

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA
M.A. No. 18 of 2024/EZ
IN
O.A. NO. 155 OF 2022/EZ
IN THE MATTER OF
Talab Bachao Abhiyan **....APPLICANT**
VERSUS
Government of Bihar & ORS. **.... RESPONDENTS**

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Anusila Pandey

Advocate



BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE,

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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

VERSUS

GOVERNMENT OF BIHAR & ORS.

.... RESPONDENTS

COMPLIANCE AFFIDAVIT ON BEHALF OF THE BIHAR STATE POLLUTION CONTROL BOARD:

Abhimanyu Singh, aged about 32 years, Son of Mr. Ranjan Kumar Singh, residing at Kailash Vatika, Sardar Patel Colony, P.O.- Sadaquat Ashram, P.S.- Digha, District- Patna- 800010, do hereby solemnly affirm and state as follows:-

1. That I am posted as Law Officer in Bihar State Pollution Control Board, Patna, and as such I am well aware of the facts



Abhimanyu Singh
who is identified by Advocate. *Atul Kumar Singh*
solemnly affirmed as J declared contents of
this affidavit apart from this nothing
stamp/cur. etc. etc. 3 & Sub raised as
B.I. No. 18 of 2024/EZ
Date 29.1.23
SL No. 520

and circumstances of the present matter. I am competent and duly authorized to swear the present compliance affidavit.

2. That the instant application has been filed by the applicant alleging therein that three ponds known as 'Ganga Sagar', 'Dighi' and 'Harai' in Darbhanga, Bihar, are being encroached upon; dumping of garbage and sewage is taking place in these three ponds.
3. That the instant application was heard and disposed of vide order dated 23.03.2023 by which the Hon'ble Tribunal directed the State Board to take water samples six monthly from the three ponds and if the water is found to be higher than the prescribed standards/parameters then appropriate direction shall be issued to the concerned authorities for taking remedial actions.
4. That the State Board is complying with the direction of the Hon'ble NGT and is taking samples of water from the three ponds regularly. The water sample analysis report till April 2024 has been submitted before the Hon'ble Tribunal by way of compliance affidavit dated 03.07.2024. The water samples were collected from the three ponds for the month of May'



2025 to Nov' 2025 on 30.05.2024; 25.06.2024; 11.07.2024; 12.08.2024; 23.09.2024; 25.10.2024 and 12.11.2024, respectively. The water sample analysis report suggests that the water quality is within standards for parameters like Dissolved Oxygen; pH; BOD and was beyond the prescribed standards for the parameter TC and FC.

A copy of the water sample analysis report for the three ponds is annexed and marked as Annexure-1.

5. That the Hon'ble Tribunal vides its order dated 01.08.2024 directed the State Board to determine the Environmental Compensation to be levied on Railways. The State Board vide its affidavit dated 13.09.2024 informed that the Hon'ble Tribunal that the assessment of Environmental Compensation on Railways has been done and the State Board has issued a 'Proposed Direction' to the Railways for taking remedial measures and for file its objection to the State Board proposed action of levying Rs. 1,62,12,500/- as Environmental Compensation.

6. That the Railway failed to respond to the 'Proposed Direction' issued by the State Board and therefore the State Board has



imposed an Environmental Compensation of Rs. 1,61,12,500/- on Railways through DRM, Samastipur Division.

A copy of the Direction dated 20.01.2025 is annexed and marked as Annexure-2.

7. That further it is stated that the Fourth meeting of the committee constituted by the Hon'ble Tribunal was convened on 22.01.2025 when the progress of the work being done was examined and further necessary directions has been issued to the concerned authorities for taking further action.

8. That I have read the contents of the affidavit and have understood the same.

Identify the Deponent signature/Lit who has signed in my presence
Sheef Janki ad v

Abhinav Singh
 28-1-25

DEPONENT

VERIFICATION

Verified at Patna on 28th day of January, 2025, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter.



Abhinav Singh
 28-1-25

DEPONENT

Annexure -1

Bihar State Pollution Control Board, Patna

Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

Water Sample Analysis Report of Harahi Lake, Darbhanga

Parameters	Standards as per MoEF Notification G.S.R. 742 (E), dated 25.09.2000 for Primary Water Quality Criteria for Bathing Water	Harahi Lake, Near Railway Station, Dist-Darbhanga											
		71	467	634	761	1090	1437	1856	1961				
Laboratory Ref. No.													
Date of Sampling	--	05.04.2024	30-05-2024	25-06-2024	11-07-2024	12.08.2024	23-09-2024	25-10-2024	12-11-2024				
Dissolved Oxygen (mg/L)	>4.0	6.7	14.1	13.7	6.4	8.4	8.9	9.6	6.5				
pH	6.5-8.5	7.98	8.19	7.1	8.02	7.2	7.98	9.12	7.88				
Electrical Conductivity	--	784	812	718	468	592	580	673	526				
BOD (mg/L)	<3.0	2.6	1.9	2.6	5.2	3.0	2.5	3.2	3.1				
Nitrate as N (mg/L)	--	0.41	0.41	0.56	0.33	0.54	BDL	BDL	BDL				
TC (MPN/100 ml)	--	92000	54000	54000	35000	35000	3300	3100	24000				
FC (MPN/100 ml)	Desirable / Permissible 500/2500	54000	35000	35000	24000	17000	2300	2300	7900				
Turbidity (NTU)	--	38.6	94.2	18.2	62.6	28.5	86.5	208.4	48.3				
Alkalinity as CaCO3 (mg/L)	--	240	280	200	200	92	58	44	130				
Chloride (mg/L)	--	71	92	75	72	12.0	110.0	65.0	60.0				
COD (mg/L)	--	36	36	28	64	64	16.0	36.0	36.0				
Total Hardness as CaCO3 (mg/L)	--	256	280	90	130	104	62	210	140				
Total dissolved Solids (mg/L)	--	440	518	438	408	442	370	414	360				
Total Suspended solids (mg/L)	--	80	64	28	30	16	130	134	20				

Remarks:

1. Observed pH & DO levels are good for aquatic life.
2. BOD level is almost around the prescribed standard of 3mg/L.
3. TC & FC showing decreasing trend.
4. COD showing that this pond is not receiving the industrial effluent.

Shabnam Bani
19/12/24



(Signature)
Board Analyst

Bihar State Pollution Control Board, Patna

Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

Water Sample Analysis Report of Digg Lake, Darbhanga

Parameters	Standards as per MoEF Notification G.S.R. 742 (E), dated 25.09.2000 for Primary Water Quality Criteria for Bathing Water	Digg Lake, Professor Colony, Dist-Darbhanga											
		72	466	633	762	1094	1440	1854	1960				
Laboratory Ref. No.													
Date of Sampling	--	05.04.2024	30-05-2024	25-06-2024	11-07-2024	12.08.2024	23-09-2024	25-10-2024	12-11-2024				
Dissolved Oxygen (mg/L)	>4.0	6.2	12.3	11.3	6.2	4.2	6.8	8.8	6.3				
pH	6.5-8.5	7.92	7.97	7.33	7.94	7.5	7.92	8.14	7.21				
Electrical Conductivity	--	762	710	686	493	662	656	823	852				
BOD (mg/L)	< 3.0	2.7	2	2.7	3.6	2.9	1.7	3.4	3.3				
Nitrate as N (mg/L)	--	0.00	BDL	BDL	0.50	BDL	BDL	0.32	BDL				
TC (MPN/100 ml)	--	160000	54000	35000	54000	7000	92000	35000	160000				
FC (MPN/100 ml)	Desirable / Permissible 500/2500	92000	35000	24000	35000	4900	35000	24000	54000				
Turbidity (NTU)	--	42.3	29.6	25.4	30	23.2	74.6	31.5	60.3				
Alkalinity as CaCO ₃ (mg/L)	--	344	304	154	260	120	144	176	176				
Chloride (mg/L)	--	84	87	85	90	12.0	103.0	76.0	68.0				
COD (mg/L)	--	36	40	32	48	48	20.0	40.0	40.0				
Total Hardness as CaCO ₃ (mg/L)	--	250	172	182	182	170	160	182	190				
Total dissolved Solids (mg/L)	--	502	432	410	392	568	488	482	532				
Total Suspended solids (mg/L)	--	40	32	38	28	12	30	12	24				

Remarks:

1. pH, DO, BOD, COD are within the prescribed standard.
2. TC & FC values show decreasing trend from April 2024 to August 2024 but after that it start increase. This shows that more sewage is coming in this pond.

Shabnamrani
19/12/24



Handwritten signature

Board Analyst

Bihar State Pollution Control Board, Patna

Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010



Water Sample Analysis Report of Gangasagar Lake, Darbhanga

Parameters	Gangasagar Lake, Marwari College, Dist- Darbhanga									
	73	465	632	763	1110	1442	1849	1955		
Laboratory Ref. No.										
Date of Sampling	05.04.2024	30-05-2024	25-06-2024	11-07-2024	12.08.2024	23-09-2024	25-10-2024	12-11-2024		
Dissolved Oxygen (mg/L)	>4.0	6.9	6.7	6.7	8.4	8.8	6.9	6.8		
pH	6.5-8.5	7.91	7.25	7.59	8.0	7.86	8.18	7.42		
Electrical Conductivity	--	682	644	524	740	720	865	902		
BOD (mg/L)	< 3.0	1.9	2.6	4.9	2.8	2.5	2.9	3.0		
Nitrate as N (mg/L)	--	BDL	BDL	1.19	BDL	0.42	1.21	BDL		
TC (MPN/100 ml)	--	35000	54000	28000	17000	14000	13000	54000		
FC (MPN/100 ml)	Desirable / Permissible 500/2500	24000	35000	22000	13000	11000	9400	24000		
Turbidity (NTU)	--	56.8	22.3	23	21.6	68.9	23.5	59.2		
Alkalinity as CaCO ₃ (mg/L)	--	322	158	232	164	162	176	170		
Chloride (mg/L)	--	91	97	77	29.0	121.0	80.0	76.0		
COD (mg/L)	--	40	28	56	32	16.0	36.0	32.0		
Total Hardness as CaCO ₃ (mg/L)	--	248	184	166	182	174	202	192		
Total dissolved Solids (mg/L)	--	500	426	370	450	582	510	548		
Total Suspended solids (mg/L)	--	40	32	18	17.8	10	22	34		

Remarks:

1. pH, DO, BOD, COD are observed within the prescribed standard except BOD value in month of July 2024.

2. TC & FC values show decreasing trend from April 2024 to October 2024 but increased in the month of November 2024.

Shabnam Khan
19/12/24



Shabnam Khan
19/12/24
Board Analyst

Annexure-2

BY REGISTERED POST and email**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-bih@gov.in. Website - http://bspch.bihar.gov.in

BY REGISTERED POST and email

Ref. No.: 76

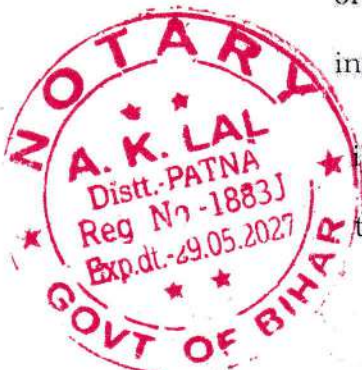
Patna, dated:- 20/05/25

FromDr. 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) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans,

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

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

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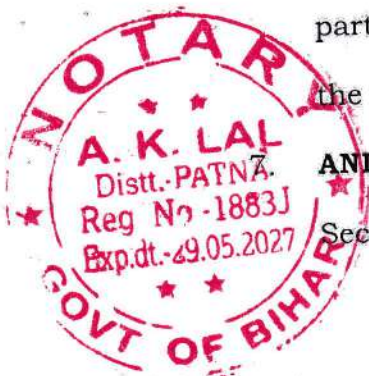


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vii) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

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.

AND WHEREAS, CPCB issued directions dated-10.03.2017 under Section 18 (1)(b) of the Water (Prevention and Control of Pollution) Act,



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1974 to the Bihar State Pollution Control Board (BSPCB) for restoration of water quality of River Ganga and directed:

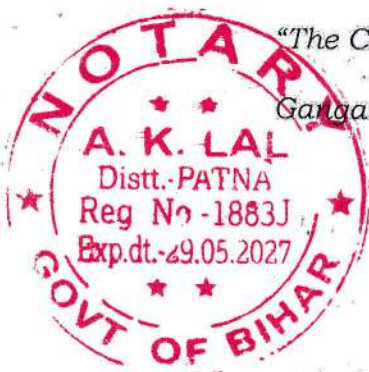
- I. To take up monitoring of Sewage Treatment Plants (STPs) discharging into river Ganga on monthly basis and forward monthly report to CPCB.
 - II. To take action against the authorities responsible for operation and maintenance of STPs (existing)/or those newly under construction are not simultaneously 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:

"The CPCB and the respective SPCBs, particularly, concerned with river Ganga shall issue consent orders which must contain

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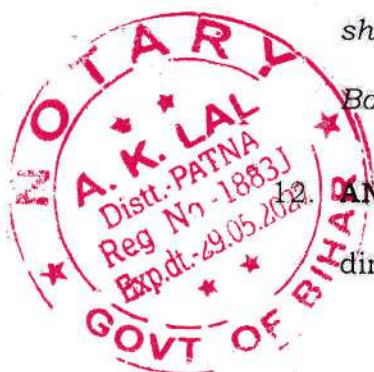
stipulations/conditions with regard to reuse of the treated sewage for industrial and other purposes. This condition should also be incorporated by an amendment in the orders already issued by the Board to the industries, however, they may be provided time framed for compliance of this direction. The 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 in 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."

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



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"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 Digghi Ponds and further informed that in two months' time the waste water will be connected to WTP/STP through a drain. Accordingly, you are directed to submit time bound action plan for completing the said work. In the 2nd meeting of the committee it was informed that the waste water going into Harahi Pond 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 Digghi Pond it was stated that steps is being taken to treat the waste water and it will be completed by February, 2024 and in the third meeting it was informed that the waste water going into Digghi Pond has also been stopped and



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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 discharge 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 access and impose Environmental Compensation from polluters/ violators on the "Polluters Pays Principal".
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 (from 01.03.2021 to 09.09.2024) and has access the environmental compensation to be imposed on you at Rs. 1,61,12,500.00 (Rs. One crore Sixty One Lakh Twelve Thousand Five Hundred only) based on the formula given by the Central Pollution Control Board, Delhi.
17. **Whereas**, in exercise of the powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, the Chairman, Bihar State Pollution Control Board, Patna directed you the following on- 13.09.2024.

- i. Submit **Action Plan for setting up of STP** with timeline **including reuse of treated waste water** for irrigation

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- (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).
- ii. File objection, if any, to the State Board action of imposition of Environmental Compensation of Rs. 1,61,12,500.00 (Rs. One crore Sixty One Lakh Twelve Thousand Five Hundred only).
 - iii. Acknowledge receipt of this direction immediately and submit Action Taken Report positively within next 05 days.



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iv. The same was submitted to the Hon'ble National Green Tribunal, Kolkata, hearing dated 17.09.2024 in the matter of O.A. No. 155/ 2022/ EZ, and Hon'ble National Green Tribunal also mentioned in its order Sl. No. 5.

But, you failed to submit the Action Taken Report and did not acknowledge the receipt of the Direction within the 05 days' time limit.

18. **AND NOW THEREFORE**, in view of above, the legal Direction is now confirmed against you and you are here by directed to:

- a. Submit Environmental Compensation of Rs. 1,61,12,500.00 (Rs. One crore Sixty One Lakh Twelve Thousand Five Hundred only) through "Demand Draft" drawn in name of Member Secretary, Bihar State Pollution Control Board within 15 days from the receipt of this Direction.
- b. Submit aforesaid **Action Plan for setting up of STP** with timeline including reuse of treated waste water within 15 days

Copy to:

1. Legal Cell, BSPCB, Patna.
2. RO, Muzaffarpur, BSPCB.

D.K. Shukla
20.1.25
(D. K. Shukla)
Chairman

