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

**ORIGINAL APPLICATION NO. 192/2025/EZ
(EARLIER OA NO. 451/2025/PB)**

In the matter of:

Nehru Nisha & Ors.

...Applicants

-Versus-

The State of Bihar & Ors.

...Respondents

Sl. No. 159 Dated. 13/01/2026
Authorised U/S 8(1) (a) of the notaries
Act. 53 of 1952 & Rule 11(3) (4) of
the Notary Rules 1956

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Filed by:

Surendra Kumar

Advocate

Surendra Kumar

Advocate

Sl. No. 159 Dated 13/01/2026 ✕
 Authorised U/S 8(1) (a) of the notaries
 Act 53 of 1952 & Rule 11(3) (4) of
 Notary Rules 1956

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In the matter of:

Nehru Nisha & Ors.

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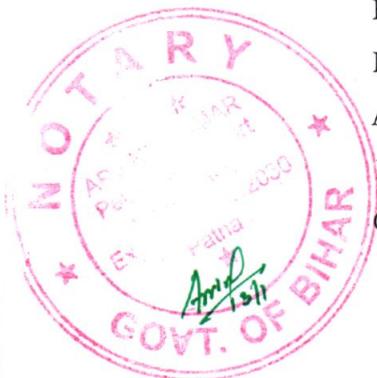
The State of Bihar & Ors.

...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 (Urban
 Development and Housing Department)**

I, Susabhi Sinha, ^{daughter} son of Jagdamb Kumar, aged about 30 years,
 by occupation - Government Service, presently working as
Project officer-cum- in the Urban Development and Housing Department,
deputy director Government of Bihar, New Secretariat, Patna-800015, do hereby
 solemnly affirm and state as under:

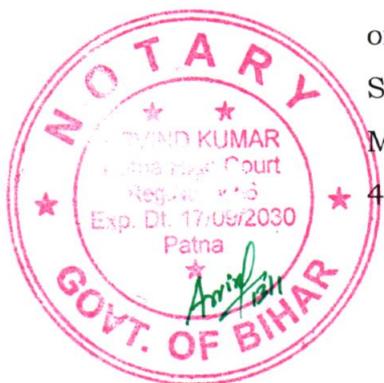
1. That I have made myself acquainted with the facts and circumstances of the Original Application No. 192/2025/EZ filed before this Hon'ble Tribunal and am competent to swear this Counter Affidavit on behalf of Respondent No. 2.
2. That the present Counter Affidavit is being filed on behalf of Respondent No. 2, the Secretary, Urban Development and Housing Department, Government of Bihar (hereinafter referred to as "the Answering Respondent") in response to the Original Application No. 192/2025/EZ filed by the Applicants and in compliance with the Order dated 06.10.2025 passed by the Hon'ble National Green



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Tribunal, Principal Bench, New Delhi in OA No. 451/2025 and subsequent notice issued by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

3. That the Respondent No. 2 (the Answering Respondent) has been advised that the Applicants have filed the above mentioned application with the principal prayers seeking directions to the concerned authorities for proper solid waste management in Kishanganj Municipal area in accordance with Solid Waste Management Rules.
4. That at the outset, the Answering Respondent most humbly and respectfully tenders its unqualified apology for any inconvenience caused to this Hon'ble Tribunal in the administration of justice and expresses its utmost respect for this Hon'ble Tribunal and its commitment to environmental protection and sustainable development in accordance with law.
5. That the Answering Respondent most respectfully submits that the grievances articulated by the Applicants in the Original Application regarding improper disposal of garbage by the Municipal Council, Kishanganj has been taken with utmost seriousness and appropriate actions have been initiated.
6. That it is respectfully submitted that the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide Order dated 06.10.2025 in OA No. 451/2025 took cognizance of the letter/petition dated 21.05.2025 and registered the same as OA No. 451/2025 in exercise of suo-moto jurisdiction in view of the law laid down by the Hon'ble Supreme Court in the case of Municipal Corporation of Greater Mumbai Vs. Ankita Sinha and others, as reported in (2022) 13 SCC 401.



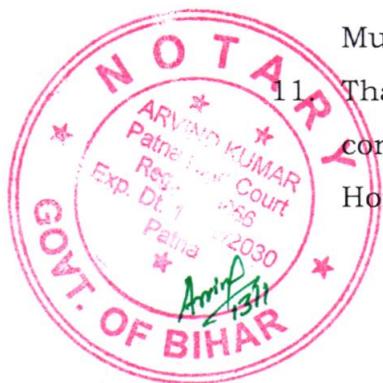
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7. That it is a well-established principle of environmental law that solid waste management is a crucial component of environmental protection and public health, and the Solid Waste Management Rules, 2016 provide comprehensive framework for scientific management and disposal of solid waste in urban areas.
8. That the Urban Development and Housing Department, Government of Bihar has issued comprehensive and detailed policy guidelines regarding implementation of Solid Waste Management Rules, 2016 across all Urban Local Bodies in the State of Bihar and regular monitoring is undertaken to ensure compliance.
9. That pursuant to the registration of the application and in response to the directions of the Hon'ble NGT, Principal Bench, New Delhi, the Under Secretary of the Answering Respondent's Department vide Departmental Letter No. 3874 dated 20.11.2025 informed and instructed the Executive Officer, Municipal Council, Kishanganj to take action in this matter in accordance with law and file counter affidavit before the Hon'ble NGT, Eastern Zone Bench, Kolkata and make available a copy of the same to the Department.

Copy of Departmental Letter No. 3874 dated 20.11.2025 is annexed herewith and marked as Annexure-R-1.

10. That as per the aforesaid policy framework and statutory provisions under the Solid Waste Management Rules, 2016 read with the Bihar Municipal Act, 2007, the primary responsibility for day-to-day solid waste management vests with the concerned Urban Local Body, i.e., Municipal Council, Kishanganj (Respondent No. 4).

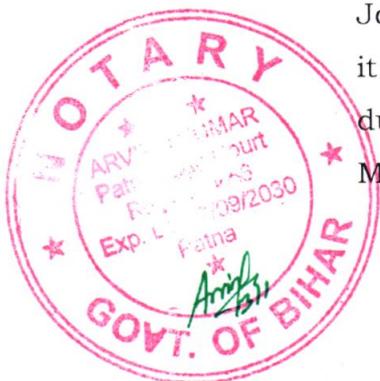
11. That in the present case, a Joint Fact Finding Committee was constituted in compliance with the Order dated 06.10.2025 of the Hon'ble NGT, Principal Bench, New Delhi, consisting of District





Magistrate, Kishanganj, Scientist and Regional Officer of Bihar State Pollution Control Board, which carried out on-spot inspection of the site on 20.11.2025 to ascertain the factual status.

12. That it is further submitted that the Answering Respondent, being the State level administrative department, has always performed its supervisory and policy-making functions diligently and has ensured that necessary directions are issued to the Urban Local Bodies for compliance with environmental laws and regulations including the Solid Waste Management Rules, 2016.
13. That the Answering Respondent most respectfully submits that the responsibility for day-to-day management and disposal of Solid Waste vests with the concerned Urban Local Body, as has been provided under Chapter-XXV (from Section 220 to 230) of the Bihar Municipal Act, 2007, and the Municipal Council, Kishanganj (Respondent No. 4) is the primary authority responsible for implementation within its municipal limits.
14. That subsequent to the filing of the Original Application, the Additional Director, Urban Development & Housing Department, Government of Bihar vide Departmental Memo No. 3948 dated 28.11.2025 sent reminder to the Executive Officer, Municipal Council, Kishanganj, giving reference to earlier Departmental Letter No. 3874 dated 20.11.2025, thereby directing him to take action in this matter in accordance with law.
15. The Answering Respondent submits that upon verification by the Joint Fact Finding Committee during site inspection on 20.11.2025, it was found that no Bio-Medical Waste or dead animal body was dumped at the alleged site and only previously dumped old Municipal Solid Waste was found, which was under process of





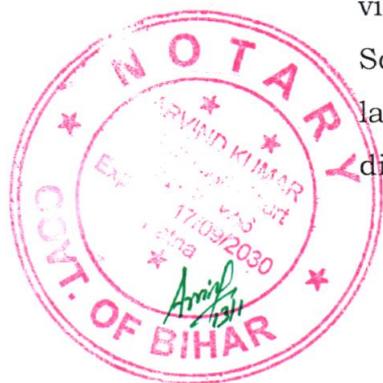
removal. The representative of the complainant also acknowledged that the wastes were being removed and there was no issue as of the date of inspection.

Copy of BSPCB Letter No. 1748 dated 27.11.2025 along with the Joint Fact Finding Committee Report, Departmental Memo No. 3948 dated 28.11.2025, and Municipal Council Letter No. 1945 dated 02.12.2025 with Counter Affidavit of Respondent No. 3 are annexed herewith and marked as Annexure- R/2, R/3, and R/4 respectively.

16. That the Answering Respondent further submits that it has been actively monitoring the situation and ensuring that the Municipal Council, Kishanganj takes all necessary remedial measures including: (a) complete removal of remaining old municipal solid waste (approximately 80 tons) from the alleged site, currently the waste has been removed (b) transfer of waste to appropriate location (Motibag) for bio-mining/ bioremediation, the process of bioremediation is under progress, currently about 25% of total waste has been remediated, (c) implementation of scientific solid waste management infrastructure including 37.2 TPD Compost Plant and 24 TPD Material Recovery Facility approved under Swachh Bharat Mission (Urban) 2.0, which is under tender process.

Copy of Municipal Council Letter No. 81 dated 13.01.2026 is annexed herewith and marked as Annexure- R/5.

17. That the Answering Respondent respectfully submits that it has not violated, contravened, or failed to comply with any provision of the Solid Waste Management Rules, 2016 or any other environmental law, and has performed its supervisory role by issuing necessary directions to the concerned Urban Local Body for compliance.



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- 18. That the Answering Respondent further submits that it remains fully committed to ensuring strict compliance with Solid Waste Management Rules, 2016 and all environmental laws within its jurisdiction and statutory mandate, and shall continue to monitor and supervise the actions of Urban Local Bodies in this regard.
- 19. That the Answering Respondent reserves its right and seeks leave of this Hon'ble Tribunal to file such further affidavits, documents, or submissions as may be necessary in the interest of justice and for complete disposal of the present matter.
- 20. That the Answering Respondent is fully committed to environmental protection, sustainable development, public health and welfare, and ensuring that all Urban Local Bodies comply with the Solid Waste Management Rules, 2016 in letter and spirit.
- 21. That the Answering Respondent states and submits that they are ready and willing to abide by the orders and directions of this Hon'ble Tribunal and shall ensure that all necessary actions are taken for complete compliance.
- 22. I state that the statements contained in Paragraphs no. 1 to 21 are true to the best of my knowledge and belief derived from official records and nothing material has been concealed therefrom.

Prepared in my office
Surendra Kumar
 Surendra Kumar
 Advocate

Surbabhi Sinha
 13/01/26
 DEPONENT
 Identified by me

Nishant Kumar Sinha
 Advocate 13/1/26

BEFORE ME

Shri/Smt, Mr/Mrs... *S. Sinha* ...
 who is identified by... *N.K. Sinha* ...
 Advocate solemnly affirmed and
 declare before me.

Arvind Kumar
 Notary
 Patna High Court
 GOVT. OF BIHAR

I identify the signature /thumb impression
 of the deponent/executed who signed/
 thumb impression in my presence
 Advocate... *Nishant Kumar Sinha* ...
 Enrolment. no. *En. No. 2336/2011*
7237
13/1/26





X



NOTARY PUBLIC

VERIFICATION

Verified at Patna by the deponent above named on this the 13 day of January, 2026, and say that the contents of paragraphs 1 to 13 are true to my knowledge and the contents of paragraphs 14 to 22 are based on official records and legal advice and believed to be true.

Surabhi Sinha
DEPONENT 13/01/26

RAZHAR No. - 7216 7077 9524



Shri/Smt, Mr/Mrs... S. Sinha.....
who is identified by N. K. Sinha, Adv
Advocate solemnly affirmed and
declare before me.

Arvind
Notary, Patna 13/1/26
Patna High Court
GOVT. OF BIHAR

I identify the signature /thumb impression
of the deponent/executed who signed/
thumb impression in my presence
Advocate.... Nishant Kumar Sinha, Adv
Enrolment. no. Adv. No. 7237.....
En. No. - 2336/2011
13/1/26



भारत सरकार
GOVERNMENT OF INDIA



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



सुरभि सिन्हा
Surabhi Sinha
जन्म तिथि/ DOB: 28/07/1994
महिला / FEMALE
7216 7077 9524



पता:

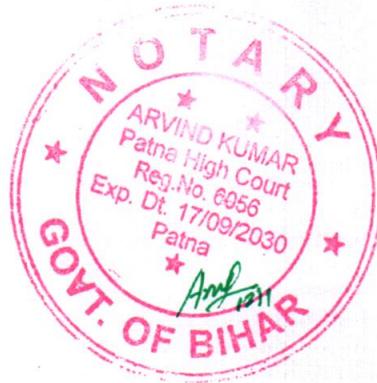
श्रीमान् जगदम्ब कुमार,
सुभाष नगर, मेन रोड, वेस्ट
ऑफ खेमनोचक, नू
जगनपुरा, पटना,
बिहार - 800027

Address:

D/O: Jagdamba Kumar, Subhas
Nagar, Main Road, West of
Khemnouchak, New Jagannura,
Patna,
Bihar - 800027



मेरा आधार, मेरी पहचान



Surabhi Sinha
13/01/26

पत्रांक-13/न०वि०स्व०नि०/NGT-05/2025 3874

न०वि०एवंआ०वि०

बिहार सरकार
नगर विकास एवं आवास विभाग
(नगरपालिका स्वच्छता एवं विकास निदेशालय)

प्रेषक,

रंजन कुमार चौधरी,
सरकार के अवर सचिव।

सेवा में,

नगर कार्यपालक पदाधिकारी,
नगर परिषद, किशनगंज।

पटना, दिनांक-20/11/25

विषय:- माननीय NGT, पूर्वी जोन कोलकाता में दायर O.A. No.-192/2025/EZ (Earlier OA No. 451/2025/PB), Nehru Nisha & Ors. Vs. The State of Bihar & Ors. के संबंध में।

महाशय,

निदेशानुसार उपर्युक्त विषय के संबंध में कहना है कि O.A. No.-192/2025/EZ (Earlier OA No. 451/2025/PB), Nehru Nisha & Ors. Vs. The State of Bihar & Ors. के संबंध में माननीय NGT प्रधान बेंच, नई दिल्ली के द्वारा दिनांक-06.10.2025 को पारित न्यायादेश (संलग्न) एवं याचिका में उल्लेखित तथ्यों के संबंध में नियमानुसार आवश्यक कार्रवाई करते हुए माननीय NGT पूर्वी बेंच, कोलकाता में ससमय प्रतिशपथ पत्र दायर कर (Oath संख्या सहित) प्रतिशपथ पत्र की प्रति अनुलग्नक सहित यथाशीघ्र उपलब्ध कराना सुनिश्चित किया जाय।

* कृपया इसे सर्वोच्च प्राथमिकता दी जाय।

अनु०-यथोक्त।

विश्वासभाजन,

20/11/25

सरकार के अवर सचिव।

ज्ञापांक:-13/न०वि०स्व०नि०/NGT-05/2025 3874 पटना, दिनांक:-20/11/25

प्रतिलिपि:-जिला पदाधिकारी, किशनगंज को सूचनार्थ एवं अनुरोध है कि न्यायादेश के आलोक में प्रतिशपथ पत्र दायर करने हेतु आवश्यक कार्रवाई करने की कृपा की जाय।

20/11/25

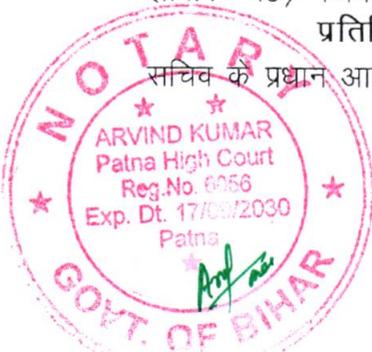
सरकार के अवर सचिव।

ज्ञापांक:-13/न०वि०स्व०नि०/NGT-05/2025 3874 पटना, दिनांक:-20/11/25

प्रतिलिपि:- मुख्य सचिव, बिहार के विशेष कार्य पदाधिकारी/सचिव के आप्त सचिव/अपर सचिव के प्रधान आप्त सचिव, नगर विकास एवं आवास विभाग को सूचनार्थ प्रेषित।

20/11/25

सरकार के अवर सचिव।





ई-मेल द्वारा
बिहार राज्य प्रदूषण नियंत्रण पर्षद्

परिवेश भवन, एन.एस.बी.-2, पाटलिपुत्र औद्योगिक क्षेत्र,
 पो0- सदाकत आश्रम, पाटलिपुत्र, पटना-800010
 ई-मेल- msbspb-bih@gov.in वेबसाईट- <http://bspb.bihar.gov.in>

पत्रांक: 3875

पटना, दिनांक: 27/11/25

प्रेषक,

नीरज नारायण, भावसे
 सदस्य-सचिव।

सेवा में

सरकार के अवर सचिव,
 नगर विकास एवं आवास विभाग।
 E-mail- urbansec-bih@nic.in

विषय: माननीय राष्ट्रीय हरित अधिकरण, पूर्वी बेंच, कोलकाता में दायर O.A. No.- 192/2025/EZ
 (Earlier O.A. no.- 451/2025/PB) Nehrun Nisha & Ors. Versus State of Bihar & Ors.
 के संबंध में।

प्रसंग: पत्रांक: 3875, दिनांक 20.11.2025.

महाशय,

उपर्युक्त प्रासंगाधीन विषयक के संबंध में माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली के द्वारा दिनांक: 06.10.2025 को पारित आदेश के आलोक में गठित संयुक्त समिति का तथ्यात्मक जाच प्रतिवेदन की प्रति आवश्यक कार्रवाई हेतु संलग्न कर प्रेषित है।

अनुलग्नक: यथो0।

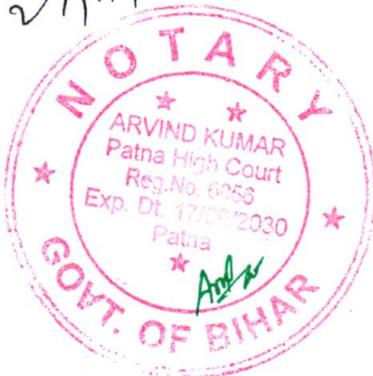
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27/11/25

विश्वासभाजन

(नीरज नारायण)
 सदस्य-सचिव।

Urgent
 श्री निरज
 27/11/25





समाहरणालय, किशनगंज
किशनगंज-855107
(जिला गोपनीय शाखा)

दूरभाष:- 06456-
222535(R), 222520(R)
222530(O), 222626(R-Fax),
225480 (O-Fax)
E-Mail Id:- kishanganj.bih@nic.in

पत्रांक- [3754/जि0गो0, किशनगंज, दिनांक- 21/11/2025]

प्रेषक:- विशाल राज, भा0प्र0से0,
जिला पदाधिकारी,
किशनगंज।

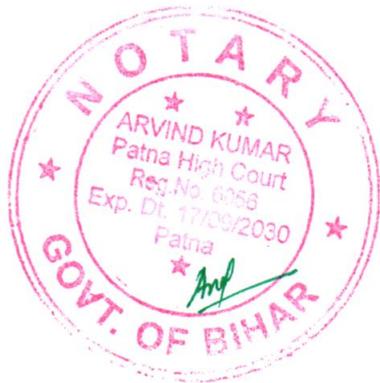
सेवा में,
सदस्य-सचिव,
बिहार राज्य प्रदूषण नियंत्रण पर्षद्,
परिवेश भवन, एन0एस0बी0-2, पाटलिपुत्र औद्योगिक क्षेत्र,
पो0- सदाकत आश्रम, पाटलिपुत्र,
पटना-800010

विषय:- माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली में दायर O.A. No.- 451/2025/PB Nebrun
Nisha & Ors. Versus State Bihar & Ors. के मामले में दिनांक- 06.10.2025 को पारित
आदेश के अनुपालन के संबंध में।

प्रसंग:- पर्षद् पत्रांक- P/Legal01-/2025, दिनांक- 14.11.2025

महाशय,
उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में संयुक्त जाँच दल द्वारा दिनांक- 20.11.2025 को
स्थल निरीक्षण किया गया। स्थल जाँच प्रतिवेदन संलग्न कर अग्रोत्तर कार्रवाई हेतु भेजी जा रही है।

अनु0:- यथोक्त।



विश्वासभाजन
जिला पदाधिकारी,
किशनगंज।

REPORT OF THE JOINT COMMITTEE

**In Compliance with the
Order dated 06-10-2025 of the
Hon'ble National Green Tribunal
Principal Bench, New Delhi**

In

O.A. No. 451/2025/PB

In the Matter of

Nehru Nisha & Ors

Versus

State of Bihar & Others

November, 2025



Introduction:-

The Original Application NO. 451/2025/PB, taken up by Hon'ble National Green Tribunal is regarding disposal of garbage by the Kishanganj Municipal Council, Kishanganj in Kishanganj district in the open in violation of the Solid Waste Management Rules, 2016.

Direction of the Hon'ble National Green Tribunal, PB vide order dated 06.10.2025

A Joint Committee was constituted consisting of representative of Bihar State Pollution Control Board and District Magistrate, Kishanganj. The Joint Committee was constituted to verify the factual position and suggest appropriate remedial action.

Accordingly, a Fact Finding Committee was constituted with following nominated officials-

1. The District Magistrate, Kishanganj, Bihar
2. Sri Nalini Mohan Singh, Scientist, Bihar State Pollution Control Board, Patna
3. Sri Sain Kumar, Regional Officer, Bihar State Pollution Control Board, Purnea.

Site Visit

The Joint Committee carried out the site visit on 20.11.2025 to ascertain the factual status. The Joint Committee interacted with the representative of the complainant, Md. Gul Mohammad, S/o.- Md. Talim, at.- Majhiya, Ward NO.- 34, Dist.- Kishanganj. (Mob no.- 9123165530).

The Committee Members enquired about the facts from the people present

at the site. The Executive Officer, Kishanganj Municipal Council,

Kishanganj was also Present at the site



[Handwritten signature]

[Handwritten signature]

Observation

During the inspection the Joint Committee observed that no Bio-Medical Waste (BMW)/dead animal body was found dumped at the alleged site (village- Majhia, Kishanganj, a low laying area & a govt. Land measuring about 80 decimal area. Only previously dumped old Municipal Solid Waste (MSW) was found at the alleged site, at a distance of about 150m from the river and about 160m from habitation, which was found under the process of removal. The wastes are being transferred to the location (Motibag) where work of bio-mining/bioremediation of legacy waste is to start very shortly. The above said River Sudha, a seasonal river, was very narrow at Majhia, Kishanganj.

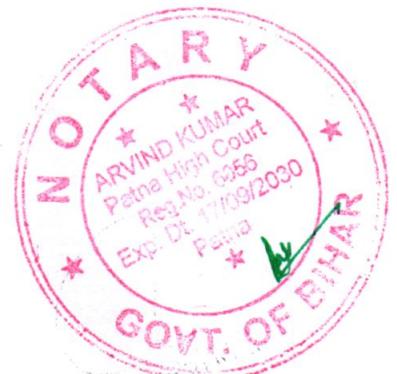
The representative of the complainant informed that there was some issue at that time, when garbage was being dumped, but as of now there is no issue, as the wastes are under process of removal.

The DM, Kishanganj directed the Executive Officer, Kishanganj Municipal Council, Kishanganj to remove the remaining Municipal Solid Waste (about 80 Ton) within a week.

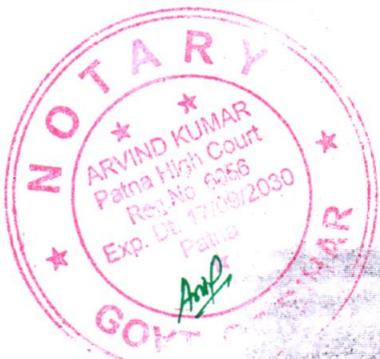
Relevant Photographs are attached.

Sain Kumar
Sain Kumar,
RO, BSPCB, Purnea

Nalini Singh
Nalini Mohan Singh,
Scientist,
BSPCB, Patna



District Magistrate
Kishanganj



माननीय राष्ट्रीय हरित अधिकरण, पूर्वी बेंच, कोलकाता में दायर O.A. No.-192/2025/EZ (Earlier O.A. No. - 451/2025/PB) Nehrun Nisha & Ors. Versus State of Bihar & Ors. के संबंध में।

Member Secretary < msbspcb-bih@gov.in >

Thu, 27 Nov 2025 5:34:34 PM +0530

To "UDHD"<urbansec-bih@nic.in>

Sir,

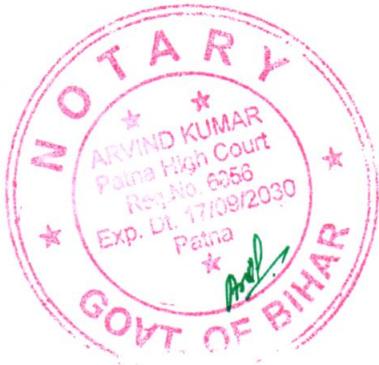
Please find the attachment.

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/msbspcb-bih@gov.in

1 Attachment(s)

Letter No. 1748 Dated- 27.11.2...

1.6 MB



स्मार

पत्रांक-13/न०वि०स्व०नि०/NGT-05/2025

न०वि० एवं आ०वि०

न्यायालय संबंधी
अति महत्वपूर्ण

बिहार सरकार
नगर विकास एवं आवास विभाग
(नगरपालिका स्वच्छता एवं विकास निदेशालय)

प्रेषक,

मनोज कुमार,
अपर निदेशक।

सेवा में,

नगर कार्यपालक पदाधिकारी,
नगर नरिषद्, किशनगंज।

पटना, दिनांक-

विषय:- माननीय NGT, पूर्वी जोन कोलकाता में दायर O.A. No.-192/2025/EZ (Earilier OA No. 451/2025/PB), Nehru Nisha & Ors. Vs The State of Bihar & Ors. के संबंध में।

प्रसंग:- विभागीय पत्रांक-3874 दिनांक-20.11.2025
महाशय,

निदेशानुसार उपर्युक्त विषयक प्रसांगिक पत्र का कृपया स्मरण किया जाय।

- विषयांकित मामले में माननीय NGT प्रधान बेंच, नई दिल्ली के द्वारा दिनांक-06.10.2025 को पारित न्यायादेश (संलग्न) एवं याचिका में उल्लेखित तथ्यों के संबंध में नियमानुसार आवश्यक कार्रवाई करते हुए माननीय NGT प्रधान बेंच, नई दिल्ली उच्च न्यायालय, पटना में अविलम्ब प्रतिशपथ पत्र दायर कर Oath की प्रति विभाग को उपलब्ध कराने का अनुरोध किया गया था जो आदिनांक अप्राप्त है।
- उल्लेखनीय है कि वर्णित वाद में विभाग द्वारा भी प्रतिशपथ पत्र दायर किया जाना है।
- अतः अनुरोध है कि वांछित प्रतिवेदन यथाशीघ्र उपलब्ध कराने की कृपा की जाय ताकि वर्णित वाद में ससमय प्रतिशपथ पत्र दायर किया जा सके।

* कृपया इसे सर्वोच्च प्राथमिकता दी जाय।

विश्वासभाजन,

(Handwritten Signature)
28/11/2025

अपर निदेशक।

ज्ञापांक:-13/न०वि०स्व०नि०/NGT-05/2025

3948

पटना, दिनांक:- 28/11/25

प्रतिलिपि:-जिला पदाधिकारी, किशनगंज को सूचनार्थ एवं अनुरोध है कि न्यायादेश के आलोक में प्रतिशपथ पत्र दायर करने हेतु आवश्यक कार्रवाई करने की कृपा की जाय।

(Handwritten Signature)
28/11/2025

अपर निदेशक।





कार्यालय, नगर परिषद, किशनगंज

R/4 -R/4- (61

E-mail:-kishanganj.ulb@gmail.com

पत्रांक:- 1945

दिनांक:- 02/12/2025

प्रेषक:- कार्यपालक पदाधिकारी,
नगर परिषद, किशनगंज।

सेवा में,

अपर निदेशक,
नगर विकास एवं आवास विभाग
(नगरपालिका स्वच्छता एवं विकास निदेशालय),
बिहार, पटना।

विषय:- माननीय NGT, पूर्वी जोन कोलकाता में दायर O.A No.- 192/2025/EZ (Earilier OA No. 451/2025/PB), Nehru Nisha & Ors. Vs The State of Bihar & Ors. के संबंध में।

प्रसंग:- भवदीय पत्रांक- 3948/न0वि0 एवं आ0वि0, (नगरपालिका स्वच्छता एवं विकास निदेशालय) बिहार, पटना, दिनांक- 28.11.2025

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में वांछित प्रतिवेदन पत्र के साथ संलग्न कर भवदीय के आवश्यक कार्यार्थ समर्पित की जा रही है।

सादर सूचनार्थ समर्पित।

अनु0- यथोक्त।

विश्वासभाजन

कार्यपालक पदाधिकारी,
नगर परिषद, किशनगंज।



In,

The National Green Tribunal, Eastern Zone Bench at Kolkata

Original Application No. 451/2025

In the Matter of

Nehru Nisha & Ors

Versus

State of Bihar & Others

Nehru Nisha & Ors----- Applicants

V/s

State of Bihar & Others-- Respondents

The statement of facts for filing Counter Affidavit on behalf of Respondent no- 03 The District Magistrate, Kishanganj :-



Most Respectfully sheweth:-

1. That it is most humbly and respectfully stated and submitted that this respondent at the very outset tenders unqualified apology for causing

inconvenience to the Hon'ble National Green Tribunal in administration of Justice.

2. That it is most humbly and respectfully stated and submitted that earlier this case has been started by the Hon'ble Principal Bench of National Green Tribunal at New Delhi, in which after hearing the Hon'ble Tribunal was pleased to pass Order dated- 06.10.2025-

"The applicants - Nehru Nisha and Other residents have sent a letter petition dated nil received on 21.05.2025 which has been treated and registered as O.A. No. 451/2025 for exercise of suo moto jurisdiction in view of law laid down by Hon'ble Supreme Court in Municipal Corporation of Greater Mumbai Versus Ankita Sinha and others, (2022) 13 SCC 401.

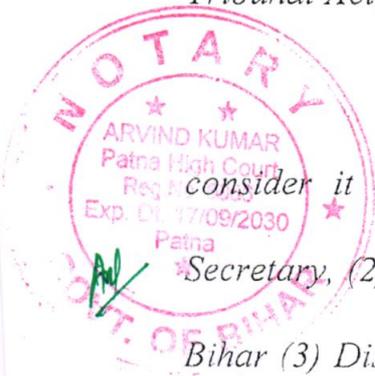
2. *The applicants have raised grievances regarding disposal of garbage by the Municipal Council in Kishanganj district in the open in violation of the Solid Waste Management Rules, 2016. The relevant part of the English translation of the letter petition enumerating grievances of the applicant reads as follows:- "We all are residents of ward no. 34, 28 of Kishanganj Nagar Municipal area. For the past 6 months, the Municipal Council Kishanganj has been spreading garbage in the open near the Sudha river. This includes all the dry, wet and medical waste of the city. Sir, due to these wastes, not only water is getting polluted but the soil and air are also getting polluted. There is also a gathering of stray animals near these garbage and waste due to which farmers and common people are suffering. Along with seeing their crops getting destroyed, farmers are also*



struggling with the problem of soil pollution. Sir, due to the intense sunlight during summers, there is a possibility of leakage of radioactive gas from these waste materials. It is possible that its effect will be on the people and children of the entire city. Sir, our constitution provides us the right to life under Article 21 of the Fundamental Rights. This includes the right to clean air and clean water as well, but Kishanganj Municipal Council, a branch of the three-tier government, the local government, is violating our fundamental rights and human rights (clean water, clean air). City garbage and bodies of dead animals are also being thrown here in the open which is a matter of concern. Sir, it is regrettable that the Municipal Council has not constructed any dumping yard nor has it constructed a boundary wall. Therefore, it is requested that our human rights and fundamental rights should be protected by ordering Kishanganj Municipal Council to dispose of the waste safely and in an environmentally friendly manner."

3. Prima facie the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Bihar through Chief Secretary, (2) Principal Secretary, Urban Development Department, Government of Bihar (3) District Magistrate, Kishanganj (4) Executive Officer, Municipal Council, Kishanganj (5) Bihar State Pollution Control Board through its Member Secretary who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare



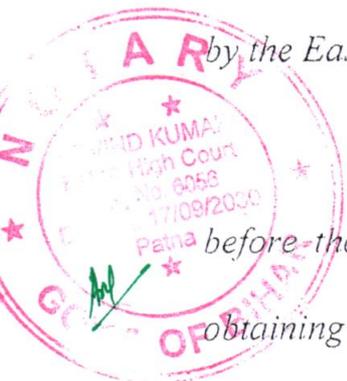
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and attach memo of parties to the application and issue notices to respondents No. 1 to 5 requiring them to file their replies/responses

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Bihar State Pollution Control Board 3 and District Magistrate, Kishanganj and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The Bihar State PCB will be the nodal agency for coordination and compliance.

6. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

7. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 10.12.2025 after obtaining orders from Hon'ble the Chairperson for transfer of the case.



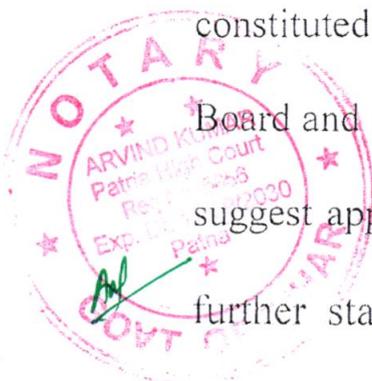
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8. Report by the Joint Committee and replies/responses by the respondents may be filed within two months before the Eastern Zone Bench of this Tribunal at Kolkata.

9. A copy of this order may be sent to the Member Secretary, Bihar State Pollution Control Board and the District Magistrate, Kishanganj by email for requisite compliance..."

3. That it is most humbly and respectfully stated and submitted that in the light of abovementioned Order dated- 06.10.2025 passed in Original Application No- 451/2025 by the Hon'ble Principal Bench of National Green Tribunal at New Delhi, the case has been transferred to the of National Green Tribunal, Eastern Zonal Bench, Kolkata.

4. That it is most humbly and respectfully stated and submitted that by the abovementioned Order dated- 06.10.2025 passed in Original Application No- 451/2025 by the Hon'ble Principal Bench of National Green Tribunal at New Delhi, A Joint Committee has been constituted consisting of representative of Bihar State Pollution Control Board and District Magistrate, Kishanganj to verify the factual position and suggest appropriate remedial action. It is most humbly and respectfully further stated and submitted that in compliance of abovementioned Order, the Committee was constituted with following nominated officers-

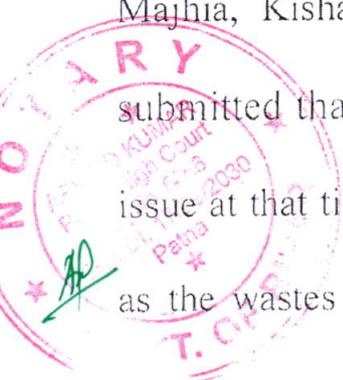


MS

1. The District Magistrate, Kishanganj, Bihar
2. Sri Nalini Mohan Singh, Scientist, Bihar State Pollution Control Board, Patna
3. Sri Sain Kumar, Regional Officer, Bihar State Pollution Control Board, Purnea.

5. That it is most humbly and respectfully stated and submitted that The Joint Committee carried out the site visit on 20.11.2025 to ascertain the factual status. The Joint Committee interacted with the representative of the complainant, Md. Gul Mohammad, S/o.- Md. Talim, at.- Majhiya, Ward NO.- 34, Dist.- Kishanganj. (Mob no.- 9123165530), The Committee Members enquired about the facts from the people present at the site. The Executive Officer, Kishanganj Municipal Council, Kishanganj was also Present at the site.

6. That it is most humbly and respectfully stated and submitted that during the inspection, it has been observed by the Joint Committee that no Bio-Medical Waste (BMW) was found dumped at the site and only previously dumped Old Municipal Solid Waste (MSW) was found at the Site, a low lying area, at a distance of about 150m from river and about 160m from habitation, which was found in the process of being removed, the above said River Sudha, a seasonal river, was very narrow at Majhia, Kishanganj. It is most humbly and respectfully further stated and submitted that the representative of the complainant informed that there was some issue at that time when garbage was being dumped, but as of now there is no issue, as the wastes are being removed and a direction has been issued by The District



[Handwritten signature]

Magistrate, Kishanganj to the Executive Officer, Kishanganj Municipal Council, Kishanganj to remove the remaining Municipal Solid Waste (about 80 Ton) within a week.

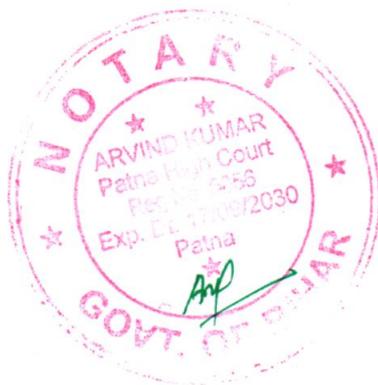
(Photocopy of the inspection report of the Joint Committee is attached as Annexure-A)

(Photocopy of letter sent to the Executive Officer, Kishanganj Municipal Council, Kishanganj is attached as Annexure-B)

7. That it is most humbly and respectfully stated and submitted that appropriate remedial action has been taken for complete redressal of issues raised by the applicants - Nehru Nisha and Other residents and the Order dated- 06.10.2025 passed in Original Application No- 451/2025 by the Hon'ble Principal Bench of National Green Tribunal at New Delhi has been fully complied with.

8. It is my humble submission that in the light of abovementioned facts and circumstances, this proceedings may be kindly dropped for the interest of justice, for which this respondent shall ever pray.

M/S
20/11/25
Executive Officer
Nagar Parishad
Kishanganj




District Magistrate,
Kishanganj



कार्यालय नगर परिषद, किशनगंज

पत्रांक :- 81

दिनांक :- 13/11/2026

E-mail:-kishanganj.ulb@gmail.com

प्रेषक:- कार्यपालक पदाधिकारी,
नगर परिषद, किशनगंज।

सेवा में,

अपर निदेशक,
नगर विकास एवं आवास विभाग
(नगरपालिका स्वच्छता एवं विकास निदेशालय),
बिहार, पटना।

विषय:- माननीय NGT, पूर्वी जोन कोलकाता में दायर O.A No.- 192/2025/EZ (Earilier OA No. 451/2025/PB), Nehru Nisha & Ors. Vs The State of Bihar & Ors. के संबंध में।

प्रसंग:- भवदीय पत्रांक- 3948/न0वि0 एवं आ0वि0, (नगरपालिका स्वच्छता एवं विकास निदेशालय) बिहार, पटना, दिनांक- 28.11.2025

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में कहना है कि उपरोक्त मामले में विवादित स्थल से कचड़ा को हटा दिया गया है, जिसका फोटों संलग्न किया गया है एवं उक्त कचड़ा को मोतीबाग स्थित ट्रेनिंग ग्राउण्ड में प्रसंस्करण (बायो रेमेडिएशन) हेतु भेजा गया है, जिसका एक चौथाई कचड़े का प्रसंस्करण (बायो रेमेडिएशन) हो गया है, जिसे संलग्न फोटो में देखा जा सकता है। साथ ही किशनगंज नगर परिषद में MRF एवं composting plant की निविदा अंतिम चरण में है।

सादर सूचनार्थ समर्पित।

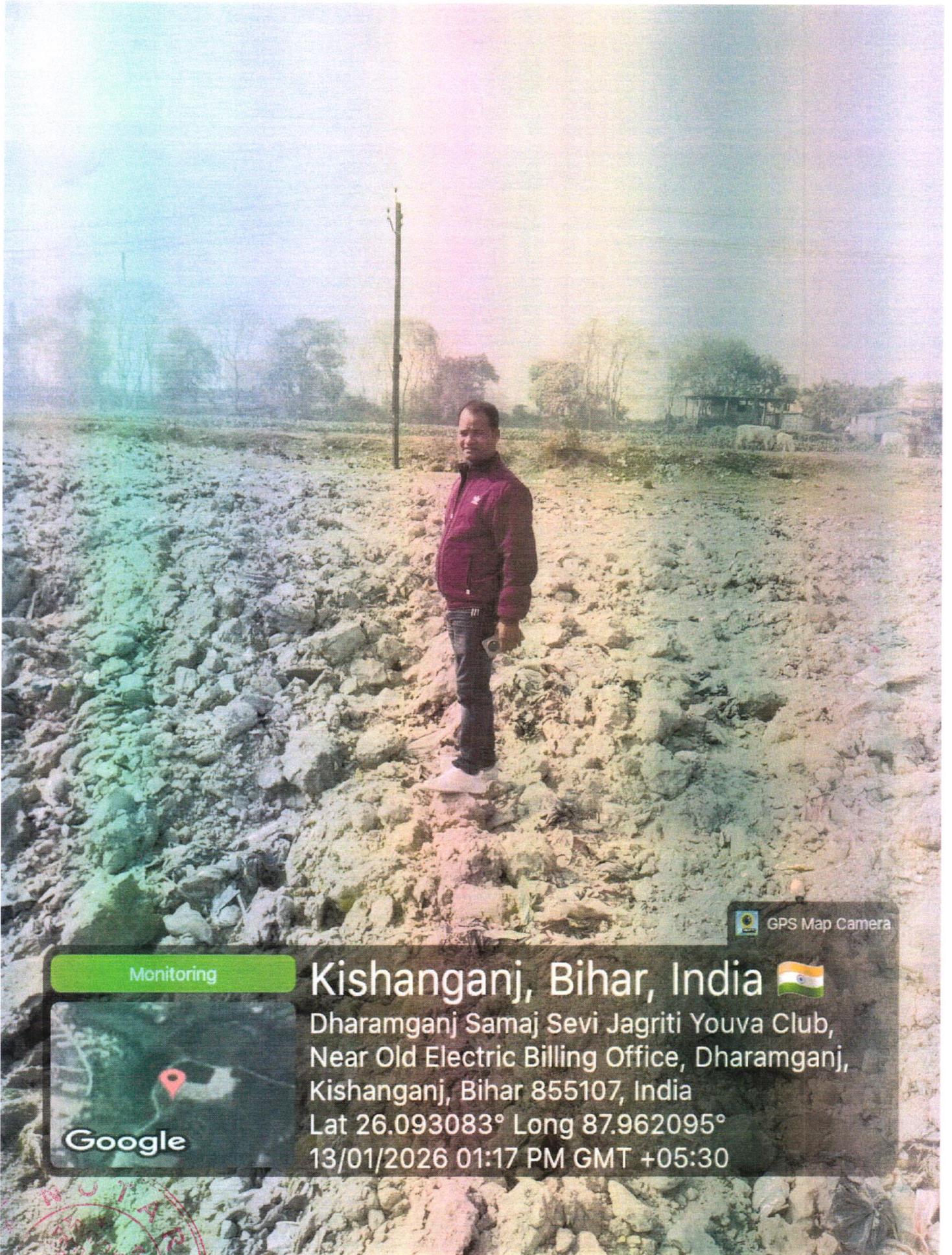
अनु0- यद्योक्त।



विश्वासभाजन

13/11/26

कार्यपालक पदाधिकारी,
नगर परिषद, किशनगंज।



GPS Map Camera

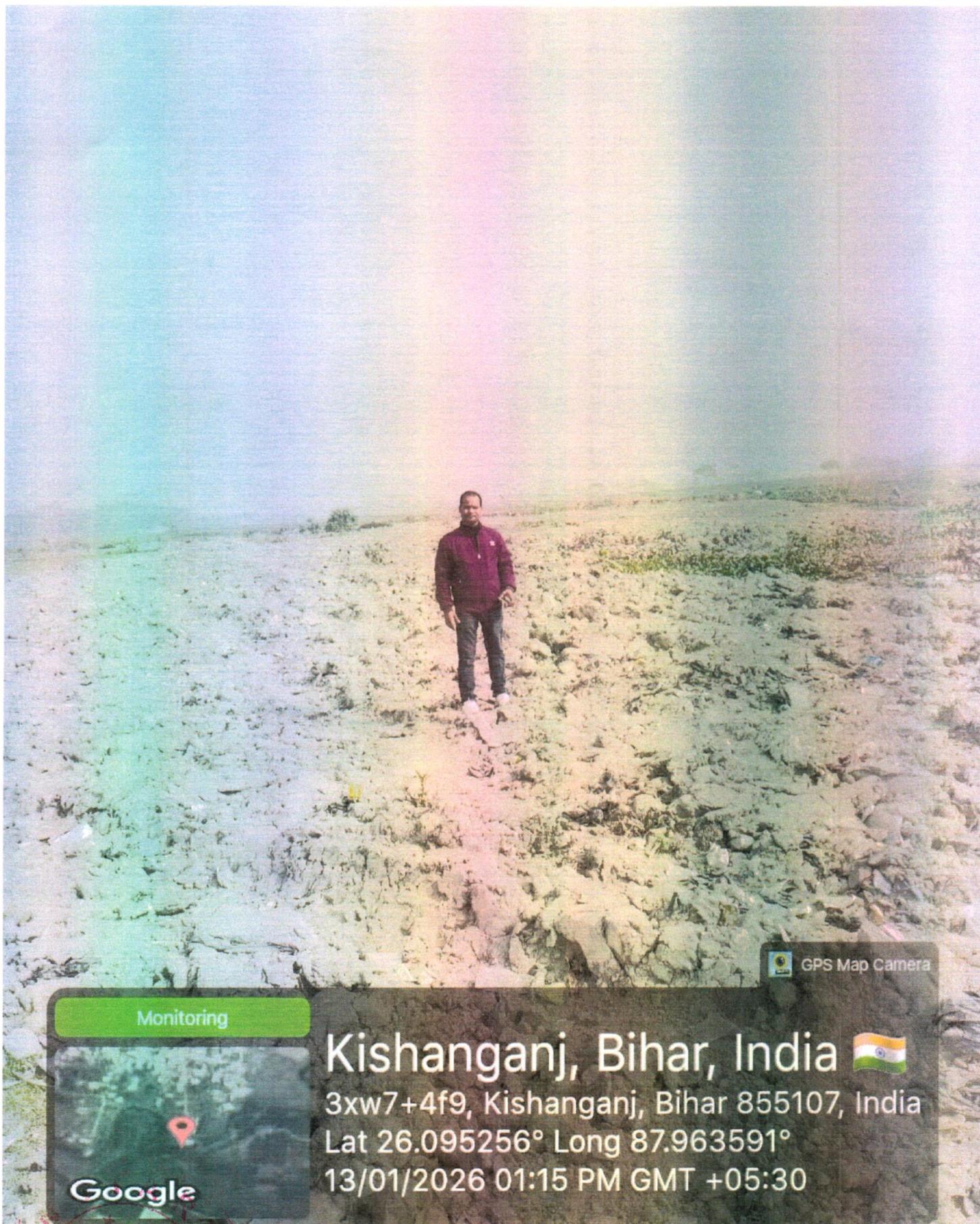
Monitoring

Kishanganj, Bihar, India

Dharamganj Samaj Sevi Jagriti Youva Club,
Near Old Electric Billing Office, Dharamganj,
Kishanganj, Bihar 855107, India

Lat 26.093083° Long 87.962095°
13/01/2026 01:17 PM GMT +05:30





GPS Map Camera

Monitoring



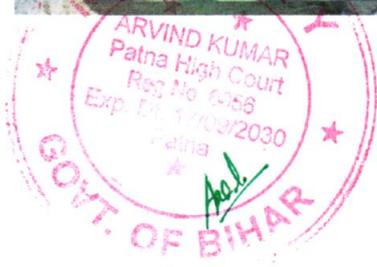
Google

Kishanganj, Bihar, India 

3xw7+4f9, Kishanganj, Bihar 855107, India

Lat 26.095256° Long 87.963591°

13/01/2026 01:15 PM GMT +05:30





GPS Map Camera

Monitoring

Kishanganj, Bihar, India 

3xv6+g3p, Kishanganj, Bihar 855107, India

Lat 26.092998° Long 87.962132°

13/01/2026 01:17 PM GMT +05:30



Google

ARVIND KUMAR
 Patna High Court
 Reg.No. 6556
 Exp. Dt. 17/09/2030
 Patna

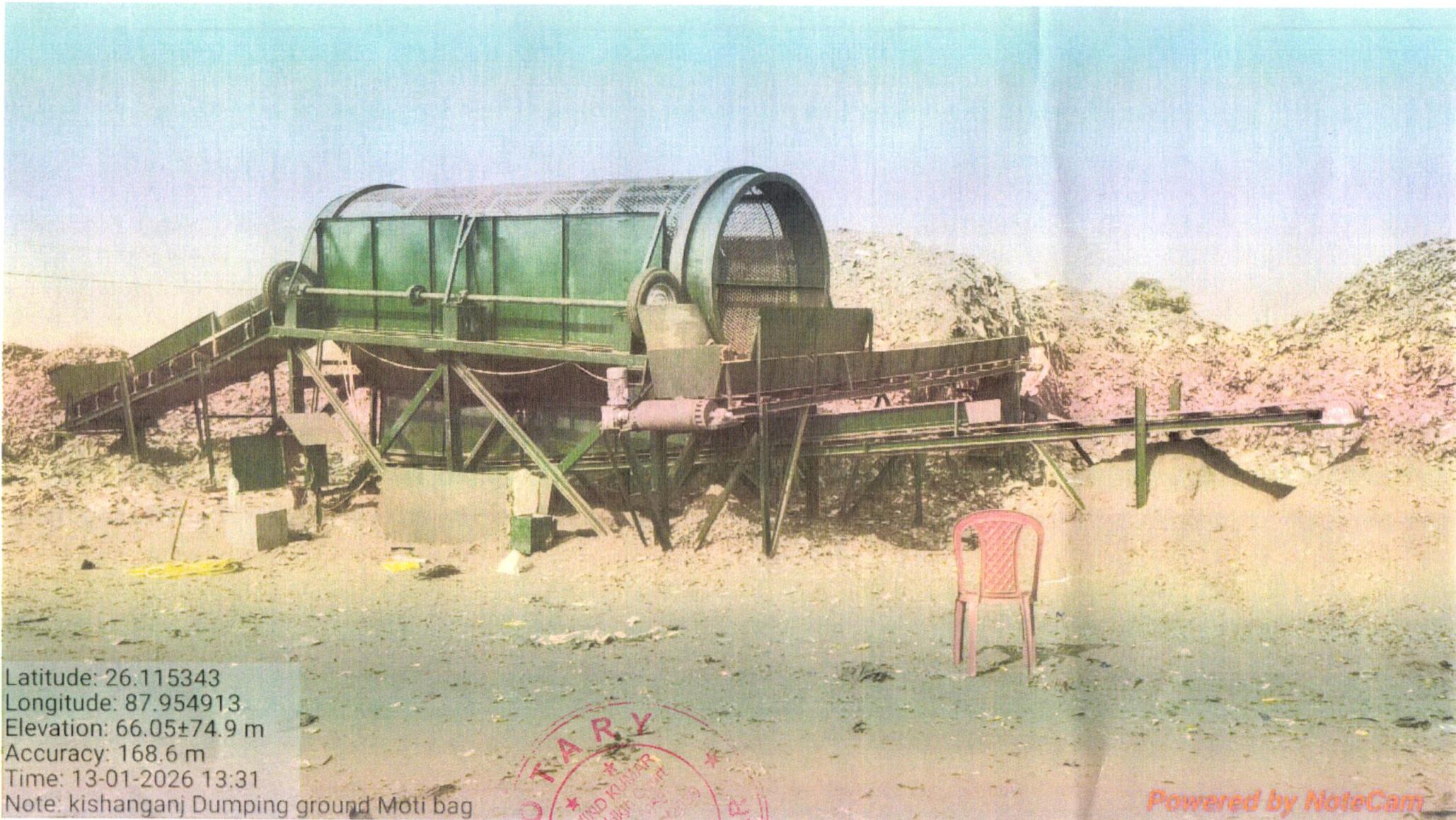
COURT OF BIHAR



Latitude: 26.115349
Longitude: 87.954904
Elevation: 66.05±74.4 m
Accuracy: 9.298 m
Time: 13-01-2026 13:30
Note: kishanganj Dumping ground Moti bag

NOTARY
ARVIND KUMAR
Patna High Court
Reg.No. 8058
Exp. Dt. 17/09/2030
Patna
GOVT. OF BIHAR

Powered by NoteCam



Latitude: 26.115343
Longitude: 87.954913
Elevation: 66.05±74.9 m
Accuracy: 168.6 m
Time: 13-01-2026 13:31
Note: kishanganj Dumping ground Moti bag

NOTARY
ARVIND KUMAR
Palna High Court
Reg. No. 1000000000000000
Exp. Dt. 13/01/2026
Palna
AR

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