



**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
IN  
Original Application No. 168/2025/EZ**

**IN THE MATTER OF:**

**Bittu Biswakarma**

**Applicant(s)**

**Vs.**

**Central Pollution Control Board & Ors.**

**Respondent(s)**

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*M. K. Biswas*

**Mrinal Kanti Biswas**

Regional Director & Scientist E,

CPCB, Kolkata

Filed through

*Anu Basak*  
Counsel

Dated: 01/11/2025  
Place: Kolkata



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**IN THE MATTER OF:**  
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Vs.

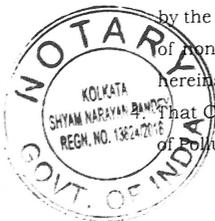
**Central Pollution Control Board & Ors.**

**Respondent(s)**

**REPLY ON BEHALF OF THE RESPONDENT No.1 i.e. CENTRAL POLLUTION  
CONTROL BOARD (CPCB)**

**PRELIMINARY SUBMISSIONS:**

1. That the Hon'ble National Green Tribunal, Eastern Zone (hereinafter referred to as the "Hon'ble NGT") vide order dated 15.09.2025 in Original Application (hereinafter referred to as "OA") No. 168 of 2025 (EZ)impleaded Central Pollution Control Board (hereinafter referred to as the "CPCB") as respondent no. 1 and directed to file response in the instant matter. Thereby, the reply is made in this instant OA in succeeding paragraphs.
  2. That the instant OA has been filed by Mr. Bittu Biswakarma praying for immediate closure of illegal and non-compliant brick kilns (including GMB, GRC, Raja Brickfields and other units) operating in Barabani, Paschim Bardhaman. The applicant has further submitted that the aforementioned brick kilns and many similar other facilities in Barabani are operating without obtaining Environmental Clearance and consent from WBPCB, causing air pollution that leads to serious respiratory issues and contamination of groundwater and soil. The said brick kilns are also illegally using fertile topsoil for their operations.
  3. That at the outset, the Answering Respondent denies all claims, contentions, allegations and averments against Answering Respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter
- That CPCB has been constituted under the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act, 1974"). It





performs functions under the Water Act, 1974 along with the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "the E(P) Act, 1986").

5. It is further submitted that State Pollution Control Boards (hereinafter referred to as "SPCBs") and Pollution Control Committees (hereinafter referred to as "PCCs") have been constituted in States/Union Territories under the Water Act, 1974 and the Air Act, 1981 and are empowered to implement the provisions of these Acts in respect of territories falling in their respective Territorial Jurisdictions.

**Reply to the Original Application:**

6. That no comments are offered over the averments made in paragraph no.1 of the OA, being introductory in nature.

7. That the averments made in paragraph 2 of the OA are related to brick kilns namely GMB Brickfields, GRC Brickfields, Raja Brickfields, and others which have been alleged to be operating without valid Consent to Operate from the West Bengal Pollution Control Board. In this regard, it is humbly submitted that, as per the modified direction dated 07.03.2016 issued by CPCB under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to all the SPCBs/PCCs regarding harmonization of classification of Industrial Sectors under Red/Orange/Green/White "Brick-kilns" are categorized under "Orange" Category. Recently, during February, 2025, CPCB has revised the methodology for classification of sectors. As per the revised classification also, "Brick-kilns" are categorized under "Orange" category. The said revised classification 2025 has been circulated to all the SPCBs/PCCs for implementation vide CPCB direction dated 12.02.2025 under Section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981. The "Orange" category of industrial sectors are required to obtain Consent to Establish (hereinafter referred to as 'CTE') and Consent to Operate (hereinafter referred to as 'CTO') from the concerned SPCB/PCC. The Brick-kilns should operate only after obtaining prior CTE and CTO from the concerned SPCB/PCC and shall comply with the conditions laid down in CTE and CTO.

The averments made in paragraph 3 & 4 of the OA states that the brick kilns are allegedly operating without environmental clearance as mandated under Environmental Impact Assessment Notification, 2006 and also without adopting the prescribed zigzag technology. In this regard, it is humbly submitted that as per Gazette Notification published by





Ministry of Environment Forest and Climate Change on 22<sup>nd</sup> February 2022 for brick-kilns, it was mandated that:

1. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
2. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control committees has separately laid down timelines for conversion, such orders shall prevail."

The aforesaid notification dated 22<sup>nd</sup> February 2022 also stipulates about the siting criteria, fugitive dust emission control measures, list of approved fuels, porthole and platform for emission monitoring etc.

The MoEF&CC revised the timelines for conversion vide Notification GSR 895 (E) dated 15.12.2023 as below:

2. The existing brick kilns which are not following Zig Zag Technology or Vertical Shaft or use piped natural gas as fuel in brick making shall be converted to Zig-Zag Technology or Vertical Shaft or use piped natural gas as fuel in brick making within a period of:
  - (a) One year w.e.f. 23.02.2023 in case of kilns located within ten kilometers radius of non-attainment cities; except those located in million plus population cities, NCR districts, and critically & severely polluted areas as categorized by CPCB;
  - (b) One-year w.e.f. 23.02.2024 in case of other kilns."

Further, MoEF&CC extended the timeline for conversion vide Notification GSR 70(E) dated 22.01.2025 as below:

"In the Environment (Protection) Rules, 1986, in SCHEDULE-I, in Sl. No. 74, in the notes, serial number 2, in paragraph (b) for the words "one year", the words "two year four months and seven days" shall be substituted."





That, it is humbly submitted that the Brick kilns should comply the conditions stipulated in MoEF&CC notification dated 22<sup>nd</sup> February 2022 and amended thereof.

A True copy of the MoEF&CC notifications dated 22<sup>nd</sup> February 2022 and subsequent amendments are annexed as **Annexure-I**.

9. That the averments made in paragraph 5 and 6 of the OA states that the alleged brick kilns are operating in clear violation of different environmental laws, CPCB Guidelines and NGT directions. In this regard, it is humbly submitted that the submission made at Para No. 7 and 8 of the instant reply is reiterated and are not repeated herein for the sake of brevity.
10. That the averments made in paragraphs 7 to 8 of the OA are regarding the efforts made by the applicant in the matter through local press and media highlighting severe pollution caused by the units in question and also seeks intervention of the Hon'ble Tribunal for resolving the instant issue. Thereby requires no comments from this answering respondent.
11. With reference to the averments made in paragraphs no. 1 to 6 under 'Grounds' of the OA, it is humbly submitted that the submissions made in preceding paragraphs of the reply stand re-iterated and are not repeated herein for the sake of brevity.
12. That no comments are offered over the averments contained under the Headings "Limitation" and "Prayer/Reliefs Sought" clause which may be adjudicated by the Hon'ble Tribunal.
13. That, this Answering Respondent seeks liberty from this Hon'ble Tribunal to file additional affidavit if the same is considered necessary at later stage.
14. That in light of the above submissions, it is respectfully submitted that this Answering Respondent i.e. CPCB shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in this original application.

**Mrinal Kanti Biswas**

Regional Director & Scientist 'E'

CPCB, Kolkata



25 01.12.2025



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EASTERN ZONE BENCH, KOLKATA

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Original Application No. 168 of 2025

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**Vs.**

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**Respondent(s)**

**AFFIDAVIT**

I, Mrinal Kanti Biswas, Son of Saroj Kumar Biswas aged about 44 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

- 1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
- 2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are correct and explained to me and are not repeated herein for the sake of brevity.



Identified by me  
*Ankur Prasad*  
Advocate

Solemnly Affirm & Declare  
Before Me on Identification  
of Ld. Advocate

*Sudhoy*  
SHYAM NARAYAN PANDEY  
NOTARY, GOVT. OF INDIA  
REGN. NO. 13824/2018  
01.12.2025

*[Signature]*  
DEPONENT

01 DEC 2025



**VERIFICATION**

Verified at Kolkata on this day of 01, Dec 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the... Day of 01, Dec, 2025.

**Identified by me**

*Ashok Prasad*

**Advocate**

*[Signature]*

**DEPONENT**





# भारत का राजपत्र

## The Gazette of India

सी.जी.-डी.एल.-अ.-22022022-233662  
CG-DL-E-22022022-233662

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 140]  
No. 140]

नई दिल्ली, मंगलवार, फरवरी 22, 2022/फाल्गुन 3, 1943  
NEW DELHI, TUESDAY, FEBRUARY 22, 2022/PHALGUNA 3, 1943

### पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय अधिसूचना

नई दिल्ली, 22 फरवरी, 2022

सा.का.नि. 143(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) अधिनियम, 1986 का और मंथोधन करते हुए निम्नलिखित नियम बनाती है:, अर्थात्:-

- संक्षिप्त नाम और प्रारंभ :
  - इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) मंथोधन नियम, 2022 है।
  - वे राजपत्र में उनके अंतिम प्रकाशन की तारीख से लागू होंगे।
- पर्यावरण (संरक्षण) नियम, 1986 में, अनुसूची-I में, क्रम सं. 74 पर प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्: -

74"	ईट भट्टे	चिमनी में उत्सर्जन में विविकृत पदार्थ चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल माफ्ट) - भट्टा क्षमता 30,000 ईट प्रतिदिन से कम - भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक	250 मिलीग्राम/एनएम3 14 मीटर (लोडिंग प्लेटफार्म से कम से कम 7.5 मीटर) 16 मीटर (लोडिंग प्लेटफार्म से कम से कम 8.5 मीटर)
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1259 GI 2022

(i)



	चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल थाफ्ट के अलावा)	
-	भट्टा क्षमता 30,000 ईट प्रतिदिन से कम	24 मीटर
-	भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक	27 मीटर

## टिप्पणियाँ :

- सभी नए ईट भट्टों को केवल ज़िग-ज़ैग तकनीक या वर्टिकल थाफ्ट के साथ होने की या ईट बनाने में ईंधन के रूप में पाउण्ड प्राकृतिक गैस के उपयोग की अनुमति दी जाएगी और इस अधिसूचना में निर्धारित मानकों का पालन करना होगा।
- व्ययमान ईट भट्टे जो ज़िग-ज़ैग तकनीक या वर्टिकल थाफ्ट या ईट बनाने में ईंधन के रूप में पाउण्ड प्राकृतिक गैस (पीएनजी) के उपयोग का पालन नहीं कर रहे हैं, उन्हें (क) गैर-प्रति भट्टों के 10 किमी के दायरे में स्थित भट्टों के मामले में एक वर्ष (जैसा कि केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा यथापरिभाषित) (ख) अन्य क्षेत्रों के लिए दो वर्ष की अवधि के भीतर ज़िग-ज़ैग तकनीक या वर्टिकल थाफ्ट में परिवर्तित किया जाएगा या पीएनजी का उपयोग ईट बनाने में ईंधन के रूप में किया जाएगा। इसके अतिरिक्त, ऐसे मामलों में जहाँ केंद्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियाँ ने रूपांतरण के लिए अवस्य से समय-सीमाएं निर्धारित की हैं, वहाँ ऐसे आदेश प्रभावी होंगे।
- सभी ईट भट्टे केवल अनुमोदित ईंधन जैसे कि पाउण्ड प्राकृतिक गैस, कोयला, ईंधन लकड़ी और/या कृषि अपशिष्टों का उपयोग करेंगे। पेट कोक, टायरो/प्लास्टिक/छतरनाक अपशिष्टों के उपयोग की अनुमति ईट भट्टों को नहीं दी जाएगी।
- उत्सर्जन की निगरानी के लिए केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित मापदंडों/रूपरेखा के अनुसार ईट-भट्टे स्थायी मुबिधा (पोर्ट होल और प्लेटफार्म) का निर्माण करेंगे।
- विविक्त सामग्रियों (पीएम्) के निष्कर्ष 4% CO<sub>2</sub> पर प्रसामान्य किए जाएंगे जो निम्नलिखित हैं:  
पीएम् (सामान्य) = (पीएम्(मापित) X 4%)/(चिमनी में मापित CO<sub>2</sub> का %, मापित CO<sub>2</sub> के मामले में  $\geq$  4% कोई प्रसामान्यीकरण नहीं। चिमनी की ऊंचाई (मीटर में) भी H= 14 Q<sup>0.3</sup> मूत्र (जहाँ Q kg/hr में SO<sub>2</sub> उत्सर्जन दर है) द्वारा परिकलित की जाएगी, और अधिकतम दो को काम में ले सकेंगे।
- ईट भट्टों को आवालों और फलों के बागों से 0.8 कि.मी. की न्यूनतम दूरी पर स्थापित किया जाना चाहिए। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियाँ आवास, जनसंख्या घनत्व, जल निकायों, संवेदनशील रिसेप्टर्स इत्यादि की निकटता का ध्यान रखते हुए स्थापित मापदंडों को सख्त बना सकते हैं।
- किमी क्षेत्र में भट्टों की अधिक संख्या से बचने के लिए मौजूदा ईट भट्टों से कम से कम एक किलोमीटर की दूरी पर ईट भट्टों को स्थापित किया जाना चाहिए।
- ईट भट्टों को संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियाँ द्वारा निर्धारित उत्सर्जन प्रक्रिया/पलायक धूल उत्सर्जन नियंत्रण दिशा-निर्देशों का पालन करना होगा।
- ईट भट्टों से निकलने वाली राख को ईट बनाने में उभी परिस्तर के अंदर ही इस्तेमाल किया जाएगा।
- ईट भट्टे में ईट बनाने के लिए उपयोग की जाने वाली मिट्टी को निकालने के लिए संबंधित राज्य/संघ राज्य क्षेत्र के खनन विभाग सहित संबंधित प्राधिकरणों से सभी आवश्यक अनुमोदन प्राप्त किया जाएगा।
- ईट भट्टा मालिक यह सुनिश्चित करेंगे कि कच्चे माल/ईटों के परिवहन के लिए उपयोग की जाने वाली मड़के पक्की मड़के हैं।
- कच्चे माल/ईटों के परिवहन के दौरान वाहनों को ढका जाएगा।

सं. क्यू-15017/35/2007-मीपीडीएचयू]

परशु पाल गंगवार, अपर सचिव



टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i) में तारीख 19 नवंबर, 1986 के का.आ. 844 (अ) द्वारा प्रकाशित किए गए थे और 04 अक्टूबर, 2021 की अधिमूचना मा.का.नि. 724 (अ) द्वारा अंतिम बार संशोधित किए थे।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 22nd February, 2022

**G.S.R. 143(E).**—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. Short Title and commencement: -

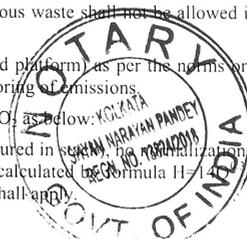
- (1) These rules may be called the Environment (Protection) Amendment Rules, 2022.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in the SCHEDULE-I, for entry at Sl. No. 74, the following entry shall be substituted, namely: -

74	Brick Kilns	Particulate matter in stack emission	250 mg/Nm <sup>3</sup>
		Minimum stack height (Vertical Shaft Brick Kilns)	
		- Kiln capacity less than 30,000 bricks per day	14 m (at least 7.5m from loading platform)
		- Kiln capacity equal or more than 30,000 bricks per day	16 m (at least 8.5m from loading platform)
		Minimum stack height (Other than Vertical Shaft Brick Kilns)	
		- Kiln capacity less than 30,000 bricks per day	24 m
		- Kiln capacity equal or more than 30,000 bricks per day	27 m

**Notes :**

1. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
2. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail.
3. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
4. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
5. Particulate Matter (PM) results shall be normalized at 4% CO<sub>2</sub> as below:
 
$$PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of } CO_2 \text{ measured in stack})$$
 Normalization in case CO<sub>2</sub> measured  $\geq 4\%$ . Stack height (in metre) shall also be calculated by formula  $H = 1.5 \sqrt{Q}$  (where Q is SO<sub>2</sub> emission rate in kg/hr), and the maximum of two shall apply.



6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.
7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.
8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.
10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.
11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.
12. Vehicles shall be covered during transportation of raw material/bricks".

[F. No. Q-15017/35/2007-CPW]

NARESH PAL GANGAWAR, Addl. Secy.

**Note :** The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and lastly amended *vide* number G.S.R. 724(E), dated the 04<sup>th</sup> October, 2021.

