

NDOH: 29.11.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 202 OF 2024

IN THE MATTER OF -

PRAMOD KUMAR

...PETITIONER

VERSUS

CENTRAL POLLUTION CONTROL

BOARD &amp; ORS.

...RESPONDENTS

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New Delhi

Date: 26.09.2024

*Rohan Thawani*

(ROHAN THAWANI)

Advocate for the Respondents

C-64, Basement, Defence Colony

New Delhi 110024

9810802319

rohanthawani@gmail.com

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 202 OF 2024**

**IN THE MATTER OF –**

PRAMOD KUMAR

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...RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NOS. 6, 7, 10 AND 11**

**MOST RESPECTFULLY SHOWETH:**

1. The Respondents 6, 7, 10 and 11 are filing this short reply to the captioned OA. At the outset, the Answering Respondents deny all claims, contentions, allegations and averments against them in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in this OA maybe deemed to have been accepted or admitted by the Answering Respondents for want of specific denial save any averment which has been expressly admitted hereinafter.
2. The Applicant has filed this Original Application seeking orders directing Respondent Nos. 1 to 5 to inspect the brick kilns situated in Bhatta market area at Sarurpur Kalaan Baghpat, UP, NCR and to seize the stock of coal lying at the premises of such brick kilns. The applicant asserts that coal is being used as fuel in such brick kilns w.e.f. March 2024, in violation of the order dated 17.02.2021

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passed by the this Hon'ble Tribunal in O.A. No. 1016 of 2019 titled Utkarsh Panwar vs. CPCB & Ors.

3. It is submitted at the very outset that the answering Respondents 6, 7, 10 and 11 are not using coal in their brick kilns but are using agro waste fuels only. The averments made against them are ex facie false.
4. On 01.03.2024, this Hon'ble Tribunal issued notice in the OA, and directed Respondent No. 2, i.e., Uttar Pradesh Pollution Control Board (UPPCB) to inspect the area, verify the Applicant's allegations, and submit a report on the operations of the brick kilns using coal as fuel.
5. On 03.05.2024, UPPCB filed its report in compliance of the order dated 01.03.2024 (Pg 79). A bare perusal of Annexure 1 attached to the report titled '*State of brick kilns situated in the area if village Sararpur, Baghpat*' (pages 83 and 84) confirms that the Answering Respondents are not using coal as a fuel, but are only using agro waste fuel. The names of the answering Respondents figure at serial numbers 14, 15, 16 and 17. Thus, the inspection carried out by the UPPCB bears out the contentions of the answering Respondents.
6. Thus the answering Respondents are in full compliance of the law and no orders are required to be passed against them. It is therefore respectfully prayed that the answering Respondents 6, 7, 10 and 11 should be deleted from the array of parties herein.

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7. Without prejudice to the above, the answering Respondents also submit that the OA proceeds on a factually incorrect foundation. The crux of the submissions of the Applicant are contained in paras 4.2 to 4.4 of the OA, wherein the Applicant has sought to project that the order of this Hon'ble Tribunal dated 17.02.2021 passed in *Utkarsh Panwar* OA No. 1019 of 2019 prohibits all brick kilns in the NCR from using coal as fuel, and that the brick kilns can only operate using zig zag technology and CNG/PNG as fuel. This is patently incorrect as a bare perusal of the order of this Hon'ble Tribunal in OA No. 1019 of 2019 reveals that in para 20, the conclusion is that coal fired brick kilns cannot be allowed to operate in the NCR during severe air quality conditions where there is no assimilative capacity. The time fixed for operation of brick kilns in NCR was March – June of each year, and it was then observed in para 21 that if brick kilns switch over to clean fuels such as PNG, they may be allowed to operate all throughout the year. Thus, ex facie, coal fired brick kilns using zig zag technology technology are permitted to operate in NCR areas between March – June of each year. There is no absolute prohibition on use of coal as the Applicant is trying to project. It is also not in dispute that the answering Respondents are operating using zig zag technology and that too in the permitted time frame. Hence, the OA is based on an incorrect reading of the order in *Utkarsh Panwar* and has no legs to stand on.
8. It is further submitted that the order of this Hon'ble Tribunal in OA No. 1019 of 2019 has been assailed before the Hon'ble Supreme Court in Civil Appeal D. No. 18213 of 2021, and the Supreme Court

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has passed detailed orders which now hold the field in the matter on the basis of doctrine of merger. There is no prohibition imposed by the Hon'ble Supreme Court either on the use of coal. On the contrary, the order dated 13.05.2022 (**page 120**) shows that the Hon'ble Supreme Court ordered tests regarding emissions to be conducted upon various brick kilns, which involved the use of coal as well as agro fuel wastes. Hence even the Hon'ble Supreme Court contemplated the use of coal by brick kilns.

9. Further, the MOEFCC Notification dated 22.02.2022 (**page 150**) compliance of which has been made mandatory by the Hon'ble Supreme Court, also contemplates the use of coal by brick kilns as an approved fuel (para 3), along with PNG, fire wood and agricultural residue.
10. It is only on the basis of the directions of the CAQM (as annexed with the reply filed by the CPCB) that industries operating in the NCR have been mandated to shift to approved clean fuels, in which coal is not a contemplated fuel. The answering Respondents are anyway in compliance as they are not using coal, but agro waste fuels only.
11. The Applicant has also made an incorrect submission before this Hon'ble Tribunal, as recorded in para 2 of the order dated 01.03.2024, that as per the order of this Hon'ble Tribunal in OA No. 1019 of 2024, only 300 brick kilns with ziz zag technology are allowed to operate in Baghpat area in March but more than 400 brick kilns are operating. It is submitted that the order of this

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Hon'ble Tribunal has merged with the orders of the Hon'ble Supreme Court in Civil Appeal D. No 18213 of 2021, wherein the Hon'ble Supreme Court has not restricted the numbers of brick kilns which can be allowed to operate at a time, but has only made operation permissible between March – June of each year and subject to compliance with other norms, all of which the members of the answering Respondent are complying with.

12. Thus the OA lacks substance and deserves to be dismissed.
13. The Answering Respondent reserves the right to file any further submissions, and undertakes to do so if directed by this Hon'ble Tribunal.

(RESPONDENT NO. 6)

दयानन्द ब्रिक फ़िल्ड

धरमपाल सिंह

प्रोपराइटर

DHARAMPALSINGH

(RESPONDENT NO.10)

मै० वैष्णो ब्रिक फ़िल्ड

अजय

प्रोपराइटर

AJAY KUMAR

New Delhi  
Date

(RESPONDENT NO.7)

राजेंद्र सिंह

Manager/Proprietor

RAJENDRA SINGH

(RESPONDENT NO.11)

मै० वरदान ब्रिक फ़िल्ड

संगीता गौयल

Rohan Thawani

प्रोपराइटर

SANGEETA GOEL

(ROHAN THAWANI)

Advocate for the Respondents

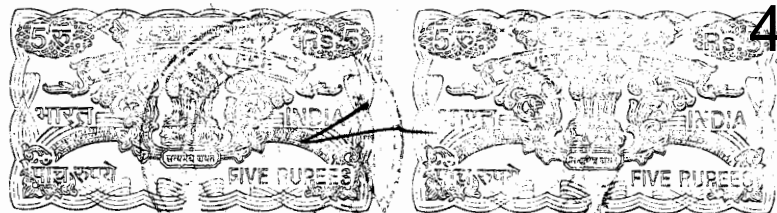
C-64, Basement, Defence Colony

New Delhi 110024

9810802319

rohanthawani@gmail.com

6



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 202 OF 2024

IN THE MATTER OF -

PRAMOD KUMAR

...PETITIONER

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS



**AFFIDAVIT**

I, Dharampal Singh, aged 73 years, s/o Shri Kalu Singh, r/o 39, Ramala, Baghat, U.P. 250623, Proprietor of Respondent No.6 Dayanand Brick Field, do hereby affirm and state on oath as under -

1. I am the proprietor of Respondent No.6 Dayanand Brick Field and I am aware of the facts of the case and am competent to swear this affidavit.
2. I have read and understood the contents of the accompanying reply and I state that the contents of the same are true and correct to my knowledge and records and nothing material is concealed therein.
3. I say that the annexures filed with the accompanying reply are true copies of their respective originals.

दयानन्द ब्रिक फ़िल्ड

*धरमपाल सिंह*

बोपराइटर

DEPONENT

DHARAMPALSINGH

**VERIFICATION -**

I, the deponent above named, do hereby verify that the contents of the accompanying affidavit are true and correct to my knowledge and records and nothing material is concealed herein.

Verified on this 25 day of September 2024 at Baghat

Serial No. 04 - Coopan No. 565  
 Verified by Shri Dharampal Singh s/o Kalu Singh R/o 39, Ramala Baghat  
 Identified By Shri Rohan Thawani Adv.  
 Made This Affidavit at Baghat  
 Dated 25/09/2024  
 To: 16  
25-9-24

DEPONENT

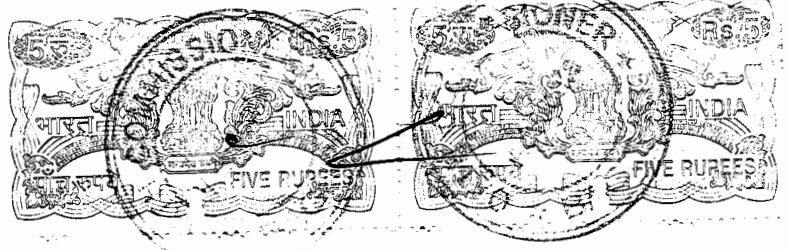
दयानन्द ब्रिक फ़िल्ड

*धरमपाल सिंह*

बोपराइटर

DHARAMPALSINGH

7



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 202 OF 2024

IN THE MATTER OF -

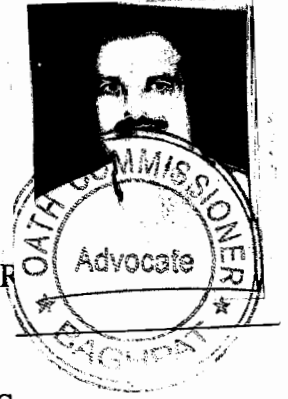
PRAMOD KUMAR

...PETITIONER

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS



**AFFIDAVIT**

I, Rajendra Singh, aged 56 years, s/o Shri Kalu Singh, r/o VTC Ramala, PO Ramala, Baghpat, U.P. 250623, Proprietor of Respondent No.7 Daya Brick Field, do hereby affirm and state on oath as under -

I am the proprietor of Respondent No.7 Daya Brick Field and I am aware of the facts of the case and am competent to swear this affidavit.

I have read and understood the contents of the accompanying reply and I state that the contents of the same are true and correct to my knowledge and records and nothing material is concealed therein.

3. I say that the annexures filed with the accompanying reply are true copies of their respective originals.

**DAYA BRICK FIELD**

*Rajendra Singh*  
Manager/Proprietor

DEPONENT

**RAJENDRA SINGH**

**VERIFICATION -**

I, the deponent above named, do hereby verify that the contents of the accompanying affidavit are true and correct to my knowledge and records and nothing material is concealed herein.

Verified on this 25 day of September 2024 at Baghpat

DEPONENT

**DAYA BRICK FIELD**

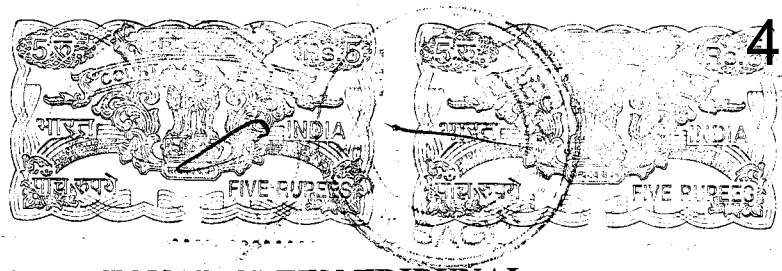
*Rajendra Singh*  
Manager/Proprietor

**RAJENDRA SINGH**



Serial No. *03*  
Verified on *25/09/2024*  
10:14  
Oath Commissioner  
*25-9-24*  
Complain No. *561*  
*Rajendra Singh s/o Kalu Singh R/o VTC Ramala, Baghpat*  
*Rohan Thawani Adv.*

8



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 202 OF 2024

IN THE MATTER OF -

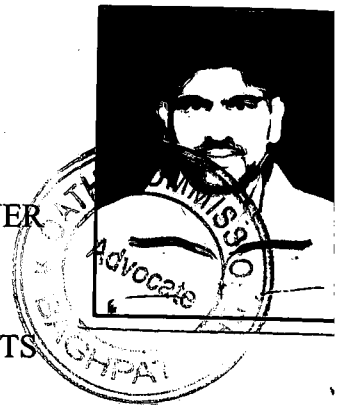
PRAMOD KUMAR

...PETITIONER

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS



**AFFIDAVIT**

I, Ajay Kumar Goel, aged 57 years, s/o Shri Braham Singh Goel, r/o J-2/2, Main Gali, West Jyoti Nagar, J-Block, Gokalpur, North East Delhi, Delhi 110094, Proprietor of Respondent No.10 Vaishno Brick Field, do hereby affirm and state on oath as under -

1. I am the proprietor of Respondent No.10 Vaishno Brick Field and I am aware of the facts of the case and am competent to swear this affidavit.

I have read and understood the contents of the accompanying reply and I state that the contents of the same are true and correct to my knowledge and records and nothing material is concealed therein.

3. I say that the annexures filed with the accompanying reply are true copies of their respective originals.

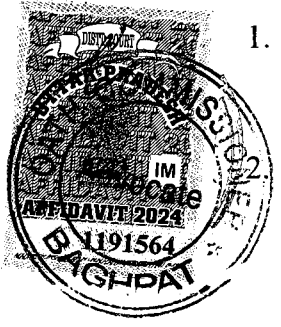
मै० वैष्णो ब्रिक फील्ड  
प्रोपराईटर  
DEPONENT  
AJAY KUMAR

**VERIFICATION -**

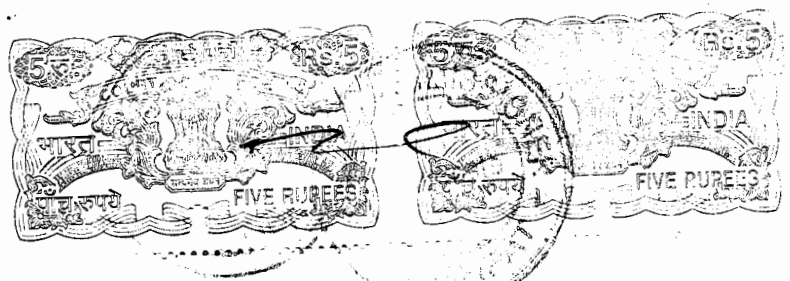
I, the deponent above named, do hereby verify that the contents of the accompanying affidavit are true and correct to my knowledge and records and nothing material is concealed herein.

Verified on this 25 day of September 2024 at New Delhi

DEPONENT  
मै० वैष्णो ब्रिक फील्ड  
प्रोपराईटर  
AJAY KUMAR



Serial No. 05 - Coopan No. 564  
Verified by That Shri Ajay Kumar s/o Braham Singh R/o J-2/2 Main Gali, West Jyoti Nagar J-Block Gokalpur, Delhi-94  
Identified By Shri Rohan Thawani Adv.  
Made This Affidavit before me  
Dated 25/09/24 at 10:18 A.M./P.M. at 25-9-24



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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ORIGINAL APPLICATION NO. 202 OF 2024

IN THE MATTER OF -

PRAMOD KUMAR

...PETITIONER

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS



**AFFIDAVIT**

I, Sangita Goel, aged 61 years, w/o Shri Sanjay Goel, r/o J-2/2, Main Gali, West Jyoti Nagar, J-Block, Sabapur Shahadra, North East Delhi, Delhi 110094, Proprietor of Respondent No.11 Vardaan Brick Field, do hereby affirm and state on oath as under -

I am the proprietor of Respondent No.11 Vardaan Brick Field and I am aware of the facts of the case and am competent to swear this affidavit.

I have read and understood the contents of the accompanying reply and I state that the contents of the same are true and correct to my knowledge and records and nothing material is concealed therein.

3. I say that the annexures filed with the accompanying reply are true copies of their respective originals.

मै० वरदान ब्रिक फिल्ड

संगीता गोयल

प्रोपराईटर

DEPONENT

SANGEETA GOEL

**VERIFICATION -**

I, the deponent above named, do hereby verify that the contents of the accompanying affidavit are true and correct to my knowledge and records and nothing material is concealed herein.

Verified on this 25 day of September 2024 at New Delhi

Serial No. 06 - Coopan No. 563  
Verified by That Shri Sangita Goel w/o Sanjay Goel r/o J-2/2, Main Gali, West Jyoti Nagar, J-Block Sabapur Shahadra Delhi - 94  
Identified By Shri Rohan Thawani Adv.  
Made This Affidavit before me  
Dated 25-9-2024

To: 18 A.M./P.M. at Baghpat

25-9-24

DEPONENT

मै० वरदान ब्रिक फिल्ड

संगीता गोयल

प्रोपराईटर

SANGEETA GOEL

10

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 202 OF 2024**

PRAMOD KUMAR

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS

VAKALATNAMA

I/~~WE~~ Dharampal Singh, Proprietor of Respondent No-06. the above named RESPONDENT NO. 6 do hereby appoint **ROHAN THAWANI**, Advocate To be my/our Advocate in the above noted case. I / We authorize them to act, appear and plead in the above-noted case in this Court in which the same may be tried or heard and also in the appellate Court.

To sign, file, verify any present pleadings, replication, appeals, cross-objections or petitioners for executions, review, revision, restoration, or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

To file and take documents.

To withdraw or 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 out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts, thereof, 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 authorizing them to exercise the powers and authorities hereby conferred upon the Advocate when-ever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I / We, the undersigned do hereby agree to ratify and confirm the acts, done by the said Advocate and / or his substitute in the matter as my/our own acts as if done by me / us to all intents and purposes.

IN WITNESS WHEREOF I / We do hereunto set my / our hand to these presents this 26<sup>th</sup> day of September, 2024.

Accepted, Identified &amp; Certified

*Rohan Thawani*  
ROHAN THAWANI  
D/10612002

*Pooja Dhar*  
POOJA DHAR  
D/1413/2003

*Aakriti Vikas*  
AAKRITI VIKAS  
D/12958/2022

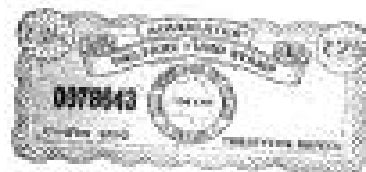
*P. Singh*  
PRATUL SINGH  
D/1125/2022

दयानन्द बिक फिउर  
*मनमोहन*

(CLIENT) दोपराइटर  
DHARAMPAL SINGH

*S. Ambica*  
S. AMBICA  
~~D/1063/2022~~  
D/10631/2022  
Advocates  
Off: C-64, LGF, Defence Colony, New Delhi-110024  
Mob. No. 9810802319  
Email : rohanthawani@gmail.com

*Identified*  
*Rohan Thawani*  
*Adv.*



**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 202 OF 2024**

PRAMOD KUMAR

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS

VAKALATNAMA

I/~~WE~~ Rajendra Singh, Proprietor of Respondent No. 07. the above named RESPONDENT NO. 07 do hereby appoint **ROHAN THAWANI**, Advocate To be my/our Advocate in the above noted case. I / We authorize them to act, appear and plead in the above-noted case in this Court in which the same may be tried or heard and also in the appellate Court.

To sign, file, verify any present pleadings, replication, appeals, cross-objections or petitioners for executions, review, revision, restoration, or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

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And I / We, the undersigned do hereby agree to ratify and confirm the acts, done by the said Advocate and / or his substitute in the matter as my/our own acts as if done by me / us to all intents and purposes.

IN WITNESS WHEREOF I / We do hereunto set my / our hand to these presents  
this 26<sup>th</sup> day of September, 2024.

DAYA BRICK FIELD

*Rajendra Singh*

Manager/Proprietor

(CLIENT)

RAJENDRA SINGH

Accepted, Identified &amp; Certified

*Rohan Thawani*  
ROHAN THAWANI  
D/10612002

*Pooja Dhar*  
POOJA DHAR  
D/1413/2003

*Aakriti Vikas*  
AAKRITI VIKAS  
D/12958/2022

*P. Singh*  
PRATUL SINGH  
D/1125/2022

Certified

*Rohan Thawani*  
Advr.

*S. Ambica*  
S. AMBICA  
D/1063/2022

*D/10631/2022*  
D/10631/2022  
Advocates

Off: C-64, LGF, Defence Colony, New Delhi-110024

Mob. No. 9810802319

Email : rohanthawani@gmail.com



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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
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PRAMOD KUMAR

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS

**VAKALATNAMA**

I/~~WE~~ Ajay Kumar Goel, Proprietor of Respondent No. 10. the above named RESPONDENT NO. 10 do hereby appoint **ROHAN THAWANI**, Advocate To be my/our Advocate in the above noted case. I / We authorize them to act, appear and plead in the above-noted case in this Court in which the same may be tried or heard and also in the appellate Court.

To sign, file, verify any present pleadings, replication, appeals, cross-objections or petitioners for executions, review, revision, restoration, or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

To file and take documents.

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To appoint and instruct any other Legal Practitioner authorizing them to exercise the powers and authorities hereby conferred upon the Advocate when-ever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I / We, the undersigned do hereby agree to ratify and confirm the acts, done by the said Advocate and / or his substitute in the matter as my/our own acts as if done by me / us to all intents and purposes.

IN WITNESS WHEREOF I / We do hereunto set my / our hand to these presents वेणु वैष्णो ब्रिक फील्ड this 26th day of September, 2024.

Accepted, Identified &amp; Certified

*Rohan Thawani*

ROHAN THAWANI  
D/10612002

*Pooja Dhar*

POOJA DHAR  
D/1413/2003

*Aakriti Vikas*

AAKRITI VIKAS  
D/12958/2022

*P. Singh* (CLIENT)  
*अजय कुमार गोएल*  
AJAY KUMAR  
GOEL  
D/1125/2022

*Identified*

*Rohan Thawani*  
Adv.

*S. Ambica*

S. AMBICA  
D/1063/2022

D/10631/2022

Advocates

Off: C-64, LGF, Defence Colony, New Delhi-110024

Mob. No. 9810802319

Email : rohanthawani@gmail.com





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PRAMOD KUMAR

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL  
BOARD & ORS.

...RESPONDENTS

VAKALATNAMA

I/~~WE~~ Sangeeta Goel, proprietor of Respondent No. 11 the above named RESPONDENT NO. 11 do hereby appoint **ROHAN THAWANI**, Advocate To be my/our Advocate in the above noted case. I / We authorize them to act, appear and plead in the above-noted case in this Court in which the same may be tried or heard and also in the appellate Court.

To sign, file, verify any present pleadings, replication, appeals, cross-objections or petitioners for executions, review, revision, restoration, or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

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To appoint and instruct any other Legal Practitioner authorizing them to exercise the powers and authorities hereby conferred upon the Advocate when-ever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I / We, the undersigned do hereby agree to ratify and confirm the acts, done by the said Advocate and / or his substitute in the matter as my/our own acts as if done by me / us to all intents and purposes.

IN WITNESS WHEREOF I / We do hereunto set my / our hand to these presents  
this 26th day of September, 2024.

नेम धरदान ब्रिक फिल्ड  
शेगीता गोयल  
प्रोपराईटर

Accepted, Identified &amp; Certified

*Rohan Thawani*  
ROHAN THAWANI  
D/10612002

*Pooja Dhar*  
POOJA DHAR  
D/1413/2003

*Aakriti Vikas*  
AAKRITI VIKAS  
D/12958/2022

*P. Singh*  
PRATUL SINGH  
D/1125/2022

(CLIENT)  
SANGIETA GOEL

*S. Ambica*  
S. AMBICA  
~~D/1063/2022~~  
D/10631/2022  
Advocates

Off: C-64, LGF, Defence Colony, New Delhi-110024  
Mob. No. 9810802319  
Email : rohanthawani@gmail.com

Identified  
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