

NDOH: 02/04/2026BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.80/2024/EZ

IN THE MATTER OF:-

SUBHAS DATTA

...APPLICANT

Versus

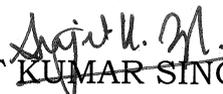
STATE OF WEST BENGAL & ORS.

...RESPONDENTS

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FILED BY:


SUJIT KUMAR SINGH
Advocate for the Respondent No.8
A-1/712, Ekta Gardens
I.P. Extension, New Delhi-92
(M):-9810258079
Email: sujitsingh303@rediff.com

NEW DELHI
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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
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STATE OF WEST BENGAL & ORS.

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WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO.8

- Gorkhaland Territorial Administration (hereinafter referred to as GTA or Respondent No.8), a statutory body, came into being pursuant to coming into force (12.03.2012) of the Gorkhaland Territorial Administration Act, 2011 (West Bengal Act XX of 2011)
- in terms of Section 32 all assets and properties owned and controlled by the erstwhile Darjeeling Gorkha Hill Council (DGHC), vested in the GTA
- Of the top most flat portion of Tiger Hill only about 0.72 acres is under the control and management of the GTA. This is also an insignificant part of the catchment area of the north and south Senchal Lake.
- There are no streams below the Tiger Hill which falls into the lakes. The lakes are fed by around 32 streams which are situated far from and towards West of the Tiger Hill.
- Respondent No.8 is ready and willing to abide by any directions or orders that may be passed by this Hon'ble Tribunal.

ON CONTENTIONS IN THE OA:

1. **CONCRETIZATION OF TOP MOST FLAT AREA OF TIGER HILL**
2. **ELEVATED CONCRETE AND STEEL COVER OF TIGER HILL VIEW POINT.**

The observatory (pavilion) has been in existence since 1950s or even before. The same was earlier under the Darjeeling Improvement Fund (DIF), then West Bengal Tourism Department, then DGHC and came to GTA upon its formation in 2012.

Tiger Hill is a major source of attraction of the tourists visiting Darjeeling and during peak season, tourists ranging upto 3000 visit the same to watch sunrise. With the increase in the number of tourist, in 2015, it was decided to remodel the pavilion having three floors (**Ann R/1 @Pg212-216**). The proposed pavilion would have at the Ground Level, fourteen (14) steps gallery for the tourists which will accommodate about 700 people at a time. The basement behind will accommodate 2 big rooms for GTA Tourism Dept Office, a big space for electrical installations and Sanitary facilities for visitors.

The First Floor will have seven (7) steps gallery for VIP's which will accommodate about 300 people at a time. The Second Floor would have a cafeteria accompanied with a photo gallery open to sky, and a tubular truss along with CGI/polycarbonate sheet for roof on its top. While the original size of the building was 31.115m X 17.835m X 17.60m, the size of the revised building is to be 27.353m (length) X 17.85m (width) X 18.835 (height).

Contract was awarded and works started in 2016 but because of various impediments including local agitation between May 2017 – September 2017, Covid-19 lockdowns, dispute with the contractor, fund issues, the present litigation, etc., the work has not been completed.

The surface adjoining the pavilion was already concretized when it came to GTA. At the end of the concretized surface there existed a slope leading to the drain alongside the road which was affecting the pavilion. Thus, towards slope protection the flat concretized area was extended further by about 10-11 feet.

3. MOBILE CONNECTIVITY TOWER

Pertinent to mention that there exist two Mobile Towers at the Tiger Hills, one belonging to the BSNL and the other to Indus Towers (which only is in the area belonging to GTA).

The erstwhile DGHC had entered into an agreement with the Indus Towers Ltd. in 2010 for the purpose of this tower. Between June, 2017 to July, 2022 no elected body of GTA existed and the affairs of GTA were managed directly by the State Government. Subsequently on 27.10.2022, a further agreement was entered into between the GTA and the Indus Tower Ltd. for from 01.10.2021 to 30.09.2026(**Ann R/2 @Pg217**).

Upon receipt of the letter dated 29.04.2024 from the Divisional Forest Officer, a letter dated 02.05.2024 was immediately sent to the Indus Tower Ltd. terminating the lease wef 02.06.2024 and directing it to dismantle the tower and remove all accessories. However, in response thereto a letter dated 10.05.2024 was received from the Indus Towers Ltd. pointing out that the power to terminate the lease agreement lay exclusively only with the lessee. It is submitted that this was clearly because of an oversight at the time of execution of the lease. Thereafter by a letter dated 10.05.2024, the Indus Towers was directed to re-locate the tower to an alternate location within GTA owned area outside the jurisdiction of the Department of Forest. It is submitted that when no action in this regard was taken by Indus Towers Ltd., again vide letter dated 12.02.2025, they were asked to come for a personal meeting on 18.02.2025. It is however submitted, that the Respondent No.8 is ready and willing to abide by any directions or orders that may be passed by this Hon'ble Tribunal with respect to both the towers. (**Ann R/3 @Pg227-231**)

4. ADDED HUMAN HABITATIONS: There is no new settlement or habitation existing on the hill top of Tiger Hill which is under the management and administration/jurisdiction of GTA.

5. PUBLIC CONVENIENCE WITHOUT PROPER SEWAGE MANAGEMENT SYSTEM

No big public convenience has been set up by the GTA. Just below the Hill top, there is a small public convenience unit having two separate toilets, one for women and the other for men which existed at the time when the topmost part of Tiger Hill was handed over to GTA. Proper hygiene and cleanliness of the same is maintained and a small ramp for disabled has been provided. It is submitted that the said toilet is connected to septic tank.

6. CONSIDERABLE PLASTIC WASTE

The topmost portion of Tiger Hill, under the management of GTA is plastic free. No plastic waste is allowed there. Proper dustbins have also been provided.

7. NEW CONSTRUCTION MADE THERE

The Nature Interpretation Centre having been referred to in para 16 of OA belongs to the Forest Department.

8. DEVELOPING BIG CAR PARKING AT SINCHEL

The parking at Sinchel Mata Temple belongs to the Forest Department.

9. OLD ABANDONED STRUCTURES

The structure referred to in para 20 of OA is not a GTA property.

10. PROHIBITED/REGULATED ACTIVITIES

The area referred to in para 21 does not belong to GTA.

11. ACTIVITIES TO BE PROMOTED

12. CONSTITUTION OF MONITEERING COMMITTEE

13. PREPARATION OF ZONAL MASTER PLAN

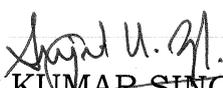
14. PREPARATION OF TOURISM MASTER PLAN

GTA is ready and willing to comply with whatever further directions that may be passed by this Hon'ble Tribunal in this regard.

15. NO RAINWATER HARVESTING SYSTEM

The area under the GTA at the Tiger Hill top is very small and there is no scope for organic farming, rain-water harvesting, eco-friendly transport system etc.

Filed by


 SUJIT KUMAR SINGH
 ADVOCATE FOR THE RESPONDENT NO.8