

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**M.A. 342/2015/EZ  
M.A. 243/2015/EZ  
IN**

**Original Application No. 41/2014/EZ**

**M/S BABU BHAGWAT SINGTH & ANR (R 1143)  
SRI BRIJENDER SINGH/  
BOALAGHATA BRICK SUPPLY (R 1192)**

**IN**

**Joydeep Mukherjee**

**CORAM:** **Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

**PRESENT:** **Applicants of MAs : Mr. Arunangshu Chakraborty, Advocate  
Original Applicant : None  
Respondent No. 1 : Ms. Arpita Chowdhury, Advocate  
Govt. Respondent : None**

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 41 &amp; 42 22<sup>ND</sup> December, 2015.</b></p>	<p>These two MAs are taken up together for consideration since common facts and prayers have been made.</p> <p>The matter relates to imposition of penalty upon the brick field owners who have been operating their brick fields without valid consent to establish or consent to operate from the PCB.</p> <p>As a background fact, it may be stated here that in the OA, based on the affidavit filed by the DL &amp; LRO of the concerned district, identifying the brick field owners who have been operating their brick kilns without consent to establish and without consent to operate</p>

from the PCB, we issued show cause notice to the individual owners by adding them as party respondents in the OA asking them to give reply in the form of affidavit as to why appropriate compensation/penalty amount to the tune of Rs. two lakhs shall not be imposed on them for illegally operating the brick field and thereby causing environment pollution and land degradation of the locality. Accordingly they have filed their reply to the show cause taking various pleas.

Mr. Arunangshu Chakraborty, Id. adv. appearing for the applicants of these two MAs submits that the applicants' brick fields have valid consent till 31<sup>st</sup> December 2016, yet closure notice was issued by the DL & LRO wrongly and therefore, the closure order may be withdrawn and the brick fields may be allowed to operate its business.

In that view of the matter, we have scrutinised the records of these two added respondents.

On scrutiny of the affidavits filed by respective added respondents in reply to the show cause notice issued to them on the question of imposition of Penalty/compensation for illegally operating their respective Brick Kilns without obtaining consent from Pollution Control Board thereby contributing to Environmental Pollution and land degradation, it appears that these two brick fields have valid consent to operate till 31.12.2016 and therefore, there was no occasion for the DL & LRO to issue closure notice to them. In terms of our order, closure order was to be issued only to those brick kilns who were/are operating their business without valid consent to operate

from the PCB. Since these two brick fields have valid consent to operate from PCB, the closure order obviously was issued wrongly and without application of mind.

Accordingly, we direct the DL & LRO to withdraw the closure order within a week and the applicants be allowed to operate their business without any hindrance. The local police authorities and Electricity authorities shall be informed accordingly to reconnect the electricity.

**Both the MAs stand disposed of accordingly.**

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM

