

Item No.20

Court No. 1

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

Original Application No.497/2022

Sunny Yadav

Applicant

Versus

State of U.P. & 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**

Respondent: Mr. Arvind Kumar, Adv. for UPPCB (Through VC)
Mr. S.P. Singh, Senior Advocate with Ms. Divya Singhvi, Advs. for R - 1 to 3

ORDER

1. In this Original Application, registered on the basis of the letter petition, the grievance is in respect of illegal operation of the three brick kilns, namely, (i) Dayal Brick Kiln, Nagriya, District Mainpuri; (ii) Shiv Brick Kiln, Ghitoli, District Mainpuri; (iii) Govind Brick Kiln and Tiles, Devmai, District Mainpuri in violation of environmental norms. The Tribunal, considered the grievance raised in the OA, by order dated 29.08.2022 had constituted a Joint Committee and the report of the Joint Committee has been filed on 07.01.2023 reflecting the position of brick kilns in question as under:-

“3.0. Inspection and Monitoring of Joint Committee:

Committee carried out the inspection of these three brick kilns namely , i) M/s Dayal Brick and Tiles, Nagariya, District Mainpuri, (ii) M/s Shiv Ent Bhatta, Ghitoli, District Mainpuri and (iii) M/s Govind Brick Works, Devamai, District Mainpuri on 29.11.2022. During inspection only representative of brick kilns proponent was present. The applicant was informed to associate with joint committee and connected telephonically by UPPCB but applicant did

not associate with joint committee. Copy of communication with applicant is annexed as **Annexure-2**. Brick kilns wise salient observations and recommendations of inspection team are as below:

3.1_ Inspection of M/s Dayal Brick and Tiles:
3.1 _1.Observation:

1. M /s Dayal Brick and Tiles is located at Village Nagariya, Post Dharau, District Nlainpuri and owned by Sh. Lalit Verma.
2. The brick kiln is operational with valid consent granted since 08.01.2002 by UPPCB, copy of the consent in enclosed as **Annexure-3**.
3. The brick kiln has granted consent with installed capacity 20,000 bricks/day under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 by UPPCB which is valid up-to 31.07.2025
4. As per receipt of mining fee submitted to Directorate of Geology and Mining, Uttar Pradesh, 1.345 hectare land is allotted to brick kilns for mining in Financial Year 2022-23. Copy of receipt is enclosed as **Annexure-4**.
5. During visit the brick kiln was found non-operational and it is informed that firing will start from January 2023.
6. The brick kiln is based on zig-zag technology with installed ID fan.
7. The brick kiln does not have adequate stack monitoring facility i.e., proper platform, porthole and ladder.
8. Coal is being used as fuel for brick kiln firing and was stored in open covered with tarpaulin.
9. Internal roads within the premise of brick kilns were unpaved and causing fugitive emission while movement of vehicle.
10. Green belt is developed only two side of brick kiln and remaining two side of brick kiln have no green belt.
11. The brick kiln has one bore well for meeting requirement of manufacturing of green bricks. No flowmeter is installed at borewell and no permission from CGWA has been obtained for the same.
12. As per Lekhpal report, distance of habitation, Orchid, Schools, Petrol Pump, other nearest brick kiln, and National/ State Highway from brick kiln is as bellow:

S.N.	Parameter	Distance	
1.	Nearest habitation as village	North	Village-Lahra Mahuan 1500 m
		South	Village Mahmood Nagar, 600 m
		East	Village-Nagariya 300 m
		West	Village-Dharau, 600 m
2.	Nearest Orchid	No orchid	
3.	Nearest Brick kilns	Shiv parbha Eant Udhyog 3 km	
4.	Nearest School	Suditi Global Academy 300 m	
		Pt. Lakhpati Rai Jr. High School 120 m	

5.	Nearest Petrol Pump	Shanti filling station 2 K.m.
6.	Nearest State Highway	600 meter Devi Dharak bypass'

13. It is also observed that residential houses have been also constructed near brick kiln premise.

3.2. Inspection of M/s Govind Brick Works:

3.2.1.Observation:

1. M/s Govind Brick Works is located at Village Devamai, District Mainpuri and owned by Sh. Sunil Kumar Verma.
2. The brick kiln is operational with valid consent granted since 16.03.2005 by UPPCB, copy of the consent in enclosed as **Annexure-5**.
3. The brick kiln has granted consent with installed capacity 22,000 bricks/day under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 by UPPCB which is valid up-to 31.07.2024.
4. As per receipt of mining fee submitted to Directorate of Geology and Mining, Uttar Pradesh, 0.8138 hectare land is allotted to brick kilns for mining in Financial Year 2022-23. Copy of receipt is enclosed as **Annexure-6**.
5. During visit the brick kiln was found non-operational and it is informed that firing will start from January 2023.
6. The brick kiln is based on zig-zag technology with installed ID fan.
7. The brick kiln does not have adequate •stack monitoring facility i.e., proper platform, porthole and ladder.
8. Coal is being used as fuel for brick kiln firing and was stored in open covered with tarpaulin.
9. Internal roads within the premise of brick kilns were unpaved and causing fugitive emission while movement of vehicle.
10. No proper green belt is developed around the brick kilns.
11. The brick kiln has one borewell for meeting requirement of manufacturing of green bricks. No flowmeter is installed at borewell and no permission from CGWA has been obtained for the same.
12. As per Lekhpal report, distance of habitation, Orchid, Schools, Petrol Pump, other nearest brick kiln, and National/ State Highway from brick kiln is as bellow:

S.N .	Parameter	Distance	
1.	Nearest habitation as village	North	Village-Kodar 400 m
		South	Village- Paij, 270 m
		East	Village-Devamai 600 m
		West	VillageKapurpur, 1300m

2.	Nearest Orchid	No orchid
3.	Nearest Brick kilns	JSB Brick Field 2.2 km
4.	Nearest School	Primary School Devamai 700 m Maan Singh primary school 800 m
5.	Nearest Petrol Pump	Sohan filling station 3.6 K.m.
6.	Nearest State Highway	2.9 Km Mainpuri Shikohabad Marg

13. It is also observed that residential houses have been also constructed near brick kiln premise.

3.3. Inspection of M/s Shiv Ent Bhatta:
3.3.1.Observation:

1. M/s Shiv Ent Bhatta is located at Village Ghिताुलि, District Mainpuri and owned by Sh. Mamta Verma.
2. The brick kiln is operational with valid consent granted since 08.01.2002 by UPPCB, copy of the consent is enclosed as **Annexure-7**.
3. The brick kiln has granted consent with installed capacity 22,000 bricks/day under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 by UPPCB which is valid up-to 31.07.2024.
4. As per receipt of mining fee submitted to Directorate of Geology and Mining, Uttar Pradesh, 2.1750 hectare land is allotted to brick kilns for mining in Financial Year 2022-23. Copy of receipt is enclosed as **Annexure-8**.
5. During visit the brick kiln was found non-operational and it is informed that firing will start from January 2023.
6. The brick kiln is based on zig-zag technology with installed ID fan.
7. The brick kiln does not have adequate stack monitoring facility i.e., proper platform, porthole and ladder.
8. Coal is being used as fuel for brick kiln firing and was stored in open covered with tarpaulin.
9. Internal roads within the premise of brick kilns as well as link road were unpaved and causing fugitive emission while movement of vehicle.
10. No proper green belt is developed around the brick kilns.
11. The brick kiln has one borewell for meeting requirement of manufacturing of green bricks. No flowmeter is installed at borewell and no permission from CGWA has been obtained for the same.
12. As per Lekhpal report, distance of habitation, Orchid, Schools, Petrol Pump, other nearest brick kiln, and National/ State Highway from brick kiln is as bellow:

S.N.	Parameter	Distance	
1.	Nearest habitation as village	North	Village-Sindhpur 1500 m
		South	Village Ghिताुलि, 875 m

		East	Village-Kaderahar 1600 m
		West	Village Jaswantpur Nagar, 1200 m
2.	Nearest Orchid	No orchid	
3.	Nearst Brick kilns	M/s Yadav Brick Field 400 meters	
4.	Nearest School	Pury Madhyamik Vidyalaya Jaswantpur 570 m Primary School Madhupuri 640 meters Samrath Prithviraj Chauhan Mahavidyalaya Ghirauni- 590 meters	
5.	Nearest Petrol Pump	Jasvantpur filling station 1 K.m.	
6.	Nearest State Highway	315 meter	

4.0. Recommendation:

1. All the three brick kilns are established on or before 2005 based on applicable siting guideline of Jila Panchayat (Copy of guideline is enclosed as **Annexure-9**) and thereafter obtained consent under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 Act from UPPCB. However, these brick kilns are not meeting the new siting criteria **p**rescribed through the guideline notified by State of Uttar Pradesh on 2012
(Copy of notification is enclosed as Annexure-10).As per CPCB,while renewing the consent of brick kilns, siting criteria notified by State of Uttar Pradesh on 2012 should be verified and complied.
2. These brick kilns should not be allowed to operate without:
 - a) Providing adequate stack emission monitoring facility.
 - b) Obtaining NOC from State Ground water Department.
3. All the three brick kilns should have pucca road within the premise for vehicle movement to prevent fugitive dust emission. Link road for brick kiln namely M/s Shiv Ent Bhatta should be paved.
4. All three brick kilns should develop proper green belt as per consent to minimize dust emission.
5. Water sprinklers are required to be deployed for prevention of fugitive emission.
6. Fuel should be stored under proper shed to prevent fugitive emission.
7. Flow meter should be installed at borewell for better water Management.

8. *Environmental monitoring report which includes ambient air quality, stack emission monitoring required to submitted by Project Proponent on bi-monthly basis while in operation.”*

2. Learned Senior Counsel appearing for the above brick kilns has submitted that the response is ready but the same could not be filed on account of some difficulty faced in online filing. He has submitted that the recommendations made by the Joint Committee in the report submitted on 07.01.2023 have been fully complied with except for the issue relating to obtaining the permission from CGWA. Learned Senior Counsel has also informed that all the above three brick kilns are presently not operating.

3. Having regard to the above submissions, we direct the Joint Committee to carry out fresh inspection of the above three brick kilns and submit fresh report in respect of compliance status by these three brick kilns. Let the report be filed within eight weeks 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.

4. List on 22.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

February 12, 2024
Original Application No.497/2022
SN.