

**Jammu and Kashmir Pollution Control Committee**

Parivesh Bhavan, Forest Complex || Silk Factory Road  
Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008

Tel - 0191-2476927; mail - membersecretaryjkpcb@gmail.com

**The Consultant Judicial,  
Hon'ble National Green Tribunal,  
Principal Bench,  
New Delhi.**

No: JKPCC/NGT/OA 594-2024/ 1111-1112

Date:- 30-09-2024

**Sub:- Compliance Report of the Jammu and Kashmir Pollution Control Committee in compliance to the Orders of the Hon'ble National Green Tribunal dated 23-08-2024 in OA No. 594 of 2022 titled "Syed Riyaz V/s Union Territory of Jammu and Kashmir and Ors".**


Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order **dated 23-08-2024 in OA No. 594 of 2022 titled "Syed Riyaz V/s Union Territory of Jammu and Kashmir and Ors"**, the Compliance Report of the J&K Pollution Control Committee is submitted herewith.

It is therefore, requested that the Compliance Report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Your faithfully,

**Encl:- As Above**

  
(Ghansham Singh) JKAS  
Member Secretary 30-9-24  
J&K PCC

Copy to the:-

- 1) Sh. G. M Kawoosa, Additional Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.

**Before the Hon'ble National Green Tribunal  
Principal Bench, New Delhi**

Original Application No. 594 of 2022

IN THE MATTER OF

Syed Riyaz V/s Union Territory of  
Jammu and Kashmir and Ors.

**Compliance Report of the Jammu and Kashmir Pollution Control Committee in compliance to the Orders of the Hon'ble National Green Tribunal dated 23-08-2024 in OA No. 594 of 2022 titled "Syed Riyaz V/s Union Territory of Jammu and Kashmir and Ors".**

**Background:**

That the Hon'ble National Green Tribunal vide order dated **23-08-2024** in **OA No. 594 of 2022 inter-alia** issued following directions:-

*"17. Principal Secretary, Jammu Kashmir Pollution Control Board who is present in virtual mode also states with regard to status of imposition of environmental compensation, etc., he will verify current status and submit further report.*

In compliance to the aforesaid directions of the Hon'ble NGT dated 23-08-2024, it is submitted that out of 21 Brick kiln unit holders, who were arrayed as respondents (5-25) in OA No. 594/2022, proprietors of following 17 brick kiln units approached the Hon'ble High Court of Jammu & Kashmir and Ladakh by filing a writ petition and sought directions for Renewal of CTO of their respective Brick Kiln units.

The detailed particulars of the Brick Kiln units, who have approached the Hon'ble High Court alongwith writ petition numbers and interim directions of the Hon'ble High Court are given in the below mentioned table:



A) Particulars of unit holders who have filed writ petitions before the Hon'ble High Court of Jammu & Kashmir and Ladakh.

S. No.	Name of the Brick Kiln	Writ Petition No. alongwith title of the case	Interim directions of the Hon'ble High Court	Annexures
1.	M/s Jai Raja Mandlik Brick Kiln, Mishriwala, Jammu.	WP (c) No.394/2024	<u>Order dated 27-05-2024</u> <b><i>"In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law."</i></b>	1
2.	M/s New Jagdambey Brick Industry Malpur Bathera, Jammu.	WP (c) No.1377/2024	<u>Order dated 03-07-2024.</u> <b><i>"In view of the limited nature of controversy involved and the relief sought by the petitioner, the present petition is disposed of with a direction to the respondents to treat the present writ petition as a representation on behalf of the petitioner and take a call thereon strictly in accordance with aforesaid notification dated 15.12.2023 within a period of six weeks from the date copy of this petition along with documents annexed therewith are made available".</i></b>	2
3.	M/s Shiv Shakti Brick Kiln, Nagbani Jammu.	WP (c) No.394/2024	<u>Order dated 27-05-2024</u> <b><i>"In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law."</i></b>	3

4.	M/s Jai Kiln, Manyal Brahmana, Jammu.	WP (c) No.1138/2024	<u>Order dated 22-05-2024</u> <b>"Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23-02-2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents non the representation of the petitioner, no coercive measure shall be taken against the petitioners"</b>	4
5.	M/s Sri Ganesh Kiln, Kangrail Dayaran, Jammu.	WP (c) No.1114/2024	<u>Order dated 20-05-2025</u> <b>"Meanwhile, subject to objections and till next date before the Bench, it is ordered that in case a representation has been made by the petitioner to the respondents, the same shall be disposed of by them and till the representation of the petitioner is considered and decided, the respondents shall not take any coercive measures against the petitioner. Alteration/modification on laying motion".</b>	5
6.	M/s Kailash pati Brick Kiln, New Bawa Talab, Jammu.	WP (c) No.1375/2024	<u>Order dated 07-06-2024</u> <b>"In the meantime, the respondents are directed to consider the renewal of last consent to operate of the petitioner without insisting upon the conversion to</b>	6

			<i>the prescribed technology and the unit of the petitioner shall not be subjected to any forced closure. This interim direction is, however, subject to objections from the other side”.</i>	
7.	M/s New Gurdyal Brick Kiln, Badyal Brahmana, R.S Pura, Jammu.	WP (c) No.1067/2024	<u>Order dated 15-05-2024</u> <i>“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners”.</i>	7
8.	M/s Gurdial Brick Kiln, Badyal Brahmana, R.S Pura Jammu.	WP (c) No.1067/2024	<u>Order dated 15-05-2024</u> <i>“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners”.</i>	8



9.	M/s B D Gupta and sons, Sarore Kothey, Bishnah, Jammu.	WP (c) No.394/2024	<u>Order dated 27-05-2024</u> <b><i>"In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law."</i></b>	9
10.	M/s B D Gupta & Co., Sarore Kothey, Bishnah, Jammu.	WP (c) No.1115/2024	<u>Order dated 20-05-2024</u> <b><i>"Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23-02-2025 without insisting upon conversion of its brick kiln to zig zag technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioner. Alteration/modification on laying motion."</i></b>	10
11.	M/s Jandial Brick Kiln, Khairpur, R.S Pura, Jammu.	WP (c) No.1067/2024	<u>Order dated 15-05-2024</u> <b><i>"In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners"</i></b>	11

12.	M/s Krishna Brick Industry, Badyal Brahmana, R.S. Pura, Jammu.	WP (c) No.1067/2024	Order dated 15-05-2024 <b><i>“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners”.</i></b>	12
13.	M/s Zamindara Brick Industries, Badyal Brahmana, R.S Pura, Jammu.	WP (c) No.1161/2024	Order dated 24-05-2024 <b><i>“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioner, the same shall be disposed of by them and till the representation of the petitioner is considered and decided, the respondents shall not take any coercive measure against the petitioner.”</i></b>	13
14.	M/s Abhi Brick Kiln, Gandu Chak, Mandal, Jammu.	WP (c) No.1170/2024	Order dated 27-05-2024 <b><i>“In view of the submission made by learned counsel for the respondents, this petition shall stand disposed of. The respondents to proceed strictly in accordance with the said notification.”</i></b>	14
15.	M/s Mazdoor Kissan Brick Kiln, Patli, Samba.	WP (c) No.892/2024	Order dated 24-04-2024 <b><i>“Meanwhile, the respondents are directed to consider the renewal of</i></b>	15



			<i>petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioner".</i>	
16.	M/s Om Brick Kiln, Trilokpur, Samba.	WP (c) No.1139/2024	Order dated 22-05-2024 <i>"Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners".</i>	16
17.	M/s Vaid Brick Kiln, Rakh Baroi, Samba	WP (c) No.1139/2024	Order dated 22-05-2024 <i>"Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till</i>	17

			<p><i>such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners”.</i></p>	
--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

The Jammu & Kashmir Pollution Control Committee respondent in the above mentioned writ petition have filed objections before the Hon'ble High Court of Jammu & Kashmir and Ladakh.

**B) Unit holders in respect of which no court directions have been received by the J&K Pollution Control Committee:**

As per the record available in the legal section of J&K Pollution Control Committee, no any order/direction has been received in respect of the following 4 brick kiln units (respondents in the OA 594.2022):

1. M/s Devi kiln, Dayaran, Jammu.
2. M/s Guru Teg Bhadur, Badyal Brahmana, Jammu.
3. M/s New Jai Chichi Mata Brick Kiln, Dabuj Kaka, Samba.
4. M/s Nandi Brick Kiln, Rakh Baroi, Samba.

**C) Particulars of unit holders who have challenged levy of Environmental Compensation:**

Similarly, following 5 brick kiln units (respondents in the OA No. 594/2022) have challenged Levy of Environmental Compensation by the J&K Pollution Control Committee before the Hon'ble High Court of Jammu & Kashmir and Ladakh and the Hon'ble Court has stayed the deposition of the Environmental Compensation in the 1, 2 and 3 below. The case has been listed on **20-11-2024**. The detailed particulars alongwith writ petition numbers and interim directions of the Hon'ble High Court of Jammu & Kashmir and Ladakh are given in the below mentioned table for appraisal.

*gblne*

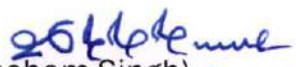
S. No.	Name of the Brick Kiln	Writ Petition Number	Interim directions of the Hon'ble High Court alongwith date	Annexures
1.	M/s Krishna Brick Industry, Badyal Brahmana, R.S. Pura, Jammu.	WP (c) No.2295/2024	<u>Order dated 25-09-2024</u> <b>"Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, the deposit of</b>	18
2	M/s Gurdial Brick Kiln, Badyal Brahmana, R.S Pura Jammu.	WP (c) No.2295/2024	<b>environmental compensation amounting to Rs.3,68,750/-(Rupees Three Lakh Sixty Eight Thousand Seven Hundred Fifty only) by petitioner No. 1, Rs.4,81,250/-(Rupees Four Lakh Eighty One thousand Two Hundred Fifty only) and Rs.4,81,250/-(Rupees Four Lakh Eight One Thousand Two Hundred Fifty only ) by petitioner No.3 in terms of Order Nos. 05-JKPCC of 2024, 07-JKPCC of 2024 and 04-JKPCC of 2024 dated 17.08.2024 shall stay."</b>	
3	M/s New Gurdial Brick Kiln, Badyal Brahmana, R.S Pura, Jammu.	WP (c) No.2295/2024		
4	M/s Om Brick Kiln, Trilokpur, Samba	WP (c) No.2309/2024	<u>Order dated 27-09-2024</u> <b>"Meanwhile, the respondents are directed consider the renewal of petitioners' Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas, until the decision is taken by the respondents on the representation of the petitioners, no coercive measures shall be taken against the petitioners".</b>	19
5	M/s Vaid Brick Kiln, Rakh Baroi, Samba	WP (c) No.2309/2024		

The Jammu and Kashmir Pollution Control Committee respondent in the above mentioned writ petitions is in the process of drafting and filing objections in the above mentioned writ petitions.

However, the J&K Pollution Control Committee have accorded consideration to the request of the petitioners treating the writ petitions as representation in compliance to the directions of the Hon'ble High Court Orders mentioned above. **(Copy enclosed as Annexure-20)**

It is also necessary to mentioned here that before issuance of orders for levy of Environmental Compensation upon the unit holders in compliance to the directions of the Hon'ble National Green Tribunal dated 21-05-2024, show cause notices were issued to the unit holders and opportunity of being heard was provided and were asked to file their reply within a period of 10 days on 03-08-2024. Against this, response of 5 unit holders / petitioners was received on 22-08-2024 (4) and 23-08-2024 (1) i.e. day of previous hearing in the case. The copy of the response filed by the unit holders / petitioners are enclosed herewith for kind perusal **(copy enclosed as Annexure 21).**

In the premises, it is therefore respectfully prayed that the Compliance Report may kindly be taken on record and placed before the Hon'ble National Green Tribunal for consideration.

  
(Ghansham Singh) 30.9.24  
Member Secretary  
J&K PCC

Sr. No. 73

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 394/2024

*E. Jai Raja Madrik Brick Kiln*

**M/s Shiv SHakti Brick Kiln and  
Ors**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

**UT of J&K and Ors**

.....Respondent(s)

Through:- Ms. Chetan Manhas, Assisting counsel  
vice  
Mr. Amit Gupta, AAG

**CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE****ORDER****27.05.2024**

Learned counsel for the respondents seeks and is granted four weeks time for filing reply, failing which, right to file the same shall stand closed.

List on **20.07.2024**

In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law.

**(Vinod Chatterji Koul)**  
Judge

**Jammu:**

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

WP(C) No.1377/2024  
CM No.3431/2024

New Jagdambey Brick Industry

....Petitioner(s)/Appellant(s)

Through :- Mr. Vishal Goel, Advocate with  
Mr. Dinesh Dogra, Advocate.

V/s

UT of J&K & Ors.

....Respondent(s)

Through :- Mr. Amit Gupta, AAG.

**Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**ORDER**  
**(03.07.2024)**

**01.** Petitioner has invoked writ jurisdiction of this Court under Article 226 of the Constitution of India to implore for the following reliefs:

**"A. Certiorari:**

Quashing Public Notice No.DIP/J-4983-P, dated 20.01.2024, issued by the respondents No.2 to 4, in so far as it is inconsistent with the Notification of Ministry of Environment dated 22.02.2022 and 15.12.2023, thereby changing the entire spirit/complexion of the said notifications, resulting into illegal denial/depriving the petitioners of renewal of their pollution control certificates.

**B. Mandamus**

Commanding the respondents No.2 to 4 to decide the renewal application of the petitioner and renew the consent to operate (Pollution Certificate) of the petitioner concerns without insisting upon the premature compliance/installation of Zig-Zag technology.

**C. Prohibition**

Restraining the respondents from taking any coercive measure against the petitioner kiln for want of renewal of the pollution control certificate, renewal whereof has been illegally withheld by the respondents No.2 to 4."

**02.** Mr. Amit Gupta, learned AAG appearing for the respondents has produced a copy of order dated 27.05.2024 passed by a Coordinate Bench of this Court in case titled '*Abhi Brick Kiln v. UT of J&K & Ors*'; [WP(C) No.1170/2024], to contend that respondents are not averse to the consideration of the relief claimed by the petitioners in accordance with notification GSR

895(E) dated 15.12.2023 issued by the Government of India i.e. Ministry of Environment, Forest and Climate Change.

03. In view of the limited nature of controversy involved and the relief sought by the petitioner, the present petition is disposed of with a direction to the respondents to treat the present writ petition as a representation on behalf of the petitioner and take a call thereon strictly in accordance with aforesaid notification dated 15.12.2023 within a period of six weeks from the date copy of this petition along with documents annexed therewith are made available.

04. Disposed of.

**(RAJESH SEKHRI)**  
**JUDGE**

Jammu:  
03.07.2024  
Eva

Sr. No. 73

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 394/2024

**M/s Shiv SHakti Brick Kiln and  
Ors**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

**UT of J&K and Ors**

.....Respondent(s)

Through:- Ms. Chetan Manhas, Assisting counsel  
vice  
Mr. Amit Gupta, AAG

**CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**

**27.05.2024**

Learned counsel for the respondents seeks and is granted four weeks time for filing reply, failing which, right to file the same shall stand closed.

List on **20.07.2024**

In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law.

**(Vinod Chatterji Koul)**  
**Judge**

**Jammu:**

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 1138/2024

**Jai Kiln**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

**UT of J&K and others**

.....Respondent(s)

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE****ORDER**  
**22.05.2024**

Issue notice to the respondents, returnable within four weeks.  
Requisites for service within one week.

List on 26.07.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners.

**(VINOD CHATTERJI KOUL)**  
**JUDGE****Jammu**  
22.05.2024  
Vishal

Sr. No. 31

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

WP(C) No. 1114/2024  
CM No. 2800/2024

Shree Ganesh Kiln

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

Union Territory of J&K & ors.

.....Respondent(s)

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**  
**20.05.2024**

Notice to the respondents in the main petition as well as CM,  
returnable within four weeks. Requisite steps for service within one week.

List on 07.08.2024.

Meanwhile, subject to objections and till next date before the  
Bench, it is ordered that in case a representation has been made by the  
petitioner to the respondents, the same shall be disposed of by them and  
till the representation of the petitioner is considered and decided, the  
respondents shall not take any coercive measures against the petitioner.  
Alteration/modification on laying motion.

(VINOD CHATTERJI KOUL)  
Judge

JAMMU  
RAM MURTI/PS  
20.05.2024

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Case No.:- WP(C) No. 1375/2024  
CM No. 3428/2024

Kailashpati Brick Kiln

.....Appellant(s)/Petitioner(s)

Through:- Mr. Vishal Goel, Advocate

**Vs**

Commissioner/Secretary to Govt., Ecology Environment Department.

..... Respondent(s)

Through:-

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**07.06.2024**

01. The petitioner-M/s Kailaspati Brick Kiln, Near Bawa Talab, Akhnoor Road is a firm born out of the partnership deed dated 16.04.2004 read with addendums dated 02.04.2013 and 01.04.2014. Sh. Pritam Singh, one of the two partners of the said firm.
02. For the purpose of operation of the brick kiln which is subject to regime of Water (Prevention & Control of Pollution) Act, 1974 read with Air (Prevention & Control of Pollution) Act, 1981, a consent to operate is mandated in terms of the aforesaid two Acts. The petitioner-firm possessed last consent to operate issued

on 11.07.2018 by the Jammu & Kashmir State Pollution Control Board. This consent to operate was infact renewed under section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 of the Air (Prevention & Control of Pollution) Act, 1981. This renewed consent to operate issued on 11.07.2018 was for a period upto March, 2023 or upto the period of brick kiln licence issued by the competent authority whichever is less.

03. Running of the a brick kiln is subject to grant of licence which in the case of the petitioner said to be in a state of currency as per deposit of licence fee of Rs. 20,000/- for the year 2023-24 in terms of Govt. Receipt No. A8464243 dated 29.11.2023.

04. While the petitioner's renewed consent to operate was in a state of operation, the Govt. of India, through its Ministry of Environment, Forest & Climate Change, came forward with a notification G.S.R. 143(E) dated 22.02.2022 read with notification G.S.R 895 (E) dated 15.12.2023 issued in terms of the Environment (Protection) Act, 1986, in terms whereof all the brick kilns operating on old technology have been called upon to shift to zig-zag technology or vertical shaft or used pipe natural gas as fuel in brick making.

05. Period for conversion/shifting on to the prescribed technology in the matter of running of brick kiln came to be

spelled out in the cases of brick kilns located in reference to non-attainment cities and of other kilns.

06. The petitioner's brick kiln is relatable to non-attainment City Jammu and as per the said two notifications of the Govt. of India, the distance factor in order to determine the situs of a brick kiln is radius-wise and not from the reference of outer boundary of non-attainment cities.

07. Learned counsel for the petitioner submits that acting upon the said two Govt. of India's notifications, the Jammu & Kashmir Pollution Control Committee has come up with a public notice dated 20.01.2024, whereby while referring to the said distance in the context of brick kilns related to Jammu city, the distance prescribed is within 10 kilometers of Jammu city's boundary and by that reference a confusion has been set in as to whether this 10 kilometers distance is meant to be from the outer boundary of Jammu city outwards or from the center of the Jammu city outwards.

08. Learned counsel for the petitioner submits that notwithstanding this confusion the petitioner's unit is inclined to implement and install new prescribed technology with respect to its brick kiln and it is just a matter of time as against a bulk

demand for installation of technology by the brick kilns in UT of J&K, the supply of that technology is on the short side.

09. Learned counsel for the petitioner refers to the fact that in similar cases, a Coordinate Bench has granted indulgence.

10. *Prima facie* case is made out.

11. Issue notice to the respondents.

12. Petitioner to furnish registered postal covers for the service of the respondents within a period of fifteen days, whereupon the Registrar Judicial, Jammu to issue notices to the respondents.

13. In the meantime, the respondents are directed to consider the renewal of last consent to operate of the petitioner without insisting upon the conversion to the prescribed technology and the unit of the petitioner shall not be subjected to any forced closure. This interim direction is, however, subject to objections from the other side.

14. List on 02.08.2024.

(RAHUL BHARTI)  
JUDGE

JAMMU  
07.06.2024  
Muneesh

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMUWP(C) No. 1067/2024  
CM No.2699/2024Krishna Brick Industries & Ors (New Curyal Brick kiln)  
.....Petitioner(s)

Through: Mr. Vishal Goel, Advocate

Vs

..... Respondent(s)

UT of J&amp;K &amp; Ors

Through: Mr.

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER  
15.05.2024

Notice in the main as well as CM, returnable within four weeks.

Petitioners shall take steps within a week's time.

List on 29.07.2024.

In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners.

(Vinod Chatterji Koul)  
JudgeJammu  
15.05.2024  
Javid Iqbal

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU

WP(C) No. 1067/2024  
CM No.2699/2024

Krishna Brick Industries & Ors *(Lurdial Brick kiln)*..Petitioner(s)

Through: Mr. Vishal Goel, Advocate

Vs

..... Respondent(s)

UT of J&K & Ors

Through: Mr.

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

**ORDER**  
**15.05.2024**

Notice in the main as well as CM, returnable within four weeks.

Petitioners shall take steps within a week's time.

List on **29.07.2024**.

In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners.

(Vinod Chatterji Koul)  
Judge

Jammu  
15.05.2024  
Javid Iqbal

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 394/2024

M/s Shiv SHakti Brick Kiln and ..... Petitioner/Appellant(s)  
Ors (B D Gupta and sons Brick kiln)

Through:- Mr. Vishal Goel, Advocate

V/s

UT of J&K and Ors .....Respondent(s)

Through:- Ms. Chetan Manhas, Assisting counsel  
vice  
Mr. Amit Gupta, AAG

**CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**

**27.05.2024**

Learned counsel for the respondents seeks and is granted four weeks time for filing reply, failing which, right to file the same shall stand closed.

List on **20.07.2024**

In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law.

**(Vinod Chatterji Koul)**  
Judge

**Jammu:**

Sr. No. 32

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

WP(C) No. 1115/2024  
CM No. 2799/2024

.... Petitioner/Appellant(s)

B. D. Gupta & co.

Through:- Mr. Vishal Goel, Advocate

V/s

.....Respondent(s)

Union Territory of J&K & ors.

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**  
**20.05.2024**

Learned counsel for the petitioner has placed reliance upon order dated 24.04.2024 passed by this Court in WP(C) No. 892/2024 and seeks the similar relief in this petition also.

Notice to the respondents in the main petition as well as CM, returnable within four weeks. Requisite steps for service within one week. List on 07.08.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to zig zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioner. Alteration/modification on laying motion.

(VINOD CHATTERJI KOUL)  
Judge

JAMMU  
RAM MURTI/PS  
20.05.2024

Ram Murti  
2024.05.21 17:35  
I attest to the accuracy and  
integrity of this document

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU

WP(C) No. 1067/2024  
CM No.2699/2024

Krishna Brick Industries & Ors (*Jandial Batic kh*) .....Petitioner(s)

Through: Mr. Vishal Goel, Advocate

Vs

UT of J&K & Ors

..... Respondent(s)

Through: Mr.

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

**ORDER**  
**15.05.2024**

Notice in the main as well as CM, returnable within four weeks.

Petitioners shall take steps within a week's time.

List on **29.07.2024**.

In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners.

(Vinod Chatterji Koul)  
Judge

Jammu  
15.05.2024  
Javid Iqbal

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMUWP(C) No. 1067/2024  
CM No.2699/2024

Krishna Brick Industries &amp; Ors

.....Petitioner(s)

Through: Mr. Vishal Goel, Advocate

Vs

UT of J&amp;K &amp; Ors

..... Respondent(s)

Through: Mr.

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

**ORDER**  
**15.05.2024**

Notice in the main as well as CM, returnable within four weeks.

Petitioners shall take steps within a week's time.

List on **29.07.2024**.

In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is considered and decided, the respondents shall not take any coercive measures against the petitioners.

(Vinod Chatterji Koul)  
JudgeJammu  
15.05.2024  
Javid Iqbal

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

WP(C) No. 1161/2024

.... Petitioner/Appellant(s)

**Zamindara Brick Industries**

Through:- Mr. Vishal Goel, Advocate with  
Mr. Dinesh Dogra, Advocate

V/s

.....Respondent(s)

**UT of J&K and others**

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**  
**24.05.2024**

Notice in the main as well as CM, returnable within four weeks.

Petitioners shall take steps within a week's time.

List on 29.07.2024.

In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioner, the same shall be disposed of by them and till the representation of the petitioner is considered and decided, the respondents shall not take any coercive measures against the petitioner.

**(VINOD CHATTERJI KOUL)**  
**JUDGE**

**Jammu**  
24.05.2024  
Vishal

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 1170/2024  
CM No. 2992/2024

..... Petitioner/Appellant(s)

Abhi Brick Kiln, Village Gandu Chak  
Mandal, Jammu North,  
District, Jammu. Through its managing  
partner, Pawan Kumar, S/o Late Sh.  
Beli Ram, R/o Patoli Brahamana,  
Jammu.

Through:-

Mr. Vishal Goel, Advocate and  
Mr. Dinesh Dogra, Advocate

V/s

..... Respondent(s)

1. UT of Jammu and Kashmir  
Through Commissioner / Secretary,  
Department of Ecology, Environment  
and Remote sensing.  
Civil Secretariat Srinagar / Jammu.
2. J&K Pollution Control Committee.  
Transport Nagar, Narwal, Jammu.  
Through its chairman.
3. Member Secretariat  
J&K Pollution control committee.  
Transport Nagar,  
Narwal, Jammu
4. Regional Director,  
J&K Pollution control committee.  
Transport Nagar,  
Narwal, Jammu.

Through:- Mr. Amit Gupta, AAG

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**  
**27.05.2024**

01. Through the medium of this petition, the petitioner seeks the following reliefs:-

- A. Certiorari  
Quashing Public Notice No. DIP/J-4983-P dated 2001.2024, issued by the respondent No. 2-4, in so far as it is in consistent with the Notification of Ministry of Environment dated 22.02.2022 and 15.12.2023, thereby changing the entire spirit/complexion of the said

1751

notifications, resulting into illegal denial/depriving the petitioners of renewal of their pollution control certificates.

B. MANDAMUS:

Commanding the respondent No. 2 to 4 to decide the renewal application of the petitioner and renew the consent to operate (pollution certificate) of the petitioner concerns without insisting upon the premature compliance / installation of zig zag technology.

C. PROHIBITION:

Restraining the respondents from taking any coercive measure against the petitioner kiln for want of renewal of the pollution control certificate, renewal whereof has been illegally withheld by the respondents 2-4.

02. Notice to the respondents.

03. Mr. Amit Gupta, learned AAG accepts notice on behalf of respondent and submits that the respondents would strictly adhere to the notification GSR 895(E) dated 15.12.2023 issued by the Government of India i.e., Ministry of Environment, Forest and Climate Change.

04. In view of the submission made by learned counsel for the respondents, this petition shall stand disposed of. The respondents to proceed strictly in accordance with the said notification.

05. This petition is **disposed of** as such.

(VINOD CHATTERJI KOUL)  
Judge

JAMMU  
RAM MURTI/PS  
27.05.2024

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**WP(C) No. 892/2024  
CM No. 2184/2024Mazdoor Kisan Brick Kiln Patli Morh Bari  
Brahmana

....Petitioner(s)/Appellant(s)

Through :- Mr. Vishal Goel, Advocate  
Mr. Dinesh Dogra, Advocate

V/s

UT of J&amp;K and ors.

....Respondent(s)

Through :-

**Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE****ORDER**

24.04.2024

The petitioner has challenged order No. 273JK PCC of 2024 dated 15.02.2024 issued by respondent Nos. 2 to 4 directing closure of the brick kiln of the petitioner for want of renewal of Pollution Control Certificate.

Learned counsel for the petitioner has contended that as per notification bearing GSR 143(E) dated 22.02.2022 and GSR 895(E) dated 15.12.2023 issued by the Government of India read with public notice dated 20.01.2024 issued by the Government of Jammu and Kashmir, the brick kilns located outside the non-attainment cities i.e. Jammu and Srinagar Municipal Corporation area have been given time to switch over Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas up to 23.02.2025. It has been submitted that the respondents are not considering the application of the

1750  
Issue notice to the respondents, subject to the petitioner's taking necessary steps within a week's time.

List on 05.06.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioner.

Jammu:  
24.04.2024  
Tarun Gupta

**(Sanjay Dhar)**  
**Judge**

Sr. No. 181

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 1139/2024

**Om Brick Kiln and others**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

**UT of J&K and others**

.....Respondent(s)

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**

**22.05.2024**

Issue notice to the respondents, returnable within four weeks.

Requisites for service within one week.

List on 26.07.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners.

**(VINOD CHATTERJI KOUL)**  
**JUDGE**

**Jammu**  
22.05.2024  
Vishal

Sr. No. 181

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 1139/2024

Om Brick Kiln and others (Vaid Beick kiln) Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

UT of J&amp;K and others

.....Respondent(s)

Through:-

CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

**ORDER**  
**22.05.2024**

Issue notice to the respondents, returnable within four weeks.

Requisites for service within one week.

List on 26.07.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners.

**(VINOD CHATTERJI KOUL)**  
**JUDGE**

**Jammu**  
22.05.2024  
Vishal

Sr. No. 291

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU

WP(C) No. 2295/2024  
CM No. 5606/2024

Krishna Brick Industries and others  
Through Rakesh Kumar

.....Appellant(s)/Petitioner(s)

Through: Mr. Vishal Goel, Advocate &  
Mr. Dinesh Dogra, Advocate

**Vs**

..... Respondent(s)

UT of J&K

Through:

**Coram: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

**ORDER**  
**25.09.2024**

1. The petitioners are seeking quashing of Order Nos. 05-JKPCC of 2024, 07-JKPCC of 2024 and 04-JKPCC of 2024 dated 17.08.2024 imposing penalty of Rs. 3,68,750/- (Rupees Three Lakh Sixty Eight Thousand Seven Hundred Fifty only) upon petitioner No. 1, Rs. 4,81,250/- (Rupees Four Lakh Eighty One Thousand Two Hundred Fifty only) upon petitioner No. 2 and Rs. 4,81,250/- (Rupees Four Lakh Eighty One Thousand Two Hundred Fifty only) upon petitioner No. 3.
2. The contention of the petitioners is that the Ministry of Environment, Forest and Climate Change New Delhi vide its Notification dated 15.12.2023 instituted an entry at SL No. 74 vide which the brick kilns who 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 within a period of one year w.e.f. 23.02.2023 in case of kilns

located within ten kilometer radius of non attainment cities and one year w.e.f. 23.02.2024 in case of other brick kilns. The J&K Pollution Control Committee had issued a notice dated 20.01.2024 stating therein that brick kilns located within 10 Kms. of non attainment city boundary (Jammu and Srinagar Municipal Corporation Area) must convert to zig-zag technology/vertical shaft technology/piped natural gas by or before 23.02.2025. Accordingly, the respondents issued show cause notices to the petitioners dated 03.08.2024. Those show cause notices were not received by the petitioners within prescribed time. Despite reply filed by the petitioners, the respondents issued a final notice dated 17.08.2024 levying the environmental compensation amounting to Rs. Rs. 3,68,750/- (Rupees Three Lakh Sixty Eight Thousand Seven Hundred Fifty only) upon petitioner No. 1, Rs. 4,81,250/- (Rupees Four Lakh Eighty One Thousand Two Hundred Fifty only) upon petitioner No. 2 and Rs. 4,81,250/- (Rupees Four Lakh Eighty One Thousand Two Hundred Fifty only) upon petitioner No. 3. The said amount was directed to be deposited within a period of 30 days from the date of the order. It is submitted that the petitioners-brick kilns is beyond the radius as prescribed in the Central notification and as such, period within which it had to follow the technology would be within a period of one year w.e.f. 23.02.2024 and not 23.02.2023. Thus the respondents have wrongly leveled the environmental compensation on the petitioners.

3. Notice to the respondents, returnable within four weeks. Requisites within one week.
4. List on 20.11.2024.

5. Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, the deposit of environmental compensation amounting to Rs. Rs. 3,68,750/- (Rupees Three Lakh Sixty Eight Thousand Seven Hundred Fifty only) by petitioner No. 1, Rs. 4,81,250/- (Rupees Four Lakh Eighty One Thousand Two Hundred Fifty only) by petitioner No. 2 and Rs. 4,81,250/- (Rupees Four Lakh Eighty One Thousand Two Hundred Fifty only) by petitioner No. 3 in terms of Order Nos. Order Nos. 05-JKPCC of 2024, 07-JKPCC of 2024 and 04-JKPCC of 2024 dated 17.08.2024 shall stay.

(SINDHU SHARMA)  
JUDGE

**Jammu**  
25.09.2024  
*Neha-II*

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 2309/2024

**Om Brick Kiln and another**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate.

V/s

**UT of J&K and others**

.....Respondent(s)

Through:- None.

**CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**  
**ORDER**

27.09.2024

Issue notice to the respondents, returnable within four weeks.

Requisites for the same within one week.

List on 13.11.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioners' Pollution Control Certificates at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Until the decision is taken by the respondents on the representation of the petitioners, no coercive measure shall be taken against the petitioners.

**(Sindhu Sharma)**  
**Judge**

**Jammu:**

27.09.2024

Michal Sharma/PS

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Jai Raja Mandlik Brick Kiln, Mishriwala, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **52-JKPCC of 2024** dated **04-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 27-05-2024 in WP (C) No. 394/2024 titled M/s Jai Raja Mandlik Brick Kiln and Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law.”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the

25/11/24

above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

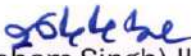
Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that M/s Jai Raja Mandlik Brick Kiln, Mishriwala, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.



Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/51-53  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) M/s Jai Raja Mandlik Brick Kiln, Mishriwala, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s New Jagdambey Brick Industry, Malpur, Bathera, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **11-JKPCC of 2024** dated **03-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 03-07-2024 in WP (C) No. 1377/2024 titled **M/s New Jagdambey Brick Industry V/s UT of J&K** and the Hon'ble High Court of J&K directed as under:-

***“In view of the limited nature of controversy involved and the relief sought by the petitioner, the present petition is disposed of with a direction to the respondents to treat the present writ petition as a representation on behalf of the petitioner and take a call thereon strictly in accordance with aforesaid notification dated 15.12.2023 within a***

*26/11/24*

***period of six weeks from the date copy of this petition along with documents annexed therewith are made available”.***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

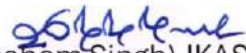
Whereas, the case of the applicant was considered and found that M/s New Jagdambey Brick Industry, Malpur, Bathera, Jammu as per the geo-coordinates

26/2

submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary  
J&K PCC 28.9.24

No:- J&K PCC/NGT/OA 594/ 36-38  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) M/s New Jagdambey Brick Industry, Malpur, Bathera, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Shiv Shakti Brick Kiln ,  
Nagbani, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **54-JKPCC of 2024** dated **04-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 27-05-2024 in WP (C) No. 394/2024 titled M/s Shiv Shakti Brick Kiln , Nagbani, Jammu & Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law.”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the

*26/6/24*

above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.


Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that M/s Shiv Shakti Brick Kiln , Nagbani, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 42-44  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) M/s Shiv Shakti Brick Kiln , Nagbani, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of Consideration in case titled M/s Jai Kiln, Manyal Brahmana, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **260-JKPCC of 2024** dated **13-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 22-05-2024 in WP (C) No. 1138/2024 titled M/s Jai Kiln, Manyal Brahmana, Jammu & Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“Meanwhile, the respondents are directed to consider the renewal of petitioner’s Pollution Control Certificate at least up to 23-02-2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by***

26/02

***the respondents non the representation of the petitioner, no coercive measure shall be taken against the petitioners”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.


Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

25/2e

Whereas, the case of the applicant was considered and found that M/s Jai Kiln, Manyal Brahmana, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary  
J&K PCC 28.9.24

No:- J&K PCC/NGT/OA594/ 54-56  
Date:- 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) M/s Jai Kiln, Manyal Brahmana, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Shri Ganesh Kiln, Kangrail, Dayaran, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **310-JKPCC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 22-05-2024 in WP (C) No. 1114/2024 titled M/s Shri Ganesh Kiln, Kangrail, Dayaran, Jammu V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“Meanwhile, subject to objections and till next date before the Bench, it is ordered that in case a representation has been made by the petitioner to the respondents, the same shall be disposed of by them and till the representation of the petitioner is considered and decided, the***

*gsh*

***respondents shall not take any coercive measures against the petitioner. Alteration/modification on laying motion”.***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

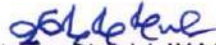
Whereas, the case of the applicant was considered and found that M/s Shri Ganesh Kiln, Kangrail, Dayaran, Jammu as per the geo-coordinates submitted by the

*gobe*

Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 45-47  
Date 20-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) M/s Shri Ganesh Kiln, Kangrail, Dayaran, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Kailash Pati Brick Kiln, New Bawa Talab, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **287-JKPC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 07-06-2024 in WP (C) No. 1375/2024 titled **M/s Kailash Pati Brick Kiln, New Bawa Talab, Jammu V/s UT of J&K** and the Hon'ble High Court of J&K directed as under:-

***“In the meantime, the respondents are directed to consider the renewal of last consent to operate of the petitioner without insisting upon the conversion to the prescribed technology and the unit of the petitioner shall not be subjected to any forced closure. This interim direction is, however, subject to objections from the other side”***

*25/6*

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that **M/s Kailash Pati Brick Kiln, New Bawa Talab, Jammu** as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag

Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

*25/6/24*  
(Ghansham Singh) JKAS  
Member Secretary *28.9.24*  
J&K PCC

No:- J&K PCC/NGT/OA594/ *69-71*  
Date: *28*-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) **M/s Kailash Pati Brick Kiln, New Bawa Talab, Jammu** for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com  
0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s New Gurdyal Brick Kiln, Badyal Brahmana, R. S. Pura, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **320-JKPCC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 15-05-2024 in WP (C) No. 1067/2024 titled **M/s New Gurdyal Brick Kiln, Badyal Brahmana, R.S. Pura, Jammu & Ors. V/s UT of J&K** and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is***

***considered and decided, the respondents shall not take any coercive measures against the petitioners”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.


Whereas, the case of the applicant was considered and found that **M/s New Gurdyal Brick Kiln, Badyal Brahmana, R.S.Pura, Jammu** as per the geo-coordinates

*26/1/24*

submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary

J&K PCC

28.9.24

No:- J&K PCC/NGT/OA594/ 27-29

Date:-28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) **M/s New Gurdyal Brick Kiln, Badyal Brahmana, R.S.Pura, Jammu** for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com  
0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Gurdial Brick Kiln, Badyal Brahmana, R.S.Pura, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **313-JKPCC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 15-05-2024 in WP (C) No. 1067/2024 titled **M/s Gurdial Brick Kiln, Badyal Brahmana, R.S. Pura, Jammu & Ors. V/s UT of J&K** and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is***

*26/02*

***considered and decided, the respondents shall not take any coercive measures against the petitioners”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that **M/s Gurdial Brick Kiln, Badyal Brahmana, R.S.Pura, Jammu** as per the geo-coordinates submitted

*gobne*

by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

*Ghansham Singh*  
(Ghansham Singh) JKAS  
Member Secretary 28-9-24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 72-74  
Date 30-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) **M/s Gurdial Brick Kiln, Badyal Brahmana, R.S.Pura, Jammu** for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s B D Gupta and Sons, Sarore Kothey, Bishnah, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **18-JKPCC of 2024** dated **03-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 27-05-2024 in WP (C) No. 394/2024 titled M/s B D Gupta and Sons, Sarore Kothey, Bishnah, Jammu and Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, in case, petitioners file the representation, the same shall be considered in accordance with the provisions of law.”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the

26/6/24

above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.


Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that M/s B D Gupta and Sons, Sarore Kothay, Bishnah, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 80-82  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) M/s B D Gupta and Sons, Sarore Kothey, Bishnah, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s B D Gupta and Co., Sarore Kothey, Bishnah, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **30-JKPCC of 2024** dated **04-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 20-05-2024 in WP (C) No. 1115/2024 titled M/s B D Gupta and Co., Sarore Kothey, Bishnah, Jammu and Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23-02-2025 without insisting upon conversion of its brick kiln to zig zag technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the***

*goh*

***petitioner, no coercive measure shall be taken against the petitioner.  
Alteration/modification on laying motion.”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.


Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

*gbe*

Whereas, the case of the applicant was considered and found that M/s B D Gupta and Co., Sarore Kothey, Bishnah, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 57-59  
Date: 20-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) M/s B D Gupta and Co., Sarore Kothey, Bishnah, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Jandial Brick Kiln, Khairpur, R.S Pura, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **28-JKPCC of 2024** dated **03-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 15-05-2024 in WP (C) No. 1067/2024 titled M/s Jandial Brick Kiln, Khairpur, R.S Pura, Jammu & Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is***

***considered and decided, the respondents shall not take any coercive measures against the petitioners”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.


Whereas, the case of the applicant was considered and found that **M/s Jandial Brick Kiln, Khairpur, R.S Pura, Jammu** as per the geo-coordinates submitted by the

*gobind*

Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 66-60  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) M/s Jandial Brick Kiln, Khairpur, R.S Pura, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Krishna Brick Industry Badyal Brahmana, R.S Pura, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **29-JKPCC of 2024** dated **03-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 15-05-2024 in WP (C) No. 1067/2024 titled M/s Krishna Brick Industry Badyal Brahmana, R.S Pura, Jammu & Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioners, the same shall be disposed of by them and till the representation of the petition is***

*2/5/24*

***considered and decided, the respondents shall not take any coercive measures against the petitioners”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

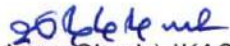
Whereas, the case of the applicant was considered and found that **M/s Krishna Brick Industry Badyal Brahmana, R.S Pura, Jammu** as per the geo-coordinates submitted

20/2

by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/ 30-32  
Date:- 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) M/s Krishna Brick Industry Badyal Brahmana, R.S Pura, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com  
0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Zamindara Brick Industries, Badyal Brahmana, R.S Pura, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **322-JKPCC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 24-05-2024 in WP (C) No. 1161/2024 titled M/s Zamindara Brick Industries, Badyal Brahmana, R.S Pura, Jammu V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, it is ordered that in case a representation has been made by the petitioner, the same shall be disposed of by them and till the representation of the petitioner is considered and decided, the respondents shall not take any coercive measure against the petitioner.”***

*26/06*

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.


Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that M/s Zamindara Brick Industries, Badyal Brahmana, R.S Pura, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift

to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary  
J&K PCC

28.9.24

No:- J&K PCC/NGT/OA594/ 75-77  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (South) for information.
- 3) M/s Zamindara Brick Industries, Badyal Brahmana, R.S Pura, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Abhi Brick Kiln, Gandu Chak, Mandal, Jammu V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **36-JKPCC of 2024** dated **03-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 27-05-2024 in WP (C) No. 1170/2024 titled M/s Abhi Brick Kiln, Gandu Chak, Mandal, Jammu V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“In view of the submission made by learned counsel for the respondents, this petition shall stand disposed of. The respondents to proceed strictly in accordance with the said notification.”***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption

*26/06*

of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.


Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that M/s Abhi Brick Kiln, Gandu Chak, Mandal, Jammu as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/NGT/OA594/63-65  
Date: 28-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Jammu (North) for information.
- 3) M/s Abhi Brick Kiln, Gandu Chak, Mandal, Jammu for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration order in case titled M/s Mazdoor Kissan Brick Kiln, Patli, Samba V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **273-JKPCC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 24-04-2024 in WP (C) No. 892/2024 titled M/s Mazdoor Kissan Brick Kiln, Patli, Samba V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

***“Meanwhile, the respondents are directed to consider the renewal of petitioner’s Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is***

*20/02*

***taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioner".***

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

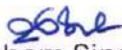
Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

Whereas, the case of the applicant was considered and found that M/s Mazdoor Kissan Brick Kiln, Patli, Samba as per the geo-coordinates submitted by the Divisional

Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, Gol dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary  
J&K PCC 28.9.24

No:- J&K PCC/NGT/OA594/ 33-35  
Date: 27-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Samba (South) for information.
- 3) M/s Mazdoor Kissan Brick Kiln, Patli, Samba for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Om Brick Kiln , Trilokpur, Samba V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **272-JKPC of 2024** dated **15-02-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 22-05-2024 in WP (C) No. 1139/2024 titled M/s Om Brick Kiln and Ors. V/s UT of J&K and the Hon'ble High Court of J&K directed as under:-

**“Meanwhile, the respondents are directed to consider the renewal of petitioner’s Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners”.**

*25/02*

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.

Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.


Whereas, the case of the applicant was considered and found that M/s Om Brick Kiln, Trilokpur, Samba as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and



therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/ *net/OA/594/39-41*  
Date: *28*-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Samba (South) for information.
- 3) M/s Om Brick Kiln, Trilokpur, Samba for information.

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkspcb@gmail.com  
membersecretaryjkspcb@gmail.com

0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

**Subject:- Accord of consideration in case titled M/s Vaid Brick Kiln, Rakh Baroi, Samba V/s UT of J&K & Ors.**

Whereas, no industrial unit can be installed or put in operation, without prior consent of the 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; and

Whereas, the Brick Kiln was ordered to be closed by the J&K Pollution Control Committee vide Order No. **21-JKPCC of 2024** dated **03-04-2024** for being operational without the mandatory consent from the Committee and bereft of Zig Zag Technology as per the Notification No. GSR 895(E) dated 15-12-2023 issued by MoEF&CC; and

Whereas, during the site inspection conducted by the Divisional Officer concerned, the unit holder was found to have resumed operation without mandatory consent of the J&K Pollution Control Committee in violation of the aforesaid closure Order issued by the J&K pollution Control Committee; and

Whereas, Hon'ble NGT vide its order dated 21-05-2024 in OA 594/2022 titled Syed Riyaz V/s UT of Jammu and Kashmir directed the Member Secretary J&K Pollution Control Committee to impose Environmental Compensation upon the violators; and

Whereas, the proprietor of the Brick Kiln approached the Hon'ble High Court of Jammu and Kashmir & Ladakh dated 22-05-2024 in WP (C) No. 1139/2024 titled **M/s Vaid Brick Kiln, Rakh Baroi, Samba & Ors. V/s UT of J&K** and the Hon'ble High Court of J&K directed as under:-

**“Meanwhile, the respondents are directed to consider the renewal of petitioner’s Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the**

26/02

**representation of the petitioner, no coercive measure shall be taken against the petitioners”.**

Whereas, on the basis of pollution potential brick kiln is classified under Orange category and obtaining the consent from the J&K PCC is mandatory alongwith adoption of pollution control mechanism to achieve the prescribed standards of pollution and the above brick kiln was found to be operational in violation of the laws without valid consent that too without adequate Pollution Control Devices / Pollution Control Measures (PCDs/PCMs) as prescribed by Ministry of Environment, Forest and Climate Change, Gol under Environment (Protection) Act, 1986 and Rules made thereunder.

Whereas, MoEF&CC, Gol issued a Notification dated 22<sup>nd</sup> February 2022 for regulation of new and existing brick kilns for effective control of air pollution from operation of kilns whereby, the installation of new technologies like Zig-Zag or Vertical Shaft or use of Piped Natural Gas has been made mandatory for all the brick kilns and the said notification has fixed a time frame within which the brick kilns are to be upgraded to the supra technologies i.e within a period of 1 year in case kilns located within 10 Km radius of non-attainment cities as defined by the Central Pollution Control Board and 2 years for areas other than non-attainment cities.

Whereas, the J&K PCC issued a public notice dated 20-01-2024 in conformity to the aforesaid notification of MoEF&CC, whereby, brick kiln units located within 10 Kms of Non-attainment city boundary (Jammu and Srinagar Municipal areas) were asked to convert to Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024 and in the rest of the UT of J&K by or before 23<sup>rd</sup> February 2025.


Whereas, the word city refers to the entire area of the city having definite boundaries and not just any arbitrary point inside the city that can be treated as centre of the city. The Notification issued by the MoEF&CC, Gol is applicable to all the non-attainment cities most of which have significantly larger area than what is encompassed in a 10 Km radius / circle and if contention of the petitioner is to be accepted than it would imply that brick kiln can be located within non-attainment city itself so long as it is more than 10 Km away from arbitrary central point.

*26/2*

Whereas, the case of the applicant was considered and found that M/s Vaid Brick Kiln, Rakh Baroi, Samba as per the geo-coordinates submitted by the Divisional Officer concerned is located within 10 Km of Jammu city which is a non-attainment city and therefore, the brick kiln unit was mandatorily to shift to the Zig-Zag Technology / Vertical Shaft / Piped Natural Gas by or before 23<sup>rd</sup> February 2024, which he has failed to convert within the above prescribed timeline.

Now, therefore, in view of the forgoing reasons and in compliance to the aforementioned directions of the Hon'ble High Court of Jammu and Kashmir & Ladakh, it is found that unit holder is not eligible for grant of Consent to Operate till the such time it converts into the Zig-Zag / Vertical Shaft / Piped Natural Gas in accordance with the notifications of MoEF&CC, GoI dated 22<sup>nd</sup> February 2022 and 15-12-2023 and therefore, request for grant of CTO is not accepted.

Issued with the approval of Competent Authority.

  
(Ghansham Singh) JKAS  
Member Secretary 28.9.24  
J&K PCC

No:- J&K PCC/ meet/OA/594/48-50  
Date: 20-09-2024.

Copy to the :-

- 1) Regional Director, J&K Pollution Control Committee, Jammu for information.
- 2) Divisional Officer, J&K Pollution Control Committee, Samba (South) for information.
- 3) M/s Vaid Brick Kiln, Rakh Baroi, Samba for information.

5097455  
20/08/24

To,

Jammu and Kashmir Pollution Control Committee,

Parivesh Bhawan, Forest Complex,

Transport Nagar, Jammu.

Subject:- Reply to showcause notice No.JKPCC/NGT/O.A  
(594/2022)/024/517-520, dated 03/08/2024  
received on 13/08/2024.

Respected Sir,

The undersigned Jeewan Mahajan and Abhimanyu Mahajan,  
Owners of Jai Kiln, Manyal Brahamana, District Jammu, do  
hereby reply to the show cause notice as under:-

1. That the brick Kiln of the undersigned is situated at Manyal Brahamana, District Jammu, which kiln is situated at a distance of about 20Km from the radius of Jammu city.
2. That the Ministry of Environment vide its notification has directed installation of zig zag technology / vertical shaft technology in the brick kilns and for which following time frames have been fixed:-
  - a) 23/02/2024 for kilns located within **TEN KILOMETERS RADIUS** of Jammu city.
  - b) 23/02/2025 for other Kilns.
3. That the undersigned respectfully submit that his brick kiln is situated at Manyal Brahamana, District, Jammu, which is situated beyond the 10KM Radius of Jammu City about 20 Kms away from the city radius.
4. That the department is getting confused with the terms Radius and Circumference, the department is measuring the distance from the outer limit (Circumference), which is totally against the mandate of Notification dated 15/12/2023 of the Ministry.
5. That the undersigned has time till 23/02/2025 to install the zig zag technology in his brick kiln and which the undersigned undertakes to install and for which the undersigned has already taken up the process.

ALD/SA

Me

23-8-24

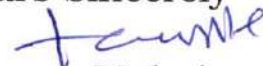
Int up with

files

6. That since the undersigned had time till feb 2025 to bring in the new technology, therefore the undersigned has not violated the directions of the ministry order.
7. That apart from above, the Hon'ble High Court in a number of cases filed before it has in categoric terms has directed the department to renew the pollution certificate without insisting upon conversion to zig zag technology, and also asked the department to not to take any corrective measures against the brick kilns.
8. That the undersigned has not violated any order of the Ministry, but the office of your goodself has violated the orders of the Hon'ble High Court, which amounts to commission of the Contempt of the orders of the Hon'ble High Court of J&K and for which the appropriate contempt petition shall be filed before the Hon'ble High Court.
9. That the department has gone wrong in not renewing the pollution certificate of the undersigned for want of installation of zig zag technology, when the time for that is available till February 2025.
10. That to sum up, the department has not only mis applied the notification of ministry dated 15/12/2023, but have also violated the orders of the Hon'ble High Court of J&K. The brick kiln was operated under the order of the Hon'ble High Court whereby the Hon'ble Court had directed not to initiate any corrective measure against the brick kilns. The issuance of the show cause notice dated 03/08/2024 received on 14/08/2024 amounts to initiation of a corrective measure and amounts to contempt of the orders of the Hon'ble High Court.
11. That in view of the above, the undersigned submit that it has not violated any order and as such is not liable to pay any compensation as stated in the show cause notice and therefore pray that the notice under reply be withdrawn.

Dated :- 22/08/2024.

Yours Sincerely

  
 Jeewan Mahajan  
 Abhimanyu Mahajan  
 Owners M/s Jai Kiln,



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 1138/2024

**Jai Kiln**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

**UT of J&K and others**

.....Respondent(s)

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**  
**22.05.2024**

Issue notice to the respondents, returnable within four weeks.

Requisites for service within one week.

List on 26.07.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners.

**(VINOD CHATTERJI KOUL)**  
**JUDGE**

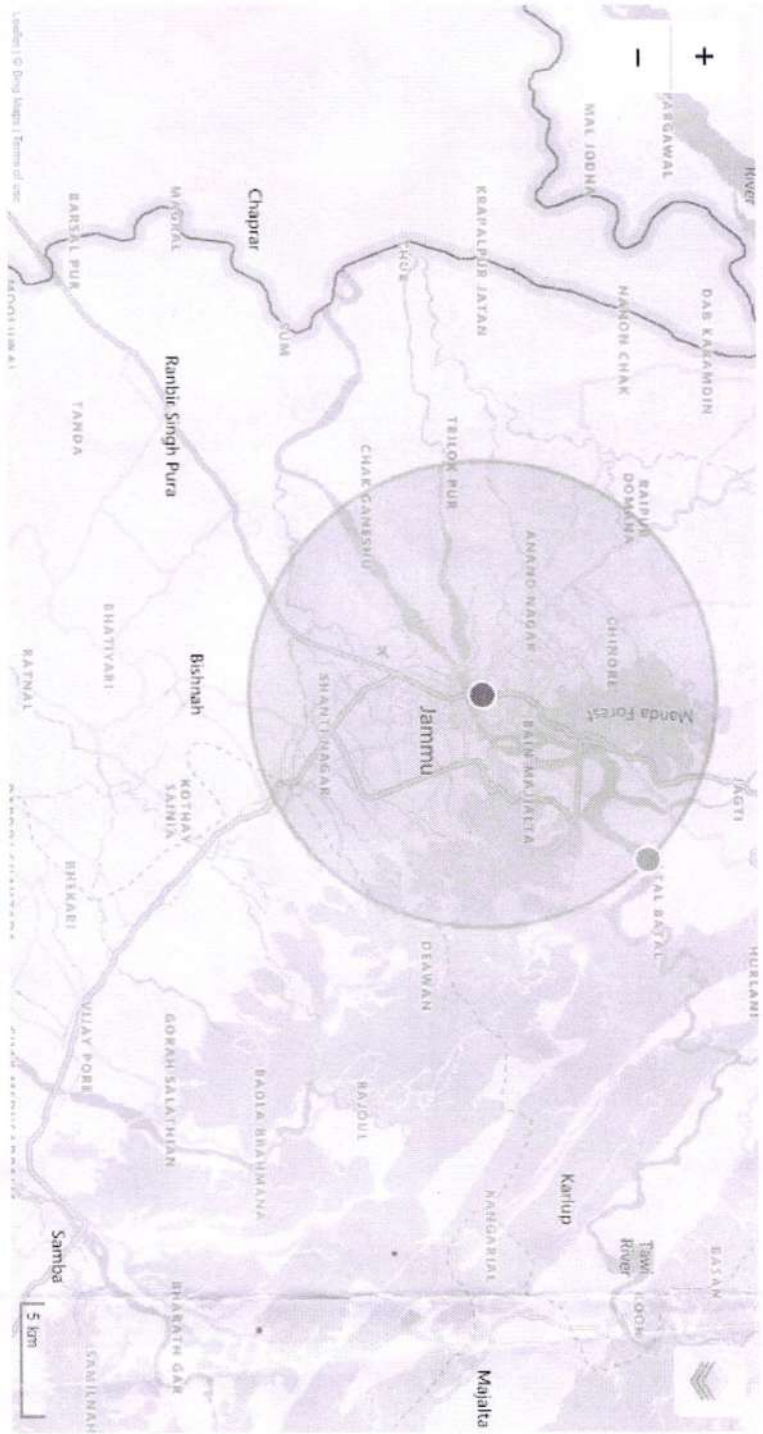
**Jammu**  
22.05.2024  
Vishal

Enter an address

Search

Clear All Edit Circle Draw a Circle 10 km

Radius: 10000 m | 10.00 km | 6.21 mi | 32809 ft | 5.40 nm  
Circle Area: 314159265 m<sup>2</sup> | 314.16 km<sup>2</sup>  
Lat/Lon: 32.72570,74.85852



Great fares from **73,586 INR** round trip\*

\*Example of fares and services. Actual fares and services may vary. 24 hrs. advance booking is required. Full T&Cs on our website.

American AIRWAYS QATAR AIRWAYS

Book now

S.No	Article Number	Receiver Name & Relation	Recipient Sign & Delivery Time
23	LE41981021N Registered Letter Chennai SO Prepaid Amount: 0.00	VEENA Devi D/, Kartha Devi JAMMU 141206 Jammu and Kashmir India	Prakash
24	LE42107021N Registered Letter Chennai SO Prepaid Amount: 0.00	DRUMSHI GHB JAMMU 141206 Jammu and Kashmir India	
25	NA4301954801N Registered Letter Chennai SO Prepaid Amount: 0.00	Sumita Devi S/O Shambu JAMMU 141206 Jammu and Kashmir India	
26	RE4376208191N Registered Letter Chennai SO Prepaid Amount: 0.00	LETANNA NARAYAN KARNATAKA Mangaluru	
27	RE438220021N Registered Letter Chennai SO Prepaid Amount: 0.00	HINDU KANNAS KARNATAKA Davanu	
28	RE4394089311N Registered Letter Chennai SO Prepaid Amount: 20.00	AMRITA SINGH W/S Devi Jagdambal HAWALPUR JAMMU AND KASHMIR India Sasari	
29	RE4395045211N Registered Letter Chennai SO Prepaid Amount: 0.00	Abhwanu Kumar S/O Der Raj JAMMU 141206 Jammu and Kashmir India Davanu	
30	RE4397204611N Registered Letter Chennai SO Prepaid Amount: 0.00	Davinakar Kumar S/O Kuldakar Kumar JAMMU 141206 Jammu and Kashmir India Davanu	

To,

Jammu and Kashmir Pollution Control Committee,

Parivesh Bhawan, Forest Complex,

Transport Nagar, Jammu.

Subject:- Reply to showcause notice No.JKPCC/NGT/O.A  
(594/2023)/024/533-535, dated 03/08/2024  
received on 14/08/2024.

Respected Sir,

The undersigned Rattan Lal Prop. M/s Jai Raja Mandlik  
Brick Kiln, Purkhoo Mishriwala, District Jammu, do hereby  
reply to the show cause notice as under:-

1. That the brick Kiln of the undersigned is situated at Purkhoo, Mishriwala, District Jammu, which kiln is situated at a distance of about 20Km from the radius of Jammu city.
2. That the Ministry of Environment vide its notification has directed installation of zig zag technology / vertical shaft technology in the brick kilns and for which following time frames have been fixed:-
  - a) 23/02/2024 for kilns located within **TEN KILOMETERS RADIUS** of Jammu city.
  - b) 23/02/2025 for other Kilns.
3. That the undersigned respectfully submit that his brick kiln is situated at Purkhoo, Mishriwala, District, Jammu, which is situated beyond the 10KM Radius of Jammu City.
4. That the department is getting confused with the terms Radius and Circumference, the department is measuring the distance from the outer limit (Circumference), which is totally against the mandate of Notification dated 15/12/2023 of the Ministry.
5. That the undersigned has time till 23/02/2025 to install the zig zag technology in his brick kiln and which the undersigned undertakes to install and for which the undersigned has already taken up the process.
6. That since the undersigned had time till feb 2025 to bring in the new technology, therefore the undersigned has not violated the directions of the ministry order.

5097308

20/08/24

ALO

23-8-24

7. That apart from above, the Hon'ble High Court in a number of cases filed before it has in categorical terms has directed the department to renew the pollution certificate without insisting upon conversion to zig zag technology, and also asked the department to not to take any corrective measures against the brick kilns.
8. That the undersigned has not violated any order of the Ministry, but the office of your goodself has violated the orders of the Hon'ble High Court, which amounts to commission of the Contempt of the orders of the Hon'ble High Court of J&K and for which the appropriate contempt petition shall be filed before the Hon'ble High Court.
9. That the department has gone wrong in not renewing the pollution certificate of the undersigned for want of installation of zig zag technology, when the time for that is available till February 2025.
10. That to sum up, the department has not only mis applied the notification of ministry dated 15/12/2023, but have also violated the orders of the Hon'ble High Court of J&K. The brick kiln was operated under the order of the Hon'ble High Court whereby the Hon'ble Court had directed not to initiate any corrective measure against the brick kilns. The issuance of the show cause notice dated 03/08/2024 received on 13/08/2024 amounts to initiation of a corrective measure and amounts to contempt of the orders of the Hon'ble High Court.
11. That in view of the above, the undersigned submit that it has not violated any order and as such is not liable to pay any compensation as stated in the show cause notice and therefore pray that the notice under reply be withdrawn.

Dated :-22/08/2024.

Yours Sincerely

*Rattan Lal*  
Rattan Lal (Prop)

M/s Jai Raja Mandlik Brick  
Kiln,





**Department Of Post India**  
**Delivery Manifest of Dumana S.O-181206**

BO ID :-  
 Person Allocated :-

Mirwala BO  
 Acharya

Issue Date :-

AUG 17 2024

S.No	Article Number	Addressee Details	Receiver Name & Relation	Recipient Sign & Delivery Time
	Jammu HQ Prepaid Amount: 0.00	India 7051052718		
	PD = 0.00 DC = 0.00 CD = 0.00 VP AMT = 0.00 RD = 0.00   Total Amt Rs 0.00			
16	RE817610365N Registered Letter Jammu HQ Prepaid Amount: 26.00	PAU KR Raj Kumar MISHRIWALA JAMMU DUMANA SO JAMMU 181206 Jammu and Kashmir India D/o Mishriwala	Raj Kumar 12/08/24	9419176016
	PD = 0.00 DC = 0.00 CD = 0.00 VP AMT = 0.00 RD = 0.00   Total Amt Rs 0.00			
17	RE830485755N Registered Letter Jammu HQ Prepaid Amount: 26.00	PATTAN LAL Ratan Lal PURKHOO MISHRIWAL DUMANA SO JAMMU 181206 Jammu and Kashmir India 0	Ratan Lal Received 14/08/2024	9419128090
	PD = 0.00 DC = 0.00 CD = 0.00 VP AMT = 0.00 RD = 0.00   Total Amt Rs 0.00			
18	RE384342218N Registered Letter Jammu HQ Prepaid Amount: 0.00	Charhal Sharma PURKHOO MISHRIWAL DUMANA SO JAMMU 181206 Jammu and Kashmir India D/o upper Mishriwala	Sharma 12/08/24	7061046095
	PD = 0.00 DC = 0.00 CD = 0.00 VP AMT = 0.00 RD = 0.00   Total Amt Rs 0.00			
19	RM8856516170IN Registered Letter Jammu HQ Prepaid Amount: 26.00	Parshatam Kumar JAMMU 181206 Jammu and Kashmir India D/o P/o Palna Khud.	Parshatam Kumar 13/08/24	7061046095

PD = 0.00 DC = 0.00 CD = 0.00 VP AMT = 0.00 RD = 0.00 | Total Amt Rs 0.00

5097387  
20/8/24

To,  
Jammu and Kashmir Pollution Control Committee,  
Parivesh Bhawan, Forest Complex,  
Transport Nagar, Jammu.

Subject:- Reply to showcause notice No.JKPCC/NGT/O.A  
(594/2022)/024/547-550, dated 03/08/2024  
received on 14/08/2024.

Respected Sir,

The undersigned Satish Kumar Prop. M/s Nandi Brick Kiln,  
Village Rakh Baroi, District Samba, do hereby reply to the  
show cause notice as under:-

1. That the brick Kiln of the undersigned is situated at Village Rakh Baroi, District Samba, which kiln is situated outside the Non Attainment Zone and at a distance of more than 40 Kms from the radius of Jammu city.
2. That the Government has earmarked Non attainment Cities country wide and in UT of J&K only Jammu and Srinagar are categorised as Non attainment Cities, the brick kiln of the undersigned is situated in a different district.
3. That the Ministry of Environment vide its notification has directed installation of zig zag technology / vertical shaft technology in the brick kilns and for which following time frames have been fixed:-
  - a) 23/02/2024 for kilns located within **TEN KILOMETERS RADIUS** of Jammu city.
  - b) 23/02/2025 for other Kilns.
4. That the undersigned respectfully submit that his brick kiln is situated at District Samba, which is situated at a distance of about more than 40Kms from Radius of Jammu City.
5. That the department is getting confused with the terms Radius and Circumference, the department is measuring the distance from the outer limit (Circumference), which is totally against the mandate of Notification dated 15/12/2023 of the Ministry.
6. That the undersigned has time till 23/02/2025 to install the zig zag technology in his brick kiln for the following reasons:-

ALU

de

23-8-24

- a) The brick kiln of undersigned is situated in District Samba, which does not fall in the Non attainment zone as per the Government Circulars.
- b) Secondly the brick kiln is situated at a distance more than 40Km from Radius of Jammu City.
7. That the undersigned undertakes to install zig zag technology within the prescribed time till 23/02/2025 and for which the undersigned has already taken up the process.
8. That since the undersigned therefore has not violated the directions of the ministry order.
9. That apart from above, the Hon'ble High Court in a number of cases filed before it has in categoric terms has directed the department to renew the pollution certificate without insisting upon conversion to zig zag technology, and also asked the department to not to take any corrective measures against the brick kilns, but the office of your goodself by issuing this notice has committed Contempt of the orders of the Hon'ble High Court of J&K and for which the appropriate contempt petition shall be filed before the Hon'ble High Court.
10. That the department has gone wrong in not renewing the pollution certificate of the undersigned for want of installation of zig zag technology, when the time for that is available till February 2025.
11. That the department has not only mis applied the notification of ministry dated 15/12/2023, but have also violated the orders of the Hon'ble High Court of J&K. The brick kiln was operated under the order of the Hon'ble High Court whereby the Hon'ble Court had directed not to initiate any corrective measure against the brick kilns. The issuance of the show cause notice dated 03/08/2024 received on 14/08/2024 amounts to initiation of a corrective measure and amounts to contempt of the orders of the Hon'ble High Court.
12. That in view of the above, the undersigned submit that he is not liable to pay any penalty as stated in the notice and therefore pray that the notice under reply be withdrawn.

Dated :- 22/08/2024.

Yours Sincerely  
*Satish Kumar*  
 Satish Kumar (Prop)  
 Nandi Brick Kiln Samba

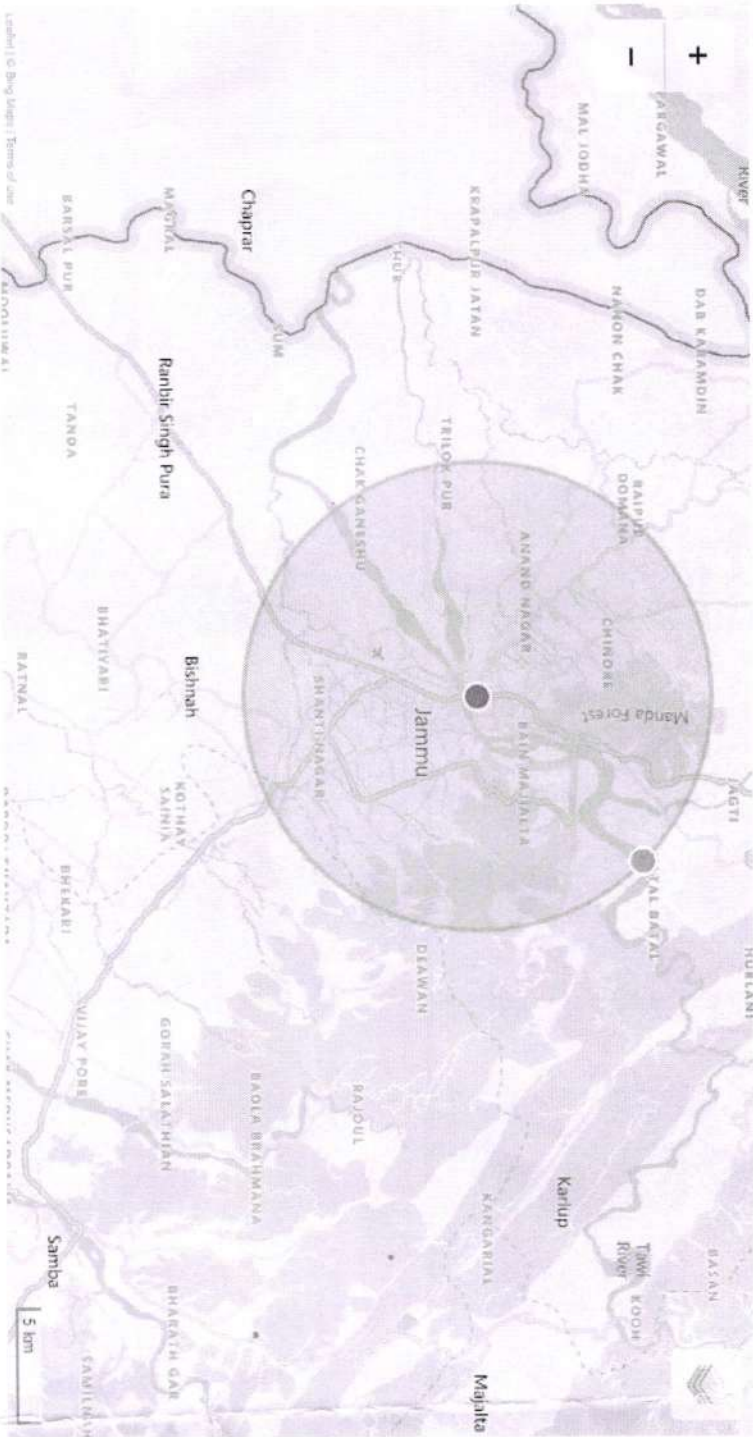


Enter an address

Search

Clear All Edit Circle Draw a Circle 10 km

Radius: 10000 m | 10.00 km | 6.21 mi | 32669 ft | 5.40 nm  
Circle Area: 314159265 m<sup>2</sup> | 314.16 km<sup>2</sup>  
Lat/Lon: 32.72570, 74.85852



Great fares from 73,586 INR round trip\*

\*Example of fares and services that have been sold in the past 24 hours and are subject to change. Full T&C on az.com

American QATAR AIRWAYS

Book now

5097425  
20/0/24

To,

Jammu and Kashmir Pollution Control Committee,  
Parivesh Bhawan, Forest Complex,  
Transport Nagar, Jammu.

Subject:- Reply to showcause notice No.JKPCC/NGT/O.A  
(594/2023)/024/543-546, dated 03/08/2024  
received on 14/08/2024.

Respected Sir,

The undersigned Ashok Kumar M/s Vaid Brick Kiln, Village Rakh Baroi, District Samba, do hereby reply to the show cause notice as under:-

1. That the brick Kiln of the undersigned is situated at Village Rakh Baroi, District Samba, which kiln is situated outside the Non Attainment Zone and at a distance of more than 40 Kms from the radius of Jammu city.
2. That the Government has earmarked Non attainment Cities country wide and in UT of J&K only Jammu and Srinagar are categorised as Non attainment Cities, the brick kiln of the undersigned is situated in a different district.
3. That the Ministry of Environment vide its notification has directed installation of zig zag technology / vertical shaft technology in the brick kilns and for which following time frames have been fixed:-
  - a) 23/02/2024 for kilns located within **TEN KILOMETERS RADIUS** of Jammu city.
  - b) 23/02/2025 for other Kilns.
4. That the undersigned respectfully submit that his brick kiln is situated at District Samba, which is situated at a distance of about more than 40Kms from Radius of Jammu City.
5. That the department is getting confused with the terms Radius and Circumference, the department is measuring the distance from the outer limit (Circumference), which is totally against the mandate of Notification dated 15/12/2023 of the Ministry.
6. That the undersigned has time till 23/02/2025 to install the zig zag technology in his brick kiln for the following reasons:-

ALO  
23/6/24

- a) The brick kiln of undersigned is situated in District Samba, which does not fall in the Non attainment zone as per the Government Circulars.
- b) Secondly the brick kiln is situated at a distance more than 40Km from Radius of Jammu City.
7. That the undersigned undertakes to install zig zag technology within the prescribed time till 23/02/2025 and for which the undersigned has already taken up the process.
8. That since the undersigned therefore has not violated the directions of the ministry order.
9. That apart from above, the Hon'ble High Court in a number of cases filed before it has in categoric terms has directed the department to renew the pollution certificate without insisting upon conversion to zig zag technology, and also asked the department to not to take any corrective measures against the brick kilns, but the office of your goodself by issuing this notice has committed Contempt of the orders of the Hon'ble High Court of J&K and for which the appropriate contempt petition shall be filed before the Hon'ble High Court.
10. That the department has gone wrong in not renewing the pollution certificate of the undersigned for want of installation of zig zag technology, when the time for that is available till February 2025.
11. That the department has not only mis applied the notification of ministry dated 15/12/2023, but have also violated the orders of the Hon'ble High Court of J&K. The brick kiln was operated under the order of the Hon'ble High Court whereby the Hon'ble Court had directed not to initiate any corrective measure against the brick kilns. The issuance of the show cause notice dated 03/08/2024 received on 13/08/2024 amounts to initiation of a corrective measure and amounts to contempt of the orders of the Hon'ble High Court.
12. That in view of the above, the undersigned submit that he is not liable to pay any penalty as stated in the notice and therefore pray that the notice under reply be withdrawn.

Dated :- 21/08/2024.

Yours Sincerely

*Ashok*  
Ashok Gupta (Prop)  
Vaid Brick Kiln



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

WP(C) No. 1139/2024

**Om Brick Kiln and others**

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Goel, Advocate

V/s

**UT of J&K and others**

.....Respondent(s)

Through:-

**CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER**  
**22.05.2024**

Issue notice to the respondents, returnable within four weeks.

Requisites for service within one week.

List on 26.07.2024.

Meanwhile, the respondents are directed to consider the renewal of petitioner's Pollution Control Certificate at least up to 23.02.2025 without insisting upon conversion of its brick kiln to Zig Zag Technology or Vertical Shaft Technology or Piped Natural Gas. Till such time the decision is taken by the respondents on the representation of the petitioner, no coercive measure shall be taken against the petitioners.

**(VINOD CHATTERJI KOUL)**  
**JUDGE**

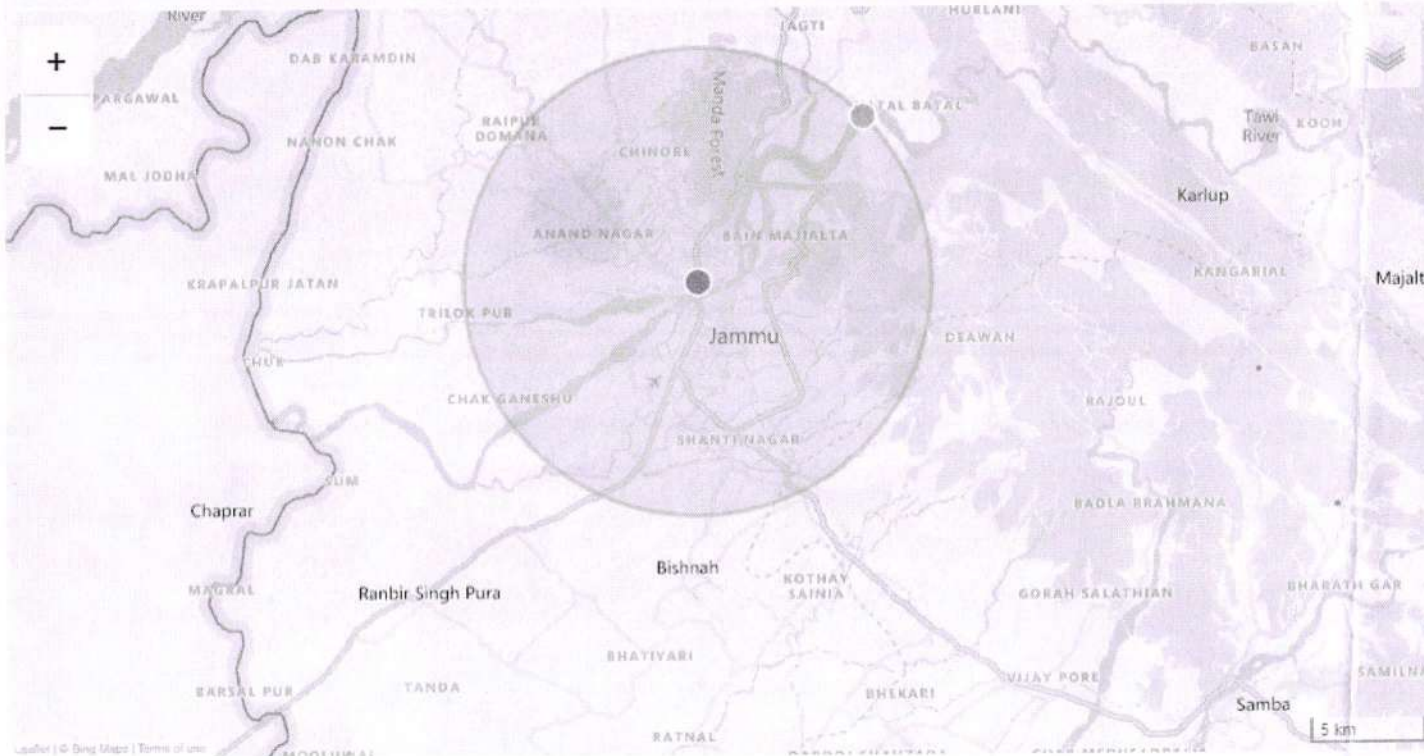
**Jammu**  
22.05.2024  
Vishal

Enter an address

Search

Radius: 10000 m | 10.00 km | 6.21 mi | 32808 ft | 5.40 nm  
Circle Area: 314159265 m<sup>2</sup> | 314 16 km<sup>2</sup>  
Lat,Lon: 32.72570,74.85852

Clear All Edit Circle Draw a Circle 10 km



Great fares from  
**73,586 INR**  
round trip\*

\*Example of fares and services that have been sold in the past 24 hours and are subject to change. Full T&Cs on [aa.com](http://aa.com)

American QATAR AIRWAYS

**Book now**

50974024  
28/8/24

To,

Jammu and Kashmir Pollution Control Committee,  
Parivesh Bhawan, Forest Complex,  
Transport Nagar, Jammu.

Subject:- Reply to showcause notice No.JKPCC/NGT/O.A  
(594/2022)/024/485-488, dated 03/08/2024  
received on 14/08/2024.

ALO  
K

24.8.24

Respected Sir,

The undersigned Ravinder Kour, Prop. M/s Zamindara Brick Kiln, Village Badyal Brahamana, RS Pura, District, Jammu, do hereby reply to the show cause notice as under:-

1. That the brick Kiln of the undersigned is situated at Village Badyal Brahamana, RS Pura, District, Jammu, which kiln is situated at a distance of about 20Km from the radius of Jammu city.
2. That the Ministry of Environment vide its notification has directed installation of zig zag technology / vertical shaft technology in the brick kilns and for which following time frames have been fixed:-
  - a) 23/02/2024 for kilns located within **TEN KILOMETERS RADIUS** of Jammu city.
  - b) 23/02/2025 for other Kilns.
3. That the undersigned respectfully submit that his brick kiln is situated at Village Badyal Brahamana, RS Pura, District, Jammu, which is situated beyond the 10KM Radius of Jammu City, situated at a distance of more than 20Kms
4. That the department is getting confused with the terms Radius and Circumference, the department is measuring the distance from the outer limit (Circumference), which is totally against the mandate of Notification dated 15/12/2023 of the Ministry.
5. That the undersigned has time till 23/02/2025 to install the zig zag technology in his brick kiln and which the undersigned undertakes to install and for which the undersigned has already taken up the process.

6. That since the undersigned had time till feb 2025 to bring in the new technology, therefore the undersigned has not violated the directions of the ministry order.
7. That apart from above, the Hon'ble High Court in a number of cases filed before it has in categoric terms has directed the department to renew the pollution certificate without insisting upon conversion to zig zag technology, and also asked the department to not to take any corrective measures against the brick kilns.
8. That the undersigned has not violated any order of the Ministry, but the office of your goodself has violated the orders of the Hon'ble High Court, which amounts to commission of the Contempt of the orders of the Hon'ble High Court of J&K.
9. That the department has gone wrong in not renewing the pollution certificate of the undersigned for want of installation of zig zag technology, when the time for that is available till February 2025.
10. That to sum up, the department has not only mis applied the notification of ministry dated 15/12/2023, but have also violated the orders of the Hon'ble High Court of J&K.
11. That in view of the above, the undersigned submit that it has not violated any order and as such is not liable to pay any penalty as stated in the show cause notice and therefore pray that the notice under reply be withdrawn.

Dated : 23/08/2024.

*Ravinder Kour*  
Yours Sincerely

*Ravinder Kour*  
Ravinder Kour (Prop)

M/s Zamindara Brick Kiln.

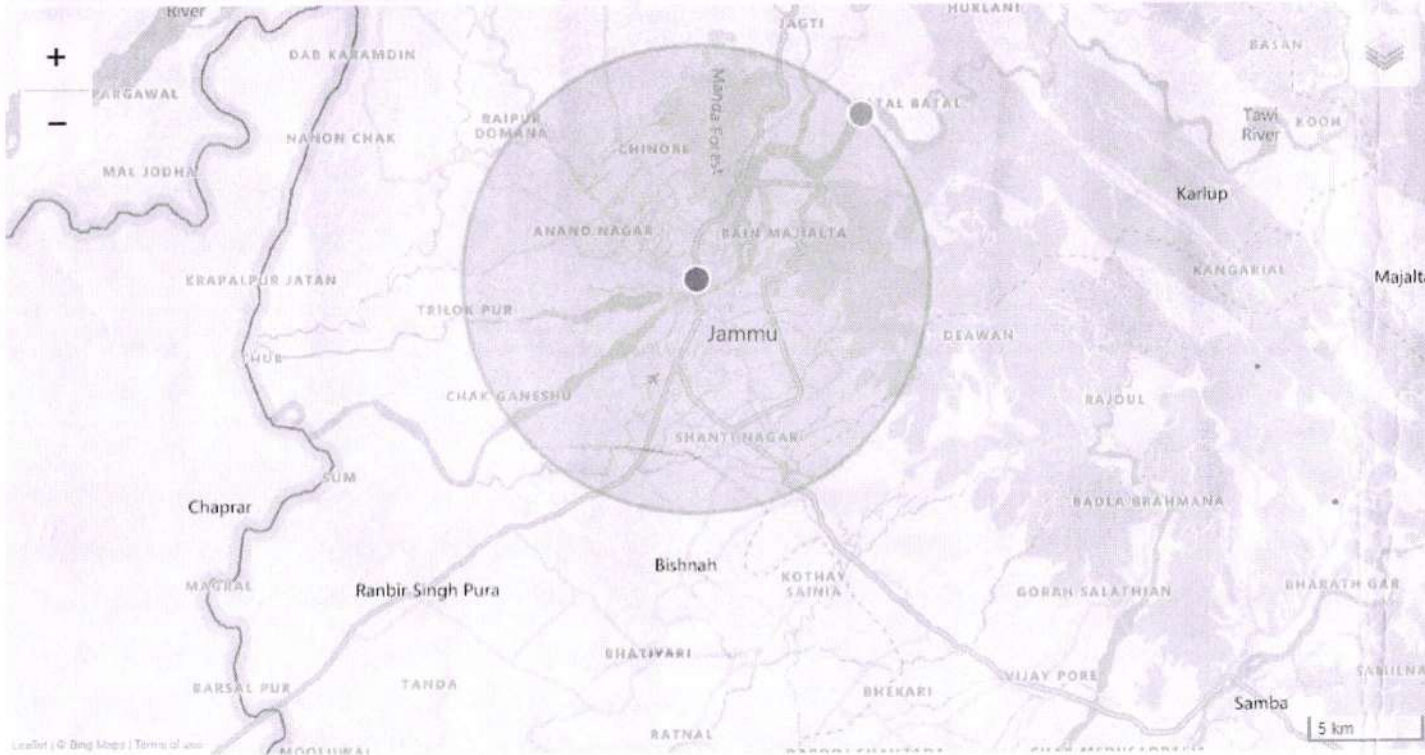


Enter an address

Search

Radius: 10000 m | 10.00 km | 6.21 mi | 32808 ft | 5.40 nm  
Circle Area: 314159265 m<sup>2</sup> | 314.16 km<sup>2</sup>  
Lat,Lon: 32.72570,74.85852

Clear All Edit Circle Draw a Circle 10 km ▾



Great fares from  
**73,586 INR**  
round trip\*

\*Example of fares and services that have been sold in the past 24 hours and are subject to change. Full T&C's on aa.com

American QATAR AIRWAYS

**Book now**