

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE,  
KOLKATA

ORIGINAL APPLICATION NO. 219 of 2024/EZ

IN THE MATTER OF

Niraj Kumar

.... APPELLANT

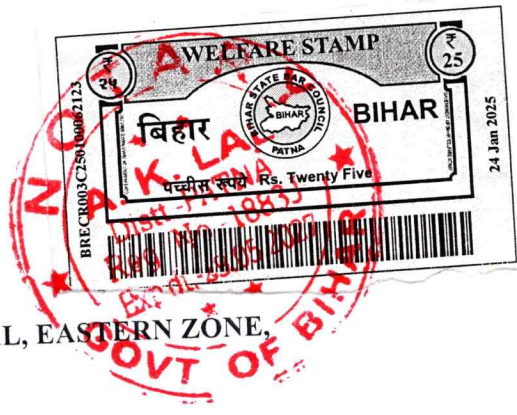
VERSUS

Dhiraj Kumar & Ors.

.... RESPONDENT

INDEX

Sl no.	Annexure	Particulars	Page no.
1		Counter Affidavit with ID proof of the deponent.	
2.	Annexure-1	A copy of the CTO application.	
3.	Annexure-2	A copy of the CTO.	



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VERSUS  
Dhiraj Kumar & Ors. .... RESPONDENT

COUNTER AFFIDAVIT ON BEHALF OF BIHAR STATE POLLUTION CONTROL BOARD.

I, Abhimanyu Singh, aged about 32 years, Male, Son of Ranjan Kumar Singh, Resident of - Kailash Vatika, Sardar Patel Colony, P.O.- Sadaquat Ashram, P.S.- Digha, Kurji, Patna- 800010, do hereby solemnly affirm and state as follows: -

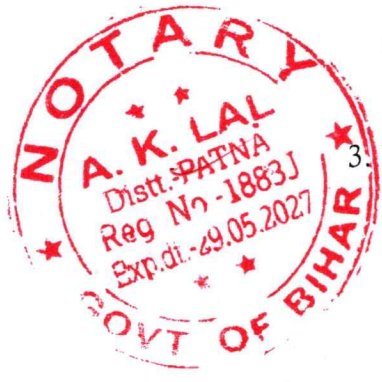
1. That I am posted as Law Officer in Bihar State Pollution Control Board, Patna and as such I am well aware of the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.

2. That I have been duly authorized by the competent authority to swear and file this affidavit before this Hon'ble Tribunal on behalf of the answering respondent.

3. That the instant Original Application has been preferred for cancelling the Consent to Operate issued to the respondent no. 01

*Abhimanyu Singh*  
*SL No. 895 - Date 24.1.25*  
*Advocate Patna*  
*affidavit affirmed by J.J declared respondents to sign/leave etc. 1/5 3 3 Sub case 4*  
*file of N 2 - 94th before me - 24.1.25*

*A. K. LAL*  
*2nd Court Pt*



and for closing the brick-kiln of the respondent no. 01 as it is being operated in violation of the environmental law and is damaging the ecosystem of the area and affecting the productivity of the agricultural lands situated near the brick-kilns.

4. That at present, brief counter affidavit is being filed on behalf of the answering Respondent to place certain facts on record to assist this Hon'ble Tribunal while reserving the right of answering respondents to file a more detailed, paragraph-wise response to the contents of the original Application at a later stage, if warranted and if so permitted by this Hon'ble Tribunal. No part of the original application, therefore, may be treated to be admitted for want of specific traverse.
5. That in light of the instant case the State Board is carrying a detailed inspection to verify the allegation levelled by the petitioner and therefore craves liberty to file a more detailed reply at a later stage, bringing on record the findings of the inspection.
6. That it is stated that the respondent no. 01 applied before the State Board under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, for grant of Consent to Operate for operating a brick-kiln at Khata No. 94, Khesra No. 225, Mauza- Karna, P.S. + Anchal- Parbatta, District- Khagaria. The said application was supported by an affidavit regarding conversion of kiln to cleaner technology, regarding excavation of soil upto 1.5 meter for manufacturing of bricks, undertaking for CTO, photographs of



kiln, ID Proof, copy of Previous CTO Valid upto 06.09.2022 and its compliance report and fee of Rs. 52300.

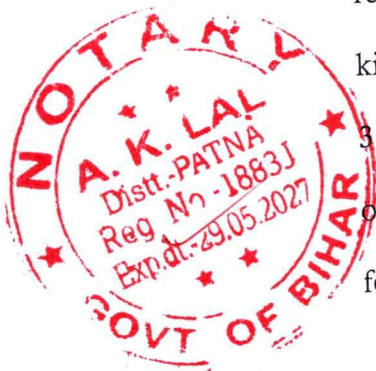
A copy of the CTO application form is annexed and marked as Annexure-1.

7. That the application of the petitioner was considered by the State Board and upon finding it to be complete the State Board granted Consent to Operate to the respondent no. 01, contained in Memo No. 790 dated 25.07.2022.

A copy of the CTO dated 25.07.2022 is annexed and marked as Annexure-2.

8. That the primary allegation made by the applicant is that the petitioner has obtained CTO from the State Board for operating the brick-kiln at one site and whereas he is operating the brick-kiln on another site which is situated at a distance of 100 meters from the actual site for which CTO was obtained. Further, due to operation of the brick-kiln by the petitioner the ecosystem of the area has been severely affected and the nearby agricultural fields has been destroyed.

9. That in this regard it is stated that the respondent no. 01 has not established the brick-kiln in the year 2022 and rather has obtained renewal of the CTO application and has been operating the brick-kiln from earlier time. Therefore, the allegation made in paragraph 8 of the original application that the respondent no. 01 after obtaining CTO established the brick-kiln is baseless and not well found.



10. That the petitioner in the original application has made very serious allegation but has not supported the same by evidence or reports and has merely made statements. At para 6 the petitioner has stated that the respondent no. 01 has discharged effluents from the brick-kiln which has polluted the water bodies, however the brick-kiln does not produce any effluent and therefore it cannot be said that the brick-kiln of the respondent no. 01 is discharging effluent from the brick-kiln.

11. That the State Board will be filing a detailed counter affidavit after carrying a field visit and craves leave of this Hon'ble Tribunal to file a supplementary affidavit in the instant matter bringing on record the site inspection report and action taken report, if required.

12. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom and the annexures are true copied of its respective original.

*Abhinav Singh*  
DEPONENT

Identify the deponent signature/L.I.L.  
who has signed in my presence

#### VERIFICATION

Verified at Patna on 24th day of January, 2025, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.

*Abhinav Singh*  
DEPONENT





Application No: OR217N023247

Telephone No.: 2281776/2281250/2282265

E-mail- bspcb@yahoo.com

**Bihar State Pollution Control Board, Patna**

(TO BE SUBMITTED IN TRIPLICATE)

**APPLICATION FOR CONSENT FOR EMISSION/CONTINUATION OF EMISSION  
UNDER SECTION 21 OF THE AIR(PREVENTION AND CONTROL OF POLLUTION)ACT, 1981**

From

M/S D.P.Y BRICKS, AT-Mahesh let mour,PO-  
Karna,Dist-Khagaria,Pin no-851216  
City:Karna  
Block:PARBATTA  
District:KHAGARIA

Dated:

08/07/2022

To

The Member Secretary,  
Bihar State Pollution Control Board  
Patna

Sir,

I/we hereby apply for CONSENT under Section 21 of the Air(Prevention and Control of Pollution)Act, 1981(14 of 1981) to emit and operate an Industrial Plant in the Air Pollution Control Area, owned by

1. Mr/Mrs dhiraj Kumar for a period upto 5 years
2. The Annexure, appendices, other particulars and plans are attached herewith in triplicate.
3. I/We further declare that the information furnished in the Annexure/Appendices and plans are correct to the best of my/our knowledge.
4. I/we hereby submit that in case of change either of the point or the quantity of emission or of its quality a fresh application for CONSENT shall be made and until such consent is granted no change shall be made.
5. I/we hereby agree to submit to the Board application for renewal of CONSENT one month in advance of the date of expiry of the consented period for emission to be continued thereafter.
6. I/We undertake to furnish any other information within one month of its being called by the Board.

Accompaniments:-

1. Project Report3 (Attached)
2. Project Report2 (Attached)
3. Undertaking\* (Attached)
4. Previous CTO/CTE order\* (Attached)
5. Compliance report\* (Attached)

Signature

Name of the applicant: dhiraj Kumar

Address of the Applicant: S/O Dinkar prasad  
yadav, AT+PO-Lagar, Dist-Khagaria, Pin no-851216

**Constitutional provisions on environment**

Article 48-A of the Indian Constitution provides in the words, 'the state shall Endeavour to protect and improve the Environment and to Safeguard the forests and wildlife of the country'.

The Constitution further provides under Article 51-A(g)-'It shall be the duty of every citizen of India to protect and improve the natural Environment including forests, lakes, rivers and wildlife and to have compassion for living creatures'.

## ANNEXURE TO FORM

### Existing Chimney New Altered

Note: Any applicant knowingly giving incorrect information or suppressing any information pertaining thereto shall be liable to any action under the provisions.

While filling this annexure the applicant shall, for such of the items not pertaining to his activity, shall state 'not applicable' against the relevant one and not leave blank.

1. (a) Full name of the applicant with address : dhiraj Kumar,S/O  
Dinkar prasad  
yadav,AT+PO-  
Lagar,Dist-Khagaria,Pin  
no-851216
- (b) Is the firm registered? : YES
- (c) If yes, give the number & date of registration and authority with whom registered. :  
PB17440538,12/09/2019
- (d) Full Address of the registered office : BSPCB,PATNA
- (e) Names, designation and full address of persons like Partners, Managing Director/Manager etc. : dhiraj  
Kumar,Proprietor-M/S  
D.P.Y BRICKS,Address-  
S/O Dinkar prasad  
yadav,AT+PO-  
Lagar,Dist-Khagaria,Pin  
no-851216
- (f) Under which category does the industry fall: Major/Medium/Small Scale. : small
2. Full name of the Land/Premises/Institute/Factory/Industry/Local body with address : M/S D.P.Y BRICKS, AT-Mahesh let mour,PO-  
Karna,Dist-Khagaria,Pin no-851216
- Tel. No.: 091-9771273662
- e-mail: sumitbabbuu@gmail.com
3. Give revenue /City Survey No. of the land/premises for which the application is made: : District:KHAGARIA  
Town/Village:Karna  
City Survey no./Mauza No./Plot No./Revenue Survey  
no.:Karna  
Khata No.:94  
Khera No.:225
4. State month and year in which the plant was actually put into commissions or is proposed to be put into commission: : Not Selected,2016

5. State the Civil/Military : Civil /Defence/industrial Estate etc. under whose administrative jurisdiction the occupiers/industrial plant is situated: District:KHAGARIA Corporation: Village Panchayat Contonment: Defence Deptt: State Govt: Prohibited areas: Others:

6. (a) State whether plant site has been declared as prohibited area: YES

(b) If yes, state the name of the Authority and furnish a certified copy of the order under which the area has been declared as prohibited area

7. State Working season per year of the plant: : Nov to Jun

8. (a) No. of persons attending the factory per day: : 40

(b) No. of persons residing in the permises : 7

9. Indicate the present use of the land in the vicinity(5 Km.radius) of the:

Name of Surrounding	Distance(in meters)	Description
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10. Climatological and Meterological Details(if available):

(a) Indicate the climate conditions at the site(arid and semi-arid etc.):

(b) Rainfall(yearly average range):

(c) Temperature(seasonal range):

(d) Information on speed and direction of wind:

(e) Humidity and Solar radiation:

11. Give list of all materials in the process in Metric tonnes/day:

List of Raw Materials & Quantity	Principal use
SAND ,COAL,SOIL	N.A

A process flow diagram must be included with this statement showing entry and exit points of all raw materials, intermediate products, by products and finished products, Detail process and control equipment.: (See Enclosure)

12. Give the name of product & by-product with daily Capacity

Name of Products	Quantity.in(Metric Tonnes/month)	Unit	Name of By-Products with Quantity(M.T)
BRICKS	15000	Numbers/Day	N.A

13. Fuel Consumption in T/day

Fuel Name	Daily Consumption(T/day)	Unit	Calorific value	Ash contents	Sulphur contents	Others
Coal	1.5	Metric Tonnes/Day				

## 14. Atmospheric Emission from each stack

Total no. of stacks:	1
Material for construction of Stack:	BRICKS ,
Stack Attached to:	Bricks Kilin ,
Height above ground level(in metres):	28 ,
Height above roof(in metres):	28 ,
Stack Top:	Round ,
Inner dimensions (in meters):	0.25 ,
Gas quantity-m <sup>3</sup> /hr:	1128 ,
Flue gas temperature 'C:	110 ,
Exit velocity of gas/sec:	6 ,

## (a) Flue gas emission

Stack No.	Type of fuel	Quantity of fuel/hr	Type of firing	So <sub>2</sub>	Nox	CO/HC	Particulates	Others
1	Coal	1.5	Manual					

## (b) Process Emission

Quantity of gas (in Nm <sup>3</sup> /hr)	So <sub>2</sub>	Co <sub>2</sub>	Analysis of vent hydrocarbons	Particulates in mg/Nm <sup>3</sup>	Other Specify
1128					

(c) Particulate analysis : 15000

(d) Chemical Composition(if available) : BSPCB

15. Give details of flue gas sampling arrangements : Port hole

16. Give details of laboratory facilities available for analysis of emission : N.A

17. Is there sufficient space available for installing air pollution control equipment : Yes

18. Details of air pollution :-

Stack Name	Equipment Name	State
Bricks Kilin	Others	Existing

19. State the total quantity of air handled by ventilation equipments,specify size and no.of equipments, installed or to be installed

Equipment Name	Equipment Size	No. of equipments	Status
Others	00	00	Install

20. Give the following details

(a) Total investment in the factory and the year of investment :

(b) The estimated expenditure for implementation of the scheme to control air pollution :

(c) Expenditure incurred to update progress achieved(physical) for air pollution control, if any, and the year/years of investment along with physical progress achieved. The firm should give details of action taken to date and the expenditure incurred and the time required for the scheme. :

(d) Annual operation and maintenance-cost of Air Pollution Control Plant, if any :

(e) Further action that is being taken up by the firm to control air pollution. :

21. Other relevent information, if any : N.A

Signature :

(Name and address of the applicant on behalf of name and address of the Firm.)

: dhiraj Kumar,S/O Dinkar prasad yadav,AT+PO-Lagar,Dist-Khagaria,Pin no-851216

The Applicant is hereby instructed to make himself familiarizes with the Air(Prevention and Control of Pollution)Act, 1981 before attempting to fill up the form.

(1) Investment of Upto 25,00,000 Rs	15000/- .
(2) Investment of More then 25,00,000 but upto 5 crores	45000/- .
(3) Investment of More then 5 crores but upto 10 crores	70000/- .
(4) Investment of More then 10 crores but upto 50 crores	100000/- .
(5) Investment of More then 50 crores	275000/- .

Note:- All the correspondences in Online Consent Management Monitoring System (OCMMS) will be done online only, no hard copy letters/notices shall be sent separately. Therefore, you are requested to check the status of your application from time to time.