

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

Original Application No. 819/2022
(I.A. No. 281/2022 & I.A. No.715/2023)

Abhishek Panwar

Applicant

Versus

UPPCB & Ors.

Respondent(s)

Date of hearing: 22.04.2024

**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)

ORDER

1. In this Original Application, applicant has raised a grievance against illegally operating brick kilns in District Saharanpur which are creating pollution and causing harm to the environment. As per the averment made in the OA, there are around 263 brick kilns established in District Saharanpur, out of which several are without CTO and are violating the environmental norms. The Tribunal had earlier called for a report which was filed by the UPPCB on 09.12.2023 disclosing the status of the brick kilns in the area concerned and also revealing that several such brick kilns were operating without CTO. Hence, the Tribunal had granted time to the Counsel for UPPCB to disclose the action taken against the brick kilns operating without CTO and without complying with the environmental norms.

2. Fresh action taken report has been filed by UPPCB on 20.04.2024 disclosing the status of defaulting brick kilns in District Saharanpur as under:-

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1. *There are 263 Brick kilns have been identified in the district Saharanpur. out of which 86 Brick kilns have installed/converted to high draft with zig-zag setting. Out of 263 Brick Kilns, 214 Brick Kiln have Valid CTO, 03 brick kilns have been dismantled and 17 are self closed.*
2. *The Regional office, U.P. Pollution Control Board, Saharanpur has been carrying out inspection from time to time of the Brick Kilns. Till now, Regional Office, Saharanpur has inspected 49 Brick Kilns and initiated actions against those brick kilns which were found defaulters.*
3. *Remaining 29 Brick kilns do not have valid CTO which are defaulter. As on date UPPCB have issued total closure order to 29 Brick Kilns by the Board under the provisions of Air (Prevention and Control of Pollution) Act, 1981. The details of action taken against the total defaulter brick kilns is mentioned in the annexure I.*
4. *At the time of inspection the defaulter 29 Brick Kilns were found closed in compliance of the closer order.”*

3. The report filed by the UPPCB does not disclose any action of imposition of EC against defaulting brick kilns for their past violations. As per the report, 49 brick kilns are found to be defaulters, out of which three have been dismantled, 17 are self-closed and 29 do not have the valid CTO and have been found to be closed in terms of the closure order. Since for these 29 brick kilns, closure order has already been issued. Hence, only surviving issue in the OA relates to imposition of EC for past violation on the brick kilns who were found to be the defaulters.

4. Hence, Member Secretary, UPPCB is directed to ensure the requisite action in accordance with law for imposition of EC on the above brick kilns who have been found to be defaulter and submit action taken report regarding imposition of EC/recovery/prosecution before the Registrar General of the Tribunal within three months 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 may be listed before the Bench.

5. The application is accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 22, 2024
Original Application No. 819/2022
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