

IN THE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI
 ORIGINAL APPLICATION NO. 309 of 2022

RAMBHAROSE TOMAR

...APPLICANT

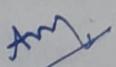
VERSUS

STATE OF UTTAR PRADESH

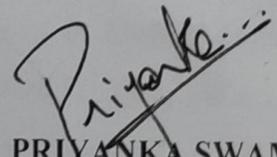
...RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	Index	1
2.	Reply on behalf of Respondent No. 2- State Level Environment Impact Assessment Authority, Uttar Pradesh	2- 4
3.	Prayer	5
4.	Duly signed affidavit	6-7


 ANURAG KUMAR YADAV
 DEPUTY DIRECTOR, DIRECTORATE OF
 ENVIRONMENT U.P

THROUGH


 PRIYANKA SWAMI
 Advocate for respondent
 Counsel for SEIAA, U.P.
 Chamber 10, Satpura Tower
 Kaushambi, Ghaziabad

Date: __.01.2023

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IN THE MATTER OF:

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Reply On Behalf of the behalf of respondent No. 02, State Level
Environment Impact Assessment Authority

MOST RESPECTFULLY SHOWETH: -

1. That in O.A No.309/2022, titled as Rambharose Tomar Vs. State of U.P. the Hon'ble National Green Tribunal had passed an order dated 01.11.2022. The verbatim extract of the said order is as follows:-

“8. We have noticed from the report of the Joint Committee that number of brick kilns have been established in District Hapur without obtaining requisite NOC/CTE/CTO and some of the brick kilns, against whom closure order have been issued by UPPCB, have been illegally operating to manufacture huge quantity of bricks despite such closure orders. Cases are being filed before this Tribunal quite frequently in respect of the brick kilns operating in different Districts in the State of Uttar Pradesh

illegally or despite closure orders. The matter requires adoption of holistic approach by the concerned Statutory Authorities for ensuring compliance with environmental norms by the brick kilns in the entire State. In view of these facts and circumstances and reports in such cases showing glaring environmental violations, we consider it appropriate to seek information from UPPCB regarding establishment of the brick kilns in the State of Uttar Pradesh, compliance with environmental norms and action taken against the defaulters. Accordingly, the UPPCB is directed to provide the requisite information in the following formats”

2. Ministry of Environment and Forest, Govt. of India through its notification dated 14/09/2006 (as amended) has made it mandatory to obtain Prior Environmental Clearance prior to establishment or expansion of any such project or activity which is listed in the schedule of notification.

Environmental clearance shall be required for:

- a) All new projects or activities listed in the Schedule to this notification.
- b) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- c) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.
- d) Objective of this process is to impose certain restrictions and prohibitions on new projects or activities, or on the expansion or

modernization of existing projects or activities based on their potential environmental impacts.

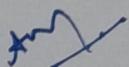
3. The environmental clearance shall be taken from Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State level Expert Appraisal Committee (SEAC).
4. The SEIAA and SEAC, Uttar Pradesh have been constituted by Ministry of Environment and Forest & CC, Govt. of India vide notification bearing no. S.O 3338(E) dated 16.10.2017 and subsequently reconstituted through notification bearing no. S.O. 2276(E) dated 11/06/2021
5. Directorate of Environment, Govt. of U.P. has been declared to function as Secretariat to these statutory bodies i.e. SEIAA and SEAC by State Government.
6. All such project proposals received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006 (as amended).
7. That it is pertinent to mention that the establishment of brick kilns does not come in the purview of EIA notification, 2006 (as amended).

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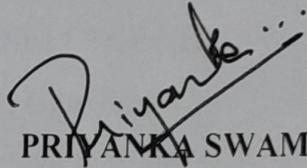
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss the Original Application No. 309/2022 with Exemplary cost Or
- ii. Pass any such other order as may deem fit.


ANURAG KUMAR YADAV
DEPUTY DIRECTOR, DIRECTORATE OF
ENVIRONMENT U.P

THROUGH


PRIYANKA SWAMI
Advocate for respondent
Counsel for SEIAA, U.P.
Chamber 10, Satpura Tower
Kaushambi, Ghaziabad

Date: 25.01.2023

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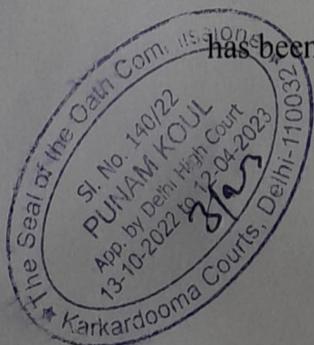
STATE OF UTTAR PRADESH

...RESPONDENTS

AFFIDAVIT

Affidavit of Sh. ANURAG KUMAR YADAV, aged about 46 years s/o Sh. P.N.Singh, presently posted as DEPUTY DIRECTOR, DIRECTORATE OF ENVIRONMENT U.P., having office at E-12/1, NOIDA, Uttar Pradesh.

1. That I am posted as stated above and well conversant with the facts of the present case on the basis of official record and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying reply has been drafted by our counsel upon my instructions based on official records.
3. That the contents of the accompanying reply are true and correct and the knowledge has been derived from official records and nothing material has been concealed there from.



[Handwritten Signature]

DEPONENT

25 JAN 2023

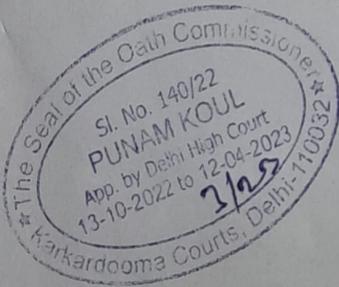
VERIFICATION

Verified on solemn affirmation at New Delhi on this ____ day of January, 2023, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

[Handwritten Signature]

DEPONENT

Priyanka
Identify the Deponent who has signed/put thumb impression in my presence



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km..... *Anurag Kumar Yadav*
S/o, W/o, D/o, Sh..... *P. A. Singh*
Identified by Shri/Smt..... *Adv. Priyanka Swami*
has solemnly affirmed before me at Delhi
on..... *25 JAN 2023* S. No.....
that the contents of the affidavit which
have been read over & explained to him/her
are true & correct to his/her knowledge.

Oath Commissioner *[Signature]* KKD Court, Delhi