

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF:

Original Application No. 135/2024/EZ

(Earlier O.A No. 226/2024/PB)

RUPA DEVI

...Applicant

-Versus-

STATE OF JHARKHAND & Ors.

...Respondents

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CHANDRA GUPTA KAMAL

Advocate

Bar Association Room No. 5,

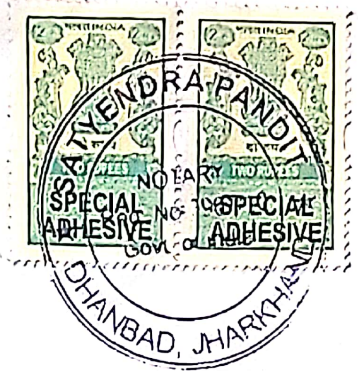
High Court, Calcutta

Chamber: 8/1, K.S. Roy Road,

Kolkata: 700001.

(M)7595831025

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Prakash Kumar

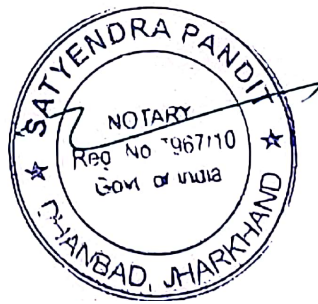
COUNTER AFFIDAVIT FILED BY MUNICIPAL COMMISSIONER, DHANBAD, JHARKHAND,(i.e. RESPONDENT NO. 3 HEREIN).

NOTARY
DHANBAD

S.No. 01 Date 1 FEB 2025

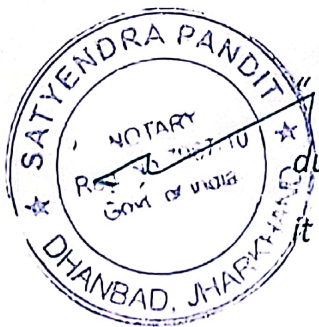
I, Prakash Kumar, son of Mathura Ram Raju aged about 46 years, by Religion - Hindu, by Occupation - Service under the Dhanbad Municipal Corporation in the office of Assistant Municipal Commissioner, Dhanbad, Jharkhand, having its office at L.C. Road Dhanbad, Jharkhand, do hereby solemnly affirm and state as follows:

- 1. That, I am the Municipal Commissioner, Dhanbad, Jharkhand, Respondent No. 3 herein and that I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant Affidavit.



2. That, I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That in pursuance and in compliance to the order dated 13.05.2024 and 01.08.2024 of the Hon'ble Tribunal in the instant Original Application this Counter Affidavit is being filed by Municipal Commissioner, Dhanbad, Jharkhand, Respondent No. 3 herein.
4. That this affidavit is being filed for bringing necessary facts and statements on record for just and proper adjudication of this case.
5. That in compliance to the said order dated 13.05.2024 passed by the Hon'ble Tribunal, the Deputy Commissioner, Dhanbad, Jharkhand constituted an inspecting committee vide its letter no. 03(Mu)Go, dated 05.10.2024 comprising of the following members:
 - i. DFO, Dhanbad,
 - ii. Municipal Commissioner, Dhanbad,
 - iii. Exdecutive Engineer, Minor Irrigation Department, Dhanbad,
 - iv. Regional Officer, JSPCB, Dhanbad.
6. That the said inspection committee members carried out the said inspection on 13.11.2024 and on basis of such recommendatoin the said inspection committee came up to the following recommendation on 29.11.2024:

On the basis of facts found during inspection, any signs of pollution from dumping site into the Joria was not observed by the committee. However, it may be required to shift the dumping site to any suitable place for

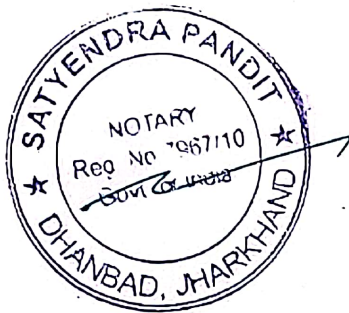


Pradeep Kumar

disposal of municipal solid waste, as per Municipal Solid Waste Rules, 2016 and it's further amndments."

A photocopy of the said Inspection Report dated 29.11.2024 is annexed herewith and marked as Annexure A.

7. That, this Counter Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordships, may kindly be pleased to accept the instant Counter Affidavit.
8. That the answering respondent seeks leave to file any further affidavits, if required, as per direction of the Hon'ble Tribunal.
9. I state that the statements contained in paragraphs Nos. 1 to 4 are true to my knowledge, the statements contained in paragraph Nos. 5 to 6 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.



Prakash Kumar

VERIFICATION

I, Prakash Kumar, son of Mathura Devi, aged about 46 years, by Religion - Hindu, by Occupation - Service under the Dhanbad Municipal Corporation in the office of Assistant Municipal Commissioner, Dhanbad, Jharkhand, having its office at DHANBAD, Jharkhand.

Date: 11 FEB 2025

Place: DHANBAD

Prakash Kumar

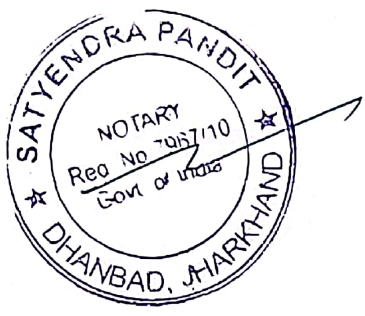
Deponent

Identified by me:

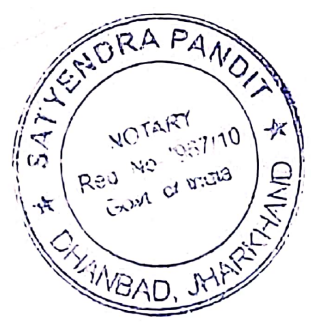
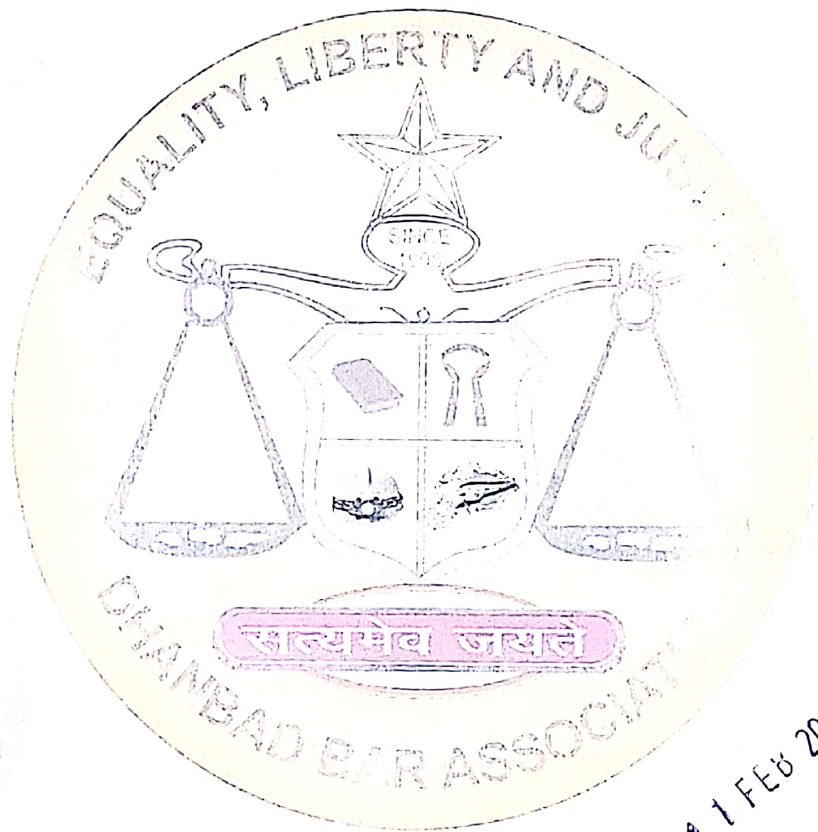
[Signature]
Advocate

[Signature]
NOTARY
DHANBAD
11/2/25

AUTHORISED
u/s 297 (i) (c) of the Cr. P.C. 1973
(Act No 11 of 1974) & u/s (8) (i)
of the Notaries Act 1952
(Act No 53 of 1952)



Welfare Ticket
Not Available



S. No. 01 Date 01 FEB 2025

ENRL. NO. 6193/99



85299



DHANBAD BAR ASSOCIATION

Inspection Report on NGT O.A. No 135/2024 (Rupa Devi & Others Vs. State of Jharkhand) and by the order

Hon'ble NGT has passed an order on dated 13.05.2024 in O.A. No. 135/2024/ EZ (Earlier O.A. No. 226/2024/PB) and constituted a joint committee comprising District Magistrate, Dhanbad, Jharkhand State Pollution Control Board and representative of Principal Secretary, Department of Water Resources of Jharkhand.

In the light of the above order, D.C. Dhanbad has constituted inspecting committee vide it's letter no. 03(Mu)/Go, Dated -05/10/2024 of following members :

1. District Forest Officer, Dhanbad.
2. Municipal Commissioner, Dhanbad.
3. Executive Engineer, Micro Irrigation Department, Dhanbad.
4. Regional Officer, JSPC Board, Dhanbad.

In the light of above, a Joint inspection was carried on 13.11.2024 of the concerned site by constituted committee members 1. Sri Vikash Paliwal, DFO, Dhanbad, 2. Sri Ravi Raj Sharma, Municipal Commissioner, Dhanbad. 3. Sri R.B. Mishra, Executive Engineer, Micro Irrigation Department, Dhanbad and 4. Sri Vivek Kujur, Regional Officer, Jharkhand State Pollution Control Board, Dhanbad.

The Dumping Site and the nearby Joriya was inspected by the constituted Committee, by the DC, Dhanbad. The distance between the dumping sites and Joriya and it's geographical conditions was assessed by the Team. The concerned waste dumping site is situated At - Ekra, PO- Bansjora, PS- Loyabad, Dist- Dhanbad near old abandoned quarry of BCCL.

During inspection following facts were found w.r.t. Complaint regarding water pollution due to garbage dump :

1. The distance between dumping site and nearby Seasonal Joria (Nallah) is about 500 Mtr. near Kali Mandir at South-East side.
2. The Joria is a Seasonal Drain in which water mainly comes from mine water discharge of Basdeopur Colliery.
3. Water flow in Joria near Kali Mandir was found in very less quantity and during peak summer season as informed by locals.
4. Joria comes towards the Kali Mandir from North-West side through railway underpass.
5. Dump site is about 300 meter from this railway underpass.
6. No any kind of direct discharge was found from dump site towards joria during the inspection.

V. Raju

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7. During the inspection local residents present there did not inform about water pollution in Joria.
8. Dump site is situated in abandoned mine area which is situated more than 500 meter away from nearby habitation and during the inspection spread of garbage from designated site was not observed
9. During the inspection joria was found in it's natural state of flow and no observable signs of pollution was observed.
10. Water samples were collected from ahead of railway underpass near shamshaan ghat for upstream and about 450 meter downstream of kali mandir site.
11. Samples have been analyzed and as per reports parameter were found within limits which is placed under Class-D (Copy of analysis report is enclosed).

Recommendation :

On the basis of facts found during inspection, any signs of pollution from dumping site into the Joria was not observed by the committee. However it may be required to shift the dumping site to any suitable place for disposal of municipal solid waste, as per Municipal Solid Waste Management Rules, 2016 and it's further amendments.

V. Kujar
29/11/24
Regional Officer
J.S.P.C.B, Dhanbad.

Z. Mammoo
29/11/24
Executive Engineer
Micro Irrigation Dept.
Dhanbad.

J.
29/11/24
Municipal Commissioner
Dhanbad.

V. Kos
29/11/24
D.F.O.
Dhanbad.



झारखण्ड राज्य प्रदूषण नियंत्रण पर्यद, धनबाद
Jharkhand State Pollution Control Board,
HIG-I, Housing Colony, Dhanbad-028001

Lab Ref. No.3095

Date ..22.11.24..

Analysis report of Physico Chemical Examination of sewage/Trade Effluent

Name & Address of the nallah Ekrajor Nallah Basjora, Dhanbad
Point of Collection A Sample of U/S Ekrajora nallah near Samsanghal
Date and Time of Collection : 13/11/2024 At-11:45 AM
Collected by Sri S. Das, S.T.
Sample Source Nallah

S.No	Parameters	Limits	Value Obtained
1	Temp A/W °C	> 40°C	30/26
2	pH	5.5 to 9.0	7.0
3	DO mg/l	-	7.4
4	BOD mg/l	30 mg/l	6.8
5	COD mg/l	250 mg/l	200
6	T.S. mg/l	-	712
7	T.S.S. mg/l	100 mg/l	86
8	T.D.S. mg/l	-	636
9	T.H.	-	160
10	Calcium	-	30.4
11	Magnesium	-	11.712
12	Chloride	-	30
13	Alkalinity	-	90

Remarks All parameters are observed within prescribed limit, placed under class D. (CB)

(CB)
A.S.B.24

V. Raju
22/11/24
Regional Officer

S. Das
25/11/2024
Board Analyst



झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद, धनयाद
Jharkhand State Pollution Control Board,
HIG-1, Housing Colony, Dhanbad-826001

Lab Ref. No. 3094

Date 22/11/24

Analysis report of Physico Chemical Examination of sewage/Trade Effluent

- 1 Name & Address of the nallah : Ekarajor Nallah Basjora, Dhanbad
- 2 Point of Collection : A Sample of D/S Ekarajora nallah near kali mandir
- 3 Date and Time of Collection : 13/11/2024 At-11:20 AM
- 4 Collected by: Sri S. Das, S.T.
- 5 Sample Source : Nallah

S.No	Parameters	Limits	Value Obtained
1	Temp A/W °C	>140°C	30/26.5
2	pH	5.5 to 9.0	7.2
3	DO mg/lit	-	7.5
4	BOD mg/lit	30 mg/l	8.2
5	COD mg/lit	250 mg/l	236
6	T.S. mg/lit	-	868
7	T.S.S. mg/lit	100 mg/l	98
8	T.D.S. mg/lit	-	770
9	T.H.	-	168
10	Calcium	-	48
11	Magnesium	-	11.712
12	Chloride	-	32
13	Alkalinity	-	96

Remarks All parameters are observed within prescribed limit. placed under class D.

V. Raju

A. K. Das