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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF

O.A. NO. 212 OF 2024/EZ

NARENDRA SINGH

..... APPLICANT

VS

THE STATE OF BIHAR & ORS.

---RESPONDENTS

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3. That the Hon'ble Tribunal was pleased to constitute a joint committee vide its order dated 26.11.2024, and directed that the committee shall visit the site and submit its report on affidavit. The District Magistrate, Vaishali, was made the Nodal Office for all logistic purposes and for filing the Committee Report on affidavit.

4. That accordingly the committee inspected the site on 23.01.2025, and found that a Waste Processing Unit (WPU) of size 33X30 ft. has been constructed at a distance of 15 feet from the Baya River and there are five compost pits MRFs and three NADEP tanks designed for organic waste decomposition. The WPU has a GS sheet roof and has been constructed for waste management purposes. The construction of the WPU was completed in February, 2024.

There is no Panchayat Bhawan at the site and at the time of inspection no garbage was found in the WPU and on the vacant land. The WPU has been built on Government land and the complainant residence is situated at a distance of approximately 100 meters from the site.

A copy of the inspection report is annexed and marked as Annexure-1.

5. That as per the Solid Waste Management Rules, 2016, any WPU facility handling over five metric tons of waste per day is required to obtain authorization from the State Pollution Control Board. As per the census data of 2011 the population of Lakshmipur



Barhmbatta Gram Panchayat was 12,084 and the current estimation population is around 15,166, therefore the waste generated at Lakshmipur Barhmbatta Gram Panchayat does not exceed five metric tons per day and therefore the WPU in question is not required to obtain authorization from SWM, Rules, 2016.

6. That the joint committee after inspection has concluded that the WPU has been constructed on the banks of Baya river at a distance of 15 feet, which is not in accordance with River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, which under Rule 6(3) provides that *'No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries.'* Further, Rule 2 (1) of the order define 'Flood Plain' as *'Flood plain means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years'.*

Therefore, the WPU has been constructed in violation of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.

That it is further stated that the State of Bihar is taking the issue of definition of *'Flood Plain'* as defined in the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, as if such a definition is accepted then more than 76% of the area of State of Bihar would fall within the flood plains and such a large area could not practically be brought within flood plain



zoning. Also, the Hon'ble National Green Tribunal, New Delhi, vide its order dated 13.08.2020 and 08.02.2021 passed in O.A. No. 200 of 2014, constituted a committee of representative of NMCG; CPCB and MoJS to look into the issue of flood plains demarcation and protection in the State of Bihar and interact with State of Bihar.

7. That the actual position with respect to demarcation of 'flood plains' is not clear to the answering respondent and therefore the answering respondent prays for some time to ascertain the actual position and for that an indulgence may be granted by this Hon'ble Court.

8. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom.

*Identify the deponent whose signature/LI who has signed in my presence*

*[Signature]*  
25.02.2025

*[Signature]*  
25.2.25  
DEPONENT

**VERIFICATION**

Verified at Patna on 25<sup>th</sup> day of February, 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 and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.



*[Signature]*  
25.2.25  
DEPONENT

# Inspection Report of the Joint Committee Constituted in Compliance with Hon'ble NGT Matter in OA No. 212/2024/EZ

## 1. Background:

The present OA No. 212/2024/EZ was registered by the Hon'ble NGT based on a letter petition filed by Shri Narendra Singh, alleging that Lakshmipur Barhmbatta Panchayat was constructing a Panchayat Bhawan and dumping garbage on Plot No. 619 and 620, situated on the banks of the Baya River. Concerns were raised that the dumping of construction materials on this plot could lead to environmental pollution and increase flood risks, potentially resulting in loss of life and property.

## 2. Committee Composition and Inspection Details:

A joint committee was constituted, comprising representatives from the District Magistrate, Vaishali, and Bihar State Pollution Control Board, which conducted an inspection of the alleged site on January 23, 2025. The officials present during the inspection were:

1. Md. Ahsan Ahmad, AC Departmental Enquiry, Vaishali.
2. Sh. Kishlay Kushwaha, SDO, Mahua.
3. Sh. Nalini Mohan Singh, Scientist, Bihar Pollution Control Board, Patna.

## 3. Findings and Observations:

During the site inspection, the committee observed the following:

### **1. Waste Processing Unit (WPU) Construction:**

- a. A Waste Processing Unit (WPU) of Size 33x30 Fit has been constructed at a distance of approximately 15 feet from the Baya River. **(Anexure- 1 photo graph)**
- b. The WPU consists of five compost pits MRFs and three NADEP tanks, designed for organic waste decomposition.
- c. The structure has a GS sheet roof (not RCC) and was constructed for waste management purposes.

2. The construction was completed in February 2024,

### **3. Status of Panchayat Bhawan and Waste Disposal:**

- a. No Panchayat Bhawan was found on the site. The land in front of the WPU.
- b. At the time of inspection, no garbage was found either on the vacant land or within the WPU.

### **4. Ownership and Legality:**

- a. The WPU is built on government land, The complainant's residence (Shri Narendra Singh) is located approximately 100 meters away from the site.

### **5. Regulatory Compliance Status:**

- a. As per Rule 15(Y) of the Solid Waste Management Rules, 2016, any waste processing facility handling over five metric tons per day requires authorization from the State Pollution Control Board (SPCB).

#### **b. Population Data and waste generation:**

- i. The total population of Lakshmipur Barhmbatta Gram Panchayat as per 2011 Census was 12,084.
- ii. The current estimated population , as per the Action Plan is 15,166.
- iii. The waste generated does not exceed five metric tons per day, and thus, the WPU does not fall under the mandatory authorization requirement under SWM Rules, 2016.

## **4. Conclusion:**

A WPU has been constructed on the bank of Baya river at a distance of about 15 fit which is not in accordance with the Ministry of Water Resources, river development and Ganga Rejuvenation, Government of India, Gazette Notification dated 07.10.2016 contained in S.O. 3187 (E) in Rule 6 (3)

The WPU is with a GS sheet roof and remains non-functional at present. The sole purpose of this facility is to ensure proper waste management in the Panchayat, thereby reducing unregulated dumping into the Baya River and mitigating environmental risks.

*NM Singh*  
*07.02.25*

1 Nalini Mohan Singh, Scientist,  
Bihar Pollution Control Board, Patna.

*[Signature]*  
*7/2/25*

2 Kishlay Kushwaha,  
SDO Mahua

*[Signature]*  
*07/02/25*  
3 Ahsan Ahsan Ahmad  
AC Departmental Enquiry  
Vaishali.



🕒 Thursday, January 23 2025, 15:10:05  
📍 Unnamed Road, Rampur Ramhar, Bihar 844126, India  
📍 25° 44' 36" N, 85° 27' 41" E -19m  
🌤️ 21.0°C 🌬️ 11.9Km/h 🌧️ 64%





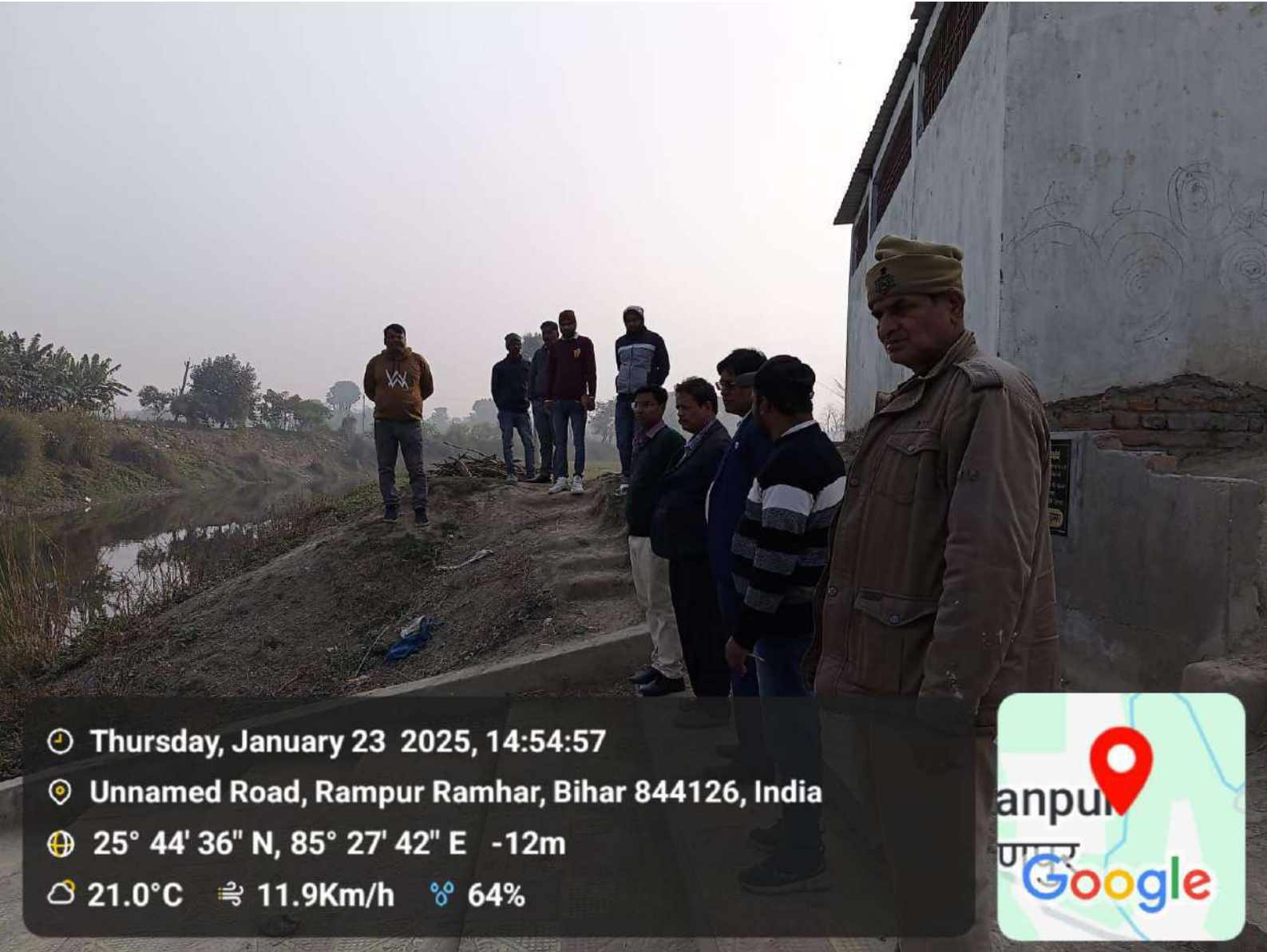
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Unnamed Road  
Bhathahi  
Tirhut Division  
Bihar





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🕒 Thursday, January 23 2025, 14:54:57

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☁ 21.0°C 🌬 11.9Km/h 💧 64%



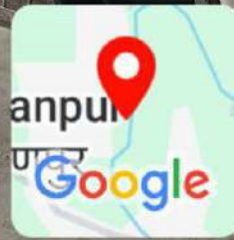


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🌤️ 21.0°C 🌬️ 11.9Km/h 🌫️ 64%





🕒 Thursday, January 23 2025, 15:02:02  
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🌤️ 21.0°C 🌬️ 11.9Km/h 🌫️ 64%





🕒 Thursday, January 23 2025, 15:08:55  
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🕒 Thursday, January 23 2025, 15:09:24  
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🕒 Thursday, January 23 2025, 15:09:39

📍 Unnamed Road, Rampur Ramhar, Bihar 844126, India

📍 25° 44' 36" N, 85° 27' 41" E -19m

☁️ 21.0°C 🌬️ 11.9Km/h 💧 64%

