

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

Q.A. NO. 441 OF 2022

IN THE MATTER OF

Sidhnath Tiwari

APPLICANT

VERSUS

The State of Bihar & Others

RESPONDENTS

COUNTER AFFIDAVIT BY RESPONDENT NO. 3 (MUNICIPAL, COMMISSIONER
MUNICIPAL CORPORATION, GAYA) GAYA

I N D E X

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03.	ANNEXURE-B	A true copy of Memo No. 2109 dated 28.08.2019	
04.	ANNEXURE-C	Photographs of sanitation work of Salempur Drain, Manpur, Gaya	

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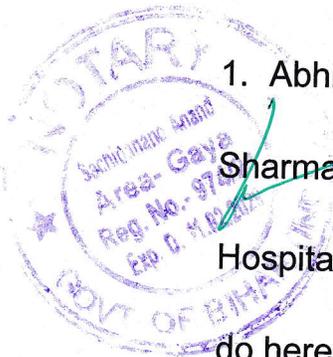
RESPONDENTS

COUNTER AFFIDAVIT BY RESPONDENT NO. 3 (MUNICIPAL
COMMISSIONER. MUNICIPAL CORPORATION, GAYA

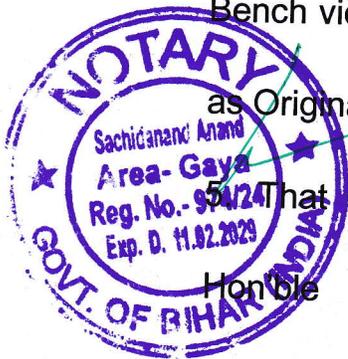
1. Abhilasha Sharma, aged about 34 years, Female, wife of- Ankit
Sharma, Resident of- H No 782/3, Old Delhi Road, Opp Saraswati
Hospital, Gurgaon, Haryana - 122001

do hereby solemnly affirm and declare as follows: -

1. That I am posted as Municipal Commissioner, Gaya Municipal Corporation, Gaya and as such am competent to swear this affidavit.



2. That I am posted as Municipal Commissioner Gaya since about 02 years and working in full sincerity.
3. That I have gone through the contents of the main petition and order and direction dated 02.02.2024 passed by this Hon'ble Tribunal and have understood the same.
4. That at the outset it is stated and submitted that this Original Application No. 441/2022 was registered in New Delhi Bench of National Green Tribunal had constituted a joint committee. Therefore, the case file has been transferred to the Eastern Zone Bench, Kolkata by the New Delhi Bench vide order dated 22.08.2023 and the case has been renumbered as Original Application No. 132/2023/EZ.
5. That after institution of the case in the Eastern Zone of this Hon'ble Court vide order dated 02.02.2024 District Magistrate, Gaya has been directed to provide the copy of the present order (dated 02.02.2024) to the Municipal Commissioner ,Gaya within one week and the Respondents have been directed to file their respective counter affidavit and the matter has been fixed for 15th of March 2024. On the date fixed the Counsel on behalf of Municipal Corporation

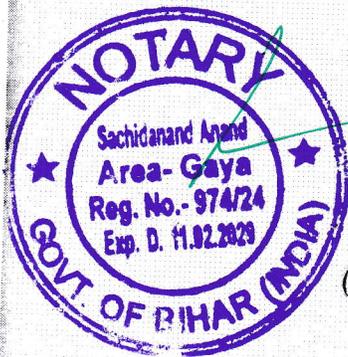


appeared on 15th of March but since the bench of Hon'ble Tribunal was not available the court work could not resume and the Counsel were gone from Patna engage a Local Laywer Shri Ghanshyam Pandey file Vakalatnama on behalf of Corporation which has been filed on 20.03.2024 through Transaction Id No. 1900210057212024 and Bank Id transaction No. 2003240022880.

Prior to the communication made after order dated 02.02.2024 the answering respondent was not aware regarding the pendency of the present matter before the present Hon'ble Tribunal.

6. That from the records of the case available in office of the corporation it appears that on the direction passed in the Original O.A. No. 441/2022 a Joint Committee was constituted and after enquiry following recommendations has been made on 23.11.2022 which is as follows:-

- (i) Gaya Municipal Corporation, Gaya may be directed to clean the drains/Salempur Pyne of that locality.
- (ii) Gaya Municipal Corporation, Gaya may be directed to convert Kachcha Salempur Pyne into pucca (concreted)Pyne.



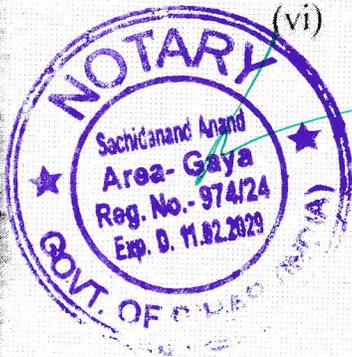
- (iii) The Concerned Industries Department, GoB may be directed to construct ETP at the earliest, at local level (Manpur, Patwa Toli, Gaya) for the treatment of the industrial effluent.
- (iv) The Concerned Industries Department, GoB may be directed to take initiative at the earliest for shifting of the power looms and dying units from the Manpur, Patwa Toli Area, Gaya.
- (v) The Urban Development and Housing Department GoB and Gaya Municipal Corporation, Gaya may be directed to provide sewage network and construct a Sewage Treatment Plant (STP) for treatment of the sewage water of Gaya Municipal Corporation at the earliest.



A True Copy of recommendations made on 23.11.2022 by the Joint Committee constituted by the Corporation is annexed herewith and marked as Annexure-A.

7. That it is submitted that from perusal of the affidavit filed on behalf of Bihar State Pollution Control Board it appears that they had made six recommendations which is as follows:-

- (i) Gaya Municipal Corporation, Gaya may be directed to clean the drains/Salempur Pyne of that locality.
- (ii) Gaya Municipal Corporation, Gaya may be directed to convert Kachcha Salempur Pyne into pucca (concreted) Pyne.
- (iii) The illegally operated dyeing units may be directed to close/shut down their units.
- (iv) Above mentioned units may be shifted from densely populated area to safe site, till then all the illegal dyeing units and the dyeing activity may be directed to be stopped/closed.
- (v) The concerned Industries Department, GoB may be directed to construct a Common Effluent Treatment Plants (CETP) for the treatment of the Industrial effluent at the earliest.
- (vi) The Urban Development and Housing Department, GoB and Gaya Municipal Corporation, Gaya may be directed to provide sewage network and construct a Sewage Treatment Plant (STP) for treatment of the sewage water of Gaya Municipal Corporation at the earliest. These recommendations are same and similar to the recommendations made by the Joint

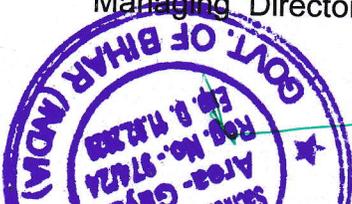


Inspection Committee by the Annexure-A to the present Counter Affidavit. However, out of the present 6 recommendations only first two recommendations are directly concerned with the Municipal Corporation. So far as other recommendations are concerned they are to be complied by other authorities such as Department of Industry and Urban Development and Housing Department, Govt. of Bihar.

8. That so far as clean the drain which is recommendation No. I, namely Salempur pyne is concerned it is regularly been clean like the other main drain of the town on a periodical basis at least one time in a year it is de-silted properly removing all waste deposits in the present drain. After receipt of recommendation from the Pollution Control Board special care is being taken regarding the present Salempur Pyne/drain and there is no obstacle in flow of the pyne.

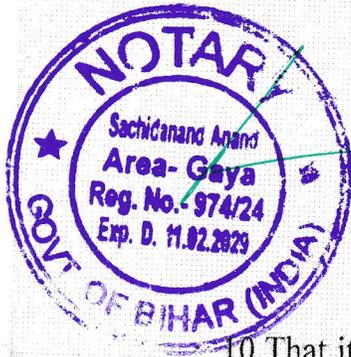
Photographs of drain cleaning of Salempur pyne is annexed herewith and marked as Annexure-C

9. That so far as recommendation no. II Which is with regard to concretization of the present drain is concerned it is submitted that the Municipal Corporation for construction of RCC drain of the Pyne detailed Project Report(DPR) had prepared and for its technical and administrative sanction submitted to the Managing Director, BUIDCO through Memo No. 2109 dated 18.08.2019, this memo



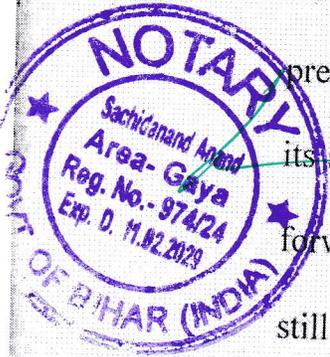
also contain the copy of DPR. Thereafter, the copy of the DPR has also submitted to the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar (UDHD). The answering respondent has requested to the Directorate of Urban Local Bodies, Govt. of Bihar for the sanction of the present project which is still pending at the level of the State Government (UDHD).

A True copy of Memo No. 2109 dated 28.08.2019 is annexed herewith and marked as Annexure-B.



10. That it is relevant to submit here that in outer side of the Gaya Town there are a few small industries having power loom who are engaged in weaving the clothes but due to the discharge of colour from the power looms the drain flowing through ward no. 47 to 49 became colourful as well as from other connected discharge.
11. That so far as recommendation no. VI is concern it is also to be complied by UDHD, Govt. of Bihar but a few facts is within the knowledge of the answering respondent that apart from the aforesaid steps with the help of Union of India the state government through Urban Development & Housing Department a project has been undertaken by them for sewerage disposal. It is also relevant to note

here that due to intervention of Hon'ble High Court, Patna Gaya town has been taken under Namami Gange Project although it is not situated at the bank of river Ganges. Under the direction of central government the department of UDHD has decided to make the entire project in two phases in first phase 319 KM sewer line is to be laid down alongwith 8 number of Intermediary Pumping Station (IPS) and 30 number of Million Litres Per Day treatment Plant with the financial help of Asian Development Bank. In the second phase 150 KM sewerage line is to be laid down and 6 numbers of IPS including 10 MLD, STP. For construction of these project WAPCOS is directed to prepare DPR through BUIDCo. This DPR has been prepared and BUIDCo has already sent this DPR to the UDHD for its sanction. After receipt of the DPR the department of UDHD has forwarded it to the Central Government for necessary action which is still awaited.



12. That so far as the other three recommendations III to V are to be complied with by the Industry Department and the answering respondents is nothing to do.
13. That it is submitted here that the present Municipal Commissioner has joined recently in the Gaya Municipal Corporation and after her

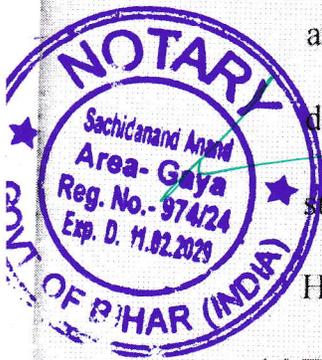
joining she is taking care with the issues related with pollution and civic amenities.

14. That the answering respondents tenders unqualified and unconditional apology for delay and incontinence, if any, caused to this Hon'ble Tribunal in filing of the present counter affidavit because the same is neither intentional nor deliberate rather the answering respondent is always vigilant in compliance of orders/directions of Hon'ble Courts.

15. That the present counter affidavit is filed in brief and hence the answering respondent crave leave of this Hon'ble Court to file a detailed counter affidavit having paragraph wise reply alongwith supporting documents/photographs as and when so required by this Hon'ble Court.

16. That I have gone through the contents of this counter affidavit and have understood the same, which are true to the best of my knowledge and information derived from the records of the case.

17. That the annexures are true/photo copies of its respective originals.



Abhilasha Sharma

Deponent

Book No. I SI No. 02 Date 30/04/2024

Abhilasha Sharma
30/04/24



भारत सरकार

Government of India

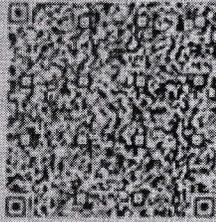


अभिलाषा शर्मा

Abhilasha Sharma

जन्म तिथि/ DOB: 07/08/1990

महिला / FEMALE



7949 4823 9314

मेरा आधार, मेरी पहचान



भारतीय विशिष्ट पहचान अधिकार

Unique Identification Authority of India

पता:

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Abhilasha Sharma.

Inspection report of the Joint team

In the matter of O.A. No. 441/2022- Sidhanath Tiwari vs State of Bihar-in compliance with the order dated 13.10.2022 by Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Date of Inspection: 05 Nov., 2022

In compliance with the order dated 13.10.2022 by the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi passed in the matter of O.A. No. 441/2022- Sidhanath Tiwari vs. State of Bihar, a team was constituted for joint inspection of discharge of waste water of entire Sector-47 to 49 Manpur, District Gaya, Bihar with respect to the loss of agricultural land and crops due to the blockage of toxic and industrial waste and sewage from the drain of Sector-47 to 49 Manpur, Distt- Gaya. The joint inspection team comprised of the following members:-

1.	Bihar State Pollution Control Board through Sri A.K. Gupta, Regional Officer, Gaya.
2.	District Magistrate, Gaya, Bihar through Sri Praphul kumar, Dept. Municipal Commissioner, GMC, Gaya
3.	District Magistrate, Gaya, Bihar through Md. Asif Seraj, City Manager, GMC, Gaya
3.	District Magistrate, Gaya, Bihar through Sri Anuj Kumar, Circle Officer, Anchal-Manpur, Distt.- Gaya
4.	Sri Chandra Prakash, Revenue Officer, Anchal-Manpur, Distt.- Gaya
5.	District Magistrate, Gaya, Bihar through Sri Dilip Kumar Mandal, Industry Extension Officer, DIC, Gaya

The inspection team inspected for the compliance of order of Hon'ble NGT dated. 13.10 2022.

Inspection:

The team conducted inspection of Sector-47 to 49 Manpur, District Gaya. During the inspection, Sri Premnarayan, Sri Phaldari Prasad, Sri Giridhari Lal, Sri Nand Kishore Prasad, Sri Jitendra, Sri Munna and others (all residence of Patwa Toli, Manpur, Gaya) were present.

Findings of the inspection team:

1) Following five dying units were inspected;

1.	M/s Amit Dying, Sri Amit Kumar (Proprietor), Ward No.-49, Pehani, Patwa Toli, Manpur, Dist-Gaya.
2.	M/s Bhola Dying, Sri Bhola Prasad (Proprietor), Ward No.-49, Baidyanath Sahay Lane, Patwa Toli, Manpur, Dist-Gaya.
3.	M/s Semraj Rangai, Sri Semraj Prasad (Proprietor), Ward No.-49, Pehani, Patwa Toli, Manpur, Dist-Gaya.
4.	M/s Bhola Rangai, Sri Bhola Prasad (Proprietor), Ward No.-48, Shivcharan Lane, Patwa Toli, Manpur, Dist-Gaya.
5.	M/s Om Prakash Rangai, Sri Om Prakash (Proprietor), Ward No.-48, Shivcharan Lane, Patwa Toli, Manpur, Dist-Gaya.

All the above five units were found closed.

2) As informed by the representatives of local power loom/ dying units, there is no other operational dying units at this area. They also informed that coloured threads are imported from Punjab and Coimbatore for use in the power looms.

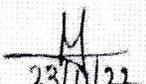
Power loom units were also inspected. It was found that the power loom units use pre coloured thread. Pre coloured thread are washed, which is source of water pollution (discharge of coloured water into municipal drain.), this coloured untreated water should be treated before disposal as per the norms.

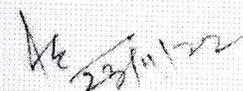
The pre-coloured thread washing is presently done by the individual entrepreneurs as a house-hold activity, instead, a common pre-coloured thread washing facility equipped with effluent treatment facilities.

- iv) As informed by the representatives of local power loom units , there is proposal to establish an ETP at the Manpur, Patwa Toli, Gaya. The land for the ETP has also been identified.
- v) As informed by the representatives of local power loom units , there is proposal to shift the power looms and dyeing units from the Manpur, Patwa Toli Area, Gaya to another safe site. The land for the same has also been identified.

Recommendations

- i) Gaya Municipal Corporation, Gaya may be directed to clean the drains/ Salempur Pyne of that locality .
- ii) Gaya Municipal Corporation, Gaya may be directed to convert kachcha Salempur Pyne into pucca (concreted) Pyne.
- iii) The Concerned Industries Department, GoB may be directed to construct ETP at the earliest, at local level (Manpur, Patwa Toli, Gaya) for the treatment of the industrial effluent.
- iv) The Concerned Industries Department, GoB may be directed to take initiative at the earliest for shifting of the power looms and dyeing units from the Manpur, Patwa Toli Area, Gaya.
- v) The Urban Development and Housing Department, GoB and Gaya Municipal Corporation, Gaya may be directed to provide sewage network and construct a Sewage Treatment Plant (STP) for treatment of the sewage water of Gaya municipal corporation at the earliest.


23/11/22
(Md. Asif Seraj,
City Manager, GMC, Gaya


(Praphul Kumar)
(Praphul Kumar)
Dept. Municipal Commissioner,
GMC, Gaya

(A.K. Gupta)
BSPCB,
R.O. Gaya.


(Anuj Kumar)
Circle Officer,
Anchal-Manpur, Distt.- Gaya

(Dilip Kumar Mandal)
Industry Extension Officer,
DIC, Gaya


(Chandra Prakash)
Revenue Officer,
Anchal-Manpur,
Distt.- Gaya

गया नगर निगम
(सामान्य शाखा)

दिनांक 2109 / सा 10

दिनांक 28 वीं अगस्त, 2019 ई०

फोन नं० :- 0631-2228260

फैक्स नं०:- 0631-2220699

ई-मेल:- mc.gayamc@gmail.com

साविन कुमार, मा०प्र०रो०
नगर आयुक्त
गया नगर निगम।

प्रबंध निदेशक
बुडको, पटना।

Multi Mantek द्वारा सलेमपुर पड़न (मानपुर) से खंजाहापुर कुकरा, गया का R.C.C. Drain का DPR भेजने के संबंध में।

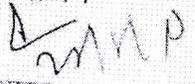
प्रति,

उपर्युक्त विषय के संबंध में कहना है कि Multi Mantek द्वारा विषयान्तर्गत कार्य का 100आर० इस कार्यालय में जमा किया गया, जिसकी प्राक्कलित राशि 3858.81 लाख रुपये है। Multi Mantek के Engineer द्वारा दिनांक 31.07.2019 को डी०पी०आर० से संबंधित मुख्य बातों का प्रतीकरण किया गया। यह योजना मानपुर क्षेत्र के लिए लाभदायक रहेगा। इस पत्र के साथ Multi Mantek द्वारा जमा डी०पी०आर० संलग्न किया जाता है, जिसकी तकनीकी अनुमोदन के साथ विभाग को आसन्निक स्वीकृति प्राप्त करने की कृपा की जाय।

आपका-यथोक्त।

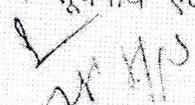
DPR - Volume No-I, II, III & IV

विश्वासभाजन


नगर आयुक्त
गया नगर निगम

दिनांक 2109/28 दिनांक 28/8/19

प्रतिलिपि : प्रधान सचिव, नगर विकास एवं आवास विभाग, बिहार पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।


नगर आयुक्त
गया नगर निगम

30-08-19

पांय 312
पांय
30/8/19

