

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO. 576/2022

51

In the matter of:

Bharat Prakash Rai

.... Applicant

Versus

The State of West Bengal & Ors.

.... Respondents

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Filed by:

*Dhiraj Lakhotia*

DHIRAJ LAKHOTIA

Advocate

For Sourenee Leaves Private Limited

Email: [lakhotiadhiraj@gmail.com](mailto:lakhotiadhiraj@gmail.com)

(M) 97352-23953

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

ORIGINAL APPLICATION NO.576 OF 2022



Bharat Prakash Rai

..... Complainant

versus

The State of West Bengal & Ors

....Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.5 - M/s SOURENEE TEA ESTATE PRIVATE LIMITED.

I, Jayant Agarwal, s/o Dinesh Agarwal, director of the Respondent No.5 namely M/s Sourenee Leaves Private Limited, having its registered office at 2nd Floor, Sunny Tower, Sevoke Road, Siliguri, West Bengal, 734001, hereby solemnly affirm and declare as follows:

1. That I am representing the private respondent no.5 in the instant case and I am well acquainted and fully conversant with the facts and circumstances of this case. I am competent to make, affirm and swear the instant affidavit.
2. I submit that the copy of the OA has not been served upon the Respondent No.5. In compliance with the direction of the Hon'ble Tribunal, I beg to file this affidavit on the basis of my knowledge gathered from the order of this Hon'ble Tribunal dated 07.09.2022.
3. I submit that the ownership of the company namely M/s Sourenee Leaves Private Limited changed in the year 2020 and accordingly new directors were appointed on 01.06.2020 and 18.02.2021.

solemnly affirmed and sworn  
Before me on Identification  
20/08/2021  
Pashupati Shan  
NOTARY SILIGURI

4. I submit that the erstwhile management of the tea estate had applied for permission on 23.03.2019 from the District Magistrate of Darjeeling District, for felling of 515 number of trees. It was also stated in the application that the felled trees would be used for commercial purposes to meet expenditure towards Labour Welfare Projects. Similar application was also made to the BL & LRO, Mirik, where it was also undertaken by the respondent to plant 1:20 trees within the tea garden area.

Copy of the application submitted at the office of the District Magistrate and Block Development Land & Land Reforms Officer, Mirik are annexed herewith and marked as Annexure R/1 collectively.

5. I submit that the revenue required to be paid to the Forest Department at the time of seeking permission was paid on 27.11.2019. After due enquiry by three member committee, permission of the District Magistrate of Darjeeling was accorded as per the as per the provisions of Section 4A of the West Bengal Land Reforms Act, 1955 by the the District Magistrate of Darjeeling on 14.02.2020 to the erstwhile management of the Company for felling of 515 nos. of shade trees of various species - dhupi, chiloni and shimul in the retained area of Sourenee Tea Estate subject to fulfillment of all necessary formalities as applicable for felling of 515 trees of shade trees of various species in the retained area of Sourenee Tea Estate. This order was also communicated to the Divisional Forest Officer at Kurseong, The Block Land & Land Reforms Officer at Mirik and the Forest Range Officer Bomanpokhri Range.

Copy of the Receipts for Payments to Government dated 27.11.2019 and the permission dated 29.03.2022 and the permission granted by the District Magistrate, Darjeeling dated 14.02.2020 are annexed herewith and collectively marked as Annexure R/2 collectively.

solemnly affirmed and certified  
Before me on this authentication  
2022/04/13  
Pashupati Shan  
NOTARY SILIGURJ

6. I submit that the local residents of the area from where the trees were to be felled had also given their no objection to the said cutting of trees for the purposes of new tea plants being planted in the said area.

Copy of such no objection letter is annexed herewith and marked as Annexure R/3.

7. I submit that due to Covid-19 pandemic and the various restrictions imposed throughout the country, the said felling of trees could not be completed within the stipulated time. And therefore only 26 trees could be felled till March 2020 and further felling of trees was discontinued.

8. I submit that on improvement of the Covid-19 pandemic situation, the present management of the company applied for the renewal of the said permission dated 12.03.2022 and on 16.03.2022 the necessary permission was granted for felling of trees. The management of the company paid the revenue required to be paid to the Forest Department of West Bengal, Kurseong Forest Division, Bomanpokhri Range on 29.03.2022 and after informing about the same to the relevant Government Departments, the trees were being felled lawfully in compliance with all the legal process.

Copy of the relevant documents are annexed herewith and marked as Annexure R/4.

I submit that on 24.04.2022 one Arun Sigchi filed a complaint at the Mirik Police Station, which culminated into an FIR under Section 143/447/427/379/120B of IPC read with Section 3 of the Prevention of Public Damage Property Act, 1984 corresponding GR Case No.52/2022, pending before the Ld Additional Chief Judicial Magistrate at Kurseong



Solemntly Affirmed  
Before me on Identification  
28/04/22  
Pashupati Shah  
NOTARY PUBLIC

was registered against the family members of the directors and the manager of the Tea Garden. The allegations in the said FIR and written complaint are denied by the Respondent No.5.

10. I submit that on 25.04.2022, the already felled trees were seized by the officials of the Mirik Police Station and are in the custody of one Jayanta Ghosh by way of zimmanama bond executed by him.

Copy of the said zimmanama bond is annexed herewith and marked as Annexure R/5.

11. I submit that the directors of the company, manager as well as the two family members of the directors of the company filed a Criminal Revisional Application before the Hon'ble Calcutta High Court, Circuit Bench at Jalpaiguri. The said application was moved before His Lordship Hon'ble Justice Bibek Chaudhuri at Calcutta High Court (Principal Bench) and his Lordship upon hearing the said application was pleased to direct as follows vide order dated 23.06.2022 :

“petitioners to produce all documents of permission to the Investigating Officer of this case within seven days from the date of this order. If on the basis of the said order it is found that the petitioners are entitled to cut the trees in accordance with law, he shall file final report in respect of Mirik Police Station Case No. 19/2022 dated 24th April, 2022 without harassing the petitioners in any manner in accordance with law.”

Server copy of the Order dated 23.06.2022 is hereby annexed as “Annexure R/6”.

12. I state that the total trees cut by the Respondent No.5 is as under:

solemnly affirmed before me on Identification  
28/04/23  
Pashupati Shan  
NOTARY SILIGUR

- i) 26 (in the year 2020 by erstwhile management )
  - ii) 157 trees which have been converted to total Logs - 781 (121.538 m3) (in the year 2022)
  - iii) 11 trees which have not been converted to logs (in the year 2022)
- Total 194 trees have been felled till date out of which 168 trees were felled in April 2022 and were seized by Mirik Police Station.

I reiterate that all the trees were felled with due permission and during the time period granted by the authorities.

13. I state that last year we planted 23,000 tea bushes to comply with our undertaking for planting 1:20 trees against the felled trees and will continue to plant more trees of the specified variety.

I crave leave to produce the copy of the purchase of the said trees bushes at the time of hearing if required by this Tribunal.

14. I state that the complainant in the instant case has misrepresented and exaggerated the facts of the case in hand just to implicate the company falsely.

15. I deny that around 400 conifer trees have been chopped down by the petitioner from 17.04.2022 and 21.04.2022 as alleged. I also deny that more than 300 indigenous trees were chopped off a few months ago at the Manju Block under the Tea Estate in connivance with the LR Department and Forest Department.

solemnly Affirmed & Declared  
Before me on Identification  
28/04/23  
Pashupati Shar  
NOTARY SILIGURI

16. I state that subsequently this Hon'ble Tribunal had formed a Joint Committee comprising Principal Chief Conservator of Forest, State of WB, State PCB and District Collector, Darjeeling and directed them to submit factual and action taken report within 1 month and also to send copies of the report of joint committee to the project propellants/statutory authorities.

17. On perusing the affidavits filed on behalf of all the government respondents it's apparent that the complainant had falsely placed facts before this Tribunal to implicate the Respondent No.5 in any way whatsoever.

18. I state that the complainant had made false and wild allegations against the petitioner as well as state departments and I deny that more than 300 indigenous trees were chopped off a few months ago at the Manju Block under the Tea Estate in connivance with the LR Department and Forest Department. This fact has been countered and contradicted by the Chief Engineer of WB State Pollution Board.

19. With regards to the main allegation of the complainant, I deny that around 400 conifer trees have been chopped down by the Respondent No.5 from 17.04.2022 and 21.04.2022, the complainant has clearly exaggerated the facts of the case and we strongly deny the same.

20. I state that no part of the plots in which the tree felling took place are forest land as per the Forest Conservation Act, 1980 and therefore the provisions of the said Act will not apply in the present case.

solemnly Affirmed & Declared  
Before me on Identification  
Pashupati Shan  
NOTARY SILIGUR

21. I state that Section 4A of the West Bengal Land Reforms Act, 1955 enables the District Magistrate to give directions regarding the felling of trees or the modes of cultivation in any land in the hill subdivision of Darjeeling district and also provides for penalties for contravening such orders.

22. I state that I am restricting myself to narrate the facts hereinafter, which are relevant to the adjudication of the present case and the same may not be construed as any waiver of the other rights and contentions of the respondent no.5 in any petition, appeal, application, etc., which may be pending or may arise in future before any court or forum



23. That I did not violate any law or rules or orders framed for felling trees and felling was undertaken in compliance with the permission order. I undertake to plant saplings of indigenous tree species as endorsed and directed by the Joint Committee Report constituted by this Hon'ble Tribunal.

24. That I crave leave for filing additional affidavits and for production of additional documents as may be relied upon by the respondent if so required at the time of hearing with the leave of this Hon'ble Tribunal.

25. That the statements made in the above paragraphs are true to my knowledge and belief and from the records as available in our office and the rest are my humble submission before this Hon'ble Tribunal.

Identified by me

Dhimanj Lakhotia  
Advocate

**AFFIDAVIT**  
Solemnly Affirmed before Me  
by Sayal Sengupta  
of Sourenee Leaves Pvt. Ltd.  
Identified by Sourenee Leaves Pvt. Ltd.  
This the 10 day of April, 2023  
at Siliguri  
Solemnly Before me  
[Signature]  
Pashupati Shah  
NOTARY SILIGURI

Deponent Director

## VERIFICATION

I, Jayant Agarwal, Son of Dinesh Agarwal, aged about 26 years, by faith Hindu, by occupation Businessman, acting as the director of M/s SOURENEE TEA ESTATE PRIVATE LIMITED, being the respondent no.5, having its registered office at 2nd Floor, Sunny Tower, Sevoke Road, Siliguri, West Bengal, 734001, hereby solemnly affirm and declare as follows:

1. That I am the director of the respondent no.5 company and duly authorized and competent to swear this affidavit.

2. That the statements above in paragraph no. 1 to 5 are true to my knowledge and belief and as derived from the office records and the rest are my respectful submission before this Hon'ble Tribunal.

Soureenee Leaves Pvt. Ltd.

Deponent Director

Identified by me

Dhinaj Lakhota  
Advocate

solemnly Affirmed & Declared  
Before me on Identification  
28/09/15  
Pashupati Shan  
NOTARY SILIGURI





# SOURENEE TEA ESTATE

BIO ORGANIC

P.O. SOURENEE  
(Elevation: 4500 ft)  
P.S. MIRIK,  
Dist. DARJEELING  
Pin 734227

Date: 23/09/2019

Ref. No. STG/2019-20/104

To,

The Block Land and Land Reforms Officer,

Mirik,

P.O. Mirik,

Distt, Darjeeling.

West Bengal.

Sub; Shade tree Filling.

Dear Sir,

This is to inform you that I would be filling 515 Nos. of shade trees in the required tea garden area.

I do hereby undertake to plant 1:20 trees at the required tea garden area after filling mentioned shade trees. I propose to commence the filling of shade trees as soon as I receive the final permission from the District Magistrate. I shall be highly obliged if the meeting of the said committee for filling of shade trees of the tea garden is held and application is forwarded to the District Magistrate with necessary recommendation favoring the above mentioned work at your earliest.

Thanking You.

Yours faithfully,

Manager

**MANAGER**  
**SOURENEE TEA**

Registered Office: Sourenee Leaves Pvt. Ltd., Titagarh House, 756 Anadapur, E. M. Bypass, Kolkata-700107, India. Ph: 91-33-40190800, Fax: 033-40190823, E-Mail: info@soureneetea.com, Website: www.soureneetea.com

West Bengal Form No. 1702  
Financial Rule Form No. I.C.



WB/G  
1196572

RECEIPTS FOR PAYMENTS TO GOVERNMENT

(See Rule 2B, B.F.R.)

BOOK NO.

11966

C. B. Item No. 4/28 of Nov 19

FORM NO. 14

Date .....

FOREST DEPARTMENT of West Bengal  
Kurseong Forest DIVISION  
Bansaspohari DEPOT.

Received from Manager, Sourani T. S. the

sum of Rupees (Plantation cost) Rs 515 and Misc. Trees being price of security deposit bought by him as detailed in Bill No. in part payment.

No. 1) Simul 11 Nos x 2 = 22 Nos @ Rs 40/- 880/-  
Cubic ft.

2) Dhup, Chilrui, Panisya  
Logs = 504 Nos x 2 = 1008 Nos @ Rs 20/- 20160/-

Sleepers at Rs. per kg. Rs.

Firewood kgs. at Rs. per kg. Rs.

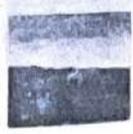
(Rupees five thousand and seventy two)

Total Rs. 21,040.00

*[Signature]*  
Range Officer  
Bansaspohari Range  
Kurseong Forest Division

Dated Bansaspohari

The 27/11/2019

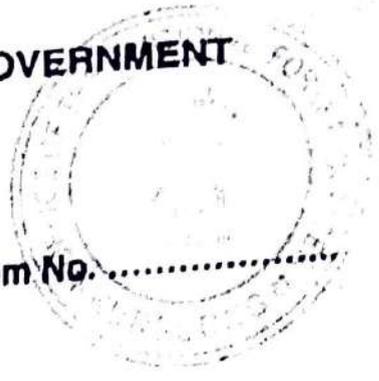


# RECEIPTS FOR PAYMENTS TO GOVERNMENT

(See Rule 2B, B.F.R.)

BOOK NO. 3378

C.B. Item No. ....



FORM NO. 14

Date .....

FOREST DEPARTMENT Of West Bengal  
Krasik Forest DIVISION  
Banaripukur DEPOT.

Received from Nagaraj Saini T.P

the sum of Rupees 15000/- being price of T.P fees  
for 1st round logs  
bought by him as detailed in Bill No. .... in part payment.

No. .... Cubic ft.  
Logs Vol: 150.0m at Rs 100/20<sup>3</sup> Rs. 15,000.00  
Sleepers ..... at ..... Rs. ....  
Firewood ..... kgs. at Rs. .... per kg. Rs. ....

B/S/K/Col/15/10/2017-20  
dt 16/03/2017

Total Rs. 15000.00

[Signature]  
Range Officer  
Forester  
29-03-22

Dated Banaripukur  
The 29/03/2017-20



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT MAGISTRATE, DARJEELING  
(FOREST DEPARTMENT)

Dated: 14.02.2020

Memo No. CI-99 TG/19

To : The Manager  
Sourenee Tea Estate  
P.O Mirik,  
Dist- Darjeeling  
PIN- 734227

Sub : Permission for felling 515 Nos of shade trees in the retained area of Sourenee Tea Estate.

Ref : Letter dated 23/09/2019 of the Manager, Sourenee Tea Estate,  
Memo No. 255/BLLRO/MRK/19 dated 11/12/2019 of the BL&LRO,  
Kurseong . Memo No. 168 SDLLRO/MRK/19 dated 12.12.2019 and Memo  
No.2860/28-46 dated 17.12.2019 of DFO Kurseong Division.

In reference to the above, permission is hereby accorded as per the provision of Sec 4A of WBLR Act, 1955 subject to fulfilment of all necessary formalities as applicable for felling of 515 nos of shade trees of various species in the retained area of Sourenee Tea Estate as prayed by you and as per enquiry report submitted by the BLLRO Mirik and DFO Kurseong in the following schedule of land for the purpose of garden labour welfare works.

Name of the Tea Garden	: Sourenee Tea Estate
Mouza	: Sourenee Busty
J.I. No	: 5
No. of trees	: 515
Plot No	: 769, 1773, 1774, 1775
Khatian No	: 02
Species	: Dhupi, Chiloni and Shimul.

This permission is valid for 90 days from the date of issue of this Memo.

*R.H.*  
Collector  
Darjeeling

Dated : 14/2/2020

Memo No. 18/11(3) CI-19/19

- Copy forwarded for information and necessary action to:
1. The Divisional Forest Officer, Kurseong Division, Kurseong
  2. The Block Land & Land Reforms Officer, Mirik.
  3. The Forest Range Officer, Bamanpokhri Range.

*[Signature]*  
Collector  
Darjeeling

*[Handwritten signature]*  
15/2/20

सेवाग

उत्तराखण्ड महोदय  
सीरेनी चिन्हा कारी  
मिनिटर, तांजोनिपुर

विषय :- Sec No 32 समित्त हर घर सुरक्षा छ मिनिटर

महोदय  
हाम्रो सीरेनी चिन्हा कारी Sec No 32 संभव  
गर्छे निवासो सम्पूर्ण समित्त जर्ग तपाईं समक्ष वा मिनि  
गर्छे सम्भवत गराउन चाहन्छौं जा तपाईं बाट पूर्ण सहको  
आशा राख्छौं।

विशेष हाम्रो जुन जग्गा वा गाउँमा बसोबास  
गर्छौं उक्त हाम्रो घरहरूको हेरु हेरु धुम्पोछे हररु  
हर, गेटमा कुहेर प्राय नै टप्पे सम्बन्धमा पुगी सकेहं  
ह जुन रुखहरूको कुनै पनि हामी वा हाम्रो परिवारको  
सम्बन्ध हरको कुनै सम्बन्धमा क्षति पुगउन सक्छ, हावा, पानी  
आउन थाले पछि हामी सुरक्षित जग्गामा गई सम्भव  
पिन बाह्य हुन्छौं, कति दिन सम्म पीर माकी सहेर  
बस्नु पर्ने, तसर्थ हजुरले हाम्रो ज्यान मापछे क्षति  
हुन सम्भ नै त्यो रुख हर हटाई दिवा जापस भनि  
निवेदन गर्दछौं।

तपाईं छे जानकारी छे निमित्त  
कोषे प्रति समावेश ह

हजुरको विश्वासो

- बन्धुभाइ
1. तारा धिमरे
  2. Sandhya Ghimire
  3. लामल वराइली
  4. काला, वराइली

6 Manu Tamang

22 वाकर सार्जे

7 शशीम लामा

23

LS Chandrahari Sasi

8 RTI Banteki Tamang

9 अमल लामा

10 पुरासा

11 L.T. Sumaira Sarker

12 Durba Ghimiray

13 योगेश्वर शिरोडा

14 Subarna Ghimiray

15 Bidhya Ghimiray

4

16. सन्तोको लिफि

17 किरण लामा

18 Roshni Tamang

19 वाकर सार्जे  
L.T. Poojya Sarker

20



Government of West Bengal  
Directorate of Forests

Office of the Divisional Forest Officer, Kurseong Forest Division  
Dowhill, Kurseong, Dist. Darjeeling-734204

Phone No: 0354-2332200 : Fax No: 0354-2332200; Email: dfokue-wb@nic.in

Dated: 16/03/2022

No. 768/28-46

To : ✓ The Manager  
Sourenee Tea Estate  
PO Mirik, Darjeeling - 734207

Sub : Extension of time period -reg

Ref : Your letter no. NIL, dated 12.03.2022.

In reference to above subject matter and on the basis of the payer received from your end & in termination of the office order No. 631/28-46 dt. 20.07.2020, necessary extension of time period for felling remaining numbers of trees has been granted to the extent of 60 (Sixty) days for completion of balance work with effect from the date of issuance of this office order. You are requested to inform the Range Officer, Bamanpokhari Range before executing the work.

**NO further extension will be entertained, henceforth.**

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

Dated: 16/03/2022

No. 768/28-46

Copy, forwarded for information to: -

The Range Officer, Bamanpokhari Range. The Range Officer, Bamanpokhari Range is directed to conduct appropriate verification / identification and measurement of the produce scrutinizing valid documents and issue TP in favour of the applicant, realizing requisite fees thereof & remitting them into proper head of account abiding all norms and procedures of the department.

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

Registered Office:  
2<sup>nd</sup> Floor, Sunny Tower,  
Sevoke Road, Siliguri,  
734001, West Bengal, India  
Phone : 0353-2640906 / +91 97484 77811  
info@soureenetea.com  
www.soureenetea.com  
CIN : U01132WB 981PTC033643

*Wages / Korman*  
*check and report back*  
*Harsi*  
*15/08/22*

JFO \_\_\_\_\_  
ADFO \_\_\_\_\_  
H.C. *Handwritten initials*  
Sec. I.C. \_\_\_\_\_  
Sec. *Handwritten initials*



# Souren Tea Private Limited

Date: 12.03.2022

To,  
The Divisional Forest Officer  
Dowhill, Kurseong,  
Dist.-Darjeeling-734204

Subject: Time Extend for Tree Felling

*Handwritten notes:*  
72  
15-3-22  
29-46

Dear Sir,  
I request you that my DFO order no. 651/25-46 Date 20-02-2020 and the Collector Darjeeling Memo No.18/1 (3)/CF-99/TG/19 Date 14-02-2020. The Situation was not good due to covid and it was mercury to stop work due to Lockdown but now the situation is getting better so I want to start the work again. So, I request you to ~~re-consider~~ *re-consider* again.

Thankyou

For, Souren Tea Estate

*Handwritten signature*  
Authorised Signatory  
MANAGER  
Souren Tea E

Copy To  
The Forest Range Officer, Damanpokhuri Range

'18'

69

West Bengal Form No. 1702  
Financial Rule Form No. I.C.



WB/G

337738

# RECEIPTS FOR PAYMENTS TO GOVERNMENT

(See Rule 2B, B.F.R.)

BOOK NO.

3378

C.B. Item No. ....

FORM NO. 14

Date .....

FOREST DEPARTMENT *Of West Bengal*  
*Krishna Forest* DIVISION  
*Banaripukur* DEPOT.

Received from *Narayan Saini 1.9*

the sum of Rupees *15000/-* being price of *1.9 years*  
*for forest guard logs*  
bought by him as detailed in Bill No. .... in part payment.

No. .... Cubic ft.  
Logs *150.00 @ Rs 100/ft<sup>3</sup>* Rs. *15,000.00*  
Sleepers ..... at ..... Rs. ....  
Firewood ..... kgs. at Rs. .... per kg. Rs. ....

*Dft/Kol-15 No. 108/20-06*  
*dt 16/03/2022*

Total Rs. 15000.00

*29-03-22*  
Range Officer  
Forester

Dated *Banaripukur*  
The *29/03/2022*

S.B.P/Kol-15

## ZIMMANAMA

Jayanta Ghosh S/O Late D.K. Ghosh of Sourennee P.E.  
Mirik P.O. Sourennee Bazar, Dist Darjeeling do hereby taking ZIMMA

the following /list enclosed, forest produces, lying in Sourennee Tea Estate, Mouza Sourennee JL-5  
 plot No. 769, khatian No 2, Species Dhupi on 22/04/2022 with the condition that I shall produce  
 the same as and when required before any Ld. Court/ Local Police Station/Bamanpokhari Range or  
 Officer In-Charge, Mirik Police Station or any competent authority as when required. I shall also take  
 ZIMMA that the produce shall not be used for other purpose (Sale or transfer or chane the character  
 of the said produce). Henceforth, until the enquiry completed.

Failing which I shall be liable to be prosecuted under proper section of law.

Pon. Jayanta Ghosh  
 Signature of MANAGING ZIMMA  
SOURENEE T.E.

## Witness and person taking Surety

1. Ramu Shung DR/Fn
2. Bem Prasad Sharma (H.C)
3. Selkaly Tamang. H.C
4. Pravin Rai DL

Form J(2)

**IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction  
Appellate Side**

**Present :**  
**The Hon'ble Justice Bibek Chaudhuri**

**CRR 133 of 2022**

**Dhilan Das & Ors.**

**Vs.**

**State of West Bengal & Anr.**

**For the petitioners :** **Mr. Rajdeep Mazumder, Adv.,  
Ms. Radhika Agarwal, Adv.**

**For the State :** **Mr. S. G. Mukherji, Adv.,  
Mr. Anand Keshari, Adv.**

**Heard &  
Judgement on :** **23.06.2022.**

**Bibek Chaudhuri, J.**

Since the Learned Public Prosecutor, High Court, Calcutta is present in Court on perusal of the instant criminal revision this Court is of the view that the instant revision can be disposed of in presence of the Learned Public Prosecutor, High Court, Calcutta. The petitioner is directed to serve a copy of the application to the Learned Public Prosecutor here and now.

The Learned Public Prosecutor has agreed to assist this Court on behalf of the opposite party.

Mirik Police Station Case No. 19/2022 dated 24<sup>th</sup> April, 2022 was registered on the basis of a complaint dated 24<sup>th</sup> April, 2022 filed by one Arun Sigchi, on the basis of which a case was registered under Sections 143/447/427/379/120B of the Indian Penal Code and also under Section 3 of the P.D.P.P. Act against the petitioners.

The petitioners are the Directors, office bearers and two other independent persons not connected with Sourenee Tea Estate.

It is the allegation of the *de facto* complainant that the petitioners cut about 300 trees from Sourenee Tea Estate and thereby committed theft in respect of said trees for their personal gain, committed mischief in respect of public property etc.

It is pointed out by Mr. Rajdeep Mazumder, Learned Advocate for the petitioners that the District Magistrate gave permission to cut 515 number of trees vide letter dated 14<sup>th</sup> February, 2022 for the purpose of garden labour welfare works. Subsequently, due to Covid Pandemic the petitioners were not able to take step in respect of cutting of the said trees. Subsequently the Manager, Sourenee Tea Estate made a prayer for extension of time to the Divisional Forest

officer, Kerseong Forest Division. The Divisional Forest Officer extended the period by 60 days vide letter dated 16<sup>th</sup> March, 2022.

Under such circumstances, the petitioners have prayed for quashing the FIR. Having heard the Learned Advocate for the petitioners and the Learned Public Prosecutor, High Court, Calcutta this Court directs the petitioners to produce all documents of permission to the Investigating Officer of this case within seven days from the date of this order. If on the basis of the said order it is found that the petitioners are entitled to cut the trees in accordance with law, he shall file final report in respect of Mirik Police Station Case No. 19/2022 dated 24<sup>th</sup> April, 2022 without harassing the petitioners in any manner in accordance with law.

The instant revisional application is, accordingly, **disposed of.**

**(Bibek Chaudhuri, J.)**

Srimanta, A.R.(Ct.)

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CIN : U01132WB1981PTC033643

## SOURENEE LEAVES PRIVATE LIMITED

EXTRACT OF THE RESOLUTION PASSED AT THE BOARD MEETING OF M/S SOURENEE LEAVES PRIVATE LIMITED HELD ON TUESDAY, 15<sup>TH</sup> DAY OF NOVEMBER, 2022 AT 10:00 A.M. AT ITS REGISTERED OFFICE, 2<sup>ND</sup> FLOOR, SUNNY TOWER, SEVOKE ROAD, SILIGURI, DARJEELING -734001, WEST BENGAL.

### RESOLUTION FOR AUTHORIZING TO REPRESENT THE COMPANY IN ANY LEGAL PROCEEDINGS.

“RESOLVED THAT Mr Jayant Agarwal, Director of the Company be and is hereby authorized to file/move/present before appropriate Court, Central Government and/or such other judicial/quasi-judicial and/or administrative authority(ies) as may be deemed appropriate and advised to by the legal counsels such petitions/application including any application on behalf of the Company and any penal proceedings/complaint initiated or may be initiated against the Company and/or director/officials of the Company, and further verify, sign, affirm, submit the said petitions/applications including affidavits and other statements forming part of such petitions/application.”

Certified to be true copy  
For & on behalf of the Board

Sourenee Leaves Pvt. Ltd.

*Anubhav Agarwal*

Director

Anubhav Agarwal

Director, DIN: 07743404

Place: Siliguri  
Date: 15.11.2022

VAKALATNAMA

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BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI

Original Application No. 576/2022

**BHARAT PRAKASH RAI**

Appellant/  
petitioner/Plaintiff

---VERSUS---

**THE STATE OF WEST BENGAL & OTHERS**

Respondent/Opposite  
Party/Defendant

Vakalatnama on behalf of Sourennee Leaves Private Limited (Project proponent being Respondent No. 5)

Know all men by these presents that by the Vakalatnama I/We appoint the Advocate noted below or any one of them, my/our lawful Advocate/Advocates for filing Memorandum of Appeal or Petition for entering, appearance in the above matter for appearing in, conducting and arguing in the same for depositing or withdrawing any money in connection therewith, for moving the court in any matter connected therewith, for preparing the paper-book in the case and for putting the papers, petition, etc. on my/our behalf for filing or taking back fresh suits etc. for signing and filing petitions of compromise in connections with the said matter and for taking copies of paper from the record and I/We further say that any act done by my/our said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate/Advocates his or their fees as settled all other sums that may be necessary to carry out his requisitions of the court and otherwise to enable the Advocate/Advocates to conduct the case properly. Failing which the Advocate/Advocates after notice to me/us will be at liberty to withdrawn from the further conduct of the case.

IN WITNESS WHEREOF I/We sign and execute this Vakalatnama on this 8<sup>th</sup> day of April, 2023

NAME OF ADVOCATES

DHIRAJ LAKHOTIA (Advocate)  
For Sourennee Leaves Private Limited

Envs No. F/1449/766/2020  
Email: [lakhotiadhira@gmail.com](mailto:lakhotiadhira@gmail.com)  
Ph. No. 97352-23953

Sourennee Leaves Pvt. Ltd.



Director  
Plaintiff(s)/Appellant(s)/Respondent(s)  
Defendant(s)/Respondent(s)/Opposite Party(s)

Received on 08.04.2023 from executant to sst-  
Dhruj Lakhotia  
08/04/2023

*[Faint, mostly illegible text from a document, possibly a letter or report, with some words like 'The State of West Bengal' and 'Government of West Bengal' visible.]*

BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 576/2022

In the matter of

Bharat Prakash Rai

.... APPLICANT

VERSUS

The State of West Bengal & ors.

.... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF SOURENEE  
LEAVES PRIVATE LIMITED - PROJECT  
PROPONENT BEING RESPONDENT NO.

5

DHIRAJ LAKHOTIA

Advocate

For Sourenee Leaves Private Limited

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