

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex || Silk Factory Road
Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008

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ORDER No. : 262 JKPCC of 2024

DATED : 14 /02/2024

Whereas, no activity having bearing on environment can be taken in hand without prior consent of the Pollution Control Committee, warranted under **Section 25/26** and **Section 21** of the **Water** (Prevention and Control of Pollution) **Act 1974** and **Air** (Prevention and Control of Pollution) **Act, 1981** respectively.

Whereas, Brick Kiln is categorized as **Orange Category** activity on the basis of pollution potential, for the purpose of seeking the consent from the JK Pollution Control Committee.

Whereas, Hon'ble National Green Tribunal in its order dt.**02-02-2024** in O.A.No.**594 of 2022** titled Syed Riyaz Versus Union Territory of J&K & Ors. directed to close down the brick kilns operating without consent from the Pollution Control Committee.

Whereas, **Sh. Hem Raj** has set up and put in operation a Brick Kiln under the name and style of **M/s Ganesh Brick Kiln, village Palli Hartayaran, Udhampur** in flagrant violation of above said requirements of law without obtaining consent from the J&K Pollution Control Committee, and operation of the Brick KILN in its present status can prove detrimental to human health and environment.

Whereas, one time legal notice was served upon the Brick Kiln owner, (**on 28-11-2020**) calling upon him to show cause as to why legal action including closure of his Brick Kiln be not taken for violation of environmental laws.

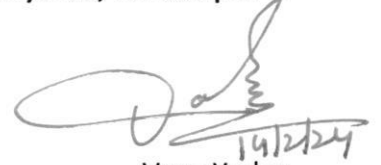
Whereas, the owner of the Brick Kiln has failed to respond to the notices, besides failing to take measures to meet the requirements of laws governing environmental protection.

Whereas, fresh inspection was carried out by the Divisional Officer, Pollution Control Committee Udhampur on **05-01-2024**, revealing that the status of the Brick Kiln remained unchanged. Regional Director, Pollution Control Committee Jammu vide letter No. **PCC/RDJ/SA/O/3456-57** dated **19-01-2024** confirmed the inspection report of Divisional Officer, PCC Udhampur and accordingly recommended it for closure.

Whereas, the Brick Kiln in question cannot be allowed to operate with above status as the operation can prove detrimental for human health and environment besides being in flagrant violation of laws governing environmental protection.

Now therefore in exercise of powers vested with J & K Pollution Control Committee under Section 33 (A) of Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981, the following directions are hereby issued:

- i. Deputy Commissioner/ District Magistrate, **Udhampur** is directed to close down the brick kiln of **Sh. Hem Raj** under the name and style of **M/s Ganesh Brick Kiln, village Palli Hartayaran, Udhampur** immediately.
- ii. *Director Industries and Commerce, Jammu is directed to deregister the Brick Kiln, if registered*
- iii. *Executive Engineer, (JPDC) Electric Division, Udhampur is directed to disconnect the electric supply to above said Brick Kiln immediately.*
- iv. Executive Engineer, **PHE**, Udhampur is directed to disconnect the water supply to the above said Brick Kiln immediately.
- v. **Sh. Hem Raj, (Prop.) M/s Ganesh Brick Kiln, village Palli Hartayaran, Udhampur** is directed to cease the operation of the Brick Kiln forthwith.



14/02/24
Vasu Yadav
Chairman

No:- JK PCB/LSJ/7395213/2024 / 1570 - 80

Dated:- 14/02/2024

Copy to the:-

- i. Deputy Commissioner/ District Magistrate, **Udhampur** for information and necessary action under intimation.
- ii. Regional Director, PCC, **Jammu** for information and follow up action within a fortnight, in reference to his letter No. **PCC/RDJ/Consent-O/2024/3456-57** dated **19-01-2024**
- iii. Chief Engineer, Jammu Power Development Corporation Ltd. (JPDC), Canal Road, **Jammu** for information and necessary action under intimation.
- iv. Chief Engineer, PHE Jammu for information and necessary action under intimation
- v. Director Industries and Commerce, **Jammu** for information and necessary action.
- vi. Executive Engineer, (JPDC) Electric Division, Udhampur for information and necessary action.
- vii. Executive Engineer, PHE Division Udhampur for information and necessary action.
- viii. Divisional Officer, PCC Udhampur for information and with the direction to follow up and get the closure order implemented through District Administration.
- ix. I/c Nodal Officer, NGT PCC Jammu for information and necessary action.
- x. I/c web site Pollution Control Committee **Jammu** for uploading the closure order
- xi. **Sh. Hem Raj, Prop. M/s Ganesh Brick Kiln, village Palli Hartayaran, Udhampur** for information and compliance.