

Item No.3

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 273/2022
(I.A. No. 242/2022 to I.A No. 250/2022)

Gyanendra Pandey

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 29.09.2022

Applicant: M Mr. M.Qayam-Ud-Din, Ms. Smerity Rani, Advocates
(for impleadment in I.As)

Respondents: Mr. Daleep Dhyani, Advocate for State PCB.
Dr. Ram Karnan, CEO, HO, UPPCB.

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

Application is registered based on a complaint received by Email.

ORDER

1. The grievances in this letter Petition sent by Mr. Gyanendra Pandey resident of Raipurganj, Tehsil Laharpur, District Sitapur, Uttar Pradesh are that there are approximately 280 brick kilns operational in Sitapur District, out of which 42 are illegally operating without valid consent from State PCB and other concerned authorities. These 42 illegal Kilns are mainly operational in surroundings of Sitapur District like 24 in Laharpur Tehsil, 14 in Mahmoodabad Tehsil, 2 in Sidhauri Tehsil and 1 each in Mishrikh

-2-

and Sitapur tehsil thereby causing air pollution and various diseases in inhabitants of the said area.

2. Vide order dated 07.04.2022, this Tribunal constituted a Joint Committee comprising of the CPCB, State PCB and District Magistrate, Sitapur and directed the same to submit factual and action taken report within two months.

3. In compliance thereof, Dr. Ram Karan, Chief Environmental Officer, Circle-5, UPPCB has filed the report of the Joint Committee vide letter dated 06.09.2022 through email dated 06.09.2022.

4. In view of the averments in the application and observations/recommendations in the report of the Joint Committee, we 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, Sitapur, and (4) all the 44 Project Proponents, who stand impleaded as respondents No. 1 to 47. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 47 requiring them to file their reply/response to the averments in the application and observations/recommendations in the report of the Joint Committee within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Notice be served on all the 44 Project Proponents through District Magistrate, Sitapur and for this purpose notice issued to all the 44 Project Proponents be sent to the District Magistrate, Sitapur by E-mail for getting service of the same effected on them and sending his report in this regard.

6. Mr. Daleep Dhyani, Advocate accepts notice on behalf of the State PCB and seeks time to file reply/response on behalf of State PCB.

-3-

Reply/response on behalf of State PCB be file within two months as directed above.

7. Mr. M. Qayam-Dd-Din, Advocate has filed I.A Nos. 242/2022 to 251/2022 for impleadment of Project Proponents, details of which are as under:

Sr. No.	I.A No	Name of applicant seeking impleadment	Serial Number at which name of the applicant appears in the report of the Joint Committee
1	242/2022	Chand Brick Field, Vill-Ganeshpur Newada, Laharpur, Siapur	35
2	243/2022	Gazi Ent Bhatta Vill-Kalabahadur, Laharpur Sitapur	9
3	244/2022	Gold Brick Field (New Name NG Brick Field) Vill-Gauriya Meeranagar, Mehmudabad, Sitapur	25
4	245/2022	Maa Vaishno Brick Field Vill-Madan Behar, Mahmudabad, Sitapur	22
5	246/2022	Royal Brick Field Vill-Patti, Katesar, Sitapur	38
6	247/2022	Kishan Brick Field Vill-Navinagar, Laharpur, Sitapur	23
7	248/2022	New Gold Brick Field Vill-Vaka Nagar, Mahmudabad, Sitapur	27
8	249/2022	Jai Maa Durge Brick Field Vill-Kalabahadur Near Police Chowki, Mehdipurwa, Sitapur	33
9	250/2022	Aman Brick Field, Devdehdeeh, Bisawan Khurd, Sitapur (U.P)	32
10	251/2022	Phool Brick Field Vill-Nigohan Laharpur, Sitapur	17

8. Since all the 44 Project Proponents/Brick Kilns stand impleaded as respondents No. 4 to 47, all the above said interim applications for impleadment have become infructuous and stand disposed of accordingly.

9. List for further consideration on 13.01.2023.

Arun Kumar Tyagi, JM

September 29, 2022
AG

Dr.Afroz Ahmad, EM