

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**M.A. NO. 18 OF 2024/EZ**

**IN**

**O.A. NO. 155 OF 2022/EZ**

**IN THE MATTER OF**

**TALAB BACHAO ABHIYAN**

.....Petitioner.

**Versus**

**GOVERNMENT of Bihar and others**

\_\_\_\_\_ Respondents.

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SI No. 5466 Date. 13/9/24

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M.A. NO. 18 OF 2024/EZ

IN

O.A. NO. 155 OF 2022/EZ

IN THE MATTER OF

TALAB BACHAO ABHIYAN ..... APPLICANT

VS

GOVERNMENT OF BIHAR AND ORS ... RESPONDENTS

COMPLIANCE AFFIDAVIT ON BEHALF OF BIHAR STATE  
POLLUTION CONTROL BOARD.

I, S. Chandrasekar, Male, aged about 47 years, Son of S. Subramani,  
Residing at No. 03, Aranya Bhawan Niwas, Shaheed Peer Ali Khan  
Marg, Patna, do hereby solemnly affirm and State as follows:-

- 1. That I am posted as Member Secretary in Bihar State  
Pollution Control Board, Patna, as such I am well aware of

S. Chandrasekar  
who is identified by Advocate... A. Singh  
solemnly affirmed J.R.D declared contents of  
this affidavit apart from this nothing else as  
stamp/Court fees etc. 1/3 & Sub-rule 4  
of rule of N.G.T. 1986 before me  
A.K. Lal  
Civ Court Pat





- the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.
2. That the instant application was last heard on 01.08.2024 when the Hon'ble Tribunal in light of the affidavit filed by the answering respondent was pleased to observe the Railways is a polluter and directed the answering respondents to determine the Environmental Compensation payable by the Railways for the pollution caused by the Railways.
  3. That in light of the above it is stated that the committee of the State Board constituted for assessment of Environmental Compensation carefully examined the records of the Darbhanga Railway Station; the submissions made by the representative of the Railway in the meeting of the committee constituted by this Hon'ble Tribunal and has found that the Darbhanga Railway Station has been operating in violation of the Consent Conditions and discharging untreated waste water in ponds and accordingly has assessed the Environmental Compensation at Rs. 1,61,12,500/- (One Crore Sixty-One Lacs Twelve Thousand and Five Hundred Only/-).





A copy of the assessment minutes is annexed and marked as Annexure-1.

4. That the answering respondent is contemplating issuing a statutory direction to the Darbhanga Railway Station to submit a time bound action plan for setting up of STPs and connecting the same to the sewer of the CPCB and BSPCB and to file its objection on the levy of Environmental Compensation of Rs. 1,61,12,500/- (One Crore Sixty-One Lacs Twelve Thousand and Five Hundred Only/-).
5. That based on the reply as may be filed by the Railways the answering respondent will be issuing a final direction in respect of levy of Environmental Compensation of 1,61,12,500/- (One Crore Sixty-One Lacs Twelve Thousand and Five Hundred Only/-) on the Railways.





6. That I have read read the contents of the compliance affidavit and have understood the same and the annexures are true copies of its respective originals.

*[Handwritten signature]*  
DEPONENT  
(S. CHANDRASEKAR)

**VERIFICATION**

Verified at Patna on 13<sup>th</sup> day of September, 2024 that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from the records of the matter.

*[Handwritten signature]*  
DEPONENT  
(S. CHANDRASEKAR)

*I identify the Deponent signature/Lt who has signed in my presence*  
*Ashish, A.*



Annexure-1



## Bihar State Pollution Control Board, Patna

### CALCULATION OF ENVIRONMENTAL COMPENSATION

Name & address of Industry:	The Divisional Railway Manager (DRM) East Central Rail, Samastipur Division, Railway Colony, Dist.- Samastipur- 848 101. (e-Mail: drm@mgs.railnet.gov.in)
Name of Railway Station	<b>Darbhanga Railway Station</b>
Consent/ Direction issued to the unit:	CTO(Water) : 253 dated 19.01.2021 valid for 5 Years.
Violation Reported:	<p>a. Violation of CTO (Water) Condition No. 12: " to install Captive Sewage Treatment Plant (STP) for treatment of sewage/ domestic waste water generated form station premises. Submit an Action Plan within one month time."</p> <p>b. The Hon'ble NGT in the matter of O.A. No. 155/2022/EZ, order dated-01.08.2024, directed the State Board to impose Environmental Compensation on the Darbhanga Railway Station, if found a polluter.</p> <p>c. Waste water generated from the circulation area and platform are not treated through the STP before discharging.</p> <p>d. Not submitting the Timeline Action Plan for the installation of STP.</p>
<b>Calculation of Environmental Compensation:</b>	
1. Pollution Index of Industry (PI) - Red (80) <b>Orange (50)</b> Green (30)	
2. Days of violation (N) -	From <b>01.03.2021</b> to <b>09.09.2024</b> = <b>1289</b> days
3. Rs. factor (Rs. 250) (R) -	Rs. 250/-
4. Category of Industry(S) -	Micro & Small (0.5); <b>Medium (1)</b> ; Large (1.5)
5. Location Factor (LF)	<p>Population &lt; 1 million or unit located &gt; 10 km from Municipal Areas (1)</p> <p>Population &gt; 1 million to &lt; 5 million (1.25)</p> <p>Population &gt; 5 million to &lt; 10 million (1.5)</p> <p>Population &gt; 10 million (2)</p> <p><b>LF = 1 (Population &lt; 1 million of Darbhanga Municipal Corporation)</b></p>
$EC = PI \times N \times R \times S \times LF$ $EC = 50 \times 1289 \times 250 \times 1 \times 1$ $EC = \text{Rs. } 1,61,12,500 \text{ /-}$	
EC calculated is Rs. One Crore Sixty one Lakh Twelve Thousands Five Hundred Only.	

*A Singh*  
9/9/24  
(Abhimanyu Singh)  
Legal Assistant

*Ashish*  
9/9/24  
(Ashish Kumar Gupta)  
Environmental Engineer

*Arun Kumar*  
09/09/2024  
(Arun Kumar)  
Board Analyst



**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- msbspcb-blh@gov.in. Website - http://bspcb.bihar.gov.in

**BY REGISTERED POST and email**

Ref. No.:-

Patna, dated:-

**From**

Dr. D. K. Shukla,  
Chairman.

**To**

The Divisional Railway Manager (DRM),  
East Central Rail,  
Samastipur Division, Railway Colony,  
Dist.- Samastipur- 848101.  
(e-mail: drm@mgs.railnet.gov.in)

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

1. **WHEREAS**, Ministry of Environment, Forest and Climate Change, Govt. of India has notified the Water (Prevention and Control of Pollution) Act, 1974. Under Section 25 of the Water Act, no person shall without the previous consent of the State Pollution Control Board, establish or take step to establish any industries operation or process or any treatment or disposal system or any extension or addition thereto, which is likely to discharge sewage or effluent into a stream or well or sewer or on land.
2. **AND WHEREAS**, the State Pollution Control Board under Section 17 of the Water Act has been mandated with the following functions which inter-alia including:
  - i) (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans,



specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

ii) (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

iii) (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

iv) (i) to evolve methods of utilization of sewage and suitable trade effluents in agriculture;

v) (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

vi) (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream

X      (X)

and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

vii) (m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

3. **AND WHEREAS**, sewage is a major cause for poor water quality in the Ganga River and its tributaries and adversely impacts the human health and the aquatic life. The discharge of untreated, partially treated and treated sewage not meeting the standards is further adding to the problem of water pollution and very substantial gap still exists in generation and treatment of sewage.
4. **AND WHEREAS**, the Central Government has notified standards for discharge of environmental pollutants from industries, Common Effluent Treatment Plants (CETPs) and Sewage Treatment Plants (STPs), under the Environmental (Protection) Act, 1986 and rules framed thereunder (Schedule VI).
5. **AND WHEREAS**, National Mission for Clean Ganga (NMCG) has identified 97 cities/towns called Ganga front towns near the banks of Ganga and sewage generated from these cities/town located in the State of Bihar falls directly/indirectly in river Ganga & its tributaries through drains and thus deteriorating water quality of river Ganga.
6. **AND WHEREAS**, Water quality of river Ganga has been deteriorating on account of disposal of untreated sewage through various drains or partially treated sewage and trade effluent in to the river and making the river unfit for human bathing/consumption.



7. **AND WHEREAS**, CPCB issued directions dated-10.03.2017 under Section 18 (1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 to the Bihar State Pollution Control Board (BSPCB) for restoration of water quality of River Ganga and directed:
- I. To take up monitoring of Sewage Treatment Plants (STPs) discharging into river Ganga on monthly basis and forward monthly report to CPCB.
  - II. To take action against the authorities responsible for operation and maintenance of STPs (existing)/or those newly under construction are not simultaneously ready with conveyance system (sewers) and this has created partial utilization of STP and order them to rectify such situation in next six months from the date of issue of these directions and STPs should be utilized completely for their designed capacities.
8. **AND WHEREAS**, Hon'ble Supreme Court in the writ petition (c) no. 375 of 2012 pronounced judgment dated: 22.02.2017 as under:
- "We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functioned, within the timelines and the format, expressed here in above"*
9. **AND WHEREAS**, Hon'ble National Green Tribunal in the writ petition (c) no. 3727 of 1985 pronounced judgment dated: 13.07.20217 as under:

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*"The CPCB and the respective SPCBs, particularly, concerned with river Ganga shall issue consent orders which must contain stipulations/conditions with regard to reuse of the treated sewage for industrial and other purposes. This condition should also be incorporated by an amendment in the orders already issued by the Board to the industries, however, they may be provided time framed for compliance of this direction. The Board can implement this direction in stages, giving preferences first in the urban areas and later in rural areas."*

*"All the existing STPs as well as the STPs to be designed and constructed should satisfy the existing standards. The new STPs should be designed and construction in a manner in which they should be able to achieve more stringent norms. if prescribed future"*

10. **AND WHEREAS**, CPCB has issued a methodology for levying in reference of Hon'ble NGT order dated: 31.08.2018 for discharge in violation of consent conditions mainly prescribed standards/consent limits.
11. **AND WHEREAS**, Hon'ble NGT in matter of OA No. 200/2017 [(M.A. No. 254/2018 & M.A. 872/2018) (C.W.P. No. 3727/1985)] O.A. 668 of 2017 [(Earlier M.A. No. 923/2017 in OA. No. 200/2014)] dated: 06.08.2018 directed as under:

*"The online mechanism for monitoring the sewage treatment plants should also connected to the servers of CPCB and State Pollution Control Boards so that CPCB can also monitor the data."*



12. **AND WHEREAS**, Hon'ble NGT in matter of O.A. No. 155 of 2022 directed as under:

*"Para No.- 8 : The State Respondent shall also file fresh affidavit within three weeks stating what action has been taken by the Railways with regard to setting up of STPs and what timeline has been given for setting up of STP."*

*Para No.- 6 : "If the Railway is a polluter, it would be liable for payment of Environmental Compensation but neither of the affidavits disclose what Environmental Compensation has been determined against the Railway."*

13. **WHEREAS**, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in O.A. No. 155 of 2022 has constituted a committee to remedy the situation of the three ponds in Darbhanga and accordingly the meetings of the said committee were held on 28.04.2023; 22.11.2023 and 26.07.2024. In the first meeting, of the said committee convened on 22.11.2023 the representative of the Railways informed that the water of platform and circulation area is going into Harahi and Digdhi pond and further informed that in two months' time the waste water will be connected to WTP/STP through a drain. Accordingly, you were directed to submit time bound action plan for completing the said work. In the second meeting of the committee it was informed that the waste water going into harahi Lake has been stopped and the waste water is being taken to water recycling plant (WRP) for treatment and with respect to waste water being discharged in Digdhi lake it was stated

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that steps is being taken to treat the waste water and it will be completed by Feb' 2024 and in the third meeting it was informed that the waste water going into dighi lake has also been stopped and it has been connected to municipal drain. Further two STPs has been sanctioned which will be completed by 2026.

14. **WHEREAS**, it is admitted position that the untreated waste water was being discharged in the ponds by the railways which is in violation of the Discharge Consent Order issued to you contained in State Board Memo No. 253, dated 19.01.2021.
15. **WHEREAS**, the Hon'ble National Green Tribunal, New Delhi, in its order dated 03.08.2018, passed in O.A. No. 593 of 2017 and vide order dated 22.11.2018 passed in O.A. No. 353 of 2016, has directed to assess and impose Environmental Compensation from polluters/violators on the 'Polluter Pays Principle'.
16. **WHEREAS**, the Committee of the State Board constituted for computation of Environmental Compensation in its meeting dated 09.09.2024 has found you to be operating your unit in violation of the consent conditions for 1289 days (01.03.2021 to 09.09.2024) and has assessed the 'Environmental Compensation' to be imposed on you at Rs. 1,61,12,500/- based on the formula given by the Central Pollution Control Board, New Delhi.

I, therefore, in exercise of the powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, direct you the following:-



1. Submit **Action Plan for setting up of STP** with timeline **including reuse of treated waste water** for irrigation (Agriculture/ Horticulture/ Parks etc.), Dust Suppression, Road Cleaning, Washing or Cleaning purposes etc., provided that the treated waste water meets the standard prescribed by the Hon'ble NGT. The STP shall be included with **Online Continuous Effluent Monitoring System (OCEMS)** at the outlet of STPs to monitor the pH, Bio-Chemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Nitrogen (TN), Total Phosphorous (TP), and provide connectivity to CPCB and SPCB servers for continuous monitoring within the timeline of setting up of STP. The outlet standard shall be as per the Hon'ble NGT (Order No.- 1069/2018, dated- 30.04.2019) i.e. pH: 5.5-9.0, Bio-Chemical Oxygen Demand (BOD): 10 mg/l (mili gram per liter), Chemical Oxygen Demand (COD): 50 mg/l, Total Suspended Solids (TSS): 20 mg/l, Total Nitrogen (TN): 10 mg/l, Total Phosphorous (TP): 1.0 mg/l, Fecal Coliform (FC): Desirable- 100/ Permissible: 230 MPN (Most Probable Number).
2. File objection, if any, to the State Board action of imposition of Environmental Compensation of Rs. 1,61,12,500/-
3. Acknowledge receipt of these directions immediately and submit **Action Taken Report** positively **within next 05 days**.

Signed by  
Devendra Kumar Shukla  
(D. K. Shukla)  
Chairman  
Date: 13-09-2024 10:27:01

Copy to:

1. Legal Cell, BSPCB, Patna, for records.
2. RO, Muzaffarpur, BSPCB, for action and necessary action.