

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 19 OF 2024

IN THE MATTER OF:-

DR. KASHMIRA KAKATIAPPLICANT

VERSUS

UNION OF INDIA & ORS.RESPONDENT (S)

INDEX

ND011-18/05/2026

S.NO	PARTICULARS	PAGE'S
1.	ADDITIONAL AFFIDAVIT ON BEHALF OF INDIAN OIL CORPORATION LTD. (RESPONDENT NO.5) TO BRING ON RECORD CERTAIN ADDITIONAL FACTS RELEVANT TO THE PENDING PROCEEDINGS.	1-14
2.	PROOF OF SERVICE	15

THROUGH

Aditya Sharma

(ADITYA SHARMA)

KOURA & COMPANY

ADVOCATES & BARRISTERS

COUNSEL FOR RESPONDENT NO.5

FLAT NOS. 236-239 (2ND FLOOR)

TRIBHUVAN COMPLEX, ISHWAR NAGAR

MATHURA ROAD, NEW DELHI 110065

Tel No. (011) 26322240-44

admin@kouraco.com

PLACE: NEW DELHI

DATE: 22.04.2026

Note:- All Party has been Served by Email
[Signature]



Sl. No. 5679/20

Date 22/04/20

Shyamol Kakoty

श्यामल काकोत्य/Shyamol Kakoty
प्रबंधक (ई.आर.) /Manager (ER)
आई.ओ.सी.एल. (एओई), डिगबोई
I.O.C. LTD. (AOD), DIGBOI

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

ORIGINAL APPLICATION NO. 19/2014

IN THE MATTER OF

DR. KASHMIRA KAKATI

.... APPLICANT

VERSUS

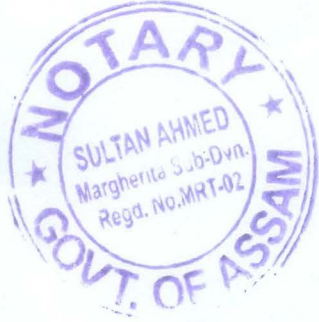
UNION OF INDIA & ORS.

.... RESPONDENT(S)

ADDITIONAL AFFIDAVIT ON BEHALF OF INDIAN OIL CORPORATION LTD. (RESPONDENT NO.5) TO BRING ON RECORD CERTAIN ADDITIONAL FACTS RELEVANT TO THE PENDING PROCEEDINGS

I, Shyamol Kakoty, son of late Shri Jitendra Nath Kakoty, R/o Digboi, District Tinsukia, Assam, aged about 59 years, working as Manager (Employee Relations) at the Digboi Refinery of Indian Oil Corporation Ltd., do hereby solemnly affirm and state as follows:

1. I say that I have been working at the Digboi Refinery of Indian Oil Corporation Ltd. (Respondent No.5) since or about 33 years and am at present holding the position of Manager (Employee Relations) at the Digboi Refinery. I have been assigned to deal with this case and its proceedings on behalf of the Digboi Refinery and for this purpose I have familiarized myself with all facts available from the records of Indian Oil Corporation Ltd. or otherwise relevant to this case, and as such, am competent to depose thereto.



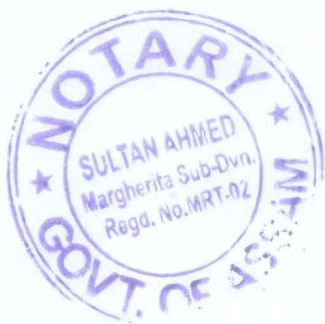
22/4/20
Solemnly affirmed and
NOTARY (Govt. of Assam)
Sultan Ahmed
Margherita Sub-Div. by
Regd. No. MRT-02

Signature of Sultan Ahmed
 शाहमल काकती/Shyamol Kakoty
 प्रबंधक (ई.आर.)/Manager (E.R.)
 आई.ओ.सी.एल. (एओडी), डिगबोई
 I.O.C. LTD. (AOD), DIGBOI

2. I say that the Digboi Refinery in Assam is the Oldest Refinery in India. It was commissioned in 1901 on and with a large tract of land acquired for the establishment of the Refinery, the Refinery township and associated activities and facilities, recreational activities and for future expansion(s). The land of the Digboi Refinery, which encompasses several square kilometres, has, so far as public memory goes (and probably since inception), been fenced by a high brick wall to define the boundaries of the Refinery and its precincts, to prevent encroachment and human-animal conflict.

3. I say that during the last 125 years of operation of the Digboi Refinery, there has not been, nor could there have been, any elephant corridor in any part or portion of the land belonging to the Refinery, much less along the southern periphery of the Digboi Refinery, which falls within the Golai region, since the entire land of the Refinery, is enclosed by a high boundary wall. If any elephant corridor existed at any time in the past in the Golai region, such elephant corridor existed wholly and entirely outside and beyond the boundaries of the land belonging to the Digboi Refinery and its boundary wall.

4. I say that with the establishment of the Digboi Refinery in 1901, and in order to serve the Refinery and to provide housing and



22/4/26
 SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub-Dvn.
 Regd. No. MRT-02

other facilities for those directly and indirectly providing services for the Refinery, Digboi town came to be established beyond the north-western boundary of the Digboi Refinery. During the course of time, Digboi town expanded and gradually grew from a village into a city with a population of over two lakh people approx., with housing, municipal, and institutional facilities such as schools, colleges and hospitals etc. to cater to its population. However, to date, Digboi City directly, indirectly and remotely depends primarily on the Digboi Refinery for its existence and livelihood, and any closure of the Digboi Refinery would eventually lead to the death of Digboi city and its ability to provide livelihood to its population.



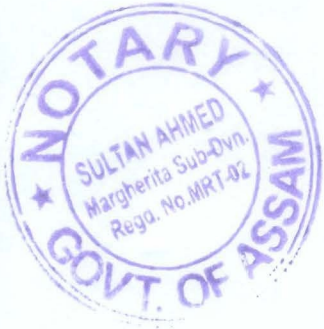
5. I say that on the southern periphery of the Digboi Refinery lies the Golai region, which is comprised of privately owned land owned by the private individual(s), and is primarily used for residential and agricultural purpose. Over the course of time, due to pressure of population, these private lands have been subjected to large-scale construction and influx of population, resulting in the construction of a large number of residential and other buildings. Consequently, even if any elephant corridor may have once existed in this area in the past, it has long since ceased to be used or to be capable of being used as

22/4/26
 SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub.-Dvn.
 Regd. No. MRT-02

an elephant corridor, nor has it in the past three decades at least functioned as a corridor for migration of elephants or otherwise

6. I say that the elephant corridor alleged to have existed in the past in the Golai Region beyond the Southern periphery of the bounded land of Digboi Refinery was never defined or demarcated nor was notified, but was purely historical and notional.

7. Prior to 2008–2009, Digboi Refinery had established an underground Pipeline between Digboi and Tinsukia for distribution of its products therefrom to supply petroleum products to the Northern Districts of Assam, the North Eastern States of Arunachal Pradesh, Nagaland and Manipur and to the Armed Forces located in the border areas of the North Eastern Region, which are solely dependent on Digboi Refinery for the supply of petroleum products. However, because of the difficult terrain in which the Pipeline had to be located, it was not possible for the Refinery or the State authorities to keep the entire length of the Pipeline under constant surveillance or protection. As a result, various antisocial and other elements were increasingly able to expose and breach the pipeline and illegally draw and pilfer the petroleum products being transported through the pipeline. The pilferage in the course of time reached such high levels, that it was no



22/4/28

SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub-Divn.
 Regd. No. MRT-02

longer feasible to economically operate the Refinery or to evacuate the products of the Refinery through the pipeline. It was, therefore, decided to close the product pipeline and to set up a Product Dispatch Terminal at the Refinery itself from which petroleum products could be dispatched and distributed by road and rail directly to the aforesaid regions of Assam, Arunachal Pradesh, Nagaland, Mizoram and to the Armed Forces stationed at their borders.



8. Two possible and feasible locations for such a Product Dispatch Terminal, in view of the terrain and the existing road and rail network, were identified: One in the northern part in the Forest Region approximately 5 Kilometres from the boundary of the Refinery land, and the other was in the Southern part of the Refinery on land belonging to the Refinery. The Northern part of the Refinery was selected as the preferred location for the Terminal in the first instance, and the environmental clearance for the said project/terminal was obtained from the Ministry of Environment and Forests under the provisions of the Environment (Protection) Act, by Letter F. No. J-11011/496/2007-1A-II(I) dated 05/09/2007, issued by the Ministry of Environment and Forest (IA Division) and addressed to the Indian Oil Corporation Ltd. A copy of the said environmental clearance is


22/4/20
 SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub-Div.
 Regd. No. MRT-02

annexed to the Petition and has been marked as **Annexure-A5**. The said clearance was subject to clearance under the Forest (Cons.) Act, 1980 for the diversion of forest land.

9(a). However, the Forest Division of the Government of Assam objected to the said location of the Product Dispatch Terminal for which environmental clearance had been obtained, on the ground that the area was surrounded by forest, which constituted elephant habitat, and the location of the Terminal there would disturb the elephant habitat.

(b) Consequently, in consultation with the concerned authorities in the State of Assam, it was decided to shift the location of the proposed Product Dispatch Terminal from the north to the southern periphery of the Refinery. The southern periphery is situated in the Golai region, and is surrounded by private land owned by the private land owners, which was primarily of mixed agricultural and residential area, where there would be no disturbance to the elephant habitat.

10. Accordingly, a fresh environmental clearance was obtained by Indian Oil Corporation Ltd. from the Ministry of Environment and Forests for the establishment of the Product Dispatch Terminal at the altered location on the southern periphery of the Refinery land. The


 27/4/26
SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub.-Dvn.
 Regd. No. MRT-02

fresh environmental clearance for setting up the Product Dispatch Terminal at the newly selected location was granted by the Ministry of Environment & Forest vide letter F. No. J-11011/496/2007-IAII(II) dated 20/03/2009, a copy of which is annexed to the Petition and has been marked as **Annexure-A8** at Page No. 85 to 88 of the Petition.

11.(a) Thereafter, pursuant to the implementation of certain measures as suggested by the Forest Department, Government of Assam and the Chief Conservator of Forests and Wildlife, which included to provide a green corridor by IOCL (which could be subsequently expanded by the Forest Department to approximately 28,474 square meters) outside the boundary wall of the of the Product Dispatch Terminal on the southern periphery of the Product Dispatch Terminal, it was confirmed by the Chief Conservator of Forests and Wildlife Assam by his letter No. WL/FG.7(4)/Elephant Corridor dated 31/10/2009 as follows:

“With reference to the above, I am to inform you that the undersigned along with the Commissioner & Secy. Govt. of Assam, Environment & Forest Department. Conservator of Forests, Eastern Assam Circle, Jorhat, DFO. Digboi Divn and officials of IOC Ltd. visited the site



22/4/26
 SULTAN
 NOTARY (Govt. Sub-Divn.)
 Margherita Sub-Divn.
 Regd. No. MRT-02

on 21/9/09. The IOC Ltd. has already made necessary changes keeping the Elephant Corridor free from the layout of the proposed oil terminal. They have also made provision for green belt development in the Area. Therefore, shifting of oil terminal from proposed location may not be necessary after the said changes in the layout. This is for favour of your kind information and necessary action.”



A copy of the said letter is annexed to the Affidavit-in-Reply filed on behalf of Indian Oil Corporation Ltd. (Respondent No.5) in the present proceedings and has been marked as **Annexure-R5/7**.

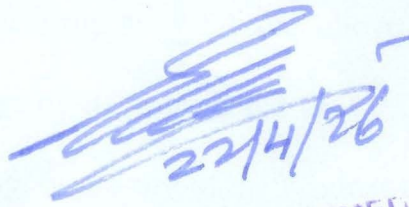
(b) On the basis therefore, the Government of Assam also provided its No Objection to the construction and establishment of the Product Dispatch Terminal at the proposed location on the southern periphery of the Digboi Refinery land vide letter no. TAI-4/2004 dated 21/05/2010, addressed by Additional Deputy Commissioner (Admin.), Tinsukia to the Indian Oil Corporation Ltd. A copy of the said letter is annexed to the Affidavit-in-Reply filed on behalf of Indian Oil Corporation Ltd. (Respondent No.5) in the present proceedings and marked as **Annexure-R5/8**.

22/4/26

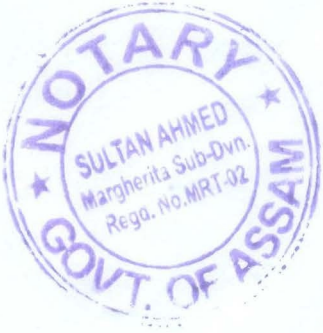
SULTAN AHMED
NOTARY (Govt. of Assam)
Margherita Sub.-Dvn.
Regd. No. MRT-02

(c) It is, therefore, clear and confirmed by the Principal Chief Conservator of Forests and Wildlife, Assam (acting through the Office of the Deputy Commissioner Tinsukia District) that the proposed Product Dispatch Terminal of Indian Oil Corporation Ltd. lay wholly outside the alleged Golai Elephant Corridor.

12. Consequently and accordingly, the construction of the pipelines, storage tanks, railway siding, tank lorry bays, buildings, and other facilities etc. required for setting up the said Product Dispatch Terminal commenced towards the end of 2010, and was substantially completed by December, 2014, and all links were totally completed by December 2017, at considerable public expense of approximately Rs. 266.13 Crores. The Product Dispatch Terminal thereafter began operations in February, 2018. With the commissioning of the Product Dispatch Terminal, the existing product pipeline and all its associated equipment, constructions, fixtures, and fittings were de-commissioned. All salvageable materials were salvaged, and all unsalvageable materials were abandoned, with the result that the re-use or revival of the pipeline no longer remained a possibility.


 22/4/26

SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub.-Dvn.
 Regd. No. MRT-02



13(a). The Petitioner was, at all relevant times, fully aware of and has filed the environmental and other clearances aforesaid granted by the Ministry of Environment and Forests for setting up the Product Dispatch Terminal. Yet, if aggrieved, the Petitioner took no steps to appeal against the said clearances.

(b) Further, the Petitioner was, at all relevant times, directly or indirectly involved in, and was privy to and fully aware of the deliberations, which took place between the concerned authorities in the Forest Department and Government of Assam and the Officers of Digboi Refinery leading up to and with regard to the clearances and approval aforesaid granted by the Principal Chief Conservation of Forests and Wildlife, Assam and the Government of Assam for the said Project.

(c) Yet further, the Petitioner being fully aware of the construction of the Product Dispatch Terminal at the site at the public expense kept quiet for 5 (five) years while the construction progressed to substantial completion, and only thereafter filed the present Petition.

14. I say that, bearing in mind the above facts, this Hon'ble Tribunal was pleased by its order dated 08/12/2017 not to direct the removal, dismantling, or closure of the Product Dispatch Terminal of



22/4/20
 SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub-Div.
 Regd. No. MRT-02

Indian Oil Corporation Ltd. (Respondent No.5), but directed only that there shall be no further construction on the yet to be defined, demarcated and notified alleged Golai Elephant Corridor. Since Respondent No.5 had no intention of undertaking any further construction outside the existing boundaries of the existing Product Dispatch Terminal, the Petitioner was in no manner aggrieved by the directions issued by this Hon'ble Tribunal in its Order dated 08/12/2017 and, therefore, had no reason to prefer any Appeal against the said order.



15. I say that any direction at this stage to close, dismantle, and/or remove the Product Dispatch Terminal of the Digboi Refinery would lead to the following inevitable and disastrous consequences:

(i) Since there does not exist any alternative means for evacuation of products of Digboi Refinery, the oldest operating Refinery in India and the only major economic activity in the region will be forced to close.

(ii) The huge amount of public money involved and expended in the construction, expansion, and modernization of Digboi Refinery, along with its various facilities and amenities including the Product Dispatch Terminal, would be totally wasted.

22/4/26

SULTAN AHMED
 NOTARY (Govt. of Assam)
 Margherita Sub-Dvn.
 Regd. No. MRT-02

(iii) Approximately 375 persons directly or indirectly employed in the Product Dispatch Terminal, as set out below, would be rendered redundant jobless.

Product Dispatch Terminal

- (a) As Permanent employees – 18
- (b) As Temporary Employees – Average 250 nos. per day considering Tank Trucks loaded
- (c) As Casual Labour – varies between 50 to 60 persons depending upon the nature and volume of jobs
- (d) As Contract Labour - 47
- (iv) Approximately 2854 persons directly and indirectly employed at Digboi Refinery would be rendered redundant and/or jobless.

Digboi Refinery

- (a) As Permanent employees – 798
- (b) As Contract Labour – 2056
- (v) The economic activity on which approximately 2,00,000 (Two lakh) inhabitants of Digboi City who are directly, indirectly, or remotely dependent on the continued operation of Digboi Refinery for their livelihood, would come to an end, leading to the inevitable death of Digboi City and loss of livelihood for its inhabitants.



22/4/26

SULTAN AHMED
NOTARY (Govt. of Assam)
Margherita Sub-Divn.
Regd. No. MRT-02

(vi) The surrounding regions, whose economic activities are dependent on the existence of Digboi City, would also be deprived of their livelihood.

(vii) The residents of the northern states of Assam and of Arunachal Pradesh, Nagaland and Manipur who are wholly dependent on the products of Digboi Refinery for operating their households, kitchens, transport, and other means of livelihood, would be deprived of these essential products, leading to economic chaos, transport paralysis, and civil disruption in the Region.

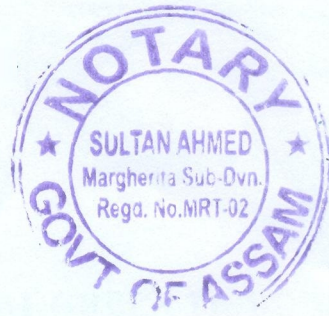
(viii) The armed forces at our Eastern borders, who are wholly dependent on the products of Digboi Refinery to fuel their military and transport and cooking equipment and vehicles, and for operating generators for production of electricity and for other activities, would be severely affected, as would the functioning and ability of defence personnel on the eastern borders who depend on the products of Digboi Refinery.



[Handwritten signature]
22/4/26
SULTAN AHMED
NOTARY (Govt. of Assam)
Margherita Sub-Div.
Rega. No. MRT-02

[Handwritten signature]
DEPONENT

श्यामल काकती/Shyamol Kakoty
प्रबंधक (ई.आर.) /Manager (ER)
आई.ओ.सी.एल. (एओडी), डिगबोई
I.O.C. LTD. (AOD), DIGBOI



VERIFICATION

I, the above-named deponent, do hereby verify at Digboi on 22 April, 2026 that the contents of Paragraphs 1 to 15 of the foregoing Affidavit are true and correct to my knowledge on the basis of records maintained by the Respondent Corporation in the ordinary course of business and which are believed to be true, no part thereof is false and nothing material has been concealed therefrom.

Shyamol Kakoty
DEBONENT

श्यामल काकती/Shyamol Kakoty
प्रबंधक (ई.आर.) /Manager (ER)
आई.ओ.सी.एल. (एओडी), डिगबोई
I O C. LTD. (AOD), DIGBOI

Identified by:
Janki Diji
Principal

Solemnly affirmed on oath and
declared by the above named
deponent being identified by
Ms. Janki Diji

22/4/26
SULTAN AHMED
NOTARY (Govt. of Assam)
Margherita Sub-Div.
Regd. No. MRT-02

4180

15



Nirbhay singh <nirbhaysingh105@gmail.com>

Dr. Kashmir Kakati vs Union of Indian & Ors.

1 message

Nirbhay singh <nirbhaysingh105@gmail.com>

Thu, Apr 23, 2026 at 12:28 PM

To: admin@eldfindia.com, secy-moef@nic.in, cs-assam@nic.in, pd.pmu.apfbc@nic.in, rouwahati2pcba@gmail.com, kgwalani@indianoil.in, wim.rth@nic.in, chairman.cil@coalindia.in, dc-tinsukia@nic.in, pcef.wl.assam@gmail.com, municipality1956@yahoo.in, csspwdbnh2018@gmail.com

Sir/Madam, Please find attached here with Additional affidavit file on behalf of Respondent No.5 (Indian Oil Corporation Ltd)

Best regards,
Nirbhay Narain Singh/Aditya Sharma
Advocate for Respondent No. 5

 **Affidavit Dr. Kashmira Kakati-Vs-IOCL.pdf**
10887K