

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

INTERLOCUTORY APPLICATION NO. 31 OF 2020

IN

O. A. No. 44/2020/EZ

IN THE MATTER OF:

Oil India Limited

.....APPLICANT

VERSUS

Wildlife and Environment Conservation Organisation & Ors

.....RESPONDENTS

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BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

(PRINCIPAL BENCH)

INTERLOCUTORY APPLICATION NO. OF 2020

IN

O. A. No. 44/2020/EZ

MEMO OF PARTIES

IN THE MATTER OF O.A. No. 44/2020/EZ:

1. OIL INDIA LIMITED,

Having its registered Office at Duliajan,

P.O-Duliajan, District-Dibrugarh, PIN-786602,

Represented by its Chairman & Managing Director

..... **Applicant**

Versus

1. Wildlife And Environment Conservation Organisation

Through its Director

Dambaru Chutia

Having its office at:-

Maguri Tourist Resort,

Purani MotaPung Village

P.O.- Bor Gaon, District Tinsukia Assam-786170

2. Union of India

Through Secretary,

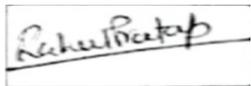
Ministry of Petroleum and Natural Gas,

Shastri Bhawan, New Delhi-110001

3. State of Assam,
Through its Principal Secretary,
Block "CM", Third Floor, Janata Bhawan, Dispur, Guwahti-6
4. Assam Pollution Control Board
Milanpur, West Jyoti Nagar, Bamunimaidan
Guwahati-Assam-781004
5. Central Pollution Control Board
Parivesh Bhawan, Maharishi Valmiki Marg,
East Arjun Nagar, Vishwas Nagar Extension,
Vishwas Nagar, Shahdara, Delhi-110032
6. Ministry of Environment and Forest
Indira Paryavarhan Bhawan, Aliganj,
Jor Bagh Road, New Delhi-110003

.....**Respondents**

Through

P. Goswami 

(Mr. Parthiv K. Goswami and Mr. Rahul Pratap)

Advocates for the Applicant

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

INTERLOCUTORY APPLICATION NO. OF 2020

IN

O.A. No. 44 of 2020/EZ

IN THE MATTER OF:

Oil India Limited

..... Applicant

//Versus//

Wildlife And Environment Conservation Organisation

..... Respondents

Interlocutory Application seeking recall/modification on behalf of the Applicant of the ex-parte order dated 24.06.2020 passed by this Hon'ble Tribunal in O.A. No. 44/2020/EZ

To,

The Hon'ble the Chairperson, His Companion Justices and Companion Members of the Hon'ble National Green Tribunal

The Humble petition of the

Applicant above named

MOST RESPECTFULLY SHOWETH:

1. The Applicant Company by way of the present Application humbly seeks recall/modification of the ex-parte order dated 26.06.2020 passed by this Hon'ble Tribunal in O.A. No. 44/2020/EZ, whereby, the Hon'ble Tribunal was, *inter-alia*, pleased to constitute a Committee of Expert, without having

sufficient number of Technical Members, to look into the matter on the initial terms of reference and further directed the Applicant Company to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam, without being apprised of the steps taken by the Applicant Company pursuant to the blowout at Baghjan #5. It is pertinent to mention that the above direction has been issued by this Hon'ble Tribunal purportedly on the basis of some unverified Newspaper Article, without giving any opportunity to the Applicant of being heard. A true copy of the interim Order dated 24.06.2020 passed by this Hon'ble Tribunal, in O.A No 43/2020/EZ and O.A No. 44/2020/EZ is being annexed herewith and marked as **Annexure MA/1**.

2. That the brief facts leading to filing of the present Application before this Hon'ble Tribunal are being narrated hereunder:

(a) That, the Applicant Company / Oil India Limited (herein after referred as OIL) is a Central Government Company under the Ministry of Petroleum and Natural Gas, having its registered office at Duliajan in the District of Dibrugarh. Oil India Limited is a premier Indian National Oil Company under the administrative control of Ministry of Petroleum and Natural Gas, Govt. of India. OIL is engaged in the business of Exploration, Development and Production of Crude Oil and Natural Gas, Transportation of Crude Oil and Production of LPG. Oil India Limited is pioneer in exploration and production of hydrocarbon in India, has been serving the nation for many a

decades. Oil India is an integrated upstream Petroleum Company performing the following main activities:

1. Exploration for hydrocarbons.
2. Production of crude oil and natural gas.
3. Transportation of crude oil to refineries.
4. Supply of gas to consumers.
5. Extraction and bottling of LPG.

Oil India owns and operates a wide array of facilities and equipment to carry out seismic and geodetic work, 2D and 3D data acquisition, processing and analysis, onshore and offshore drilling, oil and gas field development and production, LPG production and other ancillary services to make it a fully integrated E&P company.

(b) That the Applicant Company begs to state that the Company has been steadily improving its performance year after year in the areas of production, sales, accretion to reserves, etc. The Company's operational areas are spread in the States of Assam, Orissa, Rajasthan, Uttar Pradesh and also Arunachal Pradesh. Baghjan structure was identified way back in 1991 based on limited seismic data and later re-defined based on additional 2D seismic data of 1999-2000. The presence of commercial hydrocarbon in the area was first established in the first well (Baghjan-1) drilled in the

structure in March 2003, when two sands within Lakadong+Therria produced gas with minor amount of light oil/condensate. In 2004-05, the Baghjan area was covered with 3D seismic for further development of the field.

(c) That the Applicant Company begs to state that Baghjan Field is located at a distance of approximately 70 KM from Digboi, Eastern Asset Field Office and Field Headquarters (FHQ), Duliajan. Baghjan is one of the main hydrocarbon producing fields within OIL's operational area in Assam. Consequent upon the successful commercial discovery of crude oil at Location-TP (BGN#2) exploitation of hydrocarbon from the field was started from the year 2005. As the field was found to be highly prolific in nature, an Early Production Setup (EPS) was constructed in year 2008 at the plinth of Location-TP for handling the produced crude. The EPS is designed for handling capacity of 2700 Kilo Liters Per Day (KLPD). So far, 31 Nos. of wells have been drilled in Baghjan Oilfield including 3 Water disposal well. Out of which 21 wells are on regular production in Baghjan EPS with total production of 1222 Kilo Litter Oil Per Day(KLOPD), 287 Kilo Litter Water Per Day(KLWPD) and 1.6 Million Standard Cubic Meter Per Day(MMSCMD) gas as on date. It is pertinent to mention herein that total of 31 wells were drilled including 3 wells as water disposal wells as on date. Out of the 28 wells drilled for hydrocarbon prospects, 05 wells including BGN#05 were

completed as Gas wells and the remaining 23 wells were completed as Oil wells. Currently out of these 28 wells, 05 wells are temporarily shut-in and 01 well is permanently abandoned. As such, prior to workover of BGN#5, 22 wells were on production. After blowout of BGN#5, 21 wells are in production with a total production of 1222 KLPD crude oil and approx. 1.77 MMSCMD natural gas.

(d) That the Applicant Company begs to state that Baghjan Field has following infrastructure;

- i. Well plinths distributing 31 wells: 08
- ii. Flowline Indirect Heaters for flow assurance of produced hydrocarbons: 10
- iii. Production Installation (In full operation): 01
- iv. Compressor Station (BOO) to process LP Gas: 01
- v. VDP securities are deployed to guard Flowline Indirect Heaters
- vi. AISF Security to carryout round the clock patrolling of wellplinths to avoid miscreant activities.

Furthermore, all producing and non-producing wells are connected by 100mm NB (4") of grade X-46 & X-60 flowlines from respective wells to Baghjan EPS for processing of crude oil and gas prior to its dispatch to Central Tank Farm(CTF), Duliajan. The

processed gas at Baghjan Early Production System(EPS) is dispatched to Madhuban Central Gas Gathering System(CGGS) at Duliajan via a 16” Gas line, whereas the processed crude oil is dispatched to CTF Duliajan via 8” Crude Oil Delivery Line. The flare of Low pressure (LP) Gas is minimal and around 8000 SCMD only as BOO compressors are in place to minimize the same. Produced formation water is disposed safely as per statutory guidelines in 03 Nos. of Water Disposal Wells (WDW). Moreover, an Effluent Treatment Plant (ETP) of 1000 Kilo Litter capacity is planned in the proposed FGGS.

(e) That the Applicant Company begs to state that following the discovery of oil and gas in Baghjan area by OIL in the year 2003, the State of Assam with prior approval from the Ministry of Petroleum and Natural Gas, Govt. of India, granted Petroleum Mining Lease (PML) to M/s Oil India Limited (OIL) for carrying out E&P activities w.e.f. 14.05.2003 and since then OIL is operating in the said area. It is pertinent to mention herein that the said approval for Petroleum Mining Lease was granted for a period of twenty years from the effective date i.e. 14.05.2003. A true copy of the Order dated 15.04.2004 issued by the Ministry of Petroleum and Natural Gas, granting approval for Petroleum Mining Lease to OIL is being annexed herewith and marked as **Annexure MA/2.**

- (f) That the Applicant Company begs to state that as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Applicant company approached the Competent Authorities and after various parleys and decisions, the Applicant Company submitted the Consent Application for Consent to Establish & Consent to Operate for drilling of 33 Nos. Wells at different areas including drilling of Baghjan BGN#5 (named as Location-TN at drilling stage) well to the Regional Office, Pollution Control Board, Assam vide OIL's Letter dated S&E/E/20/723 dated 05.07.2006 in view of the fact that Baghjan BGN#5 well was drilled in the year Nov 2006. Requisite fee against the referred Consent Application was deposited vide Company's Letter under Ref. No. S&E/E/20/992 dated 12.09.2006 (Demand Draft No. 085532 dated 09.08.2006).
- (g) That the Applicant Company begs to state that similarly Baghjan EPS was put in operation on 13.06.2008 and as such, the Applicant Company submitted the Consent Application of the Production Installations to the Regional Office, Pollution Control Board, Dibrugarh, Assam vide OIL's Letter under Ref. No. S&E/E/20/769 dated 30.06.2008. It is pertinent to mention herein that the said Application covered the Baghjan EPS, the production installation located at Baghjan Oilfield. Requisite fee against the said Consent application was deposited vide Company's Letter under Ref. No. S&E/E/20/867 dated 22.07.2008 (Demand Draft No. 152451 dated

14.07.2008) and accordingly Consent was granted vide Order under Ref. No. WB/Z-I/T-877/94-95/192/854 dated 09.03.2009 issued by the Pollution Control Board, Assam. Accordingly annual submission of application for consent to operate was tendered by the Applicant Company annually and the same have all along been accepted by the Pollution Control Board, Assam. A true copy of the Order under Ref. No. WB/Z-I/T-877/94-95/192/854 dated 09.03.2009 issued by the Pollution Control Board, Assam, granting Consent to Operate is being annexed herewith and marked as **Annexure MA/3.**

(h) That the Ministry of Environment, Forest & Climate Change (MoEF&CC) published Environmental Impact Assessment Gazette Notification on 14th Septemeber, 2006 and since then, OIL/Applicant initiated process of obtaining Environmental Clearance(EC) from the Ministry of Environment, Forest and Climate Change (hereafter referred as MoEF&CC). The Environmental Clearance for drilling wells in North Hapjan-Tinsukia-Dhola EC Block covering Baghjan Oil field was obtained in the year 2011 vide File Ref. No. J-11011/1255/2007-IA II(I) dated 1st November 2011. A true copy of the Environmental Clearance for drilling wells dated 1st November 2011 is being annexed herewith and marked as **Annexure MA/4.** Similarly, Environmental Clearances for setting up of Production Installations for other projects in the same area were obtained vide EC Ref. Nos J-11011/463/2008-IA II (I) dated 16th January 2012 &

Nos J-11011/463/2008-IA II (I) dated 12th January 2011& J-11011/882/2008-IA II (I) dated 17th June 2013.

- (i) That the Applicant Company begs to stat that apart from above, NBWL clearances, as per Specific Environmental Clearance condition, were obtained for setting up of the production installations including laying of pipelines vide Minutes of 27th Meeting of Standing Committee of NBWL under Ref. File No. 6-43/2007 WL-I(pt) dated 24th January 2013 as well as vide Minutes of 31st Meeting of Standing Committee of NBWL under Ref. File No. 6-47/2014 WL dated 03.12.2014. A true copy of the relevant portions of the NBWL clearance is being annexed herewith and marked as **Annexure MA/5.**
- (j) That the Well BGN#5 was Producing 88000 SCMD of gas with 29 klpd condensate from 3870 m langpar sand since September 2015. Geology & Reservoir Department anticipated that further production may lead to fast depletion of the reservoir pressure of the gas cap of BHN001 Block resulting in lesser recovery. The workover operation at BGN#5 well was proposed and accordingly Rig: CH#9 of M/s- John Energy Ltd was deployed to carry out the workover operation. The workover operation was carried out from 25.04.2020 and the initial objective was completed on 18.05.2020 as per workover program. But after the perforation when the well was about to divert

to oil collection station, pressure rose in the casing side due to leakage from tubing side. So, it was decided to kill/subdue the well and again recompleted with same tubing. While well killing/ subduing, a pressure was observed at outer casing which may have come from inner casing through a spool called Well Finish spool (WF spool). After the well was subdued/ killed(Sodium Format Solution is infused to cap well pressure), tubing were pulling out of hole. In between the WF spool was tested and was found leakage. Then it was decided to change the WF spool. Prior to changing of WF spool, it was decided to put a secondary barrier as cement plug of 100m in the Well. Accordingly, a program was made to carry out cement plug job as per the program on 26.05.2020. On 27.05.2020, the Operation for change of WF spool was taken up. However, this operation required to remove the Blow out Preventer (BOP) placed at the top of the well, and accordingly, BOP was removed. After removing the BOP, kick was observed at around 9.00 AM. The Operator tried to shut-in the well to stop the kick, but couldn't succeed.

- (k) The Well suddenly became very active and has resulted into a major blowout at around 10.30 AM, without any incident of fire while workover operation was on, under service Contract by M/s John Energy Limited, Ahmedabad, Gujarat. However, there was no incident of any fire/injury/causality. District Authorities were immediately informed about the incident and were also requested for

support including support for addressing any law and order situation that could arise.

- (l) That in pursuance thereof, Crisis Management Team (CMT) members from ONGCL and an Expert Team from ONGCL, Vadodara, approached the well head taking all precautionary measures and opened the casing valve and started pumping water through the casing valve. Water is being pumped continuously through the valve into the Well head. In addition to that 7-8 nos. water monitor was placed for spraying of water through fire pump continuously to the cool wellhead. OIL has also contacted Global Expert to control the blowout. Accordingly, OIL appointed 3 Global Experts in Well Control Operation from *M/s Alert Disaster Control* and is working at the blow-out site since 08.06.2020. Around one thousand six hundred and ten (1610) families have been evacuated from the nearby affected areas and are camped in four relief camps set up at (i) Baghjan Dighulturrang L P School. (ii) St. Joseph School - Baghjan Tea Estate and (iii) Gateline LP School, Dighultarrang , iv) No.1 Baghjan Gaon L P School . All necessary supports for stay, food (including baby food), water, toilets, electricity and medical and veterinary care have been provided at the relief camps with support from District Administration and local organizations. Subsequently number of camps has been increased to 10 nos. All Safety and security measures are continuously being monitored to protect

surrounding villagers and their properties by the working teams. Protection of the environment would be paramount while carrying out the Well Control Operation. OIL engaged an NABET accredited consultant to carry out Environment Impact Assessment Study to examine impact on environment and to suggest mitigation measures. The consultant team reached the site and started the work. A team of officials from OIL is at site to look after the relief camps. Ambulance with Para-Medical staffs are kept as standby.

- (m) That in the meantime, on 30.05.2020, OISD(Oil Industry Safety Directorate) has constituted a Committee to investigate blowout incident at Baghjan#5. It is pertinent to mention herein that OISD is a technical Directorate under the Ministry of Petroleum and Natural Gas that formulates and coordinates the implementation of a series of self regulatory measures aimed at enhancing the safety in the oil & gas industry in India. The main objective of the OISD are Standardization, Formulation of Disaster Management Plan, Accident Analysis and Evaluation of Safety Performance. That, thereafter, altogether 5 Committee were constituted to cause an enquiry into the incident with different scope of investigation including the State of Assam and Ministry of Petroleum & Natural Gas. True copies of the various Order, constituting the Enquiry Committee are being annexed herewith and marked as **Annexure MA/6 Colly.**

- (n) That, OIL/Applicant has engaged M/s TERI for Bio-remediation for impact of blowout on environment and site assessment was carried out jointly by Officials from M/s TERI and OIL on 06.06.2020. A team of National Disaster Response Force (NDRF) reached the site. On 08.06.2020, three experts of Singapore based firm “M/s Alert Disaster Control Asia Pte Ltd” reached Duliajan in the wee hours of 08-06-2020. Experts from Singapore based firm “M/s Alert Disaster Control” visited the well site on 08-06-2020 to assess the available facilities for well control operation and for preparation of the plan of action and that NDRF team is assisting the relief operation. CMD, OIL along with Director (HR&BD), Director (E&D) and Director (O) are stationed at Duliajan to constantly monitor the situation and the guide the team.
- (o) That, however, at around 1.14 PM of 09.06.2020, the Blowout Well caught fire. Experts’ team from M/s Alert, Singapore assessed the condition of the well at site in presence OIL team led by Directors and ONGC CMT team. Immediately after the fire, there were violent protests around the well site by local villagers. Violent mob gathered around the site and threatened the Operating Personnel at site. Some vehicles were damaged. After receiving the information of the incident, DC and SP- Tinsukia District immediately rushed to the site along with Police Force.

- (p) That in the said accident, Two Fire Service Personnel of OIL lost their lives. After the post mortem, the dead bodies of the two employees of OIL, who valiantly sacrificed their lives on duty for the Company, were received with full honours in Duliajan. CMD and Director (HR&BD) paid homage in presence of other OIL employees. CMD, OIL and Director (HR&BD), OIL handed over cheque of Rs 30.00 Lakh each to the wives of the deceased fire-fighters, Late Tikheswar Gohain and Late Durlov Gogoi of OIL under the Company's social security scheme on 15th June, 2020 at their residences in Duliajan. In addition, it has been announced that one of the eligible dependents of each of the two families shall be offered employment with OIL on compassionate ground. Affected people in the surrounding areas are accommodated in 12 relief camps with the help of District Administration and arrangement for food and other basic needs have been made. Police Personnel are deployed by the District Administration for maintaining law & order situation at site and surrounding areas. Drilling activities in few locations near Baghjan area have been suspended due to ongoing protest by local people.
- (q) That on 11.06.2020, Oil India Limited has deposited an amount of Rs.4,83,00,000/- to the District Authority, Tinsukia as an immediate interim relief to the 1610 affected families as decided by the District Administration. A True copy of the Payment Advice is being annexed herewith and marked as **Annexure MA/7.**

(r) That Shri Nirantan Gohain has approached the Hon'ble Gauhati High Court by filing a Public Interest Litigation being PIL No. 34/2020, seeking a direction from the Hon'ble High Court to direct OIL & John Energy to pay compensation to the tune of about Rs. 310 Crores towards various heads as compensation and damages caused on account of Blow out in Baghjan Well. The Petitioner has also sought for a direction of high level independent enquiry by an Investigating Agency. The said PIL was listed before the Hon'ble Court for consideration on 12.06.2020. The Hon'ble High Court after hearing the parties including the present Appellant, has disposed of the same by granting liberty to the Petitioner to file a fresh Petition, if genuine public cause demands, however, on the basis of relevant data and findings recorded by the Enquiry Agencies. A True copy of the Order dated 12.06.2020 passed by the Hon'ble Gauhati High Court in PIL No.34/2020, is being annexed herewith and marked as **Annexure RA/8.**

(s) That pursuant thereof, Shri Mrinmoy Khataniar and & Anr has filed a PIL being numbered as PIL No.35 of 2020, challenging the Minutes of EAC dated 27/28.02.2018, whereby, projects discussed under heading 20.3.1 and 20.6.17 were granted exemptions from public hearings as mandated under Para 7(iii) of the EIA Notification dated 14.09.2006. The petitioners have also challenged the Letter dated 11.05.2020 of the MoEFCC, whereby, environment clearance has

been granted for 7 locations under Dibru Saikhowa National Park. Apart from claiming the compensation for the affected people, the Petitioners have also prayed for inquiry by the CBI and Central Vigilance Commission. The Hon'ble Division Bench of Hon'ble Gauhati High Court, vide its Order dated 21.06.2020, fixed the case on 13.07.2020.

(t) That similarly, Shri Gautam Uzir, Sr. Advocate of Gauhati High Court has filed PIL being numbered as PIL No. 39/2020, seeking a direction towards constitution of a High Level Committee to be monitored by the High Court and headed by a retired Judge of the High Court for causing in-depth assessment into the extent of loss of life and property of the individuals/families residing in the said affected area of Baghjan. The said PIL will be listed before the Hon'ble Gauhati High Court on 13.07.2020.

(u) That although the aforesaid PIL's are pending before the Hon'ble Gauhati High Court for consideration, yet, the Respondents have filed Original Application (O.A) being O.A No 43 of 2020/EZ and O.A No 44 of 2020/EZ for issuance of direction, amongst others, in respect of constituting an independent Committee of experts, monitored by the Tribunal, to visit the site and submit a report to the Tribunal within a reasonable period and to direct the Oil India Limited to provide relief and compensation to victims of the Gas leak and fire.

This Hon'ble Tribunal, vide, ex-parte order dated 24.06.2020 in O.A No 43 of 2020/EZ and O.A No 44 of 2020/EZ, was pleased to constitute a Committee of Expert, without having sufficient number of Technical Members, to look into the matter on the initial terms of reference as well as directed the Applicant to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam without taking into the consideration the steps taken by the Applicant Company pursuant to blow out in Baghjan.

(v) That the Applicant was served a copy of the O.A.No.43/2020/EZ and the order dated 24.06.2020 on 26.4.2020. Further, a copy of the O.A.No.43/2020/EZ was served upon the Applicant on 29.06.2020. A copy of the O.A.No.43/2020/EZ is marked herein and annexed as **Annexure MA/9**.

(w) There has been gross suppression of material facts, *inter-alia*, pertaining to the steps taken by the Applicant pursuant to the blowout at Bhagjan #5, evacuation and relief camp for the affected people, deposits already made for the affected persons and various other expenditures incurred and other measures as enumerated in the instant application. As such, the Original Applications filed by the Respondents, with respect, are liable to be dismissed on this ground alone.

3. That in view of the aforesaid facts and circumstances, the Applicant Company, with respect, seeks recall/modification of the said Order dated 24.06.2020 on the following grounds:

a. That facts enumerated herein above clearly demonstrate that while passing the impugned Order by this Hon'ble Tribunal, no opportunity was provided to the Applicant to defend their case. One of the cardinal principles of natural justice is that any order which is likely to adversely affect a person should to be passed only after providing opportunity of hearing to the person concerned. It is stated that the impugned Order seriously prejudices the Applicant Company. However, in the instant Case, this Hon'ble Tribunal has passed the ex-parte impugned Order without providing an opportunity of hearing to the Applicant, thereby, with respect, resulting in breach of principles of natural justice.

b. That this Hon'ble Tribunal was also not apprised of all the relevant facts including the steps taken by the Applicant Company pursuant to blowout at Baghjan #5 and as such, the impugned Order, with respect, suffers from error on the face of the record on account of non consideration of the relevant facts involved in the instant case as enumerated herein in the instant Application.

c. That this Hon'ble Tribunal, vide the Impugned Order, was pleased to constitute a Committee of Experts to look into the matter, under the Chairmanship of Hon'ble Mr. Justice B.P. Katakey, Former Judge of the Gauhati High Court. It is pertinent to mention herein that the issue involved in the blowout incident is a technical issue and as such, only OISD(Oil Industry Safety Directorate) being a technical Directorate under the Ministry of Petroleum and Natural Gas, have the authority to enquiry about the technical issue. Besides, Mines Act, 1952 empowers the Director General Mines Safety(DGMS) to investigate such incident and accordingly, DGMS has initiated investigation on the matter. But while constituting the Committee, this Hon'ble Tribunal, has, with respect, ignored the said relevant aspect of the matter and has, thereby, with respect, committed an error on the face of the record by constituting the 8 Members of Team Expert, by including only one Technical Expert, having knowledge of oil Operation.

d. That this Hon'ble Tribunal, vide the impugned Order, directed the Applicant to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam, without taking into the consideration the entire gamut of relevant facts including the steps taken by the Applicant Company pursuant to blowout in Baghjan #5. It is pertinent to mention

herein that as stated in the foregoing Paragraphs, pursuant to blowout at Baghjan #5, around one thousand six hundred and ten (1610) families have been evacuated from the nearby affected areas and are camped in relief camps. All necessary supports for stay, food (including baby food), water, toilets, electricity and medical & veterinary care have been provided at the relief camps with support from District Administration and local organizations. All safety and security measures are continuously being monitored by the working team to protect surrounding villagers and their properties. On 11.06.2020, Oil India Limited/Applicant has deposited an amount of Rs.4,83,00,000/- to the District Authority, Tinsukia as an immediate interim relief to 1610 affected families. The expenditure against Baghjan Well-5 till 25.06.2020 are as follows:

Head of expenditure	Budget approved	Actual exp.	WBS
ALERT (Fire extinguishing co)	33,44,00,000	334400000	(Equivalent to USD 44,00,000)
DC, Tinsukia(interim relief for the affected families)	10 Cr	48300000	SR.20ASAD.006.01

Expenditures relating to Affected peoples staying at various Camps	5 Cr	6799346	SR.20ASAD.005.01
Crisis Management Exp.	10 Cr	12091152	SR.20ASCM.002
	Total expenditure Rs	40,15,90,498	

Apart from above, the applicant Company has estimated that more than Rs.130 Crores will be required towards operational cost in Controlling the Blowout at Baghjan as well as for Environmental impact assessment. The said direction to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam is, with respect, excessive and without any material basis, apart from being contrary to law and untenable in the facts and circumstances of the case. There was no such prayer in the Original Applications. The said direction is also, with respect, contrary to the settled legal position that interim order/directions having serious financial implications and adverse impact on the reputation of a person/ company should not be passed ex-parte and without due consideration of all aspect of the matter after providing an opportunity of hearing to all concerned parties. The Applicant is a highly reputed company with a strong track record and have taken all necessary steps as enumerated herein in this

Application. Thus, the impugned order, with respect, is untenable in law and fact. Had the above facts been placed properly before this Hon'ble Tribunal, the impugned Order, with respect, might have been different and as such, the impugned Order, with respect, is liable to be recalled/modified.

e. That the Petition filed by the Respondents is structured on the basis of some newspaper Article and that this Hon'ble Tribunal has passed the impugned ex-parte order on the basis of those unverified newspaper Article and as such, the impugned Order is liable to be recalled/modified.

f. That this Tribunal was not apprised that similar PILs are pending before the Hon'ble Gauhati High Court. Further, the Original Applicants, with respect, do not have the *locus standi* to maintain the Original Application.

g. That, Applicant being a responsible Corporate Citizen and a Public Sector Undertaking is committed to save the environment and in a pro-active approach has been taking steps to eliminate and mitigate the safety and environmental risks. Accordingly, all its major operations, including the instant well have been carried out based on Environmental Impact Assessment and Environmental Clearance by the Competent Authority. Additionally Applicant carries out regular bio-remediation jobs at all such locations. In the instant case also,

Applicant is carrying out bio-remediation jobs in the affected areas with the help of M/s Tata Energy Research Institute(TERI), for which applicant shall bear all the expenditures. Therefore, said direction to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam is, with respect, excessive and without any basis, apart from being contrary to law and unjustified in the facts and circumstances of the case.

h. That as stated in the foregoing Paragraphs of this Application would go to show that there was no intention and/or negligence on the part of the Applicant and that the said incident of blowout is an unfortunate accident. However, without giving any opportunity to Applicant of being heard, this Hon'ble Tribunal passed the impugned Order on the basis of an unverified Newspaper Article. In view of above, the impugned Order is, with respect, liable to be recalled/modified.

i. There has been gross suppression of material facts, *inter-alia*, pertaining to the steps taken by the Applicant pursuant to the blowout at Bhagjan #5, evacuation and relief camp for the affected people, deposits already made for the affected persons and various other expenditures incurred and other measures as enumerated in the instant application. As such, the Original

Applications filed by the Respondents, with respect, are liable to be dismissed on this ground alone.

4. The Applicant has neither preferred any other appeal against the Judgment passed by the Hon'ble Tribunal nor filed any other review/modification application before this Hon'ble Court or any other forum.
5. The Applicant herein has affixed the requisite Court Fee payable as per the Act and Rules.

PRAYER

In the abovementioned facts and circumstances and reasons stated it is prayed that this Hon'ble Tribunal may be pleased to:

- (i) Recall/modify the Order dated 24.06.2020 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A No 43/2020/EZ and O.A No. 44/2020/EZ to the extent that this Hon'ble Tribunal has directed (i) the constitution of a Committee of Experts to look into the matter on the initial terms of reference and (ii) directed the Applicant Company to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam; and
- (ii) Pending disposal of the instant Application, pass an interim order, staying the effect and operation of the impugned order dated 24.06.2020 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A No 43/2020/EZ and O.A No. 44/2020/EZ to the above extent as stated in the main prayer (i) hereinabove; and

(iii) Pass such other and further orders as may be deemed fit and proper in view of the facts and circumstances of the case.

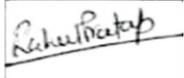
AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IS DUTY

Saroj K. Deba
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

BOUND SHALL EVER PRAY.

APPLICANT

Through

P. Goswami 

(Mr. Parthiv K. Goswami and Mr. Rahul Pratap)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029

Phone: 9560886310; 9910727778

VERIFICATION

Verified at Guwahati on this 30th day of June, 2020 that the content of the above Recall/Modification Petition are true and correct to the best of my knowledge as per the information derives from the record of the company and nothing material has been concealed therefrom.

Saroj K. Deba
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

APPLICANT

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

**INTERLOCUTORY APPLICATION NO. OF 2020
IN**

O.A. No. 44 of 2020/EZ

IN THE MATTER OF:

Oil India Limited Applicant

//Versus//

Wildlife And Environment Conservation Organisation & Ors

.....Respondents

AFFIDAVIT

I, Sri Saroj Kumar Deka, aged about 55 years, S/o Late. A.C. Deka, R/o Duliajan, in the District of Dibrugarh, General Manager (Legal) I/C of Oil India Limited, do hereby solemnly affirm and state as under :-

1. That I am the General Manager (Legal) I/C of Oil India Limited and have been authorized by the Applicant Company to swear the present Affidavit on behalf of the Applicant Company. I am well conversant with the facts and circumstances of the case and as such, I am competent to swear the present affidavit.
2. That I have read over the contents of the accompanying Modification Application and the same are true and correct and is drafted on my instruction.

Saroj K. Deka
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULIAJAN, ASSAM

DEPONENT

VERIFICATION

Verified on this the 30th day of June, 2020 that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Saroj K. Deka
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULIAJAN, ASSAM

DEPONENT

ANNEXURE MA/1

Items No. 01 & 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 43/2020/EZ And

Original Application No. 44/2020/EZ

Bonani Kakkar

Applicant(s)

Versus

Oil India Limited & Ors.

Respondent(s)

And

Wild Life and Environment
Conservation Organisation

Applicant(s)

Versus

Union of India Board & Ors.

Respondent(s)

Date of hearing: 24.06.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Siddhartha Mitra, Senior Advocate
along with Ms. Shruti Agarwal, Advocate in Item
No. 1.
Mr. Priyadarshi Chaitanyashil, Ms. Ranu
Purohit, and Mr. Sant Rakshit Manu, Advocates
in Item No. 2.

ORDER

1. Case taken up by video conference on *Vidyo App*.

2. These cases are taken up together as identical questions have been raised. The Applicant in O.A. No. 43/2020/EZ, an environmentalist, who has preferred the application alleging failure of the Respondent Authorities in preventing the blowout of Baghjan 5 oil well of the Respondent No. 1, M/s. Oil India Ltd. (OIL in short), resulting in a massive fire causing irreparable loss to the entire biodiversity of the region and loss of lives and property.

3. It is stated that on 27.05.2020 at around 10:30 AM the producing well of Baghjan 5 under the Baghjan Oilfield of OIL in Tinsukia District, Assam, released natural gas in an uncontrolled manner. Baghjan is one of the 23 oil wells set up by OIL to tap the large gas reserves in the Brahmaputra basin located near the Eco Sensitive Zone (ESZ) of the Dibru-Saikhowa National Park. The released gas is stated to be a mix of propane, methane, propylene and other gases that flow with the wind the condensate of which mostly falls on the bamboo groves, tea gardens, banana trees and betel nut trees in the area and also spread into the Dibru- Saikhowa National Park which, according to the Applicant, records over 40 mammals, 500 species of birds, 104 fish species, 105 butterfly species and 680 types of plants,

including a wide variety of rare orchids. It harbours the tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, Gangetic dolphin, besides critically endangered bird species such as the Bengal Florican, White Winged Duck, Greater Adjutant stork, White rumped vulture, slender billed vulture as well as the rare and endemic Black-breasted parrotbill.

4. The Dibru Saikhowa National Park and Biosphere Reserve is stated to lie at a point where rivers Siang, Dibang and Lohit meet to form the river Brahmaputra and is a mosaic of wetlands, swamps, grasslands and forests and hosts several critically endangered bird species and endangered Gangetic Dolphin. Gangetic river dolphins, India's national aquatic animal, have reportedly died due to the gas blow-out and many other endangered species of flora and fauna destroyed.
5. It is further stated that oil has spilled into the Dibru river causing a film of oil in the river that passes through the Maguri-Motapung wetlands, an Important Bird and Biodiversity Area, and along the Dibru Saikhowa National Park. The Maguri-Motapung Wetland, located less than 10 km from Dibru-Saikhowa National Park, is a part of the

Dibru-Saikhowa Biosphere Reserve (DSBR) and hosts some of the most vulnerable species of birds such as Swamp Francolin, Marsh Babbler, Greater Adjutant and Pallas's Fish-eagle, Red-headed Vulture and White-bellied Heron, and over 80 species of fish. River Dibru is a tributary of River Lohit which then forms river Brahmaputra in the lower reaches. Brahmaputra river system is also a home to Gangetic dolphins.

6. It is stated that enormous volume of inflammable natural gas was being released from the Baghjan-5 well since 27.05.2020 which caught fire on 09.06.2020 claiming lives of two fire-fighters. The blow-out has left behind huge volumes of residue as gas condensate which is a mixture of chemical compounds that are toxic for land and vegetation and is a known carcinogen. The blowout is not only hazardous to the health of the people but also severely affect their livelihood whose occupation is mainly agriculture, fishing and animal rearing.
7. The Applicant further contends that due to negligence and lapses on the part of the Respondent No. 1, OIL, the community as well as the biodiversity of the entire Dibru-

Saikhowa Biosphere Reserve is under threat of irreparable damage.

8. The Applicant in O.A. No. 44/2020/EZ, a NGO dedicated to community awareness in the Upper Assam region has raised the same questions as the one raised in the O.A. No. 43/2020/EZ. It is stated that due to the fire that broke-out in the oil well of OIL, apart from causing enormous destruction and damage to the ecology, there has also been loss of property and human life and wildlife. The fire is stated to be still raging causing severe threat to the local population and the flora and fauna of the ecologically fragile region. Almost 1785 people of Baghjan village under Hapjan Block, Tinsukia District, Assam are stated to be witnesses to the incident that resulted in evacuation of 800 families from the site of the well and nearby region on 30.05.2020. Due to the negligence and lack of concrete effort on the part of the Respondent No. 1 to control the spread of the oil and gas leak, enormous fire broke-out in the area on 09.06.2020 which continuous to rage causing displacement of more than 1600 families. The applicant strongly invokes the precautionary principle and the Polluters Pay Principle under Section 20 of the NG Act, 2010 as well as the "Public Trust" doctrine.

9. During the course of his argument, the Ld. Senior Counsel for the applicant in O.A. No. 43/2020/EZ has referred to a newspaper report published in www.hindustantimes.com on 11/06/2020 titled "*Put new gas wells on hold until OIL has a disaster plan: Wildlife Institute*", according to which the toxic fumes and oil coating have universally affected the area's flora and fauna. The contaminants and oil are continuing to be released in the surrounding areas requiring immediate steps to contain the spill over. The released toxins are known to have long-term persistence in soils and sediments, due to percolation which will not only affect the current life conditions but, due to sustained release, pose a serious health risk for a longer-term. It was contended that the place of incident is merely 500 metres away from Motapung beel and Dibru-Saikhowa National Park.
10. Further, the OIL did not have a mitigation plan for such disaster although the Standing Committee of the National Board for Wildlife had recommended that the OIL provide a legal undertaking about their environmental safeguards and to specify the nature and extent of their liability in case of accidents involving oil spillage/gas leakage into the Maguri-

Motapung wetland. A comprehensive impact assessment was also suggested in respect of the OIL field operations in the biodiversity-rich Dibru-Saikhowa National Park and that further explorations in the area should be initiated only after a thorough investigation of potential impact and after evaluating disaster handling capabilities in place with appropriate technology and trained manpower.

11. It appears that a comprehensive study had been undertaken by the Wild Life Institute of India (WII) post the blow out as per newspaper, report published in www.hindustantimes.com on June 11, 2020, referred to earlier a copy of which filed along with OA 43/2020. The report of the WII indubitably holds the OIL culpable for the incident.

12. We have heard the learned Counsel for the Applicants and we are satisfied that the cases involve substantial questions relating to environment that calls for consideration by the Tribunal under Sections 14 and 15 of the National Green Tribunal (NGT) Act, 2010.

13. Issue notice returnable in 30 days.

14. Applicants to furnish requisite within 03 days without fail.

15. Keeping in view the entire facts and circumstances set out in the applications and upon consideration of the documents filed therewith as well as the oral submission of the learned Counsel for the Applicants, we are of the view that in order to proceed further in the matter effectively, it would be expedient, in the meantime, to constitute a Committee of Experts to look into the matter on the initial terms of reference which shall be set out below. The Committee shall comprise of the following:-

- 1 Hon'ble Mr. Justice B.P. Katakey, : Chairman
former Judge of the Gauhati High Court.
- 2 Member Secretary, Central Pollution : Member
Control Board (Online, if travel is
restricted due to Covid-19)
- 3 A senior expert from Council of : Member
Scientific and Industrial Research
(CSIR)
(Online, if travel is restricted due to
Covid-19)
- 4 Dr. Sarbeswar Kalita, Professor and : Member
Head of the Department of
Environment Science, Guwahati
University
- 5 Shri. Abhay Kumar Johari, IFS : Member
(retired), Former Member
Biodiversity Board

- 6 Shri Ajit Hazarika, Ex-Chairman, ONGCL : Member
Member Secretary/Senior
- 7 Scientist, Assam State
Pollution Control Board
- 8 District Magistrate, Tinsukia District, Assam : Member

The Committee shall be at liberty to co-opt as member or seek opinion from any other expert/ experts or institution/institutions including Wildlife Institute of India (WII), Dehradun, if felt necessary.

The Member Secretary, CPCB shall be the nodal agency for coordination.

The State PCB and the District Magistrate, Tinsukia District, Assam shall provide all logistic support including personal protection equipment (PPE) in relation to the Covid-19 pandemic and security to the members of the Committee.

16. The initial expenditure for the functioning of the Committee shall be borne by the State of Assam which may be reimbursed after the liability for the damage is assessed.
17. The Committee shall visit and inspect the site and the area in question and examine on the following aspects:-

- i. Cause of gas and oil leak;
- ii. Extent of loss and damage caused to human life, wildlife, environment;
- iii. Damage and health hazard caused to the public;
- iv. Whether any contamination has been caused to water, air and soil of the area of the oil well and its vicinity;
- v. Extent of contamination of water of the Dibru river due to the oil spill;
- vi. For the purpose of (iv) and (v) above, it may be necessary to get the air quality monitored and, samples of soil and ground water of the area as well as the water of river Dibru downstream of the oil spill tested;
- vii. Impact on the eco sensitive zone of the Dibru- Saikhowa National Park and Maguri-Motapung Wetland;
- viii. Impact on agriculture, Fishery and domestic animals in the area;
- ix. Whether there were any mitigation measure put in place by OIL to offset the incidents such as the one in question;

- x. Persons responsible for the fire incidents and the cause of failure to prevent the incident;
- xi. Assessment of compensation for the victims and cost of restitution of the damage caused to property and the environment;
- xii. Preventive and remedial measures;
- xiii. Any other incidental or allied issues.

18. While dealing with the above questions, the Committee may also dwell on the action taken thus far either by the Government or by the OIL or by any other agency and the expenditure incurred towards mitigation. Opportunity may also be provided to the Respondent OIL to give its views and submissions.

19. The Committee shall submit its preliminary report to the Registry by e-mail at judicial-ngt@gov.in as expeditiously as possible not later than 30 days from hence.

20. In view of the prevalent situation caused by the pandemic, the Applicant may also furnish copies of the applications and its annexures along with a copy of this order to each of the Members of the Committee forthwith by e-mail.

21. In view of the *prima facie* case made out against OIL on the extent of damage caused to the environment and biodiversity, damage to both human and wildlife, public health and, having regard to the financial worth of the Company and the extent of damage, we direct the OIL to deposit an initial amount of ₹25 Crores with the District Magistrate, Tinsukia District, Assam and shall abide by further orders of the Tribunal.

22. Let copies of this order be sent to Hon'ble Mr. Justice B.P. Katakey, former Judge of the Gauhati High Court and other Members of the Committee facilitate early and convenient transaction of the matter. A copy of this order be also transmitted forthwith to the Chief Secretary, Government of Assam, who shall ensure compliance of the directions by all concerned Departments and Government agencies in the State.

23. List for further consideration on 29.07.2020.

S.P. Wangdi, JM

Siddhanta Das, EM

//TRUE COPY//

ANNEXURE MA/2

Handwritten notes:
 To
 Mr. N. K. ...
 Mr. ...
 Mr. ...
 Mr. ...

GGM(MPA)'S OFFICE
 OIL, DULIAJAN

Handwritten: Bagnjan M.L. RA/2
 No. O-12012/98/2003 ONGC/D to
 Government of India
 Ministry of Petroleum & Natural Gas
 New Delhi, February, 2004

To
 The Commissioner and Principal Secretary to the Govt. of Assam,
 Mines & Minerals Department,
 Dispur, P.O. Assam Sachivalaya,
 Guwahati 781 005.

Subject : Grant of Petroleum Mining Lease to Oil India Limited for Bagnjan Block measuring an area of 75 sq.kms in Upper Assam.

Sr
 I am directed to refer to Oil India Limited's application No. PLN/1-7/42-521 dated 14th May, 2003 addressed to you and your letter recommending the case to this Ministry vide letter No. PEM.91/03/GO dated 1.8.2003 on the above subject and to convey the approval of Central Government for the grant of a Petroleum Mining Lease (hereinafter referred to as "lease") under rule 5(2)(ii) of the Petroleum and Natural Gas Rules, 1956 (as amended from time to time) to Oil India Ltd. for the above said block/area bounded by the geographical limits as per appendix 'A' and to say that the lease shall be subject to the following terms and conditions in addition to such other terms and conditions as agreed under the Production Sharing Contract and/or deed/agreement signed, if any, in respect of the said block/area.

1. The Lease shall be in respect of Grade 1 and Natural Gas.
2. The lease shall be valid for a period of twenty years from the effective date i.e., 14.5.2003.
3. This lease shall be subject to the provisions of the Oil Field (Regulation & Development) Act, 1947 (as of 1949) and the Petroleum & Natural Gas Rules, 1956 made there under as amended from time to time.

Handwritten signature:
 ...

4. Royalty on Crude Oil, Condensate and Natural Gas shall be payable by the lessee as per the terms of Production Sharing Contract entered into between the lessee and the Central Government in respect of the said block/area or at such rates as may be fixed, from time to time, by the Central Government in consultation with the State Government. The royalty shall be payable on monthly basis and shall be payable by the last day of the month succeeding the period in respect of which it is payable.
5. Immediately on demand or upon determination or relinquishment of any area covered by this lease, the Lessee shall furnish to the Central Government/DGH, through the State Government confidentially, the complete records of data as specified in Rule 19(c) of the PSON rules, 1959. The Lessee shall submit to Central Government, without fail every six months, the results of all operations, boring and test production.
6. Necessary approval from the Competent Authority should be obtained for the Reserve Forest Area (if any) falling in the leased area. "However, the Lessee may carryout surveys for oil exploration in the Reserved Forest area falling in such leased area without obtaining prior clearance of the Ministry of Environment and Forests, Government of India under the Forest(Conservation) Act, 1980 so long as the surveys do not involve cutting of trees. The Lessee shall, however, in no circumstance carryout such surveys in specially protected area like wildlife sanctuary, national park and preservation or sample plots demarcated by the Forest Department. (Ref. Letter No.11-28/86-FRY(CONS) dated 08.05.1985. Department of Environment, Forest & Wildlife, Government of India)".
7. If International companies or foreigners are entrusted with the task, the lessee may get security-vetting of these companies through the Cabinet Secretariat (Research & Analysis Wing) with help of this Ministry. The lessee shall also seek prior clearance from the Ministry of Home Affairs and Ministry of defence with the full particulars of the foreigner employees under intimation to this Ministry.
8. The lessee shall issue Identity cards to each of the employees. The system of checking identity cards of personnel will have to be strictly enforced.
9. Security to its employees both at the project site and en route in emergency affected areas will be the responsibility of the lessee.

10. The lessee shall allow Government authorities to enter and inspect area for security checkup, if necessary.
11. Lessee shall not employ any foreign nationals surreptitiously in the area along the border.
12. No ground/aerial survey of the Defence VAs/VPs is permitted. Aerial survey, if any would be governed by the provision of Ministry of Defence Letter No. 18(8)82-D-(GS III) dated January 31, 1989.
13. Air Force areas falling within the zones embarked for delineation should be avoided.
14. For works in close vicinity of Indian Air Force units/installations and visit to these installations, if any, specific permission of an Officers should be obtained.
15. Any work within 500m of the perimeter of Air Force station should be intimated to Air Force authority atleast 10 days before commencement of activities.
16. No obstruction shall be erected higher than 15 mtrs. within 5 kms radius of Air Force Airfields and construction of any high mast/towers shall be carried out in consultation with the Air Force Authority.
17. Lessee shall execute a separate lease deed in respect of each other covenant, terms and conditions as per the prescribed format.

(N.C. Zakhup)

Under Secretary to the Govt. of India
Tel. : 2338 7849

Copy to:

1. Chairman & Managing Director,
Oil India Limited, 5 Sikandara Road, New Delhi
2. Director General, Directorate General of Hydrocarbons, New Delhi
3. Guard File

Appendix-A

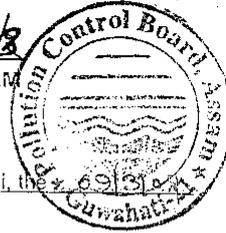
The Co-ordinates of the block are furnished below:

AREA (Sq. Km.)	POINT	LATITUDE			LONGITUDE			
		DEG	MIN	SEC	DEG	MIN	SEC	
75.00	F (T)	27	34	06	95	17	42	Point F (T) to B' follows the boundary of Distt. Sakhewaghat Reserve Forest
	E'	27	36	17	95	23	00	
	D'	27	28	54	95	26	12	
	C'	27	40	54	95	27	40	
	B'	27	37	40	95	32	00	
	V	27	34	24	95	22	35	

//TRUE COPY//

SRD
PP/10/20
11/4

POLLUTION CONTROL BOARD, ASSAM
BAMUNIMAIDAM, GUWAHATI - 21



No. WB/ X-I / T-874 / 94-95 / 192
254

Dated Guwahati, the 29/3/09

To Head - JSE,
Safety and Environment Dept.,
Oil India Ltd., Dibrugarh,
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations at Digboi Field.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1st April, 2008 to 31st March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

[Signature] 29.3.09

Member Secretary

Memo No. WB/ X-I / T-874 / 94-95 / 192 - A Dated Guwahati, the

Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati -- 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, *Dibrugarh*, Pollution Control Board, Assam for information & necessary action.

— Sd —

Member Secretary

//TRUE COPY

RA/4

Drilling of Development Well (26 Nos.) and Exploratory Well (15 Nos.) at N. Hapjan-Tinsukia-Dhola Area in District Tinsukia Assam by M/s Oil India Limited – Environmental Clearance reg.

 This message has been scanned by the InterScan for CSC SSM and found to be free of known security risks.

F. No. J-11011/1255/2007 - IA II (I)
 Government of India
 Ministry of Environment and Forests
 (I.A. Division)

Paryavaran Bhawan
 CGO Complex, Lodhi Road
 New Delhi – 110 003

E-mail : pb.rastogi@nic.in
 Telefax : 011: 2436 7668
 Dated 1st November, 2011

To,
 The Group General Manager (SB)
 M/s Oil India Limited.
 Duliajan District Dibrugarh- 768 602, Assam

E-mail: drilling@oilindia.in ;
 Fax No.: 0374-2803 296

Subject: Drilling of Development Well (26 Nos.) and Exploratory Well (15 Nos.) at N. Hapjan-Tinsukia-Dhola Area in District Tinsukia Assam by M/s Oil India Limited – Environmental Clearance reg.

Ref. : Your letter no. DRLG/DS/A.19-192/10 dated 28th December, 2010.

Sir,

Kindly refer your letter dated 28th December, 2010 alongwith project documents including Form I, Terms of References, Pre-feasibility Report, EIA/EMP Report and subsequent communications vide your letter dated 25th June, 2011 on the above mentioned subject.

2.0 The Ministry of Environment & Forests has examined your application. It is noted that proposal is for drilling of development well (26 Nos.) and exploratory well (15 Nos.) at N. Hapjan-Tinsukia-Dhola Area in District Tinsukia Assam by M/s Oil India Limited. Block Coordinate is between Longitude 95° 20' – 95° 32' and Latitude 27° 27' – 27° 37'. Block area is 650 sq KM. Project cost is Rs. 15.00 Crores for each well. Borajan reserve forest (RF), Bherjan RF, Padumani RF, Dibru RF, Upper Dihing (west) RF complex including Lakhpathar RF are

located within 10 Km. No national park/wildlife sanctuary/eco-sensitive area are located within 10 km.

3.0 Stack of adequate height will be provided to DG set. Flaring will be done in a controlled manner through scientifically designed flaring system. Water requirement will be 40 m³ per well/day for drilling purpose and 2 m³ per well/day for domestic use. Effluent generation will be 20 m³ (approx) per well/day during drilling phase. Effluent will be stored in HDPE lined pit and treated as per CPCB/SPCB norms and recycled. Water based mud will be used in drilling. Drill cuttings generation will be 200 m³/well. Drill cuttings will be stored in HDPE lined pit for safe disposal.

4.0 The proposal was considered by the Expert Appraisal Committee (Industry-2) in its 77th, 21st and 26th meetings held during 21st-24th January, 2008, 23rd-24th March, 2011 and 17th-18th August, 2011 respectively.

5.0 All the projects related to offshore and onshore Oil and Gas exploration, development and production are listed in para 1(b) of schedule of EIA Notification, 2006 covered under category 'A' and appraised at centre level.

6.0 Public hearing was exempted as per Para 7 (II) of EIA Notification 2006.

7.0 The Ministry of Environment and Forests hereby accords environmental clearance to the above project under the provisions of EIA Notification dated 14th September, 2006 subject to strict compliance of the following specific and general conditions:

A. SPECIFIC CONDITIONS :

- i. As proposed, only development well (26 Nos.) and exploratory well (15 Nos.) shall be drilled. No additional wells shall be drilled without prior permission from this Ministry.
- ii. As proposed, no drilling of well and any construction work shall be carried out in forest land.
- iii. Permission shall be obtained from the State Forest Department regarding the impact of the proposed drilling on the surrounding reserve forest viz. Borajan RF, Bherjan RF, Padumani RF, Dibru RF, Upper Dihing (west) RF complex including Lakhpathar RF.
- iv. Drilling site shall not be close to villages, schools etc.
- v. Ambient air quality shall be monitored near the closest human settlements as per the National Ambient Air Quality Emission Standards issued by the Ministry vide G.S.R. No. 826(E) dated 16th November, 2009 for PM₁₀, PM_{2.5}, SO₂, NO_x, CO, CH₄, HC, Non-methane HC etc.

- vi. The flare system shall be designed as per good oil field practices and Oil Industry Safety Directorate (OISD) guidelines. The stack height shall be provided as per the regulatory requirements and emissions from stacks will meet the MOEF/CPCB guidelines.
- vii. The company shall make the arrangement for control of noise from the drilling activity. Acoustic enclosure shall be provided to DG sets and proper stack height shall be provided as per CPCB guidelines.
- viii. Mercury shall also be analyzed in air, water and drill cuttings twice during drilling period.
- ix. Approach road shall be made pucca to minimize generation of suspended dust.
- x. Total fresh water requirement shall not exceed 42 m³/day/well and prior permission shall be obtained from the concerned agency.
- xi. The company shall construct the garland drain all around the drilling site to prevent runoff of any oil containing waste into the nearby water bodies. Separate drainage system shall be created for oil contaminated and non-oil contaminated. Effluent shall be properly treated and treated wastewater shall conform to CPCB standards.
- xii. Drilling wastewater including drill cuttings wash water shall be collected in disposal pit lined with HDPE lining evaporated or treated and shall comply with the notified standards for on-shore disposal. The membership of common TSDF should be obtained for the disposal of drill cuttings and hazardous waste. Otherwise, secured land fill shall be created at the site as per the design approved by the CPCB and obtain authorization from the SPCB. Copy of authorization or membership of TSDF shall be submitted to Ministry's Regional Office at Shillong.
- xiii. Good sanitation facility shall be provided at the drilling site. Domestic sewage shall be disposed off through septic tank/ soak pit.
- xiv. Oil spillage prevention and mitigation scheme shall be prepared. In case of oil spillage/contamination, action plan shall be prepared to clean the site by adopting proven technology. The recyclable waste (oily sludge) and spent oil shall be disposed of to the authorized recyclers.
- xv. The company shall comply with the guidelines for disposal of solid waste, drill cutting and drilling fluids for onshore drilling operation notified vide GSR.546(E) dated 30th August, 2005.

- xvi. The Company shall take necessary measures to prevent fire hazards, containing oil spill and soil remediation as needed. Possibility of using ground flare shall be explored. At the place of ground flaring, the overhead flaring stack with knockout drums shall be installed to minimize gaseous emissions during operation.
- xvii. The company shall develop a contingency plan for H₂S release including all necessary aspects from evacuation to resumption of normal operations. The workers shall be provided with personal H₂S detectors in locations of high risk of exposure along with self containing breathing apparatus.
- xviii. The Company should carry out long term subsidence study by collecting base line data before initiating drilling operation till the project lasts. The data so collected should be submitted six monthly to the Ministry and its Regional Office at Shillong.
- xix. Blow Out Preventor (BOP) system shall be installed to prevent well blowouts during drilling operations. BOP measures during drilling shall focus on maintaining well bore hydrostatic pressure by proper pre-well planning and drilling fluid logging etc.
- xx. Emergency Response Plan (ERP) shall be based on the guidelines prepared by OISD, DGMS and Govt. of India.
- xxi. The company shall take measures after completion of drilling process by well plugging and secured enclosures, decommissioning of rig upon abandonment of the well and drilling site shall be restored the area in original condition. In the event that no economic quantity of hydrocarbon is found a full abandonment plan shall be implemented for the drilling site in accordance with the applicable Indian Petroleum Regulations.
- xxii. Occupational health surveillance of the workers shall be carried out as per the prevailing Acts and Rules.
- xxiii. In case the commercial viability of the project is established, the Company shall prepare a detailed plan for development of oil and gas fields and obtain fresh environmental clearance from the Ministry.
- xxiv. Restoration of the project site shall be carried out satisfactorily and report shall be sent to the Ministry's Regional Office at Shillong.
- xxv. Oil content in the drill cuttings shall be monitored by some Authorized agency and report shall be sent to the Ministry's Regional Office at Shilong.
- xxvi. Company shall prepare and circulate the environmental policy.

- xxvii. Company shall prepare operating manual in respect of all activities. It shall cover all safety & environment related issues and system. Measures to be taken for protection. One set of environmental manual shall be made available at the drilling site/ project site. Awareness shall be created at each level of the management. All the schedules and results of environmental monitoring shall be available at the project site office.
- xxviii. Base and side of Drill cutting storage pits and supernatant storage pit shall be provided with HDPE lining. Overflow channel and oil grease trap facility shall be provided.
- xxix. Chemical characteristics and toxicity in respect of amine and all other chemicals should be found out and monitoring arrangement should be made. A copy of report should be sent to the Ministry's Regional Office at Shilong.
- xxx. Company shall ensure good housekeeping at the drilling site.
- xxxi. Company shall have own Environment Management Cell having qualified persons with proper background. Full fledged laboratory facilities must be set up to carry out the environmental management and monitoring functions.

B. GENERAL CONDITIONS:

- i. The project authorities must strictly adhere to the stipulations made by the Assam Pollution Control Board (APCB), State Government and any other statutory authority.
- ii. No further expansion or modification in the project shall be carried out without prior approval of the Ministry of Environment & Forests. In case of deviations or alterations in the project proposal from those submitted to this Ministry for clearance, a fresh reference shall be made to the Ministry to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- iii. The project authorities must strictly comply with the rules and regulations under Manufacture, Storage and Import of Hazardous Chemicals Rules, 2000 as amended subsequently. Prior approvals from Chief Inspectorate of Factories, Chief Controller of Explosives, Fire Safety Inspectorate etc. must be obtained, wherever applicable.
- iv. The overall noise levels in and around the plant area shall be kept well within the standards by providing noise control measures including acoustic hoods, silencers, enclosures etc. on all sources of noise

- generation. The ambient noise levels shall conform to the standards prescribed under EPA Rules, 1989 viz. 75 dBA (daytime) and 70 dBA (nighttime).
- v. A copy of clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad / Municipal Corporation, Urban Local Body and the local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the web site of the company by the proponent.
 - vi. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of the MOEF, the respective Zonal Office of CPCB and the APCB. The criteria pollutant levels namely; PM₁₀, SO₂, NO_x, HC (Methane & Non-methane), VOCs (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the projects shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
 - vii. The project proponent shall also submit six monthly reports on the status of the compliance of the stipulated environmental conditions including results of monitored data (both in hard copies as well as by e-mail) to the Regional Office of MOEF, the respective Zonal Office of CPCB and the APCB. The Regional Office of this Ministry / CPCB / APCB shall monitor the stipulated conditions.
 - viii. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company alongwith the status of compliance of environmental conditions and shall also be sent to the respective Regional Offices of the MOEF by e-mail.
 - ix. The Project Proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the APCB and may also be seen at Website of the Ministry of Environment and Forests at <http://envfor.nic.in>. This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the Regional office.

- x. Project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of commencing the land development work.

8.0 The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.

9.0 The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.

10.0 The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous Wastes (Management and Handling) Rules, 2003 and the Public (Insurance) Liability Act, 1991 along with their amendments and rules.

(Dr. P. B. Rastogi)
Director

Copy to:

1. Principal Secretary, Department of Environment & Forest, Govt. of Assam, Guwahati, Assam.
2. The Chief Conservator of Forests, Regional Office (North-East Zone, Shillong) Upland Road, Laitumhran Shillong-793003.
3. The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110 032.
4. The Chairman, Assam Pollution Control Board, Bamunimaidam, Guwahati - 21 Assam.
5. Adviser, IA II(I), Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
6. Monitoring Cell, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
7. Guard File/Monitoring File/Record File.

Director

(Dr. P. B. Rastogi)

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Minutes of 27th Meeting of Standing Committee of NBWL held on 12.12.2012

RA/5

Government of India
Ministry of Environment & Forests
(Wildlife Division)

Parvavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi-110003

F. No. 6-43/2007 WL-1(jn)
Dated: 29th January, 2013

All Members,
Standing Committee of NBWL.

Sub: Minutes of the 27th Meeting of the Standing Committee of NBWL.

Sir/Madam,

Kindly find enclosed minutes of 27th Meeting of the Standing Committee of NBWL held on 12th December, 2012 under the chairmanship of Hon'ble Minister of State (Independent Charge) for Environment and Forests. The comments received from members have been appropriately incorporated in the minutes.

Yours faithfully,

(Vivek Saxena)

Deputy Inspector General (WL)
Telefax: 011-24361791

Encl: As above

Distribution:

1. Director General of Forests & Special Secretary, MoEF.
2. Director, Wildlife Institute of India, Dehradun.
3. Dr. Asad Rahman, Director, RNDIS, Mumbai-23.
4. Shri Kishor Kulkarni, President, Saipada Foundation, Aurangabad-431007.
5. Executive Director, Nature Conservation Foundation, Mysore-575001.
6. Shri Binodra Singh, 28, Sardar Nagar, New Delhi-110003.
7. Dr. M.K. Ramprasad, Krishnasari, Socy Tiger Lane, W. C. Lane, Sankh Farms, New Delhi-62.
8. Dr. Dayalchand Singh Chavda, "Surodhya", MG Com. Defence Colony, Vardha, Maharashtra-402021.
9. Dr. A.L.T. Johnsingh, 101 Magodha, Hiteem Gardens, Sakinaka Nagar, Bangalore-560002.
10. Ms. Berni Bhandu, Environment Journalist, 2-13, Iris, Laxmi Street, Vardha City, Sector-B, Gurgaon-122003, Haryana.

Copy to:

1. PS to Hon'ble MoS, P.C. E&F.
2. PPS to DGF&SS/PPS to Addl. DG (WL).
3. PS to IGP(WL)/PS to DIG(WL)

Minutes of 27th Meeting of Standing Committee of NBWL held on 12.12.2012

- vi. *To maintain the environment, provision for plantation of selected species of trees shall have to be made in the selected vacant places in consultation with the State Forest Department.*
- vii. *Oil soaking pad and other such articles should be made readily available at the site to fight out any emergency situation against accidental leakage of oil.*

2.2.1 (2). Proposal for use of 114.267 ha of non-forestland falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan Padumani Wildlife Sanctuary for laying of crude oil pipeline etc by Oil India Ltd., Assam.

The Member Secretary informed the Committee that the proposal was for use of 114.267 ha of non-forestland falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan Padumani Wildlife Sanctuary for laying of crude oil pipeline and gas field pipeline, construction of oil collection station etc. in order to meet its commitment of supply of natural gas to Brahmaputra Gas Cracker & Polymer Ltd.

Hon'ble chairperson desired to know whether this proposal was sub-judice or not and whether the pipeline was being laid underground or above the ground.

Dr Asad Rahmani mentioned that Dibru Saikhowa is one of finest Protected Areas in the country and can even be compared with that of Kaziranga National Park in terms of its vast grasslands. He added that the Amarpur grassland in the National Park is taken over by Khutis. He desired to know whether the OIL was ready to assist the State Forest Department for better management of the Dibru Saikhowa National Park.

Ms Prerna Bindra also stressed on the importance of the Dibru Saikhowa National Park --and the fact that it had many endangered species like the Black Breasted Parrotbill, Asiatic wild buffalo, lesser florican etc. She pointed out there were a number of issues related to the park that needed urgent attention and these must be looked into on priority.

The representative of OIL indicated that the pipeline is being laid underground and he also assured the committee that adequate safety measures were being taken to ensure the safety of the environment from any kind of leakage and that the SCADA system has also been installed in all OIL projects. He also expressed willingness to provide help in conservation of the area, if required. After discussions, the Committee decided to recommend the proposal with the following conditions as was stipulated for the earlier case:

- i. *IOC shall put valves at the entry and exit points of the eco-sensitive zone of the Wildlife Sanctuary in order to stop oil flow in case of any emergency/accident so that damage to the Wildlife Sanctuary can be prevented/minimized under such situation.*
- ii. *Due precautionary measures should be ensured to prevent any form of pollution in the wetland as well as in its adjoining areas.*
- iii. *The pipeline preferably should be laid minimum 1.5 mt. below from the ground level.*
- iv. *The concerned officials of the State Forest Department shall be empowered to inspect the pipeline at any time to take samples for analysis and may call for any information etc.*
- v. *No permanent structure should be constructed on the pipeline, particularly in the area that fall in the elephant corridor.*
- vi. *To maintain the environment, provision for plantation of selected species of trees shall have to be made in the selective & vacant places in consultation with the State Forest Department.*

3/12/14

15

F.No.6-47/2014 WL (31st Meeting)
Government of India
Ministry of Environment, Forests & Climate Change
Wildlife Division

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110003
Dated: 6.12.2014.

To
The Principal Secretary (Forests),
Department of Forests,
Government of Assam,
Rehabai, Guwahati-781001.

Sub: Minutes of the 31st Meeting of Standing Committee of NBWL.

Sir,

During the 31st Meeting of Standing Committee of NBWL, held on 12th-13th August, 2014 under the Chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change, the following proposals pertaining to your State were considered. The relevant portion of the decision taken in respect of the proposals is reproduced below:

- "1. Proposal for Oil India Ltd. for use of 304.15 ha non-forest land falling within 10 km from the boundary of Dibru-Saikhowa National Park and Bherjan-Borajan-Podamoni Wildlife Sanctuary for expansion of gas field development in Tengakhat-Saharkuta-Jorajan area, Tinsukia-Dhola area and Doom doomu-Pengeri area in Assam (PMG Case).

The Member Secretary informed the Committee that during the previous meeting of its Standing Committee, it was decided that Ms. Prema Dasgupta and Dr M.D. Madhusudhan would undertake site inspection with respect to this proposal along with the another proposal for use of 114.267 ha of non-forestland falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Bherjan-Borajan-Podamoni Wildlife Sanctuary for laying of crude oil pipeline by Oil India Ltd., Assam, which was already recommended. He added that the site inspection was conducted and the report was uploaded on the official website of NBWL/SCC and was disseminated to the members. He informed that the site inspection team had recommended the proposals.

Dr. B. Sakumar was of the opinion that in many cases, the project proponents take "last opportunity" cases for consideration of the Standing Committee, which should be discouraged.

As the site inspection team had recommended the proposals, the Standing Committee decided to recommend the proposal.

Contd... 2

AB
Pt. make file copy on copy to be kept in file
for info & check, see (SPECIAL)
18/12/14
gob

GOVERNMENT OF ASSAM
 OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS:: WILDLIFE::
 BASISTHA:: GUWAHATI-29

No WL 19/35 Standing Committee NBWL

dt: 03.12.2014

From: Sr. R.P. Agarwalla, IFS,
Principal Chief Conservator of Forests,
Wildlife & CWLW, Assam.

Tele: (Off) 0361- 2366042
Fax - 2366000
Email: pccf.wl.assam@gmail.com,
ajendra.ags@gmail.com

To: The General Manger (Production Project)
Oil India Limited
Duliajan

Subj- Minutes of the 31st meeting of Standing Committee of NBWL.

Sir,

I am enclosing herewith a copy of the Minutes of the 31st meeting of Standing Committee of NBWL, received from the Govt. of India, Ministry of Environment, Forests & Climate Change Wildlife Division's letter F. No. 6-47/2014 WL(31st Meeting), dt: 03.12.2014 for your needed action.

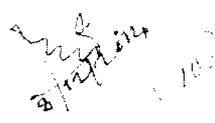
Enclosed: As above.

Yours faithfully,

R.P. Agarwalla
 9/11/2014
 (R.P. Agarwalla, IFS)
 Principal Chief Conservator of Forests,
 Wildlife, Assam.

Copy to the Divisional Forest Officer, Tinsukia Wildlife Division, Tinsukia for information and take necessary action. The photocopies are hereby enclosed with received from Govt. of India (NIC) vide letter No. F. No.6-47/2014 WL(31st Meeting) dt: 03.12.2014

Principal Chief Conservator of Forests,
Wildlife, Assam.



F.No.6-47/2014 WL (31st Meeting)
 Government of India
 Ministry of Environment, Forests & Climate Change
 Wildlife Division

6th Floor, Vayu Wing
 Indira Paryavaran Bhawan
 Jor Bag Road, Aliganj
 New Delhi-110003
 Dated: 01.12.2014.

To
 The Principal Secretary (Forests),
 Department of Forests,
 Government of Assam,
 Rehabai, Guwahati-781001.

Sub: Minutes of the 31st Meeting of Standing Committee of NBWL.

Sir,

During the 31st Meeting of Standing Committee of NBWL held on 12th-13th August 2014 under the Chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change, the following proposals pertaining to your State were considered. The relevant portion of the decision taken in respect of the proposals is reproduced below:

1. Proposal for Oil India Ltd. for use of 304.15 ha non-forest land falling within 10 km from the boundary of Dibru-Saikhowa National Park and Bherjan-Borajan-Padumou Wildlife Sanctuary for expansion of gas field development in Tengakhot-Naharkatia-Jorajan area, Tinakia-Dhola area and Doom dooma-Pengeri area in Assam (PMU Case).

The Member Secretary informed the Committee that during the previous meeting of the Standing Committee, it was decided that Ms. Prerna Bharda and Dr. M.D. Madhusudan were to undertake site inspection with respect to this proposal along with the another proposal for use of 114.267 ha of non-forest land falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan-Padman Wildlife Sanctuary for laying of crude oil pipeline by Oil India Ltd., Assam, which was already recommended. He added that the site inspection was conducted and the report was uploaded on the official website of MOEF&CC and was also circulated to the members. He informed that the site inspection team had recommended the proposals.

Dr. R. Saktumar was of the opinion that in many cases, the project proponents place a "fait accompli" cases for consideration of the Standing Committee, which should be discouraged.

As the site inspection team had recommended the proposals, the Standing Committee decided to recommend the proposal.

Contd. ..2

:3:

Proposal for strengthening the existing (embankment) from Moriaholla to Diffalupathar to avoid any breach resulting flash flood in eastern range of Kaziranga NP, Assam.

The Member Secretary briefed the Committee regarding the proposal. The Chief Wildlife Warden, Assam mentioned that the proposal was for strengthening the existing embankment from Moriaholla to Diffalupathar to avoid any breach resulting flash flood in eastern range of Kaziranga National Park, and also in order to control flash floods inside the Park.

After discussion, the Standing Committee decided to recommend the proposal as it would help in controlling flash floods inside Kaziranga National Park. The Committee also decided that the following conditions, as stipulated by the State Chief Wildlife Warden be also complied with:

- i. Entire work shall be executed under close supervision of park authorities*
- ii. Top of the dyke shall be graveled.*
- iii. Three new sluice gates shall be constructed in order to regulate flow of water across the dyke*
- iv. All the sluice gates shall be operated during high flood as well lean season jointly by the water Resources Department and Kaziranga National Park officials.*
- v. Material for porcupine works shall be transported through river route only.*

The above recommendation(s) are subject to the existing directives of Hon'ble Supreme Court and provisions of Forests (Conservation) Act, 1980.

Yours faithfully,

R. Rajasekhara
(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)

Copy to:

1. The Chief Wildlife Warden, Government of Assam, Guwahati-791111.
2. The Adl Pr. Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office (NEZ) Upland Road, Laitumkhram, Shillong-793003, Meghalaya
3. The Chief Manager, Oil India Ltd, (A Government of India Enterprise), Plot No. 14, Sector 16A, Noida-201301.
4. The General Manager, National Highways Authority of India (Ministry of Shipping, Road Transport and Highways) G-5 & 6, Sector-10, Dwarka, New Delhi-110075.
5. M/s Hindustan Oil Corporation Ltd., Guwahati, Assam.
6. The Joint Secretary, J.A. Division, MoEF & CC
7. The Inspector General of Forests, FC Division, MoEF & CC.

R. Rajasekhara
(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)

//TRUE COPY//

ANNEXURE MA/6 (colly)

Gopal Govinda Rasu

From: DUTTA2.DIBYAJYOTI@ongc.co.in
Sent: 30 May 2020 10:32
To: Gopal Govinda Rasu
Cc: vikas.oisd@gov.in; "zafarali.oisd."@gov.in; das_ak7@ongc.co.in
Subject: Investigation related to blowout incident at Baghjan#5

RA/6 colly

Mail originated from outside of OIL mailing system(oilindia.in). Do not open attachments or click links unless you recognize the sender and are aware that the content is safe.

Sir

OISD has nominated Shri Ajoy Kumar Das , GM (D) and the undersigned to Investigate blowout incident at Baghjan#5.

Accordingly, It is planned to visit the site on 31.05.2020. For the purpose, following are requested:

1. Accomodation from 31.05.2020 to 02.05.2020 (Morning).
2. Shift Crew of incident date to be presented on 01.06.2020 for interaction.
3. Copied of following documents to be made available:
 - a) Well history
 - b) Workover Plan
 - c) Preworkover conference of the well
 - d) Contract Copy of the rig
 - e) Bridging documents
 - f) Daily Progress Report copy from 19.05.2020 to 26.05.2020

This is for your kind information and necessary action.

Regards

DJ Dutta

HSE.AA

भारत का ऊर्जा सारथी

स्वच्छ भारत एक कदम स्वच्छता की ओर

अस्वीकृति :

यह संदेश संबोधित प्राप्तकर्ता के उपयोग हेतु है और इसमें कानूनन विशेषाधिकृत तथा गोपनीय जानकारी भी हो सकती है। यदि इस संदेश का पाठक सही प्राप्तकर्ता या कार्मिक या प्राप्तकर्ता तक संदेश पहुंचाने वाला संदेशवाहक नहीं है, तो आपको एतद् द्वारा आगाह किया जाता है कि इस सूचना का किसी भी प्रकार का प्रसार, वितरण या प्रतिलिपि तैयार करना निषिद्ध है। यदि यह संदेश आपको किसी त्रुटिवश मिलता हो तो कृपया इस ई-मेल को नष्ट कर दें एवं इसकी सूचना तत्काल ई-मेल द्वारा admin_ongcmail@ongc.co.in पर दें।

India's Energy Anchor

Swachh Bharat Making India Clean



খনিজ
সম্পদৰ
অন্বেষণ

GOVERNMENT OF ASSAM
DIRECTORATE OF
GEOLOGY AND MINING
BIHU-BIGYAN BHAWAN
DAKHINGAON, KAHILIPARA, GUWAHATI-19
Email: dgmussam@gmail.com
dgm.assam@gov.in

No. GM/MM/160/Pt.L/95

Dated the 04th June, 2020.

ORDER

In view of the reported continuous leakage of gas due to the recent blowout in the Baghjan Oil Field (Tinsukia District) under Oil India Limited the following officers of this Directorate are entrusted to cause an enquiry into the incident immediately and submit the report in details. The report should include the causes of the incident, probable environmental impacts, measures taken for mitigation, probability of revenue loss to the Government etc.

Names of Officers:

1. Shri Chandradhar Nath, Senior Geologist,
2. Shri Pranjal Kumar Gogoi, Senior Geologist,
3. Shri Polash Bora, Assistant Geologist,
4. Shri Biswajeet Gogoi, Assistant Geologist.

S.A./r
(Ikramul Hussain)
Director,
Geology and Mining, Assam

Memo No. GM/MM/160/Pt.L/95-A

Date- 04-06-2020

Copy to:

1. The Additional Chief Secretary to the Government of Assam with reference to his instruction.
2. The Resident Chief Executive, OIL, Duliajan for necessary logistic supports to the team of officers.
3. The officers concerned for information and necessary action
4. Smti Kabita Sharma, Senior Geologist.

DB
Director,
Geology and Mining, Assam

**DIRECTORATE OF RESEARCH (AGRI.)
ASSAM AGRICULTURAL UNIVERSITY:: JORHAT-13, ASSAM**

No. 7(15)/13/DRA(T)/Pt/2020-21/ 1716

Dated 05.06.2020

To

S. Basumatary
General Manager (HSE)
For Chief General Manager (HSE)
For Resident Chief Executive
Safety and Environment Department
Oil India Ltd., Duliajan

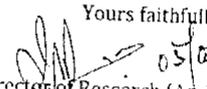
Sub: Nomination of experts for assessment of damage of Crops/ Tree/ Plants
(Paddy/Tea/Fruit/Vegetation) - reg.

Ref: No. S & E/E/09/727 Dtd. 04.06.2020

Sir,

In inviting a reference to above, the undernoted Scientists from Assam Agricultural University, Jorhat are deputed for assessment of damage of Crops/Tree/Plants (Paddy/Tea/Fruit/Vegetation) in the surrounding area of Baghjan - 5 (Natural Gas Well), Tinsukia District Assam due to OIL's Operation. You may please contact the below mentioned Scientists and finalize the date of their visit.

1. Dr. S. Gogoi, Pr. Scientist, AICRP on Vegetable Crops, AAU, Jorhat
(9435514466)
3. Dr. Bhabesh Gogoi, Jr. Scientist, AICRP on Integrated Farming System, AAU, Jorhat
(9435352867)
2. Dr. M. Deka, Prof., Dept. of Tea Husbandry & Technology, AAU, Jorhat
(9435052196)

Yours faithfully,

Director of Research (Agri.)
Assam Agricultural University
Jorhat-13

Copy to :

1. Mr. G. G. Rasu, Dy. General Manager (S&E), Safety and Environment Department, Oil India Ltd., Duliajan
2. Dr. S. Gogoi, Pr. Scientist, AICRP on Vegetable Crops, AAU, Jorhat
3. Dr. Bhabesh Gogoi, Jr. Scientist, AICRP on Integrated Farming System, AAU, Jorhat
4. The Prof. & Head, Dept. of Tea Husbandry & Technology, AAU, Jorhat
5. Dr. M. Deka, Prof., Dept. of Tea Husbandry & Technology, AAU, Jorhat

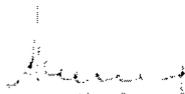
No. Expt. 10/2019/7000/ONGC/M
 Government of India
 Ministry of Petroleum & Natural Gas

Shastri Bhawan, New Delhi
 Dated: 11th June, 2020

ORDER

Natural Gas mixed with condensate started flowing uncontrollably from one of the wells of Oil India Ltd in Bafipat blocks in Tinsukia District of Assam on 27 May, 2020 leading to a blowout. The well caught fire on 6 June 2020. In view of the High Level Committee comprising of Shri S C L Das, Director General, Directorate General of Hydrocarbons, Shri B C Bora, former Chairman ONGC and Shri T K Sengupta, former Director ONGC is constituted to inquire into the incident. The Committee will be headed by the Director General, Directorate General of Mineral Production. The Committee will have following terms of reference:

1. Identify the lapses in following laid down protocols and procedures which led to the incident.
 2. Recommend short and long term measures to prevent the recurrence of such incidents including identifying any gaps in laid down standard operating procedures.
3. The Committee shall submit its report within one month.


 (R K Kureel)

Director

Phone No. 23381024

rk.kureel@nic.in

To

1. Shri S C L Das Director General, Directorate General of Hydrocarbons
 NOIDA, U.P.
2. Shri B C Bora, former Chairman ONGC
3. Shri T K Sengupta, former Director ONGC

Copy to -

1. Principal Secretary to the Chief Minister of Assam
2. PS to Minister PNG
3. PPS to Secretary PNG
4. Sr PPS to JS (E)
5. CMD, OIL



GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-6

ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION

Dated Dispur, the 12th June, 2020

No. FRW. 6/2020/1: The Governor of Assam is pleased to constitute an One Man Enquiry Committee to be headed by Shri M. K. Yadav, IFS, Addl. PCCF (WL & CWLW) Assam to assess the damage to the following due to the incidents occurred in Baghjan Oil Well in Tinsukia District.

1. To ascertain damage of wild life.
2. To ascertain damage of Bio-Diversity.
3. To ascertain damage to water and air quality.
4. To ascertain any other damage to Forest & Environment.

The enquiry report is to be submitted within 15 days from the date of the issue of this order.

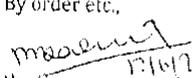
Sd/-[Smti. M. Baruah (Sen), IAS]
Secretary to the Government of Assam
Environment & Forests Department
Dated Dispur, the 12th June, 2020

Memo No. FRW. 6/2020/1-A

Copy to-

1. The Principal Chief Conservator of Forests and HoFF, Assam, Panjabari, Guwahati-37.
2. Shri M. K. Yadav, IFS, Addl. PCCF (WL & CWLW), Assam, Panjabari, Guwahati-37 for information and necessary action.
3. The Chairman, Pollution Control Board Assam, Bamunimaidam, Guwahati-21.
4. The Deputy Commissioner, Tinsukia.
5. P.P.S. to the Hon'ble Chief Minister, Assam for kind appraisal.
6. S. O. to the Chief Secretary, Assam for kind appraisal.
7. P.S. to the Hon'ble Minister, Environment and Forest Department, Assam for kind appraisal.
8. P.S. to Principal Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6 for kind appraisal of the Principal Secretary.

By order etc.,


Secretary to the Government of Assam
Environment & Forests Department

**DIRECTORATE OF RESEARCH (AGRI.)
ASSAM AGRICULTURAL UNIVERSITY:: JORHAT-13, ASSAM**

No. 7(15)/13/DRA(T)/Pt/2020-21/ 2002

Dated 22.06.2020

To

S. Majumder
Chief General Manager (BSI)
For Resident Chief Executive
Safety and Environment Department
Oil India Ltd., Duliajan

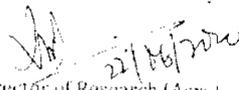
Sub: Deputation of experts for assessment of damage of Crops/ Tree/ Plants
(Paddy/Tea/Fruit/Vegetation) - reg.

Ref: No. S & E/I/09/771 Dtd. 13.06.2020

Sir,

In inviting a reference to the subject cited above, the undersigned is pleased to allow Dr. Karuna Kanta Sharma, Chief Agronomist, AICRP on Integrated Farming System, AAU, Jorhat (**Mobile: 6000208171**) for field visit duty to assess the damages on the crops/ trees/ plants in the surrounding area of Baghjan-5 (Natural gas Well) Blowout at Duliajan due to OIL's operation instead of Dr. Bhabesh Gogoi, Scientist (Soils) Stage - II, AICRP-IFS, AAU, Jorhat vide office letter No. 7(15)/13/DRA(T)/Pt/2020-21/2381 Dated 17.06.2020

Yours faithfully


Director of Research (Agri.)
Assam Agricultural University
Jorhat-13

Copy to:

1. Mr. C. G. Rasu, Dy. General Manager (S&E), Safety and Environment Department, OIL, Duliajan
2. Dr. Karuna Kanta Sharma, Chief Agronomist, AICRP on IFS, AAU, Jorhat
3. The Prof. & Head, Dept. of Tea Husbandry & Technology/Horticulture, AAU, Jorhat
4. Dr. S. Gogoi, Pr. Scientist, AICRP on Vegetable Crops, Dept. of Horticulture, AAU, Jorhat
5. Dr. M. Deka, Prof., Dept. of Tea Husbandry & Technology, AAU, Jorhat
6. Dr. Bhabesh Gogoi, Scientist (Soils) Stage - II, AICRP on IFS, AAU, Jorhat

//TRUE COPY//



OIL INDIA LIMITED

To,

Deputy Commissioner, Tinsukia
Tinsukia
E-Mail : pa@oilindia.in
State: Assam
State Code: 18

RA/7

Payment advice

Payment Document No. / Date
1120012677 / 11/06/2020
Payment Run ID. / Date
AST4 / 11/06/2020
Your account with us
410117

Dear Sir/Madam,

We are pleased to inform you that your ASSAM GRAMIN VIKASH BANK - TINSUKIA Bearing No : 7154010000892 has been credited vide our KOTAK MAHINDRA BANK - DULIAJAN E-Cheque No. 8000208812 dated 11.06.2020. The details of the payments are as under :-

Our Document No.	Your Invoice No.	Date	ITAX Deduction	Net.Amount(INR)
8620005750		11.06.2020		48,300,000.00
Our Document No. 8620005750	SGST 0.00	CGST 0.00	IGST 0.00	UGST 0.00
Our Document No. 8620005750	SGST TDS 0.00	CGST TDS 0.00	IGST TDS 0.00	UGST TDS 0.00
Sum total				48,300,000.00

Paid by Oil Under RCM:

SGST : 0.00

CGST : 0.00

IGST : 0.00

UGST : 0.00

OIL GST No.: 18AAACO2352C1ZW

Date of Printing of Payment Advice: 11.06.2020

Payment document
1120012677

Date
11/06/2020

Currency
INR

Payment amount
48,300,000

Regd Office: Oil India Ltd, Dullajan, Assam 786602, Telephone:0374-2800508;Fax:0374-2800544
This is a computer generated advice and requires no signatures.



OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20200611_019.csv	My-Product	: VENPAY
Inst. Ref	:	Bank Product	: RTGS
Activation Date	: 11/06/2020	Debit A/C	: 0333210000014
Amount	: 4,83,00,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No.	: KKBKR22020061100505357	Inst MICR No.	:

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBIORRBAGB	Mobile	:
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 11/06/2020	Debit Dt	: 11/06/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000208812	Credit Ref	: 8000208812
Credit Narration	:	Maker Dt	: 11/06/2020 11:25:34
Debit Ref	: 8000208812	Checker 1 Date	: 11/06/2020 11:27:45
Reject Remarks	:	Checker 2 Date	: 11/06/2020 11:28:17
Remarks	:	Sender Dt	: 11/06/2020
Maker	: Rajoo	Cleared Dt	: 11/06/2020
Checker 1	: Bawan Phira	Sent By	:
Checker 2	: Sudhanshu Dash		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	KMA02 PAYMENT DETAILS 11	Gross Amount	0.00	Tax deduction
	ASSAM GRAMIN VIKASH BANK	TINSUKIA		0.00	Reference	

Note: "This is a system generated voucher, Signature is not required"

//TRUE COPY//



RA/8

Page No. 1/1

GAHC010083822020	Application No	Applicator Received on	Date on which copy was made ready	Fees paid (Rs)	Posting Date to Devery Desk
	486456	12/06/2020	15/06/2020	100.00	15/06/2020



THE GAUHATI HIGH COURT
HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH

Case No. : PIL No. 34 of 2020

1. NIRANTA GOHAIN
S/O- BHUGEN GOHAIN, R.O. VIII - RANGAGORA,
P.O. RANGAGORA, DIST - TINSUKIA, ASSAM

VERSUS

1. THE UNION OF INDIA AND IT'ORS,
REP. BY THE SECY, MINISTRY OF PETROLEUM AND NATURAL GAS,
SHASTRI BHAVAN, GOVT. OF INDIA, NEW DELHI

2. THE SECRETARY MINISTRY OF PETROLEUM AND NATURAL GAS
SHASTRI BHAVAN GOVT. OF INDIA NEW DELHI

3. THE SECRETARY MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE GOVT. OF INDIA NEW DELHI

4. THE CHIEF SECRETARY GOVT. OF ASSAM
ASSAM SACHIVALAYA DISPUR GHY-06 ASSAM

5. THE COMM. AND SECY
MINES AND MINERALS DEPTT. GOVT. OF ASSAM
ASSAM SACHIVALAYA DISPUR GHY-06 ASSAM

6. THE COMM. AND SECY, ENVIRONMENT AND FOREST DEPTT.
GOVT. OF ASSAM ASSAM SACHIVALAYA DISPUR GHY-06 ASSAM

7. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
ARANYA BHAVAN PANIABARI GHY-37

8. THE DIVISIONAL FOREST OFFICER TINSUKIA WILDLIFE DIVISION, P.O.
BORGURI PIN- 786126 DIST.- TINSUKIA

9. THE DY. COMMISSIONER TINSUKIA OFFICE OF THE DY. COMMISSIONER
P.O. BORGURI PIN- 786126 DIST.- TINSUKIA

Page No. 3/3

4. In Paragraph 4 of the petition, it has been pleaded that the petitioner has no personal interest in the litigation. However, learned counsel for the petitioner states that the petitioner is an entrepreneur and has a lodge in the nearby area. Learned counsel, however, has not been able to dispute that all such Hotels, Motels and Lodges are not functional on account of spread of pandemic under the State issued regulations.

5. Other than seeking compensation, prayer made is for enquiry.

6. Learned counsel for the petitioner has been confronted with the fact that at least 2(two) enquiries had already been ordered, one by the Oil Company and the other by the State of Assam on the directions of the Hon'ble Chief Minister.

7. Considering various aspects of the case, this petition cannot be entertained in the present form.

8. We have taken judicial notice of the fact, as noted above, that enquiries in the incident have already been ordered. The matter is still at inceptual stage. In such circumstances, the petitioner would be at liberty to file a fresh petition, if genuine public cause demands, however, on the basis of relevant data and findings recorded by the enquiry agencies.

9. Disposed of.

Smt. Soumitra Saikia

JUDGE

Chief Justice

CHIEF JUSTICE

15.06.20
Comparing Assistant

15.06.20
Comparing Assistant

//TRUE COPY//

1

**BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONAL
BENCH SITTING AT KOLKATA**

MEMORANDUM OF APPLICATION

**(Under Section 18(1) read with Sections 14 and Section 15 of
National Green Tribunal Act, 2010).**

Original Application No. of 2020.

Between:

1. Bonani Kakkar, of 11 Hindustan
Park, Kolkata 700029.

...Applicant

And

1. Oil India Limited, having its
Registered Office at Duliajan-
786602, Assam, through its
Chairman & Managing Director.
2. Ministry of Petroleum and Natural
Gas, Government of India, having
its Office at Shastri Bhavan, New
Delhi- 110 001, through its
Secretary.
3. Ministry of Environment, Forest
and Climate Change, having its
Office at Indira Paryavaran
Bhawan, Jorbagh Road, New
Delhi- 110003, through its
Secretary.

...Respondents

1. The address of the Applicant is as given above for service of
the notices of this application.
2. The addresses of the Respondents are as given above for
service of the notice of this application.
3. The Applicant above-named begs to present the
Memorandum of Application on the ground set out
hereunder:

Facts in Brief:

Abhuti' fanned.

2

1. The Applicant is an environmentalist with a strong record of involvement in environmental issues over three decades. She has served on the National Board of Wildlife of the Government of India, as well as on the Governing Council of the Bombay Natural History Society. Her role in protecting the East Kolkata Wetlands was in part responsible for the enactment of the East Kolkata Wetlands (Management & Conservation) Act and her membership of the statutorily constituted East Kolkata Wetlands Management Authority. As part of WWF India she planned and implemented major educational programmes in schools and rural areas, as well actively participated in action to reduce wildlife crime. As Founder-President of the NGO, PUBLIC (People United for Better Living in Calcutta), she has petitioned the Calcutta High Court, the National Green Tribunal and the Supreme Court on several matters of environmental importance.
2. The Applicant is filing the present application being deeply concerned, as an environmentalist, about the damage and destruction being caused by the Respondents to the entire biodiversity of the Dibru Saikhowa National Park and Biosphere Reserve.
3. The Applicant is constrained to file the instant application on account of the failure of the Respondent Authorities to prevent and/or stop the blow-out that took place from Baghjan 5 oil well of the Respondent no. 1 on 27/05/2020 and the resultant fire, both of which have caused and are continuing to cause irreparable damage to the entire biodiversity of the region.
4. The Respondent no.1, Oil India Limited (OIL) is a state-owned PSU and is under the administrative control of the Ministry of Petroleum and Natural Gas, Govt. of India (Respondent No. 2).
5. At around 10: 30 AM on 27/05/2020, the producing well of Baghjan 5 under Baghjan Oilfield of Oil India Limited in Tinsukia district of Assam, started releasing natural gas in an uncontrolled manner. Baghjan 5 is one of the 23 oil wells set up by OIL to tap into the large gas reserves in the

Ashuti Agarwal.

3

Brahmaputra basin situated right next to the eco-sensitive zone of the Dibru-Saikhowa National Park.

6. According to news reports, the gas, which is a mix of propane, methane, propylene and other gases, is flowing with the wind, and condensate is mostly falling on bamboo, tea gardens, banana trees and betel nut trees. The condensate is falling into the Dibru-Saikhowa National Park, which records over 40 mammals, 500 species of birds, 104 fish species, 105 butterfly species and 680 types of plants, including a wide variety of rare orchids. It harbours the tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, Gangetic dolphin, besides critically endangered bird species such as the Bengal Florican, White Winged Duck, Greater Adjutant stork, White rumped vulture, slender-billed vulture as well as the rare and endemic Black-breasted parrotbill.

7. The Dibru Saikhowa National Park and Biosphere Reserve lies at a point where three rivers, Siang, Dibang and Lohit, meet to form the river Brahmaputra. The park is a mosaic of wetlands, swamps, grasslands and forests and hosts several critically endangered bird species and endangered Gangetic Dolphin. Already, there have been press reports of deaths of the Gangetic river dolphin—India's national aquatic animal, and a variety of fish and birds due to the gas blow-out. Also domestic animals are dying in large numbers because oil has contaminated grasslands and water bodies. As per news reports, it is feared that the oil spill and the fire will lead to the local extinction of many endangered species of flora and fauna and the environmental damage will be near irreversible.

8. It is reported that the oil has spilled into the Dibru river and a film of oil has been seen in the river that passes through the Maguri-Motapung wetlands (an Important Bird and Biodiversity Area) and runs along the Dibru Saikhowa National Park. The Maguri-Motapung Wetland is located less than 10 km from Dibru-Saikhowa National Park and is a part of the Dibru-Saikhowa Biosphere Reserve (DSBR). The wetland is host to some of the most vulnerable species of birds such as Swamp Francolin, Marsh Babbler, Greater

Abhish' Harnad.

4

Adjutant and Pallas's Fish-eagle, Red-headed Vulture and White-bellied Heron, and over 80 species of fish. The River Dibru is a tributary of River Lohit, which becomes Brahmaputra in the lower reaches. Brahmaputra river system is home to Gangetic dolphins.

9. The inflammable natural gas was being released from the said well uncontrollably since 27/05/2020, and, on 09/06/2020, the well caught fire. The blow-out has already claimed the lives of two fire-fighters so far.
10. The blow-out and fire are harming, and will continue to harm the entire biodiversity of the region. As per news reports, the animals of the Dibru-Saikhowa National Park have come under threat. Blowouts leave behind huge volumes of residue as gas condensate. Gas condensate is a mixture of chemical compounds that are toxic for land, vegetation and known carcinogens. It can turn soil infertile, kill vegetation and leave people battling with cancer. The ill-effects of the blowout are not just limited to health hazards, but also severely affect their livelihood. Agriculture, fishing and animal rearing are the main occupation of most people in this area, but the oil has seeped into the soil, and will render fields infertile. Also, contaminated grasslands and water bodies are killing the fish and domestic animals.
11. As per news reports, the blow-out was a result of inadequate adherence to safety norms. Further, the efforts to contain the gas blow-out were extremely unsatisfactory. A news article published in www.scroll.in, on 12/06/2020, titled "*The story of the Assam gas leak- and the intricate operation to plug it*" reported that:

"Independent observers alleged other lapses too. Prodip Kumar Saikia, who was one of the consultants hired by Oil Limited when the well was discovered in 2004, said there should have been another reinforcement plug in addition to the cement casing. "I know a thing or two about this well," he said. "It's an extremely high-pressure well and you can't rely on just the chemical plug [the cement shield]; you need a mechanical plug too."

Ahuti' fanned.

Finally, a functionary of the company's workers' union blamed privatisation. "We are accused of being too slow because we put safety first," he said. "This is a textbook case of a private contractor being in a rush to finish the job."

...

"Next, the alleged containment lapses. Once disaster struck, did Oil India do enough?"

A retired geologist with 32 years of experience of working at the company said the simple answer was no. The reasons for this, he said, were structural. Oil India Limited, he alleged, had failed to develop the required in-house expertise to deal with blowouts, despite having suffered because of this in the past.

...

A current employee agreed: "Yes, it is our deficiency."

...

There are other allegations that the accident could have been tackled differently. According to Saikia, Oil India Limited's mitigation strategy was flawed till very recently. They treated it as a solely gas leak, but the blowout had also released a large amount of condensate, or low-density hydrocarbon liquids. These spewed out liquids required different containment measures, he explained."

12. According to news reports, a Wildlife Institute of India (WII) team, which has conducted a preliminary survey from 29/05/2020 to 04/06/2020, has found several dead fish and insects that may have died due to oxygen depletion in the water following the oil spill. The survey found the presence of at least five endangered Gangetic dolphins in the 20-kilometre stretch of the Lohit river, a tributary of the Brahmaputra river, indicating that the species will be at grave risk from the ongoing spill. The team has collected samples of tissue and blubber from a Gangetic dolphin carcass found in Maguri beel, which is being analysed for presence of various contaminants.
13. According to a news report published in www.hindustantimes.com on 11/06/2020 titled "Put new gas wells on hold until OIL has a disaster plan: Wildlife Institute", the toxic fumes and oil coating have universally

Ashuti Agarwal.

6

affected the area's flora and fauna. The contaminants and oil are continuing to be released in the surrounding areas and immediate steps are needed to contain this spillover. The released toxins are known to have long-term persistence in soils and sediments, which will not only affect current life conditions, but due to sustained release, pose a serious health risk for a longer-term.

It is further reported therein that:

"The WII team has also gathered from the local residents that OIL authorities did not have a mitigation plan for such a disaster"

This is spite of it being recommended by a 2013 report by the Standing Committee of the National Board for Wildlife which says, "we recommend that OIL provide a legal undertaking to the DCF, Tinsukia Wildlife Division, about their environmental safeguards and specify the nature and extent of their liability in case of accidents involving oil spillage/gas leakage into the Maguri-Motapung wetland. The DCF must share this undertaking widely with the public."

The WII has consequently suggested a comprehensive impact assessment of their field operations in the biodiversity-rich Dibru Saikhowa National Park.

"It'd be not only prudent but also essential for the well-being of all life forms that the approved new wells and further explorations in this area should be initiated only after a thorough investigation of potential impact, as well as evaluating disaster handling capabilities in place, with appropriate technology and trained manpower," the report added.

WII has flagged that the environmental impacts of the oil spill will linger on for long.

This is because an oil well blowout spews hundreds of chemical particles in the air, water, and soil. The hydrocarbon component comprises hundreds of organic compounds, many of which are hazardous when released

Ahanti' Afarwal .

7

into the environment such as polycyclic aromatic hydrocarbons (PAHs) that are also carcinogenic.

Local residents have complained of severe difficulty in breathing, headache and nausea to the visiting WII team, who, too, experienced similar symptoms due to the oil spill.

The entire landscape, including the wetland, is coated in layers of oil, according to the team.

The area, where blowout has taken place, is rich in biodiversity and one of the important remaining refuges for several endangered and range-restricted species, the report said.

DSBR is home to tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, Ganges River dolphin besides critically endangered bird species such as the Bengal florican, white-winged wood duck, greater adjutant stork, white-rumped vulture, slender-billed vulture as well as the very rare and endemic black-breasted parrotbill.

The report has also pointed out that the entire region has undergone frequent changes in morphology due to recurrent earthquakes, which are known to have caused extensive landslides and ground fissuring, making the area disaster-prone.”

Copies of press reports reporting the gas-leak from the producing well of Baghjan 5 under Baghjan Oilfield of Oil India Limited in Tinsukia district of Assam on 27/05/2020 and its aftermath are annexed herewith as **Annexure A/1**.

Copy of the report of Wildlife Institute of India is annexed herewith as **Annexure A/2**.

Grounds:

13. For that it is clear that due to the violations, negligence and lapses of the Respondent No. 1, the entire human community as well as the bio-diversity of the entire Dibru

Ahanti' Aarman.

8

Saikhowa Biosphere Reserve is under the threat of grave and irreparable damage and a substantial question relating to environment has arisen in the present matter, and this Tribunal has the jurisdiction to decide the same under Section 14 of the NGT Act.

14. For that this Tribunal has jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of the aforementioned environmental damage.
15. For that under Section 15(1)(b) and 15(1)(c) this Tribunal has the jurisdiction to provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. This Tribunal under Section 15(1)(c) and Section 20 of the Act has been cloaked with a wide range of powers with respect to restoration of the environment.
16. For that the principles of sustainable development, precautionary principle and polluter pays, propounded by the Hon'ble Supreme Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under Section 20 of the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment.
17. For that in *M.C. Mehta v. Kamal Nath* [*M.C. Mehta v. Kamal Nath*, (2000) 6 SCC 213], it was held that any disturbance to the basic environment, air or water, and soil which are necessary for life, would be hazardous to life within the meaning of Article 21 of the Constitution. In such cases "polluter pays principle" can be invoked to restore the environment and to control it. It held:

"10. In the matter of enforcement of fundamental rights under Article 21, under public law domain, the Court, in exercise of its powers under Article 32 of the Constitution, has awarded damages against those who have been responsible for disturbing the ecological balance either by running the industries or any other activity which has the effect of causing pollution in the environment. The Court

Aburki' Afamed.

9

while awarding damages also enforces the "POLLUTER-PAYS PRINCIPLE" which is widely accepted as a means of paying for the cost of pollution and control. To put in other words, the wrongdoer, the polluter, is under an obligation to make good the damage caused to the environment."

18. For that the acts and/or omissions of the Respondents are failing to prevent and/or to stop the blow-out that took place from Baghjan 5 oil well of the Respondent no. 1 on 27/05/2020 and the resultant fire, both of which have caused and are continuing to cause irreparable damage to the entire biodiversity of the region, is a violation of the right to clean and pollution free environment guaranteed to every citizen under Article 21 of the Indian Constitution.
19. For that the Respondents have failed to observe the mandate under Article 48 A of the Constitution which enjoins upon the State a commitment to protect and improve environment.

Limitation:

20. The applicant states that the present application is filed within the prescribed period of limitation under the NGT Act, 2010, as the gas-leak took place from Baghjan 5 oil well of the Respondent no. 1 on 27/05/2020 and the resultant fire and damage to the ecology is still continuing.
21. The Applicant states that unless orders as prayed for herein are granted and if there be any delay in passing any interim order, the instant application will become infructuous as the damage caused by the acts of the Respondents would become permanent, irreparable and irreversible. The balance of convenience and inconvenience heavily weighs in favour of the Applicant in passing the orders as prayed for herein.
22. The Applicant states that this application is being made bonafide and for the ends of justice.

Abhuti' Afarmad .

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23. The Applicant craves leave to add, to amend, to alter or modify the instant application and/or to file any supplementary petition/affidavit, if so advised.

PRAYERS:

In the circumstances it is humbly prayed that your Lordship would graciously be pleased to pass the following orders:

- a. An order constituting an independent committee of experts, monitored by this Tribunal, to visit the site and submit a report to this Tribunal within a reasonable period on the following amongst other aspects of the disaster:
 - i. The sequence of events;
 - ii. Causes of failure and persons and authorities responsible therefor;
 - iii. Violations on the part of Oil India Limited with regard to environmental safeguards and disaster management preparedness;
 - iv. Extent of damage to life, human and non-human; public health; and environment - including, water, soil; air;
 - v. Remedial measures to prevent recurrence;
 - vi. Any other incidental or allied issues found relevant.
- b. An order directing Oil India Limited to carry out a safety audit with the help of independent experts of all their installations in Assam;
- c. An order directing Oil India Limited to submit a report elaborating on the compliance of the environmental clearance conditions and their Environmental Management and Disaster Management Plans;
- d. An order directing Oil India Limited to carry out clean-up operations forthwith;

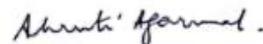
Abhuti' Afarmal .

- e. An order directing Oil India Limited to provide relief and compensation to victims of the gas leak and fire;
- f. An order directing Oil India Limited to ensure and carry out appropriate restitution and restoration of the damaged environment in consonance with Section 15(1) and Section 20 of the National Green Tribunal Act, 2010;
- f. Interim order directing Oil India Limited to forthwith deposit an initial amount that this Hon'ble Tribunal deems fit considering the prima-facie material as to loss of lives, public health and environment and the extent of the damage caused;
- g. Interim order directing the Respondents to forthwith discontinue and cease all drilling activities in and around the eco-sensitive zone of the Dibru-Saikhowa National Park till the disposal of this Application and/or till such time as this Tribunal deems fit;
- h. Such other order and/or orders as this Tribunal may deem fit in the interests of justice.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

Date: 13th June, 2020
Place: Kolkata

Filed by:



SHRUTI AGARWAL,
Advocate

//TRUE COPY//

VAKALATNAMA

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)
MODIFICATION APPLICATION NO. OF 2020
IN**

O.A. No. 44 of 2020/EZ

IN THE MATTER OF:

Oil India Limited Applicant

//Versus//

Wildlife And Environment Conservation Organisation & Ors Respondents

KNOW ALL to whom these presents shall come that I, Sri Saroj Kumar Deka, son of Late A.C. Deka, aged about 55 years, resident of Duliajan, in the district of Dibrugarh, the above named APPLICANT do hereby appoint:

Rahul Pratap (Advocate) 
A-46, First Floor, Defence Colony,
New Delhi -110024
9910727778
D/1306/2005


Parthiv K. Goswami
B5/105A, 2nd Floor, Safdarjung Enclave, New
Delhi- 110029
Phone- 9560886310
D/1204/2004

hereinafter called the Advocate to be my/our Advocate in the above-noted case and authorize him:-

To act, appear and plead in the above-noted case in this, or in any other court in which the same may be tried or heard and also in the appellate Courts including High Court.

To sign, file, verify and present pleadings, replications, appeals, cross-objections, or petitions for execution, review, revision, restoration, withdrawal, compromise, or other petition, replies, objections, or affidavits of other documents as may be deemed necessary or proper for the prosecution of said case in all its stages.

To file and take back documents.

To withdraw, or compromise, the said case or submit to as arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take our execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts thereof, and to do all other acts & things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

... and instruct any other legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do & to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts, done by the Advocate or his substitute in the matter as my/our duly authorized agent would appear in Court on all hearings & will inform the Advocate for appearance, when the case is called.

And I/We the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing or for any negligence of the said Advocate or his Substitute.

And I/We the undersigned do hereby agree that the whole fee will be payable in advance and that in the even of the whole or any part of the fee agree by me/us to be paid to the Advocate, remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the advocate would be entitled to the same.

IN WITNESS WHEREOF I/WE do hereunto set my/or hand to these presents the contents of which have been understood by me/us this 28th day of June, 2020.

Advocates

P. Goswami

Parthiv K. Goswami, Advocate
D/1204/2004

Rahul Pratap

Rahul Pratap, Advocate
D/1306/2005

Saraj K. Deka
CLIENT

SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULIAJAN, ASSAM



GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, **SHRI PRANJIT DEKA**, Resident Chief Executive of Oil India Limited, in pursuant to the powers conferred vide Resolution 481.11 taken by the Board of Directors of Oil India Limited in its 481st Board Meeting through Item No. D18 of the Delegation of Power Circular of Oil India Limited, do hereby appoint **SRI SAROJ KUMAR DEKA**, General Manager (Legal)i/c as the attorney of the Company, to do or execute all or any of the following acts or things on behalf of Oil India Limited(OIL):

1. To institute, defend, compound or abandon legal proceedings.

Contd...to P/2

(Signature)
Dinesh Sahai
 NOTARY DIBRUGARH
 Regd. No. DBR



(Signature)
Pranjit DeKa
 Resident Chief Executive
 OIL INDIA LTD.



IN WITNESS WHERE OF, I have signed this Power of Attorney on this the 12th day of September, 2019.

Signed and delivered by the above named:

WITNESSES:

1. Ranjit Das
Manager - Legal
OIL, Duliajan

2. Kumar Salve Raghuramshi
Senior Legal Officer
OIL, Duliajan.

Ranjit Das

EXECUTANT

Resident Chief Executive
OIL INDIA LTD.
DULIAJAN

AUTHENTICATED BY

Dinesh Salika
Dinesh Salika
NOTARY DIBRUGARH
Regd. No. DBR





Parthiv Goswami <ronigoswami@gmail.com>

Service of Application seeking recall/modification of the judgment dated 24.06.2020 passed by Hon'ble National Green Tribunal, Principal Bench in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ on behalf of Oil India Limited

Parthiv Goswami <ronigoswami@gmail.com>

Tue, Jun 30, 2020 at 10:54 AM

To: agarwalshruti@hotmail.com, chaitanya@mimansalaw.in, sec.png@nic.in, secy-moef@nic.in, lmc.moefcc@gov.in, legislative-asm@nic.in, ro_guwahati@pcbassam.org, ccb.cpcb@nic.in

Cc: rahul pratap <rahulpratap.adv@gmail.com>, Palak Mahajan <palakmahajansls@gmail.com>, Ishan Bisht <ishanbisht8@gmail.com>

Date: 30th June, 2020

To,

1. Mr. Chaitanyashil Priyadarshi, Advocate for Original Applicant in O.A. No. 44/2020/EZ
2. Ms. Shruti Agarwal, Advocate for Original Applicant in O.A. No. 44/2020/EZ
3. Ministry of Petroleum and Natural Gas, Government of India
4. Ministry of Environment, Forest and Climate Change, Government of India
5. State of Assam
6. Assam Pollution Control Board
7. Central Pollution Control Board
8. Ministry of Environment and Forest

Please find attached with this e-mail a copy of the **Application seeking recall/modification of the judgment dated 24.06.2020 passed by Hon'ble National Green Tribunal, Principal Bench in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ (in three attachments)** on behalf of **Oil India Limited ("OIL")**.

Yours Sincerely,

Parthiv K. Goswami and Rahul Pratap
Advocates for the Applicant/OIL

3 attachments **volume 1 NGT Modification.pdf**
1049K **EXEMPTION IA.pdf**
195K **volume II NGT Application.pdf**
6298K