

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

O.A. NO. 441 OF 2022

IN THE MATTER OF

Sidhnath Tiwari.

.....APPLICANT

VERSUS

The State of Bihar &ors..

.... RESPONDENTS

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**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF JOINT
COMMITTEE CONSTITUTED VIDE ORDER DATED 19.07.2022
PASSED IN O.A. NO. 441 OF 2022.**

I, S. Chandrasekhar, aged about 44 years, Son of Mr. S. Subramani, residing at B-202, Amarkunj Apartment, Vivekanand Marg-Patna-800013, do hereby solemnly affirm and state as follows: -

1. That I am posted as Member Secretary, Bihar State Pollution Control Board, Patna and as such I am well aware of the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.
2. That the instant matter has been registered as an original Application on a letter written by the applicant to the Hon'ble Tribunal that due to blockage of the drain toxic industrial effluent and sewage from Sector 47 to 49

Manpur, Gaya, Bihar is overflowing to agricultural land of adjoining villages and damaging paddy crops of the farmers.

3. That the instant matter was last heard on 19.07.2022 when the Hon'ble Tribunal was pleased to constitute a joint committee comprising of State PCB and District Magistrate, Gaya, to undertake site visit and look into the grievances of the applicant and verify the factual position and file a factual and action taken report. The State PCB was made nodal agency for coordination and compliance.
4. That pursuant to passing of the order State PCB vides its Memo No. 2475, dated 01.08.2022, informed the District Magistrate, Gaya, about the passing of the order and requested for site visit.

A copy of Memo No. 2475, dated
01.08.2022 is annexed and marked
as Annexure-1.

5. That the site was inspected on 02.09.2022 & 03.09.2022, the following members of the joint committee undertook the site visit, further complainant Sri Sidhanath Tiwari and local persons (Sri Shankar Das, Sri Pankaj Kumar, Sri Anil Kumar and others) were also present:

1.	Bihar State Pollution Control Board through Sri A.K. Gupta, Regional Officer, Gaya.	Member (Nodal Agency)
2.	District Magistrate, Gaya, Bihar through Sri Indraveer Kumar, Sub-Divisional Magistrate, Gaya Sadar, Distt.- Gaya	Member
3.	District Magistrate, Gaya, Bihar through Sri Anuj Kumar, Circle Officer, Anchal-Manpur, Distt.- Gaya	Member
4.	Sri Chandra Prakash, Revenue Officer, Anchal-Manpur, Distt.- Gaya	
5.	Sri Shambhu Nath Jha, Assistant Environmental Engineer, Bihar State Pollution Control Board, Patna	

On site visit, the committee learnt that the alleged drain / Salempur Pyne (Channel) in question is situated in ward no. 47, 48 & 49, Manpur, District Gaya and domestic/ Industrial sewage drains of ward no. 48, Manpur, Gaya meet (Converge) in this alleged Salempur Pyne (Channel). Salempur Pyne (Channel) was found kachcha (Not Cemented). The discharge of the Salempur Pyne and other drain were found intensely colored. The colored discharge is due to industrial discharge of dying units situated at ward no. 48, 49. The dyeing activities are being carried as a house-hold activity, instead of being an organized textile dyeing units.

Discharge of Salempur Pyne goes to village-khanjahapur, Anchal-Manpur, Distt-Gaya and is used for farming (Irrigation) purpose in the Agriculture land at village-khanjahapur, Anchal-Manpur, Distt-Gaya. Due to meeting discharge from ward no. 48 in Salempur pyne the water/discharge of salempur pyne is getting affected.

A copy of the report of the committee with photographs is annexed and marked as Annexure-2.

6. That the committee has following recommendations: -

- (i) Gaya Municipal Corporation, Gaya may be directed to clean the drains/ Salempur Pyne of that locality.
- (ii) Gaya Municipal Corporation, Gaya may be directed to convert kachcha Salempur Pyne into pucca (concreted) Pyne.
- (iii) The illegally operated dyeing units may be directed to close/ shut down their units.
- (iv) Above mentioned units may be shifted from densely populated area to safe site, till then all the illegal dyeing units and the dyeing activity may be directed to be stopped/ closed .
- (v) The Concerned Industries Department, GoB may be directed to construct a Common Effluent Treatment Plants (CETP) for the treatment of the industrial effluent at the earliest.
- (vi) The Urban Development and Housing Department, GoB and Gaya Municipal Corporation, Gaya may be directed to provide sewage network and construct a Sewage Treatment Plant (STP) for treatment of the sewage water of Gaya municipal corporation at the earliest.

7. That I have read the contents of the report and have understood the same.

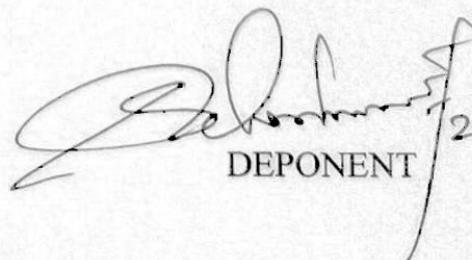
DEPONENT

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DEPONENT / 23/9/22



ई-मेल/स्पीड पोस्ट द्वारा

बिहार राज्य प्रदूषण नियंत्रण पर्षद

परिवेश भवन, एन.एस.बी.-2, पाटलिपुत्र औद्योगिक क्षेत्र,
पो0- सदाकत आश्रम, पाटलिपुत्र, पटना-800010

ई-मेल- msbspbcb-bih@gov.in वेबसाइट- <http://bspbcb.bihar.gov.in>

पत्रांक: P/Legal01- 26/2022

पटना, दिनांक:

प्रेषक,

एस. चन्द्रशेखर, भा.व.से.
सदस्य-सचिव।

सेवा में,

जिलाधिकारी, गया।

विषय: गया जिले के मानपुर सेक्टर- 47-49 के नाला से जहरीली और औद्योगिक अपशिष्ट और सिवेज के अवरुद्ध होने से कृषि भूमि एवं फसल का नुकसान के संबंध में।

प्रसंग: माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली में दायर O.A. No.- 441/2022, Sidhanath Tiwari Vs. State of Bihar के मामले में दिनांक 19.07.2022 को पारित आदेश (प्रति संलग्न) का अनुपालन।

महाशय,

उपर्युक्त प्रसंगाधीन विषय के संबंध में सूचित करना है कि विषयांकित मामले की सुनवाई के दौरान माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली द्वारा दिनांक 19.07.2022 को आदेश पारित करते हुए गया जिले के मानपुर सेक्टर 47-49, के नाले से जहरीली और औद्योगिक अपशिष्ट और सिवेज के अवरुद्ध होने के कारण बहिस्त्राव से आस-पास के गाँव की कृषि भूमि एवं फसल का नुकसान पहुँचाये जाने के मामले की जाँच एवं तथ्यात्मक स्थिति का पता लगाने के लिए निम्नलिखित सदस्यों की संयुक्त समिति का गठन (यथा अधिकरण के प्रासंगिक आदेश में उल्लेखित) किया गया है:-

1. बिहार राज्य प्रदूषण नियंत्रण पर्षद।
2. जिलाधिकारी, गया।

ज्ञातव्य है कि विषयांकित मामले में माननीय अधिकरण द्वारा बिहार राज्य प्रदूषण नियंत्रण पर्षद को समन्वय एवं अनुपालन हेतु नोडल एजेंसी बनाया गया है। इस संदर्भ में पर्षद की ओर से श्री आशीष कुमार गुप्ता, क्षेत्रीय पदाधिकारी, गया प्रक्षेत्र, (मोबाईल नं0-9525918419) को नोडल पदाधिकारी के रूप में नामित किया गया है।

माननीय अधिकरण द्वारा संयुक्त समिति को निर्देश दिया गया है कि समिति के सदस्य प्रार सप्ताह के भीतर बैठक और स्थल का दौरा कर सकती है तथा आवेदक की शिकायतों का तथ्यात्मक स्थिति की सत्यता की जाँच करते हुए दो माह के भीतर एन0 जी0 टी0 के ई-मेल- judicial-ngt@gov.in पर प्रस्तुत करेगी।

विषयांकित वाद दिनांक 13.10.2022 को माननीय अधिकरण के समक्ष सूचिबद्ध है।
कृपया इसे सर्वोच्च प्राथमिकता देंगे।

अनुलग्नक: यथो०।

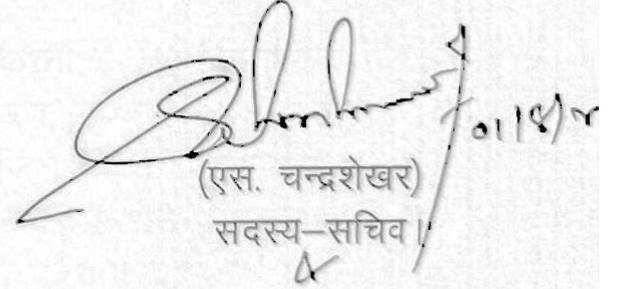
विश्वासभाजन
ह०/-
(एस. चन्द्रशेखर)
सदस्य-सचिव।

ज्ञापांक: 2475

पटना, दिनांक: 01.08.22

प्रतिलिपि: श्री आशीष कुमार गुप्ता, क्षेत्रीय पदाधिकारी-सह- नोडल पदाधिकारी, गया को आदेश की प्रति संलग्न करते हुए निर्देश दिया जाता है कि विषयांकित मामलों के संदर्भ में संबंधित जिलाधिकारी से समन्वय स्थापित कर अग्रतर कार्रवाई सुनिश्चित करना चाहेंगे।

अनुलग्नक: यथो०।


(एस. चन्द्रशेखर)
सदस्य-सचिव।

Annexure-2

Factual and Action Taken Report by the Joint Committee

In the matter of O.A. No. 441/2022- Sidhanath Tiwari vs State of Bihar-in compliance with the order dated 19.07.2022 by Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Date of Inspection: 02-03 Sept, 2022

In Compliance with the order dated 19.07.2022 by the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi passed in the matter of O.A. No. 441/2022- Sidhanath Tiwari vs. State of Bihar, a team was constituted for joint inspection of discharge of waste water of entire Sector-47 to 49 Manpur, District Gaya, Bihar with respect to the loss of agricultural land and crops due to the blockage of toxic and industrial waste and sewage from the drain of Sector-47 to 49 Manpur, Distt- Gaya. The joint inspection team comprised of the following members:-

1.	Bihar State Pollution Control Board through Sri A.K. Gupta, Regional Officer, Gaya.	Member (Nodal Agency)
2.	District Magistrate, Gaya, Bihar through Sri Indraveer Kumar, Sub-Divisional Magistrate, Gaya Sadar, Distt.- Gaya	Member
3.	District Magistrate, Gaya, Bihar through Sri Anuj Kumar, Circle Officer, Anchal-Manpur, Distt.- Gaya	Member
4.	Sri Chandra Prakash, Revenue Officer, Anchal-Manpur, Distt.- Gaya	
5.	Sri Shambhu Nath Jha, Assistant Environmental Engineer, Bihar State Pollution Control Board, Patna	

The inspection team inspected the following issues alleged in the said complaint:-

- i) Discharge of toxic industrial effluent in Sector-47 to 49 Manpur, District Gaya,
- ii) Blockage of the drain.
- iii) Overflow of effluent to the agriculture land of adjoining villages.

Inspection:

The team conducted inspection of Sector-47 to 49 Manpur, District Gaya. During the inspection, complainant Sri Sidhanath Tiwari and local persons (Sri Shankar Das, Sri Pankaj Kumar, Sri Anil Kumar and others) were present.

Findings of the inspection team:

- i) The alleged drain / Salempur Pyne (Channel) in question is situated in ward no. 47,48 & 49, Manpur, District Gaya.
- ii) Domestic/ Industrial sewage drains of ward no. 48, Manpur, Gaya meet (Converge) in this alleged Salempur Pyne (Channel).
- iii) Salempur Pyne (Channel) was found kachcha (Not Cemented).
- iv) The discharge of the Salempur Pyne and other drain were found intensely coloured.
- v) The coloured discharge is due to industrial discharge of dyeing units situated at ward no. 48, 49. The dyeing activates is being carried as a house-hold activity , instead of being an organised textile dyeing units.
- vi) As informed by the representatives of local powerloom/ dyeing units facility following dyeing units are in operation and responsible for the industrial discharge;

1.	Amit Dyeing, Pro- Sri Amit Kumar, Ward No.-49, Pehani, Patwa Toli, Manpur, Gaya
2.	Bhola Dyeing, Pro- Sri Bhola Prasad, Ward No.-49, Baidyanath Sahay lane Patwa Toli, Manpur, Gaya
3.	Semraj Rangai, Pro-Sri Semraj Prasad, Ward No.-49, Patwa Toli, Pehani, Manpur, Gaya.
4.	Bhola Rangai, Pro-Sri Bhola Prasad, Ward No.-48, Shivcharan lane,Patwa Toli Manpur, Gaya
5.	Om Prakash Rangai, Pro- Sri Om Prakash, Ward No.-48, Shivcharan lane, Patwa Toli, Manpur, Gaya

- vii) The above mentioned dyeing units are being operated illegally without valid Consent to Establish & Consent to Operate from the BSPCB.
- viii) Discharge of Salempur Pyne goes to village-khanjahapur, Anchal-Manpur, Distt-Gaya.
- ix) Discharge of Salempur Pyne (Channel) is used for farming (Irrigation) purpose in the Agriculture land at village-khanjahapur, Anchal-Manpur, Distt-Gaya.
- x) There is no STP/CETP for the treatment of sewage/Industrial effluent at, Gaya.

Recommendations

- i) Gaya Muncipal Croporation, Gaya may be directed to clean the drains/ Salempur Pyne of that locality .
- ii) Gaya Muncipal Croporation, Gaya may be directed to convert kachcha Salempur Pyne into pucca (concreted) Pyne.

- iii) The illegally operated dyeing units may be directed to close/ shut down their units.
- iv) Above mentioned units may be shifted from densely populated area to safe site, till then all the illegal dyeing units and the dyeing activity may be directed to be stopped/ closed .
- v) The Concerned Industries Department, GoB may be directed to construct a Common Effluent Treatment Plants (CETP) for the treatment of the industrial effluent at the earliest.
- vi) The Urban Development and Housing Department, GoB and Gaya Municipal Corporation, Gaya may be directed to provide sewage network and construct a Sewage Treatment Plant (STP) for treatment of the sewage water of Gaya municipal corporation at the earliest.

(Sri Anuj Kumar)
Circle Officer,
Anchal-Manpur, Distt.- Gaya

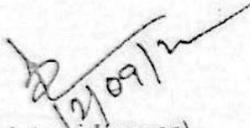
(Sri Indraveer Kumar)
Sub-Divisional Magistrate,
Gaya Sadar, Distt.- Gaya

(A.K. Gupta)
BSPCB,
R.O. Gaya.

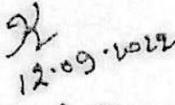
(Sri Chandra Prakash)
Revenue Officer,
Anchal-Manpur, Distt.- Gaya

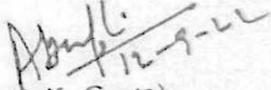
(Sri Shambhu Nath Jha)
A.E.E.,
BSPCB,

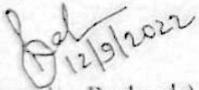
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12/09/22
(Sri Anuj Kumar)

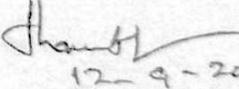
Circle Officer,
Anchal-Manpur, Distt.- Gaya


12.09.2022
(Sri Indravar Kumar)
Sub-Divisional Magistrate,
Gaya Sadar, Distt.- Gaya


12-9-22
(A.K. Gupta)
BSPCB,
R.O. Gaya


12/9/2022
(Sri Chandra Prakash)
Revenue Officer,

Anchal-Manpur, Distt.- Gaya


12-9-2022
(Sri Shambhu Nath Jha)
A.E.E.,
BSPCB,

Photographs during inspection regarding O.A. No. 441/2022



