

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTER ZONE, KOLKATA

ORIGINAL APPLICATION NO. 209 of 2024/EZ

Vikash Kumar Pathak ----- Applicant

Versus

The State of Bihar and Ors. ----- Respondents.

I N D E X

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Sl. No. 503 Date 29.1.26

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 209 OF 2024

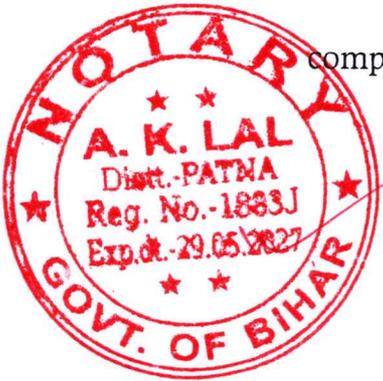
Vikash Kumar PathakApplicant
VS
The State of Bihar & ors Respondents

ACTION TAKEN REPORT ON BEHALF OF -RESPONDENT
NO. -3, BIHAR STATE POLLUTION CONTROL BOARD.

D.K. Gupta
Sri/Smt. who is identified by Advocate. *D.K. Gupta - Patna*
solemnly affirmed and declared contents of this affidavit apart from this nothing else as stamp/Court fees etc. U/s 3 & Sub rule 4 of 8 rule of N.Act. 1986 before me *29.1.26*

A. K. LAL
Notary Civil Court Patna
I, **A. K. Gupta**, Male, aged about 58 years, Son of Late Seryug Prasad Gupta, Residing at Chaturbhuj Apartment, Munnachak, Kankarbagh, Patna-800020, do hereby solemnly affirm and state as follows:

1. That I am presently posted as Environmental Engineer in Bihar State Pollution Control Board. I am authorized to file the instant action taken report on behalf of the Respondent no. 03. I am aware of the facts of the present case on the basis of the official records maintained, that I believe to be true. As such, I am competent to depose the present affidavit. I have been duly



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authorized by the competent authority to swear the instant action taken report.

2. That I have read the contents of the action taken report and have understood the same.
3. That in the instant matter the Hon'ble Tribunal has vide order dated 08.11.2024 was pleased to constitute a committee and directed that the committee shall visit the site and cause an inspection to verify the allegation made in the original application and to submit a report on an affidavit. In light of the above solemn directions of the Hon'ble Tribunal the joint committee carried the inspection of the site in question and observed that illegal sand mining has been done at the site. During the site inspection the team of the joint committee learned that the illegal mining had been done by three persons, namely, (a) Harendra Choudhary; (b) Guddu Rai; and (c) Moti Mishra.
4. That the State Board filed the joint committee report on affidavit on 20.02.2025, in which it was mentioned that the



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address of the defaulters could not be obtained/traced. Further a supplementary affidavit was filed by the applicant dated 19.02.2025, wherein it was stated that an FIR was lodged bearing Mushahari Police Station FIR No. 5114023240205, dated 29.07.2024, against (a) Awadesh Kumar Singh; (b) Amendra Kumar Singh. In light of the above the Hon'ble Tribunal vide order dated 20.02.2025 directed the State Respondents as well as the Pollution Control Board to examine as to how the Committee has reported that the persons named in the Committee Report are not traceable when FIRs are on record against them for illegal sand mining and file counter-affidavit along with the Action Taken Report regarding the same.

5. That in this regard it is stated that the names of the person which came to light at the time of joint inspection is different from the names of person against which FIR has been lodged. Further, in Para 7 of the supplementary affidavit dated 19.02.2025 filed by the applicant it has been mentioned that the Mineral Development Officer, Muzaffarpur, vide letter dated 20.09.2024 had informed the learned Judicial Magistrate, East



- X -

Muzaffarpur, that Mining Permit 03/2024-25 has been issued in favor of M/S Bhavana Project Private Limited, Proprietor Awadesh Kumar Singh, to use soil for the construction work of NHAI project and the time period of the mining project was extended till 17.08.2024. In view of the above it is stated that the Mushahari Police Station FIR No. 5114023240205, dated 29.07.2024, was lodged against cutting soil and for illegal sand mining and later on it has been stated that the same was being done under Mining Permit 03/2024-25. It is therefore stated that the Mushahari Police Station FIR No. 5114023240205, dated 29.07.2024, relates to soil cutting and not illegal sand mining and the FIR deals with the incident dated 29.07.2024, whereas the joint committee carried the inspection on 14.12.2024. Therefore, it is humbly submitted that the two are distinct incidents and therefore the statement made in joint committee report para 8(b) does not contradict the statement made in supplementary affidavit filed on behalf of the Applicant.



6. That it is humbly submitted that the Hon'ble Tribunal vide its solemn order dated 10.07.2025 and 08.08.2025 directed the

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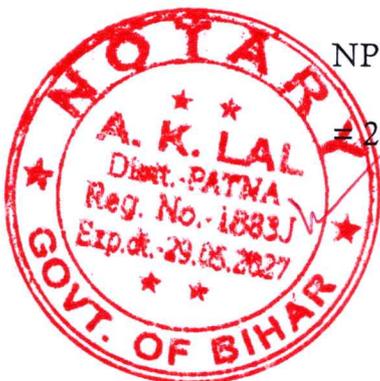
State Board to file an Action Taken Report. Further, the Hon'ble Tribunal vide order dated 14.08.2025 imposed a cost of Rs. 5000/- on State Board for not filing the action taken report.

7. That with respect to action taken report it is humbly submitted that the State Board was required to impose Environmental Compensation for the illegally mined sand. In this regard it is humbly stated that the Hon'ble National Green Tribunal, New Delhi, in O.A. No. 360 of 2016 has vide order dated 26.02.2021, on scale of compensation for violations on polluter pays principle, held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment, and accordingly approved approach 2 for calculating and levy of Environmental Compensation.

Approach 2: Computing a Simplified NPV for ecological damages.

"Compensation Charge (Scenario II - explicit accounting of NPV) Market Value of Illegally Mined Material(D)5000*400

= 2000000/-



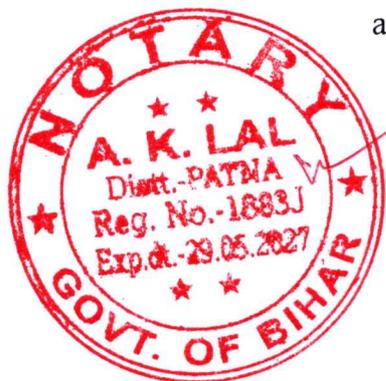
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Annual Value of Foregone Ecological Values $D*RF = 2000000/-$ **Present Value of Foregone Ecological Values** (@ 5% discount rate and over 5 years) $PV = \sum () () = \sum (2000000) + (2000000) + (2000000) + (2000000) + 2000000 (1+0.05)^1 (1+0.05)^2 (1+0.05)^3 (1+0.05)^4 (1+0.05)^5 = \text{Rs. } 86,58,953/-$

Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied = $NPV = PV - D = \text{Rs. } 66,58,953/-$

8. That in light of the above approved formula for calculation of Environmental market value of Illegally Mined Material is required and for computing the same quantity of illegally mined sand is required and further to complete the due process postal address of violators are required. The State Board, vide its letter bearing Ref. No. 281337, dated 13.08.2025, requested the District Magistrate, Muzaffarpur, to provide the details of the name and proper address of the illegal sand miners/violators and the quantity of illegally sand mined in CFT.

A copy of the Letter bearing Ref. No. 281337, dated 13.08.2025 is



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annexed and marked as
Annexure-A.

9. That in light of the above letter, the State Board received Letter No. 977, dated 04.09.2025, by which the detail address of the defaulters and the quantity of illegally mined sand was provided by the Mines Development Officer, Muzaffarpur. However, the prevalent rate of the sand was not provided. The State Board vide its letter No. 1902, dated 29.12.2025, requested the Mines Development Officer, Muzaffarpur, to provide the rate per cft of the sand. The Mines Development Officer, Muzaffarpur, vide its Letter No. 10, dated 08.01.2026, provided the rate/cft. of the sand.

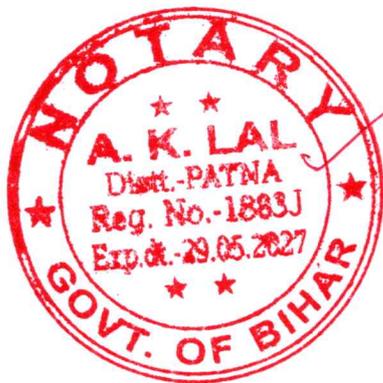
A copy of the Letter No. 977, dated 04.09.2025; letter No. 1902, dated 29.12.2025; and Letter No. 10, dated 08.01.2026 is annexed and marked as Annexure-B Colly.



~~8~~

10. That accordingly the State Board has assessed the Environmental Compensation of Rs. 60,60327/- (Sixty Lacs Sixty Thousand Three Hundred and twenty-Seven Only) for illegally mining 4155653 Cft sand. Further the State Board has vide its Letter No. 07, dated 27.01.2026 has issued 'Proposed Direction for Imposition of Environmental Compensation' to Sri (a) Harendra Choudhary; (b) Sri Guddu Rai; and (c) Moti Mishra, by which they have been called for personal hearing on 09.02.2026 at 12:15 p.m., in compliance of principles of natural justice. In light of the objections that may be raised by the aforesaid defaulters and upon examining the same final orders will be passed and appropriate proceeding for recovery of the Environmental Compensation will be taken by the State Board.

A copy of the 'Proposed Direction for Imposition of Environmental Compensation' contained in Letter No. 07, dated 27.01.2026 is Annexed and marked as Annexure-C.



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11. That in light of the aforesaid facts it is humbly submitted that the State Board, as action taken, has coordinated with the local administration, obtained the details of the illegally mined sand; address of the defaulters; and the prevalent rate of sand at the relevant time and has thereafter assessed the Environmental Compensation and has put the defaulter on notice for confirming the imposition of Environmental Compensation.
12. That a reasoned order will be passed; after hearing the defaulters and further steps for confirming and realization of the environmental compensation amount will be done by the State Board.
13. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom the annexures are true copies of its respective original.



A. K. Gupta
29.1.26
DEPONENT

A. Prakash Adv
I identify the Deponent signature/L...
who has signed in my presence

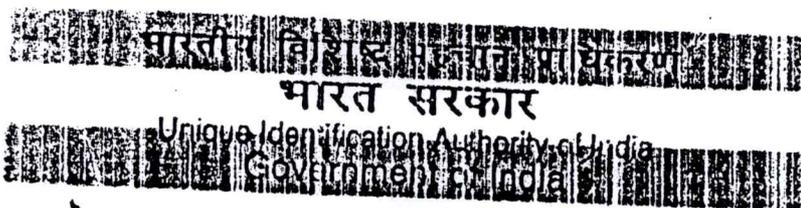
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VERIFICATION

Verified at Patna on [✓]29th day of January, 2026, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from the records of the matter and the Annexures are true copies of its respective original, no part of it is false and nothing material has been concealed therefrom.

Ak Gupta
29/1/26
DEPONENT





E-Aadhaar Letter

नामांकन क्रमांक/Enrolment No.: 1067/02423/03119

Ashish Kumar Gupta (आशीष कुमार गुप्ता)

S/O: Late Saryug Prasad Gupta, kankarbagh, east of collage of commerce, munna chak, Sampatchak, Patna, Bihar - 800020

सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- पहचान का प्रमाण ऑनलाइन ऑथेंटिकेशन द्वारा प्राप्त करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

आपका आधार क्रमांक/Your Aadhaar No.:

5736 5735 1647



INFORMATION

- Aadhaar is a proof of identity, not of citizenship.
- To establish identity, authenticate online.
- This is electronically generated letter.

आधार-आम आदमी का अधिकार

1947
1900 300 1947

help@uidai.gov.in

www.uidai.gov.in

Signature Not Verified
Digitally signed by Sandeep Bhardwaj
Date: 2016.01.12 13:02:49 IST

- आधार देश भर में मान्य है।
- आधार के लिए आपको एक ही बार नामांकन दर्ज करवाने की आवश्यकता है।
- कृपया अपना नवीनतम मोबाइल नंबर तथा ई-मेल पता दर्ज कराएं। इससे आपको विभिन्न सुविधाएं प्राप्त करने में सहायित होगी।

- Aadhaar is valid throughout the country.
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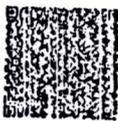
भारत सरकार
GOVERNMENT OF INDIA



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



आशीष कुमार गुप्ता
Ashish Kumar Gupta
जन्म तिथि/DOB: 15/01/1966
पुरुष / MALE



पता:

S/O: लेट सरयुग प्रसाद गुप्ता,
कनकरबाग, ईस्ट ऑफ
कॉलेज ऑफ कॉमर्स, मुन्ना
चक, सम्पतचक, पटना,
बिहार - 800020

Address:

S/O: Late Saryug Prasad Gupta,
kankar bagh, east of collage of
commerce, munna chak,
Sampatchak, Patna,
Bihar - 800020

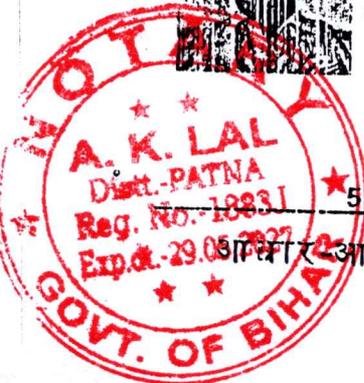
Ashish Kumar Gupta
20.1.2016

5736 5735 1647

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आम आदमी का अधिकार

Aadhaar-Aam Admi ka Adhikar



Annexure - A

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:-

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



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



जिला खनन कार्यालय, मुजफ्फरपुर।

पत्रांक :- 977 / एम0, मुज0, दिनांक:- 04.09.2025

प्रेषक,

खनिज विकास पदाधिकारी, (प्रभारी)
मुजफ्फरपुर।

सेवा में,

जिला पदाधिकारी
मुजफ्फरपुर।

विषय:- अवैध बालू खनन के विरुद्ध जाँच प्रतिवेदन उपलब्ध कराने के संबंध में।

प्रसंग:- भवदीय के पत्रांक 1247 / जि0सा0प्र0, दिनांक 01.09.2025 एवं सदस्य सचिव, बिहार राज्य प्रदूषण नियंत्रण पटना के पत्रांक 28137 / दिनांक:-21.08.2025

महाशय,

उपर्युक्त प्रासंगिक विषयक के सम्बन्ध में कहना है, कि मुशहरी थाना क्षेत्र में बूढ़ी गंडक नदी पर स्थित आथर घाट से अवैध बालू खनन में शामिल खननकर्ता/उल्लंघनकर्ता का नाम, पता, अवैध रूप से खनन की गई बालू की मात्रा एवं अवैध खननकर्ता के विरुद्ध मुशहरी थाना में प्राथमिकी की सं0-188/2025 में अबतक की गई कारवाई से संबंधित प्रतिवेदन की माँग की गयी है, जो निम्न है:-

01	आथर घाट से अवैध बालू खनन में शामिल खननकर्ता/उल्लंघनकर्ता का नाम एवं पता	दिनांक 04.09.2025 को मुशहरी थाना द्वारा आथर घाट से अवैध बालू खनन में शामिल खननकर्ता/उल्लंघनकर्ता का नाम एवं पता उपलब्ध कराया गया है, जो निम्न है :- 1. श्री हरेन्द्र चौधरी, पे0 बिन्देश्वर चौधरी, साकिन बिन्दा, थाना- मुशहरी, जिला- मुजफ्फरपुर। 2. श्री गुड्डु राय, पे0 भाला राय, साकिन-आथर, थाना- मुशहरी, जिला- मुजफ्फरपुर। 3. श्री मोती मिश्रा, पे0 स्व0 विजय मिश्रा साकिन-आथर, थाना- मुशहरी, जिला- मुजफ्फरपुर।
02	अवैध रूप से खनन की गई बालू की मात्रा	माननीय NGT कोलकाता द्वारा जिलान्तर्गत मौजा-आथर घाट से अवैध खनन से संबंधित प्राप्त निदेश के आलोक में गठित कमिटी द्वारा जाँच की गयी। जाँचोपरान्त तीन सफेद बालू उत्खनन स्थल चिन्हित की गयी। चिन्हित स्थल पर कुल उत्खनित सफेद बालू की कुल मात्रा-4155653 घनफीट (Cft) लगभग है।

अनुलग्नक:- मुशहरी थाना का प्रतिवेदन संलग्न।

भवदीय को सादर सूचनार्थ।



विश्वासभाजन

खनिज विकास पदाधिकारी, (प्रभारी)
मुजफ्फरपुर।

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From,

Mineral Development Officer, (In charge)
Muzaffarpur.

To,

District Magistrate,
Muzaffarpur.

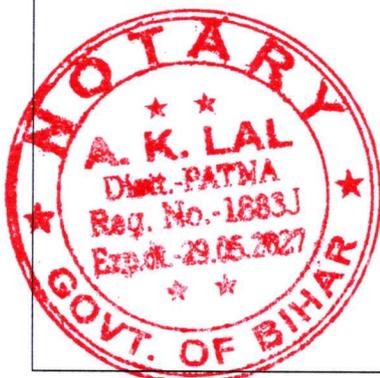
Subject: Regarding providing investigation report against illegal sand mining.

Case: Yours letter No. 1247/D.S.P., dated 01.09.2026 and Member Secretary, Bihar State
Pollution Control Patna letter No. 28137/ dated-21.08.2025

Sir,

Regarding the above relevant matter, it is to be said that a report has been sought regarding the name, address, quantity of illegally mined sand of the miner/violator involved in illegal sand mining from Aather Ghat situated on the Budhi Gandak River in Mushhari Police Station area and the action taken so far in FIR No. 188/2025 against the illegal miner in Mushhari Police Station. Which is as follows:

01	Name and address of the miner/violator involved in illegal sand mining from Aather Ghat	<p>On 04.09.2025, the name and address of the miner/violator involved in illegal sand mining from Aather Ghat has been provided by Mushhari Police Station, which is as follows: -</p> <ol style="list-style-type: none"> 1. Shri Harendra Choudhary, P. Vindeshwar Choudhary, resident of Binda, Police Station-Mushhari, District-Muzaffarpur. 2. Shri Guddu Rai, P. Bhola Rai, resident of Aathhar, Police Station- Mushhari, District- Muzaffarpur.
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		3. Shri Moti Mishra, son of Late Vijay Mishra, resident of Aathhar, Police Station-Mushhari, District-Muzaffarpur.
02	Quantity of illegally mined coal	An investigation was conducted by a committee formed in response to a directive from the Honourable National Green Tribunal (NGT), Kolkata, regarding illegal mining in Mouza Aather Ghat within the district. Following the investigation, three white sand excavation sites were identified. The total amount of white sand excavated at the identified sites is approximately 41,55,653 cubic feet (Cft).

Annexure: - Report of Mushhari police station is attached.

For your kind information.



Yours faithfully

Sd/-

District Mining Officer

Muzaffarpur

Annexure - B

E-mail/ Speed Post



बिहार राज्य प्रदूषण नियंत्रण पर्षद

परिवेश भवन, एन.एस.-बी/2, पाटलीपुत्रा औद्योगिक क्षेत्र, पटना-800010
ई.मेल- msbspcb-bih@gov.in, वेबसाईट- http://bspcb.bihar.gov.in

पत्रांक 1902

पटना, दिनांक:- 29-12-25

प्रेषक,

सदस्य सचिव,
बिहार राज्य प्रदूषण नियंत्रण पर्षद,
पटना।

Most Urgent
Hon'ble
NGT Matter

सेवा में,

खनन विकास पदाधिकारी,
जिला खनन कार्यालय, मुजफ्फरपुर,
जिला-मुजफ्फरपुर।

विषय: माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कोलकाता में दायर OA No.-
209/2024 Vikash Kumar Pathak V/S The State of Bihar and Others के
मामले में पारित आदेश दिनांक 24.11.2025 के अनुपालन के संबंध में।

प्रसंग: आपके पत्रांक 977/एम0, मुज0, दिनांक 04.09.2025।

महाशय,

उपरोक्त विषय के संबंध में सूचित करना है कि प्रासंगिक पत्र में आपके द्वारा अवैध खनन में शामिल खननकर्ता/उल्लंघनकर्ता का नाम, पता, अवैध रूप से खनन की गई बालू की मात्रा उपलब्ध कराई गयी है।

ज्ञातव्य है कि माननीय राष्ट्रीय हरित अधिकरण के द्वारा उल्लंघनकर्ता के विरुद्ध पर्यावरणीय मुआवजा निर्धारित करने हेतु सफेद बालू का प्रति घन फुट वर्तमान दर की आवश्यकता है।

अतः श्रीमान से अनुरोध है कि सफेद बालू का प्रति घन फुट वर्तमान दर वर्ष, 2025 का यथाशीघ्र उपलब्ध कराना चाहेंगे, ताकि माननीय अधिकरण के आदेश का ससमय अनुपालन सुनिश्चित किया जा सकें।

इसे सर्वोच्च प्राथमिकता देगे।



विश्वासभाजन

(नीरज मशियण)
सदस्य सचिव

- X -

Letter Number: 10/ M0, Date: 08/01/2026

From,

Mineral Development Officer, (In charge)
Muzaffarpur.

To,

Member Secretary,
Bihar State Pollution Control Board,
Patna

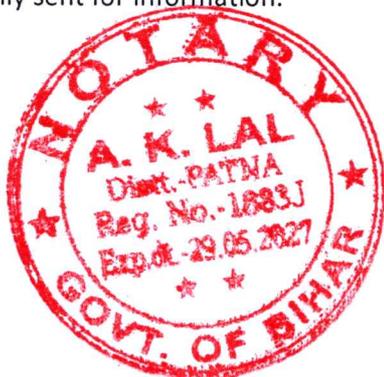
Subject: - OA No. 100 filed in the Hon'ble National Green Tribunal, Eastern Bench, Kolkata. 209/2024
Vikash Kumar Pathak V/S The State of Bihar and Others.

Reference: Your letter No. 1902, Patna, dated 29/12/2025

Sir,

Regarding the relevant letter on the above subject, it is to be informed that as per the mineral-wise notified royalty rate in Appendix-III 'A' read with Rule 51 of the Bihar Minerals (Subsidy to Prevent Illegal Mining, Transportation and Storage) Rules 2019 promulgated by the Mines and Geology Department's Notification No. 3174/M, dated 17/09/2019, the rate of white sand is currently fixed at Rs 75 per cubic meter. Also, under Rule 56 (2) (IV) of the amended Rules-2024, a provision has been made to recover 25 times the royalty amount of the minor mineral used from the illegal miner.

Respectfully sent for information.



Yours Faithfully

Sd/-

Mineral Development Officer (Incharge)
Muzaffarpur



जिला खनन कार्यालय, मुजफ्फरपुर

E-mail id-dmo.mines.muz@gmail.com

पत्रांक :10...../एम0, दिनांक : 08/01/2026

प्रेषक,

खनिज विकास पदाधिकारी, (प्रभारी)
मुजफ्फरपुर।

सेवा में,

सदस्य सचिव,
बिहार राज्य प्रदूषण नियंत्रण पर्षद,
पटना।

फिफिथी/एम0
सदस्य साचव

विषय:— माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कोलकाता में दायर OA No. 209/2024 Vikash Kumar Pathak V/S The State of Bihar and Others के मामले में पारित आदेश दिनांक 24.11.2025 के अनुपालन के सम्बन्ध में।

प्रसंग:— आपका पत्रांक 1902, पटना, दिनांक 29/12/2025

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के सम्बन्ध में सूचित करना है कि खान एवं भूतत्व विभाग की अधिसूचना संख्या 3174/एम0, दिनांक 17/09/2019 के द्वारा प्राख्यापित बिहार खनिज (समानुदान अवैध खनन, परिवहन एवं भण्डारण निवारण) नियमावली 2019 के नियम 51 के साथ सहपठित परिशिष्ट— III 'क' में खनिजवार अधिसूचित रॉयल्टी दर के अनुसार वर्तमान में सफेद बालू का दर -75 रुपये प्रति घन मीटर निर्धारित है। साथ ही संशोधित नियमावली-2024 के नियम-56 (2) (IV) के तहत अवैधकर्ता से व्यवहृत लघु खनिज के स्वामिस्व (रॉयल्टी) के 25 गुणा राशि की भी वसूली का प्रावधान किया गया है।

सादर सूचनार्थ प्रेषित।

विश्वासभाजन,

[Signature]
खनिज विकास पदाधिकारी, (प्रभारी)
मुजफ्फरपुर।
08/01/26



Letter No. 1902

Patna, dated-29-12-2025

From,

Member Secretary,
Bihar State Pollution Control Board,
Patna.

To,

Mining Development Officer,
District Mining Office,
Muzaffarpur, District-Muzaffarpur.

SUBJECT: Pursuant to the order dated 24.11.2025 by Hon'ble NGT, Kolkata Bench in O.A No.-
209/2024 Vikash Kumar Pathak Vs THE State of Bihar and Ors.

Context: Your letter no. 977/M., Muz., dated 04.09.2025.

Sir,

Regarding the above subject, it is to inform that in the relevant letter, you have provided the name, address and quantity of sand illegally mined of the miner/violator involved in illegal mining.

It is noteworthy that the current rate per cubic foot of white sand is required by the Hon'ble National Green Tribunal to determine environmental compensation against the violator.

Therefore, you are requested to provide the current rate per cubic foot of white sand for the year 2025 as soon as possible, so that timely compliance of the order of the Hon'ble Tribunal can be ensured.

Will give it top priority.



Yours Faithfully

Sd/-

Neeraj Naryan

Member Secretary

-21-
Annexure - C



REGISTERED
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

Dr. D. K. Shukla,
Chairman.

To

1. Sri Harendra Choudhary,
S/o- Sri Bindeshwar Choudhary,
Vill- Sakin Binda,
P.S.- Musharhari,
Dist- Muzaffarpur.
2. Sri Guddu Rai,
S/o- Sri Bhola Rai,
Vill- Sakin Athar,
P.S.- Musharhari,
Dist- Muzaffarpur.
3. Sri Moti Mishra,
S/o- Late Vijay Mishra,
Vill- Sakin Athar,
P.S.- Musharhari,
Dist- Muzaffarpur.

(Site- Athar Ghat, Muzaffarpur.)

Proposed Direction for Imposition of Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) 1981.

- 1) WHEREAS, the State Govt. has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Protection and Control of Pollution) Act, 1981.



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- 2) **WHEREAS**, you were required to obtain previous Consent- to- Establish' (hereinafter referred to as CTE) and 'Consent- to- Operate' (hereinafter referred to as CTO) from this State Board under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, (hereinafter referred to as 'Air Act') and under section 25/26 of the Water Air (Prevention and Control of Pollution) Act, 1974 before establishing and operating sand ghat/mining.

- 3) **WHEREAS**, the Hon'ble NGT, New Delhi, on O.A. No. 353 of 2016 has held that authorities in exercise of their incidental powers shall prescribe scale of Environmental Compensation and Impose 'Environmental Compensation' on defaulting units.

- 4) **WHEREAS**, the State Board has come to know that you all have 'mined sand' from Athar ghats, River Budhi Gandak in Muzaffarpur, illegally without obtaining a valid CTE & CTO from the State Board and other statutory clearances, and against the Sustainable Sand Mining Management Guidelines, 2016 and the Enforcement and Monitoring Guidelines for the Sand Mining, 2020.

- 5) **WHEREAS**, the Hon'ble NGT, In O.A. No. 360/2015, has directed to impose 'Environmental Compensation' on illegal Sand mining including but not limited to sand mining being carried out in violation of Environmental Clearance which provides for obtaining prior CTE & CTO from the State Board and has also laid down the scale of 'Environmental Compensation'.

- 6) **WHEREAS**, the Mining Development Officer, Muzaffarpur, has vide its letter No. 977, dated 04.09.2025, has informed that you all were engaged in illegal sand mining activity and have illegally mined 4155653 Cft. of sand from Athar Ghat, Muzaffarpur.



- 7) **WHEREAS**, the committee of the State Board constituted from the assessment of Environmental Compensation, for operating the aforementioned ghat without

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obtaining valid CTE & CTO from the State Board on approach 2 as approved by the Hon'ble NGT, as detailed below in the table: -

Ghat	River	Environmental Compensation	Quantity
Athar Ghat, Muzaffarpur	Budhi Gandak	Rs.60,60,327/-	4155653 cft

- 8) **WHEREAS**, you all are jointly and severally liable for the aforesaid assessed Environmental Compensation and the State Board, upon hearing you all, may proceed to recover the aforesaid assessed Environmental Compensation from any one or all of you together.

I, therefore, in exercise of power conferred by Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981, **propose to 'Impose and Recover Environmental Compensation'** as detailed above of Rs. 60,60,327/-. In view of the above and in compliance to the principles of natural justice you are hereby given an opportunity of personal hearing and as such you are directed to be present for personal hearing **on 09.02.2026 at 12:15 p.m.**, failing which the direction above will be confirmed against you without giving any further notice/opportunity.

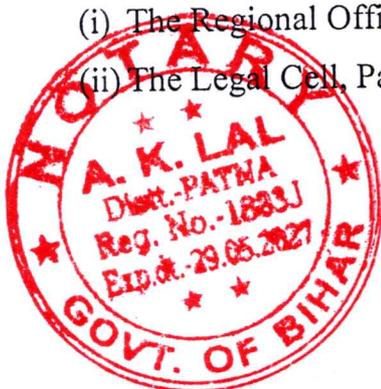
Encl.- A Copy of Assessment of Environmental Compensation.

Sd/-
(D. K. Shukla)
Chairman

Patna, Dated 27-01-26

Memo No.- 07
Copy to:

- (i) The Regional Officer, Muzaffarpur for information and necessary action.
(ii) The Legal Cell, Patna for records.



(Signature)
(D. K. Shukla)
Chairman

(Signature)



We understand your world

Issued From

AMRITA PANDEY

 Savings A/C • **** * 25 22

Reference ID

NBXDK8U1M753HE9W

Beneficiary Name

**Registrar National Green Tribunal Payable at
New Delhi**

Amount

₹7,500.00

Payable At

NEW DELHI, NEW DELHI

Remarks

ngt

Delivery Address

**HASTINGS CHAMBER 7C KIRAN SHANKAR,
ROY ROAD 2ND FLOOR ROOM NO 6, KOLKATA,
KOLKATA, WEST BENGAL, INDIA, 700*****