

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 576/2022/PB

BHARAT PRAKASH RAI

..... APPLICANT(S)

VERSUS

STATE OF WEST BENGAL

..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.**

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1- 8
2.	Copy of the report of the Joint Committee.	"R"	9- 19

Filed by

**MADHUMITA BHATTACHARYA
ADVOCATE ON RECORD
SUPREME COURT OF INDIA**

SL No: 46 of 16/12/22



**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 576/2022/PB

BHARAT PRAKASH RAI

..... APPLICANT(S)

VERSUS

STATE OF WEST BENGAL

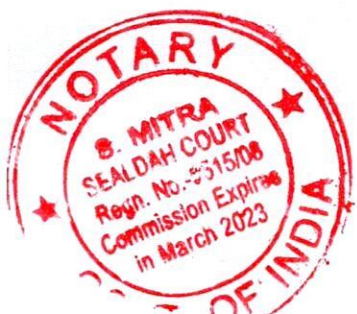
..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.**

Most Respectfully Sheweth

I, Sri Subrata Ghosh, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah son of Shri Biswanath Ghosh, aged about 59 years, by faith-Hindu, by, District - Hooghly, do hereby solemnly declare and say as follows :-

01. That, I am the Chief Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and look after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the West



16 DEC 2022

Bengal Pollution Control Board to affirm this Affidavit on its behalf and as such, I am competent to do so.

02. That, this affidavit is being affirmed in pursuance to the solemn order passed by the Hon'ble Tribunal dated 07.09.2022.

03. That, the Hon'ble National Green Tribunal vide order dated 07.09.2022, constituted a Joint Committee comprising of representatives of Principal Chief Conservator of Forests, State of West Bengal, State Pollution Control Board and Collector, Darjeeling and directed the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and thereafter submit its report.

04. That, a first meeting was held on 16.11.2022, thereafter, a field visit was conducted on 22.11.2022 by the Committee along with the petitioner and the concerned project proponent. Subsequently, the Second Virtual meeting was held on 25.11.2022 to discuss the various aspects of the findings of the field visit and finalize the report.

05. That, on 25.11.2022, after considering the reports of the different concerned authorities, the Committee members arrived at the following decisions:-

16 DEC 2022



- a) No further cutting of trees on the sloping area at Plot no. 769 at Bhanjang may take place and re-plantation and stabilization of the area may be done within a specified time frame by the Tea garden.
- b) It was suggested by the Additional Principal Chief Conservator of Forest, that indigenous species of trees duly prescribed by the Forest Authorities shall be planted at the same plots where the Dhupi trees were felled in a ratio of 1:1.5 or 1:2 at the cost of the project proponent.
- c) DFO, Kurseong is to give a specific suggestion for various recommendations.
- d) The Tea Garden authority to implement the recommendations at their own cost.
- e) Cut logs should be auctioned and sale proceeds should be utilized for re-plantation and welfare of the tea labourers as per the decision of the Tauzi section, District Magistrate, Darjeeling.
- f) Field level officials & Forest and Land Dept. are to be sensitized about keeping in mind the sensitivity of the slope and nature of trees while submitting enquiry report on the application in respect of felling of shade trees in Tea Garden areas.
- g) In the course of discussion, it came to the knowledge of the Committee, some action has been already taken by the DFO, Kurseong & Touzi Section, of DM Darjeeling. They are requested to submit a status report within 30.11.2022.

16 DEC 2022



h) A status of Action taken report on these issues by the DM, Darjeeling and DFO, Kurseong is to be submitted to the WBPCB.

06. That, the report of the Committee which was prepared on the basis of Action Taken Report submitted by both the District Magistrate and DFO, Kurseong, which reveals as follows:-

a) On 23.09.2019, the Welfare Officer, Soureni Tea Estate submitted an application for permission of felling 515 Nos. trees in the area of the Tea estate. It was also stated in the application that felled trees would be used for commercial purpose to meet expenditure towards Labour Welfare Projects.

b) Felling of estate tree is a routine practice in the Tea Garden.

c) Similar application was made to BL & LRO, Mirik, where it was also undertaken by the Tea estate to plant 1:20 trees within the tea garden area.

d) After due enquiry by three member committee permission of District Magistrate, Darjeeling accorded. Till March, 2020, garden management felled 26 number of trees and due to Covid restrictions felling was discontinued.

e) Thereafter, on 12.03.2022 the manager of the Tea Estate applied to DFO, Kurseong Division for extension of failing permission by eighty days for felling of remaining trees.

f) DFO, Kurseong Division vide letter dated 22.04.2022 issued an order for suspension of tree felling operation in the Tea Estate. As



16 DEC 2022

several complaints were received by the Forest Department and District Administration.

- g) From the report of Sub-divisional Officer, Mirik and Divisional Forest Officer, Kurseong dated 28.11.2022, it was revealed that total 194 number of trees of Chilauni, Simul and Dhupi variety were felled in plot no. 1773,1774 and 1775 and also from plot No. 769. In the meantime, SDO, Mirik, instructed the Tea Garden to auction all the tree lying under the custody of Range Officer, Bamanpokhari and deposit the sale proceeds to the government exchequer.

06. That after considering all the reports, the Committee has endorsed the recommendations of the DFO, which are as follows:-

- a) In order to control soil erosion and stabilize landslides, land slip as well as to facilitate restoration of ecology and habitat in the hill slopes and high slopes gradient area, no tree shall be cut further in Plot No. 769. Permission for felling only shade trees in Plot No 1773, 1774, 1775 near Manju Park may be granted through District Magistrate, Darjeeling, if found satisfactory after re-evaluating the existing field situation and in accordance with the Acts and guidelines in place.

- b) The Tea Garden Management shall plant saplings of indigenous tree species are prescribed by Forest Department at the



16 DEC 2022

ratio of 1:2 and spacing of 2m X 2m at their own expense in the same plot where Dhupi trees were felled. The plantation of indigenous tress species may be taken up at the onset of monsoon and completed within a period of one (1) month preferably in the month of June 2023. The tree plantation programme may be supervised by local administration involving representatives from Gram Panchayat, Black Land & Land Reforms Officer, Mirik and Divisional Forest Officer, Kurseong. The Petitioner may also be invited to the programme. The planted saplings should be maintained/looked after for a period of five (5) years by the Tea Garden Management at their own cost under the supervision of District Administration.

Copy of the report of the Joint Committee is annexed herewith and marked with letter "R".

07. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Suhendu
DEPONENT



16 DEC 2022

VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 59 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 6 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Subrata Ghosh
DEPONENT

Identified by me

RNB
Advocate/

WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By.....

SANGANI MITRA
NOTARY
Roll. No. - 5518708



16 DEC 2022



WEST BENGAL POLLUTION CONTROL BOARD

Siliguri Regional Laboratory,
Paribahan Nagar, P.O.- Matigara
Darjeeling- 734010

Phone (0353) 2571113, 2571115 & Fax: (0353)- 2571113

Email : address-wbpcb@sancharnet.in

Memo No. 682/WPB/SRO/NGT/190 – 2016 (Part - XI)

Date : 13/12/2022

To
The Member Secretary,
West Bengal Pollution Control Board,
'Paribesh Bhawan' 10A, Block – LA
Bidhannagar, Kolkata - 700106

Through : The Chief Engineer, Sri S. Ghosh , (O & E), WBPCB.

Sub : Submission of Committee Report for ensuring compliance of direction dated 07.09.2022 of Hon'ble NGT passed in connection with Original application No. 576/2022/EZ dated 07.09.2022.

Ref: Your order vide Memo No.351/3L/WPB – F(V) 2022 dated 03.11.2022

Respected Sir

With reference to above , Please find enclosed herewith the Committee Report on the questions mentioned in the order of the Hon'ble National Green Tribunal OA.576/2022/EZ order dated 07.09.2022.

This Report is being placed before your goodself.

Regards,

Sukriti Lama
13/12/2022

Sukriti Lama
Jr.Scientist & In- Charge (Nodal Officer)
Siliguri Regional Laboratory ,
WBPCB.

Memo No. WPB/SRO/NGT/190 – 2016 (Part - XI)

Date : /12/2022

Copy forwarded For information to-

1. The District Magistrate, Darjeeling
2. The Addl. Chief Forest Conservator, APCCF, WB.

Jr.Scientist,
SRL,WBPCB

Encl: As stated above



10

Report of the Committee constituted by the Hon'ble National Green Tribunal in its Order dated 07.09.2022 in O.A. No. 576/2022/EZ:

The Hon'ble NGT, Principal Bench, vide its order dated **07.09.2022** in the matter of **O.A. No. 576/2022/EZ (Bharat Prakash Rai vs. State of West Bengal)** on a complaint of mass tree felling in Soureni Tea Garden was pleased to constitute a Committee comprising of the following members:

- a) Representative of Principal Chief Conservator of Forest, WB
- b) State PCB
- c) Collector, Darjeeling

As per the above Order dated 07.09.2022 the following was directed by the Hon'ble NGT:-

The committee shall meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and submit its report to the Hon'ble NGT.

Therefore, as per direction of Hon'ble National Green Tribunal and in compliance of the Order, a Committee was constituted and WBPCB being the nodal office for coordination & compliance convened a meeting on 16.11.2022.

Minutes of the first meeting is attached: -

The representatives of the Committee has conducted a field visit cum meeting on 22.11.2022 and submitted their report. It is to be mentioned, that the complainant and the Tea Garden Management were also present in the meeting and during field visit.

Another meeting of the Committee has been convened on 25.11.2022 and the Committee deliberated upon the recommendation of the field visit team and suggested few modifications. The minutes of the Meeting is annexed as Annexure II.

As per the decision of the Committee, both District Magistrate Darjeeling and DFO Kurseong have submitted their action taken report. (Copy enclosed).

The summary of the events and Action Taken Report is given below:-

- On 23/09/2019, vide memo No-STG/2019-20/103, the Welfare Officer, Soureni Tea Estate submitted a letter to District Magistrate, Darjeeling seeking permission for felling 515 nos of trees in the retained area of their Tea Estate. It was stated that the felled trees would be used for commercial purpose to meet the expenditure towards the labour welfare projects.
- The felling of shade trees is a routine practice in the tea gardens while uprooting tea bushes for new plantation. The application has been made as per the provision of Sec 6(3) of the West Bengal Trees (Protection & Conversion in Non-Forest Areas) Act, 2006.
- On 23/09/2019, Soureni Tea Estate submitted a letter to BL & LRO, Mirik stating that they would fell 515 nos shaded trees & undertake to plant 1:20 trees at the required tea garden. (Memo No-STG/2019-20/104 dtd. 23/09/2019.)
- On 27/09/2019 Officer-In-Charge, Touzi Department under District Magistrate, Darjeeling vide memo no-243/CF-99/TG/19 forwarded the application to BL & LRO, Mirik to conduct an enquiry and submit the report in 3-men committee format through the Divisional Forest Officer, Kurseong.
- The report of the 3 men committee involving BL & LRO, Mirik, Beat Officer, Phuguri Beat, and the Secretary, Soureni1 Gram Panchayet was received by the Office of the District Magistrate, Darjeeling from the Office of the DFO, Kurseong Division vide memo no-2860/28-46 dtd 17/12/2019.



- On 03.02.2020 Tea Board sent a letter vide memo no- Dev/Replanting/KSG/2019-20/52 to Soureni Tea Estate acknowledging that the Board had received an application on 28.01.2020 and carried out inspection on 30.01.2020 regarding felling/cutting of shade trees for undertaking the uprooting & re-plantation as per following details:

Sl. No.	Activity	Division	Section No.	Area proposed under the activity (Ha)
1	Uprooting & Re-plantation	Soureni	15/19/20 (P)	2.0
	Do	Do	21 (P)	1.33
		Do	Do	5.10
	Total			8.43

- Permission from District Magistrate, Darjeeling for felling of 515 nos trees, was accorded vide Memo no-18/1(3)/CF-99/TG/19 dtd. 14/02/2020) as per enquiry report submitted by the 3-men committee involving BL& LRO, representative of DFO, Kurseong & Soureni Gram Panchayet in the following schedule of land for the purpose of garden labour welfare works:

Name of the tea garden	Soureni Tea Estate
Mouza	Soureni Busty
JL. No.	5
No of trees	515
Plot No	769, 1773, 1774, 1775
Khatian No	02
Species	Dhupi, Chiloni, Shimul

The permission was valid for 90 days from date of issue.

- The DFO, Kurseong Division, vide memo no.631/28-46 dtd. 20/02/2020 directed the Range officer, Bamanpokhari Range to monitor the felling operation and issue Transit Pass for the felled produce after proper verification within 83 days.
- The tea garden management then felled approx. 26 trees in March, 2020. However further felling was discontinued due to Covid restrictions.
- Thereafter vide letter dated 12/03/2022, The Manager Soureni Tea Garden applied to DFO, Kurseong Division for extension of felling permission implementation duration by 80 days for felling the remaining trees..
- DFO, Kurseong Division, vide memo no-708/28-46 dtd. 16/03/2022 extended the permission for tree felling for 60 days.
- On 21/04/2022 several complaints were received by Forest Department and District Administration against tree felling.

Action taken by the concerned Departments:

- DFO, Kurseong Division, vide Memo no-1139/28-46 dtd. 22/04/2022 issued an order for suspension of tree felling operation at Soureni Tea estate.

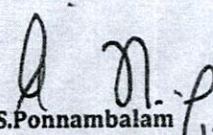


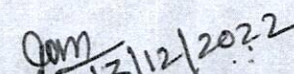
- The tea garden was directed to immediately stop the felling operation by the District Magistrate Office, Darjeeling and a detailed report was sought from Sub Divisional Officer, Mirik vide memo no- 70/CF-99/TZ-DJ/22 dated 25.04.2022.
- The Sub Divisional Officer, Mirik submitted a detailed report on tree felling vide memo no- 286/SDO/MRK/22 dated 25.04.2022 and directed the Garden management to stop the tree felling operation immediately. It is also learnt from the Divisional Forest Officer, Kurseong's report vide Memo Number 2770/28-46 dated 28.11.2022, that a total number of 194 trees of Chilauni, Simul and Dhupi variety were felled in Plot number 1773, 1774 & 1775 and 769. (Detailed report enclosed)
- Thereafter, vide memo no-104/CF-99/TG/22 dated 22/06/2022, the Sub Divisional Land & Land Reforms Officer, Mirik was instructed to auction all the trees lying under the custody of the Range Officer, Bamanpokhari and deposit the sale proceeds to the Government Exchequer. The process of auction is under process.


Also DFO Kurseong has communicated his recommendation vide memo No 2817/28-46 dated 06/12/2022. This recommendation has been sent to the T.G Management for compliance. The summary of the recommendation is given below. (Copy enclosed)

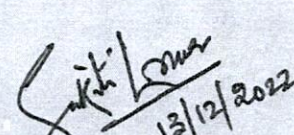
1. In order to control soil erosion and stabilize landslides, land slip as well as to facilitate restoration of ecology and habitat in the hill slopes and high slopes gradient area, no tree shall be cut further in Plot No. 769. Permission for felling only shade trees in Plot No 1773, 1774, 1775 near Manju Park may be granted through District Magistrate, Darjeeling if found satisfactory after re-evaluating the existing field situation and in accordance with the Acts and guidelines in place.

2. The Tea Garden Management shall plant saplings of indigenous tree species are prescribed by Forest Department at the ratio of 1:2 and spacing of 2m X 2m at their own expense in the same plot where Dhupi trees were felled. The plantation of indigenous tree species may be taken up at the onset of monsoon and completed within a period of one (1) month preferably in the month of June 2023. The tree plantation programme may be supervised by local administration involving representatives from Gram Panchayat, Black Land & Land Reforms Officer, Mirik and Divisional Forest Officer, Kurseong. The Petitioner may also be invited to the programme. The planted saplings should be maintained/looked after for a period of five (5) years by the Tea Garden Management at their own cost under the supervision of District Administration.


S. Ponnambalam
District Magistrate
Darjeeling


Biswajit Pan,
Asst Env Engineer, Siliguri Regional Office
WBPCB


Ujjal Ghosh
Additional Principal
Chief Conservator of Forest
North Bengal.


Sukriti Lama
Jr Scientist, & IC,
Siliguri Regional Laboratory,
WBPCB



Annexure - I



WEST BENGAL POLLUTION CONTROL BOARD
 Siliguri Regional Laboratory,
 "Paribesh Bhawan" Paribahan Nagar,
 P.O.- Matigara Darjeeling- 734010
 Phone (0353) 2571113, 2571115 & Fax: (0353)- 2571113
 Email address-wbpcb@sancharnet.in

Memo No.

639 /WPB/SRO/NGT/190-2016

Date : 16/11/2022

To,
 The Member Secretary,
 West Bengal Pollution Control Board,
 'Paribesh Bhawan'
 10A, Block - LA
 Bidhannagar, Kolkata-700106

Sub: Minutes of the 1st meeting of Joint Committee, held on 16.11.2022 at 2.30 PM.
 in compliance to the Order of Hon'ble National Green Tribunal, Principal Bench dated 07.09.2022 in
 O.A. No - 576/2022.

Respected Sir,

With due respect and reference to the above, please find enclosed the minutes of the meeting held on
 16.11.2022 at 2.30 Hrs through video conferencing mode with reference to O.A 576/2022 dated
 07.09.2022.

This is for your kind information please.

With Regards,

Jr. Scientist,
 SRL, WBPCB.

16/11/2022

Memo No.

639(1 to 7)/WPB/SRO/NGT/190-2016

Date : /11/2022

Copy forwarded for Information to-

1. The District Magistrate, Darjeeling
2. The Additional Chief Forest Conservator, APCCF, WB
3. The ADM, Darjeeling.
4. The DFO, Kurseong.
5. OC Environment, DMO, Darjeeling.
6. The SDO, Mirik.
7. The ADFO, Kurseong.

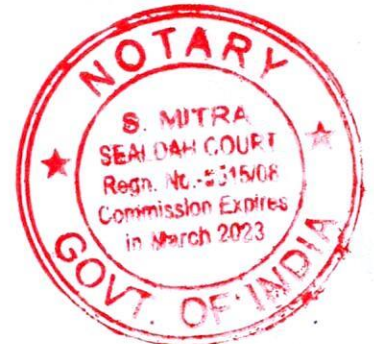
Yours Faithfully,

With Regards,

Jr. Scientist,
 SRL, WBPCB.

Encl: As stated above

16/11/2022





WEST BENGAL POLLUTION CONTROL BOARD
 Siliguri Regional Laboratory,
 Paribahan Nagar, P.O.- Matigara
 Darjeeling- 734010
 Phone (0353) 2571113, 2571115 & Fax: (0353)- 2571113
 Email address-wbpcb@sancharnet.in

Minutes of the 1st Meeting of the Joint Committee held on 16.11.2022 in compliance to the order of Hon'ble National Green Tribunal, Principal Bench dated 07.09.2022 in O.A No- 576/2022/EZ.

Virtual Meeting Held on 16th November 2022 at 16:00 Hrs.

Attendees:

1. The District Magistrate, Darjeeling
2. The Addl. Chief Forest Conservator, APCCF, WB.
3. The Addl. District Magistrate, Darjeeling
4. The DFO, Kurseong.
5. The Sub- Divisional Officer, Mirik.
6. The Officer- in-Charge (Env), Darjeeling
7. The ADFO Kurseong.
8. Jr. Scientist & I/C, Siliguri Regional Laboratory, WBPCB
9. Asst. Env. Engineer, Siliguri Regional Office, WBPCB

In the matter of O.A No- 576/2022/EZ, Mr Bharat Prakash Rai v/s State of West Bengal on a compliant of mass tree felling in Soureni Tea Garden, Hon'ble NGT, Principal Bench its order dated 07.09.2022 has directed to constitute a Joint Committee comprising of -

1. Representative of Principal Chief Conservator of Forests, WB.
2. Representative of State PCB
3. Representative of Collector, Darjeeling.

to verify the factual position of the compliant & submit its report before the Hon'ble NGT. In this regard, WBPCB being the nodal office for the coordination and compliance and Sukriti Lama, Scientist, Siliguri Regional Laboratory, WBPCB being the nodal officer, convened this virtual Meeting to have a discussion on the various issues of the Hon'ble NGT order and the action point Points of the committee.

Addl. Principal Chief Conservator of Forests, North Bengal & the District Magistrate Darjeeling were Present along with other officers.

1. The Joint Committee will visit the field, Sourani Tea Garden, on 22.11.2022 through representatives. Dy. Magistrate from SDO Mirik's Office, BLLRO Mirik, Officials from WBPCB and ADFO Kurseong will be the representing officials. Sub- Divisional officer, Mirik would co-ordinate and facilitates this field - visit. All Representatives will assemble at SDO Mirik's office on 22.11.2022 at 11:00 AM.
2. The petitioner, Mr Bharat Prakash Rai and the Soureni Tea Garden Management will be formally informed on this visit by the Nodal Co-ordinating officer of PCB.
3. The field visit representative will submit a report to this Jt. Committee by 24.11.2022.
4. This Joint Committee will further sit together on this issue on 25.11.2022. Necessary communications on this will be done by the Nodal Coordinating Office of PCB.

The meeting ended with a vote of thanks to all the members.

1.11/2022



Annexure - II



WEST BENGAL POLLUTION CONTROL BOARD

Siliguri Regional Laboratory,

"Paribesh Bhawan" Paribahan Nagar,

P.O.- Matigara Darjeeling- 734010

Phone (0353) 2571113, 2571115 & Fax: (0353)- 2571113

Email address-wbpcb@sancharnet.in

Memo No.

666

/WPB/SRO/NGT/190-2016

Date : 30/11/2022

To,
The Member Secretary,
West Bengal Pollution Control Board,
'Paribesh Bhawan'
10A, Block - LA
Bidhannagar, Kolkata-700106

Sub: Minutes of the 2nd Meeting of the Joint Committee held on 25.11.2022 at 3:00 PM.
in compliance to the order of Hon'ble National Green Tribunal, Principal Bench dated
07.09.2022 in O.A No- 576/2022.

Respected Sir,

With due respect and reference to the above , please find enclosed the minutes of the meeting held on
25.11.2022 at 3:00 pm through video conferencing with reference to O.A 576/2022 dated 07.09.2022.

This is for your kind information please.

With Regards,

[Signature]
Jr. Scientist,
SRL, WBPCB.

30/11/2022

Memo No.

666 (1408)

/WPB/SRO/NGT/190-2016

Date : 30/11/2022

Copy forwarded For information to-

1. The District Magistrate, District Magistrate Office, Darjeeling.
2. The Additional Principal Chief Conservator of Forests, APCCF, WB.
3. The DFO, Subdivision Kurseong, Dist. Darjeeling.
4. The ADM District Magistrate Office, Darjeeling.
5. The SDO, SD Office Mirik, Dist. Darjeeling.
6. Sri Dipen Tamang, The ADFO, Subdivision Kurseong, Dist. Darjeeling.
7. Sri Mridul Srimany, Dy. Magistrate, SDO Mirik's Office- Representative of District Magistrate, Darjeeling.
8. Sri Uttam Kumar Das, BL & LRO Mirik- Representative of District Magistrate, Darjeeling

Yours Faithfully,

With Regards,

[Signature]
Jr. Scientist,
SRL, WBPCB

30/11/2022

Encl: AS stated above



Proceedings of the 2nd Virtual meeting of the Joint Committee in pursuance to the Order of Hon'ble National Green Tribunal Principal Bench dated 07.09.2022 in O.A. no - 576/2022.

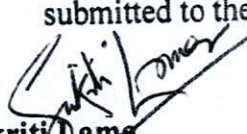
The meeting was attended by:-

1. The District Magistrate, District Magistrate Office, Darjeeling.
2. The Additional Principal Chief Conservator of Forests, APCCF, WB.
3. The DFO, Subdivision Kurseong, Dist. Darjeeling.
4. The ADM District Magistrate Office, Darjeeling.
5. The SDO, SD Office Mirik, Dist. Darjeeling.
6. Sri Dipen Tamang, The ADFO, Subdivision Kurseong, Dist. Darjeeling.
7. Sri Mridul Srimany, Dy. Magistrate, SDO Mirik's Office- Representative of District Magistrate, Darjeeling.
8. Sri Uttam Kumar Das, BL & LRO Mirik- Representative of District Magistrate, Darjeeling
9. Jr. Scientist, Siliguri Regional Laboratory, WBPCB.
10. Asst. Env. Engineer, Siliguri Regional Office, WBPCB.

As per the resolution of the first meeting held on 16.11.2022, a field visit was conducted by the Committee associating the petitioner & the project proponent on 22.11.2022. A draft report was prepared by WBPCB & shared among the Committee members. A second meeting was held on 25.11.2022 to discuss the various aspects of the findings of the field visit and finalize the report.

After the necessary discussion the Committee members came at a point:

1. No further cutting of trees on the sloping area at Plot no. 769 at Bhanjang may take place and Re-plantation & stabilization of the area may be done within a specific time frame by the Tea garden.
2. It was suggested by the ACCPF that indigenous species of Trees duly prescribed by the Forest Authorities shall be planted at the same plots where the dhupi trees were felled in a ratio of 1:1.5 or 1:2 at the cost of the project proponent.
3. DFO, Kurseong is to give a specific suggestions for the recommendations in SL. No. 1 & 2.
4. The Tea Garden authority to implement the recommendations at their own cost.
5. Cut logs should be auctioned and sale proceeds should be utilized for re-plantation & welfare of the tea labourers as per the decision of the Tauzi section, DM, Darjeeling.
6. Field level officials & Forest and Land Dept. are to be sensitized about keeping in mind the sensitivity of the slope and nature of trees while submitting enquiry report on the application in respect of felling of shade trees in Tea Garden areas.
7. In the course of discussion, it came to the knowledge of the Committee, some action has been already taken by the DFO, Kurseong & Touzi Section, of DM Darjeeling. They are requested to submit a status report within 30.11.2022.
8. A status of Action taken report on these issues by the DM, Darjeeling and DFO, Kurseong is to be submitted to the WBPCB.


Sukriti Dama,
Jr. Scientist,
Siliguri Regional Laboratory
WBPCB





Government of West Bengal
Directorate of Forests
Office of the Divisional Forest Officer
Kurseong Division, Dow Hill, Darjeeling 734204
Phone No: 0354-2332200; Fax No: 0354-2332200; Email: dfokue-wb@nic.in



Dated, 06/12/2022.

No: 2817/28-46

To :: The Additional District Magistrate.
District Land & Land Reforms Officer.
Office of the District Magistrate, Darjeeling.

Sub :: Minutes of the 2nd meeting of Joint Committee held on 25.11.22 wrt. OA No. 576/2022 - reg.

Ref :: 1. Your office letter No.129/Enc-Darj/2022, dated 01.12.2022.
2. Jr. Scientist S.R.L, W.B.P.C.B Memo No. 666/WBP/SRO/NGT/190-2016, dated 20.11.2022.

Sir,
In citation to the above subject matter and in reference, the suggestions of the undersigned are laid down here under;

1. In order to control soil erosion and stabilize landslides, land slip as well as to facilitate restoration of ecology and habitat in the hill slopes and high slope gradient area, no trees shall be cut further in Plot No. 769. Permission for felling only shade trees in Plot No. 1773, 1774, 1775 near Manju Park may be granted through District Magistrate, Darjeeling if found satisfactory after re-evaluating the existing field situation and in accordance with the Acts, Rules and guidelines in place.
2. The Tea Garden Management shall plant saplings of indigenous tree species as prescribed by Forest Department at a ratio of 1:2 and spacing of 2m X 2m at their own expenses in the same plot where "Dhupi" trees were felled. The plantation of indigenous tree species may be taken up at the onset of monsoon and completed within a period of one (1) month preferably in the month of June 2023. The tree plantation programme may be supervised by local administrations involving representatives from Gram Panchayat, Block Land & Land Reforms Officer, Mirk and Divisional Forest Officer, Kurseong. The Petitioner may also be invited to the programme. The planted saplings should be maintained / looked after for a period of five (5) years by the Tea Garden Management at their own cost under the supervision of District administration.

This is for your kind information and needful action.

Hani
(Dr. Harikrishnan P.J. IFS)
Divisional Forest Officer
Kurseong Division.

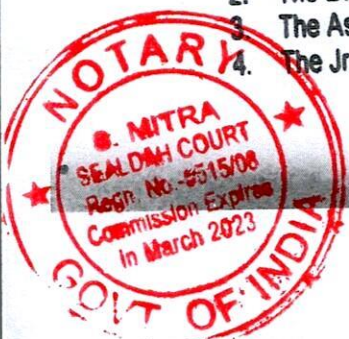
Dated, 06/12/2022.

No: 2817/28-46

Copy forwarded for information to:

1. The Additional Principal Chief Conservator of Forests, North Bengal, West Bengal.
2. The District Magistrate, Darjeeling.
3. The Assistant Divisional Forest Officer, Head Quarters, Kurseong Division.
4. The Jr. Scientist, Siliguri Regional Laboratory, West Bengal Pollution Control Board.

Hani
Divisional Forest Officer
Kurseong Division.





GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE, TOUZI SECTION
DARJEELING

Memo No. 208/TOUZI/DLLRO/DJ/2022.

Date: 06.12.2022

To,
The District Magistrate & Collector
Darjeeling

Sub: Action taken report on Sourenee TG felling w.r.t. O.A 576/2022 dated 07.09.2022-reg.

Ref: Decision taken in the meeting held on 25.11.2022 at 3.00 PM over virtual platform, in connection with ensuring compliance of direction of Hon'ble National Green Tribunal, Principal Bench, dated 07.09.2022 in the matter of O.A. No. 506/2022/EZ (Bharat Prakash Rai vs State of West Bengal)

Madam

In reference to the above, submitting herewith the Action Taken Report as desired in the meeting mentioned in reference for favour of your kind perusal and necessary action

- On 23/09/2019 vide letter no. STG/2019-20/103, the Welfare Officer, Sourenee Tea Estate submitted an application to the District Magistrate, Darjeeling seeking permission for felling 515 nos of shade trees in the retained area of their tea garden. It was stated that the proceeds from the felled trees would be used for commercial purpose to meet the expenditure towards the labour welfare projects.
- The felling of shade trees is a routine practice in the tea gardens while uprooting tea bushes for new plantation. The application had been made as per the provision of Sec. 6(3) of the West Bengal Trees (Protection and Conversation in Non-Forest Areas) Act, 2006.
- On 27/09/2019 Officer-In-Charge, Touzi Department under District Magistrate, Darjeeling vide memo no.243/CF-99/TG/19 forwarded the application to BL&LRO, Mirik to conduct an enquiry and submit the report in 3-men committee format through the Divisional Forest Officer, Kurseong Division.
- The report of the 3 men committee involving BL&LRO, Mirik, Beat Officer, Phuguri Beat, and the Secretary, Soureni I Gram Panchayat was received from the Office of the DFO, Kurseong Division vide his memo no. 2860/28-46 dtd 17/12/2019.
- Permission from District Magistrate, Darjeeling for felling of 515 nos of shade trees, was accorded vide memo no. 18/1(3)/CF-99/TG/19 dt. 14/02/2020.



- The permission was valid for 90 days from the date of issue.
- The DFO, Kurseong Division vide memo no. 631/28-46 dated 20.02.2020 directed the Range Officer, Bamanpokhari to monitor the felling operation and issue Transit Pass for the felled produce after proper verification within 83 days.
- The tea garden management then felled approx 26 trees in March 2020. However, further felling was discontinued due to Covid restrictions.
- Thereafter, vide letter dated 12.03.2022, the Manager, Sourennee Tea Garden applied to DFO, Kurseong Division for extension of felling permission implementation duration by 80 days for felling the remaining trees. However, the said prayer for extension of felling permission by the garden management was not intimated to the District Magistrate, Darjeeling.
- On receiving several complaints in Tree felling on 21.04.2022, the tea garden was directed to immediately stop the felling operation and a detailed report was sought from the Sub Divisional Officer, Mirik vide memo no.70/CF-99/TZ-DJ/22 dated 25.04.2022.
- The Sub Divisional Officer, Mirik submitted a detailed report on tree felling vide his memo no. 286/SDO/MRK/22 dated 25.04.2022 stating that around 117 nos (26 in 2020 and 91 in 2022) trees had been felled and directed the Garden management to stop the tree felling operation immediately.
- Thereafter, vide memo no 104/CF-99/TG/22 dated 22.06.22 the Sub Divisional Land & Land Reforms Officer, Mirik was instructed to auction all the trees lying under the custody of the Range Officer, Bamanpokhari and deposit the sale proceeds to the Government Exchequer. The process of auction is under process.
- Since the trees felled are in sloppy area no trees shall be felled further. This was informed to the tea garden.



Additional District Magistrate

&

District Land and Land Reforms Officer
Darjeeling



**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 576/2022/PB

BHARAT PRAKASH RAI

..... APPLICANT(S)

VERSUS

STATE OF WEST BENGAL

..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.**

**MADHUMITA BHATTACHARYA
ADVOCATE ON RECORD
SUPREME COURT OF INDIA**