

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)
INTERLOCUTORY APPLICATION NO. OF 2020
IN
O. A. No. 43/2020/EZ

In the matter of :

Oil India Limited

.....Applicant

-Versus-

Bonani Kakkar

.....Respondents

INDEX

Volume-I

Sl. No.	Particulars	Page No.
1.	Index	1
2.	Memo of Parties	2-3
3.	Interlocutory Application seeking direction, restraining the Committee of Experts, from acting upon the proposal submitted by the Deputy Commissioner, Tinsukia vide its Letters under Reference No. TAC.3/2020/570 dated 25.08.2020 and No. TAC.03/2020/706 dated 31.08.2020 before the Hon'ble Chairman of the Committee.	4-34
4.	Proof of service	35

Kan Kalita

P. Goswami

Rahul Pratap

(Mr. Parthiv K. Goswami; Mr. Rahul Pratap and Mr. Kan Kalita)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029
 Phone: 9560886310; 9910727778

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

INTERLOCUTORY APPLICATION NO. OF 2020

IN

O. A. No. 43/2020/EZ

MEMO OF PARTIES

IN THE MATTER OF: O.A. No. 43/2020/EZ

1. OIL INDIA LIMITED,

Having its registered Office at Duliajan,
P.O-Duliajan, District-Dibrugarh, PIN-786602,
Represented by its Chairman & Managing Director

..... Applicant

Versus

1. Bonani Kakkar

11 Hindustan Park,
Kolkata-700029

..... Respondents

2. Ministry of Petroleum and Natural Gas,

Government of India,
having its Office at Shastri Bhavan,
New Delhi-110001, through its Secretary.

3. Ministry of Environment, Forest and Climate Change,

Having its Office at Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110003, through its Secretary

..... **Proforma Respondents**

Through

Kan Kalita

P. Goswami

Rahul Pratap

(Mr. Parthiv K. Goswami; Mr. Rahul Pratap and Mr. Kan Kalita)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029

Phone: 9560886310; 9910727778

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

(PRINCIPAL BENCH)

INTERLOCUTORY APPLICATION NO. OF 2020

IN

O. A. No. 43/2020/EZ

IN THE MATTER OF :

OIL INDIA LIMITED

.....APPLICANT

-Versus-

BANANI KAKKAR

.....RESPONDENT

Interlocutory Application seeking a direction, restraining the Committee of Experts, headed by Hon'ble Chairman, constituted by this Hon'ble Tribunal from acting upon the proposal submitted by the Deputy Commissioner, Tinsukia after consultations with the Hon'ble Members of the Committee of Experts, vide his Letters under Reference No. TCA.3/2020/570 dated 25.08.2020 and No. TCA.03/2020/706 dated 31.08.2020 before the Hon'ble Chairman of the Committee of Experts.

To,

The Hon'ble the Chairperson, His Companion Justices and Companion Members
of the Hon'ble National Green Tribunal

The Humble petition of the Applicant above-named

MOST RESPECTFULLY SHOWETH:

1. That the Applicant Company by way of the present Application humbly seeks a direction, restraining the Committee of Experts, headed by Hon'ble Chairman, constituted by this Hon'ble Tribunal from acting upon the proposal submitted by Deputy Commissioner, Tinsukia after consultations with the Hon'ble Members of the Committee of Experts vide his Letters under Reference No. TCA.3/2020/570 dated 25.08.2020 and No. TCA.03/2020/706 dated 31.08.2020, whereby the Deputy Commissioner, Tinsukia in a most arbitrary and illegal manner, only on the basis of demand raised by the Local Organisation namely Baghjan Gaon Milanjyoti Yuva Sangha and that too without giving any opportunity to the Applicant Company, sought to modify the categories of affected persons and thereby proposing enhancement of the compensation to the affected people as below:
 - i. 57 nos. families, whose houses are severely damaged and falls under Category-II as per Hon'ble NGT, may be considered under Category-I by widening the ambit/definition of Category-I.
 - ii. 561 nos. people residing in 0 to 1.5 km distance and falls under Category-III, shall be considered under Category-II on special consideration.

- iii. The Compensation for Category-II may be enhanced from existing Rs.10.00 Lakh to Rs.20.00 Lakh, as demanded by Baghjan Gaon Milonjyoti Yuba Sangha and Baghjan Gaon Villagers”.

By way of the said illegal and arbitrary proposal, the Deputy Commissioner, Tinsukia, not only sought to enhance the compensation to the affected peoples, but also proposed to widening the ambit/definition of three Categories, as oppose to the formulation of three Categories of affected families, made by the Committee of Experts to assess the question of interim compensation and that too, without giving any opportunity to the Applicant Company.

2. That the brief facts leading to filing of the present Interlocutory Application before this Hon’ble Tribunal are being narrated hereunder:

(a) That, the Applicant Company is a Central Government Company under the Ministry of Petroleum and Natural Gas, having its registered office at Duliajan in the District of Dibrugarh. The Oil India Limited (herein after referred as OIL) is a premier Indian National Oil Company under the administrative control of Ministry of Petroleum and Natural Gas, Govt. of India. OIL is engaged in the business of Exploration, Development and Production of Crude Oil and Natural Gas, Transportation of Crude Oil and Production of LPG. Oil India Limited is the

pioneer in exploration and production of hydrocarbon in India and has been serving the nation for many a decades. Oil India is an integrated upstream Petroleum Company performing the following main activities:

1. Exploration for hydrocarbons.
2. Production of crude oil and natural gas.
3. Transportation of crude oil to refineries.
4. Supply of gas to consumers.
5. Extraction and bottling of LPG.

Oil India owns and operates a wide array of facilities and equipment to carry out seismic and geodetic work, 2D and 3D data acquisition, processing and analysis, onshore and offshore drilling, oil and gas field development and production, LPG production and other ancillary services to make it a fully integrated E&P company.

(b) That, after the Blowout Well at Baghjan caught fire at around 1.14 PM of 09.06.2020, 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 Dighulturrang 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.

(c) That on 11.06.2020, Oil India Limited has deposited an amount of Rs.4,83,00,000/- to the District Authority, Tinsukia as an immediate interim relief to the 1610 affected families.

(d) 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, copies of which already annexed with the Preliminary Affidavit filed by the Applicant and the Applicant will rely and the refer the same at the time of hearing of this Application, if necessary. 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.

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.

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.

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.

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. 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.

vii. 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.

(e) 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 post-mortem, 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 Durlov 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 areas. Drilling activities in few locations near Baghjan area have been suspended due to ongoing protest by local people. Details of expenditures so far made towards compensation and relief to the affected people:

- a. An amount of Rs.9.00 Crores has been deposited in the Office of Deputy Commissioner, Tinsukia towards payment of one time compensation to the 3000 families residing in the Relief camps.
- b. Payment of compensation to 12 numbers families, whose houses were completely burnt, has been made @ Rs.25.00 Lakhs per family, totaling an amount of Rs.3.00 Crores.

- c. Payment of compensation 57 families, whose houses were severely damaged, has been made @ Rs.10.00 per family, totalling Rs.5.70 Crores.
- d. Payment of compensation to 561 families, whose houses have been moderately damaged or whose standing crops and horticulture have been partially damaged, have been made @ Rs.2.5 Lakh per family, totaling Rs.14.25 Crores
- e. Payment of Rs.50,000/- per family per month to 612 families, who were earlier staying at the camps, towards cost of house rent, food, medical expenditure, children education etc totaling Rs.3.06 Crores
- f. Till date, expenditure incurred by OIL India Ltd for running of the Relief camps as on 10.10.2020 is more than Rs. 23,66,32,294/-
- g. Total amount spent as on 22.07.2020 is

Rs.58.67 Crores(approx.) towards providing relief, rehabilitation & compensation to the affected families.

h. Summary of expenditure is as under:

Expenditure on Relief and Compensation against Baghjan Blow out. As on 10.10.2020	
Head of expenditure	Actual Expenditure (in Rs.)
Expenditure Related to affected people staying at various camps	23,66,32,294
DC, Tinsukia(interim relief for the affected families numbering 3000)	90000000
Compensation to the 630 nos affected families of three different categories, as per the order of NGT dated 06,08,20	229500000
House Rent package to 612 families	30600000
Total Expenditure	586732294

It has been estimated that more than Rs. 151 Crores will be required towards operational cost in controlling the Blowout at Baghjan as well as for Environmental impact assessment.

(f) That thereafter, one Nirantan Gohain has approached the Hon'ble Gauhati High Court by filing a Public Interest Litigation being PIL No. 34/2020, seeking a direction from the Hon'ble High Court to direct OIL & John Energy to pay compensation to the tune of about Rs. 310 Crores towards various heads as compensation and damages caused on account of Blow out in Baghjan Well. The Petitioner has also sought for a direction of high level independent enquiry by an Investigating Agency. The said PIL was listed before the Hon'ble High Court for consideration on 12.06.2020. The Hon'ble High Court after hearing the parties including the present Applicant, has disposed of the same by granting liberty to the Petitioner to file a fresh Petition, if genuine public cause demands, however, on the basis of relevant data and findings recorded by the Enquiry Agencies.

(g) That pursuant thereof, one Mrinmoy Khataniar and & Anr has filed a PIL being numbered as PIL No.35 of 2020, challenging the Minutes of EAC dated 27/28.02.2018, whereby projects discussed under heading 20.3.1 and 20.6.17 were granted exemptions from public hearings as mandated under Para 7(iii) of the EIA Notification dated 14.09.2006. The petitioners have also challenged the Letter dated 11.05.2020 of the MoEFCC, whereby environment clearance has been granted for 7

locations under Dibru Saikhowa National Park. Apart from claiming the Compensation for the affected people, the Petitioners have also prayed for inquiry by the CBI and Central Vigilance Commission. In the said PIL, pursuant to issuance of Notice, the Applicant Company being Respondents therein has filed its affidavit-in-Opposition and is pending for consideration.

(h) That similarly, one Gautam Uzir, Sr. Advocate of Gauhati High Court has filed PIL being numbered as PIL No. 39/2020, seeking a direction towards constitution of a High Level Committee to be monitor by the High Court and headed by a retired Judge of the High Court for causing in-depth assessment into the extent of loss of life and property of the individuals/families residing in the said affected area of Baghjan. In the said PIL, the Hon'ble Gauhati High Court vide its Order dated 17.08.2020, directed the parties to place the enquiry report in relation to fire in Baghjan 5 gas and oil well in sealed cover. Subsequently, the Hon'ble Court vide its Order dated 30.09.2020, while fixing the Case on 20.10.2020, directed the Deputy Commissioner, Tinsukia to file an affidavit giving details of the compensation and other relief granted to the affected persons. **True Copies of the Orders dated 17.08.2020 and 30.09.2020 passed by Hon'ble Gauhati High Court in PIL 39/2020 are annexed herewith and**

marked as Annexure-R/1 and annexure-R/2 respectively.

- (i) That although the aforesaid PILs are pending before the Hon'ble Gauhati High Court for consideration, the Respondent has filed Original Application being O.A. No. 43 of 2020 / EZ for issuance of direction, amongst others, in respect of constituting and independent committee of experts, monitored by the Hon'ble Tribunal, to visit the site and submit a report to the Tribunal within a reasonable period and to direct the Oil India Limited to provide relief and compensation to victims of the Gas lick and Fire. This Hon'ble Tribunal vide Ex-parte interim Order dated 24.06.2020 in O.A. 43/2020/EZ and O.A. No. 44/2020/EZ was pleased to constitute a Committee of Expert, without having sufficient number of technical members, to look into the matter on the initial terms of reference as well as directed the Applicant to deposit an initial amount of Rs. 25 Crore with the District Magistrate, Tinsukia District, Assam, without taking into the consideration the steps taken by the Applicant Company pursuant to blowout in Baghjan. It is pertinent to mention that the above direction has been issued by this Hon'ble Tribunal purportedly on the basis of some unverified Newspaper Article, without giving any opportunity to the Review Applicant of being heard.

- (j) That being aggrieved and considering the fact that there has been gross suppression of material fact in the said Original Application inter-alia, pertaining to the steps taken by the Applicant pursuant to the Blowout at Baghjan -5, Oil India Limited was constraint to file Interlocutory Application being I.A. No. 30/2020/EZ in O.A. No. 43/2020/EZ and I.A. No. 31/2020/EZ in O.A. No. 44/2020/EZ, inter-alia, seeking recall/modification of the said Order dated 24.06.2020 passed by the Hon'ble National Green Tribunal to the extended this Hon'ble Tribunal has directed (i) The constitutional of a Committee of Expert to look into the matter on the initial terms of reference (ii) directed the Applicant Company to deposit an initial amount of Rs. 25 crores with the District Magistrate, Tinsukia, Assam.
- (k) That this Hon'ble Tribunal, while disposing I.A. No. 30/2020/EZ in O.A. No. 43/2020/EZ and I.A. No. 31/2020/EZ in O.A. No. 44/2020/EZ vide Order dated 02.07.2020 was pleased to defer the direction for deposit of Rs. 25 crores till the actual amount and its disbursement plan are worked out in the light of to the depot the Committee after considering view point of victims as well as the Oil India Limited.

(l) That pursuant to the said Order, Oil India Limited has also responded to the queries sought for them by the Committee constituted by this Hon'ble Tribunal by filing details representations with relevant documents vide letters dated 03.06.2020, 07.07.2020, 11.07.2020, 12.07.2020 and 15.07.2020 to the Hon'ble Chairman of the Expert Committee. Further, by emails dated 09.07.2020, 11.07.2020, 13.07.2020, 15.07.2020, 21.07.2020 and 26.07.2020, information has also been provided to the Hon'ble Tribunal Member, Mr. Ajit Hazarika.

(m) That thereafter the Committee constituted by this Hon'ble Tribunal submitted its Preliminary Report dated 24.07.2020, whereby the Committee has suggested interim measures including the compensation to the affected families and individuals. The Committee has made three categories of persons entitled to interim compensation and has suggested the scale of such compensation as follows:

“(i) whose houses have been completely gutted by the fire;

(ii) whose houses have been severely damaged;

(iii) whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged.

The scale of interim compensation is as follows:

Category (i) – Rs.25 Lacs Category

(ii) – Rs.10 Lacs and

(iii) – Rs.2.5 Lacs”

(n) That since the said Preliminary Report is prepared on the basis of some unverified data and considering the fact that the said Committee of Expert has not make a site visit till filing of Preliminary report and that the said Committee Report is primarily based on information provided by various organization, local people and published reports and not based on scientific or laboratory data, Applicant has filed its objection to the said Preliminary Report.

(o) That the Case was thereafter listed before the Hon'ble Tribunal on 06.08.2020 for consideration of the objection filed by the Applicant against the Preliminary Report of the Committee constituted by the Tribunal. The Hon'ble Tribunal after hearing the parties, has accepted the recommendations of the Committee on the subject of compensation for three categories of victims with the clarification that the compensation already paid will be taken into account and excluded from the interim compensation recommended by the Committee and that 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. **A True copy of the Order dated 06.08.2020 passed by this Hon'ble Tribunal is annexed herewith and marked as Annexure – R/3.**

(p) That, pursuant to Order passed by this Hon'ble Tribunal on 06.08.2020, the Deputy Commissioner, Tinsukia, vide its Letter dated 13.08.2020, while apprising the Applicant that compensation amounting to Rs.20 Lacs to each 12 families who falls under the Category-I has been disbursed by the District Administration, Tinsukia, asked the Applicant to take necessary steps for disbursing the remaining amount of Rs.5 Lacs to the 12 families in view of the Hon'ble Tribunal's direction to pay Rs.25 lacs of compensation to the affected persons, whose houses have been completely gutted by the fire and falls under the Category-I. **A true copy of the Letter dated 13.08.2020 issued by the Deputy Commissioner, Tinsukia is annexed herewith and marked as Annexure-R/4.**

(q) That, accordingly, the Applicant Company has released the remaining amount of Rs.5 Lacs to each family on 28.08.2020 to the District Administration, Tinsukia. Further, the Deputy Commissioner, Tinsukia vide its communication dated

29.08.2020, has informed the Applicant Company that they have identified 57 families in Category-ii and as such, as per Hon'ble Tribunal's Order, the Applicant has to disburse Rs.10 Lacs to the said 57 families and thus, total amount involved in Category-ii will be Rs.10 Lacs X 57= 5.7 Crores. Similarly, in respect of Category-iii, it was informed that after survey, the District Administration has identified 561 families from Baghjan Gaon and as such, as per Hon'ble NGT Order, the Applicant has to disburse Rs.2.5 Lacs to the said 561 families and thus, total amount involved in Category-iii will be Rs.2.5 Lacs X 561= 14.02 Crores. Accordingly, the Applicant Company was directed to release an amount of Rs.19.725 Crores for the affected families under Category-ii and category-iii. It is pertinent to mention herein that by way of the said Letter, it was also apprised that 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. **A True copy of the Letter dated 29.08.2020 issued by the Deputy Commissioner, Tinsukia is annexed herewith and marked as Annexure-R/5.**

(r) That in response, the Applicant Company vide its Letter dated 31.08.2020, while apprising the Deputy Commissioner, Tinsukia, that the Applicant are taking all necessary steps to make the payment of Rs.19.725 crores for the affected families

under Category-ii and category-iii, requested the District Administration to provide the copy of the assessment report for further necessary action. **A true copy of the Letter dated 31.08.2020 issued by the Applicant Company is annexed herewith and marked as Annexure-R/6.**

(s) That, thereafter, a discussion was held in the Chamber of Deputy Commissioner, Tinsukia on 17.09.2020 between the OIL Officials and District Administration, in presence of Superintendent of Police, Tinsukia regarding payment of compensation to the affected people of Baghjan area and frequent obstruction by the Local People in the oil operations, more particularly, ongoing operations at Baghjan#5. During the discussion, for the first time, the Applicant Company was informed that a proposal has been submitted by the Deputy Commissioner, Tinsukia vide its Letters under Reference No. TCA.3/2020/570 dated 25.08.2020 and No. TCA.03/2020/706 dated 31.08.2020 before the Hon'ble Chairman of the Committee for enhancing the compensation. On being asked, copies of the said proposal were furnished to the Applicant Company during the course of hearing. After going through the said proposals, the Applicant Company became surprise in view of the fact that the District Administration of Tinsukia, without taking into cognizance to the immediate steps taken by the

Applicant Company to comply the Order passed by the Hon'ble NGT, in a most illegal, bias and arbitrary manner, submitted the proposal vide its Letter under Reference No. TCA.3/2020/570 dated 25.08.2020, whereby the Deputy Commissioner, Tinsukia, only on the basis of demand raised by the Local Organisation namely Baghjan Gaon Milanjyoti Yuva Sangha, sought to modify the categories of affected people and thereby proposing enhancement of compensation to the affected people as below:

- i. 57 nos. families, whose houses are severely damaged and falls under Category-II, may be considered under Category-I by widening the ambit/definition of Category-I.
- ii. 561 nos. people residing in 0 to 1.5 km distance and falls under Category-III, shall be considered under Category-II on special consideration.
- iii. The Compensation for Category-II may be enhanced from existing Rs.10.00 Lakh to Rs.20.00 Lakh, as demanded by Baghjan Gaon Milonjyoti Yuba Sangha and Baghjan Gaon Villagers".

By way of the said illegal and arbitrary proposal, the Deputy Commissioner, Tinsukia, not only sought to enhance the compensation to the affected peoples but also proposed to widening the ambit/definition of three Categories, as opposed to

the formulation of three Categories of affected families, made by the Committee of Experts to assess the question of interim compensation and that too, without giving any opportunity to the Applicant Company. Thereafter, the Deputy Commissioner, Tinsukia vide its Letter dated 31.08.2020, informed the Hon'ble Chairman of the Committee of Experts that upon re-verification, they have found 543 affected families under their purported so-called Category-ii instead of 561 families and as such, they requested the Committee of Experts to consider the figure of 543 affected families under Category-ii should be considered. **True Copies of the impugned proposal submitted by Deputy Commissioner, Tinsukia vide its Letters under Reference No. TCA.3/2020/570 dated 25.08.2020 and No. TCA.03/2020/706 dated 31.08.2020 are annexed herewith and marked as Annexure-R/7 and R/8.**

(t) That, in view of the said arbitrary proposal that has been made by the Deputy Commissioner, Tinsukia without being apprising the same to the Applicant Company, the Applicant Company immediately filed its objection, highlighting its grievances against the said illegal and arbitrary proposal. **A true Copy of the Applicant's Objection under Ref. No.RCE:03-218 dated 18.09.2020 is annexed herewith and marked as Annexure-R/9.**

(u) That, further, the Applicant Company vide its Letter under Ref. No.RCE:03-216 dated 18.09.2020, informed the Deputy Commissioner, Tinsukia about the releasing of an amount of Rs.19.725 Crores for the affected families under Category-ii and category-iii, as directed by the Deputy Commissioner, Tinsukia vide its Letter dated 29.08.2020. **A True copy of the Applicant's Letter under Ref. No.RCE:03-216 dated 18.09.2020 is annexed herewith and marked as Annexure-R/10.**

(v) That, subsequently on 21.09.2020, the Applicant Company received a Minutes of Meeting dated 17.09.2020, wherein it was mentioned that in terms with the demands made by the Baghjan Gaon Milonjyoti Yuba Sangha and Villagers of Baghjan, a fresh proposal has been submitted to the Hon'ble Chairman of the Committee of Experts regarding final compensation to the affected families for considering two categories i.e., Category- I and category-II instead of Category-III. In the said Minutes, it was further mentioned about submitting of proposal dated 25.08.2020 regarding 57 families in Category-I @25 Lakhs per family and 561 families in Category-II @ Rs.20 Lakhs per family. In the said Meeting, apparently, Oil India Limited has objected the same and thereby requested for keeping the three

categories as declared by this Hon'ble NGT in its earlier Order. Further, in the said Meeting, the DC, Tinsukia informed that as per Circle Officer, Doomdooma, there are around 100 families left out which are to be included in Category-I, which has been vehemently objected by Oil India Limited. **A true Copy of the Minutes of Meeting dated 17.09.2020 is annexed herewith and marked as Annexure-R/11.**

(w) That, after receipt of the Minutes of Meeting dated 17.09.2020, the Applicant Company has immediately submitted its objection vide its Letter under Ref. No.RCE:03-222 dated 21.09.2020. In the said objection, it was categorical stand of the Applicant that an upgradation of original lower category, which was based on assessment of actual damage, to a higher category is not rational and proposal was solely based on the demand raised by the Local Organisation namely Baghjan Gaon Milanjyoti Yuva Sangha. Regarding the proposal of additional inclusion of 100 families, Oil India Limited has categorically stated that as per the assessment, 12 houses have been completely gutted by the Fire and as such, they falls under Category-I. Similarly other 57 nos. of families, whose houses have been severely damaged falls under Category-II and 561 families have been identified as category-III. As such, additional 100 nos. of left out families to Category-I cannot be

considered justifiable and agree upon. In view of above, it was advised that compensation to the affected families should be based on actual damages only. **A true Copy of the Applicant's Letter under Ref. No.RCE:03-222 dated 21.09.2020 is annexed herewith and marked as Annexure-R/12.**

3. That in view of the aforesaid facts and circumstances, the Applicant seeks interference of this Hon'ble Tribunal against the illegal and arbitrary proposal made by the Deputy Commissioner. Tinsukia vide its Letter dated 25.08.2020 and 31.08.2020 on the following grounds:

a. That facts enumerated herein above as well as mere perusal of the impugned communications clearly demonstrate that while submitting the proposal before the Hon'ble Chairman of Committee of Experts, the Applicant Company was not apprised about the same as the impugned Letters were not marked to the Applicant Company and as such, any action of the Committee of Experts to recommend the impugned proposal submitted by the Deputy Commissioner, Tinsukia would amount to violation of principle of natural justice in view of involvement of public money as apparently, no opportunity was provided to the Applicant to submit their stand against the said proposal. It is pertinent to mention herein that one of the cardinal principles of natural justice that any decisions which is likely to

adversely affect a person ought to be taken only after providing opportunity of hearing to the person concerned. However, in the instant Case, the Deputy Commissioner, Tinsukia has submitted the impugned proposals without giving any opportunity to the Applicant and as such, the same are liable to be interfered with.

b. That a mere perusal of the impugned Letters would go to show that the said impugned proposals were made 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 sympathise consideration, in oppose to the actual assessment, is liable to be interfered by this Hon'ble Tribunal.

c. That if the impugned proposal of the Deputy Commissioner, Tinsukia is not interfered by directing the Committee of experts not to act upon the said proposals of enhancement of compensation, the Applicant Company will have an additional financial burden of about

Rs.150.00 Crores against the existing amount of Rs.22.75 Crore. Oil India Limited being the Government of India undertaking deals with public money. Therefore, any recommendation by the Committee of Experts to the illegal proposal made by the Deputy Commissioner, Tinsukia would amount to utilising the public money on unreasonable demands, without being any actual assessment.

d. That by way of impugned proposal, the Deputy Commissioner, Tinsukia, sought to widen the ambit/ definition of the Categories in a most whimsical manner. It is pertinent to mention herein that Committee of Experts was constituted by this Hon'ble Tribunal under certain terms of reference and accordingly, the Expert Committee has formulated the three categories of affected families to assess the question of interim compensation in terms with the terms of reference made by this Hon'ble Tribunal. As such, the Deputy Commissioner, Tinsukia has no legal right to submit illegal proposal on the basis of demands of Local People, which itself amount to contradiction of his earlier assessment Letter dated 29.08.2020. Since the proposal made by the Deputy Commissioner, Tinsukia is not tenable in law or in facts, any recommendation thereof by the Expert Committee will be great prejudiced to the Applicant Company and as such, the same is liable to be interfered with.

e. That the issue relating to payment of compensation to the affected people of Baghjan area on account of the Blow out incident has been seized by the Hon'ble NGT and accordingly, the Hon'ble Tribunal has passed the interim Order dated 06.08.2020, determining the quantum of compensation to various categories of the affected people based on the recommendation of the Committee of Experts. Accordingly, Oil India Limited has complied the said direction of this Hon'ble Tribunal 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 is illegal, arbitrary, and bias, 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.

f. That, Applicant has filed this Application for interference of this Hon'ble Tribunal in view of the fact that though the Applicant has immediately filed its objection dated 18.09.2020 against the proposal of enhancement, but till date, the Deputy Commissioner, Tinsukia has no shown any heed to the same. The Applicant Company was neither invited for a discussion on the issue nor replied to the objection. Since there has been a reference in the impugned Letter that proposals has

been submitted pursuant to discussion with the Committee of Experts, there is every likelihood that the Committee of Experts will recommend the said illegal proposals, which will caused serious prejudiced to the applicant. In view of above, the impugned Order is liable to be interfered with.

4. The Applicant neither has preferred any other Application against the impugned Letters before this Hon'ble Court or any other forum.
5. The Applicant herein has affixed the requisite Court Fee payable as per the Act and Rules.

PRAYER

In the abovementioned facts and circumstances and reasons stated it is prayed that this Hon'ble Tribunal may be pleased to:

- (i) restrain the Committee of Experts, headed by Hon'ble Chairman, constituted by this Hon'ble Tribunal from acting upon the proposal submitted by the Deputy Commissioner, Tinsukia vide its Letters under Reference No. TCA.3/2020/570 dated 25.08.2020 and No. TCA.03/2020/706 dated 31.08.2020 before the Hon'ble Chairman of the Committee; and/or
- (ii) Pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IS DUTY BOUND SHALL
EVER PRAY

Saroj K. Deba
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

Applicant

THROUGH

Kan Kalita

P. Goswami

Rahul Pratap

(Mr. Parthiv K. Goswami; Mr. Rahul Pratap and Mr. Kan Kalita)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029
Phone: 9560886310; 9910727778

Drawn by: Mr. Kan Kalita, Advocate

Settled by: Mr. S.N. Sharma, Senior Advocate

VERIFICATION

Verified at Guwahati on this 13th day of October, 2020 that the content of the above Interlocutory Application are true and correct to the best of my knowledge as per the information derives from the record of the company and nothing material has been concealed therefrom.

Saroj K. Deba
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

APPLICANT

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

I.A. NO. OF 2020

IN

O. A. No. 43/2020/EZ

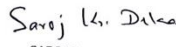
IN THE MATTER OF:

Oil India Limited	 Applicant
	//Versus//	
Bonani Kakkar & Ors.	Respondents

AFFIDAVIT

I, Sri Saroj Kumar Deka, son of Late A.C. Deka, aged about 55 years, resident of Duliajan, in the District of Dibrugarh, Assam, do hereby solemnly affirm and declare as under:

1. That I am the General Manager (Legal) I/C of Oil India Limited and have been authorized by the Applicant Company to swear the present Affidavit on behalf of the Applicant Company. I am well conversant with the facts and circumstances of the case and as such, I am competent to swear the present affidavit.
2. That I have read over the contents of the accompanying Interlocutory Application and the same are true and correct and is drafted on my instruction.


 SAROJ KUMAR DEKA
 GENERAL MANAGER (LEGAL)
 &
 ATTORNEY
 OIL INDIA LIMITED
 DULIAJAN, ASSAM

DEPONENT

VERIFICATION

Verified on this the 13th day of October, 2020 that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Saroj K. Deba
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

DEPONENT

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

INTERLOCUTORY APPLICATION NO. OF 2020

IN

O. A. No. 43/2020/EZ

In the matter of :

Oil India Limited

.....Applicant

-Versus-

Bonani Kakkar

.....Respondents

INDEX

Volume-II

1.	Annexure-R/1 A True Copy of the Order dated 17.08.2020 passed by Hon'ble Gauhati High Court in PIL 39/2020	38-40
2.	Annexure-R/2 A true copy of the Order dated 30.09.2020 passed by Hon'ble Gauhati High Court in PIL 39/2020	41-43
3.	Annexure – R/3 A true copy of the Order dated 06.08.2020 passed by this Hon'ble Tribunal.	44-59
4.	Annexure-R/4 A true copy of the Letter dated 13.08.2020 issued by the Deputy Commissioner, Tinsukia	60
5.	Annexure – R/5 A true copy of the Letter dated 29.08.2020 issued by the Deputy Commissioner, Tinsukia.	61-62
6.	Annexure – R/6 A true copy of the Letter dated 31.08.2020 issued by the Applicant Company	63

7.	Annexure – R/7 A true copy of the impugned proposal submitted by Deputy Commissioner, Tinsukia vide its Letter under Reference No. TCA.3/2020/570 dated 25.08.2020	64-71
8.	Annexure – R/8 A true copy of the impugned proposal submitted by Deputy Commissioner, Tinsukia vide its Letter under Reference No. TCA.03/2020/706 dated 31.08.2020	72-73
9.	Annexure – R/9 A true Copy of the Applicant's Objection under Ref. No.RCE:03-218 dated 18.09.2020	74-76
10.	Annexure – R/10 A True copy of the Applicant's Letter under Ref. No.RCE:03-216 dated 18.09.2020.	77-78
11.	Annexure-R/11 A true Copy of the Minutes of Meeting dated 17.09.2020.	79-81
12.	Annexure-R/12 A true Copy of the Applicant's Letter under Ref. No.RCE:03-222 dated 21.09.2020.	82

Kan Kalita

P. Goswami

Rahul Pratap

(Mr. Parthiv K. Goswami; Mr. Rahul Pratap and Mr. Kan Kalita)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029
Phone: 9560886310; 9910727778

GAHC010086122020



ANNEXURE: 1



Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
488758	18/08/2020	18/08/2020	100.00	18/08/2020

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

Case No. : PIL 39/2020

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

VERSUS

1: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
GUJARAT

Counsel for the Petitioner	: Mr. G Uzir, petitioner in person.
Counsel for the Respondent Nos. 1 & 2	: Mr. SC Keyal, Assistant Solicitor General of India
Counsel for the Respondent Nos. 3 & 4	: Mr. RKD Choudhury, Senior Government Advocate, Assam.
Counsel for the Respondent No. 5	: Mr. SN Sarma, Standing Counsel, Oil

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE MANISH CHOUDHURY

17.08.2020:

(Ajai Lamba, CJ)

The Court proceedings have been conducted through Video-Conference.

2. We are conscious of the fact that this Public Interest Litigation has been filed in regard to losses caused in consequence to fire in Baghjan 5 gas and oil well which started on 09.06.2020. We understand that the fire is still blazing and has not been controlled. Under



these circumstances, the damage caused to the ecology, the land and the occupants of the area cannot be assessed at this point in time.

3. Be that as it may, we understand that enquiry has been ordered by the State Government, Oil India Limited as also the Petroleum Ministry. Some aspects of enquiry might be overlapping. In such circumstances, all the 3 (three) authorities need to rationalize the scope of enquiry so that contradictory findings are not returned.

4. In any case, the enquiry reports in relation to fire in Baghjan 5 gas and oil well that started on 09.06.2020 be placed before this Court in sealed covers.

5. List on **30th of September, 2020**, high-up on the list along with PIL No. 35/2020.

Sd/- Manish Choudhury

JUDGE

Sd/- Ajai Lamba

CHIEF JUSTICE

[Signature] 18/08/2020
Comparing Assistant

CERTIFIED TO BE TRUE COPY

Phanindra Deo Goswami

Date: 18-08-2020

Assistant Officer (Judicial)

Copy Section

Gauhati High Court

Authorised U/S 76, Act 1, 1874

GAHC010092502020



ANNEXURE! 2

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

Case No. : PIL 39/2020

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

VERSUS

1: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

**HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

30-09-2020

[N.Kotiswar Singh, CJ(Acting)]

Heard Mr. G. Uzir, petitioner in person.

Issue notice, returnable in 2 (two) weeks.

Mr. S.C.Keyal, learned Asstt. SGI accepts notice on behalf of the respondent nos.1 & 2, Mr. R. Dhar, learned Government Advocate, Assam, accepts notice on behalf of the respondent nos. 3 & 4 and Mr. S.N. Sarma, learned Standing Counsel, OIL accepts notice on behalf of the respondent no.5. So, no formal steps are called for in respect of the respondents as they are duly represented.

It has been submitted before this Court that certain compensation has been paid to the District Authorities to the affected persons. Accordingly, the respondent no.4, Deputy Commissioner is directed to file an affidavit giving details of the compensation and other relief granted to the affected persons within a period of 2 (two) weeks'.

List the matter on 20.10.2020.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant

ANNEXURE: R/3

Item Nos. 05&6

Court No. 1

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

(By Video Conferencing)

Original Application No. 43/2020(EZ)

(With preliminary report dated 24.07.2020)

Bonani Kakkar

Applicant(s)

Versus

Oil India Limited & Ors.

Respondent(s)

AND

Original Application No. 44/2020(EZ)

Wild Life and Environment
Conservation Organization

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 06.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant:

Mr. Siddartha Mitra, Senior Advocate with Ms. Shruti Agarwal
Advocate in O.A. No. 43/2020(EZ)

Respondent(s):

Ms. Ranu Purohit, Advocate in O.A. No. 44/2020 (EZ)
Mr. S.N. Sharma, Senior Advocate with Mr. Parthiv K. Goswami
and Mr. Rahul Pratap, Advocates for OIL
Mr. Raj Kumar, Advocate for CPCB
Mr. Shuvodeep Roy, Advocate for State of Assam

ORDER

1. This order is being passed in continuation of orders dated 24.06.2020 and 02.07.2020 dealing with the issue of providing remedies to the victims and for restoration of environment as a result of incident of

oil blowout on 27.05.2020 and other consequential events that followed at Baghjan in Tinsukia District of Assam.

2. The Tribunal noted the case of the applicant that as a result of blowout on 27.5.2020, the Baghjan Oil well set up by the Oil India Limited (OIL) released **propane, methane, propylene** and other gases causing 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. Vide order dated 24.06.2020, the Tribunal constituted a 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 terms of reference of the Committee are:-

- 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 was 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.
4. The OIL moved an I.A. No. 30 of 2020 for recall of order dated 24.06.2020 which was disposed of vide order dated 02.07.2020 reiterating the order dated 24.06.2020 except the requirement of depositing the amount of Rs. 25 Crores in view of OIL having set apart more than the said amount and statement made before this Tribunal that any further amount will be made available as and when necessary.
5. The Committee constituted by this Tribunal filed its preliminary report dated 24.07.2020 which came up for consideration on 29.07.2020. However, on the request of learned counsel for the OIL, the matter was deferred to today to enable the OIL to file its submission with reference to the said report.
6. We have heard learned counsel appearing for the parties on the subject of further course of action to be adopted.
7. The preliminary report of the Committee mentions the extent of damage to the environment, to the private property and to the individuals. The Committee has also suggested interim measures including the compensation to the affected families and individuals.

8. The Committee appointed two Research Associates qualified in the field. It *inter alia* considered the data gathered with regard to the reasons for the blowout on 27.05.2020 and explosion on 09.06.2020, the environmental and regulatory violations that emerged from primary assessment, environmental damage caused by the blowout based on secondary research/data and the scale of interim compensation to the affected families and individuals. The report covers information collected upto 21.07.2020. However, the report mentions that on 22.07.2020 another explosion occurred resulting in injury to three experts engaged by OIL to douse the fire. The Committee undertook deliberations through telephone and video conferencing in the light of the current pandemic. The Committee gave public notice inviting information and suggestions from all stake holders. The Committee interacted with several stakeholders including representatives of the local communities such as the *Baghjan Gaon Milonjyoti Yuba Sangha*, environmental action groups and NGOs with domain expertise such as *Aaranyak* etc. The Committee also consulted and received representation and recommendations from environmental scientists including Prof. B.C. Choudhury, Dr. Asad Rahmani, Dr. Ritesh Kumar, Dr. Ranjan Kumar Das and thought it proper to call for records/opinion from various institutions with expertise and resources in those specialized areas. Further, the Committee engaged with Department of Environment, Government of Assam, CPCB, State PCB, State Diversity Board, CSIR-NEIST. Reference has also been made to the report of Committees constituted by Government of Assam headed by Shri M.K. Yadava, reports of the *Gaonburahs* (Village heads) of the concerned villages, called for through the Office of the District Administration and the Wildlife Institute of India.

9. The Committee has thereafter made its observations with reference to various terms of reference as follows:-

a. Cause of Accident

“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

“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

Preventive measures suggested include isolation of hydro carbon bearing zone, placement of secondary safety barrier, placement of cement plug, proper cement slurry design and preparation of contingency plan.

10. With regard to status of compliance of environment safeguards, the Committee found:-

“In view of the above discussion and on basis of the submissions and documents submitted by OIL and the PCB, Assam, it is concluded that 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."

11. The Committee further found:-

"Having reviewed the documents placed before the Committee by both OIL and the Assam State Biodiversity Board, there appears to be a clear noncompliance 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. 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.

The OIL thereby had contravened the provisions Environment (Protection) Act, 1986 and the Environment Impact Assessment (EIA) Notification, 2006 under which it is mandatory to obtain EC for any offshore drilling projects before commencement of activities on 20.11.2006."

12. With regard to assessment of damages and interim measures after noting the extent of damage and impact in the environment, it was observed:-

"The Committee is, however, 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."

13. The recommendations on this aspect are:-

“Based on the above discussion, the Committee recommends the following:

- (i) *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.*
- (ii) *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.*
- (iii) *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.*
- (iv) *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.*
- (v) *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.*
- (vi) *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.

- (vii) 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.
- (viii) 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."

14. Finally the conclusions of the Committee are:-

"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 be placed 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."*

15. We may now refer to the objections filed by the OIL to the report of the Committee. It is submitted that the observations of the Committee are based on review of secondary data which needs to be further verified. No site visit was undertaken. Statements of Sri Niranta Gohain, a so-called environmentalist are not credible. Report of the Wildlife Institute of India (WWI) is based on post blowout incident. The OIL follows all safeguards and SoPs and has employed experienced contractuals. But the said contractor violated the laid down procedures. The Consent to Establish (CTE) and Consent to Operate (CTO) were taken by composite application as per practice being followed. EC was not required at the time operations of OIL commenced as the project value was less than Rs. 50 crores. Contribution of Polycyclic Aromatic Hydrocarbons (PAH) is from tea gardens, forest land and insecticides/pesticides. With regard to environmental impact, it is stated that damage is on account of agricultural activities or other reasons in the area. With regard to harm to the individuals, it is stated that 9000 persons have been accommodated in 12 relief camps and arrangement has been made for the food and other needs. On situations improving, stabilized people are

leaving the camps. As on 22.07.2020, approximately 5758 number of occupants are camped in 7 relief camps. Expenditure incurred by the OIL is said to be Rs. 151 crores which includes Rs. 22.38 crores towards rehabilitation and compensation to the affected families as follows:

- Rs. 9 crores one-time compensation took to the 3000 families in relief camps.
- Rs. 2.20 crores paid to 11 families whose houses were burnt @ Rs. 20 lakhs per family.
- Rs. 11.17 crores for running relief camps upto 23.07.2020.

16. The Committee has made three categories of persons entitled to interim compensation and has suggested the scale of such compensation as follows:

- “(i) whose houses have been completely gutted by the fire;*
- (ii) whose houses have been severely damaged;*
- (iii) whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged.*

The scale of interim compensation is as follows:

- Category (i) – Rs.25 Lacs*
- Category (ii) – Rs.10 Lacs and*
- Category(iii) – Rs.2.5 Lacs”*

17. According to the OIL, compensation has already been paid to persons covered by category (i) @ Rs. 20 lakhs per family. The other two categories have not been identified. Additional compensation for category (i) is also not justified.

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.

A copy of this order be sent to Justice B.P. Katakey, former Judge of the Gauhati High Court, the Chief Secretary, Assam, MoEF&CC,

Member Secretary, Assam State Legal Services Authority and District
Magistrate, Tinsukia by e-mail.

List again on 03.11.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 06, 2020
Original Application No. 43/2020(EZ) &
Original Application No. 44/2020(EZ)
A & DV

915



ANNEXURE: R/4

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

NO.TCA.03/2020/515

Dated Tinsukia the 13th August' 2020

To

The Resident Chief Executive
Oil India Ltd., Duliajan

Sub: Compensation in pursuance of Hon'ble NGT order to the affected families of Baghjan gas blowout/ fire incident.

Sir,

With reference to the above, you are aware that Hon'ble NGT has passed an Order vide No. 43/2020 (EZ) dated 06-08-2020 where they had made three categories of persons entitled to interim compensation and has suggested the scale of such compensation as follows:

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

3.0 However, Hon'ble NGT in their order has directed that under Category (i) whose houses have been completely gutted by the fire entitled to get Rs. 25 Lacs. In this context, you are requested to take necessary steps at earliest for disbursement of remaining amount of Rs. 5 Lacs to the 12 families.

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

Yours faithfully,

Deputy Commissioner
Tinsukia

ANNEXURE: R/5



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., Duliajan

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).

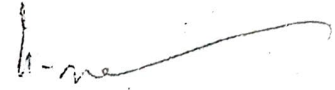
Therefore, total amount involved is $561 \times 2.5 \text{ Lakh} = 14.02 \text{ Crore}$

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. TCA.3/2020/601 - A

Dated Tinsukia the 29th August' 2020

Copy for kind information to:

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

ANNEXURE: R/6



ऑयल इंडिया लिमिटेड
(भारत सरकार का उद्यम)
Oil India Limited
(A Government of India Enterprise)

दुलियाजान 786 602, असम, भारत
रजिस्टर्ड ऑफिस : दुलियाजान
DULIAJAN 786602, ASSAM, INDIA
REGISTERED OFFICE : DULIAJAN

CIN : L11101AS1959GOI001148
TEL : 0374-2800587
: 0374-2804901
FAX : 0374-2801676
E-mail : admindept@oilindia.in
Website : www.oilindia.com

Ref : CGM(A)/BGN/911

31st August 2020

The Deputy Commissioner
Tinsukia District
Tinsukia

Sub : Payment of compensation

Sir,

We write with reference to your letter no. TCA.3/2020/601 dated Tinsukia the 29th August 2020, wherein you have advised OIL to make a payment of ₹19.725 crores for the affected families under category II & III as per NGT order no. 43/2020(EZ) dtd 06.08.2020.

2.0 We would request you to provide us the copy of the assessment report for our further necessary action.

3.0 In the mean time we are taking all necessary steps to make the payment as soon as possible.

Thanking you,

Yours faithfully,
OIL INDIA LIMITED

[Handwritten Signature]
31/08/2020

(H C Borah)
CGM (Administration)
For Executive Director(HR&A)
For Resident Chief Executive

TYPED COPY

Annexure – R/7

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

No. TCA 3/2020/570

Dated Tinsukia the 25th August, 2020.

To,

The Hon'ble Justice B.P. Katakey
Chairman of the Committee of Experts
Constituted by the Hon'ble National Green Tribunal
Guwahati – 781004, Assam

Sub : Submission of list of affected families for compensation under different categories as determined by Hon'ble NGT.

Ref.: This Office Letter No. TCA.3/2020/510 dated 09.08.2020.

Sir,

In inviting a reference to the above subject, I have the honour to refer to the letter dated 9th August, 2020 cited above which was sent to you in the wake of the agitational programme undertaken by one organization from Baghjan gaon, namely “Baghjan Gaon Milonjyoti Yuba Sangha” and villagers from Baghjan gaon on 9th August, 2020.

2.0 They had submitted a memorandum on date and had inter alia / demanded the following.

(i) The families of Baghjan Gaon who have been affected fully/severely should be included in the Category (i) (Rs 25 Lacs to 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 Lakhs.

(iii) They further demanded that instead of 03/11/2020 for declaring the final compensation by Hon'ble NGT, it should be done expeditiously.

3.0 The matter was discussed with your goodself over telephone on the day and also subsequently in detail in the VC held on 10/08/2020 with your good-self and other members of the Experts Committee constituted by the Hon'ble NGT.

4.0 In pursuance of the discussions as referred to above, I am submitting herewith the list of the families affected by the Baghjan Gas Blowout and Fire Breakout. The lists are being submitted in two parts (i) Severe damage report on Baghjan fire incident under Doomdooma Revenue Circle. The severe damage report consists of 57 (Fifty Seven) severely affected families (list enclosed).

5.0 The Hon'ble NGT has divided the advance payment to be made through District Administration, Tinsukia into 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

6.0 In terms of the order of the Hon'ble NGT although the list of severely damaged house/severely affected families being submitted herewith numbering 57 families as mentioned above at Para 4.0 would fall in Category (ii) yet as per the demand of the affected families of Baghjan gaon, the severely affected families may be included in Category (i), the reason being their houses have been severely damaged to the extent that these have become inhabitable and also standing crops/horticulture have been severely affected.

7.0 In this regard, the Experts Committee headed by your honour may like to recommend for widening the ambit/definition of Category (i) to include, in addition to houses which have been completely gutted by the fire, also the houses which have been severely damaged including the agriculture / horticulture and other property.

8.0 In pursuant of the demand of the "Baghjan Gaon Milonjyoti Yuba Sangha" and the villagers, the remaining affected families from Baghjan Gaon numbering 561 families (list enclosed) who are at present staying in the relief camp at Baghjan Dighaltarang ME School and High School may be included in Category (ii) as determined by the Hon'ble NGT. These affected families whose houses have been partially damaged including standing crops and horticulture, otherwise falling in category (iii) as per categorization by the Hon'ble NGT, may be included in Category (ii), the reason being these families have been affected the most, in all ways, being in the closed vicinity to the blowout site, from 0 to 1.5 km (approx) and they have been subjected to continuous sound and air pollution resulting from the blowout and

fire. Further, they have apparently faced the maximum impact on their health, including mental stress and disorientation.

9.0 In view of the above factors, the Experts Committee headed by your honour may like to recommend to the Hon'ble NGT to consider the remaining affected families from Baghjan Gaon, numbering 561 families in Category(ii) on special consideration as explained in detail above in para 8.0

10.0 In such a case, the distance factor of affected families within the range of 0 to 0.5 Km from the blowout site could be one of the criteria to determine category (ii), irrespective of whether houses have been severely damaged or not. This additional criteria for Category (ii) as "Severely affected families in a distance / range of 0 to 1.5 km from the blowout site" could perhaps be included as an option to the criteria for category (ii) already fixed by the Hon'ble NGT. The severity may in such a case be calculated not on just on the houses damaged but on the overall severity of the impact of the blowout on the affected villagers because of the proximity to the blowout site (0 to 1.5 km)

11.0 Further, the amount of Category (ii) may perhaps be enhanced as demanded by the "Baghjan Gaon Milonjyoti Yuba Sangha" and Baghjan Gaon villagers if deemed appropriate.

12.0 In view of the elaborate discussion on the subject above, the Hon'ble Experts Committee headed by your Honour is requested to kindly examine the matter and take a considered view so as to fulfil the aspirations of the affected families/population of Baghjan gaon.

13.0 In fine, if accepted by the Hon'ble Experts Committee and the Hon'ble NGT, the effective result of the proposals being submitted herewith would be inclusion of 57 (fifty seven) families (list enclosed) in Category (i) and 561 (Five Hundred Sixty One) families in Category (ii) (list enclosed).

This is submitted for favour of kind consideration and necessary instruction/orders of the Hon'ble Experts Committee and the Hon'ble NGT.

Enclosed : -

(i) Severe damaged report on Baghjan Oil -fire incident of Baghjan under Doomdooma Revenue Circle, proposal of 57 families (Proposed in Category -i)

(ii) List of 561 affected families of Baghjan gaon (staying in Baghjan Dighaltarang ME & High School Relief Camo) excluded the families included in fully and severe damaged list under Doomdooma Revenue Circle (Proposed in Category – ii)

Yours faithfully
Sd/- Illegible
Deputy Commissioner
Tinsukia

Memo No. TCA 3/2020/570-A

Dated Tinsukia the 25th August, 2020.

Copy for favour of kind information to :

1. The Addl. Chief Secretary to the Govt. of Assam, Home & Political Department, Dispur.
2. The Principal Secretary to the Hon'ble Chief Minister, Assam, Dispur.
3. The Commissioner & Secretary to the Govt. of Assam, Home & Political Department, Dispur.
4. The Commissioner, Upper Assam Division, Jorhat
5. The SO to Chief Secretary, Assam, Dispur.

Sd/- Illegible
Deputy Commissioner
Tinsukia

ANNEXURE: R/7



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

NO.TCA.3/2020/570

Dated Tinsukia the 25th August' 2020

To

The Hon'ble Justice B.P. Katakey,
Chairman of the Committee of Experts
Constituted by the Hon'ble National Green Tribunal
Guwahati-781004, Assam.

Sub : Submission of list of affected families for compensation under different categories as determined by Hon'ble NGT.

Ref : This Office Letter No.TCA.3/2020/510 Dated.09/08/2020.

Sir,

In inviting a reference to the above subject, I have the honour to refer to the letter dated 9th August,2020 cited above which was sent to you in the wake of the agitational programme undertaken by one organization from Baghjan gaon, namely "Baghjan Gaon Milonjyoti Yuba Sangha" and villagers from Baghjan gaon on 9th August,2020.

2.0 They had submitted a memorandum on date and had inter alia/demanded the following:-

(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 Lakhs.

[Signature]

1

(III) They further demanded that instead of 03/11/2020 for declaring the final compensation by Hon'ble NGT, it should be done expeditiously.

3.0 The matter was discussed with your good-self over telephone on the day and also subsequently in detail in the VC held on 10/08/2020 with your good-self and other members of the Experts Committee constituted by the Hon'ble NGT.

4.0 In pursuance of the discussions as referred to above, I am submitting herewith the list of the families affected by the Baghjan Gas Blowout and Fire Breakout. The lists are being submitted in two parts . (i) Severe damage report on Baghjan fire incident under Doomdooma Revenue Circle. The severe damage report consists of 57(Fifty-seven) severely affected families(list enclosed).

5.0 The Hon'ble NGT has divided the advance payment to be made through District Administration, Tinsukia into 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.

6.0 In terms of the order of the Hon'ble NGT, although the list of severely damaged house/severely affected families being submitted herewith numbering 57 families as mentioned above at Para 4.0 would fall in Category (ii), yet as per the demand of the affected families of Baghjan gaon, the severely affected families may be included in Category (i), the reason being their houses have been severely damaged to the extent that these have become inhabitable and also standing crops/horticulture have been severely affected.

7.0 In this regard, the Experts Committee headed by your honour may like to recommend for widening the ambit/definition of **Category (i)** to include, in addition to houses which have been completely gutted by the fire, also the **houses which have been severely damaged including the agriculture/ horticulture and other property**.

hanna 2

8.0 In pursuance of the demand of the "Baghjan Gaon Milonjyoti Yuba Sangha" and the villagers, the remaining affected families from Baghjan gaon numbering 561 families (list enclosed) who are at present staying in the relief camp at Baghjan Dighaltarang ME School and High School may be included in Category (ii) as determined by the Hon'ble NGT. These affected families whose houses have been partially damaged including standing crops and horticulture, otherwise falling in category (iii) as per categorization by the Hon'ble NGT, may be included in Category(ii), the reason being these families have been affected the most, in all ways, being in the closest vicinity to the blowout site, from 0 to 1.5 Km(aprox), and they have been subjected to continuous sound and air pollution resulting from the blowout and fire. Further, they have apparently faced the maximum impact on their health, including mental stress and disorientation.

9.0 In view of the above factors, the Experts Committee headed by your honour may like to recommend to the Hon'ble NGT to consider the remaining affected families from Baghjan gaon, numbering 561 families, in Category (ii) on special consideration as explained in detail above in Para 8.0.

10.0 In such a case, the distance factor of affected families within the range of 0 to 1.5 Km from the blowout site could be one of the criteria to determine Category(ii), irrespective of whether houses have been severely damaged or not. This additional criteria for Category (ii) as "Severely affected families in a distance/range of 0 to 1.5 Km from the blowout site" could perhaps be included as an option to the criteria for category (ii) already fixed by the Hon'ble NGT. The severity may in such a case be calculated not on just on the houses damaged, but on the overall severity of the impact of the blowout on the affected villagers because of the proximity to the blowout site(0 to 1.5 Km)

11.0 Further, the amount of Category(ii) may perhaps be enhanced as demanded by the "Baghjan Gaon Milonjyoti Yuba Sangha" and Baghjan gaon villagers, if deemed appropriate.

12.0 In view of the elaborate discussion on the subject above, the Hon'ble Experts Committee headed by your honour is requested to kindly examine the matter

and take a considered view so as to fulfill the aspirations of the affected families/population of Baghjan gaon.

13.0 In line, if accepted by the Hon'ble Experts Committee and the Hon'ble NGT, the effective result of the proposals being submitted herewith would be inclusion of 57(Fifty-seven) families (list enclosed) in Category(i), and 561(Five hundred Sixty-one) families in Category(ii) (list enclosed).

This is submitted for favour of kind consideration and necessary instructions/orders of the Hon'ble Experts Committee and the Hon'ble NGT.

Enclosed:-

- (i) Severe damaged report on Baghjan Oil-fire incident of Baghjan under Doomdooma Revenue Circle, proposal of 57 families(Proposed in Category-i).
- (ii) List of 561 affected families of Baghjan gaon(staying in Baghjan Dighaltarang ME & High School Relief camp) excluding the families included in fully and severe damaged list under Doomdooma Revenue Circle (Proposed in Category-ii).

Yours faithfully,



Deputy Commissioner
Tinsukia

Memo No. TCA.3/2020/570 - A-

Dated Tinsukia the 25th August, 2020.

Copy for favour of kind information to :

1. The Addl. Chief Secretary to the Govt. of Assam, Home & Political Department, Dispur
2. The Principal Secretary to the Hon'ble Chief Minister, Assam, Dispur
3. The Commissioner & Secretary to the Govt. of Assam, Home & Political Department, Dispur
4. The Commissioner, Upper Assam Division, Jorhat
5. The SO to Chief Secretary, Assam, Dispur.


Deputy Commissioner
Tinsukia

ANNEXURE! R/8



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

NO.TCA.03/2020/706

Dated Tinsukia the 31st August' 2020

To

The Hon'ble Justice B.P Katakey,
Chairman of the Committee of Experts
Constituted by the Hon'ble National Green Tribunal.
Guwahati-781004, Assam

Sub: Baghjan Oil Blowout Compensation issue- regarding

Ref: This Office Letter No. TCA.03/2020/570, Dated 25-08-2020 &
TCA.03/2020/580, Dated 26-08-2020

Sir,

I have the honour to refer to the subject cited above, and to refer to the reports submitted to your honour by the undersigned regarding the proposals for payment of interim compensation to the affected families of the Baghjan blow out incident.

2.0 In this regard, it may be mentioned that the undersigned had submitted the proposal for interim compensation on the basis of memorandum/ demand from villagers led by Baghjan Gaon Milonjyoti Yuva Sangha under two categories:-

- (i) Category (i)- 57 families
- (ii) Category (ii)- 561 families

3.0 However, the figure of total affected families in Category (ii) earlier mentioned as 561 families is modified now after re- verification, and the figure of affected families under Category (ii) after re-verification and correction now may be considered as 543 families.

4.0 The report from Circle Officer, Doomdooma Revenue Circle along with the list of 543 families to be included in Category (ii) is enclosed herewith as Annexure-2

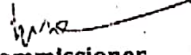
1

5.0 The list of 57 families to be included in Category (i) is once again submitted and enclosed herewith for ready reference as Annexure- 1

This is favour for your kind information.

Encl: As stated above

Yours faithfully



Deputy Commissioner
Tinsukia

Dated 'Tinsukia the 31st August' 2020

Memo No. TCA.03/2020/706- A

Copy to:

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


Deputy Commissioner
Tinsukia



ऑयल इंडिया लिमिटेड

(भारत सरकार का उद्यम) पंजीकृत कार्यालय : दुलियाजान, आसाम

Oil India Limited

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

DULIAJAN - 788 602, ASSAM
TEL : +91-374-2800525
FAX : +91-374-2800433
CABLE : OIL INDIA
e-mail : rce@oilindia.in

Ref. No.RCE:03-218

18.09.2020

**Deputy Commissioner
Tinsukia District
Tinsukia**

Sub: Compensation to the affected people of Baghjan area.
Ref : Our letter no. RCE:03-211 dated 17.09.2020 & letter no.
RCE:03-212 dated 17.09.2020.

Sir

We write with reference to the discussion held at your chamber on 17.09.2020 with OIL officials and undersigned, in presence of the Superintendent of Police, Tinsukia, regarding payment of compensation to the affected people of Baghjan area and frequent obstruction by the local people in the OIL operations, more particularly the ongoing operations at Baghjan#5. During the course of the discussion, we have been informed that a proposal vide letter no. TCA.3/2020/570 dated 25.08.2020 and TCA.03/2020/706 dated 31.08.2020 has been submitted to the Hon'ble Chairman of the Committee, constituted by the Hon'ble National Green Tribunal(NGT) in O.A. No. 43/2020, by the then Deputy Commissioner, Tinsukia, whereby, the compensation to the affected people, has been sought to enhance as below:

- i) 57 nos families, whose houses are severely damaged and falls under Category-II, may be considered under Category-I.
- ii) 561 nos people residing in 0 to 1.5km distance shall be considered under Category-II
- iii) The compensation for Category-II may be enhanced from the existing Rs.10.00 Lakh to Rs.20.00 lakh, as demanded by *Baghjan Gaon Milanjyoti Yuva Sangha*.

2.0 The above proposal has come as a surprise to us, since neither we were apprised about such proposal before submission of the proposal nor it was in our knowledge. In this regard, we would like to state that the issue relating to payment of compensation to the affected people of Baghjan area on account of the Blow out incident has been seized by the Hon'ble NGT and accordingly, the Hon'ble Tribunal has passed an Interim Order dated 06.08.2020 determining the quantum of compensations to various categories of the affected people based on the recommendation of the Eight member Committee, headed by the Hon'ble Justice B P Katakey, Former Judge, Gauhati High Court. The Hon'ble Tribunal has fixed the amount of compensation as below :

- (i) whose houses have been completely gutted by the fire;
- (ii) whose houses have been severely damaged;
- (iii) whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged.

Contd....p/2

- 2 -

The scale of interim compensation is as follows:

- Category (i) - Rs.25 Lacs*
Category (ii) - Rs.10 Lacs and
Category (iii) - Rs.2.5 Lacs"

3.0 On receipt of the Order of the Hon'ble Tribunal, OIL decided to honour the directives of the Hon'ble Tribunal and accordingly, as advised by you vide letter no. TCA.03/2020/515 dated 13/08/2020 released additional Rs.5.00 Lakh to each of the Twelve families falling under Category-I, as OIL has already paid Rs.20.00 Lakh each to these families before passing of the Order. Subsequently, you have advised vide letter no. TCA.03/2020/601 dated 29/08/2020 for release of compensation to 57 nos families under Category-II and 561 nos families under Category-III. On receipt of your aforesaid letter, Competent Authority of OIL has sanctioned an amount of Rs 19.725 crores. However, OIL has requested you vide letter no. CGM(A)/BGN/911 dated 31.08.2020 to forward us the details of families under category-II and Category-III, so that amount could be released immediately.

4.0 It is seen from the proposal forwarded by the then Deputy Commissioner, Tinsukia, to the Hon'ble Chairman of the Committee that the proposal was not based on any assessment of actual damage and solely based on the demand raised by the local Organization, namely *Baghjan Gaon Milanjyoti Yuva Sangha*. Besides, the proposal is in contradiction to the communication referred above, whereby the affected people have already been identified as per the category determined by the Hon'ble NGT. It is pertinent to mention here that the proposed enhanced compensation shall have additional financial burden of about Rs.150.00 Crores against the existing amount of Rs.22.75 Crore. We have also been told during the discussion that above amount is not the end, but there was demand for compensation from the people residing 05 KM radius of the blow out incident, irrespective of any physical damage to the life and property of the people.

5.0 We would like to submit that the proposal to enhance the compensation is against the Order of the Hon'ble Tribunal passed on 06.08.2020. While we 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. We would also like to clarify that OIL is always ready to pay due compensation to the genuinely affected people, as per the assessment in terms of the order of the Hon'ble NGT. It may please be appreciated that OIL being Govt. of India undertaking, deals with public money and is therefore accountable to various statutory authorities, viz CAG for the money spent by OIL.

Contd...p/3

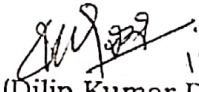
- 3 -

6.0 Further to above, as already communicated to you vide letter No. RCE:03-211 dated 17.09.2020, we are making utmost efforts to control the fire at Well#5 at Baghjan field by carrying out capping and killing operation at the well, where we have been facing several challenges in our endeavour due to the well, being located in a high pressure reservoir area. However, frequent closure of the operation by the local pressure groups has created serious safety hazards for the life and property. It may please be appreciated that the reservoir underneath from where production is undertaken is under high pressure and therefore, the practice of closing the wells without adequate safety precautions is an extremely **risky** act, which may have potential to lead to **catastrophic consequences**. But, if such frequent obstructions and threatening by some of the groups continue, it would be difficult for OIL to continue with operation and shall be compelled to abandon the operation.

7.0 The above is your kind perusal and needful action please.

Thanking you,

Yours faithfully,
OIL INDIA LIMITED


15/9/20
(Dilip Kumar Das)

Resident Chief Executive

Copy: SP, Tinsukia District



932
ऑयल इंडिया लिमिटेड
 (भारत सरकार का उद्यम) पंजीकृत कार्यालय : दुलियाजान, आसाम
Oil India Limited
 (A Government of India Enterprise) Registered Office : Duliagan, Assam

DULIAJAN-786 602, ASSAM
 TEL : +91-374-2800525
 FAX : +91-374-2800433
 CABLE : OIL INDIA
 e-mail : rce@oilindia.in

ANNEXURE: R/10

Ref. No.RCE:03-216

18.09.2020

The Deputy Commissioner
 Tinsukia District
 Tinsukia

Sub : Compensation in pursuance of Hon'ble NGT order to the affected families of Baghjan gas blowout / fire incident

Sir,

We write with reference to your letter no. TCA.03/2020/601 dated 29.08.2020 and as per the order of the Hon'ble NGT 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 Lakhs.
- Category (ii), whose houses have been severely damaged – Rs. 10 Lakhs.
- Category (iii), whose houses have been moderately/ partially damaged or whose standing crops and horticulture have been partially damaged – Rs. 2.5 Lakhs.

2.0 In this regard, we would like to inform you that the compensation to 12 families whose houses were completely burnt as per the Hon'ble NGT order has already been remitted to your good office. The total amount remitted against category (i) is Rs. 3.00 crores

3.0 Subsequent to this, as per para (3) of your aforesaid letter, 57 families have been identified in category (ii). As per Hon'ble NGT order, Rs. 10.00 Lakhs to be disbursed these families in category (ii). Therefore, the total amount in category (ii) will be Rs.10.00 Lakhs X 57 = Rs. 5.70 Crores.

4.0 Further, 561 families have been identified in category (iii) as per Hon'ble NGT order, Rs. 2.5 Lakhs is to be disbursed to each family in category (iii). Therefore, the total amount is to be disbursed against category (iii) is Rs. 14.025crores.

Contd...p/2

:- 2 :-

5.0 Accordingly, we are remitting an amount of Rs.19.725 crores for the affected families under category (ii) and category (iii) taken together.


6.0 It may be mentioned that an amount of 3.00 crores has already been remitted to your good office for disbursement to the 12 affected families @ Rs. 25 Lakhs per family whose houses has been completely gutted by the fire as per the Hon'ble NGT's orders.

7.0 So with this remittance of Rs. 19.725 crores, the total payment made on account of compensation in pursuance of Hon'ble NGT to the affected families of Baghjan Gas Blowout/ fire incidents amounting to Rs. 22.725 crores has been completed in compliance to the aforesaid order.

8.0 However, we understand that the detailed assessment report which we requested for to process the payment is under preparation at your end. After completion the detailed assessment we request you to send the copies of the assessment reports for the purpose of our record and audit.

Thanking you,

Yours faithfully,
OIL INDIA LIMITED



18/9/20

(Dilip Kr. Das)

Resident Chief Executive

TYPED COPY OF RELEVANT PORTION

Annexure – R/11

MINUTES OF THE DISCUSSION HELD WITH OIL INDIA LTD. OFFICIALS AT OFFICE CHAMBER OF THE DEPUTY COMMISSIONER, TINSUKIA AT 1.10 PM ON 17/08/2020 REGARDING DISCUSSION OF COMPENSATION ISSUES IN CONNECTION WITH BAGHJAN OIL BLOWOUT /FIRE INCIDENT.

Members present as per Annexure-A

The meeting was chaired by Sri Diganta Saikia, ACS, Deputy Commissioner, Tinsukia which was attended by RCE and other officers of Oil India Ltd., Duliajan. Superintendent of Police, Tinsukia, DDC and ADC Tinsukia. The discussion of the meeting was regarding the compensation to be paid to the affected people of Baghjan oil blowout / fire incident.

At the outset Deputy Commissioner welcomed all the members present in the meeting RCE, Oil India Ltd., also welcomed Sri Diganta Saikia, ACS who took over the charge of Deputy Commissioner, Tinsukia on 16/09/2020.

Deputy Commissioner, informed in the meeting that in respect of memorandum submitted by “Baghjan Gaon Milonjyoti Yuba Sangha” and villagers of Baghjan, a fresh proposal have been submitted to the Chairman of Committee of Experts Constituted by Hon'ble NGT regarding final compensation to the affected families considering only two categories i.e., category I & II instead of Category – III.

He stated that according to the proposal submitted on 26th August, 2020 to the Hon'ble Experts Committee and the Hon'ble NGT for consideration, it is to be stated that 57 (fifty seven) families in Category I @ 25.00 Lakhs per family and 561 (Five hundred Sixty One) families in Category (II) @ 20.00 Lakhs per family has already been submitted by erstwhile Deputy Commissioner, Tinsukia on 25/08/2020.

RCE Oil India Ltd. was of the view of keeping the three categories as declared by Hon'ble NGT in earlier order but amount may perhaps be increased in each category. He further stated that he will take up the matter with high officials of OIL for taking decision.

DC, Tinsukia informed the members that as per CO, Doomdooma there are around 100 families left out which are to be included in Category-I.

SP, Tinsukia requested for an urgent meeting with Baghjan Gaon Milonjyoti Yuba Sangha regarding their demands to avoid any law & order situation in

ANNEXURE: 11

MINUTES OF THE DISCUSSION HELD WITH OIL INDIA LTD. OFFICIALS AT OFFICE CHAMBER OF THE DEPUTY COMMISSIONER, TINSUKIA AT 1.10 PM ON 17/08/2020 REGARDING DISCUSSION OF COMPENSATION ISSUES IN CONNECTION WITH BAGHJAN OIL BLOWOUT/FIRE INCIDENT.

Members present as per Annexure-A

The meeting was chaired by Sri Diganta Saikia, ACS, Deputy Commissioner, Tinsukia which was attended by RCE and other Officers of Oil India Ltd., Dulajjan, Superintendent of Police, Tinsukia, DDC and ADC Tinsukia. The discussion of the meeting was regarding the compensation to be paid to the affected people of Baghjan Oil blowout/fire incident.

At the outset Deputy Commissioner welcomed all the members present in the meeting. RCE, Oil India Ltd. also welcomed Sri Diganta Saikia, ACS who took over the charge of Deputy Commissioner, Tinsukia on 16/09/2020.

Deputy Commissioner, informed in the meeting that in respect of memorandum submitted by "Baghjan Gaon Milonjyoti Yuba Sangha" and villagers of Baghjan, a fresh proposal have been submitted to the Chairman of Committee of Experts, Constituted by Hon'ble NGT regarding final compensation to the affected families considering only two Categories i.e., Category I & II instead of Category III.

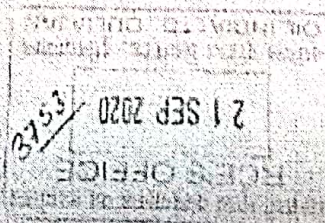
He stated that according to the proposal submitted on 26th August, 2020 to the Hon'ble Experts Committee and the Hon'ble NGT for consideration, it is to be stated that 57 (Fifty-seven) families in Category (I) @ 25.00 Lakhs per family and 561 (Five hundred Sixty-one) families in Category (II) @ Rs. 20.00 Lakhs per family has already been submitted by erstwhile Deputy Commissioner, Tinsukia on 25/08/2020.

RCE Oil India Ltd. was of the view of keeping the three categories as declared by Hon'ble NGT in earlier order but amount may perhaps be increased in each Category. He further stated that he will take up the matter with high officials of OIL for taking decision.

DC, Tinsukia informed the members that as per CO, Doomsdooma there are around 100 families left out which are to be included in Category-I

SP, Tinsukia requested for an urgent meeting with Baghjan Gaon Milonjyoti Yuba Sangha regarding their demands to avoid any Law & order situation in

1



Baghjan. Accordingly OIL Officials have agreed to have a tripartite discussion on 18th September, 2020 at 12.00 noon in DC's Office, Tinsukia.

In the meeting DC requested OIL officials to brief about present status of Well Killing operation. RCE of Oil India Ltd. informed the house that about 19.8 Bighas of Land is required by OIL near the Well. No.5 for constructing a new Relief Well to divert the gas through underground operation and also to kill the uncontrolled gas blowout Well. They have identified the land and land acquisition process is going on.

The meeting ended with vote of thanks from the chair.

(Diganta Salkia, ACS)
Deputy Commissioner
Tinsukia

Memo No. TCA3/2020/770

Dated Tinsukia the 17th September, 2020

Copy to:-

1. The CMD, Oil India Ltd., Camp Duliajan Field HQ
2. The RCE, Oil India Ltd., Duliajan
3. The ED (HR & A), Oil India Ltd., Duliajan

(Diganta Salkia, ACS)
Deputy Commissioner
Tinsukia



ऑयल इंडिया लिमिटेड

(भारत सरकार का उद्यम) पंजीकृत कार्यालय : दुलियाजान, आसाम

Oil India Limited

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

DULIAJAN - 786 602, ASSAM
TEL : +91-374-2800525
FAX : +91-374-2800433
CABLE : OIL INDIA
e-mail : rce@oilindia.in

Ref. No.RCE:03-222

21.09.2020

**Deputy Commissioner
Tinsukia District
Tinsukia**

Sub: Compensation to the affected people of Baghjan area
Ref : MoM of 17.09.2020

Sir,

Further to our letter RCE:03-218 dated 18.09.2020, we are receipt of an MoM on the discussion held at your chamber on 17.09.2020 with OIL officials and undersigned, in presence of the Superintendent of Police, Tinsukia, regarding payment of compensation to the affected people of Baghjan area and frequent obstruction by the local people in the OIL operations, more particularly the ongoing operations at Baghjan#5.

Please find below our observations on the MoM :

Para 5 : On the proposal of erstwhile DC on change over in categories we had expressed that proposal has come as a surprise to us, since neither we were apprised about such proposal before submission of the proposal nor it was in our knowledge. While a change in the scale of compensation in each category could still be understood, an upgradation of original lower category, which was based on assessment of actual damage, to a higher category is not rational and the proposal was solely based on the demand raised by the local Organization, namely Baghjan Gaon Milanjyoti Yuva Sangha.

Para 6 : As per the assessment 12 houses have been completely gutted by the fire (Category I). Other 57 nos families, the houses are severely damaged (Category II) and for 561 families houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged (Category III). So the additional 100 nos of left out families to category 1 cannot be considered justifiable and agreed upon. We are of the view that compensation to the affected families should be based on actual damages only.

The above is your kind perusal and needful action please.

Thanking you,

Yours faithfully,
OIL INDIA LIMITED


(Dilip Kumar Das)

Resident Chief Executive

Copy: SP, Tinsukia District

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)
I.A. No. of 2020
IN
O. A. No. 43/2020/EZ**

IN THE MATTER OF:

Oil India Limited

.....APPLICANT

VERSUS

Bonani Kakkar & Ors

.....RESPONDENTS

INDEX

SR. NO.	PARTICULARS	PAGE NO.
1.	An Application for exemption from filing duly affirmed and notarised affidavits and vakalatnama of the Applicant with Affidavit.	84-88

Kan Kalita

P. Goswami

Rahul Pratap

(Mr. Parthiv K. Goswami; Mr. Rahul Pratap and Mr. Kan Kalita)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029

Phone: 9560886310; 9910727778

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)
I.A. No. of 2020
IN
O. A. No. 43/2020/EZ**

IN THE MATTER OF:

Oil India Limited

.....APPLICANT

VERSUS

Bonani Kakkar & Ors

.....RESPONDENTS

**APPLICATION FROM EXEMPTION FROM FILING DULY AFFIRMED AND
NOTARIZED AFFIDAVITS AND VAKALATNAMA OF THE APPLICANT.**

To,

The Hon'ble the Chairperson,

His Companion Justices and Companion Members

of the Hon'ble National Green Tribunal

The Humble petition of the
Petitioner above-named

MOST RESPECTFULLY SHOWETH:

1. That the present application is being filed seeking a direction seeks a direction, restraining the Committee of Experts, headed by Hon'ble Chairman, constituted by this Hon'ble Tribunal from acting upon the proposal submitted by Deputy Commissioner, Tinsukia after consultations with the Hon'ble Members of the Committee of Experts vide his Letters under Reference No. TAC.3/2020/570 dated 25.08.2020 and No. TAC.03/2020/706 dated 31.08.2020.
2. That the applicant for the sake of brevity is not repeating the facts and circumstances as the same has been enumerated in the Review Petition and craves leave of this Hon'ble Tribunal to refer and rely upon the same.

3. The present Application is filed seeking exemption from filing the original duly affirmed and notarized affidavits of the Applicant along with Application in as much as the Applicant is incapacitated as the Affidavit cannot be duly notarized and affirmed due to the prevailing conditions owing to COVID-19 virus. Further, the original signed and stamped vakalatnama could not be sent to the Counsel for the Applicant and as such, it is humbly prayed that the present Application be allowed. The Applicant undertakes to file the same as and when directed by this Hon'ble Court.
4. The present Application is made *bonafide* and in the interest of justice.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- (i) Allow the present application and permit the Applicant to file the Application without duly affirmed and notarised Affidavit of the Applicant as such terms and conditions as may be prescribed by this Hon'ble Court; and/or
- (ii) Pass such other or further order as this Hon'ble Tribunal deem fit and proper under the facts and circumstances of the case.

Saroj K. Deka
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULIAJAN, ASSAM

APPLICANT

Kan Kalita

P. Goswami

Rahul Pratap

(Mr. Parthiv K. Goswami; Mr. Rahul Pratap and Mr. Kan Kalita)

Advocates for the Applicant

B5/105-A, 2nd floor, Safdarjung Enclave, New Delhi- 110029

Phone: 9560886310; 9910727778

VERIFICATION

Verified at ON 13.10.2020 that the content of the above Application are true and correct to the best of my knowledge as per the information derives from the record of the company and nothing material has been concealed therefrom.

Saroj K. Deka
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

APPLICANT

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

**I.A. NO. OF 2020
IN
O.A. No. 43 of 2020/EZ**

IN THE MATTER OF:

Oil India LimitedReview Applicant
	//Versus//
Bonani Kakkar & Ors.Respondents

AFFIDAVIT

I, Sri Saroj Kumar Deka, aged about 55 years, S/o Late. A.C. Deka, R/o Duliajan, in the District of Dibrugarh, General Manager (Legal) I/C of Oil India Limited, do hereby solemnly affirm and state as under :-

1. That I am the General Manager (Legal) I/C of Oil India Limited and have been authorized by the Applicant Company to swear the present Affidavit on behalf of the Applicant Company. I am well conversant with the facts and circumstances of the case and as such, I am competent to swear the present affidavit.
2. That I have read over the contents of the accompanying Miscellaneous application being filed in the Application and the same are true and correct and is drafted on my instruction.

Saroj K. Deka
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULIAJAN, ASSAM

DEPONENT

VERIFICATION

Verified on this the 13.10.2020 that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Saroj K. Deba
SAROJ KUMAR DEKA
GENERAL MANAGER (LEGAL)
&
ATTORNEY
OIL INDIA LIMITED
DULAJAN, ASSAM

DEPONENT