

**Next Date of Hearing 05.08.2025**

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**Original Application No.76/2025/EZ**

**IN THE MATTER OF:**

Rahul Kumar .....Applicant

Versus

The District Magistrate Banka & Ors. ....Respondents

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Filed by:



Rishi K. Awasthi  
Advocate for Respondent No.6  
A-21, Upper Ground Floor,  
Defence Colony, New Delhi-110024

New Delhi  
Date: 01.08.2025

FOR THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE

KOLKATA BENCH

ORIGINAL APPLICATION NO. 76 OF 2025/EZ



Rahul Kumar

.....APPLICANT

VS

District Magistrate Banka & Ors

...RESPONDENTS

**Counter Affidavit on behalf of the Respondent No. 6,  
Department of Environment, Forest and Climate  
Change, Government of Bihar.**

I, Abhay Kumar, S/o Late Sheo Dayal Sharma aged about 51 years, resident of 401, Ganga - 4, Jalapur City, Ram Jaipal Road, Patna do hereby solemnly affirm and State as follows:

1. That I am presently posted as Chief Conservator of Forest-cum-Special Secretary, Department of Environment, Forest and Climate Change, Government of Bihar. I am competent to file the present counter affidavit on behalf of answering respondent No. 06. I am aware of the facts of the present case that I believe to be true. As such, I am competent to depose the present counter affidavit.

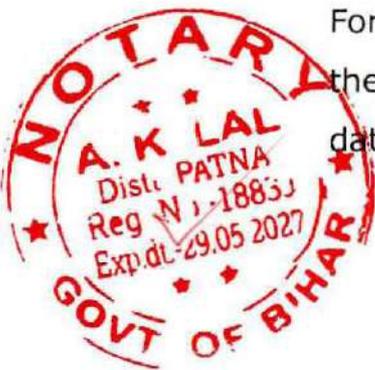
2. That the instant counter affidavit is being filed by the newly impleaded Respondent No.6, Department of Environment, Forest and Climate Change, Government of Bihar in terms of the directions passed by this Hon'ble Tribunal in the orders dated 02.05.2025 and 24.07.2025.

*Abhay Kumar*

*who is identified by Advocate, Abhimat, Patna do solemnly affirmed and declared contents of this affidavit apart from this nothing in lamp/Low etc etc. 1/5 3 Sub rule 4*

*SL No. 3938 Date 1.8.25*

*A.K. Lal  
Dist Court Patna*



3. That the instant matter was listed before this Hon'ble Tribunal on 02.05.2025 wherein this Hon'ble Tribunal was pleased to pass the following directions:

*".....16. We also direct the Applicant to implead the Department of Environment and Forest, Government of Bihar through its Principal Secretary in the array of Respondents as Respondent No.6....."*

4. That thereafter, the instant matter was listed for hearing on 24.07.2025, wherein this Hon'ble Tribunal was pleased to pass the following directions:

*"....4. If the Department of Environment and Forest, Government of Bihar, is impleaded today, notice shall be issued to the said Respondent.*

*5. Mr. Surendra Kumar, learned Counsel for the State Respondents states that if the party is impleaded, he will accept notice on behalf of the newly added Respondent No.6, Department of Environment and Forest, Government of Bihar. Learned Counsel prays for and is granted two weeks thereafter for filing counter affidavit....."*

5. That in terms of the aforesaid directions passed by this Hon'ble Tribunal, the Respondent No.6 is filing the present affidavit.

**PRELIMINARY SUBMISSIONS:**

6. The Respondent No.3 herein, The Water Resources Department, Government of Bihar has issued an e-tender dated 27.02.2025, subsequently amended vide corrigendum dated 08.04.2025 for 'Desiltation Work of Chandan Reservoir through Dredging Process for 10 years'. Some of the essential terms of the said e-tender is reproduced herein below:



33. Before starting Dredging work in Chandan reservoir, it is mandatory for the selected agency to obtain all necessary environmental and other specific clearance/ approvals required for mining, transportation, storage and sale of sand. The responsibility for obtaining all the required approvals/ NOCs for this project will rest with the contractor; the selected agency will also bear all the expenses required during obtaining different clearances/ NOCs. Additionally, the contractor must comply with all statutory regulations prescribed by Mines and Geology Department and other relevant authorities.

35. While conducting Dredging work in Chandan reservoir, the contractor must comply with the provisions mentioned in the "National Framework for Sediment Management, 2022" issued by the Ministry of Jal Shakti, Government of India, as well as other all relevant rules, directives, and regulations of the state and Central Government. The contractor must also follow the verdicts of the Hon'ble Courts and National Green Tribunal (NGT).

38. The contractor should submit the Report on Environmental Impact due to running project. Assessment of impact will be done on yearly basis by an Independent agency, and report shall be submitted to the Water Resources Department, Govt. of Bihar.

40. Before commencing dredging work in Chandan reservoir, a comprehensive survey of the reservoir will be conducted by the selected agency to estimate the actual silt load in accordance with the prescribed methods and procedures mentioned in the Standard Operating



*Procedure (SOP)/ guidelines and scope of work defined in the tender. Additionally, the selected agency will prepare a detailed project report (DPR), which will include excavation, transportation, segregation, water treatment, disposal of extracted materials, social impact assessment, environmental impact assessment and environmental management plan.*

7. That thereafter, the Applicant herein being aggrieved by the aforesaid, preferred the instant original application *inter alia* praying for the stay of the e-tender dated 27.02.2025 being NIT No. 03/2024-25 and also the corrigendum dated 08.04.2025.

**REPLY ON MERITS:**

8. That it is submitted that the Respondent Nos. 2 and 3 i.e., the State of Bihar has filed its Counter affidavit as recorded in the order dated 24.07.2025 passed by this Hon'ble Tribunal. The Respondent No.6 hereby adopts the reply of the Respondent Nos. 2 and 3, State of Bihar.

9. The answering respondent craves the leave of this Hon'ble Tribunal to file further/ detailed reply during the course of the present proceedings if this Hon'ble Tribunal deems fit.

Abhay Kumar

DEPONENT



1061

**Verification**

Verified at Patna on 1st day of August, 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 is true copy of the original, no part of it is false and nothing material has been concealed therefrom.



*Abhay Kumar*  
DEPONENT

*Identity of the Deponent: signature/Lia  
who has signed in my presence  
Attorney Pradip, PL*

Through

*Rishi K. Awasthi*

**RISHI K. AWASTHI,**  
Advocate for Respondent No. 6  
Department of Environment, Forest and Climate Change  
State of Bihar  
A-21, UGF, Defence Colony,  
New Delhi-110024

Dated: 01.08.2025  
New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA  
Original Application No.76/2025/EZ

IN THE MATTER OF:

Rahul Kumar

..... Applicant

VERSUS

The District Magistrate, Banka & Ors.

..... Respondents

VAKALATNAMA

KNOWALL to whom these present shall come that I Department of Environment, Forest & Climate Change, Govt. of Bihar, the above named Petitioner(s) / Claimant(s) / Respondent(s) do hereby appoint

**AWASTHI AND ASSOCIATES, Advocates**  
Rishi K. Awasthi D/61/2004, Ritu Arora D/35/2001, Amit Vikram Awasthi, D/2419/2011, Piyush Vastu D/2540/2015,  
Avinash Ashik D/3701/2018, Rakul Raj Mishra, Adv. Enroll. No. D/7773/2018, R.K. Gupta N/3025/2021,  
Shubham Saxena, Adv. Enroll. D/6285/2020, Kapil M Kant, Adv. Enroll. No. UP-09596/2015,  
Abhigyan Chaitanya Adv Enroll. BR-1855/2022 and Ishaan Raj Adv Enroll. BR-1549/2023  
Address: A-21, DGF, Defence Colony, New Delhi-110024.  
Phone No. 011-40104221

(herein after called the advocates/s) to be my/our Advocate in the above noted case) thereby authorizing him/them:-  
To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.  
To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.  
To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case

To take execution proceedings  
The deposit, draw and receipt may be necessary to be done  
To appoint and instruct any upon the Advocates whenever  
And I/We the undersigned do as my/our own acts, as if done



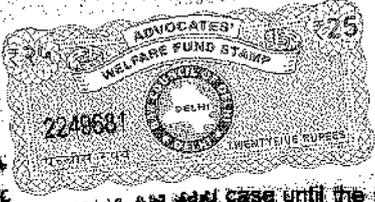
receipts thereof and to do all other acts and things which of the prosecution of the said case.  
him to exercise the power and authority hereby conferred the Power of Attorney on our behalf.  
all acts done by the Advocate or his substitute in the matter

And I/We undertake that I / We or my /our duly authorized agent would Advocate/s for appearance when the case is called.

And I / We undersigned do hereby agree not to hold the advocate or his The adjournment costs whenever ordered by the Court shall be of the

And I / We the undersigned do hereby agree that in the event of the whole Advocate remaining unpaid he shall be entitled to withdraw from the pro

The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I / We will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.



IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 26 day of July, 2025

*Rahul Kumar*  
D/2723/18

*Rishi K. Awasthi*  
Advocate  
D/61/2004

*Rajendra*  
D/2540/2015

*Avinash Ashik*  
D/3701/2018

*Abhigyan Chaitanya*  
BR-1855-2022

*(A) and*  
**अमय कुमार**  
Chief Conservator of Forest-cum Special Secretary  
Department of Environment, Forest & Climate Change,  
Government of Bihar,  
Patna, Bihar, India

# PROOF OF SERVICE 1063



ds adhikari <dsadhikari16@gmail.com>

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## Rahul Kumar Versus The District Magistrate Banka & Ors; Original Application No.76/2025/EZ

1 message

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ds adhikari <dsadhikari16@gmail.com>

1 August 2025 at 18:02

To: "advroma12@gmail.com" <advroma12@gmail.com>, "dm-banka.bih@nic.in" <dm-banka.bih@nic.in>, wrd-bih@nic.in, seiaabihar@nic.in, secymine-bih@nic.in, secy-moef@nic.in, "seiaa.ms.br@gmail.com" <seiaa.ms.br@gmail.com>

Dear Sir/Madam

Please find attached Counter Affidavit on behalf of the Respondent No. 6 in the above subject matter.

--

regards

DS Adhikari  
Mobile: 9717626929

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 Counter Affidavit in Rahul Kumar.pdf  
1430K