

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 12/2018 (EZ)

(I.A. No. 05/2020 & I.A. No. 06/2020)

Anurup Panda

Applicant(s)

Versus

Member Secretary, WBPCB & Ors.

Respondent(s)

Date of hearing: 28.01.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Ms. Debanjana Ray Chaudhuri, Advocate  
(in I.A. Nos. 05/2020 & 06/2020)  
Ms. M.G. Yogdama and Mr. Subhash  
Chandran K.R. Advocates (in O.A. No.  
12/2018)

For Respondent (s): Mr. Sibojyoti Chakraborti, Advocate for  
Respondent No. 1.  
Mr. Bikas Kargupta, Advocate for  
Respondent Nos. 2 & 3.

**ORDER**

1. This case was instituted based on the allegation that an unauthorised brick kiln was being established in village Khejuri, District Purba Medinipur, West Bengal. On 25.04.2018, State Pollution Control Board (PCB) was directed to inspect the brick kiln in question and after verifying correctness of the allegations to submit a report and further that if the brick kiln was found to be

non-compliant, appropriate steps be taken in accordance with law against the said brick kiln.

2. The report submitted by the State PCB which was considered on 19.02.2019 reveals that the allegations were not based on the correct facts, this was also supported by the learned counsel for the State. However, before disposing off the matter, we had issued direction upon the State and the State PCB to submit a report as to whether the Zig Zag Technology had been adopted in the State as directed by the Central Pollution Control Board (CPCB) in its guidelines. So far as the State of West Bengal, is concerned, specific instructions were issued *vide* letter dated 20.06.2017.
3. Affidavits were filed by the State of West Bengal and the State PCB pursuant to this direction.
4. From the affidavits filed on behalf of the State of West Bengal it had been noted that out of 4506 numbers of brick fields operating in the State, only 2027 had adopted the Zig Zag Technology. 2475 out of those were adopting it and 04 had not initiated the process at all. This was also the position stated by the State Pollution Control Board in their affidavit.
5. In view of the above position, the State PCB was directed to ensure that while those brick fields which had adopted the Zig Zag Technology may be permitted to operate subject to grant of consent to operate, the ones which were in the process of implementation ought not to be allowed to operate until the new technology had been installed. Similar direction was issued with regard to the 04

brick fields which have not yet initiated the process for adopting the new technology.

6. The State PCB was granted two months' time to complete the entire exercise. However, today, Mr. Sibojyoti Chakraborty, learned Counsel for the State Board prays for further time to do so. He also prays that directions be issued upon the Police Authorities to provide support to the Board in carrying out its operations.
7. The learned Counsel for the Applicant has placed before us a table which provides information with regard to the number of brick fields operating in the District, the number which had adopted the Zig Zag technology, those which were under process of adopting and those which had not yet initiated the process for doing so.
8. The case was taken up today for further consideration. During the proceedings, it was the common submission of both the State and the State PCB that there was certain anomaly in the number of brick kilns existing in the State. According to Mr. Bikas Kargupta, learned Government Counsel, the number of existing brick kilns was more than 9,000 against 4,506 stated by the State PCB.
9. It has been further submitted that the matter relating to adoption of the Zig Zag Technology has been compounded by a Draft Notification dated 25.02.2019 issued by the MoEF&CC which directs establishment of brick kilns within 300 kms from a coal or lignite based thermal power plant after publication of the Notification and the existing red clay brick kilns located within 300 kms to be converted into fly ash based bricks or blocks or tile

manufacturing unit within one year from the date of the publication of the Notification.

10. In so far as the first aspect relating to the adoption of the Zig Zag Technology is concerned, there can be no other option for the States but to adopt it considering the immense environmental benefit accruing therefrom and the fact that statutory guidelines have been issued by the CPCB. The guidelines were issued in June, 2017 and we are now at end of January, 2020. The State and the regulatory authorities thus have already overshot the timeline.

11. We, therefore, direct the State and the State PCB to ensure that all existing brick kilns convert to Zig Zag Technology within six months from hence for which the State PCB and the State Government shall grant the existing units period of atleast one month each to do so.

12. So far as the other Notification dated 25.02.2019 is concerned, it is only a Draft Notification and would be made operational only after the final Notification is issued which is likely to take some time. At this stage, the anxiety expressed by the parties is hypothetical and, therefore, no order need be passed in this regard.

13. In terms of above order, the O.A. stands disposed off.

**I.A. No. 05/2020 & I.A. No. 06/2020**

14. These I.As stand disposed off in terms of paragraphs 10 & 11 of the order passed today in O.A. No. 12/2018 (EZ).

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Siddhanta Das, EM

28<sup>th</sup> January, 2020  
O.A. No. 12/2018 (EZ)  
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