



BIHAR STATE POLLUTION CONTROL BOARD

Parivesh Bhawan, Plot No. NS/B-02,
Patliputra Industrial Area, Patna – 800 010
E-mail: bspcb@yahoo.com, Website: <http://bspcb.bih.nic.in>

Ref. No.:-

Patna, Dated:-

From:

Dr. Ashok Kumar Ghosh,
Chairman.

To

Sri Lal Prasad Mandal, Proprietor,
M/s Shivam Int Udyog,
At-Khopraha, P.O.-Kanhauli, P.S.-Kanhauli,
Dist-Sitamarhi-843317.

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

1. **WHEREAS**, the State Government 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 called as Air Act).
2. **WHEREAS**, you were required to obtain previous 'Consent-to-Establish' (hereinafter called as CTE) and 'Consent-to-Operate' (hereinafter called as CTO) from this State Board under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 before establishing and operating your industrial plant.
3. **WHEREAS**, all the brick-kilns in the State of Bihar were directed by Hon'ble High Court, Patna in CWJC No.-15962 of 2018, Suman Kumar Jha vs State of Bihar, order dated 04.12.2018, to convert to cleaner technology latest by 31.08.2019 and for which, wide publicity was given in the local newspapers to create awareness.
4. **WHEREAS**, subsequently an inspection was conducted on 05.03.2020 by the Board and following facts were observed:
 - (i) Brick Kiln was not converted into Cleaner Technology;
 - (ii) CTE/CTO from the Board has not been obtained; and
 - (iii) Preparation of raw material by mixing excavated soil with water and then shaping into brick was being done. Preparation for firing of kiln was also observed..

5. **WHEREAS**, it is evident from the above facts that your brick kiln has been established and has come under operation without CTE/CTO from the Board and thus violating the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974. In addition, you have also ignored the Hon'ble High Court direction and subsequent notices published by the Board time-to-time in news papers.
6. **WHEREAS**, operation of your brick kiln without CTE and CTO from the Board, is detrimental to environment and further in non-conformity with the statutory norms, attracting penal provisions under the Air Act.

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

Close your unit/ plant with immediate effect

TILL

- I. You convert the existing brick kiln into cleaner technology; and
- II. You have obtained prior CTE and CTO from the Board.

AND

In default thereof, complaint shall be filed under the appropriate provisions of the Air (Prevention and Control of Pollution) Act, 1981.


Sd/-
(Ashok Kumar Ghosh)
Chairman

Memo No. 2495

Patna, Dated 29-5-20

Copy to:

- (i) The District Magistrate, Sitamarhi-843301 with request to ensure physical compliance of closure and which will be in consonance with the provisions of the Acts under reference.
- (ii) R.O., BSPCB, Regional Office, Muzaffarpur for information and necessary action.
- (iii) Legal Cell, Patna for record.


(Ashok Kumar Ghosh)
Chairman