

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
IN THE MATTER OF  
O.A. NO. 21 OF 2025/EZ**

**DIKSHA BHARTI**

**..... APPLICANT**

**VS**

**THE STATE OF BIHAR & ORS.**

**----RESPONDENTS**

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*Sl. No. 2162 Date 30.4.28*

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 05: BIHAR STATE POLLUTION CONTROL BOARD.

I, Neeraj Narayan, aged about 40 years, Son of Late Narayan Sharma, Resident of C-41, Housing Colony, Kankarbagh, Near Tempo Stand, P.S.- Patrakar Nagar, Patna- 800020, do hereby solemnly affirm and State as follows:

*Neeraj Narayan who is identified by Advocate. Ad. Singh solemnly affirmed & declared contents of this affidavit apart from this nothing is stated in this affidavit etc. etc. etc. 3 & Sub rule 4 & 5 of the N.P.C. 2006 refer to the*

1. That I am presently posted as Member-Secretary in Bihar State Pollution Control Board, Patna. I am authorized to file the present counter affidavit on behalf of the answering respondent. I am aware of the facts of the present case on the basis of the official records maintained at Bihar State Pollution Control Board, Patna, that I believe to be true. As such, I am competent to depose the present counter affidavit.
2. That the instant Original Application has been taken on a letter petition submitted by Diksha Bharti, alleging therein that illegal dumping of solid waste and discharge of sewage is being done in pond situated in ward no. 13 of Municipal Corporation, Saharsa, Bihar.





3. That the officials of the State Board carried the site inspection of the pond in question on 12.03.2025 and found the following: -

- i. Solid waste was found dumped at one-two places around the pond;
- ii. Stair case has been constructed around the pond and no discharge point of sewage line was found in the pond. Therefore, the sewage discharge of the hospitals/households is not going into the pond, as has been alleged in the letter petition;
- iii. There are seven hospitals/health care facilities situated near by pond and on inquiry it was found that the bio-medical waste of the said seven hospitals/health care facilities are disposed of through the Common Bio-Medical Waste Treatment Facility (CBWTF);
- iv. The local people informed that source of water of the pond is groundwater;
- v. The entire pond was covered with Water Hyacinth.
- vi. The locals involved that the pond was constructed in the year 2006 and was being used by the locals for celebrating festival, however due to improper maintenance and management of the pond by the local authorities and due to water hyacinth, the pond is no longer used for festivals.

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

4. That from the above findings of the inspection it appears that the pond is not being properly maintained and managed by the Respondent No. 04 and the local people are also throwing solid waste near the pond. However, there is no point of discharge of sewer into the pond.



-X-

- 5. That the State Board is contemplating issuing a proper direction in exercise of the Water (Prevention and Control of Pollution) Act, 1974, and therefore accordingly prays a further time of four weeks may be granted to file an action taken report.
- 6. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom.

*Notary (the deponent) signature/who has signed in my presence*  
*A.King. Sr.*

*(Signature)*  
 DEPONENT  
 (Neeraj Narayan)

**VERIFICATION**

Verified at Patna on <sup>h</sup>29<sup>th</sup> day of April, 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)*  
 DEPONENT  
 (Neeraj Narayan)



Annexure-1



### **INSPECTION REPORT**

In light of the order dated 24.01.2024 passed by the Hon'ble Tribunal National Green Tribunal, Principal Bench, New Delhi, in O.A. No. 02 of 2025 and in light of the State Board letter no. P/Legal 01-23/2025/204, dated 07.03.2025, the undersigned on 12.03.2025 inspected the pond situated at Ward No. 13, New Colony, Naya Bazar, Saharsa.

#### **COMPLAINT IN BRIEF:**

The petitioner, namely, Diksha Bharti, has in her letter petition has alleged that in the said pond sewer is illegally discharged in the pond and also bio-medical waste and solid waste is being dumped illegally in the said pond. Due to the pollution in the pond the residents have stopped performing 'Chhath Puja' in the said pond and are compelled to go to the waterbodies three-four kilometer away.

#### **DETAILS OF THE POND:**

The pond is approximately 345 ft long and 153 ft wide and is located in ward no. 13 in Saharsa District. The GPS location of the pond is Lat-25.884835; Long- 86.584606. The locals informed that the pond was constructed in the year 2006 by the State Government.

#### **FINDINGS OF INSPECTION:**

- i. Solid waste was found dumped at one-two places around the pond;
- ii. Stair case has been constructed around the pond and no discharge point of sewage line was found in the pond. Therefore, the sewage discharge of the hospitals/households is not going into the pond, as has been alleged in the letter petition;
- iii. There are seven-eight hospitals/health care facilities situated near by pond and on inquiry it was found that the bio-medical waste of the said seven hospitals/health care facilities are





- disposed of through the Common Bio-Medical Waste Treatment Facility (CBWTF);
- iv. The local people informed that source of water of the pond is groundwater and solid waste is thrown by the local people;
  - v. The entire pond was covered with growth of plants/aquatic plants;
  - vi. Around the pond there are government offices, buildings, and seven-eight hospitals/health care facilities;
  - vii. The locals informed that the pond was constructed in the year 2006 and was being used by the locals for celebrating festival, however due to improper maintenance and management of the pond by the local authorities and due to covering of water pond with plants/aquatic plants, the pond is no longer used for festivals.

**CONCLUSION:**

In light of the findings of the inspection it appears that the pond is not being maintained and managed properly by the local authorities and the local people are also throwing solid waste around the pond. The Municipal Corporation, Saharsa, shall take necessary steps to remove the solid waste and erect sign boards requesting the locals to not litter and dump solid waste around the pond. Regular cleaning of the pond shall be done by the authorities concerned.

Encl- Photographs.

  
19.3.25

(G.K. Mandal)  
Scientist  
BSPCB

  
19.3.25

(Sain Kumar)  
Regional Officer  
Purnia



**Photographs taken during inspection of the Pond located at Ward no.-13, New Colony, Naya Bazar, Saharsa-852201 on 12.03.2025**











