

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

O.A. No.- 47/2025/EZ

Satyanand Ray _____ **PETITIONER.**

VERSUS

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

**SUB: Action Taken Report by Respondent no.-5
(Bihar State Pollution Control Board)**

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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

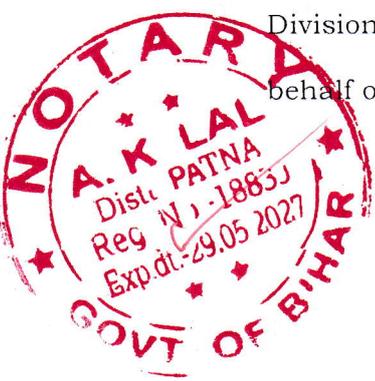
Action taken report by the Respondent no 5 (Bihar State Pollution control Board)

I, Ashish Kumar Gupta, aged about 59 years, Son of Late S.P. Gupta, resident of Kankarbagh, P.S. Patrakar Nagar, Town & District- Patna, 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.

Ashish Kumar Gupta
who is identified by Advocate...
solemnly affirmed and declared contents of this affidavit apart from this nothing...
to the Court...

S. No. 5927 Date 31/2/25



2. Pursuant to the solemn orders dated 08.07.2025 passed by this Hon'ble Tribunal, the answering respondent has issued direction to the Nagar Parishad, Danapur, under Section 5 of the Environment (Protection) Act, 1986, and has imposed an Environmental Compensation of Rs. 3,00,000/- (Three lacs) on the basis of the directions contained in order dated 02.07.2020 passed in O.A. No. 606 of 2018. **A copy of the Direction issued to the Nagar Parishad, Danapur, is annexed and marked as Annexure-A.**

3. 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.

AKL
Identify the Deponent's signature/L.I.
who has signed in my presence

Ashish Kumar Gupta

DEPONENT

VERIFICATION

Verified at Patna on this 31st day of July, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

Ashish Kumar Gupta

DEPONENT



3 Annexure-A

REGISTERED



BIHAR STATE POLLUTION CONTROL BOARD

Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Ref. No.:-

Patna, dated:-

From

Dr. D.K. Shukla,
Chairman.

To

**The Executive Officer,
Nagar Parishad, Danapur,
Danapur, Patna- 801103.**

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986.

- 1) **WHEREAS**, the Ministry of Environment, Forest and Climate Change, Government of India, has in exercise of the powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986, made the Solid Waste Management Rules, 2016.
- 2) **WHEREAS**, as per the rules contained in the Solid Waste Management Rules, 2016, (hereinafter referred to as the 'Rules, 2016') solid waste is to be collected, transported, processed and disposed in the manner and ways as provided in the Rules, 2016. Rule 15 of the Rules, 2016, provides for the duties and responsibilities of the local authorities which inter-alia, provides for door-to-door collection of solid waste; setting up of material recovery facilities or secondary storage facilities; provide training on solid waste management to waste pickers and waste collectors; direct waste generators to not litter; transport wastes to processing facilities; etc.
- 3) **WHEREAS**, an Original Application (O.A. No. 47 of 2025; Satyanand Ray vs State of Bihar & Ors.) was filed before the Hon'ble NGT, Kolkata, wherein it was alleged that there is mismanagement in garbage disposal and non-compliance of Solid Waste Management Rules, 2016, in dealing with the solid waste generated in Nagar Parishad, Danapur.

- 4) **WHEREAS**, the Hon'ble Tribunal in the said matter vide order dated 27.03.2025 directed the State Board to inspect the site and submit a report, inter-alia, with regard to present condition of the area.
- 5) **WHEREAS**, in light of the above order an official of the State Board inspected the site on 17.04.2025 and carried the site inspection in presence of Sanitation Officer (APSWMO) and noted the following: -
- i. Pile of legacy waste was found at the site, which as per information provided is lying at the site for about 10-12 years;
 - ii. Mixed Solid Waste was being dumped indiscriminately near the legacy waste;
 - iii. The Material Recover Facility (MRF) has been constructed adjacent to legacy waste site and pile of recovered material was found lying at the site;
 - iv. The site is located amidst habitation;
 - v. The sanitation officer (APSWMO) informed that there is about 53000 Tons of legacy waste lying at the legacy waste site;
 - vi. The sanitation officer (APSWMO) also informed that the fresh waste dump site is a secondary transfer point and the solid waste is transferred to the Landfill site on daily basis.
- 6) **WHEREAS**, the Hon'ble National Green Tribunal, New Delhi, in O.A. No. 606 of 2018 has directed the State of Bihar to take immediate steps for remediation of legacy waste. Vide order dated 17.07.2019 passed in O.A. No. 519 of 2019 legacy waste remediation was to commence from 01.11.2019 and was to be completed in time bound manner by 07.04.2021 as per the timeline provided in Solid Waste Management Rules, 2016. Further, vide order dated 02.07.2020 the Hon'ble Tribunal directed to impose compensation of Rs. 10 lakh per month per local body for population of above 10 lakhs; Rs. 5 lakh per month per local body for population between 5 lakhs and 10 lakhs; and Rs. 1 lakh per month per other local body.

- 7) **WHEREAS**, Rule 15 of the Solid Waste Management Rules, 2016, eloquently deals with the duties and responsibilities of the local authorities with respect to handling, management and disposal of solid wastes.
- 8) **WHEREAS**, from findings of the above inspection it appears that you are not handling, managing and dealing with the solid waste as per the provisions contained in Solid Waste Management Rules, 2016, and you are simply collecting the mix solid waste from the coverage area and dumping it at the site.
- 9) **WHEREAS**, as per the direction contained in order dated 02.07.2020 passed in O.A. no. 606 of 2018 and failure upon you on point of legacy waste remediation you are liable to pay a compensation of Rs. 3,00,000/- (Rs. Three lacs) till 17.07.2025 (**1 lakhs per month from 17.04.2025-17.07.2025**) and further liable to pay 10 lakhs per month till completion of legacy waste remediation.

I, therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, direct you to: -

- i. Implement in letter and spirit the provisions of the Solid Waste Management Rules, 2016 in Nagar Parishad, Danapur;
- ii. Take immediate steps for remediation of legacy waste;
- iii. Ensure that the solid waste is disposed of in accordance with the Solid Waste Management Rules, 2016;
- iv. Deposit Rs. 3,00,000/- (Rs. Three Lacs) compensation.

Sd/-
(D.K. Shukla)
Chairman

Copy To.: - MS/13/25

Patna, Dated: 18-07-2025

- i. Secretary to the Government, Urban Development and Housing Department, Government of Bihar, for information and necessary action.
- ✓ ii. The R.O. Patna, for information and necessary action.
- iii. The Board Analyst, for information and necessary action.
- iv. Legal Cell for records.

Shukla
(D.K. Shukla) 18/7/25
Chairman