

**BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN
ZONE BENCH, KOLKATA
APPEAL NO.04/2020/EZ**

IN THE MATTER OF:

BIMAL GAGOI & ANR.

.....APPELLANTS

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

N.D.O.H:-12.05.2026

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Filed by:-



[RAHUL PRATAP]

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Place: New Delhi
Dated: 11.05.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN
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**WRITTEN SUBMISSIONS ON BEHALF OF THE RESPONDENT
NO.2 OIL INDIA LTD.**

1. The above Appeal has been filed under Section 16(h) of the National Green Tribunal Act, 2010 challenging the Environmental Clearance dated 11.05.2020 granted to M/s Oil India Ltd for extension drilling and testing of hydrocarbons at 7 (seven) locations under Dibru Saikhowa National Park Area, North West of Baghjan PML, District Tinsukia, Assam.
2. At the very outset, the Respondent No.2 seek to undertake drilling activity by using ERD technology which involves carrying out drilling activity by having drill pads at a distance of more than 1.5 km from the core boundary of the National Park and is located in the revenue village area. Further, the ERD technology involves drilling of borehole which will undergo horizontally beneath the ground with the target depth 3950 meters (TVD). Therefore, the contention and

apprehension raised by the Appellant in the Appeal is not only vague and misconstrued but also premature.

3. It is submitted that the Environment Clearance dated 11.05.2020 was granted to the Respondent No.2 for carrying out extension, drillings and testing of hydrocarbon at 7 locations under Dibru Saikhowa National Park Area, North West of Baghjan PML, District Tinsukia, Assam, pursuant to the order dated 07.09.2017 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 202 of 1995 titled in Re: TN Godavarman Thirumulpad vs. Union of India & Ors, (*Annexure 2@ Pg 47*) and on the recommendations of NBWL (*Annexure C @ PG 753*) subject to fulfilment of undertaking dated 25.07.2017 given by the Respondent No.2. Therefore, the present Appeal is not maintainable for the reason, that any challenge, qua the validity of EC, with respect, can only be raised before the Hon'ble Supreme Court and not before this Hon'ble Tribunal.
4. The Petitioner submits that in compliance with the undertaking given by the Respondent No.2 before the Hon'ble Supreme Court, the Respondent No.2 through Assam State Bio Diversity Board has already conducted the bio diversity impact assessment study and the same has been filed before this Hon'ble Tribunal by the Assam State Bio Diversity Board.
5. It is submitted that the Forest Advisory Committee (FAC) in its meeting dated 04.07.2024(*Additional affidavit @pg 2574*) rejected the proposal of the Respondent No.2 for non-forest use

of 0.069 hectare of forest land. under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam. It is relevant to state that the proposal for diversion of forest land was rejected by the FAC merely on the basis of observation made by the Hon'ble Supreme Court in T.N. Godavarman (2023) SCC OnLine SC 504 (*Additional affidavit @pg 2588*) wherein, it was held no permission shall be granted for mining activities in the national park. It is apposite to state that the FAC while rejecting the proposal for diversion of forest land merely relied upon the observation contained in para 65 without considering the fact the aforesaid judgment does not consider ERD technology.

6. It is relevant to state that after due deliberation and subsequent to the recommendations of the Forest Advisory committee dated 27.01.2025 (*Additional affidavit @pg 2513 and @ Pg 2701*) the Respondent No.1 granted approval for undertaking drilling activity for the purpose of research and development to assess the impact of ERD technology on Flora and Fauna without commercial implication.
7. It is submitted that the Appellant has misconstrued the Office Memorandum dated 1.09.2022 (*Additional affidavit @pg 2709*) issued by the Respondent No.1 which exempts the requirement of prior EC for the purpose of R&D not involving commercial production. The Petitioner submits that the aforesaid OM only exempts the requirement of prior EC for

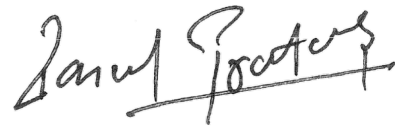
R&D activities without any implication on the EC which has already been granted.

8. The Respondent No.2 submits that the drilling activities for the purpose of ERD technology irrespective of exploration purpose or research and development purpose, involves same nature of equipment and methodology. Hence, the nature and scope of the project do not change as alleged by the Appellant herein.
9. The Respondent No.2 states that the general and specific conditions imposed by the Respondent No.1 i.e. MoEF&CC while granting the environment clearance for the purpose of conducting drilling activities by using ERD technology shall remain applicable in the same manner for the purpose of conducting Research and Development studies as approved by the Respondent No.1 vide its minutes of meeting dated 27.01.2025.
10. Further, the contention of the Appellant that there has been a modification in the scope and nature of the project based on the Forest Advisory Committee is also misconstrued. It is relevant to state that the scope and nature of the project remain the same i.e 'drilling by using ERD technology'. The only modification in the project is the restriction imposed by the committee that the outcome of the proposed activity will not be used for any commercial but purely for research purpose to monitor the impact of anthropogenic disturbance on the forest and wildlife.

11. It is submitted that the EC granted in favour of the Respondent No.2 has substantial period of life and is still in existence and change in circumstance.

Therefore, in view of the submissions made above, this Hon'ble Tribunal may be pleased to dismiss the present Appeal.

Filed By:-

A handwritten signature in black ink, appearing to read 'Rahul Pratap', written in a cursive style with a horizontal line underneath.

[RAHUL PRATAP]
(Advocate for the Respondent No.2)

Written Submission filed on behalf of the Respondent No. 2 (Oil India Ltd.) in Appeal No. 04 of 2020 Bimal Gogoi Vs. Union of India & Ors.

1 message

rahul pratap <rahulpratap.adv@gmail.com>

Mon, May 11, 2026 at 3:40 PM

To: litigation@dclawchambers.com, legumjure@gmail.com, shayamvar_deb@hotmail.com, mrdey@rediffmail.com, ngtjudicial-kolkata@gov.in

Dear Sir/Madam,

Please find attached herewith service written submission filed on behalf of the Respondent No. 2 in the subject matter.

Best Regards

(Rahul Pratap)

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