

X

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

O.A. No.-188/2025/EZ

In the matter of:

Prayag Kumar

Applicant

V/S

The State of Bihar & ors.

Respondent

INDEX

<u>Sl. No.</u>	<u>Particulars</u>	<u>Annexures</u>	<u>Page Nos</u>
1.	Counter Affidavit along with verification by Respondent No.08	-	1-2
2.	Annexure	A	3-11

Date:

Place:

Filed By:

Surendra Kumar

Advocate

X

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

O.A. No.-188/2025/EZ

In the matter of:--

Prayag Kumar

V/S

The State of Bihar & ors.

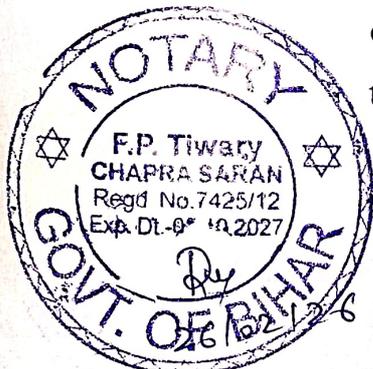
Respondent

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT. NO. 8

(District Magistrate, Saran, Chapra)

1. I, Vaibhava Srivastava, son of Sri Deepak Kumar Srivastave, aged about 36 years, by faith Hindu, by occupation Service, working for gain at District Magistrate, Saran, Chapra do hereby solemnly affirm and say as follows :---
2. That I have made myself acquainted with the facts and circumstances of the above noted case filed before this Hon'ble Tribunal by the Applicant Shri Prayag Kumar and I am competent to swear this Counter Affidavit on behalf of Respondent No. 8, the District Magistrate, Saran, Chapra.
3. That the present application has filed by the Petitioner for seeking for maintaining and save the Daha river under scheme of Gandak-Daha-Ghaghra Linking Scheme.
4. That first of all it is relevant to mention here that a detailed counter affidavit was filed by the respondent No.- 03 on 09.12.2025 in this case, wherein all relevant facts were disclosed properly from which the answering respondent agree.

Photo copy of counter affidavit filed
by the respondent no.- 03 is being



X

annexed and marked as Annexure-
"A".

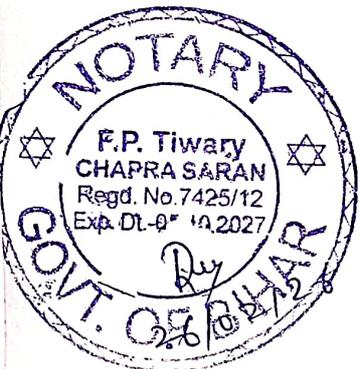
5. That it is not out of place to mention here that the major part of Daha river is running within jurisdiction of Siwan & Gopalganj district and the said river has very short length /tail point within jurisdiction of Chapra district and in running area of said river situated in Chapra District there is no existence of flow of any untreated water as in adjacent area of the same there is no establishment/ existence of any industries.

Vaibhava
Deponent

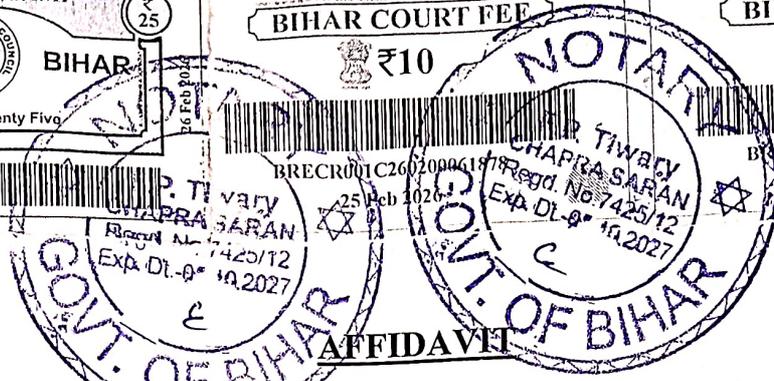
Verification

I, Vaibhava Srivastava, son of Sri Deepak Kumar Srivastave, aged about 36 years, by faith Hindu, by occupation Service, working for gain at District Magistrate, Saran, Chapra do hereby verify the statements made in paragraphs 1 to 7 of the petition are based on information derived from records, which I verily believe to be true and the rest including the prayer portion are my mumble submissions before this Hon'ble Tribunal.

Vaibhava
Deponent



Identify the Signature/L.I.O.
deponent who has signed/put
in my presence.
Rashmi Devi
Advocate
26/2/26
C.C.No - 378/175



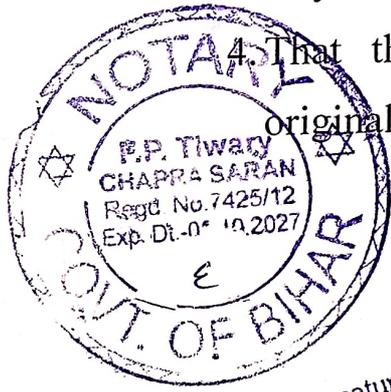
AFFIDAVIT

I, Vaibhava Srivastava, aged about 36 years. Male, son of Sri Deepak Kumar Srivastava, presently posted as District Magistrate, Saran, Chapra, residence at D.M. Residence, Chapra, P.S-Town, District-Chapra, do hereby solemnly affirm and state as follows:-----

25/2
26/02/26

1. That I am Respondent No.8 in this application and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this counter affidavit have been read by me which I have fully understood the same and they are true to my knowledge and belief.
3. That the statements made in paragraph no. 01 to 05 are true to my knowledge and derived from records of this case and rests are by way of submissions in this Hon'ble Tribunal.

4. That the annexures are true/photocopies of their respective originals



Vaibhava

Identify the Signature/L.H. of deponent who has signed/put in my presence.
Pashupati Nath
Advocate
C.C.No. 378/15 26/2/26

Name..... Vaibhava Srivastava
Address..... D.M. Chapra Saran
Solemnly affirm and declare before me and identified by advocate..... *Pashupati Nath*

Notary *Pashupati Nath*
Chapra
26/02/26

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
O.A. No. 188/2025/EZ

In the matter of:
Prayag Kumar

-Versus-

The State of Bihar & Others

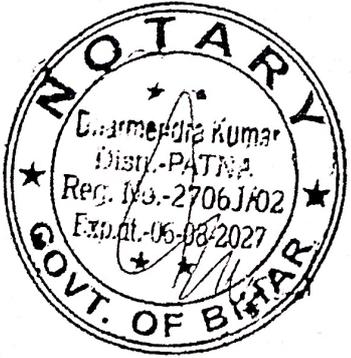


Sl. No. 188 Date 09/12/2025

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 (Water Resources Department, Government of Bihar)

I, Madan Chand Chaudhary, son of Late Basudeo Chaudhary, aged about 55 years, by occupation Govt. Service, presently working as Executive Engineer, Flood Control Division, Siwan, Pin Code-841226, Bihar, in the Water Resources Department, Government of Bihar, I am authorized by competent authority, 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. 188/2025/EZ filed before this Hon'ble Tribunal by the Applicant Shri Prayag Kumar and am competent to swear this Counter Affidavit on behalf of Respondent No. 3, the Water Resources Department, Government of Bihar.
2. That the Applicant has filed the Original Application seeking implementation of environmental laws and the work order for the Gandak-Daha-Ghaghra River Linking Scheme. The Applicant has raised grievances regarding the dumping of untreated drain water from villages and cities of Gopalganj, Siwan, and Chapra into the



X

Daha River, and has sought beautification and cleaning of the Daha River.

3. That at the outset, the Answering Respondent expresses its utmost respect for this Hon'ble Tribunal and its steadfast commitment to environmental protection, sustainable development, and compliance with all applicable environmental laws and regulations.
4. That the Answering Respondent most respectfully submits that insofar as the treatment of waste products from drain water of villages and towns which is being dumped into the Daha River is concerned, the same does not fall within the jurisdiction, domain, or statutory mandate of the Water Resources Department, Government of Bihar. The treatment and management of municipal and domestic waste water is the responsibility of the concerned Urban Local Bodies, Municipal Corporations, Nagar Parishads, and the Urban Development Department, Government of Bihar.
5. That similarly, the beautification of the Daha River is also not within the purview or jurisdiction of the Answering Respondent. The responsibility for beautification of rivers and water bodies vests with the concerned District Administration, Urban Local Bodies, Nagar Parishads, Municipal Corporations, and the Urban Development Department, Government of Bihar, Patna.
6. That the Answering Respondent, however, most respectfully submits that as far as the desiltation and cleaning of the Daha River is concerned, the Water Resources Department has taken comprehensive and concrete steps in this regard and is fully committed to the environmental restoration and rejuvenation of the Daha River.



5X

7. That the Answering Respondent has prepared a Detailed Project Report (DPR) for an Integrated Project for Irrigation, Flood Control, and Drainage in Saran District with the professional assistance of consultant WAPCOS Limited. The said DPR specifically includes comprehensive provisions for the desiltation of the Daha River flowing through the districts of Gopalganj, Siwan, and Saran over a total length of 136 kilometers.
8. That the Detailed Project Report for the Flood Component under Phase-1 of the Integrated Project for Irrigation, Flood Control, and Drainage in Saran District was duly approved by the Departmental Review Committee (DRC) of the Water Resources Department, Government of Bihar on 30th September 2022.

Copy of the proceedings of the Departmental Review Committee meeting dated 30.09.2022 is annexed herewith and marked as Annexure- R/1.

9. That thereafter, the Chief Engineer, Master Planning Investigation and Project Preparation, Water Resources Department, Patna, through letter bearing number 420 dated 10th May 2023, formally submitted the aforesaid Detailed Project Report to the Ganga Flood Control Commission, Adalatganj, Patna for technical appraisal and examination.

Copy of the said letter dated 10.05.2023 is annexed herewith and marked as Annexure- R/2.

10. That the Ganga Flood Control Commission, Adalatganj, Patna, after conducting detailed technical scrutiny and evaluation, communicated certain observations and suggestions through their letter dated 19th July 2023.



X

Copy of the letter dated 19.07.2023 is annexed herewith and marked as Annexure- R/3.

11. That in compliance with the observations raised by the Ganga Flood Control Commission, the Water Resources Department submitted comprehensive compliance reports to the Ganga Flood Control Commission, Adalatganj, Patna in a phased manner through letter number 997 dated 4th October 2023, letter number 347 dated 20th March 2024, and letter number 750 dated 3rd July 2024.

Copies of the letters dated 04.10.2023, 20.03.2024, and 03.07.2024 are annexed herewith and collectively marked as Annexure- R/4 Collectively.

12. That the Ganga Flood Control Commission, Patna, after reviewing the compliance reports submitted by the Answering Respondent, communicated further observations and technical requirements through their letter dated 26th July 2024.

Copy of the letter dated 26.07.2024 is annexed herewith and marked as Annexure- R/5.

13. That subsequently, the Answering Respondent prepared and submitted a revised Detailed Project Report with an estimated cost of Rs. 2063.56 crores to the Ganga Flood Control Commission, Patna for technical appraisal through letter number 888 dated 27th December 2024 issued by the Superintending Engineer, Master Planning Investigation and Project Preparation Circle, Patna. The Ganga Flood Control Commission, Patna, thereafter communicated their observations on the revised DPR through their letter dated 21st



X

Copies of the letters dated 27.12.2024 and 21.01.2025 are annexed herewith and collectively marked as Annexure- R/6 Collectively.

14. That during the review of the scheme at higher administrative levels, a decision was taken to incorporate provisions for SCADA (Supervisory Control and Data Acquisition) Component and Check Dams in the present Detailed Project Report to ensure comprehensive monitoring and management of water resources. In this regard, the consultant WAPCOS Limited, through their communication dated 27th September 2025, requested additional time to make the necessary additional provisions and to ensure final compliance with all observations raised by the Ganga Flood Control Commission, Patna.

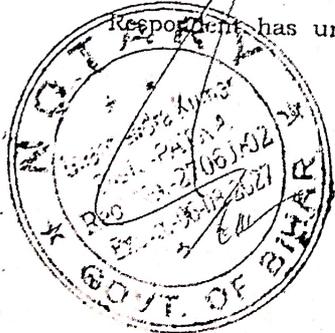
Copy of the letter dated 27.09.2025 is annexed herewith and marked as Annexure- R/7.

15. That in compliance with the aforesaid decision to incorporate provisions for SCADA Component and Check Dams, the revision of the Detailed Project Report and the comprehensive compliance report addressing all observations communicated by the Ganga Flood Control Commission, Patna through their letter dated 21st January 2025 is presently under active progress by the consultant WAPCOS Limited. The Answering Respondent submits that the revised Detailed Project Report along with the complete compliance report shall be submitted to the Ganga Flood Control Commission, Patna for their technical appraisal and approval at the earliest possible opportunity.



8

16. That the Answering Respondent respectfully submits that after obtaining the technical appraisal and approval from the Ganga Flood Control Commission, Patna, the scheme shall be placed before the Advisory Committee of the Ministry of Jal Shakti, Government of India, New Delhi for their comprehensive review and final recommendation. The approval and recommendation from the Advisory Committee of the Ministry of Jal Shakti is a mandatory statutory requirement for projects of this magnitude and scope.
17. That only after obtaining the final recommendation and approval from the Advisory Committee of the Ministry of Jal Shakti, Government of India, New Delhi, the process for granting Administrative Approval and Expenditure Sanction for the entire scheme can be formally initiated by the Answering Respondent Department. The Answering Respondent is committed to expediting this process within the framework of applicable statutory and administrative procedures.
18. That it is well-established under the Water Resources Department's mandate and the relevant statutory provisions that flood control, drainage management, and desiltation of rivers fall within the exclusive jurisdiction of the Water Resources Department. However, the treatment of municipal and domestic waste water, waste management, and beautification of water bodies are matters falling within the jurisdiction and responsibility of Urban Local Bodies, Municipal Corporations, and the Urban Development Department.
19. That the Answering Respondent most respectfully submits that it has acted with utmost diligence, responsibility, and commitment towards addressing the environmental concerns related to the Daha River within its statutory mandate and jurisdiction. The Answering Respondent has undertaken comprehensive planning, technical



X

evaluation, and has initiated all necessary procedural steps for the implementation of the desiltation and flood control measures for the Daha River.

20. That the Answering Respondent respectfully submits that it has not violated, contravened, or failed to comply with any provision of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, or any other applicable environmental laws, rules, regulations, or notifications. The Answering Respondent remains fully committed to ensuring environmental sustainability and compliance with all statutory requirements within its jurisdiction.
21. That the Answering Respondent craves leave of this Hon'ble Tribunal to file such further affidavits, documents, compliance reports, or submissions as may be deemed necessary or appropriate at the relevant stage of the proceedings.
22. That the Answering Respondent is fully committed to ensuring effective implementation of the Integrated Project for Irrigation, Flood Control, and Drainage including comprehensive desiltation of the Daha River, subject to completion of all requisite statutory approvals and administrative sanctions.
23. That in view of the aforesaid facts and circumstances, the Answering Respondent most respectfully prays that this Hon'ble Tribunal may be pleased to dispose of the present Original Application to the extent it relates to the Water Resources Department, Government of Bihar, taking into consideration the proactive measures already undertaken and the procedural requirements that are being diligently followed by the Answering Respondent.



X

24. That the Answering Respondent states and submits that it is ready and willing to abide by any orders and directions that this Hon'ble Tribunal may be pleased to pass in the interest of environmental protection and in accordance with law.

25. I state that the statements contained in Paragraphs 1 to 24 above are true and correct to the best of my knowledge and belief based on records available with the Water Resources Department, Government of Bihar, and nothing material has been concealed therefrom.

Prepared in my office

Surendra Kumar
Advocate

Sri/Smt. *Surendra Kumar*
who is *Advocate* by Sri. *Surendra Kumar*
Advocate, solemnly affirmed and
declared before me.

Surendra Kumar
Dharmendra Kumar,
Notary Public (Patna)

[Signature]
DEPONENT

9.12.2025
Executive Engineer

I Identify the Deponent Signature/
who has signed in my presence

Anil Kumar
ADVOCATE
Em. No. 2346/11

NOTARY PUBLIC



[Signature]
I Identify the Deponent Signature/L.T.I.
who has signed in my presence
who has signed in my presence
Deponent Signature/L.T.I.
ADVOCATE

X

VERIFICATION

Verified at Pocote by the deponent above named on this the 09 day of December, 2025, and say that the contents of paragraphs 1 to 24 are true to my knowledge and the contents thereof are based on records, legal advice, and are believed to be true.


DEPONENT
9.12.2025
Executive Engineer
Flood Control Division, Siwan



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


ADVOCATE 09/12/2025
En. No. 2346/11

भारत सरकार
Government of India



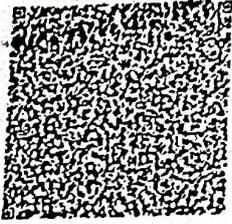

वैभव श्रीवास्तव
Vaibhava Srivastava
जन्म तिथि/DOB: 18/12/1989
पुरुष/ MALE

आधार पहचान का प्रमाण है, नागरिकता का प्रमाण नहीं है।
इसका उपयोग साक्षात्कार (ऑनलाइन प्रमाणीकरण, या क्यूआर कोड/ ऑफलाइन एक्सएमएल की स्कैनिंग) के साथ किया जाना चाहिए।
Aadhaar is proof of identity, not of citizenship
or date of birth. It should be used with verification (online authentication, or scanning of QR code / offline XML).

5420 8683 7750

मेरा आधार, मेरी पहचान

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

पता:
श्री दीपक कुमार श्रीवास्तव, डीडीसी अवास जिला
परिषद, डाक बंगला निचर हेल्थ क्लब, बिहार शरीफ,
बिहारशरीफ, बिहारशरीफ, नालंदा,
बिहार - 803101

Address:
C/O: Sri Deepak Kumar Srivastava, DDC
Awās Zilla Parishad, Dak Bungalow Near
North Club, Bihar Sharif, Biharsharif, PO:
Biharsharif, DIST: Nalanda,
Bihar - 803101

5420 8683 7750
VID : 9190 8450 1533 5033

1047 | help@uidai.gov.in | www.uidai.gov.in

Vaibhava