

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
ORIGINAL APPLICATION NO. 498 OF 2024**

IN THE MATTER OF

Shrichand

.... APPLICANT

VERSUS

State of Uttar Pradesh & Ors.

.... RESPONDENT(S)

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VAKALATNAMA

27

Respondent No. 15

THROUGH

Yashvardhan Kaushik
**YASH VARDHAN KAUSHIK
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**REPLY ON BEHALF OF RESPONDENT NO. 15, SHRI MADHAVDAS
BRICKS INDUSTRY KHASRA NO. 194**

MOST RESPECTFULLY SHOWETH:

This reply is humbly submitted in accordance with the National Green Tribunal's order dated 20.08.2024, requiring all respondents to submit their replies in the form of an affidavit. That this response specifically addresses the allegations against brick kiln, SHRI MADHAVDAS BRICKS INDUSTRY, outlining the initial complaint and providing an update on the current status of your brick kiln's operations and any pending actions.

1. That it is humbly submitted that the Respondent, Madhav Das Bricks Industry, situated at Khasra No. 194, Village - Shahzadpur Bangar, Tehsil Chhata, District Mathura, is a small brick manufacturing unit, currently not operational.
2. That the Respondent, being a law-abiding business, is committed to adhering to environmental regulations and has proactively taken steps to rectify any initial deficiencies in its operations.
3. That the Closure Order was issued against the brick kiln on 29.03.2022. The Environmental Compensation order against Madhav Das Bricks Industry was issued on 31.12.2023 by the UPPCB, demanding the payment of Rs. 2,25,000.

4. That the Respondent acknowledges certain initial deficiencies concerning the siting criteria. These specifically include the lack of a 10-meter wide plaque or 3-meter high wall, the lack of a paved/metallic road, and a missing monitoring platform. The Respondent is currently in the process of rectifying these deficiencies and achieving full compliance with the Uttar Pradesh Brick Kiln (Siting Criteria for Establishment) Rules, 2012.
5. That the Respondent has also implemented measures to comply with the applicable environmental norms and regulations. These measures include ensuring worker's water supply and hygienic sanitation, ensuring ODF, and establishment of gravitational settling. Photographs of the 10-meter wide plaque or 3-meter high wall, worker's water supply and hygienic sanitation, and the monitoring platform are attached as **Annexure 1**.
6. That the Respondent has written to the Public Works Department (PWD) requesting the construction of a paved/metallic road leading to the brick kiln. The PWD is the responsible authority for constructing and maintaining roads in Uttar Pradesh. The lack of a paved road is a significant deficiency, and the Respondent is actively working with the PWD to address this issue. A copy of the said letter to the PWD is attached as **Annexure 2**.
7. That the Respondent is aggrieved by the inspection done by UPPCB officials on 22.03.2022, and the Closure Order issued against the brick kiln on 29.03.2022. The Respondent submits that these orders were issued without affording a reasonable opportunity to rectify the siting criteria violations, causing undue hardship and jeopardizing the future of the business and the well-being of his employees.
8. That it is respectfully submitted that an appeal against the Closure Order and Environmental Compensation order is currently pending before the Principal Secretary of the Environment, Forest and Climate Change Department. The Respondent seeks a stay on the implementation of these orders until the final decision of the Appellate Authority. Copy of Filing Proof For Appeal Before The Principal Secretary Of The Environment, Forest And Climate Change Department attached as **ANNEXURE 3**.

9. That a comprehensive topographical survey conducted on 06.12.2024 by OM SURVEY CONSULTANCY, an ISO 9001:2015 certified firm, using DGPS (Differential Global Positioning System) confirms that the brick kiln fully complies with the siting criteria. The survey report demonstrates that the distances between Madhav Das Bricks and the nearby brick kiln adhere to the stipulated guidelines. The distance between Madhav Das Bricks and the nearby brick kiln, M/s Bhagwati Bricks, is more than the required distance as per the show cause notice. Copy of the topographical survey report is attached as **annexure 4**
10. Furthermore, a letter dated has been sent to the Regional Officer (RO) of the Uttar Pradesh Pollution Control Board (UPPCB), Mathura, requesting a revisit to the brick kiln premises to assess the implemented updates and compliance measures. The RO's visit will verify the adherence to environmental regulations and determine the kiln's eligibility to apply for Consent to Operate (CTO) and necessary consents for air and water pollution.
11. That the Respondent is fully committed to rectifying any remaining deficiencies and ensuring the sustainable and responsible operation of the brick kiln. The Respondent has submitted an affidavit of non-operation, declaring that operations will not commence until all compliance requirements are fully met and verified. The affidavit is attached as **Annexure 5**.
12. That in light of the facts and submissions stated above, the Respondent humbly prays that this Appellate Authority may be pleased to quash the Environmental Compensation (EC) order dated 31.12.2023 and the Closure Order, providing the Respondent with a fair opportunity to rectify the alleged siting criteria violations.
13. That the Respondent further humbly prays that this Appellate Authority may be pleased to grant a stay on the implementation of the Closure Order and Environmental Compensation order until the final decision of the Appellate Authority.

THROUGH

Yashvardhan Kaushik
YASH VARDHAN KAUSHIK
ADVOCATE

W-6 TIGERLANE, SAINIK FARMS, NEW DELHI

EMAIL: yashvardhankaushik97@gmail.com

PHONE: 9990226669



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Government of Uttar Pradesh



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ASHOK KUMAR
ACC. NO. 123456789
CHHATA MATHURA

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Certificate No.	IN-UP5041428599825X
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Account Reference	NEWIMPACC (SFT) up14M75564 CHHATA/UP-MTH
Unique Doc. Reference	SUBIN-UPUP14M7556407504341214005X
Purchased by	SHRI MADHAVDAS EANT UDHYOG POP NETRAPAL SINGH
Description of Document	Article 4 Affidavit
Property Description	MALZA BHARUADPUR BANGAR KHASRA NO-194 TEHSIL CHHATA DISTT MATHURA
Consideration Price (Rs.)	
First Party	SHRI MADHAVDAS EANT UDHYOG POP NETRAPAL SINGH
Second Party	Not Applicable
Stamp Duty Paid By	SHRI MADHAVDAS EANT UDHYOG POP NETRAPAL SINGH
Stamp Duty Amount(Rs.)	10 (Ten only)



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B.S. TIWARI
NOTARY PUBLIC, MATHURA



Handwritten signature

Statutory Alert

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
ORIGINAL APPLICATION NO. 498 OF 2024
IN THE MATTER OF**

Shrichand

.... APPLICANT

VERSUS

State of Uttar Pradesh & Ors.

.... RESPONDENT(S)

AFFIDAVIT

1. NETRA PAL SINGH *sb. Narayan Singh R. Shabhad for Tab. class*

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying reply are true and correct and the knowledge has been derived from official records and nothing material has been concealed therefrom.



शुभमि

श्रीमती
DEPONENT

VERIFICATION

Verified on solemn affirmation at _____ on this _____ day of 2025, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

श्रीमती



The Contents of the affidavit presented read over and explained to _____ who is identified by _____ and on oath administered by the Notary Public appointed under the Notary Act, 1956, registered No. _____ The Charged Seal of _____

श्रीमती
NOTARY PUBLIC
NATIONALITY

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ANNEXURE 1



Front view



Worker's water supply and hygienic sanitation ensuring ODF



3-meter high boundary wall



Non-Operational Bhatti, Ladder, Gravitational Settling platform

The Executive Engineer
Public Works Department
PWD, Agra Fort, Rakabganj, Agra,
Uttar Pradesh 282001

Subject: Humble Request for Construction of Paved/Metallic Roads for Brick Kilns in Mathura

Dear Sir/Madam,

We, the undersigned brick kiln owners of Mathura, humbly request the Public Works Department (PWD) to consider the construction of paved/metallic roads for our respective brick kilns. We understand that the PWD is the responsible authority for the construction and maintenance of state highways and major district roads in Uttar Pradesh.

We are committed to environmental sustainability and have been actively working towards complying with the environmental norms and regulations. However, the lack of paved/metallic roads leading to our brick kilns has been a major impediment to achieving full compliance.

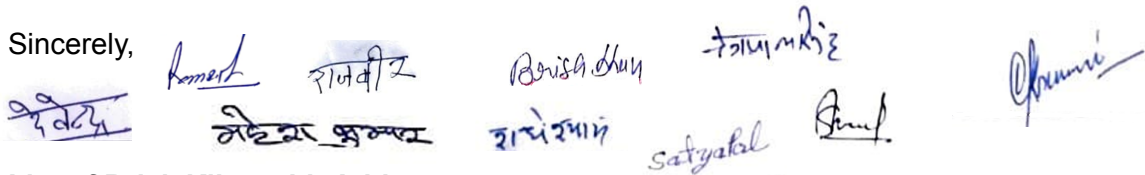
The absence of proper roads has also led to the issuance of closure orders by the Uttar Pradesh Pollution Control Board (UPPCB) against our brick kilns. These closures have severely impacted our livelihoods and the livelihoods of our workers, causing significant financial hardship.

We understand that the construction of paved/metallic roads requires planning and resources. However, we humbly request you to consider our plea and prioritize the construction of these roads. This will not only enable us to comply with the environmental norms and resume our operations but also contribute to the overall development of the area.

We are hopeful that our request will be met with your kind consideration and prompt action. We appreciate your understanding and cooperation in this matter.

Thank you for your valuable time and attention.

Sincerely,

The block contains several handwritten signatures in blue ink. From left to right, the signatures are: a signature that appears to be 'Ramesh', a signature that appears to be 'Ramesh', a signature that appears to be 'Ramesh', a signature that appears to be 'Ramesh', a signature that appears to be 'Ramesh', a signature that appears to be 'Ramesh', and a signature that appears to be 'Ramesh'.

List of Brick Kilns with Addresses:

1. Shri Gopal Bricks, Khasra No. 357, Village - Ujhani, Chhata, Mathura
2. Shri Dauji Maharaj Bricks, Khasra No. 258, Village - Ujhani Bangar, Chhata, Mathura
3. Jai Baba Mohan Ram Bricks, Khasra No. 218, Village - Ujhani Bangar, Chhata, Mathura
4. SS Bohre Bricks, Khasra No. 245, Village - Ujhani, Chhata, Mathura

5. Jai Durge Maa Bricks, Khasra No. 621, Village - Badha Bangar, Tehsil - Chhata, Mathura
6. Madhav Das Bricks, Khasra No. 194, Village - Shahzadpur Bangar, Chhata, Mathura
7. Pahat Bricks Industry, Khasra No. 28/2, 29/2, Village - Badha Bangar, Chhata, Mathura
8. Kishori Bricks Industry, Khasra No. 262, Village - Shernagar Bangar, Chhata, Mathura
9. Bohre Ji Bricks, Khasra No. 353, 170, Village - Ujhani , Chhata, Mathura
10. Shri Balaji Brick Industry, Khasra No. 3-396/3, Village - Ujhani Bangar , Tehsil - Chhata, Mathura

**BEFORE APPELLATE AUTHORITY/ PRINCIPAL SECRETARY
ENVIRONMENT
(ENVIRONMENT, FOREST AND CLIMATE CHANGE DEPARTMENT)
STATE OF U.P., LUCKNOW**

Appellate authority constituted under section 31 of the Air (Prevention and
Control of Pollution) Act, 1981
Appeal No. _____ OF 2024
(under section 31 of the Air (Prevention and Control of Pollution) Act, 1981)

IN THE MATTER OF

Shri Madhavdas Bricks Industry
Khasra No. 194

.....Appellant

VERSUS

Uttar Pradesh Pollution Control Board,
Through RO, Mathura

.....Respondents

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प्रयावरण, वन एवं जलवायु परिवर्तन अनुभाग - 6

श्रीमद्विजयशंकर

8/11/25



Add: 14, Metro View Apartment, Dwarka Sec-13, New Delhi-110075. Mob. +91-989100175

ISO9001:2015 Certificate NO.OMSG-24-24974

Pan No.: CNKPS9846R

Service Tax No.: 7CNKPS9846RIZL

Topographical Survey Report

Project: [MADHAV DAS BRICKS Kiln] Siting Compliance Assessment

Prepared by: OM SURVEY CONSULTANCY

Date:15-December-2024

1.0 Executive Summary

This report presents the findings of a topographical survey conducted at [Name-MADHAV DAS BRICKS of Brick Kiln] located at-Chhata, Barha Bangar, Uttar Pradesh 281401 [Site Location – Madhav Das Bricks, detailed address- Chhata, Barha Bangar, Uttar Pradesh 281401, GPS coordinates- 27.827794,77.546908]. The survey aimed to determine the site's compliance with the siting criteria stipulated in the "Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012".The survey was conducted on 06.12.2024 using DGPS (Differential Global Positioning System) The findings indicate full compliance. Recommendations for corrective actions, if necessary, are provided.

2.0 Introduction

2.1 Project Background

MADHAV DAS BRICKS Kiln a situated in Uttar Pradesh, is focused on producing red clay bricks for local construction purposes. The decision to undertake this survey stems from a proactive approach to ensure complete compliance with the "Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012" before initiating any operations. The kiln management is dedicated to upholding sustainable and environmentally sound practices. They aim to verify their

Note: The Services for Topographical Survey, GPS and GIS, identification of utility, design consultancy of road/highway alignment etc. [Mail Id.Kanwasi2@gmail.com](mailto:Mail.Id.Kanwasi2@gmail.com)



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adherence to the stipulated siting criteria, thereby preventing any potential regulatory complications.

2.2 Objectives

The primary objectives of this survey were to:

- Accurately determine the location of the brick kiln.
- Measure the distances between the brick kiln and surrounding features (villages, roads, water bodies, other brick kilns, etc.).
- Assess the compliance of the brick kiln with the "Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012".
- Provide recommendations for corrective actions if any non-compliance is identified.

3.0 Methodology

DGPS (Differential Global Positioning System) surveys are a more accurate form of GPS surveying. They use a network of fixed, ground-based reference stations to correct the errors inherent in standard GPS signals. This correction data is transmitted to a rover receiver on the site, allowing for highly precise positioning and measurement.

Here's how DGPS surveys work and why they are beneficial:

How DGPS Works

1st **Reference Stations:** A network of precisely known locations continuously receives GPS signals.

2nd **Error Calculation:** Each station compares the received signals with its known position and calculates the error.

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OM Surveying

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3rd **Correction Data:** This error information is transmitted to rover receivers in the area.

4th **Precise Positioning:** The rover receiver uses this correction data to improve its positional accuracy significantly.

Advantages of DGPS Surveys

- **High Accuracy:** DGPS can achieve accuracy within a few centimeters to a meter, far surpassing standard GPS accuracy.
- **Real-Time Corrections:** Corrections are applied in real-time, allowing for immediate accurate data collection.
- **Wide Coverage:** DGPS networks cover extensive areas, making it suitable for various locations.
- **Versatility:** DGPS is used in various applications, including land surveying, construction, navigation, and agriculture.

4.0 Results

4.1 Site Map

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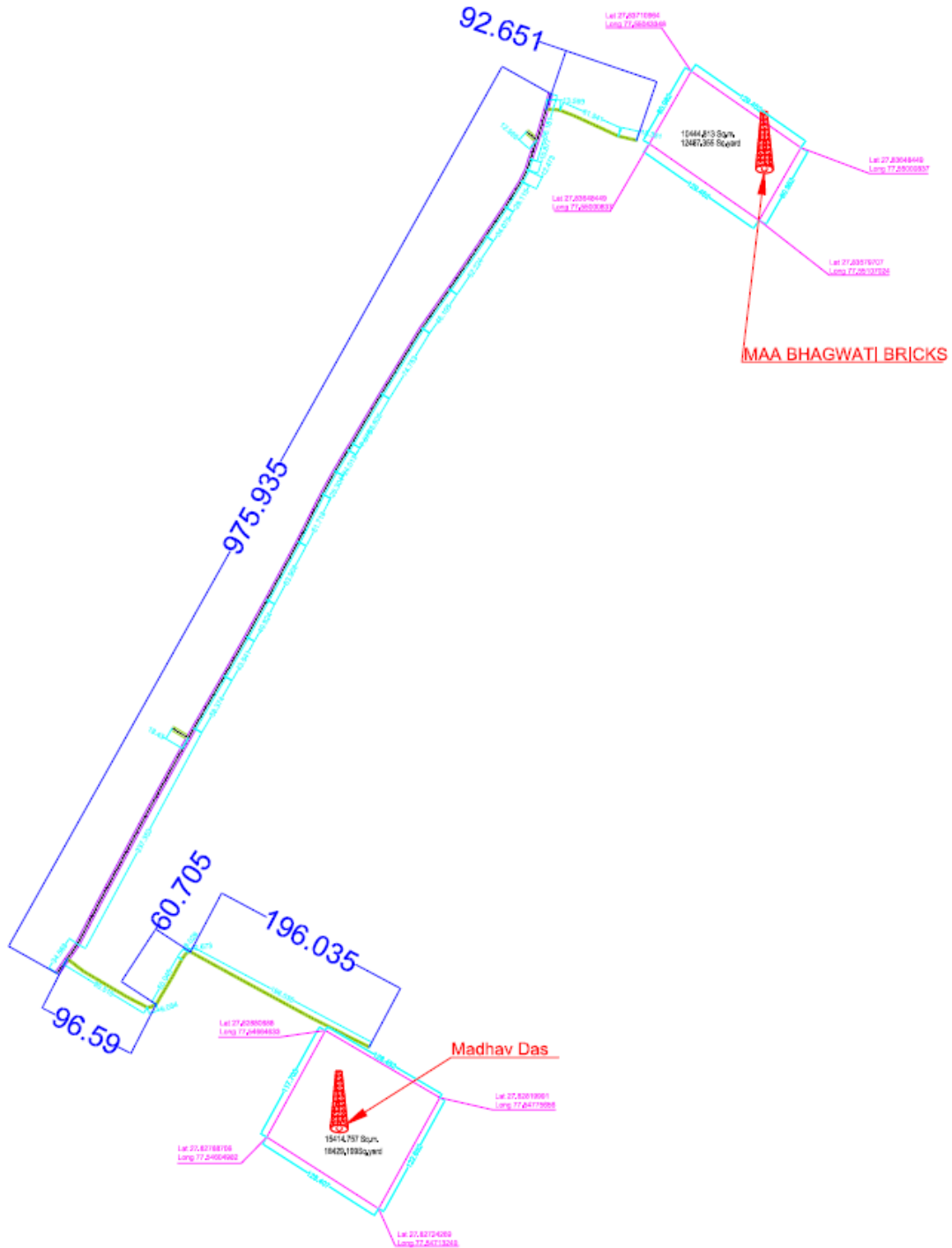


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[Include a scaled map showing the location of the brick kiln and surrounding features. The map should clearly indicate:]

- Boundaries of the brick kiln site
- Locations of nearby villages, residential areas, roads (pucca and kutcha), water bodies, other brick kilns [Maa Bhagwati bricks], orchards, and highways (NH/SH)

4.2 Distance Table

Feature	Distance (meters)
Nearest Village	[3.45 KM distance]
Nearest Pucca Road	[2.360 KM distance]
Nearest Kutcha Road	[0.310KM distance]
Nearest Water Body	[1.550 KM distance]
Nearest Brick Kiln	[1.421 KM distance]
Nearest Orchard	[1.250 KM distance]
Nearest Highway (NH/SH)	[3.140 KM distance]

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5.0 Compliance Assessment

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5.1 Siting Criteria Compliance

Rule	Requirement	Status
Distance from Residential Areas (2012 Rules)	Minimum 1000 meters	Complied
Distance from Other Brick Kilns (2012 Rules)	Minimum 800 meters	Complied
Distance from Orchards (2012 Rules)	Minimum 800 meters	Complied
Distance from Highways (NH/SH) (2012 Rules)	Minimum 500 meters	Complied

6.0 Conclusion and Recommendations

The survey results demonstrate that the brick kiln meets all the necessary distance requirements from residential areas, other brick kilns, orchards, and highways.

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This report provides evidence of the brick kiln's commitment to environmental compliance and sustainable operations. It is recommended that the brick kiln maintain its current practices and continue to adhere to the stipulated regulations.

7.0 Supporting Documents

- **Appendix A: Survey Data** (Raw survey data, calculations, coordinate lists, etc.)
- **Appendix B: Photographs** (Site photographs showing the brick kiln, surrounding features, and survey control points)

For OM SURVEYING

Proprietor

Note: The Services for Topographical Survey, GPS and GIS, identification of utility, design consultancy of road/highway alignment etc. [Mail Id.Kanwasi2@gmail.com](mailto:Mail.Id.Kanwasi2@gmail.com)



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 Stamp Duty Amount(Rs.) : 10
 (Ten only)

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 BAI MUKAND SHARMA
 ACCID-UP 10172604
 In the presence of
 Notary Public

सत्यमेव जयते

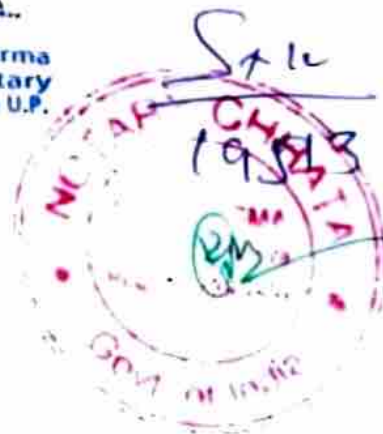


10

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Public Notary
CHHATA (Mathura) U.P.



नेत्रपाल सिंह

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- The onus of checking the legitimacy please return the Competent Authority

Affidavit

I Netrapal Singh, aged years, resident of do hereby solemnly affirm and state on oath as follows:

1. I am the owner/proprietor of Shri Madhav Das Eant Udyog, located at Khasra 194, Tehsil Chatta.
2. I am fully aware of the "Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012" and other applicable environmental regulations.
3. I hereby declare that Shri Madhav Das Eant Udyog will **not operate** until all the following conditions are met:

Siting Criteria Compliance: The brick kiln's location and distances from surrounding features (villages, roads, water bodies, other brick kilns, etc.) fully comply with the prescribed siting criteria.

Consent to Operate (CTO): A valid CTO has been obtained from the Uttar Pradesh Pollution Control Board (UPPCB).

Environmental Management: All necessary environmental management measures, including pollution control equipment, green belts, and waste management systems, are in place and fully operational.

Other Compliance Requirements: Any other outstanding compliance issues or deficiencies identified by the UPPCB have been fully addressed and rectified.

4. I understand that the UPPCB will conduct inspections to verify compliance with the above conditions before granting permission to operate.

नेत्रपाल सिंह

5. I am committed to pursuing all legal avenues to resolve this matter and ensure the lawful operation of my brick kiln and after complying with all objections I will initiate the process of filing an appeal to set aside Environmental Compensation (EC) imposed on my brick kiln.

6. I am aware that any attempt to operate the brick kiln before fulfilling the aforementioned conditions may result in legal action, including penalties, closure orders, and further environmental compensation.

7. This affidavit is submitted in good faith and with the intention of ensuring the environmentally sound operation of Shri Madhav Das
Bant Udyog



श्रीमद्वि

DEPONENT

Verified on solemn affirmation at Tehsil Chhata on this ____ day ____ of 2024, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

श्रीमद्वि

DEPONENT

The Contents of this affidavit are read and verified by me
with
date
at
Name of the
Address

नेत्रपाल
सली
19513
28/11/24
श्रीमद्वि

नेत्रपालके वरिष्ठ न्यायिक अधिकारी
श्रीमद्वि
मो. 9557604021

I know that _____
and he has signed it
before me
Signature

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH NEW DELHI
 ORIGINAL APPLICATION NO. 498 OF 2024
 IN THE MATTER OF

Shrichand

VERSUS

... APPLICANT

State of Uttar Pradesh & Ors.

श्री यशवन्त कौशिक

... RESPONDENT(S)

KNOW ALL to whom these presents shall come that I, श्री यशवन्त कौशिक श्री. यशवन्त कौशिक 57, 50, 2A, (1) 1st Floor, Uttar Pradesh the above named Applicant do hereby appoint YASH VARDHAN KAUSHIK (D/5802/2022) ADVOCATE W-6, TIGER LANE, SAINIK FARMS 110080 PIN: 9998226669, EMAIL: YASHVARDHANKAUSHIK97@GMAIL.COM (hereinafter called the Advocate/s) to be my/our Advocate 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 subject to payment of fees for each stage. To file and take back documents, to admit and/or deny the documents of the opposite party. 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 execution proceedings. To deposit, draw and receive monies, cheques, cash 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 or person 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 the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I/We or my/our duly authorised agents would appear in Court on all hearings and will inform the Advocate for appearance when the case is called. And I/We the 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 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 fee 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 by me/us. IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this ___ day of, 2025. Accepted subject to the terms of fees.

ADVOCATE

CLIENT

Yash Kaushik

श्री यशवन्त कौशिक