39	E- Nawa Diversion Bridge U/Stream	Vinod Kumar Shukla S/o Chander Narain Shukla R/o Behinar Unnao UP	23610000

However, the successful bidders of Minor Mineral Block No. 35, 38 & 39 could not submit the requisite documents like Environmental Clearance, Consent to Operate and Mining Plan and subsequently, their Letter of Intents (Lols) expired.

In the same e-auction, Shri Umesh Kumar S/o Sh. Shiv Narayan Sharma R/o Saroop Nagar Ludhiana, Punjab & Shri Arvind Kumar Gupta S/o Ram

Chander Gupta R/o Rajpura nagar Ludhiana Punjab emerged as the highest bidder for the Minor Mineral Block-36 with the Description (B-Rahmoo Bridge D/ Stream Nallah Romushi) District Pulwama & Minor Mineral Block -37 with the Description (C-Chewa Bridge U/Stream Nallah Romushi) District Pulwama respectively. These successful bidders were accordingly issued Letter of Intent (LOIs) by the Department of the Geology and Mining for offering the highest bid amount of Rs 9660000 & 9890000 for the blocks 36 & 37 respectively.

Further, in the Letter of Intent issued by the Department of the Geology and Mining, these highest bidders were directed not to indulge in the mining activities unless and until they secure the pre-requisite documents like Environmental Clearance from J&K Environmental Impact Assessment Authority (JKEIAA), Department of Ecology, Environment and Remote Sensing, Consent to operate from Pollution Control Board (PCB). After the completion of the all formalities, these minor mineral blocks were leased out in August 2022 and finally handed over to the lease holders in October 2022.

The Minor Mineral Block in question i.e Block No. 36 like other leased out minor mineral blocks are catering to the needs of various Developmental activities as well as for general masses. The said block has lifted a quantity of 132500 cfts out of 1182750 cfts allotted per lease year. This office is not allowing use of the heavy machinery in any minor mineral blocks for lifting/ extracting of the RBM. Strict instructions have been passed to the field staff not to allow any kind of mining outside the prescribed areas. During the monsoon period, all sort of the extraction in the minor mineral blocks remains suspended for the period 2 ½ months.

However, in response to the complaints being received regarding illegal extraction of material from the Nallah Romshi during odd / wee hours by locals residing on the banks of the said nallah who are using men and machinery, for which the office acts promptly in the shape of seizing of vehicles / heavy compounding and lodging of FIRs. This can be gauged from the fact that this office has done seizures and lodged FIRs against offenders involved in illegal mining in Nallah Romushi depicted as under;

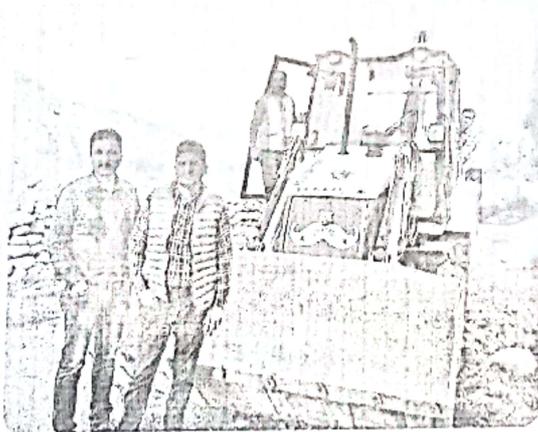
S.no	Year	No. of Seizures	Compounding in lacs	FIR's lodged
01	2021-22	48	8.81 lacs	10 FIRs
02	2022-23	77	12.49 lacs	06 FIRs
03	2023-24(till date)	61	11.98 lacs	07 FIRs

District Mineral Officer Pulwama @PulwamaSquad

JCB SEIZED AT NALLAH ROMSHI

In continuation to the raids against illegal mining in the district, field staff of District Mineral Office Pulwama today seized a JCB at Nallah Romshi near Mir Stadium.

- @rashmisinghIAS
- @basharatias\_dr
- @GeologyMiningJK
- @SaveRumshiNalla



District Mineral Officer Pulwama @PulwamaSquad

06 vehicles seized at Awantipora & Newa area

In an extensive operation today at various parts of Distric pulwama DMO Pulwama alongwith his seizure squad seized 06 vehicles found indulged in illegal mining and transportation of minerals.

- @rashmisinghIAS
- @basharatias\_dr
- @dcpulwama
- @GeologyMiningJK



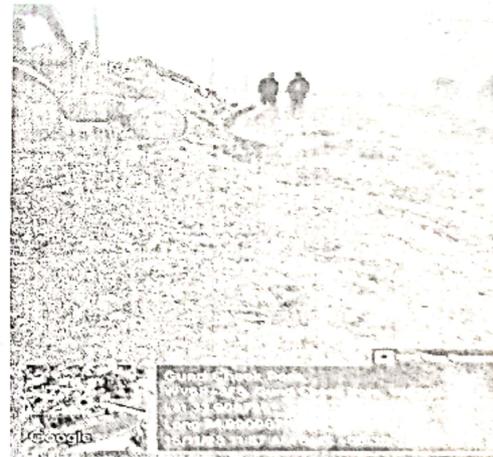
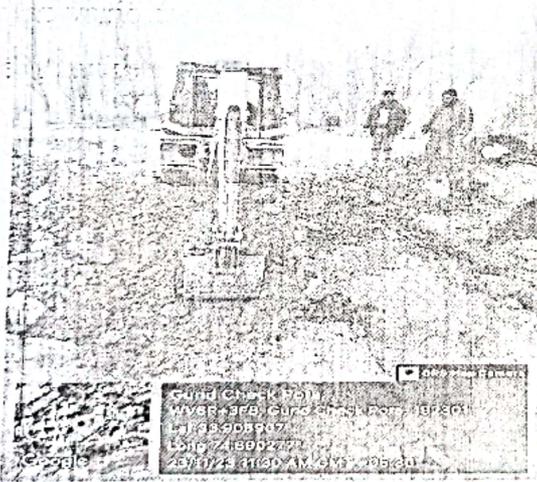
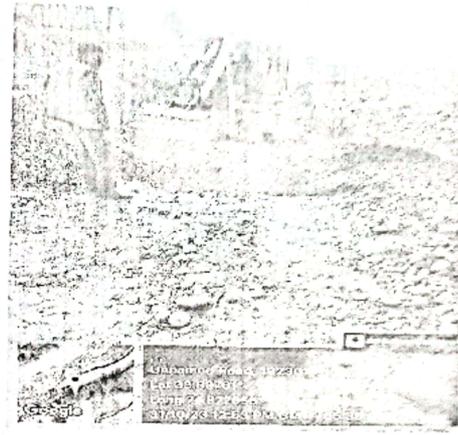
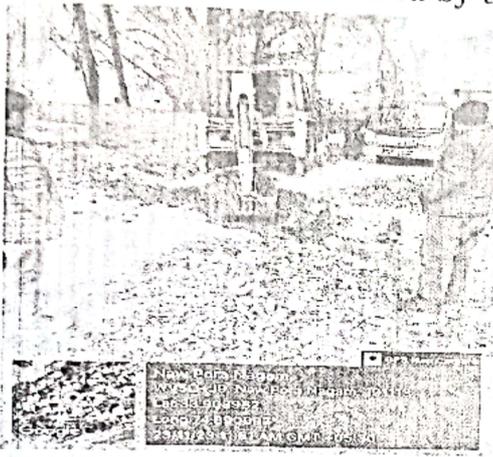
District Mineral Officer Pulwama @PulwamaSquad

Two(2) vehicles involved in unauthorised transportation of Minerals were seized during raids and roadside checkings at Pampore & Newa area.

- @rashmisinghIAS
- @basharatias\_dr
- @GeologyMiningJK



It is pertinent to mention here that in spite of the limited manpower/resources, this office is leaving no stone unturned in order to curb the menace of illegal mining. More stringent actions like lodging of the FIRs, Heavy pecuniary penalties and punishment for the offence as provided under section 21, Section 23 A and section 23 B of the Act for illegal mining under MMDR Act 1957, Rapid Action Team to control illegal mining, Seizures and late-night patrolling, dismantling of the ramps/approaching roads and announcements in local mosques are made to curb the illegal mining activities, in spite of the fact that at various instances the officials of the Department who patrol/Supervise were attacked and manhandled by these illegal miners.



It is pertinent to mention here that the Government has already constituted an inspection committee vide order NO. 990-JK(GAD) of 2023 dated 21/08/2023 for implementation of Hon'ble NGT order dated 26/02/2021 passed in original application order 360/2015(with other connected matter) National Green Tribunal Bar Association V/S Vijendra Singh. The terms of reference of the committee;

1. To Conduct periodic inspections at least thrice for each lease as per the directions of Hon'ble NGT order mentioned here in above.

3. To prepare inspection reports of hoisting on the Website of JKEIAA, to be acted upon by the implementing agencies.

Further strict directions have been passed on Area Incharges to curb the illegal mining activities and ensure that no transportation of any mineral by any means from the place of raising to another is made without being in possession of a valid "mineral transport e-Challan" in form - "A".

Further, it is reiterated that this drive against the illegal mineral minor transporters/extractors will be launched more vigorously in the coming days.

As such the report is submitted for favour of information and further course of action at your end, please.



District Mineral Officer  
Pulwama

# Office of the Tehsildar Pulwama

114

The Worthy Deputy Commissioner,  
Pulwama.

No. 896/JC/Pul  
Date: 30-11-2023

Sub :- Factual report w.r.t the Case titled Raja Muzaffar Bhat V/S UT of Jammu & Kashmir & Ors.

Sir,

Apropos to the subject cited above, it is to submit that the mining operations are mainly carried out in Nallah Roumshi which flows through the territorial jurisdiction of tehsil Pulwama at village Newa. The mining takes place under the proper Orders granted by Dept. of Geology and Mining. Some of the Orders granted via e-tenders are as, No. 171/DGM/EAP/20/286-71 dated 04.03.2022, No. 171-DGM of 2022 dated 04.03.2022. It is in place to mention here that every attempt of illegal mining is always foiled by the task force constituted in this regard which includes officials from the Dept. of Revenue, Geology and mining & Police by acting promptly and timely. In one of such cases, the communication was made to SHO, P/S Pulwama vide No. 493/Jc/pul. Dated 11.07.2023 for lodging FIR against the offenders involved in illegal soil excavation of State land at Banderpora Shaoora. Besides, this office has seized the machinery at times from the offenders and handed it over to the Dept. of Geology and Mining e.g. the seized machinery was handed over to the Area Manager of Geology and mining Dept. and the communication was made to the District Mineral Officer Pulwama vide No. 892-93/Jc/Pul dated 25.11.2023 for the appropriate action as the land from which the illegal excavation was taking place was proprietary by its title. Furthermore, field agency is directed vide this Office No. 835-39/Jc/Pul to step up the vigil in this regard and report weekly regarding any illegal excavation of minor minerals within the territorial jurisdiction of this office.

Pertinently, Sec 21 of Mines and Mineral Development and Regulation Act provides for the penalty against the offence of illegal excavation by the officer authorized in this behalf.

Hence submitted along with the requisite documents as desired.

Yours faithfully,



10415  
09-12-23

Seek details from DMO prepare report also 02/12/23



# OFFICE OF THE TEHSILDAR PULWAMA

ASSISTANT COLLECTOR 1<sup>ST</sup> CLASS PULWAMA

The District Mineral Officer,  
Pulwama.

No. 892-43/JC/PM  
Dt. 25-11-2023

Subject: Illegal excavation of soil from proprietary land under Survey No.'s 196,  
198 in estate Jagir Parigam tehsil Pulwama.

Sir,

Pursuant to the subject cited above, kindly find enclosed herewith the report of Naib Tehsildar Nawa vide No. NTN/1795 dated: 17/11/2023 wherein it is revealed that the firm functioning under the name and style of M/S Ming Infrastructure Builders was illegally excavating soil from the proprietary land falling under Survey No.s 196 and 198 in estate Jagir Parigam tehsil Pulwama under the garb of permission granted to the said firm for Survey No. 194 vide No. DMO/Pul/DGM/DP/ Clay/3379-82 Dated: 07/11/2023 by your office. The machinery used for the illegal mining was seized by Naib Tehsildar Nawa and handed over to the officials of Geology and Mining Dept. Pulwama under a proper receipt. Since the land from which illegal excavation of soil took place is proprietary by title, the matter which falls within your domain. It is as such requested to initiate necessary action under Mines and Minerals Regulation Act 1957 and other relevant provisions of law governing the subject against the said firm and ensure that no such violation takes place by any other firm/person under the garb of permission.

Yours faithfully,

Tehsildar Pulwama.

TEHSILDAR PULWAMA

Copy to;

1. The Worthy Deputy Commissioner Pulwama for favour of kind information.

# OFFICE OF THE TEHSILDAR PULWAMA

ASSISTANT COLLECTOR 1<sup>ST</sup> CLASS PULWAMA

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The SHO,  
P/S Pulwama.

No. 493/JC/Pml  
Dated 11-07-2023

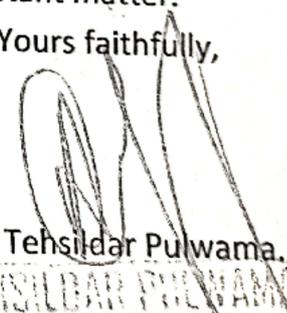
Sub:- Illegal soil excavation from State land bearing Survey No. 840 in estate Banderpora Shahoora.

Sir,

Kindly find enclosed herewith the report of Naib Tehsildar Pulwama in original vide No. 516/NTP-I Dated 08.07.2023 regarding the subject matter and treat it as a formal complaint. It is worth to mention here that the report received from the field agency duly corroborated by Naib Tehsildar Pulwama reveals that the permission for soil lifting from Survey No.'s 839, 839/1, 841 in estate Banderpora Shahoora has been granted by the competent Authority in favor of HRCC company through Sajad Ahmad Bhat. However, under the garb of permission the said person Sajad Ahmad Bhat resident of Malangpora Tehsil Awantipora has brought State land bearing Survey No. 840 in estate Banderpora Shahoora under illegal soil excavation which tantamounts to loot of public resource and loss to public exchequer.

In this backdrop, it is requested to initiate the action against the said offender as per the relevant provisions of law in vogue under an intimation to this office and the report of Naib Tehsildar along with the report of field agency enclosed herewith shall be treated as complaint in the instant matter.

Yours faithfully,

  
Tehsildar Pulwama.  
TEHSILDAR PULWAMA

Copy to;

1. The Worthy Deputy Commissioner Pulwama for favor of kind information.

Received Same  
copy on 11/7/2023  
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**OFFICE OF THE TEHSILDAR PULWAMA**  
ASSISTANT COLLECTOR 1<sup>ST</sup> CLASS PULWAMA

The Naib Tehsildars,  
(Pulwama-I, Pulwama-II, Newa, Iajurah)

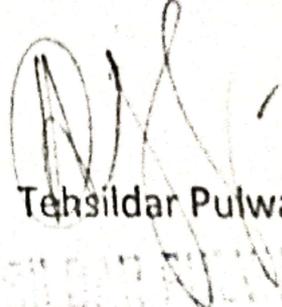
No:- 835-39/JC/PA  
Dt:- 15-11-2023

Sub:- Timely reporting and eviction of illegal encroachments.

Apropos to the subject captioned above, it is impressed upon all the Naib Tehsildars of this tehsil to step up the vigil in their jurisdiction to thwart all types of illegal encroachment or mining (illegal excavation of soil and gravel) and ensure that no encroachment takes place on Shamilat Sec 4 land, State land, common land or any unlawful conversion of Agriculture land for non agriculture purposes in violation to the Sec 133-BB, 133 and 133-A of Land Revenue Act SMT 1996.

Furthermore, if any of the field agencies vis-à-vis Patwari/GQ fails to report any violation of Land Revenue Act, he shall be identified and action under CSR shall follow.

In this regard, you are directed to submit periodic weekly report to this office.

  
Tehsildar Pulwama.

TEHSILDAR PULWAMA

Copy to :-

1. The Worthy Deputy Commissioner Pulwama for favor of kind information.
2. GQ's, Patwaris with the direction to evict the encroachments, if attempted by any person and submit eviction report to this office.