

118

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex || Silk Factory Road
Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008
Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

The Consultant (Judicial)
Hon'ble National Green Tribunal (P.B)
New Delhi.

No:- JKPCC/NGT/OA690/ 724-726

Date:- 01/04-2024

Subject:- Compliance status Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal dated 05-02-2024 passed in OA No. 690 of 2023 titled "Raja Muzaffar Bhat V/s Union Territory of Jammu and Kashmir & Ors."

Sir,

In compliance to Hon'ble National Green Tribunal Order **dated 05-02-2024 passed in OA No. 690 of 2023 titled "Raja Muzaffar Bhat V/s Union Territory of Jammu and Kashmir & Ors."**, kindly find enclosed the Compliance Status Report of Jammu and Kashmir Pollution Control Committee.

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

Yours faithfully,

Encl:- As above.


(Ghansham Singh) JKAS
Member Secretary



1.4.24

Copy to the:-

1. Sh. G. M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 dated 12-10-2022.
2. PA to Chairman J&K PCC for information of the Chairman.

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

Original Application No. 690 of 2023

IN THE MATTER OF

**“Raja Muzaffar Bhat V/s Union Territory
of Jammu and Kashmir & Ors.”**

Compliance status Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal dated 05-02-2024 passed in OA No. 690 of 2023 titled “Raja Muzaffar Bhat V/s Union Territory of Jammu and Kashmir & Ors.”.

Background:

That the Hon'ble National Green Tribunal vide Order dated **05-02-2024** in **OA No. 690 of 2023** directed as follows :-

“Meanwhile, other respondents are also directed to file their response at least one week before the next date of hearing 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”.

Status Report:

That in compliance to the Hon'ble National Green Tribunal's Order dated 05-02-2024 in OA No. 690 of 2023, the compliance report of the J&K Pollution Control Committee is submitted as under:

That, the J&K Pollution Control Committee have issued directions for closure of following mining units. The unit wise status is given below:

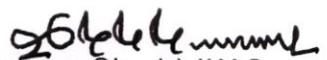
1. M/s Khurshid Ahmad at C - Lassipora SIDCO, Bridge Downstream Nallah Rambiarra District Pulwama. **Closure order issued vide order No. 228-JKPCC of 2024 dated 01-02-2024, the copy of closure order is appended as Annexure 'A'** and
2. M/s Umesh Kumar Sharma at Block No. 36/B Rahmoo Bridge, Downstream Nallah Ramshoo, District Pulwama. **Closure order issued vide order No. 227-JKPCC of 2024 dated 01-02-2024, the copy of closure order is appended as Annexure 'B'**

Status of Illegal Mining by Private Respondents in Ramshoo River:

As per latest inspection conducted by J&K Pollution Control Committee Kashmir, it is revealed that strict monitoring is being conducted by Geology and Mining Department. The inspection report further reveals that closure orders issued against private respondents viz., Mr. Umesh Kumar Sharma and Mr. Khursheed Ahmad have been implemented in letter and spirit and no mining activity was observed at Ramshoo Nallah.

Prayer:

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


(Ghansham Singh) JKAS
Member Secretary 1.4.24
J&K PCC



Winter office-November-April
Parivesh Bhawan, Forest Complex
Gladni, Transport Nagar,
Narwal, Jammu
Tel/Fax: 0191-24769225

121
Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
Jammu



Summer Office: May-October
Sheikh Alam Campus
Behind Silk Factory
Rajbagh Srinagar
Ph/Fax 0194-2311165

Annex-A

email: membersecretaryjkspcb@gmail.com

Order No. : 228 JK PCC of 2024
Dated : 01/02/2024

Whereas, Consent for Mining Activity was issued to **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambiar-District Pulwama**, with some terms and conditions as warranted under **Section 25/26** and **Section 21** of the **Water (Prevention and Control of Pollution) Act 1974** and **Air (Prevention and Control of Pollution) Act, 1981** respectively.

Whereas, **Mining Activity** is categorized as **Orange Category** activity on the basis of pollution potential, for the purpose of seeking the consent from the JK PCC.

Whereas, complaint against non compliance of Environmental Clearance conditions by the project proponent has been received.

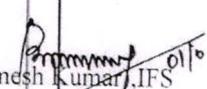
Whereas, fresh inspection was carried out by the Divisional Officer, Pollution Control Committee Pulwama, reveal that the project proponent is violating the conditions of Environmental Clearance **viz condition No. 53** by using heavy machinery with photographic evidence and Regional Director, Pollution Control Committee Kashmir vide letter No **JKPCC/ROK/TO/2023/25-26 dt.25-01-2024** confirmed the report of Divisional Officer, PCC Pulwama and accordingly recommended for closure of the mining activity.

Whereas, the Mining Activity in question cannot be allowed to run with above status and to the detriment of human health and environment.

Now, therefore in exercise of powers vested in the J & K Pollution Control Committee under **Section 31 (A)** of the **Air (Prevention and Control of Pollution) Act, 1981** and **Section 33(A)** of the **Water (Prevention and Control of Pollution) Act, 1974**, immediate closure of Mining Activity under the name and style of **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambiar-District Pulwama** is ordered and in this behalf, the following direction are hereby issued:-

- i). Deputy Commissioner/ District Magistrate, **Pulwama** is directed to get the Mining activity under the name and style of **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambiar-District Pulwama** closed immediately.
- ii). **Project proponent, M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambiar-District Pulwama**, is directed to cease the operation of the Mining activity forthwith.

As approved by the Competent Authority.


(K Ramesh Kumar), IFS
Member Secretary
JK PCC Jammu

No:-JK PCC/LSK/ /024/1265-1271
Dated:- 01/02/2024.

Copy to the:-

- i). Member Secretary, J&K Environment Impact Assessment Authority (EIAA), Transport Nagar, Gladni Jammu for information and necessary action.
- ii). Deputy Commissioner/ District Magistrate Pulwama for information and necessary action.
- iii). Director Geology & Mining Department, Kashmir for information and necessary action.
- iv). Regional Director, PCC, Kashmir for information and follow up action within fortnight and has reference to his letter No. **JKPCC/ROK/TO/2023/25-26 dt. 25-01-2024**.
- v). Divisional Officer, PCC Pulwama for information, with the direction to follow up and get the closure order implemented through District Administration in letter sand sprit.
- vi). In-Charge web site Pollution Control Committee Jammu for uploading the closure order.
- vii). Prop. **M/s Khursheed Ahmad at C-Lassipora SIDCO Bridge Downstream Nallah Rambiar-District Pulwama** for compliance.



Winter office-November-April
Parivesh Bhawan, Forest Complex
Gladni, Transport Nagar,
Narwal, Jammu
Tel/Fax: 0191-24769225

122
Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
Jammu



Summer Office: May-October
Sheikh Alam Campus
Behind Silk Factory
Rajbagh Srinagar
Ph/Fax 0194-2311165

Annex. B

email: membersecretaryjkspcb@gmail.com

Order No. : 227 JK PCC of 2024
Dated : 01/02/2024

Whereas, Consent for Mining Activity was issued to **M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama**, with some terms and conditions as warranted under **Section 25/26** and **Section 21** of the **Water (Prevention and Control of Pollution) Act 1974** and **Air (Prevention and Control of Pollution) Act, 1981** respectively.

Whereas, **Mining Activity** is categorized as **Orange Category** activity on the basis of pollution potential, for the purpose of seeking the consent from the JK PCC.

Whereas, complaint against non compliance of Environmental Clearance conditions by the project proponent has been received.

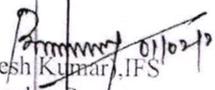
Whereas, fresh inspection was carried out by the Divisional Officer, Pollution Control Committee **Pulwama**, reveal that the project proponent is violating the conditions of Environmental Clearance **viz condition No. 53** by using heavy machinery with photographic evidence and Regional Director, Pollution Control Committee Kashmir vide letter No **JKPCC/ROK/TO/2023/25-26 dt.25-01-2024** confirmed the report of Divisional Officer, PCC Pulwama and accordingly recommended for closure of mining activity.

Whereas, the Mining Activity in question cannot be allowed to run with above status and to the detriment of human health and environment.

Now, therefore, in exercise of powers vested in the J & K Pollution Control Committee under **Section 31 (A)** of the **Air (Prevention and Control of Pollution) Act, 1981** and **Section 33(A)** of the **Water (Prevention and Control of Pollution) Act, 1974**, immediate closure of Mining Activity under the name and style of **M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama** is ordered and in this behalf, the following direction are hereby issued:-

- i). Deputy Commissioner/ District Magistrate, **Pulwama** is directed to get the Mining activity under the name and style of **M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama** closed immediately.
- ii). Project proponent, **M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama**, is directed to cease the operation of the Mining activity forthwith.

As approved by the Competent Authority.


(K Ramesh Kumar), IFS
Member Secretary
JK PCC Jammu

No:-JK PCC/LSK/024/1253-1264
Dated:- 01/02/2024.

Copy to the:-

- i). Member Secretary, J&K Environment Impact Assessment Authority (EIAA) Transport Nagar, Gladni Jammu for information and necessary action.
- ii). Deputy Commissioner/ District Magistrate Pulwama for information and necessary action.
- iii). Director Geology & Mining Department, Kashmir for information and necessary action
- iv). Regional Director, PCC, Kashmir for information and follow up action within fortnight and has reference to his letter No. **JKPCC/ROK/TO/2023/25-26 dt. 25-01-2024**.
- v). Divisional Officer, PCC Pulwama for information, with the direction to follow up and get the closure order implemented through District Administration in letter sand sprit.
- vi). In-Charge web site Pollution Control Committee Jammu for uploading the closure order.
- vii). Prop. **M/s Umesh Kumar Sharma at Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo-District Pulwama** for compliance.