

BEFORE THE NATIONAL GREEN TRIBUNAL NEW DELHI

O.A. NO. 406/2022

IN THE MATTER OF :-

Narender Singh

Applicant

Vs

State of UP and Ors

Respondents

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Place New Delhi

Date : 05/11/2022

Through,


(Subhash Chand Tomar)

Advocate

Counsels for the applicant

Ch No. 669, Patiala House Courts

New Delhi 110001

MNo. 9968974174

BEFORE THE NATIONAL GREEN TRIBUNAL NEW DELHI

O.A. NO. 406/2022

IN THE MATTER OF :-

Narender Singh

Applicant

Vs

State of UP and Ors

Respondents

COUNTER AFFIDAVIT/ REPLY FILED ON BEHALF OF RESPONDENT NO. 4 (OWNER OF M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE – MANT, DISTT – MATHURA UP) IN THE ABOVE MENTIONED CASE.

Most Respectfully Showeth:

I, Hari Singh S/O Late Ram Narayan Singh aged 64 years, R/O Village – Parsoli, The- Mant, Distt- Mathura (Owner of the M/S Vaishnavi Brick Kiln) Presently at New Delhi, do hereby solemnly affirm and state as under:-

- 1 That I am the respondent NO.4 in the above mentioned case and as such I am well acquainted with the facts of the case and I am competent to swear this counter affidavit/ reply in this case.

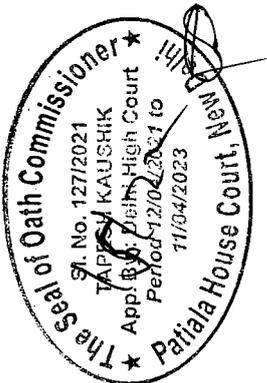


2 That I have read over the present OA No. 406/2022, filed by the applicant and I deny all the allegations made therein due to ill motive, false and frivolous, having jealousy with the respondent No.4 to defame the image.

3 PRELIMINARY OBJECTIONS:-

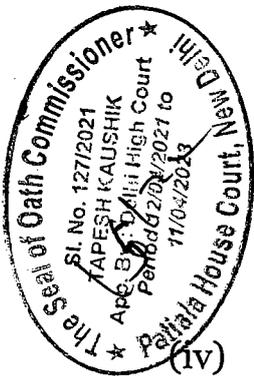
(i) That the applicant filed the complaint before the Hon'ble Tribunal and same is converted into Original Application No. 406/2022 by this Hon'ble Tribunal and the Applicant never appeared before the Hon'ble Tribunal to present his case, hence the present O.A.NO. 406/2022 is liable to be dismissed by this Hon'ble Court for non appearance with imposing heavy cost for filing false and frivolous case.

(ii) That the applicant is having ill motive to file false complaint before the public authority upon various false allegations. The applicant filed online complaint No. IGRS NO. 40014522016361 dated 04/03/2022 before the District Magistrate Mathura UP and same was investigated/enquired/and survey was done by the respondents No.1 to 3 and report was submitted by the UPPCB vide letter No. 812/J-75/2012 dated 22/08/2022 and the Brick Kiln was found according to the District Panchayat Rules as mentioned in col No. six of the report prepared by the respondent No.2, hence the present O.A.NO. 406/2022 is liable to be dismissed by this Hon'ble Court for filing false and frivolous case by imposing heavy cost. The copy of the report



submitted by the UPPCB vide letter No. 812/J-75/2012 dated 22/08/2022 is annexed as **Annexure R4/1**.

- (iii) That the Applicant made false allegation with regards to establishment of Brick Kiln at less than one kilometer distance from the village population, which is wrong and denied by the Respondent NO.4 (Owner of the Brick Kiln). It is submitted that the present Brick Kiln was established in the years 2011 and same was having more than one Kilometre distance from the village population at the time of establishment 2011, and same is mentioned in the report of the Tehsildar/ Sub Divisional Magistrate Mant District Mathura conducted survey/enquiry according to UP Government guidelines in 2012 vide notification No.921/55-(envi)/12-94(Envi)/2012 dated 27/06/2012 with regards to M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE – MANT, DISTT – MATHURA UP) on dated 13/08/2014.



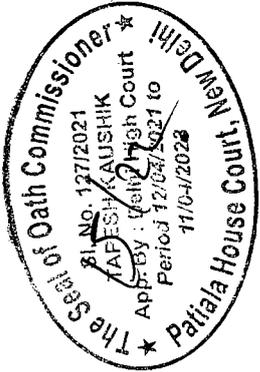
(iv)

That the Respondent NO.4 further explain the distance from village population to Brick Kiln is more than one kilometre. The village population Map and village Agriculture Map shows that there is a lake (Called Pokhar in village language) having more than 400 Meters width in Khasra No.400 measuring about 10 to

12 Acre land and more than 600 Meters agriculture land between the village population and Brick Kiln. Hence the allegation made by the Applicant in present O.A. No.406/2022 are false and baseless and present Brick Kiln is situated more than one kilometer away from the village population. The Copies of Village Population Map and village agriculture land Map are annexed as **Annexure R4/2.**

4 FACTUAL MERITS OF THE PRESENT CASE :-

- (i) That the M/S Vaishnavi Brick Udyog (old name M/S PBH Ent Udyog) khasra no.209,143, Bajna Marg, Parsoli, Teh – Mant, Distt – Mathura UP) was established in 2011 by old name subsequently changed the name to present M/S Vaishnavi Brick Udyog. The UP government was not having any guideline with regards to establishing brick kiln at the time, when the brick kiln was established but said Brick Kiln was having distance at least 500 metre away from residential area having minimum population of 150 person or 20 houses either kacha or pakka house and one kilometre away from the village population, yet the Present Brick Kiln in question fulfil all the conditions according to the UP Govt Notification 2012. The revocation of consent by the Respondents NO.1 to 3 is illegal and not justified in the eye of law.



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(ii) That the UP Government made guidelines in 2012 vide notification No.921/55-(Parya)/12-94(Parya)/2012 dated 27/06/2012 written as :-

“in exercise of the powers of under sub section (1) of section 54 read with clause (z) of sub section (2) of the said section and sub section (1) of section 21 of the Air Prevention and Control of Pollution Act 1981 (Act 14 of 1981). The governor, after consultation with the U.P. Pollution Board and after considering the objections and suggestions received from concerned person, is pleased to make the following rules with a view to regulating siting criteria for establishment of new brick kilns in state of U.P.”

2(i) a brick kiln shall not be established with in a distance of 5 kilometres from the area of municipality corporation. Subject to the above restrictions brick kilns shall be established at least 500 metre away from residential area having minimum population of 150 person or 20 houses either kacha or pakka house. 1 kilometre from the residential area having population more than 150 persons or more than 20 houses weather kachha or pakka house.



Handwritten signature or scribble.

6(i) The multilayer and multi storey green belt 10 meter width shall be constructed along the periphery of bricks

kiln leaving 2 meters to 10 meters wide gap in the boundary for entry and exit for materials and vehicles. A wall of 3 meter height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission.

Provided that a bricks kiln which was established/operated previously but not being operative in the last session, want to operate or change the name/ ownership and have valid consent under the Air prevention and control of pollution Act 1981 and water prevention and control of pollution Act 1974 may operate the same if it inform in writing to the state board but shall be bound to comply with all the conditions subject to which consent was granted”.

- 5 That the Tehsildar/ Sub Divisional Magistrate Mant District Mathura conducted survey/enquiry according to UP Government guidelines in 2012 vide notification No.921/55-(envi)/12-94(Envi)/2012 dated 27/06/2012 with regards to M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE – MANT, DISTT – MATHURA UP) on dated 13/08/2014 and signed by SDM Mant on 16/08/2014 and the same is stated below:-



- (i) That the distance of Khasra No. 143A, 209 is situated 5 kilometre away from the Municipal corporation.
- (ii) That the distance of Khasra No. 143A, 209 is situated 500 meter away from the population of 100-150 people.
- (iii) That the distance of Khasra No. 143A, 209 is situated one kilometre away from the 150 people or 20 houses.
- (iv) That the distance of Khasra No. 143A, 209 is situated one kilometre away from the School, Hospital, public or religious building. There is no historical building, Garden, Zoo and store of fire catching things.
- (v) That the distance of Khasra No. 143A, 209 is situated 200 meter away from the railway track.
- (vi) That the distance of Khasra No. 143A, 209 is situated 500 meter away from the National High Way.
- (vii) That the distance of Khasra No. 143A, 209 is situated 100 meter away from the PWD Road.
- (viii) That the distance of Khasra No. 143A, 209 is situated 800 meter away from the Brick Kiln situated earlier Brick Kiln M/S RBH Brick udyog.

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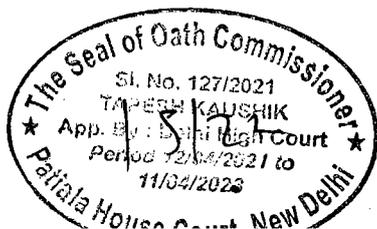
(ix) That the distance of Khasra No. 143A, 209 is situated more than 800 meter away from the mango orchid.

(x) That the distance of Khasra No. 143A, 209 is situated 850 meter away from the another Brick Kiln M/S RBH Brick udyog.

This report is for your perusal and necessary action. The copy of the Tehsildar/ Sub Divisional Magistrate Mant District Mathura conducted survey/enquiry according to UP Government guidelines in 2012 vide notification No.921/55-(envi)/12-94(Envi)/2012 dated 27/06/2012 with regards to M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE - MANT, DISTT - MATHURA UP) on dated 13/08/2014 and signed by SDM Mant on 16/08/2014 is annexed as **Annexure R4/3.**

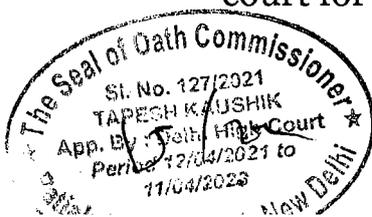
6 REPLY TO THE DISTANCE OF VILLAGE POPULATION:-

(i) That the present Brick Kiln was established in the years 2011 and same was having more than one Kilometre distance from the village population at the time of establishment 2011, and same is mentioned in the report of the Tehsildar/ Sub Divisional Magistrate Mant



District Mathura conducted survey/enquiry according to UP Government guidelines in 2012 vide notification No.921/55-(envi)/12-94(Envi)/2012 dated 27/06/2012 with regards to M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE - MANT, DISTT - MATHURA UP) on dated 13/08/2014 as well as in the village population Map and village Agriculture Map shows that there is a lake (Called Pokhar in village language) having more than 400 Meters width in Khasra No.400 measuring about 10 to 12 Acre land and more than 600 Meters agriculture land between the village population and Brick Kiln. The village population illegally occupied the lake (Called Pokhar in village language) within the period of five to six years and Applicant's house is also build illegally in the said Lake/ Pokhar (Khasra No.400) and this Hon'ble Tribunal has given directions to Respondents No.1 to 3 for restoration of village lakes/ pounds/ village Pokhars from illegal encroachments but the respondents No. 1 to 3 failed to obey to restore the said Lake/ Pokhar. Hence the Respondent No.4 (Owner of the Brick Kiln) can not be penalized for the illegal encroachment of village population within the period of five to six years and the respondents No. 1 to 3 failed to obey to restore the said Lake/ Pokhar despite of clear directions of this Hon'ble court for restoration of village Lake/Pokhar from illegal

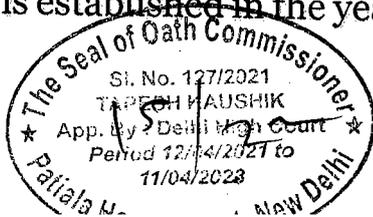
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encroachments. The population is increasing day by day not only in Metropolitan cities but also in villages and having illegal encroachment over lake/ ponds/Pokhars in village as well as in cities. Hence the population is main cause for decreasing the distance from village. The Copies of Village Population Map and village agriculture land Map are already annexed as Annexure R4/2.

7 REPLY TO THE DISTANCE OF M/S VAISHNAVI BRICK UDYOG AND M/S OPN BRICK KILN:-

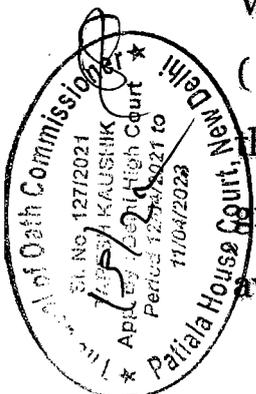
That the M/S VAISHNAVI BRICK UDYOG was established in 2011 and same was having aerial distance of 850 Metre from Brick Kiln M/S RBH Brick Udyog as per report of the Tehsildar/ Sub Divisional Magistrate Mant District Mathura conducted survey/enquiry according to UP Government guidelines in 2012 vide notification No.921/55-(envi)/12-94(Envi)/2012 dated 27/06/2012 with regards to M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE - MANT, DISTT - MATHURA UP) on dated 13/08/2014 . The report submitted by the respondents No.1 to 3 vide letter No. 898/0-88/2022 dated 07/09/2022, while conducting joint inspection of the site, it is mentioned by the team in the said report dated 05/08/2022, wherein col No. 2(ii) showing the distance 750 Metre from one Brick Kiln to another Brick Kiln (M/S OPN Brick Kiln), which is established in the year 2021 without maintaining green belt



around Brick Kiln and without maintaining Ariel distance. The M/S OPN Brick Kiln is at fault with regards to maintain distance of 800 Metres according to the notification of the UP Government, further Respondents NO.1 to 3 are at the fault for granting consent without observing Ariel distance from one Brick Kiln to another Brick Kiln. Hence the Respondent No.4 (Owner of the Brick Kiln) can not be penalized for the illegal act of M/S OPN Brick Kiln for non adherence of Ariel Distance from one Brick Kiln to another Brick Kiln in accordance of UP Govt Notification 2012 and Respondents NO.1 to 3 are at the fault for granting consent without observing Ariel distance from one Brick Kiln to another Brick Kiln.

8 REPLY TO THE MULTILAYER AND MULTI STOREY GREEN BELT 10 METER:-

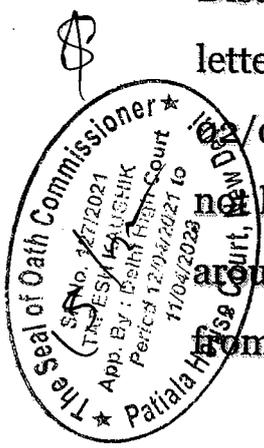
That according to Respondents No.1 to 3 vide letter No. 154/V 93/2022 dated 30/04/2022 and also dated 02/05/2022, the M/S VAISHNAVI BRICK UDYOG is not having green belt of 10 Metres width, not having Metallic Road around and a ladder is not established to monitor the Gases leaking from the Brick kiln. Which is wrong and same is denied. It is to submitted that the M/S VAISHNAVI BRICK UDYOG is having three side green belt properly (West ,North and South) and one side a wall is constructed having three Metre height (East), water is also being sprinkled over the green belt as well as on the ground of the Brick Kiln twice in a day to avoid dust/ fugitive emission of the arena of the Brick Kiln



compound by leaving ten Metres gap for entry and exit in west side and a ladder is also fixed in the Chimni to monitor the leakage of Gases and the metallic road is constructed around the said Brick Kiln. The Copy of Photographs and Videography of green belt of Brik Kiln M/S Vaishnavi Ent Udyog with sprinkling water over is annexed as **Annexure R4/4.**

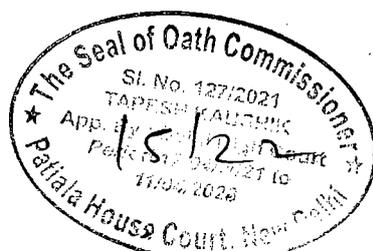
9 VIOLATION OF ARTICLE 14 EQUALITY BEFORE LAW BY THE RESPONDENTS NO.1 TO 3:-

That the Respondents No.1 to 3 did not revoke any consent granted by them to the 227 Brick Kilns in the District Mathura, and 227 Brick Kilns are operating in the District Mathura (UP) as per their records, and affidavit filed before this Hon'ble court, in O.A.No. 93/2021, Titled as Mukesh Kumar Agarwal vs Central Polution Control Board & Orsthe matter of Respondents No.1 to 3 and admitted that the most of the Brick Kilns are not having 10 Metres green Belt around the boundary of the Brick Kiln, no paved road and 3 metres height wall was observed and no water sprinkler was observed for dust emission at the site of Brick Kiln all over the District in Mathura UP, whereas the Respondents No.1 to 3 vide letter No. 154/V-93/2022 dated 30/04/2022 and also dated 10/05/2022, stated that the M/S VAISHNAVI BRICK UDYOG is not having green belt of 10 Metres width, not having Metallic Road around and a ladder is not established to monitor the Gases leaking from the Brick kiln. Which is wrong and same is denied. It is to



submitted that the M/S VAISHNAVI BRICK UDYOG is having three side green belt properly (West ,North and South) and one side a wall is constructed having three Metre height (East), water is also being sprinkled over the green belt as well as on the ground of the Brick Kiln twice in a day to avoid dust/ fugitive emission of the arena of the Brick Kiln compound by leaving ten Metres gap for entry and exit in west side and a ladder is also fixed in the Chimni to monitor the leakage of Gases and the metallic road is constructed around the said Brick Kiln.M/S VAISHNAVI BRICK UDYOG. The Respondents No.1 to 3 have violated rule of law enshrine under Article 14 of Constitution of India. The Respondents No.1 to 3 did not revoke the consents of those Brick Kilns situated at Mathura UP, which are not adhering directions enshrine in Notification 2012 as well as directions issued by this Hon'ble court. Whereas the Respondents No.1 to 3 revoked the consent granted to the M/S VAISHNAVI BRICK UDYOG without having any fault, and fulfilled all the conditions in accordance with Notification 2012 and in accordance with the directions issued by this Hon'ble court till date. The copy of affidavit filed by the Respondents No. 1 to 3 in O.A. No. 93/2021, in the matter of Mukesh Kumar Agarwal vs Central Polution Control Board (CPCB) & Ors is annexed as Annexure R4/5.

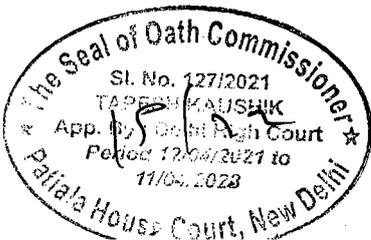
- 10 **Respondent No.4 (Owner of the Brick Kiln) is ready to comply the Notification of Central Govt issued on dated 22/02/2022 , by granting time as mentioned in Col. No. 2:-**



That the Respondent No.4 (Owner of the Brick Kiln) is ready to comply the Notification of Central Govt issued on dated 22/02/2022 , as mentioned in Col.No. 2 of the said Notification two years time may kindly be granted to the Respondent No.4 to convert his Brick Kiln into (PNG) piped Natural Gas and other conditions already complied as mentioned in order dated 09/05/2022, passed by this Hon'ble Court , in the matter of O.A. NO. 93/2021. The copy of the said order dated 09/05/2022, passed in O.A. NO. 93/2021 is annexed as **Annexure R4/6.**

11 NON ADHERENCE OF RULES AND REGULATIONS BY THE RESPONDENTS NO.1 TO 3 BEFORE GRANT CONSENT TO NEWLY ESTABLISHED M/S OPN BRICK KILN OTHER BRICK KILN:-

That the M/S OPN Brick Kiln was established in the year 2021, whereas the M/S VAISHNAVI BRICK UDYOG was established in the year 2011. It is pertinent to mentioned here that the M/S OPN Brick Kiln was given consent by the respondents NO.1 to 3 by passing all the rules and regulations to establish new Brick Kiln. The respondents are not adhering Rules and Regulations, while granting consent to newly establishment of Brick Kiln, hence the Respondent NO.4 can not be penalised for the fault of Respondents NO.1 to 3. The Hon'ble Supreme Court cited in CIVIL APPEAL NO. 1193 OF 2012 (Arising out of SLP(C) No. 27535 of 2010) In the matter



of :- Dr. Subramanian Swamy versus Dr. Manmohan Singh and another as mentioned below:-

"These principles of public life are of general application in every democracy and one is expected to bear them in mind while scrutinising the conduct of every holder of a public office. It is trite that the holders of public offices are entrusted with certain powers to be exercised in public interest alone and, therefore, the office is held by them in trust for the people. Any deviation from the path of rectitude by any of them amounts to a breach of trust and must be severely dealt with instead of being pushed under the carpet. If the conduct amounts to an offence, it must be promptly investigated and the offender against whom a prima facie case is made out should be prosecuted expeditiously so that the majesty of law is upheld and the rule of law vindicated. It is the duty of the judiciary to enforce the rule of law and, therefore, to guard against erosion of the rule of law. The adverse impact of lack of probity in public life leading to a high degree of corruption is manifold. It also has adverse effect on foreign investment and funding from the International Monetary Fund and the World Bank who have warned that future aid to underdeveloped countries may be subject to the requisite steps being taken to eradicate corruption, which prevents international aid from reaching those for whom it is meant. Increasing corruption has led to investigative journalism which is of value to a free society. The need to highlight corruption in public life through the medium of public interest litigation invoking judicial review may be frequent in India but is not unknown in other countries: R. v. Secy. of State for Foreign and Commonwealth Affairs."



12 REVOCATION OF CONSENT BY RESPONDENTS WITHOUT GIVING ANY OPPORTUNITY TO BE HEARD:-

That the M/S VAISHNAVI BRICK UDYOG was given consent by the respondents vide Ref No. 81080/UPPCB/ Mathura (UPPCBRO)/CTO/Water dated 01/01/2020 and Ref No. 81080/UPPCB/Mathura/UPPCBRO/CTO/Air/Mathura/2019 dated 01/01/2020 till 2023. The same are annexed by the respondents No. 1 to 3 in their reply, hence same are not annexed for brevity. The Respondents No.1 to 3 revoked the consent without giving any opportunity to be heard, hence it is violation of natural justice. The Respondents No.1 to 3 acted as dictatorship manner to revoke the consents of said Brick Kiln. The Respondents No.1 to 3 should have given the show cause notice by granting time to complete the condition before the revocation of consent, Hence the revocation of consent is illegal, hence the Hon'ble Court may kindly be directed to the respondents to grant consent, so that poor farmer may start his Brick Kiln business, in the interest of justice.

13 That the Brick Kiln not only give employment to uneducated people but also generate the economy for the development of Nation and GDP by paying GST Tax. The poor labours are getting salary to pull on their life. The life of labour is in pathetic condition due to Corona pandemic situation/ lock down situation. Now the pandemic situation is over and the M/S VAISHNAVI BRICK UDYOG fulfil all the conditions in accordance with UP Government Notification



2012 as well as in accordance of directions issued by this Hon'ble, hence the directions may kindly be issued to the Respondents No.1 to 3 to issue consent to the said Brick Kiln immediately, so that the poor farmer can start his business, in the interest of justice.

- 14 That the Revocation of consent by Respondents No.1 to 3 of the said Brick Kiln is wrong and illegal despite of adhering all the rules in accordance with UP Government Notification 2012, hence this Hon'ble Tribunal may kindly be issued Directions to the Respondents No.1 to 3 to issue consent to the M/S VAISHNAVI BRICK UDYOG with immediately, so that the poor farmer can start his Brick Kiln business, in the interest of justice.

PRAYER

It is, therefore, most respectfully and humbly prayed before this Hon'ble Tribunal may most graciously be pleased to:-

- A Dismissed the present O.A.No.406/2022 , filed by the Applicant with ill motive upon false allegations and which have no merit and imposed heavy cost upon the Applicant, and
- B Issuance Order(s)/Direction(s) to the Respondents No.1 to to issue consent to the M/S VAISHNAVI BRICK UDYOG with immediate effect, so that the poor farmer can start his Brick Kiln business, in the interest of justice. And



C Grant any other/ Further relief which this Hon'ble Tribunal may deem, fit and proper in the facts and circumstances of the case in the interest of justice.

AND FOR THIS ACT OF KINDNESS YOUR PETITIONER AS DUTY BOUNDS SHALL EVERY PRAY.

[Signature]

Deponent

VERIFICATION

05 NOV 2022

I, Hari Singh S/O Late Ram Narayan Singh aged 64 years, R/O Village - Parsoli, The- Mant, Distt- Mathura (Owner of the M/S Vaishnavi Brick Kiln) Presently at New Delhi, do hereby verify that the contents of this affidavit from para 01 to 12 are true to my personnel knowledge and believed to be true are on legal advice, and last para is prayer of the deponent and the annexures to this affidavit are true copies of their respected originals and that I have not suppressed any material fact

[Signature]

Deponent

Identify the Deponent who has Signed/put Thumb in my presence

Through,

[Signature]
(Subhash Chand Tomar)

Advocate

Counsels for the applicant

Ch No, 669, Patiala House Courts

New Delhi 110001

MNO. 9968974174



CERTIFIED THAT THE DEPONDEN Shri/Smt./Km. Hari Singh S/o W/o D/o Late Ram Narayan Singh R/o Billy. Parsoli, Mathura District identified by Sn./Smt./D/o S.C. Tomar, who solemnly affirm before me at Delhi on 05 NOV 2022 as O.C. No. 15/22 that the contents of the affidavit which has been read over and explained to him are true and correct to his knowledge Oath Commissioner, New Delhi

05 NOV 2022



वेब साइट: www.uppcb.com
ई-मेल: romathura@uppcb.in

क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड
Regional Office, U.P. Pollution Control Board
मकान सं०-६५ ए, नन्देय पुरी, महोली रोड, मथुरा

पत्रांक ४१२/उ-१५/२०२२

दिनांक २२/०८/२०२२

सेवा में
जिलाधिकारी महोदय,
मथुरा।

विषय आई०जी०आर०एस० सन्दर्भ सं०-४००१४५२२०१६३६१ के माध्यम से प्राप्त शिकायत के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक श्री नरेन्द्र सिंह पुत्र श्री विजय पाल सिंह, ग्राम व ग्राम पंचायत-पारसौली, ब्लॉक-नोहडील, तहसील-मौंट, जनपद-मथुरा द्वारा प्राप्त आई०जी०आर०एस० सन्दर्भ सं०-४००१४५२२०१६३६१ का सन्दर्भ ग्रहण करने का कष्ट करें। तत्काल में शिकायत के परिप्रेक्ष्य में सन्दर्भित ईट गट्टे का निरीक्षण कार्यालय के प्राधिकृत अधिकारी द्वारा पूर्व में दिनांक ०८.०८.२०२२ को किया गया। निरीक्षण आख्या पत्र के साथ मूलरूप में संलग्न कर आपके अवलोकनार्थ एत आशय आवश्यक कार्यवाही हेतु साक्षर प्रेषित है।

संलग्नक-उपरोक्तानुसार।

भवदीय


22/8/2022
(डॉ० योगेश्वर कुमार)
क्षेत्रीय अधिकारी
x

प्रतिश्लिपि- शिकायतकर्ता श्री नरेन्द्र सिंह पुत्र श्री विजय पाल सिंह, ग्राम व ग्राम पंचायत-पारसौली, ब्लॉक-नोहडील, तहसील-मौंट, जनपद-मथुरा को आई०जी०आर०एस० सन्दर्भ सं०-४००१४५२२०१६३६१ के क्रम में सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

x
(Jai Prakash Kumar)

C.T.C



आईओजीआरएसओ संख्या 40-40014822010381 को माथमरी की प्राथम शिफावत के समन्वय में आख्या।

उपरोक्त शिफावत के परिधाय में सम्बन्धित ईट मट्टे का निरीक्षण अधीनस्थानी प्राय विभाग 08.08.2020 को किया गया। निरीक्षण के समय मट्टे का संग्रहण बन्ध बना-गया। निरीक्षण के समय की लरी 116 मट्टे प्रविनिधि के रूप में उपस्थित थे। आख्या शिफावत है-

1. कार्यालय अभिलेखानुसार सम्बन्धित ईट मट्टे 90 सैकली ईट मट्टे (पूर्व नाम पीलबकपण ईट) संख्या 208 143 बाजना म्ग, पारसीली तारसील-मांट, मथुरा म्ग से स्थापित है।
2. निरीक्षण के समय ईट मट्टे को बायीं दिशाओं का भौतिक अवस्थापन किया गया, जो निम्नवत है-
 - i. ईट मट्टे को पूर्व दिशा में लगभग 410 मी० की दूरी पर बाग-पारसीली की मुख्य आबादी स्थित है।
 - ii. ईट मट्टे को पश्चिम दिशा में लगभग 750 मी० की दूरी पर अन्ध मट्टे 010वी०एम० ईट मट्टे स्थित है।
 - iii. ईट मट्टे को उत्तर दिशा में कृषि योग्य खाली भूमि है।
 - iv. ईट मट्टे को दक्षिण दिशा में कृषि योग्य खाली भूमि तारसील यमुना एकाग्रस-ने लगभग 500 मी० की दूरी पर स्थित है।
 - v. ईट मट्टे को दक्षिण पूर्व में लगभग 50 मी० की दूरी पर पारसीली रिक रोड स्थित है।
 - vi. सम्बन्धित ईट मट्टे से 200 मी० की दूरी में कोई अस्पताल, स्कूल, आबादी तथा 1.5 कि०मी० की दूरी पर पूर्व एवं पश्चिम दिशा में कोई बाग-बगीचा एवं 300 मी० की दूरी पर उत्तर एवं दक्षिण दिशा में बाग-बगीचा आच्छादित नहीं है।
3. सम्बन्धित ईट मट्टे को जियो ओरिन्ट अकारा-27.8778059 एवं देवातार-77.6865524 है। निरीक्षण के समय लिये गये फोटोग्राफ सलग हैं।



4. कार्यालय अभिलेखानुसार सम्बन्धित ईट मट्टे को पत्रांक 1751/एनओसीओ-666/11 दिनांक-31.03.2014 द्वारा पंचायतीय प्रपत्र की दृष्टि से नवीन ईट मट्टे की स्थापना हेतु सरात अनुयायित प्रमाण पत्र निर्गत किया गया है (आयापति सलग)।
5. कार्यालय अभिलेखानुसार सम्बन्धित ईट मट्टे को कार्यालय के पत्रांक 81030/UPPCB/Mathura(UPPCBRO)/CTO/water/MATHURA/2019 दिनांक 01.01.2020 एवं पत्रांक 81081/UPPCB/Mathura(UPPCBRO)/CTO/water/MATHURA/2019 दिनांक 01.01.2020 द्वारा सरात सहमति पत्र/मोप अर्थात् 31.07.2020 तक सरात निर्मित किया गया है (आयापति सलग)।
6. कार्यालय अभिलेखानुसार सम्बन्धित ईट मट्टे 08000 ईट मट्टे (स्थापना हेतु स्थल सम्पद जिला प्रमाण की मांगकारीय के अनुक्रम है।

उपरोक्त आख्या आपके कार्रवाईकर्ता एवं अधिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

(Handwritten Signature)
 22/08/2022
 (सिद्ध प्रमाण)
 प्रयोगशाला सहायक

(Handwritten Signature)
 22/08/2022
 (सिद्ध प्रमाण)
 सहायक पर्यवेक्षण अधिकारी

देशीय अधिकारी (आयता)

(Handwritten Signature)
 22/08/2022

C.T.C

(Handwritten Mark)

क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड
Regional Officer, U.P. Pollution Board
भवन सं० 65ए, बल्देवपुरी, महौली रोड, मथुरा

पत्रांक:—812/J-75/2022

दिनांक:22/08/2022

सेवा में,

जिलाधिकारी महोदय,
मथुरा

विषय:—आई०जी०आर०एस० सन्दर्भ सं०—40014522016361 के माध्यम से प्राप्त शिकायत के संबंध में।

महोदय,

कृपया उपरोक्त विषयक श्री नरेन्द्र सिंह पुत्र श्री विजय पाल सिंह, ग्राम व ग्राम पंचायत—पारसौली, ब्लॉक—नौहझील, तहसील—माट, जनपद—मथुरा द्वारा प्राप्त आई०जी०आर०एस० सन्दर्भ सं०—400145216361 का संदर्भ ग्रहण करने का कष्ट करे। तत्क्रम में शिकायत के परिप्रेक्ष्य में सन्दर्भित ईट भट्टे का निरीक्षण कार्यालय के प्राधिकृत अधिकारी द्वारा पूर्व में दिनांक 08.08.2022 को किया गया। निरीक्षण आख्या पत्र के साथ मूलरूप में संलग्न कर आपके अवलोकनार्थ एवं अग्रिम आपश्यक कार्यवाही हेतु सादर प्रेषित हैं।

संलग्नक—उपरोक्तानुसार।

भवदीय

Sd/-

(डा०योगेन्द्र कुमार)

क्षेत्रीय अधिकारी

प्रतिलिपि:—शिकायतकर्ता श्री नरेन्द्र सिंह पुत्र श्री विजय पाल सिंह, ग्राम व ग्राम पंचायत—पारसौली, ब्लॉक—नौहझील, तहसील—माट, जनपद—मथुरा को आई०जी०आर०एस०सन्दर्भ सं०—40014522016361 के क्रम में सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

Toue fais Hindi typed

Q

आई0जी0आर0एस0 सन्दर्भ सं0-40014522016361 के माध्यम से प्राप्त शिकायत के संबंध में।

उपरोक्त शिकायत के परिपेक्ष्य में सन्दर्भित ईट भट्टे का निरीक्षण अधिकृत अधिकारी द्वारा दिनांक 08.08.2022 को किया गया। निरीक्षण के समय भट्टे का संचालन बंद पाया गया। निरीक्षण के समय श्री हरी सिंह भट्टे प्रतिनिधि के रूप में संचालित थे। आख्या निम्नवत हैं।

1. कार्यालय अभिलेखानुसार संचालित ईट उद्योग में वैष्णवी, ईट उद्योग(पूर्व नाम पी0बी0एच0ईट)खसरा नं0 202, 143, बाजना मार्ग, पारशौली, तहसशील-मांट, मथुरा नाम से स्थापित हैं।
2. निरीक्षण के समय ईट भट्टे के चारो दिशाओं का भौति संस्थाना किया गया जो निम्नवत हैं।
 - i. ईट भट्टे के पूर्व दिशा में लगभग 410 मी0की दूरी पर ग्राम-पारशौली की मुख्य आबादी स्थित हैं।
 - ii. ईट भट्टे के पश्चिम दिशा में लगभग 750 मी0की दूरी पर ग्राम-पारशौली की मुख्य आबादी स्थित हैं।
 - iii. ईट भट्टे के उत्तर दिशा में कृषि योग्य खाली भूमि हैं।



- iv. ईट भट्टे के दक्षिण दिशा में कृषि योग्य खाली भूमि तत्पश्चात यमुना एक्सप्रेस पे लगभग 500 मी० दूरी पर स्थित हैं।
- v. ईट भट्टे के दक्षिण पूर्व में लगभग 50 मी० की दूरी पर पारसौली लिंक रोड स्थित है।
- vi. सन्दर्भित ईट भट्टे से 200 मी०की विजा में कोई अस्पताल स्कूल आबादी तथा 1.5 कि०मी० की दूरी पर पूर्व एवं पश्चिम दिशा में कोई बाग-बगीचा एवं 300 मी० की दूरी पर उत्तर एवं दक्षिण दिशा में बाग-बगीचा अच्छादित नहीं हैं।
3. सन्दर्भित ईट भट्टे के जियो कोर्डिनेट अक्षांश 27.8776059 एवं देशरि-77.6865524 है। निरीक्षण के समय लिये गये फोटोग्रॉफस संलग्न हैं।
4. कार्यालय अभिलेखानुसार संदर्भित ईट भट्टे को कार्यालय के पत्राक 1751/एन०ओ०सी०-666/11 दिनांक 31.03.2021 द्वारा पर्यावरणीय प्रदूषण की दृष्टि से नवीन ईट भट्टे की स्थापना हेतु राशन बाशर्त अनापत्ति प्रमाण पत्र निर्गत किया गया हैं(छायाप्रति संलग्न)
5. कार्यालय अभिलेखानुसार सन्दर्भित ईट भट्टे को कार्यालय के पत्राक 81080/UPPCB/MATHURA (UPPCBRO)/CTO/Air/



Mathura/2019 Dated 01.01.2020 एवं पत्रांक
81081/UPPCB/MATHURA (UPPCBRO) /CTO/Air/Mathura/
2019 Dated 01.01.2020 द्वारा सशर्त सहमति जल/वायु
अवधि 31.07.2023 तक सशर्त निर्गत किया गया है। (छायाप्रति
संलग्न है)

6. कार्यालय अभिलेखानुसार संदर्भित ईट भट्ठा स्थापना हेतु स्थल
मापदण्ड जिला पंचायत की मागदर्शिका के अनुरूप है।

उपरोक्त आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक
कार्यवाही हेतु यादव प्रस्तुत है।

Sd/-
क्षेत्रीय अधिकारी महोदय
22/08/2022

Sd/-
(सुरेन्द्र प्रताप)
22.08.2022

Sd/-
(कँवर सन्तोष कुमार)
22.08.2022

Tous faire Hindi Typed
A

True English Translation of letter No. 812/J-75/2022

Dated 22/08/2022, Ann Ry/1

25

Regional Office, UP, Pollution Control Board;
H.no.65A, Baldev Puri, Maholi Road, Mathura, UP

Latter no.812/J-75/2022

Dated:22.08.22

To,

District Magistrate

Mathura, UP

Subject:-Survey Report in Connection of

Complaint no.IGRS NO.40014522016361

Sir,

Please Find the Survey Report, Dated 08-08-2022, in connection of Brick Kiln(M/s Vaishnavi Brick Udyog), The complaint filed by Sh.Narendra Singh S/o Sh.Vijay Pal Singh, Village-Parsoli, Block -Nauhjhil, District-Mathura, UP. The Survey Report is annexed with this latter for your kind perusal.

Your's

Sd/-

Dr.Yogendra Kumar

Regional officer

Copy to:

Sh.Narendra Singh S/o Sh.Vijay Pal Singh,
Village-Parsoli, Block -Nauhjhil, District-
Mathura, UP in Connection of Complaint no.IGRS
NO.40014522016361

Regional officer

True fair English typed Ry/1

Q

Survey Report in Connection of Complaint no.IGRS NO.40014522016361.

That the Survey was conducted of the Bricks Kiln on dated 08.08.2022 as per complaint received by this office. That the Brick Kiln was not in operational at the time of survey. Mr. Hari Singh (Bricks Kiln owner) was present at the time of survey. The survey Report is as follows:-

1. That according to the record available in the officer with regards to the M/s Vaishnavi Bricks Kiln Udyog (Old name PBH Eat Udyog) Kh.no.202, 143 is situated at Village Parsoli, Bajna Marg, Tehsil Mant, District Mathura.
2. The Physical Survey of the Bricks Kiln was conducted in all for directions which is as follows:-
 - (i) That in the Eastern Side of the said Bricks Kiln the Parsoli Village is situated at about 450 Mts. Away.
 - (ii) That in the western Side of the said Bricks Kiln, M/s OPN Eat Bricks Kiln is situated at about 750 Mts. Away.
 - (iii) In the north side of the Bricks Kiln, Agricultural Land is Situated.
 - (iv) In the South side of the Bricks Kiln, Agricultural Land is Situated and there after Taj Express way is 600 Mtrs. Away from the said Bricks Kiln.
 - (v) In the Eastern and South Side of the Bricks Kiln there is a Paroli Link Road, 50 Mtrs. Away.
 - (vi) No Hospital, School, Village Population and Mango, Orchids is situated within 1.5 Kilometers.



- (vii) The Geo-Coordinates of the Brick Kiln are Latitue-27-8776059&Longitude-77-6865524.
- (viii) As per the Office record, the said Brick kiln has obtained CTE from UPPCB Mathura vide letter no.1751/NOC-666/11, Dated-3103.2011.
- (ix) As per the office record, the said Brick Kiln has obtained CTO from RO UPPCB Mathura vide Letter No.81080/UPPCB/MATHURA (UPPCBRO)/CTO/water/Mathura/2019 Dated 01.01.2020 and letter no. 81080/UPPCB/MATHURA (UPPCBRO)/CTO/Air/Mathura/2019 Dated 01.01.2020 and the same was valid up to 31/07/2023 as same are annexed.
- (x) As per the office record the said Bricks kiln is in accordance of rules District Panchayat, Mathura, UP.
- (xi) The Survey Report is annexed with this latter for your kind perusal.

Sd/-
Dr.Yogendra Kumar
Regional officer
22/08/2022

Sd/-
Surendra Saha
Lab Assistant
22/08/2022

Sd/-
Kunwar Santosh Kumar
AEE, UPPCB, MATHURA
22/08/2022

True faito English typed RY/1

Q

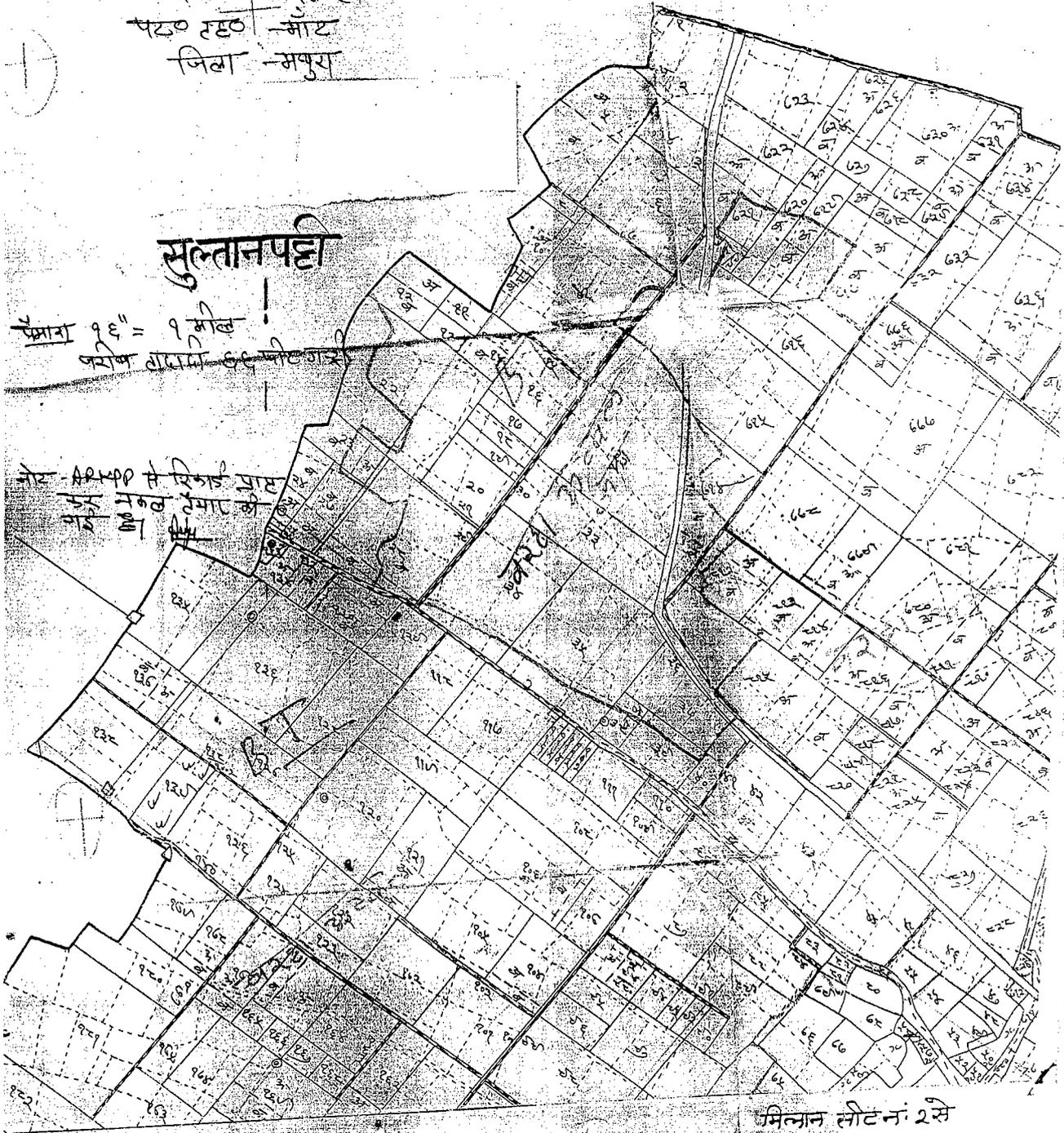


नकल श्रुतिर कामाक्षी
ग्राम पारुषोली
पट्टा नं० - १०८
जिला - मथुरा

सुल्तानपट्टी

पैमाना १ इंच = १ मील
अथवा १ इंच = १ मील

यह आरक्षण से रिजर्व प्राय
सुल्तान पट्टी का है



मिन्तान लोट नं० २ से

C.T.C
B

29
Khasra No.
400

Lack
Pakho
शहर



1351
1911/15
16/11/15
16/11/15

शहर मंडल
कलेक्टर कार्यालय

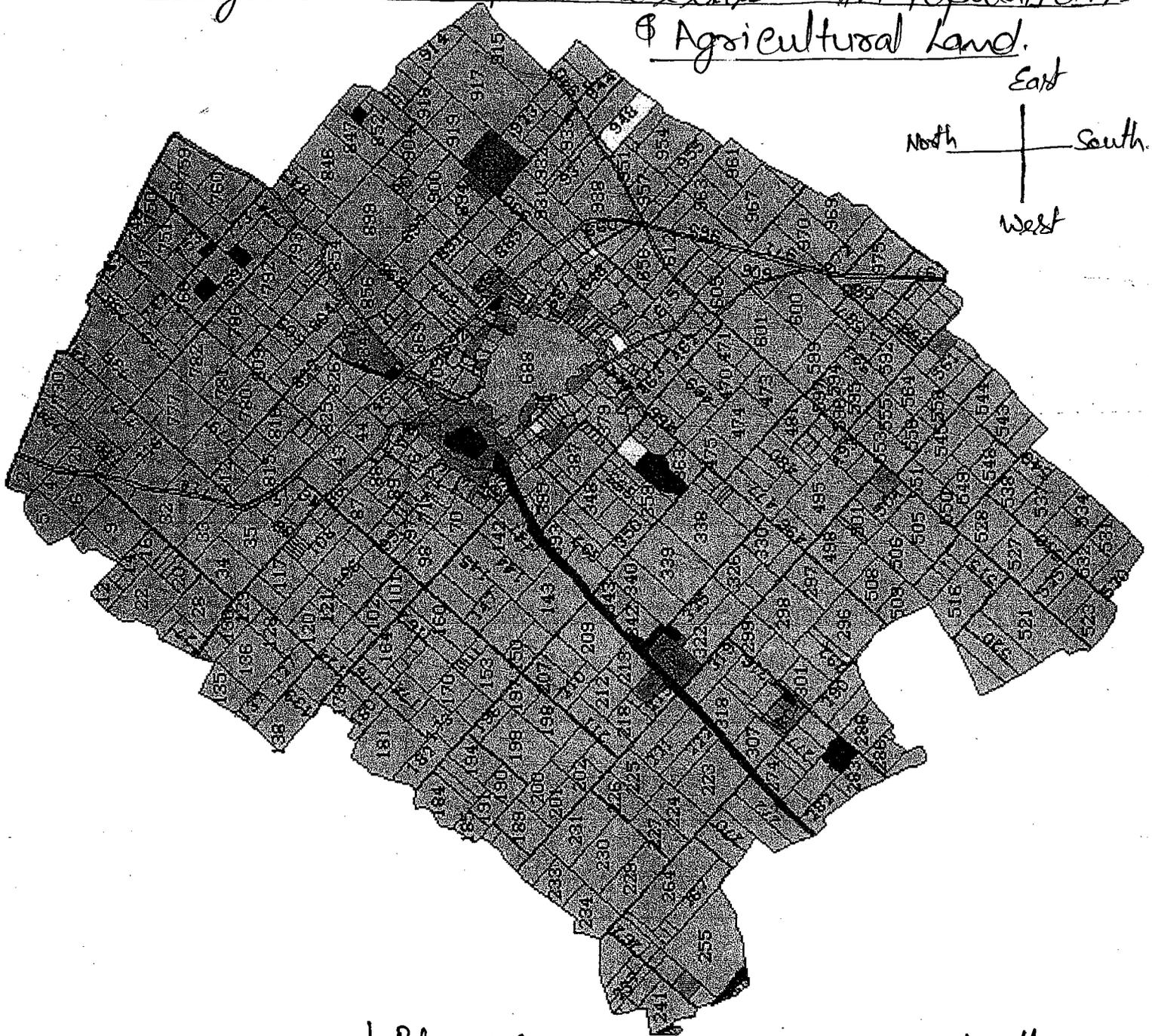
e.T.c
D

शहर मंडल
कलेक्टर कार्यालय

शहर मंडल
कलेक्टर कार्यालय

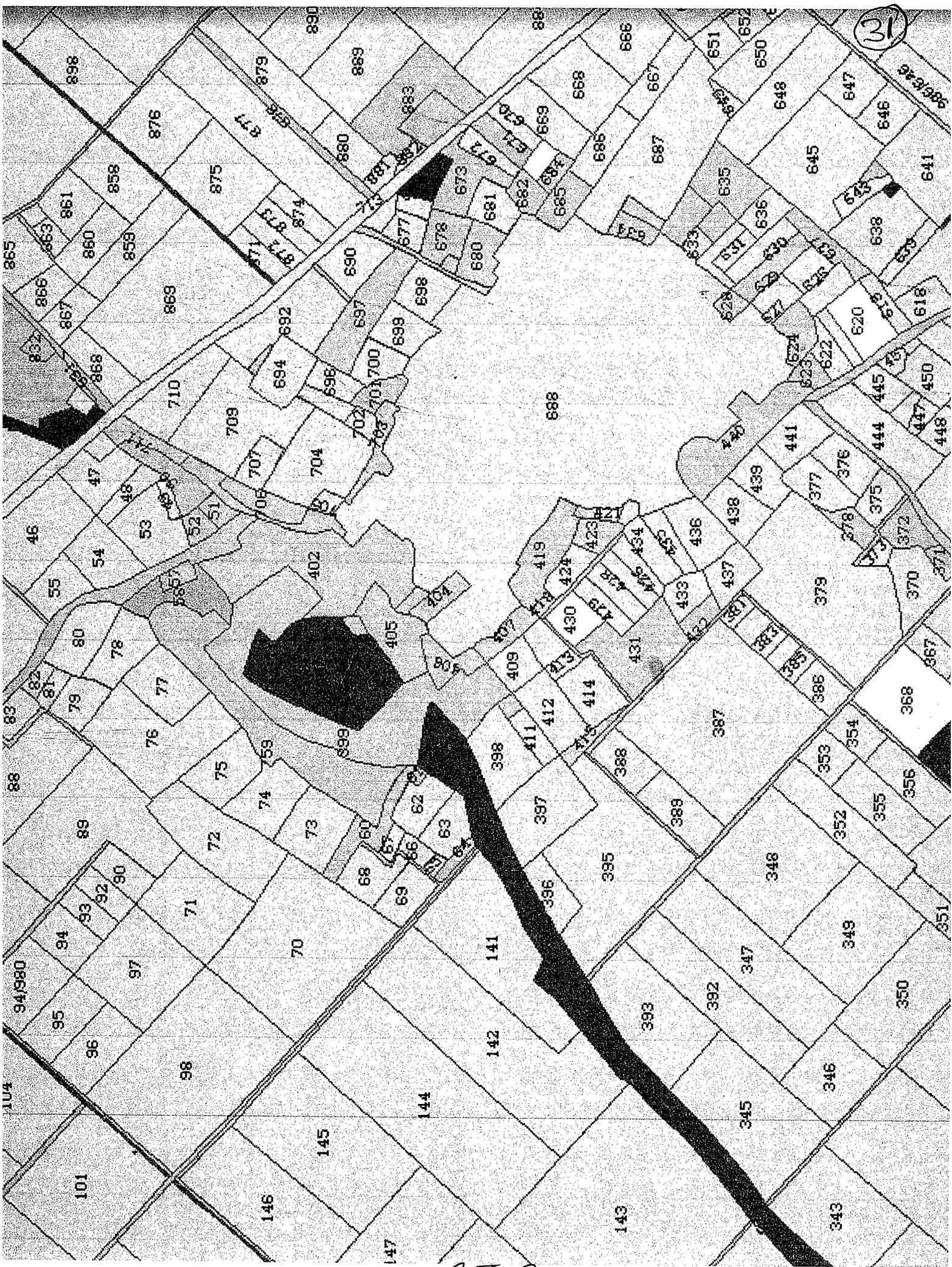
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Village-Parsoli Map At Satellite with Population
& Agricultural Land.



1. Blue Colour — Agricultural Land of village.
2. Purple Colour — Population of village.
3. Magenta Colour — Lakes (Pokhar) at village (water store or flowing)
4. Khobra No. 209 — Brick kiln Situated
5. Khobra No. 400 — Lake (Pokhar) Area 12.5 Aresed.

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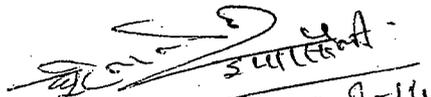
तहसीलदार / उपजिलाधिकारी,
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महोदय,

क्षेत्रीय कार्यालय उ०प्र० प्रदूषण नियंत्रण बोर्ड-65 ए, बल्देवपुरी महोली रोड, मथुरा के पत्र सं० 744/एन०ओ०सी०-901/14 पर आपके पृष्ठांकित आदेश दि० 13.08.2014 के क्रम में नवीन प्रस्तावित मै० आर०बी०एच० ईट उद्योग, द्वारा श्री भरत कुमार मित्तल पुत्र गोविन्द प्रसाद नि० एडलगढ़ी ख० सुल्तानपट्टी तहसील मॉट जिला मथुरा स्थित खसरा सं० 143ए, 209 ग्राम पारसौली तहसील मॉट, मथुरा के सम्बन्ध में अनापत्ति प्रमाण पत्र हेतु भौगोलिक स्थिति के सम्बन्ध में बिन्दुवार विस्तृत जाँच आख्या चाही गयी है जो निम्न प्रकार है।

1. प्रस्तावित खसरा नं० 143ए, 209 नगर परिषद अथवा नगर निगम से पाँच कि०मी० दूरी से अधिक दूर है।
2. 100-150 व्यक्तियों की आबादी से 500 मीटर अधिक दूरी पर है।
3. 150 व्यक्तियों अथवा 20 घरों से अधिक आबादी से प्रस्तावित स्थल 1 कि०मी० दूरी पर स्थित है।
4. प्रस्तावित स्थल, रजिस्टर्ड चिकित्सालय, स्कूल, सार्वजनिक इमारत, धार्मिक स्थानों से की 1 कि०मी० पर है। ज्वलनशील भण्डारन स्थल प्राणी उद्यान वन्य जीव अभयारण्यों एवं ऐतिहासिक इमारत कोई नहीं है।
5. प्रस्तावित स्थल रेलवे ट्रेक के किनारों से 200 मीटर से अधिक दूर है।
6. प्रस्तावित स्थल राष्ट्रीय एवं राजमार्ग से 300 मीटर से अधिक दूर है।
7. मुख्य जिला सड़क लो०नि०वि० की सड़कों से 100 मीटर से अधिक दूरी पर स्थित है।
8. प्रस्तावित स्थल खसरा नं० 143ए, 209 पहले से स्थापित ईट भट्टों से 800 मीटर से अधिक दूरी पर स्थित है।
9. आम के बगीचों, मिश्रित फलों (आम व अन्य) बगीचों से 800 मीटर से अधिक दूरी पर स्थित है।
10. बिन्दु संख्या 10 में दिये गये अन्य ईट भट्टों से प्रस्तावित स्थल मै० आर०बी०एच० ईट उद्योग की दूरी लगभग 850 मीटर से अधिक है।

अतः जाँच आख्या रिपोर्ट सेवा में आवश्यक कार्यवाही हेतु प्रेषित है।


ह० लेखपाल 13-8-14


ह०प्र०रा०नि० सुरीर

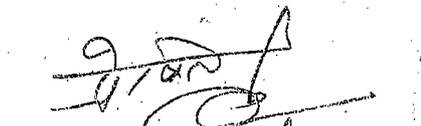
महोदय

श. त. नि. (दुतीर) की बिन्दुवार

जाँच आख्या रिपोर्ट।

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Tehsilwas


16/8/14
उप. जिलाधिकारी
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Tehsildar/ Sub Divisional Magistrate Mant District Mathura

Sir,

The Regional Office UP Pollution Control Board , HNo. 65 -A, Baldev puri, Maholi Road Mathura UP vide letter No. 744/NOC-901/14 and your order dated 13/08/2014 physical survey report and conducted survey/enquiry according to UP Government guidelines in 2012 vide notification No.921/55-(envi)/12-94(Envi)/2012 dated 27/06/2012 with regards to M/S VAISHNAVI BRICK UDYOG (OLD NAME M/S PBH ENT UDYOG) KHASRA NO.209,143, BAJNA MARG, PARSOLI, THE - MANT, DISTT - MATHURA UP) on dated 13/08/2014 and signed by SDM Mant on 16/08/2014 and the same is stated below:-

- (i) That the distance of Khasra No. 143A, 209 is situated 5 kilometre away from the Municipal corporation.
- (ii) That the distance of Khasra No. 143A, 209 is situated 500 meter away from the population of 100-150 people.
- (iii) That the distance of Khasra No. 143A, 209 is situated one kilometre away from the 150 people or 20 houses.
- (iv) That the distance of Khasra No. 143A, 209 is situated one kilometre away from the School, Hospital, public or religious building. There is no historical building, Garden, Zoo and store of fire catching things.

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- (v) That the distance of Khasra No. 143A, 209 is situated 200 meter away from the railway track.
- (vi) That the distance of Khasra No. 143A, 209 is situated 500 meter away from the National High Way.
- (vii) That the distance of Khasra No. 143A, 209 is situated 100 meter away from the PWD Road.
- (viii) That the distance of Khasra No. 143A, 209 is situated 800 meter away from the Brick Kiln situated earlier Brick Kiln M/S RBH Brick udyog.
- (ix) That the distance of Khasra No. 143A, 209 is situated more than 800 meter away from the mango orchid.
- (x) That the distance of Khasra No. 143A, 209 is situated 850 meter away from the another Brick Kiln M/S RBH Brick udyog.

This report is for your perusal and necessary action.

Sd/-

Sign Lekhpal

13/08/2014

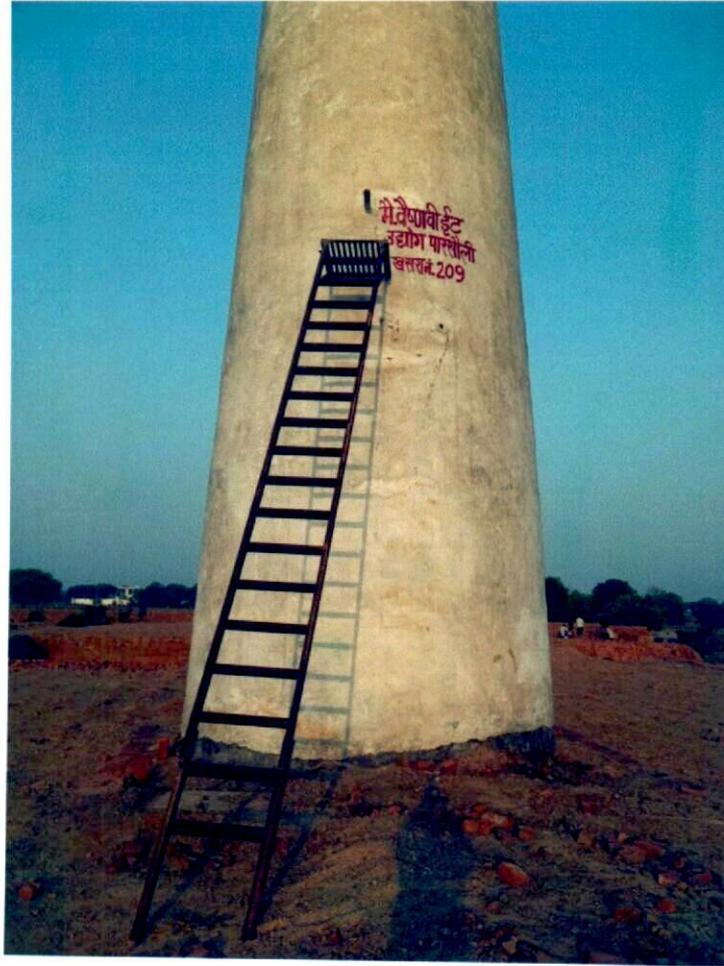
Sd/-

Sign Pr. Ra. Ni. Surir

13/08/2014

Sd/- SDM Mant dated 16/08/2014





Photographs of Brick kiln having Ladder & Gas Monitor
Hole



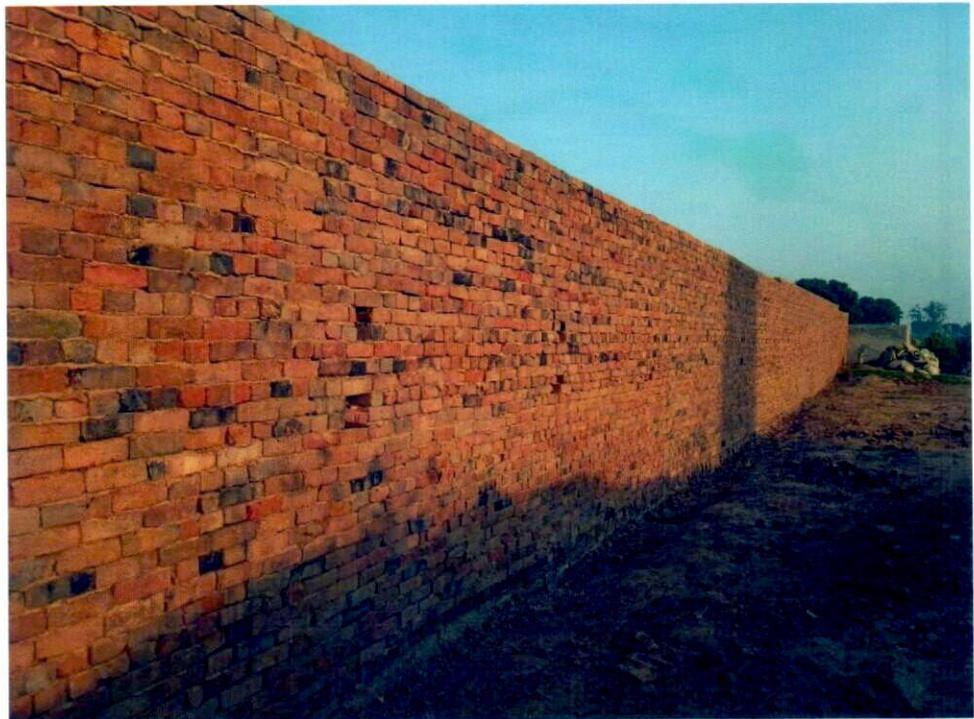
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Photographs of office of Brick Kiln having
Khassra No. 209, & GST No. 09AABC69910 HIZI

Photo No. 1 of East side



A wall is constructed in East side of Brick
Kiln M/S vaishnavi Ent Udyog.

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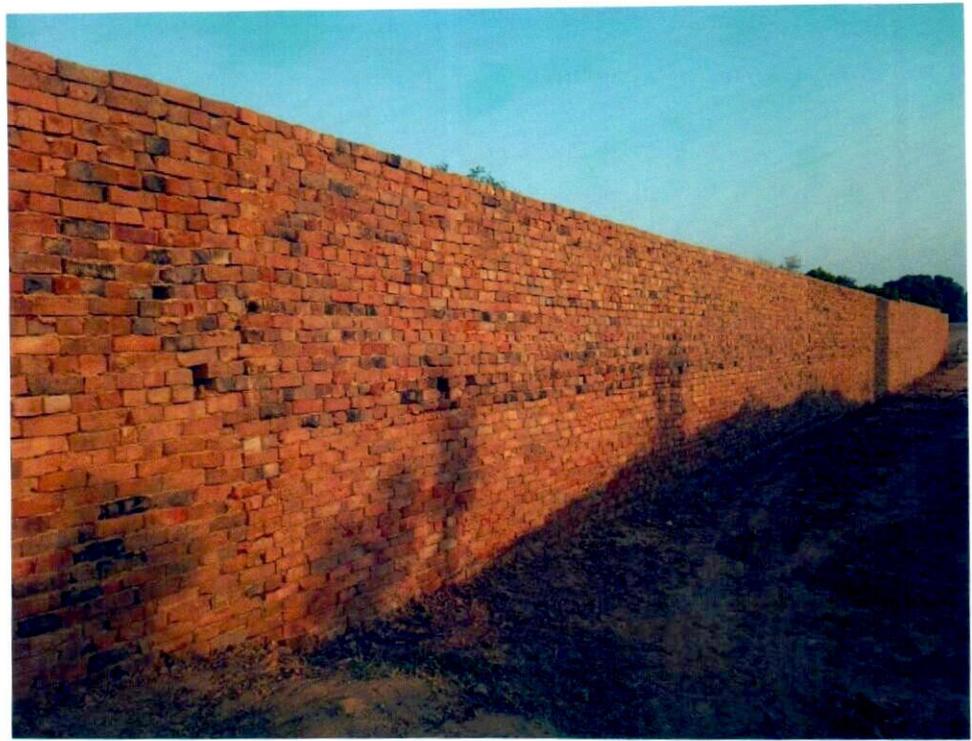


Photo no. 3 of East Side



Photographs of wall constructed at East side -
of Brick Kiln.

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Photographs of Neem Tree having Green Belt (38)
at West side of Brick Kiln M/s Vaishnavi
Ent Udyog Passoli Mant Mathura UP.

Photo
No-1
West side



Photo
No. 2
West side



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Photo No. 3 of West Side
of Brick kiln M/S Vaishnavi Ent Udpeg.



Photo No. 4 of West side



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Photographs of Neem tree having Green Belt
At the South side of M/S Vaishnavi Ent Udyog

(40)



Photo No. 1 of South Side



Photo No. 2 of South Side

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Photo No. 3 of South Side having Green Belt. 4/1



Photo No. 4 of South Side having Green Belt.



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Photo No. 6 of South Side having Green Belt of Neem Tree



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Photographs of North Side having Green Belt
of M/S Vaishnavi Ent Udyog. (43)

Photo
No. 1

North
Side



Photo No. 2 of North Side.



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Photo No. 3 of North Side Green Belt 44



Photo No. 4 of North Side Green Belt
at M/S Vaishnavi Ent Udyog.



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In compliance of the Hon'ble NGT Original Application No. 93/2021, Mukesh Kumar Aggarwal vs Central Pollution Control Board & Anr. order Dated: 13.04.2021, inspection & status report in terms of compliance of siting and environmental norms, including the assimilative capacity of the air to sustain particular number of brick kilns in Mathura.

The Hon'ble National Green Tribunal (NGT) in the matter of Original Application No. 93/2021, Mukesh Kumar Aggarwal vs Central Pollution Control Board & Anr. directed as below:

"we consider it appropriate to require a joint Committee comprising CPCB, State PCB and District Magistrate, Mathura to verify the facts and furnish a factual and action taken report in terms of compliance of siting and environmental norms, including the assimilative capacity of the air to sustain particular number of brick kilns. The Committee may look into the report dated 06.07.2020 furnished in O.A. No. 1016/2019, supra as well as discussion in the said order. The report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The State PCB may also verify whether brick kilns in question are operating without consent, as alleged, in which case the State PCB may take remedial action, following due process of law. The report may be uploaded on the website of the CPCB so as to be accessed by any affected party. Objections to the report, if any, can be filed within 15 days of the uploading of the said report on the website. The CPCB and the State PCB will be the nodal agency for coordination and compliance....."

In compliance of the above NGT order (Annexure-1), Joint team carried out field Inspection at Mant (Sureer, Sureer kalaan, Sureer vizau, Bazna, naujheel, seopatti, morkee areas) and Chhata (Unjhaani bangar, shergarh, rampur, baadha bangar, rajagarhi, mehraul, shernagar areas) clusters of Brick Kiln units in Mathura district during 18 to 25, June 2021 and collected information.

Members of the team were as below:

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1. Sh. Arvind Kumar, Regional Officer, UPPCB Mathura
2. Sh. Kamal Kumar, Sc-D, CPCB Agra (Annexure-2)
3. District Magistrate, Mathura (DM Mathura nominated SDM Mant and Chhata for field inspection) (Annexure- 3)

Inspection of all Brick Kilns units was carried out by the team, jointly during the period of 18 to 25, June 2021 and focused their field inspection on 03 objectives, as per directions given by the Honorable NGT in said order.

02 no. teams did stack monitoring of units in both Brick Kilns clusters i.e. Mant, Chhata. Joint team visited both Brick Kilns clusters, inspected and collected information from all related departments. Based on the collected information, following report is compiled.

About Mathura:

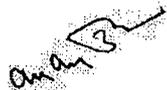
Mathura is a well-known ancient and heritage city in the Uttar Pradesh state. The city of Mathura is situated along the western banks of the river Yamuna. Mathura city is an administrative centre of Mathura district which falls under Agra division. City spatial extension falls at 27°35' North latitude and 78°12', East longitude at an average elevation of 174 meters (570 feet). The city is bounded by Govardhan, Chaumuha, Mant, Vrindavan, Raya, Baldeo and Farah. Mathura is located approximately 50 kilometres (31 mi) north of Agra, and 145 kilometres (90 mi) south-east of Delhi.

The 2011 census of India estimates the population of Mathura to be 441,894, a decadal growth rate of 22.53 per cent from 2001 census of India. The total area of Mathura District is 3340 sqr Km. (as per district Mathura NIC website <https://mathura.nic.in/>)

Brick Kilns Status in Mathura District:

Due to the growth in economy and population, coupled with urbanization, there is increasing demand for residential, commercial, industrial, and public buildings as well as other physical infrastructure. Solid fired clay bricks are among the most widely used building materials in the country. As informed by the RO UPPCB Mathura to the joint inspection team that no brick kiln is operational in Taj Trapezium Zone (TTZ) area falling under Mathura district.

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Mant and Chhata areas of Mathura district are located outside of the TTZ boundary and these two Brick Kilns clusters are located here. Majority of Brick Kilns units located here are of two types:

- (1) Fixed Chimney Bull's Trench Kiln (FCBTK) based on natural draft.
- (2) Zig-zag Kiln (natural and forced draft)

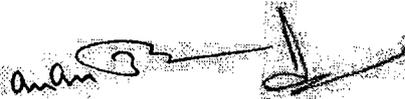
- As per the list provided by UPPCB, Mathura there are 227 Brick kiln units are located in Mathura district which have valid consent to operate (CTO). Detailed list is attached as Annexure-4.
- Out of 227 Brick kiln units, 189 units are operational at present; rest 38 units are not functional due to various reasons like closure direction by UPPCB and environmental compensation imposition. Detailed list is attached as Annexure-5, 6.
- 30 no. of Brick kiln units are Zig-zag type and rest 159 no. of the Brick kiln units are old Fixed Chimney Bull's Trench Kiln (FCBTK) type.
- 65 no. of Brick kiln units are registered in the State GST, Mathura as per list received from Assistant Commissioner, Sales Tax (SGST) Kosi Kalaan, Mathura. (Annexure-7)

1. Compliance of Siting:

Mant Cluster:

- Joint team inspected Mant cluster of brick kilns units located in Sureer, Sureer kalaan, Sureer vizau, Bazna, naujheel, seopatti, morkee areas of Mant tehsil, Mathura.
- As per information and documents produced by UPPCB, Mathura to the Joint inspection team, 168 no. units are operating presently in Mant area. Majority of brick kilns here are old type based on FCBTK type with natural draft.
- As informed by RO UPPCB Mathura that consent to establishment (CTE) for new Brick Kiln is issued by UPPCB after getting siting report from concerned SDM, because revenue village and khasra no. proposed siting location of Brick Kilns, as per Uttar Pradesh Brick kiln (Siting Criteria for Establishment) Rules, 2012 can be verified by the concerned dept. under SDM of that area.

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- Siting locations of the brick kilns was not found as per the Uttar Pradesh Brick kiln (Sitting Criteria for Establishment) Rules, 2012 (UP Govt. notification no. 921/55-parya/12-94(parya)/2012 Dated: June 27, 2012 (Annexure-8). UPPCB Mathura informed to joint inspection team that mostly Brick Kilns units at Mant location were established before said notification of UP Govt. 2012.
- All the units located at Mant were found using permissible fuel for brick kilns i.e. Coal/Toori (agriculture waste fuel) except five brick kilns, those were found using plastic and rubber parts of old vehicles, shredded old automobile tyre and remnants of vehicle and other combustible machinery scraps (Annexure-09, Pg. no. 19) along with the toori. UPPCB issued closure directions to these units.
- Greenery and plantation was observed in some units only.
- No paved road and 3 meter boundary wall was observed.
- Dust emission was noticed in moving areas of all brick kiln units as no water sprinkler facility was found.
- There was no permanent provision for stack emission monitoring at most of the Brick Kiln units. Temporary arrangement was made by the monitoring teams for stack monitoring. (Annexure-10, Pg. no. 21-23)
- During the visit many units were found not operational and due to corona pandemic, few brick kilns units of this particular location were selected randomly for stack emission monitoring by the Joint inspection team. As per the monitoring report provided by the UPPCB, Mathura (Annexure-11) out of 12 brick kilns units, 10 units were found complying with the emission norms and 02 were failed.
- UPPCB Mathura assured the joint inspection team that direction will be issued for making necessary arrangement/up-gradation of the unit, to achieving the standard emission norms/compliance.

Chhata Cluster:

- Joint team inspected the Chhata cluster of brick kilns units located in Unjhani bangar, shergarh, rampur, baadha bangar, rajagarhi, mehraul, shernagar areas of Chhata tehsil of Mathura.
- As per information and documents produced by UPPCB, Mathura to the Joint inspection team, 59 no. of brick kilns units are operating presently in Chhata area.

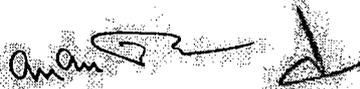
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- As informed by RO UPPCB Mathura that consent to establishment (CTE) for new Brick Kiln is issued by UPPCB after getting siting report from concerned SDM, because revenue village and khasra no. proposed siting location of Brick Kilns, as per Uttar Pradesh Brick kiln (Sitting Criteria for Establishment) Rules, 2012 can be verified by the concerned dept. under SDM of that area.
- Majority of brick kilns in this area are Zig-zag Kiln (natural and forced draft) type. Siting locations of the brick kilns was found as per the Uttar Pradesh Brick kiln (Sitting Criteria For Establishment) Rules, 2012 (UP Govt. notification no. 921/55-parya/12-94(parya)/2012 Dated: June 27, 2012. The UPPCB Mathura informed to joint team that mostly brick kiln units were established after said notification of UP Govt.
- Only permissible fuel was found in all brick kilns units.
- Greenery and plantation was not observed in majority of units.
- No paved road and 3 meter boundary wall was observed.
- Dust emission was noticed in all moving areas of brick kiln units as no water sprinkler facility was found.
- There was no permanent provision for stack emission monitoring at most of the units. Temporary arrangement was made by the monitoring teams for stack monitoring of the brick kiln units.
- During the visit many units were found not operational and due to corona pandemic, few brick kilns of this particular location were selected randomly for stack emission monitoring by the Joint inspection team. As per the monitoring report provided by the UPPCB, Mathura out of 09 brick kilns units, 08 units were found complying the emission norms and 01 failed.
- UPPCB Mathura assured the joint inspection team that direction will be issued for making necessary arrangement/up-gradation of the unit, to achieving the standard emission norms/compliance.

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2. Compliance status of Environmental Norms:

- All the operational units were found having valid Consent to Operate (CTO) issued by the UPPCB Mathura.
- As per the list provided by UPPCB Mathura, total 227 no. of brick kilns were granted permission for operation in Mathura district.
- Out of these, 33 no. brick kilns units are not in operational presently; in addition, closure directions have been issued by UPPCB to 05 units.
- It was informed to joint inspection team by Regional officer, UPPCB Mathura that it is mandatory for every operating Brick Kiln to perform stack monitoring of the unit by any NABL accredited laboratory each year during the operating season to check the compliance of environmental norms and submit test report to UPPCB. If a unit fails to achieve the standard environmental norms, direction will be issued for the compliance by making necessary arrangement/up-gradation.
- To know the status of permission from mining department Mathura, a letter was issued by UPPCB Mathura to the District Mining department for providing list of permitted brick kiln units in Mathura. However, Department of Sales Tax (SGST) has submitted list of 65 no. registered Brick Kilns units.
- During the field visit, many units were found not operational. Out of operational units 21 no. of brick kiln units could be selected randomly by Joint inspection team due to constraint of Corona pandemic time and their stack emission monitoring was carried out.
- As per the monitoring report of 21 brick kilns units provided by the UPPCB Mathura, 18 units were found complying the norms and 03 were failed to achieve the standard. UPPCB Mathura assured the joint inspection team that direction will be issued to 03 units for making necessary arrangement/up-gradation of the unit, to achieving the standard emission norms/compliance (Emission norms for Brick Kilns as per MoEF&CC notification no. 423 Dated: 22.07.2009).
- As informed by the RO UPPCB Mathura to the joint inspection team that no brick kiln unit is operational in TTZ area falling under Mathura district.
- As per the UPPCB Mathura, brick kilns are permitted to operate only in 04 months period i.e. March to June every year in Mathura district.

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3. Compliance status for calculating Assimilative capacity of the air to sustain particular number of brick kilns:

As per the direction of NGT court, committee has referred the report dated 06.07.2020 furnished by CPCB in O.A. No. 1016/2019. A formula was used by the CPCB to determining district-wise carrying capacity of ambient air in Report in compliance to Hon'ble NGT order dated 17.03.2020 (Uploading date 23.03.2020) in the matter of O.A. No. 1016 of 2019 titled as Utkarsh Panwar Vs. CPCB & Ors. before Hon'ble National Green Tribunal, Principle Bench, New Delhi. Same formula was used to calculate the assimilative capacity of the air to sustain particular number of brick kilns in Mathura.

Since, gravity settling Chambers are provided in the brick kilns as air pollution control Mechanism, wherein large particles get separated and settled down, therefore, it was assumed that the particle size of particulate emissions from the brick kiln stacks are broadly upto 10 μm . The following components were derived in order to assess the carrying capacity of Mathura District w.r.t. PM10:

- i. Estimation of Existing Pollution Load w.r.t PM10,
- ii. Estimation of Assimilative Carrying Capacity w.r.t PM10
- iii. Estimation of Supportive Carrying Capacity w.r.t PM10

The value of emission load derived with stack emission of 750 mg/Nm³, is as follows:

Emission load from brick kilns having capacity of 20000 bricks/day, considering stack PM emission of 750 mg/Nm³ at 17% O₂: 3000 Kg/day

Estimation of total existing PM10 Load:

Total area of Mathura district in Km²: a; Average Atmospheric Mixing Height during a particular month in Km: b

Total Volume of Air in Mathura district during a particular month in Km³: a x b = c

Average PM10 Concentration of Ambient Air in Mathura district for a particular month in Kg/Km³: d

Therefore, Total estimated load of particulate matter (PM10) in ambient air of Mathura district during a particular month (x): c x d = x Ka

There is no continuous/manual ambient air quality monitoring station operational in Mant and Chhata Tehsil, Mathura which are approximately 25-35 km, away from Mathura city.

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So, the ambient air quality data has been taken from Mathura city, where 02 no. manual ambient air quality monitoring stations are being operated by RO UPPCB Mathura. Average of both the manual monitoring stations has been taken for calculating total PM10 load in the different months of year 2020 at Mathura. Estimated total existing PM10 Load in Mathura during different months of year 2020 is given at Table-1

S.No.	Month (Year-2020)	Estimated Load
1	Jan	248276 Kg
2	Feb	346420 Kg
3	Mar	295241 Kg
4	Apr	195207 Kg
5	May	195792 Kg
6	Jun	281795 Kg
7	Jul	208946 Kg
8	Aug	234257 Kg
9	Sep	237760 Kg
10	Oct	282598 Kg
11	Nov	220489 Kg
12	Dec	218582 Kg

[Area of Mathura District adopted from District Mathura website <https://mathura.nic.in>, Average Mixing height monthly data (year-2020) adopted from Continuous air quality station East Arjun Nagar, Delhi – CPCB (Appx. 75 Km away from Brick kiln cluster), as there is no SODAR machine installed/operational in Mathura]

Estimation of Assimilative Carrying Capacity w.r.t. PM10:

Total Volume of Air in Mathura district during a particular month in Km^3 : c

Particulate Matter (PM10) required to keep Ambient air quality at Satisfactory Level/Prescribed NAAQ Standard: $100 \mu\text{g}/\text{m}^3$ i.e. $100 \text{ Kg}/\text{Km}^3$ (Ref: Air Quality Index/NAAQ Std)

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Therefore, Assimilative Capacity w.r.t PM10 in ambient air of Mathura district during a particular month (y) : $C \times 100 = y \text{ Kg}$

Calculated assimilative carrying capacity in the different months of year 2020 at Mathura is given at Table-2:-

S.No.	Month (Year-2020)	Assimilative Carrying Capacity
1	Jan	149115 Kg
2	Feb	196830 Kg
3	Mar	196173 Kg
4	Apr	206568 Kg
5	May	199788 Kg
6	Jun	199854 Kg
7	Jul	136121 Kg
8	Aug	184454 Kg
9	Sep	176118 Kg
10	Oct	173906 Kg
11	Nov	143175 Kg
12	Dec	138782 Kg

Estimation of supportive carrying capacity of Mathura w.r.t. PM10:

Month wise supportive carrying capacity of Mathura district, as determined by using the above is summarized in Table-3:-

Supportive Carrying Capacity (z) = Assimilative Carrying Capacity (y) - Total Estimated Load (x)

S.No.	Month	Supportive Carrying Capacity
1	Jan	-99161Kg
2	Feb	-149591Kg
3	Mar	-99067Kg
4	Apr	11361Kg
5	May	3996Kg
6	Jun	-81940Kg
7	Jul	-72825Kg
8	Aug	-49803Kg
9	Sep	-61641Kg
10	Oct	-108691Kg
11	Nov	-77314Kg
12	Dec	-79800Kg

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Total number of brick kilns which can be operated month wise in Mathura district:

Month wise Supportive Carrying Capacity of Mathura district /Emission load from one brick kiln.

Assuming that all the brick kilns units were in operation during monitoring, the number of brick kilns which are required to be shut was calculated by dividing the excess load by the emission load of one brick kiln. As per the report of UPPCB Mathura, appx. 3000 Kg/day Fuel (Tori/Coke) used by Brick Kiln unit with the capacity of 20,000 bricks/day during operation. The number of brick kilns, which can be operated in such cased was determined as follows:

No. of brick kilns which can be operated = Total number of brick kilns Operational in that particular month - (Negative Supportive Carrying Capacity/ Emission Load from one brick Kiln)

S.No.	Month of Year	Maximum No. of Brick Kiln can be operated
1	Jan	156
2	Feb	139
3	Mar	156
4	Apr	193
5	May	190
6	Jun	162
7	Jul	165
8	Aug	172
9	Sep	168
10	Oct	153
11	Nov	163
12	Dec	162

Summary of observations during the inspection are as below:

- Only brick kilns units with valid CTO issued by UPPCB were found operational in Mathura district. No brick kiln was found operating in TTZ area falling in Mathura district.

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- Some of the operational brick kilns located in the Mant area were found not complying the siting norms. It was informed to Joint inspection team that these units were established before Uttar Pradesh Brick kiln (Siting Criteria For Establishment) Rules, 2012 was issued.
- The Brick kiln units operational in the Chhata region, were found complying the UP Government siting criteria norms.
- There is need to up-gradation of present old type FCBTK brick kiln units in to zig-zag type kiln technology for optimal combustion and emission reduction.
- Only permitted fuel burning should be allowed and strict action (closure of unit as well as environmental compensation) may be taken, if any violation is found.
- As per the UPPCB Mathura, brick kilns are permitted to operate only in 04 months period i.e. March to June only.
- As per the AAQM data of Mathura district and calculation for Supportive Carrying Capacity of the air, maximum no. of brick kiln may permitted during different months in Mathura district is as per Table.4.
- Display board containing the name of Brick Kiln unit & details, address, owner name and contact, last monitoring date and data was not displayed at the units in Mant as well as Chhata in Mathura.
- As per Regional officer, UPPCB Mathura, it is mandatory for each operating Brick Kiln unit to perform stack monitoring of the unit each year during the operating season by NABL accredited laboratory, to check the compliance of standard emission norms and submit test report to UPPCB.
- All the moving area around the main Brick Kiln is unpaved, which is huge source of fugitive dust emissions during brick kiln operations. It was observed that fine dust was accumulated all around the brick field.
- Arrangement for water sprinkling on earthen surface inside the premises of Brick Kiln units was not available.
- There was no sufficient greenery or boundary wall constructed around the Brick Kiln units to stop the fugitive emission of dust.
- There was no permanent provision for stack emission monitoring at the stack of most of the Brick Kiln units like pot hole, ladder, platform etc.

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- Majority of Brick Kilns units are based on natural draft. Some units have zigzag setting with induced draft also known as Hydra brick kiln units in this region.
- Heaps of Toori (permissible agriculture waste fuel) was found openly stored in premises of Brick Kilns, which need to be covered.
- Non-availability of trained workers (firemen and brick setters) to optimising combustion for operating Brick Kilns efficiently.

Recommendations:

- There is need to convert all old FCBTK (natural draft) Brick Kiln units in to improved zig-zag Kilns with induced draft technology, as soon as possible.
- Strict compliance of the siting criteria as per the Uttar Pradesh Brick kiln (Siting Criteria For Establishment) Rules, 2012 (UP Govt. notification no. 921/55-parya/12-94(parya)/2012 Dated: June 27, 2012. The Brick kiln units, which are not as per the siting criteria norms, may be relocated.
- The housekeeping at Brick Kiln units needs to improve. Approach road and moving areas around the Brick Kiln needs to be paved properly to minimize the fugitive dust emissions.
- As per the AAQM data of Mathura district and calculation for Supportive Carrying Capacity of the air, maximum no. of brick kiln may permitted during different months in Mathura district is as per Table.4. However, competent authority may take the decision and may issue directions for the operation of Brick Kiln Units and compliance of norms.
- The unit operators should develop a buffer zone of wide green cover along the periphery to arrest fugitive particulate matter from spreading out.
- There should be arrangement for water sprinkling on earthen surface inside the premises of Brick Kiln units during operational hours.
- Display board with all the details should be fixed at the entrance of the unit.
- Appropriate provision for stack emission monitoring at the stack should be provided.
- Only permissible fuel should be used for running Brick Kilns and need to store properly at the site.

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- A standard operating procedure (SOP) should be formulated and training should be given to workers (firemen and brick setters) for operating Brick Kilns efficiently.


(Arvind Kumar)
Regional Officer
U.P. Pollution Control Board,
Mathura


(Kamal Kumar)
Scientist-D
Central Pollution Control Board,
Project Office, Agra


(Ram dutt Ram)
SDM Mant, Mathura


(Hanuman Prasad Maurya)
SDM Chhata, Mathura


(Navneet Singh Chahal)
DM, Mathura

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Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 93/2021

Mukesh Kumar Aggarwal

Applicant

Versus

Central Pollution Control Board & Anr.

Respondent(s)

Date of hearing: 09.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Salik Shafique, Advocate

Respondent(s): Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Raunak Parekh, Advocate for R - 106

ORDER

The Issue

1. Grievance in this application is against the failure to take adequate remedial measures against air pollution caused by the operation of brick kilns in Mathura District in UP resulting in severe health impact on the lives of the citizens. It is stated that the applicant is permanent resident of Kosi Kalan (Rural), Tehsil Chhata, District Mathura and is living with his old age parents. They are severely affected by the air pollution in Mathura District where AQI crosses 400. One of the identified causes of air pollution is 350 brick kilns operated by coal using polluted fuel like spent organic, solvent, oily residue, pet coke, filter press cake, plastic rubber, leather waste etc. Operation of such brick kilns is against declared norms for siting

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by maintaining prescribed distance of habitations, educational institutions and hospitals. The said kilns do not have the requisite consents and are non compliant with regard to the siting norms prescribed by CPCB as well as under the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012. The applicant has filed satellite images of a kiln in village – Surir situated at the distance only 20 kms from Kosi Kalan and Mathura, Uttar Pradesh, where a cluster of around 65 brick kilns is being operated within the small area of 4 km. belt which is highly populated residential area. A Government Hospital is situated only at the distance of 265 mtrs. Rashtriya Inter College is situated at the distance of 400 mtrs. Air quality of Mathura is as bad as air quality of NCR and safeguards are needed at par with the Taj Trapezium Zone (TTZ). But while remedial measures have been taken for preventing polluting activities in NCR and TTZ, similar measures are required for Mathura District.

2. The applicant has referred to Comprehensive Environment Pollution Index (CEPI) compiled by the CPCB with regard to the Industrial areas in the country, based on the air, water and land pollution. CPCB has on that basis categorised industrial areas as critically polluted/severely polluted and polluted. Those above the score of 70 are critically polluted. The score of Mathura industrial area is 91.10. Brick kilns are mushrooming and are being allowed to be set up without requisite consents and safeguards. Adverse health impacts of polluted air quality have been noted *inter-alia* in judgement of Hon'ble Supreme Court in M.C. Mehta v. UOI¹, M.C. Mehta v. UOI², M.C. Mehta v. UOI³ and K. Guruprasad Rao v. State of Karnataka⁴ and order of this Tribunal dated 17.02.2021 in O.A. No.

¹ (1998) 9 SCC 149

² (2000) 7 SCC 422

³ (2002) 4 SCC 378

⁴ (2012) 12 SCC 736

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1016/2019, Utkarsh Panwar v. CPCB & Ors. wherein the Tribunal directed stopping of all brick kilns in NCR beyond the assimilative carrying capacity in the air in NCR, till such brick kilns shift to PNG. Till shifting to PNG, it was directed that the brick kilns cannot operate except in limited number and only from March to June when assimilative air capacity permits such operations.

3. In Mathura brick kilns are operative throughout the year without any study of the assimilative air capacity of the area and without following the laid down siting criteria and without consents. The statutory regulatory authorities have not taken any meaningful action. The applicant has also pointed out letters of CPCB seeking information on the subject from the UP State PCB but it appears that no further action has been taken. Brick kilns in question do not even follow Zig Zag Technology which is being followed in other air polluted areas and even outside the air polluted areas, in pursuance of directions of State PCB dated 28.06.2017 as follows:-

- “1. All the Brick kilns operating without permission and valid consent from SPBs, not meeting prescribed norms and siting guidelines be closed down with immediate effect.*
- 2. Provide status on conversion of natural draft to induced draft brick kilns (with rectangular kiln shape and zig zag brick setting).*
- 3. Enforce strictly the siting criteria guideline for brick kilns.*
- 4. All the moving area around the main Brick Kiln should be paved with the bricks to minimize the fugitive dust emission from the Brick Kilns operations. This condition should be incorporated in the consent conditions while granting the Consent by the UP Pollution Control Board.*
- 5. Ensure that fine dust not to accumulate all around the brick kiln.”*

4. The applicant has filed a list of 189 Brick kilns which according to the applicant are violating the siting criteria or other environmental norms. It is also submitted that even there is compliance by any individual brick

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kiln if the assimilative air capacity cannot sustain coal fire brick kilns, such brick kilns cannot operate adding further to the already polluted air. The applicant has stated that the brick kilns in question are contributing upto 28% air pollution.

Procedural History

5. The matter has been earlier dealt with mainly by orders dated 13.4.2021, 12.8.2021 and 21.11.2021 and after ascertaining facts directions for remedial action have been issued as shown below.

Order dated 13.4.2021

6. Vide order dated 13.04.2021, the Tribunal constituted a joint Committee of CPCB, State PCB and District Magistrate, Mathura to verify facts and file factual and actual taken report. The operative part of the order of the Tribunal is as follows:

"5. In view of the above, we consider it appropriate to require a joint Committee comprising CPCB, State PCB and District Magistrate, Mathura to verify the facts and furnish a factual and action taken report in terms of compliance of siting and environmental norms, including the assimilative capacity of the air to sustain particular number of brick kilns. The Committee may look into the report dated 06.07.2020 furnished in O.A. No. 1016/2019, supra as well as discussion in the said order. The report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The State PCB may also verify whether brick kilns in question are operating without consent, as alleged, in which case the State PCB may take remedial action, following due process of law. The report may be uploaded on the website of the CPCB so as to be accessed by any affected party. Objections to the report, if any, can be filed within 15 days of the uploading of the said report on the website. The CPCB and the State PCB will be the nodal agency for coordination and compliance."

Order dated 12.8.2021

7. The matter was thereafter considered on 12.08.2021 in the light of report dated 04.08.2021 acknowledging serious violations in operation of

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the Brick Kilns. The Tribunal issued directions including constitution of a five Member Committee. The relevant extracts from the order are:

"9. We have heard learned Counsel for the appearing parties. Learned Counsel for the applicant submitted that Zig-Zag technology is mandatory under the CPCB direction as the said technology comparatively produces lesser pollution. All brick kilns using old polluting technology FCBTK be closed. Reliance has been placed on the order of this Tribunal on the subject dated 22.01.2019 in OA 718/2017, Anil Kumar v. Union of India & Ors. In violation of the directions of the CPCB, fresh consents are being given by the State PCB for operation of brick kilns using old FCBTK technology. Infact time has come to close coal fired activities in area where air quality is poor or above. Out of 189 brick kilns, only 30 brick kilns are using Zig-Zag technology. The remaining are required to be closed. It is preferable to shift to gas based fuel.

Mathura District is part of Taj Trapezium Zone (TTZ) where 'orange' and 'red' category industries are not permitted. Even if Mant and Chhata or other areas all under outside TTZ, the level of air quality has to be considered before granting/renewing any consent having regard to mandate of Air (Prevention and Control of Pollution) Act, 1981. In the report, the data considered is of the entire year and not of the months during which air quality is beyond norms and pollution level is high. Data is not of the local area where the brick kilns are working. The report ignores the order of this Tribunal dated 17.02.2021 in OA 1016/2019, Utkarsh Panwar v. Central Pollution Control Board & Ors., whereby the Tribunal allowed operation of brick kilns only from March to June, having regard to the air quality, limiting to the number which was sustainable as per carrying capacity. Carrying capacity needs to be worked out following correct norms and correct data. Brick kilns not complying with the consent conditions need to be closed till compliance as per precautionary principle. Siting criteria is to apply even to old brick kilns as every renewal is at par with new consent. No doubt the earlier order in Utkarsh Panwar is for Delhi and NCR, the principle underlying the said order has to be followed. Further reference has to be made to the notification issued by the Govt. of India prescribing standards for brick kilns. The prescribed standards are:

"18. Standards of the Brick Kilns of Small Unit was 1000 mg/Nm³, Medium Unit was 750 mg/Nm³ and large Unit was 750 mg/Nm³.

19. Thereafter, the MoEF on in the year 2015 issued Environment Protection draft Amendment Rules, 2015. The Particulate matter standards as per the draft rules for Natural Draft Kilns was 500 mg/Nm³ and Induced Draft Kilns was 250 mg/Nm³.

20. The MoEF& CC on 15.03.2018 published draft prescribed standards for brick kilns under the Environment Protection Rules, 1986. The proposed prescribed standard for particulate matter is 250 mg/Nm³ for all class of brick kilns."

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The Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012 requires a distance from 250 meters from the Government Hospital habitation area, school, colleges and highway. But in violation of the said criteria, there are brick kiln clusters in violation thereof. 54 brick kilns have been recently granted consent to establish without considering the air quality data. The CEPI score for Industrial Areas/Clusters monitored during 2018, mention Mathura as '91.10 score' and hence Mathura is a 'Critically Polluted Area'. Further, as per the CPCB uniform categorization of industries, the Brick Kilns unit falls under 'Orange' category and hence the UPPCB cannot be allowed to issue consent to establish to new units. Brick kilns which are located in very small area and these brick kilns continuously require raw material i.e. Soil, the Joint Committee has made no observation regarding source of such minor mineral and whether necessary permissions have been obtained for the same or not.

The brick kilns are also violate the consent conditions. The joint Committee has found:

- i. Greenery and Plantation was not observed in majority of the units.
- ii. No paved road and 3 meters boundary wall were observed.
- iii. No permanent arrangement of stack monitoring.
- iv. Absence of water sprinklers to suppress the dust.
- v. No display board consisting of name of the unit, address, monitoring data among other things.
- vi. Out of 189 brick kilns only 65 number of brick kilns are registered for GST."

Banned fuel such as plastic, rubber parts of old vehicles, shredded old automobile tyres and remnants of vehicles and other combustible machinery scraps were also found being used by the brick kilns units. The Joint committee in its report at Page No. 121 states that only permissible fuel was found in Chhata cluster but in the same report at Page No. 134 annexed photograph stating that Brick Kiln at Chhata was found using non permitted fuel.

10. We have considered the issue and also heard learned Counsel for the State PCB/CPCB/Brick kiln owner. From the above resume, it is seen that there are acknowledged serious violations of environmental norms in permitting the operation of brick kilns but the statutory authorities have failed to enforce the law, to protect public health and citizens right to breathe clean air which has to prevail over right to business. Precautionary principle is completely ignored. Air quality norms are violated. Consents have been mechanically given and renewed without any regard to statutory obligation of assessing air quality. There is no effective monitoring mechanism against violations. Even after violations are found, closure is not being ordered till compliance, which has to be the norm under the law. Even air quality monitoring stations have not been set up at air pollution hot spots. Norms

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16. In view of earlier orders quoted above and discussion in paras 10 to 12, we are of the view that steps need to be forthwith taken to stop operation of brick kilns already found to be operating in violation of environmental norms till compliance by the State PCB in exercise of its statutory power, following due process of law, till compliance. This will include brick kilns not following consent conditions, operating in excess of carrying capacity, CPCB guidelines and orders of this Tribunal, and those violating siting guidelines. Necessary action be ensured within two months. At the same time, there is need for further study of carrying capacity, applying correct data and norms. Air quality monitoring equipments be installed in the concerned area and if online monitoring stations cannot be set up, easily available equipments be used to continuously monitor air quality. Stringent monitoring mechanism be put in place. Process of mechanically giving consents be reviewed by the State PCB in view of binding 'precautionary' principle. Public health needs to be given due preference to the need for establishment of brick kilns. Violators be strictly proceeded against by way of prosecution, recovery of compensation and preventing pollution. While determining carrying capacity, other sources contributing pollution loads may be factored in while considering concentrations of PM₁₀ in microgram per cubic metre in addition to loads given in kgs. Further, mixing heights data may be referred from the nearest location of IMD station. It is also necessary to clarify reasons of high CEPI score (91.1) particularly for Air and remedial action plan.

17. Our directions are summed up as follows:

- (A) Brick kilns operating in violation of environmental norms - without consent, in violation of consent conditions, in violation of siting criteria, beyond carrying capacity be forthwith closed, following due process of law, exercising statutory powers by the State PCB.
- (B) The State PCB in coordination with the District Magistrate and the Air Quality Monitoring Committee headed by Secretary Environment may ensure setting up of air quality monitoring stations at appropriate locations and also take other steps for effective monitoring of compliance of air quality norms in the area in question.
- (C) Consent given to all the brick kilns be reviewed by the State PCB in the light of CPCB directions as well as the air quality norms, siting criteria and carrying capacity. Shortlisting as per carrying capacity may be done on the basis of technology used, inter se distance, distance from sensitive locations and comparative level of compliance.
- (D) Tunnel kiln technology with PNG may be appropriately encouraged in the interest of reduction of pollution load.
- (E) Five-member Committee is constituted to undertake further study of carrying capacity of the area in terms of number of brick kilns which can be sustained applying right parameters and based on relevant data of air quality, overcoming deficiencies pointed out hereinabove. The Committee will comprise of the following:
 - i. Justice Anil Kumar Sharma, former Judge of Allahabad High Court now available at Mathura - Chairman.

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- ii. Representative of CPCB of the level not below Additional Director – Member.
- iii. Professor Mukesh Khare, former Prof. IIT Delhi – Member.
- iv. Member Secretary, SEIAA, UP - Member.
- v. Chief Engineer Environment, UP State PCB – Member.

The CPCB and the State PCB will be the nodal agency for coordination and compliance. The Committee may visit the site and interact with the stakeholders. The Committee may meet within 15 days from today to take stock of the situation. Thereafter, it may visit the site and study the available data of air quality and location of the brick kilns. It will be free to conduct proceedings online except for visit to the site which may be undertaken by all or such members as may be decided by the Chairman of the Committee. The Committee will be free to consult any other expert/institution. The Committee may give its report to this Tribunal within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may be uploaded on the website and it will be open to any aggrieved party to file their response, if any, before the next date. Justice Anil Kumar Sharma will be entitled for honorarium @ Rs. 2 lac per month and Prof. Mukesh Khare will be entitled for honorarium @ Rs. 1.5 lac per month. The said honorarium will be payable by the State PCB out of the 'consent funds' available with it. Logistic support may be provided by CPCB/State PCB/District Magistrate to enable the Committee to complete its task."

Order dated 21.11.2021

8. Vide order dated 21.11.2021, the matter was further considered in the light of interim reports of the Committee and a further report was required to be furnished in the light of observations particularly failure to monitor compliance of consent conditions and use of improved technology.

Relevant observations are:

"12. We have heard learned Counsel for the State PCB. On being asked how the simple work which was expected to be done by the Committee is being outsourced at unnecessary huge cost and causing delay in much needed remedial action, he submitted that there appeared to be some communication gap about the role expected from the Committee. Further, there is no figure of illegally operating brick kilns which have now been closed. We are informed that those which did not have consent have been closed. What about those violating consent conditions, not following siting norms, continuing old technology against guidelines? There seems to be flagrant violation of orders of this Tribunal on these aspects. The Committee appointed by this Tribunal may look into these aspects and ensure remedial action which may be mentioned in its report.

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13. Engagement of IIT for carrying capacity assessment appears to be as a result of some communication gap which is not as per mandate of the Tribunal. Instead of this course of action, what is required is the analysis of available data on the pattern of approach of the Expert Committee in its report dated 06.07.2020 filed by the CPCB, dealt with vide order dated 15.10.2020 in OA No. 1016/2019, Utkarsh Panwar supra.
14. Simple work in terms of order of this Tribunal does not warrant any fresh study or any intricate research by any other institution. **Assessment of the ground situation needs to be made for a decision whether and how many brick kilns ought to be allowed in the light of air quality data in the area. We further note that contrary to orders of this Tribunal only brick kilns operating without consent are reported to have been closed. There is no mention about closure of brick kilns violating siting criteria and consent terms, using obsolete technology contrary to CPCB guidelines or operating in excess of the carrying capacity i.e. when data shows inability to take more pollution load in the area, except by use of technology which avoids pollution load and if the air quality is not harmful for public health. If air quality norms are already exceeding, all that the Committee needs to say is that no brick kiln can be allowed during the period air pollution is above threshold, till improvement of air quality. If the air quality can sustain lesser number or maintaining longer distance, it has to be ascertained. If improved technology can help, it may be so mentioned. The Committee is to operate within these parameters. Precautionary principle has to guide the issue.**
15. **In Mant and Chatta area where 168 and 59 brick kilns are said to be operating in a cluster. The Committee was required to determine whether siting norms were reasonable and being followed and whether the air quality permitted could sustain the pollution load generated by the brick kilns. The Air Quality Monitoring Stations were required to be set up at appropriate locations based on which effective monitoring of the pollution load was possible.**
16. **As already mentioned, the State PCB has miserably failed to monitor compliance of consent conditions, ambient air and stack monitoring, siting criteria as well as compliance of environmental norms. Such lapse on the part of the State PCB has resulted in serious damage to the environment and public health. The Chairman, State PCB needs to take action against such failure, including the erring officers of the State PCB posted in the area.**
17. In view of above discussion, further steps in the matter be taken by the statutory regulators and monitored by the Committee constituted by this Tribunal. The Committee will stand reconstituted as follows:

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- i. Justice Anil Kumar Sharma, former Judge of Allahabad High Court now available at Mathura - Chairman.
- ii. Member Secretary, CPCB - Member.
- iii. District Magistrate, Mathura- Member.
- iv. Member Secretary, SEIAA, UP - Member.
- v. Member Secretary, UP State PCB - Member.

If any member finds it difficult to attend physically, with the permission of the Chairman of the Committee, he can be allowed to participate online.

18. The Committee may accordingly give further report in the light of above observations. In the report, number of brick kilns closed or required to be closed or could be allowed and the period during which the same could be allowed as a result of assessment and monitoring by the Committee may be specified. Further report be furnished to this Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may also be uploaded on the website of CPCB for any response by any stakeholder before the next date."

Consideration today and further order

9. In pursuance of above, a report has been filed on 23.02.2022 by the Joint Committee. The report notes the failure of the administration in enforcing the law for compliance of consent conditions and siting norms. Necessary verification process has not been undertaken by the authorities as required. Minutes of meeting of 22.04.2022 have also been filed as follows:

"1- Review of the progress of inspections conducted by district level committee and action taken on its report:

The Member Secretary apprised the committee that;

- a- In the first action taken report submitted to the Committee it was mentioned that earlier 227 brick kilns were operational in tehsil Mant and Chhata district Mathura. However, during latest survey additional 33 more brick kilns are found by the Committee formed by the DM, Mathura vide order dated 31.12.2021 in tehsil Mant and Chhata district Mathura. So at present total 260 brick kilns are identified in that area till date.
- b- Earlier in year 2021 the SPCB has issued closure orders against 38 brick kilns found operating without valid CTO issued by SPCB under Air (Prevention and Control of Pollution) Act, 1981.

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c - On the basis of inspection reports of joint committee, the following action has been taken by the State Pollution Control Board:

- i- The State Pollution Control Board has issued closure orders u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 against 125 brick kilns which have been identified as operating without valid consent or their sites were not as per the guidelines.
- ii- The State Pollution Control Board has issued show cause notices u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 against 15 brick kilns that why closure order should not be passed against them as they have been identified for not complying with the conditions imposed in the Consent to operate issued to them.
- iii- The SPCB has issued show cause notice u/s 21(4) of Air (Prevention and Control of Pollution) Act, 1981 against 47 brick kilns that why their valid consent should not be revoked for not submitting the compliance report of the conditions imposed in their valid consent.

It was discussed that grounds/reasons for the action taken / action proposed in respect of brick kilns should be mentioned in the action taken report.

Action : Regional Officer, UPPCB, Mathura

2- Compliance status of the closure orders issued by SPCB:

The Chairman drew attention of the members/officers about the non-execution of closure orders issued by the SPCB. He informed that inspite of closure directions; most of the brick kilns are not following the closure order issued by the Board and are operating in violation thereof. The District Magistrate Mathura informed the Committee that he has constituted two teams consisting of concerned SDM of the tehsil to ensure compliance of the closure orders issued by the Board. The teams are using water canon to quench the fire in the brick kiln. He further apprised that SDMs have been instructed to strictly comply the closure directions. It has been reported by the SPCB that inspite of putting water in the brick kiln several brick kilns after some time have again started production in violation of closure order. It was emphasized that penal action should be initiated against defaulter brick kilns. The DM also stressed about the need to sensitize the local officials of the SPCB to take initiative in complying with the closure orders issued by the Board. The MS SPCB directed RO, Mathura to ensure strict compliance in coordination with the district administration.

The Member Secretary SPCB informed that in the given circumstances the Board would file complaints against the violators of the closure order before the designated Court u/s 37

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of Air Act and also to impose the Environmental compensation against these defaulter brick kilns.

Member Secretary also submitted that earlier directions were issued by the Additional Chief Secretary, Department of Environment, Forest and Climate Change, Uttar Pradesh to all DM, SSP, SP and Police Commissioner of Uttar Pradesh vide letter no 582/81-7-2021-39 (Parya)/2014 TC-1 dated 08.07.2021 regarding effective actions against the defaulters brick kiln operating in the State. A reminder of the same had also been issued by the Member Secretary U.P. Pollution Control Board vide letter no. H72747/C-4/NGT/133/2022 dated 12.03.2022 to ensure the effective compliance of the closure orders issued by State Board against the defaulter brick kilns.

Member Secretary requested the District Magistrate, Mathura to sensitize the police administration of the district for ensuring effective compliance of the closure directions. He reiterated that SDM as well as SHO of concerned police station may be made accountable for compliance of closure order against the brick kilns.

MS SPCB directed R.O. U.P. Pollution Control Board, Mathura that the committee should identify those defaulting brick kilns and make recommendations for initiating prosecution and imposing the Environmental Compensation against each of them, on priority basis.

The Chairman of the committee stressed the need of wide publicity of the action taken against the defaulter brick kilns in the local news papers to deter the violators of the directions issued by U.P. Pollution Control Board.

The Chairman of the committee had suggested to hold a meeting of stake holders including the local administration, police, U.P. Pollution Control Board and the persons who are running the brick kilns to make aware of occupational hazards and environmental laws. The Hon'ble Supreme Court in Civil Appeal diary no.-18213/2021 NCR Brick Kiln Association Vs Central Pollution Control Board & Ors. vide order dated 8.4.2022 has directed to keep in mind the interest of the environment, and factoring both the interest of the persons who are running the brick kiln industry and the employees who would be working therein. The District Magistrate, Mathura has informed that the representatives of Brick Kilns Associations often meet him and the local administration and they are being directed/ advised to follow the Environmental laws.

Action: SPCB, District administration, and R O, Mathura

3- Discussion on applicability of the notification issued by MoEF&CC vide G.S.R. 143(E) dated 22.02.2022 w.r.t. OA 93/2021:

It was apprised that in the notification issued by MoEF&CC vide G.S.R. 143(E) dated 22.02.2022 inter allia the emission norms,

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siting criteria have been modified and it is applicable to the whole country. This notification has found the approval of the Hon'ble Supreme Court in aforementioned case. The Chairman impressed upon the CPCB to apprise the Committee about the impact of this notification on the case in hand preferably within a fortnight.

Action: MS CPCB

4. Progress by CPCB in the assessment of the carrying capacity of district Mathura:

Shri Nazimuddin, Scientist-F, CPCB Delhi apprised the committee that a draft report of carrying capacity of tehsil Mant and Chhata has been prepared by the CPCB. The issue of impact of sources of pollution in the area has to be finalised in the report. The report will be submitted in due course. It was impressed that the detailed report be submitted to the Committee at the earliest.

Action: MS CPCB"

10. CPCB has forwarded a copy of the report on carrying capacity which may be placed on its website which may be taken into account by the State PCB. Operation of the brick kilns has to be governed by the Hon'ble Supreme Court order and the Notification of MoEF&CC. Relevant extract from the report is reproduced below:

"In compliance of aforesaid directions of Hon'ble NGT, the carrying capacity of the ambient air environment has been assessed for Mant and Chhata areas of Distt. Mathura. Carrying Capacity of the ambient air environment may be defined as "the maximum emission load (PM10), which an area can sustain at maximum rate of operation of any air polluting activity/activities". Further, estimation of the carrying capacity of any area involves estimation of three components -. i) Existing Pollution Load, ii) Total Assimilative Capacity and iii) Supportive Carrying Capacity.

The month-wise air volume of each area for dispersion of pollutants, was calculated by multiplying the area (Km²) with average atmospheric mixing heights/depths as obtained from Indian Meteorological Department (IMD), for the months of January, 2021 - December, 2021

In order to estimate the existing pollution load, PM_{2.5} concentration as derived from Aerosol Optical Depth (AOD) was obtained from IIT Delhi for the period from January, 2021 to December, 2021 for Mant and Chhata area.

The data of PM_{2.5} derived from AOD, was extrapolated to PM₁₀ concentration on the basis of ratio of PM₁₀/ PM_{2.5} for summer and winter season. The month-wise Existing Pollution Load in terms of

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PM_{10} was estimated by multiplying the volume of air in a particular area by PM_{10} concentration.

The Pollution load at which the maximum permissible concentration is reached is considered as the assimilative capacity. The maximum permissible concentration of PM_{10} as per National Ambient Air Quality Standard (NAAQS) of PM_{10} (24-hour average) is $100 \mu\text{g}/\text{m}^3$ and this was used for estimating the Total Assimilative Capacity, by multiplying with the volume of air available for dispersion in each grid.

The difference between the maximum permissible concentration/load of PM_{10} i.e. Total Assimilative Capacity and the existing average PM_{10} concentration/ load i.e. Existing Pollution Load gives an indication of the Supportive Carrying Capacity of an area available for sustaining the operation of additional air polluting activities. The positive values shows the capacity to accommodate additional pollution load and the negative values indicate that the pollution load is in excess of the assimilative capacity of the area i.e. no additional pollution load can be accommodated and measures are required to bring the pollution load within the assimilative capacity.

The following formulae/equations were used to arrive at the conclusion with regard to available supportive carrying capacity:

Estimation of total existing PM_{10} Load:

Total area in Km^2 : a; Average Atmospheric Mixing Height/Depth during a particular month in Km: b

Total Volume of Air in the district during a particular month in Km^3
: $a \times b = c$

Average PM_{10} Concentration of Ambient Air in the area (Mant and Chhata) for a particular month in Kg/Km^3 : d

Therefore, Total estimated load of particulate matter (PM_{10}) in ambient air of the area (Mant and Chhata) during a particular month (x): $c \times d = x \text{ Kg}$

Estimation of Assimilative Carrying Capacity w.r.t. PM_{10} :

Total Volume of Air in the area (Mant and Chhata) during a particular month in Km^3 : c

NAAQS Standard for Particulate Matter (PM_{10}) : $100 \mu\text{g}/\text{m}^3$ i. e. $100 \text{ Kg}/\text{Km}^3$

Therefore, Assimilative Capacity w.r.t PM_{10} in ambient air of the area (Mant and Chhata) in a particular month (y) : $c \times 100 = y \text{ Kg}$

Estimation of Supportive carrying Capacity w.r.t. PM_{10} :

Supportive Carrying Capacity (z) = Assimilative Carrying Capacity (y) - Total Estimated Load (x)

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The final outcome of the assessment with regard to the range of Supportive Carrying Capacity of the ambient air environment in the Mant and Chhata areas of Distt. Mathura, is summarized in the Table 1 and Table 2 respectively. The negative values indicate that there is no supportive carrying capacity and the pollution load in terms of PM₁₀, is exceeding the Assimilative Carrying Capacity.

Table 1: Carrying Capacity Assessment of Mant Area of Distt. Mathura

Carrying Capacity Assessment of MANT Area, Distt. Mathura										
S. No.	Month & Year	Area, Km ²	Mixing height, Mtr	Mixing height, Km	Avg. PM _{2.5} Conc, ug/m ³	Avg. PM ₁₀ Conc, ug/m ³	Volume of Ambient Air, Km ³	Assimilative Capacity, Kg	Existing PM ₁₀ Load, Kg	Supportive Capacity, Kg
1	Jan, 2021	731	267	0.267	115	210	195	19530	40957	-21428
2	Feb, 2021	731	296	0.296	92	168	216	21636	36426	-14790
3	March, 2021	731	415	0.415	51	93	304	30369	28288	2081
4	April, 2021	731	641	0.641	63	131	469	46853	61396	-14543
5	May, 2021	731	653	0.653	43	89	477	47729	42291	5437
6	June, 2021	731	812	0.812	41	84	594	59354	50000	9354
7	July, 2021	731	641	0.641	34	71	469	46885	33449	13435
8	Aug, 2021	731	470	0.470	36	74	343	34335	25424	8911
9	Sept, 2021	731	490	0.490	27	56	358	35827	20046	15781
10	Oct, 2021	731	350	0.350	62	126	256	25579	32142	-6563
11	Nov, 2021	731	273	0.273	152	308	200	19992	61647	-41655
12	Dec, 2021	731	257	0.257	114	231	188	18803	43476	-24673

Table 2: Carrying Capacity Assessment of Chhata Area of Distt. Mathura

Carrying Capacity Assessment of Chhata Area of Distt. Mathura										
S. No.	Month & Year	Area, Km ²	Mixing height, Mtr	Mixing height, Km	Avg. PM _{2.5} Conc, ug/m ³	Avg. PM ₁₀ Conc, ug/m ³	Volume of Ambient Air, Km ³	Assimilative Capacity, Kg	Existing PM ₁₀ Load, Kg	Supportive Capacity, Kg
1	Jan, 2021	1057	272	0.272	114	208	287	28706	59677	-30971
2	Feb, 2021	1057	312	0.312	97	178	330	32976	58596	-25620
3	March, 2021	1057	439	0.439	55	100	464	46393	46440	-47
4	April, 2021	1057	693	0.693	60	125	732	73202	91204	-18002

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5	May, 2021	1057	692	0.692	45	93	731	73121	68137	4984
6	June, 2021	1057	849	0.849	43	89	897	89718	80057	9661
7	July, 2021	1057	651	0.651	34	71	688	68830	48963	19867
8	Aug, 2021	1057	466	0.466	37	76	493	49258	37602	11656
9	Sept, 2021	1057	480	0.480	28	59	508	50786	30000	20786
10	Oct, 2021	1057	358	0.358	65	119	379	37868	45113	-7245
11	Nov, 2021	1057	269	0.269	146	267	285	28476	76135	-47659
12	Dec, 2021	1057	252	0.252	112	205	267	26658	54590	-27932

The existing pollution load (PM10) estimated for determining the supportive carrying capacity is the sum total of the PM10 emissions from the all known and unknown activities/sources having pollution potential. Therefore, the resultant supportive carrying capacity is dependent on various factors and may not be attributed to a single source. As a result, the criteria governing the setting up of industries is based on sitting norms and the emission standards.

MoEF&CC vide Notification GSR No. 143 (E) dated 22.02.2022 has notified particulate matter standards of 250 mg/Nm³ with reference to the brick kilns (Annexure-1). The MoEF&CC notification has also mandated time bound adoption of zig-zag technology and also prescribed guidelines for siting of brick kilns, fugitive dust emission control, permitted fuels and porthole & platform for emission monitoring. These guidelines should be strictly adhered to by the brick kilns and monitored by State Pollution Control Board."

Order of Hon'ble Supreme Court dated 8.4.2022

11. We note that the matter now stands covered by the order of the Hon'ble Supreme Court dated 08.04.2022 in Civil Appeal Diary No.- 18213/2021, NCR Brick Kiln Association Vs Central Pollution Control Board & Ors. and it will thus be appropriate to dispose of the matter in light thereof. The relevant part of the order is reproduced below:

"The permission to operate will be subject to the following conditions:

(1) The production will be permitted only subject to the units complying with notification dated 22.02.2022. For the sake of clarity, we quote the same:

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**MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE NOTIFICATION New Delhi, the
22nd February, 2022**

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

1. Short Title and commencement: -

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

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

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

Notes:

1. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.

2. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick

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making within a period of (a) one year in case of kilns located within ten kilometre radius of nonattainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail.

3. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.

4. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.

5. Particulate Matter (PM) results shall be normalized at 4% CO₂ as below: $PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of } CO_2 \text{ measured in stack})$, no normalization in case $CO_2 \text{ measured} \geq 4\%$. Stack height (in metre) shall also be calculated by formula $H = 14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.

7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.

8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.

9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.

10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.

11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.

12. Vehicles shall be covered during transportation of raw material/bricks".

**[F. No. Q-15017/35/2007-CPW] NARESH PAL
GANGAWAR, Addl. Secy.**

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

- (2) *The Officers of both Central Pollution Control Board and the State Pollution Control Boards shall conduct surprise inspections without any notice and warning to the persons running the units from time to time to ensure that the production is being carried out in terms of the aforesaid notification.*
- (3) *Production will be further subject to the condition that it will be limited to the production capacity as per the consent granted by the respective State Pollution Control Boards as has been in fact documented in the compliance affidavit dated 06.04.2022 (Annexure R2) filed by respondent No. 2.*

As an example, we would take the case of M/s. Shiv Brick Field, Pura Mahadev, Bagpat. Production will be limited to six lakhs for this unit. In similar vein other units will be entitled to undertake production, as per the consent granted by State Pollution Control Board in the affidavit which is filed by the Pollution Control Board.

- (4) *The persons running the units shall report at the end of every cycle, the actual total production which has been carried out in their units (arising out of each cycle) to the respective State Pollution Control Boards. The State Pollution Control Boards shall promptly intimate the Central Pollution Control Board, the said figures and on the date of the next hearing, the Central Pollution Control Board will produce a chart showing the production so that the Court may analyse as to whether there is a violation of this Court’s order.*
- (5) *The Central Pollution Control Board and the State Pollution Control Board will monitor the impact of the pollution which is generated as a result of the units being permitted to operate, and actually carrying out the production in such form as is measurable.”*

12. In view of above, further action be taken strictly as per the directions of the Hon’ble Supreme Court and Notification of the MoEF&CC dated 22.02.2022. The compliance may be monitored by a joint Committee of CPCB, State PCB and District Magistrate for a period of three months from today and thereafter by the concerned statutory regulators. The report of compliance status as on 31.07.2022 may be filed by 15.08.2022 with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in

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preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If found necessary, the same may be placed before the Bench for any further direction.

Subject to above, the application is disposed of.

A copy of this order be forwarded to CPCB, State PCB and District Magistrate by e-mail for compliance.

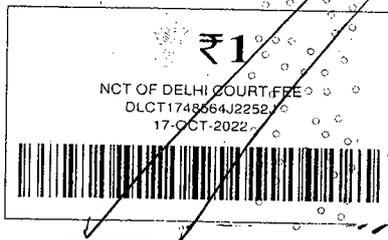
Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 09, 2022
Original Application No. 93/2021
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IN THE COURT OF National Green Tribunal (PB) New Delhi
 Suit / Appeal No. OA No. 406/2022 JURISDICTION OF 2022

In re :-
Narender Singh **Plaintiff(s) Or Petitioner(s)**
Appellant(s) Complainant(s)

VERSUS

State of UP & Ors. **Defendant(s) / Respondent(s) / Accused**

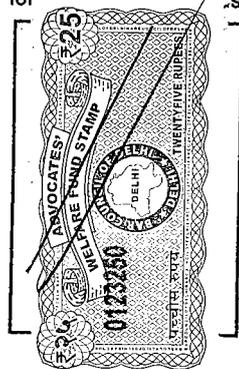
KNOW ALL to whom these present shall come that I/we Hari Singh vill - Parohali Teh
Mant, Distt - Mathura (UP) Respondent No. 4

The above named Respondant No. 4. do hereby appoint

SUBHASH CHAND TOMAR
 Advocate
 High Court Delhi ENO D/1147/2009
 Ch. No.-669, Patiala House Court
 New Delhi-110001
 M. No. ~~9908325240~~
9968974174

(herein after called the advocate/s to be my/our Advocate in the above-noted case authorize him:-

- To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High court subject to payment of fees separately for
- To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
- To file and take back documents, to admit and/or deny the documents or opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
- To take execution proceedings on paying separate fee.
- To deposit, draw and receive money, cheques, case and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.



To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/ We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own facts, as if done by me/us to all intents and purpose.

And I/We undertake that I/ We or my/our duly authorised agent would appear in court and all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have

been understood by me/us on this 05 day of Nov 2022

S. Ghosh
 Advr.
 Advocate
 ENO D/1147/09

ES/HE
 Client

I Identify the Signature/Thumb Impression of the Below Mentioned Person, **Client**
 Who Has been Signed in my presence. The Client.