

B. No...05....Sl. No.04.
Dated.....23.08.2025



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.98/2025/EZ

Vikash Kumar PathakApplicant

Versus

State of Bihar & Ors..... Respondents

**COUNTER-AFFIDAVIT ON BEHALF OF THE
RESPONDENT THE STATE OF BIHAR.**

INDEX

Serial No	Particulars	Page NO
1.	Counter Affidavit on behalf of Respondent, The State of Bihar.	01-06
2. Annexure: -R/1	A copy of the Enquiry Report dated 11.08.2025 of Joint Enquiry Committee	07- 13



BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.56/2025/EZ

Devavrat Kumar SahaniApplicant

Versus

State of Bihar & Ors..... Respondents

Counter-Affidavit on behalf of Respondent, the State of

Bihar: -

I, Saurav Raj son of Dilip Kumar Sinha, aged about 35 Years, occupation: Government Service (Sr. Deputy Collector), working for gain at the office of the District Magistrate , Muzaffarpur, State of Bihar, having its address at Collectorate Company Bag Road, Muzaffarpur, Pin:842001, presently residing at Mohalla Damu Chak, Magistrate Colony, Police Station:-Kazimohammadpur, District:-Muzaffarpur, Bihar, 842001, do hereby solemnly affirm and declare as under:

- 1.That I am the authorized signatory of the respondent, herein (hereinafter referred to as “answering respondent”. I am duly authorized to file this affidavit on behalf of the District Magistrate, Muzaffarpur, Bihar, in the above -mentioned matter and am fully conversant with the facts of the case.
- 2.That the present counter-affidavit is being filed in compliance with the order dated 07.04.2025 passed by this Hon’ble Court in the instant matter, for the purpose of placing on record the enquiry report submitted by the Joint Enquiry Committee pertaining to the subject issue.



3. That from record pertaining to the present case, it is apparent that the controversy involved in this case is similar to that of Original Application No. 56/2025/EZ (Devavrat Kumar Sahani vs. State of Bihar & Ors.) filed before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, on the basis of a letter petition dated 27.12.2024 by Sri Devavrat Kumar Sahani, alleging unlawful dumping of sand-bags and plastic bags in the Budhi Gandak River during bridge construction at Athar Ghat, PS-Mushahari, District Muzaffarpur, Bihar.
4. That in the aforesaid Original Application No. 56/2025/EZ (Devavrat Kumar Sahani vs. State of Bihar & Ors.), this Hon'ble Tribunal, vide order dated 07.04.2025, was pleased to implead, *inter alia*, the District Magistrate & Collector, Muzaffarpur, Bihar (hereinafter referred to as 'the District Magistrate') as a Respondent, and further constituted a Joint Committee in relation to the subject matter.
5. Pursuant to the Hon'ble Tribunal's directions, the District Magistrate, Muzaffarpur, issued Letter No. 169 dated 04.02.2025 appointing Sri Sanjeev Kumar, Additional District Magistrate (Revenue), Muzaffarpur as its representative on the Fact-Finding Committee. and in pursuant to the aforesaid order a three members joint committee comprising:
- Sri Sanjeev Kumar, Additional District Magistrate (Revenue), District Muzaffarpur, Bihar (nominated by the District Magistrate).



- Sri Arun Kumar, Senior Scientist, Bihar State Pollution Control Board (Patna);
 - Sri S. N. Thakur, Regional Officer, Bihar State Pollution Control Board (Muzaffarpur); was came in force in the matter in question
6. The in compliance with the directions issued by the Hon'ble Court and in furtherance of administrative protocol, a Joint Enquiry Committee was duly constituted to ascertain the factual position at the site in question. The Committee conducted a site inspection on 02.06.2025 at Athar Ghat, P.S. Mushahari, District Muzaffarpur (GPS Coordinates: 26.079206, 85.519809). Upon completion of the inspection and enquiry, the Committee submitted its report.

A copy of the Enquiry Report dated 11.08.2025 of Joint Enquiry Committee is annexed hereto as **Annexure R/1 for the purpose of identification.**

7. That the inspection revealed the following **Site-Specific Observations**

Bridge Construction Impact: -

During the construction of the bridge over the Budhi Gandak River, the executing agency used geo-bags filled with sand or soil to create temporary retaining walls around the pillars. These structures have since led to the formation of **island-like patches** around the bridge base.

Vegetation Growth:



These island formations are now covered with **grasses, herbs, and wild shrubs**, indicating sediment accumulation and ecological colonization.

Plastic Waste Presence:

Plastic bags were visibly present at certain spots near the bridge pillars, corroborating the applicant's allegation of improper disposal during construction. Photographic evidence was documented.

Hydrological and Environmental Findings

River Flow Unaffected:

Despite the formation of vegetated islands, the **natural flow of the Budhi Gandak River remains uninterrupted**. Water continues to pass through the gaps between these formations.

No Course Alteration:

The inspection confirmed that the **course of the river has not been diverted or obstructed** due to construction activities.

Perennial Nature Maintained:

The Budhi Gandak continues to flow as a **perennial river**, with no signs of stagnation or blockage in the inspected stretch.

Compliance and Oversight Notes

No Post-Construction Cleanup:

The agency **did not remove the geo-bags or plastic waste** after completion of the bridge, contrary to environmental norms and good construction practices.

8. In light of the Committee's report, the allegations of significant obstruction to river flow or widespread plastic pollution during or post-construction are not substantiated by on-site evidence.
9. The allegations of large-scale dumping and obstruction of river flow are exaggerated and not supported by the Committee's findings.
10. In view of the above, it is respectfully prayed that this Hon'ble Tribunal may be pleased to:
- (i). Take note of the Joint Committee Report dated 02.06.2025;
- (ii). Dismiss the Original Application as devoid of merit;
- (iii). Pass any other order(s) deemed fit and proper in the interest of justice.
11. That the statements contained in paragraph nos. 1 to 11 are true to my knowledge and are information derived from records and rest thereof are my humble submissions before this Hon'ble Tribunal.

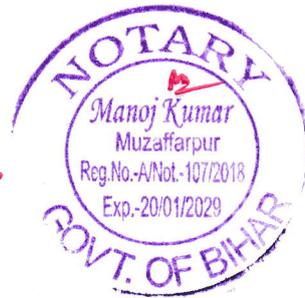
Prepared by me & identified by me

Ranjit Kumar
Advocate
23.08.25
E. N. - 1810/24

Saunau Rai
DEPONENT

The deponent identified by Advocate name
solely affirmed and declared before me

Kumar 23/08/25
MANOJ KUMAR
NOTARY MUZAFFARPUR



Verification

I, Saurav Raj son of Dilip Kumar Sinha, aged about 35 Years, occupation: Government Service (Sr. Deputy Collector), working for gain at the office of the District Magistrate , Muzaffarpur, State of Bihar, having its address at Collectorate Company Bag Road, Muzaffarpur, Pin:842001, do hereby solemnly affirm and declare that the contents of the above counter affidavit are true and correct to the best of my knowledge and belief, and no part of it is false or misleading.

Saurav Raj
DEPONENT

Place: Muzaffarpur

Date: - 23/08/2025



**INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE
MATTER OF THE HON'BLE NGT O.A. NO. 56/2025/EZ TITLED.**

Devavrat Kumar Sahani Vs State of Bihar & Ors.

Inspection site: Athar Ghat, P.S.- Mushahari , District- Muzaffarpur

G.P.S. Location: 26.079206, 85.519809

Date of Inspection: 02.06.2025.

Background:

The Hon'ble NGT, Eastern Zone Bench, Kolkata has filed a case on the application dated 27.12.2024 of Sri Devavrat Kumar Sahani, resident of Athar Ghat, PS- Mushari, Bochahan, Muzaffarpur, Bihar, Pin-843118 filed a Case No. O.A. 56/2025/EZ, Devavrat Kumar Sahani Vs State of Bihar & Others, alleging that

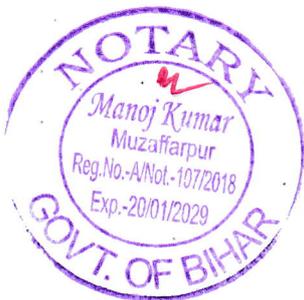
1. During the construction of a bridge at Athar Ghat, under Mushhari Police Station in Muzaffarpur District, by the Bihar State Bridge Construction Corporation Limited, Work Division, Muzaffarpur, a large quantity of plastic bags was reportedly dumped into the Budhi Gandak River. This has adversely affected the natural flow of the river, and the waste remains uncleared. The bridge construction work had been allotted to M/s Ganesha Ram Dokaniya, Aliganj, Banka, by Bihar Rajya Pul Nirman Nigam Ltd.
2. It is alleged that after completion of the construction work, the work agency and the department have not removed the sand bags/plastic bags thrown into the river from the construction site nor has the river been cleaned.

Considering the allegations made, the Hon'ble NGT has constituted a Fact Finding Committee comprising of following members:-

1. Senior Scientist, Bihar State Pollution Control Board;
2. The District Magistrate, District- Muzaffarpur, Bihar or his representative not below the rank of Additional District Magistrate (ADM);

Further, the Hon'ble NGT has directed that:-

"(1) The committee shall visit the site in question and submit its fact finding reports within four weeks w.r.t. the allegations made in the original application.



(2) *The District Magistrate, Muzaffarpur shall be the Nodal office for all logistic purposes and for filling the Committee Report on affidavit."*

Constitution of a Fact Finding Committee:

In compliance with the Hon'ble NGT's directions, the Fact Finding Committee was constituted based on nominations received from the respective Departments which are as follows:-

- The Bihar State Pollution Control Board nominated Sri Arun Kumar, the Scientist, Patna and Sri S.N. Thakur, the Regional Officer, BSPCB, Muzaffarpur vide Letter No. 377, dated- 16.04.2025 (Annexure- I).
- The District Magistrate, *Muzaffarpur* has nominated Sri Sanjeev Kumar, Additional District Magistrate (Revenue), Muzaffarpur vide its Letter No. 169 dated- 04.02.2025 (Annexure- II).

Facts Finding about the Athar Ghat, Muzaffarpur, Bihar on the Bank of River Budhi Gandak:

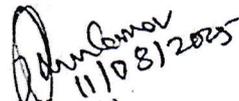
1. The Committee had fixed the date of inspection on 02.06.2025.
2. The Committee had visited the site in question and as per the direction of Hon'ble NGT examined the factual status of the river in light of the allegation made in the O.A. 56/2025/EZ.
3. The river named as Budhi Gandak. The **Budhi Gandak** is a perennial river that flows through the northern part of Bihar. It is a tributary of the Ganga River and originates from the Someshwar Hills Near Bisambharpur in West Champaran district, near the Indo-Nepal border. Its approximate length is 320 kilometers. It flows through the West Champaran, East Champaran, Muzaffarpur, Samastipur, Begusarai and Khagaria districts of Bihar. It merges with the Ganga River near Khagaria district.
4. There is a bridge near Ather Ghat, Musahari, Muzaffarpur, Bihar. Its length is approximately 300 meters.
5. Flow of River is from west to east.
6. During the construction of the bridge pillars, the agency built a wall of geo-bags filled with sand or soil around each pillar to prevent water from entering the base. At present an island-like formation has developed on either side of the bridge

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- around the pillars. Most of these areas are now covered with grasses and wild vegetations, including herbs and shrubs. At some spots, plastic bags were also observed (Photographs attached).
7. Since the river is perennial, water continues to flow through the gaps between the island-like structures.
 8. These formations have not altered the course of the river.
 9. The flow of water on both sides of the bridge appears to be normal.


 (S. N. Thakur) 11/8/2025
 Regional Officer
 Bihar State Pollution Control
 Board, Muzaffarpur.


 (Arun Kumar) 11/08/2025
 Scientist,
 Bihar State Pollution Control
 Board, Patna.


 (Sanjeev Kumar) 11.8.25
 Additional District
 Magistrate (Revenue),
 Muzaffarpur.



Pictures of Aathar Ghat, Muzaffarpur.



Joint Committee

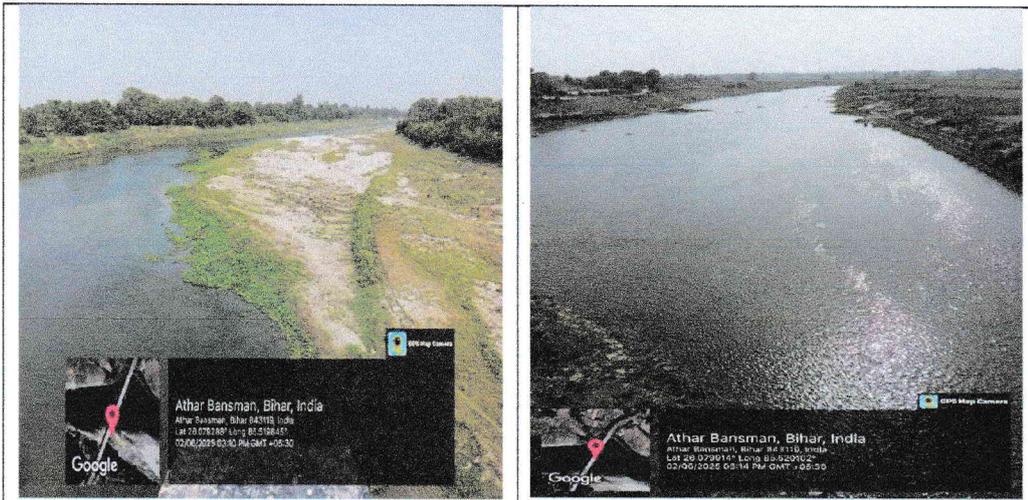


Bridge in Google Map



Bridge in Google Map (zoom) Showing islands developed by sand/soil bags

A



River on Eastern Side of Bridge

River on Western Side of Bridge



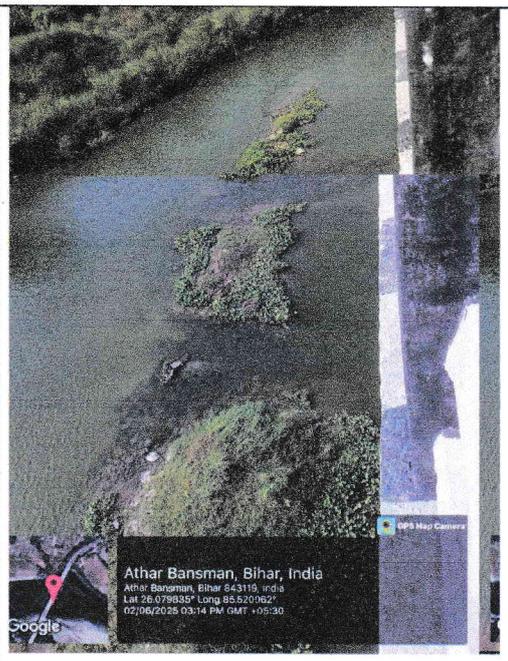
Islands developed due to left over bags.

Islands developed due to left over bags.

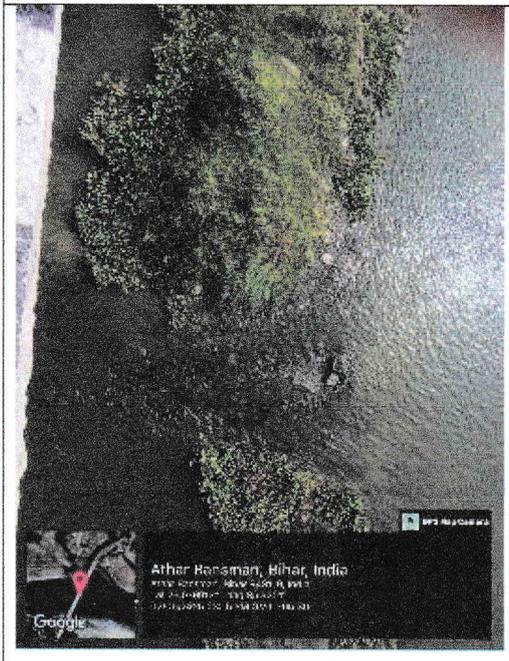
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Islands developed due to left over bags.



Islands developed due to left over bags.

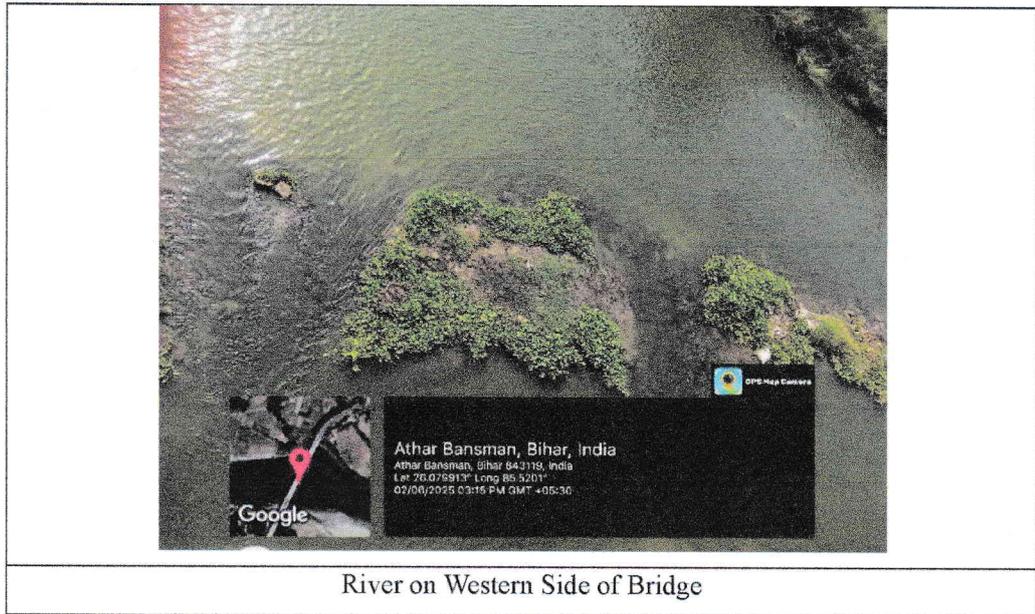


Islands developed due to left over bags.



Islands developed due to left over bags.

A



River on Western Side of Bridge

A



भारत सरकार
Government of India

सौरव राज
Saurav Raj
जन्म तिथि/ DOB: 11/11/1988
पुरुष / MALE



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मेरा आधार, मेरी पहचान



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Saurav Raj
23/08/2025