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**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW  
Original Application No. 43/2020/EZ**

Bonani Kakkar

....Applicant

Versus

Oil India Limited &amp; Ors.

...Respondents

And

**Original Application No. 44/2020/EZ**

Wildlife and Environment Conservation Organization

....Applicant

Versus

Union of India &amp; Ors

...Respondents

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**Objection on behalf of Oil India Limited to the Progress Report  
submitted by the Committee constituted by Hon'ble National Green  
Tribunal**

1. That the Answering Respondent Company namely Oil India Ltd.(herein after referred as OIL) is filing the instant Objection to the Progress Report dated 31.10.2020 submitted by the Committee of Experts appointed by this Hon'ble Tribunal. However, OIL India Ltd. seeks leave of this Hon'ble Tribunal to file a detailed Objection after the Committee constituted by this Hon'ble Tribunal places its final report.

2. That in this regard, the deponent states that Oil India Limited has already filed an Interlocutory Application being I.A. No.83/2020 in O.A. No. 43/2020 and I.A. No.84/2020 in O.A. No. 43/2020, 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 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 Oil India Limited, 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".

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By way of the said illegal and arbitrary proposal, the Deputy Commissioner, Tinsukia, has 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. The said Interlocutory Applications were listed for consideration before this Hon'ble Tribunal on 19.10.2020 and this Hon'ble Tribunal after hearing the parties, has ordered to list the said Applications alongwith the main Original Applications. Apparently issue regarding illegal proposal of the Deputy Commissioner, Tinsukia for enhancement of compensation as well as widening the ambit/definition of three Categories, is pending for consideration. But in a most surprising manner, the Committee of Experts in its Progress Report dated 31.10.2020, has recommended the said illegal proposal of the Deputy Commissioner, Tinsukia without taking any leave of this Hon'ble Tribunal and that too without giving any opportunity to the Oil India Limited. Therefore, the deponent prays before this Hon'ble Tribunal to consider the present Objection to the Progress Report alongwith the said Interlocutory Applications.

3. That the deponent states that the observations and findings of the Committee of Experts are based on secondary data made available through various stakeholders deliberations and discussions, which would

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be clearly revealed from Chapter-B **(1) (Page-3 of the Report)** of the Progress Report. Therefore, observations and findings of the Committee may not be taken into consideration for passing any Order. It is an admitted fact that the said Committee of Experts has not made a site-visit till the filing of the Progress Report. The said Committee's Report is primarily based on information provided by various organizations, local people and published reports and not based on own scientific or laboratory data. Such unverified data, with respect, should not form the basis of any conclusion on the health and environmental impact in the area.

4. That, the Committee has constituted a Multi-Disciplinary Committee to ascertain the impact on the eco-sensitive zone of the Dibru-Saikhowa National Park and Maguri Motapung Wetland and assess the impact on agriculture, fishery, aquatic habitat, domestic animals etc in the neighboring areas under the leadership of Professor B P Duarah. It is claimed that the Multi-Disciplinary Committee under the leadership of Prof. Duarah have visited the site on multiple occasions. However, it is seen from a Newspaper Report published in Sentinel that Prof. Duarah in a statement has questioned the constitution of the Multi-Disciplinary Committee, since same is not notified by the NGT and as such, he as Chief Coordinator owned no responsibility towards the execution of duties and declined to accept any obligation. Prof. Duarah further alleged that many of the Experts gave their comments without visiting the site. In fact, Prof. Duarah has stated that he has

advised all the Experts, known to him, not to submit any report without visiting the site and proper study. This shows that the Interim Report and Progress Report submitted by the Committee are not based on any assessment of the impact on the environment and without based on any proper study. A true copy of the News Clipping of "Sentinel" is annexed herewith and marked as **ANNEXURE-1**

**A. COMMENTS ON THE FIRST INTERIM REPORT (PARAGRAPH-C-IV of the REPORT) (Page-10 of the Report)**

5. The Committee has stated that it has submitted an Interim Report on 01.09.2020, as certain circumstances arose regarding the amendment to the modalities of payment of interim compensation to affected individuals and families. However, the Answering Respondent Company was not aware of any such interim report, which has come to its knowledge only from the instant Progress Report. Under the said Interim Report, the Committee, without any assessment, has recommended the change of category of the families, as recommended earlier and accepted by the Hon'ble Tribunal in its Order dated 06.08.2020. Since the Company was not aware about any of such Interim report, as mentioned in the Paragraph-C-IV of the Report, any approval to such recommendation would amounts to violation of natural justice and as such, this Hon'ble Tribunal may not approve to recommendation made in the said interim report.

**B. PARAGRAPH D I: COMMENTS ON THE COMMITTEE'S FINDINGS WITH REGARD TO INFRACTION OF ENVIRONMENTAL LAWS**

**i. CONSENT TO ESTABLISH AND CONSENT TO OPERATE**

6. That the Findings made in **Paragraph-D (I) (i) (b) (i) (Page-11)** of the Progress Report are not correct and as such, the same are denied. Regarding the observation of the Committee that OIL had never procured and/or received any Consent to Establish / NOC and / or Consent to Operate and did not possess the mandatory authorisations except for the year 2008-09, 2012-13, 2018-19, the deponent states that Answering Respondent Company regularly applied for the Consent to Establish NOC(CTE) from the PCBA prior to start of drilling activity, which is a one time-requirement. Once, the well comes into production, OIL applies for the Consent to Operate(CTO). In this regard, a Common Application was submitted for Consent under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981) and authorization under Hazardous Wastes (Management and Handling) Rules, 1989, which will be apparent from page-2 of the Volume-II of the Progress Report, wherein it is specifically mentioned that Oil India Limited has applied for CTO since 2006-07 to 2019-2020. It is pertinent to mention herein that as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Answering Respondent Company approached the Competent Authorities and submitted the

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Consent Application for Consent to Establish & Consent to Operate through Composite Application for drilling of 33 Nos. Wells at different areas including drilling of Baghjan BGN#5 (named as Location-TN at drilling stage) well to the Regional Office, Pollution Control Board, Assam vide OIL's Letter dated S&E/E/20/723 dated 05.07.2006 in view of the fact that Baghjan BGN#5 well was drilled in the year Nov 2006. Requisite fee against the referred Consent Application was deposited vide Company's Letter under Ref. No. S&E/E/20/992 dated 12.09.2006 (Demand Draft No. 085532 dated 09.08.2006). A true copy of the Letter under Ref. No. S&E/E/20/992 dated 12.09.2006 is annexed herewith and marked as **ANNEXURE-2**

It is further submitted that Section-25(7) of the Water (Prevention and Control of Pollution) Act, 1974 clearly provides for grant of deemed consent on expiry of period of 04 four months of making an application in this behalf complete in all respects to the State Board. The provision has not mentioned that the 04 months period should be counted from the date of deposit of requisite fees. With regard to Air (Prevention and Control of Pollution) Act, 1981), although there is no deeming provision in the Act, but, Section-21(4) clearly makes it mandatory to the Board to grant or refuse such request for the consent within a period of 04 months from the date of submission of application. It is also to be noted that a drilling operation is a temporary mobile set-up, which is under operation only for a period of 03/04 months and on completion of the well and if it becomes a producing well,

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then the well becomes the part of the Production installation, i.e., Oil Collecting Station(OCS)/Gas Compressor Station(GCS)/Early production Set up(EPS)/Quick Production Set up(QPS). In the instant case, the well became part of the Baghjan EPS and accordingly, in the year 2007-2008, Consent to Operate was granted for the Production Installations, which included the BGN#5 vide letter No. WB/Z-I/T-879/94-95/140 dated 13.02.2008 where the CTO was shown as Renewal. This shows that PCBA had accepted the Common Application submitted for the year 2006-07 as deemed consent. Further, Consent for Baghjan EPS, the production installation located at Baghjan Oilfield was granted vide Order under Ref. No. WB/Z-I/T-877/94-95/192/854 dated 09.03.2009 issued by the Pollution Control Board, Assam. Accordingly, annual submission of application for consent to operate was tendered by the Company annually and the same have all along been accepted by the Pollution Control Board, Assam. A true copy of the letter No. WB/Z-I/T-879/94-95/140 dated 13.02.2008 is annexed herewith and marked **ANNEXURE- 3.**

In this regard, the deponent states that the guidelines of the PCBA as laid down in the PCBA website, also says that NOC is to be obtained prior to carrying out any work in the site of the project. However, NOC is issued even if construction of the unit has been started, provided fulfilment conditions stated therein. Therefore, as per the above guidelines, submission of application after start of the project is not prohibited. A true copy of the guidelines

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issued by the PCBA as laid down in the PCBA website is annexed herewith and marked as **Annexure- 4.**

7. That the findings made in **Para-D (I) (i) (b) (ii) (Page-11)** of the Progress Report are not correct and as such, the same are denied. Regarding the observation of the Committee that OIL does not have the CTE/CTO for the BGN#5 till date is not correct in view of the fact that BGN#5 became part of the Production Installation since 2007-08 against which PCBA granted CTE/CTO in subsequent years. The deponent states that after completion of drilling operation, the well comes under the production operation and for which necessary CTO renewal has been obtained from PCBA under Baghjan operation of Digboi Filed. The applicable CTO renewal has been applied regularly with due concurrence from PCBA and CTO renewal was also issued for the years 2007-2008, 2008- 2009, 2012-2013 & 2018-2019. For the remaining years 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, PCBA acknowledged OIL India Ltd's application. A true copy of the consent to operate issued by the PCBA for various years is annexed herewith and marked as **ANNEXURE-5.**

- a. It may also be mentioned that the PCBA has also granted the Hazardous Waste authorization to OIL India Limited for a period of 5 years from 15.06.2017. A true copy of the authorization by PCBA dated 15.06.2017 to OIL India Ltd. is annexed herewith and marked as **ANNEXURE-6.**

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b. With regard to the observations at **Para-D (I) (i) (b) (iii) and (iv) (Page-11)** are not correct and as such, the same are denied. In this regard, the deponent states that, apparently for the year 2018-2019, CTO was granted by the Authority. In respect of for the year 2019-2020, application has been submitted online and PCBA has advised to deposit fees for the year 2020-2021 vide Email dated 29.05.2020. It is imperative to state that on account of COVID 19 Pandemic and subsequent Nation-wide Lockdown, the Pollution Control Board Of Assam (PCBA) vide Circular dated 24.04.2020 has extended all consent expiring on 31.03.2020 till June, 2020. A true copy of the E-mail dated 29.05.2020 received from the PCBA is annexed herewith and marked as **ANNEXURE-7**.

c. With regard to the observations at **Para-D (I) (i) (d) (Page-12)** are not correct and as such, the same are denied. In this regard, the deponent states that, in the annexed "Consent Status of M/s Oil India Ltd., Duliajan, including Oil well No. BGN#5 of Baghjan Oil field in Tinsukia District " by PCB, Assam, it is specifically mentioned that the Respondent Company has applied for consent to establish/operate for all the previous years. However, it is clear from the summary that on account of lapses due to procedural laxity shown by PCB, Assam, the Consent was not formally granted or granted after much delay. Moreover, as reflected from the appended chart, the issue of non-grant of consent and payment towards Arrears are two separate matters, which is no way linked

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with the grant of consent, and therefore is well evident from the fact that although payment of Arrears were pending for the year 2011-2012, CTO was granted for the subsequent year 2012-2013. Similarly, for 2017-2018 although arrear payment was not deposited, however, for the year 2018-2019, CTO was granted. Hence, the inference that CTO was not granted due to pending arrear payment by Respondent Company is misconceived. Moreover, attention of the Hon'ble Tribunal is drawn to the fact that for the year 2019-2020, Application from the respondent company was received by PCB, Assam on 14.10.2019 but the same was forwarded to HO after delay of 5 months on 20.03.2020 , which evidently manifests the laidback working procedure of the Authority ultimately leading to non-grant of permissions on time and therefore, the conclusions drawn by the Committee on squarely fixing responsibility upon Respondent Company is unjustified.

The deponent states that the natural gas or crude oil is not manufactured in the Factory, where manufacturing process could be stopped instantly, rather hydrocarbon is produced from the natural reservoir underneath the earth surface, which is a continuous process and mostly self-flowing. Such process cannot be stopped overnight for the reason that necessary consent is not granted immediately after expiry of previous consent. In fact, any such attempt to close down the operation would not only permanently damage the underground reservoir, but also cause serious safety hazard in the area.

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The deponent further states that the Section-21(4) of the AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 has specifically mandated the PCBA to either grant or refuse the consent within 04 months after receipt of the Application. For better clarity, the relevant section is reproduced below

***Section 21 - Restrictions on use of certain industrial plants***

*(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing, [and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent:]*

*[Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:*

*Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.]*

However, no communication of rejection of application from the PCBA was ever received by the

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Answering Respondent. Besides, in none of the years, where consent was not formally granted, PCBA has never raised any question on the issue of continuation of operation, if in their opinion, continuation of operation was illegal, as no consent was granted by them.

d. With regard to the recommendation made in **Para-D (I) (i) (e) (Page-13)** are not correct and as such, the same are denied. In this regard, the deponent states that, the Answering Respondent Company had applied/renewed the required Authorizations as per law and Rules as necessary from time to time. Further, it is submitted that rules required that a Common Application form was to be submitted for grant of Consent under the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981) and authorization under Hazardous Wastes (Management and Handling) Rules, 1989 and as per the deeming provision of Section-25(7) of the Water (Prevention and Control of Pollution) Act, 1974 consent is granted on expiry of period of 04 four months. Therefore, it would not be correct to assume that mandatory consent and authorisations were not granted in favour of the Respondent Company. Whereas, it is respectfully submitted that there have been procedural delays on behalf of the PCBA, for which, the Company should not made responsible.

**C. (ii) COMPLIANCE OR OTHERWISE OF ORDERS OF THE  
HON'BLE SUPREME COURT:**

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8. With regard to **Para-D (I) (ii) (a), (b), (c), (d), (e), (f), (g) (Page-13-15)** are not correct and as such, the same are denied. In this regard, the deponent states that, the observations of the Committee is completely misplaced and erroneous in view of the fact that the directions of the Hon'ble Supreme Court to carry out Bio-diversity for an ERD project and the existing BGN#5 are two different and separate projects. It is also not a fact that BGN#5 falls under Dibru Saikhowa National Park(DSPN) area. As per the Notification No. S.O.460(E) dated 28.01.2020 of MOEF&CC, BGN#5 falls outside the Eco Sensitive Zone(ESZ) area of DSPN. A true copy of the Notification No. S.O.460(E) dated 28.01.2020 of MOEF&CC is annexed herewith and marked as **ANNEXURE-8.**
9. It is further submitted that, the referred Hon'ble Supreme Court Judgments, particularly, *R e T.N. Godavarman Vs. Union of India* has no relation with the Well Baghjan#5 but relates to a project for drilling under Dibru-Saikhowa National Park by using ERD Technology, which is yet to start. That after the Order of the Hon'ble Supreme Court dated 07.09.2017, Environment Clearance was granted on 11.05.2020 and therefore, conditions stipulated therein are not applicable to BGN#5. The Biodiversity Study prescribed by the Hon'ble Supreme Court, is also relates to said Environment Clearance dated 11.05.2020. It may also be pointed out that pursuant to the said order passed by the Hon'ble Supreme Court, the Government of India issued Notification dated 10.08.2018, which did not specify that the Biodiversity Study has to be carried out through

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Assam State Biodiversity Board. However, Respondent Company has already approached the Assam State Bio-diversity Board for conduct of the bio-diversity study and in response, the Assam State Bio-diversity Board vide its letter dated 29.08.2020 has informed that it will not be possible to undertake the bio-diversity study till the environmental crisis in and around the area is not fully mitigated. A true copy of the order of the Hon'ble Supreme Court dated 07.09.2017 and copy of the notification dated 10.08.2018 issued by the Government of India, Copy of the Letter dated 29.08.2020 from Assam State Bio-diversity Board are annexed herewith and marked as **ANNEXURE-9, 10 AND 11.**

10. That, the approach of the Committee, is misconceived and it is denied that OIL has been in contempt of the directions passed by the Hon'ble Supreme Court of India, in view of the fact that the ERD project is yet to be initiated and all the requisite conditions, as stipulated in the EC dated 11.05.2020 and conditions mandated by the Hon'ble Supreme Court shall be complied before the start of the project, which is also one of the conditions, as stipulated in Clause-10(ii) of the Environmental Clearance granted by the MOEF&CC vide letter dated 11.05.2020. A true copy of the Environmental Clearance dated 11.05.2020 issued by MOEF&CC for the ERD Project is annexed herewith and marked as **ANNEXURE-12.**

**D. COMMENTS ON THE OBSERVATION ON ALLEGED VIOLATION ENVIRONMENT PROTECTION ACT, 1986**

11. That, with regard to observations at **Para-D (I) (iii) (a) (Page-15)** are not correct and as such, the same are denied. On the non-availability of Environmental Clearance ("EC") at the time drilling operation of BGN#5, it is humbly submitted that the EIA Notification No. S.O.60(E) dated 27.01.1994 was applicable for the project value of Rs.50.00 Crores and above, but since project cost of drilling well was less than prescribed limit, no EC was required prior to EC Notification dated 14.09.2006. Therefore, the observation of the Committee that Respondent Company is in contravention of the provisions of the Environment (Protection) Act, 1986 and the Environment Impact Assessment (EIA) Notification, 1994 is wrongly construed. A true copy of the EIA Notification No. S.O.60(E) dated 27.01.1994 is annexed herewith and marked as **ANNEXURE-13**.

Moreover, it is submitted that pursuant to the discovery of oil and gas in Baghjan area by OIL in the year 2003, the State of Assam with prior approval from the Ministry of Petroleum and Natural Gas, Govt. of India, granted Petroleum Mining Lease (PML) to M/s Oil India Limited (OIL) for carrying out E&P activities w.e.f. 14.05.2003, for a period of twenty years. It is pertinent to mention that the although actual drilling operation of BGN#5 started in the month of November, 2006, i.e., just after Notification of 2006 was published in the month of September, 2006, but, project started before publication of the EIA Notification, 2006 . However, Respondent Company

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initiated the process of obtaining the EC for the BGN#5 along with other drilling location by filing the requisite application in November, 2007 and thereafter, obtained the EC in the year 2011 after following due procedure. The EC was granted after MOEF&CC officials carried out inspection of the well and found compliance of necessary conditions. Since, Competent Authority granted the EC, even though it was post-facto EC, therefore, it is, with respect, erroneous on the part of the Committee to conclude that OIL violated the EIA Notification, 2006. It is also imperative to state that the MOEF&CC vide Notification No. S.O. 804(E) dated 14.03.2017 allowed all the projects, which did not obtain prior EC in terms of EIA Notification 2006, to apply for the EC under the Notification and regularize the EC. A true copy of the notification No. 804(E) dated 14.03.2017 is annexed herewith and marked as **ANNEXURE-14**.

12. That, with regard to observations at **Para-D (I) (iii) (b) (Page-16)** are not correct and as such, the same are denied. The observations of the Committee is completely misplaced and erroneous in view of the fact that that the Environmental Clearance dated 11.05.2020 has no relation with the Well Baghjan#5 but relates to a project for drilling under Dibru-Saikhowa National Park by using ERD Technology, which is yet to start and the existing BGN#5 are under completely different sets of terms and conditions of Environmental Clearance, which are two different and separate projects. Accordingly the terms mentioned by the Committee are not applicable on the

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Well Baghjan#5, ensuring no violations of the terms of the EC by the Respondent Company, as alleged.

13. That, with regard to observations at **Para-D (I) (iii) (c) (Page-17)** are not correct and as such, the same are denied. In this regard, the deponent states that, after the occurrence of accident Respondent Company has rehabilitated all the local people residing within 5 kms of the project site into the relief camps maintained by Respondent Company wherein all necessary facilities were provided for their wellbeing. Apart from above, Respondent Company has put in all efforts to control the noise level by installing noise barricading. Moreover, above limits as per Noise Rules, 2000 are for normal operations and as referred case is an accident, immediate control was marginal.

Further, it is submitted that fire in the well has been put off completely on 15.11.2020 and the well killing operations at Well Baghjan#5 were successfully completed on 03.12.2020 putting at rest all disturbance caused due to intense noise.

Furthermore, it is submitted that the observations of the Committee directing PCB to initiate appropriate legal action against the competent authorities of OIL under the provision of Rule 8 of the Noise Pollution (Regulation and Control) Rules, 2000 is not correct in view of the fact that the Rule is primarily directed for annoyance, disturbance, discomfort caused by reason of playing vocal or instrumental music or loudspeakers or the like, which

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cannot be compared to a situation such as the Baghjan blowout.

Moreover, with regard to the observation of the committee for creating health fund is redundant in view of the fact that the local population and residents of and nearby Baghjan area were not anywhere near the vicinity of the wellsite, but were rather shifted into relief camps located at a distance from the spot. Nevertheless, team of doctors and para-medics from OIL India Ltd had been stationed 24x7 at oil installations in Baghjan with medicines and ambulances and Medical Camps were regularly conducted in the relief camps by OIL's doctors, local hospitals and Army doctors, wherein no major complaint of hearing ailment or illness due to the heightened noise levels were recorded.

14. That, with regard to observations at **Para-D (I) (iv) (Page-18)**, the Answering Respondent Company submits that the reference of CPCB Letter No. B-29012/ESS(CPA) 2015-16 dated 07.03.2016 has no relevance in view of the fact that due Environment Clearance for the BGN#5 as well as for the production installations set up therein, were obtained in the year 2011 and 2013 respectively. Hence, said Notification of the CPCB or subsequent Circular dated 04.05.2019 has no applicability for the operations in the Baghjan PML area. It is not a fact that BGN#5 falls under Dibru Saikhowa National Park(DSPN) area. In fact, the Environmental Clearance dated 01.11.2011 granted for exploratory operations in N Hapjan-Dhola Tinsukia area,

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where BGN#5 falls, clearly states that no national park/wildlife sanctuary/eco-sensitive area are located within 10 KM of the oil operation. Further, as per the Notification No. S.O.460(E) dated 28.01.2020 of MOEF&CC, BGN#5 falls outside the Eco Sensitive Zone(ESZ) area of DSNP.

*"Extent and boundaries of Eco-sensitive Zone. – (1) The Eco-sensitive Zone shall be to an extent of 0 (zero) kilometres to 8.7 kilometres around the boundary of Dibru-Saikhowa National Park and the area of the Eco-sensitive Zone is 658.251 square kilometres. (Zero extent of Eco-sensitive Zone was justified as "Existence of crude oil and natural gas in the immediate vicinity of the southern side of the National Park boundary")."*

Hence, the findings of the Committee that continuing extraction of hydrocarbons around the DSNP would qualify as a Red category project, and in clear violation of the said Circulars, were not based on correct facts. Notwithstanding above, CPCB vide Letter No. B-29012/ESS(CPA) 2015-16 dated 07.03.2016 has been superseded by the Notification No. S.O.460(E) dated 28.01.2020 of MOEF&CC.

**E. Para D II: COMMENTS ON THE COMMITTEE'S OBSERVATIONS WITH REGARD TO HEALTH ASSESSMENT SURVEY.**

15. That, with regard to observations at **Para-D (II) (Page-18)**, the Answering Respondent Company seeks leave of

this Hon'ble Tribunal to file a detailed Objection after the Committee constituted by this Hon'ble Tribunal places its final report.

**F. Para D III: COMMENTS ON THE COMMITTEE'S OBSERVATIONS WITH REGARD TO CULPABILITY OF OIL.**

16. That, with regard to observations at **Para-D (III) (Page-19-24)**, the Answering Respondent Company seeks leave of this Hon'ble Tribunal to file a detailed Objection after the Committee constituted by this Hon'ble Tribunal places its final report. That however, it is respectfully submitted that the Answering Respondent Company reiterates its submissions made in the Objection to the Preliminary Report submitted by the Committee constituted by Hon'ble National Green Tribunal filed on 05.08.2020 before Hon'ble National Green Tribunal.
17. Nevertheless, the Answering Respondent Company would like to submit that the Committee of Experts in its observation fixing the entire liability upon the Respondent Company completely ignored the role, responsibility and contractual obligations of the Contractor M/S John Energy Ltd. in the incident of Blow-out at Well BGN#5. Whereas, it is humbly submitted that Respondent Company had observed the necessary safety procedures in the drilling of the Well and ensured the safety of the Well by placing 3 layers of protection. In the First layer a killing fluid was placed, thereafter Cement Plug as second safety barrier and thirdly and most important safety barrier, the Blow-

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out Preventor(BOP) was placed as the last barrier, which itself substantiates that sufficient safety measures were taken to prevent any blow out. It is submitted that BOP was the most important and effective safety barrier to prevent any blow out, even if two other barriers do not work. The Clause-19.1 of the Contract with M/s John Energy Ltd bearing no. 6113317 has clearly obligated that the Contractor shall be responsible for taking all preventive and corrective measures for initial control of kick, inflow, fire and blowouts. For the sake of clarity, the clause is reproduced below

*19.1 Contractor shall maintain all well control equipment in good condition at all times and shall take all possible steps to control and prevent the fire and blowouts to protect the hole. The Contractor shall be responsible for taking all preventive and corrective measures for initial control of kick, inflow, fire and blowouts. After initial control of well, Contractor shall inform the Company's Representative about the well condition and finally well shall be killed after mutual discussion with Company's representative.*

However, without understanding the gravity of a critical operation on the part of the M/S John Energy Ltd. and in complete violation of the contractual obligations, Standard Operating Procedure(SOP) and Work-plan, which is evident from the fact that M/s JEL without the instruction of the Installation Manager and before completion of planned WOC for 48 hours, and in absence of Production Engineer of OIL and Tool-pusher of JEL, had removed the

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BOP without the knowledge of IM, which is the immediate and direct cause of Blow-out.

That it is humbly submitted that, if the Blow-out preventor (BOP) had not been removed by M/S John Energy Ltd. the incident of Blow-out could still not have occurred since, the second barrier of cement plug was already in place. Further, the Regulation-25 of the Oil Mines Regulation, 2017 stipulates the obligations of the Contractor while working in the mine, which was however grossly violated by the John Energy Limited.

After affording number of opportunities to explain the position of the John Energy Ltd. on their responsibilities in the Blow out incident and after taking into account their replies discussed above, the Answering Respondent Company initiated the process of debarment as per the Company's Banning Policy, 2017. Accordingly, a multi-disciplinary committee was constituted as per the Policy to study and recommend, if any action under the Policy is called for against M/S John Energy Ltd. Based on the recommendation of the Committee, the Show Cause Notice for debarment cum notice for suspension dated 10.10.2020 was issued to M/S John Energy Ltd. Under the said Notice, M/S John Energy Ltd. was placed under suspension for the period of 03 months, pending completion of the banning process.

The Competent Authority of the Company after considering the reply submitted by M/S John Energy Ltd. as

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well as the relevant facts and evidences, has found that M/S John Energy Ltd. is guilty of gross negligence, breach of contractual obligations and violation of statutory Regulations. Accordingly, in terms of Clause-5.1(v), 5.1(vii) and 5.1(x) of the Banning Policy, 2017, the Order dated 28.10.202 has been passed, whereby M/S John Energy Ltd. was put under the "Holiday List" of Oil India Limited and thereby, debarring M/S John Energy Ltd. from entering into any contract with Oil India Limited and also carrying out any businesses for a period of 2 years effective from the date of placement of the Contractor on suspension i.e., w.e.f. 10.10.2020.

That, simultaneously, Notice of Termination of the Contract was issued to M/S John Energy Ltd. vide Letter dated 10.10.2020 under Clause-13.7 of the Contract. M/S John Energy Ltd. has filed a Writ Petition being numbered as W.P.(C) No. 4517/2020 before Hon'ble Gauhati High Court, challenging the Notice of Termination of Contract. Hon'ble Gauhati High Court vide its Order dated 21.10.2020 has disposed of the said Writ Petition, with a direction to OIL for affording opportunity for a personal hearing within 07 days and to pass appropriate order on termination. Accordingly, pursuant to the Order of the Hon'ble Gauhati High Court, the Competent Authority after hearing the Contractor, has confirmed the termination of the Contract vide letter dated 30.10.2020. However, the Committee has failed to consider the role and contractual as well as statutory obligations of the John Energy Ltd in the incident of the blow out. A true copies of the Order of Termination

of Contract dated 30.10.2020 and Order of Debarment dated 28.10.2020 is annexed herewith and marked as **ANNEXURE-15 AND 16.**

**Para D III: COMMENTS ON THE COMMITTEE'S OBSERVATIONS WITH REGARD TO ONGOING ASSESSMENT OF ENVIRONMENT AND BIO-DIVERSITY OF THE AFFECTED LANDSCAPE.**

18. That, with regard to observations at **Para-D (IV) (Page-25)**, the Answering Respondent Company respectfully submits that in respect of the Order dated 24.06.2020 passed by Hon'ble Tribunal, it was not in the scope and Terms of reference of the Committee constituted by the Hon'ble Tribunal to constitute and appoint another multi-Disciplinary committee to study the impact. The Hon'ble Tribunal only extended liberty to the Committee to adopt any expert or seek opinion from any expert or institution(s). However, the Committee, without having any mandate, has constituted the Multi-Disciplinary Committee to study the impact in the environment. As already stated hereinabove, as per the Newspaper Report, the functioning of the Multi-disciplinary Committee has come under doubt, as the Chairman of the Multi-Disciplinary Committee has questioned the entire procedure, more particularly on the functioning of the Committee and various reports submitted by various experts.

Nevertheless, it is submitted that the independent researchers conducted by members of the Multidisciplinary Committee as claimed to be experts in their fields are not

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based on any scientific data and therefore cannot be said to be conclusive. That it is stated and submitted that the observations and findings of the independent researchers are based on review of secondary data made available through inputs, Reports and documents received from various stakeholders. Therefore, observations and findings of the said Committee which are based on unverifiable data, with respect, may not be taken into consideration for passing any order. It is an admitted fact that the said Committee of Experts has not made a site-visit till the filing of the Progress Report. The said Committee's Report is primarily based on information provided by various organizations, local people and published reports and not based on own scientific or laboratory data. Such unverified data, with respect, should not form the basis of any conclusion on the environmental impact in the area.

Furthermore, it is pertinent to highlight that earlier to the Baghjan blowout there is no available comparable data/ research on the flora-fauna of the surrounding area and Maguri Motapung Bill of the previous years with which the data/statistics presented under the Progress Report can be verified/compared with hence, the statements and data presented by the Multidisciplinary Committee are only based on assumptions and hear-say evidence provided from interested stakeholders. Therefore, it is with respect urged that such information's/ data/statistics/analysis may not be taken into account by Hon'ble Tribunal.

**Para D III: COMMENTS ON THE COMMITTEE'S OBSERVATIONS WITH REGARD TO STATUS ON THE ISSUE OF COMPENSATION TO THE AFFECTED FAMILIES.**

19. That, with regard to observations at Para-D (V) (Page-39), the Answering Respondent Company submits that in anticipation of the instant recommendation for compensation to the affected families, Interlocutory Applications bearing no. 83/2020 and no.84/2020 in OA no.43/2020 and 44/2020 respectively have been filed before this Hon'ble Tribunal on 13.10.2020 raising objections to the proposal submitted by the Deputy Commissioner, Tinsukia, 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. The matter came up before the Hon'ble Tribunal on 19.10.2020 for consideration, where the Hon'ble Tribunal ordered to tag both the IAs along with the Original Applications.
20. That, with regard to observations at Para-D (V) (ii) (Page-39), the Answering Respondent Company submits that the proposal submitted by Deputy Commissioner, Tinsukia vide Letters under Reference No. TCA.3/2020/570 dated 25.08.2020 and No. TCA.03/2020/706 dated 31.08.2020 is arbitrary and unjustified whereby the grounds for determining the categories and amount of compensation is without any substantive basis and foundation, but rather on the fancies and demands raised by the Baghjan Gaon Milonjyoti Yuba Sangha and Baghjan Gaon Villagers.

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21. That, with regard to observations at Para-D (V) (iv) and (v) (Page-40), the Answering Respondent Company submits that vide proposal Reference No. TCA.3/2020/570 dated 25.08.2020, Deputy Commissioner; Tinsukia has placed incorrect facts before the Hon'ble Committee of Experts. That under Para. 8.0, it was mentioned that the affected families otherwise falling in category (iii) as per categorization of the Hon'ble NGT may be included in category (ii) the reason being those families have been affected the most, being in the closest vicinity to the blow-out and they have been subjected to continuous sound and air pollution resulting from the blow-out and fire. Further, they have apparently faced the maximum impact on their health, including mental stress and disorientation.

Thus the ground taken for award of compensation mentioned as 'distance irrespective of whether houses have been severely damaged or not' is highly flawed since the local population has been shifted to the safety, security and facilities of relief camps immediately after the blow-out and even before the fire broke out on 09.06.2020. Therefore, the basis of inconvenience and discomfort of the local residents as a ground for compensation and their upgradation to category (ii) as well as enhancement of the amount from Rs. 2.5 lakhs to Rs. 20 lakhs is totally misconceived.

That it is submitted that the said Interim Report by the Deputy Commissioner; Tinsukia was submitted on 01.09.2020 immediately after proposal of Deputy

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Commissioner, Tinsukia vide Letters Reference No. TCA.03/2020/706 dated 31.08.2020 raises serious doubts on the credibility of the Report which was drawn citing most urgency. Moreover, the Interim Report has never been shared with the Answering Respondent Company and therefore the recommendations/ contents are not in its knowledge.

22. That, with regard to observations at **Para-D (V) (vi) (Page-41)**, the Answering Respondent Company submits that the meeting held in the office of DC, Tinsukia, between Baghjan Gaon Milonjyoti Yuba Sangha and officials of OIL on 18.09.2020 wherein the Respondent Company assured all possible assistance in mitigating the problems of the Baghjan Gaon Villagers and assured payment of Rs. 50,000/- per month to 612 families for rental accommodation, food and other facilities.
23. That, with regard to observations at **Para-D (V) (viii) (Page-41)**, the Answering Respondent Company raises serious objections to the proposal of the DC, Tinsukia in revising the number of affected families and including additional 104 families in category (i) for compensation, which is without any solid justifications and basis. The Answering Respondent Company submits that the said impugned proposals of DC, Tinsukia were made solely on the basis of demand made by Baghjan Gaon Milanjyoti Yuva Sangha, rather than any assessment of actual damage. The Deputy Commissioner, Tinsukia while submitting its illegal and arbitrary proposals before the

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Committee of Experts on sympathy, has made contradiction to its earlier communication dated 29.08.2020, whereby, the applicant was apprised about the identification of 57 families and 561 families of affected families under Category-ii and Category-iii on the basis of survey made by the District Administration and as such, impugned proposal of the Deputy Commissioner, Tinsukia being sympathetic consideration, as opposed to the actual assessment, is liable to be interfered by this Hon'ble Tribunal. It is submitted that Answering Respondent has already paid compensation as per the Order of the Hon'ble Tribunal. The compensation paid to the affected families are much higher than the standard compensation, as prescribed in the Assam Disaster Manual. A comparative study in this regard shows that the affected families have received substantial compensation, even though there was no substantial damages to their houses or horticulture, as it is evident from the photographs of some of houses, which fall under Category-II as per the earlier assessment of the Deputy Commissioner, but now categorized as Category-I by the Committee. A true copy of the photographs of a few affected families, which were earlier categorized as Category-II, but now put in Category-I as well as comparative study on the compensation. are annexed herewith and marked as **Annexure-17.**

It is further submitted that the inclusion of 104 additional families in the list of affected people without conducting any survey or new emergent facts reflects that

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name of the families were included without proper assessment, which warranting proper assessment through an independent agencies for all the affected families.

24. Further, it is submitted that Interim Order dated 06.08.2020 passed by the Hon'ble Tribunal, determining the quantum of compensation to various categories of the affected people based on the recommendation of the Committee of Experts has been complied by Answering Respondent Company immediately, which itself shows that Company is always ready to pay due compensation to the genuinely affected people, as per assessment in terms of the order of the Hon'ble NGT. But, since the impugned proposal made by the Deputy Commissioner, Tinsukia recommending inclusion of additional 104 families and upgradation of compensation amount, upgradation of the affected families, already assessed, from Category-III to Category-II and from Category-II to Category-I and enhancement of compensation of Category-II from RS.10.00 Lakh to Rs.20.00 lakh merely on the demands of the local organizations, are illegal and arbitrary. The Company though appreciate the suffering of the people of the Baghjan area on account of the unfortunate Blow out incident, but it cannot justify unrealistic and unreasonable demands, more particularly, in view of the facts, the Company deals with the public money.
25. In view thereof, it is most humbly prayed that the Hon'ble Tribunal may be pleased to take the present Objection on record. It is most humbly reiterated that OIL seeks leave

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of this Hon'ble Tribunal to file a detailed Objection after the Committee constituted by this Hon'ble Tribunal places its final report.

**APPLICANT**

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SARAJ U. DATTA  
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**Through**

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

**O.A. No. 43 of 2020/EZ**

**IN THE MATTER OF:**

Bonani Kakkar

...Applicant

Versus

Oil India Limited & Ors.

... Respondents

**AFFIDAVIT**

I, Sri Saroj Kumar Deka, aged about 55 years, son of Late. A.C. Deka, Resident of 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 Respondent No.1 i.e., Oil India Limited to swear the present Affidavit on behalf of the Oil India Limited. 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 Objection to the Progress Report and the same are true and correct and is drafted on my instruction.
3. That due to the current situation of spread of COVID-19, the present Affidavit could not be notarized. The Deponent prays for exemption from filing the notarized Affidavit and undertakes to file the same as and when the Hon'ble Tribunal resumes normal functioning.

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

**DEPONENT**

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**VERIFICATION**

Verified on this the 15<sup>th</sup> December, 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.

Surej K. Desai  
SAROJ KUMAR DESAI  
GENERAL MANAGER (LEGAL)  
&  
ATTORNEY  
DL. 1000010000  
DL. 1000010000

**DEPONENT**

ANNEXURE 1

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# The Sentinel

*of this land, for its people*

**BAGHJAN IMBROGLIO**

## 'Multidisciplinary committee invalid'

OUR CORRESPONDENT

TINSUKIA, Nov 10: 'The multidisciplinary committees constituted by Justice BP Katakey to assess the damage caused due to the Baghjan BGR-5 blowout are invalid and have no locus standi as these committees have not been formally approved by the National Green Tribunal (NGT) as yet,' said Prof Bhagawat Pran Duarah of the Department of Geological Sciences, Gauhati University and chief coordinator of the multidisciplinary committees. His revelation points towards serious lacunae in the functioning of the Justice BP Katakey Committee of experts during the past five months.

In clear terms, Prof Duarah told The Sentinel that though his name figured in three multidisciplinary committees sequentially constituted with one list overlapping the other,

Guwahati English Edition  
Nov 11, 2020 Page No. 1

these committees were not 'notified'. Thus he, as chief coordinator, owned no responsibility towards the execution of duties and declined to accept any obligation.

Expressing reservation of having a large group of unmanageable 39 members from across India at individual and institutional level and with many experts giving their comments without visiting the site, Prof. Duarah made a pertinent point saying that humanitarian aspects and socio-economic impact on the affected people which needed priority were ignored. Instead, inclination was visible more towards money-centric areas like biodiversity and reclamation plan.

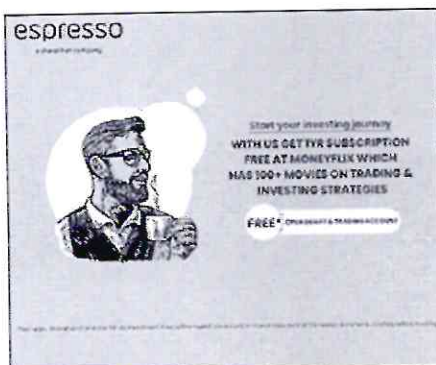
Prof. Duarah also opposed the involvement of NGOs (Non Government Agencies) in the assessment exercise and was astonished to find a list of

Continued on page 11



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### Modi reiterates India's...

Mentioning that India's brave soldiers participated in about 50 UN peacekeeping missions, Prime Minister Modi reiterated the need for reformed multilateralism to meet the expectations of a world suffering from the social and financial after-effects of the coronavirus pandemic.

He elaborated on India's vision of a "Atma Nirbhar Bharat" (Self-reliant India) in the post-pandemic world that could prove to be a force multiplier for the global economy and the economic progress of the SCO region. India's Pharma industry, he pointed out, supplied essential medicines to more than 150 countries during the pandemic.

India, as a non-permanent member of the UNSC, beginning from January 1, 2021, will focus on the theme of 'reformed multilateralism' to bring about desirable changes in global governance. The Prime Minister underlined India's strong cultural and historical connect with the SCO region and reiterated India's firm commitment towards strengthening connectivity in the region with initiatives like International North-South Transport Corridor, Chabahat Port and Advaita Agreement.

He also extended full support to observing the 20th anniversary of SCO in 2021 as the 'SCO Year of Culture' and spoke of India's own initiatives to hold the first SCO exhibition on Shared Buddhist Heritage to be organised by the National Museum of India. The SCO Food Festival in India next year and the translation of 10 regional language literary works into Russian and Chinese.

Expressing his readiness to host the next regular Meeting of SCO Council of Heads of Government on November 30, 2020 in virtual format, the Prime Minister also proposed to set up a Special Working Group on Innovation and Start-ups and a Sub-Group on Traditional Medicine within SCO. Others who participated in the meeting included Secretary General of the SCO Secretariat, Executive Director of the SCO Regional Anti-Terrorist Structure, the Presidents of the four Observers (Afghanistan, Belarus, Iran, Mongolia) of the SCO.

Prime Minister Narendra Modi, in his address to SCO leaders, congratulated President Vladimir Putin for organising the meeting despite challenges and constraints arising due to the COVID-19 pandemic.

The Prime Minister congratulated President Emmomali Rahmon of the Republic of Tajikistan for assuming the chairmanship of SCO next year and assured full cooperation from India. (IANS)

### 'Situation along inter...

train to Mizoram at the Muhammapur Railway Station under the Late Police Station on Tuesday. Haldwani SP Patindra Kumar Hadi said they put barricade on the railway tracks to stop the movement of Mizoram-bound goods train in protest against alleged aggression by Mizoram.

Following this incident, Mizoram Chief Minister Zoramthanga brought the matter to the notice of PMO, MHO, Railway Minister and Chief Minister of Assam saying that "tulle action by miscreants, least needed at times like this, while the Central Government's diplomatic approach slowly unfolds pace to both the States", stated a release from Sihar DIPRO.

### 'Multidisciplinary...

experts incorporated in the committee as suggested by Barani Kikkari, a petitioner to the NGT. The committees have been functioning without any budget although the Tirunelveli district administration was assigned to provide on-line logistic support, said Prof. Durah, adding that due to such fund ambiguity he expressed his reluctance to head the Multidisciplinary Committee and instead suggested PCB (Pollution Control Board), Assam.

On being asked why the interim report submitted by Justice BP Kishoy on 31.10.2020 to the NGT depicted a gloomy picture which led to defamatory bill December 15, Prof. Durah categorically stated, "I advised all my known persons, including experts from Gauhati University, not to submit any report without visiting the site and proper study. Thus they refrained," he said. Though he was asked to compile the report, he was not willing to incorporate some find-

ings which appeared to be inconsistent; but did it under compulsion. Thus, there was no nationality on the part of NGT to issue order on such an inconclusive report, he maintained.

The committee shall be at liberty to co-opt member or seek opinion from any other expert/experts or institutions/institutions including the Wildlife Institute of India (WII), Dibrudun, if felt necessary, but nowhere it stated constitution of additional committees. Notwithstanding, the Committee constituted three multidisciplinary committees in the month of October including wildlife experts. The first committee comprising comprising of 22 members was constituted on 7.10.2020; the second of 25 members on 12.10.2020; third committee of 30 members was formed on 31.10.2020 — shown in the interim report.

Prof Durah pointed out that he had suggested a list of aspects of 14 members and each of these members would be assigned separately 13 parameters as envisaged by the NGT with target of two to three months from the date of formal approval and notification of the committee along with issuance of financial mandate and SOP (Standard Operating Procedure).

### Dispur takes steps to...

reality in the society that there have been rising instances of assault and dependent parents being left unattended and uncared for by their wards. "Since the setting up of this Commission in 2010, it is being run by a Chief Commissioner and two Commissioners," pointed out a source.

### Fire crackers banned...

can further aggravate the health conditions of persons suffering from COVID-19 besides other people.

In compliance to the directions of the Supreme Court of India and also the Central Pollution Control Board, Delhi, the officials of PCBIA already carried out monitoring of the Ambient Air Quality and the "Noise level" on the Deepawali Day (November 9, 2020). They will carry out similar monitoring also on the Deepawali Day (November 14) at certain location in Guwahati, Dibrugarh, Nagaon, Sivasagar, Galgahat, Tezpur, Sivasagar and Bongaigaon. Moreover, they are monitoring the "Ambient Air Quality" and the "Noise level" on the pre-Deepawali Day (November 9, 2020). They will carry out similar monitoring also on the Deepawali Day (November 14) at certain location in Guwahati, Dibrugarh, Nagaon, Sivasagar, Galgahat, Tezpur, Sivasagar and Bongaigaon. Moreover, they are monitoring the "Ambient Air Quality" and the "Noise level" on the pre-Deepawali Day (November 9, 2020). They will carry out similar monitoring also on the Deepawali Day (November 14) at certain location in Guwahati, Dibrugarh, Nagaon, Sivasagar, Galgahat, Tezpur, Sivasagar and Bongaigaon.

### Kaziranga, Manas...

habitats within the Bodoland Territorial Autonomous District (BTAD) getting converted to settlements and agriculture. "People in wildlife habitats are the prime source of disturbance. The people who collect natural resources in the Manas National Park have not only impacted the presence of prey species in areas but also their behavior. In order to understand the phenomenon better, the study used 5,200 independent prey species from Manas and Kaziranga," said a researcher associated with the study. The researchers also found that human disturbance has serious implications on health and population growth of the prey species that directly impacts the population of tigers and other large carnivores of Manas. As a general understanding, wild animals face difficulties in breeding in an area that is disturbed as that impacts their natural hormonal balance.

"The effects on prey species could include altering habitat selection, foraging and resting site selection, movement patterns, exposure to predation, individual fitness, survival, reproduction and ultimately distribution and population trends," observed the researchers.

### 'Now, overseas...

so that exports of fireworks can happen out of India. Paranjana said in January importers from overseas had come to look at the possibility of sourcing fireworks from Sivukas in Tamil Nadu, sourcing fireworks from Sivukas in Tamil Nadu, sourcing fireworks from Sivukas in Tamil Nadu. "Time has come for the industry to look at exports. With our crackers turning green emitting less smoke our products may get good traction overseas," Paranjana said. Sivukas in Virudhunagar district in Tamil

Nadu accounts for nearly 50 per cent of the country's firecracker production and has 1,070 firecracker units located in and around the city. About 2,00,000 workers are directly employed whereas another 5,00,000 workers are in the allied sectors. The fireworks manufactured in Sivukas are valued at around Rs 2,500 crore, while the retail sales total around Rs 6,000 crore. This year, production may be just total around Rs 1,200 crore.

"There seems to be a change in the Chinese firecracker industry. Areas where there used to be a lot of units are now housing non-firecracker manufacturing units," A.P. Selvarajan, Director, Sri Kalawan Fireworks, told IANS. According to Selvarajan, the future is green crackers and now there are good enquiries from overseas markets like Europe, US and other countries as they are coming out of China. "If exports begin, then big companies will shift their focus towards capturing the exports markets. Further Indian security agencies could also look at our facilities and try to source some of their needs from us," Selvarajan said. According to him, already some products used for training the security agencies. However, shipment of fireworks is a major issue for the industry players owing to high cost and transportation issue is also there.

"For normal items the shipment cost per container is about \$1,200 whereas in the case of fireworks the cost goes up to about \$12,000 per container. We have orders from Europe," Selvarajan said. Paranjana, who heads Sany Fireworks and his own company has an export order worth about Rs 40 crore, but non-availability of containers at affordable rates has hindered the supplies. "We have our own warehouse in Durbani in South Africa but were not able to send our stocks there," Paranjana said.

According to him, at times export orders are fulfilled by getting the products made in China under the Indian brand. Paranjana said post-Diwali, the TANFAMA officials plan to approach the Central government seeking assistance to export their products. (IANS)

### In dialogue with all...

immunisation would require a substantial increase in cold chain points but also increase in cold chain equipment including walk-in coolers, deep freezers and refrigerated vans," he added. Last week, the Union Health Ministry had informed that the country has more than 28,000 cold chain points, 700-plus refrigerated vans and more than 75,000 vaccinators to assist in the vaccine administration. "We have already utilized them under the universal immunisation programme and would be used in administration of COVID vaccination as well," Bhattachan had stated earlier.

A drug giant Pfizer Inc and German biotech company BioNTech had announced that their COVID vaccine candidate, BNT162b2, demonstrated efficacy of 90% in preventing COVID-19 in participants without evidence of prior SARS-CoV-2 infection in the first interim efficacy analysis. The vaccine manufacturer had also stated that they expect to produce globally up to 50 million vaccine doses in 2020 and up to 1.3 billion doses in 2021.

Ad Astra's vaccine, originally developed by the Oxford University, is undergoing trials in India in partnership with Serum Institute of India. Other late-stage vaccines are developed by Moderna Inc, Pfizer Inc with partner BioNTech SE, and Johnson & Johnson.

Last week, a Reuters report quoting a senior Indian government official said India's own Bharati Biotech, a private company that is developing COVID-19 with the government-run Indian Council of Medical Research (ICMR), could make available its vaccine by February. (IANS)

### India's Corona curve

The Indian Council of Medical Research (ICMR) conducted 10,43,562 sample tests on Monday, taking the total tested samples to 11,96,15,857.

Maharashtra continues to be the worst-hit State with 1,00,488 active cases and 45,325 COVID-19 deaths. Andhra Pradesh, Karnataka, Tamil Nadu, Uttar Pradesh and Delhi are also not far behind.

On Monday, the national capital reported 5,023 new corona cases. On Sunday, Delhi witnessed 7,745 new cases, the highest ever single day tally since the onset of the pandemic in New Delhi.

In a grim milestone, the overall global coronavirus cases has surpassed the 50 million mark, while deaths have surged to 12,62,413, according to Johns Hopkins University. (IANS)

### India, China to hold...

in-depth and constructive exchange of views on development along the Line of Actual Control (LAC) in the Western Sector of India-China border areas.

The Ministry had also stated that both the countries have agreed to earnestly implement the important consensus reached by the leaders of the two countries, ensure their frontline troops to exercise restraint and avoid misunderstanding and miscalculation since no thinning of troops is in sight, the soldiers of both the countries will remain exposed to a temperature of minus 20 degree Celsius.

On August 30, India had occupied critical mountain heights on the southern bank of the Pangong Lake in Ladakh. Poonch La, Mulapan and Takshap which were unannounced by India, had also made some deployments near Takshap. The movement was noticed after the Chinese tried to make a provocative military move. Now, dominance at these 13 peaks allows India to dominate the Spangur Gap under Chinese control and also the Middle Ganges on the Chinese side.

India and China are engaged in a seven-month long standoff along the LAC. Despite several levels of dialogue, there has not been any breakthrough and the deadlock continues. (IANS)

### Azim Premji tops...

to be the list, Delhi and Bangalore followed as second and third cities, respectively. Education remained the biggest cause supported by the donors in India. Healthcare and water conservation witnessed a spike in donations compared to last year.

"Reports of this nature are rare, but give us deep insight into the philanthropic sector and the patterns of giving that are ever-evolving. This body of work, we also looked at our methodology very closely to ensure we keep the process transparent and proactively invite leaders of a diverse group to participate in the list," Vidya Shah, Chairperson and CEO, EdGive Foundation.

A total of 28 philanthropists entered the EdGive Human India Philanthropy List 2020 for the first time. The top new additions in the list included SD, Shubal of Infosys with a donation of Rs 32 crore, followed by Arnt and Anshu Chandra of A.T.E. Chandra Foundation who donated Rs 27 crore.

Anas Rahman Jameid, MD and Chief Researcher of Human India, said, "They performed some of India's top philanthropists and the patterns of giving that are ever-evolving. This body of work, we also looked at our methodology very closely to ensure we keep the process transparent and proactively invite leaders of a diverse group to participate in the list," Vidya Shah, Chairperson and CEO, EdGive Foundation.

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### Respiratory issues and...

penetrate deep into lung tissues and trigger repeated inflammatory reactions and a cascade of other changes leading to lung injury. Prolonged exposure to air pollution can permeate exchange gases and push oxygenated blood to the heart. Structural changes in the tissues can lead to abnormal cellular mechanisms which can lead to cancers and other conditions," he says.

Suggesting that homeopathy can address most respiratory issues arising from air pollution, he adds, "In addition to providing relief in the short term for acute episodes of bronchial asthma, bronchitis, rhinitis and various other is-

sues, homeopathy is very well suited at addressing the tendency and preventing these episodes from occurring. Patients are often surprised at how quickly homeopathic medicines are able to cough. Prolonged homeopathic treatment can bring the frequency and intensity of these illnesses. In many cases, even homeopathic medicines are withdrawn when the patients report no recurrence of episodes of their problem."

As per Dr. Jawahar Shah, Managing Director, Speciality Clinic, homeopathy has 423 different medicines for treatment of Bronchial Asthma which work on very precise indications, improve the immunity and decrease the sensitivity to allergens. Discussing some key practical behavioural changes to incorporate in life style, he suggests regular pranayam, not going for walks on the roads, inhaling steam, and getting with salt-lumens-water. He advises that if symptoms do not seem to ease within 6-8 hours, one should contact their family physician.

Dr. Dhanraj adds: The last eight months or so have included in us, the habit of wearing masks. Many of these masks, particularly those categorised as N95 are known to protect the wearer from inhaling most particulate matter which make up the pollutants in the air. Avoiding the outdoors during days of generally low air quality and avoiding vigorous exertion (particularly outdoors) during increased air pollution is helpful. Lead a healthy and disciplined life. This includes consuming a well-balanced nutritious diet consisting of ample portions of green vegetables and fruits. Fixing mattresses and going to bed early is also important. These activities keep your body relaxed and running smoothly. As a result, the immune system is not stressed and primed to effectively protect you against irritants to the body.

Most importantly, try to reduce your own contribution to air pollution. Walk where you can, do not allow or consume burning of trash or leaves near you, celebrate festivals responsibly, plant trees and avoid cutting them. There are many more common sense options which can go a long way in curbing air pollution. (IANS)E

### Reduced body fat...

The study suggests that all weight loss isn't equal when it comes to mitigating the risk of heart disease.

"Being overweight and obese are strong risk factors for both type 2 diabetes and heart disease, and patients are often counselled to lose weight to reduce the likelihood of developing both conditions," said study author Ambarish Pandey from UT Southwestern Medical Center in the US.

Understanding the relationship between heart disease and body composition has proven especially challenging, Pandey explains, because there hasn't been an easy and inexpensive way to evaluate body composition. The gold standard of determining the fat mass and lean mass is to measure it directly with tools like dual-energy X-ray absorptiometry (DXA), a scan that's cumbersome, expensive and exposes patients to radiation.

For the study, the research team investigated the effects of either an intensive lifestyle intervention focused on weight loss and physical activity or diabetes support and education in more than 5,000 overweight or obese adults with type 2 diabetes.

The study collected information on the volunteers' weight, body composition, and waist circumference at the baseline and again one and four years later. It also tracked the incidence of heart failure in this group over a 12-year period. Among the 5,103 participants, 257 developed heart failure over the follow-up period.

The researchers found that the more these volunteers lowered their fat mass and waist circumference, the lower were their chances of developing heart failure.

Just a 10 per cent reduction in a fat mass led to a 22 per cent lower risk of heart failure with preserved ejection fraction and a 24 per cent lower risk of heart failure with reduced ejection fraction, two subtypes of the condition.

A decline in waist circumference significantly lowered the risk of heart failure with preserved ejection fraction but not heart failure with reduced ejection fraction. However, a decline in lean mass didn't change the risk of heart failure at all. (IANS)



39-

ANNEXURE 2

SAFETY & ENVIRONMENT

P.O. DULAJAN, DIST. DIBRUGARH  
ASSAM, PIN - 786 602  
Tel : 0374-2600542 / 2603293  
Fax : 0374-2601888  
E-mail : safety@oilindia.in

Ref. No. S&E/E/20/992 of 12.09.2006

Regional Executive Engineer,  
Pollution Control Board, Assam,  
Behind ASTC, Chowkidinghee,  
Dibrugarh, Assam

Sub : Payment of consent fee for the year 2006-07

Ref : Our letter No. S&E/E/20/723 of 05.07.2006


Dear Sir,

Reference our above mentioned letter, we are enclosing herewith a Demand Draft No. 085532 for an amount of Rs. 22,30,000/- (Rupees twenty two lakhs thirty thousand only) towards the fee for consent to establish and consent to operate the OIL installations for the year 2006-07. The details of the field/installations and the corresponding fees paid has been shown in the Annexure attached herewith. The fees have been paid in the increased rate as advised by you vide your Notification No. ENG.26/2003/14 dtd. Dispur the 12<sup>th</sup> Nov. 2003.

Kindly acknowledge the receipt of the same.

Thanking you,

Yours faithfully,  
OIL INDIA LIMITED

  
( S. Bora )  
Head - S&E  
For Group General Manager

Encl : 1) DD No. 085532 dtd. 09.08.2006  
2) Annexure - I

  
BNS/trg.



- 1520 -



POLLUTION CONTROL BOARD, ASSAM  
Dibrugarh, Assam

File No: 73

SKM  
91. Send a copy of this receipt to (with a/c)

C. H. (G. E. M.)  
for S. M. (G. E. M.)  
for your records.  
W. P. 25/5  
7289

22/09/2006

Oil / Gas / ...  
Only ...

Annual Consent ...  
09-08-2006

29,30,000/- 2007

TO: ... / Accounts Dept.

Director, Pollution Control Board, Assam  
Dibrugarh

Secretary, Pollution Control Board, Assam  
Dibrugarh



1530

41-

1530  
Please read take action  
2008-2009. We have not  
received the consent  
Pollution Control Board  
Assam, Guwahati  
223

**POLLUTION CONTROL BOARD, ASSAM**  
**BAMUNIMADAM, GUWAHATI-21**

CE (S&E)  
M. inform the  
Terms & conditions to the  
concerned dept  
To  
No. WB/Z-I/T-879/94-95/140

Dated Guwahati, the 27/2/08

The Group General Manager  
M/s. Oil India Limited,  
Duliajan, Dibrugarh, Assam

Memo (S&E) **ANNEXURE 3**

**Sub: Consent to Operate for the year 2007-08 for the site as Annexure -I.**

**Ref: Your application recommended by RO: OBR NO. RO/OBR/**  
**T-725/95-96/183/873 dt. 6-11-2007.**

Copy  
to the Dept  
or discussed  
6/3

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal of consent under the **Water/Air Act**, for the period from 1<sup>st</sup> April, 2007 to 31<sup>st</sup> March, 2008 under the same terms and conditions as laid down in its letter No. as per previous consent order and Appendixs. (S/V/C)

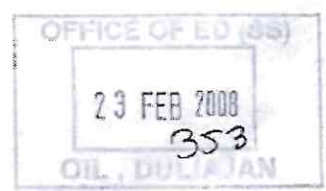
You are also requested to apply for "**Consent to Operate**" for the year 2008-09 immediately along with **arrear consent fees** payable to this Board if any as per enhance rate.

Yours Sincerely,  
*(Signature)*  
**(J.L. Dutta)**  
**Chairman**  
Pollution Control Board, Assam  
Guwahati-21

Memo No. WB/Z-I/T-879/94-95/140-A  
Copy to:

- 1) The Deputy Commissioner, Dibrugarh District, Dibrugarh for information.
- 2) The Regional Officer, Regional Office, Dibrugarh, Pollution Control Board, Assam for information & necessary action.
- 3) Record file/Computer section.

*(Signature)*  
**(J.L. Dutta)**  
**Chairman**



-42-



1. Production installation of Naharkatia, Digboi, Moran, Katholoni, Dikom and other Satellite Field.
2. Central Industrial Complex of Duliajan, Moran of Dibrugarh District.

\*\*\*\*\*

//TRUE COPY//

Home

Environmental Laws

Consent/Authorization  
Management

Laboratory

Environmental  
Awareness

Public Hearing

Waste Management

Consent/  
Authorization  
Management

## Implementation Of Public

### Consent / Authorization Management ::

**Granting Consent** under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and **Authorization** under Biomedical Waste (Management & Handling) Rules, 1998, the Hazardous Waste (Management & Handling) Rules, 1989 and the Municipal Solid Waste (Management and Handling) Rules, 2000 are some of the important functions of the Board. A brief note / guidelines for obtaining the NOC / Consent / Authorization for the entrepreneurs are illustrated below:

#### Water Act :

Control of water pollution is achieved through administering conditions imposed in consent issued under provision of the Water (Prevention & Control of Pollution) Act, 1974. These conditions regulate the quality and quantity of effluent, the location of discharge and the frequency of monitoring of effluents. The surface and ground water monitoring conducted by the Board indicates that the water quality has improved over the years and that it is now, in general, reasonably good.



#### Air Act:

Under the Air (Prevention & Control of Pollution) Act, 1981 consent of the Board is mandatory for releasing emissions to the atmosphere. The Board issues consent to air polluting industries with conditions to regulate the quality and quantity of emission and stipulate the frequency for monitoring the emissions.

### Consent to Establish / Operate

To establish an industry with potential for water pollution / air pollution; prior consent under the Water Act / Air Act is to be obtained respectively which needs to be obtained in two phases:

- \* Consent to Establish [NOC] This consent is to be obtained prior to establishing any industry or process or plant.
- \* Consent to Operate [Initial & Renewal] Once the industry or process plant is established along the required pollution control systems, the entrepreneur is required to obtain consent to operate the unit. The consent is given for a particular period, which is mandatory to be renewed regularly.

#### Consent to Establish [NOC]

Before establishing/constructing a plant the proposed industry should obtain NOC under the Water Act and/or the Air Act. The **application form for NOC (Consent to Establish)** under the Water Act / Air Act is to be submitted in duplicate through the Regional offices of the Board.

The application form fees Rs. 100/- and is available at all the offices of the Board or can be [downloaded](#) from the Website. The amount is to be submitted as DD in favour of the Member Secretary, Pollution Control Board, Assam payable at Guwahati.

Those who have obtained NOC need not submit application again in the above forms.

NOC is to be obtained prior to carrying out any work at the site proposed for the project. However, NOC is issued even if construction work of the unit has been started provided:

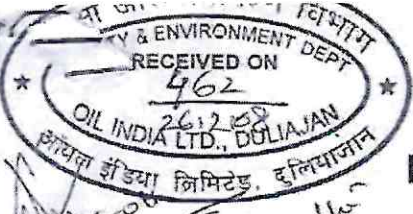
- the site is suitable;
- the application for NOC is accompanied by **prescribed fees**.
- the required pollution control measures are provided.

The validity of NOC is one year. NOC should be renewed if the unit is not commissioned by then. If renewal is not sought within the validity period fresh application has to be made to the Board.

#### Documents to be Submitted with NOC form

The documents to be submitted along with the consent application form for processing of the application are :

- Ø Land Documents / Lease agreements.
- Ø Project report with total investment.
- Ø Non-agricultural Land Certificate from SDC/Circle Officer (strictly for Brick and Stone Crusher).
- Ø A site plan map showing location of the proposed site including surrounding location in details.



1533  
Please note and take action for 2008-2009. We have not received the consent fee.  
226  
Pollution Control Board, Assam, Guwahati

**POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMADAM, GUWAHATI-21**

-44-

Dated Guwahati, the 13/02/08

CE (S&E) E-06  
M. inform the terms & conditions to the concerned dept

No. WB/Z-I/T-879/94-95/140

The Group General Manager  
M/s. Oil India Limited,  
Duliagan, Dibrugarh, Assam

Heam (S&E) ANNEXURE 5  
W. 25/1

Sub: Consent to Operate for the year 2007-08 for the site as Annexure -I.

Ref: Your application recommended by RO: OBR No. RO/OBR/7-720/95-96/183/873 dt. 6-11-2007.

File copy to the dept. as discussed. A. 6/3

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal of consent under the **Water/Air Act**, for the period from 1<sup>st</sup> April, 2007 to 31<sup>st</sup> March, 2008 under the same terms and conditions as laid down in its letter No. as per previous consent order and Appendix. (5 nos.)

You are also requested to apply for "**Consent to Operate**" for the year 2008-09 immediately along with **arrears consent fees** payable to this Board if any as per enhance rate.

Yours Sincerely,  
(J.L. Dutta)  
Chairman

Dated Guwahati, the 13/02/08

Memo No. WB/Z-I/T-879/94-95/140-A  
Copy to:

- 1) The Deputy Commissioner, Dibrugarh District, Dibrugarh for information.
- 2) The Regional Officer, Regional Office, Dibrugarh, Pollution Control Board, Assam for information & necessary action.
- 3) Record file/Computer section.

(J.L. Dutta)  
Chairman





- 45 -

**Annexure-I**

1. Production installation of Naharkatia, Digboi, Moran, Katholoni, Dikom and other Satellite Field.
2. Central Industrial Complex of Duliajan, Moran of Dibrugarh District.

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-46-

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMADAM, GUWAHATI - 21



No. WB/X-I/T-877/94-95/197  
259

Dated Guwahati, the

To

Head - S & E,  
Safety and Environment Deptt.,  
Oil India Ltd., Meliajan,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Central Industrial Complex at Moran.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.03.09

Member Secretary

Memo No. WB/X-I/T-877/94-95/197-A. Dated Guwahati, the

Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, Dibrugarh District for favour of information.
- 3) The General Manager, DIC, Dibrugarh..... for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, Dibrugarh....., Pollution Control Board, Assam for information & necessary action.

- sd -

Member Secretary

-47-

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMADAM, GUWAHATI - 21



No. WB/X-I/T-877/94-95/196  
888

Dated Guwahati, the 09/09/09

To

✓ Head - S & E  
Safety and Environment Deptt.,  
Oil India Ltd., Duliaganj,  
Dibrugarh

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Central Industrial Complex at Duliaganj.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*Angora* 09.09.09

Member Secretary

Dated Guwahati, the .....

Memo No. WB/X-I/T-877/94-95/196-A  
Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* ..... for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, *Dibrugarh* ..... Pollution Control Board, Assam for information & necessary action.

*sd/-*

Member Secretary

*sd/-*

- 48 -

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMADAM, GUWAHATI - 21



Dated Guwahati, \_\_\_\_\_

No. WB/X-I/T-877/94-95/195  
257

To

Head - S & E  
Safety and Environment Deptt.,  
Oil India Ltd., Duliajan,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations in other isolated and satellite fields.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.03.09

Member Secretary

Dated Guwahati, the .....

Memo No. WB/X-I/T-877/94-95/195-A-  
Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC. *Dibrugarh* ..... for favour of information.
- 4) The ~~Sr. Environmental Engineer~~ / Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, *Dibrugarh* ..... Pollution Control Board, Assam for information & necessary action.

— sd —  
Member Secretary

-49-

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIM Aidam, GUWAHATI - 21



No. WB/Z-I/T-877/94-95/194  
856

Dated Guwahati, the 09/03/09

To

Head - SGE,  
Safety and Environment Deptt.,  
Dil India Ltd, Duliagan,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations at Bengakhat Fields.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.03.09

Member Secretary

Memo No. WB/Z-I/T-877/94-95/194-A. Dated Guwahati, the 09/03/09

Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, *Dibrugarh*, Pollution Control Board, Assam for information & necessary action.

— Sd —

Member Secretary

-50-

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMAIDAM, GUWAHATI - 21



No. WB/Z-I/T-877/94-95/193  
855

Dated Guwahati, the 02/09/09

To

Head - S & E,  
Safety and Environment Deptt.,  
Oil India Ltd., Duliajan,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations at Moran Field.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.09.09  
Member Secretary

Memo No WB/Z-I/T-877/94-95/193-A  
Copy to:

Dated Guwahati, the .....

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab cum Office, *Dibrugarh*, Pollution Control Board, Assam for information & necessary action.

—Sd—  
Member Secretary

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMAIDAM, GUWAHATI - 21



Dated Guwahati, the 09/3/09

No WB/X-I/T-877/94-95/192  
254

To

Head - S&E,  
Safety and Environment Deptt.,  
Oil India Ltd., Duliajan,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations at Digboi Field.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*Signature* 09.3.09

Member Secretary

Memo No. WB/X-I/T-877/94-95/192-A Dated Guwahati, the .....

Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, *Dibrugarh* Pollution Control Board, Assam for information & necessary action.

- sd -  
Member Secretary

- 52 -

POLLUTION CONTROL BOARD, ASSAM  
BAMUNIMAIDAM, GUWAHATI - 21



No. WB/Z-I/T-847/94-95/191  
853

Dated Guwahati, the 09/03/09

To

Head - S & E,  
Safety and Environment Deptt.,  
Oil India Ltd., Duliajan,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations at Dikrom Field.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No- enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.3.09

*[Signature]* Member Secretary

Dated Guwahati, the .....

Memo No. WB/Z-I/T-847/94-95/191-A  
Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* ..... for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, *Dibrugarh* Pollution Control Board, Assam for information & necessary action.

- Sd -

Member Secretary

-53-

**POLLUTION CONTROL BOARD, ASSAM**  
**BAMUNIMADAM, GUWAHATI - 21**



No. WB/Z-I/T-877/94-95/189  
852

Dated Guwahati, the 09/03/09

To Head - S & E,  
Safety and Environment Deptt.,  
Oil & India Ltd., Dibrugarh,  
Dibrugarh.

Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. for Production Operations at Naharkatiya Field.

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. enclosed Appendices.

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.03.09  
Member Secretary

Memo No WB/Z-I/T-877/94-95/189 - A . Dated Guwahati, the .....

Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, Dibrugarh District for favour of information.
- 3) The General Manager, DIC, Dibrugarh..... for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ Regional Lab-cum-Office, Dibrugarh, Pollution Control Board, Assam for information & necessary action.

- Sd -

Member Secretary

- 54 -

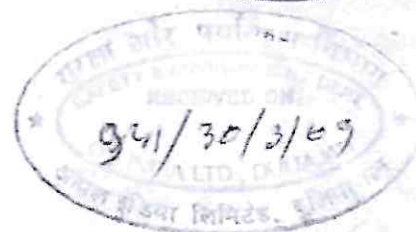
**POLLUTION CONTROL BOARD, ASSAM**  
**BAMUNIMAIDAM, GUWAHATI - 21**



No. WB/ X-I / T-877/94-95/190

Dated Guwahati, the

To *Head - S&E,*  
*Safety and Environment Dept.,*  
*Oil India Ltd, Duliajan,*  
*Dibrugarh.*



Sub: Consent to Operate for the year 2008-09 under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981. *for Production Operations at Kathaloni Field.*

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the renewal consent under the Water/ Air Act, for the period from 1<sup>st</sup> April, 2008 to 31<sup>st</sup> March, 2009 under the same terms and conditions as laid down in its letter No. *enclosed Appendices.*

You are also requested to apply for "Consent to Operate" for the year 2009 - 2010 immediately.

Yours faithfully,

*[Signature]* 09.3.09

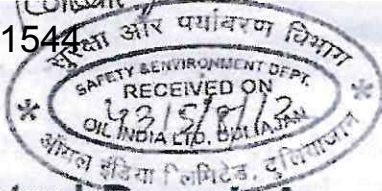
*[Signature]*  
Member Secretary

Dated Guwahati, the .....

Memo No. WB/ X-I / T-877/94-95/190-A  
Copy to:

- 1) The Joint Secretary, Environment & Forests Department, Govt. of Assam, Dispur, Guwahati - 6 for favour of information.
- 2) The Deputy Commissioner, *Dibrugarh* District for favour of information.
- 3) The General Manager, DIC, *Dibrugarh* ..... for favour of information.
- 4) The Sr. Environmental Engineer/ Regional Executive Engineer, Regional Office/ ~~Regional Lab cum Office~~, *Dibrugarh* ..... Pollution Control Board, Assam for information & necessary action.

- Sd -  
Member Secretary



**Pollution Control Board, Assam**  
**Bamunimaidam : Guwahati-21.**

No.WB/Z-I/T-879/94-95/441

Dated Guwahati, the 9/11/12

To

The Head – S & E,  
Safety and Environment Deptt.  
M/s. Oil India Limited,  
P.O. Duliagan,  
Dist. Dibrugarh(Assam)  
Pin – 786602.

*Dr BMS*  
*08/12*

**Sub: 'Consent to Operate' for the year 2012-13 under Water (Prevention & Control of Pollution) Act, 1974/Air (Prevention & Control of Pollution) Act, 1981, for the sites as per Annexure - I.**

Dear Sir,

With reference to your application in the name and style as mentioned above, the Board is pleased to grant the "Consent to Operate" under the **Water Act / Air Act**, for the period from 01<sup>st</sup> April, 2012 to 31<sup>st</sup> March, 2013 under the terms and conditions as per **Appendix "A" & "B"**.

You are also requested to apply for "**Consent to Operate**" for the year 2013-2014 immediately.

Yours faithfully,

**Note :- The amount of arrear fees is under Enquiry and will be communicated to you at an early date.**

*Pragati* 09/11/12

**Member Secretary**  
Dated Guwahati, the .....

Memo No.WB/Z-I/T-879/94-95/441-A,  
Copy to:

1. The Deputy Secretary, Environment & Forest Department, Govt. of Assam, Dispur, Guwahati- 6 for favour of information.
2. The Deputy Commissioner, Dibrugarh dist. favour of information.
3. The General Manager, DI & C C, Dibrugarh for favour of information.
4. The Regional Executive Engineer, Regional Office, Dibrugarh; Pollution Control Board, Assam for information & necessary action.

*st/1*  
**Member Secretary**

*12/2*  
*11-12-12*  
*Prepare a letter for Production Installation.*

*1544*  
*11-12-12*

- 56 -

## Annexure - I

List of sites

1.	Production operation	Naharkatia field
2.	Production operation	Tengakhat field
3.	Production operation	Kathaloni field
4.	Production operation	Dikom field
5.	Production operation	Eastern Producing Area (Digboi field )
6.	Production operation	Other Isolated and Satellite fields
7.	Production operation	Moran
8.	Central Industrial Complex,	Duliajan
9.	Central Industrial Complex	Moran.



# Pollution Control Board

## Assam

- 57 -

UBIN : AA29303/AAACO2352C/01/2019

UAIN : PCB/F50/DI/006082/01/2019

Fees : Rs. .00

### "CONSENT TO OPERATE"

"CONSENT TO OPERATE" is hereby granted to  
**OIL INDIA LIMITED - EASTERN ASSET (A unit of OIL INDIA LTD)**  
 for setting up a  
 unit with production capacity of **Crude oil: 108000KI/M** and **Natural Gas: 12000000T/m**  
 to be located at **DULIAJAN , DIBRUGARH DISTRICT , DIBRUGARH**  
 under section  
 as amended under the concerned terms & conditions according to type of industry.

This Consent to Operate is valid upto 31-03-2019 subject to terms and conditions annexed herewith.

Place : Guwahati  
 Date : 11-05-2020

B K BARUAH

Authorized Signatory

#### Details of Fees Paid

1. Regular Fees for the year -1 - : Rs. .00
2. Arrear Fees for the year 0 - 0 to 0 - 0 : Rs. 0.00
3. Penalty/other charges : Rs. 0.00



# Pollution Control Board

1547 L OFFICE  
 POLLUTION CONTROL BOARD, ASSAM  
 P.O. & DIST: DIBRUGARH  
 BEHIND ASTC: CHOWKIDINGHEE

- 58 -

2401

NO:RO/DBR/T-2115/02-03/106  
 To  
 The Head S&E,  
 Oil India Ltd.  
 P.O- Duliajan-786002  
 Dist-Dibrugarh

*Handwritten notes:*  
 23/5  
 S/S/B  
 27/5  
 D/BNC  
 CRACK WORK  
 27/5/13  
 27/5/13  
 27/5

Dated Dibr, the 20<sup>th</sup> May 2013



Sub: Renewal Consent to operate fees for the production operation of OIL, Duliajan for the year 2013-2014

Ref: Your Letter No. S&E/E/20/306, dated-11/03/ 2013.

Sir,

This office is in receipt of renewal consent for the grant of consent for the year 2013-2014.

The fees to be paid based on the Gross Capital investment of the installation and is shown in the above referred letter.

*Handwritten notes:*  
 27/5/13  
 27/5/13

S.L NO	NAME OF THE FIELD	GROSS CAPITAL COST (APPROX)	FEES TO BE PAID	
			WATER ACT	AIR ACT
1	NAHARKATIYA	RS.46.82CR	RS. 100000.00	RS.100000.00
2	DIKOM	RS.18.85CR	RS. 100000.00	RS.100000.00
3	KATHALONI	RS.15.57CR	RS. 100000.00	RS.100000.00
4	EPA, DIGBOI	RS.35.92CR	RS. 100000.00	RS.100000.00
5	MORAN	RS.21.00CR	RS. 100000.00	RS.100000.00
6	TENGAHAT	RS.69.72CR	RS. 200000.00	RS.200000.00
7	OTHER SATELLITE FIELD	RS.04.5CR	RS. 25,000.00	RS. 25,000.00
8	CENTRAL INDUSTRIAL COMPLE, DULUJAN	RS.59.94CR	RS. 200000.00	RS. 200000.00
9	CENTRAL INDUSTRIAL COMPLE, MORAN	RS.31.08CR	RS. 100000.00	RS. 100000.00
			RS.10,25000.00	RS.10,25000.00

Grand Total Rupees: 20,50,000.00 (Rupees Twenty Lakh Fifty thousand only)

The fees to be paid in the form of Bank Draft in favour of "Pollution Control Board, Assam" payable at Dibrugarh.

Yours faithfully

*Signature of Z. Ahmed*  
 (Z. Ahmed)

REGIONAL EXECUTIVE ENGINEER  
 Dated Dibr the 20<sup>th</sup> May 2013

MEMO:NO:RO/DBR/T-2115/02-03/

Copy to: i) The Member Secretary, Pollution Control Board, Assam, Ghy-21 for favour of information

(Z. Ahmed)

REGIONAL EXECUTIVE ENGINEER  
 DIBRUGARH

REGIONAL OFFICE  
POLLUTION CONTROL BOARD: ASSAM  
P.O. & DIST: DIBRUGARH  
BEHIND ASTC: CHOWKIDINGHEE

- 59 -

NO: RO/DBR/T-2115/02-03/12.3

Dated Dib, the 1<sup>st</sup> April, 2014

To

The Head S & E,  
Oil India Ltd. P.O- Duliajan,  
Dist- Dibrugarh, Assam, Pin - 786002

*Dr. BMS  
Pt. deal  
14/4*

Sub: Renewal Consent to operate fees for the production operation of OIL, Duliajan for the year 2014-2015.

Ref: Your Letter No. S&amp;E/E/20/275, dated-14/03/2014.

Sir,

This office is in receipt of renewal consent for the grant of consent for the year 2014-2015.

The fees to be paid based on the Gross Capital investment of the installation and are shown below:-

S.L NO	NAME OF THE FIELD	GROSS CAPITAL COST (APPROX)	FEES TO BE PAID	
			WATER ACT	AIR ACT
1	NAILARKATIYA	RS.190.82CR	RS. 300000.00	RS.500000.00
2	DIKOM	RS.18.85CR	RS. 100000.00	RS.100000.00
3	KATHALONI	RS.15.57CR	RS. 100000.00	RS.100000.00
4	EPA,DIGBOI	RS.41.77CR	RS. 100000.00	RS.100000.00
5	MORAN	RS.21.00CR	RS. 100000.00	RS.100000.00
6	TENGAKHAT	RS.69.72CR	RS. 200000.00	RS.200000.00
7	OTHER SATELLITE FIELD	RS.04.5CR	RS. 25,000.00	RS. 25,000.00
8	CENTRAL INDUSTRIAL COMPLE,DULIAJAN	RS.275.54CR	RS. 500000.00	RS. 500000.00
9	CENTRAL INDUSTRIAL COMPLE,MORAN	RS.31.08CR	RS. 100000.00	RS. 100000.00
			RS.15,25000.00	RS.15,25000.00

(Grand Total Rupees: 30,50,000.00 (Rupees Thirty Lakh Fifty thousand only))

The fees to be paid in the form of Bank Draft in favour of "Pollution Control Board, Assam" payable at Dibrugarh.

Yours faithfully

*(Signature)*  
14/4

(Z. Ahmed)

REGIONAL EXECUTIVE ENGINEER

Dated Dib the 1<sup>st</sup> April 2014

MEMO NO- RO/DBR/T-2115/02-03/

Copy to: D) The Member Secretary pollution Control Board, Assam, Ghy-21 for favour of information

*Dr. 05/04/2014  
Pt. process for payment  
05/04/2014*

(Z. Ahmed)

REGIONAL EXECUTIVE ENGINEER

Dibrugarh

1549

REGIONAL OFFICE  
POLLUTION CONTROL BOARD, ASSAM  
P.O. & DIST. DIBRUGARH  
BEHIND ASTC, CHOWKIDINGHEE

Dated Dibrughe 06<sup>th</sup> April 2015

NO:RO/DBR/T-2115/02-03/Pt-102/28

To

✓ The Head S& E,  
Oil India Ltd. P.O- Duliajan,  
Dist-Dibrugarh, Assam, Pin -786002



Sr. S&E  
Pt. Bolek  
8/4

Sub: Renewal Consent to operate fees for the production operation of OIL, Duliajan for the year 2015-2016.

Ref: Your Letter No. S&amp;E/E/20/411, dated-27/03/2015.

Sir,

This office is in receipt of renewal consent for the grant of consent for the year 2015-2016.

The fees to be paid based on the Gross Capital investment of the installation and are shown below:-

S.L NO	NAME OF THE FIELD	GROSS CAPITAL COST (APPROX)	FEES TO BE PAID	
			WATER ACT	AIR ACT
1	NAHARKATTYA	RS.190.82CR	RS. 3,00,000.00	RS.3,00,000.00
2	DIKOM	RS.18.85CR	RS. 1,00,000.00	RS.1,00,000.00
3	KATHALONI	RS.15.57CR	RS. 1,00,000.00	RS. 1,00,000.00
4	EPA,DIGBOI	RS.41.77CR	RS. 1,00,000.00	RS.1,00,000.00
5	MORAN	RS.21.00CR	RS. 1,00,000.00	RS.1,00,000.00
6	TENGAKHAT	RS.69.72CR	RS. 2,00,000.00	RS.2,00,000.00
7	OTHER SATELLITE FIELD	RS.04.5CR	RS. 25,000.00	RS. 25,000.00
8	CENTRAL INDUSTRIAL COMPLEX,DULIAJAN	RS.275.54CR	RS. 5,00,000.00	RS. 5,00,000.00
9	CENTRAL INDUSTRIAL COMPLEX,MORAN	RS.31.08CR	RS. 1,00,000.00	RS. 1,00,000.00
			RS.15,25,000.00	RS.15,25,000.00

Grand Total Rupees: 30, 50,000.00 (Rupees Thirty Lakh Fifty thousand only)

The fees to be paid in the form of Bank Draft in favour of "Pollution Control Board, Assam" payable at Dibrugarh.

Yours faithfully

Qa  
5/4/15

(H.R. PHUKAN)

REGIONAL EXECUTIVE ENGINEER

Dated Dibrughe 06<sup>th</sup> April 2015

MEMO NO- RO/DBR/T-2115/02-03/Pt-102-4

Copy to: 1) The Member Secretary pollution Control Board, Assam, Gity-21 for favour of your information

(H.R. PHUKAN)  
REGIONAL EXECUTIVE ENGINEER  
Dibrugarh

-60-242

BD  
Pt. Sph  
13/4

1550

REGIONAL OFFICE  
 POLLUTION CONTROL BOARD: ASSAM  
 P.O. & DIST: DIBRUGARH  
 BEHIND ASTC, CHOWKIDINGHEE

2431

-61-

NO:RO/DOR/T-2115/02-03/58

Dated Dibr, the 17<sup>th</sup> June, 2016

To  
 The Head S&E,  
 Oil India Ltd.  
 P.O- Duliajan-786002  
 Dist-Dibrugarh

Sub: Renewal Consent to operate for the production installation of M/S OIL, Duliajan for the year 2016-2017.

Ref: Your Letter No. S&E/E/20/473, dated-26/02/2016.

Sir,

With reference to the above subject, you are requested to deposit the renewal consent to operate fees for the year 2016-17 as tabulated below:

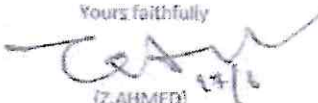
The fees to be paid based on the Gross Capital Investment of the Installation and is shown below:-

S.I. NO	NAME OF THE FIELD	GROSS CAPITAL COST (APPROX)	FEES TO BE PAID	
			WATER ACT	AIR ACT
1	NAHARKATIYA	RS.190.82 Cr.	RS. 300000.00	RS. 300000.00
2	DIKOM	RS. 18.85Cr	RS. 100000.00	RS. 100000.00
3	KATHALONI	RS. 15.57Cr	RS. 100000.00	RS. 100000.00
4	EPA, DIGBOI	RS. 41.77Cr	RS. 100000.00	RS. 100000.00
5	MORAN	RS. 21.00Cr	RS. 100000.00	RS. 100000.00
6	TENGAKHAT	RS. 09.72Cr	RS. 200000.00	RS. 200000.00
7	OTHER SATELLITE FIELD	RS. 04.5Cr	RS. 25,000.00	RS. 25,000.00
8	CENTRAL INDUSTRIAL COMPLE, DULIAJAN	RS. 275.54Cr	RS. 500000.00	RS. 500000.00
9	CENTRAL INDUSTRIAL COMPLE, MORAN	RS. 31.08Cr	RS. 100000.00	RS. 100000.00
			RS. 15,25000.00	RS. 15,25000.00

Grand Total Rupees: 30,50,000.00 (Rupees Thirty Lakh Fifty thousand only)

The fees to be paid in the form of Bank Draft in favour of "Pollution Control Board, Assam" payable at Dibrugarh.

Yours faithfully

  
 (ZAHMED)  
 REGIONAL EXECUTIVE ENGINEER  
 DIBRUGARH

Dated Dibr, the 23<sup>rd</sup> March, 2017

-62

NO:RO/DBR/T-2115/02-03/PH-1/18

To  
The General Manager (HSE),  
Oil India Ltd.  
P.O- Duliajan-786002  
Dist-Dibrugarh, Assam

1017  
29/3/17



Sub: Consent to operate as per Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for the year 2017-18

Ref: Your Letter No. SE/E/20/422, dated-14/03/ 2017.

Sir,

With reference to the above subject, you are requested to deposit the renewal consent to operate for the year 2017-18 as tabulated below:

The fees to be paid based on the field wise break up on capital cost for the year 2017-18 as submitted by the letter under reference:

S.L.NO	NAME OF THE FIELD	GROSS CAPITAL COST (APPROX)	FEES TO BE PAID	
			WATER ACT	AIR ACT
1	NAHARKATIYA	RS.190.82 Cr.	RS. 300000.00	RS.300000.00
2	DIKOM	RS.59.34Cr	RS. 200000.00	RS.200000.00
3	KATHALONI	RS.35.57Cr	RS. 100000.00	RS.100000.00
4	EPA,DIGBOI	RS.41.77Cr	RS. 100000.00	RS.100000.00
5	MORAN	RS.21.00CR	RS. 100000.00	RS.100000.00
6	TENGAKHAT	RS.69.72CR	RS. 200000.00	RS.200000.00
7	OTHER SATELLITE FIELD	RS.04.5CR	RS. 25,000.00	RS. 25,000.00
8	CENTRAL INDUSTRIAL COMPLE,DULIAJAN	RS.275.34CR	RS. 500000.00	RS. 500000.00
9	CENTRAL INDUSTRIAL COMPLE,MORAN	RS.31.08CR	RS. 100000.00	RS. 100000.00
			RS.16,25000.00	RS.16,25000.00

Grand Total Rupees: 32,60,000.00 (Rupees Thirty Two Lakh Fifty thousand only)

It is for your kind information that in pursuant to the Sec 6 read with Sec. 7 of Assam Ease of Doing Business Act 2016, the Pollution Control Board, Assam decides to accept the application only in on line mode with immediate effect.

All the concerned industries/ entrepreneurship are requested to submit their application for granting consent certificate from Pollution Control Board, Assam i.e consent to establish/consent to operate required as per the provision of Sec-26 of Water (Prevention and Control of Pollution) Act, 1974 and Sec-24 of Air (Prevention & Control of Pollution) Act, 1981, Authorization certificate under Hazardous and Other Wastes (Management & Trans- boundary Movement) Rules, 2016 and Bio Medical Waste Management Rules, 2016.

For applying on line application applicant can apply by log into the website of Ease of Doing Business viz. [www.easofdoingbusinessinassam.in](http://www.easofdoingbusinessinassam.in) along with online payment facility. To start with this system, necessary guidelines for filling up of application is available in above portal and the concerned are requested to make available the soft copies of all the requisite documents before filling up the application form.

Yours faithfully

*Zahmed*  
29/3

(ZAHMED)  
REGIONAL EXECUTIVE ENGINEER  
DIBRUGARH



## Pollution Control Board.

Assam

-63-

## AUTHORISATION BY STATE POLLUTION CONTROL BOARD TO THE OCCUPIERS, RECYCLERS, REPROCESSORS, REUSERS, USER AND OPERATIONS OF DISPOSAL FACILITIES

UBIN : AA01603/AAACO2352C/05/2017

UAIN : PCB/F24/DI/000002/06/2017

Number of authorisation : NA

Date of issue : 15-06-2017

AJAYA KUMAR ACTHARYA of OIL INDIA LTD is hereby granted an authorisation based on the enclosed signed inspection report for generation, collection, reception, storage, transport, reuse, recycling, recovery, pre-processing, co-processing, utilisation, treatment, disposal or any other use of hazardous or other wastes or both on the premises situated at OIL INDIA LIMITED, SAFETY & ENVIRONMENT DEPARTMENT, PERCY EVANS ROAD, DIBRUGARH.

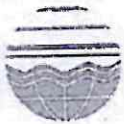
## Details of Authorisation

Sl No	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc.	Quantity (ton/annum)
1	NA	NA	NA
2	NA	NA	NA
3	NA	NA	NA

The authorisation shall be valid for a period of 5 (five) years from the date of issue of this certificate.

Place : Guwahati  
Date : 15-06-2017

Authorized Signatory



## Pollution Control Board

Assam

## A. General conditions of authorisation :

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc, and their possible impacts and also carry out mock drill in this regard at regular interval of time.
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty".
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuing 31st March of the year.

## B. Specific Conditions (Industry Specific) :

1. NA

//TRUE COPY//

Sachin Kumar Verma

From: Safety Environment Department  
 Sent: 29 May 2020 13:11  
 To: Suranjan Majumder; Gopal Govinda Rasu; Roopam Bhagwan Thakare; Rupam Jyoti Sutradhar; Sachin Kumar Verma  
 Subject: Fw: Query : AA29303/AAACO2352C/01/2019

From: EODB <info@easeofdoingbusinessinassam.in>  
 Sent: Friday, May 29, 2020 11:14 AM  
 To: Safety Environment Department  
 Subject: Query : AA29303/AAACO2352C/01/2019

**CAUTION:** Mail originated from outside of OIL mailing system(oilindia.in). Do not open attachments or click links unless you recognize the sender and are aware that the content is safe.

Dear SURANJAN MAJUMDER,

With reference to your Application for Renewal for Consent to Operate (under Water Act, 1974 and Air Act, 1981) with Unique Application Identification Number : **PCB/F50/DI/008318/10/2019** , the **Regional Head , Pollution Control Board Assam** , after validation of your form, has sent the following query.

Subject : General Query

Message : Pl. deposit fees and latest required documents for consideration of CTO up to 31-3-2021..

Please take necessary action and reply to the query at the earliest to allow further processing of your application form.

You may check the status and/or track your Application for Renewal for Consent to Operate (under Water Act, 1974 and Air Act, 1981) under "My Applications"™, by logging onto [easeofdoingbusinessinassam.in](http://easeofdoingbusinessinassam.in) with your registered username and password. You can respond to the query by following the steps stated below:

1. Step 1: Log onto [easeofdoingbusinessinassam.in](http://easeofdoingbusinessinassam.in) with your registered username and password.
2. Step 2: Click on "My Inbox"™ section on the top-right corner of your dashboard.
3. Step 3: Locate the query received from the departmental officer amongst other communication that you may have done. (Note: Unread Mails/Queries will be displayed in bold letters). Click on the particular query string to open it.
4. Step 4: You can reply to the query by clicking on "Reply"™. Please note that, if the officer has requested for an additional document upload, you may upload a scanned copy of the required document alongwith your reply, in the slot provided.

Note: Your Application for Renewal for Consent to Operate (under Water Act, 1974 and Air Act, 1981) will not be processed further, until a reply is received from your end, with the clarifications / documents as sought by the **Regional Head , Pollution Control Board Assam**. You may check the status and/or track your application form under "My Applications"™, by logging onto [easeofdoingbusinessinassam.in](http://easeofdoingbusinessinassam.in) with your registered username and password.

Sachin Kumar Verma

From: Safety Environment Department  
 Sent: 29 May 2020 13:11  
 To: Suranjan Majumder; Gopal Govinda Rasu; Roopam Bhagwan Thakare; Rupam Jyoti Sutradhar; Sachin Kumar Verma  
 Subject: Fw: Query : AA29303/AAACO2352C/01/2019

From: EODB <info@easeofdoingbusinessinassam.in>  
 Sent: Friday, May 29, 2020 11:14 AM  
 To: Safety Environment Department  
 Subject: Query : AA29303/AAACO2352C/01/2019

**CAUTION:** Mail originated from outside of OIL mailing system([oilindia.in](http://oilindia.in)). Do not open attachments or click links unless you recognize the sender and are aware that the content is safe.

Dear SURANJAN MAJUMDER,

With reference to your Application for Renewal for Consent to Operate (under Water Act, 1974 and Air Act, 1981) with Unique Application Identification Number : **PCB/F50/DI/008318/10/2019** , the **Regional Head , Pollution Control Board Assam** , after validation of your form, has sent the following query.

Subject : General Query

Message : **Pl. deposit fees and latest required documents for consideration of CTO up to 31-3-2021..**

Please take necessary action and reply to the query at the earliest to allow further processing of your application form.

You may check the status and/or track your Application for Renewal for Consent to Operate (under Water Act, 1974 and Air Act, 1981) under "My Applications"™, by logging onto [easeofdoingbusinessinassam.in](http://easeofdoingbusinessinassam.in) with your registered username and password.

You can respond to the query by following the steps stated below:

1. Step 1: Log onto [easeofdoingbusinessinassam.in](http://easeofdoingbusinessinassam.in) with your registered username and password.
2. Step 2: Click on "My Inbox"™ section on the top-right corner of your dashboard.
3. Step 3: Locate the query received from the departmental officer amongst other communication that you may have done. (Note: Unread Mails/Queries will be displayed in bold letters). Click on the particular query string to open it.
4. Step 4: You can reply to the query by clicking on "Reply"™. Please note that, if the officer has requested for an additional document upload, you may upload a scanned copy of the required document alongwith your reply, in the slot provided.

Note: Your Application for Renewal for Consent to Operate (under Water Act, 1974 and Air Act, 1981) will not be processed further, until a reply is received from your end, with the clarifications / documents as sought by the **Regional Head , Pollution Control Board Assam**.  
 You may check the status and/or track your application form under "My Applications"™, by logging onto [easeofdoingbusinessinassam.in](http://easeofdoingbusinessinassam.in) with your registered username and password.

2. बैठकों का कार्यवृत्त: (कृपया मुख्य उल्लेखनीय बिंदुओं का उल्लेख करें। बैठक के कार्यवृत्त को एक पृथक उपाबंध में उपाबद्ध करें)।
3. आंचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना भी है।
4. भू-अभिलेख में सदृश्य त्रुटियों के सुधार के लिए ब्यौहार किए गए मामलों का सारांश (पारिस्थितिकी संवेदी जोन वार)। ब्यौरे उपाबंध के रूप में संलग्न किए जाएं।
5. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन आने वाले क्रियाकलापों की संवीक्षा के मामलों का सारांश। (ब्यौरे एक पृथक् उपाबंध के रूप में संलग्न किए जाएं)।
6. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन न आने वाली गतिविधियों की संवीक्षा के मामलों का सारांश। (ब्यौरे एक पृथक् उपाबंध के रूप में संलग्न किए जाएं)।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश।
8. कोई अन्य महत्वपूर्ण विषय।

ANNEXURE 8

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 28th January, 2020

**S.O.460(E).**—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, *vide* notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 2029(E) dated the 21<sup>st</sup> May, 2018 inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

**AND WHEREAS**, copies of the Gazette containing the said draft notification were made available to the public on the 22<sup>nd</sup> May, 2018;

**AND WHEREAS**, objections and suggestions were received from persons and stakeholders in response to the aforesaid draft notification were duly considered in the Ministry;

**AND WHEREAS**, Dibru-Saikhowa National Park located at Dibrugarh and Tinsukia Civil Districts of Assam is spread over an area of 340.0 square kilometres and was notified *vide* Government of Assam Notification No. FRW.21/90/171 dated the 5<sup>th</sup> March, 1999 as a National Park. The area is a single ecological unit which is basically a flood plain of the river Brahmaputra and Siang in the North, Lohit and Debang in the East, the Ananta Nala to the South-East and the Dangori and Dibru River in the South;

**AND WHEREAS**, the National Park represents a unique geo-morphological structure created by the river Brahmaputra and its tributaries, and the water channels, especially the Brahmaputra, forming an important habitat for the Indo-Genetic Dolphins;

**AND WHEREAS**, biogeographically, the Dibru-Saikhowa National park represents the "North Eastern India-Brahmaputra Valley Bio-geographical Province" (9A), having rich in flora and fauna being the transition zone of two major biodiversity hot spots, which supports diverse fauna well adapted to life in terrestrial, aquatic and arboreal ecosystems;

**AND WHEREAS**, the National Park supports astonishingly rich flora including 28 tree species, 26 species of shrubs, 2 species of parasitic plants, 17 species of grasses, 16 species of aquatic plants, 3 species of marshy plants, 4 species of climbers and scandens, 5 species of canes, 13 species of orchids, and 6 threatened medicinal plant species;

**AND WHEREAS**, Dibru-Saikhowa National Park is a habitat for many animals and birds with a total of 36 species of mammals belonging to 10 orders and 19 families and 27 genera are recorded in the core, out of which 12 belonged to Schedule-I. Feral horses are one of the prime mammal species available in the park. The National

Park supports 11 species of turtles, 9 species of lizard including two species of monitor Lizards, 18 species of amphibian, 104 species of fish, 23 different species of snakes and 104 species of butterflies besides having a huge number, about 500 species, of avifauna. The area also attracts Migratory birds and is a feeding ground for a variety of aquatic and terrestrial birds;

**AND WHEREAS**, winter dried up river beds as well as the river sandbars (Chapories) serve for the development of alluvial grassland which are not only an excellent habitat for the critically endangered Bengal florican, but also serve as migration route for the elephants in the Dibru-Dangori elephant corridor, and provide safe passage to tigers to Arunachal Pradesh State;

**AND WHEREAS**, it is necessary to conserve and protect the area, the extent and boundaries of Dibru-Saikhowa National Park which are specified in paragraph 1 as Eco-sensitive Zone from ecological, environmental and biodiversity point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

**NOW, THEREFORE**, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act 1986 (29 of 1986) (hereafter in this notification referred to as the Environment Act) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to an extent varying from 0 (zero) kilometres to 8.7 kilometres around the boundary of Dibru-Saikhowa National Park, in Dibrugarh and Tinsukia districts in the State of Assam as the Eco-sensitive Zone (hereafter in this notification referred to as the Eco-sensitive Zone) details of which are as under, namely: -

1. **Extent and boundaries of Eco-sensitive Zone.** - (1) The Eco-sensitive Zone shall be to an extent of 0 (zero) kilometres to 8.7 kilometres around the boundary of Dibru-Saikhowa National Park and the area of the Eco-sensitive Zone is 658.251 square kilometres. (Zero extent of Eco-sensitive Zone was justified as "Existence of crude oil and natural gas in the immediate vicinity of the southern side of the National Park boundary").
- (2) The boundary description of Dibru-Saikhowa National Park and its Eco-sensitive Zone is appended in **Annexure-I**.
- (3) The maps of the Dibru-Saikhowa National Park demarcating Eco-sensitive Zone along with boundary details and latitudes and longitudes are appended as **Annexure-IIA, Annexure-IIB, and Annexure-IIC**.
- (4) List of geo-coordinates of the boundary of Dibru-Saikhowa National Park, Eco-sensitive Zone and prominent points of drilling wells around the National Park are given in Table A, Table B and Table C of **Annexure-III**.
- (5) The list of villages falling in the Eco-sensitive Zone along with their geo co-ordinates at prominent points is appended as **Annexure-IV**.
2. **Zonal Master Plan for Eco-sensitive Zone.**- (1) The State Government shall, for the purposes of the Eco-sensitive Zone prepare a Zonal Master Plan within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of the competent authority of State.
  - (2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.
  - (3) The Zonal Master Plan shall be prepared in consultation with the following Departments of the State Government, for integrating the ecological and environmental considerations into the said plan:-
    - (i) Environment;
    - (ii) Forest and Wildlife;
    - (iii) Agriculture and Horticulture;
    - (iv) Land revenue and settlement;
    - (v) Rural Development;
    - (vi) Urban Development;
    - (vii) Municipal;
    - (viii) Panchayati Raj;
    - (ix) Tourism;
    - (x) Irrigation and Flood Control;
    - (xi) Public Works Department; and

(xii) Assam State Pollution Control Board.

- (4) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.
- (5) The Zonal Master Plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.
- (6) The Zonal Master Plan shall demarcate all the existing worshipping places, villages and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies with supporting maps giving details of existing and proposed land use features.
- (7) The Zonal Master Plan shall regulate development in Eco-sensitive Zone and adhere to prohibited and regulated activities listed in the Table in paragraph 4 and also ensure and promote eco-friendly development for security of local communities' livelihood.
- (8) The Zonal Master Plan shall be co-terminus with the Regional Development Plan.
- (9) The Zonal Master Plan so approved shall be the reference document for the Monitoring Committee for carrying out its functions of monitoring in accordance with the provisions of this notification.

3. **Measures to be taken by the State Government.**- The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

- (1) **Land use.**- (a) Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or residential or industrial activities:

Provided that the conversion of agricultural and other lands, for the purpose other than that specified at part (a) above, within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of Central Government or State Government as applicable and *vide* provisions of this Notification, to meet the residential needs of the local residents and for activities such as:-

- (i) widening and strengthening of existing roads and construction of new roads;
- (ii) construction and renovation of infrastructure and civic amenities;
- (iii) small scale industries not causing pollution;
- (iv) cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay; and
- (v) promoted activities given under paragraph 4:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the correction of error shall not include change of land use in any case except as provided under this sub-paragraph;

(b) efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities.

- (2) **Natural water bodies.**-The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be

drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.

- (3) **Tourism or Eco-tourism.-** (a) All new eco-tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive Zone;
- (b) the Eco-Tourism Master Plan shall be prepared by the State Department of Tourism in consultation with State Departments of Environment and Forests;
- (c) the Tourism Master Plan shall form a component of the Zonal Master Plan.
- (d) the Tourism Master Plan shall be drawn based on the study of carrying capacity of the Eco-sensitive Zone;
- (e) the activities of eco-tourism shall be regulated as under, namely:-
- (i) new construction of hotels and resorts shall not be allowed within one kilometre from the boundary of the protected area or upto the extent of the Eco-sensitive Zone whichever is nearer:
- Provided that beyond the distance of one kilometre from the boundary of the protected area till the extent of the Eco-sensitive Zone, the establishment of new hotels and resorts shall be allowed only in pre-defined and designated areas for eco-tourism facilities as per Tourism Master Plan;
- (ii) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development;
- (iii) until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee and no new hotel, resort or commercial establishment construction shall be permitted within Eco-sensitive Zone area.
- (4) **Natural heritage.-** All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and a heritage conservation plan shall be drawn up for their preservation and conservation as a part of the Zonal Master Plan.
- (5) **Man-made heritage sites.-** Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be identified in the Eco-sensitive Zone and heritage conservation plan for their conservation shall be prepared as part of the Zonal Master Plan.
- (6) **Noise pollution. -** Prevention and control of noise pollution in the Eco-sensitive Zone shall be complied in accordance with the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 under the Environment Act.
- (7) **Air pollution.-** Prevention and control of air pollution in the Eco-sensitive Zone shall be compiled in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.
- (8) **Discharge of effluents.-** Discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the Environment Act and the rules made thereunder or standards stipulated by State Government whichever is more stringent.
- (9) **Solid wastes.-** Disposal and Management of solid wastes shall be as under:-
- (a) the solid waste disposal and management in the Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016, published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number S.O. 1357 (E), dated the 8<sup>th</sup> April, 2016; the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone;
- (b) safe and Environmentally Sound Management (ESM) of Solid wastes in conformity with the existing rules and regulations using identified technologies may be allowed within Eco-sensitive Zone.

- (10) **Bio-Medical Waste.**— Bio Medical Waste Management shall be as under:-
- the Bio-Medical Waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the Bio-Medical Waste Management, Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R 343 (E), dated the 28<sup>th</sup> March, 2016;
  - safe and Environmentally Sound Management of Bio-Medical Wastes in conformity with the existing rules and regulations using identified technologies may be allowed within the Eco-sensitive Zone.
- (11) **Plastic waste management.**— The plastic waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic Waste Management Rules, 2016, published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R. 340(E), dated the 18<sup>th</sup> March, 2016, as amended from time to time.
- (12) **Construction and demolition waste management.**— The construction and demolition waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R. 317(E), dated the 29<sup>th</sup> March, 2016, as amended from time to time.
- (13) **E-waste.**— The e - waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the E-Waste Management Rules, 2016, published by the Government of India in the Ministry of Environment, Forest and Climate Change, as amended from time to time.
- (14) **Vehicular traffic.**— The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master plan is prepared and approved by the Competent Authority in the State Government, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.
- (15) **Vehicular pollution.**— Prevention and control of vehicular pollution shall be in compliance with applicable laws and efforts shall be made for use of cleaner fuels.
- (16) **Industrial units.**— (i) On or after the publication of this notification in the Official Gazette, no new polluting industries shall be permitted to be set up within the Eco-sensitive Zone;
- (ii) only non-polluting industries shall be allowed within Eco-sensitive Zone as per the classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless so specified in this notification, and in addition, the non-polluting cottage industries shall be promoted.
- (17) **Protection of hill slopes.**— The protection of hill slopes shall be as under:-
- the Zonal Master Plan shall indicate areas on hill slopes where no construction shall be permitted;
  - construction on existing steep hill slopes or slopes with a high degree of erosion shall not be permitted.
4. **List of activities prohibited or to be regulated within Eco-sensitive Zone.**— All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment Act and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:-

TABLE

S. No. (1)	Activity (2)	Description (3)
<b>A. Prohibited Activities</b>		
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including

		<p>digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for personal consumption;</p> <p>(b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated the 4<sup>th</sup> August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated the 21<sup>st</sup> April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.</p>
2.	Setting of industries causing pollution (Water, Air, Soil, Noise, etc.).	<p>New industries and expansion of existing polluting industries in the Eco-sensitive Zone shall not be permitted:</p> <p>Provided that non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless otherwise specified in this notification and in addition the non-polluting cottage industries shall be promoted.</p>
3.	Establishment of major hydro-electric project.	Prohibited (except as otherwise provided) as per the applicable laws.
4.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per the applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per the applicable laws.
6.	Setting up of new saw mills.	New or expansion of existing saw mills shall not be permitted within the Eco-sensitive Zone.
7.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per the applicable laws.
8.	Commercial use of fire wood.	Prohibited (except as otherwise provided) as per applicable laws.
<b>B. Regulated Activities</b>		
9.	Commercial establishment of hotels and resorts.	<p>No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the protected area or upto the extent of Eco-sensitive Zone, whichever is nearer, except for small temporary structures for eco-tourism activities:</p> <p>Provided that, beyond one kilometer from the boundary of the protected area or upto the extent of Eco-sensitive Zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.</p>
10.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate and companies.	Regulated (except otherwise provided) as per the applicable laws except for meeting local needs.
11.	Construction activities.	<p>(a) New commercial construction of any kind shall not be permitted within one kilometer from the boundary of the protected area or upto extent of the Eco-sensitive Zone, whichever is nearer:</p> <p>Provided that, local people shall be permitted to undertake construction in their land for their use including the activities mentioned in sub-paragraph (1) of paragraph 3 as per building bye-laws to meet the residential needs of the local residents.</p>

		<p>Provided further that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any.</p> <p>(b) Beyond one kilometer it shall be regulated as per the Zonal Master Plan.</p>
12.	Small scale non polluting industries.	Non polluting industries as per classification of industries issued by the Central Pollution Control Board in February, 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.
13.	Felling of trees.	<p>(a) There shall be no felling of trees in the forest or Government or revenue or private lands without prior permission of the Competent Authority in the State Government.</p> <p>(b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.</p>
14.	Collection of Forest produce or Non-Timber Forest produce.	Regulated as per the applicable laws.
15.	Erection of electrical and communication towers and laying of cables and other infrastructures.	Regulated under applicable laws (underground cabling may be promoted).
16.	Infrastructure including civic amenities.	Taking measures of mitigation as per the applicable laws, rules and regulations available guidelines.
17.	Widening and strengthening of existing roads and construction of new roads.	Taking measures of mitigation as per the applicable laws, rules and regulation and available guidelines.
18.	Undertaking other activities related to tourism like flying over the Eco-sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated as per the applicable laws.
19.	Protection of hill slopes and river banks.	Regulated as per the applicable laws.
20.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
21.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted as per the applicable laws for use of locals.
22.	Discharge of treated waste water or effluents in natural water bodies or land area.	The discharge of treated waste water or effluents shall be avoided to enter into the water bodies and efforts shall be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water or effluent shall be regulated as per the applicable laws.
23.	Commercial extraction of surface and ground water.	Regulated as per the applicable laws.
24.	Open well, borewell etc. for agriculture or other usage.	Regulated and the activity should be strictly monitored by the appropriate authority.

25.	Use of polythene bags.	Regulated as per the applicable laws.
26.	Introduction of exotic species.	Regulated as per the applicable laws.
27.	Eco-tourism.	Regulated as per the applicable laws.
28.	Commercial sign boards and hoardings.	Regulated as per the applicable laws.
29.	Solid waste management.	Regulated as per the applicable laws.
<b>C. Promoted Activities</b>		
30.	Rain water harvesting.	Shall be actively promoted.
31.	Organic farming.	Shall be actively promoted.
32.	Adoption of green technology for all activities.	Shall be actively promoted.
33.	Cottage industries including village artisans, etc.	Shall be actively promoted.
34.	Use of renewable energy and fuels.	Bio-gas, solar light etc. shall be actively promoted.
35.	Agro-Forestry.	Shall be actively promoted.
36.	Plantation of Horticulture and Herbals.	Shall be actively promoted.
37.	Use of eco-friendly transport.	Shall be actively promoted.
38.	Skill Development.	Shall be actively promoted.
39.	Restoration of degraded land/ forests/ habitat.	Shall be actively promoted.
40.	Environmental awareness.	Shall be actively promoted.

**5. Monitoring Committee for Monitoring the Eco-sensitive Zone Notification.-** For effective monitoring of the provisions of this notification under sub-section (3) of section 3 of the Environment (Protection) Act, 1986, the Central Government hereby constitutes a Monitoring Committee, comprising of the following, namely:-

(i)	Commissioner, Upper Assam Zone, Jorhat	Chairman, ex officio
(ii)	Deputy Commissioner, Tinsukia and Dibrugarh	Member;
(iii)	Representative of the Director, Assam Tourism Department	Member;
(iv)	Divisional Forest Officer, Digboi, Dibrugarh & Doomdooma Divisions	Member;
(v)	Project Director District Rural Development Agency, Tinsukia And Dibrugarh Districts	Member;
(vi)	District Fishery Officer, Tinsukia and Dibrugarh Districts	Member;
(vii)	Divisional Officer, Soil Conservation Division, Tinsukia And Dibrugarh Districts	Member;
(viii)	General Manager, District Industries Centre, Tinsukia And Dibrugarh Districts	Member;
(ix)	District Agriculture Officer, Tinsukia And Dibrugarh Districts	Member;
(x)	District Animal Husbandry & Veterinary Officer, Tinsukia And Dibrugarh Districts	Member;
(xi)	Executive Engineer, Public Works Department (Road Division), Tinsukia And Dibrugarh Districts	Member;
(xii)	Executive Engineer, Public Works Department (Building Division), Tinsukia And Dibrugarh Districts	Member;

(xiii)	Representative of non-governmental organization working in the field of Nature conservation (including heritage conservation) to be nominated by Government of Assam	Member;
(xiv)	Senior Environment Engineer (Regional Office), Pollution Control Board, Tinsukia and Dibrugarh Districts	Member;
(xv)	One expert in Ecology from reputed Institution/University Of Assam to be nominated by the Government of Assam	Member;
(xvi)	Divisional Forest Officer, Tinsukia Wildlife Division	Member-Secretary.

**6. Terms of reference.** – (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.

- (2) The tenure of the Monitoring committee shall be for three years or till the re-constitution of the new Committee by the State Government and subsequently the Monitoring Committee shall be constituted by the State Government.
- (3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under **paragraph 4** thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
- (4) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.
- (5) The Member-Secretary of the Monitoring Committee or the concerned Deputy Commissioner(s) shall be competent to file complaints under section 19 of the Environment Act, against any person who contravenes the provisions of this notification.
- (6) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
- (7) The Monitoring Committee shall submit the annual action taken report of its activities as on the 31<sup>st</sup> March of every year by the 30<sup>th</sup> June of that year to the Chief Wildlife Warden in the State as per proforma appended at **Annexure V**.
- (8) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.

7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.

8. The provisions of this notification shall be subject to the orders, if any passed or to be passed by the Hon'ble Supreme Court of India or High Court or the National Green Tribunal.

[F. No. 25/07/2016-ESZ-RE]

Dr SATISH C. GARKOTI, Scientist 'G'

#### ANNEXURE- I

#### BOUNDARY DESCRIPTION OF ECOSENSITIVE ZONE AROUND DIBRU-SAIKHOWA NATIONAL PARK IN THE STATE ASSAM

**South:** The Eco-Sensitive Zone starts from GPS Point No. 1 (95° 40' 33.108" E & 27° 46' 44.406" N) which is located at the southern end of the Dhola Sadiya Bridge. From this point the ESZ boundary runs in the

westward direction along the Southern bank of the river Brahmaputra up to the GPS Point No. 2 (95° 38' 57.929" E & 27° 46' 42.022" N). From GPS Point No. 2 the boundary again runs westward direction along the road up to the GPS Point No.3 (95° 36' 34.383" E & 27° 46' 7.551" N). From GPS Point No. 3 the boundary runs towards south and meets GPS Point No. 4(95° 36' 31.965" E & 27° 45' 59.683" N). From GPS Point No.4 the boundary runs along the Nala up-to the GPS Point No.5 (95° 35' 55.120" E & 27° 45' 32.586" N). From GPS Point No.5 the boundary runs towards south along the road and meet GPS Point No.6 (95° 35' 48.587" E & 27° 45' 22.675" N).

From GPS Point No.6 again the boundary runs in westerly direction along the road till it meets the GPS Point No.7 (95° 30' 32.718" E & 27° 44' 13.989" N). From GPS Point No.7 the boundary runs along the river upto the GPS Point No.8 (95° 28' 30.416" E & 27° 40' 17.721" N). From GPS Point No. 8 the boundary runs straight towards north and meets the GPS Point No.9 (95° 27' 8.423" E & 27° 41' 19.355" N) which is located at the Dibru Saikhuwa National Park boundary. From GPS Point No. 9 the boundary runs along the Dibru Saikhuwa National Park boundary crossing the GPS Point No.10, and meets the GPS Point No.11 (95° 21' 39.151" E & 27° 35' 43.758" N). From GPS Point No. 11 the boundary runs towards south and meets the GPS Point No.12 (95° 21' 55.267" E & 27° 35' 7.199" N). From GPS Point No.12 the ESZ boundary runs along the 250 meter buffer boundary of Dibru river (left bank) and meets the GPS Point No. 13 (95° 22' 16.467" E & 27° 34' 26.108" N). From GPS Point No. 13 the ESZ boundary follows an imaginary line crossing the GPS point No.14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29 and meets the GPS Point No 30 (95° 22' 9.703" E & 27° 34' 13.330" N). From GPS Point No.30 the boundary runs along the 250 meter buffer boundary of Dibru River (right bank) and meets the GPS Point No.31(95° 21' 46.005" E & 27° 34' 51.579" N). From GPS Point No.31 the boundary runs along the southern bank of the river Brahmaputra crossing the GPS Point No.32,33,34 and meet the GPS point No.35 (95° 17' 49.051" E & 27° 34' 19.811" N).

**West:** The western boundary of the Dibru-Saikhuwa National Park Eco-Sensitive Zone starts from GPS Point No.35 (95° 17' 49.051" E & 27° 34' 19.811" N) which follows an imaginary line crossing the GPS Point No. 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and meets the GPS Point No.49 (95° 11' 37.010" E & 27° 35' 48.411" N). From GPS Point No. 49 the boundary again runs along the National Park boundary crossing the GPS Point No.50,51,52,53,54,55,56 till it meets the GPS Point No. 57 (95° 8' 20.617" E & 27° 36' 3.285" N). From GPS Point No. 57 the boundary runs straight towards north crossing GPS Point No.58 and 59 till it meets the GPS Point No.60 (95° 8' 16.691" E & 27° 41' 21.448" N).

**North:** The Northern boundary of the Dibru-Saikhuwa National Park Eco-Sensitive Zone starts from GPS Point No.60 (95° 8' 16.691" E & 27° 41' 21.448" N) which follow the northern bank of river Brahmaputra crossing the GPS Point No. 61 till it meets the GPS Point No.62 (95° 12' 17.779" E & 27° 42' 58.645" N). From GPS Point No. 62 the boundary follows an imaginary line crossing the GPS Point No.63, 64, 65 and 66 till it meets the GPS Point No.67 (95° 25' 31.436" E & 27° 46' 8.192" N). From GPS point No. 67 the boundary again runs along the northern bank of the river Brahmaputra crossing the GPS Point No. 68,69 and 70 till it meets the GPS point No.71(95° 35' 38.772" E & 27° 49' 46.825" N). From GPS Point No. 71 the boundary runs towards south along the left bank of river Dibang till it meets the GPS Point No. 72(95° 35' 30.856" E & 27° 48' 28.508" N). From GPS Point No.72 the boundary runs along the northern bank of the river Brahmaputra crossing the GPS Point No.73 till it meets the GPS Point No.74 (95° 40' 33.920" E & 27° 48' 54.974" N).

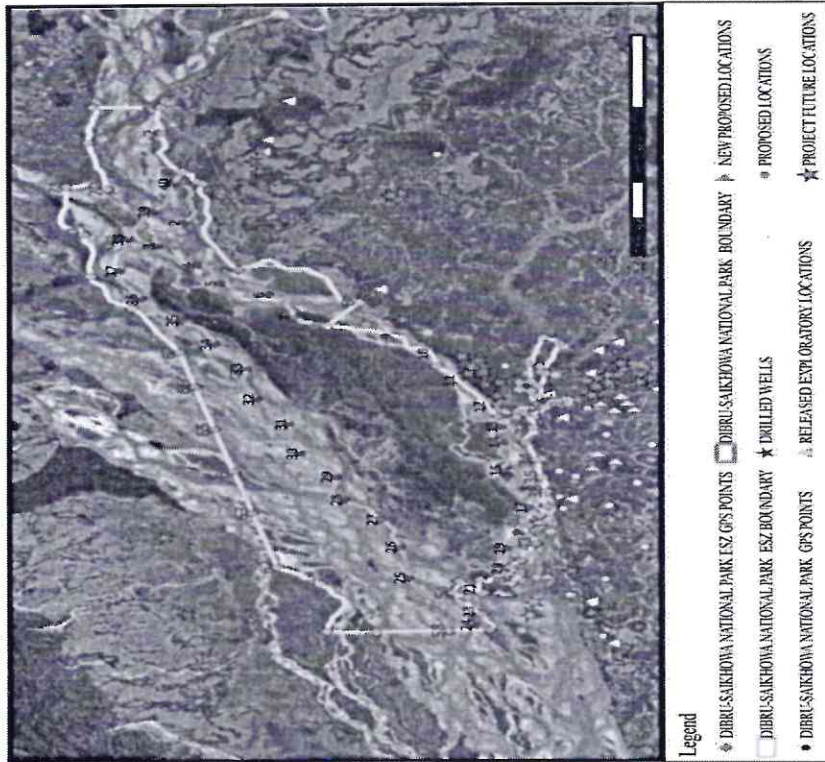
**East:** The Eastern boundary of the Dibru Saikhuwa National Park Eco-Sensitive Zone starts from GPS Point No.74 (95° 40' 33.920" E & 27° 48' 54.974" N) which is located at Dhola Sadiya Bridge (Northern Point). From GPS Point No.74 the boundary runs towards south along the Dhola Sadiya Bridge and meet the GPS Point No.1 (95° 40' 33.108" E & 27° 46' 44.406" N) which is the southern point of the said bridge.

Being the presence of oil and natural gas in the immediate vicinity of the Southern boundary of Dibru\Saikhuwa National Park Eco-Sensitive Zone, a 0.0 km ESZ extent is proposed. The extent of Eco-Sensitive Zone varies from 0.0 Km to 8.7 km.

ANNEXURE- IIA

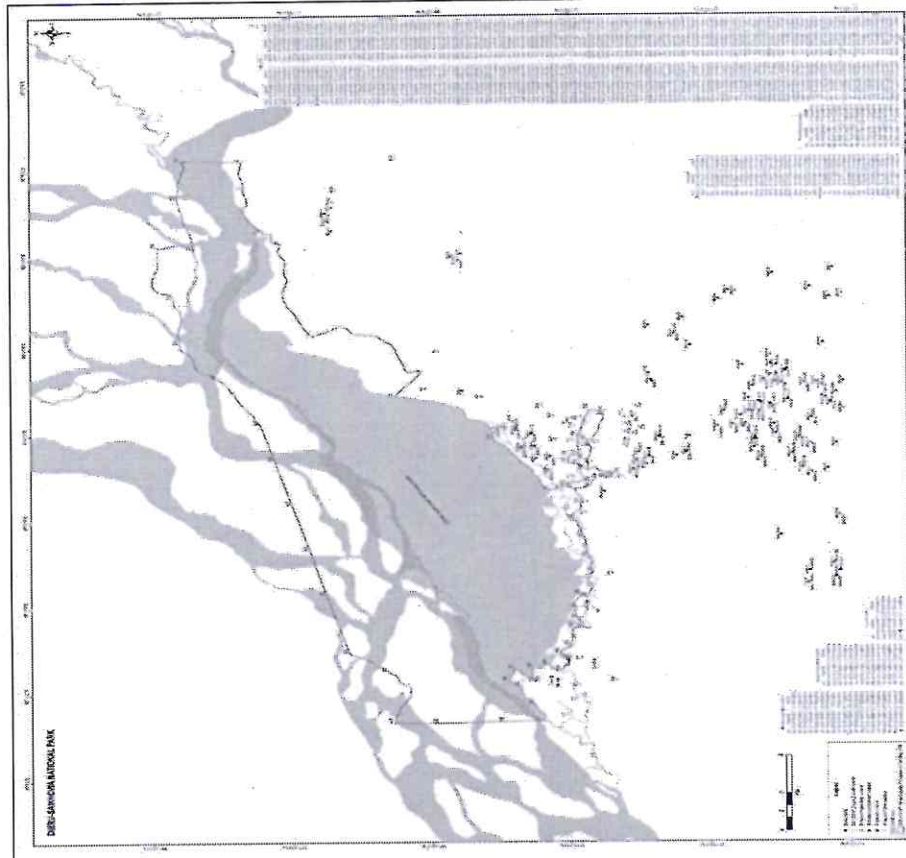
GOOGLE MAP OF ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL PARK ALONG

ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL PARK



ANNEXURE- IIB

MAP OF ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL PARK ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS AND OIL DRILLING WELLS



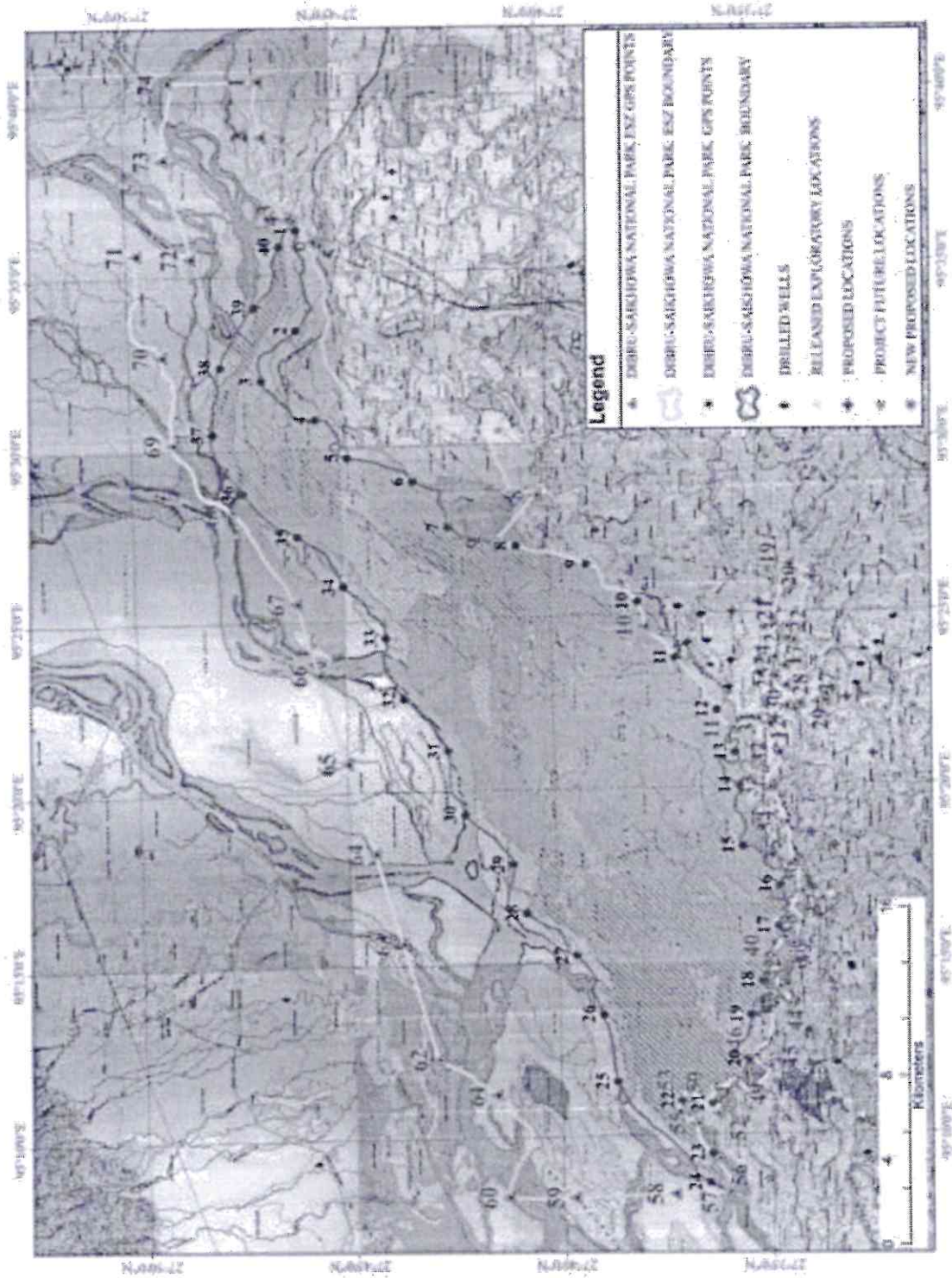
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ANNEXURE- IIC

MAP SHOWING ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL PARK ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS AND DETAILS OF DRILL WELLS

ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL PARK

SCALE: 1:322,000



ANNEXURE-III

**TABLE A: GEO- COORDINATES OF PROMINENT LOCATIONS OF DIBRU-SAIKHOWA  
NATIONAL PARK**

Points_ID	Longitude	Latitude
1	95° 36' 15.504" E	27° 45' 54.468" N
2	95° 33' 25.205" E	27° 45' 58.765" N
3	95° 31' 59.320" E	27° 46' 49.727" N
4	95° 30' 50.139" E	27° 45' 34.330" N
5	95° 29' 42.799" E	27° 44' 49.907" N
6	95° 28' 59.203" E	27° 43' 15.283" N
7	95° 27' 38.208" E	27° 42' 24.917" N
8	95° 27' 3.144" E	27° 40' 47.259" N
9	95° 26' 29.345" E	27° 39' 6.946" N
10	95° 25' 22.057" E	27° 37' 54.839" N
11	95° 23' 44.624" E	27° 37' 2.968" N
12	95° 22' 11.754" E	27° 36' 4.301" N
13	95° 20' 57.056" E	27° 35' 39.316" N
14	95° 19' 59.859" E	27° 35' 34.642" N
15	95° 18' 16.091" E	27° 35' 31.599" N
16	95° 17' 8.046" E	27° 34' 39.883" N
17	95° 15' 58.104" E	27° 34' 43.068" N
18	95° 14' 24.427" E	27° 35' 7.660" N
19	95° 13' 25.610" E	27° 35' 25.577" N
20	95° 12' 9.544" E	27° 35' 30.250" N
21	95° 10' 54.242" E	27° 36' 24.439" N
22	95° 10' 59.422" E	27° 37' 7.211" N
23	95° 9' 27.818" E	27° 36' 25.624" N
24	95° 8' 37.362" E	27° 36' 30.047" N
25	95° 11' 34.564" E	27° 38' 40.144" N
26	95° 13' 30.451" E	27° 38' 57.788" N
27	95° 15' 13.123" E	27° 39' 34.581" N
28	95° 16' 27.214" E	27° 40' 44.839" N
29	95° 17' 51.883" E	27° 41' 3.231" N
30	95° 19' 19.235" E	27° 42' 11.036" N
31	95° 21' 9.471" E	27° 42' 33.319" N
32	95° 22' 41.931" E	27° 43' 36.062" N
33	95° 24' 29.560" E	27° 44' 0.065" N
34	95° 25' 59.808" E	27° 44' 59.112" N
35	95° 27' 27.434" E	27° 46' 3.982" N
36	95° 28' 44.780" E	27° 47' 21.348" N
37	95° 30' 28.509" E	27° 48' 1.842" N
38	95° 32' 23.881" E	27° 47' 48.657" N

39	95° 34' 6.350" E	27° 46' 58.046" N
40	95° 35' 48.725" E	27° 46' 18.753" N

TABLE B: GEO-COORDINATES OF PROMINENT LOCATIONS OF ECO-SENSITIVE ZONE

Points_ID	Longitude	Latitude
1	95° 40' 33.108" E	27° 46' 44.406" N
2	95° 38' 57.929" E	27° 46' 42.022" N
3	95° 36' 34.383" E	27° 46' 7.551" N
4	95° 36' 31.965" E	27° 45' 59.683" N
5	95° 35' 55.120" E	27° 45' 32.586" N
6	95° 35' 48.587" E	27° 45' 22.675" N
7	95° 30' 32.718" E	27° 44' 13.989" N
8	95° 28' 30.416" E	27° 40' 17.721" N
9	95° 27' 8.423" E	27° 41' 19.355" N
10	95° 24' 39.146" E	27° 37' 45.135" N
11	95° 21' 39.151" E	27° 35' 43.758" N
12	95° 21' 55.267" E	27° 35' 7.199" N
13	95° 22' 16.467" E	27° 34' 26.108" N
14	95° 23' 8.171" E	27° 34' 41.124" N
15	95° 23' 14.341" E	27° 35' 3.833" N
16	95° 23' 38.490" E	27° 35' 3.206" N
17	95° 23' 41.921" E	27° 34' 41.351" N
18	95° 24' 47.239" E	27° 34' 43.619" N
19	95° 26' 21.044" E	27° 34' 17.058" N
20	95° 25' 58.202" E	27° 33' 46.479" N
21	95° 24' 34.558" E	27° 34' 23.018" N
22	95° 24' 14.323" E	27° 34' 21.766" N
23	95° 24' 10.274" E	27° 34' 13.642" N
24	95° 23' 26.499" E	27° 34' 27.797" N
25	95° 22' 51.437" E	27° 34' 26.071" N
26	95° 22' 36.798" E	27° 33' 28.131" N
27	95° 22' 24.922" E	27° 33' 30.194" N
28	95° 22' 21.395" E	27° 33' 41.070" N
29	95° 22' 20.199" E	27° 34' 5.682" N
30	95° 22' 9.703" E	27° 34' 13.330" N
31	95° 21' 46.005" E	27° 34' 51.579" N
32	95° 20' 54.156" E	27° 34' 37.373" N
33	95° 19' 56.681" E	27° 34' 52.666" N
34	95° 18' 55.229" E	27° 34' 30.123" N
35	95° 17' 49.051" E	27° 34' 19.811" N
36	95° 16' 56.307" E	27° 34' 10.779" N
37	95° 16' 2.639" E	27° 34' 10.200" N
38	95° 15' 28.079" E	27° 34' 24.600" N
39	95° 15' 37.799" E	27° 34' 36.840" N
40	95° 15' 6.804" E	27° 34' 54.728" N
41	95° 14' 51.719" E	27° 34' 46.200" N
42	95° 14' 14.033" E	27° 34' 45.434" N
43	95° 13' 43.826" E	27° 34' 31.787" N

44	95° 13' 43.705" E	27° 34' 51.520" N
45	95° 12' 42.119" E	27° 35' 0.600" N
46	95° 12' 15.839" E	27° 35' 22.200" N
47	95° 11' 57.479" E	27° 35' 2.400" N
48	95° 11' 14.224" E	27° 35' 20.694" N
49	95° 11' 37.010" E	27° 35' 48.411" N
50	95° 11' 27.041" E	27° 36' 21.006" N
51	95° 10' 39.175" E	27° 36' 14.019" N
52	95° 10' 36.116" E	27° 36' 18.260" N
53	95° 11' 22.174" E	27° 37' 2.714" N
54	95° 10' 40.707" E	27° 37' 14.512" N
55	95° 10' 19.539" E	27° 36' 47.155" N
56	95° 9' 18.871" E	27° 36' 18.295" N
57	95° 8' 20.617" E	27° 36' 3.285" N
58	95° 8' 18.246" E	27° 37' 21.619" N
59	95° 8' 14.476" E	27° 39' 45.500" N
60	95° 8' 16.691" E	27° 41' 21.448" N
61	95° 11' 14.237" E	27° 41' 35.333" N
62	95° 12' 17.779" E	27° 42' 58.645" N
63	95° 15' 37.938" E	27° 43' 46.588" N
64	95° 18' 14.131" E	27° 44' 23.934" N
65	95° 20' 50.349" E	27° 45' 1.230" N
66	95° 23' 26.593" E	27° 45' 38.474" N
67	95° 25' 31.436" E	27° 46' 8.192" N
68	95° 28' 12.221" E	27° 47' 39.423" N
69	95° 30' 10.730" E	27° 49' 0.183" N
70	95° 32' 43.433" E	27° 49' 13.018" N
71	95° 35' 38.772" E	27° 49' 46.825" N
72	95° 35' 30.856" E	27° 48' 28.508" N
73	95° 38' 21.399" E	27° 49' 4.281" N
74	95° 40' 33.920" E	27° 48' 54.974" N

**TABLE C : PROMINENT LOCATION POINTS OF THE DRILLED NEAR ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL PARK ALONG WITH GEO-COORDINATES**

Drilled Wells					
Name	Longitude	Latitude	Name	Longitude	Latitude
HJN-61	95° 26' 52.800" E	27° 27' 11.124" N	MKM-45	95° 24' 42.240" E	27° 28' 22.150" N
BRK-26	95° 23' 11.313" E	27° 32' 15.562" N	MKM-44	95° 24' 42.732" E	27° 28' 22.168" N
SCM-6	95° 23' 52.978" E	27° 30' 47.905" N	MKM-16	95° 24' 35.407" E	27° 28' 22.905" N
MCK-4	95° 37' 31.522" E	27° 43' 46.586" N	MKM-29	95° 24' 35.248" E	27° 28' 21.810" N
BZL-2	95° 26' 41.150" E	27° 25' 38.970" N	MKM-17	95° 24' 35.264" E	27° 28' 21.335" N
BZL-1	95° 26' 40.872" E	27° 25' 38.771" N	MKM-38	95° 24' 35.330" E	27° 28' 20.650" N
NHK-581	95° 27' 18.070" E	27° 25' 27.460" N	MKM-32	95° 24' 35.270" E	27° 28' 20.170" N
BZL-3	95° 26' 42.160" E	27° 25' 39.880" N	MKM-46	95° 24' 5.930" E	27° 28' 23.919" N
BZL-4	95° 26' 43.020" E	27° 25' 40.560" N	MKM-33	95° 24' 6.357" E	27° 28' 23.640" N
BZL-5	95° 26' 43.040" E	27° 25' 39.850" N	HJN-55	95° 28' 35.843" E	27° 27' 14.577" N

NHK-249	95° 26' 59.713" E	27° 25' 50.479" N	HJN-4	95° 28' 31.348" E	27° 27' 16.218" N
DSJ-1	95° 27' 27.243" E	27° 38' 51.787" N	HJN-28	95° 28' 33.244" E	27° 27' 16.969" N
BGP-4	95° 29' 28.252" E	27° 27' 48.220" N	HJN-9	95° 28' 33.736" E	27° 27' 15.390" N
HJN-6	95° 28' 56.645" E	27° 27' 47.677" N	HJN-12	95° 28' 35.305" E	27° 27' 14.671" N
HJN-26	95° 28' 56.711" E	27° 27' 47.312" N	HJN-25	95° 28' 36.622" E	27° 27' 12.607" N
HJN-14	95° 28' 20.431" E	27° 27' 35.378" N	HJN-57	95° 27' 49.825" E	27° 26' 36.417" N
HJN-8	95° 28' 52.125" E	27° 27' 36.565" N	HJN-54	95° 27' 53.040" E	27° 26' 10.670" N
HJN-1	95° 28' 52.684" E	27° 27' 36.346" N	HJN-21	95° 27' 42.080" E	27° 25' 58.407" N
HJN-13	95° 28' 19.898" E	27° 27' 35.078" N	HJN-38	95° 27' 42.371" E	27° 25' 58.412" N
HJN-11	95° 28' 19.440" E	27° 27' 35.102" N	KMR-1	95° 24' 21.819" E	27° 25' 27.410" N
HJN-15	95° 28' 20.195" E	27° 27' 35.155" N	NHK-506	95° 17' 26.504" E	27° 25' 31.698" N
HJN-2	95° 28' 4.729" E	27° 27' 29.487" N	NHK-557	95° 16' 58.562" E	27° 26' 25.311" N
HJN-19	95° 27' 54.853" E	27° 27' 37.602" N	NHK-594	95° 16' 15.980" E	27° 26' 28.320" N
HJN-20	95° 27' 54.782" E	27° 27' 37.050" N	NHK-604	95° 19' 3.000" E	27° 27' 26.700" N
HJN-22	95° 27' 54.991" E	27° 27' 36.715" N	NHK-610	95° 20' 12.030" E	27° 25' 20.740" N
HJN-10	95° 27' 50.904" E	27° 27' 25.375" N	NHK-613	95° 17' 27.310" E	27° 25' 31.680" N
HJN-3	95° 27' 50.598" E	27° 27' 25.232" N	BGN-1	95° 23' 37.033" E	27° 35' 42.410" N
HJN-16	95° 27' 42.306" E	27° 27' 16.456" N	BGN-2	95° 24' 12.220" E	27° 36' 15.857" N
HJN-17	95° 27' 42.204" E	27° 27' 16.202" N	BGN-3	95° 23' 30.661" E	27° 36' 12.061" N
HJN-5	95° 28' 17.637" E	27° 27' 47.040" N	BGN-4	95° 24' 57.665" E	27° 36' 22.967" N
HJN-18	95° 27' 41.766" E	27° 27' 15.092" N	BGN-5	95° 22' 51.066" E	27° 35' 46.566" N
HJN-7	95° 28' 0.075" E	27° 28' 1.596" N	BGN-6	95° 24' 56.948" E	27° 36' 23.674" N
HJN-42	95° 27' 39.139" E	27° 28' 24.606" N	BGN-7	95° 24' 57.039" E	27° 36' 23.076" N
HJN-27	95° 27' 59.507" E	27° 28' 2.233" N	BGN-8	95° 24' 12.807" E	27° 36' 16.061" N
HJN-23	95° 26' 46.020" E	27° 28' 13.570" N	BGN-9	95° 24' 57.424" E	27° 36' 23.314" N
HJN-48	95° 26' 57.520" E	27° 28' 35.920" N	BGN-10	95° 24' 58.750" E	27° 36' 22.746" N
HJN-32	95° 26' 42.912" E	27° 28' 9.113" N	BGN-11	95° 24' 11.316" E	27° 36' 43.882" N
HJN-30	95° 26' 42.134" E	27° 28' 8.426" N	BGN-12	95° 24' 11.068" E	27° 36' 43.968" N
HJN-31	95° 26' 42.552" E	27° 28' 8.714" N	BGN-13	95° 24' 10.495" E	27° 36' 44.210" N
HJN-52	95° 26' 26.503" E	27° 27' 42.832" N	BGN-14	95° 25' 13.020" E	27° 36' 56.933" N
MKM-27	95° 26' 13.698" E	27° 28' 11.818" N	BGN-15	95° 25' 12.381" E	27° 36' 56.846" N
HJN-33	95° 26' 41.712" E	27° 28' 8.016" N	BGN-16	95° 25' 11.771" E	27° 36' 56.713" N
MKM-3	95° 26' 12.247" E	27° 28' 27.431" N	BGN-17	95° 25' 11.076" E	27° 36' 56.669" N
HJN-43	95° 26' 12.564" E	27° 28' 11.760" N	BGN-18	95° 25' 12.008" E	27° 36' 57.021" N
HJN-50	95° 26' 13.140" E	27° 28' 11.805" N	BGN-19	95° 25' 12.649" E	27° 36' 57.156" N
MKM-4	95° 26' 12.238" E	27° 28' 26.937" N	MCK-1	95° 37' 52.393" E	27° 43' 32.548" N
MKM-19	95° 26' 12.195" E	27° 28' 25.940" N	MCK-2	95° 37' 8.407" E	27° 43' 42.718" N
MKM-5	95° 26' 12.305" E	27° 28' 26.437" N	MCK-3	95° 36' 33.391" E	27° 43' 31.526" N
HJN-52	95° 26' 27.900" E	27° 27' 42.850" N	BGP-1	95° 30' 6.429" E	27° 25' 56.221" N
HJN-44	95° 26' 28.898" E	27° 27' 42.853" N	BGP-2	95° 32' 40.422" E	27° 25' 42.555" N
HJN-40	95° 26' 28.327" E	27° 27' 42.893" N	BGP-7	95° 32' 49.431" E	27° 25' 15.512" N

HJN-37	95° 26' 27.038" E	27° 27' 43.030" N	BGP-5	95° 34' 20.067" E	27° 25' 34.887" N
HJN-39	95° 26' 27.574" E	27° 27' 42.996" N	BGP-6	95° 33' 14.397" E	27° 26' 23.827" N
HJN-34	95° 26' 36.341" E	27° 27' 47.456" N	SMD-2	95° 34' 0.559" E	27° 27' 43.280" N
MKM-2	95° 26' 12.419" E	27° 28' 34.607" N	SMD-3	95° 32' 59.207" E	27° 29' 2.092" N
HJN-35	95° 26' 37.851" E	27° 27' 47.613" N	SMD-1	95° 33' 4.079" E	27° 29' 18.176" N
HJN-56	95° 26' 36.840" E	27° 27' 48.393" N	BHJ-6	95° 29' 59.226" E	27° 30' 39.962" N
HJN-41	95° 26' 38.510" E	27° 27' 48.030" N	BHJ-3	95° 30' 38.751" E	27° 31' 13.482" N
MKM-1	95° 26' 12.516" E	27° 28' 35.344" N	BHJ-4	95° 30' 38.390" E	27° 31' 14.390" N
MKM-20	95° 25' 56.853" E	27° 28' 52.499" N	BHJ-1	95° 30' 38.256" E	27° 31' 14.926" N
MKM-21	95° 25' 59.119" E	27° 28' 53.386" N	BHJ-2	95° 30' 37.726" E	27° 31' 15.304" N
MKM-18	95° 25' 18.682" E	27° 28' 46.139" N	BHJ-5	95° 31' 32.149" E	27° 30' 55.929" N
MKM-35	95° 25' 18.820" E	27° 28' 45.030" N	NBH-1	95° 31' 4.903" E	27° 32' 8.982" N
MKM-24	95° 25' 18.840" E	27° 28' 44.670" N	TLP-1	95° 34' 49.303" E	27° 38' 58.883" N
MKM-26	95° 25' 18.890" E	27° 28' 44.180" N	TLP-2	95° 35' 12.731" E	27° 38' 52.779" N
MKM-15	95° 25' 27.106" E	27° 27' 40.925" N	TLP-3	95° 35' 1.381" E	27° 39' 16.965" N
MKM-14	95° 25' 26.584" E	27° 27' 40.841" N	TLP-4	95° 35' 5.667" E	27° 39' 13.708" N
MKM-36	95° 25' 26.059" E	27° 27' 40.744" N	HKN-1	95° 28' 1.561" E	27° 32' 3.746" N
MKM-52	95° 24' 55.731" E	27° 27' 36.939" N	MKM-60	95° 23' 33.461" E	27° 28' 7.968" N
MKM-31	95° 24' 55.190" E	27° 27' 36.680" N	MKM-56	95° 23' 45.130" E	27° 27' 1.590" N
MKM-37	95° 24' 56.290" E	27° 27' 36.540" N	MKM-62	95° 22' 56.490" E	27° 26' 39.710" N
MKM-23	95° 24' 55.890" E	27° 27' 36.440" N	NHK-619	95° 20' 12.450" E	27° 25' 21.180" N
HJN-46	95° 24' 56.370" E	27° 27' 36.200" N	NHK-582	95° 26' 21.280" E	27° 25' 11.780" N
MKM-40	95° 24' 40.586" E	27° 26' 48.313" N	JNG-3	95° 25' 49.055" E	27° 26' 20.537" N
MKM-54	95° 22' 56.864" E	27° 26' 40.091" N	HJN-61	95° 27' 50.080" E	27° 26' 36.050" N
MKM-39	95° 24' 41.130" E	27° 26' 48.309" N	HJN-63	95° 27' 50.299" E	27° 26' 36.348" N
MKM-34	95° 24' 41.663" E	27° 26' 48.305" N	HJN-66	95° 28' 53.550" E	27° 27' 35.670" N
MKM-42	95° 24' 41.937" E	27° 26' 48.579" N	HJN-62	95° 27' 53.370" E	27° 26' 8.940" N
MKM-28	95° 24' 42.201" E	27° 26' 48.145" N	HJN-64	95° 27' 55.430" E	27° 25' 12.400" N
HJN-24	95° 26' 46.242" E	27° 28' 13.208" N	BRK-18	95° 23' 25.616" E	27° 32' 35.033" N
HJN-29	95° 26' 46.758" E	27° 28' 12.879" N	BRK-24	95° 23' 24.346" E	27° 32' 35.059" N
MKM-30	95° 25' 27.920" E	27° 27' 40.950" N	BRK-16	95° 23' 24.966" E	27° 32' 35.020" N
NHK-611	95° 16' 57.810" E	27° 25' 19.820" N	BGN-21	95° 22' 51.367" E	27° 35' 46.693" N
NHK-602	95° 16' 57.907" E	27° 25' 20.212" N	SBG-1	95° 23' 38.531" E	27° 35' 42.596" N
NHK-552	95° 16' 57.959" E	27° 25' 20.793" N	SBG-2	95° 24' 56.416" E	27° 36' 23.395" N
NHK-285	95° 16' 37.899" E	27° 25' 29.276" N	BGN-23	95° 24' 14.297" E	27° 36' 15.561" N
NHK-558	95° 16' 37.376" E	27° 25' 28.923" N	BGN-20	95° 24' 9.946" E	27° 36' 44.429" N
NHK-531	95° 16' 37.471" E	27° 25' 28.377" N	BGN-22	95° 25' 11.360" E	27° 36' 56.937" N
JNG-1	95° 25' 47.944" E	27° 26' 19.472" N	BGN-24	95° 24' 9.367" E	27° 36' 44.689" N
JNG-2	95° 25' 48.281" E	27° 26' 20.253" N	HJN-67	95° 28' 52.000" E	27° 28' 48.250" N
MKM-50	95° 24' 19.123" E	27° 26' 22.682" N	BRK-21	95° 22' 52.644" E	27° 32' 41.233" N
MKM-25	95° 23' 46.720" E	27° 27' 1.030" N	BRK-23	95° 22' 53.631" E	27° 32' 42.739" N

MKM-55	95° 23' 47.620" E	27° 27' 0.970" N	BRK-19	95° 22' 53.201" E	27° 32' 42.652" N
MKM-49	95° 22' 56.244" E	27° 26' 39.363" N	BRK-14	95° 23' 24.658" E	27° 32' 34.775" N
MKM-53	95° 22' 55.942" E	27° 26' 39.104" N	BRK-5	95° 23' 37.895" E	27° 32' 10.380" N
MKL-1	95° 22' 52.940" E	27° 25' 45.540" N	BRK-13	95° 24' 46.214" E	27° 31' 46.583" N
MKM-51	95° 22' 41.000" E	27° 26' 21.041" N	BRK-15	95° 24' 46.078" E	27° 31' 46.884" N
MKM-43	95° 22' 41.459" E	27° 26' 20.511" N	BRK-20	95° 24' 46.316" E	27° 31' 46.328" N
HJN-45	95° 26' 53.001" E	27° 27' 9.699" N	BRK-17	95° 24' 46.788" E	27° 31' 45.233" N
HJN-47	95° 26' 52.939" E	27° 27' 10.157" N	BRK-22	95° 24' 46.571" E	27° 31' 45.770" N
HJN-49	95° 26' 52.990" E	27° 27' 10.640" N	SCM-5	95° 23' 53.214" E	27° 30' 47.036" N
HJN-51	95° 26' 52.930" E	27° 27' 11.140" N	HJN-58	95° 26' 37.440" E	27° 27' 47.837" N
MKM-8	95° 25' 28.256" E	27° 28' 42.166" N	HJN-56	95° 26' 27.295" E	27° 27' 43.468" N
MKM-9	95° 25' 28.739" E	27° 28' 42.416" N	HJN-59	95° 26' 47.131" E	27° 28' 13.415" N
MKM-11	95° 25' 29.065" E	27° 28' 42.422" N	HJN-60	95° 27' 52.970" E	27° 26' 10.238" N
MKM-12	95° 25' 29.461" E	27° 28' 42.462" N	HJN-59	95° 27' 38.792" E	27° 28' 25.849" N
MKM-10	95° 25' 26.094" E	27° 29' 7.944" N	MKM-58	95° 23' 32.322" E	27° 28' 7.992" N
MKM-13	95° 25' 25.517" E	27° 29' 7.893" N	MKM-59	95° 24' 5.510" E	27° 28' 24.251" N
MKM-22	95° 26' 13.128" E	27° 29' 27.050" N	HJN-53	95° 26' 41.644" E	27° 28' 8.302" N
MKM-47	95° 26' 13.692" E	27° 29' 27.063" N	MKM-61	95° 24' 19.460" E	27° 26' 22.570" N
MKM-48	95° 25' 58.131" E	27° 28' 53.670" N	KHK-2	95° 16' 15.860" E	27° 26' 28.750" N
N.MKM-1	95° 25' 20.035" E	27° 29' 41.946" N	HJN-68	95° 27' 42.610" E	27° 25' 58.340" N
N.MKM-2	95° 25' 19.481" E	27° 29' 41.881" N	KHK-1	95° 16' 16.230" E	27° 26' 28.360" N
MKM-6	95° 25' 26.583" E	27° 29' 7.839" N	LHL-4	95° 16' 16.680" E	27° 26' 28.400" N
MKM-7	95° 25' 25.683" E	27° 29' 7.033" N	MKM-57	95° 23' 46.670" E	27° 27' 1.350" N
SCM-1	95° 23' 51.574" E	27° 30' 49.469" N	SMD-4	95° 32' 33.750" E	27° 29' 39.090" N
SCM-2	95° 24' 46.712" E	27° 30' 41.984" N	HJN-65	95° 27' 59.060" E	27° 28' 2.870" N
SCM-3	95° 23' 52.047" E	27° 30' 48.698" N	NHK-630	95° 16' 57.780" E	27° 25' 21.430" N
SCM-4	95° 23' 38.639" E	27° 31' 9.393" N	BZL-6	95° 26' 41.630" E	27° 25' 39.320" N
BRK-1	95° 24' 3.699" E	27° 32' 10.533" N	MKM-63	95° 24' 42.769" E	27° 26' 48.124" N
BRK-2	95° 24' 3.150" E	27° 32' 10.476" N	HKN-2	95° 28' 0.791" E	27° 32' 3.772" N
BRK-3	95° 24' 2.596" E	27° 32' 10.457" N	HKN-2 (SS)	95° 27' 55.758" E	27° 32' 0.480" N
BRK-4	95° 23' 36.927" E	27° 32' 9.773" N	Loc-102	95° 28' 24.311" E	27° 32' 8.764" N
BRK-5	95° 23' 37.375" E	27° 32' 9.626" N	MCK-5	95° 37' 32.658" E	27° 43' 45.475" N
BRK-6	95° 23' 52.738" E	27° 32' 30.548" N	Dhakuwal-1	95° 21' 35.541" E	27° 33' 45.120" N
BRK-7	95° 23' 37.399" E	27° 32' 8.994" N	KHK-3	95° 16' 57.937" E	27° 26' 24.330" N
BRK-8	95° 23' 37.055" E	27° 32' 8.668" N	BRK-25	95° 24' 46.057" E	27° 31' 47.354" N
BRK-9	95° 23' 52.198" E	27° 32' 30.180" N	BRK-27	95° 23' 11.002" E	27° 32' 15.058" N
BRK-10	95° 22' 53.332" E	27° 32' 42.266" N	BRK-28	95° 23' 11.631" E	27° 32' 15.885" N
BRK-11	95° 23' 26.473" E	27° 32' 34.954" N	BRK-29	95° 23' 10.680" E	27° 32' 14.508" N
BRK-12	95° 22' 52.979" E	27° 32' 41.727" N	BRK-31	95° 23' 10.161" E	27° 32' 14.180" N
MKM-41	95° 23' 32.939" E	27° 28' 7.983" N	BRK-30	95° 24' 45.676" E	27° 31' 47.509" N
MKM-66	95° 26' 11.574" E	27° 28' 11.429" N	MKM-64	95° 24' 6.780" E	27° 28' 23.305" N

MKM-67	95° 24' 43.874" E	27° 28' 21.504" N	MKM-65	95° 23' 33.933" E	27° 28' 8.003" N
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## ANNEXURE-IV

**LIST OF VILLAGES COMING UNDER ECO-SENSITIVE ZONE OF DIBRU-SAIKHOWA NATIONAL  
PARK ALONG WITH GEO-COORDINATES**

Sl. No.	Name of Villages	Geo co-ordinates	
		Latitude	Longitude
1	Erasuti Gaon	27°35'27.4"N	95°19'26.9"E
2	Kaliapani Gaon	27°34'40.5"N	95°19'30.5"E
3	Felai Gaon	27°45'20.3"N	95°32'7.9"E

## ANNEXURE -V

**Performa of Action Taken Report:**

1. Number and date of meetings.
2. Minutes of the meetings: (mention noteworthy points. Attach minutes of the meeting as separate Annexure).
3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
4. Summary of cases dealt with rectification of error apparent on face of land record (Eco-sensitive Zone wise). Details may be attached as Annexure.
5. Summary of cases scrutinised for activities covered under the Environment Impact Assessment Notification, 2006 (Details may be attached as separate Annexure).
6. Summary of cases scrutinised for activities not covered under the Environment Impact Assessment Notification, 2006 (Details may be attached as separate Annexure).
7. Summary of complaints lodged under section 19 of the Environment (Protection) Act, 1986.
8. Any other matter of importance.

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ITEM NO.6

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

ANNEXURE 9

INTERLOCUTORY APPLICATION NO. 3934 IN Writ Petition(s) (Civil)  
No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS. Respondent(s)

(FOR MODIFICATION OF COURT'S ORDER DATED 05.10.2015)

Date : 07-09-2017 This application was called on for hearing  
today.CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Harish N. Salve, Sr. Adv. [A.C.] [NP]  
Mr. A.D.N. Rao, Advocate [A.C.]  
Mr. Siddhartha Chowdhury, Advocate [A.C.] [NP]  
Ms. Aparajita Singh, Advocate [A.C.] [NP]For Respondent(s) Mr. Ranjit Kumar, SG  
Mr. S. Wasim A. Qadri, Adv.  
Mr. Saeed Qadri, Adv.  
Mr. Ayush Aggarwal, Adv.  
Mr. Navnit Kumar, Adv.Ms. Pinky Anand, ASG  
Ms. Gargi Khanna, Adv.  
Mr. Ravindara Bana, Adv.  
Ms. Snidha Mishra, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. G.S. Makker, Adv.

Mr. Haris Beeran, Adv.

M/S Corporate Law Group

Mr. Shuvodeep Roy, Adv.  
Mr. Sayooj Mohandas, Adv.  
Mr. Rohit K. Mahonta, Adv.

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UPON hearing the counsel the Court made the following

O R D E R

We have been taken through the Minutes of 44<sup>th</sup> Meeting of the Standing Committee of National Board for Wildlife held on 29.07.2017 and letter dated 09.08.2017 of the Government of India, Ministry of Environment, Forest and Climate Change (Wildlife Division) regarding the proposal given by the Oil India Limited to extract hydrocarbon beneath 3900-4000 meters of Dibru Saikhowa National Park. The proposal has been accepted subject to certain conditions which are indicated in Agenda Item 42.3.2 of the said Minutes.

In view of the above, the application is allowed. However, we make it clear that the Oil India Limited will also be bound by the undertaking dated 25.07.2017 as mentioned in the letter of Dr. R. Dasgupta, Executive Director (Corporate Affairs) for Chairman and Managing Director:

- i) OIL will carry out Bio-diversity Impact Assessment study through Assam State Biodiversity Board, for which budgetary offer have already been obtained on 12<sup>th</sup> May, 2017.
- ii) OIL will carry out subsidence study followed with taking mitigation measures, in order to ensure that there is no impact in the forest surface above the reservoir at height 3,900 to 4,000 mtr, due to extraction of hydrocarbon from the reservoirs.
- iii) All mitigation measures will be in place in case of any eventuality causing Oil Spillage inside the Park area such as - Install Blow Out Preventer at well head and provide necessary valves in the Production installations located outside the Park area. Standard Operating Procedure (SOP), approved by the competent authority, pertaining to Oil Spillage, will be strictly adhered to.
- iv) Undertake schedule test and inspection of the area periodically in order to asses any abnormality in the surface area above the reservoir inside the Park.

v) OIL will also ensure strict compliance of the conditions stipulated in EIA Notification, 2006 for both inside the Park areas as well as ESZ area of it.

(MEENAKSHI KOHLI)  
COURT MASTER (SH)

(SUMAN JAIN)  
COURT MASTER

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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



ANNEXURE 10.

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 3169]

नई दिल्ली, सोमवार, अगस्त 13, 2018/श्रावण 22, 1940

No. 3169]

NEW DELHI, MONDAY, AUGUST 13, 2018/SHRAVANA 22, 1940

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय अधिसूचना

नई दिल्ली, 10 अगस्त, 2018

**का.बा.3965(अ).**—जबकि, बागजन पीएमएल ब्लॉक, जो तेल और प्राकृतिक गैस निष्कर्षण के लिए ऑयल इंडिया लिमिटेड के मुख्य उत्पादक क्षेत्रों में से एक है;

और जबकि बागजन पीएमएल ब्लॉक पचहत्तर वर्ग किलोमीटर क्षेत्र तक फैला हुआ है और यह 13 मई, 2023 तक वैध है;

और जबकि, ऑयल इंडिया लिमिटेड ने बागजन पीएमएल ब्लॉक में चौबीस कुओं का वेधन किया है और लगभग सभी कुओं में हाइड्रोकार्बन पाया गया था;

और जबकि असम सरकार ने डिब्रु-साइखोवा राष्ट्रीय उद्यान को इको-संवेदनशील अंचल के रूप में घोषित कर दिया है और असम सरकार ने उस क्षेत्र में तेल और गैस क्षेत्रों के उत्पादन को प्रतिबंधित कर दिया है;

और जबकि असम सरकार के चीफ वाइल्ड लाइफ वार्डन ने डिब्रु-साइखोवा राष्ट्रीय उद्यान के नीचे बागजन पीएमएल ब्लॉक की चाहरदीवारी से दूर हाइड्रोकार्बन के निष्कर्षण के लिए उक्त राष्ट्रीय उद्यान क्षेत्र के बाहर कूप वेधन के लिए तैयार सतह पर कूपों का अधिक गहराई तक वेधन करने के लिए ऑयल इंडिया लिमिटेड के प्रस्ताव पर विचार करने की सिफारिश की है;

और जबकि दिनांक 29 जुलाई, 2017 को आयोजित राष्ट्रीय वन्य जीव बोर्ड की स्थायी समिति ने अपनी 44वीं बैठक के कार्यवृत्त में डिब्रु-साइखोवा राष्ट्रीय उद्यान के 3900-4000 मीटर नीचे हाइड्रोकार्बन निकालने के प्रस्ताव को मंजूरी दे दी है;

और जबकि माननीय उच्चतम न्यायालय ने दिनांक 7 सितम्बर 2017 के अपने आदेश से, ऑयल इंडिया लिमिटेड द्वारा दायर कतिपय शर्तों के साथ डिब्रु-साइखोवा राष्ट्रीय उद्यान के 3900-4000 मीटर नीचे हाइड्रोकार्बन के निष्कर्षण हेतु प्रार्थना संबंधी अंतर्वादीय आवेदन की अनुमति दी है;

अब अतः पेट्रोलियम और प्राकृतिक गैस नियम, 1959 के नियम 28 के उप-नियम (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, केन्द्रीय सरकार असम के तिनसुकिया और डिब्रुगढ़ के जिलों में स्थित डिब्रु-साइखोवा राष्ट्रीय उद्यान के नीचे भंडार से बागजन पीएमएल ब्लॉक की सीमा से बाहर हाइड्रोकार्बन की निकासी के लिए निम्नलिखित शर्तों के अधीन ऑयल इंडिया लि0 (ओआईएल) को प्राधिकृत करती है:-

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- (क) उक्त हाइड्रोकार्बन कार्यकलापों को 3900-4000 मीटर की गहराई पर एक्सटेंडिड रीच ड्रिलिंग वेल्स टेक्नोलॉजी का इस्तेमाल करके वन सीमा से बाहर, सतही जल पर कोई प्रभाव डाले बिना या डिब्रु-साइखोवा राष्ट्रीय उद्यान के वन की सतह का प्रयोग किए बिना करना होगा;
- (ख) ओआईएल क्षेत्र के लिए जैव-विविधता प्रभाव आकलन अध्ययन करेगी;
- (ग) ओआईएल यह सुनिश्चित करने के लिए कि भंडारों से हाइड्रोकार्बन की निकासी के कारण, 3900 से 4000 मीटर की ऊंचाई पर भंडार से ऊपर वन की सतह में कोई प्रभाव नहीं पड़ा है, अल्पीकरण उपायों को करने के बाद अवतलन अध्ययन करेगी;
- (घ) ओआईएल पार्क क्षेत्र के भीतर तेल रिसाव होने की संभावना के मामले में सभी अल्पीकरण उपाय सुनिश्चित करेगी जैसे कूप शीर्ष पर ब्लो आउट प्रिवेंटर स्थापित करना और पार्क क्षेत्र के बाहर स्थित उत्पादन संस्थापनाओं में आवश्यक वाल्व उपलब्ध कराना;
- (ङ.) तेल रिसाव के संबंध में सक्षम प्राधिकारी द्वारा अनुमोदित मानक प्रचालन प्रक्रिया का कड़ाई से अनुपालन किया जाएगा;
- (च) क्षेत्र का आवधिक रूप से निर्धारित जांच और निरीक्षण किया जाएगा ताकि पार्क के भीतर रिजर्वारियर के ऊपर सतह क्षेत्र में किसी प्रकार की असामान्य स्थिति का पता लगाया जा सके;
- (छ) पार्क क्षेत्र के भीतर और इसके पारिस्थितिकीय रूप से संवेदनशील जोन वाले क्षेत्र दोनों के लिए पर्यावरण प्रभाव के मूल्यांकन संबंधी अधिसूचना, 2006 में निर्धारित शर्तों का कड़ाई से अनुपालन सुनिश्चित किया जाएगा;
- (ज) पर्यावरण प्रभाव संबंधी मूल्यांकन और पर्यावरण प्रबंधन कार्यक्रम किया जाएगा;
- (झ) ऐसे एहतियाती उपाय किए जाएंगे ताकि यह सुनिश्चित किया जा सके कि सतही जल किसी प्रकार से प्रदूषित न हो;
- (ञ) पार्क क्षेत्र के भीतर गैस की फ्लेरिंग प्रतिबंधित होगी;
- (ट) ध्वनि प्रदूषण को रोकने के उपाय किए जाएंगे।
- (ठ) तेल रिसाव को रोकने के उपाय किए जाएंगे;
- (ड) अग्नि दुर्घटना को रोकने के उपाय किए जाएंगे;
- (ड) वन क्षेत्र के बाहर प्रत्येक कूप के वेधन प्लिनथ के आस-पास 10 फीट ऊंचा बैरिकेड लगाना और बैरिकेड के आस-पास 7.5 मीटर के सुरक्षित क्षेत्र की चेन से जुड़ी हुई फेंसिंग से चहारदीवारी की जाएगी और स्वदेशी प्रजातियों के पौधों से पौधरोपण किया जाएगा ताकि वन्य जीवों को चोट अथवा उनकी मृत्यु तथा खनन स्थल में पर्यावरण नुकसान और प्रदूषण को रोका जा सके; और
- (ण) क्षेत्र का उपयोग करने की अनुमति देने से पूर्व, राष्ट्रीय पार्क के क्षेत्र में और उसके आस-पास मौजूद वन्य जीवों के कल्याण और पर्यावरण नुकसान तथा प्रदूषण को रोकने के लिए असम सरकार के वन विभाग द्वारा उनकी सुरक्षा और नुकसान को कम करने संबंधी उपाय किए जाएंगे जिसके लिए ओआईएल संग्रह निधि के रूप में प्रधान मुख्य वन संरक्षक (पीसीसीएफ), वन्य जीव (डब्ल्यूएल) और मुख्य वन्य जीव वार्डन (सीडब्ल्यूएलडब्ल्यू), असम को उचित धनराशि उपलब्ध कराएगा जिसका उपयोग वन्य जीव संरक्षण और वन्य जीवों के हित में अन्य संबद्ध कार्यकलापों के लिए किया जाएगा।

[फा. सं. ओ-32011/3/2010-ओएनजी-II / I]  
दिवाकर नाथ मिश्रा, संयुक्त सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

### NOTIFICATION

New Delhi, the 10<sup>th</sup> Aug, 2018

**S.O.3965(E).**— Whereas, Baghjan PML Block, which is one of the main producing fields of Oil India Limited for extraction of oil and natural gas;

And whereas the Baghjan PML Block extends to an area admeasuring seventy-five square kilometers and is valid up to 13<sup>th</sup> May, 2023;

And whereas, Oil India Limited has drilled twenty-four wells in the Baghjan PML Block and almost all wells were found to be bearing hydrocarbon;

And whereas the Government of Assam has declared the Dibru-Saikhowa National Park as Eco-sensitive Zone and Government of Assam restricts production of oil and gas fields in the said area;

And whereas the Chief Wildlife Warden of the Government of Assam has recommended to consider the proposal of Oil India Limited for extraction of hydrocarbon beyond the boundary of Baghjan PML Block

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beneath Dibru-Saikhowa National Park by drilling Extended Reach Drilling Wells from well pads placed outside the said National Park area;

And whereas the Standing Committee of National Board for Wildlife vide minutes of its 44<sup>th</sup> meeting held on 29<sup>th</sup> July, 2017 approved the proposal of Oil India Limited to extract hydrocarbon beneath 3900-4000 meters of Dibru-Saikhowa National Park;

And whereas the Hon'ble Supreme Court has, vide its Order dated 7<sup>th</sup> September, 2017, allowed the interlocutory application filed by Oil India Limited praying for extraction of hydrocarbon beneath 3900-4000 meters of Dibru-Saikhowa National Park, subject to certain conditions;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 28 of the Petroleum and Natural Gas Rules, 1959, the Central Government authorises the Oil India Limited (OIL) to extract hydrocarbon beyond the boundary of Baghjan PML Block from the reservoir beneath Dibru-Saikhowa National Park situated in the districts of Tinsukia and Dibrugarh in Assam, subject to the following conditions, namely:—

- (a) the said hydrocarbon exploration activities have to be carried out from outside the forest boundary using Extended Reach Drilling Wells technology at a depth of 3900-4000 meters without any impact to surface water or use of the forest surface of Dibru-Saikhowa National Park;
- (b) OIL shall carry out Bio-diversity Impact Assessment study for the area;
- (c) OIL shall carry out subsidence study followed with taking mitigation measures, in order to ensure that there is no impact in the forest surface above the reservoir at height 3,900 to 4,000 meter, due to extraction of hydrocarbon from the reservoirs;
- (d) OIL shall ensure all mitigation measures to be in place in case of any eventuality causing oil spillage inside the park area such as – Install Blow out Preventer at well head and provide necessary valves in the production installations located outside the park area;
- (e) Standard Operating Procedure, approved by the competent authority, pertaining to Oil Spillage, shall be strictly adhered to;
- (f) undertake schedule test and inspection of the area periodically in order to assess any abnormality in the surface area above the reservoir inside the park;
- (g) ensure strict compliance of the conditions stipulated in Environment Impact Assessment Notification, 2006 for both inside the park areas as well as Eco-sensitive Zone area of it;
- (h) undertake Environment Impact Assessment and Environment Management Programme;
- (i) preventive measures to ensure there is no contamination of surface water;
- (j) flaring of gas inside the park area is prohibited;
- (k) measures to prevent noise pollution;
- (l) measures to prevent oil spills;
- (m) measures to prevent fire hazard;
- (n) to erect 10 feet high barricade around the drilling plinths of each well, outside forest area and a safety zone of 7.5 meters around the barricade is to be fenced with chain link fencing and planted with indigenous plant species to prevent any injuries or mortality of wildlife as well as the environmental damage and pollution in the mining locality; and
- (o) protection and mitigation measures are to be taken by the Forest Department of the Government of Assam for the welfare of the existing wildlife population as well as to prevent environmental damage and pollution in and around the vicinity of the National park for which OIL shall provide a reasonable amount to Principal Chief Conservator of Forests (PCCF) Wild Life (WL) and Chief Wildlife Warden (CWLW), Assam as Corpus fund, which will be utilised for wildlife conservation and other allied activities in the interest of the wildlife prior to allowing the use of the area.

[F.No.O-32011/3/2010-ONG-II/I]  
Diwakar Nath Misra, Jt. Secy.



ASSAM STATE BIODIVERSITY BOARD  
ARANYA BHAWAN, 2<sup>nd</sup> FLOOR  
PANJABARI, GUWAHATI-781037

www.asbh.gov.in

**ANNEXURE 11**

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ABB/Consultancy Services/2017/ 133

Tel- 0361- 2333917; Fax: 2333788

Email: [assambioboard@gmail.com](mailto:assambioboard@gmail.com)

Date: 29/08/2020

From: K.S.P.V. Pavan Kumar, IFS  
i/c Special PCCF (Biodiversity & CC) &  
Member Secretary-ASBB  
Guwahati


To: Mr. Sarbeswar Basumatary,  
GM (HSE)  
S & E Department, Oil India Limited  
Duliajan-786602

Sub: Regarding budgetary quotation for 'Biodiversity Impact Assessment' study for drilling of the proposed 7. Nos. Extended Reach Drilling wells beneath the Dibru Saikhowa NP (DSNP)

Ref: Your email dated 21.08.2020

Sir,

In the backdrop of the critical and extraordinary situation prevailing around the Baghjan / Dibru-Saikhowa / Maguri-Motapung Beel area on the aftermath of the oil-well blowout, it would not be possible for the Assam State Biodiversity Authority to undertake any 'Biodiversity Impact Assessment Study', till the environmental crisis in and around Baghjan / Dibru-Saikhowa / Maguri-Motapung Beel area is fully mitigated by M/s. Oil India Limited. This is for your kind information and necessary action.

  
29/08/2020  
i/c. Member Secretary  
Assam State Biodiversity Board

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ANNEXURE 12



F.No. J-11011/150/2016- IA II(I)  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA-II Section)

By Speed Post/Online

Indira Paryavaran Bhawan  
Jorbagh Road, New Delhi - 3

Dated: 11<sup>th</sup> May, 2020

To

**M/s Oil India Ltd**  
Duliajan, Naharkathiya  
Dibrugarh, Assam - 786 602  
Email: [safety@oilindia.in](mailto:safety@oilindia.in)

**Sub: Extension Drilling & Testing of Hydrocarbons at 7 (seven) locations under Dibru-Saikhowa National Park Area, North-West of Baghjan PML, District Tinsukia, Assam by M/s Oil India Ltd - Environmental Clearance - reg.**

Sir,

This has reference to your proposal No. IA/AS/IND2/92824/2007 dated 28<sup>th</sup> February 2019, submitting the EIA/EMP report on the above subject matter.

2. The Ministry of Environment, Forest and Climate Change has examined the proposal for environmental clearance to the project for Extension Drilling & Testing of Hydrocarbons at 7 (seven) locations by M/s Oil India Ltd under Dibru-Saikhowa National Park Area, North-West of Baghjan PML, District Tinsukia, Assam.
3. The land required for the project is 96000 sqm. The estimated project cost is Rs.300 crores and total recurring cost earmarked towards environmental pollution control measures is Rs. 0.2618 crore per annum. The project will provide employment for 50 persons directly & 50 persons indirectly.
4. The Dibru Saikhowa National Park and Bherjan Segment of Bherjan Borjan Podumoni Wildlife Sanctuary are located within 10 km of the well sites. Dangori river is flowing at a distance of 0.9 km in east-west direction. The Standing Committee of National Board for Wildlife in its meeting held on 29<sup>th</sup> July, 2017 and Hon'ble Supreme Court vide order dated 7<sup>th</sup> September, 2017 has recommended the proposal, on wildlife angle.
5. Total fresh water requirement is estimated to be 50 cum/day, proposed to be met from tube well. Effluent of 24.8 cum/day will be treated through effluent treatment plant and septic tank soak pit.

Power requirement of 2500 kVA will be sufficed through Diesel Generator Sets. One DG set of 1250 KVA will be kept as standby. Stack height of 7 m will be provided as per CPCB norms to the proposed DG sets. Drill cuttings and spent drilling mud will be disposed to HDPE lined pit within the drill site.

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6. The project/activity was covered under category A of item 1(b) 'Offshore and onshore oil and gas exploration, development & production' of schedule to the Environment Impact Assessment (EIA) Notification, 2006, and requires appraisal at central level by sectoral Expert Appraisal Committee in the Ministry. The Ministry vide Notification dated 16<sup>th</sup> January, 2020 has categorized all projects in respect of off-shore and onshore oil and gas exploration as 'B2' projects.

7. The Terms of References (ToRs) for the project was issued by the Ministry vide letter dated 3<sup>rd</sup> August 2016.

8. The proposal was considered by the Expert Appraisal Committee (Industry-2) in its meetings held on 6-8 May, 2019 and 30-31 December, 2019 & 1<sup>st</sup> January, 2020 in the Ministry, wherein the project proponent and their accredited consultant M/s ERM India Pvt Ltd presented the EIA/EMP report as per the ToR. The Committee found the EIA/EMP report complying with the ToR and recommended the project for grant of environmental clearance.

9. The EAC, constituted under the provision of the EIA Notification, 2006 and comprising of Experts Members/domain experts in various fields, have examined the proposal submitted by the Project Proponent in desired form along with EIA/EMP report prepared and submitted by the Consultant accredited by the QCI/ NABET on behalf of the Project Proponent.

The EAC noted that the Project Proponent has given undertaking that the data and information given in the application and enclosures are true to the best of his knowledge and belief and no information has been suppressed in the EIA/EMP report and public hearing process. If any part of data/information submitted is found to be false/misleading at any stage, the project will be rejected and Environmental Clearance given, if any, will be revoked at the risk and cost of the project proponent.

The Committee noted that the EIA/EMP report is in compliance of the ToR issued for the project, reflecting the present environmental concerns and the projected scenario for all the environmental components. The EAC has deliberated the proposal and has made due diligence in the process as notified under the provisions of the EIA Notification, 2006, as amended from time to time and accordingly made the recommendations to the proposal.

10. Based on the proposal submitted by the project proponent and recommendations of the EAC (Industry-2), Ministry of Environment, Forest and Climate change hereby accords environmental clearance to the project for **Extension Drilling & Testing of Hydrocarbons at 7 (seven) locations by M/s Oil India Ltd under Dibru-Saikhowa National Park Area, North-West of Baghjan PML, District Tinsukia, Assam**, under the provisions of the EIA Notification, 2006, subject to the compliance of terms and conditions as under:-

- (i) No drilling shall be conducted in forest areas without obtaining prior permission under the Forest (Conservation) Act, 1980.
- (ii) Drilling in the National Park/Wildlife Sanctuaries are subject to the recommendations of orders of Hon'ble Supreme Court, recommendations of Standing Committee of NBWL, recommendations of the State Chief Wildlife Warden and strict compliance of the conditions imposed therein.

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- (iii) Necessary permission as mandated under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, as applicable from time to time, shall be obtained from the State Pollution Control Board.
- (iv) As proposed by the project proponent, Zero Liquid Discharge shall be ensured and no waste/treated water shall be discharged to any surface water body, sea and/or on land. Mobile ETP along with RO plant shall be installed to treat the waste water.
- (v) To control source and the fugitive emissions, suitable pollution control devices shall be installed to meet the prescribed norms and/or the NAAQS. The gaseous emissions shall be dispersed through stack of adequate height as per CPCB/SPCB guidelines.
- (vi) Necessary authorization required under the Hazardous and Other Wastes (Management and Trans-Boundary Movement) Rules, 2016, Solid Waste Management Rules, 2016 shall be obtained and the provisions contained in the Rules shall be strictly adhered to.
- (vii) Ambient air quality shall be monitored at the nearest human settlements as per the National Ambient Air Quality Emission Standards issued by the Ministry vide G.S.R. No. 826(E) dated 16<sup>th</sup> November, 2009 for PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, CH<sub>4</sub>, HC, Non-methane HC etc.
- (viii) During exploration, production, storage and handling, the fugitive emission of methane, if any, shall be monitored using Infra-red camera/ appropriate technology.
- (ix) The project proponent also to ensure trapping/storing of the CO<sub>2</sub> generated, if any, during the process and handling.
- (x) Approach road shall be made pucca to minimize generation of suspended dust.
- (xi) The company shall make all arrangements for control of noise from the drilling activity. Acoustic enclosure shall be provided for the DG sets along with the adequate stack height as per CPCB guidelines.
- (xii) Total fresh water requirement shall not exceed 20 cum/day. Prior permission shall be obtained from the concerned regulatory authority. Mobile ETP coupled with RO shall be installed to reuse the treated water in drilling system. Size of the waste shall be equal to the hole volume+ volume of drill cutting and volume of discarded mud if any. Two feet free board may be left to accommodate rain water. There shall be separate storm water channel and rain water shall not be allowed to mix with waste water. Alternatively, if possible pit less drilling be practiced instead of above.
- (xiii) The company shall construct the garland drain all around the drilling site to prevent runoff of any oil containing waste into the nearby water bodies. Separate drainage system shall be created for oil contaminated and non-oil contaminated. Effluent shall be properly treated and treated wastewater shall conform to CPCB standards.

B. L.

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- (xiv) Drill cuttings separated from drilling fluid shall be adequately washed and disposed in HDPE lined pit. Waste mud shall be tested for hazardous contaminants and disposed according to HWMH Rules, 2016. No effluent/drilling mud/drill cutting shall be discharged/disposed off into nearby surface water bodies. The company shall comply with the guidelines for disposal of solid waste, drill cutting and drilling fluids for onshore drilling operation notified vide GSR.546(E) dated 30<sup>th</sup> August, 2005.
- (xv) Oil spillage prevention and mitigation scheme shall be prepared. In case of oil spillage/ contamination, action plan shall be prepared to clean the site by adopting proven technology. The recyclable waste (oily sludge) and spent oil shall be disposed of to the authorized recyclers.
- (xvi) The Company shall take necessary measures to prevent fire hazards, containing oil spill and soil remediation as needed. Possibility of using ground flare shall be explored. At the place of ground flaring, the overhead flaring stack with knockout drums shall be installed to minimize gaseous emissions during operation.
- (xvii) The company shall develop a contingency plan for H<sub>2</sub>S release including all necessary aspects from evacuation to resumption of normal operations. The workers shall be provided with personal H<sub>2</sub>S detectors in locations of high risk of exposure along with self containing breathing apparatus.
- (xviii) The Company shall carry out long term subsidence study by collecting base line data before initiating drilling operation till the project lasts. The data so collected shall be submitted six monthly to the Ministry and Regional Office.
- (xix) Blow Out Preventer system shall be installed to prevent well blowouts during drilling operations. BOP measures during drilling shall focus on maintaining well bore hydrostatic pressure by proper pre-well planning and drilling fluid logging etc.
- (xx) Emergency Response Plan shall be based on the guidelines prepared by OISD, DGMS and Govt. of India.
- (xxi) On completion of the project, necessary measures shall be taken for safe plugging of wells with secured enclosures to restore the drilling site to the original condition. The same shall be confirmed by the concerned regulatory authority from environment safety angle. In case of hydrocarbon not found economically viable, a full abandonment plan shall be implemented for the drilling site in accordance with the applicable Indian Petroleum Regulations.
- (xxii) At least 2% of the total project cost shall be allocated for Corporate Environment Responsibility (CER) and item-wise details along with time bound action plan shall be prepared and submitted to the Ministry's Regional Office.
- (xxiii) No lead acid batteries shall be utilized in the project/site.
- (xxiv) Occupational health surveillance of the workers shall be carried out as per the prevailing Acts and Rules.
- (xxv) Oil content in the drill cuttings shall be monitored by some Authorized agency and report shall be sent to the Ministry's Regional Office.



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(xxvi) Company shall prepare operating manual in respect of all activities, which would cover all safety & environment related issues and measures to be taken for protection. One set of environmental manual shall be made available at the drilling site/ project site. Awareness shall be created at each level of the management. All the schedules and results of environmental monitoring shall be available at the project site office. Remote monitoring of site should be done.

**10.1** The grant of environmental clearance is further subject to compliance of other general conditions as under:-

- (i) The Project Proponent shall obtain all other statutory/necessary permissions/recommendations/NOCs prior to start of construction/operation of the project, which *inter alia* include, permission/approvals under the Forest (Conservation) Act, 1980; the Wildlife (Protection) Act, 1972; the Coastal Regulation Zone Notification, 2019, as amended from time to time, and other Office Memoranda/Circular issued by the Ministry of Environment, Forest and Climate Change from time to time, as applicable to the project.
- (ii) The project proponent shall ensure compliance of 'National Emission Standards', as applicable to the project, issued by the Ministry from time to time. The project proponent shall also abide by the rules/regulations issued by the CPCB/SPCB for control/abatement of pollution.
- (iii) The project authorities shall adhere to the stipulations made by the State Pollution Control Board/Committee, Central Pollution Control Board, State Government and any other statutory authority.
- (iv) The project proponent shall prepare a site specific conservation plan and wildlife management plan in case of the presence of Schedule-1 species in the study area, as applicable to the project, and submit to Chief Wildlife Warden for approval. The recommendations shall be implemented in consultation with the State Forest/Wildlife Department in a time bound manner.
- (v) No further expansion or modifications in the plant, other than mentioned in the EIA Notification, 2006 and its amendments, shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change. In case of deviations or alterations in the project proposal from those submitted to this Ministry for clearance, a fresh reference shall be made to the Ministry to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- (vi) The energy source for lighting purpose shall be preferably LED based, or advance having preference in energy conservation and environment betterment.
- (vii) The locations of ambient air quality monitoring stations shall be decided in consultation with the State Pollution Control Board (SPCB) and it shall be ensured that at least one station each is installed in the upwind and downwind direction as well as where maximum ground level concentrations are anticipated.
- (viii) The National Ambient Air Quality Emission Standards issued by the Ministry vide G.S.R. No. 826(E) dated 16<sup>th</sup> November, 2009 shall be followed.
- (ix) The overall noise levels in and around the plant area shall be kept well within the standards by providing noise control measures including acoustic hoods,

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silencers, enclosures etc. on all sources of noise generation. The ambient noise levels shall conform to the standards prescribed under Environment (Protection) Act, 1986 Rules, 1989 viz. 75 dBA (day time) and 70 dBA (night time).

- (x) The Company shall harvest rainwater from the roof tops of the buildings and storm water drains to recharge the ground water and to utilize the same for process requirements.
- (xi) Training shall be imparted to all employees on safety and health aspects of chemicals handling. Pre-employment and routine periodical medical examinations for all employees shall be undertaken on regular basis. Training to all employees on handling of chemicals shall be imparted.
- (xii) The company shall also comply with all the environmental protection measures and safeguards proposed in the documents submitted to the Ministry. All the recommendations made in the EIA/EMP in respect of environmental management, and risk mitigation measures relating to the project shall be implemented.
- (xiii) The company shall undertake all relevant measures for improving the socio-economic conditions of the surrounding area. CER activities shall be undertaken by involving local villages and administration and shall be implemented.
- (xiv) The company shall undertake eco-developmental measures including community welfare measures in the project area for the overall improvement of the environment.
- (xv) A separate Environmental Management Cell (having qualified person with Environmental Science/Environmental Engineering/specialization in the project area) equipped with full fledged laboratory facilities shall be set up to carry out the Environmental Management and Monitoring functions.
- (xvi) The company shall earmark sufficient funds towards capital cost and recurring cost per annum to implement the conditions stipulated by the Ministry of Environment, Forest and Climate Change as well as the State Government along with the implementation schedule for all the conditions stipulated herein. The funds so earmarked for environment management/ pollution control measures shall not be diverted for any other purpose.
- (xvii) A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban local Body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.
- (xviii) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Environmental Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and SPCB. A copy of Environmental Clearance and six monthly compliance status report shall be posted on the website of the company.
- (xix) The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandated shall be submitted to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status

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of compliance of environmental clearance conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.

- (xx) The project proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the SPCB/Committee and may also be seen at Website of the Ministry and at <https://parivesh.nic.in/>. This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional Office of the Ministry.
- (xxi) The project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.
- (xxii) This Environmental clearance is granted subject to final outcome of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, if any, as may be applicable to this project.

**11.** The Ministry reserves the right to stipulate additional conditions, if found necessary at subsequent stages and the project proponent shall implement all the said conditions in a time bound manner. The Ministry may revoke or suspend the environmental clearance, if implementation of any of the above conditions is not found satisfactory.

**12.** Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

**13.** Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

**14.** The above conditions shall be enforced, *inter-alia* under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.

**15.** This issues with approval of the competent authority.

  
 (A.K.Pateshwary)  
 Director

**Copy to: -**

1. The Deputy DGF (C), MoEF&CC Regional Office (NEZ), Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong

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2. The Secretary, Department of Environment and Forest, Government of Assam, H-Block, 2<sup>nd</sup> Floor, Janata Bhawan, Disupr, Guwahati (Assam) - 6
3. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32
4. The Member Secretary, Pollution Control Board Assam, Bamunimaidam, Guwahati - 21
5. The District Collector, District Tinsukia (Assam)
6. Guard File/Monitoring File/Website/Record File

  
(A.K.Pateshwary)  
Director

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ANNEXURE 13

## MINISTRY OF ENVIRONMENT AND FORESTS

ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION S.O.60(E), dated  
27/01/1994

(incorporating amendments vide S.O. 356(E) dated 4/5/1994, S.O. 318(E) dated 10/4/1997, S.O. 319 dated 10/4/1997, S.O. 73(E) dated 27/1/2000, S.O. 1119(E) dated 13/12/2000, S.O. 737(E) dated 1/8/2001, S.O. 1148(E) dated 21/11/2001, S.O. 632(E) dated 13/06/2002 )

- 1) S.O. 60 (E)- Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No. 80(E) dated 28<sup>th</sup> January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

- 2) Requirements and procedure for seeking environmental clearance of projects:

- I.(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter

alia, include an Environmental Impact Assessment Report, Environment Management Plan and details of public hearing as specified in Schedule-IV prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time. However, Public Hearing is not required in respect of (i) small scale industrial undertakings located in (a) notified/designated industrial areas/industrial estates or (b) areas earmarked for industries under the jurisdiction of industrial development authorities; (ii) widening and strengthening of highways; (iii) mining projects (major minerals) with lease area up to twenty five hectares, (iv) units located in Export Processing Zones, Special Economic Zones and (v) modernisation of existing irrigation projects.

Provided that for pipeline projects, Environmental Impact Assessment report will not be required:

Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through.

- (b) Cases rejected due to submission of insufficient or inadequate data and Plan may be reviewed as and when submitted with complete data and Plan. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

- a. mining;
- b. pit-head thermal power stations;
- c. hydro-power, major irrigation projects and/or their combination including flood control;
- d. ports and harbours (excluding minor ports);
- e. prospecting and exploration of major minerals in areas above 500 hectares;

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

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- III. (a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such other body under the Central Government authorised by the Impact Assessment Agency in this regard.
- (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.
- (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories, if undertaken and details of the public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project.

- IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency shall make compliance reports publicly available.
- V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3) Nothing contained in this Notification shall apply to:

- a. any item falling under entry Nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No.102 (E) dated 1<sup>st</sup> February, 1989, S.O. 114 (E)

dated 20<sup>th</sup> February, 1991; S.O. No. 416 (E) dated 20<sup>th</sup> June, 1991 and S.O. No.319 (E) dated 7<sup>th</sup> May, 1992.

- b. any item falling under entry no.1,2,3,4,5,7,9,10,13,14,16,17,19,21,25,27 of Schedule-I if the investment is less than Rs.100 crores for new projects and less than Rs. 50 crores for expansion / modernization projects.
  - c. any item reserved for Small Scale Industrial Sector with investment less than Rs. 1 crore.
  - d. defence related road construction projects in border areas.
  - e. any item falling under entry no. 8 of Schedule-I, if that product is covered by the notification G.S.R. 1037(E) dated 5<sup>th</sup> December 1989.
  - f. Modernization projects in irrigation sector if additional command area is less than 10,000 hectares or project cost is less than Rs. 100 crores.
- 4) Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:
- o False information
  - o False data
  - o Engineered reports
  - o Concealing of factual data
  - o False recommendations or decisions

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SCHEDULE-I

(See paras 1 and 2)

**LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM  
THE CENTRAL GOVERNMENT**

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, Rare Earths.
2. River Valley projects including hydel power, major Irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petrochemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LLDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13 (a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).  
(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

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16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.
18. All tourism projects between 200m—500 metres of High Water Line and at locations with an elevation of more than 1000 metres with investment of more than Rs.5 crores.
19. Thermal Power Plants.
20. Mining projects (major minerals) with leases more than 5 hectares.
21. Highway Projects except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger Reserves, Reserve Forests
22. Tared Roads in the Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (individual)
29. Electroplating
30. Meta amino phenol

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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



ANNEXURE 14

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 723]

नई दिल्ली, मंगलवार, मार्च 14, 2017/फाल्गुन 23, 1938

No. 723]

NEW DELHI, TUESDAY, MARCH 14, 2017/PHALGUNA 23, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संचात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;
3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;
4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;
5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आबद्ध होगा ;

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय ज्ञापन जारी किया है ;
7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (सिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय ज्ञापन के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और असंबैधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती। माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणागुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;
8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिसूचना, 2006 तथा तटीय विनियमन जोन अधिसूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंबर, 2012 और 24 जून, 2013 के कार्यालय ज्ञापन पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;
9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;
10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उसके अंतर्गत लाया जाए ;
11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अननुपालक थे, अनुपालक बनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिससे अननुपालना और अननुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;
12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरो-लीगल एक्शन बनाम भारत संघ (बिच्छड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212)। माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को "ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे....." अभिव्यक्त रूप से सशक्त करती है। धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है। धारा 2(क), धारा 3 और धारा 5 में "पर्यावरण" की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो "पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन" हैं। केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो। इस मामले में उक्त शक्तियों के अंतर्गत गाड़े कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है। माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है। पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो "पर्यावरण" के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है। इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

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की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे "प्रदूषणकर्ता संदाय करता है" का सिद्धांत। "प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस बचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।"

13. (1) इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उससे निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार ब्यौहार किया जाएगा ;

(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिनियम प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है ; और उस दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के विन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यक्ता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

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से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
NOTIFICATION**

New Delhi, the 14th March, 2017

**S.O. 804(E).**—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10<sup>th</sup> May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10<sup>th</sup> May, 2016;
3. And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government.
4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;
5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as "Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;
6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.
7. Whereas, the Hon'ble High Court of Jharkhand had passed an order dated the 28<sup>th</sup> November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12<sup>th</sup> December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

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8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7<sup>th</sup> July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12<sup>th</sup> December, 2012 and 24<sup>th</sup> June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;
9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;
10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;
11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;
12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13<sup>th</sup> February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that ..... section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

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looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution". 13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

- (2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.
- (3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.
- (4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.
- (5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.
- (6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

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(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.



OIL INDIA LIMITED  
(A Govt. of India Enterprise)  
P.O. Duliajan, Dis. Dibrugarh  
Assam, India, PIN-786602

CONTRACTS DEPARTMENT  
Tel : (91) 374-2800548  
Fax : (91) 374-2803549  
E-mail: [contracts@oilindia.in](mailto:contracts@oilindia.in)  
Website : [www.oil-india.com](http://www.oil-india.com)

Ref: OIL/CONT/V/G/ 1382/2020-21

Date: 30.10.2020

**ORDER OF TERMINATION OF CONTRACT NO. 6113317/CDG0925P19/DRLG/19  
AWARDED TO M/S JOHN ENERGY LIMITED FOR HIRING**

**WHEREAS**, Notice of Termination of the Contract bearing No. 6113317/CDG0925P19/DRLG/19 for 'Hiring the services of two nos. 550 HP (minimum) Capacity Workover Rigs' was issued to M/s John Energy Limited (hereinafter referred to as JEL) vide Letter No. OIL/CONT/V/G/1295/20-21 dated 10.10.2020 in terms of Clause- 13.7 of the GCC, which was to be effected on completion of 15 days' notice period.

**WHEREAS**, JEL has filed a Writ Petition(C) No. 4517/2020 before the Hon'ble Gauhati High Court challenging the said Notice of Termination. The Hon'ble Gauhati High Court vide its Order dated 21.10.2020 disposed of the Petition with the following Order

Quote

*Having heard the parties, this Court is of the opinion that the allegations and counter-allegations made by the contesting parties would fall in the domain of enquiry which would not be permissible in a writ proceeding.*

*However, taking note of the basic grievance expressed by the petitioner that the respondents have not appreciated the reply of the petitioner in the correct perspective, without commenting on the validity of the impugned notice dated 10.10.2020 or on the merits of the claim and counter-claims of the parties, I dispose of the writ petition at the stage of motion hearing by directing the respondent No.2 to give a personal hearing to the representative of the petitioner before implementing the notice dated 10.10.2020.*

*The aforesaid exercise be carried out and completed as expeditiously as possible, preferably within a week from today.*

*Mr. Sarma has fairly submitted that he would advice his clients to furnish a copy of the enquiry report to the petitioner within three days from today.*

*With the above observation, this writ petition stands disposed of.*

Unquote

**WHEREAS**, in pursuant to the Order of the Hon'ble High Court, JEL was advised vide letter no. OIL/CONT/V/G/1361/2020-21 dated 22.10.2020 to appear before the undersigned for personal hearing through its authorized official(s) on 29.10.2020. Further, following documents were forwarded to JEL

*CM*

- i. Enquiry Report of the Drilling Department
- ii. Report of the Committee to examine non-performance of M/s John Energy Ltd
- iii. Statement of Sri Ranjit Dhadumia, Rig Manager, M/s JEL
- iv. Statement of Pranjal Saikia, Tool Pusher, M/s JEL
- v. Statement of Sri Sidhartha Gogoi, Driller, M/s JEL

**WHEREAS**, JEL vide letter no. TEND/1920/003 dated 26.10.2020 requested to extend the date for Personal Hearing, which was however not accepted in view of the aforesaid Order of the Court and same was communicated vide e-mail dated 27.10.2020. However, as requested, copy of the HSE Bridging Document No. BD-CH9-FHQ-02 dated 06.03.2020 was supplied to JEL.

**WHEREAS**, authorized officials of JEL appeared on 29.10.2020 for the Personal Hearing. The submission of JEL was heard and same was duly recorded.

**WHEREAS**, the contentions of JEL made during the Hearing and vide their letter dated 14.10.2020 can be summarized as below

**Quote:**

- M/s. JEL have followed all the provisions of the contract and have performed all the work as per the written and verbal instructions from Oil India Limited [i.e. Installation Manager]. They have produced certain images of some of the written instructions of Installation Manager (records from IM Instruction Register) and informed that as per the written instruction from IM they had pulled out drill pipe of the hole after 12 hours of WOC, starting at 04:00 hours on 27<sup>th</sup> May, 2020, instead of the original plan shared by OIL, the planned WOC was 48 hours.
- As per the OISD norm, two barriers are required at all time & after placing cement plug to isolate the previously perforated high pressure zone, the cement plug needs to be tagged and tested for its integrity before taking any further activity on well head, which was not carried out by OIL.
- JEL denied that their personnel have removed the BOP without the knowledge and authority of Installation Manager. As per written instruction of Installation manger after pull out, repair work on well head was to be taken up in presence of Production Engineer. Also, in the morning Chief Engineer (Production) of OIL, had telephoned to the site in-charge to make necessary arrangement for repairing/ replacing the WF spool, as he was already on the way to well site. Accordingly, the BOP was nipped down, so that the repair work on well head can be taken up in his presence.
- JEL have further denied all the allegations on them about incompetency of their personnel and states that their personnel took all necessary steps to initially control the kick by attempting to place the cone, which was the only viable options available at that time with the consent of OIL's personnel.
- In the discussion, they have tried to justify that they had followed all the standard industry practice and applicable guidelines. They have further clarified /justified the reasons as to why it was not feasible to nipple up the BOP at that instant of time.

*CA*

- JEL have denied signing/ authorising any of their personnel to review/ approve HSE Bridging Document related to the said contract (Contract No. 6113317/CDG0925P19/DRLG/19) provided by OIL on 26.10.2020. They have also denied the charges of negligence on their part and ignored any instruction from OIL's Operation in-charge and any other concern officials which resulted in the blowout.
- JEL has requested OIL to withdraw the letters dated 10.10.2020 (Notice of Termination) and not to put JEL on holiday.
- On query by Shri Jena regarding non-availability of Rig Manager and Tool Pusher at site at the time of the incident on 27.05.2020, it was clarified by the representative of JEL that the Rig Manager was on the way to NIA-OIL for attending morning meeting and after receiving message from Rig, he proceeded to well site instead of attending the meeting. As per the instruction of IM, the Tool Pusher was on the way to Rig site after collecting drill bit from OIL-Duliajan.
- It was also clarified by the representative of JEL on the issue of nipping down of BOP and repairing on well head that except the recording in IM Instruction Register, IM had not issued any other written instructions in this regard, but all were communicated over phone.

:Unquote

**AND WHEREAS** the undersigned after careful examination of the replies of JEL and submission made during the Personal Hearing arrived into the following conclusions:

- 2.1. On the screen shots of the instructions, it is ample clear from the instruction of the Installation Manager (**IM**) that he had instructed to pull out drill pipe out of the hole after 12 hours of WOC. But, there was no instruction to reduce the WOC from 48 hours to 12 hours or to carry out spool change job after 12 hours. It cannot be accepted that instruction to POOH drill pipes after 12 hours, allowed the JEL personnel to presume and assume that WOC is reduced to 12 hours, whereas, Well Programme clearly prescribed 48 hours WOC. The contention that **IM** has instructed to reduce the WOC to 12 hours is not based on records.
- 2.2. There was a clear instruction of the **IM** that work on well head is to be done in presence of OIL's production personnel. On the day of the incident, Production Engineer have asked **JEL** personnel to make necessary arrangement for replacing the WF spool, however, as per the available records established that **JEL** personnel nipple down the BOP before arrival of the Production Personnel of OIL, which was in complete violation of IM's written instruction. Further, there is no documentary proof to substantiate their claim that IM and Production Personnel of OIL have given any written instruction to remove the BoP and to carry out work on well head.
- 2.3. It is an admitted fact, as can be seen from the Statement of the Rig Manager, Tool Pusher and the Driller that Rig Manager and Tool Pusher were absent during the major operations involving removal of BoP. Thus, non-availability of key personnel at site in any critical operation so as to supervise the operation, is found to be is a gross negligence on part of JEL. Further, Little amount of displacement from the well was a clear indication of sign of kick, but **JEL** personnel has disregarded and ignored it completely, establishes and reflects **JEL's** personnel incompetency. Further, on detection of the kick on the well, instead of nipple up the BOP, **JEL's** personnel had started running in tubing

*AM*

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with cone to safe the well, thereby reflecting their incompetency and disregard to impending consequences. Further, on this aspect the statement of Rig Manager and Tool Pusher further confirmed the negligence on part of JEL.

- 2.4. The reasons/justifications as to why it was not feasible to nipple up the BOP at that instant of time is not at all convincing and acceptable. First of all Nipple down of BoP without information and presence of Production Personnel of OIL and then JEL's personnel failure to take immediate action of Nipple up of BOP after detection of flow from well to avert/control the emergencies, was a clear gross negligence on the part of JEL.
- 2.5. **JEL's** denial of signing/ authorising any of their personnel to review/ approve HSE Bridging Document after signing by two responsible personnel of **M/s JEL** and claiming not to have copies of the same is not acceptable. The document itself mentioned how the copies of the HSE Bridging Document were distributed and maintained.

**THUS** it is established that JEL has failed to comply with the mandatory safety regulations and to take the preventive and corrective measures during the initial kick, which JEL was under contractual obligations as per Clause-19.1 of the Contract and also violation of the provisions of HSE Bridging Document No. BD-CH9-FHQ-02 dated 06.03.2020. Further, it is also established that both Rig Manager and Tool Pusher, who were directly responsible for all operations in the Rig, were not present during the critical and major wellhead operation involving removal of Blow Out Preventor stack. The above acts of JEL is found to be reckless disregard and wanton indifference to the gravity of the operations and impending consequences, which amounts to "Gross Negligence" within the meaning of Clause-1.0(h) of the GCC of the contract. 12

The gross negligence on the part of JEL in carrying out the workover operations, resulted into major Blow out incident in BGN#5 and consequential largescale damage to surrounding people, property and environment, besides severe loss to the Company, proves incompetency and unsatisfactory performance of the JEL

**NOW THEREFORE**, the undersigned on examination of all facts and submission and on application of its mind, does not find the submission of JEL convincing and satisfactory and hence, in terms of Clause-13.7 of the GCC of the Contract is hereby confirmed the termination of the contract bearing No.6113317/CDG0925Pi9/DRLG/19 with immediate effect.

A copy of this order is to be served upon **M/s John Energy Limited, 101, Shapath-111, Near GNFC Tower, S.G. Road, Boadkdev, Ahmedabad, Gujarat - 380053** and through their e-mail ids [dpanner@johnenergy.com](mailto:dpanner@johnenergy.com) and [john@johnenergy.com](mailto:john@johnenergy.com) for their information

*U N Jena*

(U N Jena)

CGM-CONTRACTS (HoD)

For RESIDENT CHIEF EXECUTIVE

Copy to:

**M/s John Energy Limited, 101, Shapath-111, Near GNFC Tower, S.G. Road, Boadkdev, Ahmedabad, Gujarat - 380053**



ऑयल इंडिया लिमिटेड

(भारत सरकार का उद्यम)

**Oil India Limited**

(A Government of India Enterprise)

DULIAJAN, Dist. Dibrugarh, PIN: 786602, Assam, India

Website: www.oil-india.com

**Ref. no. : OIL/CONT/V/G/1376/2020-21**

**Date : 28.10.2020**

**ORDER PASSED BY THE COMPETENT AUTHORITY FOR PUTTING M/S JOHN ENERGY LTD, 101, SHAPATH-111, NEAR GNFC TOWER, S.G. ROAD, BOADKDEV, AHMEDABAD - 380053, GUJARAT ON HOLIDAY LIST OF OIL INDIA LIMITED.**

1.0 **WHEREAS**, a Notice was issued vide Letter Ref. no. **OIL/CONT/V/G/1296/2021-21** dated 10.10.2020 to **M/s John Energy Limited** (herein after referred to as **M/s JEL**) to show cause as to why they should not be debarred from having any business dealing with Oil India Limited (herein after referred to as OIL) and be put on holiday list of OIL, besides other actions, as applicable in terms of the Contract, for the following reasons :

**Quote:**

- 2.0 That, the contract no. 6113317/CDG0925P19/DRLG/19 was awarded to **M/s JEL** vide Letter of Award no. OIL/CONT/LOA/G/383/2019-20 dated 23.08.2019 for Charter Hire of 2 (two) Nos. 500HP (Min) - 750 HP(Max) Capacity Workover Rigs Package for 03 (Three) years in the States of Assam & Arunachal Pradesh. Consequent upon submission of Performance Bank Guarantee (PBG) in terms of LOA, the written Contract Agreement was signed on 18.05.2020.
- 3.0 During the work-over operation at well no.: Baghjan-5, suddenly the well started displacing which lead to complete blow out situation at around 10.30 AM on 27.05.2020 leading to complete loss of well control. Consequently, the ongoing operations had to be suspended immediately and arrangements were made to bring the well under control. The subsequent events have led to a disaster like situation involving grave endangerment to the lives and properties of the residents within the vicinity of the well, causing heavy environmental damages to the flora and fauna, besides incurring of huge financial loss and image of the Company.
- 4.0 On enquiry into the incident, allegedly grave lapses are observed on the part of **M/s JEL**, which are summarized below:
- a) The Well Programme, as provided by OIL, fixed 48 hours Waiting on Cement (WOC), which started on 26.05.2020 at 4.00 PM. However, JEL personnel without the knowledge and authority of the Installation Manager (IM) of OIL and in absence of any competent personnel of OIL

(ignoring the written instruction of the IM), has removed the Blow out Preventor (BoP) on 27.05.2020 at around 08:00 Hours, thereby leaving the high pressure well without any effective barrier, which resulted into major blowout in the well within few hours of removal of the BoP.

- b) As per Morning Daily Progress Report (DPR) of JEL recorded on 27.05.2020, JEL detected little amount of displacement and recorded in the DPR as under

**Quote:**

OBSERVED LITTLE AMOUNT OF DISPLACEMENT FROM THE WELL.

**:Unquote**

Although, said little amount of displacement was a clear indication of sign of kick, but JEL personnel has recklessly disregarded & ignored, establishing and reflecting JEL crew incompetency. The failure on the part of JEL to take preventive and corrective measures for initial control of kick by placing the blow out control equipment, i.e. BOP and shutting the well, thereby JEL have completely failed on their part to fulfil their obligation as per the Clause - 19.1, Section-III (Special Conditions of Contract) under Contract no. 6113317/ CDG0925P19/DRLG/19, which states as under

**Quote:**

19.1 Contractor shall maintain all well control equipment in good condition at all times and shall take all possible steps to control and prevent the fire and blowouts to protect the hole. The Contractor shall be responsible for taking all preventive and corrective measures for initial control of kick, inflow, fire and blowouts. After initial control of well, Contractor shall inform the Company's Representative about the well condition and finally well shall be killed after mutual discussion with Company's representative.

**:Unquote**

- c) Placement of BOP is the mandatory standard safe operating procedure for initial control of kick, when string is out of hole as per regulation 52 of OMR-2017 [read with clause 7.5.1(c) OISD-RP-174] in line with sub-Clause 19.1 of Clause- 19.0 under Section-III of Contract agreement. However, JEL personnel on detection of kick, instead of nipple up the BOP, had started running in tubing with cone to safe the well, thereby reflecting their incompetency and disregard to impending consequences.
- d) There were serious violations of the provisions HSE BRIDGING DOCUMENT (Document No: BD-CH9-FHQ-02 dated 06.03.2020) BETWEEN OIL INDIA LIMITED (OIL) & JOHN ENERGY LTD (JEL) as per clause 29.0 (y) GENERAL HSE GUIDELINES of the above contract.

SI.NO	CLAUSE	Description	LAPSES
1.	3.4 Rig Coordinator (JEL): (a)	The Rig Manager/ Rig Superintendent is responsible to manage the overall operation and administration of the installation. He is also responsible for ensuring Work over operations on the rig is conducted safely and in accordance with the requirements of the JEL Management System and the contents of this Bridging Document.	Rig Manager failed to ensure safe operations as per the contents of this Bridging Document.
2.	3.4 Rig Coordinator (JEL): (b)	The Rig Manager/ Rig Superintendent is to provide day-to-day support to the Tool Pusher and HSE Officer (JEL) as the case may be. He has to ensure that all relevant safety and operational details has communicated to the Project Manager (JEL) and Installation Manager. He has to inform the Installation Manager of any relevant incident affecting HSE or any significant problem or deviation from the Workover Programme and provide him with details of any follow-up to such incidents.	Rig Manager failed to inform the Installation Manager about the decision to Nipple down the BOP prior to stipulated period of 48 hours of WOC which is a deviation from planned program.
3.	3.4 Rig Coordinator (JEL): (b)	The Rig Manager/ Rig Superintendent is the competent person on the Rig and the authorised person of JEL has to appoint the Rig Manager/ Rig Superintendent as the Person-In-Charge at all times with responsibility for the safety of all personnel as well as the Rig in writing. The Rig Manager/ Rig Superintendent will be the control focal point for all emergencies, and will direct all to best deal with the immediate situation.	JEL failed to ensure Rig Manager availability at all times with responsibility for the safety of all personnel as well as the Rig in writing. Rig Manager also failed to ensure Nipping up of the BOP/shutting-in of the well in time to deal with the immediate situation.
4.	3.6 HSE Management	JEL has to pay adequate attention to carry out workover activities safely as demonstrated in the respective HSE management system. This will include development required procedure, hazard identification and control, risk assessment etc., for safe execution of workover activities.	JEL failed to pay adequate attention, identify and control the hazard of blowout from the clear indication of kick by the flow from the well showing incompetency and gross negligence.
5.	3.11 Emergency Response (a)	JEL personnel working on rig has to notify Rig Manager/ Rig	JEL operating personnel at the

		<p>Superintendent to ensure co-ordinated onshore response to any emergency or potential emergency or any incident or accident. Rig Manager/ Rig Superintendent in turn report immediately to Installation Manager /MSO (Workover Mine) /Deputy Mines Manager (Workover Mine). <b>At the same time, operating personnel at the site has to take immediate action to avert/control the emergencies as per laid down procedure.</b></p>	<p>site failed to take immediate action of Nipple up of BOP after detection of flow from the well (indication of kick) to avert/control the emergencies as per laid down procedure.</p>
6.	<p><b>3.11.1 Standing order for shutting-in a well: 3.11.1.3 CONDITION - III: STRING IS OUT OF HOLE</b></p>	<p><b>Driller -</b>  <input type="checkbox"/> Try to run in string as much as safely possible.  <input type="checkbox"/> If it is not possible, adopt following steps  <input type="checkbox"/> Close blind/shear ram.  <input type="checkbox"/> Close adjustable choke and open HCR valve.  <input type="checkbox"/> Record shut in pressure.  <input type="checkbox"/> Inform Tool Pusher  <b>Tool Pusher -</b>  <input type="checkbox"/> Inform Rig Manager/ Rig Superintendent.  <input type="checkbox"/> Take all preventive and corrective measures for initial control of kick, inflow and blowout.  <b>Rig Manager / Rig Superintendent -</b>  <input type="checkbox"/> Rush to well site (if not present at well site)  <input type="checkbox"/> After initial control of well, inform Installation Manager about the well condition.  <input type="checkbox"/> Kill the well after mutual discussion with Installation manager.</p>	<p><b>1.JEL</b> Driller at the site failed to take immediate action of Nipple up of BOP and Close blind/ shear ram after detection of flow from well (indication of kick) to avert/control the emergencies as per laid down procedure which amounts to wanton indifference to early indication to blow out condition.</p> <p><b>2.JEL</b> Tool Pusher at the site failed to take all preventive and corrective measures for initial control of kick, inflow and blowout, which amounts to wanton indifference to the clear precursor to blowout condition.</p>
7.	<p><b>3.11.1 Standing order for shutting-in a well: Note:(i)</b></p>	<p><b>The JEL shall be responsible for taking all preventive and corrective measures for initial control of kick, inflow and blowout</b></p>	<p><b>Failed completely resulting in Blowout.</b></p>
8.	<p><b>4.1 Communication Interfaces: (b)</b></p>	<p>The Rig Manager/ Rig Superintendent has to convene daily planning meetings in the morning, attended by the all key personnel of the rig to review work</p>	<p>The Rig Manager failed to convene and review with the key personnel (Tool pusher &amp; driller) to take precautions to prevent Nipple</p>

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		programme over the next 24 hours keeping in view the high-risk activities, SIMOPS, and the precautions necessary to maintain a safe work site.	down of BOP prior to lapse of 48 hours of WOC against the Well policy in order to maintain a safe work site
9.	<b>4.1 Communication Interfaces: (b)</b>	The Rig Manager/ Rig Superintendent has to monitor and ensure implementation of morning meeting decisions on daily basis.	The Rig Manager failed to monitor and ensure implementation of morning meeting decision of WOC for 48 hours prior to Well head repair/replace.
10.	<b>4.1 Communication Interfaces: (g)</b>	OIL has to provide copies of detailed work programme of the well to JEL for wide distribution amongst the appropriate rig personnel to have adequate knowledge and understanding of the overall workover operation(s) and the hazards involved.	In spite of providing detailed work programme of the well to the appropriate rig personnel ( <b>Toolpusher, Driller</b> ) of JEL by OIL, the appropriate personnel failed to understand the overall workover operation(s) of WOC upto 48 hours and the hazards involved, which shows that <b>appropriate rig personnel with adequate Knowledge were not deployed by JEL.</b>
11.	<b>6.0 WORK PROGRAMS AND PROCEDURES: 6.1 General (b):</b>	Installation Manager has to communicate the Rig Manager/ Rig Superintendent for operational activity changes to the work programs and JEL has to carry out the job(s) as per operational changes in accordance with the OIL standards and procedures. JEL has to assess the activities adequately to ensure that hazards have identified and controls put in place to ensure that risks have reduced to as low as reasonably practicable.	JEL violated procedural requirements regarding change to work program [ <b>Nipple down of BOP prior to WOC upto 48 hours</b> ] which can be issued only by the Installation Manager. JEL also failed to assess the activities adequately to ensure that hazards have been identified and controls put in place to ensure that risks have reduced to as low as reasonably

			practicably prior to Nipple down of BOP.
12.	<p><b>8.0 WELL CONTROL: 8.1 General Aspects:</b></p>	<p>It is the primary and foremost responsibility of JEL that the well has to be kept in control in case of there is kick and well has to be brought in to normal condition after killing the well or subdue the well bore pressure. Following aspects have to be consider for controlling a well -</p> <p><b>8.1.1 The following requirements shall be applied during work over operations with X-mass tree removed for ensuring Well Control:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Work-over fluids shall be designed, utilized and maintained as necessary to control the well in foreseeable conditions and circumstances.</li> <li><input type="checkbox"/> The well shall be continuously monitored during work-over operations and shall not be left unattended at any point of time unless the well is shut-in and secured.</li> <li><input type="checkbox"/> Well control equipment shall be maintained and tested as necessary to control the well in foreseeable conditions and circumstances.</li> <li><input type="checkbox"/> When coming out of hole with drill pipe or work-over /well completion string the annulus shall be filled with well control fluid.</li> </ul>	<p>1. JEL failed in primary and foremost responsibility of keeping the well in control.</p> <p>2. From the facts and circumstance leading to the blowout it appears there was a deficiency on the part of JEL in monitoring the well continuously during operations.</p> <p>3. The actions of the JEL amounts to reckless disregard to its contractual and operational obligations, resulting into avoidable consequences.</p>

5.0 Thus, the failure on the part of **M/s JEL** to comply with safety procedure, as prescribed in the contract document and HSE Bridging Document, to due regard to follow the well programme as well as instruction of IM and to take the preventive and corrective measure for initial control of kick, by placing the BOP and shutting the well, was in reckless disregard of and wanton indifference to the gravity of the impending consequences, amounts to "Gross Negligence" within the meaning of Clause-1.0(h) of the GCC.

6.0 That, the above alleged commissions and omissions on the part of JEL amount to gross negligence, grave breach of contractual obligations, more particularly HSE provisions, violation of statutory regulations, sub-standard quality of jobs, resulting into Blow out of the well BGN#5, causing immense and irreparable loss to the people and environment of the vicinity to the well, besides causing irreparable loss to the Company both financially and operationally, warranting appropriate action under Clause-

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5.1(v), 5.1(vii) & 5.1(x) of the Banning Policy, 2017 in terms of Clause-5.0(iv) of the Tender No.CDG092519.

- 7.0 Your reply on the above along with the relevant documents, if any, should reach to us within the stipulated time mentioned above. Should you fail to reply to this Show Cause notice within time and manner aforesaid, it will be presumed that you have nothing to say, and Company shall proceed accordingly in this regard based on the available information on records. Meanwhile, pending completion of banning process, you are hereby placed under suspension with immediate effect for a period of 03 Months i.e. upto 09/01/2021, thereby restraining from participating in any tender and/ or entering into any business with OIL.

: Unquote

**2.0 AND WHEREAS, M/s JEL** was required to furnish reply within 15 days from the date of receipt of Show Cause notice, and accordingly, they have furnished their reply vide ref. TEND/1920/003 dated 21.10.2020. The contention of **M/s JEL** can be summarized as below:

- a) They have followed the contractual obligations and in line with the provisions of the contract and have diligently obeyed and followed the written instructions of the Oil India Installation Manager. It is contended that in the evening of 25<sup>th</sup> May, 2020, Installation Manager had called their representative on mobile and gave verbal instruction to POOH of the drill pipe after 12 hours of WOC instead of originally planned WOC for 48 hours. However, their representative insisted for written instruction from the Installation Manager, which was given in writing by the Installation Manager on 26<sup>th</sup> May, 2020 at the well site. Further, the Installation Manager has also given written instruction to work on the well head in presence of Oil India Production personnel.
- b) As per the standard industry practice and acceptable guidelines after placing cement plug to isolate the previously perforated high pressure zone, well has to keep on WOC for 48 hours. However, as per the written instruction by IM, WOC was made only for 12 hours and this has resulted in gross mistake by OIL as 12 hours' time is not sufficient time to get the cement settled properly resulting in migration of HP well fluid/gas to well bore. Moreover, it is a standard practice that OIL has to test the cement plug for its integrity before taking any further activity, however, such testing was not done by OIL.
- c) It is denied that JEL Personnel have removed the BOP without the knowledge and authority of Installation Manager and in absence of competent personnel of OIL. The BOP was nipple down as per the verbal and written instruction of Installation Manager and Chief Engineer (Production).
- d) In line with the written instruction of the Installation Manager on 27<sup>th</sup> May, 2020, in the morning Chief Engineer (Production) of OIL has telephoned to their site in-charge to make necessary arrangement for replacing the WF spool and later reached at the site and instructed their personnel to carry out work n the well head in his presence.
- e) They have denied the allegations of any incompetency by JEL personnel and JEL personnel took all necessary steps to initially control the kick.

- f) They have tried to justify that they have followed the standard industry practice and applicable guidelines. They were further trying to justify the reasons for delay in putting efforts to put the BOP in place.
- g) **M/s JEL** have denied that they have neither signed nor authorized any person to sign the HSE Bridging Document. They have also denied the charges of gross negligence and mentioned that SOP was not followed and completely ignored by OIL's Operation in-charge and all concern officials which resulted in the blowout.

**3.0 AND WHEREAS** the undersigned after careful examination through the available facts and evidences has arrived into the following conclusions:

- 3.1. The contention that Installation Manager has instructed to reduce the WOC to 12 hours is not based on records. It is clear from the instruction of the Installation Manager as noted in the IM Diary, IM had instructed to POOH drill pipes after 12 hours of WOC. But, there was no instruction to reduce the WOC from 48 hours to 12 hours. It cannot be accepted that instruction to POOH drill pipes after 12 hours, allowed the JEL personnel to presume and assume that WOC is reduced to 12 hours, whereas, Well Programme clearly prescribed 48 hours WOC.
- 3.2. It is also clear from the written instruction of the IM that work on well head to be done in presence of production personnel. It is also an admitted fact that Production Personnel on the day of incident instructed the JEL personnel to make necessary arrangement for replacing the WF spool. However, the available records established that JEL personnel nipple down the BOP before arrival of the Production Personnel of OIL in complete violation of IM's written instruction.
- 3.3. M/s JEL is unable submit any proof to substantiate their claim that IM and Production Engineer of OIL have given written instruction to remove the BoP and to carry out work on well head. M/s JEL has also unable to substantiate that they have informed the Installation Manager about the removal of the BoP and the operation on the well head, prior to start of the job on 27.05.2020.
- 3.4. Notwithstanding above, the Clause-19.1 of the Contract has made clear and unambiguous obligations upon M/s JEL to maintain all well control equipment in good condition at all times and shall take all possible steps to control and prevent the fire and blowouts to protect the hole. The clause further made M/s JEL responsible for taking all preventive and corrective measures for initial control of kick, inflow, fire and blowouts and they should inform OIL, about the well condition. However, it is clearly established that JEL has failed to take possible steps to control the well, which was fully under their control for more than one hour, after detection of initial kick.
- 3.5. Although, the little amount of displacement was a clear indication of sign of kick, but JEL personnel had disregarded and ignored the clear indication. Thus, it establishes and reflects the negligence of M/s JEL.
- 3.6. As per regulation 52 of OMR-2017 [read with clause 7.5.1(c) OISD-RP-174], since placement of BOP is the mandatory standard safe operating procedure for initial control of kick, when the string is out of hole, the claim of following standard industry practice and applicable guidelines is a false statement. The

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justification for not resorting to place the BOP is not found to be justifiable and acceptable.

- 3.7. The HSE Bridging Document is a mandatory requirement and denying the same after signing by two responsible personnel of **M/s JEL** and claiming not to have copies of the same is not acceptable. The document itself mentioned how the copies of the HSE Bridging Document were distributed and maintained.
- 3.8. It is also found that Clause-3.4(a) & 3.4(b) of the HSE Bridging Document have clearly made the Rig Manager responsible and in-charge of all operations of the Rig and it is clearly established from the record that Rig Manager has failed miserably to supervise the operation on the day of incident, which proves his gross negligence, resulting into the blow out incident. Similarly, the Tool Pusher of the Rig, who was next to Rig Manager, failed to take appropriate steps to prevent the Blow out and follow the due procedure, in complete disregard and violation of the provisions as laid down in the HSE Bridging document.
- 3.9. Above actions of JEL, are found to be in violation of the following Clauses of the Contract Agreement 6113317 and HSE Bridging Document, BD-CH9-FHQ-02 dated 06.03.2020:
- a) 6.12, 10.6 & 19.1 - Section-III of Special Conditions of Contract 6113317
  - b) 7.17 F (i) - Section-II of Terms of Reference of Contract 6113317
  - c) 3.11.1.3, 8.1 & 8.3.3 of HSE Bridging document between OIL & JEL

Further, the above actions of JEL, are also in violation of Point No. 7.5.1 (C. I) of OISD-RP-174 on Well Control.

- 3.10. **M/s JEL have failed** to comply with safety procedure, as prescribed in the contract document and HSE Bridging Document, with due regard to follow the well programme as well as instruction of IM and to take the preventive and corrective measure for initial control of kick, by placing the BOP and shutting the well, was in reckless disregard of and wanton indifference to the gravity of the impending consequences, amounts to "Gross Negligence" within the meaning of Clause-1.0(h) of the GCC.
- 3.11. It is established from the aforesaid facts that above alleged commissions and omissions on the part of JEL amount to gross negligence, grave breach of contractual obligations, more particularly HSE provisions, violation of statutory regulations, sub-standard quality of jobs, un-satisfactory performance of the jobs resulting into Blow out of the well BGN#5, causing immense and irreparable loss to the people and environment of the vicinity to the well, besides causing irreparable loss to the Company both financially and operationally, warranting appropriate action under Clause-5.1(v), 5.1(vii) & 5.1(x) of the Banning Policy, 2017 in terms of Clause-5.0(iv) of the Tender No.CDG092519.
- 3.12. **THUS**, the undersigned, after application of his mind and wisdom and after having gone through the entire matter and documents on record including Show Cause Notice and its Reply in detail, has found **M/s John Energy Limited, Ahmedabad** is guilty of gross negligence, breach of contractual obligations and violation of statutory regulations.

- 3.13. **THUS**, as per the Clause No. 5.0 (iv) Erring/Defaulting Agencies of ITB of Tender, **M/s JEL** are liable to be put on holiday list of OIL and debarred from carrying out any business with OIL in future for a period of 2(two) years in terms of Clause-5.1(v), 5.1(vii) & 5.1(x) of the Banning Policy, 2017 due to gross negligence and un-satisfactory performance of the Contractor, OIL.
- 4.0 **AND NOW THEREFORE**, the undersigned in terms of Clause-5.1(v), 5.1(vii) & 5.1(x) of the Banning Policy, 2017 hereby holds **M/s John Energy Limited, Ahmedabad** guilty for gross negligence and unsatisfactory performance as per terms of contract & and as such, put them under the "Holiday List" of OIL, thereby, debarring from entering into any contract with Oil India Limited and also carrying out any business with Oil India Limited, for a period of 02 (two) years effective from the date of placement of the Contractor on suspension, i.e. **w.e.f. 10.10.2020**.
- 5.0 A copy of this order is to be served upon **M/s John Energy Limited, 101, Shapath-111, Near GNFC Tower, S.G. Road, Boadkdev, Ahmedabad, Gujarat -380053** and through their e-mail id's [dparmar@johnenergy.com](mailto:dparmar@johnenergy.com) and [john@johnenergy.com](mailto:john@johnenergy.com) for their information.

  
(G C DEVCHOUDHURY)  
EXECUTIVE DIRECTOR(C&P)  
For **RESIDENT CHIEF EXECUTIVE**



**List of the Severe affected families of Baghjan blowout incident under Doomdomma Revenue Circle**



- 1) **Name :** Smt. Sabita Borah d/o Brojen Borah  
Sl. No.:18 of the report submitted by DC Tinsukia dated 29.08.2020.  
Sl. No. of Main List: 97



- 2) **Name:** Sri Umakanta Boruah  
Sl. No.: 22 of the report submitted by DC Tinsukia dated 29.08.2020.  
Sl. No. of Main List: 174

**List of the Severe affected families of Baghjan blowout incident under Doomdomma Revenue Circle**



- 3) **Name:** Sri Aditya Borah s/o Thaneshwar Borah  
Sl. No.: 3 of the report submitted by DC Tinsukia dated 29.08.2020.  
Sl. No. of Main List: 9



- 4) **Name:** Sri Pulin Chetia s/o Sanjay Chetia  
Sl. No.: 7 of the report submitted by DC Tinsukia dated 29.08.2020.  
Sl. No. of Main List: 31

**List of the Severe affected families of Baghjan blowout incident under  
Doomdomma Revenue Circle**



- 5) **Name:** Smt. Monovo Bora D/o Sri Chandra Borah  
Sl. No.: 24 of the report submitted by DC Tinsukia dated 29.08.2020.  
Sl. No. of Main List: 206

Statement Showing comparative analysis of compensation to the affected families in BGN-05 blowout as per committee recommendation

Vis-à-vis NGT order Vis-à-vis DMA 2015 - 131-

Sl. No.	Criteria	1st Commit.	1st Commit Rate (Rs In Lakhs)	NGT Rate (Rs In Lakhs)	Affected families as per 1st Commit.	Affected families as per NGT	Type of House involved (As per DC report)	Amount paid by OIL as per NGT	Affected families as per 2nd Commit. report	Revised rate as per 2nd Comm (Rs In Lakhs)	Financial Implication of 2nd Comm. Report. (In Rs)	Description as per Disaster Management Authority Manual 2015 (DMA)	DMA Rate (In Rs)	Financial implication comparison: NGT rate Vs 2nd Committee Vs DMA		
														As per NGT	As per 2nd Comm	As per DMA
1	Category y-I	Whose houses have been completely gutted by the fire	25	25	12	12 (Distance: 0 to 0.5km)	Pucca : 5 Kutchha: 7	25 lakhs x 12 = Rs 3 Crore	12+57+104 = 173 *	25	43.25 Cr (Around 14 times of NGT Rate)	Fully Damaged houses	95,100/-	Rs 3 Cr.	Rs 43.25 Cr.	Rs 11.41 Lakhs
2	Category y-II	Whose houses have been severely damaged	10	10	57	57 (Distance: 0 to 1.5 km)	Pucca: 19 Kutchha: 20 IAY Type: 15 Nil: 03	10 lakhs x 57 = Rs 5.70 crore	439**	20	87.80 Cr. (Around 15 times of NGT Rate)	Severely Damaged houses	95,100/-	Rs 5.70 Cr.	Rs 87.80 Cr.	Rs 54.20 Lakhs
3	Category y-III	Whose houses have been moderately/ partially damaged or whose standing crops and horticulture have been partially damaged	2.5	2.5	561	561 (Distance: 0 to 1.5 km)	Data Not Available	2.5 lakh x 561 = Rs 14.02 crore	NIL ***	NIL	NIL	a) Pucca (other than huts) where the damage is atleast 15% b) Agriculture Crop, horticulture crop, perennial crop	a) 5200/- b) 18000/-	Rs 14.02 Cr.	NIL	a) Rs 29.17 Lakhs b) Rs 1.01 Cr.
	Total Amount							22.7 Crore			131.05 Cr.			22.7 Cr.	131.05 Cr.	1.95 Cr.

STATEMENT SHOWING comparative analysis of compensation to the affected families in BGN-05 blowout as per committee recommendation  
Vis-à-vis NGT order Vis-à-vis DMA 2015

132-

\* 57 Nos. families earlier in Category II have been upgraded to Category I and also added 104 additional families.

\*\* Resurveyed the affected families and recommended for enhancement of compensation from Rs. 10 Lacs to Rs. 20 Lacs.

\*\*\* The Committee recommended for revision of category into 2 i.e. Category I & II and abolished the Category III.

Note: (a) The Amount proposed by the 2<sup>nd</sup> Committee is around 5 times of NGT Rate.

(b) The Amount proposed by the 2<sup>nd</sup> Committee is around 67 times of DMA Rate.

(c) The amount already paid by OIL as per NGT order is around 11.5 times of DMA Rate.



Parthiv Goswami &lt;ronigoswami@gmail.com&gt;

**Service of Objections on behalf of OIL India Limited to the Progress Report**

1 message

**Parthiv Goswami** <ronigoswami@gmail.com>

Tue, Dec 15, 2020 at 10:29 PM

To: agarwalshruti@hotmail.com, chaitanya@mimansalaw.in, sec.png@nic.in, secy-moef@nic.in, lmc.moefcc@gov.in, legislative-asm@nic.in, ro\_guwahati@pcbassam.org, ccb.cpcb@nic.in, rahul pratap &lt;rahulpratap.adv@gmail.com&gt;

Date: 15th December, 2020

To,

1. Mr. Chaitanyashil Priyadarshi, Advocate for Original Applicant in O.A. No. 44/2020/EZ
2. Ms. Shruti Agarwal, Advocate for Original Applicant in O.A. No. 43/2020/EZ
3. Ministry of Petroleum and Natural Gas, Government of India
4. Ministry of Environment, Forest and Climate Change, Government of India
5. State of Assam
6. Assam Pollution Control Board
7. Central Pollution Control Board
8. Ministry of Environment and Forest

Please find attached with this e-mail a copy of the Objections on behalf of OIL India Limited to the Progress Report before the **Hon'ble National Green Tribunal, Principal Bench in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ**

 **OBJECTION TO PROGRESS REPORT.pdf**

Yours Sincerely,

**Parthiv K. Goswami and Rahul Pratap**

Advocates for the Applicant/OIL