

Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.329/2022

Pradeep Kumar

Applicant

Versus

Central Pollution Control Board & Ors.

Respondents

Date of hearing: 11.05.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Vinay Godara, Advocate

ORDER

1. The applicant has filed the present application under Sections 14 and 15 of the National Green Tribunal Act 2010 seeking following reliefs :

- i. Direct the respondents to furnish details of the action by the above said authorities regarding the complaint by the complainant.*
- ii. Direct the respondent to take immediate action for prevention of the pollution of all types which have been caused by the illegal operation of the above said brick kilns.*
- iii. Direct the respondents to refrain from the brick kilns in their operations which are causing pollution in the area where the complainant is residing.*
- iv. Direct the respondents to restore the local environment along with the local ecosystem which has been degraded due to the illegal operation of the brick kilns.*
- v. Direct the respondents to take legal action or any other remedial action against the erring persons who are operating the brick kilns.*

vi. Direct the respondents to take proper action against the erring officials, whose negligence has caused hardship to the applicant and other local residents.

2. The applicant has submitted that respondents no. 4 and 5 brick kilns are running in violation of the Uttar Pradesh Brick Kilns Criteria (Siting Criteria for Establishment Rules, 2011). Both the brick kilns are located within one km radius from the residential area and 100 meters radius from the main district road and are using inappropriate fuel for burning of bricks besides banned substances like rubber, plastic etc. They are still not operating with zig zag pattern and are flouting all the norms, rules and regulations. No multi-layer and multi-storey 10 meters green belt has been constructed. Due to running on old traditional method i.e., Bull trenching Kiln firing method, these brick kilns are emitting black colour smoke with poisonous gases along with soot which gets deposited on clothes, roofs, plants and are causing severe air, water and soil pollution creating respiratory problems for the inhabitants of the area. The applicant made complaints to the concerned authorities but no action has been taken.

3. We have heard learned Counsel for the applicant and gone through the relevant record.

4. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 due to running of brick kilns in violation of the environmental norms, notifications, rules and regulations.

5. In view of the grievances raised in the application, the factual position needs to be verified and remedial action is required to be taken

on the basis thereof. We accordingly constitute Joint Committee of State PCB and District Magistrate, Shamli and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. State PCB will be the nodal agency for co-ordination and compliance. Factual and action taken report which may inter alia include compliance of notification of MoEF & CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.2022 in *Civil Appeal Diary No. 18213/2021 titled as NCR Brick Kiln Association vs Central Pollution Control Board & Ors.*, may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for further consideration on 03.08.2022.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB and District Magistrate, Shamli by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 11, 2022
Original ApplicationNo.329/2022
AG