

Item No. 01

Court No. 1

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

Original Application No. 221/2023
(I.A. No. 111/2023)

Mahendra Singh

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 11.04.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Subhash Chand Tomar, Advocate

ORDER

1. Grievance in this application is against continued violation of environmental norms in the operation of M/s. OPN Brick Udyog and M/s Shiv Ent Udyog in District Mathura, Uttar Pradesh, the Project Proponents (PPs).

2. Case of the applicant is that vide order dated 9.5.2022 in OA No. 93/2021, *Mukesh Kumar Aggarwal vs. Central Pollution Control Board & Anr.*, this Tribunal issued directions for compliance of environmental norms by brick kilns in Mathura District in the light of Notification of the Central Government dated 22.02.2022 and order of Hon'ble Supreme Court dated 08.04.2022 in Civil Appeal Diary No.-18213/2021, *NCR Brick Kiln Association Vs Central Pollution Control Board & Ors.* In its report filed in OA No. 93/2021, joint Committee found that the brick kilns had failed to convert to zigzag technology, they were not maintaining proper

housekeeping, they were operating beyond the carrying capacity of air in the area. They have failed to develop buffer zone of wide green cover, as required. They were not doing water sprinkling on earthen surface inside the brick kilns. They were not using permissible fuel. Following recommendations are reproduced below:

“Recommendations:

- *There is need to convert all old FCBTK (natural draft) Brick Kiln units in to improved zig-zag Kilns with induced draft technology, as soon as possible.*
- *Strict compliance of the siting criteria as per the Uttar Pradesh Brick kiln (Siting Criteria For Establishment) Rules, 2012 (UP Govt. notification no. 921/55-parya/12-94(parya)/2012 Dated: June 27, 2012. The Brick kiln units, which are not as per the siting criteria norms, may be relocated.*
- *The housekeeping at Brick Kiln units needs to improve. Approach road and moving areas around the Brick Kiln needs to be paved properly to minimize the fugitive dust emissions.*
- *As per the AAOM data of Mathura district and calculation for Supportive Carrying Capacity of the air, maximum no. of brick kiln may permitted during different months in Mathura district is as per Table.4. However, competent authority may take the decision and may issue directions for the operation of Brick Kiln Units and compliance of norms.*
- *The unit operators should develop a buffer zone of wide green cover along the periphery to arrest fugitive particulate matter from spreading out.*
- *There should be arrangement for water sprinkling on earthen surface inside the premises of Brick Kiln units during operational hours.*
- *Display board with all the details should be fixed at the entrance of the unit.*
- *Appropriate provision for stack emission monitoring at the stack should be provided.*
- *Only permissible fuel should be used for running Brick Kilns and need to store properly at the site.*
- *A standard operating procedure (SOP) should be formulated and training should be given to workers (firemen and brick setters) for operating Brick Kilns efficiently.”*

3. Further, vide order dated 21.11.2022 in OA No. 837/2022, *Suntera Singh Yadav vs. UP Pollution Control Board & Ors.*, this Tribunal dealt with identical issue with reference to polluting brick kilns of Kasganj, Hathras, Etah, Firozabad, Agra, Etawah, and Mainpuri in UP.

4. It is alleged that the PPs and many other brick kilns are not adhering to the siting guidelines and are also not complying with consent conditions and air quality norms.

5. In view of above, let the State PCB and District Magistrate, Mathura verify the factual position and take remedial action, following due process of law. An action taken report may be filed within two months 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. A copy of the report may also be furnished to the PPs for their response, if any, before the next date.

6. IA No. 111/2023 for *ex-parte* stay cannot be entertained at this stage and will stand disposed of in terms of above order in the main application.

List for further consideration on 14.07.2023.

A copy of this order be forwarded to State PCB and District Magistrate, Mathura by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

April 11, 2023
Original Application No. 221/2023
(I.A. No. 111/2023)
DV