

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE,
KOLKATA**

ORIGINAL APPLICATION NO. 45 of 2025/EZ

IN THE MATTER OF

Ajay Kumar Rohit

.... APPELLANT

VERSUS

The State of Bihar & Ors.

.... RESPONDENT

INDEX

Sl no.	Annexure	Particulars	Page no.
1		A copy of the committee report on affidavit.	1-4
2.	Annexure-A	A copy of the inspection report.	5-10



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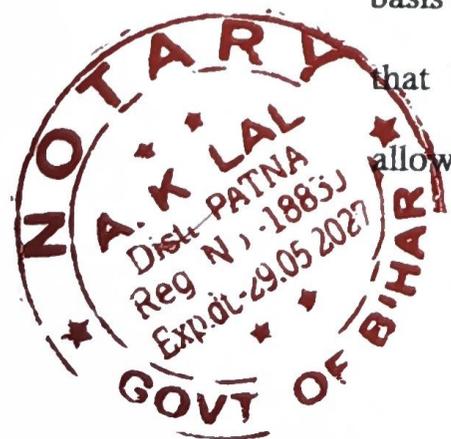
Counter Affidavit on behalf of the Bihar State Pollution Control Board, Respondent No. 2:-

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 posted as Environmental Engineer in Bihar State Pollution Control Board.
2. That I have been duly authorized by the competent authority to swear and file this affidavit before this Hon'ble Tribunal on behalf of the answering respondent.
3. That the instant Original Application has been registered on the basis of email sent by the applicant, wherein it has been alleged that Nagar Panchayat Rohtas is polluting river Awassani by allowing untreated sewage to flow into the river awasani. It has

SI No. 3753 Date 21/8/25

Ashish Kumar Gupta
who is identified by Advocate, ...
solemnly affirmed and declared contents of this affidavit apart from this ...
stamp, ... etc. 1/5 3 3 Subscribed ...
in the ...
A. K. LAL
Dist. Court Patna



- 2 -

been further alleged in the letter petition that solid waste is also being dumped in the said river.

4. That, the instant matter was heard by Hon'ble National Green Tribunal, New Delhi, and vide order dated-11-2-2025 the instant matter was transferred to the this Hon'ble Tribunal. The Hon'ble Tribunal by vide order dated-21-5-2025 directed the Joint Committee to file its report.

5. That, the State Board Vide its Memo No.328 dated-3-4-20205 nominated its officer for carrying inspection and requested the District Magistrate Rohtas to nominate an officer on his behalf for carrying the inspection.

6. That, the Joint Committee Carried the Inspection on 21-05-2025 in presence of representative of the applicant Sri Deepak Kashyap and Sri Vishal Dev, the sanitation officer of Nagara Panchayat was also present during the Inspection. The Committee noted the following during the inspection: -

- a. Awasani river is seasonal river which originates from Mountains meets Son river;
- b. River was found stagnate and there was no flow of water;
- c. A small Bridge made of wood installed over the river through which local people were passing one side to other side of the river;



— 2 —

- d. Solid waste was found dumped in the river and also on the banks of the river. It was informed mostly near by Villagers throw garbage at the Bank of the river;
- e. Two big dustbin were also found at the Bank of the river;
- f. Water samples was also collected from upstream and downstream of the river. The samples were analyzed at the Central laboratory of the State Board and it was found that the Bio Chemical Oxygen Demand and Chemical Oxygen demand were within the prescribed limit in the water sample which was collected from the river before the confluence of Kali Mata Mandir Drain and the water sample collected from the river after the confluence of Kali Mata Mandir Drain the Chemical Oxygen demand was found to be within the prescribed limit, however, the Bio Chemical Oxygen Demand in the water sample which was collected was found to be beyond the prescribed limit. Tc and Fc was found to be beyond the prescribed limit in both water samples which was collected.
- g. The committee has recommended the Nagar Panchayat shall launch an extensive awareness program to appeal to the local people to not throw garbage/solid waste in open, in light of Rule 4 (2) of the Solid Waste Management Rules, 2016. **A copy of the joint committee report is Annexed and marked as Annexure A.**



— X —

7. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom and the annexures are true copied of its respective original.

*Admitted Bonds, A
Identify the deponent's signature/L.L.
who has signed in my presence*

Arshid Kumar Gupta
DEPONENT

VERIFICATION

Verified at Patna on 2nd 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 and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.

Arshid Kumar Gupta
DEPONENT



Inspection Report of the Joint Committee constituted in compliance with Hon'ble NGT order dated 11.02.2025 in the matter of Ajay Kant Rohit Vs The State of Bihar & Ors (O.A. No. 45/2025/EZ)

The present OA was registered by the Hon'ble NGT based on a letter petition sent by email by Mr. Ajay Kant Rohit regarding protection of water source (Avasani river) from pollution. It was alleged that Nagar Panchayat Rohtas, Rohtas district is polluting the river water by releasing polluted drain water into the river; chicken waste & garbage are being dumped in the river water from above the bridge, threatening the future of the river; A joint committee was constituted comprising representatives from the District Magistrate, Rohtas and BSPCB, which conducted the inspection of the alleged sites on 21.05.2025 in presence of representatives of the complainant Sri Deepak Kashyap, Ward No. 4 and Sri Vishal Dev, Ward No. 06 and the sanitation officer of Nagar Panchayat Rohtas (the complainant was out of station).

First of all the drain was inspected where the water was falling into Avasani river without any treatment. Avasani river is a seasonal river which originates from nearby mountain and meets some river further ahead. River was found stagnant and there was no flow of water, observed in the river at the time of inspection. There was a small bridge made of wood (चचरी पुल) across the river, through which locals were passing from one side (Nagar Panchayat Rohtas) to other side (Gram Panchayat). Two water samples were collected from upstream & downstream of the river. Solid Waste was found dumped in the river, near the bridge made of wood and also on the bank of the river (the local people alleged that the nearby villagers used to throw garbage, mostly organic waste, in the river & on the bank). Two big dustbins were found near the site (provided by Nagar Panchayat Rohtas).

The water from the drain was found being discharged into the river without any treatment. A water sample was also collected from the drain. The drain was constructed about 10-12 Years ago (as was told by the local villagers) and Nagar Panchayat Rohtas was constituted in March 2021. **The analysis report of water samples is annexed herewith.**

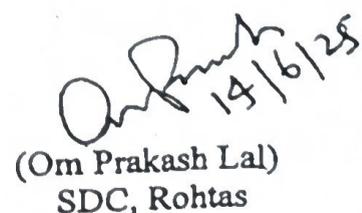
Thereafter, Welcome More & Gayatri More sites were also visited & inspected. Solid Waste, Chicken wastes and Other wastes were also found dumped in the river.

Nagar Panchayat Rohtas may be directed to launch an extensive awareness program for the public so that no waste generator shall throw, burn or bury the solid waste generated by him on streets, open public spaces outside his premises or in the drain or water bodies (as per the provision of rule 4, sub-rule (2) of the Solid Waste Management Rules, 2016). There is no organised sewerage system in the Nagar Panchayat Rohtas.

Encl: As above & photographs attached.



(Nalini Mohan Singh)
Scientist, BSPCB

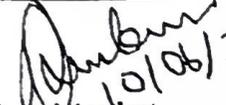

(Om Prakash Lal)
SDC, Rohtas



Bihar State Pollution Control Board, Patna
Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

Water Sample Analysis Report

Parameters	Standards as per Schedule VI of the Environment (Protection) Rules, 1986 for <i>Inland surface water</i> .	Drain Sample Collected Near Kali Mata Mandir Rohtas Nagar Panchayat, Dist.- Rohtas, Bihar Pin Code 821311	U/s AVASANI River Near Kali Mata Mandir & Shiv Temple Rohtas Nagar Panchayat, Dist.- Rohtas, Bihar Pin Code 821311 (Before confluence of Kali Mata Mandir Drain)	D/s AVASANI River Near Kali Mata Mandir (Satti Ghat) Rohtas Nagar Panchayat, Dist.- Rohtas, Bihar Pin Code 821311 (After confluence of Kali Mata Mandir Drain)
Refernce No	-	429	431	430
Date of Sampling	-	21-05-2025	21-05-2025	21-05-2025
Dissolved Oxygen (mg/L)	-	NIL	5.3	4.4
pH	5.5 to 9.0	7.39	7.52	7.64
BOD (mg/L)	<30	6.0	2.8	4.5
TC (MPN/100 ml)	-	2800000	1700	1700
FC (MPN/100 ml)	-	1300000	1300	1300
Ammonical Nitrogen as N (mg/L)	<50	0.476	0.224	0.297
COD (mg/L)	<250	60	20	56
Total dissolved Solids (mg/L)	-	650	508	660
Total Suspended solids (mg/L)	<100	18	18	14
Fluoride as F (mg/L)	<2.0	0.92	0.85	0.88


10/06/2025
Board Analyst





GPS Map Camera



Akbar Pur, Bihar, India
Jxq9+h44, Akbar Pur, Bihar 821311, India
Lat 24.639562° Long 83.967805°
21/05/2025 04:57 PM GMT +05:30



Akbar Pur, Bihar, India
Jxq9+h44, Akbar Pur, Bihar 821311, India
Lat 24.639231° Long 83.969988°
21/05/2025 05:22 PM GMT +05:30

GPS Map Camera



Akbar Pur, Bihar, India
Jxq9+h44, Akbar Pur, Bihar 821311, India
Lat 24.639235° Long 83.969998°
21/05/2025 05:22 PM GMT +05:30

GPS Map Camera