

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
M.A. 18 OF 2024**

IN

Original Application No. 155/2022/EZ

**IN THE MATTER OF:**

**TALAB BACHAO ABHIYAN-TBA**

**...APPLICANT(S)**

**VERSUS**

**GOVT. OF BIHAR & OTHERS**

**RESPONDENT(S)**

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*Ashok Prasad*

**ASHOK PRASAD, ADVOCATE**

**Counsel for UOI**

Dated: 26/02 2025

Place: Kolkata

(X)

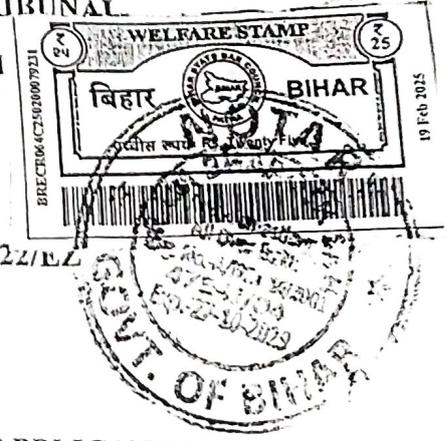
S.L. No. 1200  
Date 21.2.2025

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

M.A. 18 OF 2024

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TALAB BACHAO ABHIYAN-TBA

...APPLICANT (s)

VERSUS

GOVERNMENT OF BIHAR & ORS

...RESPONDENT (s)

CREPLY ON BEHALF OF RESPONDENT No. 11 / DRM,  
SAMASTIPUR DIVISION, BIHAR

I, Nitesh Chaudhary S/o – Kamal Singh, Aged -36 years, employed as Sr. Divisional Engineer – I, East Central Railway, Samastipur, Ministry of Railway, functioning at Bihar, do hereby solemnly affirm and declare as under:

That I am duly authorized and competent to swear this affidavit on behalf of Divisional Railway Manager, Samastipur Division, Bihar - 848101 in the above matter.

That I have read and understood the order passed by the Hon'ble NGT dated 17.09.2024, 27.11.2024 and filing this Counter Affidavit in compliance of direction passed by the Hon'ble Tribunal.

Authorized Under the Notaries Act, 1952  
The Notaries Rule 1956 w/s 129 (a) of  
C.A.C. 1908 w/s Sec 333 of the B.A.S. 2023



(20) (X)

S.L. No. 1200

Date 21.2.2025

3. The deponent has been advised to traverse and/or deal with only such allegations and/or contentions and/or averments and/or statement made in the said petitions which are material and relevant for the purpose of just adjudication and disposal of the instant case. All other allegations and/or contentions and/or averments and/or statements made in said petition may be deemed to have been denied and disputed in Toto and to have not been admitted in any way. Save and except what matters are of record and save and except what have specifically been admitted herein each and every allegations and/or contentions and/or statements made in the said petition are deemed to have been denied and disputed by me in seriatim.

Authorised Under the Notaries Act, 1952  
 the Notaries-Rule 1950 w/s 139 (a) of  
 C.P.C. 1908 w/s Sec 333 of the O.S.S. 2023

4. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.

NOTARIAL SUBMISSIONS:



5. That vide order dated 23.03.2023 in Original Application 155/2022/EZ Tribunal directed which are as under: -

Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-

- A. We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary,

Bihar State Pollution Control Board, Divisional Railway Manager,  
Samastipur Division, and the District Magistrate, Darbhanga.

Notarised Under the Notaries Act, 1952  
The Notaries-Rule 1956 w/s 139 (a) of  
P.C. 1908 w/s Sec 333 of the B.N.S. 2023

B. The above Committee shall address itself to the observations and the  
recommendations made in the Inspection Report of the Committee  
constituted by the Tribunal and take expeditious remedial measures.

C. The Committee shall also take steps to remove the encroachments  
expeditiously. 2

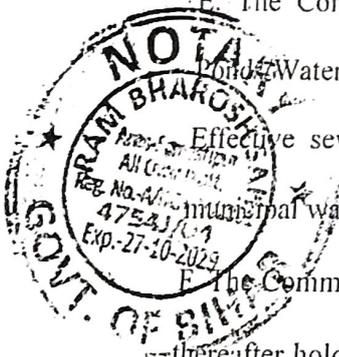
D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga  
District of Bihar, shall be restored to their pristine glory and their  
embankments shall be strengthened by planting grass and natural shrubs  
and trees to provide an eco-friendly landscape which can be used by the  
public for recreation.

E. The Committee shall also ensure that drains leading into the three  
Water Bodies are completely diverted from the said water bodies.

Effective sewage management shall be put in place to ensure that no  
municipal waste is allowed to flow into the three ponds.

F. The Committee shall hold its first meeting within fifteen days hereof and  
thereafter hold meetings regularly in every four months for appraisal of the  
remedial actions, proposed and taken from time to time.

G. The Bihar State Pollution Control Board shall take water samples six  
monthly from the three ponds and if the water samples are found to be  
higher than the prescribed standard parameters, appropriate directions shall  
be issued to the concerned authorities for taking effective remedial actions  
forthwith.





(18)

S.L. No. 1200  
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against the proposed action and seeks his explanation. It is a sine Qua Non of the right of fair hearing as such, any Order passed without giving Notice against the Principles of Natural Justice and is void-ab-initio". And it is the violation of the Article 14 & 21 of the Constitution of India.

Whereas we have a valid CTO.

A copy of the CTO dated 19.01.2021 is enclosed herewith and marked as Annexure R-1.

Compliance status of the violation reported is as per below table:

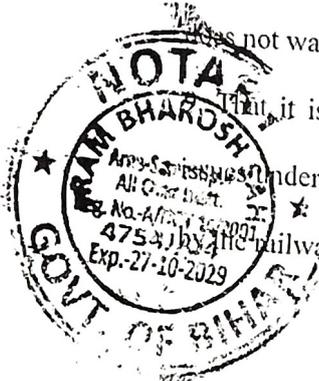
8. That the averments made under Paragraph to are matter of record and not warrant any reply from the answering respondent.

That, it is stated that Bihar State Pollution Control Board raised some under heading of violation reported, which has already been removed from the railway administration.

A copy of compliance report is enclosed herewith and marked as annexure - R/2 of this counter reply.

10. That it is stated that Bihar State Pollution Control Board submitted a miscellaneous application no. - 18/2024 on 13.09.2024 and requested acknowledge receipts of these directions immediately and submit action taken report positively within next five days. But the notice was received in the office of the DRM/SPJ on 19.09.2024 by registered letter.

Authorized Under the Notaries Act, 1952  
the Notaries Rule 1956 U/S 139 (a) of  
the Notaries Act, 1952  
No. 1908 U/S Sec-333 of the B.S.C.



S.L. No. 1200

Date 21.2.2025

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A copy of receipt DAK of MA-18/2024 is enclosed herewith and marked as annexure R/3 of this counter reply.

1. It is therefore respectfully prayed that Hon'ble Tribunal pass such order/orders as it deem fit and proper for the ends of Justice.

*Robert*  
DEPONENT

Authorized Under the Notaries Act, 1952  
The Notaries Rule 1956 of 1952 (as amended)  
by G.O. No. 1908 of Sec. 333 of the G.O.S. 2023



~~(7/1)~~

S.L. No. 1200

Date 21.2.2025

VERIFICATION

Authorised Under the Notaries Act, 1956  
by Notaries Rule 1969 w/s 139 (a) of  
Act, 1908 w/s Sec 333 of the B.N.S.S. 2023

Verified at Samastipur on this 21 of <sup>Feb.</sup> January, 2025, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

*Robert*  
DEPONENT

Identified by Me

*21.2.25*  
**Kishan Chand Lal**  
Advocate  
En.No-1263/2001  
Civil Court, Samastipur  
Mob:-9504441514

worm before me on 21 Feb 25  
by Alitesh Chaudhary  
who has been identified by  
Kishan Lal  
Advocate, Samastipur

*Robert*  
NOTARY 21.2.25  
SAMASTIPUR





SL No. 1200

Date 21.12.2025



# INDIA JUDICIAL Government of Bihar

## e-Court Fee

e-Court Fee Receipt No. : BRECR064C250100150154  
 Date & Time : 28-Jan-2025 07:53 AM  
 Name of the ACC/ Registered User : District Co-operative Central Bank, Samastipur  
 Location : Civil Court Samastipur  
 Name of Applicant : DEPONENT  
 e-Court Fee Amount : 100 (One Hundred Rupees Only)



IN 2500213473

### Statutory Alert:

- The authenticity of this Stamp certificate should be verified at <https://enbandhan.bihar.gov.in> or using enbandhan Mobile App.
- The onus of checking the legitimacy is on the users of the certificate.
- In case of any discrepancy please inform the Competent Authority.



**BIHAR STATE POLLUTION CONTROL BOARD**  
 PARIVESH BHAWAN, PLOT NO. NS-D/2, PALIPUTRA INDUSTRIAL AREA,  
 PATLIPUTRA, Patna - 800 010

Ref. No.- 253.

Patna, dated- 19.01.2021

**DISCHARGE CONSENT ORDER**

With reference to the on-line application no.-3402725 dated 31.01.2020/27 11 2020 of Railway Station, Darbhanga (Dist-Darbhanga) and reply of Divisional Environmental & Housekeeping Manager, DRM (Mechanical), East Central Railway, Samastipur, Dist-Samastipur for consent under sections 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, he/they is/are granted consent to bring into use his/their new/alterd/existing outlet(s) for discharge of trade effluent and/or domestic sewage from Railway Station, Darbhanga at & P.O.- Darbhanga, P.S.- Darbhanga. Dist-Darbhanga for the period of five years from the date of issue, with the following conditions:-

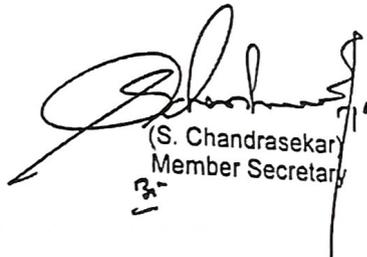
- 1 That, he/they shall not make any alteration, addition, deletion or modification in the plant (Railway Station) without the prior clearance from the Board and shall also abide by the obligations under sections 24,31 and 33A of the Water (Prevention & Control of Pollution) Act,1974 and further shall extend co-operation to the Board in performing its functions entrusted under sections 20, 21, 23, 30 and 32 of the Act;
- 2 That, he /they shall comply with the requirements of Rule 14 of the Environment (Protection) Rules, 1986; provisions of the Hazardous and Other Wastes (Management and Transboundary Movement), Rules 2016; Rules 4, 5, 7, 8, 10, 11, 12, 13, 15, 17 and 18 of the Manufacture, Storage and Import of Hazardous Chemical Rules,1989; and the provisions of the Public Liability Insurance Act, 1991, whichever is applicable;
- 3 That, he/they shall monitor his/their effluent(s) regularly and maintain its quality in conformity with Board's standards and shall produce its proof, as and when asked for;
- 4 That, he/they shall submit application for consent again 30 days before the expiration of the period of consent or within 30 days from the date of receipt of this order, whichever is applicable;
- 5 That, they shall comply with provisions (whichever applicable) of The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, The Environment (Protection) Act, 1986, Rules and notifications issued there under;
- 6 That, they shall comply with the order dated 18.08.2020 passed by the Hon'ble N.G.T. (PB), New Delhi in O.A. No. 141 of 2014, any order passed by the court or direction issued by CPCB/SPCB time-to-time;
- 7 That, they shall comply with the conditions of CTE (Consent-to-Establish) obtained from the Board;
- 8 That, they shall obtain prior necessary permission for installation of bore wells and extraction of groundwater from Central Groundwater Authority (CGWA)/Competent Authority in case of groundwater extraction exceed 10 KLD;
- 9 That, they shall have separate drainage system for sewage/domestic wastewater and storm water. No sewage or untreated waste water shall be discharged through storm water drains.
- 10 That, they shall submit colored drainage map and ensure that excess effluent from the railway station, if any, is not discharged without adequate & proper treatment into the municipal/local authority sewers/water bodies;
- 11 That, they shall minimize water consumption and adopt rain water harvesting system for ground water recharging. Plan of rain water harvesting shall be submitted to the Board within three months;
- 12 That, they shall install captive Sewage Treatment Plant (STP) for treatment of sewage/ domestic wastewater generated from station premises. Submit an action plan within one month time. The STP shall comply with the discharge standards in compliance with the E(P) Rules, 1986 and further order of the Hon'ble NGT dated-30.04.2019 in O.A. No 1069/2018 (pH: 5.5-9.0; BOD: 10 mg/L; COD: 50 mg/L; TSS: 20 mg/L; Nitrogen-Total: 10 mg/L Phosphorus-Total for discharge into ponds, lakes: 1.0 mg/L and Faecal Coliforms (FC) Desirable 100 MPN/100/ml, Permissible 230 MPN/100/ml);
- 13 That, they shall utilize treated sewage/wastewater for flushing of toilets, cooling towers (if they have any), coach washing, fire fighting facilities, floor washing/ cleaning, gardening/horticulture activities etc.;

*[Handwritten signature]*

18

- 14 That, sludge generated from the STP shall be dried and be used as manure for green belt development;
- 15 That, they shall use water jet-cleaning/dry cleaning system for platforms washing/cleaning instead of cleaning by water using plastic pipe;
- 16 That, they shall use water saving devices/fixtures (viz. low flow flushing systems; use of low flow taps etc.) for water conservation;
- 17 That, water meter conforming to ISO standards shall be installed at the inlet point of water uptake to monitor the daily water consumption. Use of water efficient devices/ fixtures and appliance should be promoted. The quantity of fresh water usage, water recycling, waste water generation and rainwater harvesting shall be measured and recorded for further monitoring. The flow meters shall be calibrated on yearly basis and report shall be submitted to the Board;
- 18 That, the Environmental Statement as prescribed in the Environment (Protection) Rules, 1986 [see rule 14] for the each financial year ending the 31<sup>st</sup> March, shall be submitted by the month of September during every succeeding year;
- 19 That, in compliance of direction of the Hon'ble Supreme Court and vide Board's HQ ref no.- 2638, dated 09.07.2019, they shall make provisions for display of data outside main factory (Railway Station) gate about quantity and quality of water discharge and air emission along with solid waste generated within the factory premises/ Railway Station premises;
- 20 That, notwithstanding anything stated above, the applicant unit shall abide by all the provisions of the environmental laws including policies and guidelines made there under; and
- 21 That, this CTO is granted on the basis of affidavit/undertaking up-loaded by the applicant and it is subject to the condition that in the event of any information/documents submitted by the proponent are found false or misleading at any stage, the CTO granted, shall be revoked and legal action shall be initiated.

To  
 SSE (Works),  
 Railway Station, Darbhanga; and  
 Sri Vinay Kumar,  
 Divisional Environmental & Housekeeping Manager,  
 DRM (Mechanical), East Central Railway, Samastipur,  
 Dist-Samastipur.

  
 (S. Chandrasekar)  
 Member Secretary  
 19/11/21



## Annexure-R/2

S.No.	Violation reported	Railway Remarks
a	Violation of CTO (water) condition 12: "to install captive sewage treatment plant (STP) for treatment of sewage/domestic waste water generated from station premises. Submit an action plan within one month time.	The provision of 2 No's STP of capacity approx. 3KLD is kept in the Major redevelopment of Darbhanga Station work through EPC tender with duration of completion of 36 months. Accordingly installation of STPs will be done till June' 2027. At present site survey work is going on for STP work and agency has set up its field unit/office at Darbhanga station for the execution of Major Redevelopment work at Darbhanga Station. However executing agency is advised to complete STP work on top priority.
b	The Hon'ble NGT in the matter of O.A No. 155/2022/EZ, order dated 01.08.2024, directed the State Board to impose environmental compensation on Darbhanga Railway Station, if found a polluter.	Concern to State Pollution Board.
c	Waste water generated from the circulation area and platforms is not treated through the STP before discharging.	Darbhanga station area drain which was discharging into Harahi Pokhar has been closed and it has been connected to Recycling Plant at Kathalbari. Similarly, second drain near Parcel office which was discharging in Digghi Pokhar has been diverted to Nagar Nigam Road drain at LC 26 (Museum Gumti). As per this statement, it is clear that no Darbhanga Railway Station drain is discharging waste water into either Harari or Digghi Pokhar. This was also communicated to Darbhanga Nagar Nigam by the Railways on 10.12.2024 and 10.11.2024.
d	Not submitting the Timeline Action plan for installation of STP.	Same as S. No. (a) above.

(X) (20)

355/R	Ref No. 150310 Dt. 12/09/24	Preventing	Order Section 33A of the Water Act 1974	17.09.24	Sd/- Section Officer	Sd/- Section Officer
	Water & Lake Department Government of Karnataka	D.K. Shukla (Prevention and Control)	Control of Pollution Act - 1974			
	Board of Palyasa Baraman	C. Ganeshan				
	Industrial Area, Pattibidra					
	Patna - 800010					
	HPD OELI - 2261250.					