

**BFFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 603 OF 2024

IN THE MATTER OF:

NEWS ITEM TITLED “AVAI DH KHANAN PAR HO RAHEE HAI KARYAVAI JCB SAMET 9 TRACTOR- TROLLY KIYE GAYE HAI SEIZE” APPEARING IN CHANDAU LISAMACHAR.COM DATED 13.04.2024.

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THROUGH

522

DATE: 05.10.2025

PLACE: NEW DELHI



**STHAVI ASTHANA
ADVOCATE FOR UPPCB
C-9, SECTOR 50, NOIDA,
UTTAR PRADESH-201303**

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13/5/24
S.No. 666 Year 2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 603 OF 2024



IN THE MATTER OF:-

NEWS ITEM TITLED "AVAIKH KHANAN PAR HO
RAHEE HAI KARYAVAI JCB SAMET 9 TRACTOR-
TROLLY KIYE GAYE HAI SEIZE" APPEARING IN
CHANDULISAMACHAR.COM DATED 13.04.2024.

RESPONSE AFFIDAVIT ON BEHALF OF UTTAR
PRADESH POLLUTION CONTROL BOARD, IN
COMPLIANCE WITH THE ORDER DATED 04.07.2025
PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

I, Rohit Singh, aged about 53 Year S/o
Shri N.C. Sachan, do hereby solemnly affirm and state on
oath as under:

1. That I am presently posted as Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter "UPPCB), Varanasi. I say that I am fully conversant with the facts of the case and am competent and authorized to swear the present Affidavit.



2. That, The Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred as The Hon'ble Tribunal) vide its order dated 04.07.2025 has passed the following direction:

"...3. Referring to the reply dated 01.07.2025, learned Counsel appearing for UPPCB has submitted that initially the show cause notice dated 13.12.2024 was issued for imposition of environmental compensation of Rs. 1,31,250/- and thereafter, the amended show cause notice dated 11.06.2025 was issued and vide order dated 27.06.2025 environmental compensation of Rs. 7,56,756/- has been imposed. Learned Counsel seeks four weeks' time to file a further comprehensive report disclosing the steps taken for recovery of environmental compensation as also explaining the action which was initiated by the UPPCB to ascertain the owners of the 2 JCB and seven Tractor-Trolleys which were taken into the custody as mentioned in the news report dated 13.04.2024 on the basis of which this suo motu case was registered."

Steps taken for recovery of Environmental Compensation

3. That it is most respectfully submitted that the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Writ Petition (C) No. 4816 of 2024, vide its Judgement dated 17.07.2025, directed as under:

... "(82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.

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(83) Accordingly, all the Writ Petitions are allowed. All the orders passed by the State Pollution Control Board imposing environmental compensation upon the petitioners, which are under challenge in the Writ Petitions, are quashed. The State Pollution Control Board will be at liberty to file applications before the NGT for award of compensation. Costs made easy.”.

4. That in view of the above judgment, the Hon'ble High Court of Allahabad has categorically held that UPPCB has no authority to impose environmental compensation directly. The Board may only approach the NGT under Sections 15 and 18 of the NGT Act for such relief. Accordingly, no EC has been further imposed by UPPCB in the present matter.

A Copy of the Judgement dated 17.07.2025 is annexed herewith and marked as **Annexure 1**.

5. That the Hon'ble Supreme Court of India vide its order dated 04.08.2025 passed in Civil Appeal No(s). 757-760 of 2013, D.P.P.C. Versus Lodhi Property Co. Ltd. Etc., regarding the power of Pollution Control Board to levy Environmental Compensation under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of Air (Prevention and Control of Pollution) Act, 1981 has upheld the power of the State Pollution Control Board to levy Environmental Compensation for degradation of environment in Paras 28, 29 and 30 of the judgment which reads as under:

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- “28. *Having considered the principles that govern our environmental laws and on interpretation of Sections 33A and 31A of the Water and Air Acts, we are of the opinion that that the Division Bench of the High Court was not correct in restrictively reading powers of the Boards. We are of the opinion that these regulators in exercise of these powers can impose and collect, as restitutionary or compensatory damages fixed sum of monies or require furnishing bank guarantees as an ex-ante measure towards potential or actual environmental damage.*
29. *There is no doubt that Section 33A of the Water Act and Section 31A of the Air Act give the State Boards powers to issue necessary directions for environmental restoration, remediation and compensation and for the payment of costs for the same. The National Green Tribunal’s judgment in Swastik Ispat correctly identified the Boards powers to issue directions for payment of environmental damages under Section 33A of the Water Act and the Section 31A of the Air Act. A restrictive interpretation which fails to differentiate between environmental damages and punitive action significantly encumbers the Boards ability to discharge its duties.*

The Board’s powers under Section 33A of the Water Act and Section 31A of the Air Act have to be read in



light of the legal position on the application of Polluter Pays principle as formulated and explained. This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.”

6. That further, the Hon'ble Supreme Court has held that at present the Boards are levying Environmental Damages on the basis of guidelines issued by CPCB which requires that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. The said Paras 35 and 36 are as follows:

“35. *To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair, transparent, nonarbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for*



✍

fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document "General framework for imposing environmental damage compensation" issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT.³⁰ It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.

36. *These Rules must also create enabling framework for citizens to file complaints about environmental damage. Public participation in environmental protection has assumed great importance with climate change threatening to drastically disrupt our way of living. Boards, being the first line of defence against polluting activities, must provide easy accessibility and encourage public participation in their function and decision making."*

7. That in view of the above, the Hon'ble Supreme Court in Para 39(b) and (c) directed as under:

"(b) we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an ex-ante measure towards



potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.

- (c) *it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation."*

8. That in view of the aforesaid observations of Hon'ble Supreme Court, though the concerned State Pollution Control Board has the power to impose Environmental Compensation, however, the said power cannot be exercised until relevant rules are framed in this regard. The Hon'ble Supreme Court has directed that Union of India be impleaded in the above case to inform the Hon'ble Court about the Rules and Regulations to be framed by it.

A Copy of the Judgement dated 04.08.2025 is annexed herewith and marked as **Annexure 2**.

Action initiated by the UPPCB to ascertain the owners of the 2 JCB and seven Tractor-Trolleys which were taken into the custody

9. That Member Secretary, UPPCB sent letter to District Magistrate, Chandauli asking for the status of action taken



[Handwritten signature]

by the District Administration against owners of JCB and Tractor-Trolleys which were taken into the custody vide letter dated 31.07.2025. A copy of the letter dated 31.07.2025 is annexed herewith and marked as **Annexure 3**.

10. That the Regional Officer of UPPCB, Varanasi has also sent letter dated 07.08.2025 to District Mines Officer Chandauli, and letter dated 28.08.2025 to Sub-District Magistrate, Pt. Deen Dayal Upadhyay Nagar, Chandauli asking for the details of the JCB and Tractor Trolleys, the names of their owners as well their details. Copy of letters are annexed herewith and marked as **Annexure 4**.

11. That District Mines Officer Chandauli informed vide letter dated 25.09.2025 that during enforcement campaign on 09.04.2024, vehicles engaged in illegal mining/transportation were seized and handed over to the concerned different Police Stations in Tehsil-Chandauli by the team of District Administration, Police Department, Mining Department and Uttar Pradesh Pollution Control Board. It is also informed that 1 JCB and 3 tractor-trolleys were handed over to Shivala Chowki, Mughalsarai and as per direction issued by the Ld. Chief Judicial Magistrate, Chandauli, a case has been filed against three tractors and JCB in the court of the



Ld. Chief Judicial Magistrate, Chandauli. A copy of the letter dated 25.09.2025 is annexed herewith and marked as **Annexure 5**. A copy of the complaints made by the District Mines Officer before the Ld. Chief Judicial Magistrate, Chandauli are annexed herewith and marked as **Annexure 6**.

12. That the complete details about the owners of the said vehicles were not provided by the Mining Department, despite multiple requests by the officials of UPPCB. The names of three owners of tractor trolleys could be ascertained from the complaints filed by the District Mines Officer before the Ld. Chief Judicial Magistrate, Chandauli, being as follows:

- a. Smt. Manti Devi, D/o Shri Krishnanand, R/o Village Susmi, Thana Chunar, District Mirzapur
- b. Anil Yadav, S/o Shri Lalman, R/o Village Kunda Khurd, Thana Mughalsarai, District Chandauli
- c. Smt. Santra Devi, W/o Shri Lalman, R/o Village Kunda Khurd, Thana Mughalsarai, District Chandauli



13. That in pursuance to the direction passed by this Hon'ble Tribunal a reply on behalf of the Uttar Pradesh Pollution

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Control Board is being submitted before this Hon'ble
Tribunal for kind perusal and consideration.


DEPONENT



VERIFICATION

Verified at Varanasi on this 04th day of Oct. 2025 that the
contents of the above affidavit are true and correct to the best of
my knowledge and belief and nothing material has been
concealed therefrom.

Notarial Affidavit
पंजियन / Registration
क्र०सं०/Sr. No. 13373/17
दि०/Dt. 04.10.25
स्थान/Place C.C.V.U.P.
एड०/Adv. By Uday Krishna


DEPONENT

By Uday Krishna
एड० Adv. दि०क०वा०
C.C.V.U.P.
04.10.25



Neutral Citation No. - 2025 : AHC-LKO:40756-DB
Judgment Reserved on : 11.03.2025
Judgment Delivered on : 17.07.2025

A.F.R.

Court No. - 1

Case : - WRIT - C No. - 4816 of 2024

Petitioner : - Suez India Pvt. Ltd., Through Its Authorized Signatory,
Rajesh Chandra Mathpal

Respondent : - Uttar Pradesh Pollution Control Board, Through Its
Chairman And 6 Others

Counsel for Petitioner : - Aprajita Bansal, Anilesh Tewari, Gursimran
Kaur

Counsel for Respondent : - Asit Srivastava, Ashok Kumar
Verma, C.S.C., Namit Sharma, Rishabh Kapoor

connected with

(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. 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

(2) **Case :** - WRIT - C No. - 7889 of 2021

Petitioner : - Medical Pollution Control Comm. Thru. Dr. Vinay Kumar
Verma

Respondent : - State Of U.P. Thru. Prin.Secy. Forest/Environment
Lko. And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(3) **Case :** - WRIT - C No. - 5335 of 2022

Petitioner : - M/S Wave Infratech Pvt. Ltd. @ Its Unit The West End
Mall Thru Auth. Signatory And Anr

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lko
And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(4) **Case :** - WRIT - C No. - 5340 of 2022

Petitioner : - M/S Al Nafees Frozen Foods Export Pvt. Ltd. Thru
Director Mohd. Arham Qureshi

Respondent : - State Of U.P. Thru Addl.Chief Prin.Secy. Forests And Environment And Ors. **534**

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(5) **Case :** - WRIT - C No. - 7746 of 2023

Petitioner : - M/S Arsh Brick Works Thru. Partner Mohd. Ayub

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

Counsel for Petitioner : - Sarvesh Kumar,Shivang Tiwari

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

(6) **Case :** - WRIT - C No. - 119 of 2024

Petitioner : - M/S Rachna Metal Industries Pvt. Ltd. Thru M.D. Sadhna Agarwal

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

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

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

(7) **Case :** - WRIT - C No. - 152 of 2024

Petitioner : - M/S Afaq Brick Field Thru Proprietor Nargish

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

(8) **Case :** - WRIT - C No. - 153 of 2024

Petitioner : - M/S Khalil Brick Works Thru. Prop. Usman

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

(9) **Case :** - WRIT - C No. - 154 of 2024

Petitioner : - M/S Riza Brick Works Thru Proprietor Mohd. Haroon

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

(10) **Case :** - WRIT - C No. - 179 of 2024

Petitioner : - M/S Janta Brick Works (New Name-Munmun Brick Works Kazi Parivar) Thru. Prop. Mohd. Razi

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

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

(11) **Case :** - WRIT - C No. - 181 of 2024

Petitioner : - M/S Good Friends Brick Works Thru. Prop. Irfan

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

(12) **Case :** - WRIT - C No. - 188 of 2024

Petitioner : - M/S Colour Touch Thru Proprietor Prakash Chand Chindalia

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

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

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

(13) **Case :** - WRIT - C No. - 194 of 2024

Petitioner : - M/S Sh Brick Works Thru Proprietor Shabana

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

(14) **Case :** - WRIT - C No. - 195 of 2024

Petitioner : - M/S Shiv Brick Works Thru Proprietor Kaminder Alias Kamendra Singh

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

(15) **Case :** - WRIT - C No. - 264 of 2024

Petitioner : - M/S Musarfi Hasnain Bricks Works, Through Its Proprietor Rais Ahmad

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

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

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

(16) **Case :** - WRIT - C No. - 265 of 2024

Petitioner : - M/S Durga Brick Works, Through Its Authorized

13

Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy. Environment Forest And Climate Change, And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(17) **Case** : - WRIT - C No. - 266 of 2024

Petitioner : - M/S Azhari Brick Works Thru Proprietor Tahir Husain

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, Mohd. Khalid Amin Khan

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

(18) **Case** : - WRIT - C No. - 269 of 2024

Petitioner : - M/S K.K. Brick Works, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(19) **Case** : - WRIT - C No. - 270 of 2024

Petitioner : - M/S Monu Ent Ydyog (Old Name M/S Shiv Ent Udyog), Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(20) **Case** : - WRIT - C No. - 273 of 2024

Petitioner : - M/S Shiv Om Brick Works, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(21) **Case** : - WRIT - C No. - 288 of 2024

Petitioner : - M/S Kisan Brick Works Thru. Prop. Sharifuddin

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

(22) **Case** : - WRIT - C No. - 289 of 2024

Petitioner : - M/S Dilshad Brickworks Moradabad Thru Proprietor Irshad

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

(23) **Case** : - WRIT - C No. - 290 of 2024

Petitioner : - M/S Arsh Ent. Udhog, Through Its Partners And Ors.

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

Counsel for Petitioner : - Saryu Prasad Tiwari

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

(24) **Case** : - WRIT - C No. - 291 of 2024

Petitioner : - M/S Gaus-E-Azam Brick Works (New Name-Gaus-E-Pak Brick Field) Thru. Prop. Idrish

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

(25) **Case** : - WRIT - C No. - 292 of 2024

Petitioner : - M/S Ala Hazrat Eintt Udyog (Old Name Latifi Bricks) Thru Proprietor Mohd. Uvaish

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

(26) **Case** : - WRIT - C No. - 293 of 2024

Petitioner : - M/S Shiv Brick Works (Old Name Shubham Brick Works And Bhagat Ji Brick Works) Thru. Auth. Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(27) **Case** : - WRIT - C No. - 294 of 2024

Petitioner : - M/S Chaudhary Brick Works Udyog, Through Its Authorized Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(28) **Case** : - WRIT - C No. - 295 of 2024

Petitioner : - M/S Kanakpur Brick Industries Thru Proprietor

Kaminder Alias Kamendra Singh

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

(29) **Case** : - WRIT - C No. - 296 of 2024

Petitioner : - M/S Guru Arjun Brick Works, Through Authorized
Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(30) **Case** : - WRIT - C No. - 297 of 2024

Petitioner : - M/S Keshav Ent Udyog, Through Its Authorized
Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(31) **Case** : - WRIT - C No. - 300 of 2024

Petitioner : - M/S Kisan Ent Udhyog, Through Its Authorized
Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(32) **Case** : - WRIT - C No. - 305 of 2024

Petitioner : - M/S Vikas Brick Works (Present Name An Brick
Works) Thru Authorized Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(33) **Case** : - WRIT - C No. - 306 of 2024

Petitioner : - M/S New Shama Brick Works, Thru. Authorized
Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(34) **Case** : - WRIT - C No. - 351 of 2024

Petitioner : - M/S Jai Brick Works (New Name M/S Sujmana Ent

Udyog) Thru Auth. Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(35) **Case** : - WRIT - C No. - 354 of 2024

Petitioner : - M/S Subodh Ent Udyog Amroha Thru Auth. Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(36) **Case** : - WRIT - C No. - 355 of 2024

Petitioner : - M/S Bharat Brick Works

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(37) **Case** : - WRIT - C No. - 357 of 2024

Petitioner : - M/S Chaudhary Ent Udyog, Thru. Authorized Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(38) **Case** : - WRIT - C No. - 360 of 2024

Petitioner : - M/S Zam Zam Brick Works (Old Name Taj Ent Udyog And New Name Shabab Brick Field) Thru Prop. Shabab

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

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

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

(39) **Case** : - WRIT - C No. - 361 of 2024

Petitioner : - M/S Hidayah Brick Field (Old Name Khurshed Brick Field)

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(40) **Case** : - WRIT - C No. - 368 of 2024

Petitioner : - M/S Guru Nanak Brick Works Daulatapur Bhud Amroha Thru Auth. Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(41) **Case :** - WRIT - C No. - 371 of 2024

Petitioner : - M/S National Brick Works Vill. Noner Amroha Thru Auth. Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(42) **Case :** - WRIT - C No. - 372 of 2024

Petitioner : - M/S Chaudhary Ent Udyog (New Name Balaji Ent Udyog) Dhanaura Amroha Thru Auth. Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(43) **Case :** - WRIT - C No. - 375 of 2024

Petitioner : - M/S Royal Brick Field (New Name Star Brick Field) Chittupur Bilari Moradabad 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,Mohd. Aslam Khan,Ratnesh Dwivedi

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

(44) **Case :** - WRIT - C No. - 420 of 2024

Petitioner : - M/S Chaudhary Brick Works Thru. Prop. Deepak Kumar

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

Counsel for Petitioner : - Harsh Vardhan Kediya,Aditi Tripathi,Sheeran Mohiuddin Alavi

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

(45) **Case :** - WRIT - C No. - 425 of 2024

Petitioner : - M/S A.S.B. Brick Works Thru Partner Britpal Singh

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

Counsel for Petitioner : - Harsh Vardhan Kediya,Sheeran Mohiuddin Alavi,Shubham Tripathi

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

(46) **Case :** - WRIT - C No. - 427 of 2024

Petitioner : - M/S A H Brick Works (New Name- Lavi Bricks Works,

P. Name- Habibi Brick Works) Thru Qayyum Hussian
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
And Climate Change, Lko. And 5 Others
Counsel for Petitioner : - Jalaj Kumar Gupta, Ankur Yadav, Mohd.
Aslam Khan, Ratnesh Dwivedi
Counsel for Respondent : - C.S.C., Asit Srivastava

(47) **Case** : - WRIT - C No. - 430 of 2024
Petitioner : - M/S New India Brick Field (Old Name National Brick
Works/ Faizan Brick Works) Thru Prop. Mohd. Rayyan
Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests,
Environment And Climate Change And Ors.
Counsel for Petitioner : - Harsh Vardhan Kediya, Aditi
Tripathi, Sheeran Mohiuddin Alavi
Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra
Shekher Pandey

(48) **Case** : - WRIT - C No. - 431 of 2024
Petitioner : - M/S Avon Ent Udyog, Through Its Authorized
Signatory
Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
Forest And Climate Change, Lko. And Others
Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava
Counsel for Respondent : - C.S.C., Asit Srivastava

(49) **Case** : - WRIT - C No. - 432 of 2024
Petitioner : - M/S Khan Brick Industries, Through Its Proprietor,
Wasim Ahmad Khan
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
And Climate Change, Lko. And Others
Counsel for Petitioner : - Arvind Kumar Shukla
Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(50) **Case** : - WRIT - C No. - 467 of 2024
Petitioner : - M/S Mumtaz Brick Works Thru Proprietor Jaane Alam
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, Ratnesh Dwivedi
Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(51) **Case** : - WRIT - C No. - 468 of 2024
Petitioner : - M/S Jai Shri Sai Brick Works, Dhureta Bahjoi Road
Sambhal Thru Auth. Signatory
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment,
Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava
Counsel for Respondent : - C.S.C., Asit Srivastava

(52) **Case** : - WRIT - C No. - 474 of 2024

Petitioner : - M/S Janta Brick Works Thru Proprietor Mohd. Sahroz Domghar, Bilari, Moradabad

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

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

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

(53) **Case** : - WRIT - C No. - 559 of 2024

Petitioner : - M/S Farmer Brick Industries, Thru. Its Partner Sri Syed Arif Iqbal

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

Counsel for Petitioner : - Samita Chitranshi

Counsel for Respondent : - C.S.C., Asit Srivastava, Devesh Chandra Pathak

(54) **Case** : - WRIT - C No. - 561 of 2024

Petitioner : - M/S V.P.S. Brick Works (New Name Radha Krishna Brick Field) Thru Proprietor Vijay Pal Singh

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, Mohd. Khalid Amin Khan

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

(55) **Case** : - WRIT - C No. - 562 of 2024

Petitioner : - M/S Khwaja Brick Works Thru Proprietor Yasin Alias Asin

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., Asit Srivastava

(56) **Case** : - WRIT - C No. - 565 of 2024

Petitioner : - M/S Khawaja Brick Works (Malik Brick Works) Thru Proprietor Muntayaj

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., Asit Srivastava

(57) **Case** : - WRIT - C No. - 569 of 2024

Petitioner : - M/S M.A. Brick Works Thru Proprietor Mahendra Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,

Environment And Climate Change And Ors.

Counsel for Petitioner : 543 Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

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

(58) **Case :** - WRIT - C No. - 603 of 2024

Petitioner : - M/S Manya Eint Udyog (New Name Bharat Intt. Udyog) Thru Proprietor Brajpal Singh

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., Asit Srivastava

(59) **Case :** - WRIT - C No. - 605 of 2024

Petitioner : - M/S Maik Entt Udyog, Thru. Its Proprietor Riyasat

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

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

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

(60) **Case :** - WRIT - C No. - 607 of 2024

Petitioner : - M/S Azazi Brick Works, Sambhal, Thru. Its Authorized Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(61) **Case :** - WRIT - C No. - 610 of 2024

Petitioner : - M/S Indian Green Brick Works, Sambhal, Thru. Its Authorized Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava, Devesh Chandra Pathak

(62) **Case :** - WRIT - C No. - 612 of 2024

Petitioner : - M/S Khan Brick Works (New Name Khan Int Udyog) Thru Prop. Mohd. Rafiq

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., Asit Srivastava

(63) **Case** : - WRIT - C No. - 614 of 2024

Petitioner : - M/S Shiv Hat Brick Works, (New Name Mahadev Intt Udyog), Thru. Its Proprietor Kushal Gautam

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

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

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

(64) **Case** : - WRIT - C No. - 619 of 2024

Petitioner : - M/S Sabara Brick Works (New Name Faizan Brick Works) Thru Proprietor Mohd. Faizan

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., Asit Srivastava

(65) **Case** : - WRIT - C No. - 621 of 2024

Petitioner : - M/S Prem Int Udyog (New Name Supreme Brick Field) Thru Proprietor Yogendra Pal Singh

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., Asit Srivastava

(66) **Case** : - WRIT - C No. - 623 of 2024

Petitioner : - M/S Noor Brick Field Thru Proprietor Yaar Mohammad 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., Asit Srivastava

(67) **Case** : - WRIT - C No. - 626 of 2024

Petitioner : - M/S Rafi Turki Star Brick Field (Bharat Brick Works), Thru. Its Proprietor Mohd Rafi

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

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

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

(68) **Case** : - WRIT - C No. - 648 of 2024

Petitioner : - M/S Khuawaza Brick Works (Old Name M/S Famous Brick Works) Thru Proprietor Zabir Ali

Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests,

Environment And Climate Change And Ors.

Counsel for Petitioner : 545 Vardhan Kediya, Aditi
Tripathi, Sheeran Mohiuddin Alavi

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

(69) **Case :** - WRIT - C No. - 703 of 2024

Petitioner : - Shan Brick Field (New Name India Brick Ind.) Thru
Prop. Afaq Ahmad Siddique

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

Counsel for Petitioner : - Kripa Shankar Yadav, Moni Yadav

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

(70) **Case :** - WRIT - C No. - 706 of 2024

Petitioner : - M/S New Kohinoor Brick Field Thru Proprietor
Zulfiqar Ahmad

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

Counsel for Petitioner : - Kripa Shankar Yadav, Preeti Yadav

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

(71) **Case :** - WRIT - C No. - 719 of 2024

Petitioner : - M/S Ali Ent Udhyog , Amroha Thru. Its Partners And
Others

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

Counsel for Petitioner : - Ram Ji Trivedi, Pawan Kumar
Upadhyay, Shraddha Tripathi

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

(72) **Case :** - WRIT - C No. - 736 of 2024

Petitioner : - M/S Habibi Brick Field Thru Proprietor Mujammil

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., Asit Srivastava

(73) **Case :** - WRIT - C No. - 746 of 2024

Petitioner : - M/S Shri Krishna Brick Works Thru Proprietor Vipin
Kumar

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., Asit Srivastava

(74) **Case** : - WRIT - C No. - 751 of 2024

Petitioner : - M/S Jai Ambika Brick Works Thru Auth. Signatory Irfan

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(75) **Case** : - WRIT - C No. - 753 of 2024

Petitioner : - M/S Quality Brick Works Thru Auth. Signatory Afsar Ali

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(76) **Case** : - WRIT - C No. - 755 of 2024

Petitioner : - M/S Mlk Brick Works Thru Auth. Signatory Mahboob

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(77) **Case** : - WRIT - C No. - 760 of 2024

Petitioner : - M/S New Ahmad Ent Bhatta Through Proprietor Haseeb Ahmad

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

Counsel for Petitioner : - Prashant Shukla

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

(78) **Case** : - WRIT - C No. - 765 of 2024

Petitioner : - M/S Janab Chaudhary Brick Works, Proprietor Bhoore Khan

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

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

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

(79) **Case** : - WRIT - C No. - 767 of 2024

Petitioner : - M/S Mohammad Ent. Udyog, Through Proprietor Rahil Husain

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

Counsel for Petitioner : - Jalaj Kumar Gupta, Jayvind Singh Yadav, Mohd. Aslam Khan

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

(80) **Case** : - WRIT - C No. - 771 of 2024

Petitioner : - M/S Hazi Mustafaq Brick Works Thru Partner Shri Rahat Jaan

Respondent : - State Of U.P. Thru Principal Secretary, Forest, Environment And Climate Change And Ors.

Counsel for Petitioner : - Prashant Shukla

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

(81) **Case** : - WRIT - C No. - 799 of 2024

Petitioner : - Aaka Brick Centre (New Name Tehsin Brick Centre) Thru Proprietor Jishan Ahmad

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

Counsel for Petitioner : - Kripa Shankar Yadav,Moni Yadav

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

(82) **Case** : - WRIT - C No. - 800 of 2024

Petitioner : - M/S Kubra Brick Field Thru Proprietor Abdul Kalam

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

Counsel for Petitioner : - Kripa Shankar Yadav,Preeti Yadav

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

(83) **Case** : - WRIT - C No. - 801 of 2024

Petitioner : - M/S Prince Brick Work (Old Name Ksn Brick Works) Thru Sole Proprietor Veerpal Singh

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(84) **Case** : - WRIT - C No. - 806 of 2024

Petitioner : - M/S New Fauji Brick Works Thru Authorized Signatory

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(85) **Case** : - WRIT - C No. - 837 of 2024

Petitioner : - M/S Ahmad Shah Brick Works (New Name Akbar Husain Brick Works) Thru Proprietor Imran Husain

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

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

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

(86) **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 : - Salil Kumar Srivastava, Rahul Srivastava

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

(87) **Case** : - WRIT - C No. - 868 of 2024

Petitioner : - M/S Yadavji Entt 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., Asit Srivastava

(88) **Case** : - WRIT - C No. - 990 of 2024

Petitioner : - M/S Kalawati Brick Works, Through Its Proprietor, Kalavati

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

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

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

(89) **Case** : - WRIT - C No. - 991 of 2024

Petitioner : - M/S Vishal Brick Works (Old Name-Sri Ganga Brick Works), Through Proprietor, Gajraj Singh

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

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

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

(90) **Case** : - WRIT - C No. - 992 of 2024

Petitioner : - M/S Kazi Brick Works (Om Brick Works) Thru Proprietor Smt. Shajahan

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

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

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

(91) **Case** : - WRIT - C No. - 993 of 2024

Petitioner : - M/S GGR Brick Works, Through Its Proprietor Ramvir Singh Chhabra

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

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

(92) **Case** : - WRIT - C No. - 994 of 2024

Petitioner : - M/S Bankey Bihari Brick Works, Through Its Proprietor Ravindra Kumar Yadav

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

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

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

(93) **Case** : - WRIT - C No. - 997 of 2024

Petitioner : - M/S M.H. Brick Works. Through Its Proprietor Habeeb

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

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

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

(94) **Case** : - WRIT - C No. - 998 of 2024

Petitioner : - M/S Siddhart Brick Works (Old Name Mahaveer Brick Works) Thru Proprietor Mayank Jain

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

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

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

(95) **Case** : - WRIT - C No. - 999 of 2024

Petitioner : - M/S Ganesh Brick Works Thru Proprietor Nem Chand

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

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

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

(96) **Case** : - WRIT - C No. - 1000 of 2024

Petitioner : - M/S Habeeb Brick Field (Old Name Roshan Brick Works) Thru Proprietor Mohd. Akil

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

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

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

(97) **Case** : - WRIT - C No. - 1001 of 2024

Petitioner : - M/S G And C Brick Works (Old Name-Hind Brick Works) Thru. Prop. Girish Chandra

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

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

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

(98) **Case** : - WRIT - C No. - 1054 of 2024

Petitioner : - M/S Kisan Brick Works (New Name-Asadullah Brick Works), Through Its Proprietor Irfan

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

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

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

(99) **Case** : - WRIT - C No. - 1056 of 2024

Petitioner : - M/S Khwaja Garib Nawaj Ent Udyog (Old Name-Sabri Ent Udyog), Through Its Partner Zakir Hussain

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

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

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

(100) **Case** : - WRIT - C No. - 1058 of 2024

Petitioner : - M/S Seven Sky Brick Works (New Name-Seven Star Brick Works), Through Its Proprietor Wajid Ali

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

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

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

(101) **Case** : - WRIT - C No. - 1059 of 2024

Petitioner : - M/S Sabri Brick Works, Through Its Proprietor Akram

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(102) **Case** : - WRIT - C No. - 1083 of 2024

Petitioner : - M/S New Gold Brick Field Thru Proprietor Pradeep Kumar

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(103) **Case** : - WRIT - C No. 551 of 2024

Petitioner : - M/S Maa Vaishno Brick Field Thru Proprietor Ram Prakash

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(104) **Case** : - WRIT - C No. - 1088 of 2024

Petitioner : - Aman Ent Udyog (New Name New Raj Brick Works) Through Its Proprietor Mohammad Haroon

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(105) **Case** : - WRIT - C No. - 1092 of 2024

Petitioner : - M/S Omesh Brick Works, Through Its Proprietor Rajpal Singh

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

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

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

(106) **Case** : - WRIT - C No. - 1106 of 2024

Petitioner : - M/S N.G. Brick Field (Old Name Gold Brick Field) Thru Proprietor Pradeep Kumar

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(107) **Case** : - WRIT - C No. - 1126 of 2024

Petitioner : - M/S Shiv Narain Brick Field, Through Its Proprietor, Manoj Kumar

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(108) **Case** : - WRIT - C No. - 1129 of 2024

Petitioner : - M/S Jagdambe Brick Works Thru Partner Sudhish

Kumar

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

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(109) **Case** : - WRIT - C No. - 1131 of 2024

Petitioner : - M/S Ahmad Brick Field, Sitapur Thru Authorized
Signatory Javed Ahmad

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

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(110) **Case** : - WRIT - C No. - 1154 of 2024

Petitioner : - M/S Shri Krishna Ent Udyog Thru Proprietor Prince
Kumar

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

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

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

(111) **Case** : - WRIT - C No. - 1156 of 2024

Petitioner : - M/S Ahmad Ullah Brick Works Thru Proprietor Haider
Ali Khan

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

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

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(112) **Case** : - WRIT - C No. - 1158 of 2024

Petitioner : - M/S I.S. Beg Brick Field Thru Partner Izhar Beg

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

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

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(113) **Case** : - WRIT - C No. - 1198 of 2024

Petitioner : - M/S Bharat Brick Field (New Name Jiya Intt. Udyog)
Thru Partner Ahmad Hasan

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

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

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

(114) **Case** : - WRIT - C No. - 1205 of 2024

Petitioner : - M/S Hmk Brick Works (Old Name Haji Mateen) Thru Proprietor Matin Khan

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(115) **Case** : - WRIT - C No. - 1208 of 2024

Petitioner : - M/S Royal Brick Works And Ruby Brick Works (New Name Aka Brick Works) Thru Proprietor Aleem Ahmad

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(116) **Case** : - WRIT - C No. - 1230 of 2024

Petitioner : - M/S Gurudeen Brick Field Thru Proprietor Sri Ram Verma

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(117) **Case** : - WRIT - C No. - 1250 of 2024

Petitioner : - M/S Chaman Brick Field Sitapur Thru Its Partner(S) Mohd. Ibrahim And Ors.

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(118) **Case** : - WRIT - C No. - 1275 of 2024

Petitioner : - M/S New Bharat Brick Works, Through Proprietor Noushad Ali

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(119) **Case** : - WRIT - C No. - 1279 of 2024

Petitioner : - M/S Mohasin Brick Works (Present Name New Fine Brick Works), Through Partnet Razabul

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment

And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : 554 Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(120) **Case :** - WRIT - C No. - 1281 of 2024

Petitioner : - M/S Jishan Ent Udyog, Through Partner Mohd. Ali

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(121) **Case :** - WRIT - C No. - 1286 of 2024

Petitioner : - M/S Shankar Brick Works (New Name Narayan Brick Works) Thru Proprietor Devdutt

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(122) **Case :** - WRIT - C No. - 1297 of 2024

Petitioner : - M/S Saklani Ent Udyog (Old Name Mehrab Ent Udyog), Through Partner Mushahid

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(123) **Case :** - WRIT - C No. - 1298 of 2024

Petitioner : - M/S Jugnu Ent Udyog Amroha Thru Proprietor Buniyad Ali

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Vivek Kumar Rai

(124) **Case :** - WRIT - C No. - 1324 of 2024

Petitioner : - M/S Hindustan Ent Udyog Thru Partner Nanhe Khan

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

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

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

(125) **Case** : - WRIT - C No. - 1325 of 2024

Petitioner : - M/S New **555** Brick Works Thru Proprietor Aftab Khan

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

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

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

(126) **Case** : - WRIT - C No. - 1402 of 2024

Petitioner : - M/S Shyam Ent Udyog (New Present Name Sangam Ent Udyog) Thru. Partner Tausif

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

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

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

(127) **Case** : - WRIT - C No. - 1403 of 2024

Petitioner : - M/S Tiranga Brick Works (Old Name Kisan Brick Works), Through Proprietor Intyaz

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

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

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(128) **Case** : - WRIT - C No. - 1408 of 2024

Petitioner : - M/S Ansari Brick Field, Through Its Proprietor Mustaq Ahmad

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

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

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(129) **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., Asit Srivastava

(130) **Case** : - WRIT - C No. - 1624 of 2024

Petitioner : - M/S Mustak Brick Industries, Thru. Its Partners, Jafruddin, Mustakeem, Bhure Ali And Chottey Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment

And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : 556 Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(131) **Case :** - WRIT - C No. - 1653 of 2024

Petitioner : - M/S Amd Brick Works (New Name Rana Brick Works) Thru Prop. Janne Alam Malpura Urf Malpur, Sambhal

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

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

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

(132) **Case :** - WRIT - C No. - 1777 of 2024

Petitioner : - M/S Qadri Brick Field Thru Its Partner Akabri 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., Asit Srivastava

(133) **Case :** - WRIT - C No. - 1790 of 2024

Petitioner : - Huda Brick Works, Thru. Its Partner(S), Shri Shuav Ullah Khan And Others

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

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

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

(134) **Case :** - WRIT - C No. - 1791 of 2024

Petitioner : - M/S Sri Balaji Brick, Thru. Proprietor, Rohit Kumar

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(135) **Case :** - WRIT - C No. - 1981 of 2024

Petitioner : - M/S Star Brick Field Sitapur Thru Proprietor Abdul Rehman

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(136) **Case** : - WRIT - C No. - 557-1988 of 2024

Petitioner : - M/S Chapna Brick Works Thru Prop. Seema Agarwal

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(137) **Case** : - WRIT - C No. - 2244 of 2024

Petitioner : - Ans Brick Works, Thru. Its Partners Babu, Injar Ali, Mohd Yameen, Mohd. Azam And Naeem Ali

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(138) **Case** : - WRIT - C No. - 3176 of 2024

Petitioner : - M/S Bharat Brick Field Thru. Partners Abdul Haq And Mohd. Israil

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

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

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

(139) **Case** : - WRIT - C No. - 4991 of 2024

Petitioner : - Ashish Kumar Singh

Respondent : - State Of U.P. Thru. Spl. Secy., Deptt. Geology And Mining, And Others

Counsel for Petitioner : - Pushpila Bisht, Ruchir

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

(140) **Case** : - WRIT - C No. - 5047 of 2024

Petitioner : - M/S Shri Krishna Art And Dyeing, Thru. Proprietor Shri Kiran Pal Singh

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(141) **Case** : - WRIT - C No. - 5048 of 2024

Petitioner : - M/S Diamond Brickfield Through Proprietor Mohd. Jubair

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

Counsel for Petitioner : - Saryu Prasad Tiwari, Ashutosh Tiwari

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

(142) **Case** : - WRIT - C No. - 5459 of 2024

Petitioner : - M/S Ujala Bricks (Now J.P. Ent Bhatta) Thru Vijendra Singh And Ors.

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Piyush Pathak, Ashutosh Tiwari

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

(143) **Case** : - WRIT - C No. - 5685 of 2024

Petitioner : - M/S Famous Bricks Thru Its Partner Abdul Khalik

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Vikas Vikram Singh, Sumedha Sen, Syed Mehfuzur Rehman

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

(144) **Case** : - WRIT - C No. - 6221 of 2024

Petitioner : - M/S Om Baba Brick Works, Thru. Its Proprietor Yashdeep

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekhar Pandey

(145) **Case** : - WRIT - C No. - 6641 of 2024

Petitioner : - M/S J.S. International (Pet Food Division) Thru. Partner Mohd. Javed Soleja

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekhar Pandey

(146) **Case** : - WRIT - C No. - 7208 of 2024

Petitioner : - M/S New Bharat Ent Bhatta, Thru. Proprietors Mohd. Jubair, Zeeshan, Vahid And Atik Ahmad

Respondent : - State Of U.P. Thru. Secy. Zoology And Mining Dept. And Another

Counsel for Petitioner : - Saryu Prasad Tiwari
Counsel for Respondent : - C.S.C.

(147) **Case :** - WRIT - C No. - 7543 of 2024

Petitioner : - M/S Pind Balluchi (Unit Of Excellence Hospitality)
Thru. Partner Smarity Sindhu And Monu Mishra

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., Asit Srivastava, Chandra Shekher
Pandey

(148) **Case :** - WRIT - C No. - 7616 of 2024

Petitioner : - M/S Gupta Brick Works Thru Proprietor Rakesh Kumar

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

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
Pandey

(149) **Case :** - WRIT - C No. - 7619 of 2024

Petitioner : - M/S Mlk Brick Works Gumsani Sambhal Thru Partner
Lal Bahadur

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

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
Pandey

(150) **Case :** - WRIT - C No. - 7832 of 2024

Petitioner : - M/S Laxmi Brick Field Thru Proprietor Madan Pal

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
Pandey

(151) **Case :** - WRIT - C No. - 7916 of 2024

Petitioner : - Abhay Singh

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of
Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi

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

(152) **Case :** - WRIT - C No. - 8064 of 2024

Petitioner : - M/S Madina Frozen Foods Pvt. Ltd., Through Its
Director Mohammad Yamin Khan

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment
And Climate Change Deptt., Lucknow And 5 Others

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
Pandey

(153) **Case** : - WRIT - C No. - 8110 of 2024

Petitioner : - M/S J.B. Daruka Paper Mill Thru Authorized Signatory
Shiv Kumar Pandey

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

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(154) **Case** : - WRIT - C No. - 8204 of 2024

Petitioner : - M/S Sidra Washing, Through Proprietor Mohd. Wasim

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment
And Climate Change Deptt., Lucknow And 5 Others

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
Pandey, Ranjana Srivastava, Shivam Srivastava

(155) **Case** : - WRIT - C No. - 8461 of 2024

Petitioner : - Mohd. Danish

Respondent : - State Of U.P. Thru Prin. Secy. Environment Deptt. Lko
And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(156) **Case** : - WRIT - C No. - 8496 of 2024

Petitioner : - Gul Vadan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of
Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi

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

(157) **Case** : - WRIT - C No. - 8509 of 2024

Petitioner : - Shakeel Ahmad

Respondent : - State Of U.P. Thru Prin. Secy. Environment Deptt.
Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

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

(158) **Case** : - WRIT - C No. - 8510 of 2024

Petitioner : - Niraj Upadhyay

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

Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi

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

(159) **Case** : - WRIT - C No. - 8513 of 2024

Petitioner : - Ganga Sagar Singh

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

Counsel for Petitioner : - Vinod Kumar Mishra, Amit Dwivedi

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

(160) **Case** : - WRIT - C No. - 8775 of 2024

Petitioner : - M/S Tandoori Chaska (Old Name Shreshtha Gandhi Food Forest) Thru Partner Anil Sharma

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(161) **Case** : - WRIT - C No. - 8791 of 2024

Petitioner : - M/S Jubliant Food Works Ltd. Thru Auth. Person Nrip Vibhaw

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

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

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(162) **Case** : - WRIT - C No. - 11237 of 2024

Petitioner : - M/S R.K. Ent Udyog Through Its Authorised Representative Shri Kumar Pal Singh

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

Counsel for Petitioner : - Prashant Shukla, Priya Pandey

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

(163) **Case** : - WRIT - C No. - 490 of 2025

Petitioner : - M/S Bohre Ram Dayal, Ent Udhyog, Proprietor Shri Ashok Kumar Bhardwaj

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

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

Counsel for Respondent : - C.S.C., Chandra Shekher Pandey

(164) **Case** : - WRIT - C No. - 1179 of 2025

Petitioner : - M/S Santosh Gt Bhatta Sultanpur Thru Its Proprietor Raj Keshar Singh

Respondent : - U.P. Pollution Control Board Lucknow Thru Chairman And Ors.

Counsel for Petitioner : - Ajay Pratap Singh

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

(165) **Case** : - WRIT - C No. - 1420 of 2025

Petitioner : - M/S Alig Tannery Unnao Thru Its Authorized Representative Hameedur Rehman Ansari

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

Counsel for Petitioner : - Pooja Singh,Abhishek Yadav,Surya Prakash Tiwari

Counsel for Respondent : - C.S.C.,Asit Srivastava,Vaibhav Mishra

(166) **Case** : - WRIT - C No. - 1512 of 2025

Petitioner : - M/S Gaursons Promoters Pvt. Ltd. Thru Authorized Signatory Divyanshu Srivastava

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

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

(167) **Case** : - WRIT - C No. - 1610 of 2025

Petitioner : - M/S Bhagwati Colour Implex Ghaziabad Thru Proprietor Mukesh Pahuja

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

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(168) **Case** : - WRIT - C No. - 1611 of 2025

Petitioner : - M/S Pawan Dyeing Ghaziabad Thru Proprietor Pawan Agarwal

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

Counsel for Petitioner : - Kazim Ibrahim

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

(169) **Case** : - WRIT - C No. - 1626 of 2025

Petitioner : - M/S Lakshya Enterprises (Old Name Shikha Enterprises) Ghaziabad Thru Prop. Subhash Chand Yadav

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

Counsel for Petitioner : - Kazim Ibrahim

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

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(170) **Case :** - WRIT - C No. - 1627 of 2025

Petitioner : - M/S Jai Maa Garments Ghaziabad Thru Proprietor Suresh Chandra

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

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(171) **Case :** - WRIT - C No. - 1632 of 2025

Petitioner : - M/S Vanshika Dyeing Ghaziabad Thru Proprietor Desh Raj Gupta

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

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(172) **Case :** - WRIT - C No. - 1633 of 2025

Petitioner : - M/S S. Star Enterprises Ghaziabad Thru Prop. Rajmala

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

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(173) **Case :** - WRIT - C No. - 1714 of 2025

Petitioner : - M/S Nisha Prints Ghaziabad Thru Proprietor Ram Prakash

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

Counsel for Petitioner : - Kazim Ibrahim

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

(174) **Case :** - WRIT - C No. - 1715 of 2025

Petitioner : - M/S Swastik Washing Works Ghaziabad Thru Proprietor Shikha Jain

Respondent : - State Of U.P And Others

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - Vaibhav Mishra,Ashok Kumar Verma,Chandra Shekhar Pandey

(175) **Case :** - WRIT - C No. - 2074 of 2025

Petitioner : - Ravi Shankar Shukla

Respondent : - State Of U.P. Thru Secy. Deptt. Of Geology And

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Mining Lko And Ors.

Counsel for Petitioner : 564
564 Apila Bisht, Sukhmani Singh
Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(176) **Case :** - WRIT - C No. - 2107 of 2025

Petitioner : - M/S Triveni Engineers And Industries Ltd. (Alco Chemical Unit) Noida Thru Its Authorised Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy./ Prin.Secy. Deptt. Of Environment Forests And Climate And Ors.

Counsel for Petitioner : - Gaurav Mehrotra, Harsh Vardhan Mehrotra, Maria Fatima

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

(177) **Case :** - WRIT - C No. - 2116 of 2025

Petitioner : - M/S Balaji Ent Udyog Aligarh Thru Proprietor Sachendra Kumar

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

Counsel for Petitioner : - Prashant Shukla, Priya Pandey, Shashank Kumar

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

Hon'ble Attau Rahman Masoodi J.

Hon'ble Subhash Vidyarthi J.

(Per Subhash Vidyarthi J.)

- (1) Heard Sri Jaideep Narain Mathur, Senior Advocate, assisted by Ms. Aprajita Bansal, Sri. Anilesh Tewari, Ms. Gursimran Kaur, Advocates, Sri Jalaj Kumar Gupta, Sri Mehdi Khan, Sri Mohd. Aslam Khan, Sri Rahul Srivastava, Sri Salil Kumar Srivastava, Sri Sarvesh Kumar, Sri Shivang Tiwari, Sri Mohd. Khalid Amin Khan, Sri Saryu Prasad Tiwari, Sri Ratnesh Dwivedi, Sri Sheeran Mohiuddin Alavi, Ms. Aditi Tripathi, Sri Harsh Vardhan Kediya, Sri Ankur Yadav, Sri Arvind Kumar Shukla, Ms. Smita Chitranshi, Sri Sunny Singh, Sri Kripa Shankar Yadav, Ms. Moni Yadav, Ms. Preeti Yadav, Sri Pawan Kumar Upadhyay, Sri Ram Ji Trivedi, Ms. Shraddha Tripathi, Sri Prashant Shukla, Sri Ashutosh Tiwari, Sri Saryu Prasad Tiwari, Sri Piyush Pathak, Ms. Sumedha Sen, Sri Syed Mehruzur Rehman, Sri Vikas Vikram Singh, Sri Devesh Chandra Pathak, Sri Amit Dwivedi, Sri Himanshu Kamboj, Sri Vinod Kumar

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Mishra, Sri Prashant Shukla, Ms. Priya Pandey, Sri Ajay Pratap Singh, Sri Abhishek Yadav, Dr. Pooja Singh, Sri Surya Prakash Tiwari, Sri Kazim Ibrahim, Ms. Pushipla Bisht, Ms. Sukhmani Singh, Sri Gaurav Mehrotra, Sri Harsh Vardhan Mehtroa, Ms. Maria Fatima and Sri Shashank Kumar, learned counsel appearing for the petitioners in their respective writ petitions, and Sri Ashok Kumar Verma assisted by Sri Tushar Verma, Sri Asit Srivastava & Sri Vaibhav Mishra, learned counsel for U.P. Pollution Control Board, Sri Rishabh Kapoor, learned counsel for the U.P. Jal Nigam, Sri Namit Sharma, learned counsel for Lucknow Municipal Corporation and Sri Akash Sinha, learned Standing Counsel for the State and Sri Asit Srivastava, Sri Chandra Shekhar Pandey, Sri Devesh Chandra Pathak, Sri Rishabh Chauhan, Ms. Ranjana Srivastava, Sri Shivam Srivastava, learned counsel appearing for the contesting respondents.

- (2) All the aforesaid writ petitions have been filed challenging various orders passed by the U.P. Pollution Control Board imposing environmental compensation on the petitioners' industries. Validity of the orders imposing environmental compensation has been challenged in all the writ petitions on a common ground that the U.P. Pollution Control Board does not have the authority to impose environmental compensation and to recover the same from an industry, under any statutory provision.
- (3) As a common question is involved in all the aforesaid writ petitions, all the Writ Petitions are being decided by this common judgment.
- (4) Sri J. N. Mathur, learned Senior Advocate who led submissions on behalf of the petitioners, has submitted that a bare perusal of the provisions contained in the NGT Act and the NGT Rules,

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2011 makes it manifest that the legislature has conferred the jurisdiction to adjudicate the claims regarding payment of compensation for causing environmental damage upon the National Green Tribunal, which has been constituted as an expert body. The NGT Act is a complete Code in itself which has been enacted for adjudication of claims relating to compensation for any damage caused to the environment. He has submitted that the functions of the Board are enumerated in Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 (which will hereinafter be referred to as ‘the Water Act’) and the same do not include performance of any adjudicatory function. The U.P. Pollution Control Board does not have jurisdiction to impose compensation and recover the same; rather, the Board has to file an application to the Tribunal as provided in Section 18 of the NGT Act.

- (5) Shri Gaurav Mehrotra, Advocate assisted by Ms. Maria Fatima, learned Counsel appearing in Writ-C No. 2107 of 2025 has submitted that the jurisdiction can be conferred by Statute alone and it cannot be conferred by any Court or Tribunal, not even by the Hon’ble Supreme Court. He has relied upon the judgments in the case of **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All) and **Chiranjilal Shrilal Goenka v. Jasjit Singh and others**: (1993) 2 SCC 507. He has also relied upon the judgments in the cases of **Jagmittar Sain Bhagat v. Health Services, Haryana**: (2013) 10 SCC 136.
- (6) *Per Contra*, Sri A. K. Verma, the learned Counsel for the U. P. Pollution Control Board has submitted that Section 33-A of the Water Act, 1974 and Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 (which will hereinafter be referred to as ‘the Air Act’) empower the Pollution Control Board to issue any direction to any person. It is in exercise of the aforesaid statutory powers that the U.P. Pollution Control

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Board has the authority to issue a direction to any person for payment of environmental compensation and to recover the same. He has further submitted that any person aggrieved by such a direction can file an appeal against the direction(s) issued by the U.P. Pollution Control Board before the National Green Tribunal as is provided under Section 33-B of the Water Act and under Section 31-B of the Air Act. He has submitted that Section 16 of the NGT Act also provides that any person aggrieved by and directions issued by a Board under Section 33-A of the Water Act.

- (7) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 33-A of the Water Act, the National Green Tribunal would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction.
- (8) Shri Verma has submitted that the Water Act is a social legislation and it should be given a purposive interpretation. The Board's power under Section 33-A of the Water Act are very wide and unfettered. The Board has the power to award compensation in exercise of the powers conferred by Section 33-A of the Water Act and Section 31-A of the Air Act. The orders passed under Section 33-A of the Water Act or Section 31-A of the Air Act are appealable under Section 16 of the NGT Act.
- (9) The learned Counsel for the State Pollution Control Board has submitted that Section 17 of the Water Act enumerates the

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functions of the State Board and sub-Section (1) (l) (ii) of Section 17 provides that the functions of a State Board include requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution. Sub-Section (1) (o) of Section 17 provides that the functions of the State Board will include to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

- (10) Shri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal without prejudice to the provisions contained in Section 16 of the NGT Act. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). He has also submitted that Section 19 of the NGT Act lays down the procedure and powers of the Tribunal. A cumulative reading of the aforesaid provisions makes it clear that the Pollution Control Board has power to issue directions including the direction for payment of compensation.
- (11) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. He has also submitted that the entries occurring in Schedule - 7 should be given the widest interpretation. Sri Verma has drawn our attention to the directive principles ~~46~~ state policy contained in Part IV of the

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Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

- (12) The learned Counsel for the Board has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment.
- (13) He has further submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case the industry operates without consent of the Board, it may be prosecuted. However, in case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (14) Shri Chandra Shekhar Pandey, the learned Counsel appearing for the Central Pollution Board has relied upon the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law. Such action would be in addition to

the discontinuation of industrial activity forthwith. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal, Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time. By means of directions issued by the NGT in the aforesaid case, the Board has been empowered to impose and recover compensation from the defaulting industrial units.

- (15) In **Rylands v. Fletcher**: (1861-73) All ER Rep 1, it was laid down that if a person brings on to his land and collects and keeps there anything likely to do harm and such thing escapes and does damage to another, he is liable to compensate for the damage caused.
- (16) In the year 1986, the Environment (Protection) Act, 1986, (which will hereinafter be referred to as 'the Act of 1986') was enacted on 23.05.1986 to provide for the protection and improvement of environment and for matters connected therewith. Section 3 of the Act of 1986 provides for the powers of the Central Government to take measures to protect and improve environment.
- (17) In the case of **M.C. Mehta and another v. Union of India and others**: (1987) 1 SCC 395 (decided on 20.12.1986), a Constitution Bench consisting of five Hon'ble Judges of the Supreme Court dealt with the question as to what is the measure of liability of an enterprise which is engaged in a hazardous or inherently dangerous industry, if by reason of an accident occurring in such industry, persons die or get injured. The

Hon'ble Supreme Court referred to the rule that was evolved in **Rylands v. Fletcher** (Supra) and held that: -

“31. ... We have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future on account of hazardous or inherently dangerous industries which are concomitant to an industrial economy, there is no reason why we should hesitate to evolve such principle of liability merely because it has not been so done in England. ... We would therefore hold that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability under the rule in *Rylands v. Fletcher* (supra).”

- (18) The Public Liability Insurance Act, 1991 was enacted by the Parliament to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accidents occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.
- (19) In the year 1995, the National Environment Tribunal Act, 1995, was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.
- (20) In spite of the aforesaid enactments, the National Environment Tribunal was not constituted. Taking cognizance of this situation, in **Vellore Citizens' Welfare Forum v. Union of**

“1. The Central Government shall constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to deal with the situation created by the tanneries and other polluting industries in the State of Tamil Nadu. The authority shall be headed by a retired judge of the High Court and it may have other members -- preferably with expertise in the field of pollution control and environment protection -- to be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Environment Act and for taking measures with respect to the matters referred to in clauses (v), (vi), (vii), (viii) (ix), (x) and (xii) of sub-Section (2) of Section 3. The Central Government shall constitute the authority before September 30, 1996.

2. The authority so constituted by the Central Government shall implement the “Precautionary Principle” and the “Polluter Pay Principle”. The authority shall, with the help of expert opinion and after giving opportunity to the polluters concerned assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The authority shall further determine the compensation to be recovered from the polluters as cost of reversing the damaged environment. The authority shall lay down just and fair procedure for completing the exercise.

3. The authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. A statement showing the total amount to be recovered, the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector/District Magistrate of the area concerned. The Collector/District Magistrate shall recover the amount from the polluters, if necessary, as arrears of land revenue. He shall disburse the compensation awarded by the authority to the affected persons/families.

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4. *The authority shall direct the closure of the industry owned/managed by a polluter in case he evades or refuse to pay the compensation awarded against him. This shall be in addition to the recovery from him as arrears of land revenue.*

5. *An industry may have set up the necessary pollution control device at present but it shall be liable to pay for the past pollution generated by the said industry which has resulted in the environmental degradation and suffering to the residents of the area.”*

(21) In the year 1997, the National Environment Appellate Authority Act, 1997 was enacted to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto.

(22) The Water Act was been enacted in the year 1974 with the following object:-

“An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.”

(23) Section 3 of the Water Act provides for constitution of the Central Pollution Control Board, whereas Section 4 of the Act, 1974 provides for constitution of the State Pollution Control Boards.

(24) Chapter IV of the Water Act contains provisions regarding powers and functions of the Board. Section 16 of the Water Act provides for functions of the Central Board, whereas Section 17 provides for the functions of the State Boards. The relevant

“17. Functions of State Board.—(1) *Subject to the provisions of this Act, the functions of a State Board shall be—*

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

(d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

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(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”

(25) Section 18(1)(b) of the Water Act provides that in performance of its functions under the Act, every State Board shall be bound

by such directions in writing as the Central Board or the State Government may give to it.

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- (26) Section 32 of the Water Act empowers the Board to take emergency measures in the case of pollution of streams or wells or on land and this provision is being quoted below:-

“32. Emergency measures in case of pollution of stream or well.—(1) *Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,—*

(a) removing that matter from the stream or well or on land and disposing it of in such manner as the Board considers appropriate;

(b) remedying or mitigating any pollution caused by its presence in the stream or well;

(c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well or on land, or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.”

- (27) Section 33 of the Water Act provides as follows: -

“33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—(1) *Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of*

the first class, for restraining the person who is likely to cause such pollution from so causing.

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(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit. ... ”

- (28) There is no provision in the Water Act which confers any power of judicial or quasi-judicial nature on the State Board.
- (29) The National Green Tribunal Act, 2010 (which will hereinafter be referred to as ‘the NGT Act’) was enacted on 02.06.2010 with the following object:-

“An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.”

- (30) Thus NGT has been established with the object of effective and expeditious disposal of cases relating to compensation relating to environment. The composition of NGT is provided in Section 4 (1) of the NGT Act which is as follows:-

*“4. **Composition of Tribunal** – (1) The Tribunal shall consist of,–*

(a) a full-time Chairperson;

(b) not less than ten but subject to not maximum of twenty full-time Judicial Members as the Central Government may, from time to time, notify;

(c) not less than ten but subject to maximum twenty full-time Expert Members, as the Central Government may, from time to time, notify.”

- (31) The qualifications of Chairperson, Judicial Member and Expert Member are provided in Section 5 of the NGT Act, which is as follows:-

*“5. **Qualifications for appointment of Chairperson, Judicial Member and Expert Member.**—(1) A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal*

unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

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Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as a Judicial Member.

(2) A person shall not be qualified for appointment as an Expert Member, unless he,—

(a) has a degree in Master of Science (in physical sciences or life sciences) with a Doctorate degree or Master of Engineering or Master of Technology and has an experience of fifteen years in the relevant field including five years practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or

(b) has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution.

(3) The Chairperson, Judicial Member and Expert Member of the Tribunal shall not hold any other office during their tenure as such.

(4) The Chairperson and other Judicial and Expert Members shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).”

(32) The aforesaid provision makes it manifest that NGT has been constituted as a body of experts.

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- (33) Chapter III of the NGT Act deals with jurisdiction, powers and proceedings of the Tribunal. Section 14 of the NGT Act provides that the Tribunal shall have 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.
- (34) The phrase “Substantial question relating to environment” is defined in Section 2(m) of the NGT Act as follows:-

“(m) “substantial question relating to environment” shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;”

- (35) Section 15 of the NGT Act provides for relief, compensation and restitution and the relevant parts of this Section read as follows:-

15. Relief, compensation and restitution.—(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

* * *

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(2) *The relief and compensation and restitution of property and environment referred to by clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).*

* * *

(4) *The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.*

* * *

(36) Schedule - I referred to in Sections 14 and 15 of the Act lists the following Acts:-

1. ***The Water (Prevention and Control of Pollution) Act, 1974;***
2. *The Water (Prevention and Control of Pollution) Cess Act, 1977;*
3. *The Forest (Conservation) Act, 1980;*
4. ***The Air (Prevention and Control of Pollution) Act, 1981;***
5. *The Environment (Protection) Act, 1986;*
6. *The Public Liability Insurance Act, 1991;*
7. *The Biological Diversity Act, 2002”*

(37) Schedule II referred to in Section 15 of the NGT Act as follows:-

“Heads under which compensation or relief for damage may be claimed

- (a) *Death;*
- (b) *Permanent, temporary, total or partial disability or other injury or sickness;*
- (c) *Loss of wages due to total or partial disability or permanent or temporary disability;*
- (d) *Medical expenses incurred for treatment of injuries or sickness;*
- (e) *Damages to private property;*
- (f) *Expenses incurred by the Government or any local authority in providing relief, aid and rehabilitation to the affected persons;*
- (g) *Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including*

compensation for environmental degradation and restoration of the quality of environment;

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(h) Loss to the Government or local authority arising out of, or connected with, the activity causing any damage;

(i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;

(j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;

(k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-systems;

(l) Loss and destruction of any property other than private property;

(m) Loss of business or employment or both;

(n) Any other claim arising out of, or connected with, any activity of handling of hazardous substance.”

(38) Section 20 of the NGT Act provides that “*The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.*”

(39) A bare perusal of the aforesaid provisions of the NGT Act makes it manifest that the NGT has been constituted as an expert body and it has been conferred with the jurisdiction over all civil cases where a substantial question relating to environment is involved. Payment of compensation for causing damage to environment is a civil dispute and it involves a substantial question relating to environment. Therefore, the NGT has been conferred with the jurisdiction to decide the cases relating to award of compensation, including the compensation under the Water Act and the Air Act.

(40) Section 18 of the NGT Act provides as follows:-

“18. Application or appeal to Tribunal.—(1) *Each application under Sections 14 and 15 or an appeal under Section 16 shall, be made to the Tribunal in such form, contain such particulars, and,*

be accompanied by such documents and such fees as may be prescribed.

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(2) Without prejudice to the provisions contained in Section 16, **an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—**

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

(f) the Central Government or a State Government or a Union Territory Administration or **the Central Pollution Control Board or a State Pollution Control Board** or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:

Provided that...

(3)..."

- (41) Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011 (which will hereinafter be referred to as 'the NGT Rules, 2011') contains a specific provision for submission of an application for compensation and it provides as follows:-

"8. Procedure for filing application or appeal.- (1) An application or appeal to the Tribunal under section 18 shall be presented in Form I by the applicant or appellant, as the case may be, in person or by an agent or by a duly authorised legal practitioner, to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgment duly addressed to the Registrar of the Tribunal at and sent to concerned place of sitting:

Provided that where the application is for relief and compensation, it shall be made in Form II.

* * *

- (42) Rule 35 of the NGT Rules, 2011 provides as follows:-

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“35. Manner and the purposes for which amount of compensation or relief or restitution credited to Environment Relief Fund shall be utilised.—(1) *The amount by way of compensation or relief to the victim or restitution of property and the environment, ordered by the Tribunal to be paid shall be remitted to the authority, specified under sub-section (3) of Section 7-A of the Public Liability Insurance Act, 1991 (6 of 1991), within a period of thirty days from the date of order or award or as otherwise ordered by the Tribunal.*

(2) *In the case of failure to remit the amount by the concerned person, under sub-rule (1), within the time so specified, the District Collector of the concerned district shall file a complaint, before the court having jurisdiction, under clause (a) of sub-section (1) of Section 30 of the Act.*

(3) *The amount referred to in sub-rule (1), shall be credited to the Environment Relief Fund under Section 24 of the Act for utilisation under any heads specified in Schedule II to the Act.*

(4) *A separate account shall be created and maintained by the authority referred to in sub-rule (1) for the purpose of receiving and disbursement of the amount pursuant to the order or award of the Tribunal.”*

- (43) Rule 36 of the NGT Rules, 2011 provides for procedure for disbursement of relief or compensation or restitution of property damaged and this Rule provides as follows:-

“36. Procedure for disbursement of relief or compensation or restitution of property damaged.—(1) *A copy of the award or order or decision of the Tribunal passed under clause (a) or clause (b) of sub-section (1) of Section 15 of the Act shall be transmitted to the authority referred to in sub-rule (1) of Rule 35 and the District Collector having local jurisdiction for disbursement.*

(2) *The authority referred to in sub-rule (1) of Rule 35 shall transfer the amount so deposited in the Environment Relief Fund to the concerned District Collector within a period of thirty days from the date of deposit.*

(3) *The District Collector shall arrange to disburse the amount of compensation or relief and restitution of property damaged within a period of thirty days of the receipt of the amount under sub-rule (2), to the affected persons or victims of pollution or other environmental damages arising under the enactments specified in Schedule I, under the heads specified in Schedule II, to the Act.”*

- (44) Thus the NGT Act and the NGT Rules, 2011 contain elaborate provisions for filing of applications for imposition of

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compensation and adjudication thereof by the NGT, as per which, the Board can file an application before the NGT for claiming compensation from an industry if it is of the view that the industry is liable to pay compensation and the NGT will adjudicate whether the industry is liable to pay compensation, and if yes, what would be the quantum of compensation. The Board cannot itself pass an order imposing the liability for payment of compensation upon an industry.

- (45) The learned Counsel for the Board has submitted that the Board derives the power to impose and recover compensation from the provisions contained in Section 33-A of the Water Act, 1974 and Section 31-A of the Air Act. Both the Sections were inserted way of by amendment with effect from 01.04.1988 and both the Sections are identically worded, which read as follows:-

“Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

- (46) The directions referred to in Section 33-A of the Water Act and Section 31-A of the Air Act refer to directions of administrative nature so as to prevent water pollution or air pollution. The nature of directions that can be passed in exercise of the powers conferred Section 33-A of the Water Act and Section 31-A of the Air Act is explained by the Explanations appended to the Sections, as per which the directions would include the
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directions for closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of supply of electricity, water or any other service. The directions contemplated in both the aforesaid Sections are preventive or restrictive in nature. Although the Explanations appended to the Sections state that the directions would 'include' the nature of directions mentioned in the Explanations and the examples are not exhaustive, yet the explanation clarifies that the other directions that may be issued under Section 33-A of the Water Act or Section 31-A of the Air Act would be similar in nature to those administrative directions which are mentioned in the Explanations appended to the Sections.

- (47) The power to issue administrative directions for prevention of water pollution or air pollution would not include the power to impose environmental compensation and recover the same. Had this power been already there in the Water Act and the Air Act, the Legislature would have had no occasion to enact the NGT Act conferring specific provision for conferring jurisdiction upon the NGT to impose environmental compensation on erring industries.
- (48) The learned Counsel for the State Pollution Control Board has placed reliance upon a judgment passed by the NGT in **State Pollution Control Board v. Swastik Ispat Pvt. Ltd.**: 2014 SCC OnLine NGT 13, wherein the NGT held that:-

“32. Keeping in view the legislative scheme and the object of the Air Act, it is evident that the Board is not incapacitated to issue a direction which may not be prohibitory or of closure in substance and application, but may be regulatory with an object to ensure that anti-pollution devices and anti-pollution measures are adopted to prevent and control pollution. For this purpose, the Board may require an industry to furnish a bank guarantee which would serve dual purposes. On the one hand, it would provide incentive to an industry to install anti-pollution devices so as to

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ensure non-encashment of the bank guarantee, while on the other hand in the event of default, resulting in pollution, the Board would be able to spend that money for remedial purposes to control environmental degradation or damage that has taken place as a result of such default. Both these purposes would squarely fall within the framework of law and the powers and functions of the Board. The purpose of requiring a Unit to furnish a bank guarantee is not penal per se. It is compensatory i.e. an amount which would be required to be spent upon rehabilitation and restoration of the environment due to the damage caused to it by default on the part of the Unit. ... The intention of the Legislature to ensure implementation of these facets is further elucidated by the language of Section 31A of the Air Act where the Board can issue directions as afore-mentioned in exercise of its powers and performance of its functions under the Act. Thus, there has to be a direct nexus between the directions contemplated under Section 31A of the Air Act and the powers and functions of the Board as contemplated under Sections 16, 17 and other relevant provisions of the Air Act. Once these Sections are read co-jointly, then it becomes clear that a direction which would ensure compliance of the conditions of the consent order and further the cause of prevention and control of pollution would be a direction permissible under law.”

The NGT held that “Resolution of the Board for imposing a condition upon the industrial plants/units to furnish a bank guarantee as an interregnum for compliance and/or in the nature of compensation cannot be held to be without the authority of law or jurisdiction, in so far as it is not penal or punitive.”

- (49) Sri Verma has also placed reliance upon a judgment of the NGT in **Thandava Co-operative Sugars Ltd. v. Central Pollution Control Board**: 2020 SCC OnLine NGT 1823, wherein the NGT held that:-

“24. In view of Section 3 of the Environment (Protection) Act, 1986, Central Pollution Control Board has a duty to make measures to protect and improve environment and certain aspects have been provided as to how they have to be dealt with. Sub-clause (xiv) of sub-section (2) of Section 3 the Environment (Protection) Act, 1986 gives power to give further direction for the purpose of effective implementation of the provisions of this Act. Sub-

section (3) of Section 3 of the Environment (Protection) Act, 1986 authorises the Central Government to constitute an 'appropriate authority' to take measures, as provided under sub-section (2) of Section 3. That was how Central Pollution Control Board has been constituted for the purpose of effective implementation of the Environment (Protection) Act, 1986 to take all measures to abate pollution that is likely to be caused on account of operation of industrial units due to their non-compliance of the directions issued or conditions imposed in the consent granted. Further, the Apex Court, in several cases, have come to the conclusion that unless the violators are directed to pay compensation for causing pollution by applying the 'polluter pays' principle, no purpose will be served and evolved the doctrine of 'polluter pays' to realise environmental compensation from the erring units and directed the regulating authorities to take steps to implement the order and realise environmental compensation and utilise that amount for restoration of damage caused to environment.

* * *

27. So the submission made by learned counsel for appellant that Central Pollution Control Board has no power to impose environmental compensation is without any substance and the same is liable to be rejected....”

- (50) The same passage finds place in paragraphs 45 to 48 of the judgment passed by the NGT in the case of **Nutra Specialities (P) Ltd. v. Member Secretary, Central Pollution Control Board**: 2020 SCC OnLine NGT 1572.
- (51) Regarding the binding effect of a judgment passed by the NGT, it would be appropriate to refer to the judgment of this Court in **Dan Bahadur Yadav v. Bank of Baroda**: 2025 SCC OnLine All 600, wherein this Court has held that “*The Tribunals have to follow the law laid down by the Hon’ble Supreme Court and the High Court within whose superintendence they function, but they do not have the power to lay down law.*”
- (52) The learned Counsel for the Board could not place any law under which the observations made by the NGT in its

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judgments interpreting a statutory provision may be binding on a Constitutional Court.

- (53) Further, none of the aforesaid judgments of NGT cited by the learned Counsel for the Board take into consideration the provisions of Section 15 of the NGT Act, which specifically confers the jurisdiction to adjudicate upon the claims for imposition of environmental compensation upon the NGT.
- (54) **In Delhi Pollution Control Committee v. Splendor Landbase Ltd.:** 2012 SCC OnLine Del 400, a Division Bench of Delhi High Court held that:-

“37. ...that the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act, and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent Jurisdiction and no more.”

- (55) We find ourselves in complete agreement with the aforesaid view of the Delhi High Court.
- (56) Section 33-B of the Water Act and under Section 31-B of the Air Act contain provisions for filing appeals before the NGT, which provisions are being reproduced below:-

“33-B. Appeal to National Green Tribunal.—*Any person aggrieved by,—*

(a) an order or decision of the appellate authority under Section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

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(b) an order passed by the State Government under Section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

(c) directions issued under Section 33-A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.

* * *

31-B. Appeal to National Green Tribunal.—Any person aggrieved by an order or decision of the Appellate Authority under Section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”

- (57) Section 16 of the NGT Act provides for filing of appeals against the directions issued under Section 33-A of the Water Act and the relevant part of Section 16 of the NGT Act is being quoted below:-

“16. Tribunal to have appellate jurisdiction.—Any person aggrieved by,—

* * *

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

* * *

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

* * *

- (58) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the NGT in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the NGT in respect of directions

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issued under Section 33-A of the Water Act, the NGT would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction. We find no force in this submission, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.

(59) Sri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the NGT without prejudice to the provisions contained in Section 16 of the Act, 2010. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). This submission also has no force, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.

(60) The learned counsel for the Board has drawn the attention of this Court to the provisions contained in Article 21 of the Constitution of India which provides that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” He has submitted that the protection of environment and ecological balance is included in the Fundamental Right to life. There can be no dispute against this proposition, but it would not lead to the proposition that the Board has the power to impose environmental compensation

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without taking recourse to the process of filing an application under Section 15 read with Section 18 of the NGT Act before the NGT.

- (61) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. We do not find it necessary to go into the question whether the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India would include 'water pollution' or not, as in any case, the entries merely provide that the State would have the authority to enact a law on the subject. In the present case, the State has not enacted any such law as may empower the State Pollution Control to impose and recover environmental compensation from any industry.
- (62) Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. He has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment. However, these submissions do not justify the exercise of an adjudicatory power by the Pollution Control Board, which power has been conferred upon the NGT by the

Statute, i.e. NGT Act and no statute has conferred such a power on the Pollution Control Board.

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- (63) The learned Counsel for the State Pollution Control Board has also submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case any industry operates without consent of the Board, it may be prosecuted. However, in the case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (64) Chapter VI of the Air Act contains Sections 37 to 46. Section 37 (1) of the Air Act provides that “*Whoever contravenes or does not comply with the provisions of Section 22 or directions issued under Section 31-A, shall, in respect of each such contravention, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.*”
- (65) Section 28 of the Air Act provides for penalties for the following specific acts: -
- “(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;*
 - (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;*
 - (c) damages any works or property belonging to the Board;*
 - (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;*
 - (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board*

and other prescribed authorities or agencies as required under sub-section (1) of Section 23;

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(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.”

(66) Section 38-A of the Air Act contains provisions for penalty for contravention by Government Departments. Section 39 deals with Penalties for contravention of certain provisions of the Act.

(67) Section 39-A of the Act provides as follows: -

“39-A. Adjudicating officer.—(1) *The Central Government, for the purposes of determining the penalties under Sections 37, 38, 38-A and Section 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:*

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) *The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of Sections 37, 38, 38-A or 39, as the case may be:*

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(3) *The amount of penalty imposed under the provisions of Sections 37, 38, 38-A and 39, shall be in addition to the liability to pay relief or compensation under Section 15 read with Section 17 of the National Green Tribunal Act, 2010 (19 of 2010).”*

(68) Thus it is clear that the Adjudicating Officer has the statutory power to adjudicate the penalty to be imposed in accordance

with the statutory provisions. However, the statute does not confer any adjudicatory power on the Pollution Control Board. Therefore, the adjudicatory powers of the Adjudicating Officer are not relevant for deciding whether the Pollution Control Board has any adjudicatory powers.

- (69) Now we proceed to consider the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, **the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law**. Such action would be in addition to the discontinuation of industrial activity forthwith. The Hon'ble Supreme Court further provided that the concerned Benches of the National Green Tribunal will maintain running and numbered case files, by dividing the jurisdictional area into units to supervise the complaints of non-implementation of the directions issued by the Hon'ble Supreme Court and the cases will be listed periodically. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. Liberty was granted to private individuals, and organizations, to approach the Bench concerned of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions issued by the Hon'ble Supreme Court. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal,

Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time.

(70) When the Hon'ble Supreme Court has directed in **Paryavaran Suraksha Samiti** (Supra) that private individual(s) and organizations, can submit complaints to the Pollution Control Board if any industry is in default and on receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law, the Pollution Control Board can only take action as is permissible in law, which is to issue preventive directions contemplated by Section 33-B of the Water Act and Section 31-A of the Air Act and filing an application for compensation before the NGT under Section 15 read with Section 18 of the NGT Act. Passing an order by the Board imposing the liability for payment of compensation from the industry is not permissible in law and in **Paryavaran Suraksha Samiti** (Supra), the Hon'ble Supreme Court has not directed the Board to pass any order which is not permissible in law.

(71) On 31.08.2018, the National Green Tribunal has issued the following directions in the aforesaid case:-

“(i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ ETPs/STPs.

(ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and appropriate directions issued. This process may be a continuous process.

(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.

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(iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court.

(v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed.

(vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today.

(vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at filing.ngt@gmail.com."

- (72) Again in the order dated 28.08.2019 passed by the NGT in the case of **Paryavaran Suraksha Samiti** (Supra), the NGT referred to two reports - first report dated 30.05.2019 updated on 19.07.2019 prepared by the Central Pollution Control Board regarding status of setting up of ETPs/CETPs/STPs and methodology for assessing environmental compensation for discharge of pollutants in water bodies and other report dated 14.08.2019 with regard to monitoring of CETPs. Extracts of the report on the scale of environmental compensation were quoted in para 14 of the order passed by the National Green Tribunal which is as follows:-

"1. Report dated 30.05.2019 updated on 19.07.2019

13. According to updated report dated 19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying 73 CETPs in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.

14. A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:

“I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated based on the formula “ $EC = Pl \times N \times Rx S \times LF$ ”, wherein, Pl may be taken as 80, 50 and 30 for red., orange and green category of industries, respectively, and R may be taken as 250. Sand LF may be taken as prescribed in the preceding paragraphs

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3. The Hon’ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition {Civil) No. 375 of 2012), directed that all running industrial units which require “consent to operate” from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under **598** Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation (₹)
Industrial Emissions	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	TARGET DATE	RS 1.0 CRORE
ii. Non functional	VERY POOR TO SEVERE +	RS 50.0 LAKH
	MODERATE TO POOR	RS 25.0 LAKH
Construction sites (Offending plot more than 20,000 Sq.m.)	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Solid waste/garbage dumping in Industrial Estates	VERY POOR TO SEVERE +	RS 25.0 LAKH
	MODERATE TO POOR	RS 10.0 LAKH
Failure to water sprinkling on unpaved roads		
a) Hot-spots	VERY POOR TO SEVERE +	RS 25.0 LAKH
b) Other than Hot-spots	VERY POOR TO SEVERE +	RS 10.0 LAKH

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated **76** sewage discharge

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
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Minimum and Maximum values of EC (Total Capital Cost recommended by the Committee (Lacs Rs.))	MIN. 2000 MAX. 20000	MIN. 1000 MAX. 10000	MIN. 100 MAX. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	MIN. 2 MAX. 20	MIN. 1 MAX. 10	MIN. 0.5 MAX. 5

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	MIN. 1000 MAX. 10000	MIN. 500 MAX. 5000	MIN. 100 MAX. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	MIN. 1.0 MAX. 10.0	MIN. 0.5 MAX. 5.0	MIN. 0.1 MAX. 1.0

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority:

* * *

(73) After referring to the aforesaid reports, the National Green Tribunal issued the following directions:-

“(i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.

(ii) SPCBs/PCCs may ensure remedial action against noncompliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions.

This may be overseen by the CPCB. CPCB may continue to ~~provide~~ ⁶⁰⁰ information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.

(iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.

(iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basinwise macro picture in terms of gaps and needed interventions.

(v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.”

- (74) Shri Verma has submitted that the Pollution Control Board is levying environmental compensation in accordance with the aforesaid directions issued by the National Green Tribunal.
- (75) We are unable to accept the aforesaid submission of Sri. Verma, as the directions issued by the NGT do not contain any direction to the State Pollution Control Board to recover compensation. Secondly, adjudication of the liability for payment of compensation is a statutory function and the statute has conferred this adjudicatory power on the NGT. When the Statute has not conferred this power upon the State Pollution Control Board, this power cannot be conferred on the State Board by the NGT.
- (76) In **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All), this Court has held that:-

“Jurisdiction could be conferred only by statute and not by consent and acquiescence. Since jurisdiction is conferred upon Income Tax Officer to proceed under Section 34 (1) only if he issues a notice an assessee cannot confer jurisdiction upon him by waiving the

requirement of a notice because jurisdiction cannot be conferred by consent or acquiescence.”

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- (77) In **Chiranjilal Shrilal Goenka v. Jasjit Singh and others:** (1993) 2 SCC 507, the Hon'ble Supreme Court has observed as under:-

“17. ...In *A.R. Antulay v. R.S. Nayak* [(1988) 2 SCC 602] when a Constitution Bench directed the High Court Judge to try the offences under the Prevention of Corruption Act with which the petitioner therein was charged and the trial was being proceeded with, he questioned by way of writ petition the jurisdiction of this Court to give such a direction. A Bench of seven judges per majority construed the meaning of the word ‘jurisdiction’. Mukharji, J. as he then was, speaking per himself, Oza and Natarajan, JJ. held that **the power to create or enlarge jurisdiction is legislative in character. So also the power to confer a right of appeal or to take away a right of appeal. The Parliament alone can do it by law and no court, whether superior or inferior or both combined, can enlarge the jurisdiction of a court and divest a person of his rights of appeal or revision.** Ranganath Mishra, J. as he then was, held that **jurisdiction comes solely from the law of the land and cannot be exercised otherwise. In this country, jurisdiction can be exercised only when provided for either in the Constitution or in the laws made by the legislature.** Jurisdiction is thus the authority or power of the court to deal with a matter and make an order carrying binding force in the facts. Oza, J. supplementing the question held that **the jurisdiction to try a case could only be conferred by law enacted by the legislature. The Supreme Court could not confer jurisdiction if it does not exist in law.** Ray, J. held that the Court cannot confer a jurisdiction on itself which is not provided in the law. In the dissenting opinion Venkatachaliah, J., as he then was, lay down that the expression jurisdiction or prior determination is a “verbal coat of many colours”. In the case of a tribunal, an error of law might become not merely an error in jurisdiction but might partake of the character of an error of jurisdiction. But, otherwise, jurisdiction is a “legal shelter” and a power to bind despite a possible error in the decision. The existence of jurisdiction does not depend on the correctness of its exercise. The authority to decide embodies a privilege to bind despite error, a privilege which is inherent in and indispensable to every judicial function. The characteristic attribute of a judicial act is that it binds whether it be right or it be wrong. Thus this Court laid

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down as an authoritative proposition of law that **the jurisdiction could be conferred by statute and this Court cannot confer jurisdiction or an authority on a tribunal.** In that case this Court held that Constitution Bench has no power to give direction contrary to Criminal Law Amendment Act, 1952. The direction per majority was held to be void.”

(78) In **Jagmittar Sain Bhagat v. Health Services, Haryana:**

(2013) 10 SCC 136, it was held that:-

“9. Indisputably, it is a settled legal proposition that conferment of jurisdiction is a legislative function and it can neither be conferred with the consent of the parties nor by a superior court, and if the court passes a decree having no jurisdiction over the matter, it would amount to nullity as the matter goes to the root of the cause. Such an issue can be raised at any stage of the proceedings. The finding of a court or tribunal becomes irrelevant and unenforceable/inexecutable once the forum is found to have no jurisdiction. Similarly, if a court/tribunal inherently lacks jurisdiction, acquiescence of party equally should not be permitted to perpetrate and perpetuate defeating of the legislative animation. The court cannot derive jurisdiction apart from the statute. In such eventuality the doctrine of waiver also does not apply. (Vide United Commercial Bank Ltd v. Workmen [1951 SCC 364], Nai Bahu v. Lala Ramnarayan [(1978) 1 SCC 58], Natraj Studios (P) Ltd. v. Navrang Studios [(1981) 1 SCC 523] and Kondiba Dagadu Kadam v. Savitribai Sopan Gujar [(1999) 3 SCC 722].)”

(79) In **Kantha Vibhag Yuva Koli Samaj Parivartan Trust v.**

State of Gujarat: (2023) 13 SCC 525, the Hon’ble Supreme

Court held that:-

“18. Section 14 and Section 15 entrust adjudicatory functions to NGT. NGT is a specialised body comprising of judicial and expert members. Judicial members bring to bear their experience in adjudicating cases. On the other hand, expert members bring into the decision-making process scientific knowledge on issues concerning the environment. In Hanuman Laxman Aroskar v. Union of India [(2019) 15 SCC 401], a two-Judge Bench of this Court noted that NGT is an expert adjudicatory body on the environment.

19. The Court held :

“133. The NGT Act provides for the constitution of a tribunal consisting both of judicial and expert member80**The mix of judicial and technical**

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members envisaged by the statute is for the reason that the Tribunal is called upon to consider questions which involve the application and assessment of science and its interface with the environment. ...

134. NGT is an expert adjudicatory body on the environment.”

NGT does not have a dearth of “expertise” when it comes to the issues of environment.

20. Section 15 empowers NGT to award compensation to the victims of pollution and for environmental damage, to provide for restitution of property which has been damaged and for the restitution of the environment. NGT cannot abdicate its jurisdiction by entrusting these core adjudicatory functions to administrative Expert Committees. Expert Committees may be appointed to assist NGT in the performance of its task and as an adjunct to its fact-finding role. But adjudication under the statute is entrusted to NGT and cannot be delegated to the administrative authorities. Adjudicatory functions assigned to the courts and tribunals cannot be hived off to administrative committees. In *Sanghar Zuber Ismai v. Union of India* [(2021) 17 SCC 827], a three-Judge Bench of this Court noted that NGT cannot refuse to hear a challenge to an environmental clearance under Section 16(h) of the NGT Act and delegate the process of adjudicating on compliance to an Expert Committee.

21. The Court held :

“7. ... NGT has not dealt with the substantive grounds of challenge in the exercise of its appellate jurisdiction. Constitution of an Expert Committee does not absolve NGT of its duty to adjudicate. The adjudicatory function of NGT cannot be assigned to committees, even Expert Committees. The decision has to be that of NGT. NGT has been constituted as an expert adjudicatory authority under an Act of Parliament. The discharge of its functions cannot be obviated by tasking committees to carry out a function which vests in the tribunal.”

22. NGT has in the present case abdicated its jurisdiction and entrusted judicial functions to an administrative Expert Committee. An Expert Committee may be able to assist NGT, for instance, by carrying out a fact-finding exercise, but the adjudication has to be by NGT. This is not a delegable function....”

(80) After the aforesaid pronouncement of law made by the Hon’ble Supreme Court, there is no scope to doubt that the adjudicatory duties for ascertaining the liability for payment of

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environmental compensation under Section 15 of the NGT Act have to be performed by the NGT alone and the NGT cannot delegate this duty to the State Pollution Control Board.

- (81) Sri Verma has provided a compilation of containing photocopies of 13 judgments running into 396 pages, but he has not referred to any of those judgments in his submissions and the compilation does not have any brief note or index which mentions the ratio or the relevant portion of the judgment. Therefore, we are not referring to those judgments. No other point was pressed before us.
- (82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.
- (83) Accordingly, all the Writ Petitions are **allowed**. All the orders passed by the State Pollution Control Board imposing environmental compensation upon the petitioners, which are under challenge in the Writ Petitions, are quashed. The State Pollution Control Board will be at liberty to file applications before the NGT for award of compensation. Costs made easy.
- (84) Before parting, it is worthwhile to put on record that Entry 6 and 17 of List II of Seventh Schedule of the Constitution of India give exclusive right to the State Legislature to frame laws with respect to the Water Pollution. However, Article 252 of the Constitution of India provides as under:-

“252. Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State

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(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.”

- (85) It appears that in pursuance of Article 252 (1) of the Constitution of India, the Legislatures of the State of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal have passed a resolution that the Parliament may make a law regulating Water Pollution in their States and accordingly, the Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974.
- (86) There does not appear to be anything on record to indicate that the House of Legislature of the State of Uttar Pradesh has passed or adopted any resolution in the above perspective.
- (87) Insofar as National Capital Region (NCR) is concerned, the Parliament has recently promulgated a legislation on The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 which ousts or dilutes the jurisdiction of National Green Tribunal (NGT) to the extent

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of areas governed under this Act. Thus, a situation of overlapping with respect to the redressal mechanism has crept in which requires a clarification and guidance.

- (88) We hope and trust that the laws regulating Pollution Control are streamlined and made effective by rectifying the legislative or executive lapses, if any.

(Subhash Vidyarthi, J.) (Attau Rahman Masoodi, J.)

Order Date: 17.07.2025

Lakshman/-

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 757-760 OF 2013

D.P.C.C.

...APPELLANT(S)

VERSUS

LODHI PROPERTY CO. LTD. ETC.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 1977-2011 OF 2013

J U D G M E N T

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1. Introduction.

1. The Delhi Pollution Control Committee (DPCC)¹ is in appeal against the judgment of the Division Bench of the High Court holding that it is not empowered to levy compensatory damages in exercise of powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981² on the ground that such an action amounts to imposition of penalty provided for in Chapters VII and VI of the respective Acts, and as such, procedure contemplated thereunder will be the only method for imposing and collecting compensatory damage.

2. Having considered the principles that govern Indian environmental laws, we have held that the environmental regulators, the Pollution Control Boards exercising powers under the Water and Air Acts, can impose and collect restitutionary or compensatory damages in the form of fixed sum of monies or require furnishing of bank guarantees as an *ex-ante* measure to prevent potential environmental damage. These powers are

¹ DPCC is a regulatory body in the National Capital Territory of Delhi, established as a 'State Board'. These Boards are constituted under section 4 of the Water Act and under section 4 or section 5 of the Air Act, and exercise powers granted under section 33A of the Water Act and section 31A of the Air Act. Our interpretation of section 33A and 31A herein will apply to any such body established under said Acts.

² Hereinafter referred to as the Water Act and Air Act respectively.

incidental and ancillary to the empowerment under Sections 33A and 31A of the Water and Air Acts. At the same time, we have directed that the powers must be exercised as per procedure laid down by subordinate legislation incorporating necessary principles of natural justice, transparency and certainty.

2. Facts.

3. It is the case of the Delhi Pollution Control Committee that pursuant to the directions of the Ministry of Environment, Forest and Climate Change (MoEFCC) to take appropriate action against certain entities operating in violation of the environmental norms, show cause notices were issued for violation of Section 25 of the Water Act and Sections 21 and 22 of the Air Act. These entities were either residential complexes, commercial complexes or shopping malls. The show cause notices were issued on the ground that they proceeded with construction and in fact, were operating without obtaining the mandatory “consent to establish” and “consent to operate” under Section 25 of the Water Act and Section 21 of the Air Act. The show cause notices were challenged by way of 38 writ petitions before the Delhi High Court. The challenge culminated in the judgement of a single judge dated 30.09.2010 in

the case of *Splendor Landbase Ltd. v. DPCC*³. The learned single judge considered the question as to whether a State Board can levy environmental damages in the form of fixed sums of money or require an entity to furnish a bank guarantee as a condition for grant of consent under Section 33A of Water Act and/or Section 31A of Air Act. Similar writ petitions were considered and decided by another single judge bench in *Bharti Realty Ltd. v. DPCC* and *Anush Finlease and Construction v. DPCC* on 20.07.2011 and 15.09.2011 and were disposed of in terms of the decision in *Splendor Landbase Ltd. v. DPCC*. The reasoning adopted in the judgement and orders passed by the Single Judges are as follows.

3. Single Judge's Judgement and Orders.

4. In *Splendor Landbase Ltd. v. DPCC*⁴, the ld. single judge by his judgement dated 30.09.2010 dealt with two major issues – firstly, whether proprietors of properties over 20,000 square meters are required to obtain *consent to establish* and *consent to operate* under Water Act and Air Act independently, despite obtaining EIA Clearance from the Ministry; and secondly, whether Boards can levy penalties, fines, environmental damages in form

³ 2012 (195) DLT 177.

⁴ Hereinafter referred to as *Splendor*.

of fixed sums of monies or call for bank guaranties as a condition to grant consent under Water and Air Acts? While the first question was answered in the affirmative, the second was answered in the negative.

4.1 It was held that the power to levy penalty is in the nature of a penal power and as such a penalty cannot be imposed without there being an enabling statutory power. For this reason, the single judge held that Board has no power to levy penalty or damage, even on the basis of the general powers under Sections 31A or 33A of the Acts. The learned Judge criticized the monetary demand as a pre-condition for grant of consent under the Acts on the ground that it has no statutory backing.

4.2 In the other batch of cases i.e. in *Bharti Realty Ltd. v. DPCC* and *Anush Finlease and Construction Ltd. v. DPCC*, decided on 12.07.2011 and 15.09.2011, the learned Single Judge was constrained to enquire into the matter in detail as writ appeals against the judgement in *Splendor* were already pending before a Division Bench. Therefore, the Single Judge allowed the writ petitions following the decision in *Splendor* and holding that the Board has no power to impose and collect compensatory damages. In these cases, the learned Judge also directed refund of the

amounts collected. However, no interest was granted to the respondents as they chose to comply with the demand instead of challenging the same at the relevant point in time.

4. Impugned Order of the Division Bench.

5. The decisions of the single judges were challenged by the appellant before the Division Bench of the High Court. By the judgement impugned before us, the Division Bench upheld the findings of the Single Judge in *Splendor* that the power to issue directions under Sections 33A and 31A under the two Acts does not confer the power to levy ‘penalty’. The High Court further observed that under Chapter VII and Chapter VI of the Water and Air Acts penalties can be levied only by courts and that too after taking cognizance of offences specified under the two Acts. Provided that the procedure so prescribed under the statute has to be followed mandatorily, the Division Bench held that the appellant would not be entitled to impose compensation or direct deposit of bank guarantees. The relevant portion of the Division Bench of the High Court is as follows –

“37. We concur with the reasoning of the learned Single Judge in paras 58 to 64 of the impugned decision and thus do not elaborate any further, but would additionally highlight that, the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the

Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent jurisdiction and no more.

40. The language of Sub-Section 5 of Section 25 of the Water Act makes it plain clear that the only solution to a situation of a building being constructed to establish an industry, operation or process without obtaining prior consent of the State Pollution Control Board is the power of the Board to serve upon the person concerned a notice imposing such conditions as might have been imposed on an application, seeking prior consent and we find that the learned Single Judge has correctly so opined and has rightly issued the direction that the only way out, pertaining to the Water Act is to permit DPCC to inspect the shopping malls and the shopping commercial complexes and if it is found that pertaining to discharge of sewage from these buildings any steps are required to prevent water pollution DPCC would be authorized to issue notices requiring the owner of the building to take steps in terms of the notice issued. Pertaining to the Air Act notwithstanding there being no similar provision, but the concept of a post decisional hearing may be made applicable with the modification that no hearing would be required inasmuch as there is no decision, but DPCC should be empowered to inspect the shopping malls and the shopping, commercial complexes and pertaining to air pollution, if the owners of the buildings do not take corrective action, DPCC would always have the power to file criminal complaints before the Courts of Competent Jurisdiction, which Courts would alone have the power to impose fine and additionally impose sentence of imprisonment upon the offending persons.

42. In a few cases, we find that since DPCC was not permitting the buildings to be occupied, under protest, the owners paid the penalty to DPCC and have immediately approached the Court seeking refund and the same has been ordered for the reason neither under the Water Act nor under the Air Act there exists any power in DPCC to levy penalty or impose conditions

of furnishing bank guarantee. The decision of the learned Single Judge is correct in directing the bank guarantees to be discharged and penalties levied to be refunded for the reason the said act of DPCC is ultra-vires its power under the two statutes and the levy of penalty is without any authority of law. In the decision reported as 1997 [5] SCC 535 Mafatlal Industries Ltd. & Ors. Vs UOI & Ors., under writ jurisdiction refund can be directed where the levy is without jurisdiction and the same would include a penalty levied without any jurisdiction. In the instant case the penalty levied is unconstitutional being not sanctioned by any power vested in DPCC either under the Water Act or the Air Act. The impugned decisions where penalty levied has been directed to be refunded are upheld.”

5. Submissions.

6. Mr. Pradeep Mishra appearing on behalf of the appellant DPCC submitted that the High Court erred in holding that the State Boards are not empowered to impose environmental damages under Sections 33A and 31A of Water and Air Acts. He has argued that the application of the principle of *Polluter Pays* is distinct from the requirement of authority of law to impose tax or penalty.

7. On behalf of the respondents, Mr. Ninad Laud has submitted that as per broad scheme of the Acts and also the statement of objects and reasons, State Boards are empowered to act on their own while enforcing Sections 25 and 26 and also while issuing directions under Sections 33A and 31A. However, when faced with non-compliances, recourse to judicial process is contemplated

under Sections 49 and 43 of Water and Air Acts respectively. Further, neither Rule 34 of Water (Prevention & Control of Pollution) Rules 1975 nor Rule 20A of Air (Prevention & Control of Pollution) Rules 1983, while providing a mechanism to administer Section 33A and Section 31A, contemplate monetary penalties. Countering the submission of Mr. Pradeep Misra on the principle of *Polluter Pays* to encourage reading the power to impose and collect environmental damages under Sections 33A and 31A of the respective Acts, he would submit such an approach is impermissible as the said power is specifically and separately provided under Chapters VII and VI therein. Relying on the decision of this Court in *MC Mehta v. Kamal Nath*⁵, he would submit, after considering the scheme of penal provisions under Water Act, Air Act and Environment (Protection) Act 1986, the Supreme Court held that penalties under the Acts befall a person only after finding of guilt upon trial by a court of law. Referring to the legitimacy of State Board's action demanding bank guarantees to secure compliance with conditions, he would submit that no penalty, other than that contemplated in the statute or statutory

⁵ (2000) 6 SCC 213, para 13-17.

scheme can be imposed.⁶ We have also heard Mr. Pinaki Misra, Senior Advocate and other learned counsel and they have strongly supported the decision of the Division Bench.

7.1 Counsel for M/s Laxmi Buildtech Pvt Ltd⁷ has submitted that they have neither violated nor acted in breach of any provision of environmental laws and therefore they cannot be subjected to any penalty or criminal prosecution. Counsel for other respondents further submitted that they have deemed consent as well as EIA clearance from the Ministry. They have also submitted that imposition and collection of damages by the State Boards is outside the powers vested in them under the Water and Air Acts.

7.2 Counsel for M/s Bharti Realty Ltd has submitted that it is a settled principle of law that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and no other.⁸ This principle, according to the learned counsel, squarely applies to the present case as Chapter VII and Chapter VI of the Water and Air Acts have a prescribed procedure to be followed before imposing penalties. It is further argued that the

⁶ *State of MP v. Centre for Environment Protection Research & Development*, (2020) 9 SCC 781.

⁷ Civil Appeal No. 2001 of 2013.

⁸ *Chandra Kishore Jha v. Mahavir Prasad & Ors*, (1999) 8 SCC 266.

role of any State Board is in the nature of a complainant and not that of an adjudicatory authority. In this vein, it is submitted that any other interpretation would render the chapter on 'Penalties and Procedures' nugatory and otiose. It is also submitted that the power to give directions under Sections 33A and 31A of the Water and Air Acts is "subject to provisions of this Act". Written submissions also refer to the recent amendments to the Water and Air Acts, empowering an Adjudicating Officer, not below the rank of Joint Secretary of Government of India or Secretary to State Government, for imposing penalties for contravention of provisions of the Acts.

6. Issue.

8. The core question in these appeals is - whether the regulatory boards can, in exercise of powers under Section 33A of the Water Act and Section 31A of the Air Act, impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage?

7. Existing Legal Regime for Pollution Control in India.

9. Under the Water Act and the Air Act, the State Boards have a broad statutory mandate to prevent, control and abate water pollution and air pollution. Under Section 17 of the Water Act, the State Boards are to shoulder enormous responsibilities and their functions are reproduced herein for ready reference -

“Section 17. Functions of State Board – (1) Subject to the provisions of this Act, the functions of a State Board shall be—

- (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;
- (b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;
- (c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;
- (d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
- (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;
- (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;
- (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognize a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”

10. Section 17 of the Air Act⁹, substantially similar to its equivalent under the Water Act, also indicates the crucial

⁹ Section 17 of Air Act states –

17. Functions of State Boards.— (1) Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974, the functions of a State Board shall be—

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement relating to air pollution;

responsibilities of the State Boards in discharge of their mandate. Chapter V of the Water Act and Chapter IV of the Air Act include provisions that prescribe the regulatory powers of the State Boards. These powers include the power to issue, modify or withdraw consent¹⁰, power to obtain information¹¹, power of entry and inspection¹² and power to take samples¹³.

8. Insertion of Sections 33A & 31A in Water and Air Acts.

11. In 1988, both Acts were amended. Notably, through amendments the State Boards were further empowered to give

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise a mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft: Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

¹⁰ Sections 25, 27 of Water Act and Section 21 of Air Act

¹¹ Section 20 of Water Act and Section 25 of Air Act

¹² Section 23 of Water Act and Section 24 of Air Act

¹³ Section 21 of Water Act and Section 26 of Air Act

directions under Section 33A of the Water Act and Section 31A¹⁴ of the Air Act. These two provisions are identically worded. Section 33A of the Water Act is as under;

“Section 33A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.”

12. The directions contemplated under Sections 33A and 31A of the Water and Air Acts must be in furtherance of the powers and functions of the Boards and they must be in writing. These provisions, declares that the power to issue directions will include the power to direct closure, prohibition or regulation of any

¹⁴ Section 31A of the Air Act states –

31A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

industry, operation or process. Further, this power extends to directing the stoppage or regulation of supply of electricity, water or any other service. The power to give directions has been worded broadly, and it allows the Boards significant flexibility in deciding the nature of directions. The legislative intention of granting these powers through the 1988 amendment can be inferred from the Statement of Objects and Reasons of the Water Act, which reads as follows –

“2. The Water Act is implemented by the Central and State Governments and the Central and State Pollution Control Boards. Over the past few years, the implementing agencies have experienced some more administrative and practical difficulties in effectively implementing the provisions of the Act. The ways and means to remove these difficulties have been thoroughly examined in consultation with the implementing agencies. Taking into account the views expressed, it is proposed to amend certain provisions of the Act in order to remove such difficulties....

3. The Bill, inter alia, seeks to make the following amendments in the Act, namely:—

....

(iv) in order to effectively prevent water pollution, the penal provisions of the Act are proposed to be made stricter and bring them at par with the punishments prescribed in the Air (Prevention and Control of Pollution) Act, 1981 as amended by Act 47 of 1987;

....

(vi) it is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending industry, operation or process or stoppage or regulation of supply of services such as water and electricity;”

13. Similar objective is expressed for the amendment introduced in the Air Act.¹⁵

14. An appeal against directions issued under Section 33A of the Water Act by the State Board can be filed before the National Green Tribunal under Section 33B, introduced in 2010¹⁶. Unlike the Water Act there is no specific Appeal provision against directions issued under Section 31A of the Air Act. This asymmetry must be addressed legislatively.

15. Offences and penalties under the two Acts, and the related procedures, are covered in Chapter VII of the Water Act and Chapter VI of the Air Act. These chapters have undergone significant and substantial amendments. Prior to the amendments, the two Acts stipulated penalties in the form of

¹⁵ Statement of Objects and Reasons for Air Act states, “2. *The Air Act is implemented by the Central and State Governments and the Central and State Boards. Over the past few years, the implementing agencies have experienced some administrative and practical difficulties in effectively implementing the provisions of this Act and have brought these to the notice of Government. The ways and means to remove these difficulties have been thoroughly examined in consultation with the concerned Central Government departments, the State Governments and the Central and State Boards. Taking into account the views expressed, the Government have decided to make certain amendments to the Act in order to remove such difficulties.* 3. *The Bill, inter alia, seeks to make the following amendments in the Act, namely—*

....
iv) In order to prevent effectively air pollution, the punishments provided in the Act are proposed to be made stricter.

....
(vii) It is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending establishments or stoppage or regulation of supply of services such as, water and electricity. (viii) It is proposed to empower the Boards to approach courts to obtain orders restraining any person from causing air pollution.”

¹⁶ Act 19 of 2010.

imprisonment, monetary fine or both for offences under the statute. Courts could only take cognizance of an offence if a complaint was filed by a Board or any officer authorized by it, or by any person who had given notice of the alleged offence and of his intention to make a complaint. No court inferior to that of a Metropolitan Magistrate or a Judicial magistrate of the first class can try an offence punishable under the two Acts. Be that as it may, for the present purpose we have to examine and interpret Sections 33A and 31A of the Water and Air Acts.

9. Interpretation of and for Environmental Institutions.

16. Our constitutionalism bears the hallmark of an expansive interpretation of fundamental rights. But such creative expansion is only a job half done if the depth of the remedies, consequent upon infringement, remain shallow. In other words, remedial jurisprudence must keep pace with expanding rights and regulatory challenges. It is not sufficient that courts adopt injunctory, mandatory and compensatory remedies, but our regulators also must be empowered in that regard. However, the legislative grammar must be elastic for us to infuse the regulators with power to fashion different remedies. This infusion must also be tampered with the necessary guidelines and parameters of

exercise of remedial powers, failing which such infusion would aid arbitrary use. Our firm view is that remedial powers or restitutionary directives are a necessary concomitant of both the fundamental rights of citizens who suffer environmental wrongs and an equal concomitant of the duties of a statutory regulator, which are informed by Part IV A of the constitution. To that extent, the functions and powers of a regulator must be inspired by the obligation in Part IV A and Article 48 A. The State's '*endeavour to protect and improve the environment*' will be partial, if it does not encompass a duty to retribute.

17. Of all the duties imposed under Article 51A, the obligation to conserve and protect water and air, is perhaps the most significant, amidst our climate change crisis. The Water Act and the Air Act institutionalised all efforts and actions that need to be taken to protect air that we breathe and water that we consume by creating the Pollution Control Boards. These Boards functioning as our environment regulators are expected to act with *institutional foresight* by evolving necessary policy perspectives and action plans. Working with perpetual seal and succession, they are to develop and retain *institutional memory* so that they can act on the basis of the experience, data and information that they would have

gathered and processed. *Institutional expertise* is critical, and these bodies are to employ human resource which have domain expertise and talent. These bodies are intended to maintain *institutional integrity* by taking independent and objective decisions without governmental or industrial control. These values flow naturally if there is *institutional transparency and accountability*. It is in this perspective that we need to interpret Section 33A of the Water Act and 31A of the Air Act.

10. Duty to Restitute v. Power to Punish and Penalise.

18. There is a distinction between an action for environmental damages for restitution or remediation and imposition of penalties or fines levied at the culmination of a punitive action. This Court in *M.C. Mehta* (supra), while referring to the provisions of the Water Act, Air Act and the Environment Protection Act observed –

“17. All the three Acts, referred to above, also contemplate the taking of the cognizance of the offences by the court. Thus, a person guilty of contravention of provisions of any of the three Acts which constitutes an offence has to be prosecuted for such offence and in case the offence is found proved then alone can he be punished with imprisonment and fine or both. The sine qua non for punishment of imprisonment and fine is a fair trial in a competent court. The punishment of imprisonment or fine can be imposed only after the person is found guilty.”

“24. Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution has to pay

damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender....”

19. Therefore, Indian law distinguishes between the imposition of a monetary penalty or fine, which constitutes punitive action following a determination of guilt after adherence to the statutorily prescribed procedure, and the payment of damages for restitution or remediation as compensatory relief.

20. In this context, it is important to turn to one of the key principles of Indian environmental law – the *Polluter Pays* principle. This principle has been a part of Indian jurisprudence since 1996. In *Indian Council for Enviro-Legal Action v. Union of India*¹⁷, this Court held that according to the *Polluter Pays* principle the responsibility for repairing the damage is that of the offending industry. The Court further held that the powers of the Central Government to issue directions under Section 5 read with Section 3 of the Environment Protection Act include the power to impose costs for remedial measures -

“60. ... Section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government (or its delegate, as the case may be) to “take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment...”. Section 5 clothes the Central Government (or its delegate) with the power to issue

¹⁷ (1996) 3 SCC 212

directions for achieving the objects of the Act. Read with the wide definition of ‘environment’ in Section 2(a), Sections 3 and 5 clothe the Central Government with all such powers as are “necessary or expedient for the purpose of protecting and improving the quality of the environment”. The Central Government is empowered to take all measures and issue all such directions as are called for for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilise the amount so recovered for carrying out remedial measures. This Court can certainly give directions to the Central Government/its delegate to take all such measures, if in a given case this Court finds that such directions are warranted. ...

67. The question of liability of the respondents to defray the costs of remedial measures can also be looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the “Polluter Pays” principle. ...Thus, according to this principle, the responsibility for repairing the damage is that of the offending industry. Sections 3 and 5 empower the Central Government to give directions and take measures for giving effect to this principle. In all the circumstances of the case, we think it appropriate that the task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures is placed upon the Central Government in the light of the provisions of the Environment (Protection) Act, 1986. It is, of course, open to the Central Government to take the help and assistance of State Government, RPCB or such other agency or authority, as they think fit.”

(emphasis added)

21. Subsequently, the Court in *Vellore Citizens’ Welfare Forum v. Union of India*¹⁸, has held that the liability for environmental damage includes both a compensatory aspect and a restorative or remedial aspect-

“12. ... The “Polluter Pays Principle” as interpreted by this Court means that the absolute liability for harm to the

¹⁸ (1996) 5 SCC 647

environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of “Sustainable Development” and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.”

(emphasis added)

22. Application of the *Polluter Pays* principle not only includes payment for restoring the damaged environment, taking remedial action to deal with the damage and compensating for the direct harm caused, but also for avoiding pollution. In *Research Foundation for Science (18) v. Union of India*¹⁹, this Court held -

“29. The polluter-pays principle basically means that the producer of goods or other items should be responsible for the cost of preventing or dealing with any pollution that the process causes. This includes environmental cost as well as direct cost to the people or property, it also covers cost incurred in avoiding pollution and not just those related to remedying any damage. It will include full environmental cost and not just those which are immediately tangible. The principle also does not mean that the polluter can pollute and pay for it. The nature and extent of cost and the circumstances in which the principle will apply may differ from case to case.”

(emphasis added)

23. The Court further held that the observations of the Court in *Deepak Nitrite Ltd. v. State of Gujarat*²⁰ that “mere violation of the law in not observing the norms would result in degradation of environment would not be correct” were confined to the facts of that

¹⁹ (2005) 13 SCC 186.

²⁰ (2004) 6 SCC 402

case. The Court clarified that the actual degradation of the environment is not a necessary condition for the application of polluter pays principle, as long as the offending activities have the potential of degrading the environment -

“30...The decision also cannot be said to have laid down a proposition that in the absence of actual degradation of environment by the offending activities, the payment for repair on application of the polluter-pays principle cannot be ordered. The said case is not relevant for considering cases like the present one where offending activities have the potential of degrading the environment. In any case, in the present case, the point simply is about the payments to be made for the expenditure to be incurred for the destruction of imported hazardous waste and amount spent for conducting tests for determining whether it is such a waste or not...”

(emphasis added)

24. The distinction between a punitive action and a direction to pay environmental damages was made by the National Green Tribunal in *State Pollution Control Board, Odisha v M/s Swastik Ispat Pvt Ltd and Others*²¹. The Tribunal in this case was considering the legality of forfeiture of bank guarantees in case a defaulting industry did not comply with the regulatory conditions within the stipulated timeframe. The Tribunal expressly considered the opinion of the High Court in the impugned judgment before us today and held -

“45. It is evident from the above facts and the reasoning that there was actual levy of penalty or damages by the DPCC and

²¹ 2014 SCC OnLine NGT 13.

*it was in consequence of such imposition of penalty/ damages that the Units were called upon to furnish bank guarantees for granting of consent. In other words, bank guarantee was required to be furnished in furtherance to the imposition of a penalty or damages in that case. It was not an act de hors the imposition of penalty and had the element of punitive action. In the present case, it is not a consequence of a punitive or penal action but is in exercise of the powers vested in the Board in relation to recalling the conditions of consent and ensuring their implementation while also making compensatory provision for remedying the apprehended wrong to the environment. In the cases in hand, the Board has not imposed any penalty upon the units but has granted consent to them on certain conditions, none of which is punitive. They squarely fall within the power of the Board to prevent and control pollution in consonance with the scheme of the Acts concerned. Thus, on facts, the judgments of the High Court in *Splendor* (supra) do not have any application to the present case. In any case, we are of the considered view that asking for a bank guarantee as an interim measure for due performance of the conditions of the consent order being compensatory in nature, is not punitive.*

46. We have already noticed above that there is a clear distinction between a penal and a compensatory provision. In such matters, the paramount question that would normally fall for determination before a court or tribunal would be whether the action contemplated is penal or compensatory. This issue shall have to be decided with reference to the facts of the case, the provisions of the law applicable and the intent of the authority concerned. Once it falls in the 'compensatory' field, then it will necessarily be beyond the purview of penalty...."

(emphasis added)

25. In *Swastik Ispat*, the Green Tribunal correctly interpreted Sections 33A and 31A of the Water and Air Acts. The judgment of the High Court in *Splendor* had not yet been taken up or considered by this Court at that time, the Tribunal had to distinguish the facts of *Splendor* to arrive at its own conclusion. In view of our reasoning and interpretation of Sections 33A and 31A

of the Water and Air Acts, we have no hesitation to hold that the Green Tribunal is correct in its approach.

26. More recently, in *T.N. Godavarman Thirumulpad, In Re v. Union of India*²², this Court while considering the issue of illegal construction in the Corbett Tiger Reserve drew the distinction between action against persons violating the law and measures for restoration of the environmental damage. The Court held -

“173. ... However, the principle of restoration of damaged ecosystem would require the States to promote the recovery of threatened species. We are of the considered view that the States would be required to take steps for the identification and effective implementation of active restoration measures that are localised to the particular ecosystem that was damaged. The focus has to be on restoration of the ecosystem as close and similar as possible to the specific one that was damaged.

175. We find that, bringing the culprits to face the proceedings is a different matter and restoration of the damage already done is a different matter. We are of the considered view that the State cannot run away from its responsibilities to restore the damage done to the forest. The State, apart from preventing such acts in the future, should take immediate steps for restoration of the damage already done; undertake an exercise for determining the valuation of the damage done and recover it from the persons found responsible for causing such a damage.”

(emphasis added)

11. Principles.

27. Based on a review of precedents on this issue, the following legal position emerges –

²² (2025) 2 SCC 641

- I. There is a distinction between a direction for payment of restitutionary and compensatory damages as a remedial measure for environmental damage or as an *ex-ante* measure towards potential environmental damage on the one hand; and a punitive action of fine or imprisonment for violations under Chapters VII of the Water Act and VI of the Air Act on the other hand.
- II. If directions in furtherance of restitutionary and compensatory measures are issued, these are not to be considered as punitive in nature. Punitive action can only be taken through the procedure prescribed in the statute for example under chapters VII and VI of the Water and Air Acts respectively.
- III. Indian environmental law has assimilated²³ the principle of *Polluter Pays* and there is also a statutory incorporation of this principle in our laws.²⁴ The invocation of this principle is triggered in the situations²⁵; i) when an established threshold or prescribed requirement is exceeded or

²³ *Indian Council for Enviro-Legal Action* (supra n.12); *Vellore* (supra n 13).

²⁴ **Section 20. Tribunal to apply certain principles-** *The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.*

²⁵ Loveleen Bhullar, 'The Polluter Pays Principle: Scope and Limits or Judicial Decisions'; in Shibani Ghosh (ed.), *Indian Environmental Law* (Orient BlackSwan 2019).

breached, and it does result in environmental damage, ii) when an established threshold or prescribed requirement is not exceeded or breached, nevertheless the act in question results in environmental damage and also iii) when a potential risk or a likely adverse impact to the environment is anticipated, irrespective of whether or not prescribed thresholds or requirements are exceeded or breached.

IV. Environmental regulators have a compelling duty to adopt and apply preventive measures irrespective of actual environmental damage. *Ex-ante* action shall be taken by these regulators and for this purpose a certain measure in exercise of powers under Sections 33A and 31A of the Water and Air Acts is necessary.

V. The powers of the Boards under Sections 33A and 31A of the Water and Air Acts are identical to that of Section 5 of the Environment Protection Act. Under Section 5, the Central Government or its delegate has the power to issue directions to the polluting industry to pay certain amounts and utilise the said fund for carrying out remedial measures. The Boards are empowered to take similar actions under Sections 33A and 31A of the Acts.

28. Having considered the principles that govern our environmental laws and on interpretation of Sections 33A and 31A of the Water and Air Acts, we are of the opinion that that the Division Bench of the High Court was not correct in restrictively reading powers of the Boards. We are of the opinion that these regulators in exercise of these powers can impose and collect, as restitutionary or compensatory damages fixed sum of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential or actual environmental damage.

29. There is no doubt that Section 33A of the Water Act and Section 31A of the Air Act give the State Boards powers to issue necessary directions for environmental restoration, remediation and compensation and for the payment of costs for the same. The National Green Tribunal's judgment in *Swastik Ispat* correctly identified the Boards powers to issue directions for payment of environmental damages under Section 33A of the Water Act and the Section 31A of the Air Act. A restrictive interpretation which fails to differentiate between environmental damages and punitive action significantly encumbers the Boards ability to discharge its duties.

30. The Board's powers under Section 33A of the Water Act and Section 31A of the Air Act have to be read in light of the legal position on the application of *Polluter Pays* principle as formulated and explained. This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.

31. At this stage, we must also take note of the recent 2024 amendments²⁶ to the Water and Air Acts. Two major changes relevant for our consideration are that of decriminalisation²⁷ and introduction of the office of "Adjudicatory Officer"²⁸. Even after the

²⁶ The Water (Prevention and Control of Pollution) Amendment Act, 2024, Jan Vishwas (Amendment of Provisions) Act, 2023.

²⁷ Section 41 in the erstwhile Water Act has been substituted by sections 41 and 41A, whereby contravention of directions issued under section 20 (for obtaining information), 32 (for imposing emergency measures in case of pollution), 33 (for restraining apprehended pollution) or 33A would now be punishable by penalty alone; thereby replacing the earlier penal framework comprising of imprisonment *and* fine. Similar amendments done for section 42 (penalty for certain acts), section 43 for contravention of directions under section 24 (prohibiting use of stream or well), section 44 (prohibiting alteration of meter, etc.), and section 45A (residuary). Correspondingly, under the Air Act criminal liability under section 37 for contravention of directions under section 22 (restricting emission beyond standards) or section 31A has been restricted to fine alone. Similar amendments have been brought in section 38 and 39 (residuary). Punishment for imprisonment has been retained only for violation of section 21 and failure to pay penalty or additional penalty under section 39D.

²⁸ In the Water Act, section 45B puts in place a new office by the title of 'Adjudicating Officer', who would be an officer not below the rank of Joint Secretary to the Centre or Secretary to the State, appointed by the Central Government. Adjudicating Officer is empowered to inquire

amendments, in our opinion, there is no conflict between the powers of the State Boards to direct payment of environmental damages under Sections 33A and 31A of the Water and Air Acts and the powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act and Chapter VI of the Air Act. The decriminalization of offences under these Chapters has not removed the punitive nature of actions that can be taken under them. There remains a clear distinction between the nature of directions that the State Boards can issue under Sections 33A and 31A of the Water and Air Acts for payment of environmental damage and the determination by Adjudicating Officers. The former is compensatory in nature and will be resorted to when remedial measures are being undertaken to restore the degraded environment or pollution caused. The latter is a penalty for an offence under the law and is imposed with the objective of punishing the offender. This penalty collected here will not be specifically directed towards the restoration of the degraded environment (for instance, to decontaminate a pond that has been

and impose penalties under sections 41, 41A, 42, 43, 44, 45A and 48. Appeal against such imposition lies before the National Green Tribunal as per section 45C. The Adjudicating Officer is further empowered to file a complaint for cognizance under section 49. Corresponding additions have been made under the Air Act as well under sections 39A (Adjudicating Officer), 39B (Appeal to NGT) and 43 (Cognizance of offences).

polluted due to discharge of untreated sewage). It will be deposited in the Environmental Protection Fund that is to be set up under Section 16 of the Environment (Protection) Act. According to Section 16(3) of the EP Act, the Fund shall be used for, (a) the promotion of awareness, education and research for the protection of environment; (b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act; and (c) such other purposes, as may be prescribed.

A. Board's Responsibility to Choose Appropriate Course of Action.

32. Given their broad statutory mandate and the significant duty towards public health and environmental protection the Boards must have the power and distinction to decide the appropriate action against a polluting entity. It is essential that the Boards function effectively and efficiently by adopting such measures as is necessary in a given situation. The Boards can decide whether a polluting entity needs to be punished by imposition of penalty or if the situation demands immediate restoration of the environmental damage by the polluter or both.

B. Powers Must Be Guided by Transparency and Non-Arbitrariness.

33. While we hold that the Boards have the power to direct the payment of environmental damages, we make it clear that this power must always be guided by two overarching principles. First, that the power cannot be exercised in an arbitrary manner; and second, the process of exercising this power must be infused with transparency.

34. This Court has underscored the importance of strong institutional frameworks in environmental governance that are effective, accountable and transparent. In *Bengaluru Development Authority v. Sudhakar Hegde*²⁹, this Court held -

“95. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision-making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognised value under Article 21 of the Constitution, proper structures for environmental decision-making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.”

(emphasis added)

²⁹ (2020) 15 SCC 63

35. To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair transparent, non-arbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document “*General framework for imposing environmental damage compensation*” issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT.³⁰ It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.

36. These Rules must also create enabling framework for citizens to file complaints about environmental damage. Public participation in environmental protection has assumed great

³⁰ Pursuant to the NGT in its order in O.A. No. 606/2018 dated 24.04.2019.

importance with climate change threatening to drastically disrupt our way of living. Boards, being the first line of defence against polluting activities, must provide easy accessibility and encourage public participation in their function and decision making.

37. While we have reversed the decision of the High Court on the principle of law and hold that the environmental regulators, the Pollution Control Boards, can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts, we issue the following consequential directions.

38. In view of the fact that the show cause notices in these cases relate to the year 2006 and those show cause notices were set-aside by the Single as well as by the Division Benches of the High Court, we are of the opinion that no purpose will be served in reviving the said show cause notices at this point of time. In the facts and circumstances of the case while we allow the appeal on the principle of law there shall not be any consequential direction for reviving the show cause notices which have been set-aside concurrently by the Single as well as by the Division Bench of the

High Court. If certain amounts have been collected on the basis of the said show cause notices they shall be returned by DPCC within a period of six weeks from the date of this order, and if amounts are not deposited or collected the appellant, DPCC shall not take any further action.

39. For the reasons stated above:

(a) we allow these appeals and set aside the judgement and order dated 23.01.2012, passed by the Division Bench of the High Court of Delhi in LPA No. 709/2011, LPA No. 710/2011, LPA No. 866/2011 and LPA No. 867/2011 to the extent of declaration of law but direct that the show cause notices that have been set aside by the High Court shall not be revived.

(b) we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.

(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an *ex-ante* measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after

detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

**NEW DELHI;
AUGUST 04, 2025**



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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



संदर्भ संख्या...H30919/सी-8/सा10-895/ओ0ए0 नं0-003/2024/वाराणसी/2025

दिनांक...31/7/25

सेवा में,
जिलाधिकारी,
चन्दौली।

विषय: मा0 एन0जी0टी0, नई दिल्ली में योजित ओ0ए0 नं0-603/2024 News Item Titled "अवैध खनन पर हो रही है कार्यवाही JCB समेत 9 ट्रैक्टर-ट्राली गए है सीज" appearing in chandaulisamachar.com dated 13.04.2024 में पारित आदेश दिनांक 04.07.2025 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा0 एन0जी0टी0, नई दिल्ली में योजित ओ0ए0 नं0-603/2024 News Item Titled "अवैध खनन पर हो रही है कार्यवाही JCB समेत 9 ट्रैक्टर-ट्राली गए है सीज" appearing in chandaulisamachar.com dated 13.04.2024 में पारित आदेश दिनांक 04.07.2025 (छायाप्रति संलग्न) का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके सुसंगत अंश निम्नवत् हैं:-

"..... Referring to the reply dated 01.07.2025, learned Counsel appearing for UPPCB has submitted that initially the show cause notice dated 13.12.2024 was issued for imposition of environmental compensation of Rs. 1,31,250/- and thereafter, the amended show cause notice dated 11.06.2025 was issued and vide order dated 27.06.2025 environmental compensation of Rs. 7,56,756/- has been imposed. Learned Counsel seeks four weeks' time to file a further comprehensive report disclosing the steps taken for recovery of environmental compensation as also explaining the action which was initiated by the UPPCB to ascertain the owners of the JCB and seven Tractor-Trolleys which were taken into the custody as mentioned in the news report dated 13.04.2024 on the basis of which this suo motu case was registered....."

माननीय अधिकरण द्वारा संदर्भित ओए में पारित आदेश दिनांक 13.04.2024 के सम्बन्ध में जिलाधिकारी, चन्दौली के कार्यालय ज्ञाप दिनांक 19 जुलाई, 2024 के माध्यम से जिला प्रशासन, पुलिस विभाग, खनिज विभाग एवं उ0प्र0 प्रदूषण नियंत्रण बोर्ड की गठित समिति की आख्यानुसार प्रकरण में अवैध खनन के सम्बन्ध में एक जेसीवी एवं 03 ट्रैक्टर को जप्त किया गया था।

अतः मा0 अधिकरण द्वारा उपरोक्तानुसार पारित आदेश दिनांक 04.07.2025 के अनुपालन में प्रश्नगत प्रकरण में जिला प्रशासन द्वारा उपरोक्त जप्त की गयी जेसीवी एवं ट्रैक्टर के सम्बन्ध में की गयी अग्रेतर कार्यवाही से 01 सप्ताह में अवगत कराने का कष्ट करें, जिससे तदनुसार माननीय अधिकरण को अवगत कराया जा सके।

संलग्नक:-यथोपरि।

भवदीय,

sk
(संजीव कुमार सिंह)
सदस्य सचिव

प्रतिलिपि: क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, वाराणसी को इस निर्देश के साथ प्रेषित कि माननीय अधिकरण द्वारा पारित आदेश दिनांक 04.07.2025 के अनुपालन में जिला प्रशासन से व्यक्तिगत सम्पर्क स्थापित करते हुये वांछित सूचना उपलब्ध कराये।

सदस्य सचिव

T.C/12V, Vibhuti Khand Gomti Nagar, Lucknow - 226012
Phone: 2720831, 2720828, 2720691 & 2720681 - Fax: 0522 - 2720764
Email: Info@uppcb.in - Web Site: www.uppcb.com



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, वाराणसी

UTTAR PRADESH POLLUTION CONTROL BOARD, VARANASI



संदर्भ सं./Ref.No.

सेवा में,

उपजिलाधिकारी,
पं० दीन दयाल उपाध्याय नगर,
चन्दौली।

दिनांक/Date... 28-8-25

अतिआवश्यक/महत्वपूर्ण
गा० एन०जी०टी० प्रकरण

विषय:- मा० एन०जी०टी० में विचाराधीन ओ०ए० संख्या 603/2024 News Item Titled "अवैध खनन पर हो रही है कार्यवाही, जोसीबी समेत 9 ट्रैक्टर-ट्राली किए गये हैं सीज" Appearing in chandaulisamachar.com dated 13.04.2024 में पारित आदेश दिनांक 04.07.2025 के अनुपालन के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्र संख्या एच 30462/सी-6/सा०-895/ओ०ए० नं० 603/2024/25, दिनांक 22.07.2025 का संदर्भ ग्रहण करने का कष्ट करें। अवगत कराना है कि मा० एन०जी०टी०, नई दिल्ली में विचाराधीन ओ०ए० संख्या 603/2024 News Item titled "अवैध खनन पर हो रही है कार्रवाई, जोसीबी समेत 9 ट्रैक्टर-ट्राली किए गए हैं सीज" appearing in chandaulisamachar.com dated 13.04.2024 में दिनांक 04.07.2025 पारित किया गया है, जिसके कार्यकारी अंश निम्नवत् है:-

"...3...Learned Counsel seeks four weeks' time to file a further comprehensive report disclosing the steps taken for recovery of environmental compensation as also explaining the action which was initiated by the UPPCB to ascertain the owners of the JCB and seven Tractor-Trolleys which were taken into the custody as mentioned in the news report dated 13.04.2024 on the basis of which this suo motu case was registered....."

उपरोक्तानुसार मा० एन०जी०टी० द्वारा पारित आदेश दिनांक 04.07.2025 का अनुपालन सुनिश्चित किये जाने हेतु अपने स्तर से सम्बंधित को आवश्यक कार्यवाही किये जाने तथा कृत कार्यवाही की सूचना इस कार्यालय में प्रेषित किये जाने हेतु निर्देशित करने की कृपा करें, जिससे कि यथास्थिति से बोर्ड मुख्यालय एवं बोर्ड के अधिवक्ता को अवगत कराया जा सके।

भवदीय,

(रोहित सिंह)
क्षेत्रीय अधिकारी
o/c

प०सं० एवं दिनांक:- उपरोक्त।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी महोदय, चन्दौली को सादर सूचनार्थ।
2. पर्यावरण अभियन्ता, प्रभारी (वृत्त-6), उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।
3. विधि अधिकारी (प्रथम), प्रभारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।

क्षेत्रीय अधिकारी
o/c

कार्यालय जिलाधिकारी, चन्दौली।
(खनिज अनुभाग)

सेवा में,
क्षेत्रीय अधिकारी,
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
वाराणसी।

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली के ओ.ए. संख्या-603/2024 द्वारा NEWS ITEM TITLED "AVAIKH KHANAN PAR HO RAHEE HAI KARYAVAI JCB SAMET 9 TRACTOR- TROLLY GAYE HAI SEAZE" APEARIG IN CHANDAULI SAMACHAR.COM DATED 13.04.2024 में पारित आदेश दिनांक 04-07-2025 अनुपालन के सम्बन्ध में

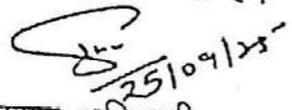
संख्या: 111 / तीस-उपखनिज / 2025-26

दिनांक 25 सितम्बर, 2025

महोदय,

कृपया अपने पत्र संख्या-H30919/सी०-6/सा०-895/ओ०ए० न०-603/2024/वाराणसी/2025 दिनांक 31-07-2025 का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के माध्यम से सम्बन्धित प्रकरण में मा० अधिकरण द्वारा सन्दर्भित ओ०ए० में पारित आदेश दिनांक 04-07-2025 के अनुपालन में प्रश्नगत प्रकरण में जिला प्रशासन द्वारा जप्त की गयी जे०सी०वी० एवं ट्रैक्टर के सम्बन्ध में की गयी अग्रेतर कार्यवाही से अवगत कराये जाने हेतु पत्र प्रेषित किया गया है।

उक्त के सम्बन्ध में अवगत कराना है कि उपजिलाधिकारी प०दी०द०उ० नगर, के पत्र संख्या-826/एस०टी०/2024 दिनांक 16-04-2024 द्वारा अवगत कराया गया कि दिनांक 09-04-2024 को चलाये गये प्रवर्तन अभियान के दौरान तहसील के विभिन्न क्षेत्रों से अवैध खनन/परिवहन कर रहे वाहनों को पकड़कर सम्बन्धित थानों में सुपुर्द किया गया है। जिला प्रशासन, पुलिस विभाग, खनिज विभाग एवं उ०प्र० प्रदूषण नियंत्रण बोर्ड की गठित समिति की आख्यानुसार प्रकरण में अवैध खनन के सम्बन्ध में एक जे०सी०वी० एवं 03 ट्रैक्टर को मुगलसराय अन्तर्गत शिवाला चौकी में सुपुर्द किया गया है। उक्त प्रकरण में मा० मुख्य न्यायिक मजिस्ट्रेट, चन्दौली के आदेश पर उक्त तीनों ट्रैक्टर एवं जे०सी०वी० का परिवाद मा० मुख्य न्यायिक मजिस्ट्रेट, चन्दौली के न्यायालय में दाखिल कर दिया गया है।
आख्या सेवा में सादर प्रेषित।


25/09/25
खान अधिकारी,
चन्दौली।

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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, वाराणसी

UTTAR PRADESH POLLUTION CONTROL BOARD, VARANASI



संदर्भ सं./Ref.No. 523/0A No. 603/2024/2025-26

दिनांक/Date: 07.08/25

अतिआवश्यक / महत्त्वपूर्ण
मा० एन०जी०टी० प्रकरण

सेवा में,

जिला खान अधिकारी,
चन्दौली।

विषय:—मा० एन०जी०टी० में विचाराधीन ओ०ए० संख्या 603/2024 News Item Titled "अवैध खनन पर हो रही है कार्यवाही, जेसीबी समेत 9 ट्रैक्टर-ट्राली किए गये हैं सीज" Appearing in chandaulisamachar.com dated 13.04.2024 में पारित आदेश दिनांक 04.07.2025 के अनुपालन के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्र संख्या एच 30462/सी-6/सा०-895/ओ०ए० नं० 603/2024/25, दिनांक 22.07.2025 का संदर्भ ग्रहण करने का कष्ट करें। अवगत कराना है कि मा० एन०जी०टी०, नई दिल्ली में विचाराधीन ओ०ए० संख्या 603/2024 News Item titled "अवैध खनन पर हो रही है कार्रवाई, जेसीबी समेत 9 ट्रैक्टर-ट्राली किए गए हैं सीज" appearing in chandaulisamachar.com dated 13.04.2024 में दिनांक 04.07.2025 पारित किया गया है (छायाप्रति संलग्न), जिसके कार्यकारी अंश निम्नवत् है:-

"...3...Learned Counsel seeks four weeks' time to file a further comprehensive report disclosing the steps taken for recovery of environmental compensation as also explaining the action which was initiated by the UPPCB to ascertain the owners of the JCB and seven Tractor-Trolleys which were taken into the custody as mentioned in the news report dated 13.04.2024 on the basis of which this suo motu case was registered.

4. List on 10.10.2025.

उपरोक्तानुसार तदसमय जब्त की गई जे०सी०बी० तथा ट्रैक्टर्स का विवरण एवं अद्यतन स्थिति तथा वाहन स्वामी का नाम, पता से इस कार्यालय को अवगत कराने का कष्ट करें, जिससे वांछित सूचनाएँ अग्रिम आवश्यक कार्यवाही हेतु बोर्ड मुख्यालय प्रेषित की जा सकें।

संलग्नक:—उपरोक्तानुसार।

भक्षीय,

(रोहित सिंह)

क्षेत्रीय अधिकारी

१८

पृ०सं० एवं दिनांक:—उपरोक्त।

प्रतिलिपि:— निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी महोदय, चन्दौली को सादर सूचनार्थ।
2. पर्यावरण अभियन्ता, प्रभारी (वृत्त-6), उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।
3. विधि अधिकारी (प्रथम), प्रभारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।

क्षेत्रीय अधिकारी

०/८

कार्यालय जिलाधिकारी, चन्दौली।
(खनिज अनुभाग)

सेवा में,

क्षेत्रीय अधिकारी,
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
वाराणसी।

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली के ओ.ए. संख्या-603/2024 द्वारा NEWS ITEM TITLED "AVAI DH KHANAN PAR HO RAHEE HAI KARYAVAI JCB SAMET 9 TRACTOR- TROLLY GAYE HAI SEAZE" APEARIG IN CHANDAULI SAMACHAR.COM DATED 13.04.2024 में पारित आदेश दिनांक 04-07-2025 अनुपालन के सम्बन्ध में

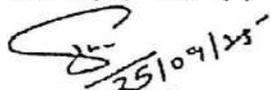
संख्या: 111 / तीस-उपखनिज / 2025-26

दिनांक 25 सितम्बर, 2025

महोदय,

कृपया अपने पत्र संख्या-H30919/सी०-6/सा०-895/ओ०ए० न०-603/2024/वाराणसी/2025 दिनांक 31-07-2025 का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के माध्यम से सम्बन्धित प्रकरण में मा० अधिकरण द्वारा सन्दर्भित ओ०ए० में पारित आदेश दिनांक 04-07-2025 के अनुपालन में प्रश्नगत प्रकरण में जिला प्रशासन द्वारा जब्त की गयी जे०सी०बी० एवं ट्रैक्टर के सम्बन्ध में की गयी अग्रेतर कार्यवाही से अवगत कराये जाने हेतु पत्र प्रेषित किया गया है।

उक्त के सम्बन्ध में अवगत कराना है कि उपजिलाधिकारी प०दी०द०उ० नगर, के पत्र संख्या-826/एस०टी०/2024 दिनांक 16-04-2024 द्वारा अवगत कराया गया कि दिनांक 09-04-2024 को चलाये गये प्रवर्तन अभियान के दौरान तहसील के विभिन्न क्षेत्रों से अवैध खनन/परिवहन कर रहे वाहनों को पकड़कर सम्बन्धित थानों में सुपुर्द किया गया है। जिला प्रशासन, पुलिस विभाग, खनिज विभाग एवं उ०प्र० प्रदूषण नियंत्रण बोर्ड की गठित समिति की आख्यानानुसार प्रकरण में अवैध खनन के सम्बन्ध में एक जे०सी०बी० एवं 03 ट्रैक्टर को मुगलसराय अन्तर्गत शिवाला चौकी में सुपुर्द किया गया है। उक्त प्रकरण में मा० मुख्य न्यायिक मजिस्ट्रेट, चन्दौली के आदेश पर उक्त तीनों ट्रैक्टर एवं जे०सी०बी० का परिवाद मा० मुख्य न्यायिक मजिस्ट्रेट, चन्दौली के न्यायालय में दाखिल कर दिया गया है।
आख्या सेवा में सादर प्रेषित।


खान अधिकारी,
चन्दौली।

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समस्त न्यायालय श्रीमान् मुख्य न्यायिक मजिस्ट्रेट, चन्दौली।

परिवाद पत्र अन्तर्गत धारा 4/21/22 खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 एवं उ0प्र0 उपखनिज परिहार नियमावली 2021 के नियम 3/58/72 एवं उ0प्र0 खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली 2018 के नियम-7(3) का उल्लंघन।

मुलशन कुमार, खान अधिकारी, चन्दौली।

परिवादी

श्रीमती मन्ती देवी पुत्र श्री कृष्णानन्द नि0 राम-सुरागी, थाना-चुनार, जिला-मिर्जापुर।

प्रतिवादी

1. अभियोजन अन्तर्गत धारा 4/21 खान एवं खनिज विकास एवं विनियमन अधिनियम-1957 यथा संशोधित-2015
2. उ0प्र0 उपखनिज (परिहार) नियमावली 2021 के नियम-3/58/72 थाना-मुगलसराय दिनांक 09/04/2024

महोदय,

उपवर्णित परिवादी निम्नलिखित निवेदन करता है कि:-

1. यह कि परिवादी खान अधिकारी के पद पर जनपद-चन्दौली में कार्यरत है एवं परिवादी के अधिकारीता में खान एवं खनिज (विकास एवं विनियमन) अधिनियम 1957 एवं उ0प्र0 उपखनिज परिहार नियमावली 2021 के अन्तर्गत सम्पूर्ण जनपद क्षेत्र में अधिनियम व नियमावली के उल्लंघन के विरुद्ध कार्यवाही का अधिकार प्राप्त है।
2. शासनादेश संख्या 608/86-दस-24/09 दिनांक 16-02-2010 द्वारा खान एवं खनिज (विकास विनियमन) के अधिनियम-1957 की धारा 22 के अन्तर्गत सक्षम न्यायालय में परिवाद योजित किये जाने हेतु अधिकृत किया गया है।
3. यह कि कार्यालय उपजिलाधिकारी, प0दी0द0उ0नगर जनपद-चन्दौली के पत्रांक संख्या-826/एस0टी0/2024 दिनांक 16-04-2024 द्वारा नाथव तहसीलदार, प0दी0द0उ0नगर चन्दौली द्वारा अपनी आख्या दिनांक 10-04-2024 द्वारा अवगत कराया गया है कि दिनांक 09-04-2024 को चलाये गये प्रवर्तन अभियान के दौरान तहसील के विभिन्न क्षेत्रों से अवैध खनन/परिवहन कर रहे वाहनों को पकड़ा गया, जिसके क्रम में वाहन संख्या-UP 63 AF 9535 को थाना-मुगलसराय कोतवाली अन्तर्गत शिवाला चौकी में बन्द कर दिया गया है।
4. यह कि प्रकरण की जांच के सम्बन्ध में तहसील प0दी0द0उ0 नगर की आख्यानुसार मौजा कुण्डा खुर्द परगना-मवई तहसील-प0दी0द0उ0 नगर में खनन किये गये मिट्टी का क्षेत्रफल 2208 वर्गमीटर व गहराई 04 मीटर तक खनन किया गया है।
5. यह कि जांच के दौरान उक्त ट्रैक्टर द्वारा बिना वैध परिवहन प्रपत्र के साधारण मिट्टी के परिवहन में संलिप्त पाया गया।
6. यह कि उक्त मौके पर किसी भी व्यक्ति द्वारा साधारण मिट्टी के खनन/परिवहन से सम्बन्धित कागजात प्रस्तुत नहीं किया गया।
7. यह कि उक्त वाहन के सम्बन्ध में वाहन स्वामी द्वारा कार्यालय जिलाधिकारी चन्दौली में उपस्थित होकर वाहन को अवमुक्त कराये जाने के सम्बन्ध में प्रार्थना पत्र प्रस्तुत किया गया है।
8. यह कि वाहन स्वामी के प्रार्थना पत्र के क्रम में अपर जिलाधिकारी (वि0/रा0) द्वारा जांच हेतु तीन सदस्यीय (थानाध्यक्ष मुगलसराय, खान अधिकारी चन्दौली, उपजिलाधिकारी प0दि0द0उ0 नगर) जांच समिति का गठन किया गया है।
9. यह कि जांच समिति के रिपोर्ट दिनांक 25.06.2024 में उल्लिखित है कि आ0सं0-292मि0 रकबा-0.762 हे0 मौजा कुण्डा खुर्द परगना-मवई तहसील-प0दी0द0उ0 नगर में खनन किये गये मिट्टी का क्षेत्रफल 2208 वर्गमीटर व गहराई 04 मीटर गहराई तक साधारण मिट्टी का अवैध खनन किया गया है।
10. यह कि बिना वैध प्रपत्र एग0एग0-11/प्रपत्र-सी/खनिज अभिवहन पास के उपखनिज का परिवहन किया जाना उ0प्र0 उपखनिज परिहार नियमावली 2021 के नियम 3/58/72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम की धारा 4/21 का उल्लंघन तथा संज्ञेय व दण्डनीय अपराध है।
11. यह कि उ0प्र0 शासन भूतत्व एवं खनिकर्म अनुभाग की अधिरूचना संख्या-1157/86-2021-03 (सामान्य)/2021 दिनांक 29-10-2021 द्वारा प्रख्यापित उ0प्र0 उपखनिज परिहार नियमावली 2021 द्वारा नियम-72 के तहत उक्त अपराध जिला मजिस्ट्रेट द्वारा 25000.00 रू0 की शारित एवं रायल्टी सहित खनिज मूल्य वसूल किये जाने का प्राविधान है।

प्रार्थना

अतः श्रीमान् जी से निवेदन है कि वाहन स्वामी/वाहन चालक द्वारा अधिनियम-1957 की धारा 4/21 तथा नियमावली-2021 के नियम-3/58 का उल्लंघन किये जाने के कारण अभियुक्त वाहन स्वामी/वाहन चालक, वाहन संख्या-UP 63 AF 9535 के विरुद्ध उपरोक्त अधिनियम/नियमावली के अन्तर्गत परिवाद दायर किया जा रहा है। तदनुसार परिवाद पर संज्ञान लेकर अभियुक्त/विपक्षों को उपरोक्त धाराओं में तलब कर दण्डित करने का कृपा करें।

संलग्नक :- उपरोक्तानुसार।

खान अधिकारी,
चन्दौली।

सम्भा न्यायालय श्रीमान् मुख्य न्यायिक मजिस्ट्रेट, चन्दौली।

परिवाद पत्र अन्तर्गत धारा 4/21/22 खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 एवं उ०प्र० उपखनिज परिहार नियमावली 2021 के नियम 3/58/72 एवं उ०प्र० खनिज (वैध खनन, परिवहन एवं भण्डारण का विचारण) नियमावली 2018 के नियम-7(3) का उल्लंघन।

मुलशन कुमार खान अधिकारी चन्दौली।

परिवादी

अनिल यादव पुत्र श्री लालमन मिश्र धामा-कुण्डा खुर्द, धाना-मुगलसराय, जिला-चन्दौली।

प्रतिवादी

1. अभियोजन अन्तर्गत धारा 4/21 खान एवं खनिज विकास एवं विनियमन अधिनियम-1957 तथा संशोधित-2015
2. उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3/58/72 धाना-मुगलसराय दिनांक 09/04/2024

महोदय,

उपरोक्त परिवादी निम्नलिखित निवेदन करता है कि :-

1. यह कि परिवादी खान अधिकारी के पद पर जनपद-चन्दौली में कार्यरत है एवं परिवादी के अधिकारीता में खान एवं खनिज (विकास एवं विनियमन) अधिनियम 1957 एवं उ०प्र० उपखनिज परिहार नियमावली 2021 के अन्तर्गत सम्पूर्ण जनपद क्षेत्र में अधिनियम व नियमावली के उल्लंघन के विरुद्ध कार्यवाही का अधिकार प्राप्त है।
2. शासनादेश संख्या 608/86-दस-24/09 दिनांक 16-02-2010 द्वारा खान एवं खनिज (विकास विनियमन) के अधिनियम-1957 की धारा 22 के अन्तर्गत सक्षम न्यायालय में परिवाद योजित किये जाने हेतु अधिकृत किया गया है।
3. यह कि कार्यालय उपजिलाधिकारी, प०दी०द०उ०नगर जनपद-चन्दौली के पत्रांक संख्या-826/एस०टी०/2024 दिनांक 16-04-2024 द्वारा नायब तहसीलदार, प०दी०द०उ०नगर चन्दौली द्वारा अपनी आख्या दिनांक 10-04-2024 द्वारा अवगत कराया गया है कि दिनांक 09-04-2024 को चलाये गये प्रवर्तन अभियान के दौरान तहसील के विभिन्न क्षेत्रों से अवैध खनन/परिवहन कर रहे वाहनों को पकड़ा गया, जिसके क्रम में वाहन चेंसिस संख्या-TO53679866HM को धाना-मुगलसराय कोतवाली अन्तर्गत शिवाला चौकी में बन्द कर दिया गया है। (सुपुर्दगीनामा की छायाप्रति संलग्न)
4. यह कि प्रकरण की जांच के सम्बन्ध में तहसील प०दी०द०उ० नगर की आख्यानुसार मौजा कुण्डा खुर्द परगना-मवई तहसील-प०दी०द०उ० नगर में खनन किये गये मिट्टी का क्षेत्रफल 2208 वर्गमीटर व गहराई 04 मीटर तक खनन किया गया है।
5. यह कि जांच के दौरान उक्त ट्रैक्टर द्वारा बिना वैध परिवहन प्रपत्र के साधारण मिट्टी के परिवहन में संलिप्त पाया गया।
6. यह कि उक्त मौके पर किसी भी व्यक्ति द्वारा साधारण मिट्टी के खनन सम्बन्धित कागजात प्रस्तुत नहीं किया गया।
7. यह कि उक्त वाहन के सम्बन्ध में वाहन स्वामी द्वारा कार्यालय जिलाधिकारी चन्दौली में उपस्थित होकर वाहन को अवमुक्त कराये जाने के सम्बन्ध में प्रार्थना पत्र प्रस्तुत किया गया है।
8. यह कि वाहन स्वामी के प्रार्थना पत्र के क्रम में अपर जिलाधिकारी (वि०/रा०) द्वारा जांच हेतु तीन सदस्यीय (धानाध्यक्ष मुगलसराय, खान अधिकारी चन्दौली, उपजिलाधिकारी प०दी०द०उ० नगर) जांच समिति का गठन किया गया है।
9. यह कि जांच समिति के रिपोर्ट दिनांक 25.06.2024 में उल्लिखित है कि आ०सं०-292मि० रकबा-0.762 हे० मौजा कुण्डा खुर्द परगना-मवई तहसील-प०दी०द०उ० नगर में खनन किये गये मिट्टी का क्षेत्रफल 2208 वर्गमीटर व गहराई 04 मीटर गहराई तक साधारण मिट्टी का अवैध खनन किया गया है।
10. यह कि बिना वैध प्रपत्र एम०एम०-11/प्रपत्र-सी/खनिज अभिवहन पास के उपखनिज का परिवहन किया जाना उ०प्र० उपखनिज परिहार नियमावली 2021 के नियम 3/58/72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम की धारा 4/21 का उल्लंघन तथा संज्ञेय व दण्डनीय अपराध है।
11. यह कि उ०प्र० शासन भूतत्व एवं खनिकर्म अनुभाग की अधिसूचना संख्या-1157/86-2021-03 (सामान्य)/2021 दिनांक 29-10-2021 द्वारा प्रख्यापित उ०प्र० उपखनिज परिहार नियमावली 2021 द्वारा नियम-72 के तहत उक्त अपराध जिला मजिस्ट्रेट द्वारा 25000.00 ₹० की शारित एवं रायल्टी सहित खनिज मूल्य वसूल किये जाने का प्राविधान है।

प्रार्थना

अतः श्रीमान् जी से निवेदन है कि वाहन स्वामी/वाहन चालक द्वारा अधिनियम-1957 की धारा 4/21 तथा नियमावली-2021 के नियम-3/58 का उल्लंघन किये जाने के कारण अभियुक्त वाहन स्वामी/वाहन चालक, वाहन चेंसिस संख्या-TO53679866HM के विरुद्ध उपरोक्त अधिनियम/नियमावली के अन्तर्गत परिवाद दायर किया जा रहा है। तदनुसार परिवाद पर संज्ञान लेकर अभियुक्त/विपक्षों को उपरोक्त धाराओं में तलब कर दण्डित करने का कृपा करें।

संलग्नक :- उपरोक्तानुसार।

खान अधिकारी,
चन्दौली।

समस्त न्यायालय श्रीमान् मुख्य न्यायिक मजिस्ट्रेट, चन्दौली।

परिवाद पत्र अन्तर्गत धारा 4/21/22 खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 एवं उ०प्र० उपखनिज परिहार नियमावली 2021 के नियम 3/58/72 एवं उ०प्र० खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली 2018 के नियम-7(3) का उल्लंघन।

मुलेशन कुमार, खान अधिकारी, चन्दौली।

परिवादी

संतसा देवी पत्नी श्री लालमन गि० ग्राम-कुण्डा खुर्द, थाना-मुगलसराय, जिला-चन्दौली।

प्रतिवादी

1. अभियोजन अन्तर्गत धारा 4/21 खान एवं खनिज विकास एवं विनियमन अधिनियम-1957 तथा संशोधित-2015
2. उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3/58/72 थाना-मुगलसराय दिनांक 09.04.2024

महोदय,

उपवर्णित परिवादी निम्नलिखित निवेदन करता है कि :-

1. यह कि परिवादी खान अधिकारी के पद पर जनपद-चन्दौली में कार्यरत है एवं परिवादी के अधिकारीता में खान एवं खनिज (विकास एवं विनियमन) अधिनियम 1957 एवं उ०प्र० उपखनिज परिहार नियमावली 2021 के अन्तर्गत सम्पूर्ण जनपद क्षेत्र में अधिनियम व नियमावली के उल्लंघन के विरुद्ध कार्यवाही का अधिकार प्राप्त है।
2. शासनादेश संख्या 608/86-दस-24/09 दिनांक 16-02-2010 द्वारा खान एवं खनिज (विकास विनियमन) के अधिनियम-1957 की धारा 22 के अन्तर्गत सक्षम न्यायालय में परिवाद योजित किये जाने हेतु अधिकृत किया गया है।
3. यह कि कार्यालय उपजिलाधिकारी, प०दी०द०उ०नगर जनपद-चन्दौली के पत्रांक संख्या-826/एस०टी०/2024 दिनांक 16-04-2024 द्वारा नायब तहसीलदार, प०दी०द०उ०नगर चन्दौली द्वारा अपनी आख्या दिनांक 10-04-2024 द्वारा अवगत कराया गया है कि दिनांक 09-04-2024 को चलाये गये प्रवर्तन अभियान के दौरान तहसील के विभिन्न क्षेत्रों से अवैध खनन/परिवहन कर रहे वाहनो को पकडा गया, जिसके क्रम में वाहन चेसिस संख्या-TO53550541BK वाहन पंजीकरण संख्या-UP 67 AF 2025 को थाना-मुगलसराय कोतवाली अन्तर्गत शिवाला चौकी में बन्द कर दिया गया है। (सुपुर्दगीनामा की छायाप्रति संलग्न)
4. यह कि प्रकरण की जांच के सम्बन्ध में तहसील प०दी०द०उ० नगर की आख्यानुसार मौजा कुण्डा खुर्द परगना-मवई तहसील-प०दी०द०उ० नगर में खनन किये गये मिट्टी का क्षेत्रफल 2208 वर्गमीटर व गहराई 04 मीटर तक खनन किया गया है।
5. यह कि जांच के दौरान उक्त ट्रैक्टर द्वारा बिना वैध परिवहन प्रपत्र के साधारण मिट्टी के परिवहन में संलिप्त पाया गया।
6. यह कि उक्त मौके पर किसी भी व्यक्ति द्वारा साधारण मिट्टी के खनन सम्बन्धित कामजात प्रस्तुत नहीं किया गया।
7. यह कि उक्त वाहन के सम्बन्ध में वाहन स्वामी द्वारा कार्यालय जिलाधिकारी चन्दौली में उपस्थित होकर वाहन को अयमुक्त कराये जाने के सम्बन्ध में प्रार्थना पत्र प्रस्तुत किया गया है।
8. यह कि वाहन स्वामी के प्रार्थना पत्र के क्रम में अपर जिलाधिकारी (वि०/रा०) द्वारा जांच हेतु तीन सदस्यीय (थानाध्यक्ष मुगलसराय, खान अधिकारी चन्दौली, उपजिलाधिकारी प०दी०द०उ० नगर) जांच समिति का गठन किया गया है।
9. यह कि जांच समिति के रिपोर्ट दिनांक 25.06.2024 में उल्लिखित है कि आ०सं०-292मि० रकबा-0.762 हे० मौजा कुण्डा खुर्द परगना-मवई तहसील-प०दी०द०उ० नगर में खनन किये गये मिट्टी का क्षेत्रफल 2208 वर्गमीटर व गहराई 04 मीटर गहराई तक साधारण मिट्टी का अवैध खनन किया गया है।
10. यह कि बिना वैध प्रपत्र एम०एम०-11/प्रपत्र-सी/खनिज अविबहन पारा के उपखनिज का परिवहन किया जाना उ०प्र० उपखनिज परिहार नियमावली 2021 के नियम 3/58/72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम की धारा 4/21 का उल्लंघन तथा संज्ञेय व दण्डनीय अपराध है।
11. यह कि उ०प्र० शासन भूतत्व एवं खनिकर्म अनुभाग की अधिसूचना संख्या-1157/86-2021-03 (सामान्य)/2021 दिनांक 29-10-2021 द्वारा प्रख्यापित उ०प्र० उपखनिज परिहार नियमावली 2021 द्वारा नियम-72 के तहत उक्त अपराध जिला मजिस्ट्रेट द्वारा 25000.00 ₹ की शारित एवं रायल्टी सहित खनिज मूल्य वसूल किये जाने का प्राविधान है।

प्रार्थना

अतः श्रीमान् जी से निवेदन है कि वाहन स्वामी/वाहन चालक द्वारा अधिनियम-1957 की धारा 4/21 तथा नियमावली-2021 के नियम-3/58 का उल्लंघन किये जाने के कारण अभियुक्त वाहन स्वामी/वाहन चालक, वाहन चेसिस संख्या-TO53550541BK वाहन पंजीकरण संख्या-UP 67 AF 2025 के विरुद्ध उपरोक्त अधिनियम/नियमावली के अन्तर्गत परिवाद दायर किया जा रहा है। तदनुसार परिवाद पर संज्ञान लेकर अभियुक्त/विपक्षों को उपरोक्त धाराओं में तलब कर दण्डित करने का कृपा करें।

संलग्नक :- उपरोक्तानुसार।

14/9/24

13/08/24
खान अधिकारी,
चन्दौली।