

**THE HON'BLE COURT OF NATIONAL GREEN TRIBUNAL,
EASTERN ZONE, KOLKATA**

Original Application no-188/2024/EZ of 2024

Saurav Narayan

.....Petitioner

Versus

Bihar Pollution Control Board and Others

.....Respondents

COUNTER AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE,

PATNA:-

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Pages</u>
1.	Counter-affidavit on behalf of state Respondent with I.D. Proof.	1-9
2.	Annexure-R/A: Photocopy of Memo no.7125, dated-26.10.2024	10
3.	Annexure-R/B series: Photocopy of report dated 18.11.2024 alongwith photographs.	11-23



**THE HON'BLE COURT OF NATIONAL GREEN TRIBUNAL,
EASTERN ZONE, KOLKATA**

135340

Original Application no-188/2024/EZ of 2024

Saurav Narayan

PI-8A
A9-18
21.11.24

.....Petitioner

Versus

Bihar Pollution Control Board and Others

.....Respondents

COUNTER AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE,

PATNA:-

I, Anil Kumar, aged about- 55 years,
Son of Shri Dinesh Prasad, Resident of Village-

Bouli Sarai P.S.- Khodaganj, District- Nalanda

do hereby solemnly affirm and state

as follows:-



2

1. That I am presently posted as Additional Collector, Patna and as such well acquainted with the facts and circumstances of the case.
2. That I have gone through the contents and duly authorized of District Magistrate, Patna of the writ petition and have understood the same.
3. That the present reply is being filed in light of the order dated 11-09-2024 passed in Original Application number -188/2024/EZ by the Hon'ble Court, whereby the District Magistrate, Patna has been directed to file the Inspection report of the committee constituted as per the order passed by the Hon'ble Court in the aforesaid matter.
4. That in light of the order passed by the Hon'ble Court, the District Magistrate, Patna has constituted a committee vide memo no-7125 dated-26-10-2024 comprising of (i) Additional



3

District Magistrate, Patna (ii) Dy Municipal Commissioner, Patna Municipal Corporation, Patna and (iii) Board Analyst, Bihar State Pollution Control Board, Patna and directed them to submit their joint report after proper inquiry on all the issues raised in the aforesaid matter.

A Copy of Memo no-7125 dated 26-10-2024 is annexed as Annexure-A with this affidavit.

5. That the said Joint committee has done spot Inspection on 08-11-2024 and submitted its joint report dated 18-11-2024 duly signed by them along with photographs which is being presented before this Hon'ble Court for its kind perusal.



4

A Copy of the report dated 18-11-2024 along with photographs is annexed as Annexure- B series with this affidavit.

6. That the said committee has mentioned detailed facts about the drains of Patna along with drain sampling report with its observations. Its observations are mentioned as below:-

- (i) Domestic waste water/ Sewage water discharging into the river Ganga through drains in question viz. (1) Loharwa Ghat Drain; (2) Barharwa Ghat Drain; (3) Gaay Ghat Drain; (4) Rani Ghat Drain; (5) Anta Ghat Drain and (6) Masjid Ghat Drain. The parameter pH is conforming to the standard whereas



5

BOD, TSS and FC were generally not conforming to the "General Standard for Discharge of Environmental Pollutants on Inland Surface Water" and "Primary Water Criteria for Bathing Water (Water used for organized outdoor bathing)" notified under the Environmental (Protection) Act, 1986.

- (ii) The flow of the drain in question have been observed to be less than one MLD, except of Anta Gahat Drain.
- (iii) All the drains in question are discharging into the Ganga separately.
- (iv) Most of the drains in question, running along the Gali (narrow road) are open.

7. That the said committee has made following recommendations which are mentioned as below:-



6

(i) The Construction of the two under-construction STPs should be expedited, and efforts should be made to optimize the utilization of the four existing STPs to ensure they operate at their maximum capacity.

(ii) Steps should be taken to ensure that stormwater remains separate from sewage. All sewage should be channeled exclusively through the sewerage network to prevent any leakage into stormwater drains. BUIDCo, Patna shall be instructed to assess the situation and plan the diversion of sewage to nearest STP.

6

8. That it is apparent from the aforesaid facts that the District Magistrate, Patna has taken needful action for the compliance of the order



dated 11-09-2024 passed in Original Application number -188/2024/EZ by the Hon'ble Court.

9. That the District Magistrate, Patna craves leave of this Hon'ble Court to file further reply/ supplementary affidavit as and when required in the facts and circumstances of the case.
10. That the Annexures are true/photo copies of their respective originals.

It is therefore humbly prayed to accept the present reply along with report submitted by the committee in light of the submission made.

And/Or



Pass necessary order/
directions as this Hon'ble
Court deem fit and proper.

135340

Anil Kumar

deponent affirmed before me by...
who is identified by...
I have satisfied myself by examining the
deponent that he understands the
contents of the affidavit which has been
read over & explained to him which
he acknowledges to be correct.
Date 21/11/24

Advocate Oath Commissioner
PATNA HIGH COURT
20158/19

BR/158/19

Anil Kumar
21/11/24

I Identify The Deponent Who
Signed/L.T.I. in my presence.

Sumit Kumar Adv
21/11/24 Advocate



8A


 भारत सरकार
 Government of India


 आधर

आधर नं. IS 5046 120120018



अनिल कुमार
 Anil Kumar
 जन्म तिथि/DOB: 08/12/1969
 पुरुष/ MALE

आधर पहचान का प्रमाण है, नागरिकता या जन्मतिथि का नहीं।
 इसका उपयोग सर्वजन (ओपनडोर प्रॉजेक्ट) या वसूली कोड/
 अफेयर इन एक्जाम्पल की तकनीक) के साथ किया जाना चाहिए।
 Aadhaar is proof of identity, not of citizenship
 or date of birth. It should be used with verification (online
 authentication, or scanning of QR code / offline XML).

2036 9366 0959
 मेरा आधर, मेरी पहचान


 भारतीय विशिष्ट पहचान प्राधिकरण
 Unique Identification Authority of India


 AADHAAR

पता:
 आलमज, दिनेश प्रसाद, बौरी सराय, बौरी सराय, थाना-
 खोदागंज, इस्लामपुर, हिलसा, बौरी डीह, इस्लामपुर, नालंदा,
 बिहार - 801303



Address:
 S/O: Dinesh Prasad, BAURI SARAI, BAURI
 SARAI, THANA- KHODAGANJ, ISLAMPUR,
 HILSA, Bauri Dih, PO: Islampur, DIST:
 Nalanda,
 Bihar - 801303

Details as on: 12/12/2018

2036 9366 0959
 VID : 9111 9477 3672 2057

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Anil Kumar
21/1/14



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Annexure - R/A



पटना समाहरणालय, पटना
(विधि शाखा)

फोन नं० 0612-2219545(का०)
फैक्स नं०-0612-2218900
E-mail:- legal.sectionpat-bih@gov.in
dm-patna.bih@nic.in

::आदेशः

माननीय हरित प्राधिकरण, पूर्वोत्तर जोन, कोलकत्ता के द्वारा वाद सं०-OA No.188/EZ सौरभ नारायण-बनाम-बिहार राज्य प्रदूषण नियंत्रण पर्षद में दिनांक-11.09.2024 को पारित आदेश के कंडिका-06 में वर्णित घाटों का उक्त आदेश में उल्लेखित बिन्दुओं पर समुचित जाँच हेतु निम्नवत जाँच दल का गठन किया जाता है:-

1. अपर जिला दण्डाधिकारी (सामान्य), पटना,
2. श्री रामाशीष शरण तिवारी, उप नगर आयुक्त, नगर निगम, पटना,
3. श्री अरुण कुमार, पर्षद विश्लेषण, बि०रा०प्र०नि०प०, पटना।

गठित जाँच दल को निदेश दिया जाता है कि चिन्हित घाटों का OA No.188/EZ सौरभ नारायण-बनाम-बिहार राज्य प्रदूषण नियंत्रण पर्षद में दिनांक-11.09.2024 को पारित आदेश में उल्लेखित बिन्दुओं के आलोक में समुचित जाँच कर संयुक्त जाँच प्रतिवेदन एक सप्ताह के अंदर अधोहस्ताक्षरी के कार्यालय में उपलब्ध कराना सुनिश्चित करेंगे। अपर जिला दण्डाधिकारी (सामान्य), पटना को निदेश दिया जाता है कि प्रतिवेदन प्राप्त होने के साथ ही तथ्य विवरणी तैयार कर माननीय हरित प्राधिकरण, पूर्वोत्तर जोन, कोलकत्ता में ससमय प्रतिशपथ पत्र दायर करना सुनिश्चित करेंगे।

जिलाधिकारी,
पटना।

- ज्ञापांक XXV-12/24-7125...../विधि, दिनांक 26.10.24
- प्रतिलिपि:- श्री अरुण कुमार, पर्षद विश्लेषण, बि०रा०प्र०नि०प०, पटना को सूचनार्थ एवं अनुपालनार्थ प्रेषित।
- प्रतिलिपि:- श्री रामाशीष शरण तिवारी, उप नगर आयुक्त, नगर निगम, पटना को सूचनार्थ एवं अनुपालनार्थ प्रेषित।
- प्रतिलिपि:- अपर जिला दण्डाधिकारी (सामान्य), पटना सूचनार्थ एवं अनुपालनार्थ प्रेषित।

जिलाधिकारी,
पटना।



(10)

Annexure → R/B

^I
INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE
MATTER OF THE HON'BLE NGT OA NO. 188/2024/PB TITLED
SAURAV NARAYAN Vs BIHAR STATE POLLUTION CONTROL BOARD
& OTHERS

Inspection site:

Drains of Patna located at (1) Loharwa Ghat Drain; (2) Barharwa Ghat Drain; (3) Gaay Ghat Drain; (4) Rani Ghat Drain; (5) Anta Ghat Drain and (6) Masjid Ghat Drain.

Date of Inspection: 08.11.2024.

Background:

The Hon'ble NGT, Eastern Zone Bench, Kolkata has filed a case on the application of Sri Saurav Narayan vide Case No. O.A. 188/2024/EZ, Saurav Narayan Vs Bihar State Pollution Control Board and Others and passed an order dated-11.09.2024. The complaint was made about on the drains meeting directly into Ganga River without any treatment. The complainant has submitted test report which is beyond the permissible limit for standards for discharge of the surface water i.e. pH: 5.5-9.5; BOD: 30 mg/L (Max.); COD: 250 mg/L (Max.) and TSS: 100 mg/L (Max.), due to which water of Ganga River is being polluted.

Considering the allegations made, the Hon'ble NGT has constituted a committee comprising of following members:-

1. Senior Scientist, Bihar State Pollution Control Board, Patna;
2. The District Magistrate, Patna, or his representative not below the rank of Additional District Magistrate;
3. The Municipal Commissioner, Patna or his representative of senior rank.

Further, the Hon'ble NGT has directed that:-

"(1) The committee shall visit the site in question and submit its fact finding reports within four weeks w.r.t. the allegations made in the original application.

(2) The District Magistrate, Patna shall be the Nodal Authority for all logistic purposes and for filling the inspection report of the committee on affidavit."

Ramesh

[Handwritten signature]



(11)

Formation of the Joint Committee:

In compliance with the Hon'ble NGT's directions, the Joint Committee was constituted based on nominations received from the respective Departments which are as follows:-

- The Bihar State Pollution Control Board nominated Sri Arun Kumar, the Board Analyst vide Letter No. 2313, dated- 08.10.2024 (**Annexure- I**).
- The Municipal Commissioner, Patna Municipal Corporation has nominated Sri Ramashish Sharan Tiwari, Deputy Municipal Commissioner, Patna Municipal Corporation, Patna vide its letter no. 16176, dated-17.10.2024(**Annexure- II**).
- The District Magistrate, Patna has nominated Additional District Magistrate (General), Patna vide its memo no.: XXV-12/24-7125/Legal, dated-26.10.2024 (**Annexure- III**).

Facts about the Drains of Patna:

1. The Committee had fixed the date of inspection on 08.11.2024 considering the festival of Deepawali and Chhath Puja, a holy festival of Bihar.
2. The committee had visited the drains as per the Hon'ble NGT to examine the factual status of the drains in light of the allegation made in the O.A. 188/2024/EZ.
3. **Patna Municipal Corporation, Patna:** Total geographical area of Patna Municipal Corporation is approx. 110 km² with 2,23,088 households and population of 16,84,222 as per census 2011. The Patna Municipal Corporation is divided into 75 wards, which is managed through 6 circles namely **New Capital Circle; Kankarbagh Circle; Bankipur Circle; Azimabad Circle; Patna city Circle and Patliputra Circle**. The source of domestic water supply is ground water. The city of Patna is one of the oldest continuously inhabited places in the world with the Patna Municipal Corporation (PMC) extending between the Latitude: 25°33'22"- 25°39'2" North and Longitude: 85°31'12"- 85°15'5" East. The elevation of the city is 519 meters above the mean sea level. It is a river borne town, located on the right bank (southern bank) of the Ganga. Punpun River joins Ganga at approx. 12 kms, east towards Fatuha. Patna extends up to 21.3 kms in length (east to west) and 10.2 kms in breadth (north to south). Patna, being the capital of Bihar is a metropolis having significant religious importance. It is the administrative focus of the entire state, besides being the District head quarter of District, Division and State administration.



Ramashish

12

It is headquarter of State administration, Judiciary and Legislature.

4. **Drainage/Sewerage System & STP:** Bihar Urban Infrastructure Development Corporation(BUIDCo) is responsible for the development of sewerage network and Sewage Treatment Plants in the Patna City. BUIDCo has developed sewer network for the city, however there are few storm water drainage that carry sewage (mostly flow from south to north) which fall into the river Ganga. Presently, Patna city has four operational STPs of 200 MLD capacity viz. 1. **Beur STP** -Installed Capacity - 43 MLD; 2. **Saidpur STP** - Installed Capacity - 60 MLD 3. **Pahari STP** - Installed Capacity - 60 MLD and 4. **Karmalichak STP** - Installed Capacity - 37 MLD. These are under-utilized and are treating all together only 121 MLD of sewage. It is to note that two more STPs are under construction. They are 1. **Digha STP** having capacity of 100MLD and 2. **Kankarbagh STP** with a capacity of 50 MLD, a total of 150 MLD. It has been assessed that *Patna city requires STPs of around 350 MLD capacity (Beur-43 MLD, Saidpur-60 MLD, Pahari- 60MLD, Karmalichak- 37 MLD, Digha-100 MLD & Kankarbagh- 50 MLD)*. The total length of network under the ongoing project is about 1000 Km. The ongoing Patna Sewerage system has been divided into six different zones, such as Digha, Beur, Kankarbagh, Saidpur, Pahari & Karmalichak. After implementation of sewerage schemes, these zones will cater to the sewerage problems of entire 75 wards of Patna Municipal Corporation area. Also, it is expected that after completion of the ongoing projects, all the waste water will be collected through the sewer network and treated at the six STPs. The sewerage scheme of Beur, Saidpur, Pahari and Karmalichak has been completed and are under operation whereas Digha & Kankarbagh are under construction and its physical progress is 48.69% and 45.98 % respectively. It will be completed by June- 2025 (as per report of BUIDCo, Patna).

Drain Sampling Report:-

- (A) Drain water samples were collected by the Joint Committee and analysed at the Central Laboratory of the Bihar State Pollution Control Board, Patna. The result of analysis is depicted as below:-



Ramesh

Bambam

(13)

Sl. No.	Name of Drain	Date of Sampling	GPS Location of Confluence point at Ganga	pH	BOD (mg/L)	COD (mg/L)	TSS (mg/L)	FC (MPN#/ 100 ml)	Remark
General Standard for Discharge of Env. Pollutants on Inland Surface Water				5.5 - 9.0	30	250	100	2500*	
1	Aaanta Ghat Drain	08.11.2024	25.622055, 85.150361.	6.66	32	80	60	92 x 10 ⁷	BOD & FC beyond limit
2	Barharwa Ghat Drain	08.11.2024	25.621391, 85.175362.	7.44	90	240	68	23 x 10 ⁷	BOD & FC beyond limit
3	Rani Ghat Drain	08.11.2024	25.621172, 85.176866.	7.38	70	140	74	28 x 10 ⁸	BOD & FC beyond limit
4	Masjid Ghat Drain	08.11.2024	25.616561, 85.195113.	7.59	28	40	118	92 x 10 ⁹	TSS & FC beyond limit
5	Loharwa Ghat Drain (East)	08.11.2024	25.615736, 85.197163.	7.55	75	120	112	54 x 10 ¹²	BOD, TSS & FC beyond limit
6	Loharwa Ghat Drain (West)	08.11.2024	25.615581, 85.197312.	7.49	120	320	226	54 x 10 ¹³	BOD, COD, TSS & FC beyond limit
6	Gaai Ghat Drain	08.11.2024	25.613602, 85.203610.	7.93	44	80	98	24 x 10 ¹⁰	BOD & FC beyond limit
Note- * Primary Water Criteria for Bathing Water (Water used for organised outdoor bathing). # MPN = Most Probable Number. BOD = Bio-Chemical Oxygen Demand; COD = Chemical Oxygen Demand; TSS = Total Suspended Solids, ; FC = Fecal Coliforms.									

Observations:

- Domestic waste water/ Sewage water discharging into the river Ganga through drains in question viz. (1) Loharwa Ghat Drain; (2) Barharwa Ghat Drain; (3) Gaay Ghat Drain; (4) Rani Ghat Drain; (5) Anta Ghat Drain and (6) Masjid Ghat Drain. The parameter pH is conforming to the standard whereas BOD, TSS and FC were generally not conforming to the "General Standard for Discharge of Environmental Pollutants on Inland Surface Water" and "Primary Water Criteria for Bathing



Signature

Ramesh

(14)

Water (Water used for organised outdoor bathing)" notified under the Environmental (Protection) Act, 1986.

2. The flow of the drains in question have been observed to be less than one MLD, except of Anta Gahat Drain.
3. All the drains in question are discharging into the Ganga separately.
4. Most of the drains in question, running along the Gali (narrow road) are open.

Recommendations:-

1. The construction of the two under-construction STPs should be expedited, and efforts should be made to optimize the utilization of the four existing STPs to ensure they operate at their maximum capacity.
2. Steps should be taken to ensure that stormwater remains separate from sewage. All sewage should be channeled exclusively through the sewerage network to prevent any leakage into stormwater drains. BUIDCo, Patna shall be instructed to assess the situation and plan the diversion of sewage to nearest STP.

Ramashish
18.11.24
(Ramashish Sharan Tiwari)

Dy. Municipal
Commissioner, Patna
Municipal Corporation,
Patna.

Arun Kumar
18.11.2024
(Arun Kumar)

Board Analyst,
Bihar State Pollution
Control Board, Patna.

[Signature]
18/11/24
Additional

District Magistrate,
Patna



**PHOTOGRAPHS OF SAMPLING OF DRAINS IN QUESTION, IN THE MATTER OF
O.A. No. 188/2024/EZ, KOLKATA, SAMPLES COLLECTED ON 08.11.2024.**



Sampling at Anta Ghat, Patna.



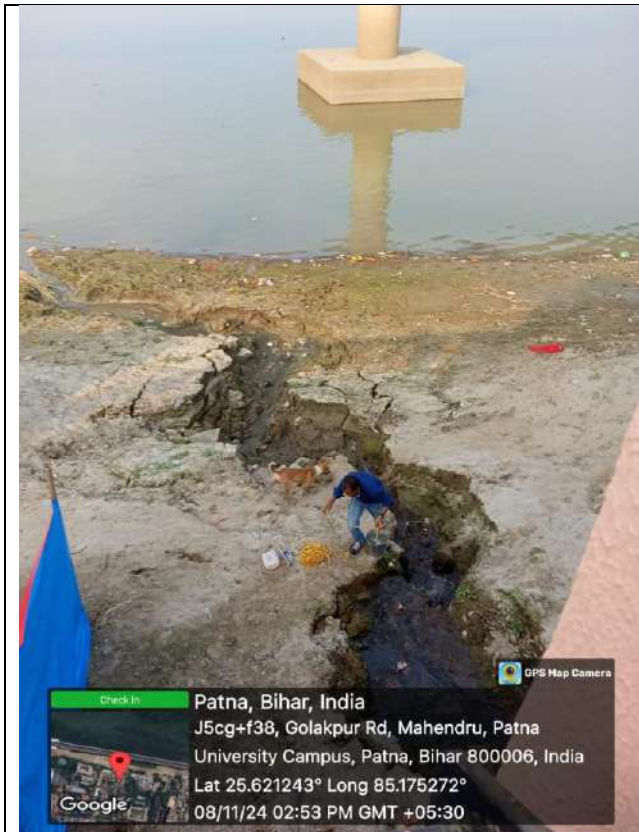
Sampling at Anta Ghat, Patna.



Drain discharging into the River Ganga, Patna.



Members of the Committee.



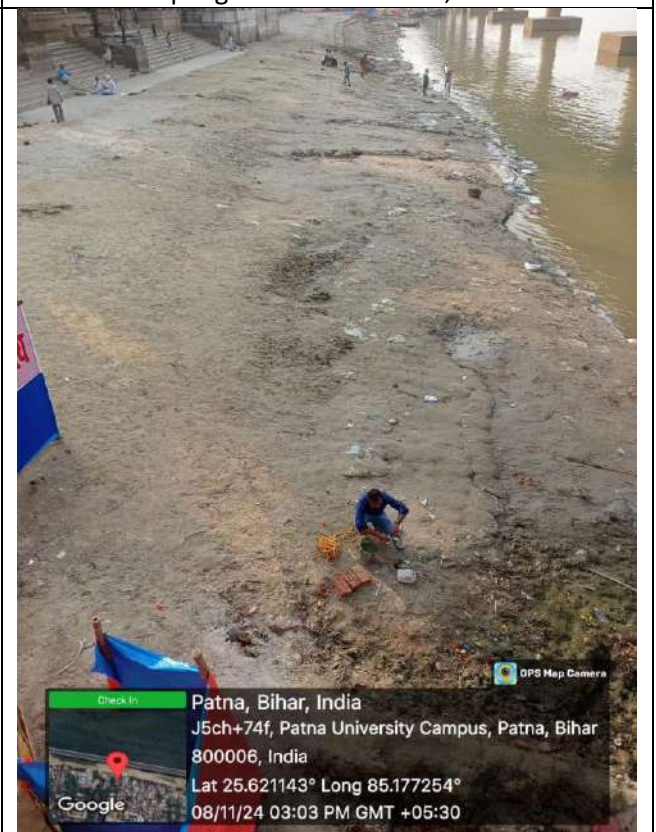
Sampling at Barharwa Ghat, Patna.



Sampling at Barharwa Ghat, Patna.



Sampling at Rani Ghat, Patna.



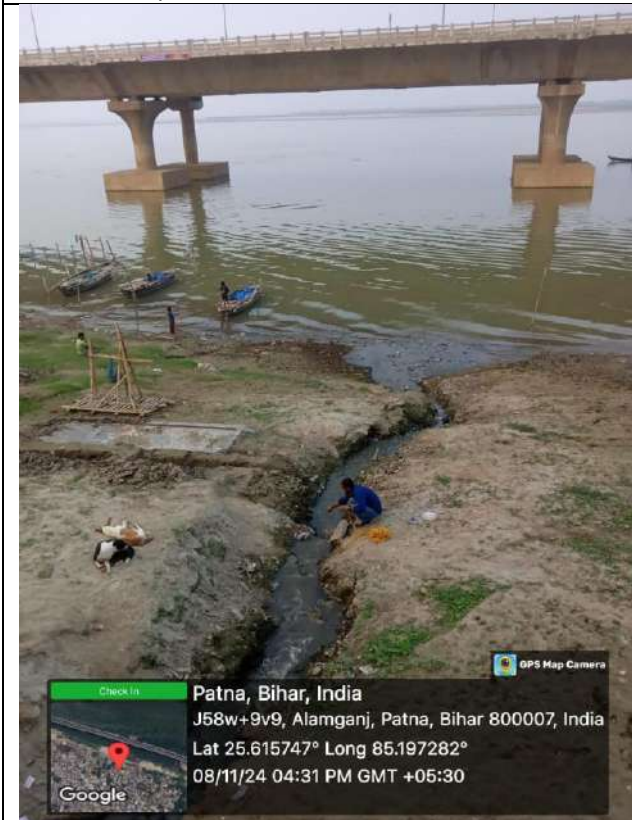
Sampling at Rani Ghat, Patna.



Sample Collection at Gai Ghat, Patna.



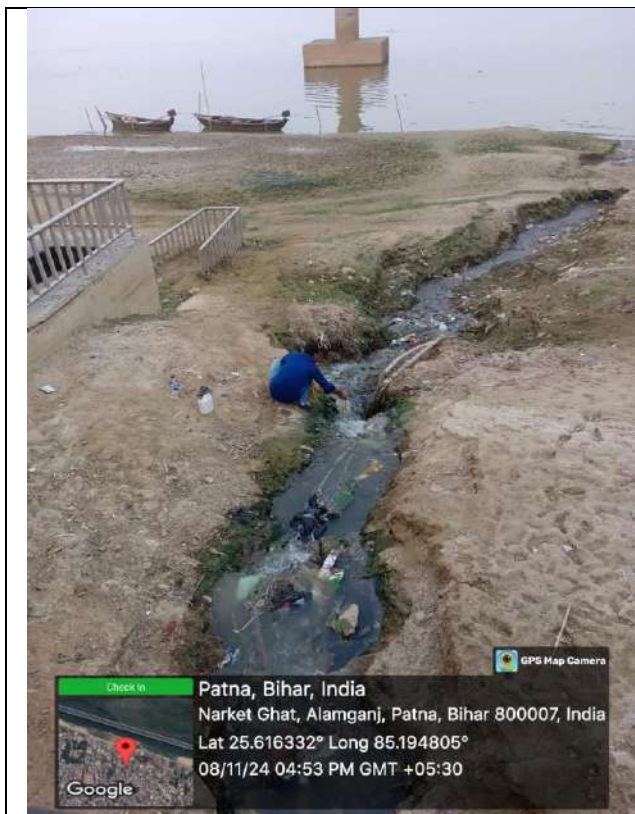
Member of Joint Committee



Sample Collection at Loharwa Ghat (East), Patna.



Sample Collection at Loharwa Ghat (West), Patna



Sample Collection at Muslim Ghat, Patna



Mosque at Muslim Ghat, Patna