

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 183 OF 2023/EZ**

**In the Matter of:**

Vishal Kumar

...Applicant

Versus

Bihar Foundry and Castings Ltd. & Ors.

...Respondents

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**Filed by:**



Date: 06.08.2024  
Place: Kolkata

**Kazi Sangay Thupden and Akshar Bhatt**  
Advocates for the Applicant  
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**REJOINDER TO THE REPLY DATED 10.01.2024 FILED BY  
RESPONDENT NO. 6 ALONGWITH AFFIDAVIT**

**MOST RESPECTFULLY SHOWETH:-**

1. The Applicant in the original application raised the issue with respect to illegal drawl of ground water by Respondent No. 1 (BFCL) to run its ferro alloy plant as it is practically impossible for the Respondent No. 1 to run its ferro alloy plant with mere 35m<sup>3</sup>/day of water capacity allowed to it.
2. It is humbly submitted that in general practice 1kl/tonne water is required for production of ferro alloy using silico manganese. It is thus clear that the Respondent No. 1 is over drawing groundwater as its production capacity is 96 TPD and it runs its

ferro alloy plant in full capacity. Further, it is also established that the Respondent No. 1 has already expanded the ferro alloy unit thereby increasing its production capacity which would cause it to use even more water.

3. This contention was raised in the original application however, the Respondent No. 6 in its reply has merely provided details of the permission already issued to Respondent No. 1 and has failed to provide any data to verify whether the Respondent No. 1 is engaging in over drawl of ground water or not to run its ferro alloy plant.
4. The Respondent No. 6 in its reply has also failed to provide details of the digital flow meter installed in the premises of Respondent No. 1 which would indicate that Respondent No.1 is drawing groundwater within permissible limits.
5. This shows that the reply filed by Respondent No. 6 is just a formality without providing any details which may assist the Hon'ble Tribunal in deciding the specific contentions raised in the original application.

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6. It is reiterated that the Respondent No. 1 is violating the provisions of the Water Act and causing severe damage to environment as the over drawl by Respondent No. 1 is depleting the groundwater in the Ramgarh industrial area.
7. This fact had been completely ignored by the Respondent No. 6 while renewing the NOC issued in favour of Respondent No. 1.
8. The fact that Respondent No. 6 has stated in its reply that the terms of NOC are being complied by Respondent No. 1 without confirming the installation of digital flow meter shows that the reply filed by Respondent No. 6 lacks any merit.

**Filed by:**



Date: 06.08.2024  
Place: Kolkata

**Kazi Sangay Thupden and Akshar Bhatt**  
Advocates for the Applicant  
2/20 B, LGF, Jangpura A, New Delhi-110014  
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NOTARISED UNDER Notaries Act-1956 and Notaries Rules 1956 by Govt. Jharkhand Ranchi (India)



BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENGALURU KOLKATA  
ORIGINAL APPLICATION No. of 2023

In the matter of-

Vishal Kumar ... Applicant

V/s.

Bihar Foundry & Castings Limited ... Respondent

AFFIDAVIT

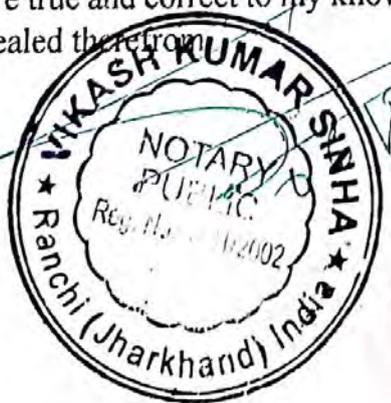
I, Vishal Kumar, aged about 40 years, son of Shri. Muchkund Prasad, resident of Near Police Station, P.O. & P.S. – Jamua, District- Girdih, Jharkhand – 815318, presently residing at 208, Old AG Co-operative Colony, Kadru, PO- Doranda, PS- Argora, District – Ranchi, Jharkhand – 834001 hereby solemnly affirm and declare as under:-

1. That I am fully aware of the facts and circumstances of the case and thereby competent to swear this affidavit.
2. That the accompanying rejoinder has been drafted on my instruction and the contents of the accompanying rejoinder are true and correct to the best of my knowledge.
3. That the annexures in the accompanying rejoinder are true copies of their originals.

Vishal Kumar  
DEPONENT

VERIFICATION

Verified at \_\_\_\_\_ on this \_\_\_ day of August, 2024, that the contents of above affidavit are true and correct to my knowledge and belief and no part of it is false or has been concealed therefrom



Vishal Kumar  
DEPONENT

Piyush Singh  
D-6803/24

Signature Attested for  
Identification of Lawyer

06 AUG 2024  
Ref. No. S/10  
Date



Mr. Tilak Singh &lt;signtilak@gmail.com&gt;

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## Rejoinder to reply of R2 and R6

1 message

**Akshar Bhatt** <akshar@outlook.com>

Tue, Aug 6, 2024 at 10:38 PM

To: "legumjure@gmail.com" <legumjure@gmail.com>, Sandip Agarwal <mailsandipagarwal@gmail.com>, "gigicgeorge.adv42@gmail.com" <gigicgeorge.adv42@gmail.com>, "advaish.hc@gmail.com" <advaish.hc@gmail.com>, Surendra Kumar Cpcb <surendra\_kr15@rediffmail.com>, Judicial Section <ngtjudicial-kolkata@gov.in>, Ashok Prasad Peso <ashokadvhc@gmail.com>

Dear Sir/Maam,

Kindly find attached the rejoinders in advance service. Kindly place this before the Hon'ble Tribunal.

Regards,  
Akshar Bhatt  
Advocate

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### 2 attachments

**Vishal kumar\_rejoinder to MOEF.pdf**

4322K

**Rejoinder to Respondent No6.pdf**

1144K