

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE,

KOLKATA

ORIGINAL APPLICATION NO. 174 of 2024/EZ

IN THE MATTER OF

Sourabh Kumar

... APPELLANT

VERSUS

State of Bihar & Ors.

... RESPONDENT

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COUNTER AFFIDAVIT ON BEHALF OF BIHAR STATE POLLUTION CONTROL BOARD.

I S. Chandrasekhar, aged about 47 years, Son of Mr. S. Subramani, residing at No. 03, Aranya Bhawan Niwas, Shahed Peer Ali Khan Marg, Patna, do hereby solemnly affirm and state as follows: -

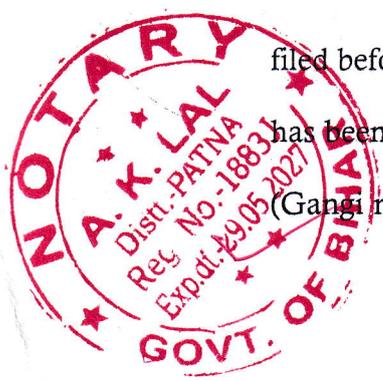
1. That I am posted as Member Secretary, Bihar State Pollution Control Board, Patna and as such I am well aware of the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.

2. That I have been duly authorized by the competent authority to swear and file this affidavit before this Hon'ble Court on behalf of the answering respondent.

3. That the instant matter has been registered based on a letter petitioner filed before the Hon'ble National Green Tribunal, New Delhi, wherein it has been alleged that on account of throwing muck the 'Prachin Ganga' (Gangri river) in the Arrah city, it has been converted into drain and it is

Sl. No. 5382 Date 20/9/24

S. Chandrasekhar who is identified by Advocate A. Singh solemnly affirmed Sr. J declared contents of his affidavit apart from this nothing stamp/Court fees etc. 1/5 3 5 Sub registered by rule of N : 986 before me



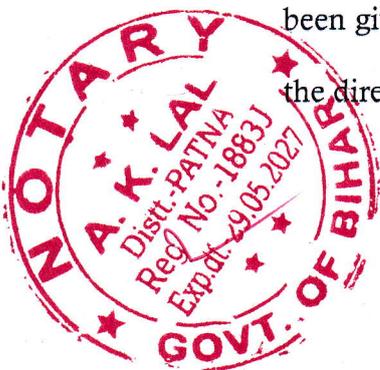


full of garbage. The letter petition was converted into Original Application No. 681 of 2024 and vide order dated 08.08.2024 the Hon'ble National Green Tribunal, New Delhi was pleased to implead the Municipal Commissioner, Municipal Corporation- Arrah; Member Secretary, Bihar SPCB and Chairman, NMCG, as respondents and the matter has been transferred to the Hon'ble National Green Tribunal, Kolkata, for further adjudication

4. That in light of the order dated 08.08.2024 the official of the State Board carried an inspection on 03.09.2024 and it was found that legacy waste is dumped towards the west side of the Gangi river and that due to high water level in Gangi River the water was touching the legacy waste.

A copy of the inspection report dated 03.09.2024 is annexed and marked as Annexure-1.

5. That the State Board has in light of the findings of the inspection dated 03.09.2024 has issued direction dated 25.09.2024, to the District Magistrate-Cum-Chairman, District Environment Committee, Bhojpur, Arrah and The Municipal Commissioner, Arrah Nagar Nigam, in exercise of its powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, to take immediate action for preventing the further dumping of waste at the site and to immediately remove the dumped legacy waste from the site in question. Further, a direction has been given to file a compliance report within 15 days from the receipt of the direction.



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A copy of the Direction dated 25.09.2024 is annexed and marked as Annexure-2.

6. That based on the report, as may be received, from the District Magistrate, Arrah, Bhojpur and the Municipal Commissioner, Arrah, further compliance report may be filed before the Hon'ble Tribunal.

7. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom and the annexures are true copied of its respective original.

Identify the Deponent signature/L.I. who has signed in my presence

[Signature]
DEPONENT
(S. CHANDRASEKAR)

VERIFICATION

Verified at Patna on 27th day of September, 2024, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.

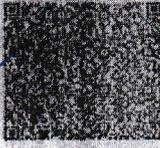
[Signature]
DEPONENT
(S. CHANDRASEKAR)



X


 भारत सरकार
 Government of India


 एस. चंद्रशेखर
 S. Chandrasakar
 जन्म तिथि / DOB : 26/06/1977
 पुरुष / Male



4931 2735 4598

आधार - आम आदमी का अधिकार

Handwritten signature in blue ink:
 S. Subramani


 विश्वव्यापी पहचान प्राधिकरण
 Unique Identification Authority of India

पता: आत्मज: एस. सुब्रमणी, 450, Address: S/O: S. Subramani, 450,
 तीरुवेललगम, असीरियार नगर, साँ Thiruvellagam, Asiriyar Nagar, Behind Saw
 मील के पीछे, कुल्लंपलयम, Mill, Kullampalayam, Kullampalayam,
 इरुदु, गोबिचैट्टीपालयम, तमिल नाडु, Erode, Gobichettipalayam, Tamil Nadu,
 638476 638476

4931 2735 4598

1800 300 1947 help@uidai.gov.in www.uidai.gov.in

ANNEXURE - 1

निरीक्षण प्रतिवेदन

✘

सदस्य सचिव

बिहार राज्य प्रदूषण नियंत्रण पर्सद का पत्रांक 886, दिनांक 22.08.2024 एवं माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली में दायर O.A. No. 681/2024/PB, Surabh Kumar V/S The State of Bihar के मामले में दिनांक 08.08.2024 को पारित आदेश के अनुपालन के क्रम में दिनांक 03.09.2024 को नगर आयुक्त, आरा नगर निगम, आरा तथा श्री प्रेम कुमार, सहायक की उपस्थिति में आरा, भोजपुर जिला के प्राचीन गांगी नदी (Gangi river) में कचरा फेंके जाने के मामले में निरीक्षण किया गया।

गांगी नदी, आरा, भोजपुर जिला में स्थित एक प्रमुख नदी है। यह नदी, गंगा नदी की एक सहायक नदी है और आरा शहर के लगभग बीच से गुजरती है। यह नदी, आरा जिला के विभिन्न हिस्सों से होकर गुजरती है और गंगा नदी में मिल जाती है। गांगी नदी का उल्लेख पौराणिक कथाओं में भी मिलता है।

निरीक्षण के क्रम में पाया गया कि गांगी नदी के किनारे (waste-side) में legacy waste / old solid waste, dumped है। गांगी नदी में बाढ़ के कारण जलस्तर बढ़ गया है, जिसके कारण जलस्तर, विरासती ठोस अपशिष्ट को touch कर रहा है। नगर आयुक्त, आरा नगर निगम, आरा द्वारा यह जानकारी दी गई कि लगभग चार (04) वर्ष पूर्व से ही गांगी नदी के किनारे ठोस अपशिष्ट का गिराना बंद कर दिया गया है। गर्मी के दिनों में गांगी नदी की चौड़ाई बहुत ही कम हो जाती है।

उपरोक्त तथ्यों के आलोक में आरा नगर निगम को legacy waste को remove करने के लिए एक Direction दिया जा सकता है, ताकि गांगी नदी के पानी को प्रदूषित होने से बचाया जा सके। सरकार और स्थानीय प्रशासन को चाहिए कि वे गांगी नदी को साफ रखने के लिए आवश्यक कदम उठाएं और ठोस अपशिष्ट /Municipal Waste Water को नदी में डालने से रोकें।

(फोटोग्राफस संलग्न)

विश्वासभाजन

नीजनी
05.09.24
(नलिनी मोहन सिंह)
वैज्ञानिक।

ANNEXURE-1

Inspection report

Member Secretary

In compliance with the letter no. 886, dated 22.08.2024 of Bihar State Pollution Control Board and the order passed on 08.08.2024 in the case of O.A. No. 681/2024/PB, Surabh Kumar V/S The State of Bihar filed in Hon'ble National Green Tribunal, Principal Bench, Delhi, an inspection was conducted on 03.09.2024 in the presence of Municipal Commissioner, Arrah Municipal Corporation, Arrah and Shri Prem Kumar, Assistant, in the matter of dumping of garbage in the ancient Ganga river of Arrah, Bhojpur district.

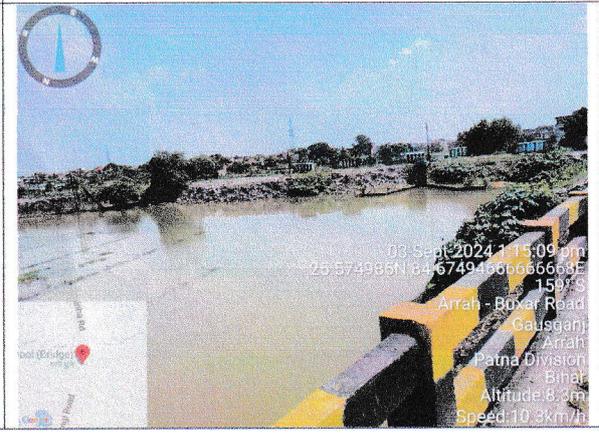
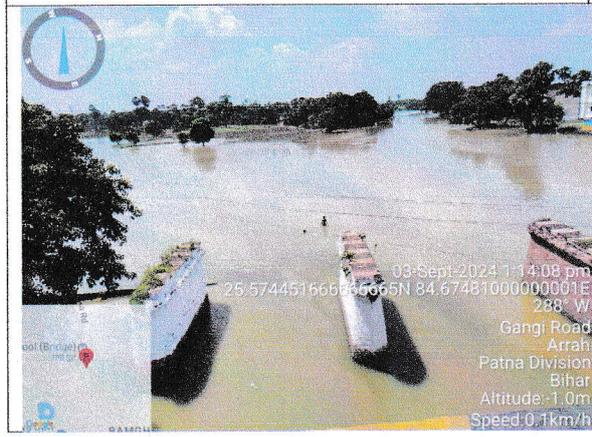
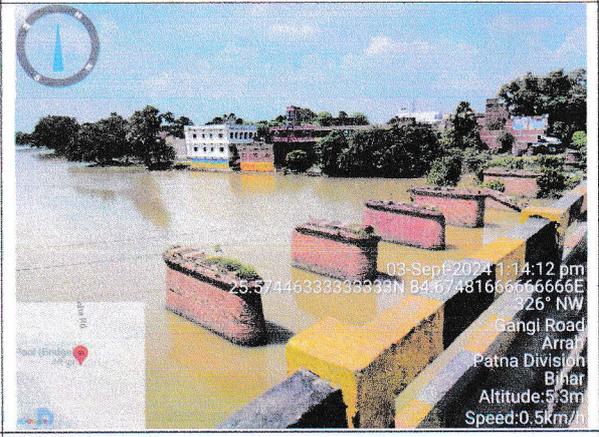
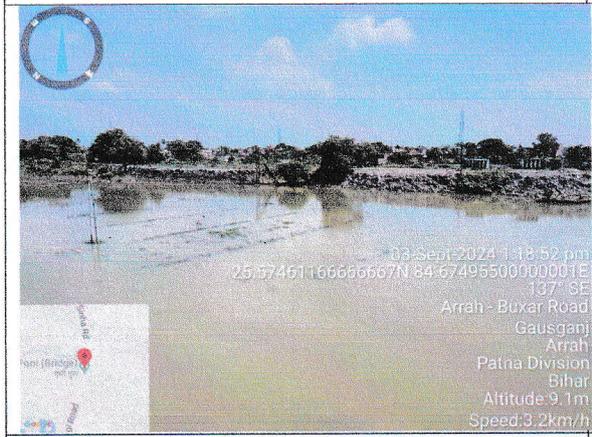
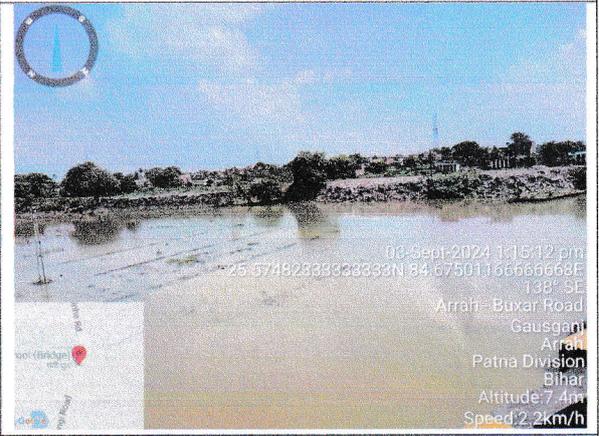
The Ganga River is a major river located in Arrah, Bhojpur district. It is a tributary of the Ganges River and flows through the city of Arrah. It flows through various parts of Arrah district and joins the Ganges River. The Ganga River is also mentioned in mythology.

During the inspection, it was found that legacy waste / old solid waste is dumped on the banks of the Ganga River. Due to floods in the Ganga River, the water level has risen, due to which the water level is touching the legacy solid waste. The Municipal Commissioner, Arrah Municipal Corporation, Ara informed that dumping of solid waste on the banks of the Ganga River has been stopped since about four (04) years ago. The width of the Ganga River reduces considerably during the summer days.

In light of the above, a direction may be given to the Arrah Municipal Corporation to remove legacy waste to prevent the Ganges River from becoming polluted. The government and local administration should take necessary steps to keep the Ganges River clean and prevent the dumping of solid waste into the river.

(Photographs attached)

Vishwasmajan Nini.09.24 (Nalini Mohan Singh) Scientist.



Annexure-2



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>

Patna, dated:-

Ref. No.:-

From

Dr. D.K. Shukla,
 Chairman.

To

The District Magistrate-Cum-Chairman,
 District Environment Committee,
 Bhojpur, Arrah.

 The Municipal Commissioner,
 Arrah Nagar Nigam,
 Arrah.

DIRECTION UNDER SECTION 33A OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974.

- 1) **WHEREAS**, the Ministry of Environment, Forest and Climate Change, Government of India, has in exercise of the powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986, made the Solid Waste Management Rules, 2016.
- 2) **WHEREAS**, as per the rules contained in the Solid Waste Management Rules, 2016, (hereinafter referred to as the 'Rules, 2016') solid waste is to be collected, transported, processed and disposed in the manner and ways as provided in the Rules, 2016. Rule 15 of the Rules, 2016, provides for the duties and responsibilities of the local authorities which inter-alia, provides for door-to-door collection of solid waste; setting up of material recovery facilities or secondary storage facilities; provide training on solid waste management to waste pickers and waste collectors; direct waste generators to not litter; transport wastes to processing facilities; etc.

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- 3) **WHEREAS**, a letter petition was filed before the Hon'ble National Green Tribunal, New Delhi, in which it has been alleged that on account of throwing muck the 'Prachin Ganga' (Gangi river) in the Arrah city, it has been converted into drain and it is full of garbage. The letter petition has been converted into Original Application No. 681 of 2024 and vide order dated 08.08.2024 the Hon'ble Tribunal was pleased to implead the Municipal Commissioner, Municipal Corporation- Arrah; Member Secretary, Bihar SPCB and Chairman, NMCG, as respondents and the matter has been transferred to the Hon'ble National Green Tribunal, Kolkata, for further adjudication.
- 4) **WHEREAS**, the banks of the Gangi river was inspected by the official of the State Board on 03.09.2024 and it was found that legacy waste is dumped towards the west side of the Gangi river and that due to high water level in Gangi River the water was touching the legacy waste.
- 5) **WHEREAS**, due to dumping of solid waste and presence of legacy waste on the banks of Gangi river the river was getting polluted and the dumped solid waste was getting mixed with the river water.
- 6) **WHEREAS**, the Hon'ble National Green Tribunal, New Delhi, in O.A. No. 606 of 2018 has directed the State of Bihar to take immediate steps for remediation of legacy waste. Further, vide order dated 17.07.2019 passed in O.A. No. 519 of 2019 legacy waste remediation was to commence in State of Bihar from 01.11.2019 and was to be completed in time bound manner.

I, therefore, in exercise of the powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, direct you to: -

- i. Stop and Prevent dumping of solid waste on the banks of Gangi river in Arrah, Bhojpur;

- ii. Take immediate steps for removal of the legacy waste dumped on the banks of Gangi river;
- iii. Take immediate action to stop dumping of mixed solid waste further, on the banks of Gangi river in Arrah, Bhojpur; and
- iv. File an action taken report of the aforesaid directions within 15 days from the receipt of this notice.

Enclosure: Inspection report.

Signed by

Devendra Kumar Shukla

Date: 25/09/2024 17:34:56
Chairman

Copy To: -

Patna, Dated:

- I. The Director General, National Mission for Clean Ganga, Ministry of Jal Sakti, Government of Inida, for information and necessary action.
- II. Secretary to the Government, Urban Development and Housing Department, Government of Bihar, for information and necessary action.
- III. The Divisional Forest Officer-Cum-Member Convener, District Environment Committee, Arrah, Bhojpur, for information and necessary action.
- IV. The R.O. Patna, for information and necessary action.
- V. The Board Analyst, for information and necessary action.
- VI. Legal Cell for records.