

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

Original Application No. 596/2022

Deepa Pal

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. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Avnish Pandey, Adv. for M/s Shakti Brick Field (Project Proponent)

ORDER

1. In this Original Application, registered on the basis of the letter petition, the grievance relates to illegal operation of Shakti Brick Field in Village Mau Khas Vikas Khand, Amroha, Tehsil Bhognipur, District Kanpur Dehat, Uttar Pradesh in violation of the environmental norms. The Tribunal considering the grievance raised in the OA, by order dated 19.09.2022, had constituted a Joint Committee to verify the factual position and submit the report.

2. The joint Committee had submitted the report on 24.11.2022 reflecting the position as under:-

“4.0 Salient Observations of Inspection:

- a) *M/S Shakti Brick Field, Village-Maukhas, Vikas Khand-Amraudha, Tehsil- Bhognipur, District- Kanpur Dehat (U.P.). was established in the Year 1991 and obtained first consent to operate vide UPPCB letter dated 06.02.2007. Copy of the CTO dated 06.02.2007 is attached herewith and marked as Annexure. No-2.*

- b) *The Uttar Pradesh Brick Kiln (sitting criteria for establishment) Rules, 2012 was notified on date 27.06.2012 & Earlier Zila Parisad's Guideline was being followed for sitting of brick Kiln in state of UP.*
- c) *During inspection, the brick Kiln was not in operation and representative of the brick kiln Shri Brahma Prakash Sachan present during inspection was informed that the Brick Kiln is not in operation since July 2022 due to off season.*
- d) *The brick kiln have obtained Consent to Operate under the section 21 of Air (Prevention and Control of Pollution) Act, 1981 and under the section 25 of Water (Prevention and Control of Pollution) Act, 1974 which are valid upto 31.07.2025 Copies of the issued CTOs are being attached herewith marked as Annexure. No-3.*
- e) *The production capacity of brick Kiln is 25,000 bricks/day. The brick Kiln is based on natural draft based technology using coal (approx. 03 TPD) as a fuel.*
- f) *It was found during inspection that stack of brick kiln was damaged due to fall of lightning and its maintenance work was going on speedy basis. It was directed by joint team to the representative of the brick kiln that monitoring arrangement of emission should be installed as per the CPCB Emission Regulation Guidelines.*
- g) *The fresh water requirement is approximately 10 KLD which is made from ground water through bore well but no metering arrangement was provided to said bore well.*
- h) *It was found during inspection that the brick Kiln has developed a little portion of green belt which is not adequate as per norms.*
- i) *The District Agriculture Officer, Kanpur Dehat vide letter dated 05.11.2022 has informed that no damage of agriculture crops was found due to above brick Kiln operation. Copy of the letter dated 05.11.2022 is attached herewith, marked as Annexure. No- 4.*
- j) *The Labour Enforcement Officer, Kanpur Dehat vide letter dated 04.11.2022 has informed that no child labour was found during his inspection of the brick kiln in question. Copy of the letter dated 04.11.2022 is attached herewith and marked as Annexure. No-5.*
- k) *The Mining Officer, Kanpur Dehat vide letter dated 04.11.2022 has informed that no illegal mining done by M/S Shakti Brick Field, Village-Maukhas, Vikas Khand-Amraudha, Tehsil - Bhognipur, District- Kanpur Dehat. Copy of the letter dated 04.11.2022 is attached herewith and marked as Annexure. No-6.*
- l) *SDM, Bhognipur, Kanpur Dehat vide letter dated 07.11.2022 has also informed that the brick kiln is established since 1991*

and that time the habitation was at the distance of 218 Meter from brick kiln. Brick kiln neither occupied the part of chak road nor damaged the chuk road, the copy of letter dated 07.11.2022 is attached herewith and marked as Annexure. No-7.

- m) No domestic effluent treatment arrangement was found during the inspection of brick kiln.*
- n) The UPPCB vide letter dated 31.10.2022 & 14.11.2022 had issued notice under section 21 (4) Air (Prevention and control of Pollution) Act-1981 to concerned brick kiln for entire compliance of the conditions mentioned in the CTO Air and CTO Water dated 26.08.2020 shall be cancelled with out given the another opportunity. Copy of the Notice dated 31.10.2022 & 14.11.2022 are attached herewith and marked as Annexure. No- 8.*

5.0 Recommendation:

Based on the observations stated above followings are the recommendations of the committee for the brick kiln:

- 1. The brick Kiln should complete the maintenance work of stack along with arrangement for monitoring of flue gas from the stack as per the CPCB Emission Regulation Guidelines prior to start of next season at least before one week.*
 - ii. The brick Kiln should install water metering device at the bore-well and maintain log book of fresh water consumption with immediate effect.*
 - iii. The brick kiln shall construct/install wind breaking wall of 03 meter height around the premises with out any delay.*
 - iv. The brick Kiln should with out any delay develop an adequate green belt along the periphery of brick kiln for control of fugitive emission as well as dust control.*
 - v. The brick Kiln should make arrangement for the treatment of domestic effluent and for this purpose prepare project report should be submitted within 15 days.*
 - vi. The brick Kiln should submit time bound action plan within a month for compliance of MoEF& CC, Govt. of India notification G.S.R. 143 (E), dated 22.02.2022.”*
- 3. Learned Counsel appearing for the project Proponent has submitted that M/s Shiv Shakti Brick Kiln is lying closed since July, 2022, it is converting into zig-zag technology and is taking steps to comply with all the recommendations made by the Joint Committee and remove the deficiencies which have been noted in the report of the Joint*

Committee. He has submitted that the unit will complete the said process within two months. It is also informed that the CTO which is granted to the two units is valid upto 31.07.2025.

4. In view of the above statement of Counsel for the Project Proponent, the OA is disposed of directing the joint Committee to carry out fresh inspection of the Project Proponent unit in the last week of April 2024 and submit fresh inspection report before the Registrar General of the Tribunal showing the compliance position 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 and if found necessary, the matter will be listed before the Bench for consideration.

5. So far as past violations are concerned, UPPCB will take appropriate actions and will submit a report in this regard within two months before the Registrar General of the Tribunal 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 and if found necessary, the matter will be listed before the Bench for consideration.

6. The Original Application stands disposed of accordingly.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 12, 2024
Original Application No. 596/2022
SN.