

N.D.H.:20.11.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO.754 OF 2023

IN THE MATTER OF:

VIPUL KUMAR

..... APPLICANT

VERSUS

UTTARAKHAND POLLUTION
CONTROL BOARD & OTHERS

... RESPONDENTS

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Place: New Delhi

Date: 17.11.2024

FILED BY:



(GAURAV AGARWAL)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5596-5597/2024
[@ CIVIL APPEAL NO. DIARY NO.13452/2024]

JAI MATA BRICK FIELD

Appellant (s)

VERSUS

UTTARAKHAND POLLUTION CONTROL BOARD & ORS.

Respondent(s)

O R D E R

Delay condoned.

2. Heard Mr. Manoj Swarup, learned Senior Counsel appearing for the Appellant. The original applicant before the NGT is on caveat and is represented by Mr. Rohan Thawani, learned counsel.

3. Without raising any contention on the merit of the impugned decision of the NGT, Mr. Swarup, learned Senior Counsel refers to Paragraph 29 in the impugned order dated 12.10.2023 of the NGT to point out that in reference to the siting criteria specified in Clause 6 and 7 of the Notification dated 22.02.2022 of the Ministry of Environment, Forest & Climate Change (MOEF&CC), the NGT has directed the Competent Authority to re-consider the application for grant of Consolidated Consent to Operate & Authorization (CCA). The Appellant - brick kilns is not aggrieved by the said opportunity being granted, but the concern raised by Mr. Swarup is whether the Competent Authority would be swayed by the observation made in the impugned decision of the NGT.

4. We have considered the above submission and also the submission made by Mr. Thawani, learned counsel. Since the

Competent Authority is directed to reconsider the application for grant of CCAs, instead of entertaining the appeals, we deem it appropriate to direct the said authority to reconsider the application of the brick kiln owner (Jai Mata Brick Field) on merit and independently, without being influenced by any of the observation in the impugned order dated 12.10.2023 in the OA No.341/2023. It is ordered accordingly.

5. With the above order, the Civil Appeals are disposed of. Pending application(s), if any, stand closed.

..... J.
[HRISHIKESH ROY]

..... J.
[PRASHANT KUMAR MISHRA]

NEW DELHI;
APRIL 29, 2024.

ITEM NO.17

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NOS.5596-5597/2024
[@ CIVIL APPEAL NO. DIARY NO.13452/2024]

JAI MATA BRICK FIELD

Petitioner(s)

VERSUS

UTTARAKHAND POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No.87307/2024-CONDONATION OF DELAY IN FILING and IA
No.87304/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.87305/2024-STAY APPLICATION)

Date : 29-04-2024 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRAFor Petitioner(s) Mr. Manoj Swarup, Sr. Adv.
Mr. Neelmani Pant, Adv.
Ms. Nidhi Agarwal, Adv.
Mr. Hitesh Nagar, Adv.
Mr. Neeraj Kumar Sharma, AORFor Respondent(s) Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Ms. Aakriti Vikas, Adv.UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The civil appeals are disposed of in terms of the signed
order.

Pending application(s), if any, stand closed.

(DEEPAK JOSHI)
ASST. REGISTRAR-cum-PS(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed Order is placed on the File)



REGIONAL OFFICE

UTTARAKHAND POLLUTION CONTROL BOARD

Irrigation Design Building Campus, Roorkee-247667 (Distt- Haridwar)

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ANNEXURE-A-1

UKPCB

UKPCB/ROR/Con/J-112/2024/ 370

Date: .05.2024

Registered Post

07/06/24

To,

M/s Jai Mata Brick Field,
Kh no- 208,
Mauza Kawadpur Harchandpur,
Distt- Haridwar.

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/Reapplication/Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

CAF ID - 10412	Application ID- 3445460
CCA (Renewal)	
Date 29.11.2023	

CCA is hereby granted to M/s Jai Mata Brick Field located Kh no- 208, Mauza Kawadpur Harchandpur, Distt-Haridwar subject to the provisions of the Water Act, Air Act and HW Rules and the orders that may be made further and subject to following terms and conditions: -

1. This CCA is granted for a period up to 31.03.2025 and valid for manufacturing of following products with Capital Investment / Net Assets Values Rs 59.0 Lacs.

S. No.	Last CCA Quantity		CCA Renewal	
	Product	Quantity Year	Product	Quantity Year
1	Bricks	80,00,000 Nos	Bricks	80,00,000 Nos

2. Specific Conditions under Water Act:

- (i) The daily quantity of effluent discharge (KLD): -

	CTE or CCA	CCA Renewal
Trade Effluent	Nil	Nil
Sewage	1.0	1.0

- (ii) Trade Effluent Treatment and Disposal: Nil.

- (iii) Sewage Treatment and Disposal: The applicant shall provide comprehensive Septic Tank/ Soak pit is required with reference to influent quantity and quality.

3. Conditions under Air Act: -

- (i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as is required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:



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Roorkee

S. No	Stack attached with	Stack height (Mt)	Type of Fuel	Fuel Quantity KLD/MTD	Emission Control Equipment	Emission standards not to exceed
1	Brick Klin	30	Coal & wood	-	Induced draft with Zig-Zag Technology	250 mg/NM ³

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day time	Night time	Day time	Night time	Day time	Night time	Day time	Night time
	75	70	65	55	55	45	50	40

Day time: from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

4. Conditions under HW Rules: -

- The Occupier of M/s Jai Mata Brick Field is hereby granted an authorization to operate a facility for collection and storage of Hazardous wastes.
- The authorization is granted to operate a facility for generation, collection and storage of hazardous wastes within factory premises for following category of wastes.
- The authorization shall be in force for a period up to 31.03.2025
- The authorization is subject to the conditions stated below and the conditions as may be specified in the rules for the time being in force under Environment (Protection) Act, 1986.

S.No.	Category (Schedule-I & Schedule-II)	Quantity of Waste for which authorization is being issued (MTA)	Mode of Disposal
1	-	-	-

Terms and conditions of authorization:

- The authorization shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.
 - The authorization and its renewal shall be produced for inspection at the request of an officer authorized by the SPCB/PCC.
 - The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the SPCB/PCC.
 - Any unauthorized changes in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
 - It is the duty of the authorized person to take prior permission of the SPCB/PCC to close down the facility.
 - An application for the renewal of an authorization shall be made as laid down under these rules.
 - Any other conditions for compliance as per the Guidelines issued by the MoEF or CPCB.
- Compulsory documents to be submitted by the Industry/Unit: -
 - Annual return in Form-4 and Waste Disposal Manifest in Form-10 under HW Rules and Third Party Audit Report.
 - Environment Statement in Form-V of Environment (Protection) Rules, 1986.
 - Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
 - Unit has to apply for renewal of CCA well in advance of 60 days of expiry of this CCA.
 - Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
 - Unit has to comply with the other general conditions as annexed herewith. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and HW Rules will result in legal action under the aforesaid Acts and Rules.

Specific Conditions:

- In case Unit is using ground water than unit has to obtain NOC from central Ground water Authority for abstraction of ground water for which unit may refer web site <http://cgwa-noc-gov.in>
- The applicant shall provide ports in the chimney/stack and facilities such as ladder, platform etc. as per requirement for monitoring the air emissions and the same shall be open for inspection and use at all times by

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UKPCB
Roorkee

THE Board's staff. The chimney/stack attached to various sources of emission shall be designated by numbers such as S-1, S-2 etc. and these shall be painted/displayed to facilitate identification.

3. The industry shall ensure interlocking of air pollution control devices and production processes.
4. Solid wastes generated from the industry have to be disposed in manner so that contamination of surface water bodies/ground water/soil etc. does not take place.
5. The industry shall take adequate measures to control of noise from its own source so as to comply with standards as may be applicable.
6. The applicant shall develop three rows of green belt on the premises with plant species as suggested by the Central Pollution Control Board.
7. The industry shall ensure all safety measures and shall undertake periodical assessment by the competent authority.
8. the unit shall strictly comply with the provision of The Public Liability Insurance Act. 1991 as amended and Rules made there under there under and shall submit copies of Insurance Policies (if any) to the Board of Offices regularly.
9. Unit shall ensure to comply the notification of state Government vide No. 1822/VII-A-1/2021/80-Kh/16 dated 28.10.2021 regarding the Uttarakhand state mining Policy 2021.
10. Unit shall ensure to comply the notification of MoEF & Climate change (Government of India) on dated 22.02.2022 under EP Act 1986.
11. The Consent is valid under the Final decision of Hon'ble NGT in matter of OA No. 783/2022 Ajay Kumar Vs. Uttarakhand Pollution Control Board & Others.
12. Unit shall ensure to obtain the Validation certificate from Central Building Research Institute or authorized organization regarding conversion to induce draft zig zag Technology & submit it to this office within three Months.
13. The Consent is being issued by the board to unit in sequence of its Letter No.- UKPCB/HO/Gen-29(II)/2023/1537 Date 04.01.2023 and the brick kiln operate will be bound for the final decision on the consent fee in the said letter.
14. The Consent is being issued by the board to unit in sequence of CIVIL APPEAL Nos. 5596-5597/2024 order.
15. Unit shall ensure to deposit environmental compensation applicable to the industry.

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16. All the moving areas around the main Brick kiln shall be paved with the bricks to minimize fugitive dust/emission from the brick kilns operations.
17. The occupier shall ensure that fine dust not to accumulate all around the Brick Kiln.
18. The unit shall submit stack emission monitoring report from MoEF & CC recognized laboratory to the Board's offices, withing two months.
19. The unit shall strictly comply with provisions of water Act, Air Act 7 E (P) Act and Rules/Notifications made thereunder.

General Conditions:

1. The applicant shall get the sample of treated effluent/emissions/hazardous wastes/leachate analyzed at least once in a three month/six months/one year from the laboratory recognized by the CPCB/UEPPCB/NABL/MoEF and conforms to the limits stipulated. Test report shall be communicated to the UEPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If, at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued b y the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good housekeeping. All valves/pipes/sewer/drains etc. must be leak-proof.
6. The industry shall provide uninterrupted entry to the STP'S/ETP'S inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control measures.
7. The industry shall provide "Inspection Book" at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other

- concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
 10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
 11. The applicant shall reapply before the 30 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point.
 12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.
 13. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous waste without obtaining prior permission of the Board.
 14. Any unauthorized change in personnel, equipment as working condition as mentioned in the application by the person authorized shall constitute a breach of his authorization.
 15. It is the duty of the authorized person to take prior permission of the Board to close down the facility.
 16. The authorization is valid for temporary storage of Hazardous Waste within premises only.
 17. The authorized agency shall ensure that on-line data with regard to quantity and nature of hazardous chemicals being used in the plant as well as air emission and waste generated within premises is displayed on Display Board of size 6x4 feet outside the main factory gate within premises.
 18. It is duty of the authorized person to take prior permission of this Board to close and cleanup the facility for treatment, storage and disposal of hazardous waste.
 19. The applicant shall maintain record of hazardous waste in Form-3 and shall submit annual return in Form-4 on or before the 30th day of June following to the financial year to which that return relates.
 20. In case of any accident, complete details shall be submitted to this Board as required under I.I.W. Rules.
 21. In no case any hazardous waste shall be disposed off on land, in any drain, or into any water stream. All spillage must also be safely collected and stored.
 22. Before the hazardous waste is stored or dumped in the facility, applicant must conduct a detailed physical and chemical analysis of hazardous waste sample and report to the Board.
 23. Dried hazardous sludge from the process in the plant shall be stored in double lined HDPE pit constructed with R.C.C. or such material which does not react with the waste contained in it.
 24. The storage area should be fenced properly and Sign/Notice Board indicating 'Danger' and 'Hazardous' shall be displayed at appropriate position both in Hindi and English.
 25. The industry will store non-ferrous metal waste, used oil/spent oil waste in sealed drums placed on impervious floor under covered shed. Hazardous waste if required shall be sold only to Registered Recyclers/Re-processors.
 26. In case of any transportation of hazardous waste, the details in Form-10 of the Hazardous Rules shall be submitted to the Board.

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JF. 20/06/2024
Regional Officer

Letter No. UKPCB/ROR/Con/J-112/2024/

Date: .05.2024

Copy to: Member Secretary, Uttarakhand Pollution Control Board, Dehradun for kind information.

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JF. 20/06/2024
Regional Officer

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Praveen Thakur
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