

N.D.H.: 20.03.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 522 OF 2025**

IN THE MATTER OF :

VIPIN KUMAR

.....APPLICANT

VERSUS

UTTARAKHAND POLLUTION CONTROL
BOARD AND OTHERS

.....RESPONDENTS

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Place: New Delhi

Date: 19.03.2026

FILED BY:



(GAURAV AGARWAL)

Advocate for Respondent No.5 & 6

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**BEFORE THE NATIONAL GREEN TRIBUNAL
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**SHORT REPLY/ PRELIMINARY OBJECTIONS
ON BEHALF OF RESPONDENT NO. 5 AND 6
TO ORIGINAL APPLICATION**

1. That the Applicant herein has filed the instant Original Application against the answering Respondent challenging the Consolidated Consent to Operate and Authorisation (CCA) dated 11.07.2025 granted by the Uttarakhand Pollution Control Board to the Respondent no. 5 and 6.
2. That the answering Respondents herein denies each and every allegation made in the OA by the Applicant except which are admitted herein. At the outset it is submitted that the present proceedings are an abuse of process of law and not maintainable. Applicant has sought to challenge the CTO by way of OA which is not permissible in law and hence the present OA is liable for dismissal.

Preliminary Objection :

3. That the provision of section 31 of the National Green Tribunal Act 2010, provides for a statutory remedy of Appeal under section 31 of the Air Act and section 28 of the Water Act before the Appellate Authority against an order of board granting the consent.

4. That section 31 of the Air Act provides that :

Appeals

- (1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute: Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.
- (3) The form and the manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.
- (4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

5. That section 28 of the Water Act provides that :

Appeals

- (1) Any person aggrieved by an order made by the State Board under section 25, section 26 or section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the State Government may think fit to constitute:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) An appellate authority shall consist of a single person or three persons as the State Government may think fit, to be appointed by that Government.
- (3) The form and manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.
- (4) On receipt of an appeal preferred under sub-section (1), the appellate authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.
- (5) If the appellate authority determines that any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then,-
 - (a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be

substituted for it such condition as appears to it to be reasonable;

- (b) where the appeal is in respect of the unreasonableness of any variation of a condition, such authority may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to it to be reasonable.

6. That the aforesaid sections clearly mentions that any order Board under the respective Acts are an Appealable order. The sections further provides that the limitation for challenging the order in Appeal is 30 days with further extension of 30 days. However, present proceedings are *firstly* an original proceedings under section 15 and 15 of the NGT Act hence CTO cannot be challenged herein, *secondly* the OA has been filed beyond the limitation period of 60 days of the order.
7. That under original jurisdiction Tribunal has powers to grant relief of compensation and restitution as provided in section 15 of the NGT Act. Section 15 of the Act is reproduced as under :

“15. Relief, compensation and restitution.

- (1) The Tribunal may, by an order, provide,-

- (a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);
- (b) for restitution of property damaged;
- (c) for restitution of the environment for such area or areas, as the Tribunal may think fit.”

8. That as per provision of s. 15 of the NGT Act, no orders quashing or cancelling the consent to operate can be passed by this Tribunal, being in Original Jurisdiction. The said power can be exercised, however, only in case of Appeal. Hence, the Original Application is not maintainable for the reliefs claimed.
9. That it is further pertinent to mention that the order of Appellate Authority passed in Appeal u/s 31 and 28 of the Air and Water Act is an Appealable order before this Tribunal under section 16(a) ad (f) of NGT Act. Bypassing the remedy before the Appellate Authority by the Applicant and filing the present Original Application instead of filing of an Appeal will result in loss of right of valuable statutory right of Appeal u/s 16 of the Act by the answering Respondent as may be available to it.
10. That in **Hari Om Sharan Dwivedi v. State of U.P. OA No. 141 of 2025** decided on 15.07.2025, this Hon'ble Tribunal has held an OA to be not maintainable against CTO. Tribunal has held :

“23. In the present case, what applicant has done is that it has by-passed the remedy of Appeal against the order under Section 25 of Water Act, 1974 and Section 29 of Air Act, 1981 which were appealable under Section 28 of Water Act, 1974 and Section 31 of Air Act, 1981. Further, applicant has remedy of second appeal before this Tribunal if any adverse order against its interest is passed by the Appellate Authority under Section 28 of Water Act, 1974 and Section 31 of Air Act, 1981 but by not availing the remedy of initial Appeal, he has given up even the right of second Appeal. Applicant in fact has frog leap by filing its OA under Sections 14 and 15 of NGT Act, 2010 disturbing the entire scheme of the Statute.

24. In *M/s Northern Plastics Ltd. vs Hindustan Photo Films Manufacturing Company Ltd.*, (1997) 4 SCC 452, Supreme Court in para 12 of the judgment has observed that the Statutory procedure laid down by Parliament in its wisdom for enabling the challenge to the adjudication

has got to be followed and by passing such Statutory procedure is a direct frog leap which is contra-indicated by the Statutory scheme of the Act. Such approach of direct frog leap by ignoring the Statutory provisions of Appeal and Revision etc. having the scheme of the Act would stultify the very scheme of the Statute which has not to be permitted.

25. In *Tamil Nadu Pollution Control Board vs. Sterlite Industries (India) Limited and Others*, (2019) 19 SCC 479, Supreme Court observed that in order to assail statutory orders passed by Statutory Regulators under reliance of Section 14 of NGT Act, 2010 is impermissible since Section 14 refers to original jurisdiction of Tribunal and not its appellate jurisdiction. In para 36 of the judgment, Supreme Court has said as under:

"...Equally disingenuous is the reference to Section 14 of the NGT Act which only refers to the original jurisdiction of the NGT and not to its appellate jurisdiction. Also, to state generally that the subject matter of environment lies with the NGT, is an argument of despair that must be dismissed for the reason that as held by us hereinabove, an appeal being a creature of statute, a statute either confers a right of appeal or it does not..."

26. Section 14, as we have already seen, confers original jurisdiction upon Tribunal to adjudicate a substantial question relating to environment when has arisen out of implementation of enactments specified in Schedule I. It does not confer any supervisory or appellate jurisdiction upon the Tribunal to look into the correctness of the Statutory order passed by Statutory body under a relevant Statute whereagainst a further remedial hierarchy in terms of Appeal and Revision etc. is also provided in such Statute. Similarly, Section 15 is also not attracted to challenge Statutory order passed by Statutory authority. In the circumstances, we are clearly of the view that an OA under Sections 14 and 15 is not maintainable to challenge Statutory order of CTO since the applicant has otherwise Statutory remedy of Appeal etc. which it has failed to avail and having lost such remedy, it cannot be permitted to convert jurisdiction under Sections 14 and 15 of NGT Act, 2010 into appellate jurisdiction."

A true copy of the order passed in case of Hari Om Sharan Dwivedi v. State of U.P. OA No. 141 of 2025 decided on 15.07.2025 **ANNEXURE R-1**

11. That similarly in case of *Athiappa Chemicals Pvt. Ltd. v. Puducherry Pollution Control Board*, this Tribunal has held that where there is right of Appeal under the statutory provision of Act or Rules, Original Application is not maintainable before the Tribunal. This Tribunal in the said case dismissed the Original Application against the order of the Puducherry PCB challenged directly before the Tribunal in OA instead of filing of Appeal u/s 31 of Air Act before the Appellate Authority. A true copy of the order of the National Green Tribunal passed in OA No.30 of 2011 dated 14.12.2011 **ANNEXURE R-2**

12. That there are catena of judgement of this Hon'ble Tribunal wherein the Original Applications are dismissed on ground of maintainability whereby the Applicants chose to challenge the Environment Clearance by invoking Original Jurisdiction of this Tribunal and not by way of Appeal.

- **Yashovardhan Shandilya Sharma v. Union of India O.A. No. 54 of 2019 (CZ), decided on 30.05.2022.**
- **Abhishek Chaurasia v. M/s Grasim Industries Ltd. (Staple Fiber Division) and Others O.A. No. 120 of 2024(CZ) decided on 29.05.2024.**

13. That availability of alternative remedy of Appeal before the Appellate Authority operates as bar to the invocation of the Original Jurisdiction. It has been held by Supreme Court time

and again that where there is a remedy of intra court Appeal is available to a party even a petition for special leave u/a 136 of the Constitution of India will not be maintainable. **Farukhabad Gramin bank v. Ashok Saxena (2007) 15 SCC 206; Shin-Etsu Chemical Co. ltd. Vindhya Telelinks Ltd. 2009 (14) SCC 16.**

14. That it is further necessary to submit that the CTO under challenge is renewal of consent granted by the Respondent. CTO dated 07.06.2024 granted prior to the impugned CTO were granted pursuant to the order of the Supreme Court dated 29.04.2024. Hence, no challenge can be raised against the CTO by the Applicant.

Reply on Merits :

15. That is denied that the CTO has been granted to the answering Respondent in violation of the siting criteria. The UKPCB has duly considered and issued the CTO in compliance of the law.
16. That the answering Respondent no 5 and 6 were established in year 2021. At the relevant point of time no notification prescribing siting criteria was in existence. The notification of MOEF&CC prescribing the siting criteria came into existence in 2022 when the same was issued on 22.02.2022.
17. That prior to the notification dated 22.02.2022 for setting up the brick filed the requirement was of obtaining license from the Zila Panchayat and to obtain the GST registration. The Respondent no. 5 first obtained license from the zila panchayat on 01.10.2020 and renewed the same time to time. The GST registration was also obtained by Respondent no. 5 on 29.12.2020. A true copy of the Zila Panchayat license in favour

of Respondent no. 5 from 01.10.2020 is ANNEXURE R-3, and A true copy of GST registration in favour of Respondent no. 5 dated 29.12.2020 is ANNEXURE R-4

18. That similarly, Respondent no. 6 first obtained license from the zila panchayat on 01.10.2020 and renewed the same time to time. The GST registration was also obtained by Respondent no. 5 on 02.02.2021. A true copy of the Zila Panchayat license in favour of Respondent no. 6 from 01.10.2020 is ANNEXURE R-5, and A true copy of GST registration in favour of Respondent no. 6 dated 02.02.2021 is ANNEXURE R-6
19. That, thereafter, Respondent no. 5 and 6 established the brick klin in accordance with the prevelant and existing law. As there was no siting criteria at the relevant point of time hence there was no violation of the same at the time of establishment of the brick klin which were established in year 2021.
20. That pursuant to the establishment of the brick klins, Respondents no. 5 and 6 obtained the consent to operate from the board on 13.01.2023 and 30.10.2023, respectively which were valid till 31.03.2024.
21. That once the brick klin which were established in accordance with law as on the date of its establishment, cannot be held to be illegal after coming into force of sitting criteria in 2022. The siting criteria does not provides for retrospective operation and only provides for prospective applicability. There is no dispute with the authorities that the answering Respondent no. 5 and 6 were established prior to 2022, hence there can be no applicability of siting criteria upon the answering Respondent.

22. That it is further submitted that, admitted for sake of argument, that siting criteria is applicable as against the answering Respondent being not validly established or operated as on the of notification, even then the answering Respondent is not covered by the said notification. The requirement of obtaining the CTE or CTO under the Air Act is provided under section 21 of the Act and section 25 of the Water Act. Under the said respective Acts the TE or CTO is required only for areas declared as air pollution control areas or water, prevention and control area. Section 19 of both the said Acts provides that the the State Government may declare any such area as air pollution control areas or water, prevention and control area. It is submitted that there is no such order of State of Uttarakhand in existence declaring any area as required under the Section 19 of the Air Act and Water Act.
23. That unless the State Government declares any area as air pollution control areas or water, prevention and control area under the Air Act and Water Act, respectively, the applicability of provisions of section 21 or section 25 of the Air Act or Water Act, respectively will not arise. Hence, there cannot be no question of establishment and operation of brick klin by answering Respondents no. 5 and 6 illegally as on date of issuance of notification dated 22.02.2022.
24. That it is further necessary to mention that the Applicant herein is not a bonafide party. The present Applicant is being filed for vindicating personal vendetta against the Respondent no 5 and 6. The Applicant is owner of a Balaji Brick Field and is desirous of setting up a new brick klin near the Respondent no. 5 which were got stopped by the Respondent no. 5. Hence, to

serve his vested interest and gain economically by being solitary brick klin around, the present OA is filed.

25. That, assuming that the siting criteria is still attracted against the answering Respondents, it is pertinent to mention here that the alleged Balaji Brick Klin is itself illegally established and hence the distance from an illegally established brick klin does not attract the limitations provided in the siting criteria. An OA challenging the operation of the Balaji Brick Field is already pending before this Tribunal in OA NO. 754 of 2023.
26. That *firstly* said Balaji Brick Field which is alleged to be within 1km from the Respondent no. 5 was granted CTE for 90,000 bricks per month on 06.11.2020, however, the brick filed was established in violation of the CTE as the brick filed was constructed for 30,000 bricks per day, or 9,00,000 bricks per month. Thus, ten times the permitted limit the brick filed was established. Thereafter, it obtained its CTO on 03.01.2023, i.e., after coming into force of the notification dated 22.02.2022. Hence, as on the date of the notification the brick filed was illegal.
27. That *secondly* this Balaji Brick Field is established within 800 meters from the habitation as it is around 750 m from village Harchandpur. The said Balaji Brick Klin being established in violation of siting criteria cannot be considered against the answering Respondents. A true copy of the google imagery of the distance of Balaji Brick Filed dated NIL is ANNEXURE R-7
28. That in respect of the Chaudhary Bharat Singh Junior High School being in close proximity of the Respondent no. 5 it is

submitted that the same is incorrect and false. The said building which is stated to be of the school near the brick klin is an dilapedated building. While the said Chaudhary Bharat Singh Junior High School, Vill Harchanpur is situated in khasra no. 274. The said school is around 3 kms away from the brick klin. In this respect an RTI received from the Baisc Education Officer, Rorkee through the Principal of the school is relevant. A true copy of the RTI received from the Baisc Education Officer, Rorkee is **ANNEXURE R-8.**

29. That it is further necessary to submit that the Applicant has filed the present OA selectively against the answering Respondents. There were as many as 158 brick klins without CTO operating as on the date of notification dated 22.02.2022. Out of the same 152 obtained the consent after the notification and are still validily operating. There is no prohibiton or any restriction on operation of the said units in light of the siting criteria. However, the present OA filed with ulterior motives only to harrass the answering Respondent and to vificate personal agenda.
30. That lastly, present OA an order for shutting down of the brick klins being in violation of the sitting criteria is also not maintainable being barred by limitation. Section 14(3) of the NGT Act clearly provides that *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose.* The language of the provision clearly suggests that there is concept of continuing cause of action as the legislature in its wisdom has provided a outer limit of six months from the cause

of action arising first. Hence, in present case the brick klin of the answering Respondent having being established in 2020, the cause of action first arose on 22.02.2022 as soon as the sitting criteria was notified and the six months expired on 22.08.2022. Hence, the original Application is beyond limitation and not maintainable for this reason also.

31. That in **Windsor Realty Pvt. Ltd.v. Secretary MOEF, W.P. No. 594 of 2015, decided on 09.06.2016** the High Court of Judicature at Bombay has held that the concept of continuous cause of action is alien to this Tribunal. The High Court has held that :

“35. A bare perusal of the said section clearly discloses that period of limitation is six months from the date on which the cause of action first arose. Prima faice, therefore it cannot be interpreted by any stretch of imagination that it would arise from the date of knowledge of the original applicant of the alleged violation taking place or from the date on which the Environmental Authorities were informed about violation and inaction on their part. There appears to be a lot of confusion in the mind of NGT Bench, Pune on various aspects of continuous cause of action. Perusal of the said Section indicates that the concept of continuous cause of action cannot apply to the complaints which are filed before the NGT because had it been so, the legislature would not have stated that the limitation would be six months from the date on which the cause of action for such dispute first arose. If the interpretation which is sought to be given to the provision by the NGT Bench, Pune in the impugned order is accepted, the complaint could be filed by the aggrieved person at any point of time, claiming that he came to know about the violation after 10 or 20 years. At the same time, if there is any violation of the provisions of the Environment (Protection) Act, 1986, the same have to be addressed and looked into. The only question is by which Authority.”

32. That it is, therefore, prayed that the present Original Application be dismissed for the reason aforementioned, i.e., being not maintainable having alternative remedy of Appeal before the Appellate Authority.

33. That the answering Respondent further submits that present OA deserves to be dismissed being lacking in merits and no substantial question of law being raised as required by section 14 of the NGT Act.

JAI MATA BRICK FIELD
Respondent no. 5

And

GAGAN BRICK FIELD
Respondent No. 6

Through



(GAURAV AGARWAL)
Advocate for Respondent No.5 and 6

GRV LEGAL
Advocates and Legal Consultants
O-703, Aditya Mega City,
VaibhavKhand, Indirapuram,
Ghaziabad, U.P. NCR- 201014
Mob.: 8802911392
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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 522 OF 2025

IN THE MATTER OF :

VIPIN KUMAR

.....APPLICANT

VERSUS

UTTARAKHAND POLLUTION
CONTROL BOARD & ORS.

....RESPONDENTS

AFFIDAVIT

I, VIPUL KUMAR, aged about 42 years, S/o Sri Chander Pal Singh R/o 168, Gadanpura, Post Office Kailwara Kalan, District Muzaffar Nagar Uttar Pradesh - 251201, do hereby state on solemn affirmation as under:

1. That the deponent is the Partner of the Respondent No.5 in the present Original Application as such I am well conversant with the facts and *circumstances of the present case and hence, competent to swear this affidavit.*
2. That I have gone through the accompanying Reply from para 1 to 33 and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.
3. That the Annexure R-1 to R-8 the reply are true copy of the documents.

Solemnly affirmed on this 19 day of March, 2026 at Muzaffar Nagar, Uttar Pradesh.

Vipul Kumar
DEPONENT

VERIFICATION

Verified at Muzaffar Nagar, Uttar Pradesh on this ___ day of March, 2026 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

Vipul Kumar
DEPONENT

Identified by *[Signature]*



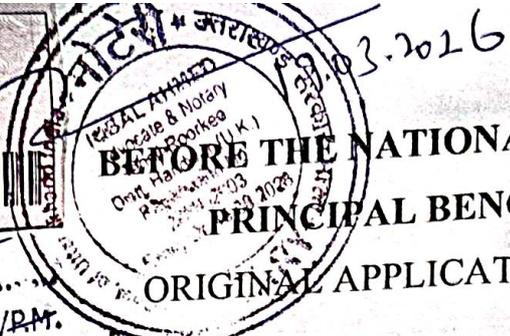
Vipul Kumar
Sworn before me dt.....
by the deponent.....
I have identified.....
I have satisfied..... examining the
deponent who..... the contents of
the affidavit..... been read out &
explained by me..... the deponent for
charged Rs.
NOTARY, DIST. MUZAFFARNAGAR

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

19 MAR 2026

297 ₹10

UTTARAKHAND COURT FEE
UKCT1013630K2519M
10 NOV-2025



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

ORIGINAL APPLICATION NO. 522 OF 2025



N.R. Sr. No. 149
TIME 10:55 A.M./P.M.
Dated 19.03.2026

IN THE MATTER OF :

VIPIN KUMAR

VERSUS

....APPLICANT

[Signature]
19.03.2026

UTTARAKHAND POLLUTION
CONTROL BOARD & ORS.

....RESPONDENTS

AFFIDAVIT

I, ADESH KUMAR, aged about 54 years, S/o Sri Jagpal Singh R/o Village Manna Khedi, District Haridwar, Uttarakhand – 247670, do hereby state on solemn affirmation as under:

1. That the deponent is the Partner of the Respondent No.6 in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That I have gone through the accompanying Reply from para 1 to 33 and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.
3. That the Annexure R-1 to R-8 the reply are true copy of the documents.

Solemnly affirmed on this 19th day of March, 2026 at Roorkee, Uttarakhand.

[Signature]
DEPONENT

VERIFICATION

Verified at Roorkee, Uttarakhand on this 19th day of March, 2026 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

IDENTIFIED BY

Naveen kumar Jain
Advocate
Regd. No. UK-523/09
Civil Court, ROORKEE

[Signature]
DEPONENT

The contents of this Affidavit/Document has been read out to me and I understand the same clearly.....

Contents affirmed and Sworn before me

[Signature]
IQBAL AHMED 19.03.2026
M A (English) L.L B.
Advocate & Notary
Regd. No - UP 3231/81
UA-913/04
Notary Regd. No.-22(05)2003
ROORKEE
Distt Haridwar (UK) INDIA

[Signature]

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

**ORIGINAL APPLICATION NO. 141/2025
(I.A. NO.256/2025)**

IN THE MATTER OF:

HARI OM SHARAN DWIVEDI

Director, Sangam Mediserve Pvt. Ptd.
Prayagraj, State of Uttar Pradesh

...Applicant

Verses

1. UTTAR PRADESH POLLUTION CONTROL BOARD

Through its Member Secretary
Having its office at:
Building No. TC-12V,
Vibhuti Khand,
Gomti Nagar, Lucknow-226010

2. M/S R.S. BIO-MEDICAL WASTE SERVICES

Through its Managing Director
Plot No. C-20,
Sathariya Industrial Development Authority Industrial Estate,
Sathariya, District- Jaunpur
Uttar Pradesh- 222202

3. CENTRAL POLLUTION CONTROL BOARD

Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar,
New Delhi- 110032

4. SATHARIYA INDUSTRIAL DEVELOPMENT AUTHORITY

Through its Chairman
Industrial Estate Sathariya, Jaunpur,
Jaunpur, Uttar Pradesh- 222202

5. CHIEF ENVIRONMENTAL OFFICER

Circle-6
Varanasi

6. MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

Through its Secretary
Ministry of Environment and Forests and Climate Change
Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi - 110003

...Respondents

COUNSELS FOR APPLICANT(S):

Mr. Yash Mishra, Mr. Siddhant Kumar, Mr. Harshvardhan Singh and Mr. Nikhil Singh, Advocates

COUNSELS FOR RESPONDENT(S):

Ms. Richa Kapoor and Ms. Atika Singh, Advocates for MoEF&CC
Mr. Priyanka Swami, Advocate for SEIAA, UP (Through VC)
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Atif Suhrawardy, Advocate for CPCB (Through VC)
Mr. Deva Shukla and Mr. Atul Mishra, Advocates for R-2
Ms. Sthavi Asthana, Advocate for UPSIDA
Ms. Ruchira Gupta and Ms. Pooja Tripathi, Advocates for R-13 in OA 623/2024 and for R-4 in OA 141/2025 (Through VC)

CORAM:

HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

RESERVED ON: APRIL 17, 2025
PRONOUNCED ON: JULY 15, 2025

JUDGMENT**BY HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER**

1. The applicant Hari Om Sharan Dwivedi has preferred this Original Application (hereinafter referred to as '**OA**') under Sections 14 and 15 read with Section 18(1) of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') with a prayer that Consent to Operate (hereinafter referred to as '**CTO**') dated 23.12.2024 and Authorisation dated 30.12.2024 granted to M/s. RS Bio-Medical Waste Services at C-20, Satharia Industrial Development Authority Industrial Estate, Sahara, Jaunpur by Uttar Pradesh Pollution Control Board (hereinafter referred to as '**UPPCB**') be set aside/quashed/revoked and enquiry be ordered as to how such CTO was granted despite directions given by UPPCB and Ministry of Environment, Forest and Climate Change, New Delhi (hereinafter referred to as '**MoEF&CC**') vide office letter dated 10.07.2023 and 31.07.2024.

2. OA was heard along with **OAs 623/2024, 749/2024 and 750/2024** and judgment was reserved on 17.04.2025. However, for the purpose of clarity, we have separated this OA for the reason that in the connected three OAs, the challenge was made to Environmental Clearances (hereinafter referred to as '**ECs**') granted under Environment Impact Assessment Notification dated 14.09.2006 (hereinafter referred to as '**EIA 2006**') read with the provisions of Environment (Protection) Act, 1986 (hereinafter referred to as '**EP Act, 1986**') while in the present case, it is the CTO and Authorisation which is under challenge.

3. The facts in brief, as borne out from the memo of OA show that the applicant itself is an operator of Common Bio-Medical Waste Treatment Facility (hereinafter referred to as '**CBWTF**') named as M/s. Sangam Mediserve Pvt. Ltd. at Jaitapur, Handia, Prayagraj, Uttar Pradesh. The treatment operational capacity of applicant's CBWTF is 11 MT per day covering 6833 beds. Respondent 2 i.e., M/s. RS Bio-Medical Waste Services has established a CBWTF at plot no.C-20, Satharia Industrial Development Authority Industrial Estate, Sahara, Jaunpur which has been granted CTO dated 23.12.2024 and Authorisation dated 30.12.2024 for operating CBWTF in violation of revised Guidelines issued for CBWTF by Central Pollution Control Board (hereinafter referred to as '**CPCB**') with respect to the capacity utilisation and siting criteria. CBWTF of respondent 2 is located near Food industries and residential areas which may increase the risk of airborne contamination and hazardous bio-medical waste exposure. Chief Medical Officer of Jaunpur has confirmed that existing CBWTF has sufficient capacity to handle bio-medical waste for the region and applicant's CBWTF, in fact, is under performing in regard to its official capacity. Chief Medical Officer, Jaunpur has written a letter dated 14.07.2021 (annexure A-5 at page 237 of paper book)

informing Member Secretary, UPPCB that M/s. Sangam Mediserve Pvt. Ltd., Prayagraj is disposing bio-medical waste generated by medical health facilities in district Jaunpur since 11.08.2017. In district Jaunpur, there are 22 community health centres with 660 beds, district health centres (male and female) with 343 beds, MCH Wing with 30 beds and urban primary health centres with 06 beds i.e., total 1039 beds whereof the medical waste generated is being disposed by the said proponent. CTO and Authorisation issued to respondent 2 violates CPCB's Guidelines providing that a new on additional CBWTF will be allowed only where number of beds is beyond 10000 within 75 km radius. Further, CTO has been granted without taking into consideration the environmental risk despite the fact that CBWTF is a 'Red Category' industry. No public hearing was conducted before grant of CTO. No gap analysis has been conducted and a similar proposal of establishment of CBWTF by M/s. Topsy Torvy Retails Pvt. Ltd., District Kaushambi has been rejected on the ground that applicant's CBWTF is established and operating in District Prayagraj serving 6833 beds wherefrom only 1775 kg/day bio-medical waste is generated on an average and plant operational period is about 4 to 6 hours per day. There is one more CBWTF i.e., M/s. Ferro Buildhards (i) Pvt. Ltd., District Prayagraj, operational with underutilised capacity. Within the coverage area of 75 kms, there are other CBWTFs facilities namely M/s. Silkon Biotech Private Limited at Village Bhadon, Pargana Mahul, Tehsil- Martinganj, District-Azamgarh; M/s Royal Pollution Control Services at Chandpur, Saidopatti, District-Sultanpur; M/s CPC Power India Pvt. Ltd. Mohansarai, District-Varanasi, besides M/s Ferro Buildhards (India) Pvt. Ltd. operating at Mirzapur road, Naini, District-Prayagraj. These operating CBWTF are in close vicinity and that too within the radius of 75 kms which is in violation of the Guidelines of CPCB with regard to

coverage area as well as capacity of existing facilities which will not be fully utilised. Respondent 2 misrepresented before State Level Expert Appraisal Committee (hereinafter referred to as '**SEAC**') in its meeting dated 19.09.2023 supplying the information that the existing operational incinerator capacity within 75 kms radius of the proposed site was 600 kg/hour assuming a 12 hour daily operation. UPPCB has power to revoke CTO if Facility fails to comply with environmental Regulations and since CTO has been granted in violation of CPCB's Guidelines and against recommendation of Chief Medical Officer, Jaunpur, it is imperative on UPPCB to cancel CTO immediately. MoEF&CC vide letter dated 14.10.2022 (annexure A/ 11 at page 345 of paper book) has stressed upon grant of permission to new facilities on the basis of gap analysis conducted by State Pollution Control Boards and this has been reiterated by Director (HSMD), MoEF&CC vide letter dated 31.07.2024 (at page 346 of paper book). Gap analysis study has also been emphasised by Additional Chief Secretary, Environment, UP vide its letter dated 28.06.2023 (at page 347 of paper book). Chief Environment Officer, UPPCB vide letter dated 10.07.2023 (at page 349 of paper book) has also given similar instructions to all concerned Regional Officers of UPPCB.

4. A preliminary objection has been raised by the Learned Counsel appearing for UPPCB and respondent 2 that applicant is challenging CTO and prayed for its revocation but for the said purpose, OA under Sections 14 and 15 is not maintainable. It is further stated that the information with regard to number of beds available does not cover the entire medical health facilities in the area in terms of Rule 3 (j) and (m) of Bio-Medical Waste Management Rules, 2016 (hereinafter referred to as '**BMWM Rules, 2016**').

5. Learned Counsel appearing for applicant has referred to its submission made in para 24 of OA to urge that a prayer of setting aside an order or CTO or Authorisation falls within the purview of Section 14 of NGT Act, 2010. In para 24, submissions have been made by the applicant as under:

- a. *Section 14 of the NGT Act, 2010 itself places no fetters on the power of the NGT to quash a government notification. The invocation of NGT's original jurisdiction is contingent only upon (i) lis should raise a substantial question relating to environment, and (ii) such question should arise out of implementation of a Schedule 1 enactment.*
- b. *The use of the word 'including' within brackets in Section 14 implies that powers of the NGT extend beyond mere enforcement of recognized legal rights.*
- c. *The above-mentioned Original Application, inter-alia, assails the MoEF Notification dt. 06.01.2020, which is issued u/s 3 of the Environment (Protection) Act, 1986, a Schedule 1 enactment under the NGT act, 2010. As such, this Hon'ble Tribunal has jurisdiction since a "substantial question relating to environment" has arisen in the context of a challenge to the impugned notification.*
- d. *Section 2(1)(c) broadly defines "environment" to include land, air and water and their inter-relationship with humans and other living beings. Similarly, Section 2(1)(m) defines "substantial question relating to environment" to include instances where environmental consequences arise out of a specific activity or a source of pollution. In the present case, the grant of consent to operate is a clear violation of the guidelines issued for the protection of the environment. This action could lead to environmental consequences by affecting the Air, Water and Land.*
- e. *Therefore, it is submitted that the present Original Application meets the requirements of Section 14 to invoke the jurisdiction of this Hon'ble Tribunal. Once invoked, the power of the Tribunal extends to passing any order, decision or award for restitution of the environment [see Section 15(1)(c)] and after applying the three core principles enunciated in Section 20. It is submitted that there is no explicit or implicit limitation on the power of the NGT in the NGT Act, 2010, to pass an order, decision or award quashing a government authorisation."*

6. We have heard Counsel appearing for the parties and perused the record at the outset.

7. We may notice hereat that in the entire OA including the prayer, applicant has referred to CTO dated 23.12.2024 and Authorisation dated 30.12.2024 but documents of the above dates have not been placed on record. When we asked the Learned Counsel appearing for the applicant to point out the order impugned in the present OA, he referred to annexure A/1 at page 36 which is a document dated 07.11.2024. It is a consolidated CTO and Authorisation seeking consent under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as '**Water Act, 1974**'), Section 21 of Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as '**Air Act, 1981**') and Authorisation under Rule 6(2) of Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016 (hereinafter referred to as '**HoW Rules, 2016**') notified under EP Act, 1986. The letter dated 07.11.2024 has been issued by UPPCB to M/s R.S. Bio-Medical Waste Services i.e., respondent 2 and the validity period of this Consolidated CTO and Authorisation is from 20.09.2024 to 31.12.2028.

8. Interestingly, this is not one of the impugned order assailed in the present OA, therefore, *ex-facie*, what we find from record is that two orders dated 23.12.2024 and 30.12.2024 which have been challenged are not part of record and what has been pointed out being the impugned order, during the course of the argument, is annexure A/1 and it is dated 07.11.2024 which has not been assailed at all.

9. It is well established that an order which is challenged and a prayer is made for setting aside the same, if not made part of record, the question of its setting aside does not arise. Therefore, *ex-facie*, the application is

seriously defective in as much as the prayer made in OA is in respect with the documents which are not part of record and order shows to be impugned order during the course of the arguments, is not challenged and assailed in the OA.

10. However, we are not non-suiting the applicant for this ground alone. As we have already pointed out that a Consolidated CTO under Section 25 of Water Act, 1974 and Section 21 of Air Act, 1981 and Authorisation under Rule 6(2) of HoW Rules, 2016 has been collectively issued to respondent 2 by UPPCB. If a person is aggrieved by an order of consent granted under Section 25 of Water Act, 1974, statutory provision of Appeal has been made under Section 28 of Water Act, 1974 and the relevant Section 28(1) reads as under:

“28. Appeals.—(1) Any person aggrieved by an order made by the State Board under section 25, section 26 or section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the State Government may think fit to constitute:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.”

11. Further power of Revision has been conferred upon State Government under Section 29 of Water Act, 1974 in respect of an order made under Section 25 and State Government may pass such order as it may think fit. The relevant provision of Section 29 reads as under:

“29. Revision.—(1) The State Government may at any time either of its own motion or on an application made to it in this behalf, call for the records of any case where an order has been made by the State Board under section 25, section 26 or section 27 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think fit:

Provided that the State Government shall not pass any order under this sub-section without affording the State Board and the

person who may be affected by such order a reasonable opportunity of being heard in the matter.

(2) The State Government shall not revise any order made under section 25, section 26 or section 27 where an appeal against that order lies to the appellate authority, but has not been preferred or where an appeal has been preferred such appeal is pending before the appellate authority.”

12. Against an order of Appellate Authority passed under Section 28 of Water Act, 1974 if an Appeal has been preferred thereunder against the order passed under Section 25, a further Appeal has been provided to the aggrieved person under Section 33B of Water Act, 1974 before this Tribunal. Against the Revisional order of State Government, if any, under Section 29 also an Appeal lies under 33B of Water Act, 1974. Section 33B reads as under:

“33B. Appeal to National Green Tribunal.-Any person aggrieved by,-

- (a) *an order or decision of the appellate authority under section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or*
- (b) *an order passed by the State Government under section 29, on or after the commencement of the National Green Tribunal Act, 2010; or*
- (c) *directions issued under section 33A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,*

may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.]”

13. Section 16 of NGT Act, 2010 also provides for an Appeal against the order of Appellate Authority passed under Section 28 of Water Act, 1974 or the Revisional Order of State Government passed under Section 29 of Water Act, 1974. The relevant provisions contained in Section 16(a) and (b) of NGT Act, 2010 are reproduced as under:

“16. Tribunal to have appellate jurisdiction.- Any person aggrieved by,-

(a) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(b) an order passed, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government under section 29 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

xxx.....xxx.....xxx

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.”

14. Admittedly, applicant has a remedy of Appeal under Section 28 of Water Act, 1974 against the CTO granted under Section 25 of Water Act, 1974 and this is a statutory remedy but the same has not been availed and by-passing the same, present OA has been filed.

15. Similarly, when the consent is granted under Section 21 of Air Act, 1981, such order of consent is appealable under Section 31 of Air Act, 1981 before the Competent Appellate Authority and against the order of Appellate Authority passed under Section 31, a further Appeal is provided under Section 31B of Air Act, 1981 before this Tribunal. Relevant Section 31 and 31B of Air Act, 1981 are reproduced as under:

“31. Appeals- *(1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute:*

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

(3) *The form and the manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.*

(4) *On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.*

xxx.....xxx.....xxx

31B. Appeal to National Green Tribunal.-*Any person aggrieved by an order or decision of the Appellate Authority under section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”*

16. NGT Act, 2010 vide Section 16(f) also provides for an Appeal against the order of the Appellate Authority passed under Section 31A of Air Act, 1981 before this Tribunal. The relevant Section 16(f) is reproduced as under:

“16. Tribunal to have appellate jurisdiction.- *Any person aggrieved by,-*

xxx.....xxx.....xxx

(f) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

xxx.....xxx.....xxx

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.”

17. In this backdrop, we have to examine whether an OA for challenging an order of Consent and Authorisation is maintainable under Sections 14 and 15 of NGT Act, 2010.

18. Sections 14 confers power upon the Tribunal to settle dispute having jurisdiction over all civil cases where a substantial question relating to environment is involved and such question arises out of the implementation of enactments specified in Schedule I. Sections 14 and 15 are reproduced as under:

“14. Tribunal to settle disputes.- (1) *The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

(2) *The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.*

(3) *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

15. Relief, compensation and restitution-(1) *The Tribunal may, by an order, provide-*

a) *relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);*

b) *for restitution of property damaged;*

c) *for restitution of the environment for such area or areas, as the Tribunal may think fit.*

(2) *The relief and Compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section of (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).*

(3) *No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*

Provided that the Tribunal may, if it is satisfied that the' applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

(4) *The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.*

(5) *Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may, be, compensation or relief received from, any other Court or authority.*

19. Similarly, Section 15 confers power upon the Tribunal to pass order granting relief, compensation and restitution. Section 15(1) reads as under:

“15. Relief, compensation and restitution-(1) *The Tribunal may, by an order, provide-*

- a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);*
- b) for restitution of property damaged;*
- c) for restitution of the environment for such area or areas, as the Tribunal may think fit.”*

20. Section 16 of NGT Act, 2010 provides appellate jurisdiction in respect of certain orders mentioned therein. Thus, three types of jurisdictions have been conferred upon Tribunal vide Sections 14, 15 and 16 of NGT Act, 2010.

21. Supreme Court has considered the above three provisions in ***Mantri Techzone Private Limited vs. Forward Foundation and Others,***

(20019) 18 SCC 494 and observed that Sections 14 and 15 are independent provisions conferring self-contained jurisdiction upon the Tribunal. In para 45 of the judgment, Court has said as under:

“45. Section 15 of the Act provides power & jurisdiction, independent of Section 14 thereof. Further, Section 14(3) juxtaposed with Section 15(3) of the Act, are separate provisions for filing distinct applications before the Tribunal with distinct periods of limitation, thereby amply demonstrating that jurisdiction of the Tribunal flows from these Sections (i.e. Sections 14 and 15 of the Act) independently. The limitation provided in Section 14 is a period of 6 months from the date on which the cause of action first arose and whereas in Section 15 it is 5 years. Therefore, the legislative intent is clear to keep Section 14 and 15 as self contained jurisdictions.”

22. So far as Section 18 is concerned, it only recognises the right to file applications and the manner in which the application has to be filed under Sections 14 and 15 and also the Appeal under Section 16 of NGT Act, 2010.

23. In the present case, what applicant has done is that it has by-passed the remedy of Appeal against the order under Section 25 of Water Act, 1974 and Section 29 of Air Act, 1981 which were appealable under Section 28 of Water Act, 1974 and Section 31 of Air Act, 1981. Further, applicant has remedy of second appeal before this Tribunal if any adverse order against its interest is passed by the Appellate Authority under Section 28 of Water Act, 1974 and Section 31 of Air Act, 1981 but by not availing the remedy of initial Appeal, he has given up even the right of second Appeal. Applicant in fact has frog leap by filing its OA under Sections 14 and 15 of NGT Act, 2010 disturbing the entire scheme of the Statute.

24. In ***M/s Northern Plastics Ltd. vs Hindustan Photo Films Manufacturing Company Ltd., (1997) 4 SCC 452***, Supreme Court in

para 12 of the judgment has observed that the Statutory procedure laid down by Parliament in its wisdom for enabling the challenge to the adjudication has got to be followed and by passing such Statutory procedure is a direct frog leap which is contra-indicated by the Statutory scheme of the Act. Such approach of direct frog leap by ignoring the Statutory provisions of Appeal and Revision etc. having the scheme of the Act would stultify the very scheme of the Statute which has not to be permitted.

25. In ***Tamil Nadu Pollution Control Board vs. Sterlite Industries (India) Limited and Others, (2019) 19 SCC 479***, Supreme Court observed that in order to assail statutory orders passed by Statutory Regulators under reliance of Section 14 of NGT Act, 2010 is impermissible since Section 14 refers to original jurisdiction of Tribunal and not its appellate jurisdiction. In para 36 of the judgment, Supreme Court has said as under:

“...Equally disingenuous is the reference to Section 14 of the NGT Act which only refers to the original jurisdiction of the NGT and not to its appellate jurisdiction. Also, to state generally that the subject matter of environment lies with the NGT, is an argument of despair that must be dismissed for the reason that as held by us hereinabove, an appeal being a creature of statute, a statute either confers a right of appeal or it does not...”

26. Section 14, as we have already seen, confers original jurisdiction upon Tribunal to adjudicate a substantial question relating to environment when has arisen out of implementation of enactments specified in Schedule I. It does not confer any supervisory or appellate jurisdiction upon the Tribunal to look into the correctness of the Statutory order passed by Statutory body under a relevant Statute whereagainst a further remedial hierarchy in terms of Appeal and Revision etc. is also provided in such Statute. Similarly, Section 15 is also not attracted to challenge Statutory order passed by Statutory

authority. In the circumstances, we are clearly of the view that an OA under Sections 14 and 15 is not maintainable to challenge Statutory order of CTO since the applicant has otherwise Statutory remedy of Appeal etc. which it has failed to avail and having lost such remedy, it cannot be permitted to convert jurisdiction under Sections 14 and 15 of NGT Act, 2010 into appellate jurisdiction.

27. Coming to the merits of the matter, we find that applicant has relied on letter dated 14.07.2021 of Chief Medical Officer, Jaunpur in support of its submission that it is disposing of bio-medical waste of 1039 beds covering district Jaunpur and therefore, no additional CBWTF is necessary. We find that Chief Medical Officer has referred to only such health care facilities which are maintained by State Government in terms of its medical health policy by maintaining primary health centres, community health centres, district hospitals etc. However, under **BMWM Rules, 2016**, bio-medical waste is not confined to only the Government and semi-government health care facilities but the scope is much wider. The term “bio-medical waste” has been defined in Rule 3(f) which reads as under:

“3. Definitions.- *In these rules, unless the context otherwise requires,*

(f) **“bio-medical waste”** means any waste, which is generated **during the diagnosis, treatment or immunisation of human beings or animals or research activities** pertaining thereto or in the production or testing of biological or in health camps, including the categories mentioned in Schedule I appended to these rules;”

28. “Bio-medical waste treatment and disposal facility” has also been defined in Rule 3(g) as under:

“3. Definitions.- *In these rules, unless the context otherwise requires,*

(g) **“bio-medical waste treatment and disposal facility”** means any facility wherein treatment, disposal of bio-medical waste or processes incidental to such treatment and disposal is carried out, and includes common bio-medical waste treatment facilities;”

29. The term “Health Care Facility” and “Occupier” are also defined in Rule 3(j) and (m) which reads as under:

“3. Definitions.- In these rules, unless the context otherwise requires,
-

(j) **“health care facility”** means a place where diagnosis, treatment or immunisation of human beings or animals is provided irrespective of type and size of health treatment system, and research activity pertaining thereto;

(m) **“occupier”** means a person having administrative control over the institution and the premises generating bio-medical waste, which includes a hospital, nursing home, clinic, dispensary, veterinary institution, animal house, pathological laboratory, blood bank, health care facility and clinical establishment, irrespective of their system of medicine and by whatever name they are called;”

30. Therefore, all medical health care facilities which include hospitals, nursing homes, clinic, dispensary, veterinary institutions, animal house, pathological laboratory, blood bank, health care facilities and clinical establishments are included and whatever bio-medical waste is generated by them has to be disposed.

31. Therefore, capacity of disposal of bio-medical waste has to be considered in terms of the above provisions and it is not confined to only the hospitals or medical care centres maintained by the Government or its agencies.

32. The facts disclosed by the applicant in the present OA with regard to total availability of bio-medical waste in the area and its operations does not give correct and complete information in the context of Statutory provisions and therefore, it cannot be said that there is no necessity of

additional CBWTF in the area concerned particularly when CBWTF is being established in different District i.e., District Jaunpur and not in District Prayagraj where the applicant's facility is located.

33. There are some other obstructions in the way of applicant.

34. It is not disputed that under EIA 2006 for establishing a CBWTF, EC from the Competent Authority is required before commencement of construction activities. It is not the case of the applicant that EC has not been obtained by respondent 2 before commencing its construction activities. There is also no averment that the construction activities have been commenced by respondent 2 in violation of the provisions of Water Act, 1974 and Air Act, 1981 i.e., without obtaining Consent to Establish. These orders are also not under challenge. Those orders therefore have attained finality and establishment of CBWTF of respondent 2 is founded on these Statutory permissions. CTO is only a consequential one to allow operation of CBWTF after its establishment is completed.

35. In view of the fact that the applicant has not challenged the EC granted to respondent 2 for establishing its unit and the unit has already been established pursuant thereto, we do not find that the applicant can be allowed to assail a consequential order which only permits functioning of the unit after its establishment under valid Statutory permissions. Hence, we are clearly of the view that the relief as prayed by applicant is not liable to be granted.

36. We may also notice at this stage that the applicant's Counsel has not stated at any stage during the course of the arguments that his OA may be treated to be an Appeal probably realising the fact that no direct Appeal under Section 16 is maintainable before Tribunal in view of the judgment of Supreme Court in **Tamil Nadu Pollution Control Board**

vs. Sterlite Industries (India) Limited and Others (supra), hence even conversion of this OA into Appeal under Section 16 is not permissible in law.

37. In view of the discussion above, this OA is dismissed. Pending I.A. stands disposed of accordingly.

Prakash Shrivastava,
Chairperson

Sudhir Agarwal,
Judicial Member

Dr. A. Senthil Vel,
Expert Member

July 15, 2025
Original Application No.141/2024
R..

//TRUE COPY//

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)**

Application No. 30 of 2011

Wednesday, the 14th day of December, 2011

QUORUM:

1. **Hon'ble Justice Shri C.V. Ramulu**
(Judicial Member)
2. **Hon'ble Dr. Devendra Kumar Agrawal**
(Expert Member)

Between:

M/s Athiappa Chemicals (P) Ltd.,
Through its Authorized Signatory
Jothis Kumar. K.H. R/o A-52 to A-55,
PIPDIC Industrial Estate,
Mettupalayam,
Puducherry,

...Applicant

and

1. Puducherry Pollution Control Committee,
Government of Pondicherry,
Department of Science, Technology and Environment,
3rd Floor, Housing Board Complex,
Anna Nagar, Puducherry-605 005.
2. Central Pollution Control Board,
Represented by its Member Secretary
Parivesh Bhawan,
CBD-cum-Office Complex,
East Arjun Nagar
Delhi 110 032
Represented by its Member Secretary
3. Government of Pondicherry
Department of Science, Technology and Environment,
3rd Floor, Housing Board Complex,

Anna Nagar, Puducherry – 605 005

4. Union of India
Through its Secretary,
Ministry of Environment & Forest,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003

.....**Respondents**

(**Advocates Appeared:** Shri A. Venayagam Balan, for the Applicant and Counsel for the Respondent 1 and 3 - Shri S Prabhu Ramasubramanian and Shri V.G. Pragasam)

J U D G M E N T

(**Judgment Delivered by the Bench**)

This is an application filed under Section 14 of the National Green Tribunal Act 2010 challenging the Order dated 16.11.2011 issued by the Puducherry Pollution Control Committee, Pondicherry under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 directing the Applicant to stop all the manufacturing activities until the three directions mentioned therein are complied with.

At the outset, we may notice that against the order made under Section 31-A of the Air (Prevention and Control of Pollution) Act 1981, an appeal is provided under Section 31 of the said Act which reads as under:

Section 31 -- "*Appeals.—(1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute:*

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Appellate Authority shall consist of a single person or three persons as State Government may think fit to be appointed by the State Government.

(3) The form and the manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible."

Under Section 31 of Air Act, an effective remedy of appeal against the Order made by the Authority under section 31-A of the Air Act is available. When this Tribunal expressed doubt as to the maintainability of the appeal, the Learned Counsel for the Applicant drawn our attention to the provisions of Section 2 (m) and 14 of the NGT Act which reads as under:

"Section 2(m)-"substantial question relating to environment" shall include an instance where, --

- (i) there is a direct violation of a specific statutory environmental obligation by a person by which,--*
 - (A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or*
 - (B) the gravity of damage to the environment or property is substantial; or*
 - (C) the damage to public health is broadly measurable."*

14. Tribunal to settle disputes.--- *(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon."

And submitted that this Tribunal has been conferred with vast powers and the application of this nature is maintainable since a substantial question of law had arisen for the consideration of the Tribunal. According to him, the Appellate Authority is not a regular Tribunal which conducts sittings on day to day basis. The Appellate Authority sits periodically once in a month or once in two months, therefore, the appeal under Section 31 of the Air Act is not an effective remedy. Further, Section 14 of the NGT Act contemplates that this Tribunal can entertain any application and assume jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved. According to the Learned Counsel, the order passed by the authority under Section 31-A, arises under Air Act which is one of the Acts enumerated in Schedule 1 of the NGT Act and the order of the authority under Section 31-A is arbitrary, atrocious and illegal. If the appeal is not entertained within a reasonable time say one or two weeks, the Applicant would suffer irreparable loss and injury. There is no impediment in entertaining this Application under Section 14 of the NGT Act, since, for the protection of the Applicant's interest, there is no remedy available. Therefore, the factual position of non-availability of an effective remedy itself is a substantial question of law apart from other legal grounds raised for assuming jurisdiction by this Tribunal. The Tribunal can at least make some interim arrangement protecting the interest of the Applicant before an appeal is entertained by the Authority under Section 31 of the Air Act. Absolutely, there is no bar for this Tribunal to entertain a Application of this nature. The jurisdiction of this Tribunal is inclusive and not exhaustive when Section 2 (m) is read with Section 14 of the NGT Act. If the impugned order is not stayed, the legal rights of the applicant arising under the Air Act are jeopardized. If the applicant industry is closed for indefinite time, it will not only suffer economic loss but the hundred and odd employees working will be put to hardship.

Further, according to the learned counsel for the applicant, when the matter was earlier considered by the authority and directed for closure of the industry, the applicant had to approach the Hon'ble High Court of Madras by way of filing writ petitions and on both the occasions, the Hon'ble High Court was pleased to allow the writ petition by setting aside the order passed by the authority. This is the third time a similar impugned order is passed. Therefore, the remedy available to the Applicant cannot be said to be both efficacious and alternative remedy. Apart from this, the learned counsel also raised certain questions under the Act on the ground that the delegation of powers under Section 31-A of the Act, etc.

We are afraid; we may not be able to agree with the submissions made by the learned counsel for the Applicant. The National Green Tribunal is a statutory Tribunal and it cannot examine the validity of any act or provision thereof. It is for the constitutional courts to examine such matters. A statutory Tribunal can interpret the provisions of law with which it is supposed to deal with. Therefore, we cannot go into the questions raised by the Applicant such as:

"Whether essential powers and functions of the Central Pollution Control Board under the Act can be delegated to the respondent Committee which is constituted under Section 11 of the Air (Prevention and Control of Pollution) Act 1981. Whether the exercise of such powers by the Respondent Committee under Section 31-A amounts to excessive delegation beyond the scope of delegation etc."

Apart from this, against the impugned order, an appeal is provided under Section 31 of the Air Act., as noticed above. Merely because the appellate authority under Section 31 of the Air Act conducts sittings periodically, this Tribunal cannot assume jurisdiction under Section 14 of the NGT Act. The question of entertaining an Application under Section 14 of the NGT Act, bypassing the effective appeal provided under section 31 of the Air Act does not arise. In fact, against an order passed by the Appellate Authority under

Section 31 of the Air Act, an appeal is provided under Section 16 (f) of the NGT Act which reads as under:

16. Tribunal to have appellate jurisdiction: -- Any person aggrieved by.....

(f) "An order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)".

Thus, entertaining an application of this nature amounts to allowing the Applicant to jump the statutory appeal which is not permissible under the law. Unless, all the forum available under the Act are exhausted by the Applicant including the appeal under Section 31 of Air Act, it cannot approach this Tribunal directly -- whatever, may be the merits and the questions of Law raised and arise for consideration. This Tribunal being statutory in its nature, cannot entertain the Applicant of this nature much less any substantial question of law has arisen under Section 14 of the NGT Act for consideration. Therefore, we are of the considered opinion that the Application is not maintainable and being devoid of merits and is liable to be dismissed.

Accordingly, the Application stands dismissed at admission stage itself.

(Dr. Devendra Kumar Agrawal)
Expert Member

(Justice C.V. Ramulu)
Judicial Member

//TRUE COPY//



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)

जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार

जिला हरिद्वार

002391

लाइसेन्स

श्री 00 अप भाता शिकरि लड

वूकि श्री विलास कुमार 5/10 चन्द्रपाल, विपुल 5/10 चन्द्रपाल जिला परिषद/क्षेत्र
समिति विरेन्द्र 5/10 राजपाल सिंह व मोहित गर्ग 5/10 नमिलकुम्भगर्ग जिला हरिद्वार

को पञ्च हजार रूपये को रुपये का भुगतान कर दिया है।

अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र

के भीतर उत्तम - ककदपुर (हरकभपुर)

दिनांक 01/10/2020 से 30/09/2021

तक इ 9222 के लिए अनुज्ञा दी जाती है।

लाइसेन्सधारी का विवरण

नाम	पिता का नाम	व्यापार	पता	अभ्युक्ति
<u>विलास कुमार</u>	<u>च-दुपाल</u>	<u>इ 9222</u>	<u>ककदपुर</u>	
<u>विपुल</u>	<u>च-दुपाल</u>			

विरेन्द्र 5/10 राजपाल सिंह व मोहित गर्ग 5/10 नमिलकुम्भगर्ग लाइसेन्सधारी के हस्ताक्षर
में विनियम और नियंत्रण के निमित्त
नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज
लाइसेन्सधारी को दे दी है।

दिनांक 11/12 2020

लाइसेन्स अधिकारी

टिप्पणी :-स्थान और पृष्ठांकन की प्रविष्टियां तमी मरी जानी चाहिए, जब लाइसेन्स
सशर्त हो। यदि लाइसेन्स सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25

(नियम 101 देखिए)

जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार
जिला हरिद्वार 004020

मै. जयमाता ट्रिक फिल्ड लाइसेन्स
विकास कुमार व विपुल कुमार डी. चन्द्रपाल, विरेन्द्र कुमार डी. नैजपाल व
चूकि श्री मोहित गार्गी डी. अमिल कुमार गार्गी ने जिला परिषद/क्षेत्र
समिति जिला पंचायत हरिद्वार जिला हरिद्वार
को अंकन पांच हजार रुपये को रुपये का भुगतान कर दिया है।
अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र
के भीतर ग्राम - कतादपुर (हरचन्दपुर) में
दिनांक 01/10/2021 से 30/09/2022
तक ईट भट्टा के लिए अनुज्ञा दी जाती है।

लाइसेन्सधारी का विवरण

नाम	पिता का नाम	व्यापार	पता	अभ्युक्ति
विकास कुमार विपुल कुमार	चन्द्रपाल	ईट भट्टा	कतादपुर (हरचन्दपुर)	

विरेन्द्र कुमार नैजपाल
मोहित गार्गी अमिल कुमार गार्गी
यह लाइसेन्स 106 में विनियम और नियंत्रण के निमित्त
नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज
लाइसेन्सधारी को दे दी है।

दिनांक 18/08/2021 20

टिप्पणी :-स्थान और पृष्ठांकन की प्रविष्टियां तमी भरी जानी चाहिए, जब लाइसेन्स
सशर्त हो। यदि लाइसेन्स सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

लाइसेन्स अधिकारी

वि. न. स. गु. म. अ.

जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)



जिला परिषद/क्षेत्र समिति **जिला पंचायत हरिद्वार 335**
जिला **हरिद्वार**

लाइसेंस

मै० जमनाता वि०स फि०ड

वूकि श्री **श्री विनायक कुमार व विपुल कुमार पुत्र जमनाता वि०स फि०ड**
समिति **श्री वि०स फि०ड १०० श्री तेजपाल सिंह व मोहित जमनाता वि०स फि०ड**
जिला पंचायत हरिद्वार जिला **हरिद्वार**

को **एन पांच एजा रूपरे** को रूपरे का सुगठान कर दिया है।

अतः उन्हें **जिला पंचायत हरिद्वार** के स्थानीय क्षेत्र

के भीतर **उत्तम - हरद्वार (लवापुर)**

दिनांक **01/10/2022** से **20/09/2022**

तक **इटएम** के लिए अनुज्ञा दी जाती है।

लाइसेंसधारी का विवरण

नाम	पिता का नाम	व्यापार	पता	अवधि
विनायक विपुल	ज-उफाल	इटएम	हरद्वार (लवापुर)	-
वि०स फि०ड	तेजपाल सिंह		(लवापुर)	
मोहित जमनाता वि०स फि०ड				

लाइसेंसधारी के द्वारा

यह लाइसेंस **106** में विनियम और नियम के निर्धारित नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है जिनकी शर्तों का पालन लाइसेंसधारी को दे दी है।

दिनांक **23/08/2022**

लाइसेंस अधिकारी

टिप्पणी - स्थान और पत्ता का नाम प्रमाणित करने के लिए प्रमाणित करने के लिए सशर्त है। यदि लाइसेंस सामान्य प्रकार का है तो पत्ता का नाम प्रमाणित करने के लिए सशर्त है।

विनायक वि०स फि०ड



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(विधम 101 देखें)

जिला पंचायत/क्षेत्र समिति **जिला पंचायत हरिद्वार**

जिला **हरिद्वार**

85324

लाइसेंस
श्री विनायक विन्स फिल्ड

श्री विनायक कुमार व विपुल कुमार पुत्र राजचन्द्रपाल
मूकेश श्री **किरेन्दु कुमार 5/10 तेजपाल सिंह व मोहित** जिला पंचायत हरिद्वार

समिति **जिला पंचायत हरिद्वार** जिला **हरिद्वार**

को **श्री विनायक एका रूप्य** का रूपये का गुप्तान कर दिया है।

पत्र संख्या **जिला पंचायत हरिद्वार** के स्थानीय क्षेत्र

के भीतर **गाम - हरचन्द्रपुर (बिलासपुर)**

दिनांक **10/11/2023** से **30/09/2024**

तक **ईट मशीन** का **लाइसेंस** का प्रिवरस

नाम	पिता का नाम	राजपार	पता
विनायक विपुल	राजचन्द्रपाल	ईट	हरचन्द्रपुर
किरेन्दु कुमार	तेजपाल सिंह	मिथु	हरचन्द्रपुर
मोहित कुमार	5/10 तेजपाल सिंह	मिथु	हरचन्द्रपुर

लाइसेंस नम्बर **1/20** में विनियम और नियंत्रण का विहित
शर्तों के अधीन रहते हुए प्रदान किया गया है।

दिनांक **10/08/20** 20

जिला पंचायत
हरिद्वार

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जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)

जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार 66943
जिला हरिद्वार

लाइसेंस
श्री 0 जप माला वि. स. फिल्ड
श्री विनायक कुमार व विपल कुमार S/O श्री - व. दुपाल
व श्री विवेक कुमार (S/O श्री जे.पाल सिंह व श्री मोहित राज S/O श्री मिल कुमारी)
समिति जिला पंचायत हरिद्वार जिला

को जि.नं. पांच हजार रूपये को रुपये का मूल्यांकन कर दिया है।

अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र

के भीतर उत्तम - हरम-दुपु (लकापुर)

दिनांक 01/10/2024 से 20/09/2025

तक 50 अ०२१ के लिए अनुज्ञा दी जाती है।

लाइसेंस-सधारी का विवरण

नाम	पिता का नाम	स्थापार	पता	अवधि
विनायक कुमार विवेक कुमार	व. दुपाल जे.पाल सिंह	50 अ०२१	हरम-दुपु (लकापुर)	-

लाइसेंस-सधारी के सम्बन्ध

यह लाइसेंस 106 में विनियम और नियंत्रण के निमित्त नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज लाइसेंस-सधारी को दे दी है।

दिनांक 01/10/24 20

अधिकारी

टिप्पणी :- स्थान और पृष्ठांकन की प्रवृत्तियां तभी मरी जानी हैं यदि पृष्ठांकन अशुद्ध सशर्त हो। यदि लाइसेंस सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

विनायक कुमार



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)

जिला पंचायत/क्षेत्र समिति जिला पंचायत हरिद्वार

जिला

हरिद्वार

लाइसेंस

11518

मै० जयमाला क्लिन्स क्लिन्स

श्रीविलास कुमार व श्रीविपला कुमारी SI-201 हरिद्वार
जिला पंचायत/क्षेत्र

संकेत

श्री श्री विरेन्द्र कुमार SI-201 हरिद्वार

समिति

जिला

हरिद्वार

को जिम्मेदार पान्य खाए रुपये को रुपये का भुगतान कर दिया है।

अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र

के भीतर उमर - हरन-रपुर में

दिनांक 01/10/2025 से 25/09/2026

तक इस तरह के लिए अनुज्ञा दी जाती है।

लाइसेंसधारियों का विवरण

नाम	पिता का नाम	पता	अन्य
<u>विलास कुमार</u>	<u>हरिद्वार</u>	<u>उमर</u>	<u>हरन-रपुर</u>
<u>विपला कुमारी</u>	<u>हरिद्वार</u>		

विरेन्द्र कुमार SI-201 हरिद्वार लाइसेंसधारियों के हस्ताक्षर

को लाइसेंस में विनियम और नियंत्रण के निमित्त

संश्लेषण और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज

लाइसेंसधारियों को दे दी है।
दिनांक 10/07/2025 20

स्थान और पृष्ठांकन की प्रविष्टियां तमी मरी जानी हरिद्वार

संश्लेषण के। यदि लाइसेंस सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

Handwritten signature



Government of India
Form GST REG-06
[See Rule 10(1)]

Registration Certificate

Registration Number : 05AAQFJ7072D1Z9

1.	Legal Name	JAI MATA BRICK FIELD			
2.	Trade Name, if any	JAI MATA BRICK FIELD			
3.	Constitution of Business	Partnership			
4.	Address of Principal Place of Business	0, MOJA - KWADPUR, PARGANA - MANGLOUR, VILL- HARCHANDPUR, ROORKEE, Haridwar, Uttarakhand, 247656			
5.	Date of Liability				
6.	Period of Validity	From	29/12/2020	To	Not Applicable
7.	Type of Registration	Regular			
8.	Particulars of Approving Authority	Centre			
Signature		Signature Not Verified Digitally signed by DE GOODS AND SERVICES TAX NETWORK(4) Date: 2020.12.29 16:16:03 IST			
Name		Sanjay Anand Massey			
Designation		Superintendent			
Jurisdictional Office		Roorkee - Sector 2			
9. Date of issue of Certificate		29/12/2020			
Note: The registration certificate is required to be prominently displayed at all places of business in the State.					

This is a system generated digitally signed Registration Certificate issued based on the approval of application granted on 29/12/2020 by the jurisdictional authority.

For 29/12/2020



Annexure A

GSTIN	05AAQFJ7072D1Z9
Legal Name	JAI MATA BRICK FIELD
Trade Name, if any	JAI MATA BRICK FIELD

Details of Additional Places of Business

Total Number of Additional Places of Business in the State 0

Pranish Kumar



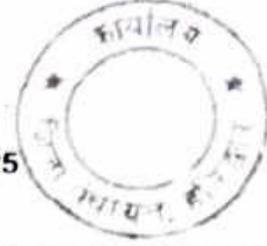
GSTIN 05AAQFJ7072D1Z9
 Legal Name JAI MATA BRICK FIELD
 Trade Name, if any JAI MATA BRICK FIELD

Details of Managing / Authorized Partners

1		Name	MOHIT GARG
		Designation/Status	PATNERSHIP
		Resident of State	Uttar Pradesh
2		Name	VIRENDRA KUMAR
		Designation/Status	PATNERSHIP
		Resident of State	Uttar Pradesh
3		Name	VIKAS KUMAR
		Designation/Status	PATNERSHIP
		Resident of State	Uttar Pradesh
4		Name	VIPUL KUMAR
		Designation/Status	PATNERSHIP
		Resident of State	Uttar Pradesh

Partner by MIT

//TRUE COPY//



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25

(नियम 101 देखिए)

जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार
जिला हरिद्वार 004021

मै. गागर ब्रिक फिल्ड लाइसेन्स
जितेन्द्र सिंह s/o. ब्रजपाल सिंह, मोहित गर्ग s/o. अनिल कुमार गर्ग व
चूकि श्री आश्वि कुमार s/o. जगपाल सिंह ने जिला परिषद/क्षेत्र
समिति जिला पंचायत हरिद्वार जिला हरिद्वार
को अंकन पांच हजार रुपये को रुपये का भुगतान कर दिया है।
अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र
के भीतर ग्राम- मोहमगदपुर जट में
दिनांक 01/10/2021 से 30/09/2022
तक इट भट्ट के लिए अनुज्ञा दी जाती है।

लाइसेन्सधारी का विवरण

नाम	पिता का नाम	व्यापार	पता	अभ्युक्ति
जितेन्द्र सिंह	ब्रजपाल सिंह	Screen	मोहमगदपुर जट	-
मोहित गर्ग	अनिल कुमार गर्ग			

यह लाइसेन्स 106 लाइसेन्सधारी के हस्ताक्षर
में विनियम और नियंत्रण के निमित्त
नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज
लाइसेन्सधारी को दे दी है।

दिनांक 18/8/2021 20

टिप्पणी :-स्थान और पृष्ठांकन की प्रविष्टियां तभी मरी जानी चाहिए, जब लाइसेन्स
सशर्त हो। यदि लाइसेन्स सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

Rone



जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)

जिला परिषद/क्षेत्र समिति **जिला पंचायत हरिद्वार**

जिला **हरिद्वार**

पु. लाइसेंस
85325
श्री जितेंद्र सिंह 310 जगपाल सिंह, मोहित गार्ग 310 कानिल गार्ग

युक्ति श्री **कादेश कुमार 310 जगपाल सिंह** ने जिला परिषद/क्षेत्र समिति **जिला पंचायत हरिद्वार** जिला **हरिद्वार**

को **1000 पांच हजार रुपये** को रुपये का भुगतान कर दिया है।

अतः उन्हें **जिला पंचायत हरिद्वार** के स्थानीय क्षेत्र

के भीतर **ग्लान - गाँव 310 जट** में

दिनांक **01/10/23** से **30/09/24**

तक **इटे 3125** के लिए अनुज्ञा दी जाती है।

लाइसेंसधारी का विवरण

नाम	पिता का नाम	प्यूपार	पू. प्लॉट	अप. नं.
जितेंद्र सिंह	जगपाल सिंह	इटे 3125	गाँव 310 जट	-
मोहित गार्ग	कानिल गार्ग		जट	

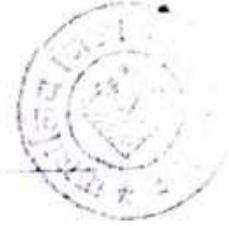
कादेश कुमार जगपाल सिंह लाइसेंसधारी के उत्तरदाता
यह लाइसेंस **106** में विनियम और नियंत्रण के निमित्त
नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रतियाँ मैंने आज
लाइसेंसधारी को दे दी हैं।

दिनांक **10/08/23** 20

सिपायों स्थान और पृष्ठांकन की प्रविष्टियाँ तमी मरी जानी **अक्षय कुमार शर्मा** हरिद्वार
सकल दो यदि लाइसेंस सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

Rane

जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)



जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार

जिला हरिद्वार

66944

चूंकि श्री श्री जितेंद्र सिंह आर.सी. गुजपाल सिंह लाइसेंस
श्री मोहित श्री आर.सी. गुजपाल सिंह ने जिला परिषद/क्षेत्र
समिति जिला पंचायत हरिद्वार जिला हरिद्वार

को सिमेंट पांच हजार रुपये को रुपये का भुगतान कर दिया है।

अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र

के भीतर ग्राम - श्री एम.ए. जल में

दिनांक 01/10/2024 से 30/03/2025

तक ई.सी. अ.ए. के लिए अनुज्ञा दी जाती है।

लाइसेन्सधारी का विवरण

नाम	पिता का नाम	व्यापार	पता	अभ्युक्ति
<u>जितेंद्र सिंह</u>	<u>गुजपाल सिंह</u>	<u>ई.सी. अ.ए.</u>	<u>श्री एम.ए. जल</u>	—
<u>मोहित श्री</u>	<u>श्री गुजपाल सिंह</u>	<u>अ.ए.</u>	<u>अ.ए.</u>	—

लाइसेन्सधारी के हस्ताक्षर

यह लाइसेन्स 106 में विनियम और नियंत्रण के निमित्त
नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज
लाइसेन्सधारी को दे दी है।

दिनांक 25/07/2024 20

टिप्पणी :- स्थान और पृष्ठांकन की प्रविष्टियां तभी मरी जानी चाहिए, जिनका पता श्री एम.ए. जल
सशर्त हो। यदि लाइसेन्स सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

Rames

जिला पंचायत/क्षेत्र समिति प्रपत्र संख्या 25
(नियम 101 देखिए)



जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार

जिला हरिद्वार

लाइसेन्स 11519

मै० गगन सिंह

चूंकि श्री जितेंद्र सिंह ने जिला परिषद/क्षेत्र समिति जिला पंचायत हरिद्वार को 50000/- रुपये का भुगतान कर दिया है।

को 50000/- रुपये का भुगतान कर दिया है।

अतः उन्हें जिला पंचायत हरिद्वार के स्थानीय क्षेत्र

के भीतर उत्तम - मोहनपुर जट में

दिनांक 01/10/2025 से 30/09/2026

तक इच्छा के लिए अनुज्ञा दी जाती है।

लाइसेन्सधारी का विवरण

नाम	पिता का नाम	स्थापार	पता	अम्. न्त
<u>जितेंद्र सिंह</u>	<u>ब्रजपाल सिंह</u>	<u>इच्छा</u>	<u>मोहनपुर जट</u>	—
<u>मोहनपुर</u>	<u>मोहनपुर</u>			

यह लाइसेन्स 106 लाइसेन्सधारी के हस्ताक्षर में विनियम और नियंत्रण के निमित्त नियमों और शर्तों के अधीन रहते हुए प्रदान किया गया है, जिनकी एक प्रति मैंने आज लाइसेन्सधारी को दे दी है।

दिनांक 10/07/2025 20

टिप्पणी :—स्थान और पृष्ठांकन की प्रवृत्तियां तमी मरी जानी जिला पंचायत हरिद्वार लाइसेन्स सशर्त हैं। यदि लाइसेन्स सामान्य प्रकार का हो, पृष्ठांकन काट दिया जाना चाहिए।

Pane



Government of India
Form GST REG-06
[See Rule 10(1)]

Registration Certificate

Registration Number : 05AAWFG1239M1ZY

1.	Legal Name	GAGAN BRICK FIELD			
2.	Trade Name, if any	GAGAN BRICK FIELD			
3.	Constitution of Business	Partnership			
4.	Address of Principal Place of Business	KH. NO. 138, 139, VILL- MOHAMMADPUR JATT, PRAGNA-MANGLOUR, ROORKEE, Haridwar, Uttarakhand, 247656			
5.	Date of Liability				
6.	Period of Validity	From	02/02/2021	To	Not Applicable
7.	Type of Registration	Regular			
8.	Particulars of Approving Authority	Centre			
Signature					
Signature Not Verified Digitally signed by DS GOODS AND SERVICES TAX NETWORK(4) Date: 2021.02.02 11:00:26 IST					
Name		Arvind Verma			
Designation		Superintendent			
Jurisdictional Office		Roorkee - Sector 2			
9. Date of issue of Certificate		02/02/2021			
Note: The registration certificate is required to be prominently displayed at all places of business in the State.					

This is a system generated digitally signed Registration Certificate issued based on the approval of application granted on 02/02/2021 by the jurisdictional authority.

Rane



सत्यमेव जयते

Annexure A

GSTIN	05AAWFG1239M1ZY
Legal Name	GAGAN BRICK FIELD
Trade Name, if any	GAGAN BRICK FIELD

Details of Additional Places of Business

Total Number of Additional Places of Business in the State 0



सत्यमेव जयते

GSTIN 05AAWFG1239M1ZY
 Legal Name GAGAN BRICK FIELD
 Trade Name, if any GAGAN BRICK FIELD

Details of Managing / Authorized Partners

1		Name	ADESH KUMAR
		Designation/Status	PARTNER
		Resident of State	Uttarakhand
2		Name	JITENDRA SINGH
		Designation/Status	PARTNER
		Resident of State	Uttar Pradesh
3		Name	MOHIT GARG
		Designation/Status	PARTNER
		Resident of State	Uttar Pradesh

Ramesh

//TRUE COPY//



Roorkee

950 MT FROM BALAJI BRICK FIELD INTO VILLAGE HARCHANDPUR



Imagery ©2025 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2025 200 m

Measure distance

Total distance: 951.23 m (3,120.84 ft)



Imagery ©2025 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2025 200 m

Measure distance
Total distance: 746.33 m (2,448.60 ft)



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 50 m

Measure distance
Total distance: 746.33 m (2,448.60 ft)



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 20 m

Measure distance
Total distance: 746.33 m (2,448.60 ft)

//TRUE COPY//

श्रीमान बेसिक शिक्षा अधिकारी

एलॉक - नारसन मंगलौर (हरिद्वार)

विषय - सूचना का अधिकार अधिनियम 2005 के अनुपालन अनुसार मांगी गई सूचना

सादर निवेदन है कि उक्त सूचना निम्न प्रकार है -

- (1) यह कि चौधरी भरत सिंह जूनियर हाई स्कूल वर्तमान में ग्राम - हसंखपुर तहसील - रुड़की जिला - हरिद्वार संसथ नं - 274 म में संचालित हो रहा है, और इस स्कूल का निर्माण सन् 2012-13 में किया गया था।
- (2) यह कि उपरोक्त स्कूल को उत्तराखण्ड राज्य बोर्ड की मान्यता प्राप्त है।
- (3) यह कि इस स्कूल में कक्षा L.K.G से कक्षा 8th तक कक्षाएं संचालित हो रही हैं, और कुल अध्यापकों की संख्या 9 है।
- (4) यह कि इस स्कूल में वर्तमान सत्र - 2023-24 में 205 विद्यार्थी शिक्षा ग्रहण कर रहे हैं।
- (5) यह कि इस स्कूल से मैसर्स जयमाता ब्रिक फ़िल्ड ग्राम - हसंखपुर मंगलौर जिला - हरिद्वार की दूरी 3 किलोमीटर है।


Principal
Dr. Bharat Singh Junior High School
Harchandpur Mandour (Haridwar)

IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 522 OF 2025

VAKALATNAMA

IN THE MATTER OF :

VIPIN KUMAR

...Applicant

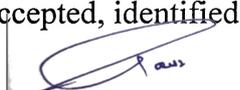
Versus

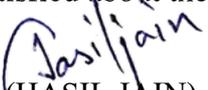
UTTARAKHAND POLLUTION CONTROL BOARD & OTHERS.. Respondents

KNOW ALL to whom these present shall come that I/We JAIMATA BRICK FIELD the above named Respondent No.5 do hereby appoint Shri Gaurav Agarwal & Mr. Hasil Jain (hereinafter called the advocate/s) to be my/our Advocate in the above noted case and authorize him :- 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. The 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 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.

Dated this 18th day of March, 2025

Accepted, identified and satisfied about the due execution of the Vakalatnama


(GAURAV AGARWAL)
Advocate
UP/03872/2009


(HASIL JAIN)
Advocate
Enroll D/2880/2013


Applicant/ Respondent

Memo Of Appearance

To
The Registrar
National Green Tribunal
New Delhi
Sir,

Please enter my appearance for the above named Petitioners/Plaintiff(s)/Appellant(s)/Respondent(s)/Defendant(s)/Caveator(s) Intervener(s) in the above mentioned Petition/Appeal/Suit/Reference.

Thanking you,

Dated : 19.03.2026



Yours Sincerely,


(GAURAV AGARWAL)

GRV LEGAL Advocate
Advocate & Legal Consultants
O-703, Aditya Mega City, Vaibahv Khand
Indirapuram, Ghaziabad, U.P.-201014
(M) 8802911392, Email: gaurav@grvlegal.in

IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO..522... OF 2025

VAKALATNAMA

IN THE MATTER OF :

VIPIN KUMAR

...Applicant

Versus

UTTARAKHAND POLLUTION CONTROL BOARD AND OTHERS

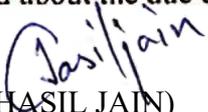
...Respondents

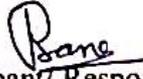
KNOW ALL to whom these present shall come that I/We ADESH KUMAR (GAGAN BRICK FIELD) the above named Respondent No.06 do hereby appoint Shri Gaurav Agarwal & Mr. Hasil Jain, Advocates (hereinafter called the advocate/s) to be my/our Advocate in the above noted case and authorize him :- To act, appear 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. The 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 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.

Dated this 18 day of March 2026

Accepted, identified and satisfied about the due execution of the Vakalatnama


(GAURAV AGARWAL)
Advocate
UP/03872/2009


(HASIL JAIN)
Advocate
Enroll D/2880/2013
Memo Of Appearance


Applicant/ Respondent

To
The Registrar
National Green Tribunal
New Delhi

Sir,

Please enter my appearance for the above named Petitioners/Plaintiff(s)/Appellant(s)/Respondent(s)/Defendant(s)/Caveator(s) Intervener(s) in the above mentioned Petition/Appeal/Suit/Reference.

Thanking you,

Dated : 19.03.2026

GRV LEGAL
Advocate & Legal Consultants
O-703, Aditya Mega City, Vaibahv Khand
Indrapuram, Ghaziabad, U.P.-201014


(GAURAV AGARWAL)
Advocate