

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 277 of 2013  
(M.A. No. 214 of 2016)**

**Dr. Irfan Ahmad & Ors. Vs. Mr. Nawang Rigzin Jora & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

**Present:** Amicus: Mr. Narender Pal Singh, Mr. Mithilesh Kumar, Adv.  
Respondent Nos.2&3: Mr. G.M. Kawoosa, Mr. Mithei Jain, Mr. Bipul Pathak and Mr.Sunil Fernandes , Adv.  
Respondent No. 4: Mr. Vikas Malhotra  
Amicus: Dr. Abhishek Arney, Mr. Sumit Razora, Adv.  
for Mule & Pittu Association  
Mr. B. V. Niren, Adv. for MoUD

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;"><b>Item No. 01</b></p> <p style="text-align: center;"><b>March 29, 2016 A</b></p>	<p>Learned counsel appearing for the State of Jammu &amp; Kashmir submits that the learned Advocate General of the State could not come because of some personal difficulties and prays for a short adjournment.</p> <p>We may notice that learned Advocate General had clearly stated before the Tribunal and sought time to seek instructions and make statement before the Tribunal as to how the Government would deal with the situation, if the history repeat itself in relation to inviting of fresh tenders. In the interest of justice we grant time as a last opportunity.</p> <p>Learned Amicus Curiae has shown certain photographs to us which he says he has taken last Sunday when he himself visited the site.</p> <p>Learned counsel appearing for the State submits that these photographs cannot be shown in this fashion and they should be filed along with an Affidavit. We find absolutely no substance in these submissions. The learned Amicus Curiae has himself visited the site and wishes to produce the photographs. We least imagine the State to raise such an objection rather than to rectify the</p>

environmental hazards that it is causing. The photographs show all kinds of waste, municipal solid waste, bio-medical solid waste and even dead animals being thrown near water bodies/ lakes and the site in question. We are further told that nearly 80,000 people live around the site and it is a serious health hazard and environmental threat for the entire area. The photographs also show the leaches resulting from indiscriminate dumping of such waste, which obviously means that lake and ground water is being polluted which is a major source of water supply to Srinagar.

Since the Learned counsel appearing for the State creates a shadow of doubt upon the photographs submitted by the learned Amicus Curiae, we appoint Mr. Rahul Choudhary, Adv. who is present before the Tribunal as a Local Commissioner in the matter. The learned Local Commissioner shall visit the site today itself and report to the Tribunal the position at the site, compare these photographs as well as the environment and ecology prevailing in the area around the dumping site.

In the meanwhile, we restrain either the Corporation or the State Government from removing any waste for 24 hours from today. The learned Local Commissioner shall visit the site without any notice to the parties, since these directions are passed in the presence of the Learned counsel appearing for the parties.

The SHO of the concerned area is hereby directed to provide complete help and Police aid to the learned Local Commissioner to ensure that directions of the Tribunal are executed without demaur and delay.

The learned Local Commissioner shall submit the report before the next date of hearing with advance copies to all the Learned counsel appearing for the parties.

The State Government shall provide Air Ticket to the learned Local Commissioner from Delhi to Srinagar and Srinagar to Delhi and make all arrangement for his stay at Srinagar.

learned Local Commissioner is at liberty to take photographs, videography and even record the statements of the people residing adjacent to the site.

We had issued directions vide different orders passed in this Application, to take due precaution and prepare site even as temporary site for dumping of waste. It is evident that no steps have been taken by the Corporation in that behalf at all. Even the Government has failed to discharge its statutory and public law functions as we prima facie find at this stage. Before we pass any further punitive directions we issue notice to the State as well as the Commissioner of the Srinagar Corporation to show cause why environmental compensation in terms of Section 14 and 15 of the National Green Tribunal Act, 2010 be not awarded against them; why their Criminal prosecution be not directed in accordance with law why they be not punished for violating the specific directions of the Tribunal by the previous orders.

The reply to the show cause shall be filed by the Commissioner of the Corporation and the concerned Secretary of the Government of Jammu and Kashmir before the next date of hearing positively.

List this matter on 07<sup>th</sup> April, 2016.

.....,CP  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Prof. A.R. Yousuf)

