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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 241 OF 2021

In the matter of:

Raja Muzaffer Bhat

...Applicant

VERSUS

Union of India & Ors.

...Respondents

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1.	Status Report by the Joint Committee with request for extension of time of 3 months in filing the final report.	
2.	Annexure-I A copy of Hon'ble NGT order dated 18.02.2025.	



Filed by: Adv. Rajkumar

On behalf of Central Pollution Control Board

Place: Delhi

Date: 16.05.2025

Status Report in the matter of Original Application No. 241/2021 (IA No. 105/2025); Raja Muzaffer Bhat Versus Union of India & Ors.

1.0. Background and the orders of Hon'ble National Green Tribunal:

The matter is related to issue of failure of the local bodies of Budgam, Chandura and Srinagar to prevent the discharge of untreated sewage and dumping of solid waste in River Dhoodh Ganga and Mamath Kull and also failure to manage the liquid and solid waste within the local body.

Hon'ble Tribunal in its order dated 18/02/2025 has observed that:

Para 08: *On being enquired, Ms. Mandeep Kour, Commissioner/Secy., HUDD has informed that in Budgam, 6.18 TPD of solid waste is generated, out of which 3.4 TPD is treated and entire legacy waste has been remediated and as on today, there is zero legacy waste within the local body of Budgam. She has submitted that 2.23 MLD of sewage is generated within the Budgam and there is no STP and the entire untreated sewage is flowing in the water bodies. So far as Chandura is concerned, she has disclosed that 3.05 TPD of solid waste is generated and the entire solid waste generated within local limits of Chandura is treated and there is no legacy waste existing in Chandura. In respect of sewage, she has disclosed that 0.94 MLD of sewage is generated in Chandura, and there is no STP. So far as Srinagar is concerned, she has disclosed that 525 TPD of solid waste is generated, out of which 184.5 TPD is treated and there is legacy waste of 11 lakh MT. She has also submitted that 158 MLD of sewage is generated within the limits of Srinagar and there are 11 STPs treating 67.28 MLD of sewage.*

Hon'ble NGT has also observed and directed in its order dated 18/02/2025, as follows:

Para 09: *These figures disclosed by Ms. Mandeep Kour, Commissioner/Secy., HUDD do not tally with the disclosures made earlier. Hence, we are of the view that the correct position in respect of solid waste management and liquid waste management is required to be ascertained. Hence, we appoint a joint Committee comprising the representative of the Member Secretary, CPCB and the Regional Officer, MoEF&CC, Chandigarh. The joint Committee will visit all the three local bodies, i.e. Budgam, Chandura and Srinagar and will ascertain the status of generation and treatment of solid and liquid waste, number of STPs which are existing, their capacity and capacity utilization, the legacy waste which is existing and the progress in clearing the legacy waste in last one year and if the STP is found to be existing, the report relating to performance of the said STP, including the treated water test analysis report. Let this exercise be completed by the joint Committee and the report be submitted before the Tribunal within eight weeks.*

2.0. Compliance and Status Report by the Joint Committee:

In compliance to the orders of Hon'ble NGT, the Joint Committee comprising of Dr. Khursid Alam, Deputy Director/Scientist 'C', Sub Office, MoEF&CC, Jammu, J&K and Dr. Narender Sharma, Scientist 'F' CPCB Regional Directorate Chandigarh was constituted.

The Joint Committee along with the CPCB monitoring team, had scheduled a site visit by road on April 21, 2025. However, a cloudburst on April 20, 2025 led to landslides, damaging the Ramban-Banihal Road and restricting access to Srinagar. Access to Srinagar via Road has been restored on May 3, 2025.

Thereafter, the joint Committee proposed to conduct the site visit in two phases that is: **1st Phase:** Site visit to Srinagar by Air to verify the status of compliance of solid and liquid waste management in 03 local bodies namely Budgam, Chandura and Srinagar on 24th April, 2025 and **2nd Phase:** Sampling and monitoring of STPs after restoration of connectivity of the highway which was damaged due to flash floods and land-slides. However, the Joint Committee was unable to undertake the site visit scheduled for April 24, 2025 due to unfortunate Pahalgam incident involving terrorist attack which took place on April 22, 2025.

3.0. Submission of the Joint Committee:

It is humbly submitted that although road connectivity to Srinagar has been restored on May 3, 2025, the unrestricted movement of the Joint Committee for inspection, monitoring, and interaction with various stakeholders in Budgam, Chandura, and Srinagar may not be possible due to the prevailing circumstances. Moreover, the current circumstances in Jammu & Kashmir are not conducive at this time.

Therefore, in view of the circumstances beyond the control of Joint Committee, it is submitted that to ensure the factual accuracy of the report, an extension of three months may kindly be granted to the Joint Committee for complying with the orders of Hon'ble NGT in the present matter. The Joint Committee shall abide by the further order of Hon'ble National Green Tribunal.

Dr. Khursid Alam Khan
Scientist 'C'/ Deputy Director
Sub Office, MoEF&CC, Jammu, J&K

Dr. Narender Sharma
Scientist 'F'
CPCB, Regional Directorate, Chandigarh

15,
May 7, 2025

Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 241/2021
(IA No. 105/2025)

Raja Muzaffer Bhat

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 18.02.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Ms. Itisha Awasthi & Mr. Kaustav Dhar, Advs. for Applicant

Respondent: Mr. G.M. Kawoosa, Adv. with Ms. Mandeep Kour (Through VC),
Commissioner/Secy Hudd & Mr. Qazi Sarwar (Through VC), Director,
ULBK
Mr. Balendu Shekhar & Ms. Tanisha Samanta, Advs. for MoEF & CC
(Through VC)
Mr. Ghansham Singh, Member Secretary, J&K PCC (Through VC)

ORDER

1. In this original application, the Tribunal is examining the issue of failure of the local bodies of Budgam, Chandura and Srinagar to prevent the discharge of untreated sewage and dumping of solid waste in River Dhoodh Ganga and Mamath Kull and also failure to manage the liquid and solid waste within the local body.

2. The Tribunal by the order dated 24.10.2024 had recorded the statement of the Member Secretary, J&KPCC for prosecuting the defaulting officer.

3. The compliance report dated 17.02.2025 has been filed by the J&KPCC stating that the complaints have been filed against four officers who remained posted as Commissioner, SMC, Chief Engineer,

UEED, J&K and Chief Executive Officer/ Executive Officer, Municipal Committee, Budgam and Chandura before the adjudicating officer under Section 15 (b) of the Environment (Protection) Act, 1986.

4. On perusal of the said complaint, it is noticed that the complaint suffers from various defects since the Act and Rules under which the violations have been made have not been correctly mentioned, and it has not even been stated under which Act the said complaint has been made. The complaint suffers from the defect of non-application of mind.

5. The Member Secretary, J&KPCC submits that he will re-examine the complaint and will take necessary steps to ensure that the proper complaint mentioning clear violation, violators and the provisions of law is made.

6. In the order dated 24.10.2024, it was also recorded that Environmental Compensation (EC) of Rs. 141.43 lakhs was levied upon the Municipal Council, Chandura for violation for 1267 days by order dated 30.09.2024, EC of Rs. 372.1761 lakhs was levied upon the MC, Budgam for violation of 1267 days and EC of Rs. 41.47 crores was levied upon the Municipal Corporation, Srinagar. The Member Secretary, J&KPCC, during the previous proceeding, had stated that prompt action will be taken to recover the said EC. Thereafter, almost four months have passed, but no effective action has been taken for the recovery of EC. The Member Secretary, J&KPCC has now submitted that last opportunity be granted for taking effective steps and file a report concerning the progress made in the recovery of EC.

7. So far as the local authorities of Budgam, Chandura and Srinagar are concerned, they are represented by Ms. Mandeep Kour,

Commissioner/Secy., HUDD, appearing virtually, who has informed that the cost of Rs. 10,000/- imposed by the previous order has been deposited.

8. On being enquired, Ms. Mandeep Kour, Commissioner/Secy., HUDD has informed that in Budgam, 6.18 TPD of solid waste is generated, out of which 3.4 TPD is treated and entire legacy waste has been remediated and as on today, there is zero legacy waste within the local body of Budgam. She has submitted that 2.23 MLD of sewage is generated within the Budgam and there is no STP and the entire untreated sewage is flowing in the water bodies. So far as Chandura is concerned, she has disclosed that 3.05 TPD of solid waste is generated and the entire solid waste generated within local limits of Chandura is treated and there is no legacy waste existing in Chandura. In respect of sewage, she has disclosed that 0.94 MLD of sewage is generated in Chandura, and there is no STP. So far as Srinagar is concerned, she has disclosed that 525 TPD of solid waste is generated, out of which 184.5 TPD is treated and there is legacy waste of 11 lakh MT. She has also submitted that 158 MLD of sewage is generated within the limits of Srinagar and there are 11 STPs treating 67.28 MLD of sewage.

9. These figures disclosed by Ms. Mandeep Kour, Commissioner/Secy., HUDD do not tally with the disclosures made earlier. Hence, we are of the view that the correct position in respect of solid waste management and liquid waste management is required to be ascertained. Hence, we appoint a joint Committee comprising the representative of the Member Secretary, CPCB and the Regional Officer, MoEF&CC, Chandigarh. The joint Committee will visit all the three local bodies, i.e., Budgam, Chandura and Srinagar and will ascertain the status of generation and treatment of solid and liquid waste, number of

STPs which are existing, their capacity and capacity utilization, the legacy waste which is existing and the progress in clearing the legacy waste in last one year and if the STP is found to be existing, the report relating to performance of the said STP, including the treated water test analysis report. Let this exercise be completed by the joint Committee and the report be submitted before the Tribunal within eight weeks.

10. IA No. 105/2025 has been filed by the Applicant, Mohd. Rafiq Ganie questioning the levy of Environmental Compensation of Rs. 1 lakh. The Applicant is not a party in this OA, and the Applicant has a remedy of challenging the imposition of EC in separate proceedings. Hence, no case is made out to entertain this IA, which is accordingly rejected.

11. List on 22.05.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 18, 2025
Original Application No. 241/2021
(IA No. 105/2025)
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