

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA BENCH- (EZ)
ORIGINAL APPLICATION NO. 77 OF 2025**

IN THE MATTER OF:

Mohammad Rizwan

.... Applicant

//Versus//

The State Level Environmental

Impact Assessment Authority (SEIAA) Bihar & Ors.

.... Respondents

[INDEX]

NDH- 05.08.2025

Sl. No.	Particulars	Pages No.
1.	Counter affidavit on behalf of the respondent No. 6 Department of Environment, Forest and climate Change, Government of Bihar.	477-481
2.	Vakalatnama on behalf of state of Bihar	482
3.	Proof of Service	483

FILED BY


[RISHI K. AWASTHI]

**Advocates for the Respondent No. 6
Department of Environment, Forest
and Climate Change, State of Bihar
A-21, UGF, Defence Colony
New Delhi-110024
Email id- rishikawasthi@yahoo.co.in**

PLACE: NEW DELHI

DATED: 01.08.2025

478

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.

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:

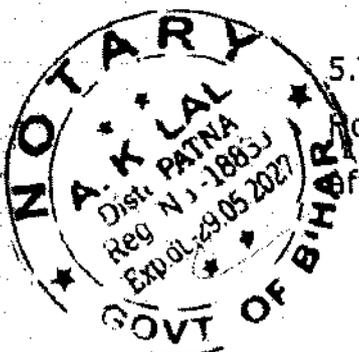
".....16. We also direct the Applicant to implead the Department of Environment and Forest, Government of Bihar through its Principal Secretary in the array of Respondents as Respondent No.6....."

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.



479

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

480

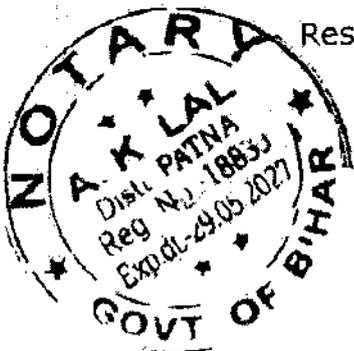
of impact will be done on yearly basis by an Independent agency, and report shall be submitted to the Water Resources Department, Govt. of Bihar.

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.



481

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

Verification

Verified at Patna on... 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

Identified the deponent signature
who has signed in my presence
Advocate Rishi K.



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.77/2025/EZ

IN THE MATTER OF:

Mohammad Rizwan

..... Applicant

VERSUS

The State Level Environmental
Impact Assessment Authority (SEIAA), Bihar & 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/935/2001, Anir Vikram Awasthi, D/2419/2011, Piyush Yatta D/2540/2015,
Avinash Ankit D/3701/2018, Rahul Raj Mishra, Adv. Enroll. No. D/7773/2018, R.K. Gupta R/3055/2021,
Shubham Saxena, Adv. Enroll. D/6285/2020, Kapil M Kant, Adv. Enroll. No. UP-09586/2015,
Abhigyan Chaitanya Adv Enroll. BR-1855/2022 and Ishaan Raj Adv Enroll. BR-1549/2023
Address: A-21, UGF, Defence Colony, New Delhi-110024,
Phone No. 011-40164221

(herein after called the advocate/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
The deposit, draw
may be necessary.
To appoint and ind
upon the Advocate
And I/We the unde
as my/our own acts
And I/We undertak



and grant receipts thereof and to do all other acts and things which
course of the prosecution of the said case.
authorizing him to exercise the power and authority hereby conferred
d to sign the Power of Attorney in
I confirm all
d purposes.
d agent work



Advocates for appearance when the case is called.
And I /we undersigned do hereby agree not to hold the advocate or
The adjournment costs whenever ordered by the Court shall be of
And I /we the undersigned do hereby agree that in the event of the w
Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up.
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 advocates 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

Rishi K. Awasthi
D/61/2004
R/3055/21
D/2540/2015
UP-9586/15
BR-1855-2022
BR-1549/23

(Chief Conservator of Forest-cum Special Secretary)
Department of Environment, Forest & Climate Change,
Government of Bihar,
Patna, Bihar.

अमय कुमार
अमय कुमार
विभागा, बिहार

Advance Service of Counter Affidavit in Mohammad Rizwan Vs. The state level Environmental impact Assessment Authority In OA No. 77 of 2025

1 message

Nabi Hasan <nabihasan48@gmail.com>

Fri, Aug 1, 2025 at 6:01 PM

To: "advroma12@gmail.com" <advroma12@gmail.com>, seiaabihar@nic.in, "dm-banka.bih@nic.in" <dm-banka.bih@nic.in>, wrd-bih@nic.in, secy-moef@nic.in, moef@nic.in, rishi awasthi <rishikawasthi@yahoo.co.in>

Dear Sir/ Ma'am,

Please find attached herewith a copy of the counter affidavit filed on behalf of Respondent No. 6 / State of Bihar.

Kindly acknowledge receipt of the advance service.

Thanks & Regards

Nabi Hasan
Office of Mr. Rishi K. Awasthi, Advocate
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(M) +91-8527606415
nabihasan48@gmail.com

 **Counter Affidavit in Mohammad Rizwan Vs. The state level Environmental impact Assessment Authority In OA No. 77 of 2025.pdf**
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