

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 88 OF 2021

IN THE MATTER OF:

TALAB BACHAO ABHIYAN-TBA ...APPLICANT

VERSUS

GOVERNMENT OF BIHAR & ORS ...RESPONDENTS

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FILED BY:

ARDHENDUMAULI KUMAR PRASAD

Senior Central Government Standing Counsel

National Green Tribunal

A-52, Sector – 17 A, Noida, Uttar Pradesh- 201301

Dated: 10.12.2021

Ph.: 0120- 2488800-02

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r/Smt. Anand Kumar Agrawal
Deponent's Signature/L.T.I.
Identified by Arjun Kumar
Advocate, Solemnly affirmed and
declared before me.

10.12.2021
ARUN KUMAR
NOTARY, PATNA

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COUNTER AFFIDAVIT/ REPLY ON BEHALF OF RESPONDENT

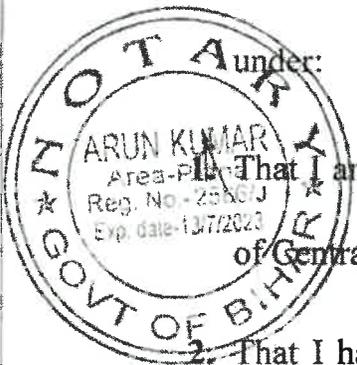
No. 7 / CENTRAL GROUND WATER BOARD

I, Anand Kumar Agrawal, S/o Late B.L. Agrawal, Aged 58 years, employed as Regional Director, Central Ground Water Board, Mid-Eastern Region, functioning at Patna, do hereby solemnly affirm and declare as

under:

That I am duly authorized and competent to swear this affidavit on behalf of Central Ground Water Board, in the above matter.

2. That I have read and understood order passed by the Hon'ble NGT and filing this Counter Affidavit in compliance of direction passed by the Hon'ble Tribunal.



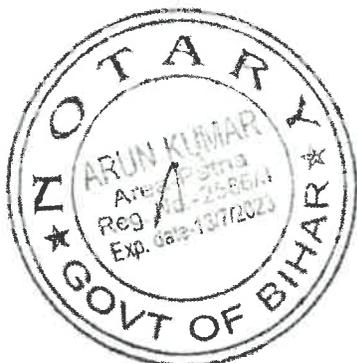
10/12/2021
Arjun Kumar

No. 992 Date 10.12.2021

3. That the contents of the Appeal that have not been specifically admitted hereunder or are matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.

BRIEF SUBMISSIONS:

5. That the Applicant under this O.A. seeks directions from this Hon'ble Tribunal to Pass an order directing the authorities to ensure that the natural pond be maintained and preserved in its natural form and without causing any damage in the form of concretization and laying of bricks, Pass an order directing the authorities that such concretization be immediately stopped and whatever has been laid out be removed, Pass an order directing the authorities to place on record the Environmental Impact Assessment, if conducted for the project of beautification/ concretization of the pond and if not so done the EIA of entire project be concluded, Pass an order for formation of Expert Committee for review of the project, Pass an order in the nature of declaration that concretization of the Pond is prima facie harmful for the life of the pond and the creatures that live in it, Pass an order directing the authorities to place on record all the documentation/ Orders/ approvals with regard to the above said project, Pass an order directing the authorities to undertake dredging of the said pond and other ponds as well, Pass an order imposing heavy cost on the authorities for misusing the Public exchequer for conducting the above said activity, Pass an order directing the authorities to ensure that the banks be planted with trees.



Arun Kumar
10/12/24

- 6. That it is submitted that no permission has been granted by the Central Ground Water Board for the Construction/ Renovation/ Beautification of the Pond(s).
- 7. That it is most respectfully submitted that the prayers are outside the purview of Respondent No. 7 (CGWB). The matter pertains to Repair, Restoration and Renovation (RRR) of water bodies which is being dealt by Minor Irrigation (MI) Section, Ministry of Jal Shakti.

PARA WISE REPLY:

- 8. That the contents of Para 1 to 22 are matter of record and does not warrant any reply from the answering respondent.

It is respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and circumstances of this case. The answering respondent may kindly be exempted from personal appearance.

Anand Kumar Agrawal
 DEPONENT *10/12/21*
 Anand Kumar Agrawal
 Regional Director
 Central Ground Water Board
 Department of Water Resources, RD & GR
 Ministry of Jal Shakti, Govt. of India
 Mid-Eastern Region, Patna

VERIFICATION

Verified at Patna on this 10 of December, 2021, that the contents of the above affidavit are true and correct to the best of my knowledge. No. part of it is false and nothing material has been concealed therefrom.



I Identify the deponents Signature L.T.I. who has/have affirmed in my presence.
Anand Kumar Agrawal
 Advocate

Anand Kumar Agrawal
 DEPONENT *10/12/21*
 Anand Kumar Agrawal
 Regional Director
 Central Ground Water Board
 Department of Water Resources, RD & GR
 Ministry of Jal Shakti, Govt. of India
 Mid-Eastern Region, Patna

**VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

Appeal/Original Application No. 88/2021/EZ of 2021

IN THE MATTER OF:

Talab Bachao Andolan-TBA

...APPLICANT

VERSUS

Govt. of Bihar and others

...RESPONDENT

KNOW ALL to whom these present shall come that I/We **Anand Kumar Agrawal, aged about 58 years, son of late B.L. Agrawal, working as Regional Director, Central Ground Water Board, MER, Patna having office at 6-7th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow, Patna-800001.** The above named do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him:-

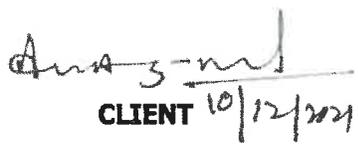
To act, appear and plead in the above-noted case in this Tribunal in which the same may be tried or heard subject to payment of fees by CGWB. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other applications/petitions 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 differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money AND cheques towards compensation, grant receipts thereof and to do all other lawful acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. And I/We the undersigned do hereby agree to ratify and confirm all lawful acts done by the Advocate or his substitute authorized by Tribunal 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 Advocates for appearance when the case is called. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid in terms of M/o law & Justice OMs/Orders/guidelines, to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Tribunal. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same unless it is erroneously settled and if the case prolongs for more than 3 years the fee shall be regulated in accordance with the guidelines of M/o Law & Justice issued from time to time.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this **10th day of December 2021.**

Accepted subject to the terms of fees prescribed by M/o Law & Justice for cases in NGT.


ARDHENDUMAULI KUMAR PRASAD
Senior Central Government Standing Counsel
A-52, Sector 17-A, NOIDA, U.P. 201301
Mobile No. 9818612800
E-Mail: mail@ardhendumauli.com


CLIENT 10/12/2021
Anand Kumar Agrawal
Regional Director
Central Ground Water Board
Department of Water Resources, RD & GR
Ministry of Jal Shakti, Govt. of India
Mid-Eastern Region, Patna



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Ardhendumauli Prasad <mail@ardhendumauli.com>

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Reply on behalf of Respondent No. 7 (CGWB) : O.A. No. 88 of 2021 Talab Bachao Abhiyan -TBA Versus Government of Bihar & Ors

1 message

Chambers of Mr. Ardhendumauli Kr. Prasad <mail@ardhendumauli.com>

Fri, Dec 10, 2021 at 4:22 PM

To: mgvp4water@gmail.com, cs-bihar@nic.in, vc@lnmu.ac.in, dm-darbhanga.bih@nic.in, sp-darbhanga.bih@nic.in, secy <secy-mowr@nic.in>, secy-moef@nic.in

Respected Sir(s),

Please find attached reply on behalf of CGWB in the above-captioned matter.

Kindly treat this as an effective service.Regards,
Ashish Madaan
Advocate**FOR:****Mr. Ardhendumauli Kumar Prasad**Advocate on Record
Supreme Court of India**Office:**A-52, Sector 17A,
NOIDA - 201301
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**Reply_ Talab Bachao Abhiyan V. Govt. of Bihar and Ors..pdf**

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