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BEFORE THE LD. NATIONAL GREEN TRIBUNAL, EASTERN ZONE

BENCH, KOLKATA

I.A. No. 85 of 2025/EZ

Original Application No. 209/2024/EZ

IN THE MATTER OF:

AN INTERLOCUTORY APPLICATION (IA) FOR RECALLING /
MODIFICATION OF ORDER DATED 14.08.2025;

-AND-

IN THE MATTER OF:

VIKASH KUMAR PATHAK

...APPLICANT

VERSUS

THE STATE OF BIHAR & OTHERS

...RESPONDENTS

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Amrita Pandey

Ms. Amrita Pandey, Advocate,

M: 9432820002

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BEFORE THE LD. NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA

I.A. No. _____ of 2025/EZ

Original Application No **209/2024/EZ**

In the matter of:

Vikash Kumar Pathak

...Applicant

Versus

State of Bihar & Others

...Respondents

The humble application on behalf
of the Bihar State Pollution
Control Board (Respondent No. 3)
most respectfully:

Sheweth:

- 1) That the Hon'ble Tribunal, vide order dated 14.08.2025, imposed a personal cost of ₹5,000/- on the Respondent No. 3 (Bihar State Pollution Control Board) (hereinafter referred to as **BPCB**) for non-filing of the action taken report within the stipulated time. **Copy of the Order dated 14.8.2025 is annexed hereto and marked with Letter A.**
- 2) That the Respondent No. 2 has been diligently performing its coordinating role as directed by this Hon'ble Tribunal and has extended all necessary assistance to the Fact Finding Committee in discharge of its duties. Copy of the Report has also been filed by the respondent no. 3 i.e. Bihar State Pollution Control Board.

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- 3) The delay in filing the action taken report/ affidavit was neither intentional nor deliberate.
- 4) That the BSPCB had filed the Joint Committee Report by way of an affidavit on 20.02.2025, which was taken on record. The said report confirmed illegal sand mining at three locations near Adher Ghat, Muzaffarpur, and names of three individuals, namely Sri Harendra Chaudhary, Sri Guddu Rai, and Sri Moti Mishra, were provided by locals. However, their complete addresses and other crucial details could not be ascertained at the time due to non-cooperation from local residents and the absence of official records from the local administration.
- 5) That the BSPCB has been making sincere and continuous efforts to identify the violators and impose environmental compensation as directed.
- 6) That in furtherance of this, the BSPCB wrote letters to the District Magistrate, Muzaffarpur, and the Superintendent of Police, Muzaffarpur, requesting them to provide the necessary details, including the names, proper addresses of the illegal miners, and the quantity of sand illegally mined, which are essential for quantifying and levying environmental compensation. **Copies of the said letters are annexed hereto and marked with Letter B colly.**
- 7) That despite these repeated requests and the clear directions of this Hon'ble Tribunal, no response or information has been provided by the District Administration or the Police authorities to the BSPCB till date.
- 8) That the BSPCB is entirely dependent on the District Administration and the Police authorities for providing this specific information, as they are the investigating and ground-level agencies with access to the requisite records and details from the FIR and their own inquiries.
- 9) That the BSPCB has no intention whatsoever to delay or avoid compliance with the orders of this Hon'ble Tribunal. The delay in

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filing a comprehensive Action Taken Report was solely due to the non-availability of this crucial information from the concerned departments, which is beyond the control of the BSPCB.

- 10) That the BSPCB undertakes to take all necessary and prompt steps to impose and recover environmental compensation from the violators as soon as the required details are made available by the concerned authorities.
- 11) That in view of the above bona fide and compelling reasons, the imposition of the cost of Rs. 5,000/- upon the BSPCB may kindly be waived in the interest of justice.
- 12) That the imposition of cost may cause undue hardship to the Respondent No. 3, who is a public officer acting in discharge of official duties.
- 13) The delay was not willful, and the Respondent No. 3 undertakes to adhere to timelines in future proceedings.
- 14) That the Respondent No. 3, respectfully prays that the cost may be waived and order dated 14.8.2025 may be modified to such extent.
- 15) That the Respondent No. 3 respectfully submits that the pollution department has always been proactive in matters of environmental protection and has promptly complied with all directions issued by this Hon'ble Tribunal in the present matter.
- 16) That no prejudice will be caused to any party if the relief prayed for is granted, whereas the respondent no. 3 would be unnecessarily burdened if costs are imposed.
- 17) That unless the reliefs as sought forth is granted, the Applicant shall suffer irreparable loss and injury.
- 18) That the present application is made bonafide and for ends of justice.

In view of the facts stated above, it is most respectfully prayed that this Hon'ble

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Tribunal may graciously be pleased to:

- a) Waive any costs that may have been imposed on Respondent No. 3 and modify the order dated 14th August 2025 passed in OA no. 209 of 2024/EZ to such extent;
- b) Pass such other/further orders as this Hon'ble Tribunal may deem fit in the interest of justice.

And for this act of kindness, Your Petitioner as in duty bound shall ever.

C.A. 22/1876

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VERIFICATION

Verified at Patna on this ¹²27th day of ¹²Aug 2025 that the contents of this application are true and correct to the best of my knowledge and belief.

Neeraj
Deponent
(Neeraj Narayan)

27/8/25

verified the deponent
who had signed before me,
Adv. Abhinav Prakash
BR/1520/2019.

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AFFIDAVIT

Neeraj Narayan, aged about 40 years, Son of Lal Narayan Sharma, Resident of C-41, Housing Colony, Kankarbagh, Near Tempo Stand, P.S. - Patrakar Nagar, Ratna- 800020, do hereby solemnly affirm and State as follows::

1. That I am Respondent no. 3's authorized signatory that is Applicant herein and therefore I am well conversant with the facts of the aforesaid case and competent to affirm this affidavit.
2. The statements made in paragraphs 1 to 12 of the foregoing petition are true to my knowledge and those contained in paragraph nos. 1 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
& identified by me
Adv. Abhinav Prakash
Enr. No. BR/1520/2019
Advocate

Deponent
(Neeraj Narayan)

Before Me



Neeraj Narayan
 who is identified by Advocate...
 solemnly affirmed...
 his affidavit apart from this...
 (Enr. No. BR/1520/2019)
 Date: 27/8/2025
 Sl. No. 4513



Annexure A

Item No. 04

Court No. 1

**BEFORE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE
KOLKATA**

Original Application No. 209/2024/EZ

Vikash Kumar Pathak

Applicant(s)

Versus

State of Bihar

Respondents

Date of hearing: 14.08.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

Applicants: Mr. Dipanjan Ghosh, Adv. a/w Mr. Sibojyoti Chakrabarti, Adv. for the Applicant (in V/C).

Respondents: Mr. Surendra Kumar, Adv. for R-1 & 2.
Ms. Amrita Pandey, Adv. for R-3 (in V/C).
Ms. Anamika Pandey, Adv. for R-4 (in V/C).

ORDER

1. The Tribunal by the order dated 08.08.2025, considering the fact that the Bihar State Pollution Control Board (BSPCB) had not filed the action taken report after the Joint Committee Report, had observed as under:

“3. Joint Committee Report of an inspection carried out on 14.12.2024 was filed with the affidavit of the Bihar State Pollution Control Board on 20.02.2025 and taken on record on the same date but thereafter, no Action Taken Report has been filed by the Bihar State Pollution Control Board till date which is highly regrettable, which shows that the Bihar State Pollution Control Board is either downright negligent or is in connivance with the illegal miners.”

2. In spite of the above observations, no action taken report has been filed by the BSPCB till now. Hence, we impose a cost of Rs.5,000/- upon

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the BSPCB which is to be deposited within 01 week with the Registrar, Eastern Zone Bench of the Tribunal.

3. Subject to the above, further 10 days' time is granted to the BSPCB to comply with the order dated 08.08.2025 and file action taken report.

4. Learned Counsel appearing for District Magistrate, Muzaffarpur has submitted that the cost of Rs. 1,000/- imposed by the previous order could not be deposited because of the incorrect draft and the same will be deposited on the next working day i.e. 18.08.2025.

5. Learned Counsel for the applicant has also submitted that the authorities at the ground level have failed to prevent the illegal sand mining which is still going on. He seeks 10 days' time to place on record the further material indicating that illegal sand mining is going on. He is permitted to file further affidavit in this regard.

6. Learned Counsel for the District Magistrate, Muzaffarpur submits that there was some technical glitch in filing the affidavit of the respondent no.2. Therefore, it has been sent through email to the Registrar, Eastern Zone Bench after serving a copy thereof to the Learned Counsel for the applicant.

7. The Registry is directed to examine and place it on record.

8. List on 04.09.2025.

Prakash Shrivastava, CP

Dr. A Senthil Vel, EM

August 14th, 2025
Original Application No. 209/2024/EZ
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E-mail

Annexure B colly

**BIHAR STATE POLLUTION CONTROL BOARD**
Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspbcb-bih@gov.in, Website <http://bspbcb.bihar.gov.in>

Ref. No.:-

Patna, dated:-

FromNeeraj Narayan,
Member-Secretary.**To**The District Magistrate,
Muzaffarpur.**Subject: - Required details for imposition of Environmental Compensation for illegal sand mining.****Ref:** (i) O.A. No. 209 of 2024/EZ, Vikash Kumar Pathak Vs State of Bihar;
(ii) Mushahari Police Station Case No. 188 of 2025.

Sir,

In the reference stated matter the Hon'ble National Green Tribunal, Kolkata, is adjudicating on the issue of illegal sand mining activity alleged to have been carried on the Adher Ghat situated on River Budhi Gandak, under, P.S.- Mushari, District Muzaffarpur. The Hon'ble Tribunal, to verify the allegations levelled, directed a joint committee to inspect the site and submit a factual report. The joint committee visited the site on and found the allegations to be true and reported that illegal sand mining had been carried out at the site.

In view of the joint committee report, the Hon'ble Tribunal has directed the State Board to impose Environmental Compensation on the sand

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miners/violators. In order to, impose the environmental compensation the below mentioned facts/details are required: -

- (i) The name and proper address of the illegal sand miners/violators;
- (ii) The quantity of illegally mined sand in Cft.

In light of the above, it is requested to provide the aforesaid details so that environmental compensation can be levied on the violators.

Yours faithfully

Signed by

Neeraj Narayan
(Neeraj Narayan)

Date: 13-08-2025 21:35:04
Member Secretary



E-mail



BIHAR STATE POLLUTION CONTROL BOARD
Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Ref. No.:-

Patna, dated:-

From

Neeraj Narayan,
Member-Secretary.

To

The Superintendent of Police,
Muzzafarpur.

Subject: - Required details for imposition of Environmental Compensation for illegal sand mining.

Ref: (i) O.A. No. 209 of 2024/EZ, Vikash Kumar Pathak Vs State of Bihar;
(ii) Mushahari Police Station Case No. 188 of 2025.

Sir,

In the reference stated matter, the Hon'ble National Green Tribunal, Kolkata, is adjudicating on the issue of illegal sand mining activity alleged to have been carried on the Adher Ghat situated on River Budhi Gandak, under, P.S.- Mushari, District Muzaffarpur. The Hon'ble Tribunal has directed the State Board to impose Environmental Compensation on the sand miners/violators. In this connection, Mushahari Police Station Case No. 188 of 2025 has been lodged.

To impose Environmental Compensation on the sand miners/violators. certain facts/details are required as hereunder: -

- (i) The name and proper address of the illegal sand miners/violators;

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(ii) The quantity of illegally mined sand in Cft.

In light of the above, it is requested to kindly provide the name and the addresses of the person and the quantity of illegal mined sand to the undersigned on the basis of the facts revealed by investigation done under the reference stated FIR .

Yours faithfully

Signed by

Neeraj Narayan
(Neeraj Narayan)

Date: 13-08-2025 21:34:07

Member Secretary



Amrita Pandey <amritalegal@gmail.com>

RE: IA NO OF 2025/EZ - Original Application No. 209/2024/EZ In the matter of: Vikash Kumar Pathak

1 message

Amrita Pandey <amritalegal@gmail.com>

Wed, Aug 27, 2025 at 3:49 PM

To: Dipanjan Ghosh <dpnjnghsh0@gmail.com>, surendra kumar <surendra_kr15@rediffmail.com>, ANU <legumjure@gmail.com>, Siboyoti Chakrabarti <subho.advocate@gmail.com>

Dear Sir

Please find attached herewith the advance e-copy of the IA filed on behalf of Respondent no. 3 - Bihar PCB.

This is for your kind information and record.

Warm Regards,

Amrita Pandey

Advocate

M: 9830609262; 9432820002E: amritalegal@gmail.com

Office Chamber:

Hastings Chamber,

7C Kiran Shankar Roy Road,

2nd Floor, Room No. 6,

Kolkata - 700 001

 **IA OA 209 OF 2024.pdf**
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