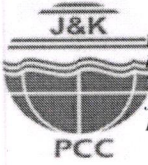


Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu



Winter office: November-April
Parivesh Bhawan, Gladni,
Transport Nagar, Narwal,
Jammu. (J&K) 180006.
Ph./Fax. 0191-2476925

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Behind Govt. Silk Factory,
Rajbagh, Srinagar (J&K) 190008
Ph./Fax. 0194-2311165.

email: membersecretaryjkspcb@gmail.com

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

No. PCB/NGT/130/023 / 06-08

Dt. 17-04-2023.

Sub: - O.A No. 706/2022 Order Dated 10-02-2023 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi titled Asgar Ahmad Najar Versus Ministry of Environment, Forest and Climate Change & Ors.

Ref.: Consultant (Judicial) (NGT) email dt. 17-02-2023.

Sir,

In compliance to the Hon'ble National Green Tribunal Order Dated 10-02-2023 in O.A No. 706/2022 titled **Asgar Ahmad Najar Versus Ministry of Environment, Forest and Climate Change & Ors.**, kindly find enclosed herewith the Report of Joint Committee constituted in this regard.

The Report of Joint Committee may kindly be taken on record and placed before the Hon'ble NGT for consideration, please.

Yours faithfully,

Encl: (As above)

(K. Ramesh Kumar) IFS
Member Secretary
JKPCC, Jammu.

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 kind information of Chairman.

Report of the Joint Committee in compliance to the Hon'ble NGT Order Dt. 10.02.2023 in the matter of O.A No. 706/2022; Asgar Ahmed Najjar Versus Ministry of Environment, Forests and Climate Change & Ors.

1. Background:

The report of the Joint Committee dated 15/12/2022 submitted to Hon'ble National Green Tribunal in compliance of earlier Orders dated 28/9/2022 and 11/11/2022, was considered by the Hon'ble National Green Tribunal. It was observed and directed by the Hon'ble National Green Tribunal vide order dated 10/02/2023 that:

"Reply has been filed by respondent no. 8 vide email dated 05.12.2022. Objections to the report of the Joint Committee have been filed by respondent no. 8 vide email dated 08.02.2023 wherein respondent no. 8 has also mentioned in detail the steps taken for compliance with the recommendations made by the Joint Committee.

The area falls in the Himalaya's fragile ecology and, therefore, we direct the Joint Committee to undertake visit to the site in question and verify the factual position regarding compliance with the recommendations made in the report of the Joint Committee by respondent no. 8 and submit its report within two months by email at judicial-ngt@gov.in"

2.0. Report of the Joint Committee:

In compliance to the directions of Hon'ble NGT, the Joint Committee comprising of Shri Zaheer Abbas, Sub Divisional Magistrate (SDM), Banihal (representative of Deputy Magistrate, Ramban), Dr. Narender Sharma, Additional Director, CPCB Chandigarh (Representative of CPCB, New Delhi) and Sanjay Rathore, Divisional Officer, PCC Ramban (Representative of JKPCC) visited the site on 31.03.2023, The applicant accompanied by other inhabitants of village Chanar, Bankoot and the representatives of the project proponent were also present during the site visit.

The point-wise factual position regarding compliance of the recommendations made in the earlier report of the Joint Committee by the respondent No. 8, as verified by the Joint Committee on 31/3/2023, is submitted as follows in **Table 1:**

Table 1: Point-wise factual position regarding compliance of the recommendations of the Joint Committee, as on 31/03/2023

S.No.	Grievance of the Applicant as filed in the OA No. 706 of 2022, by the applicant.	Recommendations of the Joint Committee in its report dated 15.12.2022	Factual Position as on 31.03.2023, as verified by the Joint Committee.
1.	The benching plant installed by the respondent No. 7 and 8 has no water disposal mechanism in place and all the waste material generated from the Unit is being discharged over the land of the applicant.	The settling tank for settling the solid inorganic waste has been provided, for primary treatment of waste water generating from the batching plant as on 16/11/2022. However, the examination of record provided by Divisional Office of JKPCC, indicates that the facility for primary treatment of the waste water generated have been inadequate in the past upto 16/8/2022 (Letter No. PCC/DO/Rbn/2022/66 dated 21/7/2022 attached as Annexure-3 and Letter No, PCC/RD-J/2022/1288/2830-32 dated 16/8/2022 attached as Annexure-4), <i>thereby confirming that the pre-treatment/sedimentation tank of batching plant was of inadequate size and also project proponent was non-complaint before 16/8/2022 and the tunnel</i>	<p>Non-Compliant with regard to tunnel waste water discharge.</p> <p><i>A sedimentation tank comprising of 03 chambers for the treatment of muddy water coming out of the tunnel T-77A, was found constructed near the northern face of the tunnel but without any arrangement for settling/removal of the mud/slush. The unsettled tunnel muddy water was still being discharged into drain on down slope passing through one side of the village, through a pipe connected at the bottom of Sedimentation tank. (Photograph 1 2 & 3 of Annexure-1)</i></p> <p>It was also recommended earlier by the Joint Committee that “J&K PCC is required to take action for non-compliance of the terms & conditions of the Consent to Operate (CTO) and the directions given to the project proponent”</p> <p>As per DO, PCC Ramban, the consent to operate (renewal) under Green Category issued to the batching plant by J&K PCC was already valid upto February, 2023(Annexure-2) when the Joint Committee earlier visited the site on</p>

		<p>waste water without any proper treatment, was being discharged into the nearby drain (concrete lined except pathways/crossing points), leading to agriculture land. The physical condition of the land as verified by the Joint Committee also indicated the same (Photograph-1 of Annexure-6).</p> <p>J&K PCC is required to take action for non-compliance of the terms & conditions of the Consent to Operate (CTO) and the directions given to the project proponent.</p>	<p>16.11.2023 and the project proponent has also applied for its further renewal and the case is under process.</p> <p>According to the member representing J&K PCC, a separate “Action Taken report” is being filed by J&K PCC to Hon’ble NGT, in this regard.</p>
2.	<p>The waste water also flows through the pathways streets make it difficult for the public to walk on the streets as wells as also makes hindrance for the school going children.</p>	<p>During visit to the site, this point was verified by the Joint Committee (Photograph2&3 of Annexure-6) and to avoid this problem, either ramps or closed pipes are required to transport the waste water at the points where waste water is crossing the pathways/crossing points.</p>	<p>Complied with.</p> <p>It was verified by the Joint Committee that <i>the project proponent has provided pucca drain (on down slope natural drainage passing through one side of the village). Further, the concrete ramps over the pathways/crossing points over drain have also been provided(Photograph 4 & 5 of Annexure-3)</i></p>
3.	<p>The respondent No. 7 and 8 have not made any proper way to handle the chemicals and steel fibre, slash etc and the water from the tunnel (de-</p>	<p>It was observed by the Joint Committee that the water accumulated in the tunnel under reference is muddy/slushy due to the construction activities and movement of vehicles engaged in the construction activities in</p>	<p>Non-Compliant with regard to tunnel waste water discharge.</p> <p><i>(the non- compliance as already mentioned at S.No. 1 above)</i></p> <p><i>A sedimentation tank comprising of 03 chambers for the treatment of muddy water coming out of the tunnel T-77A, was found</i></p>

	<p>winterization).</p>	<p>the main tunnel, and is pumped outside through tunnel T-77A and discharged on down slope natural drainage passing through one side of the village into the Bishleri Nallah.</p> <p>In this regard, the record shared by the concerned Divisional Office of JKPC indicates that this site was previously visited by JKPC team and it was found that the water from de-watering of the tunnel and is discharged into the small nallah/ drain which passes through the nearby village (Letter No. PCC/DO/Rbn/2022/66 dated 21/7/2022 attached as Annexure-3). Subsequently, a letter was also issued by JKPC to the project proponent asking them to construct settling tanks of adequate sizes outside the face of the tunnel and at the batching plant so that slush etc is settled and removed at regular intervals (Letter No, PCC/RD-J/2022/1288/2830-32 dated 16/8/2022 attached as Annexure-4).</p> <p>During the verification of the factual position by the Joint</p>	<p><i>constructed near the northern face of the tunnel but without any arrangement for settling/removal of the mud/slush. The unsettled tunnel muddy water was still being discharged into drain on down slope passing through one side of the village, through a pipe connected at the bottom of Sedimentation tank. (Photograph 1 2 & 3 of Annexure-1)</i></p> <p>According to the member representing J&K PCC, <i>a separate "Action Taken report" is being filed by J&K PCC to Hon'ble NGT, with regard to non-compliance of the directions issued by J&K PCC in this regard.</i></p>
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		<p>Committee, it was observed that while the project proponent has provided the settling tank for the batching plant (Photograph-4 of Annexure-6), <i>no arrangement/ settling tanks have been provided for the muddy water coming out of the tunnel as on 16/11/2022 and the muddy water is still going in the nearby nallah/drain and also on the pathways/crossing points being used by villagers (Photograph-5of Annexure-6), leading to the village pathways and the land in the village ChanarBankoot Village, Tehsil Banihal, District Ramba (Photograph-6of Annexure-6). Therefore, it may be concluded that the project proponent is yet to comply with the directions/advice of J&KPCC to prevent damage to the public health and soil environment.</i></p> <p><i>J&K PCC is required to take action for non-compliance of the directions issued to Project Proponent so that the tunnel work is performed with the compliance of prescribed norms/directions of J&K PCC.</i></p>	
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4.	<p>The illegal activities of Respondent No. 7 & 8 have resulted in creation of a huge dumping ground which can fall anytime and may cause damage to the whole village.</p>	<p>It was observed by the Joint Committee that the village Chanar Bankoot, tunnel T-77 A and batching plant are at lower elevation than the existing Tatnihal-Banihal road maintained by IRCON International Ltd. The project proponent has constructed an approach road in the acquired land towards batching plant and tunnel T-77A by dumping the muck at the junction for the purpose of widening it so that the construction vehicles can easily reach the site.</p> <p><i>However, at the same time, as apprehended by the applicant, it is true that if it slides due to any reason, this may cause damage on down slopes since proper retaining wall is not provided by the project proponent so far (Photograph-7 of Annexure-6.</i></p> <p><i>Therefore, a retaining structure such as gabions/crate wall to retain the muck dumped for construction of approach road on upper side of the village is needed badly to avoid any untoward incident, leading to loss of property or life.</i></p>	<p>Complied with, but further action required.</p> <p>It was verified by the Joint Committee that <i>A gabion wall has provided to retain the muck along the bottom of the dump in the railway acquired land (Photograph 6 of Annexure-4).</i></p> <p><i>However, it was observed that a small portion of the soil has started sliding down just below the gabion wall provided by the proponent near Northern face of tunnel (Photograph 7 of Annexure-4). It is recommended that slop stability is ensured by the proponent, before leaving the site.</i></p>
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A report covering the points related to Mining Officer, Horticulture Officer, Cracks developed in the houses of nearby Village and Agriculture Officer including the Compensation for the damage to the Crops is being filed by District Magistrate separately.

It is recommended that apart from providing the compensation for the loss of crop, the remediation of the agriculture land damaged as verified by the Agriculture Officer, is to restore to its original condition by the Proponent under the supervision of concerned Agriculture Officer of the area.

The above factual position as on 31.03.2023, as verified by the Joint Committee, is being submitted for the consideration of Hon'ble National Green Tribunal. The Joint Committee will abide by further directions of Hon'ble NGT, in this regard.


Sanjay Rathore
DO, JKPC
Ramban
15.4.2023


15/4/2023
Dr. Narender Sharma
Additional Director
CPCB Chandigarh


15.04.2023
Mussarat Islam, JKAS
District Magistrate
Ramban

Date: April 14, 2023



Ramban
31.03.2023 13:32
33.41751, 75.19913
C59X+QV8, Bankoot

PHOTOGRAPH 2 OF ANNEXURE-1



Ramban
31.03.2023 13:32
33.41754, 75.19909
C59X+QV8, Bankoot



Ramhan
31.03.2023 13:44
33.41745, 75.1998
C59X+QV8, Bankoot



J&K Pollution Control Committee
Jammu/Kashmir (www.jkpcb.nic.in)

Consent Order

Consent No.:- PCC/digital/22062757181 of 2022

Date:- 18/04/2022

Consent To Operate (RENEW) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974, and under Section 21 of the Air(Prevention & Control of Pollution)Act, 1981, as amended is granted in favour of

Sh. MEENU ARIF
 M/s ABCI INFRASTRUCTURES PVT LTD
 T77 D BANKOOT BANIHAL
 Ramban, Banihal(registered with DIC vide registration
 No: date:)

for a period upto FEBRUARY 2023 for GREEN category of unit as per revised classification of industrial sector, subject to the following terms and conditions in a time bound manner :

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is granted valid for the manufacturing of the products / by-products of consented quantity as mentioned below with capital investment of Rs.33.00 lakhs(as per Schedule II):

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	Cement Concrete	30	Cubic Meters/Hour

Any change / enhancement in production capacity, process, raw materials etc shall have to be intimated to the Committee and the unit holder has to apply afresh for the same

3. Compliance under Water Act :

- (a) Sewage Effluent : The unit holder has to install and maintain continuous operation of a comprehensive treatment system as is warranted with reference to effluent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards before disposal

Standards of Discharge for Sewage Disposal:

Parameters	Range	Conc. in mg/l except for pH
pH	between	6-9
Suspended Solids	Not to exceed	100
BOD(3 days at 27 degree celsius)	not to exceed	30

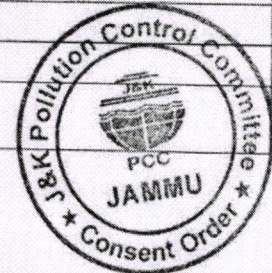
(b) Water Consumption and Disposal :

- i. The daily quantity of water consumption shall not exceed KLD.
- ii. The daily quantity of sewage effluent from the unit shall not exceed from KLD.
- iii. Waste water generated from the unit shall be disposed through Septic Tank, Soakage Pit or ETP as applicable

4. Compliance under Air Act :

- a. The unit holder shall comply to National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B).
- b. The unit holder shall take adequate measures to treat the emissions generated, if any, during the process and comply to Environment Protection standards specific to Industry

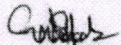
5. The unit holder shall comply to the Solid Waste Management Rules 2016 dated 8-4-2016



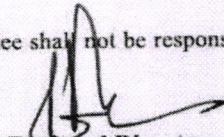
6. Under the Noise Pollution (Regulation and Control) Rules 2000, the unit holder shall take adequate measures for control of noise from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75dB(A) during day time and 70 dB(A) during night time. Daytime is reckoned in between 6 am to 10 pm and night time is 10 pm to 6 am
7. The unit holder shall comply to the Plastic Waste Management Rules 2016 dated 18-3-2016
8. Self Monitoring Schedule :
The unit holder shall have to get the samples of emission/Effluents analysed from the laboratory of J&K PCC or laboratories approved by J&K PCC after every twelve months to check the efficacy of Pollution Control Devices (PCDs) installed in the unit
9. The unit holder shall comply with the additional conditions as stipulated below:-
- The unit holder has to keep a record of the environmental data monitored regularly with regard to operation and maintenance of pollution control devices viz Air Pollution and Water Pollution Control to achieve the desired standards notified in EP Act.
 - Pollution Control Devices (ETP/ECD) as contemplated to achieve the quality of effluent emission within the tolerance limits prescribed, shall have to be operational during the course of production. The effluent/emission shall not contain constituents in excess of the tolerance limits as laid down by J & K Pollution Control Committee.
 - The unit holder shall be liable to pay compensation in case any damage is caused to the environment.
 - The unit holder shall abide by the directions of the Committee which will be issued from time to time. Any infringement/ violation or transgression of the statutory enactments of pollution control acts by the unit, shall be sufficient cause to prosecute the violator in conformity with relevant section of Air/Water Acts and Environment Protection Act in force.
 - The unit shall be under surveillance monitoring of J & K Pollution Control Committee
 - The unit holder shall provide adequate arrangement for fighting the accidental leakages/discharge of any air pollutant/gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.
 - The unit holder shall adhere to general standards terms and conditions of Water / Air Acts and compliance of environment standards as per environment protection act 1986
 - The unit holder should apply 60 days in advance for renewal of consent before expiry the date of this Consent Order
 - In case of violation of above mentioned conditions or any public complaint the consent shall be withdrawn.

Specific Conditions:-

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

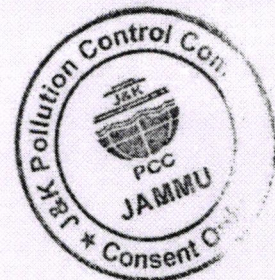

(TO to RD)

'By Order'


Regional Director

Copy to the :

1. Member Secretary J&K PCC Jammu for information
2. General Manager DIC Ramban for information.
3. D.O PCC Ramban for information & ensure compliance of the conditions of the consent.
4. P.A to Chairman J&K PCC for the information of Chairman.
5. M/s ABCI INFRASTRUCTURES PVT LTD , T77 D BANKOOT BANIHAL .
6. Office file



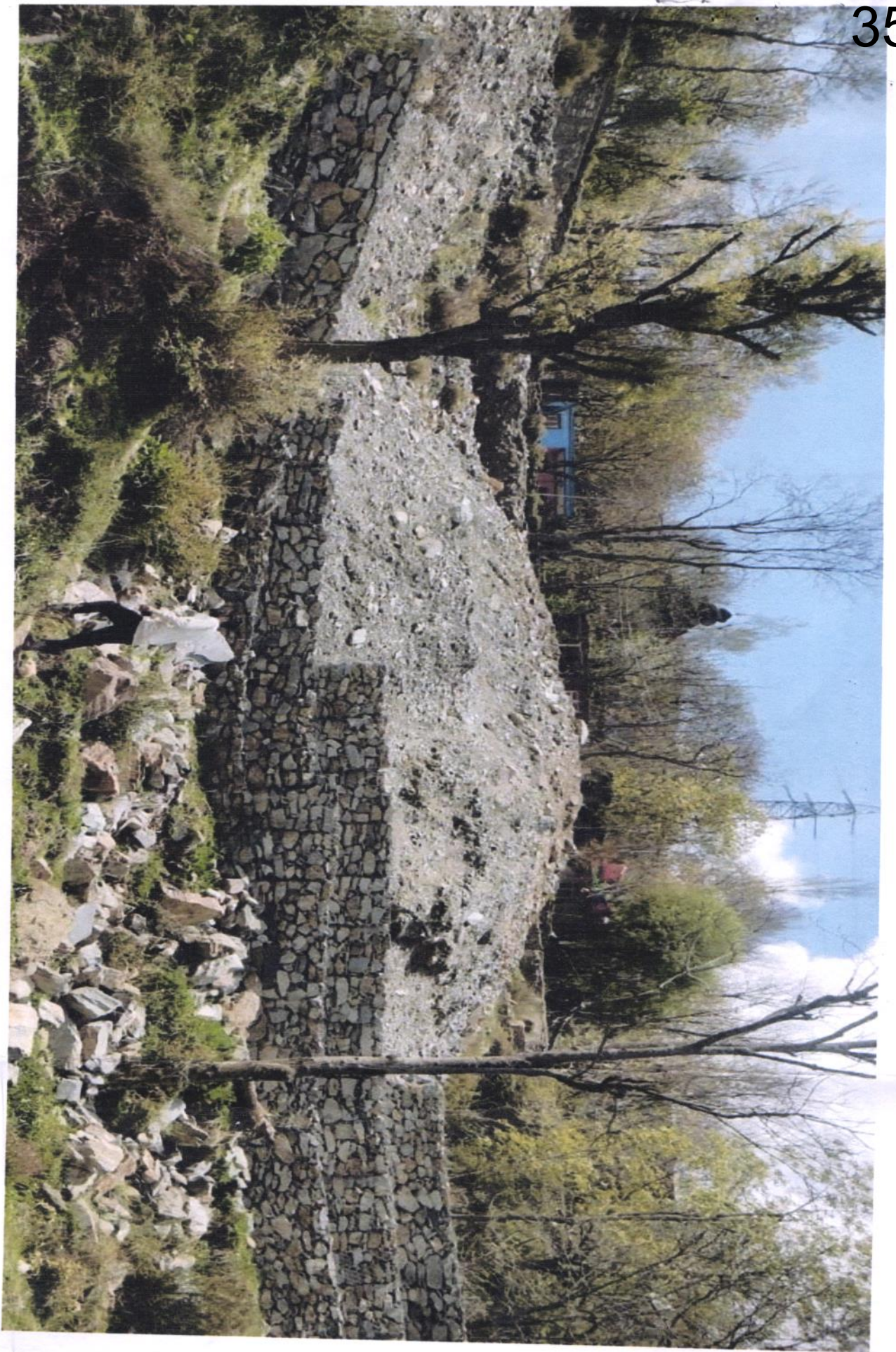
The unit holder shall comply to environment standards as notified under the environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website www.jkspcb.nic.in or at www.epcb.nic.in

"This is computer generated document from OCMMS by JKPCCC"

The industry can apply for Renewal/Expansion of Consent on the site www.jkocmms.nic.in directly







PHOTOGRAPH-6 OF ANNEXURE-4



Ramban
31.03.2023 13:40
33.41752, 75.19908
C59X+QV8, Bankoot