



Swapneel Paul.
District Commissioner
Tinsukia 082

Serial No. 1027.
Date 08/02/24

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

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

IN THE MATTER OF

BONANI KAKKAR Applicant(s)
Vs
Oil India Ltd. &Ors Respondent(s)

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6 –
DISTRICT COMMISSIONER, TINSUKIA as per order
dtd.10.01.2024.

I, Swapneel Paul, IAS, aged 33 years, working as District
Commissioner & District Magistrate, Tinsukia District, Government
of Assam, do hereby solemnly affirm and state as follows:

1. That Oil India Limited, Duliajan has deposited an amount of
total **Rs.103,14,31,310.00**(Rupees one hundred three
crores fourteen lakhs thirty one thousand and three
hundred ten) only to the office of District Commissioner,
Tinsukia, for the purpose of payment of compensation to
victims of Baghjan Blow out incident, the last transaction
being done on **22.07.2021**. Such amount was deposited
based on the field report of Circle Officers, Tinsukia &
Doomdooma Revenue Circles. The field reports enlisted the
victims as per the criteria provided by Hon'ble Mr. Justice
B.P. Katakey Committee. The statement in **Annexure-A**.



(Signature)
08/02/24
SANJAY AGARWAL
NOTARY
TINSUKIA DISTRICT
REGD NO TSK-12

Swagand Pant.
District Commissioner,
Tinsukia

2. Out of **Rs.103,14,31,310.00**(Rupees one hundred three crores fourteen lakhs thirty one thousand and three hundred ten) only mentioned in **Para-(1)**, an amount of **Rs.103,13,61,310.00** (One hundred three crores thirteen lakhs and sixty-one thousand three hundred ten) only has been disbursed to the beneficiaries, the last transaction being done dated **08.12.2021**. Out of this amount paid, around **Rs.51,00,000.00** (Rupees Fifty one lakh) only was reverted back to the Bank Account due to technical problems.
3. With regard to the payment of compensation to victims of Baghjan Gas Blowout incident, in an order of NGT dated 08.08.2023 (**Para-2**), it was found to be stated that 'A sum of **Rs.90.796** crore stands deposited by the Oil India Limited with the District Collector, Tinsukia'.
4. On obtaining the said order as mentioned in **Para (3)**, the deponent, sent a letter to the Resident Chief Executive, Oil India Limited, to clarify on the claim mentioned in the NGT order vide this office letter No.TSK/Baghjan Matter/2020/7791 dated 07/09/2023 (**Annexure-B**).
5. Resident Chief Executive, Oil India Limited has responded to the letter sent by the deponent vide letter No.RCE : 03-384 dated 13/09/2023 wherein he has clarified that OIL had never claimed to have deposited an amount of **Rs.90.796** crore to the District Commissioner, Tinsukia (**Annexure-C**).



08/02/24
SANJAY AGARWAL
NOTARY
TINSUKIA DISTRICT
REGD NO TSK-12

6. That, the balance amount at the account of office of the District Commissioner, Tinsukia out of total amount on this date is **Rs.63,60,503.00** (Rupees Sixty three lakh sixty thousand five hundred three) only out of which around **Rs.51,00,000.00** (Rupees Fifty one lakh) only has been reverted back due to technical issues as mentioned in **Para-2. Rs.11,70,654.00** (Rupees Eleven lakh seventy thousand six hundred fifty four) only is the interest accrued. And therefore the actual balance in the account is **Rs.70,000.00** (Rupees Seventy thousand) only, which is unprocessed for payment.



Identified by

Sri Bikash Prasad

(Sri Bikash Prasad)
Advocate, Tinsukia

Swapneel Paul
District Commissioner
Tinsukia
DEPONENT

VERIFICATION

Verified at Tinsukia on this 08th day of February, 2024, that the contents of the above affidavit are true and correct to my knowledge and belief derived from the official records. No part of the above affidavit is false and nothing material has been concealed there from

Swapneel Paul
DEPONENT
District Commissioner
Tinsukia

08/02/24
SANJAY AGARWAL
NOTARY
TINSUKIA DISTRICT
REGD. NO. TSK-12

ANNEXURE- A

Statement of compensation of Baghjan Gas Blowout / Fire incident under Tinsukia District

1085

Sl. No.	Particulars	Rate of compensation to per affected fallilies Amount (In Rs.)	Sanction Order dated	Funds released Amount (in Rs.)	No. of beneficiaries	Fund received from vide OIL letter No. & date	Remarks
1	Houses gutted by fire	25,00,000/-	17.07.2020 11.08.2020 31.08.2020	30000000.00	12	No.RCE:03-167 dtd 16.07.2020 No.ED(HR&A)/63/T/156 dtd 07.08.2020 No.CGM(A)/BGN/907 dtd 28.08.2020	House Damage
2	Category -A Baghjan Gaon AREA	15,00,000/-	05.12.2020	241500000.00	161	ED(HR&A)/63(T)/234 dated 02.12.2020	House Damage
3	Category - B Baghjan Gaon AREA	10,00,000/-	10.12.2020	439000000.00	439		House Damage
4	Baghjan Milan Jyoti Yuba Sangha 1st INST	50,000/-	23.09.2020	30600000.00	612	OIL RCE:03:226 dtd 23.09.2020	House Rent, Medical, Food etc.
5	Baghjan Milan Jyoti Yuba Sangha 2nd INST	50,000/-		30600000.00	612	RCE:03-336 dated 21.11.2020	House Rent, Medical, Food etc.
6	Addl. Baghjan Milan Jyoti Yuba Sangha	30,000/-	11.09.2020	1080000.00	36	RCE:03-270 dtd.22.10.2020	one time
7	Addl. Baghjan ME & High School	30,000/-	06.07.2020	630000.00	21	No.1120012677 dtd 11th June 2020, payment Run ID/ Date AST4/11/06/2020,	one time
8	Baghjan Gaon Area	30,000/-	12.06.2020	18750000.00	625	No.1120012677 dtd 11th June 2020, payment Run ID/ Date AST4/11/06/2020,	one time

Swapnil Pant.
District Commissioner
Tinsukia

9	Milanjyoti Yuba Sangha (Youths)	10,000/-	26.08.2020	910000.00	91	OIL No.1120012677 dated 11.06.2020 Run ID AST4/11/06/2020 Minutes dated 18/08/2020 Reference No.TRF.3/2017-19/Pt-I/ dtd 22/08/2020	one time
10	Milanjyoti Yuba Sangha (Youths)	10,000/-	01.09.2020	1140000.00	114	OIL No.1120012677 dated 11.06.2020 Run ID AST4/11/06/2020 Minutes dated 18/08/2020 Reference No.TRF.3/2017-19/Pt-I/ dtd 22/08/2020	one time
11	Addl. Baghjan#5 blowout and fire Agricultural Land affected families	50,000/-	03.04.2021	3050000.00	61	OIL No.RCE:03-74 dated 5th March'2021	one time
12	Final Addl. List Baghjan ME & High School Relief Camp	50,000/-	29.10.2020	1600000.00	32	No.RCE:03-226 dtd 23rd September'2020	one time
13	2nd INST Baghjan Milan Jyoti Yuba Sangha	30,000/-	11.09.2020	17100000.00	570	ED(HR&A)/63(T)/178 dated 14.09.2020	one time
14	Natun Rangagora Gaon	50,000/-	22.10.2020	32600000.00	652	RCE:03-297 dtd 10.11.2020	one time
15	Dighaltarang Baghjna Gaon Area 2nd INST	30,000/-	21.11.2020	25200000.00	840	RCE:03-332 dated 19.11.2020	one time
16	1No. Baghjan LP School Kalisthan Relief Camp	30,000/-	28.07.2020	15750000.00	525	No.1120012677 dtd 11th June 2020, payment Run ID/ Date AST4/11/06/2020	one time
17	Dighaltarang Gaon PHE Centre	30,000/-	16.07.2020	6450000.00	215		one time
18	St. Joseph High School	30,000/-	30.06.2020	2190000.00	73		one time
19	Addl. Dighaltarang PHE Centre	30,000/-	10.11.2020	90000.00	3	RCE:03-297 dtd 10.11.2020	one time
20	Dighaltarang Baghjan Gaon Near EPS	30,000/-		1020000.00	34	RCE:03-297 dtd 10.11.2020	one time

Swapnil Pant.
District Commissioner
Tinsukia

21	Addl. St. Joseph School Relief Camp	30,000/-	03.11.2020	2190000.00	73	RCE:03-297 dtd 10.11.2020	one time
22	Addl. 1No. Baghjan LP School Kalisthan	30,000/-	28.10.2020	1860000.00	62	RCE:03-297 dtd 10.11.2020	one time
23	Dighaltarang Gate ME School	30,000/-	23.06.2020	750000.00	25	No.1120012677 dtd 11th June 2020, payment Run ID/ Date AST4/11/06/2020	one time
24	2nd INST Dighaltarang, PHE Relief Camp at Bandarkhati	30,000/-	14.12.2020	7260000.00	242	RCE:03:358 dated 08.12.2020	one time
25	Rangagora Gaon	25,000/-	10.07.2020	15925000.00	637	OIL No.1120020570 dtd 8th July 2020, payment Run ID/ Date AST4/08/07/2020	one time
26	8No. Line Catholic Church	25,000/-	14.07.2020	1800000.00	72		one time
27	Palong LP School	25,000/-	03.08.2020	2225000.00	89		one time
28	7No. Line LP School Relief Camp	25,000/-	03.08.2020	2250000.00	90		one time
29	Rupai TE ME School Relief Camp	25,000/-	03.08.2020	1300000.00	52		one time
30	Nagamati LP School Relief Camp	25,000/-	03.08.2020	525000.00	21		one time
31	Bandarkhati LP School High School Relief Camp	25,000/-	04.08.2020	5900000.00	236		one time
32	Wathoi Gaon	15,000/-	01.02.2021	1260000.00	84	RCE:03-300 dtd 11.11.2020	one time
33	Limbuguri TE 148/151, 152/149 & 225/227 NLR Grant	15,000/-	01.03.2021	390000.00	26	RCE:03-300 dtd 11.11.2020	one time
34	Wathoi Gaon	15,000/-	01.03.2021	135000.00	9	RCE:03-46 dated 15.02.2021	one time
35	Gottong Gaon	15,000/-	01.03.2021	555000.00	37		one time
36	Gellapukhuri TE 285 NLR Grant	15,000/-	01.03.2021	360000.00	24		one time
37	Dhelakhat Bagan Gaon & Dhelakhat Gaon	15,000/-	01.03.2021	645000.00	43		one time
38	Dhakuwal Gaon	15,000/-	01.03.2021	690000.00	46		one time
39	Dighaltarang TE	15,000/-	22.12.2020	23055000.00	1537	RCE:03:374 dated 22.12.2020	one time

Swapnil Paul
District Commissioner
Tinsukia

40	Annexure-I (276) 2 NO PURANI MOTAPUNG (HATIBAT)", "Anx-II (164) BEBEJA GAON", "Anx-III (176) GARIATING 1NO PURANI MOTAPUNG" and "Anx-IV (387) 2NO PURANI MOTAPUNG GAON"	15,000/-	25.11.2020	15045000.00	1003	RCE:03-339 dated 23.11.2020	one time
41	Dhelakhat Bagan Gaon	15,000/-	05.12.2020	5490000.00	366	RCE:03-300 dtd 11.11.2020	one time
42	Limbuguri TE 148/151 NLR	15,000/-	11.11.2020	975000.00	65		one time
43	Limbuguri 152/149 NLR	15,000/-	11.11.2020	2055000.00	137		one time
44	Limbuguri 225/227 NLR	15,000/-	11.11.2020	1875000.00	125		one time
45	Gottong Village	15,000/-	11.11.2020	4065000.00	271		one time
46	Dhelakhat Gaon	15,000/-	11.11.2020	1200000.00	80		one time
47	Gellapukhuri TE 285 NLR Grant	15,000/-	11.11.2020	1395000.00	93		one time
48	Dhakuwal Village	15,000/-	11.11.2020	3690000.00	246		one time
49	Denka Village	10,000/-	22.12.2020	1590000.00	159		one time
50	Torajan Denka Village	10,000/-	22.12.2020	840000.00	84		one time
51	Torajan Village	10,000/-	22.12.2020	1210000.00	121	one time	
52	Joygukhowa village	10,000/-	22.12.2020	2050000.00	205	one time	
53	Borgaon village	10,000/-	22.12.2020	1720000.00	172	No.ED(HR&A)/63/(T)/245 dated 15.12.2020	one time
54	Na Motapung Kamalapur village	10,000/-	22.12.2020	1620000.00	162		one time
55	Dighalhaku village	10,000/-	22.12.2020	1630000.00	163		one time
56	Lesenka village	10,000/-	22.12.2020	1240000.00	124		one time
57	Bihaiting village	10,000/-	22.12.2020	1070000.00	107		one time
58	Hatigarh village	10,000/-	22.12.2020	1290000.00	129		one time
59	Hatijan village	10,000/-	22.12.2020	2180000.00	218		one time
60	Na Motapung village	10,000/-	22.12.2020	2900000.00	290		one time
61	Denka Khatowal village	10,000/-	28.01.2021	460000.00	46		one time
62	Addl. Joygukhowa Mohila village	10,000/-	24.02.2021	110000.00	11		No.RCE:03-61 dated 24th February 2021

Swameel Pand
District Commissioner
Tinsukia

63	Water Logging due to Bagahjan #5		08.12.2021	5526310.00	52	PAF(O)/10-45/2021 dated 22.07.2021	one time
64	Rebati Neog Late Sukla Neog	10,00,000/-	22.07.2020	1000000.00	1	No.ED(HR&A)/63(T)/138 dated 27.07.2020	Fixed Deposit for Education Purpose
65	Smt. Smili Neog	1,00,000/-	11.05.2022	100000.00	1	Attached letter	
66	Smt. Junalee Neog	1,00,000/-	11.05.2022	100000.00	1	No.ED(HR&A)/63(T)/155 dated	
67	Smt. Torali Neog	1,00,000/-	11.05.2022	100000.00	1	07/08/2020	
68	Smt. Likumoni Neog	1,00,000/-	11.05.2022	100000.00	1		
69	Smt. Sneha Neog	1,00,000/-	11.05.2022	100000.00	1		
70	Next of Kin Sukia Kishan (Adult) Aroshi Pator (Minor)	@Rs.2,00,000/- @Rs.1,00,000/-	26.06.2020	300000.00	2	No.ED(HR&A)/63(T)/155 dated 07.08.2020	

Total Rs.= 1031361310.00 13570

Total Amount Received Rs.103,14,31,310/-

Total Amount Released Rs.103,13,61,310/-

Balance Amount Rs.70,000/-

Total Beneficiaries No.13570

Swapneel Paul
District Commissioner
Tinsukia



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

No.TSK/Baghjan Matter/2020/ 7791

Dated Tinsukia, the 7th September'2023

To,

The Resident Chief Executive
Oil India Limited
Duliajan.



Sub : Clarification on Hon'ble National Green Tribunal's order.

Ref. : 1) Order of Hon'ble National Green Tribunal, Principal Bench, New Delhi, Case No.M.A. No.17/2023 (EZ) & M.A. No.19/2023 (EZ)

IN

Original Application No.43/2020 (EZ) dated 08/08/2023.

2) This office's letter No.TSK/Baghjan Matter/2020/7579 Dated 16/08/2023.

Sir,

With reference to the subject cited above, I would like to draw your attention to below mentioned facts / points :-

- 1) It was stated in the order of Hon'ble NGT dated 08/08/2023 at para 2
"A sum of Rs.90.796 crore stands deposited by the OIL with the District Collector."
- 2) But this office is unable to trace the deposition of such fund by Oil India Limited.
- 3) In view of this letter was sent to your good office on 16/08/2023 in which you were asked to furnish the details of such remittances, if any.
- 4) However, we have not received any reply as yet from your end.
- 5) It may be mentioned here that, w. r. t. the Baghjan Oil well No.5 Blowout incident, the District Commissioner, Tinsukia Office has received Rs.103,14,31,310/- crores and disbursed Rs.103,13,61,310/- to 13570 Nos. of beneficiaries as compensation.
- 6) As per record, there is a total balance of only Rs.70,000/- in this Office.
- 7) Therefore, the claim of Oil India Limited that it has deposited a sum of Rs.90.796 crore with the District Commissioner, Tinsukia seems to be a misrepresentation of fact by Oil India Limited before Hon'ble National Green Tribunal.

In view of this you are requested to justify your claim within **3(Three) days**.

Yours faithfully,

Suagnel Paul.
District Commissioner
Tinsukia

Paul
District Commissioner
Tinsukia
District Commissioner
Tinsukia



ऑयल इंडिया लिमिटेड

(भारत सरकार का उद्यम) पंजीकृत कार्यालय : दुबियाजान, असम

Oil India Limited

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

DULIAGAN-786 602, ASSAM

TEL : +91-374-2800525

FAX : +91-374-2800433

CABLE : OIL INDIA

e-mail : rce@oilindia.in

Doc(Oil)

Ran

Ref. No.RCE:03-384

September 13, 2023

To,
Office of the District Commissioner
District Tinsukia
Government of Assam



Sub: Reply to Letter dated 07.09.2023 bearing reference no. TSK/Baghjan Matter/2020/7791 w.r.t. clarification sought on the Hon'ble National Green Tribunal's order dated 08.08.2023.

Ref: 1) Order of Hon'ble National Green Tribunal, Principal Bench, New Delhi, Case No M.A. No. 17/2023 (EZ) & M.A. No. 19/2023 (EZ)

IN

Original Application No. 43/2020 (EZ) dated 08.08.2023.

2) Your letter No TSK/Baghjan Matter/ 2020/7579 dated 16.08.2023.

3) OIL's reply vide letter No. RCE. 03-364 dated 21.08.2023

4) Your letter No TSK/Baghjan Matter/ 2020/7791 dated 07.09.2023.

Dear Sir,

We write with reference to your aforementioned letter seeking details of Rs.90 795 Crores, as mentioned by the Hon'ble NGT in the Order dated 08.08.2023. In this regard, we would like to inform that reply to your letter referred above have already been furnished to you vide our letter No. RCE: 03-364 dated 21.08.2023, which was duly received by your office on 21.08.2023. A copy of the same is enclosed herewith for your kind reference. Further to our previous reply, we place before the following facts relating to release of compensation to the affected families of Baghjan Blow out:

- (a) The Hon'ble Tribunal in its Order dated 08.08.2023 has recorded the deposit of Rs. Rs. 90.796 crores by OIL, which was drawn from the Affidavit-in-opposition filed by OIL on 27.07.2020 in OA No. 43/2020/EZ. However, it is pertinent to mention that aforesaid affidavit mentioned the overall expenditure and compensation paid by OIL till 23.07.2020 as given below:-

Expenditure against Baghjan Well No. 5 till 23.07.2020	
Head of expenditure	Actual Expenditure (in Rs.)
Operation relating to capping the Well	81,76,25,148.00
Expenditure Related to affected people staying at various camps	11,17,83,382.00
DC, Tinsukia (interim relief for the affected families numbering 3000)	9,00,00,000.00
Advance Compensation to 11 families whose houses were burnt @ 20 Lakhs Per Family	2,20,00,000.00
Total Expenditure	104,14,08,530.00

RECEIPT

No 5173

Date

20 SEP 2023

Contd... p/2

- 2 -

As shown above, OIL through the affidavit stated about the deposit of Rs.9.00 crores to the account of DC, Tinsukia as interim relief for the affected families numbering 300 as compensation. The Affidavit did not mention deposit of Rs.90.796 Crores, as observed in the Order dated 08.08.2023. A copy of the affidavit filed on 27.07.2020 is enclosed for your kind reference.

- (b) Subsequently, OIL had been depositing the compensation amount based on the advice of the District Administration, Tinsukia, received time to time. The full and final amount deposited by OIL against all the affected families, as listed by the Administration and recommended by the NGT constituted Committee, was Rs. 102,59,05000/- till 26.03.2021, which was also verified by the Hon'ble District & Session Judge, Tinsukia, in compliance of the Order dated 09.03.2021 passed by the Hon'ble Gauhati High Court in PIL No. 39/2020, details of which are already communicated vide our previous reply vide letter No. RCE: 03-364 dated 21.08.2023. Copy of the Enquiry Report of the Hon'ble District & Session Judge, Tinsukia is enclosed for your kind reference.

2.0. In view of the above facts, we would like to clarify that OIL had never claimed to have deposited an amount of Rs.90.796 Crores to the DC, Tinsukia. However, OIL has deposited total amount of Rs.102,59,05,000/- till 26.03.2021 towards full and final compensation to the affected families of the Baghjan Blowout as per the advice of the NGT constituted committee as well as advice of District Administration, Tinsukia. It is hereby affirmed that no misrepresentation of fact has been made by OIL before the NGT and the reference of the amount of Rs. 90.796 crores as recorded in the Order dated 08.08.2023 does not match with the submission of OIL in affidavit dated 27.07.2020.

We hope the above clarifies your concern.

With sincere regards

Yours faithfully
OIL INDIA LIMITED


(Atindia Roychoudhury)
Resident Chief Executive

Enclosed : As above.