

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI
 Original Application No. 60 of 2026

WITH

ORIGINAL APPLICATION No. 138/2026 (IA No 119/2025)

IN THE MATTER OF

Ashwani Kumar

.....Applicant

-Vrs.-

State of U.P and Ors.

.....Respondents

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LUCKNOW

Dated:- 21/05/2026

By the Applicant through Counsel


Aman Singh Bhadoriya

Advocate

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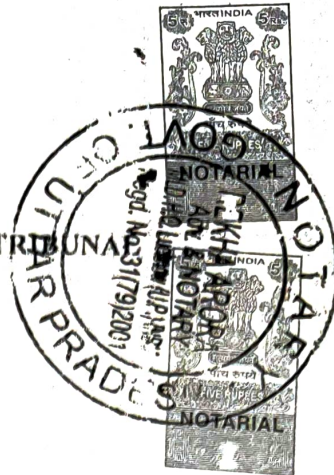
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**OBJECTION ON BEHALF OF APPLICANT TO REPLY
FILED BY THE RESPONDENTS (R-2 i.e. DM AND R-3
UPPCB) BY WAY OF AFFIDAVIT**

I, Sri Ashwani Kumar, aged about 42 years, S/o Nek Ram, At/Po. –
154/218, Mampur Bana, Bakhshi Ka Talab, Bakhshi Ka Talab,
Mampur Bana, Lucknow, Uttar Pradesh – 226201, Mobile No-
8115623333, do hereby solemnly affirm and state as follows:-

1. That deponent is well conversant with the facts and circumstances of the case and duly authorized to swear and affirm this affidavit.

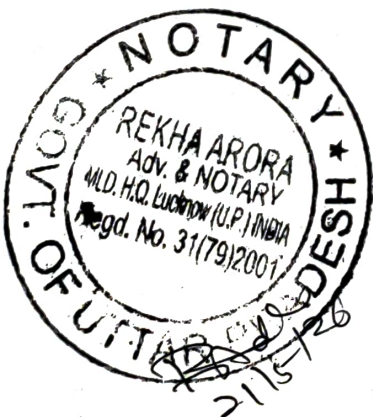


2. At the very outset, it is most respectfully submitted that the replies filed by the answering Respondent are evasive, self-contradictory, and fail to address the core environmental, legal, and scientific issues raised by the Applicant. The Respondents have attempted to create an illusion of compliance by referring to procedural formalities, while deliberately overlooking the substantive violations of environmental laws, binding judicial precedents, and statutory guidelines governing UP Brick Kiln sitting criteria Rules 2012. The present rejoinder is therefore necessitated to place the correct facts and legal position before this Hon'ble Tribunal.

3. That it is further most respectfully submitted that the electricity connection and power usage pertaining to the operations of the Project Proponent also require immediate scrutiny and verification by the competent authorities. The Applicant has reasons to believe that the nature, category, load capacity, and usage pattern of the electricity connection being utilized at the site may not correspond with the actual commercial and industrial activities being carried out by the brick kiln unit.

4. That the Applicant had also submitted a complaint on the CPGRAMS Portal bearing Complaint No. GOVUP/E/2026/0026154 dated 01.03.2026 before the State GST Authorities regarding apparent non-compliance and irregularities in GST filings and disclosures by the Project Proponent. The complaint specifically raised issues relating to non-filing/incorrect filing of GST returns, suppression of actual business transactions, and non-disclosure of the true nature and scale of commercial activities being undertaken by the unit.

Pursuant thereto, a report dated 08.04.2026 was generated on the said complaint, which prima facie indicates the necessity for scrutiny and verification of the statutory compliances being undertaken by the Project Proponent under



the applicable GST laws. The said facts assume relevance in the present proceedings as they reflect a continuing pattern of regulatory non-compliance and suppression of material particulars by the Project Proponent before various statutory authorities.

The copy of the CPGRAMS complaint along with the report dated 08.04.2026 is annexed herewith accordingly is attached as ANNEXURE A21/1.

5. That it is most respectfully submitted that the continued operation of the Project Proponent is wholly unlawful, unauthorized, and in blatant violation of mandatory statutory and environmental compliances. Despite repeated complaints, inspections, and findings regarding non-compliance, the unit has neither been sealed nor restrained from carrying on its operations by the concerned authorities.

It is further submitted that the operational season of brick kilns is already nearing its end with the onset of the monsoon season, and therefore no prejudice shall be caused if the illegally operated brick kiln is directed to be stopped forthwith. On the contrary, permitting further operation of the unit despite admitted and continuing violations would amount to allowing an illegality to perpetuate under the protection of administrative inaction.

The facts on record clearly demonstrate that the Project Proponent has been operating the unit without duly maintaining and complying with mandatory legal requirements and statutory permissions as required under the applicable environmental and regulatory framework. Therefore, immediate directions are liable to be issued for closure and stoppage of the operations of the said brick kiln unit.

It is also respectfully submitted that the authorities and officials who initially granted consent/permission for operation of the unit, despite apparent deficiencies and continued violations, are equally required to be subjected to scrutiny and accountability proceedings. Appropriate departmental, legal, and statutory



action ought to be initiated against the erring officials as well as against the Proprietor/persons operating the Project Proponent for permitting and continuing unlawful operations in violation of law.

5. That the Private Respondent and the persons managing and operating the Project Proponent are persons having a serious criminal antecedent and background, which is relevant in the present proceedings inasmuch as the repeated violations, intimidation, illegal activities, and disregard for statutory obligations are part of a continuing pattern of conduct. It is pertinent to submit that multiple criminal cases have been registered against the Proprietor/family members connected with the Project Proponent before various police stations in District Lucknow and Barabanki. The details of such criminal cases are as follows: -

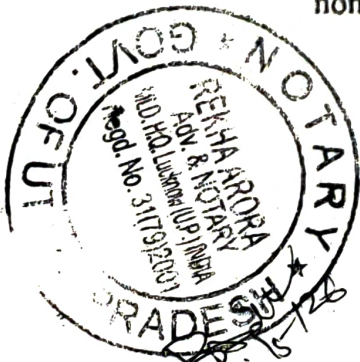
- i. Case Crime No. 373/2023 – u/s 395/397/412/419/468/471 IPC & 3/25 Arms Act – P.S. Kursi, Barabanki
- ii. Case Crime No. 79/2024 – u/s 3(1) Gangster Act – P.S. Kursi, Barabanki
- iii. Case Crime No. 398/2025 – u/s 303(2)/317(2) BNS – P.S. Tikaitnagar, Barabanki
- iv. Case Crime No. 401/2017 – u/s 147/148/323/504/506 IPC & SC/ST Act – P.S. BKT, Lucknow
- v. Case Crime No. 150/2021 – u/s 323/498A/504/506 IPC & 3/4 Dowry Act – P.S. BKT, Lucknow
- vi. Case Crime No. 303/2024 – u/s 305(A)/317(2)/331(4) BNS – P.S. Indiranagar, Lucknow
- vii. Case Crime No. 463/2024 – u/s 305(A)/317(2)/324(4)/331(4) BNS – P.S. Gazipur, Lucknow



- viii. Case Crime No. 492/2024 – u/s
305(A)/317(2)/331(4) BNS – P.S. Gazipur,
Lucknow
- ix. Case Crime No. 494/2024 – u/s
305(A)/317(2)/331(4) BNS – P.S. Gazipur,
Lucknow
- x. Case Crime No. 502/2024 – u/s 3/25 Arms Act –
P.S. Gazipur, Lucknow
- xi. Case Crime No. 12/2024 – u/s 506 IPC – P.S.
Kaiserbagh, Lucknow
- xii. Case Crime No. 458/2024 – u/s
305(A)/317(2)/331(4) BNS – P.S. Sarojininagar,
Lucknow

The aforesaid criminal antecedents clearly demonstrate that the persons operating and controlling the Project Proponent are habitual offenders with repeated involvement in serious criminal offences, thereby necessitating strict scrutiny by this Hon'ble Tribunal/Authority while considering the continued operation of the unit and the repeated violations committed by it.

6. It is further prayed upon by the applicant to the Hon'ble NGT that the Consent issued over the period of 5 years by the Regional Office, UPPCB should be inspected upon and the operational Brick Kilns should be checked upon for the appropriate compliances as essential for the operation of the brick kiln as the increased pollution and urbanisation in the Lucknow Mandal has led to many common pulmonary diseases and to live in such an atmosphere is suffocating and the ignorance of the officials of the Regional Office, UPPCB has also played an integral role to pollute the environment which is directly opposite of the role of the authority.
7. It is further submitted that the replies filed by the Respondents lack transparency and do not disclose complete facts. No past non-compliances, verification, or monitoring data has been



looked upon to consider immediate sealing of the project proponent. The replies are therefore liable to be keenly observed and their reliability has to be checked upon and the incomplete action shows clear violations of the strict guidelines by the Hon'ble Supreme Court in Environment related matters.

8. In the light of the above, it is evident that the brick kiln is operating illegally, in violation of environmental laws, without valid consent, and in contravention of siting norms. The continued operation poses serious environmental and ecological risks, particularly to nearby agricultural land and the surrounding habitations as it is clear fact that the same resides within 200 meters of the project proponent.
9. That the present Reply by way of affidavit may kindly be taken on record and into consideration, and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

10. That the Applicant seeks leave to make additional submissions, if required, during the course of the proceedings as and when directed by this Hon'ble Tribunal.



[Handwritten Signature]

DEPONENT

VERIFICATION

Verified at Lucknow on 21st May 2026 that the contents of the above reply affidavit are derived from the official records and personal knowledge and are correct and true to the best of my knowledge and belief. Nothing material has been concealed there from.

[Handwritten Signature]

DEPONENT

Sworn and Verified
before me.

[Handwritten Signature]
21/5/26
Rekha Arora
Adv & Notary
LUCKNOW (U.P.) INDIA
Regd. No. 31(79)2001

I Identified The Deponent/Executant
Who Has Signed / Put T & Before Me

पत्र संख्या / / 152 / / स्था-IGRS / 2026-27 / / अप0आयु0ग्रेड-1रा0क0ल0जो0प्र0ल0।
प्रेषक,

अपर आयुक्त ग्रेड-1, राज्य कर
लखनऊ जोन प्रथम लखनऊ।
सेवा में,
आयुक्त
राज्य कर (आई0जी0आर0एस0 अनुभाग)
उत्तर प्रदेश लखनऊ।

दिनांक 08/04 / 2026

महोदय,

कृपया आई0जी0आर0एस0 संदर्भ संख्या 60000260052072 पर की गयी शिकायत का संदर्भ ग्रहण करने का कष्ट करें। जिस पर जांच कराते हुए जांच आख्या उपलब्ध कराने के निर्देश दिये गये है।

उक्त के संबंध में संयुक्त आयुक्त (कार्यपालक) राज्य कर, लखनऊ संभाग सी, लखनऊ ने पत्र संख्या 52 दिनांक 07.04.2026 द्वारा जांच आख्या निम्न प्रकार उपलब्ध करायी गयी है-

"उक्त के सम्बन्ध में सम्भाग सी, लखनऊ के अन्तर्गत कार्यरत उपायुक्त राज्य कर खण्ड-16, लखनऊ ने अपने कार्यालय के पत्र संख्या-24 दिनांक 02.04.2026 के माध्यम से प्रश्नगत प्रकरण में अवगत कराया गया है कि संदर्भित IGRS शिकायती पत्र में उल्लिखित फर्म सर्वश्री केसरी ब्रिक फील्ड जी0एस0टी0 नं0- 09KDXPS2233D1ZZ पता- H/NO 143/157, MAMPUR BANA, BAKSHI KA TALAB, LUCKNOW, UTTAR PRADESH 226201 है तथा केन्द्रीय अधिकार क्षेत्र के अंतर्गत पंजीकृत है। पत्र में उल्लिखित बिन्दुओं के संबंध में बोवेब पोर्टल पर करदाता द्वारा दाखिल रिटर्न एवं ई-वे बिल के अनुप्रयोग के आधार पर टर्नओवर एवं करदेयता की स्कूटनी की गयी। जांचोपरांत यह पाया गया कि करदाता द्वारा आयातित कोयले की आपूर्ति के सापेक्ष कम टर्नओवर घोषित किया गया है। शिकायतकर्ता के उल्लिखित दूरभाष नम्बर 8115623333 पर संपर्क करने हेतु कई बार प्रयास किया गया परंतु नंबर बंद होने के कारण संपर्क नहीं हो सका। अग्रेतर अवगत कराना है कि शिकायती पत्र में उल्लिखित बिन्दुओं के आधार पर संदर्भित फर्म की वि0अनु0शा0 जांच/सर्वेक्षण कराने के आशय का पत्र संयुक्त आयुक्त (कार्यपालक) राज्य कर, लखनऊ संभाग-सी, लखनऊ को पत्र संख्या 1334 दिनांक 31.03.2026 द्वारा प्रेषित किया गया है चूंकि फर्म केन्द्रीय क्षेत्राधिकार में पंजीकृत है अतः शिकायती बिन्दुओं पर अपेक्षित जांच/कार्यवाही इस खण्ड कार्यालय से पूर्ण कराया जाना संभव नहीं है। उपर्युक्त के आलोक में आई0जी0आर0एस0 के निस्तारण से सम्बन्धित आख्या संस्तुति सहित प्रेषित की जा रही है।"

संयुक्त आयुक्त (कार्यपालक) राज्य कर, लखनऊ संभाग सी, लखनऊ के द्वारा प्रेषित आख्या के आलोक में उपरोक्त वर्णित तथ्यों के आधार पर आख्या संस्तुति सहित प्रेषित की जा रही है।

भवदीय

sal
(सर्वजीत)

अपर आयुक्त ग्रेड-1, राज्य कर
लखनऊ जोन प्रथम, लखनऊ

475

Details for registration number : GOVUP/E/2026/0026154

Name Of Complainant Ashwani Kumar

Date of Receipt 01/03/2026

Received By Uttar Pradesh
Ministry/Department

Grievance Description

Complaint regarding continuous GST evasion, suppression of actual production and turnover, issuance of improper invoices, and non-payment of appropriate GST since July 2017 by brick kiln operating at Village Mampur Bana, District Lucknow

Current Status Case closed

Date of Action 08/04/2026

Remarks

Please Find Attachment अधीनस्थ अधिकारी के स्तर पर निस्तारित

Rating 3

Rating Remarks The complainant says that I am not satisfied with the solution given and I want the report filed on my complaint to be forwarded to the senior.

Officer Concerns To

Officer Name Shri Arvind Mohan (Joint Secretary)

Organisation name Government of Uttar Pradesh

Contact Address Chief Minister Secretariat , Room No. 321, U.P. Secretariat, Lucknow

Email Address arvind.12574@gov.in

Contact Number 05222226350