

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1429 OF 2015

M/S. CHOWDHARY AMAN BRICK FIELD Appellant(s)

Versus

U.P. POLLUTION CONTROL BOARD Respondent(s)

O R D E R

1. This appeal is directed against the final judgment and order passed by the National Green Tribunal, Principal Bench, New Delhi (for short, "the Tribunal"), in Appeal No. 70 of 2014, dated 05.12.2014, whereby and whereunder, the learned Tribunal dismissed the appeal and upheld the order of the Appellate Authority (for short, "the Appellate Authority") established under the Air (Prevention and Control of Pollution) Act, 1981 (for short, "the Act, 1981").

Signature Not Verified  
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Charanjeet Kaur  
Date: 2015.02.16  
18:05:11 IST  
Reason:

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2. The facts, in brief are as follows: the appellant brick kiln approached the Appellate Authority against closure order, passed by the U.P. Pollution Control Board, dated 17.02.2014.

The said closure order has stated that the establishment of the appellant brick kiln was contrary to the provisions of Section 21 of the Act, 1981 without prior consent. It was further stated that the said brick kiln was not in accordance with the Uttar Pradesh Brick Kilns

(Siting Criteria for Establishment) Rules, 2012

(for short, "the Rules, 2012). The Appellate Authority, after duly hearing the parties, concluded that there was no merit in the appeal filed by the appellant-herein, by order dated 06.08.2014.

3. Aggrieved by the said order of the Appellate

Authority upholding the aforementioned closure  
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order, the appellant-herein filed an appeal before the Tribunal.

4. The Tribunal, vide the impugned order, has

noted the satisfaction of the State Pollution Control Board in ascertaining the non-compliance noticed in the aforesaid closure order and its consequent refusal to grant consent, dated 05.12.2014. Therefore, the Tribunal disposed of the appeal finding no illegality or impropriety in the order of the Appellate Authority.

5. Aggrieved by the order so passed by the Tribunal, the appellant is before us in this appeal.

6. The appellant would contend that the Appellate Authority as well as the Tribunal failed to appreciate that the order, dated 17.02.2014,  
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passed against the appellant was an ex-parte order and was further passed against the appellant brick kiln on the basis of the Rules, 2012. It would further be contended that the appellant brick kiln

was established in the year 2011 and hence the Rules 2012 could not have any retrospective effect.

7. We have heard learned counsel for the appellant and also perused the records of the case.

8. In our view, we find no good grounds to interfere with the order passed by the Tribunal. The Tribunal has rightly dismissed the appeal of the appellant and upheld the order of the Appellate Authority, dated 06.08.2014.

9. Therefore, we are of the considered opinion that the appeal being devoid of any merit, is

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liable to be dismissed, and is dismissed accordingly.

Ordered accordingly.

.....CJI.  
[ H.L. DATTU ]

.....J.  
[ A.K. SIKRI ]

.....J.  
[ ARUN MISHRA ]

NEW DELHI,  
FEBRUARY 11, 2015.  
ITEM NO.2

COURT NO.1

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 No. 1429/2015

M/S.CHOWDHARY AMAN BRICK FIELD

Appellant(s)

VERSUS

U.P. POLLUTION CONTROL BOARD Respondent(s)  
(With appln. for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and interim stay)

Date : 11/02/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)            Mr. Sudhir Kulshreshtha, Adv.

For Respondent(s)

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

The appeal            is        dismissed        in        terms        of        the  
signed order.

[ Charanjeet Kaur ]  
Court Master

[ Vinod Kulvi ]  
Asstt. Registrar

[ Signed order is placed on the file ]s