



REGISTERED
BIHAR STATE POLLUTION CONTROL BOARD
Parivesh Bhawan
N.S-B/2, Industrial Area, Patliputra, Patna- 800 010
EPABX&0612-2261250/2262265, Fax&0612-2261050
E-mail&bspcb@yahoo.com, Website <http://bspcb.bih.nic.in>

Ref. No.:-

Patna, dated:-

From

Dr. Ashok Kumar Ghosh,
Chairman

To

Sri Nawal Agrawal,
M/s. Bhai Marka,
Mauza- Ghaghar, Sherghati,
District- Gaya- 824211.

Direction for Closure under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981.

1. **WHEREAS**, the State Govt. has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'Air Act'), 1981.
2. **WHEREAS**, you were required to obtain previous "Consent-to-Establish" (CTE) and "Consent-to-Operate" (CTO) under the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981(hereinafter referred to as 'Air Act') before establishing and operating your industrial plant.
3. **WHEREAS**, all the brick kilns in the State of Bihar were directed to convert themselves from old technology to cleaner technology (modern technology) latest by 31.08.2019 and for which, wide publicity was given in the local newspapers to create awareness.
4. **WHEREAS**, the Hon'ble Patna High Court, Patna also, vide Their order dated 04.12.2018, passed in CWJC No. 15962 of 2018, directed all the pre-existing units, uniformly without any distinction, to change to cleaner technology latest by 31.08.2019. To make the things more clear and emphatic, the Hon'ble Court made it clear that

such time was more than sufficient and was basically in public interest and for safeguarding further pollution to the atmosphere.

5. **WHEREAS**, it came to the knowledge of the Board that you were still operating your kiln in the same old polluting way without converting it to the cleaner technology.
6. **WHEREAS**, for the above noted reasons you were served with a Proposed Direction for Closure dated **17.02.2020** to which you failed to reply.
7. **WHEREAS**, from the aforesaid facts and findings, it is amply clear that you have come under operation in violation of the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and also ignored the direction/observation of the Hon'ble Court, as you have not changed your brick kiln from old technology to the cleaner technology.
8. **WHEREAS**, in view of the already very poor air quality in Bihar, there is every likelihood that operation of your kiln will further aggravate the situation, causing grave injury to the environment, in general, and life around, in particular.
9. **WHEREAS**, your recalcitrant approach towards the mandatory compliance of law and defiance of the authority of the State Board, constituted under the Water (Prevention and Control of Pollution) Act, 1974, warrants stringent and deterrent action against you in favor of environmental protection.

I, therefore, in exercise of the powers, conferred by Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, direct you to:

stop and close all operations of your brick kiln with immediate effect.

AND

in default thereof, the Board will be constrained to file complaint u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981 with other actions under other suitable provisions of the Environment (Protection) Act, 1986.


Sd/-
(Ashok Kumar Ghosh)
Chairman

Memo No. 4995

Dated. 24.12.2020

Copy to:

1. The District Magistrate, Gaya, requesting him to enforce the compliance of the direction which will be in consonance with the provisions of section 31A of the Air (Prevention and Control of Pollution) Act, 1981.
2. The R.O., BSPCB, Gaya for information and necessary action.
3. ✓ The Legal Cell for record.


(Ashok Kumar Ghosh)
Chairman

