

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

ORIGINAL APPLICATION NO. 529 OF 2025

IN THE MATTER OF

Imran Ali Khan

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondent(s)


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Applicant

Through

Date 18.04.2026
Place: New Delhi


Tarun Cummra ADVOCATE
Enrolment No. D/13653/2022
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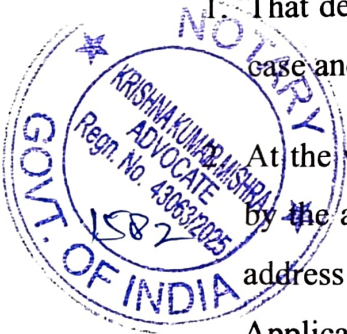
...Respondent(s)

**OBJECTION ON BEHALF OF APPLICANT TO REPLY FILED BY THE
RESPONDENTS (R-10, R-2&3, AND R-5) BY WAY OF AFFIDAVIT**

I, Imran Ali Khan S/o Sh. Usman Ali Khan, aged about 49 years R/o Gohra alamgirpur, Gohra Alamgirpur, Ghaziabad, Uttar Pradesh - 245101, presently at New Delhi, do hereby solemnly state and affirm as under: -

1. That deponent is well conversant with the facts and circumstances of the case and duly authorized to swear and affirm this affidavit.

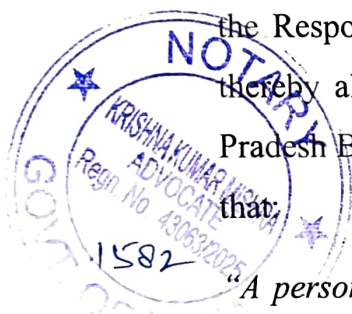
At the very outset, it is most respectfully submitted that the replies filed by the answering Respondents are evasive, self-contradictory, and fail to address the core environmental, legal, and scientific issues raised by the Applicant. The Respondents have attempted to create an illusion of compliance by referring to procedural formalities, while deliberately overlooking the substantive violations of environmental laws, binding judicial precedents, and statutory guidelines governing Brick Kiln sitting criteria. The present rejoinder is therefore necessitated to place the correct facts and legal position before this Hon'ble Tribunal.



3. That it is specifically denied that the brick kiln is non-operational as alleged by the Respondents. The said assertion is patently false and misleading. The Applicant has already placed on record photographic evidence clearly showing that the brick kiln is actively operational, including the presence of fired bricks and ongoing kiln activity. The Respondents have failed to rebut this material evidence and have merely made bald assertions without any supporting inspection report conducted in real-time or independently verified. Photograph showing operation of project proponent are annexed herewith as **Annexure A2/1**.

4. It is further submitted that the operation of the brick kiln is in clear violation of the **Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012**, issued on 27.06.2012. These Rules are mandatory in nature and are required to be strictly followed, particularly at the stage of grant and renewal of Consent to Operate (CTO). However, the Respondents have failed to ensure compliance with the said Rules, thereby allowing an illegal activity to continue. As rule 7 of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012 states that,

"A person who want to operate a brick Kiln shall make an application with requisite fee separately to the State Board by furnishing mining lease from district administration, permission for firing from Zila Panchayat/Zila Parishad and no objection certificate/License as the case may be from the Horticulture Department, under the Uttar Pradesh Air(Prevention and Control of Pollution) Rules,1983,and the Uttar Pradesh Water (Consent for discharge of sewage and Trade Effluent) Rules,1981, for the permission for the operation of the brick Kiln. On receipt of such application the State Board may reject such permission after necessary enquiry as prescribed under the aforesaid Rules.



Provided that a brick Kiln which was established/operate previously but not being operative in the last season, want to operate or change the name/ownership and have valid consent under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 may operate the same if it informs in writing to the State Board but shall be bound to comply with all the conditions subject to which consent was granted."

5. Furthermore, the stand taken by the Respondents, particularly in the reply filed by the District Magistrate, that the brick kiln was established prior to the coming into force of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012 and therefore the said Rules are not applicable, is wholly misconceived and legally untenable. The Respondents have further attempted to justify the operation of the unit on the basis of Zila Panchayat Bye-laws. This reasoning is fundamentally flawed, as it ignores the settled principle that subordinate or local bye-laws cannot override central/State environmental legislation or binding judicial pronouncements. Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012 enacted In exercise of the powers 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 no.14 of 1981) the Governor, after consultation with Uttar Pradesh Pollution Control Board and after considering the objections and suggestions received from concerned person, and thus may have overriding effect over any inconsistent local law or bye-law.

6. That the Applicant submits that the distance between the brick kiln and the nearby mango orchard is approximately 236 meters, which is in direct violation of the prescribed siting criteria. This distance falls short of the



mandatory requirement under the 2012 Rules as well as applicable Zila Parishad bye-laws. The existence of the orchard within such proximity is not disputed, yet no justification has been provided by the Respondents for permitting the continued operation of the kiln in violation of statutory norms. This reflects a clear failure of regulatory oversight. Satellite image showing distance of Orchard gardens to the operating Brick Kiln site are annexed herewith as **Annexure A2/2**.

7. It is also submitted that the brick kiln was initially granted Consent to Operate on 02.03.2020, which remained valid only up to 31.07.2023. Thereafter, the project proponent applied for renewal on 14.01.2026, which is still under process. This clearly establishes that there exists a **Substantial** period during which the brick kiln has been operating without valid Consent to Operate, which is a serious violation of environmental laws.

The Applicant further submits that as per Hon'ble Supreme Court in the case of NCR Brick Kiln Association Vs Central Pollution Control Board & Ors. ordered that brick kilns falling in the area of NCR can only be operate during the period from 1st March to 30th June. Despite such restrictions, the kiln has continued its operations in blatant violation of these directions. This demonstrates not only non-compliance but deliberate disregard for environmental safeguards.

9. It is pertinent to highlight that specific directions have already been issued that no brick kiln shall operate without obtaining a valid Consent to Operate. However, in the present case, the kiln has continued operations for the years 2023–2024 and 2024–2025 without any valid consent. This illegal operation has resulted in the imposition of Environmental Compensation amounting to Rs. 15,25,000/- as per the guidelines of the Central Pollution Control Board (CPCB). The



imposition of such compensation itself is an admission of violation, and therefore the Respondents cannot now take a contradictory stand that the kiln is not operational and/or compliant.

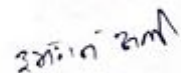
10. That the Respondents have failed to take any effective enforcement action despite clear violations being on record. There is no evidence of closure, sealing, or coercive measures taken to prevent continued illegal operation. This inaction amounts to a failure of statutory duty and renders the regulatory mechanism ineffective.

11. It is further submitted that the replies filed by the Respondents lack transparency and do not disclose complete facts. No recent inspection report, compliance verification, or monitoring data has been placed on record to substantiate their claims. The replies are therefore liable to be rejected as unreliable and incomplete.

12. In light of the above, it is evident that the brick kiln is operating illegally, in violation of environmental laws, without valid consent, and in contravention of siting norms. The continued operation poses serious environmental and ecological risks, particularly to nearby agricultural land including the mango orchard.

13. That the present Reply by way of affidavit may kindly be taken on record and into consideration, and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

14. That the Applicant seeks leave to make additional submissions, if required, during the course of the proceedings as and when directed by this Hon'ble Tribunal.



DEPONENT



Verification

18 APR 2026

Verified at New Delhi on ___ April 2026 that the contents of the above reply affidavit are derived from the official records and personal knowledge and are correct and true to the best of my knowledge and belief. Nothing material has been concealed therefrom.



Handwritten signature of the deponent

DEPONENT

I identify the Deponent who has signed / put T.I. In my presence

Solemnly affirmed before me
Readover & Explained to the Deponent
who has signed before me.

Handwritten signature of the notary

KRISHNA KUMAR MISHRA
NOTARY PUBLIC (DELHI)
GOVT. OF INDIA

18 APR 2026

Image of Project Proponent from the Orchard Garden of Applicant



GPS Map Camera

Agapur Sarai, Uttar Pradesh,
India 🇮🇳

Ganga Expy, Agapur Sarai, Uttar Pradesh
245101, India

Lat 28.810549° Long 77.871874°

08/04/2026 06:53 AM GMT +05:30

217° SW

3 m

216 m

Google

Image of Project Proponent from the Orchard Garden of Applicant





375

Image of Project Proponent from the Orchard Garden of Applicant



Image of Project Proponent from the Orchard Garden of Applicant





GPS Map Camera

Agapur Sarai, Uttar Pradesh,
India 🇮🇳

Ganga Expy, Agapur Sarai, Uttar Pradesh
245101, India

Lat 28.810034° Long 77.874597°

27/02/2026 08:51 AM GMT +05:30

28.1 m 213 m 141° SE



Agapur Sarai, Uttar Pradesh,
India 🇮🇳

Ganga Expy, Agapur Sarai, Uttar Pradesh
245101, India
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27/02/2026 08:51 AM GMT +05:30

GPS Map Camera

Google

28.1 m

213 m

141° SE









GPS Map Camera

Agapur Sarai, Uttar Pradesh,
India 🇮🇳

Ganga Expy, Agapur Sarai, Uttar Pradesh
245101, India

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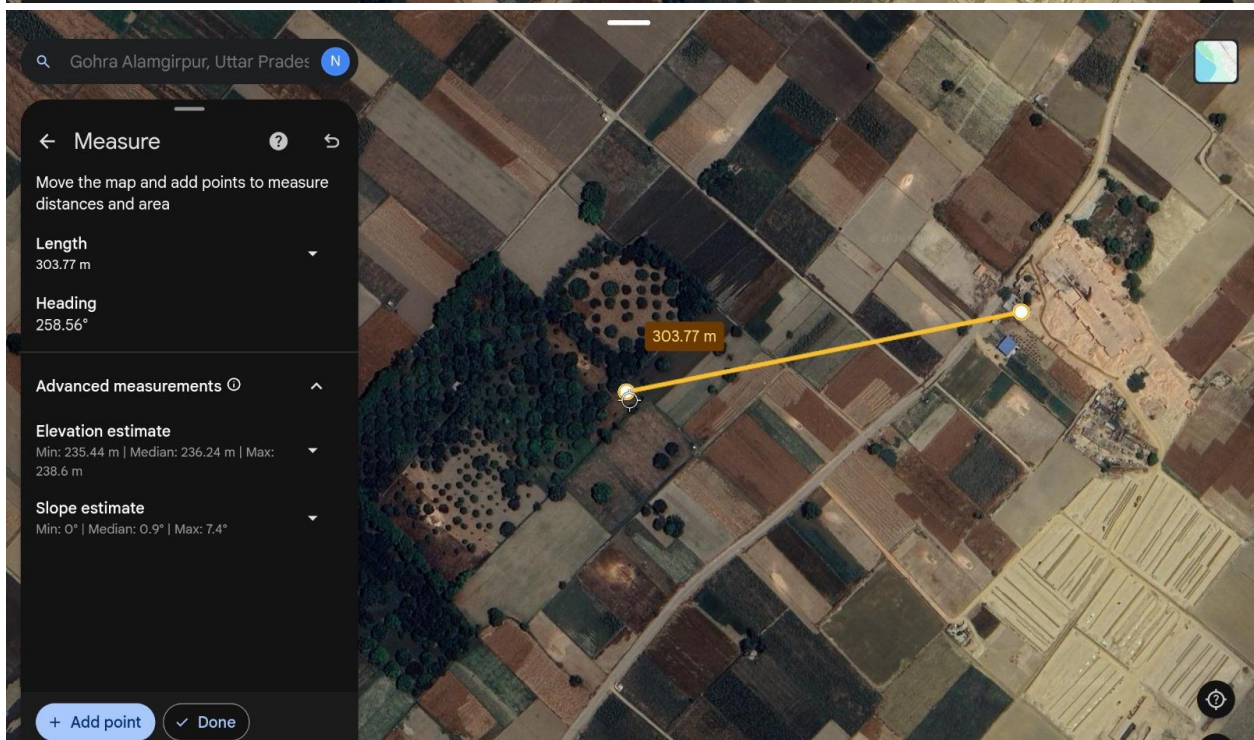
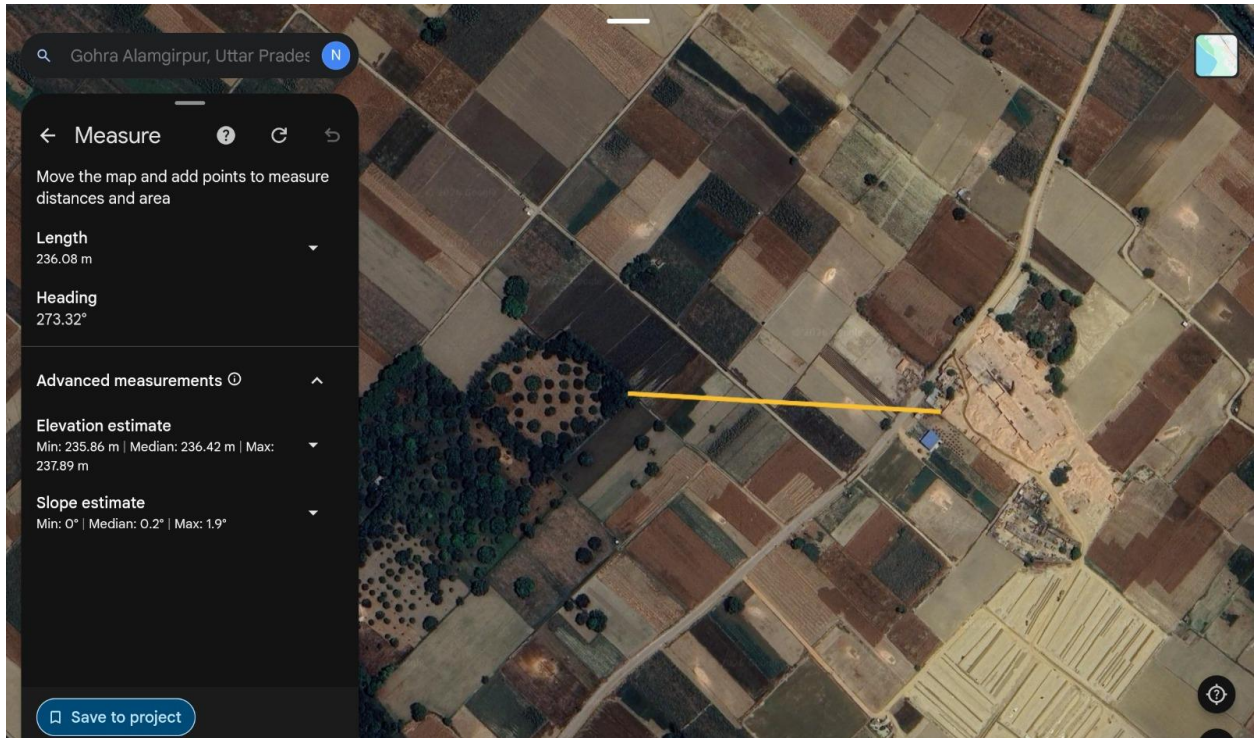
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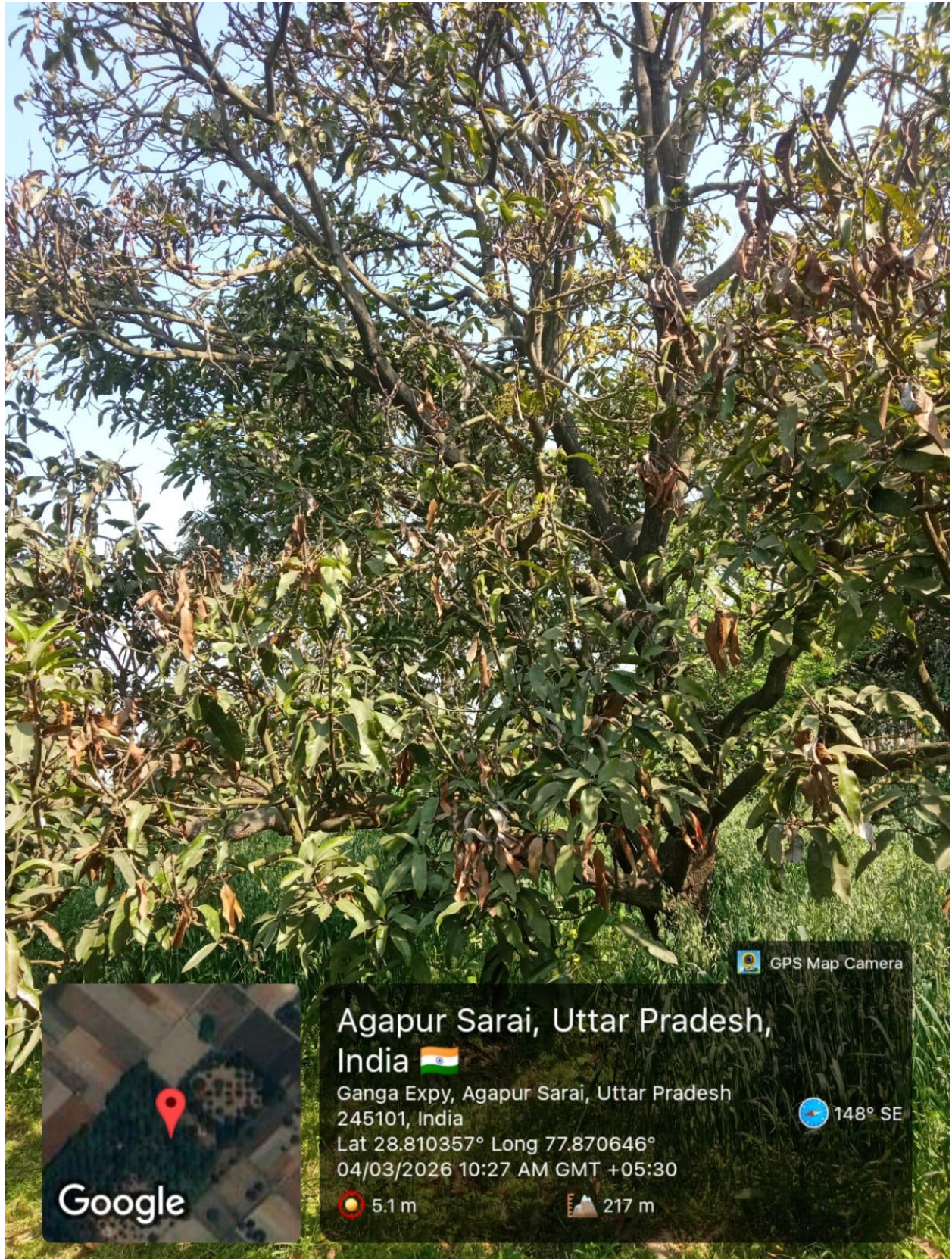
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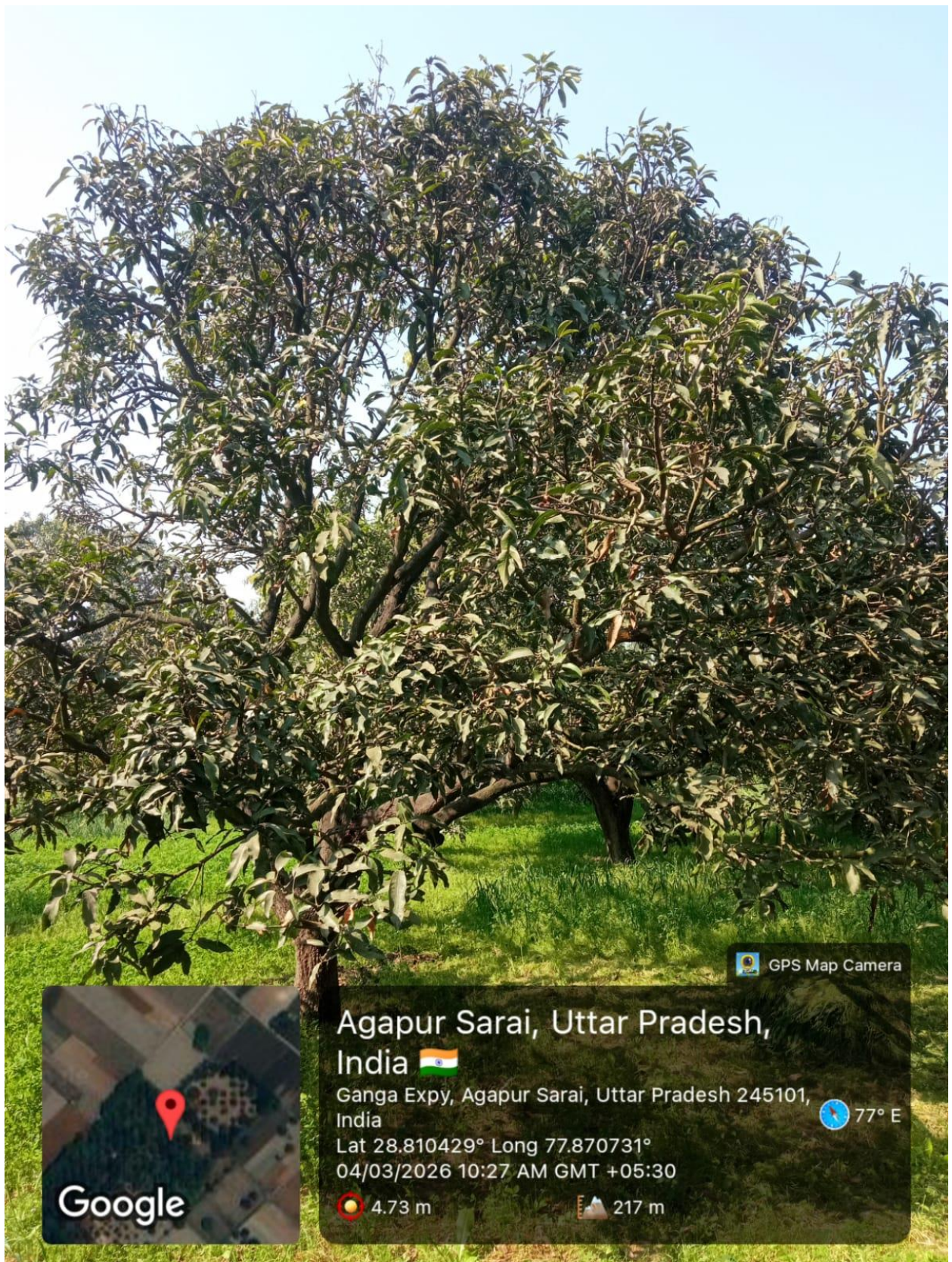












GPS Map Camera



Agapur Sarai, Uttar Pradesh,
India 

Ganga Expy, Agapur Sarai, Uttar Pradesh 245101,
India

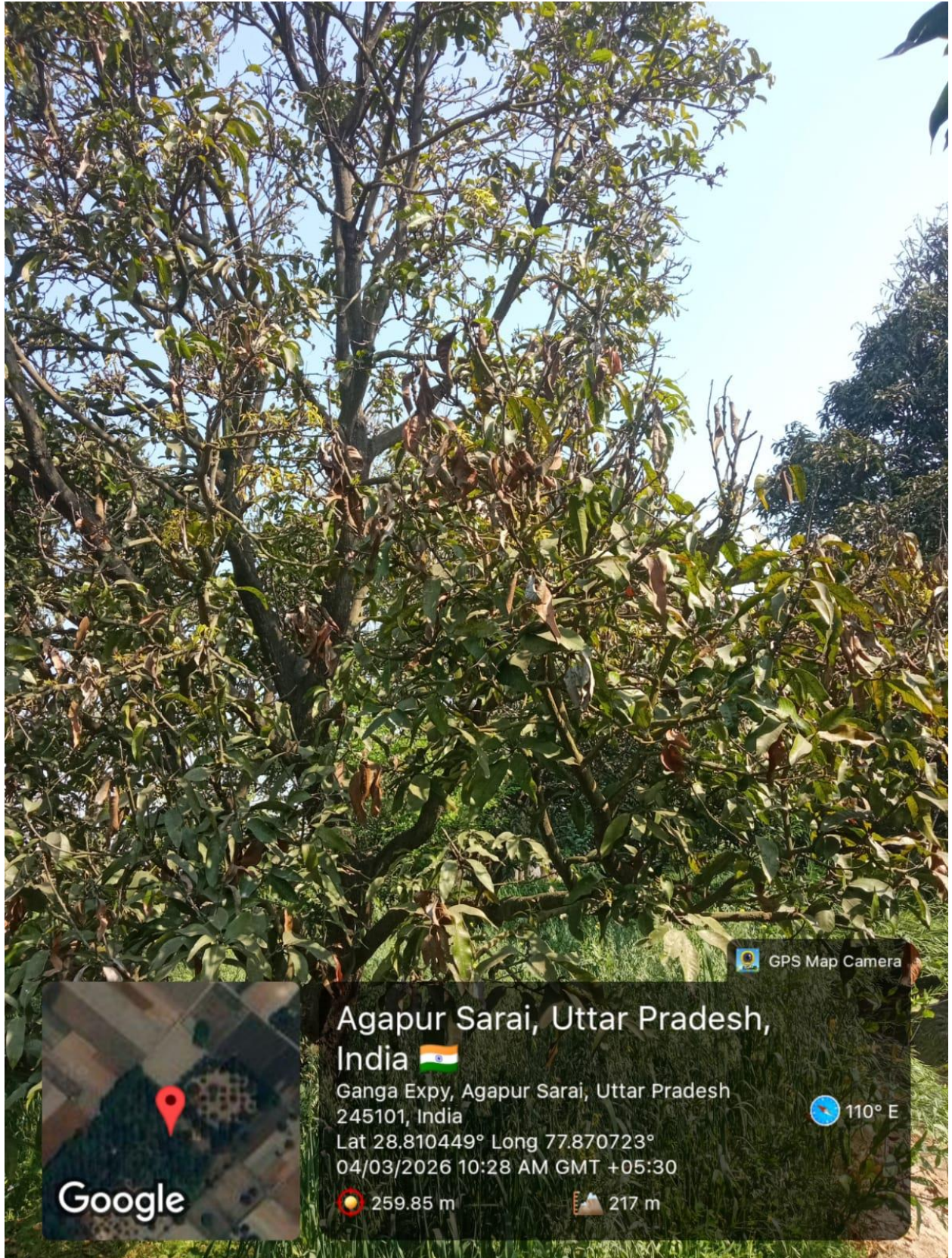
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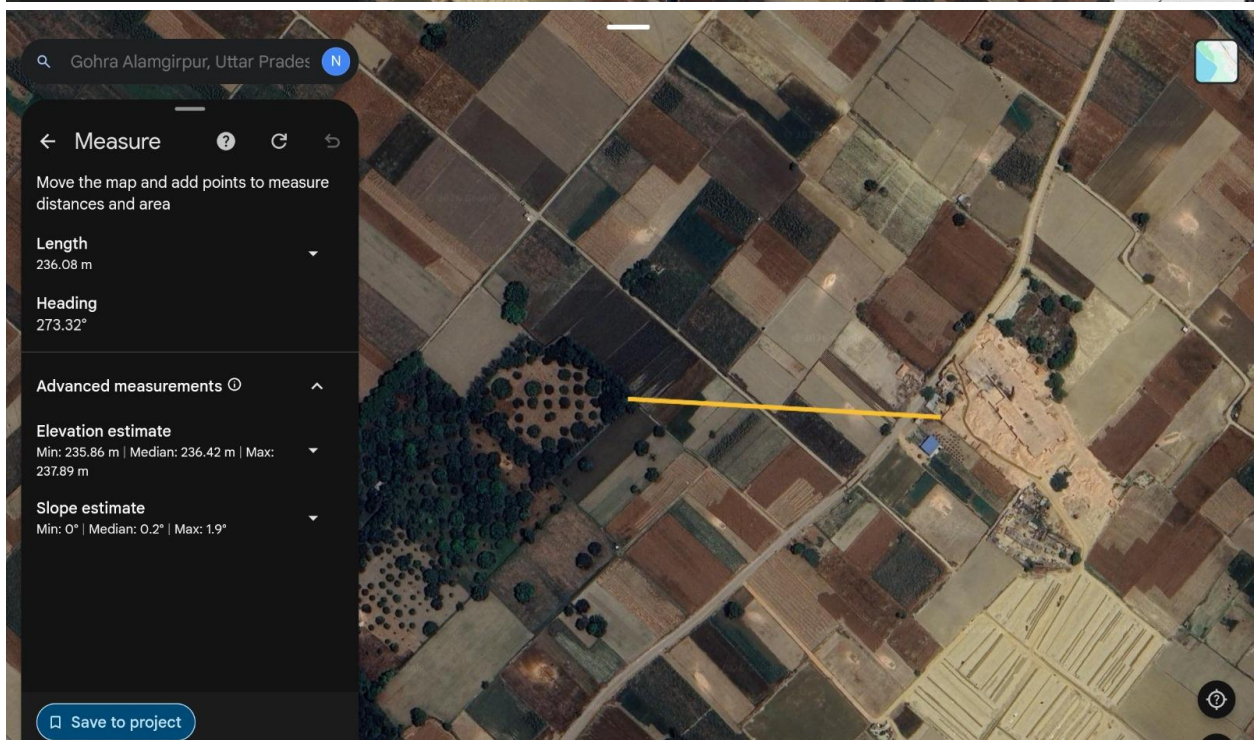
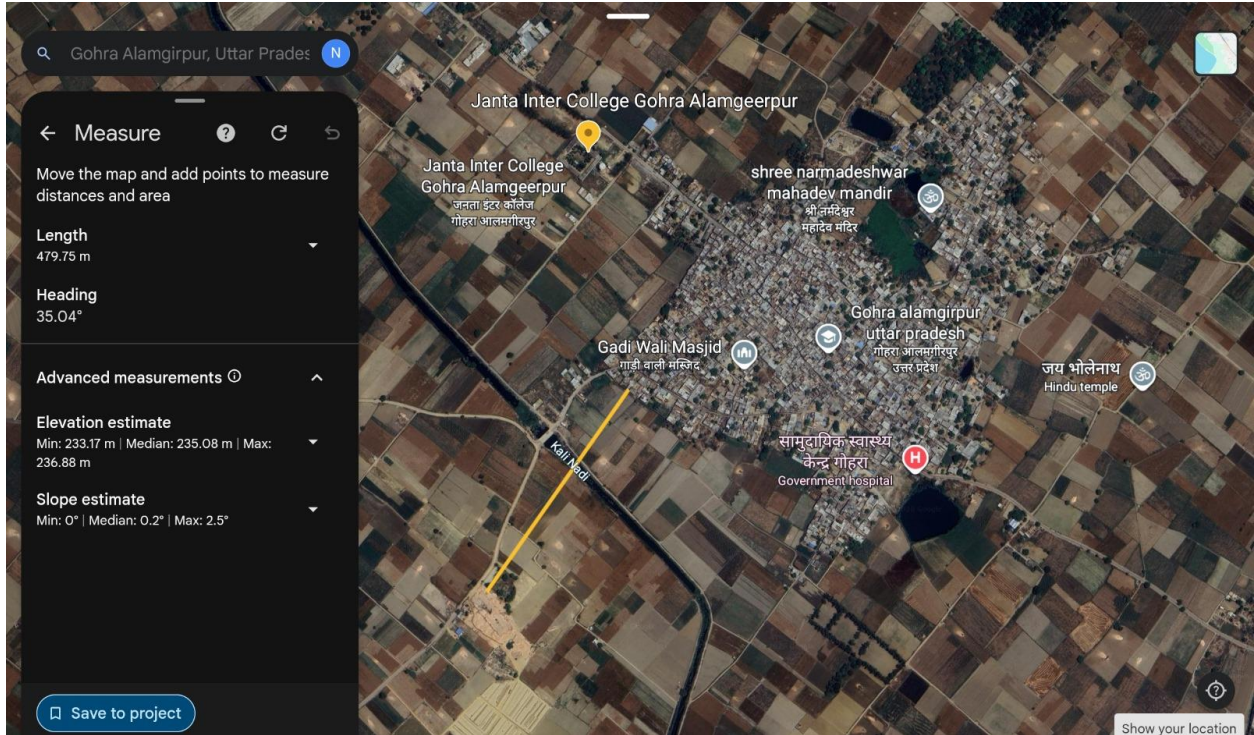
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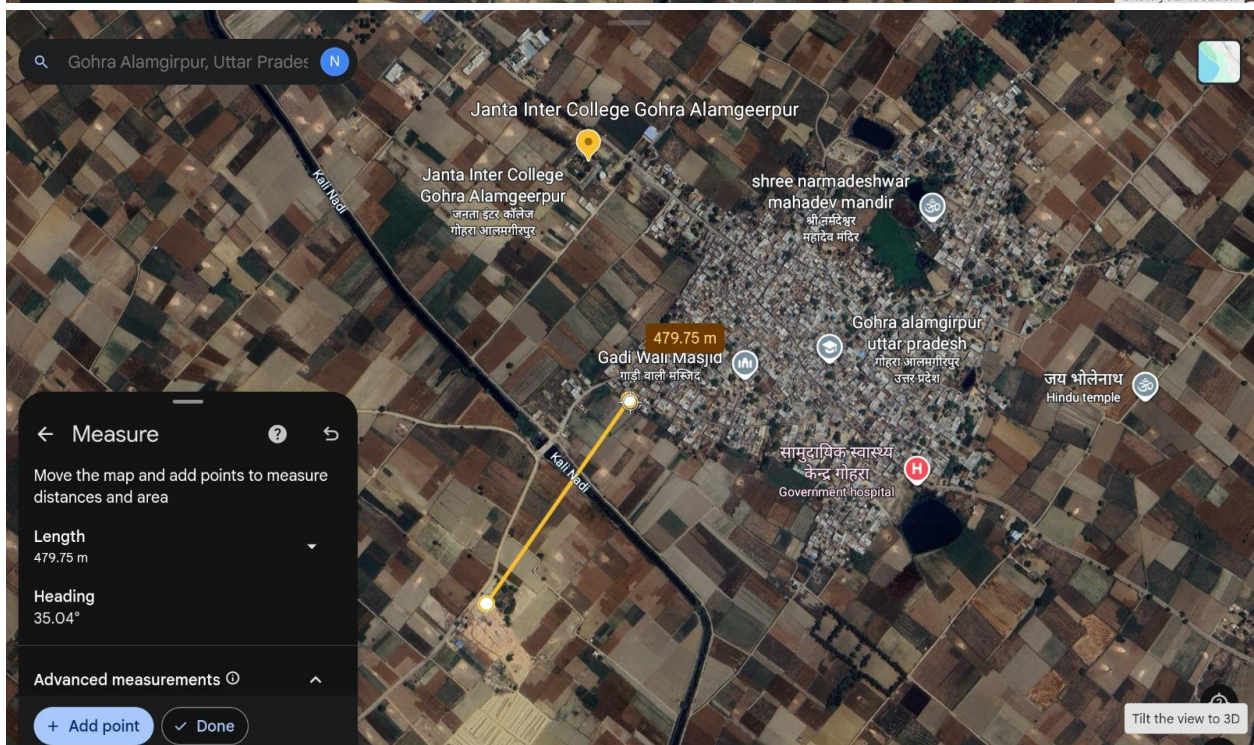
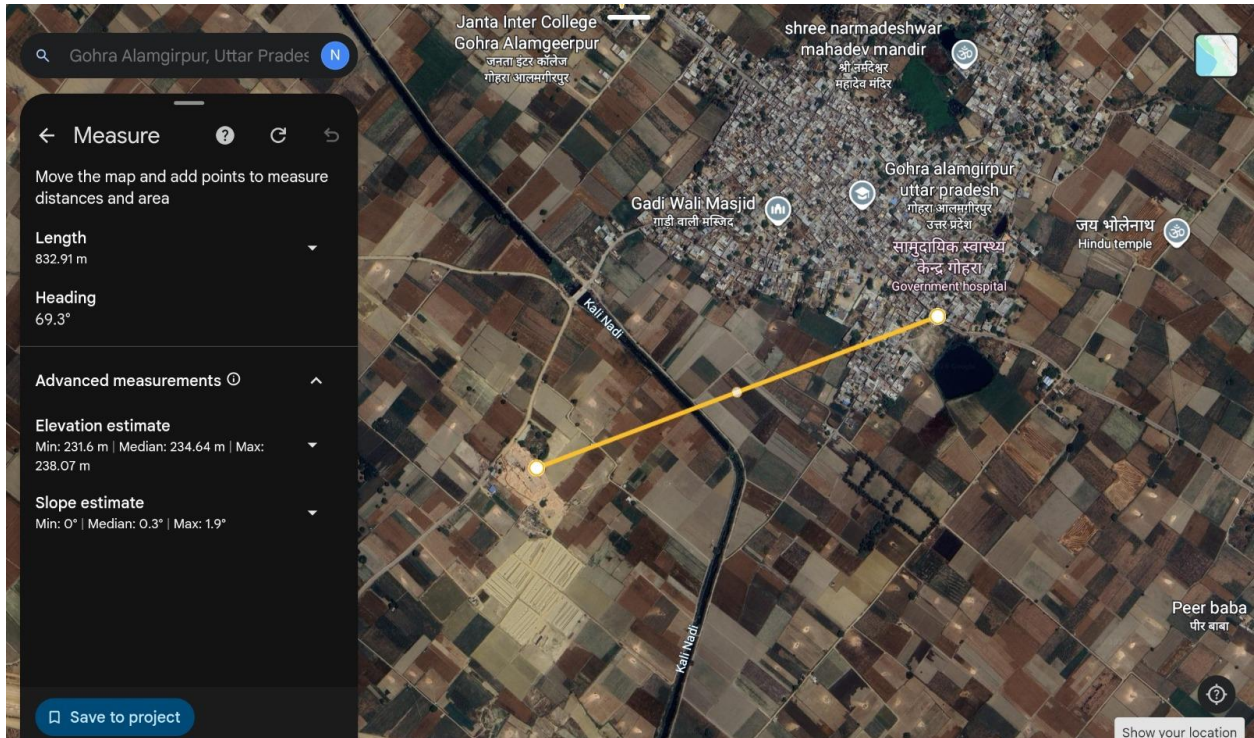
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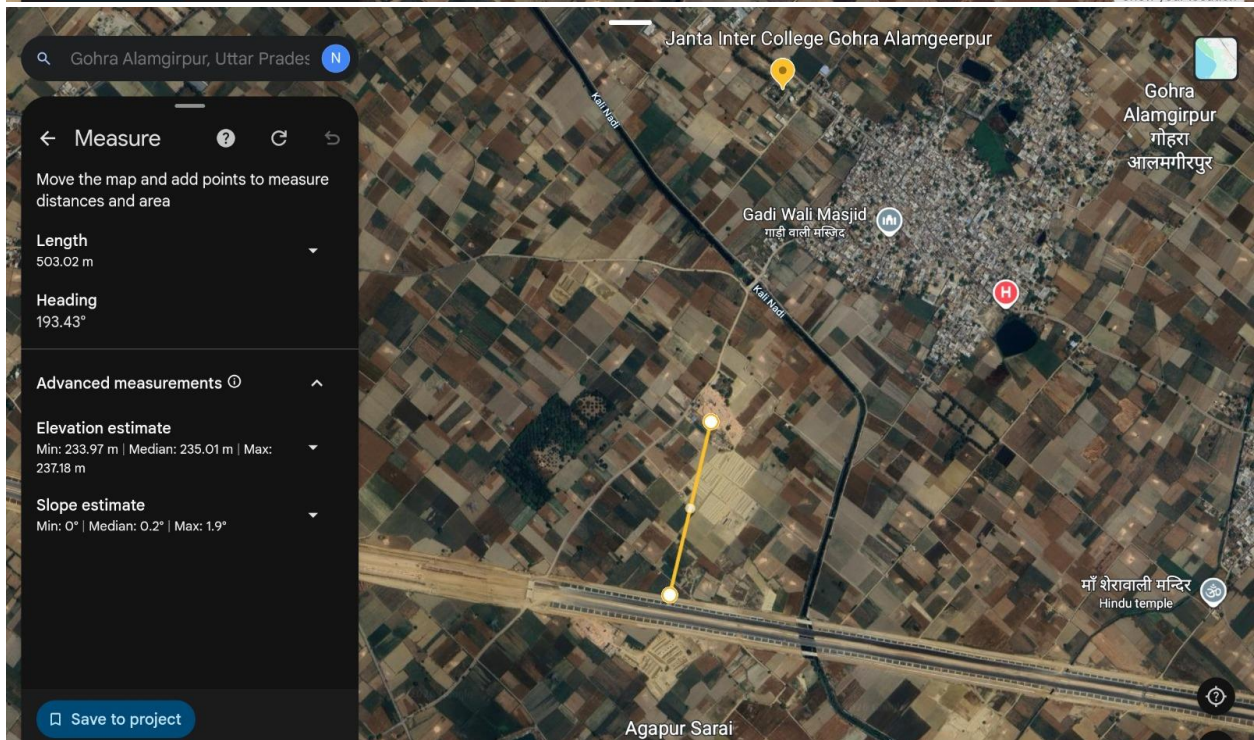
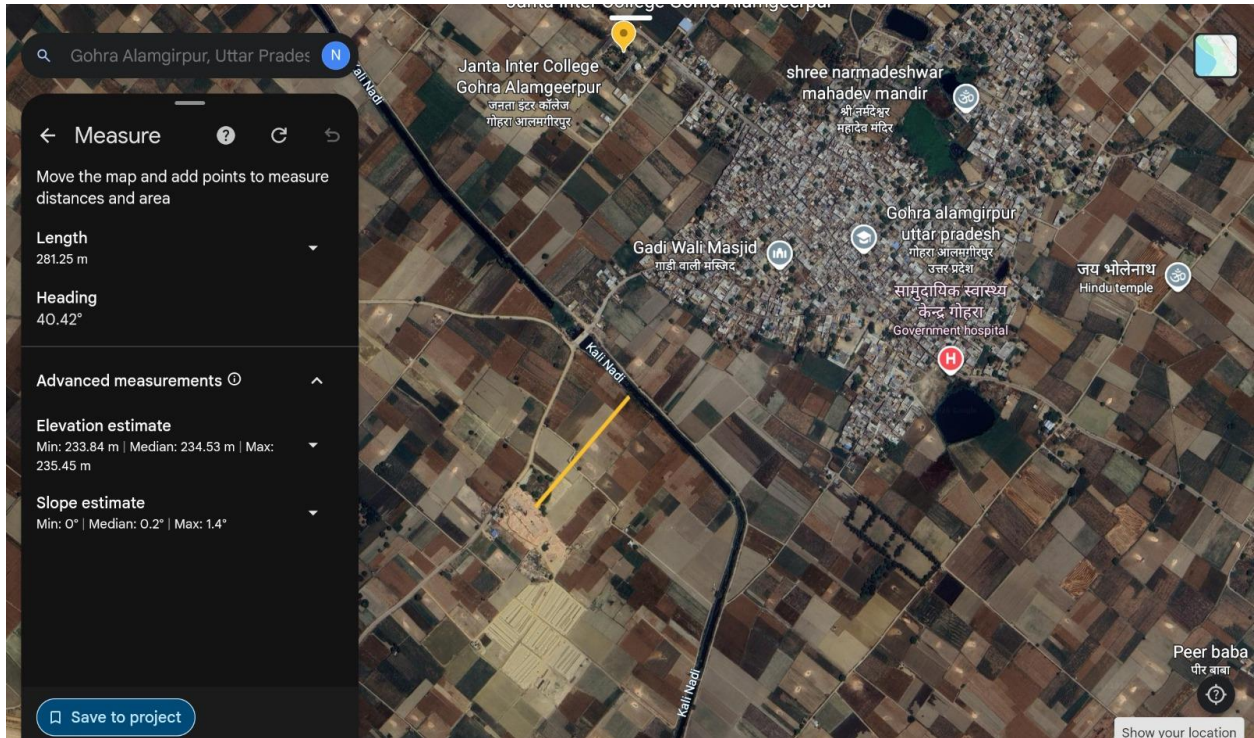
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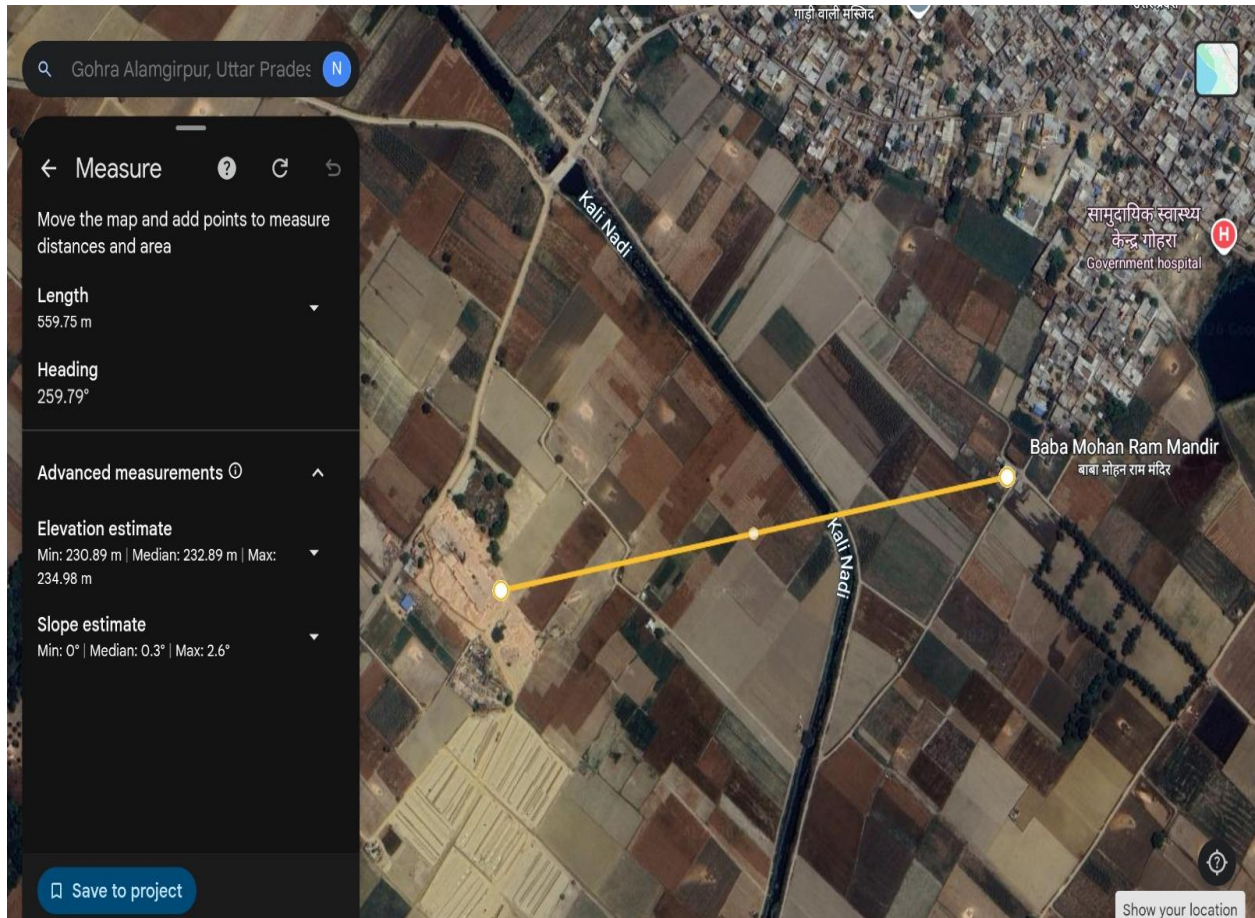




Distance from Brick Kiln to Abadi Community Hospital



Distance from Brick Kiln to Nahar and Highway Road



Distance from Brick Kiln to temple