

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(By Video Conferencing)
Original Application No. 596/2022

Deepa Pal

...Applicant

Versus

State of U.P.

...Respondent

Date of hearing: 19.09.2022

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

Application is registered based on a Letter Petition received by Email.

ORDER

1. This present letter petition has been received, by email and treated and registered as Original Application. The grievance in this application is regarding illegal operation of Shakti Brick field in village Mau Khas Vikas Khand, Amroha, Tehsil Bhognipur, District Kanpur Dehat, Uttar Pradesh against the environmental norms causing environmental pollution posing serious health hazards to residents of the locality and damaging agricultural crops.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of State, PCB, District Magistrate, Kanpur, Dehat and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The Project Proponent to enable him to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file his response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF ; and

(ii) the State PCB and District Magistrate Kanpur Dehat to enable them to take appropriate remedial action in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice

to/hearing the project proponent and following due process of law and they shall submit their action taken reports separately within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. In view of the averments made we also consider it appropriate to have response of (1) State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh (2) State PCB, (3) District Magistrate, Kanpur Dehat and (4) Shakti Brick field, village Mau Khas Vikas Khand, Amroha, Tehsil Bhognipur, District Kanpur Dehat, Uttar Pradesh who stand impleaded as respondents No. 1 to 4. Notice of the application be issued to the respondents No.1 to 4 requiring them to file their response/ reply to the averments made in the application besides their response/objections to the observations made in the report of Joint Committee within two month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. List for further consideration on 13.01.2023

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the State, PCB and District Magistrate by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 19, 2022
AG