

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 114/2013 (THC) (CZ)**

**Pramod Sharma & Ors. Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant/Intervener : Mr. Shantanoo Saxena, Advocate**

**Rajasthan State : Mr. Sachin Verma, Advocate**

**Rajasthan PCB : Mr. Sandeep Singh, Advocate**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 4 3<sup>rd</sup> July, 2014</b>	<p style="text-align: center;"><b><u>M.A. No. 313 to 318/2014</u></b></p> <p>Heard. Perused.</p> <p>This set of applications has been moved for giving urgent hearing to the Applicants and for modifying the order dated 21<sup>st</sup> April, 2014 in order to permit the Applicants to file applications for obtaining consent for operating brick kilns before the Rajasthan State Pollution Control Board under Air (Prevention &amp; Control of Pollution) Act, 1981 and Water (Prevention &amp; Control of Pollution) Act, 1974 and to seek directions for their expeditious disposal and in the meanwhile for suspending the coercive action as envisaged by the Rajasthan State Pollution Control Board against them.</p> <p>Learned counsel for the Applicants points out that the following directions were passed by this Tribunal on 21<sup>st</sup> April, 2014 : -</p> <p><i>“(III) in case of those units which are sanctioned by the District Administration/Revenue Department but not obtained consent from the RSPCB immediate action shall be taken to give notice to them to obtain the consent within 60 days from the date of this order and in case no consent is obtained within 60 days, the kilns shall be ordered to be closed in consultation with the District</i></p>

*Administration/Revenue Department and the District Administration shall provide all the necessary assistance in this regard to the PSPCB”.*

In the light of the above directions, he submits that it was incumbent upon the State Pollution Control Board to have given notice to them to obtain consent within 60 days from the date of the order and in case no consent was obtained within the time prescribed, the brick kilns were to be ordered to be closed in consultation with the District Administration/Revenue Department. He submits that this direction has not been followed by the SPCB in letter and spirit and the Applicants are unduly exposed to the coercive action by serving closure notice. He further submits that the Applicants are prepared to move necessary applications for obtaining consent before the State Pollution Control Board within two weeks and the said applications be considered and disposed of in accordance with law by the SPCB as expeditiously as possible and during the interregnum the coercive action of the closure of the brick kilns be suspended.

Learned counsel for the State Pollution Control Board makes a statement that they are prepared to hold on the coercive action for the period required for disposing of the applications for obtaining consent moved by the Applicants, if any such applications are made within two weeks and are granted liberty to dispose of such applications in accordance with law and as per the directions passed in the last order dated 21<sup>st</sup> April, 2014.

In view of the above statement, following directions are passed: -

. The Applicants shall duly move applications for obtaining consent under Air Act and Water Act on or before 17<sup>th</sup> July, 2014 and the said applications shall be disposed of by the Rajasthan State Pollution Control Board in the light of the directions passed by this Tribunal in order dated 21<sup>st</sup> April, 2014 in accordance with law

In view of the above, these M.As. stand disposed of with no order as to costs.

**Original Application No. 114/2013**

List on 31<sup>st</sup> July, 2014.

.....JM  
(U.D. SALVI)

.....EM  
(P.S.RAO)

