

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

MISCELLANEOUS APPLICATION NO. OF 2025
ARISING OUT OF ORIGINAL APPLICATION NO. 219 OF 2024
DISPOSED ON 05/05/2025

IN THE MATTER OF:

NIRAJ KUMAR & ANR. APPLICANTS

VERSUS

DHIRAJ KUMAR & OTHERS RESPONDENTS

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Date: 22/07/2025 .

Place: Dehradun



FILED BY:

Advocate Dhananjay Mishra

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State- Uttarakhand, India.

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ADVOCATE FOR THE APPLICANTS

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

MISCELLANOUS APPLICATION NO.....OF 2025

(Under sections 26 and 28 read with section 18 of the National Green Tribunal Act, 2010)

ARISING OUT OF ORIGINAL APPLICATION NO. 219 OF 2024
DISPOSED ON 05/05/2025

IN THE MATTER OF:

(1) Niraj Kumar

S/O Late Dinkar Prasad Yadav, Village+Post- Lagar,

P.S.- Parbatta, District- Khagaria

Email: niraj319@gmail.com

(2) Archana Kumari

W/O Niraj Kumar

Village+Post- Lagar,

P.S.- Parbatta, District- Khagaria

.....**APPLICANTS**

VERSUS

Niraj Kumar

(1) Dhiraj Kumar

S/O Late Dinkar Prasad Yadav,

Village+Post- Lagar, P.S.- Parbatta,

District- Khagaria.

Email: Not available

(2) State of Bihar

Through its Secretary,

Department of Environment, Forest & Climate Change

Patna, Bihar- 800015

Email: - efd-bih@nic.in

(3) Bihar State Pollution Control Board

Through its Member Secretary

Parivesh Bhawan, Patliputra Industrial Area,

Patliputra, Patna, Bihar- 800010

Email: - bspcb@yahoo.com

(4) Union of India

Through its Secretary

Ministry of Environment, Forest & Climate Change

Indira Paryavaran Bhawan, Jorbagh Road,

New Delhi- 110003

Dhiraj Kumar

Email: - secy-moef@nic.in

(5) Ministry of Environment, Forest & Climate Change

Through its Deputy Director General of Forests (C)

Integrated Regional Office (ECZ), 2nd Floor,

Headquarter- Jharkhand State Housing Board,

Harmu Chowk, Ranchi, Jharkhand – 834002, Ranchi

Email: - ro.ranchi-mef@gov.in

(6) The District Magistrate, Khagaria

1st Floor, Collectorate Building

Koshi College Road, Khagaria

Pin-851204

Email: - dm-khagaria.bih@nic.in

(7) State Environment Impact Assessment Authority (SEIAA) Bihar

Beltron Bhawan, 2nd Floor, Shastri Nagar, Bailey Road,

Patna -800023

.....RESPONDENTS

HUMBLE APPLICATION SUBMITTED BY
THE APPLICANTS ABOVE NAMED

Niraj Kumar

MOST RESPECTFULLY SHOWETH:

1. That the Original Application was filed to bring to court's notice the illegal and unauthorized construction of Brick Kiln Plant namely M/sDPY Bricks by Respondent no. 1 on the land on which he had no consent to operate.
2. That the O.A. No. 219 of 2024 was disposed of on 05/05/2025 with following directions:

Para 15- "From the Inspection Report, we find that the allegations made in the Original Application with regard to operating of brick kiln by the Respondent No.1 by changing the site for which Consent to Operate was granted is confirmed. Thus, the Respondent No.1 is prima-facie, guilty of violation of Consent to Operate norms as well as of operating as in violation of environmental norms."

Para 16- "We, therefore, dispose of this Original Application with a direction to the Bihar State Pollution Control Board to compute Environmental Compensation against the Respondent No.1 after giving the Respondent No.1 an opportunity of being heard and thereafter proceed to recover the same in accordance with law."

Niraj Kumar

3. It is submitted that neither the Respondent No. 1 has been called by the Bihar State Pollution Control Board (Respondent No. 3) nor the Bihar State Pollution Control Board (Respondent No. 3) has taken any action against the Respondent No. 1 for violating the consent to operate norms as well as environmental norms. Copy of the Final Order dated 05/05/2025 is enclosed herewith and marked as **Annexure-1**.
4. It is pertinent to mention here that the final order in O.A. 219 of 2024 was pronounced on 05/05/2025 and after that various representations were filed by the applicants via email on 21/05/2025 and through post on 12/06/2025 requesting the Bihar State Pollution Control Board (Respondent No. 3) to execute and enforce the directions of the Hon'ble Tribunal but no action has been taken by the Board against those representations till date, hence, this miscellaneous application is being filed for the implementation of the order dated 05/05/2025 passed by this Hon'ble Tribunal. Copy of the e-mail representation dated 21/05/2025 and postal representation dated 12/06/2025 along with its tracking report are being enclosed herewith and marked as **Annexure-2**.

Niraj Kumar

5. It is also pertinent to mention here that by looking at the irresponsible and unprofessional attitude of the Bihar State Pollution Control Board (Respondent No. 3) for not taking any steps towards enforcement and compliance of the orders of the Hon'ble Tribunal, the applicants filed an RTI dated 19/06/2025 asking the Public Information Officer, Bihar State Pollution Control Board as to what steps have been initiated by the Board in compliance of the orders of the Hon'ble Tribunal for the computation and recovery of Environmental Compensation from Respondent No. 1. The applicants also sought reasons for the delay or inaction in execution of the orders of the Hon'ble Tribunal along with the relevant official communication justifying the reasons for the delay. Copy of the RTI dated 19/05/2025 along with the tracking details are enclosed herewith and marked as **Annexure-3.**

6. That Section 26 in The National Green Tribunal Act, 2010 prescribes for Penalty for failure to comply with orders of Tribunal and same is reproduced as follows “(1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a

term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention: Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crores of rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code.

7. Similarly, Section 28 in The National Green Tribunal Act, 2010 prescribes for Offences by Government Department. And same is reproduced as follows “(1) Where any Department of the Government fails to comply with any order or award or decision

of the Tribunal under this Act, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly: Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly”.

8. That since the officials of the Bihar State Pollution Control Board has failed to execute the orders of the Hon'ble Tribunal dated 05/05/2025 and have deliberately violated the same, they

are guilty under Sections 26 and 28 of the National Green Tribunals Act, 2010.

GROUNDS

That the applicants are approaching the Hon'ble Tribunal for the non-compliance of its order dated 05/05/2025 on the following grounds namely:

- A. No steps have been initiated till now by the Bihar State Pollution Control Board in compliance of the order of the Hon'ble Tribunal with regard to computation and recovery of environmental compensation from Respondent No.1.
- B. No valid reasons or relevant official communication supporting the same have been provided by the Bihar State Pollution Control Board for the delay or inaction in execution of the orders of the Hon'ble Tribunal.
- C. That the non-implementation of the order invokes section 26 and 28 of the NGT Act 2010 where in stricter punishment has been prescribed and knowing the same the Respondent no. 3 is willfully violating the order.

LIMITATION

That there is a subsisting cause of action because of the continuing violation of the order of the Hon'ble Tribunal dated 05/05/2025 and the Respondent no. 3 have failed to take any action against Respondent No. 1 till this date although more than 2 months have elapsed. Hence, this miscellaneous application is not barred by limitation.

PRAYER

For the facts and circumstances aforementioned, it is therefore most humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

- i.) Direct the Respondent No. 3 to show cause why the criminal proceedings shall not be initiated for violation of the Order of the Hon'ble Tribunal dated 05/05/2025.
- ii.) Direct the Respondent No. 3 to show cause what steps they have taken to implement the order of Hon'ble NGT dated 05/05/2025.
- iii.) Direct the Respondent No. 3 to execute the orders of the Hon'ble Tribunal dated 05/05/2025 with immediate effect.

Niraj Kumar

iv.) Pass such order /s as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case.

And for this act of kindness and justice the Applicant shall ever remain obliged.

APPLICANTS

Through



Advocate Dhananjay Mishra

Chamber no. 49, Block no. 2, Near Bar Association

2nd Floor Court Compound, Dehradun- 248001

State- Uttarakhand, India.

Email:- advocatehc75@gmail.com

ADVOCATE FOR THE APPLICANTS

Date: 22/07/2025

Place: Dehradun



AFFIDAVIT

I, **Niraj Kumar, S/o. Late Dinkar Prasad Yadav, Aged 34 Years, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria, State- Bihar,** do hereby solemnly declare and affirm as under:

- 1) That I have filed this Miscellaneous Application Under Sections 26 and 28 read with Section 18 of National Green Tribunal Act 2010.
- 2) That the contents of para 1 to 8 are true to my personal knowledge information and belief and Para Nos. A to C of the grounds, which I believe to be true and correct. I have not suppressed any material fact.
- 3) That the annexures accompanying the application are true copies of their respective originals.

VERIFICATION

I, the above-named deponent do hereby verify and declare that the contents of the affidavit are true & correct to the best of my knowledge & belief. No part of it is false and nothing material has been concealed therein.

Verified at Dehradun this 21st day of July, 2025.

Date : 21/07/2025

Place : Dehradun



Signed, Sworn & verified before me by Shri/Smt. Niraj Kumar who is identified by Sri. Dharmraj Kumar

Signature of Advocate

Niraj Kumar

Signature of Applicant

Oath Commissioner
Dehradun



AFFIDAVIT

I, Archana Kumari, W/o. Niraj Kumar, Aged 32 Years, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria, State- Bihar, do hereby solemnly declare and affirm as under:

- 1) That I have filed this Miscellaneous Application Under Sections 26 and 28 read with Section 18 of National Green Tribunal Act 2010.
- 2) That the contents of para 1 to 8 are true to my personal knowledge information and belief and Para Nos. A to C of the grounds, which I believe to be true and correct. I have not suppressed any material fact.
- 3) That the annexures accompanying the application are true copies of their respective originals.

VERIFICATION

I, the above-named deponent do hereby verify and declare that the contents of the affidavit are true & correct to the best of my knowledge & belief. No part of it is false and nothing material has been concealed therein.

Verified at Dehradun this 21st day of July 2025.

Date : 21/07/2025

Place : Dehradun



ZDF by
Shanjay Kumar

Signature of Advocate

Archana Kumari

Signature of Applicant

Signed, Sworn & verified before me
by Shri/Smt. Archana Kumari
who is identified by Shri. Shanjay Mishra

Oath Commissioner
Dehra Dun

Item No.07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.219/2024/EZ

Niraj Kumar & Anr.

Applicant(s)

Versus

Dhiraj Kumar & Ors.

Respondent(s)

Date of hearing: 05.05.2025

Date of uploading: 13.05.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Dhananjay Mishra, Adv. a/w
Ms. Aishwarya Singh, Adv. (in Virtual Mode)

For Respondent(s): Mr. Surendra Kumar, Adv. for R-2 & 6,
Ms. Amrita Pandey, Adv. for R-3 (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-7 (in Virtual Mode),
Mr. Manish Kumar, Project Officer-cum-Director (NEP),
DRDA, Khagaria

ORDER

1. Mr. Dhananjay Mishra, learned Counsel assisted by Ms. Aishwarya Singh, learned Counsel is present (in Virtual Mode) on behalf of the Applicants.
2. Affidavit dated 03.05.2025 has been filed on behalf of the Respondent No.3, Bihar State Pollution Control Board; the same is taken on record.
3. Case called out. No one is present on behalf of the Respondent No.1, Private Respondent. Notice was issued in the case on 07.11.2024 but thereafter on none of the dates, has the Respondent No.1 or his Counsel appeared.
4. Affidavit of service has been filed by the Applicant. Track Consignment Report shows service upon Respondent No.1.

(Final order of the said case will be uploaded in NGT website by separate sheets of paper)

.....
B. Amit Sthalekar, JM

May 05, 2025,
Original Application No.219/2024/EZ
SKB

.....
Dr. Arun Kumar Verma, EM

Item No.07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.219/2024/EZ

In the matter of:**1. Niraj Kumar**

S/o Late Dinkar Prasad Yadav,
Village+Post – Lagar,
P.S. – Parbatta, District – Khagaria,
Pin – 851216

2. Archana Kumari

W/o Niraj Kumar,
Village+Post – Lagar,
P.S. – Parbatta, District – Khagaria,
Pin - 851216

.... Applicant(s)

Versus

1. Dhiraj Kumar

S/o Late Dinkar Prasad Yadav,
Village+Post – Lagar, P.S. – Parbatta,
District – Khagaria

2. State of Bihar

Through its Secretary,
Department of Environment, Forests & Climate Change,
Patna,
Bihar – 800015

3. Bihar State Pollution Control Board

Through its Member Secretary,
Parivesh Bhawan, Patliputra Industrial Area,
Patliputra,
Patna,
Bihar – 800010

4. Union of India

Through its Secretary,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110003

5. Ministry of Environment, Forests & Climate Change

Through its Deputy Director General of Forests (C),
Integrated Regional Office (ECZ), 2nd Floor,
Headquarter – Jharkhand State Housing Board,
Harmu Chowk, Ranchi,
Jharkhand – 834002, Ranchi

6. The District Magistrate, Khagaria

1st Floor, Collectorate Building,
Koshi College Road,
Khagaria,
Pin - 851204

**7. State Environment Impact Assessment Authority (SEIAA),
Bihar**

.... Respondent(s)

Date of hearing: 05.05.2025

Date of uploading: 13.05.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Dhananjay Mishra, Adv. a/w
Ms. Aishwarya Singh, Adv. (in Virtual Mode)

For Respondent(s): Mr. Surendra Kumar, Adv. for R-2 & 6,
Ms. Amrita Pandey, Adv. for R-3 (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-7 (in Virtual Mode),
Mr. Manish Kumar, Project Officer-cum-Director (NEP),
DRDA, Khagaria

ORDER

1. This Original Application has been filed by the Applicants alleging that the Respondent No.1 applied for grant of consent to operate his Brick Kiln (Capacity- 15000 Bricks/Day) in the name of M/S D.P.Y Bricks vide application dated 08.07.2022 based on the Zigzag loading of Green Bricks and Natural Draft (Ht. of Chimney- 135 ft.) at Mauza-Karna, At-Mahesh Mor, P.O.- Karna, P.S.+ AnchalParbatta, District- Khagaria, Bihar before the Bihar State Pollution Control Board and Consent to Operate (CTO) was granted by the Board on 25.07.2022 valid upto 30.06.2027.
2. It is alleged that instead of operating the brick kiln on the land in question namely Khata No. 94, Khesra No. 225, Mauza- Karna, P.S.+ Anchal - Parbatta, District- Khagaria, the Respondent No.1 started operating his Brick Kiln on another location for which he has no license or consent order from the Bihar State Pollution Control Board. It is stated that the Respondent No.1 leased out a

separate land measuring approximately 100 mtrs. from the above-mentioned plot and is operating his Brick Kiln Plant on that land.

3. It is also stated that as per condition number 3 of the Emission order dated 25.07.2022, the Respondent No.1 is required to monitor and maintain the Ambient Air Quality (AAQ) in conformity with the Board Standards (emission of Particulate Matters not exceeding 250 mg/Nm³) which has not been observed and is rather than violated by the Respondent No.1.
4. It is mentioned that 14 Katha of land bearing Mauja- Karna, Tauji no.-525, P.S. no.- 364, Khata no.- 94, Khesra no.-225 is situated approx. 100 metres from the said Brick Kiln Plant and is registered in the name of the Applicant No.2, Archana Kumari.
5. At the time of admission, this Tribunal constituted a Committee comprising of the following Members with a direction to visit in question and submit its Fact Finding Report:-
 - i) Senior Scientist, Bihar State Pollution Control Board;
 - ii) Representative of the District Magistrate not below the rank of Additional District Magistrate (ADM).
6. The SEIAA, Bihar, Respondent No.7 has filed affidavit dated 24.01.2025 and it is stated that in terms of the MoEF&CC Notification dated 25.12.2021, updating the Environmental Clearance application process for B-2 category projects, all B-2 category projects (except those under Schedule 8 of the EIA Notification, 2006) must now apply for Environmental Clearance using Form-2 through the PARIVESH Portal.
7. It is stated that the Government of Bihar, Department of Mines and Geology vide Notification No.A.N.-01/L.K. (Bricks)-42/20, 2643/Patna, dated 14.09.2020 has declared that "Provided that the

quarrying for the purpose of brick kiln shall be deemed as non-mining activity for the purpose of EC and shall not require EC if the depth of quarry is not more than one and half meter from the adjoining ground level..”

8. However, it is stated that the Hon'ble Division Bench of the High Court of Judicature at Patna in Civil Writ Jurisdiction Case No.11181 of 2021 has by its order dated 07.03.2024 allowed the said writ petition and set aside the Memorandum issued by the State of Bihar which had stated that mining till the depth of 1.5 meter did not require EC in the State of Bihar. It is stated that in view of the judgment of the Hon'ble High Court obtaining of Environmental Clearance has been made mandatory for mining of minor minerals.
9. The Bihar State Pollution Control Board, Respondent No.3 has filed affidavit dated 24.01.2025 and it is stated that the Respondent No.1-Private Respondent, had applied for grant of Consent to Operate (CTO) for operating the brick kiln at Khata No.94, Khesra No.225, Mouza-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 Consent to Operate, photographs of kiln, ID Proof, copy of previous Consent to Operate valid upto 06.09.2022 and its compliance report and fee of Rs.52,300. It is stated that the State Board accordingly granted Consent to Operate to the Respondent No.1 vide order dated 25.07.2022.
10. However, the affidavit of the State Board fell short of answering the issue involving in the present Original Application, namely, that the

Respondent No.1 instead of operating the brick kiln on the land i.e. Khata No.94, Khesra No.225, Mouza-Karna, P.S.+Anchal-Parbatta, District-Khagaria for which Consent to Operate had been granted, started operating his brick kiln at another location for which it had neither license nor consent from the Bihar State Pollution Control Board. Accordingly, this Tribunal directed the State Pollution Control Board to file further affidavit specifically answering the allegations in the Original Application.

11. Accordingly, the Bihar State Pollution Control Board, Respondent No.3 has filed further affidavit dated 03.05.2025 bringing on record an Inspection Report of the site in question, of an inspection carried out on 26.04.2025 during which Shri Dheeraj Kumar, owner of M/s D.P.Y. Bricks was also present. The Inspection Report reads as under:-

"Inspection Report"

In the light of the complaint received from Shri Neeraj Kumar, Village Mahesh Mor, PO Karna, Police Station Zone Parbatta, District Khagaria, the site inspection of M/s. D.P.Y. Bricks, Gauja Karna, Village Mahesh Mor, PO Karna, Dhana Zone Parbatta, District Khagaria was done on 26.04.2025. Shri Dheeraj Kumar was present (Proprietor) at the time of inspection. The facts of the inspection are as follows-

- 1. The name of the owner of M/s D.P.Y. Bricks is Mr. Dheeraj Kumar.*
- 2. The base of this brick pit is rectangular in which bricks are baked using Double Zig Zag technique. A round chimney with natural draft is installed in this brick pit, whose height is approximately 135 feet. A port hole has been arranged in it.*
- 3. The unit was granted consent for establishment in the year 2016 and consent for operation till 27.10.2019.*

Environmental clearance was granted to this unit by reference number 185 of SEIAA, Bihar, dated 07.09.2015, serial number 92. Consent for operation was granted by the Board's letter number 1295, dated 19/09/2019, which was valid till 06/09/2022.

4. *Again, this sale clean has been renewed for welfare by the Council's letter No.790, dated 25/07/2022, which is valid till 30/06/2027.*
5. *The owner of the unit informed that the location of the unit has been changed. The location is located about 150 meters away from the old Brick Villan.*
6. *The old brick kiln was situated in Khata No.94, Khesra No.225, Mauja Karna, TGhana Achal Parbatta, District-Khagaria, whereas the new brick kiln is reported to be situated in Khata No.120, 104, Khesra No.230, 233, Bhija Karna, Thana Abal Parbatta, District Khagaria. Information regarding the exact status (account, khesch) of the unit can be obtained from the concerned revenue officer, Anchal Adhikari, Paschwata.*
7. *Compliance with the consent issued to the unit is as follows-*
 - i. *The unit has changed the site without the permission of the Board. The old brick wall has been demolished and in its place, the work of dumping of gravel is being done. The old Vimni is installed but it is of no use.*
 - ii. *The standard for chimney emission is 250mg/Nm³. The proposer has deposited an amount of ₹ 7,300/- with the Board for testing the stack of brick kiln. Also, there is no population within the radius of 950g of Vimni, on which the effect of air pollution is negligible.*
 - iii. *Soil mining work is not being carried out by the unit in this session.*

- iv. *In brick kiln, coal is used in the form of powder. After checking the quality of coal, the amount of ash present in it can be determined.*
 - v. *The top of the brick kiln is covered with ash/baked brick powder for better thermal insulation.*
 - vi. *Some portion of the road through the unit has been paved with bricks but silt has been found on the road. It has been reported that tractor tankers are being used for sprinkling water.*
8. *There is no wastewater discharge into the brick kiln. Suspended tanks are used for the treatment of domestic effluents.*
9. *Loading and unloading of bricks is done through tractors in the unit premises. Due to the unpaved roads inside the premises, excessive dust is generated which spreads to the surrounding*
10. *The unit has provided an affidavit in the order of consent renewal for the year 2022, in which Jagin's account number is 94, Khesra number-225. This information is clear.*

Recommendation:-

The operator of the unit may be directed to shut down the dissolving unit due to change of location of the unit."

12. We have heard the learned Counsel for the parties and perused the documents on record.
13. No one is present on behalf of the Respondent No.1, though notice was issued in the case on 07.11.2024 but thereafter on none of the subsequent dates, has the Respondent No.1 or his Counsel Appeared. Affidavit of the service has been filed by the Applicant, consignment tracking report of which shows service upon the Respondent No.1.

14. The Inspection Report clearly mentions that the Unit has changed the site without permission of the State Board; the old brick wall has been demolished and in its place work of dumping of gravel is being done. It is also stated that standard for chimney emission is 250 mg/Nm³; the owner of the Unit has also stated before the Committee that the location of the Unit has been changed and is now about 150 meters away from the old Brick kiln.
15. From the Inspection Report, we find that the allegations made in the Original Application with regard to operating of brick kiln by the Respondent No.1 by changing the site for which Consent to Operate was granted is confirmed. Thus, the Respondent No.1 is *prima-facie*, guilty of violation of Consent to Operate norms as well as of operating as in violation of environmental norms.
16. We, therefore, dispose of this Original Application with a direction to the Bihar State Pollution Control Board to compute Environmental Compensation against the Respondent No.1 after giving the Respondent No.1 an opportunity of being heard and thereafter proceed to recover the same in accordance with law.
17. I.As. if any, stand disposed of accordingly.
18. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

May 05, 2025,
Original Application No.219/2024/EZ
AK & MN



Advocate Dhananjay Mishra <advocatehc75@gmail.com>

Regarding Execution of Orders Passed by the Hon'ble NGT, EZ, Kolkata in the O.A. 219/2024

2 messages

Advocate Dhananjay Mishra <advocatehc75@gmail.com>

21 May 2025 at 13:13

To: NEERAJ NARAYAN <msbspcb-bih@gov.in>, "bspcb@yahoo.com" <bspcb@yahoo.com>

Dear Sir,

I am writing this mail to bring to your kind attention to the execution and compliance of the directions issued by the Hon'ble National Green Tribunal (NGT), Eastern Zone, Kolkata in **Original Application No. 219/2024**, titled **Niraj Kumar v/s Dhiraj Kumar**, vide order dated **05.05.2025**.

The Hon'ble Tribunal had issued directions to the Bihar State Pollution Control Board to compute Environmental Compensation against the Respondent No.1, that is., Mr. Dhiraj Kumar after giving him an opportunity of being heard and thereafter proceed to recover the same in accordance with law. The directions of the Tribunal's order were based on the Inspection Report of the Bihar State Pollution Control Board in which the Board after inspecting the site where the Brick Kiln Plant namely M/S DPY Bricks of Mr. Dhiraj Kumar was situated, submitted a report in which they had observed the environmental and procedural violations as done by Mr. Dhiraj Kumar and finally recommended for the closure of the unit due to the shift in the location of the unit.

In view of the above, I humbly request the Hon'ble Board to take immediate steps to execute and enforce the directions of the Hon'ble National Green Tribunal. In support of this application, I am enclosing the copy of the NGT Order dated 05.05.2025.

I shall be grateful for your prompt action in this matter.

Yours sincerely,

Adv. Dhananjay Kumar

NGT order 05-5-2026.pdf
201K

Advocate Dhananjay Mishra <advocatehc75@gmail.com>

17 July 2025 at 15:20

To: Aishwarya Singh <taishwarya.singh@gmail.com>

[Quoted text hidden]

NGT order 05-5-2026.pdf
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Dhananjay Kumar
(Advocate)
High Court Nainital, Uttarakhand
E Mail- advocatehc75@gmail.com
Phone No - 9411112120

To
The Member Secretary
Bihar State Pollution Control Board
Beltron Bhawan, Shastri Nagar
Patna – 800023, Bihar

Subject: Non-compliance of directions issued by Hon`ble NGT, Eastern Zone, Kolkata in O.A. No. 219/2024 (Niraj Kumar v/s Dhiraj Kumar)

Respected Sir.

I am writing this letter in furtherance of my earlier communication dated 21/05/2025, drawing your kind attention to the directions passed by the Hon`ble National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 219/2024, titled Niraj Kumar v/s Dhiraj Kumar, vide order dated 05.05.2025.

The Hon`ble Tribunal had explicitly directed the Bihar State Pollution Control Board (BSPCB) to:

1. Compute Environmental Compensation against the Respondent No. 1, Mr. Dhiraj Kumar, after providing him an opportunity of being heard; and
2. Recover the said Environmental Compensation in accordance with law.

These directions were based upon the inspection report submitted by the Board itself which found significant environmental and procedural violations at the Brick Kiln unit of M/s DPY Bricks operated by Mr. Dhiraj Kumar, and also recommended closure of the unit due to change in location and other violations.

Despite the clear and time-bound directions of the Hon`ble Tribunal, it is highly regrettable that no visible steps have been taken by your office towards enforcement and compliance. This delay not only reflects administrative apathy but also constitutes willful disobedience of a judicial order, attracting legal consequences under the Contempt of Court Act, 1971.

Therefore, I hereby formally call upon the Bihar State Pollution Control Board to:

1. Immediately proceed with the computation and recovery of environmental compensation as per the NGT's order.
2. Take necessary action for closure of the unit as recommended in the inspection report.
3. Submit a compliance report before the Hon`ble Tribunal at the earliest.



**Dhananjay Kumar
(Advocate)
High Court Nainital, Uttarakhand
E Mail- advocatehc75@gmail.com
Phone No - 9411112120**

Please treat this letter as a final intimation before initiating legal proceedings for non-compliance and contempt under the provisions of the National Green Tribunal Act, 2010, and the Contempt of Courts Act, 1971.

A copy of the NGT order dated 05.05.2025 is once again enclosed herewith for your ready reference.

Your prompt compliance in this matter is expected and shall be highly appreciated.

Yours faithfully,


12/06/2025
Dhananjay Kumar

Advocate

Encl: Copy of NGT Order dated 05.05.2025

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To
The Public Information Officer (PIO)
Bihar State Pollution Control Board
Beltron Bhawan, Shastri Nagar
Patna – 800023
Bihar

Subject: Seeking Information under RTI Act, 2005 regarding action taken on representation dated 21.05.2025

Respected Sir/Madam,

I, Dhananjay Kumar, Advocate, hereby submit this application under the provisions of the Right to Information Act, 2005, seeking the following information:

1. Please provide a certified copy of the file noting, correspondence, and action taken report (ATR), if any, on my representation letter dated 21.05.2025, addressed to the Member Secretary, Bihar State Pollution Control Board, regarding non-compliance of the NGT order dated 05.05.2025 in O.A. No. 219/2024 (Niraj Kumar vs. Dhiraj Kumar).

2. What specific steps, if any, have been initiated by the Board in pursuance of the said NGT directions for:

a) Computation and recovery of Environmental Compensation from Mr. Dhiraj Kumar, Proprietor of M/s DPY Bricks; and

b) Closure of the brick kiln unit due to environmental and location violations, as recommended in your inspection report.

3. Please provide the name, designation, and contact details of the officer/section dealing with this matter.

4. If no action has been taken so far, please provide the reasons for delay or inaction, along with relevant official communication or note sheets justifying the same.

Applicant Details:

Name: Dhananjay Kumar

Address: Chamber No. 49, Block No.2, Near Bar Association, 2nd Floor Court Compound,
Dehradun-248001, State- Uttarakhand, India.

Email: advocathec75@gmail.com

Phone No: 941112120

I am enclosing a postal order of Rs.10/- towards the prescribed RTI application fee, as required under the RTI Rules.

Kindly send the requested information within the statutory period of 30 days, as per Section 7(1) of the RTI Act, 2005. In case the information pertains to any other public authority, I request you to forward this application to the concerned authority under Section 6(3) of the Act.

Thank you.



Yours sincerely,
Dhananjay Kumar
Advocate, High Court Nainital

Place: Dehradun

Date: 19/06/2025

Enclosure:

1. Postal Order of Rs.10/-
2. Copy of representation dated 21.05.2025

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

VAKALATNAMA

MISCELLANEOUS APPLICATION NO. OF 2025

ARISING OUT OF ORIGINAL APPLICATION NO. 219 OF 2024

IN THE MATTER OF:

NIRAJ KUMAR & ANR. ...APPLICANTS

VERSUS

DHIRAJ KUMAR & OTHERS ...RESPONDENTS

I, Niraj Kumar, S/o Late Dinkar Prasad Yadav, Aged 34 Years, Indian National, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria do hereby appoint

1.) Advocate Dhananjay Mishra (B/5867/99, UK- 003/2016)

Chamber no. 49, Block no. 2, Near Bar Association
2nd Floor Court Compound, Dehradun- 248001
State- Uttarakhand, India. Contact No: 9411112120
Email:- advocathec75@gmail.com

2.) Advocate Aishwarya Singh (MAH/1322/2019)

To act, appear, plead for me in the above matter and I have signed on this 21st day of July 2025. (This Vakalatnama is only related and limited to the present case)

Niraj Kumar

Accepted
Advocate/s: 1) Adv. Dhananjay Mishra. (B/5867/99, UK-003/2016) Client
2.) Adv. Aishwarya Singh (MAH/1322/2019)
[Aishwarya]





BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

VAKALATNAMA

MISCELLANOUS APPLICATION NO. OF 2025

ARISING OUT OF ORIGINAL APPLICATION NO. 219 OF 2024

IN THE MATTER OF:

NIRAJ KUMAR & ANR. ...APPLICANTS

VERSUS

DHIRAJ KUMAR & OTHERS ...RESPONDENTS

I, Archana Kumari, W/o. Niraj Kumar, Aged 34 Years, Indian National, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria do hereby appoint

1.) Advocate Dhananjay Mishra (B/5867/99, UK- 003/2016)

Chamber no. 49, Block no. 2, Near Bar Association
2nd Floor Court Compound, Dehradun- 248001
State- Uttarakhand, India. Contact No: 941112120
Email:- advocathec75@gmail.com

2.) Advocate Aishwarya Singh (MAH/1322/2019)

To act, appear, plead for me in the above matter and I have signed on this 2^{1st} day of July 2025. (This Vakalatnama is only related and limited to the present case)

Archana Kumari

Accepted

Advocate/s: 1) Adv. Dhananjay Mishra. (B/5867/99, UK-003/2016) Client

2) Adv. Aishwarya Singh (MAH/1322/2019)
[Aishwarya]

