



56
क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
280, एन0एच0-19, रनियां, कानपुर देहात-209304



Ref No. 620/38/H-14/2024

Dated: 24/04/2024

To,
The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.
E-mail-judicial-ngt@gov.in

Subject:- Submission of Report in compliance of Hon'ble NGT order dated 12/02/2024 in the matter of O.A. No.541/2022, Jai Singh Vs State of U.P.& Ors.

Sir,

Please refer to the topic mentioned above. In compliance with the order of Hon'ble NGT dated 12.02.2024 in Original Application No. 541/2022 Jai Singh vs. State of UP. And others, accordingly, we dispose of the OA directing the UPPCB to file a fresh report in respect of recovery of environmental compensation before the Registrar General of the Tribunal by 30.04.2024. The latest report regarding recovery of environmental compensation by UPPCB is being filed herewith.

It is requested that the aforesaid report may be presented before the Hon'ble Tribunal for kind consideration.

Yours faithfully,

Encl: as above (total page-16)

(Manoj Kumar Chaurasia)
Regional Officer

Copy to:- Following for information & necessary action please.

1. Member Secretary, U.P. Pollution Control Board, Lucknow.
2. Chief Environmental Officer (C-2), U.P. Pollution Control Board, Lucknow.
3. Chief Law Officer, U.P. Pollution Control Board, Lucknow.
4. Shri Pradeep Mishra (Advocate), Supreme Court, B-235, Sector-19, Noida-211301.

Regional Officer

Report in compliance of Hon'ble NGT order dated 12/02/2024 in the matter of O.A. No.541/2022, Jai Singh Vs State of U.P.& Ors.

1. Background

Hon'ble National Green Tribunal (NGT) vide its order dated 12/02/2024 in Original Application No. 541 of 2022, , Jai Singh Vs State of U.P. & Ors directed as below

1. *This original application was registered on the basis of the letter petition sent by residents of Village Makhaipur, Post Musumkhor, Tehsil & District Kannauj, Uttar Pradesh alleging that Respondent-H.M. Brick Kiln was illegally set up and was violating the environmental norms.*
2. *Considering the allegations made in the letter petition, the Tribunal by order dated 05.09.2022 had constituted a Joint Committee with a direction to the Committee to verify the factual position and submit the report.*
3. *The Joint Committee had submitted the report vide covering letter dated 05.12.2022 showing the position as under.....*
4. *The Uttar Pradesh Pollution Control Board (UPPCB) has also filed the report dated 18.12.2023 in compliance of direction of the Tribunal dated 05.09.2023 showing the status as under:*
 1. *That it is submitted that U.P. Pollution Control Board has already issued closure order vide letter dated 29.09.2022 against the Brick Kiln M/s 1-I.M Brick kiln Village- Makhaipur, Post-Kusumkhor, District Kannauj. The copy of the closure order dated 29.09.2022 is enclosed herewith and marked as Annexure No.-1*
 2. *That in compliance of Hon'ble NGT order dated 08.10.2023, the joint committee of UPPCB and District Administration has sealed the brick kiln M/s H.M Brick kiln Village- Makhaipur, Post-Kusumkhor, District Kannauj on 30.11.2023. That U.P. Pollution Control Board has also sent a letter dated 01.12.2023 to Thana Incharge, KotwaliKannauj, Mining officer Kannauj to assure no mining/brick manufacturing work is done by the unit at this site. The copy of the letter dated 01.12.2023 is enclosed herewith and marked as Annexure No.-2*
 3. *That it is submitted that U.P. Pollution Control Board has also imposed Environmental Compensation of Rs 16,43,750/- against the Brick Kiln M/s H.M Brick kiln Village- Makhaipur, Post-Kusumkhor, District Kannauj for the illegal operation of the unit vide letter dated 15.12.2023. The copy of the letter dated 15.12.2023 is enclosed herewith and marked as Annexure No.-3*

4. That as per the direction of Hon'ble NGT vide order dated 06.10.2023, it is submitted that in District-Kannauj there were 138 brick kilns identified, out of which 02 brick kilns are dismantled, 28 brick kilns are closed by UPPCB and rest 108 Brick kilns have valid Consent to Operate (CTO). The list of 30 not operational brick kilns and 108 operational brick kilns are enclosed herewith and marked as Annexure No.-4.
5. That U.P. Pollution Control Board has sent a letter dated 17.11.2023 to Superintendent of Police Kannauj and District Magistrate Kannauj and concerning- SHO for ensuring compliance of closure order issued to the Brick Kilns units by the UPPCB. The copy of the letter dated 17.11.2023 is enclosed herewith and marked as Annexure No.-5."
5. The report further reflects that the environmental compensation of Rs. 16,43,750/- has been imposed upon the Project Proponent by UPPCB 4 vide order dated 15.12.2023 for the defaulting period of 263 days from 01.10.2021 to 21.06.2022.
6. Stand of Counsel for the Project Proponent is that this order dated 15.12.2023 is subject matter of challenge at the instance of the Project Proponent before the High Court at Lucknow in Writ Petition No. 1431/2024. She has informed that writ petition has just been filed and there is no interim order in the writ petition.
7. Hence, it will be open to the UPPCB to take appropriate steps to recover the environmental compensation in accordance with law, if there is no legal impediment in this regard.
8. Accordingly, we dispose of the OA directing the UPPCB to file the fresh report in respect of recovery of environmental compensation by 30.04.2024 before Registrar General of the Tribunal by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed before the Bench for consideration.

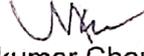
2.0 Proceedings

- a. That in compliance of O.A. no. 541/2022, Member Secretary, U.P. Pollution Control Board has requested through letters dated 30.01.24 and dated 04.04.2024 to District Magistrate, Kannauj for recovery of environmental Compensation amount of Rs. 18,68,125.00 imposed against brick kiln as land revenue. **(Annexure No.-1,2)**
- b. That it is submitted that District Magistrate Kannauj has directed Tehsildar Kannauj for recovery of Environmental compensation. Tehsildar Kannauj has informed vide his letter dated 20.04.2024 that citation has been issued against the defaulter brick kiln on 12.02.2024 and after that order has been issued on 20.02.2024 for attachment of property of defaulter brick kiln, but this order is

stayed by Hon'ble High Court vide order dated 16.02.2024 and 04.04.2024. Copy of the letter dated 20.04.2024 of Tehsildar Kannauj and orders dated 16.02.2024 and 04.04.2024 of Hon'ble High court are enclosed herewith and marked as **Annexure No. 3,4 and 5**

Hence most respectfully, the status report in respect of recovery of environmental compensation by 30.04.2024 is submitted as above in compliance of order dated 12.02.2024 of Hon'ble NGT OA No.-541/2022.

Yours sincerely


(Manoj kumar Chaurasia)
Regional Officer
U.P. Pollution Control Board
Kanpur Dehat



ग.नं/सं

13/02/24

दिनांक 13/02/24

10.

The District Magistrate,
Kannauf

Subject: Regarding collecting/recovery of Environmental Compensation imposed on M/s H M Brick Field, Gata No.2675, Vill-KusumkhorBangar, Pargana & The Kannauf.

Vide its order dated 21-12-2023 the Hon'ble National Green Tribunal, New Delhi has passed the following directions,

10. If we accept the submission of ShriPradeepMisra that the communication sent by Member Secretary, UPPCB to the concerned District Magistrates of Moradabad, Sambhal, Rampur and Amroha are orders under Section 31A of the Air Act, then for non-compliance of the said order the competent officers of UPPCB are required to take action under Section 37 of the Air Act. In both the eventualities, either through issuance of recovery certificate by the competent officer of UPPCB or issuing direction in terms of Section 31A of Air Act, if there is an inaction by the authorities then the action is required to be taken in terms of provisions noted above by competent authority of UPPCB which they have failed to take till now.

Further, please refer to H.O. letter No. H 04280/C-2/Air-165/23 dated- 15.12.2023 (EC date) on the above subject. It is to inform you that vide letter dated 29.09.2022 (closure date) UPPCB has issued closure against the above mentioned unit under section 31A of Air, (Prevention and control of pollution) Act, 1981. UPPCB vide letter dated 15.12.2023 (EC date) has imposed Environmental Compensation of Rs. 16,43,750.00 against the unit. UPPCB vide letter dated 15-12-2023 has issued direction to you for recovery of the imposed Environmental Compensation under the U.P. Public Money Recovery of dues (Amendment) Act, 1972. The recovery of the imposed Environmental Compensation against the unit has not been done till date.

The sum of Rs. 16,43,750.00/- (Rupees- Sixteen Lakh Forty Three Thousand Seven Hundred Fifty only) is payable in account of Environment Compensation from M/s H M BRICK FIELD GATA NO. 2676, VILL-KUSUMKHOR BANGAR, PARGANA AND TEH-KANNAUF, DISTRICT-KANNAUF

The Name and Address of the Owner/ Directors of the concerned industry is as follows:

1. ShriAlim Khan s/o ShriMakhku Khan, Vill- Nagla Amar Singh, Mohkampur, Etah-207244.

You are hereby requested to recover the same as land revenue and deposit it into the account of the U.P. Pollution Control Board's Account No. 701502010002104, IFSC Code- UBIN0570150, Union Bank of India, VibhutiKhand, Gomati Nagar, Lucknow. The cost of the proceedings if any shall be recovered in addition.

1) Amount to be recovered -	Rs. 16,43,750.00
2) Cost of the Proceedings -	Rs. 1,64,375.00
3) Total Amount (1 + 2) -	Rs. 18,68,125.00

Yours Sincerely,

Member Secretary

Member Secretary

CC:-Regional officer, UPPCB, Kanpur Dehat.

M/13/24
13/02/24

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



संदर्भ सं०
Ref No

110/901/24
15/04/24

दिनांक

Date 04/04/24

मा० एनजीटी प्रकरण
अनुसंगारक-प्रथम

सेवा में

जिलाधिकारी
कन्नौज ।

विषय:- मेसर्स एच०एम० त्रिक फील्ड, गाटा नं०-5875, ग्राम मखईपुर, पोस्ट कुसुमखोर, जनपद कन्नौज के विरुद्ध अधिरूपित पर्यावरणीय क्षतिपूर्ति की भू-राजस्व की भांति वसूली किये जाने के संबंध में ।

महोदय,

कृपया उपरोक्त विषयक राज्य बोर्ड द्वारा आपको प्रेषित पत्र संख्या-एच 06277/सी-2/वायु-165/24 दिनांक 30.01.2024 (छायाप्रति सलग्न) का संदर्भ ग्रहण करने का कष्ट करें । उक्त के सवध में अवगत कराया है कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश के अनुपालन में ईट उद्योग के विरुद्ध राज्य बोर्ड के पत्र दिनांक 15.12.2023 द्वारा धनराशि रुपये 16,42,750/- मात्र की पर्यावरणीय क्षतिपूर्ति अधिरूपित की गई थी । ईट उद्योग द्वारा उक्त अधिरूपित पर्यावरणीय क्षतिपूर्ति राज्य बोर्ड के खाते में जमा न किये जाने के दृष्टिगत मेसर्स एच०एम० त्रिक फील्ड, गाटा नं०-5875, ग्राम मखईपुर, पोस्ट कुसुमखोर, जनपद कन्नौज के विरुद्ध अधिरूपित पर्यावरणीय क्षतिपूर्ति की भू-राजस्व की भांति वसूली हेतु उक्त पत्र के सवध में आपके स्तर से कार्यवाही अपेक्षित है ।

अतः आपसे अनुरोध है कि मा० एनजीटी द्वारा पारित आदेश के अनुपालन में ईट उद्योग के विरुद्ध अधिरूपित पर्यावरणीय क्षतिपूर्ति धनराशि रुपये 16,43,750/- एवं कार्यवाही की लागत रुपये 1,64,375/- कुल धनराशि रुपये 18,68,125/- की भू-राजस्व की भांति वसूली हेतु अग्रिम कार्यवाही हेतु सवधित अधिकारी निर्देशित करने का कष्ट करें, जिससे मा० एनजीटी द्वारा पारित आदेश के संबंध में अनुपालन आख्या ससमय दाखिल की जा सके ।

सलग्नक-उपरोक्तानुसार ।

भवदीय

(सजीव कुमार सिंह)
सदस्य सचिव

प्रतिलिपि:- क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, कानपुर देहात को इस निर्देश के साथ कि जिलाधिकारी, कन्नौज से तत्काल सम्पर्क कर अग्रिम कार्यवाही सुनिश्चित करते हुए एन.जी.टी में ससमय अनुपालन आख्या दाखिल कराये ।

15/04/24

5/2/LA(S)
निर्देशानुसार कार्यवाही

सदस्य सचिव

टी.सी. 12 वी, विभूति खण्ड, गमती नगर,
लखनऊ - 226010
दूरभाष 0522-2720828, 2720831
फैक्स 0522-2720764, 2720676
ई-मेल info@uppcb.in
वेबसाइट www.uppcb.com

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E-mail : info@uppcb.in
Website : www.uppcb.com

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ANNEXURE - 3

Court No. - 2

Case :- WRTT - C No. - 151 of 2024

Petitioner :- M/S New Star Brick Works (Erstwhile M/S Shiv Om Brick Works) Thru. Prop. Afsar Ali

Respondent :- State Of U.P. Thru Prin. Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner :- Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent :- C.S.C., Ashok Kumar Verma

Hon'ble Rajan Roy, J.

Hon'ble Om Prakash Shukla, J.

(CMA No. 06/2024)

Supplementary rejoinder affidavit filed by the petitioner is taken on record.

[Om Prakash Shukla, J.] [Rajan Roy, J.]

Order Date :- 4.4.2024

Santosh/-

वा.म.

श्रीमान तटवर्गदा
तटवर्ग-समा
कानौज

मधेप

विषय श्री वि. कानौज M/s H.M. बिक फील्ड गाय.

नं०-2675 वि. कुमुदरज वॉगल की उत्तर प्रवेश प्रमुख विभाग
जोड़ कर बकाया राशि-1868/25-00 का मांग पत्र प्राप्त हुआ
जो इसके दि०-12-02-2024 को आयोजित किया है इसके बाद
श्री चक्रराशि कड़ी के पत्र अन्त बकाया के प्रति दि०-20-02-
2024 को चक्र सम्पत्ति कर चुकी जाती की गई इसके तत्पर्यप
उपरोक्त बकाया ने इंजिनियरिंग का आदेश प्रस्तुत किया
गया है

—
तटवर्ग

Court No. - 1

Case :- WRIT - C No. - 1431 of 2024

Petitioner :- M/S Him Brick Field Thru. Partners Mohammad Waseem Khan And Alim Khan

Respondent :- State Of U.P Thru. Prln. Secy., Forest, Environment And Climate Change And Others

Counsel for Petitioner :- Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent :- C.S.C., Asst Srivastava

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Brij Raj Singh, J.

For orders, see our order of date passed in Writ-C No.151 of 2024.

(Brij Raj Singh, J.) (Attau Rahman Masoodi, J.)

Order Date :- 16.2.2024

Rao/-

Court No. - 1

Case :- WRIT - C No. - 151 of 2024

Petitioner :- M/S New Star Brick Works (Erstwhile M/S Shiv Om Brick Works) Thru. Prop. Afsar Ali

Respondent :- State Of U.P. Thru Prin.Secy. Deptl. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner :- Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent :- C.S.C., Ashok Kumar Verma

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Brij Raj Singh, J.

1. In compliance of the order dated 04.03.2024, Sri Rajendra Singh, Chief Environmental Officer, Circle 7, U.P. Pollution Control Board, Lucknow is present before the Court.
2. Counter affidavit filed today, is taken on record.
3. Let a copy of the same be served to the learned counsel for the petitioners in all the writ petitions.
4. Learned counsel for the petitioner in all the writ petitions are granted a week's time and no more to place on record the Consent to Operate issued in their favour, if any.
5. List this case along with connected matters on 28.03.2024.
6. Interim order shall continue till the next date of listing in this petition as well as in all the connected matters.
7. The personal appearance of the officer present today is exempted unless called for.

[Brij Raj Singh, J.] [Attau Rahman Masoodi, J.]

Order Date :- 11.3.2024

Sanjay

Counsel for Respondent :- C.S.C., Asst. Srivastava **66**

Case :- WRIT - C No. - 1431 of 2024

Petitioner :- M/S Hm Brick Field Thru. Partners Mohammad Waseem Khan And Alim Khan

Respondent :- State Of U.P Thru. Prin. Secy., Forest, Environment And Climate Change And Others

Counsel for Petitioner :- Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent :- C.S.C., Asst. Srivastava

Case :- WRIT - C No. - 868 of 2024

Petitioner :- M/S Yadavji Entl Udyog (New Name Fauji Ent Udyog) Thru Proprietor Abad Khan

Respondent :- State Of U.P. Thru Prin. Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner :- Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent :- C.S.C., Asst. Srivastava

Case :- WRIT - C No. - 866 of 2024

Petitioner :- M/S Hafeez Ent Udhyog Thru Authorized Signatory Sayeed Khan

Respondent :- State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner :- Sallil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent :- C.S.C., Asst. Srivastava

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Brij Raj Singh, J.

1. This bunch of writ petitions involves an important question of law as to whether a writ petition under Article 226 of the Constitution of India would be maintainable in respect of the matter, of which the cognizance and jurisdiction lies before the National Green Tribunal by virtue of Section 14 of the National Green Tribunal Act, 2010 (for short "the Act, 2010"). Section 14 of the Act, 2010 reads as under:-

"(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."

2. At the very threshold, it is to be noted that the jurisdiction exercised by the National Green Tribunal is two fold, namely, (a) original (b) appellate. The original jurisdiction is exercised by virtue of Section 14 of the Act, 2010, whereas the appellate jurisdiction is exercised under Section 16 of the Act, 2010. The respective jurisdictions are defined and enumerated under the two provisions.

3. The environment and industry in the modern world have to co-exist. The environment is a natural necessity to the existence of human society, whereas the industry has emerged on account of the consumptive needs required for day-to-day life. On the one hand, the human society is bound to maintain the standards of ecological balance, but on the other, it cannot compromise and detach from the consumptive needs which again are necessary to ensure the survival of human society and are indispensable.

4. The cause of pollution of the environment has been attracting the attention of the courts of law since last many decades. A principle of "polluter should pay" emerged first time in the case of *Indian Council for Enviro-Legal Action and others Vs. Union of India and others*, (1996) 3 SCC 212. The directions issued by the Hon'ble Supreme Court remaining uncomplied, gave rise to litigation before this Court as well as before the Hon'ble Supreme Court time and again.

5. It appears that a writ petition by the Paryavaran Suraksha Samiti (Writ Petition (C) No.375 of 2012, Paryavaran Suraksha Samiti and another Vs. Union of India and others was decided on 22.2.2017 reported in (2017) 5 SCC 326). The Supreme Court by issuing certain directions relegated the matter to the National Green Tribunal for going into various aspects of the grievance in

safeguard the environment through remedial measures and monitoring the enforcement of prescribed measures so as to regulate the industry under various laws.

6. On an overall view of the matter, we gather that a two dimensional solution was evolved to deal with the protection of environment so as to serve the twin objects which are indispensably interconnected to the society. Firstly, the remedial measures for setting up the ETPs/CETPs/STPs as per the report of the Central Pollution Control Board submitted to the National Green Tribunal on 30.5.2019 and 19.7.2019 was approved by the National Green Tribunal.

7. The second dimension of the environmental protection postulates the monitoring of Common Effluent Treatment Plants (CETPs)/ETPs/STPs. A report to this effect was also submitted by the Central Pollution Control Board on 14.8.2019 and the same has also been taken into account by the National Green Tribunal.

8. In the matter relegated by the Hon'ble Supreme Court i.e. Paryavaran Suraksha Samiti (supra), the National Green Tribunal vide order dated 3.8.2018 had initially directed the Central Pollution Control Board to submit the reports in the light of the judgement of the Hon'ble Supreme Court and as per the direction contained in paragraph (vi) of the order aforesaid, we gather that for setting up of treatment plants, necessary contribution by the Centre, State and the concerned industry, the percentage of requisite funding was clarified. It is in the light of the direction issued by the Hon'ble Supreme Court, the reports dated 13.5.2019, 19.7.2019 and 14.08.2019 have come to be filed before the National Green Tribunal, both for remedial and monitoring purpose.

9. The National Green Tribunal with the passage of time and in order to effectuate the application of laws, has evolved a compensation regime under an action plan. This dimension has come to be implemented from 1.4.2020 as is evident from the order dated 20.08.2020 issued by the

10. In the bunch of cases before us, some of the orders passed under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 (for short "the Act, 1981") relate to a point of time much earlier than the aforesaid reports formulating a two tier mechanism. The writ petitions have merely assailed the consequential actions emanating from the orders passed under Section 31-A of the Act, 1981 from the year 2017 to 2021. The petitioners have failed to place on record the relevant orders passed under Section 31-A of the Act, 1981 in any of the writ petitions. The consequential orders, however, have come to be challenged before us on the premise that the initial order was not communicated to them.

11. We are equally pained to notice that even the opposite party-U.P. Pollution Control Board has not placed on record the relevant orders passed under Section 31-A of the Act, 1981 and in this manner, we are unable to examine whether the jurisdiction of the National Green Tribunal would lie under Section 14 of the Act, 2010 or the action taken is amenable to appellate jurisdiction. Before entertaining or throwing out a petition on the ground of alternative remedy, all such aspects deserve consideration.

12. Sri A.K. Verma as well as Sri Asit Srivastava, learned counsels for the U.P. Pollution Control Board are granted a week's time to place on record the relevant orders in furtherance to which the impugned orders assailed in the bunch of these writ petitions have come to be issued.

13. Let Central Pollution Control Board be also impleaded as opposite party in all these writ petitions by the respective petitioners within three days, and a copy of each writ petition be supplied to Sri Chandra Shekhar Pandey, learned counsel representing the Central Pollution Control Board.

14. Necessary correction to this effect, be made in the array of parties accordingly.

this stage, the direction issued hereinabove for bringing on record the relevant orders passed under Section 31-A of the Act, 1981 on being complied, the question as to maintainability of the writ petitions shall be considered on the next date.

16. List this bunch of writ petitions on 4.3.2024 in the list of fresh cases.

17. Till the next date of listing, status-quo existing as on today, shall be maintained. This order shall apply to all the writ petitions conneced in this bunch.

(Brij Raj Singh, J.) (Attau Rahman Masoodi, J.)

Order Date :- 16.2.2024

Rad-

कार्यालय जिलाधिकारी कन्नौज

संख्या: 1329 / सी0आर0ए0 / उ0प्र0प्रदू0नि0बोर्ड-वसूली / 2024

दिनांक: 20 अप्रैल, 2024

विषय: Regarding collection/recovery of Environmental Compesation imposed M/s HM Brick Field Gata no. 2657, Vill- Kusumkhor Banger. Pargana & District Kannauj

क्षेत्रीय अधिकारी,
क्षेत्रीय कार्यालय,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
कानपुर देहात

उपर्युक्त विषयक कृपया अपने पत्रांक-547 / IB/H-14/2024 दिनांक 22.03.2024 का संदर्भ ग्रहण करने का कष्ट करें, जिसके अन्तर्गत बोर्ड मुख्यालय के पूर्व पत्र संख्या-एच 06277 / सी-2 / वायु-165 / 24 दिनांक 30.01.2024 का उल्लेख करते हुए मै0 एच0एम0 ब्रिक फील्ड, गाटा संख्या-2676, ग्राम नखईपुर कृसुमखोर, परगना एवं तहसील कन्नौज पर अधिरोपित कुल धनराशि रू0 18,68,125.00 (रू0 अठारह लाख अठसठ हजार एक सौ पच्चीस मात्र) भू-राजस्व के रूप में वसूल कर उत्तर प्रदेश नियंत्रण बोर्ड के खाता संख्या-701502010002104, आई0एफ0सी0 कोड-UBIN0570150, यूनियन बैंक ऑफ इण्डिया, विभूति खण्ड, गोमती नगर, लखनऊ में जमा कराये जाने की अपेक्षा की गयी है।

इस सम्बन्ध में अवगत कराना है कि प्रकरण में वसूली कार्यवाही हेतु तहसीलदार, कन्नौज को निर्देश दिये गये थे। तहसीलदार सदर, कन्नौज ने प्रकरण में अपनी आख्या पत्रांक-421 / वा0व0न0-संग्रह / 2024 दिनांक 20.04.2024 उपलब्ध करायी है, जिसमें उल्लेख किया है कि बाकीदार के विरुद्ध दिनांक 12.02.2024 को साइटेशन जारी किया गया। इसके बाद भी धनराशि नहीं देने पर उक्त बाकीदार के विरुद्ध दिनांक 28.02.2024 को चल सम्पत्ति की कुर्की जारी की गयी। इसके पश्चात् बाकीदार ने मा0 उच्च न्यायालय में रिट याचिका संख्या: सी-1431 / 2024 M/s HM Brick Field बनाम स्टेट ऑफ स्टेट यू0पी0 दायर की गयी जिसने मा0 उच्च न्यायालय, लखनऊ बैंच, लखनऊ ने अपने आदेश दिनांक 16.02.2024 द्वारा निम्न आदेश पारित किया गया है-

"For orders, see our order of date passed in Writ C No. 151 of 2024."

उपरोक्त आदेश के क्रम में मा0 उच्च न्यायालय, लखनऊ बैंच, लखनऊ में दायर रिट याचिका संख्या: सी-151 / 2024 में पारित आदेशों का अवलोकन किया गया, जिसमें मा0 उच्च न्यायालय ने अपने आदेश दिनांक 12.02.2024 को निम्न आदेश पारित किया गया है-

"Till the next date of listing, no coercive measures be taken in respect of the cases where properties have been attached. The undertaking, if any, given in connected matters and extended earlier, may also operate till the next date of listing."

इसके पश्चात् मा0 उच्च न्यायालय ने उपरोक्त रिट याचिका सी-151 / 2024 में अपने आदेश दिनांक 28.03.2024 एवं दिनांक 04.04.2024 द्वारा निम्न आदेश पारित किये गये हैं-

"Interim order shall continue till the next date of listing in this petition as well as in the connected matters.

Supplementary rejoinder affidavit filed by the petitioner is taken on record."

उपरोक्त आदेशों के उपरान्त अभी तक मा0 उच्च न्यायालय द्वारा कोई आदेश पारित नहीं किया गया है। ऐसी स्थिति में तहसीलदार सदर-कन्नौज द्वारा अपनी आख्या में मा0 उच्च न्यायालय द्वारा पारित आदेशों के प्रति संलग्न कर प्रकरण मा0 उच्च न्यायालय में विचाराधीन होने के कारण अग्रिम कार्यवाही सम्भव न होने का उल्लेख किया है।

अतः प्रकरण में उपलब्ध करायी गयी तहसीलदार कन्नौज की आख्या दिनांक 20.04.2024 की छायापति व उपरोक्त वर्णित आदेशों की प्रति आपको सूचनार्थ एवं आवश्यक कार्यवाही प्रेषित की जा रही है।

कृपया तदनुसार अवगत होने का कष्ट करें।
संलग्नक- यथोक्त।

Signed by Ashish Kumar
Singh
Date: 20-04-2024 19:23:56अपर जिलाधिकारी(वि0 / रा0)
कन्नौज।

कार्यालय तहसील सदर, कन्नौज।

संख्या 421 / वा0वा0न0-संग्रह/2024

दिनांक 20 अप्रैल, 2024

अपर जिलाधिकारी (वि0/रा0)
कन्नौज।

महोदय,

कृपया अपने पत्र संख्या 1307/सी0आर0ए0/उ0प्र0प्रदू0नि0वोर्ड-वसूली/2024 दिनांक 12.4.2024 का सन्दर्भ ग्रहण करने का कष्ट करे जिसके द्वारा Regarding collection/recovery of Environmental Compesation imposed M/S HM Brick Field Gata no. 2657, Vill- Kusumkhor Banger, Pagrana & District kannaujपर धनराशि रू0 16,43,750.00 पर्यावरणीय क्षतिपूर्ति के रूप में अधिरोपित की गयी एवं कार्यवाही की लागत रू0 1,64,375.00 अतिरिक्त रूप में इस प्रकार कुल धनराशि रू0 18,68,125.00 भू-राजस्व के रूप में वसूल कर उत्तर प्रदेश नियंत्रण बोर्ड के खाता संख्या में जमा कराये जाने के निर्देश दिये गये हैं।

इस सम्वन्ध में अवगत कराना है कि प्रश्नगत प्रकरण के सम्वन्ध में सम्वन्धित-क्षेत्रीय संग्रह अमीन से आख्या प्राप्त की गयी। क्षेत्रीय संग्रह अमीन ने अपनी आख्या दिनांक 15.4.2024 प्रस्तुत कर अवगत कराया है कि सम्वन्धित बाकीदार को दिनांक 12.2.2024 को साइटेशन दिया गया। इसके बाद भी धनराशि नहीं देने पर उक्त बाकीदार के प्रति दिनांक 28.2.2024 को चल सम्पत्ति की कुर्की जारी की गयी। इसके पश्चात उपरोक्त बाकीदार ने मा0 उच्च न्यायालय में रिट याचिका संख्या सी-1431/2024 M/S HM Brick Fieldवनाम स्टेट आफ यू0पी0 दायर की गयी जिसमें मा0 उच्च न्यायालय ने अपने आदेश दिनांक 16.2.2024 द्वारा निम्न आदेश पारित किया गया है-

"For orders, see our order of date passed in Writ- C No. 151 of 2024."

उपरोक्त आदेश के क्रम में मा0 उच्च न्यायालय में दायर रिट याचिका संख्या सी-151/2024 में पारित आदेशों का अवलोकन किया गया, जिसमें मा0 उच्च न्यायालय ने अपने आदेश दिनांक 12.2.2024 को निम्न आदेश पारित किया गया है-

"Till the next date of listing, no coercive measures be taken in respect of the cases where properties have been attached. The undertaking, if any, given in connected matters and extended earlier, may also operate till the next date of listing."

उपरोक्त आदेश के उपरान्त मा0 उच्च न्यायालय ने उपरोक्त रिट याचिका सी-151/2024 में अपने आदेश दिनांक 28.3.2024 एवं दिनांक 4.4.2024द्वारा निम्न आदेश पारित कियेगये हैं-

"Interim order shall continue till the next date of listing in this petition as well as in the connected matters."

"Supplementary rejoinder affidavit filed by the petitioner is taken on record "

उपरोक्त आदेशों के उपरांत अभी तक मा0 उच्च न्यायालय द्वारा कोई आदेश पारित नहीं किया गया है। अतः मा0 उच्च न्यायालय द्वारा पारित उपरोक्त आदेशों की प्रति सलग्न कर इस अनुरोध के साथ भेजी जा रही है कि प्रकरण मा0 उच्च न्यायालय में विचाराधीन होने के कारण अग्रिम कार्यवाही किया जाना सम्भव नहीं हो पा रहा है। -

आख्या सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
संलग्नक-यथोपरि!

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तहसीलदार,
सदर-कन्नौज।