

Item No.15

Court No. 1

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

Original Application No.594/2022

Syed Riyaz

Applicant

Versus

Union Territory of J&K

Respondent

Date of hearing: 02.02.2024

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

Respondent: Mr. Waseem Mohd. Dar Law Officer, J & K PCC (through VC).

ORDER

1. Tribunal in the previous proceedings dated 04.01.2024 had recorded that by order dated 05.10.2023, J&KPCC was directed to file additional report regarding compliance status of all brick kilns and the Member Secretary, J&KPCC was directed to appear before the Tribunal through VC with relevant record.

2. In compliance, thereof, additional report by Member Secretary, J&KPCC was filed but the same was found to be lacking in the information sought. Hence, Member Secretary, J&KPCC was directed to file a detailed report. On 04.01.2024, interim direction to the following effect was issued:-

“7. All the concerned District Magistrates and the Superintendents of Police in the UT of Jammu and Kashmir are directed to ensure that no brick kiln is set up and operated without obtaining CET/CTO from JKPC and without due compliance with environmental norms.”

3. Compliance status of brick kilns in J&K has been filed by Member Secretary, J&KPCC reflecting the position of brick kilns as under:-

“1. The Summary of updated compliance status of all Brick Kilns in J&K as on 20-01-2024 is as follows:-

- i) Total No. of Brick Kilns in J&K-570.*
- ii) Brick Kilns functional with Consent - 196.*
- iii) Brick Kilns without Consent - 132*
- iv) Closure orders issued by J&K Pollution Control Committee - 146.*
- v) Brick Kilns applied for Consent and is under process at various stages for accord of consent- 147.*

The detailed list of compliance status of all Brick Kilns in J&K is appended as Annexure 'A' and list of closure orders issued is appended as Annexure 'B' and list of brick kilns applied for consent is appended as Annexure 'C'.”

4. Above information disclosed in the report reveals that there are at least 132 brick kilns operating without consent.

5. Law officer of J&K PCC has appeared virtually and has submitted that Member Secretary, J&K PCC has been transferred and two Regional Officers have also been transferred. Therefore, for want of any competent officer he is appearing virtually representing J&KPCC. This reflect sorry state of affairs showing that there is no responsible officer available in the J&K PCC.

6. 132 brick kilns are operating without consent in contravention of the direction of the Tribunal dated 04.01.2024 wherein concerned officers of J&K PCC were directed to ensure that no brick kiln is set up and operated without obtaining Consent to Establish(CTE)/Consent to Operate (CTO) from J&KPCC and without due compliance of environmental norms.

7. In the report dated 20.01.2024 nothing has been disclosed as regards the action which has been taken against 132 brick kilns operating without consent. Hence, we deem it proper to issue notice to Principal Secretary, Department of Environment, J&K requiring him to file response disclosing action taken for proper functioning of J&K PCC and also action taken against the brick kilns which have been set up and are operating without CTE/CTO and without following environmental norms.

8. Let response be filed by Principal Secretary, Department of Environment, J&K at least one week before the next date of hearing 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.

9. List on 08.04.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 02, 2024
Original Application No.594/2022
JG.