

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi**

I.A. No. 341. Of 2020

In

Original Application No.1016 Of 2019

In the matter of:-

Utkarsh Panwar

.....Applicant

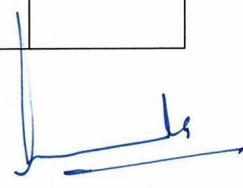
Versus

Central Pollution Control Board & Ors

.....Respondent(s)

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(S.K. Gupta)

Scientist 'E'

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

Place: Delhi

Dated:13.10.2020

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**Reply on Behalf of, Central Pollution Control Board to the I.A. Filed by the
applicant**

PARAWISE REPLY: -

That in reply to the averments contained in **para-1 to 14**, are regarding the order dated 15/11/2019 and subsequent orders passed by Hon'ble NGT in the present OA, for closure of the brick kilns in NCR region. The Applicant is an association namely NCR Brick & Tile Manufacturers Association representing approximate three thousand numbers of brick kilns of NCR in State of Haryana, State of Uttar Pradesh, and State of Rajasthan operating on latest Zig-Zag technology.

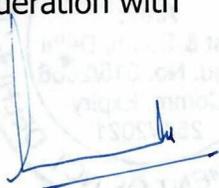
Applicant is aggrieved by the Order dated 15/11/2019 and subsequent orders dated 18/12/2010, 06/02/2020, 05/03/2020, 23/03/2020 passed by this Hon'ble Tribunal in the present O.A. wherein this Hon'ble Tribunal has issued interim order for the closure of all brick kilns in NCR till a scientific study/report is submitted or the situation improves and hence the applicant is filing the present Application seeking impleadment in the present matter since the applicant is a necessary party considering that the applicant represents approximate three thousand numbers of brick kilns of NCR in States of Haryana, Rajasthan and Uttar Pradesh operating on latest Zig-Zag technology which can show a fair semblance of interest in the present matter and ought to be heard for bringing true and complete facts and relevant material on record for proper adjudication of the matter, for rendering complete justice and to settle all questions/ issues raised in the proceedings. It is further stated that the execution of the orders of this Hon'ble Tribunal would be effectively binding only with the impleadment of the Applicant.

Applicant submitted that the ambient air quality of NCR is totally within norms for the present. The current levels of PM2.5, PM10, NO, NO2, NOx, NH3, SO2, CO, Ozone, Benzene, Toluene, Temp, WS, WD, SR, BP, RF obtained through the CPCB online

portal of the Monitoring Stations in NCR for the last 6 months demonstrates that the pollutions level in NCR has remained within safe limits. That it is humbly submitted, being a seasonal industry the Brick Kilns of NCR operate during October to June every year. By and large the Brick Kilns cannot be operated in the open during the rainy season i.e. July to September. From October to December brick kilns are engaged in moulding of Kachchi clay bricks. From January to June the baking process of Kachchi clay bricks starts or we can say the firing process starts from January and ends in June. This is the general practice followed by our brick kiln industry. In line with the above it is submitted that the Applicant Brick Kilns of NCR have been non-operational since the month of July 2019, which may be verified by this Hon'ble Tribunal from the State Pollution Control Boards. It is obvious that the Applicant brick kilns of NCR have not contributed to air pollution caused between the months of July to December in Delhi & NCR.

That the closure order dated 15.11.2019 and subsequent orders passed by this Hon'ble Tribunal is having serious impact on the livelihood of the local people and daily waged labourers who are dependent on smaller industries such as the Applicant's Brick Kilns for their livelihood. The closure of the Applicant Brick Kilns from the starting season of October has suddenly affected the survival of the industry itself.

In reply, CPCB submits that CPCB has filed the report on 6/7/2020, in compliance of the orders of Hon'ble NGT dated 17/03/2020 w.r.t. how brick kilns can be allowed in NCR without damage to the air quality; conditions subject to which it may be done; number of brick kilns to be allowed and criteria for fixing such numbers. On the basis of the availability of data and the objective of estimating the number of brick kilns which can be operated without affecting the ambient air quality, the carrying capacity was assessed using ambient air concentration vis a vis PM10. It was observed that no carrying capacity was available, where ambient air concentration was exceeding the prescribed standard. Wherever, carrying capacity was available, number of brick kilns, which can be operated, were calculated. The matter is under consideration with Hon'ble NGT and CPCB has no further comments to offer in this regard.



(S.K. Gupta)

Scientist 'E'

Central Pollution Control Board

Place: Delhi

Dated:13.10.2020

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AFFIDAVIT

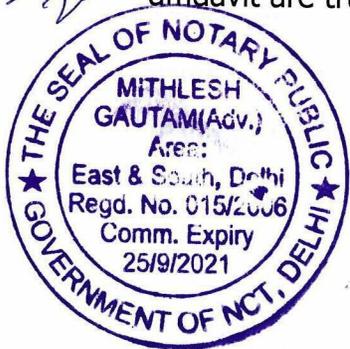
I, S.K. Gupta aged about 57 years do hereby solemnly affirm and state as under:

1. That I am Scientist 'E' in the central Pollution Control Board and well conversant with the facts and circumstances of this case and competent to swear this affidavit.
2. That the contents of the reply to the I.A. are true and correct to the best of my knowledge.

DEPONENT

VERIFICATION:

116-A
2020
Verified at New Delhi on the 3rd OCT 2020 day of Oct. 2020, that the contents of the above affidavit are true and correct to the best of my knowledge



DEPONENT

CERTIFIED THAT THE DEPONENT

Shri/Smt./Km. S.K. Gupta
Identified as Scientist 'E' in C.P.C.B. Delhi
has signed self
on 3 OCT 2020 at Delhi
that the contents of the affidavit are true and correct to the best of his knowledge.

M. Sachdev
Notary Public-Karkardooma Court, Delhi

Identify the deponent who
has signed in my presence

3 OCT 2020