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Government of Jammu and Kashmir
Department of Forest, Ecology & Environment
Civil Secretariat, J&K

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

No. FST-Lit/562/2024(7592248)

Dated 22 .04.2025

Subject: Original Application No. 955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of J&K.

Sir,

With reference to the subject captioned above, I am directed to enclose herewith the supplementary status report on behalf of the Respondents No. 1 & 2, in compliance to the directions passed by the Hon'ble National Green Tribunal in its Order dated 23.10.2024 and 19.02.2025, with the request that the same may kindly be taken on record and placed before the Hon'ble NGT for its kind consideration.

Yours faithfully,

(Ambika Bali) JKAS

Under Secretary to the Government
Forest, Ecology & Env
Deptt

Encls: As above.

Copy (with enclosures) to the:-

Standing Counsel for Government of UT J&K in Hon'ble National Green Tribunal-
Principal Bench, New Delhi, for information and necessary action.

In the Hon'ble National Green Tribunal-Principal Bench, New Delhi

Original Application No. 955/2024

In the matter of: Original Application No. 955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of J&K.

Supplementary Status Report on behalf of Respondent No.1 and 2, in compliance with the orders 23.10.2024 and 19.02.2025 as passed by the Hon'ble Tribunal in OA No. 955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of J&K.

May it please Your Lordships,

The answering respondent most humbly submits as under: -

I. That the OA came to be listed on 19.02.2025 and the Hon'ble Tribunal was pleased to pass the following order in the matter, which reads as under:-

"The Hon'ble Tribunal, vide its latest Order dated 19-02-2025 was pleased to pass following directions/orders:-

1. Objections dated 17.02.2025 to the report of the Joint Committee have been filed by respondent no.5.

2. Reply dated 18.02.2025 has been filed by respondent no.4.

3. Mr. Pankaj Magotra, MD, J&KSPDC has appeared for respondent no.6 through V.C and submitted that they have already filed response and they do not wish to file any objections to the report of the Joint Committee.

4. None has appeared for UT of Jammu and Kashmir and Principal Secretary/Additional Chief Secretary, Ministry of Environment Forest and Climate Change, UT of J&K. Notices be issued again to them requiring them to file their responses within one month and ensure their representation before this Tribunal on the next date of hearing fixed failing

which appropriate costs may be imposed on them.

5. Respondent Nos. 4 to 7 are directed to file additional responses mentioning in detail remedial measures taken for remedying the environmental damage, if any, caused within one month. Advance

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Under Secretary to Govt
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copies thereof may be supplied to J&KPCC which may verify compliance status and on the basis thereof file its compliance status verification report at least two days before the next date of hearing fixed.

6. List on 03.04.2025 for further consideration.

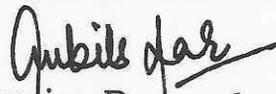
7. A copy of this order be sent by e-mail to Chief Secretary, Government of J&K and Principal Secretary/Additional Chief Secretary, Environment, Forest and Climate Change, Government of J&K for requisite compliance."

II. In compliance to the above directions of the Hon'ble Tribunal, a detailed reply was filed by this department on 01.04.2025 (**Annexure-I**).

III. Further that, a meeting was held under the chairpersonship of Commissioner Secretary, Forest, Ecology and Environment Department, J&K, wherein Member Secretary, JK PCC was directed to furnish the updated status report after conducting the necessary site visit as on date.

IV. The updated status report (**Annexure-II**) was received by this department on 21.04.2025, which is placed herewith for kind consideration of the Hon'ble Tribunal.

In the premises above, it is, therefore, respectfully prayed that the aforesaid supplementary report may kindly be placed before the Hon'ble Tribunal, for its kind consideration.


Answering Respondent
Under Secretary to Govt
Forest, Ecology & Env
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Annexure-I



Government of Jammu and Kashmir
Forest, Ecology and Environment Department
Civil Secretariat, Jammu/Srinagar.

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

No.FST-Lit/562/2024(7592248)

Dated.26-11-2024

Subject: Original Application No. 955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of J&K.

Sir,

With reference to the subject captioned above, I am directed to enclose herewith reply/response on behalf of Respondent No.2 in compliance to the directions passed by the Hon'ble National Green Tribunal in its Order dated 23.10.2024, with the request that the same may kindly be taken on record and placed before the Hon'ble NGT for its kind consideration.

Yours faithfully,

(Vivek Modi)

Special Secretary (Technical)

[Handwritten initials]
26/11

Encls:As above.

Copy (with enclosures) to the:-

Shri G.M. Kawoosa, Additional Standing Counsel for Government of UT J&K in Hon'ble National Green Tribunal-Principal Bench, New Delhi, for information and necessary action.

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In the Hon'ble National Green Tribunal-Principal Bench, New Delhi

Original Application No. 955/2024

In the matter of: Original Application No. 955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of J&K.

Response on behalf of Respondent No.2 in compliance with the order 23.10.2024 passed by the Hon'ble Tribunal in OA No. 955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of J&K.

May it please Your Lordships,

The answering respondent most humbly submits as under: -

1. That the OA came to be listed on 23.10.2024 and this Hon'ble Tribunal was pleased to pass an order on the aforesaid date, operative part whereof reads as under:-

"1. The Original Application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') in exercise of suo motu jurisdiction in view of the law laid down by Supreme Court in Municipal Corporation of Greater Mumbai vs. Ankita Sinha, (2022) 13 SCC 401 on a letter petition, sent by President Municipal Committee Thathri, District Doda, Jammu & Kashmir, Union Territory on 25.11.2023.

2. Tribunal considered the matter on 12.09.2024 and observed that dumping of muck/debris of under-construction project in river water is a serious environmental violation. In view thereof, Tribunal impleaded following respondents:-

1. Jammu & Kashmir, Union Territory, through Chief Secretary, Government of Jammu and Kashmir, Civil Secretariat, Jammu/Srinagar, Jammu & Kashmir.
2. Principal Secretary/ Additional Chief Secretary, Ministry of Environment, Forest and Climate Change, Civil Secretariat, Jammu/Srinagar, Jammu & Kashmir Union Territory.

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3. Pollution Control Committee, Jammu & Kashmir, Union Territory, through its Member Secretary, 2nd Floor, S. P. College, Srinagar, Jammu & Kashmir.

4. M/s Rattle Hydro Power Project Drabshall, District Kishtwar, Jammu & Kashmir, Union Territory through its Managing Director.

5. M/s Megga Engineering and Infrastructure Ltd. 1st Floor, 4, Bhatia Complex, Near Gurdwara, Jammu, Jammu & Kashmir.

6. Jammu & Kashmir, Union Territory State Power Development Corporation, 1st Floor, S. S. D. Building, Exhibition Road, Jammu, Jammu & Kashmir and

7. National Hydro Power Corporation (NHPC) through its Chairman NHPC Office Complex, Sector 33, Faridabad - 121003, Haryana.

3. Tribunal also found it appropriate to obtain a factual report and thus constituted a Joint Committee comprising District Magistrate, Kishtwar; Member Secretary, J&K Pollution Control Committee; Integrated Regional Officer, Ministry of Environment, Forest and Climate Change, Jammu; and a representative a Central Pollution Control Board (hereinafter referred to as 'CPCB'), not below the rank of Director.

4. CPCB was made nodal authority for coordination and compliance.

5. Committee was required to submit factual report within one month.

6. Learned counsel appearing for CPCB stated that information has been collected and he requires some more time to file report.

7. Let report be filed within one month.

8. A reply on behalf of respondent 5- M/s Megga Engineering and Infrastructure Ltd has been filed but it nowhere show that muck is being disposed in compliance of Construction and Demolition Waste

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Rules, 2016. Further, photographs appended to reply shows clearly that the muck is being discharged in river directly and this is a gross violation of environmental laws. Hence, prima facie we are satisfied that here is a case where gross violation of environmental laws is virtually evident from own reply of respondent 5 and further execution of project should be stopped. However before taking such a stringent action, we find it appropriate, and as also requested by learned counsel appearing for respondent 5, to have an additional reply placing its stand in respect of compliance to statutory rules in regard to disposal of muck.

9. Sh. Narender Pal Singh, Advocate has put in appearance on behalf of respondent 4 and 7. He also prays for and allowed a month's time to file reply.

10. No reply has been filed by respondents 1, 2, 3 and 6 and none has also appeared on their behalf. We direct the said respondents to file their response also before the next date failing which we will have to summon Officer In Charge of above respondents in person.

11. List on 27.11.2024."

2. That in compliance with the aforesaid direction of the Hon'ble Tribunal, the matter have been taken up with the Power Development Department, Member Secretary, J&K Pollution Control Committee, Chairman, National Hydro Power Corporation (NHPC), Office Complex, Sector 33, Faridabad, Haryana, Managing Director, J&K State Power Development Corporation, 1st Floor, S.S.D. Building, Exhibition Road, Jammu, Managing Director, M/s Rattle Hydro Power Project Drabshall, District Kishtwar and Managing Director, M/s Megga Engineering and Infrastructure Ltd., 1st Floor, 4, Bhatia Complex, Near Gurdwara, Jammu vide O.M/letters No.FST-Lit/562/2024(7592248) dated 08-11-2024 with the request to furnish reply/response in the matter by or before 13-11-2024. Reminders were also issued on 14-11-2024 and 22.11.2024. Besides, Principal Secretary to the Government, Forest, Ecology & Environment Department also wrote a D.O letter to Principal Secretary to the Government, Power Development Department on 22.11.2024 expressing the urgency involved in the matter and requesting therein an expeditious response in the instant matter. It was further beseeched that a suitable direction to concerned agencies be got issued for sharing response and ATR well before the next date of hearing (copies attached as Annexure 'A').

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3. Accordingly, the reply filed by Managing Director, J&K State Power Development Corporation was shared with this department and the same is reproduced as under (copy attached as **Annexure 'B'**):-

1. That, an MOU was signed between i) The Government of UT of J&K, ii) J&K State Power Development Corporation Limited (JKSPDCL) and iii) National Hydroelectric Power Corporation (NHPC) Limited, on 3rd February 2019 (**Exhibit - 1**) for setting up of a Joint Venture Company (JVC) between NHPC Ltd and JKSPDCL for implementation of 850 MW Ratle HE Project.
2. That, a Supplementary MOU, in modification of the aforementioned MOU dated 3rd February 2019, was signed between i) The Government of UT of J&K, ii) J&K State Power Development Corporation Limited (JKSPDCL) and iii) National Hydroelectric Power Corporation (NHPC) Limited, on 3rd January 2021 (**Exhibit - 2**) for setting up of a Joint Venture Company (JVC) between NHPC Ltd and JKSPDCL for implementation of 850 MW Ratle HE Project.
3. That, pursuant to aforesaid MOU, a Promoter's Agreement was signed between i) The Government of UT of J&K, ii) J&K State Power Development Corporation Limited (JKSPDCL) and iii) National Hydroelectric Power Corporation (NHPC) Limited, on 13th April 2021 (**Exhibit - 3**) for setting up of a Joint Venture Company (JVC) between NHPC Ltd and JKSPDCL for execution of 850 MW Ratle HE Project and thereafter operation of the project, as per the terms agreed thereinto.
4. That Clause 14.2 of the Promoter's Agreement provides as under:-

"The Company shall be bound by the terms and conditions laid down in the Supplementary Memorandum of Understanding signed on 03.01.2021 read with the earlier Memorandum of Understanding signed on February 3, 2019, except those which have been modified/changed in this agreement".

Further, Clause **IX, PROTECTION OF ENVIRONMENT**, of the Supplementary MOU, provides as under:-

"The JVC will comply with all the measures prescribed under the law of the protection of the environment".

5. That as per **Clause 9.7** of the Promoter's Agreement, "The JVC would comply with the conditions imposed by Government of India from time to time in respect of clearances to the project. It would also comply with conditions imposed by Government


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of Union Territory of Jammu and Kashmir in respect of clearances to the project”.

6. That, Ministry of Environment and Forests (MOEF), (GOI), vide **No.J-12011/39/2010-IA-1, Dated: 12 December 2012**, issued Environmental Clearance (EC) (**Exhibit – 4**) to 850 MW Ratle HE Project, in the name of GVK Ratle HEPP Limited, subject to the conditions, inter alia, that, “Consolidation and compilation of muck shall be carried-out only in the designated muck dumping sites as submitted in the EIA/EMP report. As per the proposed muck disposal plan, out of 24.4 lakh m³ of muck to be generated due to excavation, about 50% (i.e. 12.2 lakh m³) will be dumped at the designated areas in an allocated area of 30.59 ha. The identified muck dumping sites shall be at-least 30m horizontally away from the edge of the river corresponding to high flood level (HLF)”, and that, “Muck dumping sites should be handed over to Forest Department only after restoration including plantation etc.”.
7. That, MoEF&CC, GOI, vide F. No. J-12011/39/2010-IA-I, **Dated: 27th September 2021**, transferred the aforementioned EC to M/s Ratle Hydroelectric Power Corporation Limited (RHPCL) (**Exhibit – 5**), inter alia, against submission of undertaking by M/s Ratle Hydroelectric Power Corporation Limited (RHPCL) that, “Ratle Hydroelectric Power Corporation Ltd. (RHPCL), a Joint Venture Company of NHPC and JKSPDC, undertakes to comply, w.e.f. 01.06.2021 (date of taking over of the company) to all conditions stipulated in the environmental clearance letter of MoEF&CC no. J-12011/39/2010-IA.I dated 12th December 2012 in favour of the previous owner”.
8. That, the land, acquired by JKSPDC / diverted for project use by the Government of J&K, measuring 567.22 Ha has been handed over to RHPCL. Further, the Government of Jammu & Kashmir vide its Order No:55-JK (PDD) of 2022; Dated:10-05-2022 (**Exhibit – 6**) has accorded sanction to lease out the 289.48 Ha and utilization of the 277.74 Ha out of the said 567.22 Ha of land for development of 850 MW Ratle HEP.
9. That, the aforementioned land measuring 567.22 Ha includes the land measuring 30.59 Ha allocated for muck dumping (**Exhibit – 7**), as per the EC issued by MoEF&CC dated 12.12.2012.
10. That JKSPDC vide letters dated 16.07.2024 and 16.08.2024 (**Exhibit – 8**) apprised J&K Pollution Control Committee (JKPCC) of the pollution caused by construction activities carried out by M/s Megha Engineering and Infrastructure Limited in Ratle HE Project and requested to take necessary steps to secure compliance to terms and conditions of Consent

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to Establish (Exhibit - 9) issued by the Committee to the project.

4. Further, Chief Executive Officer, Ratle HPCL, Kishtwar vide e-mail dated 14.11.2024 (copy attached as Annexure 'C') has intimated that:

1. Ratle Hydroelectric Power Corporation Limited (RHPCL) has been incorporated on 01.06.2021 as a Joint Venture Company between NHPC and Jammu & Kashmir State Power Development Corporation Ltd (JKSPDC) with equity shareholding of 51% and 49% respectively (Annexure-I). The registered Office of the Company is at NHPC Regional Office, JDA Commercial Complex, Narwal, Jammu (UT of J&K). Presently, RHPCL has been undertaking implementation of 850MW Ratle Hydroelectric Project located in Tehsil-Drabshalla, District Kishtwar of UT of Jammu & Kashmir.
2. The construction of 850 MW Ratle Hydroelectric Project has been awarded on 18.01.2022 to M/s Megha Engineering & Infrastructures Limited (M/s MEIL), Hyderabad, Telengana under EPC (Engineering, Procurement, Construction) Turnkey Execution mode (Annexure- II).
3. The EIA studies of Ratle HE Project have been carried out in 2012 by the Consultants namely R. S. Envirolink Technologies Pvt. Limited, Gurugram and accordingly, the EIA & EMP reports of the Project have been prepared by them. Subsequently, the Environment Clearance has been accorded to Ratle HE Project by MoEF&CC vide letter No. J-12011/39/2010-IA.I dated 12.12.2012 and subsequently, transferred in favour of RHPCL vide No. J-12011/39/2010-IA.I dated 27.09.2021 (Annexure-III).
In compliance to the Environment Clearance (EC) conditions, three (03) designated muck disposal sites (falling under District Kishtwar) stand handed over to M/s MEIL (EPC Contractor) for proper disposal of muck arising out of the construction activities of Ratle HE Project, as detailed below;

Site 1: right bank of river Chenab d/s of proposed Dam with approx. length 1350 m;

Site 2: left bank of river Chenab d/s of proposed Dam with approx. length 1400 m and

Site 3: right bank of Kuligad nalla with approx. length 450 m.

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Details of designated Muck disposal sites

| Description | Area (Ha) | Capacity (Lakh CuM) | Khasra Nos. of land |
|--|--------------|---------------------|---|
| Muck Disposal site-1 (right bank of river) | 14.81 | 12.8 | mentioned site is part of forest land diverted for use vide Government order No. 234-FST of 2012 dated 27.04.2012 and subsequently, forest clearance transferred in favour of RHPCL vide MoEF&CC communication No. 15-01/2021- Jammu dated 08.03.2022 |
| Muck Disposal site-2 (left bank of river) | 11.95 | 7.6 | mentioned site falls under Khasra No. 2879/265/185 Min. and 293/232 Min. in village Dugga and said land acquired in 2012 by JKPDC, one of the Promoters of RHPCL |
| Muck Disposal site-3 (r/b of Kuligad Nalla) | 3.82 | 23.8 | Khasra No. 171 Min and 172 Min. in village Khori (land acquired in 2012 by JKPDC, one of the Promoters of RHPCL) |
| Total | 30.58 | 23.8 | |

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- As per the EC conditions, out of 24.4 lakh m³ of muck to be generated due to excavation, about 50% (i.e. 12.2 lakh m³) will be utilized for construction purpose and the remaining 12.2 lakh m³ will be dumped at the 3 designated sites, along with consolidation and compilation of dumped muck.
6. Substantial amount of generated muck has been utilized (approx. 6.5 Lakh CuM) by the Contractor M/s MEIL in the construction works, retaining structures, crate works, aggregate/sand processing for concrete works for

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- construction of Project Structures/Components etc. (**Annexure-IV**).
7. Further, some part of generated muck (approx. 4.04 Lakh CuM) has been temporarily stacked/utilized by MEIL in the construction area for construction of coffer dykes and to isolate river area for construction of Main Dam, on its both upstream and downstream side, which is one of the essential and very important component of the Project. In this regard, as per the construction Planning, temporarily stacked muck will be relocated for use in the Project construction works after construction of main Dam.
 8. The remaining quantity of muck (approx. 2.26 Lakh CuM) was dumped at designated muck disposal sites (falling under District Kishtwar) as given in EC, on both left and right bank of river Chenab d/s of proposed Dam as mentioned in Para 4.
 9. Subsequently, to avoid any spillage of muck into the river, the dumping of muck on the right bank of river Chenab has been stopped since July 2024. The District Administration has also been informed in this regard (**Annexure-V**). Moreover, it has been assured by MEIL that the portion of muck, spilled if any, at the muck disposal site-1 (right bank) will be retrieved and relocated for further utilization in the construction activities of Project.
 10. On the request of MEIL, Ratle Project has provided an alternative site to MEIL near Joshana village, within the acquired Project land for temporary stacking of muck (approx. 10.0 Ha; Khasra No.317/308/209 Min) (**Annexure-VI**). The said alternative site is far away from river (approx. 8 Kms) and the contractor M/s MEIL has started stacking muck at aforementioned alternative site. The retrieval & relocation of muck from right bank disposal area has already been started by MEIL and approx. 50,000 CuM muck has been relocated to alternative site at Joshana village (**Annexure-VII**).
 11. The Environmental compliance report regarding disposal of muck and other safeguard measures, has been submitted to J&K Pollution Control Committee by MEIL from time to time (**Annexure-VIII**).
 12. The Consent to Establish (CTE) has been granted to Ratle HE Project by J&K Pollution Control Committee vide Order No. PCC/digital/ 24033871690 of 2024 dated 28.05.2024 which is valid upto June 2025 (**Annexure-IX**).
 13. Thathri Town in District Doda of UT of J&K is located almost 4 kms downstream of Ratle Dam site, on left bank of river Chenab and there are no chances of rise in water level or flooding of Thathri town due to construction activities of


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Ratle HE Project, as there is no such obstruction to the flow of water.

14. Moreover, till date, neither any such complaint has been received from any local nor any directions have been received from Doda District Administration regarding damage to the residential structures/ shops situated at Thathri town or any rise in water level caused by the construction activities of Ratle HE Project, as submitted by the Applicant.
 15. MEIL has been instructed from time to time by RHPCL for ensuring the strict compliance of the applicable Environmental Laws/ norms during the execution of Project works. MEIL has also been instructed to ensure that the muck and debris arising out of construction activities of Ratle HE Project are dumped only at handed over designated Muck Disposal sites, without any spillage into the river Chenab or any other water body (**Annexure-X**).
 16. As submitted by the Applicant regarding construction of concrete wall along both sides of river at Thathri town, it is to submit that all the benefits/grants contained in the approved R&R Plan of Ratle HE Project shall be duly disbursed amongst the lawful beneficiaries and all the activities contained therein shall be implemented through Commissioner R&R of Ratle HE Project (Deputy Commissioner, Kishtwar).
 17. As the muck is now being temporarily stacked much away from the river and the water is continuously flowing in the river, as such, there is no threat to the aquatic life in the river.
 18. The R&R Package for Ratle HE Project has been approved by GOJK vide Order dated 16.08.2024. The R&R Package, as approved by GOJK, shall be implemented by the Commissioner R&R for Ratle HE Project (Deputy Commissioner, Kishtwar). The necessary funds required for implementation of R&R Package, shall be released by RHPCL, for timely disbursement of benefits/ grants amongst the beneficiaries.
 19. MEIL has been directed to ensure that all the environmental safeguard measures are taken, to strictly comply with all the laid down Environmental norms/ guidelines.
5. Besides above, Member Secretary, J&K Pollution Control Committee vide its reference No. JKPC/Sc./OA-955-2024/1429-33 dated 25-11-2025 (copy attached as **Annexure 'D'**) has submitted that the Compliance Report in the instant matter has been submitted to the Hon'ble National

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Green Tribunal vide office letter No.JKPCC/Sc.OA-955-2024/4041-42 dated 23-11-2024 and copy of report also enclosed for perusal. The same is reproduced as under:-

In compliance to the directions of Hon'ble NGT, all the following members of the joint committee constituted by the Hon'ble NGT, visited the site of the project located on Batote-Kishtwar Highway at Drabshalla, District Kishtwar on 14-10-2024:

1. Sh. Rajesh Kumar Shavan, JKAS, District Commissioner, Kishtwar.
2. Sh. Ghansham Singh, JKAS, Member Secretary, J&K Pollution Control Committee.
3. Dr. Narender Sharma, Scientist 'F'/Director, Central Pollution Control Board, Regional Directorate, Chandigarh.
4. Sh. Khurshid Alam Khan, Scientist C, Sub-Office Jammu, Integrated Regional Officer, Ministry of Environment, Forest and Climate Change, Jammu.

Besides, the members of the joint committee, Tehsildar Kishtwar, Divisional PCC Kishtwar and officers of NHPC, Rattle Hydro Electric Project and representatives of M/s *Megha Engineering and Infrastructure Ltd*, also accompanied the joint committee during the site inspection.

The Joint Committee inspected the dam site and all three designated muck dumping sites outlined in the Environmental Management/Muck Management Plan. The Joint Committee captured photographs during site inspection for inclusion in the factual report.

The Joint Committee after interaction with the concerned officers of the NHPC, Rattle Hydro Electric Project Limited sought following details from M/s Rattle Hydroelectric Power Corporation Limited (RHPCL), M/s Megha Engineering and Infrastructure Ltd (MEIL), Sub Office, MoEF&CC, Jammu, Divisional Officer, Kishtwar, J&K and Tehsildar, Kishtwar, J&K and M/s Megha Engineering and Infrastructure Ltd (MEIL):


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- i. Muck Management Plan of the Rattle Hydroelectric Power Project, Kishtwar.
- ii. Copy of Environmental Management Plan submitted by the project proponent for obtaining Environmental Clearance.
- iii. Copy of half-yearly compliance report submitted by the project proponent to MoEF&CC regarding compliance of the conditions of Environmental Clearance.
- iv. Copy of report of verification conducted by MoEF&CC regarding the compliance of the conditions of Environmental Clearance.

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- v. Copy of Consent to Establish (CTE) granted by J&K PCC and violation reported in the past by the Divisional Officer, Kishtwar, J&K PCC along with action taken report.
- vi. Details of land allotted by Revenue Department, Kishtwar to project proponent for muck dumping, as mentioned in the letter petition.
- vii. Status of muck generation and disposal as of October 14, 2024.

The Joint Committee examined and considered the following documents to analyse the facts and arrive at a conclusion for preparing a factual report, for submission to the Hon'ble National Green Tribunal:

- i. Environmental Clearance granted to M/s Ratle HEP (850MW) Project in Kishtwar District of Jammu & Kashmir to M/s GVK Ratle Hydro Electric Project Pvt. Ltd. by MoEF&CC vide No. J-12011/39/2010-IA-1 dated 12-12-2012. The above environmental clearance was later on was transferred in the name of M/s Ratle Hydro Electric Power Corporation by MoEF&CC vide No. J-12011/39/2010-IA.1 dated 27-09-2021.
- ii. Muck Management/Disposal Plan (MMP), submitted by the Project Proponent for obtaining Environmental Clearance (EC) from MoEF&CC.
- iii. Environment Management Plan (EMP) submitted by the Project Proponent for obtaining Environmental Clearance (EC) from MoEF&CC.
- iv. Half yearly reports of compliance of the conditions of Environmental Clearance (EC) submitted by the Project Proponent for the period October 2022 to March 2023, April 2023 to September 2023, October 2023 to March 2024 and October 2024.
- v. Compliance verification report of MoEF&CC dated 16-08-2024 w.r.t conditions of Environmental Clearance granted to the Project Proponent.
- vi. Show Cause Notice issued by the MoEF&CC to the Project Proponent for the non-compliances observed during compliance verification inspection vide No. IA-J-11014/257/2024/IA-1/ dated 22-10-2024.
- vii. Letters issued to M/s Megha Engineering and Infrastructure Limited by M/s Ratle Hydroelectric Power Corporation Limited dated 27-09-2022, 07-11-2022 and 26-07-2024 for compliance of

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provisions relating to ecological balance-regarding disposal of muck at only designated sites.

- viii. Directions of the J&K PCC, Jammu vide No. PCC/RDJ/GGC-20/2023/3026-29 dated 18-12-2023 to the General Manager M/s Megga Engineering and Infrastructure Ltd for pressing into service additional water tanker to ensure pollution level under control to kept pollution under control and removal of the dumped muck near the river as also submission of quarterly SMR of air quality, water quality and noise pollution.
- ix. Legal notice issued by the J&K, PCC to CEO M/s Rattle Engineering and Infrastructure Ltd. Kishtwar vide No. PCC/RDJ/GGC-20/N-1/2023/1516-18 dated 07-10-2023 for proper management of retention of muck and installation of latest technology of anti-pollution suppression of high pressure mechanical nozzle machines at 3 to 4 locations on the dust emitting points.
- x. Legal notice issued by the J&K PCC to CEO M/s Rattle Engineering and Infrastructure Ltd. Kishtwar vide No. PCC/RDJ/GGC-20/N-1/2024/1104-1109 dated 26-09-2024 to prevent muck dumping near TRT on the right bank (downstream going into river Chenab in violation of environmental laws.
- xi. Details of the muck generated/utilized in Ratle HE Project till 31-10-2024.

The Joint Committee has submitted a detailed report to the Hon'ble National Green Tribunal through the CPCB, New Delhi being the Co-ordinating agency in terms of the Hon'ble NGT order.

Action Taken by the J&K PCC:

1. Regional Director PCC, Jammu vide No. PCC/RDJ/ GGC-20/2023/3026-29 dated 18-12-2023 directed the General Manager M/s Megha Engineering and Infrastructure Ltd for pressing into service additional water tanker to ensure pollution level under control.
 - i. to ensure that Air Monitoring Stations are established at Construction site/dam site power house area for maintaining the vital parameters.
 - ii. Removal of the dumped muck near the river.
 - iii. Submission of quarterly SMR of air quality, water quality and noise pollution (**copy enclosed as Annexure 1**).

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2. Regional Director, PCC Jammu issued legal notice to CEO M/s Rattle Engineering and Infrastructure Ltd. Kishtwar vide No. PCC/RDJ/GGC-20/N-1/2023/1516-18 dated 07-10-2023 for proper management of retention of muck and installation of latest technology of anti-pollution suppression of high pressure mechanical nozzle machines at 3 to 4 locations on the dust emitting points. **(Copy enclosed as Annexure 2).**
3. Regional Director, PCC, Jammu issued legal notice to CEO M/s Rattle Engineering and Infrastructure Ltd. Kishtwar vide No. PCC/RDJ/GGC-20/N-1/2023/3244-46 dated 29-02-2024 for dumping of muck generated from the various constructions activities of the project into the catchment area of Chenab river and ensuring operation of 2 no's of stone crushers with adequate PCDs/PCMs and 3 DG set with proper stack and consent . **(Copy enclosed as Annexure 3).**
4. Regional Director, PCC, Jammu issued legal notice to CEO M/s Rattle Engineering and Infrastructure Ltd. Kishtwar vide No. PCC/RDJ/GGC-20/N-1/2024/1104-1109 dated 26-09-2024 to prevent muck dumping near TRT on the right bank (downstream going into river Chenab in violation of environmental laws). **(Copy enclosed as Annexure 4)**
5. The J&K PCC constituted a committee of officers of J&K PCC for conducting ground assessment of dust pollution and noise pollution caused in Tehsil Drabshalla, District Kishtwar as a result of blasting and other construction activities carried out by M/s Megha Engineering and Infrastructure Ltd in Rattle Hydro Electric Project vide order No. JKPCC/PS/MS/2024/3411-3416 dated 20-06-2024 and the Joint committee submitted its report vide No. PCC/DO/K/24/74-75 dated 10-08-2024 **(Copy enclosed as Annexure 5).**
6. Pursuant to the aforesaid report and recommendations of joint committee, a show cause notice for violation of environmental (Protection) Act 1986, by the MEIL was issued to the Chief Executive Officer, Megga Engineering and Infrastructure Limited to show cause within 15 days as to why legal action as warranted under Environment (Protection) Act 1986 should not be taken against the company vide No. PCC/LSJ/7565667/2024/2581-2585 dated 14-11-2024. **(Copy enclosed as Annexure 6).**
7. Taking cognizance of the report of joint committee constituted by the Hon'ble NGT and J&K PCC, a 3 members committee has been constituted for assessing and computing environmental compensation leviable after ascertaining the period and quantum of violations and furnish report within 15 days vide order No. JKPCC/PS/MS/24/4034-37 dated 23-11-2024. **(Copy enclosed as Annexure 7).**

Based upon the reports about the assessment and computation of environmental compensation and recommendations by the joint committee. Further necessary action in terms of environmental

5
 Special Secretary (Tech)
 Forest, E&E Department
 J&K

1465

protection laws will be taken against the defaulting agencies in a time bound manner.

In the premises, it is, therefore, respectfully prayed that the aforesaid report may kindly be placed before the Hon'ble Tribunal, for its kind consideration.


26.11.2024
Answering Respondent
Special Secretary (Tech)
Forest, E&E Department
J&K

1466

Annexure-II

**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 Commissioner/ Secretary to the Government,
Department of Forest, Ecology and Environment,
J&K Government,
Civil Secretariat,
Jammu.

No: JKPC/PS/MS/2025/4880

Dated: 15-04-2025.

**Sub:- Hon'ble National Green Tribunal in OA No. 955/2024 titled
President Municipal Committee, Thathri V/s Ut of Jammu and Kashmir.**

Madam,

Kindly refer to the directions issued during the meeting held on 11-04-2025, to discuss and review compliance status of cases pending before the Hon'ble NGT, whereunder the Member Secretary J&K PCC was directed to furnish the latest status report in the above subject OA alongwith photographs of the site by or before 15th April, 2025.

Accordingly, a 3 members committee of Officers of J&K PCC was constituted and directed to visit the site and verify the compliance status of the remedial measures taken with respect to the observations pointed out by the Joint Committee in its report dated 21-11-2024 submitted to the Hon'ble NGT, New Delhi.

The 3 members committee after conducting site inspection and verifications status of the compliances made by the project proponent/Executing agency at the site has submitted point-wise report, which is enclosed herewith. The J&K PCC is also filing a latest status report before the Hon'ble National Green Tribunal and copy of the same will also be shared to the Administrative Department.

Yours faithfully,

Encl: As above.


(Ghansham Singh) JKAS
Member Secretary 15.4.25
J&K PCC

1467

The Member Secretary
J&K Pollution Control Committee
Jammu.

No. PCC/DO/K/25/ 71

Dated: 15/04/2025

Subject: Order of Hon'ble NGT dated 19.02.2025 in OA 955 /2024 titled President, Municipal Committee, Thathri Vs UT of J&K and Ors. Verification of compliance status.

Ref: Order No. JKPCC/SCA/OA 955/4872-74 dated 11.04.2025

Sir,

In compliance to the aforementioned Order No. JKPCC/SCA/OA 955/4872-74, dated 11.04.2025 issued in reference to the Hon'ble NGT Order dated 12.09.2024 in O.A 955 of 2024 titled President, Municipal Committee, Thathri Vs UT of J&K, whereunder, a committee was constituted and it was directed to verify the compliance status of remedial measures taken with respect to the observation pointed out by the joint committee in its report dated 21.11.2024 submitted to Hon'ble NGT, Principal Bench, New Delhi.

The Committee comprising of Surinder Kumar Tripathi, Divisional Officer, PCC Udhampur, Chander Singh Kotwal, Divisional Officer, PCC Ramban and Dr. Mohan Lal Snehi, Divisional Officer PCC, Kishtwar visited the project area and the Muck dumping sites on 13.04.2025 and observations viz-a-viz to the muck disposed/being disposed at present and Muck disposal plan submitted by the Project proponent/EPC Contractor are reported as under:

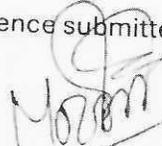
| S. No. | Observations/Recommendations of the Joint Committee constituted by the Hon'ble NGT. | Findings/Observations of the Committee Constituted by the J&K PCC. |
|--------|--|---|
| i. | The project is executed by only following the conditions for environmental clearance granted to the project proponent, to ensure that no environmental damage is caused due to unscientific disposal of muck and debris. | • The site inspection was conducted on 13-04-2025 and no details/record has been provided by the Project Proponent to the committee regarding the removable process being carried out including the volume or weight of muck cleared/ |

| | |
|--|---|
| debris. Detail records of the removal process, including the volume or weight of muck cleared, the disposal locations and the methods used to be maintained. | relocated and the methods used to be maintained. |
| ii. The muck deposited along the banks of the River Chenab is promptly cleared to prevent it from entering the river during the rainy season. | <ul style="list-style-type: none"> • Some part of the muck deposited on the right bank downstream has been removed and shifted to village Joshana. It is observed that the target of the shifting of entire muck to alternate site up to 12-04-2025 has not been achieved and further removal of muck from this site has been stopped. However, crate wall was found constructed below HFL (Photographs attached Annexure-A). • The muck dumping violation at right bank upstream has been observed during the visit which has reached to the main flow of the river and no protective measures found taken. (Photographs attached Annexure-B). |
| iii. The MoEF&CC and J&K PCC may take appropriate action regarding violations of the environmental clearance conditions issued by the MoEF&CC and J&K Pollution Control Committee has issued direction and legal notice to | <ul style="list-style-type: none"> • In order to take appropriate action with regard to the violation of the environmental clearance conditions, a Joint Committee was constitute by the J&K PCC vide order No. JKPC/PS/MS/24/4034-37 dated 23-11-20224 to assess and compute |

| | |
|--|---|
| <p>Project Proponent on 18-12-2023 and 26-09-2024. MoEF&CC and J&K PCC has already issued a show cause notice to M/s Ratle Hydroelectric Power Corporation Limited Vide No. IA-J-11014/257/2024/1A-1 dated 22-10-2024.</p> | <p>environmental compensation leviable under Polluter Pays Principle. The Committee had submitted its detail report and recommendation in its report dated 17-12-2024 (Annexure-C).</p> |
| <p>iv. The project proponent must obtain approval for the new muck disposal to ensure its utilization in accordance with the recommended measures.</p> | <ul style="list-style-type: none"> • No approval for muck disposal sites has been submitted by the project proponent. However, during the visit, the muck was found dumped at the following sites with out taking any preventive measures. • Site No 1: Joshana Village near GVK Colony upside and downside. • Site No 2: Kandni; Upstream of Dam site left bank on NH-244 • Site No 3: Hasti Nallah along NH-244 <p>(Photographs Annexure-D).</p> |
| <p>v. J&K may ensure regular monitoring of the compliance of the conditions of Environmental Clearance and Consent to Establish (CTE) Consent to Operate (CTO).</p> | <p>Regular monitoring compliance of the conditions of EC and Consent carried out by the JK PCC:</p> <ul style="list-style-type: none"> • J&K PCC vide letter dated 27-03-2025 sought report on compliance report with respect to the report of the Committee dated 17-12-2025 (Ref. Annexure-C) and Divisional Officer, PCC, Kishtwar vide its letter dated 29-03-2025 has submitted the |

| | | |
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| | | <p>compliance report in this regard. (Annexure-E).</p> <ul style="list-style-type: none">• J&K PCC vide letter dated 29-03-2025 directed M/s Ratle Hydroelectric Power Corporation Ltd for filing compliance report on ground in view of recommendation of the JKPCC Committee. The compliance report submitted by the RHPCL was verified and report in this regard stands submitted by Divisional Officer J&K PCC, Kishtwar vide letter dated 03.04.2025 (Annexure-F). |
|--|--|---|

Hence submitted please.

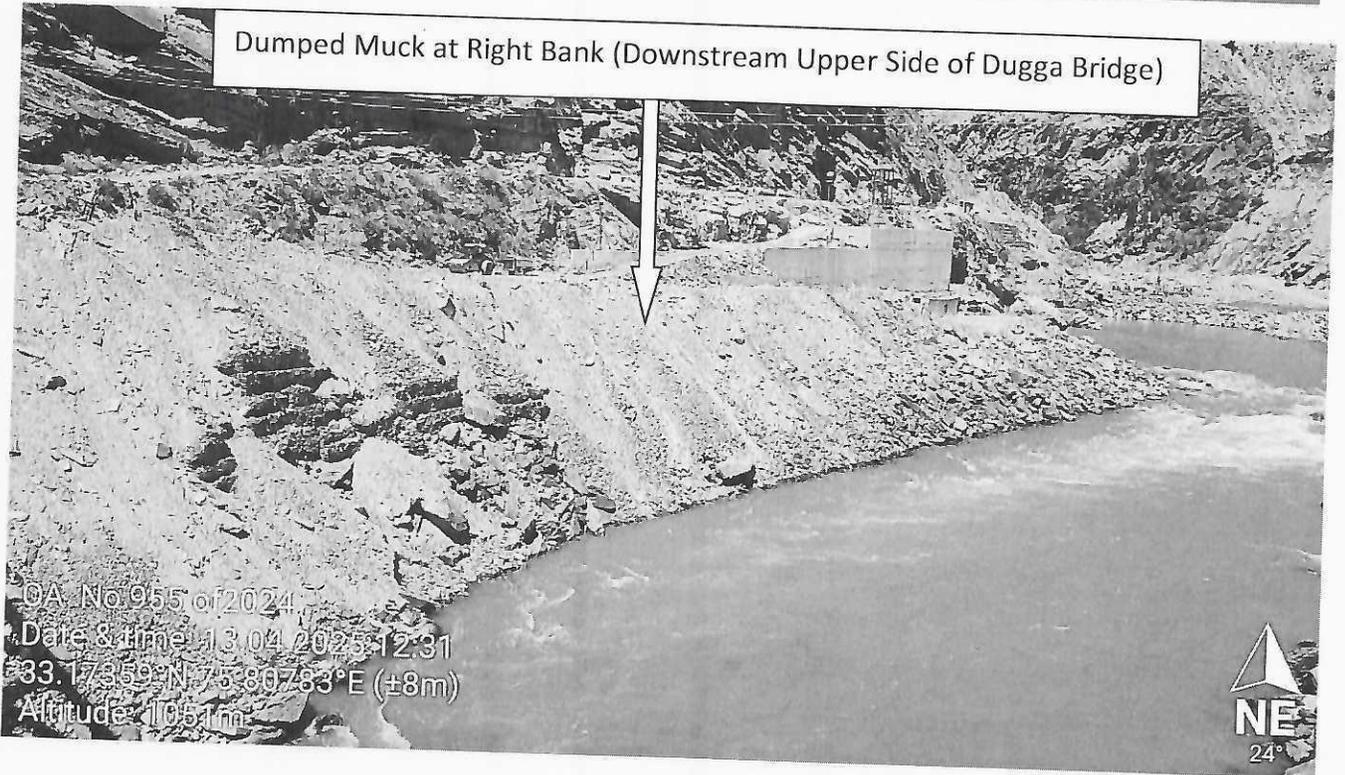
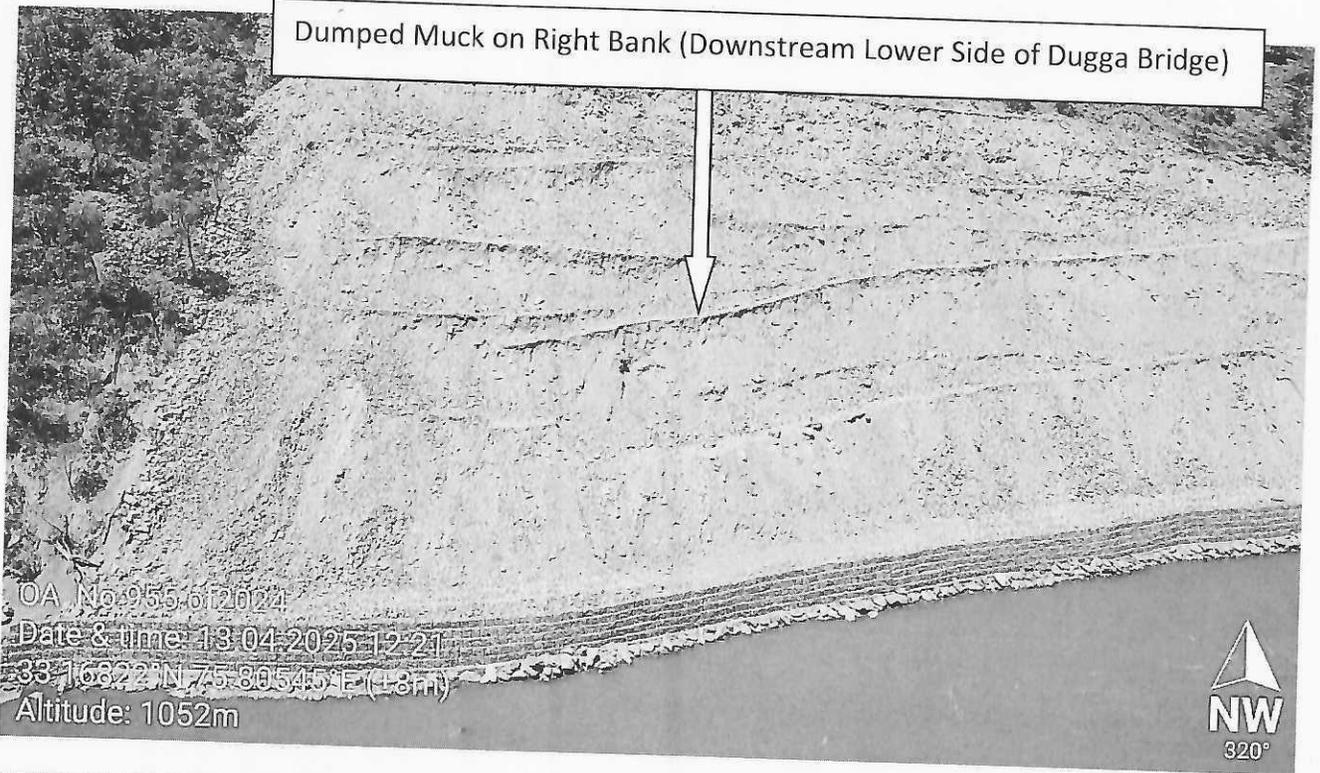

Mohan Lal Snehi
DO, Kishtwar


Chander Singh
DO, Ramban


Surinder Kumar Tripathi
DO, Udhampur

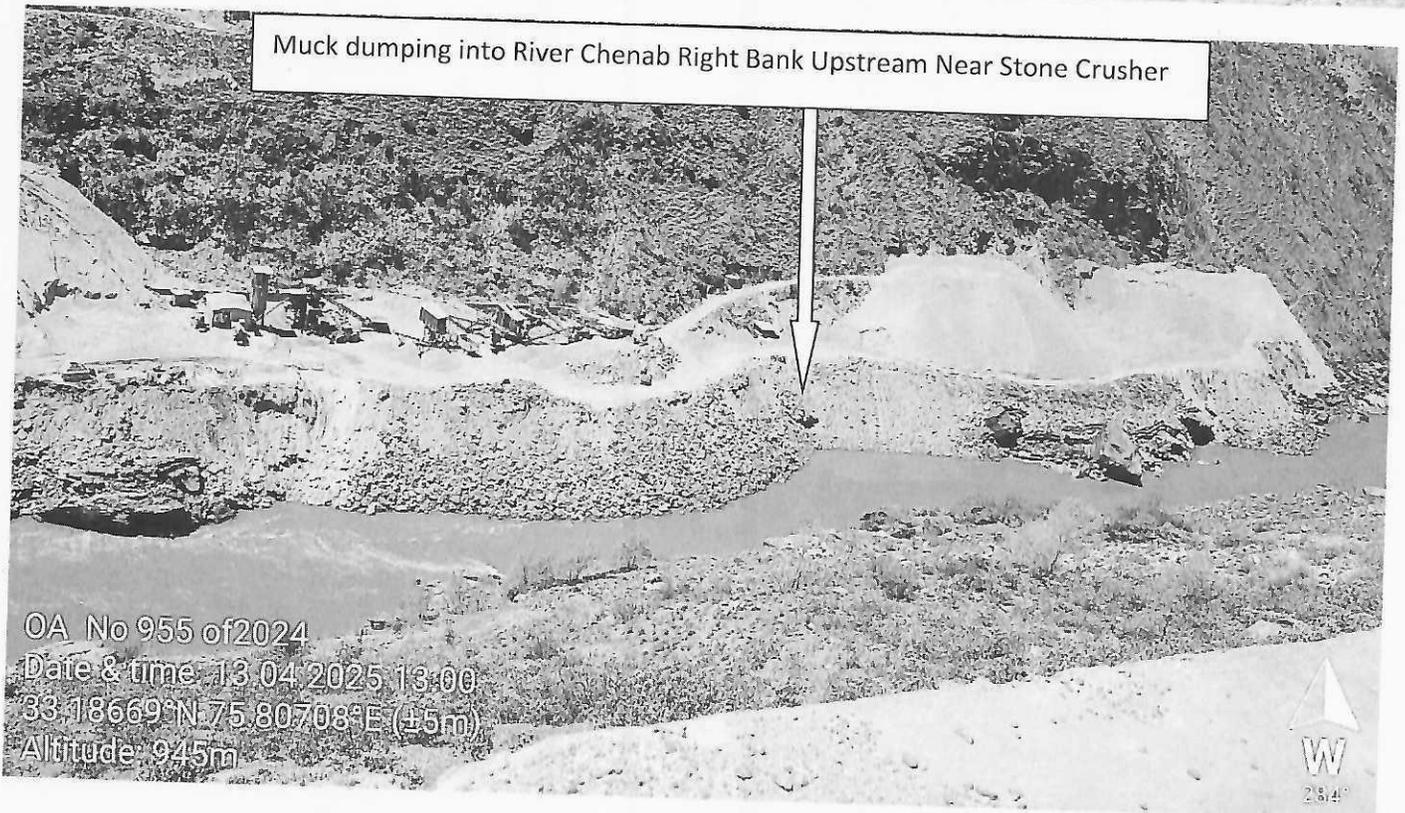
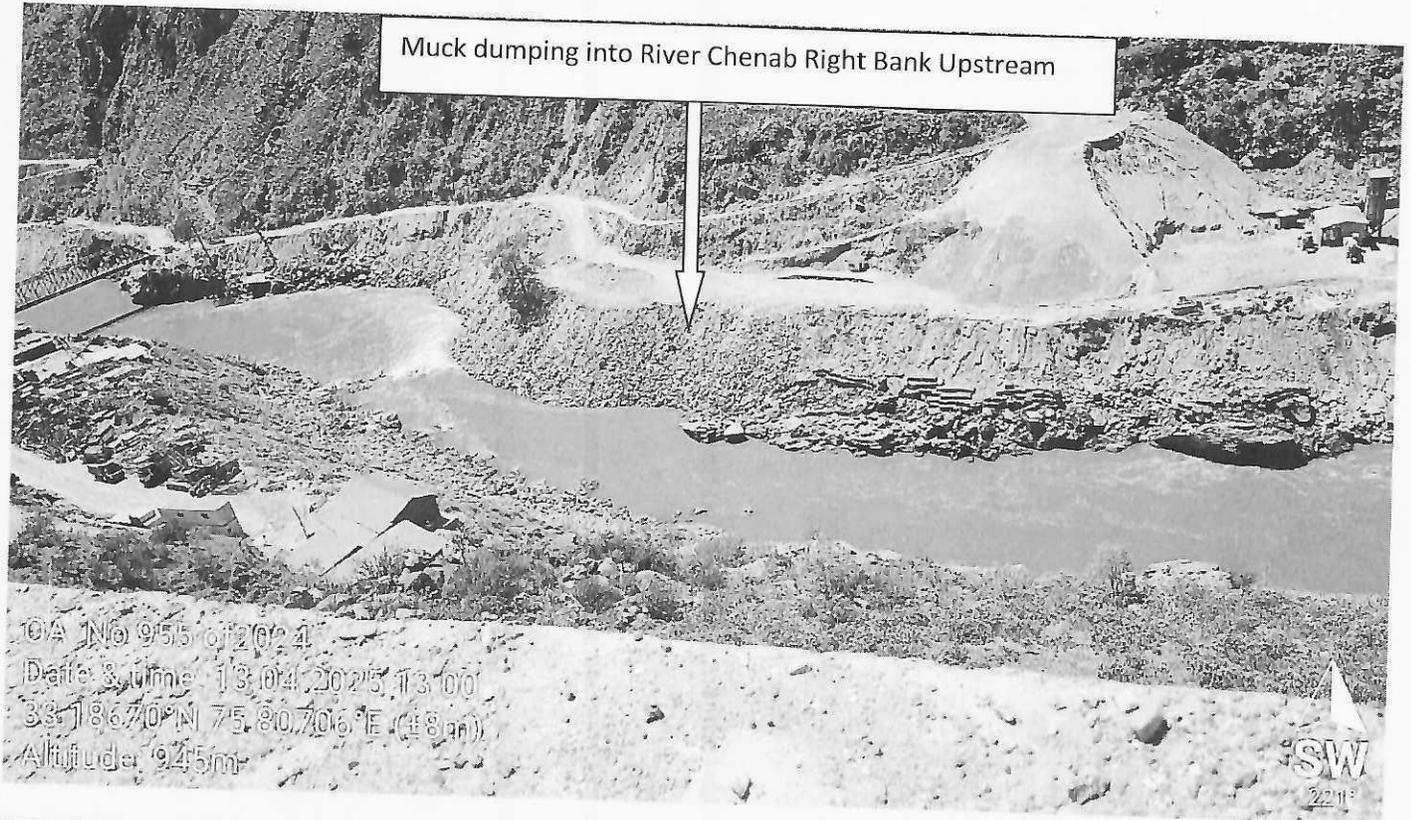
ANNEXURE-A

PHOTOGRAPHS OF MUCK DUMPED AT DOWNSTREAM RIGHT BANK (ZONE-I)



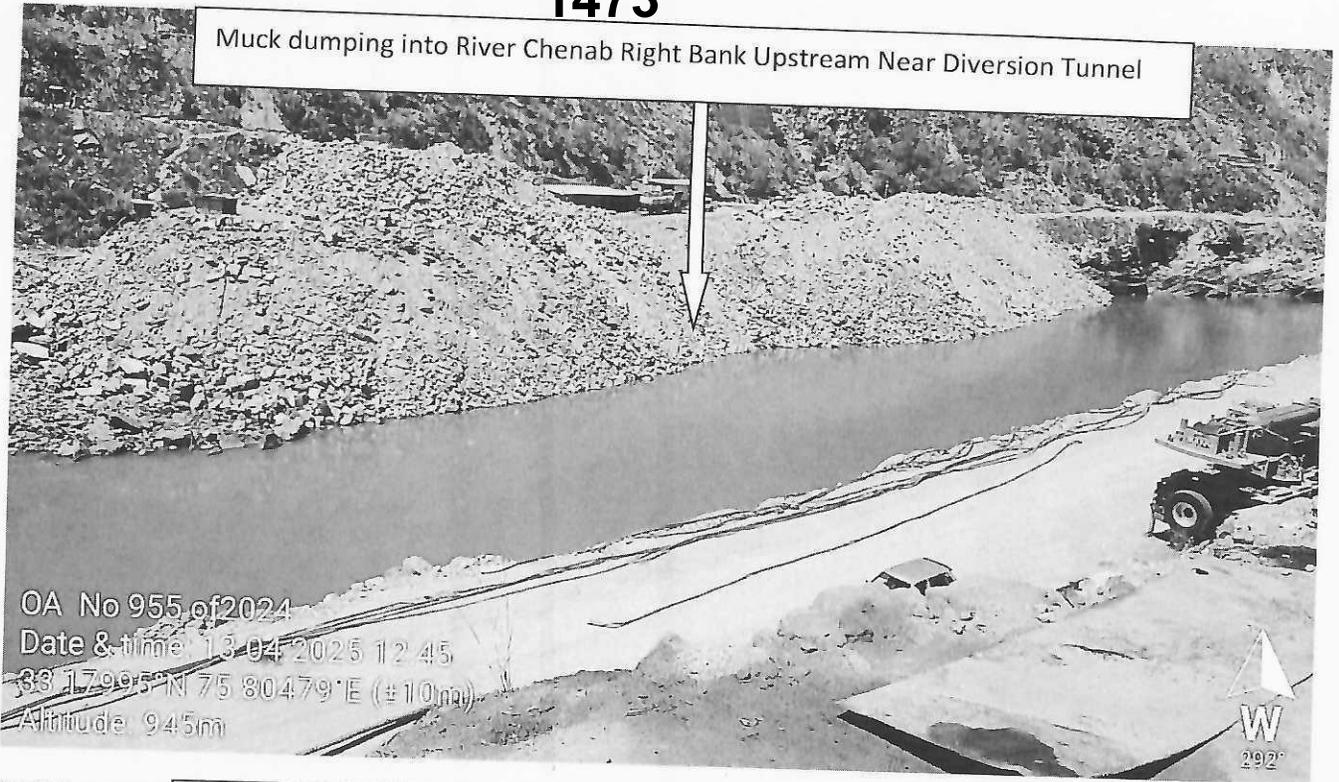
1472 ANNEXURE-B

PHOTOGRAPHS OF MUCK DUMPING AT RIGHT BANK UPSTREAM

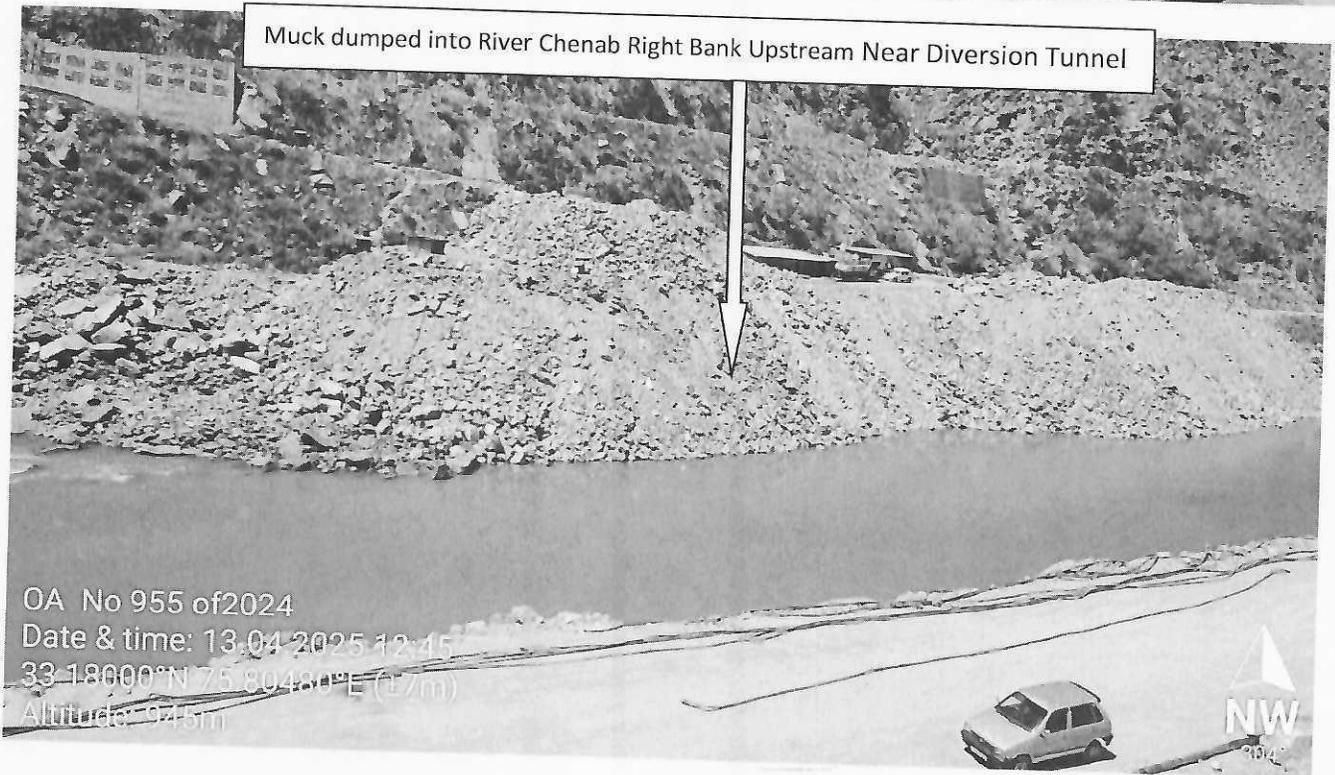


1473

Muck dumping into River Chenab Right Bank Upstream Near Diversion Tunnel



Muck dumped into River Chenab Right Bank Upstream Near Diversion Tunnel



The Member Secretary
J&K Pollution Control Committee
Jammu.

No. PCC/DOJ/S/24/386

Dated: 17-12-2024

Subject: Pollution caused by Construction activities carried out by M/s MEIL in 850 MW Rattle HEP-Reg.

Ref: Order No. JKPCC/PS/MS/24/4034-37 dated 23.11.2024

Sir.

In compliance to the aforementioned Order No. JKPCC/PS/MS/24/4034-37 dated 23.11.2024 issued in reference to the Hon'ble NGT Order dated 12.09.2024 in O.A 955 of 2024 titled President, Municipal Committee Thathri Vs UT of J&K, whereunder a committee was constituted and it was directed that "The Committee shall assess and compute the environmental compensation leviable after ascertaining the period and quantum of violations under Polluter Pays Principle based on the available record and field assessment and submit report alongwith recommendations".

The Committee comprising of Sanjay Kumar Rathore, Divisional Officer, PCC Jammu (South), Chander Singh Kotwal, Divisional Officer, PCC Ramban and Mohan Lal Snehi, Divisional Officer PCC, Kishtwar visited the project area and the site of dumping on subsequent dates 4.12.2024 and 5.12.2024 and observations viz-a-viz to the muck disposed/being disposed at present and Muck disposal plan submitted by the Project proponent/EPC Contractor are reported as under:

- a. The muck found dumped on the right bank of river Chenab on upstream of Thathri town and d/s of Proposed Dam in about approximate length of 500 meters between geo-coordinates 33.17277, 75.8680654 and 33.16898, 75.80377 out of proposed 1350 M in Zone-I (Photographs enclosed as Annexure-I)
- b. As per the Project Proponent (M/s Ratle Hydroelectric Power Corporation Limited) and the EPC contractor (M/s Megha Engineering and Infrastructure Limited), gabion/crate walls were provided along the river bank but during visit no visible gabion walls/crate walls found for holding of the dumped muck on the right bank. The gabion/retaining walls if provided may have been covered/buried under the spilled muck. The muck found spilled into the river Chenab all along the length mentioned above. (Photographs enclosed as Annexure-I)
- c. During visit, the dumping of muck at the right bank of River Chenab on downstream of proposed Dam in Zone-I found stopped and lifting of same from the right bank found in progress.

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- d. The river water is diverted through diversion tunnels and at present part of the muck so lifted from the right bank of River Chenab is being dumped temporarily at dry area/space within river bed between upstream and downstream diversion tunnels where dam foundation is to be constructed/laid.
- e. The rest of the muck from the right bank of river Chenab on downstream of dam is being transported and dumped at about 08 kms distance at village Joshana on the acquired land of Ratle Hydroelectric Power Corporation Ltd (RHPCL). **(Photographs enclosed as Annexure-II)**
- f. As per the Muck Disposal Plan, the muck was to be dumped at a minimum distance of 30.0 meters horizontally away from the edge of the river corresponding to high flood level (HFL) but the dumping found done on slopes within 30.0 meters width. It is also observed at the site that the hills on the both sides of river Chenab and particularly on the right bank on downstream of proposed dam have very steep slopes more than 60 degrees and practically it seems not possible to construct retaining walls beyond 30 meters from the edge of the river for dumping of muck and holding it back safely as proposed in the muck disposal plan.
- g. Crate walls were found provided along river Chenab on left bank on downstream of river except in a small stretch of about 50 meters length.
- h. No dumping of muck was found done in Zone-III.

The Project Proponent (M/s Ratle Hydroelectric Power Corporation Limited) has provided updated detail of the muck generated, utilized and dumped at various places as under:

- Approximate quantity of muck generated to date:
 - i. Underground works = 5.96 lakh m³
 - ii. Surface works = 5.30 lakh m³
 - iii. Total muck generated = 11.26 lakh m³
- Muck Recycled by crushing:
40 mm, 20 mm, 10 mm and fine Aggregate = 3.05 lakh m³
- Quantum of Muck dumped at the designated dumping sites:
 - i. Zone-1 = 1.86 lakh m³ (0.60 lakh m³ shifted to GVK land & Kandni, 1.26 lakh m³ lying in Zone-1).
 - ii. Zone-2 = 0.50 lakh m³
 - iii. Zone 3 = 0.00 lakh m³

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- iv. Total muck dumped = 2.36 lakh m³
- v. Total muck lying in the Dam body = 3.75 lakh m³
- vi. Total muck utilized for construction of access roads = 1.00 lakh m³
- vii. Total muck shifted from Zone 1 to GVK land & near Kandni = 0.60 lakh m³
- viii. Muck utilized for power house ramp = 0.50 lakh m³.

The EPC contractor has submitted that the time to be taken for complete relocation of muck is 126 days i.e. upto 12 April, 2025. (Copy of the details of the muck generated, utilized and dumped enclosed as Annexure-III)

Recommendations of the Committee:

- a. The committee observed violations with regard to the muck dumping particularly on right bank on downstream of proposed Dam in Zone-I of river Chenab and accordingly recommends that the whole quantity of the muck (1.86 lakh m³) dumped within 30.0 meters distance horizontally away from the edge of the river corresponding to high flood level (HFL) including quantity of muck dumped below HFL and spilled into river Chenab on the right bank on downstream of river Chenab in Zone-I needs to be shifted completely. The tentative cost to be incurred for shifting of the muck from the right bank to acquired land at village Joshana is calculated as below:

- Total qty of muck dumped on right side = 1.86 lakh M³ or 3.72 Lakh Ton
- Rate for transportation of muck from Dam area/Dumping yard to acquired land = Rs 15/Km/Ton
- Cost of lifting of muck to 08 kms distance = 372000 Ton X 15 x 8
= Rs 4,46,40,000/- say Rs 4.46 Crore.

It is recommended that the Project Proponent and EPC contractor may be directed to deposit Rs 4.46 Crore with JK PCC as Bank Guarantee/Security and to be released only after the project proponent/EPC contractor shifts whole quantity and shall be forfeited if not lifted within the stipulated period.

(Copy of work order and calculation/conversion of Ton into M³ provided by the EPC Contractor is enclosed as Annexure-IV)

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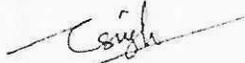
- b. The Project Proponent shall submit a comprehensive muck disposal plan with structural stability to hold back muck safely by adopting bio-engineering techniques in consultation with some institution of engineering repute like IIT etc. for the acquired land at village Joshana where the muck is being transported and dumped.
- c. The Project Proponent shall provide retaining structure on remaining portion of approximately 50 meters along left bank of river Chenab to avoid spillage of muck.
- d. The Project Proponent shall establish an Ambient Air Quality monitoring stations as per the recommendations in Environmental Clearance issued for monitoring of Air quality during the construction phase of project.

As for as calculation of Environmental Compensation for above mentioned violations is concerned, it is recommended that the case may be forwarded to Technical Advisory Committed (TAC) for examination and further needful action.

Hence submitted please.



Mohan Lal Snehi
DO, Kishtwar



Chander Singh
DO, Ramban

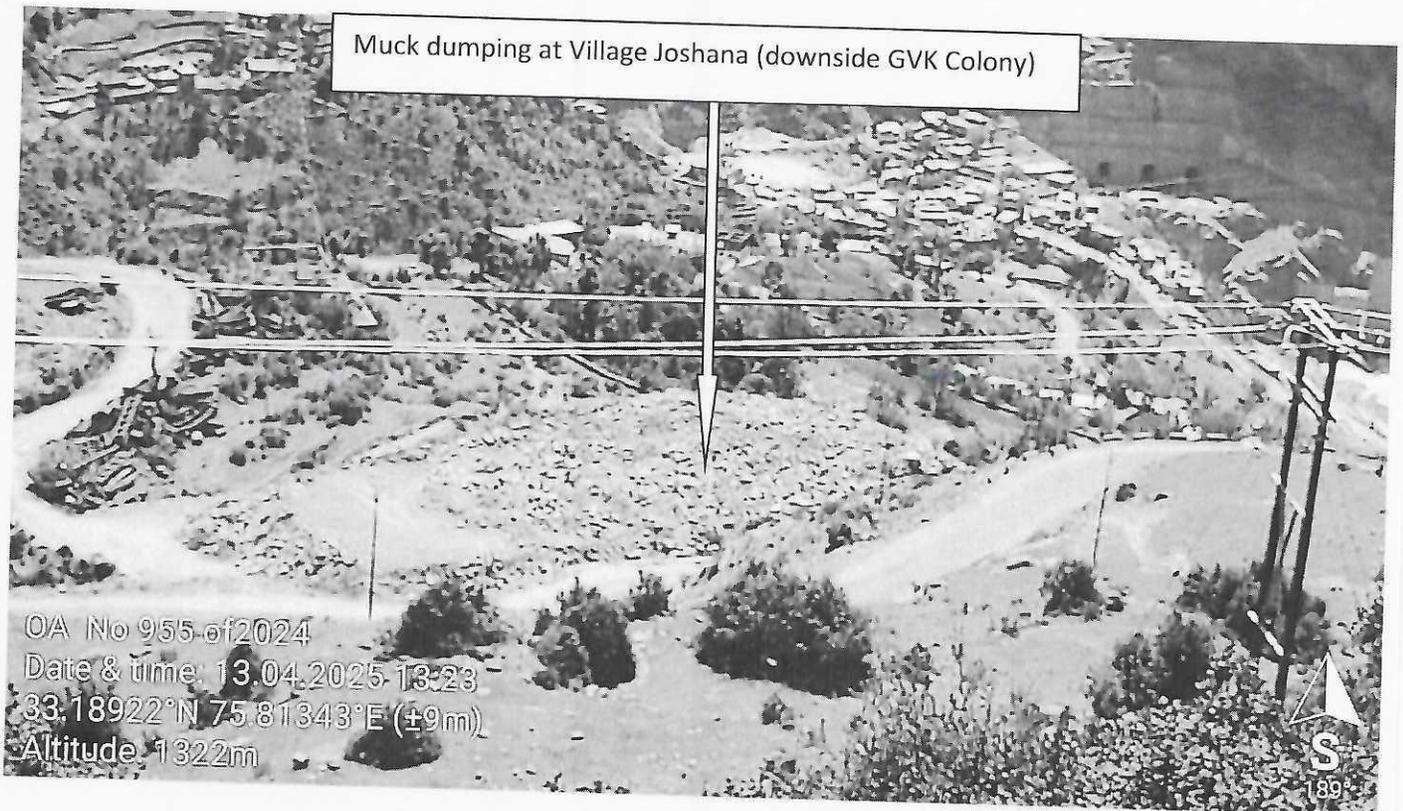
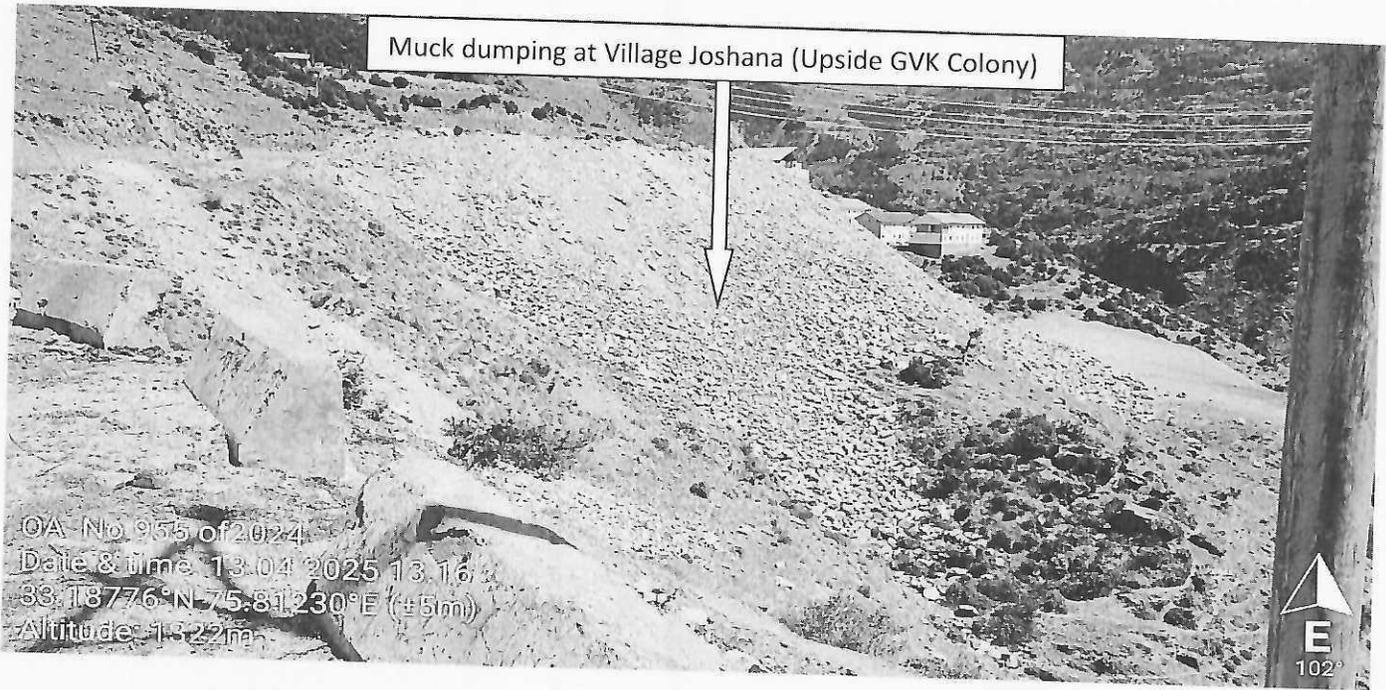
Yours Faithfully



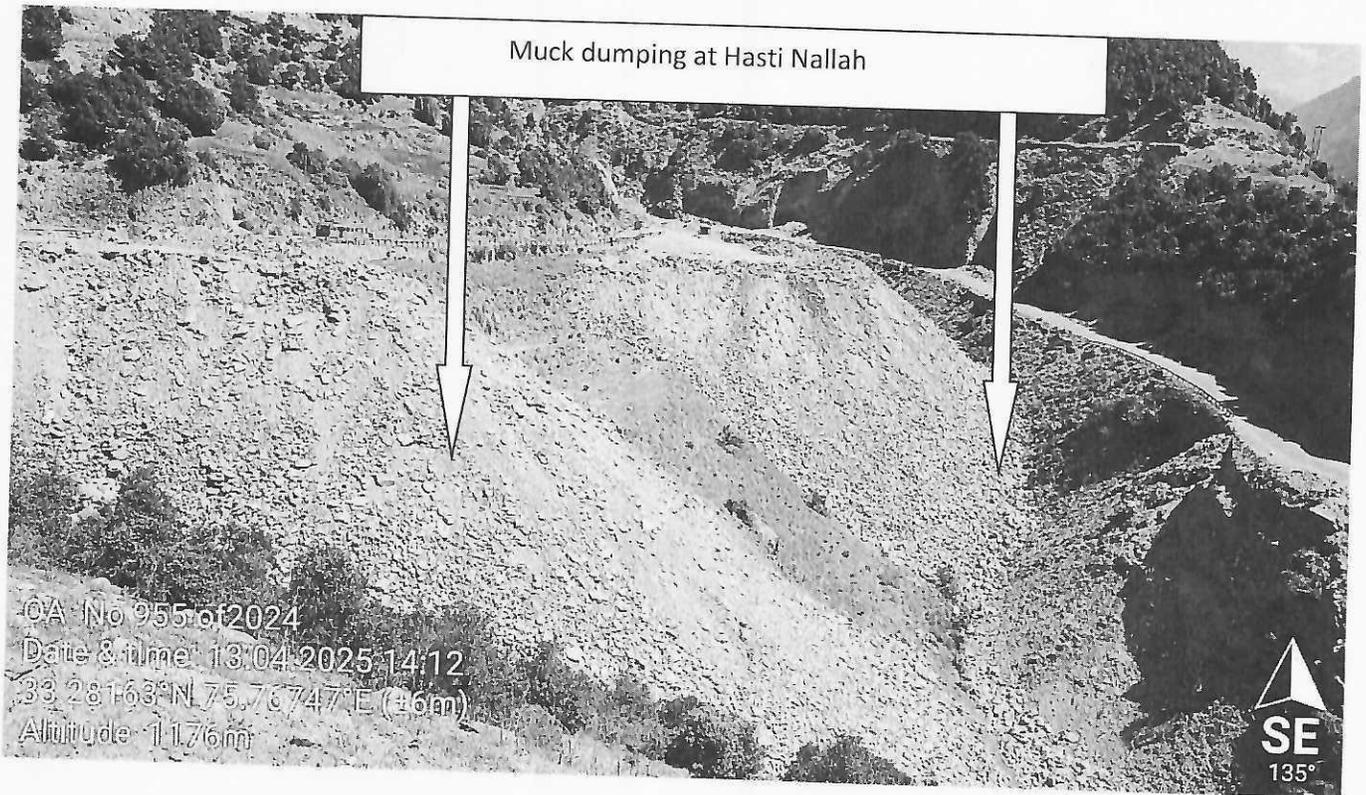
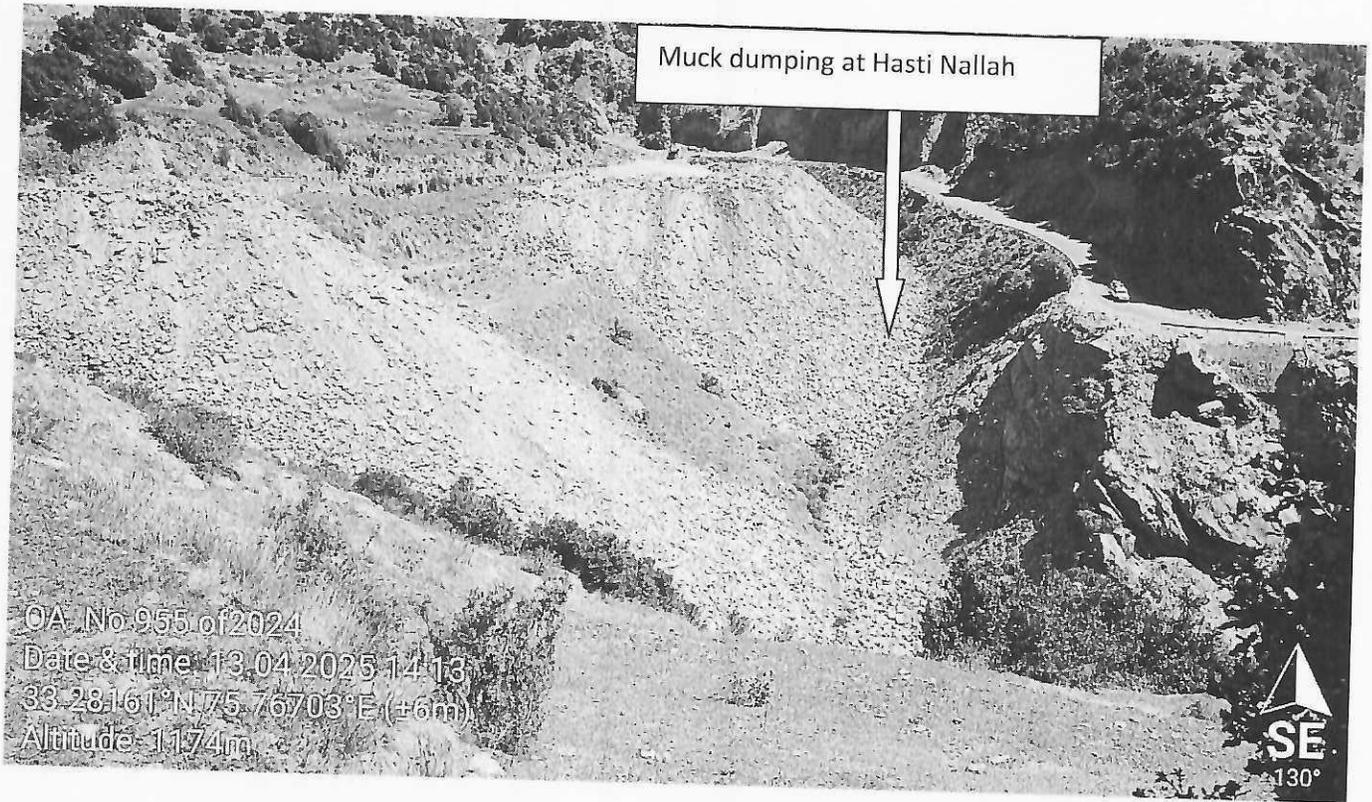
Sanjay Rathore
DO, Jammu (South)

ANNEXURE-D

PHOTOGRAPHS of MUCK DUMPING AT VILLAGE JOSHANA (GVK COLONY)



PHOTOGRAPHS OF MUCK DUMPING AT HASTI NALLAH



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ANNEXURE-E

**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

**Regional Director,
J&K Pollution Control Committee,
Jammu.**

No.: JKPCC/Sc./OA-955/2024/2331

Date: 27-03-2025

**Sub: O.A. No. 955/2024 titled President, Municipal Committee, Thathri
V/s Union Territory of Jammu & Kashmir.**

Madam,

Please refer to the subject cited above, In this connection, I am to request you to share a brief status report regarding compliance of the observations of the Joint Committee (copy enclosed) in this regard w.r.t following:

- a) Remedial measures taken by MEIL, if any.
- b) Submission of muck disposal plan with structural stability.
- c) Provision of retaining wall along left bank of river chenab.
- d) Establishment of Ambient Air Quality Monitoring Station.

The report as above should reach this office by or before **29.03.2025** as case is listed for hearing on 03.04.2025.

Yours faithfully,


Ghansham Singh JKAS
Member Secretary 27.3.25

No. PCC/DOJ/S/24/386

Dated: 17-12-2024

Subject: Pollution caused by Construction activities carried out by M/s MEIL in 850 MW Rattle HEP-Reg.

Ref: Order No. JKPCC/PS/MS/24/4034-37 dated 23.22.2024

Sir,

In compliance to the aforementioned Order No. JKPCC/PS/MS/24/4034-37 dated 23.22.2024 issued in reference to the Hon'ble NGT Order dated 12.09.2024 in O.A 955 of 2024 titled President, Municipal Committee Thathri Vs UT of J&K, whereunder a committee was constituted and it was directed that **"The Committee shall assess and compute the environmental compensation leviable after ascertaining the period and quantum of violations under Polluter Pays Principle based on the available record and field assessment and submit report alongwith recommendations"**.

The Committee comprising of Sanjay Kumar Rathore, Divisional Officer, PCC Jammu (South), Chander Singh Kotwal, Divisional Officer, PCC Ramban and Mohan Lal Snehi, Divisional Officer PCC, Kishtwar visited the project area and the site of dumping on subsequent dates 4.12.2024 and 5.12.2024 and observations viz-a-viz to the muck disposed/being disposed at present and Muck disposal plan submitted by the Project proponent/EPC Contractor are reported as under:

- Copy*
- [Signature]*
- a. The muck found dumped on the right bank of river Chenab on upstream of Thathri town and d/s of Proposed Dam in about approximate length of 500 meters between geo-coordinates 33.17277, 75.8680654 and 33.16898, 75.80377 out of proposed 1350 M in Zone-I **(Photographs enclosed as Annexure-I)**
 - b. As per the Project Proponent (M/s Rattle Hydroelectric Power Corporation Limited) and the EPC contractor (M/s Megha Engineering and Infrastructure Limited), gabion/crate walls were provided along the river bank but during visit no visible gabion walls/crate walls found for holding of the dumped muck on the right bank. The gabion/retaining walls if provided may have been covered/buried under the spilled muck. The muck found spilled into the river Chenab all along the length mentioned above. **(Photographs enclosed as Annexure-I)**
 - c. During visit, the dumping of muck at the right bank of River Chenab on downstream of proposed Dam in Zone-I found stopped and lifting of same from the right bank found in progress.

- d. The river water is diverted through diversion tunnels and at present part of the muck so lifted from the right bank of River Chenab is being dumped temporarily at dry area/space within river bed between upstream and downstream diversion tunnels where dam foundation is to be constructed/laid.
- e. The rest of the muck from the right bank of river Chenab on downstream of dam is being transported and dumped at about 08 kms distance at village Joshana on the acquired land of Ratle Hydroelectric Power Corporation Ltd (RHPCL). (Photographs enclosed as Annexure-II)
- f. As per the Muck Disposal Plan, the muck was to be dumped at a minimum distance of 30.0 meters horizontally away from the edge of the river corresponding to high flood level (HFL) but the dumping found done on slopes within 30.0 meters width. It is also observed at the site that the hills on the both sides of river Chenab and particularly on the right bank on downstream of proposed dam have very steep slopes more than 60 degrees and practically it seems not possible to construct retaining walls beyond 30 meters from the edge of the river for dumping of muck and holding it back safely as proposed in the muck disposal plan.
- g. Crate walls were found provided along river Chenab on left bank on downstream of river except in a small stretch of about 50 meters length.
- h. No dumping of muck was found done in Zone-III.

The Project Proponent (M/s Ratle Hydroelectric Power Corporation Limited) has provided updated detail of the muck generated, utilized and dumped at various places as under:

- Approximate quantity of muck generated to date:
 - i. Underground works = 5.96 lakh m³
 - ii. Surface works = 5.30 lakh m³
 - iii. Total muck generated = 11.26 lakh m³
- Muck Recycled by crushing:
40 mm, 20 mm, 10 mm and fine Aggregate = 3.05 lakh m³
- Quantum of Muck dumped at the designated dumping sites:
 - i. Zone-1 = 1.86 lakh m³ (0.60 lakh m³ shifted to GVK land & Kandni, 1.26 lakh m³ lying in Zone-1).
 - ii. Zone-2 = 0.50 lakh m³
 - iii. Zone 3 = 0.00 lakh m³

- 1484**
- iv. Total muck dumped = 2.36 lakh m³
 - v. Total muck lying in the Dam body = 3.75 lakh m³
 - vi. Total muck utilized for construction of access roads = 1.00 lakh m³
 - vii. Total muck shifted from Zone 1 to GVK land & near Kandni = 0.60 lakh m³
 - viii. Muck utilized for power house ramp = 0.50 lakh m³.

The EPC contractor has submitted that the time to be taken for complete relocation of muck is 126 days i.e. upto 12 April, 2025. (Copy of the details of the muck generated, utilized and dumped enclosed as Annexure-III)

Recommendations of the Committee:

- a. The committee observed violations with regard to the muck dumping particularly on right bank on downstream of proposed Dam in Zone-I of river Chenab and accordingly recommends that the whole quantity of the muck (1.86 lakh m³) dumped within 30.0 meters distance horizontally away from the edge of the river corresponding to high flood level (HFL) including quantity of muck dumped below HFL and spilled into river Chenab on the right bank on downstream of river Chenab in Zone-I needs to be shifted completely. The tentative cost to be incurred for shifting of the muck from the right bank to acquired land at village Joshana is calculated as below:

- Total qty of muck dumped on right side = 1.86 lakh M3 or 3.72 Lakh Ton
- Rate for transportation of muck from Dam area/Dumping yard to acquired land = Rs 15/Km/Ton
- Cost of lifting of muck to 08 kms distance = 372000 Ton X 15 x 8
= Rs 4,46,40,000/- say **Rs 4.46 Crore.**

It is recommended that the Project Proponent and EPC contractor may be directed to deposit Rs 4.46 Crore with JK PCC as Bank Guarantee/Security and to be released only after the project proponent/EPC contractor shifts whole quantity and shall be forfeited if not lifted within the stipulated period.

(Copy of work order and calculation/conversion of Ton into M3 provided by the EPC Contractor is enclosed as **Annexure-IV**)

1485

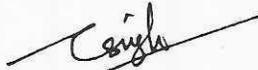
- b. The Project Proponent shall submit a comprehensive muck disposal plan with structural stability to hold back muck safely by adopting bio-engineering techniques in consultation with some institution of engineering repute like IIT etc. for the acquired land at village Joshana where the muck is being transported and dumped.
- c. The Project Proponent shall provide retaining structure on remaining portion of approximately 50 meters along left bank of river Chenab to avoid spillage of muck.
- d. The Project Proponent shall establish an Ambient Air Quality monitoring stations as per the recommendations in Environmental Clearance issued for monitoring of Air quality during the construction phase of project.

As for as calculation of Environmental Compensation for above mentioned violations is concerned, it is recommended that the case may be forwarded to Technical Advisory Committed (TAC) for examination and further needful action.

Hence submitted please.

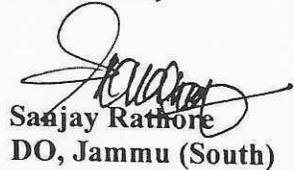


Mohan Lal Snehi
DO, Kishtwar



Chander Singh
DO, Ramban

Yours Faithfully



Sanjay Rathore
DO, Jammu (South)



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Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE DIVISIONAL OFFICER KISHTWAR

Tulsi Nagar Sarkoot Kishtwar
E-mail:- dopcckishtwar@gmail.com

The Regional Director
J&K Pollution Control Committee
Jammu

No: JKPCC/DO/K/25/ 58

Dated 29/03/2025

Subject: O.A No.955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of Jammu & Kashmir.

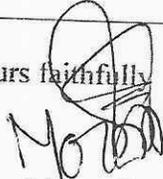
Reference: Central Office letter No. JKPCC/Sc./OA-955/2024/2331 dated 27-03-2025.

Madam,

Kindly refer to the aforecited letter in this regard brief status regarding compliance of the observations of the Joint Committee as:

| S.No | Observations of the Committee | Compliance |
|------|--|--|
| a) | Remedial measures taken by MEIL, if any. | Remedial measures in terms of removal of muck and construction of retaining wall on right bank downstream of the dam (river Chenab) has been taken by the MEIL. Besides regular water sprinkling on project roads and construction areas have also been initiated by the company (MEIL). |
| b) | Submission of muck disposal plan with structure stability. | So far, no such plan submitted by the MEIL. |
| c) | Provision of retaining wall along left bank of river Chenab. | Retaining wall on the left bank of the river Chenab constructed by the MEIL. |
| d) | Establishment of Ambient Air Quality Monitoring Station. | Not established. |

Yours faithfully


(Dr. Mohan Lal Snehi)
Divisional Officer
Pollution Control Committee
Kishtwar

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ANNEXURE-F

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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

**Regional Director,
J&K Pollution Control Committee,
Jammu.**

No.: JKPCC/Sc./OA-955/2024/2347

Date: 29-03-2025

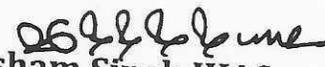
**Sub: O.A. No. 955/2024 titled President, Municipal Committee, Thathri
V/s Union Territory of Jammu & Kashmir.**

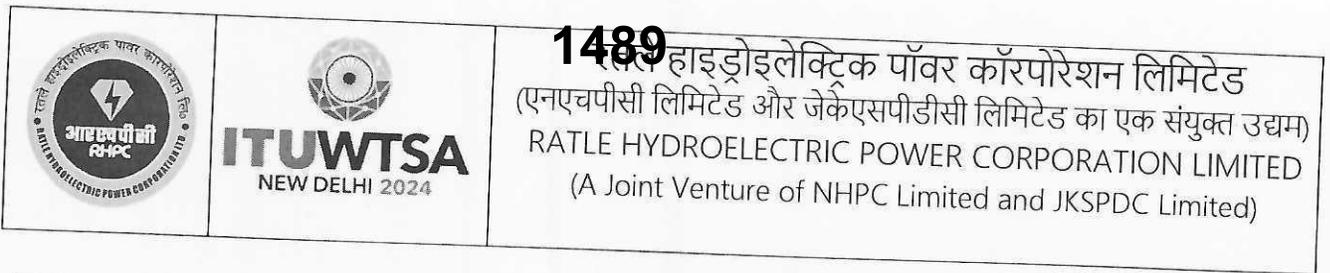
Ref: JKPCC/Sc./OA-955/2024/2334-35; dated 27.03.2025.

Madam,

With reference to this office No. JKPCC/Sc./OA-955/2024/2334-35; dated 27.03.2025 on the subject cited above, I am to convey that M/s Rattle Hydroelectric Power Corporation Limited vide its office No. Rattle/CEO/2025/L-129; dated 28.03.2025, have submitted brief report on remedial measures taken **(copy enclosed)** which may be got verified and share verification report by **02.04.2025** positively, for further needful action as the case is listed for hearing on 03.04.2025.

Yours faithfully,


Ghansham Singh JKAS
Member Secretary 29.3.25



Ref.: RATLE/CEO/2025/L-129

Date: 28-03-2025

The Member Secretary
Jammu and Kashmir Pollution Control Committee
Transport Nagar
Jammu

Subject: OA No. 955/2024 titled "President, Municipal Committee, Thathri" Vs " Union Territory of Jammu and Kashmir"

Ref.: -JKPCC letter No. JKPCC/Sc./OA-955/2024/2334-35 dated 27-03-2025

Sir,

In reference to the subject cited matter, it is mention that 850MW Ratle HE Project, Drabshalla, Kishtwar is being executed in EPC -Turnkey Mode and the EPC Contract has been awarded to M/s Megha Engineering and Infrastructures Limited (M/s MEIL). The details of the remedial measures taken for remedying any adverse environmental impact w.r.t. disposal of muck by the EPC Contractor- M/s MEIL are as follows:-

- 1. Retrieval and relocation of muck from right bank (Muck Disposal site-1):**
The portion of muck inadvertently spilled on the right bank of river (Muck Disposal Zone-1) has been completely retrieved and relocated to the alternative sites (falling within the Project acquired land) provided by the Project to the EPC Contractor at Joshana village etc., for temporary storage/ stacking of muck, in full compliance with environmental regulations and in coordination with the relevant Authorities. It has been submitted by M/s MEIL (Megha Engineering and Infrastructures Limited) that the retrieved muck shall be utilized for further construction activities associated with the Project, thereby adhering to principles of sustainable waste management and minimizing environmental impact.
- 2. The alternative sites provided to the EPC Contractor are situated at a considerably safe distance from the river (approx. 6-8 kms), ensuring compliance with environmental safeguards. The muck is now being temporarily stored far from the river and all construction activities are being undertaken in compliance with environmental regulations.**
- 3. Providing of crate protection walls/ retaining walls on right bank :** As submitted by the EPC Contractor (M/s MEIL), for providing the adequate protection, avoiding any spillage of muck and to mitigate any adverse environmental impact, a 6-meter-high retaining wall of approx. 400 m length, well above the recorded HFL, has been constructed by using the wire crates in layers including 1 mtr high concrete base, along the entire utilized muck disposal area



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रतले हाइड्रोइलेक्ट्रिक पावर कॉर्पोरेशन लिमिटेड
(एनएचपीसी लिमिटेड और जेकेएसपीडीसी लिमिटेड का एक संयुक्त उद्यम)
RATLE HYDROELECTRIC POWER CORPORATION LIMITED
(A Joint Venture of NHPC Limited and JKSPDC Limited)

on right bank of river (**Muck Disposal Zone-1**). It is to mention here that a stretch of approx. 100 meter on the upstream of Muck Disposal site-1 on right bank (u/s of Crate walls), has been kept as it is, same being the construction site for four nos. Tail Race Tunnel outlets of the Project, where construction activities are scheduled to commence shortly.

4. **Cessation of muck dumping on the right bank:** To avoid any potential spillage of muck into the Chenab River, the dumping of muck on the right bank of the river has been completely ceased since July 2024. The District Administration, J&K Pollution Control Committee and the MoEF&CC have been duly informed regarding the cessation of dumping activities at the right bank.
5. **Regular site Inspections:** Regular site inspections are being carried out to ensure that the muck disposal sites remain free from any environmental concerns/ risk.
6. Vide letter dated 29.01.2025, the proposal has been submitted to the J&K Pollution Control Committee for grant of permission for utilization of 14.6 Ha acquired land of the Project, for temporary storage/ stacking of the muck by the EPC Contractor- M/s MEIL.
7. It has been strictly ensured that the natural flow of river course is not at all disturbed and no portion of river is encroached by any construction activities.
8. **Rehabilitation of Muck Disposal sites:** After completion of Project works, the muck disposal sites shall be suitably rehabilitated by way of plantation and other engineering & biological measures. The Muck dumping site shall be handed over to the J&K Forest Department after their restoration including plantations etc.
9. J&K Forest Department has been requested by Ratle HE Project for implementation of the activities/works related to the landscaping and restoration of the work sites including the Green belt Development and the associated engineering & biological measures at the work sites. In this regard, a Committee comprising of Divisional Forest Officers from Kishtwar, Doda and Marwah Forest Divisions along with Wildlife Warden, Chenab Division, has been constituted for finalization of the biological measures/ plantation activities including Green belt development at the construction sites of the Project. The Catchment Area Treatment (CAT) Plan and the Biodiversity Conservation & Management Plan of Ratle HE Project are already under consideration by the J&K Forest Department for their approval.
10. Approval for alternative sites for temporary storage/ stacking of muck has requested for the permission from the concerned Authorities for use of above



1491 डीडिलेक्टिक पावर कॉर्पोरेशन लिमिटेड
(एनएचपीसी लिमिटेड और जेकेएसपीडीसी लिमिटेड का एक संयुक्त उद्यम)
RATLE HYDROELECTRIC POWER CORPORATION LIMITED
(A Joint Venture of NHPC Limited and JKSPDC Limited)

mentioned 3 alternative sites within the Project acquired land for stacking/ storage of muck. MEIL has assured that the muck dumping process will be carried out in an organized and environmentally responsible manner in compliance with all necessary regulations

11. The periodic environmental compliance reports are being timely submitted to the Jammu & Kashmir Pollution Control Committee (J&K PCC) in accordance with the applicable statutory requirements and guidelines by answering respondent. These reports document the measures undertaken to ensure compliance with environmental norms, including the proper disposal of muck and other safeguards implementation.
12. M/s MEIL, is being regularly instructed by Ratle Hydro Power Corporation Limited (RHPCL), to ensure strict adherence to the applicable environmental laws and norms during the execution of the project works. Specific instructions have been issued to M/s MEIL for ensuring that muck and debris generated from the construction activities are deposited exclusively at the designated muck disposal sites that have been duly handed over for this purpose, without any spillage into the river Chenab or any other water body.
13. The Ratle Project remains committed to ensure that all construction activities are conducted in an environmentally responsible manner and the relevant statutory provisions.
14. The Project Proponent remains committed to comply with all environmental and safety norms, ensuring that the project activities do not cause any harm to the local community, properties and environment.

Thanking you,

Encls:- Relevant photographs and video showing the corrective measures / remedial measures taken

Yours faithfully,

A. K. Nauriyal
Chief Executive Officer

Copy to:-

1. Deputy Commissioner, Kishtwar- for kind information.

कार्यालय: कमरा नंबर 08, ब्लॉक नंबर 02, एनएचपीसी क्षेत्रीय कार्यालय, जेडीए वाणिज्यिक परिसर नंबर 01, नरवाल, जम्मू, (जम्मू और कश्मीर) - 180006
Office : Room No. 08, Block No. 02, NHPC Regional Office, JDA Commercial Complex No. 01, Narwal, Jammu, (J&K) - 180006
Camp Office : NHPC Office Complex, Sector-33, Faridabad - 121003 (Haryana)
CIN: U40105JK2021GOI012380 E-mail Id: rhpcl@nhpc.nic.in



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Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE DIVISIONAL OFFICER KISHTWAR
Tulsi Nagar Sarkaot Kishtwar
E-mail:- dopcckishtwar@gmail.com

The Regional Director
J&K Pollution Control Committee
Jammu

No: JKPC/DO/K/25/60

Dated 03/04/2025

Subject: O.A No.955/2024 titled President, Municipal Committee, Thathri V/s Union Territory of Jammu & Kashmir.
Reference: Central Office letter No. JKPC/Sc./OA-955/2024/2347 dated 29-03-2025.

Madam,

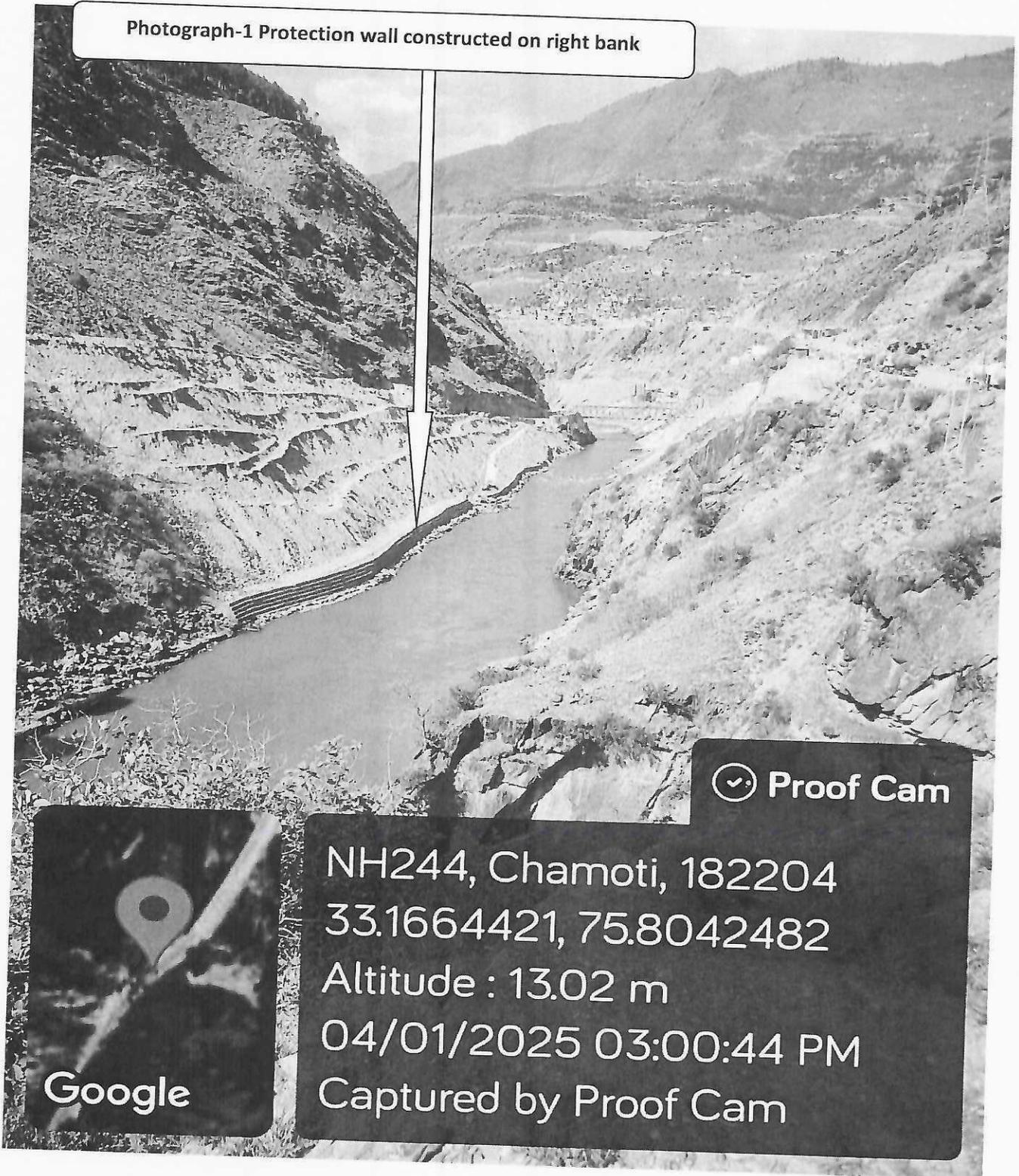
Kindly refer to the aforecited letter for ground verification report on the brief compliance report submitted by the M/s Ratle Hydroelectric Power Corporation Ltd. vide no.Ratle/CEO/2025/L-129 dated 28-03-2025 in this regard it is to submit that project was inspected on 01-04-2025 and detail inspection report as:

1. Retaining walls were found constructed on right bank downstream (Photograph-1 Annexure-A).
2. Part of muck retrieved from the muck dumping Zone-I (downstream right bank) shifted to the village Joshana near GVK Camp and downside GVK Camp, left side of road culvert (Photographs 2-3 Annexure-A).
3. Muck dumping at Zone-I (right bank downstream) has been stopped and no fresh dumping reported till date.
4. The RHPCL had mentioned in its said report that a letter dated 29-01-2025, sent to J&K PCC for temporary permission of stacking/storage of the muck at 14.4 Hectare acquired land of the project In this matter it is to submit that no such letter received by this office. However RHPCL has started dumping muck at Hasti Nallah and its adjoining land (Photographs 4-5 Annexure-A) which is not it's acquired land.

Yours faithfully

(Dr. Mohan Lal Snehi)
Divisional Officer
Pollution Control Committee
Kishtwar

PHOTOTGRAPHS OF DOWSTREAM RIGTH BANK
ANNEXURE-A



Photograph-1 Protection wall constructed on right bank

Proof Cam



NH244, Chamoti, 182204
33.1664421, 75.8042482
Altitude : 13.02 m
04/01/2025 03:00:44 PM
Captured by Proof Cam

Photo-2 Muck dumped/shifted to Village Joshana Near GVK Camp



Proof Cam



Unnamed Road, 182204

33.1871751, 75.8123975

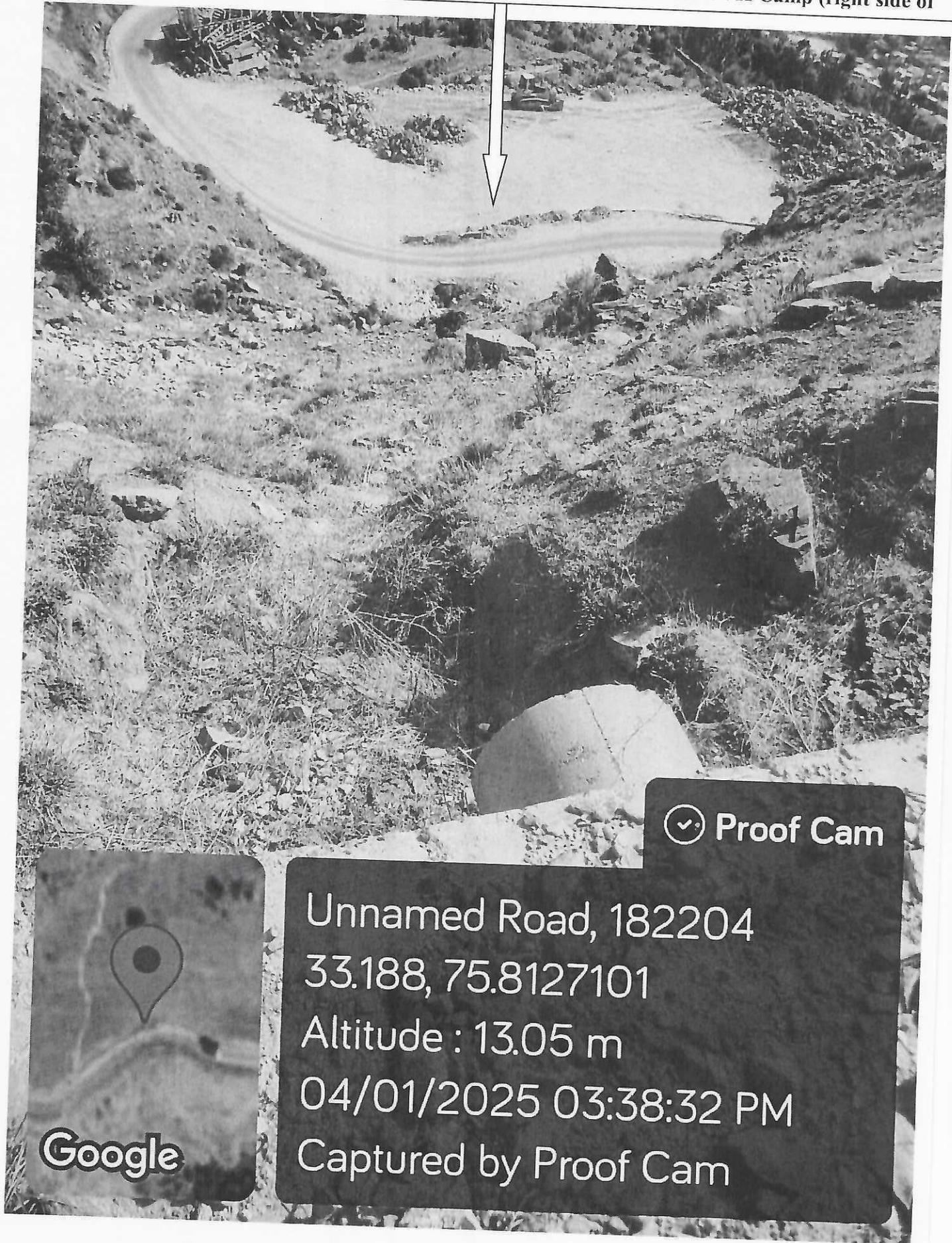
Altitude : 13.05 m

04/01/2025 03:45:33 PM

Captured by Proof Cam

1495

Photo-3 Muck dumped/shifted to Village Joshana downside GVK Camp (right side of



Proof Cam

Google

Unnamed Road, 182204

33.188, 75.8127101

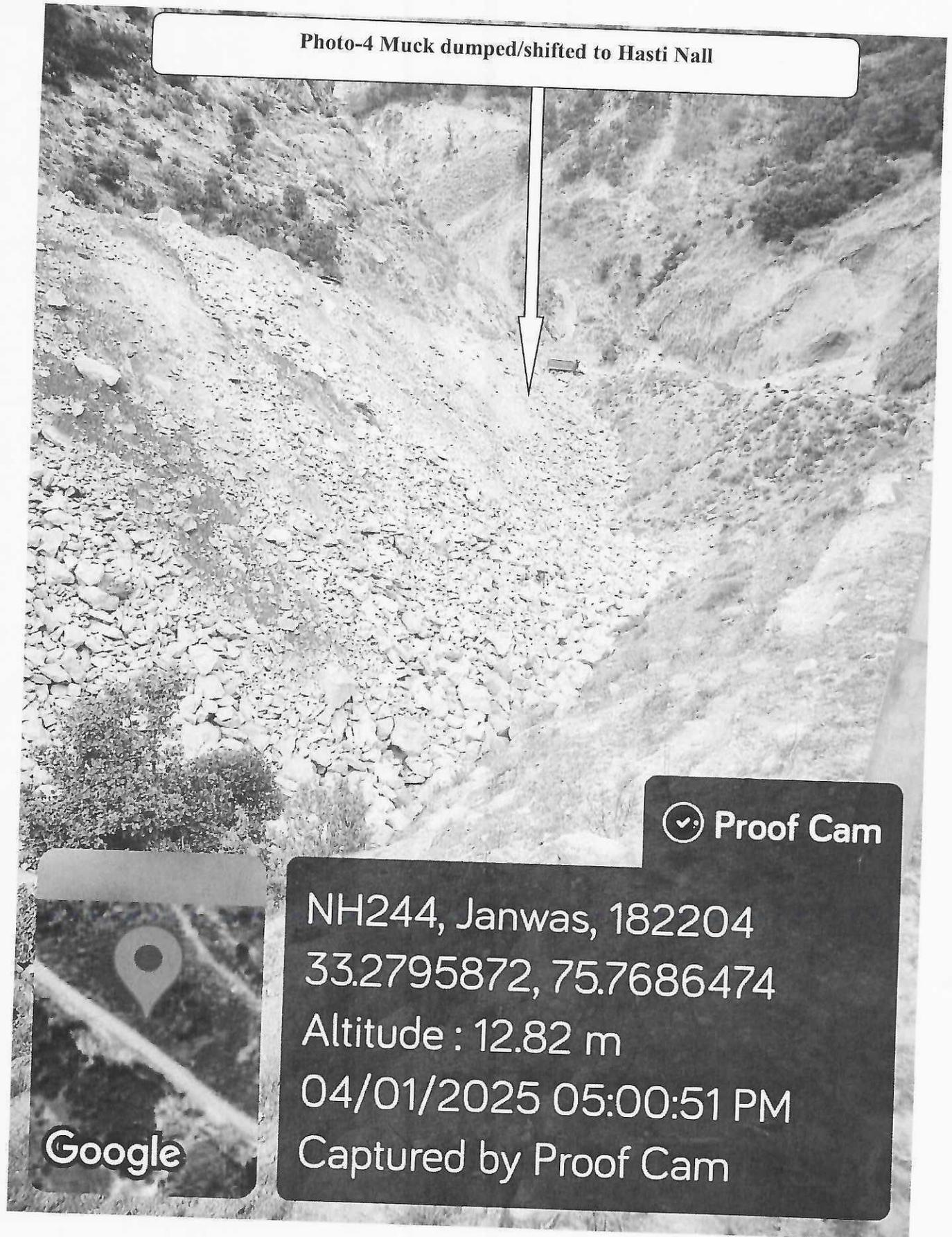
Altitude : 13.05 m

04/01/2025 03:38:32 PM

Captured by Proof Cam

1496

Photo-4 Muck dumped/shifted to Hasti Nall



✓ Proof Cam

Google

NH244, Janwas, 182204

33.2795872, 75.7686474

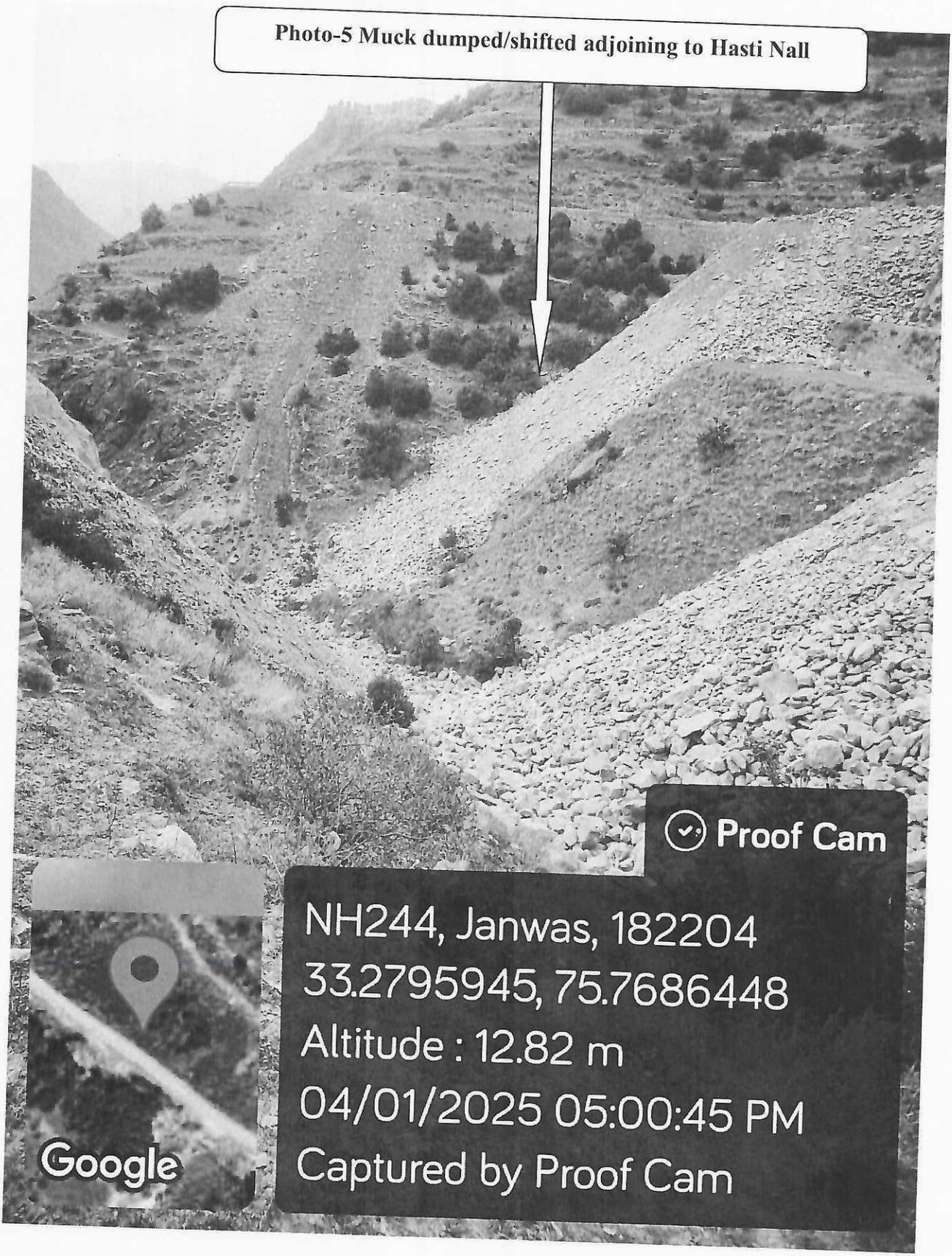
Altitude : 12.82 m

04/01/2025 05:00:51 PM

Captured by Proof Cam

1497

Photo-5 Muck dumped/shifted adjoining to Hasti Nall



Proof Cam

NH244, Janwas, 182204

33.2795945, 75.7686448

Altitude : 12.82 m

04/01/2025 05:00:45 PM

Captured by Proof Cam

Google