

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 176/2023

IN THE MATTER OF:

Rohit Padha

Applicant

Vs.

Union Territory of Jammu & Kashmir

Respondent

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1.	Status Note on behalf of Central Pollution Control Board, (CPCB) in compliance of Hon'ble NGT orders dated 28.04.2023 & 17.10.2023 in OA No. 176/2023, Rohit Padha Vs. Union Territory of Jammu & Kashmir.	
2.	Annexure-A: A copy of Final Report of the Joint Committee dated 20.12.2023.	
3.	Annexure-B: A copy of Inspection Report dated 19.12.2023 to verify the status of action points.	
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(P.K. Mishra)

Scientist F

Central Pollution Control Board
Delhi-110032

Dated: 11.01.2024

Place: Delhi

**STATUS NOTE ON THE MATTER OF ORIGINAL APPLICATION
NO. 176/2023 TITLED ROHIT PADHA VS. UT OF JAMMU &
KASHMIR & ORS.**

BACKGROUND

The matter is related to application filed before NGT, wherein, the following issues were raised by the applicant:

- i. Encroachment on the banks of Devika River (Gangera Hills to Nain Su);
- ii. Dumping of the waste by the Devika Project comprising of three STPs (8 MLD, 4 MLD and 1.6 MLD) into the river;
- iii. Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc;
- iv. Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

Hon'ble NGT in its order dated 28.04.2023 in the matter of O.A. No. 176/2023, Rohit Padha Vs. Union Territory of Jammu & Kashmir & Ors. directed as follows:

“3. In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has arisen but before taking

any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

4. CPCB shall be the nodal agency for coordination and compliance of this order”

In compliance of Hon’ble NGT order dated 28.04.2023, the Joint Committee constituted in the above matter visited the entire stretch of the Devika River, from Gangera Hills to Nain Su on 6-7 July, 2023 assessed the status of sewage treatment plants (STPs) and also included other points mentioned in the NGT order and petition filed in the National Green Tribunal, in its fact-finding investigation. Interim report of the Joint Committee was filed by CPCB on 31.07.2023.

Further, Hon’ble NGT vide order dated 17.10.2023 directed as follows:

“6. CPCB and State PCC are directed to take appropriate remedial measures without any delay in light of the observations which have been made in the interim report and should further file comprehensive action plan and action taken report.”

COMPLIANCE TO DIRECTIONS OF HON'BLE NGT

- I. In compliance to the directions of Hon'ble NGT order dated 28.04.2023, the following action has been taken:
 - i. Interim Report submitted on 31.07.2023 before Hon'ble NGT.
 - ii. Final Signed Report of the Joint Committee comprising of CPCB, State PCB, District Magistrate, Udhampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India dated 20.12.2023 is attached as **Annexure-A**.

- II. In compliance to the directions of Hon'ble NGT order dated 17.10.2023, the following action has been taken :
 - i. Inspection was conducted jointly by CPCB and J&K Pollution Control Committee (J&KPCC) on 6th -7th December, 2023 to verify the current status of various points mentioned in the Interim Report of the Joint Committee. Report of Joint Inspection attached as **Annexure B**.
 - ii. CPCB vide letter dated 10.01.2024 directed J&KPCC to ensure compliance to the action points identified and further direct the concerned agencies i.e Urban Environmental Engineering Department (UEED) and Municipal Council, Udhampur for ensuring compliance of the action points pertaining to them and provide action taken report to CPCB within 15 days. Copy of said letter is attached as **Annexure C**.

Report of the Joint Committee
OA No. 176 of 2023; Rohit Padha Vs. UT of J&K

Final Report of Joint Committee constituted under the orders of Hon'ble NGT in the matter of O.A.No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir

1. Background and the Orders of Hon'ble National Green Tribunal:

The matter is related to an application filed before the Hon'ble National Green Tribunal, wherein, issue of huge illegal encroachment causing damage to the natural flow, flora and fauna of the river, has been raised. As per applicant, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

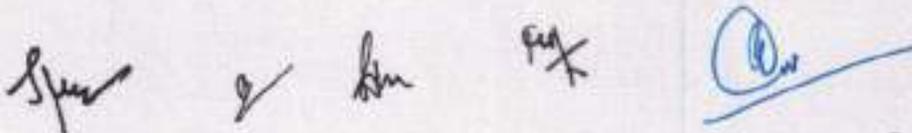
In the above matter, Hon'ble National Green Tribunal vide order dated 28/4/2023 (Annexure-1) has observed and directed as follows:

"In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udhampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

CPCB shall be the nodal agency for coordination and compliance of this order."

2. Compliance of the orders of Hon'ble National Green Tribunal:

In compliance of the Directions of Hon'ble National Green Tribunal, a joint Committee was constituted, based on the nominations received from various agencies, comprising of the following members:



Report of the Joint Committee
 OA No. 176 of 2023: Rohit Patha Vs. DT of J&K

1. Shri Nelapathu Ashok Babu, IRS, Director, National River Conservation Plan (NRCP), Ministry of Jal Shukti, Government of India
2. District Magistrate, Udhampur, Jammu and Kashmir
3. Nominee of Irrigation Department, Jammu & Kashmir
4. Shri Bader Hussain, AEE, Divisional Officer, Udhampur, J&K Pollution Control Committee
5. Dr. Narender Sharma, Additional Director, Central Pollution Control Board (CPCB), Regional Directorate, Chandigarh.

The first meeting of the Joint Committee was held on 06/07/2023 in the meeting room of the Dak Bungalow, Udhampur. The meeting of the Joint Committee held on 05/07/2023 was chaired by Shri Nelapathu Ashok Babu, IRS, Director, NRDC, GoI, New Delhi, which was attended by all the members of the Joint Committee and other officials representing UEED, Irrigation and Flood Control Department, J&K PCC, and District Administration (Attendance sheet attached as Annexure-2).

Shri Joginder Singh Jasrotia, JKAS, ADC, Distt. Udhampur attended the meeting on the behalf of District Magistrate, Distt. Udhampur. Er. Harpal Singh, XEN attended the meeting as a representative of Chief Engineer, Irrigation & Flood Control Department, Jammu.

The application filed by the applicant in the matter was examined and it was observed that the applicant has raised the following key issues in the petition filed in the National Green Tribunal:

- Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- Dumping of the waste by the Devika Project comprising of three STPs (8 MLD, 4 MLD and 1.6 MLD) into the river.
- Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

It was decided to include entire stretch of the Devika River, from Gangera Hills to Nain Su, in the investigation, along with assessing the status of Sewage Treatment Plants (STPs) and addressing other points mentioned in the NGT Order and petition filed in the National Green Tribunal.

3. Report of the Joint Committee:

The site visit was conducted by the Joint Committee on 6-7 July, 2023. The Deputy Commissioner, Shri Sachin Kumar Vaisly, IAS, also accompanied the Joint Committee during the site visit on 6/7/2023. The officers of UEED and MC, Udhampur were also present during the site visit.

During the site visit conducted on July 6, 2023, the Joint Committee focused on the following areas and points:

- i. Devika Ghat and the location where Doodh Ganga Nalla merge with the Devika River.
- ii. Upstream and downstream areas of Devika Ghat.
- iii. Five out of the total eleven nallahs/drains that meet the Devika River.
- iv. Three Sewage Treatment Plants (STPs): STP Zone 1 (8 MLD); STP Zone 2 (4 MLD) and STP Zone 3 (1.6 MLD).

The following points were covered by the Joint Committee during the visit to be conducted on 07/07/2023.

- i. Inspection of complete stretch of Devika river from Gangera Hills to Nain Su.
- ii. C&D waste site of Devika Project.
- iii. MSW disposal site of Municipal Corporation, Udhampur

The minutes of the meeting (MoM) and the site visit report of the Joint Committee is attached as Annexure-3.

3.1. Factual Report by the Joint Committee:

The following are the key observations made by the Joint Committee during the site visit:

- a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes (Photograph 1 of Annexure-4)
- b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition

of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste (Photograph 2-4 of Annexure-4)

- c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river (Photograph 5-7 of Annexure-4).
- d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLD STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode (Photograph 8&9 of Annexure-4). However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.
- e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.
- f) The installation of an 8 MLD STP is still in progress (Photograph 10 of Annexure-4). The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.
- g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River (Photograph 11 of Annexure-4). Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project (Photograph 12 of Annexure-4)
- h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five

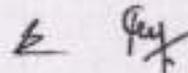
locations by the contractor on the land of private land owners (Photographs 13-17 of Annexure-4).

- i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress (Photograph 18 of Annexure-4)
- j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river (Photograph 19&20 of Annexure-4). The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

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3.2. Report on the Action Taken by various Government Departments:

The Joint Committee requested the relevant information from the concerned department as per following list (Table -I) to prepare action taken report, as directed by Hon'ble National Green Tribunal.

Table-1. Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Details/Information Required	Concerned Department
1.	As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. The Action Taken Report in this regard is required from UEED and Revenue Department. XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River. The Action Taken Report (ATR) in this regard, is required.	Revenue and UEED.
2.	Total number of houses (STP wise) in the catchment of all three STPs ? Total Number of houses (STP wise) connected/to be connected to three STPs ? If possible, pls provide drain network for each STP.	UEED
3.	Status of completion of work in all three STPs (Component wise and separately for each STP) ? Time lines for completion of remaining work in all three STPs (separately for each STP) ? Status of CTO for operation of STPs ?	UEED
4.	Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.	J&K PCC
5.	Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months.	MC, Udhampur

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Report of the Joint Committee
QA No. 176 of 2023; Rohit Padha Vs. UT of J&K

	Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.	
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur?	MC, Udhampur
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	MC, Udhampur
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	J&K PCC
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	I&FC Department
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC.

ADC, Udhampur was requested to issue a letter to all the concerned departments, for providing the information to the Joint Committee latest by 18th July, 2023. Based on the information received by Joint Committee on the above points as on , the following is the report on the Action taken by various Government Departments in this matter (Table 2):

Table 2: Action taken by various Government Department on various issued related to the matter.

S.No	Particulars	Action Taken Report as provided by the concerned department.
1.	As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River.	UEED. The action taken report as provided by UEED is attached as Annexure-5. It was informed that the action on the order issued by Deputy Commissioner vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of river Devika from the upstream end of Ekta Vihar to MH Chowk was issued earlier also by District Administration

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2.	<p>Total number of houses (STP wise) in the catchment of all three STPs? Total Number of houses (STP wise) connected/to be connected to three STPs? If possible, pls provide drain network for each STP.</p>	<p>Udhampur vide No. ACRI/MSW/2262-67 dated 24/11/2020 and the Committee on 24/12/2020 headed by Tehsildar, Udhampur along with representatives of MCU, UHSD, PMC and the Executive agency conducted site visit of the area (Details provided in Annexure-5).</p> <p>UHSD. As per details provided by UHSD:</p> <p>Total No. of homes presently available for sewer system in Zone 1,2 and 3 combined: 10232 Total Number of homes connected/to be connected to three STPs: 9032 STP 1 (Zone 1):5000 (To be connected) STP 2(Zone 2):2456 (Connected) STP 3 (Zone 3): 1528 (Connected)</p> <p>Drain Network attached with Annexure-5</p> <p>No. of houses dependent on septage Management system (60 KLD FSTP) : 1200</p>
3.	<p>Status of completion of work in all three STPs (Component wise and separately for each STP)?</p> <p>Time lines for completion of remaining work in all three STPs (separately for each STP)?</p> <p>Status of CTO for operation of STPs?</p>	<p>UHSD</p> <p>Status of Completion of work(Details provided in Annexure-5):</p> <p>STP1: Civil: 96% ; E/M: 95% STP2: Civil: 100%; E/M: 100% STP3: Civil: 100% ; E/M: 100%</p> <p>STP 1 & 2: 15th August, 2023 STP3: 25th September, 2023</p> <p>Applied for CTO. Under process with J&K PCC.</p>
4.	<p>Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.</p>	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/4135-37 dated 28/10/2021, to Director, Urban Local Bodies, Jammu regarding implementation of C&D Waste Management Rules, 2016 and CPCB Guidelines (Annexure-6), with reference</p>

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		to directions of Hon'ble NGT in the matter of 606 of 2018. Letter no. PCC/RDJ/MSW/21/4330-35 dated 9/11/2021 issued to Deputy Commissioner, Udhampur regarding identification of site for C&D Wastes mentioning terms & conditions for using the proposed site (Annexure-7).
5.	Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months. Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.	MC, Udhampur Details not provided so far. Details not provided so far.
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	MC, Udhampur Details not provided so far.
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	MC, Udhampur Not provided so far.
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	J&K PCC Letter No. PCC/RDJ/MSW/21/3563-77 dated 31/10/2022, to Director, Urban Local Bodies, Jammu regarding obtaining CTE and CTO for the for solid waste management facilities (Annexure-8). J&KPCC vide No. JKPCC/RDJ/MSW/22/2181-85 dated 29/9/2022 issued final notice to Executive Officer, Municipal Committee, Udhampur, for "Open dumping of garbage by Udhampur Municipality and thereby causing severe health problems including air and land pollution" giving 7 days time to show cause as to why Environmental Compensation on "Polluter Pays" Principle and based on the directions of Hon'ble NGT in the matters of OA No. 199 of 2014, OA No. 606 of 2018 and OA No. 247 of 2017 not be recovered (Annexure-9)
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	I&FC Department (Annexure-10) The job of dumping of MSW pertains to MC, Udhampur.

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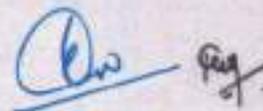
		According to I& FC Department, as far as dumping of C&D waste is concerned, it is submitted that no construction activity is being carried out by I&FC department at the banks of River Devika.
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department UEED: Dredging/Removal of sludge is not in the scope of project under execution (Annexure-5)
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC.

Following the site visit, a meeting was conducted with the complainant/applicant on 07/07/2023 to inquire if there were any additional issues or information they wanted to present to the Joint Committee. The applicant stated that they would be sharing further details in addition to what had already been submitted to the Hon'ble National Green Tribunal (NGT) through the Departmental Officer (DO), J&K Pollution Control Committee (PCC), Udhampur, for the consideration of the Joint Committee. The points related to environmental issues shared by the applicant to DO, Udhampur, J&K PCC are covered in the report.

The following information was requested by the Joint Committee from various Departments, for finalizing the action taken report, as directed by Hon'ble NGT:

Table 3: Information awaited from various Departments.

S.No.	Concerned Department	Information Awaited
i)	MC, Udhampur	i) Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site. ii) Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ? iii) Action Plan along with time line for



		removing sludge and dredging of Devika River at Devika Ghat
		iv) Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.
ii)	J&K PCC	<p>i) DO, Udhampur, J&K PCC to confirm, if CTE and CTO have been obtained by MC, Udhampur or still operating without CTO. If operating without clearances/permissions, action taken by J&K PCC</p> <p>ii) DO, Udhampur, J&K PCC to incorporate in the report, the action taken by J&K PCC after expiry of 7 days' time given to MC, Udhampur and details of Environmental Compensation recovered from MC, Udhampur.</p> <p>iii) Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.</p>

The information required by the Joint Committee on the above points was received from Municipal Council (MC), Udhampur through Jammu & Kashmir Pollution Control Committee (J&KPCC) Member on 06/12/2023 and from J&KPCC on 12/12/2023. The status cum Action Taken Report with regard to the above points (Table 3), as on 12/12/2023, based on the information provided by the concerned departments (Annexure-11 and Annexure-12) is summarized in the following Table 4:

Table 4:

S.No.	Concerned Department	Action Point	Status as on 12/12/2023
1.	MC, Udhampur	Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.	No action plan provided. As per communication received from MC, Udhampur, "5500 MT which is present on site could not be processed due to overhead high-tension

			<p>wire which is a serious safety concern. However, the site has developed greenery and MC, Udampur has proposed proper capping with plantation, which shall be done preferably within a period of six months"</p>
		<p>Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udampur ?</p>	<p>No Clearance/Permission for the site, where the dumping has already been started, has been obtained.</p>
		<p>Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat.</p>	<p>Special Sanitation Drives were organized by District Administration in collaborations with Municipal Council involving community where in main focus was dignity of Devika and making the catchment areas of Devika River as garbage /litter free. Community Participation in cleanliness drives as significant impact and the quality of water in River Devika has improved leading to rejuvenation of the river. Every 1st Saturday of the month is dedicated for cleanliness in the whole District where in all the Officers/Officials, Community members, Students, Self Help Groups etc participate in cleanliness drive with special emphasis on Conservation, Preservation and cleanliness of water resources like river,</p>

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			<p>pounds, Bowli's and Amrit Sarovar etc.</p> <p>As per details received from MC, Udhampur through J&K PCC Member "due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat. However, a letter is also written to Director, Urban Local Bodies vide No: - MCU/2023-24/4458-59 Dated: - 30/11/2023 requesting providing of funds for removal and dredging of Devika River at Devika Ghat or taking up with the matter concerned department either Irrigation & flood Control or UEED at the Administrative Level in this regard".</p>
		<p>Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.</p>	<p>No Action Plan provided. However, as per communication/details received from MC, Udhampur through J&K PCC Member, "As per the observations pointed out by the Joint</p>

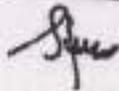
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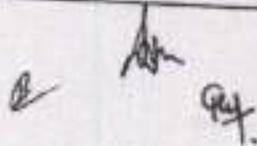
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			<p>Committee a formal request was made to Director Urban local bodies for release of funds for development of site for processing centre at Maand which is around 40 KM from Udampur Town. Director Urban Local Bodies Vide No: - DULBJ/P&S/NGT/4903-22 Dated: - 22/11/2023 conveyed approval of Activities under NGT's Action Plan under which an amount of Rs 1.50 crores has been allocated for development of site for processing centre and which shall be completed preferably within a period of Six months after following the tendering procedure and other formalities"</p>
2.	J&K PCC	<p>DO, Udampur, J&K PCC to confirm, if CTE and CTO have been obtained by MC, Udampur or still operating without CTO. If operating without clearances/permissions, action taken by J&K PCC.</p>	<p><i>MC, Udampur is still operating the site without Obtaining consent from J&K PCC.</i></p> <p><i>No details provided with regard to action taken by J&KPCC for operating without necessary permissions/Consents.</i></p>





	<p>The action taken by J&K PCC after expiry of 07 days time given to MC, Udhampur and details of Environmental Compensation recovered from MC, Udhampur.</p>	<p><i>No details provided by J&K PCC.</i></p>
	<p>Status of obtaining Consent to Operate (CTO) by 07 Hotels, 05 Car washing stations, 03 hospitals and 03 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.</p>	<p>The following status report has been received from J&K PCC:</p> <p>"Out of seven hotels, 03 hotels are running with CTO of J&KPCC and are operational under norms, as well. J&KPCC has issued final notices to 03 hotels and thereafter also recommended for closure proceedings vide Office Letter No. - PCC/Udh/DO/2023/239 dated 04/12/2023 and closure orders shall be issued shortly after approval from the Competent Authority. Moreover, closure order has already been issued by J&K PCC to one Hotel namely Hotel Singh Axis."</p> <p>"Legal notices have been issued to car washing units and unit holders have replied pleading that sewerage network is being connected by UEED in the town and they have also approached to the concerned dept. to connect</p>

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			<p>their effluent system with sewerage network of nearby STP, which is still under progress. However, action shall be initiated if they fail to get their effluent system connected with the sewerage network of said STP".</p> <p>"Out of these three hospitals, there is 01 one bedded hospital, which has installed STP of required capacity and has also obtained necessary CTO/authorization of J&KPCC, whereas second one is non-bedded health care facility, who has constructed captive septic tank/soakage pit and also having authorization of J&KPCC. At present, it is not discharging sewage into Devika river. Further, the third one is Army Command Hospital which doesn't come under the jurisdiction of J&KPCC in terms of Biomedical Waste Management Amendments Rules 2003, whereunder the Armed Forces Health Care Facilities are monitored by CPCB and Director General</p>
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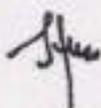
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Report of the Joint Committee
 OA No. 176 of 2023: Rohit Padha Vs. UT of J&K

			<p>Armed Forces medical Services (DGAFMS) in respect of the Health Care Establishments (HCEs) under the jurisdiction of the Ministry of Defence (MoD) have been notified as the "Prescribed Authority" for overall enforcement of the said Rules." Pertinently, the said Army Hospital is likely to be shifted to another location i.e. near Supply Modh and most probably, it will not affect the Devika River."</p> <p>J&K PCC has issued notices to all these 03 banquet halls and thereafter also recommended the closure proceedings vide this office letter No. PCC/Udh/DO/2023/239 dated 04/12/2023 and closure orders shall be issued shortly after approval from competent authority.</p>
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Hon'ble National Green Tribunal, while considering the Interim Report of the Joint Committee, directed vide Order dated 17/10/2023 (Annexure-13) that *"Meanwhile, CPCB and State PCC are directed to take appropriate remedial measures without any delay in light of the observations which have been made in the interim report and should further file comprehensive action plan and action taken report."*

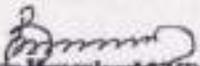





Report of the Joint Committee
OA No. 176 of 2023: Rohit Padha Vs. UT of J&K

During the meeting of the Joint Committee held in the Office of Director, NRDC, Ministry of Jal Shakti, New Delhi on 20/12/2023, it was informed by CPCB Member that an inspection of the sites under reference has been conducted jointly by CPCB and J&KPCC on December 6-7, 2023 to verify the current status of compliance and for taking necessary action, in compliance of the directions of Hon'ble National Green Tribunal.

The above factual report of the Joint Committee as on 12/12/2023, is being submitted before the Hon'ble National Green Tribunal for consideration. The Joint Committee shall abide by the further orders of Hon'ble National Green Tribunal, in this matter.


Bader Hussain, J&KPCC


Er. Harpal Singh, I&FC


Dr. Narender Sharma, CPCB


Joginder Singh Jasrotia, JKAS,
ADC


Nelapatla Ashok Babu, IRS, MoJS

Dated: December 20, 2023

Annexure -1

Item No. 04

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 28.04.2023

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

Application is registered based on a complaint received by post/e-mail

ORDER

1. This original application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has been registered on a letter petition dated 02.10.2022 sent by Rohit Padha, 87/7, Dhar-Road, Shaktinagar, Garrian Talab, Udhampur.

2. The issue raised is that there is a river Devika in District Udampur, UT of Jammu & Kashmir. On the bank of said river there is a huge illegal encroachment causing damage to the natural flow, flora and fauna of the river. Further, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is also being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

3. In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has

arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

4. CPCB shall be the nodal agency for coordination and compliance of this order.

5. List for further consideration on 01.08.2023.

6. A copy of this order be forwarded to CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 28, 2023
Original Application No. 176/2023
SN

Sr. no. Name of officer Dept. 104

Sr. no.	Name of officer	Dept.	Contact no	Signature
1.	Raj Gopal Sharma	UEED	9419175045	
2.	Susmit Razdan	UEED	9419009808	
3.	Dilwan Sharma, AEE	UEED	9419121216	
4.	Randhir Singh	UEED	9419133900	
5.	Mahesh Gupta	ALPS PWA (consultant) UEED	7889881316	
6.	Harpal Singh x en	Investigation	9419198468	
7.	Bader Hussain	DO pcc udhampur	9419188550	
8.	Bhender Singh	Officer pcc udhampur	9419122656	
9.	Dr. Narendra Sharma AD, CPCB, Chand	CPCB	9814004377	 Aut. 6/7/2023
10.	Sh. N Ashok Babu Director, UED	M. JS, Delhi	7580174955	
11.	Jaginder Singh Jorjia	ADM udhampur	9419114661	
12.	Dalip K. Ahrol	CEO M.C udhampur	7889563991	

Minutes of meeting (MoU) held on 06/07/2023 and Report of the Site Visit conducted by Joint Committee on 6-7 July, 2023 by the Joint Committee constituted under the orders of Hon'ble NGT in the matter of O.A.No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir

1. Background:

In the matter of O.A. No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir, Hon'ble National Green Tribunal vide order dated 28/4/2023 has observed and directed as follows:

“In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udhampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

CPCB shall be the nodal agency for coordination and compliance of this order.”

Accordingly, in compliance of the Directions of Hon'ble National Green Tribunal, a joint Committee was constituted, based on the nominations received from various agencies, comprising of the following members:

1. Shri Nelapatla Ashok Babu, IRS, Director, National River Conservation Plan (NRCP), Ministry of Jal Shakti, Government of India
2. District Magistrate, Udhampur, Jammu and Kashmir
3. Nominee of Irrigation Department, Jammu & Kashmir
4. Shri Bader Hussain, AEE, Divisional Officer , Udhampur, J&K Pollution Control Committee
5. Dr. Narender Sharma, Additional Director, Central Pollution Control Board (CPCB), Regional Directorate, Chandigarh.

The first meeting of the Joint Committee was held on 06/07/2023 in the meeting room of the Dak Bungalow, Udhampur.

2. Minutes of the meeting (MoM) held on 06/07/2023:

The meeting of the Joint Committee held on 06/07/2023 was chaired by Shri Nelapatla Ashok Babu, IRS, Director, NRDC, GoI, New Delhi, which was attended by all the members of the Joint Committee and other officials representing UEED, Irrigation and Flood Control Department, J&K PCC, and District Administration (Attendance sheet attached as **Annexure-1**).

Shri Joginder Singh Jasrotia, JKAS, ADC, Distt. Udhampur attended the meeting on the behalf of District Magistrate, Distt. Udhampur.

Er. Harpal Singh, XEN attended the meeting as a representative of Chief Engineer, Irrigation & Flood Control Department, Jammu.

After a short introduction of the attendees, Dr. Narender Sharma, with the Chair's approval, proceeded to provide the participants with a comprehensive overview of the subject matter. Additionally, the meeting also included a discussion on the extent and focus of the Joint Committee's responsibilities and tasks.

It was observed that the applicant has raised the following key issues in the petition filed in the National Green Tribunal:

- Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- Dumping of the waste by the Devika Project comprising of three STPs (8 MLD. 4 MLD and 1.6 MLD) into the river.
- Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

Shri Nelapatla Ashok Babu insisted that the entire stretch of the Devika River, from Gangera Hills to Nain Su, should be included in the investigation, along with assessing the status of Sewage Treatment Plants (STPs) and addressing other points mentioned in the NGT Order and petition filed in the National Green Tribunal.

It was agreed that following the site visit, the CPCB Member would compile a comprehensive list of necessary documents required from various departments to conclude the matter. This list would be issued to the respective departments through the District Magistrate/Additional District Magistrate of Udhampur District, for obtaining the required information and documents within a specified time frame.

Furthermore, it was agreed upon that a draft report comprising of both “Factual Report” and the “Action Taken Report” (ATR) would be prepared and circulated to all members of the Joint Committee no later than July 18, 2023, for seeking comments from the committee members, allowing for the finalization of the report by July 23, 2023. The nodal agency (CPCB), would then submit the report to the Hon'ble National Green Tribunal after obtaining approval of the Competent Authority.

Additionally, it was unanimously decided that the Joint Committee would conduct a site visit immediately following the ongoing meeting. The site visit would extend to the following day, July 7, 2023, to ensure a comprehensive examination of all the relevant points raised in the present matter.

The meeting ended with the vote of thanks to the Chair.

=====

3. Report of Site Visit:

06/07/2023:

The Deputy Commissioner, Shri Sachin Kumar Vaishy, IAS, also accompanied the Joint Committee during the site visit.

During the site visit conducted on July 6, 2023, the Joint Committee focused on the following areas and points:

- i. Devika Ghat and the location where Doodh Ganga Nalla merge with the Devika River.
- ii. Upstream and downstream areas of Devika Ghat.
- iii. Five out of the total eleven nallahs/drains that meet the Devika River.
- iv. Three Sewage Treatment Plants (STPs): STP Zone 1 (8 MLD); STP Zone 2 (4 MLD) and STP Zone 3 (1.6 MLD).

The following are the key observations made by the Joint Committee during the site visit:

- i. At Devika Ghat, the Devika River was found to be heavily contaminated with sludge, leaving minimal space for natural water purification processes.
- ii. The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river.
- iii. Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river.
- iv. The installation of a 4 MLD STP and a 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode. However, the installation of an 8 MLD STP is still in progress. The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented.
- v. It was noted that the flow meters installed at both the 4 MLD and 1.6 MLD STPs are inaccessible. Furthermore, the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed. The installation of centrifuges for sludge dewatering in the STPs is also pending.

The following points will be covered by the Joint Committee during the visit to be conducted on 07/07/2023.

- i. Inspection of complete stretch of Devika river from Gangera Hills to Nain Su.
- ii. C&D waste site of Devika Project.
- iii. MSW disposal site of Municipal Corporation, Udhampur

07/07/2023:

The following are the observations made by the Joint Committee during site visit on 07/07/2023:

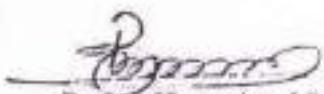
- i. Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River. Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project.
- ii. While inspecting the Sewage Treatment Plants (STPs) on 06/07/2023, the representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been effectively reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners. To ascertain whether the disposal of C&D waste complies with the project proposal approved by the Government, further information is being requested from the project proponent.
- iii. The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress.

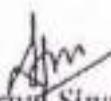
iv. Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river. The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

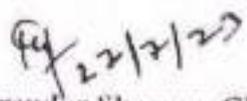
Further details have been requested from the MC representative in Udhampur to assess compliance with various provisions of the MSW waste rules at both sites.

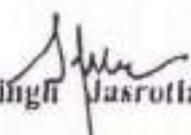
The Joint Committee has taken geo-tagged photographs of all the relevant points and locations visited during the site visit. These photographs will be incorporated into the report, providing a comprehensive analysis.

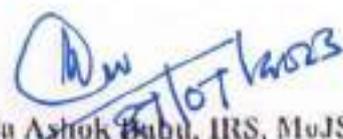
Following the site visit, a meeting was conducted with the complainant/applicant on 07/07/2023 to inquire if there were any additional issues or information they wanted to present to the Joint Committee. The applicant stated that they would be sharing further details in addition to what had already been submitted to the Hon'ble National Green Tribunal (NGT) through the Departmental Officer (DO), J&K Pollution Control Committee (PCC), Udhampur, for the consideration of the Joint Committee.


 Bader Hussain, J&KPCC


 Er. Harpal Singh, I&FC


 Dr. Narender Sharma, CPCB


 Joginder Singh Jasrotia, JKAS,
 ADC


 Nelupatla Ashok Babu, IRS, MoJS

Annexure-4



Photograph 1: Devika River contaminated with Sludge and Silt at Devika Ghat



Photograph 5-7: Dumping of C&D wastes on the banks of Devika River downstream of Devika Ghat



Photograph 8-9: STP 2 and 3 under commisioning trial run



Photograph 10: STP 1 (8 MLD) under Installation



Photograph 11: Devika River at Gangera Hill which serves as source of its water



Photograph 12: Devika River at Nain Su downstream of Devika Project



Photograph 13-17: C&D Waste dumping locations



Photograph 18: MRF Facility at Legacy waste site



Photograph 19: Dumping of fresh MSW waste at proposed integrated processing site without obtaining clearances/permissions



Photograph 20: Dumping of fresh MSW waste at proposed integrated processing site without obtaining clearances/permissions

Annexure 5

in:sent

Narender Sharma

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Re: NGT Matter of OA No 176 of 2023 Rohit Padha Versus Union Territory of Jammu &

From: eesdwestjammu@gmail.com

To: Narender Sharma

No. of houses presently available for sewer system in Zone 1,2 and 3 combined : 10232
No of houses to be connected with sewer line upto STP : 9032
No. of houses dependent on septage Management system (60 KLD FSTP) : 1200

-With regards

Er. Vijay Singh Manhas
Executive Engineer
Sewerage & Drainage Division (West)
Jammu.

Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Details/Information Required	Action Taken by UEED
1	<p>As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. The Action Taken Report in this regard is required from UEED and Revenue Department.</p> <p>XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River. The Action Taken Report (ATR) in this regard is required,</p>	<p>The action on the order issued by Deputy Commissioner Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of River Devika from the upstream end of Ekta vihar to MH chowk was issued earlier also by District Administration Udhampur vide no: ACRU/SQ/2262-67 dated: 24.11.2020 and the committee on 24.12.2020 headed by Tehsildar Udhampur along with representatives of MCU, UEED, PMC and Executing agency conducted site visit of the areas where the executing agency has shown his inability to lay sewer network due to resentment of public at some spots. (List of structures on Devika bank with layout plan attached for reference)</p> <p>The revenue officer after ascertaining the status with regard to ownership of the land discussed with few building owners whose houses were constructed on the bank of River Devika. All the occupants were requested for allowing a corridor from within their premises to lay the sewer network with the assurance that the minimum damage to their structure if so caused shall be restored by the executing agency. None of the occupants raised any objection and accepted to allow for execution of work. (Minutes of Committee report attached)</p> <p>Further the present status of the work is that 95% House hold connections of residential/commercial houses constructed on the banks of River Devika from Ekta vihar to MH chowk have been connected with sewer network and the liquid waste coming out from these houses is flowing in the piped sewers to STP and work of house connections for balance 5% is in progress, thus Devika River on this stretch shall be completely free from liquid waste.</p>

2	<p>Total number of houses (STP wise) in the catchment of all three STPs ? Total Number of houses (STP wise) connected/to be connected to three STPs? If possible, pls provide drain network for each STP.</p>	<p>Total No. of Houses proposed to be connected with 3 STP= 9032 STP-1 : 5000 No's STP-2: 2473 No's STP-3: 1559 No's Total (3STP's) : 9032 No's No. of Houses connected/to be connected: STP-1/zone-1: 5000 (To be connected) STP-2/zone-2: 2456 (connected) STP-3/zone-3: 1528 (connected)</p>
3	<p>Status of completion of work in all three STPs (Component wise and separately for each STP)? Time lines for completion of remaining work in all three STPs (separately for each STP) ? Status of CTO for operation of STPs?</p>	<p>Status of completion of work: STP-1: Civil works:96% & E/M works: 95% STP-2: Civil works:100% & E/M works: 100% STP-3: Civil works:100% & E/M works: 100% STP 2&3 have been put on Trial Run subject to few Punch items i.e. Installation of Centrifuge System & SCADA/online monitoring system wef 1st May & 1st June-23 respectively Time lines for completion of balance work: STP-1 : Proposed to be put on Trial Run by 10/12th Aug 23 with minimum 1500 HHC and the balance HHC by 25th Sept 23 STP-2 & 3 :Installation of Centrifuge System & SCADA & online monitoring system shall be completed by 15th Aug 23 Status of CTO for operation of STPs: under process with JKPC</p>
10	<p>Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat</p>	<p>Dredging /Removing of sludge is not in the scope of the project under execution.</p>

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Executive Engineer
Sewerage & Drainage Div. (West)
JAMMU



122

No: Devika/Udhampur/52
Dated:28/12/2020

Name of the Project: Pollution abatement of river Devika and river Tawi at Udhampur town under NRCP Govt. Of India
Subject: Removal of Encroachment along river Devika for the construction of aforementioned work

*****Minutes Of Joint Visit*****

In pursuance to instructions from Deputy Commissioner Udhampur, vide his office letter no. ACRU/SQ/2262-67 dated 24/11/2020 issued by Assistant Commissioner(Rev) Udhampur, a joint visit by Revenue Authorities headed by Tehsildar Udhampur, Khalaf-Warzi officer from Municipal Council Udhampur, UEED Officers and executing agency of the sewage project (BGCC's) Senior Project Manager was conducted on 24/12/2020.

To begin with all the team members assembled at upstream end of proposed sewerage network at Ekta Vihar site and were explained about all the features of the project and various impediments/encroachments coming across the proposed layout along the left and right banks of river Devika. The revenue officer after ascertaining the status with regard to ownership of the land discussed with the following occupants of three buildings constructed on river banks

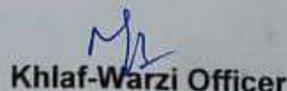
1. Raju Devi R/O Housing Phase II near Bridge Ph: 9086336405
2. Babu Ram Kotwal R/O Ekta Vihar (Rehmti) Ward no 19 Ph: 7006441102
3. Rajinder Kumar (R.K Traders) R/O Housing Phase II near Bridge

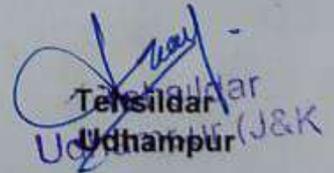
All the occupants were requested for allowing a corridor from within their premises to lay the sewage network with the assurance that minimum damage to their structures if so caused shall be restored by the executing agency. None of the occupants raised any objection and accepted to allow for execution of work.

This being a short visit due to pre-occupation of revenue authorities concluded with assurance from Tehsildar, Udhampur with staff and Khalaf-Warzi officer M.C Udhampur that this derive against encroachment shall continue unabatedly for successful achievement of the corridor for the network throughout the length of river Devika upto M.H chowck on both the sides and thus all the visiting members unanimously and responsibly decided that the executing agency BGCC shall immediately mobilize all the resources for starting the execution of sewage network from upstream end at Ekta Vihar and any problem regarding encroachment of land or outcry from any section of the society shall be instantly and responsibly addressed. On this the SPM of BGCC expressed affirmation and joint visit was concluded


SPM(BGCC)


J.E(UEED)


Khalaf-Warzi Officer
(MC, Udhampur)


Tehsildar
Udhampur

Issued by- Er. **S.K Gupta** (Team Leader)
For ALPS-PMR (Devika PMC)



ALPS Engineers - PMR Associates

Water, Waste Water, Solid Waste and Urban Infrastructure

Corporate Office: 701, 7th Floor, Jaina Towers, RDC, Raj Nagar, Ghaziabad -201001

Branch Offices: Srinagar Jammu Itanagar Udhampur



123

No: Devika/Udhampur/52
Dated:28/12/2020

Copy to:

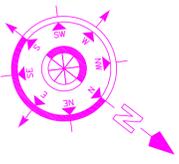
1. Chief Engineer – UEED, Jammu & Kashmir– for kind information
2. Superintendent Engineer – Sewerage Circle UEED, Jammu– for kind information
3. Executive Engineer – Sewerage & Drainage Division (west) UEED, Jammu– for kind information with the request for onward submission to Deputy Commissioner Udhampur and other concerned agencies
4. AEE Sewerage Sub Division – II, Jammu– for information and necessary action please.
5. M/s Brij Gopal Construction Company Pvt. Ltd. – for necessary action urgently

ALPS Engineers - PMR Associates

Water, Waste Water, Solid Waste and Urban Infrastructure

Corporate Office: 701, 7th Floor, Jaina Towers, RDC, Raj Nagar, Ghaziabad -201001

Branch Offices: Srinagar Jammu Itanagar Udhampur



To Jakhaini Park

Legend

Devika River	
Roads	
Houses	
Shops	
Factory	
Public/Semi Public	
Open Area	
Reduced Distance intervals	
Total Length of Devika River	3325 m
From Housing colony to Link Road Bridge	

NOTES:-

1. ALL DIMENSIONS ARE IN m. UNLESS OTHERWISE SPECIFIED.
2. DO NOT SCALE WORK. TO WRITTEN DIMENSIONS ONLY.

DEPTT	UEED, JAMMU (J&K)
PROJECT	POLLUTION ABATEMENT OF RIVER DEVIKA & TAWI AT UDHAMPUR, (J&K)
TITLE	Encroachment along Devika River

ALPS ENGINEERS
 701, 7th FLOOR, JAINA TOWER,
 RAJ NAGAR, GHAZIABAD - 2011001
 Telefax : 0120 -4544818
 E mail : erkb_69@hotmail.com

Details of structures along either side of Holy River Devika at Udhampur from Housing colony to link road bridge of length 3.32 kms under the project of pollution abatement of Holy River Devika and River Tawi at Udhampur (J&K)

A. Abstract of buildings

S.NO.	Types of buildings	Number of buildings
1.	Residential	41
2.	Commercial	5
3.	Schools	1
4.	Banquet halls	2
5.	Temples	6
6.	Taxi stand (government)	1
	Total	56

B. Details of structures constructed on the Banks of Devika River at Udhampur.

(Distance in metres.)

Building / Structure No. (as marked on the map)	Distance from Housing Colony to link road bridge near Omara Morh	Length of building / Structure along Devika River	Distance of building from bank of Devika River		Type of Building / Structure
			On left bank	On right bank	
1	150 m	26.00	0.20	-	Residential House 1
2	175 m	11.5"	1.90	-	Residential House 2
3	200 m	22.14	1.10	-	Residential House 3
4	235 m	9.30	0.00	-	Residential House 4
5	240 m	8.80	0.00	-	Residential House 5
6	345 m	7.60	-	4.00	Residential House 6
7	350 m	8.00	-	0.00	Residential House 7
8	425 m	16.80	0.00	-	Residential House 8
9	470 m	24.25	0.00	-	Residential House 9
10	475 m	12.70	0.00	-	Residential House 10
11	490 m	7.50	0.00	-	Residential House 11
12	500 m	7.90	0.00	-	Residential House 12
13	450 m	7.30	-	0.00	Residential House 13
14	475 m	11.60	-	3.30	Residential House 14
15	500 m	23.50	-	0.00	Residential House 15

16	525 m	14.50	2.20	-	Residential House 16
17	535 m	9.80	2.20	-	Residential House 17
18	540 m	14.20	2.40	-	Residential House 18
19	545 m	14.00	2.80	-	Residential House 19
20	550 m	21.90	0.00	-	Residential House 20
21	620 m	10.00	3.50	-	Residential House 21
22	645 m	28.20	1.60	-	Residential House 22
23	875 m	7.00	-	0.00	Residential House 23
24	880 m	10.00	-	0.00	Residential House 24
25	885 m	3.30	-	0.00	Residential House 25
26	890 m	5.00	-	0.00	Residential House 26
27	895 m	3.60	-	0.00	Residential House 27
28	900 m	9.25	-	0.00	Residential House 28
29	915 m	7.50	-	0.00	Residential House 29
30	1025 m	11.00	-	0.50	Residential House 30
31	1050 m	8.20	-	1.00	Residential House 31
32	1075 m	16.75	-	4.00	Residential House 32
33	1075 m	20.40	-	4.90	Residential House 33
34	1105 m	12.15	-	3.40	Residential House 34
35	1120 m	9.00	-	0.00	Residential House 35
36	1625 m	11.80	-	0.00	Residential House 36
37	1630 m	9.50	-	0.00	Residential House 37
38	1640 m	5.50	1.30	-	Residential House 38
39	1800 m	15.50	-	0.00	Residential House 39
40	1825 m	24.20	-	0.00	Residential House 40
41	2600 m	9.20	-	3.5	Residential House 41
42	1150 - 1225 m	78.20	-	0.00	Commercial market at MH chowk
43	1395 - 1470 m	76.20	-	0.00	Commercial market opp. Sharika temple
44	1050 m	31.20	0.00	-	J.P Timber
45	1025 m	26.30	0.00	-	A - Z tiles
46	525 m	36.00	-	0.00	Godown near housing colony

47	985 m	15.00	0.00	-	Sacred Era school
48	550 - 645 m	91.30	-	0.00	Raiwayat Palace
49	375 - 425 m	55.50	0.00	-	Thappa Palace
50	1275 m	17.60	0.00	-	Taxi stand
51	1625 - 1735 m	109.40	-	1.00	Union Church
52	1200 m	59.00	0.00	-	Guru RaviDass ji temple
53	1900 m	15.80	-	0.00	ShanNi Temple
54	1925 m	14.00	0.00	0.00	Devak Mata temple
55	2500 m	16.00	-	3.30	Shiv temple
56	2125 m	34.00	-	0.00	Shiv temple

For Henry Jind

FOR ALPS ENGINEERS,
Raj Nagar, Gazlbad,
7th Floor, Jaina Tower,
Pin Code: 201001



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbimu@gmail.com; Tele/Fax: 091-2476926

NGT MATTER
 OA No. 606/2018

The Director,
 Urban Local Bodies,
 Jammu.

No.: PCC/RDJ/MSW/21/4135-37

Dated: 28/10/2021

Sub: Implementation of Construction & Demolition waste management Rules, 2016 and CPCB guidelines issued thereof-regd.

Sir,

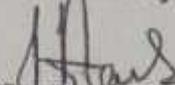
With reference to the subject matter regarding implementation of C&D waste management Rules, 2016, nothing concrete has been heard from your side till date. Your kind attention is further drawn towards few important duties of Urban Local Bodies as per Rule 6 (1, 4, 5, 10 & 11) under Construction and Demolition Waste Management Rules stated as below:

1. Issue detailed directions with regard to proper management of C&D waste within its jurisdiction in accordance with the provisions of these rules and shall seek detailed plan or undertaking as applicable from bulk generators of C&D waste;
2. Shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
3. Get the collected waste transported to appropriate sites for processing and disposal either through own resources or by appointing private operators;
4. Create a sustainable system of information, education and communication for C&D waste through collaboration with expert institutions and civil societies and also disseminate through their own website;
5. Make provision for giving incentives for use of material made out of construction and demolition waste in the construction activity including in non-structural concrete, paving blocks, lower layers of road pavements, colony and rural roads.

Pertinent to mention here that Recycling of C& D waste is important as it helps to reduce the dependence on natural resources and eliminates adverse environmental impacts of mining. Moreover, recycling of C&D waste has additional advantage of controlling the quantum of C&D waste destined for disposal at landfills besides reducing transportation costs.

As such, you are again requested to look into the matter and ensure compliance of the Hon'ble NGT directions in the matter of O.A. 606/2018 with respect to compliance under Rules for C&D waste, being one of the thematic areas identified.

Yours sincerely,

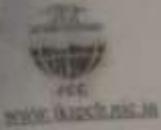

 (Sat Paul) IFS 27.10.2021
 Regional Director
 J&K PCC, Jammu

Copy for information to

- i. Member Secretary, J&K Pollution Control Committee, Jammu.
- ii. All DOs, JK PCC, Jammu for information and necessary action.
- iii. Concerned File.

D.O (Vdh.)

2023.07.20 16:51



Government of Jammu and Kashmir
 J&K POLLUTION CONTROL COMMITTEE
 OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbmu@gmail.com
 Tele/Fax: 091-2476926

The Deputy Commissioner,
 Udhampur.

Date: 09/11/2021

No.: PCC/RDJ/MSW/21/4320-25
 Sub: O.A. 606/2018 compliance of C&D Waste Management Rules, 2016 - Identification of site
 for collection / storage of C&D waste by Municipal Council, Udhampur -reg.
 Ref: MCU/2021-22/2333; dt: 27.10.2021.

Sir,

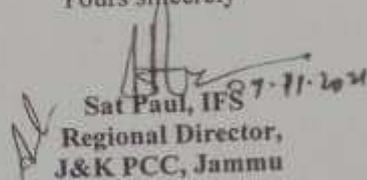
With regard to the subject and references mentioned above, it is to submit that the inspection of site measuring 10 kanals situated at Village Roun, District Udhampur was carried by the Committee comprising of Divisional Officer, PCC, Udhampur, and EO, Municipal Council Udhampur.

As per observations of the Committee, the proposed site apparently seems to be feasible for dumping / storage of construction and demolition waste, after proper leveling of the site, having medium slope.

Pertinent to mention here that concerned Municipal Council shall

- i). Issue detailed directions with regard to proper management of C&D waste within its jurisdiction in accordance with the provisions of these rules and shall seek detailed plan or undertaking as applicable from bulk generators of C&D waste;
- ii). Shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
- iii). Get the collected waste transported to identified site for processing and disposal either through own resources or by appointing private operators.
- iv) Provide an appropriate fencing and sign board outside the boundary wall of site / at site.
- v) Ensure development of buffer zone for C&D waste processing / Recycling facilities exceeding five Tonnes per day as per Buffer Zone Guidelines, 2019 issued by CPCB,

Yours sincerely


 Sat Paul, IFS
 Regional Director,
 J&K PCC, Jammu

Copy for information to

1. Divisional Commissioner, Jammu.
2. Member Secretary, J&K Pollution Control Committee.
3. The Director, Urban Local Bodies, Jammu.
4. Executive Officer, MC Udhampur for information and necessary compliance.
5. Divisional Officer, J&K PCC, Udhampur for information and necessary action.
6. Concerned File.



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbimu@gmail.com; Tele/Fax: 091-2476926

The Director,
 Urban Local Bodies,
 Deeli, Jammu.

No.: PCC/RDJ/MSW/22/ 3563-67

Dated: 31/10/2022

Sub: Consent to establish and operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 - regd. Solid waste processing facilities.

Ref: DULBJ/2022/1028; dt27/05/2022.

Sir,

With regards to the subject cited and reference referred above and as per the annual report submitted by you vide No. DULBJ/2022/1028; dt27/05/2022. It is perused that

- i) There are five no. of solid waste processing facilities operational viz., Doda (5TPD), Bhaderwah (5TPD), Sunderwani (1.5TPD), Katra (200 KG) and Udhampur (1TPD).
- ii) There are two no. of MRF facilities in place, Viz. Katra (5TPD) and Udhampur (5TPD).
- iii) There are 16 no. of MRF facilities under construction & process to be taken up for 8 other Local bodies.

As such you are requested to ensure obtaining consent to establish and operate (CTE & CTO) for solid waste processing facilities (MC Doda, MC Bhaderwah, Sunderwani, Katra and Udhampur) through respective Executive Officers / Chief Executive Officers at the earliest.

Further it is pertinent to mention here that as defined under Rules there should be only dry waste (Non- compostable) waste collection, segregation, sorting and recovery of recyclables from various components of waste by authorized informal sector / any other work force engaged by the local body / any other entity before the waste is delivered for its processing or disposal. In case of additional line of activity, viz., processing of waste like composting / vermi composting / RDF within MRF facilities, *Consent to establish and operate* under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be obtained from JKPCC.

Yours sincerely,

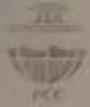
(Sat Paul) IFS

Regional Director,
 J&K PCC, Jammu

Copy for information to

1. Member Secretary, J&K Pollution Control Committee, Jammu.
2. Deputy Commissioner, Doda, Rajouri, Reasi & Udhampur.
3. Divisional Officer, JKPCC, Doda, Rajouri, Reasi & Udhampur for information and updation after 15 days.
4. Executive Officers / Chief Executive Officers, MC, Doda, Rajouri, Reasi & Udhampur for information and necessary action.
5. Concerned File.

2023.07.20 16:55



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspc@jau@gmail.com; Tele/Fax: 091-2476926

Executive Officer,
 Municipal Committee,
 Udhampur.

No.: JKPC/ RDJ/MSW/22/ 9181-85

Date: 07-09-2022

Sub: Open dumping of garbage by Udhampur Municipality and thereby causing severe health problems including air and land pollution- show cause Notice for levying Environmental compensation.

- Ref: i) No.: PCC/RDJ/MSW/21/1535-39; dt: 15/04/2021.
 ii) No.: JKPC/LSJ/847/2019/571-74; dt: 18/10/2021.
 iii) No.: PCC/RDJ/MSW/21/7927-31; dt: 07/12/2021.
 iv) News published in Jagran city Newspaper dated 10th July, 2022

FINAL NOTICE

Whereas, you were served with show cause notice vide No. JKPC/LSJ/847/2019/571-74; dt:18/10/2021 to ensure implementation of SWM Rules, 2016 & Municipal Byelaws made there under.

Whereas, you were again served with another Notice from this office with advise to develop the said site identified as Material Recovery Facility only along with taking requisite steps to ensure compliance of relevant Rules and guidelines vide this office No. PCC/RDJ/MSW/21/7927-31; dt:07/12/2021 (Copy enclosed).

Whereas, as per fresh news article published in daily paper *Jagran City*, complete violation of the directions issued from this office, time to time with reports of burning of solid waste (News copy enclosed) has been observed, with heaps of mixed waste lying at the site.

Whereas, open littering of Solid waste is prohibited under Rule 9 (1 & 2) of J & K Non-Biodegradable material (Management, Handling and Disposal) Act, 2007, Rule 15 (g) of Solid Waste Management Rules, 2016 and Rule 6 (g) of Plastic Waste Management Rules, 2016 and burning of waste is also a punishable offence under above quoted Rules and as per directions issued by Hon'ble NGT dt: 22- 12- 2016 in OA 199 of 2014.

Whereas, the legacy waste collected at the Sui village, Udhampur, being an open dumping site shall be treated as per provisions laid under Guidelines for treatment of legacy waste, 2019 as per clause "J" of SWM Rules, 2016.

Whereas, the *modus operandi* adopted by you repeatedly for handling and disposal of solid waste has put the environment of the area to grave threat due to deterioration caused by pollution of ambient air and water besides irreversible damage to whole ecosystem.

Now, therefore, take this notice and show cause within 07 days from the issuance of this notice as to why Environmental compensation on the stone of Polluter Pays' Principle (PPT) and based on the directions of Hon'ble NGT in the matter O.A No. 199 of 2014, O.A. No 606 of 2018 & O.A, No. 247/2017 not be recovered from you.

Encl: As above

(Sat Paul) IFS
 Regional Director
 J&K PCC, Jammu

Copy for information to:

- i) Member Secretary, J&K Pollution Control Committee, Jammu.
- ii) Director, Urban Local Bodies, Jammu.
- iii) Deputy Commissioner, Udhampur.
- ✓ iv) Divisional Officer, Pollution Control Committee, Udhampur for information and submission of updated status report within a week's time.
- v) Concerned File.

2023.07.20 16:56

OFFICE OF THE EXECUTIVE ENGINEER JAL SHAKTI IRRIGATION
DIVISION UDHAMPUR.

Email Id: - ifcjmuirrigationdivudhampur@gmail.com

Phone No: - 01992-270985

Dr. Narender Sharma,
Additional Director,
Central Pollution Control Board (CPCB),
Regional Directorate, Chandigarh.

No: - IDU/- 1371 Dated: - 13-07-2023

Subject: - In the matter of O.A. No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir, Hon'ble National Green Tribunal vide order dated 28/4/2023.

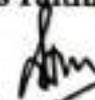
Sir,

Regarding point No: - 9, the reply is submitted as under:

The job of dumping of Municipal Solid waste (MSW) pertains to Municipal Council Udhampur. As far as dumping of C&D (Construction & Demolition) Waste is concerned, it is submitted that no construction activity is being carried out by the Irrigation & FC Department at the banks of river Devika.

Hence for information please.

Yours Faithfully



(Er. Harpal Singh Modi)
Executive Engineer
Jal Shakti Irrigation Division
Udhampur
(Nominee of Irrigation Deptt.
Jammu and Kashmir)

OFFICE OF THE MUNICIPAL COUNCIL UDHAMPUR

The Additional Deputy Commissioner
Udhampur

NO: MCU/2023-24/4515-17

Dated: 05/12/2023

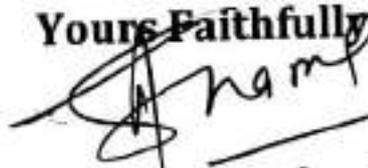
**SUB: ACTION TAKEN REPORT OF O.A NO. 176 OF 2023
ROHIT PADHA Vs. UT OF J&K.**

Sir,

With reference to the subject cited above, kindly find enclosed herewith the action taken report pertaining to Municipal Council Udhampur for favour of information and necessary action at your end please.

Encls: _____

Yours Faithfully


Chief Executive Officer
Municipal council
Udhampur
5/12/23

Copy to the:

- 1. Deputy Commissioner Udhampur for kind information please.**
- 2. Director Urban Local Bodies Jammu for kind information please.**

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Particulars	Action Taken
5.	<p>Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months.</p> <p>Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.</p>	<p>16500 MT of legacy waste has been processed and disposed by Municipal Council at an approximate cost of Rs 10585666.00 as per LOA DULBJ/2022/7584 Dated: - 31/12/2022 (Annexure A)</p> <p>5500 MT Which is present on the site was not processed due to overhead high-tension wire which is a serious safety concern. However, the site has developed greenery (Photographs at Annexure B) and MC Udhampur has proposed proper capping with plantation which shall be done preferably within a period of six months.</p>
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	Consent to Operate has already been obtained by MC Udhampur for IMSW facility at SUI JHAKKAR (Copy enclosed at Annexure C)
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	<p>As per the observations pointed out by the Joint Committee a formal request was made to Director Urban local bodies for release of funds for development of site for processing centre at Maand which is around 40 KM from Udhampur Town.</p> <p>Director Urban Local Bodies Vide No: - DULBJ/P&S/NGT/4903-22 Dated: - 22/11/2023 conveyed approval of Activities under NGT's Action Plan under which an amount of Rs 1.50 crores has been allocated for development of site for processing centre (Copy Enclosed at Annexure D) and which shall be completed preferably within a period of Six</p>

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

		months after following the tendering procedure and other formalities.
8	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	<p>Municipal Council Udhampur time to time conduct sanitation drives at Devika River and installed iron mesh at vulnerable spots from preventing public from throwing garbage into Devika River (Photographs at Annexure E). Prohibitory Notice also issued in this regard annexed at "F." However due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat.</p> <p>However, a letter is also written to Director Urban Local Bodies vide No: - MCU/2023-24/4458-59 Dated: - 30/11/2023 requesting providing of funds for removal and dredging of Devika River at Devika Ghat or taking up with the matter concerned department either Irrigation & flood Control or UEED at the Administrative Level in this regard. (copy enclosed)</p>

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

***** (Email:- eoudhampur-jk@nic.in)

“Annexure A”

Government of Jammu and Kashmir,
Directorate of Urban Local Bodies, Jammu.

(Mail ID: dlsjammu@gmail.com)
 (Website: www.ulbjammu.org)

No: DULBJ/2022/ 75 84

Dated: 31-12-2022

LETTER OF AWARD (LoA)

To:

Dezy Services
 Sunil Guest House, 2nd Floor Near Sherga Bypass,
 Rohtak, Haryana-124001
 Mobile No- 9813755746
 Email: dezyresources@gmail.com

Sub: Letter of Award (LoA) for the assignment "Selection of Agency for undertaking
 Dumpsite/ Landfill Remediation through Biomining of Legacy Waste in Udhampur and
 Samba ULBs of Jammu Division."

Ref: 1. Tender no: DULBJ/eNIT/07/2022-23 dated 21.12.2022
 2. Technical Evaluation dated 28.12.2022
 3. Financial bid opening dated 30.12.2022

Dear Sir/Madam,

This is to notify that your proposal dated 27th December 2022 consisting of the Technical and Financial Proposals for Selection of Agency for undertaking Dumpsite/ Landfill Remediation work through Biomining of Legacy Waste in Udhampur and Samba ULBs of Jammu Division is accepted. In provision of RFP, your financial bid being the lowest amongst all bidders, you have been declared as L1 bidder and therefore this Letter of Award (LOA) is being issued to you for undertaking the captioned subject work in provisions of RFP, within stipulated timelines and price mentioned hereunder:

Sl. No	ULB	Total quantity (MT)	Quoted Rate/ MT in INR	Amount in INR
1	Udhampur	16,500	717.00	1,18,30,500.00
2	Samba	18,000	717.00	1,29,06,000.00
Total		34,500	717.00	2,47,36,500.00

Note: Rates are inclusive of all taxes and above-mentioned quantity may vary.



“Annexure B”



Dumpsite/Landfill Remediation through Biomining of Legacy Waste at SUI, Udhampur



Greenery at Integrated MSW at SUI

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

ANNEXURE C



J&K Pollution Control Committee

Jammu/Kashmir
(http://jkocmms.nic.in)

WHITE CATEGORY
(Auto-generated under Ease of doing Business)

No. JKPCCC/digital/White/4226075

Dated: 22/11/2023

Chief Executive Officer

M/s WET WASTE PROCESSING FACILITY AT SUI JHAKKAR UDHAMPUR
 SUI JHAKKAR UDHAMPUR, Udhampur, 182101

S. No	Products to be manufactured	Quantity of Products
1	COMPOST	150KG

Whereas, as per directions issued by CPCB on 07.03.2016 u/s 18(1)(b) of Water and Air Acts for adopting Revised Classification of Industrial sectors and consequently JKPCCC (earlier JKPCB) vide letter No.SP/CB/Estb/CO/Gen/ICC/91/253-61 dated 29.04.2016 has adopted the revised classification of Industrial Sector in which White Category of Industries also falls.

And whereas, as per the revised classification, white category of Industries, there shall be no necessity of obtaining consent of the JKPCCC/Board and an intimation to the JKPCCC shall be suffice.

And whereas, as per the undertaking given by the applicant online on jkocmms portal stating that its activity falls under white category as per revised classification of industries/activities, the exemption certificate is being generated online on the basis of undertaking provided by the unit holder which shall suffice the requirement of Consent to Establish/Consent to Operate, subject to following conditions :

1. The Exemption Certificate is issued based on the undertaking on the application form ensuring that the activity is strictly as per the white category mentioned in the revised classification criteria of industries mentioned in UCM issued by CPCB.
2. In case of any change in the process(es) or activity(ies) leading to change of the categorization of the activities from White Category to some other Category, application for Consent to Establish & Consent to Operate under the Air and Water Acts and other applicable Rules under the Environment (Protection) Act, 1986, as amended to date, shall be submitted to JKPCCC online portal and such activity(ies) shall not be carried out without taking prior Consent from JKPCCC.
3. The Industry / unit shall abide by the affirmations and declarations given in the undertaking / self declaration given by unit holder and shall be liable for penal action as per the provisions of Environmental laws if wrong information/declaration is found provided by the unit holder in the online application form.
4. This Certificate is being issued without any prejudice to any action liable to be taken in lieu of any violation committed by the applicant or the concealment of any fact.
5. In case of violation of above mentioned conditions or any public complaint, the exemption shall be withdrawn.

*this exemption is issued purely from environmental angle and the JKPCCC shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.

(This is auto-generated and does not require any authentication / signature).

Copy to :-

- 1). Member Secretary, JKPCCC for information.
- 2). Regional Director Jammu/Kashmir for information.
- 3). General Manager DIC Udhampur for information.
- 4). Divisional Officer PCC Udhampur for information and with the directions to monitor conditions stated above.
- 5). M/s WET WASTE PROCESSING FACILITY AT SUI JHAKKAR UDHAMPUR for compliance of the above said conditions.
- 6). Office file.

Consent to Operate

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

***** (Email:- eoudhampur-jk@nic.in)

ANNEXURE D

**Government of Jammu & Kashmir,
 Directorate of Urban Local Bodies, Jammu**
 (Rail Head Complex, Near Chief Architect Office, Jammu)

UDLBP: 01903420001
 100@udlb.gov.in/udlbjammu

(Muz. Et. Jammu@nic.in)
 (Website: www.udlb.gov.in)

Chief Executive/Executive Officers,
 Municipal Councils/Committees,
 Udhampur/Kathua/Katra/Parole/Akhnoor/Ramban/
 Surankote/Kishtwar/Bari-Brahmna/Sunderbani/Samba/
 Khour/Thanamandi/Basholi/Reasi/Doda/Rajouri/Bhaderwah.

No:- DULB/P&S/NGT/4903-22 **Dated:- 11.11.2022**
Sub:- NGT's Action Plan – approval of activities thereof.

Sir,

Deputy Director (Planning), Housing & Urban Development Department, Civil Secretariat Jammu vide letter No.HUD-PLAN0CAPX/26/2023-01-(7202204) dated 22.11.2023 (copy enclosed) has conveyed that NGT's Action Plan under OA. No.606/2018 pertaining to this Directorate has been approved by worthy Chief Secretary Jammu & Kashmir.

In this context, it is enjoined upon you to go through the same and request the concerned Executive Engineer PWD(R&B) to prepare the estimates as per the annexure-II (approach road, Chain link fencing of MRF sites, dev. of MRF site, boundary wall, retaining wall, protection wall etc) of the work pertaining to your ULB so that works are put to tender and complete during the current financial year. Action taken report should reach this directorate within two days.

Yours faithfully

Encls:- 05 lvs.


Director
Urban Local Bodies
Jammu.

Copy to the:-

1. Deputy Director (Planning), Housing & Urban Development Department Civil Secretariat Jammu/Srinagar.
2. Private Secretary to Principal Secretary to Govt, Housing & Urban Development Department, Civil Sectt. Jammu for information of the Principal Secretary.

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

		(Rs. in crore)		Annexure-II
Katra Municipal Committee	Unit	Cost/Unit	Total	Justification
1	Development of Site for Processing Centre in Katra	1	2.00	2.00 It is pertinent to mention that, allocated site is at Tantalab, which is located on two hills slope with Nallah in between. To make the site compatible and approachable by Collection and Transportation vehicle. Maximum site area need to be developed by cutting and leveling of required area to establish processing Centre. No other plain site is available in Katra town.
2	Chain Fencing of all 100Kanal land MC Katra	1	1.00	1.00 Required for Safety Purpose and also to avoid stray animals and local public intervention
3	Approach Road for Processing Plant Katra	1	1.50	1.50 Approach road of 1KM need to be develop to avoid wear and tear of Collection and Transportation vehicle. It will also increase life of vehicle and make the plant easy approachable.
Udhampur Municipal Council				
4	Development of Site for Processing Centre in Udhampur	1	1.50	1.50 Current Situation at site is different, as land provided by revenue department is at mountain. It is pertinent to mention that, allocated site is at Maand, which is 32 KM far away from ULBs limit, which is located on hill. To make the site compatible and approachable by Collection and Transportation vehicle. Maximum site area need to be developed by cutting and leveling of required area to establish processing Centre. No other plain site is available in Udhampur town.
5	Chain link fencing at Sal Chakkar MRF Udhampur	1	0.25	0.25 Required for Safety Purpose and also to avoid local intervention
Kathua Municipal Council				
6	Development of Site for Processing Centre in Kathua	1	1.00	1.00 To make the site compatible and approachable by Collection and Transportation vehicle. Maximum site area with approach road is to be developed to establish processing Centre.
7	Chain link fencing at MRF Site Kathua	1	0.40	0.40 Required for Safety Purpose and also to avoid local intervention and avoiding street animals to enter processing centre.

Funds Released for Development of Site



143

Union Territory of Jammu & Kashmir

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)





Sanitation Drives at Devika River



145

Union Territory of Jammu & Kashmir

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)



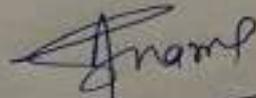
Installation of Iron Mesh at MH Chowk

OFFICE OF THE MUNICIPAL COUNCIL UDHAMPUR**Public Notice**

The Udhampur Town is also well-known city for the Devika River and the Devika river is also known as the sister of the river Ganges. The river holds religious significance and it is the responsibility of all the citizens to maintain its cleanliness and throwing garbage here and there will make the Holy River dirty and it is the first duty of each and every inhabitant to take care of it and to meetup the garbage collection dustbins has been installed at different points or handover the garbage to vehicle of Door to Door collection of waste from your respective houses.

Now, through the medium of this public notice, it is informed to all the citizens particularly residing the surroundings of the Devik River to avoid littering/throwing the garbage in and around the river and take care of it from today, if any person found littering/C&D waste in and around the river necessary action deemed fit under rules shall be taken alongwith imposition of fine and legal action.

No:- MU/2023-24/4458-59
dt:- 30/11/2023


Chief Executive Officer
Municipal Council
Udhampur.

Copy to the:

1. Deputy Commissioner, Udhampur for kind information.
2. Sanitary Inspector, Municipal Council, Udhampur with the directions to play the same daily through Door to Door collection vehicles for information of public of the town and remain vigil towards the violators.

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

***** (Email:- eoudhampur-jk@nic.in)

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.
 ***** (Email:- eoudhampur-jk@nic.in)

The Director,
 Urban Local Bodies,
 Jammu.

No: -MCU/2023-24/ 4464-66

Dated: 01/12/2023

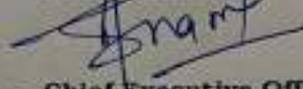
Sub: Visit of Joint Committee in the matter of O.A. No. 176 of 2023.

R/ Sir,

Kindly refer the subject noted above. In this connection, it is submitted that a Joint committee was constituted in compliance to the directions issued by Hon'ble National Green Tribunal in the matter of **O.A. No. 176 of 2023 Rohit Padha Vs. UT of Jammu and Kashmir** about Devika River in which serious observation was raised regarding Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat. Municipal Council Udhampur with its limited manpower carries out special sanitation drives from time to time. However due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat.

As such, it is requested to your good self that either funds shall be released for removing sludge and dredging of Devika River or matter may kindly be taken up with the concerned department either Irrigation & flood Control or UEED at administrative Level in this regard.

Yours faithfully



**Chief Executive Officer
 Municipal Council
 Udhampur.**

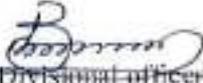
Copy to the:

1. Deputy Commissioner, Udhampur for favor of information please.
2. Additional Deputy Commissioner, Udhampur for favor of information please.
3. Divisional Officer, J&K PCC for for favor of information please.
4. Office record file.

S.No.	Information	Reply from JKPCC Udhampur
11	<p>Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.</p>	<p>Status of obtaining CTO by (i) 07 Hotels as mentioned in the complaints:- Out of seven hotels 03 hotels are running with CTO of JKPCC and operational under norms as well. JKPCC has issued final notices to 3 hotels and thereafter also recommended for closure proceeding vide this office letter No-PCC/Udh/DO/2023/239 dated- 04.12.2023 and closure orders shall be issued shortly after approval from competent authority. Moreover closure order has been already issued by JK PCC to one hotel namely Hotel Singh Axis.</p> <p>(ii) 5 Car Washing:-Legal notices have been issued to these Car washing units and unit holders have replied with pleading that sewerage network is being connected by UEED in the town and they have also approached to the concerned dept.to connect their effluent system with sewerage network of nearby STP which is still under progress. However action shall be initiated if they fail to get their effluent system connected with sewerage network of said STP.</p> <p>(iii) 3 Hospitals:-Out of these three hospitals there is one bedded hospital which has installed the STP of required capacity and has also obtained necessary CTO/authorization of JKPCC whereas the second one is non-bedded Health care facility who has constructed captive septic tank/soakage pit and also having authorization of JKPCC. At present it is not discharging sewage into devika river. Further the third one is Army Command Hospital which doesn't comes under the jurisdiction of JKPCC in terms Biomedical Waste Management Amendments Rules 2003 whereunder the Armed forces Health Care Facilities are monitored by CPCB and Director General Armed Forces Medical services(DGAFMS) in respect of the Health Care Establishments (HCEs) under the jurisdiction of the Ministry of Defence (MoD) have been notified as the "Prescribed Authority" for overall enforcement of the said Rules". Pertinently the said Army Hospital is likely to be shifted at another location i.e near supply Morh and most probably it will not affect the devika river.</p>



		<p>(iv) 3 Banquet Halls:-JKPCC has issued final notices to all these 3 banquet halls and thereafter also recommended for closure proceeding vide this office letter No-PCC/Udh/DO/2023/239 dated:04.12.2023 and closure orders shall be issued shortly after approval from competent authority.</p>
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Divisional officer
JKPCC Udhampur

Item No. 07

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 17.10.2023

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

Respondent: Mr. Atif Suhrawardy, Adv. for CPCB

ORDER

1. This original application has been registered on the basis of a letter petition complaining about illegal encroachment and damage being caused to the natural flow, flora and fauna of the river Devika in District Udhampur, Jammu & Kashmir.

2. The Tribunal vide order dated 28.04.2023 had constituted a joint committee which has submitted interim report dated 31.07.2023 containing the following key observations:-

“3.1. Factual Report by the Joint Committee:

The following are the key observations made by the Joint Committee during the site visit:

a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes (Photograph 1 of Annexure-4)

b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste (Photograph 2-4 of Annexure-4)

c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river (Photograph 5-7 of Annexure-4).

d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLS STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode (Photograph 8 & 9 of Annexure-4). However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.

e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.

f) The installation of an 8 MLD STP is still in progress (Photograph 10 of Annexure-4) The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.

g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River (Photograph 11 of Annexure-4). Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project (Photograph 12 of Annexure-4)

h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners (Photographs 13-17 of Annexure-4).

i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress (Photograph 18 of Annexure-4)

j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river (Photograph 19 & 20 of Annexure-4). The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If

this issue is not addressed promptly, this site will also become another legacy waste site in the near future.”

3. The above observations of the joint Committee clearly reveal that no steps have been taken till now to restrict the discharge of sewage and municipal solid waste as well as plastic waste which is flowing through nallas and drains leading to the river. There is gross inaction on the part of the concerned authorities in preventing the pollution in river Devika, in violation of *Hon'ble Supreme Court in WP(C) No.375/2012 dated 22.02.2017: Paryavaran Surakshav. Union of India.*

4. In view of the above report, at this stage, we deem it proper to implead the following Respondents:-

- (i) Chief Secretary, UT of J&K;
- (ii) Principal Secretary, Urban Development, UT of J&K.
- (iii) Member Secretary, CPCB;
- (iv) Member Secretary, J&K PCC
- (v) Commissioner, Municipal Corporation, Udhampur;
- (vi) District Magistrate, District Udhampur; and

5. Let notice be issued to above Respondents by the Registry.

6. Learned Counsel appearing for the CPCB has submitted that the final report will be filed within one week. Meanwhile, CPCB and State PCC are directed to take appropriate remedial measures without any delay in light of the observations which have been made in the interim report and should further file comprehensive action plan and action taken report.

7. List the matter on 12.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

October 17, 2023
Original Application No. 176/2023
JG

Joint Inspection Report of CPCB and J&K PCC in the matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir & Ors.

1. Background:

In the matter of Original Application No. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir & Ors, the applicant has raised the following issues:

- i) Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- ii) Dumping of the waste by the Devika Project comprising of three STPs (8 MLD, 4 MLD and 1.6 MLD) into the river.
- iii) Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- iv) Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

Hon'ble National Green Tribunal vide order dated 28/4/2023 had observed and directed as follows:

"In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udhampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

The Joint Committee constituted in the above matter visited the entire stretch of the Devika River, from Gangera Hills to Nain Su on 6-7 July, 2023, assessed the status of Sewage Treatment Plants (STPs) and also included other points mentioned in the NGT Order and petition filed in the National Green Tribunal, in its fact-finding investigation, in compliance of the orders of Hon'ble National Green Tribunal. The following observations were made by the Joint Committee during the site visit on 6-7 July, 2023:

- a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes
- b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste.
- c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river.
- d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLD STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode . However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.
- e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.
- f) The installation of an 8 MLD STP is still in progress. The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.
- g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River. Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project.
- h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the



Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners.

- i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress.
- j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river. The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

Interim Report of the Joint Committee was filed before the Hon'ble National Green Tribunal by CPCB on 31/7/2023 (**Annexure-A**), wherein, based on the information received by Joint Committee, Action Taken Report (ATR) by various Government Departments in this matter as on 27/7/2023, was also submitted as follows:

Geeta

Table: Action taken by various Government Department on various issued related to the matter as on 27/7/2023.

S.No	Particulars	Action Taken Report as provided by the concerned department, as on 27/7/2023
1.	<p>As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal.</p> <p>XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River.</p>	<p>UEED.</p> <p>It was informed that the action on the order issued by Deputy Commissioner vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of river Devika from the upstream end of Ekta Vihar to MH Chowk was issued earlier also by District Administration Udhampur vide No. ACRU/SO/2262-67 dated 24/11/2020 and the Committee on 24/12/2020 headed by Tehsildar, Udhampur along with representatives of MCU, UEED, PMC and the Executive agency conducted site visit of the area.</p>
2.	<p>Total number of houses (STP wise) in the catchment of all three STPs ?</p> <p>Total Number of houses (STP wise) connected/to be connected to three STPs ?</p> <p>If possible, pls provide drain network for each STP.</p>	<p>UEED. As per details provided by UEED:</p> <p>Total No. of houses presently available for sewer system in Zone 1,2 and 3 combined : 10232</p> <p>Total Number of houses connected/to be connected to three STPs: 9032</p> <p>STP 1 (Zone 1):5000 (To be connected)</p>

Fig.

		<p>STP 2(Zone 2):2456 (Connected) STP 3 (Zone 3): 1528 (Connected) Drain Network attached with No. of houses dependent on septage Management system (60 KLD FSTP) : 1200</p>
3.	<p>Status of completion of work in all three STPs (Component wise and separately for each STP) ?</p> <p>Time lines for completion of remaining work in all three STPs (separately for each STP) ?</p> <p>Status of CTO for operation of STPs ?</p>	<p>UEED</p> <p>Status of Completion of work :</p> <p>STP1: Civil: 96% ; E/M: 95% STP2: Civil: 100%; E/M: 100% STP3: Civil: 100% ; E/M: 100%</p> <p>STP 1 & 2: 15th August, 2023 STP3: 25th September, 2023</p> <p>Applied for CTO. Under process with J&K PCC.</p>
4.	<p>Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.</p>	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/4135-37 dated 28/10/2021, to Director, Urban Local Bodies, Jammu regarding implementation of C&D Waste Management Rules, 2016 and CPCB Guidelines, with reference to directions of Hon'ble NGT in the matter of 606 of 2018.</p> <p>Letter no. PCC/RDJ/MSW/21/4330-35 dated 9/11/2021 issued to Deputy Commissioner, Udhampur regarding identification of site for C&D Wastes</p>

Red

		mentioning terms & conditions for using the proposed site .
5.	<p>Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months.</p> <p>Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.</p>	<p>MC, Udhampur</p> <p>Details not provided so far.</p> <p>Details not provided so far.</p>
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	<p>MC, Udhampur</p> <p>Details not provided so far.</p>
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	<p>MC, Udhampur</p> <p>Not provided so far.</p>
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/3563-77 dated 31/10/2022, to Director, Urban Local Bodies, Jammu regarding obtaining CTE and CTO for the for solid waste management facilities.</p> <p>J&KPCC vide No. JKPCC/RDJ/MSW/22/2181-85 dated 29/9/2022 issued final notice to Executive Officer, Municipal Committee, Udhampur, for "Open dumping of garbage by Udhampur Municipality and thereby causing severe health problems including air</p>

		and land pollution" giving 7 days time to show cause as to why Environmental Compensation on "Polluter Pays" Principle and based on the directions of Hon'ble NGT in the matters of OA No. 199 of 2014, OA No. 606 of 2018 and OA No. 247 of 2017 not be recovered".
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	I&FC Department informed that: The job of dumping of MSW pertains to MC, Udhampur. According to I&FC Department, as far as dumping of C&D waste is concerned, it is submitted that no construction activity is being carried out by I&FC department at the banks of River Devika.
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department UEED: Dredging/Removal of sludge is not in the scope of project under execution.
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC Information awaited.

It was also submitted by the Joint Committee in its interim report that the following information was requested by the Joint Committee from various Departments, for finalizing the action taken report, as directed by Hon'ble NGT:

See

Table: Information awaited from various Departments, as on 27/7/2023:

S.No.	Concerned Department	Information Awaited
i)	MC, Udhampur	<p>i) Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.</p> <p>ii) Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?</p> <p>iii) Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat</p> <p>iv) Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.</p>
ii)	J&K PCC	<p>i) DO, Udhampur, J&K PCC to confirm, if CTE and CTO have been obtained by MC, Udhampur or still operating without CTO. If operating without clearances/permissions, action taken by J&K PCC</p> <p>ii) DO, Udhampur, J&K PCC to incorporate in the report, the action taken by J&K PCC after expiry of 7 days' time given to MC, Udhampur and details of Environmental Compensation recovered from MC, Udhampur.</p> <p>iii) Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.</p>

The information regarding status of encroachments and action taken by Distt. Administration/Department of Revenues was also awaited.

Hon'ble National Green Tribunal, while considering the Interim Report of the Joint Committee, directed vide Order dated 17/10/2023 (**Annexure-B**) that *"Meanwhile, CPCB and State PCC are directed to take appropriate remedial measures without any delay in light of the observations which have been made in the interim report and should further file comprehensive action plan and action taken report."*

2. Joint Inspection Report of CPCB and J&K PCC, as on 19/12/2023:

In view of the orders of Hon'ble National Green Tribunal dated 17/10/2023, directing CPCB and State PCC to take appropriate remedial measures without further delay in light of the observations which have been made in the interim report, and in view of the fact that no information was provided by concerned departments, as requested by the Joint Committee on various points, a fresh inspection was conducted jointly by CPCB and J&K PCC on 6-7 December, 2023, to verify the current status of various points mentioned in the Interim Report of the Joint Committee, for taking necessary remedial measures, in compliance of the directions of Hon'ble NGT.

Further, a request was also made by CPCB to concerned departments vide email dated 1/12/2023, to provide the requisite information required by the Joint Committee regarding status of compliance of various points mentioned in the Interim Report. In this regard,

- The information on various points from Municipal Council was provided through Divisional Officer, Udampur, J&K PCC on 06/12/2023 (**Annexure-C**)
- The Information from J&K PCC was received on 12/12/2023 (**Annexure-D**)
- The Information from Department of Revenue/Distt. Administration, Udampur was received on 19/12/2023 (**Annexure-E**)

The following are the observations made during Joint Inspection on 6-7 December, 2023 by the Joint Team of CPCB & J&K Pollution Control Committee and the status of compliance of various points mentioned in the Interim Report of the Joint Committee, based on the information received from concerned departments as on 19/12/2023:



- 2.1. Status of Devika Ghat including encroachments** (Concerned Deptt. :Municipal Council, Udhampur; Distt. Admn/Department of Revenue)
- i. The solid waste and the plastic waste, which was observed to be dumped in Devika River at Devika Ghat has been removed (**Photograph 1 & 2 of Annexure-G**). However, nullahs meeting the Devika River were observed to be still carrying municipal solid waste and plastic waste (**Photograph 3 of Annexure-G**)
 - ii. No further Dumping of C&D Waster as noted by Joint Committee earlier on 6-7 July, 2023, was observed during inspection on 6-7 December, 2023 (**Photograph 4 of Annexure-G**). MC, Udhampur has issued a Public Notice in this regard for preventing littering and dumping of C& D waste by residents in the surrounding areas (**Annexure-F**)
 - iii. The removal of sludge and dredging of Devika River at Devika Ghat is yet to done by MC, Udhampur (**Photograph 5 & 6 of Annexure-G**). Further, no Action Plan along with time-line for removing sludge and dredging of Devika River at Devika Ghat has been provided. As per details received through J&K PCC Member, it is informed by MC, Udhampur that “due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat. However, a letter is also written to Director Urban Local Bodies vide No: - MCU/2023-24/4458-59 Dated: -30/11/2023 requesting providing of funds for removal and dredging of Devika River at Devika Ghat or taking up with the matter concerned department either Irrigation & flood Control or UEED at the Administrative Level in this regard”.
 - iv. As per list of encroachments provided by Department of Revenue vide letter No. TUDR/The/2023-24/138 dated 07/12/2023 addressed to Deputy Commissioner, Udhampur by Tehsildar Udhampur, there are 73 Nos. encroachments on the banks of Devika River at Udhampur (**Annexure-E**). It was informed that “Chief Executive Officer, MC, Udhampur vide Letter No. TUDR/The/2023-24/135-37 dated 06/12/2023 has been requested to verify whether or not building permission issued to the encroachers and initiate proceedings to evict the encroachers”. Action plan on eviction of these encroachments is yet to be prepared and implemented.



2.2. Status of Devika Project i.e. 3 STPs (Concerned Deptt: Urban Environmental Engineering Department):

2.2.1. STP 1; 8 MLD (Photograph 7, 8 and 9 of Annexure-G):

1. The STP is under commissioning without obtaining CTO from J&K PCC.
2. Flow meters not installed.
3. OCEMS not installed.
4. Sludge press/Centrifuge not commissioned.

2.2.2. STP 2; 4 MLD (Photograph 10, 11 and 12 of Annexure-G):

1. The STP is under commissioning without obtaining CTO from J&K PCC.
2. OCEMS is not installed.
3. Sludge press/Centrifuge is not commissioned

2.2.3. STP 3; 1.6 MLD (Photograph 13, 14 and 15 of Annexure-G):

1. The STP is under commissioning without obtaining CTO from J&K PCC.
2. OCEMS is not installed.
3. Sludge press/Centrifuge is not commissioned

2.3. Status of Management of Municipal Solid Waste (Concerned Deptt: Municipal Council, Udhampur; J&K PCC):

2.3.1: Status of Processing of Legacy Waste:

1. No action plan along with time line has been provided, for processing the remaining around 5500 MT legacy waste lying at site at SUI, Udhampur (**Photograph 16 of Annexure-G**)
2. It was informed by MC, Udhampur that "5500 MT which is present at site could not be processed due to overhead high-tension wire which is a serious safety concern. However, the site has developed greenery and MC, Udhampur has proposed proper capping with plantation, which shall be done preferably within a period of six months"

2.3.2. Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur, at Maand.

1. No Clearance/Permission for the site at Village Maand, where the dumping has already been started, has been obtained till date. The total MSW dumped at this site as on date is around 10000 MT, which has now become another legacy waste site in Udhampur.
2. No action plan has been provided, for processing of this 10000 MT MSW, which is being further accumulated day by day. The mixed MSW is being dumped at this site

Geed

without any taking any measures to prevent environmental damage including retaining wall retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river, as also observed by the Joint Committee during visit on July 6-7, 2023 (**Photograph 16-24 of Annexure-G**). The condition of the site has deteriorated further, as observed by the Joint Team of CPCB and J&KPCC during visit on December 6, 2023.

3. In this regard, J&K PCC has also confirmed on 12/12/2023 that MC, Udhampur is still operating the site without Obtaining consent from J&K PCC. However, no details have been provided with regard to action taken by J&PCC for operating without necessary permissions/Consents. The details of the action taken by J&K PCC after expiry of 7 days' time given to MC, Udhampur vide No. JKPCC/RDJ/MSW/22/2181-85 dated 29/09/2022 and Environmental Compensation recovered from MC, Udhampur, as required by the Joint Committee, have also not been provided.

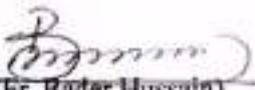
2.4. Status of obtaining CTO by 07 Hotels, 05 Car washing stations, 03 hospitals and 03 banquet halls and compliance of the conditions of CTO and Authorization granted to these Units.

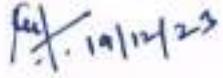
As per information provided by J&K PCC on 12/12/2023:

1. Out of seven hotels, 03 hotels are running with CTO of J&KPCC and are operational under norms, as well. J&K has issued final notices to 03 hotels and thereafter also recommended for closure proceedings vide Office Letter No. - PCC/Udh/DO/2023/239 dated 04/12/2023 and closure orders shall be issued shortly after approval from the Competent Authority. Moreover, closure order has already been issued by J&K PCC to one Hotel namely Hotel Singh Axis.
2. Legal notices have been issued to car washing units and unit holders have replied pleading that sewerage network is being connected by UEED in the town and they have also approached to the concerned Deptt. To connect their effluent system with sewerage network of nearby STP, which is still under progress. However, action shall be initiated if they fail to get their effluent system connected with the sewerage network of said STP.
3. Out of three hospitals, there is 01 one bedded hospital, which has installed STP of required capacity and has also obtained necessary CTO/authorization of J&KPCC,

3. Out of three hospitals, there is 01 one bedded hospital, which has installed STP of required capacity and has also obtained necessary CTO/authorization of J&KPCC, whereas second one is non-bedded health care facility, who has constructed captive septic tank/soakage pit and also having authorization of J&KPCC. At present, it is not discharging sewage into devika river. Further, the third one is Army Command Hospital which doesn't come under the jurisdiction of J&KPCC in terms of Biomedical Waste Management Amendments Rules 2003, *whereunder, the Armed Forces Health Care Facilities are monitored by CPCB and Director General Armed Forces medical Services (DGAFMS) in respect of the Health Care Establishments (HCEs) under the jurisdiction of the Ministry of Defence (MoD) have been notified as the "Prescribed Authority" for overall enforcement of the said Rules.* Pertinently, *the said Army Hospital is likely to be shifted at another location i.e. near supply modh and most probably, it will not affect the Devika River.*
4. J&K PCC has issued notices to all these 3 banquet halls and thereafter also recommended the closure proceedings vide this office letter No. PCC/Udh/DO/2023/239 dated 04/12/2023 and closure orders shall be issued shortly after approval from competent authority.

The above Joint Inspection Report of CPCB and J&K PCC incorporates status of all the points of Interim Report of the Joint Committee constituted in the matter, as on 19/12/2023. This report is being submitted, for consideration of Central Pollution Control Board (CPCB) and J&K Pollution Control Committee (J&K PCC), for taking further remedial action, as directed by Hon'ble National Green Tribunal vide Order dated 17/10/2023.


(Er. Bader Hussain)
Divisional Officer, Udhampur, J&KPCC


(Dr. Narender Sharma)
Scientist 'F', CPCB, RD, Chandigarh

Dated: December 19, 2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi
In
Original Application No. 176/2023

Rohit Padha

Applicant

Vs.

Union Territory of Jammu & Kashmir

Respondent

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1.	Interim report of the Joint Committee in compliance of Hon'ble NGT order dated 28.04.2023 in O.A. No. 176/2023, Rohit Padha Vs. Union Territory of Jammu & Kashmir.	
2.	Annexure-1: Copy of the Hon'ble NGT Order dated 28.04.2023.	
3.	Annexure-2: Copy of list of members that attended the first meeting dated 06.07.2023.	
4.	Annexure-3: Copy of Minutes of meeting and site visit report of the Joint Committee.	
5.	Annexure-4: Photographs 1-20 taken during inspection.	
6.	Annexure-5: Copy of Action Taken Report provided by UEED.	
7.	Annexure-6: Copy of Letter dated 28.10.2021 issued to Director, Urban Local Bodies, Jammu regarding implementation of Construction and Demolition Waste Management Rules 2016, and CPCB guidelines issued thereof.	
8.	Annexure-7: Copy of Letter dated 09.11.2021 issued to Deputy Commissioner, Udhampur, Jammu regarding Identification of site for C & D Wastes mentioning terms and conditions for using the proposed site.	
9.	Annexure-8: Copy of Letter dated 31.10.2022 issued to Director, Urban Local Bodies, Jammu regarding obtaining CTE and CTO for the solid waste management facilities.	
10.	Annexure-9: Copy of Letter dated 29.09.2022 issued final notice to Executive Officer, Municipal Committee, Udhampur for "Open dumping of garbage by Udhampur Municipality giving 7 days time to show cause notice as to why	

	environmental compensation not recovered.	
11.	Annexure-10: Copy of Letter dated 13.07.2023 issued to CPCB regarding reply to point no. 9.	



(P.K. Mishra)
Divisional Head
Water Quality Management Division -I
Central Pollution Control Board
Delhi-110032

Date: 31.07.2023

Place: Delhi

Interim Report of Joint Committee constituted under the orders of Hon'ble NGT in the matter of O.A.No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir

1. Background and the Orders of Hon'ble National Green Tribunal:

The matter is related to an application filed before the Hon'ble National Green Tribunal, wherein, issue of huge illegal encroachment causing damage to the natural flow, flora and fauna of the river, has been raised. As per applicant, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

In the above matter, Hon'ble National Green Tribunal vide order dated 28/4/2023 (**Annexure-1**) has observed and directed as follows:

“In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

CPCB shall be the nodal agency for coordination and compliance of this order.”

2. Compliance of the orders of Hon'ble National Green Tribunal:

In compliance of the Directions of Hon'ble National Green Tribunal, a joint Committee was constituted, based on the nominations received from various agencies, comprising of the following members:

1. Shri Nelapatla Ashok Babu, IRS, Director, National River Conservation Plan (NRCP), Ministry of Jal Shakti, Government of India
2. District Magistrate, Udhampur, Jammu and Kashmir
3. Nominee of Irrigation Department, Jammu & Kashmir
4. Shri Bader Hussain, AEE, Divisional Officer , Udhampur, J&K Pollution Control Committee
5. Dr. Narender Sharma, Additional Director, Central Pollution Control Board (CPCB), Regional Directorate, Chandigarh.

The first meeting of the Joint Committee was held on 06/07/2023 in the meeting room of the Dak Bungalow, Udhampur. The meeting of the Joint Committee held on 06/07/2023 was chaired by Shri Nelapatla Ashok Babu, IRS, Director, NRDC, GoI, New Delhi, which was attended by all the members of the Joint Committee and other officials representing UEED, Irrigation and Flood Control Department, J&K PCC, and District Administration (Attendance sheet attached as **Annexure- 2**).

Shri Joginder Singh Jasrotia, JKAS, ADC, Distt. Udhampur attended the meeting on the behalf of District Magistrate, Distt. Udhampur. Er. Harpal Singh, XEN attended the meeting as a representative of Chief Engineer, Irrigation & Flood Control Department, Jammu.

The application filed by the applicant in the matter was examined and it was observed that the applicant has raised the following key issues in the petition filed in the National Green Tribunal:

- Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- Dumping of the waste by the Devika Project comprising of three STPs (8 MLD. 4 MLD and 1.6 MLD) into the river.
- Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

It was decided to include entire stretch of the Devika River, from Gangera Hills to Nain Su, in the investigation, along with assessing the status of Sewage Treatment Plants (STPs) and addressing other points mentioned in the NGT Order and petition filed in the National Green Tribunal.

3. Report of the Joint Committee:

The site visit was conducted by the Joint Committee on 6-7 July, 2023. The Deputy Commissioner, Shri Sachin Kumar Vaishy, IAS, also accompanied the Joint Committee during the site visit on 6/7/2023. The officers of UEED and MC, Udhampur were also present during the site visit.

During the site visit conducted on July 6, 2023, the Joint Committee focused on the following areas and points:

- i. Devika Ghat and the location where Doodh Ganga Nalla merge with the Devika River.
- ii. Upstream and downstream areas of Devika Ghat.
- iii. Five out of the total eleven nallahs/drains that meet the Devika River.
- iv. Three Sewage Treatment Plants (STPs): STP Zone 1 (8 MLD); STP Zone 2 (4 MLD) and STP Zone 3 (1.6 MLD).

The following points were covered by the Joint Committee during the visit to be conducted on 07/07/2023.

- i. Inspection of complete stretch of Devika river from Gangera Hills to Nain Su.
- ii. C&D waste site of Devika Project.
- iii. MSW disposal site of Municipal Corporation, Udhampur

The minutes of the meeting (MoM) and the site visit report of the Joint Committee is attached as **Annexure-3**.

3.1. Factual Report by the Joint Committee:

The following are the key observations made by the Joint Committee during the site visit:

- a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes (**Photograph 1 of Annexure-4**)
- b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste (**Photograph 2-4 of Annexure-4**)

- c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river (**Photograph 5-7 of Annexure-4**).
- d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLD STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode (**Photograph 8 & 9 of Annexure-4**). However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.
- e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.
- f) The installation of an 8 MLD STP is still in progress (**Photograph 10 of Annexure-4**). The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.
- g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River (**Photograph 11 of Annexure-4**). Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project (**Photograph 12 of Annexure-4**).
- h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners (**Photographs 13-17 of Annexure-4**).

- i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress (**Photograph 18 of Annexure-4**)
- j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river (**Photograph 19 & 20 of Annexure-4**). The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

3.2. Report on the Action Taken by various Government Departments:

The Joint Committee requested the relevant information from the concerned department as per following list (**Table -1**) to prepare action taken report, as directed by Hon'ble National Green Tribunal.

Table-1. Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Details/Information Required	Concerned Department
1.	As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. The Action Taken Report in this regard is required from UEED and Revenue Department. XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River. The Action Taken Report (ATR) in this regard, is required.	Revenue and UEED.
2.	Total number of houses (STP wise) in the catchment of all three STPs ? Total Number of houses (STP wise) connected/to be connected to three STPs ? If possible, pls provide drain network for each STP.	UEED
3.	Status of completion of work in all three STPs (Component wise and separately for each STP) ? Time lines for completion of remaining work in all three STPs (separately for each STP) ? Status of CTO for operation of STPs ?	UEED
4.	Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.	J&K PCC
5.	Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months. Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.	MC, Udhampur

6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	MC, Udhampur
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	MC, Udhampur
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	J&K PCC
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	I&FC Department
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC.

ADC, Udhampur was requested to issue a letter to all the concerned departments, for providing the information to the Joint Committee latest by 18th July, 2023. Based on the information received by Joint Committee on the above points as on , the following is the report on the Action taken by various Government Departments in this matter (**Table 2**):

Table 2: Action taken by various Government Department on various issued related to the matter.

S.No	Particulars	Action Taken Report as provided by the concerned department.
1.	As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River.	UEED. The action taken report as provided by UEED is attached as Annexure-5. It was informed that the action on the order issued by Deputy Commissioner vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of river Devika from the upstream end of Ekta Vihar to MH Chowk was issued earlier also by District Administration Udhampur vide No. ACRU/SO/2262-67 dated 24/11/2020 and the Committee on 24/12/2020 headed by

		Tehsildar, Udhampur along with representatives of MCU, UEED, PMC and the Executive agency conducted site visit of the area (Details provided in Annexure-5).
2.	<p>Total number of houses (STP wise) in the catchment of all three STPs ?</p> <p>Total Number of houses (STP wise) connected/to be connected to three STPs ?</p> <p>If possible, pls provide drain network for each STP.</p>	<p>UEED. As per details provided by UEED:</p> <p>Total No. of houses presently available for sewer system in Zone 1,2 and 3 combined : 10232</p> <p>Total Number of houses connected/to be connected to three STPs: 9032</p> <p>STP 1 (Zone 1):5000 (To be connected)</p> <p>STP 2(Zone 2):2456 (Connected)</p> <p>STP 3 (Zone 3): 1528 (Connected)</p> <p>Drain Network attached with Annexure-5</p> <p>No. of houses dependent on septage Management system (60 KLD FSTP) : 1200</p>
3.	<p>Status of completion of work in all three STPs (Component wise and separately for each STP) ?</p> <p>Time lines for completion of remaining work in all three STPs (separately for each STP) ?</p> <p>Status of CTO for operation of STPs ?</p>	<p>UEED</p> <p>Status of Completion of work (Details provided in Annexure-5):</p> <p>STP1: Civil: 96% ; E/M: 95%</p> <p>STP2: Civil: 100%; E/M: 100%</p> <p>STP3: Civil: 100% ; E/M: 100%</p> <p>STP 1 & 2: 15th August, 2023</p> <p>STP3: 25th September, 2023</p> <p>Applied for CTO. Under process with J&K PCC.</p>
4.	Action taken by J&K PCC for dumping C&D Waste along the banks of Devika River, as observed during the visit.	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/4135-37 dated 28/10/2021, to Director, Urban Local Bodies, Jammu regarding implementation of C&D Waste Management Rules, 2016 and CPCB Guidelines (Annexure-6), with reference to directions of Hon'ble NGT in the matter of 606 of 2018.</p> <p>Letter no. PCC/RDJ/MSW/21/4330-35 dated 9/11/2021 issued to Deputy</p>

		Commissioner, Udhampur regarding identification of site for C&D Wastes mentioning terms & conditions for using the proposed site (Annexure-7).
5.	<p>Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months.</p> <p>Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.</p>	<p>MC, Udhampur</p> <p>Details not provided so far.</p> <p>Details not provided so far.</p>
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	<p>MC, Udhampur</p> <p>Details not provided so far.</p>
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	<p>MC, Udhampur</p> <p>Not provided so far.</p>
8.	Action taken by J&K PCC, for dumping MSW at proposed site for integrated MSW processing site without obtaining necessary permissions.	<p>J&K PCC</p> <p>Letter No. PCC/RDJ/MSW/21/3563-77 dated 31/10/2022, to Director, Urban Local Bodies, Jammu regarding obtaining CTE and CTO for the for solid waste management facilities (Annexure-8).</p> <p>J&KPCC vide No. JKPCC/RDJ/MSW/22/2181-85 dated 29/9/2022 issued final notice to Executive Officer, Municipal Committee, Udhampur, for “Open dumping of garbage by Udhampur Municipality and thereby causing severe health problems including air and land pollution” giving 7 days time to show cause as to why Environmental Compensation on “Polluter Pays’ Principle and based on the directions of Hon’ble NGT in the matters of OA No. 199 of 2014, OA No. 606 of 2018 and OA No. 247 of 2017 not be recovered (Annexure-9)</p>
9.	Action taken by Irrigation and Flood control Department, for dumping MSW in the river/drains and C&D Waste at the banks of Devika River.	<p>I&FC Department (Annexure-10)</p> <p>The job of dumping of MSW pertains to MC, Udhampur.</p> <p>According to I& FC Department, as far as dumping of C&D waste is concerned, it is submitted that no</p>

		construction activity is being carried out by I&FC department at the banks of River Devika.
10.	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	UEED, I&FC Department UEED: Dredging/Removal of sludge is not in the scope of project under execution (Annexure-5)
11	Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.	DO, Udhampur, J&K PCC.

Following the site visit, a meeting was conducted with the complainant/applicant on 07/07/2023 to inquire if there were any additional issues or information they wanted to present to the Joint Committee. The applicant stated that they would be sharing further details in addition to what had already been submitted to the Hon'ble National Green Tribunal (NGT) through the Departmental Officer (DO), J&K Pollution Control Committee (PCC), Udhampur, for the consideration of the Joint Committee. The points related to environmental issues shared by the applicant to DO, Udhampur, J&K PCC are covered in the report.

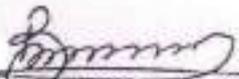
The following information requested by the Joint Committee is awaited from various Departments, for finalizing the action taken report, as directed by Hon'ble NGT:

Table 3: Information awaited from various Departments.

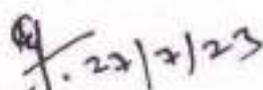
S.No.	Concerned Department	Information Awaited
1.	Revenue and UEED Udhampur	i) UEED and Revenue to clarify and incorporate in the report, if the structures/constructions observed by the Committee headed by Tehsildar (Annexure 5) are legal structures or encroachments, as alleged by the applicant.
ii)	MC, Udhampur	i) Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site. ii) Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?

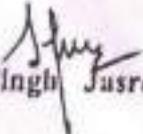
		iii) Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat iv) Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.
iii)	J&K PCC	i) DO, Udhampur, J&K PCC to confirm, if CTE and CTO have been obtained by MC, Udhampur or still operating without CTO. If operating without clearances/permissions, action taken by J&K PCC ii) DO, Udhampur, J&K PCC to incorporate in the report, the action taken by J&K PCC after expiry of 7 days' time given to MC, Udhampur and details of Environmental Compensation recovered from MC, Udhampur. iii) Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.

The above interim report of the Joint Committee is being submitted by the Joint Committee, before the Hon'ble National Green Tribunal, for consideration with a request for extension of time line upto August 12, 2023, to file the final report. The Joint Committee shall abide by the further orders of Hon'ble National Green Tribunal, in this matter.


Badar Hussain, J&KPCC


Er. Harpal Singh, I&FC


Dr. Narender Sharma, CPCB


Joginder Singh Jasrotia, JKAS,
ADC


Nelaputla Ashok Babu, IRS, MoJS

July 27, 2023

Annexure -1

Item No. 04

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 28.04.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER****Application is registered based on a complaint received by post/e-mail****ORDER**

1. This original application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has been registered on a letter petition dated 02.10.2022 sent by Rohit Padha, 87/7, Dhar-Road, Shaktinagar, Garrian Talab, Udhampur.

2. The issue raised is that there is a river Devika in District Udampur, UT of Jammu & Kashmir. On the bank of said river there is a huge illegal encroachment causing damage to the natural flow, flora and fauna of the river. Further, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is also being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

3. In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has

arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

4. CPCB shall be the nodal agency for coordination and compliance of this order.

5. List for further consideration on 01.08.2023.

6. A copy of this order be forwarded to CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 28, 2023
Original Application No. 176/2023
SN

Sr. no.	Name of officer	Dept.	Contact no	Signature
1.	Ray Gopal Sharma	UEED	9419175045	
2.	Sushil Razdan	UEED	9419009808	
3.	Dilwan Sharma, AEE	UEED	9419121216	
4.	Randhir Singh	UEED	9419133900	
5.	Mahesh Gupta	Atps PWA (consultant) UEED	7889811316	
6.	Harpal Singh	Senior Investigator	9419198468	
7.	Bader Hussain	DO pcc udhampur	9419188550	
8.	Devender Singh	Officer pcc udhampur	9419127656	
9.	Dr. Narender Sharma	CPCB	9814004377	 Auth. 6/7/2023
10.	Sh. N Ashok Babu	M.O.JS, Delhi	7588174955	
11.	Jaginder Singh Jorlu	ADM udhampur	9419114661	
12.	Dalip K. Ahrot	CEO M.C. Udhampur	7889563991	

Minutes of meeting (MoU) held on 06/07/2023 and Report of the Site Visit conducted by Joint Committee on 6-7 July, 2023 by the Joint Committee constituted under the orders of Hon'ble NGT in the matter of O.A.No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir

1. Background:

In the matter of O.A. No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir, Hon'ble National Green Tribunal vide order dated 28/4/2023 has observed and directed as follows:

“In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has 104615/2023/LAW-HO 1/2 2 arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udhampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

CPCB shall be the nodal agency for coordination and compliance of this order.”

Accordingly, in compliance of the Directions of Hon'ble National Green Tribunal, a joint Committee was constituted, based on the nominations received from various agencies, comprising of the following members:

1. Shri Nelapatla Ashok Babu, IRS, Director, National River Conservation Plan (NRCP), Ministry of Jal Shakti, Government of India
2. District Magistrate, Udhampur, Jammu and Kashmir
3. Nominee of Irrigation Department, Jammu & Kashmir
4. Shri Bader Hussain, AEE, Divisional Officer , Udhampur, J&K Pollution Control Committee
5. Dr. Narender Sharma, Additional Director, Central Pollution Control Board (CPCB), Regional Directorate, Chandigarh.

The first meeting of the Joint Committee was held on 06/07/2023 in the meeting room of the Dak Bungalow, Udhampur.

2. Minutes of the meeting (MoM) held on 06/07/2023:

The meeting of the Joint Committee held on 06/07/2023 was chaired by Shri Nelapatla Ashok Babu, IRS, Director, NRDC, GoI, New Delhi, which was attended by all the members of the Joint Committee and other officials representing UEED, Irrigation and Flood Control Department, J&K PCC, and District Administration (Attendance sheet attached as **Annexure-1**).

Shri Joginder Singh Jasrotia, JKAS, ADC, Distt. Udhampur attended the meeting on the behalf of District Magistrate, Distt. Udhampur.

Er. Harpal Singh, XEN attended the meeting as a representative of Chief Engineer, Irrigation & Flood Control Department, Jammu.

After a short introduction of the attendees, Dr. Narender Sharma, with the Chair's approval, proceeded to provide the participants with a comprehensive overview of the subject matter. Additionally, the meeting also included a discussion on the extent and focus of the Joint Committee's responsibilities and tasks.

It was observed that the applicant has raised the following key issues in the petition filed in the National Green Tribunal:

- Encroachment on the banks of Devika River (Gangera Hills to Nain Su)
- Dumping of the waste by the Devika Project comprising of three STPs (8 MLD. 4 MLD and 1.6 MLD) into the river.
- Dumping of domestic and sewerage waste through encroached area by 109 civil Houses, 3 Army Colonies, 7 hotels, 37 shops, 5 Car Washing Stations, 3 hospitals, 3 banquet halls etc.
- Mismanagement of Municipal Solid waste by Municipal Corporation including dumping of the waste into the river.

Shri Nelapatla Ashok Babu insisted that the entire stretch of the Devika River, from Gangera Hills to Nain Su, should be included in the investigation, along with assessing the status of Sewage Treatment Plants (STPs) and addressing other points mentioned in the NGT Order and petition filed in the National Green Tribunal.

It was agreed that following the site visit, the CPCB Member would compile a comprehensive list of necessary documents required from various departments to conclude the matter. This list would be issued to the respective departments through the District Magistrate/Additional District Magistrate of Udhampur District, for obtaining the required information and documents within a specified time frame.

Furthermore, it was agreed upon that a draft report comprising of both “Factual Report” and the “Action Taken Report” (ATR) would be prepared and circulated to all members of the Joint Committee no later than July 18, 2023, for seeking comments from the committee members, allowing for the finalization of the report by July 23, 2023. The nodal agency (CPCB), would then submit the report to the Hon'ble National Green Tribunal after obtaining approval of the Competent Authority.

Additionally, it was unanimously decided that the Joint Committee would conduct a site visit immediately following the ongoing meeting. The site visit would extend to the following day, July 7, 2023, to ensure a comprehensive examination of all the relevant points raised in the present matter.

The meeting ended with the vote of thanks to the Chair.

=====

3. Report of Site Visit:

06/07/2023:

The Deputy Commissioner, Shri Sachin Kumar Vaishy, IAS, also accompanied the Joint Committee during the site visit.

During the site visit conducted on July 6, 2023, the Joint Committee focused on the following areas and points:

- i. Devika Ghat and the location where Doodh Ganga Nalla merge with the Devika River.
- ii. Upstream and downstream areas of Devika Ghat.
- iii. Five out of the total eleven nallahs/drains that meet the Devika River.
- iv. Three Sewage Treatment Plants (STPs): STP Zone 1 (8 MLD); STP Zone 2 (4 MLD) and STP Zone 3 (1.6 MLD).

The following are the key observations made by the Joint Committee during the site visit:

- i. At Devika Ghat, the Devika River was found to be heavily contaminated with sludge, leaving minimal space for natural water purification processes.
- ii. The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river.
- iii. Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river.
- iv. The installation of a 4 MLD STP and a 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode. However, the installation of an 8 MLD STP is still in progress. The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented.
- v. It was noted that the flow meters installed at both the 4 MLD and 1.6 MLD STPs are inaccessible. Furthermore, the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed. The installation of centrifuges for sludge dewatering in the STPs is also pending.

The following points will be covered by the Joint Committee during the visit to be conducted on 07/07/2023.

- i. Inspection of complete stretch of Devika river from Gangera Hills to Nain Su.
- ii. C&D waste site of Devika Project.
- iii. MSW disposal site of Municipal Corporation, Udhampur

07/07/2023:

The following are the observations made by the Joint Committee during site visit on 07/07/2023:

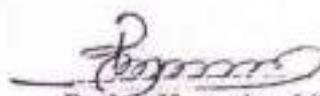
- i. Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River. Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project.
- ii. While inspecting the Sewage Treatment Plants (STPs) on 06/07/2023, the representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been effectively reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners. To ascertain whether the disposal of C&D waste complies with the project proposal approved by the Government, further information is being requested from the project proponent.
- iii. The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress.

iv. Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river. The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If this issue is not addressed promptly, this site will also become another legacy waste site in the near future.

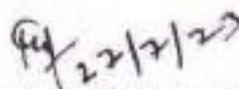
Further details have been requested from the MC representative in Udhampur to assess compliance with various provisions of the MSW waste rules at both sites.

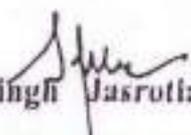
The Joint Committee has taken geo-tagged photographs of all the relevant points and locations visited during the site visit. These photographs will be incorporated into the report, providing a comprehensive analysis.

Following the site visit, a meeting was conducted with the complainant/applicant on 07/07/2023 to inquire if there were any additional issues or information they wanted to present to the Joint Committee. The applicant stated that they would be sharing further details in addition to what had already been submitted to the Hon'ble National Green Tribunal (NGT) through the Departmental Officer (DO), J&K Pollution Control Committee (PCC), Udhampur, for the consideration of the Joint Committee.


 Bader Hussain, J&KPCC


 Er. Harpal Singh, I&FC


 Dr. Narender Sharma, CPCB


 Joginder Singh Jasrotia, JKAS,
 ADC


 Nelupatla Ashok Babu, IRS, MoJS

Annexure-4



Photograph 1: Devika River contaminated with Sludge and Silt at Devika Ghat



Photograph 2-4: Dumping of MSW and Plastic waste in River and drains



Photograph 5-7: Dumping of C&D wastes on the banks of Devika River downstream of Devika Ghat



Photograph 8-9: STP 2 and 3 under commissioning trial run



Photograph 10: STP 1 (8 MLD) under Installation



Photograph 11: Devika River at Gangera Hill which serves as source of its water



Photograph 12: Devika River at Nain Su downstream of Devika Project



Photograph 13-17: C&D Waste dumping locations



Photograph 18: MRF Facility at Legacy waste site



Photograph 19: Dumping of fresh MSW waste at proposed integrated processing site without obtaining clearances/permissions



Photograph 20: Dumping of fresh MSW waste at proposed integrated processing site without obtaining clearances/permissions

Annexure 5

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**Re: NGT Matter of OA No 176 of 2023 Rohit Padha Versus Union Territory of Jammu &**

From: eesdwestjammu@gmail.com

To: Narender Sharma

No. of houses presently available for sewer system in Zone 1,2 and 3 combined : 10232

No of houses to be connected with sewer line upto STP : 9032

No. of houses dependent on septage Management system (60 KLD FSTP) : 1200

-With regards

Er. Vijay Singh Manhas
Executive Engineer
Sewerage & Drainage Division (West)
Jammu.

Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Details/Information Required	Action Taken by UEED
1	<p>As per Letter issued by Deputy Commissioner, Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, to Chief Engineer, J&K, UEED, XEN UEED was directed to identify areas of encroachments on the banks of River Devika and conduct a survey to prevent encroachment in collaboration with Revenue department and put up a proposal. The Action Taken Report in this regard is required from UEED and Revenue Department.</p> <p>XEN, UEED was directed to identify sites where nearby houses are source of pollution in Devika River. The Action Taken Report (ATR) in this regard is required,</p>	<p>The action on the order issued by Deputy Commissioner Udhampur vide No. 444-46/Admin/RTI dated 22.9.2021, for identifying areas of encroachment was already taken as the similar order for survey in identifying areas of encroachment on the banks of River Devika from the upstream end of Ekta vihar to MH chowk was issued earlier also by District Administration Udhampur vide no: ACRU/SQ/2262-67 dated: 24.11.2020 and the committee on 24.12.2020 headed by Tehsildar Udhampur along with representatives of MCU, UEED, PMC and Executing agency conducted site visit of the areas where the executing agency has shown his inability to lay sewer network due to resentment of public at some spots. (List of structures on Devika bank with layout plan attached for reference)</p> <p>The revenue officer after ascertaining the status with regard to ownership of the land discussed with few building owners whose houses were constructed on the bank of River Devika. All the occupants were requested for allowing a corridor from within their premises to lay the sewer network with the assurance that the minimum damage to their structure if so caused shall be restored by the executing agency. None of the occupants raised any objection and accepted to allow for execution of work. (Minutes of Committee report attached)</p> <p>Further the present status of the work is that 95% House hold connections of residential/commercial houses constructed on the banks of River Devika from Ekta vihar to MH chowk have been connected with sewer network and the liquid waste coming out from these houses is flowing in the piped sewers to STP and work of house connections for balance 5% is in progress, thus Devika River on this stretch shall be completely free from liquid waste.</p>

2	<p>Total number of houses (STP wise) in the catchment of all three STPs ? Total Number of houses (STP wise) connected/to be connected to three STPs? If possible, pls provide drain network for each STP.</p>	<p>Total No. of Houses proposed to be connected with 3 STP= 9032 STP-1 : 5000 No's STP-2: 2473 No's STP-3: 1559 No's Total (3STP's) : 9032 No's No. of Houses connected/to be connected: STP-1/zone-1: 5000 (To be connected) STP-2/zone-2: 2456 (connected) STP-3/zone-3: 1528 (connected)</p>
3	<p>Status of completion of work in all three STPs (Component wise and separately for each STP)? Time lines for completion of remaining work in all three STPs (separately for each STP) ? Status of CTO for operation of STPs?</p>	<p>Status of completion of work: STP-1: Civil works:96% & E/M works: 95% STP-2: Civil works:100% & E/M works: 100% STP-3: Civil works:100% & E/M works: 100% STP 2&3 have been put on Trial Run subject to few Punch items i.e. Installation of Centrifuge System & SCADA/online monitoring system wef 1st May & 1st June-23 respectively Time lines for completion of balance work: STP-1 : Proposed to be put on Trial Run by 10/12th Aug 23 with minimum 1500 HHC and the balance HHC by 25th Sept 23 STP-2 & 3 :Installation of Centrifuge System & SCADA & online monitoring system shall be completed by 15th Aug 23 Status of CTO for operation of STPs: under process with JKPCC</p>
10	<p>Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat</p>	<p>Dredging /Removing of sludge is not in the scope of the project under execution.</p>

Handwritten signature

Handwritten signature
Executive Engineer
Sewerage & Drainage Div. (West)
JAMMU



Name of the Project: Pollution abatement of river Devika and river Tawi at Udhampur town under NRCP Govt. Of India

Subject: Removal of Encroachment along river Devika for the construction of aforementioned work

*****Minutes Of Joint Visit*****

In pursuance to instructions from Deputy Commissioner Udhampur, vide his office letter no. ACRU/SQ/2262-67 dated 24/11/2020 issued by Assistant Commissioner(Rev) Udhampur, a joint visit by Revenue Authorities headed by Tehsildar Udhampur, Khalaf-Warzi officer from Municipal Council Udhampur, UEED Officers and executing agency of the sewage project (BGCC's) Senior Project Manager was conducted on 24/12/2020.

To begin with all the team members assembled at upstream end of proposed sewerage network at Ekta Vihar site and were explained about all the features of the project and various impediments/encroachments coming across the proposed layout along the left and right banks of river Devika. The revenue officer after ascertaining the status with regard to ownership of the land discussed with the following occupants of three buildings constructed on river banks

1. Raju Devi R/O Housing Phase II near Bridge Ph: 9086336405
2. Babu Ram Kotwal R/O Ekta Vihar (Rehmti) Ward no 19 Ph: 7006441102
3. Rajinder Kumar (R.K Traders) R/O Housing Phase II near Bridge

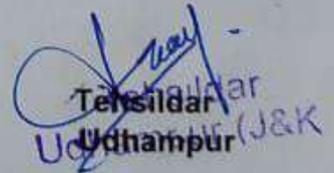
All the occupants were requested for allowing a corridor from within their premises to lay the sewage network with the assurance that minimum damage to their structures if so caused shall be restored by the executing agency. None of the occupants raised any objection and accepted to allow for execution of work.

This being a short visit due to pre-occupation of revenue authorities concluded with assurance from Tehsildar, Udhampur with staff and Khalaf-Warzi officer M.C Udhampur that this derive against encroachment shall continue unabatedly for successful achievement of the corridor for the network throughout the length of river Devika upto M.H chowck on both the sides and thus all the visiting members unanimously and responsibly decided that the executing agency BGCC shall immediately mobilize all the resources for starting the execution of sewage network from upstream end at Ekta Vihar and any problem regarding encroachment of land or outcry from any section of the society shall be instantly and responsibly addressed. On this the SPM of BGCC expressed affirmation and joint visit was concluded


SPM(BGCC)


J.E(UEED)


Khalaf-Warzi Officer
(MC, Udhampur)


Tehsildar
Udhampur

Issued by- Er. **S.K Gupta** (Team Leader)
For ALPS-PMR (Devika PMC)



ALPS Engineers - PMR Associates

Water, Waste Water, Solid Waste and Urban Infrastructure

Corporate Office: 701, 7th Floor, Jaina Towers, RDC, Raj Nagar, Ghaziabad -201001

Branch Offices: Srinagar Jammu Itanagar Udhampur



201

No: Devika/Udhampur/52
Dated:28/12/2020

52

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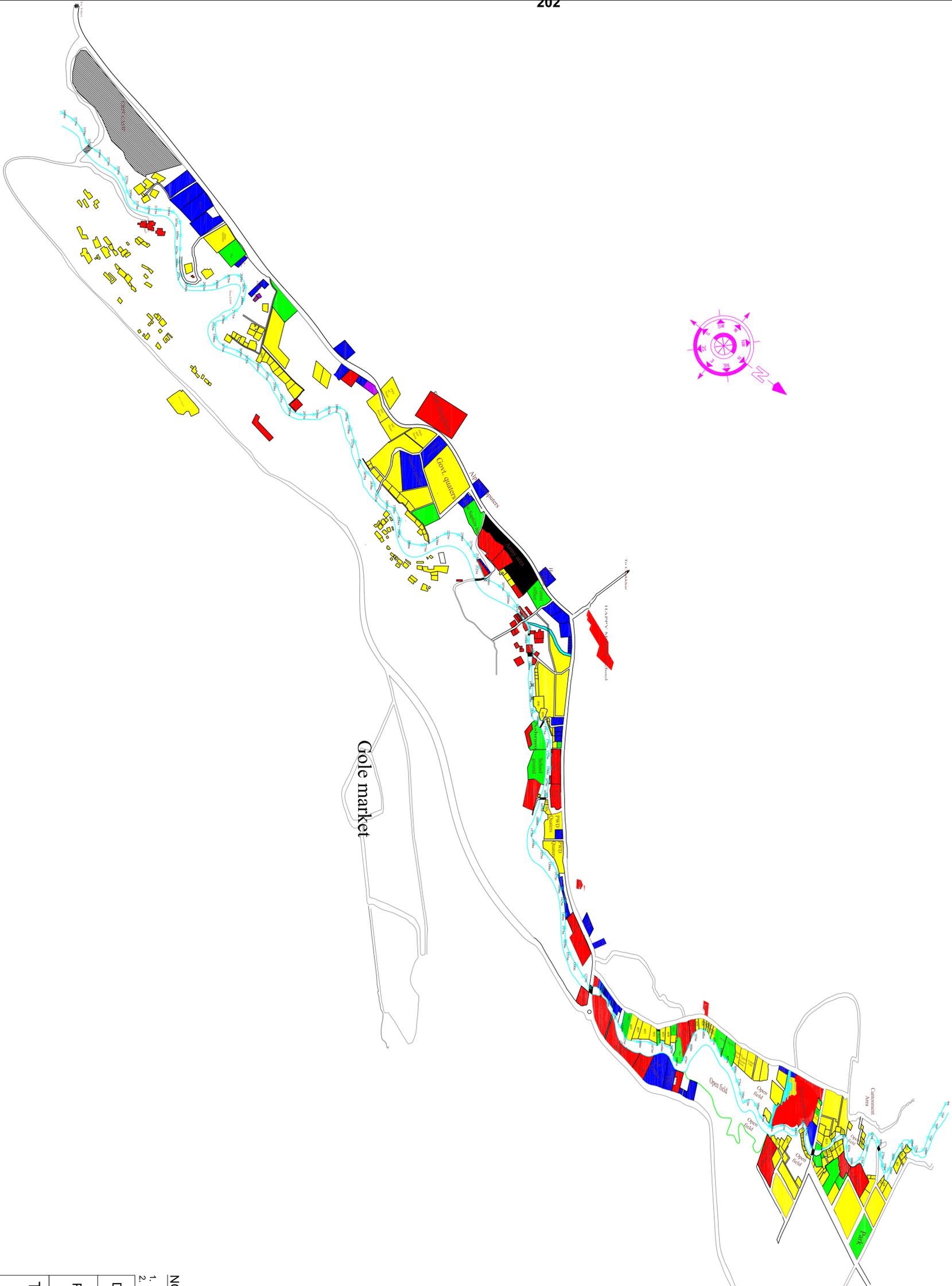
1. Chief Engineer – UEED, Jammu & Kashmir– for kind information
2. Superintendent Engineer – Sewerage Circle UEED, Jammu– for kind information
3. Executive Engineer – Sewerage & Drainage Division (west) UEED, Jammu– for kind information with the request for onward submission to Deputy Commissioner Udhampur and other concerned agencies
4. AEE Sewerage Sub Division – II, Jammu– for information and necessary action please.
5. M/s Brij Gopal Construction Company Pvt. Ltd. – for necessary action urgently

ALPS Engineers - PMR Associates

Water, Waste Water, Solid Waste and Urban Infrastructure

Corporate Office: 701, 7th Floor, Jaina Towers, RDC, Raj Nagar, Ghaziabad -201001

Branch Offices: Srinagar Jammu Itanagar Udhampur



To Jakhaini Park

Legend

Devika River	
Roads	
Houses	
Shops	
Factory	
Public/Semi Public	
Open Area	
Reduced Distance intervals	
Total Length of Devika River	3325 m
From Housing colony to Link Road Bridge	

NOTES:-

1. ALL DIMENSIONS ARE IN m. UNLESS OTHERWISE SPECIFIED.
2. DO NOT SCALE WORK. TO WRITTEN DIMENSIONS ONLY.

DEPTT	UEED, JAMMU (J&K)	
PROJECT	POLLUTION ABATEMENT OF RIVER DEVIKA & TAWI AT UDHAMPUR, (J&K)	
TITLE	Encroachment along Devika River	 ALPS ENGINEERS 701, 7th FLOOR, JAINA TOWER, RAJ NAGAR, GHAZIABAD - 2011001 Telefax : 0120 -4544818 E mail : erkb_69@hotmail.com

Details of structures along either side of Holy River Devika at Udhampur from Housing colony to link road bridge of length 3.32 kms under the project of pollution abatement of Holy River Devika and River Tawi at Udhampur (J&K)

A. Abstract of buildings

S.NO.	Types of buildings	Number of buildings
1.	Residential	41
2.	Commercial	5
3.	Schools	1
4.	Banquet halls	2
5.	Temples	6
6.	Taxi stand (government)	1
	Total	56

B. Details of structures constructed on the Banks of Devika River at Udhampur.

(Distance in mtrs.)

Building / Structure No. (as marked on the map)	Distance from Housing Colony to link road bridge near Omara Mohk	Length of building / Structure along Devika River	Distance of building from bank of Devika River		Type of Building / Structure
			On left bank	On right bank	
1	150 m	26.00	0.20	-	Residential House 1
2	175 m	11.51	1.90	-	Residential House 2
3	200 m	22.14	1.10	-	Residential House 3
4	235 m	9.30	0.00	-	Residential House 4
5	240 m	8.80	0.00	-	Residential House 5
6	345 m	7.60	-	4.00	Residential House 6
7	350 m	8.00	-	0.00	Residential House 7
8	425 m	16.80	0.00	-	Residential House 8
9	470 m	24.25	0.00	-	Residential House 9
10	475 m	12.70	0.00	-	Residential House 10
11	490 m	7.50	0.00	-	Residential House 11
12	500 m	7.90	0.00	-	Residential House 12
13	450 m	7.30	-	0.00	Residential House 13
14	475 m	11.60	-	3.30	Residential House 14
15	500 m	23.50	-	0.00	Residential House 15

16	525 m	14.50	2.20	-	Residential House 16
17	535 m	9.80	2.20	-	Residential House 17
18	540 m	14.20	2.40	-	Residential House 18
19	545 m	14.00	2.80	-	Residential House 19
20	550 m	21.90	0.00	-	Residential House 20
21	620 m	10.00	3.50	-	Residential House 21
22	645 m	28.20	1.60	-	Residential House 22
23	875 m	7.00	-	0.00	Residential House 23
24	880 m	10.00	-	0.00	Residential House 24
25	885 m	3.30	-	0.00	Residential House 25
26	890 m	5.00	-	0.00	Residential House 26
27	895 m	3.60	-	0.00	Residential House 27
28	900 m	9.25	-	0.00	Residential House 28
29	915 m	7.50	-	0.00	Residential House 29
30	1025 m	11.00	-	0.50	Residential House 30
31	1050 m	8.20	-	1.00	Residential House 31
32	1075 m	16.75	-	4.00	Residential House 32
33	1095 m	20.40	-	4.90	Residential House 33
34	1105 m	12.15	-	3.40	Residential House 34
35	1120 m	9.00	-	0.00	Residential House 35
36	1625 m	11.80	-	0.00	Residential House 36
37	1630 m	9.50	-	0.00	Residential House 37
38	1640 m	5.50	1.30	-	Residential House 38
39	1800 m	15.50	-	0.00	Residential House 39
40	1825 m	24.20	-	0.00	Residential House 40
41	2600 m	9.20	-	3.5	Residential House 41
42	1150 - 1225 m	78.20	-	0.00	Commercial market at MH chowk
43	1395 - 1470 m	76.20	-	0.00	Commercial market opp. Sharika temple
44	1050 m	31.20	0.00	-	J.P Timber
45	1025 m	26.30	0.00	-	A - Z tiles
46	525 m	36.00	-	0.00	Godown near housing colony

47	985 m	15.00	0.00	-	Sacred Era school
48	550 - 645 m	91.30	-	0.00	Raiwayat Palace
49	375 - 425 m	55.50	0.00	-	Thappa Palace
50	1275 m	17.60	0.00	-	Taxi stand
51	1625 - 1735 m	109.40	-	1.00	Union Church
52	1200 m	59.00	0.00	-	Guru RaviDass ji temple
53	1900 m	15.80	-	0.00	ShanNi Temple
54	1925 m	14.00	0.00	0.00	Devak Mata temple
55	2500 m	16.00	-	3.30	Shiv temple
56	2125 m	34.00	-	0.00	Shiv temple

205

56

For Harry [Signature]

FOR ALPS ENGINEERS,
Raj Nagar, Gazlabad,
7th Floor, Jaina Tower,
Pin Code: 201001



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbimu@gmail.com; Tele/Fax: 091-2476926

NGT MATTER
 OA No. 606/2018

The Director,
 Urban Local Bodies,
 Jammu.

No.: PCC/RDJ/MSW/21/4135-37

Dated: 28/10/2021

Sub: Implementation of Construction & Demolition waste management Rules, 2016 and CPCB guidelines issued thereof-regd.

Sir,

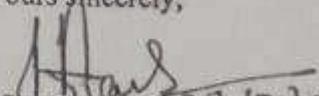
With reference to the subject matter regarding implementation of C&D waste management Rules, 2016, nothing concrete has been heard from your side till date. Your kind attention is further drawn towards few important duties of Urban Local Bodies as per Rule 6 (1, 4, 5, 10 & 11) under Construction and Demolition Waste Management Rules stated as below:

1. Issue detailed directions with regard to proper management of C&D waste within its jurisdiction in accordance with the provisions of these rules and shall seek detailed plan or undertaking as applicable from bulk generators of C&D waste;
2. Shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
3. Get the collected waste transported to appropriate sites for processing and disposal either through own resources or by appointing private operators;
4. Create a sustainable system of information, education and communication for C&D waste through collaboration with expert institutions and civil societies and also disseminate through their own website;
5. Make provision for giving incentives for use of material made out of construction and demolition waste in the construction activity including in non-structural concrete, paving blocks, lower layers of road pavements, colony and rural roads.

Pertinent to mention here that Recycling of C& D waste is important as it helps to reduce the dependence on natural resources and eliminates adverse environmental impacts of mining. Moreover, recycling of C&D waste has additional advantage of controlling the quantum of C&D waste destined for disposal at landfills besides reducing transportation costs.

As such, you are again requested to look into the matter and ensure compliance of the Hon'ble NGT directions in the matter of O.A. 606/2018 with respect to compliance under Rules for C&D waste, being one of the thematic areas identified.

Yours sincerely,


 (Sat Paul) IFS 27.10.2021
 Regional Director
 J&K PCC, Jammu

Copy for information to

- i. Member Secretary, J&K Pollution Control Committee, Jammu.
- ii. All DOs, JK PCC, Jammu for information and necessary action.
- iii. Concerned File.

D.O (Udh.)

2023.07.20 16:51



Government of Jammu and Kashmir
 J&K POLLUTION CONTROL COMMITTEE
 OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbmu@gmail.com
 Tele/Fax: 091-2476926

The Deputy Commissioner,
 Udhampur.

Date : 09 /11/2021

No.: PCC/RDJ/MSW/21/ 4320-25
 Sub: O.A. 606/2018 compliance of C&D Waste Management Rules, 2016 –Identification of site
 for collection / storage of C&D waste by Municipal Council, Udhampur -reg.
 Ref: MCU/2021-22/233; dt: 27.10.2021.

Sir,

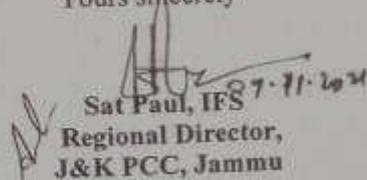
With regard to the subject and references mentioned above, it is to submit that the inspection of site measuring 10 kanals situated at Village Roun, District Udhampur was carried by the Committee comprising of Divisional Officer, PCC, Udhampur, and EO, Municipal Council Udhampur.

As per observations of the Committee, the proposed site apparently seems to be feasible for dumping / storage of construction and demolition waste, after proper leveling of the site, having medium slope.

Pertinent to mention here that concerned Municipal Council shall

- i). Issue detailed directions with regard to proper management of C&D waste within its jurisdiction in accordance with the provisions of these rules and shall seek detailed plan or undertaking as applicable from bulk generators of C&D waste;
- ii). Shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
- iii). Get the collected waste transported to identified site for processing and disposal either through own resources or by appointing private operators.
- iv). Provide an appropriate fencing and sign board outside the boundary wall of site / at site.
- v). Ensure development of buffer zone for C&D waste processing / Recycling facilities exceeding five Tonnes per day as per Buffer Zone Guidelines, 2019 issued by CPCB,

Yours sincerely


 Sat Paul, IFS
 Regional Director,
 J&K PCC, Jammu

Copy for information to

1. Divisional Commissioner, Jammu.
2. Member Secretary, J&K Pollution Control Committee.
3. The Director, Urban Local Bodies, Jammu.
4. Executive Officer, MC Udhampur for information and necessary compliance.
5. Divisional Officer, J&K PCC, Udhampur for information and necessary action.
6. Concerned File.

2023.07.20 16:49



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcbimu@gmail.com; Tele/Fax: 091-2476926

The Director,
 Urban Local Bodies,
 Deeli, Jammu.

No.: PCC/RDJ/MSW/22/ 3563-67

Dated: 31/10/2022

Sub: Consent to establish and operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 - regd. Solid waste processing facilities.

Ref: DULBJ/2022/1028; dt27/05/2022.

Sir,

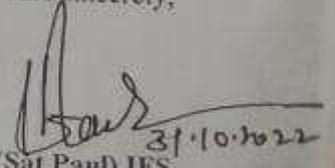
With regards to the subject cited and reference referred above and as per the annual report submitted by you vide No. DULBJ/2022/1028; dt27/05/2022. It is perused that

- i) There are five no. of solid waste processing facilities operational viz., Doda (STPD), Bhaderwah (STPD), Sunderwani (1.5TPD), Katra (200 KG) and Udhampur (1TPD).
- ii) There are two no. of MRF facilities in place, Viz katra (5TPD) and Udhampur (5TPD).
- iii) There are 16 no. of MRF facilities under construction & process to be taken up for 8 other Local bodies.

As such you are requested to ensure obtaining consent to establish and operate (CTE & CTO) for solid waste processing facilities (MC Doda, MC Bhaderwah, Sunderwani, Katra and Udhampur) through respective Executive Officers / Chief Executive Officers at the earliest.

Further it is pertinent to mention here that as defined under Rules there should be only dry waste (Non- compostable) waste collection, segregation, sorting and recovery of recyclables from various components of waste by authorized informal sector / any other work force engaged by the local body / any other entity before the waste is delivered for its processing or disposal. In case of additional line of activity, viz., processing of waste like composting / vermi composting / RDF within MRF facilities, *Consent to establish and operate* under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be obtained from JKPC.

Yours sincerely,


 31.10.2022

(Sat Paul) IFS
 Regional Director,
 J&K PCC, Jammu

Copy for information to

1. Member Secretary, J&K Pollution Control Committee, Jammu.
2. Deputy Commissioner, Doda, Rajouri, Reasi & Udhampur.
3. Divisional Officer, JKPC, Doda, Rajouri, Reasi & Udhampur for information and updation after 15 days.
4. Executive Officers / Chief Executive Officers, MC, Doda, Rajouri, Reasi & Udhampur for information and necessary action.
5. Concerned File.

2023.07.20 16:55



Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR-JAMMU
 Parivesh Bhawan, Gladni Transport Nagar, Narwal, Jammu-180006
 Email: regionaldirectorjkspcjmu@gmail.com; Tele/Fax: 091-2476926

Executive Officer,
 Municipal Committee,
 Udhampur.

No.: JKPC/ RDJ/MSW/22/ 2181-85

Date: 27-09-2022

Sub: Open dumping of garbage by Udhampur Municipality and thereby causing serve health problems including air and land pollution- show cause Notice for levying Environmental compensation.

- Ref:**
- i) No.: PCC/RDJ/MSW/21/1535-39; dt: 15/04/2021.
 - ii) No.: JKPC/LSJ/847/2019/571-74; dt: 18/10/2021.
 - iii) No.: PCC/RDJ/MSW/21/7927-31; dt: 07/12/2021.
 - iv) News published in Jagran city Newspaper dated 10th July, 2022

FINAL NOTICE

Whereas, you were served with show cause notice vide No. JKPC/LSJ/847/2019/571-74; dt:18/10/2021 to ensure implementation of SWM Rules, 2016 & Municipal Byelaws made there under.

Whereas, you were again served with another Notice from this office with advise to develop the said site identified as Material Recovery Facility only along with taking requisite steps to ensure compliance of relevant Rules and guidelines vide this office No. PCC/RDJ/MSW/21/7927-31; dt:07/12/2021 (Copy enclosed).

Whereas, as per fresh news article published in daily paper *Jagran City*, complete violation of the directions issued from this office, time to time with reports of burning of solid waste (News copy enclosed) has been observed, with heaps of mixed waste lying at the site.

Whereas, open littering of Solid waste is prohibited under Rule 9 (1 & 2) of J & K Non-Biodegradable material (Management, Handling and Disposal) Act, 2007, Rule 15 (g) of Solid Waste Management Rules, 2016 and Rule 6 (g) of Plastic Waste Management Rules, 2016 and burning of waste is also a punishable offence under above quoted Rules and as per directions issued by Hon'ble NGT dt: 22- 12- 2016 in OA 199 of 2014.

Whereas, the legacy waste collected at the Sui village, Udhampur, being an open dumping site shall be treated as per provisions laid under Guidelines for treatment of legacy waste, 2019 as per clause "J" of SWM Rules, 2016.

Whereas, the *modus operandi* adopted by you repeatedly for handling and disposal of solid waste has put the environment of the area to grave threat due to deterioration caused by pollution of ambient air and water besides irreversible damage to whole ecosystem.

Now, therefore, take this notice and show cause within 07 days from the issuance of this notice as to why Environmental compensation on the stone of Polluter Pays' Principle (PPT) and based on the directions of Hon'ble NGT in the matter O.A No. 199 of 2014, O.A. No 606 of 2018 & O.A, No. 247/2017 not be recovered from you.

Encl: As above

(Sat Paul) IFS
 Regional Director
 J&K PCC, Jammu

Copy for information to:

- i) Member Secretary, J&K Pollution Control Committee, Jammu.
- ii) Director, Urban Local Bodies, Jammu.
- iii) Deputy Commissioner, Udhampur.
- ✓ iv) Divisional Officer, Pollution Control Committee, Udhampur for information and submission of updated status report within a week's time.
- v) Concerned File.

2023.07.20 16:56

OFFICE OF THE EXECUTIVE ENGINEER JAL SHAKTI IRRIGATION
DIVISION UDHAMPUR.

Email Id: - ifcjmuirrigationdivudhampur@gmail.com

Phone No: - 01992-270985

Dr. Narender Sharma,
Additional Director,
Central Pollution Control Board (CPCB),
Regional Directorate, Chandigarh.

No: - IDU/- 1371 Dated: - 13-07-2023

Subject: - In the matter of O.A. No. 176 of 2023: Rohit Padha Vs. UT of Jammu & Kashmir, Hon'ble National Green Tribunal vide order dated 28/4/2023.

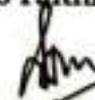
Sir,

Regarding point No: - 9, the reply is submitted as under:

The job of dumping of Municipal Solid waste (MSW) pertains to Municipal Council Udhampur. As far as dumping of C&D (Construction & Demolition) Waste is concerned, it is submitted that no construction activity is being carried out by the Irrigation & FC Department at the banks of river Devika.

Hence for information please.

Yours Faithfully



(Er. Harpal Singh Modi)
Executive Engineer
Jal Shakti Irrigation Division
Udhampur
(Nominee of Irrigation Deptt.
Jammu and Kashmir)

Item No. 07

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 17.10.2023

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

Respondent: Mr. Atif Suhrawardy, Adv. for CPCB

ORDER

1. This original application has been registered on the basis of a letter petition complaining about illegal encroachment and damage being caused to the natural flow, flora and fauna of the river Devika in District Udhampur, Jammu & Kashmir.

2. The Tribunal vide order dated 28.04.2023 had constituted a joint committee which has submitted interim report dated 31.07.2023 containing the following key observations:-

“3.1. Factual Report by the Joint Committee:

The following are the key observations made by the Joint Committee during the site visit:

a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes (Photograph 1 of Annexure-4)

b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste (Photograph 2-4 of Annexure-4)

c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river (Photograph 5-7 of Annexure-4).

d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLS STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode (Photograph 8 & 9 of Annexure-4). However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.

e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.

f) The installation of an 8 MLD STP is still in progress (Photograph 10 of Annexure-4) The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.

g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River (Photograph 11 of Annexure-4). Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project (Photograph 12 of Annexure-4)

h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners (Photographs 13-17 of Annexure-4).

i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress (Photograph 18 of Annexure-4)

j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river (Photograph 19 & 20 of Annexure-4). The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If

this issue is not addressed promptly, this site will also become another legacy waste site in the near future.”

3. The above observations of the joint Committee clearly reveal that no steps have been taken till now to restrict the discharge of sewage and municipal solid waste as well as plastic waste which is flowing through nallas and drains leading to the river. There is gross inaction on the part of the concerned authorities in preventing the pollution in river Devika, in violation of *Hon'ble Supreme Court in WP(C) No.375/2012 dated 22.02.2017: Paryavaran Surakshav. Union of India.*

4. In view of the above report, at this stage, we deem it proper to implead the following Respondents:-

- (i) Chief Secretary, UT of J&K;
- (ii) Principal Secretary, Urban Development, UT of J&K.
- (iii) Member Secretary, CPCB;
- (iv) Member Secretary, J&K PCC
- (v) Commissioner, Municipal Corporation, Udhampur;
- (vi) District Magistrate, District Udhampur; and

5. Let notice be issued to above Respondents by the Registry.

6. Learned Counsel appearing for the CPCB has submitted that the final report will be filed within one week. Meanwhile, CPCB and State PCC are directed to take appropriate remedial measures without any delay in light of the observations which have been made in the interim report and should further file comprehensive action plan and action taken report.

7. List the matter on 12.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

October 17, 2023
Original Application No. 176/2023
JG

OFFICE OF THE MUNICIPAL COUNCIL UDHAMPUR

The Additional Deputy Commissioner
Udhampur

NO: MCU/2023-24/4515-17

Dated: 05/12/2023

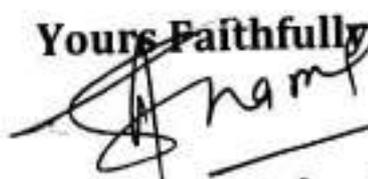
**SUB: ACTION TAKEN REPORT OF O.A NO. 176 OF 2023
ROHIT PADHA Vs. UT OF J&K.**

Sir,

With reference to the subject cited above, kindly find enclosed herewith the action taken report pertaining to Municipal Council Udhampur for favour of information and necessary action at your end please.

Encls: _____

Yours Faithfully


Chief Executive Officer
Municipal council
Udhampur

5/12/23

Copy to the:

- 1. Deputy Commissioner Udhampur for kind information please.**
- 2. Director Urban Local Bodies Jammu for kind information please.**

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

Details/Information required from various departments in the NGT matter of O.A. NO. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No	Particulars	Action Taken
5.	<p>Details of the MSW (Legacy Waste) processed by MC, Udhampur, during last six months.</p> <p>Action plan along with Time line for processing the remaining around 5500 MT legacy waste lying at site.</p>	<p>16500 MT of legacy waste has been processed and disposed by Municipal Council at an approximate cost of Rs 10585666.00 as per LOA DULBJ/2022/7584 Dated: - 31/12/2022 (Annexure A)</p> <p>5500 MT Which is present on the site was not processed due to overhead high-tension wire which is a serious safety concern. However, the site has developed greenery (Photographs at Annexure B) and MC Udhampur has proposed proper capping with plantation which shall be done preferably within a period of six months.</p>
6.	Status of obtaining necessary clearances/permissions for the proposed Integrated MSW processing site, where the dumping of MSW has already been started by MC, Udhampur ?	Consent to Operate has already been obtained by MC Udhampur for IMSW facility at SUI JHAKKAR (Copy enclosed at Annexure C)
7.	Action Plan along with time line for processing of the 5000 MT MSW dumped at the proposed site for Integrated MSW processing site.	<p>As per the observations pointed out by the Joint Committee a formal request was made to Director Urban local bodies for release of funds for development of site for processing centre at Maand which is around 40 KM from Udhampur Town.</p> <p>Director Urban Local Bodies Vide No: - DULBJ/P&S/NGT/4903-22 Dated: - 22/11/2023 conveyed approval of Activities under NGT's Action Plan under which an amount of Rs 1.50 crores has been allocated for development of site for processing centre (Copy Enclosed at Annexure D) and which shall be completed preferably within a period of Six</p>

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

		months after following the tendering procedure and other formalities.
8	Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat	<p>Municipal Council Udhampur time to time conduct sanitation drives at Devika River and installed iron mesh at vulnerable spots from preventing public from throwing garbage into Devika River (Photographs at Annexure E). Prohibitory Notice also issued in this regard annexed at "F." However due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat.</p> <p>However, a letter is also written to Director Urban Local Bodies vide No: - MCU/2023-24/4458-59 Dated: - 30/11/2023 requesting providing of funds for removal and dredging of Devika River at Devika Ghat or taking up with the matter concerned department either Irrigation & flood Control or UEED at the Administrative Level in this regard. (copy enclosed)</p>

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

***** (Email:- eoudhampur-jk@nic.in)

“Annexure A”

Government of Jammu and Kashmir,
Directorate of Urban Local Bodies, Jammu.

(Mail ID: dlujammu@gmail.com)
 (Website: www.ulbjammu.org)

No: DULBJ/2022/ 75 84

Dated: 31-12-2022

LETTER OF AWARD (LoA)

To,

Dezy Services
 Sunil Guest House, 2nd Floor Near Sheela Bypass
 Rohtak, Haryana- 124001
 Mobile No- 9813755746
 Email: dezyervices999@gmail.com

Sub: Letter of Award (LoA) for the assignment "Selection of Agency for undertaking
 Dumpsite/ Landfill Remediation through Biomining of Legacy Waste in Udhampur and
 Samba ULBs of Jammu Division."

Ref: 1. Tender no; DULBJ/eNIT/07/2022-23 dated 21.12.2022
 2. Technical Evaluation dated 28.12.2022
 3. Financial bid opening dated 30.12.2022

Dear Sir/Madam,

This is to notify that your proposal dated 27th December 2022 consisting of the Technical and Financial Proposals for Selection of Agency for undertaking Dumpsite/ Landfill Remediation work through Biomining of Legacy Waste in Udhampur and Samba ULBs of Jammu Division is accepted. In provision of RFP, your financial bid being the lowest amongst all bidders, you have been declared as L1 bidder and therefore this Letter of Award (LOA) is being issued to you for undertaking the captioned subject work in provisions of RFP, within stipulated timelines and price mentioned hereunder:

Sl. No	ULB	Total quantity (MT)	Quoted Rate/ MT in INR	Amount in INR
1	Udhampur	16,500	717.00	1,18,30,500.00
2	Samba	18,000	717.00	1,29,06,000.00
	Total	34,500	717.00	2,47,36,500.00

Note: Rates are inclusive of all taxes and above-mentioned quantity may vary by 10%.



“Annexure B”



Dumpsite/Landfill Remediation through Biomining of Legacy Waste at SUI, Udhampur

220

Union Territory of Jammu & Kashmir

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)



Greenery at Integrated MSW at SUI

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

ANNEXURE C



J&K Pollution Control Committee

Jammu/Kashmir
 (http://jkocmms.nic.in)

WHITE CATEGORY
 (Auto-generated under Ease of doing Business)

No. JKPCCC/digital/White/4226075

Dated: 22/11/2023

Chief Executive Officer

M/s WET WASTE PROCESSING FACILITY AT SUI JHAKKAR UDHAMPUR
 SUI JHAKKAR UDHAMPUR, Udhampur, 182101

S. No	Products to be manufactured	Quantity of Products
1	COMPOST	150KG

Whereas, as per directions issued by CPCB on 07.03.2016 u/s 18(1)(b) of Water and Air Acts for adopting Revised Classification of Industrial sectors and consequently JKPCCC (earlier JKPCB) vide letter No.SP/CB/Estb/CO/Gen/ICC/91/253-61 dated 29.04.2016 has adopted the revised classification of Industrial Sector in which White Category of Industries also falls.

And whereas, as per the revised classification, white category of Industries, there shall be no necessity of obtaining consent of the JKPCCC Board and an intimation to the JKPCCC shall be suffice.

And whereas, as per the undertaking given by the applicant online on jkocmms portal stating that its activity falls under white category as per revised classification of industries/activities, the exemption certificate is being generated online on the basis of undertaking provided by the unit holder which shall suffice the requirement of Consent to Establish/Consent to Operate, subject to following conditions :

1. The Exemption Certificate is issued based on the undertaking on the application form ensuring that the activity is strictly as per the white category mentioned in the revised classification criteria of industries mentioned in UCM issued by CPCB.
2. In case of any change in the process(es) or activity(ies) leading to change of the categorization of the activities under White Category to some other Category, application for Consent to Establish & Consent to Operate under the Air and Water Acts and other applicable Rules under the Environment (Protection) Act, 1986, as amended to date, shall be submitted to JKPCCC online portal and such activity(ies) shall not be carried out without taking prior Consent from JKPCCC.
3. The Industry / unit shall abide by the affirmations and declarations given in the undertaking / self declaration given by unit holder and shall be liable for penal action as per the provisions of Environmental laws if wrong information/declaration is found provided by the unit holder in the online application form.
4. This Certificate is being issued without any prejudice to any action liable to be taken in lieu of any violation committed by the applicant or the concealment of any fact.
5. In case of violation of above mentioned conditions or any public complaint, the exemption shall be withdrawn.

*this exemption is issued purely from environmental angle and the JKPCCC shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.

(This is auto-generated and does not require any authentication / signature).

Copy to :-

- 1). Member Secretary, JKPCCC for information.
- 2). Regional Director Jammu/Kashmir for information.
- 3). General Manager DIC Udhampur for information.
- 4). Divisional Officer PCC Udhampur for information and with the directions to monitor conditions stated above.
- 5). M/s WET WASTE PROCESSING FACILITY AT SUI JHAKKAR UDHAMPUR for compliance of the above said conditions.
- 6). Office file.

Consent to Operate

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

***** (Email:- eoudhampur-jk@nic.in)

ANNEXURE D

**Government of Jammu & Kashmir,
 Directorate of Urban Local Bodies, Jammu**
 (Rail Head Complex, Near Chief Architect Office, Jammu)

Office: 0191-247801
 1000BamneriLajpatti, Jammu

Office: 0191-247801
 (Website: www.dulb.gov.in)

Chief Executive/Executive Officers,
 Municipal Councils/Committees,
 Udhampur/Kathua/Katra/Parole/Akhnoor/Ramban/
 Surankote/Kishtwar/Bari-Brahmna/Sunderbani/Samba/
 Khour/Thanamandi/Basholi/Reasi/Doda/Rajouri/Bhaderwah.

No:- DULB/P&S/NGT/4903-22 **Dated:- 11.11.2022**
Sub:-NGT's Action Plan – approval of activities thereof.

Sir,

Deputy Director (Planning), Housing & Urban Development Department, Civil Secretariat Jammu vide letter No.HUD-PLANDCAPX/26/2023-01-(7202204) dated 22.11.2023 (copy enclosed) has conveyed that NGT's Action Plan under OA. No.606/2018 pertaining to this Directorate has been approved by worthy Chief Secretary Jammu & Kashmir.

In this context, it is enjoined upon you to go through the same and request the concerned Executive Engineer PWD(R&B) to prepare the estimates as per the annexure-II (approach road, Chain link fencing of MRF sites, dev. of MRF site, boundary wall, retaining wall, protection wall etc) of the work pertaining to your ULB so that works are put to tender and complete during the current financial year. Action taken report should reach this directorate within two days.

Yours faithfully

Encls:- 05 lvs.


Director
Urban Local Bodies
Jammu.

Copy to the:-

1. Deputy Director (Planning), Housing & Urban Development Department Civil Secretariat Jammu/Srinagar.
2. Private Secretary to Principal Secretary to Govt, Housing & Urban Development Department, Civil Sectt. Jammu for information of the Principal Secretary.

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

		(Rs. in crore)		Annexure-II	
Katra Municipal Committee		Unit	Cost/Unit	Total	Justification
1	Development of Site for Processing Centre in Katra	1	2.00	2.00	It is pertinent to mention that, allocated site is at Tantalab, which is located on two hills slope with hillside in between. To make the site compatible and approachable by Collection and Transportation vehicle. Maximum site area need to be developed by cutting and leveling of required area to establish processing Centre. No other plain site is available in Katra town.
2	Chain Fencing of all 100Kanal land MC Katra	1	1.00	0.30	Required for Safety Purpose and also to avoid stray animals and local public intervention
3	Approach Road for Processing Plant Katra	1	1.50	1.50	Approach road of 1KM need to be develop to avoid wear and tear of Collection and Transportation vehicle. It will also increase life of vehicle and make the plant easy approachable.
Udhampur Municipal Council					
4	Development of Site for Processing Centre in Udhampur	1	1.50	1.50	Current Situation at site is different, as land provided by revenue department is at mountain. It is pertinent to mention that, allocated site is at Maind, which is 32 KM far away from ULBs limit, which is located on hill. To make the site compatible and approachable by Collection and Transportation vehicle. Maximum site area need to be developed by cutting and leveling of required area to establish processing Centre. No other plain site is available in Udhampur town.
5	Chain link fencing at Sal Chakkar MRF Udhampur	1	0.25	0.25	Required for Safety Purpose and also to avoid local intervention
Kathua Municipal Council					
6	Development of Site for Processing Centre in Kathua	1	1.00	1.00	To make the site compatible and approachable by Collection and Transportation vehicle. Maximum site area with approach road is to be developed to establish processing Centre.
7	Chain link fencing at MRF Site Kathua	1	0.40	0.40	Required for Safety Purpose and also to avoid local intervention and avoiding street animals to enter processing centre.

Funds Released for Development of Site



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Union Territory of Jammu & Kashmir

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)





Sanitation Drives at Devika River



227

Union Territory of Jammu & Kashmir

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)



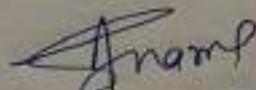
Installation of Iron Mesh at MH Chowk

OFFICE OF THE MUNICIPAL COUNCIL UDHAMPUR**Public Notice**

The Udhampur Town is also well-known city for the Devika River and the Devika river is also known as the sister of the river Ganges. The river holds religious significance and it is the responsibility of all the citizens to maintain its cleanliness and throwing garbage here and there will make the Holly River dirty and it is the first duty of each and every inhabitant to take care of it and to meetup the garbage collection dustbins has been installed at different points or handover the garbage to vehicle of Door to Door collection of waste from your respective houses.

Now, through the medium of this public notice, it is informed to all the citizens particularly residing the surroundings of the Devik River to avoid littering/throwing the garbage in and around the river and take care of it from today, if any person found littering/C&D waste in and around the river necessary action deemed fit under rules shall be taken alongwith imposition of fine and legal action.

No:- MW/2023-24/4458-59
dt:- 30/11/2023


Chief Executive Officer
Municipal Council
Udhampur.

Copy to the:

1. Deputy Commissioner, Udhampur for kind information.
2. Sanitary Inspector, Municipal Council, Udhampur with the directions to play the same daily through Door to Door collection vehicles for information of public of the town and remain vigil towards the violators.

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.

***** (Email:- eoudhampur-jk@nic.in)

Union Territory of Jammu & Kashmir
Office of the Municipal Council Udhampur.
 ***** (Email:- eoudhampur-jk@nic.in)

The Director,
 Urban Local Bodies,
 Jammu.

No: -MCU/2023-24/ 4464-66

Dated: 01/12/2023

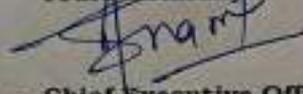
Sub: Visit of Joint Committee in the matter of O.A. No. 176 of 2023.

R/ Sir,

Kindly refer the subject noted above. In this connection, it is submitted that a Joint committee was constituted in compliance to the directions issued by Hon'ble National Green Tribunal in the matter of **O.A. No. 176 of 2023 Rohit Padha Vs. UT of Jammu and Kashmir** about Devika River in which serious observation was raised regarding Action Plan along with time line for removing sludge and dredging of Devika River at Devika Ghat. Municipal Council Udhampur with its limited manpower carries out special sanitation drives from time to time. However due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat.

As such, it is requested to your good self that either funds shall be released for removing sludge and dredging of Devika River or matter may kindly be taken up with the concerned department either Irrigation & flood Control or UEED at administrative Level in this regard.

Yours faithfully



**Chief Executive Officer
 Municipal Council
 Udhampur.**

Copy to the:

1. Deputy Commissioner, Udhampur for favor of information please.
2. Additional Deputy Commissioner, Udhampur for favor of information please.
3. Divisional Officer, J&K PCC for for favor of information please.
4. Office record file.

S.No.	Information	Reply from JKPCC Udhampur
11	<p>Status of obtaining CTO by 7 Hotels, 5 Car washing stations, 3 hospitals and 3 banquet halls and compliance of the conditions of CTO and Authorization granted to these Unit.</p>	<p>Status of obtaining CTO by (i) 07 Hotels as mentioned in the complaints:- Out of seven hotels 03 hotels are running with CTO of JKPCC and operational under norms as well. JKPCC has issued final notices to 3 hotels and thereafter also recommended for closure proceeding vide this office letter No-PCC/Udh/DO/2023/239 dated-04.12.2023 and closure orders shall be issued shortly after approval from competent authority. Moreover closure order has been already issued by JK PCC to one hotel namely Hotel Singh Axis.</p> <p>(ii) 5 Car Washing:-Legal notices have been issued to these Car washing units and unit holders have replied with pleading that sewerage network is being connected by UEED in the town and they have also approached to the concerned dept. to connect their effluent system with sewerage network of nearby STP which is still under progress. However action shall be initiated if they fail to get their effluent system connected with sewerage network of said STP.</p> <p>(iii) 3 Hospitals:-Out of these three hospitals there is one bedded hospital which has installed the STP of required capacity and has also obtained necessary CTO/authorization of JKPCC whereas the second one is non-bedded Health care facility who has constructed captive septic tank/soakage pit and also having authorization of JKPCC. At present it is not discharging sewage into devika river. Further the third one is Army Command Hospital which doesn't comes under the jurisdiction of JKPCC in terms Biomedical Waste Management Amendments Rules 2003 whereunder the Armed forces Health Care Facilities are monitored by CPCB and Director General Armed Forces Medical services(DGAFMS) in respect of the Health Care Establishments (HCEs) under the jurisdiction of the Ministry of Defence (MoD) have been notified as the „Prescribed Authority“ for overall enforcement of the said Rules“. Pertinently the said Army Hospital is likely to be shifted at another location i.e near supply Morh and most probably it will not affect the devika river.</p>



		<p>(iv) 3 Banquet Halls:-JKPCC has issued final notices to all these 3 banquet halls and thereafter also recommended for closure proceeding vide this office letter No-PCC/Udh/DO/2023/239 dated:04.12.2023 and closure orders shall be issued shortly after approval from competent authority.</p>
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Divisional officer
JKPCC Udhampur



GOVERNMENT OF JAMMU & KASHMIR(UT)

OFFICE OF THE TEHSILDAR, UDHAMPUR

(Tele/Fax: - 01992-270801 e-mail: - tehsildh@gmail.com)

Worthy Deputy Commissioner,
Udhampur.

No. TUDR/Teh/2023-24/138

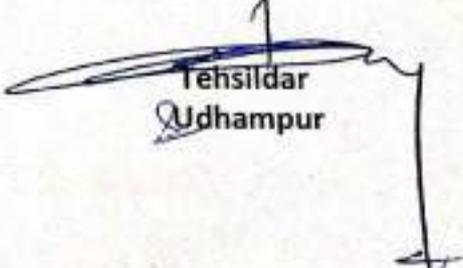
Dated. 07-12-2023.

Subject:- **Details of encroachment on the banks of River Devika in Udhampur Town in the NQT matter of O.A. No. 176 of 2023: Rohit Padha V/s UT of Jammu & Kashmir.**

Respected Madam,

May kindly find enclosed the list of encroachers on the banks of river Devika which has been submitted by concerned Naib Tehsildar vide no. 876/1/NTU dated 05-12-2023. It is further submitted that Chief Executive Officer, Municipal Council, Udhampur vide no. TUDR/The/2023-24/135-37 dated 06.12.2023 has been requested to verify whether or not building permission issued to the encroachers and initiate proceedings to evict the encroachers (copy enclosed).

Yours Faithfully,


Tehsildar
Udhampur



GOVERNMENT OF JAMMU & KASHMIR (UT)
 OFFICE OF THE TEHSILDAR, UDHAMPUR
 (Tele/Fax: 01992 270801 e-mail: tehsildar@nainital.com)

Chief Executive Officer,
 Municipal Council,
 Udhampur.

No. 1308/120/2023-24/135-37

Dated, 06-12-2023

Subject: **Details of encroachment on the banks of River Devika in Udhampur Town in the
 1987 matter of O.A. No. 176 of 2023; Rohit Padha V/s UT of Jammu & Kashmir.**

Respected Sir,

Kindly refer to the subject cited above. In this context, find enclosed herewith the
 detailed list **of encroachments** received from the concerned Naib Tehsildar vides no. 876/1/NTU dated
 05-12-2023. **In this regard,** you are hereby requested to verify whether or not the building
 permission **has been issued** and initiate necessary proceedings to **remove the encroachments.**

Keep the matter as most urgent. This office will provide the necessary assistance as
 and when required by your office.

Yours Faithfully,


 Tehsildar
 Udhampur

Copy to:-

1. Deputy Commissioner Udhampur for favour of kind information.
2. Naib Tehsildar Udhampur for information and compliance.

اندر سرحد پٹیوار دی وادی با پٹیوار

Details of encroachments on the banks of River Devika in Udhampur Taluk in the NCT matter of O.A. No. 176 of 2023, Rohit Padha v/s UT of Jammu & Kashmir

ذرا شریفی کے ساتھ سرحد پٹیوار کے ساتھ باغیچہ کی طرف سے زمین کی سرحدوں کی طرف سے
 نسبت و پٹیوار کے ساتھ باغیچہ کی طرف سے زمین کی سرحدوں کی طرف سے
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 کی طرف سے زمین کی سرحدوں کی طرف سے زمین کی سرحدوں کی طرف سے

Detail of encroacher of village Roumt

S.No.	Name of the encroacher	Type of encroachment	Remarks
1.	Mohd. Sadiq s/o. Sajid Ali	Residential House	
2.	Govt. Agency	Public Washroom	
3.	Vijay Kumar Koul	Residential house	Dallah Side.
4.	Saha Sharoma w/o. Sudeban K	"	"
5.	Ashok K s/o. Prem Nath	"	"
6.	Rajesh Khajuria s/o. Madan Lal	Boundary Wall	"
7.	Babu Ram		Roumt
8.	Shamas Din s/o. Akbar Ali	Agriculture field	"
9.	Sukhdev Singh s/o. Guran Chand	"	"
10.	Gurdeep Singh s/o. Dhaman Raj	Boundary wall + Bathroom	"
11.	Pitamber Lal Bhat s/o. Thakur Bhat	Residential Pillar	"
12.	Kanta Devi D/o. Tej Ram	Plongth	"
13.	Sumita Devi w/o. Madan Lal	Boundary wall	"
14.	Bishwa Nath s/o. Sant Ram	Residential	"
15.	Madhan Lal (Dr.)	Boundary wall + Store	"
16.	Deepika D/o. Ram Lal	1st floor Shop + 2nd floor House	"
17.	Rajinder K s/o. Sun Nath	Hall / Store	"

S. S. Jafar
 Udhampur

PH. JAKHAIN

PH. UDHAMPUR

PH. BULLIAN

PH. SANGRUR

18. Ajit kr s/o. Ramchand	Residential	
19. Ashok kr s/o. Dajk Ram	"	Dalkh side
20. Raju s/o. Poras Ram	"	"
21. Brij Pal	"	"
22. Baldev Raj s/o. Tej Ram	"	"
23. Madan Lal s/o. Ram Nath	"	"
24. Lal Chand s/o. Ram Ditta	"	"
25. Rattan Lal s/o. Nasib Chand	"	"
26. Mast Ram s/o. Sarban	"	"
27. Kartar Chand s/o.	"	"
28. Babbu s/o. Badri Ram	"	"
29. Raju Devi w/o. Joginder Singh	"	"
30. Gansaro Devi w/o. Parkash	"	"
31. Kapoor Chand s/o. Armar Chand	"	"
32. Vinod Sharma s/o. Romah kv	"	"
33. Ved Parkash s/o. Tivath Ram	"	"
34. Pankaj Karmi s/o. Ajodhya Nath	"	"
35. Little Angel School	"	"
36. Rewayat Banquet Hall	Building	"
37. Ajit Singh s/o.	Boundary Wall	Round
38. Balu Ram	Residential	"
39. Suram Chand s/o. Longu	"	"
40. Hans Raj s/o. Tar Poku	"	"
41. Bikru Ram s/o. Hari Ram	" + Boundary Wall	"
42. Sacred Erva Public School	"	"
43. A to Z Marble House	Building	"
44. JP Timbers	Shed	shifalta
45. Manjeet S s/o. Gurdeep Singh	Shed	"

S. S. Jindal
 Tehsildar
 Jalandhar

DH-JALANDHAR
 [Signature]

DH-UDHAMPUR
 [Signature]

DH-BALWAN
 G. Sanyal
 [Signature]

48/41

46.	Manhor Singh s/o Guran Singh	Residential	
47.	Raja Ji Dada s/o. Pt. Radha Krishan	"	Raunt
48.	Avtar Singh s/o. Harjinder Singh	"	"
49.	Sangeeta medicine	"	"
↳	Dubey Medicos	Commercial	"
		Commercial	"
50.	Mod Show room	"	"
51.	Suebhi fashion house	"	"
52.	Ranjeet s/o	"	"
53.	Ronaq medica	"	"
54.	Lic. office	"	"
55.	Relaxo Show room	"	"
56.	Army lab.	"	"
57.	Nu-lode jewelers	"	"
58.	A-13. Hotels	"	"
59.	Swadeshi bazaar (tyre shop)	"	"
60.	Tea stall	"	"
61.	Shakti shaba	"	"
62.	Keanti store	"	"
63.	Sudhar (allottee)	Commercial/Residential	"
64.	Aman bazaar	Residential.	"
65.	Union Church.	wash lane etc	"
66.	Bani Lal s/o	Residential house	"
67.	Majeet Singh s/o	"	"
	Calita s/o Romesh Kumar	Residential/Neerud	"
68.	MAIKAL s/o Minda	"	"
69.	Bijay malga s/o	"	"
70.	Romesh Kumar s/o Krishna	"	"
71.		" (Mud house)	"

72. Guss Ravi Dangi Blawan

Maistry Blawan

Rant

73. Taxi Stand

-1

Rant.

ان سٹانڈ اور دوسرا
مختص فیاضیہ کے لئے ہے۔

مکمل 876/NTU
تاریخ 05-12-2023

فیاضیہ کی

گذرانی کے لئے
Raven Bank سے

مکمل نام لکھ دیا ہے۔

مکمل سے مل کر

ہو گیا۔

Handwritten signature

گذرانی کے لئے ہے۔

Naib Tehsildar
Udhampur

Details

Annexure-A

Details of structures constructed on the Banks of Devika River at Udhampur

Building/Structure no. (as marked on the map)	Distance from Housing Colony to link road bridge near Omara Morh	Length of building/Structure along Devika River (in mtrs)	Distance of building from bank of Devika River (in mtrs)		Type of Building Structure
			On left bank	On Right bank	
1	150m	26.00	0.20	-	Residential House 1
2	175m	11.90	1.90	-	Residential House 2
3	200m	22.14	1.10	-	Residential House 3
4	235m	9.30	0.00	-	Residential House 4
5	240m	8.80	0.00	-	Residential House 5
6	345m	7.60	-	4.00	Residential House 6
7	350m	8.00	-	0.00	Residential House 7
8	425m	16.80	0.00	-	Residential House 8
9	470m	24.25	0.00	-	Residential House 9
10	475m	12.70	0.00	-	Residential House 10
11	490m	7.50	0.00	-	Residential House 11
12	500m	7.90	0.00	-	Residential House 12
13	450m	7.30	-	0.00	Residential House 13
14	475m	11.60	-	3.30	Residential House 14
15	500m	23.50	-	0.00	Residential House 15
16	525m	14.50	2.20	-	Residential House 16
17	535m	9.80	2.20	-	Residential House 17
18	540m	14.20	2.40	-	Residential House 18
19	545m	14.00	2.80	-	Residential House 19
20	550m	21.90	0.00	-	Residential House 20
21	620m	10.00	3.50	-	Residential House 21
22	645m	28.20	1.60	-	Residential House 22
23	875m	7.00	-	0.00	Residential House 23
24	880m	10.00	-	0.00	Residential House 24
25	885m	3.30	-	0.00	Residential House 25
26	890m	5.00	-	0.00	Residential House 26
27	895m	3.60	-	0.00	Residential House 27
28	900m	9.25	-	0.00	Residential House 28
29	915m	7.50	-	0.00	Residential House 29
30	1025m	11.00	-	0.50	Residential House 30
31	1050m	8.20	-	1.00	Residential House 31
32	1075m	16.75	-	4.00	Residential House 32
33	1095m	20.40	-	4.90	Residential House 33
34	1105m	12.15	-	3.40	Residential House 34
35	1120m	9.00	-	0.00	Residential House 35
36	1625m	11.80	-	0.00	Residential House 36
37	1630m	9.50	-	0.00	Residential House 37
38	1640m	5.50	1.30	-	Residential House 38

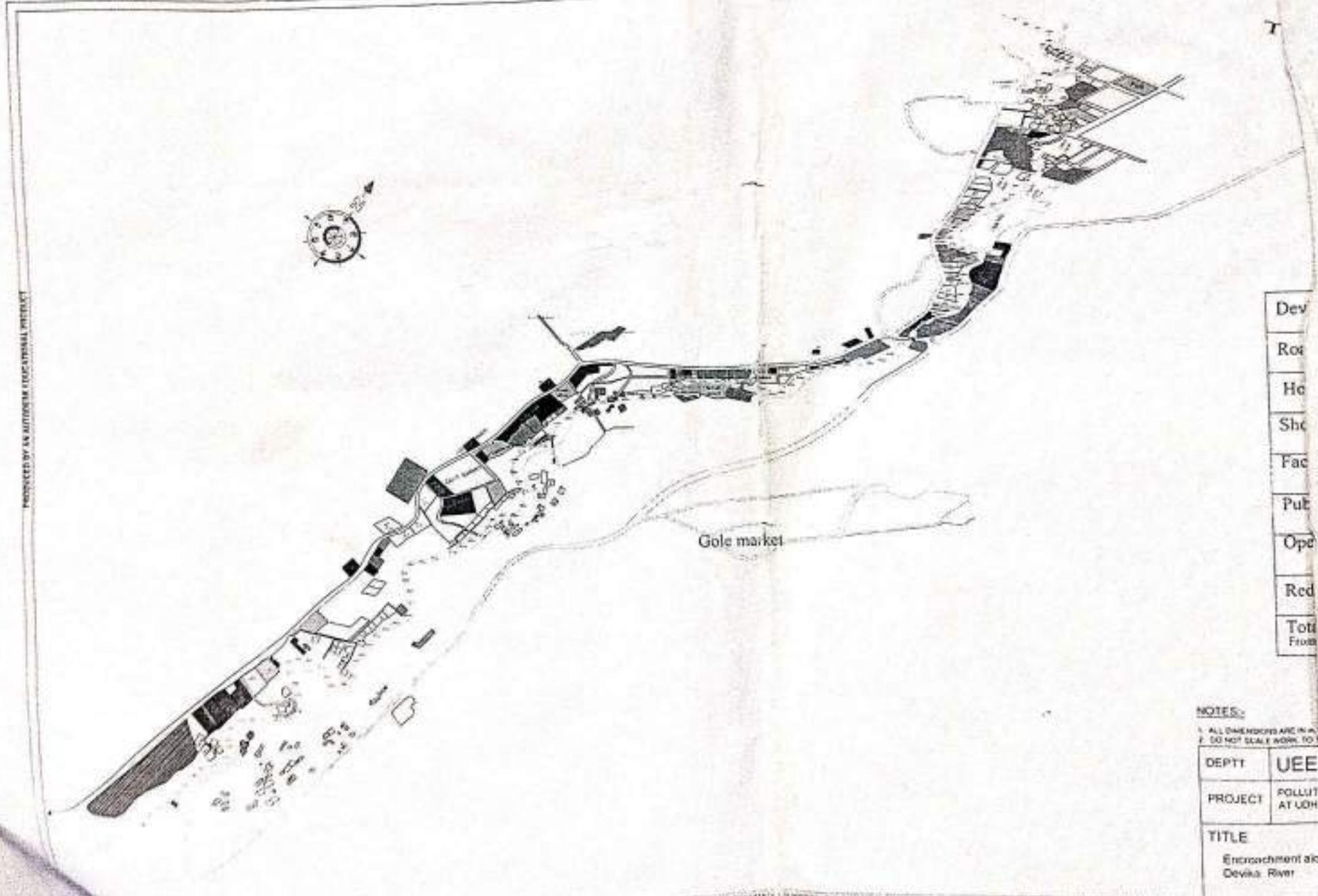
39	1800m	15.50	-	0.00	Residential House 39
40	1825m	24.20	-	0.00	Residential House 40
41	2600m	9.20	-	3.50	Residential House 41
42	1150-1225m	78.20	-	0.00	Commercial Market at MH Chowk
43	1395-1470m	76.20	-	0.00	Commercial Market opp. Sharika Temple
44	1050m	31.20	0.00	-	J.P Timber
45	1025m	26.30	0.00	-	A-Z tiles
46	525m	36.00	-	0.00	Godown near Housing Colony
47	985m	15.00	0.00	-	Scared Era School
48	550-645m	91.30	-	0.00	Raiwayat Palace
49	375-425m	55.50	0.00	-	Thappa Palace
50	1275m	17.60	0.00	-	Taxi Stand
51	1625-1735m	109.40	-	1.00	Union Church
52	1200m	59.00	0.00	-	Guru Ravidass ji temple
53	1900m	15.80	-	0.00	Shani Temple
54	1925m	14.00	0.00	0.00	Devak Mata Temple
55	2500m	16.00	-	3.30	Shiv Temple
56	2125m	34.00	-	0.00	Shiv Temple

Details of structures along either side of Holy River Devika at Udhampur from Housing colony to link road bridge of length 3.32 kms under the project of pollution abatement/areas of encroachment of Holy River Devika and River Tawi at Udhampur(J&K)

Abstract of buildings

S.No	Types of buildings	Number of buildings
1	Residential	41
2	Commercial	5
3	Schools	1
4	Banquet halls	2
5	Temples	6
6	Taxi Stand(government)	1
Total		56

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Gole market

NOTES:
 1. ALL DIMENSIONS ARE IN METERS
 2. DO NOT SCALE WORK TO SIZE

DEPTT	UEED
PROJECT	POLLUTION AT UDHAMP
TITLE	
Encroachment along Devika River	

PRODUCED BY AN AUTOMATIC EDUCATIONAL SYSTEM

Office of the Municipal Council Udhampur.

(Email:- eoudhampur-jk@nic.in)

OFFICE OF THE MUNICIPAL COUNCIL UDHAMPUR**Public Notice**

The Udhampur Town is also well-known city for the Devika River and the Devika river is also known as the sister of the river Ganges. The river holds religious significance and it is the responsibility of all the citizens to maintain its cleanliness and throwing garbage here and there will make the Holy River dirty and it is the first duty of each and every inhabitant to take care of it and to meet up the garbage collection dustbins has been installed at different points or handover the garbage to vehicle of Door to Door collection of waste from your respective houses.

Now, through the medium of this public notice, it is informed to all the citizens particularly residing the surroundings of the Devik River to avoid littering/throwing the garbage in and around the river and take care of it from today, if any person found littering/C&D waste in and around the river necessary action deemed fit under rules shall be taken alongwith imposition of fine and legal action.

No:- MC/2023-24/4458-59
dt:- 30/11/2023


Chief Executive Officer
Municipal Council
Udhampur.

Copy to the:

1. Deputy Commissioner, Udhampur for kind information.
2. Sanitary Inspector, Municipal Council, Udhampur with the directions to play the same daily through Door to Door collection vehicles for information of public of the town and remain vigil towards the violators.

Annexure G

Photographs taken by the Joint Team during Inspection



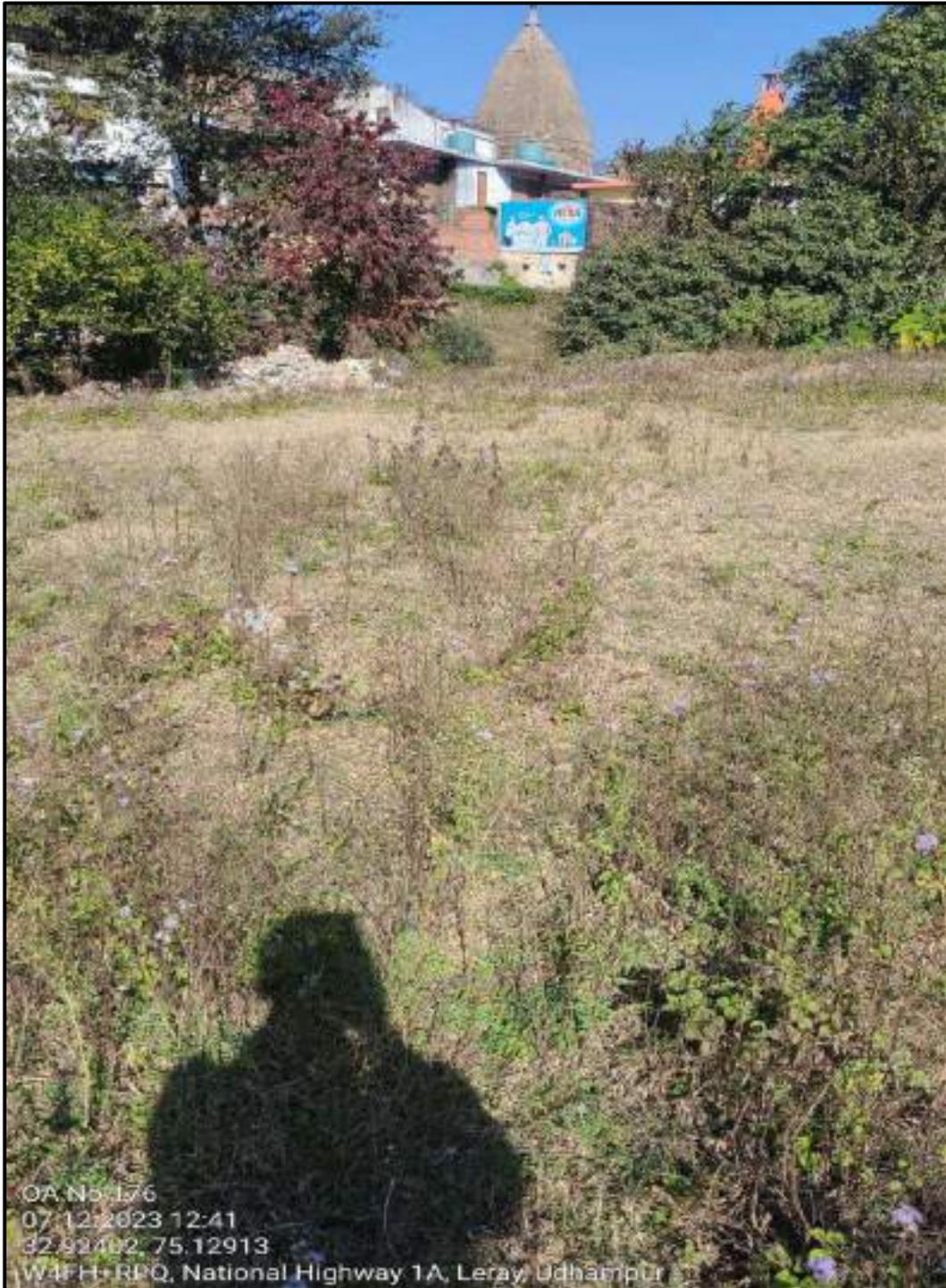
Photograph 1: Devika ghat after removal of Municipal Solid waste and Plastic Waste



Photograph 2: Devika ghat after removal of Municipal solid waste and Plastic waste



Photograph 3: Nallahs carrying Municipal solid waste and Plastic waste



Photograph 4: No further dumping of C&D waste observed at downstream of Devika Ghat



Photograph 5: Dredging/sludge removal yet to be done in Devika River at Devika Ghat



Photograph 6: Dredging/sludge removal yet to be done in Devika River at Devika Ghat



Photograph 7: 8 MLD STP under commissioning



Photograph 8: Decanter centrifuge/Sludge presses installed but yet to be commissioned at 8 MLD STP



Photograph 9: Flow meter and OCEMS not installed at 8 MLD STP.



Photograph 10: 4 MLD STP under commissioning



Photograph 11: OCEMS not installed at 4 MLD STP.



Photograph 12: Decanter centrifuge/Sludge presses installed but yet to be commissioned at 4 MLD STP



Photograph 13: 1.6 MLD STP under commissioning



Photograph 14: Decanter centrifuge/Sludge presses installed but yet to be commissioned at 1.6 MLD STP



Photograph 15: OCEMS not installed at 1.6 MLD STP.



Photograph 15: Legacy waste still lying at Site (SUI, Udhampur)





GA No.176
06.12.2023 12:30
82 931 74 74 96891
Smagari, Tikri Nh44, Tikri







Photograph 16-24: Municipal Solid Waste dumping at Maand, Udhampur without obtaining clearances/permissions.



Speed Post / E-mail

F No. A-14011/1/2024 - WQM - I

10.01.2024

To

The Member Secretary
Jammu & Kashmir State Pollution Control Committee (J&KPCC)
Parivesh Bhawan, Forest Complex, Gladni,
Narwal, transport Nagar, Jammu, Jammu and
Kashmir 180004

Sub: Regarding Hon'ble NGT order dated 17.10.2023 in O.A. No. 176/2023 titled Rohit Padha Vs. Union Territory of Jammu & Kashmir & Ors.

Sir,

Enclosed please find herewith a copy of Joint inspection Report of CPCB & J&KPCC in the matter of O.A. No. 176/2023 titled Rohit Padha Vs. Union Territory of Jammu & Kashmir & Ors.

It is requested to ensure compliance of the action points identified (**Annexure- I**) in the report of the Joint Committee. You are also requested to further direct the concerned agencies i.e Urban Environmental Engineering Department (UEED) and Municipal Council, Udhampur for ensuring compliance of the action points pertaining to them as given in **Annexure I**.

Your action taken report shall be submitted to CPCB within 15 days from the date of receipt of this letter.

This may please be treated as 'URGENT'.

Yours faithfully,

(P KMishra)
Divisional Head
WQM -I Div.

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Table: Agency-wise action points identified in Joint Inspection report of CPCB & J&KPCC in the matter of OA No. 176 of 2023; Rohit Padha Vs. UT of Jammu & Kashmir

S.No.	Concerned agency	Action Points identified during Joint Inspection of CPCB and J&KPCC
1	Urban Environmental Engineering Department (UEED)	<p>The solid waste and the plastic waste, which was observed to be dumped in Devika River at Devika Ghat has been removed (Photograph 1 & 2 of Annexure-G). However, nallahs meeting the Devika River were observed to be still carrying municipal solid waste and plastic waste (Photograph 3 of Annexure-G)</p> <p>The removal of sludge and dredging of Devika River at Devika Ghat is yet to done by MC, Udhampur (Photograph 5 & 6 of Annexure-G). Further, no Action Plan along with time-line for removing sludge and dredging of Devika River at Devika Ghat has been provided. As per details received through J&K PCC Member, it is informed by MC, Udhampur that "due to limited resources and shortage of manpower specially in field of dredging, it is not possible for Municipal Council Udhampur to carry out sludge removal and dredging of Devika River at Devika Ghat. However, a letter is also written to Director Urban Local Bodies vide No: - MCU/2023-24/4458-59 Dated: - 30/11/2023 requesting providing of funds for removal and dredging of Devika River at Devika Ghat or taking up with the matter concerned department either Irrigation & flood Control or UEED at the Administrative Level in this regard".</p> <p>Status of Devika Project i.e. 3 STPs:</p> <p>STP 1: 8 MLD (Photograph 7, 8 and 9 of Annexure-G):</p> <ol style="list-style-type: none"> 1. The STP is under commissioning without obtaining CTO from J&K PCC. 2. Flow meters not installed. 3. OCEMS not installed. 4. Sludge press/Centrifuge not commissioned. <p>STP 2: 4 MLD (Photograph 10, 11 and 12 of Annexure-G):</p> <ol style="list-style-type: none"> 1. The STP is under commissioning without obtaining CTO from J&K PCC. 2. OCEMS is not installed. 3. Sludge press/Centrifuge is not commissioned

		<p>STP 3: 1.6 MLD (Photograph 13, 14 and 15 of Annexure-G):</p> <ol style="list-style-type: none"> 1. The STP is under commissioning without obtaining CTO from J&K PCC. 2. OCEMS is not installed. 3. Sludge press/Centrifuge is not commissioned
2	Municipal Council, Udhampur	<p>i) As per list of encroachments provided by Department of Revenue vide letter No. TUDR/The/2023-24/138 dated 07/12/2023 addressed to Deputy Commissioner, Udhampur by Tehsildar Udhampur, there are 73 Nos. encroachments on the banks of Devika River at Udhampur (Annexure-E). It was informed that "Chief Executive Officer, MC, Udhampur vide Letter No. TUDR/The/2023-24/135-37 dated 06/12/2023 has been requested to verify whether or not building permission issued to the encroachers and initiate proceedings to evict the encroachers". Action plan on eviction of these encroachments is yet to be prepared and implemented.</p> <p>ii) No action plan along with time line has been provided, for processing the remaining around 5500 MT legacy waste lying at site at SUI, Udhampur (Photograph 16 of Annexure-G). It was informed by MC, Udhampur that "5500 MT which is present at site could not be processed due to overhead high-tension wire which is a serious safety concern. However, the site has developed greenery and MC, Udhampur has proposed proper capping with plantation, which shall be done preferably within a period of six months",</p> <p>iii) No Clearance/Permission for the site at Village Maand, where the dumping has already been started, has been obtained till date. The total MSW dumped at this site as on date is around 10000 MT, which has now become another legacy waste site in Udhampur.</p> <p>iv) No action plan has been provided, for processing of this 10000 MT MSW, which is being further accumulated day by day. The mixed MSW is being dumped at this site without any taking any measures to prevent environmental damage including retaining wall retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river, as also observed by the Joint Committee during visit on July 6-7, 2023 (Photograph 16-24 of Annexure-G). The condition of the site has deteriorated further, as observed by the Joint Team of CPCB and J&KPCC during visit on December 6, 2023.</p>

		<p>v) No action plan has been provided, for processing of this 10000 MT MSW, which is being further accumulated day by day. The mixed MSW is being dumped at this site without any taking any measures to prevent environmental damage including retaining wall retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river, as also observed by the Joint Committee during visit on July 6-7, 2023 (Photograph 16-24 of Annexure-G). The condition of the site has deteriorated further, as observed by the Joint Team of CPCB and J&KPCC during visit on December 6, 2023.</p>
3.	<p>Jammu & Kashmir Pollution Control Committee (J&KPCC)</p>	<p>i) J&K PCC has confirmed on 12/12/2023 that MC, Udhampur is still operating the dumping site at Village Maand, without Obtaining consent from J&K PCC. However, no details have been provided with regard to action taken by J&PCC for operating without necessary permissions/Consents. The details of the action taken by J&K PCC after expiry of 7 days' time given to MC, Udhampur vide No. JKPC/ RDJ/MSW/22/2181-85 dated 29/09/2022 and Environmental Compensation recovered from MC. Udhampur, as required by the Joint Committee, have also not been provided.</p> <p>ii) Status of obtaining CTO by 07 Hotels, 05 Car washing stations, 03 hospitals and 03 banquet halls and compliance of the conditions of CTO and Authorization granted to these Units:</p> <p>As per information provided by J&K PCC on 12/12/2023:</p> <p>a) Out of seven hotels, 03 hotels are running with CTO of J&KPCC and are operational under norms, as well. J&K has issued final notices to 03 hotels and thereafter also recommended for closure proceedings vide Office Letter No. -PCC/Udh/DO/2023/239 dated 04/12/2023 and closure orders shall be issued shortly after approval from the Competent Authority. Moreover, closure order has already been issued by J&K PCC to one Hotel namely Hotel Singh Axis.</p> <p>b) Legal notices have been issued to car washing units and unit holders have replied pleading that sewerage network is being connected by UEED in the town and they have also approached to the concerned Deptt. To connect their effluent system with sewerage network of nearby STP, which is still under progress. However, action shall be initiated if they fail to get their effluent</p>

		<p>system connected with the sewerage network of said STP.</p> <p>c) Out of three hospitals, there is 01 one bedded hospital, which has installed STP of required capacity and has also obtained necessary CTO/authorization of J&KPCC, whereas second one is non-bedded health care facility, who has constructed captive septic tank/soakage pit and also having authorization of J&KPCC. At present, it is not discharging sewage into Devika river. Further, the third one is Army Command Hospital which doesn't come under the jurisdiction of J&KPCC in terms of Biomedical Waste Management Amendments Rules 2003, whereunder, the Armed Forces Health Care Facilities are monitored by CPCB and Director General Armed Forces medical Services (DGAFMS) in respect of the Health Care Establishments (HCEs) under the jurisdiction of the Ministry of Defence (MoD) have been notified as the "Prescribed Authority" for overall enforcement of the said Rules." Pertinently, the said Army Hospital is likely to be shifted at another location i.e. near supply modh and most probably, it will not affect the Devika River.</p> <p>d) J&K PCC has issued notices to all these 03 banquet halls and thereafter also recommended the closure proceedings vide this office letter No. PCC/Udh/DO/2023/239 dated 04/12/2023 and closure orders shall be issued shortly after approval from competent authority.</p>
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Item No. 04

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 28.04.2023

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

Application is registered based on a complaint received by post/e-mail

ORDER

1. This original application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has been registered on a letter petition dated 02.10.2022 sent by Rohit Padha, 87/7, Dhar-Road, Shaktinagar, Garrian Talab, Udhampur.

2. The issue raised is that there is a river Devika in District Udampur, UT of Jammu & Kashmir. On the bank of said river there is a huge illegal encroachment causing damage to the natural flow, flora and fauna of the river. Further, National River Conservation Programme is also executing a project i.e. Devika Project and the muck is also being dumped at the said river. Applicant tried to contact various authorities from time to time for protection of river but no effective action has been taken by the authorities concerned.

3. In our view, a substantial question relating to environment arising due to implementation of Scheduled enactment under NGT Act, 2010 has

arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, we constitute a joint Committee comprising CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India who shall visit the site, collect relevant information and submit a factual report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

4. CPCB shall be the nodal agency for coordination and compliance of this order.

5. List for further consideration on 01.08.2023.

6. A copy of this order be forwarded to CPCB, State PCB, District Magistrate, Udampur, Irrigation Department of State of Jammu & Kashmir and Ministry of Jal Shakti, Government of India by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 28, 2023
Original Application No. 176/2023
SN

Item No. 07

Court No. 1

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

Original Application No. 176/2023

Rohit Padha

Applicant

Versus

Union Territory of Jammu & Kashmir

Respondent

Date of hearing: 17.10.2023

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

Respondent: Mr. Atif Suhrawardy, Adv. for CPCB

ORDER

1. This original application has been registered on the basis of a letter petition complaining about illegal encroachment and damage being caused to the natural flow, flora and fauna of the river Devika in District Udhampur, Jammu & Kashmir.

2. The Tribunal vide order dated 28.04.2023 had constituted a joint committee which has submitted interim report dated 31.07.2023 containing the following key observations:-

“3.1. Factual Report by the Joint Committee:

The following are the key observations made by the Joint Committee during the site visit:

a) At Devika Ghat, the Devika River was found to be heavily contaminated with sludge and silt, leaving minimal space for natural water purification processes (Photograph 1 of Annexure-4)

b) The Joint Committee observed that all the monitored nallahs/drains carried municipal solid waste and plastic waste along with the flowing water, resulting in the deposition of these wastes into the river, clearly indicating the mismanagement of Municipal Solid Waste (Photograph 2-4 of Annexure-4)

c) Downstream of Devika River from Devika Ghat, various construction and solid waste materials were observed to be dumped along the riverbanks. During the rainy season, these materials may find their way into the river (Photograph 5-7 of Annexure-4).

d) The Devika Project comprises of three STPs (4MLD STP, 1.6 MLS STP and 8 MLD STP). The installation of 4 MLD STP and 1.6 MLD STP has been completed, and these STPs are currently undergoing commissioning trial runs in manual mode (Photograph 8 & 9 of Annexure-4). However, the sludge handling system (Centrifuges for sludge dewatering) and SCADA System & associated components for operating the STP in auto mode are yet to be installed in these STP.

e) It was also observed that the flow meters at the STP outlets and the Online Continuous Effluent Monitoring Systems (OCEMS) for real-time monitoring of prescribed parameters are yet to be installed.

f) The installation of an 8 MLD STP is still in progress (Photograph 10 of Annexure-4) The automated mode of operation for the STPs, utilizing a SCADA system, has yet to be implemented. It was informed by the representative of the UEED that the installation of STP will be completed by 15th July, 2023.

g) Devika River was surveyed at two locations, both upstream and downstream of the Dwarika Project, spanning from Gangera Hills to Nain Su. During the survey, no evidence of any pollution-related activities was observed at Gangera Hills, which serves as the source of the Devika River (Photograph 11 of Annexure-4). Similarly, no polluting activity was noticed at Nain Su, which is located downstream of the Devika Project (Photograph 12 of Annexure-4)

h) The representatives of project proponent informed that approximately 60% of the Construction and Demolition (C&D) waste produced during the execution of the Devika Project has been reused within the project for refilling purposes and the remaining 40% of the C&D waste is disposed of, by supplying to private land owners. During the visit, it was observed that the C&D waste has been disposed of at five locations by the contractor on the land of private land owners (Photographs 13-17 of Annexure-4).

i) The representatives from the Municipal Corporation (MC), Udhampur showcased two municipal solid waste (MSW) disposal sites during the inspection. One of the sites, situated near the National Disaster Relief Camp, is a legacy waste site where a Material Recovery Facility (MRF) is available, and the existing waste is being processed. According to the MC representative, out of the total approximately 20,000 metric tons (MT) of legacy waste, around 15,000 MT has already been processed, while the remaining 5,000 MT is still in progress (Photograph 18 of Annexure-4)

j) Regarding the treatment of fresh MSW generated in the city, it was disclosed that another site has been allocated for the establishment of an integrated MSW processing facility. However, upon visiting this site, it was evident that the site is already being utilized without taking any measures to prevent environmental damage. The necessary permissions and clearances for site development and MSW processing have yet to be obtained. The mixed MSW is being dumped at this site without a retaining wall, and during the rainy season, the leachate and MSW will flow downhill and into natural drains, leading to contamination of the river (Photograph 19 & 20 of Annexure-4). The MC representative mentioned that this site has been in use for the past six months. Considering a daily MSW generation of approximately 30 MT per month, it is estimated that around 5,500 MT of MSW has already been dumped at this site. If

this issue is not addressed promptly, this site will also become another legacy waste site in the near future.”

3. The above observations of the joint Committee clearly reveal that no steps have been taken till now to restrict the discharge of sewage and municipal solid waste as well as plastic waste which is flowing through nallas and drains leading to the river. There is gross inaction on the part of the concerned authorities in preventing the pollution in river Devika, in violation of *Hon'ble Supreme Court in WP(C) No.375/2012 dated 22.02.2017: Paryavaran Surakshav. Union of India.*

4. In view of the above report, at this stage, we deem it proper to implead the following Respondents:-

- (i) Chief Secretary, UT of J&K;
- (ii) Principal Secretary, Urban Development, UT of J&K.
- (iii) Member Secretary, CPCB;
- (iv) Member Secretary, J&K PCC
- (v) Commissioner, Municipal Corporation, Udhampur;
- (vi) District Magistrate, District Udhampur; and

5. Let notice be issued to above Respondents by the Registry.

6. Learned Counsel appearing for the CPCB has submitted that the final report will be filed within one week. Meanwhile, CPCB and State PCC are directed to take appropriate remedial measures without any delay in light of the observations which have been made in the interim report and should further file comprehensive action plan and action taken report.

7. List the matter on 12.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

October 17, 2023
Original Application No. 176/2023
JG