

To,

The Registrar(General),
National Green Tribunal,
Principal Bench,
New Delhi.

No. 118/G/OA-202/प्रमोद कुमार/2024

Date- 03/05/2024

Sub: Report on Behalf Of U.P. Pollution Control Board in the matter of Original Application No. 202/2024 Pramod Kumar Versus Central Pollution Control Board & Ors. in pursuance of Order dt. 01.03.2024 passed By Hon'ble NGT.

Sir,

Hon'ble NGT has passed an order dated 01.03.2024 in Original Application No. 202/2024 Pramod Kumar Versus Central Pollution Control Board & Ors. The operative portion of the order is as under:-

“....2. He has also referred to paragraph 6 of the order dated 17.02.2021 passed in OA No. 1016/2019 and referred to the chart therein, and has submitted that only 300 brick klins with Zig-Zag technology can be allowed to operate in Baghpat area in march but more than 400 brick klins are operating there.

3. The plea taken in the OA raises substantial issue relating to compliance of the environmental norms.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

5. Respondent no. 2 i.e. Uttar Pradesh Pollution Control Board is directed to get the inspection of the area done, ascertain the truthfulness of the allegations made in the OA, find out the number of brick klins which are operating in the area and which are using coal as fuel and submit the report atleast one week before the next date of hearing.

6. List on 06.05.2024”

In compliance of the above said order, a Report is being submitted for perusal and necessary action please.

This is being submitted with the approval of competent authority.

Enclosure: As above

Yours faithfully



(Bhuvan Prakash Yadav)
Regional Officer,
UPPCB, Meerut

Report on Behalf Of U.P. Pollution Control Board In the matter of Original Application No. 202/2024 Pramod Kumar Versus Central Pollution Control Board & Ors. in pursuance of Order Dated 01.03.2024 Passed By Hon'ble NGT.

Hon'ble NGT has passed an order dated 01.03.2024 in Original Application No. 202/2024 Pramod Kumar Versus Central Pollution Control Board & Ors. The operative portion of the order is as under:-

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6. List on 06.05.2024"

In compliance of the Hon'ble NGT order dated-01.03.2024 the Report on behalf of U.P. Pollution Control Board is as follows;

1. A Joint Committee comprising of Regional Officer, Uttar Pradesh Pollution Control Board, Meerut and Mining Inspector, Baghpat was constituted by District Magistrate, Baghpat and that Joint Committee inspected 18 Brick Kilns situated at Village- Sarurpur, Baghpat on 13.03.2024 and 20.03.2024 respectively. During inspection all 18 Brick Kilns were found operational. Out of which 14 were using agro waste fuel with coal and remaining 04 brick kilns were operating on agro waste fuel. Further it is stated that all brick kilns have valid Consent to operate issued by U.P. Pollution Control Board and are operating with Zig-Zag technology. Copy of Joint Inspection report is enclosed as **Annexure-I**.
2. That it is submitted that related portion of order dated 05-01-2024 passed by Hon'ble Supreme Court of India in Civil Appeal Diary no. 18213/2021 NCR

Brick Kiln Association Vs. Central Pollution Control Board and Ors. is as below:-

“these proceedings which enables the concerned brick kilns to function during the operational period i.e., 01.03.2023 to 30.06.2023.

Prayer is made for extension of the said interim order dated 27.02.2023 also for the same operational period of the year 2024, by the learned counsel for the appellant(s). Such permission for this year is granted with the same conditions.

The terms under which the brick kilns can operate are already set out in our earlier order dated 27.02.2023 and also in the orders dated 08.04.2022 and 13.05.2022 respectively. The brick kilns are expected to ensure compliance with the notification dated 22.02.2022 of the Ministry of Environment, Forest and Climate Change of India....”

The copy of the order dated 05.01.2024 and Notification of Ministry of Environment and Forest and Climate Change, Govt. Of India dated 22-02-2022 are annexed as **Annexure-II and Annexure-III**.

A Report is being submitted for your kind perusal and further necessary action.



(Bhuvan Prakash Yadav)
Regional Officer

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा Original Application No. 202/2024, Pramod Kumar Versus Central Pollution Control Board & Ors. के सम्बन्ध में पारित आदेश दिनांक 01.03.2024 के अनुपालन के सम्बन्ध में आख्या।

मा0 अधिकरण द्वारा Original Application No. 202/2024, Pramod Kumar Versus Central Pollution Control Board & Ors. के सम्बन्ध में पारित आदेश दिनांक 01.03.2024 के मुख्य अंश निम्नवत् हैं-

.... "2. He has also referred to paragraph 6 of the order dated 17.02.2021 passed in OA No. 1016/2019 and referred to the chart therein, and has submitted that only 300 brick klins with Zig-Zag technology can be allowed to operate in Baghpat area in march but more than 400 brick klins are operating there.

3. The plea taken in the OA raises substantial issue relating to compliance of the environmental norms.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

5. Respondent no. 2 i.e. Uttar Pradesh Pollution Control Board is directed to get the inspection of the area done, ascertain the truthfulness of the allegations made in the OA, find out the number of brick klins which are operating in the area and which are using coal as fuel and submit the report atleast one week before the next date of hearing.

6. List on 06.05.2024....."

उक्त के क्रम में जिलाधिकारी महोदय, बागपत के आदेश दिनांक 08.03.2024 के अनुपालन में ग्राम सरूरपुर, बागपत क्षेत्र में संचालित 18 ईट भट्टों का निरीक्षण किया गया। निरीक्षण का विवरण संलग्न है।

निरीक्षण में संचालित पाये गये सभी 18 ईट भट्टों को वैध सहमति जल/वायु निर्गत है तथा सभी ईट भट्टे जिग-जैग पद्धति पर संचालित हैं। 18 ईट भट्टों में से 14 ईट भट्टों में कृषि वेस्ट ईंधन के साथ कोयले का प्रयोग किया जाना पाया गया है तथा 04 ईट भट्टों में केवल कृषि वेस्ट ईंधन का प्रयोग किया जाना पाया गया। मा0 अधिकरण द्वारा ओ0ए0 सं0 1016/2019 में पारित आदेश दिनांक 17.02.2021 के अनुसरण में मा0 सर्वोच्च न्यायालय में विचाराधीन सिविल अपील डायरी सं0 18213/2021 NCR Brick Kiln Association Vs Central Pollution Control Board & Ors. में पारित अद्यतन आदेश दिनांक 05.01.2024 में प्रकरण में आच्छादित ईट भट्टो को पूर्व वर्षों की भाँति 01.03.2024 से 30.06.2024 की अवधि में पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की अधिसूचना दिनांक 22.02.2022 के आलोक में संचालन हेतु अनुमन्य किया गया है (छायाप्रति संलग्न)।

संचालित पाये गये ईट भट्टो को खनन विभाग से मृदा खनन हेतु अनुमति निर्गत है।

मा0 सर्वोच्च न्यायालय द्वारा पारित आदेश दिनांक 05.01.2024 में ईट भट्टा में ईंधन के रूप में कोयले का प्रयोग निषिद्ध नहीं किया गया है।

आख्या सादर प्रस्तुत है।

A

अनुज कुमार
(खान निरीक्षक)



A.E.E.
UP Pollution Control Board
Meerut

Status of Brick kilns situated in area of Village Sarurpur, Baghpat

Sl. No.	Name of the Brick Klin	Location (Village/Tehsil/ District)	District	Status of Brick Klin		operational status	Status of Zig-Zag	Status of Port Hall, Platform, Ladder etc.	Fuel being use	Remarks
				status of consent	Date of Verification					
1	Durga brick field	Tyodi, Baghpat	Baghpat	upto 31.07.2028	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
2	Deepak brick field	Tyodi, Baghpat	Baghpat	upto 31.07.2027	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
3	Jai hind brick field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2027	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
4	Jain Brick Udhvog	sarurpur kalan, baghpat	Baghpat	upto 31.07.2027	20.03.2024	Operational	Yes	Yes	Agro waste fuel	Brick Kiln is found in operation using agro waste fuel. Kiln has valid consent and is operated in allowed period.
5	Dayalu Brick Field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2028	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
6	Nitin Brick field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2028	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
7	Abhishhek Brick Field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2024	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
8	Shri Parasnath brick field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2024	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
9	Neelekanth Brick Field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2028	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
10	Maa Siddhi Brick Field	Tyodi, Baghpat	Baghpat	upto 31.07.2025	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
11	Hindustan Brick Field	Tyodi, Baghpat	Baghpat	upto 31.07.2028	20.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.

12	Sunan Bick field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2024	13.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
13	Shubham Brick field	Nitroipur Gurjar, Baghpat	Baghpat	upto 31.07.2027	13.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.
14	Vardan Brick Field	Gauripur, Jawahar Nagar, Baghpat	Baghpat	upto 31.07.2027	13.03.2024	Operational	Yes	Yes	Agro waste fuel	Brick Kiln is found in operation using agro waste fuel. Kiln has valid consent and is operated in allowed period.
15	Vaishno Brick Field	Sisana, Baghpat	Baghpat	upto 31.07.2027	13.03.2024	Operational	Yes	Yes	Agro waste fuel	Brick Kiln is found in operation using agro waste fuel. Kiln has valid consent and is operated in allowed period.
16	Dayanand Brick Field	Sujra road, sarurpur kalan, baghpat	Baghpat	upto 31.07.2025	13.03.2024	Operational	Yes	Yes	Agro waste fuel	Brick Kiln is found in operation using agro waste fuel. Kiln has valid consent and is operated in allowed period.
17	Daya Brick Field	Sujra road, sarurpur kalan, baghpat	Baghpat	upto 31.07.2028	13.03.2024	Operational	Yes	Yes	Agro waste fuel	Brick Kiln is found in operation using agro waste fuel. Kiln has valid consent and is operated in allowed period.
18	Krishna Brick Field	sarurpur kalan, baghpat	Baghpat	upto 31.07.2025	13.03.2024	Operational	Yes	Yes	Agro waste fuel & Coal	Brick Kiln is found in operation using agro waste fuel along with coal. Kiln has valid consent and is operated in allowed period.


 A.E.E.
 Meerut
 UP Pollution Control Board

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned judgment and order dated 17-02-2021 in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No. 113626/2021 - AMENDMENT IN CAUSE TITLE
IA No. 113624/2021 - APPLICATION FOR TAKING ON RECORD
IA No. 167370/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 13898/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 27518/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 25311/2023 - CLARIFICATION/DIRECTION
IA No. 176106/2022 - CLARIFICATION/DIRECTION
IA No. 25284/2023 - CLARIFICATION/DIRECTION
IA No. 103803/2021 - EX-PARTE STAY
IA No. 103804/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 100876/2022 - EXEMPTION FROM FILING O.T.
IA No. 10731/2023 - EXEMPTION FROM FILING O.T.
IA No. 186593/2022 - EXEMPTION FROM FILING O.T.
IA No. 42892/2022 - EXEMPTION FROM FILING O.T.
IA No. 67159/2022 - INTERVENTION APPLICATION
IA No. 25918/2023 - INTERVENTION APPLICATION
IA No. 186591/2022 - INTERVENTION APPLICATION
IA No. 42890/2022 - INTERVENTION APPLICATION
IA No. 170476/2022 - INTERVENTION APPLICATION
IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
IA No. 7992/2023 - MODIFICATION OF COURT ORDER
IA No. 28742/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 100875/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 10727/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 52090/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 103800/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 20331/2021 (XVII)

(IA No. 174447/2022 - CLARIFICATION/DIRECTION

IA No. 104689/2022 - CLARIFICATION/DIRECTION

IA No. 100750/2022 - CLARIFICATION/DIRECTION

IA No. 174452/2022 - CLARIFICATION/DIRECTION

IA No. 126087/2021 - EX-PARTE STAY

IA No. 126088/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 126086/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7535/2021 (XVII)

(IA No. 124597/2021 - EX-PARTE STAY

IA No. 75241/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 124600/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 75242/2022 - EXEMPTION FROM FILING O.T.

IA No. 75399/2022 - EXEMPTION FROM FILING O.T.

IA No. 75398/2022 - MODIFICATION

IA No. 75238/2022 - MODIFICATION OF COURT ORDER

IA No. 124595/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7670/2021 (XVII)

(IA No. 85897/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 85895/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 126800/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 126797/2021 - PERMISSION TO FILE APPEAL

IA No. 126798/2021 - STAY APPLICATION)

Diary No(s). 7667/2021 (XVII)

(IA No. 99973/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 130615/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 67910/2022 - EXEMPTION FROM FILING O.T.

IA No. 99975/2022 - EXEMPTION FROM FILING O.T.

IA No. 67909/2022 - MODIFICATION OF COURT ORDER

IA No. 130614/2021 - PERMISSION TO FILE APPEAL

IA No. 130617/2021 - STAY APPLICATION)

Diary No(s). 23486/2021 (XVII)

(IA No. 136286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 136288/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 136287/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 11747/2022 (XVII)

(IA No. 14518/2023 - CLARIFICATION/DIRECTION

IA No. 68236/2022 - EX-PARTE STAY

IA No. 68237/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 81168/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 68235/2022 - PERMISSION TO FILE APPEAL)

W.P.(C) No. 367/2022 (X)

(IA No. 73683/2022 - EXEMPTION FROM FILING O.T.

IA No. 167394/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6643-6644/2022 (XVII)

(IA No. 82183/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 82179/2022 - GRANT OF INTERIM RELIEF)

CONMT.PET.(C) No. 733/2023 (XVII)

(IA No. 40734/2023 - EXEMPTION FROM FILING O.T.)

C.A. No. 5787/2022 (XVII)

(IA No. 179024/2022 - CLARIFICATION/DIRECTION

IA No. 100488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 100490/2022 - EXEMPTION FROM FILING O.T.

IA No. 100487/2022 - STAY APPLICATION)

Date : 05-01-2024 These matters were called on for hearing today.CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Sanjay Rathi, Adv.
Ms. Megha Gaur, Adv.
Mr. Vibhav Mishra, Adv.
Mr. Parmanand Gaur, AOR

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Aniket Jain, Adv.
Mr. Subodh Gupta, Adv.
Mr. Vidyut Kayaritar, Adv.
Mr. Deepak Gupta, Adv.
Mr. Umang Shankar, AOR

Mr. Nidhesh Gupta, Sr. Adv.
Ms. Vriti Gujral, Adv.
Ms. Pallavi Singh, Adv.
Mr. G. Balaji, AOR

Ms. Mohini Priya, AOR

Mr. Varinder Kumar Sharma, AOR

M/S. Mukesh Kumar Singh And Co., AOR
Mr. S P Singh, Sr. Adv.
Mr. Mukesh Kumar Singh, Adv.

Mr. Lohit Kumar Bimal, Adv.
 Mr. Raghav Kumar Bimal, Adv.
 Mr. Narendra Kumar Goyal, Adv.
 Mr. Maneesh Saxena, Adv.
 Mr. Yatish Yadav, Adv.
 Ms. Komal Singh, Adv.
 Mr. Chandrakant Sukumar Sarkar, Adv.
 Mr. Vineet Singh, Adv.

Mr. Rohan Thawani, Adv.
 Ms. Pooja Dhar, AOR
 Mr. Pratul Pratap Singh, Adv.
 Ms. Aakriti Vikas, Adv.
 Ms. S. Ambica, Adv.

Mr. Abhinav S. Raghuvanshi, AOR

Mr. Shashank Bajpai, Adv.
 Mr. Shubhankar Singh, Adv.
 Mr. Somesh Tiwari, Adv.
 Mr. Utsav Saxena, Adv.
 Mrs. Vidula Mehrotra, Adv.
 Mr. Kaveesh Nair, Adv.
 Ms. Stuti Karwal, Adv.
 Ms. Aashna Mehra, Adv.
 Mr. Supragya Ram Mishra, Adv.
 Mr. Gopi Chand, Adv.
 Mr. Kartikey Singh, Adv.
 Ms. Rachael Tuli, Adv.
 Ms. Mahima Mukherjee, Adv.
 Mr. Amit Dubey, Adv.
 Dr. Neha Awasthi, Adv.
 Ms. Manisha Ambwani, AOR

For Respondent(s) Mrs. Swarupama Chaturvedi, AOR
 Mr. Saumya Kapoor, Adv.
 Ms. Aayush Shivam, Adv.

Mr. Pradeep Misra, AOR
 Mr. Daleep Dhyani, Adv.
 Mr. Suraj Singh, Adv.
 Mr. Manoj Kumar Sharma, Adv.

Mr. Nishant Awana, Adv.
 Ms. Rini Badoni, Adv.
 Mr. Niteen Kumar Sinha, AOR
 Mr. Hardik Choudhary, Adv.

Mr. S. K. Verma, AOR
 Mr. Mahesh Kasana, Adv.
 Ms. Aparna Rohtagi Jain, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
 Mr. Alok Sangwan, Sr. A.A.G.
 Mr. B.K. Satija, A.A.G.
 Mr. Rahul Khurana, Adv.
 Mr. Samar Vijay Singh, AOR
 Mr. Sumit Kumar Sharma, Adv.
 Mr. Nikunj Gupta, Adv.
 Ms. Sabarni Som, Adv.
 Mr. Rajat Sangwan, Adv.
 Mr. Vaibhav Yadav, Adv.
 Mr. Vishnu Tallapragada, Adv.
 Mr. Vipul Dahiya, Adv.
 Mr. Apoorv Yadav, Adv.

Mr. Rohan Thawani, Adv.
 Ms. Pooja Dhar, AOR
 Mr. Pratul Pratap Singh, Adv.
 Ms. Aakriti Vikas, Adv.
 Ms. S. Ambica, Adv.

Mr. Diggaj Pathak, AOR

Mr. Rajesh Pathak, Adv.
 Mr. Sumit Kumar, AOR

Mr. Kailash Prashad Pandey, AOR
 Mr. Vijya Pal, Adv.
 Mr. Umang Tripathi, Adv.
 Mr. Rajesh Kumar Rath, Adv.
 Mr. Raj Vir Singh, Adv.
 Mr. Dilip Kumar, Adv.
 Mr. Kothapally Jagdish, Adv.
 Mr. Mahendra Singh, Adv.

Mr. Rajnish Kumar Jha, AOR
 Mr. Ilin Saraswat, Adv.
 Mr. Mahendra Kumar, Adv.
 Ms. Ilma Saifi, Adv.
 Ms. Samiksha Sharma, Adv.

Mr. Varinder Kumar Sharma, AOR
 Mr. Shantanu Sharma, Adv.
 Ms. Deeksha Gaur, Adv.
 Mr. Y K Prasad, Adv.
 Mr. Bishan Dass, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel appearing for the parties. The interim

order dated 27.02.2023 was passed in these proceedings which enables the concerned brick kilns to function during the operational period i.e., 01.03.2023 to 30.06.2023.

Prayer is made for extension of the said interim order dated 27.02.2023 also for the same operational period of the year 2024, by the learned counsel for the appellant(s). Such permission for this year is granted with the same conditions.

The terms under which the brick kilns can operate are already set out in our earlier order dated 27.02.2023 and also in the orders dated 08.04.2022 and 13.05.2022 respectively. The brick kilns are expected to ensure compliance with the notification dated 22.02.2022 of the Ministry of Environment, Forest and Climate Change of India. It is further reiterated that the State Pollution Control Board must also continue to monitor the brick kilns including surprise inspection as was earlier ordered.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR



भारत का राजपत्र

The Gazette of India

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 फरवरी, 2022

सा.का.नि. 143(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) अधिनियम, 1986 का और संशोधन करते हुए निम्नलिखित नियम बनाती है: अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ :

- (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2022 है।
- (2) वे राजपत्र में उनके अंतिम प्रकाशन की तारीख से लागू होंगे।

2. पर्यावरण (संरक्षण) नियम, 1986 में, अनुसूची-1 में, क्रम सं. 74 पर प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्: -

74"	ईट भट्टे	चिमनी से उत्सर्जन में विविक्त पदार्थ	250 मिलीग्राम/एनएम3
		चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल साफ्ट)	14 मीटर (लोडिंग प्लेटफॉर्म से कम से कम 7.5 मीटर)
		- भट्टा क्षमता 30,000 ईट प्रतिदिन से कम	16 मीटर (लोडिंग प्लेटफॉर्म से कम से कम 8.5 मीटर)
		- भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक	

	चिमनी की न्यूनतम ऊंचाई (भट्टों की वर्टिकल शाफ्ट के अलावा)	
-	भट्टा क्षमता 30,000 ईट प्रतिदिन से कम	24 मीटर
-	भट्टा क्षमता 30,000 ईट प्रति दिन के बराबर या अधिक	27 मीटर

टिप्पणियां :

1. सभी नए ईट भट्टों को केवल ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट के साथ होने की या ईट बनाने में ईंधन के रूप में पाइपड प्राकृतिक गैस के उपयोग की अनुमति दी जाएगी और इस अधिसूचना में निर्धारित मानकों का पालन करना होगा।
2. विद्यमान ईट भट्टे जो ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट या ईट बनाने में ईंधन के रूप में पाइपड प्राकृतिक गैस (पीएनजी) के उपयोग का पालन नहीं कर रहे हैं, उन्हें (क) गैर-प्राप्ति शहरों के 10 किमी के दायरे में स्थित भट्टों के मामले में एक वर्ष (जैसा कि केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा यथापरिभाषित) (ख) अन्य क्षेत्रों के लिए दो वर्ष की अवधि के भीतर ज़िग-ज़ैग तकनीक या वर्टिकल शाफ्ट में परिवर्तित किया जाएगा या पीएनजी का उपयोग ईट बनाने में ईंधन के रूप में किया जाएगा। इसके अतिरिक्त, ऐसे मामलों में जहां केन्द्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां ने रूपांतरण के लिए अलग से समय-सीमाएं निर्धारित की हैं, वहां ऐसे आदेश प्रभावी होंगे।
3. सभी ईट भट्टे केवल अनुमोदित ईंधन जैसे कि पाइपड प्राकृतिक गैस, कोयला, ईंधन लकड़ी और/या कृषि अपशिष्टों का उपयोग करेंगे। पेट कोक, टायरों/प्लास्टिक/खतरनाक अपशिष्टों के उपयोग की अनुमति ईट भट्टों को नहीं दी जाएगी।
4. उत्सर्जन की निगरानी के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित मापदंडों/रूपरेखा के अनुसार ईट-भट्टे स्थायी सुविधा (पोर्ट होल और प्लेटफार्म) का निर्माण करेंगे।
5. विविक्त सामग्रियों (पीएम) के निष्कर्ष 4% CO₂ पर प्रसामान्य किए जाएंगे जो निम्नलिखित हैं:
पीएम (सामान्य) = (पीएम(मापित) X 4%) / (चिमनी में मापित CO₂ का %, मापित CO₂ के मामले में $\geq 4\%$ कोई प्रसामान्यीकरण नहीं। चिमनी की ऊंचाई (मीटर में) भी $H = 14 Q^{0.3}$ सूत्र (जहां Q kg/hr में SO₂ उत्सर्जन दर है) द्वारा परिकलित की जाएगी, और अधिकतम दो को काम में ले सकेंगे।
6. ईट भट्टों को आवासों और फलों के बागों से 0.8 कि.मी. की न्यूनतम दूरी पर स्थापित किया जाना चाहिए। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां आवास, जनसंख्या घनत्व, जल निकायों, संवेदनशील रिसेप्टर्स इत्यादि की निकटता का ध्यान रखते हुए स्थापित मापदंडों को सख्त बना सकते हैं।
7. किसी क्षेत्र में भट्टों की अधिक संख्या से बचने के लिए मौजूदा ईट भट्टों से कम से कम एक किलोमीटर की दूरी पर ईट भट्टों को स्थापित किया जाना चाहिए।
8. ईट भट्टों को संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समितियां द्वारा निर्धारित उत्सर्जन प्रक्रिया/पलायक धूल उत्सर्जन नियंत्रण दिशा-निर्देशों का पालन करना होगा।
9. ईट भट्टों से निकलने वाली राख को ईट बनाने में उसी परिसर के अंदर ही इस्तेमाल किया जाएगा।
10. ईट भट्टे में ईट बनाने के लिए उपयोग की जाने वाली मिट्टी को निकालने के लिए संबंधित राज्य/संघ राज्य क्षेत्र के खनन विभाग सहित संबंधित प्राधिकरणों से सभी आवश्यक अनुमोदन प्राप्त किए जाएंगे।
11. ईट भट्टा मालिक यह सुनिश्चित करेंगे कि कच्चे माल/ईटों के परिवहन के लिए उपयोग की जाने वाली सड़के पक्की सड़कें हैं।
12. कच्चे माल/ईटों के परिवहन के दौरान वाहनों को ढका जाएगा।"

[फा. सं. क्यू-15017/35/2007-सीपीडब्ल्यू]

नरेश पाल गंगवार, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i) में तारीख 19 नवंबर, 1986 के का.आ. 844 (अ) द्वारा प्रकाशित किए गए थे और 04 अक्टूबर, 2021 की अधिसूचना सा.का.नि. 724 (अ) द्वारा अंतिम बार संशोधित किए थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 22nd February, 2022

G.S.R. 143(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. Short Title and commencement: -

- (1) These rules may be called the Environment (Protection) Amendment Rules, 2022.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in the SCHEDULE-I, for entry at Sl. No. 74, the following entry shall be substituted, namely: -

"74	Brick Kilns	Particulate matter in stack emission	250 mg/Nm ³
		Minimum stack height (Vertical Shaft Brick Kilns)	
		- Kiln capacity less than 30,000 bricks per day	14 m (at least 7.5m from loading platform)
		- Kiln capacity equal or more than 30,000 bricks per day	16 m (at least 8.5m from loading platform)
		Minimum stack height (Other than Vertical Shaft Brick Kilns)	
		- Kiln capacity less than 30,000 bricks per day	24 m
		- Kiln capacity equal or more than 30,000 bricks per day	27 m

Notes :

1. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
2. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail.
3. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
4. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
5. Particulate Matter (PM) results shall be normalized at 4% CO₂ as below:
PM (normalized) = (PM (measured) x 4%) / (% of CO₂ measured in stack), no normalization in case CO₂ measured ≥ 4%. Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.
7. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.
8. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
9. The ash generated in the brick kilns shall be fully utilized in-house in brick making.
10. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.
11. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.
12. Vehicles shall be covered during transportation of raw material/bricks”.

[F. No. Q-15017/35/2007-CPW]

NARESH PAL GANGAWAR, Addl. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and lastly amended *vide* number G.S.R. 724(E), dated the 04th October, 2021.