

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE AT KOLKATA BENCH
O.A. NO. 128 OF 2025/EZ**

In the matter of:

Dewkant Kumar.

...Applicant

-Versus-

The State of Bihar & Ors.

...Respondents

INDEX

Sl. No.	Particulars	Annexure	Page No.
1.	Counter Affidavit on behalf of Respondent no. 2.		1 - 8
2.	Copy of the letter no. 3392 dated 11.09.2025	-R/1-	9 - 10
3.	Copy of joint committee report dated 10.10.2025	-R/2-	11 - 14

Date: 18/03/2026

Place: Patna, Bihar.

Filed by:

Surendra Kumar
Advocate

Surendra Kumar,
Advocate

E: surendra_kr15@rediffmail.com

M: 9433361866

X



74

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE AT KOLKATA BENCH

O.A. NO. 128 OF 2025/EZ

In the matter of:

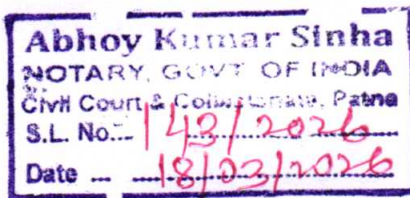
Dewkant Kumar.

...Applicant

-Versus-

The State of Bihar & Ors.

...Respondents



COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Surabhi Sinha ^{d/o} Jagdamb Kumar aged about 30 years, by occupation- Government Service, presently posted as Project officer-cum-deputy director under the Urban development & housing dept working for gain at _____, Bihar, Pin 800027, do hereby solemnly affirm and state as followed:

1. That I have made myself acquainted with the facts and circumstances of the Original Application filed by the applicant and I have thoroughly gone through all the documents pertaining to the subject matter of this instant case and I am competent vide an authorization to file the instant Affidavit before this Hon'ble Tribunal.
2. That the present counter affidavit is being filed on behalf of the answering respondent in compliance with the order of Hon'ble NGT, Eastern Zone Kolkata order dated- 19.08.2025 as well as order dated 13.01.2026 passed in this case to provide proper assistance to the Hon'ble NGT in administration of justice with a



further leave to this Hon'ble NGT to file another affidavit as and when need arises or directed by this Hon'ble NGT in the fact and circumstances of the case.

3. That most humbly and respectfully it is stated and submitted that the answering is taking forward the objectives of the Swachh Bharat Mission (Urban) and is committed to ensure scientific Solid Waste Management (SWM) in the State of Bihar if any, concerned to the answering Department.
4. That it appears that in the present case, the petitioner has raised the issue of air pollution caused by Katihar Railway Administration and Katihar Municipal Corporation.
5. That it is humbly and respectfully stated and submitted that by order dated - 19.08.2025 the Hon'ble NGT has constituted a joint committee comprising of District Magistrate- cum- Collector Katihar and Bihar State Pollution Control Board and directed to meet within two weeks, undertake visits to the site, look into the grievances of applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and take appropriate remedial action by following due course of law. For which the Bihar State Pollution Control Board has been authorised as nodal agency for coordination and compliance.
6. That the answering department taken note in this case in the light of direction of the Hon'ble NGT dated - 19.08.2025 issued in OA no. 128/2025/EZ and accordingly issued a letter bearing no. 3392 dated - 11.09.2025 under signature of Under Secretary, Urban Development and Housing Department Government of Bihar to the Member Secretary, Bihar State Pollution Control Board, Patna



Bihar for taking follow up action in the matter in the light of direction of NGT and report to the answering Department regarding follow up action in the matter.

Copy of the letter no. 3392 dated 11.09.2025 is annexed herewith and marked as Annexure- R/1.

7. That a joint committee report in compliance with the order of Hon'ble NGT in O.A. no. 128/2025/EZ in the matter of Dewkant Kumar versus The State of Bihar & Others related to violation of solid waste management rules 2016 has been prepared by the constituted committee all 10.10.2025 with observation as follows :

“...During inspection, no solid waste was found at the aforesaid sites, which was also confirmed by the representative of the complainant, present at the site.

The joint committee instructed for the environmentally sound management of institutional waste by ADRM, Railway Division Katihar and municipal solid waste by the municipal authorities as per the provisions of the Solid Waste Management Rules 2016. Further, it was also instructed to both the Authorities to ensure that waste generators should not throw, burn or bury the solid waste generated by them on streets, open public spaces, outside their premises or in the drain or water bodies. Penalty should also be imposed, if violation of the provisions of the Solid Waste Management Rules, 2016 is found by the waste generators...”.

Copy of joint committee report dated 10.10.2025 is annexed herewith and marked as Annexure- R/2.



8. That the answering respondent gone through the counter affidavit filed by the respondent no. 4 (Katihar Municipal Corporation, Katihar) and taken note of the averments made in the said counter affidavit.
9. That on perusal of averments made in the counter affidavit filed by the respondent no. 4, it appears that the issue of solid waste management raised in this case within area allocated under Katihar Municipal Corporation has categorically been clarified by the Authority of Katihar Municipal Corporation.
10. That in its counter affidavit, the respondent no. 4 has clarified that the area in question falls within the railway premises of Katihar Railway Division of NFR. It is further clarified by the respondent no. 4 in its counter affidavit that it is a well-established principle of administrative law and a matter of public knowledge that railway land, railway stations, colonies, railway yards, railway establishments, and all appurtenant thereto are vested under the exclusive jurisdiction, control, and management of the Railway Administration. The Municipal Corporation, Katihar, has no administrative authority, supervisory control, operational responsibility over any activity conducted within railway premises / area. The Answering Respondent is neither empowered nor authorized under any statute, notification, or executive order to enter railway land for purposes of waste collection, transportation, processing, or disposal without the express permission, coordination, and facilitation of the Railway authorities concerned.
11. That it has further been clarified by the respondent no. 4 in its counter affidavit that the Answering Respondent has always extended its fullest cooperation and institutional support to the



Railway Administration by providing designated, scientifically managed disposal sites within its jurisdiction where waste collected and transported by the Railway contractor can be deposited and processed in accordance with applicable environmental norms. The Answering Respondent has established comprehensive infrastructure and systematic mechanisms for the processing, treatment, and final disposal of Municipal Solid Waste in full compliance with statutory requirements and environmental safeguards. The Answering Respondent has consistently fulfilled its limited but crucial role in the integrated waste management ecosystem of the region.

12. That the respondent no. 4 in its counter affidavit has also stated and submitted that upon verifying the site it was revealed and confirmed that the area in question has been comprehensively cleaned, all accumulated garbage and waste materials have been properly collected and disposed of in accordance with prescribed protocols, and the site presently exhibits satisfactory standards of cleanliness and hygiene. The necessary remedial measures and corrective actions have been undertaken to clear the accumulated waste and restore environmental sanitation in the area. The present factual position, therefore, is that there exists no continuing accumulation of waste, no ongoing creation of air pollution, and no persistent unhygienic conditions at the site that was the subject of the Applicant's complaint.
13. That since the area in question is allocated within Municipal Area of Katihar Municipal Corporation and Authority of Katihar Municipal Corporation has clarified the factual aspects involve in this case in which no addition or clarification is required on the part of answering respondent because the Authority of Katihar



Municipal Corporation is competent to deal with the issues and affairs of Municipal Corporation.

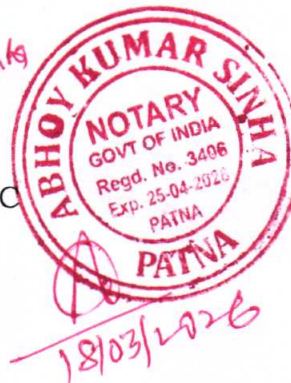
- 14. That so far as the issue of solid waste management is concerned, the answering department is actively pursuing the matter to ensure scientific Solid Waste Management (SWM) in the State of Bihar within the area allocated under control of the answering Department.
- 15. That the answering states 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 and the Inspection Committee.
- 16. I state that the statements contained in Paragraphs no. 1 to 15 are true to the best of my knowledge and belief, based on records and the rest are my humble submissions before this Hon'ble Tribunal.

Prepared in my office
Sureshendra Kumar
 Advocate

Surbashi Sinha
 DEPONENT *18/03/26*

18/03/2026
 BEFORE ME
Abhoy Kumar Sinha

NOTARY PUBLIC
Patna.



VERIFICATION

Verified at Patna, Bihar by the deponent above named on this the 18 day of March, 2026, and say that the contents of this affidavit made in paragraph nos. 1 to 16 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 Tribunal.

Swabhi Sinha
DEPONENT 18/03/26
Opponent/Excutor
ID No. 7216 7077 9524

I identified the deponent/ excutor who has/have signed and attested his/her/their impression in my presence
Advocate [Signature]
Regd. No. 18/03/2026 Date

Mr/Mrs./Mr./Mrs Swabhi Sinha
who has/have identified by Self
Advocate. Solemnly affirmed & declared the
Same before me
NOTARY PUBLIC PATNA Sign [Signature]
Govt. of India Date 18/03/2026



18/03/2026



पत्रांक-13/नंवि०/NGT-04/2025 3392

नंवि०एवंआ०वि०

बिहार सरकार
नगर विकास एवं आवास विभाग
(नगरपालिका स्वच्छता एवं विकास निदेशालय)

प्रेषक,

रंजन कुमार चौधरी,
सरकार के अवर सचिव।

सेवा में

सदस्य सचिव,
बिहार राज्य प्रदूषण नियंत्रण पर्षद,
पटना, बिहार।

पटना, दिनांक- 11/09/25

विषय- माननीय NGT कोलकाता में दायर O.A No. 128/2025/EZ के अनुपालन के संबंध में।

प्रसंग- माननीय NGT कोलकाता में दायर O.A No. 128/2025/EZ में दिनांक-19.08.2025 को पारित न्यायादेश

महाशय,

निदेशानुसार उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में कहना है कि माननीय NGT कोलकाता बेंच में दायर O.A No. 128/2025/EZ में दिनांक-19.08.2025 को पारित न्यायादेश द्वारा जिला पदाधिकारी, कटिहार तथा बिहार राज्य प्रदूषण नियंत्रण पर्षद, पटना की एक संयुक्त समिति का गठन किया गया है। साथ ही बिहार राज्य प्रदूषण नियंत्रण पर्षद, पटना को नोडल एजेंसी बनाया गया है।

2. उक्त समिति द्वारा दो सप्ताह के अन्दर बैठक किया जाना है, साथ ही स्थल निरीक्षण करना, आवेदक के शिकायत को समझना, आवेदक तथा Project Proponents के प्रतिनिधि को जोड़ना एवं तत्थात्मक स्थिति के आलोक में पुष्टि करते हुए विधिसम्मत उचित सुधारात्मक कार्रवाई करना है।

3. अतः अनुरोध है कि इस संबंध में माननीय NGT द्वारा दिये गये निदेश के आलोक में की गई कार्रवाई तथा समिति की बैठक में लिये गये निर्णयों से विभाग को शीघ्र अवगत कराने की कृपा की जाय ताकि माननीय NGT के समक्ष शपथपत्र दायर किया जा सके। सुलभ प्रसंग हेतु दिनांक-19.08.2025 को पारित न्यायादेश की प्रति संलग्न है।

अनु०-यथोक्त।

विश्वासभाजन,

३१
११/०९/२५

सरकार के अवर सचिव।

ज्ञापांक:-13/नंवि०/NGT-04/2025 3392

पटना, दिनांक:- 11/09/25

प्रतिलिपि:-नगर आयुक्त, नगर निगम, कटिहार से अनुरोध है कि अपने स्तर से मामले की जाँच करते हुए Solid Waste Management Rules, 2016 के प्रावधानों के अनुसार कार्य करने की कृपा की जाय।

2. साथ ही वर्णित मामले से संबंधित सत्यापित प्रतिवेदन साक्ष्य सहित यथाशीघ्र उपलब्ध कराने की कृपा की जाय ताकि माननीय NGT में प्रतिशपथ पत्र दायर किया जा सके।

सरकार के अवर सचिव।

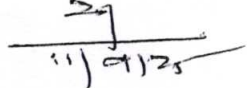


ज्ञापांक:-13/न०वि०/NGT-04/2025

3392

पटना, दिनांक:- 11/09/25

प्रतिलिपि:-सचिव के आप्त सचिव/अपर सचिव के प्राधन आप्त सचिव, नगर विकास एवं आवास विभाग बिहार, पटना/Team Leader SBM-PMU (nodalofficersbmbihar1@gmail.com) को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।


11/09/25

सरकार के अवर सचिव।



- R/2 -

110/83

JOINT COMMITTEE REPORT IN COMPLIANCE WITH THE ORDER OF THE HON'BLE NGT IN O.A NO 128 2025/EZ IN THE MATTER OF DEVKANT KUMAR VS STATE OF BIHAR AND OTHERS RELATED TO VIOLATION OF SOLID WASTE MANAGEMENT RULES 2016.

The O A No 128 2025/EZ Dated 19.08.2025 is related to issue of violation of provisions of the Solid Waste Management Rules, 2016 by Katihar Railway Administration and Katihar Municipal Corporation, Katihar, causing Air Pollution.

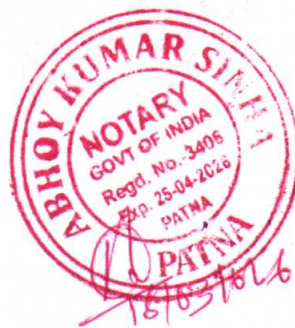
To investigate the matter, Hon'ble National Green Tribunal (NGT) constituted a joint committee comprising of District Magistrate-cum collector Katihar and Bihar State Pollution Control Board, Patna.

The joint committee comprising of following officials carried out the site visit on 10-10-2025 at the sites in question, situated in railway premises located near railway washing pit (beside Purnea Railway crossing) :-

1. The District Magistrate, Katihar.
2. Sri Nalini Mohan Singh, Scientist, Bihar State Pollution Control Board (BSPCB), and
3. Sri Sain Kumar, Regional Officer, Purnea, Bihar State Pollution Control Board (BSPCB).

During inspection, the following persons were also present :-

- I ADM, Katihar
- II Municipal Commissioner, Municipal Corporation Katihar
- III ADRM, Railway Division, Katihar
- IV Shri Abhijeet Guide, Representative of complainant



9

12

The Joint committee members visited and inspected the sites in question and carried out the detailed inspection.

OBSERVATION

During inspection, no solid waste was found at the aforesaid sites, which was also confirmed by the representative of the complainant, present at the site.

The joint committee instructed for the environmentally sound management of institutional waste by ADRM, Railway Division Katihar and municipal solid waste by the municipal authorities as per the provisions of the Solid Waste Management Rules 2016. Further, it was also instructed to both the Authorities to ensure that waste generators should not throw, burn or bury the solid waste generated by them on streets, open public spaces, outside their premises or in the drain or water bodies. Penalty should also be imposed, if violation of the provisions of the Solid Waste Management Rules, 2016 is found by the waste generators.

Relevant photographs attached

Sain Kumar
10/10/25
Sain Kumar
Regional Officer, Purnea
BSPCB

NMSingh
10.10.25
Nalini Mohan Singh
Scientist
BSPCB

10/10/25
District Magistrate
Katihar







भारत सरकार
GOVERNMENT OF INDIA

सुरभि सिन्हा
Surabhi Sinha
जन्म तिथि/DOB: 28/07/1994
महिला / FEMALE
7216 7077 9524

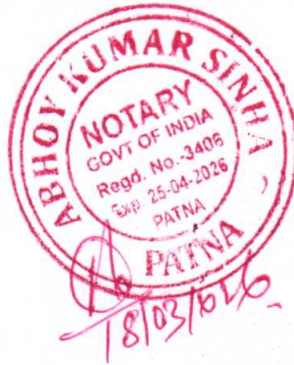
मेरा आधार, मेरी पहचान

भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

आधार

पता: Address:
आत्मजा: जगदम्ब कुमार,
सुभाष नगर, मेन रोड, वेस्ट
ऑफ खेमनीचक, न्यू
जगनपुरा, पटना,
बिहार - 800027
D/O: Jagdamb Kumar, Subhash
Nagar, Main Road, West of
khemnichak, New Jaganpura,
Patna,
Bihar - 800027

1800 300 1947 help@uidai.gov.in www.uidai.gov.in P.O. Box No.1947, Bangalore-560 001



Surabhi Sinha
18/03/26