

Jammu and Kashmir Pollution Control Committee

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Transport Nagar, Kashmir, 180 006 || Rajbagh, Srinagar, 190 008

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Order No. : 387 JK PCC of 2024
Dated : 05/03/2024

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. Bashir Ahmad Ganie** has set up and put in operation a Brick Kiln under the name and style of **M/s Gulmohar Brick Kiln at Tumchi Nowpora Wanipora -Pulwama** 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, notice was served upon the Brick Kiln owner, (**on 10-08-2023**) 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 notice, 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 Pulwama on **19-12-2023**, revealing that the status of the Brick Kiln remained unchanged. Regional Director, Pollution Control Committee Kashmir vide letter No. **PCC/ROK/LS/2024/17-18** dated **23-02-2024** confirmed the inspection report of Divisional Officer, PCC, Pulwama 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, **Pulwama** is directed to close down the brick kiln of **Sh. Bashir Ahmad Ganie** under the name and style of **M/s Gulmohar Brick Kiln at Tumchi Nowpora Wanipora -Pulwama** immediately.
- ii. *Director Industries and Commerce, Kashmir* is directed to deregister the Brick Kiln, if registered
- iii. *Executive Engineer, (KPDCL) Electric Division, Pulwama* is directed to disconnect the electric supply to above said Brick Kiln immediately.
- iv. Executive Engineer, **PHE**, Pulwama is directed to disconnect the water supply to the above said Brick Kiln immediately.
- v. **Sh. Bashir Ahmad Ganie (Prop.) M/s Gulmohar Brick Kiln at Tumchi Nowpora Wanipora -Pulwama** is directed to cease the operation of the Brick Kiln forthwith.

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Vasu Yadav
Chairman
15/3/24

JK PCC/LSK/ 7420766/2024

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Dated:-05/03/2024

Copy to the:-

- i. Deputy Commissioner/ District Magistrate, **Pulwama** for information and necessary action under intimation.
- ii. Regional Director, PCC, **Kashmir** for information and follow up action within a fortnight, in reference to his letter No. **PCC/ROK/LS/2024/17-18** dated **23-02-2024**.
- iii. Chief Engineer, Kashmir Power Development Corporation Ltd. (KPDCL), **Kashmir** for information and necessary action under intimation.
- iv. Chief Engineer, PHE, **Kashmir** for information and necessary action under intimation
- v. Director Industries and Commerce, **Kashmir** for information and necessary action.
- vi. Executive Engineer, (KPDCL) Electric Division, Pulwama for information and necessary action.
- vii. Executive Engineer, PHE Division Pulwama for information and necessary action.
- viii. Divisional Officer, Pollution Control Committee, Pulwama for information and with the direction to follow up and get the closure order implemented through District Administration.
- ix. I/c Nodal Officer, J&K NGT PCC, Kashmir for information and necessary action.
- x. I/c web site Pollution Control Committee **Kashmir** for uploading the closure order
- xi. **Sh. Bashir Ahmad Ganie Prop. M/s Gulmohar Brick Kiln at Tumchi Nowpora Wanipora -Pulwama** for compliance.