

Item No. 03

Court No. 2

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

(By Video Conferencing)

Original Application No. 783/2022
(I.A. No. 269/2022)

Ajay Kumar

Applicant

Versus

Uttarakhand Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 04.11.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sanjeet Paliwal, Advocate

ORDER

1. Heard Shri Sanjeet Paliwal, learned Counsel for the applicant and perused records.
2. This is an original application under Sections 14 and 15 of the National Green Tribunal Act, 2010 alleging that in District Haridwar, Uttarakhand, a large number of brick kilns are operating illegally without having requisite consent/NOC/Clearance from the appropriate Statutory Regulators under the provisions of Water (Prevention and Control of Pollution) Act, 1981, Air (Prevention and Control of Pollution) Act, 1974 and the Environmental (Protection) Act, 1976. It is stated that in the State of Uttarakhand most of the area is hilly terrain and the plain area mostly comprises District Haridwar. More than 190 brick kilns are operating in the area without complying with the requirement of

environmental norms and laws in as much as the most of the brick kilns do not have any valid consent/NOC/clearance from the concerned Statutory Regulators and have not followed or applied zig zag technology in running their brick kilns. An information received from RTI is also placed on record to show that out of 195 brick kilns identified by State PCB, only 14 brick kilns have valid consent and rest are operating illegally, still no action has been taken by officials of State PCB.

3. In our view a substantial question of environment relating to implementation of the enactments mentioned in the Schedule to NGT Act, 2010 has arisen but before taking any final decision in the matter or a decision on merits we find it appropriate to obtain a factual report for which we constitute a joint Committee comprising Uttarakhand State PCB and District Magistrate, Haridwar who shall submit a factual report within one month 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.

4. The report shall also give particulars as to what remedial or preventive action has been taken against brick kilns running illegally in District Haridwar. The report besides others, shall also give relevant facts on the aspects of citing criteria, and air carrying capacity in accordance with the MoEF&CC Notification dated 22.02.2022.

5. Besides, State PCB-Respondent No.1 shall also submit a response to explain, when they have identified 195 brick kilns running in District Haridwar out of which only 14 brick kilns have valid consent, why appropriate action under environmental laws and other relevant statutes have not been taken against such illegally running brick kilns and if any action has been taken, details thereof shall be furnished.

6. We also find that a list of 195 brick kilns operating in District Haridwar has been appended as Annexure 10 to the original application out of which 14 have valid consent but zig zag technology has not applied by any of them. These brick kilns are necessary to be implemented as respondents in the original application. Learned counsel the applicant prays for and is allowed three days' time to file appropriate application in this regard which shall be considered on the next date.

7. I.A. No. 783/2022. We do not find any reason to pass ex-parte interim order at this stage. The I.A. is accordingly disposed of.

8. List the O.A. on 12.12.2022.

9. A copy of this order be forwarded to State PCB and District Magistrate, Haridwar by email for compliance.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

November 04, 2022
O.A. No. 783/2022
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