



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, मुजफ्फरनगर

U.P. POLLUTION CONTROL BOARD, MUZAFFARNAGAR

6-बी, नई मण्डी, मुजफ्फरनगर-251001 (उ०प्र०)

संदर्भ सं०
Ref. No.

946/OA No 329/Pradeep Kumar/2023

दिनांक

Dated 19-12-2023

To,

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

Sub.- Action Taken Report in Compliance to the direction issued by Hon'ble National Green Tribunal on 06.10.2023 in O.A. No. 329/2022 Pradeep Kumar Vs Central Pollution Control Board & Others connected in O.A. No. 889/2022 (I.A. No. 321/2022) Jeetu Yadav Vs U.P. Pollution Control Board & Others.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Action Taken Report in compliance of the order issued on 06.10.2023 by Hon'ble National Green Tribunal in O.A. No. 329/2022 Pradeep Kumar Vs Central Pollution Control Board & Others connected in O.A. No. 889/2022 (I.A. No. 321/2022) Jeetu Yadav Vs U.P. Pollution Control Board & Others.

Encl. : As above.

Yours faithfully

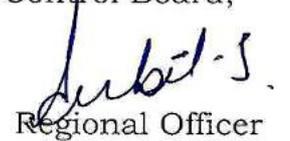


(Ankit Singh)

Regional Officer

Copy to :

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Shri Pradeep Mishra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action.
3. Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
4. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board, Lucknow for information.



Regional Officer



ACTION TAKEN REPORT BY JOINT COMMITTEE OF (1) M/S. NAVBHARAT BRICK FIELD, VILL.BAMNOLI, UNCHAGAON, BLOCK KANDHLA, DISTT. SHAMLI (2) M/S SHIV BRICK FIELD (FORMERLY M/S CHAUDHARY BRICK FIELD), VILL. ASADPUR JIDANA, BLOCK KANDHLA, DISTT. SHAMLI IN COMPLIANCE TO HON'BLE NGT ORDER DATED 06.10.2023 IN THE MATTER OF PRADEEP KUMAR VS. CENTRAL POLLUTION CONTROL BOARD & OTHERS (ORIGINAL APPLICATION NO. 329/2022)

1.0 BACKGROUND :

- In the matter of Pradeep Kumar Vs. Central Pollution Control Board & Others (O.A No. 329/2022), grievances were against 02 brick kilns operating in violation to various provisions of the Act and directions issued by Hon'ble Tribunal and Hon'ble Supreme Court.
- The Hon'ble NGT Vide order dated 11.05.2022 sought a factual and action taken report which may inter alia include compliance of notification of MoEF&CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.2022 in Civil Appeal Diary No. 18213/2021 Title- NCR Brick Kiln Association Vs Central Pollution Control Board & Others from the UPPCB and District Administration with reference to the violation alleged in Grievance of the applicant in said application.
- In compliance of above direction, joint committee visited the questioned 02 Brick Kilns on Dated 02.06.2022 and submitted joint committee report before the Hon'ble NGT vide Regional Office letter Dated 30.07.2022.
- In continuation, Hon'ble NGT vide order Dated 03.08.2022 directed State PCB to take appropriate remedial action including closure of the brick kilns, imposition and realization of the environmental compensation and prosecution of the proprietors by following due process of law and submit further Action Taken Report within two months.
- UPPCB submitted the detailed compliance report to Hon'ble NGT on 25.11.2022. The report incorporated actions taken on defaulter brick kilns including closure of brick kilns, imposition of brick kiln, action taken against the brick kilns for recovery of environmental compensation imposed and initiation of prosecutions against the brick kilns.
 1. *This matter relates to the allegation of violation of environmental norms by the brick kilns at Shamli, Uttar Pradesh.*

2. *This Tribunal has passed a detailed order in connected OA 889/2022 today after considering the report filed by the UPPCB.*
 3. *Learned Counsel appearing for the UPPCB has prayed for further time to file a fresh report in this matter also in terms of order passed in OA No. 889/2022. The prayer is allowed.*
 4. *List on 21.12.2023.*
- Further, Hon'ble NGT merged OA No. 329/2022 Pradeep Kumar Vs Central Pollution Control Board & Others in OA No. 889/2022 (I.A. No. 321/2022) Jeetu Yadav Vs U.P. Pollution Control Board & Others and vide order dated 06.10.2023 states as follows :

"..... 8. So far as the issue of implementing the orders of closure passed against illegally operating brick kilns, the stand of the Member Secretary, State PCB is that the communication for closure was sent to the concerned District Magistrates who were required to take action. The responsibility of the officers of the State PCB does not end merely by sending communication alone but they are required to act in terms of the powers which have been conferred upon them under the provisions of the Act.

Hence, we direct the UPPCB to take action in accordance with law, to submit a fresh action taken report and clearly disclose the steps which are taken for closure of the units operating without consent to operate and in violation of law and also the action which is taken for levy and recovery of environmental compensation from the brick kilns which were found to be illegally operating.

.....

12. The District Magistrates are also directed to appear before the Tribunal by virtual mode on the next date of hearing to appraise the Tribunal about the action taken against the illegally operating brick kilns.

12. List on 21.12.2023."

In compliance to the above directions, following actions have been taken against the defaulter brick kilns till now:-

M/S. NAVBHARAT BRICK FIELD, VILL.BAMNOLI, UNCHAGAON, BLOCK KANDHLA, DISTT. SHAMLI

Closure of Brick Kiln	<ul style="list-style-type: none"> • Brick kiln was found operational without having valid consent during inspection by UPPCB on dated 27.04.2019. • On Recommendation by the Regional Office, UPPCBHO issued closure order against the brick kiln on dated 31.05.2019
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	<p>which is effective till now. Further, environmental compensation of Rs. 4,06,250/- was also imposed against the brick kiln.</p> <ul style="list-style-type: none"> • During joint committee visiton dated 02.06.2022, brick kiln was found operational in violation of the closure direction. Hence, joint committee sealed the I.D. Fan of the brick kiln and closed the operation. • In compliance to Hon'ble NGT order dated 03.08.2022, UPPCB Officials re visited the brick kiln on dated 15.09.2022. During visit brick kiln found non-operational. • For ensuring that brick kiln does not operate till closure order is effective, all the passages for Raw/Red bricks entering/exiting were sealed during the visit. • Further, to ensure closure status of brick kiln, inspection was again conducted by UPPCB and revenue department on 25.01.2023. During inspection brick kiln was not in operation and the seal put by UPPCB was found intact. In compliance of H.O. order dated 20.10.2023, UPPCB inspected the brick kiln on dated 25.10.2023. During visit brick kiln found non-operational and seal put by UPPCB was found intact. For the same, information sent to H.O. vide this office letter No. 714/OA No. 329/Pradeep Kumar/2023 dated 25.10.2023 (Annexure-1). Again brick kiln was inspected on dated 07.12.2023. During visit brick kiln found complying against the closure direction issued by State Board.
Imposition & Realization of Environmental Compensation	<ul style="list-style-type: none"> • Environmental Compensation of Rs. 4,06,250/- has been imposed against the brick kiln vide H.O. letter dated 21.11.2019 but has not been deposited by the unit. Hence on recommendation from Regional Office, UPPCB, H.O. Lucknow vide letter dated 10.08.2022 issued request letter to D.M. Shamli for recovery of Environmental Compensation Rs. 4,06,250/- as Land Revenue. • In compliance of Hon'ble NGT order dated 11.05.2022, during joint committee visit, brick kiln was again found operational due to which UPPCB Head Office Lucknow vide letter dated 26.08.2022 issued environmental compensation of Rs.

	6,87,500/- . As the unit did not deposit environmental compensation, on recommendation by Regional Office, H.O. Lucknow requested to D.M. Shamli for recovery of Environmental Compensation of Rs. 10,93,750/- (Rs. 4,06,250 + 6,87,500) as Land Revenue vide letter dated 22.11.2022.
Prosecution of the proprietors	<ul style="list-style-type: none"> As the brick kiln was found operational by the joint committee, violating the closure direction issued by H.O. letter dated 31.05.2019. Hence, UPPCBH.O. issued the legal notice of inspection for prosecution of brick kiln. On dated 15.09.2022, UPPCB inspected the brick kiln and original copy of notice of inspection was served to Sh. Arshad, proprietor of Brick Kiln. Action has been initiated for Prosecution of the Brick Kiln.

M/S SHIV BRICK FIELD (FORMERLY M/S CHAUDHARY BRICK FIELD), VILL. ASADPUR JIDANA, BLOCK KANDHLA, DISTT. SHAMLI

Closure of Brick Kiln	<ul style="list-style-type: none"> In compliance of Hon'ble NGT order dated 11.05.2022, joint committee visited brick kiln on dated 02.06.2022. Brick kiln has been granted consent to operate till 31.07.2025. However, during visit, brick kiln was found operational in violation of notification of MoEF&CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.2022 in Civil Appeal Diary No. 18213/2021 titled as NCR Brick Kiln Association Vs Central Pollution Control Board & Others. Hence, Joint Committee sealed the I.D. Fan of brick kiln for closure of operation and Consent to operate has been revoked on 29.08.2022 by the Board. Further, in compliance to Hon'ble NGT order dated 03.08.2022, UPPCB Officials re visited brick kiln on dated 15.09.2022. During visit brick kiln was found non-operational. For ensuring that brick kiln do not operate, all the passages for Raw/Red bricks entering/exiting were sealed during the visit. Further, inspection was again conducted by UPPCB and revenue department on 25.01.2023. During inspection, brick kiln was not in operation and the seal put by UPPCB was found intact. In compliance of H.O. order dated 20.10.2023, UPPCB inspected the brick kiln on dated 25.10.2023. During visit brick
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	<p>kiln found non-operational and seal put by UPPCB was found intact. For the same, information sent to H.O. vide this office letter No. 714/OA No. 329/Pradeep Kumar/2023 dated 25.10.2023 (Annexure-1). Again brick kiln was inspected on dated 07.12.2023. During visit brick kiln found complying against the closure direction issued by State Board.</p>
<p>Imposition & Realization of Environmental Compensation</p>	<ul style="list-style-type: none"> In compliance of Hon'ble NGT order dated 11.05.2022, during joint committee visit, brick kiln was found operational violating notification of MoEF&CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.22 in Civil Appeal Diary No. 18213/2021 titled as NCR Brick Kiln Association Vs Central Pollution Control Board & Others due to which, on recommendation, H.O. Lucknow imposed environmental compensation of Rs. 6,87,500/- vide letter dated 16.09.2022. As brick kiln did not deposit EC, Hence, on recommendation H.O. Lucknow issued request letter to D.M. Shamli for recovery of Environmental Compensation of Rs. 6,87,500/- as Land Revenue vide letter dated 22.11.2022

The above report is put up for perusal and necessary action please.



(Imraan Ali)
A.E.E.
UPPCB, Muzaffarnagar



(Ankit Singh)
Regional Officer
UPPCB, Muzaffarnagar



क्षेत्रीय कार्यालय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, मुजफ्फरनगर

U.P. POLLUTION CONTROL BOARD, MUZAFFARNAGAR

6-बी, नई मण्डी, मुजफ्फरनगर-251001 (उ०प्र०)

संदर्भ सं०
Ref. No.

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-3)
उ०प्र० प्रदूषण नियंत्रण बोर्ड
लखनऊ।

दिनांक

Dated 25.10.2023

विषय:-मा० एन०जी०टी० में योजित ओ०ए० संख्या 329/2022 प्रदीप कुमार बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड में पारित आदेश दिनांक 28.11.2022 के संबन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र संख्या एच०२०७८/सी-३/एनजीटी-२८४/२०२३ दिनांक २०.१०.२०२३ का सन्दर्भ ग्रहण करने का कष्ट करें। जिसके माध्यम से ईट भट्टा मै० नव भारत ब्रिक फील्ड, ग्राम बामनौली ऊँचागांव, ब्लाक कांधला, जिला शामली (उत्तर प्रदेश) एवं मै० शिव ब्रिक फील्ड (पूर्वनाम मै० चौधरी ईट भट्टा) ग्राम असदपुर जिडाना, ब्लाक कांधला, जिला शामली (उत्तर प्रदेश) के विरुद्ध बोर्ड मुख्यालय द्वारा निर्गत बन्दी आदेश के अनुपालन की अद्यतन स्थिति चाही गयी है। तत्कम में उक्त दोनों ईट भट्टो का निरीक्षण दिनांक २५.१०.२०२३ को कराया गया। निरीक्षण आख्या के अनुसार उक्त दोनों ईट भट्टे राज्य बोर्ड से निर्गत बन्दी आदेश के अनुपालन में संचालित नहीं पाये गये।

निरीक्षण आख्या संलग्नकर आपके अवलोकनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
संलग्नक-उपरोक्तानुसार।

भवदीय

(अंकित सिंह)

क्षेत्रीय अधिकारी

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मा0 एन0जी0टी0 में योजित ओ0ए0 संख्या 329/2022 प्रदीप कुमार बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड में पारित आदेश दिनांक 28.11.2022 के संबन्ध में।

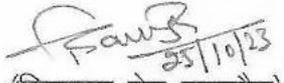
उपरोक्त विषयक ईट भट्टे के विरुद्ध बोर्ड मुख्यालय के पत्रांक एच02078/सी-3/एन0जी0टी0-284/2023 दिनांक 20.10.2023 के माध्यम से ईट भट्टा मै0 नव भारत ब्रिक फील्ड, ग्राम बामनौली ऊँचागांव, ब्लाक कांधला, जिला शामली (उत्तर प्रदेश) एवं मै0 शिव ब्रिक फील्ड (पूर्वनाम मै0 चौधरी ईट भट्टा) ग्राम असदपुर जिडाना, ब्लाक कांधला, जिला शामली (उत्तर प्रदेश) के विरुद्ध बोर्ड मुख्यालय द्वारा निर्गत बन्दी आदेश के अनुपालन की अद्यतन स्थिति चाही गयी है। तत्कम में आपके आदेशानुसार उक्त ईट भट्टो का निरीक्षण दिनांक 25.10.2023 को किया गया। निरीक्षण आख्या निम्नवत है:-

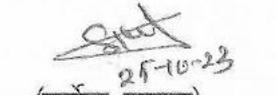
1. मै0 नव भारत ब्रिक फील्ड, ग्राम बामनौली ऊँचागांव, ब्लाक कांधला, जिला शामली:-
 - (क) निरीक्षण के समय बोर्ड मुख्यालय के द्वारा ईट भट्टे के विरुद्ध निर्गत बन्दी आदेश के अनुपालन में ईट भट्टे का संचालन बन्द पाया गया तथा ईट भट्टे के अन्दर कच्ची व पक्की ईटे भरी हुई नहीं पायी गयी। ईट भट्टे पर प्रतिनिधि के रूप में कोई भी उपस्थित नहीं मिला।
 - (ख) कार्यालय अभिलेखानुसार ईट भट्टा वर्ष 2010 से स्थापित एवं संचालित है, जिसमें कच्चे माल के रूप में मिट्टी, बालू व पानी का प्रयोग कर लाल ईट लगभग 25000 नग प्रतिदिन का उत्पादन किया जाता है।
 - (ग) उक्त ईट भट्टे के विरुद्ध बोर्ड मुख्यालय के पत्रांक एच36726/सी-3/वायु-373/मु0नगर/2019 दिनांक 31.05.2019 द्वारा बन्दी आदेश निर्गत है तथा बोर्ड मुख्यालय के पत्र संख्या एच44054/सी-3/वायु-373/मु0नगर/2019 दिनांक 19.11.2019 द्वारा ईट भट्टे पर रुपये 406250/- एवं बोर्ड मुख्यालय के पत्र संख्या एच80256/सी-3/वायु-373/मु0नगर/2022 दिनांक 26.08.2022 द्वारा ईट भट्टे पर रुपये 687500/- पर्यावरणीय क्षतिपूर्ति अधिरोपित की गयी है।
 - (घ) कार्यालय अभिलेखानुसार ईट भट्टे के विरुद्ध बोर्ड मुख्यालय द्वारा अधिरोपित पर्यावरणीय क्षतिपूर्ति ईट भट्टे संचालक द्वारा जमा नहीं करायी गयी है। उक्त अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि को भू-राजस्व बकाया की भौति वसूल किये जाने हेतु सदस्य सचिव महोदय के पत्र दिनांक 22.11.2022 द्वारा जिलाधिकारी, शामली को अनुरोध पत्र प्रेषित किया गया है।
2. मै0 शिव ब्रिक फील्ड (पूर्वनाम मै0 चौधरी ईट भट्टा) ग्राम असदपुर जिडाना, ब्लाक कांधला, जिला शामली:-
 - (क) निरीक्षण के समय बोर्ड मुख्यालय के द्वारा ईट भट्टे के विरुद्ध निर्गत बन्दी आदेश के अनुपालन में ईट भट्टे का संचालन बन्द पाया गया तथा ईट भट्टे के अन्दर कच्ची व पक्की ईटे भरी हुई नहीं पायी गयी। ईट भट्टे पर प्रतिनिधि के रूप में श्री मोनू मुनीम उपस्थित रहे।
 - (ख) कार्यालय अभिलेखानुसार ईट भट्टा वर्ष 2010 से स्थापित एवं संचालित है, जिसमें कच्चे माल के रूप में मिट्टी, बालू व पानी का प्रयोग कर लाल ईट लगभग 25000 नग प्रतिदिन का उत्पादन किया जाता है।
 - (ग) उक्त ईट भट्टे के विरुद्ध बोर्ड मुख्यालय के पत्रांक एच80512/सी-3/वायु-619/बन्दी है।

आदेश/मु0नगर/2022 दिनांक 31.08.2022 द्वारा बन्दी आदेश निर्गत है तथा बोर्ड मुख्यालय के पत्र संख्या एच81923/सी-3/वायु-619/मु0नगर/2022 दिनांक 16.09.2022 द्वारा ईट भट्टे पर रूपये 687500/- पर्यावरणीय क्षतिपूर्ति अधिरोपित की गयी (घ) कार्यालय अभिलेखानुसार ईट भट्टे के विरुद्ध बोर्ड मुख्यालय द्वारा अधिरोपित पर्यावरणीय क्षतिपूर्ति ईट भट्टे संचालक द्वारा जमा नहीं करायी गयी है। उक्त अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि को भू-राजस्व बकाया की भौति वसूल किये जाने हेतु सदस्य सचिव महोदय के पत्र दिनांक 22.11.2022 द्वारा जिलाधिकारी, शामली को अनुरोध पत्र प्रेषित किया गया है।

निरीक्षण के समय उक्त दोनो ईट भट्टे बोर्ड मुख्यालय द्वारा जारी बन्दी आदेश के अनुपालन में संचालित नहीं है। आख्या आपके अवलोकनार्थ एवं आवश्यक कार्यवाही हेतु प्रस्तुत।


25/10/23
(दिवाकर देव गहलौत)
जे0आर0एफ0.


25-10-23
(सर्वेश कुमार)
प्रयोगशाला सहायक

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