



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

ORIGINAL APPLICATION 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: 21 /02/2026
Place: Darbhanga, Bihar.

Filed by:

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ATTESTED

Uma Kant Bhagat
UMA KANT BHAGAT
Notary Public, Darbhanga

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

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COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 2

(DISTRICT MAGISTRATE, DARBHANGA)

I, KAUSHAL KUMAR s/o SRIJAI PRAKASH, aged about 40 years, by occupation — Government Service, presently designated as DISTRICT MAGISTRATE in the Office of the District Magistrate, Darbhanga, Bihar, duly authorised by the District Magistrate, Darbhanga, working for gain at the Office of the District Magistrate, Darbhanga, Bihar — 846001, do hereby solemnly affirm and state on solemn affirmation as follows:



That I am fully conversant with the facts and circumstances of the present Original Application. I have carefully and diligently perused all relevant files, records, correspondence, and documents pertaining to the subject matter of this application that are available in the Office of the District Magistrate, Darbhanga. I am duly authorised and competent to swear and file the present Counter Affidavit on behalf of the District Magistrate, Darbhanga (Respondent No. 2), before this Hon'ble Tribunal. The statements



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UMA KANT BHAGAT
Notary Public, Darbhanga

made herein are based on my personal knowledge derived from official records and on information obtained from those records which I verily believe to be true.

2. That the Answering Respondent has been duly advised to confine its response to those contentions which are relevant, germane, and material to the proper adjudication of the issues arising in the instant Original Application. Save and except what are expressly and specifically admitted hereinafter, the Answering Respondent emphatically, categorically, and unequivocally denies each and every allegation, assertion, and averment made or raised in the Original Application, as if the same are specifically traversed and denied in seriatim. The Answering Respondent craves leave to refer to and rely upon all the documents, records, and annexures annexed hereto in support of its case before this Hon'ble Tribunal.



3. That the Answering Respondent files the present Counter Affidavit without prejudice to its contentions as to the maintainability, limitation, locus standi, and jurisdiction of this Hon'ble Tribunal to entertain and try the present Original Application in its present form. The Answering Respondent expressly reserves its right to raise all such objections at the appropriate stage, and the filing of this Counter Affidavit shall not be construed as a waiver of any such right or objection.

4. That with reference to the contentions raised in the Original Application concerning the Storm Water Drainage Scheme (hereinafter "SWDS") being implemented by Bihar Urban Infrastructure Development Corporation Ltd. (hereinafter "BUIDCO") in Darbhanga city, the Answering Respondent most respectfully submits as follows:



R. P. Singh

- (a) The SWDS is a critical, essential, and urgently required urban infrastructure project, the purpose of which is to address the severe and chronic water-logging problem that has afflicted Darbhanga city for several decades, causing immense public health hazards, serious safety risks, economic losses, and sustained human suffering during every monsoon season. The project directly serves the constitutional mandate to protect and improve public health under Article 47 of the Constitution of India and the State's obligation under Article 21 of the Constitution of India to protect the right to life and personal dignity of the citizens.



The SWDS is being implemented strictly in accordance with a comprehensive, scientifically prepared, and technically validated Detailed Project Report (DPR) prepared by qualified technical consultants and engineering experts having specialised experience in urban drainage infrastructure. The DPR has been prepared after extensive field surveys, topographical studies, hydrological assessments, hydraulic design calculations, structural design computations, and due environmental consideration. The DPR has undergone rigorous multi-level technical scrutiny and has been approved by the competent technical authorities.

The answering respondent craves leave of this Hon'ble Court to file the Xerox copy of the Detailed Project Report, at the time of hearing, if required at all.

- (c) As the SWDS is a project with an estimated cost exceeding Rs. 50 Lakhs, all necessary permissions, approvals, and sanctions for the construction and implementation of the Urban



Drain/Storm Water Drain have been granted directly by the Urban Development & Housing Department (UD&HD), Government of Bihar, which is the competent authority for approving such large-scale urban infrastructure projects. The project approvals have been issued after comprehensive technical scrutiny, assessment of the project design, evaluation of environmental and social impacts, and verification of compliance with all applicable statutory requirements.

5. That the Answering Respondent most respectfully submits that the SWDS is being implemented in full and strict compliance with all applicable legal provisions, statutory requirements, and regulatory frameworks, particularly the provisions relating to drainage infrastructure, prevention of water-logging. Any allegation to the contrary is factually incorrect, technically uninformed, and is liable to be rejected by this Hon'ble Tribunal.



6. That the Answering Respondent most respectfully submits that the District Magistrate, Darbhanga, has been impleaded as Respondent No. 2 solely by virtue of his statutory role and administrative jurisdiction over the district, and his general oversight responsibilities with respect to urban infrastructure development projects being implemented within Darbhanga city. The Answering Respondent is neither the implementing agency nor the sanctioning authority for the SWDS. The SWDS is being implemented exclusively by BUIDCO, and has been sanctioned directly by the UD&HD, Government of Bihar.
7. That with reference to the Applicants' reliance on directions issued by this Hon'ble Tribunal in various other cases, the Answering Respondent most respectfully submits that the said averments are



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founded upon a fundamental misconception and a selective misreading of the orders of this Hon'ble Tribunal. The present project involves the construction of new, purpose-built, engineered drainage infrastructure designed specifically for storm water management, with comprehensive provisions for regular maintenance through manholes and inspection chambers at defined intervals.

8. That contrary to the allegations of the Applicants, the Answering Respondent respectfully submits that the SWDS will positively contribute to environmental protection and ecological conservation in the following substantive and demonstrable ways:

(a) By creating structured opportunities for systematic groundwater recharge through integration with rainwater harvesting structures and recharge pits, thereby addressing the groundwater depletion concern;

(b) By reducing uncontrolled soil erosion caused by unmanaged surface run-off through scientifically engineered drainage conveyance systems;

9. That the Answering Respondent most respectfully submits that the SWDS does not fall within any category of project or activity requiring prior Environmental Impact Assessment (EIA) or prior Environmental Clearance (EC) under the Environment Impact Assessment Notification, 2006, as amended. The project is a permissible and necessary urban infrastructure development project, duly sanctioned by the competent governmental authority under the provisions of the Bihar Municipal Act, 2007. The



allegation that the project is in violation of the EIA Notification, 2006, is legally untenable, factually incorrect, and is not supported by any cogent evidence or analysis. The Answering Respondent reserves the right to make detailed submissions on this aspect at the time of the final hearing of this matter.

10. That the Answering Respondent most respectfully submits that substantial progress has already been achieved in the implementation of the SWDS, with considerable public funds running into several hundreds of crores of rupees already invested through the State budget allocation. Several sections of the drainage network have already been completed and have been functioning effectively during recent monsoon seasons, providing tangible and demonstrable relief to the residents of Darbhanga from the perennial scourge of water-logging, disease outbreaks, and property damage.



11. That the Answering Respondent most respectfully submits that the instant Original Application is also liable to be dismissed in limine on the ground that it is hopelessly barred by limitation. The SWDS was publicly initiated and visibly commenced, and the Applicants, being residents and activists operating in Darbhanga city, were fully aware of the commencement and ongoing implementation of the said project from its very inception.

12. That the Answering Respondent places on record the firm and sincere commitment of the district administration to the cause of environmental protection, ecological conservation, and the principles of sustainable urban development. The Answering Respondent unconditionally expresses its willingness to fully comply with any specific directions, conditions, guidelines, or monitoring requirements that this Hon'ble Tribunal may deem appropriate to



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issue with regard to environmental safeguard measures, groundwater recharge provisions, outfall structure design, maintenance plans, or environmental monitoring of the SWDS. The respondent prays before this Hon'ble Court that the critically important and urgently needed project is permitted to continue and proceed to its completion without disruption, in the larger and paramount public interest of the citizens of Darbhanga.

13. That the Answering Respondent reserves its right to file a further and/or additional affidavit supplementing the averments made herein, if so required or permitted by this Hon'ble Tribunal. The Answering Respondent also reserves its right to raise any other pleas, defences, and contentions that may be available to it in law, and which may be raised at the time of the hearing of this matter.



14. The statements made in paragraphs 1 to 13 are true to my knowledge, information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Court.

Prepared in my Office
Surenchakra Kumar
Advocate
Advocate

Kalyan
21/11/22
Deponent

BEFORE ME

NOTARY PUBLIC



ATTESTED
Uma Kant Bhagat
UMA KANT BHAGAT
Notary Public, Darbhanga

VERIFICATION

Verified at Darbhanga, Bihar by the deponent above named on this the 21 day of February, 2026, and say that the contents of this affidavit made in paragraph nos. 1 to 14 are true to my knowledge and information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.



Uma Kant Bhagat
DEPONENT



ATTESTED

UMA KANT BHAGAT
Notary Public, Darbhanga

Uma Kant Bhagat

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भारत सरकार
Government of India



कीर्तन कुमार
Kaushal Kumar
जन्म तिथि/DOB: 15/08/1985
पुरुष / MALE



7924 0255 9302

मेरा आधार, मेरी पहचान



भारत सरकार
Unique Identification Authority of India

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Handwritten signature
21/11/16

ATTESTED
UMA KANT SHARMA
Notary Public, Patna



Handwritten signature