

Item No. 07

Court No. 1

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

Original Application No. 309/2022

Rambharose Tomar

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 12.02.2024

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

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Ankit Verma, Adv. for the State of UP

ORDER

1. The Tribunal had registered this original application on the basis of the letter petition raising the issue relating to illegal operation of brick kilns in Hapur, Uttar Pradesh and had called for the report from the Joint Committee.

2. After considering the report of the Joint Committee, the Tribunal in proceedings dated 01.11.2022 had widened the scope of the matter and had required the Uttar Pradesh Pollution Control Board (UPPCB) to inform about establishment of the brick kilns in the State of UP which were complying with the environmental norms and action taken against the defaulters.

3. Accordingly, UPPCB had submitted the report dated 31.03.2023 which was considered by the Tribunal in the proceedings dated 21.12.2023 and it was noted that though the report reflects the defaulting brick kilns and closure orders, but the reports did not reflect

action which has been taken against all 7880 defaulting brick kilns and the proceedings after issuance of closure orders against 7466 defaulter brick kilns and outcome of the show cause notice issued to 414 defaulting brick kilns. Accordingly, time was granted to the Counsel for UPPCB for filing further report disclosing action taken in the meanwhile.

4. A report was filed by the UPPCB on 09.02.2024 stating that there are 19718 brick kilns established in the State, out of which 11838 brick kilns have obtained Consent to Operate (CTO) and 7880 brick kilns have not obtained valid CTO from the Board under the Air (Prevention and Control of Pollution) Act, 1981 (Air Act, 1981). Out of 7880 defaulter brick kilns, the Board had issued closure orders against 7466 defaulter brick kilns.

5. The updated information disclosed in the fresh report showing the position as on 31.12.2023 reflects that out of 19718 brick kilns established in the State, 12728 brick kilns have valid CTO and 6990 brick kilns have not obtained valid CTO under the Air Act, 1981 and closure orders in respect of 6990 defaulter brick kilns have been issued under the Air Act, 1981.

6. The report mentions that the closure orders against the defaulter brick kilns have been issued with a direction to the respective District Magistrates and District Heads of Police for implementation of the closure orders. The report does not disclose the final action in terms of the closure orders and number of brick kilns which have actually been closed down in pursuance of closure orders.

7. Learned Counsel appearing for the State of UP seeks four weeks' time to place on record the status of the brick kilns against whom closure

orders were issued and number of brick kilns which have been closed down in pursuance to those closure orders.

8. List on 22.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 12, 2024
Original Application No. 309/2022
DV