

S.L. No. 114

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

O.A. NO. 143 OF 2025/EZ

In the matter of:
TALAB BACHAO ABHIYAN (TBA) &
ANR.

...APPLICANT

-Versus-

Government of Bihar & Ors.

...RESPONDENTS

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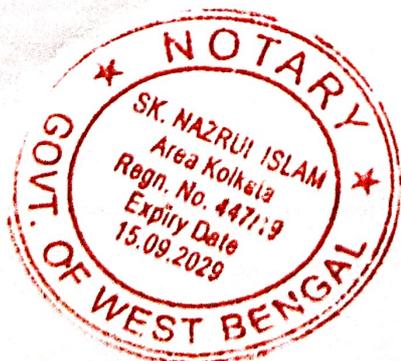
Date: 02-02-2026

Place: Kolkata .

Filed by:

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

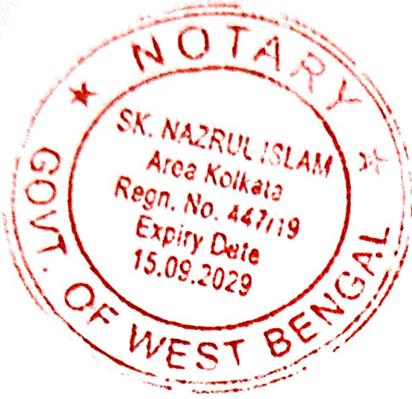
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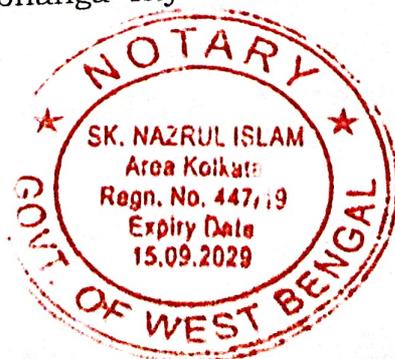
**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 (WATER
RESOURCES DEPARTMENT, GOVERNMENT OF BIHAR)**

I, Vijay Kr Prince, son of Shri Rajkumar suman, aged about 41 years, presently working as Executive Engineer, Flood Control Division, darbhanga, Water Resources Department, Government of Bihar, halting at 7C, K S R Road, 2nd Floor, Room no. 206, Kolkata- 700 001, do hereby solemnly affirm and declare as under:

1. That I am the authorized deponent on behalf of Respondent No. 5 in the above-captioned matter and am well conversant with the facts and circumstances of this case and hence competent to swear this affidavit in such capacity.
2. That this comprehensive Counter Affidavit against the Original Application filed by the Applicant has been prepared at my instance and under my instructions. In compliance with the Order dated 27.01.2025 passed by this Hon'ble Tribunal in the above-captioned matter and pursuant to subsequent directions, the Water Resources Department, being one of the Respondents duly appointed by this Hon'ble Tribunal, respectfully submits this Counter Affidavit.

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3. That at the very outset, it is respectfully submitted that the Original Application filed by the Applicant contains serious allegations, unsubstantiated claims, and deliberate misrepresentation of facts against the Water Resources Department without providing any credible evidence or material to support such allegations. The Applicant has made serious imputations against the office of the Water Resources Department, Government of Bihar, Patna, which are not only baseless but also malicious and intended to malign the reputation of constitutional authorities who have been discharging their duties in accordance with law.
4. That it is further submitted that the Applicant has deliberately and conveniently suppressed material facts regarding the ownership and nature of the projects in question. The entire case of the Applicants is built upon a fundamentally flawed and factually incorrect assumption that attributes responsibility for the Storm Water Drainage Scheme (SWDS) to the Water Resources Department. This representation is misleading and contrary to the administrative records available on file.
5. That it is most respectfully submitted that the Storm Water Drainage Scheme (SWDS) which forms the subject matter of the instant Original Application has been launched and is being implemented by the Urban Development & Housing Department, Government of Bihar, through the Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO). BUIDCO is the nodal and implementing agency exclusively responsible for the conceptualization, planning, execution, and monitoring of the Storm Water Drainage Scheme (SWDS) in Darbhanga city and 19 other cities/towns across the State of Bihar.



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6. That the Urban Development & Housing Department, Government of Bihar, and BUIDCO are already arrayed as party Respondents in the present Original Application and are the competent authorities empowered and obligated to submit replies and present the case in all matters relating to the Storm Water Drainage Scheme (SWDS). The Water Resources Department, represented by Respondent No. 5, has absolutely no role, responsibility, or involvement whatsoever in the implementation, supervision, or execution of the SWDS in Darbhanga city or any other location covered under the said Scheme.
7. That insofar as the Canal/Nala Lining Project is concerned, which has also been mentioned in the present Original Application, it is most respectfully submitted that the said project pertains exclusively to the jurisdiction and functional domain of the department of the deponent, namely, the Water Resources Department, Government of Bihar, Patna. The Canal/Nala Lining Project was executed by the Water Resources Department as part of its mandate to maintain and improve water conveyance infrastructure under its administrative control.
8. That the Canal/Nala Lining Project was undertaken for the specific purpose of constructing a lined urban nala (canal) extending from Housing Board Colony to Harpatti via Chatti Chowk, Darbhanga, covering a total length of approximately 3.99 kilometers. The said work was executed in different stretches falling under the ambit of the Canal Lining Project.
9. That prior to the commencement of the Nala Lining work, the said Urban Nala was in a severely deteriorated and damaged condition, characterized by substantial silt deposition, blockages caused by dense vegetation growth, and structural degradation. The flow of



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water in the said Nala was obstructed, and erosion had occurred at several critical locations on both embankments of the Nala. These adverse conditions posed a continuous and serious risk of accidents and constituted an unhygienic environment, thereby creating a significant health hazard to the residents of Darbhanga city/town.

10. That the aforesaid Urban Nala traverses through the heart of Darbhanga city, with densely populated residential areas located on both sides thereof and heavy vehicular and pedestrian traffic movement along both banks. In view of the deplorable condition of the Nala as described above, it became imperative and essential to undertake and complete the Nala Lining work expeditiously in order to prevent further erosion of both embankments, safeguard other permanent structures of the town, eliminate the continuous risk of accidents and danger to human life, maintain smooth flow of heavy water discharge from the Darbhanga main town, and address unhygienic and health hazardous conditions prevailing in the area.

11. That in the aforesaid factual matrix and exigent circumstances, the Water Resources Department, through the deponent, was compelled to undertake the construction of the said Urban Nala with concrete lining so that the heavy water flow from the Darbhanga main town could be properly managed, regulated, and conveyed, and the said Nala could be maintained in a safe, functional, and hygienic condition.

12. That it is pertinent to state that the Urban Nala Lining Project undertaken by the Water Resources Department was not constructed in a continuous manner along the entire length of 3.99 kilometers. Instead, the department undertook widening and lining of the Urban Nala in different patches over a cumulative length of approximately 3.99 kilometers in various stretches falling under the



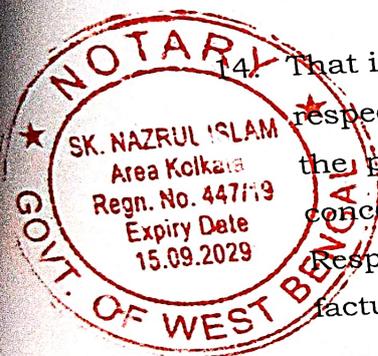
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Canal Lining Project. The remaining portions of the Nala have been deliberately kept earthen (i.e., without concrete lining) so as to allow natural percolation of water into the ground and to facilitate groundwater recharge, thereby ensuring unobstructed flow of water and maintaining ecological balance.

13. That the Canal/Nala Lining Project executed by the Water Resources Department was undertaken strictly in accordance with the technical requirements, engineering specifications, and environmental considerations applicable to such infrastructure works. The project was necessitated by urgent public safety concerns, the imperative need to prevent structural damage to adjoining properties, and the overriding requirement to protect public health and maintain urban hygiene in Darbhanga city.

14. That in view of the above-stated facts and circumstances, it is most respectfully submitted that the relief sought by the Applicant(s) in the present Original Application, to the extent it relates to and concerns the Water Resources Department, represented by Respondent No. 5, is wholly misconceived, legally untenable, and factually incorrect.

15. That the answering Respondent No. 5, namely, the Water Resources Department, has no role, responsibility, or involvement whatsoever in the implementation, execution, or supervision of the Storm Water Drainage Scheme (SWDS) in Darbhanga city. The said SWDS is being implemented exclusively by the Urban Development & Housing Department and BUIDCO, which are already proper and necessary parties to the present proceedings and are competent to submit their respective replies addressing the grievances raised by the Applicant(s) qua the SWDS.

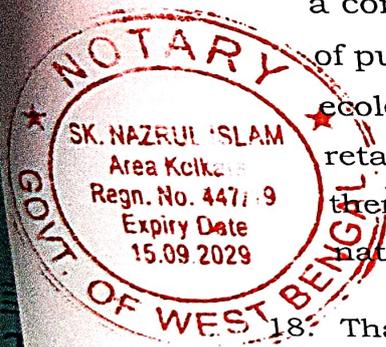


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16. That insofar as the Canal/Nala Lining Project is concerned, it is most respectfully submitted that the said project was executed by the Water Resources Department in discharge of its statutory and administrative mandate to maintain, repair, and improve water conveyance infrastructure falling within its jurisdiction. The Nala Lining work was undertaken under compelling circumstances of public safety, environmental hygiene, and urgent need to prevent accidents and structural damage.

17. That the Water Resources Department has ensured that the Nala Lining work was carried out in a scientifically sound and environmentally sensitive manner. The decision to line only specific stretches of the Nala (totaling approximately 3.99 kilometers in different patches) while keeping the remaining portions earthen was a conscious and deliberate choice made to balance the imperatives of public safety, structural integrity, efficient water conveyance, and ecological sustainability. The earthen portions of the Nala have been retained specifically to allow percolation and groundwater recharge, thereby ensuring unobstructed flow of water and preserving the natural hydrological cycle.

18. That the Applicant(s) have failed to appreciate the critical distinction between: (a) The Storm Water Drainage Scheme (SWDS), which is under the exclusive jurisdiction and implementation of the Urban Development & Housing Department and BUIDCO; and (b) The Canal/Nala Lining Project, which falls under the jurisdiction and was executed by the Water Resources Department. By conflating these two distinct projects and by erroneously attributing responsibility for the SWDS to the Water Resources Department, the Applicant(s) have sought to array Respondent No. 5 as a party to the present proceedings without any legal or factual basis.



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19. That without prejudice to the specific denials made above, it is submitted that the District Administration is fully committed to protection and conservation of water bodies including the Nala in question, prevention of encroachments on public lands and water bodies, control of pollution and environmental degradation, and compliance with directions of this Hon'ble Tribunal, while simultaneously ensuring that the legitimate rights of private property owners, if any, are not infringed.

20. That I have thoroughly gone through the contents of this counter affidavit and I have fully understood the same and I am competent to file and sign the instant Affidavit before this Hon'ble Tribunal.

21. That the answering respondent states and submits that they are ready and willing to abide by the order/s direction/s made by this Hon'ble Tribunal and has taken all possible steps to comply with the directions of the Hon'ble Tribunal.

22. I state that the statements contained in Paragraphs no. 1 to 21 are true to the best of my knowledge and belief, based on records and information and my humble prayer and submissions before this Hon'ble Tribunal.

Prepared in my office
IDENTIFIED BY ME
Suryadev Kumar
Advocate
ADVOCATE

Vijay Kumar Prince
02/02/2026
DEPONENT

BEFORE ME

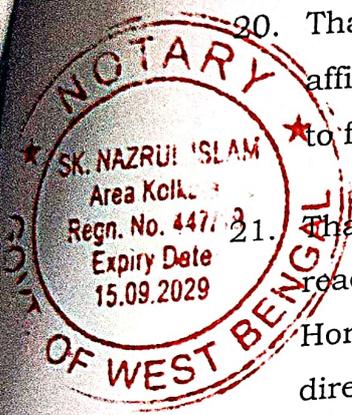
NOTARY PUBLIC

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

[Signature]
Notary

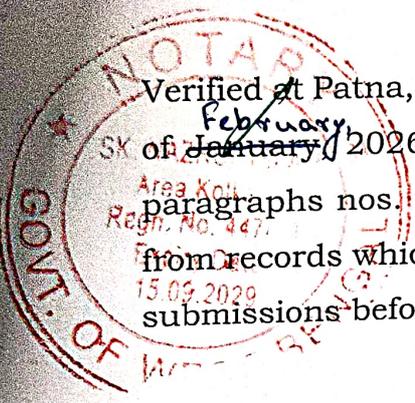
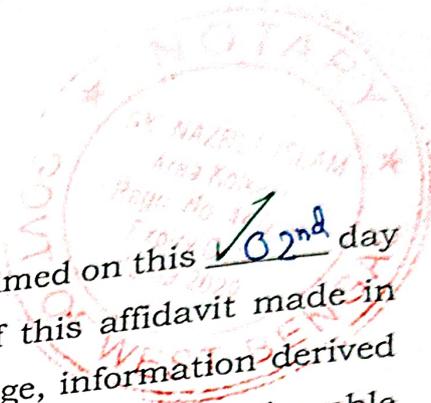
SK. Nazrul Islam
Notary, Govt. of W.B.
Govt. No. 447/19
City Civil Court, Calcutta

02 FEB 2026



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VERIFICATION



Verified at Patna, Bihar by the deponent above named on this 10th day of February 2026, and say that the contents of this affidavit made in paragraphs nos. 1 to 22 are true to my knowledge, information derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

Vijaykumar Prisce
02/02/2026
DEPONENT

