

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 202 of 2024

IN THE MATTER OF:

Sh. Pramod Kumar

.....Applicant

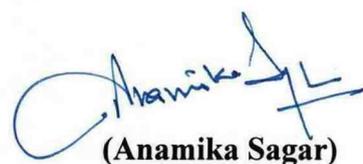
Versus

Central Pollution Control Board & Ors.

.....Respondents

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| 1. | Reply on behalf of Respondent No. 1, CPCB in compliance to the Hon'ble NGT, PB order dated 01.03.2024 in OA No. 202 of 2024, Sh. Pramod Kumar Vs. Central Pollution Control Board & Ors. | |
| 2. | Annexure -I: "Collectively" A copy of Hon'ble Supreme Court orders dated 08.04.2022, 13.05.2022, 27.02.2023, 05.1.2024 & 19.04.2024. | |
| 3. | Annexure -II: A copy of the MoEF&CC notification dated 22.02.2022. | |
| 4. | Annexure-III: "Collectively" A copy of Commission for Air Quality Management (CAQM) directions dated 02.06.2022 and 23.06.2022. | |
| 5. | Annexure -IV: A copy of Hon'ble NGT order dated 01.03.2024. | |



(Anamika Sagar)

Scientist-'E'

Central Pollution Control Board,
 Parivesh Bhawan, East Arjun Nagar
 Delhi- 110032.

Date: 03.05.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Original Application No. 202 of 2024**

IN THE MATTER OF:

Pramod Kumar

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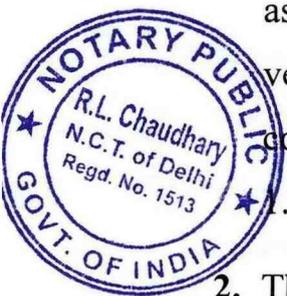
...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 1, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH

1. That I, in capacity of Scientist "E" of Central Pollution Control Board (hereinafter referred to as "CPCB"), have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to make this reply on behalf of Respondent No.

2. That, I have read and understood the averments made by the Applicant in synopsis, list of dates, grounds and annexures enclosed with the Original Application (hereinafter referred to as "OA") and at the outset it is respectfully submitted that all averments/contentions/submissions made against the Answering Respondent in the present OA are denied unless specifically admitted by the Answering Respondent.



3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under The Water Act, 1974, The Air (Prevention and Control) Act, 1981 and The Environment (Protection) Act, 1986.
4. That the averments made under Para Nos. 1 to 3 of the OA are about the introduction of the applicant, who runs a transport carrier business and is a permanent resident of Sarurpur Kalan, Baghpat, Uttar Pradesh (UP), National Capital Region (hereinafter referred to as "NCR"). The applicant has filed this application for seeking orders directing respondent nos. 1 to 5 to inspect the brick kilns situated in Bhatta market area at Sarurpur Kalaan, Baghpat, UP, NCR and to seize the stock of coal lying at the premises of such brick kilns. The coal is being used as fuel in such brick kilns w.e.f. March, 2024, in violation of the order dated 17.02.2021 passed by the Hon'ble National Green Tribunal (Principal Bench) (hereinafter referred to as "NGT") in OA No. 1016/2019 titled as Utkarsh Panwar Vs. CPCB & Ors. It is a matter of record, hence need no reply from this Answering Respondent.
5. That the averments made under Para No. 4 (4.1) of the OA is regarding information that the applicant is often hired by various brick kilns owners for transporting their bricks to various places in Baghpat, Faridabad, Gurugram, Noida, Delhi and other cities in NCR. It is a matter of record, hence need no reply from this Answering Respondent.
6. That the averments made under Para Nos. 4 (4.2-4.4) of the OA are about the Hon'ble NGT order dated 17.02.2021 passed in OA No. 1016/2019: Utkarsh Panwar Vs. CPCB & Ors., whereby it was directed that no brick kiln in NCR including the area of Baghpat is permitted to use coal as fuel and will be operational only during March to June in a year with zig-zag



technology. In this regard, it is humbly submitted that Hon'ble NGT passed order dated 17.02.2021 in OA No. 1016/2019, Para 16 & 21 of the order is reproduced below:

“para 16.....as already observed in the beginning of this order, the data in Table 15 in the CPCB report shows that in severe condition, coal fired brick kilns using Zig-Zag technology are not suitable in view of carrying capacity of the region. Only from March to June, limited number of brick kilns operated by Zig-Zag technology can be permitted...”

“para 21.....needless to say, those brick kilns which switch over to PNG will be entitled to operate even beyond months of March to June and even beyond limited number mentioned, subject to compliance with law..”



The above final judgment and order dated 17.02.2021 passed by the Hon'ble NGT in OA No. 1016/2019 had been appealed before the Hon'ble Supreme Court of India by various Brick Kiln Associations and individuals through 06 Civil Appeals (Diary Nos. 18213/2021, 20331/2021, 7535/2021, 7670/2021, 23486/2021 and 7667/2021).

The Hon'ble Supreme Court vide its orders dated 08.04.2022, 13.05.2022, 27.02.2023 05.01.2024 and 19.04.2024 directed that operation of brick kilns in NCR districts be allowed only for 04 months i.e 01st March to 30th June of each subsequent year with valid consent & declared production capacity, which have adopted zig-zag technology and are complying the conditions of Ministry of Environment, Forest and Climate Change (hereinafter referred to as "MoEF&CC") notification dated 22.02.2022. A copy of Hon'ble Supreme Court orders

dated 08.04.2022, 13.05.2022, 27.02.2023, 05.01.2024 & 19.04.2024 are annexed as **Annexure-I** "collectively".

The MoEF&CC Notification issued vide GSR No. 143(E), dated 22.02.2022 (supra) stipulates that;

(i) all new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making

(ii) for existing brick kilns, the said brick kilns shall be converted to zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making with in given time line, and

(iii) brick kiln shall use only approved fuel.

A copy of the above stated MoEF&CC notification dated 22.02.2022 is annexed as **Annexure-II**.



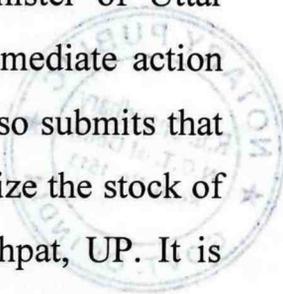
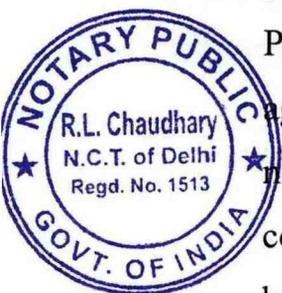
Further, it is humbly submitted that, the Commission for Air Quality Management in NCR & Adjoining areas (hereinafter referred to as "CAQM") vide direction no. 64 dated 02.06.2022 directed industries to switch over to biomass or PNG latest by 30.09.2022 (for industries in area in NCR where PNG infrastructure/supplies are available) and by 31.12.2022 (for industries in areas in NCR where PNG infrastructure/supplies are not available), failing which such industries shall be closed down and not permitted to schedule their operations. Also, CAQM vide direction no. 65, dated 23.06.2022 issued a standard list of approved fuels in NCR. A copy of CAQM directions dated 02.06.2022 and 23.06.2022 is annexed as **Annexure-III** "collectively".

7. That the averments made under Para Nos. 4 (4.5-4.8) in the OA is regarding the applicant's visit to various brick kilns for procuring order

and marketing purpose in December, 2023 and January, 2024. During the visit applicant found heaps of coal lying at the premises of such brick kilns. In this regard, it is submitted that the Hon'ble NGT vide its order dated 01.03.2024, in the above mentioned matter (OA No. 202/2024, Pramod Kumar Vs. CPCB & Ors.) directed "*....Uttar Pradesh Pollution Control Board (hereinafter referred to as "UPPCB") to get the inspection of the area done, ascertain the truthfulness of the allegations made in the OA, find out the number of brick kilns which are operating in the area and which the using coal as fuel and submit the report at-least one week before the next date of hearing*". It is humbly submitted that, this may suitably be replied by the Respondent no. 2 and thereby, no comments are offered by this Answering Respondent.

8. That the averments made under Para Nos. 4 (4.9-4.11) & 5 of the OA pertains to the details of e-mail sent to the Chief Minister of Uttar Pradesh and District Magistrate, Baghpat, UP to take immediate action against the brick-kilns using coal as fuel. The applicant also submits that no action has been taken by the authorities to inspect or seize the stock of coal lying in the premises of various brick kilns at Baghpat, UP. It is humbly submitted that, this may suitably be replied by the Respondent no. 3 and Respondent no. 5 and hence, need no reply from this Answering Respondent.

9. That the averments made under Para Nos. 6 & 7 of the OA related to the concern of applicant that all the brick kilns owners (400 approximately) may burn 100 tons of coal each day, thereby deteriorating the air quality, therefore requesting this Hon'ble NGT to pass an order for inspection of the brick kilns situated at Baghpat, UP. It is humbly submitted that submission made at Para no. 7 are re-iterated in this regard.



10. That the averments made under Para No. 8 are about the details of Respondent Nos. 12 and 13 their influence over the public authorities. Since, it does not refer to this Answering Respondent and hence, need no reply from this Answering Respondent.
11. That the averments made under Para Nos. 9 (A-L) refers to the grounds for filing this application. It is humbly submitted that reply in this regard is already provided in above paras and not reiterated here for the sake of brevity.
12. That in view of the above submissions, the CPCB/Respondent no. 01 humbly submits that it shall abide by any orders or directions passed by this Hon'ble NGT in the instant OA.




(Anamika Sagar)
Scientist-'E'



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Original Application No. 202 of 2024

IN THE MATTER OF:

... Pramod Kumar

Versus

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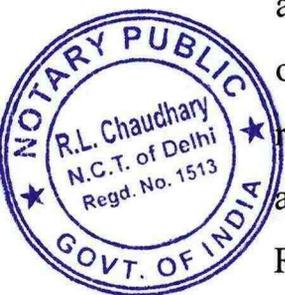
....Respondents

AFFIDAVIT

I, Anamika Sagar, D/o Shri D. P. Singh , aged 54 years, currently working as Scientist 'E' in the Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032, the Respondent No. 01 in the above matter (hereinafter referred to as "CPCB" or "Answering Respondent") do hereby solemnly affirm and declare as under:

1. That I, in capacity of Scientist 'E' of CPCB, have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to affirm this reply on behalf of Respondent No 1.

2. That, I have read and understood the averments made by Applicants in synopsis, list of dates, grounds and annexures enclosed with the Original Application and at the outset it is respectfully submitted that all



averments/contentions/submissions made in the present Application are denied unless specifically admitted by the answering respondent.



Anamika Sagar
DEPONENT

अनामिका सागर / Anamika Sagar
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

03 MAY 2024

Verified at Delhi on this day of May, 2024 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 therein.

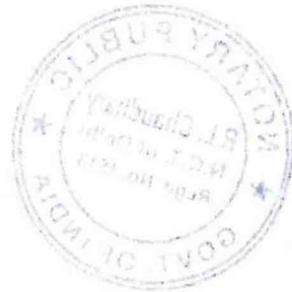
Anamika Sagar
DEPONENT

ATTESTED
[Signature]
NOTARY PUBLIC
GOVT. OF INDIA

03 MAY 2024

03 MAY 2024

अनामिका सागर / Anamika Sagar
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032



'Revised for appearance'

ITEM NO.42

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No. 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021
in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

WITH

Diary No(s). 20331/2021 (XVII)

Diary No(s). 7535/2021 (XVII)

Diary No(s). 7667/2021 (XVII)

Diary No(s). 7670/2021 (XVII)

Diary No(s). 23486/2021 (XVII)

Date : 08-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROYFor Petitioner(s) Mr. Nidhesh Gupta, Sr. Adv.
Ms. Pallavi Singh, Adv.
Ms. Japneet Kaur, Adv.
Ms. Vriti Gujral, Adv.
Mr. G. Balaji, AORMr. Sanjay Rathi, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Vibhav Mishra, Adv.
Mr. Parmanand Gaur, AORMr. Neeraj Kumar Jain, Sr. Adv.
Mr. Sanjay Singh, Adv.

CA Diary No. 18213/2021 etc.

Mr. Aniket Jain, Adv.
Mr. Umang Shankar, AOR
Mr. Subodh Gupta, Adv.
Mr. Deepak Gupta, Adv.

Mr. S. P. Singh, Sr. Adv.
Mr. Omveer Bhati, Adv.
Mr. Mukesh Kumar Singh, Adv.
M/S. Mukesh Kumar Singh and Co., AOR

For Respondent(s)

Mrs. Swarupama Chaturvedi, AOR
Ms. Saumya Yapoor, Adv.
Ms. Himanshi Goel, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kr. Sharma, Adv.
Mr. Bhuwan Chandra, Adv.

Mr. Sanjay Kumar Visen, AOR

Ms. Pooja Dhar, AOR

Mr. Varinder Kumar Sharma, AOR

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, Adv.
Ms. Gunjan Ahuja, Adv.
Mr. Pratul Pratap Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

After hearing the learned counsel on behalf of the parties which includes Shri Rohan, learned counsel, we are of the view that the following order is required to be passed keeping in view, undoubtedly, the interest of the environment, and factoring in both the interests of the persons who are running the brick kiln industry and the employees who would be

CA Diary No. 18213/2021 etc.

working therein.

We bear in mind the averments in the affidavit dated 25.03.2022 filed by the Central Pollution Control Board. Therein, in para 7, it is stated that 2164 units, which are located in Uttar Pradesh and Haryana, have been on inspection found to have zig zag technology in place. But Shri Rohan, learned counsel for the applicant before the National Green Tribunal, would point out that about 115 out of them did not have the consent to operate. We further take into consideration again what is pointed out by Shri Rohan that out of 2164 units, about 221 units have not admittedly declared their production capacity.

Therefore, those units which have the consent to operate and have also declared the production capacity out of the 2164, are permitted to operate subject to the following conditions. In other words, we make it clear that those out of 2164 units, which have not obtained consent to operate and those units which have not declared their production capacity, shall not be permitted to operate.

The permission to operate will be subject to the following conditions:

CA Diary No. 18213/2021 etc.

(1) The production will be permitted only subject to the units complying with notification dated 22.02.2022. For the sake of clarity, we quote the same:

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION
New Delhi, the 22nd February, 2022**

G.S.R.143(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. Short Title and commencement: -

(1) These rules may be called the Environment (Protection) Amendment Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in the SCHEDULE-I, for entry at Sl. No. 74, the following entry shall be substituted, namely: -

| | | | |
|-----|-------------|---|--|
| "74 | Brick Kilns | Particulate matter in stack emission | 250 mg/Nm ³ |
| | | Minimum stack height (Vertical Shaft Brick Kilns) -Kiln capacity less than 30,000 bricks per day | 14 m (at least 7.5m from loading platform) |
| | | -Kiln capacity equal or more than 30,000 bricks per day | 16 m (at least 8.5m from loading platform) |
| | | Minimum stack height (Other than Vertical Shaft Brick Kilns) | |

CA Diary No. 18213/2021 etc.

| | | | |
|--|--|---|------|
| | | -Kiln capacity less than 30,000 bricks per day | 24 m |
| | | -Kiln capacity equal or more than 30,000 bricks per day | 27 m |

Notes:

1.All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.

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.

3.All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.

4.Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.

5.Particulate Matter (PM) results shall be normalized at 4% CO₂ as below: $PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\%$

CA Diary No. 18213/2021 etc.

of CO₂ measured in stack), no normalization in case CO₂ measured \geq 4%. Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.

7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.

8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.

9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.

10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.

11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.

12. Vehicles shall be covered during transportation of raw material/bricks".

[F. No. Q-15017/35/2007-CPW]
NARESH PAL GANGAWAR, Addl. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844(E), dated the 19th November, 1986

CA Diary No. 18213/2021 etc.

and lastly amended vide number G.S.R. 724(E), dated the 04th October, 2021”

(2) The Officers of both Central Pollution Control Board and the State Pollution Control Boards shall conduct surprise inspections without any notice and warning to the persons running the units from time to time to ensure that the production is being carried out in terms of the aforesaid notification.

(3) Production will be further subject to the condition that it will be limited to the production capacity as per the consent granted by the respective State Pollution Control Boards as has been in fact documented in the compliance affidavit dated 06.04.2022 (Annexure R2) filed by respondent No. 2.

As an example, we would take the case of M/s. Shiv Brick Field, Pura Mahadev, Bagpat. Production will be limited to six lakhs for this unit. In similar vein other units will be entitled to undertake production, as per the consent granted by State Pollution Control Board in the affidavit which is filed by the Pollution Control Board.

CA Diary No. 18213/2021 etc.

(4) The persons running the units shall report at the end of every cycle, the actual total production which has been carried out in their units (arising out of each cycle) to the respective State Pollution Control Boards. The State Pollution Control Boards shall promptly intimate the Central Pollution Control Board, the said figures and on the date of the next hearing, the Central Pollution Control Board will produce a chart showing the production so that the Court may analyse as to whether there is a violation of this Court's order.

(5) The Central Pollution Control Board and the State Pollution Control Board will monitor the impact of the pollution which is generated as a result of the units being permitted to operate, and actually carrying out the production in such form as is measurable.

List the matters on 06th May, 2022.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER

CA Diary No. 18213/2021 etc.

ITEM NO.42

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No. 18213/2021

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NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

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Mr. Parmanand Gaur, AOR

Mr. Neeraj Kumar Jain, Sr. Adv.
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Mr. Subodh Gupta, Adv.
Mr. Deepak Gupta, Adv.

Mr. G. Balaji, AOR

CA Diary No. 18213/2021 etc.

Mr. S. P. Singh, Sr. Adv.
 Mr. Omveer Bhati, Adv.
 Mr. Mukesh Kumar Singh, Adv.
 M/S. Mukesh Kumar Singh and Co., AOR

For Respondent(s)

Mrs. Swarupama Chaturvedi, AOR
 Ms. Saumya Yapoor, Adv.
 Ms. Himanshi Goel, Adv.

Mr. Pradeep Misra, AOR
 Mr. Daleep Dhyani, Adv.
 Mr. Suraj Singh, Adv.
 Mr. Manoj Kr. Sharma, Adv.
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UPON hearing the counsel the Court made the following
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After hearing the learned counsel on behalf of the parties which includes Shri Rohan, learned counsel, we are of the view that the following order is required to be passed keeping in view, undoubtedly, the interest of the environment, and factoring in both the interests of the persons who are running the brick kiln industry and the employees who would be working therein.

We bear in mind the averments in the affidavit dated 25.03.2022 filed by the Central Pollution Control Board.

CA Diary No. 18213/2021 etc.

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1. Short Title and commencement: -

(1) These rules may be called the Environment (Protection) Amendment Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2.In the Environment (Protection) Rules, 1986, in the SCHEDULE-I, for entry at Sl. No. 74, the following entry shall be substituted, namely: -

| | | | |
|-----|-------------|--|--|
| "74 | Brick Kilns | Particulate matter in stack emission | 250 mg/Nm ³ |
| | | Minimum stack height (Vertical Shaft Brick Kilns) -Kiln capacity less than 30,000 bricks per day | 14 m (at least 7.5m from loading platform) |
| | | -Kiln capacity equal or more than 30,000 bricks per day | 16 m (at least 8.5m from loading platform) |
| | | Minimum stack height (Other than Vertical Shaft Brick Kilns) -Kiln capacity less than 30,000 bricks per day | 24 m |
| | | -Kiln capacity equal or | 27 m |

CA Diary No. 18213/2021 etc.

| | | | |
|--|--|---------------------------------|--|
| | | more than 30,000 bricks per day | |
|--|--|---------------------------------|--|

Notes:

1.All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.

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.

3.All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.

4.Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.

5.Particulate Matter (PM) results shall be normalized at 4% CO₂ as below: $PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of } CO_2 \text{ measured in stack})$, no normalization in case $CO_2 \text{ measured} \geq 4\%$. Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

6.Brick kilns should be established at a minimum distance

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of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.

7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.

8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.

9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.

10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.

11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.

12. Vehicles shall be covered during transportation of raw material/bricks".

[F. No. Q-15017/35/2007-CPW]
NARESH PAL GANGAWAR, Addl. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844(E), dated the 19th November, 1986 and lastly amended vide number G.S.R. 724(E), dated the 04th October, 2021"

(2) The Officers of both Central Pollution Control Board and

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the State Pollution Control Boards shall conduct surprise inspections without any notice and warning to the persons running the units from time to time to ensure that the production is being carried out in terms of the aforesaid notification.

(3) Production will be further subject to the condition that it will be limited to the production capacity as per the consent granted by the respective State Pollution Control Boards as has been in fact documented in the compliance affidavit dated 06.04.2022 (Annexure R2) filed by respondent No. 2.

As an example, we would take the case of M/s. Shiv Brick Field, Pura Mahadev, Bagpat. Production will be limited to six lakhs for this unit. In similar vein other units will be entitled to undertake production, as per the consent granted by State Pollution Control Board in the affidavit which is filed by the Pollution Control Board.

(4) The persons running the units shall report at the end of every cycle, the actual total production which has been carried out in their units (arising out of each cycle) to the

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respective State Pollution Control Boards. The State Pollution Control Boards shall promptly intimate the Central Pollution Control Board, the said figures and on the date of the next hearing, the Central Pollution Control Board will produce a chart showing the production so that the Court may analyse as to whether there is a violation of this Court's order.

(5) The Central Pollution Control Board and the State Pollution Control Board will monitor the impact of the pollution which is generated as a result of the units being permitted to operate, and actually carrying out the production in such form as is measurable.

List the matters on 06th May, 2022.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER

ITEM NO.30

COURT NO.9

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021
in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

WITH

Diary No(s). 20331/2021 (XVII)

Diary No(s). 7535/2021 (XVII)

Diary No(s). 7667/2021 (XVII)

Diary No(s). 7670/2021 (XVII)

Diary No(s). 23486/2021 (XVII)

Diary No(s). 11747/2022 (XVII)

(With IA No.68237/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.68236/2022-EX-PARTE STAY and IA No.68235/2022-
PERMISSION TO FILE APPEAL)

Date : 13-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For parties

Mr. Parmanand Gaur, AOR

Mr. Neeraj Kumar Jain, Sr. Adv.

Mr. Aniket Jain, Adv.

Mr. Subodh Gupta, Adv.

Mr. Deepak Gupta, Adv.

Mr. Umang Shankar, AOR

Mr. Nidhesh Gupta, Sr. Adv.

Ms. Pallavi Singh, Adv.

Ms. Nidhi Gupta, Adv.

Ms. Vriti Gujral, Adv.
Mr. Sanjeev Chaudhary, Adv.
Mr. G. Balaji, AOR

Mr. S. P. Singh, Sr. Adv.
Mr. Raunak Parekh, Adv.
Mr. Omvir Singh Bhati, Adv.
Mr. C. Kannan, Adv.
Ms. Divya Singhvi, Adv.
Ms. Kajal Rani, Adv.
Mr. Mukesh Kumar Singh, Adv.

M/s. Mukesh Kumar Singh and Co., AOR

Mrs. Swarupama Chaturvedi, AOR
Ms. Saumya Kapoor, Adv.
Ms. Himanshi Goel, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Manoj Kumar Sharma, Adv.

Mr. Anil Grover, Sr. Adv.
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Ms. Ritu Rastogi, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Suresh Kumar Bhan, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.

Mr. Y. D. Sharma, Sr. Adv.
Ms. Pushpa Kumari Mishra, Adv.
Mr. Amitabh Poddar, Adv.
Mr. Kumar Gaurav, Adv.
Ms. Sweety Dubey, Adv.
Mr. Rajnish Kumar Jha, AOR
Ms. Deepika Sharma, Adv.

Mr. Varinder Kumar Sharma, AOR
Mr. P. K. Singh, Adv.
Mr. Shantanu Sharma, Adv.
Mr. Vijay Pal, Adv.

Mr. Mahesh Kasana, Adv.
Ms. Aparna Rohatgi Jain, Adv.
Dr. S. K. Verma, Adv.

Mr. Pallav Shishodia, Sr. Adv.
Mr. Shashank Bajpai, Adv.
Mr. Somesh Tiwari, Adv.
Ms. Shakun Sudha Shukla, Adv.
Ms. Vidula Mehrotra, Adv.
Mr. Utsav Saxena, Adv.
Mr. Shubhankar Singh, Adv.
Mr. Dhananjay Tewari, Adv.
Ms. Manisha Ambwani, AOR

UPON hearing the counsel the Court made the following
O R D E R

Read order dated 06th May, 2022.

Today when the matter came up, we have heard the learned counsel appearing for the parties.

Compliance affidavit has been filed on behalf of the Central Pollution Control Board (CPCB), UP Pollution Control Board and Haryana State Pollution Control Board.

It is pointed out that the test conducted based on the order dated 06.05.2022 has yielded results in regard to Baghpat and Jhajjar. With regard to Ghaziabad, test could not be completed and will be completed within a few days from 16.05.2022. We record the submission of Ms. Swarupama Chaturvedi, learned counsel appearing for CPCB, in this regard.

Regarding the high level pollution depicted from the unit which was inspected at Jhajjar, there is some debate. It is contended on behalf of Shri Nidhesh Gupta, learned senior counsel appearing on behalf of the appellant, that it may not be correct.

Whereas, Shri Rohan, learned counsel appearing for the

applicant in NGT, would paint an alarmist position. One of the submissions was that there must be reduction in the capacity. Another suggestion made was that units must be permitted to operate on a staggered basis.

It is further pointed out by Ms. Swarupama Chaturvedi, learned counsel, that CPCB is working on the modalities in coordination with IIT Delhi for the purpose of monitoring the units through satellite. This project will be put in place within a period of two weeks from today in at least a few grids. We order that Jhajjar will be one of them where the surveillance through satellite will be done within two weeks from today and that all the units will be brought under the satellite recognizance within two months.

Learned counsel for the CPCB would point out that in regard to 26 units in Gautam Budh Nagar, affidavit has been filed indicating that the State Pollution Control Board has informed the CPCB of the production capacity. In regard to another set of 29 falling in Hapur, CPCB has received information about the production capacity from the UP State Pollution Control Board. In synchronization with this submission, Shri Pallav Shishodia, learned senior counsel appearing on behalf of the persons who are running these units, would pray that they may be also permitted to operate subject to the same conditions as others have been permitted to operate.

We are inclined to accept the request in regard to the

26+29 units as aforesaid subject to what we will indicate.

Though the larger question relating to these units operating on a staggered basis and by reducing the capacity has to be dealt with, we feel that since we are inclined to allow the operation of the units only till 30th June, 2022, for the time being, we need not place these restrictions on the units which we are permitting to operate. In regard to these aspects, CPCB and the State Pollution Control Boards as also the appellants besides and no doubt, the applicant before the NGT, will make available their valuable inputs when the matter is taken up for considering the question of operation of these units in future.

Another aspect which has been brought out is that many units are using agricultural residue as fuel for running the brick kilns. It is pointed out that in regard to Bhagpat where the test was conducted, surprisingly low level of pollution in comparison with the unit at Jhajjar has emerged. It is sought to be pointed out that this could be due to the use of agricultural residue also along with the coal.

We record the submission of Shri Nidhesh Gupta, learned senior counsel, that, in fact, 95 per cent of the units are making use of agricultural residue also. We would expect that in view of the rather encouraging results revealed from the test conducted at Baghpat, the units will make every attempt to make use of maximum amount of agricultural residue along with coal so that the prospect of the threat to

environmental pollution is reduced to the minimum possible.

We further make it clear that the units are permitted to operate only till 30th June, 2022, subject to all the conditions imposed in earlier orders.

We add two conditions for the units to be allowed to operate:

(1) All units will provide platforms for conducting the monitoring of the pollution having minimum dimension of 4 feet by 6 feet.

(2) The diameter of the portholes in all the units shall be not less than 4-5 inches diameter.

We further direct that in all the units portholes must be of the size we have indicated. Surprise inspections as envisaged in the earlier orders are to be continuously conducted with utmost vigour and action in terms of the inspections conducted shall be taken by the appropriate authority.

The platform and the portholes of the size we have indicated shall be put in place, if not already put in place within a period of maximum 10 days from today.

In Diary No. 11747/2022, issue notice. Ms. Swarupama Chaturvedi, learned counsel, takes notice on behalf of CPCB and Mr. Rohan, learned counsel takes notice on behalf the applicant before the NGT. Counter affidavit may be filed in the said case.

CA Diary No. 18213/2021 etc.

Counter affidavit may also be filed in Diary No. 23486/2021.

List the matter on 25th July, 2022.

Learned counsel appearing on behalf of the UP State Pollution Control Board, on instructions, submits that the UP State Pollution Control Board has already conducted 524 surprise inspections and action has also been taken as per law and 299 units have been closed down.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER

ITEM NO.49+52

COURT NO.16

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021 in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION**Petitioner(s)****VERSUS****CENTRAL POLLUTION CONTROL BOARD & ORS.****Respondent(s)**

IA No. 113626/2021 - AMENDMENT IN CAUSE TITLE
IA No. 113624/2021 - APPLICATION FOR TAKING ON RECORD
IA No. 167370/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 13898/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 176106/2022 - CLARIFICATION/DIRECTION
IA No. 25284/2023 - CLARIFICATION/DIRECTION
IA No. 25311/2023 - CLARIFICATION/DIRECTION
IA No. 103803/2021 - EX-PARTE STAY
IA No. 103804/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

IA No. 42892/2022 - EXEMPTION FROM FILING O.T.
IA No. 100876/2022 - EXEMPTION FROM FILING O.T.
IA No. 10731/2023 - EXEMPTION FROM FILING O.T.
IA No. 186593/2022 - EXEMPTION FROM FILING O.T.
IA No. 42890/2022 - INTERVENTION APPLICATION
IA No. 170476/2022 - INTERVENTION APPLICATION
IA No. 67159/2022 - INTERVENTION APPLICATION
IA No. 186591/2022 - INTERVENTION APPLICATION
IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
IA No. 7992/2023 - MODIFICATION OF COURT ORDER
IA No. 28742/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 100875/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 10727/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 52090/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 103800/2021 - PERMISSION TO FILE APPEAL)

Signature Not Verified
 Digitally signed by
 Deepak Singh
 Date: 2023.02.28
 17:46:13 IST
 Reason: I AM

Diary No(s). 20331/2021 (XVII)**IA No. 174452/2022 - CLARIFICATION/DIRECTION****IA No. 174447/2022 - CLARIFICATION/DIRECTION**

IA No. 104689/2022 - CLARIFICATION/DIRECTION
 IA No. 100750/2022 - CLARIFICATION/DIRECTION
 IA No. 126087/2021 - EX-PARTE STAY
 IA No. 126088/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 126086/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7535/2021 (XVII)

IA No. 124597/2021 - EX-PARTE STAY
 IA No. 75241/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 124600/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 75399/2022 - EXEMPTION FROM FILING O.T.
 IA No. 75242/2022 - EXEMPTION FROM FILING O.T.
 IA No. 75398/2022 - MODIFICATION
 IA No. 75238/2022 - MODIFICATION OF COURT ORDER
 IA No. 124595/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7670/2021 (XVII)

IA No. 85897/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 85895/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 126800/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 126797/2021 - PERMISSION TO FILE APPEAL
 IA No. 126798/2021 - STAY APPLICATION)

Diary No(s). 7667/2021 (XVII)

IA No. 99973/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 130615/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 99975/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67910/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67909/2022 - MODIFICATION OF COURT ORDER
 IA No. 130614/2021 - PERMISSION TO FILE APPEAL
 IA No. 130617/2021 - STAY APPLICATION)

Diary No(s). 23486/2021 (XVII)

IA No. 136286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 136288/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 136287/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 11747/2022 (XVII)

IA No. 14518/2023 - CLARIFICATION/DIRECTION
 IA No. 68236/2022 - EX-PARTE STAY
 IA No. 68237/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT

IA No. 81168/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 68235/2022 - PERMISSION TO FILE APPEAL)

W.P.(C) No. 367/2022 (X)

IA No. 73683/2022 - EXEMPTION FROM FILING O.T.
IA No. 167394/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6643-6644/2022 (XVII)

IA No. 82183/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 82179/2022 - GRANT OF INTERIM RELIEF)
C.A. No. 5787/2022 (XVII)

IA No. 179024/2022 - CLARIFICATION/DIRECTION
IA No. 100488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 100490/2022 - EXEMPTION FROM FILING O.T.
IA No. 100487/2022 - STAY APPLICATION)

CONMT.PET.(C) No. 733/2023

FOR ADMISSION and IA No.40734/2023-EXEMPTION FROM FILING O.T.)

Date : 27-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Nidhesh Gupta, Sr. Adv.
Ms. Pallavi Singh, Adv.
Ms. Japneet Kaur, Adv.
Ms. Vriti Gujral, Adv.
Mr. G. Balaji, AOR

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Ankit Jain, Adv.
Mr. Sanjay Singh, Adv.
Mr Subodh Gupta, Adv.

Mr. S P Singh Sr.adv, Adv.
Ms. Divya Singhvi, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Vipin Kumar Saxena, Adv.
Mr. Ashutosh Chaturvedi, Adv.
Mr. Vipin Sandu, Adv.
Mr. Ajit Kumar Pathak, Adv.
Mr. Jeetendra Kumar, Adv.

Mr. Kajal Rani, Adv.
Mr. Kunwar Siddharth Singh, Adv.
Mr. Chandrakant Sukumar Sarkar, Adv.
Mr. Ikshit Singhal, Adv.
Mr. Rajiv Kumar, Adv.
M/S. Mukesh Kumar Singh And Co., AOR

Mr. Sanjay Rathi, Adv.
Ms. Megha Gaur, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Vibhav Mishra, Adv.
Mr. Parmanand Gaur, AOR

Mr. Umang Shankar, AOR

Ms. Mohini Priya, AOR

Mr. Varinder Kumar Sharma, AOR
Mr. Yugal Kishor Prasad, Adv.
Mr. Shantanu Sharma, Adv.
Ms. Parul Sharma, Adv.
Mr. Bishan Dass, Adv.
Mr. Bikash Chandra, Adv.
Mr. Dharpal Saini, Adv.
Mr. Jay Prakash Yadav, Adv.
Mr. Pramod Kumar Singh, Adv.
Mr. R. D. Rathore, Adv.
Mr. Dinesh Mohan Sinha, Adv.
Mr. Jitendra Kumar Sah, Adv.

Mr. Abhinav S. Raghuvanshi, AOR

Ms. Manisha Ambwani, AOR
Mr. Pallav Sisodia, Sr. Adv.
Mr. Shashank Bajpai, Adv.
Ms. Vidula Mehrotra, Adv.
Mr. Utsav Saxena, Adv.
Mr. Shubhankar Singh, Adv.
Mr. Kaveesh Nair, Adv.
Mr. Aashna Mehra, Adv.
Ms. Aashna Mehra, Adv.
Mr. Supragya Ram Mishra, Adv.
Ms. Supragya Mishra, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Mantavya Sharma, Adv.

Mr. Sumit Kumar, Adv.
Mr. Avinash Mishra, Adv.

For Respondent(s)

Mrs. Swarupama Chaturvedi, AOR
Ms. Saumya Kapoor, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.

Mr. Azmat Hayat Amanullah, AOR
Mr. Nishant Awana, Adv.

Ms. Aparna Rohatgi Jain, Adv.
Mr. Mahesh Kasana, Adv.
Mr. S. K. Verma, AOR

Mr. B.k.satija, A.A.G.
Mr. Alok Sangwan, Sr. A.A.G.
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Sumit Kumar Sharma, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Rajat Sangwan, Adv.
Ms. Amrita Verma, Adv.
Ms. Sabarni Som, Adv.
Mr. Keshav Mittal, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Mantavya Sharma, Adv.
Mr. Mantaviya Sharma, Adv.

Ms. Nityana Mishra, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Niharika Dewivedi, Adv.
Ms. Shweta Sand, Adv.
Ms. Yamini Sharma, Adv.
Mr. Amit Kumar Chawla, Adv.

Mr. Diggaj Pathak, AOR
Mrs. Shweta Sharma, Adv.
Ms. Prachi Kohli, Adv.
Ms. Shubhi Pandey, Adv.

Mr. Sumit Kumar, AOR

Mr. Vijay Pal, Adv.
Mr. Vinay Kumar Aherodiya, Adv.
Mr. Amit Garg, Adv.
Mr. Om Prakash, Adv.
Mr. Pramod Kumar Singh, Adv.
Mr. Kundan Lal, Adv.

Mr. Deepankar, Adv.
Mr. Umang Tripathi, Adv.
Mr. Karunesh Kumar Shukla

Mr. Kailash Prashad Pandey, AOR
Mr. Rajnish Kumar Jha, AOR
Mr. Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

Learned counsel for the appellants have submitted that Brick Kilns in the concerned States start functioning from 1st of March of every year. Now as the 1st of March is approaching after two days, they would require urgent orders as have been granted for the previous years.

Reference has been made to two orders passed on 08.04.2022 and 13.05.2022 by which this Court had permitted the Brick Kilns in the concerned States to function for the year 2022 subject to certain terms and conditions laid down in those two orders. They have prayed for similar directions for the year 2023 also.

Learned Counsel appearing for the Central Pollution Control Board (CPCB) submits that upon applications being made by the respective Brick Kilns owners to the State Pollution Control Boards (SPCB), the SPCBs after due verification make their recommendation to the CPCB and thereafter CPCB after due verification grant clearance to the units which are all compliant and in case of any defects the same are to be removed and thereafter fresh consideration is made for such units.

Learned Counsel further pointed out that an affidavit was filed on last Thursday i.e. 23.02.2023 along with which list of all Brick Kilns is attached with comments against each of the Brick Kilns whether it is fully compliant or not. All those Brick Kilns which have defects, the same have also been mentioned therein. She further submits that the CPCB has no problem in all compliant Brick Kilns to start functioning from 1st March 2023. She further submits that a supplementary affidavit has been filed today which contains a revised list of the compliance status as some of the Brick Kilns in the meantime have removed the minor defects earlier existing. She further submits that any other Brick Kiln for which defects have been pointed out if the same are removed and they approach afresh through their respective SPCBs, their applications would also be considered in accordance with law at the earliest and appropriate orders would be issued so that they may start functioning after they are found to be fully compliant. Such compliance has to be tested on the basis of Notification dated 22nd February 2022 and the orders passed by this Court.

In view of the above, similar directions as contained in orders dated 08.04.2022 and 13.05.2022 would be applicable for the year 2023 also and all Brick Kilns which are found to be fully compliant by the CPCB may start their functioning strictly in accordance with the terms and conditions laid down in the above-mentioned two orders.

We further provide that all those Brick Kilns where defects have been pointed out may remove the defects and approach the SPCBs for reconsideration of their cases which would be appropriately considered by the SPCBs and CPCB in accordance with law with expediency.

It has also been pointed out by the learned counsel for the appellants that in the list provided by the CPCB in the affidavit filed on 23.02.2023 there are some factual errors which needs to be corrected. In this respect, the respective Brick Kilns may move appropriate application(s) before CPCB pointing out the errors which would be duly considered by the CPCB expeditiously and appropriate orders would be passed within a week from the date of receipt of the application(s) after due verification of facts.

List the matters for final disposal as agreed by the learned counsel for the parties, on 14th March 2023. In the meantime, pleadings may be completed.

CONMT.PET.(C) No.733/2023

List on 14th March 2023.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned judgment and order dated 17-02-2021 in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No. 113626/2021 - AMENDMENT IN CAUSE TITLE
IA No. 113624/2021 - APPLICATION FOR TAKING ON RECORD
IA No. 167370/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 13898/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 27518/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 25311/2023 - CLARIFICATION/DIRECTION
IA No. 176106/2022 - CLARIFICATION/DIRECTION
IA No. 25284/2023 - CLARIFICATION/DIRECTION
IA No. 103803/2021 - EX-PARTE STAY
IA No. 103804/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 100876/2022 - EXEMPTION FROM FILING O.T.
IA No. 10731/2023 - EXEMPTION FROM FILING O.T.
IA No. 186593/2022 - EXEMPTION FROM FILING O.T.
IA No. 42892/2022 - EXEMPTION FROM FILING O.T.
IA No. 67159/2022 - INTERVENTION APPLICATION
IA No. 25918/2023 - INTERVENTION APPLICATION
IA No. 186591/2022 - INTERVENTION APPLICATION
IA No. 42890/2022 - INTERVENTION APPLICATION
IA No. 170476/2022 - INTERVENTION APPLICATION
IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
IA No. 7992/2023 - MODIFICATION OF COURT ORDER
IA No. 28742/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 100875/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 10727/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 52090/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 103800/2021 - PERMISSION TO FILE APPEAL)

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Diary No(s). 20331/2021 (XVII)
 (IA No. 174447/2022 - CLARIFICATION/DIRECTION
 IA No. 104689/2022 - CLARIFICATION/DIRECTION
 IA No. 100750/2022 - CLARIFICATION/DIRECTION
 IA No. 174452/2022 - CLARIFICATION/DIRECTION
 IA No. 126087/2021 - EX-PARTE STAY
 IA No. 126088/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 126086/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7535/2021 (XVII)
 (IA No. 124597/2021 - EX-PARTE STAY
 IA No. 75241/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 124600/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 75242/2022 - EXEMPTION FROM FILING O.T.
 IA No. 75399/2022 - EXEMPTION FROM FILING O.T.
 IA No. 75398/2022 - MODIFICATION
 IA No. 75238/2022 - MODIFICATION OF COURT ORDER
 IA No. 124595/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7670/2021 (XVII)
 (IA No. 85897/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 85895/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 126800/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 126797/2021 - PERMISSION TO FILE APPEAL
 IA No. 126798/2021 - STAY APPLICATION)

Diary No(s). 7667/2021 (XVII)
 (IA No. 99973/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 130615/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 67910/2022 - EXEMPTION FROM FILING O.T.
 IA No. 99975/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67909/2022 - MODIFICATION OF COURT ORDER
 IA No. 130614/2021 - PERMISSION TO FILE APPEAL
 IA No. 130617/2021 - STAY APPLICATION)

Diary No(s). 23486/2021 (XVII)
 (IA No. 136286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 136288/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 136287/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 11747/2022 (XVII)
 (IA No. 14518/2023 - CLARIFICATION/DIRECTION
 IA No. 68236/2022 - EX-PARTE STAY
 IA No. 68237/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 81168/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES**IA No. 68235/2022 - PERMISSION TO FILE APPEAL)****W.P.(C) No. 367/2022 (X)****(IA No. 73683/2022 - EXEMPTION FROM FILING O.T.****IA No. 167394/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)****C.A. No. 6643-6644/2022 (XVII)****(IA No. 82183/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT****IA No. 82179/2022 - GRANT OF INTERIM RELIEF)****CONMT.PET.(C) No. 733/2023 (XVII)****(IA No. 40734/2023 - EXEMPTION FROM FILING O.T.)****C.A. No. 5787/2022 (XVII)****(IA No. 179024/2022 - CLARIFICATION/DIRECTION****IA No. 100488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT****IA No. 100490/2022 - EXEMPTION FROM FILING O.T.****IA No. 100487/2022 - STAY APPLICATION)****Date : 05-01-2024 These matters were called on for hearing today.****CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY****HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA****For Petitioner(s)****Mr. Sanjay Rathi, Adv.****Ms. Megha Gaur, Adv.****Mr. Vibhav Mishra, Adv.****Mr. Parmanand Gaur, AOR****Mr. Neeraj Kumar Jain, Sr. Adv.****Mr. Aniket Jain, Adv.****Mr. Subodh Gupta, Adv.****Mr. Vidyut Kayaritar, Adv.****Mr. Deepak Gupta, Adv.****Mr. Umang Shankar, AOR****Mr. Nidhesh Gupta, Sr. Adv.****Ms. Vriti Gujral, Adv.****Ms. Pallavi Singh, Adv.****Mr. G. Balaji, AOR****Ms. Mohini Priya, AOR****Mr. Varinder Kumar Sharma, AOR****M/S. Mukesh Kumar Singh And Co., AOR****Mr. S P Singh, Sr. Adv.****Mr. Mukesh Kumar Singh, Adv.**

Mr. Lohit Kumar Bimal, Adv.
 Mr. Raghav Kumar Bimal, Adv.
 Mr. Narendra Kumar Goyal, Adv.
 Mr. Maneesh Saxena, Adv.
 Mr. Yatish Yadav, Adv.
 Ms. Komal Singh, Adv.
 Mr. Chandrakant Sukumar Sarkar, Adv.
 Mr. Vineet Singh, Adv.

Mr. Rohan Thawani, Adv.
 Ms. Pooja Dhar, AOR
 Mr. Pratul Pratap Singh, Adv.
 Ms. Aakriti Vikas, Adv.
 Ms. S. Ambica, Adv.

Mr. Abhinav S. Raghuvanshi, AOR

Mr. Shashank Bajpai, Adv.
 Mr. Shubhankar Singh, Adv.
 Mr. Somesh Tiwari, Adv.
 Mr. Utsav Saxena, Adv.
 Mrs. Vidula Mehrotra, Adv.
 Mr. Kaveesh Nair, Adv.
 Ms. Stuti Karwal, Adv.
 Ms. Aashna Mehra, Adv.
 Mr. Supragya Ram Mishra, Adv.
 Mr. Gopi Chand, Adv.
 Mr. Kartikey Singh, Adv.
 Ms. Rachael Tuli, Adv.
 Ms. Mahima Mukherjee, Adv.
 Mr. Amit Dubey, Adv.
 Dr. Neha Awasthi, Adv.
 Ms. Manisha Ambwani, AOR

For Respondent(s) Mrs. Swarupama Chaturvedi, AOR
 Mr. Saumya Kapoor, Adv.
 Ms. Aayush Shivam, Adv.

Mr. Pradeep Misra, AOR
 Mr. Daleep Dhyani, Adv.
 Mr. Suraj Singh, Adv.
 Mr. Manoj Kumar Sharma, Adv.

Mr. Nishant Awana, Adv.
 Ms. Rini Badoni, Adv.
 Mr. Niteen Kumar Sinha, AOR
 Mr. Hardik Choudhary, Adv.

Mr. S. K. Verma, AOR
 Mr. Mahesh Kasana, Adv.
 Ms. Aparna Rohtagi Jain, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Alok Sangwan, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Sumit Kumar Sharma, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Sabarni Som, Adv.
Mr. Rajat Sangwan, Adv.
Mr. Vaibhav Yadav, Adv.
Mr. Vishnu Tallapragada, Adv.
Mr. Vipul Dahiya, Adv.
Mr. Apoorv Yadav, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.
Ms. Aakriti Vikas, Adv.
Ms. S. Ambica, Adv.

Mr. Diggaj Pathak, AOR

Mr. Rajesh Pathak, Adv.
Mr. Sumit Kumar, AOR

Mr. Kailash Prashad Pandey, AOR
Mr. Vijya Pal, Adv.
Mr. Umang Tripathi, Adv.
Mr. Rajesh Kumar Rath, Adv.
Mr. Raj Vir Singh, Adv.
Mr. Dilip Kumar, Adv.
Mr. Kothapally Jagdish, Adv.
Mr. Mahendra Singh, Adv.

Mr. Rajnish Kumar Jha, AOR
Mr. Ilin Saraswat, Adv.
Mr. Mahendra Kumar, Adv.
Ms. Ilma Saifi, Adv.
Ms. Samiksha Sharma, Adv.

Mr. Varinder Kumar Sharma, AOR
Mr. Shantanu Sharma, Adv.
Ms. Deeksha Gaur, Adv.
Mr. Y K Prasad, Adv.
Mr. Bishan Dass, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel appearing for the parties. The interim

order dated 27.02.2023 was passed in these proceedings which enables the concerned brick kilns to function during the operational period i.e., 01.03.2023 to 30.06.2023.

Prayer is made for extension of the said interim order dated 27.02.2023 also for the same operational period of the year 2024, by the learned counsel for the appellant(s). Such permission for this year is granted with the same conditions.

The terms under which the brick kilns can operate are already set out in our earlier order dated 27.02.2023 and also in the orders dated 08.04.2022 and 13.05.2022 respectively. The brick kilns are expected to ensure compliance with the notification dated 22.02.2022 of the Ministry of Environment, Forest and Climate Change of India. It is further reiterated that the State Pollution Control Board must also continue to monitor the brick kilns including surprise inspection as was earlier ordered.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

ITEM NO.60

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021 in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

IA No. 113626/2021 - AMENDMENT IN CAUSE TITLE
 IA No. 113624/2021 - APPLICATION FOR TAKING ON RECORD
 IA No. 167370/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 13898/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 27518/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 25311/2023 - CLARIFICATION/DIRECTION
 IA No. 176106/2022 - CLARIFICATION/DIRECTION
 IA No. 25284/2023 - CLARIFICATION/DIRECTION
 IA No. 103803/2021 - EX-PARTE STAY
 IA No. 103804/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

IA No. 186593/2022 - EXEMPTION FROM FILING O.T.
 IA No. 42892/2022 - EXEMPTION FROM FILING O.T.
 IA No. 100876/2022 - EXEMPTION FROM FILING O.T.
 IA No. 10731/2023 - EXEMPTION FROM FILING O.T.
 IA No. 25918/2023 - INTERVENTION APPLICATION
 IA No. 186591/2022 - INTERVENTION APPLICATION
 IA No. 42890/2022 - INTERVENTION APPLICATION
 IA No. 170476/2022 - INTERVENTION APPLICATION
 IA No. 67159/2022 - INTERVENTION APPLICATION
 IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
 IA No. 7992/2023 - MODIFICATION OF COURT ORDER
 IA No. 52090/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 28742/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 100875/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 10727/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 103800/2021 - PERMISSION TO FILE APPEAL)

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Diary No(s). 20331/2021 (XVII)

(IA No. 174452/2022 - CLARIFICATION/DIRECTION
 IA No. 174447/2022 - CLARIFICATION/DIRECTION
 IA No. 104689/2022 - CLARIFICATION/DIRECTION
 IA No. 100750/2022 - CLARIFICATION/DIRECTION
 IA No. 126087/2021 - EX-PARTE STAY
 IA No. 126088/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 126086/2021 - PERMISSION TO FILE APPEAL)

W.P.(C) No. 367/2022 (X)

IA No. 73683/2022 - EXEMPTION FROM FILING O.T.
 IA No. 167394/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)
 C.A. No. 6643-6644/2022 (XVII)

IA No. 82183/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 82179/2022 - GRANT OF INTERIM RELIEF)

C.A. No. 5787/2022 (XVII)

IA No. 179024/2022 - CLARIFICATION/DIRECTION
 IA No. 100488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 100490/2022 - EXEMPTION FROM FILING O.T.
 IA No. 100487/2022 - STAY APPLICATION)

Diary No(s). 7535/2021 (XVII)

IA No. 124597/2021 - EX-PARTE STAY
 IA No. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 75241/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 124600/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 75399/2022 - EXEMPTION FROM FILING O.T.
 IA No. 75242/2022 - EXEMPTION FROM FILING O.T.
 IA No. 75398/2022 - MODIFICATION
 IA No. 75238/2022 - MODIFICATION OF COURT ORDER
 IA No. 124595/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7667/2021 (XVII)

IA No. 99973/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 130615/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

IA No. 99975/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67910/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67909/2022 - MODIFICATION OF COURT ORDER
 IA No. 130614/2021 - PERMISSION TO FILE APPEAL
 IA No. 130617/2021 - STAY APPLICATION)

Diary No(s). 7670/2021 (XVII)

IA No. 85897/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 85895/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 126800/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 126797/2021 - PERMISSION TO FILE APPEAL
 IA No. 126798/2021 - STAY APPLICATION)

Diary No(s). 23486/2021 (XVII)

IA No. 136286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 136288/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 136287/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 11747/2022 (XVII)

IA No. 14518/2023 - CLARIFICATION/DIRECTION
 IA No. 68236/2022 - EX-PARTE STAY
 IA No. 68237/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 81168/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 68235/2022 - PERMISSION TO FILE APPEAL)

CONMT.PET.(C) No. 733/2023 (XVII)

IA No. 40734/2023 - EXEMPTION FROM FILING O.T.)

Date : 19-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. S. P. Singh, Sr. Adv.
 M/S. Mukesh Kumar Singh And Co., AOR
 Mr. C. Kanan, Adv.
 Mr. Omveer Bhati, Adv.
 Mr. Mukesh Kumar Singh, AOR

Mr. Narendra Kumar Goyal, Adv.
 Mr. Chandrakant Sukumar Sarkar, Adv.
 Mr. Ikshit Singhal, Adv.
 Mr. Pawan Kumar Dhiman, Adv.
 Mr. Ankur Mishra, Adv.
 Ms. Sujata K Muni, Adv.
 Ms. Namrata Choudhary, Adv.
 Ms. Kajal Rani, Adv.
 Ms. Varsha Joshi, Adv.

Mr. Rohan Thawani, Adv.
 Ms. Pooja Dhar, AOR
 Ms. Aakriti Vikas, Adv.

Mr. Abhinav S. Raghuvanshi, AOR
 Ms. Manisha Ambwani, AOR

Mr. Sanjay Rathi, Adv.
 Mr. Deepak Khatri, Adv.
 Ms. Megha Gaur, Adv.
 Mr. Vibhav Mishra, Adv.
 Mr. Parmanand Gaur, AOR

Mr. Neeraj Kumar Jain, Sr. Adv.
 Mr. Umang Shankar, AOR

Mr. Nidhesh Gupta, Sr. Adv.
 Ms. Vriti Gujral, Adv.
 Mr. G. Balaji, AOR
 Ms. Jyotika Malhotra, Adv.

Ms. Mohini Priya, AOR

Mr. Varinder Kumar Sharma, AOR
 Mr. Shantanu Sharma, Adv.
 Ms. Deeksha Gaur, Adv.

For Respondent(s) Ms. Swarupama Chaturvedi, Sr. Adv.
 Ms. Anupama Chaturvedi, Sr. Adv.
 Ms. Saumya Kapoor, Adv.
 Ms. Aayush Shivam, Adv.
 Mr. Aayush Gautam, Adv.
 Mr. Aditya Pandey, Adv.
 Mr. Tahir Ashraf Siddiqui, Adv.
 Mr. Tahir Ashraf Siddiqui, AOR

Mr. Pradeep Misra, AOR

Mr. Suraj Singh, Adv.
Mr. Bhuwan Chandra, Adv.

Mr. S. K. Verma, AOR
Mr. Mahesh Kasana, Adv.
Ms. Aparna Rohatgi, Adv.

Mr. Nishant Awana, Adv.
Mr. Niteen Kumar Sinha, AOR
Ms. Rini Badoni, Adv.
Ms. Priya Pachouri, Adv.
Mr. Sahil, Adv.
Mr. Mayank Choudhary, Adv.
Mr. Sumit Kumar, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Alok Sangwan, Sr. A.A.G.
Mr. Sumit Kumar Sharma, Adv.
Mr. B.k. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Rajat Sangwan, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Nikunj Gupta, Adv.
Mr. Vaibhav Yadav, Adv.
Ms. Himanshi Sakhya, Adv.
Mr. Keshav Mittal, Adv.
Mr. Shanti Ranjan, Adv.
Ms. Bhavishya Ranjan, Adv.
Ms. Sabarni Som, Adv.
Mr. Surajit Paul, Adv.
Ms. Shashi Singh, Adv.
Ms. Mom Banerjee, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Ms. Aakriti Vikas, Adv.

Mr. Diggaj Pathak, AOR
Ms. Shweta Sharma, Adv.
Mr. Kushagra Goyal, Adv.

Mr. Sumit Kumar, AOR

Mr. Kailash Prashad Pandey, AOR
Mr. Vijya Pal, Adv.

Mr. Umang Tripathi, Adv.
 Mr. Raj Vir Singh, Adv.
 Mr. Pramod Kumar Singh, Adv.
 Mr. Shivkumar Ragunath Golwalkar, Adv.
 Mr. Rakesh Dubey, Adv.
 Mr. Deepankar, Adv.
 Mrs. Namrata Trivedi, Adv.
 Mr. Om Prakash, Adv.
 Mr. Mahendra Singh, Adv.
 Mrs. Kajal Kumari, Adv.
 Mr. Dushmanta Kumar Pradhan, Adv.
 Mr. Kailash Prashad Pandey, Adv.

Mr. Rajnish Kumar Jha, AOR
 Mr. Mahendra Kumar, Adv.
 Mr. Piyush Kumar, Adv.
 Mr. Rakesh Dubey, Adv.
 Mrs. Shambhavi Ranjan, Adv.
 Mr. Dilip Kumar, Adv.
 Mr. Santosh Kumar Jha, Adv.

Mr. Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. Applications seeking permission to file appeals are allowed.
2. It is submitted by learned counsel for the parties that necessary permission for the brick kilns to operate for this year was passed by this Court on 05.01.2024. The order (dated 05.01.2024) reads as follows:

"Heard learned counsel appearing for the parties. The interim order dated 27.02.2023 was passed in these proceedings which enables the concerned brick kilns to function during the operational period i.e. 01.03.2023 to 30.06.2023.

Prayer is made for extension of the said interim order dated 27.02.2023 also for the same operational period of the year 2024, by the learned counsel for

the appellant(s). Such permission for this year is granted with the same conditions.

The terms under which the brick kilns can operate are already set out in our earlier order dated 27.02.2023 and also in the orders dated 08.04.2022 and 13.05.2022 respectively. The brick kilns are expected to ensure compliance with the notification dated 22.02.2022 of the Ministry of Environment, Forest and Climate Change of India. It is further reiterated that the State Pollution Control Board must also continue to monitor the brick kilns including surprise inspection as was earlier ordered."

3. Noting the above, since it is a statutory appeal, the same stands admitted/rule nisi.

4. The interim order passed by this Court on 05.01.2024, as extracted above, will operate for the given period, i.e. 01st March to 30th June, of each subsequent years.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-22022022-233662
CG-DL-E-22022022-233662

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 140]
No. 140]

नई दिल्ली, मंगलवार, फरवरी 22, 2022/फाल्गुन 3, 1943
NEW DELHI, TUESDAY, FEBRUARY 22, 2022/PHALGUNA 3, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 फरवरी, 2022

सा.का.नि. 143(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) अधिनियम, 1986 का और संशोधन करते हुए निम्नलिखित नियम बनाती है: अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ :

- (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2022 है।
- (2) वे राजपत्र में उनके अंतिम प्रकाशन की तारीख से लागू होंगे।

2. पर्यावरण (संरक्षण) नियम, 1986 में, अनुसूची-1 में, क्रम सं. 74 पर प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्:-

| | | | |
|-----|----------|---|--|
| 74" | ईट भट्टे | चिमनी से उत्सर्जन में विविक्त पदार्थ | 250 मिलीग्राम/एनएम ³ |
| | | चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल साफ्ट) | 14 मीटर (लोडिंग प्लेटफॉर्म से कम से कम 7.5 मीटर) |
| | | - भट्टा क्षमता 30,000 ईट प्रतिदिन से कम | 16 मीटर (लोडिंग प्लेटफॉर्म से कम से कम 8.5 मीटर) |
| | | - भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक | |

| | | |
|--|---|---------|
| | चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल शाफ्ट के अलावा) | |
| | - भट्टा क्षमता 30,000 ईट प्रतिदिन से कम | 24 मीटर |
| | - भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक | 27 मीटर |

टिप्पणियां :

- सभी नए ईट भट्टों को केवल ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट के साथ होने की या ईट बनाने में ईंधन के रूप में पाइपड प्राकृतिक गैस के उपयोग की अनुमति दी जाएगी और इस अधिसूचना में निर्धारित मानकों का पालन करना होगा।
- विद्यमान ईट भट्टे जो ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट या ईट बनाने में ईंधन के रूप में पाइपड प्राकृतिक गैस (पीएनजी) के उपयोग का पालन नहीं कर रहे हैं, उन्हें (क) गैर-प्राप्ति शहरों के 10 किमी के दायरे में स्थित भट्टों के मामले में एक वर्ष (जैसा कि केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा यथापरिभाषित) (ख) अन्य क्षेत्रों के लिए दो वर्ष की अवधि के भीतर ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट में परिवर्तित किया जाएगा या पीएनजी का उपयोग ईट बनाने में ईंधन के रूप में किया जाएगा। इसके अतिरिक्त, ऐसे मामलों में जहां केन्द्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां ने रूपांतरण के लिए अलग से समय-सीमाएं निर्धारित की हैं, वहां ऐसे आदेश प्रभावी होंगे।
- सभी ईट भट्टे केवल अनुमोदित ईंधन जैसे कि पाइपड प्राकृतिक गैस, कोयला, ईंधन लकड़ी और/या कृषि अपशिष्टों का उपयोग करेंगे। पेट कोक, टायरों/प्लास्टिक/खतरनाक अपशिष्टों के उपयोग की अनुमति ईट भट्टों को नहीं दी जाएगी।
- उत्सर्जन की निगरानी के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित मापदंडों/रूपरेखा के अनुसार ईट-भट्टे स्थायी सुविधा (पोर्ट होल और प्लेटफार्म) का निर्माण करेंगे।
- विविक्त सामग्रियों (पीएम) के निष्कर्ष 4% CO₂ पर प्रसामान्य किए जाएंगे जो निम्नलिखित हैं:
पीएम (सामान्य) = (पीएम(मापित) X 4%)/ (चिमनी में मापित CO₂ का %, मापित CO₂ के मामले में $\geq 4\%$ कोई प्रसामान्यीकरण नहीं। चिमनी की ऊंचाई (मीटर में) भी $H = 14 Q^{0.3}$ सूत्र (जहां Q kg/hr में SO₂ उत्सर्जन दर है) द्वारा परिकलित की जाएगी, और अधिकतम दो को काम में ले सकेंगे।
- ईट भट्टों को आवासों और फलों के बागों से 0.8 कि.मी. की न्यूनतम दूरी पर स्थापित किया जाना चाहिए। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां आवास, जनसंख्या घनत्व, जल निकायों, संवेदनशील रिसेप्टर्स इत्यादि की निकटता का ध्यान रखते हुए स्थापित मापदंडों को सख्त बना सकते हैं।
- किसी क्षेत्र में भट्टों की अधिक संख्या से बचने के लिए मौजूदा ईट भट्टों से कम से कम एक किलोमीटर की दूरी पर ईट भट्टों को स्थापित किया जाना चाहिए।
- ईट भट्टों को संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां द्वारा निर्धारित उत्सर्जन प्रक्रिया/पलायक धूल उत्सर्जन नियंत्रण दिशा-निर्देशों का पालन करना होगा।
- ईट भट्टों से निकलने वाली राख को ईट बनाने में उसी परिसर के अंदर ही इस्तेमाल किया जाएगा।
- ईट भट्टे में ईट बनाने के लिए उपयोग की जाने वाली मिट्टी को निकालने के लिए संबंधित राज्य/संघ राज्य क्षेत्र के खनन विभाग सहित संबंधित प्राधिकरणों से सभी आवश्यक अनुमोदन प्राप्त किए जाएंगे।
- ईट भट्टा मालिक यह सुनिश्चित करेंगे कि कच्चे माल/ईटों के परिवहन के लिए उपयोग की जाने वाली सड़के पक्की सड़के हैं।
- कच्चे माल/ईटों के परिवहन के दौरान वाहनों को ढका जाएगा।”

[फा. सं. क्यू-15017/35/2007-सीपीडब्ल्यू]

नरेश पाल गंगवार, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i) में तारीख 19 नवंबर, 1986 के का.आ. 844 (अ) द्वारा प्रकाशित किए गए थे और 04 अक्टूबर, 2021 की अधिसूचना सा.का.नि. 724 (अ) द्वारा अंतिम बार संशोधित किए थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd February, 2022

G.S.R. 143(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. Short Title and commencement: -

- (1) These rules may be called the Environment (Protection) Amendment Rules, 2022.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in the SCHEDULE-I, for entry at Sl. No. 74, the following entry shall be substituted, namely: -

| | | | |
|----|-------------|--|--|
| 74 | Brick Kilns | Particulate matter in stack emission | 250 mg/Nm ³ |
| | | Minimum stack height (Vertical Shaft Brick Kilns) | |
| | | - Kiln capacity less than 30,000 bricks per day | 14 m (at least 7.5m from loading platform) |
| | | - Kiln capacity equal or more than 30,000 bricks per day | 16 m (at least 8.5m from loading platform) |
| | | Minimum stack height (Other than Vertical Shaft Brick Kilns) | |
| | | - Kiln capacity less than 30,000 bricks per day | 24 m |
| | | - Kiln capacity equal or more than 30,000 bricks per day | 27 m |

Notes :

1. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
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.
3. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
4. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
5. Particulate Matter (PM) results shall be normalized at 4% CO₂ as below:

$$PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of CO}_2 \text{ measured in stack}), \text{ no normalization in case CO}_2 \text{ measured} \geq 4\%.$$
 Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.
7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.
8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.
10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.
11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.
12. Vehicles shall be covered during transportation of raw material/bricks”.

[F. No. Q-15017/35/2007-CPW]

NARESH PAL GANGAWAR, Addl. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and lastly amended *vide* number G.S.R. 724(E), dated the 04th October, 2021.

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001

F. No. A-110018/01/2021-CAQM | 8045-8071

Dated: 2nd June, 2022

Subject: Permissible fuels for industrial applications in NCR.

WHEREAS, emissions from industries using polluting fuels like coal and Diesel oils etc. have adverse impact on air quality in the National Capital Region and Adjoining Areas and shifting of Industries to PNG/cleaner fuels has also been a priority for the Commission for Air Quality Management in NCR and adjoining areas;

2. WHEREAS, to this effect, the Commission, through statutory Directions No. 53, 62 and 63 dated 04.02.2022, 17.03.2022 and 18.05.2022 respectively issued to the State Governments of Haryana, Uttar Pradesh and Rajasthan and the GNCTD, *inter-alia*, in respect of industries in NCR directed that:

- (i) These shall completely switch over to PNG or biomass fuels, latest by 30.09.2022 (for industries in areas in NCR where PNG infrastructure / supply is available) and by 31.12.2022 (for industries in areas in NCR where PNG infrastructure / supply is not available), failing which such industries shall be closed down and not permitted to schedule their operations.
- (ii) The industries using biomass fuels shall adhere to the stipulated emission standards.
- (iii) Use of biomass fuels as an alternative option, in addition to PNG or other cleaner fuels, shall be permitted even in new / under commissioning industries in the NCR;
- (iv) Industries in the jurisdiction of GNCTD shall necessarily be run only on PNG or electricity.

3. WHEREAS, the Commission has further received submissions / representations from the following categories of industries citing that their

applications and technical process requirements call for much higher operating temperatures and / or calorific value of fuels as compared to those achieved through bio-mass fuels:

- (i) Standalone cupola-based foundries which mandatorily require a carbon feed stock, in addition to the fuel, have represented for permitting use of metallurgical coke, both as fuel and feedstock in cupola-based furnaces;
- (ii) Furnaces/Kilns involved in metal melting/smelting/ heating/refining processes have represented that the desired temperature/ Specific heat and calorific value would not be achieved through use of bio-mass fuels;

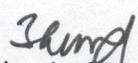
4. WHEREAS, the technical, technological and process requirements in the above two categories of industries and the respective emission characteristics of the proposed fuels have been examined and analysed in the Commission;

5. WHEREAS, the matter was also deliberated upon as a specific agenda item in the recently held meeting of the full Commission on 25.05.2022 and considering the need to optimally balance the imperatives of sustainability of industries as also the emissions from such industrial operations that have a direct bearing on the air quality, the Commission approved the proposal to also permit the aforementioned fuels as alternatives to PNG/Bio-mass fuels for industrial applications only in regions beyond the jurisdiction of GNCTD.

6. NOW, THEREFORE, in furtherance of Direction Nos. 53, 62 & 63, the Commission in exercise of its powers under Section 12 of the Act, considering the levels of emissions generally observed / achieved in respect of existing industries using such fuels viz. metallurgical coke and the family of low sulphur heavy stock fuels and based on extant related national/ international standards, hereby permit use of metallurgical coke in standalone cupola based furnaces and family of low sulphur heavy stock fuels in furnaces for metal heating / smelting / refining purposes respectively, only for regions in the NCR beyond the jurisdiction of GNCTD, subject

to the stricter emission norms and standards as under, to be complied with through technological upgrades and use of appropriate pollution control devices / systems:

| Parameter | Permissible Standards | |
|---------------------------------------|--|---|
| | Metallurgical coke (For Standalone Cupola Foundries) | Low Sulphur Fuels namely LSHS, Very Low Sulphur & Ultra-Low Sulphur fuel Oil (For metal smelting/melting/ refining / heating furnaces and kilns) |
| PM (mg/Nm ³) | 80 (Aim for achieving a level of 50 mg/Nm ³) | |
| SO ₂ (mg/Nm ³) | 50 | |
| NO _x (mg/Nm ³) | 50 | |
| CO | 1% max | |


 (Arvind Nautiyal)
 Member-Secretary
 Tel No.: 011-23701197
 Email: arvind.nautiyal@gov.in

To,

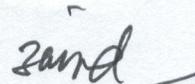
1. The ACS/Pr. Secretary, Industries Department, Govt of Haryana.
2. The ACS/Pr. Secretary, Industries Department, Govt of Rajasthan.
3. The ACS/Pr. Secretary, Industries Department, Government of Uttar Pradesh.
4. The ACS/Pr. Secretary, Industries Department, Government of NCT of Delhi.
5. Member Secretary, Haryana State Pollution Control Board.
6. Member Secretary, Rajasthan State Pollution Control Board.
7. Member Secretary, Uttar Pradesh State Pollution Control Board.
8. Member Secretary, Delhi Pollution Control Committee.

Copy to:

1. The Chief Secretary, Govt. of Haryana
2. The Chief Secretary, Govt. of Rajasthan
3. The Chief Secretary, Govt. of Uttar Pradesh
4. The Chief Secretary, Govt. of NCT of Delhi.

Copy also to:

The Chairperson and all Members, CAQM.


 (Arvind Nautiyal)
 Member-Secretary

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001

F. No. A-110018/01/2021-CAQM/8218-40

Dated: 23rd June, 2022

Subject: Standard list of approved fuels for various applications across NCR.

WHEREAS, emissions due to use of polluting fuels for various industrial, vehicular, domestic and miscellaneous purposes contribute significantly to the degradation of air quality in the NCR and adjoining areas and accordingly a consistent need has been felt to switch over to lesser polluting and cleaner fuel in the NCR;

2. WHEREAS, the Central Govt., State Govts. in the NCR and the Govt. of the NCT of Delhi have been continually making efforts to move towards use of cleaner fuels across various sectors contributing to the overall air quality in the region;

3. WHEREAS, the Govt. of NCT of Delhi and the State Govts. of Haryana and Rajasthan have an approved fuel list for various applications in their respective states, including the districts in the NCR, the State of Uttar Pradesh presently does not have an approved fuel list of its own;

4. WHEREAS, a perusal of such approved fuel lists as above indicates that there are still some heavily polluting fuels featuring in the approved fuel lists like coal, HSD, Naptha, LDO etc., the lists are not comprehensive, non-uniform and vary significantly from state to state;

5. WHEREAS, the matter related to use of clean fuels for industrial applications has already been deliberated extensively in the Commission from time to time and shifting of industries to PNG / cleaner fuels has been a priority area for the Commission and to this effect, statutory directions for permissible fuels for industrial applications in the NCR have already been issued in terms of Direction Nos. 53, 62, 63 and 64 dated 04.02.2022, 17.03.2022, 18.05.2022 and 02.06.2022 respectively;

2amd

6. WHEREAS, the concerns of air pollution are uniform across NCR and particularly from the standpoint of a common airshed approach for the entire NCR and adjoining areas, it is desirable to have a unified list of approved fuels for various applications across all sectors in the entire territorial jurisdiction of the NCR towards aiming for uniform and better emission standards and an overall improved air quality in the region;

7. WHEREAS, in pursuance of the Order of Hon'ble Supreme Court of India dated 16.12.2021 (Civil) No 1135 in the matter of Aditya Dubey (minor) and Anr v/s UOI & Ors, directed the Commission to with a view to "find permanent solution to the air pollution menace occurring every year in Delhi and NCR, suggestions may be invited from the general public as well as the experts in the field, an Expert Group was constituted by the Commission to examine and deliberate upon all such suggestions and proposals;

8. WHEREAS, the Expert Group in their report in the subject matter have also strongly recommended phasing out usage of heavily polluting fossil fuels like coal, diesel oil, light diesel oil (LDO), Pyrolysis oil, Naptha etc. across NCR and to this end, have recommended a "Common" approved fuel list for NCR, incorporating cleaner fuels, to the extent possible;

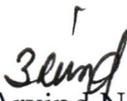
9. WHEREAS, the proposed standard / common fuel list for NCR was also deliberated upon as an agenda item in the recently held meeting of the full Commission on 25.05.2022 and considering the need to optimally balance the imperatives of sustainability of operations as also the emissions from use of various types/ categories of fuels that have a direct bearing on the air quality, the Commission approved the standard fuel list for uniform adoption of clean fuels across the entire NCR, barring some exceptions;

10. NOW, THEREFORE, in exercise of its powers under Section 12 of the Act, the Commission hereby directs for adoption of a standard list of fuels in NCR as annexed;

Handwritten signature

11. The aforesaid standard list of approved fuels shall come in force w.e.f. 01.10.2022 (for areas where PNG infrastructure and supply is already available) and w.e.f. 01.01.2023 (for other areas where the PNG supply is still not available). In effect, the approved fuel list shall be completely in force in the entire NCR w.e.f. 01.01.2023.

12. Strict compliance of the above noted directions of the Commission be ensured by all concerned.


(Arvind Nautiyal)
Member-Secretary

Tel No.: 011-23701197

Email: arvind.nautiyal@gov.in

To,

1. The Chief Secretary, Govt. of Haryana.
2. The Chief Secretary, Govt. of Rajasthan.
3. The Chief Secretary, Govt. of Uttar Pradesh.
4. The Chief Secretary, Govt. of NCT of Delhi.
5. Member Secretary, Haryana State Pollution Control Board.
6. Member Secretary, Rajasthan State Pollution Control Board.
7. Member Secretary, Uttar Pradesh State Pollution Control Board.
8. Member Secretary, Delhi Pollution Control Committee.

Copy to:

The Chairperson and all Members, CAQM.


(Arvind Nautiyal)
Member-Secretary

Standard list of approved fuels for entire NCR

- **Petrol** (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time- **Vehicular fuel**
- **Diesel** (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time- **Vehicular fuel**
- **Hydrogen/Methane-** Vehicular and Industrial purposes.
- **Natural Gas (CNG/ PNG/ LNG) – Vehicular, Industrial and Domestic Purposes**
- **Liquified Petroleum Gas (LPG) /Propane/Butane – Vehicular, Industrial and Domestic Purposes**
- **Electricity - Vehicular, Industrial, Commercial and Domestic Purposes.**
- **Aviation turbine fuel**
- **Biofuels** (Bio-alcohols, Bio-diesel, Bio-gas, CBG, Bio-CNG)- **for industrial/vehicular/Domestic purposes as applicable.**
- **Refuse Derived Fuel (RDF)** for Power plants, Cement plants, Waste to Energy plants.
- **Firewood/ Biomass briquettes for religious purposes.**
- **Wood/Bamboo Charcoal** for Tandoors and Grills of Hotels/Restaurants/Banquet Halls (with emission channelization/control system) and Open eateries/ Dhabas.
- **Wood charcoal** for cloth ironing.
- **Electricity/ CNG/ Firewood and Biomass briquettes** for Crematoria.

22/11/20

Annexure to Direction No. 65Fuels permissible only beyond the jurisdiction of GNCTD

- **Biomass/Agriculture refuse and Pellets/ briquettes** - for Industrial Boilers, Power plants, Biofuel projects, Cement industry, Waste to Energy plants etc.
- **Biomass Pellets/ briquettes** - for Tandoors and Grills of Hotels/ Restaurants/ Banquet Halls (along with mandatory emission channelization/ control system) and for Open eateries/ Dhabas.
- **Metallurgical coke** - For industrial purposes in standalone Cupola based Foundries.
- **“Low Sulphur Fuels” namely LSHS, Very Low Sulphur fuel oil & Ultra-Low Sulphur fuel Oil** - for industrial purposes in metal smelting/melting/ refining / heating furnaces and kilns.

NOTE:

1. Coal with low Sulphur shall be permitted as fuel only in Thermal Power Plants in the NCR.
2. Specific requirement of any other fuel(s), other than in the lists above, by a class/category of industries / other entities, owing to technical, technological and / or process requirements shall be considered by CAQM on merits.
3. Any other clean fuel notified by the Govt. of India, from time to time, shall be included in the list appropriately.
4. All other fuels will be deemed as “unapproved” in as far as the NCR is concerned.





F. No. A110018/01/2021/CAQM

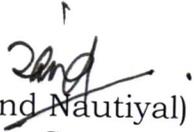
Dated: 3rd April' 2023

Addendum to Direction No: 65

Subject: Standard list of approved fuels for various applications across NCR - reg.

Pursuant to the approval of the Commission at the meeting held on 10.03.2023 and in partial modification of the Commission's Direction No. 65 dated 23.06.2022, 'Annexure to Direction No.-65' is hereby updated and may now be read as **annexed** with this addendum.

Enclosure: As above


(Arvind Nautiyal)
Member - Secretary

To

1. Member Secretary, UP State Pollution Control Board.
2. Member Secretary, Haryana State Pollution Control Board.
3. Member Secretary, Rajasthan State Pollution Control Board.
4. Member Secretary, Delhi Pollution Control Committee.

Copy to:

1. Chief Secretary, Government of Haryana, Haryana.
2. Chief Secretary, Government of Uttar Pradesh, Uttar Pradesh.
3. Chief Secretary, Government of Rajasthan, Rajasthan.
4. Chief Secretary, Government of NCT of Delhi, New Delhi.
5. Chairman, UP State Pollution Control Board.
6. Chairman, Haryana State Pollution Control Board.
7. Chairman, Rajasthan State Pollution Control Board.
8. Chairman, Delhi Pollution Control Committee.
9. Chairman, CPCB, New Delhi.
10. Addl. Secretary, Ministry of Environment, Forest and Climate Change, New Delhi.


(R.K. Agrawal)
Director

(Revisions highlighted in bold letters)

Standard list of approved fuels for entire NCR

- Petrol (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time – Vehicular fuel
- Diesel (BS VI with 10 ppm Sulphur) as per Notification of Government of India as amended from time to time – Vehicular fuel and **fuel for Power Generating Set.**
- Hydrogen/Methane – Vehicular and Industrial purposes
- Natural Gas (CNG/PNG/LNG) – Vehicular, Industrial and Domestic Purposes
- Liquefied Petroleum Gas (LPG) /Propane/Butane – Vehicular, Industrial and Domestic Purposes
- Electricity – Vehicular, Industrial, Commercial and Domestic Purposes.
- Aviation turbine fuel
- Biofuels (Bio-alcohols, Bio-diesel, Bio-gas, CBG, Bio-CNG)- for industrial/vehicular/Domestic purposes as applicable.
- Refuse Derived Fuel (RDF) for Power plants, Cement plants, Waste to Energy plants.
- Firewood / Biomass briquettes for religious purposes.
- Wood/Bamboo Charcoal for Tandoors and Grills of Hotels/Restaurants/ Banquet Halls (with emission channelization/control system) and Open eateries/Dhabas
- Wood charcoal for cloth ironing.
- Electricity/CNG/Firewood and Biomass briquettes for Crematoria.



Fuels permissible only beyond the jurisdiction of GNCTD

- **Pellets/briquettes made out of biomass/Agriculture refuse, rice-husk, waste wood, saw dust and chips generating during wood processing wastes/ saw dust** – for Industrial Boilers, Power plants, Biofuel projects, Cement industry, Waste to Energy plants etc.
- **Wood Charcoal – for lead recycling (secondary process) units**
- Biomass Pellets/briquettes – for Tandoors and Grills of Hotels/Restaurants/Banquet Halls (along with mandatory emission channelization/ control system) and for Open eateries/Dhabas.
- Metallurgical coke – For industrial purposes in standalone Cupola based Foundries.
- “Low Sulphur Fuels” namely LSHS, Very Low Sulphur fuel oil & Ultra-Low Sulphur fuel Oil – for industrial purposes in metal smelting/melting/refining/heating furnaces and **in Tunnel/Refractory** kilns.

NOTE:

1. Coal with low Sulphur shall be permitted as fuel only in Thermal Power Plants (**TPPs**) including **Captive TPPs** in the NCR.
2. **“Wood, wood logs/ blocks etc.” shall not be permitted as approved fuels.**
3. Specific requirement of any other fuels(s), other than in the lists above, by a class/category of industries/other entities, owing to technical, technological and/or process requirement shall be considered by CAQM on merits.
4. Any other clean fuel notified by the Govt. of India, from time to time, shall be included in the list appropriately.
5. All others fuels will be deemed as “unapproved” in as far as the NCR is concerned.

2/2

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 202/2024

Pramod Kumar

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent

Date of hearing: 01.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Saurabh Sharma, Adv.

ORDER

1. In this original application, applicant has made an allegation that the bricks kilns at Sarurpur Kalan, Baghpat, U.P., NCR are intending to use coal as a fuel w.e.f. March, 2024 which is not permissible in view of the order of the Tribunal dated 17.02.2021 passed in OA No. 1016/2019. Learned counsel for the applicant during the course of argument has placed reliance upon paragraph 20 and 21 of the order in OA 1016/2019 which reads as under:

“20. Thus, we conclude that going by the order dated 15.10.2020, in ‘severe’ air quality conditions, coal-fired brick kilns cannot be allowed to operate in NCR even if zig zag technology is used and improved procedures are followed, as suggested by the Committee, unless there is switch over to the PNG. All other issues have already been dealt with in the earlier order. In para 7 of order dated 05.03.2020 and para 8 of order dated 23.03.2020, we have already held that compliance by an individual brick kiln, otherwise contributing to pollution load beyond carrying capacity, does not confer a right to continue such activity, when such activity attracts GRAP in ‘severe’ air quality condition. As noted in par 11 of the order dated 15.10.2020, the CPCB has found that there is no assimilative capacity during the period air quality is ‘severe’ and only during months of March to June there is a limited capacity. Inter-se distance

of at least 500 meters is required to be maintained in location of brick kilns. When brick kilns start, they should not be allowed to start simultaneously but their firing should be staggered to avoid adverse impact on the environment. Other safeguards of fugitive dust emission management need to be adopted. In para 18 of order dated 15.10.2020, the issue of non-availability of plea of discrimination to GRAP, attracting some polluting categories and not attracting other polluting activities, has already been dealt with. Accordingly, we reiterate this mandate.

21. In view of the above discussion, unless there is change to cleaner fuel (PNG), brick kilns beyond the number mentioned in Table 15 above cannot be allowed, in the NCR. Since there is variance of figures given during March to June, only such number can be allowed which can be sustained throughout the period i.e. the minimum figure of a particular month out of the four months which comes to 444 in Haryana (in the month of May) and 200 in UP (in the month of June). Such shortlisting may be done applying a suitable siting criteria taking into account inter-se distance and distance from sensitive locations and compliance of consent conditions for which the CPCB, State PCB may work out an appropriate mechanism. Further, location of brick kilns be scattered on pro-rata basis, in different directions of concerned area, having regard to background and carrying capacity parameters. Needless to say, those brick kilns which switch over to PNG will be entitled to operate even beyond months of March to June and even beyond limited number mentioned, subject to compliance with law.”

2. He has also referred to paragraph 6 of the order dated 17.02.2021 passed in OA No. 1016/2019 and referred to the chart therein, and has submitted that only 300 brick kilns with Zig-Zag technology can be allowed to operate in Baghpat area in march but more than 400 brick kilns are operating there.

3. The plea taken in the OA raises substantial issue relating to compliance of the environmental norms.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

5. Respondent no. 2 i.e. Uttar Pradesh Pollution Control Board is directed to get the inspection of the area done, ascertain the truthfulness

of the allegations made in the OA, find out the number of brick kilns which are operating in the area and which are using coal as fuel and submit the report atleast one week before the next date of hearing.

6. List on 06.05.2024

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 01, 2024
Original Application No. 202/2024
AS.