

S.I. No. 90

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

Original Application No. 128/2025/EZ



In the matter of:

Dewkant Kumar

...Applicant

-Versus-

The State of Bihar & Ors.

...Respondents

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Date: 06/11/2025

Place: Kolkata.

Filed by:

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MUNICIPAL CORPORATION, BAHAR

06 NOV 2025

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4

(Katihar Municipal Corporation, Katihar)

I, Santosh Kumar, s/o Ashdeo Sharma, aged about 53 years, by occupation - Government Service, presently posted as Municipal Commissioner, Katihar Municipal Corporation, Katihar, having its office at Kathihar Municipal Corporation, Binodpur, Katihar, Bihar- 854105, presently halting at 7C, K. S. R. Road, Joljata- 700 001, do hereby solemnly affirm and state on oath as under:

1. That I have made myself acquainted with the facts and circumstances of the Original Application filed by the applicant and I have thoroughly gone through all the documents pertaining to the subject matter of this instant case. That I am the duly authorized on behalf of Respondent

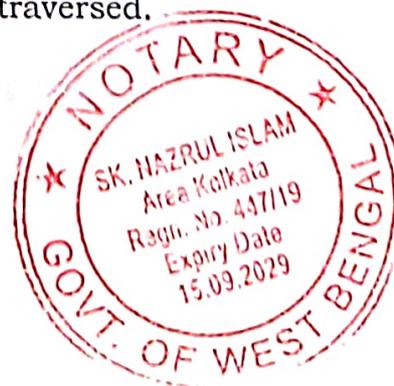
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No. 4, namely, the Katihar Municipal Corporation, Katihar. I am competent to swear this Counter Affidavit on behalf of the Answering Respondent and the contents herein are based on my personal knowledge, information derived from official records, and legal advice received, which I verily believe to be true and correct.

2. That this Counter Affidavit is being filed in response to the Original Application No. 128/2025/EZ filed by the Applicant, Mr. Dewkant Kumar, and pursuant to the order dated 19th August 2025 passed by this Hon'ble Tribunal directing the Answering Respondent to file its reply/response within two months. The Answering Respondent most respectfully submits this Counter Affidavit to place the correct factual matrix and legal position before this Hon'ble Tribunal.
3. That the respondent no. 4 (shall be referred as answering respondent hereinafter) has been advised to deal with only those contentions which are relevant and material for effective and proper adjudication of the issues involved in the instant case and save and except what are matters of record and save what are expressly admitted by me hereinafter I emphatically deny each and every contention as made/raised in the said application as if the same are expressly denied by me in seriatim and specifically traversed.

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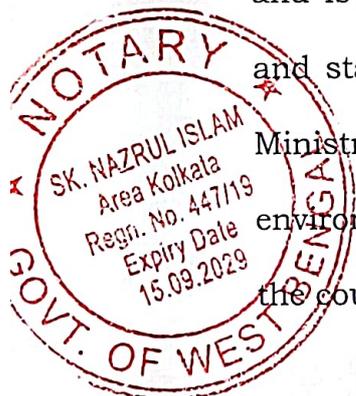
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4. That at the outset, the Answering Respondent expresses its utmost respect for this Hon'ble Tribunal and reaffirms its unwavering commitment to environmental protection and preservation in accordance with all applicable laws, rules, and regulations. The Answering Respondent has consistently endeavored to discharge its statutory obligations with the highest degree of diligence and responsibility. However, the Answering Respondent humbly submits that the allegations and grievances raised in the present Application, insofar as they relate to the Answering Respondent, are based on a fundamental misconception regarding jurisdictional responsibilities and operational control of the area in question.
5. That the Answering Respondent most respectfully submits that the grievances articulated by the Applicant pertain to alleged air pollution and improper disposal of solid waste created by the Katihar Railway Administration and the Katihar Municipal Corporation. The Applicant has alleged violations and infringement of the fundamental right to life with dignity under Article 21 of the Constitution of India. While the Answering Respondent has been impleaded as a party to the present proceedings, it is submitted with utmost deference that the issues raised by the Applicant do not fall within the administrative domain, territorial jurisdiction, operational control, or management responsibility of the Answering Respondent.



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6. That it is respectfully submitted that the area depicted in the photographs annexed to the Original Application, specifically located near the Railway Canteen, Railway Colony, Katihar, falls exclusively and unequivocally within the territorial and administrative jurisdiction of the Ministry of Railways, Government of India, and is specifically under the direct control, management, and maintenance of the Katihar Railway Division of the Northeast Frontier Railway (hereinafter referred to as "NFR"). The said area forms an integral part of railway premises and is governed comprehensively by the rules, regulations, policies, and standard operating procedures framed and implemented by the Ministry of Railways for waste management, sanitation, and environmental compliance within railway establishments throughout the country.



7. That it is a well-established principle of administrative law and a matter of public knowledge that railway land, railway stations, railway colonies, railway yards, railway establishments, and all areas appurtenant thereto are vested under the exclusive jurisdiction, control, and management of the Railway Administration. The Municipal Corporation, Katihar, has no administrative authority, supervisory control, operational responsibility over any activity conducted within railway premises / area. The Answering Respondent

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is neither empowered nor authorized under any statute, notification, or executive order to enter railway land for purposes of waste collection, transportation, processing, or disposal without the express permission, coordination, and facilitation of the Railway authorities concerned.

8. That the Ministry of Railways has issued comprehensive and detailed policy guidelines from time to time regarding waste management practices on Indian Railways. That vide a Press Release issued by the Ministry of Railways, Press Information Bureau, dated 12th April 2017, which inter alia delineates the policy framework for handling and disposal of Municipal Solid Waste arising in railway station areas, handling and disposal of garbage arising from catering services, disposal of hazardous waste such as batteries and electronic waste, and express prohibition of open burning of waste materials. The said policy guidelines clearly and unambiguously establish the responsibilities of the Railway Administration in maintaining cleanliness, ensuring proper waste management, and upholding environmental standards within railway premises.

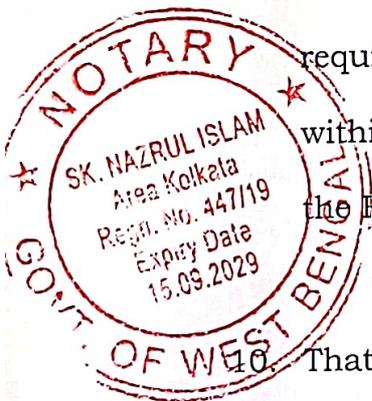


That the answering respondent craves leave of this Hon'ble Tribunal to file the said press release dated 12th April, 2017, if required at all.



9. That as per the aforesaid policy framework, the Railway Administration is statutorily and administratively required to undertake the collection, temporary storage, and transportation of waste generated within railway premises through their own agencies or authorized contractors. It is pertinent to emphasize that the role of the Municipal Corporation is circumscribed and limited to providing scientifically designed and environmentally compliant disposal sites for waste brought by the Railway Administration or its duly authorized contractors upon formal request from the Railway Administration. The Municipal Corporation does not undertake, nor is it statutorily required to undertake, the collection or primary handling of waste from within railway premises, which remains entirely the responsibility of the Railway authorities.

That in the present case, the waste management activities within the railway premises at Katihar, including specifically the area depicted in the photographs annexed to the Original Application near the Railway Canteen and Railway Colony, are carried out by the contractor duly engaged and appointed by the Katihar Railway Division of NFR through a transparent tendering process. The said contractor, operating under the supervision and direction of the Railway Administration, is contractually and legally responsible for the timely collection, safe





storage, and efficient removal of all garbage and waste materials generated within the railway premises, encompassing railway stations, railway colonies, railway offices, railway canteens, and other railway establishments. The Answering Respondent has no contractual privity, statutory obligation, or administrative mandate to perform these functions within railway land, which lies entirely outside its jurisdictional ambit.

11. That it is further submitted that the Answering Respondent has always extended its fullest cooperation and institutional support to the Railway Administration by providing designated, scientifically managed disposal sites within its jurisdiction where waste collected and transported by the Railway contractor can be deposited and processed in accordance with applicable environmental norms. The Answering Respondent has established comprehensive infrastructure and systematic mechanisms for the processing, treatment, and final disposal of Municipal Solid Waste in full compliance with statutory requirements and environmental safeguards. The Answering Respondent has consistently fulfilled its limited but crucial role in the integrated waste management ecosystem of the region.

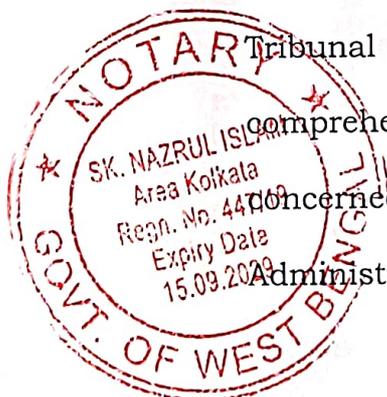
12. That the Answering Respondent most respectfully submits that the responsibility for waste management within the railway premises rests



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entirely with the Railway Administration and its duly authorized contractors, as the area falls outside the territorial and administrative jurisdiction of the Answering Respondent. The Answering Respondent exercises no control, supervision, or operational authority over waste management activities conducted within railway land. The delineation of jurisdictional responsibilities between the Railway Administration and Municipal authorities is well-established under the applicable statutory and policy framework, and the Answering Respondent has no legal mandate to undertake waste management functions within railway premises.

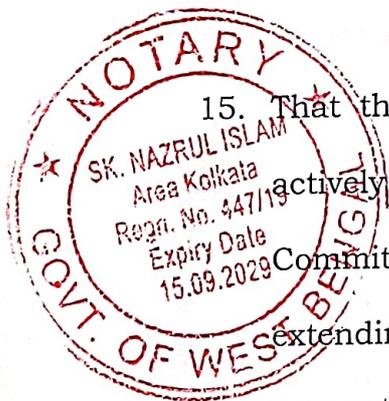
13. That subsequent to the filing of the Original Application and in pursuant to the constitution of the Joint Committee by this Hon'ble Tribunal vide its judicious order dated 19th August 2025, a comprehensive and thorough site inspection was conducted by the concerned authorities including representatives of the District Administration and the Bihar State Pollution Control Board.



14. The Answering Respondent submits that upon verifying the site it was revealed and confirmed that the area in question has been comprehensively cleaned, all accumulated garbage and waste materials have been properly collected and disposed of in accordance with prescribed protocols, and the site presently exhibits satisfactory

standards of cleanliness and hygiene. The necessary remedial measures and corrective actions have been undertaken to clear the accumulated waste and restore environmental sanitation in the area. The present factual position, therefore, is that there exists no continuing accumulation of waste, no ongoing creation of air pollution, and no persistent unhygienic conditions at the site that was the subject of the Applicant's complaint.

Copy of the coloured photographs of the said area after the entire area has been cleaned is annexed herewith and marked as Annexure R/1 Collectively.



15. That the Answering Respondent further submits that it has been actively and constructively participating in all meetings of the Joint Committee constituted by this Hon'ble Tribunal and has been extending its fullest cooperation, technical inputs, and administrative support in addressing the environmental concerns raised in the present proceedings. The Answering Respondent reiterates its steadfast commitment to work in close coordination and collaborative spirit with all stakeholders, including the Railway Administration, State Government authorities, District Administration, and the Bihar State Pollution Control Board, to ensure comprehensive, effective, and sustainable implementation of waste management practices

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throughout the region in strict accordance with the letter and spirit of environmental legislation.

16. That the Answering Respondent respectfully submits that it has not violated, contravened, or failed to comply with any provisions of the Environment (Protection) Act, 1986, or any other environmental legislation, rule, regulation, or notification applicable to its functions and jurisdiction. The Answering Respondent has been diligently and conscientiously discharging its statutory functions within its designated jurisdiction and has established, maintains, and continuously upgrades comprehensive mechanisms for waste collection, processing, treatment, and scientific disposal in accordance with prescribed technical standards and environmental norms. The Answering Respondent has also undertaken various proactive initiatives for creating public awareness about waste management practices, promoting sustainable waste management approaches among citizens, encouraging reduction in waste generation, and fostering community participation in environmental protection efforts.



17. That the Answering Respondent further submits that it remains fully committed to ensuring, within its jurisdictional ambit and statutory mandate, that all waste management activities are conducted in an environmentally sustainable, scientifically sound, and legally

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compliant manner. The Answering Respondent shall continue to provide necessary support and cooperation to the Railway Administration in ensuring that waste collected from railway premises is disposed of at designated sites in accordance with established protocols. The Answering Respondent stands ready to participate constructively in any mechanism that this Hon'ble Tribunal may deem fit to constitute for ensuring coordinated and effective waste management in the region.

18. That the Answering Respondent reserves its right and seeks leave of this Hon'ble Tribunal to file such additional affidavit, supplementary documents, clarifications, or rejoinders as may become necessary in the course of the present proceedings, or as may be directed by this Hon'ble Tribunal in the interests of complete and effective adjudication of the environmental issues raised herein. The Answering Respondent undertakes to promptly comply with any further directions that may be issued by this Hon'ble Tribunal and to provide any additional information or material that may be required for the proper disposal of the present matter.

19. That the answering respondent is fully committed to the conservation and protection of environment within its jurisdiction and has been

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MUNICIPAL CORPORATION, KATIHAR



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taking all necessary steps within its powers to prevent any illegal activities that may adversely affect the residents of the said area.

20. That the answering respondent states and submits that they are ready and willing to abide by the orders/directions made by this Hon'ble Tribunal and has taken all possible steps to comply with the directions of the Hon'ble Tribunal and will continue to coordinate with appropriate regulatory authorities for environmental protection.

21. I state that the statements contained in Paragraphs no. 1 to 20 are true to the best of my knowledge and belief, those made based on the records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

Prepared in my office
& Identified by me

Ghanshyam Pandey
Ghanshyam Pandey
Advocate

Santosh Kumar
DEPONENT
MUNICIPAL COMMISSIONER 4/11/25
MUNICIPAL CORPORATION, KATIHAR

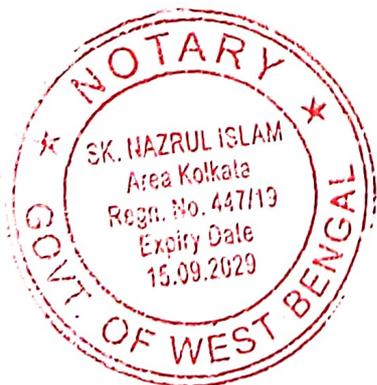
BEFORE ME

Solely Affirmed and
Declared before me on the
Identification of the Advocate

[Signature]
Notary

NOTARY PUBLIC

SK. Nazrul Islam
Notary, Govt. of W.B
Govt. No. 447/19
City Civil Court, Calcutt



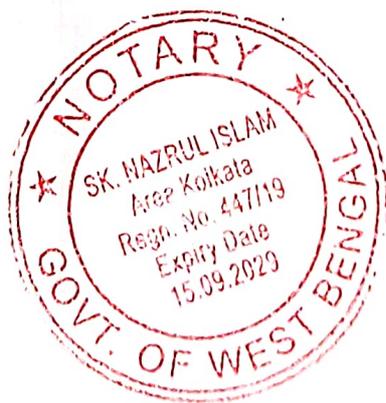
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VERIFICATION

Verified at Kolkata by the deponent above named on this the 6th day of November, 2025, and say that the contents of this affidavit made in paragraph nos. 1 to 21 are true to my knowledge and information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

Sau Biswajit Kumar
MUNICIPAL COMMISSIONER
MUNICIPAL CORPORATION KATIHAR
DEPONENT
06/11/25



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10-Oct-2025 11:08:23 am
Baghwa Bari Road
Larkania Tola
Mirchai
Purnia division
Bihar

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Railway Colony
Katihar
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Bihar

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