

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

Original Application No.178/2023/EZ
(I.A. No.66/2023/EZ)

Sanjay Kumar

Applicant(s)

Versus

Govt. of Bihar & Ors.

Respondent(s)

Date of hearing: 11.03.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s) : Ms. Renu, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Surendra Kumar, Adv. for R-1&3, (in Virtual Mode)
Mr. Apurba Ghosh, Adv. for R-5, (in Virtual Mode)
Mr. Ashok Prasad, Adv. for R-6, (in Virtual Mode)
Ms. Amrita Pandey, Adv. for R-7, (in Virtual Mode)

ORDER

1. Ms. Renu, learned Counsel is present for the Applicant (in Virtual Mode).
2. Mr. Apurba Ghosh, learned Counsel appearing (in Virtual Mode) for Respondent No.5, Ministry of Environment, Forests and Climate Change, states that since the SEIAA, Bihar, is a Respondent in the present Original Application, he has instructions that Ministry of Environment, Forests and Climate Change does not want to file any counter-affidavit at this stage.
3. However, we find that the SEIAA, Bihar, which was impleaded as Respondent No.8 has already been deleted vide order dated 06.12.2023. This shows that Mr. Apurba Ghosh has not read the case file and is not aware of the previous order of the Tribunal dated 06.12.2023. The Ministry of Environment, Forests and

Climate Change is, therefore, granted two weeks to file its counter-affidavit.

4. The Respondent No.2, Shivam Agro Industries, against whom the allegations are made has not filed any counter-affidavit till date nor is he represented through any Counsel. The affidavit of service has been filed with the track report showing that the registered notice has been served upon the Respondent No.2.
5. We, therefore, direct Respondent No.3, District Magistrate, Arwal, and Respondent No.6, Central Ground Water Board, to serve their affidavits dated 17.01.2024 and 04.01.2024 respectively through speed post upon the Respondent No.2, Shivam Agro Industries, within one week.
6. The Respondent No.2 may file his counter-affidavit within three weeks.
7. **List on 30.04.2024.**

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B. Amit Sthalekar, JM

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Dr. Satyagopal Korlapati, EM

March 11, 2024,
Original Application No.178/2023/EZ
(I.A. No.66/2023/EZ)
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