

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

Original Application No. 1088/2018
(I.A. No. 98/2019, I.A. No. 100/2019, I.A. No. 101/2019, I.A. No.
119/2019 & I.A. No. 266/2019)

Dinesh Chahal & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 30.07.2019

(Report filed in O.A. No. 1088/2018 with I.A. No. 98/2019 & I.A. No. 100/2019 for impleadment as party respondents, I.A. No. 101/2019 for reviewing order dated 07.01.2019, I.A. No. 119/2019 for initiating proceedings for non-compliance of order dt. 07.01.2019 & I.A. No. 266/2019 for early hearing and appropriate directions)

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

Mr. Jagat Singh, Mr. Dalip Singh, Mr.
Nakul Baisoya, Advocates

For Respondent (s):

Mr. Shlok Chandra, Ms. Roopali
Wadhwan, Advocates for CPCB
Mr. Kumar Rajesh Singh, Advocate for
MoEF&CC
Mr. Jitesh Malik, Advocate for Mr. Hitesh
Malik in I.A. No. 98/2019
Mr. Rahul Khurana, Advocate for State of
Haryana & HSPCB

ORDER

1. Question for consideration is remedying the pollution caused by the brick kilns in the State of Haryana in the wake of the order issued by

the Director, Food, Civil supplies and Consumers Affairs, Government of Haryana, Chandigarh – Respondent No. 3 extending time limit for adoption of Zig Zag Technology for running of the brick kilns upto 31.07.2019 without any scientific study and without any safeguards.

2. Having regard to the potential for air pollution resulting in deaths and diseases, regulatory directions are required against the operation of brick kilns. However, the Director, Food, Civil supplies and Consumers Affairs allowed the brick kilns to be operated in non-NCR area without any study or the impact in the air quality and without safeguards which is the grievance in the present case.

3. Accordingly, vide order dated 30.04.2019, this Tribunal directed as follows:

“9. We are satisfied that in absence of any study in spite of orders of this Tribunal dated 21.02.2019, it will be hazardous to permit operation of the brick kilns in view of acknowledged adverse impact on the air quality. At the same time, we direct the State of Haryana and the CPCB to undertake study of air quality carrying capacity assessment and impact of operation of the conventional brick kilns using agri-residue at the earliest and furnish a report to this Tribunal. CPCB will be the nodal agency. If burning of crop residue helps the situation, the same may be studied and report submitted. Mechanism be suggested to ensure that only crop residue is used for firing when conventional brick kilns are operated. We note that impugned order is not limited to kilns using crop residue. The order applies to every kiln without any restriction or safeguard. The same will have to be modified to that extent.”

4. The report furnished today by the CPCB is not adequate in terms of the order of this Tribunal. Realizing this state of affairs, learned Counsel for the CPCB as well as the officers of the CPCB who are

present seek further time to file a proper report which may enable this Tribunal to assess the information whether such brick kilns can be allowed by using crop residue or otherwise, apart from the brick kilns operating by using zig zag technology.

5. The study may be carried out in comparable area. It is stated that the study requires three months. The CPCB may in its report indicate the location/area and names of the brick kilns where study has been carried out.
6. Though operation of order was only till 31.07.2019 which was stayed by this Tribunal, the studies may still be helpful for regulating the working of brick kilns.

List for further consideration on 20.11.2019.



Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 30, 2019

Original Application No. 1088/2018

(I.A. No. 98/2019, I.A. No. 100/2019, I.A. No. 101/2019, I.A. No. 119/2019 & I.A. No. 266/2019)

DV