

Item No. 08

Court No. 1

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

Original Application No. 329/2022

Pardeep Kumar

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 12.02.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vinay Godara, Adv.

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Balendu Shekhar & Ms. Tanisha Samanta, Advs. for CPCB (Through VC)

ORDER

1. In the original application, there is an allegation in respect of violation of environmental norms at Shamli, Uttar Pradesh by Respondents No. 4 and 5 brick kilns.

2. The Tribunal had constituted the Joint Committee and had considered the report of the Joint Committee and given opportunity of hearing to the Project Proponent. The action taken report on behalf of the Uttar Pradesh Pollution Control Board (UPPCB) has been filed on 19.12.2023 reflecting the position of Respondents No. 4 and 5 brick kilns as under:

“M/S. NAVBHARAT BRICK FIELD, VILL.BAMNOLI, UNCHAGAON, BLOCK KANDHLA, DISTT. SHAMLI

Closure of Brick Kiln	Brick kiln was found operational without having valid consent during inspection by UPPCB on dated
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	27.04.2019. • On Recommendation by the Regional Office, UPPCBHO issued closure order against the brick kiln on dated 31.05.2019 which is effective till now. Further, environmental compensation of Rs. 4,06,250/- was also imposed against the brick kiln. • During joint committee visit on dated 02.06.2022, brick kiln was found operational in violation of the closure direction. Hence, joint committee sealed the I.D. Fan of the brick kiln and closed the operation. • In compliance to Hon'ble NGT order dated 03.08.2022, UPPCB Officials re visited the brick kiln on dated 15.09.2022. During visit brick kiln found non-operational. • For ensuring that brick kiln does not operate till closure order is effective, all the passages for Raw/Red bricks entering/exiting were sealed during the visit. • Further, to ensure closure status of brick kiln, inspection was again conducted by UPPCB and revenue department on 25.01.2023. During inspection brick kiln was not in operation and the seal put by UPPCB was found intact. In compliance of H.O. order dated 20.10.2023, UPPCB inspected the brick kiln on dated 25.10.2023. During visit brick kiln found nonoperational and seal put by UPPCB was found intact. For the same, information sent to H.O. vide this office letter No. 714/OA No. 329/Pradeep Kumar/2023 dated 25.10.2023 (Annexure-1). Again brick kiln was inspected on dated 07.12.2023. During visit brick kiln found complying against the closure direction issued by State Board.
Imposition & Realization of Environmental Compensation	• Environmental Compensation of Rs. 4,06,250/- has been imposed against the brick kiln vide H.O. letter dated 21.11.2019 but has not been deposited by the unit. Hence on recommendation from Regional Office, UPPCB, H.O. Lucknow vide letter dated 10.08.2022 issued request letter to D.M. Shamli for recovery of Environmental Compensation Rs. 4,06,250/- as Land Revenue. • In compliance of Hon'ble NGT order dated 11.05.2022, during joint committee visit, brick kiln was again found operational due to which UPPCB Head Office Lucknow vide letter dated 26.08.2022 issued environmental compensation of Rs. 6,87,500/-. As the unit did not deposit environmental compensation, on recommendation by Regional Office, H.O. Lucknow requested to D.M. Shamli for recovery of Environmental Compensation of Rs. 10,93,750/- (Rs. 4,06,250 + 6,87,500) as Land Revenue vide letter dated 22.11.2022.
Prosecution of the proprietors	• As the brick kiln was found operational by the joint committee, violating the closure direction issued by H.O. letter dated 31.05.2019. Hence, UPPCBH.O. issued the legal notice of inspection for prosecution of brick kiln. • On dated 15.09.2022, UPPCB inspected the brick kiln and original copy of notice of inspection was served to Sh. Arshad, proprietor of Brick Kiln. Action has been initiated for Prosecution of the Brick Kiln.

**M/S SHIV BRICK FIELD (FORMERLY M/S CHAUDHARY BRICK FIELD),
VILL. ASADPUR JIDANA, BLOCK KANDHLA, DISTT. SHAMLI**

Closure of Brick Kiln	• In compliance of Hon'ble NGT order dated 11.05.2022, joint committee visited brick kiln on dated 02.06.2022. Brick kiln has been granted consent to operate till 31.07.2025. However, during visit, brick kiln was found operational in violation 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 & Others. Hence, Joint Committee sealed the I.D. Fan of brick kiln for closure of operation and Consent to operate has been revoked on 29.08.2022 by the Board. • Further, in compliance to Hon'ble NGT order dated 03.08.2022, UPPCB Officials re visited brick kiln on dated 15.09.2022. During visit brick kiln was found non-operational. • For ensuring that brick kiln do not operate, all the passages for Raw/Red bricks entering/exiting were sealed during the visit. • Further, inspection was again conducted by UPPCB and revenue department on 25.01.2023. During inspection, brick kiln was not in operation and the seal put by UPPCB was found intact. In compliance of H.O. order dated 20.10.2023, UPPCB inspected the brick kiln on dated 25.10.2023. During visit brick kiln found non-operational and seal put by UPPCB was found intact. For the same, information sent to H.O. vide this office letter No. 714/OA No. 329/Pradeep Kumar/2023 dated 25.10.2023 (Annexure-1). Again brick kiln was inspected on dated 07.12.2023. During visit brick kiln found complying against the closure direction issued by State Board.
Imposition & Realization of Environmental Compensation	• In compliance of Hon'ble NGT order dated 11.05.2022, during joint committee visit, brick kiln was found operational violating notification of MoEF&CC dated 22.02.2022 and the order of Hon'ble Supreme Court of India dated 07.03.22 in Civil Appeal Diary No. 18213/2021 titled as NCR Brick Kiln Association Vs Central Pollution Control Board & Others due to which, on recommendation, H.O. Lucknow imposed environmental compensation of Rs. 6,87,500/- vide letter dated 16.09.2022. As brick kiln did not deposit EC, Hence, on recommendation H.O. Lucknow issued request letter to D.M. Shamli for recovery of Environmental Compensation of Rs. 6,87,500/- as Land Revenue vide letter dated 22.11.2022

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3. The above report of UPPCB discloses that Respondents No. 4 and 5 brick kilns were found to be operating in violation of the environmental

norms and Environmental Compensation (EC) has been imposed and closure orders have been issued.

4. Learned Counsel appearing for the UPPCB has stated, on instructions, that in pursuance to these closure orders, Respondents No. 4 and 5 brick kilns have been closed down.

5. Now, the only issue relates to recovery of EC which has been imposed. Learned Counsel for UPPCB has informed that the proceedings are in progress to recover the EC.

6. Hence, OA is disposed of directing the concerned authorities to take appropriate action in accordance with law to recover the EC expeditiously. The Member Secretary, UPPCB is directed to file the report before the Registrar General of the Tribunal within three months disclosing the status of recovery of EC from Respondents No. 4 and 5 brick kilns 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.

7. If found necessary, the matter will be listed before the Bench for consideration.

8. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 12, 2024
Original Application No. 329/2022
DV.