

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 811 of 2022

Tarsem Singh Pathania

--Applicant

Versus

State of Punjab

--Respondents

Short reply of Additional Secretary to Government of Punjab, Department of Science, Technology and Environment on behalf of respondent no.1 in compliance of order dated 31.08.2023.

Respectfully showeth:

- 1) That briefly submitted the above-mentioned Original Application was registered by the Hon'ble National Green Tribunal on the basis of letter petition making a complaint that one Yashpal Gupta owner of M/s. Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab was engaged in the activity of excavating soil adjacent to the agricultural land, by deploying machines like JCB, etc. resulting into diversion of water flow of rivulet existing in the area. It is expressed that such an activity has resulted into the apprehension of flooding of the area and hazard of soil erosion.
- 2) That after consideration of the case, the Hon'ble Tribunal was pleased to constitute a joint Committee comprising of State Pollution Control Board and District Magistrate, Hoshiarpur, Punjab who shall visit the site, collect relevant information and submit a factual as well as action taken, if any, within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."
- 3) That the Joint Committee has filed report before the Hon'ble Tribunal disclosing that the concerned person was illegal excavating the sand and that royalty/penalty of Rs. 1,02,81,077/- has been imposed by the Mining Department, but the same has not been deposited by the said brick kiln owner.

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- 4) That after consideration of the report of the Joint Committee, the Hon'ble Tribunal was pleased to issue notices vide order dated 31.08.2023 to the State of Punjab through the Secretary, Environment; Punjab State Pollution Control Board through the Member Secretary; The District Magistrate, Hoshiarpur and Yashpal Gupta owner of M/s. Billa Brick Industries, Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab. The present reply is being filed by the Department of Science, Technology and Environment in compliance to order dated 31.8.2023 and the same may kindly be read in the following paragraphs.
- 5) That it is relevant to mention here that the Punjab Pollution Control Board is working under the administrative control of the Government of Punjab, Department of Science, Technology and Environment. As per the information supplied by the Punjab Pollution Control Board M/s. Billa Brick Industries is situated at Village Bassi Hast Khan, Tehsil and District Hoshiarpur, Punjab and was granted consent to operate by the Board under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 valid upto 30.9.2023 with certain terms and conditions as mentioned therein. The brick kiln has constructed Induced Draft Brick Kiln with Zig-Zag Firing as per the technology involved by Punjab State Council for Science and Technology (PSCST) and completion certificate was accordingly issued by PSCST vide letter no. 1098 dated 21.2.2019. The brick kiln has not obtained the renewal of the consents to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from the Board after expiry of the consents on 30.9.2023. The Board has issued notices in this regard vide letter no. 1652 dated 04.10.2023 and 2072 dated 24.11.2023, respectively to the brick kiln.
- 6) That in compliance of the order dated 5.1.2023 of the Hon'ble Tribunal, the Deputy Commissioner, Hoshiarpur has constituted a 04 member committee under Sub Divisional Magistrate, Hoshiarpur comprising of Environmental Engineer, Punjab Pollution Control Board (PPCB), Hoshiarpur; XEN, Drainage-cum-District Mining Officer(DMO), Hoshiarpur; and District Food and Supplies Controller (DFSC), Hoshiarpur. The SDM Hoshiarpur has forwarded the report of 04 member committee vide letter bearing No. 454/MC dated 07.03.2023 to the office of Deputy Commissioner, Hoshiarpur. The report of the Committee has already been submitted to the Hon'ble National Green Tribunal.
- 7) That it is pertinent to mention here that the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur was also a member of the Committee. The Board has separately filed its reply before the Hon'ble National Green Tribunal and the Department of Science, Technology and Environment

endorses the report of the Joint Committee and the reply of the Punjab Pollution Control Board. The Department of Mines and Geology has imposed royalty / penalty of Rs. 1,02,81,077/- upon the erring brick kiln and necessary process to recover the penalty amount has been initiated by the office of Deputy Commissioner, Hoshiarpur with the involvement of concerned departments.

- 8) That respectfully it is submitted that the subject matter of mining falls under the purview and jurisdiction of the Department of Water Resources (Mines and Geology). The Mines and Minerals (Development and Regulation) Act, 1957 and the Punjab Minor Mineral Rules, 2013 as amended upto date are being implemented by Department of Water Resources (Mines and Geology). The penalty in the present has been imposed by the Mining Department which has assessed that 140,356 MT of earth has been illegally excavated/mined from the said area. The Mining Department has also lodged an FIR against the owner of the erring brick kiln.
- 9) That the reply of the Department of Science, Technology and Environment is hereby submitted in compliance to order dated 31.8.2023 for kind perusal and consideration of the Hon'ble Tribunal.

Submitted by

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**Additional Secretary,
Department of Science, Technology
and Environment,
Government of Punjab.
On behalf of respondent no.1**

Dated: 1.12.23

Place: Chandigarh