

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 80/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

**REPORT ON AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.**

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Filed by

**GHANSHYAM PANDEY
ADVOCATE**

SL. NO. 11

Dt.- 03 SEP 2024

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Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

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-
01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 05, to affirm this Affidavit on its behalf and as such, I am competent to do so.
02. That, this affidavit is being affirmed in pursuant to the orders passed by this Hon'ble Tribunal dated 10.04.2024 and 16.05.2024.
03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 10.04.2024, the State Board officials visited the site of Tiger Hill on 15.05.2024. The State Board officials were accompanied by the Senior Range Officer of Darjeeling during inspection.
04. That, from the said inspection the allegations in the petition and the corresponding findings of the inspecting team are listed as follows:

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- **Allegations-**

The topmost part of Tiger Hill has been completely concretized having concrete and steel structures. The allegation further is that mobile connectivity towers have been set up at Tiger Hill without any environmental permission. It is also alleged that human habitations have been added without the authority of Law.

- **Findings:**

During inspection, it is observed that the topmost part of Tiger Hill is concreted. This is known as Tiger Hill Sunrise Observatory, from which tourists view sunrise & Kanchenjunga & ranges of Mt. Everest. A concrete car parking facility is provided on the approach road to the view point. In the centre of that top part, a pavilion in incomplete three storied construction has been observed. Information gathered from the Forest Department depicts that the pavilion was constructed in 1950. It had been dismantled under the Gorkha Territorial Administration (GTA) & up-gradation work started in 2015 to accommodate more tourists.

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However, construction was stopped, and since then, it remained in an incomplete stage.

Mobile towers of BSNL & Indus Tower Ltd. have been found installed just beside the pavilion. The representative of the Forest Department has informed that the BSNL tower was installed in 1961-1962. Indus tower was installed around 2014-2015. Indus Towers Ltd. has obtained 'Consent to Operate' for the operation of the Diesel generator set (25 KVA) required for the working of mobile tower in Tiger Hill Pavilion from West Bengal Pollution Control Board in 2014.

Human habitations have been observed at the lower base of the Tiger Hill Pavilion complex comprising of a few houses with temporary structures. On inquiry, the inhabitants of the houses have informed that the families belonged from the employees of Bharat Sanchar Nigam Limited (BSNL), Tourism Department and the caretakers of Singha Devi Mandir situated near the entry of Tiger Hill. They have been living there for more than 20 years. All the houses are provided with Septic Tanks for sewage management.

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- **Allegations-**

Public convenience for the tourists has been established without proper sewage management system and thereby pollutes the underground aquifer.

- **Findings:**

It is observed that the public toilets constructed for the tourists are provided with Septic Tanks.

- **Allegations-**

Considerable plastic waste is littered all over the Tiger Hill, which is also burnt at places contrary to the Plastic Waste Management Rules, 2016.

- **Findings:**

At the time of inspection, no such severe plastic pollution has been observed. The area is mostly found clean & Plastic-free Awareness Boards/slogans have been found put up in strategic locations. Waste bins are provided at different locations for the disposal of solid waste by tourists. No sign of the open burning of plastic or

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other waste has been observed. However, few thrown-out plastics from the tourists have been observed at the jungle & bushes.



- **Allegations-**

New construction is being made on Tiger Hill which may be a Rest House or Guest House with a board mentioning 'Forest Museum', Senchal, within the Senchal Wildlife Sanctuary.

- **Findings:**

On the right side, just after the entry to the Tiger Hill gate, a house with the sign board 'Forest Museum', Senchal has been observed. The house has been visited, and found a few photo galleries, replicas of wildlife & informative boards. It appears to be a 'Nature Interpretation Centre' that provides information on the flora; fauna, wildlife and wilderness present in the sanctuary to the tourists. No rest house/ guest house type of arrangements has been found in the house.

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• **Allegations-**

A big car parking space is being developed at Senchal Wildlife Sanctuary destroying the trees and lush green vegetation and completely changing the nature and character of the land.



• **Findings:**

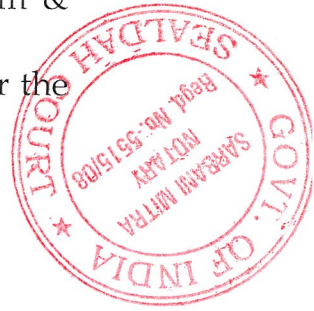
A vacant land earmarked for car parking is observed near the "I Love Senchal" point. Information gathered from the Forest Department indicates that 34 acres land have been vacant from many years for setting up of a golf course. Presently it belongs to the Senchal wildlife Sanctuary. A small part of it may be developed as a car parking facility in the future since tourist visits are increasing day by day.

05. That, the State Board officials made the following remarks from the said inspection:

- (a) Most of the concrete constructions, as stated above, are made to facilitate tourism. With tourism, some developments automatically arrive in the form of basic public amenities, safety measures, waste management facilities, and in connection with their supervision & control. Senchal Wildlife

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Sanctuary is a Protected Area. So, the extent of tourism & related constructions may be allowed & regulated as per the norms in Protected Area.



(b) Senchal wildlife sanctuary is an ecological oasis & one of the oldest wildlife sanctuaries in India holding a pair of lakes interconnected to each other known as Senchal Lake that act as the main sources of drinking water for the town of Darjeeling, commissioned during the British period. The Senchal Lake receives water from approximately 24 natural springs (jhoras). Tiger Hill is a part of that oasis, and a few springs (jhoras) flow down from Tiger Hill Region to this twin lake. West Bengal Pollution Control Board monitors water quality of the lake on a monthly basis under the National Water Quality Monitoring Program.

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The analysis reports of last six months are tabulated below.

Parameters	Nov 2023	Dec 2023	Jan 2024	Feb 2023	Mar 2024	April 2024	Average Values	Primary Water Quality for Bathing Water (As per Indian Gazeera Notification, MOEF & CC notification dated 25 th September, 2000)	Unit
pH	6.63	7.47	7.00	7.66	7.69	7.52	7.32	6.50-8.50	
DO (Dissolved Oxygen)	7.90	8.80	7.40	8.80	8.00	6.80	7.95	5 or more	mg/L
BOD (Biochemical Oxygen Demand)	1.60	1.20	0.90	1.90	1.80	1.80	1.50	3 or less	mg/L
FC (Fecal Coliform)	70	80	70	80	80	70	75	500 (desirable); 2500 (Max. permissible)	MPN/100 ML

The analysis reports show the parameters determining the water quality are within standard limits.

06. 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.



[Signature]
DEPONENT

03 SEP 2024

VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 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 Officer on Special Duty (OSD), 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 5 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.

Sri Subrata Ghosh

DEPONENT

Identified and corrected by me
Advocate *Ghanshyam Pandey Adv*
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By —

SARBANI MITRA
NOTARY
Regd. No.-5515/09

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Inspection Report w.r.t. the NGT case in O.A. No. 80/2024/EZ (Subhas Datta Vs State of West Bengal & Ors): -

A petition was registered before hon'ble National Green Tribunal (NGT) vides O.A. No. 80/2024/EZ by Sri Subhas Datta.

In the petition it is stated that in the tourist township of Darjeeling, there is the 'Senchal Wildlife Sanctuary' popularly known as 'Tiger Hill' which was established sometime in 1915. It is stated that this place is not only a green zone but also a water catchment area for supplying drinking water to the whole of the Darjeeling town & adjoining areas. The place is stated to be at an altitude of about 8000 ft having an area of 35.88 sq.km which is also a viewing point for the Kanchunjunga and Mount Everest mountains.

The petitioner alleged against the concretization of Tiger Hill, setting up of mobile towers & human settlements, the establishment of toilets without proper sewerage management, the construction of car parking spaces and rest houses, destroying the vegetation and changing the nature of land, endangering wildlife, as well as burning and littering plastic in a Protected Area. The petitioner is concerned about the detrimental trend to the biodiversity of the sanctuary and the water resources, since the zone is also a water catchment area for senchal lakes.

The hon'ble NGT has taken the cognizance of the complaint and served notices to the concerned departments including West Bengal Pollution Control Board (WBPCB) to file their counter affidavits.

Accordingly, an inspection has been carried out on 15/05/2024 at the alleged locations by the following officials of WBPCB:

1. Biswajit Pan, Asst. Env. Engineer, Siliguri Regional Office
2. Sukriti Lama, Jr. Scientist, Siliguri Regional Laboratory
3. Rintu Karmakar, Jr. Environmental Engineer, Siliguri Regional Office

During inspection Sr. Range Officer of Darjeeling has been met & informed about the purpose of visit. She has been accompanied with the inspecting team to visit the alleged locations.

The allegations in the petition & the corresponding findings of the inspecting team are listed below:

• **Allegations-**

The topmost part of Tiger Hill has been completely concretized having concrete and steel structures. The allegation further is that mobile connectivity towers have been set up at Tiger Hill without any environmental permission. It is also alleged that human habitations have been added without the authority of Law.

• **Findings:**

During inspection, it is observed that the topmost part of Tiger Hill is concreted. This is known as Tiger Hill Sunrise Observatory, from which tourists view sunrise & Kanchajunga & ranges of Mt. Everest. A concrete car parking facility is provided on the approach road to the view point. In the centre of that top part, a pavilion in incomplete three storied construction has been observed. Information gathered from the Forest Department depicts that the pavilion was constructed in 1950. It had been dismantled under the Gorkha Territorial Administration (GTA) & up-gradation work started in 2015 to accommodate



more tourists. However, construction was stopped, and since then, it remained in an incomplete stage (Pic-1, 2, 3).

Mobile towers of BSNL & Indus Tower Ltd. have been found installed just beside the pavilion. The representative of the Forest Department has informed that the BSNL tower was installed in 1961-1962. Indus tower was installed around 2014-2015. Indus Towers Ltd. has obtained 'Consent to Operate' for the operation of the Diesel generator set (25 KVA) required for the working of mobile tower in Tiger Hill Pavilion from WBPCB in 2014 (Pic-4).

Human habitations have been observed at the lower base of the Tiger Hill Pavilion complex comprising of a few houses with temporary structures. On inquiry, the inhabitants of the houses have informed that the families are belonged to the employees of BSNL, Tourism Department and the caretakers of Singha Devi Mandir situated near the entry of Tiger Hill. They have been living there for more than 20 years. All the houses are provided with Septic Tanks for sewage management (Pic-5, 6).

- **Allegations-**

Public convenience for the tourists has been established without proper sewage management system and thereby pollutes the underground aquifer.

- **Findings:**

It is observed that the public toilets constructed for the tourists are provided with Septic Tanks.

- **Allegations-**

Considerable plastic waste is littered all over the Tiger Hill, which is also burnt at places contrary to the Plastic Waste Management Rules, 2016.

- **Findings:**

At the time of inspection, no such severe plastic pollution has been observed. The area is mostly found clean & Plastic-free Awareness Boards/slogans have been found put up in strategic locations. Waste bins are provided at different locations for the disposal of solid waste by tourists. No sign of the open burning of plastic or other waste has been observed. However, few thrown-out plastics from the tourists have been observed at the jungle & bushes (Pic-7, 8, 9).

- **Allegations-**

New construction is being made on Tiger Hill which may be a Rest House or Guest House with a board mentioning 'Forest Museum', Senchal within the Senchal Wildlife Sanctuary.

- **Findings:**

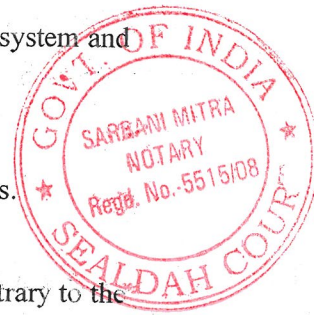
On the right side, just after the entry to the Tiger Hill gate, a house with the sign board 'Forest Museum', Senchal has been observed. The house has been visited, and found a few photo galleries, replicas of wildlife & informative boards. It appears to be a 'Nature Interpretation Centre' that provides information on the flora; fauna, wildlife and wilderness present in the sanctuary to the tourists. No rest house/ guest house type of arrangements has been found in the house (Pic-10, 11, 12).

- **Allegations-**

A big car parking space is being developed at Senchal Wildlife Sanctuary destroying the trees and lush green vegetation and completely changing the nature and character of the land.

- **Findings:**

A vacant land earmarked for car parking is observed near the "I Love Senchal" point. Information



gathered from the Forest Department indicates that 34 acres land have been vacant from many years for setting up of a golf course. Presently it belongs to the Senchal wildlife Sanctuary. A small part of it may be developed as a car parking facility in the future since tourist visits are increasing day by day (Pic-13, 14).

Remarks:

1. Most of the concrete constructions, as stated above, are made to facilitate tourism. With tourism, some developments automatically arrive in the form of basic public amenities, safety measures, waste management facilities, and in connection with their supervision & control. Senchal Wildlife Sanctuary is a Protected Area. So, the extent of tourism & related constructions may be allowed & regulated as per the norms in Protected Area.
2. Senchal wildlife sanctuary is an ecological oasis & one of the oldest wildlife sanctuaries in India holding a pair of lakes interconnected to each other known as Senchal Lake (Pic-15, 16) that act as the main sources of drinking water for the town of Darjeeling, commissioned during the British period. The Senchal Lake receives water from approximately 24 natural springs (jhoras). Tiger Hill is a part of that oasis, and a few springs (jhoras) flow down from Tiger Hill Region to this twin lake. WBPCB monitors water quality of the lake on a monthly basis under the National Water Quality Monitoring Program. The analysis reports of last six months are tabulated below.

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The analysis reports show the parameters determining the water quality are within standard limits.

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Black and White

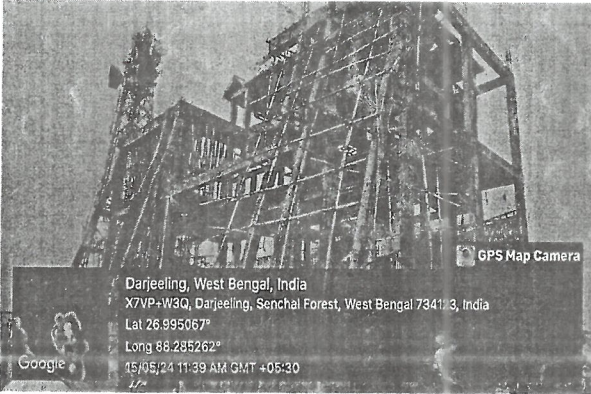
Photographs taken during inspection on 15/05/2024



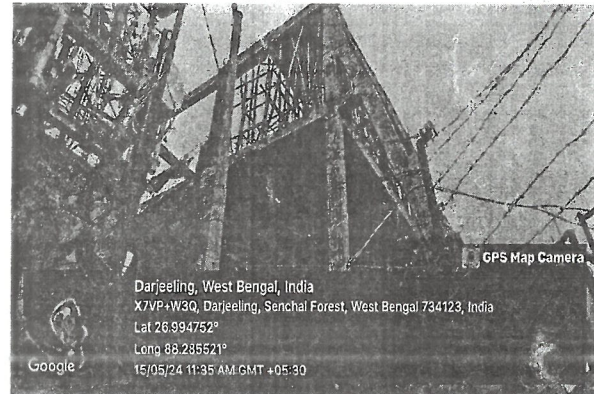
Pic-1



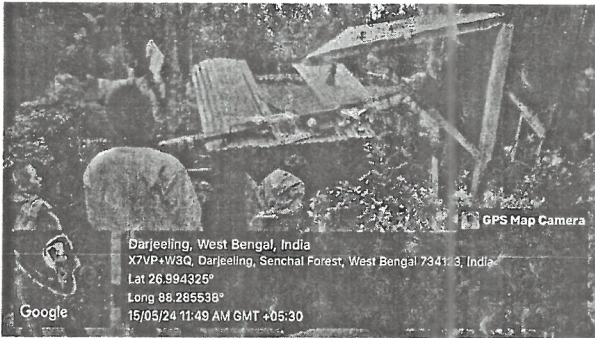
Pic-2



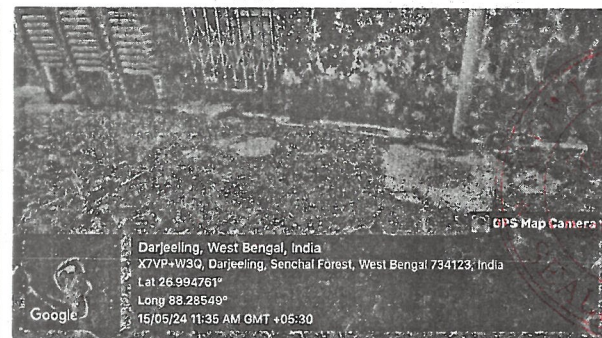
Pic-3



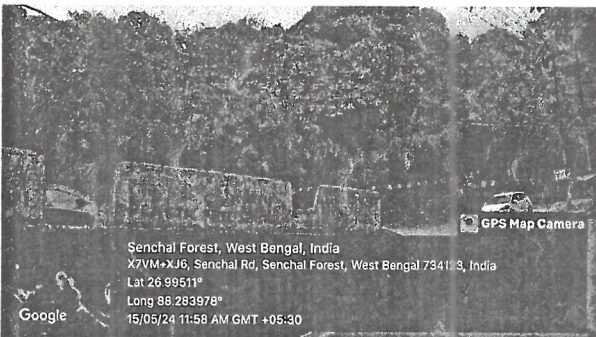
Pic-4



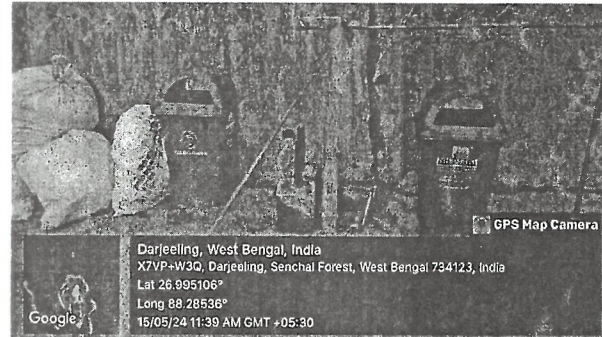
Pic-5



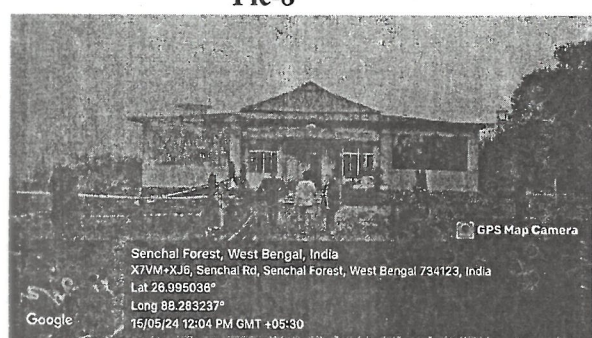
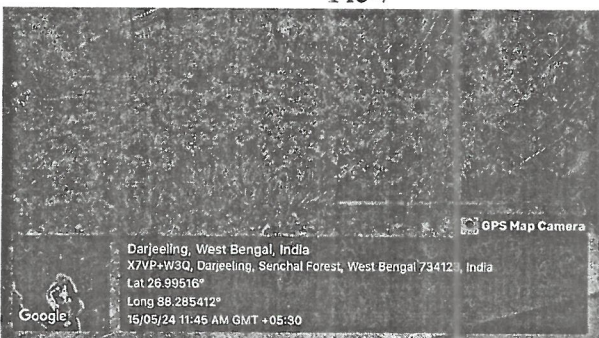
Pic-6

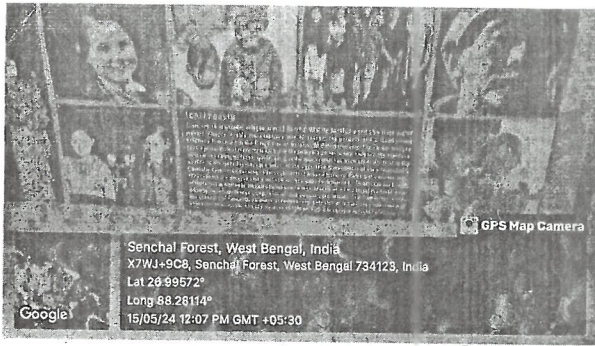


Pic-7

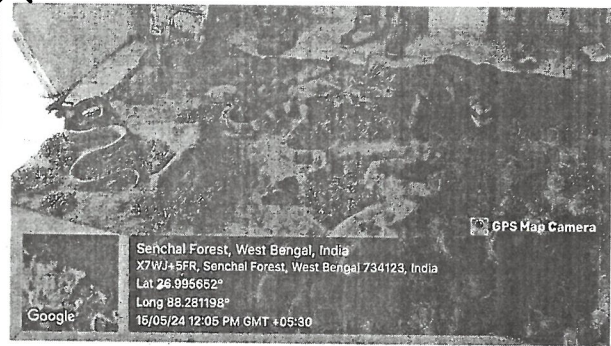


Pic-8

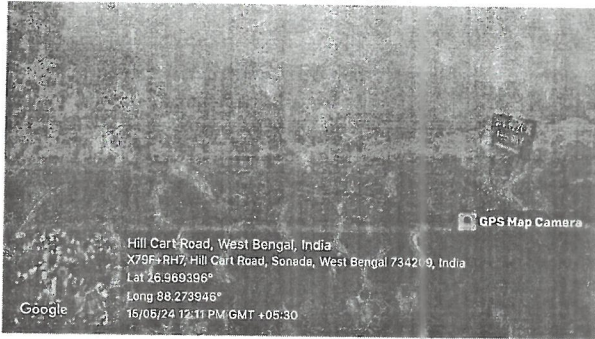




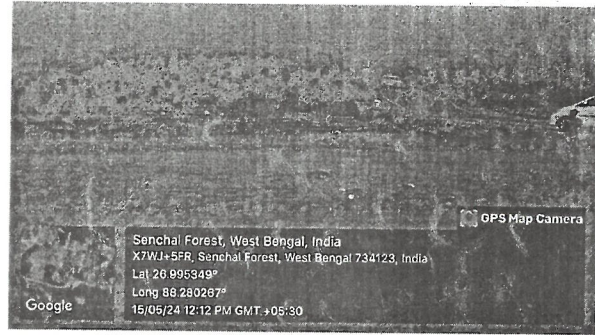
Pic-11



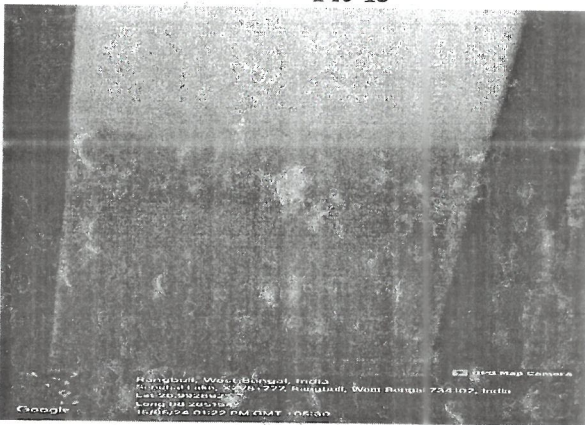
Pic-12



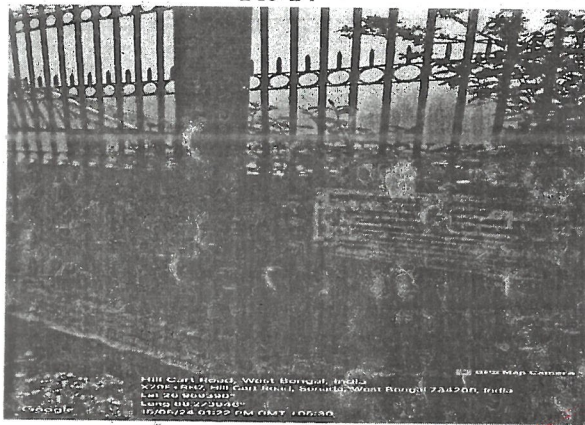
Pic-13



Pic-14



Pic-15



Pic-16

Rintu Karmakar
 Jr. Env Engr,
 Siliguri Regional Office

Sukriti Lama
 Jr. Scientist
 Siliguri Regional Laboratory

Biswajit Pan,
 Asst Env Engr,
 Siliguri Regional Office



Photographs taken during inspection on 15/05/2024



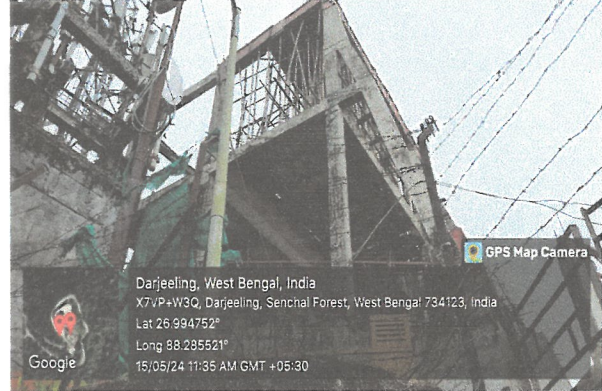
Pic-1



Pic-2



Pic-3



Pic-4



Pic-5



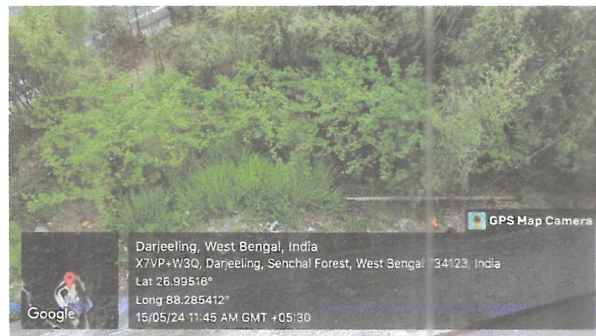
Pic-6



Pic-7



Pic-8



Pic-9



Pic-10



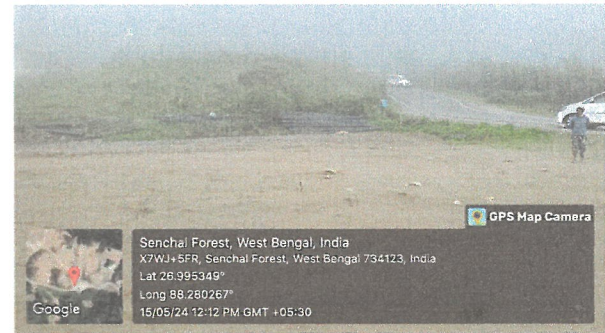
Pic-11



Pic-12



Pic-13



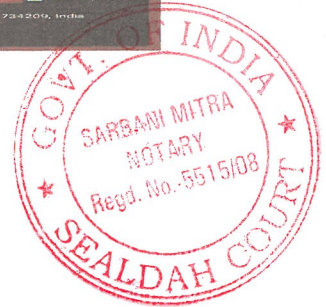
Pic-14



Pic-15



Pic-16



Rintu Karmakar
Jr. Env Engr,
Siliguri Regional Office

Sukriti Lama
Jr. Scientist
Siliguri Regional Laboratory

Biswajit Pan,
Asst Env Engr,
Siliguri Regional Office

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