

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

(Through Physical Hearing with Hybrid VC Option)
Original Application No.576/2022

Bharat Prakash Rai

...Applicant

Versus

State of West Bengal & Ors.

...Respondents

Date of hearing: 21.12.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondent: Ms. Madhumita Bhattacharjee, Advocate for WBPCB.

Application is registered based on a letter Petition received by post.

ORDER

1. Mr. Bharat Prakash Rai has sent the present letter petition, which is treated and registered as original application, complaining about mass tree felling in Saureni Tea Garden situated at the distance of 47 kms from Darjeeling District Headquarter. The applicant has submitted that when contacted, the Tea Garden owner and his manager produced a letter of permission accorded by the Darjeeling District Magistrate. The District Magistrate could not issue permission for felling down 515 green trees. Around four hundred trees (conifer) have been chopped down from 17.04.2022 – 21.04.2022 at Saureni Bhanjang within Tea Garden. They would have cut down more trees if there was no hue and cry. Before cutting down such huge number of trees, Environment Impact Assessment ought to have been made by the National Green Tribunal or any other competent

authority empowered by the Ministry of Environment, Forest and Climate Change. Due to the massive tree felling on the vertical slope, the tea garden has become imminent landslide zone. After the intervention of the Darjeeling District Magistrate further felling of trees has been stopped. Earlier, more than 300 hundred indigenous trees were chopped off a few months ago at Manju block under Saureni Tea Garden in connivance with Land Reforms Department and Forest Department. Such huge felling of trees has destabilized the micro climate of the region. Surely water bodies will be dried up within a few days throwing many people in the dire need of drinking water. The applicant has accordingly prayed for taking of stringent action against the violators.

2. Vide order dated 07.09.2022, this Tribunal constituted a Joint Committee comprising of representative of Principal Chief Conservator of Forests, State of West Bengal, State PCB and Collector, Darjeeling and directed the same to submit factual and action taken report within one month and send the copies of the report of the Joint Committee to the Project Proponents/Statutory Authorities.

3. In compliance thereof, affidavit of the West Bengal Pollution Control Board has been filed vide email dated 19.12.2022.

4. In the facts and circumstances of the case, we consider it appropriate to have response of (1) State of West Bengal through Chief Secretary, Government of West Bengal, (2) the Principal Conservator of Forests, (HoFF), Government of West Bengal, (3) West Bengal State Pollution Control Board (WBSPCB), (4) the District Magistrate, Darjeeling, (5) the Project Proponent-M/s Soureni Tea Estate, who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 3 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 4 and 5.

5. Notice be served on the Project Proponent- M/s Soureni Tea Estate through the District Magistrate, Darjeeling and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Darjeeling by E-mail for getting service of the same effected on it and sending his report in this regard.
6. Ms. Madhumita Bhattachrjee, learned counsel for respondent no. 3 seeks time to file reply/response on behalf of WBSPCB.
7. Reply/response on behalf of respondents no. 1 to 5 be filed within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
8. List for further consideration on 15.02.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 21, 2022
AG