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in
OA- 18/2025/E2

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, AT NEW DELHI

(Earlier I.A- 03/2025/PB)
Original Application No. 1315 of 2024/PB

IN THE MATTER OF

Ramesh Prasad.....Applicant

Versus

The State of BiharRespondents

INDEX

S.N	Annexures	Particulars	Pages
1		The humble Intervention Petition on behalf of Nagar Nigam, Chapra	01-11
2	Annexure-R/1	A copy of Letter bearing D.O. No.22-19/2017- IA-III dated 03.07.2017	12-13
3	Annexure-R/2	A copy of Reference No.153016 dated 21.08.2024	14-16
		Vakalatnama	

Through

Indu Bhushan

(INDU BHUSHAN)

Advocate

For Chapra Nagar Nigam

Lawyers' Association Table No.1

Patna High Court

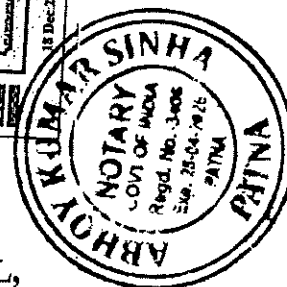
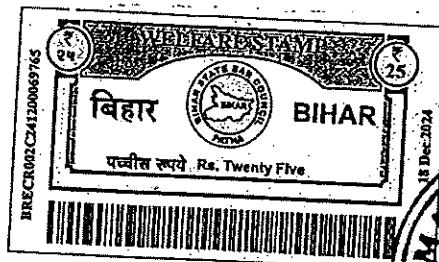
Enrollment No.1049 of 1993

AOR CODE No.02656

Email Id:indubhushan1999@gmail.com

Place:Patna

Dated: 02.01.2025



BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, AT NEW DELHI

Original Application No. 1315 of 2024

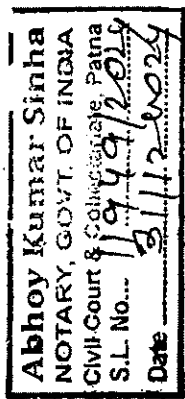
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Versus

The State of BiharRespondents

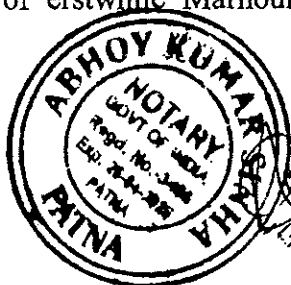
The humble Intervention Petition on behalf of Nagar Nigam, Chapra

I, Sunil Kumar Pandey, aged about 58 years, Male, son of Sri Surendra Pandey, resident of Flat No.203, S.D. Apartment, Kavi Raman Path, Near Nageshwar Colony, Boring Road, P.S.-Srikrishnapuri, District-Patna, presently posted on the post of Municipal Commission, Nagar Nigam, Chapra, do hereby solemnly affirm and state as follows:-



1. That one Ramesh Prasad has sent a complain petition before this Hon'ble N.G.T. and brought allegation against Chapra Nagar Nigam and stated that around six months back Chapra Nagar Nigam has started dumping of Municipal Solid Waste on a vacant land of erstwhile Marhourha Sugar Mill Cane Firm which is

*Page 01 to 10 (Total)
Affidavit - page 11 (Annex)
Any other Annexures
3/11/2024*

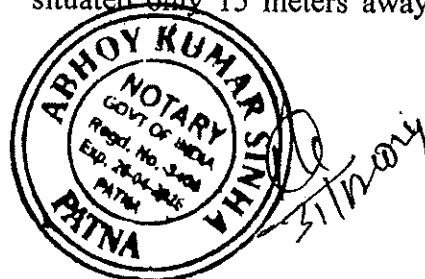


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situated only 15 meters away from Khadra River and 15 Meters from Abadi. Khadra River is perennial River used for bathing, irrigation and religious purposes. Dumping of Solid Waste near river is not only contaminating ground water and soil, but also contaminating river water and creating health hazardous to local resident. The sold dumping of Solid Waste is an utter violation of Solid Waste Management Rules, 2016 and with the application in support of allegation certain photographs were made available.

2. That it is stated that considering the complain petition of Ramesh Prasad cognizance has been taken by this Hon'ble Tribunal and thereafter Under Section 14 and 15 of the National Green Tribunal Act, 2010 case has been registered which has been numbered as O.A.No.1315 of 2024(Ramesh Prasad Versus The State of Bihar).
3. That on 27.11.2024 in O.A. No. 1315 of 2024 the Hon'ble Mr. Justice Sudhir Agrawal, Judicial Member, Hon'ble Dr. Afroz Ahmad, Expert Member have been pleased to pass the order-

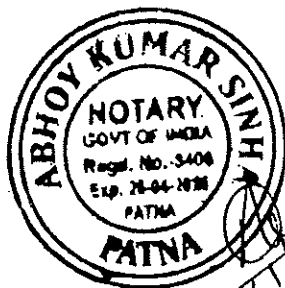
2. Complainant has said that around 6 months back Chapra Nagar Nigam had started dumping of municipal solid waste on a vacant land of erstwhile Maraurha Sugar Mill Cane Farm which is situated only 15 meters away from Khadra river and 15 meters



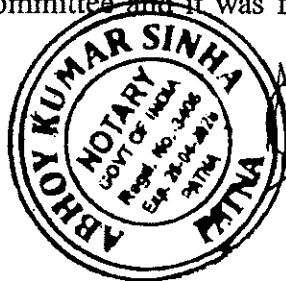
from Abadi. Khadra river is a perennial river used for bathing, irrigation and religious purposes. Dumping of solid waste near river is not only contaminating ground water and soil but also contaminating river water and creating health hazards to local residents. The said dumping of solid waste is an utter violation of Solid Waste Management Rules, 201. Complaint is supported by certain photographs which prima-facie support allegations made in complaint.

3. In view of the above discussion, we are prima-facie satisfied that a substantial question relating to environment has arisen out of implementation of enactments mentioned in Schedule 1 of NGT Act, 2010 but before taking any further action in the matter we find it appropriate to obtain a factual report and for this purpose, constitute a Joint Committee comprising Bihar State Pollution Control Board, District Magistrate, Saran, and Central Pollution Control Board.

4. District Magistrate, Saran shall be the Nodal Authority for co-ordination and compliance of this order.



5. Above Committee shall visit the site, collect relevant information interact with stakeholders and submit a factual report within one month”.
4. That it is stated that in the light of order dated 27.11.2024 passed in O.A.No.1315 of 2024 a Joint Committee comprising representative from the District Magistrate, Saran, Bihar State Pollution Board and Central Pollution Board conducted the inspection of the alleged site on 27th December, 2024.
5. That on 27.12.2024 an inspection was made by (1) Sri Mueksh Kumar, Additional Collector, Saran, (2) Sri Ashok Kumar, A.S.O., Regional Office, Muzaffarpur, BSPCB. (3) Sri Nalini Mohan Singh, Scientist, BSPCB, Patna, and (4) Sri Debabarata Das, Scientist-B, CPCB, Kolkata.
6. That in course of inspection following stakeholders were present - Sh. Ramesh Prasad, Complainant, Sh. Sanjeev Kumar & Other Villagers, Sh. Goutam Sah, Mukhia, Gram Panchayat-Katsa (Amnour), Dr. Shashank Kumar, Medical Officer, Arna PHC, Amnour and Sh. Indu Bhushan, Advocate, Nagar Nigam, Chapra
7. That it is stated that measurement was taken by the Inspection Committee and it was found that Dadra River (Khadra River) is



- 226.9 meters far away from the dump site, whereas, complainant claimed that river is just 15 meters far away from dump site.
8. That Borewell of nearest domestic household was 303 meters far away from dump site, whereas, the complainant has made in complaint petition that Abadi is 15 meters far away from dump site.
 9. That Religious Structure is 515.8 meters far away from dump site.
 10. That sample of water was taken from the Borewell of nearest domestic household which was 303 meters far away from dump site.
 11. That it is stated that some of the villagers made false statement about Diarrhea patient without any evidence and the complainant including villagers, Mukhiya of Katsa Panchayat requested from the inspection to remove the Solid Waste Site anyhow.
 12. That it is stated that from the inspection and Measurement Report dated 27.12.2024 it is apparent that the complain of the complainant/ applicant has become false, because Dabra River is 226.94 meters far away from the dump site as well as nearest Borewell of domestic household is 303 meters far away from



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dump site and religious structure is 505.8 meters far away from dump site.

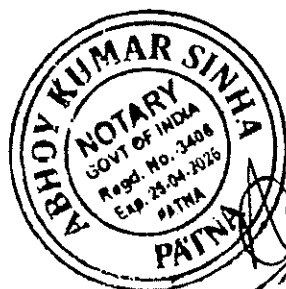
13. That it is stated that Landfill Site at Katsa has been chosen and constructed as per the guideline issued vide D.O. No.22-19/ 2017-IA-III dated 03.07.2017 by Government of India, Ministry of Environment, Forest and Climate Change.

A copy of Letter bearing D.O. No.22-19/2017- IA-III dated 03.07.2017 is enclosed herewith and marked as

Annexure-R/1

14. That it is stated that the Chairman of Bihar State Pollution Control Board, Patna vide Reference No.153016 dated 21.08.2024 directed the Municipal Commissioner, Chapra Nagar Nigam to stop dumping of unprocessed and Mixed Solid Waste at the Landfill site and file compliance report within fifteen days from the receipt of this notice failing which environment compensation shall be levied on you for violating the aforesaid direction.

A copy of Reference No.153016 dated 21.08.2024 is enclosed herewith and marked as Annexure-R/2



6

15. That it is stated that vide Letter No.3636 dated 31.08.2024 reply of letter No.153016 dated 21.08.2024 was given to the Chairman, Bihar State Pollution Control Board, Patna and through the letter dated 31.08.2024 the Municipal Commissioner, Chapra Nagar Nigam stated which is as follows:-

To
The Chairman,
Bihar State Pollution Control Board, Bihar, Patna
Chapra/ Dated- 31.08.2024

Sub:- Regarding submission of compliance report in respect of Public complaint relating to the acquired plot at Katsa Village-Arna P.S.-Amnour.

Context: Your letter No.153016 dated 21.08.2024

Sir,

Regarding the direction through the relevant letter on the above subject, it is clarified that this land was transferred to Chapra Municipal Corporation from the district administration, Saran by selecting it in accordance with criteria given in the "Memorandum for Site Selection" under the provisions of Solid Waste Management Rules, 2016 in the year 2023 for proper processing and disposal of Solid and Liquid waste by Chapra Municipal Corporation (Annexure-Land transferred by district administration and approval given by Bihar State Pollution Board, Bihar, Patna.

2. in the light of departmental direction for the Municipal Corporation, the total area of the plot transferred against the desired 10 acres of land is 05 acres, which has been properly fenced. As per the departmental letter No. 1815 dated 07.06.2024, there is a ban on fresh waste processing,



hence the land will be reclaimed by processing the legacy waste(Annexure-2 departmental letter No.1815 dated 07.06.2024).

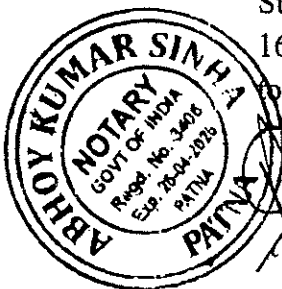
3. Before the transfer of said plot the entire collected solid waste of Chapra Municipal Corporation was collected in Bhagar located Shyamchak, which was decided to be disposed of by classifying it as Legacy Waste in the beginning of the year 2024 and accordingly an agency has been selected for disposal through tender (Annexure-3 departmental letter no.5341 dated 22.01.2023).

4. The entire quantity of legacy waste collected and gathered till the year 2024 is to be disposed of at the fast pace by the month of December, 2024. in the above context legacy waste is being disposed by installing Trommel at two places of Chapra Municipal Compaction, Shyamchak and Katsa (subjected plot).(Annexure-4- time line of the agency for both the places)

5. The Solid Waste being transferred to Katsa is the amount of legacy waste currently being shifted from Shyamchak. After disposal of legacy waste, the process of processing of the waste currently being collected daily is to be started in accordance with the provisions contained in the Solid Waste Management Rules, 2016, which is pending at the level of the Urban Development and Housing Department. This work is not to be done by the Municipal Corporation (Annexure-2- departmental letter no.1815 dated 7.6.2024).

6. It is clear from the above that Land plot at Katsa is currently being used to complete the process of processing and disposal of legacy waste at a fast pace.

7. The land at Katsa was mainly approved by the Bihar State Pollution Control Board vide letter no.2735 dated 16.11.2023 and Chapra Municipal Corporation was guided to get the said land approved by SEIAA.

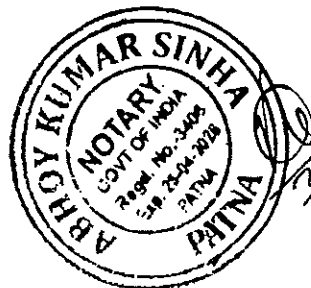


In the light of this, a letter was written by Chapra Municipal Corporation to the Principal Secretary, Urban Development and Housing Department, letter no. 3723 dated 29.11.2023 to get SELAA approval on the land of the said landfill site, which is still pending (Annexure-5-letter No. 3723 dated 29.11.2023).

Dedicated for information with respect.

Yours sincerely,
Sd/ Municipal Commissioner
Chapra Nagar Nigam

16. That it is stated that Chapra Nagar Nigam has not traveled beyond any law pertaining to environment, but the complainant/applicant at the behest of some local people made a false and fabricated complain, due to which necessity arose to appear in the instant case by way of intervention petition to unfold the truthness.
17. That it is stated that the complain of the complainant is not sustainable in the eye of law, on this score complain petition of the complainant for which O.A. No. 1315 of 2024 has been registered may be disposed of considering the above facts and reliable documents.
18. That contents of this petition have been read over by me which I have fully understood and they are true to my knowledge and belief.



19. That statement made in paragraph nos.....are true to my knowledge and those made in paragraph nos.....are true to my information derived from the records of this case and rests are by way of submissions before this Hon'ble Court.

20. That the annexures are true photocopy of its original.

Identified by me &

prepared in my office

Sudesh Bhandari, Adv
 Enrolled in 1049193 **VERIFICATION**
 Patna High Court
 A's R No. 2151

Sunil Kumar Gaudy

Deponent
 Municipal Commissioner
 Chapra Nagar Nigam

Verified by the deponent named on this the...~~31.12~~ day of

d
 December 2024
~~January, 2025~~

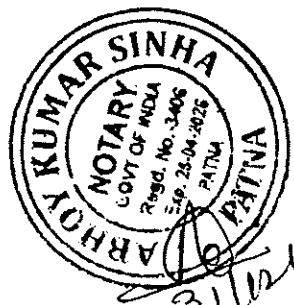
and I do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed there from.

Notary Public stamp area containing:
 Sr./Smt./Mr./Mrs. *Sunil Kumar Gaudy*
 who has/have identified by *Sudesh Bhandari*
 Advocate, Solemnly affirmed & declared the
 Some before me
 NOTARY PUBLIC PATNA
 Govt of India
 Sign: *[Signature]*
 Date: *31/12/2024*

Sunil Kumar Gaudy

DEPONENT
 Municipal Commissioner
 Chapra Nagar Nigam

Deponent/Executer
 Asher - 7316
 ID No.



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11949/2024



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1/10/24

सुनील कुमार पाण्डेय
Sunil Kumar Pandey
 जन्म तिथि/DOB: 02/02/1966
 पुरुष/MALE

आधार कार्ड का प्रयोग ही, भारतीयता का प्रमाणित करने के लिए। इसका उपयोग प्रत्यक्ष (ऑनलाइन प्रमाणीकरण, या प्रत्यक्ष केंद्र/ऑनलाइन सहायकता के माध्यम से) के साथ किया जाना चाहिए।
 Aadhaar is proof of identity, not of citizenship or state of birth. It should be used with verification (online authentication, or scanning of QR code / offline Kiosk).

XXXXXX 7316

मेरा आधार, मेरी पहचान

सुनील कुमार पाण्डेय
Sunil Kumar Pandey
 जन्म तिथि/DOB: 02/02/1966
 पुरुष/MALE

आधार कार्ड का प्रयोग ही, भारतीयता का प्रमाणित करने के लिए। इसका उपयोग प्रत्यक्ष (ऑनलाइन प्रमाणीकरण, या प्रत्यक्ष केंद्र/ऑनलाइन सहायकता के माध्यम से) के साथ किया जाना चाहिए।
 Aadhaar is proof of identity, not of citizenship or state of birth. It should be used with verification (online authentication, or scanning of QR code / offline Kiosk).

XXXXXX 7316
 VID : 9156 8143 8766 8168

पता
 S/O सुनील पाण्डेय, 203, एस.डी. अपार्टमेंट, कवि रामन पथ, पी. एंड टी कॉलोनी के पास, नारायण कॉलोनी, बोरिंग रोड, फुलवारी, पटना जे.पी.ओ., पटना, बिहार - 800001

Address:
 S/O Surendra Pandey, 203, S.D. Apartment, Kavi Ramnan Path, Near P And T Colony, Nagarhwa Colony, Boring Road, Phulwari, PO: Patna G.P.O., DIST: Patna, Bihar - 800001

1047 | help@uidai.gov.in | www.uidai.gov.in

Sunil Kumar Pandey

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अजय नारायण झा
AJAY NARAYAN JHA, IAS

Annexure-R/L

12



सचिव
भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Secretary
Government of India
Ministry of Environment, Forest and Climate Change

D.O.No. 22-19/2017-IA-III

3rd July, 2017

Dear Shri. Mishra,

Please refer to the D.O. letter No. Q-15014/2/2017-CPHEEO dated 14.02.2017 requesting to revisit the process of prior environmental clearance for Solid Waste Management Treatment and Processing Facilities.

2. The matter has been examined by the Expert Group constituted in the Ministry in its meeting held on 14.06.2017. The Expert Group has submitted its recommendations. The recommendations of the Expert Group have been examined in the Ministry.

3. The Environment Impact Assessment Notification, 2006 in the Schedule at item 7(i) mentions Common Municipal Solid Waste Management Facility (CMSWMF) as Category B project for which State Environment Impact Assessment Authority (SEIAA) is empowered to appraise the project for grant of prior environmental clearance.

4. The municipal solid waste management involves various steps like door to door collection, segregation, composting, refuse derived fuel (RDF) making, waste to energy generation through waste to energy plants and disposal in scientific landfills. The above activities, except landfill site, if proposed as standalone activities are not covered under item 7(i) of EIA Notification, 2006, hence do not require prior environmental clearance. In case the activities of composting, RDF making and waste to energy plant (up to capacity of 15 MW) are proposed at an existing landfill site, they do not attract the provisions of the EIA Notification, 2006.

5. If the activities of incineration, RDF making and waste to energy plant are proposed along with the new site of solid waste disposal/ landfill, it is advisable to obtain an integrated prior environmental clearance for these projects.

contd...2/-



इंदिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110 003 फोन : (011) 24695262, 24695265, फैक्स : (011) 24695270

INDIRA PARYAVARAN BHAWAN, JOR BAGH ROAD, NEW DELHI-110 003 Ph. : (011) 24695262, 2465265, Fax : (011) 24695270

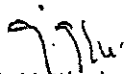
E-mail : secy-moef@nic.in, ajay.jha@nic.in, Website : moef.gov.in

6. It has been seen that locating a landfill site or municipal solid waste disposal site is a contentious issue and there is a tendency to locate them far from the habitation but near forest, rivers, ponds, wetlands and low lying areas etc. which are ecologically sensitive sites and require proper environmental management. Since, the forests, rivers, ponds, wetland and low lying areas are critical from environmental point of view, it may not be appropriate to exempt this activity of municipal solid waste disposal site or landfill site from the requirement of prior environmental clearance.

7. I believe this will expedite the achievement of the objectives of the Swachh Bharat Mission.

With regards,

Yours sincerely,


(A.N. Jha)

Shri Durga Shankar Mishra
Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi-110011.

Annexure R/2

14

1/153016/2024

LU/58/2024-LEGAL Sec-BSPCB

Page 1 of 3



REGISTERED
BIHAR STATE POLLUTION CONTROL BOARD

Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Patna, dated:- 21.8.24

Ref. No.: 153016

From:

Dr. D.K. Shukla,
Chairman.

To

The Municipal Commissioner,
Chapra Municipal Corporation,
Chapra, Saran. 841301

**DIRECTION UNDER SECTION 31A OF THE AIR
(PREVENTION AND CONTROL OF POLLUTION) ACT, 1981,
AND SECTION 33A OF THE WATER (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1974.**

1. WHEREAS, the State Government has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Protection and Control of Pollution) Act, 1981.
2. WHEREAS, you were required to obtain previous Environmental Clearance from State Environmental Impact Assessment Authority (SEIAA); 'Consent-to-Establish' (hereinafter referred to as CTE) and 'Consent-to-Operate' (hereinafter referred to as CTO) from Bihar State Pollution Control Board (hereinafter referred to as the 'Board') under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'Water Act') and under section 21 of the Air (Prevention and Control of

- Pollution) Act, 1981 (hereinafter referred to as 'Air Act') before establishing and operating the landfill site at Villagé- Arna, P.S. Amnor, Distrcit- Saran.
3. **WHEREAS**, the State Board evaluated the land site proposed by the Chapra Nagar Nigam as per the sitting criteria provided in the Solid Waste Management Rules, 2016, for developing a scientific landfill site. The state Board vide its letter dated 16.11.2023 directed you to obtain Environmental Clearance from the SEIAA for the said landfill, the competent authority for granting Environmental Clearance.
 4. **WHEREAS**, a public complaint was made to the State Board wherein it has been alleged that unprocessed and mixed solid waste is being dumped at the landfill site without treating and processing the solid waste.
 5. **WHEREAS**, the State Board vide its letter dated 01.08.2024 forwarded the said complaint to the District Magistrate, Saran, with copy marked to you, for taking suitable action in the matter.
 6. **WHEREAS**, it is worth mentioning that in landfill site, only inert and reject waste shall be dumped and it should not be used as dumping site for dumping the unprocessed solid waste.
 7. **WHEREAS**, operation of landfill site without a prior Environmental Clearance from SEIAA and without obtaining a valid CTE and CTO from the State Board is in violation of the mandatory provisions of the Water Act and Air Act and dumping of unprocessed and mixed solid waste is in violation of the prescribed rules of the Solid Waste Management Rules, 2024.

I, therefore, in exercise of power conferred by Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, & Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, direct you to:

(i) Stop dumping of unprocessed and mixed solid waste at the landfill site:

(ii) File a compliance report within 15 days from the receipt of this notice, failing which Environmental Compensation shall be levied on you for violating the aforesaid direction.

Signed by

Devendra Kumar Shukla

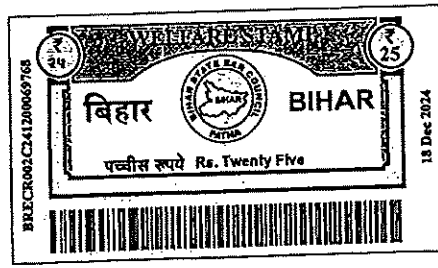
Date: 20-08-2024 15:36:59

(D. K. Shukla)
Chairman

Copy to:

(i) The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna, for information and necessary action.

(ii) The District Magistrate, Saran, to ensure that the direction is complied immediately.



VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A.No. 1315 of 2024

IN THE MATTER OF :

Ramesh Prasad

Applicant

VERSUS

The State of Bihar.....Respondent

Do Hereby Appoint Mr. Indu Bhushan, Advocate

(Herein After called the Advocates) to be My/Our Advocate in the above noted case Authorizes him. To act, appear and plead in the above noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court Subject to payment of fees separately for each court by me/us. To sign file verify and present pleadings appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party to withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct and other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do so and sign the power of attorney on our behalf & I/We the/ undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I/We or my/our duly authorized agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called. And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the process union of the said case until the same is paid. I/We will not be entitled for the refund of the same in any case whatsoever. In Witness Whereof I/We do hereunto set my/our hand to these present the contents or which have been undersigned by me/us on this 21 day 12, 2024 Accepted. Subject to the terms of fees.

Indu Bhushan

Indu Bhushan
 Advocate for Nagar Nigam Chapra
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Client

Sanjay Kumar Pandey
 Municipal Commissioner
 Chapra Nagar Nigam