



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H.88923/सी-3/सा-284/आ-329/22/2023

दिनांक: 11/02/2023

To,

The Registrar,  
The National Green Tribunal,  
Principal Bench,  
New Delhi  
E-mail- judicial-ngt@gov.in

Sub: Report of The Joint Committee and Action Taken Report (ATR) in compliance of the order dated-28.11.2022 passed by Hon'ble National Green Tribunal, New Delhi in Original Application No. 329 of 2022 Pradeep Kumar Vs. Central Pollution Control Board & Others.

Sir,

That in compliance of the order dated 28.11.2022 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 329 of 2022 Pradeep Kumar Vs. Central Pollution Control Board & Others. In compliance of the above order the Action Taken Report of (1) M/S. Navbharat Brick Field, Village Bamnoli, Uncha Gaon, Block Kandhla, Distt. Shamli And (2) M/S Shiv Brick Field (Formerly M/S Chaudhary Brick Field), Vill. Asadpur Jidana, Block Kandhla, Distt. Shamli is annexed herewith and forwarded to you with the request that the same may be placed before the Hon'ble Tribunal.

Enclosure- As above

Yours Sincerely

  
(Abhishek Tripathi)  
Incharge, Circle-3

Copy to:

1. Shri Pradeep Mishra, Advocate on Record, Hon'ble Supreme Court/ NGT, New Delhi for necessary action please.
2. Law Officer-1, U.P. Pollution Control Board, Lucknow for information and necessary action please.
3. Regional Officer, U.P. Pollution Control Board, MuzaffarNagar for information and necessary action.

  
Incharge, Circle-3

**ACTION TAKEN REPORT BY JOINT COMMITTEE OF (1) M/S. NAVBHARAT BRICK FIELD, VILL. BAMNOLI, UNCHA GAON, BLOCK KANDHLA, DISTT. SHAMLI (2) M/S SHIV BRICK FIELD (FORMERLY M/S CHAUDHARY BRICK FIELD), VILL. ASADPUR JIDANA, BLOCK KANDHLA, DISTT. SHAMLI IN COMPLIANCE TO HON'BLE NGT ORDER DATED 28.11.2022 IN THE MATTER OF PRADEEP KUMAR VS. CENTRAL POLLUTION CONTROL BOARD & OTHERS (ORIGINAL APPLICATION NO. 329/2022)**

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#### **1.0 BACKGROUND :**

- In the matter of Pradeep Kumar Vs. Central Pollution Control Board & Others (O.A No. 329/2022), grievances were against 02 brick kilns operating in violation to various provisions of the Act and directions issued by Hon'ble Tribunal and Hon'ble Supreme Court.
- The Hon'ble NGT Vide order dated 11.05.2022 sought a factual and action taken report which may inter alia include compliance of notification of MoEF&CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.2022 in Civil Appeal Diary No. 18213/2021 Title- NCR Brick Kiln Association Vs Central Pollution Control Board & Others from the UPPCB and District Administration with reference to the violation alleged in Grievance of the applicant in said application.
- In compliance of above direction, joint committee visited the questioned 02 Brick Kilns on Dated 02.06.2022 and submitted joint committee report before the Hon'ble NGT vide Regional Office letter Dated 30.07.2022.
- In continuation, Hon'ble NGT vide order Dated 03.08.2022 directed State PCB to take appropriate remedial action including closure of the brick kilns, imposition and realization of the environmental compensation and prosecution of the proprietors by following due process of law and submit further Action Taken Report within two months.
- UPPCB submitted the detailed compliance report to Hon'ble NGT on 25.11.2022. The report incorporated actions taken on defaulter brick kilns including closure of brick kilns, imposition of brick kiln, action taken against the brick kilns for recovery of environmental compensation imposed and initiation of prosecutions against the brick kilns.

Hon'ble NGT after consideration of the report, passed order dated 28.11.2022 stating that :-

".....Vide order dated 03.08.2022, the State PCB was directed to take appropriate remedial action including closure of the brick kilns, imposition and realization of the environmental compensation and prosecution of the proprietors by following due process of law and submit further Action Taken Report within two months. Notices were also ordered to be issued to the respondents no. 1, 2, 4 and 5.

5. Action Taken Report has been filed by Mr. Ankit Singh, Regional Officer, UPPCB vide letter dated 25.11.2022 through email dated 25.11.2022. Reply/response has also been filed on behalf of respondent no. 1 vide email dated 23.11.2022.

6. Even though, detailed action taken report has been submitted by the Joint Committee but the relevant aspects have not been looked into by it. Therefore, the Joint Committee is further directed to look into the matter and submit factual and action taken report within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of image PDF....."

In compliance to the above directions, following actions have been taken against the defaulter brick kilns till now:-

**M/S. NAVBHARAT BRICK FIELD, VILL. BAMNOLI, UNCHA GAON, BLOCK KANDHLA, DISTT. SHAMLI**

<p><b>Closure of Brick Kiln</b></p>	<ul style="list-style-type: none"> <li>• Brick kiln was found operational without having valid consent during inspection by UPPCB on dated 27.04.2019.</li> <li>• On Recommendation by the Regional Office, UPPCB HO issued closure order against the brick kiln on dated 31.05.2019 which is effective till now. Further, environmental compensation of Rs. 4,06,250/- was also imposed against the brick kiln.</li> <li>• During joint committee visiton dated 02.06.2022, brick kiln was found operational in violation of the closure direction. Hence, joint committee sealed the I.D. Fan of the brick kiln and closed the operation.</li> <li>• In compliance to Hon'ble NGT order dated 03.08.2022, UPPCB Officials re visited the brick kiln on dated 15.09.2022. During visit brick kiln found non-operational.</li> <li>• For ensuring that brick kiln does not operate till closure order is effective, all the passages for Raw/Red bricks entering/exiting</li> </ul>
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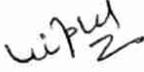
	<p>were sealed during the visit.</p> <ul style="list-style-type: none"> <li>• Further, to ensure closure status of brick kiln, inspection was again conducted by UPPCB and revenue department on 25.01.2023. During inspection brick kiln was not in operation and the seal put by UPPCB was found intact (<b>Annexure-1</b>)</li> </ul>
Imposition & Realization of Environmental Compensation	<ul style="list-style-type: none"> <li>• Environmental Compensation of Rs. 4,06,250/- has been imposed against the brick kiln vide H.O. letter dated 21.11.2019 but has not been deposited by the unit. Hence on recommendation from Regional Office, UPPCB, H.O. Lucknow vide letter dated 10.08.2022 issued request letter to D.M. Shamli for recovery of Environmental Compensation Rs. 4,06,250/- as Land Revenue.</li> <li>• In compliance of Hon'ble NGT order dated 11.05.2022, during joint committee visit, brick kiln was again found operational due to which UPPCB Head Office Lucknow vide letter dated 26.08.2022 issued environmental compensation of Rs. 6,87,500/- . As the unit did not deposit environmental compensation, on recommendation by Regional Office, H.O. Lucknow requested to D.M. Shamli for recovery of Environmental Compensation of Rs. 10,93,750/- (Rs. 4,06,250 + 6,87,500) as Land Revenue vide letter dated 22.11.2022.</li> </ul>
Prosecution of the proprietors	<ul style="list-style-type: none"> <li>• As the brick kiln was found operational by the joint committee, violating the closure direction issued by H.O. letter dated 31.05.2019. Hence, UPPCB H.O. issued the legal notice of inspection for prosecution of brick kiln.</li> <li>• On dated 15.09.2022, UPPCB inspected the brick kiln and original copy of notice of inspection was served to Sh. Arshad, proprietor of Brick Kiln. Action has been initiated for Prosecution of the Brick Kiln.</li> </ul>

**M/S SHIV BRICK FIELD (FORMERLY M/S CHAUDHARY BRICK FIELD), VILL. ASADPUR JIDANA, BLOCK KANDHLA, DISTT. SHAMLI**

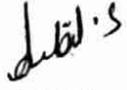
Closure of Brick Kiln	<ul style="list-style-type: none"> <li>• In compliance of Hon'ble NGT order dated 11.05.2022, joint committee visited brick kiln on dated 02.06.2022. Brick kiln has been granted consent to operate till 31.07.2025. However,</li> </ul>
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	<p>during visit, brick kiln was found operational in violation of notification of MoEF&amp;CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.2022 in Civil Appeal Diary No. 18213/2021 titled as NCR Brick Kiln Association Vs Central Pollution Control Board &amp; Others. Hence, Joint Committee sealed the I.D. Fan of brick kiln for closure of operation and Consent to operate has been revoked on 29.08.2022 by the Board.</p> <ul style="list-style-type: none"> <li>• Further, in compliance to Hon'ble NGT order dated 03.08.2022, UPPCB Officials re visited brick kiln on dated 15.09.2022. During visit brick kiln was found non-operational.</li> <li>• For ensuring that brick kiln do not operate, all the passages for Raw/Red bricks entering/exiting were sealed during the visit.</li> <li>• Further, inspection was again conducted by UPPCB and revenue department on 25.01.2023. During inspection, brick kiln was not in operation and the seal put by UPPCB was found intact. <b>(Annexure-2)</b></li> </ul>
Imposition & Realization of Environmental Compensation	<ul style="list-style-type: none"> <li>• In compliance of Hon'ble NGT order dated 11.05.2022, during joint committee visit, brick kiln was found operational violating notification of MoEF&amp;CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.22 in Civil Appeal Diary No. 18213/2021 titled as NCR Brick Kiln Association Vs Central Pollution Control Board &amp; Others due to which, on recommendation, H.O. Lucknow imposed environmental compensation of Rs. 6,87,500/- vide letter dated 16.09.2022. As brick kiln did not deposit EC, Hence, on recommendation H.O. Lucknow issued request letter to D.M. Shamli for recovery of Environmental Compensation of Rs. 6,87,500/- as Land Revenue vide letter dated 22.11.2022</li> </ul>

The above report is put up for perusal and necessary action please.

  
**(Vipul Kumar)**  
A.E.E.  
UPPCB, Muzaffarnagar

  
**(Imraan Ali)**  
A.E.E.  
UPPCB, Muzaffarnagar

  
**(Ankit Singh)**  
Regional Officer  
UPPCB, Muzaffarnagar

मा. राष्ट्रीय हरित प्राधिकरण में घोषित O.A No. 329/2022 Pradeep Kumar versus Central Pollution Board & Ors के संबंध में पारित आदेश दिनांक- 28/11/2022 के अनुपालन में जिला अधिकारी शामली द्वारा गठित समिति द्वारा ईट भद्रा में नव भारत ब्रिक फिक्ट्स ग्राम- वामनौली उंचागांव ब्लॉक- कांवल जिला- शामली का निरीक्षण दिनांक- 25/01/2023 को किया गया निरीक्षण के समय ईट भद्रा प्रतिनिधी के रूप में कोई भी व्यक्ति उपस्थित नहीं रहे।

निरीक्षण के समय ईट भद्रा संचालित नहीं पाया गया न ही कोई उत्पादन प्रक्रिया संचालित पायी गई। ईट भद्रा पूर्व में राज्य बोर्ड के पन्दी आदेश के अनुक्रम में सील किया गया था निरीक्षण के समय ईट भद्रा पर लगाई गयी सील बचावत पायी गयी।

स्वाक्षर 25/01/23  
J.R.F.  
दिवाकर देव गहलोत  
उप प्र. प्रदूषण नियंत्रण  
कोई, मुंबई

स्वाक्षर  
L.P.  
25-01-2022  
सर्वेश कुमार  
उप प्र. प्रदूषण नियंत्रण  
कोई मुंबई

स्वाक्षर 25/01/2023  
देवानन्द  
राजस्थान निरीक्षक (केराना)  
राजस्थान निरीक्षक  
क्षेत्र- देवना  
जिला- शामली

मान राष्ट्रीय हरित अधिकरण में घोषित O.A No. 329/2022 Pradeep Kumar versus Central Pollution Control Board & Ors के संबंध में पारित आदेश दिनांक-28/11/2022 के अनुपालन में जिला अधिकारी शामली द्वारा गरीब झमीली द्वारा ईट भट्टा में शिव ब्रिक फिल्ड (पूर्व नाम- चौधरी ब्रिक फिल्ड) ग्राम- असदपुर जिला का ब्लॉक- कांवल का निरीक्षण दिनांक-25/01/2023 को किया गया निरीक्षण के समय ईट भट्टा प्रतिनिधी के रूप में श्री विनोद कुमार पुत्र श्री हरवीर सिंह निवासी- कांवल जिला- शामली उपस्थित रहे

निरीक्षण के समय ईट भट्टा संचालित नहीं पाया गया ना ही कोई उत्पादन प्रक्रिया संचालित पायी गई। ईट भट्टा पूर्व में राज्य कोर्ट के बन्दी आदेश के अनुक्रम में सील किया गया था निरीक्षण के समय ईट भट्टे पर लगाई गयी सील यथावत पायी गयी।

दिनांक 25/01/23  
J.R.P.  
दिवानर देव गहलौत  
उप प्रो. प्रदूषण नियंत्रण बोर्ड  
मु. नं.

दिनांक 25-01-2023  
L.P.A.  
सर्वेश कुमार  
उप प्रो. प्रदूषण नियंत्रण बोर्ड  
मु. नं.

दिनांक 25/01/2023  
देवानन्द  
राजस्व निरीक्षक (केराना)  
राजस्व निरीक्षण  
क्षेत्र-दौगना  
जिला- शामली

दिनांक 25-1-2023  
ईट भट्टा प्रतिनिधी  
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