

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No. 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)

WITH

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

Diary No(s). 7535/2021 (XVII)

Diary No(s). 7667/2021 (XVII)

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

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

Date : 07-03-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. Sanjay Rathi, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Deepak Khatri, Adv.
Mr. Vibhav Mishra, Adv.
Ms. Anjali Dhingra, Adv.
Mr. Parmanand Gaur, AOR

Mr. Umang Shankar, AOR

Mr. G. Balaji, AOR

Mr. S. P. Singh, Adv.
Mr. C. Kannan, Adv.
Mr. Amit, Adv.
Mr. Vipin Sandu, Adv.
Mr. Prashant Agarwal, Adv.
Mr. T. N. Saxena, Adv.
Ms. Kajal Rani, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Surendra Singh Rana, Adv.

Mr. Bharat J. Joshi, Adv.
Mr. Anbarasan Nathar Paul, Adv.
Mr. Ikshit Singhal, Adv.
Mr. Vipin Kumar Saxena, Adv.
Mr. Maneesh Saxena, Adv.
Ms. Sujata K. Muni, Adv.
Mr. Kunwar Siddharth Singh, Adv.
Mr. Mukesh Kumar Singh, Adv.
M/s. Mukesh Kumar Singh and Co., AOR

For Respondent(s)

Mrs. Swarupama Chaturvedi, AOR
Ms. Saumya Kapoor, Adv.
Mr. Siddhant Yadav, Adv.
Ms. Himanshi Goel, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Brajesh Sharma, Adv.
Mr. Bhuwan Chandra, Adv.
Mr. Manoj Kumar Sharma, Adv.

Mr. Anil Grover, Sr. AAG.
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR
Ms. Babita Mishra, Adv.
Ms. Adira A. Nair, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Ms. Gunjan Ahuja, Adv.

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

The principal complaint of the appellants is that though they have all converted into zigzag technology and as a result of the change in technology, there will not be the kind of pollution from the brick kilns which is apprehended and what is more, during the coming less severe period, at any rate, they should be permitted to operate on strict conditions being observed. We also note the submission of

the learned counsel for Central Pollution Control Board (hereinafter referred to as 'CPCB' for brevity) that if the bricks kilns which have incorporated the zigzag technology are willing to comply with the standards fixed by notification dated 26.02.2022, they can be permitted.

After hearing the learned counsel appearing for the parties, we are of the view that interests of justice require that we pass the following order:

The appellants will give within a period of five days from today full details of each unit which is working with zigzag technology. The details will be given to the CPCB. Upon receipt of the details, the CPCB will undertake physical on site inspection within ten days thereafter. We make it clear that this is to be an inspection on the ground and not on paper. Any lapse on the part of the Inspecting Officer in this regard will be viewed with utmost seriousness. After carrying out the inspection, the CPCB will file an affidavit before this Court identifying the individual units, which have indeed adopted and installed the zigzag technology in their units. It will also further indicate the production capacity on a daily and monthly basis of each unit.

CPCB will also indicate in its affidavit as to the difference in the carrying capacity of the different areas in which the brick kilns are located and any further condition which may be required for allowing operation of

units employing zigzag technology on the condition that they will comply with notification dated 22.02.2022. The affidavit of CPCB shall be filed within a period of three weeks from today.

List this case on 28th March, 2022.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER