

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

**M.A No. 31/2023/EZ
in O.A No. 43/2020(EZ)**

IN THE MATTER OF:

O.A No. 43/2020/EZ

BONANI KAKKAR ...APPLICANT
VERSUS
OIL INDIA LTD. & ORS. ...RESPONDENTS

-AND-

IN THE MATTER OF:

M.A No. 31/2023/EZ

MONOJ HAZARIKA ...APPLICANT
VERSUS
BONANI KAKKAR & ORS. ...RESPONDENTS

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Submitted by:

Place: Guwahati

Date: 12.03.2024

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ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

1. It is most respectfully submitted that the Applicant is filing the present Additional Affidavit through his counsel, in compliance of this Hon'ble Court's order dated 13.02.2024 in the instant matter, which reads as follows:

“4. The Counsel for the parties shall file a date-wise chart giving seriatim sequences of events as well as various orders passed by the courts in the present controversy so that the actual issue pending for consideration before the Tribunal may be crystalized.”

2. It is submitted that, as directed by this Court, a Common List of Dates and Events has been prepared in the matter, including inputs from the counsel for the Respondents for ease of reference.

A Copy of the **Common List of Dates & Events** is annexed as **Annexure–A/1**.

3. That the Applicant prays that this Hon'ble Court may be pleased to take the present Additional Affidavit on record.

Submitted by:

Place: Guwahati

Date: 12.03.2024

Vikram Rajkhowa

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1097

SI No. 9143

Date 12/03/2024

BEFORE THE NATIONAL GREEN TRIBUNAL,
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M.A No. 31/2023/EZ
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....RESPONDENTS

-AND-

IN THE MATTER OF:

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....RESPONDENTS

AFFIDAVIT

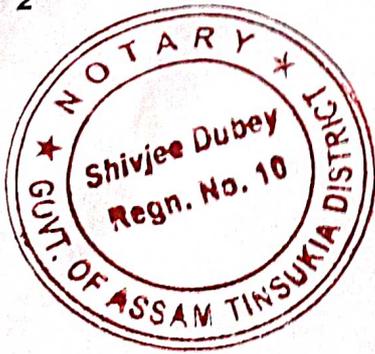
I, Monoj Hazarika, son of Sri. Rajoni Hazarika, aged around 47 years, resident of Village – Baghjan, P.O – Dighaltarang, P.S – Baghjan, in the district of Tinsukia, Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and as such I am conversant with the facts and circumstances of the case, and I am duly competent to swear this affidavit.
2. That I have understood the contents of the accompanying affidavit and state that the contents of the same are correct and the annexures are true copies of their respective originals.
3. That no part of the present affidavit is false and nothing material has been concealed therefrom.

Shivjee Dubey
NOTARY
Tinsukia District
Regn. No. 19/TSK
12/03/2024

Monoj Hazarika

2



Manoj Hazarika
DEPONENT

VERIFICATION:

I, the above-named deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Solemnly affirmed on this 12th day of March 2024 at Tinsukia, Assam.

Manoj Hazarika
DEPONENT

Identified by :-
Mithun Choudhury
Advocate
Enrollment No: 1209/13

Shivjee Dubey
NOTARY
Tinsukia District
Regn. No. 10/1984

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A No. 31/2023/EZ and M.A No. 33/2023/EZ

in

O.A No. 43/2020/EZ

Bonani Kakkar vs. Oil India Ltd. & Ors.

COMMON LIST OF DATES AND EVENTS

<u>Sl</u>	<u>Dates</u>	<u>Particulars</u>
1.	27.05.2020	A blowout took place in the BGN-5 oil well of Oil India Ltd. at Baghjan village in Tinsukia district of Assam, resulting in uncontrolled release of natural gas and condensates, into the environment.
2.	09.06.2020	As a result of enormous volume of inflammable natural gas being released from the Baghjan oil well, there was a subsequent explosion in the blowout well and fire broke out.
3.	11.06.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, OIL by its own volition, disbursed a total of Rs. 4,83,00,000 as compensation which was distributed amongst 1610 families at Rs 30,000/- per family.
4.	17.06.2020	O.A No. 43/2020/EZ Bonani Kakkar v. Oil India Ltd. & Ors. was registered before the Hon'ble NGT, due to the destruction and damage caused by the blowout and fire at the Baghjan oil well.

5.	24.06.2020	<p>Hon'ble NGT order in O.A No. 43/2020/EZ –</p> <ul style="list-style-type: none"> • Para. 15 – Constituted a Committee of Experts to look into the matter, headed by Hon'ble Justice B.P. Katakey, former judge of the Gauhati High Court. • Para. 17 (xi) – Committee to conduct assessment of compensation for the victims and cost of restitution of the damage caused to property and the environment. • Para. 19 – The Committee shall submit its preliminary report to the Registry within 30 days hence. • Para. 21 - Prima facie case made out against OIL. Hon'ble NGT directs OIL to deposit an initial amount of Rs.25 crores with the District Magistrate, Tinsukia.
6.	02.07.2020	<p>OIL moved I.A. No. 30/2020 for recall of order dated 24.06.2020, which was disposed of vide order dated 02.07.2020 reiterating the order dated 24.06.2020 except the requirement of depositing the amount of Rs. 25 crores in view of OIL having set apart more than the said amount and statement made before the Hon'ble Tribunal that any further amount will be made available as and when necessary.</p>
7.	08.07.2020	<p>As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, OIL by its own volition, disbursed a total of Rs. 4,17,00,000 as compensation which was distributed amongst 1390 families at Rs 30,000/- per family.</p>
8.	17.07.2020	<p>As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati</p>

		High Court in PIL 39/2020, OIL by its own volition, disbursed a total of Rs. 2,20,00,000 as compensation which was distributed amongst 11 families at Rs 20 Lakhs/- per family.
9.	27.07.2020	As per the Affidavit dated 27.07.2020 submitted by OIL, more than 9,000 persons were displaced and sheltered in 12 relief camps (750 persons in each), 10 camps immediately after the incident and 2 camps after the fire. As on 27.07.2020, 07 Camps continues to have around 5,758 occupants.
10.	29.07.2020	Hon'ble NGT order in O.A No. 43/2020/EZ stated that 'Preliminary Report' dated 24.07.2020 filed by the Expert Committee constituted by the Hon'ble NGT is taken on record.
11.	06.08.2020	<p>Hon'ble NGT order in O.A No. 43/2020/EZ –</p> <ul style="list-style-type: none"> • Para. 16 - The Committee made three categories of persons entitled to interim compensation and has suggested the following scale of compensation as follows: <ul style="list-style-type: none"> “(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. <p>The scale of interim compensation is as follows:</p> <ul style="list-style-type: none"> Category (i) – Rs. 25 Lacs Category (ii) – Rs. 10 Lacs and Category (iii) – Rs. 2.5 Lacs”

		<ul style="list-style-type: none"> • Para. 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. • Para. 18 – 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.
12.	07.08.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, OIL by its own volition, disbursed a total of Rs. 38,00,000 as compensation where Rs. 20,00,000/- which was distributed amongst one family and the rest of Rs. 18,00,000/- to another family.
13.	25.08.2020	Letter from D.C Tinsukia to Justice B.P Katakey, Chairman of the Committee of Experts appointed by NGT – <ul style="list-style-type: none"> • Para. 7.0 – The Experts Committee headed by your honour may like 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.
14.	28.08.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, OIL disbursed a total of Rs.

		<p>60,00,000 as compensation where Rs. 5,00,000/- each was distributed amongst 12 families.</p> <p>Further, financial aid of Rs. 30,000/- was given to 645 families, making the total amount disbursed by OIL to Rs. 1,93,50,000/-</p>
15.	06.09.2020	Representation to the Hon'ble NGT Principal Bench, New Delhi, submitted by some residents of Natun Rongagora village seeking compensation as per order dated 06.08.2020 in O.A No. 43/2020(EZ)
16.	18.09.2020	<p>Minutes of the Tripartite Meeting held between D.C Tinsukia, Oil India Ltd. and Bagjjan Gaon Milan Jyoti Sangha (BJYMS), representing the victims of Baghjan disaster.</p> <ul style="list-style-type: none"> • (5th para.) Discussing the matter of compensation, the 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) was proposed. The Expert Committee submitted an interim report to the Hon'ble NGT on 01.09.2020 making certain recommendations.
17.	18.09.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati

		<p>High Court in PIL 39/2020, a compensation of a total of Rs 19,72,50,000 for BGN affected families was released where 57 Category (ii) were aided with Rs. 10 Lakhs each and 561 Category (iii) were aided with Rs. 2.5 Lakhs each</p>
18.	25.09.2020	<p>Letter from D.C Tinsukia to Justice B.P Katakey, Chairman of the Committee of Experts appointed by NGT –</p> <ul style="list-style-type: none"> • (2) The earlier submitted list included 57 families in Category-I that is Rs.25 lakhs per family and Rs.20 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. Furthermore, during re-survey the list of additional families were prepared and added in 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 (List enclosed Annexure-F). • Requested the Expert Committee 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.

<p>19. 31.10.2020</p>	<p>The Committee of Experts Constituted by the Hon'ble NGT submitted its PROGRESS REPORT (VOLUME I) and (VOLUME II).</p> <p><i>V. Status on the Issue of Compensation to the affected families:</i></p> <p>“(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 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 of Baghjan Gaon be revised into two categories and the number of affected families would be as follows:</p> <p>Category (i): (12 + 57 + 104 = 173 Nos. of families) Category (ii): (439 Nos. of families)</p> <p>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</p>
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		in that regard for payment of interim compensation as suggested.”
20.	05.11.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon’ble Gauhati High Court in PIL 39/2020, a relief aid of Rs. 3,06,00,000 was released by OIL where Rs. 50,000 was provided to 612 families towards house rent, fooding, medical allowances etc
21.	09.11.2020	<p>Minutes of the Tripartite Meeting held between D.C Tinsukia, Oil India Ltd. and Bagjjan Gaon Milan Jyoti Sangha (BJYMS), representing the victims of Baghjan disaster.</p> <ul style="list-style-type: none"> • Members of Baghjan Gaon Milan Jyoti Yuba Sangha (BJYMS) 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.
22.	10.11.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon’ble Gauhati High Court in PIL 39/2020, payment of a total of Rs.

		2,20,65,000/- was disbursed by OIL as compensation of Rs. 15,000/- to the 1471 families in and around Baghjan well No. 5
23.	21.11.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, relief aid of Rs. 3,06,00,000 was released by OIL where Rs. 50,000 was provided to 612 families towards house rent, fooding, medical allowances etc
24.	23.11.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, payment of a total of Rs. 1,50,45,000/- was disbursed by OIL as compensation of Rs. 15,000/- to the 1003 families in and around Baghjan well No. 5
25.	01.12.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, compensation of a total of Rs 69,85,00,000 for BGN affected families was released by OIL where 173 families were aided with Rs. 15 Lakhs each and 439 families were aided with Rs. 10 Lakhs each. Because a total of Rs. 22.725 Crores had already been previously released, the remainder of Rs. 47,12,50,000 was released.
26.	02.12.2020	Oil India Limited's letter addressed to the Deputy Commissioner, Tinsukia district, acknowledging its liability to pay interim compensation of a total of Rs. 68.05 Crores to the 600 affected families of Baghjan disaster, albeit with a reduced compensation amount

		than as recommended by the Committee.
27.	08.12.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, the balance payment of Rs. 6,91,45,000/- against Baghjan blowout was disbursed by OIL, where 4125 families were provided with Rs. 15,000/- each and 242 families were provided with Rs. 30,000 at Bengali Basti.
28.	14.12.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, the balance payment of Rs. 1,98,10,000/- as Compensation for Baghjan Blowout was released by OIL where 1981 families were given a financial aid of Rs. 10,000/- per family
29.	21.12.2020	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, the payment of a total of Rs. 2,30,55,000/- as compensation to affected families of Dighalturrung Tea Estate area was released where 1537 families were given a financial aid of Rs.15,000/-
30.	11.02.2021	As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon'ble Gauhati High Court in PIL 39/2020, a compensation of a total of Rs.27,75,000/- was released for 185 affected families in and around of Baghjan Well No. 5 not staying in relief camps at Rs.15,000/-
31.	19.02.2021	The Hon'ble NGT disposed of O.A No. 43/2020 and, made the following observations qua compensation to victims :

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***

		<p><i>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.</i></p> <p><i>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.</i></p>
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32.	22.02.2021	<p>As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon’ble Gauhati High Court in PIL 39/2020, a compensation of a total of Rs. 1,10,000 was released by OIL towards 11 affected families at Rs. 10,000/- in and around of Baghjan Well No. 5 not staying in relief camps</p>
33.	04.03.2021	<p>As verified in the report submitted by DC Tinsukhia vide order dated 09.03.2021 passed the Hon’ble Gauhati High Court in PIL 39/2020, a compensation of a total of</p>

		Rs. 30,50,000/- was released towards 61 families for agricultural land affected due to Baghjan Blowout.
34.	09.03.2021	<p>A Public Interest Litigation bearing No. 39/2020 namely '<i>Gautam Uzir v Union of India</i>' had been ongoing before the Hon'ble Gauhati High Court, vide its order dated 09.03.2021, directed the Ld. District Judge, Tinsukhia to conduct an enquiry into the matter of compensation paid to the persons and under which the category by OIL and submit its report within 3 months.</p> <p>It is further submitted that the report disclosed that a total of 1610 families were distributed with gratuity relief and an amount of Rs. 102, 53,45,000/- was disbursed to various groups/groups/ families of Baghjan and adjoining areas.</p> <p>The Inquiry Report further stated all the payments were made to the bank transfer directly and was released only after a thorough examination at a grass root level. The report added that compensation was released to every genuine person/family who suffered loss or damage in the said gas blowout.</p>
35.	April 2021	The judgment dated 19.02.2021 passed in O.A. No. 43 of 2020 by Hon'ble NGT was taken in appeal to the Hon'ble Supreme Court, which was registered as Civil Appeal No. 2201 of 2021, only with regard to the constitution of the third committee which was constituted by the Hon'ble Tribunal to assess the damage to the environment and restoration measures including measures for restoration of the Dibru Saikhowa National Park and the MMW. Finding merit to the argument, the

		Apex Court acceded and reconstituted the third committee constituted by the Ld. NGT vide its order dated 02.09.2021.
36.	01.07.2021	<p>Hon'ble Supreme Court of India order in Civil Appeal No. 2201 of 2021,</p> <ul style="list-style-type: none"> • Para. 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. • Para 9 – Till next date of listing, there shall be a stay of the operation of the impugned judgment in order of the NGT dated 19 February 2021 in Original Application No 43/2020/EZ.
37.	02.09.2021	Hon'ble Supreme Court order in Civil Appeal No. 2201 of 2021 –

		<ul style="list-style-type: none"> • Para 13 – The NGT was in error in allowing the presence of the Managing Director of OIL as a member of the Committee. The terms of reference to the Committee include assessment of the damage to and restoration of Dibru Saikhowa National Park and Maguri-Motapung Wetland. Besides the Committee is to take over all surviving issues from the earlier Committee. • Para 14 – We direct that the ten-member Committee constituted by the NGT shall be substituted by a Committee to be chaired by Justice B.P Katakey, former judge of the Gauhati High Court. Since Justice B.P Katakey has already conducted a substantial amount of work in assessing the damage due to the accident, pursuant to the entrustment of the task by the NGT, there is no reason why the Committee should not have the benefit of the work which has already been done and the experience of its Chairperson. • Para 15 – The Committee is requested to take up the work at its early convenience and to submit its report within three months.
38.	20.10.2021	<p>During the pendency of the proceedings, the Applicants, who represented the victims from Baghjan and Natun Rangagora village intervened in Civil Appeal No. 2201 of 2021 via I.A. Nos. 135265/2021 Monoj Hazarika & Ors and 135270/2021 Niranta Gohai & Ors.</p>

39.	20.10.2021	<p>Committee constituted by the Hon'ble Supreme Court submitted an Interim Report. The Five-member committee in its Interim Report pertaining to 'Other Surviving Issues' at Serial No. 42 stated as follows –</p> <p><i>“The Committee also had an interactive session with the District Civil Administration, Tinsukia, during which the Deputy Commissioner was also present. During such session, the Deputy Commissioner has in writing, identified the following issues (Copy of letter attached)”.</i></p> <p>The aforesaid letter of the D.C, Tinsukia dated 11th October 2021 (Internal Page 30 of the Interim Report submitted by Five-member Committee), stated as follows in regard to the issue of Compensation –</p> <p><i>“After the blowout incident and the subsequent fire at the Oil and Gas Rig (#BGN No. 5) at Baghjan, compensation has been paid to the victimized families of Baghjan, yet some affected villagers are dissatisfied with the compensation amount paid to them by Oil India Ltd., Duliajan and request a review of the compensation matter.”</i></p>
40.	21.10.2021	<p>Hon'ble Supreme Court order in Civil Appeal No. 2201 of 2021</p> <ul style="list-style-type: none"> • Para 1 – In pursuance of the order dated 2 September 2021, the Committee has submitted its report dated 20 October 2021.

41.	31.12.2021	<p>The Final Report was submitted by the Supreme Court appointed Five-member Committee, wherein, inter alia, the following observations were made :</p> <p><i>“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 DSBR 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).”</i></p>
42.	11.05.2022	<p>Hon’ble Supreme Court order in Civil Appeal No. 2201 of 2021 –</p> <ul style="list-style-type: none"> • Para 1 – The Committee constituted by this Court has submitted its report on 3 January 2022.
43.	01.08.2022	<p>The intervenors in the Civil Appeal No. 2201 of 2021 had also filed applications for Directions bearing nos. I.A. No. 106557/2022 and 106558/2022, wherein the</p>

		<p>intervenor prayed this Hon'ble Court to adjudicate upon the issue of final compensation to the victims of Baghjan Oil Well blowout and include the village representatives as equal stakeholders in the long-term solution for the ecological restoration and to adjudicate the issue of determining a comprehensive compensation for the residents of the affected villages.</p>
44.	01.09.2022	<p>Hon'ble Supreme Court of India order in Civil Appeal No. 2201 of 2021 –</p> <ul style="list-style-type: none"> • Para 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. • Para 2 – Any aggrieved villager would be at liberty to move appropriate proceedings in accordance with law.
45.	23.01.2023	<p>The Hon'ble Supreme Court, after hearing all the parties in Civil Appeal No. 22021 of 2021, upheld the order dated 19.02.2021 with the aforementioned modifications and further submitted that it considered it prudent to remit the proceedings back to the Hon'ble Tribunal to take up the proceedings based on the reports of the expert committee which was constituted by the Hon'ble Supreme Court. It is imperative to submit that the Apex Court categorically held that the other two committees, earlier constituted by the Hon'ble Tribunal</p>

		<p>under order dated 19.02.2021, have to proceed in terms of directions of the Ld. NGT.</p> <p>The Apex Court passed the following operative directions:</p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>12. We keep open all the rights and contentions of the parties.</i></p> <p><i>13. The order of the NGT dated 19 February 2021</i></p>
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		<p><i>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.</i></p> <p><i>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.</i></p> <p><i>15. The disbursement of the interim compensation should be effected expeditiously and within a period of two months from the date of this order.”</i></p>
46.	27.01.2023	Pursuant to the order of the Hon’ble Apex Court dated 23.01.2023, both the applicants submitted their respective representations before the D.C, Tinsukia district, Assam for disbursement of interim compensation to the affected villagers due to the BGN-5 Gas and Oil Well blowout and explosion.
47.	02.03.2023	Reminder to D.C Tinsukia from the applicants as well as from the victims of Baghjan village regarding the

		disbursement of interim compensation as directed by the Hon'ble Apex Court.
48.	10.03.2023	<p>Judgment was passed by the Hon'ble NGT, whereby the recommendations made by the Hon'ble Apex Court appointed Five-member Committee qua compensation were rejected ex-parte, and it was held that the issue of compensation stands concluded, without carrying out an objective review or exercise to assess the damage caused.</p> <p>The Hon'ble Tribunal held: <i>"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."</i></p>
49.	April 2023	Being aggrieved by the aforesaid order dated 10.03.2023 passed by the Hon'ble NGT, the applicants along with representatives of villages, namely, Baghjan, Natun Rongagora, Baghjan Bengali Basti and No. 1 Baghjan preferred a Civil Appeal before the Hon'ble Apex Court which is registered as Civil Appeal Diary No. 15374/2023. The said matter is still pending.

50.	15.05.2023	Hon'ble Supreme Court of India issued notice in Civil Appeal Diary No. 15374/2023 Monoj Hazarika & Ors v. Oil India Ltd. & Ors.
51.	14.07.2023	<p>Hon'ble Supreme Court order in Contempt Petition (C) Diary No. 19943/2023 in Civil Appeal No. 2201/2021 –</p> <p><i>“1. Permission to file the Contempt Petition is granted.</i></p> <p><i>3. On 23 January 2023, this Court directed 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.</i></p> <p><i>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.”</i></p>
52.	21.07.2023	<p>Hon'ble Supreme Court order in Civil Appeal Diary No. 15374/2023 –</p> <ul style="list-style-type: none"> • These matters were called on for hearing today. List on 01.08.2023

53.	08.08.2023	<p>Hon'ble NGT, Principal Bench order in M.A No. 17/2023(EZ) and M.A No. 19/2023(EZ) in O.A No. 43/2020(EZ) –</p> <p><i>“6. The applicant has submitted that the compensation as directed by this Tribunal has not been paid to some of the persons by the District Administration.</i></p> <p><i>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.</i></p> <p><i>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 in the office of District Administration. The applicant may approach to the authorities concerned for disbursement of the amount.</i></p> <p><i>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.</i></p>

		<i>10. However, in case of any grievance after that the applicant may file a separate application before the Eastern Zone Bench, Kolkata (having jurisdiction of the matter).”</i>
54.	14.08.2023	Representation submitted with D.C Tinsukia by the victims of Baghjan village, including applicant Monoj Hazarika, seeking interim compensation in pursuance to NGT Principal Bench order dated 08.08.2023 in M.A No. 17/2023(EZ) and M.A No. 19/2023(EZ) in O.A No. 43/2020(EZ).
55.	16.08.2023	Representation submitted with D.C Tinsukia by the victims of Natun Rongagora village, including applicant Niranta Gohain, seeking interim compensation in pursuance to NGT Principal Bench order dated 08.08.2023 in M.A No. 17/2023(EZ) and M.A No. 19/2023(EZ) in O.A No. 43/2020(EZ)
56.	27.09.2023	Hon’ble Supreme Court order in Civil Appeal Diary No. 15374/2023 – <ul style="list-style-type: none"> • List the matter on 13.10.2023, immediately after fresh cases
57.	10.11.2023	Hon’ble Supreme Court order in Civil Appeal Diary No. 15374/2023 – <ul style="list-style-type: none"> • At request, list in the second week of January, 2024

58.	30.11.2023	Notice issued in M.A No. 31/2023/EZ and M.A No. 33/2023/EZ in O.A No. 43/2020(EZ) before the Hon'ble NGT, Eastern Zone Bench, Kolkata.
59.	18.03.2024	Civil Appeal Diary No. 15374/2023 is tentatively listed before the Hon'ble Supreme Court.

Place: Guwahati

Date: 12.03.2024

Submitted by:

Vikram Rajkhowa

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