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



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ORDER No. : 235 JKPCC of 2024
DATED : 01/02/2024

Whereas, **M/s Syed Mohd Irshad, Dara Gutliya - Baramulla** has failed to obtain consent from the JK Pollution Control Committee 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, Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar vide its order dt. **29-02-2023** in WPC No. **2649/2022** titled **M/s Tower Chemicals and Ors Versus Union Territory of J&K & Ors.** has directed for demarcation of **Lachipora Wildlife Sanctuary**.

Whereas, the Hon'ble High Court has further observed that **"in case after said demarcation the mines of the mining holders are found to be situated within the prohibited zone/s, the mining holder shall forthwith stop from carrying out the mining activities"**.

Whereas, Hon'ble Supreme Court in its order dated 3rd, June, 2022 directed **"that each protected forest, that is national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the guidelines of 9th February 2011 shall be strictly adhered to"**.


Whereas, Wildlife Warden, North Kashmir Division **Sopore** vide letter No. **WLW(N)/Estt/2023-24/210-11** dt. **22-01-2024** has submitted list of Mining units falling within one kilometer of Lachipora Wildlife Sanctuary to the Deputy Commissioner Baramulla and same has been endorsed to JK Pollution Control Committee by the Regional Wildlife Warden Kashmir vide letter No. **RWL/K/Legal/2023-24/278-79** dt. **25-01-2024**.

Whereas, the Mining Activity in question is not permissible as per the directions of Hon'ble Supreme Court of India.

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**, in this behalf, the following direction are hereby issued:-

- Deputy Commissioner/ District Magistrate, **Baramulla** is directed to get the Mining activity under the name and style of **M/s Syed Mohd Irshad, Dara Gutliya -Baramulla** closed immediately.
- Executive Engineer, KPDCL, Electric Division, Baramulla is directed to disconnect the electric supply to the above said mining activity, if procured.
- Director Geology & Mining Department, Kashmir is directed revoke the mining licence/permit for the Mining Activity as the case may be.
- Prop. **M/s Syed Mohd Irshad, Dara Gutliya -Baramulla** 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/669/024/1320-1327
Dated:- 01/02/2024.

Copy to the:-

- PCCF/Chief Wildlife Warden J&K for information and necessary action.
- Deputy Commissioner/ District Magistrate Baramulla for information and necessary action.
- Regional Director, PCC, Kashmir for information and follow up action within fortnight.
- Director Geology and Mining Department, Kashmir for information and necessary action.
- Executive Engineer, KPDCL, Electric Division, Baramulla for information and necessary action
- Divisional Officer, PCC Baramulla for information, with the direction to follow up and get the closure order implemented through District Administration in letter sand sprit.
- In-Charge web site Pollution Control Committee Jammu for uploading the closure order.
- Prop, M/s **Syed Mohd Irshad, Dara Gutliya -Baramulla for compliance**