

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE**

O.A. No. 47 of 2025/EZ

SATYANAND RAY _____ **APPLICANT.**

VERSUS

The State of Bihar AND Ors. _____ **RESPONDENTS.**

Sub: Counter Affidavit.

INDEX

Sl no.	Annexure	Particulars	Page no.
1.		Counter Affidavit on behalf of Respondent No. 5.	01-04
2.	Annexure-A.	A copy of the inspection report carried by the BSPCB.	05-08



Before the Hon'ble National Green Tribunal

Eastern Zone

OA No. 47/2025/EZ

In the matter of:

Satyanand Ray

..Applicant

Versus

State of Bihar & Ors.

..Respondents

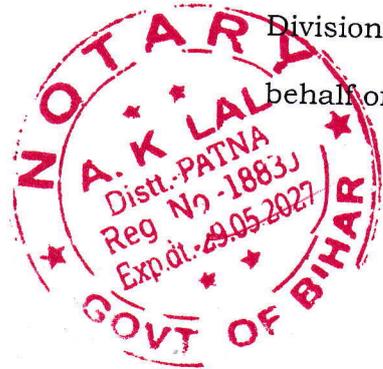
Report in form of Affidavit by the Respondent no 5 (Bihar State Pollution control Board)

I, Neeraj Narayan, aged about 40 years, Son of Lal 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:

1. That I am duly authorized to submit this affidavit on behalf of the Bihar State Pollution Control Board in the matter of the legacy waste site inspection conducted at Danapur Nizamat, Patna Division, Bihar. I am competent to affirm this affidavit for and on behalf of respondent no. 5 herein.

Sl. No. 3309 Date 21/7/25

*Messrs. Neeraj Narayan
who is identified by Advocate...
solemnly affirmed and declared contents of
his affidavit apart from this 'submitting'
stamp/cover etc. etc. //s 3 & Sub rule 2
of rule of N.G.T. 1986 before me
A.K. LAL
Notary Court*



2. Pursuant to the solemn orders passed by this Hon'ble Tribunal, that an inspection was carried at the aforementioned site, during which multiple locations with accumulated legacy waste were identified and documented with precise GPS coordinates, including 25.639.35394N 85.06809C7IE at 2:45 pm, 25.639.3134N 85.06817784E at 2:43 pm, 25.639.6723N 85.069840647E at 2:38 pm, and 25.639.6736N 85.06983519Bis at 2:37 pm.
3. That the inspection revealed that the waste collected from the Danapur, Nagar Parishad, area is dumped at the site in question. The legacy waste was found dumped in the area. At the site there is Material Recovery Facility (MRF) also, where material recovery process was going and stock of recovered material was also noticed. The concerned authority present at the site informed that there is about 53000 Ton legacy waste as per the estimation carried out through drone survey. It was further informed that the waste is collected and transferred on daily basis to Landfill site situated at Ramchak Bairia.
4. That the Bihar State Pollution Control Board recommends the following remedial measures to address the situation:



- (a) bio-mining and scientific segregation of the legacy waste shall be done to recover recyclable materials and reduce landfill volume;
- (b) the waste shall be transported to landfill site on regular basis;
- (c) installation of leachate collection and treatment systems;
- (d) implementation of dust suppression measures such as water sprinkling;
- (e) public awareness campaigns to prevent further illegal dumping.
5. That the original inspection report dated 17th April 2025, along with its translated version and coloured photographs documenting the site conditions, are being submitted herewith as Annexure A, forming an integral part of this affidavit.
6. In the inspection, it was found that :
- i. Significant accumulation of legacy waste was found at multiple locations within the site
 - ii. The waste composition included mixed municipal solid waste, plastic debris, and other non-biodegradable materials,
 - iii. Foul odor and vector breeding were evident, indicating public health hazards,
 - iv. The site lacked proper waste containment measures or environmental safeguards,



7. That the Bihar State Pollution Control Board is committed to ensuring compliance with environmental regulations and will take necessary actions to mitigate the adverse impacts of the legacy waste and craves leave to file additional affidavit and also seek further compliance filed by the respondent no. before the answering respondent. The answering respondent is also taking steps to issue notice for penalty and environmental compensation for not complying with the solid waste management rules.
8. That the contents of this affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom. The statements made in paragraph nos. 1 to 6 are matters of record and information derived from record and the the statements made in paragraph no. 7 are my humble submission before his Hon'ble Tribunal.

(Signature) 2/7/25
DEPONENT

VERIFICATION

Verified at Patna on this 2nd day of July, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

(Signature) 2/7/25
DEPONENT

Identified by me

(Signature) Adv.
BR/1239/5
Advocate 2/7/25



माननीय राष्ट्रीय हरित अधिकरण, पूर्वी बेंच, कोलकता में दायर OA. No. 47/2025/EZ, Satyanand Ray Versus State of Bihar & Ors के मामले में दिनांक 27.03.2025 को पारित ओदश के अनुपालन तथा कार्यालय पत्रांक P / legal 01-30/2023, 376 दिनांक 16.04.2025, द्वारा दिए गए निदेश के आलोक में दिनांक 17.04.2025 को दानापुर नगर परिषद्, दानापुर के स्वच्छता पदाधिकारी की उपस्थिति में स्थलीय निरीक्षण किया गया। Petitioner/शिकायतकर्ता से mobile पर वार्ता हुई।

निरीक्षण के क्रम में निम्न तथ्य पाए गए:-

1. Biscuit Factory Road में Legacy Waste Site लगभग एक Bigha में फैला हुआ पाया गया, जो पिछले 10-12 वर्षों से अवस्थित है।
2. Legacy Waste Site के पास ही Fresh Solid Waste खुले में dump किया हुआ पाया गया एवं लगभग 12-15 गाय विचरण करते हुए पाए गए तथा एक मृत अवस्था में भी गाय पड़ी हुई थी।
3. Legacy Waste Site से सटे MRF Centre है, जहाँ भी Fresh Mixed Solid Waste पाया गया तथा Recoverd Material का अंبار लगा हुआ था।

उपर्युक्त तीनों Sites, घनी आबादी के बीच स्थित है तथा पश्चिम दिशा में कुछ Industrial Units हैं। शिकायतकर्ता का निवास स्थान भी समीप है।

स्वच्छता पदाधिकारी द्वारा बताया गया कि लगभग 53000T, Legacy Waste है, जो drone survey से पता लगाया गया है, जिसका Proof, मांगे जाने पर भी नहीं दिया गया। उनके द्वारा यह भी बताया गया कि Fresh waste dump site, secondary transfer point है और प्रतिदिन Solid Waste का उठाव कर Ramchak Bairia स्थित dump yard जे जाया जाता है। लेकिन ऐसा प्रतीत होता है कि प्रतिदिन सारा का सारा ठोस अपशिष्ट का उठाव नहीं होता है। Open waste dump site का दरवाजा टूटा हुआ पाया गया तथा ठोस अपशिष्ट टूटे हुए दरवाजा के बाहर भी गिरा हुआ पाया गया। निरीक्षण के समय बहुत तीव्र गंध आ रही थी।

Legacy Waste के bio-remediation का कार्य, ठोस अपशिष्ट प्रबंधन नियमावली, 2016 के तहत 7th April, 2021 तक पूरा कर लिया जाना था। Secondary Transfer Site तथा MRF Centre को कहीं अन्यत्र आबादी से दूर shift करने का निदेश दानापुर नगर परिषद् को दिया जा सकता है।

उपर्युक्त तथ्यों के आलोक में समुचित कार्रवाई की जा सकती है।

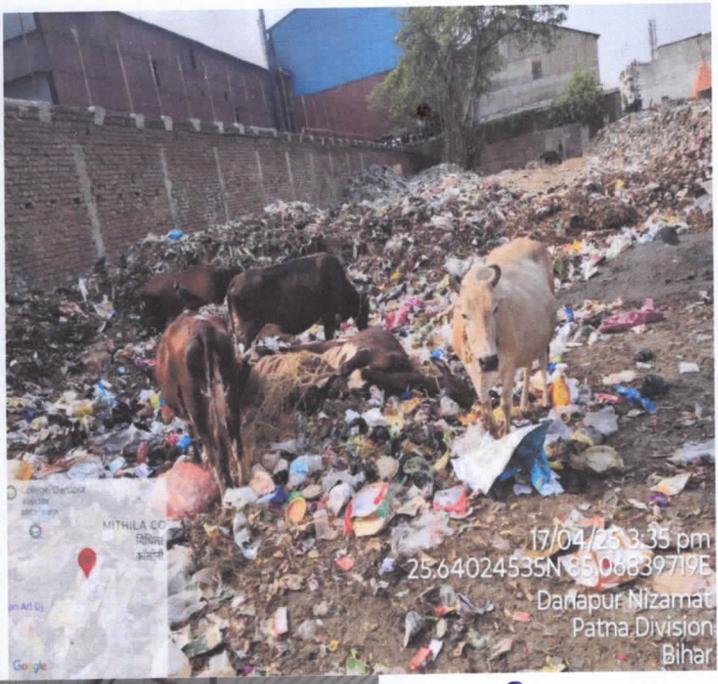
फोटोग्राफ्स संलग्न।

नीलिनी
05.05.25
(नीलिनी मोहन सिंह)
वैज्ञानिक।

Legacy waste site



Legacy waste site



Secondary transfer point

May Singh

नीलमी

MRF

(True Typed Copy of Annexure-A)

Inspection Report

In compliance with the order passed on 27.03.2025 in the case of OA. No. 47/2025/EZ, Satyanand Ray Versus State of Bihar & Ors filed in the Hon'ble National Green Tribunal, Eastern Bench, Kolkata and in the light of the direction given by the office letter no. P/ legal 01-30/2023, 376 dated 16.04.2025, a field inspection was conducted on 17.04.2025 in the presence of the Sanitation Officer of Danapur Municipal Council, Danapur. The petitioner was talked to on mobile.

During the inspection, the following facts were found:-

1. Legacy Waste Site was found spread over about one Bigha in Biscuit Factory Road, which has been located for the last 10-12 years.
2. Fresh solid waste was found dumped in the open near the legacy waste site and about 12-15 cows were found roaming around and a dead cow was also found lying there.
3. There is an MRF Centre adjacent to the legacy waste site, where fresh mixed solid waste was found and a pile of recovered material was found.

All the three sites mentioned above are located amidst dense population and there are some industrial units in the west direction. The complainant's residence is also nearby.

The sanitation officer informed that there is about 53000T legacy waste, which has been detected through drone survey, the proof of which was not given even when asked. He also informed that the fresh waste dump site is a secondary transfer point and solid waste is lifted daily and taken to the dump yard located at Ramchak Bairia. But it seems that not all the solid waste is lifted daily. The door of the open waste dump

site was found broken and solid waste was found lying outside the broken door. A very strong odor was coming at the time of inspection.

The work of bio-remediation of legacy waste was to be completed by 7th April, 2021 under the Solid Waste Management Rules, 2016. Danapur Municipal Council may be directed to shift the Secondary Transfer Site and MRF Centre somewhere else away from the population.

Appropriate action can be taken in the light of the above facts.

Photographs attached.

(Nalini Mohan Singh) Scientist.