

Re: Counter affidavit in the matter of - Diksha Bharti Vs State of Bihar (O.A No. 21 of 2025/ EZ)

Amrita Pandey <amritalegal@gmail.com >

Mon, 30 Jun 2025 6:46:27 PM +0530

To "surendra kumar"<surendra_kr15@rediffmail.com>,"Ghanshyam Pandey"<ghanshyamlegal@gmail.com>,"Judicial Section"<ngtjudicial-kolkata@gov.in>,"filing.bpl-ngt"<filing.bpl-ngt@gov.in>

Dear Sir

Please find attached herewith the e-copy of the counter affidavits of Bihar PCB. Respondent no. 5.
The same could not be uploaded as the portal was not functional and accessible.

Warm Regards,

Amrita Pandey
Advocate

1 Attachment(s)

Counter in O.A. No. 21 of 2025...
16.6 MB

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

**IN THE MATTER OF
O.A. NO. 21 OF 2025/EZ**

DIKSHA BHARTI

..... APPLICANT

VS

THE STATE OF BIHAR & ORS.

-----RESPONDENTS

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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN THE MATTER OF
O.A. NO. 21 OF 2025/EZ**

DIKSHA BHARTI APPLICANT

VS

THE STATE OF BIHAR & ORS.

-----RESPONDENTS



**Counter Affidavit on behalf of Respondent No. 5, Bihar State
Pollution Control Board:-**

I, Neeraj Narayan, aged about 40 years, Son of Late Narayan Sharma, Resident of C-41, Housing Colony, Kankarbagh, Near Tempo Stand, P.S.- Patrakar Nagar, Patna- 800020, do hereby solemnly affirm and State as follows:

1. That I am presently posted as Member-Secretary in Bihar State Pollution Control Board, Patna. I am authorized to file the present counter affidavit on behalf of the answering respondent. I am aware of the facts of the present case on the basis of the official records maintained at Bihar State Pollution Control Board, Patna, that I believe to be true. As such, I am competent to depose the present counter affidavit.
2. That the instant Original Application has been taken on a letter petition submitted by Diksha Bharti, alleging therein that illegal dumping of solid waste and discharge of sewage is being done in



Neeraj Narayan
who is identified by Advocate...
deponent affirmed and declared that this affidavit apart from this nothing...
stamp/Signature etc. etc. 1/5 3 Sub rule 4-6
in rule of N.G.T. 386 before me - 28/6/25
A. K. Lal
Notary
Govt. of Bihar

SL No. 3235- Date 28/6/25

pond situated in ward no. 13 of Municipal Corporation, Saharsa, Bihar.

3. That the officials of the State Board carried the site inspection of the pond in question on 12.03.2025 and found the following: -

- i. Solid waste was found dumped at one-two places around the pond;
- ii. Stair case has been constructed around the pond and no discharge point of sewage line was found in the pond. Therefore, the sewage discharge of the hospitals/households is not going into the pond, as has been alleged in the letter petition;
- iii. There are seven hospitals/health care facilities situated near by pond and on inquiry it was found that the bio-medical waste of the said seven hospitals/health care facilities are disposed of through the Common Bio-Medical Waste Treatment Facility (CBWTF);
- iv. The local people informed that source of water of the pond is groundwater;
- v. The entire pond was covered with Water Hyacinth.
- vi. The locals involved that the pond was constructed in the year 2006 and was being used by the locals for celebrating festival, however due to improper maintenance and management of the pond by the local authorities and due to water hyacinth, the pond is no longer used for festivals.

A copy of the inspection report dated 12.03.2025 with



photographs is annexed and marked as Annexure-1.

4. That from the above findings of the inspection it appears that the pond is not being properly maintained and managed by the Respondent No. 01 and the local people are also throwing solid waste near the pond. However, there is no point of discharge of sewer into the pond.
5. That the Hon'ble Tribunal vide order dated 01.05.2025 constituted constituted a joint committee consisting of (i) District Magistrate, Saharsa; (ii) Municipal Corporation, Saharsa, Bihar through its Municipal Commissioner and (iii) The Scientist, Bihar State Pollution Control Board, to visit the site and submit its Report with regard to the allegations made in the Original Application. The committee inspected the site on 30.05.2025 and noted the following: -
 - i. The pond was almost dry except little water near one end of the pond;
 - ii. Small quantity of mixed solid waste and bio-medical waste was found in the pond;
 - iii. Water samples were collected of pond for analysis;
 - iv. The entire pond was covered with grass, bushes etc. indicating lack of maintenance;
 - v. The said pond is in a state of neglect leading to loss of its natural and cultural significance;



- vi. There are government buildings, private buildings, and a few HCFs situated near the pond, while allegation of sewage discharge from HCFs were made the inspection found no direct sewage line discharge into the pond;
- vii. The HCFs have obtained Authorization from the Board;
- viii. A sign board has been put in place by Saharsa Nagar Nigam cautioning people that littering garbage is a punishable offence;

A copy of the joint inspection report of the committee is annexed and marked as Annexure-2.

6. That it is stated that the water analysis report of the water of the pond indicates that the water quality was not as per prescribed standard for outdoor bathing and the Dissolved Oxygen (DO); Biochemical Oxygen Demand (BOD) and TC were found to be beyond the prescribed parameters.

A copy of the analysis report is annexed and marked as Annexure-3.

7. That it is humbly submitted that it has been observed by the State Board that cleanliness drive has been taken in and around the pond as the waste found lying in and around the pond on 30.05.2025 by the joint committee was comparatively less than the quantity of waste found on inspection dated 12.03.2025. It is



therefore stated that the Municipal Corporation, Saharsa, and District Administration, Saharsa has taken steps to clean the pond and has removed the waste lying in and around the pond.

A copy of the photographs of the pond taken on 12.03.2025 and the photographs taken on 30.05.2025 is annexed and marked as Annexure-4.

8. That the State Board keeping in view the poor water quality and dumping of solid waste has issued a Direction to the issued a direction in exercise of powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 to the District Magistrate, Saharsa and Municipal Commissioner, Saharsa, vide their Memo No. 658, dated 26.06.2025 to take necessary steps to restore the pond in question and to take necessary steps for cleaning the pond and maintaining the pond.

A copy of the Direction is annexed and marked as Annexure-5.

9. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom.

Identify the deponent signature/Li who has signed in my presence

Anil, M.



Do 27/6/2025
DEPONENT
(Neeraj Narayan)

VERIFICATION

Verified at Patna on 28th day of June, 2025, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.

28/6/25
DEPONENT
(Neeraj Narayan)



Annexure-1

(4)

INSPECTION REPORT

In light of the order dated 24.01.2024 passed by the Hon'ble Tribunal National Green Tribunal, Principal Bench, New Delhi, in O.A. No. 02 of 2025 and in light of the State Board letter no. P/Legal 01-23/2025/204, dated 07.03.2025, the undersigned on 12.03.2025 inspected the pond situated at Ward No. 13, New Colony, Naya Bazar, Saharsa.

COMPLAINT IN BRIEF:

The petitioner, namely, Diksha Bharti, has in her letter petition has alleged that in the said pond sewer is illegally discharged in the pond and also bio-medical waste and solid waste is being dumped illegally in the said pond. Due to the pollution in the pond the residents have stopped performing 'Chhath Puja' in the said pond and are compelled to go to the waterbodies three-four kilometer away.

DETAILS OF THE POND:

The pond is approximately 345 ft long and 153 ft wide and is located in ward no. 13 in Saharsa District. The GPS location of the pond is Lat-25.884835; Long- 86.584606. The locals informed that the pond was constructed in the year 2006 by the State Government.

FINDINGS OF INSPECTION:

- i. Solid waste was found dumped at one-two places around the pond;
- ii. Stair case has been constructed around the pond and no discharge point of sewage line was found in the pond. Therefore, the sewage discharge of the hospitals/households is not going into the pond, as has been alleged in the letter petition;
- iii. There are seven-eight hospitals/health care facilities situated near by pond and on inquiry it was found that the bio-medical waste of the said seven hospitals/health care facilities are



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disposed of through the Common Bio-Medical Waste Treatment Facility (CBWTF);

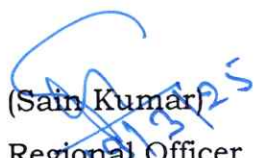
- iv. The local people informed that source of water of the pond is groundwater and solid waste is thrown by the local people;
- v. The entire pond was covered with growth of plants/aquatic plants;
- vi. Around the pond there are government offices, buildings, and seven-eight hospitals/health care facilities;
- vii. The locals informed that the pond was constructed in the year 2006 and was being used by the locals for celebrating festival, however due to improper maintenance and management of the pond by the local authorities and due to covering of water pond with plants/aquatic plants, the pond is no longer used for festivals.

CONCLUSION:

In light of the findings of the inspection it appears that the pond is not being maintained and managed properly by the local authorities and the local people are also throwing solid waste around the pond. The Municipal Corporation, Saharsa, shall take necessary steps to remove the solid waste and erect sign boards requesting the locals to not litter and dump solid waste around the pond. Regular cleaning of the pond shall be done by the authorities concerned.

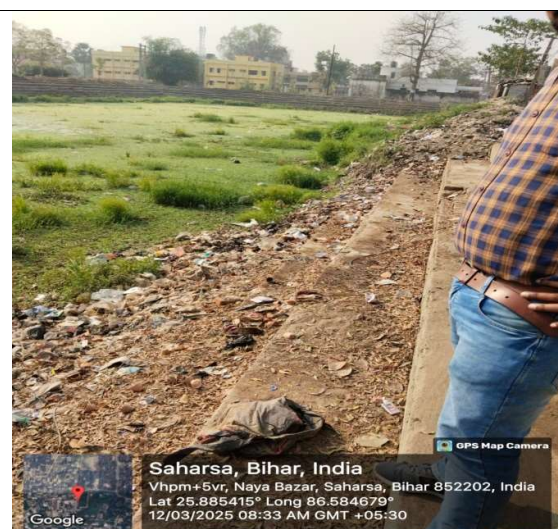
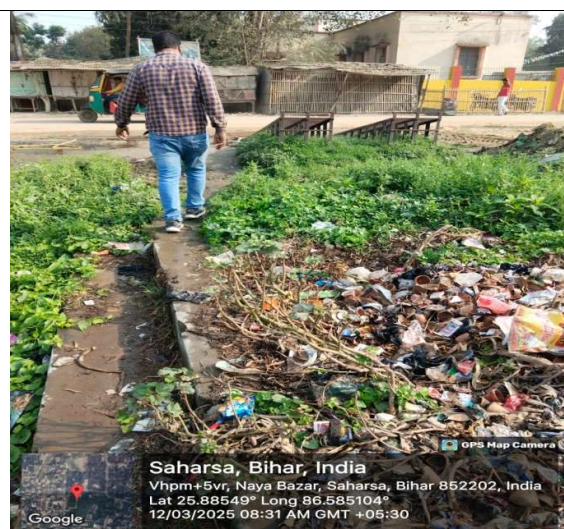
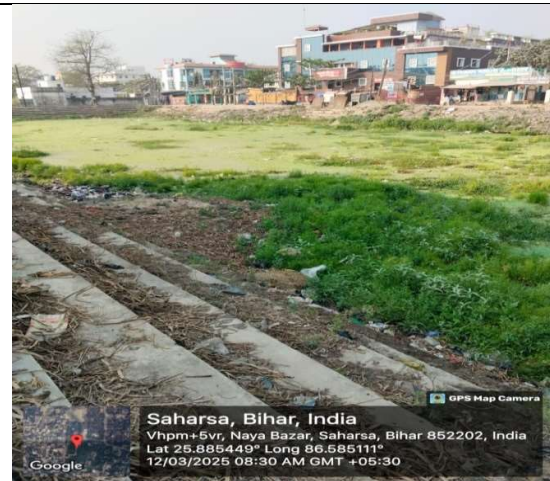
Encl- Photographs.


(G.K. Mandal)
Scientist
BSPCB

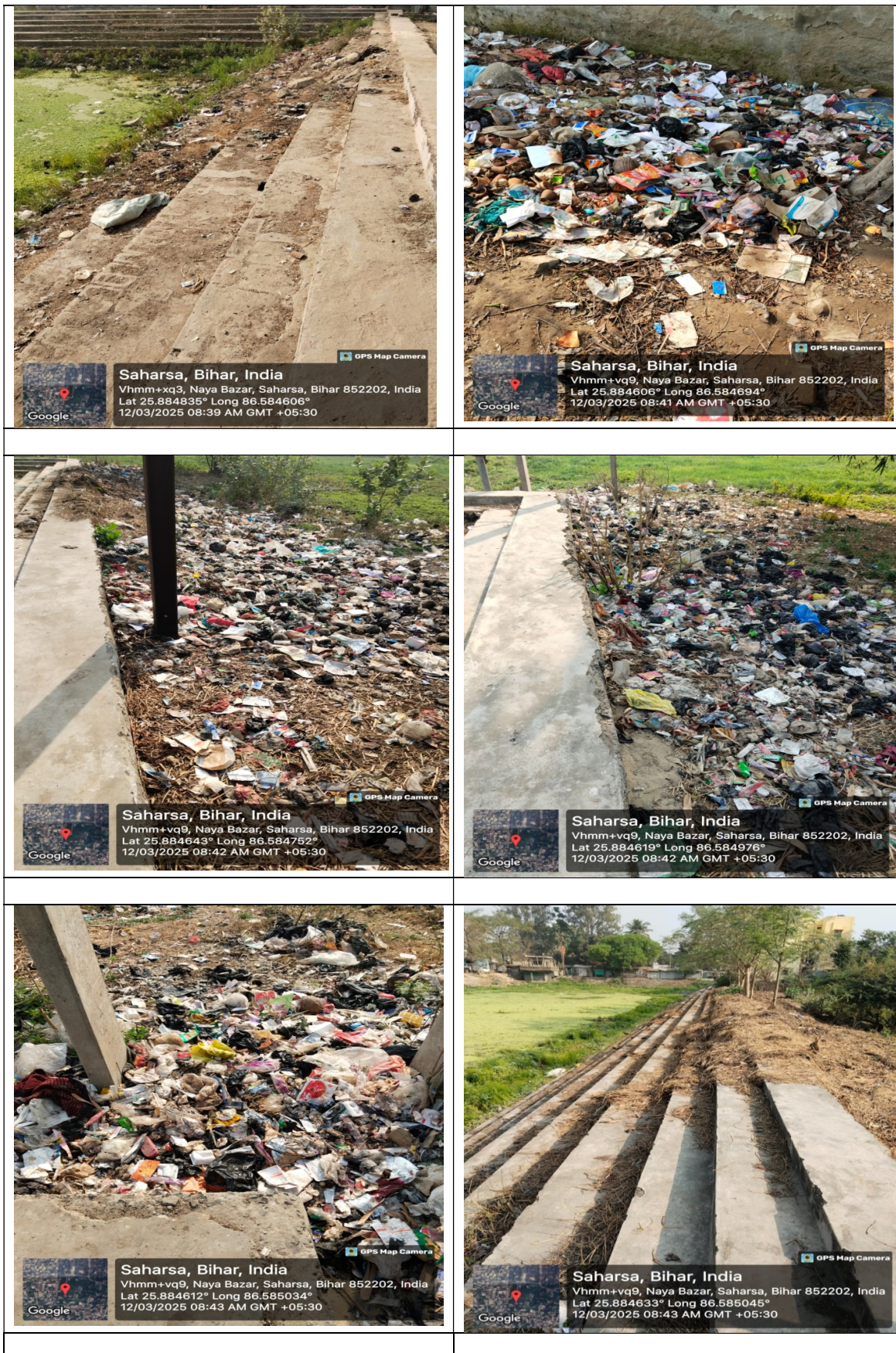

(Sain Kumar)
Regional Officer
Purnia



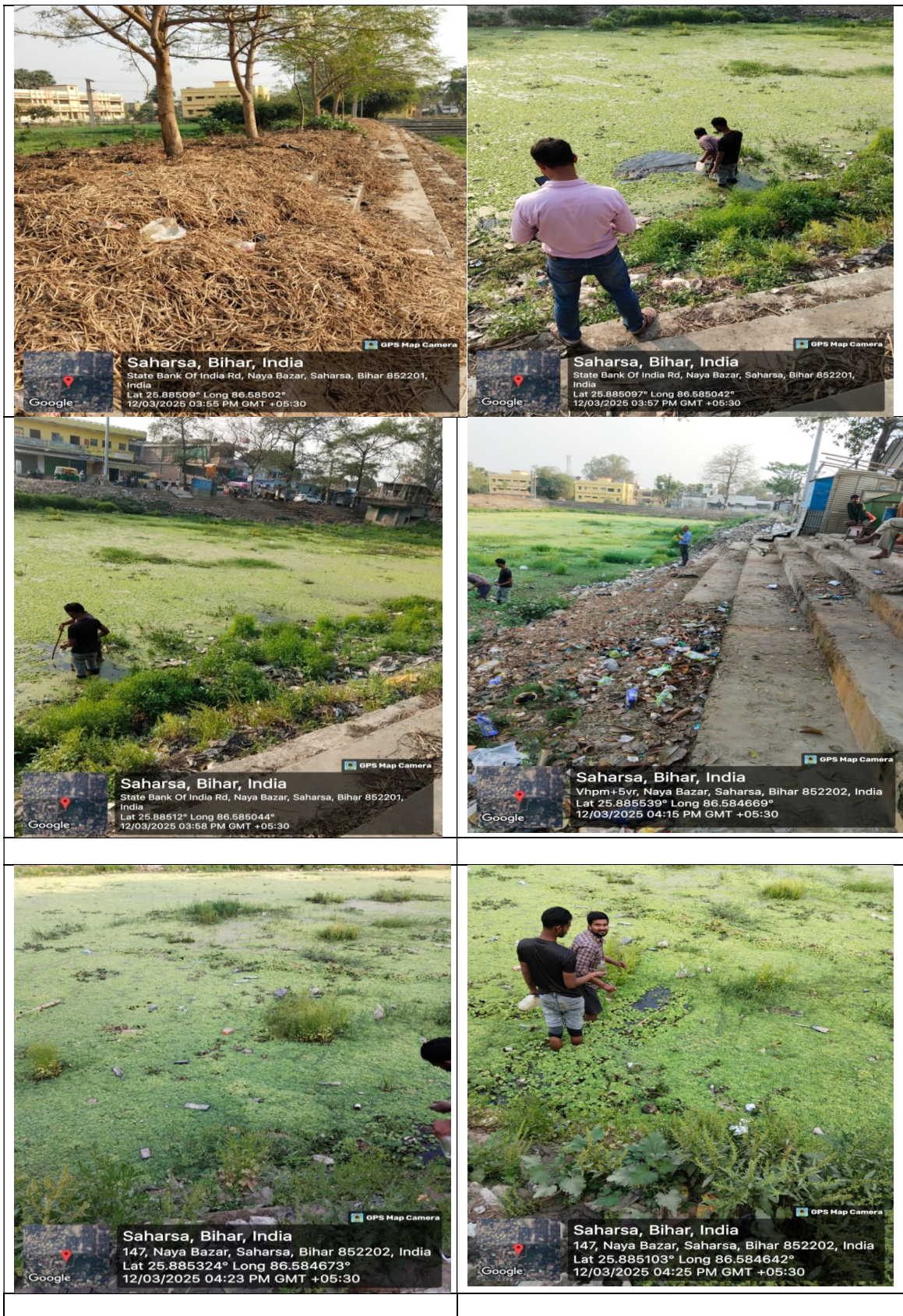
Photographs taken during inspection of the Pond located at Ward no.-13, New Colony, Naya Bazar, Saharsa-852201 on 12.03.2025













Inspection Report of the Joint Committee constituted in compliance with Hon'ble NGT Order, dated 01.05.2025 in the matter of Diksha Bharti Vs the State of Bihar & Ors (O.A No. 21/2025/EZ)

The present OA was registered by the Hon'ble NGT based on a letter petition submitted by Diksha Bharti, alleging illegal dumping of Solid Wastes and discharge of sewage in a pond situated in ward no. 13 of Municipal Corporation, Saharsa.

A Joint Committee was constituted comprising of representatives from the District Magistrate, Saharsa, Municipal Commissioner, Saharsa Municipal Corporation, Saharsa and Bihar State Pollution Control Board, Patna. The joint committee visited and inspected the alleged site on 30.05.2025 in presence of representative of the complainant, Sri Chandan Singh. The local people along with the representative informed that the pond was constructed by the Government in the year 2006. They also informed that the HCFs, just situated near the western side of the pond occasionally throw BMW in the pond and also discharge their waste water into the pond.

Findings

The pond was found almost dry except small amount of water near one end of the pond, from which water sample was collected and submitted to the Central Laboratory, Bihar State Pollution Control Board, for further analysis. The analysis report is enclosed herewith. A small amount of mixed solid waste and bio-medical waste were found lying in the pond. A few small eateries/shops, temporarily erected near the sides of the pond were found to have contributed a small amount of Solid Waste to the pond. The entire pond was covered with grass, bushes, etc, indicating lack of maintenance. It was earlier used by locals for celebrating festivals including chhath puja. The aforesaid pond is in a state of neglect leading to a loss of its natural & cultural significance for the community. Such ponds often play a crucial role in the local ecosystems, supporting aquatic life and contributing to groundwater recharge. They also serve as community spaces. There are government buildings, private buildings and a few HCFs, situated just near the pond. While allegations of sewage discharge from HCFs were made, the inspection found no direct sewage line discharge into the pond. The HCFs were inspected. It was found that the HCFs have obtained Authorization from the Board. But, only one HCF has obtained CTE/CTO from the Board. They also did not produce logbooks for keeping records of collection of Bio-Medical Waste (BMW) by the concerned Common Bio-Medical Waste Treatment Facility (CBWTF). A signboard, put in place by Saharsa Nagar Nigam, Saharsa, was also found there, cautioning people that littering garbage is a punishable offence.

Recommendation

Measures be taken to develop and enforce a regular maintenance plan, including routine cleaning & monitoring. Encourage community participation in the pond's upkeep and restoration efforts. Steps be taken to improve the pond's water quality and ecological health.

A robust public awareness campaign is needed to educate local residents/HCFs about proper waste disposal and the importance of maintaining the pond's cleanliness. Steps should be taken to improve waste collection and disposal infrastructure in the concerned area to prevent further dumping of waste into the pond.

Encl: As above & relevant photographs.

Nal Singh
23/06/25
(Nalini Mohan Singh)
Scientist, BSPCB,
Patna

Y N 03 H 12
23/06/25
(Sain Kumar)
Regional Officer,
Purnea

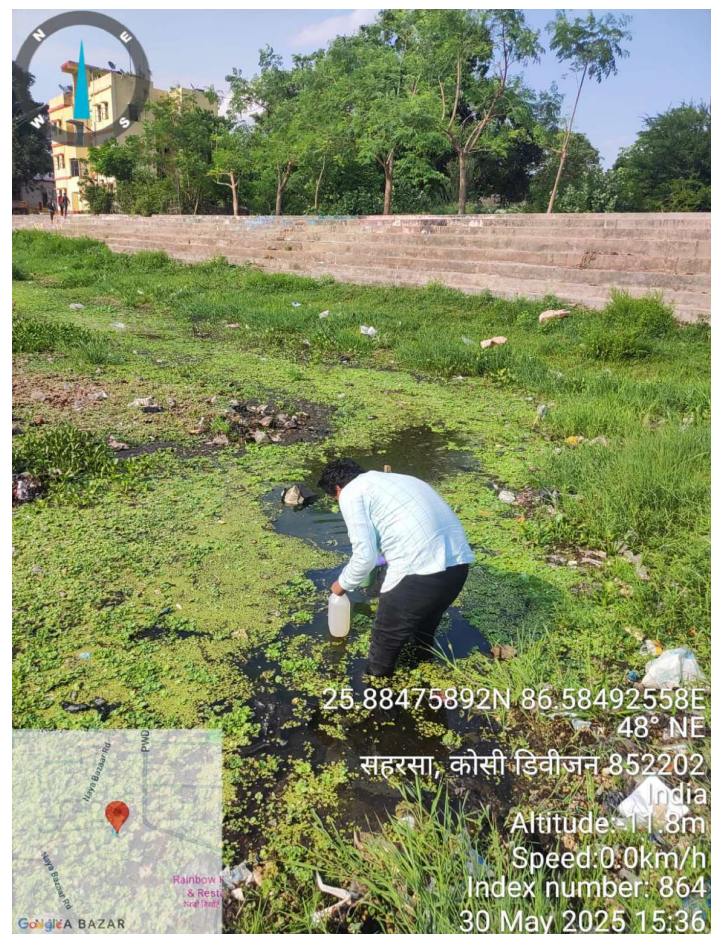
[Signature]
(Municipal Commissioner)
Saharsa Municipal Corporation,
Saharsa

[Signature]
23/6/25
(Nishant)
A.D.M. Saharsa

Memo No. 1521-2 Dated: 24.06.2025

COPY: forwarded to Sri Nalini Mohan Singh, Scientist,
Bihar State Pollution Control Council, Patna for information
and necessary action.

[Signature]
23/6/25
A.D.M.
SAHARSA



Annexure-3



बिहार राज्य प्रदूषण नियंत्रण पर्षद्

परिवेश भवन, एन0एस0बी0-2, पाटलिपुत्र औद्योगिक क्षेत्र, सदाकत आश्रम पटना-800 010,

दूरभाष संख्या : 2261250 / 2262265 / 2261709

ई-मेल-msbspb-bih@gov.in वेबसाइट-<http://bspb.bihar.gov.in>

पत्रांक- 75

पटना, दिनांक:- 24.6.25

प्रेषक,

अरुण कुमार,
पर्षद विश्लेषक।

प्रेषित,

श्री नलिनी मोहन सिंह,
वैज्ञानिक, पटना।

विषय:- विश्लेषण प्रतिवेदन के संबंध में।

उपरोक्त विषयक सहरसा जिले में स्थित तालाब, न्यू कॉलोनी, नया बाजार, जिला-सहरसा में आपके द्वारा दिनांक 30.05.2025 संग्रहित नमूनों का विश्लेषण प्रतिवेदन अग्रतर कार्रवाई हेतु संलग्न की जा रही हैं।

अनुलग्नक: यथोपरि।

विश्वासभाजन

(Signature)
24/06/2025

(अरुण कुमार)
पर्षद विश्लेषक।



Bihar State Pollution Control Board, Patna

Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

Water Sample Analysis Report

Parameters	Designated Best Use Water Quality Criteria (Class B) for Outdoor bathing.	Sample Collected from Pond at New Colony, Naya Bazar. Dist.- Saharsa, Bihar-852201.
Reference No	--	535
Date of Sampling	--	30-May-25
Dissolved Oxygen (mg/L)	>5.0	3.2
pH	6.5-8.5	7.39
BOD (mg/L)	< 3.0	5.2
TC (MPN/100 ml)	< 500	1700
FC (MPN/100 ml)	--	1100
COD (mg/L)	--	48
Total dissolved Solids (mg/L)	--	484
Total Suspended solids (mg/L)	--	16

Board Analyst

[Signature]
21/06/2025

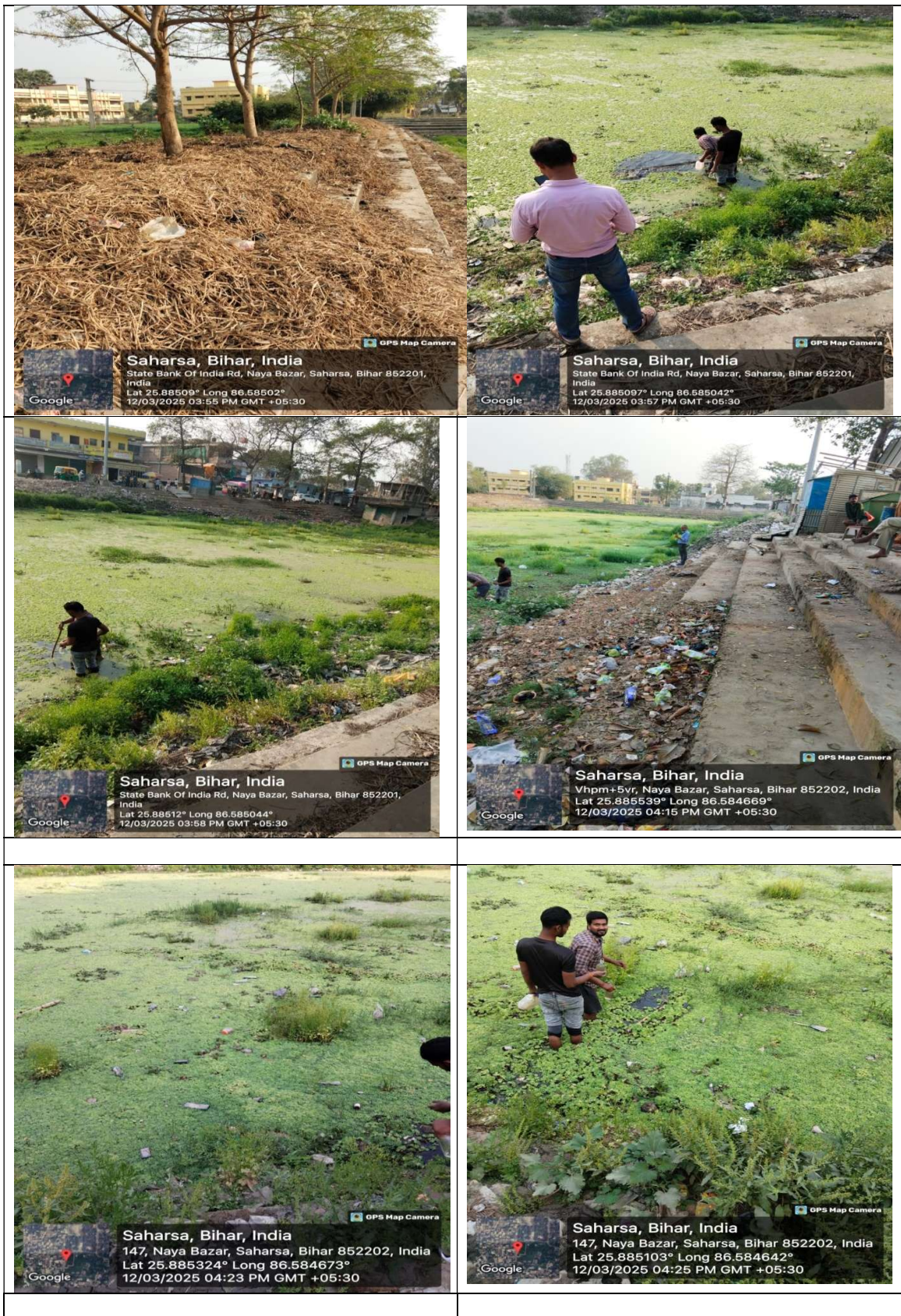
Photographs taken during inspection of the Pond located at Ward no.-13, New Colony, Naya Bazar, Saharsa-852201 on 12.03.2025

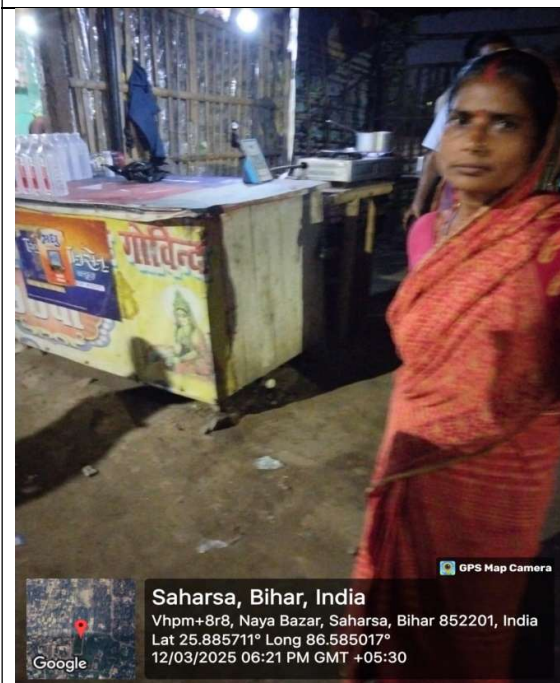


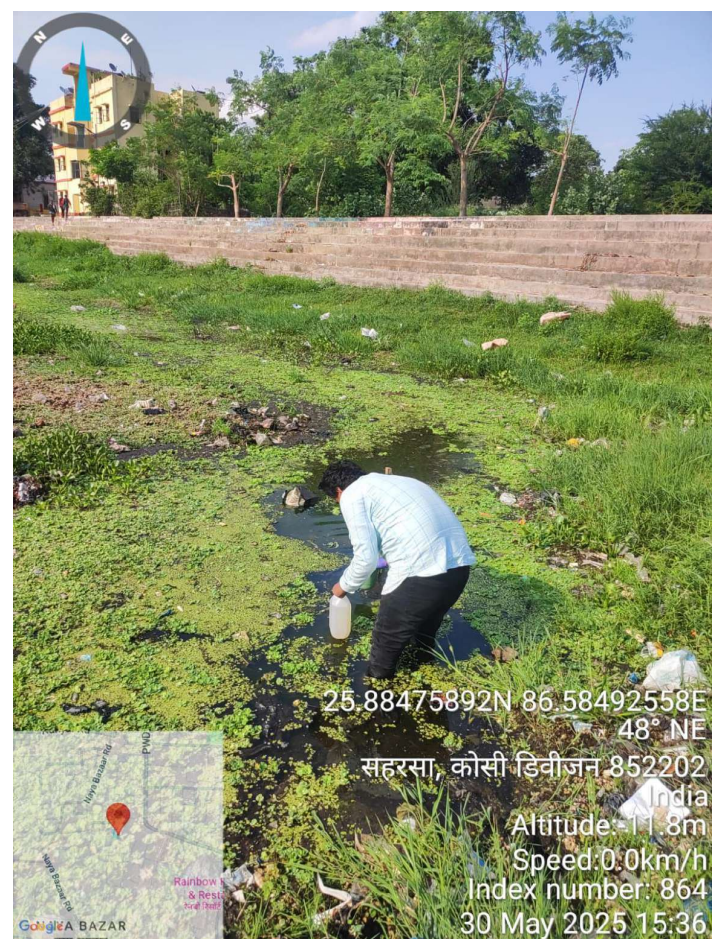


 Saharsa, Bihar, India Vhmm+xq3, Naya Bazar, Saharsa, Bihar 852202, India Lat 25.884835° Long 86.584606° 12/03/2025 08:39 AM GMT +05:30	 Saharsa, Bihar, India Vhmm+vg9, Naya Bazar, Saharsa, Bihar 852202, India Lat 25.884606° Long 86.584694° 12/03/2025 08:41 AM GMT +05:30
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**REGISTERED
BIHAR STATE POLLUTION CONTROL BOARD**

Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Ref. No.:- 658

Patna, dated:- 26/06/2025

From

Dr. D.K. Shukla,
Chairman.

To

**The District Magistrate-Cum-Chairman,
District Environment Committee,
Saharsa.**

**The Municipal Commissioner,
Saharsa Municipal Corporation,
Saharsa.**

**DIRECTION UNDER SECTION 33A OF THE WATER (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1974.**

- 1) **WHEREAS**, the Ministry of Environment, Forest and Climate Change, Government of India, has in exercise of the powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986, made the Solid Waste Management Rules, 2016.
- 2) **WHEREAS**, as per the rules contained in the Solid Waste Management Rules, 2016, (hereinafter referred to as the 'Rules, 2016') solid waste is to be collected, transported, processed and disposed in the manner and ways as provided in the Rules, 2016. Rule 15 of the Rules, 2016, provides for the duties and responsibilities of the local authorities which inter-alia, provides for door-to-door collection of solid waste; setting up of material recovery facilities or secondary storage facilities; provide training on solid waste management to waste pickers and waste collectors; direct waste generators to not litter; transport wastes to processing facilities; etc.

- 3) **WHEREAS**, a letter petition was filed before the Hon'ble National Green Tribunal, Kolkata, in which it has been alleged that on account of throwing solid waste and bio-medical waste and discharge of sewage in the pond existing in Ward No.13 of Municipal Corporation, Saharsa, Bihar, the pond has become polluted and the residents of the locality are compelled to go to other waterbodies three-four kilometers away. The letter petition has been converted into Original Application No. 21 of 2025/EZ.
- 4) **WHEREAS**, the Hon'ble Tribunal vide its order dated 01.05.2025 was pleased to constitute a committee consisting of (i) District Magistrate, Saharsa; (ii) Municipal Corporation, Saharsa, Bihar through its Municipal Commissioner and (iii) The Scientist, Bihar State Pollution Control Board, and directed the committee to visit the site and submit its Report with regard to the allegations made in the Original Application.
- 5) **WHEREAS**, the committee inspected the pond on 30.05.2025 and noted the following:-
- i. The pond was almost dry except little water near one end of the pond;
 - ii. Water samples were collected of pond for analysis and the water was not found to be within the prescribed parameter for outdoor bathing;
 - iii. Small quantity of mixed solid waste and bio-medical waste was found in the pond;
 - iv. The entire pond was covered with grass, bushes etc. indicating lack of maintenance;
 - v. The said pond is in a state of neglect leading to loss of its natural and cultural significance;
 - vi. There are government buildings, private buildings, and a few HCFs situated near the pond, while allegation of sewage discharge from HCFs

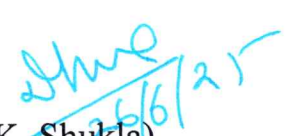
were made the inspection found no direct sewage line discharge into the pond;

- vii. A sign board has been put in place by Saharsa Nagar Nigam cautioning people that littering garbage is a punishable offence;

- 6) **WHEREAS**, from the above finding of the inspection of the joint committee it appears that the water of the pond is polluted and the pond is not being maintained properly and not being kept properly and the locals are being allowed to dump solid waste in and around the pond.

I, therefore, in exercise of the powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, direct you to: -

- i. Stop and Prevent dumping of solid waste in and around the pond existing at ward no. 13 of Municipal Corporation, Saharsa, Bihar;
- ii. Take immediate steps for removal of the waste dumped in and around the pond;
- iii. Ensure proper cleaning of the pond and carry mass awareness among the people to not litter near the pond;
- iv. Ensure proper maintenance and housekeeping of the pond;
- v. File an action taken report of the aforesaid directions within 15 days from the receipt of this notice.


(D. K. Shukla)
Chairman