

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

I.A. NO. 23 OF 2026

IN
O.A. NO. 18/2025/EZ

IN THE MATTER OF

RAMESH PRASAD SINGH

...APPLICANT

V/S

THE STATE OF BIHAR & ORS.

...RESPONDENTS

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

I.A. NO. 23 OF 2026

IN

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IN THE MATTER OF

RAMESH PRASAD SINGH

...APPLICANT

V/S

THE STATE OF BIHAR & ORS.

...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, BIHAR STATE
POLLUTION CONTROL BOARD, IN OPPOSITION TO THE
INTERLOCUTORY APPLICATION FILED BY RESPONDENT NO. 4

I, S.N. Jha, son of Late C. Jha, aged about 62 years, Indian citizen, by
occupation service at Bihar State Pollution Control Office, presently residing at Patna,
do hereby solemnly affirm and state on oath as follows:

- That I am the R.O. Munghaerbar of the Bihar State Pollution Control Board, the
respondent no. 2 in the above-mentioned Original Application, and am duly authorized
and competent to swear this affidavit on behalf of the answering respondent. I am fully
conversant with the facts and circumstances of the present case based on the official



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records maintained by the Board and the personal knowledge derived from my official position.

2. That I have read and understood the Interlocutory Application being I.A. No. 23 of 2026 filed by respondent no. 4, the Chapra Nagar Nigam, seeking modification and vacation of the order dated 24.09.2025 passed by this Hon'ble Tribunal. I state that the said application is completely misconceived, devoid of merits, and is liable to be dismissed with exemplary costs. Copy of the Order dated 24.09.2025 is annexed hereto and marked with letter A.

3. That the answering respondent most respectfully submits that it has at all times acted strictly in accordance with the statutory mandate conferred upon it under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Solid Waste Management Rules, 2016, and has taken all necessary and appropriate actions to ensure environmental compliance by the Chapra Nagar Nigam.

4. That the present application filed by respondent no. 4 suffers from suppression of material facts and presents a completely distorted picture of the actual ground reality.

The applicant has approached this Hon'ble Tribunal with unclean hands and has failed to disclose the repeated statutory violations committed by it at the subject site.



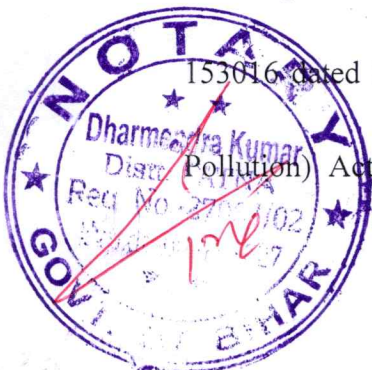
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5. That the Joint Inspection Report dated 19.05.2025, submitted by the committee comprising the District Magistrate, Saran, the Bihar State Pollution Control Board, and the Central Pollution Control Board, pursuant to the orders of this Hon'ble Tribunal, stands as unimpeachable evidence on record. The said report, which is annexed to the counter affidavit filed by the District Magistrate, Saran, and is part of the judicial records, unequivocally establishes that the Chapra Nagar Nigam has been operating the waste processing site at Katsa in clear violation of statutory requirements. Copy of the Joint Inspection Report dated 19.05.2025 is annexed hereto and marked with Letter B.

6. That the inspection report categorically found that the dump site is operating without consent from the Bihar State Pollution Control Board. The Chapra Nagar Nigam had only submitted a KML file and checklist to the Board, and the Board had specifically advised obtaining Environmental Clearance from the State Environment Impact Assessment Authority, Bihar. Despite this clear and unambiguous direction, the Nagar Nigam continued its operations without obtaining the requisite statutory clearances.

7. That it is pertinent to mention herein that the answering respondent had already issued specific directions to the Chapra Nagar Nigam vide letter bearing reference No.

153016 dated 21.08.2024 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and Section 33A of the Water (Prevention and Control of



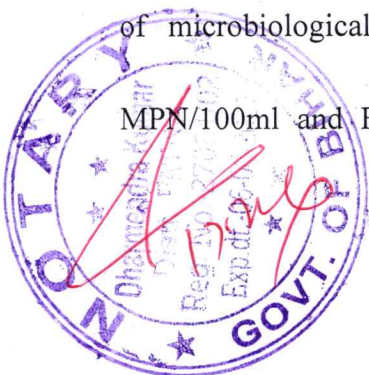
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Pollution) Act, 1974.

8. The said direction specifically required the Nagar Nigam to stop dumping of unprocessed and mixed solid waste at the landfill site and to file a compliance report within 15 days. The fact that the Nagar Nigam continued its operations despite this statutory direction demonstrates a blatant disregard for regulatory authorities and the rule of law. The PCB reserves its right to take further steps in accordance with law for such violation and pass affidavit brining on record the same before this Hon'ble Tribunal.

9. That the inspection report further reveals serious environmental contamination as a direct consequence of the unscientific waste processing activities being carried out by respondent no. 4. Ground water samples were collected on 27.12.2024 from the borewell belonging to the premises of Sh. Sanjay Kumar Sah, located at GPS coordinates 25.88137531, 84.90921862, which is merely 303 meters from the subject site. The analysis conducted by the Central Laboratory of the Bihar State Pollution Control Board, Patna, bearing Laboratory Reference No. 2327, revealed alarming levels

of microbiological contamination. The Total Coliform was found to be 240 MPN/100ml and Fecal Coliform was found to be 70 MPN/100ml, both grossly



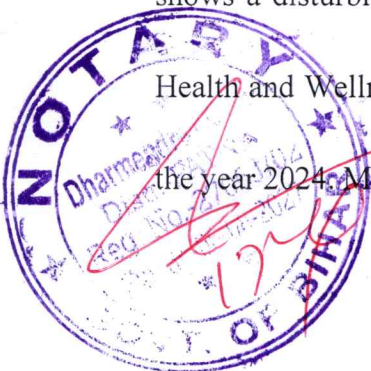
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exceeding the safety standards for drinking water which mandate that coliforms shall not be detectable in any 100 ml sample.

10. That the water quality analysis also revealed that several physicochemical parameters, including Turbidity at 4.9 NTU against the acceptable limit of 1, Total Hardness at 474 mg/L against the acceptable limit of 200 mg/L, and Calcium Hardness at 127.34 mg/L against the acceptable limit of 75 mg/L, exceeded the acceptable limits prescribed under IS 10500:2012. While these parameters are within the permissible limits with relaxation, the presence of coliform bacteria is indicative of contamination from the nearby waste dump site.

11. That the answering respondent most respectfully submits that the analysis report clearly attributes this contamination to seepage from the nearby waste dump site and open defecation. This contamination poses a grave and serious public health concern for the residents of the area, who are compelled to consume this contaminated water for their daily needs.

12. That the Health Impact Assessment data obtained from the Community Health Centre, Ammour, which forms part of the inspection report and is annexed thereto, shows a disturbing trend of increasing illness in the vicinity. The OPD visits at the Health and Wellness Centre, Katsa, increased from 5,616 in the year 2023 to 7,656 in the year 2024. More significantly, the number of diarrhea patients registered at the said



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center increased from 74 in 2023 to 85 in 2024. Similarly, at the Health and Wellness Centre, Koreya, the OPD visits increased from 5,340 to 7,380 and diarrhea cases increased from 68 to 97 during the same period. This empirical data, emanating from official government records, establishes a direct and undeniable correlation between the unscientific waste processing activities being carried out by respondent no. 4 and the adverse public health outcomes being experienced by the local population.

13. That the inspection report also notes that moderate odor was found during the site visit, indicating inadequate odor management. This further substantiates the environmental nuisance being caused to the local residents and the failure of respondent no. 4 to implement basic environmental safeguards.

14. That the findings of the joint committee regarding buffer zone compliance, which have been heavily relied upon by respondent no. 4 in its Interlocutory Application, do not in any manner absolve the Nagar Nigam of its fundamental statutory obligation to obtain consents and operate in compliance with environmental norms. The fact that the site may meet the distance criteria prescribed under the Solid Waste Management Rules, 2016 does not permit the Nagar Nigam to operate without consent or in violation of other provisions of the said Rules. It is pertinent to mention that compliance with distance criteria is only one of several requirements, and cannot be treated as a substitute for full statutory compliance.



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15. That the reliance placed by respondent no. 4 on the MoEF&CC letter bearing D.O. No. 22-19/2017-IA-III dated 03.07.2017, annexed as Annexure A-1 to the Interlocutory Application, is completely misplaced and based on a selective and distorted reading of the said communication. The said letter categorically states that while standalone activities such as composting and RDF making may not require prior environmental clearance, locating landfill sites near forests, rivers, ponds, wetlands and low-lying areas which are ecologically sensitive requires proper environmental management. The letter expressly and unambiguously states that "it may not be appropriate to exempt this activity of municipal solid waste disposal site or landfill site from the requirement of prior environmental clearance."

16. That the Dabra River, also locally known as Khadra River, is situated only 226.94 meters away from the subject site, and the site has admittedly been operating without environmental clearance from SEIAA. This is in clear violation of the spirit and intent of the said communication and the applicable legal framework.

17. That the processing of legacy waste requires compliance with environmental norms, including consent to operate from the State Pollution Control Board and appropriate environmental safeguards to prevent air, water, and soil pollution. These have been admittedly and completely lacking throughout the period of operation.



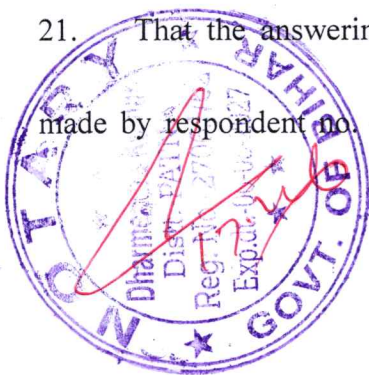
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18. That the recommendations of the joint committee, which are based on careful consideration of all facts, circumstances, and scientific data, include the specific recommendation that no further dumping of solid waste be allowed at the alleged site.

19. That the answering respondent respectfully submits that the applicant-respondent no. 4 had earlier approached the Hon'ble Supreme Court in Civil Appeal No. 14567 of 2025 impugning the order dated 24.09.2025 passed by this Hon'ble Tribunal. The said civil appeal was dismissed as withdrawn by the Hon'ble Supreme Court vide order dated 12.12.2025, with liberty to file an application for vacating the stay. The present Interlocutory Application has been filed in pursuance of the said liberty. However, the grounds raised in the application, when examined on merits, do not justify modification or vacation of the order dated 24.09.2025. The fundamental violations of environmental norms, as documented in the inspection report and the health data, remain entirely unaddressed and uncontroverted.

20. That the prayer made by respondent no. 4 in its Interlocutory Application seeking permission to resume and continue waste processing and management activities at the subject site, if granted by this Hon'ble Tribunal, would cause irreparable and irreversible harm to the environment and public health.

21. That the answering respondent most respectfully submits that the assertion made by respondent no. 4 that the order dated 24.09.2025 was passed overlooking



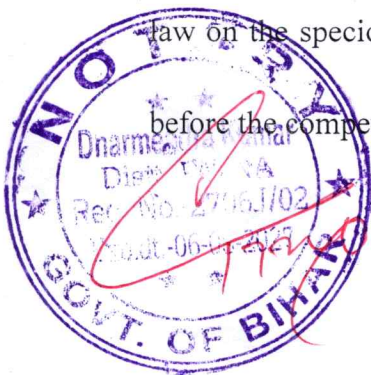
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factual and technical aspects is factually incorrect and constitutes an attempt to mislead this Hon'ble Tribunal. The said order was passed based on the recommendations of the joint committee, which conducted a thorough physical inspection of the site, collected samples, consulted stakeholders, and submitted a comprehensive report running into several pages. The committee's findings regarding groundwater contamination and health impacts are matters of record, based on scientific analysis and official data, and cannot be ignored or brushed aside on the basis of the unsubstantiated assertions made in the Interlocutory Application.

22. That the answering respondent has been consistently and diligently pursuing compliance by the Chapra Nagar Nigam, including through the statutory directions issued on 21.08.2024. The continued non-compliance despite such specific directions demonstrates disregard for regulatory authorities.

23. That the argument advanced by respondent no. 4 that they have been diligently pursuing statutory approvals from SEIAA is entirely self-serving and does not, in law, justify the continued operation of the facility without such approvals. It is a well-settled principle of law that no authority or person can be permitted to operate in violation of

law on the specious ground that applications for approval are pending consideration before the competent authority.



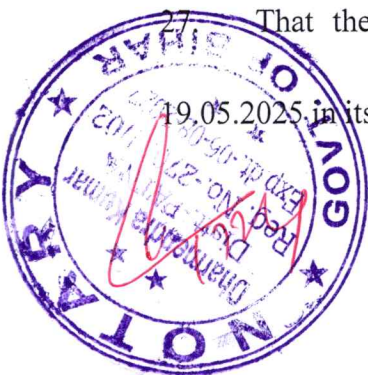
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24. That the answering respondent most respectfully submits that the interest of justice, equity, and environmental protection would be best served by dismissing the present Interlocutory Application in its entirety and affirming the order dated 24.09.2025 passed by this Hon'ble Tribunal. The said order, which restrains further dumping of solid waste at the site, is a necessary and proportionate measure to ensure that no further environmental damage occurs while the main Original Application is pending final adjudication.

25. That respondent no. 4, if it is genuinely interested in undertaking waste management activities in the interest of public health and sanitation, must first take immediate steps to obtain all requisite consents and environmental clearances from the competent authorities, implement appropriate and effective environmental safeguards to prevent pollution, address the groundwater contamination that has already been caused through appropriate remediation measures, and only thereafter approach this Hon'ble Tribunal seeking permission to resume operations.

26. The present application, which seeks modification of the stay order without addressing any of these fundamental compliance issues, is premature, untenable, and liable to be dismissed.

27. That the answering respondent adopts the Joint Inspection Report dated 19.05.2025 in its entirety and most respectfully submits that this Hon'ble Tribunal may



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be pleased to rely upon the findings, observations, and recommendations contained therein while adjudicating the present Interlocutory Application.

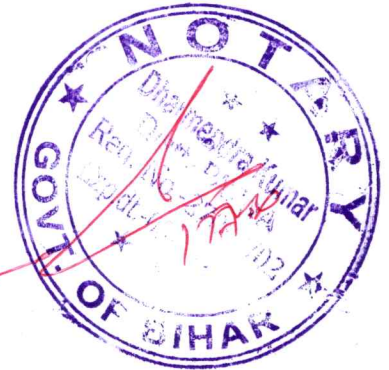
28. That the statements made in foregoing paragraph nos. 1 to 27 are true and correct to the best of my knowledge and belief, and are based on the official records maintained by the Bihar State Pollution Control Board and are my humble submissions before this Hon'ble Tribunal.

Shambhu Nath Jy,
DEPONENT

Identify the Deponent signature/initial
who has signed in my presence

Shambhu Nath Jy

ADVOCAT



Shambhu Nath Jy
who is identified by
Advocate solemnly affirmed
declared before me
Dipendra Kumar
Advocate

VERIFICATION

I, the deponent above named, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief, no part of it is false, and nothing material has been concealed therefrom.

Verified at Patna on this 17 day of March, 2026.

Shamsher Nath

DEPONENT
IDENTIFIED BY:

who has signed to the above

Asm

Advocate

[Enrollment No.: *ADVOC.*]

BEFORE ME

NOTARY PUBLIC



भारत सरकार
GOVERNMENT OF INDIA



शम्भू नाथ झा
Shambhu Nath Jha
जन्म तिथि/ DOB: 02/10/1963
पुरुष / MALE



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आधार-आम आदमी का अधिकार

भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



पता:
संबोधित: चंद्र देव झा,
वाचस्पति नगर, सन्दलपुर
पटना, सम्पतचक, पटना,
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Address:
S/O: Chandra Deo Jha, Vachaspati
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Sampatshak, Patna,
Bihar - 800006

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Aadhaar-Aam Admi ka Adhikar

Shambhu Nath Jha .

Item No.04

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.18/2025/EZ
(Earlier O.A. No.1315/2024/PB)
(I.A. No.79/2025/EZ)

Ramesh Prasad Singh		Applicant
	Versus	
State of Bihar & Ors.		Respondents

Date of hearing: 24.09.2025

**CORAM: HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON’BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant:	Mr. Upendra Yadav, Advocate for the applicant (through VC).
Respondents:	Mr. Surendra Kumar, Advocate for respondents no.1. Ms. Amrita Pandey, Advocate for respondent no.2 (through VC). Mr. Ashok Prasad, Advocate for respondent no.3 (through VC). Mr. Indu Bhushan and Mr. Ghanshyam Pandey, Advocates for respondent no.4 (through VC).

ORDER

I.A. No.79/2025/EZ

1. I.A. No.79/2025/EZ has been filed by the District Magistrate, Chapra for recalling the directions issued in order dated 29.05.2025 regarding his personal appearance and for expunging adverse remarks made against him in the abovesaid order.
2. We have heard learned counsel for respondent no.1 and gone through the relevant records.
3. In view of the facts and circumstances of the case including the fact that remarks were made without seeking written explanation and grant of personal hearing to the District Magistrate, Chapra, the adverse remarks made against him in order dated 29.05.2025 are expunged.

However, the prayer for recalling order for his personal appearance has become infructuous with his appearance before this Tribunal through V.C. today and I.A. No.79/2025/EZ is disposed of accordingly.

O.A. No. 18/2025

4. The applicants have raised grievances regarding dumping of Municipal Solid Waste on vacant land of erstwhile Maraurha Sugar Mill Cane Farm.

5. Joint Committee constituted by this Tribunal submitted final report inter alia recommending that dumped site is operating without consent from BSPCB and that no further dumping of the solid waste at the alleged site may be allowed.

6. Responses have already been filed by respondents no.1, 3 and 4.

7. In view of the Precautionary Principle embodied in Section 20 of the National Green Tribunal Act, 2010 and also recommendations made by the joint committee, which have not been objected to by the applicant or any of the respondents so far, it is ordered that no further solid waste be dumped in the land in question in any manner and respondent no.4 is restrained from dumping any solid waste in the land in question.

8. The District Magistrate, Chapra and Senior Superintendent of Police, Chapra are directed to ensure that no further dumping of Municipal Solid Waste takes place on the land in question.

9. List on 08.12.2025 for final hearing.

10. Pleadings may be completed before that date and if any response/additional response is to be filed by any of the respondents, the

same may be filed within four weeks and if any rejoinder is to be filed by the applicant, then the same may be filed within next two weeks.

11. A copy of this order may be sent to the Chief Executive Officer, Municipal Corporation, Chapra and the District Magistrate, Chapra and the Senior Superintendent of Police, Chapra by email for requisite compliance.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

September 24th, 2025
Original Application No.18/2025/EZ
(Earlier O.A. No.1315/2024/PB)
(I.A. No.79/2025/EZ)/SKB

Inspection Report of the Dump Site in the Vicinity of Erstwhile Marhaura Sugar Mill, Chapra Nagar Nigam, District Saran, Bihar, carried out by the joint committee constituted in compliance to Hon'ble NGT Matter OA No.1315/2024/PB.

A. Background

The Hon'ble NGT Principal Bench, New Delhi, registered the matter on the complaint filed by Sh. Ramesh Prasad Singh (Village: Ram Chak, PO: Katsa, Dist: Saran, Bihar-841311) as OA 1315/2024/PB and passed an order directing the constitution of a joint committee. The committee was directed to carry out an inspection of the dump site at erstwhile Marhaura Sugar Mill, Chapra Nagar Nigam, and to submit a factual report before the Hon'ble NGT.

B. Committee Composition and Inspection Details

The joint committee, comprising of representatives from the District Magistrate, Saran, Bihar State Pollution Control Board and Central Pollution Control Board, conducted the inspection of alleged site on December 27, 2024. Following Officials were present during inspection:

- i. Sh. Mukesh Kumar, Additional Collector, Saran
- ii. Sh. Ashok Kumar, ASO, Regional Office, Muzaffarpur, BSPCB
- iii. Sh. Nalini Mohan Singh, Scientist, BSPCB, Patna
- iv. Sh. Debabrata Das, Scientist-B, CPCB, Kolkata

C. Findings and Observations

1. Buffer Zone Compliance - SWM Rules, 2016

The joint committee verified compliance with buffer zone requirements from various Setups:

Feature/Setups	Measure d Distance by the committ ee	Require d Buffer	Complian ce Status	Notes
Water Body (Dabra River)	226.94 meters	100 meters	Compliant	Complainant claimed 15m distance
Borewell/Groundwater Source	303 meters	200 meters	Compliant	From nearest domestic household
Religious Structure	515.8 meters	200 meters	Compliant	

* Based on Solid Waste Management Rules, 2016 requirements

The GPS tagged arial distance measurement is enclosed herewith Annexure-I.

The distances of said Setup/ structures were found to be in compliance with the siting criteria of the SWM Rules 2016. However, moderate odor was found during the site visit, indicating inadequate odor management.

2. Legacy Waste Management Status:

- Total Legacy Waste Quantified: 2,47,500 MT (From November 14, 2023 to December, 26, 2024)
- Processed Waste Volume: 95,000 MT (From November 14, 2023 to December 26, 2024)
- Remaining to be Processed: **1,52,500 MT.**

The Log Book of the Legacy Waste is enclosed as **Annexure-II.**

The Chapra Nagar Nigam selected the site for potential landfill development. However, they began processing legacy waste without implementing necessary preventive measures or obtaining statutory compliance. As per Rule 22 of the Solid Waste Management Rules, legacy waste remediation was to be completed by April 7, 2021. The ongoing processing is beyond

this deadline constitutes a noncompliance of the SWM Rules, 2016.

3. Environmental Monitoring

Ground water samples were collected from the borewell belonging to the premises of Sh. Sanjay Kumar Sah, Saran (PIN-841311) on 27.12.2024. The sampling location's GPS coordinates are 25.88137531, 84.90921862. The analysis was conducted by the Central Laboratory, BSPCB, Patna (Laboratory Reference No. 2327).

Water Quality Analysis Results vs BIS Standards

Parameter	Result	Acceptable Limit	Permissible Limit	Status
pH	7	6.5-8.5	No relaxation	Within limits
Turbidity (NTU)	4.9	1	5	Above acceptable but within permissible limit.
Total Hardness as CaCO ₃ (mg/L)	474	200	600	Above acceptable but within permissible limit.
Calcium Hardness (mg/L)	127.34	75	200	Above acceptable but within permissible limit.
Magnesium Hardness	37.9	30	100	Above acceptable but within permissible limit.
Chloride (mg/L)	95	250	1000	Within limits
Total Coliform (MPN/100ml)	240	Not detectable	Not detectable	Exceeds limits.
Fecal Coliform (MPN/100ml)	70	Not detectable	Not detectable	Exceeds limits.

The analysis reveals that while most physicochemical parameters are within acceptable limits as per IS 10500:2012 standards, the microbiological contamination (Total and Fecal Coliform) significantly exceeds the safety standards for drinking water. This contamination could be attributed to seepage from the nearby waste dump site & Open defecation which pose a public health concern.

4. Stakeholder Consultation:

The following stakeholders were present during the inspection:

- Sh. Ramesh Prasad, Complainant
- Sh. Sanjeev Kumar & Others Villagers
- Sh. Goutam Sah, Mukhia, Gram Panchayat-Katsa (Amnour)
- Dr. Shashank Kumar, Medical Officer, Arna PHC, Amnour
- Sh. Indu Bhushan, Advocate, Nagar Nigam, Chapra.

Key Feedback: The villagers expressed their preference for relocating the dumpsite, which warrants careful consideration in future planning decisions.

5. Regulatory Compliance Status]

The dump site is operating without consent from the Bihar State Pollution Control Board the Nagar Nigam, Chhapra has submitted: - KML file - Checklist (Annexure-III) to BSPCB, BSPCB has advised obtaining Environmental Clearance from SEIAA, Bihar.

BSPCB issued directions dated, 21 August, 2024 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and Section 33A of the Water (Prevention and Control of Pollution) Act, 1974.

6. Health Impact Assessment:

Based on the official document from Community Health Centre Amnour in Saran, Bihar, there has been a notable increase in number of patients across all three facilities (at Koreya, Sandhalpur, and Katsa) from 2023 to 2024. The OPD visits showed substantial

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growth, with Koreya increasing from 5,340 to 7,380, Sandhalpur from 1,764 to 2,820, and Katsa from 5,616 to 7,656. Similarly, Diarrheal patient registrations also improved across all centres, with Koreya showing the highest percentage increase from 68 to 97 patients, followed by Sandhalpur (52 to 63) and Kataya (74 to 85). The said document is enclosed as **annexure- III**.

D. Recommendations:

In view of the above observation, the following recommendations are provided:

- i. No further dumping of the solid waste at the alleged site may be allowed.
- ii. The site inspection and analysis report of ground water reveal significant environmental violations requiring immediate intervention by respective agencies.
- iii. For public health protection, authorities should issue a water quality advisory, provide alternative water supply sources, and implement a comprehensive health monitoring system for affected populations.
- iv. To address the moderate odor issues, an odor management system should be implemented immediately. This should include daily application of approved deodorizing agents following a schedule.
- v. Based on the groundwater analysis, health impact assessment and stakeholder feedback, the dump site should be relocated following a comprehensive site selection process considering environmental, social, and economic factors with proper geological assessments and in compliance with SWM Rules 2016 and EIA Notification, 2006 and subsequent amendments.

Ashok Kumar
Ashok Kumar,
ASO, BSPCB

Nalini Mohan Singh
Nalini Mohan Singh,
Scientist, BSPCB

Debabrata Das
Debabrata Das
Scientist 'B'
CPCB

Mullesh Kumar
Mullesh Kumar,
Additional Collector,
Saran