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S.L. No.....

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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

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Date: 18/03/2026

Place: Kolkata.

Filed by:

*Surendra Kumar*  
Surendra Kumar,  
Advocate

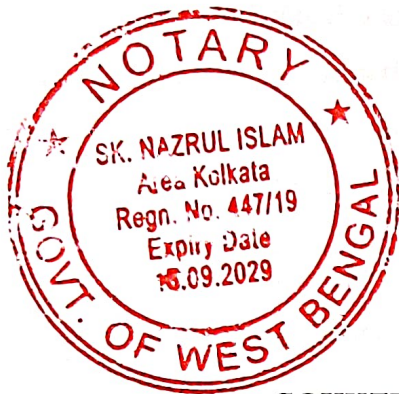
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18 MAR 2026

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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. 3**  
**(DISTRICT MAGISTRATE, KATI HAR)**

I, Shashi Bhusan Kumar Shahi s/o Shiv Narayan Prasad Yadav aged about 41 years, by occupation- Government Service, presently posted as Senior Deputy Collector working for gain at the Office of District Magistrate, Sant Colony, Katihar, Bihar- 854 105, presently halting at 7C, K. S. R. Road, Kolkata- 700 001, 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 authorized to file the instant Counter Affidavit before this Hon'ble Tribunal by the competent authority on behalf of Respondent No. 3, the District Magistrate cum Collector, Katihar (hereinafter referred to as the Answering Respondent).

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2. That the Answering Respondent has been advised to deal with only those contentions which are relevant and material for the effective and proper adjudication of the issues involved in the instant case and save and except what are matters of record and what are expressly admitted hereinafter, the Answering Respondent emphatically denies each and every contention as made and raised in the said application as if the same are expressly denied in seriatim and specifically traversed.
3. That the present Original Application has been filed by the Applicant alleging that air pollution is being caused by Katihar Railway Administration and Katihar Municipal Corporation, and that despite several complaints made by local residents to the Central Pollution Control Board, the Divisional Railway Manager (DRM), Katihar, and Nagar Nigam, Katihar, the concerned authorities have failed to act, thereby violating the Solid Waste Management Rules, 2016 and the right to life with dignity guaranteed under Article 21 of the Constitution of India. The averments in the Original Application are denied save to the extent specifically admitted hereinbelow.
4. That it is submitted that, in view of the averments made in the Original Application, this Hon'ble Tribunal vide its Order dated 19.08.2025 constituted a Joint Committee comprising the District Magistrate cum Collector, Katihar (Bihar), and the Bihar State Pollution Control Board (BSPCB), and directed the said Joint Committee to meet within two weeks, undertake site visits, look into the grievances of the Applicant, associate the Applicant and the representative of the concerned project proponents, verify the factual position, and take appropriate remedial action by following due course of law. The Bihar State Pollution Control Board was designated as the nodal agency for coordination and compliance.



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5. That in compliance with the aforesaid Order dated 19.08.2025, the Joint Committee Comprising Sri Nalini Mohan Singh, the then District Magistrate, Katihar, a Scientist of the Bihar State Pollution Control Board, and Sri Sain Kumar, Regional Officer, Purnea, Bihar State Pollution Control Board, duly visited and inspected the site on 10.10.2025. The Additional District Magistrate (ADM), Katihar, the Additional Divisional Railway Manager (ADRM), Katihar, and the local guide were also present at the site during the inspection.
6. That upon inspection of the site, the Joint Committee found that no solid waste was present at the site. The Joint Committee further instructed the Additional Divisional Railway Manager (ADRM), Katihar, and the Municipal Corporation, Katihar, to ensure that waste generators do not throw, burn, or bury solid waste on streets, open public spaces, outside their premises, or in any drain or water body. The Joint Committee also directed that penalties shall be imposed upon waste generators if any violation of the provisions of the Solid Waste Management Rules, 2016 is found.

**Copy of joint committee report dated 10.10.2025 is annexed herewith and marked as Annexure- R/1.**

That it is submitted that a Counter Affidavit has already been filed by Respondent No. 4, the Municipal Commissioner, Municipal Corporation, Katihar, before this Hon'ble Tribunal, setting out in detail the subject matter of this Original Application and the remedial measures taken by the Municipal Corporation. The said Counter Affidavit forms part of the record of this case.

8. That the Answering Respondent submits that the Order and directions of this Hon'ble Tribunal dated 19.08.2025 have been duly complied with by Respondent No. 3. The Joint Committee was duly

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constituted, the site was inspected within the stipulated time, the factual position was verified, and appropriate remedial instructions were issued to the concerned authorities. The Answering Respondent reiterates its commitment to ensuring compliance with applicable environmental laws and regulations including the Solid Waste Management Rules, 2016.

- 9. That the Answering Respondent undertakes to file an additional Counter Affidavit or supplementary submissions if so required or directed by this Hon'ble Tribunal in the instant matter.
- 10. 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.
- 11. I state that the statements contained in Paragraphs no. 1 to 10 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.

**IDENTIFIED BY ME**  
Prepared in my office

*Surenanderson*  
**ADVOCATE**  
Advocate

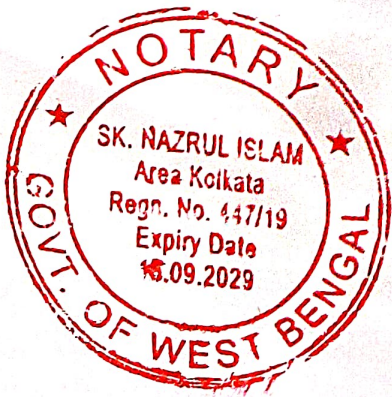
*[Signature]*  
18/03/2026  
DEPONENT

BEFORE ME

NOTARY PUBLIC

**Subscribed and  
Declared before me on the  
Identification of the Advocate**

*[Signature]*  
Notary

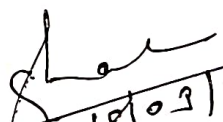


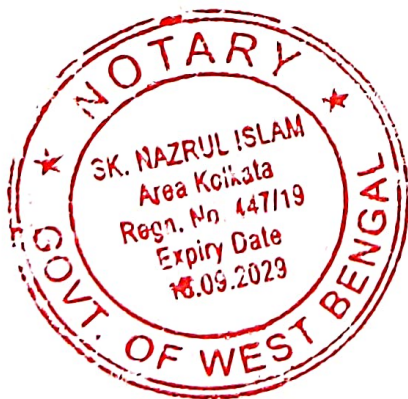
**SK Nazrul Islam**  
Notary, Govt. of W.B  
Govt. No. 447/19  
City Civil Court, Calcutt

18 MAR 2026

VERIFICATION

Verified at Kolkata by the deponent above named on this the 18<sup>th</sup> day of March, 2026, and say that the contents of this affidavit made in paragraph nos. 1 to 11 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.

  
18/03/2026  
DEPONENT



**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 .**

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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

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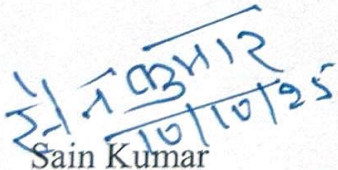
The Joint committee members visited and inspected the sites in question and carried out the detailed inspection.

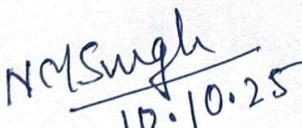
### OBSERVATION


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  
Regional Officer, Purnea  
BSPCB

  
Nalini Mohan Singh  
Scientist  
BSPCB

  
District Magistrate  
Katihar



