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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

INTERLOCUTORY APPLICATION NO. 71 OF 2025/EZ

IN

O.A. NO. 180 OF 2024/EZ

IN THE MATTER OF:

AN INTERLOCUTORY APPLICATION (IA) FOR RECALLING /
MODIFICATION OF ORDER DATED 21.05.2025

-AND-

IN THE MATTER OF:

PRAYAG KUMAR

...APPLICANT

-VERSUS-

BIHAR STATE HOUSING BOARD & ORS.

...RESPONDENTS

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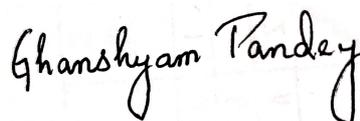
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	copy		
3)	A copy of the said email dated 27-05-2025	R/2 Colly	13-15

Date: 04/08/2025

Place: Siwan, Bihar.

Filed by:

Mr. Ghanshyam Pandey,
Advocate,

M: 9686750386

E: ghanshyamlegal@gmail.com

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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**INTERLOCUTORY APPLICATION NO. _____ OF 2025/EZ
IN
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MODIFICATION OF ORDER DATED 21.05.2025

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PRAYAG KUMAR

...APPLICANT

-VERSUS-

BIHAR STATE POLLUTION CONTROL BOARD & ORS.

...RESPONDENTS

The Humble Petition/application on
behalf of the Applicant most
respectfully

SHEWETH:

1. The Applicant, presently posted as Executive Officer, Nagar Parishad, Siwan, Bihar working for gain at the Office of Nagar Parishad, Siwan, Bihar, Pin- 841226 respectfully submits this application seeking recall/modification of the directions issued by this Hon'ble Tribunal in its order dated 21.05.2025, primarily for the following grounds.



2. That the impugned order directed the personal appearance of the Executive Officer, Nagar Parishad, Siwan, Bihar and further directed the Bihar State Pollution Control Board (BSPCB) to impose environmental compensation on the Executive Officer, Nagar Parishad, Siwan, Bihar for alleged non-compliance with Section 43 of the Water (Prevention and Control of Pollution) Act, 1974, which provides penalty for violation of Section 24 of the Water Act, 1974. The said order also made certain adverse observations against the Executive Officer, Nagar Parishad, Siwan, Bihar, alleging deliberate avoidance of responsibilities under the aforesaid Rules.
3. That a preliminary affidavit was filed by the Applicant which was taken on record on 21.05.2025, which outlined the steps taken by the Executive Officer, Nagar Parishad, Siwan, Bihar and the District Administration to address the issues pertaining to the Daha River and the sewage and drains. While the said affidavit did not elaborate on the specific time line, it was never the intention of the Executive Officer, Nagar Parishad, Siwan, Bihar to withhold any material information.
4. It is most humbly submitted that adequate opportunity was not provided to the Executive Officer, Nagar Parishad, Siwan, Bihar to file a detailed affidavit and to bring on record its detailed compliance report. During the hearing on 21.05.2025, the learned counsel for the Executive Officer, Nagar Parishad, Siwan, Bihar had specifically sought time to file an additional affidavit demonstrating compliance and specifying the time line. However, the Hon'ble Tribunal proceeded to pass the impugned directions, which have caused grave prejudice to the Executive Officer, Nagar Parishad, Siwan, Bihar.



5. That the Executive Officer, Nagar Parishad, Siwan, Bihar has subsequently filed an additional affidavit bringing on record the significant measures undertaken to manage solid waste within its jurisdiction, including door-to-door collection, segregation, transportation, and processing of waste. Concerted efforts are also underway to overcome the operational difficulties, as recommended by technical experts. Additionally, the Executive Officer, Nagar Parishad, Siwan, Bihar has initiated comprehensive public awareness campaigns to promote waste segregation and has been working in close coordination with all relevant stakeholders to ensure proper waste management practices.
6. That the observation in the impugned order against the Executive Officer, Nagar Parishad, Siwan, Bihar is factually incorrect and has caused irreparable damage to the reputation of the Executive Officer, Nagar Parishad, Siwan, Bihar. The Executive Officer, Nagar Parishad, Siwan, Bihar has always acted in utmost good faith and has been proactive in addressing the challenges related to waste management and maintaining the cleanliness of drains and sewage channels. The direction to impose environmental compensation without affording the Executive Officer, Nagar Parishad, Siwan, Bihar a reasonable opportunity to present its case in detail is manifestly harsh and unjust and violates the principles of natural justice.
7. That the Permanent Empowered Committee of Siwan Nagar Parishad in its meeting held on 12-09-2019 unanimously took a decision vide proposal no. 05 and pursuant to the decision of the District Coordination Committee in its meeting held on 01-06-2019, M/s Apollo Infra Solution was selected and awarded the work order for preparation of DPR (Detailed Project Report).



8. That the said DPR comprehensively contains detailed provisions for (i) De-silting (ii) Border Pitching (iii) Gabion Wall (iv) Peripheral Drainage (v) Walk-way (vi) Dhobi Ghat (vii) Public Toilets (viii) Vending Zone (ix) Plantation and Landscaping (x) New Ghat (xi) Redevelopment of Old Ghat (xii) Change Room (xiii) Park and Playing Equipment (xiv) Street Light and Signage (xv) Meditation Park and (xvi) Minor Bridge.
9. That it is pertinent to mention that a comprehensive sewage treatment plant (STP) is proposed to be established in the southern part of the Siwan city to which all seven drains shall be connected and integrated.
10. It is humbly submitted that the estimated cost of the river rejuvenation project is Rs. 28 Crore and the same has received technical sanction from the competent authority, but administrative sanction is still awaited. The Executive Officer, Siwan Nagar Parishad vide Letter No. 1042 dated 23-05-2025 has sent a reminder to the Project Director, Bihar Urban Infrastructure Development Council for the requisite administrative sanction.

A copy of the said Letter No. 1042 dated 23-05-2025 and its translated copy are annexed herewith and marked as Exhibit R/1 collectively.
11. That the Applicant would further like to state that the said Letter No. 1042 dated 23-05-2025, was also communicated vide e-mail dated 27.05.2025 to the Executive Engineer, UD&HD Siwan and also to the Secretary, UD&HD, Patna and MD, BUIDCO, Patna for securing the approval for initiating the project.

A copy of the said email dated 27-05-2025 is annexed herewith and marked as Exhibit R/2 collectively.

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12. That the Executive Officer, Nagar Parishad, Siwan, Bihar humbly submits that pending the grant of requisite approval, and to the extent of its available powers, the Executive Officer, Nagar Parishad, Siwan, Bihar has been consistently and regularly cleaning the drains, conducting door to door garbage collection, and has undertaken each and every feasible step within its means. However, upon the grant of the requisite approval which is presently pending with the Project Director, Bihar Urban Infrastructure Development Council, the Applicant shall endeavor to make every effort towards completing the project within a time line of approximately 9 (Nine) months from the date of the approval.
13. In the circumstances, the Applicant respectfully prays that the competent authorities may be directed to expeditiously approve the project so that the Executive Officer, Nagar Parishad, Siwan, Bihar can demonstrate satisfactory compliance before this Hon'ble Tribunal through concrete action and tangible results.
14. In light of the above submissions and facts, the Executive Officer, Nagar Parishad, Siwan, Bihar most respectfully prays that this Hon'ble Tribunal may kindly recall the directions for personal appearance of the Executive Officer, Nagar Parishad, Siwan, Bihar and the imposition of environmental compensation, and grant the Applicant a reasonable opportunity to demonstrate compliance.
15. That the Executive Officer, Nagar Parishad, Siwan, Bihar hereby assures this Hon'ble Tribunal of its complete and unwavering cooperation in ensuring compliance with all statutory obligations and environmental norms.

In view of the foregoing facts and circumstances, it is most

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respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Recall the directions issued in the order dated 21.05.2025 requiring the personal appearance of the Executive Officer, Nagar Parishad, Siwan, Bihar and the imposition of environmental compensation by BSPCB;
- b. Expunge the adverse remarks made against the Executive Officer, Nagar Parishad, Siwan, Bihar in the order dated 21.05.2025;
- c. Grant the applicant a reasonable opportunity to file a comprehensive compliance report and demonstrate tangible progress;
- d. Pass any other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

And your Petitioner/Applicant, as in duty bound, shall ever pray.

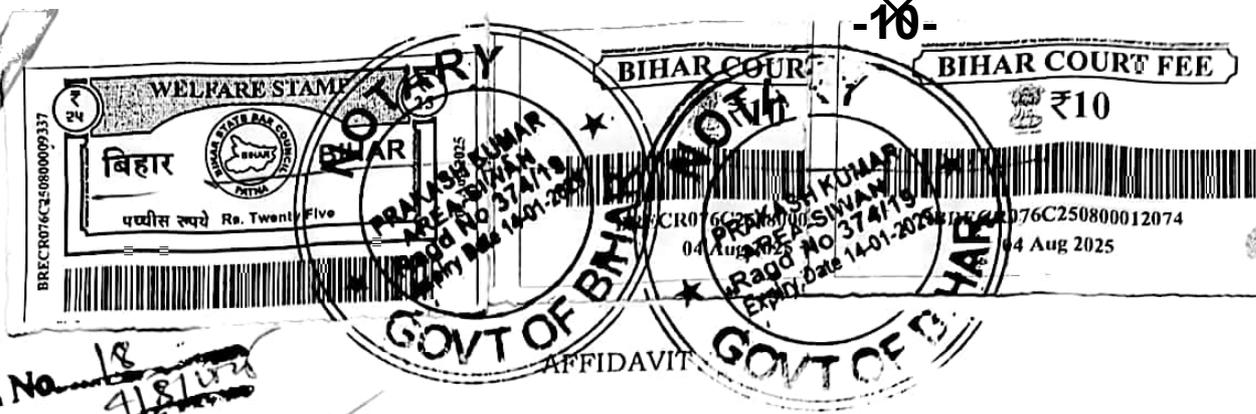


VERIFICATION

I, Anubhuti Srivastava s/o Rajendra Prasad aged about 44 years, by occupation- Government Service, presently posted as Executive Officer, Nagar Parishad, Siwan, Bihar, working for gain at the Office of Nagar Parishad, Siwan, Bihar, Pin- 841226, do hereby solemnly verify that the contents of paragraphs 1 to 15 of the above Interlocutory Application are true to my knowledge and belief derived from records, documents, and legal research, and nothing material has been concealed therefrom.

Verified at Siwan, Bihar on this 4th day of August, 2025.

DEPONENT



Serial No. 18
 Dated 9/8/2025

I, Anubhuti Srivastava s/o Rajendra Prasad aged about 44 years, by occupation- Government Service, presently posted as Executive Officer, Nagar Parishad, Siwan, Bihar working for gain at the Office of Municipal Commissioner, Nagar Parishad, Siwan, Bihar, Pin- 841226, do hereby solemnly affirm and state as follows:

1. That I am Petitioner/Applicant herein and therefore I am well conversant with the facts of the aforesaid case and competent and authorised to affirm this affidavit.
2. The statements made in paragraphs 1 to 15 of the foregoing petition are true to my knowledge and those contained in paragraph nos. 10& 11 are matters of record and information derived from record, which are believed to be true and correct, and the rest thereof are my respectful submissions before this Hon'ble Court.

Prepared in my Office

Ghanshyam Pandey
 Advocate

Anubhuti Srivastava
 Deponent
 Identified by me
Prabhat Kumar
 Advocate

Before Me

Identify the deponent who has signed / given L.T.I / RTI in my presence
Prabhat Kumar
 Advocate, Siwan



Prabhat Kumar
 9.8.2025

कार्यालय नगर परिषद्, सिवान

पत्रांक...../

प्रेषक,

नगर कार्यपालक पदाधिकारी,
नगर परिषद्, सिवान।

सेवा में,

परियोजना निदेशक,
बिहार शहरी आधारभूत संरचना विकास निगम लिमिटेड,
बुडको, सिवान।

सिवान, दिनांक मई 2025 ई0।

विषय :-

Hon'ble National Green Tribunal Easter Zone Kolkata में दायर वाद O.A. No. 180/2024/EZ (Prayag Kumar Vs. Bihar State Pollution Control Board & Ors.) के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि सिवान दाहा नदी की सफाई और सौन्दर्यीकरण हेतु Hon'ble National Green Tribunal Easter Zone Kolkata में O.A. No. 180/2024/EZ (Prayag Kumar Vs. Bihar State Pollution Control Board & Ors.) वाद दायर किया गया है। जिसमें दिनांक- 05.08.2025 को तिथि निर्धारित है, परन्तु इसमें प्रतिशपथ पत्र एक माह के अन्दर दाखिल करने का आदेश प्राप्त है।

अतः प्राप्त आदेश की छायाप्रति संलग्न करते हुए अनुरोध है कि सिवान दाहा नदी की सफाई और सौन्दर्यीकरण परियोजना से संबंधित DPR (Details Project Report) की प्रशासनिक स्वीकृति की अद्यतन स्थिति से इस कार्यालय को अवगत कराने की कृपा की जाय, ताकि ससमय प्रतिशपथ पत्र दायर किया जा सके।

अनुलग्नक :- यथोपरि।

विश्वासभाजन,

६४

नगर कार्यपालक पदाधिकारी,
नगर परिषद्, सिवान।

ज्ञापांक- 1042/

दिनांक- 23.5.25/

प्रतिलिपि :-

प्रबंधक निदेशक, बुडको पटना को सादर सूचनार्थ समर्पित।

प्रतिलिपि :-

सचिव, नगर विकास एवं आवास विभाग, बिहार पटना को सादर सूचनार्थ समर्पित।

23/5/25

नगर कार्यपालक पदाधिकारी,
नगर परिषद्, सिवान।

TRANSLATED COPY
OFFICE OF NAGAR PARISHAD, SIWAN
letter number

Sender,
City Executive Officer,
Municipal Council, Siwan.

To.
Project Director,
Bihar Urban Infrastructure Development Corporation Limited,
BUIDCO, Siwan.

Siwan, dated 23rd May, 2025

Subject: Regarding the suit O.A. No. 180/2024/EZ (Prayag Kumar Vs. Bihar State Pollution Control Board & Ors.) filed in the Hon'ble National Green Tribunal Eastern Zone Kolkata.

Sir,
Regarding the above mentioned subject, it is to be said that a case has been filed in Hon'ble National Green Tribunal Eastern Zone Kolkata in O.A. No. 180/2024/EZ (Prayag Kumar Vs. Bihar State Pollution Control Board & Ors.) for cleaning and beautification of Siwan Daha river. In which the date is fixed as 05.08.2025, but an order has been received to file the counter affidavit within one month.

Therefore, attaching the photocopy of the received order, it is requested that kindly inform this office about the updated status of administrative approval of DPR (Details Project Report) related to cleaning and beautification project of Siwan Daha river, so that the counter affidavit can be filed in time.

Enclosure: As above.

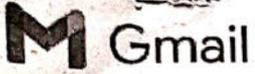
Yours Faithfully,
Sd/-
Executive Officer,
Municipal Council, Siwan.

Letter No.- 1042/ dated 23/05/25

Copy To:

1. Managing Director, BUDCO Patna for respectful information.
2. The Secretary, Urban Development and Housing Department, Bihar Patna for information.

Sd/-
23/05/25
City Executive Officer,
Municipal Council, Siwan.



Siwan Nagar Parishad <siwan.nagarparishad1@gmail.com>

Memo No. 1042 Dated 23-05-2025 From NP Siwan

1 message

Tue, May 27, 2025 at 1:58 PM

Siwan Nagar Parishad <siwan.nagarparishad1@gmail.com>
To: udhd.bih@gmail.com

Dear Sir

Kindly find the attachment

--

Thanks & Regards,

Municipal Council, Siwan (Bihar)

Phone: +91-6154-242123

Fax: +91-6154- 242123

Website: <https://nagarseva.bihar.gov.in/siwan>

Email Id:- siwan.nagarparishad1@gmail.com

 Memo No. 1042 Dated 23-05-2025.pdf
482K

~~XO~~ -1X-

Gmail

Siwan Nagar Parishad <siwan.nagarparishad1@gmail.com>

Letter No. 1042 Dated 23-05-2025 From NP Siwan

1 message

Siwan Nagar Parishad <siwan.nagarparishad1@gmail.com>
To: eedudasiwan@gmail.com

Tue, May 27, 2025 at 1:58 PM

Dear Sir

Kindly find the attachment

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Thanks & Regards,

Municipal Council, Siwan (Bihar)

Phone: +91-6154-242123

Fax: +91-6154- 242123

Website: <https://nagarseva.bihar.gov.in/siwan>

Email Id:- siwan.nagarparishad1@gmail.com

 Letter No. 1042 Dated 23-05-2025.pdf
424K

mail

Siwan Nagar Parishad <siwan.nagarparishad1@gmail.com>

Memo No. 1042 Dated 23-05-2025 From NP Siwan

1 message

Tue, May 27, 2025 at 2:03 PM

Siwan Nagar Parishad <siwan.nagarparishad1@gmail.com>
To: "mdbuidco@gmail.com" <mdbuidco@gmail.com>

Dear Sir/Madam,

Please find the attachment.

--

Thanks & Regards,

Municipal Council, Siwan (Bihar)

Phone: +91-6154-242123

Fax: +91-6154- 242123

Website: <https://nagarseva.bihar.gov.in/siwan>

Email Id:- siwan.nagarparishad1@gmail.com

 **Memo No. 1042 Dated 23-05-2025.pdf**
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