

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

O.A. NO. 817 OF 2024

IN THE MATTER OF:

Raj Kumar

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

REPLY ON BEHALF OF RESPONDENT NO.4 TO 7

Filed by:



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REPLY ON BEHALF OF RESPONDENT NO.4 TO 7

MOST RESPECTFULLY SHOWETH

1. That the present reply is being filed on behalf of the Respondent No. 4 to 7 in this Original Application in compliance with the order of this Hon'ble Tribunal dated 23.07.2024 wherein the Hon'ble tribunal was pleased to issue notice to the respondents, and is next coming up on 25.10.2024
2. At the outset the present application has been filed on behalf of the applicant seeking closure of the brick kilns i.e. respondent no. 4 to 7 who are situated in Village Sillana, District Baghpat, Uttar Pradesh, alleging to be in gross violation of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules 2012 dated 27.06.2012, published by the State of U.P.

3. It is most humbly submitted that the contents of the present OA are false and wholly denied, except for what is specifically admitted to herein.
4. It is further submitted that this OA is misconceived and raises false allegations and is vitiated by concealment of material facts, and hence ought to be summarily dismissed by this Hon'ble Tribunal with exemplary costs as the Applicant has not come to court with clean hands.

PRELIMINARY SUBMISSIONS

1. That with regard to Respondent No.4 i.e., M/s Mahadev Brick Field Unit 2, Village Halalpur, District Baghpat, a consent to establish an application for establishing a brick kiln was submitted in the year 2013.
2. That the Respondent No. 4, was duly established in 2013 after obtaining the consent to Establish (*hereinafter referred to as CTE*) dated 29.06.2013 from Uttar Pradesh Pollution Control Board (*hereinafter referred to as UPPCB*). That it is apparent to mention that, the aforementioned fact has been viciously concealed from this Hon'ble Tribunal by the Applicant herein. Further, the Applicant has never challenged the grant of Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands. A true typed copy of NOC No. 559/NOC-47/2013

dated 29.06.2013 is annexed herewith and marked as **Annexure R/1** at page No.

3. Furthermore, the Brik Kiln i.e. Respondent No.4 was constructed in the year 2013 after conforming to all the guidelines as mentioned in U.P Brick Kilns (Criteria for Establishment) Rules, 2012.
4. That the Consent to Operate (*hereinafter referred to as CTO*) was applied by Respondent No. 4 on 10.07.2014 and was issued to Respondent No. 4 on 14.01.2015 by the concerned authorities, for the period starting from 10.07.2014 up to 31.12.2015. A true copy of the Consent Order Application is annexed herewith and marked as **Annexure R/2** at page No.
5. That as per the Status Report passed by the Hon'ble NGT in the instant matter, it was observed by this Hon'ble Tribunal that the Respondent No.4-7 Brik Kilns are not considered as violators and all the units are non-operational during the inspection.
6. It is apposite to mention that as per the status report mentioned hereinabove, alleged Brik Kilns were inspected on 25.09.2024 by Mining inspector, Baghpat as well as Assistant Environment Engineer, Meerut, and it was concluded that the latest renewal of CTO by respondent no. 4 was issued on 06.10.2022 having its validity up to 31.07.2025. A true of a status Report of 04 Brick Kilns

mentioned in the order dated 23.07.2024 passed by the Hon'ble NGT in the OA No. 817/2024, Raj Kumar vs. State of U.P & Ors. is annexed herewith as **Annexure R/3**.

7. Thereafter, after receiving all the valid approvals and the establishment of the brick kiln legally, the Respondent No.4 on 14.01.2015 received a Consolidated Consent & Authorization (CCA) under the Air (Prevention & Control of Pollution) Act, 1981, the Water Prevention & Control of Pollution) Act, 1976 and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 was granted to Respondent No.4, having its validity till 31.12.15. Thereafter, fresh CCA was granted to the Respondent No.4, which is valid till 31.07.2025. A true copy of fresh Consolidated Consent to Operate and Authorization dated 06.10.2022 is annexed herewith as **Annexure R/4**.
8. That with regard to the Respondent No.5 i.e., M/s Mahadev Brick Field, Village Halalpur, District Baghpat, submitted an application for granting Consent to Establish a brick kiln in the year 2011.
9. That Respondent No. 5, was duly established after obtaining valid CTE on 31.03.2011. Thus, the Respondent No.5 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, Applicant has never challenged the grant of

Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands.

10. That UPPCB further granted Consent Order in favor of Respondent No. 5 to allow them for emission of air related pollutant ingredient under enclosed terms. True copy of consent order in favour of R5 herewith as **Annexure R/5**.
11. Furthermore, the CTO No. 4291/Baghpat/M56/11 was issued to Respondent No. 5 on 31.03.2011 for the period up to 31.12.2013. Thereafter, the latest renewal of CTO was issued on 07.10.2022 having its validity up to 31.07.2027. A true typed copy of a CTO No.4291/Baghpat/M56/11 dated 31.03.2011 is annexed herewith and marked as **Annexure R/6**
12. That with regard to the Respondent No.6 i.e., M/s Hanuman Brick Field, Village Halalpur, District Baghpat, submitted an application for granting Consent to Establish a brick kiln in the year 2011.
13. Thereafter, an NOC was obtained by Respondent No. 6 for the Hanuman Brick Kiln on 19.12.2011 duly issued by the UPPCB after performing all the due diligence and necessary inspections. A true typed copy of NOC No. 1170/NOC-107/11 dated 19.12.2011 is annexed herewith and marked as **Annexure R/7**.

14. That the Respondent No. 6, was established before 2011 after obtaining valid CTE. Thus, the Respondent No. 6 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, the Applicant has never challenged the grant of Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands.
15. That the CTO was issued to Respondent No. 6 on 02.06.2014 for the period up to 31.12.2018. Thereafter, the latest renewal of CTO was issued on 21.09.2023 having its validity up to 31.07.2028. A true copy of the Consent Order Application for a period up to 31.12.2018 is annexed herewith and marked as **Annexure R/8**.

A true copy of fresh Consolidated Consent to Operate and Authorization dated 21.09.2023 is annexed herewith as **Annexure R/9**.

16. That with regard to Respondent No.7 i.e., M/s Hanuman Brick Field, Village Sillana, District Baghpat, submitted an application for granting Consent to Establish a brick kiln in the year 2013. Thereafter, NOC was obtained by Respondent No. 7 for the Hanuman Brick Kiln on 31.08.2013 issued by the UPPCB after performing all the due diligence.

17. That the Respondent No. 7, was established in 2013 after obtaining valid CTE in 31.08.2013 from UPPCB. Thus, Respondent No. 7 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, Applicant has never challenged the grant of Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands. A true typed copy of NOC No. 915/NOC-59/2-13 dated 31.08.2013 is annexed herewith and marked as **Annexure R/10**.
18. That the CTO was issued to Respondent No. 7 on 24.04.2019 for the period up to 31.07.2023. That the Brik Kiln was constructed after conforming to U.P Brik Kilns (Criteria for Establishment) Rules, 2012 in the year 2013. That the latest renewal of CTO was issued on 21.09.2023 having its validity up to 31.07.2028. A true copy of fresh Consolidated Consent to Operate and Authorization is annexed herewith as **Annexure R/11**.
19. It is most humbly submitted that with respect to the abovementioned brick kilns, the U.P Brik Kilns (Siting Criteria for Establishment) Rules, 2012 is not applicable to them.
20. It is apposite to bring to this Hon'ble Tribunal notice that, on 22.09.2023 this Hon'ble Tribunal passed a judgment in the case of **Vipin Kumar vs. Uttarakhand Pollution**

Control Board & Ors. Bearing OA No. 341 of 2023.

Wherein, In para No. 29 of it was observed by this Hon'ble Tribunal as under –

“29. Having regard to the aforesaid, we are of the considered opinion that the CCA dated 13.01.2023 and 30.01.2023 have been issued to the Respondent No. 5 (Present Applicant) and Respondent No. 6 without considering the sitting criteria prescribed in the notification dated 22.02.2022, therefore, the CCA dated 13.01.2023 and 30.01.2023 cannot be sustained and are hereby set aside with a direction to the competent authority to reconsider the application for grant of CCA filed by the Respondent No. 5 and 6 after duly considering the sitting criteria prescribed in the notification dated 22.02.2022.”

21. Thus, the judgment of this Hon'ble Tribunal in *Vipin Kumar* cannot be held to be applicable to the case of the Respondent No.4-7 brick kiln for the reason that it was validly established as per law prior to the Notification dated 22.02.2022 being issued, unlike the case of the Applicant which was considered in *Vipin Kumar*.
22. That it has been placed on record vide an affidavit duly signed by the villagers residing near the Respondent's Brik Kilns, that none of them are facing health issues or breathing problems due to the operation of these Brik Kilns. It is further mentioned in the affidavit that the environment of the village is not being harmed by the operation of Respondent No. 4-7's Brik Kilns. A true typed

copy of the 2 Affidavits is annexed herewith and marked as **ANNEXURE R/12.(Colly)**

23. Thus, it may be seen that there is no illegality in the establishment and/or operation of the Respondent No.4-7 brick kiln and there has been neither any illegality by Respondent No.1 & 2 in granting Consent to Establish or CCA to Respondent No.4-7, nor has Respondent No.2 condoned any illegality by allowing the Respondent No.4-7 to operate.

PARA WISE REPLY

1. That the contents of para 1 are denied as mere allegations. It is humbly submitted that there is no violation of rules by the Respondent No.4-7 Brick Kilns. It is denied that grant of Consent to Establish issued to the Respondent Nos. 4 to 7 brick kilns by the Uttar Pradesh Pollution Control Board (UPPBC) under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and S.25 of the Water (Prevention & Control of Pollution) Act, 1974, has been made without considering that the Respondent Nos. 4 to 7 brick kilns are in violation of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules 2012.
2. That the contents of para 2 are procedural submission, therefore warrant no reply

REPLY TO BRIEF FACTS OF THE CASE

3. That the contents of para 3 are factual details & narration about the applicant, therefore need no reply from the respondents herein.
4. That in reply to Para 4, it is humbly submitted that the Respondent No. 4 to 7 herein have complied with Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules 2012. It is pertinent to mention that Respondent No. 5 and 6 were established in 2011, i.e., before 2012 rules and thus these rules are not applicable to them.
5. That the Contents of Para 5 are factual reproductions of the Notification dated 27.06.2012 notifying Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules 2012, therefore does not warrant any reply.
6. That the contents of para 6 are denied. There is no violation of rules by the Respondent No.4-7 Brick Field. That the Respondent No. 4-7 never violated the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules 2012.
7. That the contents of para 7 & 8 are altogether denied. The findings of this Hon'ble Tribunal in M/s Jai Hanuman Ent Udyog vs. Uttar Pradesh Pollution Control Board (Appeal No. 74 of 2014) do not apply in the present case as the respondents 4-7 have valid CTE and CCA and thus had legal approvals as well as all the other necessary compliances were done as per the guidelines of UPPCB to run the respective Brik kilns.

8. That the contents of para 9 are denied as it does not apply to the case of the Respondents. It is reiterated that the Consent to Establish was legally issued to the Respondent No.4 and 7 and there is no illegal operation of Brik Kiln as the respective Brik Kilns are legally established.
9. That the contents of para 10 need no reply.
10. That the contents of para 11 need no reply as the judgment cited does not fit with the case of Respondents 4-7.
11. That the contents of para 12 need no reply.
12. That the contents of para 13 are misleading and denied. It is reiterated that the Consent to Establish was legally issued to the Respondent No.4 and 7 in the year 2013 and they complied to the 2012 rules. Whereas the CTE to Respondent No. 5 & 6 was legally issued in year 20, i.e., much before the commencement of the act and thus the act does not apply to them and is not in violation of 2012 rules. It is reiterated that Respondent No. 4 was issued CTE in 2013 from UPPCB and thus R4 is in compliance with the act. That the contentions of the applicants are misleading as the respondent possess CCA and CTE to operate these Brik Kilns. Averments made in the preliminary submissions above are reiterated herein.
13. That the contents of para 14 are misleading and denied. That the respective Brik Kilns were established after the due compliance of Rule 2 of Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012.
14. That in reply to the content of para 15, it is submitted by the Respondent No.4, that Respondent No. 4 submitted an

application for granting Consent to Establish a brick kiln in the year 2013. Thereafter, NOC was obtained by Respondent No. 4 for the Brick Kiln on 29.06.2013 issued by the UPPCB after performing all the due diligence. Thus, the Respondent No.4 was legally established. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands.

15. That the contents of para 16 is a matter of fact. That it is denied by Respondent No. 4 that the respective Brik Kiln was not in due compliance with the said 2012 sitting criteria rules. That consent to establish was only granted to Respondent No. 4 by UPPCB only after complying to Sitting Criteria Rules. That it is pertinent to mention herein that when the respective Brik Kiln was established in 2013 , it duly complied with the Sitting Criteria Rules, 2012. That as far as the contentions of Rule 2 of Sitting Criteria Rules are concerned, it is to be mentioned that the religious places near the Brik Kiln were established after the establishment of the Brik Kiln. Thus, the facts provided by the applicant are misleading.
16. That contents of Para 17 are a matter of fact. Therefore, does not warrant any reply.
17. That the contents of para 18 are misleading and denied. That it has been reiterated that Respondent No. 5 was established in the year 2011 which was prior to the commencement of the 2012 Rules. That the Respondent No.5, submitted an application for granting Consent to Establish a brick kiln in the year 2011. That the Respondent

No. 5, was established before 2011 after obtaining valid CTE on 31.03.2011. Thus, the Respondent No.5 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, Applicant has never challenged the grant of Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands. That CTO was issue to Respondent No. 5 on 31.03.2011 for the period up to 31.12.2013.

18. That the contents of para 19 are misleading and therefore wholly denied.
19. That the contents of para 20 are misleading and denied. It is apposite to mention that the Respondent No. 6, was established before 2011 after obtaining valid CTE. Thus, the Respondent No.5 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, Applicant has never challenged the grant of Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands. That CTO was issue to Respondent No. 6 on 02.06.2014 for the period up to 31.12.2018. thereafter, a renewed CTO was issued on 21.09.2023 having its validity up till 31.07.2028. It is denied that the brick kiln was operating illegally and there was no valid CTO.
20. That the contents of para 21 are misleading and denied. That the Respondent No. 7, was established in 2013 after obtaining valid CTE in 31.08.2013 from UPPCB. Thus,

Respondent No.7 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, Applicant has never challenged the grant of Consent to Establish. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands.

That the CTO was issued to Respondent No. 7 on 24.04.2019 for the period up to 31.07.2023. That the Brik Kiln was constructed after conforming to U.P. Brik Kilns (Criteria for Establishment) Rules, 2012 in the year 2013. That the latest renewal of CTO was issued on 21.09.2023 having its validity up to 31.07.2028. thus, the fact that Brik Kiln is not registered with UPPCB is incorrect and misleading.

21. That the contents of para 22 are denied. There is no violation of siting criteria by Respondent No. 4-7 as is explained in detail in the preliminary submissions made above. The claims of the Applicant and the correct factual position are being set out in the below table –

S.No	Siting Criteria Requirements as per the 2012 notification	Allegations pertaining to R-4	Correct Facts pertaining to R-4
1.	Brick kiln shall not be established within a distance of 5 kms from the	Violated, as the brik kiln is situated less than 200	At the time of its establishment in 2013, the

	<p>area of a Municipal Council or Municipal Corporation. Subject to the above restrictions, a brick kiln shall be established at least 500 meters away from a residential area with minimum population of 100 150 persons or 20 houses, whether kachha or pucca. Furthermore, a brick kiln shall be established at least 1 kilometer away from a residential area with a population of more than 150 persons or more than houses, area a 20 area</p>	<p>meters from residential area</p>	<p>said area was not a residential area, and people started residing and constructing there home after the establishment of the brik Kiln.</p>
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	residential area residential area whether kachha or pucca.		
2.	A Brick kiln shall not be established within a distance of 1 kms from any registered hospital, school public building, religious place, or location where flammable substance are stored.	Violated, as the brik kiln is situated less than 250 meters from a mosque, Ravidas Temple, Shiv Temple, and a Government Primary School and Govt. Junior High School	At the time of its establishment in 2013, there was no Temple, mosque or school as they got established after the establishment of the Brik Kiln.
3	A brick kiln shall not be established within a distance 200 meters from the sides of the railway tracks;	NA	NA

4	A brick kiln shall not be established within a distance of 3 00 meters from both sides of the National and State Highways;	NA	NA
5	A brick kiln shall not be established within a distance of 100 meters from both sides of a main district road /public works department roads;	NA	NA
6	A brik kiln shall not be established within 800 meters from a brik kiln already established	Violated, as the brik kiln is less than 500 meters away from other brick kilns	That the Brik Kiln was established in compliance with 2012 Rules. And the allegation is baseless.
7	A brick Kiln should not be allowed to install in the Buffer Zone of a notified	NA	NA

	fruit belt area as defined in the “Uttar Pradesh Promotion and Protection of Fruit Trees”		
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S.No	Siting Criteria Requirements as per the 2012 notification	Allegations pertaining to R-5	Correct Facts pertaining to R-5
1.	Brick kiln shall not be established within a distance of 5 kms from the area of a Municipal Council or Municipal Corporation. Subject to the above restrictions, a brick kiln shall be established at least 500 meters away from a residential area with minimum	Violated, as the Brik kiln is situated less than 200 meters from the residential area	U.P. Brik Kilns (Criteria for Establishment) Rules, 2012 are not applicable as the Brick Kiln was established in the year 2011 and the Rules came in 2012.

	<p>population of 100 150 persons or 20 houses, whether kachha or pucca. Furthermore, a brick kiln shall be established at least 1 kilometer away from a residential area with a population of more than 150 persons or more than houses, area a 20 area residential area residential area whether kachha or pucca.</p>		
2.	<p>A Brick kiln shall not be established within a distance of 1 kms from any registered hospital, school public building, religious place, or</p>	<p>Violated, as the brik kiln is situated less than 250 meters from a mosque, Ravidas Temple,</p>	<p>2012 Rules not applicable as the Brik Kiln was established in the year 2011 and the Rules</p>

	location where flammable substance are stored.	Shiv Temple, and a Government Primary School and Govt. Junior High School	came in the year 2012.
3	A brick kiln shall not be established within a distance 200 meters from the sides of the railway tracks;	NA	NA
4	A brick kiln shall not be established within a distance of 3 00 meters from both sides of the National and State Highways;	NA	NA
5	A brick kiln shall not be established within a distance of 100 meters from both sides of a main district road	NA	NA

	/public works department roads;		
6	A brick kiln shall not be established within 800 meters from a brick kiln already established	Violated, as the brick kiln is less than 500 meters away from other brick kilns	2012 Rules not applicable as the Brick Kiln was established in the year 2011 and the Rules came in 2012.
7	A brick Kiln should not be allowed to be installed in the Buffer Zone of a notified fruit belt area as defined in “the Uttar Pradesh Promotion and Protection of Fruit Trees”	NA	NA

S.No	Siting Criteria Requirements as per the 2012 notification	Allegations pertaining to R-6	Correct Facts pertaining to R-6
1.	Brick kiln shall not be established	Violated, as the brick	U.P. Brik Kilns (Criteria for

<p>within a distance of 5 kms from the area of a Municipal Council or Municipal Corporation. Subject to the above restrictions, a brick kiln shall be established at least 500 meters away from a residential area with minimum population of 100 150 persons or 20 houses, whether kachha or pucca. Furthermore, a brick kiln shall be established at least 1 kilometer away from a residential area with a population</p>	<p>kiln is situated less than 200 meters from the residential area</p>	<p>Establishment) Rules, 2012 are not applicable as the Brik Kiln was established in the year 2011 and the Rules came in 2012.</p>
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	of more than 150 persons or more than houses, area a 20 area residential area residential area whether kachha or pucca.		
2.	A Brick kiln shall not be established within a distance of 1 km from any registered hospital, school public building, religious place, or location where flammable substances are stored.	Violated, as the brick kiln is situated less than 250 meters from a mosque, Ravidas Temple, Shiv Temple, and a Government Primary School and Govt. Junior High School	U.P. Brik Kilns (Criteria for Establishment) Rules, 2012 are not applicable as the Brik Kiln was established in the year 2011 and the Rules came in 2012.
3	A brick kiln shall not be established	NA	NA

	within a distance 200 meters from the sides of the railway tracks;		
4	A brick kiln shall not be established within a distance of 3 00 meters from both sides of the National and State Highways;	NA	NA
5	A brick kiln shall not be established within a distance of 100 meters from both sides of a main district road /public works department roads;	NA	NA
6	A brick kiln shall not be established within 800 meters from a brick kiln already established	Violated, as the brick kiln is less than 500 meters away from other brick kiln.	2012 Rules not applicable as the brick Kiln was established in the year 2011 and the Rules came in 2012

7	A brick Kiln should not be allowed to install in the Buffer Zone of a notified fruit belt area as defined in the “the Uttar Pradesh Promotion and Protection of Fruit Trees”	NA	NA
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S.No	Siting Criteria Requirements as per the 2012 notification	Allegations pertaining to R-7	Correct Facts pertaining to R-4
1.	Brick kiln shall not be established within a distance of 5 kms from the area of a Municipal Council or Municipal Corporation. Subject to the above	Violated, as the brick kiln is situated less than 200 meters from residential area	At the time of its establishment in 2013, the said area was not a residential area, and people started residing and

<p>restrictions, a brick kiln shall be established at least 500 meters away from a residential area with minimum population of 100 150 persons or 20 houses, whether kachha or pucca. Furthermore, a brick kiln shall be established at least 1 kilometer away from a residential area with a population of more than 150 persons or more than houses, area a 20 area residential area residential area whether kachha or pucca.</p>		<p>constructing there home after the establishment of the brick Kiln.</p>
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2.	A Brick kiln shall not be established within a distance of 1 kms from any registered hospital, school public building, religious place, or location where flammable substances are stored.	Violated, as the brick kiln is situated less than 250 meters from a mosque, Ravidas Temple, Shiv Temple, and a Government Primary School and Govt. Junior High School	At the time of its establishment in 2013, there was no Temple, mosque, or school as they got established after the establishment of the Brik Kiln.
3	A brick kiln shall not be established within a distance of 200 meters from the sides of the railway tracks;	NA	NA
4	A brick kiln shall not be established within a distance of 3 00 meters	NA	NA

	from both sides of the National and State Highways;		
5	A brick kiln shall not be established within a distance of 100 meters from both sides of a main district road /public works department roads;	NA	NA
6	A brick kiln shall not be established within 800 meters from a brick kiln already established	Violated, as the brick kiln is less than 500 meters away from other brick kilns	That the Brik Kiln was established in compliance with the 2012 Rules. And the allegation is baseless.
7	A brick Kiln should not be allowed to be installed in the Buffer Zone of a notified fruit belt area as defined in	NA	NA

	the “the Uttar Pradesh Promotion and Protection of Fruit Trees”		
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22. That the contents of para 23 are denied. It has been explained in detail in the preliminary submissions made hereinabove that even assuming for the sake of argument that the provisions Notification dated 22.02.2022 apply to the Respondent No.4-7, still, there is no violation of the prescribed criteria as the respective Brick Kilns operate in a zing zag technology as per the MOEFCC notification dated 22.02.2022.
23. That in in OA No. 343/2022, titled as Shanit Pratap Singh VS. state of U.P. & Ors., a similar issue has arisen before this Hon’ble bench, wherein it was decided that Brick Kilns are permitted to operate if they comply with the updated technological requirements of operation of Brick Kilns in a Zig Zag technology. A true copy of an order dated 12.02.2024, in OA 343/2022 is annexed herewith and marked as **Annexure R/13**.
24. That the contents of para 24 are matter of fact, therefore does not warrant any reply.
25. That the contents of paragraph 25 are misleading and denied. That it is pertinent to mention that NOC , CTE and CCA was granted to the respective Respondents by UPCB

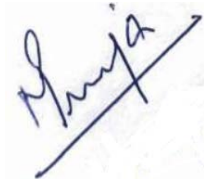
only after compliance with the 2012 rules. That the Respondent No. 5 and 6 were established in 2011 and 2012 rules are not applicable to them and thus they are not in violation of 2012 rules. That Respondent No. 4 & 7 Brick Kiln were established in the year 2013 and were duly complied with the 2012 Rules. That the contentions of the applicant that these brick kilns are in violation of Rule 2 (i),(ii)& (vi) is misleading and thus denied due to the reason that the schools and religious places near the brick kiln were established after the establishment on these brick kilns and thus it cannot be said that the brick kilns are in violation of 2012 Rules.

26. It is reiterated that this OA is without merit, is vitiated by concealment of material fact, the Applicant has not come to this Hon'ble Tribunal with clean hands and is merely pursuing a personal vendetta through this OA which is nothing more than an abuse of the process of the court. The OA deserves to be dismissed with exemplary costs.
27. It is humbly submitted that no grounds are made out to entertain this OA. All the averments made in the para under reply are a repetition of foregoing paras, and in reply thereto all averments made above and in the preliminary submissions are reiterated herein. It is reiterated that this OA is without merit, is vitiated by concealment of material fact, the Applicant has not come to this Hon'ble Tribunal with clean hands, and is merely pursuing a personal vendetta through this OA which is nothing more than an

abuse of the process of the court. The OA deserves to be dismissed with exemplary costs.

28. It is reiterated that there is no violation in the present case as alleged and this OA deserves to be dismissed with exemplary costs.
29. It is reiterated that this OA is without merit, is vitiated by concealment of material fact, the Applicant has not come to this Hon'ble Tribunal with clean hands and is merely pursuing a personal vendetta through this OA which is nothing more than an abuse of the process of the court. The OA deserves to be dismissed with exemplary costs.
30. The answering Respondent No.4-7 seeks liberty of this Hon'ble Tribunal to file any further submissions and undertakes to do so if directed by this Hon'ble Tribunal.

Filed by:



(MOHINI PRIYA)

Advocate for the respondent No. 4 to 7
A-23, Lower Ground Floor,
Defence Colony, New Delhi 110024
Ph: 9971302878
Email: Priya.mohini@gmail.com

Filed on: 24.10.2024

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

O.A. NO. 817 OF 2024

IN THE MATTER OF:

Raj Kumar ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

AFFIDAVIT

I, Pramod S/o. Sh. Veer Sen aged about 48 years Proprietor of Hanuman Brick Field, Halalpur, Baghpat Uttar Pradesh, 250617 do hereby solemnly affirm and state as under:

1. That I am proprietor of Respondent No.6 and duly authorized by respondent No. 4,5 and 7 in the aforesaid such I am conversant with the facts and circumstances of the case and also competent to swear this affidavit.
2. I state that I have read and understood the contents of the accompanying reply which have been drafted under my instruction and that I have read and understood the same and that I state that the facts stated therein are true to the best of my knowledge and belief and rest are submissions based on legal advice which I believe to be true and correct.
3. I say that the Annexures annexed with the reply are true copy of its respective original.

4. I say that the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therein.



DEPONENT

VERIFICATION:

Verified at _____ on this ___ day of October 2024 that the contents of my above affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.



DEPONENT

ANNEXURE R-1

Regional Office
Uttar Pradesh Pollution Control Board
Pocket TC-3/2, Pallav Puram, Phase-II, Modipuram,
Meerut

Ref. No. 559/NOC-47/2013

Dt: 29.6.2013

Valid for two years from the date of issue.

To,

M/s Mahadev Brick Field-2,
Village Hallalpur, Janpad Bagh Pat

Sub: Issuance of No Objection Certificate in the light of
the environment for the establishment of new Unit
-regarding.

Sir,

Kindly refer to your application dated 19.06.2013
on the above subject and be apprised that this industry
has to adhere to the following terms and conditions
(annexed) in view of the environment control for
obtaining No Objection Certificate:

1. No Objection Certificate is issued only on the basis
of following specific details:

- a) Place: Khasra No. 300/3, Gram Hallalpur, Bagh Pat.
- b) Production: Red brick – 35,000 pieces per day.
- c) Main raw material: Earth, water, sand etc.
- d) Fuel used: Coal – 3.0 Ton/day and wood – 01 ton/day.
- e) Quantity of industrial effluent: 0 (zero)

In case of any change sought in the aforesaid subject matter the owner will have to obtain NOC afresh.

2. The inspection of the Unit cannot be carried on until the progress report of installation of machines, devices, green plaque, effluent purification equipments and air pollution control mechanism is submitted to this office by 10th of each month.
3. The inspection and production in the Unit may not be started until the approval of Water Board and Air Board is obtained. For the purpose of obtaining approval from Water and Air Board one must have to submit an application 2 months prior to start of

production in the prescribed approval application giving reference of the first application. If the concerned Unit does not comply the legal provisions, action can be taken without giving any information.

4. Prior to start of production in the Unit the inspection through our Regional Office must be ensured.
5. The quantity of local effluent must not be more than 2.0 K.L./day. The Sceptic Tank and Sokpit should be purified in view of the prescribed parameters by the Board.
6. A copy of order served for procurement of proposed purification equipments and construction material should be provided to this office by 30.7.2013.
7. A copy of registration from Gram Panchayat and Mining Department must be obtained prior to the production in the Brick Field and send to this office.
8. Prior to the trial production in the Brick Field the establishment of Settling Chamber and permanent

Chimney must be provided to this office so that the air effluent must remain within the prescribed parameters.

9. A green plaque of appropriate width must be developed around the Brick Field.
10. Prior to the production in the Brick Field Air approval from the Board must be obtained.
11. In case complaint against the Brick Field in regard to the pollution related issues is confirmed its NOC can automatically be cancelled.
12. The condition No. 7, 8, 9, 10 and 11 of the No Objection Certificate are very sensitive conditions which must be complied. In case of non-compliance of these conditions, the Bank Guarantee/F.D.R. deposited in favour of Board will be forfeited.
13. The Brick Field owner must have to ensure the compliance of all points of the U.P. Brick Klin (Parameters for Establishment) Regulations-2012.

14.The provisions mentioned in order dated 27.02.2012 passed by the Hon'ble Supreme Court must be complied.

Kindly take note of if the aforementioned written specific terms and conditions and general terms and conditions are not complied satisfactorily the No Objection Certificate issued by the Board will be cancelled. The Board reserves the right to cancel or amend the terms and conditions of No Objection Certificate. In view of the aforementioned specific and General Terms and Conditions the Industrial Unit must have to submit the first compliance report to this office by 31.7.13. The compliance report must be sent regularly otherwise No Objection Certificate will be cancelled.

Sd/- (illegible)

(29.06.13)

(Regional officer)

Pg. No.

Copy to:

The Chief Environmental Engineer (Circle-3), U.P. Pollution Control Board, Lucknow for information and necessary action.

Sd/- (illegible)

(Regional Officer)

// TRUE TRANSLATED COPY //



Regional office Tel: 0121 2577676

Uttar Pradesh Pollution Control Board

**Pocket-TC-3/2, Pallavapuram Phase-2, Modipuram,
Meerut-250110**

Reference Number- 2089/E/BPT/81-82/2015 Registered

Date 14.01.15

To,

**M/s Mahadev Brick Field-2,
Village Halalpur, tehsil Barot
District Baghpat.**

**Subject: Regarding consent under Section 21 of the Air
(Prevention and Control of Pollution) Act 1981.**

Sir,

With reference to the subject mentioned-above,
kindly refer to your application form dated 1.07.2014.

Your application has been examined and is being
forwarded to you enclosing Conditional Consent Order No.
129 Consent (Air) Order/2014 dated 2/6/14. Your

attention is drawn towards serial numbers 1,4-6, 11-20 described below.

1. Ensure strict compliance with the conditions given in the consent and various points given below and ensure to send the compliance report to this office within one month.
2. The height of the chimney attached to the DG set of _____KVA capacity should be elevated _____ m from the ground floor/roof of the building.
3. Make sure to send the monitoring report of flue gas, process emissions and air quality within **one** month of receiving this letter.
4. Provision for air pollution control such as **permanent chimney and gravitational settling chamber** should be made in such a way that the quantity of polluting components is in accordance with the standards set by the Board.

5. Make sure to send reports regarding the design, efficiency of all pollution control systems and the layout plan of your industry within one month of receiving this letter.
6. Your industry should be operated in such a way that the quality of the atmosphere remains as per the standards.
7. Plant trees in appropriate quantity, which will improve the environment and ensure to send the progress report every three months.
8. This consent is valid only for the current production capacity and current emission quantity.
9. You are instructed to send a copy of the latest audited balance sheet of your enterprise or a certificate of verification of full investment (fixed assets, current assets, current liabilities) by a Chartered Accountant, so that the consent fee payable by you can be verified.

Telephone No.0121-2577575

REGIONAL OFFICE

Uttar Pradesh Pollution Control Board

Pocket –TC-3/2, Pallavpuram Phase-II, Modipuram,

Meerut – 250110

Consent order Application

Sr. No.108 / consent [air] order /2015, Meerut, date 14.01.2015

Sub : Consent of M/s Mahadev Bricks Field-2, Village Halalpur, ,
Tehsil Barot

Under Section 21/22 of the Air [Prevention and Control of
Pollution] Act 1981 [as amended]

Ref : Application No. Zero - date :
10.07.2014

Under the Air Act 1981, M/s Mahadev Bricks Field-2, Village
Halalpur, , Tehsil Barot District baghpat has been authorized by
the Board to discharge emissions into the atmosphere from its
plants as per the conditions mentioned in the annexure to the
above consent application form. Air polluting substances under
the Air Act 1981.

1. This consent is valid for the period from 10.07.2014 to 31/12/2015.
2. Notwithstanding any information contained in this Consent Order and the conditions of consent, the Uttar Pradesh Pollution Control Board, Lucknow, under Section 21(6) of the Air (Pollution Control and Prevention) Act, 1981 and its Amendment Act, 1987, As mentioned above. The Board reserves the right and power to reconsider any/all the conditions mentioned and make changes as it deems appropriate.

For or authorized by Uttar Pradesh Pollution Control Board.

Attachment: Attachment

Sd/-xxx

(Agreement condition)

Regional Officer [P]

14.01.xxx

4. The plants for air pollution control and monitoring approved by the Board should be installed in the proposed or working premises of the industry only.
5. The pollution control measures employed by the industry can be amended or replaced (if not found efficient and compliant) as per the instructions of the Board.
6. The control and monitoring plants indicated in points 4, 5 and 7 should be kept operational in the unit.
7. Provision of chimney/stack should be made at every necessary place in the unit area as per Board norms.
8. Complete arrangements should be made to monitor the emissions from the entire stack of the unit within one month of the date of issue of the consent order. Emissions should be monitored regularly and its monthly reports should be submitted to the Board.
9. _____

(a) Complete compliance with the consent conditions referred to above should be ensured by the working unit and the necessary compliance report in this regard should be submitted within one month of receipt of the consent order.

(b) Production should not be started in the new unit until all the conditions of the consent order are complied with as per the recommendation of the Board.

10. If, due to any accident or any unavoidable reasons, the emission of air polluting components into the environment exceeds or is likely to exceed the prescribed standards referred to in Section 29, then the Board and other institutions referred to in Section 29 Uttar Pradesh Air (Pollution Prevention and Control) Act, 1983 is described, should be reported.

11. No change of any kind should be made in any pollution control plant or stack working in the unit without prior permission of the Board.

12. Maintenance of the unit should be such that it should be ensured that air polluting elements are not emitted from any point other than the stack.

13. Provision of all necessary facilities should be made by the unit in connection with the collection of air emission samples from the chimney or any of the above mentioned "other outlets" by the employees of the Board or the institutions recognized by the Board.

14. In case of any damage to agricultural produce etc. from the unit, it will be necessary that the production in the unit should be stopped immediately and information about removal should be immediately given to the Board.

Status Report of 04 Brick Kilns mentioned in the order dt.23.07.2024 passed by Hon'ble NGT in the Original Application No. 817of 2024, Raj Kumar V/s State of U.P.&Ors.

Background-

Hon'ble NGT in its Order Dated 23.07.2024 in Original Application No. 817of 2024, Raj Kumar Vs State of U.P.&Ors., which is regarding violation of Siting Criteria vide respondent no. 4 to 7 namely M/s Mahadev Brick Field, Unit-2, Village-Halalpur, Baghpat, M/s Mahadev Brick Field, Village-Halalpur, Baghpat, M/s Hanuman Brick Field, Village-Halalpur, Baghpat and M/s Hanuman Brick Field, Village-Silana, Baghpat. Order of the Hon'ble Tribunal is as below:-

.... "3. He has further submitted that respondent no. 4 to 7 have been setup after coming into force of rules of 2012 therefore in terms of the order of the Tribunal dated 12.10.2023 passed in O.A. 341/2023 in the matter of Vipin Kumar Vs. Uttarakhand Pollution Control Board & Ors, the siting criteria prescribed in the rules of 2012 was applicable to them because the law prevailing at the time of granting them permission would be applicable. He has further submitted that the order of the Tribunal in Vipin Kumar Supra was subject matter of challenge in Civil Appeal No. 5596 –5597 of 2024. But the legal proposition set out in that order has not been interfered by the Hon'ble Supreme Court while disposing of the civil appeal vide order dated 29.04.2024.

4. O.A. raises substantial issue relating to compliance of the environmental norms.

5. Issue notice to the respondents. Applicant is directed to serve the respondent and file affidavit of service at least one week before the next date of hearing."

6. List on 25.10.2024."

..... page-1





Inspection of site and observation:-

Alleged Brick kilns are inspected jointly on 25.09.2024 by Mining Inspector, Baghpat and Assistant Environment Engineer, UPPCB, Meerut. On the basis of inspection and office record status of the said brick kilns is as below:-

1. M/s Mahadev Brick Field, Unit-2, Village- Halalpur, Baghpat-

During inspection unit is found non-operational. It was informed by representative that brick kiln is not operated since last 03 years. Brick kilns was established in 2013 after obtaining the Consent to Establish(CTE) dt29.06.2013 from UPPCB(**Annexure-1**). Site of the Brick kiln was reported conforming to The U. P. Brick Kilns (Siting Criteriafor Establishment) Rules,2012 in the year 2013. Consent to Operate (CTO) has been issued to the brick kiln vide order dt.14.01.2015 for the period up to 31.12.2015. Further latest renewal of CTO has been issued on dt.06.10.2022 having validity for the period up to 31.07.2025(**Annexure-2**).

2. M/s Mahadev Brick Field, Village- Halalpur, Baghpat-

During inspection unit is found non-operational due to off season. Brick kilns was established before 2011. Initial Consent to Operate (CTO) has been issued to the brick kiln vide order dt.31.03.2011 for the period up to 31.12.2013(**Annexure-3**). Further latest renewal of CTO has been issued on dt.07.10.2022 having validity for the period up to 31.07.2027(**Annexure-4**). The U.P. Brick Kilns (Siting Criteriafor Establishment) Rules,2012is not applicable to the said brick kiln.

3. M/s Hanuman Brick Field, Village- Halalpur, Baghpat-

During inspection unit is found non-operational due to off season. Brick kilns is established in 2011 after obtaining the Consent to Establishment (CTE) from UPPCB(**Annexure-5**). Consent to Operate



(CTO) has been issued to the brick kiln vide order dt. 02.06.2014 for the period up to 31.12.2018. Further latest renewal of CTO has been issued on dt. 21.09.2023 having validity for the period up to 31.07.2028 (**Annexure-6**). The U.P. Brick Kilns (Siting Criteria for Establishment) Rules, 2012 is not applicable to the said brick kiln.

4. **M/s Hanuman Brick Field, Village- Silana, Baghpat-**


During inspection unit is found non-operational due to off season. Brick kilns is established in 2013 after obtaining the Consent to Establishment (CTE) dated 31.08.2013 from UPPCB (**Annexure-7**). Site of the Brick kiln was reported conforming to The U.P. Brick Kilns (Siting Criteria for Establishment) Rules, 2012 in the year 2013. Consent to Operate (CTO) has been issued to the brick kiln vide order dt. 24.04.2019 for the period up to 31.07.2023. Further latest renewal of CTO has been issued on dt. 21.09.2023 having validity for the period up to 31.07.2028 (**Annexure-8**).

Findings:-

None of the above mentioned 04 brick kilns are considered as violators. No any action or proceeding has been initiated or forwarded to the UPPCB, Head Office and District Administration, Baghpat, against the said brick kilns.

Annexure- As above.


Anuj Kumar,
Mining Inspector, Bagpat


Yogesh Kumar Mishra,
A.E.E., U.P.P.C.B., Meerut



Uttar Pradesh Pollution Control Board
 Building, No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010
 Phone: 0522-2720828, 2720831, Fax: 0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

166073/UPPCB/Meerut(UPPCBRO)/CTO/both/BAGPAT/2022

Date: 06/10/2022

To,

M/s

MAHADEV BRICK FIELD 2 KHASRA NO 300

VILLAGE- HALALPUR, BAGHPAT, 250617

Application Id-
17994833

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to MAHADEV BRICK FIELD 2 KHASRA NO 300 located at VILLAGE- HALALPUR, BAGHPAT, 250617. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA MAHADEV BRICK FIELD 2 KHASRA NO 300 granted for the period from 06/10/2022 to 31/07/2025 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Bricks	20000	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1	Septic Tank	Septik Tank/Soakpit
Industrial	0	Septic Tank	..

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
1	Domestic-1KLD	as per norms
2	Industrial-0KLD	..

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Brick Kiln with rectangular shape (Zig Zag methodology)	Rice husk/biomass/Agriculture refuse/pellets/briquettes	01	Particulate Matter	30 meter from ground level

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	01	Particulate Matter	250mg/Nm ³

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-
Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
2. This CTO will be subject to the order passed by Hon'ble Supreme Court of India, Delhi in writ petition no. 18213/2021 NCR Brick Kiln Association Vs. Central Pollution Control Board & Ors. The operation of brick kiln will be strictly subject to the orders passed in this writ petition time to time.
3. Brick kiln shall comply with directions of Hon'ble National Green Tribunal/Hon'ble Supreme Court/CPCB/UPPCB issued time to time.
4. Regarding Emmission, Brick kiln shall comply with the emission standard of 250 mg/Nm³ as laid down by notification dated 22.02.2022 issued by Ministry of Environment, Forest and Climate Change.
5. Brick kiln shall ensure covering of trucks/ vehicles properly during transportation of raw materials/ bricks.
6. Brick kiln must ensure platform of size 4Feet x 6Feet and porthole of minimum 4 inch diameter in size as per the norms or design laid down by the CPCB for monitoring of emissions.
7. The said Brick Kiln must be operated as per zig-zag setting, rectangular in shape methodology. Mixed settling of bricks in kiln is not allowed
8. Regarding Fuel , as per direction no. 65 issued by Commission for Air Quality Management & Adjoining Areas, Delhi, Brick kiln will ensure use of approved fuel i.e., Biomass/Agriculture refuse and Pellets/briquettes/PNG etc. as far as possible. In case of non- availability of approved fuel, coal may be used as per notification dated 22.02.2022 issued by Ministry of Environment, Forest and Climate Change. Brick kiln shall not use any unauthorized/restricted fuel like rubber/ scrap/tyre/ oily residue/ pet coke/ plastic/ leather cutting etc. in the Manufacturing process.
9. Brick kiln shall deposit amount of environmental compensation; if applicable.
10. Brick kiln shall submit necessary approvals from other departments i.e., mining, labour, sale tex etc. before starting operation.
11. Brick kiln shall ensure that the road utilized for transporting raw materials or bricks are paved.
12. Brick kiln shall submit quarterly monitoring report of stack and ambient air quality from a certified/approved/NABL accredited Laboratory.
13. Brick kiln shall ensure adequate plantation of trees/shrubs and maintain green belt along with proper system for water sprinkling within its premises.
14. Brick Kiln shall comply with Solid Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016.
15. Brick Kiln shall submit Environmental Statement in prescribed form as per Rule 14 of Environment (Protection) Act, 1986.
16. This consent is valid only for products and quantity mentioned above. Brick kiln shall obtain prior approval before making any modification in product/process/fuel failing which consent would be deemed void.
17. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
18. Compliance report of this consent order must be sent to this office within two months.
19. The applicant shall make an application along with prescribed fee for grant of renewal of consent at least 30 days before the date of expiry of this consent.
20. Any amendments/revisions made by the Board/CPCB/MOEF in the APCS/emission/stack height standards shall be applicable to the Brick Kiln from the date of such amendments/revisions.
21. The Brick kiln will submit revised lease deed one month prior to the expiry of the same, if applicable. If the brick kiln fails to submit the revised/extended lease deed one month prior to the expiry of the same, then the earlier consent fee deposited by the Brick Kiln will stand forfeited and the brick kiln will have to apply fresh consent along with the requisite consent fee.
22. In case of use of standby DG set, it must be operated as per direction no. 55 issued by CAQM & AA. Delhi. The link for same is <https://caqm.nic.in/WriteReadData/LINKS/5537426406-4577-4794-bb99-8982c37356dc.pdf>

23. Brick kiln will be liable to pay outstanding fee if any.

24. Notwithstanding anything contained in this conditional letter or consent, the Board hereby reserves the right and powers under Section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and its amendments thereof and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and its amendments thereof to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Acts by the Board.

Copy to:

Digitally signed
by Vijay
Date: 2022.10.06
18:07:35 +05'30'
Vijay
RO,UPPCB,MEERUT

Digitally signed by
Vijay
Date: 2022.10.06
18:07:35 +05'30'
Vijay
RO,UPPCB,MEERUT

ANNEXURE R/5

Regional Office
Uttar Pradesh Pollution Control Board
Pocket TC-3/2, Pallav Puram, Phase-II, Modipuram,
Meerut

Consent Order

No. 79/Sahmati (Air) Order/2011

Lucknow, dated 31.3.2011

Sub: Consent Letter of M/s Mahadev Brick Field, village
Halalpur, Tehsil Barot, Janpad Bagh Pat.

Under Section 21/22 of Air Pollution (Prevention and
Control) Act, 1981.

Ref: Application No. 'Nil' dated 31.01.11.

1. The Board authorizes approves M/s Mahadev Brick Field mentioned above for emission of air related pollutant ingredients under the enclosed terms and conditions.
2. This approval is valid from 31.01.2011 to 21.12.2013.

3. The U.P. Pollution Control Board, Lucknow reserves the right, despite the approval and information, to reconsider under Section 21(6) of Air Pollution (Prevention and Control) Act, 1981 and amended Act, 1987 to cancel or amend the terms and conditions.

Sd/- (illegible)
(Regional Officer)

// TRUE TRANSLATED COPY //

Uttar Pradesh Pollution Control Board, Meerut

Terms and conditions of consent

The maximum emission quantity of flue gas through Chimneys per hour should not more than that as is given below:

- (i) From Brick Klin – Chimney 30 mtr above the ground.

The emission generated by the different Chimneys in the environment should be as given below:

- (i) Suspended Particular Matter C.P.M. – 700
- (ii) Metal Dust (Iron, Zinc Copper etc.)
Hydrogen, Sulphur Tri-Oxide, Sulphate etc.
- (iii) Sulphur Dioxide
- (iv) Carbon Mono-Oxide
- (v) Hydrocarbon
- (vi) Ammonia
- (vii) Florine
- (viii) Mercaptan

3. The quantity of fixed by the Board from time to time is also in accordance with the fixed parameters.

4. The noise of the equipments installed in the industry should remain within the complex as approved by the Board of Air Pollution.
5. The pollution control applied by the industry can be amended or replaced (if required due to ineffective) in accordance with the directions of the Board.
6. The control of pollution and hearing devices mentioned in point No. 4, 5 and 7 should be kept within the working Unit.
7. Provision of Chimney/Stack must be made in each working Unit in accordance with the provisions of the Board.
8. An arrangement for hearing the emissions generating from each Stack of the Unit should be made within one month of issue of consent order. The emission should be regularly watched and its monthly report should be sent to the Board.
9. (a) The Working Unit must ensure the compliance of all the aforesaid consent terms and conditions and the compliance report, after receipt of consent

letter, should be sent to the Board within one month.

(b) The production in the new Unit should not be started until the approval of the Board is not received after compliance of each term and condition of the consent order.

10. If due to any accident or unavoidable reasons the emission of wastes goes above the prescribed limit of the parameters as mentioned in Section 29 or there is possibility of happening like this, the Board should be informed in accordance with Section 29 U.P. Air Pollution (Prevention & Control) Act, 1983.

11. No change in the pollution control devices or Stack should be made without prior approval of the Board.

12. The maintenance of the Unit should be made in such a manner that the emission of pollutant particulars should not be made from any other source except Stack.

13. In regard to collect specimen of Chimney other than the recommended Chimney by the Board the required arrangement should be made.
14. In case of any damage to the public, agricultural output etc. it will be necessary that the production in the Unit should immediately be stopped under intimation to the Board.
15. The applicant/Unit must strictly comply all the directions/orders mentioned in this consent order. In case it is found that the directions/orders mentioned therein are not being complied satisfactorily action will be taken against the applicant/Unit under the law.
16. All terms and conditions mentioned above will remain valid until cancelled under Section 21(6) of the Act.
17. For renewal of consent order the applicant will have to submit the copies consent letter. This application should be filed 30 days before the expiry of previous consent order or 30 days before the substituted Chimney (whichever is earlier).

18. During the inspection by the Officers of the Board the Unit will provide Inspection Book.
19. The applicant will provide all information of the devices of pollution control, their establishment or functioning along with other information to the Inspector/Board of Air Pollution Control.
20. A list of Directors of Industry, Partners, Proprietors along with their addresses and telephone numbers will have to be submitted within 30 days of receipt of consent order.
21. The U.P. Pollution Control Board, Lucknow reserves the right, despite the approval and information, to reconsider under Section 21(6) of Air Pollution (Prevention and Control) Act, 1981 and amended Act, 1987 to cancel or amend the terms and conditions.

For U.P. Pollution Control Board or authorized.

Sd/- (illegible)
(Regional Officer)

// TRUE TRANSLATED COPY //

ANNEXURE R-6

Regional Office
Uttar Pradesh Pollution Control Board
Pocket TC-3/2, Pallav Puram, Phase-II, Modipuram,
Meerut

Registered

Ref. No. 4291/Bagh Pat/M-56/11

Dated: 31.3.2011

To,

M/s Mahadev Brick Field,
Village Hallalpur, Tehsil Barot,
Janpad Bagh Pat

Sub: Regarding approval under Section 21 of Air
Pollution (Prevention and Control) Act, 1981.

Sir,

Kindly refer to application dated 31.01.2011 in
regard to the aforementioned subject. Your letter is
examined and you are awarded approval being Order
No. 79 (Vayu) Order/2011 dated 31.3.11 which is being
annexed herein. Your attention is drawn to clause No.
1, 3, 4 to 8, 11 to 18 given below:

1. Kindly strictly ensure the compliance of terms and conditions mentioned in the approval order and a compliance report to this order must be endorsed within one month.
2. The height of the Chimney annexed with the D.G. Set having ... KVA capacity from Ground/Building to roof be
3. A report of flue gas, effluent and air quality should be sent to this office within one month.
4. The arrangement of Chimney and Gravitational settling Chamber should be fixed in such a manner that the arrangement for air pollution control must remain within the provisions of the Board viz. the quantity of effluents should remain within the prescribed parameters.
5. Kindly ensure to provide a the design of pollution control arrangements, report in regard to its efficiency and lay-out plan of the industry within one month.

6. Your industry must be run in such a manner that may ensure that the quality of environment is well within the parameters laid down by the Board.
7. Ensure the plantation of trees in appropriate quantity so that the environment may remain health and the progress report may be provided in each quarter.
8. This approval is granted only for the present production capacity and present waste effluent.
9. A copy of current balance sheet of your industry audited by your Chartered Accountant or a verified copy of your total investment (immovable property + present property = present liabilities) should be provided so that the fee of approval payable by you could be fixed.
10. The use of fuel will not made for production process or other processes.
11. You are advised to comply all the relevant rules of Upkar Act, 1977 and also endorse a copy of compliance to this office.

12. The environmental bulletin must be announced within a fixed tenure by the industry.
13. No fuel other than coal and wood is allowed in the Brick Kline factory.
14. In case it is found that rubber cutting, oily sludge or plastic scrap is being used in the Brick Klin this approval will be cancelled and legal action will be taken.
15. It is mandatory to provide/arrange Seedi, port hole and platform for inspection of the effluent being produced by the Chimney.
16. This approval is being issued in compliance of interim order about the Fly Ash passed by the Hon'ble High Court. The final judgment passed in regard to this issue by the Hon'ble Supreme Court will be binding.
17. Kindly ensure the compliance of the directions given by the Board from time to time as well as the directions passed by the Government of India under Environment Conversation Act, 1986.

18. This approval of this license is valid only up to the limit of District Panchayat, Paghpat.

U.P. Pollution Control Board, Lucknow vests rights/powers under Air Pollution (Prevention and Control) Act, 1981 and amended Act 1987 to reconsider the terms and conditions stated above and change it if required.

Encl: As above.

Yours sincerely,

Sd/- (illegible)

(Regional officer)

Ref. No.Air Pollution Dated.....

Copy to:

1. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board) for information and necessary action.

Sd/- (illegible)

(Regional officer)

// TRUE TRANSLATED COPY //

ANNEXURE R-7

Regional Office
Uttar Pradesh Pollution Control Board
Pocket TC-3/2, Pallav Puram, Phase-II, Modipuram,
Meerut

Ref. No. 1170/NOC-107/11

Dt: 19.12.2011

Valid for two years from the date of issue.

To,

M/s Hanuman Brick Field,
Village Hallalpur, Tehsil Barot,
Janpad Bagh Pat

Sub: Issuance of No Objection Certificate in the light of the environment for establishment of new Unit/enhancing the capacity of existing Unit/Renewal of equipments of the brickfield-regarding.

Sir,

Kindly refer to your application DATED 17.11.11 on the above subject and be apprised that this industry has to adhere to the following terms and conditions

(annexed) in view of the environment control for obtaining No Objection Certificate:

1. No Objection Certificate is issued only on the basis of following specific details:

- a) Place: Khasra No. 75/1, Gram Hallalpur, Tehsil Barot, Janpad Bagh Pat.
- b) Production: Red brick – 21,000 per day.
- c) Main raw material: Earth and water.
- d) Fuel used: Coal – 3.0 Ton/day and wood – 1.0 ton/day.
- e) Quantity of industrial effluent: 0 (zero)

In case of any change sought in the aforesaid subject matter the owner will have to obtain NOC afresh.

2. The inspection of the Unit cannot be carried on until the progress report of installation of machines, devices, green plaque, effluent purification equipments and air pollution control mechanism is submitted to this office by 10th of each month continuously.

3. The inspection of production in the industrial unit cannot be carried on until the industry gets approval from the Water Board and Air Pollution rules. For the purpose of obtaining approval from Water and Air Board one must have to submit an application 2 months prior to start of production in the prescribed approval application giving reference of the first application. If the concerned Unit does not comply the legal provisions, action can be taken without giving any information.
4. Prior to start of production in the Unit the inspection through our Regional Office must be ensured.
5. The quantity of local effluent must not be more than 1.5 K.L./day. The Sceptic Tank and Sakpit should be purified in view of the prescribed parameters by the Board.
6. A copy of order served for procurement of proposed purification equipments and construction material should be provided to this office by

7. A copy of registration from Gram Panchayat and Mining Department must be obtained prior to the production in the Brick Field and send to this office.
8. Prior to the trial production in the Brick Field the establishment of Settling Chamber and permanent Chimney must be provided to this office so that the air effluent must remain within the prescribed parameters.
9. A green plaque of appropriate width must be developed around the Brick Field.
10. In case complaint against the Brick Field in regard to the pollution related issues is confirmed its NOC can automatically be cancelled.
11. Prior to the production in the Brick Field Air approval from the Board must be obtained.
12. The condition No. 7, 8, 9, 10 and 11 of the No Objection Certificate are very sensitive conditions which must be complied. In case of non-compliance of these conditions, the F.D.R. deposited in favour of Board will be forfeited.

Kindly take note of if the aforementioned written specific terms and conditions and general terms and conditions are not complied satisfactorily the No Objection Certificate issued by the Board will be cancelled. The Board reserves the right to cancel or amend the terms and conditions of No Objection Certificate. In view of the aforementioned specific and General Terms and Conditions the Industrial Unit must have to submit the first compliance report to this office by 31.1.12. The compliance report must be sent regularly otherwise No Objection Certificate will be cancelled.

Sd/- (illegible)

(14.12.11)

(Regional officer)

Pg. No.

Copy to:

The Chief Environmental Engineer (Circle-3), U.P. Pollution Control Board, Lucknow for information and necessary action.

Sd/- (illegible)

(Regional Officer)

// TRUE TRANSLATED COPY //

Telephone No.0121-2577575

REGIONAL OFFICE

Uttar Pradesh Pollution Control Board

Pocket –TC-3/2, Pallavpuram Phase-II, Modipuram,

Meerut – 250110

Consent order Application

Sr. No.124 / consent [air] order /2014, Meerut, date

7/6/14

Sub : Consent of M/s Hanuman Bricks Field, Village Halalpur,
District Baghpat

Under Section 21/22 of the Air [Prevention and Control of
Pollution] Act 1981 [as amended]

Ref : Application No. Zero - date :
24.05.14

1. Under the Air Act 1981, M/s Hanuman Brick Field, Village Halalpur, District Baghpat has been authorized by the Board to discharge emissions into the atmosphere from its plants as per the conditions mentioned in the annexure to the above consent application form. Air polluting substances under the Air Act 1981.

2. This consent is valid for the period from (- 24/5)/2014 to 31/12/2018.

3. 3. Notwithstanding any information contained in this Consent Order and the conditions of consent, the Uttar Pradesh Pollution Control Board, Lucknow, under Section 21(6) of the Air (Pollution Control and Prevention) Act, 1981 and its Amendment Act, 1987, As mentioned above. The Board reserves the right and power to reconsider any/all the conditions mentioned and make changes as it deems appropriate.

For or authorized by Uttar Pradesh Pollution Control Board.

Attachment: Attachment
(Agreement condition)

Sd/-xxx
Regional Officer [P]



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

192285/UPPCB/Meerut(UPPCBRO)/CTO/both/BAGHPAT/2023

Date: 21/09/2023

To,

M/s

MS HANUMAAN BRICK FIELD

Village - Halalpur , Tehsil - Baraut Dist - Baghpat,BAGHPAT,250617

Application Id-
22650710

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to MS HANUMAAN BRICK FIELD located at Village - Halalpur , Tehsil - Baraut Dist - Baghpat,BAGHPAT,250617. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA MS HANUMAAN BRICK FIELD granted for the period from 21/09/2023 to 31/07/2028 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Bricks	20000	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	2	Septic Tank	Septik Tank/Soakpit
Industrial	0	Septic Tank	..

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be

dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Brick Kiln with rectangular shape(Zig Zag methodology)	Rice husk/biomass/Agriculture refuse/pellets/briquettes	01	Particulate Matter	30 meter from ground level

Emmission Quality Standards

S No.	Stack no	Parameters	Standards
1	01	Particulate Matter	250mg/Nm3

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level In db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will results in legal action under the aforesaid Acts and Rules.

In compliance to the G.O 1011/81-7-2021-09 (Wrt) 2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
2. This CTO will be subject to the order passed by Hon'ble Supreme Court of India, Delhi in writ petition no. 18213/2021 NCR Brick Kiln Association Vs. Central Pollution Control Board & Ors. The operation of brick kiln will be strictly subject to the orders passed in this writ petition time to time.

3. Brick kiln shall comply with directions of Hon'ble National Green Tribunal/Hon'ble Supreme Court/CPCB/UPPCB issued time to time.
4. Regarding Emmission,Brick kiln shall comply with the emission standard of 250 mg/Nm³ as laid down by notification dated 22.02.2022 issued by Ministry of Environment, Forest and Climate Change.
5. Brick kiln shall ensure covering of trucks/ vehicles properly during transportation of raw materials/ bricks.
6. Brick kiln must ensure platform of size 4Feet x 6Feet and porthole of minimum 4 inch diameter in size as per the norms or design laid down by the CPCB for monitoring of emissions.
7. The said Brick Kiln must be operated as per zig-zag setting, rectangular in shape methodology. Mixed settling of bricks in kiln is not allowed
8. Regarding Fuel , as per direction no. 65 issued by Commission for Air Quality Management & Adjoining Areas, Delhi, Brick kiln will ensure use of approved fuel i.e., Biomass/Agriculture refuse and Pellets/briquettes/PNG etc. as far as possible. In case of non- availability of approved fuel, coal may be used as per notification dated 22.02.2022 issued by Ministry of Environment, Forest and Climate Change. Brick kiln shall not use any unauthorized/restricted fuel like rubber/ scrap/tyre/ oily residue/ pet coke/ plastic/ leather cutting etc. in the Manufacturing process.
9. Brick kiln shall deposit amount of environmental compensation; if applicable.
10. Brick kiln shall submit necessary approvals from other departments i.e., mining, labour, sale tex etc. before starting operation.
11. Brick kiln shall ensure that the road utilized for transporting raw materials or bricks are paved.
12. Brick kiln shall submit quarterly monitoring report of stack and ambient air quality from a certified/approved/NABL accredited Laboratory.
13. Brick kiln shall ensure adequate plantation of trees/shrubs and maintain green belt along with proper system for water sprinkling within its premises.
14. Brick Kiln shall comply with Solid Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016.
15. Brick Kiln shall submit Environmental Statement in prescribed form as per Rule 14 of Environment (Protection) Act, 1986.
16. This consent is valid only for products and quantity mentioned above. Brick kiln shall obtain prior approval before making any modification in product/process/fuel failing which consent would be deemed void.
17. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
18. Compliance report of this consent order must be sent to this office within two months.
19. The applicant shall make an application along with prescribed fee for grant of renewal of consent at least 30 days before the date of expiry of this consent.
20. Any amendments/revisions made by the Board/CPCB/MOEF in the APCS/emission/stack height standards shall be applicable to the Brick Kiln from the date of such amendments/revisions.
21. The Brick kiln will submit revised lease deed one month prior to the expiry of the same, if applicable. If the brick kiln fails to submit the revised/extended lease deed one month prior to the expiry of the same, then the earlier consent fee deposited by the Brick Kiln will stand forfeited and the brick kiln will have to apply fresh consent along with the requisite consent fee.
22. In case of use of standby DG set, it must be operated as per direction no. 73 issued by CAQM & AA, Delhi. The link for same is [https:// https://caqm.nic.in/WriteReadData/LINKS/73efc2ebf5-b9a7-4330-8e82-6eb3710f0343.pdf](https://caqm.nic.in/WriteReadData/LINKS/73efc2ebf5-b9a7-4330-8e82-6eb3710f0343.pdf)
23. Brick kiln will be liable to pay outstanding fee if any.
24. Notwithstanding anything contained in this conditional letter or consent, the Board hereby reserves the right and powers under Section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and its amendments thereof and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and its

amendments thereof to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Acts by the Board.

25. Brick Kiln shall ensure internal roads must be paved and transportation of materials will be done in covered vehicle.

Copy to:

Bhuvan Digitally signed
 by Bhuvan
Prakash Prakash Yadav
 Yadav Date: 2023.09.21
 11:57:49 +05'30'
RO,UPPCB,MEERUT

Bhuvan Digitally signed by
 Bhuvan Prakash
Prakash Yadav
 Yadav Date: 2023.09.21
 11:57:56 +05'30'
RO,UPPCB,MEERUT

ANNEXURE R/10

Regional Office
Uttar Pradesh Pollution Control Board
Pocket TC-3/2, Pallav Puram, Phase-II, Modipuram,
Meerut

Ref. No. 915/NOC-59/2013

Dt: 31.8.2013

Valid for two years from the date of issue.

To,

M/s Hanuman Brick Field,
Village Silana, Tehsil Barot,
Janpad Bagh Pat

Sub: Issuance of No Objection Certificate in the light of
the environment for establishment of new Unit -
regarding.

Sir,

Kindly refer to your application dated 02.07.2013
on the above subject and be apprised that this industry
has to adhere to the following terms and conditions
(annexed) in view of the environment control for
obtaining No Objection Certificate:

1. No Objection Certificate is issued only on the basis of following specific details:

a) Place: Khasra No. 33 (A), Gram Silana, Barot, Janpad Bagh Pat.

b) Production: Red brick – 22,000 per day.

c) Main raw material: Earth, water, sand etc.

d) Fuel used: Coal – 2.5 Ton/day and wood – 01 ton/day.

e) Quantity of industrial effluent: 0 (zero)

In case of any change sought in the aforesaid subject matter the owner will have to obtain NOC afresh.

2. The inspection of the Unit cannot be carried on until the progress report of installation of machines, devices, green plaque, effluent purification equipments and air pollution control mechanism is submitted to this office by 10th of each month continuously.

3. The inspection of production in the industrial unit cannot be carried on until the industry gets approval from the Water Board and Air Pollution

rules. For the purpose of obtaining approval from Water and Air Board one must have to submit an application 2 months prior to start of production in the prescribed approval application giving reference of the first application. If the concerned Unit does not comply the legal provisions, action can be taken without giving any information.

4. Prior to start of production in the Unit the inspection through our Regional Office must be ensured.
5. The quantity of local effluent must not be more than 2.0 K.L./day. The Sceptic Tank and Sakpit should be purified in view of the prescribed parameters by the Board.
6. A copy of order served for procurement of proposed purification equipments and construction material should be provided to this office by
7. A copy of registration from Gram Panchayat and Mining Department must be obtained prior to the production in the Brick Field and send to this office.

8. Prior to the trial production in the Brick Field the establishment of Settling Chamber and permanent Chimney must be provided to this office so that the air effluent must remain within the prescribed parameters.
9. A green plaque of appropriate width must be developed around the Brick Field.
10. Prior to the production in the Brick Field Air approval from the Board must be obtained.
11. In case complaint against the Brick Field in regard to the pollution related issues is confirmed its NOC can automatically be cancelled.
12. The condition No. 7, 8, 9, 10 and 11 of the No Objection Certificate are very sensitive conditions which must be complied. In case of non-compliance of these conditions, the Bank Guarantee/F.D.R. deposited in favour of Board will be forfeited.
13. The Brick Field owner must have to ensure the compliance of all points of the U.P. Brick Klin (Parametres for Establishment) Regulations-2012.

14. The provisions mentioned in order dated 27.02.2012 passed by the Hon'ble Supreme Court must be complied.
15. The Chimney of the Brick Klin Unit must be established 1.0 Kms away from the rural Abadi and not less than 800 meters. In case of non-compliance of the No Objection Certificate will be cancelled. The Chimney of the Brick Kline should be established in Khasra No. 33 (A), in village Silana, Barot, Bagh Pat.
16. This No Objection Certificate is being issued on the basis of the report dated 27.07.13 submitted by the Telshildar, Barot, Janpad Baghpat as also on the basis of the affidavit dated 31.08.13 submitted by the owner of the Brick Klin owner. In case of any doubt, the No Objection Certificate will be cancelled.

Kindly take note of if the aforementioned written specific terms and conditions and general terms and conditions are not complied satisfactorily the No Objection Certificate issued by the Board will be cancelled. The

Board reserves the right to cancel or amend the terms and conditions of No Objection Certificate. In view of the aforementioned specific and General Terms and Conditions the Industrial Unit must have to submit the first compliance report to this office by The compliance report must be sent regularly otherwise No Objection Certificate will be cancelled.

Sd/- (illegible)

(31.08.13)

(Regional officer)

Pg. No.

Copy to:

The Chief Environmental Engineer (Circle-3), U.P. Pollution Control Board, Lucknow for information and necessary action.

Sd/- (illegible)

(Regional Officer)

// TRUE TRANSLATED COPY //


Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

192282/UPPCB/Meerut(UPPCBRO)/CTO/both/BAGHPAT/2023
Date: 21/09/2023

To,

M/s

MS HANUMAAN BRICK FIELD
Village - Silana , Tehsil - Baraut , Dist - Baghpat,BAGHPAT,250617

Application Id- 22649727

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **MS HANUMAAN BRICK FIELD** located at **Village - Silana , Tehsil - Baraut , Dist - Baghpat,BAGHPAT,250617**. subject to the provisions of the **Water Act, Air Act** and the orders that may be made further and subject to following terms and conditions :-

1. This CCA MS HANUMAAN BRICK FIELD granted for the period from **21/09/2023 to 31/07/2028** and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Bricks	20000	Numbers/Day

2. **Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-**

- (i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	2	Septic Tank	Septik Tank/Soakpit
Industrial	0	Septic Tank	..

- (ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

- (iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

- (iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be

Dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Brick Kiln with rectangular shape(Zig Zag methodology)	Rice husk/biomass/Agriculture refuse/pellets/briquettes	01	Particulate Matter	30 meter from ground level

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	01	Particulate Matter	250mg/Nm ³

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

in compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
2. This CTO will be subject to the order passed by Hon'ble Supreme Court of India, Delhi in writ petition no. 18213/2021 NCR Brick Kiln Association Vs. Central Pollution Control Board & Ors. The operation of brick kiln will be strictly subject to the orders passed in this writ petition time to time.

- Brick kiln shall comply with directions of Hon'ble National Green Tribunal/Hon'ble Supreme Court/CPCB/UPPCB issued time to time.
4. Regarding Emmission, Brick kiln shall comply with the emission standard of 250 mg/Nm³ as laid down by notification dated 22.02.2022 issued by Ministry of Environment, Forest and Climate Change.
 5. Brick kiln shall ensure covering of trucks/ vehicles properly during transportation of raw materials/ bricks.
 6. Brick kiln must ensure platform of size 4Feet x 6Feet and porthole of minimum 4 inch diameter in size as per the norms or design laid down by the CPCB for monitoring of emissions.
 7. The said Brick Kiln must be operated as per zig-zag setting, rectangular in shape methodology. Mixed settling of bricks in kiln is not allowed
 8. Regarding Fuel , as per direction no. 65 issued by Commission for Air Quality Management & Adjoining Areas, Delhi, Brick kiln will ensure use of approved fuel i.e., Biomass/Agriculture refuse and Pellets/briquettes/PNG etc. as far as possible. In case of non- availability of approved fuel, coal may be used as per notification dated 22.02.2022 issued by Ministry of Environment, Forest and Climate Change. Brick kiln shall not use any unauthorized/restricted fuel like rubber/ scrap/tyre/ oily residue/ pet coke/ plastic/ leather cutting etc. in the Manufacturing process.
 9. Brick kiln shall deposit amount of environmental compensation; if applicable.
 10. Brick kiln shall submit necessary approvals from other departments i.e., mining, labour, sale tax etc. before starting operation.
 11. Brick kiln shall ensure that the road utilized for transporting raw materials or bricks are paved.
 12. Brick kiln shall submit quarterly monitoring report of stack and ambient air quality from a certified/approved/NABL accredited Laboratory.
 13. Brick kiln shall ensure adequate plantation of trees/shrubs and maintain green belt along with proper system for water sprinkling within its premises.
 14. Brick Kiln shall comply with Solid Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016.
 15. Brick Kiln shall submit Environmental Statement in prescribed form as per Rule 14 of Environment (Protection) Act, 1986.
 16. This consent is valid only for products and quantity mentioned above. Brick kiln shall obtain prior approval before making any modification in product/process/fuel failing which consent would be deemed void.
 17. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
 18. Compliance report of this consent order must be sent to this office within two months.
 19. The applicant shall make an application along with prescribed fee for grant of renewal of consent at least 30 days before the date of expiry of this consent.
 20. Any amendments/revisions made by the Board/CPCB/MOEF in the APCS/emission/stack height standards shall be applicable to the Brick Kiln from the date of such amendments/revisions.
 21. The Brick kiln will submit revised lease deed one month prior to the expiry of the same, if applicable. If the brick kiln fails to submit the revised/extended lease deed one month prior to the expiry of the same, then the earlier consent fee deposited by the Brick Kiln will stand forfeited and the brick kiln will have to apply fresh consent along with the requisite consent fee.
 22. In case of use of standby DG set, it must be operated as per direction no. 73 issued by CAQM & AA, Delhi. The link for same is <https://caqm.nic.in/WriteReadData/LINKS/73efc2ebf5-b9a7-4330-8e82-6eb3710f0343.pdf>
 23. Brick kiln will be liable to pay outstanding fee if any.
 24. Notwithstanding anything contained in this conditional letter or consent, the Board hereby reserves the right and powers under Section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and its amendments thereof and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and its

amendments thereof to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Acts by the Board.

25. Brick Kiln shall ensure internal roads must be paved and transportation of materials will be done in covered vehicle.

Copy to:

Bhuvan Digitally signed
by **Bhuvan**
Prakash Prakash Yadav
Yadav Date: 2023.09.21
12:01:01 +05'30'
RO,UPPCB,MEERUT

Bhuvan Digitally signed
by **Bhuvan**
Prakash Prakash Yadav
Yadav Date: 2023.09.21
12:01:08 +05'30'
RO,UPPCB,MEERUT

ANNEXURE P/12**(Colly)****AFFIDAVIT**

Affidavit deposed by Anil as under:

1. That I depose on oath that my name is Anil son of Mahipal, resident of Halalpur, Tehsil Barot, District Bagh Pat, U.P. and I am well aware of all the facts mentioned in the affidavit.
2. That I depose on oath that we the residents of the village have no problem with Mahadev Brick Field and Mahadev Brick Field-2. Both the aforesaid Brickfields are running as per law.
3. That I depose on oath that out of both these brick fields none of the villagers are feeling breathing problem. The aforesaid brick fields are not damaging the environment of the village.
4. That I depose on oath that at present the owner of both the brick fields is Gram Pradhan, Halalpur who has been facing the complaint because of enmity. I am filing the instant affidavit in support of him.

5. That I depose on oath that all the averments mentioned in paragraph 1 to 4 are true to the best of my knowledge and nothing has been suppressed therefrom God Help Me.

Sd/- (illegible)

(Anil Kumar)

(Deponent)

// TRUE TRANSLATED COPY //

AFFIDAVIT

Affidavit deposed by Karanveer as under:

1. That I depose on oath that my name is Karanveer son of Ishwar, resident of Halalpur, Tehsil Barot, District Bagh Pat, U.P. and I am well aware of all the facts mentioned in the affidavit.
2. That I depose on oath that we the residents of the village have no problem with Mahadev Brick Field and Mahadev Brick Field-2. Both the aforesaid Brickfields are running as per law.
3. That I depose on oath that out of both these brick fields none of the villagers are feeling breathing problem. The aforesaid brick fields are not damaging the environment of the village.
4. That I depose on oath that at present the owner of both the brick fields is Gram Pradhan, Halalpur who has been facing the complaint because of enmity. I am filing the instant affidavit in support of him.
5. That I depose on oath that all the averments mentioned in paragraph 1 to 4 are true to the best

of my knowledge and nothing has been suppressed
therefrom God Help Me.

Sd/- (illegible)

(Karanveer)

(Deponent)

// TRUE TRANSLATED COPY //

Status Report of 04 Brick Kilns mentioned in the order dt.23.07.2024 passed by Hon'ble NGT in the Original Application No. 817of 2024, Raj Kumar V/s State of U.P.&Ors.

Background-

Hon'ble NGT in its Order Dated 23.07.2024 in Original Application No. 817of 2024, Raj Kumar Vs State of U.P.&Ors., which is regarding violation of Siting Criteria vide respondent no. 4 to 7 namely M/s Mahadev Brick Field, Unit-2, Village-Halalpur, Baghpat, M/s Mahadev Brick Field, Village-Halalpur, Baghpat, M/s Hanuman Brick Field, Village-Halalpur, Baghpat and M/s Hanuman Brick Field, Village-Silana, Baghpat. Order of the Hon'ble Tribunal is as below:-

.... "3. He has further submitted that respondent no. 4 to 7 have been setup after coming into force of rules of 2012 therefore in terms of the order of the Tribunal dated 12.10.2023 passed in O.A. 341/2023 in the matter of Vipin Kumar Vs. Uttarakhand Pollution Control Board & Ors, the siting criteria prescribed in the rules of 2012 was applicable to them because the law prevailing at the time of granting them permission would be applicable. He has further submitted that the order of the Tribunal in Vipin Kumar Supra was subject matter of challenge in Civil Appeal No. 5596 -5597 of 2024. But the legal proposition set out in that order has not been interfered by the Hon'ble Supreme Court while disposing of the civil appeal vide order dated 29.04.2024.

4. O.A. raises substantial issue relating to compliance of the environmental norms.

5. Issue notice to the respondents. Applicant is directed to serve the respondent and file affidavit of service at least one week before the next date of hearing."

6. List on 25.10.2024."

..... page-1





Inspection of site and observation:-

Alleged Brick kilns are inspected jointly on 25.09.2024 by Mining Inspector, Baghpat and Assistant Environment Engineer, UPPCB, Meerut. On the basis of inspection and office record status of the said brick kilns is as below:-

1. M/s Mahadev Brick Field, Unit-2, Village- Halalpur, Baghpat-

During inspection unit is found non-operational. It was informed by representative that brick kiln is not operated since last 03 years. Brick kilns was established in 2013 after obtaining the Consent to Establish(CTE) dt29.06.2013 from UPPCB(**Annexure-1**). Site of the Brick kiln was reported conforming to The U. P. Brick Kilns (Siting Criteriafor Establishment) Rules,2012 in the year 2013. Consent to Operate (CTO) has been issued to the brick kiln vide order dt.14.01.2015 for the period up to 31.12.2015. Further latest renewal of CTO has been issued on dt.06.10.2022 having validity for the period up to 31.07.2025(**Annexure-2**).

2. M/s Mahadev Brick Field, Village- Halalpur, Baghpat-

During inspection unit is found non-operational due to off season. Brick kilns was established before 2011. Initial Consent to Operate (CTO) has been issued to the brick kiln vide order dt.31.03.2011 for the period up to 31.12.2013(**Annexure-3**). Further latest renewal of CTO has been issued on dt.07.10.2022 having validity for the period up to 31.07.2027(**Annexure-4**). The U.P. Brick Kilns (Siting Criteriafor Establishment) Rules,2012is not applicable to the said brick kiln.

3. M/s Hanuman Brick Field, Village- Halalpur, Baghpat-

During inspection unit is found non-operational due to off season. Brick kilns is established in 2011 after obtaining the Consent to Establishment (CTE) from UPPCB(**Annexure-5**). Consent to Operate



(CTO) has been issued to the brick kiln vide order dt. 02.06.2014 for the period up to 31.12.2018. Further latest renewal of CTO has been issued on dt. 21.09.2023 having validity for the period up to 31.07.2028 (**Annexure-6**). The U.P. Brick Kilns (Siting Criteria for Establishment) Rules, 2012 is not applicable to the said brick kiln.

4. **M/s Hanuman Brick Field, Village- Silana, Baghpat-**

During inspection unit is found non-operational due to off season. Brick kilns is established in 2013 after obtaining the Consent to Establishment (CTE) dated 31.08.2013 from UPPCB (**Annexure-7**). Site of the Brick kiln was reported conforming to The U.P. Brick Kilns (Siting Criteria for Establishment) Rules, 2012 in the year 2013. Consent to Operate (CTO) has been issued to the brick kiln vide order dt. 24.04.2019 for the period up to 31.07.2023. Further latest renewal of CTO has been issued on dt. 21.09.2023 having validity for the period up to 31.07.2028 (**Annexure-8**).

Findings:-

None of the above mentioned 04 brick kilns are considered as violators. No any action or proceeding has been initiated or forwarded to the UPPCB, Head Office and District Administration, Baghpat, against the said brick kilns.

Annexure- As above.


Anuj Kumar,
Mining Inspector, Bagpat


Yogesh Kumar Mishra,
A.E.E., U.P.P.C.B., Meerut

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

ORIGINAL APPLICATION NO. 817 OF 2024

IN THE MATTER OF:
RAJ KUMAR

.... **APPLICANT**

VERSUS
STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

KNOW ALL to whom these present shall come that I, Parmod Kumar..... Respondent No. _____ the above named Appeal do hereby appoint:

MS. MOHINI PRIYA

Advocates for the Respondent

A-23, Defence Colony, New Delhi-110024

Mob.: 9971302878, Email: priya.mohini@gmail.com

(herein after called the advocate(s) to be my/our advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this court or any other Court in which the same may be tried or tried or heard and also in the appellate Court including High Court subject to payment of fee separately for each court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned to hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

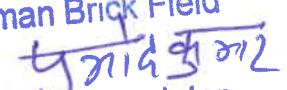
And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand these presents the contents of which have been understood by me/us on this 24 October of 2024.

Accepted & Identified



[MS. MOHINI PRIYA]
Advocate for the respondent
Enr.No. JH58/2010

CLIENT
Hanuman Brick Field

Proprietor

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

ORIGINAL APPLICATION NO. 817 OF 2024

**IN THE MATTER OF:
RAJ KUMAR**

.... APPLICANT

**VERSUS
STATE OF UTTAR PRADESH & ORS.**

RESPONDENT(S)

KNOW ALL to whom these present shall come that I, Pramod Kumar..... Respondent No. _____ the above named Appeal do hereby appoint:

MS. MOHINI PRIYA

Advocates for the Respondent

A-23, Defence Colony, New Delhi-110024

Mob.: 9971302878, Email: priya.mohini@gmail.com

(herein after called the advocate(s) to be my/our advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this court or any other Court in which the same may be tried or tried or heard and also in the appellate Court including High Court subject to payment of fee separately for each court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned to hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand these presents the contents of which have been understood by me/us on this 24 October of 2024.

Accepted & Identified



[MS. MOHINI PRIYA]
Advocate for the respondent
Enr.No. JH58/2010

CLIENT


**M/s. Hanuman Brick Field
Halalpur-Baghpat (U.P.)**

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

ORIGINAL APPLICATION NO. 817 OF 2024

**IN THE MATTER OF:
RAJ KUMAR**

.... **APPLICANT**

**VERSUS
STATE OF UTTAR PRADESH & ORS.**

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KNOW ALL to whom these present shall come that I, Respondent No. _____ the above named Appeal do hereby appoint:

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A-23, Defence Colony, New Delhi-110024

Mob.: 9971302878, Email: priya.mohini@gmail.com

(herein after called the advocate/(s) to be my/our advocate in the above noted case authorized him:-

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To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned to hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand these presents the contents of which have been understood by me/us on this 24 October of 2024.

Accepted & Identified



[MS. MOHINI PRIYA]
Advocate for the respondent
Enr.No. JH58/2010

CLIENT

M/s Mahadev Brick Field II



Proprietor

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

ORIGINAL APPLICATION NO. 817 OF 2024

**IN THE MATTER OF:
RAJ KUMAR**

.... **APPLICANT**

**VERSUS
STATE OF UTTAR PRADESH & ORS.**

RESPONDENT(S)

KNOW ALL to whom these present shall come that I, ..Sudhir Kumar..... Respondent No. ____ the above named Appeal do hereby appoint:

MS. MOHINI PRIYA

Advocates for the Respondent

A-23, Defence Colony, New Delhi-110024

Mob.: 9971302878, Email: priya.mohini@gmai.com

(herein after called the advocate/(s) to be my/our advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this court or any other Court in which the same may be tried or tried or heard and also in the appellate Court including High Court subject to payment of fee separately for each court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

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Accepted & Identified

[MS. MOHINI PRIYA]
Advocate for the respondent
Enr.No. JH58/2010

CLIENT

For Mahadev Brick Filed
Sudhir Kumar
Partner

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Sayesha Gambhir <sayeshgambhir2017@gmail.com>

OA No. 817/2024 titled Raj Kumar Vs. State of Uttar Pradesh & Ors.

1 message

Sayesha Gambhir <sayeshgambhir2017@gmail.com>

24 October 2024 at 20:44

To: Rohan Thawani <rohanthawani@gmail.com>, judicial-ngt@gov.in

Cc: Mohini Priya <priya.mohini@gmail.com>

This is with reference to the subject captioned above.

I am writing under the instructions of Ms. Mohini Priya, AOR.

PFA, herewith a copy of Reply on behalf of the Respondent NO. 4-7 in the subject captioned matter.

Kindly, treat this as an effective service



NGT final reply.pdf

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*Regards,**Adv. Sayesha Gambhir**Contact No: 9667628868*