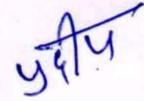


BEFORE THE NATIONAL GREEN TRIBUNAL, (NZ) DELHI**O.A. No. 329 of 2022****In Re:-****PRADEEP KUMAR****.....APPLICANT****VERSUS****CENTRAL POLLUTION CONTROL BOARD & ORS. RESPONDENTS**

s.no.	Particulars	Page No.	Court Fee
1.	REPLY FOR THE STATUS REPORT AND ACTION TAKEN REPORT (ATR) BY JOINT COMMITTEE BY ORDER DATED 28.11.2022 OF HON'BLE TRIBUNAL BY THE APPLICANT	2-5	-
2.	Annexure A1 PHOTOGRAPHS DATED 06.03.2023 & 14.04.2023 TAKEN BY THE APPLICANT SHOWING RESPONDENT NO. 5 IN OPERATION THE BRICK KILNS IN CONTRAVENTION OF THE ACTION TAKEN REPORTS BY JOINT COMMITTEE.	6-9	-

Date: 15.04.2023

Place: KAIRANA, U.P

**APPLICANT****PRADEEP KUMAR S/O BABU RAM,
R/O VILLAGE & POSTOFFICE- UNCHA GAON,
PARAGNA & TEHSIL- KAIRANA, DISTRICT- SHAMLI
UTTAR PRADESH- 247774**



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BEFORE THE NATIONAL GREEN TRIBUNAL, (NZ) DELHI

O.A. No. 329 of 2022

In Re:-

PRADEEP KUMAR

.....APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

..... RESPONDENTS

**REPLY TO THE STATUS REPORT AND ACTION TAKEN REPORT (ATR) BY THE
JOINT COMMITTEE BY ORDER DATED 28.11.2022 OF HON'BLE TRIBUNAL BY
THE APPLICANT**

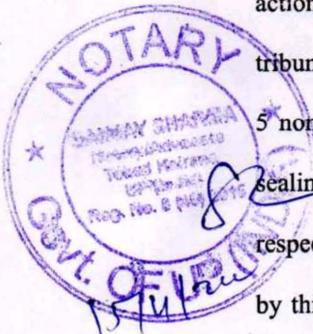
I, PRADEEP KUMAR S/O BABU RAM, AGED ABOUT 44 yrs., R /O VILLAGE & POSTOFFICE- UNCHA GAON, PARAGNA & TEHSIL- KAIRANA, DISTRICT- SHAMLI, UTTAR PRADESH- 247774, do solemnly affirmed and states as under:

1. That I am the applicant and complainant in the matter mentioned above and I am well conversant with the facts and circumstances of the case. Therefore, I am competent to swear this affidavit.
2. That the joint committee was constituted by the Hon'ble tribunal by order dated 11.05.2022 by this Hon'ble Tribunal in above said matter.
3. That the joint committee submitted the compliance report to the direction issued on 11.05.2022 by the Hon'ble Tribunal and gave separate conclusions and recommendations for Respondent no. 4 and Respondent no. 5 respectively in para 3.3 and 3.4 of Respondent no. 4 and sub para 3.3 and 3.4 under para 4.1 for Respondent no. 5 respectively in the compliance report to the direction issued on 11.05.2022 by the Hon'ble Tribunal.



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4. That the joint committee in compliance report filed as per direction issued on 11.05.2022 clearly found out the both the respondent i.e., Respondent no. 4 and Respondent no. 5 were not complying with various notifications and were polluting unit and creating the pollution of various types. The joint committee in action sealed ID fan and filled the firing chamber with water so that operation of both the respondent may be stopped. Therefore, the joint committee recommended the imposition of the environmental compensation on both the Respondents i.e., Respondent no. 4 and Respondent no. 5 as evident by the **Annexure-5** and **Annexure-8** of the compliance report to the direction dated 11.05.2022 by this Hon'ble Tribunal.
5. That the Hon'ble Tribunal by order dated 03.08.2022 directed the state PCB to take remedial action including the closure of the brick kilns, imposition and realization of the environmental compensation and prosecution of the proprietors by due process of law and further submit the Action taken report. The State PCB submitted the further action taken report in compliance with the order dated 03.08.2022 by this Hon'ble tribunal and State PCB mentioned the sealings were intact, found respondent no. 4 and 5 non- operational submitted the photographs which were taken during time of the sealing the Respondent no. 4 and Respondent no. 5 as **Annexure- 2** and **Annexure- 12** respectively of the action taken report in compliance with the order dated 03.08.2022 by this Hon'ble Tribunal. This Hon'ble Tribunal being not satisfied with the Action taken report in compliance to order dated 03.08.2022 again directed the joint committee to submit factual and action taken report by order dated 28.11.2022.
6. That the joint committee again submitted the action taken report in compliance with order dated 28.11.2022 by this Hon'ble Tribunal. In this reported the State PCB visited the Respondent no. 4 and Respondent no. 5 on 15.09.2022 and found them to be non-



5/11/2022

operational during their visit as evident by **Annexure 1** and **Annexure 2** of the said action taken report in compliance to order dated. 28.11.2022.

7. That the above said action taken report states that during the inspection the respondent no. 4 and respondent no. 5 were found non- operational and seal were well intact. The joint committee sealed the Respondent no. 4 and Respondent no. 5 were sealed so that their operation could be halt and their operation can be monitored. To investigate this the applicant visited the site of both the Respondents i.e., Respondent no. 4 and Respondent no. 5 on 06.03.2023 and 14.04.2023 and to his utter shock *the applicant found that the Respondent no. 5 is operational and operating at full capacity in contraventions to orders of the State PCB and this Hon'ble tribunal. The photograph taken by applicant on 06.03.2023 and 14.04.2023 at the site of the Respondent no. 5 is annexed as Annexure -A.*

8. That applicant gathers some courage and tried to find out that why the brick kiln is in operation i.e., Respondent no. 5 but all goes in vain. The applicant even tried to found out from the officials of the State PCB regarding the operational status of the Respondent no. 5 but to the utter shock he was not given any information.

9. That the Respondent no. 5 is being operative is again not using any remedial steps for protection of the environment and not even for safeguard or protection of the environment. The Respondent no. 5 again started running the Brick Kiln for his gain by polluting the environment as alleged in original application. The brick kiln is in operation in contravention to the action taken by the State PCB as stated and mention in the status and Action taken report by the joint committee and even to the various notification by the MOEF&CC and to various direction and orders passed by this Hon'ble Tribunal.



5/5/23

10. That the applicant humbly prays before this Hon'ble tribunal to take the above submission on record and may form part of the status report in compliance for order dated 28.11.2022 by this Hon'ble Tribunal of the Joint Committee and to pass proper orders and direction to the State PCB for the benefit of the environment safety and well being of the human kind and the justice.

NOTARY Signature of L.T.I. ५४५

DEPONENT

VERIFICATION:-

I, PRADEEP KUMAR, the applicant herein, do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and grounds are based on legal advice and I have not suppressed any material facts.

Date: 15.04.2023
Place: KAIRANA, U.P

Attested

Signature of L.T.I.

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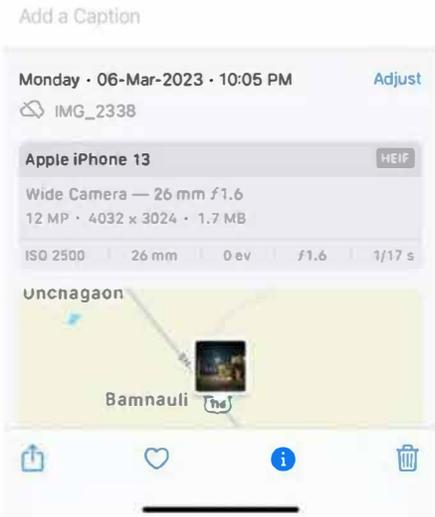
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REG. NO. 8(42)/2015
CIVIL COURT KAIRANA

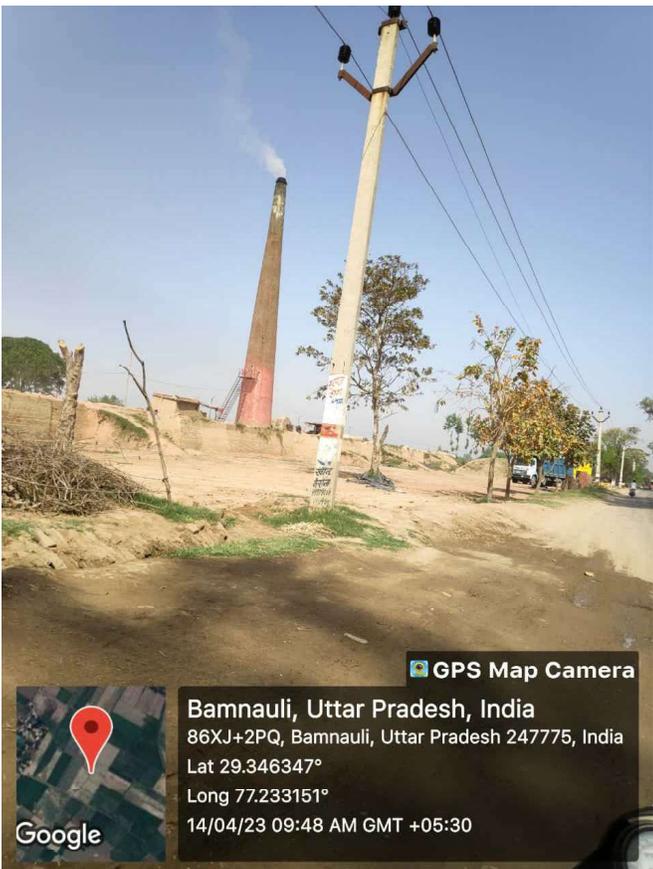
परिवारिक विषय
पक्षकारों के बीच
जोर उठाने से बचना
और नोटरी के समक्ष
प्रस्तुत किए

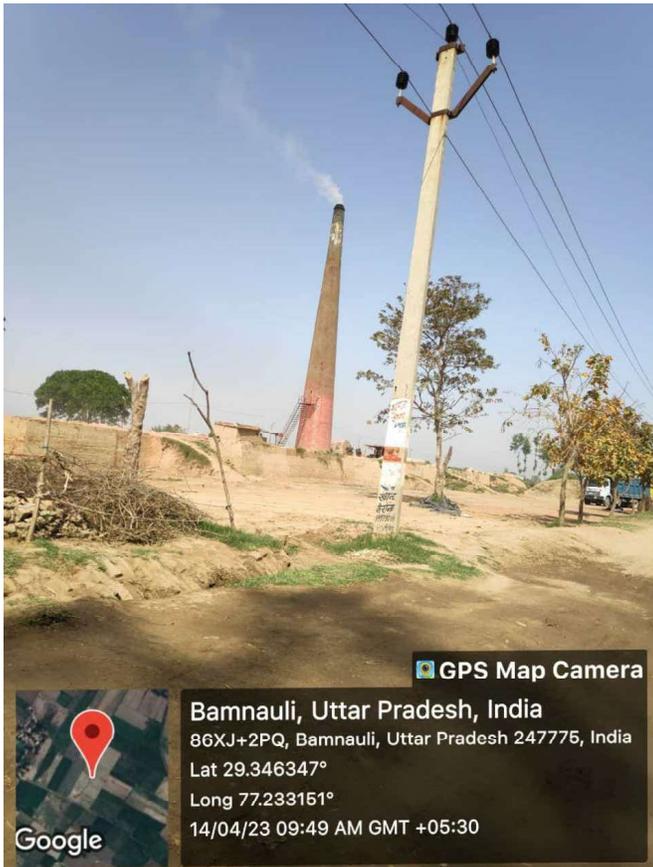
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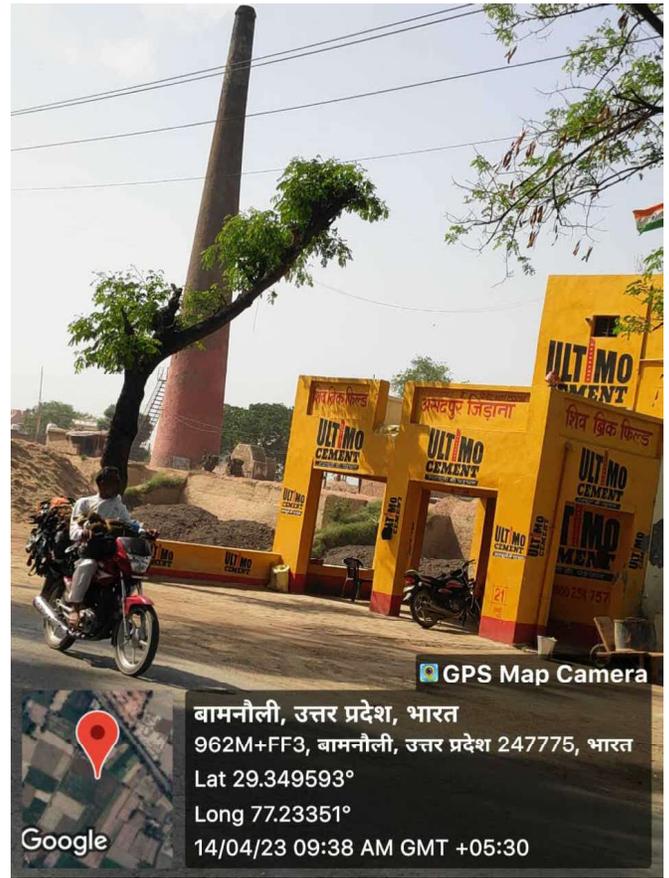
नाम श्री प्रदीप कुमार / उधल सिंह
उचा गाँव











This Annexure is copy of photos taken by the Applicant on 06.03.2023 and 14.04.2023 with location, when the applicant found out that the R-5 is operational in contravention to various notifications and Orders by this Hon'ble Tribunal.

Dated : 15.04.2023