

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

ORIGINAL APPLICATION NO. 93 OF 2021

IN THE MATTER OF:

Mukesh Kumar Agarwal

.....Applicant

Versus

Central Pollution Control Board & Ors

.....Respondents

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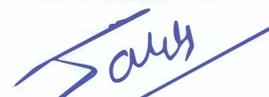
NDoH:12.08.2021

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Date: 11. 08.2021

Place: New Delhi

DRAWN & FILED BY:


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**OBJECTIONS BY THE ORIGINAL APPLICANT TO THE
REPORT DATED 04.08.2021 OF THE JOINT COMMITTEE**

MOST RESPECTFULLY SHOWETH:

1. That the instant objections is being filed to the report dated 04.08.2021 of the Joint Committee comprising of Central Pollution Control Board, Uttar Pradesh Pollution Control Board and District Magistrate, Mathura submitted in compliance to this Hon'ble Tribunal order dated 13.04.2021.
2. That before placing the Objections to the report of the Joint Committee, the Original Applicant reiterates the submissions made in the O.A No.93/2021, which are not being reiterated for the sake of brevity. At the risk of repetition it is humbly reiterated that the afore-mentioned O.A No. 93/2021 was filed raising substantial questions of environment before this Hon'ble Tribunal arising out of illegal operation of 189 number of brick kilns in the District of Mathura, Uttar Pradesh with the polluting and old FCBTK technology, without consent to operate adjacent to the highway, schools, colleges and residential area in complete violation of the Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules, 2012, without

the study of the assimilative air capacity or the carrying capacity of the area among other things.

3. It is pertinent to mention that this Hon'ble Tribunal vide order 13.04.2021 constituted 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 Hon'ble Tribunal further directed that the said Committee may look into the report dated 06.07.2020 furnished in O.A. No. 1016/2019, Utkarsh Panwar as well as discussion in the said order. The Hon'ble Tribunal also granted liberty to the parties file objections to the report. Thereafter, the Joint committee on 04.08.2021 submitted the joint report.

**SPECIFIC OBJECTIONS TO THE CPCB REPORT
DATED 04.08.2021**

**A. Majority Of Brick Kilns Operates With Old and
Polluting FCBTK Technology in Violation of the
CPCB direction as well as orders of This Hon'ble
Tribunal**

4. The Joint Committee in its report has submitted that there are two brick kilns cluster namely Mant and Chhata clusters in District, Mathura. That as per the report (Refer Page No. 119) there are 168 numbers units are operating presently in Mant cluster out of which only 22 are operating with zig-zag technology and 146 are of old FCBTK technology. This itself is in violation of the CPCB Directions dated explained in more detail later. That in Chhata cluster there are 59 numbers brick kilns and about 52 out of 59 are operating with old FCBTK

technology again in violation of the above mentioned directions. That in conclusion it is submitted that as per the list provided by the joint committee in Page No.165 of the report out of total 189 brick kilns in Mathura District only 30 are operating with zig-zag technology.

5. It is pertinent mention that the CPCB as early as on 27.06.2017 issued a statutory direction under Section 18(1) of Air Act, 1981 to all the States (including the State of Uttar Pradesh) for prevention of pollution from different types of brick kilns. The CPCB directed that all the brick kilns operating without consent, not meeting prescribed siting guidelines and standards should be closed down immediately. That further, the CPCB sought status of zig-zag conversion from the States and directed them to enforce siting criteria and further directed that the roads should be paved to suppress dust. True copy of the CPCB direction dated 27.06.2017 is marked and appended as **ANNEXURE A/1.**

6. That in the meantime this Hon'ble Tribunal in O.A. No. 718 of 2017, Anil Kumar vs Union of India & Ors vide order dated 22.01.2019 directed the CPCB to ensure compliance of the its direction dated 27.06.2017. True copy of the order dated 22.01.2019 in O.A. No. 718 of 2017 is marked and appended as **ANNEXURE A/2.**

7. That the CPCB in compliance with this Hon'ble Tribunal order dated 22.01.2019 in O.A. No. 718 of 2017 issued further direction dated 25.06.2019 under Section 18(1) of Air Act, 1981 to the Uttar Pradesh Pollution Control Board

(UPPCB)directing them to provide a status report on the zig-zag conversion of brick kilns and the CPCB further directed that all the brick kilns operating without consent, not meeting prescribed siting guidelines and standards should be closed down immediately among other things. True copy of the CPCB direction dated 25.06.2019 is marked and appended as **ANNEXURE A/3.**

8. That what is shocking is that the UPPCB instead of complying with the direction of this Hon'ble Tribunal and the CPCB direction regarding conversion to zig-zag technology issued new Consent to Establish to 54 numbers of brick kilns between the year 2020- June,2021. That as per own report of the joint committee there are only 30 brick kilns operating with zig-zag technology and hence the UPPCB must have issued CTE between January 2020 to July, 2021 to brick kiln having old FCBTK technology. True copy of the list of brick kilns granted CTE between 12.09.2018 to 09.07.2021 and January 2020- July, 2021 obtained from the UPPCB website is marked and appended as **ANNEXURE A/4.**
9. That in light of above submission it is amply clear that out of 189 number of brick kilns only 30 brick kilns are operating with zig-zag technology in complete disregard of the direction of this Hon'ble tribunal and the statutory direction of CPCB and hence this Hon'ble tribunal may direct immediate closure of the brick kilns operating with the FCBTK technology in the District of Mathura.

**B. CARRYING CAPACITY STUDY/ ASSIMILATIVE
STUDY BEING INADEQUATE**

10. That to carry out the study, the Joint Committee has considered the entire area of Mathura district i.e. 3,340 km² ignoring the fact that substantial area of Mathura district comes under the Taj Trapezium Zone and hence no polluting i.e. Orange and Red Category industry can be operational in these areas. That the CPCB ought to have considered that the industrial cluster i.e. Mant and Chhata or area outside TTZ area are considered for the study and not the entire district.
11. That the Joint Committee in its report has observed that there are no continuous/ manual ambient air quality monitoring station operational in Mant and Chhatta, Tehsil i.e. brick kilns cluster and there are 02 number of manual ambient air quality monitoring station at Mathura city which are approximately 25-35 km away from the brick kiln cluster (Page No. 123 of the report). Further, the joint committee notes that the average mixing height monthly data (year-2020) is adopted from continuous air quality station East Arjun Nagar, Delhi- CPCB appx. 75 km away from brick kilns cluster. (page No. 124 of the report). That it is humbly submitted before this Hon'ble Tribunal that considering data from such huge distances for sampling would not give correct conclusions on assimilative study.
12. It is pertinent to mention that the joint committee in its report permitted majority of the brick kilns to operate throughout the year (See Table No. 4 at page No. 126 of the report). That in

fact out of total 189 brick kilns 153 is allowed in October, 163 in November, 162 in December and 156 in January ignoring the fact these months pollution level are very high in entire Delhi & NCR and operation of brick kilns in Mathura being at distance of merely 60-70 kms is likely to have huge impact on air quality of Delhi & NCR as well the Mathura itself. It is important to submit that this Hon'ble Tribunal in O.A. No. 1016 of 2019 vide final order dated 17.02.2021 only allowed the Brick Kilns to be operated during the months of March to June as per the carrying capacity study. There is no justification given in the report as to why such brick kilns should operate throughout the year. This Hon'ble Tribunal may take a strict note of the same and order accordingly.

13.It is further submitted that the Joint Committee has not provided any details regarding data of Average Mixing Height used while carrying out the study. Further, the report is completely silent on the average monthly AQI data used for preparation of the report.

14.It is also important to submit that this Hon'ble Tribunal vide order dated 13.04.2021 directed the joint committee to look into the report dated 06.07.2020 furnished in O.A. No. 1016/2019, Utkarsh Panwar as well as discussion in the said order for preparation of the study. It is humbly submitted that the Joint committee in O.A. No. 1016 of 2019 (Utkarsh Panwar case) as well as in O.A. No. 1088 of 2018, (Dinesh Chahal case) used pollution load of 1000 kg/day for individual brick kiln but in this present case the Joint committee used pollution load of

3000 kg/day for individual brick kiln. That if the joint committee applies the same formula in the present case the number of brick kilns which may be allowed as per Table No. 4 will reduce to atleast the If in number.

15. Further, the Joint Committee has completely disregarded the fact that the UPPCB, Regional Office at Mathura vide public notice dated 15.04.2021 has only permitted the brick kilns of Mathura to be operated during the months of March – June. That the Joint committee recommendation of allowing huge number of brick kilns throughout the year is in complete derogation of the steps taken by the UPPCB. True copy of the public notice dated 15.04.2021 is marked and appended is marked and appended as **ANNEXURE A/5**.

C. NO OBSERVATION ON FIRING PERIOD

16. The joint committee in its report dated 08.02.2021 in the matter of Utkarsh Panwar case had recommended that even if there is enough supportive carrying capacity to operate all the zig-zag type brick kilns in any district, the start-up firing may be allowed in three batches of 33% of the total Zig-Zag type brick kilns which can be operated, with a gap of 7 days within two batches. This is to ensure that PM 10 emission load in the ambient air mostly remains within assimilative carrying capacity. The Joint committee in the present case made no such observation and recommendation regarding the firing period despite of the fact that majority of the brick kilns in Mathura district are located in close proximity to each other in violation of the sitting criteria.

**D.OLD/WRONG PRESCRIBED STANDARD ADOPTED
FOR CARRYING OUT STUDY.**

17. The Joint Committee for carrying stack monitoring of the brick kilns adopted prescribed standard of 750 mg/Nm^3 while the new norm adopted by the Zig-Zag technology is 250 mg/Nm^3 .
(monitoring results are pages 200 to 220 of the of the report.
18. That the Government of India vide notification G.S.R 176 (E) notified prescribed standards for brick kilns which was subsequently amended vide notification no. G.S.R 543(E) dated 22.07.2009. The Particulate matter standards of the Brick Kilns of Small Unit was 1000 mg/Nm^3 , Medium Unit was 750 mg/Nm^3 and large Unit was 750 mg/Nm^3 .
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/Nm^3 and Induced Draft Kilns was 250 mg/Nm^3 .
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/Nm^3 for all class of brick kilns.
21. That the CPCB has filed a report dated 28.01.2020 in O.A.No. 1016 of 2019, Utkarsh Panwar versus CPCB & Ors states that brick kilns of zig-zag technology are meeting the present particulate matter standard of 750 mg/Nm^3 as well proposed draft standard of 250 mg/Nm^3 under the Environment Protection Rules, 1986. Further, the CPCB in its report stated

that a PNG based brick kiln operated by M/s Weinberger Building Material Solutions emission level is 125 mg/Nm³ emissions. That as the majority of brick kilns in Mathura is being of FCBTK technology they cannot reduce their emissions level with the present technology.

E. Non Compliance of the Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules, 2012

22. The Applicant has filed google images as annexure A/4 in the Original Application which shows that brick kilns are adjacent to each other in close proximity and some cases less than 250 meters from the Government Hospital habitation area, school, colleges and highway in violation of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012.
23. That the of the Applicant is confirmed by the joint committee in its report at Page No. 120. The committee in its report states that the brick kilns at Mant cluster was not found as per the siting criteria. This is a ground alone to prohibit the operation of the said brick kilns.
24. The Joint Committee without giving any detail regarding the date of establishment of the brick kilns states that some of brick kilns were established prior to notification of the UP Siting Criteria Rules, 2012 and therefore they are not conforming with the siting criteria. It is surprising that even after nine years of notification of Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012, the UPPCB and CPCB has failed to implement the said rules.

25. It is also important to submit that this Hon'ble Tribunal in O.A. No. 1088 of 2018, Dinesh Chahal & Ors vs UOI & Ors vide order dated emphasized on the importance of siting criteria and safe distance of brick kilns from habitation. The relevant extract of the order is reproduced below:

“Under the precautionary principle which is a part of Article 21 of the Constitution has laid down by the Hon'ble Supreme Court in the case of Indian Council for Environ Legal Action v. Union of India & Ors., every regulatory authority must follow the precautionary principle and not permit any action which may deteriorate the air quality beyond the limits. The impact of brick kilns activities on air quality is acknowledged. The Hon'ble Supreme Court noted the recommendations of NEERI that distance of brick kilns needs to be considered from human habitations in the perspective of health effects on general population and effect on vegetation³. Studies on brick kilns also indicate that brick kilns are a leading cause of air pollution contributing upto 28% to the sources of air pollution. During operational phase of brick kilns, the air quality is severely polluted.”

26. That the Joint Committee instead of giving exact numbers of brick kilns violating the siting criteria is using word such as 'some' and 'majority' for reasons best known to them.

F. EMERGENCE OF MATHURA AS HUB OF BRICK KILNS AND ESTABLISHMENT OF NEW UNITS IN 'CRITICALLY POLLUTED AREA'

27. That the data obtained from the website of the Uttar Pradesh Pollution Control website reveals that the UPPCB between the 2018 -19, eight (8) numbers of brick kilns were granted Consent to Establish and between 2020 – July, 2021 fifty four (54) new brick kilns were granted Consent to Establish. True copy of the data is already annexed as Annexure A/4. That this recent development seems to be a conspiracy to avoid the

implication of order of this Hon'ble Tribunal in Utkarsh Panwar case for Delhi & NCR region.

28. It is also pertinent to mention that CPCB's CEPI Scores 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 as per order dated 10.07.2019 of this Hon'ble Tribunal in Original Application No. 1038/2018, News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels". But the UPPCB has issued CTE to 62 new units. The relevant extract of the order in para 28 is reproduced below:

“Accordingly, we direct the CPCB in coordination with all State PCBs/PCCs to take steps in exercise of statutory powers under the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974, Environment (Protection) Act, 1986 or any other law to prohibit operation of polluting activities in the said CPAs and SPAs within three months and furnish a compliance report to this Tribunal. The Central Pollution Control Board, in coordination with the State Boards/PCBs may make assessment of compensation to be recovered from the said polluting units for the period of last 5 years, taking into account the cost of restoration and cost of damage to the public health and environment and the deterrence element. The scale of deterrence may be related to the period and the frequency of defaults. Such other factors as may be found relevant may also be taken into account. No further industrial activities or expansion be allowed with regard to 'red' and 'orange' category units till the said areas are brought within the prescribed parameters or till carrying capacity of area is assessed and new units or expansion is found viable having regard to the carrying capacity of the area and environmental norms. Pending assessment of compensation, interim compensation be recovered at the scale adopted by this Tribunal in the case of Vapi Industrial area as mentioned in para 22 above”.

29. That there are number of brick kilns which are located in very small area and these brick kilns continuously requires 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.

G. Violation of Consent Condition and CPCB Directions

30. That almost all the brick kilns of the Mathura district are not following the consent conditions. The joint committee now in its report pointed out the infirmities but it is surprising that the UPPCB has failed to take action against any of the brick kilns. The following violations among others were observed by the joint committee

- 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.

31. It is also important that 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.

32.It is humbly submitted before this Hon'ble Tribunal that Mathura and adjacent Vrindavan are place of great heritage importance with huge cultural and religious significance. That Mathura is birth place of "Lord Krishna" and also holy temple of "Bankey Bihari" is situation here. That this place is visited by several lakhs of devotees every year and some people make this place as their permanent home after retirement. That presence of these large number of polluting and non conforming industries will have huge impact on the health of lakhs of people who visit Mathura temporarily or reside permanently.

33.In light of the above submissions it is humbly submitted that this Hon'ble Tribunal may consider the objections of the Applicant and pass appropriate directions. Further, this Hon'ble Tribunal may direct the UPPCB to revoke and not renew the consent of the violating brick kilns till the consent conditions are fulfilled.

Date: 11.08.2021

Place: New Delhi

DRAWN & FILED BY:


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PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 93 OF 2021

IN THE MATTER OF:

Mukesh Kumar Aggarwal

.....Applicant

Versus

Central Pollution Control Board & Anr.

.....Respondent

AFFIDAVIT

I, Mukesh Kumar Aggarwal age about 45 years S/o Shri. Bhagwat Prasad Aggarwal, R/o House No.1469, Gher Dil Sukh Ray, Opp. Police Station, Kosi Kalan (Rural) Kosikalan, Tehsil-Chhata, District-Mathura, Uttar Pradesh-281403, presently at New Delhi, do hereby solemnly affirms and declares as under:

1. That I am the Original Applicant and fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying "Objection" are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed there from.

M.K.A.
DEPONENT

10 AUG 2021

Verification:

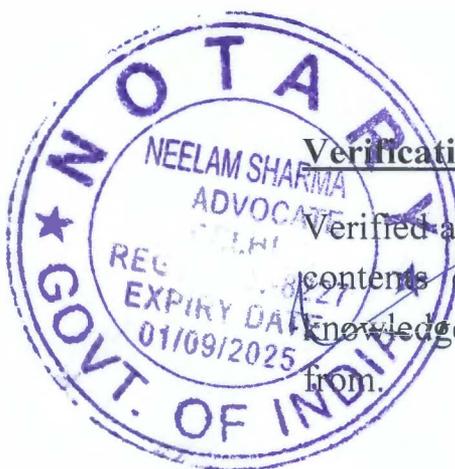
Verified at New Delhi on this _____ day of _____, 2021 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

ATTESTED

NOTARY (Govt. of India)
Neelam Sharma
Advocate
Sh. No. 165A, Gate No. No. 11
Patla House Courts,
New Delhi-110001
(M): 9899408301

M.K.A.
DEPONENT

10 AUG 2021



M.K.A.
Identify the Deponent who has signed/put T. in my presence.



Fax/ Speed Post

IPC-V(SS1)/Brick Kiln/2017

June 27, 2017

4877-4911

To:

All State Pollution Control Boards/ PCCs
(As Per List)

Sub: Directions under Section 18 (1) (b) of the Air (Prevention and Control of Pollution) Act, 1981 for prevention and control of air pollution in different type of Brick Kilns operated. Regarding

WHEREAS, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Pollution Control Boards/Committees is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the concerned State/UT and to secure the execution thereof;

WHEREAS, high pollution levels have been generated from the various type of Brick Kilns and exceeding levels of PM 2.5 several times the National Ambient Air Quality Standards notified under the Air (Prevention and Control of Pollution) Act, 1981;

WHEREAS, Chairman Central Pollution Control Board randomly inspected different types of Brick Kilns on 15th June, 2017. During the inspection Chairman Central Pollution Control Board observed that the Brick Kiln workers working in a highly air polluted pathetic condition due to air born fine dust prevail all the time in the brick kiln working area, because of movement of the trucketers and trucks (Conveyance Systems) on the unpaved area having 4-6 inches fine dust layer all around the Brick Kiln;

WHEREAS, no provision were found to control fine dust fugitive emissions, due to this highly air pollution and pathetic condition prevailing all the time;

WHEREAS, the problem of pollution is further aggravated due to meteorological conditions caused by the onset of winter leading to minimal dispersion of pollutants and high ground level concentration;

WHEREAS, it also observed that there are significant number of Brick Kilns operated without valid consent and even most of Brick Kiln never applied to obtain consent to operate from the respective State Boards;

WHEREAS, CPCB receiving large number of complaints from various part of country mainly related to the siting of the Brick Kilns as well as pollution caused by them;

WHEREAS, no significant progress observed for compliance of conversion of Natural Draft Brick Kiln to Induced Draft Brick Kiln (zig-zag brick setting with rectangular shape of kiln);

WHEREAS, concerned State Pollution Control Boards are required to enforce and ensure compliance of emission standards/ guidelines by the brick kilns and take action against the brick kilns failed to comply under the Air (Prevention and Control of Pollution) Act, 1981;

NOW THEREFORE, in view of the above and in order to improve the air quality in the region where brick kilns are established, the Chairman, CPCB in exercise of the powers vested under the Air (Prevention and Control of Pollution) Act, 1981 issues the following directions to SPCBs for compliance:

1. All the Brick Kilns operating without permission and valid consent from SPCBs, 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 emissions from the Brick Kiln operations. This condition should be incorporate in the Consent condition while granting the consent by the respective State Boards.
5. Ensure that fine dust not to accumulate all around the Brick Kiln.

The State Pollution Control Boards shall acknowledge the receipt of these directions within a week and submit detailed Action Taken Reports within two weeks thereafter.



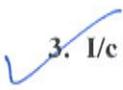

(S.P. Singh Parihar)
Chairman, CPCB
28/01/2017

Copy to:

1. Advisor-CP

Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road, Aliganj
New Delhi-110003

2. All the concerned Regional Directorates of CPCB

 **3. I/c IT Division, CPCB**


(A. B. Akolkar)
Member Secretary)

1. The Chairman
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Institutional Estate, Sanathnagar
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2. The Chairman
Arunachal Pradesh Pollution Control Board
Govt of Arunachal Pradesh, Department of
Environment & Forests,
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Assam Pollution Control Board
Bamunimaiden,
Guwahati – 781 021
4. The Chairman
Bihar Pollution Control Board
Beltron Bhawan, IInd floor
Jawahar Lal Nehru Marg
Shastri Nagar, Patna – 800 023
5. The Chairman
Chhattisgarh Environment Conservation Board
Commercial Complex,
Chhattisgarh Housing Board Colony,
Kabir Nagar,
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6. The Chairman
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8. The Chairman
Haryana Pollution Control Board
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Panchkula
Haryana-134 109 Chandigarh
9. The Chairman
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Him Parivesh , Phase-III,
New Simla – 171 009.
10. The Chairman
J&K State Pollution Control Board, Parivesh
Bhawan,
Forest Complex, Gladni, Narwal, transport
Nagar,
Jammu (J&K)
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Kerala Pollution Control Board
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17. The Chairman
Meghalaya Pollution Control Board
Arden, Lumpyngngad,
Shillong – 793 014
18. The Chairman
Mizoram Pollution Control Board
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Aizwal - 796001.
19. The Chairman
Nagaland Pollution Control Board Signal Point,
Dimapur, Nagaland - 797112.

20. The Chairman
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(Department of Forest & Environment)
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Unit-VIII, Bhubaneswar – 751 012.
21. The Chairman
Punjab Pollution Control Board
Vatavaran Bhawan, Nabha Road
Patiala – 147 001
22. The Chairman
Rajasthan Pollution Control Board
A-4, Jalane Dungri Institutional Area
Jaipur – 302 004
23. The Chairman
State Pollution Control Board
Forest, Environment Wildlife Management
Department
Government of Sikkim
Forest Secretariat,
Deorali, Gangtok -737102
East Sikkim
24. The Chairman
Tamil Nadu Pollution Control Board
No. 76, Anna Salai
Guindy, Chennai – 600 032
25. The Chairman
Tripura Pollution Control Board,
Parivesh Bhawan, Pandit Nehru Complex,
Gorkhabasti P.O. Kunjaban,
Agartala (W) – 799 006, Tripura.
26. The Chairman
Uttar Pradesh Pollution Control Board
Building.No. TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow,
Uttar Pradesh 226010
27. The Chairman
Uttarakhand Environment Protection &
Pollution Control Board
29/290, Nemi Road, Dalanwala, Dehradun -
248001.
28. The Chairman
West Bengal Pollution Control Board
No. 10A, Block - LA, Sector III,
Bidhan Nagar, Kolkata - 700 091.
29. The Chairman
Chandigarh Pollution Control Committee
Additional Town Hall Building
(2nd Floor) Sector-17C
Chandigarh – 160 017
30. The Chairman
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building, Kashmere Gate,
Delhi - 110006.
31. The Chairman
Daman, Diu & Dadra & Nagar Haveli Pollution
Control Committee Office of the Dy.
Conservator of Forests Fort Area, Moti Daman,
Daman – 396 220
32. The Chairman
Lakshadweep Pollution Control Committee,
Lakshadweep Administration, Dept. Of Sc.,
Technology & Environment
Kavarati-682 555
33. The Chairman
Andaman & Nicobar Pollution Control
Committee
Van Sadan, Haddo P.O.
Port Blair – 744 102
34. The Chairman
Puducherry Pollution Control Committee
IIIrd floor, Housing Board Complex, Anna
Nagar, Puducherry – 600 005

Item No. 05

Court No. 2

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

Original Application No.718/2017

Anil Kumar

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 22.01.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Abhishek DhruvSankritik,
Advocate

For Respondent(s)

Mr. Satyalipsu Ray, Advocate for
R-1, MoEF& CC
Mr. Ankit Verma, Advocate for
State of Uttar Pradesh
Mr. Shlok Chandra and Mr.
Ritesh Kumar Sharma, Advocates
for R-2, CPCB
Mr. Raj Kumar, Advocate for
CPCB
Mr. Pradeep Misra and Mr.
DaleepDhyani, Advocates for
UPPCB
Mr. Anil Grover, AAG and Mr.
Satish Kumar, Advocate for State
of Haryana and HSPCB
Mr. Rahul Verma, AAG for State
of Uttarakhand
Mr. MukshVerma, Advocate for
UEPPCB
Mr. Kamal Jeet Singh, AAG for
State of Punjab
Mr. NaginderBenipal, Advocate
for Punjab PCB

ORDER

Heard the Learned Counsels for the parties.

The primary grievance raised by the Applicant in this case is that Central Pollution Control Board should shut down all the Brick Kilns operating in the State of Uttar

Pradesh, State of Uttarakhand, State of Haryana and State of Punjab during the month from December to February due to sheer health problems caused as a result of operation of brick kilns.

In this regard, at the outset, we may refer to directions issued by CPCB on 27th June, 2017. The said directions are under Section 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 for prevention and control of pollution of different types of brick kilns operated. After taking note of and assessing the present position with regard to pollution relating to operation of brick kilns, CPCB has passed the following directions:

“Therefore, in view of the above and in order to improve the air quality in the region where brick kilns are established, the Chairman, CPCB in exercise of the powers vested under the Air (Prevention and Control of Pollution) Act, 1981 issues the following directions to SPCBs for compliance:

- 1. All the Brick Kilns operating without permission and valid consent from SPCBs, 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 emissions from the Brick Kilns operations. This condition should be incorporate in the Consent condition while granting the consent by the respective State Boards.*
- 5. Ensure that fine dust not to accumulate all around the Brick Kiln.”*

These directions have been sent by CPCB to all State Pollution Control Boards/PCBs.

Therefore, before parting with this order, we direct CPCB to call for reports from State of Uttar Pradesh, State of Uttarakhand, State of Haryana and State of Punjab and look into as to whether the aforesaid directions have been complied with. In case of failure of the State Pollution Boards to comply with the directions passed by CPCB, then, action against such States be taken, in accordance to law. Such exercise should be done within a period of two month.

Accordingly, Original Application No. 718/2017 stands disposed of, with no order as to cost.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

January 22, 2019
sn

-TRUE COPY-



Speed Post

CPCB/IPC-V/NGT_OA 718/Brick Kiln/2019 3380

June 25, 2019

To

The Chairman,
Uttar Pradesh Pollution Control Board
Building. No. TC-12V, Vibhuti Khand,
Gomati Nagar,
Lucknow-226010 (U.P.)

Sub: Directions under Section 18(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 for providing complete status report in compliance of Hon'ble NGT order dated 22/1/2019 in OA No. 718/2017 in the matter of Anil Kumar Vs. Union of India & Ors regarding Brick Kilns.

WHEREAS, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Pollution Control Boards/Committees is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the concerned State/UT and to secure the execution thereof;

WHEREAS, Chairman, CPCB in exercise of the powers vested under the Air (Prevention and Control of Pollution) Act, 1981 issued the following directions under Section 18(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 to all SPCBs/PCCs, dated 27/6/2017 for compliance:

1. All the Brick Kilns operating without permission and valid consent, 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 emissions from the Brick Kiln 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.

WHEREAS, in compliance of the afore-said CPCB directions dated 27/6/2017, the Hon'ble NGT passed an order dated 22/1/2019, in OA No. 718/2017 in the matter of Anil Kumar Vs. Union of India & Ors, which is as under:

"...we direct CPCB to call for reports from State of Uttar Pradesh, State of Uttarakhand, State of Haryana and State of Punjab and look into as to whether the aforesaid directions have been complied with. In case of failure of the State Pollution Boards to comply with the directions passed by CPCB, the action against such states be taken, in accordance to law. Such exercise should be done within a period of two month..."

WHEREAS, in compliance of the above Hon'ble NGT order, CPCB issued letter dated 29/1/2019 to the UPPCB to submit the compliance status of CPCB directions dated 27/6/2017. Reminder letters were also issued by CPCB on 18/2/2019 and 14/3/2019; and

WHEREAS, in response to the CPCB letters, the status report received from UPPCB dated 14/5/2019, states that the State Board vide letter dated 7/2/2019 has communicated to all District Magistrates to ensure the compliance of the order of the Hon'ble NGT. The status report does not provide the complete compliance status of all the CPCB Directions issued on 27/6/2017; and

WHEREAS, CPCB again requested UPPCB vide letter dated 27/5/2019 to provide the complete compliance status, however, CPCB has not received the same so far.

NOW THEREFORE, in view of above and in exercise of the powers vested under Section 18(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981, the Uttar Pradesh Pollution Control Board is directed for providing the complete status report of the CPCB Directions issued earlier on 27/6/2017, within 10 days, failing which action shall be taken, in accordance with law, as per the order of the Hon'ble NGT.

(S.P. Singh Parihar)
Chairman, CPCB

Copy to:

1. The Advisor (CP Division) : for information, please
Ministry of Environment, Forest and
Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road, Aliganj
New Delhi-110003
2. The Regional Director (North) : for follow up
Central Pollution Control Board
Ground Floor, PICUP Bhawan, Vibhuti Khand
Gomati Nagar, Lucknow - 226 020
U.P.
3. ✓ Div. Head, IT Division, CPCB, Delhi : for uploading on CPCB
website


(Prashant Gargava)
Member Secretary

-TRUE COPY-

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 only - 8 in - 2018 and 2019
 still issued in - 2020 & 21

<https://upecnms.nic.in/upecnms/allReports/popApplication>
 OR
 upecnms.nic.in → Combut Granted Application

Application Number	Industry Name	Regional Office	District	Name of Owner	Type of Application	Date of Receiving Application	Date of Grant/Reject	Status	Pending With
2778226	KAMLA BRICKS FACTORY	Mathura(UPPCBRO)	MATHURA	LALIT KUMAR RAWAT	CTE	12/09/2018	13/09/2018	approved	ORANGE
11606356	M/S B P S EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	BHAGVATI PRASAD SINGH	CTE	03/03/2021	18/03/2021	approved	ORANGE
11649263	M/S MAA GOLAGARHI EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	RAM KARAN SINGH	CTE	04/03/2021	24/03/2021	approved	ORANGE
5527896	MS RASBIHARI EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	DAMODAR PRASAD AGRAWAL	CTE	08/07/2019	11/07/2019	approved	ORANGE
11936428	SHRI MOHAN JI BRICKS UDYOG	Mathura(UPPCBRO)	MATHURA	NETRAM	CTE	28/03/2021	08/04/2021	approved	ORANGE
11517322	M/S BHAVESH ENT UDHYOG	Mathura(UPPCBRO)	MATHURA	KRISHNA GOPAL	CTE	21/05/2021	28/05/2021	approved	ORANGE
6093676	BOHRE JI BRICKS COMPANY	Mathura(UPPCBRO)	MATHURA	DEVENDER SINGH	CTE	25/09/2019	30/09/2019	approved	ORANGE
2752374	M/S MAHABALI EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	DHARMVEER AGRAWAL	CTE	26/07/2018	29/08/2018	approved	ORANGE
12419288	RAJAT BRICKS FIELD	Mathura(UPPCBRO)	MATHURA	UMESH CHAND AGRAWAL	CTE	05/06/2021	21/06/2021	approved	ORANGE
12504813	M/S VIJAY EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	JAVAR SINGH	CTE	16/06/2021	28/06/2021	approved	ORANGE
6206883	SHRI GOPAL BRICKS UDYOG	Mathura(UPPCBRO)	MATHURA	KHEM CHAND	CTE	12/11/2019	14/11/2019	approved	ORANGE
12526126	MAHARISHI DURVASA BRICKS UDYOG	Mathura(UPPCBRO)	MATHURA	KARAMVEER SINGH TOMAR	CTE	18/06/2021	30/06/2021	approved	ORANGE
7894819	M/S BABA BRICKS FIELD	Mathura(UPPCBRO)	MATHURA	CHANDRAPAL SINGH	CTE	08/02/2020	07/03/2020	approved	ORANGE
7885192	CHAUDHARY INTT UDYOG	Mathura(UPPCBRO)	MATHURA	OMPRAKASH CHAUDHARY	CTE	06/02/2020	16/03/2020	approved	ORANGE
8748647	M/S SHRI KRISHNA INTT UDYOG	Mathura(UPPCBRO)	MATHURA	SAURABH KUMAR	CTE	06/06/2020	23/06/2020	approved	ORANGE
8785975	M/S SHRI KRISHNA ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAJU SINGH	CTE	16/06/2020	01/07/2020	approved	ORANGE
8775755	M/S SHREE GANESH ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAM KISHAN	CTE	30/06/2020	01/07/2020	approved	ORANGE
12469398	M/S KRASH EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	PRADEEP KUMAR	CTE	15/06/2021	09/07/2021	approved	ORANGE
9476361	M/S JHADI HANUMAN ENT UDYOG	Mathura(UPPCBRO)	MATHURA	SANTOSH VIKAL	CTE	08/09/2020	22/09/2020	approved	ORANGE
9687850	M/S SHRI KANHA ENT UDYOG	Mathura(UPPCBRO)	MATHURA	DIGAMBAR SINGH	CTE	01/10/2020	08/10/2020	approved	ORANGE
5805007	MAHA LAKSHMI INDUSTRIES	Mathura(UPPCBRO)	MATHURA	UDIT MALKANI	CTE	22/08/2019	29/08/2019	approved	ORANGE
9089349	PAHAT INT UDYOG	Mathura(UPPCBRO)	MATHURA	SHER MOHAMMAD	CTE	20/07/2020	30/07/2020	approved	ORANGE
9250967	BAJRANG BRICKS FIELD	Mathura(UPPCBRO)	MATHURA	ANKIT AGRAWAL	CTE	10/08/2020	08/09/2020	approved	ORANGE
9345215	C.L.A. ENT UDHYOG	Mathura(UPPCBRO)	MATHURA	SUDHIR KUMAR AGRAWAL	CTE	08/09/2020	08/09/2020	approved	ORANGE
9362374	M/S RAM ENT UDYOG	Mathura(UPPCBRO)	MATHURA	GYANDEV CHAUDHARY	CTE	02/09/2020	08/09/2020	approved	ORANGE
9319443	KESHAV ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAJENDRA PRASAD	CTE	22/08/2020	10/09/2020	approved	ORANGE
9385981	M/S SRK ENT UDHYOG	Mathura(UPPCBRO)	MATHURA	MANJUR AHMAD KHAN	CTE	29/08/2020	10/09/2020	approved	ORANGE
10026149	SHRI MAA NAGARKOT EANT UDYOG	Mathura(UPPCBRO)	MATHURA	NEHA AGRAWAL	CTE	06/11/2020	11/11/2020	approved	ORANGE
10119049	SHIV ENT UDYOG	Mathura(UPPCBRO)	MATHURA	LOKESH KASANA	CTE	17/11/2020	03/12/2020	approved	ORANGE
10593981	NARAYAN ENT UDYOG	Mathura(UPPCBRO)	MATHURA	NARAYAN HARI	CTE	23/12/2020	14/01/2021	approved	ORANGE
10425240	M/S GOPAL BHATTA COMPANY	Mathura(UPPCBRO)	MATHURA	RAM SINGH	CTE	28/12/2020	30/12/2020	approved	ORANGE
10513842	M/S JAI SHRI GIRRAJ MAHARAJ EANT UDYOG	Mathura(UPPCBRO)	MATHURA	ASHOK KUMAR	CTE	31/12/2020	02/01/2021	approved	ORANGE
10761650	RAJU ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAJKUMAR CHAUDHARY	CTE	03/01/2021	14/01/2021	approved	ORANGE
10735950	M/S SHIV EANT UDYOG	Mathura(UPPCBRO)	MATHURA	RAM GOPAL	CTE	31/12/2020	15/01/2021	approved	ORANGE
11138801	SONU ENT UDYOG	Mathura(UPPCBRO)	MATHURA	SAUNVIR SINGH	CTE	25/01/2021	04/02/2021	approved	ORANGE
11429579	MS PRADHAN EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	Umesh Kumar Kansal	CTE	15/02/2021	22/02/2021	approved	ORANGE
9164861	M/S SHRI RAM ENT UDYOG	Mathura(UPPCBRO)	MATHURA	UMESH PARIHAR	CTE	29/07/2020	04/08/2020	approved	ORANGE
9128393	GOVEL ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAJKUMAR AGRAWAL	CTE	24/07/2020	05/08/2020	approved	ORANGE
9142267	MS CHAUDHARY ENT UDYOG	Mathura(UPPCBRO)	MATHURA	DHRUV CHAUDHARY	CTE	25/07/2020	18/08/2020	approved	ORANGE
9405838	M/S JINDAL ENT UDYOG	Mathura(UPPCBRO)	MATHURA	SHUBHAM AGRAWAL	CTE	01/09/2020	09/09/2020	approved	ORANGE
9430357	M/S KAILASH AGRAWAL ENT UDYOG	Mathura(UPPCBRO)	MATHURA	KRISHNA GOPAL AGRAWAL	CTE	04/09/2020	22/09/2020	approved	ORANGE
9362825	M/S SHIV ENT UDYOG	Mathura(UPPCBRO)	MATHURA	HARI RAM	CTE	29/08/2020	22/09/2020	approved	ORANGE
7645115	M/S I. B. ENT UDYOG	Mathura(UPPCBRO)	MATHURA	NAGENDRAPAL SINGH	CTE	15/09/2020	22/09/2020	approved	ORANGE
9717347	RASBIHARI EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	DAMODAR PRASAD AGRAWAL	CTE	06/10/2020	13/10/2020	approved	ORANGE
9846852	SHRI KISHORI JI EANT UDYOG	Mathura(UPPCBRO)	MATHURA	MAHESH KUMAR	CTE	20/10/2020	20/10/2020	approved	ORANGE
9873582	M/S BAUHREJI BRICKS ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAVINDRA SINGH	CTE	20/10/2020	10/11/2020	approved	ORANGE
10041798	SHRI KRISHAN BALRAM EANT UDYOG	Mathura(UPPCBRO)	MATHURA	PIYUSH AGRAWAL	CTE	06/11/2020	12/11/2020	approved	ORANGE
10302205	M/S SAURABH ENT UDYOG	Mathura(UPPCBRO)	MATHURA	SUBHASH	CTE	04/12/2020	09/12/2020	approved	ORANGE
10211734	M/S OM ENT UDYOG	Mathura(UPPCBRO)	MATHURA	RAMVEER SINGH	CTE	26/11/2020	22/12/2020	approved	ORANGE
10215589	M/S BAUHRE JI BRICKS COMPANY	Mathura(UPPCBRO)	MATHURA	DEV DATT	CTE	01/12/2020	22/12/2020	approved	ORANGE
10426754	M/S LAMBARDAR EANT UDYOG	Mathura(UPPCBRO)	MATHURA	DHARMVEER SINGH	CTE	02/01/2021	02/01/2021	approved	ORANGE
10737648	M/S AKASH BRICKS EANT UDYOG	Mathura(UPPCBRO)	MATHURA	MANOJ KUMAR	CTE	31/12/2020	13/01/2021	approved	ORANGE
10663770	M/S D. R. B. BHATTA COMPANY	Mathura(UPPCBRO)	MATHURA	DAYANAND SINGH	CTE	13/01/2021	13/01/2021	approved	ORANGE

10796015	M/S DINESH CHANDRA BRICKS FACTORY	Mathura(UPPCBRO)	MATHURA	SOHIT KUMAR	CTE	04/01/2021	13/01/2021	approved	ORANGE
11026914	PARI BRICKS UDHYOG	Mathura(UPPCBRO)	MATHURA	NEMCHAND SHARMA	CTE	20/01/2021	27/01/2021	approved	ORANGE
11019111	SHIVAM BHATTA COMPANY	Mathura(UPPCBRO)	MATHURA	SURESH CHAUDHARY	CTE	16/01/2021	01/02/2021	approved	ORANGE
11062705	M/S NEW BHARAT ENT UDYOG	Mathura(UPPCBRO)	MATHURA	SALIM KHAN	CTE	21/01/2021	11/02/2021	approved	ORANGE
11342054	SARPANCH BRICKS UDHYOG UNIT 2	Mathura(UPPCBRO)	MATHURA	VEERBAHADUR SINGH	CTE	08/02/2021	22/02/2021	approved	ORANGE
11256436	SHRI KISHORI LAL ENT UDYOG	Mathura(UPPCBRO)	MATHURA	SHANTI DEVI	CTE	04/02/2021	22/02/2021	approved	ORANGE
3906888	MAHABALI EANT UDHYOG	Mathura(UPPCBRO)	MATHURA	DHARMVEER AGRAWAL	CTE	20/12/2018	29/12/2018	approved	ORANGE
2778553	KAMLA BRIKS FACTORY	Mathura(UPPCBRO)	MATHURA	LALIT KUMAR RAWAT	CTE	09/10/2018	11/10/2018	approved	ORANGE

-TRUE COPY-

**Regional Office
U.P. Pollution Control Board
65, Baldevpuri, Maholi Road, Mathura**

Letter No: 32/0234/2021

Dated 15.04.2021

**Press Release
Important Information Regarding Brick Kilns**

O.A No. 93/2021 Mukesh Kumar Aggarwal Vs. Central Pollution Control Board and Orsis pending before the Hon'ble NGT, New Delhi in relation to the compliance of orders dated 13.04.2021 regarding Brick kilns established in Tehsil-MANT/Chhata of Mathura district(copy enclosed), states that for baking bricks, the use of fuels such as pet coke, plastic rubber, leather, oily residues etc. is strictly prohibited. It should be ensured that for oil only permissible clean fuel is used and operation of brick kiln must be done for four months (from month-March to month-June) and brick kiln should be operated with zig zag technology. It must ensure all kilns convert to zig zag technology. It must be ensured that at least 251 trees are planted around the brick kiln premises. Monitoring report of emissions from brick kiln chimneys should be submitted after getting it monitored by a NABL accredited laboratory. Water should be sprinkled around the brick kiln premises so that the dust/soil does not fly away due to the movement of vehicles.

As per orders passed by Hon'ble High Court in Writ Petition No. 44262/2014 Ajay Kumar Mishra Vs U.P.P.C.B order dated 03.12.14, orders passed by Hon'ble High Court in Public Interest Writ Litigation No. 20773/14 Sumit Singh v. U.P. Government etc; and Hon'ble NGT's Application No. 328/2013 & 288/2013 & M.A. No. 767/2014 in compliance with the orders dated 14.01.15 and orders passed in OA. No.718/2017 Anil Kumar Vs. Union of India and Orcas well as per the mandatory compliances and consent to operate prescribed under the Water (Prevention and Control of Pollution) Act 1974 and the Air (Pollution Control and Prevention) Act 1981 - All the brick kiln owners are further directed to comply with the above mentioned directions.

It must be ensured by owner of the brick kilns that the brick kilns are operated only after receiving the consent before the season. In the absence of consent, the operation of kilns is completely illegal and in contravention of Court orders. Under these circumstances, the State Government with the cooperation of the administration will be bound to completely prohibit the operation of offender kilns. Do not light/operate the brick kiln without obtaining consent, otherwise, legal action will be taken against the said acts of the brick kiln owner, whose entire responsibility is the brick kiln itself.

Note:- Please note that the photocopy of valid air/water consent of brick kilns should be kept available at the brick work site so that the same can be verified during inspection/survey.

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



क्षेत्रीय कार्यालय उ.प्र. प्रदूषण नियंत्रण बोर्ड

65 ए, बलदेवपुरी, महोली रोड, मथुरा

दिनांक- 15.04.2021

पत्रांक- 32/0234/2021

प्रेस-विज्ञापि

ईट भट्टों के सम्बन्ध में आवश्यक सूचना

मा.एन.जी.टी., नई दिल्ली में विचाराधीन ओ.ए. सं.-93/2021 मुकेश कुमार अग्रवाल बनाम केंद्रीय प्रदूषण नियंत्रण बोर्ड एवं अन्य में पारित आदेश दिनांक 13.04.2021 (प्रति संलग्न) के आदेशों के अनुपालन के सम्बन्ध में जनपद मथुरा के तहसील-मोट/छता में स्थापित ईट भट्टों द्वारा ईट पकाने की प्रक्रिया में प्रयुक्त ईंधन जैसे-पेट कोक, प्लास्टिक रबर, लैटर, ऑयली रेसीड्यू आदि का प्रयोग किया जाना पूर्णतः प्रतिबन्धित किया गया है। ईंधन के रूप में अनुमत्त स्वच्छ पत्तय का प्रयोग किया जाना सुनिश्चित किया जाये तथा ईट भट्टों का संचालन चार माह (माह-मार्च से माह-जून तक) किया जाये एवं ईट भट्टों को जिंक जैक टेक्नोलॉजी पध्दति पर परिवर्तित किया जाना सुनिश्चित करें। ईट भट्टों के परिसर के आस-पास कम से कम 25:1 वृक्षों का वृक्षारोपण वर्षा काल में किया जाना सुनिश्चित करें। ईट भट्टों की चिमनी से उत्सर्जित होने वाले उत्सर्जन को एन.ए.बी.एल. मान्यता प्राप्त प्रयोगशाला से अनुश्रवण कराकर अनुश्रवण आख्या प्रस्तुत किया जाये। ईट भट्टों के परिसर के आस-पास जल का छिड़काव किया जाये ताकि वाहनों के चलने से धुल/मिट्टी न उड़े।

मा. उच्च न्यायालय में विचाराधीन रिट याचिका सं.-44262/2014 अजय कुमार मिश्रा बनाम यू.पी.पी.सी.बी. में पारित आदेश दिनांक 03.12.14, जनहित रिट याचिका सं.-20773/14 सुमित सिंह बनाम उ.प्र. सरकार आदि में मा. उच्च न्यायालय द्वारा पारित आदेशों एवं मा. एन.जी.टी. द्वारा एप्लीकेशन नं.-328/2013 एवं 288/2013 व एम.ए. नं.-767/2014 में पारित आदेश दिनांक 14.01.15 एवं ओ.ए. नं.-718/2017 अनिल कुमार बनाम यूनियन ऑफ इण्डिया व अन्य में पारित आदेशों के अनुपालन एवं पर्यावरणोप अधिनियमों के अनुपालन में समस्त ईट भट्टों को जल (प्रदूषण नियंत्रण तथा निवारण) अधिनियम 1974 एवं वायु (प्रदूषण नियंत्रण तथा निवारण) अधिनियम 1981 के अन्तर्गत संचालन हेतु सहमति प्राप्त करना अनिवार्य है।

समस्त ईट भट्टा मालिकों को अग्रतर निर्देशित किया जाता है कि उपरोक्त वर्णित स्वीकृतियों को आगामी सीजन से पहले प्राप्त करके ही भट्टों का संचालन सुनिश्चित करें। स्वीकृतियों के अभाव में भट्टों का संचालन पूर्ण रूप से अवैध है तथा मा. न्यायालय के आदेशों की अवहेलना होगी। इन परिस्थितियों में विभाग दोषी ईट भट्टों का संचालन प्रशासन के सहयोग से पूर्ण रूप से निषेध किये जाने के लिए बाध्य होगा। सहमति जल एवं वायु प्राप्त किये बिना ईट भट्टों की फुकाई/संचालन न करें, अन्यथा की स्थिति में ईट भट्टा स्वामी के विरुद्ध उक्त अधिनियमों के अन्तर्गत विधिक कार्यवाही की जायेगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं ईट भट्टा स्वामी का होगा।

नोट:- कृपया नोट करें कि जिन ईट भट्टों के पास वैध सहमति जल/वायु है उसकी छायाप्रति ईट भट्टों के कार्यस्थल पर उपलब्ध रखा जाना सुनिश्चित करें ताकि निरीक्षण/सर्वेक्षण के दौरान उक्त का सत्यापन किया जा सके।

(अरविन्द कुमार)

क्षेत्रीय अधिकारी

उ.प्र. प्रदूषण नियंत्रण बोर्ड, मथुरा।

IN THE NATIONAL GREEN TRIBUNAL

Application No.93..... Of 2021

IN THE MATTER OF:

Mukesh Kumar Aggarwal

-VERSUS -

CPCB & Ors.

Petitioner (s)
Appellant (s)Respondent (s)
Defendant (s)

VAKALATNAMA

I/We Mukesh Kumar Aggarwal (Authorised Signatory) DEFENDANT / RESPONDENT/ PETITIONER / OPPOSITE PARTY, in the above application/ suit/appeal/petition/ reference do hereby appoint and return **Mr. Salik Shafique** Advocate of the National Green Tribunal, to act and appear for me/us in the above application/ suit/petition/appeal reference and on my/our behalf to conduct and prosecute or defend or with draw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review to file and obtain return of documents and to deposit and receive money on my / our behalf in the Application/Suit/Petition/Appeal reference and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all act done by the aforesaid advocate, in pursuance of this authority.

Dated this the10th..... day ofAug..... 2021

Accepted Identified By

Savv
Advocate,M.K.S
(Petitioner (s) / Appellant (s)

Respondent (s) / Defendant(s) / Opposite Party

MEMO OF APPEARANCE

To,

The Registrar,
National Green Tribunal
Principal Bench, at New Delhi

Sir,

Kindly enter my appearance in the above matter on behalf of the Petitioner / Appellant / Respondent.

Dated10th..... Aug..... 2021Salik
Advocate for the
Petitioner(s)/Appellant(s)/Respondent(s)



Service in Mukesh Kumar Aggarwal OA No. 93 of 2021(Objections on behalf of the Applicant to the Joint Inspection Report dated 04.08.2021)

1 message

Sameer Manher <sameermanher9@gmail.com>

11 August 2021 at 11:09

To: Raj Kumar <Advraj Kumar@gmail.com>, ajayaggarwal.cpcb@nic.in, ccb.cpcb@nic.in

Cc: salik shafique <salik@eldfindia.com>

Respected Sir/Ma'am

Please find the attachment of the in O.A. No. 93/2021/PB (Objections on behalf of the Applicant to the Joint Inspection Report dated 04.08.2021)

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Sameer Manher

Clerk for

Salik Shafique

Advocate for Original Applicant

Chamber No. 419, M.C. Setalvad Chambers

Supreme Court of India, Bhagwandas Road, New Delhi

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