

**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

28

Respondent No. 21

THROUGH

Yashvardhan Kaushik
**YASH VARDHAN KAUSHIK
ADVOCATE**

W-6 TIGERLANE, SAINIK FARMS, NEW DELHI

EMAIL: yashvardhankaushik97@gmail.com

PHONE: 9990226669

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**REPLY ON BEHALF OF RESPONDENT NO. 21, M/S BOHRE JI
BRICKS COMPANY KHASRA NO. 353,170**

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, M/S BOHRE JI BRICKS COMPANY 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, Bohre Ji Bricks Company, situated at Khasra No. 353, 170, Village - Ujhani Bangar, Tehsil Chhata, District Mathura, is a small brick manufacturing unit, currently not operational. 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.
2. That the Closure Order was issued against the brick kiln on 28.02.2022. The Environmental Compensation order against Bohre Ji Bricks was issued on 31.12.2023 by the UPPCB, demanding the payment of Rs. 10,00,000.
3. 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.

4. 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**.
5. 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**.
6. That the Respondent is aggrieved by the inspection done by UPPCB officials on 24.02.2022, and the Closure Order issued against the brick kiln on 28.02.2022. 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.
7. 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. Filling Proof For Appeal Before The Principal Secretary Of The Environment, Forest And Climate Change Department **Annexure 3**
8. 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 Bohre Ji Bricks and the nearby village adhere to the stipulated guidelines. The distance between Bohre Ji Bricks and the nearby village, Ujhani Khadar, is more than the required distance as per the show cause notice. A copy of the said report is attached as **Annexure 4**.

9. 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.

The brick kiln operators are committed to environmental compliance and await the RO's assessment to proceed with the CTO and consent application process.

10. 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**.
11. 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.
12. 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.

440

THROUGH

Yash Kaushik

**YASH VARDHAN KAUSHIK
ADVOCATE**

W-6 TIGERLANE, SAINIK FARMS, NEW DELHI

EMAIL: yashvardhankaushik97@gmail.com

PHONE: 9990226669



IN-UP28972304305148X



सत्यमेव जयते

e-Stamp

Acc. Name : Hemant Upadhyay
Stamp Vendor Lic. No.-01/2021-22
E-Stamping Acc. ID-UP 14635804
Kosi Kalañ-Chhata (Mathura)

Certificate No.
Certificate Issued Date
Account Reference
Unique Doc. Reference
Purchased by
Description of Document
Property Description
Consideration Price (Rs.)
First Party
Second Party
Stamp Duty Paid By
Stamp Duty Amount(Rs.)

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: 03-Mar-2025 03:46 PM
: NEWIMPACC (SV)/ up14635804/ CHHATA/ UP-MTH
: SUBIN-UPUP1463580455176426150625X
: BOHARE JI BRICKS COMPANY
: Article 4 Affidavit
: Not Applicable
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: BOHARE JI BRICKS COMPANY
: Not Applicable
: BOHARE JI BRICKS COMPANY
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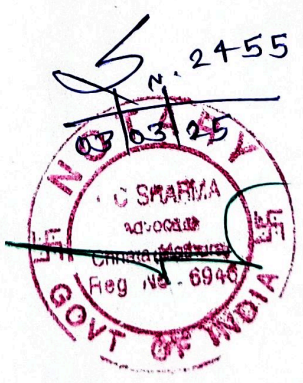
₹10



NOTARIAL STAMP
Rs. 10 Paise 00 affixed
Tara Chand Sharma, Advocate
Notary Public Sonata (Mathura)

IN-UP28972304305148X

Please write or type below this line



Statutory Alert:

- 1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
- 2. The onus of checking the legitimacy is on the users of the certificate.
- 3. In case of any discrepancy please inform the Competent Authority.

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 ORIGINAL APPLICATION NO. 498 OF 2024
 IN THE MATTER OF

Shrichand

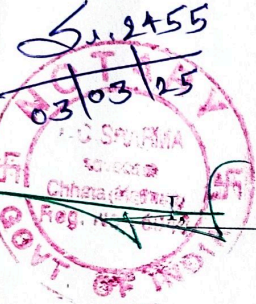
.... APPLICANT

VERSUS

State of Uttar Pradesh & Ors.

.... RESPONDENT(S)

AFFIDAVIT

Su. 2455
03/03/25

~~I Devendra Partner of BOHRE JI BRICKS COMPANY~~
 KHASRA NO. 353

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.

देवेंद्र

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.

देवेंद्र

DEPONENT

2455
03/03/25
SHARMA
CHHATA
REG. NO. 6946

The contents of the affidavit of document read over & explained to Shri. देवेंद्र who is identified by Shri. S & on oath administered today on 03/03/25 at my office & noted down in the notarial register at No. 2455 and charged Fees 35

Shri. Sheng Sharma, Advocate
Notary Public Chhota (Madhya) Reg. No. 6946

3.3.25

I Knew Shri/Mrs. देवेंद्र no/she has signed/LT/RT before me
Signature Identifier



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.

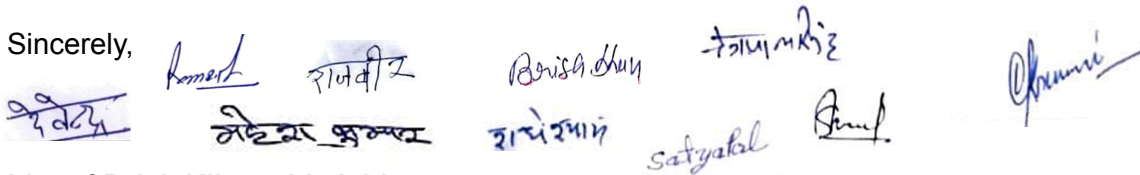
The absence of proper roads has also led to the issuance of closure orders by the Uttar Pradesh Pollution Control Board (UPPCB) against our brick kilns. These closures have severely impacted our livelihoods and the livelihoods of our workers, causing significant financial hardship.

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,

 Several handwritten signatures in blue ink are present, including names like 'Ramesh', 'शमशेर', 'Borisadhu', 'शमशेर', 'सत्यपाल', 'Ranjit', and 'Shamshi'.

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)

Bohre Ji Bricks
Khasra No. 353,170

.....Appellant

VERSUS

Uttar Pradesh Pollution Control Board,
Through RO, Mathura

.....Respondents

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पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग - 6

Saumyama
31/01/25



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: [BOHRE Brick 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- BOHRE Brick of Brick Kiln] located at- [Site Location - detailed address- Ujhani Khadar, Uttar Pradesh 281404, GPS coordinates- 27.807477, 77.586637]. 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

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

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)



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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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

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)



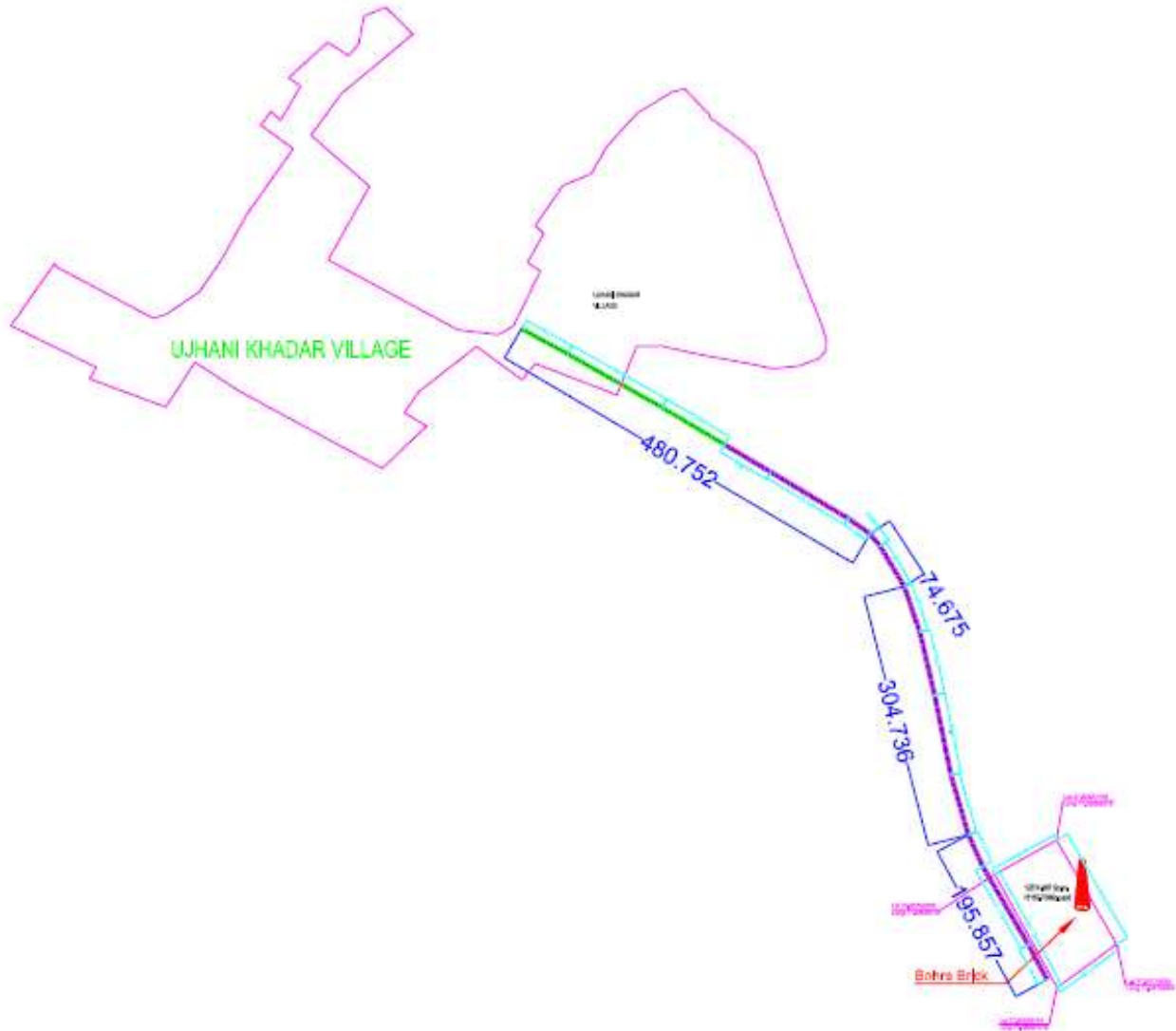
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[Included a scaled map showing the location of the brick kiln and surrounding features.]

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

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4.2 Distance Table

Feature	Distance from Brick klin(meters)
Nearest Village	[1.55 KM distance]
Nearest Pucca Road	[0.30 KM distance]
Nearest Kutcha Road	[0.30KM distance]
Nearest Water Body	[1.150 KM distance]
Nearest Brick Kiln	[0.835 KM distance]
Nearest Orchard	[1.250 KM distance]
Nearest Highway (NH/SH)	[3.140 KM distance]
...	...

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5.0 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

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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.

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.

8.0 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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Government of Uttar Pradesh

IN-UP72533880767434W

e-Stamp

Acc. Name : Hemant Upadhyay
Stamp Vendor Id: NL-01/2021-22
E-Stamping Acc. ID-UP 14635804
Kosi Kalan - Chhata (Mathura)

Certificate No. : IN-UP72533880767434W
 Certificate Issued Date : 22-Nov-2024 05:46 PM
 Account Reference : NEWIMPACC (SV)/ up14635804/ CHHATA/ UP-MTH
 Unique Doc. Reference : SUBIN-UPUP1463580441911559563193W
 Purchased by : BOHARE JI BRICKS COMPANY
 Description of Document : Article 4 Affidavit
 Property Description : Not Applicable
 Consideration Price (Rs.) :
 First Party : BOHARE JI BRICKS COMPANY
 Second Party : Not Applicable
 Stamp Duty Paid By : BOHARE JI BRICKS COMPANY
 Stamp Duty Amount (Rs.) : 10
 (Ten only)



NOTARIAL STAMP
Rs. 10 Paise 00 affixed
Tara Chand Sharma, Advocate
Notary Public Chhata (Mathura)

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Sn. 11352



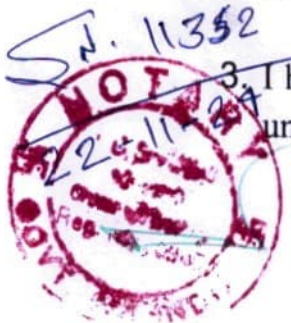
Affidavit

I, Devender, aged 35 years, resident of ASTAULI, AURAYALA do hereby solemnly affirm and state on oath as follows:

1. I am the owner/proprietor of M/s Bohre Ji Bricks Company, located at Khasra 353,170, 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 M/s Bohre Ji Bricks Company 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.
 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 M/s Bohre Ji Bricks Company.



[Handwritten signature]

DEPONENT

VERIFICATION

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.

DEPONENT

The contents of the affidavit or documents read over & explained to Shri. *Bohare Ji Bricks Company* who has signed by Shri. *Sumit* & on this day dated today on *22-11-24* at my office noted down in the Notary register at No. *11352* and charged Fees *35*

I Knew Shri/Mrs. *Bohare Ji Bricks Company* he/she has signed/LT/RT before me
[Signature]
Signature Ider

Tara Chand Sharma, Advocate
Notary Public, Chhata (Bihar) Reg. No. 10911
22-11-2024

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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State of Uttar Pradesh & Ors.

.... RESPONDENT(S)

KNOW ALL to whom these presents shall come that I, DEVENDRA - PARTNER BOHRE JI BRICKS COMPANY (35,30) Uttar Pradesh the above named Applicant do hereby appoint YASH VARDHAN KAUSHIK (D/5882/2022) ADVOCATE W-6, TIGER LANE, SAINIK FARMS 110080 PH.: 9990226669, 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

Yash Kaushik

CLIENT

देवेंद्र