

कार्यालय जिलाधिकारी, फतेहपुर

पत्रांक - 6701245

Date - 14/02/2023

E-Mail/Registered Post

The Registrar,
The National Green Tribunal
Principal Bench,
New Delhi
E-Mail:- judicial-ngt@gov.in

Subject:- Compliance of direction issued by Hon'ble National Green Tribunal in O.A No. 593/2022 Piyush Kumar Singh Vs. State of U. P. & Ors. in order dated 09-01-2023.

Sir,

With reference to the subject mentioned above, this is to inform you that in compliance of order issued on dated 09-01-2023 by Hon'ble National Green Tribunal in O.A No. 593/2022 Piyush Kumar Singh Vs. State of U. P. & Ors., the compliance report is submitted for your kind perusal and necessary action please.

Encl:-As Above.

Your Sincerely


(Shruti)
District Magistrate
Fatehpur

Report of M/s Pehlwan Brick Field Azmatpur Bindki, Fatehpur in compliance of order dated 09.01.2023 passed by Hon'ble National Green Tribunal, New Delhi in O.A. No. 593/2022 Piyush Kumar Singh Vs. State of Uttar Pradesh-

The following order is passed by Hon'ble National Green Tribunal New Delhi as:-

. We have gone through the report of the Joint Committee. In its report the Joint Committee has mentioned that the Brick Kiln was established in the year 2011, i.e., before enactment of the Uttar Pradesh Brick kiln. (Sitting Criteria For Establishment) Rules, 2012 and was governed by Panchayat Byelaws.

.The case involves the questions as to whether the Uttar Pradesh Brick Kiln (Sitting Criteria For Establishment) Rules, 2012 are applicable to Brick Kilns established prior to enactment thereof and whether in case of violation of the Sitting Criteria the Project Proponent has to close down the brick kiln or relocate the same in compliance of the Sitting criteria etc. These questions have to be considered with reference to the relevant Rules and MoEF&CC Notification, CPCB Guidelines, Orders passed by Hon'ble Supreme Court and this Tribunal.

. In view of the averments made in the application, observations in the report of the Joint Committee and the questions involved, we consider it appropriate to have response of (1) the State of Uttar Pradesh (U.P.), through Chief Secretary, Government of U.P.; (2) the UPPCB and (3) the District Magistrate- Fatehpur, who stand impleaded as Respondents No. 1 to 3. The Registry is directed to prepare and attach memo of parties to the application.....

It is to inform that by Notification No. 921/55-parya./12-94 (parya.)-11 dated 27.6.2012, sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (Act No. 14 of 1981) and sub-section (2) of the said section (b) in exercise of the power under sub-section (1) of section 54 read, to regulate the site parameters for the establishment of new brick kilns in the State of Uttar Pradesh after consultation with the Governor, Uttar Pradesh Pollution Control Board and after considering the objections and suggestions received from the concerned persons; Uttar Pradesh Brick Kiln (Site Criteria for Establishment) Rules, 2012 are in force from the date of its publication in the Gazette i.e. 27.6.2012.

In the provision to rule-7 of the said rules, there is a provision that any brick kiln which was established/in operation earlier but was not in operation in the last session, wants to operate or change the name/ownership and has Air (Pollution Prevention) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, may operate the same, if he informs the State Board in writing but he shall be bound to comply with all the conditions, subject to which Permission was granted.

As mentioned above, in O.A. No. 593/2022 Piyush Kumar Singh vs. State of Uttar Pradesh, in compliance with point number-5 of the order passed by Hon'ble National Green Tribunal, New Delhi on 09.01.2023, it is to inform that the Uttar Pradesh Brick Kiln (Site Criteria for Establishment) Rules, 2012 dated 27.6.2012 as per the above relevant part since M/s Pahalwan Brick Field Ajmatpur Bindki Fatehpur (Brick Kiln) has been established in the year 2011, which Uttar Pradesh Brick Kiln (Site Criteria for Establishment) Rules-2012 dated 27.6.2012 is established/operated before and the water and air consent for the said brick kiln is valid till 31.07.2024.

Therefore, the Uttar Pradesh Brick Kiln (Site Criteria for Establishment) Rules-2012 dated 27.06.2012 will not be applicable on the above brick kiln.

The above report is sent with regards.


(Shrutu)

District Magistrate
Fatehpur