

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

Original Application No. 837/2022
(I.A. No. 294/2022, I.A. No. 764/2023 & I.A. No. 766/2023)

Suntera Singh Yadav

Applicant

Versus

UP Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 06.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sidhinath Singh Sengar, Adv. for Applicant (Through VC)
Mr. Sanjay Upadhyay, Mr. Shubham Upadhyay & Ms. Arushi Malik, Adv.
in I.A 764 & 766/2023

Respondent: Mr. Arvind Kumar, Adv. for UPPCB (Through VC)

ORDER

1. In the Original Application, I.A. No. 764/2023 has been filed by Aligarh Zig-Zag Brick Kilns Owners Association for impleadment in the OA and I.A. No. 766/2023 is on behalf of the proposed party seeking certain directions.

2. The submission of the learned Counsel for the applicant is that since the applicant is effected by the operation of the brick kilns in the District concerned, which are subject matter of the present OA, therefore, the applicant should be allowed to be impleaded in this OA and a direction is required for operation of the brick kilns in the District concerned to operate upto June only, that too by following the Zig-Zag Technology as per the Hon'ble Supreme Court order.

3. Having heard the learned Counsel for the applicant, we find that the issue in this OA is confined to Districts Etah, Firozabad, Kasganj, Hathras,

Agra, Manipuri and Etawah whereas the applicant is an Association of owner of the Brick Kiln at Aligarh which is not a District under consideration in this OA. The Tribunal is considering the prayer made in the OA for direction to the UPPCB and State of UP for taking action against the Brick Kilns which are operating in the Districts mentioned above without following due process of law. The concerned authorities are already before the Tribunal to place the factual position on record. The applicant i.e. Association of Zig-Zag Brick Kilns Owners, Aligarh is neither a necessary nor a proper party and the OA can be effectively and fully decided even without impleading the applicant. The impleadment of the applicant will lead to an adversarial litigation and *inter-se* dispute between the applicant which is to be impleaded as respondent and the other units which are under consideration before the Tribunal in respect of the Districts very much different from the District wherein the applicant is operating.

4. In the aforesaid circumstances of the case, to avoid any unnecessary complication in the OA, we do not deem it proper to accept the prayer for impleadment. Hence, I.A. No. 764 is rejected. Consequently, I.A. No. 766/2023 is also rejected.

5. However, it will be open to the applicant to file a separate OA, if the applicant so desire in respect of the cause of action which is reflected in I.A. No. 764/2023.

6. List the matter on 21.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 06, 2023

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