

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

M.A. 31/2023

IN O.A. 43/2020 (EZ)

IN THE MATTER OF:

O.A. 43/2020 (EZ)

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

-AND-

IN THE MATTER OF:

M.A. 31/2023 (IN THE INSTANT M.A.)

MANOJ HAZARIKA ... APPLICANT
VERSUS
BONANI KAKKAR & OTHS. ... RESPONDENTS

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FILED THROUGH

For Trust Legal, Advocate & Consultants

Petal Chandhok, Advocates for the Respondent No. 2

Trust Legal House

D-415, Defence Colony

New Delhi-110024

Place: New Delhi

Date: 05.02.2024

Tel: (+91 11)4052 5619, 4500

2389; 9654025754

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

M.A. 31/2023
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BONANI KAKKAR & OTHS.

... RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, OIL
INDIA LIMITED**

I, Dr. Kumudani Sharma, Dy. General Manager (Legal), the Authorized Representative of the Respondent No. 2 Company in the instant Miscellaneous Application having its Corporate Office at Plot No.19, Sector 16A, Film City, Noida 201301, Uttar Pradesh, and duly authorized vide a General Power of Attorney dated 02.01.2024, do hereby solemnly affirm and submit.

[Handwritten Signature]



1. That in my official capacity, I am well acquainted with the facts and circumstances of the present case on the basis of the records thereof maintained by Respondent No. 2 Company (hence referred to as the '**Answering Respondent**') and I am as such competent to swear this Affidavit.

A copy of the General Power of Attorney dated 02.01.2024 is annexed herein as **Annexure-A1**.

2. I submit that the Answering Respondent is filing the present Affidavit before this Hon'ble Tribunal in view of the Order dated 10.01.2024 to place on record the compliance done by the Answering Respondent with regard to the compensation offered to the affected parties.

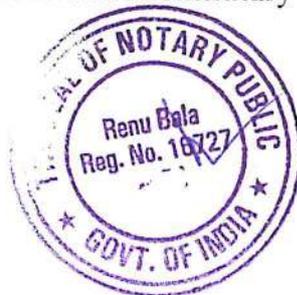
A copy of the order dated 10.01.2024 of this Hon'ble Tribunal is annexed herein as **Annexure-A2**.

3. I, on behalf of the Answering Respondent, humbly seek leave to further file a detailed affidavit and reply to the instant petition in the matter at later stage, as deemed appropriate and directed by this Hon'ble Tribunal. I hereby submit that this instant affidavit is not in response to the Application and only to bring on record the information as directed by this Hon'ble Tribunal vide its order dated 10.01.2024. I further humbly submit that the non-dealing of the instant Application para-wise may not be considered as an admission to any contentions, grounds or allegations raised against the Answering Respondent.



4. I submit that on 13.06.2020, an Original Application bearing O.A. No.43/2020/EZ was filed before this Hon'ble Tribunal ("NGT"), Principal Bench alleging failure of the Answering Respondent along with Ministry of Petroleum and Natural Gas ("MoPNG"), and Ministry of Environment, Forest and Climate Change ("MoEF&CC") in preventing and/or managing the blowout that took place on 27.05.2020 and the resultant fire on 09.06.2020 in the Baghjan Well No.5, both of which had allegedly caused irreparable damage to the entire biodiversity of the Dibru Saikhowa National Park and Biosphere Reserve and the Maguri Motapung Wetland and prayed before the Hon'ble Tribunal to constitute an independent Committee of Experts, to visit the incident site and submit a report to the Hon'ble Tribunal on various aspects of the disaster such as the sequence of events, causes of failure etc.

5. I submit that the Hon'ble Tribunal vide its order dated 24.06.2020 constituted an eight-member committee under the Chairmanship of Hon'ble Mr. Justice B.P. Katakey, former Judge of the Guwahati High Court ("NGT Committee") to visit the incident site and the area-in-question and examine various aspects relating to the extent of loss and damage allegedly caused to the human life, wildlife and environment and the relating incidental aspects, thereto and submit its Preliminary Report, thereafter.



A copy of the order dated 24.06.2020 is annexed herein as **Annexure-A3**.

6. I submit that a Preliminary Report dated 24.07.2020 was filed by the NGT Committee constituted by the Hon'ble Tribunal vide its order dated 24.06.2020, whereby the NGT Committee made various observations relating to the cause of accident, fixation of responsibility, immediate preventive measures to avoid similar blowout and explosions and also suggested interim measures including the compensation to the affected families and individuals.

7. I submit that the NGT Committee proposed the formulation of three (03) categories of affected families to assess the question of interim compensation and suggested the following scale wherein;

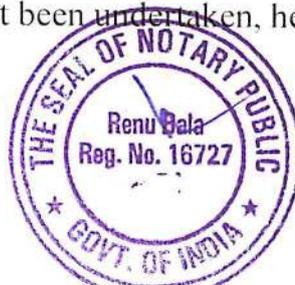
- (i) under category whose houses were completely gutted by fire were to be compensated with INR 25 Lakhs (Rupees Twenty-Five Lakhs only),
- (ii) for category whose houses were severely damaged were to be compensated with INR 10 Lakhs (Rupees Ten Lakhs Only) and;
- (iii) for category whose houses have 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).



Further, the NGT Committee proposed the setting up of a multidisciplinary team comprising community members along with experts who will report to the NGT Committee and be responsible for formulating a restoration plan for the Maguri Motapung Wetlands and also ascertaining the extent of damages and fixing the compensation for the purpose.

8. I submit that 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 Answering Respondent, more than Rs. 151 crores were required towards operational cost for controlling the blowout. By a subsequent letter dated 02.12.2020, the Answering Respondent 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).

9. Further, the Answering Respondent has already paid compensation amounting to Rs. 20 Lakhs (Rupees Twenty Lakhs Only) to each of the 11 families who had been identified by the concerned Submit Authorities under the aforementioned concerned Submit Authorities under the aforementioned category (i). But as far as category (ii) and (iii) were concerned, the identification process had not been undertaken, hence, there was a



possibility of ineligible persons making unwarranted claims, which was to be monitored during such a sensitive situation in the hands of the Answering Respondent.

10. I submit that the Answering Respondent had therefore, proposed to District Magistrate, Tinsukia District, Assam (herein made a party to the present miscellaneous application as '**Respondent No. 6**') 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 submitted in the report dated 10.12.2020 of the Committee appointed by this Tribunal. A sum of Rs. 90.796 crore stands deposited by the Answering Respondent with Respondent No. 6. Therefore, it is submitted that Respondent No. 6 needs to be held accountable for the disbursement of the said deposit made by the Answering Respondent.

11. Additionally, I submit that in the Affidavit dated 27.07.2020 filed by the Answering Respondent, more than 9,000 persons were displaced and sheltered in 12 relief camps, (with 750 persons in each), 10 camps immediately after the 27.05.2020 incident and 02 camps added after 09.06.2020 incident. As per the Affidavit dated 27.07.2020, 07 camps continued to have around 5,758 occupants.



12. I submit that the Original Application bearing O.A. No.43/2020/EZ, was decided by the Hon'ble Tribunal vide order dated 19.02.2021, which 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.

A copy of the order dated 19.02.2021 is annexed herein as **Annexure-A4**.

13. Accordingly, the Hon'ble Tribunal vide its Order dated 19.02.2021, *inter alia* held that the issue of compensation to the victims on account damage resulting from the incident of the oil blowout on 27.05.2020 from the oil well belonging to the answering Respondent stands sorted out substantially in view of the amounts disbursed by the answering Respondent to the Respondent No. 6. The relevant part of the order dated 19.02.2021 is extracted herein below for the sake of convenience of this Hon'ble Tribunal:

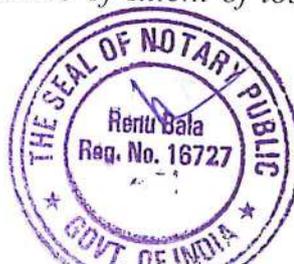


"[...] The issue of compensation stands sorted out substantially. The remaining aspects of remedying the causes leading to the incident and statutory compliance will require further consideration by the statutory and departmental authorities in the first instance for which we propose to appoint joint Committees. Our observations and directions on different aspects follow."

Further, the Hon'ble Tribunal *inter alia* held,

"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,

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.”

14. I submit that a Public Interest Litigation bearing no. 39/2020 namely ‘*Gautam Uzir vs Union of India*’ is also pending before the Hon’ble High Court of Gauhati, where the Hon’ble High Court of Gauhati vide its order dated 09.03.2021, directed the Ld. District Judge, Tinsukia, to conduct an enquiry into the matter of compensation paid to the persons and under which category by the answering Respondent and submit its report within three months. A copy of the order dated 09.03.2021 of the Hon’ble High Court of Gauhati is annexed herein as **Annexure A-5**.

15. It is of further relevance that the Ld. District Judge submitted an exhaustive report with supporting documents to conclude on the aspect of compensation paid by the answering Respondent through the District Administration, Tinsukia to the genuine persons, with the opening and concluding paragraphs as extracted below respectively:

“The Oil India Ltd., immediately, submitted documents relating to payment of compensation to effected people/ families through the Office of Deputy Commissioner, Tinsukia vide letter dated 26.03.2021. According to Oil India Ltd authority, an amount of Rs. 102,590,5000/- was released to the Deputy Commissioner, Tinsukia till 26.03.2021 in pursuant to NGT order/ DC’s order



(Statement-1). It appears from the documents of Oil India Ltd., that on 8.6.2020, it received the letter No. TRF.3/2017-19/Pt-1/289, Dated 2.6.2020 from the Deputy Commissioner, Tinsukia that on the basis of memorandum submitted by Baghjan gaon Milonjyoti YubaSangha, it was informed that total number of families residing in the relief camp, based on records available with its office for distribution of gratuity relief is 1610 families and the breakup was as follows:

- i. Baghjan Digal Tarang Kaliapani – 509 – camped at Baghjan ME school;
- ii. Baghjan Karua Basti Area – 112 – camped at Dighaltarng TE ME school
- iii. Kochuwani of Baghjan village & part of Korua – 170 – camped at St. Joseph High school
- iv. Ward No. 2 & 3 of Baghjan village and half part of Nagbanshi and Karua Basti, Bejoli Basti area - 819 – camped at No. 1 Baghjan gaon LP school (Kalithan)

Grand Total -

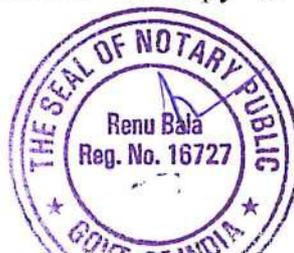
1610 families”

“Thus, above examination of documents and statements submitted by District Administration, Tinsukia discloses that out of total amount of Rs. 102,59,05,000/-, so received from Oil India Ltd., for payment of compensation to affected people of Baghjan blowout/fire, a sum of Rs.102,53,45,000/- was disbursed to various persons/ groups/ families of Baghjan and adjoining areas which comes to total 13,513 families affected by blowout of gas and fire

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took place at Baghjan-5 oil well of Oil India Ltd. It appears that an amount of Rs 5,60,000/- is left with the District Administration, Tinsukia which is yet to be released to any needy person in the future. It also, appears from the records that some compensation was paid to affected families/ persons at the pressure of local public agitation as well as, due to political interference, followed by NGT intervened and re-determined the amount of compensation under different categories of affected people. Some payment was released directly by Oil India authority to the beneficiaries as appears from the records for which there is a difference in the figure of beneficiaries between two sides. All the payments were made through Bank transfer directly to the affected person. No cash transaction appears to have taken place in the whole episode of fund disbursement. As to know ground reality, the two independent witness did not raise objection to the system adopted by the authorities in respect of release of fund to the affected people of Baghjan area. In fact, the compensation to affected people was released only due process of assessment, identification, and determination of loss at grass-root level by a team, consisting of various departments of government with other concerned officials and local representatives of villages and Oil India officials. Hence, it can safely be held that compensation was released to every genuine person/ family of locality of Baghjan blowout with fire who suffered loss or damage in the said gas blowout and fire incident at Baghjan oil well. Accordingly, the enquiry is hereby concluded." A copy of the Inquiry Report



submitted by the District & Sessions Judge, Tinsukia before the High Court of Gauhati is annexed herein as **Annexure A-6**.

16. In view of the above, and as provided in the Inquiry Report submitted by the District & Sessions Judge, Tinsukia before the High Court of Gauhati, relevant details of the amounts disbursed by the answering Respondent to the District Administration is duly recorded Under Statement-1 of the Inquiry Report @ page 86 thereof.

17. I submit that the order dated 19.02.2021 passed by the Hon'ble Tribunal was thereafter challenged in the Hon'ble Supreme Court, via a Civil Appeal No. 2201/2021 in the matter of *Bonani Kakkar vs Oil India Ltd. & Ors.*, 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.

A copy of the order dated 02.09.2021 is annexed herein as **Annexure-A7**.

18. I submit that the Apex Court, in deciding the civil appeal vide final order dated 23.01.2023, upheld the order dated





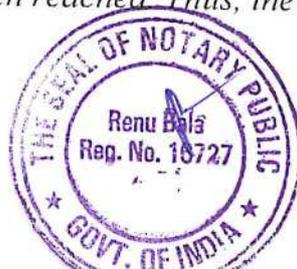
19.02.2021 with the aforementioned modifications and further submitted that it considered it prudent to remit the proceedings back to the Hon'ble Tribunal to take up the proceedings based on the reports of the expert committee which was constituted by the Hon'ble Supreme Court. It is imperative to submit that the Apex Court categorically held that the other two committees, earlier constituted by the Hon'ble Tribunal under order dated 19.02.2021, have to proceed in terms of directions of the Ld. NGT.

A copy of the order dated 23.01.2023 is annexed herein as **Annexure-A8**.

19. I submit that vide Order dated 10.03.2023, the Hon'ble Tribunal *inter alia* reaffirmed that the issue of compensation has been resolved. The relevant part of the order dated 10.03.2023 is extracted herein below for the sake of convenience of this Hon'ble Tribunal:

"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

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as concluded except for consideration of any particular specific claim at any appropriate forum.

A copy of the order dated 10.03.2023 is annexed herein as **Annexure- A9**.

20. I affirm that this present affidavit has been placed on record to bring on record before this Hon'ble Tribunal the compliance of the Answering Respondent with orders of the Hon'ble Supreme Court and Ld. NGT. As of the filing of this present Affidavit, the Answering Respondent has deposited a total of Rs. 151 Crore with Respondent No. 6 for the disbursement among the families affected.

21. In view of the aforementioned facts and submissions, it is mostly humbly prayed that this Hon'ble Court may be pleased to take this instant short affidavit on record.

22. I submit that the contents of this Affidavit are true and correct to my knowledge and based on the records maintained and made available by the Answering Respondent, which may be read as a part and parcel of the present affidavit.

23. I submit that all the documents being filed with the accompanying affidavit are true copies of their respective originals and annexures are attached herewith.





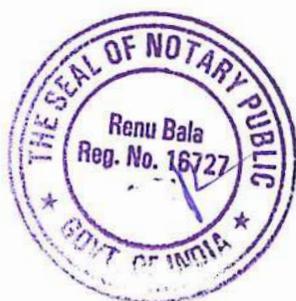
[Signature]
 Dr. Kumudani Sharma
 Head (Legal)
 Oil India Limited
 Authorised Signatory

VERIFICATION:

I, the above-mentioned Deponent, do hereby verify that the averments submitted herein above in paragraphs 1 to 23 are true to my knowledge and belief, and they are on the basis of the documents maintained by the Deponent and no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 5th day of February, 2024.

[Signature]
 DEPONENT
 Dr. Kumudani Sharma
 Head (Legal)
 Oil India Limited
 Authorised Signatory



ATTESTED

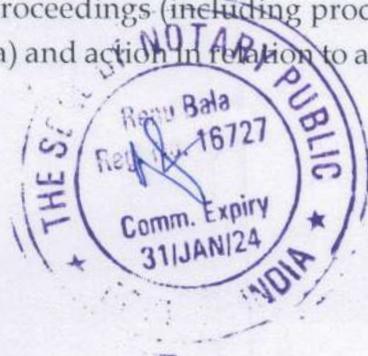
[Signature]
 Notary Public
 Govt. of India

1-6 FEB 2024

POWER OF ATTORNEY

I **Dr. Ranjit Rath**, Chairman & Managing Director of Oil India Limited (hereinafter referred to as the "Company", a Government of India Enterprise having its Registered Office at P.O. Duliajan, District Dibrugarh- 786602, Assam and Corporate Office at Plot No. 19, Sector-16A, Noida -201301) in terms of the resolution passed by its Board of Directors on 5th December, 2008 (authorizing the Chairman & Managing Director of the company to issue power of attorney in favour of Senior Executives of the company) do hereby appoint, nominate, constitute **Dr Kumudani Sharma** (Daughter of Shri R . K. Sharma), (Deputy General Manager), to be the true and lawful attorney of the company for the purposes hereinafter mentioned in the Republic of India to do and perform all or any of the following matters and things, that is to say: -

1. To present for registration and appear before any Registrar, Sub-Registrar of District Registrar of Assurance in Assam or elsewhere in the Republic of India for the purpose of registering all deeds including sale deed, documents and writings entered into by us or by our Attorney in our name or on our behalf, and required to be registered in accordance with the law and to do such further acts or things as may be required for effectual registration all such deeds including sale deed, documents and writings, and to appoint any other person or persons to act as our attorneys or attorney for all such acts of Registration and appearance before any Registrar and to remove and / or substitute any such person or persons as our attorneys or attorney as deemed fit by him.
2. To appear before any officer or officers, Tribunal or Tribunals, Authority or Authorities, or any Courts including High Courts and Supreme Court in that behalf and to prefer appeals, reviews or revisions in any Court or Courts as aforesaid in all matters take such steps and do such acts as the Attorney shall consider necessary, expedient, or advantageous in that behalf.
3. To demand, commence, prosecute, or enforce and to defend, answer or oppose any suits or legal proceedings (whether Civil, Criminal or Revenue) in any Court or Tribunal wherever or before any Government touching any matters on which the Company may hereafter be interested or concerned.
4. To institute proceedings (including proceedings under Articles 226 and 227 of the Constitution of India) and action in relation to any matter of Revenue Tax or of like nature



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either before any Income-tax, Sales-tax or Wealth-tax officer or any other officer or officers or in any Court of Courts including Supreme Court or Tribunal wherever, or before any Government, touching any matters on which the Company may be interested or concerned.

5. To submit to arbitration any accounts, debts, claims and demands, disputes and matters touching any other matter which are now subsisting or may hereafter arise between the company and any party.
6. To make, sign, execute, present and file in Courts or arbitrations, all plaints statements written statements, counter statements, applications, petitions (including petitions under articles 226 and 227 of the Constitution of India), affidavits, Warrants of Attorney, Vakalatnama, Memorandum of Appeal and other Court papers and to verify the statements in such petitions, affidavits and other papers including affidavits in-reply and to continue such proceedings by way of appeal or revision or otherwise from any order made on such application.
7. To appoint and retain barristers, solicitors, pleaders, advocate, other legal agents, and such retainers or other from time to time or to revoke any such appointment.
8. To pay and allow all fees, costs, and expenses necessary to be paid or allowed in the premises.

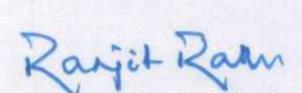
AND GENERALLY, to do all such acts, deeds, matters and things as may be required or necessary in connection with the purpose aforesaid as occasion shall require.

We hereby undertake to ratify and confirm all and whatsoever our attorney or substitute whom he may appoint shall lawfully do or cause to be done under or by virtue of these presents including in such ratification and confirmation all and whatsoever shall be done by the said attorney and the fact of such revocation becoming known to our attorney or his substitutes or substitute.

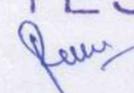
The power of attorney, executed on the second day of January, Two Thousand and Twenty-Four, shall take immediate effect and remain in force until revoked.






 (Dr. Ranjit Rath)
 Chairman & Managing Director)


 THE SEAL OF NOTARY PUBLIC
 Renu Bala
 Reg. No. 18727
 Comm. Expiry
 31/JAN/24
 GOVT OF INDIA

ATTESTED

 Notary Public
 Govt. of India
 03 JAN 2024



ऑयल इंडिया लिमिटेड

(भारत सरकार का स्वामित्व) पंजीकृत कार्यालय : दुर्गाचरण, असम

Oil India Limited

(A Government of India Enterprise) Registered Office: Durlagan, Assam

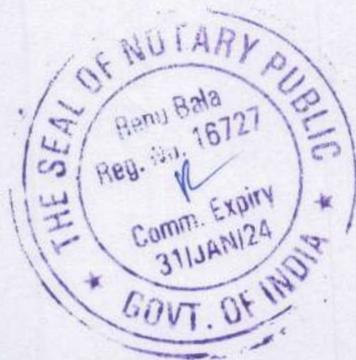
प्लॉट नं. 19, सेक्टर 16-ए,
नोएडा-201301 उत्तर प्रदेश
Plot No. : 19, Sector 16-A,
Noida-201301, Uttar Pradesh
दूरभाष Phone : 0120-2488333-347
फैक्स / Fax : 0120-2488310

CERTIFIED TRUE COPY OF THE RESOLUTION APPROVED BY BOARD OF DIRECTORS OF OIL INDIA LIMITED ON 5th DECEMBER, 2008

RESOLVED THAT the Chairman & Managing Director of the company be and is hereby authorized to issue power of attorney in favour of any of the executive of the company authorizing him to represent the company before various statutory authorities and sign and execute various documents, deeds, undertakings etc. on behalf of the company as and when deemed fit.

- CERTIFIED TRUE COPY-

FOR OIL INDIA LTD.
S.R. Khosla
Company Secretary



Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

M.A. No.31/2023/EZ & M.A. No.33/2023/EZ
In
Original Application No.43/2020/EZ

Bonani Kakkar Applicant(s)
Oil India Ltd. & Ors. Respondent(s)
Versus

Date of hearing: 10.01.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Vikram Rajkhowa, Advocate a/w Mr. Devansh Mohta, Advocate in M.A. No.31/2023/EZ
Ms. Shahrukh Alam, Adv. in M.A. No.33/2023/EZ

For Respondent(s): Mr. Sridhar Potaraju, Adv. for R-2, (in Virtual Mode)
Mr. Ashok Prasad, Advocate for R-3,
Ms. Amrita Pandey, Adv. for R-4, (in Virtual Mode)
Ms. Malabika Roy Dey, Adv. for R-5 & 6,

ORDER

1. Mr. Vikram Rajkhowa, learned Counsel along with Mr. Devansh Mohta, learned Counsel are present (in Virtual Mode) for the Applicant in M.A. No.31/2023/EZ and Ms. Shahrukh Alam, learned Counsel is present (in Virtual Mode) for the Applicant in M.A. No.33/2023/EZ.
2. Mr. Sridhar Potaraju, learned Counsel appearing (in Virtual Mode) for Respondent No.2, Oil India Limited, states that the amount of compensation has been deposited with the District Administration, Government of Assam. Let an affidavit to that effect be filed explaining what amount has been deposited and on what date within two weeks.

3. Ms. Malabik Roy Dey, learned Counsel appearing for Respondent Nos.5&6, State Respondents, Government of Assam, states that she has no instructions from the State Government in this regard.
4. We direct Ms. Dey to file an affidavit of Respondent No.6, Deputy Commissioner, Tinsukia, stating what amount has been received, what he has done with that amount and how that amount has been disbursed within three weeks.
5. The Respondent No.6, Deputy Commissioner, Tinsukia, shall also file a detailed counter-affidavit to the M.A. No.31/2023/EZ and M.A. No.33/2023/EZ within three weeks.
6. **List on 13.02.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 10, 2024,
M.A. No.31/2023/EZ & M.A. No.33/2023/EZ
In
Original Application No.43/2020/EZ
AK

Annexure A-3

Items No. 01 & 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 43/2020/EZ

And

Original Application No. 44/2020/EZ

Bonani Kakkar

Applicant(s)

Versus

Oil India Limited & Ors.

Respondent(s)

And

Wild Life and Environment
Conservation Organisation

Applicant(s)

Versus

Union of India Board & Ors.

Respondent(s)

Date of hearing: 24.06.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Siddhartha Mitra, Senior Advocate
along with Ms. Shruti Agarwal, Advocate
in Item No. 1.
Mr. Priyadarshi Chaitanyashil, Ms. Ranu
Purohit, and Mr. Sant Rakshit Manu,
Advocates in Item No. 2.

ORDER

1. Case taken up by video conference on *Vidyo App*.

2. These cases are taken up together as identical questions have been raised. The Applicant in O.A. No. 43/2020/EZ, an environmentalist, who has preferred the application alleging failure of the Respondent Authorities in preventing the blowout of Baghjan 5 oil well of the Respondent No. 1, M/s. Oil India Ltd. (OIL in short), resulting in a massive fire causing irreparable loss to the entire biodiversity of the region and loss of lives and property.

3. It is stated that on 27.05.2020 at around 10:30 AM the producing well of Baghjan 5 under the Baghjan Oilfield of OIL in Tinsukia District, Assam, released natural gas in an uncontrolled manner. Baghjan is one of the 23 oil wells set up by OIL to tap the large gas reserves in the Brahmaputra basin located near the Eco Sensitive Zone (ESZ) of the Dibru-Saikhowa National Park. The released gas is stated to be a mix of propane, methane, propylene and other gases that flow with the wind the condensate of which mostly falls on the 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. It harbours the 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.

4. The Dibru Saikhowa National Park and Biosphere Reserve is stated to lie at a point where rivers Siang, Dibang and Lohit meet to form the river Brahmaputra and is a mosaic of wetlands, swamps, grasslands and forests and hosts several critically endangered bird species and endangered Gangetic Dolphin. Gangetic river dolphins, India's national aquatic animal, have reportedly died due to the gas blow-out and many other endangered species of flora and fauna destroyed.

5. It is further stated that oil has 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.

6. It is stated that enormous volume of inflammable natural gas was being released from the Baghjan-5 well since 27.05.2020 which caught fire on 09.06.2020 claiming lives of two fire-fighters. The blow-out 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.

7. The Applicant further contends that due to negligence and lapses on the part of the Respondent No. 1, OIL, the community as well as the biodiversity of the entire Dibru-

Saikhowa Biosphere Reserve is under threat of irreparable damage.

8. The Applicant in O.A. No. 44/2020/EZ, a NGO dedicated to community awareness in the Upper Assam region has raised the same questions as the one raised in the O.A. No. 43/2020/EZ. It is stated that due to the fire that broke-out in the oil well of OIL, apart from causing enormous destruction and damage to the ecology, there has also been loss of property and human life and wildlife. The fire is stated to be still raging causing severe threat to the local population and the flora and fauna of the ecologically fragile region. Almost 1785 people of Baghjan village under Hapjan Block, Tinsukia District, Assam are stated to be witnesses to the incident that resulted in evacuation of 800 families from the site of the well and nearby region on 30.05.2020. Due to the negligence and lack of concrete effort on the part of the Respondent No. 1 to control the spread of the oil and gas leak, enormous fire broke-out in the area on 09.06.2020 which continuous to rage causing displacement of more than 1600 families. The applicant strongly invokes the precautionary principle and the Polluters Pay Principle under Section 20 of the NG Act, 2010 as well as the "Public Trust" doctrine.

9. During the course of his argument, the Ld. Senior Counsel for the applicant in O.A. No. 43/2020/EZ has referred to a newspaper report published in www.hindustantimes.com on 11/06/2020 titled “Put new gas wells on hold until OIL has a disaster plan: Wildlife Institute”, according to which the toxic fumes and oil coating have universally affected the area’s flora and fauna. The contaminants and oil are continuing to be released in the surrounding areas requiring immediate steps to contain the spill over. The released toxins are known to have long-term persistence in soils and sediments, due to percolation which will not only affect the current life conditions but, due to sustained release, pose a serious health risk for a longer-term. It was contended that the place of incident is merely 500 metres away from Motapung beel and Dibru-Saikhowa National Park.

10. Further, the OIL did not have a mitigation plan for such disaster although the Standing Committee of the National Board for Wildlife had recommended that the OIL provide a legal undertaking about their environmental safeguards and to specify the nature and extent of their liability in case of accidents involving oil spillage/gas leakage into the Maguri-

Motapung wetland. A comprehensive impact assessment was also suggested in respect of the OIL field operations in the biodiversity-rich Dibru-Saikhowa National Park and that further explorations in the area should be initiated only after a thorough investigation of potential impact and after evaluating disaster handling capabilities in place with appropriate technology and trained manpower.

11. It appears that a comprehensive study had been undertaken by the Wild Life Institute of India (WII) post the blow out as per newspaper, report published in www.hindustantimes.com on June 11, 2020, referred to earlier a copy of which filed along with OA 43/2020. The report of the WII indubitably holds the OIL culpable for the incident.

12. We have heard the learned Counsel for the Applicants and we are satisfied that the cases involve substantial questions relating to environment that calls for consideration by the Tribunal under Sections 14 and 15 of the National Green Tribunal (NGT) Act, 2010.

13. Issue notice returnable in 30 days.

14. Applicants to furnish requisite within 03 days without fail.
15. Keeping in view the entire facts and circumstances set out in the applications and upon consideration of the documents filed therewith as well as the oral submission of the learned Counsel for the Applicants, we are of the view that in order to proceed further in the matter effectively, it would be expedient, in the meantime, to constitute a Committee of Experts to look into the matter on the initial terms of reference which shall be set out below. The Committee shall comprise of the following:-

- 1 Hon'ble Mr. Justice B.P. Katakey, former Judge of the Gauhati High Court. : Chairman
- 2 Member Secretary, Central Pollution Control Board (Online, if travel is restricted due to Covid-19) : Member
- 3 A senior expert from Council of Scientific and Industrial Research (CSIR) (Online, if travel is restricted due to Covid-19) : Member
- 4 Dr. Sarbeswar Kalita, Professor and Head of the Department of Environment Science, Guwahati University : Member
- 5 Shri. Abhay Kumar Johari, IFS (retired), Former Member Biodiversity Board : Member

- 6 Shri Ajit Hazarika, Ex-Chairman, ONGCL : Member
- 7 Member Secretary/Senior Scientist, Assam State Pollution Control Board
- 8 District Magistrate, Tinsukia District, Assam : Member

The Committee shall be at liberty to co-opt as member or seek opinion from any other expert/ experts or institution/institutions including Wildlife Institute of India (WII), Dehradun, if felt necessary.

The Member Secretary, CPCB shall be the nodal agency for coordination.

The State PCB and the District Magistrate, Tinsukia District, Assam shall provide all logistic support including personal protection equipment (PPE) in relation to the Covid-19 pandemic and security to the members of the Committee.

16. The initial expenditure for the functioning of the Committee shall be borne by the State of Assam which may be reimbursed after the liability for the damage is assessed.
17. The Committee shall visit and inspect the site and the area in question and examine on the following aspects:-

- i. Cause of gas and oil leak;
- ii. Extent of loss and damage caused to human life, wildlife, environment;
- iii. Damage and health hazard caused to the public;
- iv. Whether any contamination has been caused to water, air and soil of the area of the oil well and its vicinity;
- v. Extent of contamination of water of the Dibru river due to the oil spill;
- vi. For the purpose of (iv) and (v) above, it may be necessary to get the air quality monitored and, samples of soil and ground water of the area as well as the water of river Dibru downstream of the oil spill tested;
- vii. Impact on the eco sensitive zone of the Dibru-Saikhowa National Park and Maguri-Motapung Wetland;
- viii. Impact on agriculture, Fishery and domestic animals in the area;
- ix. Whether there were any mitigation measure put in place by OIL to offset the incidents such as the one in question;

- x. Persons responsible for the fire incidents and the cause of failure to prevent the incident;
 - xi. Assessment of compensation for the victims and cost of restitution of the damage caused to property and the environment;
 - xii. Preventive and remedial measures;
 - xiii. Any other incidental or allied issues.
18. While dealing with the above questions, the Committee may also dwell on the action taken thus far either by the Government or by the OIL or by any other agency and the expenditure incurred towards mitigation. Opportunity may also be provided to the Respondent OIL to give its views and submissions.
19. The Committee shall submit its preliminary report to the Registry by e-mail at judicial-ngt@gov.in as expeditiously as possible not later than 30 days from hence.
20. In view of the prevalent situation caused by the pandemic, the Applicant may also furnish copies of the applications and its annexures along with a copy of this order to each of the Members of the Committee forthwith by e-mail.

21. In view of the *prima facie* case made out against OIL on the extent of damage caused to the environment and biodiversity, damage to both human and wildlife, public health and, having regard to the financial worth of the Company and the extent of damage, we direct the OIL to deposit an initial amount of ₹25 Crores with the District Magistrate, Tinsukia District, Assam and shall abide by further orders of the Tribunal.

22. Let copies of this order be sent to Hon'ble Mr. Justice B.P. Katakey, former Judge of the Gauhati High Court and other Members of the Committee facilitate early and convenient transaction of the matter. A copy of this order be also transmitted forthwith to the Chief Secretary, Government of Assam, who shall ensure compliance of the directions by all concerned Departments and Government agencies in the State.

23. List for further consideration on 29.07.2020.

S.P. Wangdi, JM

Siddhanta Das, EM

24th June, 2020
O.A. No. 43/2020/EZ & O.A. 44/2020/EZ
avt

Annexure A-4

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 & 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 accidents¹, mostly on account of deficiency in following safety

1

- 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 :**

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 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 Durllov 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. xxxxxx.....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 6,000M³ 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 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

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

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) (i) *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 27th 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 (27th May, 2020-30th 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 26th 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 28th 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 18th 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 30th 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 8th 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*, *Macrognaathus 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>Cladophora 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 28th 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 aurally (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 2nd 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 27th October. The said gibbon was sick, did not take 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 11th 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 (11th to 13th 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 25th 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 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.

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) Assessment 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

GAHC010092502020

Annexure A-5



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/39/2020

GAUTAM UZIR
S/O- LT. P.C.UZIR, R/O- UZANBAZAR, P.O. UZANBAZAR, DIST.- KAMRUP
(M), ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY., MINISTRY OF PETROLEUM AND NATURAL GAS,
SHASTRI BHAVAN, GOVT. OF INDIA, NEW DELHI

2:THE SECRETARY
MINISTRY OF PETROLEUM AND NATURAL GAS
SHASTRI BHAVAN
GOVT. OF INDIA
NEW DELHI

3:THE STATE OF ASSAM
REP. BY THE CHIEF SECY.
ASSAM SACHIVALAYA
DISPUR
GHY-06
ASSAM

4:THE DY. COMMISSIONER
TINSUKIA
OFFICE OF THE DY. COMMISSIONER
P.O. BORGURI
PIN- 786126
DIST.- TINSUKIA

5:THE OIL INDIA LTD.
A PUBLIC SECTOR UNDERTAKING

HAVING ITS REGD. OFFICE AT DULIAJAN
P.O. AND P.S. DULIAJAN
DIST.- DIBRUGARH
PIN- 786602
REP. BY ITS CHAIRMAN-CUM-MANAGING DIRECTOR

6:THE MANAGING DIRECTOR
M/S JOHN ENERGY LTD.
PLOT NO.220
GIDC
ESTATE
MEHSANTA 384002
GUJARA

Advocate for the Petitioner : MR G UZIR

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 09.03.2021

(Sudhanshu Dhulia, CJ)

Heard Mr. G. Uzir, the petitioner-in-person and Mr. T. C. Chutia, learned Senior Additional Government Advocate, representing respondent nos. 3 and 4 as well as Mr. S. N. Sarma, learned senior Standing counsel, Oil India Limited, representing respondent nos. 5 and 6.

On 27.05.2020 a fire broke out at Baghjan oil well of M/s Oil India Limited, which is in the district of Tinsukia. There was loss of life and property in the said incident and several claims were made thereafter, inter alia, for compensation. This Public Interest Litigation has been filed before this court raising a concern that compensation has not reached the rightful persons.

An affidavit was filed by the Oil India Limited on 21.01.2021 according to which an amount of Rs. 102,14,70,000.00 (Rupees One Hundred and Two Crore Fourteen Lakhs and Seventy Thousand) has been given as compensation.

Today Mr. T. C. Chutia, learned Senior Additional Government Advocate, Assam, has placed before this court an Expenditure Statement (as on 22.02.2021) of the amount received by the State Government from the Oil India Limited for giving compensation. This amount has to be distributed to the concerned persons through the Deputy Commissioner, Tinsukia. The affidavit is a generalised affidavit and the Expenditure Statement also does not give details as to which category of persons were given how much amount, or whether those are the genuine persons who have received the amount of compensation. This needs an enquiry.

We, therefore, direct the learned District Judge, Tinsukia, to conduct an enquiry into this matter. The entire records before this court shall be catalogued and a copy of the same will be sent to the learned District Judge, Tinsukia, who shall thereafter conduct an enquiry after giving notice to all the relevant parties. Let the enquiry report be filed before this court within a period of three months.

List on **15.06.2021**.

Registry is hereby directed to send copy of the entire records to the learned District Judge, Tinsukia, within a period of three days. It is also made clear that the Deputy Commissioner, Tinsukia, as well as the Oil India Limited shall cooperate with the enquiry and shall furnish the entire records relating to receipt and disbursement of compensation to the learned District Judge, Tinsukia.

JUDGE

CHIEF JUSTICE

Comparing Assistant

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INQUIRY REPORT

1. The inquiry is initiated as per direction of Hon'ble Gauhati High Court, passed in PIL-39/2020 filed by the petitioner Gautam Uzir against the Union of India and others on 9.3.2021. In the said direction, it was ordered to the undersigned to enquire in order to ensure whether the persons, received compensation, disbursed through the Deputy Commissioner, Tinsukia in connection with Baghjan blowout of oil well of M/S. Oil India Ltd., on 27.5.2020, are genuine persons who have received the amount of compensation.
2. Accordingly, enquiry was started with by issuing notice to concerned parties, particularly, the Oil India Ltd and Office of Deputy Commissioner, Tinsukia who took major role in the disbursement of compensation to effected people of locality of Bhagjan blowout.
3. The Oil India Ltd., immediately, submitted documents relating to payment of compensation to effected people/ families through the Office of Deputy Commissioner, Tinsukia vide letter dated 26.3.2021. According to Oil India Ltd authority, an amount of total Rs.102,5,90,5000/- was released to the Deputy Commissioner, Tinsukia till 26.3.2021 in pursuant to NGT order/ DC's order(Statement-1). It appears from the documents of the Oil India Ltd., that on 8.6.2020, it received the letter No.TRF.3/2017-19/Pt-1/289, Dated 2.6.2020 from the Deputy Commissioner, Tinsukia that on the basis of memorandum submitted by Baghjan gaon Milonjyoti YubaSangha, it was informed that total number of families residing in

the relief camp, based on records available with its office for distribution of gratuity relief is 1610 families and the breakup was as follows :-

- i. Baghjan Digal Tarang Kaliapani -509 - camped at Baghjan ME school;
 - ii. Baghjan Karua Basti Area – 112 – camped at Dighaltarng TE ME school
 - iii. Kochuwani of Baghjan village & –
part of Korua - 170 – camped at St. Joseph High school
 - iv. Ward No.2 & 3 of Baghjan village & half part of Nagbanshi and Karua Basti, Bejoli Basti area - 819- camped at No.1 Baghjan goan LP school(Kalithan)
- Grand Total - 1610 families**

4. It was stated therein that the above figure is dynamic as more families affected by the gas blowout are coming and reporting in the relief camps. Any additional list will be furnished immediately. Since the disbursement may be made by direct bank transfer to the account of the head of the affected families and for the same, the bank account of the affected families have to be collected by joint efforts of the revenue officials under the District Administration and Oil India Ltd., officials. The above Sangh demanded an amount of Rs.5,000/- per day per family. Hence, District Administration asked the Oil authority to consider the amount of Rs.5,000/- per day for every 10 days period

until the blowout is controlled and hazard is averted. Therefore, on the above basis, Oil authority released total of **Rs.4,83,00,000/-@ Rs.30,000/-** lump sum to 1610 affected people/ families. **A-1 &A1A, A1-B.**

5. Again, Deputy Commissioner, Tinsukia issued the latter No.TRF-3/2017-19/Pt-1/145 Dated 4.7.2020 to Oil India Ltd authority, requesting on the basis of earlier discussion, to transfer the amount of Rs.9,00,000,00.00 (nine crores) only @ Rs.30,000/- x 3000 families to its officials bank account for payment of one time compensation for immediate relief to the affected families of Baghjan gas blowout/fire. It is stated that out the above amount, its office received Rs.4,83,00,000/- only and as such, balance amount of Rs.4,17,00,000/- only may be released for disbursement of affected families. It is also stated that compensation will be paid out of this amount also to families who have taken shelter in the relief camps after fire breakout on 9.6.2020 and there are many groups from different areas in and around Baghjan well No.5 who demanded one time compensation due to loss suffered by them because of blowout and damage to their houses for seismic like problem. On the basis of which Oil India authority released **Rs.4,17,00,000/-** as one time compensation to 1390 out of 3000 families @ **Rs.30,000/- each. A-2A &A2B.**

6. Again on 15.7.2020, Oil authority received a letter No.TCA.3/2020/418 from the Deputy Commissioner, Tinsukia, informing that Circle Officer, Doomdooma revenue circle submitted a damage assessment report vide letter No.DRC.16/2015-16/Pt/24 dated 14.7.2020 along with a list of damaged houses in presence of PWD(Bld.) Dibrugarh division, SK and lot mandals of Doomdooma Revenue Circle near Baghjan fire incident site and on the permitted barricade area at Baghjan- Dighaltarang goan under the supervision of Magistrate in-charge and over all in-charge – ADC, Tinsukia. It informed that as per report it is seen that total 11 houses were burnt due to the fire at well No.5 of Baghjan. It was informed that initially fund of Rs.20lakhs each to 16 families was requested by Deputy Commissioner, Tinsukia to Oil authority for fully burnt houses but after re-verification, it was found that total 11 houses have been burnt/ damaged due to the fire and as complete survey of the area inside the security barricade near the fire site could not be completed because of security reasons and flood water, the remaining areas will be surveyed in due course and there could possibly be a minimal change in the figure of burnt houses. Accordingly, the Deputy Commissioner, Tinsukia furnished a list of 11 houses/ damaged in Baghjan-Dighaltarang area near the fire incident site and requested the Oil authority to release **Rs.20lakhs** each to **11 families** in view of importance and genuineness of subject and urgency of matter. **A-3A& (II)** The said list of 11 families as under-

SL. No.	Name of the affected family
1	Sri Papul Chutia, s/o Dineswar Chutia
2	Sri Ritu Moran s/o Lobheswar Moran
3	Smti Horuful Panging w/o Arbinda
4	Sri Deep Saikia s/o Lombeswar Saikia
5	Sri Amal Saikia s/o Lombeswar Saikia
6	Sri Bikash Saikia s/o Amal Saikia
7	Sri Sahadev Moran s/o Phukan Moran
8	Sri Hemanta Moran (Umi) s/o Phukan Moran
9	Sri Lakhindra Moran s/o Phukan Moran
10	Sri Munu Mura s/o Joy Masi
11	Smti. Labanya Saikia w/o Joynath Saikia

7. Accordingly, the Oil authority deposited an amount of Rs.2,20,00,000.00 to the bank account of Deputy Commissioner, Tinsukia on 17.7.2020. A-3B

8. Thereafter, the Deputy Commissioner, Tinsukia informed vide letter No.TCA.3/2020/470 dated 5.8.2020(A-4A) that above 11 families were paid Rs.20lakhs each on 18.7.2020. Further, Deputy Commissioner, Tinsukia informed that it was found that one more house was burnt due to fire breakout at well no.5 of Baghjan after joint assessment by the team and submitted a report of Circle Officer, Doomdooma along with details of left out house burnt ar Baghjan-Dighaltarang area near the fire incident site and requested the Oil authority to release an additional amount of Rs.20lakhs to the left out family keeping in view the importance and genuineness of the subject and urgency of matter. Accordingly, the Oil India Ltd paid Rs.20lakhs

to the bank account of Deputy Commissioner, Tinsukia on 7.8.2020:-
A-4B. So, from the above correspondences between the Deputy Commissioner, Tinsukia and Oil India Ltd, it is clear that an amount of **Rs.2,20,00,000/- + Rs.20,00,000/-** was released to 12 families of Baghjan- Dighaltarang area till 7.8.2020.

9. Further, Deputy Commissioner, Tinsukia again wrote to Oil authority vide letter No.TSK/Oil Cell/Baghjan Gas Blowout, Ex-gratia/Pt-III/07 dated 31.7.2020 in connection with reimbursement of compensation amount that as per request of Oil authority, an amount of Rs.10lakhs was credited on 28.7.2020 to the account of Smti. Rebati Neog w/o late Sukla Neog who is the next kin of deceased Sukla Neog on the basis of recommendation of Circle Officer, Doomdooma for which Oil authority needs to reimburse the said amount. It is again requested to release additional amount of Rs.5lakhs as demanded by Baghjan goan Milonjyoti Yuba Sangha and villagers for total education facility for the children of the traumatized family and it was agreed between the district administration and Oil authority to provide all support regarding education facility to the children of the **deceased Sukla Neog** and requested Oil authority to examine and look into the matter whether it can be entertained in due course as per policy of Oil India Ltd:-**A-5A.**

10. In addition, Deputy Commissioner, Tinsukia wrote another letter vide No.TSK/Oil Cell/Baghjan Gas Blowout fire breakup case/2020/234 dated 26.6.2020 stating inter-alia that two persons viz (1) **Sukla Kishan** (adult) @ Anand Kishan expired on 20.6.2020 and he was referred to Oil hospital from Bandarkhati LP \$ High school

relief camp established and (2) **Aroshi Pator (minor)** expired on 22.6.2020 and she was an inhabitant of No.1 line, Bordubi Tea Estate and during her visit to her maternal grandfather's house at Baghjan along with her parents before lock-down, and they were unable to go back to their home place due to lock-down and after the fire blow out at Baghjan Oil rig dated 9.6.2020 and they were sheltered at No.8 line Catholic Church relief camp and during her stay on 16.6.2020, then her family attended the doctor in the camp and she left to her maternal grandfather's house without informing any person or the camp in-charge. Then after some days of treatment she breathed her last. Therefore, as per details of NOK report submitted by the Circle Officer, Doomdooma Revenue Circle due to Baghjan gas blowout incident, the District Administration, Tinsukia decided to provide one time compensation to the families of the deceased person @ **Rs.2,00,000/- for adult and Rs.1,00,000/- for minor** respectively and requested Oil authority to sanction the said amount from Oil CSR fund. Thus Oil authority released an amount of **Rs.18lakhs** vide **A-5B**.

11. Again on 13.8.2020 the Deputy Commissioner, Tinsukia vide letter No.TCA.03/2020/515 stating inter-alia that Hon'ble NGT has passed an order dated 6.8.2020 vide No.43/2020 where they had made three categories of persons entitled to interim compensation and has suggested the scale of such compensation as follows;

Category(1). Where houses have been completely gutted by fire : **Rs.25lakhs**

Category(2). Where houses have been severely damaged : **Rs.10lakhs**

Category(3). Where houses have been moderately/ partially damaged or where standing crops and horticulture have been partially damaged : **Rs.2.5lakhs A-6A.**

12. Further, Deputy Commissioner Tinsukia informed to Oil authority that accordingly, compensation of **Rs.20lakhs** to each **12 families** who fall under category(1) has been disbursed by District Administration, Tinsukia. However, Hon'ble NGT in the order directed that under category(1) whose houses have been completely gutted by the fire, entitled to get Rs.25lakhs. In this context, Oil is required to take steps necessary to early disbursement of remaining amount of **Rs.5lakhs** to the 12 families. Hence, Oil authority released **Rs.60lakhs** to the bank account of Deputy Commissioner, Tinsukia on 28.8.2020 vide **A-6B.**

13. The Deputy Commissioner, Tinsukia again vide letter No.TCA.3/2020/407 dated 10.7.2020 intimating inter-alia that as per tripartite meeting of District Administration, Tinsukia, Oil authority with Baghjan Milonjyoti Yuva Sangha and selected villagers held on 6.7.2020 in the office of Deputy Commissioner, Tinsukia, wherein the Yuba Sangha persistently demanded for immediate payment of Rs.30,000/- per family for every 10 days in addition to Rs.30,000/- per family which was earlier sanctioned and disbursed by Oil authority. It is further stated that since *Dharna* program with a so-called self-immolation procession was initiated by said Yuba Sangha and villagers of Baghjan on 7.7.2020 from Baghjan Digaltarang ME school relief camp to the first barricade near the fire site while the crowd was very aggressive and did not listen to any reason, the then

Deputy Commissioner, Tinsukia announced an amount of Rs.30,000/- as immediate additional relief to the affected families of Baghjan village which would approx., to 634 families after discussion with the Oil authority. It is mentioned that the said amount is in addition to Rs.30,000/- per affected family earlier sanctioned by Oil authority on 11.6.2020 which was already disbursed to the individual bank account of these families. In view of above Deputy Commissioner, Tinsukia requested Oil authority to release **Rs.1,93,50,000/- @ Rs.30,000/- x 645 families. A-7A.** Accordingly, Oil India authority deposited **Rs.1,93,50,000/-** to the bank account of Deputy Commissioner, Tinsukia for onward payment. **A-7B.**

14. Thereafter, Deputy Commissioner, Tinsukia again submitted a letter No.TCA.03/2020/601 dated 29.8.2020 informed Oil India authority that **Hon'ble NGT** directed the District Administration, Tinsukia vide order dated 6.8.2020 in No.43/2020(EZ) to pay interim compensation to the affected families of Baghjan gaon in three categories :

Category (I). whose houses have been completely gutted by the fire- **Rs.25lakhs**

Category (ii). Whose houses have been severely damaged – **Rs.10lakhs**

Category (iii). Whose houses have been moderately/ partially damaged or whose standing crops and horticulture have been partially damaged- **Rs.2.5lakhs.**

15. It is stated further that 12 families falling under category (i) have already been paid Rs.20lakhs by Oil India authority through District Administration, Tinsukia earlier and balance amount of Rs.5lakhs to each family has been released by Oil on 28.8.2020 to the District Administration, Tinsukia which will be disbursed to the concerned families shortly. It is stated again that as per survey conducted by Revenue and other departments lead by Circle Officer, Doomdooma Revenue Circle, 57 families have been so far identified in category (ii). As per Hon'ble NGT order, Rs.10lakhs per family has to be disbursed to those families in category (ii) and therefore, total amount involved in category (ii) will be $\text{Rs.10lakhs} \times 57 = \text{Rs.5.7}$ crores. Further in per survey conducted by revenue and other departments led by Circle Officer, Doomdooma Revenue Circle, 561 families from Baghjan gaon have been so far identified in category (iii). As per Hon'ble NGT order, Rs.2.5lakhs has to be disbursed to each family in category (iii). Therefore, total amount involved is $\text{Rs.2.5lakhs} \times 561 = \text{Rs.14.02}$ crores. Hence, it was requested to Oil India authority to release an amount of Rs.19.725 crores for the affected families under category (ii) & category (iii) taken together urgently so that the same can be disbursed immediately. It is mentioned that these affected families of Baghjan goan fall in the distance of 0 to 1.5 km(approx) from blowout site who are most affected families. However, survey of other areas and villages beyond 1.5. km is going on, and the list of such affected families will be submitted in due course. **A-8A.** Accordingly, Oil India authority paid **Rs.19,72,50,000/-** on 18.9.2020 to the bank account of the Deputy Commissioner, Tinsukia. **A-8B.**

16. Again on 21.9.2020, Deputy Commissioner, Tinsukia to Oil India authority stating that in the meeting held with the villagers (affected people) of Baghjan, led by Baghjan goan Milonjyoti Yuba Sangaha on 18.9.2020 attended by Oil Officials including ED, (HR&A), CGM(Admn) and presently staying in the relief camps has requested for house rent, fooding & medical facilities etc., in the form of rent package from Oil India, Duliajan which was agreed in tripartite meeting by Oil authority regarding release of an amount of Rs.50,000/- per family per month with immediate effect for 612 families till gas blowout/ fire is doused. Hence, it requested to release the amount agreed upon within 23rd September 2020 directly to the affected people. **A-9A.** Accordingly, Oil India authority paid **Rs.3,06,00,000.00** on 5.11.2020 via RTGS mode. **A-9B.**

17. On 14.9.2020 Deputy Commissioner, Tinsukia placed a letter to Oil India authority vide No.TCA.3/2020/750 stating inter-alia that a meeting will be held on 18.9.2020 where they are requested to attend the same in presence of high officials of Govt. of India and also requested to examine the matter of payment of one time compensation to the affected families in villages in and around Baghjan BGN No.5. These are the families who did not stay in relief camps but are demanded one time compensation from Oil on the ground of being affected by sound, air pollution, tremors impacting their houses and property besides adverse health impact. It is mentioned further that the villagers and organizations from villages/ areas like; Goriating, Dhellakhat, Hatibat, Barekuri, Limbuguri, Gotong etc., are demanding one time compensation from Oil authority immediately while

reminding of Oil blockade & agitation program are being carried out by these organizations and villagers. It was further informed that distance GPS mapping of the villages/ areas from BGN well No.5. has already been done by Circle Officer concerned and suitable decision has to be taken in this regard for payment of one time immediate compensation and the quantum. It is informed further that many organizations from Barekuri area under the leadership of Barekuri Yuba Sangha are also demanding one time compensation immediately from Oil and these villages/areas range from 2.6 km distance(Gariating) to 5.77 km (Bebejia) in the Barekuri area. Hence, the Oil authority may like to consider in respect of Barekuri area if a package in monetary terms may be given to the youth of the area for self-employment opportunity in view of fact that Barekuri area has an EPS and a number of Oil wells. And thus, requested the Oil India authority to consider the same. **A-10A.** Therefore, Oil released an amount of **Rs.2,20,65,000/-** on 10.11.2020 to individual accounts of the concerned persons through RTGS. **A-10B.**

18. It is further found that Deputy Commissioner, Tinsukia again informed the Oil India authority vide letter No.TCA.3/2020/PT-1/767 dated 21.9.2020 that Milonjyoti Yuba Sangha and affected people presently staying in the relief camps in a meeting held on 18.9.2020 in presence of Oil officials, have requested for house rent, fooding & medical facilities etc. in the form rent package from Oil India authority. It was agreed in the tripartite meeting by Oil India authority regarding release of Rs.50,000/- per family per month with immediate effect for 612 families till the gas blowout/fire is closed. Hence, Deputy Commissioner Tinsukia in the light of above and decision in

the meeting, requested Oil India authority to release the amount directly to the affected people within 23.9.2020. **A-11A**. Accordingly, Oil India authority released **Rs.3,06,00,000/-** by RTGS mode 612 families @ Rs.50,000/-. **A-11B**.

19. On the basis of earlier letter No.TCA.3/2020/750 dated 14.9.2020 **A-10A** of the Deputy Commissioner Tinsukia, vide **A-12-A**, Oil India authority again released additional one time compensation amount of **Rs.1,50,45,000.00** to 1003 families @ Rs.15,000/- only. **A-12B**.

20. Again, Oil India authority received a letter No.TCA.3/2020/PT-I/856 dated 5.11.2020 from Deputy Commissioner, Tinsukia, requested to release of interim compensation amounting to Rs.15lakhs for category-I and Rs.10lakhs for category-II per affected family which will be adjusted in due course on the basis of discussion in tripartite meeting held, involving district/ police administration/ senior officials of Oil India along with members of Baghjan goan Milonjyoti Yuba Sangha in the backdrop of agitation program by Baghjan Milonjyoti Yuba Sangha since 17.9.2020 by blocking all roads lead to operational area of BGR 5 Oil well by the protesters. **A-13A**. Accordingly, Oil India authority released **Rs.47,12,50,000.00** to Deputy Commissioner, Tinsukia via RTGS mode. **A-13B**.

21. Again, Oil India authority received a letter vide No.TRF-3/2017-19/PT-II/422 dated 1.12.2020, **A-14A** from Deputy Commissioner Tinsukia, intimating that out of Oil authority's deposit of Rs.43.67 crores compensation to different groups, till date Rs.28.25

crores paid to the affected people. Out of remaining balance of Rs.14.73 crores, Deputy Commissioner was required to pay compensation to 242 people of Baghjan Bangali Basti who stayed at PHC Centre Relief Camp at Bandarkhati @ Rs.30,000/- as second installment as well as, further compensation needs to pay for 1700 beneficiaries of Dighaltarang TE @ Rs.15,000/- and to pay 1900 beneficiaries of Barekuri villages beyond 5 km radius @ Rs.10,000/- and hence, remaining amount will be Rs.9.53 crores only and in addition, for interim compensation to 600 families of Baghjan an amount of Rs.68.50 crores would be required adding both 161 beneficiaries of Category A @ Rs.15lakhs per family and for 439 beneficiaries of Category B @ Rs.10lakhs per family and hence, Deputy Commissioner, Tinsukia requested on the basis of decision in the meeting under chairmanship of Hon'ble CM, Assam, Joint Secretary, Ministry of Petroleum, Govt of India, district and police administration, Tinsukia, to deposit the entire amount for disbursement at the earliest convenience. Therefore, Oil India authority released **Rs.6,91,45,000/-** to the bank account of Deputy Commissioner, Tinsukia on 8.12.2020 vide **A-14B**.

22. Again, Deputy Commissioner, Tinsukia issued a letter vide No.TRF.3/2017-19/PT-II/ dated 4.12.2020 **A-15A**, requested Oil India authority to make arrangement for transfer of funds to bank account No.0310016000010 of Punjab National Bank, Prakash Bazar branch, Tinsukia for disbursing one time compensation to the affected families of Baghjan well blowout of Barekuri area as reported by Circle Officer, Doomdooma Revenue Circle on 3.12.2020 and total number of beneficiaries of 1981 numbers with a list and as per discussion held

with Barekuri Anchalik Yuba Sangha, the beneficiaries are to be paid @ Rs.10,000/- per family. Thus, Oil India authority released **Rs.1,98,10,000.00** to the Deputy Commissioner's bank account on 14.12.2020 vide **A-15B**.

23. Further, Oil India authority on the basis of letter No.TRF.3/2017-19/PT-II/ dated 4.12.2020 vide **A-16A** of Deputy Commissioner, Tinsukia intimating to make necessary arrangement for transfer of funds to official bank account No.0310016000010 of Punjab National Bank, Prakash Bazar branch, Tinsukia for disbursement of one time compensation to the affected families from Baghjan well blowout of Dighaltarang TE area as reported by Circle Officer, Doomdooma dated 11.12.2020 of beneficiaries are 1537 nos. and on the basis of petition filed ACMS, Dighaltarang unit and required to pay @ Rs.15,000/- per family as discussed with ACMS unit. Hence, Oil India authority released **Rs.23,055,000.00** to the bank account of Deputy Commissioner, Tinsukia on 21.12.2020 vide **A-16B**.

24. Thereafter, Oil India authority received another letter vide No.TRF.3/2017-19/PT-II/ dated 9.2.2021 **A-17A** from Deputy Commissioner, Tinsukia, whereby a list of families relating to Baghjan-5 blowout vide annexure-A is submitted on the basis of enclosure received from Circle Officer, Tinsukia Revenue Circle.

Annexure-A :-**NUMBER OF FAMILY NOT AVAILED OF COMPENSATION @
BAGHJAN BLOWOUT IN THE CONCERNED SURVEYED
VILLAGES:**

SL No.	NAMES OF VILLAGES	NUMBER OF FAMILY
1.	DHAKUWAL GAON	46
2.	DHELAKHAT BAGAN GAON	25
3.	DHELAKHAT GAON	18
4.	GELAPUKHURI TE 285 NLR GRANT	24
5.	GOTTONG	37
6.	LIMBUGURI TE. 148/151/149 & 225/227 NLR GRANT	26
7.	WATHOI	9
	TOTAL	185

25. Accordingly, Oil India authority deposited **Rs.2,775,000.00** on 11.2.2021 to the bank account of Deputy Commissioner, Tinsukia vide **A-17B**.

26. Again, on 18.2.2021 the Deputy Commissioner, Tinsukia issued the letter No. TRF.3/2017-19/PT-IV; **A-18A** to the Oil India authority, intimating to transfer of funds to its bank account for one time compensation to the affected families from Bhagjan-5 blowout of Joygukhowa village, Barekuri as reported by Circle Officer, Doomdooma Revenue Circle and total number of beneficiaries as per

list. Accordingly, Oil India authority deposited **Rs.1,10,000.00** to the bank account of Deputy Commissioner, Tinsukia vide **A-18B**.

27. Thereafter, Oil India authority received another letter No. TRF.3/2017-19/PT-II/ dated 4.12.2020 from Deputy Commissioner, Tinsukia vide **A-19A** forwarding a re-verified list of beneficiaries as received from Circle Officer, Doomdooma Revenue Circle.

ADDITIONAL LIST OF BAGHJAN OIL EXPLOSION

AFFECTED

FAMILIES :-

SL. No	Name	Village	Dag No.	Area	Remarks
1	Sri Onanyakanta Moran s/o Robin Moran	Baghjan NC	Part of dag No.1	13 bighas	No homestead, only agricultural land
2	Sri Subhajit Kr. Moran s/o Behori Moran	Baghjan NC	Part of dag No.1	15 bighas	No homestead, only agri land
3	Sri Praton Moran s/o Pakhidhar Moran	Baghjan NC	Part of dag No.1	15 bighas	-Do-
4	Sri Sunit Chetia, s/o lt. Ghekul Chatia	Baghjan NC	Part of dag No.1	8B-2K-10L	No homestead, only agri land
5	Sri Hemanta Moran s/o Khaneswar Moran	Baghjan NC	Part of dag No.1	15 bighas	No homestead, only agri land
6	Smti. Banita Moran d/o Pradip Moran	Baghjan NC	Part of dag No.1	15 bighas	No homestead, only agri land
7	Sri Tralukya Moran, s/o lt. Robin Moran	Bhagjan NC	Part of dag No.1	13 bighas	-Do-
8	Smti. Rupa Dohutia, d/o Juguh Borah	Baghjan NC	Part of dag No.1	10 bighas	- Do-
9	Sri Devkumar Neog, s/o Rishibor	Baghjan NC	Part of dag No.1	15 bighas	-Do-

	Neog				
10	Sri Ranjit Moran s/o Tikeswar Moran	-do-	Part of dag No.1	8B-2K- 10L	-Do-
11	Sri Himanta Moran s/o Honeswar Moran	-Do-	Part of dag No.1	11B-2K- 10L	-Do-
12	Sri Molen Moran s/o Lobe Moran	-Do-	-Do-	8 bighas	-Do-
13	Sri Pin Moran s/o Bilom Moran	-Do-	-Do-	10 bighas	-Do-
14	Sri Dhiren Moran s/o Thopoka Moran	-Do-	-Do-	9 bighas	-Do-
15	Sri Liteswar Moran s/o Lombudhar Moran	-Do-	-Do-	9 bighas	-Do-
16	Sri Arindra Moran s/o Lobe Moran	-Do-	-Do-	5 bighas	-Do-
17	Sri Padmeswar Moran s/o Ballab Moran	-Do-	-Do-	4 bighas	-Do-
18	Sri Tarjan Moran s/o Sineswar Moran	-Do-	-Do-	7 bighas	-Do-
19	Sri Tendra Moran s/o Ballab Moran	-Do-	-Do-	3 bighas	-Do-
20	Sri Fokou Moran s/o Mithe Moran	-Do-	-Do-	4 bighas	-Do-
21	Sri Jagat Kharuwar s/o Dalchal Kharuwar	-Do-	-Do-	8 bighas	-Do-
22	Sri Jiten Chutia s/o Milika Chutia	-Do-	-Do-	15 bighas	-Do-
23	Sri Ramen Chutia s/o Milika Chutia	-Do-	-Do-	15 bighas	-Do-
24	Sri Dhiren Chutia s/o Guneswar Chutia	-Do-	-Do-	17 bighas	-Do-
25	Sri Utpal Chawrok s/o Phukan	-Do-	-Do-	15 bighas	-Do-

	Chawrok				
26	Sri Bhubon Chutia s/o Jiten Chutia	-Do-	-Do-	10 bighas	-Do-
27	Sri Montu Chutia s/o Ratneswar Chutia	-Do-	-Do-	10 bighas	-Do-
28	Sri Badan Khatuwal s/o Kanu Khatuwal	-Do-	-Do-	10 bighas	-Do-
29	Sri Dolendra Chutia s/o Milika Chutia	-Do-	-Do-	15 bighas	-Do-
30	Sri Bitopan Khatuwal Bhugeswar Khatuwal	-Do-	-Do-	10 bighas	-Do-
31	Sri Babul Chutia s/o Ratneswar Chutia	-Do-	-Do-	10 bighas	-Do-
32	Sri Karna Chutia s/o Rupedhar Chutia	-Do-	-Do-	9 bighas	-Do-
33	Sri Ratneswar Chutia s/o Milika Chutia	-Do-	-Do-	12 bighas	-Do-
34	Sri Sarat Chutia s/o Ramen Chutia	-Do-	-Do-	10 bighas	-Do-
35	Sri Jibon Moran s/o Atokna Moran	-Do-	-Do-	11 bighas	-Do-
36	Sri Pallab Moran s/o Rajen Moran	-Do-	-Do-	8 bighas	-Do-
37	Sri Bhadrjit Chawrok s/o Babul Chawrok	-Do-	-Do-	15 bighas	-Do-
38	Sri Manjit Dohutia s/o Sunu Dohutia	-Do-	-Do-	7 bighas	-Do-
39	Smti. Hiya Moran d/o Padma Moran	-Do-	-Do-	24 bighas	-Do-
40	Sri Barnadhya Hriday Moran s/o Padma Moran	Baghjan Baghjan NC	130(PP)	5B-3K- 13L 34B	-Do-

41	Sri Tapon Gogoi s/o Lalit Gogoi	-Do-	168(PP) 169(PP) 80(PP)	47B-3K- 6L	-Do-
42	Sri Amrit Gogoi s/o Tapon Gogoi	-Do-	86(PP) 85(PP) 180(PP) 155(PP) 21(PP) 27(PP) 132/133 (Govt. Land)	43B-18L	-Do-
43	Sri Biswajit Moran s/o Sukhen Moran	Baghjan NC	Part of dog No.1	20 bighas	-Do-
44	Sri Koushal Moran s/o Diganta Moran	Dighaltar ang Baghjan Baghjan NC	21(PP) 50(PP) 7(PP) 219(Govt land) 502, 100, 1141, 1,5 (Govt land)	29B-1K- 7L	-Do-
45	Smti. Rupali Moran d/o Nandeswar Moran	Baghjan	96,133(AP) 81(Govt land)	15 bighas	-Do-
46	Sri Siranjit Moran s/o Diganta Moran	Baghjan Baghjan NC	147(PP), 133(AP),9 9,5 93, 3(Govt land)	30B-2K- 15L	-Do-
47	Sri Dhiraj Kr. Moran s/o Phonidhar Moran	-Do-	96(AP)	43bighas	-Do-
48	Sri Koranjyoti Moran s/o Nandeswar Moran	Baghjan	96(AP)	15 bighas	-Do-
49	Sri Papu Moran s/o Lokeswar Moran	Dighaltar ang BagHjan	12(PP), 28(AP) 96(AP)	8 bighas	-Do-
50	Smti.Jugamaya Hazarika d/o Dimbeswar Hazarika	Dighaltar nag	206 part (Govt land)	1 bigha	-Do-

51	Sri Nipen Moran s/o Lt. Sureswar Moran	Baghjan	82(PP)	2 bighas	-Do-
52	Sri Heromba Moran s/o Sumeswar Moran	Dighaltar ang	37(PP)	8 bighas	-Do-
53	Sri Binoi Dohutia s/o Premokanta Dohutia	Baghjan NC	Part of dag No.1	25 bighas	-Do-
54	Sri Milbor Moran s/o Someswar Moran	Dighatar ang	46(PP)	8 bighas	-Do-
55	Sri Rodip Moran s/o Bhugen Moran	Dighaltar ang	43(PP)	3B-3K-4L	-Do-
56	Sri Biren Mahanta s/o Nigam Mahanta	Baghjan NC	Part of dag No.1	9 bighas	-Do-
57	Sri Sanjib Chutia s/o Jaybor Chutia	-Do-	-Do-	10 bighas	-Do-
58	Sri Aditya Chutia s/o Rongeswar Chutia	-Do-	-Do-	8 bighas	-Do-
59	Sri Phuleswar Chutia s/o Thaneswar Chutia	-Do-	-Do-	8 bighas	-Do-
60	Sri Pobitra Dowarah s/o Abhay Dowarah	-Do-	-Do-	15 bighas	-Do-
61	Sri Probin Chutia s/o Ananda Chutia	-Do-	-Do-	8 bighas	-Do-

28. Thus, the persons whose names appeared in the above list, did not have any house at and near the blowout/fire site but have agricultural land only and suffered damaged of their agricultural crops, grown on their land areas. Accordingly, the Oil India authority deposited Rs.30,50,000.00 on 4.3.2021 to the bank account of Deputy Commissioner, Tinsukia; A-19B.

29. The above documents was produced before me by CW1 Sri Ranjit Das, who is the Manager (Legal) of Oil India, Duliajan. Apparently, CW1 is a fairly senior official of Oil India authority and has nothing to disbelieve his version and documents so produced.

To sum up the release of compensation by Oil India authority on several occasions is as follows :-

- i) Rs.4,83,00,000/- @ Rs.30,000/- to 1610 families
- ii) Rs.4,17,00,000/- @ Rs.30,000/- to 1390 families
- iii) Rs.2,20,00,000/- @ Rs.20lacs to 11 families
- iv) Rs.20,00,000/- @ Rs.20lacs to one family
- v) Rs.18,00,000/- to three persons & others
- vi) Rs.60,00,000/- @ Rs.5lacs to 12 families
- vii) Rs.1,93,50,000/- @ Rs.30,000/- each 645 families
- viii) Rs.19,72,50,000/- @ Rs.10lacs to 57 families and @
Rs.2.5lacs to 561 families
- ix) Rs.3,06,00,000/- @ Rs.50,000/- to 612 families
- x) Rs.2,20,65,000/- @ Rs.15,000/- to 1471 families
- xi) Rs.3,06,00,000/- @ Rs.50,000/- to 612 families
- xii) Rs.1,50,45,000/- @ Rs.15,000/- to 1003 families
- xiii) Rs.47,12,50,000/- @ Rs.15lacs to 173 families &
@ Rs.10lacs to 439 families
- xiv) Rs.6,91,45,000/- @ Rs.15,000/- to 4,125 families & @
Rs.30,000/- to 242 families
- xv) Rs.1,98,10,000/- @ Rs.10,000/- to 1981 families
- xvi) Rs.2,30,55,000/- @ Rs.15,000/- to 1537 families

xvii) Rs.27,75,000/- @ Rs.15,000/- to 185 families

xviii) Rs.1,10,000/- @ Rs.10,000/- to 11 families

xix) Rs.30,50,000/- to 61 families

**Grand Total of compensation amounts released by Oil India Ltd :-
Rs.102,59,05,000/-**

30. It appears that 612 families got compensation twice @ Rs.50,000/- only. All total if plainly is taken up and the number of families is counted as beneficiaries, the total comes to **14,659 families** as per documents submitted by Oil India authority.

Abbreviation :- A- Oil India Ltd : Annexure;

31. Further, to ascertain the ground reality of assessment of damages of properties/ persons, caused by Baghjan gas blowout/ fire at closed proximity of Baghjan area and near villages, following witnesses were examined to know its authenticity. CW2 Smti. Nandita Roy Gohain is the Circle Officer, Doomdooma under her jurisdiction, the said blowout/ fire at Oil well No.5 falls and as such, she took vital role in evolution, assessment, determination of relief and shelter camps etc. of damages for release of compensation to affected persons and she led the team of representatives of all concerned Govt. departments with Oil representative to assessment to such damages at grass root level from time to time to assist the concerned authorities. According to CW2, she went to blowout site along with Sri Bhaskar Pegu, the then, Deputy Commissioner, Tinsukia, Superintendent of Police, Tinsukia, Executive Director, Oil India Ltd, Duliajan, Sri Soruj Sonowal, Election Officer, Tinsukia, Sri P. Kakati, ADC, Tinsukia, Sri

P. Nagbangshi, the then, Circle Officer, Margharita Revenue Circle, Sri J. Rajak, Circle Officer, (Attached), Tinsukia Revenue Circle. At that time the affected persons from blowout area took shelter at Baghjan and Dighaltarang ME and High school. The then, Deputy Commissioner, Tinsukia directed the Oil India authority to make a camp for shelter and other necessities for affected families. Thereafter, Deputy Commissioner, Tinsukia convened a meeting of all the departments of the district, including Milonjyoti Sangha, a local club. The members of Milonjyoti Sangha arranged all the necessary arrangements for the affected people under the guidance of Oil India Ltd. Some more camps were arranged at No.1 LP school, Khalistan, Dighaltarang gate line ME school and at St. Joseph school under the guidance of Oil India Ltd. Gratuity relief was also, provided from the district administration to the affected people. In the said meeting, the representatives of Milojyoti Sangha asked the Deputy Commissioner, Tinsukia to make a survey of the damage and loss caused out of Baghjan blowout and demanded Oil India Ltd to pay interim compensation to the affected people. In the meeting, the Deputy Commissioner stated that since the oil and gas blowout is still growing up, survey cannot be done at this stage and time was sought to complete the survey after the disaster is over. Thereafter, on 9.6.2020 a huge fire broke out at the said Baghjan point. In the mean time, affected people created commotion and law and order was worsen due to their agitation. The representative of district administration Sri Saroj Sonowal, Sri Jaydeep Rajak, Circle Officer(Attached) Tinsukia Revenue Circle, Deputy Commissioner, herself and Sri Pranjit Kakati, ADC. Doomdooma visited the site of the camps of the affected

people to pacify them and to shift them to other places for their safety, but they did not heed any attention to the request. Thereafter, somehow she with other others managed to shift those people to Bandarkhati ME school, Khordoiguri ME school, No.1 Kechuguri LP school and St. Joseph school and requested Oil India authority to provide necessary requirements to the affected people. Sri Joydeep Rajak, Circle Officer(Attached) Tinsukia Revenue Circle also visited the camps of the affected people to shift them to other places for their safety. Sri Jaydeep Rajak, Circle Officer also, shifted the people, camped at St. Joseph school to other places. As per direction of Deputy Commissioner, Tinsukia, gratuity relief was also, provided to the affected people, living at the camps from the administration. Thereafter, one meeting was held by Deputy Commissioner along with other departments including Oil India and members of Milonjyoti Sangha to discuss about the situation vide order dated 7.8.2020 through WT message. Copy of said WT message is annexed as annexure-1.

32. It is stated by CW2 that in the said meeting, the members of Milonjyoti Sangha demanded to start up survey work of the affected people and to pay interim compensation to them. They submitted a list of affected people, consisting of 625 families, who were residents of the fire blowout area of Baghjan. Accordingly, the Deputy Commissioner after assessing the entire aspects, decided to pay interim compensation to 625 affected families in the Baghjan blowout/ fire. The members of various departments who participated in the meeting, vide order dated 29.6.2020 issued by Deputy Commissioner Tinsukia which is annexed herewith as annexure-2, were asked to

survey the site. The team was supervised by Sri Saroj Sonowal, Election Officer, Tinsukia and Sri Johor Pegu, Assistant Commissioner, Sadiya as per direction of the Deputy Commissioner vide order dated 18.6.2020 and copy of said order is annexed herewith as annexure-3. The Deputy Commissioner then handed over the list of 625 affected families submitted by Milonjyoti Sangha to all departments of the district including Oil India officials, Magistrate in-charges to start survey of damage caused by Baghjan blowout. During the survey, the Oil India authority Duliajan has provided vehicles and other logistic support to the survey team and also deputed Oil India officials in the survey for carrying out the survey. After surveying on the spot, she along with other departments found that altogether 612 families were affected by the Baghjan blowout. The Deputy Commissioner verbally asked the survey team and Sri Saroj Sonowal to go to the spot with Oil India authority by wearing necessary attires and to verify the damaged houses, which were totally gutted by fire. Accordingly, her survey team visited the spot and detected 11(eleven) houses which were totally gutted by fire. The survey team was accompanied by local gaonburah, lot mandal villagers of the affected people etc. to identify the person whose houses were completely gutted by fire. Thereafter, her team detected another house which was totally gutted by fire and as such, total number of houses gutted by fire, comes to 12 in number. Thereafter, Deputy Commissioner enquired about detection of severely affected families of Baghjan blowout. Accordingly, she submitted a list of 57 families, who were severely affected by blowout. She also submitted the bank details of said 57 families a per direction of Deputy Commissioner, Tinsukia.

Thereafter, Deputy Commissioner asked the survey team to go for further survey of total number of houses damaged by fire. In addition, he also, asked the survey team to find out the persons, whose compound and other crops, plants, were damaged and accordingly, her team surveyed thereof and submitted a list to the Deputy Commissioner. In the meantime, Deputy Commissioner had given an order vide dated 8.7.2020 by which another ADC, namely; Palash Ahom, was included along with Sri Saroj Sonowal to monitor the survey work. After survey, her survey team found that 104 families were affected otherwise, by fire and the list was submitted. Thereafter, another list of 439 families was submitted, who were affected otherwise, by blowout. In the meantime, flood was affected in the Baghjan area, for which low lying areas of Bhagjan site was submerged by flood water and hence, survey work was partially affected.

33. CW2 further stated that Deputy Commissioner, Tinsukia informed her that although the survey team submerge the list of affected persons in different categories with different lists, but there will be only two categories of persons to get compensation under A and B category instead of more then, other categories. He also informed her team that he has been in constant touch with the order of NGT, New Delhi in respect of release of compensation to the affected families. Thereafter, the then Deputy Commissioner, Sri Bhaskar Pegu was transferred from Tinsukia. Then his reliever Sri D. Saikia new Deputy Commissioner, joined and he convened a meeting with all departments including ED. Oil India, Duliajan and apprised all concerned with her including members of Milonjyoti Sangha that

release of compensation will be made in two categories and same will be released very soon. Then, Deputy Commissioner, Tinsukia apprised her survey team along with representatives of Milonjyoti Sangha about preparation of list of affected families of Baghjan blowout area and the list was locally hanged at the site for publication and proper scrutiny. In the list under Category-A, 173 families were listed while 439 families were included in Category-B list. The list was signed by the local Gaonburah, Lot mandal etc. thereafter, Deputy Commissioner asked the survey team to find out if there is any person, whose crops were damaged in the fire, although they do not have dwelling house nearby. Accordingly, her team went to the spot and found that 61 such persons(A-19A) whose crops were damaged, although they have no dwelling houses in the vicinity of Baghjan blowout. During the survey in the spot at various places, the team faced with various law and order situation created by the affected persons and others. One DSP named; Sri Bitul Chetia, APS, was deployed at the spot to control the agitating public who created serious law and order situation.

34. From the statement of CW2 who is the concerned Circle Officer near Baghjan blowout site, it appears that some grass root level survey was conducted to assess the damaged of properties of the affected people near the spot by visiting thereto. The annexure-2 submitted by CW2 reflects the various Govt. departments representatives including Oil India authority took part in such survey work with CW2 under supervision of district high officials. CW2 appears to be a local Govt. official who performed her duty in terms of directions given by Deputy Commissioner, Tinsukia and other high officials of district and

as such, her effort is to find out the genuine persons who suffered loss/ damages in the said oil disaster to offer compensation/ relief adequately, cannot be looked under any doubt. Further, the claim of CW2 that she visited the spot to assess the damages caused by Baghjan blowout/ fire with a team of all departments of district and Oil officials, to local public, is supported by CW5 Sri Jiten Teron, a Lot Mandal of local jurisdiction who stated that he accompanied CW2 to different spots to assess the damages/ loss of local public of Baghjan area. Similarly, CW6 Sri Suteswar Moran, another local Lat Mandal supported the version of CW2 who narrated that he was a member of assessing team lead to visit different places of Baghjan area to find out affected families for payment of compensation. Further, claim of CW2 received support from CW7 Sri Rajani Hazarika, a local Goanburah that he took part in the relief work carried out by CW2 to provide shelter to affected local people of Baghjan and surrounding area and accompanied CW2 and her team to assess, identify the loss/ damages to local public. Apart from above, another witness being CW4 Sri Sanjib Kr. Phukon, Circle Officer of Tinsukia Revenue Circle gave his statement before me. His version shows that he was a member of assessing team constituted by Deputy Commissioner, Tinsukia and he narrated different steps taken by Deputy Commissioner to provide immediate monetary compensation and other relief to affected people.

+ 35. To ascertain the genuineness of effort of CW2 and other Govt., officials and Oil India representatives to provide monetary compensation to local public of Baghjan and its adjoining areas by way of on the spot assessment and identification and determination of

damages/ loss, two independent witnesses namely; CW8 Sri Satyajit Moran who is the President of a local youth club namely; Milonjyoti Sangha, and CW9 Sri Tikhna Jyoti Hazarika, who is the Secretary of said Milonjyoti Sangha. Their versions reflect that Govt. officials and other took active part to provide immediate monetary and gratuity relief to local affected families of Baghjan and surrounding areas. Their statements do not disclose any person, received any relief for not affected by Baghjan blowout/ fire. Thus, it appears that the people/ families got relief from the concerned authority in the wake of blowout/ fire at well No.5 of Oil India at Bhagjan are of naturally genuine persons who are truly affected by the said gas blowout/ fire at oil well No.5 of Oil India Ltd.

36. Now, to examine the payment side so made by the office of Deputy Commissioner, *Tinsukia* step by step, received from Oil India authority. On this respect, CW3 Sri Sri Dipu Kr. Deka, Additional Deputy Commissioner, *Tinsukia* who is over all in-charge of disaster management section as well as, entrusted to deal *Baghjan* blowout issue. He is work in the above post since 24.2.2021 which means that he comes to scene after the blowout was completely doused. CW3 stated that he earlier submitted one letter being No.TSK/Baghjan Matter/2020/1163 dated 21.6.2021 wherein he mentioned the **Annexure-A to Annexure-I** in respect of payment of compensation as per sanction orders to the affected beneficiaries listed and received from Circle Officer, *Tinsukia* and *Doomdooma* Revenue Circle (CW2 and 4) which are enclosed herewith. As per record, Oil India paid to his office a sum of **Rs.102,59,05,000/-** in connection with payment of compensation to the affected people of *Baghjan* blowout areas to the

bank account of the Deputy Commissioner, *Tinsukia*. Out of the above sum of **Rs.102,53,45,000/-** was released as compensation to the different categories of beneficiaries of affected people on different dates. As per record, it appears that one *Sukla Neog* died on 18.7.2020 by committing suicide. He had his wife and nine daughters. Out of them, four daughters were married off while five minor daughters are living with their mother. The compensation for the said five daughters are not yet released from the office of Deputy Commissioner, *Tinsukia* and will be made provision for making fixed deposit of Rs.1lac each for the minor daughters for meeting educational expenses and after attaining majority, same can be withdrawn by them from the bank. *Smti. Reboti Neog*, wife of said *Sukla Neog*, since deceased, received an amount of Rs.10lacs from the office of Deputy Commissioner, *Tinsukia* through bank transaction vide order No.TSK/Oil Cell/Baghjan Gas Blowout, Ex-Gratia/Pt-III/2020/4 dated 28.7.2020. During the period of Baghjan blowout, one *Sukla Kishan* and a minor *Aroshi Kishan* died. Hence, an amount of Rs.2lacs to the next kin of *Sukla Kishan* and Rs.1lac to the next kin of deceased *Aroshi Kishan* was paid. At present, an amount of Rs.70,000/- is lying in the bank account of Deputy Commissioner, *Tinsukia* in connection with fund released by the Oil India for *Baghjan* blowout. Since his office does not have any list of affected people or any other information regarding affected people, the said amount is kept in the bank account of his office for meeting further claim of anybody.

37. CW3 further stated that Hon'ble NGT interfered with the matter of payment of compensation to the affected families, apart from other issues of Baghjan area and directed to constitute a committee

consisting of eight members to ascertain the cause of incident, person responsible for the incident and for failure to prevent the same, extent of damage to human life, wild life and on *Dibru-Saikhowa, Magori Motapung* wetland, assessment of proposed compensation to the victim and for remedial measures, including steps to prevent recurrence. Thereafter, Deputy Commissioner, *Tinsukia* with the assistance of Circle Officers concerned, representatives of Oil India and various other Govt. departments assessed the damage of property, life, agricultural land etc. of the affected people after *Baghjan* blowout and accordingly, compensation was fixed by the said committee for different persons affected in the said blowout and thereafter, compensation was released to the affected persons from time to time. Accordingly, the amount of compensation was released as per *annexures* as mentioned above vide letter dated 21.6.2020.

38. From the statement of CW3, it appears from prior to decision of committee constituted at the direction of NGT, some amount of money was released to different persons already by Oil India through Deputy Commissioner office, *Tinsukia*. Since CW3 submitted different *annexures* for payment of compensation to affected people, it is necessary to reproduced the same for convenience of understanding and better appreciation.

ANNEXURE-A ; - Rs.25lacs

39. A sanction order vide No.TSK/Oil Cell/Baghjan Gas Blow out/fire break out Case/Pt-III/2020/8 dated 17.7.2020 was issued by Deputy Commissioner *Tinsukia* in pursuant to Oil India letter No.RCE:03-167, dated 16.7.2020 regarding compensation for 11

families whose dwelling houses have been gutted down in the incident of fire breakout at well No.5 of Baghjan, for release of Rs.20lacs for each family as per recommendation of assessment team-AA-1. The list is as follows;

Sl. No.	Name of affected family	Amount of compensation against affected families	A/C Payee cheque No. & Date
1	Sri Papul Chutia s/o Dineswar Chutia	Rs.20lacs	129876 dated 17.7.2020
2	Sri Ritu Moran s/o Labheswar Moran	-do-	129877 same date
3	Sri Haroful Panging w/o Arabinda	-do-	129878 same date
4	Sri Deep Saikia s/o Lombheswar Saikia	-do-	129879 same date
5	Sri Amal Saikia s/o Lombheswar Saikia	-do-	129880 same date
6	Sri Bikash Saikia s/o Amal Saikia	-do-	129881 same date
7	Sri Sahadev Moran s/o Phukan Moran	-do-	129882 same date
8	Sri Hemanta Moran(Umi) s/o Phukan Moran	-do-	129883 same date
9	Sri Lakhindra Moran s/o Phukan Moran	-do-	129884 same date
10	Sri Muntu Mura s/o Joy Masi	-do-	129885 same date
11	Smti. Labanya Saikia w/o Joynath Saikia	-do-	129886 same date
----	Total	Rs.220lacs	-----

40. The amount will be debitible from CSR fund a/c No.754010000892 of AGV Bank, Tinsukia. It is referred to letter No.DRC.16/2015-16/Pt/24 dated 14.7.2020-AA-2 whereby a list of houses damaged assessment report submitted by SK Lot Mandals and

PWD (Building) Division officials, Tinsukia. It is stated that those officials have assessed burnt houses near Baghjan Oil fire blow incident site and on permitted barricade area at Baghjan and Dighaltarang goan under supervision of Magistrate in-charge and overall supervision of ADC. Tinsukia and submitted final list of 11 houses burnt in the said fire breakout after re-verification. A list of 11 persons-AA-3 whose house were burnt completely was furnished which is similar to list vide AA-1. The list of burnt houses of said 11 persons as per AA1 is also submitted vide AA-4. Further it contains a letter of Oil authority vide No.RCE-03-167 dated 16.7.2020 whereby it intimating Deputy Commissioner, Tinsukia about deposit of Rs.220crores and sought suitable time to complete survey work at the fire site vide AA-5. Thereafter, Deputy Commissioner, Tinsukia sanctioned another Rs.20lacs to one Sri Lambeswar Saikia who was left out in addition to 11 families whose dwelling houses were gutted in the Baghjan fire incident vide AA-6- 3 copies. Hence, total family who received Rs.20lacs each compensation comes to 12 families. Again on 31.8.2020, Deputy Commissioner, Tinsukia, sanctioned additional Rs.5lacs each to above 12 families vide No.TSK/Oil Cell/Baghjan Gas blow out/fire breakout Case/Pt-III/2020/43 as per recommendation assessment team totaling to Rs.25lacs each families whose houses were gutted in the said fire incident-AA7(4copy). Overall total compensation comes to **Rs.3crores to 12 affected families.**

<u>Break-up of fund disbursement</u>	<u>Beneficiary</u>
Annexure-A	
Rs.2,40,00,000/-	12
Rs.60,00,000/-	12
Total=Rs.3,00,00,000/-	12

ANNEXURE-B(Rs.15Lacs)

41. The Deputy Commissioner, Tinsukia further sanctioned for interim compensation to the affected people of Baghjan gaon issuing grant to 161 beneficiaries per families @ Rs.15lacs only to affected families of Baghjan-5 Gas blow out, to the tune of total amount of Rs.24.15crores through bank accounts -AA8 on the basis of details verification report of beneficiaries along with their bank account number IFSC code as mentioned in Category-A as submitted by Circle Officer, Doomdooma Revenue Circle vide letter No.DRC.16/2015-16/Pt/530 dated 4.12.2020-AA8(1). The list is as per AA8(2) as follows which consists of 173 persons; Category-A:-

Sl. No.	Name of person	Father/Husband Name
1	Sri Popul Chutia	S/o Dineswar Chutia
2	Sri Ritu Moran	S/o Lobheswar Moran
3	Smti. Horuful Panging	W/o Arbinda Panging
4	Sri Dip Saikia	S/o Lombheswar Saikia
5	Sri Amal Saikia	S/o Lombheswar Saikia
6	Sri Bikash Saikia	S/o Amal Saikia
7	Sri Sabadev Moran	S/o Phukan Moran
8	Sri Hemanta Moran(Umi)	S/o Phukan Moran

9	Sri Lakhindra Moran	S/o Phukan Moran
10	Sri Munu Mura	S/o Joy Masi
11	Smti. Labanya Saikia	W/o Joynath Saikia
12	Sri Lanbeswar Saikia	S/o Desowar Saikia
13	Sri Khila Dohutia	S/o Nabin Dahutia
14	Sri Tipeswar Boruah	S/o Jonabor Boruah
15	Sri Bulan Neog	S/o Roti Neog
16	Smti. Rangali Baruah	W/o Akul Baruah
17	Sri Bitupon Neog	S/o Rati Neog
18	Sri Lokhimoi Moran	S/o Akul Moran
19	Smti. Bobita Baruah	W/o Saurab Baruah
20	Smti. Monalisha Baruah	W/o Polash Baruah
21	Sri Ranjan Baruah	S/o Junabor Baruah
22	Sri Hunoda Baruah	S/o Nirmal Baruah
23	Smti. Taramai Neog	W/o Hiranta Neog
24	Kanchan Neog	Gohain Neog
25	Basanta Neog	Gohain Neog
26	Monjit Neog	Piliya Neog
27	Surajit Neog	Piliya Neog
28	Kiteki Neog	Ananda Moran
29	Kabita Neog	Putul Neog
30	Hunmai Borah	Poruta Borah
31	Rabindra Moran	lt. Lavot Moran
32	Dulal Neog	Suren Neog
33	Liteswar Moran	Abhai Moran
34	Sushil Moran	Liteswar Moran
35	Monikha Neog	Jitu Neog
36	Rita Moran	Milon Moran
37	Dhonita Neog	Priyanath Neog
38	Papul Moran	Labhat Moran
39	Bhulen Moran	Babika Moran
40	Labanya Bora	Shashidhar Bora
41	Sonali Neog	Bhog Neog
42	Dibakar Moran	Liteswar Moran

43	Gendra Moran	Sukholata Moran
44	Rupa Dohutia	Kulbor Dohutia
45	Prabina Baruah	Bhamak Baruah
46	Monika Moran	Jonardhan Moran
47	Rajanti Neog	Pilia Neog
48	Ritumoni Moran	Bijan Moran
49	Maina Neog	Pemot Neog
50	Nabakanta Neog	Romen Neog
51	Pranab Neog	Rati Neog
52	Amir Neog	Debeswar Neog
53	Jonabor Moran	Adhai Morna
54	Deepak Moran	Adhai Moran
55	Dipali Moran	Bipul Moran
56	Runumoni Moran	Moniram Moran
57	Lobokanta Moran	Phonidhar Moran
58	Dolobha Moran	Akon Moran
59	Tomon Moran	Ame Moran
60	Rahita Hazarika	Jitu Hazarika
61	Hanteswar Moran	Lt. Ame Moran
62	Umesh Baruah	Laghit Baruah
63	Arun Hazarika	Indeswar Hazarika
64	Priyada Moran	Pousho Moran
65	Dhaman Moran	Node Moran
66	Dilip Moran	Aanan Moran
67	Kamala Koiri	Marmu Koiri
68	Bobita Dihingia	Tulon Dihingia
69	Chunilal Koiry	Saina Koiry
70	Sarat Dihingia	Tuniram Dihingia
71	Promita Neog	Romen Neog
72	Matari Neog	Thunuka Neog
73	Bonkhidhar Boruah	Bhumeswar Boruah
74	Mukti Nath Chutia	Dineswar Chutia
75	Dineswar Chutia	Lehuk Chutia
76	Arup Neog	Longke Neog

77	Dipjyoti Hazarika	Ratneswar Hazarika
78	Abonikanta Gohain	Birabor Gohain
79	Kehe Moran	Suneswar Moran
80	Naren Gogoi	Bakhon Neog
81	Dipti Moran	Madhap Moran
82	Bhabesh Moran	Maghe Moran
83	Probin Borah	Kula Borah
84	Bhupen Moran	Premeswar Moran
85	Bitupon Neog	Debendra Neog
86	Khogen Moran	Porameswar Moran
87	Maina Moran	Puluk Moran
88	Lakheswar Neog	Bhadeswar Neog
89	Purnakanta Moran	Mageswar Moran
90	Prakhmoni Neog	Subhash Chutia
91	Dipika Moran Gohain	Hamonjyoti Gohain
92	Ranjan Moran	Pulin Moran
93	Madhurjya Moran	Titu Moran
94	Paniram Bora	Rajeswar Bora
95	Maheswari Ghatuwar	Sunu Ghatuwar
96	Dipen Boruah	Monikanta Boruah
97	Dimbeswar Baruah	Monikanta Baruah
98	Renu Gogoi	Kiran Gogoi
99	Manju Kheruwar	Honu Kheruwar
100	Jamuna Sahani	Tribhuban Sahani
101	Seema Devi	Denesh Sahani
102	Rukmini Kheruwar	Bhadra Kheruwar
103	Kiran Kr. Bailung	Dina Bailung
104	Arjun Ghatuwar	Sunu Ghatuwar
105	Pekha Kheruwar	Rajen Kheruwar
106	Chandana Rai	Suraj Sahani
107	Ratul Neog	Kandeswar Neog
108	Budhni Kheruwar	Matilal Kharuwar
109	Madhurya Gogoi	Hemonta Gogoi
110	Moina Boruah	Lakhinath Boruah

111	Mohesh Ghatowar	Sunu Ghatowar
112	Monuj Gogoi	Kiran Gogoi
113	Padma Moran	Ghanakanta Moran
114	Babul Moran	Jonadhan Moran
115	Runu Moran	Badon Moran
116	Huneswar Hazarika	Kemmo Hazarika
117	Mintu Borah	Bhuban Borah
118	Kundeswari Bora	Thaneswar Borah
119	Aditya Borah	Thaneswar Borah
120	Putoli Nagbonshi	Dhaniram Nagbonshi
121	Sanjan Nagbonshi	Kartik Nagbonshi
122	Bonita Ghatuwar	Jethu Ghatuwar
123	Pulin Chetia	Sonjoy Chetia
124	Rakeswar Neog	Bhugeswar Neog
125	Ratneswar Hazarika	Hula Hazarika
126	Kapul Neog	Thula Neog
127	Reboti Neog	Sukla Neog
128	Lohit Neog	Budheswar Neog
129	Anu Neog & Pubali Neog	Bolin Neog
130	Pushpanjali Neog	Mrinal Neog
131	Anima Borah	Nandeswar Borah
132	Probhat Moran	Phukan Moran
133	Dipika Borah	Mohendra Borah
134	Anu Borah	Jalin Borah
135	Sabita Borah	Brojen Borah
136	Rupom Moran	Kitu Moran
137	Punyalata Bora	Bhoben Borah
138	Dipali Neog	Guno Neog
139	Khirud Chutia	Rekhakant Chutia
140	Umakanta Boruah	Bholanath Boruah
141	Rajumoni Nagbonshi	Kalu Nagbonshi
142	Manasha Bora	Chandra Bora
143	Dibalata Boruah	Tarun Boruah
144	Renu Bora	Jatin Bora

145	Phaguni Urang	Dighaliya Nagbonshi
146	Debendra Neog	Bhadeswar Neog
147	Biren Moran	Patu Moran
148	Gauthali Neog	Bhadeswar Neog
149	Akheswar Chetia	Pulin Chetia
150	Babul Urang	It. Pobon Urang
151	Anjali Urang	Bhiu Urang
152	Manam Urang	Probin Urang
153	Dilbor Koiri	Siwaprasad Koiri
154	Raju Koiry	Dilbor Koiri
155	Boishnab Urang	Bhado Urang
156	Sancha Urang	Lalit Urang
157	Fagu Urang	Lalit Urang
158	Golapi Koiry	Lokhiya Koiry
159	Sukhani Urang	Krishna Urang
160	Janki Urang	Bisal Urang
161	Munu Gogoi	Mintu Gogoi
162	Matlu Urang	Paban Urang
163	Pooja Urang	Ajoy Urang
164	Betek Urang	Jimi Urang
165	Hemolota Das Gogoi	Prafulla Das
166	Junali Urang	Biten Urang
167	Arpina Urang	Sanjay Urang
168	Jitu Dihingia	Tuniram Dihingia
169	Parashmoni Boruah	Numal Boruah
170	Dipali Urang	Dom Urang
171	Dhoni Nagbonshi	Aghuni Nagbonshi
172	Krishna Urang	Ghasee Urang
173	Sri Sukram Mura	Joymashi Mura

42. It appears from the above list that only 162 persons were selected out of total 173 persons. But the reason is not found in the record neither any witness explained it. Be that as it may, it goes to

say that the authority concerned selected 162 affected people in the said fire incident eligible to get compensation.

43. Further, with reference to payment of interim compensation to the families affected by blowout of Baghjan-5, Oil authority deposited Rs.4712.5lacs vide letter No.ED(HR&A)/63(T)/234 dated 2.12.2020 to the bank account of Deputy Commissioner, Tinsukia-AA8(3). Further, Oil authority intimated vide letter No.RCE:03-351 dated 2.12.2020 to the Deputy Commissioner, Tinsukia that total amount deposited in Deputy Commissioner's bank account is Rs.90.796 crores and out of that Rs.28.25 crores has been paid to various groups and now required amount would be Rs.68.05 crores to pay 600 affected families of Baghjan area and sought time to release additional fund-AA8(4)

The break-up is as under -

Beneficiary

Annexure-B

Category A: Rs.15lacs x 161 families = Rs.24.15 crores- 161

ANNEXURE – C (Rs.10 Lacs)

44. The Deputy Commissioner, Tinsukia vide order no. TSK/oil Cell/Baghjan gaon/Category B/Gas blow out/2020/34 dated 10th December 2020. with reference to oil order ref. No ED(HR &A)/63 (T)/234 dated 02/12/2020 accorded sanction of total Rs. 43,90,00,000/-, in connection with interim compensation to the affected people of Baghjan gaon area issuing grant to 439 beneficiaries per family @ Rs. 10 lac only. The one time grant to the beneficiaries is payable through bank account of victim. The detailed

verification report, name of the beneficiaries along with their bank account numbers are mentioned in category B list has been submitted by Circle Officer, Doomdooma Revenue Circle vide letter no. DRC.16/2015-16/Pt/530 dated 04/12/2020. AA9 the letter of Circle Officer, Doomdooma Circle Office AA9(1).

CATEGORY -B

LIST OF BENEFICIARIES UNDER BAGHJAN GAON AREA

SL No	ACCOUNT HOLDER	WIFE/HUSBAND	ADDRESS
1	DIPTI GOGOI	MONTU GOGOI	BAGHJAN
2	PILESH HAZARIKA	SHIPANG HAZARIKA	BAGHJAN
3	AROTI CHORAK		BAGHJAN
4	MAMA MORAN	JIT MORAN	BAGHJAN
5	KAMLESWAR MORAN	LT. DONE MORAN	BAGHJAN
6	GEJU CHETIA	LT. SHASHIDHAR CHETIA	BAGHJAN
7	JUNALI CHETIA	AMULYA NEOG	BAGHJAN
8	MEJE CHETIA	LT. SOSHI CHETIA	BAGHJAN
9	RABINDRA MORAN	YOGESWAR MORAN	BAGHJAN
10	YUPI MORAN	PRANJAL MORAN	BAGHJAN
11	JUGESWAR MORAN	LT. SHINGORA MORAN	BAGHJAN
12	DHIREN CHUTIYA	GOMESWAR	BAGHJAN
13	BOBY MORAN	ATUL MORAN	BAGHJAN
14	REKHA MORAN	BIHUDHAR MORAN	BAGHJAN
15	THANESWAR MORAN	HORENDRA MORAN	BAGHJAN
16	DIPAK MORAN	LABHAT MORAN	BAGHJAN
17	RABINA HAZARIKA	NABIN HAZARIKA	BAGHJAN
18	BHONIMAI MORAN	GONKANT MORAN	BAGHJAN
19	JITUL BORUAH	MONIKANTA	BAGHJAN

20	BHADESWAR MORAN		BAGHJAN
21	MANJULA PHUKAN		BAGHJAN
22	CHANTI MORAN	PUNESWAR MORAN	BAGHJAN
23	ANITA CHUTIYA	GOMESWAR CHUTYIA	BAGHJAN
24	NOBOJYOTI MORAN	LT. MODON MORAN	BAGHJAN
25	BINA CHETIA	PHATIK CHETIA	BAGHJAN
26	RIMA PHUKAN	LAKHINATH PHUKAN	BAGHJAN
27	HIRABJYOTI GOGOI	NAREN GOGOI	BAGHJAN
28	MAINU GOGOI	HARENDRA GOGOI	BAGHJAN
29	BIMAL MORAN		BAGHJAN
30	DOLIN HAZARIKA	LT. RUPEN HAZARIKA	BAGHJAN
31	MAINU MORAN	PHUKEN MORAN	BAGHJAN
32	MAINU GOGOI		BAGHJAN
33	PROTIBHA MORAN	KHETE MORAN	BAGHJAN
34	SOJILA HAZARIKA	PANGESHWAR HAZARIKA	BAGHJAN
35	ALPONA HAZARIKA		BAGHJAN
36	JANITA HAZARIKA	REPAN HAZARIKA	BAGHJAN
37	MADHE HAZARIKA	HITESWAR HAZARIKA	BAGHJAN
38	PRONITA HAZARIKA		BAGHJAN
39	MUNINDRA HAZARIKA	HITESWAR HAZARIKA	BAGHJAN
40	JADU NEOG	HADESWAR NEOG	BAGHJAN
41	BANDANA MORAN	ANIL MORAN	BAGHJAN
42	MASHILA HAZARIKA	MANOJ HAZARIKA	BAGHJAN
43	JUGESWARI HAZARIKA	RAJANI HAZARIKA	BAGHJAN
44	DIBYAJYOTI HAZARIKA	MAZIN HAZARIKA	BAGHJAN
45	LUHAI CHETIA		BAGHJAN
46	ANUBALA MORAN		BAGHJAN
47	VELEG CHETIA	LT. TUNESWAR CHETIA	BAGHJAN
48	ANIMA MORAN	RUHIT KHATOWAL	BAGHJAN
49	SHANTI MORAN	BAJK MORAN	BAGHJAN
50	KHAHULI MORAN	RAMESWAR MORAN	BAGHJAN
51	PRONITA MORAN	GOKUL MORAN	BAGHJAN
52	BIPUL NEOG	SIPANG NEOG	BAGHJAN

53	JAYANTI MORAN	KUNINDRA MORAN	BAGHJAN
54	PALLABI MORAN	TARENG MORAN	BAGHJAN
55	JEUTI MORAN	RATNESWAR BARUAH	BAGHJAN
56	JUNALI MORAN	BASANTA MORAN	BAGHJAN
57	SURABHI MORAN	PANIRAM MORAN	BAGHJAN
58	PIKUMONI MORAN	BADAN MORAN	BAGHJAN
59	BILESWAR MORAN	LABHESWAR MORAN	BAGHJAN
60	JUNMONI HAZARIKA	ANUP HAZARIKA	BAGHJAN
61	SUNANDA HAZARIKA		BAGHJAN
62	KAHABOR HAZARIKA	LT. KACHARI HAZARIKA	BAGHJAN
63	HUNESWAR HAZARIKA	TEKELI HAZARIKA	BAGHJAN
64	PRAFULLA HAZARIKA		BAGHJAN
65	ANITA HAZARIKA		BAGHJAN
66	PUNYOLATA HAZARIKA	ANUPAN HAZARIKA	BAGHJAN
67	ROMESH HAZARIKA	CHIPONG HAZARIKA	BAGHJAN
68	BABITA BORUAH	SONJIB	BAGHJAN
69	NITUMONI BORUAH	MANAB BORUAH	BAGHJAN
70	NIRMALI BORUAH	NAGENDRA BORUAH	BAGHJAN
71	KARISHMA MORAN	UDIT MORAN	BAGHJAN
72	BIROPJYUOTI BORUAH	UMESH BORUAH	BAGHJAN
73	SOYANTI BORUAH		BAGHJAN
74	PULIN MORAN	TAKAU MORAN	BAGHJAN
75	UJALATA CHUTIA HAZARIKA	NABAJIT HAZARIKA	BAGHJAN
76	KARISHMA MORAN	BITUL MORAN	BAGHJAN
77	INDRAJIT HAZARIKA	POMESWAR HAZARIKA	BAGHJAN
78	PAMESWAR HAZARIKA	JILIK HAZARIKA	BAGHJAN
79	PHULESWARI PHUKAN	HAREN PHUKAN	BAGHJAN
80	JOYONTI MORAN	DHIREN MORAN	BAGHJAN
81	JITUKAN NEOG		BAGHJAN
82	MUKUL MORAN	LABHESWAR MORAN	BAGHJAN
83	NIRMOLA NEOG	HOE NEOG	BAGHJAN
84	MAINI NEOG		BAGHJAN
85	MODI CHUTIA	MAJID	BAGHJAN
86	TARA CHUTIA	NIPEN MORAN	BAGHJAN

87	AMAL PROBHA BORUAH	SURESH BORUAH	BAGHJAN
88	SWAPNAJYOTI MORAN		BAGHJAN
89	LABHANYA MORAN	DILIP MORAN	BAGHJAN
90	MONUMADHAB MORAN	DILIP MORAN	BAGHJAN
91	JOYAMAY MORAN	BIJOY MORAN	BAGHJAN
92	HILESWAR MORAN	MOHENDRA MORAN	BAGHJAN
93	PADMESWAR HAZARIKA	LT. TOBOR HAZARIKA	BAGHJAN
94	MUNMUN CHUTIA	CHAKRESWAR CHUTIA	BAGHJAN
95	GOJEN MORAN	TILESWAR MORAN	BAGHJAN
96	SIBAJIT MORAN		BAGHJAN
97	JAYA MORAN	DURLOV MORAN	BAGHJAN
98	KANAK MORAN	MOLOKA MORAN	BAGHJAN
99	GHANAKANTA MORAN		BAGHJAN
100	PINKY NEOG	MITHU NEOG	BAGHJAN
101	NIRANTA MORAN	PHUKAN MORAN	BAGHJAN
102	PHUKAN MORAN	MONPUR MORAN	BAGHJAN
103	NIKHA MORAN	RAJIB MORAN	BAGHJAN
104	SUKHESWAR HAZARIKA		BAGHJAN
105	SOPATI MORAN	JADUNATH MORAN	BAGHJAN
106	ASHYUT MORAN	JADUNATH MORAN	BAGHJAN
107	RIJUMONI MORAN	DIPESWAR MORAN	BAGHJAN
108	MEENA MORAN	NIPEN MORAN	BAGHJAN
109	MALAK HAZARIKA	TORBOR HAZARIKA	BAGHJAN
110	POBITRA HAZARIKA	JON	BAGHJAN
111	LATOI HAZARIKA	LT. JONE HAZARIKA	BAGHJAN
112	BHABEN BORUAH	ANDESWAR BORUAH	BAGHJAN
113	SUCHENTY MORAN	BOHIBO GOHAIN	BAGHJAN
114	ADITYA MORAN	AME MORAN	BAGHJAN
115	BULBULI MORAN	JUGANTA MORAN	BAGHJAN
116	AMAL GOGOI	LT. DURLOV GOGOI	BAGHJAN
117	ANJALI HAZARIKA	POMESWAR HAZARIKA	BAGHJAN
118	NAGEN HAZARIKA		BAGHJAN
119	RUPALI HAZARIKA	MRINAL HAZARIKA	BAGHJAN
120	MUNU MORAN	MILONJYOTI MORAN	BAGHJAN

121	RUPAHI MORAN	GODUBAR MORAN	BAGHJAN
122	MINESWARI DOHUTIA		BAGHJAN
123	BOGIMOTI DOHUTIA	LT. JAMUNA DOHUTIA	BAGHJAN
124	GONDHESWARI HAZARIKA		BAGHJAN
125	PUTU HAZARIKA		BAGHJAN
126	DIPALI BORA	N. BORA	BAGHJAN
127	PATOLI BORAH	BOLRAJ TANTI	BAGHJAN
128	NAMITA BORAH		BAGHJAN
129	SABITA MORAN	CHUCHEN MORAN	BAGHJAN
130	RANJUN GOGOI	KULSING GOGOI	BAGHJAN
131	ANTU HAZARIKA	NIRMAL HAZARIKA	BAGHJAN
132	NIRMAL HAZARIKA	LT. KEM HAZARIKA	BAGHJAN
133	ARUP MORAN	KHAGEN MORAN	BAGHJAN
134	SUNESWAR CHETIA	LT. MOHESWAR CHETIA	BAGHJAN
135	MUNI MORAN	KUKHO MORAN	BAGHJAN
136	RUPATI MORAN	KANTESWAR MORAN	BAGHJAN
137	BITUPON CHETIA	TULESWAR CHETIA	BAGHJAN
138	TILESWAR MORAN	PECH MORAN	BAGHJAN
139	NAME HAZARIKA	LABHESWAR HAZARIKA	BAGHJAN
140	RAJIB NEOG	SIPANG NEOG	BAGHJAN
141	SWALI DEKA	PRONITA DEKA	BAGHJAN
142	BISWAJIT SONOWAL	LT. TARUN SONOWAL	BAGHJAN
143	NADAY CHETIA	TUNESWAR CHETIA	BAGHJAN
144	MUKUT CHETIA	JOYONTO CHETIA	BAGHJAN
145	BOHAGI HAZARIKA		BAGHJAN
146	MIHI HAZARIKA	RUMAI HAZARIKA	BAGHJAN
147	ANANTA MORAN	PHUKAN MORAN	BAGHJAN
148	RUPALI HAZARIKA	MIDUL HAZARIKA	BAGHJAN
149	ABOLA MORAN		BAGHJAN
150	TAPAN BARUAH	DHAESWAR	BAGHJAN
151	SOBIN HAZARIKA	LAMBHESWAR	BAGHJAN
152	KHOGESWARI HAZARIKA		BAGHJAN
153	ATUL CHETIA	TUNESWAR CHETIA	BAGHJAN
154	MALOBIKA BORAH		BAGHJAN

155	HEROKJYOTI BORUAH		BAGHJAN
156	PRANJAL GOGOI		BAGHJAN
157	JADAV CHETIA	JAYANTA	BAGHJAN
158	TOLITA MORAN		BAGHJAN
159	DIGANTA MORAN		BAGHJAN
	LABANYA MORAN	D MORAN	BAGHJAN
160	BHANU HAZARIKA	NARENDRA HAZARIKA	BAGHJAN
161	HUNMONI MORAN	BOKUL MORAN	BAGHJAN
162	MALAKA MORAN	PEMU MORAN	BAGHJAN
163	BITUL HAZARIKA	NORENDRA HAZARIKA	BAGHJAN
164	GEL HAZARIKA		BAGHJAN
165	RUBUL HAZARIKA	NARENDRA	BAGHJAN
166	RUNJUN HAZARIKA	BISHWAJIT HAZARIKA	BAGHJAN
167	MINASHEE GOGOI	MOHIRAM GOGOI	BAGHJAN
168	ARCHANA MORAN	PRANJIT MORAN	BAGHJAN
169	HEMONTI MORAN	MODON MORAN	BAGHJAN
170	USHAJYOTI MORAN	GOJENDRANATH MORAN	BAGHJAN
171	HURAJIT HAZARIKA	PROMESWAR HAZARIKA	BAGHJAN
172	PARI MORAN	KHAGEN MORAN	BAGHJAN
173	DIPEN HAZARIKA		BAGHJAN
174	PARISHMITA G. MORAN	DIPANKAR MORAN	BAGHJAN
175	JANTU MORAN	JADUNATH MORAN	BAGHJAN
176	SARUMAI MORAN	BONKSHIDHAR MORAN	BAGHJAN
177	ANJANA PRABUNA	PRABHUNATH KORUWA	BAGHJAN
178	BOBY MOHAN MORAN	UPEN MORAN	BAGHJAN
179	NIVA MORAN		BAGHJAN
180	PENDUK CHUTIA	KAMESWAR CHUTIA	BAGHJAN
181	PRABIN HAZARIKA	LOMBESWAR	BAGHJAN
182	TIPI MORAN	BOLU MORAN	BAGHJAN
183	BIHUTI HAZARIKA	KHIRESWAR HAZARIKA	BAGHJAN
184	NAMI HAZARIKA	GOBIN HAZARIKA	BAGHJAN
185	BINUD MORAN		BAGHJAN
186	PANDIT HAZARIKA	ANESWARI HAZARIKA	BAGHJAN
187	TILAK MORAN	RUL MORAN	BAGHJAN

188	KAMAL BARUAH		BAGHJAN
189	ARABINDRA BARUAH	KAMAL BARUAH	BAGHJAN
190	BAKHANTI BARUA	KAMAL BARUA	BAGHJAN
191	BANDITA MORAN	HUNESWAR HAZARIKA	BAGHJAN
192	RAJU BORAH	LT. RAJENDRA BORAH	BAGHJAN
193	DULAN BORAH	RAJEN BORAN	BAGHJAN
194	MONTU BORUAH	MONIKANTA BORUAH	BAGHJAN
195	DIPAK MORAN	NOBEN MORAN	BAGHJAN
196	NOBEN MORAN	BHUGESWAR MORAN	BAGHJAN
197	ILABATI HAZARIKA	LETUK HAZARIKA	BAGHJAN
198	ANITA HAZARIKA	MOLEN HAZARIKA	BAGHJAN
199	NELESWARI HAZARIKA		BAGHJAN
200	MONI MORAN	DIPEN MORAN	BAGHJAN
201	BISHWAJIT HAZARIKA	PREMESWAR HAZARIKA	BAGHJAN
202	MAINA DEKA		BAGHJAN
203	ANU DEKA	BADOL DEKA	BAGHJAN
204	MAMONI DEKA	RUPOM DEKA	BAGHJAN
205	KABITA BORUAH		BAGHJAN
206	TULUKI BORUAH		BAGHJAN
207	UJJAL MORAN	LUTUK	BAGHJAN
208	NIJARA MORAN	LETUK MORAN	BAGHJAN
209	SUBORNA MORAN	DIPUNJU MORAN	BAGHJAN
210	BINANDA MORAN	LETUK MORAN	BAGHJAN
211	PRIYANKA CHETIA	MOHAN CHETIA	BAGHJAN
212	HAPUNJYOTI HAZARIKA	HEMONTA HAZARIKA	BAGHJAN
213	DHONESWAR MORAN		BAGHJAN
214	PRAKHANTA MORAN	BIDESWAR MORAN	BAGHJAN
215	BIRESWARY BORUAH	SIPANG	BAGHJAN
216	PROBIN MORAN		BAGHJAN
217	DOMONTI CHUTIA		BAGHJAN
218	LILABATI HAZARIKA	PODESWAR HAZARIKA	BAGHJAN
219	SUBHAJIT HAZARIKA		BAGHJAN
220	KEHUDHAR HAZARIKA	PODESWARH HAZARIKA	BAGHJAN
221	APURBA HAZARIKA	PANDIT	BAGHJAN

222	PRAKASH HAZARIKA	PANDIT HAZARIKA	BAGHJAN
223	BONJIT HAZARIKA	INDESWAR HAZARIKA	BAGHJAN
224	BABITA PHUKAN		BAGHJAN
225	UDIT MORAN		BAGHJAN
226	KUMALI NEOG	GANDHA NEOG	BAGHJAN
227	PERONA MORAN	BODON MORAN	BAGHJAN
228	BHADRA GOGOI		BAGHJAN
	JUNU BORUAH	KULODHOR GOGOI	BAGHJAN
229	MONJIT BORUAH	JUNU BORUAH	BAGHJAN
230	AROTI MORAN		BAGHJAN
231	MANAKHI BAILUNG		BAGHJAN
232	NUMULI BAILUNG	PRADIP BAILUNG	BAGHJAN
233	KISHORE HAZARIKA	MRINAL HAZARIKA	BAGHJAN
234	RUPANTA MORAN		BAGHJAN
235	KALIMOTI MORAN	JEET MORAN	BAGHJAN
236	NAYANMONI DOHUTIA		BAGHJAN
237	HEWALI MORAN	TANESWAR MORAN	BAGHJAN
238	KHANEN MORAN	SONE MORAN	BAGHJAN
239	RUNU MORAN	RAJEN MORAN	BAGHJAN
240	PUTL NEOG	SUKHEN NEOG	BAGHJAN
241	BITU MORAN	NOREN MORAN	BAGHJAN
242	NOREN MORAN	MOTESWAR MORAN	BAGHJAN
243	NABAJIT HAZARIKA		BAGHJAN
244	NALI HAZARIKA		BAGHJAN
245	SIDHARTH CHETIA		BAGHJAN
246	PAMESWARI HAZARIKA		BAGHJAN
247	A. MALLAH		BAGHJAN
248	JATIN GOGOI	PURNA KANTA GOGOI	BAGHJAN
249	METHONG DOHUTIA	TULON DOHUTIA	BAGHJAN
250	SURESH MALLAH	SIWDUTT MALLAH	BAGHJAN
251	KHAGESWAR HAZARIKA	DOLI HAZARIKA	BAGHJAN
252	BOJIT MORAN	TOK MORAN	BAGHJAN
253	JAMUNA KUMAR SAHANI	PUJA DEVI	BAGHJAN
254	GOLESWARI MORAN		BAGHJAN

255	POSPANJALI NEOG	MRINAL NEOG	BAGHJAN
256	DIPALI MORAN		BAGHJAN
257	BINOMA MORAN		BAGHJAN
258	TUNUMONI MORAN	BIPOB MORAN	BAGHJAN
259	PALI GOGOI	MONOJ GOGOI	BAGHJAN
260	MAMANI MORAN		BAGHJAN
261	SUMITRA MALLAH	DILIP MALLAH	BAGHJAN
262	USHA DEY GOGOI	BHIMKANT GOGOI	BAGHJAN
263	RANUMAI GOGOI		BAGHJAN
264	BIREN GOGOI		BAGHJAN
	MITU GOGOI		BAGHJAN
265	SURUMAI MORAN		BAGHJAN
266	ANITA MORAN	PILESWAR MORAN	BAGHJAN
267	PURNIMA MORAN		BAGHJAN
268	HITESWARI MORAN		BAGHJAN
269	GUNAMALA HAZARIKA	MONESWAR HAZARIKA	BAGHJAN
270	PUTU MORAN	LOKHESWAR MORAN	BAGHJAN
271	SHILPI GOGOI	PROKHEN GOGOI	BAGHJAN
272	ANUPAM NEOG	PROTAP NEOG	BAGHJAN
273	PRONTI NEOG	PROTAP NEOG	BAGHJAN
274	TAPAN MORAN	BABUL MORAN	BAGHJAN
275	ANITA MORAN	NITESWAR MORAN	BAGHJAN
276	KONOKLATA DAHOTIA	LALIT DOHOTIA	BAGHJAN
277	PUTUMONI MORAN	JIBON MORAN	BAGHJAN
278	RITAMONI MORAN	LT. DEBAN MORAN	BAGHJAN
279	ANIMA BORUWAH	AKAN BARUAH	BAGHJAN
280	DOLEE BARUAH	KULEN BARUAH	BAGHJAN
281	RENU MORAN	MAHANANDA MORAN	BAGHJAN
282	SATYADHAR MORAN	MAHANANDA MORAN	BAGHJAN
283	BOBY NAGBONSI		BAGHJAN
284	RIMA MORAN	BIPIN MORAN	BAGHJAN
285	DALUK NEOG		BAGHJAN
286	AMULYA MORAN	BABULI MORAN	BAGHJAN
287	CHANDRAMA NEOG	PROTAP NEOG	BAGHJAN

288	RINALI MORAN	PIJUSH MORAN	BAGHJAN
289	HIROKJYOTI CHUTIA	JITENDRA CHUTIA	BAGHJAN
290	ALESWARI MORAN	PAMESWAR MORAN	BAGHJAN
291	LALITA CHAHANI	SARADA SAHANI	BAGHJAN
292	BHUPEN BURAGOHAIN	GOHAIN	BAGHJAN
293	KANAK BURAGOHAIN		BAGHJAN
294	MALA GOHAIN	BHUBAN BURAGOHAIN	BAGHJAN
295	DULIMONI BORUAH		BAGHJAN
296	ABHIRAJ MORAN		BAGHJAN
	RASHMI GOGOI	TULAN MOHAN	BAGHJAN
297	KARUNA MOHAN		BAGHJAN
298	SONJIB MOHAN	TULON MOHAN	BAGHJAN
299	DEBOJANI MORANM	PROBIN BORAH	BAGHJAN
300	RINA MOHAN	TULAN MOHAN	BAGHJAN
301	JIBOKANTA MORAN	JYOTIN MORAN	BAGHJAN
302	JUNMONI MORAN	ANNAJIT MORAN	BAGHJAN
303	PRALA GOGOI		BAGHJAN
304	MAINE MORAN		BAGHJAN
305	KETEKI NEOG	LANGKE NEOG	BAGHJAN
306	DIPTI NEOG	LT. DEBESWAR NEOG	BAGHJAN
307	ARUP MORAN	BABULUI MORAN	BAGHJAN
308	BISWAJIT MORAN	LOAMBESWAR MORAN	BAGHJAN
309	UJALATA HAZARIKA	MANOJ HAZARIKA	BAGHJAN
310	DHANESWARI HAZARIKA		BAGHJAN
311	DIPAK KOIRI	LOKHIYA KOIRI	BAGHJAN
312	AJOY KHERUWAR	MOTILAL KHERUWAR	BAGHJAN
313	DEBOJIT HAZARIKA		BAGHJAN
314	MINA CHUTIA	MOHESWAR	BAGHJAN
315	TULASHI BARUAH	SENIDHAR BARUAH	BAGHJAN
316	KARABI SONOWAL BAILUNG	DAMBARU SONOWAL	BAGHJAN
317	GOGON MORAN	TIKI MORAN	BAGHJAN
318	ANU BAILUNG	BIMAL BAILUNG	BAGHJAN
319	TILOK NEOG		BAGHJAN
320	MONISHA SARKAR	RANJIT SARKAR	BAGHJAN

321	TUTUMONI DEY	SUBASH DEY	BAGHJAN
322	JUNABOR BORUAH		BAGHJAN
323	JATIN MORAN	NIRMAL MORAN	BAGHJAN
324	MAMPI CHETIA MORAN		BAGHJAN
325	HOLEN MORAN		BAGHJAN
326	CHANDRAMA M. CHUTIA		BAGHJAN
327	PREMALATA BORUAH	MANIKANTA BARUAH	BAGHJAN
328	NASHMI BORUAH		BAGHJAN
329	KETEKI GOHAIN	HANANJYOTI GOHAIN	BAGHJAN
330	ANIL CHETIA		BAGHJAN
331	FULAMATI CHAHANI	RABINDRA SAHANI	BAGHJAN
332	LOLITA GHATUWAR	Lt. NOKUL GHATUWAR	BAGHJAN
333	MANJUMONI CHETIA	Lt. KULADHAR CHETIA	KOLIAPANI
334	MONIKHA GOGOI	PROSHANTU GOGOI	KOLIAPANI
335	PRADIP KR. BORUAH		KOLIAPANI
336	NAMITA MORAN	GOGON MORAN	KOLIAPANI
337	JITUL GOGOI		KOLIAPANI
338	DULEN CH. GOGOI	LT. LOKHI GOGOI	KOLIAPANI
339	NIRU GOGOI	SHISURAM GOGOI	KOLIAPANI
340	NIRADA BAILUNG	DINANATH BAILUNG	KOLIAPANI
341	MAMONI BAILUNG	LACHIT BAILUNG	KOLIAPANI
342	RANJIT GOGOI	LOKHI GOGOI	KOLIAPANI
343	SUSHIL BAILUNG	BIMAL BAILUNG	KOLIAPANI
344	KANAK PHUKAN		BAGHJAN
345	KALPANA PHUKAN	PODMODHAR PHUKAN	BAGHJAN
346	GITANJALI PHUKAN	PODMODHAR PHUKAN	BAGHJAN
347	BIDESWAR MORAN	TAKOW MORAN	BAGHJAN
348	SWEETY SAIKIA MORAN	BIPLOB MORAN	BAGHJAN
349	DIPALI DIHINGIA	SUKHESWAR DIHINGIA	BAGHJAN
350	UMESH PHUKAN	LT. SONABOR PHUKAN	BAGHJAN
351	ABHITI PHUKAN	KHELANG PHUKAN	BAGHJAN
352	JURI MORAN	DHIREN MORAN	BAGHJAN
353	HEMANTI HAZARIKA	GADESHWAR HAZARIKA	BAGHJAN
354	BANALATA NEOG	SUREN NEOG	BAGHJAN

355	JUNALI MORAN	LABAN MORAN	BAGHJAN
356	KEHE MORAN	THANESWAR MORAN	BAGHJAN
357	BHANU NEOG		BAGHJAN
358	TITU CHETIA	ANIL CHETI	KOLIAPANI
359	MAGHESWAR MORAN	LT. MEHENG MORAN	BAGHJAN
360	DIPU MORAN	LAMBHESWAR	BAGHJAN
361	DIPANJALI MORAN	LAMBHESWAR MORAN	BAGHJAN
362	GODU MORAN	LT. PHANIDHAR MORAN	BAGHJAN
363	JUNUMAI MORAN	FULEN MORAN	BAGHJAN
364	SILPA NAGBONSHI	MONGLA NAGBONSHI	KOLIAPANI
365	GUNOBOTI HAZARIKA	ROTNESWAR HAZARIKA	BAGHJAN
366	REKHAMONI HAZARIKA	TETEN HAZARIKA	BAGHJAN
367	IMONI MORAN	BIDYUT MORAN	BAGHJAN
368	ANUPOM NEOG	PUTUL NEOG	BAGHJAN
369	ALPANA MORAN HAZARIKA		BAGHJAN
370	LAKHIT PATOR		KOLIAPANI
371	PUSPA MORAN	ELESWAR MORAN	BAGHJAN
372	MOTESWAR MORAN		BAGHJAN
373	MANIK BORUAH	DHAESWAR BORUAH	BAGHJAN
374	SURUJ BORUAH	MANIK BORUAH	BAGHJAN
375	AMITI BORUAH		BAGHJAN
376	KEJE HAZARIKA		BAGHJAN
377	BAPPI CHUTIA	GUPON CHUTIA	BAGHJAN
378	HOMEN MORAN	LITESWAR MORAN	BAGHJAN
379	KALANJYOTI HAZARIKA		BAGHJAN
380	NANDESWAR MORAN		BAGHJAN
381	NILESWAR MORAN	LT. LOBESWAR MORAN	BAGHJAN
382	ANAMIKA M. HAZARIKA	NILESWAR MORAN	BAGHJAN
383	POMPI MORAN GOGOI	CHIRANJIT GOGOI	BAGHJAN
384	ROJOTI MORAN	BISWAJIT MORAN	BAGHJAN
385	MANUJ MORAN	FANIDHAR MORAN	BAGHJAN
386	SIWJEE SAHANI		KOLIAPANI
387	IMONI MORAN	BIDYUT MORAN	BAGHJAN
388	BULUPROBHA MORAN		BAGHJAN

389	RUDRA NEOG		BAGHJAN
390	BHAGYAPATI NEOG		BAGHJAN
391	HEMONTA MORAN	LOBESHWAR MORAN	BAGHJAN
392	MONTU MORAN	BIDESHWAR MORAN	BAGHJAN
393	MANINDRA SARKAR	RAJ KR. SARKAR	BAGHJAN
394	KIRAN GOGOI		KOLIAPANI
395	RAJESH DAS	SUREN DAS	BAGHJAN
396	GITIMONI DOHUTIA	MINTU DOHUTIA	BAGHJAN
397	ATENDRA DAS	SUREN DAS	BAGHJAN
398	MOTI NOMUSUDRA	HARIDHAR NOMUSUDRA	BAGHJAN
399	MONTU MORAN	JUGESH MORAN	BAGHJAN
400	USHA BORUAH	LT. RAJEN BORUAH	BAGHJAN
401	CHUTI NEOG	NORESWAR NEOG	BAGHJAN
402	NIPEN GOGOI		BAGHJAN
403	BINDU DEVI	MAHABIR SAH	BAGHJAN
404	GAJEN BARUAH		BAGHJAN
405	BINA BORAH	JUGANAND BORAH	BAGHJAN
406	AKONI BORUAH	DINESH BORUAH	BAGHJAN
407	KAMALA SURESH	SURESH GOWALA	KOLIAPANI
408	SUSHILA URANG	BUDHUWA URANG	KOLIAPANI
409	PADMA CHUTU	CHUTU KARMAKAR	KOLIAPANI
410	SATON MORAN		BAGHJAN
411	RUMI MORAN	MUKUL MORAN	BAGHJAN
412	BIPIN MORAN	BHABIRAM MORAN	BAGHJAN
413	REVATI GOGOI	AJIT GOGOI	KOLIAPANI
414	DIPU GOGOI		KOLIAPANI
415	RANJIT BORAH	MOHENDRA BORAH	BAGHJAN
416	PROBINA SONOWAL		
417	TRIDIP KIRAN MORAN	DHAMEN MORAN	BAGHJAN
418	MINESWARI MORAN		BAGHJAN
419	SUNESWARI MORAN		BAGHJAN
420	SALUKI MORAN	LT. ADHOY MORAN	BAGHJAN
421	MEGHETI NEOG		BAGHJAN
422	HEMASHREE MORAN	HUNESWAR CHUTIA	BAGHJAN

423	PALLAB HAZARIKA		BAGHJAN
424	AMARJIT GOGOI		BAGHJAN
425	DULUMONI BORUAH	KAMAL CH, BORUAH	BAGHJAN
426	GIKUL NEOG		BAGHJAN
427	GEDENG HAZARIKA	LOMBESWAR HAZARIKA	BAGHJAN
428	SUNITA CHAORA	BISHNU CHAORA	BAGHJAN
429	LOMBESWAR MORAN		BAGHJAN
430	RUPALI PHUKAN	RANJIT PHUKAN	BAGHJAN
431	SUNIL NAGBONSHI	M NAGBONSHI	KOLIAPANI
432	LALUKI MORAN	NALESWAR MORAN	BAGHJAN
433	JULI GHATUWAR	KRISHNA GHATUWAR	KOLIAPANI
434	MAMONI SARKAR	SUJIT SARKAR	BAGHJAN
435	JANOMOTI NAMASUDRA	SAJAL NAMASUDRA	BAGHJAN
436	MUKUT PHUKAN	NABONITA GOGOI PHUKAN	BAGHJAN
437	JITAMONI MORAN NEOG	NOBIN NEOG	BAGHJAN
438	MODEL DOHUTIA	JOMUNA DOHUTIA	BAGHJAN
439	ANIMA HAZARIKA		BAGHJAN

45. Name of persons appear in the above list; AA-9(2) is the selection and assessment for loss/ damages by CW2 with her survey team as per her version. Some of them however, are not from Baghjan gaon but from nearby Koliapani goan. They have received Rs.10lacs for loss/ damages to their houses for the blowout/fire at Baghjan well No.5. On 2.12.2020 Oil India authority deposited Rs.4712.5lacs to bank account of Deputy Commissioner, Tinsukia for payment of interim compensation to the affected families of Baghjan ;AA9(3). Again Oil India wrote letter No.RCE:03-358 dated 8.12.2020 intimated that a balance amount of Rs.2092.50lacs is needed for payment of interim compensation to 161 beneficiaries in Category I @ Rs.15lacs per family and 439 beneficiaries in Category II @ Rs.10lacs

per family after deposit of Rs.4712.5lacs and accordingly, deposited Rs.6,91,45,000.00 to bank account of Deputy Commissioner, Tinsukia; AA9(4) which is paid in connection with balance interim compensation amount of Rs.618.85lacs to be paid to 161 beneficiaries in Category I @ Rs.15lacs per family and 439 beneficiaries in Category II @ Rs.10lacs per family and Rs.72.60lacs as 2nd installment of compensation amount to 242 families of Baghjan Bangali basti who stayed at PHC Relief camp at Bandarkhati @ Rs.30,000/- per family with an assurance to release the amount due to 4256 families out of the total of 7000 families @ Rs.15,000/- on receipt of exact number of families after verification of list of families. Further, Deputy Commissioner, Tinsukia accorded sanction of Rs.10lacs to Reboti Neog w/o Sulka Neog who died during blowout ; AA9(5) with list of his next kin consisting of 10 members ; AA9(6) on the basis of consent of Oil India authority ; AA9(7).

<u>Break-up of fund disbursement</u>	<u>Beneficiary</u>
Annexure-C	
Rs.43,90,00,000/-	439
Rs.10,00,000/-	1
Total=Rs.44,00,00,000/-	440

ANNEXURE-D (Rs.3lacs)

46. On 26.6.2020 Deputy Commissioner, Tinsukia vide order No.TS/Oil Cell/baghjan Gas blow out/fire breakout Case/2020/ accorded sanction of Rs.3lacs as one time compensation to NOK 1. @ Rs.2lacs to Smti. Dosma Kanchama Kishan H/o late Sukla Kishan

(adult) @ Anand Kishan, Baghjan gaon 12No. Line as financial assistance for late Sukla Kishan (adult) @ Anand Kishan expired on 20.6.2020 at Oil hospital from Bandarkhati LP & High school relief camp and 2. @ Rs.1lac to Lashman Pator, d/o late Aroshi Pator(minor), 1No line, Bordubi TE expired on 22.6.2020 as financial assistance for late Aroshi Pator(minor), was inhabitant of and during visit to her maternal grandfather's house at Baghjan along with her parents before lock-down, they were unable to go back to their home due to lock-down and after fire blow out on 9.6.2020. they were sheltered at 8No line Catholic Church relief camp and during her stay on 16.6.2020, then her family attended the doctor in the camp and she left to her maternal grandfather's house without informing any person or camp in-charge and then some days' treatment she breathed her last; AA-10. It is supported by letter No.DRC.16/2015-16/Pt-I/ dated 24.6.2020 and No.DRC.16/2015-16/Pt-I/ dated 26.6.2020 of Circle Officer Doomdooma Revenue Circle; AA10(1) (2).

Break-up of fund disbursement

Beneficiary

Annexure-D

Rs.3,00,000/-

3

ANNEXURE E (Rs.50Thousand)

47. On 23.9.2020 Deputy Commissioner, Tinsukia accorded financial sanction for house rent, fooding, medical allowances etc., to the affected people of Baghjan issuing grant to 612 beneficiaries per families @ Rs.50,000/- only to the tune of total of Rs.3,06,00,000/- through bank account. The Circle Officer Doomdooma submitted

12No of bank account details in respect of persons of burnt houses under Doomdooma revenue circle on the basis of report of Gaonburah, SK and Lot Mandal vide AA11(1).

BANK ACCOUNT DETAILS OF 12 BURNT HOUSES IN THE FIRE BLOW OUT AT BAGHJAN GAON UNDER DOOMADOOMA REVENUE CIRCLE :

SL No.	Name of Person	Guardian's name	Name of Bank	IFSC Code	Account No.
1	Papul Chutia	S/o Dineswar Chutia	SBI	SBIN0003835	39417627248
2	Ritu Moran	S/o Lobheswar Moran	Union Bank of India	UBIN053835	383202010059780
3	Smti. Haruful Panging	W/o Arbinda Panging	SBI	SBIN0003835	39572723441
4	Dip Saikia	S/o Lombheswar Saikia	AGVB	UTBI0RRBAGB	7156010006897
5	Amal Saikia	S/o Lombheswar Saikia	AGVB	UTBI0RRBAGB	7156010006950
6	Bikash Saikia	S/o Amal Saikia	Indian Bank	IDIB0000026	6851197903
7	Sabadev Moran	S/o Phukan Moran	Corporation Bank	CORP0001354	52010126777492
8	Hemanta Moran (Umi)	S/o Phukan Moran	AGVB	UTBI0RRBAGB	7156010006048
9	Lakhindra Moran	S/o Phukan Moran	Union Bank of India	UBIN0538329	383202010063721
10	Munu Mura	S/o Joy Masi	NA	NA	NA
11	Smti Labaiya Saikia	W/o Joynath Saikia	SBI	SBIN0003835	30462457026
12	Lanbeswar Saikia	S/o Desowar Saikia	AGVB	UTIBI0RRBAGB	7156010002789

48. The statement of Circle Officer, Doomdooma revenue circle will show that the amount of compensation was deposited into individual bank account of the beneficiaries and no cash transaction took place in respect of release of compensation money in favour of any person. Further, Circle Officer, Doomdooma revenue circle submitted again a list of other damaged of 439 affected families of Baghjan gaon area which is verified by assessment team, Baghjan gaon including Lot Mandals and various departments' viz. Agriculture, DICC, Tinsukia, Forest, Veterinary, Hand-loom & Textiles, PWD(B) & Fishery etc. under supervision of Sri Pankaj Nagbonshi, ACS, ADC, Tinsukia vide **AA11(2)**. The list is not narrated herein again since it would be a repetition of the same and for space. **AA11(3)**.

49. Again, on 23.9.2020, the Circle Officer, Doomdooma revenue circle submitted vide NO DRC 16/2015-16/Pt-II/8 of partially modified & re-verified 2nd list of severely damaged affected families of Baghjan gaon area under Doomdooma revenue circle; **AA11(4)**. The list is enclosed as **AA11(5)**, consisting of 104 persons. Again on 31st August 202 vide NO DRC 16/2015-16/Pt-I/131 the Circle Officer, Doomdooma Revenue Circle submitted 57 numbers of bank account details in respect of persons of severely damaged under Doomdooma Revenue Circle; **AA11(6)**. The list of said 57 persons is enclosed as **AA11(7)**. Thereafter, the Oil India Authority vide Ref. No. RCE:3-228 dated 25-09-2020 communicated to Deputy Commissioner Tinsukia District that they deposited an amount of Rs. 19.725 crores against category II and category III houses as per NGT order

no.43/2020 (EZ) dated 06-08-2020 on 18-09-2020 and requested to disburse an amount of Rs. 50,000/- only per family per month for 612 families from the above amount till the monthly amount is deposited by the Oil India Ltd. It is made clear that house rent shall be paid on monthly basis starting from 01-10-2020 and continue till the fire is doused as well as payment towards fooding, medical allowances etc. to the affected people of Baghjan village, who are staying in relief camp and relief camp in Baghjan M.E. School along with fooding etc. shall be discontinued from 25-09-2020 vide AA11(8). After that Oil India Authority released of house rent fooding, medical allowance to the bank account of Deputy Commissioner, Tinsukia for 612 families @ Rs. 50,000/- per family vide AA11(9). Accordingly, the Deputy Commissioner, Tinsukia accorded financial sanction of Rs. 16 lacs for house rent, fooding, medical allowance etc. to the affected people of Baghjan village for issuing one time grant to 32 beneficiaries @ Rs. 50,000/- only to affected families vide AA11(10). On the basis of letter no. DRC 16/2015-16/Pt.I/399 dated 28th October' 2020 by Circle Officer, Doomdooma Revenue Circle, submitting final additional list of Baghjan M.E. and High School relief camps vide AA11(11). The list of 31 beneficiaries as above is enclosed as AA11(12).

50. Apart from that the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 3,26,00,000/- for house rent including fooding, medical allowance etc. to 652 numbers of beneficiaries @Rs. 50,000/- only to affected people of greater Natun Rongagorah Gaon staying in relief camp for Baghjan gas blow out, which is payable through Bank Transfer vide AA11(13), after receipt of list of beneficiaries of said village from Circle Officer, Tinsukia Revenue

Circle vide **AA11(14)**. The list of 652 persons as beneficiary of greater Natun Rongagorah Gaon is enclosed as **AA11(15)** hereto. After that the Deputy Commissioner, Tinsukia accorded financial sanction of Rs. 3 crore 6 lacs. in total for house rent, fooding, medical allowance etc. to the affected people of Baghjan Gaon, issuing second time grant to 612 beneficiaries per families @ Rs. 50,000/- only to affected families of Baghjan gas blow out fire, which will be payable through bank transaction vide **AA11(16)**. The list of said 612 families with their bank account is enclosed herewith as **AA11(17)**. The Oil India Authority also deposited Rs. 3.06 crore to the Bank Account of Deputy Commissioner, Tinsukia for payment to above 612 affected families of Baghjan village, who are staying at relief camp @ 50,000/- only per family vide **AA11(18)**. Thereafter, the Deputy Commissioner on 3rd April' 2021 accorded financial sanction of total Rs. 30 lac 50 thousand only for issuing grant to 61 beneficiaries per families @ Rs. 50,000/- only to the affected families of Baghjan gas blow out and fire, which will be payable through Bank transfer vide **AA11(19)**, on the basis of letter dated 22nd March' 2021 sent by Circle Officer, Doomdooma Revenue Circle, submitting additional list of 61 beneficiaries at Baghjan area vide **AA11(20)**. The list of said 61 persons is enclosed herewith as **AA11(21)**. In the meantime Oil India Authority deposited Rs. 30.50 lac to the Bank account of Deputy Commissioner, Tinsukia for payment of compensation to the 61 families, whose agricultural land have been affected due to Baghjan Blow out and fire @ Rs. 50,000/- per family vide **AA11(22)**.

<u>Break-up of fund disbursement</u>	<u>Beneficiary</u>
Annexure-E	
Rs.3,06,00,000/-	612
Rs.16,00,000/-	32
Rs.3,26,00,000/-	652
<u>Rs.30,50,000/-</u>	<u>61</u>
Total=Rs.6,78,60,000/-	1357

ANNEXURE – F (Rs. 30,000/-)

51. The Deputy Commissioner vide order dated 28th July 2020 accorded financial sanction of total Rs. 1,57,50,000/- only for issuing one time grant to 525 beneficiaries @ Rs. 30,000/- only to affected families of Baghjan gas blow out payable through bank transfer as per the list vide AA12. On the basis of submission of Bank account details in respect of beneficiaries of no.1 Baghjan L.P. School Khalisthan, containing 525 beneficiaries vide AA12 (1). The list of said 525 beneficiaries along with bank accounts is enclosed as AA12(2).

52. Again vide order dated 12th June' 2020 the Deputy Commissioner, Tinsukia accorded financial sanction for issuing one time grant to 625 beneficiaries @ Rs. 30,000/- only to the affected families of Baghjan gas blow out/fire break out payable by Oil India directly of total Rs.1,87,50,000/- by bank transfer vide AA12(3) on the basis of letter dated 12th June' 2020 by Circle Officer, Doomdooma Revenue Circle submitting list of persons along with bank details of Baghjan and Dighaltarang gaon area submitted by Baghjan Gaon Milanjyoti Yuva Sangha as verified by concerned SK, Lot Mandals

and Gaonburha under Doomdooma Revenue Circle. The list of 625 beneficiaries with bank details is enclosed as AA12(4). Again vide order dated 11th September 2020, the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 10 lac 8 thousand only for issuing one time grant to 36 beneficiaries @ Rs. 30,000/- to affected families of Baghjan gas blow out, which is payable through bank transfer vide AA12(5) on the basis of letter dated 2nd September 2020 issued by Circle Officer, Doomdooma Circle submitting additional list. The list is enclosed as AA12(6) of above 36 beneficiaries with bank details.

53. Further, the Deputy Commissioner, Tinsukia vide order dated 30th June, 2020 accorded financial sanction of total Rs. 21 lac 90 thousand for issuing one time grant to 73 beneficiaries @ Rs. 30,000/- only to the affected families of Baghjan gas blow out, payable by Bank transfer vide AA12(7), on the basis of letter dated 23rd June, 2020 of Circle Officer, Doomdooma submitting account details of St. Josef High School relief camp, the list of said 73 beneficiaries with bank details is enclosed as AA12(8).

54. The Deputy Commissioner, Tinsukia vide order dated 6th July 2020 accorded financial sanction of total Rs. 6 lac 30 thousand only for issuing one time grant to 21 beneficiaries @ 30,000/- only to the affected families of Baghjan gas blow out/fire, payable by bank transfer vide AA12(9). The list of above 21 families with bank details is annexed herewith as AA12(10).

55. Again on 16th July 2020, the Deputy Commissioner, Tinsukia accorded total Rs. 64 lacs 50 thousand only for issuing one time grant

to 215 beneficiaries @ Rs. 30,000/- only to the affected families of Baghjan gas blow out/fire vide AA12(11), on the basis of list of bank account details of relief beneficiaries of PHC center quarter, including No.1 Baghjan L.P. School Khalisthan. The list of above 215 beneficiaries is enclosed herewith as AA12(12). Again vide order dated 23rd June, 2020 the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 7 lac 50 thousand for issuing one time grant to 25 beneficiaries @ Rs. 30,000/- only to the affected families of Baghjan gas blow out/fire, payable bank transfer vide AA12(13), on the basis of account details of beneficiaries of Dighaltarang Gateline M.E. School, situated at Baghjan Gaon. The list of above 25 beneficiaries with bank details is enclosed as AA12(14). Again vide order dated 10th November 2020, the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 10 lac 20 thousand for issuing one time grant to 34 beneficiaries @ Rs.30,000/- only to the affected families of Baghjan gas blow out payable by bank transfer vide AA12(15), on the basis of list of beneficiaries submitted by Circle Officer, Doomdooma Revenue Circle. The list of above 34 affected persons is enclosed as AA12(16). Again vide order dated 26th November, 2020, the Deputy Commissioner, Tinsukia accorded sanction of total Rs. 90 thousand only for issuing one time grant to 3 beneficiaries @ Rs. 30,000/- only, payable by bank transfer vide AA12(17), on the basis of letter dated 09-11-2020, issued by the Circle Officer, Doomdooma Revenue Circle in the meantime Oil India Authority deposited 9 crores to the bank account of Deputy Commissioner, Tinsukia on 10th November 2020 vide AA12(18). Further on 3rd November 2020 Deputy Commissioner, Tinsukia

accorded financial sanction of total Rs. 21 lac 90 thousand for issuing one time grant to 73 beneficiaries @ Rs. 30,000/- only to the affected families payable by bank transfer vide AA12(19), on the basis of letter dated 29-10-2020 of Circle Officer, Doomdooma Revenue Circle the list of above 73 beneficiaries of St. Josef School Relief camp is enclosed as AA12(20). Again vide order dated 28-10-2020 the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 18 lacs 60 thousands only for issuing one time grant to 62 beneficiaries @Rs. 30,000/- to affected families of said blow out payable by bank transfer vide AA12(21), on the basis of letter dated 16th October 2020 by Circle Officer Doomdooma the list of 62 affected persons as above with bank details is enclosed as AA12(22).

56. In the meantime, Oil India Authority informed the Deputy Commissioner, Tinsukia regarding obstruction of oil operation at Baghjan area by local residents to press their demands vide AA12(23). Thereafter, the Deputy Commissioner, Tinsukia vide order dated 11th September 2020 accorded financial sanction of total Rs. 1 crores 71 lacs only for issuing second time installment/grant to 570 beneficiaries @ Rs. 30,000/- to affected families of Baghjan gas blow out, payable by bank transfer vide AA12(24), on the basis of bank details submitted for the above purpose by Circle Officer, Doomdooma Revenue Circle on 2nd September 2020. The list of above 570 beneficiaries is enclosed as AA12(25). In the meantime the Deputy Commissioner, Tinsukia received additional amount of Rs. 1 crores 73 lacs 50 thousands from the Oil India Authority on 11th September vide AA12(26). Again the Deputy Commissioner, Tinsukia vide order dated 21st November 2020 accorded financial sanction of total Rs. 2

crores 52 lacs only for issuing second installment/grant to 840 beneficiaries @ Rs. 30,000/- only to the affected families of Baghjan gas blow out, payable by bank transfer vide AA12(27), on the basis of list submitted by Circle Officer, Doomdooma Revenue Circle on 19th November 2020 for 840 beneficiaries, reverified by concerned Lot Mandal and SK. The above 840 beneficiaries with bank details is enclosed as AA12(28). In the meantime, the Oil India Authority deposited Rs. 3 crores 6 lacs to the bank account of Deputy Commissioner, Tinsukia for release of above second installment on the basis of above list vide AA12(29). On 14th December 2020, the Deputy Commissioner, Tinsukia accorded financial sanction order of total Rs. 72 lacs 60 thousands only for second installment compensation to the affected people of Baghjan Bangali Basti at Dighaltarang PHC relief camp and Bandarkhati, issuing second time grant to 242 beneficiaries per family @ Rs. 30,000/- only for the blow out incident payable by bank transfer vide AA12(30), on the basis of letter dated 11-12-2020, issued by All Assam Bengali Youth Student Federation. The list of above 242 beneficiaries with bank details is enclosed as AA12(31). In the meantime, the Oil India Authority vide AA12(32), deposited Rs.619.45 lacs to the bank account of the Deputy Commissioner, Tinsukia on 8th December 2020.

<u>Break-up of disbursement of fund</u>	<u>Beneficiary</u>
Annexure-F	
Rs.,57,50,000/-	525
Rs.1,87,50,000/- (Direct payment by Oil)	625
Rs.10,80,000/-	36
Rs.21,90,000/-	73

Rs.6,30,000/-	21
Rs.64,50,000/-	215
Rs.7,50,000/-	25
Rs.10,20,000/-	34
Rs.90,000/-	3
Rs..21,90,000/-	73
Rs.18,60,000/-	62
Rs.1,71,00,000/-	570
Rs.2.50,00,000/-	840
<u>Rs.72,60,000/-</u>	<u>242</u>
Total=Rs.5,07,60,000/-	1692

ANNEXURE – G(Rs. 25,000/-)

57. The Deputy Commissioner, Tinsukia vide order dated 10th July 2020 accorded financial sanction of total Rs. 1 crore 59 lacs 25 thousands only for issuing onetime grant to 637 beneficiaries @ Rs. 25,000/- to affected families of Baghjan gas blow out/fire payable through bank transfer vide AA13, on the basis of letter dated 03-07-2020 of Circle Officer, Tinsukia Revenue Circle, submitting bank details of 637 beneficiaries of Natun Rongagorah Balijan Gaon (Part) and Gotong gaon. The list above 637 families is enclosed as AA13(1). The Oil India Authority also deposited Rs. 41,700,300/- on 08-07-2020.

58. The Deputy Commissioner, Tinsukia vide order dated 4th August 2020 accorded financial sanction of total Rs. 59 lacs for issuing one time grant to 236 beneficiaries @ Rs. 25,000/- only debitible by bank transfer vide AA13(2), on the basis of bank details of said beneficiaries submitted by Circle Officer, Doomdooma Revenue Circle on 7th July 2020. The list of above 236 beneficiaries with bank details is enclosed as AA13(3). On 3rd August, 2020, the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 5 lacs 25 thousands to 21 beneficiaries @Rs. 25,000/- only payable by bank transfer vide AA13(4), on the basis of bank details each of beneficiaries of Nagamati LP School relief camp submitted by Circle Officer, Doomdooma Revenue Circle. The list of above 21 beneficiaries with bank details is enclosed as AA13(5). Again on 3rd August 2020, the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 13 lacs for issuing one time grant to 52 beneficiaries @ Rs.25,000/- only to affected families of Baghjan gas blow out, payable by bank transfer on the basis of bank details submitted by Circle Officer, Doomdooma Revenue Circle on 7th July 2020 AA13(6). The list of above 52 beneficiaries with bank details is enclosed as AA13(7), on the basis of fund released by Oil India Ltd. Again on same date i.e 3rd August, 2020, the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 22 lacs 50 thousands for issuing one time grant to 90 beneficiaries @ Rs. 25,000/- only to affected families of Baghjan gas blow out payable by bank transfer vide AA13(8), on the basis of bank details submitted by Doomdooma Revenue Circle Officer for the beneficiary of no.7 Line LP School relief camp. The list of above 90 beneficiaries is enclosed as AA13(9),

after receipt of fund from Oil India Authority. On the same day i.e 3rd August 2020, the Deputy Commissioner, Tinsukia accorded financial sanction of total Rs. 22 lacs 25 thousands for issuing one time grant to 89 beneficiaries @ Rs. 25,000/- only vide AA13(10), on the basis of bank details submitted by Circle Officer, Doomddoma Revenue Circle, for the beneficiary of Palang Line LP School relief camp on 7th July 2020. The list of above 89 beneficiaries is enclosed as AA13(11), on the basis of fund made available by Oil India Authority. The Deputy Commissioner, Tinsukia vide order dated 14th July 2020 again accorded financial sanction of total Rs. 18 lacs for issuing one time grant to 72 beneficiaries @ Rs. 25,000/- for the purpose, payable by bank transfer vide AA13(12), on the basis of letter dated 7th July 2020, of Circle Officer, Doomdooma, submitting the bank account details of relief beneficiaries of 8 no. line Catholic Church Relief camp. The list of 72 beneficiaries with bank details is enclosed as AA13(13), after fund made available by Oil India Authority.

<u>Break up of disbursement of fund</u>	<u>Beneficiary</u>
Annexure-G	
Rs.1,59,25,000/-	637
Rs.59,00,000/-	236
Rs.5.25,000/-	21
Rs.13,00,000/-	52
Rs.22,50,000/-	90
Rs.22,25,000/-	89
Rs.18,00,000/-	72
Total=Rs.2,99,25,000/-	1197

ANNEXURE – H (Rs. 15,000/-)

59. The Deputy Commissioner, Tinsukia vide order dated 22nd December 2020 accorded financial sanction of total Rs. 2 crores 30 lacs 55 thousands for one time compensation to the affected people of Baghjan gas blow out, issuing grant to 1537 beneficiaries per family @ Rs. 15,000/- only to affected families of Baghjan – 5 gas blowout payable by bank transfer by AA14, on the basis of letter dated 11-12-2020, issued by Circle Officer, Doomdooma Revenue Circle, submitting the list of 153 persons of Dighaltarang Tea garden, as submitted by the Manager of the said garden for 1537 persons out of 1735 persons. The list of above 1537 persons of Dighaltarang T.E. is enclosed as AA14(1), which is enclosed by the said Circle Officer and other local officials. In the meantime, the Oil India Authority deposited Rs. 230.55 lacs to the bank account of Deputy Commissioner, Tinsukia for release of money to above purpose.

60. On 25th November 2020, the Deputy Commissioner, Tinsukia accorded financial sanction order of total Rs. 1 crore 50 lacs 45 thousands for issuing one time grant to 1003 beneficiaries per family @ Rs. 15,000/- to the affected family payable by bank transfer vide AA14(2), on the basis of letter dated 13-11-2020, issued by the Circle Officer, Doomdooma Revenue Circle for 817 beneficiaries of Barekuri area near Baghjan 5 no. BGR. The list of above beneficiaries is enclosed as AA14(3). In the meantime, the Oil India Authority deposited Rs. 150.45 lacs for the above purpose, in addition the Circle Officer, Tinsukia vide letter dated 22nd February 2021, filed bank details of 185 families, who were left out for the compensation in

respect of Dhekuwal Gaon, Dhelakhat Gaon, Dhelakhat Bagan Gaon, Gelapukhuri T.E. 285 NLR grant, Gottong, Limbuguri T.E. 148/151/152/149 and 225/227 NLR grant and Wathoi vide AA14(4).

61. Again on 1st March 2021, the Deputy Commissioner, Tinsukia accorded financial sanction order of total Rs. 3 lacs 90 thousands for one time compensation to the affected people of Baghjan issuing grant to 26 beneficiaries per family @ Rs. 15,000/- payable by bank transfer vide AA14(5). The list of above 26 beneficiaries with bank details is enclosed as AA14(6). Again the Deputy Commissioner, Tinsukia vide order dated 1st March, 2021 accorded financial sanction of total Rs. 1 lac 35 thousands for one time compensation to the affected people of Baghjan, issuing grant to 9 beneficiaries per families @ Rs. 15,000/- only payable by bank transfer vide AA14(7). The list of above 9 beneficiaries of Wathoi gaon with bank details is enclosed as AA14(8). Again on 1st March 2021, the Deputy Commissioner, Tinsukia accorded financial sanction order of total Rs. 5 lacs 55 thousands only for one time compensation to the affected people of Baghjan, issuing grant to 37 beneficiaries per family @ Rs. 15,000/- only payable by bank transfer vide AA14(9). The list of 37 families along with other is enclosed as AA14(10). Again on 1st March 2021, the Deputy Commissioner, Tinsukia accorded financial sanction order of total Rs. 3 lacs 60 thousands for one time compensation to the affected people of Baghjan issuing grant to 24 beneficiaries per family @ Rs. 15,000/- only, payable by bank transfer vide AA14(11). The list of above 24 beneficiaries with bank details is shown as AA14(12). Further, the Deputy Commissioner, Tinsukia accorded financial sanction order on 1.3.2021 of total Rs.6.90,000/- only for one time

compensation to the affected people of Baghjan issuing grant to 46 beneficiaries per families @ Rs.15,000/- only of Baghjan-5 gas blowout payable by bank account transfer vide AA14(13). The list of said 46 beneficiaries is enclosed as AA14(14) with bank details. In the meantime, Oil India authority deposited Rs.27.75lacs to bank account of Deputy Commissioner Tinsukia vide AA14(15) for release of fund to 185 families of Dhakuwal gaon, Dhelakhati Bagan gaon, Dhelakhati gaon, Gelapukhuri TE. 285 NLR grant, Gottong, Limbuguri TE 148/151, 152/149 & 225/227 NLR grant and Wathoi @ Rs.15,000/- per family.

62. Again, Deputy Commissioner, Tinsukia vide order dated 1.2.2021 accorded financial sanction of total Rs.12,60,000/- for one time compensation to the affected people of Baghjan issuing grant to 84 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan -5 gas blowout vide AA14(16) on the basis of letter dated 6.2.21 issued by Circle Officer, Doomdooma Revenue Circle submitting bank details of 86 families of Wathoi village along with refusal to furnish list vide AA14(17). The total list of 86 beneficiaries is enclosed as AA14(18) hereto. Meanwhile, Oil India authority deposited Rs.2,20,65,000/- to bank account of deputy Commissioner Tinsukia for release of fund to 1471 families of Dhelakhat, Limbuguri and Dhakual Rs.15,000/- only vide AA14(19). Again the Deputy Commissioner Tinsukia vide order dated 5.12.2020 accorded financial sanction of total Rs.54,90,000/- only for one time compensation to the affected people of Dhelakhat Bagan gaon, issuing grant to 366 beneficiaries per families @ Rs.15,000/- only payable by bank transfer vide AA14(20) with received of amount from Oil India authority and

on the basis of list submitted by Circle Officer, Tinsukia Revenue Circle vide letter dated 17.11.2020 with refusal to furnish bank details list vide AA14(21) and AA14(22) hereto.

63. Again, vide seven orders dated 11.11.2020 the Deputy Commissioner Tinsukia accorded financial sanction of total Rs.9,75,000/- for one time compensation to the affected people of Baghjan issuing grant to 65 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan-5 blowout payable by bank transfer vide AA14(23) and total Rs.20,55,000/- to affected people of Baghjan issuing grant to 137 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan-5 blowout payable by bank transfer vide AA14(24) and total of Rs.18,75,000/- for one time compensation to the affected people of Baghjan issuing grant to 125 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan-5 incident, payable by bank transfer vide AA14(25) and total of Rs.36,90,000/- only for one time compensation to the affected people of Baghjan issuing grant to 246 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan-5 incident payable by bank transfer vide AA14(26) and total of Rs.40,65,000/- only for one time compensation to the affected people of Baghjan issuing grant to 271 beneficiaries per families @ Rs.15,000/- only to the affected families of Baghjan-5 incident payable by bank transfer vide AA14(27) and total of Rs.12,00,000/- only for one time compensation to the affected people of Baghjan issuing grant to 80 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan-5 incident payable by bank transfer vide AA14(28) and total of Rs.13,95,000/- only for one time compensation to the affected people of Baghjan

issuing grant to 93 beneficiaries per families @ Rs.15,000/- only to affected families of Baghjan-5 incident payable by bank transfer vide AA14(29) with reference to letter dated 10.11.2020 of Circle Officer, Tinsukia revenue circle and letter dated 10.11.2020 of Lot Mandal of Rongagora mouze under Tinsukia revenue circle vide AA14(30) and AA14(31) respectively and in connection with deposit of above Rs.2,20,65,000/- fund by Oil India authority vide AA14(32) hereto.

<u>Break up of disbursement of fund</u>	<u>Beneficiary</u>
Annexure-H	
Rs.2,30,55,000/-	1537
Rs.1,50,45,000/-	1003
Rs.3,90,000/-	26
Rs.1,35,000/-	9
Rs.5,55,000/-	37
Rs.3,60,000/-	24
Rs.6,90,000/-	46
Rs.12,60,000/-	84
Rs.54,90,000/-	366
Rs.9,75,000/-	65
Rs.20,55,000/-	137
Rs.18,75,000/-	125
Rs.36,90,000/-	246
Rs.40,65,000/-	271
Rs.12,00,000/-	80
<u>Rs.13,95,000/-</u>	<u>93</u>
Total=Rs.6,28,80,000/-	4192

ANNEXURE-I(Rs.10,000/-)

64. The Deputy Commissioner Tinsukia vide order dated 24.2.2021 accorded financial sanction of total Rs.1,10,000/- only for one time compensation to the affected people of Baghjan issuing grant to 11 beneficiaries per families @ Rs.10,000/- to the affected families of Baghjan-5 incident payable by bank transfer vide **AA15** on the basis of list submitted by Circle Officer, Doomdooma revenue circle vide **AA15(1)** and the list of above 11 beneficiaries is enclosed as **AA15(2)** with bank deposit of Rs.1,10,000/- on 24.2.2021 by Oil India authority vide **AA15(3)** herewith. Again vide order dated 1.9.2020 the Deputy Commissioner Tinsukia accorded financial sanction of total Rs.11,40,000/- for issuing one time grant to 114 beneficiaries @ Rs.10,000/- only to affected families of Baghjan blowout payable by bank transfer vide **AA15(4)** and by order dated 26.8.2020 another financial sanction accorded for total Rs.9,10,000/- for issuing one time grant to 91 beneficiaries @ Rs.10,000/- only to affected families of Baghjan gas blowout, paid by bank account transfer vide **AA15(5)** on the basis of decision taken in the meeting held on 18.8.2020 regarding payment of compensation for Baghjan gas blowout/ fire incident vide minute **AA15(6)** wherein, it was decided that 1) Oil India will process for payment of compensation one time immediate compensation of Rs.30,000/- per family to the affected families of Baghjan village who are still in the relief camps at Baghjan Dighaltarang ME school who have not able to return to their homes as fire in the well is still raging and the list will be submitted by Circle Officer, Doomdooma after due verification and correction 2) an amount of Rs.10,000/- per youth will

be paid directly to their bank account after the list, after due verification, is received from Circle Officer, Doomdooma for payment of one time immediate relief to the youths of Baghjan gaon staying at relief camp at Baghjan-Dighaltarang ME school which will be paid from the balance amount available with District Administration Tinsukia which is already received from Oil India earlier 3) with regard to payment of one time compensation to the villagers of Gariating, Limbuguri, Dhelakhat and Barekuri areas etc., decision will be taken finally only after the GPS co-ordinates of all the affected areas/ villages where from demands have been received, are compiled and verified with direction to Circle Officer Doomdooma and Tinsukia revenue circles to submit GPS co-ordinates along with figures of all families urgently. In the Circle Officer Doomdooma sent a letter dated 14.8.2020 vide AA15(7), forwarding a demand memorandum submitted by Milanjyoti Yuva Sangha praying immediate payment of monetary relief to the local youths of Baghjan gaon area consisting of list of 203 youths vide AA15(8). Again vide order dated 22.12.2020 the Deputy Commissioner Tinsukia accorded financial sanction of total Rs.15,90,000/- for one time compensation to the affected people of Baghjan issuing grant to 159 beneficiaries per families @ Rs.10,000/- only to the affected families of Baghjan-5 incident payable by bank transfer vide AA15(9) and by order dated 28.8.2021 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.4,60,000/- for one time compensation to the affected people of Baghjan issuing grant to 46 beneficiaries per families @ Rs.10,000/- only to affected families of Baghjan-5 incident vide AA15(10) payable by respective bank account and by order dated 22.12.2020

Deputy Commissioner Tinsukia accorded financial sanction of total Rs.8,40,000/- for one time compensation to the affected people of Baghjan issuing grant to 84 beneficiaries per families @ Rs.10,000/- only to affected families of Baghjan-5 incident vide AA15(11) payable by bank account and by order dated 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.12,10,000/- for one time compensation to the affected people of Baghjan issuing grant to 121 beneficiaries per families @ Rs.10,000/- to affected families of Baghjan-5 incident vide AA15(12) payable by bank account and by order dated 22.12.2020 deputy Commissioner Tinsukia accorded financial sanction of total Rs.20,50,000/- for one time compensation to the affected people of Baghjan issuing grant to 205 beneficiaries per families @ Rs.10,000/- only to affected families of Baghjan-5 incident payable by their bank account vide AA15(13) and again by order dated 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.17,20,000/- for one time compensation to the affected people of Baghjan issuing grant to 172 beneficiaries per families @ Rs.10,000/- per families of Baghjan-5 incident by releasing fund on their bank account vide AA15(14) and by order dated 22.12.2020 Deputy Commissioner Tinsukia again accorded financial sanction of total Rs.16,20,000/- for one time compensation to the affected people of Baghjan issuing grant to 162 beneficiaries per families @ Rs.10,000/- only to the affected families of Baghjan-5 incident by bank transfer vide AA15(15) and same day order on 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.16,30,000/- for one time compensation to the affected people of Baghjan issuing grant to 163 beneficiaries per

families @ Rs.10,000/- only to affected families of Baghjan-5 incident by transfer of fund through bank vide AA15(16) and by order dated 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.12,40,000/- to the affected people of Baghjan issuing grant to 124 beneficiaries per families @ Rs.10,000/- only to affected families of Baghjan-5 incident by bank transfer vide AA15(17) and by order dated 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.10,70,000/- for one time compensation to the affected people of Baghjan issuing grant to 107 beneficiaries per families @ Rs.10,000/- to the affected families of Baghjan-5 incident payable by bank transfer vide AA15(18) and on same day on 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.12,90,000/- to the affected people of Baghjan issuing grant to 129 beneficiaries per families @ Rs.10,000/- only to the affected families of Baghjan-5 incident vide AA15(19) by bank transfer to their account and by order dated 22.12.2020 Deputy Commissioner, Tinsukia accorded financial sanction of total Rs.21,80,000/- to the affected people of Baghjan issuing grant to 218 beneficiaries per families @ Rs.10,000/- only per families of Baghjan-5 incident vide AA15(20) by bank transfer.

65. And again on 22.12.2020 Deputy Commissioner Tinsukia accorded financial sanction of total Rs.29,00,000/- to the affected people of Baghjan issuing grant to 290 beneficiaries per families @ Rs.10,000/- per families of Baghjan-5 incident by bank transfer vide AA15(21) on the basis of list of total 1981 beneficiaries submitted by Barckuri Ancholik Yuba Sangha relating Baghjan blowout applied for compensation, being verified by lot Mandals of assessment team,

forwarded by Circle Officer Doomdooma AA15(22). The list is enclosed as

AA15(23). In the meantime Oil India authority deposited Rs.198,10,000/- on 14.12.2020 to bank account of Deputy Commissioner Tinsukia vide AA15(24).

<u>Break up of disbursement of fund</u>	<u>Beneficiary</u>
Annexure-I	
Rs.1,10,000/-	11
Rs.11,40,000/-	114
Rs.9,10,000/-	91
Rs.15,90,000/-	159
Rs.4,60,000/	46
Rs.8,40,000/-	84
Rs.12,10,000/-	121
Rs.20,50,000/-	205
Rs.17,20,000/-	172
Rs.16,20,000/-	162
Rs.16,30,000/-	163
Rs.12,40,000/-	124
Rs.10,70,000/-	107
Rs.12,90,000/-	129
Rs.21,80,000/-	218
Rs.29,00,000/-	290
Total=Rs.2,19,60,000/-	2196

Abbreviation : AA- District Administration annexure documents

66. The above are the documents showing release of compensation from time to time by the district administration to the local affected families of Baghjan area.

67. Further, the following statement shows of disbursement of fund by district administration, Tinsukia;

STATEMENT OF EXPENDITURE BAGHJAN/ FIRE INCIDENT
UNDER TINSUKIA DISTRICT :

Sl. No	Particulars	Rate of amount (Rs)	Sanction order	Fund released(Rs)	No of Beneficiary
1	Houses gutted by fire	25lacs	17.7.20, 11.8.20, 31.8.20	3 crores (annexure A)	12
2	Category A Baghjan gaon	15 thousand	5.12.20	24.15 crores (annexure B)	161
3	Category B Baghjan goan	10 thousand	10.12.20	43.90 crores	439
4	Reboti Neog	10 lacs	22.7.20	10lacs (Ann-C)	1
5	Next kin of Sukla Kishan and Aroshi Pator	@2 lacs & @ 1lac	26.6.20	3lacs (Ann-D)	2
	Total			71.18 crores	615

68. Again, the following break-up statement shows the first installment of release of fund to the beneficiaries by district administration :

Annexure A	= Rs.3,00,00,000/-	12
Annexure B	= Rs.24,15,00,000/-	161
Annexure C	= Rs.44,00,00,000/-	440
Annexure D	=Rs.3,00,000/-	2
Annexure E	= Rs.6,78,60,000/-	1357
Annexure F	= Rs.5,07,60,000/-	1692
Annexure G	= Rs.2,99,25,000/-	1197
Annexure H	= Rs.6,28,80,000/-	4192
Annexure I	= Rs.2,19,60,000/-	2196
Total	=Rs.94,51,85,000/-	11,249 beneficiaries

69. Apart from above while release of fund to different categories of beneficiaries, the following statement shows that another 2nd installment of fund to the beneficiaries of Baghjan village, released by District Administration, Tinsukia ;

STATEMENT OF EXPENDITURE OF BAGHJAN/ FIRE INCIDENT UNDER TINSUKIA DISTRICT(2ND INSTALLMENT)(Statement-II)

Sl. No.	Particulars	Rate of amount(Rs.)	Sanction order date	Fund released (Rs.)	No of beneficiary
1	Baghjan Milan Jyoti Yuba Sangha	50 thousand	25.11.20	3.06crores	612
2	Baghjan Milan Jyoti Yuba Sangha	30 thousand	11.9,20	1.71crores	570
3	Baghjan gaon area	30 thousand	21.11.20	2.52 crores	840
4	Dighaltarang PHE relief camp at Bandarkhati	30 thousand	14.12.20	72.60lacs	242
5	Total			801.6crores	2264

Break-up of above :

1.Rs.94,51,85,000/-	11,249	beneficiaries
2. Rs.8,01,60,000/-	2264	-do-
Total Rs.102,53,45,000/-	13,513	-do-

70. Thus, above examination of documents and statements submitted by District Administration, Tinsukia discloses that out of total amount of Rs.102,59,05,000/-, so received from Oil India Ltd., for payment of compensation to affected people of Baghjan blowout/fire, a sum of Rs.102,53,45,000/- was disbursed to various persons/groups/ families of Baghjan and adjoining areas which comes to total 13,513 families after blowout of gas and fire took place at Baghjan-5 oil well of Oil India Ltd. It appears that an amount of **Rs.5,60,000/-** is left with the District Administration Tinsukia which is yet to be released to any needy person in the future. It also, appears from the records that some compensation was paid to affected families/ persons at the pressure of local public agitation as well as, due to political interference, followed by NGT intervened and re-determined the amount of compensation under different categories of affected people. Some payment was released directly by Oil India authority to the beneficiaries as appears from the records for which there is difference in the figure of beneficiaries between two sides. All the payments were made through Bank transfer directly to the affected person. No any cash transaction appears to have taken place in the whole episode of fund disbursement. As to know ground reality, the

two independent witness did not raise objection to the system adopted by the authorities in respect of release of fund to the affected people of Baghjan area. In fact, the compensation to affected people was released only due process of assessment, identification, and determination of loss at grass-root level by a team, consisting of various departments of government with other concerned officials and local representatives of villages and Oil India officials. Hence, it can safely be held that compensation was released to every genuine person/ family of locality of Baghjan blowout with fire who suffered loss or damage in the said gas blowout and fire incident at Baghjan oil well. Accordingly, the enquiry is hereby concluded.

Submitted.



C. Das,

District & Sessions Judge,
District & Sessions Judge,
Tinsukia

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OFFICE OF DISTRICT & SESSIONS JUDGE :::: TINSUKIA

No. DJT/2021/ 4050

Dated Tinsukia 27th July 2021

From : Sri C. Das,

District & Sessions Judge,
TinsukiaTo : The Registrar General,
Hon'ble Gauhati High Court
Guwahati

Sub : Submission of enquiry report

Ref : PIL No.39/2020 (*Gautam Uzir vs. Union of India & ors.*)

Sir,

With reference to subjected cited above, I have the honour to submit herewith the enquiry report with relevant documents and statements in the light of direction given by Hon'ble Gauhati High in above PIL case.

This is for your kind information and necessary action.

Enclo : as above;

Yours faithfully


District & Sessions Judge,
District & Sessions Judge
Tinsukia
Tinsukia

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Statement

Statement showing release of money to DC, Tinsukia towards disbursement of Compensation for the affected people on account of Baghjan Blowout incident. (As on 26.03.2021)

Compensation Pursuant to NGT Order/ DC's Order	Number of affected people/families:	Rate/Lumpsum amount:	Actual expenditure	DC Letter REF	Date of payment	Mode of payment
1 One time Compensation (Rs 30,000 each to 1610 families)	1610	30,000	48300000	TRF.3/2017-19/Pt-1/289 dated 02.06.2020 and TRF.3/2017-19/Pt-1/145 dated 04.07.2020; Annexure-1A	11.06.2020	RTGS; Annexure-1B
2 One time Compensation (Rs 30,000 each to 1390 families)	1390	30,000	41700000	TRF.3/2017-19/Pt-1/145 dated 04.07.2020; Annexure-2A	08.07.2020	RTGS; Annexure-2B
3 Compensation for Burnt house at BGN-5 (Rs 20 lakhs each for 11 Families)	11	20 Lakhs	22000000	TCA.3/2020/418 dated 15.07.2020; Annexure-3A	17.07.2020	RTGS; Annexure-3B
4 Compensation for a burnt house of Lombeswar Saikia (additional burnt house)	1	20 Lakhs	2000000	TCA 3/2020/470 dated 05.08.2020; Annexure-4A	07.08.2020	RTGS; Annexure-4B
5 Compensation for Deceased person Lt. Sukla Neog, Sukia Kishan, Aroshi Pator affected due to baghjan blowout	3		1800000	TSK/Oil Cell/Baghjan Gas Blowout, Ex-Gratia/Pt-III/07 dated 31.07.2020 & TSK/Oil Cell/Baghjan Gas Blowout fire breakup case/2020/234 dated 26.06.2020; Annexure-5A	07.08.2020	RTGS; Annexure-5B
6 Compensation in pursuance of hon'ble NGT order (Rs 5 Lakh each to 12 Families)	12	5 Lakh	6000000	TCA.3/2020/515 dated 13.08.2020; Annexure-6A	28.08.2020	RTGS; Annexure-6B
7 Financial Aid to Affected families of Baghjan	645	30,000	19350000	TCA.3/2020/407 dated 10.07.2020; Annexure-7A	28.08.2020	RTGS; Annexure-7B
8 Compensation for BGN affected families	category (ii) - 57 and category (iii) - 561	57 x 10 lakhs and 561 x 2.5 lakhs	197250000	TCA.3/2020/601 dated 20.08.2020; Annexure-8A	18.09.2020	RTGS; Annexure-8B



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Stalibank

9	Towards house rent, fooding, medical allowances etc to affected familites (Rs 50,000 each to 612 families)	612	50,000	30600000	TCA.3/2020/767 dated 21.09.2020; Annexure-9A	05.11.2020	RTGS; Annexure-9B
10	Payment of one time compensation to the affected families in and around Bghjan well no. 5 (1471 family*Rs. 15000)	1471	15000	22065000	TCA.3/2020/750 DATED 14.09.2020; Annexure-10A	10.11.2020	RTGS; Annexure-10B
11	Release of house rent, fooding, medical allowance etc to affected families of Baghjan(612 families*Rs. 50000)	612	50,000	30600000	TCA.3/2020/PT-1/767 dated 21.09.2020; Annexure-11A	21.11.2020	RTGS; Annexure-11B
12	Payment of one time compensation to the affected families in and around Bghjan well no. 5 (1003 family*Rs. 15000)	1003	15000	15045000	TCA.3/2020/750 dated 14.09.2020; Annexure-12A	23.11.2020	RTGS; Annexure-12B
13	Compensation for BGN affected families (173 families @15 Lakhs & 439 families @ 10 Lakhs) Total 69.85 Crores less 22.725 Crores already paid. Hence balance amount of Rs. 47.125 Crs paid on 01.12.2020.	173 families @15 Lakhs & 439 families @ 10 Lakhs		471250000	TCA.3/2020/PT-1/856 dated 05.11.2020; Annexure-13A	01.12.2020	RTGS; Annexure-13B
14	Balance payment against Baghjan blowout (4125 families @ 15,000 and 242 families @ 30,000 of Bengali Basti).	4125 families @ 15,000 and 242 families @ 30,000		69145000	TRF.3/2017-19/PT-II/422 dated 01.12.2020; Annexure-14A	08.12.2020	RTGS; Annexure-14B
15	Balance payment for One time compensation for Baghjan blowout (1981 families @ 10,000 per family of Juygukhuwa, Borgoon, Torsjan, Namolapung, Hatjan etc).	1981	10,000	19810000	TRF.3/2017-19/PT-II dated 04.12.2020; Annexure-15A	14.12.2020	RTGS; Annexure-15B
16	Payment of one time compensation to affected families of Dighalturrung Tea estate area (1537 families @ 15000)	1537	15000	23055000	TRF.3/2017-19/PT-II dated 04.12.2020; Annexure-16A	21.12.2020	RTGS; Annexure-16B
17	Compensation to the 185 affected families @ Rs.15,000/-in and around of Baghjan wel No.5 not staying in relief camps	185	15000	2775000	TRF.3/2017-19/PT-II dt.09.02.2021; Annexure-17A	11.02.2021	RTGS; Annexure-17B



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Statement 1

18	Compensation @Rs. 10,000/= to 11 affected families in and around of Baghjan wel No.5 not staying in relief camps	11	10,000	110000	TRF 3/2017-19/PT-II Dt. 18.02.2021; Annexure-18A	22.02.2021	RTGS: Annexure-18B
19	Compensation to 61 nos. of family for agricultural land affected due to Baghjan Blowout.	61		3,050,000	TRF 3/2017-19/PT-II dated 04.12.2020 and DRC,40/2017-18/PT/521 dated 28.11.2020; Annexure-19A	04.03.2021	RTGS: Annexure-19B
	Total paid		Total	1025905000	Total= Rupees One Hundred Two Crores Fifty Nine Lakhs Five Thousand		



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER: TINSUKIA DISTRICT
TINSUKIA

A-1

No. TRF.3/2017-19/Pt-I/289

Dated Tinsukia the 2nd June 2020

To

The Resident Chief Executive
Oil India Limited, Duliajan

Sub: Regarding payment of Exgratia amount to the affected families of Baghjan.

Ref. No: ED(HR&A) / 63 (T) / 88 dated 01.06.2020

Sir,

With reference to your letter cited above in the context of the memorandum submitted by Baghjan Gaon Milanjyoti Yuva Sangh, I would like to furnish the following information.

- Total no. of families residing in the relief camp, (based on records available with this office for distribution of GR) is 1610 (One Thousand Six Hundred Ten) families. The breakup is as follows:

Sl. No.	Names of Villages	No. of families affected	Name of Relief Camps
1.	Baghjan Dighal Tarang Kallipani Gaon	509	Baghjan ME School
2	Baghjan Karua Basti Area	112	Dighaltarang TE ME School
3	Kochuwani of Baghjan Village & Part of Korua	170	St. Joseph High School
4	Ward No. 2 & 3 of Baghjan Village (Half part of Nagbanshi and Karua Basti, Bejoli Basti Area)	819	1 No. Baghjan Gaon LP School (Kali than)
	Grand Total	1610	

However, the figure is dynamic as more families affected by the gas blowout are coming and reporting in the relief camps. Any additional list will be furnished immediately.

- The disbursement may be by Direct Bank Transfer to the account of the head of the affected family. For the same, the bank account of the affected families have to be collected by joint efforts of the revenue officials under district administration and Oil India Ltd. officials.
- The petitioners have in the memorandum demanded an amount of Rs. 5000/- per day per family.

However, as discussed, an amount of Rs. 5000/- per family for the first 10 (ten) days may be considered, and so on for every 10 days period until the blowout is controlled and hazard averted.

As an immediate measure, the amount may be deposited to the account of the head of each of the affected families.

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90'

Subsequently, compensation for damage to property, including the residences, plants, tea leaves etc., may be paid to each of the families after proper assessment as per procedure.

Yours faithfully

Deputy Commissioner
Tinsukia

Memo No. TRF.3/2017-19/Pt-I/289- A

Dated Tinsukia the 2nd June'2020

Copy to:

1. The ED (HRA), Oil India Ltd., for favour of your kind information & necessary action.


Deputy Commissioner
Tinsukia

d



OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20200611_019.csv	My-Product	: VENPAY
Inst Ref		Bank Product	: RTGS
Activation Date	: 11/06/2020	Debit A/C	: 03332100000014
Amount	: 4,83,00,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No	: KKBKR22020061100505357	Inst M/CR No.	

Beneficiary Details

Beneficiary Code		Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBI0RRBAGB	Mobile	
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 11/06/2020	Debit Dt	: 11/06/2020
Proc Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000208812	Credit Ref	: 8000208812
Credit Narration		Maker Dt	: 11/06/2020 11:25:34
Debit Ref	: 8000208812	Checker 1 Date	: 11/06/2020 11:27:45
Reject Remarks		Checker 2 Date	: 11/06/2020 11:28:17
Remarks		Sender Dt	: 11/06/2020
Maker	: Rajoo	Cleared Dt	: 11/06/2020
Checker 1	: Bawan Phira	Sent By	
Checker 2	: Sudhanshu Dash		

Payment Details

Payment Details 1		Payment Details 3	:
Payment Details 2		Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			RMA02	Gross Amount	00	Tax deduction
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11	00	00	Reference
	ASSAM GRAMIN TINSUKIA					
	VIKASHI BANK					

Note *This is a system generated voucher, Signature is not required*

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER, DISTRICT, TINSUKIA
(RELIEF & D.M. BRANCH)

No. TRF.3/2017-19/Pt-1/145

Dated Tinsukia the 4th of July, 2020

To
The Resident Chief Executive
Oil India Limited
Dullajan

Sub: Regarding release of compensation to Baghjan Blowout affected families.

Sr,

Please refer to your letter no. CGM(A)/Baghjan/635 dtd 26/06/2020. As discussed and decided earlier, you are requested to transfer the amount of Rs 9,00,000,00.00 (Rupees Nine Crores) only (@ Rs 30000 x 3000 families) to the A/c of DC Tinsukia for payment of One Time Compensation for Immediate Relief to the affected families of Baghjan Gas Blowout/fire.

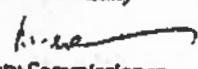
As Rs 4,83,000,00.00 (Rupees Four Crores Eighty Three Lakhs) only has already been received by this office from your end vide your cheque no. B000208812 dtd 11/06/2020, the balance fund of Rs 4,17,000,00.00 (Rupees Four Crores Seventeen Lakhs) only may be placed immediately to the above A/c for disbursement to affected families.

In this regard, it may be mentioned that compensation will be paid out of this amount also to the families, who have taken shelter in the relief camps after the fire breakout on 9th of June, 2020. It may further be mentioned that there are many groups from different areas in and around the Baghjan Well No.5 which are demanding One Time Compensation due to loss suffered by them because of the blowout and damage to their houses because of seismic like activities. As you are aware, meetings with them are being held.

Under these circumstances, it appears the matter has to be settled with these groups within the limit of Rs 9,00,000,00.00 (Rupees Nine Crores) only at differential rates, although the no. of families may go up. In extraordinary circumstances the amount may go up for which District Administration and OIL will have to jointly settle the issue to the extent possible.

Therefore, you are requested to sanction and transfer the balance amount of Rs 4,17,000,00.00 (Rupees Four Crores Seventeen Lakhs) only immediately.

Yours faithfully


Deputy Commissioner
Tinsukia

Dated Tinsukia the 4th of July, 2020

Memo No. TRF.3/2017-19/Pt-1/145

Copy to:

1. The ED, HRA, Oil India Ltd., Dulljan, for information.
2. Office Copy.


Deputy Commissioner
Tinsukia



OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20200708_012.csv	My-Product	: VENPAY
Inst Ref		Bank Product	: RTGS
Activation Date	: 08/07/2020	Debit A/C	: 03332100000014
Amount	: 4,17,00,000.00	Coll Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No.	: LKKBKR2020070900226766	Inst MICR No.	

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBIORRBAGB	Mobile	:
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 08/07/2020	Debit Dt	: 08/07/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000214234	Credit Ref	: 8000214234
Credit Narration	:	Maker Dt	: 08/07/2020 13:51:04
Debit Ref	: 8000214234	Checker 1 Date	: 08/07/2020 14:03:12
Reject Remarks	:	Checker 2 Date	: 08/07/2020 14:16:50
Remarks	:	Sender Dt	: 08/07/2020
Maker	: Rajoo	Cleared Dt	: 08/07/2020
Checker 1	: Sudhanshu Dash	Sent By	:
Checker 2	: Trisonku Kotoky		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			AMOUNT	Gross Amount	Tax deduction	Reference ID
				41700000.00	0.00	HRNA 07 115
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

Note: *This is a system generated voucher. Signature is not required*

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER, TINSUKIA
(CONFIDENTIAL BRANCH)

NO TCA.3/2020/405

Dated Tinsukia the 15th July 2020

To
The Resident Chief Executive
Oil India Ltd., Dibrugarh.

Sub : Compensation for burnt houses.

Ref : (i) This Office letter No. TCA.3/2020/405 Dated 08/07/2020
(ii) Your Letter No RCF-03-163 Dated 10/07/2020

Sir,

I refer with reference to your letter vide under reference regarding the payment of compensation amounting to Rs 20.00 Lakhs to those families whose houses have been burnt due to the incident of Fire Breakdown at Well No.5 of Baghjan.

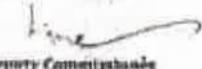
2.B As requested, Circle Officer, Dimaasore has submitted a damage assessment report vide letter No.DRC.14/2015-16/P/24 Dated 14/07/2020 along with a list of damaged houses. The assessment was conducted jointly by PWG(Nid), Dibrugarh Division, S.K. and Lt. Mahanta of Dimaasore Revenue Circle and Baghjan fire incident site and on the permitted barricade area in Baghjan-Dighaloring Gauri under the supervision of Magistrate-in-charge and area-off in-charge with ADC, Tinsukia. As per report, it is seen that total 11 (Eleven) houses have been burnt due to the fire at Well No.5 of Baghjan.

2.H As per earlier letter vide under reference it was requested to release the amount of Rs.20.00 Lakhs (Twenty Lakhs) each to 50 (Fifty) families whose houses have been fully burnt, but after re-verification it is found that total 11 (Eleven) nos. of houses have been burnt/damaged due to the fire. As complete survey of the area inside the security barricades near the fire site could not be completed because of security reasons and flood water, the remaining areas will be surveyed in due course and there could possibly be a minimal change in the figure of burnt houses.

I am enclosing herewith the report (in original) of Circle Officer, Dimaasore along with the list of 11 (eleven) houses burnt/damaged in Baghjan-Dighaloring area near the fire incident site for your ready reference and keeping in view the importance and gravity of the matter, you are requested to release the amount of Rs.20.00 Lakhs (Twenty Lakhs) each to 11 (Eleven) families as per list from your end urgently and immediately.

Enclosed: As stated above.

Yours faithfully,


Deputy Commissioner
Tinsukia

SUBMISSION OF FINAL LIST OF HOUSE BURNED IN BAGHJAN & DIGHARTARANG AREA NEAR OIL -FIRE INCIDENT SITE AFTER RE-VERIFICATION BY THE ASSESSMENT TEAM

SL. NO.	NAME OF THE AFFECTED FAMILY
1	Sri Pagul Chutia, S/o: Dineswar Chutia
2	Sri Rina Moran, S/o: Lohhanswar Moran
3	Sri Haruhil Panging, W/o: Arbinda
4	Sri Deep Saikia, S/o: Lumbhanswar Saikia
5	Sri Amal Saikia, S/o: Sri Lumbhanswar Saikia
6	Sri Bikash Saikia, S/o: Amal Saikia
7	Sri Sahadev Moran, S/o: Phukan Moran
8	Sri Hemanta Moran, (Umi) S/o: Phukan Moran
9	Sri Lakshindra Moran, S/o: Phukan Moran
10	Sri Muni Mura, S/o: Joy Maa
11	Smti. Labanya Saikia, W/o: Joyrath Saikia

[Signature]
A.H.

[Signature]
[Signature]

[Signature]

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[Signature]
15/07/2010

[Signature]

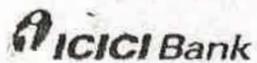
[Signature]
ABC
TINSUKIA

[Signature]
Asst. Executive Engineer
PND Tinsukia Bldg Sub Div

[Signature]
14/07/2010
1000 Digos Road
PO Box 100
Tinsukia

96

A-3D



ICICI Bank Advice Receipt
3/25/21 9:14 AM

Transaction Details

Account Number: 021305000001

Transaction Date: 17-07-2020 00:00:00

Transaction Amount: INR 2,20,00,000.00

Debit/Credit: Debit

Cheque Number: -NIL-

Transaction Description: RTGS:ICICR22020071700
751508/Deputy
Commissioner TI

Transaction ID: S15731118

Transaction Remarks: -

Transaction Balance: INR|4.125727754E7

Note: This is an electronically generated receipt and does not need any signature.

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER, TINSUKIA
(CONFIDENTIAL BRANCH)

NO. IT A. 3/2020/470

Dated Tinsukia the 5th August' 2020

To
The Resident Chief Executive
Oil India Ltd., Duliajan.

Sub : Compensation for one additional burnt house.

Sir,

I write with reference to this officer earlier letter regarding payment of compensation amounting to Rs 20.00 Lakhs to 11 (Eleven) families whose houses have been burnt due to the incident of Fire Breakout at Well No.5 of Baghjan and accordingly payment has been ceremonially made on 18th July, 2020 in the Conference Hall of DC's Office, Tinsukia in presence of Hon'ble Minister for TTW (Ind) and Labour (State), Assam Sri Sanjay Kishan and higher Officials of Oil India Ltd, Duliajan.

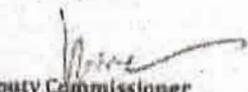
2.0 Circle Officer, Doomdooma has submitted a letter vide No. DRC.16/2015-16/PT-1/110 Dated.03/08/2020 regarding house burnt report of Baghjan & Dighaltarang area wherein it is stated that as per verification report submitted by the damage assessment team, it is found that one more house was burnt due to fire breakout at Well No.5 of Baghjan. The assessment was conducted jointly by PWD(Bld), S.K. and Lot Mandals of Doomdooma Revenue Circle near Baghjan fire incident site and on the permitted barricade area in Baghjan-Dighaltarang Gaon under the supervision of Magistrate in-charge and over-all in-charge cum ADC, Tinsukia. As per report, it is seen that total 12 (twelve) houses have been burnt due to the fire at Well No.5 of Baghjan.

3.0 I am enclosing herewith the report (in original) of Circle Officer, Doomdooma along with details of left out burnt house in Baghjan-Dighaltarang area near the fire incident site for your ready reference and keeping in view the importance and genuineness of the subject and urgency of the matter, you are requested to release an additional amount of Rs.20.00 Lakhs (Twenty Lakhs) to the left out family from your end urgently and immediately.

Thanking you.

Enclosed: As stated above.

Yours faithfully,


Deputy Commissioner
Tinsukia

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OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20200807_005 cav	My-Product	: VENPAY
Inst. Ref		Bank Product	: RTGS
Activation Date	: 07/08/2020	Debit A/C	: 0333210000014
Amount	: 20,00,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr.No	: KKBKR22020080700596154	Inst MICR No.	:

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBI0RRBAGB	Email	: pe@oilindia.in
IFSC Code	: UTBI0RRBAGB	Mobile	:
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 07/08/2020	Debit Dt	: 07/08/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000217548	Credit Ref	: 8000217548
Credit Narration		Maker Dt	: 07/08/2020 11:23:04
Debit Ref	: 8000217548	Checker 1 Date	: 07/08/2020 11:53:58
Reject Remarks		Checker 2 Date	: 07/08/2020 12:01:32
Remarks		Sender Dt	: 07/08/2020
Maker	: Akashdeep Yadav	Cleared Dt	: 07/08/2020
Checker 1	: Trisonku Kotoky	Sent By	:
Checker 2	: Bawan Phira		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount: 20000000.00	Tax deduction: 00.00	Reference: (1) HANA 02 154
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GHAMIN VIKASH BANK	INDIA				

Note: "This is a system generated voucher, Signature is not required"

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER:.....TINSUKIA
(OIL CELL)

NO. TSK/Oil Cell/Baghjan Gas Blowout, Ex-gratia/Pt-III/07

Dated -31/07/2020

To

The Resident Chief Executive
Oil India Ltd., Duliajan.

Sub

: Reimbursement of Compensation amount.

Ref

: Oil India Ltd. Letter No. ED(HR&A)/63(T)/138, Dated 27/07/2020.

Sir,

We write with reference to your letter vide NO. ED(HR&A)/63(T)/138 Dated 27/07/2020 regarding disbursement of compensation amount of Rs.10.00 Lakhs (Ten Lakhs) to the next kin of deceased person Late Sukla Neog, S/O Late Benu Neog, who was a resident of Baghjan Village, Kaliapani under Baghjan P.S.

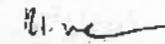
2.0 As per your request we have credited an amount of Rs. 10.00 Lakhs(Ten Lakh) on 28/07/2020 to the account of Smti Reboti Neog (W/O Late Sukla Neog) who is the next of kin of deceased person Late Sukla Neog, on the basis of recommendation of Circle Officer, Doomdooma. In view of the above, you are requested kindly to reimburse the aforesaid amount (Rs.10.00 Lakhs) at an early date.

3.0 Further, as you are aware that the villagers of Baghjan and "Baghjan Gaon Milonjyoti Yuba Sangha" demanded for total education facility for the children of the traumatized family and District Administration along with Oil India Ltd. had agreed and gave assurance to the villagers that Oil India will provide all support regarding education facility to the Children of the deceased person. As we discussed and agreed, you are kindly requested to deposit an additional amount of Rs 5.00 Lakhs (Five Lakh) to the account of Smti Reboti Neog who is the next kin of deceased person Late Sukla Neog.

4.0 You are also aware that, Baghjan Gaon Milonjyoti Yuba Sangha" and villagers of Baghjan demanded for engagement of Next of Kin of deceased person in Oil India Ltd. In this regard, you are requested to look into the matter and examine whether it can be entertained in due course as per policy of Oil India Ltd.

Thanking you

Yours faithfully,


 Deputy Commissioner
 Tinsukia

-100-

OFFICE OF THE DEPUTY COMMISSIONER, DISTRICT TINSUKIA

(OIL CELL) DGM (A-10)

No. TSK/Oil Cell/Baghjan Gas blow out case/2020/2734 Dated Tinsukia, the 21st June 2020

To,

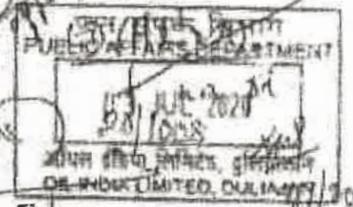
The Resident Chief Executive
Oil India Limited,
Dullajan.

Pl disuss

Per: *[Signature]*

Sub

Request to sanction compensation amount of Rs.3(Three) Lacs



Sr,

With reference to the subject cited above, I would like to inform you that 2(Two) persons viz (1) Sukia Kishan (Adult) @ Anand Kishan expired on 20/06/2020 and he was referred to OIL Hospital from the Bandarkhati L.P. & High School relief camp established and (2) Aroshi Pator (Minor) expired on 22/06/2020 and she was inhabitant of 1No. Line, Bordubi T.E. and during visit to her maternal Grandfather's house at Baghjan alongwith her parents before lockdown, they were unable to go back to their home place due to lockdown and after the fire blow out in Baghjan Oil Rig. Dated 09/06/2020. They were sheltered in and 8No. Line Catholic Church relief camp and during her stay on 16/06/2020, then her family attended the doctor in the Camp and she left to her maternal Grandfather's house without informing any person or the Camp in-Charge. Then after some days of treatment she breathed her last.

As per the details of NOK report submitted by the Circle Officer, Doomdooma Revenue Circle vide letters (1) No.DRC.16/2015-16/PI-I/ dated 24/06/2020 and (2) No.DRC.16/2015-16/PI-I/ dated 26/06/2020 due to Baghjan Gas blow out incident.

It has been decided by the District Administration, Tinsukia, to provide one time compensation to the families of the deceased persons @Rs.2,00,000/- for (Adult) and Rs.1,00,000/- for (Minor) respectively.

The name of the deceased persons, their guardians and amount to be granted as compensation are mention below:-

Sl. No.	Name of deceased person and date of Death	Name of Father	Name of NOK and Relation	Address	Amount to be granted (in Rs.)
1	Sukia Kishan (Adult) @ Anand Kishan Death on 20/06/2020	S/O Sukia Kishan	(1) Smit. Dooma Kancharma Kishan (Wife) (2) Sri Lohit Kishan (Son)	Baghjan Gaon 12No. Line (Baghjan Gas blow out / fire breakout), Bandarkhati L.P. & High School Camp	Rs.2,00,000.00
2	Aroshi Pator (Minor) Death on 22/06/2020	D/O Lashman Pator	Sri Lashman Pator (Father) Smt. Julia Pator (Mother),	1No. Line Bordubi T.E. (Baghjan Gas blow out / fire breakout), 8No. Line Catholic Church relief camp	Rs.1,00,000.00
Total Amount					Rs.3,00,000.00
Rupees (Three lakh) only.					

The amount has already been disbursed to the NOK of the deceased from the OIL deposit fund available with this office.

Therefore, you are requested to sanction the above compensation amount and transfer the same to the OIL CSR fund account of the office of the Deputy Commissioner, Tinsukia at the earliest as reimbursement for the amount already disbursed.

Matter may be treated as IMPORTANT and URGENT.

CGM/ADMIN'S OFFICE

701-



OIL INDIA LIMITED
Instrument Details

Batch Ref	: KMDJ20200807_002.csv	My-Product	: VENPAY
Inst. Ref		Bank Product	: RTGS
Activation Date	: 07/08/2020	Debit A/C	: 03332100000014
Amount	: 18,00,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Prinl Branch	: 333
UTR Sr No.	: KKBKR22020080700560999	Inst MICR No.	

Beneficiary Details

Beneficiary Code		Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBI0RRBAGB	Mobile	
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 07/08/2020	Debit Dt	: 07/08/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000217538	Credit Ref	: 8000217538
Credit Narration		Maker Dt	: 07/08/2020 09:23:04
Debit Ref	: 8000217538	Checker 1 Date	: 07/08/2020 09:38:31
Reject Remarks		Checker 2 Date	: 07/08/2020 09:44:28
Remarks		Sender Dt	: 07/08/2020
Maker	: Akashdeep Yadav	Cleared Dt	: 07/08/2020
Checker 1	: Trisonku Kotoky	Sent By	
Checker 2	: Sudhanshu Dash		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount 1800000.00	Tax deduction 0.00	Reference HRNA 07 157
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

Note: "This is a system generated voucher, Signature is not required"

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A-6A



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER, TINSUKIA
~~CONFIDENTIAL BRANCH~~

NO. TCA. 85/210/115 Dated Tinsukia the 13th August 2010

To

The District Chief Executive
101 B-24 1st, Dibrugarh

Sub Compensation to personnel of Bhabha NPT order to the affected families of
Bhabha NPT workers/ their relatives.

Sr.

With reference to the above, you are aware that the Bhabha NPT has passed an
order vide No. 12/2009 (12) dated 08-08-2009 where they had made three categories of
persons entitled to receive compensation and had suggested the scale of such compensation as
follows:

- Category (1) whose names have been consistently paid by the Govt. Rs. 12 Lacs
- Category (2) whose names have been removed from Govt. Rs. 12 Lacs and
- Category (3) whose names have been consistently actually managed by
schools including cases and hospitals have been provided
Amount- Rs. 12 Lacs

ANNEXURE

2.8 Accordingly, compensation amounting to Rs. 20 Lacs to each 12 families who
fall under Category (1) has been disbursed by the District Administration, Tinsukia.

3.8 However, vide No. 1027 to this order has directed that under Category (2) whose
names have been consistently paid by the Govt. up to Rs. 12 Lacs, in this matter, you
are requested to take necessary steps at the best for disbursement of remaining amount of Rs. 8
Lacs to the 11 families.

Action taken from your end may please be communicated to the undersigned
urgently.

Yours faithfully,

Deputy Commissioner
Tinsukia

-104-



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER, TINSUKIA

No. TCA.3/2020/107

Dated Tinsukia the 10th July 2020

To

The Resident Chief Executive
Oil India Ltd., Daitajan

Sub: Payment of additional one time immediate financial assistance to affected families.

Sir,

I would like to refer to the tripartite meeting of District Administration, Oil India Ltd. with the Baghjan Milanvoti Yuva Sangha and select villagers of Baghjan village held on 06.07.2020 in the Conference Hall of the Deputy Commissioner, Tinsukia.

2.0 One of the persistent demands of the Yuva Sangha was for immediate payment of Rs. 30,000/- (thirty thousand) per family for every 10 days in addition to the Rs. 30,000 (thirty thousand) per family which was earlier sanctioned & disbursed by Oil India Ltd.

However, it was proposed from our side for one time additional payment of Rs. 20,000/- per family. In this context, the Yuva Sangha and the villagers from Baghjan did not agree to the proposal.

3.0 As you are aware, a Dharma programme with a so-called self-immolation procession was carried out by the Yuva Sangha and villagers of Baghjan on 07.07.2020 from the Baghjan Dighatlang-ME School (the Relief Camp where they are staying) to the first barricade near the first site of BGN Well No. 5. The crowd was very aggressive and did not listen to any reason. As discussed with CMD and MD (HRA), Oil India Ltd. over phone, the undersigned announced an amount of Rs. 20,000/- as immediate additional relief to the affected families of Baghjan village (which would be approx 645 Nos. of families).

4.0 It may be mentioned here that this amount is in addition to the Rs. 30,000/- per affected family earlier sanctioned by Oil India Ltd. vide No.1120012677, Dated 11/06/2020 which has already been disbursed to the individual Bank Account of these families by this office.

In view of the above, you are requested to kindly consider the same and sanction an amount of Rs. 1,93,50,000 (One crore ninety three lakhs fifty thousand) [Rs.20,000 x 645 families] at the earliest for deposit into the individual Bank account of the affected families.

Your early response in this regard is highly solicited

Yours faithfully,

Deputy Commissioner
Tinsukia

ANNEXURE -

-105-



OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20200828_005.csv	My-Product	: VENPAY
Inst. Ref		Bank Product	: RTGS
Activation Date	: 28/08/2020	Debit A/C	: 03332100000014
Amount	: 1,93,50,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No	: KKBKR22020082800215744	Inst MICR No	:

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBI0RRBAGB	Mobile	:
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 28/08/2020	Debit Dt	: 28/08/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000220343	Credit Ref	: 8000220343
Credit Narration		Maker Dt	: 28/08/2020 12:29:35
Debit Ref	: 8000220343	Checker 1 Date	: 28/08/2020 12:40:15
Reject Remarks		Checker 2 Date	: 28/08/2020 12:46:34
Remarks		Sender Dt	: 28/08/2020
Maker	: Rajon	Cleared Dt	: 28/08/2020
Checker 1	: Trisonku Katoxy	Sent By	
Checker 2	: Bawan Phra		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount0.00	Tax deduction0.00	ReferenceID HRNA 02 170
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

Note: "This is a system generated voucher. Signature is not required"

106



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER, TINSUKIA
(CONFIDENTIAL BRANCH)

NO.TCA.03/2020/601

Dated Tinsukia the 29th August 2020

To

The Resident Chief Executive
Oil India Ltd., Dullajan

Sub: Payment of Compensation amount as per Hon'ble NGT order to the affected families of Baghjan gas blowout/ fire incident.

Sir,

I have the honour to inform you that, Hon'ble NGT has directed to the District Administration, Tinsukia vide order No. 43/2020 (EZ) dated 06-08-2020 to pay the interim compensation to the affected families of Baghjan Gaon in 3 (three) categories :

Category (i), whose houses have been completely gutted by the fire- Rs. 25 Lacs,

Category (ii), whose houses have been severely damaged- Rs. 10 Lacs and

Category (iii), whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged- Rs. 2.5 Lacs

2.0 In this regard, it may be mentioned here that 12 families falling in Category (i) have already been paid 20 Lakh each by Oil India Ltd. through Dist. Administration, Tinsukia earlier and balance amount of Rs. 5 Lakh to each family has been released by OIL on 28-08-2020 to Dist. Administration, Tinsukia which will be disbursed to the concerned families shortly.

3.0 As per survey done by Revenue and other departments led by Circle Officer, Doomdooma Revenue Circle, 57 families have been so far identified in Category (ii). As per Hon'ble NGT Order, Rs. 10 Lakh per family has to be disbursed to these families in Category (ii).

Therefore, the total amount involved in Category (ii) will be 10 Lakh X 57 = 5.7 Crore.

4.0 As per survey done by Revenue and other departments led by Circle Officer, Doomdooma Revenue Circle, 561 families from Baghjan Gaon have been so far identified in Category (iii).

As per Hon'ble NGT Order, Rs. 2.5 Lakh has to be disbursed to each family in Category (iii).

Therefore, total amount involved is $561 \times 2.5 \text{ Lakh} = 14.02 \text{ Crore}$

5.0 In view of the above, you are requested to kindly release an amount of 19.725 Crore for the affected families under Category (ii) & Category (iii) taken together urgently, so that the same can be disbursed immediately.

It may be mentioned here that, these affected families of Baghjan Gaon fall in the distance of 0 to 1.5 Km (approx) from the blow out site and they are the most affected families.

Survey of other areas and villages beyond 1.5 km is going on, and lists of such affected families will be submitted in due course.

Yours faithfully


Deputy Commissioner
Tinsukia

Memo No. T.C.A.3/2020/601 - A
Copy for kind information to:

Dated Tinsukia the 29th August' 2020

1. The Addl. Chief Secretary, Govt. of Assam, Home & Political, Department, Dispur.
2. The Addl. Chief Secretary, Govt. of Assam, Revenue & DM Department, Dispur
3. The Principal Secretary to Hon'ble CM, Assam, Dispur
4. The Commissioner & Secretary to the Govt. of Assam, Home & Political, Department.
5. The Commissioner, Upper Assam Division, Jorhat.
6. The CEO, ASDMA, Assam
7. The SO to Chief Secretary, Assam, Dispur


Deputy Commissioner
Tinsukia

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P



OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20200918_008.csv	My-Product	: VENPAY
Inst. Ref	:	Bank Product	: RTGS
Activation Date	: 18/09/2020	Debit A/C	: 03332100000014
Amount	: 19,72,50,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No.	: KKBKR22020091800516420	Inst MICR No	:

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBIORRBAGB	Mobile	:
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 18/09/2020	Debit Dt	: 18/09/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000221346	Credit Ref	: 8000221346
Credit Narration	:	Maker Dt	: 18/09/2020 13:02:05
Debit Ref	: 8000221346	Checker 1 Date	: 18/09/2020 13:24:19
Reject Remarks	:	Checker 2 Date	: 18/09/2020 13:28:24
Remarks	:	Sender Dt	: 18/09/2020
Maker	: Kaveri Phuken	Cleared Dt	: 18/09/2020
Checker 1	: Bawan Phira	Sent By	:
Checker 2	: Trishanku Kotoky		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount: 19725000.00	Tax deduction: 0.00	Reference ID: NRA 02 170
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

Note: This is a system generated voucher, Signature is not required

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GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER TINSUKIA
(CONFIDENTIAL BRANCH)

Prasanna Rukh ED/HR&A

The payment has to be made to Oil India
The date of commencement has to be fixed with DC

NO.TCA.3/2020/PT-1/767

Dated Tinsukia the 21st September 2020

for n.a. pl
21/09/20

To

✓ The Resident Chief Executive
Oil India Ltd.
Duliajan.

Sub : Release of house rent, fooding, medical allowance etc to the affected people of Baghjan who are staying in relief camp.

Ref : Our discussion with "Baghjan Gaon Milonjyoti Yuba Sangha" and Oil Officials on 18.09.2020 in the Conference Hall of DC's Office, Tinsukia.

Sr:

With reference to the above, I would like to state that in the meeting held with the villagers (affected people) of Baghjan led by "Baghjan Gaon Milonjyoti Yuba Sangha" on 18th September, 2020 attended by your Officials including ED, (HR&A), CGM(Admn) and host of officers from Oil India Ltd., Duliajan, the Yuba Sangha and the affected people presently staying in the relief camps has requested for house rent, fooding & medical facilities etc. in the form of rent package from Oil India Ltd., Duliajan. It was agreed in the tripartite meeting by your good office regarding release an amount of Rs.50,000/- (Fifty thousand) per family per month with immediate effect (for 612 families) till the gas blowout/fire is doused

In the light of the above and as per decision of the meeting, you are requested to release the amount agreed upon, within the 23rd of September, 2020 directly to the affected people

This is for favour your kind information and necessary action.

Yours faithfully,

(Diganta Salkia, ACS)
Deputy Commissioner
Tinsukia

Memo NO TCA.3/2020/PT-1/767 (A)

Dated Tinsukia the 21st September 2020

Copy to:

1. The ED(HR&A), Oil India Ltd, Duliaja-for kind information and necessary action.
2. The Secretary/President, "Baghjan Gaon Milonjyoti Yuba Sangha, Baghjan"

(Diganta Salkia, ACS)
Deputy Commissioner
Tinsukia

ED (HR & A)S OFFICE
1978 22 SEP 2020

3765

21 SEP 2020

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OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20201105_003.csv	My-Product	VENPAY
Inst. Ref	:	Bank Product	: RTGS
Activation Date	: 05/11/2020	Debit A/C	: 03332100000014
Amount	: 3,06,00,000.00	Coll. Branch	: 641
Drawee Branch	: 098	Print Branch	: 333
UTR Sr No.	: KKBKR22020110500180549	Inst MICR No.	:

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	:
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBIORRBAGB	Mobile	:
Account	: 7154010000892	Charge	: 7.0

Processing Details

Present Dt	: 05/11/2020	Debit Dt	: 05/11/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000223693	Credit Ref	: 8000223693
Credit Narration	:	Maker Dt	: 05/11/2020 13:25:04
Debit Ref	: 8000223693	Checker 1 Date	: 05/11/2020 13:53:51
Reject Remarks	:	Checker 2 Date	: 05/11/2020 14:35:23
Remarks	:	Sender Dt	: 05/11/2020
Maker	: Akashdeep Yadav	Cleared Dt	: 05/11/2020
Checker 1	: Sudhanshu Dash	Sent By	:
Checker 2	: Trisonku Kotoky		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount 30600000.00	Tax deduction 0.00	Reference ID HRNA 02 221E
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

Note: *This is a system generated voucher, Signature is not required*

URGENT

ED (HR/HR)

PL

13/9/20



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER.....TINSUKIA
(CONFIDENTIAL BRANCH)

NO.TCA.V/2020/750

Dated Tinsukia the 14th September 2020

To

~~The Resident Chief Executive~~
~~Oil India Ltd.~~
~~Dullajan.~~

Sub

:Payment of one time compensation to the affected families in and around Baghjan Well No.5 not staying in relief camp.

Sir,

I would like to inform you that a meeting on the above subject was proposed by the undersigned on 10th September,2020 with Oil India Ltd. Which was later on postponed to 11th September, 2020 on request from OIL. Subsequently a date was again fixed on 15th September,2020 as decision making officer from OIL could not attend the meeting.

Now a letter has been received from your end vide Ref. No.CGM(A)/17/962 Dated.14/09/2020 requesting to fix the date for the meeting on the subject on 18th September,2020 citing visit of high officials of Govt. of India and ONGC.

You are therefore requested to attend the meeting on 18/09/2020 at 11.00 AM accordingly as requested by you. However, you are requested to examine the matter for payment of one time compensation to the affected families in villages in and around Baghjan BGN Well No.5. These are the families who did not stay in relief camps but are demanding one time compensation from OIL on the ground of being affected by sound and air pollution tremors impacting their houses and property, besides adverse health impact.

It may be mentioned here that the villagers and organizations from villages/areas like Gorating, Dholakhat, Haibat, Barekuri, Limbuguri, Gotong etc are demanding the one time compensation from OIL, immediately and you are aware that OIL Blockade & agitational programme are being carried out by these organizations and villagers.

I would like to inform you that distance GPS mapping of the villages/areas from BGN Well No.5 has already been done by the Circle Officer concerned. Suitable decision has to be taken in this regard for payment of one time immediate compensation and the quantum.

ED (HR) OFFICE
17/09/2020

16 SEP 2020

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OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20201110_006.csv	My-Product	: VENPAY
Inst. Ref		Bank Product	: RTGS
Activation Date	: 10/11/2020	Debit A/C	: 03332100000014
Amount	: 2,20,65,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No	: KKBKR22020111000552670	Inst MICR No.	

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia
Bank	: 027	Address	
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in
IFSC Code	: UTBI0RRBAGB	Mobile	
Account	: 7154010000892	Charge	: 0

Processing Details

Present Dt	: 10/11/2020	Debit Dt	: 10/11/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000224288	Credit Ref	: 8000224288
Credit Narration		Maker Dt	: 10/11/2020 14:13:36
Debit Ref	: 8000224288	Checker 1 Date	: 10/11/2020 14:33:55
Reject Remarks		Checker 2 Date	: 10/11/2020 15:50:19
Remarks		Sender Dt	: 10/11/2020
Maker	: Akeshdeep Yadav	Cleared Dt	: 10/11/2020
Checker 1	: Trisonku Kotoky	Sent By	
Checker 2	: Bawan Phira		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount 22065000.00	Tax deduction 0.00	Reference EDHR A 02 223
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN TINSUKIA					
	VIKASH BANK					

Note: "This is a system generated voucher, Signature is not required"

Prasanna (ED/HR&A)



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER—TINSUKIA
(CONFIDENTIAL BRANCH)

The payment has to be made to DC A/c only.
The date of commencement has to fixed with DC

NO.TCA.3/2020/PT-1/767

Dated Tinsukia the 21st September 2020

for n.a. pl
21/9/20

To

The Resident Chief Executive
Oil India Ltd.
Dullajan.

Sub : Release of house rent, fooding, medical allowance etc. to the affected people of Baghjan who are staying in relief camp.

Ref : Our discussion with "Baghjan Gaon Milonjyoti Yuba Sangha" and OIL Officials on 18.09.2020 in the Conference Hall of DC's Office, Tinsukia.

Sir,

With reference to the above, I would like to state that in the meeting held with the villagers (affected people) of Baghjan led by "Baghjan Gaon Milonjyoti Yuba Sangha" on 18th September, 2020 attended by your Officials including ED, (HR&A), CGM(Admn) and host of officers from Oil India Ltd., Dullajan, the Yuba Sangha and the affected people presently staying in the relief camps has requested for house rent, fooding & medical facilities etc. in the form of rent package from Oil India Ltd., Dullajan. It was agreed in the tripartite meeting by your good office regarding release an amount of Rs.50,000/- (Fifty thousand) per family per month with immediate effect (for 612 families) till the gas blowout/stop is done.

In the light of the above and as per decision of the meeting, you are requested to release the amount agreed upon, within the 23rd of September, 2020 directly to the affected people.

This is for favour your kind information and necessary action.

Yours faithfully

(Diganta Saikia, ACS)
Deputy Commissioner
Tinsukia

Memo NO.TCA.3/2020/PT-1/767 (A)

Dated Tinsukia the 21st September 2020

Copy to:

1. The ED(HR&A), Oil India Ltd. Dullaja-for kind information and necessary action.
2. The Secretary/President, "Baghjan Gaon Milonjyoti Yuba Sangha, Baghjan".

(Diganta Saikia, ACS)
Deputy Commissioner
Tinsukia

ED (HR & A) OFFICE
1978 22 SEP 2020

3765 21 SEP 2020

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OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20201121_008.csv	My-Product	: VENPAY
Inst. Ref		Bank Product	: RTGS
Activation Date	: 21/11/2020	Debit A/C	: 03332100000014
Amount	: 3,06,00,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No.	: KKBKR22020112100231682	Inst MICR No.	

Beneficiary Details

Beneficiary Code	:	Name	: Deputy Commissioner Thsukle
Bank	: 027	Address	
Branch	: UTB0PBT353	Email	: pa@oilindia.in
IFSC Code	: UTBI0PBT353	Mobile	
Account	: 0310016000010	Charge	: 0

Processing Details

Present Dt	: 21/11/2020	Debit Dt	: 21/11/2020
Proc. Rate	: 1	Pay Loc	: MUMBAI
Debit Narration	: 8000226133	Credit Ref	: 8000226133
Credit Narration	:	Maker Dt	: 21/11/2020 10:38:34
Debit Ref	: 8000226133	Checker 1 Date	: 21/11/2020 11:14:59
Reject Remarks	:	Checker 2 Date	: 21/11/2020 11:17:39
Remarks		Sender Dt	: 21/11/2020
Maker	: Akashdeep Yadav	Cleared Dt	: 21/11/2020
Checker 1	: Sudhanshu Dash	Sent By	
Checker 2	: Thsonku Kotoky		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount 30600000.00	Tax deduction 0.00	Reference ED HRA 02 228
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	UNITED BANK OF INDIA	PRAKASH BAZAR				

Note: "This is a system generated voucher. Signature is not required"

URGENT

ED (HATA)

Pl discuss

Ref

14/9/20



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER TINSUKIA
(CONFIDENTIAL BRANCH)

NO.TCA.3/2020/750

Dated Tinsukia the 14th September 2020

To

The Resident Chief Executive
Oil India Ltd.
Duliajan.

Sub

:Payment of one time compensation to the affected families in and around
Baghjan Well No.5 not staying in relief camp.

Sir,

I would like to inform you that a meeting on the above subject was proposed by the undersigned on 10th September, 2020 with Oil India Ltd. Which was later on postponed to 11th September, 2020 on request from OIL. Subsequently a date was again fixed on 15th September, 2020 as decision making officer from OIL could not attend the meeting.

Now a letter has been received from your end vide Ref. No.CGM(A)/17/962 Dated.14/09/2020 requesting to fix the date for the meeting on the subject on 18th September, 2020 citing visit of high officials of Govt. of India and ONGC.

You are therefore requested to attend the meeting on 18/09/2020 at 11.00 AM accordingly as requested by you. However, you are requested to examine the matter for payment of one time compensation to the affected families in villages in and around Baghjan BGN Well No.5. These are the families who did not stay in relief camps but are demanding one time compensation from OIL on the ground of being affected by sound and air pollution tremors impacting their houses and property, besides adverse health impact.

It may be mentioned here that the villagers and organizations from villages/areas like Gortating, Dhellakhat, Hatibat, Barekuri, Limbuguri, Gotong etc are demanding the one time compensation from OIL immediately and you are aware that OIL Blockade & agitational programme are being carried out by these organizations and villagers.

I would like to inform you that distance GPS mapping of the villages/areas from BGN Well No.5 has already been done by the Circle Officer concerned. Suitable decision has to be taken in this regard for payment of one time immediate compensation and the quantum.

RECEIVED DEPT. (HATA) BY DIRECTOR
ED (HATA) OFFICE
17 SEP 2020

3677 16 SEP 2020

-116-

You are requested to take necessary action urgently.

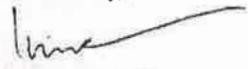
2.0 I would like to Inform you that many organizations from Barekuri area under the leadership of Barekuri Yuba Sangha are also demanding one time immediate compensation from OIL. These villages/areas range from 2.6 KM distance(Goriating) to 5.77 KM (Behejia) in the Barekuri area.

In respect of Barekuri area, OIL may like to consider if a special package in monetary terms may be given to the youths of the area for self engagement opportunities in view of the fact that Barekuri area has an EPS and a number of Oil Wells.

This is as per the demands of the Barekuri Yuba Sangha as discussed in meetings with the undersigned on the last many occasions.

Your consideration on the above two is requested at an early date.

Yours faithfully,


Deputy Commissioner
Tinsukia

Memo NO.TC A.3/2020/750

(A)

Dated Tinsukia the 14th September 2020

Copy for kind information to:

1. The CMD, Oil India Ltd., (Camp- Duliajan).
2. The ED, HRA, Oil India Ltd., Duliajan.
3. The Manager(Admn), Oil India Ltd., Duliajan.


Deputy Commissioner
Tinsukia



OIL INDIA LIMITED

Instrument Details

Batch Ref	: KMDJ20201123_001.csv	My-Product	VENPAY
Inst. Ref		Bank Product	RTGS
Activation Date	: 23/11/2020	Debit A/C	03332100000014
Amount	: 1,50,45,000.00	Coll. Branch	: 641
Drawee Branch	: 998	Print Branch	: 333
UTR Sr No.	KKBKR22020112300559922	Inst MICR No.	

Beneficiary Details

Beneficiary Code		Name	: Deputy Commissioner Tinsukia
Bank	027	Address	
Branch	UTB0PBT353	Email	: pa@oilindia.in
IFSC Code	UTBI0PBT353	Mobile	
Account	0310016000010	Charge	: 0

Processing Details

Present Dt	: 23/11/2020	Debit Dt	: 23/11/2020
Proc. Rate	1	Pay Loc	: MUMBAI
Debit Narration	8000226173	Credit Ref	: 8000226173
Credit Narration		Maker Dt	: 23/11/2020 13:26:06
Debit Ref	8000226173	Checker 1 Date	: 23/11/2020 13:30:12
Reject Remarks		Checker 2 Date	: 23/11/2020 13:55:17
Remarks		Sender Dt	: 23/11/2020
Maker	Akashdeep Yadav	Cleared Dt	: 23/11/2020
Checker 1	: Trisonku Kotoky	Sent By	
Checker 2	: Bawan Phira		

Payment Details

Payment Details 1	:	Payment Details 3	:
Payment Details 2	:	Payment Details 4	:

Enrichment Details

PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount 15045000.00	Tax deduction 00	Reference EDHR A 02 230
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	UNITED BANK OF INDIA	PRAKASH BAZAR				

Note: This is a system generated voucher. Signature is not required*



GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER.....TINSUKIA
(CONFIDENTIAL BRANCH)

NO.TCA.3/2020/PT-1/856

Dated Tinsukia the 5th November 2020

To

The Resident Chief Executive
Oil India Ltd. Dullajan.

Sub : Interim compensation to affected families of Baghjan affected by the fire incident.

Ref : Minutes of meeting held on 18/09/2020 NoTRF.3/2017-19/Pl/
dt.18/09/2020 (enclosed Annexure-I)

Sir,

With reference to the above, I have the honour to state that tripartite talks involving the district /police administration/senior most Oil India Ltd. Officials along with members of Baghjan Gaon Milanijyoti Yuva Sangha was held in the backdrop of agitational programme by Baghjan Gaon Milanijyoti Yuva Sangha since 17th September, 2020, due to all the roads leading to the operational area of BGR 5 Oil well were closed by the protesters.

The moot points of discussion in the meeting dated 18-09-2020 held in the conference hall of Office of the Deputy Commissioner, Tinsukia were:-

- (1) The meeting started off with discussion on various issues concerning compensation to be paid to the affected families as stated in the petition submitted by BGMYS. The minutes of the meeting held on 18-09-2020 is enclosed herewith. In the meeting it was decided for re-survey of the affected families
- (2) The earlier 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 19th September, 2020 comprising of a team headed by C.O Doomdooma, PWD(Bld), Agriculture, DICC, Forest, Veterinary, Handloom & Textile & Fishery departments which was completed on the 23rd of September, 2020. Baghjan Gaon Milonjyoti

ITEM NO.1 Court 4 (Video Conferencing) 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 & ORS.

Respondent(s)

(WITH IA No. 92866/2021 - APPLICATION FOR PERMISSION, IA No. 67426/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 67425/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 72570/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 67424/2021 - STAY APPLICATION)

Date : 02-09-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MS. JUSTICE HIMA KOHLI

For Appellant(s) Mr. Siddharth Mitra, Sr. Adv.
Ms. Vasudha Zutshi, Adv.
Ms. Shruti Agarwal, AOR

For Respondent(s) Mr. Aman Lekhi, ASG
Mr. Harsha Peechara, Adv.
Mr. Ashish Kumar Tiwari, AOR

Mr. K.M. Nataraj, ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Shailesh Madiyal, Adv.
Mr. Sharath Nambiar, Adv.
Vatsal Joshi, Adv.

Ms. Aishwarya Bhati, ASG
Mr. Ravindra Lokhande, Adv.
Mr. Sandeep Mahapatra, Adv.
Mr. T. Gopal, Adv.
Dr. Abhishek Atrey, AOR
Ms. Ambika Atrey, Adv.

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

- 1 This appeal arises from a decision of the National Green Tribunal¹ dated 19 February 2021.
- 2 An oil ‘blow-out’ took place from Baghjan 5 Oil well of the first respondent, Oil India Limited² on 27 May 2020. As a consequence of the accident, extensive damage and destruction was caused to the biodiversity of Dibru Saikhowa National Park and Biosphere Reserve.
- 3 The NGT constituted a Committee of Experts chaired by Justice B P Katakey by an order dated 24 June 2020 to enquire into all aspects of the incident. In its preliminary report dated 24 July 2020, the Committee, *inter alia*, noticed that extensive damage was caused to (i) publicly owned resources, including Maguri-Motapung Wetland, DSNP, the eco-sensitive zone, including water bodies, air and wildlife; and (ii) private property of survivors in the affected villages.
- 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.

1 “NCT”

2 “OIL”

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.

6 The report recommended a comprehensive impact assessment along with an integrated ecological restoration plan for bioremediation of hydrocarbons polluting the soil and the wetland.

7 When the matter was taken up by the NGT, it noted that about 9,000 persons who had been displaced were placed in camps at an outlay of Rs 11.20 crores. About 3,000 affected families were paid an amount of Rs 30,000 each, apart from Rs 12 lakhs which was paid to eleven families, whose houses were burnt. OIL had accepted its liability to pay Rs 68 crores as compensation under a tripartite agreement between OIL, the victims and the Deputy Commissioner in terms of letters dated 25 September 2020 and 2 December 2020. In this backdrop, the NGT did not proceed further on the issue of compensation. In view of the gravity of the accident, which resulted in a massive fire which continued for almost six months, the NGT constituted the following three Committees:

- (a) A six-member Committee headed by the Secretary, Ministry of Petroleum and Natural Gas to affix responsibility for the failures of those involved and present at the incident and to lay down a road map for ensuring compliance of safety protocols;

- (b) A seven-member Committee to enquire into non-compliance of statutory provisions, including the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Hazardous Waste (Management, Handling and Transboundary Movement) Rules 2016 as well as the requirements of the Environmental Clearance in terms of the EIA notification dated 14 September 2006; and
- (c) A ten-member Committee headed by the Chief Secretary, Assam (with the Managing Director of OIL as one of its members) to assess the damage to and compensation for the restoration of Dibru Saikhowa National Park and Maguri-Motapung Wetland by taking over all surviving issues from the Committee chaired by Justice BP Katakey. The ten-member Committee was directed to submit its report within six months.

8 The dispute in the present appeal relates to the third of the above Committees which is chaired by the Chief Secretary, Assam.

9 During the course of the hearing, Mr Siddharth Mitra, Senior Counsel appearing on behalf of the appellant submitted that there is a genuine objection to the presence of the Managing Director of OIL as a member of the ten-member Committee. Moreover, it has been submitted that in laying down an extended time schedule of six months, the NGT lost sight of the urgency of the situation. Finally, it was also urged that the NGT has failed to direct any deposit towards the restoration of the environment in which event the work of restoration cannot commence in the immediate future.

10 This Court issued notice on 1 July 2021. On 23 August 2021, certain suggestions were placed before the Court on behalf of the appellant in regard to the re-

constitution of the Committee. Accordingly, the following order was passed:

- “1 The petitioner has placed suggestions before this Court in regard to expert members who should be associated with the work of assessing the damage and providing remedial compensation on account of the loss which has been caused to the environment, including the loss of biodiversity as a result of the blowout which took place at the oil field of OIL. A copy of the IA containing the suggestions shall be emailed to Mr K M Nataraj, Additional Solicitor General appearing on behalf of the Ministry of Environment, Forests and Climate Change for his response on the next date of listing.
- 2 The Court has been apprised of the fact that four out of six experts who have been suggested by the petitioner are conversant with the subject matter, having been associated with the work of the Committee constituted by the National Green Tribunal, headed by Justice B P Katakay.”

11 As the above order indicates, many of the experts, whose names have been suggested by the appellant, have been associated with the work which was assigned by the NGT by constituting an expert committee in the first place. We had requested Mr K M Nataraj, Additional Solicitor General to indicate after seeking instructions from the Ministry of Environment, Forests and Climate Change³ on whether and, if so, which of the names which have been proposed by the appellant would be acceptable to act as members of the Committee. In requesting Mr K M Nataraj to take these instructions, we must clarify that there is no doubt about the expertise of the members suggested by the appellant. The object, however, was to ensure that the work can progress with a sense of expedition so that the task of remediation can be taken up in the near future. MOEF&CC has responded in a fair and objective manner by accepting most of the suggestions.

3 “MOEF & CC”

- 12 After hearing Mr Siddharth Mitra, learned Senior Counsel appearing on behalf of the appellant, Mr K M Nataraj, Additional Solicitor General, who appears for MOEF&CC, Ms Aishwarya Bhati, Additional Solicitor General for the Ministry of Petroleum and Mr Aman Lekhi, Additional Solicitor General for OIL, we are of the considered view that the third Committee constituted by the NGT (as noticed earlier), needs to be reconstituted. The NGT has constituted a Committee consisting of ten members. Such a large Committee would find it difficult to convene meetings at relatively short intervals, which is necessary to ensure that the work of implementing remedial measures is taken up with expedition. The NGT has directed that the Chief Secretary of Assam should be the Chairperson of the ten-member Committee. Consistent with the responsibilities of office which are entrusted to the Chief Secretary, we are of the view that it would not be appropriate to assign the task to the Chief Secretary personally. The task before the Committee combines facets of an adjudicatory nature with expert domain knowledge on issues pertaining to environmental concern. The precautionary principle can be espoused by domain experts who have both knowledge and experience in ecological conservation. The work must be taken up with priority and every possible step has to be taken for restoration of the environment. OIL must bear the cost of restoration. The principle of strict liability has to govern. There can be no tomorrow until we preserve the environment here and now.
- 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. The presence of a representative of OIL as a Member of the Committee would lead to a conflict of interest and would not contribute to the fairness of the outcome. An entity against whom there are allegations of a dereliction obligations under the law cannot sit in judgment over

its own conduct. OIL can be heard by the Committee, but permit the presence of one of its senior officers would make it a judge in its own cause. OIL should not be a member of the Committee.

- 14 Consequently having heard counsel, 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. We accordingly direct that the Committee shall 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
- 15 The Committee is requested to take up the work at its early convenience and to submit its final report within three months. The Committee would be at liberty to co-opt or hear any other expert as is necessary for facilitating its task. The MOEF&CC shall depute a nodal officer to facilitate all logistical arrangements for the Committee. The Committee shall make an interim determination of the damages within a period of one month so that a suitable direction can be issued to OIL to deposit the amount for facilitating remedial measures. The Committee shall also be at liberty to recommend other interim remedial measures and

suggest final remedial measures in the course of its eventual report. To facilitate the work of the Committee, we direct OIL to deposit an amount of Rs 50 lakhs with the MOEF&CC within a period of one week from today so that necessary steps can be taken to facilitate the meetings and work of the above Committee. All concerned, including the Chief Secretary of the Government of Assam, the Central and State Pollution Control Boards and OIL are directed to cooperate with the Committee and to provide all logistical assistance to the Committee and its members to facilitate work. The officials of the Government of Assam shall also render all necessary assistance when called upon to do so.

16 The interim report shall be submitted in a sealed cover to the Registrar (Judicial) of this Court, upon which the present appeal shall be listed before this Court within two weeks of the receipt of the report for further directions.

17 List the appeal on 21 October 2021.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

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 Tribunal¹ 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;

Signature
valid
Signed by
GULSHAN KAKKAR
ARORA
Date: 20/02/25
16:37:44
Reason: 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 & 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 Rajkhowa, 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 & 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 Tribunal¹ 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

¹ “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. xxxxxx.....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.

xxxxxx.....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 (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.”*

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).

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

S.NO.	STEPS UNDERTAKEN BY OIL	COST INCURRED
1.	Third-party bioremediation contractor , 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.	INR 33,81,880/- (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 & 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>	INR 15,82,142.12/- <i>(Rupees Fifteen Lakhs Eighty-Two Thousand One Hundred Forty-Two and Twelve Paise Only)</i>
	TOTAL	INR 49,64,022.12/- <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>	INR 31,61,500/- <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 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



Shubhangi Tiwari <shubhangi.trustlegal@gmail.com>

M.A. 31/2023 in O.A. 43/2020 (EZ), Bonani Kakkar v Oil India Ltd & Oths | Advance Service of Affidavit of Respondent No. 2

1 message

Shubhangi Tiwari <shubhangi.trustlegal@gmail.com>

6 February 2024 at 19:41

To: Vikram Rajkhowa <vikram.rajkhowa@gmail.com>

Cc: PETAL CHANDHOK <petalchandhok@trustlegal.in>, disputes@trustlegal.in

Dear Sir/Ma'am,

We write under instructions from and on behalf of our Clients, Oil India Ltd, Respondent No. 2 in the instant matter.

This is with reference to the captioned matter being filed by us on behalf of our Client before the National Green Tribunal (Eastern Bench), which is next listed on 13.02.2024. Please find attached herewith to the copy of the affidavit along with the applications and documents filed on behalf of Respondent No.2, for your kind perusal and necessary action.

Please note that by way of the instant email we are effecting advance service upon you being the Applicant in the captioned matter.

Regards

Shubhangi Tiwari

Advocate



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