

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW
DELHI

Original Application No. 811 of 2022

Tarsem Singh Pathania

--Applicant

Versus

State of Punjab

--Respondents

Reply of Punjab Pollution Control Board i.e. respondent no.2 in compliance of order dated 5.12.2023 through Additional Senior Environmental Engineer, Regional Office, Hoshiarpur.

Respectfully showeth:

- 1) That briefly submitted that the Hon'ble National Green Tribunal has registered Original Application No. 811 of 2022 titled as Tarsem Singh Pathania v/s State of Punjab in respect of illegal mining and excavation of soil adjacent to agriculture land by deploying heavy machinery by M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab and vide order dated 5.1.2023 has constituted a Joint Committee comprising of Punjab Pollution Control Board and District Magistrate, Hoshiarpur with direction to file factual as well as action taken report.
- 2) That in compliance of the order dated 5.1.2023 of the Hon'ble Tribunal, the Deputy Commissioner, Hoshiarpur has constituted a 04 member committee under Sub Divisional Magistrate, Hoshiarpur comprising of Environmental Engineer, Punjab Pollution Control Board (PPCB),

Hoshiarpur; XEN, Drainage-cum-District Mining Officer (DMO), Hoshiarpur; and District Food and Supplies Controller (DFSC), Hoshiarpur. The SDM Hoshiarpur has forwarded the report of 04 member committee vide letter bearing No. 454/MC dated 07.03.2023 to the office of Deputy Commissioner, Hoshiarpur. As per the report, the Committee members inspected the spot of the alleged illegal mining on 23.02.2023 in the presence of the representative of the complaint and the owner of the brick kiln.

- 3) That the Committee in its report has averred that in light of the spot visit, statements recorded, report of the Mining Department and the Circle Revenue Officer, it is clear that Yashpal Gupta, the owner of M/s Billa Brick Kiln, has illegally excavated sand and earth from 15-20 acres of land owned by him in the past several years. Due to the hilly nature of this area, the terrain is undulating at many places. The BKO has excavated about 10 feet sand/ earth at many places while at some places, he has excavated about 4 feet. The Committee took report from the Mining Department, which has assessed that about 140,356 MT of earth has been illegally excavated/mined from the said area. The Mining Department has lodged FIR against the said Brick Kiln Owner (BRO) under Section 80 of the Punjab Mineral Act, 2013 for doing illegal sand/earth mining at the spot and royalty / penalty of Rs.1,02,81,077/- has been imposed upon the brick kiln. However, the amount of royalty / penalty has not been deposited by the brick kiln.
- 4) That after consideration of the report filed by the Joint Committee and subsequent reply filed by the Punjab Pollution Control Board, the Hon'ble National Green Tribunal vide order dated 5.12.2023 has observed that the response of the Punjab Pollution Control Board does not disclose any action taken against the brick kiln.
- 5) That it is relevant to mention here that the brick kiln namely (M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab) was granted consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTO/Air/Renewal/HSP/2019/

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10265366 dated 02.07.2019 valid upto 30.09.2023 with special condition that the brick kiln shall obtain Environmental Clearance under EIA notification for mining of brick clay to be used as raw material for manufacturing of bricks at the site. The brick kiln has not obtained the renewal of consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 after the expiry of the consent on 30.9.2023. In view of the facts and circumstances of the case, the Board after issuance of notices had issued directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 and u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 on 1.12.2023 to the effect that the brick kiln shall not operate without obtaining the consents of the Board.

- 6) That after further consideration of the matter, the Board vide letter no. 5731 dated 1.1.2024 has issued a show cause notice to M/s Bills Brick Industry for violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and for imposition of environmental compensation due to environmental damaged caused by illegal earth mining and for violation of the aforesaid Acts alongwith an opportunity of hearing on 8.1.2024 before the Chairman of the Board. The officers of the Department of Water Resources and Mining were also requested to attend the hearing on 8.1.2024. A copy of show cause notice issued vide letter no. 5731 dated 1.1.2024 is enclosed herewith as **Annexure R-2/A**.
- 7) That Sh. Kashish Thakur, Advocate appeared for hearing before the Chairman of the Board on 8.1.2024 on behalf of the Brick Kiln and submitted an authority letter (Vakalatnama from Sh. Yashpal Gupta) to present the matter. The Advocate, however, has not submitted any written reply or any other documents and in response to a specific query expressed ignorance regarding the obtaining of Environmental Clearance by the brick kiln owner for carrying out mining activity for the brick kiln as stipulated in the consent to operate granted to the industry under the Air (Prevention and Control of Pollution) Act, 1981. The Advocate also failed


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to submit reply to the other observations mentioned in the show cause notice dated 01.01.2024.

8) That the officers of the Department of Water Resources (Mines & Geology) Punjab submitted written reply vide letter no. 67 dated 08.01.2024, which was taken on record. The contents of the letter are reproduced herein below:

- a) Under the provisions of Punjab Minor Mineral (2nd Amendment) Rules, 2021, it is mandatory for all the brick kilns to obtain permit / license on Form-B-1 from the Department of Water Resource (Mines & Geology) Punjab for carrying out for excavation of brick earth. Under these rules, excavation of brick earth from area upto 02 acres and depth upto 3 ft. shall be considered as non-mining activities. Beyond that limit, if excavation is to be carried out, then K-1 permit is required for which Environment Clearance under EIA Notification, 2006 is mandatory.
- b) In the land in question, Sh. Yashpal Gupta owner of the land as well as M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur has carried out excavation in an area of more than 15 Acres. This excavation ranges from 4-10 ft. Total quantum of excavation was 1,40,356 MT. Thus, the activity / excavation carried out by Sh. Yashpal Gupta violates the non-mining exemption and attracts the provisions of EIA Notification, 2006.
- c) Sh. Yashpal Gupta, the owner of the land and the brick kiln has neither obtained permit / license (Form B-1) nor Form K-1 from the Department of Water Resource (Mines & Geology) Punjab. Further, no Environment Clearance under EIA Notification, 2006 has been submitted by Sh. Yashpal Gupta to this Department for the excavation carried out.

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- d) The action plan prepared by DECC, Chandigarh and received to our department vide no. 642-43 dated 29.09.2021 is for assessment and recording of compensation for illegal sand mining whereas, this office has penalized the owner of the land and M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur for illegal excavation of ordinary earth.
- e) The Department of Water Resource (Mines & Geology) Punjab has assessed and imposed penalty for illegal excavated ordinary earth amounting to Rs. 1,02,81,077/-. This penalty is only on account of royalty recovered under Rule 85 (5) of PMMR, 2013 and does not cover any environment damaged or environmental compensation.
- f) Department of Water Resource (Mines & Geology) Punjab has already logged and FIR in the matter u/s 21(1) of MMDR Act, 1957.
- 9) That the officers of the Regional Office, Hoshiarpur of the Board apprised about the fact relating to the brick kiln and stated that the brick kiln was granted consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTO/Air/Renewal/HSP/2019/10265366 dated 02.07.2019 valid upto 30.09.2023 with special conditions that the BKO will obtain Environmental Clearance under EIA Notification for mining of brick clay to be used as raw material for manufacturing of brick at site immediately. As per the Department of Water Resource (Mines & Geology) Punjab, the brick kiln has carried out excavation of more than 3 ft., as such the activity attracts the provisions of EIA Notification 2006. However, as per the records available with this office, the brick kiln has not obtained the Environment Clearance. Hence, the brick kiln owner has violated the conditions of the consent granted by the Board and accordingly suitable Environment Compensation is required to be imposed. The officers stated that the CPCB has prescribed methodology for Environment Compensation for the industries for the violation of

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consent conditions as per formula: $EC = PI \times N \times R \times S \times LF$ with minimum Rs. 5000/- per day. As per the contents of the application form, the brick kiln has applied for consent for 200 working days in a year. The officers stated that in view of violations committed by the brick kiln, Environmental Compensation amounting to Rs. 44.15 lac has been calculated in consultation with the EC Verification Committee in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board.

10) That after hearing the case and considering the relevant factors, the Chairman of the Board has decided as under:

- a) Environmental Compensation shall be imposed and recovered from the owners of M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur for the period from the date of issuance of consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 i.e. 02.07.2019 upto date of issue of directions u/s 31-A of the Air Act, 1981 to the industry for not to operate the brick kiln i.e. 01.12.2023. Working days (200 per year) as mentioned by the industry in the application form are to be considered for calculation of EC.
- b) Accordingly, Officers of the Regional Office, Hoshiarpur has calculated the EC amount in consultation with the EC verification committee of Rs. 44.15 lacs for the period of violation of 883 days (from 02.07.2019 to 01.12.2023).
- c) Separate speaking order shall be issued in view of the facts and circumstances of the case.

11) That the proceedings of the hearing held on 8.1.2024 were conveyed to M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab vide letter no. 26 dated 9.1.2024 and a copy of the same is enclosed herewith as **Annexure R-2/B**.


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- 12) That in compliance to the decisions taken during the hearing on 8.1.2024, the Chairman of the Board has passed a separate speaking order bearing no. 25 dated 16.01.2024 in the case for imposition of Environmental Compensation amounting to Rs.44.15 Lakh for the period of violation of 883 days from 2.7.2019 to 1.12.2023. A copy of the order dated 16.01.2024 is enclosed herewith as **Annexure R-2/C**.
- 13) The orders dated 16.01.2024 for imposition of Environmental Compensation have been conveyed to M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab vide letter no. 201 dated 18.01.2024 a copy of which is enclosed as **Annexure R-2/D**.
- 14) That the reply of the Board is submitted for perusal and consideration of the Hon'ble Tribunal.

Submitted by

(Shiv Kumar)

Dated:- 23.01.2024

Additional Senior Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Hoshiarpur
on behalf of Punjab Pollution Control Board
(Respondent no.2)



Punjab Pollution Control Board



Phone No. 0181-2601612

www.ppcb.gov.in

Email ID - sccppcbjal@gmail.com

No. 5731
To

Registered

Date 01/01/24

M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta),
Village Bassi Hast Khan,
District Hoshiarpur.

Subject: Show cause notice for violation of the provisions Water Act, 1974 & Air Act, 1981 and notice for imposition of Environmental Compensation (EC) due to the environmental damaged caused due to illegal earth mining and for the violation of the aforesaid acts.

The Parliament of India had enacted the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain rules under the provisions of the Environment (Protection) Act, 1986 to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and for maintaining or resorting the wholesomeness of water and to preserve the quality of air;

And whereas, in compliance of Hon'ble National Green Tribunal Orders dated 26.2.2021 in O.A No. 360/2015 & directions issued by the Central Pollution Control Board u/s 5 of EPA 1986 vide letter dated 11.6.2021, Directorate of Environment & Climate Change (DECC), Govt. of Punjab vide letter no. DECC/2021/642-643 dated 29.09.2021 has prepared an Action Plan for Assessment and Recovery of Compensation for illegal sand mining.

And whereas, the National Green Tribunal (NGT), New Delhi through its various orders/ Judgments (order dated 3.8.2018, 19.2.2019 passed in Original Application No. 597 of 2017, order dated 6.12.2018 passed in Original Application No. 125 of 2017 and M.A No. 1337 of 2018, order dated 13.12.2018 passed in Original Application No. 1038 of 2018, order dated 12.3.2019 passed in Original Application No. 710 of 2017 Original Application No. 711, 712 of 2017) has empowered the Central Pollution Control Board (CPCB) by laying down the methodology to assess and recover compensation for damage to the environment and utilize such amount in terms of an action plan for protection of the environment. The CPCB has formulated the methodology for assessing Environmental Compensation on the basis of formula submitted to the NGT as mentioned in its order dated 19.2.2019 passed in original application No. 593 of 2017 and the Punjab Pollution Control Board has adopted the said methodology;

And whereas, the concepts of Sustainable Development and Precautionary Principle have been considered by the Supreme Court of India in M.C Mehta v/s Union of India and Others and the same were held to be accepted as part of the law of the land;

And whereas, the Supreme Court India has also considered the concept of Polluter Pays Principle in Indian Council for Enviro Legal Action and other v/s Union of India and Others (1996) 3 SCC 212 para 16; Vellore Citizens Welfare Forum v/s Union of India (1996) 5 SCC 647 para 12-18 and held that Polluter Pays Principle is accepted principle and part of environmental law of the Country even without specific statute;

And whereas, it is mandatory on the part of the Brick Kiln to obtain the 'consent to operate' of the Board under the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1981 for discharge of emission from the premises and to operate outlet.

And whereas, the brick kiln has not obtained the renewal of the consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 after expiry of the consents on 30.9.2023 and has not obtained consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 from the Board. The Board has issued notices in this regard vide letter no. 1652 dated 04.10.2023 and 2072 dated 24.11.2023, respectively to the brick kiln.

And whereas, the consent to operate earlier granted to the industry under the Air Act, 1981 stipulates that the brick kiln shall obtain Environmental Clearance under EIA notification for mining of brick clay to be used as raw material for manufacturing of bricks at site immediately.

And whereas, directions u/s 31-A of Air (Prevention of Control of Pollution) Act, 1981 and u/s 33-A of Water (Prevention of Control of Pollution) Act, 1974 was issued to the Brick Kiln by the Punjab Pollution Control Board vide Board's letter no. 5354 dated 01.12.2023 to the effect that the BKO shall not operate the brick kiln without obtaining the valid consents of the Board under Air (Prevention of Control of Pollution) Act, 1981 and Water (Prevention of Control of Pollution) Act, 1974, District Food Supplies & Controller, Hoshiarpur, is directed to ensure that the brick kiln shall not be operated without the valid consents of the Punjab Pollution Control Board and not renewed license of the BKO without valid consents to operate of the Punjab Pollution Control Board.

And whereas, an Original Application No. 811 of 2022 titled as Tarsem Singh Pathania Versus State of Punjab was registered by the Hon'ble National Green Tribunal on the basis of letter petition making a complaint that one Yashpal Gupta owner of M/s. Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab was engaged in the activity of excavating soil adjacent to the agricultural land, by deploying machines like JCB, etc. resulting into diversion of water flow of rivulet existing in the area. It is expressed that such an activity has resulted into the apprehension of flooding of the area and hazard of soil erosion.

And whereas, the Hon'ble Tribunal was pleased to constitute a joint Committee comprising of State Pollution Control Board and District Magistrate, Hoshiarpur, Punjab who shall visit the site, collect relevant information and submit a factual as well as action taken.

And whereas, the Deputy Commissioner, Hoshiarpur has constituted a 04 member committee under Sub Divisional Magistrate, Hoshiarpur comprising of Environmental Engineer, Punjab Pollution Control Board (PPCB), Hoshiarpur; XEN, Drainage-cum-District Mining Officer (DMO), Hoshiarpur; and District Food and Supplies Controller (DFSC), Hoshiarpur. From the complainant's side, Satpal-Singh s/o Harbans Lal r/o Village Nandgarh, Post Office Mehlanwali, and the respondent Yashpal Gupta s/o Hans Raj r/o House No. 255, Gali No. 4, Shalimar Nagar, Hoshiarpur, accompanied the Committee members during the visit.

And whereas, the Committee in its report, has averred that in light of the spot visit, statements recorded, report of the Mining Department and the Circle Revenue Officer, it is clear that Yashpal Gupta, the owner of M/s Billa Brick Kiln, has illegally excavated sand and earth from 15-20 acres of land owned by him in the past several years. Due to the hilly nature of this area, the terrain is undulating at many places. The BKO has excavated about 10 feet sand/ earth at many places while at some places, he has excavated about 4 feet. The Committee took report from the Mining Department, which has assessed that about 140,356 MT of earth has been illegally excavated/mined from the said area. The Mining Department has further reported there is no identified choe passing through the concerned place i.e. the said spot where the inspection was made. Also, as per the report of the Circle Revenue Patwari, Khasra No. 514 measuring 02 Kanal-18 Marla Gair Mumkin Rasta, which as per the revenue record is Mushtarka Malkanas per the Ownership Column, and Sareaam as per the Cultivation Column but there is no physical Rasta in existence at the spot because of illegal mining having been done there. The Mining Department has lodged FIR against the said Brick Kiln Owner

(BRO) under Section 80 of the Punjab Mineral Act, 2013 for doing illegal sand/earth mining at the spot.

And whereas, XEN (Drainage)-cum-District Mining Officer (DMO) Hoshiarpur Drainage Division, Hoshiarpur, vide letter bearing no. 1847/M. Notice dated 22.05.2023 to the District Collector, Hoshiarpur has requested for effecting recovery of Rs. 1,02,81,077/7-, which is the royalty /penally assessed by the Mining Department for the 1,40,356 MT of earth illegally excavated/ mined from the said area, from Yashpal Gupta, the owner of M/s Billa Brick Industry B.K.O.No.114H, Village Bassi Hast Khan, District Hoshiarpur as Arrears of Land Revenue.

And whereas, the Hon'ble NGT orders dated 05.12.2023 has passed certain directions and the operative part is reproduce as below:-

"2. In terms of the earlier order of the Tribunal, the reply on behalf of respondent no. 2, Punjab Pollution Control Board has been filed disclosing that respondent no. 4 has excavated about 10 feet earth at many places while at some places it has excavated about 4 feet. The report though states about the action taken by the Mining Department for illegal excavation/mining by respondent no. 4 but it does not disclose any action by the Punjab Pollution control Board. Learned Counsel appearing for Punjab Pollution Control Board is also unable to disclose any action taken towards imposition of EC and for its recovery.

The next date of the case is 29.01.2024."

And whereas, the brick kiln & its owners has violated the provisions of Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and has illegally excavated sand and earth and caused damaged to the Environment as detailed above.

And whereas, in view of the above stated facts and after considering all the aspects of the case, the Competent Authority has observed that the above violations on the part of brick kiln and its owner have caused environmental damage which are required to be recover in the form of environmental compensation. Therefore, it has been decided to issue a notice to the brick kiln and its owners with an opportunity of personal hearing before Chairman of the Board proposing to impose the Environment Compensation for causing damage to the environment as detailed above and for issuing any other directions as deemed fit under the provisions of environmental laws.

As such, you are, hereby, given an opportunity of personal hearing to file objections, if any, on the proposed notice before the Chairman of the Board on 08.1.2024 at 11:00 AM in the office at Vatavaran Bhawan, Nabha Road, Patiala personally to explain the position, failing to appear in person by the brick kiln owner(s), action as deemed fit in the matter shall be taken in absentia on the merits, without giving any further notice/ opportunity.

This issues with prior approval of Competent Authority of the Board

For & on behalf of
Punjab Pollution Control Board

Through email / Registered Post

Endst. No. 5732-33

Dated 01/01/24

A copy of the above is forwarded to the following with request to attend the hearing on 08.1.2024 and to assess Environmental Compensation on the basis of Action Plan prepared for assessment and Recovery of Compensation for illegal sand mining vide letter no. DECC/2021/642-643 dated 29.09.2021:

- 1) The Chief Engineer (Drainage Cum Mines & Geology), Department of Water Resources, Chandigarh
- 2) Executive Engineer-Cum-District Mining Officer, Department of Water Resources, Hoshiarpur.

For & on behalf of
Punjab Pollution Control Board

Endst. No. 5734-36

Dated 01/01/24

A copy of the above is forwarded to the following with intimation that the competent authority has desired that the officers shall remain personally present to explain the case during the hearing.

- 1) The Chief Environmental Engineer, PPCB, Jalandhar.
- 2) The Senior Environmental Engineer, Zonal office, PPCB, Jalandhar.
- 3) The Senior Law officer, PPCB, Patiala.

For & on behalf of
Punjab Pollution Control Board

Endst. No. 5737

Dated 01/01/24

A copy of the above is forwarded to the Senior Environmental Engineer, HQ-1, Head Office, Patiala. He is also requested to make draft calculation of imposition of Environmental Compensation to be impose on the BKO and its owner for violation mentioned above and present the same during the hearing.

For & on behalf of
Punjab Pollution Control Board

Endst. No. 5738-39

Dated 01/01/24

A copy of the above is forwarded to the following and requested to ensure the delivery of notice to the BKO and concerned. The competent authority has desired that the officers shall remain personally present to explain the case alongwith complete record during the hearing.

- 1) The Additional Senior Environmental Engineer, Regional Office, Hoshiarpur.
- 2) The Asstt. Environmental Engineer, Regional Office, Hoshiarpur.

For & on behalf of
Punjab Pollution Control Board



Punjab Pollution Control Board



Zonal office, Near PSIEC, Water Tank, Focal Point, Jalandhar

Phone No. 0181-2601612

www.ppcb.gov.in

Email ID - scppcbjal@gmail.com

No. 26

(Regd.)

Date 9/1/2024

To

M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta),
Village Bassi Hast Khan,
District Hoshiarpur.

Subject: Proceedings of the personal hearing before Chairman of the Board on 08.01.2024 at Head office, Patiala for Show cause notice for violation of the provisions Water Act, 1974 & Air Act, 1981 and notice for imposition of Environmental Compensation (EC) due to the environmental damaged caused due to illegal earth mining and for the violation of the aforesaid acts. M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta), Village Bassi Hast Khan, District Hoshiarpur.

Following were present

On behalf of Board

1. Er. G.SMajithia, Member Secretary
2. Dr Krunesh Garg. CEE Jalandhar
3. Er. R.K. Ratra, SEE, Jalandhar
4. Er. Rakesh Nayyar, SEE HQ-1-cum-Head EC Committee
5. Er. Shiv Kumar, Add.SEE, Hoshiarpur
6. Sh. Amrik Singh, SLO, Head Office, Patiala
7. Er. Harinder Singh, EE-HQ-1-cum-EC Committee
8. Er. Jatinder Kumar, AEE-Hoshiarpur

On behalf of Department of Water Source (Mines & Geology) Punjab

1. Er. Damandeep Singh, Executive Engr.-cum- District Mining Officer, Hoshiarpur
2. Er. Manider Singh, Junior Engr-cum- Mining Inspector, Hoshiarpur.

On behalf of Brick Kiln

Sh. Kashish Thakur, Advocate

The officers brought out that, the brick kiln has not obtained the renewal of the consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 after expiry of the consents on 30.9.2023 and has not obtained consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 from the Board. The Board has issued notices in this regard vide letter no. 1652 dated 04.10.2023 and 2072 dated 24.11.2023, respectively to the brick kiln.

The consent to operate earlier granted to the industry under the Air (Prevention of Control of Pollution) Act, 1981 stipulates that the brick kiln shall obtain Environmental Clearance under EIA notification for mining of brick clay to be used as raw material for manufacturing of bricks at site immediately.

The directions u/s 31-A of Air (Prevention of Control of Pollution) Act, 1981 and u/s 33-A of Water (Prevention of Control of Pollution) Act, 1974 were issued to the Brick Kiln by the Punjab Pollution Control Board vide Board's letter no. 5354 dated

01.12.2023 to the effect that the BKO shall not operate the brick kiln without obtaining the valid consents of the Board under Air (Prevention of Control of Pollution) Act, 1981 and Water (Prevention of Control of Pollution) Act, 1974, District Food Supplies & Controller, Hoshiarpur, was directed to ensure that the brick kiln shall not be operated without the valid consents of the Punjab Pollution Control Board and not renew the license of the BKO without valid consents to operate of the Punjab Pollution Control Board.

An Original Application No. 811 of 2022 titled as Tarseem Singh Pathania Versus State of Punjab was registered by the Hon'ble National Green Tribunal on the basis of letter petition making a complaint that one Yashpal Gupta owner of M/s. Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab was engaged in the activity of excavating soil adjacent to the agricultural land, by deploying machines like JCB, etc. resulting into diversion of water flow of rivulet existing in the area. It is expressed that such an activity has resulted into the apprehension of flooding of the area and hazard of soil erosion.

The Hon'ble Tribunal was pleased to constitute a joint Committee comprising of State Pollution Control Board and District Magistrate, Hoshiarpur, Punjab who shall visit the site, collect relevant information and submit a factual as well as action taken report.

The Deputy Commissioner, Hoshiarpur has constituted a 04 member committee under Sub Divisional Magistrate, Hoshiarpur comprising of Environmental Engineer, Punjab Pollution Control Board (PPCB), Hoshiarpur; XEN, Drainage-cum-District Mining Officer (DMO), Hoshiarpur; and District Food and Supplies Controller (DFSC), Hoshiarpur. From the complainant's side, Satpal-Singh s/o Harbans Lal r/o Village Nandgarh, Post Office Mehlanwali, and the respondent Yashpal Gupta s/o Hans Raj r/o House No. 255, Gali No. 4, Shallmar Nagar, Hoshiarpur, accompanied the Committee members during the visit.

The Committee in its report, has averred that in light of the spot visit, statements recorded, report of the Mining Department and the Circle Revenue Officer, it is clear that Yashpal Gupta, the owner of M/s Billa Brick Kiln, has illegally excavated sand and earth from 15-20 acres of land owned by him in the past several years. Due to the hilly nature of this area, the terrain is undulating at many places. The BKO has excavated about 10 feet sand/ earth at many places while at some places, he has excavated about 4 feet. The Committee took report from the Mining Department, which has assessed that about 140,356 MT of earth has been illegally excavated/mined from the said area. The Mining Department has further reported there is no identified chow passing through the concerned place i.e. the said spot where the inspection was made. Also, as per the report of the Circle Revenue Patwari, Khasra No. 514 measuring 02 Kanal-18 Marla GairMumkin Rasta, which as per the revenue record is MushtarkaMalkanas per the Ownership Column, and Sareaam as per the Cultivation Column but there is no physical Rasta in existence at the spot because of illegal mining having been done there. The Mining Department has lodged FIR against the said Brick

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Kiln Owner (BRO) under Section 80 of the Punjab Mineral Act, 2013 for doing illegal sand/earth mining at the spot.

The XEN (Drainage)-cum-District Mining Officer (DMO) Hoshiarpur Drainage Division, Hoshiarpur, vide letter bearing no. 1847/M. Notice dated 22.05.2023 to the District Collector, Hoshiarpur has requested for effecting recovery of Rs. 1,02,81,077/-, which is the royalty /penalty assessed by the Mining Department for the 1,40,356 MT of earth illegally excavated/ mined from the said area, from Yashpal Gupta, the owner of M/s Billa Brick Industry B.K.O.No.114H, Village Bassi Hast Khan, District Hoshiarpur as Arrears of Land Revenue.

The Hon'ble NGT orders dated 05.12.2023 has passed certain directions and the operative part is reproduced below:-

"2. In terms of the earlier order of the Tribunal, the reply on behalf of respondent no. 2, Punjab Pollution Control Board has been filed disclosing that respondent no. 4 has excavated about 10 feet earth at many places while at some places it has excavated about 4 feet. The report though states about the action taken by the Mining Department for illegal excavation/mining by respondent no. 4 but it does not disclose any action by the Punjab Pollution control Board. Learned Counsel appearing for Punjab Pollution Control Board is also unable to disclose any action taken towards imposition of EC and for its recovery.

The next date of the case is 29.01.2024."

The brick kiln & its owners had violated the provisions of Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and had illegally excavated sand and earth and caused damage to the Environment as explained above.

In view of the above stated facts and after considering all the aspects of the case, it was decided to issue a notice to the brick kiln and its owners with an opportunity of personal hearing before Chairman of the Board proposing to impose the Environment Compensation for causing damage to the environment as explained above and for issuing other directions as deemed fit under the provisions of environmental laws.

Accordingly, the brick kiln owner was issued show cause notice letter vide Board's letter no. 5731 dated 01.01.2024.

During the hearing, Sh. Kashish Thakur, Advocate appeared on behalf of the Brick Kiln and submitted an authority letter (Vakalatnama from Sh. Yashpal Gupta) to present the matter on behalf of him and M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta), Village Bassi Hast Khan, District Hoshiarpur. The Advocate, however, has not submitted any written reply or any other documents, which is to be taken on record. In response to the specific query of the chair, The Advocate expressed ignorance regarding the obtaining of Environmental Clearance by the brick kiln owner for carrying out mining activity for the brick kiln as stipulated in the consent to operate

granted to the industry under the Air Act, 1981. The Advocate also failed to submit reply to the other observations mentioned in the show cause notice dated 01.01.2024.

The officers of the Department of Water Resource (Mines & Geology) Punjab submitted written reply vide letter no. 67 dated 08.01.2024, which is taken on record. The contents of the letter are reproduced herein below:

- 1) Under the provisions of Punjab Minor Mineral (2nd Amendment) Rules, 2021, it is mandatory for all the brick kilns to obtain permit / license on Form-B-1 from the Department of Water Resource (Mines & Geology) Punjab for carrying out for excavation of brick earth. Under these rules, excavation of brick earth from area upto 02 acres and depth upto 3 ft. shall be considered as non-mining activities. Beyond that limit, if excavation is to be carried out, then K-1 permit is required for which Environment Clearance under EIA Notification, 2006 is mandatory.
- 2) In the land in question, Sh. Yashpal Gupta owner of the land as well as M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur has carried out excavation in an area of more than 15 Acres. This excavation ranges from 4-10 ft. Total quantum of excavation was 1,40,356 MT. Thus, the activity / excavation carried out by Sh. Yashpal Gupta violates the non-mining exemption and attracts the provisions of EIA Notification, 2006.
- 3) Sh. Yashpal Gupta, the owner of the land and the brick kiln has neither obtained permit / license (Form B-1) nor Form K-1 from the Department of Water Resource (Mines & Geology) Punjab. Further, no Environment Clearance under EIA Notification, 2006 has been submitted by Sh. Yashpal Gupta to this Department for the excavation carried out.
- 4) The action plan prepared by DECC, Chandigarh and received to our department vide no. 642-43 dated 29.09.2021 is for assessment and recording of compensation for illegal sand mining whereas, this office has penalized the owner of the land and M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur for illegal excavation of ordinary earth.
- 5) The Department of Water Resource (Mines & Geology) Punjab has assessed and imposed penalty for illegal excavated ordinary earth amounting to Rs. 1,02,81,077/-. This penalty is only on account of royalty recovered under Rule 85 (5) of PMMR, 2013 and does not cover any environment damaged or environmental compensation.
- 6) Department of Water Resource (Mines & Geology) Punjab has already logged and FIR in the matter u/s 21(1) of MMDR Act, 1957.

Additional Senior Environmental Engineer, Regional Office, Hoshiarpur informed that the brick kiln was granted consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTO/Air/Renewal/HSP/2019/10265366 dated 02.07.2019 valid upto 30.09.2023. The brick kiln was granted consent to operate with special conditions that the BKO will obtain Environmental Clearance under EIA Notification for mining of brick clay to be used as raw material for manufacturing of brick at site immediately. As per the Department of Water Resource (Mines & Geology)

punjab, the brick kiln has carried out excavation of more than 3 ft., as such the activity attracts the provisions of EIA Notification 2006. However, as per the records available with this office, the brick kiln has not obtained the Environment Clearance. Hence, the brick kiln owner has violated the conditions of the consent granted by the Board and accordingly suitable Environment Compensation is required to be imposed. As per the application form, the brick kiln has applied for consent for 200 working days in a year.

Senior Environmental Engineer (HQ-1)-cum- Head Environment Verification Committee informed that the CPCB has prescribed methodology for Environment Compensation for the Industries for the violation of consent conditions as per following formula: $EC = P \times N \times R \times S \times LF$ with minimum Rs. 5000/- per day.

Senior Law Officer appraised the chair that as per the report of Department of Water Resource (Mines & Geology) Punjab competency of EC has not been included in the penalty imposed for illegal mining. Therefore, Board may impose Environment Compensation for non-compliance of consent conditions for carrying out mining beyond the permissible limits (3ft.) without obtaining mandatory Environment Clearance as was stipulated in the consent documents. Further, the brick kiln owner has failed to obtain the renewal of consents after its expiry on 30.09.2023.

The Chairman of the Board observed that as per the report of the Department of Water Resources (Mines & Geology) Punjab, it has been established that the brick kiln owner has carried out excavation beyond the permissible limits as allowed under the provisions of Punjab Minor Mineral (2nd Amendment) Rules, 2021. Hence, the excavation carried out by the brick kiln owner comes under the purview of EIA Notification, 2006. The brick kiln has neither obtained requisite license from the above department for carrying out mining nor obtained environment clearance under the EIA Notification, 2006. Hence, it is a fit case for the imposition of Environmental Compensation.

After hearing the representative of the brick kiln owners, officers of the Board and the Department of Water Resources (Mines & Geology) Punjab, the Chairman of the Board after considering all the facts and circumstances of the case decided as under:

- 1) Environmental Compensation shall be imposed and recovered from the owners of M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur for the period from the date of issuance of consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 i.e. 02.07.2019 upto date of issue of directions u/s 31-A of the Air Act, 1981 to the industry for not to operate the brick kiln i.e. 01.12.2023. Working days (200 per year) as mentioned by the industry in the application form are to be considered for calculation of EC.
- 2) Accordingly, Addl. Senior Environmental Engineer, Regional Office, Hoshiarpur has calculated the EC amount in consultation with the EC verification committee of Rs. 44.15 lacs for the period of violation of 883 days (from 02.07.2019 to 01.12.2023 which stands the approved.

- 3) Separate speaking order shall be issued in view of the facts and circumstances of the case.
- 4) Regional Office shall ensure the compliance of the above said decisions and reply to the Hon'ble NGT shall be submitted by the same date on or before 15.01.2024, please.

Endst. No. 27-28

For & on behalf of
Punjab Pollution Control Board
Dated 9/1/2024

A copy of the above is forwarded to the following for information:

- 1) The Chief Engineer (Drainage Cum Mines & Geology), Department of Water Resources, Chandigarh
- 2) Executive Engineer-Cum-District Mining Officer, Department of Water Resources, Hoshiarpur.

Endst. No. 29-30

For & on behalf of
Punjab Pollution Control Board
Dated 9/1/2024

A copy of the above is forwarded to the following for information:

- 1) Senior Environmental Engineer, HQ-1, PPCB, Patiala.
- 2) The Senior Law officer, PPCB, Patiala.

Endst. No. 31

For & on behalf of
Punjab Pollution Control Board
Dated 9/1/2024

A copy of the above is forwarded to The Additional Senior Environmental Engineer, Regional Office, Hoshiarpur for information and for immediate compliance as per decision no. (3) & (4) immediately.

For & on behalf of
Punjab Pollution Control Board
Dated 9/1/2024



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ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No. 25

Dated. 16/1/2024

Sub: Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta), Village Bassi Hast Khan, District Hoshiarpur.

Order

In order to protect and improve the environment and for prevention of hazardous to human beings, other living creatures, plants and property and maintaining or resorting the wholesomeness of water and to preserve the quality of air, the Parliament of India had enacted the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and all these Laws are collectively and severally being referred to as the Environmental Laws. The Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the above-mentioned Statutes in the State of Punjab.

The Hon'ble National Green Tribunal has registered Original Application No. 811 of 2022 titled as Tarsem Singh Pathania v/s State of Punjab in respect of illegal mining and excavation of soil adjacent to agriculture land by deploying heavy machinery by M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab and vide order dated 5.1.2023 has constituted a Joint Committee comprising of Punjab Pollution Control Board and District Magistrate, Hoshiarpur with direction to file factual as well as action taken report.

In compliance of the order dated 5.1.2023 of the Hon'ble Tribunal, the Deputy Commissioner, Hoshiarpur has constituted a 04 member committee under Sub Divisional Magistrate, Hoshiarpur comprising of Environmental Engineer, Punjab Pollution Control Board (PPCB), Hoshiarpur; XEN, Drainage-cum-District Mining Officer (DMO), Hoshiarpur; and District Food and Supplies Controller (DFSC),

Yashpal Gupta
16-01-2024

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਮੁਟਿਆਲਾ-147001



Hoshiarpur. The SDM Hoshiarpur has forwarded the report of 04 member committee vide letter bearing No. 454/MC dated 07.03.2023 to the office of Deputy Commissioner, Hoshiarpur. As per the report, the Committee members inspected the spot of the alleged illegal mining on 23.02.2023 in the presence of the representative of the complaint and the owner of the brick kiln.

The Committee in its report has averred that in light of the spot visit, statements recorded, report of the Mining Department and the Circle Revenue Officer, it is clear that Yashpal Gupta, the owner of M/s Billa Brick Kiln, has illegally excavated sand and earth from 15-20 acres of land owned by him in the past several years. Due to the hilly nature of this area, the terrain is undulating at many places. The BKO has excavated about 10 feet sand/ earth at many places while at some places, he has excavated about 4 feet. The Committee took report from the Mining Department, which has assessed that about 140,356 MT of earth has been illegally excavated/mined from the said area. The Mining Department has lodged FIR against the said Brick Kiln Owner (BRO) under Section 80 of the Punjab Mineral Act, 2013 for doing illegal sand/earth mining at the spot and royalty / penalty of Rs.1,02,81,077/- has been imposed upon the brick kiln. However, the amount of royalty / penalty has not been deposited by the brick kiln.

After consideration of the report filed by the Joint Committee and subsequent reply filed by the Punjab Pollution Control Board, the Hon'ble National Green Tribunal vide order dated 5.12.2023 has observed that the response of the Punjab Pollution Control Board does not disclose any action taken against the brick kiln.

The Punjab Pollution Control Board being the prescribed authority is monitoring the brick kilns of the State with regard to the compliance of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 including the code of practice laid down by the Government.

It is relevant to mention here that the brick kiln namely (M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab)

Armit Singh
16-01-2024



was granted consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTO/Air/Renewal/HSP/2019/10265366 dated 02.07.2019 valid upto 30.09.2023 with special condition that the brick kiln shall obtain Environmental Clearance under EIA notification for mining of brick clay to be used as raw material for manufacturing of bricks at the site. The brick kiln has not obtained the renewal of consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 after the expiry of the consent on 30.9.2023. In view of the facts and circumstances of the case, the Board after issuance of notices had issued directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 and u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 on 1.12.2023 to the effect that the brick kiln shall not operate without obtaining the consents of the Board.

After further consideration of the matter, the Board vide letter no. 5731 dated 1.1.2024 has issued a show cause notice to M/s Bills Brick Industry for violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and for imposition of environmental compensation due to environmental damaged caused by illegal earth mining and for violation of the aforesaid Acts alongwith an opportunity of hearing on 8.1.2024 before the Chairman of the Board. The officers of the Department of Water Resources and Mining were also requested to attend the hearing on 8.1.2024.

Sh. Kashish Thakur, Advocate appeared for hearing before the Chairman of the Board on 8.1.2024 on behalf of the Brick Kiln and submitted an authority letter (Vakalatnama from Sh. Yashpal Gupta) to present the matter. The Advocate, however, has not submitted any written reply or any other documents and in response to a specific query expressed ignorance regarding the obtaining of Environmental Clearance by the brick kiln owner for carrying out mining activity for the brick kiln as stipulated in the consent to operate granted to the industry under the Air (Prevention and Control of Pollution) Act, 1981. The Advocate also failed to submit reply to the other observations mentioned in the show cause notice dated 01.01.2024.

Amrik Singh
16-01-2024



The officers of the Department of Water Resources (Mines & Geology) Punjab submitted written reply vide letter no. 67 dated 08.01.2024, which was taken on record. The contents of the letter are reproduced herein below:

- 1) Under the provisions of Punjab Minor Mineral (2nd Amendment) Rules, 2021, it is mandatory for all the brick kilns to obtain permit / license on Form-B-1 from the Department of Water Resource (Mines & Geology) Punjab for carrying out for excavation of brick earth. Under these rules, excavation of brick earth from area upto 02 acres and depth upto 3 ft. shall be considered as non-mining activities. Beyond that limit, if excavation is to be carried out, then K-1 permit is required for which Environment Clearance under EIA Notification, 2006 is mandatory.
- 2) In the land in question, Sh. Yashpal Gupta owner of the land as well as M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur has carried out excavation in an area of more than 15 Acres. This excavation ranges from 4-10 ft. Total quantum of excavation was 1,40,356 MT. Thus, the activity / excavation carried out by Sh. Yashpal Gupta violates the non-mining exemption and attracts the provisions of EIA Notification, 2006.
- 3) Sh. Yashpal Gupta, the owner of the land and the brick kiln has neither obtained permit / license (Form B-1) nor Form K-1 from the Department of Water Resource (Mines & Geology) Punjab. Further, no Environment Clearance under EIA Notification, 2006 has been submitted by Sh. Yashpal Gupta to this Department for the excavation carried out.
- 4) The action plan prepared by DECC, Chandigarh and received to our department vide no. 642-43 dated 29.09.2021 is for assessment and recording of compensation for illegal sand mining whereas, this office has penalized the owner of the land and M/s Billa Brick Industries, Vill. Bassi Hast Khan, Hoshiarpur for illegal excavation of ordinary earth.

Amrik Singh
16-01-2024



- 5) The Department of Water Resource (Mines & Geology) Punjab has assessed and imposed penalty for illegal excavated ordinary earth amounting to Rs. 1,02,81,077/-. This penalty is only on account of royalty recovered under Rule 85 (5) of PMMR, 2013 and does not cover any environment damaged or environmental compensation.
- 6) Department of Water Resource (Mines & Geology) Punjab has already logged and FIR in the matter u/s 21(1) of MMDR Act, 1957.

The officers of the Regional Office, Hoshiarpur of the Board apprised about the fact relating to the brick kiln and stated that the brick kiln was granted consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTO/Air/Renewal/HSP/2019/10265366 dated 02.07.2019 valid upto 30.09.2023 with special conditions that the BKO will obtain Environmental Clearance under EIA Notification for mining of brick clay to be used as raw material for manufacturing of brick at site immediately. As per the Department of Water Resource (Mines & Geology) Punjab, the brick kiln has carried out excavation of more than 3 ft., as such the activity attracts the provisions of EIA Notification 2006. However, as per the records available with this office, the brick kiln has not obtained the Environment Clearance. Hence, the brick kiln owner has violated the conditions of the consent granted by the Board and accordingly suitable Environment Compensation is required to be imposed. The officers stated that the CPCB has prescribed methodology for Environment Compensation for the industries for the violation of consent conditions as per formula: $EC = PI \times N \times R \times S \times LF$ with minimum Rs. 5000/- per day. As per the contents of the application form, the brick kiln has applied for consent for 200 working days in a year. The officers stated that in view of violations committed by the brick kiln, Environmental Compensation amounting to Rs. 44.15 lac has been calculated in consultation with the EC Verification Committee in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board.

Upon examination of the case, it is observed that the component of Environmental Compensation has not been included in the royalty / penalty

Arvind Singh
16-01-2024

imposed by the Department of Water Resource (Mines & Geology) Punjab. Therefore, Board is competent to impose Environment Compensation for non-compliance of consent conditions, for carrying out mining beyond the permissible limits (3ft.) without obtaining mandatory Environment Clearance as was stipulated in the consent documents and also the fact that the brick kiln owner has failed to obtain the renewal of consents after its expiry on 30.09.2023.

The report of the Department of Water Resources (Mines & Geology) Punjab, has established the fact that the brick kiln owner has carried out excavation beyond the permissible limits as allowed under the provisions of Punjab Minor Mineral (2nd Amendment) Rules, 2021, hence, the excavation carried out by the brick kiln owner comes under the purview of EIA Notification, 2006. The brick kiln has neither obtained requisite license from the above department for carrying out mining nor obtained environment clearance under the EIA Notification, 2006 from the competent authority.

It is appropriate and relevant to mention here that the Hon'ble Supreme Court of India has considered the concepts of Sustainable Development, Precautionary and Polluter Pay's Principle and held that these are accepted principles and part of environmental law of the country even without specific statute.

After considering all the facts and circumstances of the case, it is concluded that the owner of the brick kiln has indulged in illegal mining and the activities carried out by M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab for mining of earth clay without obtaining the requisite permission and Environmental Clearance under the EIA notification dated 14.9.2006 from the competent authority and operating the brick kiln in violation of the consent conditions has caused damage to the environment for which the brick kiln owner has made himself liable for imposition of Environmental Compensation on the basis of Polluter Pay's Principle. It has been decided to impose Environmental Compensation upon the brick kiln for the period from the date of issuance of consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 on 2.7.2019 upto the date of issuance of directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 on 1.12.2023 for closure of the brick kiln on the basis

Ammik Singh
16-01-2024



of 200 working days per year as mentioned by the brick kiln in the application for consent. The Environmental Compensation verification committee has accordingly calculated the Environmental Compensation amounting to Rs. 44.15 Lakh for the period of violation of 883 days (from 2.7.2019 to 1.12.2023). Hence, the Environmental Compensation amounting to Rs.44.15 Lakh is hereby imposed upon the brick kiln.

In view of the above facts and circumstances of the case M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab through its owner Sh. Yashpal Gupta is hereby directed to deposit the amount of Rs. 44.15 Lakh towards Environmental Compensation with the office of the Punjab Pollution Control Board within 07 days from the date of issuance of the order, failing which the Punjab Pollution Control Board shall be constrained to recover the above amount of Environmental Compensation by adopting coercive measures.

The present order for imposition of Environmental Compensation is being passed in accordance with the decisions taken during the course of personal hearing held on 8.1.2024, the proceedings of which were conveyed to the brick kiln in question vide letter no. 26 dated 9.1.2024. A copy of the order be supplied to M/s Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab and Additional Senior Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur for necessary compliance.

ਮਿਤਲ ਮਿਤ ਪੇਸ਼

Prof. (Dr.) Adarsh Pal Vig
@ Chairman

Amnik Singh
16-01-2024



Punjab Pollution Control Board

Zonal office, Near PSIEC, Water Tank, Focal Point, Jalandhar

Phone No. 0181-2601612

www.ppcb.gov.in

Email ID – seppcbjal@gmail.com

No. 201
To

(Regd.)

Date 18/01/2024

M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta),
Village Bassi Hast Khan,
District Hoshiarpur.

Sub:- Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta), Village Bassi Hast Khan, District Hoshiarpur.

Ref:- Board's order no. 25 dated 16.1.2024.

Please find enclosed herewith orders regarding Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s Billa Brick Industry (Through its owner Sh. Yashpal Gupta), Village Bassi Hast Khan, District Hoshiarpur for necessary compliance.

DA: Order.

Endst. No...202...


/ For Senior Environmental Engineer
Dated...18/01/2024...

A copy of the above is forwarded to Addl. Senior Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur for necessary compliance.


/ For Senior Environmental Engineer

Annexure-2-

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