

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, FARIDKOT HOUSE, NEW DELHI
ORIGINAL APPLICATION NO. 196 OF 2025**

IN THE MATTER OF:

Raj Kishore

...Applicant

VERSUS

State of U.P. & Ors.

...Respondents

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Filed by:

prashant pathak

Prashant Pathak/Ravi Pandey/Aryan Kumar

Date: 22.09.2025

(Counsels for Respondent No.3)

CH No. 103 C.K. Dhaphatary
Lawyers' Chamber
The Supreme Court Of India
New Delhi-110001

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PRINCIPAL BENCH, FARIDKOT HOUSE, NEW DELHI
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IN THE MATTER OF:

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VERSUS

State of U.P. & Ors.

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**REPLY ON BEHALF OF THE RESPONDENT NO. 3 IN
RESPECT OF THE O.A. NO. 196 OF 2025 AND RESPECTIVE
ORDERS PASSED BY THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH ALONG WITH THE SUPPORTING
AFFIDAVIT**

1. That this Hon'ble Tribunal had received the letter on dated 31-12-2024 as posted on dated 30-12-2024 by one anonymous person named as Mr. Raj Kishore original resident of East District, Delhi, who is claiming himself in the letter as the representative of the villagers Makhipur, District Kannauj Uttar Pradesh.
2. That this Hon'ble Tribunal, after receiving of the letter had taken the cognizance/Suo-Moto on this application and had treated this application as petition on behalf of the applicant and registered it as Original Application No. 196/2025 by an order dated 13-05-2025. The Copy of the application dated 30-12-2024 by Mr. Raj Kishore original resident of East Delhi is annexed here with as **Annexure R-1**.(page no. 18 to 22)
3. That by an order dated 13-05-2025 this Hon'ble Tribunal had issued the notice and seeking reply by making the

State Of Uttar Pradesh, Uttar Pradesh Pollution Control Board and M/s H. M. Brick Kiln(New name) situated in the village Kusumkhor, District Kannauj, Uttar Pradesh as the respective party/Respondents in the present Original Application No. 196/2025.

4. That by an order dated 13-05-2025, the Hon'ble Tribunal through notice also ask the Respondents to file a response along with that Respondent No.2 i.e. UPPCB to present a report on the factual averments as need to treat this petition as per the NGT Act, 2010.

The Copy of the Order dated 13-05-2025 in the present Original Application No. 196/2025 is annexed here with as **Annexure R-2**.(page no. 23 to 27)

5. That in mean while the Respondent no.3 had filed the Vakalatnama with one counsel but the appointed counsel had not filed any response of the Order dated 13-05-2025.
6. That the Respondent No.2 i.e. the UPPCB had submitted its affidavit on dated 24-06-2025 and response on dated 30-06-2025 in Compliance of order dated 13-05-2025. The UPPCB in his affidavit and response had said that the present Brick Kiln is not run as per the sitting criteria parameter of the Statutory Provision of law/act as laid down which governs and certified the establishment and its operation of the Brick Kiln in Uttar Pradesh.

7. That after receiving the response of the UPPCB the present Application was listed on 02-07-2025. That this Hon'ble Tribunal by an order dated 02-07-2025 had found that the present Brick Kiln is not following the parameters and sitting criteria for its establishment and passed an order to sold the bricks by way of public auction.
8. That till this order dated 02-07-2025, the Counsel appointed by the Respondent No.3 had not move any response. Further a new counsel was appointed who had move an Interlocutory Application no. 529 of 2025 in the present Original Application No. 196/2025 and had prayed to recall the order dated 02-07-2025.
9. That this Hon'ble Tribunal had recalled the order dated 02-07-2025 of auction proceeding of the Bricks by the order dated 08-08-2025 in Interlocutory Application no. 529 of 2025 in the present Original Application No. 196/2025 and along with this this Hon'ble Tribunal had passed an order to the Respondent No.3 to file the response and objection in respect of the Original Application No. 196/2025.
10. That the Respondent No.3 i.e. M/s H. M Brick Kiln in response to the Original Application No. 196/2025 is making the following submission and by such grounds claiming that this application is not maintainable as per the following grounds-
11. That Respondent No.3 denied the allegation of the applicant named Raj Kishore, who had sent a letter to this

Hon'ble Tribunal. Thereafter, the NGT had treated the letter dated 30.12.2024 of the applicant as a petition, which has been treated and registered as a petition Original Application No. 196/2025.

Grounds

12. Firstly, the very maintainability of the present Original Application is doubtful, in as much as the Applicant Raj Kishore has filed the application claiming to be a "representative" of certain persons/villagers. However, no authorization letter, resolution, power of attorney, or any other legal document has been annexed with the application/letter dated 30-12-2024 to demonstrate that he was duly empowered to institute the present application/letter dated 30-12-2024 as representative of the aggrieved person or the villagers. In absence of such authorization, the application suffers from want of locus standi and is not maintainable in the eyes of law.
13. It is respectfully submitted that "**Section 18(2)(e) of the National Green Tribunal Act, 2010**" provides that an application may be made by "*any person aggrieved, including any representative body or organisation.*"
14. Therefore, section 18(1) expressly mandates that "*where a person, a body or an association makes an application or prefers an appeal under this Act, the person, body or association shall, along with the application or appeal,*

furnish the authorisation letter or document as the case may be." Thus, where a person files proceedings in a representative capacity, it is a statutory requirement that such person must produce an authorisation from the persons whom he claims to represent.

15. That, in the light of the above statutory provisions, it is humbly submitted that this Hon'ble National Green Tribunal, Principal Bench, New Delhi, cannot, in law, entertain or proceed with an Original Application which is not accompanied by the mandatory authorisation letter or document with the application/letter dated 30-12-2024. The requirement of furnishing such authorisation under the proviso to Section 18(1) of the NGT Act, 2010 is not a mere formality but a **jurisdictional pre-condition** for invoking the Tribunal's powers in a representative capacity. Unless this foundational requirement is satisfied, no valid cause of action can be said to have been instituted and the Tribunal lacks jurisdiction to take cognizance.
16. The rationale behind this statutory safeguard is obvious: in environmental matters, where public interest is often pleaded, it would otherwise be open for any person, from any location, to file a petition under the guise of "representing" others without their consent or knowledge, thereby dragging project proponents and private individuals into litigation and subjecting them to harassment, humiliation and reputational injury. The proviso to Section 18(1) is thus designed to ensure that

only a **genuine aggrieved party or a duly authorised representative body** approaches this Hon'ble Tribunal and that its scarce judicial time is not consumed by vexatious or mala fide complaints.

17. It is respectfully emphasised that the Hon'ble Tribunal, being a creature of statute, is bound to act strictly within the four corners of the Act and Rules and cannot assume or exercise any power de hors the statute. Entertaining an application which on its face does not fulfil the mandatory conditions prescribed by the Act, would amount to exercising powers beyond the statute, which has been consistently deprecated by the Hon'ble Supreme Court in a catena of decisions. Therefore, the present Original Application, having been filed without any authorisation and in breach of Section 18(1) of the NGT Act, is incurably defective and deserves dismissal at the very threshold as being not maintainable in law.

In ***Standard Chartered Bank v. Dharminder Bhohi* (2013) 15 SCC 341**, the Hon'ble Supreme Court reiterated that a tribunal being a creature of statute cannot assume powers not conferred by the statute. Similarly, in ***Transcore v. Union of India* (2008) 1 SCC 125**, Hon'ble Justice S.H. Kapadia observed that 67... "*The DRT is a tribunal, it is the creature of the statute, it has no inherent power which exists in the civil courts.*" Likewise, in ***Rajeev Hitendra Pathak v. Achyut Kashinath* (2011) 9 SCC 541**, the Hon'ble Supreme

Court held that 34. *"on a careful analysis of the provisions of the Act, it is abundantly clear that the Tribunals are creatures of the statute and derive their power from the express provisions of the statute... The powers which have not been expressly given by the statute cannot be exercised."*

Therefore, the Applicant who call himself as the representative of the purva Makhipur of village Kusumkhor is not the representative of the villagers as the person is living in Mayur Vihar, East Delhi and unless the applicant produces proper authorisation or any such documents which clearly signifies that the applicant is the real representatives of purva Makhipur of village Kusumkhor that is required as per under Section 18(1)(e), the present application which termed to be as Original Application No.196 of 2025 is not maintainable.

18. Therefore, this Hon'ble Tribunal without validating the validity of the application as per the provision of the NGT act can't issue the notice to the Respondents, as the Statute as in itself have very specified provisions to limit the exercise the jurisdiction by the NGT.
19. Further, the applicant had mislead this Hon'ble Tribunal by saying that the Makhipur is a village, which is totally wrong and no such government records prove that Makhipur is a village, whereas it is an extension/ expansion of few houses from the original Village i.e. Kusumkhor.

20. This subject is more clarified when we look into the reports of Lekhpal, where the Lekhpal always write that the Lekhpal belongs to the village of Kusumkhor and no such village as named Makhipur is there in revenue records of either district or of State. This subject can be further clarified by this Hon'ble Tribunal.
21. Secondly, the Respondent No.3/ Brick Kiln is purchased by the group of four people (through the partner-ship deed) as the new purchaser from the old owner in running conditions. The previous owner had produced the reports of Lekhpal of Village Kusumkhor of 27-04-2023 in which the sitting criteria is fulfill as per the provision of "The Uttar Pradesh Brick Kilns (Sitting Criteria for establishment) Rules 2012". The Copy of the reports of Lekhpal of Village Kusumkhor of 27-04-2023 is annexed herewith as **Annexure R-3**(page no.28 to 28)
22. That after this Respondent No.3 had made an application before the Sub-divisional Magistrate and before the regional office of the Respondent No.2 to issue the mandatory certificate i.e. Consent to Operate in regular basis for the operation of the Brick Kiln.

The Copy of the Application dated 15-10-2024 before the Sub-divisional Magistrate is annexed herewith as **Annexure R-4** and before the regional office of the Respondent No. is annexed herewith as **Annexure R-5**(page no.29 to 30).

23. That when the Respondent No.3 had not get any response from the above application, then the Respondent No.3 had approached before the Hon'ble High Court of Judicature at Allahabad through a Writ Petition –C 38718 of 2024 for issuing a direction against the Respondent No.2 as to provide the "Consent To Operate" certificate. The Hon'ble High Court by order dated 23-11-2024 in Writ Petition –C 38718 of 2024 had passed the direction to Respondent No.2 to decide the application dated 11-12-2023 and the representation dated 15-10-2024 within six weeks.

The Copy of the order dated 23-11-2024 in Writ Petition –C 38718 of 2024 of Hon'ble High Court of Judicature at Allahabad is annexed herewith as **Annexure R-6.** (Page no. 31 to 31)

24. That after this the Lekhpal of Village Kusumkhor had submitted a new report on the basis of "The Uttar Pradesh Brick Kilns (Sitting Criteria for establishment) Rules 2012" on dated 26-11-2024 in respect of the Respondent No.3. The reports are endorsed by other officers/authorities of the District.

The true and translated Copy of the reports of Lekhpal of Village Kusumkhor, District Kanauj of 26-11-2024 is annexed herewith as **Annexure R-7** (page no. 32 to 34)

25. That the reports of Lekhpal of Village Kusumkhor, District Kanauj of 26-11-2024 had confirmed that the Brick Kiln is

- meeting the complete criteria as per "The Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules, 2012".
26. That after the reports of Lekhpal of Village Kusumkhor of 26-11-2024, the Respondent No.2 had had issued **letter dated 28-12-2024** and had rejected the application of Respondent No.3 dated 26-12-2024 just by saying that as Environmental Compensation cost was imposed on your previous owner establishment. Therefore, in accordance with this your application seeking permission to issue certificate i.e. Consent to Operate regarding the establishment is rejected. The copy of the **letter dated 28-12-2024** issued by the Respondent No.2 of rejecting the application for granting the permission to issue certificate i.e. Consent to Operate is annexed herewith as **Annexure R-8** (page no.35 to 36)
27. That after in respect of the letter dated 28-12-2024, the Respondent No.3 had filed the appeal before the Appellate Authority of Environment and Forest Department, Lucknow dated 15-01-2025. That the Appeal is still pending and no such proceeding /steps be taken against the appeal by the respective authority till today.

The true and translated copy of the appeal of the Respondent No.3 pending before the appellate authority of Environment and Forest Department, Lucknow dated 15-01-2025 against the letter dated 28-12-2024 is annexed herewith and marked as **Annexure R-9** (page no.37 to 40).

28. Secondly, just one day after rejection of the CTO **letter dated 28-12-2024** as issued by the Respondent No.2, the UPPCB, Kanpur Zone, an application was framed out on dated **29-12-2024** by the Applicant Name Raj Kishore who have the residence in Mayur Vihar, East Delhi and had posted the application on dated 30-12-2024.
29. That NGT had received the letter on dated 31-12-2025 and put before the Hon'ble Tribunal which finally comes as the Original Application No. 196/2025.

**RESPONSE OF THE REPLY FILED BY THE DISTRICT
MAGISTRATE KANNAUJ IN COMPLIANCE OF THE ORDER
DATED 08-08-2025**

30. That as per the factual reports of the committee as formed after the order dated 08-08-2025 of this Hon'ble Tribunal, the committee had making it stands very specific that the reports as filed by the Lekhpal of Village Kusumkhor dated 26-11-2024 is incorrect in respect of the Point 2,4,6 and 8 of the Report.
31. That the Committee reports is subject to question as per the direction of the order dated 08-08-2025 because as why the committee had given the reports only on the four points in against the report of the Lekhpal of Village Kusumkhor dated 26-11-2024. And why the committee had not given the report on other parameters.
32. Further, the report of the Lekhpal of Village Kusumkhor dated 26-11-2024 is also endorsed by the

Officers/Authority of the District Kannauj. It means one officer is denying the report of another officers.

33. That in the report of the Lekhpal of Village Kusumkhor dated 26-11-2024 is based on the actual distance as measured from the point of the chimney of the Brick Kiln to the distance of the either of the establishment.
34. That as per the point no.1 of the report of the Lekhpal of Village Kusumkhor dated 26-11-2024 and of the committee, the only difference is of 100 meter because the committee had adopted a formality of an inspection and making a report, other-wise the actual distance is more than 500 meters.
35. That for the point no.2, the school is located in the village Kusumkhor and not at the Makhaipur.
36. That the report of the committee for the point no.3 and 4 is totally wrong as the site inspection committee had never visited the near-by Brick Kiln.

RESPONSE OF THE REPLY FILED BY THE RESPONDENT NO.2 IN COMPLIANCE OF THE ORDER DATED 13-05-2025

37. Further the facts of the Para 4 of the response by the Respondent no.2 / UPPCB, is denied, and it is admitted that a Joint Committee was constituted. However, the Committee's findings are incomplete and contrary to the statutory Lekhpal/Revenue Officer's report dated 26.11.2024, which confirms compliance with siting criteria.

38. That Para-5 is denied in the response of Respondent no.2 /UPPCB allegation that the brick kiln M/s. Kais Brick Field (Old Name M/s. HM Brick Kiln), village Makhaipur , Post-Kusumkhor, District-Kannauj has been established without taking consent to establish from the UP. Pollution Control Board and in Violation of the sitting criteria as per Uttar Pradesh (Brick Kiln Sitting Criteria for Establishment) rule,2012.
39. Respondent No. 3 has never operated without permission. Applications for CTO were duly filed on 15.10.2024 and rejected on 28.12.2024. Appeal dated 15.01.2025 is pending adjudication.
40. It is submitted that the inspection dated 21.05.2025 itself records that the kiln was non-operational. Hence, allegations of continuous illegal functioning are baseless.
41. That Para-7 of Respondent no.2 /UPPCB is denied.
42. That the Respondent No.2/UPPCB in his reply had presented the report as called by this Hon'ble Tribunal along with the reply of the Petition. That the UPPCB had also presented the Joint Committee Report by reply on dated 26-06-2025 and dated 30-06-2025 respectively.
43. That the Respondent No.2/UPPCB in his reply had given the details of the parameters/distance criteria/sitting criteria as per The Uttar Pradesh Kilns (Sitting Criteria for establishment) Rules, 2012.
44. That the Respondent No.2/UPPCB had not presented the report of the distance criteria for the establishment of the

Kilns as to be prepared by the officer of the state at Tehsil level, i.e., of Lekhpal/Revenue Officer, dated 26-11-2025, which is further verified and endorsed by the administrative officers of the state dated 26-11-2025.

45. That the establishment of the Respondent No.3 is of modern technique, having the Hydra Engine Pump, which develops the smoke into steam and the rest residual carbon part is settled at the both of the storage capacity which are disposed of as per the industry norms.
46. It is further submitted that the Respondent has ensured compliance with all statutory obligations as per the directives of the Uttar Pradesh Pollution Control Board, the Respondent adhered to all required conditions under the applicable environmental regulations and operational guidelines.
47. It is further submitted that the allegations raised by the complainant are baseless and motivated by malice, as the complainant is a direct rival in the same business. The present application has been filed with the sole intention of causing disruption to the Respondent's lawful operations and tarnishing its reputation. Such frivolous complaints should not be entertained by this Hon'ble Tribunal.
48. That the balance of convenience clearly lies in favour of the Respondent No. 3. The Applicant in OA No. 196/2025 has not placed any verified data, environmental report, or statutory violation.

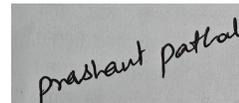
49. That the above response is being submitted for the kind consideration of this Hon'ble Tribunal.

PRAYER:

In light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a. Dismiss the Original Application No. 196/2025 as being devoid of merit; and
- b. Pass such other or further orders as may be deemed fit and proper in the interest of justice.

Filed by:



New Delhi

Date: .09.2025

Prashant Pathak | Ravi Pandey
(Counsels for Respondent No.3)
CH No. 103 C.K. Dhaphatary
Lawyers' Chamber
The Supreme Court Of India
New Delhi-110001

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, FARIDKOT HOUSE, NEW DELHI**

ORIGINAL APPLICATION NO. 196 OF 2025.

IN THE MATTER OF:

Raj Kishore

Applicant

Versus

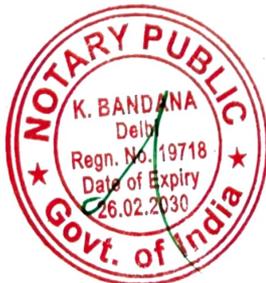
State of U.P. & Ors.

Respondents

AFFIDAVIT

I, Md. Danish alias Danish Ali son of Mr. Anvarul Hak, Resident Of Kusumkhor Banger Kanauj, Uttar Pradesh 209727(Presently at Delhi), authorized representative of M/s Kais Brick Field (Old Name M/s H M Brick Klin) do hereby solemnly affirm and state on oath as under:-

1. That I am the Answering Respondent in the above-mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear and sign the present Affidavit.
2. That the Reply of Original Application has been drafted as per my instructions by my counsel and I have read the contents thereof and I understood the same.
3. That the Annexures enclosed with the Application are true and correct copies of their respective originals.



2
शिव शर्मा

4. That the contents of the aforesaid Application are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.

श्री दामिनी

DEPONENT

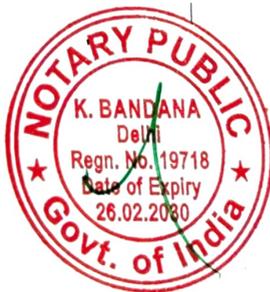
VERIFICATION:

Verified at New Delhi on this ~~1 AUG 2025~~ day of July, 2025 that the contents of the above said affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.

IDENTIFIED

श्री दामिनी

DEPONENT



ATTESTED
NOTARY PUBLIC DELHI
Govt. of India

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

Subject-Regarding illegal kiln (Joint secret complaint)

Sir, we wish to inform you again that we the residents of the area and the residents of Makhai Pur village had complained against H.M. Brick Kiln located on Kannauj Road Kusumkhor, Village-Makhai Pur, Mauja- Kusumkhor, Post Kusumkhor District and Tehsil Kannauj Pin-209727, to close this illegal kiln in Hon'ble NGT and since 2022 we are continuously complaining to Pollution Control Board Kanpur and Pollution Control Board Lucknow. After our complaint, the Pollution Control Board, Kanpur (Raniya) inspected the kiln and found it illegal, and a strict order to close the kiln was issued. A copy of the kiln closure order was made available to us online, but till date the illegal kiln could not be closed. Although this kiln may be closed on paper, but no action has been taken on the ground level yet. In 2023, we had a phone call with the Pollution Control Board Kanpur. They said that we have issued the order to close the kiln. Now the next step is for the District Magistrate. The District Magistrate will get it closed. When the order to close the H.M. kiln was issued, the name of this kiln was changed to "Cash." Now the illegal kiln is operating more vigorously than before. The regional officials have not been able to close the kiln till date but some officials are busy investigating the complainants. As to who has made the complaint, so that his name can be shared with the kiln owner and the kiln owner can silence him by beating him so that he does not complain against the kiln. Earlier the complainants had given their names but later they were beaten up and threatened not to complain. Hence, we give secret complaints.

Sir, this illegal kiln is ruining the crops of our fertile land, polluted dust and mud are spread in my village and school, because this kiln is located only about 300 to 400 meters away from the residential area, school and religious place. Sir, this year also the name of the kiln has been changed and it is running under the name "CASH". Sir, this kiln is continuously running by changing the name and owner, sometimes by the name of HM, sometimes by the name of HK, and now in 2024 it is running under the name "CASH", now for the third time this kiln has been bought by a person named Sheru Ali and he is operating the kiln. Sir, until this kiln is demolished, it will keep running by changing the name.

It is requested to get the kiln closed permanently.

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25/12/2025
04/01/25

सेवा में

प्रिया न्यायाधीश महोदय

दिनांक
30/12/2024

MAO नेशनल ग्रीन ट्रिब्यूनल दिल्ली

विषय - अवैध भट्टे के संबंध में (संयुक्त गुप्त शिकायत)

श्रीमान महोदय पुनः सूचित करना है कि हम लोगों ने एच.एम.ईट भट्टा कन्नौज रोड कुसुमखोर पर स्थित ग्राम -मखाई पुर, मौजा- कुसुमखोर, पोस्ट कुसुमखोर जिला व तहसील कन्नौज पिन- 209727, के खिलाफ शिकायत हम क्षेत्र वासीयों व मखाई पुर ग्राम वासीयों ने इस अवैध भट्टे को बंद करने के लिए MAO एन.जी.टी.में की थी और 2022 से निरंतर शिकायत प्रदूषण कंट्रोल बोर्ड कानपुर व प्रदूषण कंट्रोल बोर्ड लखनऊ को कर रहे हैं हमारी शिकायत के बाद प्रदूषण कंट्रोल बोर्ड कानपुर (रनियां)की ओर से भट्टे की जांच कर भट्टा अवैध पाए जाने पर भट्टा बंदी का सख्त आदेश जारी किया गया और भट्टा बंदी आदेश की एक कोपी हम लोगों को ऑनलाइन प्राप्त करवाई गई लेकिन आज तक अवैध भट्टा बंद नहीं कराया जा सका हालांकि पेपरो में यह भट्टा बंद हो सकता है लेकिन जमीनी स्तर पर अभी तक कोई कार्यवाही नहीं हुई है। 2023 में फोन कॉल द्वारा प्रदूषण कंट्रोल बोर्ड कानपुर से हमारी बात हुई थी उनका कहना है कि हमने भट्टाबंदी का आदेश जारी कर दिया अब आगे का काम जिला अधिकारी का है जिला अधिकारी साहब ही बंद कराएंगे। जब एच.एम. भट्टा बंद करने का आदेश जारी हो गया तो इस भट्टे का नाम बदलकर अब "कैश" नाम रख दिया गया। अब तो पहले से भी ज्यादा जोरों से अवैध भट्टा चल रहा है, क्षेत्रीय अधिकारी लोग भट्टे को तो आज तक बंद नहीं करा सके लेकिन कुछ अधिकारी शिकायत करताओं की जांच में लगे रहते हैं। कि यह शिकायत किसने की है, ताकि उसका नाम भट्टे मालिक को साझा किया जाए और उसे भट्टा मालिक मारपीट कर शांत करा सके ताकि भट्टे के खिलाफ शिकायतें ना करें पहले शिकायतकर्ताओं ने अपना नाम दिया था तो उनको बाद में मारा पीटा गया व धमकाया भी गया शिकायत नहीं करने के लिए अतः इसलिए गुप्त शिकायत हम लोग देते हैं।

श्रीमान जी इस अवैध भट्टे से हमारी उपजाऊ भूमि की फसलें खराब हो रही है, मेरे गांव व स्कूल में प्रदूषण धूल, मिट्टी फैली रहती है, क्योंकि यह भट्टा आबादी और स्कूल व धार्मिक स्थल से महज लगभग 300 से 400 मीटर दूर स्थित है। श्रीमान इस वर्ष भी भट्टे का नाम बदल कर "कैस" नाम से भट्टा चल रहा है। श्रीमान महोदय यह भट्टा नाम और मालिक बदल- बदल कर निरंतर चल रहा है, कभी एच.एम., नाम से कभी एच.के., नाम से और अब 2024 में यह "कैस" नाम से चल रहा है, अब तीसरी बार यह भट्टा शेरू अली नाम के व्यक्ति ने खरीदा है और भट्टे का संचालन कर रहा है। महोदय जी जब तक यह भट्टा ध्वस्त नहीं किया जाएगा तब तक यह नाम बदल-बदल कर चलता ही रहेगा। अतः भट्टे को स्थाई रूप से बंद करवाने की कृपा करें।

शिकायत कर्ता

मखाई पुर गाँव बासी
प्रतिनिधि-राज किशोर
मो0 न0-9718437970
e mail-
kisorraj037@gmail.com

Ld.R.c.

31.12.2024

L.P.

जयहिन्द

राष्ट्रीय हरित अधिकरण National Green Tribunal प्रधान न्यायाधीश / Principal Bench नई दिल्ली / New Delhi
31 DEC 2024
प्राप्ति और निर्गम अनुभाग Receipt & Issue Section
डायरी सं. / Diary No. 8532
हस्ताक्षर / Signature.....

OA
5/1/2022
R. 2.24 / VP
Report
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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०
Ref. No.

H82546 /सी-2/वायु-165/बन्दी आदेश/22

दिनांक

Date 29/09/22

सेवा में,

भौ० एच०एम० ईट भट्टा,
ग्राम-मखाईपुर, पोस्ट-कुसुमखोर, तहसील-कन्नौज
जनपद-कन्नौज।

यह कि गैसर्स एच०एम० ईट भट्टा, ग्राम-मखाईपुर, पोस्ट-कुसुमखोर, तहसील व जनपद-कन्नौज जिसे आगे उद्योग कहा जायेगा ईट के उत्पादन हेतु उपरोक्त वर्णित स्थल पर स्थापित/संचालित है तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा-40 के अन्तर्गत एक कम्पनी है।

क्षेत्रीय कार्यालय, कानपुर देहात के पत्र दिनांक 27.09.2022 द्वारा प्रेषित आख्यानसार उक्त ईट भट्टा उ०प्र० ईट भट्टा (स्थापना हेतु स्थल मापदण्ड) नियमावली, 2012 के अनुरूप स्थापित नहीं है एवं ईट भट्टे को राज्य बोर्ड से स्थापना से पूर्व अनापत्ति प्रमाण पत्र एवं संचालन हेतु जल/वायु अधिनियम के प्राविधानों के अन्तर्गत सहमति आदेश प्राप्त नहीं है तथा ईट भट्टे को क्षेत्रीय कार्यालय के द्वारा प्रेषित नोटिस दिनांक 14.02.2022 का अनुपालन भी सुनिश्चित नहीं किया गया है। इस प्रकार ईट भट्टे द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 के प्राविधानों का उल्लंघन किया जा रहा है।

क्षेत्रीय अधिकारी के पत्र दिनांक 27.09.2022 द्वारा उद्योग के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31ए के अन्तर्गत कार्यवाही किये जाने की सस्ती की गयी है।

अतः जनहित में जन सामान्य को स्वस्थ वातावरण प्रदान करने के उद्देश्य से वायु अधिनियम 1981 यथासंशोधित की धारा 31-ए के अन्तर्गत प्रदत्त शक्तियों के अधीन यह आवश्यक है कि आपके औद्योगिक संयंत्र को वायु प्रदूषण की रोकथाम हेतु संचालित होने से रोका जाए। अतः उद्योग को वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31-ए के अन्तर्गत सक्षम अधिकारी के अनुमोदनोपरान्त निम्नानुसार बंदी आदेश जारी किये जाते हैं कि-

1. यह कि गैसर्स एच०एम० ईट भट्टा, ग्राम-मखाईपुर, पोस्ट-कुसुमखोर, तहसील व जनपद-कन्नौज में संचालन/उत्पादन प्रक्रिया को तत्काल प्रभाव से बंद कर दें।
2. यह कि सक्षम अधिकारियों को निर्देशित किया जाता है कि आपकी औद्योगिक इकाई को मिलने वाली विद्युत आपूर्ति एवं जल आपूर्ति का विच्छेदन करने के साथ-साथ अन्य सुविधाओं को तात्कालिक प्रभाव से बंद कर दिया जाए।

सक्षम अधिकारी के अनुमोदनोपरान्त

मुख्य पर्यावरण अधिकारी (वृत्त-2)

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

1. जिलाधिकारी, कन्नौज को इस अनुरोध के साथ प्रेषित कि ईट भट्टा को तत्काल बन्द कराये जाने हेतु संबंधित अधिकारी को निर्देशित करने का कष्ट करें।
2. पुलिस अधीक्षक, कन्नौज को इस आशय से प्रेषित कि ईट भट्टे की बंदी सुनिश्चित रहने हेतु कृपया सवधि अधीनस्थ को निर्देशित करने का कष्ट करें।
3. अधिशासी अभियन्ता, उ०प्र० पावर कॉर्पोरेशन लि०, कन्नौज को संदर्भित उद्योग के विद्युत विच्छेदन हेतु प्रेषित।
4. अधिशासी अधिकारी, उ०प्र० जल निगम, कन्नौज को जल आपूर्ति रोके जाने हेतु प्रेषित।
5. क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड, कागपुर देहात को इस निर्देश के साथ प्रेषित कि उद्योग को जारी बंदी आदेश की प्रति उद्योग को प्राप्त कराते हुए पावती तथा उद्योग को जारी बंदी आदेश का अनुपालन जिला प्रशासन से समन्वय स्थापित कर सुनिश्चित कराते हुए अनुपालन आख्या 03 दिन में प्रेषित करना सुनिश्चित करें।

टीसी -12 वी विभूति खण्ड, गोमती नगर,
लखनऊ 226010
दूरभाष 0522-2720828, 2720831
फैक्स 0522-2720764, 2720676

मुख्य पर्यावरण अधिकारी (वृत्त-2)

T.C. -12 V, Vibhuti Khund, Gomti Nag.,
Lucknow - 226 010
Phone : 0522-2720828, 2720831
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E-mail : info@uppctb.in

डा. अ. वि. शर्मा

उमरुजी
एच० एम०. ब्रिक फील्ड
कुसुमखोर, कन्नौज
मो 7521003272



क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

280, एन0एच0-19, रनियां, कानपुर देहात-209304



पत्रांक- 2663/रा0/I-4/2023
सेवा में,

दिनांक- 04/10/2023

जिलाधिकारी
कन्नौज।

विषय- आई0जी0आर0एस0 संदर्भ सं0-40016023010903 के माध्यम से ग्राम-मखाईपुर, पोस्ट व मौजा-कुसुमखोर बांगर, तहसील व जनपद-कन्नौज में अवैध रूप से चल रहे मै0 एच0एम0 ईट भट्टा के विरुद्ध प्राप्त शिकायत के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक समन्वित शिकायत निवारण प्रणाली के माध्यम से प्राप्त शिकायत संख्या-40016023010903 का संदर्भ ग्रहण कराना चाहें। शिकायतकर्ता श्री राजकिशोर, श्री हृदय राम, श्री शालिग्राम एवं श्री बृजेश व अन्य ग्रामवासी द्वारा शिकायती पत्र प्रेषित किया गया है, जिसमें उल्लिखित किया गया है कि ग्राम-मखाईपुर, पोस्ट व मौजा-कुसुमखोर बांगर, तहसील व जनपद-कन्नौज वासियों ने अवैध रूप से चल रहे मै0 एच0एम0 ईट भट्टा के खिलाफ शिकायत दी थी, जो कि कन्नौज रोड कुसुमखोर पर ग्राम-कुसुमखोर बांगर के गाटा संख्या-2673 एवं 2676 में स्थित है, जो कि आबादी क्षेत्र, स्कूल, धार्मिक स्थल से मात्र लगभग 300 मीटर दूरी पर स्थित है। जबकि प्रत्येक गांव की आबादी लगभग 1500 लोगों की है। इसलिए यह भट्टा एन0जी0टी0 द्वारा बनाये गये नियमों के विरुद्ध है। इस भट्टे के चलते गांव के लोग व स्कूली बच्चे निरन्तर प्रदूषण झेल रहे हैं एवं शिकायतकर्ता द्वारा बंद किये जाने का अनुरोध किया गया है।

उक्त के सम्बन्ध में सादर अवगत कराना है कि मै0 एच0एम0 ईट भट्टा को बोर्ड मुख्यालय के पत्रांक-एच 82546/सी-2/वायु-165/बंदी आदेश/22 दिनांक 29.09.2022 द्वारा उत्तर प्रदेश ईट भट्टा (स्थापना हेतु स्थल मापदण्ड) नियमावली, 2012 के अनुरूप स्थापित नहीं होने के कारण वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-31ए के अंतर्गत बंदी आदेश जारी है (जायाप्रति संलग्न)।

मा0 एन0जी0टी0, नई दिल्ली में योजित ओ0ए0 संख्या-483/2023 नयाब एण्ड अदर्स बनाम स्टेट आफ उत्तर प्रदेश में प्रारित आदेश दिनांक 04.08.2023 के अनुपालन में संयुक्त समिति का गठन करते हुये संयुक्त रिपोर्ट प्रेषित किये जाने हेतु निर्देशित किया गया था। तत्कम में संयुक्त समिति द्वारा मा0 एन0जी0टी0, नई दिल्ली को इस कार्यालय के पत्र संख्या-2531/आई0बी0/एच-14/2023 दिनांक 04.09.2023 द्वारा संयुक्त रिपोर्ट प्रेषित की गयी है। संयुक्त समिति द्वारा दिनांक 21.08.2023 को किये गये निरीक्षण के समय ईट भट्टा बंद पाया गया। शिकायतकर्ता श्री राजकिशोर द्वारा आई0जी0आर0एस0 में उल्लिखित मो0नं0-9718437970 पर सम्पर्क किया गया। उनके द्वारा अवगत कराया गया कि वर्तमान में ईट भट्टा बंद है, परन्तु खनन का कार्य किया जा रहा है।

अतः उपरोक्त परिपेक्ष्य में सादर अवगत कराना है कि क्षेत्रीय कार्यालय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, कानपुर देहात से ईट भट्टे के विरुद्ध आपेक्षित कार्यवाही बंदी आदेश निर्गत किया जा चुका है। खनन कार्य हेतु अनुज्ञा/अनुमति के सम्बन्ध में जिला खनन अधिकारी के स्तर से कार्यवाही अपेक्षित है एवं उक्त वर्णित आई0जी0आर0एस0 संदर्भ को निस्तारित कराने का कष्ट करें।

संलग्नक:- यथोपरि।

भवदीय

(आशुतोष पाण्डेय)
क्षेत्रीय अधिकारी (प्र0)

प्रतिलिपि- शिकायतकर्ता श्री राजकिशोर, श्री हृदय राम, श्री शालिग्राम एवं श्री बृजेश व अन्य ग्रामवासी, ग्राम-मखाईपुर, पोस्ट-कुसुमखोर, तहसील व जनपद-कन्नौज को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी (प्र0)

To

National Green Tribunal
J 69J+FX, Faridkot House
Cape Nicous Marg near
India Gate New Delhi
110001



Presend

Always

Raj Kiser

From

B.1966D colony

Mayapuri Phase-3

Sgt Delhi - 110096

No.No- 9718437970

Date 30/12/2021

Item No.02

Court No. 2

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 196/2025

Raj Kishore

Applicant

Versus

State of U.P. & Ors.

Respondents

Date of hearing: 13.05.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant

ORDER

1. The applicant- Mr. Raj Kishore has sent a letter petition dated 30.12.2024 which has been treated and registered as O.A. No. 196/2025.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

“विषय-अवैध भट्टे के संबंध में (संयुक्त गुप्त शिकायत)

श्रीमान महोदय पुनः सूचित करना है कि हम लोगों ने एच. एम. ईट भट्टा कन्नौज रोड कुसुमखोर पर स्थित ग्राम-मखाई पुर, मौजा - कुसुमखोर, पोस्ट कुसुमखोर जिला व तहसील कन्नौज पिन-209727, के खिलाफ शिकायत हम क्षेत्र वासीयों व मखाई पुर ग्राम वासीयों ने इस अवैध भट्टे को बंद करने के लिए मा० एन.जी.टी. में की थी और 2022 से निरंतर शिकायत प्रदूषण कंट्रोल बोर्ड कानपुर व प्रदूषण कंट्रोल बोर्ड लखनऊ को कर रहे हैं हमारी शिकायत के बाद प्रदूषण कंट्रोल बोर्ड कानपुर (रनियां) की ओर से भट्टे की जांच कर भट्टा अवैध पाए जाने पर भट्टा बंदी का सख्त आदेश जारी किया गया और भट्टा बंदी आदेश की एक कोपी हम लोगों को ऑनलाइन प्राप्त करवाई गई लेकिन आज तक अवैध भट्टा बंद नहीं कराया जा सका हालांकि पेपरो में यह भट्टा बंद हो सकता है लेकिन जमीनी स्तर पर अभी तक कोई कार्यवाही नहीं हुई है। 2023 में फोन कॉल द्वारा प्रदूषण कंट्रोल बोर्ड कानपुर से हमारी बात हुई थी उनका कहना है कि हमने भट्टाबंदी का आदेश जारी

कर दिया अब आगे का काम जिला अधिकारी का है जिला अधिकारी साहब ही बंद कराएंगे। जब एच. एम. भट्टा बंद करने का आदेश जारी हो गया तो इस भट्टे का नाम बदलकर अब "कैश" नाम रख दिया गया। अब तो पहले से भी ज्यादा जोरों से अवैध भट्टा चल रहा है, क्षेत्रीय अधिकारी लोग भट्टे को तो आज तक बंद नहीं करा सके लेकिन कुछ अधिकारी शिकायत करताओं की जांच में लगे रहते हैं। कि यह शिकायत किसने की है, ताकि उसका नाम भट्टे मालिक को साझा किया जाए और उसे भट्टा मालिक मारपीट कर शांत करा सके ताकि भट्टे के खिलाफ शिकायतें ना करें पहले शिकायतकर्ताओं ने अपना नाम दिया था तो उनको बाद में मारा पीटा गया व धमकाया भी गया शिकायत नहीं करने के लिए अतः इसलिए गुप्त शिकायत हम लोग देते हैं।

श्रीमान जी इस अवैध भट्टे से हमारी उपजाऊ भूमि की फसलें खराब हो रही है, मेरे गांव व स्कूल में प्रदूषण धूल, मिट्टी फैली रहती है, क्योंकि यह भट्टा आबादी और स्कूल व धार्मिक स्थल से महज लगभग 300 से 400 मीटर दूर स्थित है। श्रीमान इस वर्ष भी भट्टे का नाम बदल कर "कैस" नाम से भट्टा चल रहा है। श्रीमान महोदय यह भट्टा नाम और मालिक बदल-बदल कर निरंतर चल रहा है, कभी एच.एम, नाम से कभी एच.के., नाम से और अब 2024 में यह "कैस" नाम से चल रहा है, अब तीसरी बार यह भट्टा शेरू अली नाम के व्यक्ति ने खरीदा है और भट्टे का संचालन कर रहा है। महोदय जी जब तक यह भट्टा ध्वस्त नहीं किया जाएगा तब तक यह नाम बदल-बदल कर चलता ही रहेगा। अतः भट्टे को स्थाई रूप से बंद करवाने की कृपा करें।”

3. The English Translation by the Registry of the above quoted part of the letter petition reads as under:-

“Subject-Regarding illegal kiln (Joint secret complaint)

Sir, we wish to inform you again that we the residents of the area and the residents of Makhai Pur village had complained against H.M. Brick Kiln located on Kannauj Road Kusumkhor, Village-Makhai Pur, Mauja- Kusumkhor, Post Kusumkhor District and Tehsil Kannauj Pin-209727, to close this illegal kiln in Hon'ble NGT and since 2022 we are continuously complaining to Pollution Control Board Kanpur and Pollution Control Board Lucknow. After our complaint, the Pollution Control Board, Kanpur (Raniya) inspected the kiln and found it illegal, and a strict order to close the kiln was issued. A copy of the kiln closure order was made available to us online, but till date the illegal kiln could not be closed. Although this kiln may be closed on paper, but no action has been taken on the ground level yet. In 2023, we had a phone call with the Pollution Control Board Kanpur. They said that we have issued the order to close the kiln. Now the next step is for the District Magistrate. The District Magistrate will get it closed. When the order to close the H.M. kiln was issued, the name of this kiln was changed to

"Cash." Now the illegal kiln is operating more vigorously than before. The regional officials have not been able to close the kiln till date but some officials are busy investigating the complainants. As to who has made the complaint, so that his name can be shared with the kiln owner and the kiln owner can silence him by beating him so that he does not complain against the kiln. Earlier the complainants had given their names but later they were beaten up and threatened not to complain. Hence, we give secret complaints.

Sir, this illegal kiln is ruining the crops of our fertile land, polluted dust and mud are spread in my village and school, because this kiln is located only about 300 to 400 meters away from the residential area, school and religious place. Sir, this year also the name of the kiln has been changed and it is running under the name "CASH". Sir, this kiln is continuously running by changing the name and owner, sometimes by the name of HM, sometimes by the name of HK, and now in 2024 it is running under the name "CASH", now for the third time this kiln has been bought by a person named Sheru Ali and he is operating the kiln. Sir, until this kiln is demolished, it will keep running by changing the name.

It is requested to get the kiln closed permanently."

4. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

5. In view thereof, we consider it necessary to seek replies/responses from (1) State of Uttar Pradesh through District Magistrate, Kannauj (2) Uttar Pradesh State Pollution Control Board (UPSPCB) through its Member Secretary and (3) M/s H.M. Brick Kiln situated on Kannauj Road Kusumkhor, Village-Makhai Pur, Post Kusumkhor, Tehsil and District Kannauj who are impleaded as respondents no. 1 to 3.

6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no.1 to 3.

7. Notice be served on Respondent no. 3- M/s H.M. Brick Kiln through the District Magistrate, Kannauj. For this purpose notice issued to the

respondent no. 3- M/s H.M. Brick Kiln be sent to the District Magistrate, Kannauj by E-mail for getting service of the same effected on it and sending his report in this regard.

8. Replies/responses by respondents no. 1 to 3 be filed at least one day before the date of hearing fixed.

9. Further in view of the factual averments made in the application, we also consider due verification thereof through a Joint Committee to be necessary. Accordingly, we constitute a Joint Committee comprising of the representatives of Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh State Pollution Control Board (UPSPCB) and District Magistrate, Kannauj. The Joint Committee is directed to visit the spot after giving notice to the Project Proponent, look into the grievances after joining the applicant and representative of the Project Proponent, verify the factual position, suggest appropriate remedial action and submit its report within one month. The UPSPCB will be the nodal agency for coordination and compliance.

10. In case of failure to submit the report within one month, the Member Secretary, UPSPCB shall attend this Tribunal physically to explain the circumstances for non-compliance of order for submission of the report within one month.

11. List on 02.07.2025 for further consideration.

12. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Member Secretary, Central Pollution Control Board (CPCB), the Member Secretary, Uttar Pradesh State Pollution Control Board (UPSPCB) and the District Magistrate, Kannauj by e-mail for requisite compliance.

13. The Registry is also directed to inform the applicant about the date of hearing fixed and also to send VC link to him for joining of the proceedings on the next date of hearing.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 13th, 2025
Original Application No. 196/2025
ag

परिदृश्य

संलग्न प्रार्थना पत्र (अपील सत्र) में सहा. सच. एम. बिक फील्ड ग्राग मखाईपुर मौजा कुसुमखोर नागर पर. वृत्त सदर जिला कन्नौज द्वारा उक्त ईट भट्टे की चिमनी से निम्न बिन्दुओं पर दूरी (मीटर/मी.) की चाँची गई बिन्दुवार आख्या निम्नवत है।—

- 1- भूरा स्थल से नजदीकी ग्राम/जाबादी अकबरपुर मजेर कुसुमखोर व कुम्हारनपुरा की दूरी क्रमशः 1.5 Km व 2 Km है।
 - 2- ईट भट्टे की चिमनी से ग्राम मखाईपुर की 1 Km की परिधि में लगभग 15 घर स्थित हैं।
 - 3- स्थापना स्थल से धार्मिक स्थल की दूरी लगभग 3 Km है।
 - 4- स्थापना स्थल से प्राथमिक विद्यालय की दूरी लगभग 1 Km है।
 - 5- स्थापना स्थल से नगर पंचायत/नगर निगम की दूरी लगभग 15 Km है।
 - 6- स्थापना स्थल से अन्य भट्टे की दूरी 1 Km है।
 - 7- स्थापना स्थल से नजदीकी चिकित्सालय की दूरी 5 Km है।
 - 8- स्थापना स्थल से लोक निर्माण विभाग की सड़क की दूरी लगभग 150 मीटर है।
 - 9- स्थापना स्थल से राष्ट्रीय राजमार्ग की दूरी 11 Km है।
 - 10- स्थापना स्थल से पर्यटन स्थल की दूरी लगभग 40 Km है।
 - 11- स्थापना स्थल से नजदीकी रेलवे स्टेशन की दूरी 15 Km है।
 - 12- स्थापना स्थल से 1 Km त्रिज्या की परिधि में कोई ज्वलनशील पदार्थ (पेट्रोल टैंक आदि) का भण्डारण नहीं है।
- जांच आख्या सेवा में सादर प्रेषित।

442/RC
27/04/23

लेखपाल काठमा सेना में सादर

प्रेषित।
R.I.(K.)
28/4/23

30/04/23

27-04-2023
सुरेन्द्र सिंह
कर्म-कुसुमखोर

सेवा में,

श्रीमान उपजिलाधिकारी महोदय,

तहसील कन्नौज जनपद कन्नौज

विषय- ईट भट्टे को सुचारु रूप से चलाने व सरकार की सभी नियमावली को सही ढंग से मानने व उसके अनुपालन में सहमति प्रमाण पत्र करने हेतु-

महोदय,

निवेदन है कि मेसर्स एच0एम0ईट भट्टा ग्राम व पोस्ट कुसुमखोर बॉगर परगना व तहसील व जनपद कन्नौज में भट्टे का कार्य किया जा रहा है। जिसमें सरकार की सारी शर्तों व सभी आधार भूत बिन्दु को मानते हुये उसी क्रम में भट्टे का संचालन किया गया है। उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से मानको के अनुरूप ईट भट्टा का सुचारु रूप से संचालन हेतु, संचालन सहमति प्रमाण पत्र प्राप्त कराना चाहते हैं।

अतः श्रीमान जी से प्रार्थना है कि प्रार्थी को एन0ओ0सी0 सहमति प्रमाण पत्र उपलब्ध कराने की कृपा करें। आपकी महान दया होगी।

दिनांक-15.10.2024

बसीम

प्रार्थी

बसीम पुत्र मकसूद अली
ग्राम मो0 नगला अमर सिंह

पोस्ट मोहकमपुर जनपद फर्रुखाबाद
मो0न0-8140325472

4200 / ST-SDM
तहसीलदार
कन्नौज

6649/pe

राजस्व निरीक्षक...
कन्नौज

उपजिलाधिकारी
कन्नौज
15/10/24

तहसीलदार
सदर कन्नौज
15/10/24

सेवा में,

श्रीमान प्रदूषण विभाग अधिकारी महोदय,

रनिया जनपद कानपुर देहात

विषय— ईट भट्टे को सुचारू रूप से चलाने व सरकार की सभी नियमावली को सही ढंग से मानने व उसके अनुपालन में सहमति प्रमाण पत्र करने हेतु—

महोदय,

निवेदन है कि मेसर्स एच0एम0ईट भट्टा ग्राम व पोस्ट कुसुमखोर बॉगर परगना व तहसील व जनपद कन्नौज में भट्टे का कार्य किया जा रहा है। जिसमें सरकार की सारी शर्तों व सभी आधार भूत बिन्दु को मानते हुये उसी क्रम में भट्टे का संचालन किया गया है। उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से मानको के अनुरूप ईट भट्टा का सुचारू रूप से संचालन हेतु संचालन सहमति प्रमाण पत्र प्राप्त कराना चाहते हैं।

अतः श्रीमान जी से प्रार्थना है कि प्रार्थी को एन0ओ0सी0 सहमति प्रमाण पत्र उपलब्ध कराने की कृपा करें। आपकी महान दया होगी।

दिनांक—15.10.2024

बसीम

प्रार्थी

बसीम पुत्र मकसूद अली
ग्राम मो0 नगला अमर सिंह
पोस्ट मोहकमपुर जनपद फर्रुखाबाद
मो0न0—8140325472



HIGH COURT OF JUDICATURE AT ALLAHABAD

(Sl No.39)**Court No. - 21****Case :- WRIT - C No. - 38718 of 2024****Petitioner :- Mohammad Aleem Khan And Another****Respondent :- State Of Up And 4 Others****Counsel for Petitioner :- Parvez Alam,Raj Narayan****Counsel for Respondent :- C.S.C.,Jagannath Maurya,Sarthak Singh****Hon'ble Manoj Kumar Gupta,J.****Hon'ble Anish Kumar Gupta,J.**

1. The prayer made in the instant petition is for a direction to the respondent nos. 4 and 5 to decide their application for grant of No Objection Certificate/Consent, pending since 11.12.2023 under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and for emission/continuation of emission under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and to decide the representation dated 15.10.2024 made in this behalf.

2. Sri Sarthak Singh, learned counsel for respondent nos. 4 and 5- U.P. Pollution Control Board fairly states that the application as well as representation would be decided.

3. Accordingly, without examining the merits of the issues the petition is **disposed of** with direction to the respondent Board to decide the application dated 11.12.2023 and representation dated 15.10.2024 by speaking order within six weeks from the date of communication of the instant order alongwith photocopy of the application and representation.

Order Date :- 23.11.2024**Shubham Arya****(Anish Kumar Gupta, J.) (Manoj Kumar Gupta,J.)**

महोदय,
 संलग्न प्रार्थनापत्र वसीम पुत्र मकसूद अली गा. मो. नगला
 अमरसिंह पो. मोहकमहर जनपद फर्रुखाबाद द्वारा मेसर्स (स्प.
 एम. ई. अण्डा ग्राम कुसुमखोर बंगर पर व तद. कन्नौज संचालन
 हेतु सधमती प्रमाणपत्र प्राप्त करना चाहते हैं जिसके सम्बन्ध में
 आपका निम्नवत् है —

- ① भ्रष्टा स्वल से नजदीकी ग्राम/शाबादी इकबरपुर गजेर कुसुमखोर व कुसुमखोर की दूरी क्रमशः लगभग 1.5 Km व 2 Km है।
- ② ईट बरहे की चिमनी से ग्राम गलापर के 1 Km की परीधि में लगभग 15 घर स्थित हैं।
- ③ स्थापना स्वल से धार्मिक स्वल की दूरी लगभग 3 Km है।
- ④ स्थापना स्वल से प्राथमिक विद्यालय की दूरी लगभग 1 Km है।
- ⑤ स्थापना स्वल से नगर पंचायत/नगर निगम की दूरी लगभग 15 Km है।
- ⑥ स्थापना स्वल से अन्य बरहे की दूरी लगभग 1 Km है।
- ⑦ स्थापना स्वल से नजदीकी चिकित्सालय की दूरी लगभग 5 Km है।
- ⑧ स्थापना स्वल से लोकनिमखि विभाग की सड़क की दूरी लगभग 150 मी. है।
- ⑨ स्थापना स्वल से राष्ट्रीय राजमार्ग की दूरी लगभग 11 Km है।
- ⑩ स्थापना स्वल से पब्लिक स्वल की दूरी लगभग 40 Km है।
- ⑪ स्थापना स्वल से नजदीकी रेलवे स्टेशन की दूरी 15 Km है।
- ⑫ स्थापना स्वल से 1 Km त्रिज्या की परीधि में कोई जनजनशील पदार्थ (पेट्रोल टैंक आदिका) प्रदूषण नहीं है।

लौच आपका सेवा में सादर प्रेषित है।

महोदय

ले आख्या लम्बी

सहित अग्रपत्रिका:  R

अज्ञात
 24 Nov 2014
 तहसीलदार
 सदर कन्नौज


 योगेश कुमार
 राजस्व लेखपाल,
 तहसील कन्नौज
 बल्का कुसुमखोर


 27/11/24

Sir,

The attached application is for Wasim son of Maqsood Ali of village Mo. Nagla Amar Singh PO Mohkampur district Farrukhabad to obtain consent certificate for operation of M/s H.M. Brick Kiln at village Kusumkhor Bangar and Tehsil Kanauj, regarding which the following report is given. —

1. The nearest village/population Akbarpur Majra Kusumkhor and Kumharan Purva are 1.5 km and 2 km respectively from the brick kiln site.
2. There are about 15 houses located within 1 km radius of village Makhaipur from the chimney of the brick kiln.
3. The distance of the religious place from the establishment site is about 3 KM.
4. The distance of the primary school from the establishment site is about 1 KM.
5. The distance of Nagar Panchayat/Municipal Corporation from the establishment site is 15 KM.
6. The distance of other kilns from the establishment site is 1 km.
7. The distance of the nearest hospital from the establishment site is 5 km.
8. The distance of the Public Works Department road from the establishment site is about 150 m.
9. The distance of the National Highway from the establishment site is 11 km.

10. The distance of the tourist place from the establishment site is about 40 km
11. The distance of the nearest railway station from the establishment site is 15 km.
12. There is no storage of inflammable material (petrol tank etc.) within a radius of 1 KM from the establishment site. The investigation report is respectfully sent to the service.

Sir, the Lekhpal report is respectfully sent to the service.

Signature

26-11-2024

Yogesh Kumar

Revenue Lekhpal

Theshil Kanauj

Halka- Kusumkhor.

**UTTAR PRADESH POLLUTION CONTROL BOARD**

Building.No. TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226 010
Telephone: +91-522-2720831, 2720681, 2720691 (Fax): +91-522-2720764

Category : ORANGE

Application Id : 29673600

Ref No. -

Dated : 28/12/2024

229810/UPPCB/KanpurDehat(UPPCBRO)/CTO/both/KANNAUJ/202

4

To ,

M/S MOHAMMAD VASHIM KHAN
HM BRICK FIELD
VILLAGE AND POST-KUSUMKHOR BANGAR, TEHSIL AND DISTRICT-KANNAUJ
KANNAUJ

Sub : Consolidated Consent to Operate and/or Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) Application under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 as amended, under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 as amended and Authorization under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules , 2016.

Kindly refer to your Consolidated Consent to Operate and/or Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) application dated 26/12/2024 and received on 26/12/2024 under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 as amended, under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 as amended and Authorization under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. Your application and the information submitted by you have been examined along with the facts found during inspection made by officers of UPPCB on 27/12/2024 . Your consent application is hereby refused due to following reason.

Reasons :-

A closure order has been issued to Brick Kiln vide H.O. letter reference no H 82546/C-2/Air-165/Bandi Aadesh/22 Dated 29.09.2022, closure order is still effective. Environment compensation of Rs-1643750.00 to the Brick Kiln vide H.O. letter reference no H 04280/C-2/Air-165/23 Dated 15.12.2023 has imposed. Hence this application is rejected herewith.

The Consolidated Consent to Operate and/or Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) Application under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 as amended, under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 as amended and Authorization under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules , 2016 is hereby refused. Further, you are hereby informed to comply with the mandatory provisions of Water Act 1974, Air Act 1981 and HWM Rules 2016

(5)

This order is issued with the approval of competent authority.

(Authorized Signatory)
Digitally signed by MANOJ
KUMAR
Date: 2024.12.28 11:04:20
+05'30'
Manoj Kumar Chaurasia
Regional Officer

Copy To -

1. CEO 2, U.P. POLLUTION CONTROL BOARD, LUCKNOW
2. Apar Mukhya Adhikari, Jila Panchyat
3. Asst. Comm., Commercial Tax Department
4. Dist. Mines Officer, Mining

MANOJ
KUMAR

Digitally signed by
MANOJ KUMAR
Date: 2024.12.28
11:04:37 +05'30'

Manoj Kumar Chaurasia
Regional Officer
(Authorized Signatory)

यूनियन बैंक Union Bank

क्रम सं. Sr. No.

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UNITY COLLEGE

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VIBHAG U.P. SHASAN

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Authorized Signatories

Please sign above

⑈338125⑈ 000026000⑈ 000052⑈ 16

VALID FOR THREE MONTHS FROM THE DATE OF ISSUE
श्री. कर्म की तारीख से तीन माह के लिए वैध

समक्ष माननीय अपीलीय अधिकरण पर्यावरण एवं वन विभाग,
उ०प्र० शासन, महोदय, लखनऊ
 अपील संख्या /2025

मेसर्स एच.एम. ब्रिक फील्ड ग्राम एंड पोस्ट-कुसुमखोर बांगर, तहसील एवं जिला-कन्नौज, जरिये प्रोपराइटर मो० वसीम खान पुत्र मकसूद उर्फ मक्कू खान, निवासी-ग्राम-नगला अमर सिंह, मोहकमपुर, जनपद-एटा।

.....अपीलार्थी

बनाम

1. मुख्य पर्यावरण अधिकारी, वृत्त-दो उ०प्र० प्रदूषण नियन्त्रण बोर्ड टी.सी. -12 विभूति खण्ड, गोमती नगर, लखनऊ
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, 844, फतेहपुर रसराय रनिया, कानपुर देहात।

.....प्रत्यर्थीगण

अपील अन्तर्गत धारा-31 वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1981 विरुद्ध समेकित सहमति आवेदन निरस्तीकरण आदेश दिनांक 28.12.2024 Ref. No. 229810/UPPCB/Kanpur Dehat (UPPCBRO) /CTO/both/KANNAUJ/2024 पारित द्वारा क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड व बंदी आदेश दिनांकित 29.09.2022 संदर्भ संख्या-एच 82546/सी -2/वायु -165/बंदी आदेश/22 दिनांक 29.09.2022 पारित द्वारा मुख्य पर्यावरण अधिकारी वृत्त-2, उ०प्र० प्रदूषण नियंत्रण बोर्ड।

आधार अपील

1. क्योंकि आदेश दिनांकित 28.12.2024 अपीलार्थी को सुनवाई का अवसर दिये बिना पारित किया गया है।

2. क्योंकि अपीलार्थी उद्योग प्रदूषण बोर्ड द्वारा निर्धारित मानकों, नियमों एवं निर्देशों के अनुरूप स्थापित किया गया है।
3. क्योंकि अपीलार्थी उद्योग राजस्व आख्या के अनुसार निर्धारित मानक के अनुरूप स्थापित किया गया है।
4. क्योंकि अपीलार्थी उद्योग प्रदूषण बोर्ड द्वारा निर्धारित मानकों नियमों एवं निर्देशों के अनुसार अनुभवी अभिकरण द्वारा निर्मित किया गया है।
5. क्योंकि अपीलार्थी उद्योग को निर्धारित मानकों, नियमों एवं निर्देशों के अनुसार जिला पंचायत, खनन विभाग एवं उद्यान विभाग द्वारा अनापत्ति प्रमाण पत्र प्रदान किया गया है।
6. क्योंकि अपीलार्थी उद्योग को बन्दी आदेश जारी करने से पूर्व अपना पक्ष रखने के लिए कोई भी अवसर प्रदान नहीं किया गया है।
7. क्योंकि आदेश दिनांक 28.12.2024 के पूर्व अपीलार्थी उद्योग को अपना पक्ष रखने का अवसर नहीं दिया गया है जो कि नैसर्गिक न्याय के विरुद्ध है।
8. क्योंकि अपीलार्थी उद्योग द्वारा आवेदित समेकित सहमति आवेदन निरस्तीकरण आदेश दिनांकित 28.12.2024 को निरस्त करते हुए अपीलार्थी उद्योग के पक्ष में समेकित सहमति आदेश पारित किया जाना न्याय संगत होगा।

अतः श्रीमान जी से विनम्र निवेदन है कि अपीलार्थी उद्योग द्वारा प्रस्तुत अपील को स्वीकार करते हुए क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा पारित आदेश दिनांकित 28.12.2024 Ref. No. 229810/UPPCB

/Kanpur Dehat (UFPBRO) /CTO/both/KANNAUJ/2024 को निरस्त करते हुए अपीलार्थी उद्योग के पक्ष में समेकित सहमति प्रमाण पत्र प्रदान करने हेतु निर्देशित करने की कृपा करें।

अपीलार्थी अपीलीय अधिकारी से यह भी निवेदन करता है कि अपीलार्थी के हित में प्रत्यर्थी के विरुद्ध जो भी न्यायोचित आदेश माननीय श्रीमान जी के दृष्टिकोण में उचित हो वह भी अपीलार्थी के पक्ष में पारित करने की कृपा करें।

लखनऊ
दिनांक

अपीलार्थी द्वारा अधिवक्ता

नोट- न्याय शुल्क मुबलिग रू0 250/- का डी.डी. संख्या- 338.12.5...
दिनांकित...15/01/2025.....अपील के साथ संलग्न।