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**BEFORE THE NATIONAL GREEN TRIBUNAL****EASTERN ZONE , KOLKATA BENCH****Original Application No. 69 of 2025/EZ****Santosh Singh & Others****..Applicant****Vs.****State of Bihar & Others****..Respondents****INDEX**

<b>Sl no.</b>	<b>Particulars</b>	<b>Page no.</b>
1.	Counter affidavit on behalf of Respondent no. 4	01-07
2.	<b>Annexure-A:</b> -Inspection Report dated 16.08.2025, prepared by the Joint Inspection Team of Bihar State Pollution Control Board	08-09



(X)

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOLKATA BENCH

Original Application No. 69 of 2025/EZ

Santosh Singh & Others

..Applicant

Vs.

State of Bihar & Others

..Respondents

COUNTER AFFIDAVIT ON BEHALF OF BIHAR STATE  
POLLUTION CONTROL BOARD.

I, Ashish Kumar Gupta, aged about 59 years, Son of Late S.P. Gupta, resident of Kankarbagh, P.S.- Patrakar Nagar, Town & District- Patna, do hereby solemnly affirm and state on oath as under:

*Sr/Smt. Ashish Kumar Gupta who is identified by Advocate Abhinav Prakash solemnly affirmed and declared contents of this affidavit apart from this nothing else as atamp/Court fees etc. U/s 3 & Sub rule 4 of 8 rule of N.Act. 1986 before me*

**A. K. LAL**  
Notary, Civil Court, Patna

1. That I am an authorized signatory of the Bihar State Pollution Control Board (hereinafter referred to as "the Board"), the Respondent No. 4 in the present case, and am duly authorized and conversant with the facts of the case to swear this affidavit on its behalf.



2. That I have read and understood the contents of the application filed by the Applicants and the subsequent proceedings and orders of this Hon'ble Tribunal in the matter.

3. That in compliance with the directions of this Hon'ble Tribunal, a joint inspection of the site in question, namely near Kesari River at Village Ghora Dihri, District Aurangabad, was conducted on 16.08.2025. The inspection team comprised of: a) Shri Anjani Kumar Sinha, Assistant Environment Engineer, Muzaffarpur, Patna; and b) Shri Ravi Gopal, Lab/Field Attendant, Central Laboratory, Patna.

4. That a detailed Inspection Report dated 16.08.2025 was prepared based on the observations made during the site visit.

A true copy of the said report and its translated copy is annexed herewith and marked as Annexure-A.



5. That the relevant findings from the said inspection report are summarized as under:

a) Construction activity for a Panchayat Bhawan (90 ft. x 60 ft.) and an

office building (24 ft. x 21 ft.) was found to be in progress.

b) The work of the plinth and pillars was completed and other construction works were ongoing.

c) Crucially, the measured distance (via Google Maps) between the construction site and the bank of Kesari River was found to be 14.62 meters.

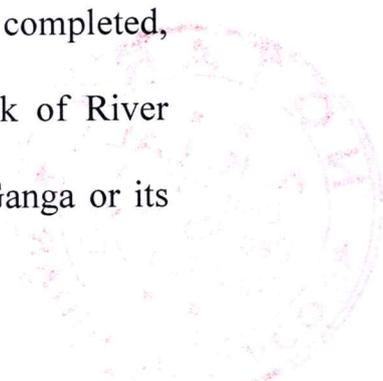
6. That the Inspection Report containing the aforementioned factual finding has been duly submitted to the concerned authorities for necessary action as per law.

7. That as per the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, mandates, the bank of River Ganga and its flood plain to be construction free Zone to reduce pollution sources, pressures and to maintain its natural ground water recharge functions. Under Section 6 (3) of the said Order it is stipulated that

“No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

Provided further that in case any such construction has been completed,

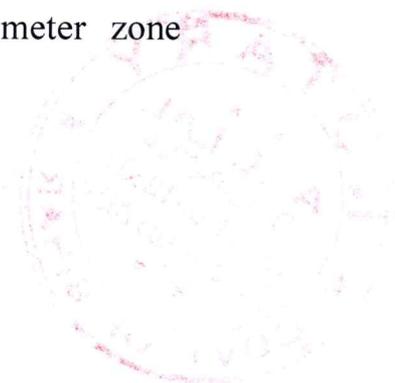
before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its



tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

8. The definition of "flood plain" means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years. The Hon'ble National Green Tribunal vide its judgment dated 13.07.2017 passed in O.A. 200 of 2014 (M.C. Mehta vs Union of India & Ors.) has directed to identify and demarcate the flood plains of river Ganga from Haridwar to Unnao and has ordered that till the said identification and demarcation of flood plain is completed, 100 metres from the edge of the river would be designated as no development/construction zone.

9. That the inspection finding confirms that construction activity is being carried out within 14.62 meters of the Kesari River bank prima facie indicates a clear and significant violation of the said direction, as the measured distance falls well within the prohibited 100-meter zone stipulated in the Hon'ble Tribunal's order.



6

10. That the Inspection Report containing the aforementioned factual finding has been duly submitted to the concerned authorities for necessary action as per law and the directions of this Hon'ble Tribunal.

11. That the Board is committed to ensuring compliance with environmental laws and regulations. The findings of the inspection report are placed before this Hon'ble Tribunal for its consideration.

12. That the statements made hereinabove are true and correct to the best of my knowledge, information, and belief, derived from the official records of the Board and the inspection carried out. No part of it is false or misleading and nothing material has been concealed therefrom.

13. The statements made in the foregoing paragraph nos. 1 to 8 of this Affidavit are true to my knowledge and best of my belief and information derived from record and the rest thereof are my humble submissions before this Hon'ble Tribunal.

Identify the deponent's signature/L  
who has signed in my presence  
Brijendra Prakash  
BR/1520/2019



AK Gupta  
6/03/2020  
DEPONENT

## VERIFICATION

Verified at Patna on this <sup>✓</sup> 6<sup>th</sup> day of 'March, 2026' that the contents of the above affidavit from paragraphs 1 to 8 are true and correct to my knowledge and belief, no part of it is false, and nothing material has been concealed therein.



AK Lalay  
6.03.2026

DEPONENT





भारतीय विशिष्ट पहचान प्राधिकरण  
भारत सरकार  
Unique Identification Authority of India  
Government of India



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।

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*A. K. Gupta*  
6.03.2016

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

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help@uidai.gov.in  
www.uidai.gov.in

- आधार देश भर में मान्य है।
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- कृपया अपना नवीनतम मोबाइल नंबर तथा ई-मेल पता दर्ज कराएं, इससे आपको विभिन्न सुविधाएं प्राप्त करने में सहायिता होगी।

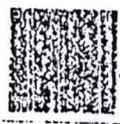
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UNIQUE IDENTIFICATION AUTHORITY OF INDIA



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



पता:  
S/O: लेट सारयुग प्रसाद गुप्ता,  
कनकरबाग, ईस्ट ऑफ कॉलेज ऑफ कॉमर्स, मुन्ना चक, सम्पतचक, पटना, बिहार - 800020  
Address:  
S/O: Late Saryug Prasad Gupta,  
kankarbagh, east of collage of commerce, munna chak, Sampatchak, Patna, Bihar - 800020

5736 5735 1647

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आधार-आम आदमी का अधिकार

Aadhaar-Aam Admi ka Adhikar

निरीक्षण की तिथि:- 16.08.2025

विषय:- माननीय राष्ट्रीय हरित अधिकरण, पूर्वी बेंच, कोलकता में संतोष सिंह बनाम बिहार राज्य एवं अन्य O.A No.- 69/2025/EZ में दिनांक 22.05.2025 को पारित आदेश  
 प्रसंग:- घोरा डिहरी ग्राम, औरंगाबाद में केशरी नदी के बगल में जे०सी०बी० मशीन का उपयोग करके सरकार पंचायत भवन का निर्माण किया जा रहा है। भवन का स्थल केशरी नदी से मात्र 30 मीटर की दूरी पर है।

निरीक्षण पदाधिकारियों का नाम/पदनाम:

- (1) अंजनी कुमार सिन्हा, सहायक पर्यावरण अभियंता, मु०, पटना;
- (2) रवि गोपाल, लैब/फिल्ड अटेन्डेंट, केन्द्रीय प्रयोगशाला, पटना

संपर्क स्थानीय नागरिकों का नाम/पता:

- (1) श्री सच्चिदानन्द कुमार प्रेमी, पिता: श्री प्रद्युमन यादव, ग्राम: घोरा डिहरी, औरंगाबाद
- (2) श्री श्रीकान्त कुमार, पिता: श्री रामजी यादव, ग्राम: घोरा डिहरी, औरंगाबाद

स्थल की विवरणी:-

क्रमांक	विषय	विवरणी/अवलोकन
1.	स्थल का नाम/पता	ग्राम: घोरा डिहरी, पोस्ट: दधपी, थाना: मदनपुर, जिला: औरंगाबाद
2.	लेटिच्युड/लॉंगिच्युड	24.666293N 84.491344E
3.	नदी का नाम	केशरी नदी
4.	पंचायत भवन एवं कार्यालय का निर्माण कार्य	पंचायत भवन 90 X 60 वर्ग फीट एवं उसके कार्यालय 24 X 21 वर्ग फीट में निर्माण कार्य किया जा रहा था। प्लिन्थ एवं पिलर का कार्य पुरा कर लिया गया था तथा भवनों के अन्य निर्माण कार्य प्रगति पर पाया गया।
5.	निर्माण स्थल से नदी (केशरी नदी) की दूरी: (गुगल मैप द्वारा माप)	14.62 मीटर

अभियुक्ति:-पंचायत भवन के निर्माण स्थल से केशरी नदी के तट की दूरी 14.62 मीटर पाया गया है। इसकी सूचना अधिवक्ता-सह-विधि सहायक, श्री अभिमन्यु सिंह को दिया जा सकता है।

*R. Gopal*  
 26/08/25  
 (रवि गोपाल)  
 लैब/फिल्ड अटेन्डेंट

*A. K. Singh*  
 26/08/25  
 (अंजनी कुमार सिन्हा)  
 सहायक पर्यावरण अभियंता, मु०, पटना



## Inspection Report

Date of Inspection: - 16.08.2025

Subject: - Hon'ble National Green Tribunal, Eastern Bench, Kolkata in Santosh Singh State & Others O.A No.- 69/2025/EZ passed on 22.05.2025.

Context: A government panchayat building is being constructed next to the Keshari River in Ghora Dihri village, Aurangabad. The site is 10 meters from the Keshari River.

### Name/Designation of Inspecting Officers:

- (1) Ajani Kumar Sinha, Assistant Environmental Engineer, Municipal Corporation, Patna,
- (2) Ravi Gopal, Lab/Field Attendant, Central Laboratory, Patna.

### Contact Local Citizens Name/Address:

- (1) Shri Sachchidanand Kumar Premi, S/o Shri Pradyuman Yadav, Village- Ghora Dihari, Aurangabad.
- (2) Shri Srikant Kumar, S/o Shri Ramji Yadav, Village- Ghora Dihari, Aurangabad.

### Site description: -

S.No.	Subject	Venue Name/Address
1.	Description/Overview	Village- Ghora Dihari, Post- Dadhapi, Thana-Madanpur, Distt. -Aurangabad
2.	Latitude/Longitude	24.666293N 84.491344E
3.	River name	Keshari River
4.	Construction work of Panchayat Bhawan and office	The Panchayat Bhawan was being constructed in a 90 x 60 sq ft area and the office in a 24 x 21 sq ft area. The plinth and pillars were inspected and other parts of the buildings were found to be in progress.
5.	Distance of river (Keshari River) from construction site: (Measured by Google Maps)	14.62 meters

**Allegation:** The distance of the bank of Keshari River from the construction site of the Panchayat Bhawan is 14.62 m. This information was given to Advocate-cum-Legal Assistant, Shri Abhimanyu Singh.