

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

Original Application No.50/2024/EZ

Subhas Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 18.03.2024

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

For Applicant(s) : Mr. Subhas Datta, in person,

**ORDER**

1. Heard Mr. Subhas Datta, the Applicant, appearing in person.
2. The Applicant in the present Original Application is seeking directions, *inter-alia*, not to dump solid waste at the slope of the hill to arrest further contamination of water of the nearby Jhoras (waterfalls) and river affecting the health of the people of the area and to ensure steps are taken that no accident of fire takes place at the dumping site of Darjeeling and to immediately take steps for finding alternative solid waste dumping ground for Darjeeling.
3. The allegation of the Applicant is that there is a solid waste dumping site at Amor Jyoti Gram, Ward No.17 of Darjeeling Municipality where the entire garbage of Darjeeling city/town is brought and dumped down the hill slope which finally finds its way to the underground water system leading to environmental degradation.
4. The allegation further is that the town of Darjeeling is inhabited by about two lakhs people where approximately 1500 MT of solid

waste/day is generated. It is stated that on 28.01.2024 a fire broke out in the night at the garbage dumping site in Amor Jyoti Gram and fire brigade team had to be rushed to fight the fire which continue burning for 10/15 days. It is stated that on 17.02.2024 when the Applicant visited the dumping site in question, smoke was still coming out of the garbage dump.

5. Matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Rajib Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 3 & 5, State Respondents, Government of West Bengal.
8. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
9. Issue notice to the Respondent Nos.2 & 6, Urban Development and Municipal Affairs Department and Darjeeling Municipality, returnable within four weeks.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee to elicit the veracity of the allegations made in the Original Application comprising of the following Members:-
  - (i) Senior Scientist, West Bengal Pollution Control Board,
  - (ii) Senior Officer, Urban Development & Municipal Affairs Department, Government of West Bengal, and

(iii) District Magistrate & Collector, Darjeeling, or his representative not below the rank of Additional District Magistrate,

12. The Committee shall visit the site in question and submit its Report on affidavit within four weeks with regard to the allegations made.
13. The District Magistrate & Collector, Darjeeling, shall be the Nodal Office for all logistic purposes.
14. The Report of the Committee on affidavit shall be filed by the West Bengal Pollution Control Board within four weeks.
15. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Rajib Ray and Mr. Dipanjan Ghosh, Counsel for the Respondents within 48 hours.
16. **List on 10.05.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

March 18, 2024,  
Original Application No.50/2024/EZ  
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