



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

OA No.128 of 2025/EZ

Dewkant Kumar Applicant.

Vs.

State of Bihar Respondents

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Place:- Kolkata

Date: 13/10/2025

Ashok Prasad

Ashok Prasad, Advocate

Counsel for Respondent No. 5

Mobile: 9883069404

Email id: ashokadvhc@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA.
OA No.128 of 2025/EZ

Dewkant KumarApplicant.
Vs.
State of BiharRespondents

REPLY ON BEHALF OF THE RESPONDENT NO. 5 DRM, KATIHAR
NORTHEAST FRONTIER RAILWAY

NOTARY
Kathar (Bihar)
07/05/2024
NOTARY
Kumar Dewkant
Kathar
Regd No
S.SAN/01/2024/1111
Exp. Date
12 Aug. 2028
GOVT OF BIHAR, INDIA

MOST RESPECTFULLY SHEWETH:

Dhamodara Raj, son of D. R. Vittal, presently posted as a
Senior Medical Superintendent, North East Frontier Railway, Katihar
Division, do hereby solemnly affirm and declare as follows:-

- 1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly authorized and competent to swear this affidavit on behalf of Respondent No. 5, in the above matter.
- 2. That I have read and understood the original application and have been advised to traverse by way of this Counter Affidavit as reply thereto.

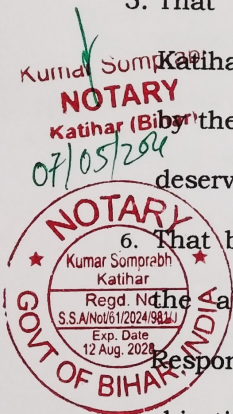
3. That have and except those which are matter of record and those which are specifically admitted hereto the contents of the OA that have not been specifically admitted hereunder or are a matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

PRELIMINARY OBJECTIONS

5. That the Respondent No. 5 Northeast Frontier Railways, Katihar Division at the outset, submits that allegations made by the Original Applicant is misplaced and is bad in law and deserves to be struck down as being without any merit.

6. That before responding Para-wise to the allegations made in the above captioned Original Application, the answering Respondent seeks liberty to place on record certain preliminary objections that in its humble submission are pertinent for a holistic adjudication of the issue, which has been conceived without any basis either in law or fact.

7. That at the outset, the answering Respondent submits that the Original Application filed by the Applicant through letter

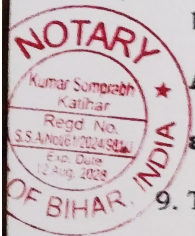


petition that air pollution is being caused by Katihar Railway Administration and it is the violation of Solid Waste Management Rules, 2016.

8. That it is most respectfully submitted that an agreement was duly executed between the Railway Administration and Katihar Municipal Corporation for the cleaning and removal of solid waste from the site in question at the rate of Rs. 1300/- per trip. In terms of the said agreement the entire work has been successfully executed and completed to the satisfaction of the concern authorities. It is further submitted that at present no solid waste is lying at the said premises and the entire area has been cleaned.

Kumari Somprabha
NOTARY
Katihar (Bihar)
07/10/2025

A copy of the letter dated 21.10.2025 is annexed herewith and marked as Annexure- R-1.



9. That it is further submitted that a total of 172 trips were undertaken by for the cleaning and removal of solid waste and the total amount of Rs. 2,23,600/- has already been transferred in the account of Katihar Municipal Corporation.

A copy of said documents are annexed herewith and
Marked as Annexure R-2.

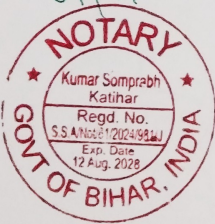
10. In view of the facts and circumstances stated herein above and the submissions made herein, no cause of action survives with regards to the removal of solid waste at the site. It is further respectfully submitted that this Hon'ble Tribunal may be pleased to reject the reliefs prayed for and to dismiss the said O.A with costs.

[Handwritten Signature]
7/5/24

(DEPONENT)
CMS/KATIHAR
N. F. Railway

Dr. V. DHAMODARA RAJ
CHIEF MEDICAL SUPERINTENDENT
DIVISIONAL RAILWAY HOSPITAL
NORTH EAST FRONTIER RAILWAY
KATIHAR, BIHAR

Kumar Somprabn
NOTARY
Katihar (Bihar)
07/05/2024



VERIFICATION

Verified at Katihar on this...^{7th}... Day of May, 2026, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed there from.

[Handwritten Signature]

(DEPONENT)
KIR/NFR 7/5/26

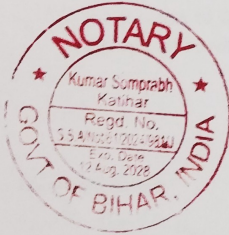
Dr. V. DHAMODARA RAJ
CHIEF MEDICAL SUPERINTENDENT
DIVISIONAL RAILWAY HOSPITAL
NORTH EAST FRONTIER RAILWAY
KATIHAR, BIHAR

Identified by me

Alok Ranjan
Adv. 7/5/26

Advocate

Kumar Somprabh
NOTARY
Katihar (Bihar)
07/05/2026



X

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

IN

OA. No. - 128 of 2025/EZ

IN THE MATTER OF

Dewakant Kumar

..... APPLICANT

VERSUS

Dept. Govt. State of Bihar

..... RESPONDENTS

AFFIDAVIT

I, Dr. V. Dhamodara Raj, S/o- D.R. Vittal, aged - 53 years, having office at the Divisional Railway Hospital, Katihar, Bihar, 854105 do hereby solemnly affirm and sincerely state as follows:-

1. That the deponent is authorized representative to represent the Respondent No.-5 in the present case and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit in behalf of the Respondent No.-5.

That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of record maintained during ordinary course of business of Railway and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Kumari Sonu Prasad
NOTARY
Katihar (Bihar)

07/08/2025

NOTARY
Kumar Somprasad
Katihar
Regd. No. 1234
S.A. No. 12025
Exp. Date 12 Aug 2028
COURT OF BIHAR, INDIA

Identified by me

Alok Rajan
Adv. 7/5/26
Advocate

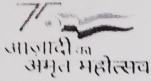
Dr. V. Dhamodara Raj
DEPONENT 7/5/25

Dr. V. DHAMODARA RAJ
CHIEF MEDICAL SUPERINTENDENT
DIVISIONAL RAILWAY HOSPITAL
NORTH EAST FRONTIER RAILWAY
KATI HAR, BIHAR

NORTHEAST FRONTIER RAILWAY

Ameyan-R-1 24

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Office of the
SSE/C&W/IC/KIR
N.F.Railway, Katihar

No. M/K/SSE/C&W/KIR/25

Dated: - 21.10.25

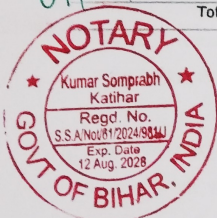
To,
Municipal Commissioner
Katihar-854105

Sub : Disposal of Railway Solid waste by Katihar Nagar Nigam's Tractor in Municipal area.
Ref : (1) ADRM/KIR'S L.No. M/K/NGT/KIR/25, Dated: - 14.10.25

As per referred letter, It is certified that Solid Waste Garbage lying on Railway land near Green shop Para being disposed off by Katihar Nagar Nigam's Tractor during 16.10.25 to 19.10.25. The details of Garbage transported by Katihar Nigam's Tractor is as below:-

Kumar Somprabh
NOTARY
Katihar (Bihar)
07/10/2025

Date	Total No of Trip Tractor used
16.10.2025	65 Trip (Sixty Five Trip)
18.10.2025	57 Trip (Fifty Seven Trip)
19.10.25	50 Trip (Fifty Trip)
Total	172 Trip (One Hundred Seventy Trip)



Handwritten signature and date: 21/10/25
(S.K. Gupta)
SSE/C&W/IC/KIR

Copy to:-

1. Sr.DME/KIR- for Kind information Please.
2. DME/KIR- for Kind Information please.
3. ADME/KIR- for information please.

Attested by

Kumar Somprabh
NOTARY, Katihar (Bihar)

07/10/2025

संतोष कुमार, (वि०प्र०सी०)
नगर आयुक्त,
06452-245305
E-mail- kmekathhar@bihar.gov.in

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पत्रांक-31.0.8...../न/नि०, कटिहार,

सेवा में,

अपर मंडल रेल प्रबंधक,
पूर्वोत्तर सीमा रेल,
कटिहार।

दिनांक-22/11/2025

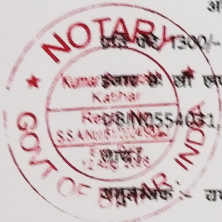
- विषय :- लोस अपशिष्ट प्रबंधन के तहत कचड़ा उठाव हेतु निर्धारित भाड़ा के भुगतान के संबंध में।
- संदर्भ :- अधोहस्तावली कार्यालय पत्रांक- 3031/न.नि. दिनांक- 13.10.2025 एवं आपका कार्यालय पत्रांक- M/K/NGT/Katihar/25 दिनांक- 14.10.2025
- सहायक,

उपर्युक्त विषयक के संबंध में कहना है कि अधोहस्तावली कार्यालय पत्रांक- 3031/न.नि. दिनांक- 13.10.2025 के आलोक में आपके प्रासंगिक पत्र के माध्यम से रेलवे क्षेत्र में लोस अपशिष्ट प्रबंधन हेतु कचड़ा उठाव के लिए प्रति फीट 1300/- रुपये (मो. तेरह सौ रुपये) दरमति प्रदान की गयी थी, जिसके आलोक में कुल 172 फीट कचड़ा का उठाव विन्या गया है, जिसका अत्यायन आपके द्वारा नामित श्री सुनील कुमार गुप्ता, चरिष्ठ सेक्शन इंजीनियर, सीएण्ड ड्यू कटिहार के पत्रांक- M/K/SSE/C&W/KIR/25 दिनांक- 21.10.2025 द्वारा विन्या गया है।

अतः उपरोक्त आलोक में अनुरोध है कि कुल 172 फीट कचड़ा उठाव हेतु निर्धारित प्रति फीट 1300/- रुपये (मो. तेरह सौ रुपये) की कुल राशि 2,23,600/- (मो. दो लाख तेईस हजार छह सौ रुपये) नगर निगम के खाता संख्या- 256310100030594 IFSC Code - SBIN00554031, Union Bank of India, Katihar Branch में स्थानांतरित करके का कट किया जाय।

विहवासभाजन

22/11/25
नगर अधिकारी,
नगर निगम, कटिहार।



Kumar Somprabh
NOTARY
Katihar (Bihar)
09/05/2024

Attested by

Kumar Somprabh
NOTARY, Katihar (Bihar)
09/05/2024

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

Original Application No. - 128/2025/EZ

DEWKANT KUMAR

... Petitioner/Appellant.

- Versus -

STATE OF BIHAR

... Defendant/Respondent.

I/WE **Dr. V. Dhamodara Raj, Chief Medical Superintendent, Katihar**, who is also Ex Officio Officer authorized to act for and on behalf of the Union of India representing the Northeast Frontier Railway Administration do hereby appoint and authorize, **Shri Ashok Prasad, Central Govt. Standing Counsel, Kolkata** to appear, act, apply, plead and present the above described suit/appeal/proceeding on behalf of the Union of India, to file and take back documents, to accept process of the Court to file and take documents, to accept processes of the Court to appoint and instruct Counsel, Advocate or Pleader to withdraw and deposit money and generally to represent the Union of India in the above described case/appeal proceedings and to do all things incidental to such appearing action, applying pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has PREVIOUSLY been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the case/appeal/claim/defence/proceeding against all or any Respondent(s)/ Applicant (s)/Opposite Party/Parties or enter into agreement, settlement or compromise hereby the case/appeal/proceeding is/are wholly or partly adjusted or refer to all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT IN exceptional circumstances where there is no sufficient time to consult such appropriate Officer of the Government of India and on mission to settle or compromise would be definitely prejudicial to the interest of the Government of India in the said Pleader/Advocate/Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said Officer and the special reasons for entering into the agreement, settlement or compromise.

I hereby agree to ratify all acts done by the aforesaid **Shri Ashok Prasad, Central Govt. Standing Counsel, Kolkata** in pursuance of this authority.

IN WITNESS WHEREOF THESE PRESENT ARE duly executed for and on behalf of the Union of India this 7th Day of MAY 2026.

*Yashwanthramma
Parent and applicant
Application No. 128/2025/EZ
9.5.2025/2025*

U. [Signature]
मुख्य सचिव, अधीनस्थ
एन. ए. रेली, कोलकाता
Chief Medical Super
N. F. Rly./Katihar