

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
APPEAL NO. 04 OF 2020 (EZ)**

**IN THE MATTER OF:**

BIMAL GOGOI & ANR.

.....APPELLANTS

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

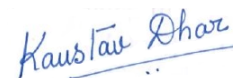
**INDEX**

S.N.	PARTICULARS	PAGE NOS.
1.	WRITTEN SUBMISSIONS ON BEHALF OF THE APPELLANTS	1-4

Proof of service

5

THROUGH

**RITWICK DUTTA    KAUSTAV DHAR**  
**COUNSELS FOR THE APPELLANTS**  
N-71, Lower Ground Floor, Greater Kailash-1  
New Delhi-110048  
Mobile No. 8130408167  
Email: [litigation@dclawchambers.com](mailto:litigation@dclawchambers.com)

**PLACE: KOLKATA/NEW DELHI**

**DATE: 04.03.2026**



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
APPEAL NO. 04 OF 2020 (EZ)**

**IN THE MATTER OF:**

BIMAL GOGOI & ANR.

.....APPELLANTS

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

**WRITTEN SUBMISSIONS ON BEHALF OF THE APPELLANTS**

**MOST RESPECTFULLY SHOWETH:**

1. The Appellants herein submit that the Respondent No. 1, MoEF&CC granted the Environmental Clearance dated 11.05.2020 to Respondent No. 2, OIL India Ltd. for Onshore Oil & Gas Extension Drilling & Testing Hydrocarbons at 7 locations under Dibru-Saikhowa National Park area in North-West of Baghjan PML under Tinsukia District Assam. That the Para No. 6 of the EC letter states that the 'offshore and onshore oil and gas exploration, development and production' was covered under Category A of item (1b) of EIA Notification, 2006. However, the MoEF&CC vide notification dated 16.01.2020 has categorised all projects in respect of offshore and onshore oil and gas exploration as Category B2 projects thereby exempting them from the process of public consultation. (@Annexure A/1 of Appeal @Pg. 39)
2. Further the EC letter in Condition No. (i) at Para 10 categorically states that no drilling shall be conducted in forest areas without obtaining prior permission under the Forest (Conservation) Act, 1980. Furthermore, it is submitted that the EC letter in Condition No. (v) at Para 10.1 states that no further expansion or modification in the plant other than mentioned in EIA Notification, 2006 and its all amendments shall be carried out without prior approval of the MoEF&CC. It also states that in case of alternations in the project proposal, a fresh proposal is to be made before the MoEF&CC. (@Annexure A/1 of Appeal @Pg. 40 & 43)
3. The Appellants herein submit that the Respondent No. 2 M/s OIL India made a proposal for diversion of 0.069 ha for the purpose of non-forestry use i.e., for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division was placed before the Forest Advisory Committee (FAC) for consideration. It is pertinent to note that the

FAC in its Meeting dated 04.07.2024 has categorically discussed the order dated 04.08.2006 passed by the Hon'ble Supreme Court in the matter titled **T.N. Godavarman Thirumulpad v. Union of India & Ors. (WP(C) No. 202 of 1995)** wherein it was held that no Temporary Working Permissions or Temporary Permit or any other permission, by whatever name called, shall be granted for mining activities in the National Parks, Sanctuaries and Forest areas. Furthermore, the Hon'ble Supreme Court reiterated vide its order on 26.04.2023 that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.

4. Thus, the FAC in view of the specific directions passed by the Hon'ble Supreme Court has rejected the proposal of the M/s OIL India for diversion of 0.069 ha of forest land in its meeting dated 04.07.2004. (@Annexure A/2 of the Additional Affidavit by Appellants dated 20.09.2024 @Pg. 1919 – Relevant Pg. 1930 – 1933 (Agenda No. 2 of EAC Minutes of Meeting)).
5. The Appellants herein submit that the Respondent No. 1, MoEF&CC vide its meeting dated 11.11.2024 under the chairmanship of DGF&SS along with MoEF&CC, WII, OIL & DGH where it was decided that *“it was deliberated in the meeting that in order to carry out R&D study in the same oil well for which the extraction proposal was rejected, the stakeholders were advised that fresh proposal for R&D purpose may be submitted in Parivesh 2.0 Portal seeking permission for using ERD Technology”*. (Additional Affidavit of MoEF&CC dated 11.11.2024 @Pg. 2493 - @Annexure R/1 3 @Pg. 2504).
6. It is submitted that pursuant to the meeting of 11.11.2024, the Forest Advisory Committee (FAC) held another meeting dated 27.01.2025 whereby it was held that the R&D study which is allowed in the proposed locations in Dibru Saikhova National Park shall not cause any diversion of forest land and the study shall not be used for any commercial activity:

*“The Committee, therefore, recommended that proposed research and development study as proposed by the DGH may be allowed in the proposed locations in the Dibru Saikhova National Park subject to following conditions: (i) The Research and Development study proposed by the DGH will not cause any diversion of forest land on the surface. (ii) The outcome of the proposed activity will not be used for any commercial purpose and will be used purely for research purpose to monitor the impact of anthropogenic disturbance on forests and wildlife for prescribing for not result into any commercial implications.”*  
(Additional Affidavit by R2, OIL India dated 11.03.2025 @Pg. 2509 – Relevant Pg. 2556 – 2559)

7. The Appellants herein submit that subsequent to the recommendation of the advisory committee dated 27.01.2025 the Respondent No. 1. MoEF&CC granted approval for undertaking drilling activity for the purpose of research and development to assess the impact of ERD without commercial implication. (Additional Affidavit by R2, OIL India dated 20.08.2025 @Pg. 2632 – Relevant Pg. 2701 @Annexure D).
8. It is pertinent to note that the MoEF&CC by OM dated 01.09.2022, has clarified that the R&D activities which are carried out in laboratory scale/pilot scale and where no commercial production is involved is exempted from requirements of prior EC. (@Additional Affidavit by R2, OIL India dated 28.03.2026 @Pg. 2705 – Relevant Pg. 2709 @Annexure A/1).
9. Furthermore, it is pertinent to note that The Respondent No. 2 herein OIL India has filed an I.A. No. (Civil) No.3677 of 2025 In PIL No.35 of 2020 before the Hon'ble Gauhati High Court seeking modification in the interim order dated 07.12.2020 and has prayed for thereby seeking permission for carrying out drilling activity only for the purpose of research and development to assess the impact of Extended Reach Drilling (ERD) without any commercial implication. The Hon'ble High Court vide order dated 21.01.2026 has granted permission for conduct of R&D in Dibru Saikhowa National Park thereby directing that the same shall not cause any diversion of forest land and that the R&D exercise will not have any commercial implications. (Additional Affidavit by R2, OIL India dated 28.03.2026 @Pg. 2705 – Relevant Pg. 2721 @Annexure A/2).
10. Thus, the Appellants respectfully submit that, in light of the foregoing facts and submissions, it is evident that the nature and scope of the project have undergone a fundamental and material change. While the Environmental Clearance dated 11.05.2020 was originally granted for a commercial project, the present scope stands strictly confined to a limited Research and Development (R&D) study, devoid of any commercial application.
11. It is further submitted that the Forest Advisory Committee has rejected the proposal for diversion of forest land, particularly in view of the specific directions of the Hon'ble Supreme Court in **T.N. Godavarman Case**, and has only permitted the conduct of an R&D study within the Dibru Saikhowa National Park without any commercial purpose.
12. In this context, it is pertinent to note that the proposed R&D activity does not fall within Category 'A' or Category 'B2' of the EIA Notification, 2006, and therefore does not attract the requirement of prior Environmental Clearance, as clarified by the Office Memorandum dated 01.09.2022.

13. Moreover, the Hon'ble High Court, vide its order dated 21.01.2026, has expressly permitted the conduct of the R&D study within Dibru Saikhowa National Park, subject to the categorical condition that such activity shall not entail any diversion of forest land and shall not be utilized for any commercial purpose.

14. In view of the above, it is submitted that the very substratum of the EC dated 11.05.2020 no longer survives. The continuation of the said EC is rendered legally untenable, as no commercial activity of any nature is permissible within Dibru Saikhowa National Park. Accordingly, the EC dated 11.05.2020 is liable to be quashed.

Through

**RITWICK DUTTA**

**KAUSTAV DHAR**

**COUNSELS FOR THE APPELLANTS**

N-71, Lower Ground Floor, Greater Kailash-1

New Delhi-110048

Mobile No. 8130408167

Email: [litigation@dclawchambers.com](mailto:litigation@dclawchambers.com)

**PLACE: KOLKATA/NEW DELHI**

**DATE: 04.03.2026**



Litigation . &lt;litigation@dclawchambers.com&gt;

---

**Written Submission on behalf of the Appellant in Appeal No. 04 of 2020 Bimal Gogoi Versus Union of India & Ors.**

1 message

---

**Litigation .** <litigation@dclawchambers.com>

Sat, Apr 4, 2026 at 2:14 PM

To: Anamika Pandey &lt;legumjure@gmail.com&gt;, "rahulpratap.adv@gmail.com" &lt;rahulpratap.adv@gmail.com&gt;, shayamvar\_deb@hotmail.com, "mrdey@rediffmail.com" &lt;mrdey@rediffmail.com&gt;, Judicial Section &lt;ngtjudicial-kolkata@gov.in&gt;

Dear Sir/madam,

Please find attached- Written Submission on behalf of the Appellant in Appeal No. 04 of 2020 Bimal Gogoi Versus Union of India &amp; Ors.

Thanks & Regards  
Counsel for the Appellant

---

 **Written Submisson on behalf of Appellant.pdf**  
539K