

Nipun Kumari
D/o Sri Surendra Prasad
Station Road
Bhupatipur, P.S.
Kankarbagh
Patna.
7/12/24



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7/12/24

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL

BENCH, AT NEW DELHI

Review Application No.09 of 2024

In

Execution Application No.29 of 2021

(Arising out of the order dated 18.10.2024 passed by this Hon'ble Tribunal, in Execution Application No.29 of 2021 in Original Application No.159 of 2017) In the matter of

Chapra Nagar Nigam, Chapra..... Review Applicant

Versus

Veterans Forum for Transparency in

Public Life & others Respondents

The humble counter affidavit on behalf of Respondent No.2 the District Magistrate, Saran at Chapra

I, Nipun Kumari , aged about 33 years , Female, D/o Sri Surendra Prasad , resident of Station Road Bhupatipur, P.S....Kankarbagh.... District Patna, do hereby solemnly affirm and state as follows:-



1. That at present posted on the post of Officer In charge District Legal Section, Chapra, and such I am well acquainted with the fact and circumstances of this case.
2. That I have been duly authorized by the competent authority to swear this counter affidavit.
3. That Present Review Application No. 09 of 2024 In Execution Application No.29 of 2021(Arising out of order dated 18.10.2021 passed by this Hon'ble Tribunal in Execution Application No.29 of 2021 in Original Application No.159 of 2017) has been filed by Chapra Nagar Nigam, Chapra review applicant in the light of liberty granted by the Hon'ble Supreme Court, New Delhi in Civil Appeal No.51573 of 2023 dated 02.01.2024 titled as "Chapra Nagar Nigam Versus Veterans Forum for Transparency in Public Life and others."
4. That background of the case has been that in the year 2017 Respondent No.01 filed an application on 08.02.2017 under section 18(1) r/w section 14,15,16 & 17 of National Green Tribunal Act, 2010 before the Hon'ble National Green Tribunal, New Delhi which was numbered as Original Application No.159 of 2017 titled as Veterans Forum for Transparency in Public Life and others." Versus Chapra Nagar Nigam and others.



5. That in O.A. No.159 of 2017 the Respondent No.01 i.e. Veterans Forum for Transparency in Public Life raised grievance pertaining to Solid Waste Management in the town of Chapra and further alleged that Solid Waste was being dumped in the town of Chapra at certain sites and there was no plan for systematic Solid Waste Management and Respondent No.01 namely Veterans Forum for Transparency in Public Life sought relief for compliance of the provision of Solid Waste Management Rules, 2016 in the town of Chapra.
6. That it is stated that on 02.11.2017 the Hon'ble Tribunal has been pleased to dispose of O.A. No.159 of 2017 with a direction that- "We direct that respondent no.1 to take effective steps in any case not later than two weeks from today and ensure that no waste is put in the site in question".
7. That it is stated that pursuant to the direction of this Hon'ble Tribunal the authority of Chapra Nagar Nigam started complying the order of this Hon'ble Tribunal.
8. That it is stated that the General Secretary of Veteran Forums for Transparency in public life not satisfied with the action taken by the Chapra Nagar Nigam, at this he filed Execution Application No. 29 of 2021 before this Hon'ble Tribunal.



9. That it is stated that Execution Application No.29 of 2021 the Respondent No.01 prayed for general order and sought imposition of penal, fiscal liability and adverse entries in the A.C. R of C.E.O. of the applicant.
10. That it is stated that in Execution Application No. 29 of 2021 on 18.10.2021 the Hon'ble Tribunal has been pleased to pass the order without giving an opportunity of hearing to the Respondent No.05 (The District Magistrate, Saran, at Chapra) and exercising the provision of section 25(2) of the National Green Tribunal Act 2010 transferred the Execution case before jurisdictional Civil Court, Chapra and Execution Application No.29 of 2021 was disposed of.
11. That it is stated that the Execution Application was transferred and order of this Hon'ble Tribunal dated 14.12.2020 passed in O.A. No. 606 of 2018 was forwarded to the learned District Judge, Saran for further action in accordance with law.
12. That it is stated that in O.A.NO.606 of 2018 the Respondent No.05 was not given any opportunity of hearing and respondent no.05 was not aware of this fact that what order has been passed in O.A. No. 606 of 2018.
13. That it is stated that the Respondent No.01 filed Execution Petition before the learned District Judge, Saran for execution of



the order of the Hon'ble National Green Tribunal vide Execution Petition No.32 of 2022.

14. That it is stated that in Execution Petition No.32 of 2022 pending before the learned court of District Judge, Saran, Chapra notices were issued upon the Respondent No.5 at very belated stage.
15. That it is stated that for compliance of order passed in O.A.No. 159 of 2017, the Municipal Commissioner, Chapra Nagar Nigam present and past made request to make available land from which the work of Solid Waste Management may be completed.
16. That it is stated that after hard labour and continuous attempt land was made available for construction of the work of Solid Waste Management.
17. That it is stated that when the land was made available then under due process work of Solid Waste Management was completed and now it is going on smoothly.
18. That it is stated that in Execution Case No.32 of 2022 written objection under section 47 of the C.P.C. was filed and it is pointed out that the Execution Case is not maintainable on the very ground that main order passed in O.A. No. 159 of 2017 dated 2.11.2017 was complied with, but it was not considered and the



learned court of Additional District Judge, IXth Saran on 06.01.2024 rejected the objection of Chapra Nagar Nigam.

19. That it is stated that the court of learned Additional District Judge, IX, Chapra was bent upon to impose heavy fine and also was inclined to make adverse entry in the A.C.Rs. of the C.E.Os. of Chapra Municipal Corporation and senior functionaries of the department of Urban Development and others.
20. That it is stated that when objection petition of Chapra Nagar Nigam was rejected by order dated 06.01.2024 passed in Execution Case No.32 of 2022, at this Chapra Nagar Nigam challenged the order dated 06.01.2024 passed in Execution Case No. 32 of 2022 before the Hon'ble Patna High Court vide Civil Misc. No.205 of 2024.
21. That it is stated that Civil Misc. No.205 of 2024 was heard on 01.03.2024 by a bench of the Hon'ble Patna High Court and order has been passed to issue notice only respondent no.1 by both modes i.e. under ordinary process as well registered cover with A/D and further order has been passed that since some substantial issues have been raised, the operation of order dated 06.01.2024 passed by the learned 9th Additional District Judge, Saran, at



Chapra in Execution Case No.32 of 2022 shall remain stayed till next date of hearing.

22. That it is stated that during the course of hearing of O.A. No.32 of 2022 , it has been found that some order has been passed in O.A.No.606of 2018 and in this case neither Chapra Nagar Nigam nor the District Magistrate, Saran at Chapra have been given any opportunity of hearing by issuing any notice and on the basis of order passed in O.A.No.606 of 2018 the learned court of 9th Additional District Judge, Saran at Chapra was bent upon to make adverse entry in the A.C.Rs. of the C.E.Os. of Chapra Municipal Corporation and senior functionaries of the department of Urban Development and others.
23. That it is stated that the learned court of 9th A.D.J. Saran atChapra did not proceed as per section 47 of the C.P.C. ,rather he relied upon the order passed inO.A.No.606 of 2018 and did not formulate the substantial questions of law that what has to be executed by the Chapra Nagar Nigam and other officers of the District of Chapra.
24. That it is stated that the 9th Additional District Judge, Saran at Chapra was not ready to consider the written statement/objection



filed by the Chapra Nagar Nigam and was bent upon to impose heavy fine and to make entry into A.C.Rs. due to which necessity arose to file review petition.

25. That it is stated that it is admitted fact that the Chapra Nagar Nigam filed Review Application before the Hon'ble Supreme Court vide Civil(Appeal) No. of 2024 arising out of Diary No.51573 of 2023 which was disposed of with liberty to the Municipal Corporation, Chapra to move an appropriate application /petition before the Hon'ble National Green Tribunal by way of review if any such application/petition is filed the same will be considered and decided in accordance with law.
26. That in the light of liberty granted by the Hon'ble Supreme Court in Diary No.51573 of 2023 Chapra Nagar Nigam filed Review Application No.09 of 2024 before the Hon'ble National Green Tribunal, New Delhi.
27. That it is stated that Review Application No.09 of 2024 In Execution Application No.29 of 2021 an application bearing I.A. No. 165 of 2024 was filed by the Chapra Nagar Nigam for condonation of delay, at this on 08.08.2024 the Hon'ble Judge of



N.G.T. was pleased to pass the order that issue notice of I.A.No. 165 of 2024 to the respondents.

28. That it is stated that notice has been received in connection with Review Application No.09 of 2024 in Execution Application No. 29 of 2021 and also of I.A.No.165 of 2024.
29. That it is stated that in I.A.No.165 of 2024 prayer has been made to condone the delay of 104 days in filing Review Application No. 09 of 2024.
30. That it is stated that grounds taken for condoning the delay in Review Application No.09 of 2024 vide I.A. No. 165 of 2024 is justified and besides it, it is pertinent to point out that as to why Chapra Nagar Nigam filed Review Application in late hour, its statement has also been given in foregoing paragraphs of this Counter Affidavit.
31. That it is stated that in fact, there is no any deliberate latches in order to file the Review Application No.09 of 2024 before this Hon'ble Tribunal.
32. That it is stated that under the facts and circumstances it is humbly prayed that delay be condoned in the interest of principle



of Natural Justice as well as hear the review application on merit after condoning the delay.

Identified by me &
Prepared in my office

Mipun Kumari
DEPONENT 6/12/24

[Signature]
Advocate
7.12.2024

VERIFICATION

Verified by the Deponent named on this the _____ day of December, 2024 and I do hereby verify that all the facts mentioned in the affidavit are true to my Knowledge and no part thereof is false and nothing material has been concealed there from.

Mipun Kumari
DEPONENT 6/12/24

[Faint purple text]

[Signature]
ADVOCATE
7.12.2024
Jural. N. 1230/92



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भारतीय विशिष्ट डाक सेवा
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भारत
Goverment of India
KADHAAN

Issue Date: 30/05/2019

Download Date: 18/05/2020

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Nipam Kumari
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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
VAKALATNAMA**



Review Application No. No. 09 of 2024

IN

Execution Application No.29 of 2021

(Arising out of order dated 18.10.2024 passed by the Hon'ble N.G.T. in Execution Application No.29 of 2021 in Original Application No.159 of 2017)

IN THE MATTER OF :

Chapra Nagar Nigam Chapra**Review Applicant**

VERSUS

Veteran Forum for Transparency in public
Life and others.....**Respondents**

Do Hereby Appoint MYINDU BHUSHAN,

(Herein After called the Advocates) to be My/Our Advocate i the above noted case Authorizes him. To act, appear and plead in the above noted case in this court or in any other Court in which the same may be tried t or heard and also in the appellate Court including High Court Subject to payment of fees separately for each court by me/us. To sign file verify and present pleadings appeals cross-objections or petitions for execution review , revision, withdrawal,, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party to withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct and other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do so and sign the power of attorney on our behalf & I/We the/ undersigned do hereby agree to ratify and confirm all acts done by te Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I/We or my/our duly authorized agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called. And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the process union of the said case until the same is paid. I/We will not been titled for the refund of the same in any8 case whatsoever. In Witness Where of I/We do hereunto set my/our hand to these present the contents or which have been undersigned by me/us on this..... day..... 2024 Accepted. Subject to the terms of fees.

Indu Bhushan

Advocate

A.O.R No 02658

Enrollment No 1049/93

mobile no 9470083147

Email id- indubhushan1959@gmail.com

Nipun Kumar

Client

6/12/24