

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
O.A. NO. 754 OF 2023**

**IN THE MATTER OF -**

VIPUL KUMAR

...APPLICANT

VERSUS

UTTARAKHAND POLLUTION CONTROL BOARD

& ORS.

..RESPONDENTS

**REPLY OF RESPONDENT NO.5 BALJI BRICK KILN**

**PAPER BOOK**

**(FOR INDEX PLEASE SEE INSIDE)**

**MS. MOHINI PRIYA**

**ADVOCATE FOR THE RESPONDENT NO.5**

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**REPLY OF RESPONDENT NO.5 BALAJI BRICK KILN**

**Most respectfully showeth –**

1. Respondent No.5 Balaji Brick Kiln is filing this reply to the captioned OA.
2. At the outset it is submitted that the contents of the OA are false and denied save and except what is specifically admitted to herein.
3. It is submitted that this OA is misconceived and raises false allegations and is vitiated by concealment of material facts, and hence ought to be summarily dismissed by this Hon'ble Tribunal with exemplary costs as the Applicant has not come to court with clean hands.

**PRELIMINARY SUBMISSIONS –**

Before adverting to para wise reply, the Respondent No.5 begs to place the following preliminary submissions for consideration of this Hon'ble Tribunal, which will show that the application filed by the Applicant is without merit.

1. That the Respondent No.5 Balaji Brick Field submitted an application for granting Consent to Establish a brick kiln in the year 2020.
2. Thereafter, NOC was obtained by Respondent No. 5 for the Balaji Brick Klin on 28.07.2020 issued by the Chief Forest Officer after performing all the due diligence, which is **Annexure R-1 (page no. 26 to 29)**
3. Subsequently on 19.09.2020, a license for operating Balaji Brick Klin valid for a period of 01.10.2020 to 30.09.2021 was issued by Zila Parishad in favour of Respondent No. 5, which is **Annexure R-2 (Page no. 30 to 32)**
4. After following all due procedure, the Respondent No.1 granted "Consent to Establish" to the Respondent No.5 on 06.11.2020 which is **Annexure R-3.(Page no. 33 to 44)**

Thus, the Respondent No.5 was legally established and this fact has been concealed from this Hon'ble Tribunal by the Applicant. Further, Applicant has never challenged the

grant of Consent to Establish dated 06.11.2020. The Applicant has thus concealed material facts from this Hon'ble Tribunal and has not come to the court with clean hands.

5. After receiving all the valid approvals and the establishment of the brick kiln legally, the Respondent No.5 on 03.01.2023 received a Consolidated Consent & Authorization (CCA) under the Air (Prevention & Control of Pollution) Act, 1981, the Water Prevention & Control of Pollution) Act, 1976 and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 was granted to Respondent No.5, valid till 31.03.2023, which is **Annexure R-4**.(Page no. 45 to 48)

Thereafter CCA dated 12.06.2023 was granted to the Respondent No.5, valid till 30.09.2026(presently valid), which is **Annexure R-5**.(Page no. 49 to 52)

6. Thereafter on 22.09.2023 this Hon'ble Tribunal passed its judgment in the case of *Vipin Kumar vs. Uttarakhand Pollution Control Board & Ors.* OA No. 341 of 2023 which is **Annexure R-6**.(Page no. 53 to 64)

In para 29 of the order it was observed by this Hon'ble Tribunal as under –

*“29. Having regard to the aforesaid, we are of the considered opinion that the CCA dated 13.01.2023 and 30.01.2023 have been issued to the Respondent No. 5*

*(Present Applicant) and Respondent No. 6 without considering the sitting criteria prescribed in the notification dated 22.02.2022, therefore, the CCA dated 13.01.2023 and 30.01.2023 cannot be sustained and are hereby set aside with a direction to the competent authority to reconsider the application for grant of CCA filed by the Respondent No. 5 and 6 after duly considering the sitting criteria prescribed in the notification dated 22.02.2022.”*

7. The Respondent No.1 thus considered the issue relating to sitting criteria with respect to present Respondent No.5 and took the view that there appeared to be violation of paras 6 and 7 of the Notification dated 22.02.2022 with respect to sitting criteria, and thus on 28.11.2023 revoked the CCA granted to Respondent No.5 on 12.06.2023, which is **Annexure R-7.**(Page no. 65 to 69)  
Thereafter operations of Respondent No.5 brick kiln were shut down.
8. Contending that there was no illegality on its part and the brick kiln was established in 2020, much prior to the notification, as per the prescribed rules laid down by Respondent No. 1 and after getting approvals from competent authority.
9. After considering the matter and reviewing the factual position, the Respondent No.1 took the decision dated

06.12.2023 to revalidate the CCA granted to the Respondent No.5, which is **Annexure R-8**.(Page no.70 to 73)An intimation to this effect was given to the District Administration on 08.01.2024, which is **Annexure R-9**.(Page no. 74 to 78) Thereafter once CCA was revalidated, the Respondent No.5 again commenced its operations.

10. It may be pointed out that the decision dated 06.12.2023 to revalidate the CCA has also not been challenged by the Applicant.
11. The reasons for revalidating the CCA are set out below -
  - i) The Respondent No.5 brick kiln was legally established by virtue of Consent to Establish issued on 06.11.2020, which was as per applicable siting criteria. This Consent to Establish has remained unchallenged by the Applicant. Rather, this fact has been concealed from this Hon'ble Tribunal and the Applicant has misled this Hon'ble Tribunal by such concealment of material fact. The Applicant has not come to court with clean hands.
  - ii) Since the Respondent No.5 was legally established on 06.11.2020, which was much before the Notification dated 22.02.2022 was issued by MOEFCC, the provisions of the said notification cannot be said to be retrospectively applicable to the Respondent No.5.

- iii) This submission is fortified by paras 6 and 7 of the Notification dated 22.02.2022, which read as below –

*6. Brick kilns should be established at a minimum distance of 0.8 kilometer from habitation and fruit orchards. State Pollution Control Board/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 kilometer from an existing brick kiln to avoid clustering of kilns in the area.*

Notification dated 22.02.2022 is **Annexure R-10(Page no. 79 to 82)**

- iv) The use of the word '*should be established*' in the said paras make it clear that there cannot be any future establishment of a brick kiln post 22.02.2022 without following the criteria set out therein. Ex facie it is inapplicable to any unit which has already been established as per law, prior to the Notification dated 22.02.2022 being issued.
- v) The said words used in Paras 6 and 7 of the Notification dated 22.02.2022 therefore clearly show

the intent of prospective application, and cannot be retrospectively applied to a legally established brick kiln.

- vi) Thereafter CCA was granted to the Respondent No.5 as set out above in the year 2023, and apart from claiming violation of paras 6 and 7 of the Notification dated 22.02.2022, the Applicant has not made any other grievance regarding grant of the CCA.
- vii) The Notification dated 22.02.2022 does not anywhere say that no consent to operate should be granted to any brick kiln if it does not meet the provisions of para 6 and 7 thereof. The only prohibition is on *establishment* of a brick kiln without complying with the criteria set out therein, which is not at all applicable to the Respondent No.5 as it was lawfully established prior to the Notification dated 22.02.2022 being issued.
- viii) The judgment of this Hon'ble Tribunal in *Vipin Kumar* which is being now relied on by the Applicant, is distinguishable on facts. A perusal of the said order would make it clear that the present Applicant, who was a Respondent in that case, had illegally established his brick kiln in the year 2020/2021, without taking any Consent to Establish from the Respondent No.1 Board. Further, he had illegally continued to operate the brick kiln until consent was granted to him for the

first time on 13.01.2023. In view of these admitted facts, this Hon'ble Tribunal repelled his argument that he was exempt from the provisions of Notification dated 22.02.2022, as he had already established his brick kiln prior to the Notification dated 22.02.2022 being issued. Thus the Applicant was prevented from trying to take advantage of his own unlawful actions. The facts of the present case are clearly different and distinguishable as the Respondent No.5 has lawfully established his brick kiln prior to Notification dated 22.02.2022 being issued.

- ix) It is also worth setting out that this Hon'ble Tribunal in the said OA did not deal with the case of a brick kiln which was legally and validly established prior to the Notification dated 22.02.2022 being issued, and hence the Applicant cannot place any reliance on the said order to contend that there is illegality in the CCA granted to the Respondent No.5.
  
- x) The law is well settled that the ratio of a judgment is to be discerned from reading the judgment as a whole including the facts and circumstances of the case, and application of law to even slightly different facts could make a significant difference to the legal conclusion in even similar seeming facts. The Hon'ble Supreme Court has explained the principle of law most clearly in the following judgment -

***Regional Manager v. Pawan Kumar Dubey, (1976) 3 SCC 334 -***

*7. We think that the principles involved in applying Article 311(2) having been sufficiently explained in Shamsheer Singh case it should no longer be possible to urge that Sughar Singh case could give rise to some misapprehension of the law. Indeed, we do not think that the principles of law declared and applied so often have really changed. But, the application of the same law to the differing circumstances and facts of various cases which have come up to this Court could create the impression sometimes that there is some conflict between different decisions of this Court. Even where there appears to be some conflict, it would, we think, vanish when the ratio decidendi of each case is correctly understood. It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts.*

- xi) Thus, the judgment of this Hon'ble Tribunal in *Vipin Kumar* cannot be held to be applicable to the case of the Respondent No.5 brick kiln for the reason that it was validly established as per law prior to the Notification dated 22.02.2022 being issued, unlike the case of the Applicant which was considered in *Vipin Kumar*.
- xii) Even otherwise, assuming only for the sake of argument that the provisions of paras 6 and 7 of the Notification dated 22.02.2022 are applicable to the Respondent No.5 brick kiln, still there is no violation. The claims of the Applicant and the correct factual position are being set out in the below table –

<b>Sl.No.</b>	<b>Alleged violation by R-5</b>	<b>Correct facts</b>
1.	It is located within 653.943 meters from Jai Mata Brick Field	i) In order dated 22.09.2023 in <i>Vipin Kumar</i> OA No. 341 of 2023, Jai Mata Brick Field was found by this Hon'ble Tribunal to have been illegally established in 2020

		<p>and consent was granted for first time to it on 13.01.2023</p> <p>ii) on the other hand Respondent No.5 was legally established through Consent to Establish granted on 06.11.2020, thus the illegal establishment of Jai Mata Brick Field cannot be used to allege violation of siting criteria by Respondent No.5.</p> <p>iii) Following the judgment of this Hon'ble Tribunal dated 12.10.2023 in O.A No 341/2023 whereby the consent granted to Jai Mata Brick Field was revoked, it is no</p>
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		longer in operation and thus there is no question of Respondent No.5 being situated within 1 km from an existing brick kiln.
2.	It is located within 534.603 meters from nearby Pokhar (or pool)	This is no violation of Notification dated 22.02.2022, which does not speak of pokhar/pool at all. It only speaks of habitation/fruit orchard/existing brick kilns. Hence, existence of brick kiln close to pokhar/pool is not illegal.
3.	It is located within 722.346 meters from Harchandpur Village.	This is factually incorrect. The Respondent No.5 is located 852.59 meters from

		<p>Harchandpur village and Google Map print out showing the distance is <b>Annexure R-11.</b> (Page no. 83 )</p> <p>Thus, being located more than 800 meters away from habitation, it does not fall within the prohibited distance under clause 6.</p>
4.	<p>It is located within 815.321 meters of Chaudhary Bharat Singh High School</p>	<p>Even if Chaudhary Bharat Singh High School is considered to be within the definition of 'habitation' as used in para 6 of Notification dated 22.02.2022, still there is no violation as the prohibited distance is 800 meters. Here,</p>

		Applicant himself is admitting that the distance is more than 800 meters hence no violation has occurred.
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- 12.** The Respondent No. 5 has also converted the brick kiln into zig-zag technology as per the notification dated 22.0.2022 issued by the Ministry of Environment, Forest, and Climate Change, which is **Annexure R-12 (Colly).(Page no. 84 to 91)**
13. The order of the Respondent No.1 vide letter dated 06.12.2023 re-validating the CCA issued to Respondent No.5 has also not been challenged by the Applicant.
14. Thus, it may be seen that there is no illegality in the establishment and/or operation of the Respondent No.5 brick kiln and there has been neither any illegality by Respondent No.1 in granting Consent to Establish or CCA to Respondent No.5, nor has Respondent No.1 condoned any illegality by allowing the Respondent No.5 to operate.

#### **PARA WISE REPLY**

1. That the contents of para 1 are denied. There is no violation of rules by the Respondent No.5 Balaji Brick Field, much less violation of the MOEFCC Notification dated 22.02.2022. It is denied that Respondent No.1 has granted Consent to Operate to the Respondent No.5 without verifying compliance of the Notification dated 22.02.2022 and further failed to stop the violations, or is allowing the Respondent No.5 brick kiln to operate illegally and thus endangering the environment. The Respondent No.5 received the Consent to Establish on 06.11.2020, much prior to the notification dated 20.02.2022 by the Respondent No. 1 after performing all the due diligence. Detailed reply is given in the following paras. Averments made in the preliminary submissions above are reiterated herein.
2. That the contents of para 2 need no reply.

### **REPLY TO BRIEF FACTS OF THE CASE**

3. That the contents of para 3 are denied. The findings of this Hon'ble Tribunal in order dated 12.10.2023 in the case of *Vipin Kumar vs. Uttarakhand Pollution Control Board & Ors.* OA No. 341 of 2023 in Para no. 29 states that *"Having regard to the aforesaid, we are of the considered opinion that the CCA dated 13.01.2023 and 30.01.2023 have been issued to the Respondent No. 5 (Present Applicant) and Respondent No. 6 without considering the sitting criteria prescribed in the notification dated 22.02.2022, therefore,*

*the CCA dated 13.01.2023 and 30.01.2023 cannot be sustained and are hereby set aside with a direction to the competent authority to reconsider the application for grant of CCA filed by the Respondent No. 5 and 6 after duly considering the sitting criteria prescribed in the notification dated 22.02.2022.*" This clearly show that the Applicant has established his brick kiln in an illegal manner and hence Applicant cannot be said to be a law abiding citizen.

4. That the contents of para 4 need no reply save as to reiterate that the provisions of paras 6 and 7 of the Notification GSR 143 (E) dated 20.02.2022 which amended the Environmental (Protection) Rules 2022 are inapplicable to the Respondent No.5 herein. Averments made in the preliminary submissions above are reiterated herein.
5. That the contents of para 5 are misleading and denied. It is reiterated that the Consent to Establish was legally issued to the Respondent No.5 on 06.11.2020, much before the Notification dated 22.02.2022 was issued, and hence the said notification is inapplicable to the Respondent No.5. Applicant has concealed this fact from this Hon'ble Tribunal. Thereafter after getting all the requisite approvals by competent authorities Respondent No. 5 was granted Consolidated Consent and Authorization (CCA) on 03.01.2023 which was valid till 31.03.2023. and thereafter, vide CCA dated 12.06.2023 was granted permission to operate till 30.09.2026 (presently valid). It is reiterated that

after revoking the consent on 28.11.2023, the Respondent No.1 considered the case on the basis of the representation of Respondent No.5 and thereafter revalidated the CCA granted on 12.06.2023 vide letter dated 06.12.2023, for the reasons which are explained in detail above. Averments made in the preliminary submissions above are reiterated herein.

6. That the contents of para 6 are denied and It is reiterated that Consent to Establish was granted prior to Notification dated 22.02.2022 being issued, that CCA was legally issued and for the reasons submitted above, there is no violation of the Notification dated 22.02.2022 by the Respondent No.5 brick kiln. Averments made in the preliminary submissions above are reiterated herein. It is denied that the brick kiln was operating illegally and that there is any unchecked violation permitted by the Respondent No.1.
  
7. In reply to para 7, it is reiterated that on 22.09.2023 this Hon'ble Tribunal passed its judgment in the case of *Vipin Kumar vs. Uttarakhand Pollution Control Board & Ors.* OA No. 341 of 2023, which it found that the Applicant's brick kiln i.e. Jai Mata Brick Field was illegally set up in 2020 and hence the CCA issued to it on 13.01.2023, was in violation of the Notification dated 22.02.2022. Argument of the Applicant to get benefit of establishment prior to the Notification dated 22.02.2022 was repelled in view of the illegal nature of the establishment, which is not the case with the Respondent No.5. It further highlighted that in case of

similar matter “M/s Jai Hanuman Ent. Udyog vs. U.P pollution Control Board & Anr. in Appeal No. 74/2014 wherein it was held that “ *Before the Appellant can claim any advantage on the strength of beneficial interpretation of the relevant provisions in order to contend that it being an existing unit and is covered only by the rules in force in 2010 and not by rules of 2012 as these are prospective in nature, the unit must show that it came into existence upon entirely complying with the laws in force at that time and after obtaining consent from the Board under the provisions of the Air act. If a unit is established in violation of the laws in force and in an illegal manner, then it would be estopped from claiming any benefit on the ground of the law being prospective.*” In contrast to the aforementioned situation, Respondent No. 5 was lawfully established in 2020, and therefore, it can assert the right to benefit from the notification dated 20.02.2022. This claim is based on the notion that the notification is retrospective in nature, implying that it applies to situations that existed before its issuance, providing an advantageous position for Respondent No. 5.

8. That the contents of para 8 are matter of fact.
9. That the contents of para 9 are matter of fact.
10. That the contents of para 10 are denied. There is no violation of siting criteria by the Respondent No.5 as is explained in

detail in the preliminary submissions made above. Averments made in the preliminary submissions above are reiterated herein.

11. That the contents of para 11 are denied. It is reiterated that there is no violation of siting criteria by the Respondent No.5. It is reiterated that since the Respondent No.5 was legally issued Consent to Establish on 06.11.2020, there is no illegality in issuing CCA in 2023 as the Notification dated 22.02.2022 is not retrospectively applicable to the brick kilns legally established prior to 22.02.2022. Moreover, the Applicant has not challenged the Consent to Establish issued to the Respondent No.5. Averments made in the preliminary submissions above are reiterated herein.
12. That the contents of para 12 are matter of fact.
13. That the contents of para 13 are matter of fact. However as explained above, the Respondent No.5 made a representation to the Respondent No.1 to reconsider the matter, and after going through the case and ascertaining the correct facts, the Respondent No.1 revalidated the CCA vide order dated 06.12.2023. Averments made in the preliminary submissions above are reiterated herein.
14. That the contents of para 14 are denied. It is denied that the Respondent No.5 is flouting the terms of Notification dated 22.02.2022 or order of this Hon'ble Tribunal. The

Respondent No.1 has revalidated the CCA after considering the case and the correct applicable facts. Averments made in the preliminary submissions above are reiterated herein.

15. That the contents of para 15 are a matter of fact.
  
16. That the contents of para 16 are denied. There is no question of Respondent No.1 allowing alleged illegal operation of the Respondent No.5 brick kiln to continue, since the Respondent No.1 has already revalidated the CCA of Respondent No.5 on 06.12.2023 which order is not challenged by the Applicant. There are no complaints whatsoever regarding increased pollution from any inhabitant around the brick kiln of Respondent No. 5. Furthermore, the Applicant has not alleged in any way that Respondent No. 5 is violating any other terms of the CCA. Therefore, there is no basis for asserting that environmental pollution levels in the area have increased significantly, posing a threat to the flora and fauna, including the habitat within the prohibited area, due to the operations of Respondent No. 5. Moreover, the Respondent has also converted the brick kiln in zig zag technology as per the notification dated 22.02.2022. Consequently, there is no violation that necessitates action by Respondent No. 1 in this matter.

17. That the contents of para 17 are denied. It is reiterated as explained above that since the Respondent No.5 brick kiln was established as per law on 06.11.2020, i.e. much before Notification dated 22.02.2022 was issued, the provisions of the said Notification are inapplicable to the Respondent No.5. As highlighted in the judgement of the Hon'ble Supreme Court in the matter of Union of India and others vs. G.S Chatha Rice Mills and Another reported in 2021 2 SCC 209 *"..that the notification dated 22.02.2022 being subordinate legislation will have prospective effect."* Averments made in the preliminary submissions above are reiterated herein.
18. That the contents of para 18 are denied. It has been explained in detail in the preliminary submissions made above that even assuming for the sake of argument that the provisions of paras 6 and 7 of the Notification dated 22.02.2022 are applicable to the Respondent No.5, still, there is no violation of the prescribed criteria. Averments made in the preliminary submissions above are reiterated herein.
19. That the contents of para 19 are denied and are mere repetition of earlier paras, and in reply. The assertion that the No Objection Certificate (NOC) to Respondent No. 5 was granted after the coming into effect of the notification dated 22.02.2022 is denied. The NOC was, in fact, issued to Respondent No. 5 on 28.07.2020 by the Chief Forest Officer

after a performing due diligence, confirming that all necessary compliance measures had been fulfilled by Respondent No. 5 in this regard. Therefore, the averments made in the preliminary submissions and above paras are reiterated herein.

20. (wrongly numbered as para 14) That in reply to the contents of para wrongly numbered para 14, it is submitted that it is not in the knowledge of the Respondent No.1 whether there is any group of relatives/friends of proprietor/partners of Respondent No.5 Balaji Brick Field who are habitual violators of law. No material has been placed on record by the Applicant to substantiate such a sweeping statement. Any action taken against any other defaulter brick kiln is a matter of record and wholly irrelevant to the issue which is raised in the present case. Rather, the submissions of the Applicant make it clear that some personal vendetta is being pursued by the Applicant, which makes this entire case nothing but an abuse of the process of the court, and thus this OA deserves to be dismissed with exemplary costs.
21. (wrongly numbered as para 15) That in reply to wrongly numbered para 15, the Respondent No.1 reiterates all the submissions which have been made above, and it is reiterated that since the Respondent No.5 brick kiln was established as per law on 06.11.2020, there was no violation of Notification dated 22.02.2022 which took place. The CCA

was revoked by the Respondent No.1 and revalidated after considering the entire facts of the case. There is no violation which has occurred in the present case. The order of this Hon'ble Tribunal in *Vipin Kumar* case is distinguishable on facts since the present Applicant who was the Respondent No. 5 in that case, was found to have unlawfully established his brick kiln and thus was not permitted to take advantage of his own illegal act to escape the rigours of the Notification dated 22.02.2022. It is denied that the Applicant has given any representations to the Respondent No.1 to take action against the Respondent No.5 herein. No such representation has been placed on record by the Applicant. Averments made in the preliminary submissions above are reiterated herein.

22. (wrongly numbered as para 16) That in reply to wrongly numbered para 16, it is reiterated that this OA is without merit, is vitiated by concealment of material fact, the Applicant has not come to this Hon'ble Tribunal with clean hands, and is merely pursuing a personal vendetta through this OA which is nothing more than an abuse of the process of court. The OA deserves to be dismissed with exemplary costs.
23. (wrongly numbered as para 17) That in reply to wrongly numbered para 17, it is humbly submitted that no grounds are made out to entertain this OA. All the averments made in the para under reply are a repetition of foregoing paras, and in reply thereto all averments made above and in the

preliminary submissions are reiterated herein. It is reiterated that this OA is without merit, is vitiated by concealment of material fact, the Applicant has not come to this Hon'ble Tribunal with clean hands, and is merely pursuing a personal vendetta through this OA which is nothing more than an abuse of the process of court. The OA deserves to be dismissed with exemplary costs.

24. (wrongly numbered as para 18) That in reply to wrongly numbered para 18, it is reiterated that there is no violation in the present case as alleged and this OA deserves to be dismissed with exemplary costs.
25. (wrongly numbered as para 19) That in reply to wrongly numbered para 19, it is reiterated that there is no violation in the present case as alleged. It is reiterated that this OA is without merit, is vitiated by concealment of material fact, the Applicant has not come to this Hon'ble Tribunal with clean hands, and is merely pursuing a personal vendetta through this OA which is nothing more than an abuse of the process of court. The OA deserves to be dismissed with exemplary costs.
26. That the Applicant has also filed IA No. 887 of 2023 praying for interim orders staying the operation and functioning of the Respondent No.5 brick kiln. The averments made in the said application are a repetition of the averments made in the OA, and as such, no separate reply is being given thereto, but

the averments made hereinabove are being reiterated in reply to the said IA as well. It is submitted that there is no prima facie case in favor the Applicant; that the Applicant not having come to court with clean hands, by virtue of concealment of material fact, and by virtue of pursuing a personal vendetta, cannot claim balance of convenience in his favor; that there is no question of irreparable injury being caused to the Applicant as no right of the Applicant is violated in the present case. Hence the Applicant is not entitled to any interim relief.

27. The answering Respondent No.5 reserves the right to file any further submissions, and undertakes to do so if directed by this Hon'ble Tribunal.

Date

Respondent No.5

Through



MOHINI PRIYA

ADVOCATE FOR THE RESPONDENT NO. 5

अनापत्ति प्रमाण पत्र

श्री अमित मलिक, पुत्र श्री राकेश मलिक, निवासी 328, गोशाला-2 मुजफरनगर उ०प्र० 251002 ने आवेदन पत्र प्रस्तुत कर निवेदन किया है कि उनके स्वामित्व वाला ईट भट्टा मै० बालाजी ब्रिक फिल्ड जो कि ग्राम, नंगला सक्टू, खाता सं० 88/2 व 106/2 परगना व तहसील, रूडकी जिला, हरिद्वार पर स्थापित किया गया है। इस हेतु भट्टा स्वामी द्वारा अनापत्ति प्रमाण पत्र चाहा गया है।

मौके पर उक्त भट्टे का स्थलीय निरीक्षण उद्यान निरीक्षक/प्रभारी, उद्यान सचल दल केन्द्र नारसन के कार्यालय पत्रांक सं० 89/ईट भट्टा/2020-21 दिनांक 03.07.2020, से उत्तर प्रदेश शासन के शासनादेश सं० 921/55-पर्या/12-94 (पर्या)-11 दिनांक 27 जून, 2012 में दिये गये निर्देशों के अनुसार कराया गया है, एवं भट्टे मालिक द्वारा घोषणा पत्र भी प्रस्तुत किया गया है, कि ईट भट्टा स्थापना स्थल के आसपास आम इत्यादि का कोई उद्यान/नर्सरी इत्यादि स्थित नहीं है।

अतः प्रभारी, उद्यान सचल दल केन्द्र नारसन कि स्थलीय निरीक्षण आख्या, ईट भट्टे का फोटोग्राफ, एवं श्री अमित मलिक, पुत्र श्री राकेश मलिक, निवासी 328, गोशाला-2 मुजफरनगर उ०प्र० 251002 के कार्यालय को प्राप्त प्रपत्रों, के आधार पर भट्टा के स्वामी को अनापत्ति प्रमाण पत्र जारी किया जा रहा है।

अनापत्ति प्रमाण पत्र/उद्यान

पंजीकृत क्रमांक.....

01  
28/07/2020

मुख्य उद्यान अधिकारी  
हरिद्वार।

कार्यालय:- मुख्य उद्यान अधिकारी, हरिद्वार।

पत्रांक 518 / ईट भट्टा NOC / 2020-21 दिनांक 28 जुलाई, 2020

प्रतिलिपि:- 1-सम्बन्धित आवेदनकर्ता।

2-

ज्येष्ठ उद्यान निरीक्षक/प्रभारी मुख्यालय।

मुख्य उद्यान अधिकारी  
हरिद्वार।

No Objection Certificate

Shri Amit Malik, son of Shri Rakesh Malik, resident 328, Goshala-2 Muzaffarnagar Uttar Pradesh 251002 has submitted application and has requested that the brickfield owned by him M/s Balaji Brickfield which has been established in village, Nangla Saktu Khata No. 88/2 and 106/ pargna and Tehsils, Roorkee District, Haridwar. For this purpose, no objection certificate has been sought from the brickfield owner.

On spot, the site inspection of the above brickfield has been got conducted by the Horticulture Inspector/In-charge, Horticulture Mobile Team Center, Narsan, by the office letter no. 89/Brick Kiln/2020-21 dated 03.07.2020, as per directions given in Government of Uttar Pradesh Government Order No. 921/55- Parya/12-94. (Environment)-11 dated June 27, 2012, and

declaration form has also been submitted by the brickfield owner that there is no garden/nursery of mango etc. located near the brick field installation site.

Hence on the basis of on-site inspection report of In-charge, Horticulture Mobile Team Center Narsan, photograph of the brickfield, and the forms received by the office of Shri Amit Malik, son of Shri Rakesh Malik, resident 328, Goshala-2, Muzaffarnagar, Uttar Pradesh 251002, No Objection Certificate is being issued to the owner of the brickfield.

No Objection Certificate/ horticulture

Register No.01/ 28/07/2020

Sd/-  
Chief Horticulture Officer  
Haridwar

Office: Chief Horticulture Officer, Haridwar.

Letter 5/8/Brickfield NOC/2020-21 dated 28th July,  
2020

Copy to:-

- 1- Concerned applicant.
2. Senior Horticulture Inspector/In-charge  
Headquarters.

Sd/-  
Chief Horticulture Officer  
Haridwar

//True translated copy//



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25  
(नियम 101 देखिए)

जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार  
जिला हरिद्वार 002310

लाइसेन्स

श्री 00 बालाजी डिपॉजिट

चूंकि श्री सिगत कुमार मल्लिक 5/0 रीकेश मल्लिक जिला परिषद/क्षेत्र  
समिति जिला पंचायत हरिद्वार जिला हरिद्वार

को नवान पांच हजार रुपये को रुपये का भुगतान कर दिया है।

अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र

के भीतर स्ताम-नगला मन्डू प्रहमपुर

दिनांक 01/10/2020 से 30/09/2021 तक

तक इंटरमिट के लिए अनुज्ञा दी जाती है।

लाइसेन्सधारी का विवरण

नाम	पिता का नाम	व्यापार	पता	अभ्युक्ति
<u>सिगत कुमार मल्लिक</u>	<u>रीकेश मल्लिक</u>	<u>इंटरमिट</u>	<u>328, गान्धारी</u>	-
			<u>बलीदेई मुठनगा</u>	

लाइसेन्सधारी के हस्ताक्षर

यह लाइसेन्स 106 में विनियम और नियंत्रण के निमित्त  
नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज  
लाइसेन्सधारी को दे दी है।

दिनांक 19/09/20 20

लाइसेन्स अधिकारी

टिप्पणी :-स्थान और पृष्ठांकन की प्रविष्टियां तभी भरी जानी चाहिए जिला पंचायत हरिद्वार  
सशर्त हो। यदि लाइसेन्स सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

Zila Panchayat/ Kshetra Samiti form No.25  
(See Rule 101)

Zila Parishad/Kshetra Samiti- Zila Panchayat

Haridwar District Haridwar

LICENSE

M/s Balaji Brickfields,

Since Sri Amit Kumar Malik S/o Rakesh Malik has made payment of Rs.5000/- to District Panchayat Haridwar district Haridwar, hence, license for brickfield is granted to him from dated 01/10/2020 to 30/09/2021 within the local area of village - Nagla Saktu Brahmapur.

Licensee details

Name	Father's name	Occupation	Address	Remark
Samit Kumar Malik	Rakesh Malik	Brickfield	328 village Shal Badiroad Muzaffarnagar	-

Signature of Licensee

This license has been granted subject to rules and conditions for the purpose of regulation and control in 106 a copy of which has been given to licensee today by me.

Date 19/09/2020

Sd/- Licensee

Note:- Entries for place and endorsement should be filled only if the license is conditional. If the license is of the ordinary type, then the endorsement should be struck off.

//True translated copy//



3 कुत्राय कायालय  
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

Annexure 187

सिंचाई परिकल्प भवन परिसर, रुड़की -247667 हरिद्वार

Phone No. 01332-260422 E-mail: rorueppcb2013@gmail.com

पत्रांक-यूकेपीसीबी/आर0ओ0आर0/एनओसी-1378/2020/ 861  
सेवा में,

दिनांक: 06/11/2020

पंजीकृत डाक द्वारा

M/s Balaji Brick Field  
Nagla Saktu Berhampur,  
Manglour, Roorkee  
Haridwar, Distt- Haridwar.

विषय :- पर्यावरणीय प्रदूषण की दृष्टि से ईट भट्टे की स्थापना हेतु स्थापनार्थ सहमति पत्र (Consent to Establish) निर्गमन।

महोदय,

कृपया उपरोक्त विषयक आपके आवेदन पत्र दिनांक- 28.10.2020 के कम में उद्योग के प्रस्तावित स्थल का निरीक्षण किया गया। निरीक्षण के पश्चात् लिए गए निर्णय के क्रम में उद्योग को पर्यावरणीय प्रदूषण के दृष्टिकोण से निम्नलिखित विशिष्ट शर्तों एवं सामान्य शर्तों के समुचित अनुपालन की शर्त के साथ सशर्त स्थापना हेतु सहमति पत्र (Consent to Establish) निर्गत किया जाता है।

1. स्थापना हेतु सहमति पत्र निम्नलिखित विशिष्ट विवरणों के लिए ही निर्गत किया जा रहा है:-

(क) स्थल :	Nagla Saktu Berhampur, Manglour, Roorkee Haridwar, Distt- Haridwar.
(ख) उत्पादन :	Brick-90000 Nos/Month.
(ग) मुख्य कच्चे माल :	1. Wood- 15000 MT/Month. 2. Coal- 70MT/Month. 3. Clay- 2500 MT/Month.
(घ) औद्योगिक उत्प्रवाह :	Nil.
(ङ) प्रयुक्त ईंधन :	Nil.
(च) श्रेणी :	Category Orange; Scale Small, Investment- 0.25 Crs.

उपर्युक्त विषय वस्तु में किसी भी प्रकार से परिवर्तन करने पर पुनः स्थापना हेतु सहमति पत्र प्राप्त करना आवश्यक होगा।

- ब्रिक क्लिन उद्योग में सभी आवश्यक यन्त्र, संयंत्र, हरित पट्टिका, उत्प्रवाह शुद्धिकरण संयंत्र तथा वायु प्रदूषण नियन्त्रण की व्यवस्था की स्थापना में की गई प्रगति रिपोर्ट इस कार्यालय में प्रत्येक माह की दसवीं तारीख तक निरन्तर प्रेषित करें।
- ब्रिक क्लिन उद्योग इकाई में परीक्षण उत्पादन तब तक प्रारम्भ नहीं करें, जब तक कि वह बोर्ड से जल अधिनियम एवं वायु अधिनियम के अन्तर्गत सहमति (CCA) प्राप्त न कर ले। जल एवं वायु सहमति (CCA) प्राप्त करने हेतु इकाई में उत्पादन प्रारम्भ करने की तिथि से कम से कम 2 माह पूर्व निर्धारित सहमति आवेदन पत्रों को उत्पादन पूर्व प्रथम आवेदन का उल्लेख करते हुए इस कार्यालय में अवश्यक जमा कर दिया जाये। यदि उद्योग उपरोक्त का अनुपालन नहीं करता है तो उक्त अधिनियमों के वैधानिक प्राविधानों के अन्तर्गत उद्योग के विरुद्ध बिना किसी पूर्व सूचना के विधिक कार्यवाही की जा सकती है।
- ब्रिक क्लिन उद्योग में परीक्षण उत्पादन से पूर्व क्षेत्रीय कार्यालय द्वारा इकाई का निरीक्षण सुनिश्चित कराया जाये।
- घरेलू उत्प्रवाह, जिसकी मात्रा 0.7 कि०ली०/दिन से अधिक नहीं होगी। सेप्टिक टैंक के माध्यम से सोकपिट में निस्तारित किया जाये।
- यह स्थापना हेतु सहमति पत्र केवल घरेलू उत्प्रवाह के लिये मान्य है। औद्योगिक प्रक्रिया में जल का प्रयोग कदापि नहीं किया जाये।
- ब्रिक क्लिन उद्योग द्वारा रबर, प्लास्टिक एवं अन्य प्रतिबन्धित तत्वों का प्रयोग ईंधन के रूप में कदापि नहीं किया जाये।
- ब्रिक क्लिन उद्योग में नियमानुसार प्लाईऐश का प्रयोग ईट निर्माण हेतु किया जाये।
- ब्रिक क्लिन के संचालन से पूर्व नियमानुसार सक्षम विभागों जैसे- खानन अनुज्ञा, जिला पंचायत का पंजीकरण, प्रमाण पत्र एवं जिला उद्यान विभाग से अनुमति प्राप्त कर प्रस्तुत की जाये।
- यह स्थापना हेतु सहमति पत्र एक वर्ष की अवधि के लिए वैध होगा।



कमशः पृष्ठ-2

10. ब्रिक क्लिन उद्योग का संचालन इस प्रकार से किया जाये, कि परिवेशीय वायु गुणवत्ता सदैव बोर्ड मानकों के अनुरूप रहे।
11. ब्रिक क्लिन में नियमानुसार पर्याप्त क्षमता की उंची चिमनी स्थापित की जाये। चिमनी में अनुश्रवण हेतु प्लेटफार्म एवं होल की उचित व्यवस्था की जाये।
12. ब्रिक क्लिन के लिये कच्चे माल के रूप में मिट्टी की खुदाई हेतु संचालन से पूर्व नियमानुसार पर्यावरणीय स्वीकृति प्राप्त करना सुनिश्चित करें।
13. इकाई में प्रस्तावित ब्रिक क्लिन का निर्माण हाई ड्राफ्ट, जिग-जैग तकनीकी के अनुरूप किया जाना सुनिश्चित किया जाये।
14. ब्रिक क्लिन उद्योग से जनित ठोस अपशिष्ट पदार्थों को इस प्रकार निस्तारित किया जाये, कि जल, वायु तथा मृदा प्रदूषण की सम्भावना न रहे।
15. ब्रिक क्लिन उद्योग का संचालन इस प्रकार किया जाये, कि प्रदूषण सम्बन्धी शिकायतें प्राप्त न हों। प्रदूषण सम्बन्धी जन-शिकायतें प्राप्त होने एवं पुष्टि होने पर स्थापना हेतु सहमति पत्र रिवोक (निरस्त) कर दी जायेगी। जिसका सम्पूर्ण उत्तरदायित्व उद्यमी का होगा।
16. ब्रिक क्लिन उद्योग परिसर में चारों तरफ कम से कम 3 कतारों वाली हरित पट्टिका विकसित की जाये। हरित पट्टिका हेतु सघन तथा छायादार वृक्षों का चयन किया जाये। हरित पट्टिका हेतु निर्धारित भूमि पर निर्माण कार्य न किया जाये।
17. ब्रिक क्लिन उद्योग में खतरनाक/परिसंकटमय रसायन विनिर्माण, भण्डारण एवं आयात नियम 1989 का पालन किया जाये।
18. ब्रिक क्लिन उद्योग में सुरक्षा सम्बन्धी समस्त उपाय किये जायें तथा उत्पादन प्रारम्भ करने से पूर्व सक्षम विभागों से अनापत्ति प्रमाण पत्र प्राप्त किया जाये।
19. यह स्थापनार्थ सहमति पत्र मात्र बिन्दु संख्या 1 के (ख) में वर्णित उत्पाद एवं उत्पादन क्षमता हेतु मान्य है।
20. ब्रिक क्लिन उद्योग में बोर्ड की पूर्वानुमति के बिना क्षमता विस्तारीकरण/प्रक्रिया परिवर्तन कदापि नहीं किया जाये।
21. यह स्थापनार्थ सहमति जल अधिनियम एवं वायु अधिनियम के अन्तर्गत निर्गत की जा रही है।
22. इंगित स्थल के विधिक भूमि उपयोग एवं नियमानुसार अन्य विभाग से वांछित स्वीकृति अवश्य प्राप्त कर ली जाये।
23. वन एवं पर्यावरण मंत्रालय, भारत सरकार की अधिसूचना संख्या- एस0ओ0-763(ई.) दिनांक 14.09.99 अधिसूचना संख्या-979 (ई.) दिनांक 27.08.2003 के अनुपालन में ईट बनाने में तापीय विद्युत गृह से जनित राख का समुचित इस्तेमाल किया जाये।

कृपया ध्यान दें कि उपर्युक्त लिखित विशिष्ट शर्तों एवं सामान्य शर्तों का प्रभावी एवं सन्तोषजनक अनुपालन न करने पर बोर्ड द्वारा निर्गत स्थापना हेतु सहमति (COE) पत्र निरस्त कर दिया जायेगा। बोर्ड का अधिकार सुरक्षित है, कि स्थापना हेतु सहमति पत्र (Consent to Establish) की शर्तों में संशोधन किया जाये अथवा निरस्त कर दिया जाये।

उपर्युक्त विशिष्ट एवं सामान्य शर्तों के सम्बन्ध में उद्योग द्वारा इस कार्यालय में दिनांक 04.12.2020 तक प्रथम अनुपालन आख्या अवश्य प्रेषित की जाये। अनुपालन आख्या नियमित प्रेषित की जाये, अन्यथा स्थापना हेतु सहमति पत्र निरस्त कर दिया जाएगा।

प्रतिलिपि:- सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी (प्र०)

क्षेत्रीय अधिकारी (प्र०)



REGIONAL OFFICE  
UTTARAKHAND POLLUTION CONTROL BOARD  
IRRIGATION PARIKALP BUILDING COMPLEX,  
ROORKEE-247667 -HARIDWAR  
Phone No. 01332-260-422  
E-mail: [rorueppch2013@gmail.com](mailto:rorueppch2013@gmail.com)

Letter No.UKPCCH/ROR/NOC-1378/2020/861

Dated 06.11.2020

By Registered Post

To,

M/s Balaji Brick Field  
Nagla Saktu Berhampur  
Manglour, Roorkee Haridwar,  
Distt- Haridwar

Subject:- Issuance of Consent letter (Consent to Establish) for establishment of brickfield in view of environmental pollution.

Sir,

With reference to your application your application dated 28.10.2020 on above subject the proposed site of the industry was inspected. In pursuance of decision taken after inspection, the consent letter (Consent to Establish) is issued for conditional establishment of the industry subject to

proper compliance of the following specific conditions and general conditions from the point of view of environmental pollution.

1. Consent letter for establishment is being issued only for the following specifications:-

(a) Site:	Nagla Saktu Berhampur, Manglour, Roorkee Haridwar. Distt-Haridwar
(b) Production:	Brick-90000 Nos/Month.
(c) Main raw materials:	1. Wood-15000 MT/Month. 2. Coal-70MT/Month. 3. Clay- 2500 MT/Month.
(d) Industrial effluent:	Nil.
(e) Fuel used:	Nil.
(f) Category:	Category Orange; Scale Small,

	Investment- 0.25 Crs.
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In case of carrying any change in the above mentioned subject matter, it will be necessary to obtain a consent letter for re-establishment.

1. The progress report made in the installation of all the necessary equipment, plants, green belt, effluent purification plant and air pollution control system in the brick clean industry should be sent to this office continuously by the tenth date of every month.
2. Do not start trial production in the brick clean industry unless and until it obtains consent (CCA) from the board under the Water Act and Air Act. To obtain Water and Air Consent (CCA), prescribed consent applications must be submitted to this office at least 2 months before from

the date of starting production in the unit, mentioning the first pre-production application. If the industry does not comply with the above, then legal action can be taken against the industry under the statutory provisions of the said Acts without any prior notice.

3. Before trial production in the brick clean industry, inspection of the unit should be ensured by the regional office.
4. Domestic effluent, the quantity of which will not exceed 0.7 kg/day the same shall be extended into soakpit through septic tank.
5. This consent letter for establishment is valid only for domestic effluent. Water should never be used in industrial processes.

6. Rubber, plastic and other banned elements should never be used as fuel by the brick clean industry.
7. As per rules in brick kiln industry, fly ash should be used for brick manufacturing.
8. Before operation of Brick Clean, as per rules, the permission from competent departments like mining license, registration of District Panchayat, certificate and permission from District Horticulture Department should be obtained and submitted.
9. This consent letter for establishment will be valid for a period of one year.
10. The brick clean industry should be operated in such a way that the ambient

air quality always remains as per the board standards.

11. A tall chimney of sufficient capacity should be installed in the brick clean as per rules. Proper arrangement of platform and hole should be made in the chimney for monitoring.
12. Ensure to obtain environmental approval as per rules before carrying out excavation of soil as raw material for brick clean.
13. It should be ensured that the proposed brick clean in the unit is constructed as per high draft, zig-zag technology.
14. The solid waste generated from brick clean industry should be disposed of in

such a way that there is no possibility of water, air and soil pollution.

15. The brick clean industry should be operated in such a way that complaints related to pollution are not received. If public complaints related to pollution are received and confirmed, the consent letter for establishment will be revoked the entire responsibility of which will be on the part entrepreneur.
16. At least 3 rows of green belt should be developed all around the Brick Clean Industry complex. For this, dense and shady trees should be selected. Construction work should not be done on the land earmarked for green belt.
17. Manufacturing, Storage and Import of Hazardous Chemicals Rules 1989 should be followed in the brick clean industry.

18. All safety related measures should be taken in the brick clean industry and no objection certificate should be obtained from the competent departments before starting the production.
19. This consent letter for establishment is valid for the product and production capacity mentioned in clause (b) of point No.1.
20. Capacity expansion/process change should never be done in the brick clean industry without prior approval of the Board.
21. This establishment consent is being issued under the Water Act and Air Act.
22. The legal land use of the indicated site and necessary approval from other

departments as per rules must be obtained.

23. In compliance of Notification No. SO-763 (E.) Dated 14.09.99 Notification No.979 (E.) dated 27.08.2003 of Ministry of Forest and Environment, Government of India ash generated from thermal power plants should be properly used in brick making.

Please note that failure to effective and satisfactory compliance of specific conditions and general conditions written above will result in cancellation of the Consent for Establishment (COE) letter issued by the Board. The Board reserves the right that the conditions of the Consent to Establish should be amended or cancelled.

Regarding the above mentioned specific and general conditions, the industry must send the first compliance report to this office by 04.12.2020. The compliance reports should be sent regularly, otherwise the consent letter for establishment will be cancelled.

Sd/- Illegible  
Regional Officer (P)

Copy to:

Member Secretary, Uttarakhand Pollution  
Control Board, Dehradun for information.

Sd/- Illegible  
Regional Officer (P)

//True translated copy//



## REGIONAL OFFICE

UTTARAKHAND POLLUTION CONTROL BOARD  
Irrigation Design Building Campus, Roorkee-247667 (Distt- Haridwar)

UKPCB/ROR/Con/B-152/2022/ 13 55

Date: 03.01.2023

Registered Post

To,

M/s Balaji Brick Field  
Nagla Saktu Berhampur,  
Manglour, Roorkee  
Distt- Haridwar.

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/Reapplication/Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

Caf ID -6401

Application ID-1815857

CCA (Fresh)

Consent No. AWH- B-23

CCA is hereby granted to M/s Balaji Brick Field located at Nagla Saktu Berhampur, Manglour, Roorkee, Distt-Haridwar subject to the provisions of the Water Act, Air Act and HW Rules and the orders that may be made further and subject to following terms and conditions :-

1. This CCA is granted for a period up to 31.03.2023 and valid for manufacturing of following products with Capital Investment / Net Assets Values Rs 27.0 Lacs.

S. No.	Last CCA Quantity		CCA Fresh	
	Product	Quantity	Product	Quantity (Per Day)
1	Not Obtained		Bricks	30,000 Nos

2. Specific Conditions under Water Act:

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

	Last CCA or CTE	CCA Fresh
Trade Effluent	Nil	Nil
Sewage	-	1.0

(ii) Trade Effluent Treatment and Disposal: Nil.

(iii) Sewage Treatment and Disposal: The applicant shall provide comprehensive Septic Tank/ Soak pit is required with reference to influent quantity and quality.

3. Conditions under Air Act:-

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

S. No	Stack attached with	Stack height (Mt)	Type of Fuel	Fuel Quantity KLD/MTD	Emission Control Equipment	Emission standards not to exceed
1	Brick Klin	30	Coal & wood	-	Induced draft with Zig-Zag Technology	250 mg/NM <sup>3</sup>

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

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

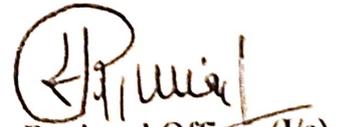
#### 4. Conditions under HW Rules:-

- The Occupier of M/s Balaji Brick Field is hereby granted an authorization to operate a facility for collection and storage of Hazardous wastes.
- The authorization is granted to operate a facility for generation, collection and storage of hazardous wastes within factory premises for following category of wastes.
- The authorization shall be in force for a period up to 31.03.2023
- The authorization is subject to the conditions stated below and the conditions as may be specified in the rules for the time being in force under Environment (Protection) Act, 1986.

S.No.	Category (Schedule-I & Schedule-II)	Quantity of Waste for which authorization is being issued (MTA)	Mode of Disposal
1	-	-	-

#### Terms and conditions of authorization:

- The authorization shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.
  - The authorization and its renewal shall be produced for inspection at the request of an officer authorized by the SPCB/PCC.
  - The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the SPCB/PCC.
  - Any unauthorized changes in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
  - It is the duty of the authorized person to take prior permission of the SPCB/PCC to close down the facility.
  - An application for the renewal of an authorization shall be made as laid down under these rules.
  - Any other conditions for compliance as per the Guidelines issued by the MoEF or CPCB.
5. **Compulsory documents to be submitted by the Industry/Unit:-**
- Annual return in Form-4 and Waste Disposal Manifest in Form-10 under HW Rules and Third Party Audit Report.
  - Environment Statement in Form-V of Environment (Protection) Rules, 1986.
  - Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
6. Unit has to apply for renewal of CCA well in advance of 60 days of expiry of this CCA.
7. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
8. Unit has to comply with the other general conditions as annexed herewith. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and HW Rules will result in legal action under the aforesaid Acts and Rules.

  
Regional Officer (I/c)

Copy to: Member Secretary, Uttarakhand Pollution Control Board, Dehradun for kind information.

  
Regional Officer (I/c)

#### Specific Conditions:

- In case Unit is using ground water than unit has to obtain NOC from central Ground water Authority for abstraction of ground water for which unit may refer web site <http://cgwa-noc.gov.in>

2. The applicant shall provide ports in the chimney/stack and facilities such as ladder, platform etc. as per requirement for monitoring the air emissions and the same shall be open for inspection and use at all times by the Board's staff. The chimney/stack attached to various sources of emission shall be designated by numbers such as S-1, S-2 etc. and these shall be painted/ displayed to facilitate identification.
3. The industry shall ensure interlocking of air pollution control devices and production processes.
4. Solid wastes generated from the industry have to be disposed in manner so that contamination of surface water bodies/ground water/soil etc. does not take place.
5. The industry shall take adequate measures to control of noise from its own source so as to comply with the standards as may be applicable.
6. The applicant shall develop three rows of green belt on the premises with plant species as suggested by the Central Pollution Control Board.
7. The industry shall ensure all safety measures and shall undertake periodical assessment by the competent authority.
8. The unit shall strictly comply with the provision of The Public Liability Insurance Act, 1991 as amended and Rules made there under there under and shall submit copies of Insurance Policies (if any) to the Board Offices regularly.
9. Unit shall ensure to comply the notification of state Government vide No. 1822/VII-A-1/2021/80-अ/16 Dated 28.10.2021 regarding the Uttarakhand state mining Policy 2021.
10. Unit Shall ensure to comply the Notification of MoEF & Climate change (Government of India) on dated 22.02.2022 Under EP Act 1986.
11. The Consent is Valid under the Final decision of Hon'ble High Court & Hon'ble NGT in matter of OA No. 783/2022 Ajay Kumar Vs Uttarakhand Pollution Control Board & Others.
12. Unit shall ensure to obtain the Validation certificate from Central Building Research Institute or authorized organization regarding conversion to induce draft zig zag Technology & Submit it to this office within three Months.
13. All the moving areas around the main Brick kiln shall be paved with the bricks to minimize the fugitive dust emission from the brick kilns operations.
14. The occupier shall ensure that fine dust not to accumulate all around the Brick Kiln.
15. The unit shall submit stack emission monitoring report from MoEF & CC recognized laboratory to the Board's offices, within two month.
16. The unit shall strictly comply with provisions of water Act, Air Act & E (P) Act and Rules/Notifications made thereunder.

#### **General Conditions:**

1. The applicant shall get the sample of treated effluent/emissions/hazardous wastes/leachate analyzed at least once in a three month/six months/one year from the laboratory recognized by the CPCB/UEPPCB/NABL /MoEF and conforms to the limits stipulated. Test report shall be communicated to the UEPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If, at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof.
6. The industry shall provide uninterrupted entry to the STP's/ETP's inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control measures.
7. The industry shall provide "Inspection Book" at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.

10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall reapply before the 30 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point.
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.
13. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous waste without obtaining prior permission of the Board.
14. Any unauthorized change in personnel, equipment as working condition as mentioned in the application by the person authorized shall constitute a breach of his authorization.
15. It is the duty of the authorized person to take prior permission of the Board to close down the facility.
16. The authorization is valid for temporary storage of Hazardous Waste within premises only.
17. The authorized agency shall ensure that on-line data with regard to quantity and nature of hazardous chemicals being used in the plant as well as air emission and waste generated within premises is displayed on Display Board of size 6x4 feet out side the main factory gate within premises.
18. It is duty of the authorized person to take prior permission of this Board to close and cleanup the facility for treatment, storage and disposal of hazardous waste.
19. The applicant shall maintain record of hazardous waste in Form-3 and shall submit annual return in Form-4 on or before the 30<sup>th</sup> day of June following to the financial year to which that return relates.
20. In case of any accident, complete details shall be submitted to this Board as required under H.W. Rules.
21. In no case any hazardous waste shall be disposed off on land, in any drain, or into any water stream. All spillage must also be safely collected and stored.
22. Before the hazardous waste is stored or dumped in the facility, applicant must conduct a detailed physical and chemical analysis of hazardous waste sample and report to the Board.
23. Dried hazardous sludge from the process in the plant shall be stored in double lined HDPE pit constructed with R.C.C. or such material which does not react with the waste contained in it.
24. The storage area should be fenced properly and Sign/Notice Board indicating 'Danger' and 'Hazardous' shall be displayed at appropriate position both in Hindi and English.
25. The industry will store non-ferrous metal waste, used oil/spent oil waste in sealed drums placed on impervious floor under covered shed. Hazardous waste if required shall be sold only to Registered Recyclers/Re-processors.
26. In case of any transportation of hazardous waste, the details in Form-10 of the Hazardous Rules shall be submitted to the Board.

  
Regional Officer (I/c)



UKPCB/ROR/Con/B-152/2023/ 339

Date: 12.06.2023

Registered Post

To,

M/s Balaji Brick Field  
Nagla Saktu Berhampur,  
Manglour, Roorkee  
Distt- Haridwar.

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/Reapplication/Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

Caf ID -6401	Application ID-622628
CCA (Renewal)	
Consent No. AWH- B-23(1)	

CCA is hereby granted to M/s Balaji Brick Field located at Nagla Saktu Berhampur, Manglour, Roorkee, Distt-Haridwar subject to the provisions of the Water Act, Air Act and HW Rules and the orders that may be made further and subject to following terms and conditions :-

- This CCA is granted for a period up to 30.09.2026 and valid for manufacturing of following products with Capital Investment / Net Assets Values Rs 27.83 Laes.

S. No.	Last CCA Quantity		CCA Renewal	
	Product	Quantity (Per Day)	Product	Quantity (Per Month)
1	Bricks	30,000 Nos	Bricks	9,00,000 Nos

- Specific Conditions under Water Act:

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

	Last CCA or CTE	CCA Renewal
Trade Effluent	Nil	Nil
Sewage	1.0	1.0

(ii) Trade Effluent Treatment and Disposal: Nil.

(iii) Sewage Treatment and Disposal: The applicant shall provide comprehensive Septic Tank/ Soak pit is required with reference to influent quantity and quality.

- Conditions under Air Act:-

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

S. No	Stack attached with	Stack height (Mt)	Type of Fuel	Fuel Quantity KLD/MTD	Emission Control Equipment	Emission standards not to exceed
1	Brick Klin	30	Coal & wood	-	Induced draft with Zig-Zag Technology	250 mg/NM <sup>3</sup>



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

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

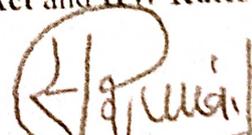
#### 4. Conditions under HW Rules:-

- The Occupier of M/s Balaji Brick Field is hereby granted an authorization to operate a facility for collection and storage of Hazardous wastes.
- The authorization is granted to operate a facility for generation, collection and storage of hazardous wastes within factory premises for following category of wastes.
- The authorization shall be in force for a period up to 30.09.2026
- The authorization is subject to the conditions stated below and the conditions as may be specified in the rules for the time being in force under Environment (Protection) Act, 1986.

S.No.	Category (Schedule-I & Schedule-II)	Quantity of Waste for which authorization is being issued (MTA)	Mode of Disposal
1	-	-	-

#### Terms and conditions of authorization:

- The authorization shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.
  - The authorization and its renewal shall be produced for inspection at the request of an officer authorized by the SPCB/PCC.
  - The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the SPCB/PCC.
  - Any unauthorized changes in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
  - It is the duty of the authorized person to take prior permission of the SPCB/PCC to close down the facility.
  - An application for the renewal of an authorization shall be made as laid down under these rules.
  - Any other conditions for compliance as per the Guidelines issued by the MoEF or CPCB.
5. **Compulsory documents to be submitted by the Industry/Unit:-**
- Annual return in Form-4 and Waste Disposal Manifest in Form-10 under HW Rules and Third Party Audit Report.
  - Environment Statement in Form-V of Environment (Protection) Rules, 1986.
  - Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
6. Unit has to apply for renewal of CCA well in advance of 60 days of expiry of this CCA.
7. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
8. Unit has to comply with the other general conditions as annexed herewith. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and HW Rules will result in legal action under the aforesaid Acts and Rules.

  
Regional Officer (I/c)

Copy to: Member Secretary, Uttarakhand Pollution Control Board, Dehradun for kind information.

Regional Officer (I/c)

#### Specific Conditions:

- In case Unit is using ground water than unit has to obtain NOC from central Ground water Authority for abstraction of ground water for which unit may refer web site <http://cgwa-noc.gov.in>
- The applicant shall provide ports in the chimney/stuck and facilities such as ladder, platform etc. as per requirement for monitoring the air emissions and the same shall be open for inspection and use at all times by

- the Board's staff. The chimney/stack attached to various sources of emission shall be designated by numbers such as S-1, S-2 etc. and these shall be painted/displayed to facilitate identification.
3. The industry shall ensure interlocking of air pollution control devices and production processes.
  4. Solid wastes generated from the industry have to be disposed in manner so that contamination of surface water bodies/ground water/soil etc. does not take place.
  5. The industry shall take adequate measures to control of noise from its own source so as to comply with the standards as may be applicable.
  6. The applicant shall develop three rows of green belt on the premises with plant species as suggested by the Central Pollution Control Board.
  7. The industry shall ensure all safety measures and shall undertake periodical assessment by the competent authority.
  8. The unit shall strictly comply with the provision of The Public Liability Insurance Act. 1991 as amended and Rules made there under there under and shall submit copies of Insurance Policies (if any) to the Board Offices regularly.
  9. Unit shall ensure to comply the notification of state Government vide No. 1822/VII-A-1/2021/80-2/16 Dated 28.10.2021 regarding the Uttarakhand state mining Policy 2021.
  10. Unit Shall ensure to comply the Notification of MoEF & Climate change (Government of India) on dated 22.02.2022 Under EP Act 1986.
  11. The Consent is Valid under the Final decision of Hon'ble NGT in matter of OA No. 783/2022 Ajay Kumar Vs Uttarakhand Pollution Control Board & Others.
  12. Unit shall ensure to obtain the Validation certificate from Central Building Research Institute or authorized organization regarding conversion to induce draft zig zag Technology & Submit it to this office within three Months.
  13. The Consent is being issued by the board to unit in sequence of its Letter No-UKPCB/HO/Gen-29(II)/2023/1537 Date 04.01.2023 and the brick kiln operate will be bound for the final decision on the consent fee in the said letter.
  14. Unit shall submit the compliance report in every year along with current Stack analysis report & Balance sheet.
  15. All the moving areas around the main Brick kiln shall be paved with the bricks to minimize the fugitive dust/emission from the brick kilns operations.
  16. The occupier shall ensure that fine dust not to accumulate all around the Brick Kiln.
  17. The unit shall submit stack emission monitoring report from MoEF & CC recognized laboratory to the Board's offices, within two month.
  18. The unit shall strictly comply with provisions of water Act, Air Act & E (P) Act and Rules/Notifications made thereunder.

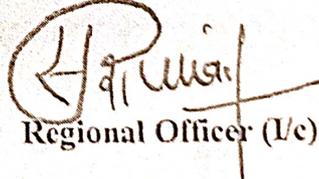
**General Conditions:**

1. The applicant shall get the sample of treated effluent/emissions/hazardous wastes/leachate analyzed at least once in a three month/six months/one year from the laboratory recognized by the CPCB/UEPPCB/NABL/MoEF and conforms to the limits stipulated. Test report shall be communicated to the UEPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If, at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof.
6. The industry shall provide uninterrupted entry to the STP's/ETP's inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control measures.
7. The industry shall provide "Inspection Book" at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other



- concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
  10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
  11. The applicant shall reapply before the 30 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point.
  12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.
  13. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous waste without obtaining prior permission of the Board.
  14. Any unauthorized change in personnel, equipment as working condition as mentioned in the application by the person authorized shall constitute a breach of his authorization.
  15. It is the duty of the authorized person to take prior permission of the Board to close down the facility.
  16. The authorization is valid for temporary storage of Hazardous Waste within premises only.
  17. The authorized agency shall ensure that on-line data with regard to quantity and nature of hazardous chemicals being used in the plant as well as air emission and waste generated within premises is displayed on Display Board of size 6x4 feet out side the main factory gate within premises.
  18. It is duty of the authorized person to take prior permission of this Board to close and cleanup the facility for treatment, storage and disposal of hazardous waste.
  19. The applicant shall maintain record of hazardous waste in Form-3 and shall submit annual return in Form-4 on or before the 30<sup>th</sup> day of June following to the financial year to which that return relates.
  20. In case of any accident, complete details shall be submitted to this Board as required under H.W. Rules.
  21. In no case any hazardous waste shall be disposed off on land, in any drain, or into any water stream. All spillage must also be safely collected and stored.
  22. Before the hazardous waste is stored or dumped in the facility, applicant must conduct a detailed physical and chemical analysis of hazardous waste sample and report to the Board.
  23. Dried hazardous sludge from the process in the plant shall be stored in double lined HDPE pit constructed with R.C.C. or such material which does not react with the waste contained in it.
  24. The storage area should be fenced properly and Sign/Notice Board indicating 'Danger' and 'Hazardous' shall be displayed at appropriate position both in Hindi and English.
  25. The industry will store non-ferrous metal waste, used oil/spent oil waste in sealed drums placed on impervious floor under covered shed. Hazardous waste if required shall be sold only to Registered Recyclers/Re-processors.
  26. In case of any transportation of hazardous waste, the details in Form-10 of the Hazardous Rules shall be submitted to the Board.



  
Regional Officer (Uc)

Item No. 07

Court No. 1

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

Original Application No.341/2023  
(I.A. No. 730/2023)

Vipin Kumar

Applicant

Versus

Uttarakhand Pollution Control Board &amp; Ors.

Respondent(s)

Date of completion of hearing and reserving of order: 22.09.2023

Date of Pronouncement of order: 12.10.2023

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

Applicant(s): Mr. Rohan Thawani &amp; Ms. Aakriti Vikas, Adv. for Applicant

Respondent(s): Mr. Upender Thakur & Ms. Vishakha U Thakur, Advs. for MoEF & CC (R - 4)  
Mr. Neeraj V. Sharma, Ms. Nidhi Agarwal & Mr. Harsh Basoya, Advs. for R - 5 & 6  
Mr. Rahul Verma, AAG for the State of Uttarakhand (Through VC)  
Mr. Mukesh Verma, Adv. for UKPCB (Through VC)

**ORDER**

1. This Original Application has been filed seeking a direction to the official respondents to shut down the operation of Respondent Nos. 5 and 6 Brick Kilns on the ground that they are operating illegally in violation of the siting criteria set out in the MoEF&CC Notification dated 22.02.2022.
2. The case of the Applicant is that Respondent No.5, Jai Mata Brick Field and Respondent No. 6, Gagan Brick Field are operating in Roorkee, Uttarakhand in violation of the conditions laid down in the Environment (Protection) Rules, 1986 as amended by notification of MoEF&CC dated 22.02.2022. The Notification G.S.R.143 (E) dated 22.02.2022 provides for a siting criteria for establishing the brick kilns.

3. The allegation of the Applicant is that Respondent No.5, Jai Mata Brick Field is located within 651.178 mtrs from the existing brick kiln i.e. Balaji Brick Field and within 228.219 mtrs of Chaudhary Bharat Singh Junior High School.

4. Further allegation is that Respondent No.6, Gagan Brick Field is located within 500.852 mtrs from Bharat Brick Field, within 555.386 mtrs of Sarkari Aam Ka Bagh, within 707.441 mtrs of Sureshi Devi Public School, within 780.165 mtrs from Nirmala Devi Inter College, within 774.548 meters from Budhpur Jatt Village and within 890.753 mtrs from Chaudhary Sukbhir Sigh Adarsh Junior High School.

5. Further, case of the Application is that Consent to Operate has been granted to Respondent Nos. 5 and 6 brick kilns on 13.01.2023 and 30.01.2023 respectively which is after issuance of the notification dated 22.02.2022, hence, consent has been granted in violation of the notification. Therefore, Respondent Nos. 5 and 6 cannot be allowed to operate in violation of the notification.

6. The Tribunal by order dated 19.05.2023 had constituted an independent committee comprising of State PCB and District Magistrate, Haridwar. The State PCB was the nodal agency for coordination and compliance. There was a direction to the committee to furnish the report within two months.

7. The committee had submitted the report disclosing location of the brick kilns and further disclosing that the Consolidated Consent and Authorization (CCA) was issued by the Uttarakhand Pollution Control Board valid upto 31.03.2024 and that no siting criteria of the State Government was fixed prior to issuance of the notification dated

22.02.2022. The report further discloses that for past violations, authority has initiated action.

8. The Tribunal by order dated 18.08.2023 had formulated the following questions involved in the original application:-

*“4. The question involved in this application is applicability of the siting criteria for the units which were in operation prior to the issuance of the notification. It is further for consideration as to whether this notification is effective from retrospective effect or from prospective effect and as to whether the conditions of EC are complied with by the unit.”*

9. Submission of the Learned Counsel for the Applicant is that the notification dated 22.02.2022 provides for the siting criteria and that in view of the order of the Hon'ble Supreme Court passed in Civil Appeal Diary No. 18213/2021; *NCR Brick Kiln Association v. Central Pollution Control Boards & Ors.*, the said siting criteria is required to be followed. Therefore, in violation of the conditions of the notification dated 22.02.2022, Respondent Nos. 5 and 6 cannot be allowed to operate. He has further submitted that notification dated 22.02.2022 was attracted when CCA dated 13.01.2023 and 30.01.2023 was granted to Respondent Nos. 5 and 6. He submits that this issue is already covered by the earlier judgment of the Tribunal.

10. The Learned Counsel for Respondent Nos. 5 and 6 opposing the original application has submitted that Respondent Nos. 5 and 6 were established in 2020 and 2021, therefore, the subsequent notification dated 22.02.2022 will not be applicable to Respondent Nos. 5 and 6. In support of his submission, he has placed reliance upon the judgment of the Tribunal in *O.A. No. 783/2022; Ajay Kumar v. Uttarakhand Pollution Control Board & Ors.* He has also disputed that the existence of the Junior High School within the prohibited limits near Respondent No.5. Further, submission is that the notification dated 22.02.2022 is a piece

of delegated legislation, therefore, it will always be prospective in nature. It is also submitted that the Applicant is a competitor brick kiln which itself is violating the siting criteria prescribed in the notification dated 22.02.2022.

11. The Learned Counsel for Respondent No.1 has referred to the report dated 14.08.2023 submitted by the Respondent No.1 but has not advanced any argument on the questions formulated by the Tribunal.

12. We have heard the Learned Counsels for the parties and perused the records.

13. As per the stand of the Respondent No.5, it had established the brick kiln in the year 2020 and as per the stand of the Respondent No.6, it had established the brick kiln in the year 2021. In the course of the argument it has not been disputed by the Counsel for Respondent Nos. 5 and 6 that no consent to establish and consent to operate was obtained from the competent authority under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, when brick kilns were said to be set up by Respondent Nos. 5 and 6 in the year 2020 and 2021.

14. Hence, Respondent Nos. 5 and 6 brick kilns were operating illegally till they obtained the CCA on 13.01.2023 and 30.01.2023.

15. The notification dated 22.02.2022 was issued in exercise of the powers conferred by Section 6 and 25 of the Environment (Protection) Act, 1986 by the Central Government amending the Environment (Protection) Rules, 1986. The notification provides for the siting criteria for establishing the brick kiln to the following effect:-

*“6. Brick Kilns should be established at a minimum distance of 0.8 kilometer 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 kilometer from an existing brick kiln to avoid clustering of kilns in an area.”*

16. The issue relating to implementation of the notification came up before the Hon’ble Supreme Court in Civil Appeal Diary No. 18213/2021 in the matter of *NCR Brick Kiln Association v. Central Pollution Control Boards & Ors.*, the Hon’ble Supreme Court by the order dated 08.04.2022 had taken note of the notification dated 22.02.2022 and had directed the concerned authorities to ensure that production is carried out in terms of the said notification. The direction of the Hon’ble Supreme Court contained in the above order dated 08.04.2022 in this regard is as under:-

*“(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.”*

17. In the present case, the Respondent No.5, Jai Mata Brick Field located at Khasra No. 208, Village Harchandpur, Manglaur, Tehsil Roorkee District Haridwar have been granted Consolidated Consent and Authorization (CCA) by the Uttarakhand Pollution Control Board by order dated 13.01.2023 and the Respondent No. 6, Gagan Brick Field located at Khasra No. 138 & 139 Village Mohammadpur Jat, Pargana Narsan, Roorkee, Tehsil Roorkee District Haridwar has been granted CCA by the Uttarakhand Pollution Control Board by order dated 30.01.2023 in terms of provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016.

18. So far as the issue of fulfilling the citation criteria as prescribed by the notification dated 22.02.2022 by Respondent Nos. 5 and 6, the reports filed before the Tribunal indicate that these units do not fulfill the requisite siting criteria. The report of joint committee in pursuance to the order of the Tribunal dated 19.05.2023 clearly mentions that from Respondent No.5, Jai Mata Brick Field, Khasra No. 208, nearest brick kiln M/s. Balaji Brick Field is at the distance of 650 mtrs and Chaudhary Bharat Singh Junior High School at the distance of 228 mtrs. Similarly, Respondent No.6, Gagan Brick Field located at Khasra No. 138 & 139 is located at a distance of 500 mtrs from M/s. Bharat Brick Field, 555 mtrs from Sarkari Aam Ka Bagh, 750 mtrs from the school and village. Thus, Respondent Nos. 5 and 6 do not fulfill the siting criteria prescribed in the notification dated 22.02.2022.

19. It is undisputed before the Tribunal that Respondent Nos. 5 and 6 were operating since 2020 and 2021 without obtaining Consent to Operate (CTO) and Consent to Establish (CTE) or Consolidated Consent and Authorization (CCA). Hence, undisputedly, Respondent Nos. 5 and 6 were set up in 2020 and 2021 illegally and were also operating illegally till they had obtained the CCA vide orders dated 13.01.2023 and 30.01.2023. Therefore, these units cannot be given the benefit of their illegal operation at the stage of consideration of their application for CCA. Such an illegal operation has no recognition in law.

20. That apart, Respondent Nos. 5 and 6 had no vested right to obtain the CCA, therefore, the law which was prevailing on the date of consideration of their applications for CCA will be attracted. It is not open to the Respondent Nos. 5 and 6 to contend that the law which was prevailing on the date they had illegally set up the brick kiln should be applied for consideration of their applications whereas their applications

were considered much after coming into force of the amended environment protection rules in terms of the notification dated 22.02.2022. Hence, we do not find any merit in the argument of Counsel for Respondent Nos. 5 and 6 that notification dated 22.02.2022 is being attracted retrospectively. In fact, the notification effective on the date of consideration of their applications in 2023 will apply as that was the law prevailing on that date.

21. The records further reflect that notices have been issued by Uttarakhand Pollution Control Board dated 18.09.2023 and 19.09.2023 on the ground that Respondent Nos. 5 and 6 were earlier operating without valid CCA and proposing imposition of the environmental compensation. These notices will not have effect on the present controversy and they will not legalize the past illegal operation of the Respondent Nos. 5 and 6.

22. It is also worth noting that even in the CCA dated 13.01.2023 and 30.01.2023 issued to the Respondent Nos.5 and 6, the condition in respect of compliance of the notification dated 22.02.2022 has been clearly incorporated as under:-

*“10. Unit shall ensure to comply the Notification of MoEF & Climate Change (Government of India) on dated 22.02.2022 under EP Act, 1986.”*

23. Somewhat similar issues had come up before the Tribunal in the matter of *M/s. Jai Hanuman Ent Udyog v. UP Pollution Control Board & Anr. in Appeal No. 74/2014*, wherein the case of the Appellant was that the brick kiln was in existence since 2010, therefore, U.P. Brick Kilns (Siting Criteria for Establishment) Rules, 2012 will not be applicable. In that case UPPCB had granted consent on 06.09.2013, the said consent was set aside by the Appellate Authority taking the view that while

issuing the consent order dated 06.09.2013, the Board ought to have been guided by the Rules of 2012. The Tribunal by order dated 07.05.2015 passed in Appeal No. 74/2014 upholding the order of the Appellate Authority dated 06.09.2013 had held as under:-

*“5. The sole contention raised before us, while challenging the correctness of the impugned order, is that the unit was established in the year 2010 after taking clearance from the Zila Parishad and since then it is in operation. The Rules of 2012 had been promulgated on 27th June, 2012, therefore, the Rules of 2012 cannot be applied to the case of the appellant and the site criteria provided under these Rules of 2012 is inconsequential to the Unit. Therefore, the impugned order is liable to be set aside. It is clear from the records that when the brick kiln was established in 2010, it had taken an NOC from the Zila Parishad but it had not obtained the consent of the UPPCB under Section 21 of the Air Act. The Air Act had been promulgated on 29th March, 1981. In terms of Section 21 of the Air Act, no person shall, without the previous consent of the UPPCB, establish or operate any industrial plant in an air pollution control area. Even the units which were operative at the time of commencement of the Act were granted period of three months from the date of commencement of the Air Act, within which they were required to take the consent of the Board. Thus, there was a statutory obligation on the part of the appellant to seek consent of UPPCB for establishing and operationalizing its unit. Admittedly, the appellant did not take consent of the Board till the show cause notice dated 19th January, 2013 was issued to it. It is only after issuance of this show cause notice that the appellant had filed an application for grant of consent which admittedly has been granted on 6th September, 2013. Thus, for the first time when the unit applied for obtaining consent of the UPPCB was in August, 2013, that is, when the Air Act and all the laws framed thereunder, including the Rules of 2012, were in force. The application for grant of consent ought to have been considered by the UPPCB in accordance with the laws in force, when the application was moved and not when the unit claims to have been established or the time since when it was running. Admittedly, the unit of the appellant had come into existence without complying with the laws in force, particularly the environmental legislations. Before the appellant can claim any advantage on the strength of beneficial interpretation of the relevant provisions in order to contend that it being an existing unit and is covered only by the Rules in force in 2010 and not by the Rules of 2012 as these are prospective in nature, the unit must show that it came into existence upon entirely complying with the laws in force at that time and after obtaining the consent of the Board under the provisions of the Air Act. If a unit is established in violation of the laws in force and in an illegal manner, then it would be estopped from claiming any benefit on the ground of the laws being prospective. Such unit cannot be permitted to exist in violation of the laws in existence, i.e. the Rules of 2012 and the prescribed standards under the Air Act. This shall be the position of law, independent of the contention that such procedural laws which are mandatory and only add additional obligation, but does not take away any existing rights, would have to*

*be treated retroactively. Another aspect of this case is that upon field inspection and also in terms of the orders under appeal, the unit falls within the prohibited distance in terms of Rules of 2012. Compliance to these Rules being mandatory, the unit cannot be permitted to operate in any violation thereof.*

*6. Once it is undisputable on record that the unit of the appellant came into existence and started operating in the year 2010, without obtaining consent of the UPPCB in terms of the Air Act, then the consequences of it being an illegal unit and carrying out an unlawful activity would necessarily follow. A unit, which is established contrary to law and which pollutes the environment, cannot claim any advantage at a subsequent stage on the strength of the NOC from the Zila Parishad, which had no jurisdiction to deal with any of the matters, particularly of environment, as contemplated under the provisions of the Air Act. It is not a case of lack of jurisdiction but that of no jurisdiction of the Zila Parishad. It was mandatory for the appellant to establish its units only upon grant of Consent to Establish and the Consent to Operate from the UPPCB. Having failed to comply with its statutory obligation, the appellant is estopped from claiming the benefit of law under the Rules in force in 2010, as opposed to the applicability of Rules of 2012.*

*7. Even otherwise, the environmental laws including the provisions of the Air Act and the Rules of 2012 are social beneficial legislation, intended to provide and serve greater cause of public health and environment. The purpose is to ensure that because of the emission from the brick kiln, the people residing in vicinity do not suffer on account of air pollution resulting from such activity. The purpose of providing a mandatory statutory distance of the brick kiln from the residential areas is to ensure that the people carrying on activity, particularly like schools and residential areas, are not adversely affected by carrying on of such activity. The fact that the unit of the appellant had so far been operating without obtaining consent of the UPPCB and in violation of the prescribed standards, would not vest in him a right to continue with such unlawful activity. Admittedly, the unit applied for obtaining consent of the UPPCB for the first time in the year 2013, thus, that will be the point of time to determine the application of the laws. This Tribunal had the occasion to deliberate upon and decide a somewhat similar plea in the case of Himmat Singh Shekhawat v. State of Rajasthan and Ors., 2015 All (I) NGT Reporter (1) (Delhi) 44. The plea raised therein was that since the Project Proponents had been carrying on the mining activity for a considerable time, therefore, the preventive and precautionary steps directed to be taken under subsequent laws were not applicable upon them, including the judgment of the Supreme Court prohibiting mining activity in an area of less than five hectares without prior Environmental Clearances. The Tribunal took the view that such activities and restrictions, imposed in the interest of the environment, are not stricto sensu retrospective but are retroactive, as they do not take away the vested rights but only permit continuation thereof, subject to further restrictions.”*

24. The above order makes it clear that an illegally operating unit cannot take the benefits of its illegal operation and such a unit has no

vested right and laws governing the field on the date of consideration of application will apply. Thus, the issue which has been raised before the Tribunal in this original application is already concluded by the aforesaid order of the Tribunal.

25. The Learned Counsel for the Applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in the matter of *State of Tamil Nadu v. Hind Stone & Ors.*, reported in (1981) Vol.2SCC 205 wherein it has been held that no one has a vested right to grant or renewal of a lease and none can claim a vested right to have an application for the grant or renewal of a lease dealt with in a particular way, by applying particular provisions. This judgment clearly supports the contention that the law prevailing on the date of grant of CCA will be applicable.

26. He has also placed reliance upon the judgment of the Supreme Court in the matter of *M.C. Mehta v. Union of India & Ors.*, reported in (2017) 7SCC 243 wherein the Hon'ble Supreme Court has taken note of the effect of the air pollution on the public health and has held that various notifications issued and amendments made to the rules must be read cumulatively in a purposive manner with the objective of enhancing or protecting further deterioration of the quality of the air we breathe from a continuing and continuous onslaught of pollutants.

27. As against this Learned Counsel for the Respondent Nos. 5 and 6 has placed reliance upon the judgment of the Hon'ble Supreme Court in the matter of *Union of India and Others v. G.S. Chatha Rice Mills and Another* reported in (2021) 2 SCC 209 in support of the submission that the notification dated 22.02.2022 being a subordinate legislation will have prospective effect. We need not go into that issue because the notification in question is being applied prospectively and the issue is

about its applicability on the date of consideration of the application for CCA, which in this case is much after issuance of the notification.

28. The Learned Counsel for the Respondent Nos. 5 and 6 has also placed reliance upon the order of the Tribunal dated 18.07.2023 passed in OA No. 783/2022 in the matter of *Ajay Kumar v. Uttarakhand Pollution Control Board & Ors.* but the issue therein was about operation of brick kiln by using zig zag technology and the Tribunal had concluded that in severe air quality condition, coal fired brick kilns cannot be allowed to operate even using the technology unless there is a switch over to the PNG. Hence, the said order of the Tribunal is of no help to the Respondent Nos. 5 and 6.

29. Having regard to the aforesaid, we are of the considered opinion that the CCA dated 13.01.2023 and 30.01.2023 have been issued to the Respondent Nos. 5 and 6 without considering the siting criteria prescribed in the notification dated 22.02.2022, therefore, the CCA dated 13.01.2023 and 30.01.2023 cannot be sustained and are hereby set aside with a direction to the competent authority to reconsider the application for grant of CCA filed by the Respondent Nos. 5 and 6 after duly considering the siting criteria prescribed in the notification dated 22.02.2022.

30. During the course of arguments Learned Counsel for Respondent Nos. 5 and 6 has made the allegation that the Applicant is also operating the brick kilns in violation of the siting criteria of 22.02.2022 notification. The competent authority will duly consider this issue also and if found to be correct, take action in accordance with law.

31. The O.A. and I.A. are disposed of accordingly.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 22, 2023  
Original Application No.341/2023  
(I.A. No. 730/2023)  
SN



क्षेत्रीय कार्यालय

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

सिंचाई परिकल्प भवन परिसर, रुड़की -247667 हरिद्वार



पत्रांक-यूकेपीसीबी/आर0ओ0आर0/सहमति/बी-152/2023/1170

दिनांक: 28.11.2023

पंजीकृत डाक द्वारा

सेवा में,

✓ M/s Balaji Brick Field,  
Nagla Saktu Berhampur,  
Manglore, Roorkee  
Distt- Haridwar.

**विषय:-** Consolidated Consent to Operate and Authorization hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/Reapplication/Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Trans boundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

महोदय,

कृपया उपरोक्त विषयक उद्योग को इस कार्यालय के पत्रांक- यूकेपीसीबी/आरओआर/सहमति/बी-152/2023/339 दिनांक 12.06.2023 द्वारा संचालन हेतु शर्त सहमति निर्गत की गयी है। जिसकी वैधता दिनांक 30.09.2026 तक है। निर्गत सहमति आदेश पत्र में उद्योग को State Govt Vide No. 1822/VII-A-1/2021/80-ख/16 dated 28.10.2021 regarding the Uttarakhand state mining Policy 2021 and The Notification of MoEF & Climate Change (Government of India) on dated 22.02.2022 Under EP Act 1986 की शर्त आरोपित है। किन्तु भट्टे द्वारा उक्त शर्त का अनुपालन नहीं किया गया है।

*30. During the course of arguments Learned Counsel for respondent Nos. 5 and 6 has made the allegation that the Applicant is also operating the brick kilns in violation of the sitting criteria of 22.02.2022 notification. The competent authority will duly consider this issue also and if found to be correct, take action in accordance with law.*

अतः उद्योग को इस कार्यालय के पत्रांक- यूकेपीसीबी/आरओआर/सहमति/बी-152/2023/339 दिनांक 12.06.2023 द्वारा निर्गत संचालनार्थ सहमति पत्र को तत्काल निरस्त (Revoke) किया जाता है, एवं निर्देशित किया जाता है, कि जल व वायु अधिनियम के तहत संचालनार्थ सहमति प्राप्त किये बिना उद्योग का संचालन कदापि नहीं किया जाये। अन्यथा उद्योग के विरुद्ध जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1974 एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1981 की धाराओं के अन्तर्गत उद्योग के विरुद्ध कार्यवाही की जायेगी जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योगी का होगा।

भवदीय,

*28/11/2023*  
(एस0 पी0 सिंह)  
क्षेत्रीय अधिकारी

प्रतिलिपि:-

1. सदस्य सचिव महोदय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सादर सूचनार्थ प्रेषित।
2. जिलाधिकारी महोदय, जिला-हरिद्वार को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

REGIONAL OFFICE  
UTTARAKHAND POLLUTION CONTROL BOARD  
IRRIGATION PARIKALPA BHAWAN COMPLEX,  
ROORKEE-247667 HARIDWAR

Letter No. UKPCB/ROR/Consent/B-152/2023/1170  
dated 28.11.2023

By registered post.

To,

M/s Balaji Brick Field,  
Nagla Saktu Berhampur,  
Manglore, Roorkee  
Distt- Haridwar.

Subject:- Consolidated Consent to Operate and Authorization hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/ Reapplication/ Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Trans boundary Movement) Rules, 2016" notified under "Environment

(Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

Sir,

The conditional consent for operation has been issued to the above mentioned industry vide this office's letter no. UKPCB/ROR/Consent/V-152/2023/339 dated 12.06.2023 the validity of which is till 30.09.2026. In the consent order letter issued to the industry, the condition of State Govt Vide No. 1822/VII-A- 1/2021/80-अ/16 dated 28.10.2021 regarding the Uttarakhand state mining Policy 2021 and The Notification of MoEF & Climate Change (Government of India) on dated 22.02.2022 Under the condition of EP Act 1986 is imposed. But the said condition has not been complied with by the brickfield.

30. During the course of arguments Learned Counsel for respondent Nos. 5 and 6 has

made the allegation that the Applicant is also operating the brick kilns in violation of the sitting criteria of 22.02.2022 notification. The competent authority will duly consider this issue also and if found to be correct, take action in accordance with law.

Therefore, the consent letter for operation issued to the industry vide this office's letter no. UKPCB/ROR/Consent/B-152/ 2023/339 dated 12.06.2023 stands revoked forthwith, and it is directed that the industry should never be operated without obtaining consent for operation under water and air Act. Otherwise, action will be taken against the industry under the sections of Water (Prevention and Control of Pollution) Act-1974 and Air (Prevention and Control of Pollution)

Act-1981, the entire responsibility of which will be on the part of entrepreneur itself.

Yours sincerely,  
Sd/- 28.11.2023  
(S.P. Singh)  
Regional Officer

Copy sent to:-

1. Member Secretary, Uttarakhand Pollution Control Board, Dehradun for information.
2. The District Magistrate, District-Haridwar for information.

Sd/-

Regional officer

//True translated copy//



क्षेत्रीय कार्यालय

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

सिंचाई परिकल्प भवन परिसर, रुड़की-247667 जिला-हरिद्वार



पत्रांक- यूकेपीसीबी/आर0ओ0आर0/सहमति /B-152/2023/1221

दिनांक 06.12.2023

पंजीकृत डाक द्वारा

सेवा में,

M/s Balaji Brick Field  
Nagla Saktu, Berhampur  
Manglour, Roorkee,  
Distt-Haridwar.

**विषय:** Consolidated Consent to Operate and Authorization hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/Reapplication/Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Trans boundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

महोदय,

कृपया उपरोक्त विषयक अपने पत्र दिनांक 02.12.2023 का सन्दर्भ लेना चाहें। जिसमें इस कार्यालय के पत्रांक:-यूकेपीसीबी/आर0ओ0आर0/सहमति/बी-152/2023/1170 दिनांक 28.11.2023 द्वारा निरस्त (Revoke) संचालनार्थ सहमति पत्र को पुनः वैध (Revalid) करने का अनुरोध किया गया है।

आपके द्वारा अनुरोध पत्र के साथ संलग्न अभिलेखों का परीक्षण किया गया। परीक्षण के पश्चात् इस कार्यालय के पत्रांक:-यूकेपीसीबी/आर0ओ0आर0/सहमति/बी-152/2023/339 दिनांक 12.06.2023 द्वारा निर्गत संचालनार्थ सहमति पत्र को पुनः वैध (Revalid) किया जाता है।

सहमति पत्र में वर्णित समस्त शर्तें यथावत् रहेंगी।

भवदीय,

*(Handwritten Signature)*  
06.12.2023  
(एस0पी0सिंह)  
क्षेत्रीय अधिकारी

प्रतिलिपि:-

1. सदस्य सचिव महोदय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सादर सूचनार्थ प्रेषित।
2. जिलाधिकारी महोदय, हरिद्वार को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

REGIONAL OFFICE  
UTTARAKHAND POLLUTION CONTROL BOARD  
IRRIGATION PARIKALPA BHAWAN COMPLEX,  
ROORKEE-247667 HARIDWAR

Letter No.- UKPCB/ROR/Consent/B-152/2023/1221

Dated 06.12.2023

By Registered Post

To,

M/s Balaji Brick Field  
Nagla Saktu, Berhampur  
Manglour, Roorkee,  
Distt-Haridwar.

Subject- Consolidated Consent to Operate and Authorization hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/ Reapplication/ Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Trans boundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred

hereinafter as Water Act, Air Act and HW Rules respectively).

Sir,

Please refer to your letter dated 02.12.2023 on the above subject in which a request has been made to revalidate the consent letter for operation which was revoked by this office's letter no. UKPCB/ROR/Consent/B-152/2023/1170 dated 28.11.2023.

The records attached with your request letter were examined. After examination, the consent letter for operation issued by this office letter no. UKPCB/R.O.R/Consent/B-152/2023/339 dated 12.06.2023 is revalidated.

All the conditions mentioned in the consent letter will remain unchanged.

Yours sincerely,  
Sd/- 06.12.2023  
(S.P. Singh)  
Regional officer

Copy sent to:-

1. Member Secretary, Uttarakhand Pollution Control Board, Dehradun for information.
2. The District Magistrate, District-Haridwar for information.

Sd/-  
Regional officer

//True translated copy//



क्षेत्रीय कार्यालय  
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

सिंगाई परिकल्प भवन परिसर, रुड़की-247667 जिला-हरिद्वार

पत्रांक- यूकेपीसीबी/आर०ओ०आर०/सहमति/बी०-152/2023/1170  
पंजीकृत शाक द्वारा

दिनांक 06.01.2024

सेवा में,

आपर जिलाधिकारी (वित्त एवं राजस्व)  
हरिद्वार।

विषय: मै० बालाजी ट्रिक फ़िल्ड, ग्राम नगला सकदू का संग्रहण बन्द कराने के सम्बन्ध में।  
महोदय,

कृपया उपरोक्त विषयक अपने पत्रांक सं०-790/खनन सहायक-2023 दिनांक 22.12.2023 का सन्दर्भ लेना चाहेंगे। जिसके द्वारा श्री विपुल कुमार पुत्र श्री चन्द्रपाल सिंह, गदनपुरा केलवाडा कलां, मुजफ्फरनगर के पत्र के अनुसार मा० एन०जी०टी० में योजित मूल वाद सं०-0A 341/2023 में परिित आदेश दिनांक 12.10.2023 के अनुपालन में भट्टे की सहमति पत्र निरस्त किये जाने पर संग्रहण बन्द किये जाने सम्बन्धी अनुरोध पत्र के क्रम में नियमानुसार अग्रिम कार्यवाही किये जाने का आग्रह किया गया है।

अवगत कराना है, कि मा० एन०जी०टी० में योजित मूल वाद सं०-0A 341/2023 में परिित आदेश दिनांक 12.10.2023 में वर्णित ईट भट्टे एवं वादी द्वारा संग्रहित किये जा रहे हैं। मै० श्री बालाजी ट्रिक फ़िल्ड, स्टाता सं०-003564, कंगवाली, मंगलौर, रुड़की का संग्रहणार्थ सहमति पत्र इस कार्यालय के पत्रांक यूकेपीसीबी/आर०ओ०आर०/सहमति/एस०-622/2023/ 1991, दिनांक 29.03.2023 द्वारा पूर्व में अस्वीकृत किया जा चुका है। (सुलभ सन्दर्भ हेतु छायाप्रति संलग्न है।)

शिकायती पत्र में वर्णित मै० बालाजी ट्रिक फ़िल्ड, ग्राम नगला सकदू को संग्रहण हेतु निर्गत सहमति पत्र इस कार्यालय के पत्रांक: यूकेपीसीबी/आर०ओ०आर०/सहमति/बी०-152/2023/1170 दिनांक 28.11.2023 द्वारा रिवोक (Revoke) किया गया था, किन्तु उद्यमी से प्राप्त प्रत्यावेदन के परीक्षण के पश्चात् पाया गया कि उक्त भट्टे द्वारा राज्य बोर्ड से स्थापनार्थ सहमति पत्र प्राप्त की गयी है, तथा भट्टे का संग्रहण पर्यावरण, वन एवं जल वायु परिवर्तन मंत्रालय, नई दिल्ली द्वारा जारी अधिसूचना दिनांक 22.02.2022 से पूर्ण किया गया है तथा भट्टा मा० एन०जी०टी० में योजित मूल वाद सं० 0A 341/2023 दिनांक 12.10.2023 से सम्बन्धित नहीं होने पर इस कार्यालय के पत्रांक यूकेपीसीबी/आर०ओ०आर०/सहमति/बी-152/2023/1221 दिनांक 06.12.2023 द्वारा भट्टे की सहमति पत्र को पुनः वैध (Revalid) किया गया है। (छायाप्रतियां संलग्न)

संलग्नक:-यथोपरि।

भवदीय,

(एस०पी०सिंह)  
क्षेत्रीय अधिकारी

प्रतिलिपि:-

1. सदस्य सचिव महोदय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, मुख्यालय देहरादून को सादर सूचनार्थ प्रेषित।
2. उप जिलाधिकारी, रुड़की को सूचनार्थ प्रेषित।
3. जिला खनन अधिकारी, हरिद्वार को सूचनार्थ प्रेषित।
4. श्री विपुल कुमार पुत्र श्री चन्द्रपाल सिंह, 168 गदनपुरा, पो०-केलावडा कलां, जिला-मुजफ्फरनगर को उनके पत्र दिनांक 04.01.2024 के सन्दर्भ में सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

REGIONAL OFFICE  
UTTARAKHAND POLLUTION CONTROL BOARD  
IRRIGATION PARIKALPA BHAWAN COMPLEX,  
ROORKEE-247667 DISTRICT HARIDWAR

Letter No.- UKPCB/ R.O.R./Consent/B-152/2024/5376

Dated 08.01-2024

By Registered Post

To,

The Additional District Magistrate  
(Finance and Revenue)  
Haridwar.

Subject: With reference to closure of operation of  
M/s Balaji Brickfield, Village Nagla Saktu

Sir,

Please refer to your letter no. 790/Mining  
Assistant -2023 dated 22.12.2023 on the above  
subject whereby according to the letter of Mr. Vipul  
Kumar son of Sri Chandrapal Singh, Gadanpura  
Kelira Kalan Muzaffarnagar, request has been made  
to take further action according to rule with  
reference to request letter for closing the operation  
on cancellation of consent letter of brickfield in  
compliance of the order dated 12.10.2023 passed

by Hon'ble NGT in the original case no. OA 341/2028.

It is to be informed that the brick field mentioned in the order dated 12.10.2023 of Hon'ble NGT passed in the original case number OA No.341/2023 is being operated by the applicant. The consent letter for operation of Shri Balaji brickfield, Khata No. 003564, Kangwali, Mangalore, Roorkee, has been declined in earlier vide this office letter No. UKPCI/ROR/Consent/S-622/2023/1991, dated 29.03.2023. (Photocopy is attached for easy reference.)

The consent letter issued for operation to M/s Balaji Brickfield, Village Nagla Saktu mentioned in the complaint letter was revoked by this office letter no. UKPCCH/ROR/Consent/B-152/2023/1170 dated 28.11.2023, but after examining the representation received from the entrepreneur, it was found that

the said brickfield has obtained consent for establishment from the State Board and the brickfield has been operated before the notification dated 22.02.2022 issued by the Ministry of Environment, Forest and Water Air Change, New Delhi and the brickfield since being not related to the original case No. OA 341/2023 dated 12.10.2023 filed in Honorable NGT the consent letter of brickfield has been revalidated by this office's letter number UKPCB/ ROR/ Consent B-152/ 2023/ 1221 dated 06.12.2023. (Photocopies attached)

Encl:- As above.

Yours sincerely,

Sd/-  
(S.P. Singh)  
Regional Officer

Copy to:-

1. Member Secretary, Uttarakhand Pollution Control Board, Headquarters Dehradun for information.
2. Sub Divisional Magistrate, Roorkee for information.
3. District Mining Officer, Haridwar for information.
4. Sri Vipul Kumar, son of Mr. Chandrapal Singh, 168 Gadanpura, P.O.-Kelavada Kalan, District-Muzaffarnagar in reference to his letter dated 04.01.2024.

Sd/-

Regional officer

//True translated copy//

  
**भारत का राजपत्र**  
**The Gazette of India**

सी.जी.-डी.एन.-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 उत्तार्जन में विविकृत पदार्थ	250 मिलीग्राम/एनएम3
		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 :

1. सभी नए ईट भट्टों को केवल ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट के साथ होने की या ईट बनाने में ईंधन के रूप में पाइप्ड प्राकृतिक गैस के उपयोग की अनुमति दी जाएगी और इस अधिसूचना में निर्धारित मानकों का पालन करना होगा।
2. विद्यमान ईट भट्टे जो ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट या ईट बनाने में ईंधन के रूप में पाइप्ड 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।
3. सभी ईट भट्टे केवल अनुमोदित ईंधन जैसे कि पाइप्ड 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।
4. 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।
5. विविक्त सामग्रियों (पीएम) के निष्कर्ष 4% CO<sub>2</sub> पर प्रसामान्य किए जाएंगे जो निम्नलिखित हैं:  
पीएम (सामान्य) = (पीएम(मापित) × 4%) / (चिमनी में मापित CO<sub>2</sub> का %, मापित CO<sub>2</sub> के मामले में ≥ 4% कोई प्रसामान्यीकरण नहीं। चिमनी की ऊंचाई (मीटर में) भी H= 14 Q<sup>0.3</sup> सूत्र (जहां Q kg/hr में SO<sub>2</sub> उत्सर्जन दर है) द्वारा परिकलित की जाएगी, और अधिकतम दो को काम में ले सकेंगे।
6. 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।
7. 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।
8. 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।
9. ईट भट्टों से निकलने वाली राख को ईट बनाने में उसी परिसर के अंदर ही इस्तेमाल किया जाएगा।
10. 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।
11. ईट भट्टा मालिक यह सुनिश्चित करेंगे कि कच्चे माल/ईटों के परिवहन के लिए उपयोग की जाने वाली सड़के पक्की सड़कें हैं।
12. 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 <sup>3</sup>
		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% CO<sub>2</sub> 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  $H=1.4Q^{0.1}$  (where Q is SO<sub>2</sub> emission rate in kg/hr), and the maximum of two shall apply.

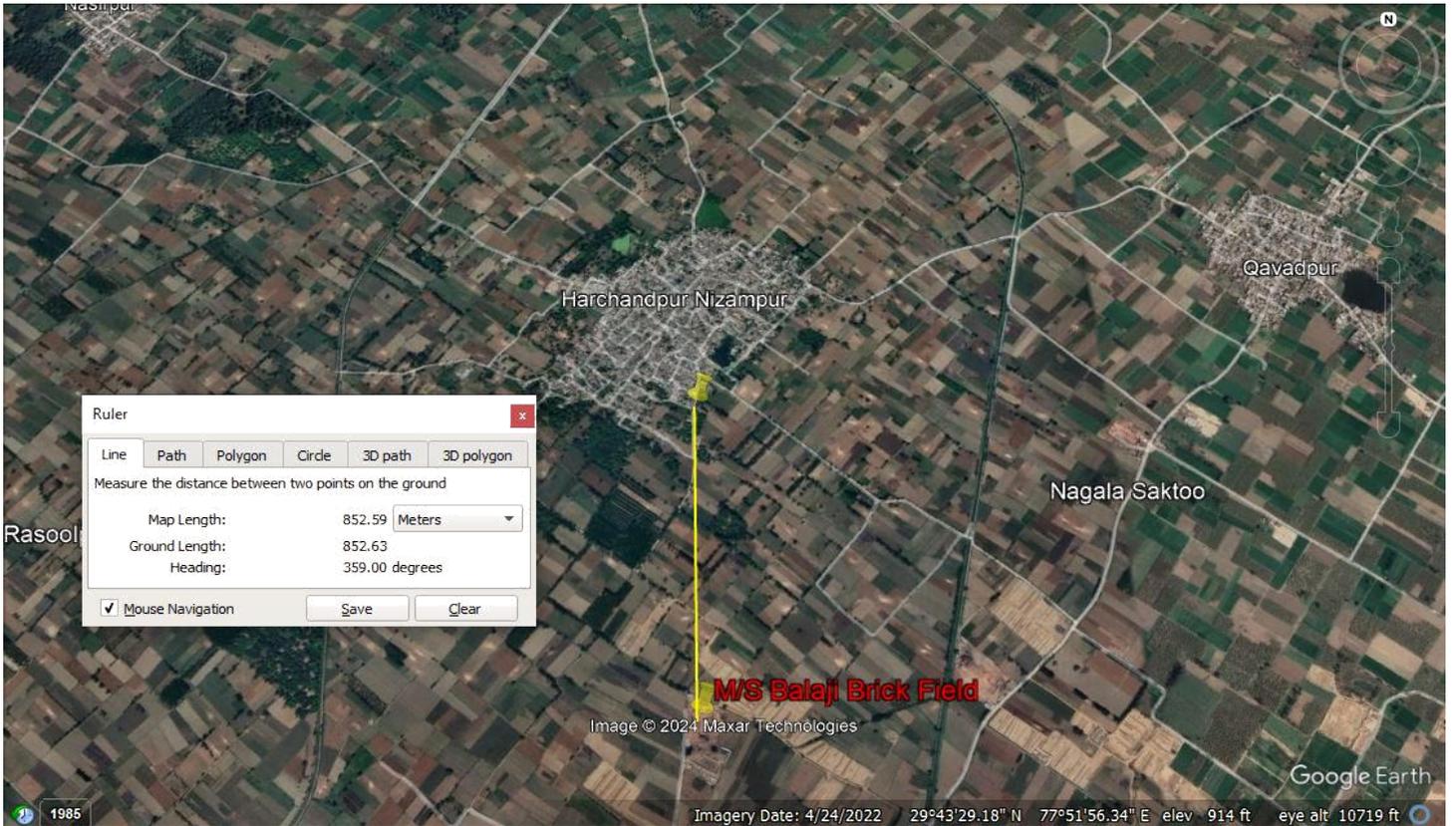
6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.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

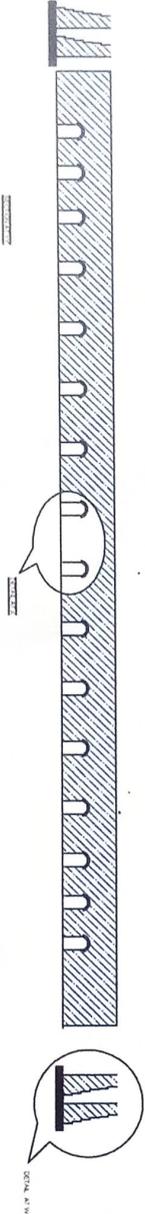
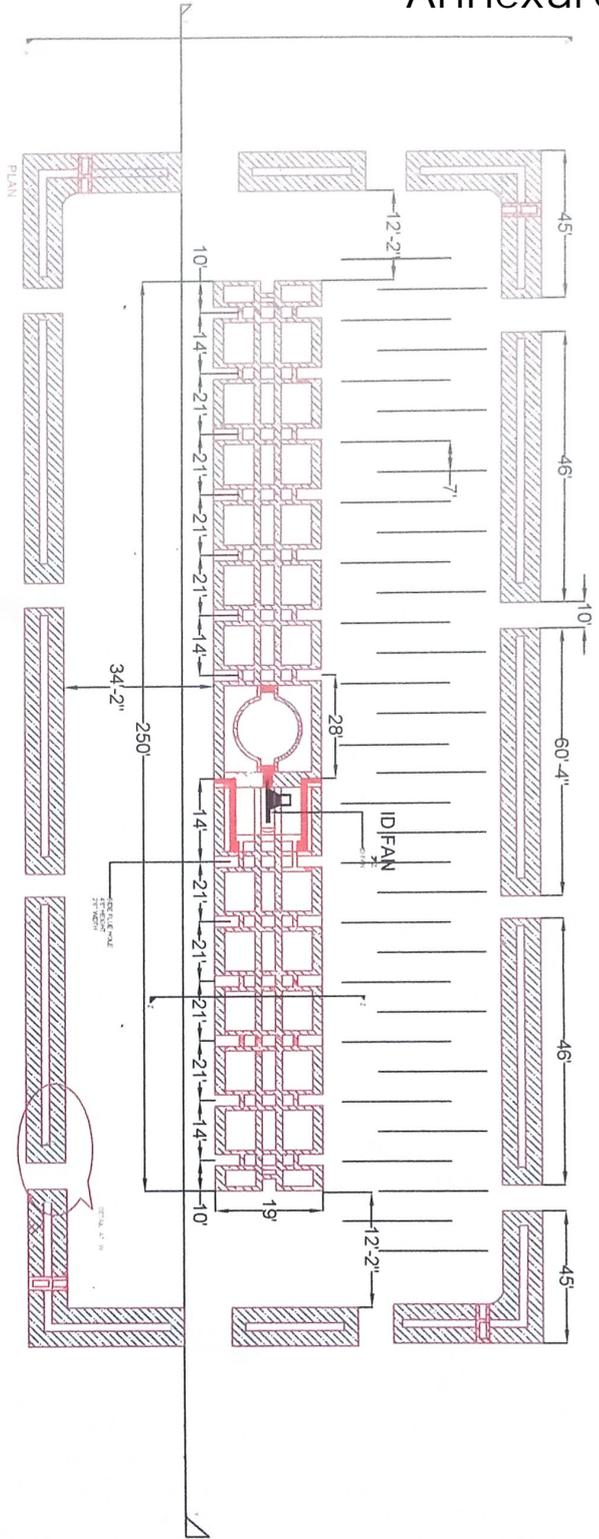
[F. No. Q-15017/35/2007-CPW]

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 04<sup>th</sup> October, 2021.

Annexure R/11





HIGH-DRAUGHT BRICK KILN



PLAN & SECTION OF KILN

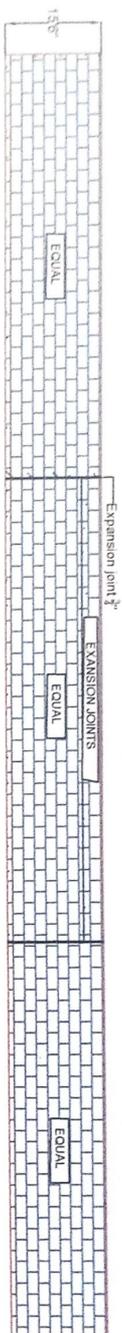
DRG No. TM-23/099

CLIENT

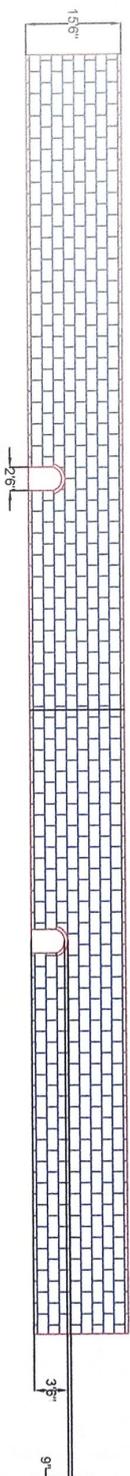
M/S BALAJI BRICK FIELD  
 VILLAGE - NAGLA SAKTU BERNAMPUR,  
 MANGLOUR, TEHSIL - ROORKEE,  
 DISTT. - HARIDWAR,  
 STATE - UTTARAKHAND

BY TEAM ENERGY SYSTEMS

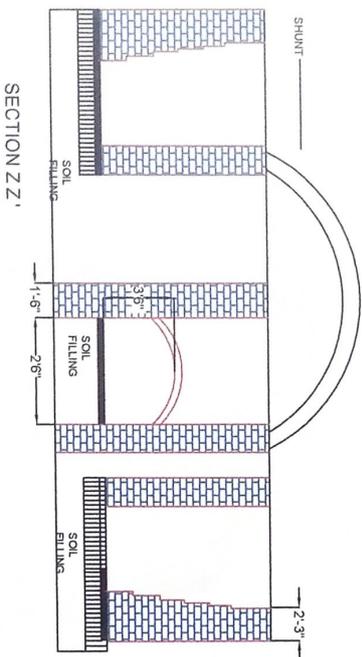
AUTHORISED LICENSEE  
 CENTRAL BUILDING RESEARCH  
 INSTITUTE, ROORKEE



FRONT ELEVATION OF WALL  
DETAIL W



FRONT ELEVATION OF MIYANA  
DETAIL X



HIGH-DRAUGHT BRICK KILN



PLAN & SECTION OF KILN

DRG No. **TM-23/099**

CLIENT

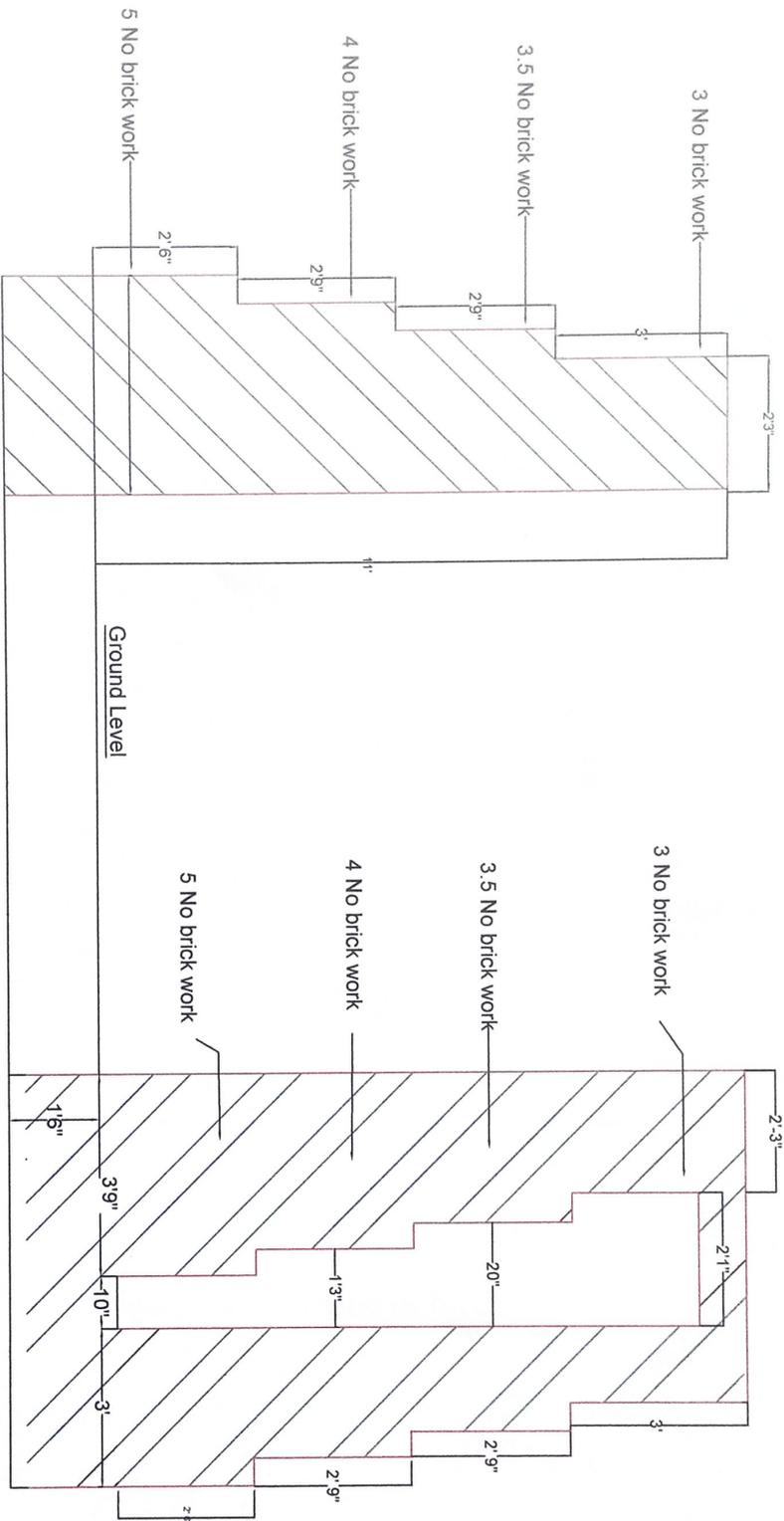
M/S BALAJI BRICK FIELD  
 VILAGE- NAGLA SAKTU BERAMPUR,  
 MANGLOUR, TEHSIL- ROORKEE,  
 DISTT.- HARDWAR,  
 STATE- UTTARAKHAND

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**DESIGN : HIGH DRAUGHT  
DOUBLE ZIG-ZAG KILN**



PLAN & SECTION OF KILN

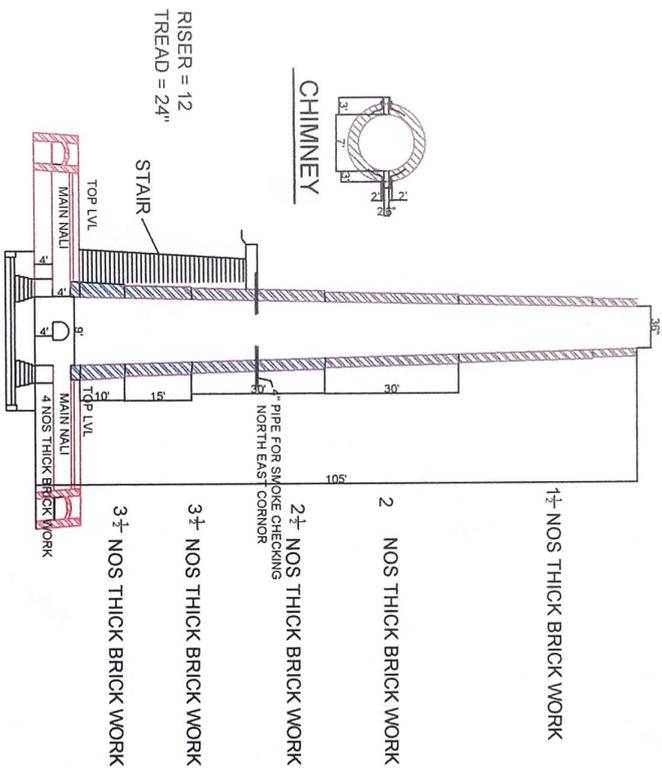
DRG No. **TM-23/097**

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M/S BALAJI BRICK FIELD  
VILLAGE - NAGIA SAKTU BERHAMPUR,  
MANGLOUR, TEHSIL - ROORKEE,  
DISTT. - HARIDWAR;  
STATE - UTTARAKHAND

BY  
**TEAM ENERGY SYSTEMS**

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CENTRAL BUILDING RESEARCH  
INSTITUTE, ROORKEE



Longitudinal Section of Main Nali & Chimney



PLAN & SECTION OF KILN

DRG No. **TM-23/099**

CLIENT

M/S BALAJI BRICK FIELD  
 VILLAGE- NAGLA SAKTU BERHAMPUR,  
 MANGLOUR, TEHSIL- ROORKEE,  
 DISTT.- HARIDWAR;  
 STATE- UTTARAKHAN

BY

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 INSTITUTE, ROORKEE



## This Feasibility Report belongs to

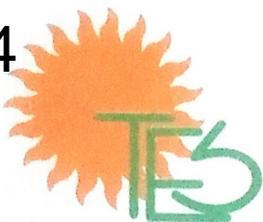
M/S BALAJI BRICK FIELD  
 VILLAGE- NAGLA SAKTU BERHAMPUR,  
 MANGLOUR, TEHSIL- ROORKEE,  
 DISTRICT- HARIDWAR  
 STATE- UTTARAYAN

### Dimension of High Draught Kiln

#### 1. Kiln Dimensions

- Length (Island) : 76000 mm
- Width (Island) : 5776 mm
- Height : 3344 mm
- 2. - Draught : 50 mm water gauge
- Discharge Capacity : 425 cu.m
- Fan :
- 3. - Number of feeding : 12  
holes in one row
- 4. - Chimney Details  
Height : 31920 mm
- 5. -Cleaning interval : One in fortnight  
of well and flue  
ducts (proposed)
- 6. -Coal Consumption :  
in one day (expected)
- Average : 9-10 TON
- 7. - Brick Production per day (Approx) : 35210
- 8. -Number of chambers : 35





Authorised Licensee : Central Building Research Institute, Roorkee

S.C.F. 87, 11nd Floor, Sector 4, Panchkula - 134112

286-287, Ecotech-I, Extn. Near Kasna, Greater Noide-201306 (U.P.)

Phone : 9814023509, 9213394753

E-mail : suneet@teamengineers.com

Ref. No.-TEM/23/099

Dated: 02.11.2020

**To whomsoever it may concern**

Certified that **M/S BALAJI BRICK FIELD, VILLAGE- NAGLA SAKTU BERHAMPUR, MANGLOUR, TEHSIL- ROORKEE, DISTT.- HARIDWAR, STATE- YTTARAKHAND** has received a set of Civil Engineering drawing as per drawing No. **23/099** of High Draught Zigzag Brick kiln designed and developed by Central Building Research Institute, Roorkee proposed to be implemented at their Brick Kiln **M/S BALAJI BRICK FIELD, VILLAGE- NAGLA SAKTU BERHAMPUR, MANGLOUR, TEHSIL- ROORKEE, DISTT.- HARIDWAR, STATE- YTTARAKHAND**

It is further certified that this type of High Draught brick kiln with Zigzag type of firing meets the norms as prescribed by the Central Pollution Control Board.

For Team Energy Systems



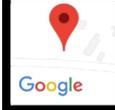
Authorized Signatory



Unnamed Road,  
Uttarakhand 247656, India

12 Feb 2024 02:45 pm

broken clouds  
25.0 °C



12 Feb 2024 02:39 pm

broken clouds  
25.0 °C



Unnamed Road,  
Uttarakhand 247656, India

12 Feb 2024 03:24 pm

broken clouds  
25.0 °C



Unnamed Road,  
Uttarakhand 247656, India

12 Feb 2024 03:24 pm

broken clouds  
25.0 °C

**VAKALATNAMA  
IN THE NATIONAL GREEN TRIBUNAL  
CASE NO. O.A 754 OF 2024**

Vipul Kumar

...COMPLAINANT

**VERSUS**

Uttarakhand pollution control  
Board & Ors.

.....RESPONDENTS

KNOW ALL to whom these present shall come that I, **AMIT MALIK**, C/o Rakesh Malik, R/o Gaushala-2 Mazaffarnagar, Uttar Pradesh- 251002, the above-named, do hereby appoint **Mohini Priya**, (herein after called the advocate/s) to be Advocates in the above-noted case and authorize them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw of compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on our behalf. And I/we undertake that I/we or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

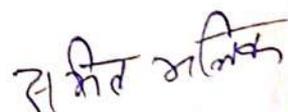
And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fees is paid, I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again me/us.

**IN WITNESS WHERE OF** I/we do here unto set my/our hand to these present the contents of which have been understood by me/us on this 17 day of Feb 2024

Accepted subject to the terms of the fees.

  
(**MOHINI PRIYA**)  
Advocate

Off: A-448, LGF, Defence Colony, New Delhi-110024,  
Ch: 1, CK Daphtary Block, Supreme Court, New Delhi-1,  
9971302878  
email: priyamohini@gmail.com  
JH/58/2010

  
(Client)  
**AMIT MALIK**



Reply on behalf of Respondent  
no. 5 in OA 754/2023

Inbox



Mohini Priya 10:33 PM

to first.legal7, me



Please find attached a copy of the reply filed on behalf of Respondent no. 5 in the abovcaptioned matter.

Regards,  
Mohini Priya  
Advocate on Record  
Supreme Court of India



Balaji Brick NGT.pdf



Reply

Reply all

Forward

