

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
ORIGINAL APPLICATION No. 149 of 2024 EZ  
(Earlier O.A. No.318 of 2024/PB)**

**IN THE MATTER OF:  
HEMANT KUMAR**

**APPLICANT (S)**

**VERSUS**

**GOVT. OF BIHAR & ORS.**

**RESPONDENT(S)**

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*Anshu Prasad Advocate*  
Filed through

Counsel

Dated: 14/11/2024

Place: Kolkata

NO. 3

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 149/2024/EZ

(EARLIER O.A. No. 318/2024/PB)

IN THE MATTER OF:

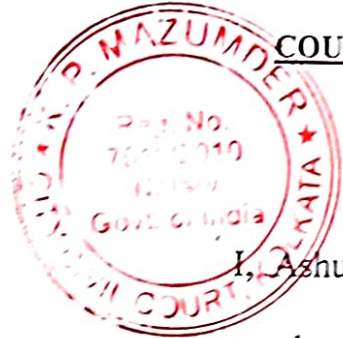
HEMANT KUMAR.....APPLICANTS

VERSUS

STATE OF BIHAR AND ORS..... RESPONDENT

COUNTER AFFIDAVIT/REPLY ON BEHALF OF RESPONDENT No 7

THE SECRETARY, MINISTRY OF JAL SHAKTI.



I, Ashutosh Anand, S/o Navin Kumar Singh, aged about 35 years, employed as Deputy Director, Monitoring & Appraisal Directorate, Central Water Commission, Kolkata, functioning at Kolkata, do hereby solemnly affirm and declare as under:

1. That I am duly authorized and competent to swear this affidavit on behalf of Central Water Commission, in the above matter.

14 OCT 2024

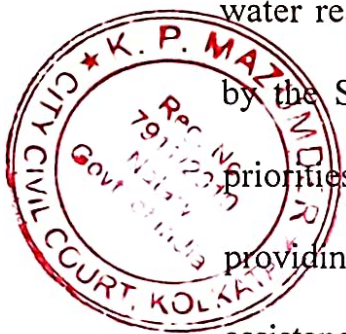
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2. That I have read and understood the copy of the Original Application filed by the applicant and the answering respondent is filing this Counter Affidavit in compliance of direction passed by the Hon'ble Tribunal.
3. That the contents of the Appeal that have not been specifically admitted hereunder or are matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.

**BRIEF SUBMISSIONS:**

5. That in terms of Entry 17 in the State List, water is a state subject. Thus, water resources projects are planned, funded, executed and maintained by the State Governments themselves as per their own resources and priorities. Role of Government of India is limited to being catalytic, providing technical support and in some cases partial financial assistance in terms with the existing schemes being implemented by the Ministry of Jal Shakti.

6. Prima facie it appears that the subject matter of the aforesaid Original Application is primarily related to damage of a bridge under construction over river Ganga at Sultanganj, Aguni Ghat, Bihar. Reliefs prayed by the Applicant pertains to the construction companies involved in the stated bridge construction. Further, that the case



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essentially deals with the matter of damage of a under construction bridge and its repercussions on the life of the dolphins related matters, which is being dealt by various departments of State Government.

7. As per the information available, Central Water Commission do not have any involvement/information with regard to the stated damage of the bridge under construction.
8. Central Water Commission has requested District Magistrate, Bhagalpur, Bihar to inform the updated status of the matter.

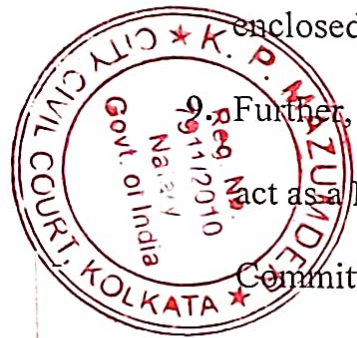
A Copy of letter C.E. / L.G.B.O./ प्रसा/2024/1800 dated 10.09.2024 is enclosed as **Annexure-R1**.

Further, the District Magistrate, Bhagalpur, Bihar has been entrusted to act as a Nodal Agency for compliance and co-ordination among the Joint Committee members constituted by Hon'ble NGT, New Delhi Bench through its order dated 31.05.2024. "A representative of the NMCG is one of the members of the Joint Committee constituted in terms of Hon'ble NGT order dated 31.05.2024 and the report shall be filed by the District Magistrate - Bhagalpur being the nodal person in the Joint Committee."

**PARA WISE REPLY:**

10. The Contents of the para 1 to 5 of the application dated 07.09.2023 are matter of record and does not warrant any reply from the answering respondent.

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**PRAYER:**

It is most respectfully submitted that, from the aforesaid paragraphs, it can be seen that Ministry of Jal Shakti being Respondent no. 7 is not connected with the present matter. The issues raised in the present petition are outside the purview of Respondent No. 7 (i.e. Secretary, MoJS). Hence, Respondent No. 7 (i.e. Secretary, MoJS) may be deleted from the array of parties along with any other orders that the Hon'ble Tribunal finds fit & proper in the light of facts & circumstances of this case.



A. K. L.

**DEPONENT**  
Deputy Director (Mon. & App. Dte.)  
उपनिदेशक (प्रबन्धन, निर्देश)  
Central Water Commission  
(के. जे. आ. आ.)  
Govt. of India (भारत सरकार)  
Kolkata (कोलकाता)

14 OCT 2024

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VERIFICATION

Verified at 14th on this day of October, 2024, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

*Ashutosh*

**DEPONENT**

Deputy Director (Mon. & App. Dte.)  
 उपनिदेशक (प्रयोग एवं निदेश)  
 Central Water Commission  
 (केजोडी)  
 Govt. of India (भारत सरकार)  
 Kolkata (कोलकाता)

Identified by Me

*Ashutosh*

Advocate



**Solemnly Affirmed & Declared  
 Before me on Identification**

*K. P. Mazumder*  
**K. P. MAZUMDER, NOTARY**  
 City CMI Court, Kolkata  
 Reg. No. 7911/2010 Govt. of India

**14 OCT 2024**

भारत सरकार

जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग  
मुख्य अभियंता कार्यालय  
निचली गंगा बेसिन संगठन  
केंद्रीय जल आयोग, पटना



Government of India  
Deptt. of Water Resources, RD & GR  
Office of the Chief Engineer  
Lower Ganga Basin Organization  
Central Water Commission, Patna

संख्या: सी.ई./एल.जी.वी.ओ./प्रशा./ 2024/ 1800

दिनांक:- 10.09.2024

सेवा में,

निदेशक,

प्रबोधन एवं मूल्यांकन निदेशालय,

केंद्रीय जल आयोग, कोलकाता

विषय: Original Application No. 149/2024/EZ (Earlier O.A. No, 318/2024/PB) in the matter of **Shri Hemant Kumar V/s State of Bihar & Ors.**-Preaprtion of Draft Counter Affidavit-reg.

संदर्भ: Monitoring & Appraisal Directorate, CWC, Kolkata के मेल दिनांक 29.08.2024.

महोदय,

उपरोक्त संबंधित विषय एवं संदर्भित पत्र के आलोक में निदेशक, प्रबोधन निदेशालय, केंद्रीय जल आयोग, पटना के पत्र संख्या- HOC/PAT/NGT/60/24-25/954 दिनांक 09.09.2024 द्वारा प्राप्त जानकारी संलग्न कर आवश्यक कार्रवाई हेतु प्रेषित की जाती है।

यह मुख्य अभियंता महोदय के अनुमोदन से जारी किया जाता है।

भवदीय,

संलग्न: यथोक्त



मुख्य अभियंता  
10/09/24

(मुकेश कुमार सिंह)

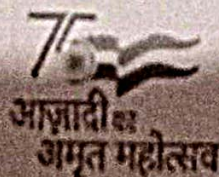
अधीक्षण अभियंता (समन्वय)

अमरनाथरोड, अदालतगंज, पटना - 01

दूरभाष: 0612-2541087/2541065

फैक्स: 0612-2541865/2541087

ई-मेल: CELGBO-CWC@NIC.IN



Amarnath Road, Adalatganj, Patna - 01

Telephone: 0612-2541087/2541065

FAX: 0612-2541865/2541087

e-mail: CELGBO-CWC@NIC.IN



पत्रांक - HOC/PAT/NGT/60/24-25/ 954

दिनांक : 09.09.2024

सेवा मे,

मुख्य अभियंता,  
निचली गंगा बेसिन संगठन,  
केन्द्रीय जल आयोग,  
पटना

विषय: Original Application No. 149/2024/EZ (Earlier O.A. No. 318/2024/PB) In the matter of Shri Hemant Kumar V/s State of Bihar & Ors. - Preparation of Draft Counter Affidavit - Reg.-reg.

संदर्भ : आपके कार्यालय पत्र संख्या सी- 18014/02/2024-प्रशा/1729-30 दिनांक 02.09.2024

उपर्युक्त विषयक संदर्भित पत्र द्वारा प्राप्त National Green Tribunal, Kolkata मे दायर याचिका श्री हेमंत कुमार v/s State of Bihar & Ors के No. 149/2024/EZ (Earlier O.A. No. 318/2024/PB) के संदर्भ मे सूचित करना है की उक्त केस भागलपुर जिला में सुल्तानपुर से कहलगाव तक गंगा नदी पर निर्माणाधीन पुल के छतिग्रस्त होने तथा उसके कारण नदी में रह रहे Dolphin मछली के जीवन को खतरे से संबन्धित है।

इस संदर्भ में इस निदेशालय के पत्रांक संख्या HOC/PAT/NGT/60/24-25/893-94 दिनांक 02/09/2024 के आलोक में अधिशासी अभियंता निचली गंगा मण्डल -2, केंद्रीय जल आयोग पटना अपने कार्यालय पत्र नि.गं.मं/कोर्ट केस /सामान्य /2022/3107 दिनांक 06/09/2024 द्वारा सूचित किया है कि विभाग के मुख्य कार्य नदियों के जल स्तर डाटा, बाढ़ पूर्वानुमान निस्सारण, जल गुणवत्ता की जांच करना, गाद आकड़ों का विश्लेषण करना आदि है। यदपि उक्त केस से संबन्धित अद्यतन स्थिति हेतु जिला अधिकारी भागलपुर को पत्र लिखा गया है।

यह आपके सूचनार्थ एवं आवश्यक कारवाई हेतु संश्लेषित है।



भवदीय  
राजेश कुमार  
(राजेश कुमार) 09  
उप निदेशक

की रेकर्ड  
09/09/24

मुख्य अभियंता का कार्यालय  
O/o Chief Engineer  
निचली गंगा बेसिन संगठन  
Lower Ganga Basin Organisation  
केंद्रीय जल आयोग  
Central Water Commission  
पटना / Patna  
पत्रांक / Dary No. 2282  
दिनांक / Date. 09.09.24