

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

ORIGINAL APPLICATION NO.448 OF 2025

**IN THE MATTER OF:
UTKARSH PANWAR**

.... APPLICANT

VERSUS

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

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NEW DELHI

DATED: 11 .12.2025



(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board

138, New Lawyers Chamber,

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IN THE MATTER OF:
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.....RESPONDENTS

RESPONSE ON BEHALF OF RESPONDENT, U.P. POLLUTION
CONTROL BOARD.

I, Dr. Yogender Kumar, S/o Pyare Lal, aged about 50 years,
Regional Officer, U.P. Pollution Control Board, Saharanpur, U.P.
do hereby solemnly affirm and declare as under:

1. That I in the capacity abovenoted am conversant with the facts and record of the present case, hence competent to swear this affidavit.
2. That I have read the Original Application as well as enclosures annexed therewith and have understood the same fully.





3. That this Hon'ble Court on 17.02.2021 passed a judgment in O.A. No. 1016 of 2019; Utkarsh Panwar Vs. CPCB & Ors. wherein directions have been issued
4. That the MoEF & CC has issued notification dated 02.02.2022, notifying the Environment Protection (Amendment) Rules, 2022 wherein directions have been issued that coal fired brick kilns cannot be allowed to operate in NCR. It was further directed that brick kilns should be allowed to start simultaneously and their firing should be staggered to avoid adverse impact on the environment.
5. That against the said order NCR brick kiln association has filed Civil Appeal (Diary) No. 18213 of 2021 before Hon'ble Supreme Court and various other appeals have also been filed. Hon'ble Supreme Court permitted the brick kilns to operate till 30th June, 2022 subject to the conditions that:

“(1) All units will provide platforms for conducting the monitoring of the pollution having minimum dimension of 4 feet by 6 feet.

(2) The diameter of the portholes in all the units shall be not less than 4-5 inches diameter.

We further direct that in all the units portholes must be of the size we have indicated. Surprise inspections as envisaged in the earlier orders are to be continuously conducted with utmost vigour and



[Handwritten signature]

action in terms of the inspections conducted shall be taken by the appropriate authority.

The platform and the portholes of the size we have indicated shall be put in place, if not already put in place within a period of maximum 10 days from today.”

6. That thereafter the brick kilns were allowed to operate by various orders of Hon'ble Supreme Court.
7. That the air quality of District Saharanpur as noted at clock tower and IIT, Roorkee, Saharanpur Campus during 2024 and 2025 are as follows:



MONTHLY AQI OF SAHARANPUR CITY

	Clock Tower	IIT Roorkee Saharanpur Campus
March 2024	143	111
April 2024	186	162
May 2024	199	175
June 2024	186	174
July 2024	149	142
August 2024	125	117
September 2024	130	119
October 2024	177	157

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November 2024	200	178
December 2024	165	155
Yearly ACQ	166	149

	Clock Tower	IIT Roorkee Saharanpur Campus
January 2025	199	179
February 2025	205	169
March 2025	195	158
April 2025	195	175
May 2025	190	172
June 2025	159	143
July 2025	144	127
August 2025	116	100
September 2025	129	114
October 2025	154	128
Yearly ACI	167	147



8. That the air quality of District Saharanpur is different that of in NCR Region. The criteria for brick kilns have to be according to air quality.

The above facts are being placed for kind consideration of this Hon'ble Tribunal.


DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of above affidavit are true to my knowledge derived from official record. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 10th DAY OF DECEMBER, 2025 AT SAHARANPUR.



IDENTIFIED BY


KALEEM AHMAD
Advocate
Reg. No. 810533
Ch. -63, Civil Court, JRF
Mob. -9359206239


DEPONENT

4830

10/12/25
Kaleem Ahmad
Advocate
Saharanpur
U.P. INDIA
10/12/25

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Appeal/OA NO. 448 of 2025

In re:

H Karish Panwar

Plaintiff /Appellants/
Petitioner/Complainant

VERSUS

U.P. Pollution Control Board

Defendant/Respondent/
Accused

KNOW ALL to whom these present shall come that I/We
Under signed the above named

do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case & authorize :-

**Mr. Pradeep Misra, Mr. Daleep Dhyani, Advocates,
138, New Lawyers Chamber, Supreme Court of India,
New Delhi, Ph. :011-23070011, Mob. 9810252518, 9811070721**

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 execution 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.

To file and take back documents to admit and/or deny the documents of 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 money, 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, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on my/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 authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

AND I /we 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 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 be 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. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

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 10 day of 12 2025

Accepted subject to the terms of fees.

[Signature]
(PRADEEP MISRA)(DALEEP DHYANI)
Advocate Advocate (D/435/01)

[Signature]
Client
Anuj Kumar Chaubey
Law Officer-I
U.P. Pollution Control Board
Lucknow

