

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 60 of 2026****WITH****ORIGINAL APPLICATION No. 138/2026 (IA No 119/2026)****IN THE MATTER OF:****Ashwani Kumar**

.....Applicant

-Vrs.-**State of U.P and Ors.**

.....Respondents

N.D.O.H.:22.07.2026**I N D E X**

S.Nos.	Particulars	Page No.
1.	Written Arguments on behalf of Applicant	2 - 7
2.	ANNEXURE-A/1 CCA is attached as Annexure A/1.	8 - 12
3.	Proof of Service	

Place:-LUCKNOW**Filed by the Applicant through Counsel****Date:-17.07.2026**


Aman Singh Bhadoriya
Advocate

Reg.No.-UP14275/2024,Ph.9170038499**5/103, Sector-5, Jankipuram Extension,****Lucknow, Uttar Pradesh-226031****e-mail-adv.amanbhadauriya@gmail.com**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 60 of 2026

WITH

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

IN THE MATTER OF

Ashwani Kumar

.....Applicant

-Vrs.-

State of U.P and Ors.

.....Respondents

WRITTEN ARGUMENTS ON BEHALF OF APPLICANT

MOST RESPECTFULLY SHOWETH: -

1. That the applicant of Mampur Bana where the project proponent is situated. The Applicant filed the application to stop the illegal operation of the project proponent while the public officials ignored the seriousness of the matter and their ignorance is clear from the non-compliances that were from the beginning, at the time of grant of the Consolidated Consent to Operate and Authorisation, hereinafter referred to as the CCA (Consolidated Consent & authorization).

2. That the granted CCA 193258/UPPCB/Lucknow(UPPCBRO)/CTO/both/LUCKNOW/2023 Dated 11/10/2023 with Application Id-22847067, for the period from 11/10/2023 to 31/07/2028.
3. That the CCA is attached as Annexure A/1.
4. That the CCA in its terms and conditions under the **Para 6** has specifically mentioned the Unit has to comply with the following specific & general conditions. Non-compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will results in legal action under the aforesaid Acts and Rules. The Non- Compliances are clearly visible from the report filed by the Joint Committee which is already on the record.
5. That the CCA in its terms and conditions under the **Para 8** has specifically mentioned that if the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. **It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.** While the conditions being specifically mentioned no action was ever taken by the State Pollution Control Board(UPPCB) and the only application for the NOC of Groundwater till date by the project proponent as filed

by the Private Respondent(Respondent No. 4) in their reply filed as Annexure 6 at Page 46.

6. That the **Para 1** of the General Conditions specifically mentions that the applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB. While the emission samples on record as have been put by the Joint Committee clearly have only two samples.
7. That the **Para 3** of the General Conditions specifically mentions that the Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point, while there has been no mention of the same by the Joint Committee and the same was ignored by the UPPCB authorities.
8. That the **Para 4** of the General Conditions specifically mentions that the applicant of the CCA shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant, and there happens to be no compliance report on record.
9. That the **Specific Conditions** specifically mentions to Ensure strict adherence to consent conditions along with the following points and send compliance report within one month from receipt of this CTO and

the following points are as follows which were completely not followed by the UPPCB authorities and the project proponent.

10. That the **Para 3 of the Specific Conditions** specifically mentions that the Brick kiln shall submit the Air quality & process emission monitoring report within one month after starting the production. The emission report of the brick kiln on record from the reply of the RTI (filed by the petitioner), dated 11/12/2025, Application No. DSPCB/R/2025/60586, over which only one report was given under the asked all Copies of all Stack Monitoring Reports/Emission Sampling Reports conducted by UPPCB or its authorised agency relating to particulate matter or any other pollutant emitted from the Brick Field stack or chimney, and the one Stack Emission (Test Sample) report issued on 29/05/2023 was provided with Sample Code-PLPL/LAB/260523-001 which was more than double the maximum limit.
11. That the **Para 11 of the Specific Conditions** specifically mentions that the Brick kiln shall install a water sprinkler to suppress dust during loading and unloading the bricks which is not being done at all and as per the Joint Committee report the same is being done in their report they have mentioned the following that As per the representative of the brick kiln, regular water sprinkling is being carried out around the brick kiln through a flexible pipe, and the credibility of the representative can be checked upon the amount of non-compliances that were at the time of grant of CCA and also following that.
12. That the **Para 19 of the Specific Conditions** specifically mentions the Brick kiln obtain the NOC from UP Groundwater Authority for

groundwater abstraction and submit it to the Board, which was never done and the first application was made on 20.04.2026 as accepted by the Respondent No.04 itself and mentioned above.

13. That the **Para 21 of the Specific Conditions** specifically mentions that the brick kiln should comply all above conditions or any public complaint regarding air pollution, above consent shall automatically stand revoked. The revocation was subject to non-compliance which the Board (UPPCB) clearly ignored up until the complaint made by the petitioner.
14. That the authorities ignored all the conditions as given under the CCA itself and also the manner in which they have given time to the project proponent between show cause notice after finding specific violations in the Joint Committee report shows the intent of the authorities towards protection of the Environment. The seriousness of the Regional Officer in protection of the Rules/Guidelines of the Acts/Orders are clearly visible and one such non complaint brick kiln is just an example of how the CCA are granted and the manner in which the operations are ongoing in the Region itself and the level of compliances followed by the Brick kilns.
15. The present case reflects systemic failure of statutory authorities and collusion with the Project Proponent, resulting in continuous pollution, destruction of green areas and violation of environmental laws.

PRAYER

In view of the above, the Applicant respectfully prays for immediate cessation of operation of the brick kiln, revocation of CCA, imposition of environmental compensation, and such other orders as this Hon'ble Tribunal may deem fit.

Place:-LUCKNOW

Filed by the Applicant through Counsel

Date:-17.07.2026


Aman Singh Bhadoriya
Advocate

Reg.No.-UP14275/2024, Ph.9170038499

5/103, Sector-5, Jankipuram Extension,

Lucknow, Uttar Pradesh-226031

e-mail-adv.amanbhadauriya@gmail.com



ANNEXURE - A/1

Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

193258/UPPCB/Lucknow(UPPCBRO)/CTO/both/LUCKNOW/2023

Date: 11/10/2023

To,

M/s

KESHARI BRICK FIELD

Village- Mampur Bana, Sitapur Raod, Lucknow.,LUCKNOW,227202

Application Id-
22847067

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **KESHARI BRICK FIELD** located at **Village- Mampur Bana, Sitapur Raod, Lucknow.,LUCKNOW,227202**. subject to the provisions of the **Water Act, Air Act** and the orders that may be made further and subject to following terms and conditions :-

1. This CCA **KESHARI BRICK FIELD** granted for the period from **11/10/2023 to 31/07/2028** and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Brick Kiln 25000 Ent/day	25000	Numbers/Day

2. **Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-**

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 KLD	Septic Tank	Drain

(ii) **Trade Effluent Treatment and Disposal :-**The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

(iv) **Sewage Treatment and Disposal :-** The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Stack with Gravitation al Settling Chamber	wood/coal 4.0 Ton/day	01	Particulate Matter	30 meter stack height at ground level

Emmission Quality Standards

S No.	Stack no	Parameters	Standards
1	01	Particulate Matter	As per Rule 9 of E(P)Rules 1986

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will results in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of

this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

Ensure strict adherence to consent conditions along with the following points and send compliance report within one month from receipt of this CTO.

1. This consent is being issued to M/S KESHARI BRICK FIELD, Village- Mampur Bana, Sitapur Raod, Lucknow for the production of Bricks 25000 no. /day.
2. Brick kiln should comply with the provisions of the Environment (Protection) Act 1986, the water (prevention and control of pollution) Act 1974, and the Air (Prevention and Control of Pollution) Act, 1981 as amended,

3. Brick kiln shall submit the Air quality & process emission monitoring report within one month after starting the production.
4. Brick kiln shall ensure to properly operate and maintain the Air pollution control system i.e. "Gravitational settling chamber" in such a way that air quality shall be within the prescribed norms.
5. Audited industrial balance sheet or C.A. certificate of total investment (Net fixed assets+ current asset-current liabilities) should be submitted in this office.
6. Brick kiln shall ensure to submit the Environment statement within time frame (up to 30 September of each year).
7. The Brick kiln shall ensure to dispose off the Fly ash properly.
8. Brick kiln shall use good quality pulverized coal, wood only for firing. This consent shall be deemed void if any unauthorized/restricted fuel like rubber/scrap/tyre etc. is found used in the process.
9. The Brick kiln shall comply with the directions given by Hon'ble Supreme Court, Hon'ble High Court, National Green Tribunal, Central Pollution Control Board and Uttar Pradesh Pollution Control Board.
10. The Brick kiln shall ensure to submit the license obtained from Jila Panchayat and shall follow the license conditions.
11. The Brick kiln shall install a water sprinkler to suppress dust during loading and unloading the bricks.
12. Brick kiln shall develop green belt as per the protocol attached with the UPPCB office order no. H16405/220/2018/02 dated 16-02-2018 which is available on UPPCB website. The plantation of saplings should be completed within 04 months' time and action taken report shall be submitted to this office. Failing which consent would be revoked without serving any notice to the Brick kiln.
13. The Brick kiln shall ensure to comply with the provisions of The Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rule 2012.
14. In compliance of direction issued by Central Pollution Control Board vide letter no-4877-4911, dated-27-06-2017 to all State following conditions are also applicable on the Brick kiln :-
 - a) Provide status on conversion of natural draft to induced draft Brick kilns (with rectangular kiln shape and zig-zag brick setting).
 - b) All the moving area around the main Brick kiln should be paved with the bricks to minimize the fugitive dust emissions from the Brick Kiln operations.
 - c) Ensure that fine dust not to accumulate all around the Brick Kiln.
15. The Brick kiln shall ensure to comply with all the conditions imposed in Environmental Clearance and the copy of E.C. shall be submitted to this office.
16. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring compliance and after revocation of the closure order, the CTO will automatically be effective from the date of issuance of closure order revocation, with additional conditions mentioned in the closure revocation order.
17. This CTO is being issued as per the provisions of the water (Prevention and control of water pollution) Act 1974 and the Air (Prevention and control of Pollution) Act 1981.
18. All the necessary NOCs, Permissions, Licenses, etc., shall be taken from all concerned statutory authorities.
19. Brick kiln obtain the NOC from UP Groundwater Authority for groundwater abstraction and submit it to the Board.
20. Brick kiln shall submit GST registration within one month.
21. The brick kiln should comply all above conditions or any public complaint regarding air pollution, above consent shall automatically stand revoked.
22. Brick kiln should comply the MoEF & CC Notification dated 22-02-2022.
23. The board has the right to modify any conditions & when required in compliance with any change in environmental guidelines and Hon'ble court orders passed time to time.

UMESH C SHUKLA
Digitally signed by
UMESH C SHUKLA
Date: 2023.10.11
20:28:20 +05'30'
Regional Officer

Copy to:

Chief Environment officer (C-5) U.P.Pollution Control Board TC 12 V, Vibhuti Khand, Gomti Nagar, Lucknow.

UMESH C SHUKLA
Digitally signed by
UMESH C SHUKLA
Date: 2023.10.11
20:28:20 +05'30'
Regional Officer



मिशन LIFE - पर्यावरण के लिए जीवन शैली (Lifestyle For Environment) जनसहभागिता का सन्देश



- स्वच्छता - देशसेवा में अपने परिवेश की स्वच्छता हेतु अपना सक्रिय योगदान सुनिश्चित करें
- संकल्प लें - एकल उपयोग प्लास्टिक उत्पाद जैसे कप, तश्तरी, चम्मच, स्ट्रॉ, ईयरबड्स आदि का उपयोग न हो एवं पर्यावरण अनुकूल विकल्पों जैसे कागज/पत्तों से बने दोने या कटलरी को प्राथमिकता दी जाय।
- एकल उपयोग प्लास्टिक उत्पाद के प्रयोग को रोकने एवं प्लास्टिक बैग के बजाय कपड़े के थैले का उपयोग करने मात्र से 375 मिलियन टन ठोस (प्लास्टिक) कचरे का उत्सर्जन बचाया जा सकता है
- चक्रीय अर्थव्यवस्था (सर्कुलर इकोनॉमी) का समुचित कार्यान्वयन वर्ष 2030 तक लगभग 14 लाख करोड़ रुपये की अतिरिक्त बचत उत्पन्न कर सकता है। वेस्ट/अपशिष्ट फेंकने के पूर्व सोचें, ये किसी का संसाधन तो नहीं ...?
- अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को कचरे में फेंकने से रुकें। इसके उपयुक्त निस्तारण हेतु इसे प्राधिकृत ई-वेस्ट रीसाइक्लर को दें। प्राधिकृत ई-रीसाइक्लिंग इकाई में अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को देने मात्र से 0.75 मिलियन टन तक ई-कचरे का पुनर्चक्रण किया जा सकता है एवं ई-कचरे के विषम पर्यावरणीय दुष्प्रभाव से बचा जा सकता है
- बाहर जाते समय - सोचें कि क्या आपको वास्तव में परिवहन की आवश्यकता है - वह भी क्या व्यक्तिगत रूप से? छोटी दूरी के लिए पैदल चलना पसंद करें, अथवा सम्भव हो तो कार पूल के रूप में संसाधन को साझा करें अथवा सार्वजनिक परिवहन पर विचार करें
- घरेलू स्तर पर कम से कम ठोस अपशिष्ट का उत्सर्जन करें और इनका प्रथाङ्कीकरण करें
- उपयोगी शेष खाद्य सामग्री आपके स्वयं प्रयास अथवा निकटस्थ सक्रिय स्वयं सेवी संस्थाओं की सहायता से समाज के वंचित वर्ग तक पहुंचाई जा सकती है। वहीं अनुपयोगी भोजन/खाद्य सामग्री को कंपोस्ट (वर्मी कम्पोस्ट) करने से 15 अरब टन भोजन को नष्ट होने से बचाया जा सकता है
- ध्यान रखें - उपयुक्त नल और शावर के उपयोग से पानी की खपत को 30 - 40% तक कम किया जा सकता है। एवं उपयोग में न होने पर नलों को बंद रखने मात्र से 9 ट्रिलियन लीटर पानी बचाया जा सकता है
- ट्रैफिक लाइट/रेलवे क्रॉसिंग पर कार/स्कूटर के इंजन बंद करने मात्र से 22.5 बिलियन kWh तक ऊर्जा की बचत हो सकती है
- परम्परागत बल्ब के स्थान पर CFL का उपयोग बिजली की खपत में प्रभावी कमी लाते हैं। उपयोग में न होने पर बिजली उपकरणों को बंद करें। स्टार रेटेड विद्युत उपकरणों के उपयोग को प्राथमिकता दें

हमारे द्वारा अपनी जीवन शैली की प्राथमिकताओं का उचित और पर्यावरण अनुकूल पुनर्निर्धारण समाज और पर्यावरण के प्रति हमारा दायित्व है।



Service of Written arguments in OA138 of 2026(IA 119/2026) along with OA 60 of 2026

1 message

Aman Bhadauriya <adv.amanbhadauriya@gmail.com>

Fri, 17 Jul, 2026 at 07:57

To: chambersofshashankrai@gmail.com, amit.shukla@lexweb.in, priyanka swami <advpriyankaswami@gmail.com>

Recipients,

The Written Arguments in O.A. No. 138 of 2026 pending adjudication before Hon'ble NGT on 22.07.2026

This constitutes service.

**written arguments NGT ashwani.pdf**

6.5 MB