

Item No.04

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.149/2024/EZ  
(Earlier O.A. No.318/2024/PB)

Hemant Kumar

Applicant(s)

Versus

State of Bihar & Ors.

Respondent(s)

Date of hearing: 12.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

**ORDER**

1. Case called out. No one is present on behalf of the Applicant.
2. Issue notice to Mr. Hemant Kumar, the Applicant, returnable within four weeks.
3. The Original Application No.318/2024/PB was registered in the New Delhi Bench of the Tribunal exercising *suo motu* jurisdiction under Sections 14 and 15 of the National Green Tribunal Act, 2010, on a letter petition dated 07.09.2023 sent by one Hemant Kumar, complaining that Vikramshila Ganga Dolphin Sanctuary is the only sanctuary in India for protection of Dolphins in Bhagalpur District, Bihar, and is extend to about 60 kilometers of Ganga River from Sultanganj to Kahalgaon in District-Bhagalpur.
4. It is stated that a bridge was under-construction on Ganga River at Sultanganj, Agvani Ghat, which was damaged on 04.06.2024 and reasons for damage are under investigation of different departments. However, the said damage of the bridge has endangered the aquatic life of Dolphins in the said river. It is stated

that huge quantity of muck was dumped in the Ganga River due to above disaster causing severe damage to lives of Dolphins in the river.

5. The New Delhi Bench of the Tribunal also constituted a Joint Committee comprising of the following Members:-

- (i) Bihar State Pollution Control Board,
- (ii) District Magistrate, Bhagalpur,
- (iii) Representative of National Mission for Clean Ganga (NMCG),
- (iv) Principal Secretary, Ministry of Jal Shakti, State of Bihar, Government of India, and
- (v) Regional Office, MoEF&CC, Patna,

6. The Committee was directed to visit the site in question and submit a factual report, District Magistrate, Bhagalpur, was directed to be Nodal Agency for compliance and coordination. Thereafter, vide order dated 31.05.2024, the case has been transferred to the Eastern Bench of the Tribunal at Kolkata and re-numbered as Original Application No.149/2024/EZ.

7. The Respondents have not been impleaded by the New Delhi Bench of the Tribunal. We, therefore, direct the following be impleaded as Respondents in the present case:-

- 1) Bihar State Pollution Control Board, through its Member Secretary,
- 2) District Magistrate, Bhagalpur,
- 3) National Mission for Clean Ganga (NMCG), through its Secretary,
- 4) Department of Environment, Forest and Climate Change, Government of Bihar, through its Principal Secretary,

- 5) Regional Office, Ministry of Environment, Forest and Climate Change, Patna,
  - 6) Chief Wildlife Warden, Government of Bihar, and
  - 7) Ministry of Jal Shakti, Government of India, through its Secretary,
8. Issue notice to the Respondents, returnable within four weeks.
  9. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.1, Bihar State Pollution Control Board.
  10. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.2, 4 & 6, State Respondents, Government of Bihar. Learned Counsel prays for and is granted four weeks time of filing counter-affidavit bringing on record the Joint Committee Report.
  11. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.3 & 7, NMCG & Ministry of Jal Shakti.
  12. Ms. Rashmi Singhee, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.5, Ministry of Environment, Forest and Climate Change.
  13. All the Respondents shall file their counter-affidavits within four weeks.
  14. The office of the Tribunal shall serve e-copy/soft copy of the Original Application along with all its annexures upon the Counsel for the Respondents who have accepted notices in the case, within 48 hours.

15. **List on 16.10.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

August 12, 2024,  
Original Application No.149/2024/EZ  
(Earlier O.A. No.318/2024/PB)  
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