



157 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.

160/OA-329/Pradeep Kumar/M2R/24

दिनांक

Dated 10-5-2024

To,

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

Sub.- Report in Compliance to the direction issued by Hon'ble National Green Tribunal on 12.02.2024 in O.A. No. 329/2022 Pradeep Kumar Vs Central Pollution Control Board & Others.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Report in compliance of the order issued on 12.02.2024 by Hon'ble National Green Tribunal in O.A. No. 329/2022 Pradeep Kumar Vs Central 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. District Magistrate, Shamli for information.
3. Shri Pradeep Mishra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action.
4. Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
5. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board, Lucknow for information.

Regional Officer

REPORT REGARDING RECOVERY OF COMPENSATION FROM M/S. NAVBHARAT BRICK FIELD, VILL. BAMNOLI, UNCHA GAON, BLOCK KANDHLA, DISTT. SHAMLI AND 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 12.02.2024 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 Environmental Acts and directions issued by Hon'ble Tribunal and Hon'ble Supreme Court. The Hon'ble NGT Vide order dated 11.05.2022 constituted joint committee of District Administration and UPPCB to sought a factual and action taken report 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. UPPCB submitted the detailed compliance report to Hon'ble NGT on 25.11.2022.
- Hon'ble Tribunal merged the above OA with OA No 889/2022 Jeetu Yadav Vs U.P. Pollution Control Board. Further, Hon'ble Tribunal passed order dated 28.11.2022, 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.
- Hon'ble NGT after consideration of the report, passed order dated 28.11.2022 stating that *Even though, detailed action taken report has been submitted, Joint Committee was further directed to look into the matter and submit factual and action taken report. UPPCB submitted detailed action taken report to Hon'ble Tribunal vide letter dated 19.12.2023.*

- *Hon'ble Tribunal after consideration of the report by UPPCB issued directions on 12.02.2024*

2.0 Directions issued by Hon'ble National Green Tribunal dated 12.02.2024

..... 6. Hence, OA is disposed of directing the concerned authorities to take appropriate action in accordance with law to recover the EC expeditiously. The Member Secretary, UPPCB is directed to file the report before the Registrar General of the Tribunal within three months,.....”

In compliance to the above directions, following actions have been taken by District Administration regarding recovery of Environmental Compensation from the two defaulter brick kilns.

3.0 Report regarding recovery of Environmental Compensation from M/S. NAVBHARAT BRICK FIELD, VILL. BAMNOLI, UNCHA GAON, BLOCK KANDHLA, DISTT. SHAMLI

- Earlier, Environmental Compensation of Rs. 4,06,250/- was imposed against the brick kiln vide H.O. letter dated 21.11.2019 but the unit failed to deposit the same. Hence on recommendation from Regional Office, H.O. Lucknow issued request letter to D.M. Shamli for recovery of Environmental Compensation Rs. 4,06,250/- as Land Revenue.
- Further, during joint committee visit, brick kiln was again found operational due to which UPPCB Head Office Lucknow vide letter dated 26.08.2022 issued additional environmental compensation of Rs. 6,87,500/- which was again not deposited by the unit. Hence, UPPCB, 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.
- In compliance of the above letter, District Magistrate, Shamli forwarded the letter for further action to SDM Kairana, Shamli. SDM Kairana directed the revenue officers to take action for recovery of environmental compensation as land revenue.
- The revenue officers inspected the brick kiln on dated 09.05.2024 for recovery of the compensation. However, as per the report (**Annexure-1**), the brick kiln was not operational and no representative was found at the Brick Kiln. The Pradhan of the village has also informed that the above brick kiln has been closed since long time.
- Hence, recovery of the compensation as land revenue is still under progress by SDM, Kairana and information shall be submitted by the District Administration once the compensation has been recovered from the defaulter brick kiln.
- As the brick kiln is not operational and no one found at brick kiln, district administration is looking for the concerned owners of the brick kiln for initiation of further proceedings.

4.0 Report regarding recovery of Environmental Compensation from M/S SHIV BRICK FIELD (FORMERLY M/S CHAUDHARY BRICK FIELD), VILL. ASADPUR JIDANA, BLOCK KANDHLA, DISTT. SHAMLI

- 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 the basis of recommendation made by Regional Office, UPPCB, Muzaffarnagar, UPPCB 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 the basis of recommendation made by Regional Office, UPPCB, Muzaffarnagar, UPPCB 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.
- In compliance of the above letter, District Magistrate, Shamli forwarded the letter for further action to SDM Kairana, Shamli. SDM Kairana directed the revenue officers to take action for recovery of environmental compensation as land revenue.
- The revenue officers inspected the brick kiln for recovery of the compensation. However, as per the report (**Annexure-2**), revenue officer has informed that communication was done through mobile phone with the brick kiln owner Mr. Vinod Kumar, the brick kiln owner has assured to deposit the amount of E.C. within this month.
- Hence, recovery of the compensation as land revenue is still under progress by SDM, Kairana and information shall be submitted by the District Administration once the compensation has been recovered from the defaulter brick kiln.

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

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

सन्दर्भ संख्या 199704 / सी-3/वायु-373/मु0नगर/2022

दिनांक 10/02/22

सेवा में,
जिलाधिकारी,
शामली।

पंजीकृत

विषय-ईट भट्टा मै0 नवभारत ब्रिक फील्ड, ग्राम बामनौली ऊँचा गांव, ब्लॉक कांधला, जनपद शामली के विरुद्ध पर्यावरणीय क्षतिपूर्ति के रूप में अधिरोपित अर्थदण्ड को भू-राजस्व के बकाये की भाँति वसूली किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषय का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त के संबंध में अवगत कराना है कि मा0 एन0जी0टी0 में योजित ओ0ए0 संख्या 456/2019, विनीत कुमार बनाम यूनियन ऑफ इण्डिया एण्ड आदर्स में पारित आदेश दिनांक 04.09.2019 द्वारा नियम विरुद्ध जनपद शामली में अवैध रूप संचालित ईट भट्टों के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के निर्देश पारित किये गये थे। ईट भट्टे का पूर्व में क्षेत्रीय कार्यालय, मुजफ्फरनगर के प्राधिकृत अधिकारियों द्वारा दिनांक 27.04.2019 को निरीक्षण किया गया था। निरीक्षण के समय ईट भट्टा बोर्ड से सहमति प्राप्त किये बिना संचालित पाया गया था। तदोपरान्त ईट भट्टे के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31ए के अन्तर्गत बोर्ड के पत्र संख्या एच 36726/सी-3/वायु-373/मु0नगर/2019, दिनांक 31.05.2019 द्वारा बंदी आदेश जारी किया गया था एवं मा0 एन0जी0टी0 द्वारा ओ0ए0 संख्या 456/2019, विनीत कुमार बनाम यूनियन ऑफ इण्डिया एण्ड आदर्स में पारित आदेश दिनांक 04.09.2019 के अनुपालन में बोर्ड के पत्र संख्या एच 44054/सी-3/वायु-373/मु0नगर/2019, दिनांक 21.11.2019 द्वारा उल्लंघनकारी 65 दिवसों हेतु रू0-4,06,250/- का अर्थदण्ड पर्यावरणीय क्षतिपूर्ति के रूप में अधिरोपित किया गया था (प्रतिलिपि संलग्न)। ईट भट्टे द्वारा उक्त अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि अभिलेखानुसार बोर्ड में जमा नहीं की गयी है। मा0 उच्चतम न्यायालय नई दिल्ली में योजित सिविल अपील संख्या 18213/2021 एनसीआर ब्रिक किल्न एसोसिएशन बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक 08.04.2022 के अनुपालन एवं मा0 एन0जी0टी0 में योजित ओ0ए0 संख्या 329/2022 प्रदीप कुमार बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड एण्ड आदर्स में पारित आदेश दिनांक 11.02.2022 के अनुपालन में गठित संयुक्त समिति द्वारा संदर्भित ईट भट्टे का निरीक्षण दिनांक 02.06.2022 को किया गया। निरीक्षण के समय ईट भट्टा बोर्ड से बिना सहमति प्राप्त किये संचालित पाया गया। निरीक्षण के समय ईट भट्टे में जिगजैग ब्रिक सेटिंग के स्थान पर सादी भराई पायी गयी।

अतः आपसे अनुरोध है कि संदर्भित ईट भट्टे के विरुद्ध पर्यावरणीय क्षतिपूर्ति के रूप में अधिरोपित अर्थदण्ड रू0-04,06,250/- (रू0 चार लाख छः हजार दो सौ पचास मात्र) की वसूली भू-राजस्व के बकाये की भाँति कराते हुए उ0प्र0 प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक ऑफ इण्डिया, वैभव खण्ड, गोमती नगर, लखनऊ स्थित बैंक के खाता संख्या-701502010002104 आई0एफ0एस0सी0 कोड-UBIN0570150 में जमा कराकर बोर्ड को सूचित करने का कष्ट करें।
संलग्नक.उपरोक्तानुसार।

भवदीय,

A

(अजय कुमार शर्मा)
सदस्य सचिव

2/-

टी0सी0-12,वी, विभूति खण्ड,
गोमती नगर, लखनऊ-226010

TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow-226010

(2)

प्रतिलिपि-क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, मुजफ्फरनगर को इस निर्देश के साथ प्रेषित कि व्यक्तिगत रूप से जिलाधिकारी, शामली से समन्वय स्थापित कर वसूली सयधी कार्यवाही कराना सुनिश्चित करे।

सदस्य सचिव

शामली!

महाराष्ट्र में अब भारत बिक्री लिमिटेड का काम चल रहा है। इस लिए गांव पंचायत को वापस कार्य के आदेश देने की कृपा करे।

(Signature)
09-05-2024

प्रमाणित करता हूँ कि यह मरदा
नव मरदा वि. व. मरदा का ही मरदा मरदा है

शामली
प्रधान
ग्राम पंचायत, ऊंचा गांव
ख० कराना जि० शामली उ०

सम्प्रेषित
(Signature)
महसीलदार कराना

श्रीमान जी

इस अध्याय में शिव विद्यापीठ प्रकाशित
 ग्रंथों में शिव विद्यापीठ का असदपुत्र विद्यापीठ
 का अध्याय शालिक विद्यापीठ से जोन द्वारा
 प्राप्त की गई है। विद्यापीठ ने अज्ञान
 बताया है कि इस त्राह तक कुछ
 चयन शालिक अज्ञानकल दूगा

