

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN  
ZONE,

KOLKATA

Miscellaneous Application No.37/2023/EZ

In

Original Application No.88/2021/EZ

IN THE MATTER OF

Talab Bachao Abhiyan ....APPLICANT

VERSUS

Government of Bihar & ORS. .... RESPONDENTS

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Government of Bihar & ORS. .... RESPONDENT

Sl. No. 773 Date 2.2.2024

COMPLIANCE AFFIDAVIT ON BEHALF OF BIHAR STATE POLLUTION CONTROL BOARD/RESPONDENT NO. 8

I, S. Chandrasekar, Male, aged about 46 years, Son of Mr. S. Subramani, residing at No. 03, Aranya Awas, Shaheed Peer Ali Khan Marg, Patna, do hereby solemnly affirm and state as follows:

- 1. That I am presently posted as Member Secretary in Bihar State Pollution Control Board, Patna. I am authorized to file the present compliance affidavit on behalf of Respondent no. 08. I am aware of the facts of the present case on the basis of the official records maintained at Bihar State Pollution Control Board, Patna (herein after referred to as BSPCB), that I believe to be true. As such, I am competent to depose the present compliance affidavit.

S. Chandrasekar who is identified by Advocate... solemnly affirmed and declared contents of this affidavit apart from this nothing else as stamp/Court fees etc. //s 3 & Sub rule 4 of rule of N Act 1986 before me

A. K. LAL Civil Court, Patna



2. That M.A. No.32/2022/EZ and M.A. No.35/2022/EZ filed in Original Application No.88/2021/EZ was heard and the Hon'ble Tribunal on 01.02.2023 this Tribunal had passed the order in the aforesaid two M.A. filed in Original Application No.88/2021/EZ, wherein in Para 19-20 directions were given:-

*"19. In view of the above facts, we issue the following directions:-*

*A. The University shall completely remove all the bricks from the embankment from the lake in question by 15.02.2023 if not already removed.*

*B. The University shall plant requisite quality of grass on the embankment to prevent erosion of soil and also plant shrubs, bushes or trees for beautification of the embankment and also to prevent soil erosion.*

*20. Directions are also issued to the Bihar State Pollution Control Board that since there are ten ponds connecting the lake/ pond in question, the Bihar State Pollution Control Board shall conduct regular/monthly Water Analysis Tests and prepare Report and if the readings therein are found to be beyond the permissible limits, the Board shall take steps to give directions to the concerned violator for taking remedial measures and the Board shall also monitor the execution of remedial measures."*



3. That the State Board in compliance to directions passed in O.A. No. 88/21/EZ & directions passed in M.A. No.32/2022/EZ and M.A. No.35/2022/EZ has been regularly carrying analysis of the pond water and such analysis were carried on 12.04.2023; 11.05.2023; 28.06.2023; 13.07.2023; 24.08.2023; 26.09.2023; 17.10.2023; 14.11.2023 & 13.12.2023. In the analysis BOD, pH and D.O. were found to be within prescribed limit, however, Fecal Coliform (FC) was found beyond standards.

A copy of the analysis report is annexed and marked as Annexure-A.

4. That in view of the aforesaid finding the State Board has issued Direction Under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, to the Vice Chancellor and the Registrar of the Lalit Narayan Mithila University, Darbhanga, to:-

A. Ensure that drains leading into the lake or pond in question are completely diverted from the said water bodies;

B. Ensure no domestic liquid and solid waste is allowed to discharge or flow into the lake/ponds under consideration;

C. Submit timeline proposal, by the end of Dec, 2023, for setting up of a STP for hostels, quarters, and official buildings, in which all the drains leads to the STP and



only the treated water, meeting the norms, shall be allowed to flow into the lake or ponds, to maintain level of water and ground water recharge;

- D. Ensure in-situ treatment of water of these ponds by physical, biological or other means, as per the guidelines of CPCB/Ministry of Environment, Forest and Climate Change/Ministry of Jal Shakti or advised by the expert professor of Zoology/ Botany/ Environmental Science/ Chemistry.

A copy of the Direction contained in Memo No. 2590, dated 07.12.2023 is annexed and marked as Annexure-B.

5. That recently a reminder was also sent to the University for submitting compliance report of the direction issued by the State Board vide direction dated 07.12.2023.

A copy of the reminder dated 11.01.2024 is annexed and marked as Annexure-C.

6. That in view of above it is submitted that the State Board has taken the steps and has complied with the directions passed by the Hon'ble Tribunal in O.A. No. 88/21/EZ & directions passed in M.A. No.32/2022/EZ and M.A. No.35/2022/EZ.
7. That I have read the contents of the compliance affidavit and have understood the same.

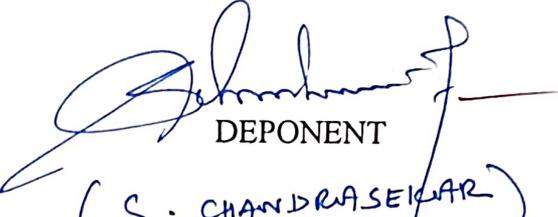
! Identify the Deponent signature (L.T.I)  
who has signed in my presence  
A. K. LAL



  
DEPONENT  
( S. CHANDRASEKAR )

VERIFICATION

Verified at Patna on 2nd day of February, 2024, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter.

  
DEPONENT  
(S. CHANDRASEKAR)



भारत सरकार  
Government of India

एस. चंद्रशेखर  
S. Chandrasekar

जन्म तिथि / DOB : 28/06/1977  
पुरुष / Male

4931 2735 4598

आधार - आम आदमी का अधिकार

*Handwritten signature and scribbles in blue ink.*

भारतीय विशिष्ट पहचान प्राधिकरण  
Unique Identification Authority of India

पता: आत्मज: एस. सुब्रमनी, 450, तीरुवेलगम, असीरियार नगर, सौ मील के पीछे, कुल्लंपलायम, इरुडि, गोबिचेल्लिपालयम, तमिल नाडु, 638476

Address: S/O: S. Subramani, 450, Thiruvvelagam, Asiriyaar Nagar, Behind Saw Mill, Kullampalayam, Kullampalayam, Erode, Gobichellipalayam, Tamil Nadu, 638476

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# Bihar State Pollution Control Board

Parivesh Bhawan, NSB-2, Patliputra Industrial Area  
Patliputra, Patna-800 010

ANNEXURE - A

(7)

## Sample Analysis Report

Infront of European Guest House (Gandhi Sadan ) Pond, Darbhanga (NCT OA No. 88/2021/EZ)

Parameters	Standards as per MAF Notification G.S.R. 742 (E), dated 25/09/2000 for Primary Water Quality Criteria for Drinking Water	Infront of European Guest House (Gandhi Sadan ) Pond, Darbhanga (NCT OA No. 88/2021/EZ)											
		67	285	565	692	868	1062	1268	1606	1824			
Lab Ref. No.	-	67	285	565	692	868	1062	1268	1606	1824			
Date of Sampling	-	12.04.2023	11.05.2023	28.06.2023	13.07.2023	24.08.2023	26.09.2023	17.10.2023	14.11.2023	13.12.2023			
Temperature (A/W)	-	36/28	36/29	30/26	30/28	28/25	32/26	35/29	28/24	17/15			
Dissolved Oxygen (mg/L)	>4.0	8.6	8.5	6.5	7.4	7.2	7.9	8.4	7.8	7.8			
pH	6.5-8.5	7.87	8.36	8.25	7.37	8.1	7.23	7.69	7.7	7.8			
Electrical Conductivity	-	367	397	392	340	323	283	386	390	320			
BOD (mg/L)	<3.0	1.4	2.5	2.8	2.1	1.9	1.2	1	1.5	2.4			
Nitrate as N (mg/L)	-	0.05	0.02	0.03	0.02	0.02	0.03	0.05	0.07	0.06			
T.C (MPN/100 ml)	-	2600	790	22000	9200	13000	13000	4900	2300	700			
F.C (MPN/100 ml)	Desirable /Permissible 500/2500	1700	220	14000	5400	7900	4900	3300	1700	330			
Turbidity (NTU)	-	15.8	21.1	9.45	7.8	9.1	29.1	16.1	20	18.2			
Alkalinity as CaCO3 (mg/L)	-	114	122	156	148	134	120	158	148	132			
Chloride (mg/L)	-	38.0	36.0	46.0	42.0	45.0	39	36.0	33	38.0			
COD (mg/L)	-	12	20	24	20	16	8	8	12	24			
Total Hardness as CaCO3 (mg/L)	-	102	100	160	152	142	128	166	158	142			
TDS (mg/L)	-	238	272	266	232	222	182	242	252	220			
TSS (mg/L)	-	12	18	6	6	8	26	12	18	16			

Verified by  
(Nalini Mohan Singh)  
Scientist

*(Signature)*  
02/10/24

(Anand Kumar)  
Board Analyst

*(Signature)*  
02/10/24



ANNEXURE - B

8



REGISTERED  
BIHAR STATE POLLUTION CONTROL BOARD  
Parivesh Bhawan  
Phone-0612-2261250/2262265, Fax-0612-2261050  
E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Ref. No.:-

From

Dr. D. K. Shukla,  
Chairman.

Patna, dated:-

NGT MATTER

O.A. No.- 88/2021/EZ

To

- (1) The Vice Chancellor, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
- (2) The Registrar, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.

Direction under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974.

- 1) WHEREAS, the Water (Prevention and Control of Pollution) Act, 1974 has been enacted by Parliament of India for the preservation and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution.
- 2) WHEREAS, Hon'ble National Green Tribunal, Eastern Bench, Kolkata in O.A. No. 088/2021/EZ in its order dated 01.02.2023 issued directions as follows:-
  - A. "The Bihar State Pollution Control Board shall conduct regular/ monthly Water Analysis Test and prepare Report and if the readings therein are found to be beyond the permissible limits, the Board shall take steps to give directions to the concerned violator for taking remedial measures and the Board shall also monitor the execution of remedial measures.
  - B. The Board shall also inspect the lake in question to ensure compliance of the directions given to the University in Para- 18 hereinabove by this tribunal and ensure compliance thereof."

WHEREAS, the Bihar State Pollution Control Board is regularly carrying out the Water Analysis Test of the lake in question and preparing Report (Annexure- 1), which reveals that:-



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- i. BOD (Standard- <3.0 mg/l); pH (6.5 - 8.5); Dissolve Oxygen (> 4 mg/l) were observed well within the norms.
  - ii. Fecal Collform (FC) (Standard- Desirable- 500 / Permissible- 2500 MPN/100ml) (MPN- Most Probable Number): was observed in the range between 220 and 14000 MPN/100ml in the lake/pond in question.
  - iii. Generally high values of FC in the lake or Pond in question shows that the some amount of un-treated sewage water is still flowing into the Pond.
- 4) The Hon'ble NGT, Principal Bench, New Delhi in its order dated 22.11.2018 in O.A. No. 353/2016 (M.A.No. 360/2017) with O.A. No. 412/2017 (M.A. No. 1321/2017 & 1322/2017) in the matter of Bhuvnesh Singh Katoch Vs MoEF&CC with Dharmpal Malhotra Vs State of HP & Ors. Has clarified that *"Apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986; the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pays Principle". Such scale which may be laid down at various levels, having regard to the local conditions or as per directions in the hierarchy of the authorities."*
- 5) WHEREAS, the undersigned is empowered to issue direction under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 to issue any direction to any person/ officer or authority. The direction may include the power to direct (a) the closure, prohibition or regulation of any industry, operation or process or (b) the stoppage or regulation of supply of electricity or any other service.

I, therefore, in exercise of the powers under Section 33A of the Water Act, 1974, Directs you to:-

- i. Ensure that drains leading into the lake or Ponds in question are completely diverted from the said water bodies;
- ii. Ensure no domestic liquid and solid waste is allowed to discharge or flow into the lake/ ponds under consideration;
- iii. Submit a timeline proposal, by the end of December, 2023, for setting up of a Sewage Treatment Plant (STP) for hostels, quarters and official buildings, in which all the drains leads to the STP and only the treated water, meeting the norms, shall be allowed to flow into the lake or ponds, to maintain level of water and ground water recharge.



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- iv. Ensure In-situ treatment of water of these ponds by physical, biological or other means, as per the Guidelines of Central Pollution Control Board/ Ministry of Environment, Forest and Climate Change/ Ministry of Jal Shakti or advised by the expert professors of Zoology/ Botany/ Environmental Science/ Chemistry.

You are, hereby, directed to take necessary action immediately for ensuring compliance of the aforesaid Directions and submit action taken report to this office within 15 days from the date of issuance of this direction, failing which, the State Board will be constrained to take further legal action under the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

Sd./-  
(D.K.Shukla)  
Chairman

Memo No. :

Patna, Date:

- Copy to: (1) The District Magistrate-cum-Chairman, District Environment Committee, District-Darbhanga;  
(2) The Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga for information and necessary action.

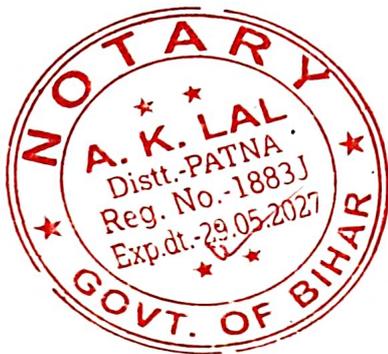
Sd./-  
(D.K.Shukla)  
Chairman

Memo No.: 259 s

Patna, Date: 07.12.23

- Copy to: (1) The Regional Officer, Muzaffarpur is directed to inspect the lake/Ponds in question located in the Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga as per the direction in O.A. No. 88/2021(EZ) final order dated 01.02.2023 and submit the report within by 15.12.2023 to the undersigned.  
(2) The Law Assistant, Legal Cell for information and necessary action.

*[Signature]*  
(D.K.Shukla)  
Chairman





ANNEXURE - C

# बिहार राज्य प्रदूषण नियंत्रण पर्षद्

परिवेश भवन, पाटलीपुत्र औद्योगिक क्षेत्र, पटना-800 010

दूरभाषनं: 0612-2261250 / 2262265, फ़ैक्स: 0612-2261050

पत्रांक- ११  
प्रेषक,

पटना, दिनांक:- 11-01-24

एस. चन्द्रशेखर, भा.व.से.,  
सदस्य-सचिव।

The Hon'ble NGT Matter

सेवा,

1. कुलपति, ललित नारायण मिथिला विश्वविद्यालय, कामेश्वर नगर, दरभंगा।
2. रजिस्ट्रार, ललित नारायण मिथिला विश्वविद्यालय, कामेश्वर नगर, दरभंगा।

विषय:- जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा-33ए. के तहत दिये गये वैधानिक निदेश के संबंध में।

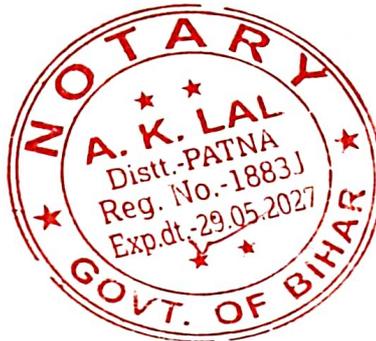
प्रसंग:- पर्षद् पत्रांक-2590, दिनांक-07.12.2023.

महाशय,

उपरोक्त विषयक एवं संदर्भित पत्र के आलोक में सूचित किया जाना है कि माननीय राष्ट्रीय हरित अधिकरण, पूर्वी बेंच, कोलकाता द्वारा ओ.ए. संख्या-88/2021 (EZ) में दिनांक-01.02.2023 को पारित आदेश के आलोक में जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा-33ए. के तहत पर्षद् पत्रांक-2590, दिनांक-07.12.2023 के माध्यम से वैधानिक निदेश दिया गया था, जिसका अनुपालन प्रतिवेदन राज्य पर्षद् को उपलब्ध कराने का अनुरोध किया गया था, जो अबतक अप्राप्त है। सुलभ संकेत हेतु प्रेषित पत्र की छायाप्रति संलग्न।

अतः अनुरोध है कि उक्त संबंध में मांगी गयी अनुपालन प्रतिवेदन 10 दिनों के अंदर राज्य पर्षद् को उपलब्ध कराने की कृपा करना चाहेंगे ताकि माननीय राष्ट्रीय हरित अधिकरण, पूर्वी बेंच, कोलकाता को यथास्थिति से अवगत कराया जा सके।

अनुलग्नक:- यथोपरि।



विश्वासभाजन,  
(एस. चन्द्रशेखर)  
सदस्य-सचिव।  
A



# Bihar State Pollution Control Board

Parivesh Bhawan, NSB-2, Patliputra Industrial Area  
Patliputra, Patna-800 010

ANNEXURE - A

(7)

## Sample Analysis Report

Parameters	Standards as per MoEF Notification G.S.R. 742 (E), dated 25.09.2000 for Primary Water Quality Criteria for Bathing Water	Infront of European Guest House (Gandhi Sadan ) Pond, Darbhanga ( NCT OA No. 88/2021/EZ)											
		67	285	565	692	868	1062	1268	1606	1824			
Lab Ref. No.	-	67	285	565	692	868	1062	1268	1606	1824			
Date of Sampling	-	12.04.2023	11.05.2023	28.06.2023	13.07.2023	24.08.2023	26.09.2023	17.10.2023	14.11.2023	13.12.2023			
Temperature (AV)	-	36/28	36/29	30/26	30/28	28/25	32/26	35/29	28/24	17/15			
Dissolved Oxygen (mg/L)	>4.0	8.6	8.5	6.5	7.4	7.2	7.9	8.4	7.8	7.8			
pH	6.5-8.5	7.87	8.36	8.25	7.37	8.1	7.23	7.69	7.7	7.8			
Electrical Conductivity	-	367	397	392	340	323	283	386	390	320			
BOD (mg/L)	<3.0	1.4	2.5	2.8	2.1	1.9	1.2	1	1.5	2.4			
Nitrate as N (mg/L)	-	0.05	0.02	0.03	0.02	0.02	0.03	0.05	0.07	0.06			
TC (MPN/100 ml)	-	2600	790	22000	9200	13000	13000	4900	2300	700			
FC (MPN/100 ml)	Desirable / Permissible 500/2500	1700	220	14000	5400	7900	4900	3300	1700	330			
Turbidity (NTU)	-	15.8	21.1	9.45	7.8	9.1	29.1	16.1	20	18.2			
Alkalinity as CaCO <sub>3</sub> (mg/L)	-	114	122	156	148	134	120	158	148	132			
Chloride (mg/L)	-	38.0	36.0	46.0	42.0	45.0	39	36.0	33	38.0			
COD (mg/L)	-	12	20	24	20	16	8	8	12	24			
Total Hardness as CaCO <sub>3</sub> (mg/L)	-	102	100	160	152	142	128	166	158	142			
TDS (mg/L)	-	238	272	266	232	222	182	242	252	220			
TSS (mg/L)	-	12	18	6	6	8	26	12	18	16			

Verified by  
(Nalini Mohan Singh)  
Scientist

(Anur Kumar)  
Board Analyst