

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

ORIGINAL APPLICATION NO. 56 of 2025 (EZ)

DEVAVRAT KUMAR SAHANI.

...Applicant.

VERSUS

The State of Bihar & Ors.

...Respondents.

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FILED BY: PANTHU RAI

ADVOCATE

F-1296/2016

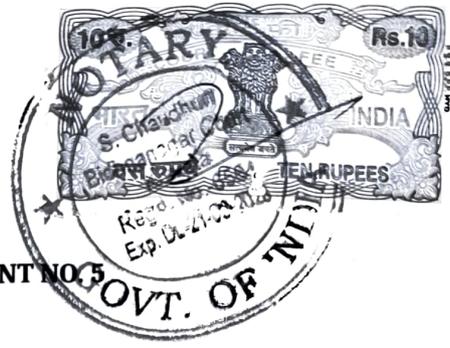
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ADVOCATE FOR THE PETITIONER

SL. NO. 419 / 2025

BEFORE THE NOTARY PUBLIC  
AT BHDHANNAGAR  
DIST.-NORTH 24 PARGANAS



Aaditya Dokania

**AFFIDAVIT FILED BY RESPONDENT NO. 5**

1. That I am the authorized representative of Respondent No. 5; Aaditya Dokania, S/o Krishna Kumar Dokania, residing at Flat 203, Basudeo Vihar Apartments, Nageshwar Colony, Parmanand Path, Boring Road, Patna-80000, Bihar, and being conversant with the facts of the case, I am competent to swear this reply.
2. That the facts stated in the letter petition dated 27.12.2024, on the basis of which the present Original Application has been registered, are incorrect, misleading, and denied except those which are specifically admitted herein.
3. That it is categorically denied that "lakhs of plastic bags" or any such quantity of plastic material were dumped in the Budhi Gandak River during the execution of the bridge construction work at Athar Ghat, P.S. Mushahari, Muzaffarpur. No such dumping was ever authorised, instructed, or carried out by Respondent No. 5.
4. That Respondent No. 5 has been carrying out construction work strictly in accordance with the approved design, technical specifications, and environmental safeguards as mandated by Bihar Rajya Pul Nirman Nigam Limited (BRPNL), Work Division, Muzaffarpur. All construction activities are undertaken on land platforms and temporary structures duly approved by the competent authorities.

17 DEC 2025

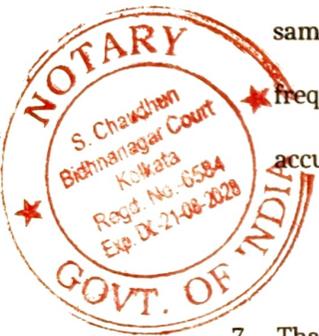
5. That Respondent No. 5 maintained proper disposal practices for construction waste and uses only permissible and environmentally compliant materials. No plastic-filled bags have been used in any manner that could enter or obstruct the natural flow of the Budhi Gandak River.

6. That if any extraneous plastic waste or material is found in the vicinity of the site, the same cannot be attributed to the actions of Respondent No. 5, as the riverbank is frequently subjected to public dumping and upstream flow movement that brings accumulated waste to this stretch.

7. That respondent No. 5 has been cooperating with the authorities including the BRPNNL Muzaffarpur Division, the District Administration, and all inspection agencies. Respondent No. 5 is also ready and willing to assist any Joint Committee or fact-finding body constituted by this Hon'ble Tribunal.

8. That the allegation that the flow of the Budhi Gandak River has been obstructed due to the actions of Respondent No. 5 is wholly incorrect and without any technical or factual basis. No construction-related obstruction has been created in the river by this Respondent.

9. That the Joint Committee constituted in the present matter has already submitted its report, and the said report has categorically found no fault, lapse, or violation on the part of Respondent No. 5. The findings of the Joint Committee fully support and corroborate

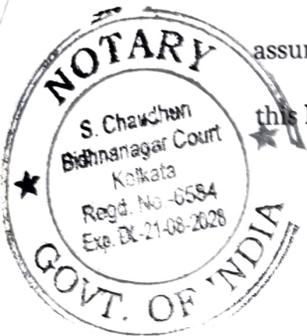


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Aaditya Dokania 47

the stand of this Respondent that no plastic bags or other prohibited materials were dumped into the Budhi Gandak River by this Respondent, nor was the natural flow of the river obstructed in any manner by the construction activities of the Respondent.

10. That Respondent No. 5 submits that the present application is based on misconceived assumptions and inaccurate facts, and therefore, no adverse orders may be passed against this Respondent.



**VERIFICATION**

I, Aaditya Dokania, S/o Krishna Kumar Dokania the deponent above-named, do hereby verify that the contents of paragraphs 1 to 10 are true and correct to my knowledge and belief and that nothing material has been concealed therefrom.

Verified at Basudeo Vihar Apartments, Nageshwar Colony, Parmanand Path, Boring Road, Patna-80000, Bihar, on this day, the 15<sup>th</sup> day of December, 2025.

  
S. CHAUDHURI  
★ NOTARY ★  
GOVT. OF INDIA  
Regd. No.-6584/06  
Bidhannagar Court  
Dist.-North 24 Pgs

  
**DEPONENT**  
**Aaditya Dokania**  
**S/o Krishna Kumar Dokania**  
**Residing at Flat 203, Basudeo Vihar Apartments,**  
**Nageshwar Colony, Parmanand Path, Boring Road,**  
**Patna-80000, Bihar**

17 DEC 2025

B. No...05..., Sl. No. 05,  
Dated...23.08.2025

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.56/2025/EZ

Devavrat Kumar Sahani .....Applicant

Versus

State of Bihar & Ors..... Respondents

**Counter-Affidavit on behalf of Respondent, the State of Bihar:**

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2. Annexure: -R/1	A copy of the Enquiry Report dated 11.08.2025 of Joint Enquiry Committee	07-13



X



BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.56/2025/EZ

Devavrat Kumar Sahani .....Applicant

Versus

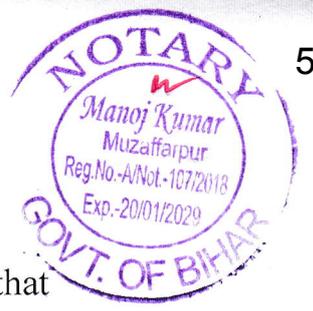
State of Bihar & Ors..... Respondents

**Counter-Affidavit on behalf of Respondent, the State of**

**Bihar: -**

I, Saurav Raj son of Dilip Kumar Sinha, aged about 35 Years, occupation: Government Service ( Sr. Deputy Collector), working for gain at the office of the District Magistrate , Muzaffarpur, State of Bihar, having its address at Collectorate Company Bag Road, Muzaffarpur, Pin:842001, presently residing at Mohalla Damu Chak, Magistrate Colony, Police Station:-Kazimohammadpur, District:-Muzaffarpur, Bihar, 842001, do hereby solemnly affirm and declare as under:

- 1.That I am the authorized signatory of the respondent, herein (hereinafter referred to as “answering respondent”. I am duly authorized to file this affidavit on behalf of the District Magistrate, Muzaffarpur, Bihar, in the above -mentioned matter and am fully conversant with the facts of the case.
- 2.That the present counter-affidavit is being filed in compliance with the order dated 07.04.2025 passed by this Hon’ble Court in the instant matter, for the purpose of placing on record the enquiry report submitted by the Joint Enquiry Committee pertaining to the subject issue.



X

3. That from record pertaining to the present case, it is apparent that the controversy involved in this case is similar to that of Original Application No. 56/2025/EZ (Devavrat Kumar Sahani vs. State of Bihar & Ors.) filed before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, on the basis of a letter petition dated 27.12.2024 by Sri Devavrat Kumar Sahani, alleging unlawful dumping of sand-bags and plastic bags in the Budhi Gandak River during bridge construction at Athar Ghat, PS-Mushahari, District Muzaffarpur, Bihar.
4. That in the aforesaid Original Application No. 56/2025/EZ (Devavrat Kumar Sahani vs. State of Bihar & Ors.), this Hon'ble Tribunal, vide order dated 07.04.2025, was pleased to implead, *inter alia*, the District Magistrate & Collector, Muzaffarpur, Bihar (hereinafter referred to as 'the District Magistrate') as a Respondent, and further constituted a Joint Committee in relation to the subject matter.
5. Pursuant to the Hon'ble Tribunal's directions, the District Magistrate, Muzaffarpur, issued Letter No. 169 dated 04.02.2025 appointing Sri Sanjeev Kumar, Additional District Magistrate (Revenue), Muzaffarpur as its representative on the Fact-Finding Committee. and in pursuant to the aforesaid order a three members joint committee comprising:
- Sri Sanjeev Kumar, Additional District Magistrate (Revenue), District Muzaffarpur, Bihar (nominated by the District Magistrate).



- X
- Sri Arun Kumar, Senior Scientist, Bihar State Pollution Control Board (Patna);
  - Sri S. N. Thakur, Regional Officer, Bihar State Pollution Control Board (Muzaffarpur); was came in force in the matter in question
6. The in compliance with the directions issued by the Hon'ble Court and in furtherance of administrative protocol, a Joint Enquiry Committee was duly constituted to ascertain the factual position at the site in question. The Committee conducted a site inspection on 02.06.2025 at Athar Ghat, P.S. Mushahari, District Muzaffarpur (GPS Coordinates: 26.079206, 85.519809). Upon completion of the inspection and enquiry, the Committee submitted its report.

A copy of the Enquiry Report dated 11.08.2025 of Joint Enquiry Committee is annexed hereto as **Annexure R/1 for the purpose of identification.**

7. That the inspection revealed the following **Site-Specific Observations**

**Bridge Construction Impact: -**

During the construction of the bridge over the Budhi Gandak River, the executing agency used geo-bags filled with sand or soil to create temporary retaining walls around the pillars. These structures have since led to the formation of **island-like patches** around the bridge base.

**Vegetation Growth:**



X

These island formations are now covered with **grasses, herbs, and wild shrubs**, indicating sediment accumulation and ecological colonization.

#### **Plastic Waste Presence:**

Plastic bags were visibly present at certain spots near the bridge pillars, corroborating the applicant's allegation of improper disposal during construction. Photographic evidence was documented.

#### **Hydrological and Environmental Findings**

##### **River Flow Unaffected:**

Despite the formation of vegetated islands, the **natural flow of the Budhi Gandak River remains uninterrupted**. Water continues to pass through the gaps between these formations.

##### **No Course Alteration:**

The inspection confirmed that the **course of the river has not been diverted or obstructed** due to construction activities.

##### **Perennial Nature Maintained:**

The Budhi Gandak continues to flow as a **perennial river**, with no signs of stagnation or blockage in the inspected stretch.

#### **Compliance and Oversight Notes**

##### **No Post-Construction Cleanup:**

The agency **did not remove the geo-bags or plastic waste** after completion of the bridge, contrary to environmental norms and good construction practices.

X

8. In light of the Committee's report, the allegations of significant obstruction to river flow or widespread plastic pollution during or post-construction are not substantiated by on-site evidence.
9. The allegations of large-scale dumping and obstruction of river flow are exaggerated and not supported by the Committee's findings.
10. In view of the above, it is respectfully prayed that this Hon'ble Tribunal may be pleased to:
- (i). Take note of the Joint Committee Report dated 02.06.2025;
- (ii). Dismiss the Original Application as devoid of merit;
- (iii). Pass any other order(s) deemed fit and proper in the interest of justice.
11. That the statements contained in paragraph nos. 1 to 11 are true to my knowledge and are information derived from records and rest thereof are my humble submissions before this Hon'ble Tribunal.

Prepared by me & identified by me

*Ranjit Kumar*  
Advocate  
23.08.25  
E. N. - 1810/24

Saunau Rai  
DEPONENT

The deponent identified by Advocate name  
solely affirmed and declared before me

*Kumar 23/08/25*  
MANOJ KUMAR  
NOTARY MUZAFFARPUR



X

## Verification

I, Saurav Raj son of Dilip Kumar Sinha, aged about 35 Years, occupation: Government Service ( Sr. Deputy Collector), working for gain at the office of the District Magistrate , Muzaffarpur, State of Bihar, having its address at Collectorate Company Bag Road, Muzaffarpur, Pin:842001, do hereby solemnly affirm and declare that the contents of the above counter affidavit are true and correct to the best of my knowledge and belief, and no part of it is false or misleading.

Saurav Raj  
DEPONENT

Place: Muzaffarpur

Date: - 23/08/2025



**INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE  
MATTER OF THE HON'BLE NGT O.A. NO. 56/2025/EZ TITLED.**

**Devavrat Kumar Sahani Vs State of Bihar & Ors.**

**Inspection site:** Athar Ghat, P.S.- Mushahari , District- Muzaffarpur

**G.P.S. Location:** 26.079206, 85.519809

**Date of Inspection:** 02.06.2025.

**Background:**

The Hon'ble NGT, Eastern Zone Bench, Kolkata has filed a case on the application dated 27.12.2024 of Sri Devavrat Kumar Sahani, resident of Athar Ghat, PS- Mushari, Bochahan, Muzaffarpur, Bihar, Pin-843118 filed a Case No. O.A. 56/2025/EZ, Devavrat Kumar Sahani Vs State of Bihar & Others, alleging that

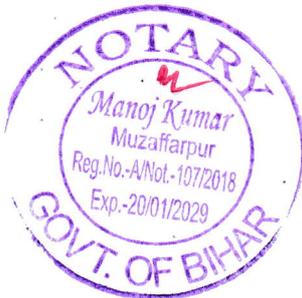
1. During the construction of a bridge at Athar Ghat, under Mushhari Police Station in Muzaffarpur District, by the Bihar State Bridge Construction Corporation Limited, Work Division, Muzaffarpur, a large quantity of plastic bags was reportedly dumped into the Budhi Gandak River. This has adversely affected the natural flow of the river, and the waste remains uncleared. The bridge construction work had been allotted to M/s Ganesha Ram Dokaniya, Aliganj, Banka, by Bihar Rajya Pul Nirman Nigam Ltd.
2. It is alleged that after completion of the construction work, the work agency and the department have not removed the sand bags/plastic bags thrown into the river from the construction site nor has the river been cleaned.

Considering the allegations made, the Hon'ble NGT has constituted a Fact Finding Committee comprising of following members:-

1. Senior Scientist, Bihar State Pollution Control Board;
2. The District Magistrate, District- Muzaffarpur, Bihar or his representative not below the rank of Additional District Magistrate (ADM);

Further, the Hon'ble NGT has directed that:-

*"(1) The committee shall visit the site in question and submit its fact finding reports within four weeks w.r.t. the allegations made in the original application.*



(2) *The District Magistrate, Muzaffarpur shall be the Nodal office for all logistic purposes and for filling the Committee Report on affidavit."*

**Constitution of a Fact Finding Committee:**

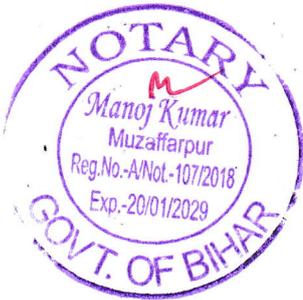
In compliance with the Hon'ble NGT's directions, the Fact Finding Committee was constituted based on nominations received from the respective Departments which are as follows:-

- The Bihar State Pollution Control Board nominated Sri Arun Kumar, the Scientist, Patna and Sri S.N. Thakur, the Regional Officer, BSPCB, Muzaffarpur vide Letter No. 377, dated- 16.04.2025 (Annexure- I).
- The District Magistrate, *Muzaffarpur* has nominated Sri Sanjeev Kumar, Additional District Magistrate (Revenue), Muzaffarpur vide its Letter No. 169 dated- 04.02.2025 (Annexure- II).

**Facts Finding about the Athar Ghat, Muzaffarpur, Bihar on the Bank of River Budhi Gandak:**

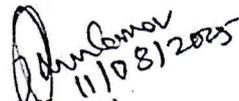
1. The Committee had fixed the date of inspection on 02.06.2025.
2. The Committee had visited the site in question and as per the direction of Hon'ble NGT examined the factual status of the river in light of the allegation made in the O.A. 56/2025/EZ.
3. The river named as Budhi Gandak. The **Budhi Gandak** is a perennial river that flows through the northern part of Bihar. It is a tributary of the Ganga River and originates from the Someshwar Hills Near Bisambharpur in West Champaran district, near the Indo-Nepal border. Its approximate length is 320 kilometers. It flows through the West Champaran, East Champaran, Muzaffarpur, Samastipur, Begusarai and Khagaria districts of Bihar. It merges with the Ganga River near Khagaria district.
4. There is a bridge near Ather Ghat, Musahari, Muzaffarpur, Bihar. Its length is approximately 300 meters.
5. Flow of River is from west to east.
6. During the construction of the bridge pillars, the agency built a wall of geo-bags filled with sand or soil around each pillar to prevent water from entering the base. At present an island-like formation has developed on either side of the bridge

*D A J*



- around the pillars. Most of these areas are now covered with grasses and wild vegetations, including herbs and shrubs. At some spots, plastic bags were also observed (Photographs attached).
7. Since the river is perennial, water continues to flow through the gaps between the island-like structures.
  8. These formations have not altered the course of the river.
  9. The flow of water on both sides of the bridge appears to be normal.

  
 (S. N. Thakur) 11/8/2025  
 Regional Officer  
 Bihar State Pollution Control  
 Board, Muzaffarpur.

  
 (Arun Kumar) 11/08/2025  
 Scientist,  
 Bihar State Pollution Control  
 Board, Patna.

  
 (Sanjeev Kumar) 11.8.25  
 Additional District  
 Magistrate (Revenue),  
 Muzaffarpur.



Pictures of Aathar Ghat, Muzaffarpur.



Joint Committee

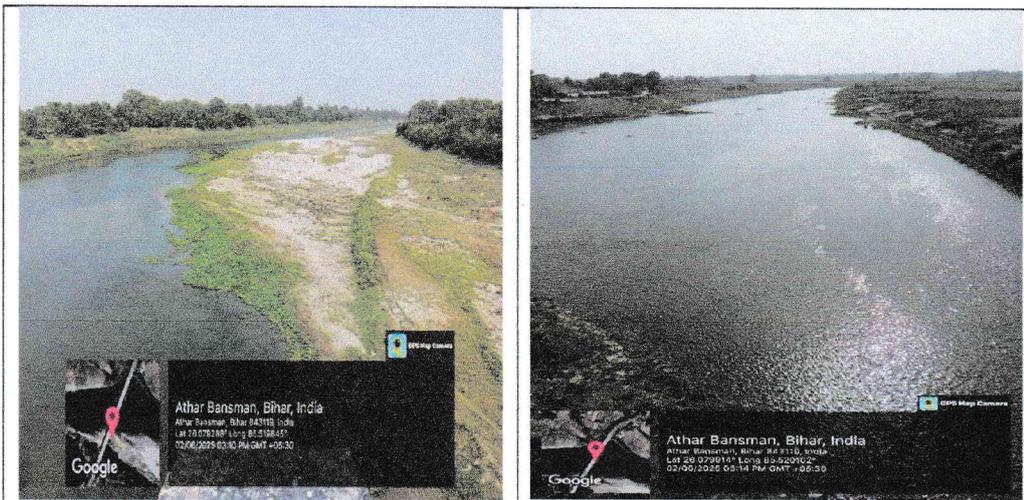


Bridge in Google Map



Bridge in Google Map (zoom) Showing islands developed by sand/soil bags

A



River on Eastern Side of Bridge

River on Western Side of Bridge



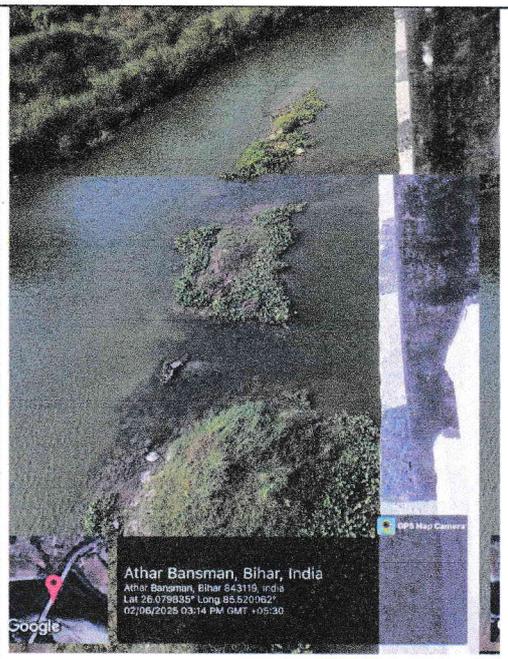
Islands developed due to left over bags.

Islands developed due to left over bags.

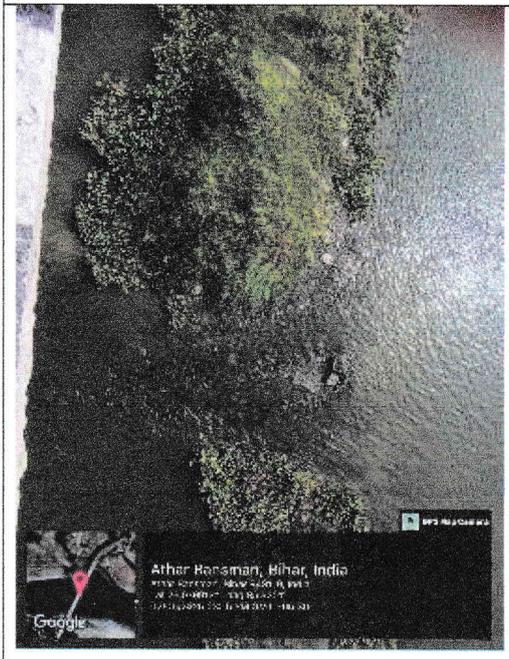
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Islands developed due to left over bags.



Islands developed due to left over bags.

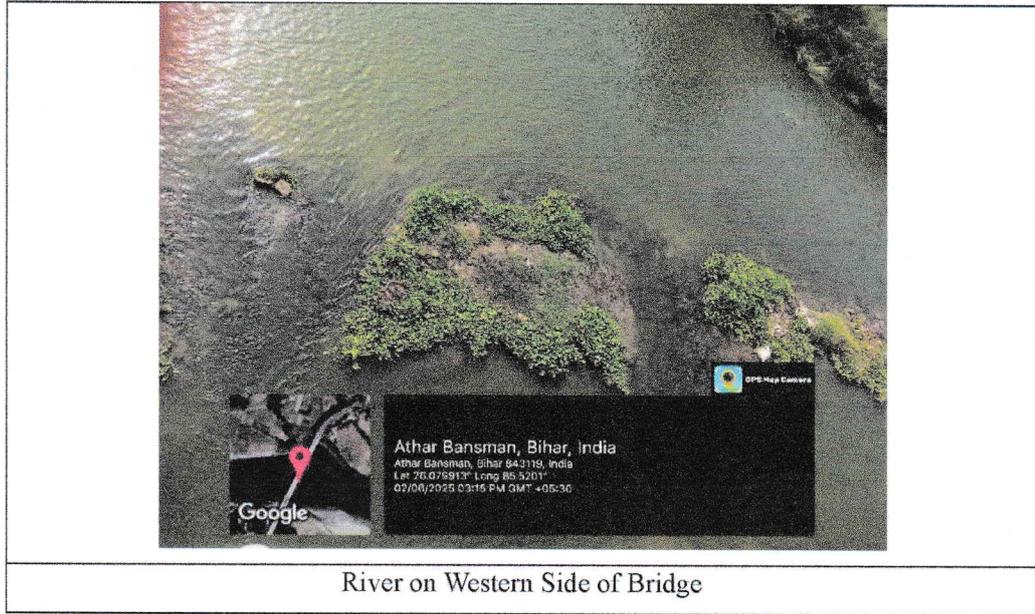


Islands developed due to left over bags.



Islands developed due to left over bags.

A



River on Western Side of Bridge

A



भारत सरकार  
Government of India

सौरव राज  
Saurav Raj  
जन्म तिथि/ DOB: 11/11/1988  
पुरुष / MALE



6803 7744 7316

मेरा आधार, मेरी पहचान



भारतीय विशिष्ट पहचान प्राधिकरण  
Unique Identification Authority of India

पता:  
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आनंदपुरी, वेस्ट बोरिंग कनाल रोड  
पटना जी.पी.ओ., पटना,  
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Saurav Raj  
23/08/2025