



1. The respondent no. 5, 6, 7 and 8 shall make necessary applications along with proposal in form no. 1 and all necessary documents within 10 days from today to the committee constituted by the State Government.
2. On receipt of such application in proper form, the committee shall decide the issue after giving opportunity to the parties as expeditiously as possible in any event within 20 days from the date of receipt of such application. This order we issue on the basis that under the EIA notification of 2006, in so far as it relates to the projects which are categorized as B item no. 8A of the schedule, it shall not require scoping and the same will have to be appraised on the basis of form no. 1 and the conceptual plan and that EIA report as well as public hearing are not required in respect of B projects.
3. On passing of such order by the State Level Committee the respondent no. 5 to 8 shall act in accordance with the same.

It is now brought to the notice of the Tribunal that in the State of Jammu and Kashmir, there are large number of brick kilns owners who are digging the earth to a very large extent even running to 50 feet and he also submits that such digging takes place without approval from any authority.

The learned counsel appearing for the SPCB would fairly submit that she would direct the said authority to inspect all units and take appropriate action to close down those units which are carrying on digging activities without appropriate permission. We also make it clear that in the event of closure of those units, the units are entitled to file necessary application in form no. 1 for the purpose of consent in which even the State Level Authority shall decide in accordance with law.

The learned counsel appearing for respondent no. 8 would submit that the name of brick kiln was wrongly mentioned and

it should be Swastik Brick Kiln. The said statement is recorded.

We make it clear that in addition, the Committee (SEIAA/SEAC) shall act as per the provisions of the EIA notification in respect of the distance of the international boundaries and the existing brick kilns. Accordingly, the application stands closed. Since the O.A. stands closed, the Miscellaneous Application No. 138/2014 is not necessary and the same stands closed.

....., JM  
(Dr. P. Jyothimani)

....., JM  
(M.S. Nambiar)

....., EM  
(Dr. G.K. Pandey)

....., EM  
(Prof. (Dr.) P.C. Mishra)

....., EM  
(Ranjan Chatterjee)

