

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

O.A. No. 47 of 2025/EZ

In the matter of:

Satyananda Ray

...Applicant

VERSUS

The State of Bihar & Others

...Respondents

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Dated: 11<sup>th</sup> August, 2025

Place: Patna, Bihar.

Filed by:

*Ghanshyam Pandey*

Ghanshyam Pandey  
Advocate

M: 9686750386

E: ghanshyamlegal@gmail.com

BIHAR COURT FEE

₹10



BRECR002C250800038784

11 Aug 2025

BIHAR COURT FEE

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11 Aug 2025

WELFARE STAMP

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पच्चीस रुपये Rs. Twenty Five



11 Aug 2025

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P-1-5  
A-6-9  
Manish Kumar  
11.08.25

*Manish Kumar*  
Advocate  
11/08/25

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3  
(NAGAR PARISHAD, DANAPUR)

I, PANKAJ KUMAR, aged about 40 years, Male, Son of Shrawan Manjhi, residing at Paikauli, Police Station - Paikauli, District - Gopalganj, State of Bihar, do hereby solemnly affirm and state as follows:

1. That I am presently posted as the Executive Officer, Nagar Parishad, Danapur Nizamat. I am well acquainted with the facts and circumstances of the present case. I am duly competent to file this affidavit on behalf of Respondent No. 3.
2. That during the course of hearing before this Hon'ble National Green Tribunal, Eastern Zone on 01.08.2025, Respondent No. 5 (Bihar State Pollution Control Board) filed an affidavit dated 31.07.2025 along with an order dated 18.07.2025 passed by the said Board.
3. That the said order dated 18.07.2025 has imposed a penalty of Rs. 3,00,000/- (Rupees Three Lakhs only) upon the Executive Officer,



Nagar Parishad, Danapur, for alleged failure to complete legacy waste remediation by the deadline of 17.07.2025. The penalty is calculated at Rs. 1,00,000/- (Rupees One Lakh only) per month for the period from 17.04.2025 to 17.07.2025.

4. That the said order further stipulates that Nagar Parishad, Danapur shall be liable to pay a penalty of Rs. 10,00,000/- (Rupees Ten Lakhs only) per month until the completion of legacy waste remediation work, in accordance with the directions contained in the order dated 02.07.2020 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 606/2018.
5. That it is pertinent and material to state that the aforementioned order dated 18.07.2025 passed by the Bihar State Pollution Control Board was communicated to the deponent for the first time on 01.08.2025 at 2:22 PM through official email, which was subsequent to the statement made by Shri Ashok Kumar, Advocate representing Nagar Parishad, Danapur during the course of hearing before this Hon'ble Tribunal on 01.08.2025 at approximately 11:00 am or thereafter.
6. That the timing of receipt of the said communication clearly demonstrates that the deponent and Nagar Parishad, Danapur were not given prior notice or opportunity to comply with or contest the directions contained in the said order before its enforcement.

**Copy of the Gmail receipt evidencing the time of communication is annexed hereto and marked as "ANNEXURE-A"1**



X

- 7. That I crave leave of this Hon'ble Tribunal to file additional documents/information as and when required for the just adjudication of this matter.
- 8. That the contents of paragraphs 1 to 5 & 7 are within my personal knowledge and are true to the best of my knowledge and belief. The contents of paragraphs 6 are based on information derived from official records and are believed to be true.
- 9. That no part of this affidavit is false and nothing material has been concealed therefrom.



Prepared in my Office  
 Ashok Kumar  
 Advocate

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Solemnly Affirmed before me by...  
 Who is identified by... P. Kumar  
 have satisfied myself by examining the  
 deponent that he understands the  
 contents of the affidavit which has been  
 read over to him and he has acknowledged  
 the same to be correct.  
 Date... 11-08-25

Manish Kumar  
 MANISH KUMAR  
 Advocate Oath Commissioner  
 PATNA HIGH COURT  
 Enroll. No.: -BR/418/2022

Pankaj Kumar  
 11.8.25  
 Deponent  
 Jitendra Kumar  
 Bimber Kumar  
 Manoj Kumar  
 RN. 2086/25  
 DW 11/8/25

VERIFICATION

I, PANKAJ KUMAR, the deponent above-named, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, and no part of it is false and nothing material has been concealed therefrom.

Verified at Patna on this 11<sup>th</sup> day of August, 2025.

DEPONENT

*Pankaj Kumar*

X

113

X

 Gmail

Annexure - A II

Nagarparishad Danapur/zamat <nagarparishaddanapur@gmail.com>

**Direction Under Sections 5 of the Environment (Protection) Act, 1986.**  
1 message

Member Secretary <msbspb-bih@gov.in>  
To: nagarparishaddanapur <nagarparishaddanapur@gmail.com>

1 August 2025 at 14:22

Sir,  
Please find the attachment.

With Regards,  
Bihar State Pollution Control Board,  
Parivesh Bhawan, Patliputra Industrial Area,  
PO. Sadaquat Ashram Patna.-800010.  
Phone No. 0612-2261250/2262265  
Email Id. bspcb@yahoo.com/msbspb-bih@gov.in

 Letter No. MS 13 Dated- 18.07.2025 (Danapur Nagar parishad).pdf  
2625K



Ado - 01/08/25  
 870 - 03:20 PM

Amey



REGISTERED  
**BIHAR STATE POLLUTION CONTROL BOARD**  
 Patna, Bihar

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.  

Your text here 1
- 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