

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

**IN**

Appeal No. 04 of 2020 (EZ)

**IN THE MATTER OF: -**

Bimal Gogoi

... Appellant

**-VERSUS-**

Union of India

...Respondent

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Date: 30-01-2025

Place: Guwahati

FILED BY-

*Anamika Pandey*  
Adv  
F/1748/2009

Ms. Anamika Pandey

(Advocate)

(For Respondent No.1)

✓

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

**IN**

Appeal No. 04 of 2020 (EZ)

**IN THE MATTER OF: -**

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**ADDITIONAL AFFIDAVIT ON BEHALF OF  
RESPONDENT NO.1, MINISTRY OF ENVIRONMENT,  
FOREST AND CLIMATE CHANGE**

**MOST RESPECTFULLY SHOWETH: -**

I, Hemen Hazarika, son of Late Harakanta Hazarika, aged about 44 years, presently posted as Scientist "E" in the Sub-Office, Guwahati under Regional Office Shillong, Ministry of Environment, Forest & Climate Change, Government of India at 4<sup>th</sup> Floor Housefed Complex, Rukminigaon, Six Mile, G.S. Road, Guwahati-781022, do hereby solemnly affirm and state as under: -




✓  
NOTARY  
Mumtaz Begum Kalita  
Kamrup (Metro), Guwahati  
Regd. No. KAM-17

30 JAN 2025

1. That I am duly authorized and competent to swear the present counter affidavit on behalf of Ministry of Environment, Forest and Climate Change (MoEFCC).
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. It is respectfully submitted that the instant Reply is filed by the Answering Respondent without prejudice to his right to file a fuller and more detailed reply at a later stage, if so necessary.
4. That this affidavit is being filed on behalf of the Ministry of Environment, Forest, and Climate Change (hereinafter referred to as "MoEFCC") in compliance with the directions of this Hon'ble Tribunal vide order dated 10th January, 2025 to provide detailed information concerning the proposal for non-forestry use of 0.069 ha. of forest land for Extended Reach Drilling (ERD) J-11011-150-2016-IA-II(I) I/94912/2025 under Dibru-Saikhowa National Park, Assam, by M/s. Oil India Limited, Tinsukia.



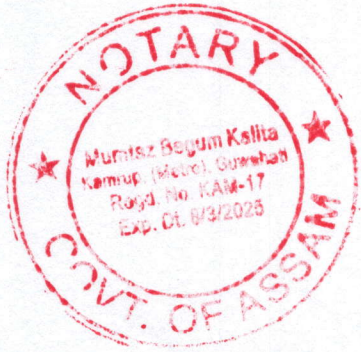
  
NOTARY  
Mumtaz Begum Kalita  
Kamrup (Metro), Guwahat  
Regd. No. KAM-17

30 JAN 2025



**A copy of the order dated  
10.01.2025** has been annexed  
herewith as **Annexure R1/1.**

5. That a proposal was submitted by M/s. Oil India Ltd., Tinsukia, seeking prior approval of the Central Government under Section 2(1)(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, for the non-forestry use of forest land for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam.
6. That the said proposal was primarily considered in Advisory Committee meeting held on 04.07.2024. After detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong and State Government officials, the Committee decided to recommend for rejection of the proposal for non-forestry use of 0.069 ha. of Dibru Saikhowa National Park area for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam in accordance with the orders of the Hon'ble



NOTARY  
Mumtaz Begum Kalita  
Kamrup (Metro), Guwahat  
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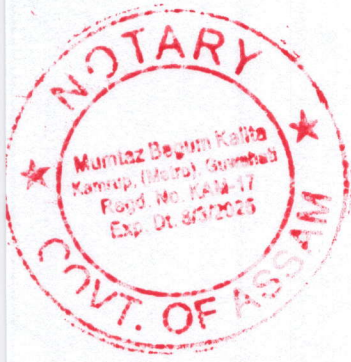
30 JAN 2025

Supreme Court dated 04.08.2006, reiterated vide its order on 26.04.2023 in T.N. Godavarman Thirumulpad v. Union of India &Ors (WP(C) No. 202 of 2015) read with the Ministry letter No. 11/46/2020-FC dated 12.09.2023.

7. That the above decision of the Committee was communicated to the State Government vide Ministry letter No. 3-ASB/037/2021/GHY dated 02.08.2024. Further, a communication was received in the answering Ministry from Dr. Pallavi Jain Govil, Director General, Directorate General of Hydrocarbons explaining the importance of ERD technology and it was requested to convene a meeting with all stakeholders (MoEFCC, WII, OIL, DGH) to decide on further course of action to resolve the impasse.

**A copy of letter dated 02.08.2024** has been annexed herewith as **Annexure R1/2.**

8. That accordingly, a meeting was scheduled on 11.11.2024 under the chairmanship of DGF&SS along with all stakeholders (MoEFCC, WII, OIL, DGH). Further, after detailed discussion with Director General, Directorate

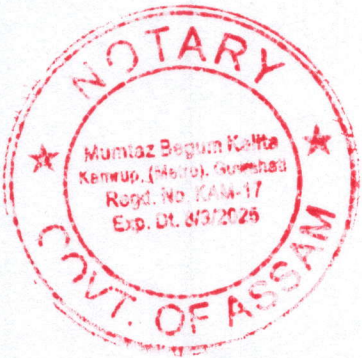
  
**NOTARY**  
Mumtaz Begum Kalita  
Kamrup (Metro), Guwahat  
Regd. No. KAM-17

**30 JAN 2025**

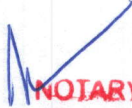
General of Hydrocarbons, Director, Wildlife Institute of India and Chairman and Managing Director, Oil India Limited, it was deliberated in the meeting that in order to carry out R&D study in the same oil well for which the extraction proposal was rejected, the stakeholders were advised that fresh proposal for R&D purpose may be submitted in PARIVESH 2.0 portal seeking permission for using ERD Technology.

**A copy of Minutes of Meeting dated 11.11.2024** has been annexed herewith as **Annexure R1/3.**

9. That the above decision was communicated to all stakeholders vide Ministry letter No. 3-ASB/037/2021/GHY dated 18.11.2024.



**A copy letter dated 18.11.2024** has been annexed herewith as **Annexure R1/4.**

  
NOTARY 30 JAN 2025  
Muntaz Begum Kalita  
Kamrup (Metro), Guwahat  
Regd. No. KAM-17

10. Therefore, it is respectfully submitted that the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

**VERIFICATION**

Verified at Guwahati on this 30<sup>th</sup> day of January, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge based on records and no part of it is false and nothing material has been concealed therefrom.

**Identified by:**

*Mehboob Alam*

**(MEHBOOB ALAM)**

**Advocate**

**Gauhati High Court**

**Bar Council Enrolment No. 571/2017**

*Dr. Hemen Hazarika*  
(*Collector*)  
**DEPONENT**

*Mehboob Alam*  
Advocate  
Gauhati High Court

**NOTARY**  
Mumtaz Begum Kalita  
Kamrup (Metro), Guwahat  
Regd. No. KAM-17

**30 JAN 2025**



**ANNEXURE-R1/1**

Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Appeal No.04/2020/EZ

Bimal Gagoi &amp; Anr.

Appellant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 10.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**For Appellant(s) : Mr. Ritwick Dutta, Adv. a/w  
Mr. Kaustav Dhar, Adv. (in Virtual Mode)For Respondent(s): Ms. Anamika Pandey, Adv. for MoEF&CC (in Virtual Mode),  
Mr. Parthiv K. Goswami, Sr. Adv. a/w  
Mr. Rahul Pratap for R-2 (in Virtual Mode),  
Mr. Shayambar Dev, Adv. for R-3 (in Virtual Mode),  
Ms. Malabika Roy Dey, Adv. for R-4**ORDER**

1. Mr. Ritwick Dutta assisted by Mr. Kaustav Dhar, learned Counsel is present (in Virtual Mode) on behalf of the Appellants.
2. Ms. Anamika Pandey, learned Counsel appearing on behalf of the Ministry of Environment, Forests and Climate Change (MoEF&CC) states that decision has been taken by the Ministry rejecting the proposal of the State Government for non-forest use vide order dated 02.08.2024. It is shocking that the order has not been placed before this Tribunal even after six months and the Appeal is of 2020.
3. Mr. Parthiv K. Goswami, learned Senior Counsel appearing (in Virtual Mode) for the Respondent No.2, Oil India Limited states that he has also not been communicated any decision of the MoEF&CC.

4. Mr. Ritwih Dutta, learned Counsel for the Appellant also submits that no such decision is available in the public domain and he is not aware of any such order.
5. However, Ms. Anamika Pandey also states that subsequently a fresh meeting was held on 11.11.2024 for further deliberations. Let her file an affidavit giving full details of the proceedings before the Ministry of Environment, Forests and Climate Change.
6. Let the affidavit be positively filed by 31.01.2025.
7. **List on 31.01.2025.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

January 10, 2025,  
Appeal No.04/2020/EZ  
SKB

**ANNEXURE-R1/2**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jor bagh Road  
New Delhi – 1100 03  
**Dated: As per e-Signature**

To,

The Special Chief Secretary (Forests),  
Department of Forest and Environment,  
Government of Assam,  
Dispur.

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Oil India Ltd., Tinsukia for non-forestry use of 0.069 ha. of forest land for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam (Online Proposal No. FP/AS/MIN/28749/2017)-regarding.**

Sir/Madam,

I am directed to refer to Government of Assam letter No. FRS.21/2021/30 dated 17.07.2021 on the above-mentioned subject seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. In this regard it is informed that the matter was discussed in the Advisory Committee (AC) in its meeting held on 04.07.2024. The detailed minutes of the said AC meeting are uploaded at [parivesh.nic.in](http://parivesh.nic.in).

The Committee after detailed discussion and deliberation with the DDGF (Central), RO Shillong, officials of the Government of Assam and after going through the facts of the proposal, decided to recommend for **rejection** of the proposal for non-forestry use of 0.069 ha. of Dibru Saikhowa National Park area for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam in accordance with the orders of the Hon'ble Supreme Court dated 04.08.2006, reiterated vide its order on 26.04.2023 in T.N. Godavarman Thirumulpad v. Union of India & Ors (WP(C) No. 202 of 2015) read with the Ministry letter No. 11/46/2020-FC dated 12.09.2023.

Keeping this in view the above proposal for diversion of forest land stands **rejected**.

This issues with the approval of competent authority.

Yours faithfully,  
**Sd-**  
**(S. Sundar)**

Assistant Inspector General of Forests

**Copy to: -**

1. The Principal Chief Conservator of Forests (HoFF), Government of Assam, Dispur.
2. The DDGF (Central), Regional Office, Shillong of MoEF&CC.
3. The APCCF-cum-Nodal Officer, Government of Assam, Dispur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF& CC, New Delhi, for uploading.

**ANNEXURE-R1/3****Minutes of Meeting to discuss issue related to Extended Reach Drilling (ERD) under the Chairmanship of DGF&SS, MoEF&CC on 11.11.2024.**

A meeting under the chairmanship of DGF&SS, MoEF&CC was held on 11.11.2024 to discuss the ERD proposal submitted by the Wildlife Institute of India (WII) to assess the environmental impacts of Extended Reach Drilling (ERD) technology on above-ground biodiversity and establish region-specific guidelines. Following officer were present in the meeting:

1. Shri Jitendra Kumar, DGF&SS, MoEF&CC.
  2. Dr. Pallavi Jain Govil, Director General, Directorate General of Hydrocarbons.
  3. Shri Ramesh Kumar Pandey, IGF (FC), MoEF&CC.
  4. Shri Kaustav Nag, ADG (Exploration), Directorate General of Hydrocarbons.
  5. Shri Saloma Yomdo, Director (Exploration & Development), Oil India Limited.
  6. Shri Virendra Tiwari, Director, Wildlife Institute of India.
  7. Dr. Bilal Habib, Scientist, Wildlife Institute of India.
  8. Shri S. Sundar, AIGF (FC), MoEF&CC.
  9. Shri G.L Das, Directorate General of Hydrocarbons.
  10. Miss Pooja Verma, Directorate General of Hydrocarbons.
  11. Shri Pranjal Saharia, Oil India Limited.
  12. Shri Ashutosh Narayan Pandey, Oil India Limited.
1. DG, DGH presented the background and complete chronology of the ERD proposal, covering the progression from the inclusion of the policy agenda in the Empowered Coordination Committee (ECC) in 2020 to approval granted by the MoEFCC in 2023 for use of ERD technology for drilling under Forest land. Further, DGH explained the Extended Reach Drilling (ERD) technology to be used for extracting hydrocarbon beneath 3900-4000 meters of Dibru Saikhowa National Park.
  2. Director (Exploration & Development), Oil India Limited informed that DGH in collaboration with OIL, has proposed four potential ERD well locations BJG/BJE/BJD/BJF for research purposes.
  3. These wells are part of the larger 7-well ERD for which the Forest Clearance proposal has been rejected during the Forest Advisory Committee (FAC) meeting held on 4<sup>th</sup> July 2024, citing Supreme Court orders of 2006 & 2023 and the MoEFCC's Office Memorandum dated 12<sup>th</sup> September 2023.
  4. One of the proposed sites is planned for drilling at a depth of approximately 3,900 meters and a horizontal reach of approx. 700 meters below the Dibru-Saikhowa National Park. A video presentation on ERD technology was also shown in meeting to illustrate the operations and environmental impact mitigation measures involved in the drilling process.
  5. IGF (FC) briefed the officers present about the ERD proposal for Mining and various orders of Hon'ble Supreme Court as well as SOP issued by WII for drilling.
  6. DG, DGH informed the officers that the proposal for carrying out R&D study by WII to assess the environmental impacts of Extended Reach Drilling (ERD) technology

on above-ground biodiversity and establish region-specific guidelines be allowed in the interest of leveraging the benefits of ERD technology.

7. Director, Wildlife Institute of India concurred with DG, DGH and stated that the it is only after the actual drilling is done that the impact of the drilling on the above-ground biodiversity may be studied and reported on by WII. It was further informed that the same study shall be carried out with conditions mentioned in SOP submitted by WII which were accepted by the Ministry.
8. DGF&SS informed that since issue of extraction via ERD into the National Park lead to violation of Hon'ble Supreme Court order dated 04.08.2006 and 26.04.2023 in T.N. Godavarman Thirumulpad vs Union of India & Ors (WP(C) No. 202 of 2015) the proposal for extraction was rejected by the Ministry.
9. On the matter of carrying out the R&D Study in the same oil well for which the extraction proposal was rejected, the DGF&SS stated that a fresh proposal for R&D purpose may be submitted in PARIVESH 2.0 portal seeking permission for using ERD Technology.

*The meeting ended with vote of thanks to the chair.*

**ANNEXURE-R1/4**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

\*\*\*\*\*

Indira Paryavaran Bhawan,  
Aliganj, Jor Bag Road,  
New Delhi- 110003.  
**Dated:18-11-2024**

**Office Memorandum**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Oil India Ltd., Tinsukia for non-forestry use of 0.069 ha. of forest land for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam (Online Proposal No. FP/AS/MIN/28749/2017)- regarding.**

Sir,

A meeting under the chairmanship of DGF&SS, MoEF&CC was held on 11.11.2024 to discuss the ERD proposal submitted by the Wildlife Institute of India (WII) with all stakeholders i.e. WII, OIL & DGH. Minutes of the said meeting is attached for your kind information and necessary action.

This issue with the approval of Competent Authority.

Yours faithfully,

Signed by Sundar

Sambamoorthi

Date: 19-11-2024 17:42:21

Sd/-

(S. Sundar)

Assistant Inspector General of Forests

**Copy to:**

1. PPS to DGF&SS, Ministry of Environment, Forest and Climate Change.
2. Dr. Pallavi Jain Govil, Director General, Directorate General of Hydrocarbons (hodenvironment@dghindia.gov.in; dg@dghindia.gov.in).
3. IGF (FC), Ministry of Environment, Forest and Climate Change.
4. Director, Wildlife Institute of India, Dehradun (dwii@wii.gov.in; vrt@wii.gov.in).
5. Chairman and Managing Director, Oil India Limited, Plot No.19, Sector 16A, Noida (oilindia@oilindia.in).
6. Monitoring Cell, FC Division, MoEF&CC.

**Minutes of Meeting to discuss issue related to Extended Reach Drilling (ERD) under the Chairmanship of DGF&SS, MoEF&CC on 11.11.2024.**

A meeting under the chairmanship of DGF&SS, MoEF&CC was held on 11.11.2024 to discuss the ERD proposal submitted by the Wildlife Institute of India (WII) to assess the environmental impacts of Extended Reach Drilling (ERD) technology on above-ground biodiversity and establish region-specific guidelines. Following officer were present in the meeting:

1. Shri Jitendra Kumar, DGF&SS, MoEF&CC.
  2. Dr. Pallavi Jain Govil, Director General, Directorate General of Hydrocarbons.
  3. Shri Ramesh Kumar Pandey, IGF (FC), MoEF&CC.
  4. Shri Kaustav Nag, ADG (Exploration), Directorate General of Hydrocarbons.
  5. Shri Saloma Yomdo, Director (Exploration & Development), Oil India Limited.
  6. Shri Virendra Tiwari, Director, Wildlife Institute of India.
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  10. Miss Pooja Verma, Directorate General of Hydrocarbons.
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  12. Shri Ashutosh Narayan Pandey, Oil India Limited.
1. DG, DGH presented the background and complete chronology of the ERD proposal, covering the progression from the inclusion of the policy agenda in the Empowered Coordination Committee (ECC) in 2020 to approval granted by the MoEFCC in 2023 for use of ERD technology for drilling under Forest land. Further, DGH explained the Extended Reach Drilling (ERD) technology to be used for extracting hydrocarbon beneath 3900-4000 meters of Dibru Saikhowa National Park.
  2. Director (Exploration & Development), Oil India Limited informed that DGH in collaboration with OIL, has proposed four potential ERD well locations BJG/BJE/BJD/BJF for research purposes.
  3. These wells are part of the larger 7-well ERD for which the Forest Clearance proposal has been rejected during the Forest Advisory Committee (FAC) meeting held on 4<sup>th</sup> July 2024, citing Supreme Court orders of 2006 & 2023 and the MoEFCC's Office Memorandum dated 12<sup>th</sup> September 2023.
  4. One of the proposed sites is planned for drilling at a depth of approximately 3,900 meters and a horizontal reach of approx. 700 meters below the Dibru-Saikhowa National Park. A video presentation on ERD technology was also shown in meeting to illustrate the operations and environmental impact mitigation measures involved in the drilling process.
  5. IGF (FC) briefed the officers present about the ERD proposal for Mining and various orders of Hon'ble Supreme Court as well as SOP issued by WII for drilling.
  6. DG, DGH informed the officers that the proposal for carrying out R&D study by WII to assess the environmental impacts of Extended Reach Drilling (ERD) technology

**Appeal 04-2020-EZ- Bimal Gogoi vs Union of India-reg**

Me &lt;iro.guwahati-mefcc@gov.in&gt;

Thu, 30 Jan 2025 4:28:17 PM +0530

To "legumjure" &lt;legumjure@gmail.com&gt;

Cc "Legal Monitoring Cell (LMC)" &lt;lmc.moefcc@gov.in&gt;, "mxmwindows" &lt;mxmwindows@live.com&gt;

Madam,

Please find the scanned copy of the approved Notarized affidavit dated 30-01-2025 in the above-mentioned matter for serving to the opposite parties required for E-filing. The NDOH is 31-01-2025.

Regards,  
Mehboob Alam, Advocate  
LA, SO-Guwahati  
MoEF&CC  
Govt. of India

📎 **1 Attachment(s)** • Download as Zip



Affidavit 30-01-2025 in App04-2... .pdf  
9.9 MB • 🗑️