

S.L. No. 155

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH AT KOLKATA
O.A. No. 47 OF 2025/EZ**

In the Matter of:
Satyanand Ray

...Applicant

-Versus-

The State of Bihar & Ors.

...Respondents

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Date: 03/07/2025.

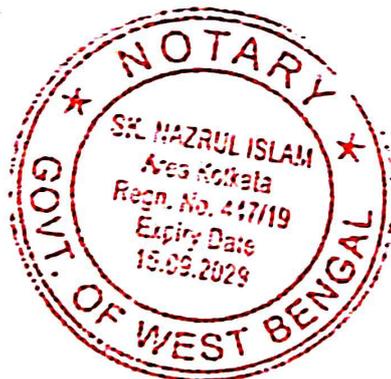
Place: Kolkata.

Filed by:

Bipasha Jaiswal

Ms. Bipasha Jaiswal,
Advocate

Filing no. 384 / 2022



03 JUL 2025

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**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT TO THE
COUNTER AFFIDAVIT OF THE RESPONDENT NO. 3**

I, Satyanand Ray, Son of Shri Nirmal Ray, aged about 50 years, presently residing at Nasriganj, P.S. Danapur, Patna, Bihar 800-012, do hereby solemnly affirm and state as follows:

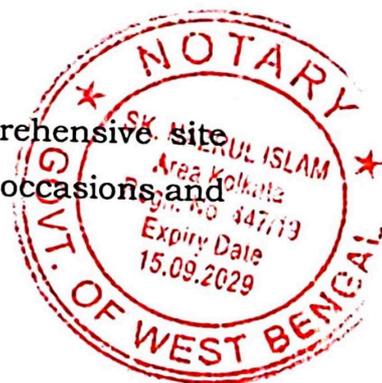
1. That I am the applicant in the above-mentioned matter and am fully conversant with the facts and circumstances of the case having personal knowledge of all the matters stated herein. I am competent to swear this affidavit and have witnessed firsthand the environmental violations that form the subject matter of this application.
2. That I have carefully perused and thoroughly examined the contents of the Counter Affidavit filed by Respondent No. 3 and has been advised to deal with only those contentions which are relevant and material for effective and proper adjudication of the issues involved in the instant case and save and except what are matters of record and save what are expressly admitted by me hereinafter, I



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emphatically deny each and every contention as made/raised in the said application as if the same are expressly denied by me in seriatim and specifically traversed.

3. This rejoinder affidavit is being filed to controvert the misleading, factually incorrect, and deliberately deceptive assertions made by Respondent No. 3, with a view to placing the true and correct facts before this Hon'ble Tribunal for the ends of justice and environmental protection.
4. With reference to statement contained in Paragraph No. 3 of the Counter Affidavit filed by Respondent No. 3, alleging that no garbage is being dumped or burnt at Biscuit Factory Road, Nasriganj, Danapur, is patently false, misleading, and deliberately intended to misguide this Hon'ble Tribunal. The applicant respectfully submits that continuous dumping of municipal solid waste is still taking place at the said site in flagrant violation of the Solid Waste Management Rules, 2016, and that open burning of waste continues unabated, releasing toxic pollutants including dioxins, furans, and particulate matter into the atmosphere. The site has transformed into a breeding ground for disease vectors including flies, mosquitoes, and rodents, posing grave health risks to the surrounding population, particularly children, elderly persons, and immunocompromised individuals. The respondent authorities have failed to take any meaningful remedial action despite being fully aware of the environmental degradation and having statutory obligations to maintain environmental safeguards under various environmental laws and constitutional provisions.
5. That the applicant has recently conducted a comprehensive site inspection of the aforementioned location on multiple occasions and



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has documented extensive evidence of ongoing environmental violations through photographic documentation. The photographs taken during these inspections unequivocally demonstrate that large-scale open dumping of solid waste continues at Biscuit Factory Road without any regard for environmental norms or public health considerations. The evidence clearly shows indiscriminate burning of waste occurring regularly, resulting in the release of toxic smoke and harmful gases into the atmosphere. The site exhibits clear signs of leachate formation which is contaminating the surrounding soil and groundwater systems, potentially affecting drinking water sources in the area. Most significantly, plastic waste is being openly dumped without any segregation or proper treatment mechanisms, in direct violation of the Plastic Waste Management Rules, 2016.

Copy of the recent dumping and burning activities is annexed herewith and marked with the Letter 'P/1 Collectively'.

6. With reference to statement contained in Paragraph No. 4 of the Counter Affidavit regarding the Notice Inviting Tender (NIT) for bio-remediation of legacy waste, the applicant submits that the mere issuance of an NIT, though welcomed in principle, cannot be used as a ground to justify the ongoing environmental degradation and public health hazards that continue to affect the local population. The initiation of tender process without concurrent remedial action does not absolve the Respondent Authorities from their statutory and constitutional obligations under Article 21 of the Constitution of India, which guarantees the right to life including the right to a clean and healthy environment. The respondents are duty-bound to take immediate interim measures to stop ongoing pollution while long-term solutions are being implemented, as environmental





protection cannot be delayed or postponed indefinitely while bureaucratic processes unfold.

7. The applicant respectfully brings to the attention of this Hon'ble Tribunal that the respondent authorities are in gross violation of the Plastic Waste Management Rules, 2016, as amended, which mandate comprehensive management of plastic waste through specific mechanisms. Under Rule 4 of these rules, local bodies are required to ensure collection and transportation of plastic waste through the formal waste management system and ensure that no plastic waste is littered or allowed to be dumped in open areas. The authorities have failed to implement Extended Producer Responsibility (EPR) mechanisms under Rule 9 for plastic packaging waste management, which requires producers, importers, and brand owners to take responsibility for environmentally sound management of plastic products until the end of their life cycle. The open dumping of plastic waste at the site constitutes littering under Rule 15, which is expressly prohibited, and the authorities have failed to establish proper waste processing systems through authorized recyclers as mandated by Rule 16.

8. The specific violations observed include mixing of plastic waste with other municipal solid waste contrary to segregation requirements, absence of collection systems for different categories of plastic waste including rigid, flexible, and multi-layered packaging, no implementation of source segregation as required under the rules, failure to establish waste processing facilities or engage authorized plastic waste processors, and non-compliance with minimum thickness requirements for plastic carry bags which currently stands at 120 microns as per the amended rules.





9. With reference to statement contained in Paragraph No. 5 of the Counter Affidavit regarding the proposed 4-month completion timeline post-selection of executing agency is speculative, without substance, and lacks any enforceable commitment or legal backing. The applicant submits that there is no guarantee or assurance that the stated timeline will be adhered to, particularly given the respondents' track record of failing to meet environmental obligations and self-imposed deadlines.
10. The respondents have failed to provide any interim measures to mitigate ongoing environmental damage while the alleged long-term solution is being implemented, leaving the affected population to continue suffering from the environmental hazards. Past experience demonstrates the respondents' inability to meet self-imposed deadlines in environmental matters, and the absence of penalty clauses for non-compliance renders the timeline meaningless and without any legal enforceability. The applicant further submits that such speculative timelines cannot be accepted as adequate response to an ongoing environmental emergency that requires immediate intervention and remedial action.
11. That the applicant craves leave of this Hon'ble Tribunal to highlight the grave environmental and public health emergency arising from the respondents' continued inaction and negligence. The dumping site is located in close proximity to residential areas, schools, healthcare facilities, and other community infrastructure, directly exposing vulnerable populations including children, elderly persons, pregnant women, and immunocompromised individuals to serious health hazards.





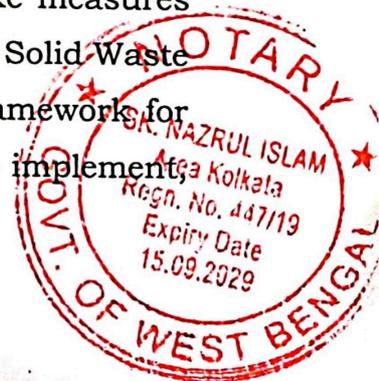
12. The educational institutions and health clinics as well as the residents in the vicinity are directly affected by air pollution and foul odours, creating an unsuitable learning environment for students and affecting their health and academic performance. The specific health hazards documented include respiratory ailments such as asthma, bronchitis, chronic obstructive pulmonary disease, and other pulmonary disorders due to toxic emissions from burning waste, water contamination through leachate infiltration into groundwater systems affecting drinking water sources, vector-borne diseases due to proliferation of disease-carrying insects and rodents that breed in the waste, and skin and eye irritation from particulate matter and toxic fumes released during waste burning. The environmental degradation includes soil contamination through heavy metals and toxic substances present in the waste, air pollution from continuous burning of waste materials releasing harmful gases and particulate matter, groundwater contamination affecting drinking water sources and irrigation systems, and loss of biodiversity in the surrounding ecosystem due to toxic contamination and habitat destruction.
13. That the applicant further submits that during the monsoon season, the environmental hazards are significantly amplified and become almost unbearable for the local population. The dumping site emits extremely pungent and toxic odours that become overwhelming during rainy seasons, making it impossible for residents to maintain normal daily activities or keep their homes properly ventilated. The leachate formation increases exponentially during monsoons due to increased water infiltration, leading to widespread groundwater contamination and surface water pollution that affects a larger geographical area. Stagnant water accumulation at the site creates ideal breeding conditions for disease vectors including mosquitoes.



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flies, and other harmful insects, increasing the risk of vector-borne diseases such as malaria, dengue, chikungunya, and various bacterial infections.

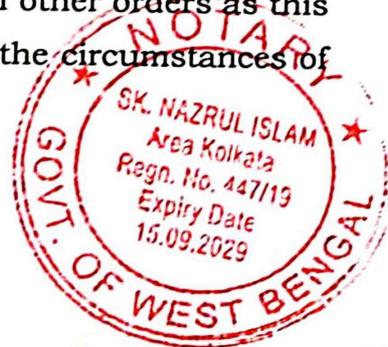
14. That the applicant submits that the decomposition of organic waste accelerates in humid conditions, releasing methane and other harmful gases including hydrogen sulfide, creating serious air quality issues and contributing to greenhouse gas emissions. The entire area becomes virtually uninhabitable during monsoons due to the overwhelming stench, health risks, and environmental degradation that affects the quality of life and human dignity of the local population.
15. That the respondent authorities are bound by constitutional and statutory obligations to protect the environment and public health, which they have manifestly failed to discharge. Article 21 of the Constitution guarantees the right to life, which has been interpreted by the Hon'ble Supreme Court to include the right to a clean and healthy environment, and the ongoing violations constitute a direct breach of this fundamental right. Article 48A of the Constitution directs the State to protect and improve the environment and safeguard the forests and wildlife of the country, while Article 51A(g) makes it a fundamental duty of every citizen to protect and improve the natural environment.
16. That the respondents are also bound by statutory obligations under the Environment Protection Act, 1986, particularly Sections 3, 5, and 25 which empower and obligate authorities to take measures for environmental protection and pollution control. The Solid Waste Management Rules, 2016 provide a comprehensive framework for waste management that the respondents have failed to implement.





while the Plastic Waste Management Rules, 2016 as amended contain specific provisions for plastic waste handling that are being violated. The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 create additional statutory obligations for pollution control that the respondents have failed to discharge.

17. That the applicant respectfully submits that the counter affidavit filed by Respondent No. 3 is an attempt to mislead this Hon'ble Tribunal and avoid accountability for the ongoing environmental violations. The respondents have failed to provide any credible evidence of remedial action taken or concrete steps implemented to address the environmental crisis. The mere reference to tender processes without any timeline for actual implementation or interim measures demonstrates a lackadaisical approach to environmental protection that cannot be accepted in the face of an ongoing public health emergency.
18. The applicant therefore prays that this Hon'ble Tribunal may be pleased to reject the counter affidavit filed by Respondent No. 3 as being factually incorrect and misleading, direct immediate cessation of all dumping and burning activities at the site, order implementation of the Plastic Waste Management Rules, 2016 in letter and spirit, mandate establishment of proper waste segregation, collection, and processing systems, impose environmental compensation based on the "polluter pays" principle, appoint a monitoring committee to ensure compliance with environmental norms, direct regular air and water quality monitoring in the affected area, and pass such other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.



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19. I state that the statements contained in Paragraphs no. 1 to 18 are true to the best of my knowledge and belief, those made in paragraph nos. 5 are based on records and the rest are my humble submissions before this Hon'ble Tribunal.

Satyendra Ray

DEPONENT

Prepared in my office.

& Identified by me,

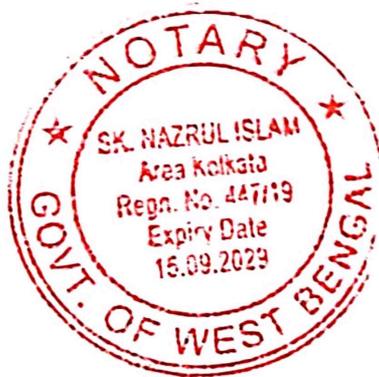
Bipasha Jaiswal

Bipasha Jaiswal,

Advocate

BEFORE ME

NOTARY PUBLIC



Solely Affirmed and
Declared before me on the
Identification of the Advocate.

SK
Notary

SK Nazrul Islam
Notary, Govt. of W.B.
Govt. No. 447/19
City Civil Court, Calcutta

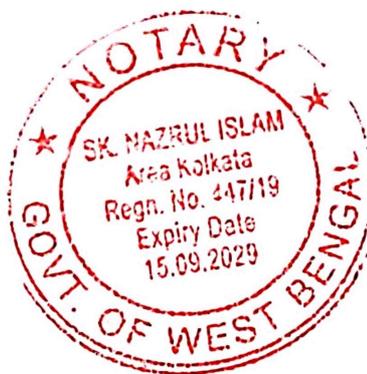
03 JUL 2025

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VERIFICATION

Verified at Kolkata by the deponent above named on this the 3rd day of July, 2025, and say that the contents of this affidavit made in paragraph nos. 1 to 19 are true to my knowledge, those made in paragraph no. 5 are information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

Satyenand Ray
DEPONENT



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भारत सरकार
Government of India



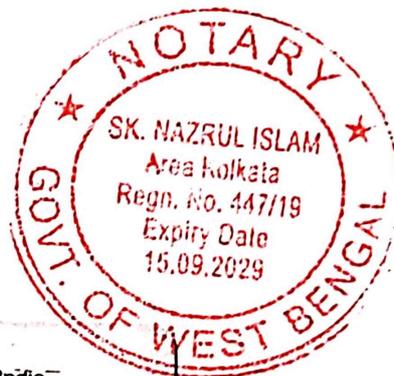
Satya Nand Ray
Date of Birth/DOB: 19/04/1974
Male/ MALE



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VID: 9187 7299 3406 6484

मेरा आधार, मेरी पहचान

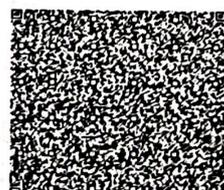
Satyamand Ray



भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India



Address:
S/O: Nirmal Ray, Near Biscuit Factory
more, Near Civil Court, Nasriganj
Danapur, Dinapur-Cum-Khagaul, Patna,
Bihar - 800012



QR Code with Photograph

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Satyamand Ray

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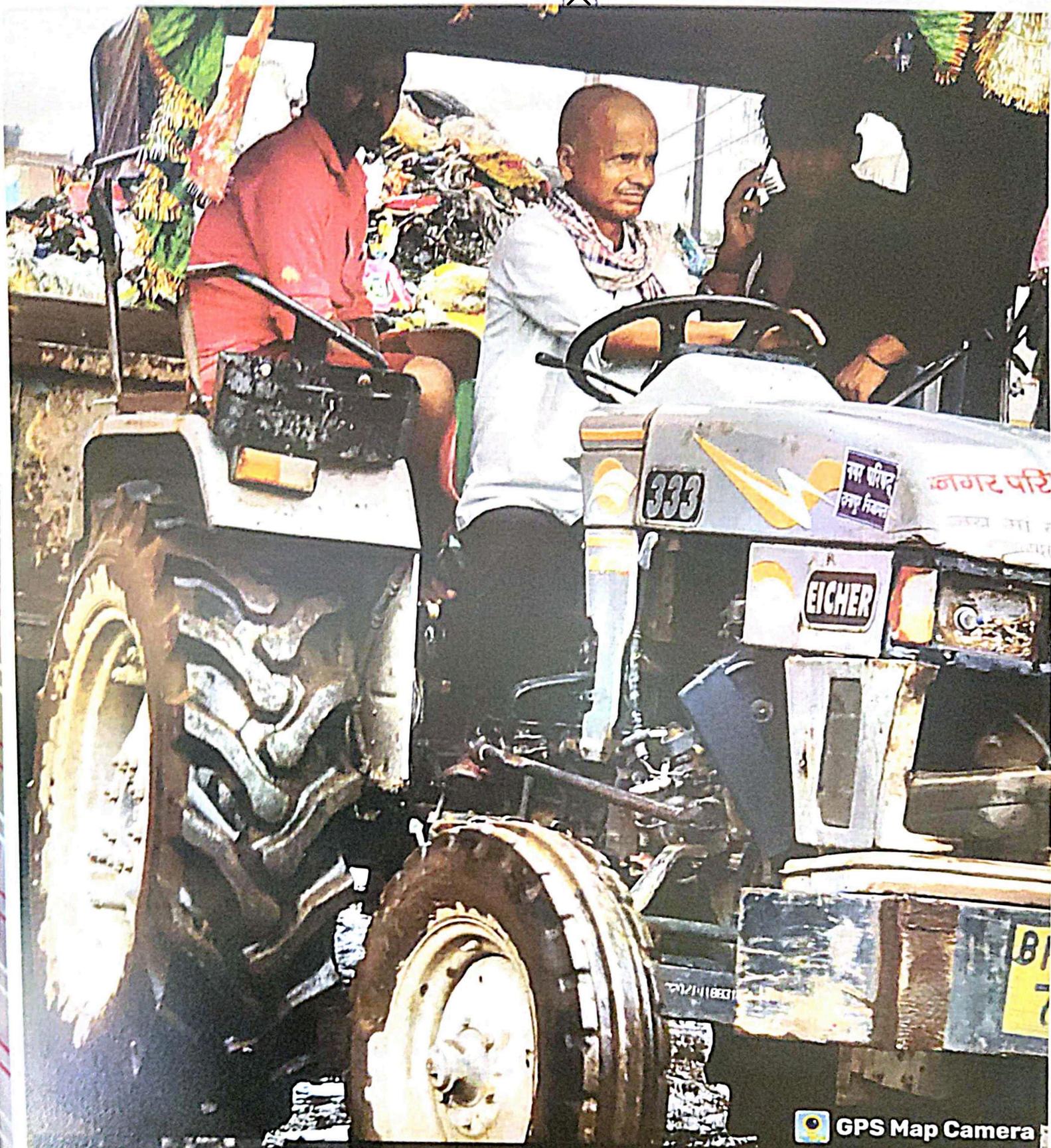
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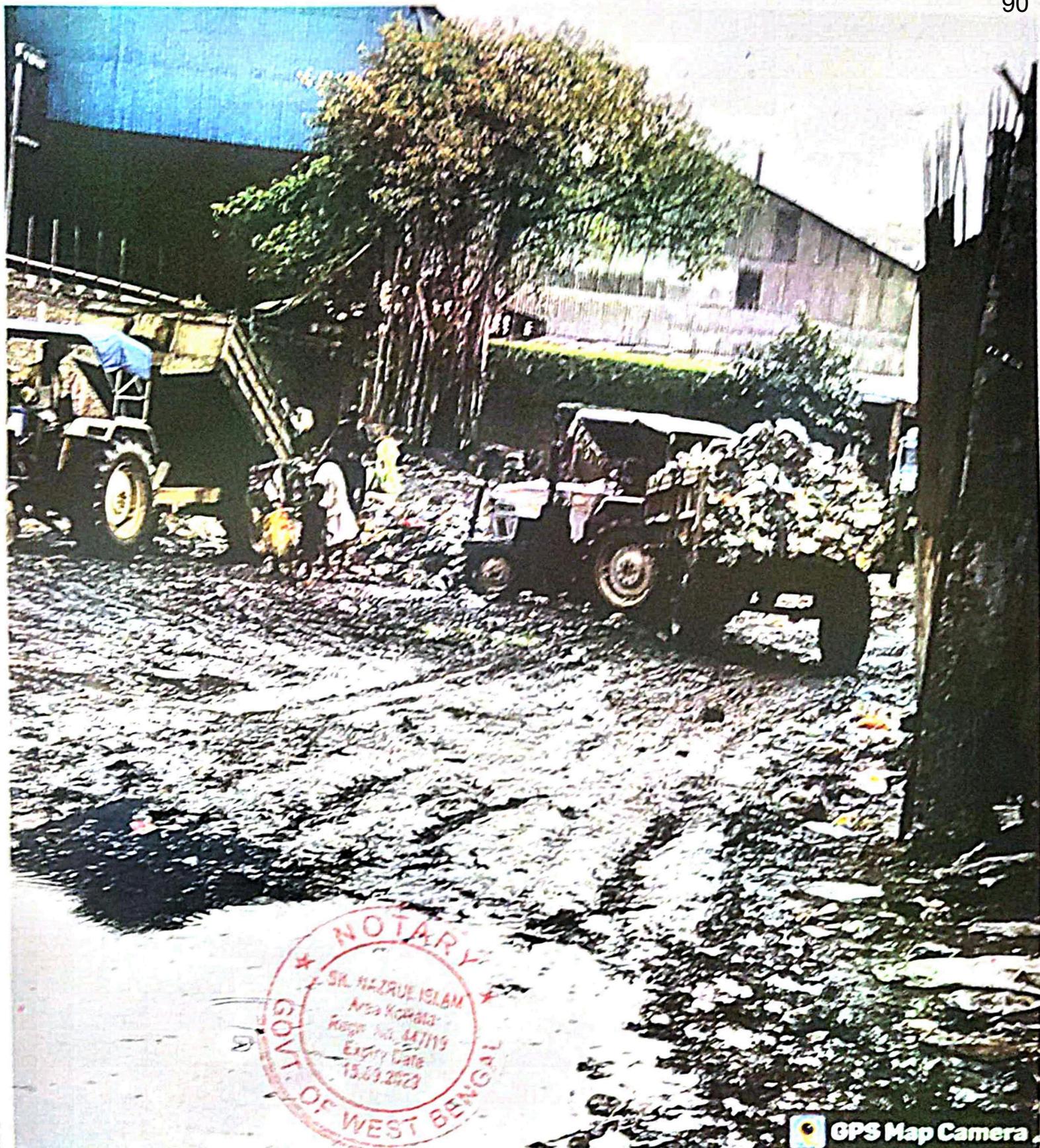


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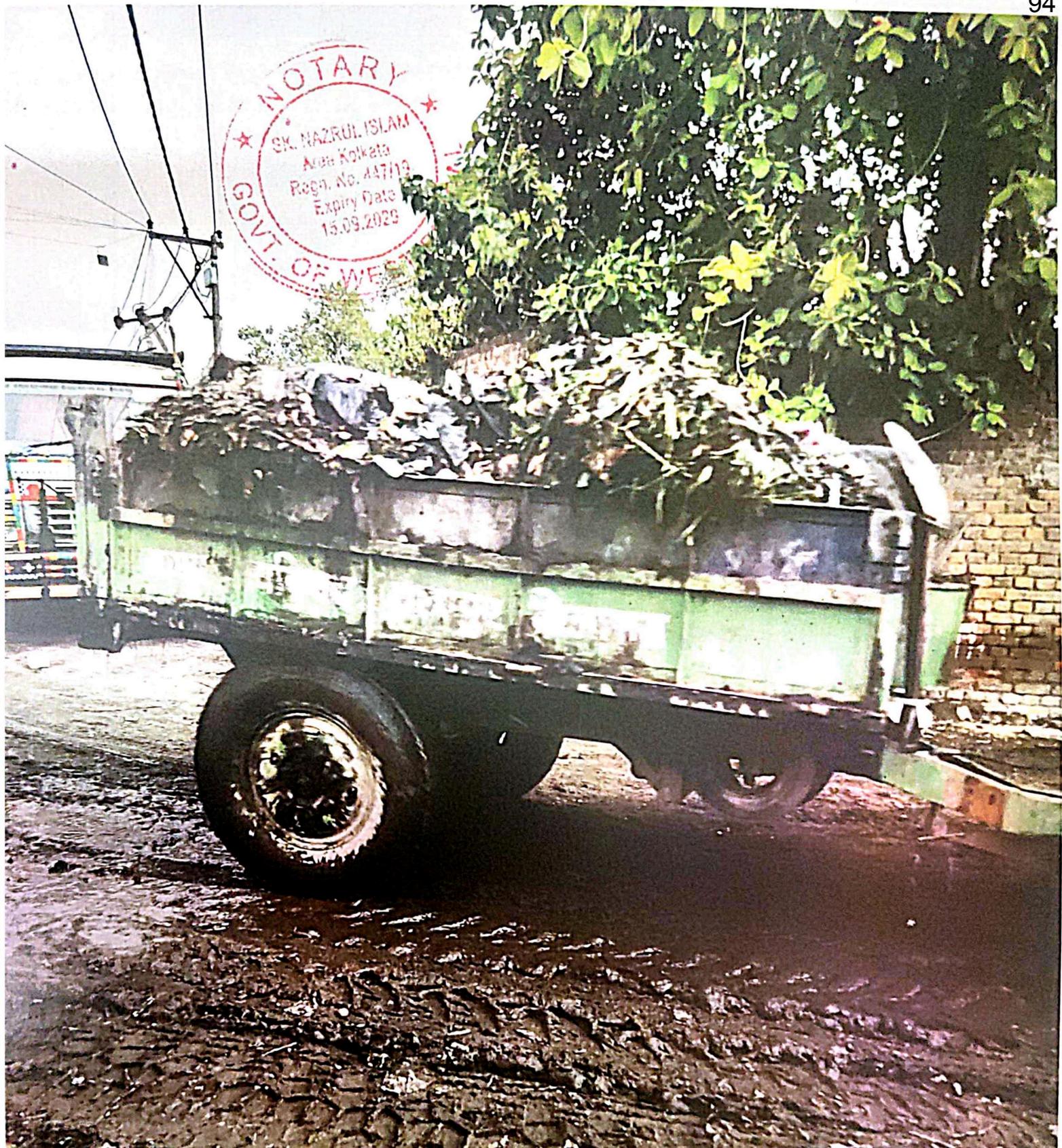
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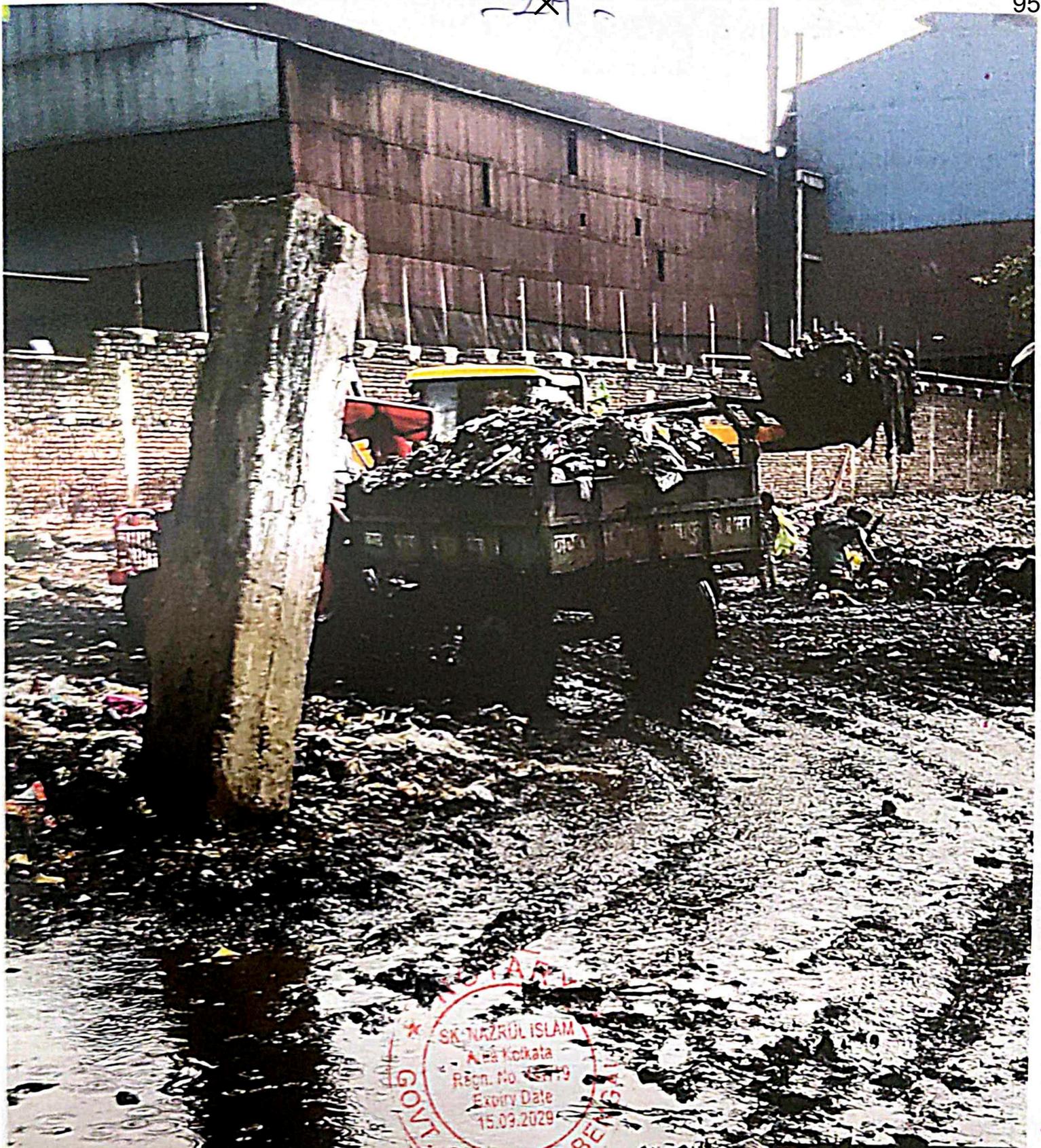


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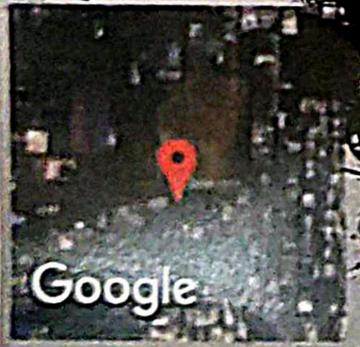
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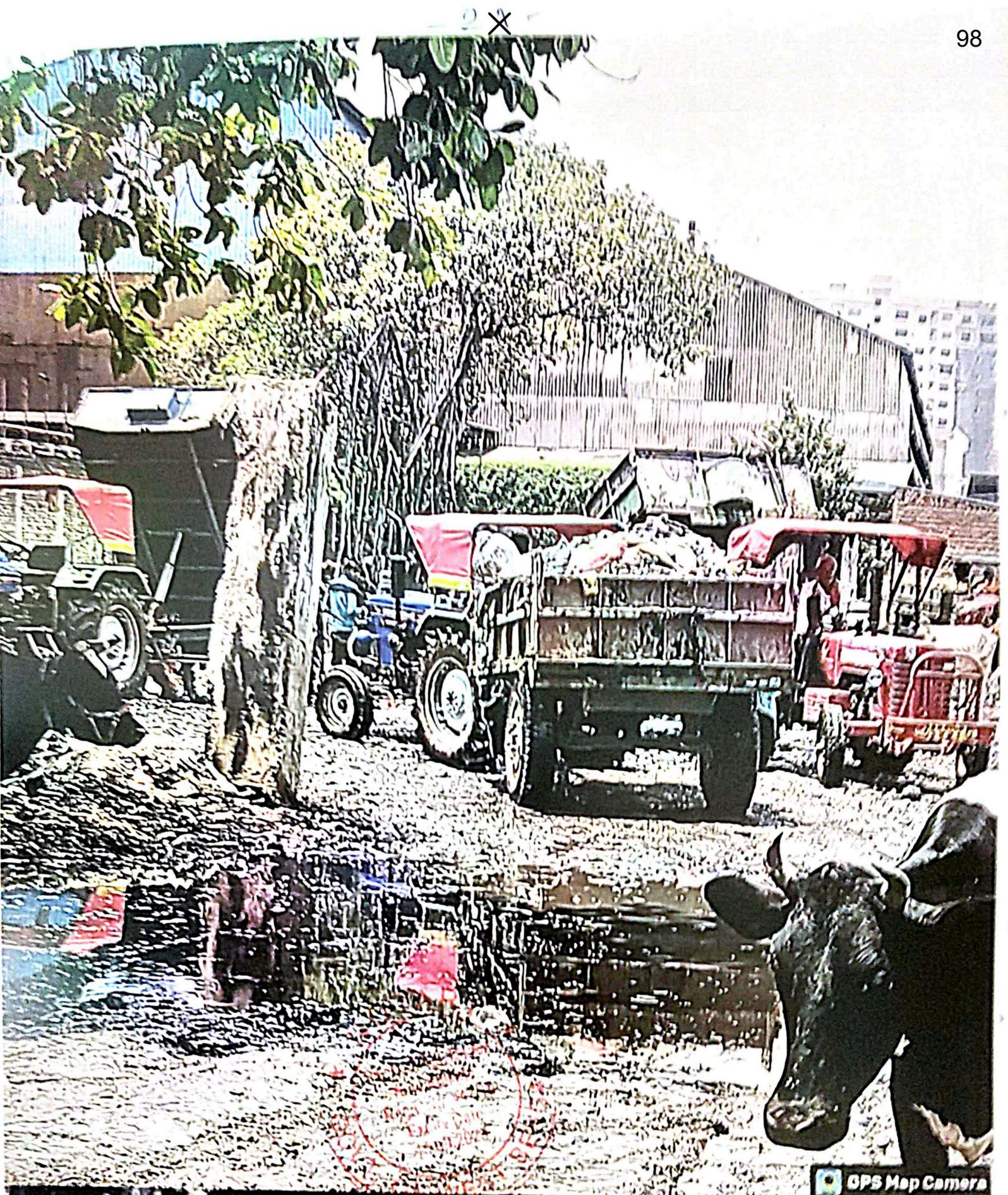
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