

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021 in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

**(IA No. 113626/2021 - AMENDMENT IN CAUSE TITLE
 IA No. 113624/2021 - APPLICATION FOR TAKING ON RECORD
 IA No. 167370/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 13898/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 25311/2023 - CLARIFICATION/DIRECTION
 IA No. 176106/2022 - CLARIFICATION/DIRECTION
 IA No. 25284/2023 - CLARIFICATION/DIRECTION
 IA No. 103803/2021 - EX-PARTE STAY
 IA No. 103804/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED**

JUDGMENT

**IA No. 100876/2022 - EXEMPTION FROM FILING O.T.
 IA No. 10731/2023 - EXEMPTION FROM FILING O.T.
 IA No. 186593/2022 - EXEMPTION FROM FILING O.T.
 IA No. 42892/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67159/2022 - INTERVENTION APPLICATION
 IA No. 186591/2022 - INTERVENTION APPLICATION
 IA No. 42890/2022 - INTERVENTION APPLICATION
 IA No. 170476/2022 - INTERVENTION APPLICATION
 IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
 IA No. 7992/2023 - MODIFICATION OF COURT ORDER
 IA No. 100875/2022 - PERMISSION TO FILE ADDITIONAL**

DOCUMENTS/FACTS/ANNEXURES

**IA No. 10727/2023 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES**

**IA No. 52090/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES**

**IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES**

**IA No. 28742/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES**

IA No. 103800/2021 - PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 20331/2021 (XVII)

(IA No. 104689/2022 - CLARIFICATION/DIRECTION

IA No. 100750/2022 - CLARIFICATION/DIRECTION
IA No. 174452/2022 - CLARIFICATION/DIRECTION
IA No. 174447/2022 - CLARIFICATION/DIRECTION
IA No. 126087/2021 - EX-PARTE STAY
IA No. 126088/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 126086/2021 - PERMISSION TO FILE APPEAL)
Diary No(s). 7535/2021 (XVII)

IA No. 124597/2021 - EX-PARTE STAY
IA No. 75241/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 124600/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 75399/2022 - EXEMPTION FROM FILING O.T.
IA No. 75242/2022 - EXEMPTION FROM FILING O.T.
IA No. 75398/2022 - MODIFICATION
IA No. 75238/2022 - MODIFICATION OF COURT ORDER
IA No. 124595/2021 - PERMISSION TO FILE APPEAL)

Diary No(s). 7670/2021 (XVII)

(IA No. 85897/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 85895/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 126800/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 126797/2021 - PERMISSION TO FILE APPEAL
IA No. 126798/2021 - STAY APPLICATION)
Diary No(s). 7667/2021 (XVII)

IA No. 99973/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 130615/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 67910/2022 - EXEMPTION FROM FILING O.T.
IA No. 99975/2022 - EXEMPTION FROM FILING O.T.
IA No. 67909/2022 - MODIFICATION OF COURT ORDER
IA No. 130614/2021 - PERMISSION TO FILE APPEAL
IA No. 130617/2021 - STAY APPLICATION)

Diary No(s). 23486/2021 (XVII)

(IA No. 136286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 136288/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 136287/2021 - PERMISSION TO FILE APPEAL)
Diary No(s). 11747/2022 (XVII)

IA No. 14518/2023 - CLARIFICATION/DIRECTION
IA No. 68236/2022 - EX-PARTE STAY
IA No. 68237/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 81168/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 68235/2022 - PERMISSION TO FILE APPEAL)

W.P.(C) No. 367/2022 (X)

IA No. 73683/2022 - EXEMPTION FROM FILING O.T.

**IA No. 167394/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)**

C.A. No. 6643-6644/2022 (XVII)

**IA No. 82183/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT**

IA No. 82179/2022 - GRANT OF INTERIM RELIEF)

with

Civil Appeal No(s). 5787/2022

(IA No. 179024/2022 - CLARIFICATION/DIRECTION

**IA No. 100488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT**

IA No. 100490/2022 - EXEMPTION FROM FILING O.T.

IA No. 100487/2022 - STAY APPLICATION)

Date : 10-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE SANJAY KAROL

**For Petitioner(s) Mr. Sanjay Rathi, Adv.
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Mr. Vibhav Mishra, Adv.
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Ms. Aashna Mehra, Adv.
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Mr. Aniket Jain, Adv.
Mr. Siddharth Jain, Adv.
Mr. Sanjay Singh, Adv.
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Mr. Vijay pal, Adv.
Mr. Shiv Kumar, Adv.
Mr. Anil Kumar, Adv.
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Mr. Deepankar, Adv.
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For Respondent(s) Mrs. Swarupama Chaturvedi, AOR
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Mr. Pradeep Misra, AOR
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Mr. Nishant Awana, Adv.
Mr. Azmat Hayat Amanullah, AOR

Mr. S. K. Verma, AOR

Mr. B.k. Satija, A.A.G.
Mr. Likesh Sinhal, Sr. A.A.G.
Mr. Lokesh Sinhal, Sr. A.A.G.
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Ms. Amrtia Verma, Adv.
Ms. Sabarni Som, Adv.

Mr. Keshav Mittal, Adv.
Mr. Rajat Mishra, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Mantavya Sharma, Adv.
Mr. Pratul Pratap Singh, Adv.
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Mr. Jayant Nath, Sr. Adv.
Mr. Sudarsh Menon, Adv.
Mr. Rajesh Pathak, Adv.
Mrs. Kumari Supriya, Adv.
Mr. Ajit Pathak, Adv.
Mrs. Ranjana Pathak, Adv.
Mr. Sumit Kumar, AOR

Mr. Kailash Prashad Pandey, AOR
Mr. Rajnish Kumar Jha, AOR

Ms. Parul Sharma, Adv.
Mr. Shantanu Sharma, Adv.
Mr. Bishan Dass, Adv.
Mr. Mata Prasad Singh, Adv.
Mr. Bikash Chandra, Adv.
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Ms. Shweta Sand, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Niharika Dewivedi, Adv.
Ms. Yamini Sharma, Adv.
Mr. Nitin Sharma Adv.
Mr. Amit Kumar Chawla, Adv.

Ms. Aparna Rohatgi Jain, Adv.
Mr. Mahesh Kasana, Adv.
Dr. S.K. Verma, Adv.

Ms. Jyoti Sharma, Adv.

For the parties Mr. Nidhesh Gupta, Sr. Adv.
 Ms. Pallavi Singh, Adv.
 Ms. Japneet Kaur, Adv.
 Ms. Vriti Gujral, Adv.
 Mr. G. Balaji, AOR

 Mr. Diggaj Pathak, AOR
 Ms. Sweta Sharma, Adv.
 Ms. Prachi Kohli, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A.No.27518/2023, I.A. No.25918/2023, I.A. No.14518/2023 I.A.
No.25284/2023 and I.A. No.25311/2023:

Heard the learned counsel for the parties.

The matters pertain to the Brick Kilns located in the National Capital Region and the adjoining areas. Both Mr. Nidhesh Gupta, learned Senior Counsel and Mr. Jayant Nath Learned Senior Counsel refer to the proceedings dated 25.07.2022 and 26.09.2022 and also dated 15.12.2022 to submit that the necessary inspections of the concerned Brick Kilns be carried out and appropriate response on the outcome of the inspection be furnished to this Court.

Ms. Swarupama Chaturvedi, learned counsel for the Central Pollution Control Board (CPCB) submits that in terms of the orders passed earlier by this Court, periodical inspections are being carried out but she further submits that simultaneously inspections be also carried out by the concerned State Pollution Control Boards(for short "SPCB") authorities.

The learned counsel appearing for the original applicant before the National Green Tribunal (NGT) Mr. Rohan would however, point out that the order for inspection should be subjected to the availability of updated consent to operate the respective Brick Kilns and unless the concerned unit is adhering to the statutory norms, they should not be permitted to operate.

Taking note of the above and other contentions, we deem it appropriate to direct the Respondent No.2 Central Pollution Control Board (for short "CPCB") to inspect the Brick Kilns forming subject matter of these Interlocutory Applications in conformity with the requirement of the notification dated 22.02.2022 adverted to in this Court's order dated 08.04.2022.

In undertaking the ordered exercise, the officers of the CPCB and the SPCBs should also undertake surprise inspection from time to time as was ordered on 08.04.2022 to ensure that the units adhere to the statutory norms. Moreover, the Brick Kilns must limit the production capacity as per the consent granted by the respective State Pollution Control Boards was noted in the compliance filed by respondent No.2.

Since the seasonal production activity is expected to commence in the first week of March, 2023, necessary orders would be passed in this regard on the next date.

The matters be listed on 27.02.2023.

(RADHA SHARMA)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)