

**IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.  
ORIGINAL APPLICATION NO. 425 OF 2022**

**IN THE MATTER OF :**

**M.C. DWIVEDI**

**....APPLICANT**

**VERSUS**

**STATE OF UTTAR PRADESH AND OTHERS.**

**...RESPONDENTS**

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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STATE OF U.P. & ORS

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**REPLY ON BEHALF OF RESPONDENT NO 5, MOHD. WASEEM PARTNER  
IN M/S SARPANCH BRICKS**

1. I, Mohammad Waseem Khan, S/o Sh. Mohammad Nazim Khan, Aged about\_\_ years, R/O 39, near badi Masjid, Sujavalpur, Kasganj, Uttar Pradesh- 207242, do hereby solemnly affirm and declare as under :
2. That I, in the capacity of owner of M/s Sarpanch Bricks, am fully conversant with the facts of the case and competent to swear this affidavit.

**PRELIMINARY SUBMISSIONS:**

3. It is submitted that the Respondent No 5 is owner of the M/s Sarpanch Brick kiln and such is well acquainted with the facts of the complaint letter. As the issues pertains to the M/s Sarpanch Brick Kiln which is located Village Chhitauni, Tehsil Sahawar, Kasganj and Applicant's Mango Orchid located in Ramchiton village, Garhka Tehsil, kasganj, Manyavar Kanshiram Nagar.

4. At the outset, it is submitted that present complaint is a motivated one and the letter petition has been filed by the M.C Dwivedi, located at D-1/1203, Vasant Kunj, New Delhi-110070. The Applicant in his complaint alleged that pollution is being caused by the Brick kiln on his Mango Orchard spread over 6 acres of land adjacent to the village.
5. The applicant held that pollution of air and water, and disposal of hazardous waste has reduced the yield and quality of mangoes growing in his Mango Orchard adjacent to the village.
6. The applicant further alleged that the Brick kiln is running without any permission and operating without the consent from the Uttar Pradesh Pollution Control Board.
7. It is submitted that the Respondent no. 5 received a closure order dated 16.07.2021. Respondent no. 5 submits that the M/s Sarpanch Bricks started operations in the year 2010 however due to financial constrains the operation has been closed. Since the earlier Consent expired the Respondent no. 5 have applied for Consolidated Consent and Authorization under Section 25/26 of the Water (Prevention and Control of Pollution ) Act, 1974 and for emissions/ continuation of emission under section 21 of the Air (Prevention and Control of Pollution) Act, 1981. The have Consent order issued dated 28.10.2020 by Uttar Pradesh Pollution Control Board, which has validity till 31.07.2023. Copy of the Application form Consolidated Consent and Authorization to UPPCB is annexed herewith as ANNEXURE- R 5- 1.
8. It is submitted that the Respondent no. 5 had installed Climbing kiln, Platform and Porthole, etc to mitigate the Flue gases releasing from Chimney of the Kiln. These are pre-requite that are fulfilled by the

Respondent no. 5 however it is submitted that the M/s Sarpanch Brick Kiln is inoperative and only after obtaining Consent from UPPCB and abiding rules and laws that the Respondent no. 5 is planning to make the kiln operative again. The Photographs of the present position of the Kiln showing above changes is annexed herewith as ANNEXURE- R5- 2.

9. It is submitted that green belt development activities that have been undertaken in the area surrounding Brick Kiln of Respondent no. 5. The Respondent no. 5 had not even received a show-cause notice. Respondent no. 5 is extremely serious and with that effect had planted numerous trees and shrubs in and around the premises of the Kiln. The Photographs of the present position depicting the necessary plantation made by the Respondent no. 4 is annexed herewith as ANNEXURE- R5/ 3.

10. That Respondent no. 4 has complied with all the conditions mentioned in the Stop working notice and also strictly abide by rules and regulations issued by UPPCB.

11. That as per The Uttar Pradesh Brick Kilns(Siting Criteria For Establishment ) 2012, Rule 2(vii) as under:-

*“brick kiln should not be allowed to install in the ‘Buffer zone’ of a notified fruit belt area as defined in ‘The Uttar Pradesh Promotion and Protection of Fruit Trees(Regulation of Harmful Establishments and Housing Schemes) Act,1985’ and the restriction made by competent authority concerned or decision of court on case to case basis, if any.*

*Distance from sides of mango orchard/Mixed fruits*

*(mango and other) orchard (having at least 100 fruiting trees) joint nursery from brick kiln shall not be less than 800 meters in each direction. The mentioned distances are applicable irrespective of the variety/type of fruit area individually or collectively should not be less than 2.5 acre. Distance will be measured form the chimney of the brick kiln to the first/ nearest row of the tree of mango/fruit orchard towards the kiln.*

The Respondent no. 5 submits that the Brick Kiln is located about 800 meters than from the Mango Orchard. That the Respondent no 5 had not violated any law and the Applicant has moved the Application with ulterior motives and malafide intent. Copy of the The Uttar Pradesh Brick Kilns(Siting Criteria For Establishment ) 2012 is annexed herewith as ANNEXURE- R5- 4.

12. Respondent crave leave to refer to submit additional documents at the time of arguments.

### ON MERITS

#### PARAWISE COMMENTS

1. That in reply to the para 1 are denied for want of knowledge as the Respondent no. 5 is unaware of the orchids owned by the Applicant, and that the Applicant should be put to strict proof of the same.
2. That in reply to the para 2 are denied for want of knowledge as the Respondent no. 5 is unaware of the orchids owned by the Applicant, and that the Applicant should be put to strict proof of the same.

3. That in reply to para 3, it is submitted that Applicant has made wrong contention that due to Brick kiln, the yield and quality of the mangoes are reduced without any proof. It is submitted that not a single waste is directly disposed off to or near the Mango Orchard as the wastage is ash and the same is disposed as per the guidelines of UPPCB.
4. That the contents of para 4, being false, wrong and hence denied by the Respondent no. 5. The Consent Order has been applied by the Respondent no. 5 to the UPPCB and it is submitted that the brick kiln is not operational. The Respondent no. 5 vehemently denies the contention of the Applicant.
5. That the content of the para 5 is denied for being false and misconstrued as the Applicant had no proof that the Respondent no. 5 do not follow the guidelines issued by the UPPCB and Hon'ble Supreme Court of India. As submitted above the Sarpanch Brick Kiln is 3km far from the Applicant's Orchard and hence no violation of rules can be shown by the Applicant as the brick kiln is inoperative at present.
6. That the content of para 6 is denied for want of knowledge by the Respondent no. 5 the contents of the para 6 are not repeated herein for the sake of brevity. It is submitted that these allegations are made without any basis and with ulterior motives.

**PRAYER**

- a). It is therefore most respectfully prayed by the Respondent no. 5 may kindly dismiss the present Original Application filed by the Petitioner;
- b). any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may be passed.

Kasganj

Dated : 17.04.2023



Respondent no. 5

Through

**(Ali Muzaffar & Shireen F Khan)**

Advocates for Respondent no. 5

40/121, LGF, Pocket 40

C.R. Park, New Delhi-110019

Mobile- 9599715315

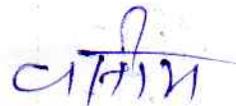
Kasganj

Email:advocateshireenkhan@gmail.com

Date: 17.04.2023

**VERIFICATION**

Verified at Delhi on this- 17th Day of April, 2023 that the statement of facts contained in the Reply to the Original Application are true and correct to our knowledge and the statements of law contained therein are true upon legal information received and believed to be true, No part of it is incorrect and nothing material has been kept concealed therefrom.



**DEPONENT**



BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.425 OF 2022



IN THE MATTER OF:

M.C DWIVEDI

...APPLICANT

VERSUS

STATE OF U.P. & ORS

...RESPONDENTS

AFFIDAVIT

I, Mohammad Waseem Khan, S/o Sh. Mohammad Nazim Khan, Aged about \_\_ years, R/O 39, near badi Masjid, Sujawalpur, Kasganj, Uttar Pradesh- 207242, do hereby solemnly affirm and declare as under :

1. That I am the Respondent no. 5 in the abovementioned case and am well conversant with the facts and circumstances of the case. I am also otherwise competent to swear this affidavit.
2. That the statement of facts contained in Paras 1 to 12 of the Reply to the Original Application are true and correct to my knowledge and the statements of law contained therein are true upon legal information received and believed to be true.

*(Handwritten signature)*  
Deponent

Verification

Verified at Kasganj on this 17th Day of April 2023, that the contents of the above affidavit are true and correct to my knowledge, no part of it is incorrect and nothing material has been kept concealed therefrom.

*(Handwritten signature)*  
**Afsar Khan**  
Advocate Notary  
Sahawar Reg. No. 8534/2011

*(Handwritten signature)*  
Deponent

*(Handwritten notes and stamps)*  
17/11/2023  
30/04/2023  
17/11/2023  
Received on 30/04/2023

**FORM 1**  
**CONSOLIDATED CONSENT & AUTHORIZATION**

Application for consent for discharge/continuation of discharge under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and for emissions/continuation of emission under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and for grant/renewal of authorisation for generation or collection or storage or transport or reception or recycling or reuse or recovery or pre-processing or co-processing or utilisation or treatment or disposal of hazardous and other waste under Hazardous and other waste (Management and Transboundary Movement) Rules 2016 read with Environment (Protection) Act 1986.

From ,

SARPANCH ENT UDHYOG, VILLAGE-  
CHHITAUNI, TEHSIL-SAHAWAR, KASGANJ  
City:KASGANJ  
Block:Sahawar  
District:MANYAVAR KANSHIRAM NAGAR

Dated

19/11/2022

To ,

The Member Secretary,  
U. P. Pollution Control Board,  
Lucknow.

Sir,

I/We apply for Consolidated Consent to Operate and Authorization under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Hazardous and other Waste (Management and Transboundary Movement) Rules 2016 noted under Environment (Protection) Act 1986 to make discharge/emission/disposal of hazardous and other waste from

MOHAMMAD WASEEM KHAN for a period upto 1 years

2. The annexure, appendices other particulars and plans in triplicate are attached herewith.
3. I/We further declare that the information furnished in the Annexure, appendices and plans is correct to the best of my/our knowledge.
4. I/We hereby submit that in case of change either of the point or the quantity of discharge or its quality, a fresh application for CONSENT shall be made and until such CONSENT is granted no change shall be made
5. I/We hereby agree to submit to the Board and application for renewal of consent one month in advance of the date of expiry of the consent period
6. I/We undertake to furnish other information within one month of its being called by the Board.

Accompaniments:-

**Yours faithfully,**

**Signature**

**Name of the applicant: MOHAMMAD WASEEM  
KHAN**

**Address of the Applicant: VILLAGE-CHHITAUNI,  
TEHSIL-SAHAWAR, KASGANJ**

## ANNEXURE TO FORM

**Existing Outlet**

**NOTE-** Any applicant knowingly giving incorrect information or suppressing any information pertaining thereto shall be liable to be punished under the Act.

While filling this Annexure the applicant not concerned with any of the item shall state 'No concerned' against the relevant one:

7. Is the industry/factory for which application is made closed on Sunday/Holiday Yes
8. State working days per year and working season for the industry/factory Aug to Jul
9. a) Number of workers attending the factory shift wise &/ or per day : 20  
b) Number of workers residing in the premises : 4
10. For local bodies only:-  
a) Present population : 0  
b) Population covered under regular sewer facilities : 00  
c) population having septic tank/Soak pit facilities : 0  
d) Population covered by conservancy latrines : 0
11. For Industries Only:-

## A. Give the list of raw materials

Raw Material Name	Material Trade Name	Qty	Principle Use
MUD, WATER	MUD, WATER	20000	MANUFACTURING OF BRICKS

## Fuel Details:-

Fuel	Consumption
Coal	3

## B. Give the list Products and By Product Details

Product Name	Quantity
MANUFACTURING OF BRICKS	20000

ByProduct Name	Licence Qty	Installed Qty
NA	0	0

## C. Give the list of possible Inter-mediate Products:

Name of Product	Quantity per month
MANUFACTURING OF BRICKS	20000

## ANNEXURE TO FORM

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## Fuel Details:-

Fuel	Consumption
Coal	3

## B. Give the list Products and By Product Details

Product Name	Quantity
MANUFACTURING OF BRICKS	20000

ByProduct Name	Licence Qty	Installed Qty
NA	0	0

## C. Give the list of possible Inter-mediate Products:

Name of Product	Quantity per month
MANUFACTURING OF BRICKS	20000

**Section A**

12. State daily quantity of water utilized :

Source Consumption	Quantity
Domestic	3.0
Industrial	5.0

13. A) State the hourly maximum and daily quantity of effluents arising from land/premises for which the application is made:

Generation	Waste Water Generation Quantity
------------	---------------------------------

(B) State how measurement of rate and quantity are carried out: 0

14. State whether storm water drains are kept separate from Industrial / Domestic Effluents? Yes

15. (a) Is domestic effluent allowed to get mixed in industrial effluents? Yes

(b) If yes, state ratio Domestic

16. (a) Describe if any treatment industrial or domestic effluent or one for combined effluent is made. Yes

If yes, state the process of treatment in brief 0

(b) Is the quantity of effluent emanating either without or after treatment approved by the authority? Yes

(c) If approved, furnish the authority (Two certified copies to be sent)

(d) If any effluent from any shop/ shops toxic? If so volume of this effluent 0

17. Is there any provision for disposal ?

Name	Status (Already made)	Status (proposed to)
------	-----------------------	----------------------

18. State the area of land used for (a) Above in Hectares 0

19. Give the quantitative disposal of effluent in liters provided for the places mentioned below

Name	Mode	Mixed
------	------	-------

20. Is there any provision for equalizing or made holding lagoons of tanks

Name	Mode
------	------

21. Is sufficient land available / can be made available? In case pumping effluent: on lands have to considered. Yes

22. (a) Give details of composition of Domestic / Industrial / Combined effluent in respect of the Following

Name of Effluent	Effluent before treatment	Effluent after treatment
------------------	---------------------------	--------------------------

Note:-

- 1) Furnish a copy of the analysis report of representative samples carried out by a competent laboratory
- 2) Methods of determination as approved by the Board will be followed for determination of above mentioned parameters.

(b) Is the effluent toxic Yes

(c) State if the Industrial effluent is having Unpleasant Smell

(d) Is there any hidden change of temperature exceeding 10\*c at any time Yes

23. (a) Are facilities available with the applicant for carrying out the following test of the waste waters

Name	Existing	Proposed
------	----------	----------

24.

Has the land/premises, etc., for which the application is made open?

Yes  
0

Highly polluting material :

Toxic Organic Inorganic Microbiological :

Cooling Tank  
25.

State details for solid waste

Type of Solid Waste	Composition	Quantity	Method of Collection	Method of Disposal
---------------------	-------------	----------	----------------------	--------------------

**Section A**

**Existing**

12. Fuel Consumption in Tonnes/day

Fuel Name	Daily Consumption(T/day)	Unit	Calorific value	Ash contents	Sulphur contents	Others
COAL	3	Metric Tonnes/Day				

13. Atmospheric Emission from each stack

Total no. of stacks:	1
Material for construction of Stack:	BRICKS ,
Stack Attached to:	Hot Air Generator ,
Height above ground level(in metres):	30 ,
Height above roof(in metres):	10 ,
Stack Top:	Round ,
Inner dimensions (in meters):	0.0 ,
Gas quantity-m <sup>3</sup> /hr:	0.0 ,
Flue gas temperature 'C:	0.0 ,
Exit velocity of gas/sec:	0.0 ,

(a) Flue gas emission

Stack No.	Type of fuel	Quantity of fuel/hr	Type of firing	So2	Nox	CO/HC	Particulates	Others
1	COAL	3						

(b) Process Emission

Quantity of gas (in Nm <sup>3</sup> /hr)	So <sub>2</sub>	Co <sub>2</sub>	Analysis of vent hydrocarbons	Particulates in mg/Nm <sup>3</sup>	Other Specify

(c) Particulate analysis :

(d) Chemical Composition(if available) :

14. Give details of flue gas sampling arrangements : 0

15. Give details of laboratory facilities available for analysis of emission : 0

16. Is there sufficient space available for installing air pollution control equipment :

17. Details of Air Pollution :-

Stack Name	Equipment Name	State

18. State the total quantity of air handled by ventilation equipments,specify size and no.of equipments, installed or to be installed

Equipment Name	Equipment Size	No. of equipments	Status

19. Give the following details

(a) Total investment in the factory and the year of investment. : Investment:-AS PER BALANCE SHEET  
Year of Investment is :-2021

(b) The estimated expenditure for implementation of the scheme to control air pollution : 0

(c) Expenditure incurred to update progress achieved(physical) for air pollution control, if any, and the year/years of investment along with physical progress achieved. The firm should give details of action taken to date and the expenditure incurred and the time required for the scheme. : 00

(d) Annual operation and maintenance-cost of Air Pollution Control Plant, if any : 0

(e) Further action that is being taken up by the firm to control air pollution. : 0

20. Other relevent information, if any : 0

Signature

Name and Address of the applicant on behalf of : MOHAMMAD WASEEM KHAN,VILLAGE-CHHITAUNI, TEHSIL-SAHAWAR, KASGANJ

Name and Address of the Firm on behalf of which application is made : MOHAMMAD WASEEM KHAN,VILLAGE-CHHITAUNI, TEHSIL-SAHAWAR, KASGANJ

## Explanatory Notes for filing in form and the Annexure .

The notes are given only for those items for which explanations is considered desirable .

### Form-

1. Here mention the name of the owner of the land/premises, if other than the applicant industry or factory in continuation of legal business as per Air (Prevention and Control of Pollution) Act, 1981. If the land/premises belongs to the factory/ industry, say self
2. Here mention the date up to which the consent is sought for.

### Annexure to form-

'Existing' means that which is operation at the time of applying for consent .

'New' that which has been modified due to change in quantity and/or quality of emission.

'Altered' means that which has been modified due to change in quantity and/or quality of discharge arrangement and/or point of discharge etc.

Item 1 : Here mention name of the owner of the land/premises if other than the applicant industry or factory in continuation of of legal business as per Air (Prevention and Control of Pollution ) Act ,1981 if land/premises belong to the factory/industry say self .

Item 1(a) : The industries are categorised based on the investment as follows : Major industry- having investment of more than 2 crores. Medium industry- having investment of 10 lakhs to 2 crores. Small scale industry having investment of less than 10 lakhs rupees

In place of above criteria kindly give category as per latest notification

Item 2 : Here give the registered name of the industry/institution factory/local bodies etc under which the business is carried out.

Item 6 : Applicable to only those areas which are prohibited areas such as the Ordinance Factories, Mint, etc.

Item 10(c) : Here State the temperature in C in summer winter monsoon and post monsoon seasons.

Item 10(d) : Here state the seasonal average wind direction and speed in and around the site of the plant. The above information can be had from representative Meteorological centre .

Item 13 : Analysis of the flue gas emission, process emission and particulars analysis should be done for each stack, emissions. Where ever stacks are not provided the shop floor specific concentration should be reported . Chemical Analysis of particulars matter in the emission should be furnished giving details such as organic matter ,metals ,non-metals , radioactive, substances, asbestos, silicates etc.

Item 17 : Here mention the detailed specifications of control system used or proposed to be used with efficiency . Also furnish the layout of the control system with dimensions.

Item 18 : Here state the total quantity of ventilation air handled by equipments' such as roof extractors, Evaporative coolers etc

### Additional Documents suggested for submission:

- 1 : Separate Demand Draft towards consent fee Water & Air .
- 2 : Annual Report or certificate from Chartered Accountants in support of fixed assets, current assets and current liabilities .
- 3 : Layout plan showing the location of stacks (chimneys), effluent treatment plant, effluent disposal areas,

air pollution control devices, hazardous waste treatment and disposal areast .

4 : Manufacturing process flow sheet, with description note on the manufacturing process for each product .

5 : Copies of latest consenVauthorisation/Environmental Impact Assessment Clearance .

6 : Copies of SSI registration Letter of IntenV industrial licenses, clearances from the Department or any other relevant document (ifapplicable) .

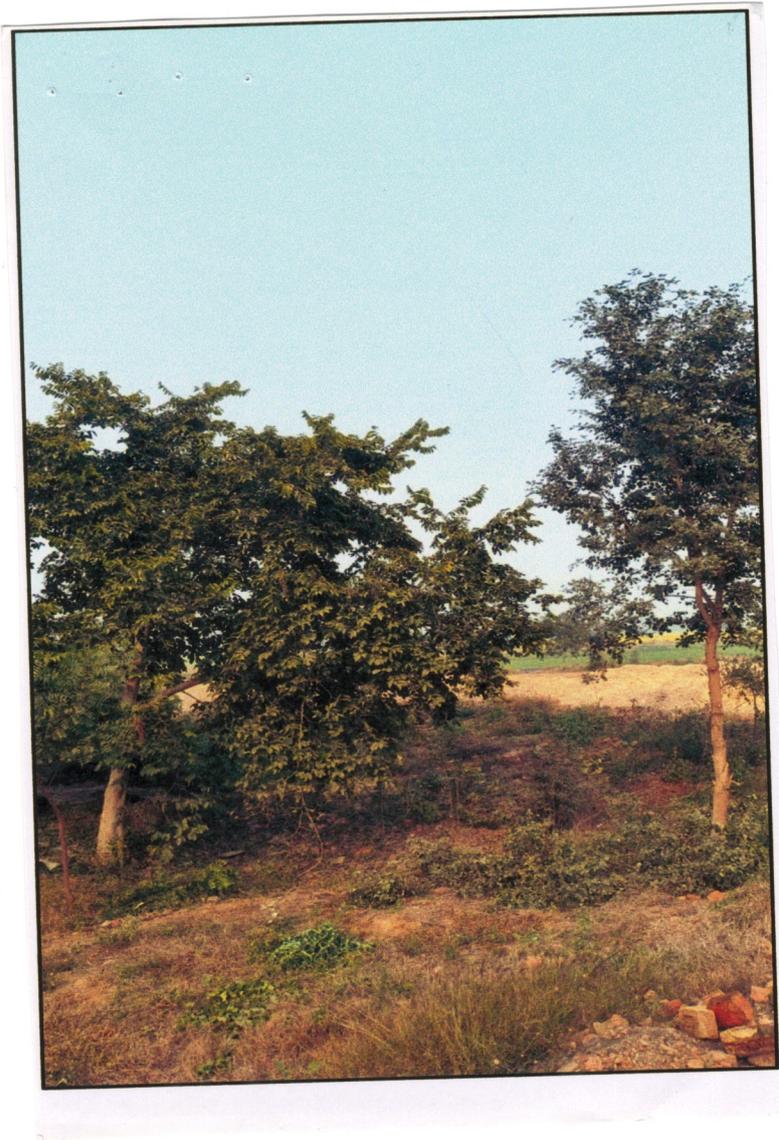
7 : Copies of planning permission certificate issued by the local bodies/District Town & Country Planning/Metropolitan Development Authorities .

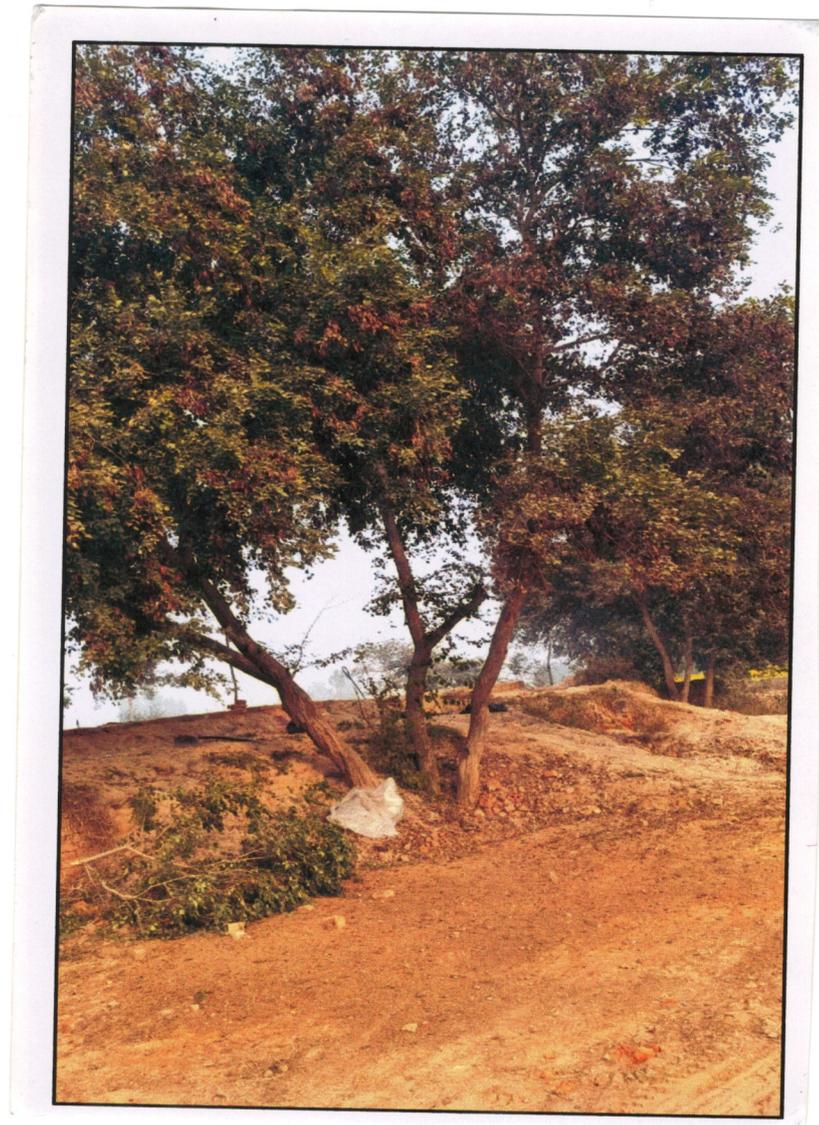
8 : Compliance report on the latest CTE /CTO conditions stipulated under Water & Air Acts issued to the Unit .

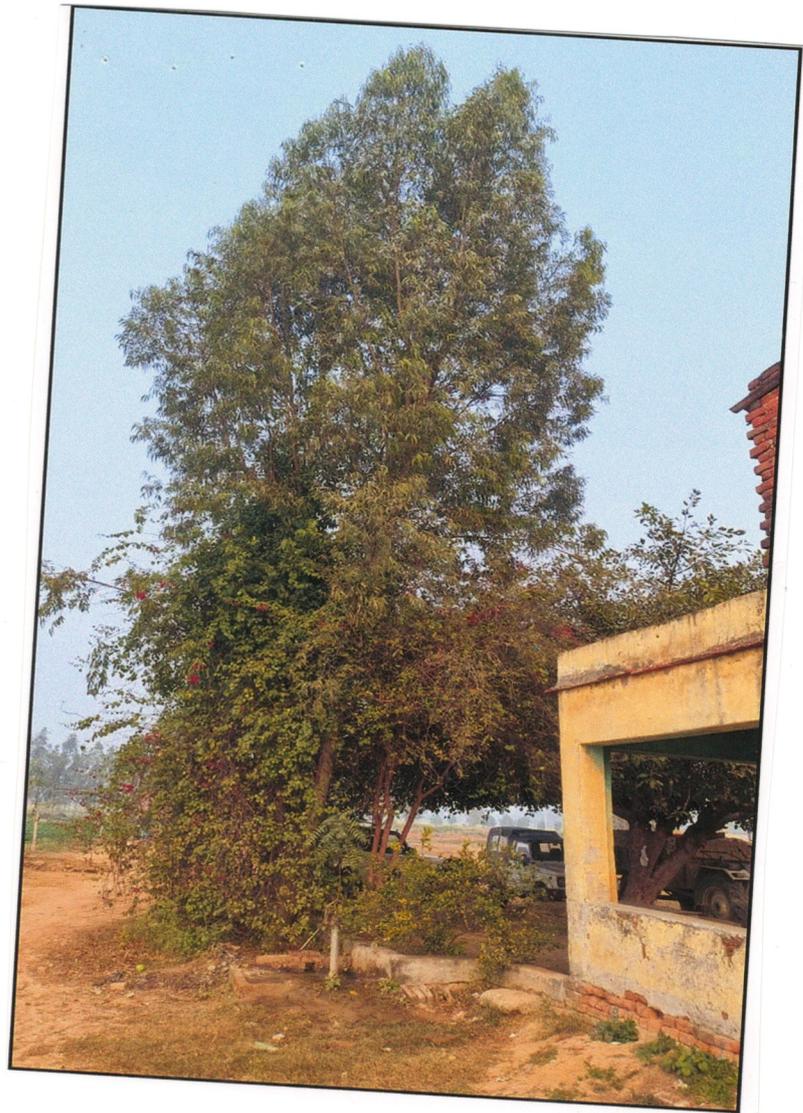
**Common General Information required for consent to operate under Water Pollution (Prevention & Control) Act, 1974 and Air Water Pollution (Prevention & Control) Act, 1981.**

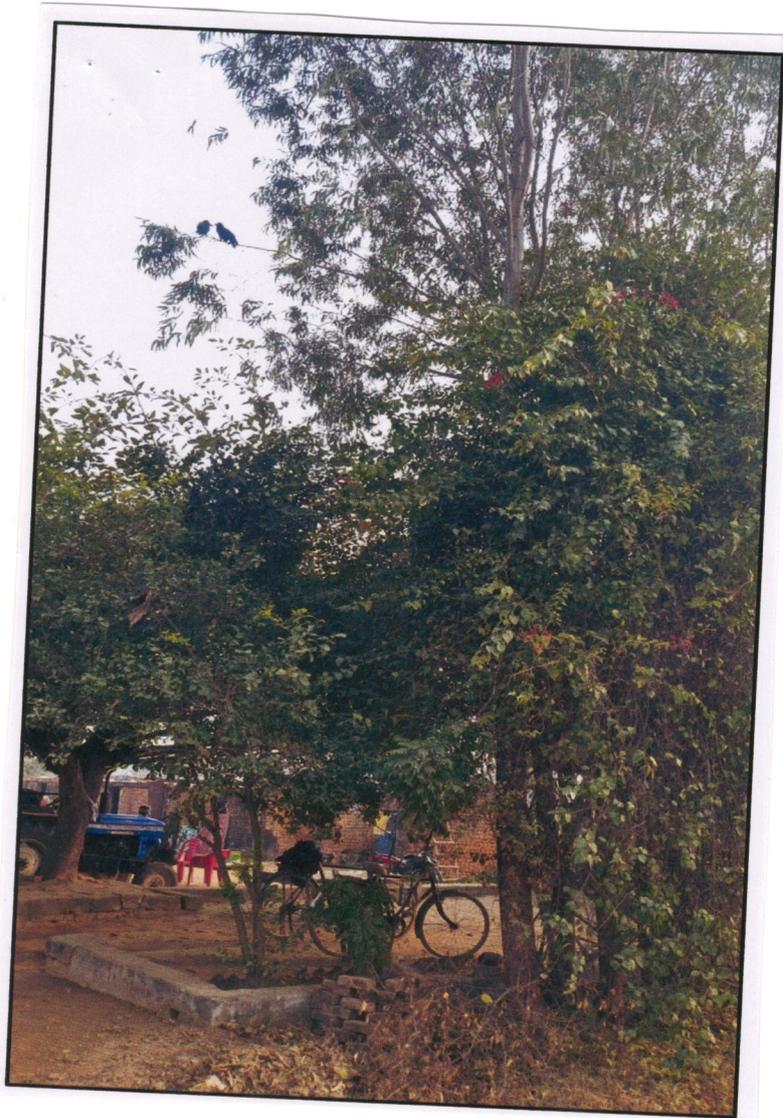
1. (a) Full name of the applicant with address : MOHAMMAD WASEEM KHAN, VILLAGE-CHHITAUNI, TEHSIL-SAHAWAR, KASGANJ (Tel. No.) -
- (b) Is the firm registered? : YES
- (c) If yes, give the number & date of registration and authority with whom registered. : ,
- (d) Full Address of the registered office :
- (e) Names, designation and full address of persons like Partners, Managing Director/Manager etc. : MOHAMMAD WASEEM KHAN VILLAGE-CHHITAUNI, TEHSIL-SAHAWAR, KASGANJ KASGANJ 9568515170
- (f) Under which category does the industry fall: Large/Medium/Small Scale. : small
2. Full name of the Land/Premises/Institute/Factory/Industry/Local body with address : SARPANCH ENT UDHYOG  
Address: VILLAGE-CHHITAUNI, TEHSIL-SAHAWAR, KASGANJ  
Tel. No.: 91-9568515170  
E-mail :
3. Give revenue /City Survey No. of the land/premises for which the application is made: District: MANYAVAR KANSHIRAM NAGAR  
Town/Village: KASGANJ  
City Survey no./Revenue Survey no.:  
Khata No.:  
Area in Hectares: 0
4. State month and year in which the plant was actually put into commissions or is proposed to be put into commission: January, 2010
5. State the Civil/Military /Defence/industrial Estate etc. under whose administrative jurisdiction the occupiers/industrial plant is situated: Civil  
District: MANYAVAR KANSHIRAM NAGAR  
Corporation:  
Village Panchayat  
Contonment:  
Defence Deptt:  
State Govt:  
Prohibited areas:  
Others:
6. (a) State whether plant site has been declared as prohibited area: NO
- (b) If yes, state the name of the Authority and furnish a certified copy of the order under which the area has been declared as prohibited area : -



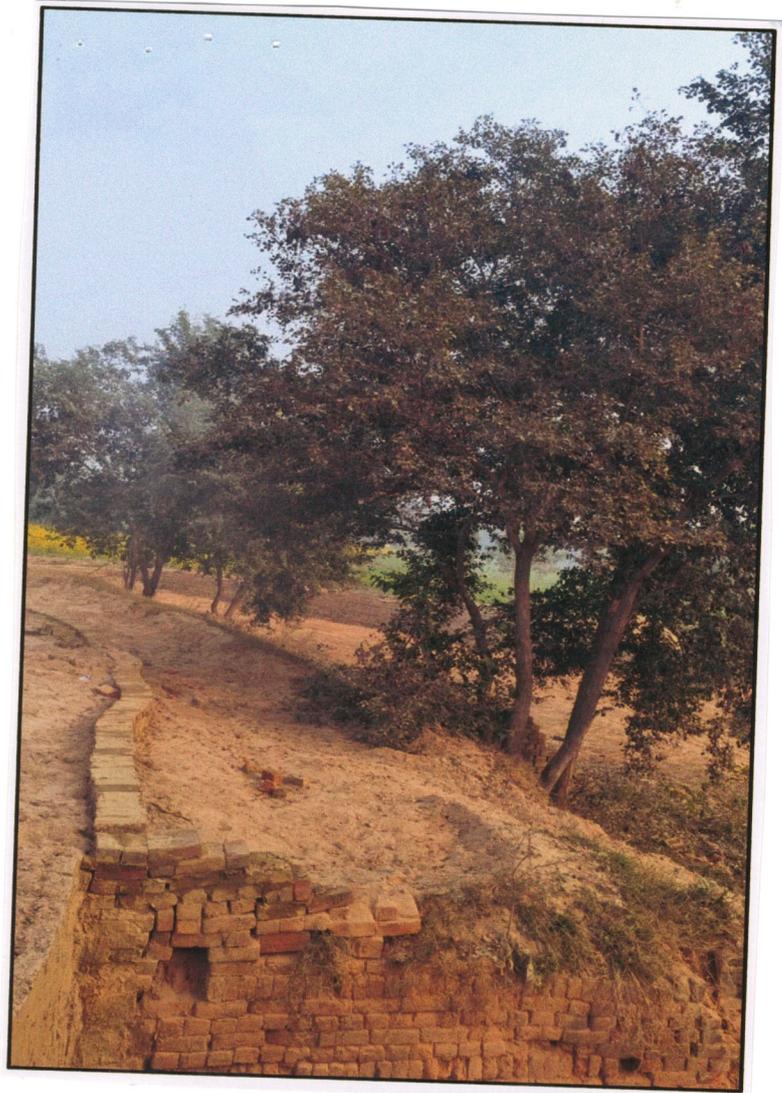












**Uttar Pradesh Sashan,  
Paryavarn Anubhag.**

In pursuance of the provisions of the clause(3) of article 348 of the constitution, the Governor is pleased to order the publication of the following English translation of notification no. 921/55-i;kZ/12-94¼i;kZ½-11, dated June 27,2012

NO. 921/55-i;kZ/12-94¼i;kZ½-11  
Dated Lucknow,June 27, 2012

In exercise of the powers under sub section (1) of section 54 read with clause (z) of sub section (2) of the said section and sub section (1) of section 21 of the Air (Prevention And Control of Pollution) Act,1981 (Act no.14 of 1981 ) the Governor, after consultation with Uttar Pradesh Pollution Control Board and after considering the objections and suggestions received from concerned person, is pleased to make the following rules with a view to regulating the siting criteria for the establishment of new brick kilns in the State of Uttar Pradesh:-

**THE UTTAR PRADESH BRICK KILNS(SITING CRITERIA FOR ESTABLISHMENT )  
RULES,2012**

Short title and commencement	1. (1)	These rules may be called the Uttar Pradesh Brick kilns (Siting Criteria For Establishment ) Rules,2012
	(2)	They shall come into force with effect from the date of their publication in the Gazette.
Distance from residential area/population/sensitive area/mango or fruit orchard.	2.	Subject to provisions of the Uttar Pradesh Promotion and Protection of Fruit Trees (Regulation of Harmful Establishment and Housing Scheme Act, 1985 (U.P.Act No. 18 of 1985, a brick kiln shall not be established which does not fulfil the following conditions:-
	(i)	a brick kiln shall not be established with in a distance of 5.0 kilometers form 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 residential area having minimum population of 100-150 persons or 20 houses either kachha or pucca houses 1.0 kilometer from a residential area having population more than 150 persons or more than 20 houses whether kachha or pucca;
	(ii)	a brick kiln shall not be established at a place within the distance of 10. Kilometer from registered hospital, school public building, religious places or a place from where flammable substances are stored; a brick kiln shall not established within a radius of 5.0 kilometers in notified

sensitive areas of a zoo, wild life sanctuaries, historic monuments, museum and the like:

Provided that in case of Taj Trapezium zone are(T.T.Z.) the directions/guidelines given by the Supreme court from time to time, shall apply;

- (iii) a brick kiln shall not be established within a distance 200 meters from the sides of the railway tracks;
- (iv) a brick kiln shall not be established within a distance of 300 meters from both sides of the National and State Highways;
- (v) 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;
- (vi) a brick kiln shall not be established within 800 meters from a brick kiln already established;
- (vii) a brick kiln should not be allowed to install in the 'Buffer zone' of a notified fruit belt area as defined in 'The Uttar Pradesh Promotion and Protection of Fruit Trees(Regulation of Harmful Establishments and Housing Schemes) Act,1985' and the restriction made by competent authority concerned or decision of court on case to case basis, if any.

Distance from sides of mango orchard/Mixed fruits (mango and other) orchard (having at least 100 fruiting trees) joint nursery from brick kiln shall not be less than 800 meters in each direction. The mentioned distances are applicable irrespective of the variety/type of fruit area individually or collectively should not be less than 2.5 acre.

Distance will be measured from the chimney of the brick kiln to the first/ nearest row of the tree of mango/fruit orchard towards the kiln.

3. No license in respect of firing of brick kiln or for mining lease shall be granted by the Zila Panchayat/concerned district administration until and unless a valid previous consent (NOC) is obtained by the owner of the brick kiln,
- Permission for the establishment of the brick kiln

issued by the State Board.

- |   |  |
|---|--|
| Emission Standards                        | <p>4. The emission standards and Pollution Control System including height of Chimney for Brick Kilns as notified by Ministry of Environment and Forest (MOEF) Government of India vide serial no. 74 of schedule I in notification no. GSR 543 (E) dated 22<sup>nd</sup> July,2009 shall be applicable in case of Brick Kiln, issued under the Environment (Protection) rules,1986.</p>   |
| Materials to be used in Brick Kilns       | <p>5. The following materials may be used in Brick Kiln established under these Rules:-</p> <ul style="list-style-type: none"> <li>(a) Local agro industrial waste residue to replace coal as internal fuel such as cotton stalk, mustard stalk etc;</li> <li>(b) Non hazardous waste such as stone dust, rice husk ash, red mud etc. may be mixed with top soil;</li> <li>(c) Fly ash in brick moulding in compliance with the notification issued under the Environment (Protection) Act,1986 as applicable;</li> </ul> <p style="padding-left: 40px;">Provided that the spent organic, solvent, oily residue, pet coke, filter press cake(hazardous waste) and other waste such as plastic rubber, leather shall not be used as fuel in the brick Kiln.</p>                                   |
| Duties of the proprietor of a Brick Kiln. | <p>6.(1) Multi layer and multi storey green belt of 10 meters width shall be constructed along the periphery of brick kiln leaving two 10 meters wide gaps in the boundary for entry and exit of material and vehicles. A wall of 3 meters height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission. For installation of brick Kiln with green belt development, the minimum area required is 2.0 acre.</p> <p>(2) Lighting arrestor as per the PWD norms or any other standard desing shall be installed for brick Kiln to avoid the damage to stacks/chimney caused due to lighting attack.</p> <p>(3) In Brick Kiln besides the above Good House keeping practices including disposal of coal, ash, provision of</p> |

double wall around the Kiln, proper layout Brick lining of passage use of properly grades coal, proper firing practices, protection from noise pollution and other measures should be followed by all Brick Kiln Owners.

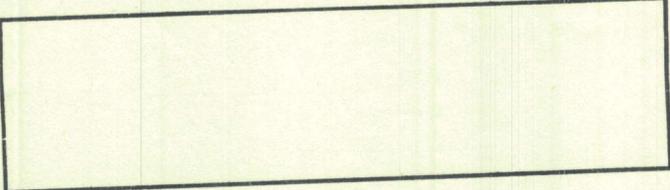
- (4) While digging the earth for making bricks in the area ear marked for the same, the straight cutting of earth should be avoided; instead the cutting should be done in a slanted manner in the proportion of 1:3, so that there should be minimum soil erosion of the agricultural land.

Permission for operation of the brick Kiln.

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

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

1



C.C. No. ....  
FIR No. ....  
U/S .....  
P.S. ....

IN THE COURT OF NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI  
Suit / Appeal No. ORIGINAL APPLICATION NO. 425/22 JURISDICTION OF 2022

In re :- M.C. Dwivedi Plaintiff(s) Or Petitioner(s)  
Appellant(s) Complainant(s)

**VERSUS**

State of UP & Oes. Defendant(s) / Respondent(s) / Accused

KNOW ALL to whom these present shall come that I/ We Mohammad Waseem Khan,  
R/O near Badi Masjid, Sujawalpur, Kangazj, U.P., Owner of M/s. Samparch Beicks.

The above named Respondent no. 5 do hereby appoint

ALI MUZAFFAR (D/39/7/19)  
SHIREEN E. KHAN (MAH/927/2014)  
BAHIST E JAHAN  
(Advocates)

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

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in

To sign file, appeals, cross-objections or petitions for other petitions or affidavits or other documents as may be required at any stages subject to payment of fees separately for each court by me/us.

To file and defend the documents or opposite party.

To withdraw and submit to arbitration any differences or disputes that may arise out of or relating to the said case.

To take expenses and grant receipts hereof and to do all other acts as may be necessary in the course of the prosecution of the said case.

To appoint and confer upon the Advocate or other person authorized by me/us the power and authority hereby conferred upon the Advocate or other person authorized by me/us to do so and to sign the power of attorney on our behalf.

And I/ We agree to ratify and confirm all acts done by the Advocate or other person authorized by me/us to all intents and purpose.

his substitute in the said case and as if done by me/us to all intents and purpose.

And I/We agree that the Advocate or other person authorized agent would appear in court and all hearings and will inform the Advocate or other person authorized by me/us that the case is called.

the Advocate or other person authorized by me/us shall be not to hold the advocate of his substitute responsible for the result of the proceedings in the said case and shall be of the Advocate which he shall receive

and I/We agree that in the event of the whole or part of the fee agreed by me/us to be paid, the Advocate or other person authorized by me/us shall be entitled to withdraw from the prosecution of the said case until the fee is paid.

paid, the Advocate or other person authorized by me/us shall be entitled to withdraw from the prosecution of the said case until the fee is paid.

more, the Advocate or other person authorized by me/us shall be entitled to withdraw from the prosecution of the said case until the fee is paid.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have

been understood by me / us on this 27<sup>th</sup> day of Feb 2023

Accepted subject to the terms of the fees

Client Client

I Identify the Signature/Thumb Impression of the Below Mentioned Person,

Who Has been Signed in my presence. The Client.

Bahist Jahay  
Advocate

Shireen Khan  
MAH/927/2014

