

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

I.A No. **14** /2026/EZ

in

**O.A No. 43/2020/EZ**

**IN THE MATTER OF:**

Smt. Labanya Saikia & Ors.

*.....Applicants*

- Versus -

Oil India Ltd. & Ors.

*.....Respondents*

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# 4729

**Date:** 02.02.2026

**Place:** Tinsukia

**Filed by:**

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

I.A No. \_\_\_\_\_/2026/EZ

in

O.A No. 43/2020/EZ

**IN THE MATTER OF:**

O.A No. 43/2020/EZ

**Bonani Kakkar**

*.....Applicants*

- Versus -

**Oil India Ltd. & Ors.**

*.....Respondents*

- AND -

**IN THE MATTER OF:**

**1. Labanya Saikia**

W/o Sri. Jaynath Saikia  
Baghajan Gaon, Dist. – Tinsukia  
Assam

**2. Papul Chutia**

S/o Sri. Dineswar Saikia  
Baghajan Gaon, Dist. – Tinsukia  
Assam

**3. Ritu Moran**

S/o Late Labheswar Moran  
Baghajan Gaon, Dist. – Tinsukia  
Assam

**4. Dip Saikia**

S/o Sri. Lambeshwar Saikia  
Baghajan Gaon, Dist. – Tinsukia  
Assam





X

5. **Amal Saikia**  
S/o Sri. Lambeshwar Saikia  
Baghajan Gaon, Dist. – Tinsukia  
Assam
6. **Pulin Chutia**  
S/o Sri. Sanjay Chetia  
Baghajan Gaon, Dist. – Tinsukia  
Assam
7. **Ratneswar Hazarika**  
S/o Sri. Hula Hazarika  
Baghajan Gaon, Dist. – Tinsukia  
Assam
8. **Anima Borah**  
D/o Sri. Dondewar Borah  
Baghajan Gaon, Dist. – Tinsukia  
Assam
9. **Rupam Moran**  
S/o Sri. Ritu Moran  
Baghajan Gaon, Dist. – Tinsukia  
Assam
10. **Dibyalata Boruah**  
D/o Sri. Torun Boruah  
Baghajan Gaon, Dist. – Tinsukia  
Assam
11. **Akheswar Chetia**  
S/o Sri. Pulin Chetia  
Baghajan Gaon, Dist. – Tinsukia  
Assam
12. **Punyalata Borah**  
D/o Sri. Bhoben Borah  
Baghajan Gaon, Dist. – Tinsukia  
Assam

*Applicants (in I.A)*

- Versus -



1. **The State of Assam,**  
Represented by the Chief Secretary,  
Government of Assam  
Dispur, Guwahati 781006  
Assam  
Email: [cs-assam@nic.in](mailto:cs-assam@nic.in)
  
2. **The District Commissioner, Tinsukia**  
Office of the D.C Tinsukia  
Borguri, Tinsukia – 786125  
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Government of India  
Represented by its Secretary,  
Shastri Bhawan, New Delhi – 110001  
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4. **Ministry of Environment, Forest and Climate Change**  
Government of India  
Represented by its Secretary  
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New Delhi – 110003  
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5. **Assam State Pollution Control Board**  
Represented by the Member Secretary  
Bamunimaidam, Guwahati 781021  
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6. **Oil India Limited**  
Through its Chairman and Managing Director  
Corporate Office: Plot No. 19, Near Film City,  
Sector 16A, Noida 201301  
Email: [cmd@oilindia.in](mailto:cmd@oilindia.in), [oilindia@oilindia.in](mailto:oilindia@oilindia.in)

*Respondents (in I.A)*

To,  
The Hon'ble Members of the National Green Tribunal  
Eastern Zone Bench, Kolkata



**MOST RESPECTFULLY SHOWETH:**

1. The address of the counsel of the applicants are given for the purpose of service of notices and other correspondences.
2. The addresses of the respondents are given for the purpose of service of notices and other correspondences regarding this application.
3. That on 27.05.2020 a blowout took place in the BGN-5 oil well of Oil India Ltd. located at Baghjan village in Tinsukia district of Assam, resulting in uncontrolled release of natural gas and condensates into the environment. As a result of enormous volume of inflammable natural gas being released from the BGN-5 oil well, it caught fire on 09.06.2020 leading to an explosion and large scale destruction in the area, including the homestead and property of the applicants. The fire was finally doused on 15.11.2020, after more than five months.
4. That due to the destruction and damage caused by the blowout and fire at Baghjan, an original application was filed by an environmentalist Bonani Kakkar before this Hon'ble Court, which was registered on 17.06.2020 as O.A No. 43/2020/EZ. and this Hon'ble Court vide order dated 24.06.2020, constituted a Committee of Experts, headed by a former judge of the Gauhati High Court, to conduct assessment of compensation for the victims and the cost of restitution of the damage caused to property and the environment and submit its 'Preliminary Report' within 30 days. This Hon'ble Court also found a prima facie case being made out against OIL, hence OIL was directed to deposit an initial amount of Rs.25 crores with the District Magistrate, Tinsukia.

5. That on 29.07.2020 a 'Preliminary Report' dated 24.07.2020 was submitted by the Committee of Expert before this Hon'ble Court and the same was taken on record. Thereafter, vide order dated 06.08.2020 this Hon'ble Court accepted the recommendations of the Committee of Experts on the subject of interim compensation for three categories of victims as given below:

- (i) whose houses have been completely gutted by the fire;
- (ii) whose houses have been severely damaged;
- (iii) whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged.

The scale of interim compensation is as follows:

- Category (i) – Rs. 25 Lacs
  - Category (ii) – Rs. 10 Lacs and
  - Category (iii) – Rs. 2.5 Lacs
6. That Applicant No. 1 to 5 who were among the 12 families whose houses were completely burnt, received 'interim compensation' of Rs.25 lakhs each and Applicant No. 6 to 12 who were in Category I received Rs.15 lakhs each as 'interim compensation' and the aforesaid O.A No. 43/2020/EZ was disposed of vide order dated 19.02.2021, with the following observations at paragraph 24:

*"It is made clear that this order will not debar any victim of the occurrence who is aggrieved by denial of compensation or inadequacy of compensation to take remedies for such claim before any appropriate forum in accordance with law."*

A copy of the order dated 19.02.2021 in O.A No. 43/2020/EZ is annexed as Annexure – A



7. That during the pendency and subsequent disposal of O.A No. 43/2020/EZ by this Hon'ble Court, the affected villagers of Baghjan could not approach this Hon'ble Court and ventilate their grievance as the fire in the BGN-5 well continued to burn from 9<sup>th</sup> June 2020 till around 15<sup>th</sup> November 2020, and all this while the affected families of Baghjan were in relief camps or in rented accommodation, in the midst of Covid-19 pandemic and lockdown. Thereafter, it took nearly a year for the affected villagers to attain some semblance of normalcy as many lost their homes or got displaced from their residence or lost their livelihood, among other damages.
8. That the aforesaid O.A No. 43/2020/EZ was taken in appeal by Bonani Kakkar before the Supreme Court of India vide Civil Appeal No. 2201/2021, wherein, for the first time the affected families of Baghjan village, including the applicants herein through their authorized representative Monoj Hazarika intervened in the said Civil Appeal No. 2201/ 2021 vide I.A. Nos. 135265/2021. The said Civil Appeal No. 2201/2021 along with the connected I.A's was disposed of by the Hon'ble Apex Court vide order dated 23.01.2023. The relevant portion pertaining to the issue of compensation is produced herein below:

*"10. With the above factual background, it would be appropriate to remit the proceedings back to the NGT which shall take up the proceedings on the basis of the reports of the expert committee which was constituted by this Court.*

*12. We keep open all the rights and contentions of the parties.*

*14. NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking due account of the interim compensation which has been fixed in that regard.*

*15. The disbursement of the interim compensation should be effected expeditiously and within a period of two months from the date of this order."*





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A copy of the order dated 23.01.2023 in Civil Appeal No. 2201/2021 is annexed as Annexure – B

9. That vide the above-mentioned order dated 23.01.2023 in Civil Appeal No. 2201/2021, the Hon'ble Apex Court bifurcated the issue of compensation of the Baghjan disasters into two parts, i.e., the issue of '**Final Compensation**' was remanded back to the Hon'ble NGT for determining the modalities and for the final adjudication and the issue of '**Interim Compensation**' was to be effected expeditiously within two months. However, the Hon'ble NGT, in the teeth of the Hon'ble Apex Court's directions vide order dated 23.01.2023 in Civil Appeal No. 2201/2021, had erroneously and without hearing the affected parties, concluded the right of compensation of victims of Baghjan disaster via final judgment and order dated 10.03.2023 in O.A No. 43/2020/EZ.

A copy of the order dated 10.03.2023 in O.A No. 43/2020/EZ is annexed herewith as Annexure – C

10. That being aggrieved by the aforesaid final judgment and order dated 10.03.2023 in O.A No. 43/2020/EZ passed by the Hon'ble NGT, the affected families of Baghjan, including the applicants herein through their authorized representatives, including Monoj Hazarika preferred and appeal before the Hon'ble Apex Court, which was registered as Civil Appeal Diary No. 15374/2023. The said matter was disposed of by the Hon'ble Apex Court vide order dated 29.07.2024, with the following observations:

*"Having regard to the aforesaid submissions made at the Bar and particularly bearing in mind the direction issued by this Court on 23.01.2023, referred to above, and the fact that the appellants herein may have already*

*approached the NGT for seeking interim/final compensation, it is observed that in the event the appellants establish their claim before the NGT, the observations aforesaid would not come in the way of the NGT determining their compensation in accordance with law and on their own merits."*



A copy of the order dated 29.07.2024 in Civil Appeal Diary No. 15374/2023 is annexed as **Annexure – D**

11. That the issue of 'interim compensation' was closed by the Hon'ble NGT vide order dated 13.12.2024 in M.A No. 31/2023/EZ in O.A No. 43/2020/EZ, wherein the Hon'ble NGT had observed regarding the issue of 'final compensation' as follows:

*"65. We make it clear that we have not expressed any opinion on the question of payment of final compensation which still needs to be determined in the pending Original Application No. 44/2020/EZ (Wildlife and Environment Conservation Organization vs. Union of India & Ors.) and Original Application No. 43/2020/EZ (Bonani Kakkar vs. Oil India Ltd. & Ors.), subject to the Applicants of this Miscellaneous Application producing material evidence with regard to their claims for payment of final compensation as on today no evidence has been placed before this Tribunal regarding claim for final compensation."*

A copy of the order dated 13.12.2024 in M.A No. 31/2023/EZ in O.A No. 43/2020/EZ is annexed as **Annexure – E**

12. That the aforesaid order dated 13.12.2024 in M.A No. 31/2023/EZ in O.A No. 43/2020/EZ passed by the Hon'ble NGT went in appeal before the Hon'ble Apex Court via Civil Appeal Diary No. 13483/2025 (Monoj Hazarika vs. Bonani Kakkar & Ors.), which was disposed of vide order dated 09.05.2025 as follows:

*"As the matter is still pending consideration before the National Green Tribunal (NGT) on the question of payment of final compensation which has to be still determined in the pending Original Application No. 44/2020/EZ and Original Application No. 43/2020/EZ as noted in 'paragraph 65' of the impugned order, we do not find any reason to interfere in the case."*



A copy of the order dated 09.05.2025 in Civil Appeal Diary No. 13483/2025 is annexed as

**Annexure – F**

13. That applicants beg to state that Monoj Hazarika is the Gaon Burah (Headmen) of Baghjan village, who has been authorized by the villagers of Baghjan to represent the victims of the Baghjan disasters from the said village before the Hon'ble Courts, including this Hon'ble Court. And accordingly he has been representing the applicants as well as other villagers of Baghjan in the above-mentioned cases. However, Monoj Hazarika is not a party in the original application being O.A No. 43/2020/EZ Bonani Kakkar v. Oil India Ltd. & Ors. Therefore, it becomes imperative to make him a party respondent in the present proceedings for a just and fair adjudication of the connected matters.
14. In view of the above said facts and circumstances it is therefore most respectfully prayed by the applicants that this Hon'ble Court may be pleased to -
  - (i) allow the impleadment of Monoj Hazarika, resident of Baghjan Gaon, P.O Dighaltarang, in the district of Tinsukia, PIN – 786151, Assam, and arrayed as a party Respondent in the connected interlocutory application, and/or
  - (ii) to pass any other such order(s)/direction(s) as this Hon'ble Court seem fit and proper in the facts and circumstances of the present case.

Date: 02.02.2026

Place: Tinsukia

Filed by:

*Vikram Rajkhawa*

**Vikram Rajkhawa**

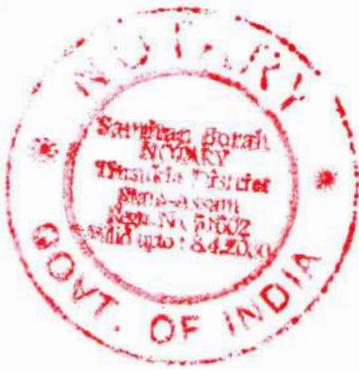
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**BEFORE THE NATIONAL GREEN TRIBUNAL,**  
**EASTERN ZONE BENCH, KOLKATA**



I.A No. \_\_\_\_\_/2026/EZ

in

O.A No. 43/2020/EZ

**IN THE MATTER OF:**

Smt. Labanya Saikia & Ors.

.....Applicants

- Versus -

Oil India Ltd. & Ors.

.....Respondents

**AFFIDAVIT**

Serial No. 1070

Date. 4.2.26

I, Smt. Labanya Saikia, wife of Sri. Jaynath Saikia and daughter of Sri. Lambeshwar Saikia, aged around 42 years, resident of Baghjan Gaon, in the district of Tinsukia, Assam, do hereby solemnly affirm and state as under:

1. That, I am applicant No. 1 in the present application, and as such I am fully conversant with the facts and circumstances of the case and being authorized by the other applicants of the instant application, I am competent to swear this affidavit.
2. That the accompanying application has been drafted by my counsel on my/our instructions and I/we have read and understood the contents of the same and nothing material has been concealed therefrom.

Identified by:  
Milhem Borah  
Associate  
Enrollment No-1209/13.

Verification:

I, the above named, deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

লতায়া সাইকিয়া  
DEPONENT

লতায়া সাইকিয়া  
DEPONENT

Samiran Borah  
4.2.26  
**SAMIRAN BORAH**  
**NOTARY**  
**TINSUKIA DISTRICT**  
**REGN. NO. 51502**

Item No. 1

Court No. 1

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

(By Video Conferencing)

Original Application No. 43/2020(EZ)

Bonani Kakkar

Applicant

Versus

Oil India Limited &amp; Ors.

Respondent(s)

Date of hearing: 15.02.2021

Date of uploading the order: 19.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER****ORDER**

1. **The issue** for consideration in these matters is the remedial steps for restoration of the environment and compensation to the victims on account of damage resulting from the incident of **oil blowout** on 27.05.2020 from the oil well belonging to the Oil India Limited (OIL) which released huge amount of toxic gases and, other consequential events, including fire incident 09.06.2020 that followed, at Baghjan in Tinsukia District of Assam. The fire was finally put off on 15.11.2020, after almost six months and well killing operations were successfully completed on 03.12.2020, after six months, as per version of the OIL filed before this Tribunal on 16.12.2020. Adverse impact of the incident on human beings and environment was large. **As per affidavit dated 27.07.2020 filed by the OIL, more than 9000 persons were displaced and sheltered in 12 relief camps, (with 750 persons in each), 10 camps immediately after 27.05.2020 incident and 02 camps added after 09.06.2020 incident. As on 22.07.2020, 07 camps were still continuing with 5758**

**occupants. 3000 affected families were paid Rs. 30,000/- each as one-time compensation, apart from the compensation of Rs. 20 lakhs each to 11 families whose houses were burnt. A sum of Rs. 11.17 crores was spent on the relief camps as on 23.07.2020. According to the OIL, more than Rs. 151 crores was required towards operational cost for controlling the blowout. By a subsequent letter dated 02.12.2020, the OIL has accepted its liability to pay Rs. 68.05 cores further amount to 600 affected families (Rs. 15 lakhs each to 161 families where damage to the houses is total and Rs. 10 lakhs each to 439 families where damage to the houses is severe). OIL has proposed to the District Collector, Tinsukia that it will pay compensation of Rs. 50,000/- each to 612 families who have left the camp for rental, accommodation, food and other facilities, as stated in the report dated 10.12.2020 of the Committee appointed by this Tribunal (paras 4 and 5). A sum of Rs. 90.796 crore stands deposited by the OIL with the District Collector.**

2. **The Tribunal considered the matter first on 24.06.2020** and noted the version of the applicants that blowout resulted in damage to 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. The area harbours 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. The oil also 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. As a result of the blowout, there was also a fire on 09.06.2020. The applicant has also stated that the blowout 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. **1610 families were displaced as a result of the gas leak.**

3. With a view to obtain an authentic independent version, while issuing notice to the OIL, **the Tribunal constituted eight-member Committee headed by a former Judge of Gauhati High Court with representatives from CPCB, CSIR, Guwahati University, State Biodiversity Board, ONGCL, State PCB and the District Magistrate, Tinsukia District** with liberty to the Committee to co-opt any other expert or institution. The mandate of the Committee was **to ascertain the cause of the incident, persons responsible for the incident and for the failure to prevent the same, extent of damage to the human life, wildlife, Dibru-Saikhowa National Park (DSNP), the Maguri-Motapung Wetland (MMW), assessment of proposed compensation to the victims**

**and for restitution of the property and the environment, remedial measures, including steps to prevent recurrence.**

### **Other Recent Industrial accidents causing deaths/injuries/environment damage**

4. The Tribunal has in the recent past come across several cases of industrial accidents<sup>1</sup>, mostly on account of deficiency in following safety

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<sup>1</sup>

- i. Order dated 01.06.2020, relating to incident of gas leak dated 07.05.2020 in **LG Polymers India Pvt. Limited** at Vishakhapatnam, resulting in death of 11 persons and injuries to more than 100, apart from other damage (OA No. 73/2020, In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village Visakhapatnam in Andhra Pradesh);
- ii. Order dated 03.02.2021, relating to incident dated 03.06.2020 in a chemical factory, **Yashyashvi Rasayan Pvt. Ltd.** at Dahej, District Bharuch, Gujarat resulting in deaths and injuries and other damage (OA No. 85/2020) (Earlier OA 22/2020) (WZ), Aryavart Foundation through its President vs. Yashyashvi Rasayan Pvt. Ltd. & Anr.);
- iii. Orders dated 06.07.2020 and 22.12.2020, relating to incident dated 30.06.2020 on account of gas leakage at **Sainor Life Sciences** factory at Parawada in industrial area on the outskirts of Vishakhapatnam (OA No. 106/2020, News item published in the local daily "Economic Times" dated 30.06.2020 titled "Another Gas Leakage at Vizag Factory kills two, critically injures four...");
- iv. Orders dated 08.07.2020 and 22.12.2020, dealing with the incident dated 01.07.2020 resulting in death of 6 person and injury to 17 due to blast of boiler in **M/s Neyveli Thermal Power Station** (NLCIL), Cuddalore (OA No. 108/2020, News item published in the "Indian Express" dated 01.07.2020 titled "Tamil Nadu Neyveli boiler blast: 6 dead, 17 injured") and;
- v. Orders dated 23.07.2020 and 22.12.2020, in relation to incident of **fire engulfed the chemical plant of Visakha Solvents Ltd**, Vizag on 13.07.2020 at Ramky CETP Solvents building in Pharma City resulting in injuries (OA No. 134/2020, News item published on 13.07.2020 in the local daily named "India Today" titled "Massive fire engulf Vizag chemical plant, explosions heard, injuries reported").
- vi. Order **dated 18.12.2020**, in relation to incident of **explosion in a plastic recycling factory at Sujapur in Malda on 1.12.2020** resulting in death of six persons, including two minors and serious injuries to four persons (OA No. 272/2020, News item published in the "Times of India" dated 20.11.2020 entitled "Six killed as blast tears through Malda Plastic recycling factory").
- vii. Order dated **18.12.2020**, in relation to incident of **methane gas leak in a sugar factory** called Lokenete Bapurao Patil Agro Industries Ltd. in Mohol Taluka of Solapur District, Maharashtra on 21.11.2020 resulting in deaths and injuries and other damage (OA No. 274/2020, News item published in the "Indian Express" dated 23.11.2020 entitled "Maharashtra: Two Killed, eight injured in methane gas leak in sugar factory").
- viii. Order dated 08.01.2021, in relation **to Gas Leak in Agro Company** (O.A No. 107/2020, In RE: News item published in the local daily "Indian Express Sunday Express" dated 28.06.2020 titled "Gas Leak in Agro Company Claims life of one")
- ix. Order dated 18.01.2021, in relation to News item published in Navbharat Times dated 24.12.2020 titled "**Gas leaks in IFFCO Plant, 2 Officers dead**" (O.A No. 04/2020, In re : News item published in Navbharat Times dated 24.12.2020 titled "Gas leaks in IFFCO Plant, 2 Officers dead")
- x. Order dated **11.02.2021**, in relation to accident of **toxic gas leak in Rourkela Steel Plant in Orissa**" (O.A. No. 09/2021, In re: News item published in The Indian Express dated 07.01.2021 titled "Four workers dead due to toxic gas leak in Rourkela Steel Plant")
- xi. Order dated **16.02.2021**, in relation to accident of **Virudhunagar firecracker factory blast** (O.A. No. 44/2021, In re: News item published in The News Indian Express dated 12.02.2021 titled "At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured")

protocols. The Tribunal, after securing factual reports has directed payment of compensation to the victims and taking of steps for restoration of environment, safety audits of establishments and measures to prevent recurrence. The present matter is also being handled on same pattern to the extent applicable to the facts.

**Preliminary report of the Committee dated 24.6.2020**

5. In pursuance of order dated 24.6.2020, which was slightly modified vide order dated 2.7.2020, the Committee gave its interim report dated 24.07.2020 to the effect that **there was failure of following the Standard Operating Procedures (SOPs) in operating the Blow Out Preventer (BOP), without testing secondary safety barrier and lack of proper supervision of the contractor as well as of the Company. The Company had not obtained requisite consents nor complied with the EC conditions which called for remedial action.** The Committee suggested preventive measures to avoid similar incidents in the form of **isolation of hydro carbon bearing zone, placement of secondary safety barrier, placement of cement plug, proper cement slurry design and preparation of contingency plan.** Damage to the DSNP and MMW was required to be assessed by setting up multi-disciplinary teams. Same course was required to be adopted for restoration plans. The Committee recommended scale of interim compensation in three categories of Rs. 25 lakhs, Rs. 10 lakhs and Rs. 2.5 lakhs to persons whose houses were completely demolished, severely damaged and partially damaged respectively.

6. According to **version of the OIL in the form of objections filed on 05.08.2020**, the contractor to execute the Work Over Operations as per well programme was M/s John Energy Limited (JEL). Installation manager

was the link between OIL and JEL. The contractor was to control and the prevent fire blowout. **The contractor nipped down BOP before completion of WOC period of 48 hours and gave that information only when the well became active. JEL did not inform nipping down of BOP and did not shut the well for control. Thus, failure was of Contractor and not OIL.** The OIL engaged Environment Resource Management (ERM) to assess damage to the biodiversity. Other organizations hired for study of impact on blowout are: The Energy Research Institute (TERI), Assam Agricultural University, CSIR-North East Institute of Science and Technology and Indian Institute of Technology (IIT), Guwahati. **Thus, restoration work is being undertaken. It had secured requisite consents and complied with the statutory norms.** State PCB issued closure notice on 19.06.2020 which was withdrawn on 23.06.2020 after considering the stand of the OIL. **It has discharged its responsibility of compensating the victims and the environment by taking necessary remedial measures.**

7. We reproduce below the extracts from the preliminary report of the Committee dated 24.07.2020:

*“Based on the preliminary assessment, the Committee has arrived the following preliminary findings, which are subject to further consideration by the Committee. In the interim, the Committee is also of the unanimous view that the well Baghjan-5 blowout and subsequent explosion has led to extensive damage to both the publicly owned resources including the Maguri-Motapung wetland, DSNP, the eco sensitive zone including the water bodies, air, wildlife and the natural resources surrounding it. Additionally, it has caused irreparable physical harm and damage to privately owned property of the survivors in the affected villages. The Committee therefore concludes the preliminary report with suggested interim measure including compensation for the affected families and individuals.*

#### **Preliminary Inferences**

I. *The probable reasons of Well Baghjan-5 blowout and explosion are as under:*

- a. *There was deficiency in understanding of the gravity of a critical operation like removal of BOP without having a confirmed and tested secondary safety barrier.*
- b. *There was deficiency in proper planning of critical operations. There was a clear mismatch between planning and its execution at site and deviations from the Standard Operating Procedure.*
- c. *There were serious deficiencies of proper level of supervision of critical operation at the well site both from the Contractor as well as from OIL.*

II. *OIL did not have the mandatory Consent to Establish and Consent to Operate both under the Section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act and the Rules framed thereunder, when it first started its drilling operations in Well Baghjan-5 in 2006.*

III. *On the day of the blowout of Well Baghjan-5 i.e. 27.05.2020 and subsequent explosion on 09.06.2020, OIL did not have the mandatory Consent to Establish and Consent to Operate both under Section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act and the Rules framed thereunder and/or the authorization Rule 6 of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016.*

VI. *OIL, till date, does not have the required Consent to Establish and/or Consent to Operate to either carry out drilling and testing of hydrocarbons in Well Baghjan-5 under the DSNP Area, except for the years 2008-09, 2012-13, 2018-19, under Section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act and the Rules framed thereunder and/or the authorization required Rule 6 of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 which is in clear violation of the conditions stipulated in the Environmental Clearance dated 11.05.2020.*

### **Preliminary Interim Measures**

#### **I. Immediate Preventive Measures to Avoid Similar Blowout and Explosions**

- (i) *It is pertinent to note that the handling of Gas wells is different than Oil wells. Therefore, it is necessary to have different SOP for Gas wells.*
- (ii) *Isolation of any Hydrocarbon bearing Zone by a secondary barrier is critical and ought to be planned carefully. Such well situation cannot be relied upon only on Hydrostatic Head of well Fluid. There ought to be proper secondary safety barrier, which are tested both positively and negatively to check its integrity before attending any critical operation in the well like nipple down of BOP.*

- (iii) *Placement of secondary safety barrier must be placed as near to the perforated zone and should not place anywhere in the well.*
- (iv) *Placement of Cement Plug is to be always done in the vertical portion of Casing. If required to place Cement Plug in a deviated well, either a perforated Tubing/ Drill pipe shoe is to be used and the string ought to be rotated during placement of cement slurry by using swivel joint or use the swivel joint with Kelly of the Rig. After balancing the Plug, the string needs to be pulled out slowly and while breaking the joints, Rotary is to be used to break the joint which will help cement slurry to spill all around and also to fall smoothly from inside string.*
- (v) *It is important to design Cement Slurry with water loss additive to control water loss from cement slurry to bare minimum during setting of cement. Retarder may also be added to get the desired thickening time. Compressive Strength of the designed slurry are to be tested at 12hours, 24 hours and 36 hours.*
- (vi) *Before doing any critical operation in well, a comprehensive contingency Plan must be made available to face any eventuality. In this particular well due to not having any such Plan.*

## **II. Restoration Plan for Maguri-Motapung Wetland**

1. **The Committee is of the unanimous view, that it is necessary to set up/induct a multidisciplinary team comprising of community members along with experts on wetland ecology, hydrology, fisheries, water birds' specialists and others who will report to the Committee and will be responsible to formulate a restoration plan for the Maguri-Motapung wetland and also to ascertain the extent of damages and the compensation to be fixed for that purpose.** The Committee, in its subsequent report shall make necessary recommendations for payment of compensation by the Pollutor for restoration of the damages caused to the eco-system.

## **III. Health Safeguards in Relief Camps**

1. *It is specifically recommended that regular screening for COVID is conducted and as and when necessary. It is further recommended that adequate number of relief camps with adequate health and sanitation facilities be set up by the Office of the District Administration together with OIL, in conformity with the COVID-19 guidelines issued by the WHO, Government of India and Government of Assam. Furthermore, it is specifically recommended that all individuals presently being accommodated in the relief camps be provided with immediate health safeguards, including insurance cover for COVID 19.*

## **IV. Interim Compensation to the affected families**

1. **The Committee, proposes the formulation of three categories of affected families to assess the question of interim compensation namely ;**

(i) **Those whose houses have been completely gutted by the fire thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.**

(ii) **Those whose houses have been severely damaged thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.**

(iii) **Those whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged thereby causing injury to life and health, loss of livelihood, cultivable land, livestock, damaged to fisheries etc.**

(iv) **The scale of interim compensation is as follows :**

<b>Category (i)</b>	<b>Rs. 25 Lacs</b>
<b>Category (ii)</b>	<b>Rs. 10 Lacs</b>
<b>Category (iii)</b>	<b>Rs. 2.5 Lacs</b>

2. *An initial amount of Rs.25 Lacs will be released immediately to all the affected under category (i) whose information is already available with the Office of the District Administration. For the affected families under category, (ii) the amount of 10 lacs will be released immediately within an outer limit of 15 days, based on the information already available with the Office of the District Administration. The compensation amount, if any already paid, shall be deducted from the aforesaid amount of interim compensation.*

3. *The Office of the District Administration will compile a list of all those in Category (iii), who have been moderately / partially impacted, in consultation with the revenue officers, PWD, concerned circle officer, the Gaonburahs and community representatives of the affected villages. The disbursement of the amount will be completed expeditiously within an outer limit of 45 days from the passing of the order by the Hon'ble NGT for interim compensation.*

4. *The affected families, particularly under category (i) and (ii), whose names have been left out of the list would be entitled to the said amount after due verification within 7 days from the passing of the order by the Hon'ble NGT for interim compensation and the same will be disbursed within 15 days from the date of completion of the verification.*

5. *The interim compensation will be paid by OIL and from the funds which have already been made available to the Office of the District Administration. The balance amount, if any, will be made available immediately by OIL and as and when asked by the Office of the District Administration.*

6. *One-time compensation amounting to Rs.30,000/- that has been agreed to be paid by OIL to the affected families, who had moved to the relief camps due to Well Baghjan-5 blowout on 27.05.2020, as an immediate relief, will be disbursed immediately as per the list prepared by the circle officer, Doomdooma and available with the Office of the District Administration and not later than 7 days from the passing of the order by the Hon'ble NGT for interim compensation. The affected families whose names have been left out of the list would be entitled to the said amount after due verification and the same will be disbursed within 15 days from the passing of the order by the Hon'ble NGT for interim compensation.*

7. *One-time compensation of Rs.25,000/- will be disbursed to each of the affected families and individuals who had shifted to the relief camps in the wake of the explosion in Well Baghjan-5 on 09.06.2020 as an immediate relief as per the list prepared by the Circle officer, Doomdooma and available with the Office of the District Administration and not later than 7 days from the passing of the order by the Hon'ble NGT for interim compensation. The affected families whose names have been left out of the list would be entitled to the said amount after due verification and the same will be disbursed within 15 days from the passing of the order by the Hon'ble NGT for interim compensation.*

8. *The interim compensation as well as the one time compensation, as stated above, will be credited directly to the bank accounts of the affected families and individuals by the Office of the District Administration. The said interim compensation is non-recoverable and will be adjusted against the final compensation due to the affected families and individuals.*

9. *An immediate health insurance policy including COVID 19 will be made available by OIL to all affected individuals and families by the Well Baghjan-5 blowout and explosion and who are presently taking shelter in the relief camps within 7 days from the passing of the order by the Hon'ble NGT for interim compensation.”*

8. We now reproduce extracts from the objections dated 27.07.2020 filed on 12.02.2021 by the OIL to the above report:

“9. *That it is pertinent to mention 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 India Ltd'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 wells. Out of which 21 wells are on regular production in Baghjan EPS. 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 India Ltd 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.

10. The 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 well plinths to avoid miscreant activities

Furthermore, 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.

11. 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 was 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, the Well suddenly became very active and has resulted into a major blowout at around 10.30 AM, 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.*

**12. 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. Besides, following arrangements were made to bring the well under control*

- ▶ *Creation of facilities for pumping water to the blowing well.*
- ▶ *Infrastructure arrangement for capping the well.*
- ▶ *Pumping of sufficient water through the well annulus to make the flowing gas wet, thereby reducing gas condensate spread to the nearby areas.*
- ▶ *Adequate water spraying through Fire Service pumps and nozzles/ monitors.*
- ▶ *Taking all adequate HSE measures.*
- ▶ *Continuous gas testing for LEL level around the well plinth area.*
- ▶ *Fabricate hydraulically operated mechanized structure at OIL's workshop for moving/placing Blow out Preventer (BOP) on the well head. The mock drill of the unit was done on 08.06.2020 at OIL's workshop.*

*In the meantime, OIL India Ltd has also contacted Global Expert to control the blowout. Accordingly, OIL India Ltd appointed 3 Global Experts in Well Control Operation from M/s Alert Disaster Control (Asia) Pte Ltd, Singapore and is working at the blow-out site since 08.06.2020.*

13. *That, unfortunately, the Blowout well caught fire at around 01.14 PM on 09.06.2020. That, after the Blowout Well caught fire at around 1.14 PM of 09.06.2020, the Experts' team from M/s ALERT, Singapore assessed the condition of the well at site in presence OIL India Ltd's team led by Directors of OIL India Ltd 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.*
14. *That consequent upon the fire, Respondent Company along with the experts from ONGC and ALERT Team chalked out a new plan of action for controlling the well under fire. Important action plan to extinguish & control the well are as under:*
- ▶ *Heat shielding of the working areas by suitable means.*
  - ▶ *To clear all debris and damaged rig package & equipment from site.*
  - ▶ *Arrange water (4000 - 5000 GPM) and pumping infrastructure. Additional pumps are to be brought from ONGCL, Vadodara.*
  - ▶ *Arrange adequate drilling mud and pumping infrastructure. Hired pumping units of M/s Schlumberger are mobilized from Barmer and Kakinada.*
  - ▶ *Special tools and equipment's used for controlling wells under fire are being mobilized from various sources nationally and internationally.*
  - ▶ *Arranging to cap the well by placing BOP with the help of special tools (Athey wagon) after creating a continuous water umbrella.*
  - ▶ *Subdue the well by pumping drilling mud & kill the well immediately.*
  - ▶ *Bring the well under control.*
- Above operations are being carried out under the direct instruction & supervision of the international well control expert from M/s ALERT Disaster Control (Asia) Pte Ltd, Singapore. However, incremental weather and flooding of the site on account of continuous rains for the last one month, besides obstructions by local people, have severely affected the pace of well control arrangements. However, inspite of various constraints, all efforts are being made to extinguish the fire and control the well in shortest possible time. Accordingly, final preparations for operation to cap the well have already been started.*
15. *That around one thousand six hundred and ten (1610) families have been evacuated from the nearby affected*

*areas and are camped initially in four relief camps set up at (i) Baghjan Dighultarrang 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.*

16. *That in the meantime, different committees have been constituted by various statutory authorities and government bodies to enquire into the incident, having different scope of enquiry. The details of committees are enumerated below:*
- i) One Person Enquiry Committee headed by the Addl Chief Secretary, Govt of Assam vide Order No. HMA/19/50//2020-Pol(A)/4 dated 12.06.2020. A copy of the order dated 12.06.2020 numbered as HMA/19/50//2020-Pol(A)/4 is being annexed herewith and marked as Annexure 5.*
  - ii) Three member High Level Expert Committee constituted by the Ministry of Petroleum and Natural Gas, Govt of India, comprising of Director General Hydrocarbon, Govt of India, Former Chairman ONGC and Former Director, ONGC vide Order No. Expl-15022(13)/7/2020-ONG-V dated 11.06.2020. A copy of the order dated 11.06.2020 numbered as Expl-15022(13)/7/2020-ONG-V is being annexed herewith and marked as Annexure 6.*
  - iii) Four member expert committee constituted by the Directorate of Geology and Mining, Govt of Assam vide Order No. GM/MM/160/Pte.L/95 dated 04.06.2020. A copy of the order dated 04.06.2020 numbered as GM/MM/160/Pte.L/95 is being annexed herewith and marked as Annexure 7.*
  - iv) One member Expert Committee headed by the Addl PCCF(WL&CWLW) constituted by Environment & Forest Department, Govt. of Assam vide Order No. FRW.6/2020/1 dated 12.06.2020. A copy of the order dated 12.06.2020 numbered as FRW.6/2020/1 is being annexed herewith and marked as Annexure 8*
  - v) Two member expert Committee constituted by the Oil Industry Safety Directorate (OISD) under the MoPNG, Govt of India vide e-mail dated 30.05.2020. 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 objectives of the OISD are Standardization, Formulation of Disaster Management Plan, Accident Analysis and Evaluation of Safety Performance. A copy of the email dated 30.05.2020 by of Oil Industry Safety Directorate*

*(OISD) is being annexed herewith and marked as Annexure 9. It is also relevant to mention that the Mines Act, 1952 empowers the Director General Mines Safety (DGMS) to investigate such incident and accordingly, DGMS has initiated investigation on the matter.*

- vi) Enquiry conducted by the Directorate General of Mines Safety (DGMS), Govt of India under the Mines Act, 1952. Further to above, on the request of the Respondent Company, Assam Agriculture University, Jorhat vide letter no. 7(15/13/DRA(T)/Pt/2020-21/2381 dated 17.06.2020 constituted a three-member expert committee to assess the damage of crop/Tree/Plants (Paddy/Tea/Fruit/Vegetation) in and around the blow out site. A copy of the letter dated 17.06.2020 numbered as (15/13/DRA(T)/Pt/2020-21/2381 is being annexed herewith and marked as Annexure 10.*
- 17. That in the said incident, Two Fire Service Personnel of OIL India Ltd unfortunately lost their lives by drowning in the nearby ponds. After the postmortem, the dead bodies of the two employees of OIL, who valiantly sacrificed their lives on duty for the Company, were received with full honour in Duliajan. CMD and Director (HR&BD) paid homage in presence of other OIL employees. CMD, OIL India Ltd and Director (HR&BD), OIL India Ltd handed over cheque of Rs 30.00 Lakh each to the wives of the deceased fire-fighters, Late Tikheswar Gohain and Late Durluv Gogoi of OIL India Ltd 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 India Ltd 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 Drilling activities in few locations near Baghjan area have been suspended due to ongoing protest by local people.**
- 18. xxx .....xxx.....xxx**
- 19. That the OIL India Ltd submits that 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. Efforts have been undertaken by OIL India Ltd by engaging, its own resources and hired services from organizations of national repute to minimize further impacts on the environment and to recuperate from the damage caused to the environment. Manually, picking**

**up of thin film of floating condensate oil was carried out by OIL India Ltd. Sorbents were used to contain the spread of condensate oil. The following organizations are involved for the purpose mentioned above, apart from the District Administration:-**

- i) **M/s ERM India Pvt Limited.**
- ii) **The Energy Research Institute (TERI)**
- iii) **Assam Agricultural University.**
- iv) **CSIR- North East Institute of Science and Technology.**
- v) **Indian Institute of Technology (IIT), Guwahati**

20. That, aforesaid organizations are presently carrying following jobs for restoration of the environment

- a) **Environmental Scanning:** OIL India Ltd engaged an National Accreditation Board for Education and Training (NABET) accredited consultant to carry out Environment Impact Assessment Study to examine impact on environment particularly air quality, noise quality, surface water, sediment quality, ground water, soil quality, terrestrial ecology, aquatic quality and to suggest mitigation measures.
- b) **Spillage, Cleaning and Bio-remediation:** M/s TERI, New Delhi has been engaged by OIL India Ltd for In-Situ & Ex-Situ bioremediation of oily Sludge/ oil-contaminated soil for a quantity of 6,000M<sup>3</sup> was mobilized to the affected area on 06.06.2020. M/s TERI collected the sample microbial culture. M/s TERI inspected the spillage site and identified the areas of bioremediation in & around BGN#5, surrounding land mass and water bodies including Maguri-Motapung beel. On 19.06.2020, OIL India Ltd & M/s TERI representatives jointly identified and **certified the job volume as 12,000 m3**. M/s TERI initiated site cleaning jobs (collection/ cleaning of debris/ oil contamination in land as well as water bodies) after discussion with local villagers.
- c) **Picking up of spilled oil manually and by turbo pump:** After the incident of blowout, several bunds were constructed around the area of blowout to arrest the spilled oil flowing to the nearby water bodies. The oil arrested inside the bundhs were picked up by manual efforts in drums and transferred to EPS-Baghjan. Turbo pumps driven by water jet were also been used for lifting spilled oil.
- d) **Assessment of Contamination of Surface Water, Ground Water and Soil:** TERI/ERM would carry out an assessment of impact/ contamination to the surface water, ground water and soil in the affected area caused due to the blowout & fire. TERI would carry out water &

soil quality monitoring and appropriate modelling for the assessment of impact/ contamination

- e) **Assessment of Impact to Biodiversity:** TERI/ERM as well as the work assigned to Institute of Advance Study in Science and Technology (IASST), Govt of Assam, would carry out an assessment of impact/ damage to the biodiversity including the flora & wildlife in the affected area caused due to the blowout & fire.
- f) **Damage Assessment by Experts:** Assam Agriculture University (AAU) had deputed experts to assess damage to the Crops/Tree/Plants (Paddy/tea/Fruit/ Vegetation) in the area likely to be affected by the blow out and subsequent fire of BNG#5. The experts visited the area twice once after the blow out and once after the fire incident occurred on 09.06.2020.
- g) **Assessment of Vibration:** CSIR- North East Institute of Science and Technology (NEIST) had been requested to assess alleged vibration of the locality. Scientists from the premier institute have set up stations for the experimentation of the alleged vibration in the locality. The above activities are planned and are being executed by OIL India Ltd to mitigate the impacts on the environment due to the BGN#5 incident, if any.
- h) **IIT-Guwahati Study on Thermal Mapping & Sonic Measurement:** OIL India Ltd has engaged Indian Institute of Technology (IIT), Guwahati to study reported cracks in houses surrounding the blow out site using thermal mapping & Sonic Measurement. The study has been initiated on 1607.2020 in presence of officials from District Administration & PWD and Local Govt. Village Headman in Notungaon village.
- i) **Additional Efforts for the preservation of towards Dibru Saikhowa National Park:** OIL India Ltd restored 30-35ha lands by completing plantation of 64,500 trees by August, 2019 with aim of bringing back lands to its original conditions in abandoned well sites at seven locations.”

9. **The Tribunal considered the matter on 06.08.2020** as follows: -

“1to17...xxx.....xxx.....xxx

18. We have given due consideration to the objections. We are unable to accept the same at this stage for prima facie view and interim compensation. **The recommendations of the Committee on the subject of compensation for three categories of victims are accepted with the clarification that the compensation already paid will be taken into account and excluded from the interim compensation recommended by the Committee. Compensation to victims of categories (ii) and (iii) will be subject to**

**identification by the District Administration which may be completed preferably within one month. We request the Assam State Legal Services Authority to oversee the process.**

**19. We also accept the recommendation for interim compensation to the families who have moved out of the relief camps after the blowout of 27.05.2020 and to the families who have shifted to the relief camps after explosion on 09.06.2020.**

20. The disbursement may be made through the District Administration by deposit to the bank accounts of the affected families which may also be overseen by the State Legal Services Authority.

21. The amount calculated and quantified by the District Magistrate may be made available by the OIL within two weeks of letter of the District Magistrate.

**22. Other interim recommendations may be complied to the extent there is no dispute, subject to call being taken by concerned statutory authorities and finally by this Tribunal on the next date.**

**The Committee may give its final report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."**

#### **Further reports of the Committee**

10. Accordingly, the Committee has given its further report dated 10.12.2020, apart from its progress reports dated 31.10.2020 and 01.09.2020 (wrongly typed as 01.08.2020 at some places). We proceed to deal with the said reports dated 31.10.2020 and 10.12.2020 but since report dated 1.9.2020 is covered by report dated 31.10.2020, the same need not be referred to for purposes of this order.

11. Extracts from the report dated 31.10.2020 are as follows:-

#### **"D. FINDINGS**

##### **I. INFRACTION OF ENVIRONMENTAL LAWS**

##### **(i) CONSENT TO ESTABLISH AND CONSENT TO OPERATE**

(a) *Statutory obligations mandate that all onshore oil drilling projects adhere to strict compliance of obtaining consent under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 (hereinafter referred to as the Water Act),*

*the Air (Prevention & Control of Pollution) Act, 1981 (hereinafter referred to as the Air Act), and Authorization under the Hazardous Waste (Management & Handling) Rules, 1989 and the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.*

- (b) *Based on a detailed analysis of records produced by OIL and PCBA with respect to the projects pertaining to the Well Bahjan-5, the preliminary report noted flagrant violations of the procedure envisaged under Section 25 and 26 of the Water Act and Section 21 of the Air Act and Rule 6 under the Hazardous Waste (Management & Handling) Rules, 1989. From the face of the records before the Committee, it became evident that;*
- i) *OIL had never procured and/or received any Consent to Establish / NOC and / or Consent to Operate under the aforesaid Acts and Rules in the manner prescribed for drilling operation of Well Baghjan-5 in 2006. Infact, OIL had never obtained any mandatory authorizations as required under the Acts and Rules other than what is stated below.*
  - ii) *OIL only had the mandatory consent under the Water Act and Air Act was approved by PCB, Assam for the years 2008-09, 2012-13, 2018-19. For the years 2006-07, 2009-10, 2010-11, 2011-12, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2019-20, no consent has been issued by the PCB, Assam as per the records placed before the Committee. Thus, OIL had flagrantly and consistently violated the provision under the Water Act and Air Act except for the 3 years i.e. 2008-09, 2012-13, 2018-19.*
  - iii) *Further, the PCB, Assam and OIL were not able to place any CTE/NOC and/or CTO for any year including the year 2020 and/or for the Well Baghjan-5. It was therefore inferred prima facie that on the day of the blowout of Well Baghjan-5 on 27.05.2020 and explosion on 09.06.2020, OIL did not have the mandatory consents including the CTE/NOC and/or the CTO under the Water Act, Air Act and/or the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016.*
  - iv) *Such omissions on the part of OIL meant clear violations not merely of the statutory mandate but also the conditions that have been stipulated under Clause 10 (iii) and (vi) of the Environment Clearance dated 11.05.2020 with respect to the Extension Drilling & Testing of Hydrocarbons at 7 locations under the DSNP Area, where the blowout and subsequent fire occurred with respect to Well Baghjan-5.*
- (c) *Based on such findings, the Preliminary Report drew the following conclusion as stated below ;*

*... OIL does not have, till date, the required consent to establish and/or consent to operate to either carry out drilling and testing of hydrocarbons in Well Baghjan-5*

*under the DSNP Area, except for what has been stated in para 10 above. This indicates a serious and grave infraction against the statutory environmental safeguards, more particularly under Section 25 & 26 of the Water Act, Section 21 of the Air Act, the authorization under Rule 6 of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 and the Environmental Clearance dated 11.05.2020 for the said project. This may therefore require scrutiny of all existing projects of OIL in the State of Assam to ascertain if they meet the mandatory requirements of obtaining consent / authorization under the aforesaid Acts and Rules. It is recommended that the Hon 'ble NGT may also look into the activities of the PCB, Assam with regard to the grant of CTE / NOC and CTO for all the projects of OIL, presently in operation, in the State of Assam.*

- (d) *Pursuant to such findings, the Committee sought further clarifications from PCB, Assam vide letter dated 18.08.2020, summoning all relevant documents pertaining to the status of the Consent to Establish and Consent to Operate under the aforesaid statutes pertaining to Well Baghjan No.5. In response vide their letter dated 21.09.2020, PCB, Assam placed a detailed summary chart titled "Consent Status of M/s Oil India Limited, Duliajan including Oil Well No. BGN-5 of Baghjan Oil Field in Tinsukia District" which is appended hereto as Appendix-A. A bare perusal of the document makes it clear that the mandatory authorizations/consent had been "not granted" except for the years of 2007-2008, 2008-2009, 2012-2013, 2014-2015, 2018-2019. It can therefore be concluded that OIL had not been granted the mandatory Consent to Operate for drilling operation of Well Baghjan-5 in 2006-07, 2009-10, 2010-11, 2011-12, 2013-14, 2015-16, 2016-17, 2017-18, 2019-20. The document, therefore, clearly supports the conclusions drawn in the preliminary report and establishes the fact that OIL does not have the mandatory authorizations 1.e. either the Consent to Establish / NOC and/or Consent to Operate under the Section 25 and 26 of the Water Act and Section 21 of the Air Act. Such omissions on the part of OIL amounts to a clear violation not merely of the statutory mandate, but also the conditions that have been stipulated under Clause 10 (111) and (vi) of the Environment Clearance dated 11.05.2020 with respect to the Extension Drilling & Testing of Hydrocarbons at 7 locations under the DSNP Area, where the blowout and subsequent fire occurred with respect to Well Baghjan-5 as has been indicated in the Preliminary Report.*
- (e) **The Committee therefore reiterates the conclusions drawn in the Preliminary Report and recommends that direction may be issued to the PCB, Assam to take appropriate legal action against OIL and its officials for violation of the mandatory requirements of the aforesaid Acts and the rules.**

**(ii) COMPLIANCE OR OTHERWISE OF ORDERS OF THE HON'BLE SUPREME COURT**

- (a) *As discussed in the Preliminary Report, the Hon'ble Supreme Court of India, vide an order dated 04.12.2006 in Goa Foundation vs. Union of India being W.P.(C) No. 460/2004, had mandated that under the Environment (Protection) Act, 1986, States should declare ecosensitive zones (ESZs) around the protected areas to keep a check on their fragmentation that may result from industrial development. Accordingly, mining and most polluting industries were prohibited in these zones. The Hon'ble Supreme Court further ordered that till the States do not identify such ESZs, all the projects that require environment clearance and are within 10 km of a protected area boundary, including mining, would be allowed only after getting an approval from the National Board of Wildlife (NBWL).*
- (b) *Pursuant thereto, the Hon'ble Supreme Court, vide its Order dated 07.09.2017, In R e T.N. Godavarman Vs. Union of India was pleased to relax the aforesaid prohibition in favour of OIL and granted conditional approval to OIL to undertake the present extraction of hydrocarbons from the proposed wells including the Well Baghjan-5. As evident from the Order dated 07.09.2017, the relaxation granted by the Hon'ble Supreme Court necessitated compliance by OIL of the conditions which inter-alia included:*
- i) OIL to carry out a Bio-diversity Impact Assessment study through Assam State Biodiversity Board, for which budgetary offer have already been obtained on 12.05.2017.*
- (c) *Based on the review of documents and records produced by both OIL and the Assam State Biodiversity Board, the Preliminary Report indicated a prima facie non-compliance vis-à-vis of conducting the Biodiversity Impact Assessment study as was mandated vide Clause 1 of the aforesaid Order passed by the Hon'ble Supreme Court. The observations read as under:*

*Neither OIL nor the Assam State Biodiversity Board have presented any Biodiversity Impact Assessment study that was undertaken after 07.09.2017. To a specific request for submission of all expert committee reports pertaining to DSNP and its biodiversity, the Assam State Biodiversity Board clarified that such Reports, if any, were available only with the Wildlife Wing of the Assam Forest Department, which administers the DSNP and the biological diversity contained therein under the Wildlife Protection Act, 1972. The statement of the Assam State Biodiversity Board thus implies in clear terms that Assam State Biodiversity Board was not approached by OIL to carry out a Biodiversity Impact Assessment. In fact, OIL, in their reply to the Committee 's query has stated to have engaged the Institute of Advanced Study in Science & Technology to prepare Biodiversity Impact Assessment study. It is not clarified by OIL whether they had informed*

*the Hon 'ble Supreme Court before making such deviations. In any case, as on date, there appears to be no such Biodiversity Impact Assessment study, either prepared by the Assam State Biodiversity Board or any other agency engaged by OIL, on record, till date.*

- (d) *Pursuant to the findings of the Preliminary Report, OIL vide its letter dated 19.08.2020 has informed the Committee that it had awarded a contract to carry out the Biodiversity Study to the Institute of Advanced Study in Science and Technology vide OIL letter ref no. OIL/CONT/LOA/S/594/2018-19 dated 20.11.2018 with necessary permission from the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Government of Assam vide ref Order No. 54 dated 28.02.2020. OIL has further submitted that the Institute of Advanced Study in Science and Technology vide letter No.IASST/1316/2019-20/103 dated 27.04.2020 had expressed their inability to carry out the Biodiversity study. A copy of the letter dated 19.08.2020 submitted by OIL is attended hereto as Appendix-B.*
- (e) *The Assam State Biodiversity Board has also informed the Committee that pursuant to the order dated 07.09.2017 passed by the Hon'ble Supreme Court, the Board have not conducted Biodiversity Impact Assessment. They have also filed their affidavit dated 05.08.2020 before Hon'ble NGT, Eastern Zone Bench, Kolkata in Case No. 04/2020/EZ and IA No. 34/2020/EZ to the affect that though the board sent a budgetary offer of Rs. 21.23 lakh for conducting such study to the Joint Manager (HSE) and Nodal Officer Oil India Limited, Duliajan on 12.05.2017, the OIL did not communicate anything in that regard thereafter. A copy of the said communication dated 21.08.2020 and the affidavit dated 05.08.2020 are appended hereto as Appendix-C.*
- (f) *Further, it has not been made clear by OIL whether they had approached the Hon'ble Supreme Court of India to modify the said Order dated 07.09.2017 to the extent of having the Biodiversity Study conducted through the any other agency. The actions of OIL therefore stand in clear contravention of the directions of the Hon'ble Supreme Court granting conditional approval to OIL to undertake the present extraction of hydrocarbons from the proposed wells including the Well Baghjan-5.*
- (g) ***Therefore, as on date, OIL has been unable to carry out the Biodiversity Impact Assessment Study either through the Assam State Bio diversity Board, as was mandated by the Hon'ble Supreme Court, a fact that stands corroborated by the Assam State Biodiversity Board, or by any other agency. Such actions place OIL in continuing contempt of the directions passed by the Hon'ble Supreme Court of India, specifically its Order dated 07.09.2017 granting conditional approval to OIL to undertake the present extraction of hydrocarbons from the proposed wells including the Well Baghjan-5.***

**(iii) ENVIRONMENT PROTECTION ACT, 1986**

- a) *As observed in the Preliminary report, it was prima facie inferred that OIL did not have the necessary Environmental clearance (hereinafter referred to as the EC) for Baghjan Petroleum Mining Lease (PML) when it became operational in 2003 under the then Environment Impact Assessment (ETA) Notification, 1994. OIL has submitted three EC s pertaining to the Baghjan oilfield, the first of which is dated 01.11.2011. To a query raised by the Committee of whether OIL had received any EC from the Ministry of Environment, Forest and Climate Change prior to 01.11.2011, OIL has stated that the EC dated 01.11.2011 was the first obtained by OIL from the Ministry of Environment, Forest and Climate Change for which the application was submitted in 19.11.2007. It is a stated position by OIL that their operations in Well Baghjan-5 had first commenced on 20.11.2006. Since the submission of the Preliminary report OIL has not placed any additional document to indicate if the mandatory EC was indeed obtained when it became operational in 2003. This leads the Committee to state conclusively that OIL had started the activities in Well Baghjan-5, 5 years prior to grant of EC by the Ministry of Environment, Forest and Climate Change, Government of India, which is mandatory. The OIL therefore stands in contravention of the provisions of the Environment (Protection) Act, 1986 and the Environment Impact Assessment (EIA) Notification, 1994 under which it is mandatory to obtain EC for any onshore drilling projects before commencement of activities on 20.11.2006.*
- b) *Further, verification of the general and specific conditions as stipulated under the various ECs under the Environment (Protection) Act, 1986 and the EIA Notification 2006, indicate serious violations by OIL with respect to the projects pertaining to the Well Baghjan-5. In fact, the EC dated 11.05.2020 were subject to the strict compliance inter-alia of the following conditions that;*
- (i) .....
- (ii) *Drilling in the National park/Wildlife Sanctuaries are subject to the recommendations of orders of Hon 'ble Supreme Court, recommendations of Standing Committee of NBWL, recommendations of the State Chief Wildlife Warden and strict compliance of the conditions imposed therein.*
- (iii) *Necessary permission as mandated under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, as applicable from time to time, shall be obtained from the State Pollution Control Board.*
- (iv) *Necessary authorization required under the Hazardous and Other Wastes (Management and Trans Boundary Movement) Rules, 2016, Solid Waste*

*Management Rules, 2016 shall be obtained and the provisions contained in the Rules shall be strictly adhered to.*

*The discussion under Section D. I. (i) and D. II. (ii) above clearly indicate a serious noncompliance by OIL in adhering to the strict compliance as mandated under the EC dated 11.05.2020 and more specifically the environmental safeguards envisaged under the aforesaid Acts and Rules. Such omissions amount to a clear contravention of the statutory mandate and the conditions imposed thereon in granting approval and in continuing to carry out operations in extraction of hydrocarbons from the proposed wells including the Well Baghjan-5.*

- c) *The Committee has received multiple reports including those furnished by PCB, Assam and DC, Tinsukia. These reports provide a detailed record of the ambient noise level at different locations of the OIL blowout site at Baghjan at different time periods from the occurrence of the explosion on 09.06.2020 till date. These reports record a consistent increase in noise levels in and around the blowout site, with noticeable increase in sound beyond the prescribed standard irrespective of the zone. Initial reports of assessment made by the PCB, Assam dated 15.06.2020 indicate alarmingly high levels of ambient noise between 82.2 dB to 92.03 dB at a distance of 800- 200 meters respectively from the site of the OIL blowout. Infact, the noticeable increase in noise levels is evident from the report furnished by the PCB, Assam on 17.07.2020 which records ambient noise levels at 104 dB at a site located 50 meters from the Well Baghjan No. 5. Infact, ambient noise levels recorded on 07.10.2020 indicates continuing noise level recorded from a minimum of 94.3 dB to a maximum of 98.2 dB at sites within a 100-meter radius from the source. The reports of PCB, Assam and DC, Tinsukia are appended hereto as Appendix D Colly. The same stands corroborated by the Report furnished by TERI, as has been made available to the Committee by OIL, which notes as under:*

*....that the equivalent sound pressure levels (Leq) measured at 0.5. km from the well are exceeding the industrial noise level daytime standard of 75 dB (A) in all the monitored days except for few days.*

*The Noise Pollution (Regulation and Control) Rules, 2000 define the acceptable level of noise in different zones for both daytime and nighttime. In compliance with Rule 3 of the said Act, the area surrounding Well Baghjan No. 5 has been designated as both Industrial and Residential. The permissible limit for the area around Well Baghjan No. 5, as provided under the Schedule to the said Rules is stated to be as follows :*

**SCHEDULE**

**(see rule 3(1) and 4(1))**

**Ambient Air Quality Standards in respect of Noise**

<b>Area Code</b>	<b>Category of Area/Zone</b>	<b>Limits in dB(A) leq</b>
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		<b>Day Time</b>	<b>Night Time</b>
<b>(A)</b>	<b>Industrial area</b>	<b>75</b>	<b>70</b>
<b>(B)</b>	<b>Commercial area</b>	<b>65</b>	<b>55</b>
<b>(C)</b>	<b>Residential area</b>	<b>55</b>	<b>45</b>
<b>(D)</b>	<b>Silence Zone</b>	<b>50</b>	<b>40</b>

Based on the Reports received by multiple agencies, including PCB, Assam, it is evident that the ambient noise levels in and around Well Baghjan No. 5 are well above the permissible standards. It is therefore recommended that OIL be directed to take immediate and all other urgent measures to bring down the noise level within the limit prescribed under Rule 3(1) and Rule 4(1) of the Noise Pollution (Regulation and Control) Rules, 2000. Additionally, PCB, Assam may be directed to initiate appropriate legal action against the competent authorities of OIL under the provision of Rule 8 of the aforementioned Rules. Further, in the interim, a health fund may be generated by contributions made available by OIL, to be administered by the DC, Tinsukia, to defray the cost of treatment including any specialized treatment of any person(s) suffering from any ailment/condition/ illness due to the heightened noise levels. Such fund may be replenished from time to time as may be deemed necessary and appropriate by the DC, Tinsukia, which is appended hereto as Appendix-D Colly.

- (iv) *Additionally, in this context, and as discussed in the Preliminary Report, the Committee seeks to draw attention to Letter No.B-29012/ESS (CPA) 2015-16 dated 07.03.2016 issued by the Central Pollution Control Board which classifies 'Oil and gas extraction including CBM (offshore & on-shore extraction through drilling wells' as Red Category industries and prohibits their operation in ecologically fragile areas/protected area. The aforesaid letter dated 07.03.2016 issued by the Central Pollution Control Board has been adopted by the State of Assam in the year 2019 vide Notification No. WG/G-1521/18-19/27 dated 04.05.2019. **Thus, the continuing extraction of hydrocarbons around the DSNP would qualify as a Red category project, having it been declared as an eco-sensitive zone (ESZ) and would place it in clear violation of the Notification No. WG/G-1521/18-19/27 dated 04.05.2019. Neither OIL nor PCBA have clarified their position before the Committee qua the inconsistency with the mandate given by the Central Pollution Control Board qua industries and extent of such non-compliance.***

## **II. HEALTH ASSESSMENT SURVEY :**

- (i) *The Committee directed the Deputy Commissioner, Tinsukia to carry out the health survey in respect of the persons living in the nearby villages of Well No. 5 Baghjan and also of the*

*livestock, through the Joint Director of Health Services, Govt. of Assam and District Animal Husbandry and Veterinary, Tinisukia, Govt. of Assam, respectively. Assessment relating to the effect on the fish ponds and fishermen due to the blowout incident through the District Fishery Department Officer, Tinisukia, Govt. of Assam was also directed to be made.*

- (ii) *Pursuant to the said direction the process of conducting the health survey of persons effected and impact on livestock as well as the impact on fish pond and fisher man due to the blowout incident of Well No. 5 Baghjan is on and the final report in that regard is expected soon. Hence, final recommendation in that regard would made by the Committee in its next report.*

### **III. CULPABILITY OF OIL :**

- i) *The Committee in the Preliminary Report dated 24.07.2020 apart from the others made the following observation :*

a) *Cause of the Accident I. After going through the replies received from OIL to the queries raised by the commit and having reviewed the DPR from 20.05- 27.05.2020, prima facie, the Committee could identify, pending further investigation, the following probable causes of the accident i.e. blowout of Well Baghjan-5.*

- i) *There was a flaw in the operational plan. The decision to place a Cement Plug at a depth of 1000 Mtr in an inclined portion of the well (26 to 27 degree) as a secondary safety barrier itself was flamed. The cement plug should have been placed as near to the perforated Zone and in this case near to the Packer i.e. about 100 Mtr above packer by placing a 100 Mtr Sand plug above Packer to protect Packer from cement cutting falling during cement drilling.*
- ii) *(ii) Planned not to tag and test the Cement Plug was another flaw in the planning of Cement Plug job. It was planned to place 100 Mtr Plug but cement slurry surfaced during reverse circulation at a depth of 655 Mtr i.e. after pulled out of D/P by about 340 Mtr. Probably nobody read the cement plug job execution report of 27.05.2020. In such a situation, Plug should not only have been tagged and tested but also negatively tested to check its integrity of purpose as safety barrier before nipple down of BOP. This was a mandatory requirement as per the Standard Operating Procedure.*
- iii) *Moreover, when the cement slurry starts to set, slurry loses water and static gel develops. At this time, cement column would behave like water column and reduced Hydrostatic Head. Secondly, in static condition of gas well i.e. WOC time when well fluid was static, gas bubble enters slowly from the perforated zone and gas bubbles percolated up, and expanded and burst at*

surface. This process continued in static condition of well at a faster rate being well fluid was brine. Same phenomenon would have been little slow in case of viscous fluid like mud. But in the process, Sp gravity of fluid in the well was reduced slowly. In this well as cement plug was placed much above the perforated zone i.e. nearly 2700 Mtr. As a result, gas bubbles diluted a long column of brine solution in the well and so there was reduction of Hydrostatic Head of brine solution which was just above formation pressure of the perforated gas zone. The combination of gas bubble phenomenon and reduction of head due to long contaminated cement plug resulted reduction of Hydrostatic head in the well after 13-14 Hours of WOC and well became active. And as there was no tested secondary safety barrier in the well after removal of BOP, well slowly started flowing and within one and half hour or so final blowout of the Well Baghjan-5 took place. This is therefore, a reason to place cement Plug near to the perforated Gas Zone to work as secondary safety barrier.

- iv) Against one of the queries raised by the Committee as to why it was not planned to set retrievable Bridge Plug (RBG) as a safety barrier in place of Cement Plug, OIL replied that use of Retrievable Bridge Plug is not in practice in OIL. The Committee found this to be surprising. SLB logging contract with OIL is in place, only needed a provision in contract to use Retrievable Bridge Plug as and when required basis. Such standard provisions in ONGC contract with SLB are there with well logging contract to utilize such services as and when required. Moreover, ONGC departmental Production Team also does this type of job departmentally. Setting of Retrievable Bridge Plug to isolate the Gas zone would have been more convenient and also time saving.
- v) In the plan of cement plug job, it was mentioned WOC as 48 Hours. But in actual D/P were pulled out of casing after 12 hours of WOC and BOP was removed from well head after 15 Hours of WOC. This was a gross violation of written instructions of WOC of 48 Hours in the Plan. It is very hard to believe that Contractor Driller would act on his own to remove BOP after 15 hours of WOC against a written instruction of WOC of 48 hours unless Driller gets some instruction in writing or telephonically from someone from OIL.

1. From above discussions, it seems that Planning group and Execution team of OIL did not take the Cement Plug Job very seriously though it was placed as a secondary safety barrier before nipple down of BOP.

Probably, the planning group relied mostly on primary safety barrier i.e. hydrostatic head of well fluid which was sufficient to stop any activity and cement plug was just an additional barrier, even though it failed would not matter. Therefore, it

was first decided by Planning Group to place the plug at a shallower depth inside the casing, testing of the plug to check its integrity was not planned considering it was not necessary. While execution of cement plug job also nobody bothered to watch how it was placed, cement slurry channeled and rose much more height than planned and cement slurry design for this plug job was also faulty. Only cement additive Retarder was used to give longer IST without control of water loss from cement slurry after placement. Vital parameter of Compressive strength was also not measured at BHCT (Bottom Hole Circulating Temperature) of 46 degree centigrade at plug depth of 1000 MT. So plug strength was not known.

**2. So, in summary we find following probable reasons of this blowout :**

- i) There was deficiency in understanding of the gravity of a critical operation like removal of BOP without having a confirmed and tested secondary safety barrier.
- ii) There was deficiency in proper planning of critical operations. There was a clear mismatch between Planning and its Execution at site and deviations from the Standard Operating Procedure (SOP).
- iii) There were serious deficiencies of proper level of supervision of critical operation at well site both from the Contractor as well as from OIL.

**b) Fixation of Responsibility for the Accident**

1) The Committee has undertaken a preliminary investigation of the various activities that happened in the Well Baghjan-5 during the work over operation based on written documents received from OIL, replies from OIL against our various queries through mails. Replies on further queries and personal interaction with concerned officers and OIL management are pending. At present, investigations are ongoing, and the Committee will be able to give a clear finding on whom to fix the responsibility for this accident in its subsequent Reports.

**c) Immediate Preventive Measures to Avoid Similar Blowout and Explosions**

Based on the preliminary assessment, the Committee presents the following preventive measures which are subject to ongoing investigations.

- a) It is pertinent to note that the handling of Gas wells is different than Oil wells. Therefore, it is necessary to have different Standard Operating Process for Gas wells.
- b) Isolation of any Hydrocarbon bearing Zone by a secondary barrier must be taken very seriously and needs to be planned properly. In such well situation the safety barrier cannot be relied upon only on Hydrostatic Head of well

*Fluid. There ought to be proper secondary safety barrier, which are tested both positively and negatively to check its integrity before attending any critical operation in the well like nipple down of BOP.*

- c) Placement of secondary safety barrier must be placed as near to the perforated zone, and cannot be placed anywhere in the well.*
- d) Placement of Cement Plug is to be always done in the vertical portion of Casing. If required to place Cement Plug in a deviated well, either a perforated Tubing/Drill pipe shoe is to be used and the string ought to be rotated during placement of cement slurry by using swivel joint or use the swivel joint with Kelly of the Rig. After balancing the Plug, the string needs to be pulled out slowly and while breaking the joints, Rotary is to be used to break the joint which will help cement slurry to spill all around and also to fall smoothly from inside string.*

#### **Cement Slurry Design : -**

- e) It is important to always design Cement Slurry with water loss additive to control water loss from cement slurry to bare minimum during setting of cement. Retarder may also be added to get the desired thickening time. Compressive Strength of the designed slurry are to be tested at 12 hours, 24 hours and 36 hours to decide upon WOC time. Contingency Plan.*
- f) Before doing any critical operation in well, a comprehensive contingency Plan must be in place to take immediate action to face any eventuality. In this particular well due to not having any such plan, driller at site alone was confused what to do when he observed well activity. Telephonic communication by IM to lower Tubing in Double, PE communicated to lower D/P instead. As a result, precious time was lost. Lowering of few Tubing with hanger cone would not had helped unless Xmas tree was installed. There were few probable options available to save this well.*
  - f) (i) To make an attempt to nipple up BOP again. Had the BOP been simply placed over the well head flange (7-1/16) within the available time, bolting of flange, connecting to choke manifold, flow lines etc. could have been done during flowing well condition also. This was not attempted considering it would take much more time.*
  - f) (ii) Alternately, Tubing Hanger (Cone type) could have been picked up with one single Tubing. The single tubing with cone could have been lowered and cone installed inside well head. The X-Mas Tree then placed with the X over spool, if required. Subsequently, the Crown Valve be closed and the side valves kept open for well flow to continue, if required. It is important to tight all the flange bolts. Then connect the pumping lines to flow arm of X-Mas Tree, open the valve, close side valve of X-Mas Tree*

and then Brine or Mud can be bulldozed to kill the well. The Committee is of the view that this operation would not have taken much time.

**(2) The Committee suggests the following procedure to be followed for placement of secondary safety barrier in different scenarios.**

**a) SCENARIO-1: PERMANENT ISOLATION OF A PRODUCING ZONE.**

(1) Perforate the tubing above Packer and circulate the well with kill fluid i.e. to have Hydrostatic pressure more than formation pressure of the Zone. Observe the well, if stable pull out tubing string, Run in a permanent Bridge Plug with tubing and set just above the Packer or zone to be isolated. Test the Bridge Plug at 1500 to 2000 psi. If found holding. Circulate the well with water to check integrity of Bridge Plug under negative Head. Next, place a cement Plug of 50 Mtr above the Bridge Plug, tag and test the plug at 2000 Psi to ensure permanent isolation of the Zone.

**b) SCENARIO-2: ISOLATION OF ACTIVE PERFORATED ZONE TEMPORARILY LIKE WELL BAGHJAN-5**

(1) Before any critical operation like perforation of the Zone, the surface equipment like Well Head, BOP, Choke Manifold are to be tested first. In this particular well testing of these equipment were done after perforation of the zone and found Well Head seals were leaking, required to isolate the zone which was already perforated for repair or replace the Well Head.

(2) Now in a well situation when well was already perforated and Packer was set above perforation like Well Baghjan-5, the Committee recommends the following steps to follow.

- i) Kill the well with Kill Fluid, observe the well. If stable, pull out Tubing String, lower a Tubing conveyed Retrievable Bridge Plug (RBG) with a perforated tubing single at bottom i.e. just above setting tool and set RBG just above Packer. This Packer can be retrieved after the job with tubing and reused.
- ii) Disengage Tubing setting tool from Packer, Test the packer at 2000 psi. If not holding, retrieve Packer and lower another Packer and reset again. Disengage setting tool from Packer and test the Plug at 2000 Psi. If found OK, displace well fluid with water to check integrity of Packer under negative Hydrostatic Head. Observe the Well for 2 to 3 Hours. If OK, replace the water in the well with Kill fluid and observe the well, if OK, pull out string. To be in safer side, a cement Plug should also be placed at a shallower depth in vertical portion of casing. First place a high viscous Plug of 200 Mtr followed by 100 Mt Sand Plug below the intended Cement Plug. These steps are suggested before placement of Cement Plug to avoid cement cutting falling during drilling of cement at top of RBG which would require to be retrieved

later. Tag and Test the Cement Plug after WOC of 24 hours. If OK, pull out string. Check contingency plan and when ready then go for dismantle of BOP by keeping constant watch on the fluid level of the well. The operation of nipple down of BOP must be done as far as possible at Day time and also in presence of senior responsible officers.

**c) SCENARIO-3: IF BOTTOM ZONE IS ISOLATED BY PERMANENT BP, NEED ARISES TO NIPPLE DOWN BOP.**

- (i) In such situation though BP was tested positively and negatively even then the recommendation of the Committee would be to place a Cement Plug at a shallower depth in vertical portion of casing, which should be tagged and tested before nipple down of BOP.
- (ii) The Committee would in his subsequent report indicate the person(s) responsible for the blowout incident as the investigation in that regard are still going on. Communications including email exchanges between Sri A. K. Hazarika, former CMD, ONGC, Member of the Committee, and the representative of OIL are appended hereto as Appendix-E Colly.

**IV. ONGOING ASSESSMENT OF ENVIRONMENT AND BIO-DIVERSITY OF THE AFFECTED LANDSCAPE :**

- (i) Some members of multidisciplinary team, reputed scientific organizations and individuals have been involved in damage assessment of the biodiversity and environment since last part of May, 2020 after the blowout incident in Baghjan Well No. 5. Samples were collected for different parameters and analysis is going on to find out the status of damage on environment and ecosystem of the Baghjan and surrounding landscape including Maguri-Motapung BeeL Dibru-Saikhowa biosphere reserve cum national park and human habitation. Meanwhile wave of multiple floods and complex Covid 19 crisis has caused hurdles in the study. However the committee continued to receive interim reports after the submission of preliminary reports to NGT. All the team members and other stakeholders feel that there is a need for long term study covering all aspects to assess the actual damage caused by the Well No. 5 Baghjan and design appropriate restoration plan for the landscape after complete stoppage of fire and killing of the well.
- (ii) Dr. Ranjita Bania, who is a fishery biologist and former researcher from Dibrugarh University has been involved in the research activities in Maguri-Motapung Beel area since last 15 years. Her team visited and surveyed the area for multiple times from the day one i.e. from 27<sup>th</sup> May, 2020 when the blow out incident of Baghjan well No 5 was occurred. Some of the findings of her reports in August, 2020 and October, 2020 are listed below and compared with other reports :

The planktons are noticeably declined in the Maguri-Motapung Beel. In a study during June-July, 2020 period only 11 species of phytoplankton (Table 1) and 13 species of zooplankton were recorded (Table 2) from the site. As mentioned in preliminary report submitted to NGT, rich phytoplankton (61 species) and zooplankton (210) diversity were reported (Noroh, 2013) from the Maguri Motapung wetland ecosystem.

It was assessed that Maguri has 87 species of ichthyofauna (Bania, 2011, 2018) out of which only 22 species were found (27<sup>th</sup> May, 2020-30<sup>th</sup> July, 2020) in the survey. The team recorded 35 varieties of dead fish species (Table 3) belonging to 13 families. Among the dead species, 22 species are lower risk, near threatened category as per IUCN status. A heavy decline in the catch amount is also reported after the blowout. According to the findings of WIT (2020) that included in the preliminary report, PAHs were detected in fish tissue samples ranging between 104.3 to 7829.6 ,ug/Kg. The highest concentration was observed in fishes collected from Maguri-Motapung wetland. The total PAHs concentration reported in fish samples appears to be 10 - 100 folds higher than the earlier reported concentration in India (WII, 2020).

Recent study by the same team in October, 2020 reveals that some of the prominent species namely *Ompok pabo*, *Nundus nundus*, *Ailia coilia*, *Pseudeutopius atherinodes*, *Channa aurantimaculata*, *Danio rerio* are completely wiped out from the Maguri-Motapung wetland area. Interestingly, very few numbers of *Nandus nundus* were observed at fish landing centre of Gujangha. This is a cause of concern as even after 5 months of the incident, the fish diversity drastically declined in the Maguri-Motapung Bed ecosystem.

The pollutants from the blow out incident seriously affected the breeding season of fishes. *Mystus* species was found in gravid condition. But from last March to July end, no any fish seedling of the species was found in the Beel which clearly indicated that their breeding cycle was impacted. Besides, sudden change in body colour was also noticed for different fish species. The dead fishes were full of mucous layer with a different kind of smell. WII (2020) mentioned significant increase of the PAH in the water of Maguri Beel that caused death of different fish species.

The sudden shock, oil cover and change in dissolved oxygen level have caused death of large number of fishes. The nearby ponds are even affected. On 26<sup>th</sup> of June, 2020, it was noticed that heavy toll of fishes were coming to the upper surface of water for oxygen.

*They exhibited lethargic and irregular body movement. Large number of fishes died on the very next day and continued till 28<sup>th</sup> June, 2020 also. The dissolved oxygen value came down to 2.1 ppm which cause the high mortality of fishes. The prominent fishes found dead on the day were Labeo gonius which was table sized along with Labeo rohita, Catla catla, Wallagu attu being very high commercial value as food fish.*

*Majority of the fisher who earn on an average minimum Rs. 2000/- per day has to stop their main occupation upto 3 months. This revealed that heavy loss of the local fisher community in their livelihood and will suffer till the restoration of the Maguri-Motapung Beel.*

*Significant decrease of encounter of River Dolphin was observed even after 5 months of the blow out incident. Only 2 numbers of river dolphins were observed on 18<sup>th</sup> October, 2020 in the river stretch from Sobha Nallah (River Dangori) to Kalmi Nallah (River Dibru). The same team has observed 13 numbers of River Dolphins at Koliapani Ghat on 30<sup>th</sup> June, 2020. It was mentioned in the preliminary report that encounter rate of Gangetic River Dolphin in the area has decreased by 89% post of the oil blowout and also death of an individual.*

*During interaction with people of Baghjan village and representatives of Milanjyoti Yuva Sangha, it came to light that due to the blockage of pool first pool from BGR 5 towards Notungaon), Baghjan village is suffering from water logging situation causing damage to their remaining crops. They used untreated water released from the Oil site and is expecting to have some chemicals as suspected by the villagers which again need further analysis.*

*The Baghjan EPS released heavy amount of oil smoke polluting the environment as reported on 8<sup>th</sup> October, 2020 (2 pm), 25 October, 2020 (7.45 am) and 27 October, 2020 (9.40 am) which continued for almost 30-45 minutes each time.*

*A report submitted by Milanjyoti Yuva Sagha dated 19/8/2020 showed that 28 years Sumitra Malla had given birth a still born baby boy on 17/8/2020 which was noted as baby IUFD (Infra Uterine Fatal Death). There is an urgent need to assess the effects of blow out on health of villagers specially pregnant women and children.*

*There is a need for survey to cover all the households in Dighaltarang Tea Estate, Baghjan Beel line, Guijan Ghat and other areas to assess the damage due to the blow out incident.*

It needs to be mentioned that Maguri Motapung harbours a wide range of ornamental fish species which are not easily available in other pockets and fetches high value in the international market. Habitat destruction of ornamental species like *Biota rostrata*, *Channa bleheri*, *Badis badis*, *Macragnathus punctatus*, *Badis assamensis*, *Devario refia*, *Ailia coila*, *Chaca chaca* severely posed a threat to these species.

Maguri-Motapung Beel has 57 species of aquatic macrophytes (Bania, 2011) out of which only 15 species (Table 4) under 12 families were recorded after the incident. In some parts of the Beel, complete burning was observed. The decayed parts were giving unpleasant odour and bubble of oil was observed when shacked with a bamboo pool. These are the habitats for many wetland birds and aquatic insects and other invertebrates. Out of the 26 mollusc species (Kardong et al. 2016) reported from the Maguri-Motapung wetland only 4 species namely *Angulyagra oxytropi*, *Lamellidens marginalis*, *Pisidium sp.* and *Sphaerium indicum* are found after blowout in our survey. Important to mention that many people specially the lower economic class uses molluscs as their food and they play very crucial role in the food chain too.

Table 1 : Phytoplanktons found in Maguri Motapung aftermath Baghjan case

SL. NO.	Name
1	<i>Navicula sp.</i>
2	<i>Cholerella sp.</i>
3	<i>Clamydomonas sp.</i>
4	<i>Cladophera sp</i>
5	<i>Closterium sp.</i>
6	<i>Cosmarium sp.</i>
7	<i>Desmidium sp.</i>
8	<i>Netrium sp.</i>
9	<i>Volvox sp.</i>
10	<i>Anabaena sp</i>
11	<i>Oscillatoria sp.</i>

Table 2 : Zooplanktons found in Maguri Motapung aftermath Baghjan case

SL. NO.	Name
1	<i>Anuraeopsisfissa</i>
2	<i>Collurella sulcata</i>

3	<i>Depheuchlanis propatus</i>
4	<i>Fillinia longiseta</i>
5	<i>Keratella cochlearis</i>
6	<i>Lecane aceleate</i>
7	<i>Lecane ovalis</i>
8	<i>Monostyla bulla</i>
9	<i>Alona sp.</i>
10	<i>Alonella dentifera</i>
11	<i>Bosmina longirostris</i>
12	<i>Daphnia sp.</i>
13	<i>Diaptomus sp.</i>

Table 3: Dead fish species found in the Maguri Motapung wetland

Si	Name of fish species
1	<i>Notopterus notopterus (Pallas)</i>
2	<i>Barilius barila (Ham-Buch)</i>
3	<i>Catla catla (Ham-Buch)</i>
4	<i>Cirrhinus mrigala (Ham-Buch)</i>
5	<i>C. reba (Ham-Buch)</i>
6	<i>Esomus danricus (Ham-Buch)</i>
7	<i>Parluciosoma dan conius (Ham-Buch)</i>
8	<i>Labeo bata (Ham-Buch)</i>
9	<i>L. calbasu (Ham-Buch)</i>
10	<i>L. gonius am-Buch)</i>
11	<i>L. rohita (Ham-Buch)</i>
12	<i>Puntius. Conchonius (Ham-Buch)</i>
13	<i>P. gelius (Ham-Buch)</i>
14	<i>P. sarana sarana (Ham-Buch)</i>
15	<i>P. sophore (Ham-Buch)</i>
16	<i>P. ticto ticto (Ham-Buch)</i>
17	<i>Rasbora Rasbora (Ham-Buch)</i>
18	<i>Salmphasia (Salmostoma) bacaila</i>
19	<i>Acanthocobititis botia (Ham-Buch)</i>
20	<i>Botia dario (Ham-Buch)</i>
21	<i>M.ystus cavasius (Ham-Buch)</i>
22	<i>M. tengara (Ham-Buch)</i>
23	<i>M. vittatus (Ham-Buch)</i>
24	<i>Wallago attu Scheidner</i>
25	<i>Eutropiichthys vacha (Ham-Buch)</i>
26	<i>Clarius batracus</i>
27	<i>Heteropneustes fossilis (Bloch)</i>

28	<i>Mastacembelus. annatus (Lacpede)</i>
29	<i>Mastacembelus pancalus (Ham-Buch)</i>
30	<i>Pseudambassis (Chanda) nama (Ham-Buch)</i>
31	<i>Badis backs (Ham-Buch)</i>
32	<i>Trichogasterfasciatus (Schneider)</i>
33	<i>T. lalia (Ham-Buch)</i>
34	<i>Channa punctatus (Bloch)</i>
35	<i>Channa aurantimaculata (Musikasinthom)</i>

Table 4: Aquatic Macrophytes of Maguri Motapung Wetland

Sl. No.	Name of Species	Ecological Habitat
1	<i>Ceratophyllum demersum</i> L.	OS
2	<i>Pistia stratotes</i> L.	FF
3	<i>Ipomea aquatica</i> Forsk	AFS
4	<i>Hydrilla vertwillata</i> L. f	OS
5	<i>Vallisneria spiralis</i> L.	OS
6	<i>Nymphoides inckca</i> (L)O. Ktze.	AFS
7	<i>Nymphaea pubescens</i> Willd	AFL
8	<i>Ludwigia adscendens</i> (L.) Hara	AFS
9	<i>Spirodela polyrrhiza</i> L. Schleid	FF
10	<i>Hygroryza aristata</i> (Betz.) Neesex W &A	AFS
11	<i>Leersia hexandra</i> Swartz	AFS
12	<i>Eichhornia crassipes</i> (Iart.)Solms	FF
13	<i>Monochoria hastata</i> (L.) Solms.	EP
14	<i>Salvinia cucullata</i> Roxb. Ex Bory	FF
15	<i>Trapa natans</i> (L.) Roxb.	AFS

(iii) Dr. Jihosue Biswas from Primate Research Centre North East India and a member of multidisciplinary team provided his findings on primates and other wild fauna affected by the blow out within the vicinity of a 5 km radius of Baghjan Well No. 5. His findings are given below :

A dead gibbon (Hoolock hoolock) was born on 28<sup>th</sup> September 2020 in Purani Motapung village, believed to be a still birth. The Purani Motapung village under Barekuri is situated in the southern periphery of Maguri-Motapung Bed which is 4.3 km away from the blow-up site aeryally (27° 33' 57.21" N & 95° 24' 46.84" E). It was reported that the female carried the dead baby for 4 days and on 2<sup>nd</sup> October 2020, she abandoned the body, and the carcass was taken by dog. According to the villagers and media, this incident of gibbon still birth was due to impact of Baghjan blow-up. While preparing this report, the investigator got the news of death of the mother gibbon also on 27<sup>th</sup> October. The said gibbon was sick, did not took any food for the last two days, ceased all activities, and rest on the tree top. Although, the veterinarian from Wildlife Trust of

*India and the local forest officials tried to treat the gibbon, but failed. A postmortem was conducted by the veterinarian of Wildlife Trust of India in presence of local forest officials and the viscera was sent to the forensic lab for further analysis.*

*The team visited area on 11<sup>th</sup> October 2020 to investigate the case. The gibbon group comprised four individuals, one adult male, one adult female, one sub-adult male and one juvenile female. Purani Motapung have two such gibbon groups each having three individuals and two floating males. The adult male of the group was missing and the mother of the deceased infant was hostile to the existing sub-adult male as an intense fight between the female and the sub-adult male was observed. The sign of parturition in female was observed, which confirmed the birth episode. It is assumed that, since during pregnancy, the female gibbon compelled to feed on contaminated leaves and plant parts apart from direct exposure to the xenobiotic pollutants, the domestic cattle were also exposed to such pollutants and must have experienced similar situation. To assess this, the investigator decided to conduct a semi-structured face-to-face questioner survey (Huntington, 2000) of Purani Motapung village on recent infant death of domestic animals particularly cattle and goats.*

*The team interviewed 11% of households of Purani Motapung village and found that only 50% of households possess domestic cattle. After the Baghjan blow-up, during the last five months, 9 calves were born in these houses, and 44.4% of mortality or loss to all causes was observed. Among this, 22.2% of calves were born alive and died within a few days and 22.2% were stillbirth. It was found that the death rate of calves in the Purani Motapung area was 0.29/year which is much higher than the state average in normal time. While the observed stillbirth rate of cattle was 0.14/year. Similarly, the observed death rate of the goat was 0.25/ year. The study thus suggests that calf mortality in domestic cattle in Purani Motapung village during this period could be linked to the xenobiotic pollutants of Baghjan blow-up and indicates possible impacts on Hoolock gibbon, since the animals were also exposed to toxic gases and condensate during pregnancy and consumed toxins in contaminated.*

*The study also suggests that after blow-up during the period from 27.05.2020 to 08.06.2020 when the toxic gases with condensate were being blown out, the immediate impact of exposure on domestic animals was dizziness, as 89.6% of respondents said that the cattle and goats became unbalanced and restlessness and ceased all activities, while 55.3% respondents said that the animals were also suffered blur eyesight and 78.95% respondents said that they witnessed premature fall of leaves from trees during that period. 42.1% of respondents said that the cattle were suffering from skin diseases after blow-up (fig -2).*

*During the short bout of field survey (11<sup>th</sup> to 13<sup>th</sup> October, 2020) in the Maguri Motapung Beel and in the Dibru River, it was observed that bird density and diversity within a 2 Km radius of the blow-up site had reduced substantially and encounter rate was invariably low even after 5 months which indicates their populations lower than before. The team did not sight any threatened bird species in the grassland as most of their habitats have been badly affected. Even no migratory bird or winter visitors were observed during our visit in Maguri Beel, which is otherwise visited every year in the area in early to mid-October except wagtail. The noise pollution added extra deterrence to the winter migratory birds. They observed thin oil slick in Maguri Beel and in the Dibru River as small amount of oil and condensate still spill from the blowup side and collected water samples from 8 such sites and hand over it to Gauhati University for further analysis.*

*Regarding mammalian fauna inside the Dibru-Saikhowa National Park, very low encounter rate was observed. Amongst them Asiatic Water Buffalos (*Bubalus arnee*), Gangetic Dolphin (*Platanista g. gangetica*), Rhesus Macaque (*Macaca mulatta*) and Hoary bellied squirrel (*Callosciurus pygerythrus*). Except Gangetic dolphin and water buffalos, no death was documented on other mammalian species due to oil spill after blow-up. Inside the park, the team observed three fresh carcass of domestic buffalos in the river, which depict grave picture. Many others species like ungulates, primates, felid, canine and rodents group apparently dispersed during blow-up but might have secondary exposure and it is still too early to tell definitively what the impact has been for these species and required detailed study. A comprehensive impact assessment is urgently required along with an integrated ecological restoration plan for bioremediation of hydrocarbons polluting the soil and wetland.*

*A copy of the Report dated 29.10.2020 submitted by Dr. Jihosuo Biswas is appended hereto as Appendix-H.*

*iv) The observation of Aaranyak, a member of multidisciplinary team is given below :-*

*The noise pollution from the Baghjan Well-5 along with periodic vibration is being felt in the surrounding areas of Baghjan. It is also learnt that affected people are still in temporary shelter camps and as per information received, affected families are being given some monetary compensation by Oil India Limited.*

*Due to monsoon rain and runoff of the water, some effect on soil and water pollution have been reduced to some extent but overall effect in surrounding habitats including Maguri-Motapung wetland can only be seen when surface water level goes further down.*

*As winter is approaching, the effect of the Baghjan Gas/Oil leakage leading to big fire on migratory bird species may only be ascertained from November onwards.*

*The team noticed consistent vibration still occurring around Baghjan Well-5 and its possible impact on falling down of concrete houses along the bank of Lohit River adjacent to Dibru-Saikhowa NP in Guijan area. There is a need of detail study in this regard.*

*There are some local reports on the death of about 100-150 Domestic Buffalos around Baghjan area, especially in Buffalo khutis. However, it is not known whether those deaths are due to any impact from Baghjan Gas/Oil leakage or subsequent fire or due to some other factors including diseases. Same may be investigated by the concerned government department to confirm the cause of such deaths.*

*(v) Some restorations of habitants are seen in the photographs. In this regard the committee opined that there should be proper study to find out the toxicity of the plant materials. This will help in the investigation of the abnormal death of the domestic and wild animals as well as restoration design of the landscape. A copy of the Report dated 27.10.2020 submitted by Aaranyak is appended hereto Appendix-I.*

*(vi) Dr. Ranjan Kumar Das, a member of the Multidisciplinary Team vide his Report dated 30.10.2020 has presented an assessment of the impact on grassland and wetland birds and their habitats in and around the site. He states as under:*

*There are two very prominent phases of impact.*

- 1) Impact during 27-05-2020 to 08-06-2020 when the toxic gases with condensate were blown out.*
- 2) Impact from 09-06-2020 after the raging fire broke out which is continuing for more than 150 days at the time of preparing this report.*

#### *Phase-I*

*Both the phases have their unique characteristics of damages that were very devastating. During the first phase the impact was widespread and the toxic gases dispersed to a long distances along with the wind directions. It was felt up to the distances of about 9 Km where I am writing this report at my place of residence. On the other hand the oil spill and condensate were thrown to a distances of about 2Km radius on the ground where all the phytoplankton and zooplankton were directly affected along with the effect on human life. During that phase many villagers complained with different health issues. Within the radius of 2 Km every plant and animal life was affected when most of the plants covered with oil and condensate, died off. There were coatings of oil film seen on each and every plant life, water bodies, tea gardens, agricultural fields and on the other manmade structures. The grasslands were severely affected and most of the breeding endemic Red data book*

*grassland birds listed in the Table: I abandoned their nest without hatching or left their chicks to die.*

#### *Phase-2*

*On 09-06-2020 suddenly the fire broke out and it engulfed a huge area. Immediately within the range of about 1Km radius everything came in contact with fire and almost all burned to ashes. Many people have been evacuated immediately and most of the houses with all their belongings near the Baghjan well No. 5 were totally damaged by raging inferno. Most of the small tea gardens near the well No. 5 burned to ashes. But the fire engulfed the most of the grasslands towards the south western side as they were already highly inflammable due to the presence of oil condensate both on the grounds as well as on the frees and grasses. Another threat was the blowing wind at that moment when fire started to spread in the direction of wind. A large area of the grassland in the western side of the oil well got fire and the ecosystem was badly affected. Most of the breeding endemic threatened birds fled the place leaving behind their nests. During my preliminary field survey it was observed that bird density and diversity was very less within the radius of 1Km where basically a few numbers of common gregarious birds were seen. Not a single threatened Red Data Book birds were observed during my field survey as most of their habitats were badly affected by fire. Even after the three waves of floods we had seen the presence of oil sleek and condensate in the grassland habitat on 14-07-2020. Many species of herpito fauna, amphibian, and insect were killed after the fire broke out.*

#### *Phase-3*

*It's already been more than 150 days of continuous blowout which is still going on with high decibel noise, water and air pollution. This phase-3 has been based on the change of season which would be totally different from the view point of meteorological as well as hydrological characteristics. During winter the entire habitats for grassland and wetland bird changes. Some of the early winter migratory birds have already been arrived in the Brahmaputra valley through two different international flyways which are known as Central Asian Indian flyway and East Asian Australian flyway. Both these two flyways overlapped over north-east India*

*On 25<sup>th</sup> of October 2020 there was sighting report of Amur Falcon- Falco amurensis a migratory raptor which comes all the way from Japan and East Asia. Moreover, some Plovers, Wagtails and Warblers are already sighted in and around Maguri-Motapung wetland. But these are widespread visitors covering different habitats and they can somehow adopt themselves in some adverse environmental situations up to a limit. The major winter migratory birds like Ducks and Geese are not yet sighted which particularly needs undisturbed environmental conditions. By November last they will start to come. As the peak winter migratory season starts from last part of November to February both for the grassland and wetland birds, the constant monitoring during this period is most important. Only then the proper assessment of the impact on these*

birds can be done by observing their numbers, behaviors and foraging habit.

A copy of the Report dated 30.10.2020 as submitted by Dr. Ranjan Kumar Das is appended hereto as Appendix-J.

(vii). All the experts from the multidisciplinary team and committee members expressed their views that there should be a detailed study on all the aspects to assess the actual damage on the environment, biodiversity and local communities caused by the blow out and subsequent fire on Well No. 5 Baghjan. Secondly a practical restoration plan for the affected landscape should be developed as well as arranging proper rehabilitation and compensation to the affected families. All reports that have been submitted including those made by independent members of the multi-disciplinary team are being assessed along with the samples and data that are to be collected in future. A comprehensive report of the same will be presented in are subsequent reports. The reference list relied upon for this section is appended hereto as Appendix-K.

#### **V. STATUS ON THE ISSUE OF COMPENSATION TO THE AFFECTED FAMILIES**

- (i) The Hon'ble NGT in its Order dated 06.08.2020 in O.A. No. 43/2020 (EZ) and O.A. No. 44/2020 (EZ), inter-alia directed payment of compensation to victims of categories (ii) and (iii) subject to identification by the District Administration. In terms of the said Order, this process was to be completed preferably within one month and overseen by the Assam State Legal Services Authority.
- (ii) In compliance of the above-mentioned Order, **the reports of the Assessment Teams dated 24.08.2020 constituted by the Office of the Deputy Commissioner, Tinsukia provided a finding of 57 families who had suffered Severe Damage and 561 affected families in the area. These reports were communicated to the Deputy Commissioner, Tinsukia by the Circle Officer, Doomdooma Revenue Circle and the relevant correspondence has been annexed to this Report. However, the list of affected families in the area submitted vide Letter dated 24.08.2020 was re-verified by the Assessment Team and the Magistrate-in-Charge wherein it was found that some of the names of beneficiaries had been repeated while some had been included in the first list enumerating those whose houses had suffered Severe Damage. The revised list after re-verification contained 543 beneficiaries as opposed to 561 and was communicated to the DC, Tinsukia by Circle Officer, Doomdooma Revenue Circle vide Letter dated 31.08.2020. A copy of the Letter No. DRC 16/2015-16/Pt-I/125 dated 24.08.2020 addressed by Circle Officer, Doomdooma Revenue Circle to Deputy Commissioner, Tinsukia is appended hereto as Appendix-L. A copy of the Letter No. DRC**

**16/2015-16/Pt-11127 dated 24.08.2020 addressed by Circle Officer, Doomdooma Revenue Circle to Deputy Commissioner, Tinsukia is appended hereto as Appendix-M. A copy of the Letter No. DRC 16/2015-16/Pt-I/128 dated 31.08.2020 addressed by Circle Officer, Doomdooma Revenue Circle to Deputy Commissioner, Tinsukia is appended hereto as Appendix-N.**

- (iii) *In the intervening period, on 24.08.2020, about 120 persons comprising of a large number of women from Baghjan Gaon, led by the Baghjan Gaon Milonjyoti Yuba Sangha started a sit-in demonstration adjacent to the Office of the Deputy Commissioner, Tinsukia. They submitted a Memorandum dated 09.08.2020 to the Hon'ble Chief Minister, Assam and the said memorandum had also been forwarded to this Committee. The primary claims set out in the memorandum are reproduced herein below :*
- I. The families of Baghjan Gaon who have been affected fully/severely should be included in the Category (i) (Rs. 25 Lacs for each family) in terms of the Hon 'ble NGT order in addition to those families whose houses have been gutted.*
  - II. The remaining affected families from Baghjan Gaon should be included in Category (ii ). They demanded that Category (ii) affected families from Baghjan gaon should each be paid advance amount of Rs. 20.00 Lacs.*
  - III. They further demanded that instead of 03.11.2020 for declaring the final compensation by Hon 'ble NGT, it should be done expeditiously*
- (iv) *The said developments were communicated to the Committee by the Deputy Commissioner, Tinsukia vide his letter dated 25.08.2020 and 26.08.2020. It is worth noting that these developments had also created a law and order situation in Tinsukia district. A final proposal for compensation to 57 families in Category (i) and 561 families in Category (ii) was submitted to the Committee by the DC, Tinsukia vide the above-mentioned letter dated 25.08.2020. The said proposal was subsequently endorsed by the Secretary, District Legal Services Authority, Tinsukia on 29.08.2020. The proposal was modified after re-verification of the list to include 543 families as opposed to 561 by a subsequent letter dated 31.08.2020 addressed to the Committee by DC, Tinsukia. In view of these events, the Committee was of the considered opinion that it was necessary to submit the First Interim Report dated 01.09.2020 to the Hon'ble NGT for its urgent consideration. A copy of Letter No. TCA.3/2020/570 dated 25.08.2020 addressed to the Chairman, Committee of Experts from DC, Tinsukia is appended hereto as Appendix-O. A copy of Letter No. TCA.3/2020/580 dated 26.08.2020 addressed to the Chairman, Committee of Experts from DC, Tinsukia is appended hereto as Appendix-P. A copy of Letter No.*

TCA.3/2020/602 dated 29.08.2020 addressed to the Chairman, Committee of Experts from DC, Tinsukia is appended hereto as Appendix-Q. A copy of Letter No. TCA.03/2020/706 dated 31.08.2020 addressed to the Chairman, Committee of Experts from DC, Tinsukia is appended hereto as Appendix-R.

(v) As has been discussed above, the First Interim Report dated 01.09.2020 formulated the following recommendations for urgent consideration of the Hon'ble NGT :

- (a) 57 families identified by the DC/District Magistrate, Tinsukia be included in Category (i) and they should be paid Rs. 25 Lacs each as interim compensation;
- (b) 543 families as identified by the DC/District Magistrate, Tinsukia be included in Category (ii) and they having been the worst sufferers, the payment of interim compensation to those families may be enhanced to Rs. 15 Lacs.
- (c) The compensation, if any paid, shall be deducted from the aforesaid interim compensation.

(vi) **Following the submission of the Report on 01.09.2020, a tripartite talk involving the District Administration (including police officials), senior OIL India Ltd. officials and representatives of the Baghjan Gaon Milanjyofi Yuva Sangha was held in view of the agitation programme undertaken by the said organisation since 17.09.2020. As communicated to the Committee by letter dated 25.09.2020 from DC Tinsukia, inter-alia, the following moot points as regards issue of compensation were discussed and resolved as under :**

**"... (4) During the re-survey the list of additional affected families were prepared and added in the Category-I. An additional 104 families were inducted into Category-I to the earlier list containing 57 families which is being attached herewith as Annexure-E. Now the number of families stands at 161. The remaining 439 families have been categorized as Category II (List enclosed Annexure-F).**

*In kind considerations of the above, the Experts Committee headed by your kind office may like to recommend to the Hon 'ble NGT to consider the affected families of Baghjan Gaon in two categories- Category-I (12+57+104=173 Nos. of families) and Category-II (439 Nos. of families) as the final compensation of Baghjan affected families."*

A copy of Letter No. TCA.3/20201PT-I/781 dated 25.09.2020 addressed to the Chairman, Committee of Experts by the DC, Tinsukia is appended hereto as Appendix-S.

- (vii) *In the meantime, the Member Secretary, Assam State Legal Services Authority also made a site visit from 18.09.2020-19.09.2020. In its report submitted to the Committee of Experts, the ASLSA has provided a factual analysis of the situation at the site apart from enumerating its views and suggestions as regards compensation, which is appended hereto as Appendix-T.*
- (viii) *The Deputy Commissioner, Tinsukia being one of the Members of the Committee appointed by the Hon'ble NGT and also the head of the Revenue in the District has resurveyed the affected families and recommends that an additional 104 families be inducted into Category (i) to the earlier list containing 57 families. He has further recommended that for the disbursement of the final compensation, the affected families of Baghjan Gaon be revised into two categories and the number of affected families would be as follows*

*Category (i): (12+57+104 = 173 Nos. of families)*

*Category (ii): (439 Nos. of families)*

***The Committee is inclined to accept his recommendation for payment of Rs. 25 Lacs to the identified 173 nos. of families and Rs. 20 Lacs to identified 439 nos. of families, subject to the process being over seen by the Assam State Legal Services Authority. The amount already paid to any of the aforesaid families shall be deducted from the said amount. Hence, the Hon'ble NGT may consider passing necessary order in that regard for payment of interim compensation as suggested.***

**E INITIATIVES TAKEN FOR THE AFFECTED FAMILIES OF BAGHJAN:**

- i) ***The DC, Tinsukia has apprised the Committee that all the affected families and individuals who are staying at the relief camps have been relocated to suitable rented accommodation. The cost of such relocation has been borne by OIL India who have agreed to pay an honorarium of Rs. 50,000/- per month per family. Further, OIL has deposited an amount of Rs. 36.9 (Crore) to the Office of the Deputy Commissioner, Tinsukia for payment of compensation in various categories. As on date, Rs. 15.6575 (Crore) has been credited to the account of affected families in different categories.***
- ii) ***Further, multiple schemes have been announced by the Hon'ble Chief Minister of Assam for the affected people upon his visit to the site. These include establishment of Model Hospital at Baghjan, construction of Veterinary Dispensary, proposal for Baghjan Rehabilitation through Handloom Weaving. A copy of the letter dated 27.10.2020 from the DC, Tinsukia addressed to***

***the Committee of Experts is appended hereto as Appendix-U. Additionally, a Psychological counselling will be provided by a team of psychologists led by a team of Dr. Bitopi Dutta through an NGO named "Voluntary Association for Social Upliftment" based in Guwahati. The fund of Rs. 5.00 lakhs for such counselling will be borne by OIL India."***

12. The recommendations and conclusion based on the above findings are :-

**“RECOMMENDATIONS :**

- i) *The Committee reiterates the conclusions drawn in the Preliminary Report and recommends that direction may be issued to the PCB, Assam to take appropriate legal action against OIL and its officials for violation of the mandatory requirements of Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, and  
  
Authorization under the Hazardous Waste (Management & Handling) Rules, 1989 and the  
  
Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.*
- ii) *OIL has been unable to carry out the Biodiversity Impact Assessment Study either through the Assam State Biodiversity Board, as was mandated by the Hon'ble Supreme Court, a fact that stands corroborated by the Assam State Biodiversity Board, or by any other agency. Such actions place OIL in continuing contempt of the directions passed by the Hon'ble Supreme Court of India, specifically its Order dated 07.09.2017 granting conditional approval to OIL to undertake the present extraction of hydrocarbons from the proposed wells including the Well B aghj an-5 .*
- iii) *The OIL stands in contravention of the provisions Environment (Protection) Act, 1986 and the Environment Impact Assessment (ETA) Notification, 1994 under which it is mandatory to obtain EC for any onshore drilling projects before commencement of activities on 20.11.2006.*
- iv) *Based on the Reports received by multiple agencies, including PCB, Assam, it is evident that the ambient noise levels in and around Well Baghjan No. 5 are well above the permissible standards.*

*It is therefore recommended that OIL be directed to take immediate and all other urgent measures to bring down the noise level within the limit prescribed under Rule 3(1) and Rule 4(1) of the Noise Pollution (Regulation and Control) Rules, 2000.*

*Additionally, PCB, Assam may be directed to initiate appropriate legal action against the competent authorities of OIL under the provision of Rule 8 of the aforementioned Rules.*

*Further, in the interim, a health fund may be generated by contributions made available by OIL, to be administered by the DC, Tinsukia, to defray the cost of treatment including any specialized*

*treatment of any person(s) suffering from any ailment/condition/illness due to the heightened noise levels. Such fund may be replenished from time to time as may be deemed necessary and appropriate by the DC, Tinsukia.*

- v) *Thus, the continuing extraction of hydrocarbons around the DSNP would qualify as a Red category project, having it been declared as an eco-sensitive zone (ESZ) and would place it in clear violation of the Notification No. WG/G-1521/18-19/27 dated 04.05.2019. Neither OIL nor PCBA have clarified their position before the Committee qua the inconsistency with the mandate given by the Central Pollution Control Board qua industries and extent of such noncompliance.*

*The Deputy Commissioner, Tinsukia being one of the Members of the Committee appointed by the Hon'ble NGT and also the head of the Revenue in the District has re-surveyed the affected families and recommends that an additional 104 families be inducted into Category (i) to the earlier list containing 57 families. He has further recommended that for the disbursement of the final compensation, the affected families of Baghjan Gaon be revised into two categories and the number of affected families would be as follows :*

*Category (i): (12+57+104 = 173 Nos. of families)  
Category (ii): (439 Nos. of families)*

*The Committee is inclined to accept his recommendation for payment of Rs. 25 Lacs to the identified 173 nos. of families and Rs. 20 Lacs to identified 439 nos. of families, subject to the process being overseen by the Assam State Legal Services Authority. The amount already paid to any of the aforesaid families shall be deducted from the said amount. Hence, the Hon'ble NGT may consider passing necessary order in that regard for payment of interim compensation as suggested.*

#### **CONCLUSION :**

- (i) *The Committee from time to time by issuing various e-mails have called for relevant information and reports from OIL and other Agencies including the various Committees constituted by various authorities including the Government of Assam to look into the issues arising out of the blow out. The information including the reports available with the OIL and the Government of Assam have been furnished to the Committee. Multiple reports including the following have not been furnished so far by OIL or other Agencies to the Committee as those are either not available with them or the reports are not ready :*
- (a) *Reports of Director General of Mines Safety, Ministry of Labour and Employment, Govt. of India,*
  - (b) *Reports of Oil Industry Safety Directorate, Ministry of Petroleum and Natural Gas, Govt. of India,*
  - (c) *Reports of Directorate General of Health Services, Ministry of Health and Family Welfare, Govt. of India,*
  - (d) *Reports of MIS ERM(India) Pvt. Ltd,*
  - (e) *Reports of Assam Agriculture University, Jorhat and Reports of Soil Compaction Study.*
  - (g) *Report of the 3 (three) members High Level Committee constituted by the Ministry of Petroleum & Natural Gas, Government of India.*

- (f) *Report of the Multi-Member Expert Committee headed by Sri M. K. Yadava, I.F.S., Additional P.C.C.F. constituted by the Government of Assam vide Notification dated 02.06.2020.*
- (g) *Report of the One Man Committee constituted by the Government of Assam vide Notification dated 12.06.2020.*
- (h) *Report of the Committee headed by Sri Maninder Singh, I.A.S., Additional Chief Secretary, Guwahati Development Department constituted by the Government of Assam vide Notification dated 12.06.2020.*
- (ii) *OIL has also informed the Committee that the study to be conducted by M/S ERM (India) Pvt. Ltd. and Assam Agriculture University, Jorhat would be completed only after the final killing of the Well. To carry out the Soil Compaction Study, the OIL has very recently engaged an agency, report of which is also not ready. In this context, the Hon'ble NGT may be pleased to consider whether a direction is necessary to all agencies including OIL to furnish their reports/findings to the Committee by a fixed date. It is imperative that these reports be furnished at the earliest to enable the Multidisciplinary Team to arrive at a reasonable assessment of the costs involved for restoration.*
- (iii) *The various report and / or information furnished by OIL and other agencies to the Committee and also information / data already collected and to be collected by the Multi-Disciplinary Committee have to be assessed after conducting further test(s), wherever required. The collection of primary data being still on the Committee is unable to submit its final report before 03.11.2020 as directed by the Hon'ble NGT, more so when the source of pollution is yet to be extinguished. In this context, the Hon'ble NGT may be pleased to direct OIL to undertake all urgent and necessary efforts to silence the well immediately.”*

13. The report dated 10.12.2020 *inter-alia* states:-

**“4. It is pertinent to note here that in the interim and during the pendency of these proceedings, OIL vide its Letter Ref No. RCE: 03-351 dated 02.12.2020 have accepted the aforesaid mechanism for payment of interim compensation to the identified affected families with a reduced compensation amount, as ad interim measure, than as recommended by the Committee as under:**

- i. Category A: Rs. 15 Lacs for 161 families each**
- ii. Category B: Rs. 10 Lacs for 439 families each**

**5. OIL (vide the same letter) has further intimated the DC, Tinsukia of its intention to earmark Rs. 62.546 crores, presently available, for payment of ad interim compensation to the aforesaid affected 600 affected families of Baghjan village. Copies of the Letters Ref No. RCE: 03-351 dated 02.12.2020 and REF No. ED(HR&A)/ 63 (T)/ 234 dated 02.12.2020 submitted by OIL to DC, Tinsukia is annexed hereto and marked as Annexure A Colly.”**

14. It is further stated that the Committee undertook field interaction with the representatives of the villagers and officials of the OIL and asked

the Deputy Commissioner, Tinsukia to conduct assessment of the damage and also asked State Legal Services Authority to constitute sub-Committees for assessment of the compensation to the victims. Finally the Committee has mentioned following about the budgetary allocation of the multi-disciplinary committee and for the non-official members:-

**“E. BUDGETARY ALLOCATION TO ENABLE THE WORKING OF THE MULTIDISCIPLINARY COMMITTEE**

10. (i) *The Multidisciplinary team which has been set up, as indicated in the Progress Report dated 30.10.2020, has placed an estimated cost proposal of Rs. 29,45,800/- (Rupees Twenty-Nine Lacs, Forty-Five Thousand Eight Hundred only) in order to study the ecological impact of the blowout and the explosion of Well No. 5 Baghjan. The said financial proposal has been sent by the Committee to the Department of Environment and Forest, Government of Assam vide Letter dated 09.11.2020. In its response dated 05.12.2020, the Government of Assam had directed the Principal Chief Conservator of Forest & HoFF, Assam to submit an online Financial proposal for further action. The same proposal has also been submitted to the Member Secretary, Central Pollution Control Board (hereinafter referred to as “CPCB”) for necessary action. However, sanction remains pending till date. Continued unavailability of the fund has posed significant challenge on the working of the multidisciplinary committee. In fact, due to the unavailability of funds, the members, except three of them, have been unable to visit the site till date even after the fire has been controlled and the well has been killed. Copies of the letter dated 09.11.2020 submitted to the Principal Secretary, Department of Environment and Forest, Government of Assam along with their response dated 05.12.2020 is annexed hereto and marked as Annexure E Colly.*

*(ii) It is pertinent to mention here that the Director (Scientist E), Divisional Head, IPC-I Division, Central Pollution Control Board vide mail dated 09.12.2020 has informed the Committee that the CPCB has recommended the project “Assessment of Air, Water and Soil Quality in Baghjan Well Blowout Site and its Vicinity, Tinsukia, Assam” which include assessment of environmental damage with a cost of Rs. 81.40 Lacs to NEIST, Jorhat.*

*The Committee, however, is yet to take a final decision in that regard.*

**F. HONORARIUM FOR THE NON-OFFICIAL MEMBERS OF THE COMMITTEE AND THE RESEARCH ASSOCIATES**

11. *In this context, it is pertinent to note that the Hon'ble NGT vide its Order dated 24.06.2020 had directed that the initial expenditure for the functioning of the Committee shall be borne by the State of Assam. However, no funds have been allocated for the working of the Committee. In fact, the monthly honorarium and modalities of payment are yet to be specified. Consequently, the non-official members of the Committee, who have since retired from their respective services and three of its Research Associates have been working with utmost sincerity and diligence without any honorarium. The Committee had apprised the Hon'ble NGT of this fact vide its letter dated 06.10.2020. A copy of the Letter dated 06.10.2020 is annexed hereto and marked as Annexure F.*
12. *The Hon'ble NGT, therefore, may be pleased to consider these aspects of the matter and pass necessary order as deemed fit and proper."*

#### **Objections of the OIL to the recommendations of the Committee**

15. The OIL has filed its objections to the report dated 31.10.2020 on 16.12.2020 to the effect that the findings of the Committee are based on secondary data through various stakeholders. The Committee of Experts has not verified the said data by visit to the site. The multi-disciplinary Committees could not have been constituted by the Committee by delegating its authorities. Earlier interim report dated 01.09.2020 was also without proper assessment and without considering the viewpoint of OIL.

16. With regard to findings on the subject of 'consent to establish' (CTE) and 'consent to operate' (CTO), it is stated that applications have been duly made since 2006-07 which are pending and after four months deemed consent can be evoked under Section 25 (7) of the Water (Prevention and Control of Pollution) Act, 1974 (Water Act) and 21(4) of the Air (Prevention and Control of Pollution) Act, 1981 (Air Act). It is further stated that hazardous waste authorization has been duly granted on 15.06.2017 for five years. CTO was granted for 2018-19 and for subsequent periods, applications have been duly filed. With regard to the order of the Hon'ble Supreme Court requiring biodiversity study, it is stated that the area is

outside Eco Sensitive Zone area of DSNP as per Notification dated 28.01.2020. Biodiversity study has to be carried out by the Assam State Biodiversity Board. The said Board has issued letter dated 29.08.2020 that such study is not immediately possible in view of environmental crisis around the area. With regard to compliance of the EP Act, 1986, it is stated that when the project was set up its value was less than 50 Crores and no Environmental Clearance (EC) was required in terms of Notification dated 27.01.1994. However, approval was granted on 14.05.2003 by the Ministry of Petroleum and Natural Gas for 20 years. The 2006 Notification was not applicable as the project started prior to the said Notification. Still, EC was obtained in the year 2011. The OIL has rehabilitated the local people residing within 5 KMs of the project into relief camps by providing all necessary facilities. Noise barricading has been installed to control the noise level. The fire has been put off completely on 15.11.2020. Well cleaning was completed on 03.12.2020. There is, thus, no ground to take action against the Authorities of OIL under Rule 8 of the Noise Pollution (Regulation and Control) Rules, 2000. The observations of the Committee that extraction of hydro-carbons around the DSNP should be treated as 'red' category project is not correct. With regard to health assessment survey, it is submitted that safety measures were duly adopted in drilling the well. However, the contractor M/s John Energy Limited wrongly removed the blow out preventer (BOP) which led to the damage. OIL started debarment proceeding against the Contractor and the contract was finally placed in holiday list and debarred from entering any contract for two years. The High Court directed further opportunity of hearing vide order dated 21.10.2020 in WP No. 4517/2020. The order of termination of contract was confirmed on 30.10.2020. With regard to the assessment of compensation for environment and loss of biodiversity, it is stated that

committee has acted on secondary data beyond the mandate of the order of this Tribunal. With regard to compensation, the objection of the OIL is that:

*“21. That, with regard to observations at Para-D (V) (iv) and (v) (Page-40), the Answering Respondent Company submits that vide proposal Reference No. TCA.3/2020/570 dated 25.08.2020, Deputy Commissioner; Tinsukia has placed incorrect facts before the Hon'ble Committee of Experts. That under Para. 8.0, it was mentioned that the affected families otherwise falling in category (iii) as per categorization of the Hon'ble NGT may be included in category (ii) the reason being those families have been affected the most, being in the closest vicinity to the blowout and they have been subjected to continuous sound and air pollution resulting from the blow-out and fire. Further, they have apparently faced the maximum impact on their health, including mental stress and disorientation.*

*Thus the ground taken for award of compensation mentioned as 'distance irrespective of whether houses have been severely damaged or not' is highly flawed since the local population has been shifted to the safety, security and facilities of relief camps immediately after the blow-out and even before the fire broke out on 09.06.2020. Therefore, the basis of inconvenience and discomfort of the local residents as a ground for compensation and their upgradation to category (ii) as well as enhancement of the amount from Rs. 2.5 lakhs to Rs. 20 lakhs is totally misconceived.*

*That it is submitted that the said Interim Report by the Deputy Commissioner; Tinsukia was submitted on 01.09.2020 immediately after proposal of Deputy Commissioner, Tinsukia vide Letters Reference No. TCA.03/2020/706 dated 31.08.2020 raises serious doubts on the credibility of the Report which was drawn citing most urgency. Moreover, the Interim Report has never been shared with the Answering Respondent Company and therefore the recommendations/ contents are not in its knowledge.*

*22. That, with regard to observations at Para-D (V) (vi) (Page-41), the Answering Respondent Company submits that the meeting held in the office of DC, Tinsukia, between Baghjan Gaon Milonjyoti Yuba Sangha and officials of OIL on 18.09.2020 wherein the Respondent Company assured all possible assistance in mitigating the problems of the Baghjan Gaon Villagers and assured payment of Rs. 50,000/- per month to 612 families for rental accommodation, food and other facilities.*

*23. That, with regard to observations at Para-D (V) (viii) (Page-41), the Answering Respondent Company raises serious objections to the proposal of the DC, Tinsukia in revising the number of affected families and including additional 104 families in category (i) for compensation, which is without any solid justifications and basis. The Answering Respondent Company submits that the said impugned proposals of DC,*

*Tinsukia were made solely on the basis of demand made by Baghjan Gaon Milanjyoti Yuva Sangha, rather than any assessment of actual damage. The Deputy Commissioner, Tinsukia while submitting its illegal and arbitrary proposals before the Committee of Experts on sympathy, has made contradiction to its earlier communication dated 29.08.2020, whereby, the applicant was apprised about the identification of 57 families and 561 families of affected families under Category-ii and Category-iii on the basis of survey made by the District Administration and as such, impugned proposal of the Deputy Commissioner, Tinsukia being sympathetic consideration, as opposed to the actual assessment, is liable to be interfered by this Hon'ble Tribunal. It is submitted that Answering Respondent has already paid compensation as per the Order of the Hon'ble Tribunal. The compensation paid to the affected families are much higher than the standard compensation, as prescribed in the Assam Disaster Manual. A comparative study in this regard shows that the affected families have received substantial compensation, even though there was no substantial damages to their houses or horticulture, as it is evident from the photographs of some of houses, which fall under Category-II as per the earlier assessment of the Deputy Commissioner, but now categorized as Category-I by the Committee. A true copy of the photographs of a few affected families, which were earlier categorized as Category-II, but now put in Category-I as well as comparative study on the compensation. are annexed herewith and marked as Annexure-17.*

*It is further submitted that the inclusion of 104 additional families in the list of affected people without conducting any survey or new emergent facts reflects that name of the families were included without proper assessment, which warranting proper assessment through an independent agencies for all the affected families.*

24. *Further, it is submitted that Interim Order dated 06.08.2020 passed by the Hon'ble Tribunal, determining the quantum of compensation to various categories of the affected people based on the recommendation of the Committee of Experts has been complied by Answering Respondent Company immediately, which itself shows that Company is always ready to pay due compensation to the genuinely affected people, as per assessment in terms of the order of the Hon'ble NGT. But, since the impugned proposal made by the Deputy Commissioner, Tinsukia recommending inclusion of additional 104 families and upgradation of compensation amount, upgradation of the affected families, already assessed, from Category-III to Category-II and from Category-II to Category-I and enhancement of compensation of Category-II from RS.10.00 Lakh to Rs.20.00 lakh merely on the demands of the local organizations, are illegal and arbitrary. The Company though appreciate the suffering of the people of the Baghjan area on account of the unfortunate Blow out incident, but it cannot justify unrealistic and unreasonable demands, more particularly, in view of the facts, the Company deals with the public money.”*

### **Applicant's response**

17. The applicant has also filed response to the report dated 31.10.2020 as follows:

“7. *It is further prayed that the final Report include a Restoration Plan which would be based on:*

- i) *comprehensive research as to the damage done not only to the Maguri-Motapung wetland and grassland system but also to the adjacent areas in the Dibru-Saikhawa National Park. The research could include a diagnostic evaluation of wetlands regimes (ecological, hydrological, socio-economic and institutional aspects) as well as consider forest – wetland interactions. Further, the effect of seasonal migration, such as the arrival and departure of migratory birds between now and March 2021, could be considered;*
- ii) *analysis of not only current damage but damage extending over the future. For instance, the old and condensate deposits may affect the physical properties of the soil, reducing its aeration and water infiltration, subsequently affecting plant growth. Crude oil has toxic properties that could have a devastating effect at various levels of the soil;*
- iii) *planning concerning interventions needed immediately and others that would be phased, those that would be man-made and others that would be left to natural restoration; besides obtaining inputs from the local community, the planning phase could include an international workshop (digital) inviting experts of riverine ecology and riverine wetlands to aid restoration planning. Since Maguri Beel is driven by flood pulses – understanding river – wetland – forest interactions would be core to designing any ecological restoration plan.*
- iv) *implementation mechanisms – the institutions and the processes that would carry the restoration plan into the field and integrate interventions bearing in mind the multi-dimensionality of the eco- system being restored.*

8. *In order that the Committee has sufficient resources to carry out its tasks of conducting research and analysis, and devising the plan and implementation mechanisms for restoration, it is prayed that this Hon'ble Tribunal to augment the financial and technical resources available to the Committee. In this regard, the Applicant humbly submits that:-*

- i. *It is submitted that just as the Committee has suggested the setting up of a “health fund” as an interim measure to defray the cost of treatment of person(s) suffering from any ailment etc. (at page 43 of Volume I of the Progress Report), in a similar manner, an interim fund be set up to provide*

*funding for the research and analysis needed to establish the complete extent of impact on the environment and bio-diversity caused by the present disaster.*

- ii. *In order to provide funding for the research and analysis, it is humbly prayed that the Tribunal recall the deposit of Rs 25 crore directed in the order dated June 24, 2020, but deferred in its order dated July 2, 2020, on the assurance given by OIL that whatever amount required for discharge of its liability would be made promptly available. The fund could be placed in the custody of the District Magistrate, Tinsuka District, and disbursed as per norms and requirement.”*

### **MoEF Response**

18. We may also mention the affidavit of the MoEF&CC filed on 23.11.2020 by Mr. Dharmender Gupta with regard to the regulatory framework in terms of Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (MSHC Rules, 1989) and Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996. It is stated that the PESO and CIFs while giving site specific approvals are expected to ensure preparation of on-site emergency plans and details of mock drills and standard operating procedure (SOP) of industrial operations.

### **Consideration of the matter by the Tribunal**

19. **We place on record our appreciation for the massive work executed by the eight-member Committee, headed by Justice B.P. Katakey, former Judge of Gauhati High Court.**

### **Issues for Consideration**

20. We have given due consideration to the reports of the Committee dated 31.10.2020 and 10.12.2020 as well as to the objections of the OIL and of the applicant and heard learned Counsel for the appearing parties.

There are four aspects for consideration:

- a) **Compensation to the victims of the incidents for the damage to the houses, trauma, loss of earning and health cost incurred etc.**
- b) **Accountability for the failure of OIL to follow safety protocols in preventing the incident and remedial steps to prevent such incidents in future**
- c) **Accountability for non-compliance of statutory norms under the Water, Air and Environment laws and remedial action**
- d) **Assesment of damage to the Environment and restoration measures, including measures for restoration of Dibru-Saikhowa National Park and the Maguri-Motapung Wetland**

### **Observations and Findings**

21. On consideration of the entirety of the matter, we are in agreement that further studies are required for assessment of damage to the environment and the restoration measures by an inter-disciplinary Committee. Accordingly, we propose to appoint an expert Committee for the purpose. The issue of compensation stands sorted out substantially. The remaining aspects of remedying the causes leading to the incident and statutory compliance will require further consideration by the statutory and departmental authorities in the first instance for which we propose to appoint joint Committees. Our observations and directions on different aspects follow.

#### **Re: a) Compensation to the victims**

22. We note that the incident in question is a massive one as the blowout resulted in fire which continued for almost six months inspite of efforts of all the Experts, hired by the OIL. Well killing operations, to avoid further damage, have taken more than six months. The damage caused is extensive. The statistics furnished by the OIL itself are that 3000 families were affected and 9000 persons were displaced from their houses and accommodated in 12 relief camps. 10 relief camps were set up as a result of first incident dated 27.05.2020 and two more camps after the incident

dated 09.06.2020. Each camp had 750 persons. Though number of claims were put forward, **major part of the issue stands resolved in terms of tri-partite arrangement between the victims, the OIL and the Deputy Commissioner, as per letter of the Deputy Commissioner dated 25.9.2020 and letter of the OIL dated 2.12.2020. The OIL has admitted its liability to 600 families to the extent of Rs. 15 lakhs each for 161 families and Rs. 10 lakhs each to the 439 families which runs to about Rs. 68 crores. It has already paid Rs. 30,000/- each to 3000 persons i.e. Rs. 9 crores and Rs. 12 lakhs each to 11 families i.e. Rs. 2.2 crores. Further, Rs.50000/- each has been paid to the families who have left the camps to meet the cost of rent, food etc. According to the OIL, it has spent about Rs. 11 crores on the camps and also incurred expenditure on managing the blowout which is said to be about Rs. 151 cores.**

23. While the Committee has suggested payments towards compensation to be treated as interim, the OIL does not accept any further liability. **In view of substantial number of victims having been compensated upto a reasonable level, the issue will have to be taken as concluded as far as the present proceedings are concerned.** This Tribunal cannot enter into further adjudication in absence of the victims and authentic data. **While floor level compensation can be directed to be paid even on some guesswork, higher compensation claims require adjudication, based on evidence of loss. As already observed, in absence of relevant data, we are unable to determine the claims for higher compensation, beyond the amounts already paid or conceded by the OIL.**

24. The principle of absolute liability is attracted to such incidents in accordance with law laid down in *M.C. Mehta v. Union of India & Ors.* (1987) 1 SCC 395 and thus the victims are entitled to compensation atleast on principle of restitution without proving negligence. However, evidence of extent of loss suffered by each of the claimant is required, except for some sort of compensation to be awarded by applying rule of thumb. To this extent compensation appears to have already been paid during these proceedings with the intervention of the Committee and the authorities. Thus, while requiring the OIL to pay whatever compensation is undisputed forthwith, we propose to leave the rest of the matter to be decided in appropriate remedies of the victims. However, we propose to lay down mechanism to deal with some of the issues emerging from the report of the Committee. **It is made clear that this order will not debar any victim of the occurrence who is aggrieved by denial of compensation or inadequacy of compensation to take remedies for such claim before any appropriate forum in accordance with law.**

**Re: b) Accountability for failure to follow safety protocols and remedial measures to prevent such incidents in future:**

25. The Committee has prima facie found the concerned officers of OIL responsible for their failure in preventing the incident, as safety protocols were not duly followed. The OIL has pleaded its innocence and shifted the liability to the Contractor. It is stated that some action taken against the contractor (debaring for two years). **The fact remains that the OIL cannot disown its responsibility by shifting the blame on the contractor. Since it is not found necessary to finally determine this issue by the Tribunal, the same is left open to be gone into in any other appropriate proceedings – departmental or judicial.**

26. We prima facie agree with the report of the Committee that there was failure of the OIL in taking safety precautions and there is need for ensuring that such incidents do not recur. **We direct this aspect to be gone into by a six-member Committee headed by the Secretary, Ministry of Petroleum and Natural Gas in consultation with the D.G. Hydrocarbon and D.G. Mines Safety, DG Oil Industry Safety and PESO, Chief Controller of Explosives, New Delhi within three months from today.** The said Committee may review the situation and take appropriate remedial measures, including fixing responsibility for the failures of the concerned individuals in the present incident. It may also lay down the road map for ensuring compliance of safety protocols by all similar installations. Effective execution of such road map may be ensured by the Secretary, Ministry of Petroleum and Natural Gas. The Committee may also suitably take into consideration the observations in the reports of the Committee appointed by this Tribunal.

**Re: c) Accountability for non compliance of statutory norms under the Water, Air and Environment laws and remedial action**

27. The Committee has found that there are non-compliances of statutory provisions of the Air Act, Water Act, the EP Act, including the Hazardous Waste Rules, framed thereunder, the requirement of EC in terms of Notification dated 14.09.2006 and compliance of EC conditions. OIL has submitted its stand disputing the findings of the Committee. **We direct that the issue of accountability for the past compliances and the remedial action therefor be looked into by a seven-member joint Committee comprising MoEF&CC, CPCB, State PCB, SEIAA Assam, Chief Wildlife Warden, Assam, Member Secretary, Biodiversity Board, Assam and Member Secretary, State Wetland Authority Assam.** MoEF&CC will be nodal agency and the Committee may complete its work

within three months. The gaps identified may be duly addressed by the OIL which may be overseen by the statutory regulators. The Committee may also suitably take into the observations in the reports of the Committee appointed by this Tribunal.

**Re: d) Assesment of damage to the Environment and restoration measures, including measures for restoration of Dibru-Saikhowa National Park and the Maguri-Motapung Wetland**

28. Last aspect is assessing the damage to the environment and remedial restoration plan, including Dibru-Saikhowa National Park, the Maguri-Motapung Wetland. **We direct this aspect to be looked into and remedial measures planned by the ten-member Committee headed by the Chief Secretary, Assam, nominees of MoEF&CC and CPCB, Assam Wetland Authority, State Biodiversity Board of Assam, SEIAA Assam, State PCB (all through their Chairmen), Chief Wildlife Warden Assam, District Magistrate, Tinsukia, and Managing Director, OIL.** This Committee will also take over the available record and data from the Committee constituted by this Tribunal, headed by Justice Katakey and **deal with all surviving issues** as far as possible within six months. **As regards budgetary allocation for the restoration work,** the cost of restoration is to be born by the OIL. **The Committee headed by the Chief Secretary, Assam may make an estimate on which the OIL will deposit the amount so estimated to meet the cost of restoration of the environment.** Initial deposit will be on adhoc estimation of minimum amount required and any further amount becomes necessary for execution of work for restoration, as may be finally determined by the ten-member Committee, such further deposit will be made by the OIL. The restoration plan may be duly executed by the OIL which may be overseen by the concerned statutory regulators. **The OIL may forthwith pay the honorarium payable to non-official members of the Committee**

**constituted by this Tribunal which may also be ensured by the Chief Secretary, Assam who may determine the amount payable, if the issue needs any clarification.**

29. All the above Committees will be free to co-opt any other Expert or institution. The applicants or any other stake holders are free to give their respective suggestions, if any, to the above Committees. The Committees may hold their first meetings preferably within two weeks which may be ensured by the Secretary of MoPNG, the Secretary of MoEF&CC and the Chief Secretary, Assam respectively.

30. **A public notice of crux of the order may be given at a prominent place in the office of the District Magistrate, Tinsukia and at some prominent place near the Campus of the Establishment in English as well as in Assamese. This may be ensured by the District Magistrate, Tinsukia.**

The application is disposed of.

A copy of this order be forwarded to the **Secretary, Ministry of Petroleum, MoEF&CC, CPCB, Chief Secretary, Assam, D.G. Hydrocarbon and D.G. Mines Safety, DG Oil Industry Safety, PESO, Chief Controller of Explosives, New Delhi, State PCB, SEIAA Assam, Chief Wildlife Warden, Assam, Member Secretary, State Biodiversity Board, Assam and Member Secretary, State Wetland Authority Assam, District Magistrate, Tinsukia and Managing Director, OIL**, by e-mail for compliance.

A copy of this order be also forwarded to Justice B.P. Katakey, former Judge of Gauhati High Court, Member Secretaries of State Legal

Services Authority, Gauhati and District Legal Services Authority,  
Tinsukia by e-mail.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 19, 2021  
Original Application No. 43/2020(EZ)  
DV

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**Civil Appeal No 2201 of 2021**

**Bonani Kakkar**

**... Appellant**

**Versus**

**Oil India Limited & Ors**

**... Respondents**

**ORDER**

- 1 This appeal arises from an order of the National Green Tribunal<sup>1</sup> dated 19 February 2021. The cases relates to the damage and destruction caused to the biodiversity of Dibru Saikhowa National Park and Boisphere Reserve due to a blow-out which took place from the Baghjan 5 Oil Well on 27 May 2020. Oil India Limited was in control and possession of the oil well.
- 2 The NGT constituted a Committee of experts. A preliminary report was submitted on 24 July 2020 after which on 31 October 2020, the Committee submitted a progress report. The NGT, by its impugned order, constituted three committees :
  - (i) A six member Committee to fix the responsibility for the failure of the individuals present at the incident and lay down a road map for ensuring compliance with safety protocols;
  - (ii) A seven member committee to enquire into the non-compliance of statutory provisions;

1 “NGT”

- (iii) A ten member Committee to assess the damage to and restoration of the Dibru Saikhowa National Park and wet land and to take over all surviving issues from the earlier committee.
- 3 When the appeal was moved before this Court, in an order dated 1 July 2021, two specific grievances of the appellants were recorded. The grievances were set out in paragraph 5 of the order which extracted below :

“5 The precise grievance is two fold. Firstly, the earlier Committee had submitted a comprehensive report before the NGT: initially, a preliminary report which was followed by a progress report and, hence, the constitution of three new Committees will only delay the process. Secondly, for the determination of damages and compensation and for the restoration of the National Park and Wetland, a ten-member Committee has been constituted headed by the Chief Secretary, Assam in which the Managing Director of the Oil India limited has been inducted as a member. It has been submitted that this will be in breach of the principles of natural justice since the conduct of Oil India Limited is basically in issue and, hence, the Managing Director ought not to be a member of the Committee in any case.”

- 4 In a subsequent order of this Court dated 2 September 2021, the Court took note of the findings of the expert committee, which was initially appointed by the NGT, in its preliminary report dated 24 July 2020 as well as the findings in the subsequent report dated 31 October 2020. Paragraphs 4 and 5 of the order of this Court are extracted below :

“4 The Expert Committee found that (i) OIL did not possess mandatory consent to establish and operate under Sections 25 and 26 of the Water (Prevention and Control of Pollution) Act 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act 1981 when it started operations in Baghjan 5 Oil well in 2006. (ii) OIL does not have the requisite consent under the law to

carry out drilling and testing of hydrocarbons in the specified well except for the years 2008-09, 2012-13 and 2018-19; and (iii) OIL does not possess authorization under Rule 6 of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules 2016, which constitutes a violation of the conditions stipulated in the Environmental Clearance dated 11 May 2020.

- 5 By a subsequent progress report dated 31 October 2020, the Committee detailed widespread damage to the flora and fauna of the region, including:
- (i) Thirty five varieties of fish species belonging to thirteen families, many of which had been completely wiped out; and
  - (ii) A drastic decline in water oxygen content which has resulted in a high rate of destruction of marine life.”

The Court also noted that the report had recommended a comprehensive impact assessment alongwith a plan for bio-remediation of hydrocarbons polluting the soil and the wet land.

- 5 In its order dated 2 September 2021, this Court reconstituted the third committee constituted by the NGT. The third Committee, as reconstituted was directed to consist of the following members :

- “(i) Justice B P Katakey, former Judge of the Gauhati High Court ...Chairperson
- (ii) Dr Ritesh Kumar, Director, Wetlands International South Asia
- (iii) Mr G S Dang, ex-Deputy Director, Indian Institute of Petroleum, Dehradun
- (iv) Mr Qamar Qureshi, Professor, Wildlife Institute of India
- (v) Mr Bedanga Bordoloi.”

- The Court directed that the Committee shall make an interim determination of damages upon which suitable directions could be issued to Oil India Limited to deposit the amount for facilitating remedial measures.
- 6 The Committee appointed by this Court submitted its report dated 20 October 2021. A final report of the committee was submitted on 31 December 2021.
- 7 On 1 September 2022, this Court clarified that the pendency of the proceedings shall not come in the way of the disbursement of compensation to the affected villagers in accordance with law.
- 8 In view of the above narration of facts, it is evident that as a result of the interim directions of this Court, the third committee which was constituted by the NGT for the purpose of assessing the damage to the environment and restoration measures including measures for restoration of the Dibru Saikhowa National Park and the wet land stands superseded by the expert committee which has been constituted by this Court.
- 9 The Court is apprised of the fact that the other two committees are yet to commence their work in view of the stay granted by this Court on 1 July 2021. The petitioner has no grievance in regard to the constitution of the other two committees.
- 10 With the above factual background, it would be appropriate to remit the proceedings back to the NGT which shall take up the proceedings on the basis of the reports of the expert committee which was constituted by this Court. The reports of the expert committee shall be considered by the NGT. The NGT

shall hear such objections as the parties in the proceedings have, before issuing necessary directions on the aspects including restoration of the environment, reparation of environmental damage and compensation.

- 11 The other two committees, which have been constituted by the NGT, shall proceed to complete the task which has been assigned to them. In terms of the earlier directions, it is clarified that the pendency of the proceedings before the NGT shall not affect the disbursement of interim compensation to the affected villagers. The NGT shall, it is clarified, be at liberty to pass further directions in regard to assessing the compensation payable and for its disbursement to all the affected persons.
- 12 We keep open all the rights and contentions of the parties.
- 13 The order of the NGT dated 19 February 2021 shall stand modified to the extent of the constitution of the third committee in terms of the previous orders of this Court. The report of the third committee, as noted above, shall now form the basis of further proceedings by the NGT in regard to the canvass which has been covered by the committee on the assessment of damages to the environment and restoration measures including measures, for restoration of Dibru Saikhowa National Park and Maguri Motapung Wetland. The NGT shall proceed ahead on the basis of the report of the expert committee appointed by this Court, without awaiting the conclusion of the proceedings before the two other committees.
- 14 NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking

due account of the interim compensation which has been fixed in that regard.

- 15 The disbursement of the interim compensation should be effected expeditiously and within a period of two months from the date of this order.
- 16 The Appeal is accordingly disposed of.
- 17 Pending applications, if any, stand disposed of.

.....CJI  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[V Ramasubramanian]

.....J.  
[J B Pardiwala]

**New Delhi;**  
**January 23, 2023.**  
-GKA-

ITEM NO.6

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2201/2021

BONANI KAKKAR

Appellant(s)

VERSUS

OIL INDIA LIMITED &amp; ORS.

Respondent(s)

([as per r.p dt. 15.11.22 list top of the Board.]

IA No. 92866/2021 - APPLICATION FOR PERMISSION IA No.106558/2022  
- APPROPRIATE ORDERS/DIRECTIONS IA No. 106557/2022 - APPROPRIATE  
ORDERS/DIRECTIONS IA No. 67426/2021 - EXEMPTION FROM FILING  
AFFIDAVIT IA No. 67425/2021 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT IA No. 106559/2022 - EXEMPTION FROM FILING O.T.  
IA No. 135266/2021 - EXEMPTION FROM FILING O.T. IA No.135270/2021  
- INTERVENTION APPLICATION IA No. 135265/2021 - INTERVENTION  
APPLICATION IA No. 72570/2021 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES IA No. 67424/2021 - STAY APPLICATION)

Date : 23-01-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Ms. Shruti Agarwal, AOR

For Respondent(s) Mr. Parag Tripathi, Sr. Adv.  
Mr. Sridhar Potaraju, Adv.  
Mr. Sudhir Mishra, Adv.  
Mr. Guichang Pou Gangmei, Adv.  
Ms. Simran Gupta, Adv.  
Mr. Mrigank Mehta, Adv.  
M/S. Trust Legal, AOR

Ms. Aishwarya Bhati, ASG  
Mr. Ravindra Lokhande, Adv.  
Mr. Sandeep Mahapatra, Adv.  
Mr. T. Gopal, Adv.  
Mr. Nring Chamwibo eliang, Adv.  
Mr. Abhishek Atrey, AOR  
Mr. Babanjit Singh Mew, Adv.

Mr. Manvendra Singh, Adv.

Mr. K.M. Nataraj, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Shailesh Madiyal, Adv.  
Mr. Sharath Nambiar, Adv.  
Mr. Vatsal Joshi, Adv.  
Mr. Sugosh Subramanyam, Adv.

Mr. Nalin Kohli, Sr. A.A.G.  
Mr. Debojit Borkakati, AOR

Mr. Devansh Mohta, Adv.  
Ms. Liz Mathew, AOR  
Ms. Shahrukh Alam, Adv.  
Mr. Vikram Rajkhwa, Adv.  
Ms. Vasudha Jain, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 The appeal is disposed of in terms of the signed order. The operative part of the signed order reads as under :

- “10 With the above factual background, it would be appropriate to remit the proceedings back to the NGT which shall take up the proceedings on the basis of the reports of the expert committee which was constituted by this Court. The reports of the expert committee shall be considered by the NGT. The NGT shall hear such objections as the parties in the proceedings have, before issuing necessary directions on the aspects including restoration of the environment, reparation of environmental damage and compensation.
- 11 The other two committees, which have been constituted by the NGT, shall proceed to complete the task which has been assigned to them. In terms of the earlier directions, it is clarified that the pendency of the proceedings before the NGT shall not affect the disbursement of interim compensation to the affected villagers. The NGT shall, it is clarified, be at liberty to pass further directions in regard to assessing the compensation payable and for its disbursement to all the affected persons.

- 12 We keep open all the rights and contentions of the parties.
- 13 The order of the NGT dated 19 February 2021 shall stand modified to the extent of the constitution of the third committee in terms of the previous orders of this Court. The report of the third committee, as noted above, shall now form the basis of further proceedings by the NGT in regard to the canvass which has been covered by the committee on the assessment of damages to the environment and restoration measures including measures, for restoration of Dibru Saikhowa National Park and Maguri Motapung Wetland. The NGT shall proceed ahead on the basis of the report of the expert committee appointed by this Court, without awaiting the conclusion of the proceedings before the two other committees.
- 14 NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking due account of the interim compensation which has been fixed in that regard.
- 15 The disbursement of the interim compensation should be effected expeditiously and within a period of two months from the date of this order.
- 16 The Appeal is accordingly disposed of.
- 17 Pending applications, if any, stand disposed of."

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**

**(Signed order is placed on the file)**

Item No. 05

Court No. 1

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

Original Application No. 43/2020(EZ)

(with report of the Committee dated 31.12.2021)

Bonani Kakkar

Applicant

Versus

Oil India Limited &amp; Ors.

Respondent(s)

Date of hearing: 10.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Shruti Agarwal, Advocate

Respondents: Mr. Sridhar Potaraju, Ms. Petal Chandhok & Mr. Ranjan Mishra,  
Advocates for Oil India Limited  
Mr. Raj Kumar, Adv. for CPCB  
Mr. Debojit Bonkakati, Advocate for the State of Assam  
Mr. Sandeep Mahapatra, Advocate for Ministry of Petroleum & Natural  
Gas**ORDER****Scope of proceedings in the light of order of Hon'ble Supreme Court**

1. The matter has been taken up in pursuance of order of the Hon'ble Supreme Court dated 23.01.2023 in Civil Appeal No. 2201 of 2021, *Bonani Kakkar vs. Oil India Limited & Ors.*, remitting the matter back to this Tribunal for further consideration in the light of the said order which is reproduced below:

“1. This appeal arises from an order of the National Green Tribunal<sup>1</sup> dated 19 February 2021. The cases relates to the damage and destruction caused to the biodiversity of Dibru Saikhowa National Park and Boisphere Reserve due to a blow-out which took place from the Baghjan 5 Oil Well on 27 May 2020. Oil India Limited was in control and possession of the oil well.

2. **The NGT constituted a Committee of experts. A preliminary report was submitted on 24 July 2020 after which on 31 October 2020, the Committee submitted a progress report. The NGT, by its impugned order, constituted three committees :**

- (i) **A six member Committee to fix the responsibility for the failure of the individuals present at the incident and lay down a road map for ensuring compliance with safety protocols;**
- (ii) **A seven member committee to enquire into the non-compliance of statutory provisions;**
- (iii) **A ten member Committee to assess the damage to and restoration of the Dibru Saikhowa National Park and wet land and to take over all surviving issues from the earlier committee.**

3. When the appeal was moved before this Court, in an order dated 1 July 2021, two specific grievances of the appellants were recorded. The grievances were set out in paragraph 5 of the order which extracted below :

“5 The precise grievance is two fold. Firstly, the earlier Committee had submitted a comprehensive report before the NGT: initially, a preliminary report which was followed by a progress report and, hence, the constitution of three new Committees will only delay the process. Secondly, for the determination of damages and compensation and for the restoration of the National Park and Wetland, a ten-member Committee has been constituted headed by the Chief Secretary, Assam in which the Managing Director of the Oil India limited has been inducted as a member. It has been submitted that this will be in breach of the principles of natural justice since the conduct of Oil India Limited is basically in issue and, hence, the Managing Director ought not to be a member of the Committee in any case.”

4. In a subsequent order of this Court dated 2 September 2021, the Court took note of the findings of the expert committee, which was initially appointed by the NGT, in its preliminary report dated 24 July 2020 as well as the findings in the subsequent report dated 31 October 2020. Paragraphs 4 and 5 of the order of this Court are extracted below :

“4. The Expert Committee found that (i) OIL did not possess mandatory consent to establish and operate under Sections 25 and 26 of the Water (Prevention and Control of Pollution) Act 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act 1981 when it started operations in Baghjan 5 Oil

<sup>1</sup> “NGT”

*well in 2006. (ii) OIL does not have the requisite consent under the law to carry out drilling and testing of hydrocarbons in the specified well except for the years 2008-09, 2012-13 and 2018-19; and (iii) OIL does not possess authorization under Rule 6 of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules 2016, which constitutes a violation of the conditions stipulated in the Environmental Clearance dated 11 May 2020.*

5. *By a subsequent progress report dated 31 October 2020, the Committee detailed widespread damage to the flora and fauna of the region, including:*

- (i) Thirty five varieties of fish species belonging to thirteen families, many of which had been completely wiped out; and*
- (ii) A drastic decline in water oxygen content which has resulted in a high rate of destruction of marine life.”*

*The Court also noted that the report had recommended a comprehensive impact assessment alongwith a plan for bio-remediation of hydrocarbons polluting the soil and the wet land.*

5. *In its order dated 2 September 2021, this Court reconstituted the third committee constituted by the NGT. The third Committee, as reconstituted was directed to consist of the following members :*

- “(i) Justice B P Katakey, former Judge of the Gauhati High Court ...Chairperson*
- (ii) Dr Ritesh Kumar, Director, Wetlands International South Asia*
- (iii) Mr G S Dang, ex-Deputy Director, Indian Institute of Petroleum, Dehradun*
- (iv) Mr Qamar Qureshi, Professor, Wildlife Institute of India*
- (v) Mr Bedanga Bordoloi.”*

*The Court directed that the Committee shall make an interim determination of damages upon which suitable directions could be issued to Oil India Limited to deposit the amount for facilitating remedial measures.*

6. *The Committee appointed by this Court submitted its report dated 20 October 2021. A final report of the committee was submitted on 31 December 2021.*

7. *On 1 September 2022, this Court clarified that the pendency of the proceedings shall not come in the way of the disbursement of compensation to the affected villagers in accordance with law.*

8. *In view of the above narration of facts, it is evident that as a result of the interim directions of this Court, the third committee which was constituted by the NGT for the purpose of assessing the damage to the environment and restoration measures including measures for restoration of the Dibru Saikhowa National Park and the wet land stands superseded by the expert committee which has been constituted by this Court.*

9. *The Court is apprised of the fact that the other two committees are yet to commence their work in view of the stay granted by this Court on 1 July 2021. The petitioner has no grievance in regard to the constitution of the other two committees.*

10. *With the above factual background, it would be appropriate to remit the proceedings back to the NGT which shall take up the proceedings on the basis of the reports of the expert committee which was constituted by this Court. The reports of the expert committee shall be considered by the NGT. The NGT shall hear such objections as the parties in the proceedings have, before issuing necessary directions on the aspects including restoration of the environment, reparation of environmental damage and compensation.*

11. *The other two committees, which have been constituted by the NGT, shall proceed to complete the task which has been assigned to them. In terms of the earlier directions, it is clarified that the pendency of the proceedings before the NGT shall not affect the disbursement of interim compensation to the affected villagers. The NGT shall, it is clarified, be at liberty to pass further directions in regard to assessing the compensation payable and for its disbursement to all the affected persons.*

12. *We keep open all the rights and contentions of the parties.*

13. *The order of the NGT dated 19 February 2021 shall stand modified to the extent of the constitution of the third committee in terms of the previous orders of this Court. The report of the third committee, as noted above, shall now form the basis of further proceedings by the NGT in regard to the canvass which has been covered by the committee on the assessment of damages to the environment and restoration measures including measures, for restoration of Dibru Saikhowa National Park and Maguri Motapung Wetland. The NGT shall proceed ahead on the basis of the report of the expert committee appointed by this Court, without awaiting the conclusion of the proceedings before the two other committees.*

14. *NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking due account of the interim compensation which has been fixed in that regard.*

15. *The disbursement of the interim compensation should be effected expeditiously and within a period of two months from the date of this order.”*

2. In view of above, scope of further consideration before the Tribunal mainly is consideration of reports submitted before the Hon'ble Supreme Court by the 'third committee', hear such objections as the parties in the

proceedings have and issuing necessary directions about restoration of the environment, reparation of environmental damage and compensation. Other 'two committees', earlier constituted by the Tribunal under order dated 19.2.2021, have to now proceed in terms of directions of the Tribunal.

**Substance of earlier order of the Tribunal dated 19.2.2021**

3. Before proceeding further on above lines, we consider it necessary to extract parts of order dated 19.2.2021 for continuity of this order:

*“1. **The issue** for consideration in these matters is the remedial steps for restoration of the environment and compensation to the victims on account of damage resulting from the incident of **oil blowout** on 27.05.2020 from the oil well belonging to the Oil India Limited (OIL) which released huge amount of toxic gases and, other consequential events, including fire incident 09.06.2020 that followed, at Baghjan in Tinsukia District of Assam. The fire was finally put off on 15.11.2020, after almost six months and well killing operations were successfully completed on 03.12.2020, after six months, as per version of the OIL filed before this Tribunal on 16.12.2020. Adverse impact of the incident on human beings and environment was large. **As per affidavit dated 27.07.2020 filed by the OIL, more than 9000 persons were displaced and sheltered in 12 relief camps, (with 750 persons in each), 10 camps immediately after 27.05.2020 incident and 02 camps added after 09.06.2020 incident. As on 22.07.2020, 07 camps were still continuing with 5758 occupants. 3000 affected families were paid Rs. 30,000/- each as one-time compensation, apart from the compensation of Rs. 20 lakhs each to 11 families whose houses were burnt. A sum of Rs. 11.17 crores was spent on the relief camps as on 23.07.2020. According to the OIL, more than Rs. 151 crores was required towards operational cost for controlling the blowout. By a subsequent letter dated 02.12.2020, the OIL has accepted its liability to pay Rs. 68.05 cores further amount to 600 affected families (Rs. 15 lakhs each to 161 families where damage to the houses is total and Rs. 10 lakhs each to 439 families where damage to the houses is severe). OIL has proposed to the District Collector, Tinsukia that it will pay compensation of Rs. 50,000/- each to 612 families who have left the camp for rental, accommodation, food and other facilities, as stated in the report dated 10.12.2020 of the Committee appointed by this Tribunal (paras 4 and 5). A sum of Rs. 90.796 crore stands deposited by the OIL with the District Collector.***

2. xxx .....xxx.....xxx

3. *With a view to obtain an authentic independent version, while issuing notice to the OIL, **the Tribunal constituted eight-member***

**Committee headed by a former Judge of Gauhati High Court with representatives from CPCB, CSIR, Guwahati University, State Bio-diversity Board, ONGCL, State PCB and the District Magistrate, Tinsukia District with liberty to the Committee to co-opt any other expert or institution. The mandate of the Committee was to ascertain the cause of the incident, persons responsible for the incident and for the failure to prevent the same, extent of damage to the human life, wildlife, Dibru-Saikhowa National Park (DSNP), the Maguri-Motapung Wetland (MMW), assessment of proposed compensation to the victims and for restitution of the property and the environment, remedial measures, including steps to prevent recurrence.**

xxx .....xxx.....xxx

20. We have given due consideration to the reports of the Committee dated 31.10.2020 and 10.12.2020 as well as to the objections of the OIL and of the applicant and heard learned Counsel for the appearing parties. There are four aspects for consideration:

- a) **Compensation to the victims of the incidents for the damage to the houses, trauma, loss of earning and health cost incurred etc.**
- b) **Accountability for the failure of OIL to follow safety protocols in preventing the incident and remedial steps to prevent such incidents in future**
- c) **Accountability for non-compliance of statutory norms under the Water, Air and Environment laws and remedial action**
- d) **Assessment of damage to the Environment and restoration measures, including measures for restoration of Dibru-Saikhowa National Park and the Maguri-Motapung Wetland**

#### **Observations and Findings**

21. On consideration of the entirety of the matter, we are in agreement that further studies are required for assessment of damage to the environment and the restoration measures by an interdisciplinary Committee. Accordingly, we propose to appoint an expert Committee for the purpose. The issue of compensation stands sorted out substantially. The remaining aspects of remedying the causes leading to the incident and statutory compliance will require further consideration by the statutory and departmental authorities in the first instance for which we propose to appoint joint Committees. Our observations and directions on different aspects follow.

#### **Re: a) Compensation to the victims**

22. We note that the incident in question is a massive one as the blowout resulted in fire which continued for almost six months inspite of efforts of all the Experts, hired by the OIL. Well killing operations, to avoid further damage, have taken more than six months. The damage caused is extensive. The statistics furnished by the OIL itself

are that 3000 families were affected and 9000 persons were displaced from their houses and accommodated in 12 relief camps. 10 relief camps were set up as a result of first incident dated 27.05.2020 and two more camps after the incident dated 09.06.2020. Each camp had 750 persons. Though number of claims were put forward, **major part of the issue stands resolved in terms of tri-partite arrangement between the victims, the OIL and the Deputy Commissioner, as per letter of the Deputy Commissioner dated 25.9.2020 and letter of the OIL dated 2.12.2020. The OIL has admitted its liability to 600 families to the extent of Rs. 15 lakhs each for 161 families and Rs. 10 lakhs each to the 439 families which runs to about Rs. 68 crores. It has already paid Rs. 30,000/- each to 3000 persons i.e. Rs. 9 crores and Rs. 12 lakhs each to 11 families i.e. Rs. 2.2 crores. Further, Rs.50000/- each has been paid to the families who have left the camps to meet the cost of rent, food etc. According to the OIL, it has spent about Rs. 11 crores on the camps and also incurred expenditure on managing the blowout which is said to be about Rs. 151 cores.**

23. While the Committee has suggested payments towards compensation to be treated as interim, the OIL does not accept any further liability. **In view of substantial number of victims having been compensated upto a reasonable level, the issue will have to be taken as concluded as far as the present proceedings are concerned.** This Tribunal cannot enter into further adjudication in absence of the victims and authentic data. **While floor level compensation can be directed to be paid even on some guesswork, higher compensation claims require adjudication, based on evidence of loss. As already observed, in absence of relevant data, we are unable to determine the claims for higher compensation, beyond the amounts already paid or conceded by the OIL.**

24. The principle of absolute liability is attracted to such incidents in accordance with law laid down in *M.C. Mehta v. Union of India & Ors.* (1987) 1 SCC 395 and thus the victims are entitled to compensation atleast on principle of restitution without proving negligence. However, evidence of extent of loss suffered by each of the claimant is required, except for some sort of compensation to be awarded by applying rule of thumb. To this extent compensation appears to have already been paid during these proceedings with the intervention of the Committee and the authorities. Thus, while requiring the OIL to pay whatever compensation is undisputed forthwith, we propose to leave the rest of the matter to be decided in appropriate remedies of the victims. However, we propose to lay down mechanism to deal with some of the issues emerging from the report of the Committee. **It is made clear that this order will not debar any victim of the occurrence who is aggrieved by denial of compensation or inadequacy of compensation to take remedies for such claim before any appropriate forum in accordance with law.**

**Re: b) Accountability for failure to follow safety protocols and remedial measures to prevent such incidents in future:**

25. The Committee has prima facie found the concerned officers of OIL responsible for their failure in preventing the incident, as safety protocols were not duly followed. The OIL has pleaded its innocence and shifted the liability to the Contractor. It is stated that some action taken against the contractor (debarring for two years). **The fact remains that the OIL cannot disown its responsibility by shifting the blame on the contractor. Since it is not found necessary to finally determine this issue by the Tribunal, the same is left open to be gone into in any other appropriate proceedings – departmental or judicial.**

26. We prima facie agree with the report of the Committee that there was failure of the OIL in taking safety precautions and there is need for ensuring that such incidents do not recur. **We direct this aspect to be gone into by a six-member Committee headed by the Secretary, Ministry of Petroleum and Natural Gas in consultation with the D.G. Hydrocarbon and D.G. Mines Safety, DG Oil Industry Safety and PESO, Chief Controller of Explosives, New Delhi within three months from today.** The said Committee may review the situation and take appropriate remedial measures, including fixing responsibility for the failures of the concerned individuals in the present incident. It may also lay down the road map for ensuring compliance of safety protocols by all similar installations. Effective execution of such road map may be ensured by the Secretary, Ministry of Petroleum and Natural Gas. The Committee may also suitably take into consideration the observations in the reports of the Committee appointed by this Tribunal.

**Re: c) Accountability for non compliance of statutory norms under the Water, Air and Environment laws and remedial action**

27. The Committee has found that there are non-compliances of statutory provisions of the Air Act, Water Act, the EP Act, including the Hazardous Waste Rules, framed thereunder, the requirement of EC in terms of Notification dated 14.09.2006 and compliance of EC conditions. OIL has submitted its stand disputing the findings of the Committee. **We direct that the issue of accountability for the past compliances and the remedial action therefor be looked into by a seven-member joint Committee comprising MoEF&CC, CPCB, State PCB, SEIAA Assam, Chief Wildlife Warden, Assam, Member Secretary, Biodiversity Board, Assam and Member Secretary, State Wetland Authority Assam.** MoEF&CC will be nodal agency and the Committee may complete its work within three months. The gaps identified may be duly addressed by the OIL which may be overseen by the statutory regulators. The Committee may also suitably take into the observations in the reports of the Committee appointed by this Tribunal.

**Re: d) Assesment of damage to the Environment and restoration measures, including measures for restoration of Dibru-Saikhowa National Park and the Maguri-Motapung Wetland**

28. Last aspect is assessing the damage to the environment and remedial restoration plan, including Dibru-Saikhowa National Park,

*the Maguri-Motapung Wetland. We direct this aspect to be looked into and remedial measures planned by the ten-member Committee headed by the Chief Secretary, Assam, nominees of MoEF&CC and CPCB, Assam Wetland Authority, State Biodiversity Board of Assam, SEIAA Assam, State PCB (all through their Chairmen), Chief Wildlife Warden Assam, District Magistrate, Tinsukia, and Managing Director, OIL. This Committee will also take over the available record and data from the Committee constituted by this Tribunal, headed by Justice Katakey and deal with all surviving issues as far as possible within six months. As regards budgetary allocation for the restoration work, the cost of restoration is to be born by the OIL. The Committee headed by the Chief Secretary, Assam may make an estimate on which the OIL will deposit the amount so estimated to meet the cost of restoration of the environment. Initial deposit will be on adhoc estimation of minimum amount required and any further amount becomes necessary for execution of work for restoration, as may be finally determined by the ten-member Committee, such further deposit will be made by the OIL. The restoration plan may be duly executed by the OIL which may be overseen by the concerned statutory regulators. The OIL may forthwith pay the honorarium payable to non-official members of the Committee constituted by this Tribunal which may also be ensured by the Chief Secretary, Assam who may determine the amount payable, if the issue needs any clarification.*

29. *All the above Committees will be free to co-opt any other Expert or institution. The applicants or any other stake holders are free to give their respective suggestions, if any, to the above Committees. The Committees may hold their first meetings preferably within two weeks which may be ensured by the Secretary of MoPNG, the Secretary of MoEF&CC and the Chief Secretary, Assam respectively.”*

### **Consideration of the matter by the Tribunal today and directions**

#### **Preliminary Observations**

4. Order dated 19.2.2021 shows that the Tribunal considered four issues – compensation to victims, accountability of individuals, non compliances by the Project Proponent (PP) and its accountability in that regard, restoration of Dibru Saikhowa National Park/Dibru-Saikhowa Biosphere Reserve (DSBR) and Maguri Motapung Wetlands (MMW) and other affected area. On first aspect, it was noted that the PP had paid a sum of Rs.151 crore for rehabilitation of victims and a settlement had been reached. Thus, the said issue was taken as concluded except for consideration of any particular specific claim at any appropriate forum.

Other three issues were left to be dealt with by three committees – first, a six member Committee headed by Secretary, Ministry of Petroleum to go into issue of accountability of individuals, second, a seven member committee, headed by Secretary MoEF&CC to go into compliances and accountability of the PP in that regard and the third a ten member Committee to go into the issue of restoration of DSBR and MMW. First two have now to proceed, as directed by Hon'ble Supreme Court, as per order of the Tribunal dated 19.2.2021 while constitution of the third was modified, as noted earlier and its reports are to be considered to determine further course of action.

**Consideration of the reports, submissions of the Applicant and objections of the PP**

5. We are of the view that since final report of the modified Committee dated 31.12.2021 has been submitted, it will suffice to refer to the same. Submissions of the Applicant are in support of the report and objections of the PP are in terms of its affidavit dated 25.7.2022.

6. We have heard learned counsel for the appearing parties and perused the record with the assistance of learned Counsel.

7. Executive summary of the report is as follows:

***“Executive Summary***

*1. The Baghjan accident took place in a highly ecologically fragile Eastern Brahmaputra Landscape. The Dibru Saikhowa Biosphere Reserve, alongside which the blowout took place, provides **habitat for thousands of species including the iconic One-horned Rhinoceros, the globally threatened bird Bengal Florican and White-winged Wood Duck, a migration corridor for elephants, as well as a crucial link and staging ground for the East and Central Asian Flyway for migratory birds.** The Baghjan accident was not just a failure on the part of OIL in ensuring necessary health, safety and environmental safeguards, but equally responsible are:*

- a) Complete and comprehensive violation of the principles of eco-sensitive zone notification by Ministry of Environment, Forest and Climate Change, Government of India, leading to dangerous concentration of oil and gas producing wells in a*

*highly environmentally sensitive and fragile area of Dibru Saikhowa Biosphere Reserve*

- b) *Absence of any meaningful baselines and **management plans for Maguri Motapung Wetlands and Dibru Saikhowa National Park**, and a lackadaisical approach to' management of these biodiversity hotspots*
- c) *Ineffective ecosystem monitoring systems to assess ecosystem health, and absence of infrastructure even at the state level **to monitor contaminants related with oil and gas industry***
- d) *Lack of any mechanism for covering risks to human health, livelihoods and assets located within the vicinity of oil and gas production areas*
- e) *Overlooking the risks posed by oil and gas industry in disaster risk reduction planning*
- f) *No investment in capacity development (including site and situation specific Standard Operating Procedures) for handling the risks of oil and gas production related accidents*

2. *The blowout accident resulted in severe damage and contamination of the Maguri-Motapung Wetlands and parts of Dibru-Saikhowa National Park, as is indicated by the following facts discerned from surveys and assessments carried during February-June 2021:*

- a) *The concentration of Poly-Aromatic Hydrocarbons in water, soil and sediments of Lohit, Dibru and Maguri-Motapung were significantly higher than those reported in other Indian and global studies on similar accidents. The drastic lowering of Dissolved Oxygen at many locations of the rivers, streams, Maguri-Motapung and other wetlands, in combination with high concentration of Poly-Aromatic Hydrocarbons resulted in large-scale mortality and morbidity of aquatic fauna. Patches of oil still surface in parts of wetland despite several flood pulses in the landscape.*
- b) *The blowout caused serious sound pollution, way beyond the set standards, making the overall environment unsuitable for normal life for prolonged periods, and affecting several birds and mammal species.*
- c) *Vegetation in a large area around Baghjan oil well#5 was sprayed with condensate. Morbidity and death of livestock, damage to crop fields and grasslands were recorded.*
- d) *Abnormalities in feeding and behavior patterns of Hollock Gibbons were observed, including the unfortunate death of a young one.*
- e) *Dolphin abundance during declined by 89% in area surrounding Baghjan oil well#5. One dolphin was found dead in the Maguri-Motapung Wetlands due to poisoning by condensate.*
- f) *Bird richness declined by 59% in grassland and 85% in wetlands. The counts of migratory birds in the Maguri-Motapung wetlands is yet to recover to the pre-accident levels.*

- g) *Fish richness declined by 71% and abundance by 81%. Large scale death, excess mucous secretion descaling and bleeding was observed in fishes.*
- h) *Species richness of odonates and lepidopterans declined by 26% and 48% respectively.*
- i) *Herpetofauna loss was significant, 177 carcasses of 4 species were recorded upto 4 km from the accident site. No evidence of tadpole presence was recorded, in spite of the incident time being the breeding period of several species of herpetofauna indicate deaths of neonates.*
- j) *Orchid Lowering was severely delayed.*
- k) *Fishers of the area reported a 70 - 80% decline in fish catch from the river and Maguri-Motapung Wetlands till date, severely impacting livelihoods.*

3. *The Baghjan accident poses two fundamental challenges for ecological restoration. Firstly, the concentration of environmental contaminants released by the blowout need to be brought to the levels which are safe for biota as well as communities dependent on the ecosystem. The interventions require taking into account the lack of baseline data on ecological communities present within the Dibru-Saikhowa Biosphere Reserve, especially those within the aquatic environs on Maguri-Motapung Wetlands, and the likely response to restoration. Secondly, the damage to ecosystem components and processes (such as death and injury to species, disturbance to habitats, altered migration pathways) need to be restored, which are likely to take a much longer time frame. Various studies on insects, herpeto-fauna, fish, birds and mammals indicated it will take 2 to 21 years for species population to recover from losses due to condensate impact.*

4. ***The condensate from Baghjan well #5 spread in a 2 km radius, and contaminated the surrounding environment. Less than 2% of this area has been remediated, without systematic site characterization, and with focus largely on soil dimensions.*** *The ongoing remediation sites are unprotected and not-demarcated, posing severe health and environmental hazards. Following recommendations are made for restoration of the accident site and its surroundings:*

- a) *Restoration needs to be guided by a Conceptual Site Model indicating the area of influence of the contaminant, and the relationship between contaminant source, pathways, and receptors. The model should be updated with new information from site monitoring.*
- b) *All enabling works like topographic survey, site characterization, waste and debris segregation and removal, installation of groundwater monitoring wells etc. prior to any remediation works need to be completed by OIL.*
- c) *OIL needs to pursue a risk-based clean-up approach adopting best available remediation technologies (biopiling, landfarming, volatilization and other non-invasive methods to remove LNAPLs, tree based phytoremediation combined with nature based methods etc.) to bring down the level of contaminants in all contaminated mediums. OIL and Pollution*

*Control Board, Assam may conduct bench scale, field trials of various remediation technologies options, risk assessments, operability studies, cost-benefit and sustainability analysis before designing the remediation strategy .*

- d) *It is recommended that OIL engages with national regulators and other stakeholders as early as possible in the process of site investigation and development of remediation strategies. Participatory approaches, with specific emphasis on community involvement should be ensured via a digital collaboration platform with all restoration related data.*
  - e) *In cases where remediation is not feasible or where the polluted area has high ecological or scientific value, OIL must determine the best site management and adaptation strategy to mitigate the risk to public health and the environment viz. monitored natural attenuation or exclusion.*
  - f) *Afforestation needs to be taken up in the area of influence (soon after remediation of the contaminated mediums), using native species, in consultation and participation of local communities.*
  - g) *An office of 'Contaminated site remediation and technology innovation' under PCBA may be established by the Government of Assam. The Office may be entrusted with the responsibility of management of the hazardous waste sites as per CPCB Guidelines to protect the environment and the health of the public at large.*
5. *Ecological restoration of DSBR should be targeted at assisting the recovery of the ecosystem that has been degraded and damaged by the Baghjan accident (while injury has been established, extent and pathways need to be further investigated through systematic studies). At the same time, abundant caution is advised prior to venturing into physical interventions for ecological restoration given the high ecological fragility of the Dibru Saikhowa Biosphere Reserve. The Committee therefore recommends:*
- a) *Systematic studies and monitoring to determine the current level of contamination within various components of the wetland and terrestrial area (water, sediment, vegetation).*
  - b) *Assessing the ecological restoration baseline (by involving expert agencies and with full stakeholder engagement) which would be tasked with: (a) Systematically defining a 'reference ecosystem condition' which would serve as a guide for ecological restoration; (b) Systematically defining ecological restoration indicators which would serve as a basis of assessing restoration effectiveness over long term; (c) Identifying restoration options —with specific focus on nature-based solutions which use native species; (d) Identifying monitoring indicators for all major ecosystem attributes (physical condition, species composition, ecosystem function) as well as threats and external exchanges; (e) Projecting resource requirement and institutional arrangements to implement restoration measures.*
  - c) *Constituting an 'ecological restoration steering committee' which would be tasked with reviewing and approving an ecological restoration plan, and monitoring the progress of implementation. The Committee may be set up under the District Commissioner (Tinsukia) and have representation of all major stakeholders (such as Pollution Control Board*

Assam, OIL, Forests, Fisheries, Tourism, Eco-Development Committee, local tour operators) and also have external restoration specialists on board .

- d) Undertaking systematic monitoring to ascertain that in multiple use areas the wetlands products (from buffer zone) are safe for human consumption. In case the studies determine that any of the wetland products are unsafe for human consumption, its harvest should be banned for a period as suggested by the study, and the dependent communities fully compensated for the loss.
- e) Conducting epidemiological studies within the communities living in and around the DSBR to determine the effect of exposure to contaminants. The studies must take a long-term view — such as health risks created by carcinogens released by the accident. Accordingly, a system of comprehensive health insurance for all persons living in the zone of impact (we may consider all communities residing around the Maguri-Motapung Wetlands and Dibru Saikhowa National Park, as well as those residing within 5 km radius of the Baghjan well#5) may be put in place so that the health risks are covered. Similarly, the livestock may also be insured.

6. For the gains of restoration to persist overtime, it is essential to put in place effective management arrangements for Dibru Saikhowa Biosphere Reserve which can ensure that the full range of biodiversity and ecosystem services of the biosphere reserve are delivered in perpetuity by limiting and managing impact of human-induced adverse change in the ecosystem. Within the aegis of Biosphere Reserve planning, following recommendations are made:

- a) **The management plan of Dibru-Saikhowa National Park needs to be updated taking into account the diversity of habitats, the interconnectivity of the park with river, wetland ecosystems, other protected areas and the risks posed by developmental activities such as oil and gas production. The management may be structured to meet the following objectives: i) Secure National Park boundaries, ensuring its connectivity with landscape; inventory of biodiversity of DSNP; iii) Maintain and improve habitat quality to support diversity.; iv) Reduce people's dependence on resources from National Park by providing alternatives; v) Provide livelihood opportunities to stakeholders through engagement in eco-tourism activities; and, vi) Adaptive management.**
- b) The management of Maguri-Motapung Wetlands should strive to achieve 'Conservation and wise use of the wetland ecosystem to sustain and enhance its full range of ecosystem services and biodiversity'. The purpose is to: a) manage the wetland complex in entirety as an ecologically and regulatory harmonized unit; b) maintain and improve the habitats to sustain biodiversity including migratory waterbirds, as well as ecosystem services such as buffering against extreme events and support wetland-dependent livelihoods in a sustainable manner; and c) develop institutional arrangement at the site, district and state level to address and manage regulatory and policy-related issues. Management may be guided by following objectives: i) Maintain naturalness of wetland shoreline; Maintain hydrological regimes connectivity aligned with key ecosystems processes (such as maintenance of habitat diversity); iii) Maintain and improve habitat quality

*to support diverse wetland-dependent species; iv) Maintain non-declining harvest of fishes, aquatic plants and other species of economic use derived from wetland and its surroundings; v) Provide livelihood opportunities to stakeholders through engagement in wetland based- tourism activities; vi) Maintain compliance with all extant regulation; and, vii) Proactive stakeholder engagement in wetland management enabled by Communication, Education, Participation and Awareness Actions.*

7. *The Maguri Motapung Wetlands and its zone of influence must be delineated and notified as per the provisions of Wetlands (Conservation and Management) Rules, 2017. This responsibility rests with the Assam State Wetlands Authority.*

8. *The District Commissioner may be entrusted with the responsibility of designing the Maguri-Motapung Management Plan as per the guidance of the National Programme for Conservation of Aquatic Ecosystems of the MoEFCC, seeking support of expert agencies and with engagement of stakeholders. The Eco-Development Committee may be extensively consulted to ensure that the views, tights and capacities of local communities are built within the management plan. The management plan must inter alia define responsibilities of concerned line departments, research organizations, non-government organizations and community-based organizations in implementing various activities. Periodic monitoring of the management plan may be carried out by the Tinsukia District Wetlands Committee constituted under the aegis of Assam State Wetlands Authority.*

9. *The current District Disaster Management Plan of Tinsukia does not identify oil and gas production related risks in hazards, and ecosystems, such as Maguri Motapung Wetlands and Dibru Saikhowa National Park as elements of risk reduction. The plan needs to be urgently updated, with a &tailed Hazard-Capacity-Vulnerability-Capacity Assessment being the basis, and healthy ecosystems considered as an integral part of the disaster resilience building interventions.*

10. *Given the high density of oil and gas operations in Eastern Brahmaputra Landscape, it is recommended that Standard Operating Procedures specifically for addressing oil and condensate spills in wetlands, terrestrial systems and ecologically sensitive areas such as DSNP is prepared in consultation with experts, and also drawing on international expertise.*

11. *Redressing the damage inflicted by Baghjan accident and also putting in place systems and institutional mechanisms so that the future risks for oil and gas related accidents are minimized, will require a cost of Rs. 1,196 crores. These include: a) the costs of ecological restoration of the accident site: Rs. 139 crore; b) ecological restoration of Dibru-Saikhowa Biosphere Reserve: Rs. 432 crore; and c) addressing livelihood and socioeconomic aspects related with restoration: Rs. 625 crore. The costs at a) and c) are directly attributed to the Baghjan accident and may be borne by OIL. The costs related with restoration of DSNP may be shared between the Government of Assam (as the ultimate custodian of the ecological assets with a direct responsibility of upkeep of these) and OIL (as a direct beneficiary of healthy ecosystems and an important stakeholder in ecosystem management).”*

8. Learned Counsel for the applicant submitted that the report and recommendations for restoration of environmentally sensitive DSBR and MMW and other incidental issues should be accepted and its compliance overseen by MoEF&CC. The assessed cost of Rs. 1196 crores be required to be deposited.

9. As against above, Oil India Limited (OIL) in its response to the report of the Committee filed before Hon'ble Supreme Court on 25.07.2022 has submitted that assessment of compensation of Rs. 1196 crores is uncalled for. Out of the said amount, Rs. 625 crores is for livelihood and socio-economic aspects of victims though issue of compensation to the victims has been closed under settlement and a sum of Rs.151 crore spent by the PP. The Committee has wrongly taken up the issue of restoration of entire DSBR running into 755 sq. km, while the area of influence of working of the project is limited to 3.8 sq. km. The Committee has relied upon secondary data for computing compensation without study of its own. The committee has ignored the restoration measures already taken by the PP in the light of advice of specialized agencies of national and international repute. The PP does not wish to evade its responsibility for restoration measures but arbitrary assessment is not justified. The PP will take such measures as may be necessary. The report of Shri M.K. Yadava, IFS, Additional PCCF, Wildlife and Chief Wildlife Warden, submitted on directions of PCCF (HoFF), Assam on 02.06.2020 is incomplete as it does not consider the remedial measures already taken and the same has been wrongly relied upon by the Committee.

10. Studies undertaken by the PP and restoration measures taken for remediation have been listed as follows: –

**Studies**

- A. ASSESSMENT OF AIR QUALITY IN THE VICINITY OF BAGHJAN WELL NO. 5 BY ARIHANT ANALYTICAL LABORATORY PVT. LTD. VIDE REPORTS DATED 29.05.2020 TO 12.06.2020**
- B. ASSESSMENT OF AIR QUALITY AND NOISE LEVELS IN THE VICINITY OF BAGHJAN WELL NO. 5 VIDE REPORT DATED 05.08.2020 BY THE ENERGY AND RESOURCES INSTITUTE ("TERI")**
- C. GEOPHYSICAL STUDY CONDUCTED VIDE REPORT DATED 21.08.2020 BY THE COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH ("CSIR") — NORTH EAST INSTITUTE OF SCIENCE AND TECHNOLOGY ("NEIST")**
- D. MEASUREMENT OF THERMAL MAPPING OF STRUCTURE AND SONIC BOOM VIDE REPORT DATED 28.08.2020 BY IIT GUWAHATI**
- E. CHROMATOGRAPHIC ANALYSIS OF CONDENSATE SAMPLE EXTRACT REPORT DATED 08.06.2020 BY CHEMICAL LABORATORY, CHEMICAL DEPARTMENT, OIL INDIA LIMITED, DULIAJAN, ASSAM**
- F. AMBIENT AIR AND WATER QUALITY MONITORING IN AND AROUND THE WELL NO.5 OF OIL, BAGHJAN, TINSUKHIA, ASSAM BY THE CENTRAL POLLUTION CONTROL BOARD VIDE REPORT DATED 29.10.2020**
- G. DRINKING WATER ANALYSIS REPORT DATED 03.11.2020 BY THE DISTRICT LABORATORY, TINSUKIA, PUBLIC HEALTH ENGINEERING (PHE) DIVISION, TINSUKIA, ASSAM**
- H. REPORT DATED 20.07.2021 OF THE TEAM OF EXPERTS BY ASSAM AGRICULTURE UNIVERSITY VISIT TO BAGHJAN GAS BLOWOUT AREA OF BAGHJAN**
- I. EFFLUENT PIT WATER SAMPLE ANALYSIS REPORT DATED 10.11.2021 BY CHEMICAL LABORATORY, CHEMICAL DEPARTMENT, OIL INDIA LIMITED, DULIAJAN, ASSAM**
- J. LETTER DATED 13.11.2021 FROM THE OFFICE OF THE DISTRICT ANIMAL HUSBANDRY AND VETERINARY OFFICER, TINSUKIA, GOVERNMENT OF ASSAM**
- K. LETTER DATED 15.11.2021 FROM THE OFFICE OF THE DISTRICT FISHERY DEVELOPMENT OFFICER, TINSUKIA, GOVERNMENT OF ASSAM**
- L. ASSESSMENT OF ENVIRONMENTAL QUALITY OF SOIL AND VEGETATION FINAL REPORT BY TERI VIDE REPORT DATED 21.02.2022**
- M. INTERIM PROGRESS REPORT ON BIODIVERSITY IMPACT ASSESSMENT STUDY BY INTERNATIONAL UNION FOR CONSERVATION OF NATURE ("IUCN") SUBMITTED TO ASSAM BIODIVERSITY BOARD**
- N. RESTORATION REPORT DATED 06.05.2022 SHOWING THE VISUAL REPRESENTATION OF THE AREAS PREPARED BY THE HSE TEAM OF OIL, THE ANSWERING RESPONDENT**

**Restoration measures with details of expenditure incurred:****“III. RESTORATION AND BIO-REMEDIATION MEASURES****A. PICKING UP OF SPILLED OIL CONDENSATE MANUALLY AND BY TURBO PUMP**

- (a) That after the incident of blowout, several bundhs were constructed around the area of blowout to arrest the spilled oil condensate flowing to the nearby water bodies. The oil arrested inside the bundhs were picked up by manual efforts in drums and transferred to the EPS-Baghjan. Turbo pumps driven by water jet were also used for lifting spilled oil condensate.
- (b) That on 31.05.2020, M/s Deep Construction was engaged by the Answering Respondent vide LOA dated 31.05.2020 bearing no. OIL/CONT/LOA/G/98/2020-21 for carrying out the following works:
- (i) Cleaning services of oil spillage from roof, wall, trees, ground surface etc.
  - (ii) Fixing and replacement of roof, painting of roof and wall.
  - (iii) Oil pickup, carriage, transportation, storage etc.
  - (iv) Supply of gravel, spreading, levelling including excavator services.
  - (v) Supply, erection of boundary fencing.
  - (vi) Earth cutting, filling, dressing, levelling etc.
  - (vii) Development of various village roads, sandbegging etc.
  - (viii) Cutting, trimming and uprooting of trees.
  - (ix) Service of boat for oil pickup & manpower including supply of diesel, etc.
  - (x) Mitigation of any other contingencies.

Reference for the Copy of LOA dated 31.05.202, bearing number OIL/CONT/LOA/G/98/2020-21 issued by Answering Respondent to M/s Deep Construction can be drawn on Page 436- Annexure R15 of the Documents annexed with the Affidavit filed by the Answering Respondent on 09.05.2022.

- (c) It is respectfully submitted that for the purposes of carrying out bioremediation services around Baghjan Well No.5, TERI was engaged by the Answering Respondent, who carried out the work in two phases starting on 21.06.2020; (i) Phase No. I for a total area of 1,60,000 square meters and (ii) Phase No. II for a total area of 69,833 square meters.

**B. BIOREMEDIATION WORK BY TERI****PHASE-I: IN-SITU BIOREMEDIATION OF OILY SLUDGE BY TERI FOR AREA AROUND THE BAGHJAN WELL NO.5**

- (d) *It is humbly submitted that TERI was engaged by the Answering Respondent vide Contract No. 6114478 dated 06.06.2020 for bioremediation of oily soil and water at Baghjan Well No.5 for a total area of 1,60,000 square meters. The total area for remediation was divided in two zones — Land and Water, for the period 21.06.2020 to 07.09.2020. The Bioremediation of the Phase No. I was completed by TERI on 04.12.2020. Reference for the copy of the joint site recce by Answering Respondent and TERI can be drawn on Page 439 — Annexure R17 of the Documents annexed with the Affidavit filed by the Answering Respondent on 09.05.2022. A copy of the Report of the Project bearing Project Code 2020BR01 completed on 04.12.2020 by TERI for carrying out bio-remediation services of contaminated soil & water bodies due to oil spillage resulting from blow out of well number BGN#5 is annexed herewith and marked as **Annexure-R11**.*

**PHASE-II: IN-SITU BIOREMEDIATION OF OILY SOIL AND WATER BY TERI AT THE BAGHJAN WELL NO.5 PLINTH**

- (e) *That the Answering Respondent most humbly submits that after blowout was controlled and the Baghjan Well No.5 was killed, steps were undertaken to further bioremediate the plinth of the Baghjan Well No.5. However, owing to law-and-order concerns, even the machineries and equipment of the Answering Respondents could not be collected by the Answering Respondent without the due support and assistance of the law enforcement and district administrative authorities. A copy of the Report of the Project bearing Project Code 20218R03 completed on 14.03.2022 by TERI for carrying out bio-remediation services of contaminated soil & water bodies due to oil spillage resulting from blow out of well number BGN#5 of the plinth area is annexed herewith and marked as **Annexure-R12**.*
- (f) *That it was only on 10.08.2021 that the Answering Respondent could collect its equipment and machinery at the Baghjan Well No. 5 site and have the control and possession of the site, due to the reasons cited herein above in the preceding paras of the instant Counter Affidavit. In view of the aforesaid, the bioremediation work at the plinth of Baghjan Well No.5 Site could commence only in the latter half of the year 2021.*

- (g) *That on 13.10.2021, the Contract dated 13.10.2021 bearing no. 6116306 was executed between the Answering Respondent and TERI vide which the services of TERI were further extended for a period of 01 (one) year for In-situ Bioremediation of oily sludge/oil contaminated soil/water of various production Installations, fields and water bodies in Assam and Arunachal Pradesh fields. Thereafter, bioremediation work on the main blowout site plinth for an area of 69,833 square meters was undertaken and completed. Reference for the copy of the Amendment No.1 dated 23.03.2021 to the Contract No. 6114478/PDNO/2020 can be drawn on Page 446 — Annexure R20 of the Documents annexed with the Affidavit filed by the Answering Respondent on 09.05.2022.*

**C. HANDLING AND PROCESSING OF OILY SLUDGE**

- (h) *That on 29.09.2020, the Answering Respondent had engaged M/s Balmer Lawrie & Co. Ltd. vide Letter of Award dated 29.09.2020 bearing reference no. OIL/CONT/LOA/S/394/2020-21, towards hiring services of handling and processing of oily sludge for a duration of twenty-four (24) months.*

**D. AFFORESTATION**

- (i) *It is respectfully submitted that the Answering Respondent has executed a Memorandum of Understanding dated 21.07.2022 with the Pollution Control Board of Assam for the purposes of planting trees through "Modified Akira Miyawaki" method for carbon sequestration and biological reclamation/restoration of degraded land in Baghjan Well No.5 plinth area in Tinsukia District, Assam. A copy of the Memorandum of Understanding dated 21.07.2022 executed between the Answering Respondent and PCBA is annexed herewith and marked as **Annexure—R13**.*

**E. EXPENDITURE INCURRED BY THE ANSWERING RESPONDENT ON RESTORATION AND REMEDIATION MEASURES**

- (j) *It is most respectfully submitted that the Answering Respondent has incurred a total expenditure for an amount of INR 28,68,34,852.12/- (Rupees Twenty-Eight Crores Sixty-Eight Lakhs Thirty-Four Thousand Eight Hundred Fifty-Two and Twelve Paise Only) expenditure till date on restoration and bio-remediation measures and various engagements undertaken by the Answering Respondent.*

(k) That the categorisation of expenditure on the basis of timelines and broad heads is enumerated in the table below:

(i) From 27.05.2020 (date of the blowout incident) till 08.12.2021 (date on which the expenditure incurred by the Answering Respondent was submitted to Retired Hon'ble Mr Justice B.P. Katakey).

<b>S. NO.</b>	<b>PARTICULARS</b>	<b>EXPENDITURE INCURRED</b>
1.	Bioremediation of Oily <b>Sludge</b> , Soil, Water, during blowout by TERI	<b>Rs. 2,22,41,820/-</b> (Rupees Two Crores Twenty-Two Lakhs and Forty-One Thousand Eight Hundred and Twenty Only)
	For hiring various services <b>for</b> management to Blowout Control Operations by M/s Deep Constructions	<b>INR 50,14,750/-</b> (Rupees Fifty Lakhs Fourteen Thousand Seven Hundred and Fifty Only)
	Hiring services of Handling <b>and</b> processing of Oily Sludge by M/s Balmer Lawrie & Co. Ltd	<b>INR 24,81,62,260/-</b> (Rupees Twenty-Four Crores Eighty-One Lakhs Sixty-Two Thousand Two Hundred and Sixty Only)
2.	Skimming of oil, pickup, cleaning, carriage, transportation, etc.	<b>INR 64,52,000/-</b> (Rupees Sixty-Four Lakhs Fifty-Two Thousand Only)
	<b>TOTAL</b>	<b>Rs.28,18,70,830/-</b> (Rupees Twenty-Eight Crores Eighteen Lakhs Seventy Thousand and Eight Hundred and Thirty Only)

(j) Expenditure incurred by the Answering Respondent after 08.12.2021 on bio-remediation work:

<b>S.NO.</b>	<b>STEPS UNDERTAKEN BY OIL</b>	<b>COST INCURRED</b>
1.	Third-party bioremediation <b>contractor</b> , TERI carried out the assessment of environmental quality of soil and vegetation in the vicinity of Well Baghjan#5, Assam which has now been successfully completed.	<b>INR 33,81,880/-</b> (Rupees Thirty-Three Lakhs Eighty-One Thousand Eight Hundred and Eighty Only)

2.	<i>Third-party bioremediation contractor, TERI carried out the bio- remediation services of contaminated soil &amp; water bodies due to oil spillage resulting from blow out of well number BGN#5 of the plinth which has now been successfully completed.</i>	<b>INR 15,82,142.12/-</b> <i>(Rupees Fifteen Lakhs Eighty-Two Thousand One Hundred Forty-Two and Twelve Paise Only)</i>
	<b>TOTAL</b>	<b>INR 49,64,022.12/-</b> <i>(Rupees Forty-Nine Lakhs Sixty-Four Thousand Twenty-Two and Twelve Paise Only)</i>

(k) *Way forward:*

S.NO.	PARTICULARS	EXPENDITURE
1.	<i>Planting of trees through "Modified Akira Miyawaki" method for carbon sequestration and biological reclamation/ restoration of degraded land in Baghjan Well No.5 plinth area in Tinsukia District, Assam by the Pollution Control Board of Assam</i>	<b>INR 31,61,500/-</b> <i>(Rupees Thirty-One Lakhs Sixty-One Thousand and Five Hundred Only)</i>

### **Our findings and directions**

11. On due consideration of rival submissions of learned counsel for the parties and consideration of the report as well as well as response of the PP, we find that restoration and preventive action for de-contaminating of the affected sites/areas, stocking and rearing of native lost flora and fauna and other required mitigative measures is required which even the PP acknowledges. The Committee has observed that so far only 2% of the affected area has been remediated. The affected area is reported to be about 2 Km radius. Eco restoration of the DSBR and MMW cannot be wished away, even if affected area is, according to the PP, lesser than the area considered by the Committee and even if measures already taken are taken into consideration. Management plan for the area has to be updated including the conservation measures for restoration of the wetland which

may also involve habitat restoration, monitoring of environment, particularly with reference to Residual/Total Hydrocarbons and other necessary conservation measures.

12. We are however unable to accept the entirety of report at this stage with regard to recommendations as well as assessment of cost of restoration measures. In our view right course will be to require adhoc amount to be set apart in the first instance with further direction to pay whatever cost of restoration becomes necessary. Such assessment and monitoring has to be on continuous basis by an independent Committee which should include experts as well as concerned high level Administrative officers. The Committee can report to the Tribunal and surviving grievance can be considered by the Tribunal as and when necessary. Restoration measures can be finally determined by the Committee on further studies, site visits and interaction with stake holders, including the PP.

13. We also find merit in the stand of the PP that assessment of expenditure of Rs. 625 crore towards livelihood and socio-economic aspect proposed is against the view already taken by this Tribunal vide order dated 19.2.2021 which needs to be reiterated.

14. Thus, as against the assessed cost of Rs. 571 Crores for restoration the accident site, the DSBR and MMW, which is certainly responsibility of the PP, a sum of Rs. 200 Crores be initially set apart by the PP in a separate account to be spent as per recommendation of the Committee. Any further deposits will depend upon the recommendations of Committee. The on-going restoration work, if any, may continue. If any dispute arises, either party can move this Tribunal again.

15. We direct constitution of nine member Committee to prepare a final action plan and to oversee its execution to be headed by Additional Chief Secretary, Environment and Forest, Government of Assam. Other members of the Committee will be Deputy Director General, Forest, Integrated Regional Office, MoEF&CC, Guwahati, Regional Director, CPCB, Shillong, Wetland Authority, Assam, Member Secretary, State PCB, Chief Wildlife Warden, Assam, District Magistrates Tinsukia and Dibrugarh and IIT Guwahati. The Member Secretary, Assam State PCB will be the nodal agency for coordination and compliance. The Committee may meet within one month from today, take stock of the situation by visiting the site, interacting with the stakeholders and considering report of the Committee dated 31.12.2021, findings/observations of earlier Committees on the subject to the extent found relevant for the purpose. The goal should be to complete restoration measures within one year. The progress may be reviewed preferably on monthly intervals, unless shorter intervals become necessary. Status of progress so far may be given by the PP in the first meeting of the Committee to enable the Committee to initially identify the scope of pending work. The Committee may furnish first report with regard to progress as on 31.07.2023 by August 15, 2023 with the Registrar General, NGT by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any further direction is found necessary, he may place the matter before the Bench.

The Application is disposed of.

A copy of this order be forwarded to the Secretary, MoPNG, Secretary, MoEF&CC, GoI, Additional Chief Secretary, Environment and Forest, Government of Assam, Deputy Director General, Forest, Integrated Regional Office, MoEF&CC, Guwahati, Regional Director, CPCB, Shillong,

Wetland Authority, Assam, Member Secretary, State PCB, Chief Wildlife Warden, Assam, District Magistrates, Tinsukia and Dibrugarh and IIT Guwahati by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

March 10, 2023  
Original Application No. 43/2020(EZ)  
DV & AB

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2024  
(@ Diary No(s) .15374/2023)

MONOJ HAZARIKA & ORS.

APPELLANT(S)

VERSUS

OIL INDIA LIMITED & ORS.

RESPONDENT(S)

O R D E R

Permission to file appeal is granted.

We have heard learned counsel appearing for the appellant(s) and learned counsel appearing for respondent no.1 and perused the material on record.

During the course of submission, our attention was drawn to order dated 23.01.2023 passed by a three Judge Bench of this Court in the case of *Bonani Kakkar Vs. Oil India Limited & Ors, . C.A. No.2201/2021*, particularly paragraph 14 of the said order, which reads as under -

"NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking due account of the interim compensation which has been fixed in that regard."

Learned counsel for the appellant(s) submitted that some persons have already received interim compensation while the others may not have. However, according to learned counsel for the appellant(s) what has been stated in paragraph 23 of order dated 19.02.2021 creates a difficulty for the appellant(s). The same is quoted in paragraph 3 and 4 of the impugned order, which read as

contd..

under -

"3.

xxx

xxx

23. While the Committee has suggested payments towards compensation to be treated as interim, the OIL does not accept any further liability. In view of substantial number of victims having been compensated upto a reasonable level, the issue will have to be taken as concluded as far as the present proceedings are concerned. This Tribunal cannot enter into further adjudication in absence of the victims and authentic data. While floor level compensation can be directed to be paid even on some guesswork, higher compensation claims require adjudication, based on evidence of loss. As already observed, in absence of relevant data, we are unable to determine the claims for higher compensation, beyond the amounts already paid or conceded by the OIL.

Xxx

xxx

4. Order dated 19.2.2021 shows that the Tribunal considered four issues - compensation to victims, accountability of individuals, non compliances by the Project Proponent (PP) and its accountability in that regard, restoration of Dibru Saikhowa National Park/Dibru-Saikhowa Biosphere Reserve (DSBR) and Maguri Motapung Wetlands (MMW) and other affected area. On first aspect, it was noted that the PP had paid a sum of Rs.151 crore for rehabilitation of victims and a settlement had been reached. Thus, the said issue was taken as concluded except for consideration of any particular specific claim at any appropriate forum. Other three issues were left to be dealt with by the three committees - first, a six member Committee headed by Secretary, Ministry of Petroleum to go into issue of accountability of individuals, second, a seven member committee, headed by Secretary MOEF&CC to go into compliances and accountability of the PP in that regard and the third a ten member Committee to go into the issue of restoration of DSBR and MMW. First two have now to proceed, as directed by Hon'ble Supreme Court, as per order of the Tribunal dated 19.2.2021 while constitution of the third was modified, as noted earlier and its reports are to be considered to determine further course of action."

contd..

According to learned counsel for the appellant(s), the above observations would place an embargo and come in the way of the appellants making a claim for compensation and further owing to the aforesaid observations, the Tribunal itself would not be in a position to adjudicate the claims of the appellant(s) herein as and when they are made and determination of the compensation that they are entitled to receive . Consequently, the direction issued by this Court in order dated 23.01.2023 would not be fructified. Hence, learned counsel for the appellant(s) sought for certain directions.

By way of response, learned counsel for respondent no.1 submitted that despite the observations made by the National Green Tribunal (NGT) as aforesaid, ultimately it is for the appellant(s) to establish their claim before the NGT before they are entitled to seek either interim and final compensation as recorded in paragraph 14 of order of this Court dated 23.01.2023. In the circumstances, it is for the appellant(s) to establish their claim and right to the said compensation; that if the appellant(s) have already approached the Tribunal, the same shall be considered having regard to the directions issued by this Court in order dated 23.01.2023.

Having regard to the aforesaid submissions made at the Bar and particularly bearing in mind the direction issued by this Court on 23.01.2023, referred to above, and the fact that the appellants herein may have already approached the NGT for seeking interim/final compensation, it is observed that in the event the

Contd..

appellants establish their claim before the NGT, the observations aforesaid would not come in the way of the NGT determining their compensation in accordance with law and on their own merits.

It is needless to observe that the case of each of the appellants seeking interim/final compensation shall be considered having regard to the facts of each cases and on their own merits.

The appeal is disposed of in the aforesaid terms.

Pending application(s) shall stand disposed of.

.....J.  
[B.V. NAGARATHNA]

.....J.  
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI  
JULY 29, 2024

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s) . 15374/2023

(Arising out of impugned final judgment and order dated 10-03-2023  
in OA No. 43/2020 passed by the National Green Tribunal)

MONOJ HAZARIKA &amp; ORS.

Petitioner(s)

VERSUS

OIL INDIA LIMITED &amp; ORS.

Respondent(s)

(IA No. 93414/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENTIA No. 171742/2023 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 93412/2023 - PERMISSION TO FILE APPEAL)

Date : 29-07-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Devansh Mohta, Adv.  
Mr. Shahrukh Alam, Adv.  
Mr. Vikram R., Adv.  
Mr. Konark Bhatnagar, Adv.  
Ms. Malika Agarwal, Adv.  
Mr. Navneet R., AOR

For Respondent(s) Mr. Sridhar Potaraju, Sr. Adv.  
Mrs. Petal Chandhok, Adv.  
Mr. Gaichangpou Gangmei, Adv.  
Ms. Mimansi Sethi, Adv.  
Mr. Maitreya Mahaley, Adv.  
Mr. Aayush, Adv.  
Mr. Rajat Srivastava, Adv.  
Mr. Lalit Mohan, Adv.  
M/S. Trust Legal, AOR

Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Swarupama Chaturvedi, Adv.  
Ms. Chinmayee Chandra, Adv.  
Ms. Ruchi Kohli, Adv.  
Mr. Suyash Pandey, Adv.  
Mr. Gaurang Bhushan, Adv.  
Mr. Amit Sharma-ii, Adv.  
Mr. Rohan Gupta, Adv.

contd..

UPON hearing the counsel the Court made the following  
O R D E R

Permission to file appeal is granted.

The appeal is disposed of in terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)  
COURT MASTER (NSH)

(Signed order is placed on the file)

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

.....

**Miscellaneous Application No.31/2023/EZ**

**In**

**Original Application No.43/2020/EZ**

**IN THE MATTER OF:**

**Monoj Hazarika,  
S/o Shri Rajoni Hazarika,  
R/o Village - Baghjan,  
P.O. - Dighaltarang, Dist. - Tinsukia,  
Assam - 786151,**

**....Applicant(s)**

**Versus**

- 1. Bonani Kakkar,  
W/o Shri Pradip Kakkar,  
R/o 11 Hindustan Park,  
Kolkata - 700029  
West Bengal**
- 2. Oil India Limited,  
Through its Chairman and Managing Director,  
Corporate Office: Plot No.19, Near Film City,  
Sector 16A,  
Noida - 201301**
- 3. Ministry of Petroleum and Natural Gas,  
Government of India,  
Represented by its Secretary,  
Shastri Bhawan,  
New Delhi - 110001**
- 4. Ministry of Environment, Forest and Climate Change,  
Government of India,  
Represented by its Secretary,  
Shastri Bhawan,  
New Delhi - 110001**
- 5. The State of Assam,  
Represented by the Chief Secretary,  
Government of Assam,**

**Assam Secretariat, Dispur,  
Guwahati – 781006, Assam**

- 6. Deputy Commissioner, Tinsukia,  
Office of the D.C Tinsukia,  
Borguri, Tinsukia - 786125**

**....Respondent(s)**

**COUNSEL FOR APPLICANT:**

**Mr. Devansh Mohta, Advocate a/w  
Mr. Vikram Rajkhowa, Advocate**

**COUNSEL FOR RESPONDENTS :**

**Mr. Sridhar Potaraju, Sr. Advocate a/w  
Ms. Petal Chandhok, Adv. and  
Mr. Vivek Singh, Advocate for R-2 (OIL India Ltd.),  
Mr. Ashok Prasad, Adv. for R-3 (in Virtual Mode),  
Ms. Amrita Pandey, Advocate for R-4 (in Virtual Mode),  
Ms. Malabika Roy Dey, Advocate for R-5 & 6**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)  
HON'BLE DR. ARUN KUMAR VERMA (EXPERT MEMBER)**

**Reserved On:-06<sup>th</sup> December, 2024  
Pronounce On:- 13<sup>th</sup> December, 2024**

- 
1. Whether the Judgment is allowed to be published on the net? **Yes**
2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**
- 

Heard the learned Counsel for the Applicants and the learned Counsel for the Respondents and perused the documents on record.

2. The present Miscellaneous Application No.31/2023/EZ has been filed by the Applicant, seeking the following reliefs: -

- (i) *“direct the respondents to expeditiously disburse the balance interim compensation amount of Rs.10.00 lakhs per family to*

- the 161 families in Category-I, i.e. Rs.25.00 lakhs (-) less advance Rs.15.00 lakhs = Rs.10.00 lakhs per family, and/or*
- (ii) *direct the respondents to expeditiously disburse the balance interim compensation amount of Rs.10.00 lakhs per family to the 439 families in Category-II, i.e., Rs.20.00 lakhs (-) less advance Rs.10.00 lakhs = Rs.10.00 lakhs per family, and/or*
- (iii) *grant such other consequential reliefs pertaining to “interim compensation” that this Hon’ble Court deems fit and proper, including interest on the ‘interim compensation’ amount being due, and/or*
- (iv) *pass any other such order(s)/direction(s) as this Hon’ble Tribunal seem fit and proper under the facts and circumstances of the present case.”*

3. The Original Application No. 43/2020/EZ (*Bonani Kakkar Vs. Oil India Limited*) was taken up by the National Green Tribunal, New Delhi Bench, in respect of an incident relating to destruction and damage caused by the oil blowout and explosion that took place in BGN-5 Oil Well at Baghjan, Assam, stated to be due to the acts and omissions of the Oil India Limited.

4. The National Green Tribunal vide its order dated 24.06.2020 constituted a Committee of Experts headed by Hon’ble Mr. Justice B. P. Katakey, former Judge of the Guwahati High Court. A Preliminary Report dated 24.07.2020 was submitted by the Experts Committee before the National Green Tribunal, New Delhi Bench.

5. It is stated that the Committee was of the unanimous view that blowout and the subsequent explosion has led to extensive damage to the public owned resources and has also caused irreparable harm and damage to private owned property of the survivors in the affected villages.

6. The National Green Tribunal, New Delhi Bench vide its order dated 06.08.2020 observed that the Experts Committee assessed the

interim compensation payable to the affected villagers and passed recommendation which is as under: -

**“Preliminary Interim Measures**

**IV. Interim Compensation to the affected families**

1. *The Committee, proposes the formulation of three categories of affected families to assess the question of interim compensation namely;*
  - (i) *Those whose houses have been completely gutted by the fire thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.*
  - (ii) *Those whose houses have been severely damaged thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.*
  - (iii) *Those whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged thereby causing injury to life and health, loss of livelihood, cultivable land, livestock, damaged to fisheries etc.*
  - (iv) *The scale of interim compensation is as follows:*
    - Category (i) Rs.25 lacs*
    - Category (ii) Rs.10 lacs*
    - Category (iii) Rs.2.5 lacs*
2. *An initial amount of Rs.25 lacs will be released immediately to all the affected under category (i) whose information is already available with the Office of the District Administration. For the affected families under category, (ii) the amount of 10 lacs will be released immediately within an outer limit of 10 lacs will be released immediately within an outer limit of 15 days, based on the information already available with the Office of the District Administration. The compensation amount, if any already paid, shall be deducted from the aforesaid amount of interim compensation.*
3. *The Office of the District Administration will compile a list of all those in Category (iii), who have been moderately / partially impacted, in consultation with the revenue officers, PWD, concerned circle officer, the Gaonburahs and community representatives of the affected villages. The disbursement of the*

*amount will be completed expeditiously within an outer limit of 45 days from the passing of the order by the Hon'ble NGT for interim compensation.*

- 4. The affected families, particularly under category (i) and (ii), whose names have been left out of the list would be entitled to the said amount after due verification within 7 days from the passing of the order by the Hon'ble NGT for interim compensation and the same will be disbursed within 15 days from the date of completion of the verification.*
- 5. The interim compensation will be paid by OIL and from the funds which have already been made available to the Office of the District Administration. The balance amount, if any, will be made available immediately by OIL and as and when asked by the Office of the District Administration.*
- 6. One-time compensation amounting to Rs.30,000/- that has been agreed to be paid by OIL to the affected families, who had moved to the relief camps due to Well Baghjan-5 blowout on 27.05.2020, as an immediate reliefs, will be disbursed immediately as per the list prepared by the Circle Officer, Doomdooma and available with the Office of the District Administration and not later than 7 days from passing of the order by the Hon'ble NGT for interim compensation. The affected families whose names have been left out of the list would be entitled to the said amount after due verification and the same will be disbursed within 15 days from the passing of the order by the Hon'ble NGT for interim compensation.*
- 7. One-time compensation of Rs.25,000/- will be disbursed to each of the affected families and individuals who had shifted to the relief camps in the wake of the explosion in 'Well Baghjan-5 on 09.06.2020 as an immediate relief as per the list prepared by the Circle Officer, Doomdooma and available with the Office of the District Administration and not later than 7 days from the passing of the order by the Hon'ble NGT for interim compensation. The affected families whose names have been left out of the list would be entitled to the said amount after due verification and the same will be disbursed within 15 days from the passing of the order by the Hon'ble NGT for interim compensation.*
- 8. The interim compensation as well as the one time compensation, as stated above, will be credited directly to the bank accounts of the affected families and individuals by the*

*Office of the District Administration. The said interim compensation is non-recoverable and will be adjusted against the final compensation due to the affected families and individuals.*

9. *An immediate health insurance policy including COVID 19 will be made available by OIL to all affected individuals and families by the Well Baghjan-5 blowout and explosion and who are presently taking shelter in the relief camps within 7 days from the passing of the order by the Hon'ble NGT for interim compensation.*

*.....x.....x.....x.....*

17. *According to the OIL, compensation has already been paid to persons covered by category (i) @ Rs.20 lakhs per family. The other two categories have not been identified. Additional compensation for category (i) is also not justified.”*

7. It is stated that Oil India Limited objected to the recommendations made by the Experts Committee but the same was rejected by the Tribunal vide its order dated 06.08.2020 and the recommendations for the interim compensation made in the Preliminary Report were accepted. The relevant part of the order reads as under: -

*“18..... The recommendation of the Committee on the subject of compensation for three categories of victims are accepted with the clarification that the compensation already paid will be taken into the account and excluded from the interim compensation recommended by the Committee. Compensation to victims of categories (ii) and (iii) will be subject to identification by the District Administration which may be completed preferably within one month. We request the Assam State Legal Services Authority to oversee the process.....”*

8. It is also stated that the Respondent No.6, Deputy Commissioner, Tinsukia, Assam vide his order dated 25.08.2020 wrote to the Chairman of the Experts Committee submitting the list

of affected families for payment of compensation. The following particulars were highlighted in the letter: -

*“2.0 They had submitted a memorandum on date and had inter-alia/demanded the following: -*

*(I) The families of Bagahjan Gaon who have been affected fully/severely should be included in the Category (i) (Rs.25 lacs for each family) in terms of the Hon’ble NGT order in addition to those families whose houses have been gutted.*

*(II) The remaining affected families from Baghjangaon should be included in Category (ii). They demanded that Category (ii) affected families from Baghjangaon should each be paid advance amount of Rs.20.00 lakhs.*

*6.0 In terms of the order of the Hon’ble NGT, although the list of severely damaged house/severely affected families being submitted herewith numbering 57 families as mentioned above at Para 4.0 would fall in Category (ii), yet as per the demand of the affected families of Baghjangaon, the severely affected families may be included in Category (i), the reason being their houses have been severely damaged to the extent that these have become inhabitable and also standing crops/horticulture have been severely affected.*

*7.0 In this regard, the Experts Committee headed by your honour may like to recommend for widening the ambit/definition of Category (i) to include, in addition to houses which have been completely gutted by the fire, also the houses which have been severely damaged including the agriculture/horticulture and other property.*

*8.0 In pursuance of the demand of the “Baghjan Gaon Milanjyoti Yubak Sangha” and the villagers, the remaining affected families from Baghjangaon numbering 561 families who are at present staying in the relief camp at Baghjan Dighaltarang ME School and High School may be included in Category (ii) as determined by the Hon’ble NGT. These affected families whose houses have been partially damaged including standing crops and horticulture, otherwise*

*falling in Category (iii) as per categorization by the Hon'ble NGT, may be included in Category (ii), the reason being these families have been affected the most, in a way being in the closest vicinity to the blowout site, from 0 to 1.5 Km (approx..) and they have been subjected to continuous sound and air pollution resulting from the blowout and fire. Further, they have apparently faced the maximum impact on their health, including mental stress and disorientation.*

9.0 *In view of the above factors, the Experts Committee headed by your honour may like to recommend to the Hon'ble NGT to consider the remaining affected families from Baghjangaon, numbering 561 families, in Category (ii) on special consideration as explained in detail above in Para 8.0.*

10.0 *In such a case, the distance factor of affected families within the range of 0 to 1.5 km from the blowout site could be one of the criteria to determine Category (ii), irrespective of whether houses have been severely damaged or not. **This additional criteria for Category (ii) as "Severely affected families in a distance/range of 0 to 1.5 Km from the blowout site"** could perhaps be included as an option to the criteria for category (ii) already fixed by the Hon'ble NGT. The severity may in such case be calculated not on just on the houses damaged, but on the overall severity of the impact of the blowout on the affected villagers because of the proximity to the blowout site (0 to 1.5 Km).*

11.0 *Further, the amount of Category (ii) may perhaps be enhanced as demanded by the "Baghjan Gaon Milanjyoti Yubak Sangha" and the Baghjangaon villagers, if deemed appropriate."*

9. Minutes of the Meeting held with the Members of the Baghjan Gaon Milanjyoti Yubak Sangha (BGMYS) and Officials of Oil India Ltd. and Deputy Commissioner, Tinsukia dated 18.09.2020 are extracted hereinbelow: -

*“Discussing the matter of compensation, the Deputy Commissioner, Tinsukia informed the house that the previous Deputy Commissioner, Tinsukia had already submitted a proposal to Expert Committee through the Hon’ble Chairman of the Committee of Experts for submission of the required proposal to the Hon’ble NGT. In the said proposal two categories namely Category-I (57 Nos. of families @ Rs.25 lakh per family) and Category-II (543 Nos. of families @ Rs.20 lakhs per family) were proposed. The Experts Committee submitted an interim report to the Hon’ble NGT on 01.09.2020 making certain recommendations.*

*In response, President and other members of BGMYS collectively informed the house that they were not satisfied with the total numbers of families submitted in Category-I and requested for a further survey and include the left out affected families in Category-I. CO, Doomdooma Revenue Circle was requested to submit the list of affected families afresh within 23.09.2020 and informing the BGMYS. The OIL officials, RCE/ED, HR&A/CGM, ADMIN, Oil India Ltd. present in the meeting were accordingly apprised regarding the possible increase of families in Category-I as submitted by BGMYS as well as the increase of one time compensation in Category-I & Category-II. The house agreed for submission of the required report by the Deputy Commissioner, Tinsukia to the Experts Committee through the Hon’ble Chairman for onward submission to the Hon’ble NGT. The members of BGMYS agreed on the final compensation and the final list on all counts.”*

10. The Deputy Commissioner, Tinsukia also wrote to the Chairman of the Experts Committee as under: -

*“(2) The earlier submitted list included 57 families in Category-I that is @ Rs.25.00 Lakhs per family and @ Rs.20.00 Lakhs per family for Category-II for 543 families. In all a total of 612 families are involved including 12 families who had already been paid Rs.25 Lakhs per family.*

*(3) As per the discussion in the meeting, the re-survey was started immediately from 19<sup>th</sup> September 2020 comprising of a team headed by C.O Doomdooma, PWD(Bld), Agriculture, DIC, Forest, Veterinary, Handloom & Textile & Fishery departments*

*which was completed on the 23<sup>rd</sup> of September 2020. Baghjan Gaon Milanjyoti Yubak Sangha members also assisted the survey team in the field and the list was accordingly submitted on 23 September 2020 evening.*

*(4) During the re-survey the list of additional families were prepared and added in the Category-I. An additional 104 families were inducted in Category-I to earlier containing 57 families which is being attached herewith as Annexure-E. Now the number of families stands at 161. The remaining 439 families have been categorized as Category-II.*

*(5) It may be mentioned that 12 families have already received an amount of Rs.25.00 Lakhs each as their houses totally destroyed in the fire.*

*In kind consideration of the above, the Experts Committee headed by your kind office may like to recommend to the Hon'ble NGT to consider the affected families of Baghjan Gaon in two categories – Category-I (12 + 57 + 104 = 173 Nos. of families) and Category-II (439 Nos. of families) as the final compensation of Baghjan affected families.”*

11. A further Progress Report dated 31.10.2020 was submitted by the Committee of Experts with regard to the compensation payable to the affected families which reads as under: -

*“(viii) The Deputy Commissioner, Tinsukia being one of the Members of the Committee appointed by the Hon'ble NGT and also the head of the Revenue in the District has re-surveyed the affected families and recommends that an additional 1044 families be inducted into Category (i) to the earlier list containing 57 families. He has further recommended that for the disbursement of the final compensation, the affected families of Baghjan Gaon be revised into two categories and the number of affected families of Baghjan Gaon be revised into two categories and the number of affected families would be as follows:*

*Category (i): (12 + 557 + 104 = 173 Nos. of families)*

*Category (ii): (439 Nos. of families)*

*The Committee is inclined to accept his recommendation for payment of Rs.25 lakhs to the identified 173 nos. of families and Rs.20 Lakhs to identified 439 nos. of families, subject to the*

*process being over seen by the Assam State Legal Services Authority. The amount already paid to any aforesaid families shall be deducted from the said amount. Hence, the Hon'ble NGT may consider passing necessary order in that regard for payment of interim compensation as suggested."*

12. In a further meeting held on 09.11.2020, the following was noted in the Minutes of Meeting: -

*".....members of Baghjan Gaon Milan Jyoti Yubak Sangha raised the issue of inequality in fixing the compensation amount. They expressed that though OIL had paid Rs.25 lakh as compensation to 12 nos. of families whose house were completely burnt and also other compensation amounts as per honourable Green Tribunal's interim order, they demanded payment of the same amount as per Category-I to the families whose houses were not burnt but were damaged by the fire or condensate. They also demanded the amount of Rs.20.00 lakh per families of Category-II.*

*The representatives of Baghjan Gaon Milan Jyoti Yubak Sangha demanded to get final decision/reply on advance amount from OIL soon. They said that as per discussion earlier at site near Baghjan Well No.5 additional affected people those who shall now fall under Category I should be given Rs.15 lakh as advance amount and those who will fall in Category II should get Rs.10 lakh as advance.*

*OIL requested the members present in the meeting to have lenient view on the advance amount and suggested to offer Rs.10 lakhs per family who falls under Category I and Rs.7.5 lakh per family to those who falls under Category II. The members of Baghjan Gaon Milan Jyoti Yubak Sangha refused to agree to it and stuck to their demand of Rs.25 lakh and Rs.20 lakh to Category I & II and also payment in advance of Rs.15 lakh and Rs.10 lakh as advance to Category I & II and also payment in advance of Rs.15 lakh and Rs.10 lakh as advance to Category I & II respectively, which would be adjusted in due course after final order of NGT.*

*After prolonged discussion, it was decided to deposit the advance amount in the office of DC Tinsukia district by 30.11.2020."*

13. It is stated that vide letter dated 02.12.2020 addressed to the Deputy Commissioner, District-Tinsukia, the Oil India Limited acknowledged its liability to pay interim compensation to the affected families of Baghjan disaster but with reduced compensation amount. It is stated that the National Green Tribunal vide its order dated 15.02.2021 uploaded on 19.02.2021, disposed of the Original Application No.43/2020/EZ with the following observations: -

*“23. While the Committee has suggested payments towards compensation to be treated as interim, the OIL does not accept any further liability. In view of substantial number of victims having been compensated up to a reasonable level, the issue will have to be taken as concluded as far as the present proceedings are concerned. This tribunal cannot enter into further adjudication in absence of the victims and authentic data.*

*24..... while requiring the OIL to pay whatever compensation is undisputed forthwith, we propose to leave the rest of the matter to be decided in appropriate remedies of the victims. However, we propose to lay down mechanism to deal with some of the issues emerging from the report of the Committee. It is made clear that this order will not debar any victim of the occurrence who is aggrieved by denial of compensation or inadequacy of compensation to take remedies for such claim before any appropriate forum in accordance with law.”*

14. The order of the National Green Tribunal was put to challenge in the Hon’ble Supreme Court in Civil Appeal No.2201 of 2021 and it is stated that the Applicant Monoj Hazarika intervened through I.A. No.135265/2021 representing the concerns of the residents of Baghjan village with regard to payment of compensation. Thereafter, it is stated that the Hon’ble Supreme Court on 01.09.2022, on the question of compensation, made the following observations:-

*“1. We clarify that the pendency of these proceedings shall not come in the way of disbursement of compensation to the affected villager in accordance with law.”*

15. It is stated that the Civil Appeal No.2201/2021 was thereafter disposed of by the Hon'ble Supreme Court by its order dated 23.01.2023 and the case was remanded to the National Green Tribunal with the following direction: -

*“11. The other two committees, which have been constituted by the NGT, shall proceed to complete the task which has been assigned to them. In terms of the earlier directions, it is clarified that the pendency of the proceedings before the NGT shall not affect the disbursement of interim compensation to the affected villagers. The NGT shall, it is clarified, be at liberty to pass further directions in regard to assessing the compensation payable and for its disbursement to all the affected persons.”*

16. Thereafter, it is stated that a Contempt Petition was filed by the Applicant in the Hon'ble Supreme Court being Contempt Petition (C) Diary No.19943/2023 in Civil Appeal No.2201/2021 in which the Hon'ble Supreme Court passed the following order on 14.07.2023 which reads as under: -

*“2. The grievance of the petitioners arises from an order passed by the National Green Tribunal on 24 July 2020 for the payment of interim compensation.*

*3. On 23 January 2023, this Court directed that the disbursement of interim compensation should be effected expeditiously, within a period of two months. Thereafter, an order has been passed by the NGT on 10 March 2023 against which an independent appeal has been filed before this Court. However, the petitioners claim for the disbursement of the interim compensation would, in the submission, still survive in terms of the order passed by this Court on 23 January 2023.*

*4. Since the grievance is that the interim compensation has still not been disbursed, we grant liberty to the petitioners to move a miscellaneous application before the NGT for espousing their*

*relief. We request the NGT to take up the miscellaneous application expeditiously so as **to ensure that due compliance of the order for the disbursement of interim compensation is effected, if not already done.***

17. It is stated that thereafter, M.A. No.19/2021/EZ was filed by the Applicant in Original Application No.43/2020/EZ before the National Green Tribunal, New Delhi. It is stated that the interim compensation recommended by the Deputy Commissioner, Tinsukia and accepted by the Committee of Experts was only partially paid to the affected villagers of Baghjan village as under: -

- i) *the recommended/agreed amount in **Category-I** was **Rs.25.00 lakh** per family but only **Rs.15.00 lakh** was paid, and*
- ii) *agreed amount in **Category-II** was **Rs.20.00 lakh** per family but paid **Rs.10.00 lakh** only*

and therefore, the amount of compensation which is now claimed as remaining to be paid has been given in the Box of para 23 of the Miscellaneous Application No.31/2023/EZ which is extracted hereinbelow: -

"Category Type	No. of Families	Amount per Family (in Lakhs)			Total Amount (in Crores)
		Agreed	Paid	Due	
I	173	Rs.25.00	Rs.15.00	Rs.10.00	Rs.17.30
II	439	Rs.20.00	Rs.10.00	Rs.10.00	Rs.43.90"

18. The Oil India Limited, Respondent No.2, has filed affidavit dated 06.02.2024, opposing the Miscellaneous Application stating that the Committee constituted by the Tribunal had proposed formulation of three categories of affected families to assess the question of interim compensation which are as under:-

- (i) **Category-I:** *whose houses were completely gutted by fire were to be compensated with INR 25 Lakhs (Rupees Twenty Five Lakhs only);*

**(ii) Category-II:** whose houses were severely damaged were to be compensated with INR 10 Lakhs (Rupees Ten Lakhs only); and

**(iii) Category-III:** whose houses have been moderately/partially damaged or whose standing crops and horticulture were partially damaged were to be compensated with INR 2.5 Lakhs (Rupees Two Lakhs Fifty Thousand only),

19. It is also stated that 3,000 affected families were paid Rs.30,000/- (Rupees Thirty Thousand only) each as one time compensation, apart from the compensation of Rs.20 lakhs each to 11 families whose houses were burnt. It is stated that a sum of Rs.11.17 crores was spent on the relief camps as on 23.07.2020. It is also stated that by a subsequent letter dated 02.12.2020 the Oil India Limited accepted its liability to pay Rs.68.05 crores further amount to 600 affected families (Rs.15 lakhs each to 161 families where damage to the houses is total and Rs.10 lakhs each to 439 families where damage to the houses is severe).

20. In the affidavit, it is also stated that the Oil India Limited had proposed to the District Magistrate, Tinsukia, Assam, that it will pay Rs.50,000/- (Rupees Fifty Thousand only) each to 612 families who have left the camp for rental, accommodation, food and other facilities, as submitted in the Report dated 10.12.2020 of the Committee appointed by the Tribunal. It is stated that a sum of Rs.90.796 crore thus stands deposited by the Oil India Limited with the Respondent No.6, District Magistrate, Tinsukia, Assam.

21. It is also stated in the affidavit of the Oil India Limited that more than 9,000 persons were displaced and sheltered in 12 relief camps (750 persons in each camp), 10 camps immediately after 27.05.2020 incident and 02 camps added after 09.06.2020 incident.

22. Mr. Sridhar Potaraju, learned Senior Counsel appearing for Respondent No.2, Oil India Limited, has referred to Paras 22 and 23 of the order of the Tribunal dated 19.02.2021 and submitted that in view of this observation in the Tribunal's order, the claimants of the present Miscellaneous Application having already been paid Rs.151 crores for Category-I, II & III, nothing further remains to be paid by way of interim compensation by the Oil India Limited, Respondent No.2.

23. Paras 22 and 23 of the Tribunal's order dated 19.02.2021 read as under:-

*"22. We note that the incident in question is a massive one as the blowout resulted in fire which continued for almost six months inspite of efforts of all the Experts, hired by the OIL. Well killing operations, to avoid further damage, have taken more than six months. The damage caused is extensive. The statistics furnished by the OIL itself are that 3000 families were affected and 9000 persons were displaced from their houses and accommodation in 12 relief camps. 10 relief camps were set up as a result of first incident dated 27.05.2020 and two more camps after the incident dated 09.06.2020. Each camp had 750 persons. Though number of claims were put forward, **major part of the issue stands resolved in terms of tripartite arrangement between the victims, the Oil and the Deputy Commissioner, as per letter of the Deputy Commissioner dated 25.09.2020 and letter of the OIL dated 02.12.2020. the Oil has admitted its liability to 600 families to the extent of Rs.15 lakhs each for 161 families and Rs.10 lakhs to the 439 families which runs to about 68 crores. It has already paid Rs.30,000/- each to 3000 persons i.e., Rs.9 crores and Rs.12 lakhs each to 11 families i.e., Rs.2.2 crores. Further Rs.50000/- each has been paid to the families who have left the camps to meet the cost of rent, food etc. According to Oil, it has spent about 11 crores on the camps and also incurred expenditure on managing the blowout which is said to be about Rs.151 crores.***

*23. While the Committee has suggested payments towards compensation to be treated as interim, the OIL does not accept any further liability. In view of substantial number of victims having been compensated upto a reasonable level, the issue will have to be taken as concluded as far as the present proceedings are concerned. This Tribunal cannot enter into further adjudication in absence of the victims and authentic data. While floor level compensation can be directed to be paid even on some guesswork, higher compensation claims require adjudication, based on evidence of loss. As already observed, in absence of relevant data, we are unable to determine the claims for higher compensation, beyond the amounts already paid or conceded by the OIL."*

24. Mr. Sridhar Potaraju, learned Senior Counsel for Oil India Limited (hereinafter referred to as 'OIL') further submitted that the categorization for payment of compensation to persons affected by the oil blast was accepted by the Tribunal in its order of 06.08.2020.

**We may note that this categorization is accepted by all the Respondents as well as the learned Counsel for the Applicant.**

25. The learned Counsel further referred to the letter of the Deputy Commissioner, Tinsukia dated 25.08.2020 and submitted that the persons falling under Category-I was unilaterally suggested to be changed by the Deputy Commissioner, Tinsukia for the first time in his letter dated 25.08.2020. Reference has been made to paragraph 10.0 of this letter wherein the Deputy Commissioner has suggested that *"the distance factor of affected families within the range 0 - 1.5 km from the blow out site could be one of the criteria to determine Category-II, irrespective of whether houses have been severely damaged or not"*.

26. The Deputy Commissioner, Tinsukia vide his letter dated 25.08.2020 had referred to a memorandum submitted by the Baghjan Gaon Milanjyoti Yubak Sangha demanding that: -

I) *The families of Baghjan Gaon who have been affected fully/severely should be included in Category (i) (Rs.25 lacs for each family) in terms of the Hon'ble NGT order in addition to those families whose houses have been gutted.*

II) *The remaining affected families from Baghjan Gaon should be included in Category-(ii). They demanded that Category (ii) affected families from Baghjan Gaon should each be paid advance amount of Rs.20.00 Lakhs. It was further submitted that this letter of Deputy Commissioner was followed by another letter of the Deputy Commissioner, Tinsukia dated 31.08.2020 wherein the proposal for interim compensation on the basis of memorandum/demand from villagers led by Baghjan Gaon Milanjyoti Yubak Sangha, was divided into two categories (page 72 of the paper book):*

*i) Category (i) - 57 families*

*ii) Category (ii) - 561 families*

27. The letter further mentions that the figure of 561 families falling in Category-(ii) was on reverification corrected to 543. However, the additional list of 57 families as recommended by the Deputy Commissioner, Tinsukia vide his letter dated 31.08.2020 was submitted to the Chairman of the Committee of Experts Hon'ble Mr. Justice B. P. Katakey.

28. Mr. Potaraju, next referred to the letter of the OIL dated 18.09.2020 (page 74 of the paper book) and submitted that vide this letter, the OIL decided to honour the directive of the National Green Tribunal (hereinafter referred to as 'NGT') and vide its letter dated

13.08.2020, released an additional Rs.5.00 lacs to each of the 12 families falling under Category-(i) as OIL had already paid Rs.20.00 lacs to each of these families previously. In his letter, an objection was raised that the proposal forwarded by the Deputy Commissioner, Tinsukia to the Hon'ble Chairman of the Committee of Experts was not based on any assessment of actual damage and was wholly based on the demand raised by the local organization namely Baghjan Gaon Milanjyoti Yubak Sangha.

29. Reference was also made to the letter of the OIL dated 18.09.2020 (page 77 of the paper book) and referring to an earlier letter of the Deputy Commissioner, Tinsukia letter dated 29.08.2020, it is stated by the OIL that 57 families have been identified in Category-(ii) and as per order of the National Green Tribunal Rs.10.00 lacs is to be disbursed to these families in Category-(ii) and computing the total amount as payable to the Category-(ii) and Category-(iii), an amount of Rs.19.725 crores was being remitted for the affected families under Category (ii) and Category (iii).

30. Mr. Potaraju, next referred to the minutes of the meeting held on 17.09.2020 (page 79 of the paper book) (wrongly mentioned as 17.08.2020) and submitted that OIL was informed about the letters dated 25.08.2020 and 31.08.2020 for the first time in this meeting and the meeting records that the proposal was submitted to the Committee of Experts that there are 57 families in Category (i) entitled to payment of Rs.25.00 lacs per family and 561 families in Category-(ii) entitled for payment of Rs.20.00 lacs per family as determined by the Deputy Commissioner, Tinsukia vide his letter dated 25.08.2020.

31. Mr. Potaraju next referred to the letter of OIL dated 21.09.2020 addressed to the Deputy Commissioner, Tinsukia (page 82 of the paper book) wherein OIL has taken a firm stand that as per the assessment of damage, 12 houses have been completely gutted by the fire and 12 families fall in Category-(i). Other 57 families whose houses are **severely damaged** fall in Category-(ii) and 561 houses have been moderately/partially damaged to fall in Category-(iii). Learned Counsel also referred to the minutes of the Tripartite Agreement held with Baghjan Milanjyoti Yubak Sangha on 09.11.2020 (page 2387 of the paper book) and submitted that in this meeting, the Baghjan Gaon Milanjyoti Yubak Sangha demanded a final decision/reply on advance amount from OIL and claimed that additional affected people who shall now fall under Category-(i) should be given Rs.15.00 lacs as an advance amount and those who will fall in Category-(ii), should get Rs.10.00 lacs as advance and even in this meeting, the stand of OIL was that Rs.10.00 lacs be paid to the families who fall under Category-(i) and Rs.7.5 lacs to be paid to those who fall under Caegory-(ii).

32. Learned Senior Counsel referred to the preamble of the meeting of Tripartite Agreement held on 09.11.2020 and submitted that this meeting was held in the midst of an exceptional situation where the villagers of Baghjan Gaon led by Baghjan Gaon Milanjyoti Yubak Sangha had resorted to blockade at Baghjan Well No.5 which was on fire due to the blowout and they refused to lift the blockade till their demand were fulfilled and did not even allow the officers and staff of OIL to enter the premises to control the fire. In the background of such a situation, in the meeting the members of the Baghjan Gaon

Milanjyoti Yubak Sangha raised the issue of inequality in fixing compensation amount and they demanded that though OIL had paid Rs.25.00 lacs as compensation to 12 families whose houses were completely burnt and also other compensation amounts as per the National Green Tribunal's interim order, they demanded payment of the same amount as per Category-(i) to the families whose houses were not burnt but were damaged by the fire for condensate. They also demanded an amount of Rs.20.00 lacs per family to the families of Category-(ii).

33. Mr. Potaraju submitted that in this meeting, the OIL raised its objection regarding payment of equal amount to the families whose houses were totally burnt vis-à-vis those whose houses were partially burnt/damaged as being not justified. Mr. Potaraju submitted that it was in the background of these facts and the extreme pressure brought upon the OIL that the OIL vide its letter dated 02.12.2020 (page 2389 of the paper book), accepted to pay a sum of **Rs.15.00 lacs** to those who have been newly added in Category-(i) and Rs.10.00 lacs to those falling in Category-(ii), though these categories were not in accordance with the order of the National Green Tribunal dated 06.08.2020.

34. Mr. Potaraju also submitted that by another letter of the Deputy Commissioner, Tinsukia dated 25.09.2020 (page 1663 of the paper book) in addition to the 12 families whose houses were completely burnt in Category-(i) and subsequently 57 families whose houses were severely burnt were added in Category-(i), an additional 104 families were inducted into Category-(i) At the cost of repetition

learned Senior Counsel submitted that this letter was never marked to OIL and was never disclosed to them.

35. Learned Senior Counsel thus submits that while OIL does not dispute the categorization of the initial 12 families whose houses were completely burnt/gutted, as falling in Category-(i) the additional 57 families + 104 families whose houses were 'severely damaged' could not have been placed in Category-(i) as they did not fall in the categorization of Category-(i) as determined by this Tribunal by its order dated 06.08.2020. Learned Senior Counsel submitted this would amount to **unequals being treated as equals**.

36. Learned Counsel however submitted that OIL had agreed to the payment of Rs.15.00 lacs in advance to the newly added families in Category-(i) and Rs.10.00 lacs to families in Category-(ii) in the peculiar circumstances in which the meeting of Tripartite Agreement of 09.11.2020 was held and the urgency at that moment was to defuse the volatile situation created by the members of the Baghjan Gaon Milanjyoti Yubak Sangha but that in itself does not amount to an admission on the part of OIL to compensation at Rs.25.00 lacs to the additional 161 families (57+104) being placed in Category-(i).

37. Learned Counsel for the Applicant referring to the order of the Tribunal dated 19.02.2021 submitted that the same was put to challenge before the Hon'ble Supreme Court in Civil Appeal No.2201 of 2021 (Bonani Kakkar Vs. Oil India Limited & Ors.), and in the said appeal the present Applicant, Monoj Hazarika, filed an I.A. No.135265/2021, representing the concerns of the residents of Baghjan Village with regard to payment of compensation and on the said application the Hon'ble Supreme Court on 01.09.2022 observed

that “we clarify that the pendency of these proceedings shall not come in the way of disbursement of compensation to the affected villager in accordance with law”.

38. Learned Counsel further submitted that the Civil Appeal No.2201 of 2021 was filed with two specific grievances of the Appellants as recorded by the Hon’ble Supreme Court in its order dated 01.07.2021 which reads as under:-

*“5. The precise grievance is two fold. Firstly, the earlier Committee had submitted a comprehensive report before the NGT: initially, a preliminary report which was followed by a progress report and, hence, the constitution of three new Committees will only delay the process. Secondly, for the determination of damages and compensation and for the restoration of the National Park and Wetland, a ten-member Committee has been constituted headed by the Chief Secretary, Assam in which the Managing Director of the Oil India Limited has been inducted as a member. It has been submitted that this will be in breach of the principles of natural justice since the conduct of Oil India Limited is basically in issue and, hence, the Managing Director ought not to be a member of the Committee in any case.”*

39. The Civil Appeal No.2201 of 2021 was finally disposed of by the Hon’ble Supreme Court vide its judgment dated 23.01.2023. Paras 13, 14, 15 & 16 of the judgment read as under:-

*“13. The order of the NGT dated 19 February 2021 shall stand modified to the extent of the constitution of the third committee in terms of the previous orders of this Court. The report of the third committee, as noted above, shall now form the basis of further proceedings by the NGT in regard to the canvass which has been covered by the committee on the assessment of damages to the environment and restoration measures including measures, for restoration of Dibru Saikhowa National Park and Maguri Motapung Wetland. The NGT shall proceed ahead on the basis of the report of the expert committee appointed by this Court, without awaiting the conclusion of the proceedings before the two other committees.*

**14.** *NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking due account of the interim compensation which has been fixed in that regard.*

**15.** *The disbursement of the interim compensation should be effected expeditiously and within a period of two months from the date of this order.*

**16.** *The Appeal is accordingly disposed of.”*

40. What is noteworthy is that the Hon'ble Supreme Court, while modifying the order of the National Green Tribunal dated 19.02.2021 to the extent of constitution of the third committee, observed that the National Green Tribunal is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement after taking due account of the interim compensation which has been fixed in that regard. The Hon'ble Supreme Court further directed that disbursement of interim compensation should be effected expeditiously and within a period of two months from the date of this order.

41. Since the Original Application No.43/2020/EZ had been decided by the New Delhi Bench of the Tribunal, the matter upon remand from the Hon'ble Supreme Court, remained pending before the New Delhi Bench even after the order of the Hon'ble Supreme Court dated 23.01.2023 and thereafter an order was passed by the New Delhi Bench of the Tribunal on 08.08.2023 on M.A. No.17/2023(EZ) and M.A. No.19/2023(EZ). Paras 7, 8, 9, 10 & 11 of the order are extracted hereinbelow:-

**“7.** *In view of the directions issued by this Tribunal and by order of the Hon'ble Supreme Court, disbursement of the interim*

*compensation shall be done by the District Administration after verifying the facts.*

**8.** *Learned Counsel appearing for the respondents has submitted that the amount as directed by this Tribunal and the Hon'ble Supreme Court has already been deposited to the office of District Administration. The applicant may approach to the authorities concerned for disbursement of the amount.*

**9.** *We have gone through the records and found that the amount, required to be paid by the Project Proponents/Respondents, had been deposited to the District Administration, Commissioner concerned and the applicant may approach the District Administration by moving an application for disposal and disbursement of the amount according to the rules.*

**10.** *However, in case of any grievance after that the applicant may file a separate application before Eastern Zone Bench, Kolkata (having jurisdiction of the matter).*

**11.** *Accordingly, the applications stand disposed of".*

42. From the order of 08.08.2023, it will be noticed that the New Delhi Bench of the Tribunal had also observed that in view of the directions issued by the Tribunal and by order of the Hon'ble Supreme Court, disbursement of interim compensation shall be done by the District Administration after verifying the facts; the Applicant may approach the authorities concerned for disbursement of the amount; the amount required to be paid by the Project Proponent had been deposited with the District Administration, Commissioner concerned, and the Applicant may approach the District Administration by moving an application for disposal and disbursement of the amount according to the rules. It was further observed that in case of any grievance, the Applicant may file separate application before the Eastern Zone Bench, Kolkata.

43. The Applicant in the present M.A. is stated to have moved an application along with other villagers of Baghjan Village vide representation dated 14.08.2023 (pages 365-395 of paper book), submitted to the Deputy Commissioner, Tinsukia, seeking immediate disbursement of 'interim compensation' to the affected villagers of Baghjan Village. A list of 439 claimants is appended to the representation. However, it is stated that till date the Deputy Commissioner, Tinsukia, has neither responded to the said representation nor disbursed the interim compensation to the affected villagers and, therefore, the Applicants had no remedy but to file the present M.A.

44. The case of the Applicants in the present M.A. is that interim compensation recommended by Deputy Commissioner, Tinsukia, and accepted by the Committee of Experts constituted by the Tribunal was only partially paid to the affected villagers of Baghjan i.e., recommended/agreed amount in Category-I in place of recommended Rs.25 lakhs per family only Rs.15 lakhs was paid and in Category-II in place of Rs.20 lakhs per family only Rs.10 lakhs was paid. The details of the interim compensation which according to the Applicants of the Miscellaneous Application is due to the affected families of Baghjan Village is given in para 23 of the M.A. which read as under:-

<b>Category Type</b>	<b>No. of Families</b>	<b>Amount per Family (in Lakhs)</b>			<b>Total Amount (in Crores)</b>
		<b>Agreed</b>	<b>Paid</b>	<b>Due</b>	
<b>I</b>	173	Rs.25.00	Rs.15.00	Rs.10.00	<b>Rs.17.30</b>
<b>II</b>	439	Rs.20.00	Rs.10.00	Rs.10.00	<b>Rs.43.90"</b>

45. We find that the matter relating to payment of interim compensation continued to engage the attention of the Hon'ble Supreme Court in Civil Appeal No. .... of 2024, Diary No(s). 15374/2023 (Monoj Hazarika & Ors. Vs. Oil India Limited & Ors.).

46. Learned Counsel for the Applicant submitted that the said Civil Appeal (Diary Case) was filed seeking clarification from the Hon'ble Supreme Court with regard to its earlier order dated 23.01.2023 to the effect that the observations made in the final order of the Hon'ble Supreme Court in C.A. No.2201/2021 and the observations in the order of the Tribunal dated 19.02.2021 may not operate as an embargo on the claim of the Appellants for compensation other than interim compensation.

47. The Civil Appeal No. .... of 2024 (Diary Case No.15374/2023) (Monoj Hazrika & Ors. Vs. Oil India Limited & Ors.), was disposed of by the Hon'ble Supreme Court vide its judgment and order dated 29.07.2024 observing that bearing in mind the directions issued by the Hon'ble Supreme Court on 23.01.2023 and the fact that the Appellants herein may have already approached the National Green Tribunal for seeking interim/final compensation in the event the Appellants 'establish their claim' before the National Green Tribunal, the observations aforesaid would not come in the way of the National Green Tribunal determining their compensation in accordance with law and on their own merits. The Hon'ble Supreme Court further observed that *".....the case of each of the appellants seeking interim/final compensation shall be considered having regard to the facts of each cases and on their own merits"*. The order of the Hon'ble Supreme Court dated 29.07.2024 reads as under:-

**“O R D E R**

*Permission to file appeal is granted.*

*We have heard learned counsel appearing for the appellant(s) and learned counsel appearing for respondent no.1 and perused the material on record.*

*During the course of submission, our attention was drawn to order dated 23.01.2023 passed by a three Judge Bench of this Court in the case of Bonani Kakkar Vs. Oil India Limited & Ors, . C.A. No.2201/2021, particularly paragraph 14 of the said order, which reads as under –*

*“NGT is at liberty to issue appropriate directions for determining the modalities for the adjudication of final compensation and its disbursement, after taking due account of the interim compensation which has been fixed in that regard.”*

*Learned counsel for the appellant(s) submitted that some persons have already received interim compensation while the others may not have. However, according to learned counsel for the appellant(s) what has been stated in paragraph 23 of order dated 19.02.2021 creates a difficulty for the appellant(s). The same is quoted in paragraph 3 and 4 of the impugned order, which read as under:-*

*“3. xxx xxx*

*23. While the Committee has suggested payments towards compensation to be treated as interim, the OIL does not accept any further liability. In view of substantial number of victims having been compensated upto a reasonable level, the issue will have to be taken as concluded as far as the present proceedings are concerned. This Tribunal cannot enter into further adjudication in absence of the victims and authentic data. While floor level compensation can be directed to be paid even on some guesswork, higher compensation claims require adjudication, based on evidence of loss. As already observed, in absence of relevant data, we are unable to determine the claims for higher compensation, beyond the amounts already paid or conceded by the OIL.*

*Xxx*

*xxx*

3. Order dated 19.2.2021 shows that the Tribunal considered four issues – compensation to victims, accountability of individuals, non compliances by the Project Proponent (PP) and its accountability in that regard, restoration of Dibru Saikhowa National Park/Dibru-Saikhowa Biosphere Reserve (DSBR) and Maguri Motapung Wetlands (MMW) and other affected area. On first aspect, it was noted that the PP had paid a sum of Rs.151 crore for rehabilitation of victims and a settlement had been reached. Thus, the said issue was taken as concluded except for consideration of any particular specific claim at any appropriate forum. Other three issues were left to be dealt with by the three committees – first, a six member Committee headed by Secretary, Ministry of Petroleum to go into issue of accountability of individuals, second, a seven member committee, headed by Secretary MOEF&CC to go into compliances and accountability of the PP in that regard and the third a ten member Committee to go into the issue of restoration of DSBR and MMW. First two have now to proceed, as directed by Hon'ble Supreme Court, as per order of the Tribunal dated 19.2.2021 while constitution of the third was modified, as noted earlier and its reports are to be considered to determine further course of action.”

According to learned counsel for the appellant(s), the above observations would place an embargo and come in the way of the appellants making a claim for compensation and further owing to the aforesaid observations, the Tribunal itself would not be in a position to adjudicate the claims of the appellant(s) herein as and when they are made and determination of the compensation that they are entitled to receive. Consequently, the direction issued by this Court in order dated 23.01.2023 would not be fructified. Hence, learned counsel for the appellant(s) sought for certain directions.

By way of response, learned counsel for respondent no.1 submitted that despite the observations made by the National Green Tribunal (NGT) as aforesaid, ultimately it is

*for the appellant(s) to establish their claim before the NGT before they are entitled to seek either interim and final compensation as recorded in paragraph 14 of order of this Court dated 23.01.2023. In the circumstances, it is for the appellant(s) to establish their claim and right to the said compensation; that if the appellant(s) have already approached the Tribunal, the same shall be considered having regard to the directions issued by this Court in order dated 23.01.2023.*

*Having regard to the aforesaid submissions made at the Bar and particularly bearing in mind the direction issued by this Court on 23.01.2023, referred to above, and the fact that the appellants herein may have already approached the NGT for seeking interim/final compensation, it is observed that in the event the appellants establish their claim before the NGT, the observations aforesaid would not come in the way of the NGT determining their compensation in accordance with law and on their own merits.*

*It is needless to observe that the case of each of the appellants seeking interim/final compensation shall be considered having regard to the facts of each cases and on their own merits.*

*The appeal is disposed of in the aforesaid terms.*

*Pending application(s) shall stand disposed of.”*

48. It is important to note that the Hon'ble Supreme Court in this order also observed that each case of the Appellants seeking interim/final compensation shall be considered having regard to the facts of the each case and on their own merits.

49. In the present case, it is not disputed between the Applicants and the Project Proponent/Oil India Limited that 161 persons of affected families claiming under Category-I have so far been paid Rs.15 lakhs (para 29 of the M.A. No.31/2023/EZ), and 439 persons

claiming under Category-II have been paid Rs.10 lakhs (para 30 of the M.A. No.31/2023/EZ).

50. The Applicants have claimed that in Category-II they are entitled to Rs.20 lakhs of which only Rs.10 lakhs has been paid and, therefore, the balance amount needs to be paid. In our opinion, this claim of an additional Rs.10 lakhs under Category-II is not tenable and is wholly misconceived. The Committee headed by Hon'ble Mr. Justice B. P. Katakey, former Judge of the Guwahati High Court, had determined interim compensation @ Rs.10 lakhs for Category-II of the persons whose houses had been severely damaged thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc. This fact has also been duly noted by the Tribunal in its order dated 19.02.2021. Further, in para 22 of the order, the Tribunal has also noted that OIL has admitted its liability to 600 families to the extent of Rs.15 lakhs each for 161 families and Rs.10 lakhs each to 439 families. Therefore, the claim of the Applicants that they are entitled to Rs.10 lakhs as remaining amount of interim compensation out of the recommended amount of Rs.20 lakhs in Category-II is completely without merit.

51. The stand of the Applicants is that the recommendation of Rs.20 lakhs for Category-II families was accepted by the Committee of Experts headed by Hon'ble Mr. Justice B. P. Katakey, and decided upon between the parties in a Tri-Partite meeting between members of the Baghjan Gaon Milanjyoti Yubak Sangha (BGMYS), officials of Oil India Limited and the Deputy Commissioner, Tinsukia, held on 09.11.2020.

52. We have gone through the minutes of the meeting dated 09.11.2020 and we find there were two proposals put forth: (a) payment of Rs.20 lakhs to Category-II families; and (b) payment of Rs.50,000/- to 612 families per month per family against expenditure to be incurred in rented accommodation with food etc. The amount of Rs.20 lakhs in Category-II to be paid by way of interim compensation was only a proposal submitted by the Deputy Commissioner, Tinsukia, before the Experts Committee constituted by the Tribunal and for submission of the said proposal to the National Green Tribunal but we find that the Experts Committee, when it submitted its Report dated 31.10.2020, accepted Rs.20 lacs as the amount payable towards Category-II.

53. The Applicants in the chart filed by them in para 23 of the M.A., have admitted that Rs.10 lakhs has been paid in Category-II to 439 families by way of interim compensation. We are, therefore, of the firm view that the Applicants are not entitled to any further payment of Rs.10 lakhs in Category-II by way of interim compensation and the claim to that effect is, therefore, rejected.

54. So far as persons claiming under Category-I are concerned, we find from the documents on record that out of a total 173 families placed under Category-I, 12 families have already been paid Rs.25 lakhs per family, and the remaining 161 families have received only Rs.15 lakhs as would be evident from the Applicants' own representation dated 14.08.2022 (Annexure-B to the M.A.) and averments in this M.A.

55. Mr. Devansh Mohta, learned Counsel for the Applicants submitted that the  $57 + 104 = 161$  additional families who were

recommended by the Deputy Commissioner, Tinsukia to be also entitled to the same benefit as previous 12 families for compensation under Category-(i), was accepted by the Committee of Hon'ble Justice B. P. Katakey in its report dated 31.10.2020 (page 1403 of the paper book) and referring to the recommendation of the Deputy Commissioner, Tinsukia the Committee observed as *"The Committee is inclined to accept his recommendation for payment of Rs.25 lacs to the identified 173 nos. of families and Rs.20 lacs to identified 439 nos. of families, subject to the process being over seen by the Assam State Legal Services Authority"*. Para vi) under the head *"Recommendations"* of the Committee Report reads as under: -

*"vi) The Deputy Commissioner, Tinsukia being one of the Members of the Committee appointed by the Hon'ble NGT and also the head of the Revenue in the District has re-surveyed the affected families and recommends that an additional 104 families be inducted into Category (i) to the earlier list containing 57 families. He has further recommended that for the disbursement of the final compensation, the affected families of Baghjan Gaon be revised into two categories and the number of affected families would be as follows:*

*Category (i): (12+57+104 = 173 Nos. of families)*

*Category (ii): (439 Nos. of families)*

*The Committee is inclined to accept his recommendation for payment of Rs.25 Lacs to the identified 173 nos. of families and Rs.20 Lacs to identified 439 nos. of families, subject to the process being over seen by the Assam State Legal Services Authority. The amount already paid to any of the aforesaid families shall be deducted from the said amount.*

**Hence, the Hon'ble NGT may consider passing**

***necessary order in that regard for payment of interim compensation as suggested.”***

56. Mr. Devansh Mohta, learned Counsel therefore submits that in pursuance of the recommendation of the Committee of Experts of Justice Katakey, the OIL also paid Rs.15 lacs in advance to those falling in Category-(i) and Rs.10 lacs to those falling in Category-(ii) of the affected families out of the initial amount of Rs.25 lacs for Category(i) and Rs.20 lacs for Category-(ii) and therefore, it is not open for the OIL to now resile from their admission.

57. We have given our anxious consideration to the submissions of the learned Counsel for the parties and the documents on record to the disputed number of persons falling in Category-I.

58. The categorization and the entitlement of persons to receive compensation has already been determined by the Justice Katakey Committee and accepted by the Tribunal in its order dated 06.08.2020 which has been extracted hereinabove.

59. It is not in dispute between the parties that initially 12 families were found to be those falling in Category-(i) *‘whose houses had been completely gutted by the fire thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.’* To this figure later on 57+104 = 161 additional families were added being those *‘whose houses were severely damaged thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc’*.

60. In our opinion, the recommendation made by the Deputy Commissioner, Tinsukia even if accepted by the Committee of Experts headed by Hon'ble Mr. Justice B. P. Katakey, the same would be subject to any order of the National Green Tribunal upon consideration of the same.

61. We are quite satisfied that 161 families who have been placed in Category-(i) do not stand at par with the "initial 12 families" for whom the compensation of Rs.25 lacs was determined under the head Category-(i). The recommendation of the Deputy Commissioner, Tinsukia as accepted by the Justice Katakey Committee nowhere mentions that these 161 families are those *'whose houses were **completely gutted** in addition to grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc'*. rather, these 161 families were those *'whose houses were severely damaged in addition to grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc'*. Any such direction would amount to unequals being placed at par with equals.

62. We may further observe that even though the OIL has paid Rs.15.00 lacs as advance to the 161 families and Rs.10.00 lacs to the persons claiming under Category-(ii) 439 claimed under Category-(ii) that itself would not amount to an admission of the liability of the OIL with reference to the categorization and the entitlement of the additional 161 families to claim interim compensation in terms of categorization under Category-(i).

63. We, therefore hold that on the facts as they stand, only 12 families were initially held to be entitled to compensation of Rs.25.00

lacs under Category-(i); the remaining 161 families claiming under the present Miscellaneous Application No.31/2023/EZ would fall in Category-(ii). Neither the Respondents nor the Applicants dispute the figure of 439 families falling in Category-(ii). To this figure, will be added the 161 families whom we have held hereinabove as falling in Category-(ii). Thus, the total families in Category-(ii) entitled for compensation of Rs.10.00 lacs would be 600. Though 161 families out of 600 have already been paid Rs.15.00 lacs each, but the interim compensation has to be adjusted against the final compensation.

64. As admitted by the Counsel for the parties, Rs.10.00 lacs have already been paid to the 439 families in terms of the categorization and determination of interim compensation by the Tribunal vide its order dated 06.08.2020 therefore, these remaining 439 families are not entitled to any further amount of Rs.10.00 lacs as claimed by them.

65. We make it clear that we have not expressed any opinion on the question of payment of final compensation which still needs to be determined in the pending Original Application No.44/2020/EZ (*Wildlife and Environment Conservation Organization Vs. Union of India & Ors.*), and Original Application No. 43/2020/EZ (*Bonani Kakkar Vs. Oil India Limited & Ors.*), subject to the Applicants of the Original Application including Applicants of this Miscellaneous Application producing material evidence with regard to their claims for payment of final compensation as on today no evidence has been placed before this Tribunal regarding claim for final compensation.

66. The Miscellaneous Application No.31/2023/EZ is accordingly rejected.

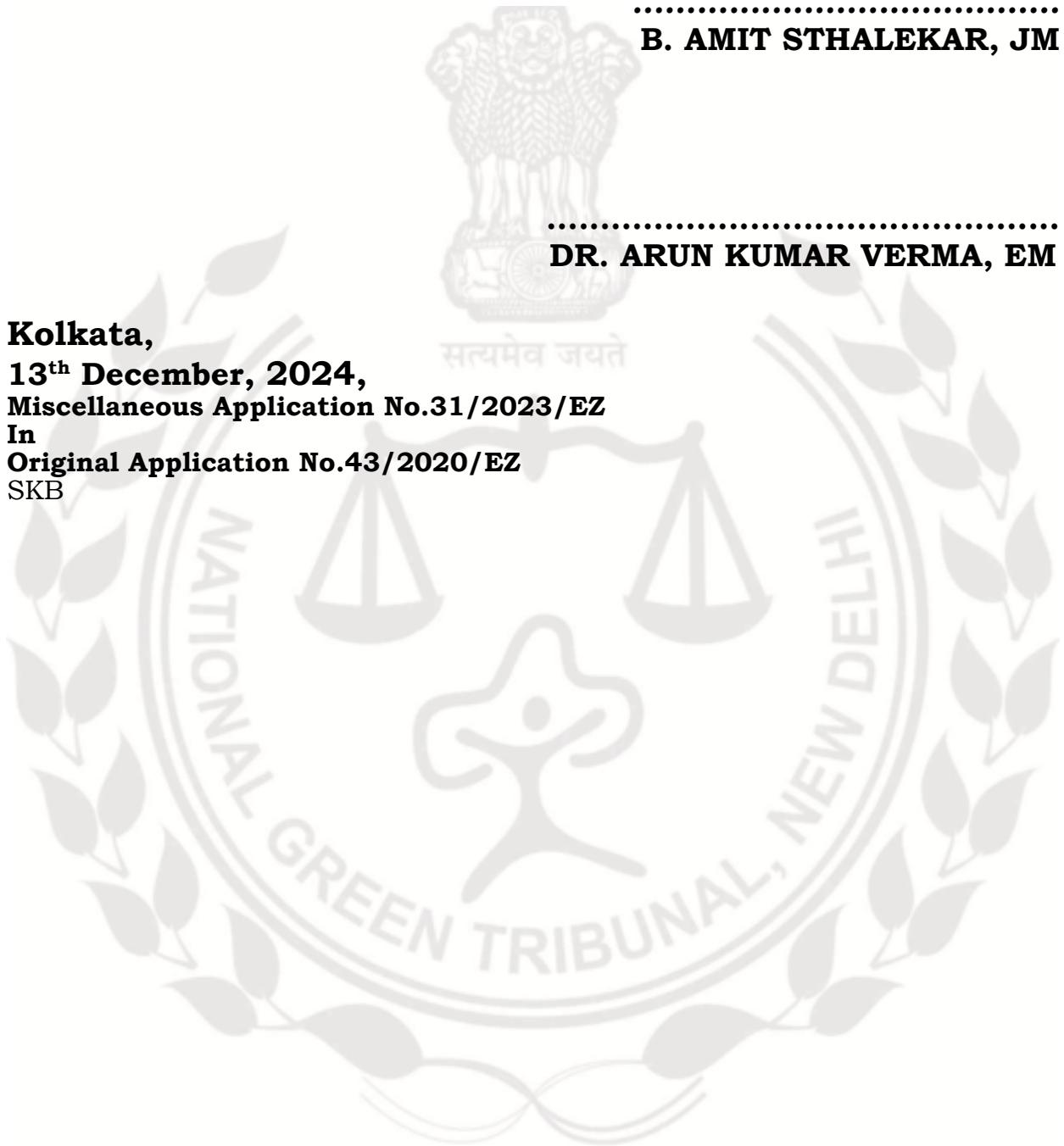
67. I.As., if any, stand disposed of accordingly.

68. There shall be no order as to costs.

.....  
**B. AMIT STHALEKAR, JM**

.....  
**DR. ARUN KUMAR VERMA, EM**

**Kolkata,**  
**13<sup>th</sup> December, 2024,**  
**Miscellaneous Application No.31/2023/EZ**  
**In**  
**Original Application No.43/2020/EZ**  
**SKB**



**NGT**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). \_\_\_\_\_ /2025  
(@DIARY NO. 13483/2025)

MONOJ HAZARIKA

APPELLANT(s)

VERSUS

BONANI KAKKAR & ORS.

RESPONDENT(s)

O R D E R

Delay condoned.

As the matter is still pending consideration before the National Green Tribunal (NGT) on the question of payment of final compensation which has to be still determined in the pending Original Application No.44/2020/EZ and Original Application No.43/2020/EZ as noted in 'paragraph 65' of the impugned order, we do not find any reason to interfere in the case.

Hence, the Civil Appeal is dismissed.

Pending application(s), if any, shall stand disposed of.

....., J.  
( B.V. NAGARATHNA )

....., J.  
( SATISH CHANDRA SHARMA )

NEW DELHI;  
MAY 09, 2025

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL DIARY NO(S). 13483/2025

[Arising out of impugned final judgment and order dated 13-12-2024 in MA No. 31/2023 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata]

MONOJ HAZARIKA

Petitioner(s)

VERSUS

BONANI KAKKAR &amp; ORS.

Respondent(s)

(FOR ADMISSION

IA No. 104279/2025 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 09-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Devansh Mohta, Adv.  
Ms. Shahrukh Alam, Adv.  
Mr. Vikram Rajkhowa, Adv.  
Ms. Malika Agarwal, Adv.  
Mr. Vinayak Sharda, Adv.  
Ms. Sonali Jain, AOR

For Respondent(s) Mr. Sridhar Potaraju, Sr. Adv.  
Mr. Sudhir Mishra, Adv.  
Mr. Petal Chandhok, Adv.  
Mr. Gaichangpou Gangmei, Adv.  
M/s Trust Legal, AOR  
Mr. Aayush, Adv.  
Ms. Niharika Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

The Civil Appeal is dismissed in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)  
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)  
COURT MASTER (NSH)