

Item No. 11

Court No. 1

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

Original Application No. 253/2023

Raja Muzaffar Bhat

Applicant

Versus

Union Territory of Jammu & Kashmir & Ors.

Respondent(s)

Date of hearing: 09.09.2024

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

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

Respondent: Mr. Ghansham Singh, Member Secretary, J&K PCC (Through VC)
Mr. M. Yaqoob, CEO, Municipal Council, Poonch (Through VC)
Mr. Tahir Mustafa Malik, ADM, Poonch (Through VC)

ORDER

1. In this original application the issue of unscientific dumping and improper management of solid waste and bio-medical waste in the area falling between Sher-E-Kashmir Bridge (NG 144A) and the confluence of Poonch River and Belar nala, near Poonch Town of Jammu and Kashmir is involved.

2. The Tribunal in the order dated 13.03.2024 had taken note of the fact that the J&KPCC had imposed the EC of 81 Lakh upon the Municipal Council, Poonch for open, unscientific dumping and disposal of solid waste on the bank of Suran River near Sher-E-Kashmir at Poonch. It was also observed that for the violation after November 2022 further action for imposing EC be initiated.

3. The order of the Tribunal dated 24.05.2024 also took note of the fact that subsequently vide order dated 22.05.2024 passed by J&KPCC,

EC of Rs. 162.9 Lakhs was imposed upon Municipal Council, Poonch by J&kPCC. The EC amount has not been recovered. The Tribunal on 24.05.2024 had observed that the District Magistrate, Poonch had not made it clear as to why the action was not taken for realization of the EC imposed by J & K PCC. In that background fresh report from District Magistrate, Poonch was sought vide order dated 24.05.2024.

4. No fresh report has been filed by the District Magistrate, Poonch, till now. Hence, we impose a cost of Rs. 10,000 upon Deputy Commissioner/District Magistrate, Poonch, for not complying with the order of Tribunal and not filing the report.

5. The Deputy Commissioner/District Magistrate, Poonch is directed to file a report in terms of the order dated 24.05.2024 within four weeks. In that report he will also disclose the status of the allotment of land for solid waste management by the Municipal Council, Poonch.

6. The fresh report by the CEO, Municipal Council, Poonch on 22.07.2024 reveals that 50,000 metric tons of legacy waste is dumped at Ward no. 11, Poonch. There is no timeline indicated for clearing the said legacy waste. The CEO, of Municipal Council, Poonch appearing virtually admitted that even today after processing of 8 tons of waste out of 11 TPD at least three tones of unprocessed daily waste is added to the legacy waste. Hence, we require the CEO, Municipal Council, Poonch to file a fresh report disclosing the timeline for bridging the gap between the daily generated waste and its treatment and also for remediating the legacy waste.

7. The order dated 24.05.2024 indicates that the J & K PCC had levied EC for violation up to 31.01.2024 therefore for the subsequent

violation by the Municipal Council, Poonch the requisite action to impose the EC is required to be taken by J & K PCC.

8. Hence the J & K PCC, Municipal Council, Poonch and Deputy Commissioner/District Magistrate, Poonch are directed to file a fresh report within six weeks, keeping in view the observations made above.

9. List on 23.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 09, 2024
O.A. No. No. 253/2023
HB..