

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 448 OF 2025**

IN THE MATTER OF:

UTKARSH PANWAR

APPLICANT

VERSUS

**UTTAR PRADESH POLLUTION
CONTROL BOARD & ORS.**

RESPONDENTS

INDEX

S.NO	PARTICULARS	PAGE NO
1.	Reply On Behalf Of District Magistrate Sahranpur (Respondent No.2) along With Affidavit	1-6

Date: 31.10.2025

Through

Place: New Delhi



PRIYANKA SWAMI

ADVOCATE

STANDING COUNSEL FOR STATE OF UP

F-13, JANGPURA, NEW DELHI 110014

E-mail:advpriyankaswami@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 448 OF 2025**

IN THE MATTER OF:

UTKARSH PANWAR

APPLICANT

VERSUS

**UTTAR PRADESH POLLUTION
CONTROL BOARD & ORS.**

RESPONDENTS

**REPLY ON BEHALF OF DISTRICT MAGISTRATE, SAHARANPUR
(RESPONDENT NO. 2)**

MOST RESPECTFULLY SHOWETH:

1. The present reply is being filed by the undersigned, who has been arrayed as Respondent No. 2 in the above-captioned matter, wherein the applicant seeks directions for regulating the operation of brick kilns in District Saharanpur, Uttar Pradesh, on the same pattern as applicable to the National Capital Region (NCR), i.e., from 1st March to 30th June.

2. That at the outset, it is submitted that District Saharanpur does not fall within the territorial ambit of the National Capital Region (NCR). Therefore, the regulatory framework applicable to NCR cannot ipso facto be transplanted to Saharanpur, in absence of any statutory notification or judicial mandate extending the same. This position finds support in the settled principle of law that environmental restrictions must be region-specific and science-based, rather than mechanically extended without due regard to local ecological and industrial conditions (***A.P. Pollution Control Board vs. Prof. M.V. Nayudu (1999) 2 SCC 718***).
3. That as per the verified office records maintained by the Regional Officer, Uttar Pradesh Pollution Control Board, **263 brick kilns have been identified in Saharanpur district**, out of which:
 - a) 217 are presently operational;
 - b) 19 stand dismantled;
 - c) 17 remain closed on account of voluntary cessation by their owners; and
 - d) 10 are closed in pursuance of specific closure orders issued by the State Board.

This clearly demonstrates that the Board is exercising continuous regulatory supervision in strict adherence to environmental norms and statutory directions.

4. That it is respectfully submitted that the air quality of District Saharanpur has consistently been recorded under the "Moderate"

category as per the air quality indices available with the Board. The data, therefore, indicates that operation of brick kilns in the district has not resulted in air pollution levels crossing into "poor" or "severe" categories. Hence, the contention of the applicant that unrestricted kiln operation from March to June would cause significant environmental harm is not borne out by the empirical evidence.

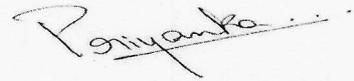
The Hon'ble Supreme Court has held that environmental protection measures must be proportionate and backed by objective data, failing which they would not withstand judicial scrutiny (**Lafarge Umiam Mining Pvt. Ltd. v. Union of India (2011) 7 SCC 338**).

5. That it is further submitted that imposition of arbitrary restrictions without regard to local conditions would result in grave economic prejudice. If brick kilns in Saharanpur district are mandated to remain non-operational between March 1 to June 30, there would be a significant loss of revenue to the district administration and economic hardship to stakeholders, including kiln owners, laborers, and ancillary industries dependent upon kiln operations. This Hon'ble Tribunal has on numerous occasions emphasized the need to balance the twin imperatives of environmental protection and sustainable development (**Sterlite Industries (India) Ltd. v. Union of India, (2013) 4 SCC 575; Indian Council for Enviro-Legal Action v. Union of India, (2011) 8 SCC 161**).
6. Therefore, it is humbly submitted that the prayer of the applicant, seeking a mechanical transplantation of NCR-specific brick kiln restrictions to District Saharanpur, is legally untenable and factually

misconceived. Saharanpur, not forming part of the National Capital Region, cannot be subjected to regulatory directives framed exclusively for NCR. The empirical air quality data further demonstrates that no imminent environmental risk exists to warrant such an extension, and any such direction would disproportionately prejudice the local economy without yielding any commensurate environmental benefit.

Through

Date: 31.10.2025



Place: New Delhi

PRIYANKA SWAMI

ADVOCATE

STANDING COUNSEL FOR STATE OF UP

F-13, JANGPURA, NEW DELHI 110014

E-mail:advpriyankaswami@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 448 OF 2025**



IN THE MATTER OF:

UTKARSH PANWAR

APPLICANT

VERSUS

**UTTAR PRADESH POLLUTION
CONTROL BOARD & ORS.**

RESPONDENTS

AFFIDAVIT

I, Manish Bansal, aged about 35 years S/o Ramavtar Bansal is presently posted as District Magistrate , Saharanpur, Uttar Pradesh, having an Office at Saharanpur, Uttar Pardesh-

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.

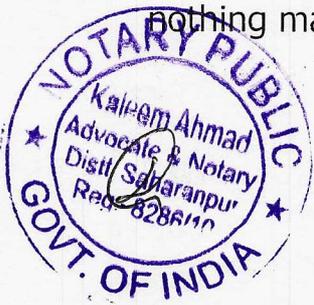


3. That the contents of the accompanying reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified on solemn affirmation at Saharanpur, Uttar Pradesh on this 31st day of October, 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.



IDENTIFIED BY

KALEEM AHMAD
Advocate
Reg. No. 10533/01
Ch.-63, Civil Court, SRE
Mob. -9359206239

DEPONENT

8/10 3724

This affidavit is made before me to my office. 10/31 A.M./P.M. By Shri. Navin Kumar Dandekar who is identified by Shri. Kaleem Ahmad. The contents of the affidavit have been explained to the deponent who admits to understand them.

Saharanpur U.P. INDIA
Kaleem Ahmad Advocate

31/10/2025