

ITEM NO.37

COURT NO.15

SECTION XVII

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. 27518/2023 - 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. 42892/2022 - EXEMPTION FROM FILING O.T.
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. 186591/2022 - INTERVENTION APPLICATION
IA No. 42890/2022 - INTERVENTION APPLICATION
IA No. 170476/2022 - INTERVENTION APPLICATION
IA No. 67159/2022 - INTERVENTION APPLICATION
IA No. 25918/2023 - INTERVENTION APPLICATION
IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
IA No. 7992/2023 - MODIFICATION OF COURT ORDER
IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

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

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. 103800/2021 - PERMISSION TO FILE APPEAL)

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

IA No. 174452/2022 - CLARIFICATION/DIRECTION
 IA No. 174447/2022 - CLARIFICATION/DIRECTION
 IA No. 104689/2022 - CLARIFICATION/DIRECTION
 IA No. 100750/2022 - 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. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 75241/2022 - 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. 99975/2022 - EXEMPTION FROM FILING O.T.
 IA No. 67910/2022 - 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)
CONMT.PET.(C) No. 733/2023 (XVII)

IA No. 40734/2023 - EXEMPTION FROM FILING O.T.)
C.A. No. 5787/2022 (XVII)

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 : 14-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE MANOJ MISRA

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Ms. Yamini Sharma, Adv.
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Mr. Vipin Gupta, Adv.

Mr. Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

The Central Pollution Control Board (CPCB) is represented by the learned Standing Counsel Ms. Swarupama Chaturvedi and she submits that those Brick Kilns who have complied with the statutory norms are permitted to function and in respect of such units where deficiencies are noticed, inspections, as may be considered necessary are being carried out for taking rectificatory steps. She further submits that consolidated response is being filed on behalf of CPCB and the stand taken in that response would largely cover the contention raised by the individual petitioners.

2. This Court on 10.02.2023, passed the following order

"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."

3. In pursuance of the above order, the Brick Kilns are operating to the extent of their production capacity as per the consent granted by the respective State Pollution Control Boards.

4. Noting the above, we deem it appropriate to permit completion of pleadings in the next six weeks. The matters be listed thereafter.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR