

**Letter No.; NGT- 63 /81-7-2022**

**From,**

**Ghanshyan mishra,**  
Special Secretary,  
Environment, Forest & Climate Change,  
Government of Uttar Pradesh

**To,**

**The Registrar,**  
Hon'ble National Green Tribunal,  
Copernicus Marg, New Delhi.

**Environment, Forest & Climate      Lucknow : dated : 14 / 02 /2023**  
**Change Section-7**

**Sub:** Response on behalf of State of Uttar Pradesh in Compliance to order dated 28.09.2022 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 359/2022 Rafhat Naeem Siddiqui Vs State of Uttar Pradesh.


**Sir,**

In compliance of order dated 28.09.2022 passed by this Hon'ble Tribunal in OA No. 359/2022 in the matter of Rafhat Naeem Siddiqui Vs State of Uttar Pradesh, response on behalf of State of Uttar Pradesh is enclosed.

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

**Encl: As above**

**Your's Sincerely,**

  
**( Ghanshyan mishra )**  
Special Secretary.

**Response/Reply Incompliance of direction issued by Hon'ble NGT vide order dated 28.9.2022 in OA number 359/2022, Rafhat Naeem Siddiqui Vs State of U.P.**

Hon'ble NGT, New Delhi vide order dated 28-09-2022 in the matter of Rafhat Naeem Siddiqui Vs State of U.P. in O.A.No.359/2022 has directed following–

“4.We find from the report that in the application grievance has been made regarding excess excavation of soil for brick making. The Secretary, Environment, Forest and Climate Change, Government of Uttar Pradesh has vide letter number 446/81-7-2020-39(Parya)/2014 TC-1 dated 01.05.2020 mentioned that the process of excavating ordinary soil manually for making bricks shall not come under mining operations to require environmental clearance provided that the depth of the pits resulting from such excavation do not exceed 2 meters. The questions as to (i) whether excavation of top soil for brick making by the brick kilns amounts to mining and requires environmental clearance in the light of orders of this Tribunal and (ii) whether the brick kilns be mandatorily required to procure fly ash from coal based industries in the area for brick making and (iii) Whether measures are required to be taken for conservation of soil for agricultural purposes by prohibiting excavation of top soil for brick making require due consideration for taking of appropriate measures for protection and improvement of the environment.

“5. In view of the averments made in the application, observations made in the report of the Joint Committee and questions involved, we also consider it appropriate to seek response from (1) State of Uttar Pradesh through Additional Chief Secretary, Forest and Climate Change, Government of Uttar Pradesh, (2) MoEF& CC, (3) CPCB, (4) State PCB, (5) District Magistrate, Bijnor, and (6)Project Proponent- M/s. Milansar Brick Works, Village-Abbul Khairpur, Tehsil-Nagina, District-Bijnor under Proprietorship of Mr. Mohd Akram who stand impleaded as respondents No. 1 to 6. Notice of the application be issued to the respondents requiring them to file their response/ reply to the averments made in the application besides their response/objections to the observations made in the report of Joint Committee within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No.1 to 6 accordingly.”

S. N.	Issues raised by Hon'ble NGT	Response/Reply
i.	whether excavation of top soil for brick making by the brick kilns amounts to mining and requires	In compliance of Hon'ble NGT order dated 23-05-2022, inspection was carried out on dated 23-07-2022 by the joint committee. During inspection it was observed that, soil has been excavated 18 meters in length in gata no. 12 and 5 meters in length in gata no. 15 upto 4.5 feet in deep each respectively located at village Abbul Khairpur. Further, according to order issued by the Secretary, Environment, Forest and Climate Change, UP Government vide letter no.

	environmental clearance in the light of orders of this Tribunal and	446/81-7-2020-39(Parya)/ 2014 TC-1 on dated 01-05-2022, "it has been mentioned that the process of excavation of ordinary soil manually for making of bricks and pottery shall not come under mining operations provided that the depth of the pits resulting from such excavation of mining shall not exceed 2 meters" and exempted from necessity of prior Environmental clearance for digging of soils for making bricks. In the view of above order and facts founds during joint inspection prior environmental clearance is not necessary. Copy of joint committee report is annexed as <b>Annexure no. 1</b>	
ii	Whether the brick kilns be mandatorily required to procure fly ash from coal based industries in the area for brick making and	<p><b>According to notification of Ministry of Environment and Forests, Government of India S.O.763(E)dated14-09-1999</b></p> <p>1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities:-</p> <p>1) No person shall within a radius of <sup>1</sup>{one hundred kilometers} from coal or lignite based thermal power plants, manufacture clay brick or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.</p> <p><sup>2</sup>{(i) use of fly ash based products in construction activities};</p>	<p><b>According to notification of Ministry of Environment and Forests, Government of India S.O. 2804 (E)dated03-11-2009</b></p> <p><b>AMENDMENTS-</b> In the said notifications in paragraph 1,- for sub paragraph (1), the following shall be substituted namely:-</p> <p>(i) use of fly ash based products in construction activities;</p>

		In view of above amendments it is not mandatorily required to procure fly ash from coal based industries by the said brick kiln.
iii	Whether measures are required to be taken for conservation of soil for agricultural purposes by prohibiting excavation of top soil for brick making require due consideration for taking of appropriate measures for protection and improvement of the environment.	<ul style="list-style-type: none"> <li>• UPPCB vide letter dated 12-01-2023 referred the matter to department of Mining/Agricultural/ Revenue Govt. of Uttar Pradesh for their response. Copy of letter is annexed as <b>Annexure-No-2</b></li> <li>• Department of Mining, Govt. of U.P. vide letter dated 23-01-2023 has submitted that as per Rule 3 of the Uttar Pradesh Sub-Mineral (Concession) Rules, 2021 that manual digging or manual extraction of ordinary clay, ordinary earth upto 2 meters in depth for making bricks and pottery shall not be treated as mining operations. The Rule 3 of the Uttar Pradesh Sub-Mineral (Concession) Rules, 2021 is reproduced as below :  "Rule 3 (1) No person shall undertake any mining operations in any area within the State of any minor mineral to which these rules are applicable except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these rules;  Provided that nothing shall affect any operations undertaken in accordance with the terms and conditions of mining lease or permit duly granted before the commencement of these rules.  <b>Explanation:-</b> For the purposes of this rule manual digging or manual extraction of ordinary clay, ordinary earth for making bricks and pottery shall not be deeper than two meters.  (2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules."</li> <li>• Department of Mining, Govt. of U.P. vide letter dated 23-01-2023 has submitted that the soil excavated from the upper layer which contains remains of flaura is to be stored by the excavator. It is recommended by the Mining Department that the first layer after excavation should be used for reclamation of soil for better agriculture. Copy of letter dated 23-01-2023 is annexed as <b>Annexure No-3.</b></li> </ul>

➤ Response against the observations of joint committee are as follows: -

S.N.	Observations of joint committee	Response
i.	In compliance of notification dated-22.02.2022 issued by Ministry of Environment, Forest and Climate Change, Government of India, the said brick kiln should be converted into zig-zag technology within 02 years from the date of notification.	The brick kiln has submitted a letter dated 07.01.2023 for conversion of brick kiln in to zig-zag technology up to November, 2023. Letter enclosed as <b>Annexure-No. 4</b> . In consolidated consent to operate (CTO) issued to the brick kiln by UPPCB on 09.12.2022 which is valid upto 31.07.2027, condition has been imposed for conversion of brick kiln into zig-zag technology as per the notification of MOEF Govt. of India.
ii.	Brick kiln should not be operated till it gets the valid consent to operate from UPPCB.	Brick kiln has obtained consent to operate (CTO) from UPPCB, which is valid up to 31-07-2027. Copy of CTO enclosed as <b>Annexure-5</b> .
iii.	Ambient and stack Monitoring will be done by UPPCB during operational condition of brick kiln.	Brick kiln was not found in operation at the time of inspection dated 09.01.2023 done by UPPCB. Photographs of brick kiln enclosed as <b>Annexure-6</b> . A letter dated 07.01.2023 submitted by the unit in which mentioned that the brick kiln will be operational since February, 2023.
iv.	Provision should be made by brick kiln owner to ensure no soil erosion from nearby land, for which permission of soil excavation is not provided. Same may be verify by Revenue department/Mining department/Agriculture department.	Verification can be carried out when brick kiln would be operational.



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड Annexure-1

क्षेत्रीय कार्यालय: महर्षि दयानन्द नगर, निकट सैण्टमेरी स्कूल, आदमपुर-चक्कर रोड, बिजनौर-248701

सन्दर्भ सं० : 510/N-43/जनरल-2022

दिनांक : 08.07.2022

सेवा में

मुख्य पर्यावरण अधिकारी (वृत्त-7)  
उ० प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

विषय:-मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में दायर ओ०ए० सं०-359/2022 रफअत नईम सिद्दिकी बनाम उ०प्र० राज्य में पारित आदेश दिनांक-23.05.2022 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त सम्बन्ध में जिलाधिकारी महोदय, बिजनौर कार्यालय ज्ञाप संख्या-384/एन-43/जनरल-2022 दिनांक-08.07.2022 द्वारा गठित संयुक्त समिति द्वारा स्थल का निरीक्षण दिनांक-23.07.2022 को किया गया। संयुक्त निरीक्षण आख्या मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में ऑनलाइन के माध्यम से प्रेषित किये जाने हेतु इस पत्र के साथ संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक-उपरोक्तनुसार।

भवदीय,

(बी०के०सिंह)

क्षेत्रीय अधिकारी

प्रतिलिपि-मुख्य विधि अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

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 क्षेत्रीय अधिकारी

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**Compliance Report**

**In**

**Original Application No. 359/2022**

**Rafhat Naeem Siddiqui**

***Versus***

**State of Uttar Pradesh**

U.P.  
G.A.

**Order Date – 23.05.2022**

**Filed on Behalf of:  
Uttar Pradesh Pollution Control Board**

## 1. Background

Hon'ble NGT passed order on 23.05.2022 in O.A. No. 359/2022 in the matter of Rafhat Naeem Siddiqui Vs State of U.P. and relevant paras of the Order dated 23.05.2022 are reproduced below: -

1. The Hon'ble NGT(PB), New Delhi order dated 23/05/2022 mentioned that Mr. Rafhat Naeem Siddiqui, Advocate resident of village Arjupura Rani, Pargana and Tehsil Nagina, District Bijnor has sent present letter petition complaining that persons named in the letter petition have leased out their land in favour of Mohd. Akram brick kiln owner for mining of soil from agricultural land who has indulged in illegal mining of soil up to the depth of 8 feet and has also illegally mined soil from part of the land of applicant by digging one and half meters wide twenty five meters long and eight feet deep North to South trench in agricultural field due to which land of the applicant has become uncultivable for sowing Paddy and Sugarcane crops and he is facing difficulties in cultivating his land despite filling of sand to reclaim the same.

2. In view of the averments made in the application, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of State PCB and District Magistrate, Bijnor. State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant and take requisite action by following due process of law. Factual and action taken report particularly with reference to loss of top soil from agricultural field, ambient air quality, impact on flora and fauna and compliance with directions in order dated 17.02.2021 passed by Tribunal in O.A No. 1016/2019 titled as Utkarsh Panwar Vs. Central Pollution Control Board and others may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)

M. H. Wain  
AEE, UP PCB  
Bijnor

RO

DR

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2. **Action taken by the Joint Committee:**

In compliance of Hon'ble NGT order dated 23/05/2022 a Joint Committee was constituted by District Magistrate, District Bijnor vide office order No.-384/N-43/General-2022 dated 08-07-2022 (annexed as Annexure-1), comprising following officers: -

1. SDM, Nagina, District-Bijnor.
2. Mining Inspector, Bijnor.
3. District Agriculture Officer, Bijnor.
4. Regional Officer, U.P. Pollution Control Board, Bijnor

Joint inspection was carried out on dated 23.07.2022 by the Joint Committee in presence of complainer Mr. Rafhat Naeem Siddiqui and Mr. Mohammad Akram, representative of said brick kiln M/s Milansar Brick Works, Village-Abbul Khairpur, Tehsil-Nagina, District-Bijnor. Detailed report is as below:

- The brick kiln M/s Milansar Brick Works, Village-Abbul Khairpur, Tehsil-Nagina, District-Bijnor presently run by Mr. Mohd Akram is established/operated since 2008. The brick kiln was found non-operational at the time of inspection due to off-season/ rainy season, due to which ambient air quality and stack monitoring of brick kiln could not be done. The air consent issued by UPPCB to the brick kiln was valid up to 31.07.2021. A notice was issued by UPPCB to the brick kiln to obtain the Consent to operate vide letter no.-377A/M-15/Bijnor-2022 dated-02.07.2022, which is enclosed (As annexure-2).
- Presently, the said brick kiln has applied online application on dated 25.07.2022 for obtaining consent to operate (CTO) from UPPCB, which is under consideration. The brick kiln is not located within NCR & ten-kilometre radius of non-attainment city.

M. Wain  
R.O. U.P.C.B.

R.O. U.P.C.B.  
DAO

- As per notification dated-22.02.2022 issued by Ministry of Environment, Forest and Climate Change, Government of India, (Annexure-3), It is mentioned in notes point no. "2. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten-kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail."
- In the financial year 2021-22, M/s Milansar Brick Works, Village-Abbul Khairpur, Tehsil-Nagina, District-Bijnor has deposited regulation fee of total Rs.1,65,350/- for soil excavation for 20 paya (Challan dated 08-11-2021 enclosed as Annexure-4). The Secretary, Environment, Forests and Climate change, UP Govt. vide letter number 446/81-7-2020-39(Paya)/2014 TC-1 dated 01.05.2020 (Letter enclosed as Annexure-5), it has been mentioned that- "The process of excavating ordinary soil by hand operation or by hand operation for making bricks and pottery shall not come under mining operations, provided that the depth of the pits resulting from such excavation or mining shall not exceed 2 meters."
- It has been found during joint inspection that soil has been excavated from the side of the land of Mohd. Rafhat Naeem up to 18 meters in length in Gata no.-12, village Abbul Khairpur and 05 meters in length in Gata No.-15 Village-Abbul Khairpur, whose depth is 4.5 feet in both Gata numbers. No excavation was found during inspection in gata no.-35mi village Said Alipur, Tehsil-Nagina, District-Bijnor.

M. M. M. M.  
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M. M. M. M.

FOR  
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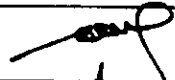


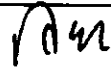
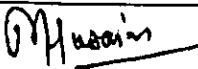
DAFO

- It has been found during joint inspection that the complainant's agriculture land has been affected by mining of about 4.5 feet deep in the agricultural land of other farmers which is located adjacent the agricultural land of the complainant Mr. Rafhat Naeem Siddiqui. (Photograph attached as Annexure-6).

### 3. Observations of the Joint Committee:

- In compliance of notification dated-22.02.2022 issued by Ministry of Environment, Forest and Climate Change, Government of India, the said brick kiln should be converted into zig-zag technology within 02 years from the date of notification.
- Brick kiln should not be operated till it gets the valid consent to operate from UPPCB.
- Ambient and stack Monitoring will be done by UPPCB during operational condition of brick kiln.
- Provision should be made by brick kiln owner to ensure no soil erosion from nearby land, for which permission of soil excavation is not provided. Same may be verify by Revenue department/Mining department/Agriculture department.

Report is being submitted for kind perusal and necessary action.

S. No.	Name	Designation	Signature
1	Shailendra Kumar	SDM, Nagina, District-Bijnor.	
2	Avdhesh Mishra	District Agriculture Officer, Bijnor.	
3	Brijesh Kumar Gautam	Mining Inspector, Bijnor.	
4	B.K. Singh	Regional Officer, U.P. Pollution Control Board, Bijnor.	
5	Mahir Husain	Assistant Environment Engineer U.P. Pollution Control Board, Bijnor.	



# उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड

क्षेत्रीय कार्यालय: महर्षि दयानन्द नगर, निकट सैण्टमेरी स्कूल, आदगपुर-घक्कर रोड, बिजनौर-248701

सन्दर्भ सं० : 972/N-43/अनरल-2023

दिनांक : 12-01-2023

सेवा में,

जिला कृषि अधिकारी,  
जनपद बिजनौर।

विषय : मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. सं० 359/2022 रफत नईम सिद्दीकी बनाम स्टेट ऑफ यू.पी. एवं अन्य में पारित आदेश दिनांक 28.09.2022 के अनुपालन के संबंध में।

महोदय,

कृपया उपरोक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. सं० 359/2022 रफत नईम सिद्दीकी बनाम स्टेट ऑफ यू.पी. एवं अन्य में पारित आदेश दिनांक 28.09.2022 (छायाप्रति संलग्न), का संदर्भ ग्रहण करने का कष्ट करें। मा० अधिकरण द्वारा पारित आदेश के प्रस्तर-04 में उल्लिखित बिन्दुओं पर आख्या प्रेषित किये जाने के निर्देश दिये गये हैं। अतः आपसे अनुरोध है कि पारित आदेश में प्रस्तर-04 (सबपैरा-iii) के संबंध में कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें, जिससे कि मा० अधिकरण के आदेशों का पालन सुनिश्चित हो सके।

संलग्नक: यथोपरि।

भवदीय

(विकास मिश्र)

क्षेत्रीय अधिकारी

प्रतिलिपि : मुख्य पर्यावरण अधिकारी (वृत्त-7), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

प्रति,

निदेशक,

भूतत्व एवं खनिकर्म निदेशालय, लखनऊ

अभिलेख संख्या: लखनऊ/

संख्या: 550

सदस्य सचिव,

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,

लखनऊ।

संख्या: 550 एम० ईट-भट्टा/2021-22

दिनांक 23 जनवरी, 2023

विषय: भूतत्व एवं खनिकर्म विभाग द्वारा जारी अधिसूचना नई दिल्ली में विचाराधीन ओ०ए० सं० 359/2022 रफअत नईम

संबंधित विषयक विचारों के अभाव में उत्तर प्रदेश सरकार द्वारा जारी अधिसूचना नई दिल्ली में विचाराधीन ओ०ए० सं० 359/2022 रफअत नईम

संबंधित

कृपया उपर्युक्त विषयक अपर मुख्य सचिव/प्रमुख सचिव, कृषि/भूतत्व एवं खनिकर्म/राजस्व विभाग, उ०प्र० शासन को सम्बोधित अपने पत्र संख्या-जी39945/सी-7/ओ०ए० नं०-359/22/2023 दिनांक 12.01.2023, जिसकी प्रति ई-मेल के माध्यम से इस निदेशालय को प्रेषित की गयी है, का सन्दर्भ ग्रहण करने का कष्ट करे, उक्त पत्र के माध्यम से गान्धीय राष्ट्रीय हरित अधिकरण नई दिल्ली में विचाराधीन ओ०ए० सं० 359/2022 रफअत नईम विषयक विचारों के अभाव में उत्तर प्रदेश सरकार द्वारा जारी अधिसूचना नई दिल्ली में विचाराधीन ओ०ए० सं० 359/2022 रफअत नईम के अन्तर्गत उपलब्ध कराये जाने का अनुरोध किया गया है।

बिन्दु सं० 4(iii) Whether measure are required to be taken for conservation of soil for agricultural purposes by prohibiting excavation of top soil for brick making require due consideration for taking of appropriate measures for protection and improvement of the environment.

इस सम्बन्ध में अवगत कराना है कि प्रदेश में निर्माण कार्य में भराई के साथ-साथ ईंटों के निर्माण में मिट्टी का प्रयोग होता है। ईंट मिट्टी की निकासी समान्यतः ऊपरी सतह से 4-5 फीट तक की गहराई तक का जाता है। उल्लेखनीय है कि उ०प्र० उपखनिज (परिहार) नियमावली, 2021 के नियम-3 के प्राविधानों के अनुसार 02 मी० की गहराई तक हस्तचालन विधि से ईंट मिट्टी/साधारण मिट्टी निकालने की प्रक्रिया, खनन सक्रिया के अन्तर्गत नहीं आती है अतएव ईंट मिट्टी की निकासी हेतु उक्त नियमावली के प्राविधानों के अन्तर्गत परिहार प्राप्त करने की अनिवार्यता नहीं है। ईंट मिट्टी की निकासी के दौरान कुछ क्षेत्रों में ऊपरी सतह पर लगभग 20 से०मी० का गहराई में उपलब्ध मिट्टी को हटाने के उपरान्त उपलब्ध मिट्टी से ईंटों का निर्माण किया जाता है। उक्त सतह से हटाई गई मिट्टी, जिसे एकत्रित कर रखा जाना होता है, में पेड़-पौधों के अवशेष विद्यमान रहते हैं। ईंट निर्माण के उपरान्त ऐसी मिट्टी को निकासी किये गये क्षेत्र में पुनः फैलाया नहीं जाता है। कृषि योग्य भूमि के संरक्षण हेतु आवश्यक है कि ईंट मिट्टी की निकासी के उपरान्त क्षेत्र को पुनर्भराव (Reclamation) कराये जाने हेतु ऊपरी सतह की एकत्र मिट्टी को ईंट मिट्टी की निकासी के उपरान्त उसी क्षेत्र में फैला दिया जाना उचित होगा। अतः उपरोक्तानुसार भूतत्व एवं खनिकर्म विभाग की आख्या/अभिमत आवश्यक कार्यवाही हेतु प्रेषित है।

भवदीय

(अमित कौशिक)  
सयुक्त निदेशक  
कृते निदेशक।

संख्या: 550 / एम०-ईट-भट्टा / 2021-22 तारीख: दिनांक:

प्रति: सचिव भूतत्व एवं खनिकर्म विभाग, उत्तर प्रदेश शासन, लखनऊ, को सूचनाार्थ प्रेषित।

(अमित कौशिक)  
सयुक्त निदेशक  
कृते निदेशक।

07-01-2023

2 वा 1

श्री लाल अचकार

पत्रांक.....  
दिनांक 07-01-2023  
पत्रापली सं N-43 | जनरल

उठ ३० ३ दूषण नियम-पत्रा खास  
बिजगाट

महोदय निवेदन है कि मैं अकारण पुत्र भ्रष्ट मिलने  
रनाथ निवास नगर अल्कतुल शकपुर 14 साल  
महाराज जिला बिजगाट का पार्सनेर है अकारण करण  
है कि इस नगर इलेक्ट्रिकल संचालन वतमात्र में  
खंड है, इलेक्ट्रिकल संचालन मस 25 म 292  
2023 से लिया जाग है पर द्वारा नगर सरकार  
कि अडिशनल डिगन 222-22 के अनुपालन में  
इलेक्ट्रिकल संचालन 2023 तक ~~मिशन~~ जिगा/सेंग  
में पारिवर्त कर लिया जायगा।

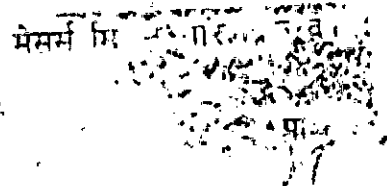
डिगन  
07-1-23

AEE/SA

नवादिप

श्री अचकार

मिलनसाल निम्न  
नाम - अल्कतुल शकपुर  
14 साल के महाराज  
जिला - बिजगाट



**Uttar Pradesh Pollution Control Board**

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

L71184/UPPCB/Bijnore(UPPCBRO)/CTO/both/BIJNOR/2022

Date: 09/12/2022

To,

M/s

**MILANSAR BRICK WORKS****VILLAGE-ABUL KHAIRPUR, TEHSIL-NAGINA, DISTT.-BIJNOR  
,BIJNOR,246762****Application Id-  
18815837**

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **MILANSAR BRICK WORKS** located at **VILLAGE-ABUL KHAIRPUR, TEHSIL-NAGINA, DISTT.-BIJNOR ,BIJNOR,246762.** subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1- This CCA MILANSAR BRICK WORKS granted for the period from 02/12/2022 to 31/07/2027 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Bricks 20000 No./day	20000	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Industrial	Zero	NA	NA
Domestic	01 KLD	Septic Tank	Irrigation of green belt with in premises

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

**Industrial Effluent Quality Standard**

S.No.	Parameter	Standard
1	pH	6.5-9.0
2	COD	250 mg/l
3	BOD	30 mg/l

4	Oil & Grease	10 mg/l
5	Total Suspended Solids	100 mg/l

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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### 3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

#### Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Brick Kiln	Coal/Wood 03 Ton/day	1	Particulate Matter	30 Meter Stack Height from Ground Level and Gravitational settling chamber as APCS

#### Emmission Quality Standards

S No.	Stack no	Parameters	Standards
1	1	Particulate Matter	As per norms.

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

### 4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

#### **General Conditions:-**

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.

2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.

3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.

4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.

5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof

6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.

7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.

8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.

9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.

10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.

11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point

12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

**Specific Conditions:-**

The Brick Kiln shall ensure strict compliance with all terms & conditions with consent and compliance report submitted within one month and then be sure to submit with a gap of 03 months.

1. This CTO is being granted to M/s MILANSAR BRICK WORKS, VILLAGE-ABUL KHAIRPUR, TEHSIL-NAGINA, DISTT.-BIJNOR for 20000 Bricks Per Day. This CTO will be VOID if there is any change in the above-mentioned address or product. The applicant shall make an application along with the prescribed fee for renewal consent(CTO) at least 30 days before the operation of the unit.
2. The brick kiln shall ensure to comply with the provisions of guidelines issued by the MoEF & CC Date 22-02-2022 and accordingly shall be converted into Zig Zag technology.
3. This Consent is being issued in the compliance of the direction issued by the Head Office of the UPPCB vide letter no. H81095/C-6/Saa-207/Ent Bhatta Nodal/2022 Date 13-09-2022 regarding special camp.
4. The Brick Kiln should be use coal as fuel in the process. Organics, solvents, Petcock, Hazardous waste & Other waste, Plastic Rubber Leather etc are not allowed to use as a fuel in the Brick Kiln.
5. A thick green belt of trees of suitable species shall be developed in multi lineate staggered manner on a minimum 33% of the land on which the industry is established. as per the "Protocol for Development of Green Belt" notified vide Board Office Order No.H16405/220/2018/02 dated. 16.02.2018 in this regard and available at URL [http://www.uppcb.com/pdf/GreenbeltGuidle\\_160218.pdf](http://www.uppcb.com/pdf/GreenbeltGuidle_160218.pdf).
6. Industry shall ensure adequate plantation and green belt within its premises and submit the compliance report within three months.
7. The operation of Brick Kiln should be such way that produce emission should not have any adverse effect on the nearby environment or the population.
8. If Consent fees due shall be deposited by Net Banking or Debit card.
9. The Brick Kiln shall ensure the water sprinkling three or four times daily in Brick Kiln campus for control of dust emission.
10. The Brick Kiln complying the Hon; ble National Green Tribunal, New Delhi order O.A. No.718/2017 dated 09.10.2019.
11. The Brick Kiln complying the order of Hon; ble High Court, Allahabad Dt. 03.12.2014 & Hon; able National Green Tribunal, New Delhi order Dt. 14.01.2015.
12. The Brick Kiln should submit the stack emission & ambient air monitoring report with every three month positively to the board by approved Laboratory.
13. The Brick Kiln should developed proper pacca roads in the premises of Brick Kiln to avoid the dust emission from transportation of the vehicles.
14. Brick kiln shall proper maintain flue gas monitoring platform/porthole/ladder attached to stack at all times. If the said platform/porthole/ladder is not found to be in operational conditions, then the consent can be cancelled.
15. In case of any public grievance against the Brick Kiln and confirmation of the same, then CTO certificate my be cancelled.
16. The Brick kiln unit shall be submit the stack emission & ambient air monitoring report within one month in operation condition of the brick kiln positively to the board by approved Laboratory.
17. This consent is issued purely from environmental angle and the Board will not be responsible for any claim, counter claim, ownership, partnership, land dispute etc of the unit.
18. At least 20% bio fuel such as bio brackets must be used in your brick kiln as per availability.
19. The Brick Kiln shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
20. The Board have right to modify any conditions as and when require in compliance of any change in Environmental Guidelines and Hon' ble Court orders passed time to time.

21. Brick Kiln shall comply with Solid Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016.
22. The Brick Kiln will submit revised lease deed one month prior to the expiry of the same. If the brick kiln fails to submit the revised/extended lease deed one month prior to the expiry of the same, then the earlier consent fee deposited by the Brick Kiln will stand forfeited and the brick kiln will have to apply fresh consent along with the requisite consent fee.
23. Ash content should be used for low lying land filling in a scientific manner.
24. The brick kiln shall be comply the conditions regarding fly ash utilization notified by MOEF & CC Govt. of India from time to time.
25. Brick kiln shall provide permission to this office issued by Zila Panchayat, GST and Mining Department within three month from date of issue of this consent to operate.
26. Brick kiln shall not operate D.G set without acoustic enclosure.
27. This consent is valid only quantity mentioned above. Unit shall obtain prior approval before making any modification in product/ process /fuel / plant machinery failing which consent deemed to be cancelled.
28. Industry shall abide by directions given by Hon'ble Supreme Court, Hon'ble High Court, Hon'ble National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
29. Entire moving area around the Brick kiln should be paved with the bricks to minimize the fugitive dust emission from Brick kiln operations.
30. Unit shall obtained NOC for abstraction of ground water from UP Ground water department and submit in this office within 03 month.
31. That the Brick kilns shall comply the order dated 8-4-2022 passed by Hon'ble Supreme court in writ petition no. 18213/2021 NCR Brick kilns Association vs. Central Pollution Control Board and others and notification dated 22-2-2022 issued by Ministry of Environment Forest And Climate Change.
32. The Brick Kiln shall also comply the orders passed by Hon'ble Supreme court, Hon'ble High court and Hon'ble N.G.T.pertaining to brick klin.
33. The Brick Kiln shall be comply the order pass by Hon'ble N.G.T. in OA No.-359/2022 Rafhat Naeem Siddiqui V/s State of U.P.
34. Unit shall submit compliance above mentioned points on quarterly basis, otherwise this CTO certificate may be cancelled.
35. In case of failure to comply with any of the consent conditions, the consent order issue to you may be cancelled without any notice on this behalf.

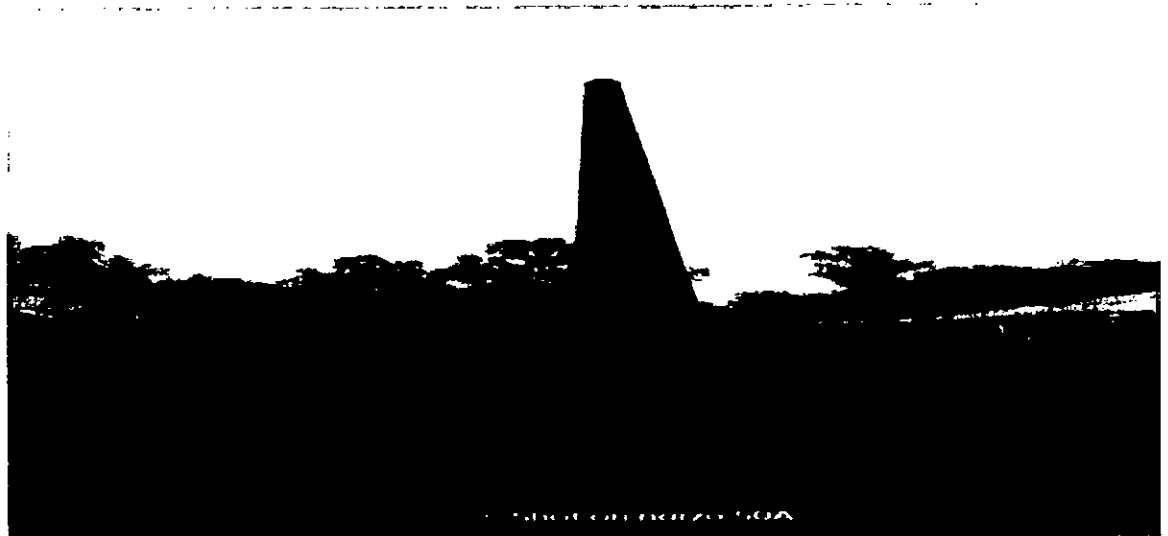
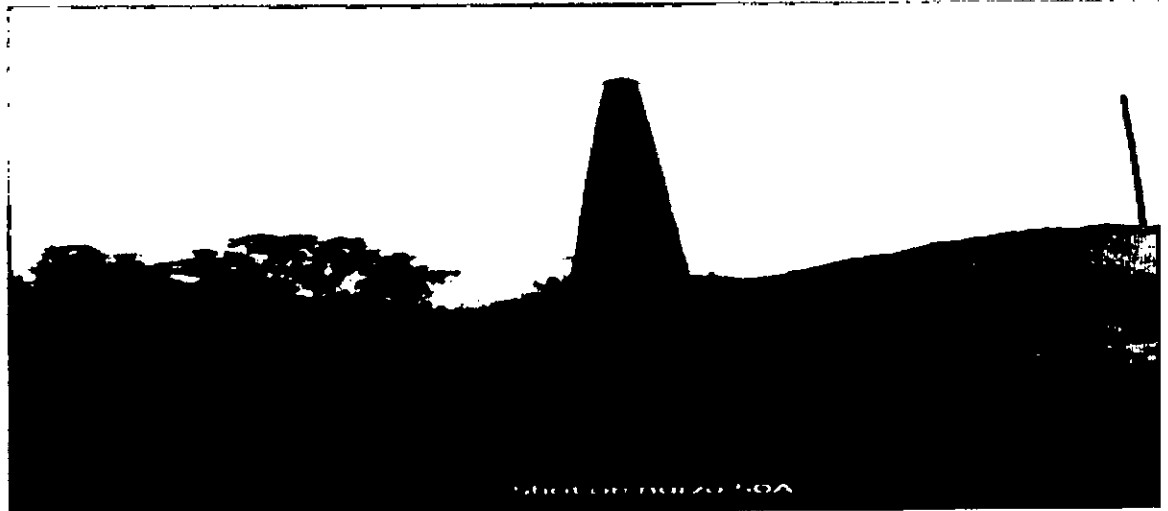
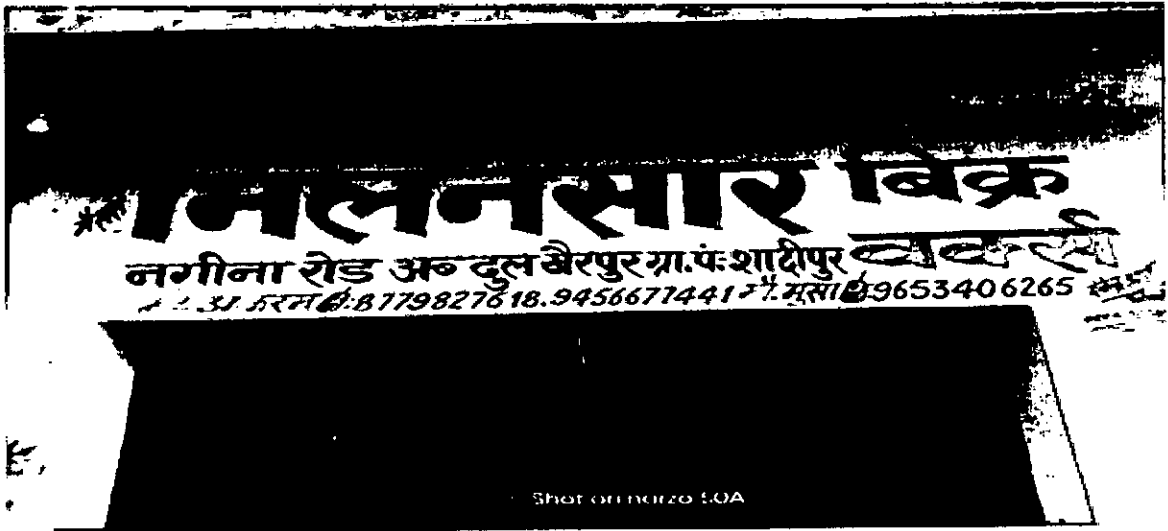
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MISHRA  
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Regional Officer

Copy to:

Chief Environment Officer, Circle-7, U.P. Pollution Control Board, Lucknow.

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Regional Officer

M/s. Milansar Brick Works, Village-Abbul Khairpur, Tehsil-Nagina, District- Bijnor.  
Photographs dated 09.01.2023



S.A.  
09/01/23  
S.A.