

Item No. 14

Court No. 1

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

M.A. No.23/2025

In

Original Application No. 487/2023

Satishchandra Patil Tripathi

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 10.02.2025

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

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. This MA has been registered on the basis of the compliance report dated 22.06.2024 filed by Uttar Pradesh Pollution Control Board (UPPCB) in compliance of the order dated 12.02.2024 passed in OA No. 487/2023.
2. In the OA, grievance was raised by the applicant about illegal operation of brick kilns namely M/s. A.V.T. ENT Udyog Chakbandi alias Pasanpur, Tehsil Sadar, District Deoria, Uttar Pradesh and M/s. P.M.T. ENT Bhatta, Village Gobrai, Post Barahara Babu, Tehsil Sardar, Deoria, Uttar Pradesh.
3. The joint committee had submitted the report in respect of both the brick kilns recording that brick kilns were closed down, therefore, Tribunal had disposed of the OA by order dated 12.02.2024 directing the UPPCB to impose Environmental Compensation (EC) for the past violation, as under:-

“5. Learned Counsel for UPPCB has submitted that appropriate action for imposition of EC for past violation will be taken against the units in question within a period of four weeks.

6. In view of the above, we dispose of the OA directing the UPPCB to complete the action of imposition of EC after complying with the principles of Natural Justice and submit the report before the Registrar General of the Tribunal by 30.04.2024 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 and if found necessary, the matter will be listed before the Bench for consideration.”

4. Report dated 22.06.2024 filed by the respondent-UPPCB states that brick kilns in question were inspected by officials of UPPCB on 12.12.2023 and were found to be closed. It further states that after issuing the show cause notice, UPPCB has passed the orders dated 31.05.2024 imposing EC of Rs. 15,75,000/- upon M/s. A.V.T. ENT Udyog and EC of Rs. 14,62,500/- upon M/s. P.M.T. ENT Bhatta.

5. The report filed by UPPCB does not reflect that after passing the order dated 31.05.2024 imposition EC, any action has been taken for recovery of the same.

6. Learned Counsel for UPPCB submits that request letter/RRC will now be sent to the concerned District Magistrate for initiating action to recover the EC amount. He has further submitted that a fresh inspection of two units will be conducted to ascertain if the units are still lying closed or they have illegally started operation again.

7. Hence, we dispose of the MA directing the UPPCB to file a fresh report within six months disclosing the status of recovery of EC amount and also status of two brick kilns found on re-inspection by the UPPCB officials.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 10, 2025
M.A. No.23/2025
In Original Application No. 487/2023
JG..