

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

Original Application No. 43/2020/EZ

Bonani Kakkar

....Applicant

Versus

Oil India Limited & Ors.

...Respondents

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Preliminary affidavit on behalf of Oil India Limited

1. That the Respondent Company (Oil India Ltd.) [hereinafter referred to as “**OIL India Ltd.**”] is filing the instant preliminary affidavit to place on record certain relevant facts and circumstances relating to the case. OIL India Ltd. seeks leave of this Hon’ble Tribunal to file a detailed counter affidavit after the Committee constituted by this Hon’ble Tribunal places its report.
2. OIL India Ltd. is a Central Government Company under the Ministry of Petroleum and Natural Gas, having its registered office at Duliajan in the District of Dibrugarh. OIL India Limited is a premier Indian National Oil Company under the administrative control of Ministry of Petroleum and Natural Gas, Govt. of India. OIL is engaged in the business of Exploration, Development and Production of Crude Oil and Natural Gas, Transportation of Crude Oil and Production of LPG. Oil India Limited has pioneered in exploration and production of hydrocarbon in India, has been serving the nation for many a decade. Oil India Ltd. is an integrated upstream Petroleum Company performing the following main activities:
 1. Exploration for hydrocarbons.
 2. Production of crude oil and natural gas.
 3. Transportation of crude oil to refineries.
 4. Supply of gas to consumers.
 5. Extraction and bottling of LPG.

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

3. That the Company's operational areas are spread in the States of Assam, Orissa, Rajasthan, Uttar Pradesh and also Arunachal Pradesh. Baghjan structure was identified way back in 1991 based on limited seismic data and later re-defined based on additional 2D seismic data of 1999-2000. The presence of commercial hydrocarbon in the area was first established in the first well (Baghjan-1) drilled in the structure in March 2003, when two sands within Lakadong + Therria produced gas with minor amount of light oil/condensate. In 2004-05, the Baghjan area was covered with 3D seismic for further development of the field.
4. That pursuant to the discovery of oil and gas in Baghjan area by OIL India Ltd 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 and since then OIL India Ltd is operating in the said area. It is pertinent to mention herein that the said approval for Petroleum Mining Lease was granted for a period of twenty years from the effective date i.e. 14.05.2003. A true copy of the Order dated 15.04.2004 issued by the Ministry of Petroleum and Natural Gas, granting approval for Petroleum Mining Lease to OIL India Ltd. is being annexed herewith and marked as **Annexure 1.**

5. That as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, OIL India Ltd approached the Competent Authorities and after various parleys and decisions, the OIL India Ltd submitted the Consent Application for Consent to Establish & Consent to Operate 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 India Ltd'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). However, after submitting the application, neither any query was made nor the application was rejected. It is imperative to state that u/s 7 of the Water Act, 1974 "the consent deemed to have been given unconditionally on expiry of a period of 4 months of making an application, if not refused." Hence, the consent was deemed to have granted.
6. That after the Baghjan EPS was put in operation on 13.06.2008, OIL India Ltd was granted the Consent to operate *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 OIL India Ltd annually and the same have all along been accepted by the Pollution Control Board, Assam. A true copy of the Order under Ref. No. WB/Z-I/T-877/94-95/192/854 dated 09.03.2009 issued by the Pollution Control Board, Assam, granting Consent to Operate is being annexed herewith and marked as **Annexure 2**.

7. That the Ministry of Environment, Forest & Climate Change (MoEF&CC) published Environmental Impact Assessment Gazette Notification on 14th September 2006 and since then, OIL India Ltd initiated process of obtaining Environmental Clearance (EC) from the Ministry of Environment, Forest and Climate Change (hereafter referred as MoEF&CC). The Environmental Clearance for drilling wells in North Hapjan- Tinsukia-Dhola EC Block covering Baghjan Oil field was obtained in the year 2011 *vide* File Ref. No. J-11011/1255/2007 IA II(I) dated 1st November 2011. A true copy of the Environmental Clearance for drilling wells dated 1st November 2011 is being annexed herewith and marked as **Annexure 3**.
Similarly, Environmental Clearances for setting up of Production Installations for other projects in the same area were obtained *vide* EC Ref. Nos J-11011/463/2008-IA II (I) dated 16th January 2012 & Nos J-11011/463/2008-IA II (I) dated 12th January 2011 & J-11011/882/2008-IA II (I) dated 17th June 2013.
8. That apart from above, National Board for Wildlife (“NBWL”) clearances, as per Specific Environmental Clearance condition, were obtained for setting up of the production installations including laying of pipelines *vide* Minutes of 27th Meeting of Standing Committee of NBWL under Ref. File No. 6- 43/2007 WL-I(pt) dated 24th January 2013 as well as *vide* Minutes of 31st Meeting of Standing Committee of NBWL under Ref. File No. 6-47/2014 WL dated 03.12.2014. A true copy of the relevant portions of the NBWL clearance is being annexed herewith and marked as **Annexure 4**.
9. That it is pertinent to mention that Baghjan Field is located at a distance of approximately 70 KM from Digboi, Eastern Asset Field Office and Field Headquarters (FHQ), Duliajan. Baghjan is

one of the main hydrocarbon producing fields within OIL India Ltd's operational area in Assam. Consequent upon the successful commercial discovery of crude oil at Location-TP (BGN#2) exploitation of hydrocarbon from the field was started from the year 2005. As the field was found to be highly prolific in nature, an Early Production Setup (EPS) was constructed in year 2008 at the plinth of Location-TP for handling the produced crude. The EPS is designed for handling capacity of 2700 Kilo Liters Per Day (KLPD). So far, 31 Nos. of wells have been drilled in Baghjan Oilfield including 3 Water disposal wells. Out of which 21 wells are on regular production in Baghjan EPS. It is pertinent to mention herein that total of 31 wells were drilled including 3 wells as water disposal wells as on date. Out of the 28 wells drilled for hydrocarbon prospects, 05 wells including BGN#05 were completed as Gas wells and the remaining 23 wells were completed as OIL India Ltd wells. Currently out of these 28 wells, 05 wells are temporarily shut-in and 01 well is permanently abandoned. As such, prior to workover of BGN#5, 22 wells were on production. After blowout of BGN#5, 21 wells are in production with a total production of 1222 KLPD crude oil and approx. 1.77 MMSCMD natural gas.

10. The Baghjan Field has following infrastructure:
 - i. Well plinths distributing 31 wells: 08
 - ii. Flowline Indirect Heaters for flow assurance of produced hydrocarbons: 10
 - iii. Production Installation (In full operation): 01
 - iv. Compressor Station (BOO) to process LP Gas: 01
 - v. VDP securities are deployed to guard

Flowline Indirect Heaters

- vi. AISF Security to carryout round the clock patrolling of well plinths to avoid miscreant activities

Furthermore, produced formation water is disposed safely as per statutory guidelines in 03 Nos. of Water Disposal Wells (WDW). Moreover, an Effluent Treatment Plant (ETP) of 1000 Kilo Litter capacity is planned in the proposed FGGS.

11. That the Well BGN#5 was Producing 88000 SCMD of gas with 29 KLPD condensate from 3870 m Langpar sand since September 2015. Geology & Reservoir Department anticipated that further production may lead to fast depletion of the reservoir pressure of the gas cap of BHN001 Block resulting in lesser recovery. The workover operation at BGN#5 well was proposed and accordingly Rig: CH#9 of M/s- John Energy Ltd was deployed to carry out the workover operation. The workover operation was carried out from 25.04.2020 and the initial objective was completed on 18.05.2020 as per workover program. But after the perforation when the well was about to divert to oil collection station, pressure rose in the casing side due to leakage from tubing side. So, it was decided to kill/subdue the well and again recompleted with same tubing. While well killing/ subduing, a pressure was observed at outer casing which may have come from inner casing through a spool called Well Finish spool (WF spool). After the well was subdued/ killed (Sodium Format Solution is infused to cap well pressure), tubing was pulling out of hole. In between the WF spool was tested and was found leakage. Then it was decided to change the WF spool. Prior to changing of WF spool, it was

decided to put a secondary barrier as cement plug of 100m in the Well. Accordingly, a program was made to carry out cement plug job as per the program on 26.05.2020. On 27.05.2020, the Operation for change of WF spool was taken up. However, the Well suddenly became very active and has resulted into a major blowout at around 10.30 AM, while workover operation was on, under service Contract by M/s John Energy Limited, Ahmedabad, Gujarat. However, there was no incident of any fire/injury/causality. District Authorities were immediately informed about the incident and were also requested for support including support for addressing any law and order situation that could arise.

12. That in pursuance thereof, Crisis Management Team (CMT) members from ONGCL and an Expert Team from ONGCL, Vadodara, approached the well head taking all precautionary measures and opened the casing valve and started pumping water through the casing valve. Water is being pumped continuously through the valve into the Well head. In addition to that 7-8 nos. water monitor was placed for spraying of water through fire pump continuously to the cool wellhead. Besides, following arrangements were made to bring the well under control
 - ▶ Creation of facilities for pumping water to the blowing well.
 - ▶ Infrastructure arrangement for capping the well.
 - ▶ Pumping of sufficient water through the well annulus to make the flowing gas wet, thereby reducing gas condensate spread to the nearby areas.
 - ▶ Adequate water spraying through Fire Service pumps and nozzles/ monitors.

- ▶ Taking all adequate HSE measures.
- ▶ Continuous gas testing for LEL level around the well plinth area.
- ▶ Fabricate hydraulically operated mechanized structure at OIL's workshop for moving/placing Blow out Preventer (BOP) on the well head. The mock drill of the unit was done on 08.06.2020 at OIL's workshop.

In the meantime, OIL India Ltd has also contacted Global Expert to control the blowout. Accordingly, OIL India Ltd appointed 3 Global Experts in Well Control Operation from *M/s Alert Disaster Control(Asia) Pte Ltd, Singapore* and is working at the blow-out site since 08.06.2020.

13. That, unfortunately, the Blowout well caught fire at around 01.14 PM on 09.06.2020. That, after the Blowout Well caught fire at around 1.14 PM of 09.06.2020, the Experts' team from M/s ALERT, Singapore assessed the condition of the well at site in presence OIL India Ltd's team led by Directors of OIL India Ltd and ONGC CMT team. Immediately after the fire, there were violent protests around the well site by local villagers. Violent mob gathered around the site and threatened the Operating Personnel at site. Some vehicles were damaged. After receiving the information of the incident, DC and SP- Tinsukia District immediately rushed to the site along with Police Force.
14. That consequent upon the fire, Respondent Company along with the experts from ONGC and ALERT Team chalked out a new plan of action for controlling the well under fire. Important action plan to extinguish & control the well are as under:
 - ▶ Heat shielding of the working areas by suitable means.

- ▶ To clear all debris and damaged rig package & equipment from site.
- ▶ Arrange water (4000 - 5000 GPM) and pumping infrastructure. Additional pumps are to be brought from ONGCL, Vadodara.
- ▶ Arrange adequate drilling mud and pumping infrastructure. Hired pumping units of M/s Schlumberger are mobilized from Barmer and Kakinada.
- ▶ Special tools and equipment's used for controlling wells under fire are being mobilized from various sources nationally and internationally.
- ▶ Arranging to cap the well by placing BOP with the help of special tools (Athey wagon) after creating a continuous water umbrella.
- ▶ Subdue the well by pumping drilling mud & kill the well immediately.
- ▶ Bring the well under control.

Above operations are being carried out under the direct instruction & supervision of the international well control expert from M/s ALERT Disaster Control(Asia) Pte Ltd, Singapore. However, incremental weather and flooding of the site on account of continuous rains for the last one month, besides obstructions by local people, have severely affected the pace of well control arrangements. However, inspite of various constraints, all efforts are being made to extinguish the fire and control the well in shortest possible time. Accordingly, final preparations for operation to cap the well have already been started.

15. That around one thousand six hundred and ten (1610) families have been evacuated from the nearby affected areas and are

camped initially in four relief camps set up at (i) Baghjan Dighulturrang L P School. (ii) St. Joseph School - Baghjan Tea Estate and (iii) Gateline LP School, Dighultarrang , iv) No.1 Baghjan Gaon L P School . All necessary supports for stay, food (including baby food), water, toilets, electricity and medical and veterinary care have been provided at the relief camps with support from District Administration and local organizations.

16. That in the meantime, different committees have been constituted by various statutory authorities and government bodies to enquire into the incident, having different scope of enquiry. The details of committees are enumerated below:

- i) One Person Enquiry Committee headed by the Addl Chief Secretary, Govt of Assam vide Order No. HMA/19/50//2020-Pol(A)/4 dated 12.06.2020. A copy of the order dated 12.06.2020 numbered as HMA/19/50//2020-Pol(A)/4 is being annexed herewith and marked as **Annexure 5**.
- ii) Three member High Level Expert Committee constituted by the Ministry of Petroleum and Natural Gas, Govt of India, comprising of Director General Hydrocarbon, Govt of India, Former Chairman ONGC and Former Director, ONGC vide Order No. Expl-15022(13)/7/2020-ONG-V dated 11.06.2020. A copy of the order dated 11.06.2020 numbered as Expl-15022(13)/7/2020-ONG-V is being annexed herewith and marked as **Annexure 6**.
- iii) Four member expert committee constituted by the Directorate of Geology and Mining, Govt of Assam vide Order No.GM/MM/160/Pte.L/95 dated 04.06.2020. A copy of the order dated 04.06.2020

numbered as GM/MM/160/Pte.L/95 is being annexed herewith and marked as **Annexure 7**.

- iv) One member Expert Committee headed by the Addl PCCF(WL&CWLW) constituted by Environment & Forest Department, Govt. of Assam vide Order No.FRW.6/2020/1 dated 12.06.2020. A copy of the order dated 12.06.2020 numbered as FRW.6/2020/1 is being annexed herewith and marked as **Annexure 8**
- v) Two member expert Committee constituted by the Oil Industry Safety Directorate(OISD) under the MoPNG, Govt of India vide e-mail dated 30.05.2020. It is pertinent to mention herein that OISD is a technical Directorate under the Ministry of Petroleum and Natural Gas that formulates and coordinates the implementation of a series of self regulatory measures aimed at enhancing the safety in the oil & gas industry in India. The main objectives of the OISD are Standardization, Formulation of Disaster Management Plan, Accident Analysis and Evaluation of Safety Performance. A copy of the email dated 30.05.2020 by of Oil Industry Safety Directorate(OISD) is being annexed herewith and marked as **Annexure 9**. It is also relevant to mention that the Mines Act, 1952 empowers the Director General Mines Safety(DGMS) to investigate such incident and accordingly, DGMS has initiated investigation on the matter.
- vi) Enquiry conducted by the Directorate General of Mines Safety(DGMS), Govt of India under the

Mines Act, 1952. Further to above, on the request of the Respondent Company, Assam Agriculture University, Jorhat vide letter no. 7(15/13/DRA(T)/Pt/2020-21/2381 dated 17.06.2020 constituted a three member expert committee to assess the damage of crop/Tree/Plants(Paddy/Tea/Fruit/Vegetation) in and around the blow out site. A copy of the letter dated 17.06.2020 numbered as (15/13/DRA(T)/Pt/2020-21/2381 is being annexed herewith and marked as **Annexure 10**.

17. That in the said incident, Two Fire Service Personnel of OIL India Ltd unfortunately lost their lives by drowning in the nearby ponds. After the postmortem, the dead bodies of the two employees of OIL, who valiantly sacrificed their lives on duty for the Company, were received with full honour in Duliajan. CMD and Director (HR&BD) paid homage in presence of other OIL employees. CMD, OIL India Ltd and Director (HR&BD), OIL India Ltd handed over cheque of Rs 30.00 Lakh each to the wives of the deceased fire-fighters, Late Tikheswar Gohain and Late Durlov Gogoi of OIL India Ltd under the Company's social security scheme on 15th June, 2020 at their residences in Duliajan. In addition, it has been announced that one of the eligible dependents of each of the two families shall be offered employment with OIL India Ltd on compassionate ground. Affected people in the surrounding areas are accommodated in 12 relief camps with the help of District Administration and arrangement for food and other basic needs have been made. Police Personnel are deployed by the District Administration for maintaining law & order situation at site and surrounding areas.

Drilling activities in few locations near Baghjan area have been suspended due to ongoing protest by local people.

18. That after the said accident, approximately more than 9000 people from the surrounding affected areas are accommodated in 10(increased to 12 after the well caught fire on 09.06.2020) relief camps with the help of District Administration and arrangement for food and other basic needs have been made. However, since the situation has been improving and conditions are being stabilized people who have been camping in the relief camp are returning to their home, local areas. Accordingly, numbers of relief camps are also being coming down and as on 22.07.2020, approximately 5758 number of occupants are camped in the 7 relief camps. A summary of various measures taken for the affected people is given below:

- ▶ As on 22.07.2020, 07(Seven) Relief Camps, comprising around 5758 people are being run by the Respondent Company with assistance of the District Administration for the affected people
- ▶ People in the camps are being provided with food, bottled Drinking Water, Bedding including Mosquito Nets, Toilets and Medical facilities.
- ▶ Respondent Company has assigned designated officers to oversee the management of camps (one officer per camp). Regular visits with representatives of District administration are done on daily basis. A daily status report is generated, and the complied report is sent to MoPNG and District Authorities on daily basis. A copy of the Activity Chart for Management of Relief Camp and a reporting format are enclosed as **Annexure-11, Annexure 12 and Annexure 13.**
- ▶ All the inmates of Relief Camps are provided free medical

assistance by OIL India Ltd. Medical cases requiring specialized treatment are referred to OIL India Ltd's Hospital. Few patients residing in the Relief Camps were also referred to Nursing Home in Dibrugarh for surgery and follow up treatment. A detailed report as on 22.07.2020 enclosed as **Annexure-14.**

- ▶ A team of two doctors and four/five para-medics from OIL India Ltd are stationed 24x7 at oil installations in Baghjan with medicines and ambulances. Medical Camps are regularly conducted in the camps by OIL's doctors, local hospitals and Army doctors. For example, on 22.07.2020, a total of 142 patients were examined and provided with immediate medical advice/medicines in 05 camps. Daily report is being submitted to DC, Tinsukia, MoPNG and State Authorities in a standard format.
- ▶ Medical cases reported in Relief Camps with high fever with symptoms of COVID-19 were referred to Assam Medical College Hospital, Dibrugarh for COVID-19 test. So far, no cases of COVID-19 has been reported from the Relief Camps.
- ▶ Food is provided by OIL India Ltd free of cost to all the inmates of Relief Camps. The In-charge for managing the Relief Camps has been advised to be guided by minimum nutrition to be provided to the inmates. Moreover, the quality of the food served in the Relief camps are periodically checked by the designated officer of OIL India Ltd.
- ▶ Sanitization of the camps are done on regular basis.
- ▶ All expenditure towards providing food, health care facilities, animal fodder and baby foods for the inmates of the camps are borne by OIL. As on 23.07.2020, an amount of Rs.11.17 Crores has been spent by OIL India Ltd towards management

of the Relief camps.

- ▶ Compensation under Social Security Scheme(Rs. 30.00 Lakh) and Group Personal Accident Policy of OIL India Ltd has already been processed and paid to the nominees of both the deceased employees. Moreover, compensation under the Employee's Compensation Act is under process.
- ▶ Appointments have been given to one of the legal heirs of the deceased employees in OIL India Ltd under compassionate ground.
- ▶ Employment under compassionate ground has been provided to one eligible dependent family member of both the deceased employees as per Company's Policy.
- ▶ Details of expenditures so far made towards mitigation
 - a. An amount of Rs.9.00 Crores has been deposited in the Office of Deputy Commissioner, Tinsukia towards payment of one time compensation to the 3000 families residing in the Relief camps. A copy of the Bank Statement of OIL India Limited is enclosed as **Annexure-15**.
 - b. Payment of compensation to 11 numbers families, whose houses were burnt, has been made @ Rs.20.00 Lakhs per family, as advance, totaling an amount of Rs.2.20 Crores. A copy of the Bank Statement of OIL India Limited is enclosed as **Annexure-16**.
 - c. Till date, expenditure incurred by OIL India Ltd for running of the Relief camps as on 23.07.2020 is more than Rs.11.17 Crores.
 - d. Total amount spent as on 22.07.2020 is Rs.22.38 Crores(approx.) towards providing relief, rehabilitation & compensation to the affected families.

- e. However, the extent of damage of agricultural land, tea gardens, fisheries etc. are being surveyed by the Committee of Experts constituted by the Deputy Commissioner, Tinsukia. As on 25.07.2020, District Administration, Tinsukia has completed survey of 2140 houses. Summary of expenditure is as under:

Expenditure against Baghjan Well No. 5 till 23.07.2020	
Head of expenditure	Actual Expenditure (in Rs.)
Operation relating to capping the Well	817625148
Expenditure Related to affected people staying at various camps	111783382
DC, Tinsukia(interim relief for the affected families numbering 3000)	90000000
Advance Compensation to 11 families whose houses were burnt @ 20 Lakhs Per Family	22000000
Total Expenditure	1041408530

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

19. That the OIL India Ltd submits that all Safety and security measures are continuously being monitored to protect surrounding villagers and their properties by the working teams. Protection of the environment would be paramount while carrying out the Well Control Operation. Efforts have been undertaken by OIL India Ltd by engaging, its own resources and hired services from organizations of national repute to minimize further impacts on the environment and to recuperate from the damage caused to the environment. Manually, picking up of thin film of floating condensate oil was carried out by OIL India Ltd.

Sorbents were used to contain the spread of condensate oil. The following organizations are involved for the purpose mentioned above, apart from the District Administration:-

- i) M/s ERM India Pvt Limited.
- ii) The Energy Research Institute (TERI)
- iii) Assam Agricultural University.
- iv) CSIR- North East Institute of Science and Technology.
- v) Indian Institute of Technology (IIT), Guwahati

20. That, aforesaid organizations are presently carrying following jobs for restoration of the environment

- a) **Environmental Scanning:** OIL India Ltd engaged an National Accreditation Board for Education and Training (NABET) accredited consultant to carry out Environment Impact Assessment Study to examine impact on environment particularly air quality, noise quality, surface water, sediment quality, ground water, soil quality, terrestrial ecology, aquatic quality and to suggest mitigation measures.
- b) **Spillage, Cleanig and Bio-remediation:** M/s TERI, New Delhi has been engaged by OIL India Ltd for In-Situ & Ex-Situ bioremediation of oily Sludge/ oil-contaminated soil for a quantity of 6,000M³ was mobilized to the affected area on 06.06.2020. M/s TERI collected the sample microbial culture. M/s TERI inspected the spillage site and identified the areas of bioremediation in & around BGN#5, surrounding land mass and water bodies including Maguri-Motapung beel. On 19.06.2020, OIL India Ltd & M/s TERI representatives jointly identified and **certified the job volume as 12,000 m3**. M/s TERI initiated site cleaning jobs (collection/ cleaning of debris/ oil contamination in land as well as water bodies) after discussion with local villagers.

- c) **Picking up of spilled oil manually and by turbo pump:** After the incident of blowout, several bunds were constructed around the area of blowout to arrest the spilled oil flowing to the nearby water bodies. The oil arrested inside the bunds were picked up by manual efforts in drums and transferred to EPS-Baghjan. Turbo pumps driven by water jet were also been used for lifting spilled oil.
- d) **Assessment of Contamination of Surface Water, Ground Water and Soil:** TERI/ERM would carry out an assessment of impact/ contamination to the surface water, ground water and soil in the affected area caused due to the blowout & fire. TERI would carry out water & soil quality monitoring and appropriate modelling for the assessment of impact/ contamination
- e) **Assessment of Impact to Biodiversity:** TERI/ERM as well as the work assigned to Institute of Advance Study in Science and Technology (IASST), Govt of Assam, would carry out an assessment of impact/ damage to the biodiversity including the flora & wildlife in the affected area caused due to the blowout & fire.
- f) **Damage Assessment by Experts:** Assam Agriculture University (AAU) had deputed experts to assess damage to the Crops/Tree/Plants (Paddy/tea/Fruit/Vegetation) in the area likely to be affected by the blow out and subsequent fire of BNG#5. The experts visited the area twice once after the blow out and once after the fire incident occurred on 09.06.2020.
- g) **Assessment of Vibration:** CSIR- North East Institute of Science and Technology (NEIST) had been requested to assess alleged vibration of the locality. Scientists from the premier institute have set up stations for the experimentation of the alleged vibration in the locality. The above activities

are planned and are being executed by OIL India Ltd to mitigate the impacts on the environment due to the BGN#5 incident, if any.

- h) **IIT-Guwahati Study on Thermal Mapping & Sonic Measurement:** OIL India Ltd has engaged Indian Institute of Technology (IIT), Guwahati to study reported cracks in houses surrounding the blow out site using thermal mapping & Sonic Measurement. The study has been initiated on 16-07.2020 in presence of officials from District Administration & PWD and Local Govt. Village Headman in Notungaoon village.
 - i) **Additional Efforts for the preservation of towards Dibru Saikhowa National Park:** OIL India Ltd restored 30-35ha lands by completing plantation of 64,500 trees by August, 2019 with aim of bringing back lands to its original conditions in abandoned well sites at seven locations.
21. That Shri Niranta Gohain has approached the Hon'ble Gauhati High Court by filing a Public Interest Litigation being PIL No. 34/2020, seeking a direction from the Hon'ble High Court to direct OIL India Ltd & John Energy to pay compensation to the tune of about Rs. 310 Crores towards various heads as compensation and damages caused on account of Blow out in Baghjan Well. The Petitioner therein had also sought for a direction of high level independent enquiry by an Investigating Agency. The said PIL was listed before the Hon'ble Court for consideration on 12.06.2020. The Hon'ble High Court after hearing the parties including the OIL India Ltd, has disposed of the same by granting liberty to the Petitioner to file a fresh Petition, if genuine public cause demands, however, on the basis of relevant data and findings recorded by the Enquiry Agencies.

22. That pursuant thereof, Shri Mrinmoy Khataniar and & Anr has filed a PIL being numbered as PIL No.35 of 2020, challenging the Minutes of EAC dated 27/28.02.2018, whereby, projects discussed under heading 20.3.1 and 20.6.17 were granted exemptions from public hearings as mandated under Para 7(iii) of the EIA Notification dated 14.09.2006. The petitioners therein have also challenged the Letter dated 11.05.2020 of the MoEFCC, whereby, Environment Clearance has been granted for 7 locations under Dibru Saikhowa National Park. Apart from claiming the compensation for the affected people, the Petitioners therein have also prayed for inquiry by the CBI and Central Vigilance Commission. The said matter has been tagged with PIL No. 39/2020. The matter was last listed before the Hon'ble Division Bench of Hon'ble Gauhati High Court on 13.07.2020 and now stands adjourned to 17.08.2020.
23. That similarly, Shri Gautam Uzir, Sr. Advocate of Gauhati High Court has filed PIL being numbered as PIL No. 39/2020, seeking a direction towards constitution of a High Level Committee to be monitored by the High Court and headed by a retired Judge of the High Court for causing in-depth assessment into the extent of loss of life and property of the individuals/families residing in the said affected area of Baghjan. The matter was last listed before the Hon'ble Division Bench of Hon'ble Gauhati High Court on 13.07.2020 and now stands adjourned to 17.08.2020.
24. That although the aforesaid PIL's are pending before the Hon'ble Gauhati High Court for consideration, yet, the Applicants herein have filed the subject Original Application (O.A) being O.A No 43 of 2020/EZ and O.A No 44 of 2020/EZ for issuance of direction, amongst others, in respect of constituting an independent Committee of experts, monitored by the Tribunal, to visit the site and submit a report to the Tribunal

within a reasonable period and to direct the Oil India Limited to provide relief and compensation to victims of the Gas leak and fire.

25. That this Hon'ble Tribunal, vide, ex-parte order dated 24.06.2020 in O.A No 43 of 2020/EZ and O.A No 44 of 2020/EZ, was, *inter-alia*, pleased to constitute a Committee of Expert and direct OIL India ltd to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam. A copy of the order of this Hon'ble Tribunal dated 24.06.2020 in O.A No 43 of 2020/EZ and O.A No 44 of 2020/EZ is marked herein and annexed as **Annexure 17**.
26. That OIL India ltd was served a copy of the O.A.No.43/2020/EZ and the order dated 24.06.2020 on 26.06.2020. Further, a copy of the O.A.No.44/2020/EZ was served upon OIL India ltd on 29.06.2020.
27. That as there has been gross suppression of material facts in the instant OA's, *inter-alia*, pertaining to the steps taken by the Applicant pursuant to the blowout at Baghjan #5, evacuation and relief camp for the affected people, deposits already made for the affected persons and various other expenditures incurred and other measures taken by OIL India Ltd, OIL India ltd was constrained to file IA. No. 30/2020/EZ and I.A. No. 31/2020/EZ in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ, *inter-alia*, seeking recall/modify the said order dated 24.06.2020 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A No 43/2020/EZ and O.A No. 44/2020/EZ to the extent that this Hon'ble Tribunal has directed (i) the constitution of a Committee of Experts to look into the matter on the initial terms of reference and (ii) directed the Applicant Company to deposit an initial amount of Rs.25 Crores with the District Magistrate, Tinsukia District, Assam.

28. That this Hon'ble Tribunal, while, disposing IA. No. 30/2020/EZ and I.A. No. 31/2020/EZ vide order dated 02.07.2020, was pleased to defer the direction for deposit of Rs. 25 Crores till the actual amount and its disbursement plan are worked out in the light of the report of the Committee after considering viewpoint of victims as well as the OIL India Ltd. A copy of the order of this Hon'ble Tribunal in IA. No. 30/2020/EZ and I.A. No. 31/2020/EZ is marked herein and annexed as **Annexure 18**.

29. Pursuant to the said order, OIL has also responded to the queries sought from them by the committee constituted by this Hon'ble Tribunal by filing details representations with relevant documents vide letters dated 03.06.2020, 7.7.2020, 11.7.2020, 12.7.2020 & 15.7.2020 to the Hon'ble Chairman. Further, by emails dated 09.07.2020, 11.07.2020, 11.07.2020, 13.07.2020, 13.07.2020, 15,07.2020, 21.07.2020 & 26.07.2020 information has also been provided to the Hon'ble Technical Member Mr Ajit Hazarika.

30. In view thereof, it is most humbly prayed that the Hon'ble Tribunal may be pleased to take the present Preliminary Affidavit on record. It is most humbly reiterated that OIL seeks leave of this Hon'ble Tribunal to file a detailed counter affidavit after the committee constituted by this Hon'ble Tribunal places its report.

APPLICANT

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

Through

P. Goswami 

(Mr. Parthiv K. Goswami and Mr. Rahul Pratap)

Advocates for the Applicant

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

Phone: 9560886310; 9910727778

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)
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, S/o Late. A.C. Deka, R/o Duliajan, in the District of Dibrugarh, General Manager (Legal) I/C of Oil India Limited, do hereby solemnly affirm and state as under :-

1. That I am the General Manager (Legal) I/C of Oil India Limited and have been authorized by the Applicant Company to swear the present Affidavit on behalf of the Applicant Company. I am well conversant with the facts and circumstances of the case and as such, I am competent to swear the present affidavit.
2. That I have read over the contents of the accompanying Modification Application 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
DULIAJAN, ASSAM

DEPONENT

VERIFICATION

Verified on this the 27th July, 2020 that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

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

DEPONENT

Handwritten notes on the left side of the document:

- For CG (P&G)
- For N&G (P&G)
- For mining
- for 20/04/04
- for 22/04/04
- for 15/4/04
- for 15/4/04

GGM(MPA)'s OFFICE
 22 APR 2004
 OIL, DULIAJAN

Baghjan ML

No.0-12012/98/2003-ONG/D-IV
 Government of India
 Ministry of Petroleum & Natural Gas

Handwritten circled number: 3/5

New Delhi, 15th April, 2004
 February, 2004

Handwritten signatures and stamps:

- Signature: D. M. ...
- Stamp: 22/04 DED/DO
- Stamp: RCG
- Stamp: GGM(MPA)/994(SS)
- Signature: SAE
- Date: 15/4

To
 The Commissioner and Principal Secretary to the Govt. of Assam,
 Mines & Minerals Department,
 Dispur, P.O. Assam Sachivalaya,
 Guwahati 781 006.

Subject : Grant of Petroleum Mining Lease to Oil India Limited for Baghjan Block measuring an area of 75 sq.kms in Upper Assam.

Sir,

I am directed to refer to Oil India Limited's application No. PLN/1-7/42-621 dated 14th May, 2003 addressed to you and your letter recommending the case to this Ministry vide letter No.PEM.93/03/60 dated 1.8.2003 on the above subject and to convey the approval of Central Government for the grant of a Petroleum Mining Lease (hereinafter referred to as "lease") under rule 5(I)(ii) of the Petroleum and Natural Gas Rules, 1959 (as amended from time to time) to Oil India Ltd., for the above said block/area bounded by the geographical limits as per appendix 'A' and to say that the lease shall be subject to the following terms and conditions in addition to such other terms and conditions as agreed under the Production Sharing Contract and/or deed/agreement signed, if any, in respect of the said block/area.

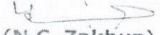
1. The Lease shall be in respect of Crude Oil and Natural Gas.
2. The lease shall be valid for a period of twenty years from the effective date i.e. 14.5.2003.
3. This Lease shall be subject to the provisions of the Oil Fields (Regulation & Development) Act, 1948 (53 of 1948) and the Petroleum & Natural Gas Rules, 1959 made there under as amended from time to time.

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1032
 15/4/04

- 69
4. Royalty on Cru Oil, Condensate and Natural Gas shall be payable by the lessee as per the terms of Production Sharing Contract entered into between the lessee and the Central Government in respect of the said block/area or at such rates as may be fixed, from time to time, by the Central Government in consultation with the State Government. The royalty shall be payable on monthly basis and shall be payable by the last day of the month succeeding the period in respect of which it is payable.
 5. Immediately on demand or upon determination or relinquishment of any area covered by this lease, the Lessee shall furnish to the Central Government/DGH, through the State Government confidentially the complete records of data as specified in Rule 19(c) of the P&NG rules, 1959. The Lessee shall submit to Central Government, without fail every six month, the results of all operations, boring and test production.
 6. Necessary approval from the Competent Authority should be obtained for the Reserve Forest Area(if any) falling in the leased area. "However, the Lessee may carryout surveys for oil exploration in the Reserved Forest area falling in such leased area without obtaining prior clearance of the Ministry of Environment and Forests, Government of India under the Forest(Conservation) Act, 1980 so long as the surveys do not involve cutting of trees. The Lessee shall, however, in no circumstance carryout such surveys in specially protected area like wildlife sanctuary, national park and preservation or sample plots demarcated by the Forest Department. (Ref. Letter No.11-28/86-FRY(CONS) dated 08.05.1986. Department of Environment, Forest & Wildlife, Government of India)".
 7. If International companies or foreigners are entrusted with the task, the lessee may get security-vetting of these companies through the Cabinet Secretariat(Research & Analysis Wing) with help of this Ministry. The lessee shall also seek prior clearance from the Ministry of Home Affairs and Ministry of defence with the full particulars of the foreigner employees under intimation to this Ministry.
 8. The lessee shall issue Identity cards to each of the employees. The system of checking identity cards of personnel will have to be strictly enforced.
 9. Security to its employees both at the project site and en-route in insurgency-affected areas will be the responsibility of the lessee.

10. The lessee shall allow Government authorities to enter and inspect area for security checkup, if necessary.
11. Lessee shall not employ any foreign nationals surreptitiously in the area along the border.
12. No ground/aerial survey of the Defence VAs/VPs is permitted. Aerial survey, if any would be governed by the provision of Ministry of Defence Letter No. 18(8)82-D-(GS III) dated January 31, 1989.
13. Air Force areas falling within the zones embarked for delineation should be avoided.
14. For works in close vicinity of Indian Air Force units/installations and visit to these installations, if any, specific permission of air Hdqrs. should be obtained.
15. Any work within 500m of the perimeter of Air Force station should be intimated to Air Force authority atleast 10 days before commencement of activities.
16. No obstruction shall be erected higher than 15 mtrs. within 5 kms radius of Air Force Airfields and construction of any high mast/towers shall be carried out in consultation with the Air Force Authority.
17. Lessee shall execute a separate lease deed in respect of such other covenant, terms and conditions as per the prescribed format.


(N.C. Zakhup)
Under Secretary to the Govt. of India
Tel. : 2338 7849

Copy to:

1. Chairman & Managing Director,
Oil India Limited, 5 Sikandara Road, New Delhi.
2. Director General, Directorate General of Hydrocarbons, New Delhi
3. Guard File

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Appendix-A

The Co-ordinates of the block are furnished below:

AREA (Sq. Km.)	POINT	LATITUDE			LONGITUDE			
		DEG	MIN	SEC	DEG	MIN	SEC	
75.00	F' (T)	27	34	06	95	17	42	Point F' (T) to B'' follows the boundary of Dibru Saikhowaghat Reserve Forest
	E'	27	36	17	95	23	00	
	D'	27	38	54	95	26	12	
	C'	27	40	54	95	27	42	
	B''	27	37	40	95	32	00	
	V	27	34	24	95	22	33	

//True copy//

POLLUTION CONTROL BOARD, ASSAM
BAMUNIMAIDAM, GUWAHATI - 21

Dated Guwahati, the 09/03/09

No. WB/X-I/T-874/94-95/192
254

To
Head - J&E,
Safety and Environment Dept.,
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 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 1st April, 2008 to 31st 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,
hagege 09.3.09
Member Secretary

Memo No. WB/X-I/T-874/94-95/192-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

//TRUE COPY//

Drilling of Development Well (26 Nos.) and Exploratory Well (15 Nos.) at N. Hapjan-Tinsukia-Dhola Area in District Tinsukia Assam by M/s Oil India Limited – Environmental Clearance reg.

This message has been scanned by the InterScan for CSC SSM and found to be free of known security risks.

F. No. J-11011/1255/2007 - IA II (I)
Government of India
Ministry of Environment and Forests
(I.A. Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi – 110 003

E-mail : pb.rastogi@nic.in
Telefax : 011: 2436 7668
Dated 1st November, 2011

To,
 The Group General Manager (SB)
 M/s Oil India Limited.
 Duliajan District Dibrugarh- 768 602, Assam

E-mail: drilling@oilindia.in ;
Fax No.: 0374-2803 296

Subject: Drilling of Development Well (26 Nos.) and Exploratory Well (15 Nos.) at N. Hapjan-Tinsukia-Dhola Area in District Tinsukia Assam by M/s Oil India Limited – Environmental Clearance reg.

Ref. : Your letter no. DRLG/DS/A.19-192/10 dated 28th December, 2010.

Sir,

Kindly refer your letter dated 28th December, 2010 alongwith project documents including Form I, Terms of References, Pre-feasibility Report, EIA/EMP Report and subsequent communications vide your letter dated 25th June, 2011 on the above mentioned subject.

2.0 The Ministry of Environment & Forests has examined your application. It is noted that proposal is for drilling of development well (26 Nos.) and exploratory well (15 Nos.) at N. Hapjan-Tinsukia-Dhola Area in District Tinsukia Assam by M/s Oil India Limited. Block Coordinate is between Longitude 95^o 20' -- 95^o 32' and Latitude 27^o 27' -- 27^o 37'. Block area is 650 sq KM. Project cost is Rs. 15.00 Crores for each well. Borajan reserve forest (RF), Bherjan RF, Padumani RF, Dibru RF, Upper Dihing (west) RF complex including Lakhpathar RF are

located within 10 Km. No national park/wildlife sanctuary/eco-sensitive area are located within 10 km.

3.0 Stack of adequate height will be provided to DG set. Flaring will be done in a controlled manner through scientifically designed flaring system. Water requirement will be 40 m³ per well/day for drilling purpose and 2 m³ per well/day for domestic use. Effluent generation will be 20 m³ (approx) per well/day during drilling phase. Effluent will be stored in HDPE lined pit and treated as per CPCB/SPCB norms and recycled. Water based mud will be used in drilling. Drill cuttings generation will be 200 m³/well. Drill cuttings will be stored in HDPE lined pit for safe disposal.

4.0 The proposal was considered by the Expert Appraisal Committee (Industry-2) in its 77th, 21st and 26th meetings held during 21st-24th January, 2008, 23rd-24th March, 2011 and 17th-18th August, 2011 respectively.

5.0 All the projects related to offshore and onshore Oil and Gas exploration, development and production are listed in para 1(b) of schedule of EIA Notification, 2006 covered under category 'A' and appraised at centre level.

6.0 Public hearing was exempted as per Para 7 (II) of EIA Notification 2006.

7.0 The Ministry of Environment and Forests hereby accords environmental clearance to the above project under the provisions of EIA Notification dated 14th September, 2006 subject to strict compliance of the following specific and general conditions:

A. SPECIFIC CONDITIONS :

- i. As proposed, only development well (26 Nos.) and exploratory well (15 Nos.) shall be drilled. No additional wells shall be drilled without prior permission from this Ministry.
- ii. As proposed, no drilling of well and any construction work shall be carried out in forest land.
- iii. Permission shall be obtained from the State Forest Department regarding the impact of the proposed drilling on the surrounding reserve forest viz. Borajan RF, Bherjan RF, Padumani RF, Dibru RF, Upper Dihing (west) RF complex including Lakhpathar RF.
- iv. Drilling site shall not be close to villages, schools etc.
- v. Ambient air quality shall be monitored near the closest human settlements as per the National Ambient Air Quality Emission Standards issued by the Ministry vide G.S.R. No. 826(E) dated 16th November, 2009 for PM₁₀, PM_{2.5}, SO₂, NO_x, CO, CH₄, HC, Non-methane HC etc.

- vi. The flare system shall be designed as per good oil field practices and Oil Industry Safety Directorate (OISD) guidelines. The stack height shall be provided as per the regulatory requirements and emissions from stacks will meet the MOEF/CPCB guidelines.
- vii. The company shall make the arrangement for control of noise from the drilling activity. Acoustic enclosure shall be provided to DG sets and proper stack height shall be provided as per CPCB guidelines.
- viii. Mercury shall also be analyzed in air, water and drill cuttings twice during drilling period.
- ix. Approach road shall be made pucca to minimize generation of suspended dust.
- x. Total fresh water requirement shall not exceed 42 m³/day/well and prior permission shall be obtained from the concerned agency.
- xi. 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.
- xii. Drilling wastewater including drill cuttings wash water shall be collected in disposal pit lined with HDPE lining evaporated or treated and shall comply with the notified standards for on-shore disposal. The membership of common TSDF should be obtained for the disposal of drill cuttings and hazardous waste. Otherwise, secured land fill shall be created at the site as per the design approved by the CPCB and obtain authorization from the SPCB. Copy of authorization or membership of TSDF shall be submitted to Ministry's Regional Office at Shillong.
- xiii. Good sanitation facility shall be provided at the drilling site. Domestic sewage shall be disposed off through septic tank/ soak pit.
- xiv. 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.
- xv. 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 30th August, 2005.

- 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 H₂S release including all necessary aspects from evacuation to resumption of normal operations. The workers shall be provided with personal H₂S detectors in locations of high risk of exposure along with self containing breathing apparatus.
- xviii. The Company should carry out long term subsidence study by collecting base line data before initiating drilling operation till the project lasts. The data so collected should be submitted six monthly to the Ministry and its Regional Office at Shillong.
- xix. Blow Out Preventor (BOP) 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 (ERP) shall be based on the guidelines prepared by OISD, DGMS and Govt. of India.
- xxi. The company shall take measures after completion of drilling process by well plugging and secured enclosures, decommissioning of rig upon abandonment of the well and drilling site shall be restored the area in original condition. In the event that no economic quantity of hydrocarbon is found a full abandonment plan shall be implemented for the drilling site in accordance with the applicable Indian Petroleum Regulations.
- xxii. Occupational health surveillance of the workers shall be carried out as per the prevailing Acts and Rules.
- xxiii. In case the commercial viability of the project is established, the Company shall prepare a detailed plan for development of oil and gas fields and obtain fresh environmental clearance from the Ministry.
- xxiv. Restoration of the project site shall be carried out satisfactorily and report shall be sent to the Ministry's Regional Office at Shillong.
- 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 at Shilong.
- xxvi. Company shall prepare and circulate the environmental policy.

- xxvii. Company shall prepare operating manual in respect of all activities. It shall cover all safety & environment related issues and system. 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.
- xxviii. Base and side of Drill cutting storage pits and supernatant storage pit shall be provided with HDPE lining. Overflow channel and oil grease trap facility shall be provided.
- xxix. Chemical characteristics and toxicity in respect of amine and all other chemicals should be found out and monitoring arrangement should be made. A copy of report should be sent to the Ministry's Regional Office at Shilong.
- xxx. Company shall ensure good housekeeping at the drilling site.
- xxxi. Company shall have own Environment Management Cell having qualified persons with proper background. Full fledged laboratory facilities must be set up to carry out the environmental management and monitoring functions.

B. GENERAL CONDITIONS:

- i. The project authorities must strictly adhere to the stipulations made by the Assam Pollution Control Board (APCB), State Government and any other statutory authority.
- ii. No further expansion or modification in the project shall be carried out without prior approval of the Ministry of Environment & Forests. 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.
- iii. The project authorities must strictly comply with the rules and regulations under Manufacture, Storage and Import of Hazardous Chemicals Rules, 2000 as amended subsequently. Prior approvals from Chief Inspectorate of Factories, Chief Controller of Explosives, Fire Safety Inspectorate etc. must be obtained, wherever applicable.
- iv. 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, silencers, enclosures etc. on all sources of noise

generation. The ambient noise levels shall conform to the standards prescribed under EPA Rules, 1989 viz. 75 dBA (daytime) and 70 dBA (nighttime).

- v. A copy of clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad / Municipal Corporation, Urban Local Body and the local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the web site of the company by the proponent.
- vi. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of the MOEF, the respective Zonal Office of CPCB and the APCB. The criteria pollutant levels namely; PM₁₀, SO₂, NO_x, HC (Methane & Non-methane), VOCs (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the projects shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- vii. The project proponent shall also submit six monthly reports on the status of the compliance of the stipulated environmental conditions including results of monitored data (both in hard copies as well as by e-mail) to the Regional Office of MOEF, the respective Zonal Office of CPCB and the APCB. The Regional Office of this Ministry / CPCB / APCB shall monitor the stipulated conditions.
- viii. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent 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 alongwith the status of compliance of environmental conditions and shall also be sent to the respective Regional Offices of the MOEF by e-mail.
- ix. 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 APCB and may also be seen at Website of the Ministry of Environment and Forests at <http://envfor.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 Regional office.

- x. 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 commencing the land development work.

8.0 The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.

9.0 The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.

10.0 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 Wastes (Management and Handling) Rules, 2003 and the Public (Insurance) Liability Act, 1991 along with their amendments and rules.

(Dr. P. B. Rastogi)
Director

Copy to:

1. Principal Secretary, Department of Environment & Forest, Govt. of Assam, Guwahati, Assam.
2. The Chief Conservator of Forests, Regional Office (North-East Zone, Shillong) Upland Road, Laitumhran Shillong-793003.
3. The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110 032.
4. The Chairman, Assam Pollution Control Board, Bamunimaidam, Guwahati – 21 Assam.
5. Adviser, IA II(I), Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
6. Monitoring Cell, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
7. Guard File/Monitoring File/Record File.

(Dr. P. B. Rastogi)

Director

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Minutes of 27th Meeting of Standing Committee of NBWL held on 12.12.2012

Government of India
Ministry of Environment & Forests
(Wildlife Division)

Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi-110003

F. No. 6-43/2007 WL-I(pt)
Dated: 24th January, 2013


All Members,
Standing Committee of NBWL.

Sub: Minutes of the 27th Meeting of the Standing Committee of NBWL.

Sir/Madam,

Kindly find enclosed minutes of 27th Meeting of the Standing Committee of NBWL held on 12th December 2012 under the chairpersonship of Hon'ble Minister of State (Independent Charge) for Environment and Forests. The comments received from members have been appropriately incorporated in the minutes.

Yours faithfully,


(Vivek Saxena)

Deputy Inspector General (WL)
Telefax: 011-24361791

Encl: As above

Distribution:

1. Director General of Forests & Special Secretary, MoEF.
2. Director, Wildlife Institute of India, Dehradun.
3. Dr. Asad Rahmani, Director, BNHS, Mumbai-23.
4. Shri Kishor Rithe, President, Satpuda Foundation, Amravati-444607.
5. Executive Director, Nature Conservation Foundation, Mysore - 570 002.
6. Shri Brijendra Singh, 28, Sunder Nagar, New Delhi-110003.
7. Dr. M.K. Ranjitsinh, 'Krishnasaar', No.5 Tiger Lane, W6 C Lane, Sainik Farms, New Delhi-62.
8. Dr. Divyabhanusinh Chavda, "Suryodaya", 310 Gom Defence Colony, Vaishali Marg, Jaipur-302021.
9. Dr. A.J.T. Johnsingh, 101 Magnolia, Esteem Gardenia, Sahakara Nagar, Bangalore-560092.
10. Ms. Purna Bindra, Environment Journalist, 2/13, Iris, Jasmine Street, Vatika City, Sector 49, Gurgaon - 122003, Haryana.

Copy to:

1. PS to Hon'ble MOS (I/C) E&F.
2. PPS to DGF&SS/PPS to Addl. DGF(WL)
3. PS to IGF(WL)/PS to DIG(WL)

Minutes of 27th Meeting of Standing Committee of NBWL held on 12.12.2012

- vi. *To maintain the environment, provision for plantation of selected species of trees shall have to be made in the selected vacant places in consultation with the State Forest Department.*
- vii. *Oil soaking pad and other such articles should be made readily available at the site to fight out any emergency situation against accidental leakage of oil.*

2.2.1 (2). Proposal for use of 114.267 ha of non-forestland falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan Padumani Wildlife Sanctuary for laying of crude oil pipeline etc by Oil India Ltd., Assam.

The Member Secretary informed the Committee that the proposal was for use of 114.267 ha of non-forestland falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan Padumani Wildlife Sanctuary for laying of crude oil pipeline and gas field pipeline, construction of oil collection station etc. in order to meet its commitment of supply of natural gas to Brahmaputra Gas Cracker & Polymer Ltd.

Hon'ble chairperson desired to know whether this proposal was sub-judice or not and whether the pipeline was being laid underground or above the ground.

Dr Asad Rahmani mentioned that Dibru Saikhowa is one of finest Protected Areas in the country and can even be compared with that of Kaziranga National Park in terms of its vast grasslands. He added that the Amarapur grassland in the National Park is taken over by Khutis. He desired to know whether the OIL was ready to assist the State Forest Department for better management of the Dibru Saikhowa National Park.

Ms Prerna Bindra also stressed on the importance of the Dibru Saikhowa National Park --and the fact that it had many endangered species like the Black Breasted Parrotbill, Asiatic wild buffalo, lesser florican etc, She pointed out there were a number of issues related to the park that needed urgent attention and these must be looked into on priority.

The representative of OIL indicated that the pipeline is being laid underground and he also assured the committee that adequate safety measures were being taken to ensure the safety of the environment from any kind of leakage and that the SCADA system has also been installed in all OIL projects. He also expressed willingness to provide help in conservation of the area, if required. After discussions, the Committee decided to recommend the proposal with the following conditions as was stipulated for the earlier case:

- i. *IOC shall put valves at the entry and exit points of the eco-sensitive zone of the Wildlife Sanctuary in order to stop oil flow in case of any emergency/accident so that damage to the Wildlife Sanctuary can be prevented/minimized under such situation.*
- ii. *Due precautionary measures should be ensured to prevent any form of pollution in the wetland as well as in its adjoining areas.*
- iii. *The pipeline preferably should be laid minimum 1.5 mt. below from the ground level.*
- iv. *The concerned officials of the State Forest Department shall be empowered to inspect the pipeline at any time to take samples for analysis and may call for any information etc.*
- v. *No permanent structure should be constructed on the pipeline, particularly in the area that fall in the elephant corridor.*
- vi. *To maintain the environment, provision for plantation of selected species of trees shall have to be made in the selective & vacant places in consultation with the State Forest Department.*

F.No.6-47/2014 WL (31st Meeting)
 Government of India
 Ministry of Environment, Forests & Climate Change
 Wildlife Division

6th Floor, Vayu Wing
 Indira Paryavaran Bhawan
 Jor Bag Road, Aliganj
 New Delhi-110003
 Dated: 03.12.2014.

To
 The Principal Secretary (Forests),
 Department of Forests,
 Government of Assam,
 Rehabai, Guwahati-781001.

Sub: Minutes of the 31st Meeting of Standing Committee of NBWL.

Sir,
 During the 31st Meeting of Standing Committee of NBWL held on 12th-13th August 2014 under the Chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change, the following proposals pertaining to your State were considered. The relevant portion of the decision taken in respect of the proposals is reproduced below:

- "1. Proposal for Oil India Ltd. for use of 304.15 ha non-forest land falling within 10 km from the boundary of Dibru-Saikhowa National Park and Bherjan-Borajan-Padumoni Wildlife Sanctuary for expansion of gas field development in Tengakhat-Naharkotia-Jorajan area, Tinsukia-Dhola area and Doom dooma-Pengeri area in Assam (PMG Case).

The Member Secretary informed the Committee that during the previous meeting of the Standing Committee, it was decided that Ms. Prerna Bindra and Dr M.D. Madhusudan would undertake site inspection with respect to this proposal along with the another proposal for use of 114.267 ha of non-forestland falling within 10-kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan Padumani Wildlife Sanctuary for laying of crude oil pipeline etc by Oil India Ltd., Assam, which was already recommended. He added that the site inspection was conducted and the report was uploaded on the official website of MOEF&CC and was also circulated to the members. He informed that the site inspection team had recommended the proposals.

Dr. R. Sukumar was of the opinion that in many cases, the project proponents place a "fait accompli" cases for consideration of the Standing Committee, which should be discouraged.

As the site inspection team had recommended the proposals, the Standing Committee decided to recommend the proposal.

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ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION

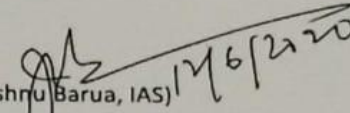
Dated Dispur 12th June, 2020

No. HMA-19/50/2020-Pol(A)/4 :: The Governor of Assam pleased to constitute a One Person Enquiry Committee to be headed by Shri Maninder Singh, IAS, Addl. Chief Secretary, Guwahati Development Department and Chief Residential Commissioner, Assam Bhawan to enquire into the details of incidents occurred in Baghjan Oil Well in Tinsukia District.

The terms of reference for enquiry shall be as follows:-

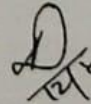
1. To ascertain facts and circumstances leading to blowup of Baghjan Oil well dated 27th May, 2020 and leading to the well catching fire on 9th June, 2020.
2. To ascertain person/persons responsible for the incident.
3. To suggest remedial measures to prevent occurrence of such incidents in future.

The enquiry report is to be submitted within 30 days from the date of the issue of this order.


(Jishnu Barua, IAS)
Addl. Chief Secretary to the Govt. of Assam
Home & Political Department

Memo No. HMA-19/50/2020-Pol(A)/4-A (eCF-142342) Dated Dispur the 12th June, 2020
Copy to:-

1. Shri Maninder Singh, IAS, Addl. Chief Secretary, Guwahati Development Department and Chief Residential Commissioner, Assam Bhawan
2. The Director General of Police, Assam, Ulubari, Guwahati-7
3. The S.O. to the Chief Secretary to the Govt. of Assam, Dispur.
4. The Deputy Commissioner, Tinsukia/ Dibrugarh.
5. The Superintendent of Police, Tinsukia/ Dibrugarh.
6. The Resident Chief Executive, Oil India Ltd., Duliajan, 786602 for kind information and he is requested to extend necessary cooperation.
7. The PPS to Hon'ble Chief Minister, Assam.
8. The Director of Information and Public Relations, Assam, Dispur, Guwahati. *He is requested to give wide publicity in the news bulletin of TV/AIR and Local Daily Newspaper immediately.*
9. The Joint Director, Printing & Stationary, Assam, Government Press, Bamunimaidam, Guwahati-21. *He is requested to publish the notification in the next issue of the Assam Gazette and 50 (fifty) copies of the notification may please be sent to this Department.*


12/6

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No. Expl-15022(13)/7/2020-ONG-V
Government of India
Ministry of Petroleum & Natural Gas

Shastri Bhawan, New Delhi
Dated 11th June, 2020

ORDER

Natural Gas mixed with condensate started flowing uncontrollably from one of the wells of Oil India Ltd in Baghjan fields in Tinsukia District of Assam on 27 May 2020 leading to a blowout. The well caught fire on 8 June 2020. Three-member High Level Committee comprising of Shri S.C.L Das, Director General, Directorate General of Hydrocarbons, Shri B.C Bora, former Chairman ONGC and Shri T.K Sengupta, former Director ONGC is constituted to inquire the incident. The Committee will be headed by the Director General, Directorate General of Hydrocarbons. The Committee will have following terms of reference:-

1. Identify the lapses in following laid down protocols and procedures which led to the incident.
2. Recommend short and long-term measures to prevent the recurrence of such incidents including identifying any gaps in laid down standard operating procedures.
2. The Committee shall submit its report within one month.


(R.K. Kureel)

Director

Phone No. 23381029
rk.kureel@nic.in

To

1. Shri S.C.L Das Director General, Directorate General of Hydrocarbons, NOIDA, U.P.
2. Shri B.C Bora, former Chairman ONGC.
3. Shri T.K Sengupta, former Director ONGC

Copy to:-

1. Principal Secretary to the Chief Minister of Assam
2. PS to Minister, PNG
3. PPS to Secretary, PNG
4. Sr.PPS to JS (E)
5. CMD, OIL

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যনিজ
সম্পদৰ
অন্বেষণত

GOVERNMENT OF ASSAM
DIRECTORATE OF
GEOLOGY AND MINING
BHU-BIGYAN BHAWAN
DAKHINGAON, KAHILIPARA, GUWAHATI-19
Email: dgmassam@gmail.com
dgm.assam@gov.in

No. GM/MM/160/Pt.L/95

Dated the 04th June, 2020.

ORDER

In view of the reported continuous leakage of gas due to the recent blowout in the Baghjan Oil Field (Tinsukia District) under Oil India Limited the following officers of this Directorate are entrusted to cause an enquiry into the incident immediately and submit the report in details. The report should include the causes of the incident, probable environmental impacts, measures taken for mitigation, probability of revenue loss to the Government etc.

Names of Officers:

1. Shri Chandradhar Nath, Senior Geologist,
2. Shri Pranjal Kumar Gogoi, Senior Geologist,
3. Shri Polash Bora, Assistant Geologist,
4. Shri Biswajeet Gogoi, Assistant Geologist.

sd/-
(Ikramul Hussain)
Director,
Geology and Mining, Assam

Memo No. GM/MM/160/Pt.L/95-A

Date- 04-06-2020

Copy to:

1. The Additional Chief Secretary to the Government of Assam with reference to his instruction.
2. The Resident Chief Executive, OIL, Duliajan for necessary logistic supports to the team of officers.
3. The officers concerned for information and necessary action
4. Smti Kabita Sharma, Senior Geologist.

[Signature]
Director,
Geology and Mining, Assam

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**GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-6**

**ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION**

Dated Dispur, the 12th June, 2020

No. FRW. 6/2020/1: The Governor of Assam is pleased to constitute an One Man Enquiry Committee to be headed by Shri M. K. Yadav, IFS, Addl. PCCF (WL & CWLW) Assam to assess the damage to the following due to the incidents occurred in Baghjan Oil Well in Tinsukia District.

1. To ascertain damage of wild life.
2. To ascertain damage of Bio-Diversity.
3. To ascertain damage to water and air quality.
4. To ascertain any other damage to Forest & Environment.

The enquiry report is to be submitted within 15 days from the date of the issue of this order.

Sd/-[Smti. M. Baruah (Sen), IAS]
Secretary to the Government of Assam
Environment & Forests Department

Dated Dispur, the 12th June, 2020

Memo No. FRW. 6/2020/1-A
Copy to-

1. The Principal Chief Conservator of Forests and HoFF, Assam, Panjabari, Guwahati-37.
2. Shri M. K. Yadav, IFS, Addl. PCCF (WL & CWLW), Assam, Panjabari, Guwahati-37 for information and necessary action.
3. The Chairman, Pollution Control Board Assam, Bamunimaidam, Guwahati-21.
4. The Deputy Commissioner, Tinsukia.
5. P.P.S. to the Hon'ble Chief Minister, Assam for kind appraisal.
6. S. O. to the Chief Secretary, Assam for kind appraisal.
7. P.S. to the Hon'ble Minister, Environment and Forest Department, Assam for kind appraisal.
8. P.S. to Principal Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6 for kind appraisal of the Principal Secretary.

By order etc.,

msaenu
12/6/2020
Secretary to the Government of Assam
Environment & Forests Department

//TRUE COPY//

Gopal Govinda Rasu

From: DUTTA2_DIBYAJYOTI@ongc.co.in
Sent: 30 May 2020 10:32
To: Gopal Govinda Rasu
Cc: vikas.oisd@gov.in; "zafarali.oisd."@gov.in; das_ak7@ongc.co.in
Subject: Investigation related to blowout incident at Baghjan#5

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.

Sir
 OISD has nominated Shri Ajoy Kumar Das , GM (D) and the undersigned to Investigate blowout incident at Baghjan#5. Accordingly, It is planned to visit the site on 31.05.2020. For the purpose, following are requested:
 1. Accomodation from 31.05.2020 to 02.05.2020 (Morning).
 2. Shift Crew of Incident date to be presented on 01.06.2020 for interaction.
 3. Copied of following documents to be made available:
 a) Well history
 b) Workover Plan
 c) Preworkover conference of the well
 d) Contract Copy of the rig
 e) Bridging documents
 f) Daily Progress Report copy from 19.05.2020 to 26.05.2020
 This is for your kind information and necessary action.
 Regards
 DJ Dutta
 HSE,AA

भारत का ऊर्जा सारथी

स्वच्छ भारत एक कदम स्वच्छता की ओर

अस्वीकृति :

यह संदेश संबोधित प्राप्तकर्ता के उपयोग हेतु है और इसमें कानूनन विशेषाधिकृत तथा गोपनीय जानकारी भी हो सकती है। यदि इस संदेश का पाठक सही प्राप्तकर्ता या कार्मिक या प्राप्तकर्ता तक संदेश पहुंचाने वाला संदेशवाहक नहीं है, तो आपको एतद् द्वारा आगाह किया जाता है कि इस सूचना का किसी भी प्रकार का प्रसार, वितरण या प्रतिलिपि तैयार करना निषिद्ध है। यदि यह संदेश आपको किसी त्रुटिवश मिला हो तो कृपया इस ई-मेल को नष्ट कर दें एवं इसकी सूचना तत्काल ई-मेल द्वारा admin_ongcmail@ongc.co.in पर दें।

India's Energy Anchor

Swachh Bharat Making India Clean

Annexure 10

DIRECTORATE OF RESEARCH (AGRI.)
ASSAM AGRICULTURAL UNIVERSITY:: JORHAT-13, ASSAM

No. 7(15)/13/DRA(T)/Pt/2020-21/ 2381

Dated 17.06.2020

To

S. Majumder
 Chief General Manager (HSE)
 For Resident Chief Executive
 Safety and Environment Department
 Oil India Ltd., Duliajan

Sub: Deputation of experts for assessment of damage of Crops/ Tree/ Plants
 (Paddy/Tea/Fruit/Vegetation) - reg.

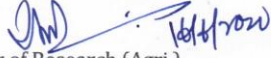
Ref: No. S & E/E/09/771 Dtd. 13.06.2020

Sir,

In inviting a reference to above, the undernoted Scientists from Assam Agricultural University, Jorhat are deputed for assessment of damage of Crops/Tree/Plants (Paddy/Tea/Fruit/Vegetation) in the surrounding areas of the blowout well at Baghjan - 5 (Natural Gas Well), Tinsukia District, Assam. You may please contact the below mentioned Scientists and finalize the date of their visit.

1. Dr. S. Gogoi, Pr. Scientist, AICRP on Vegetable Crops, Dept. of Horticulture, AAU, Jorhat
(9435514466)
2. Dr. M. Deka, Professor, Dept. of Tea Husbandry & Technology, AAU, Jorhat
(9435052196)
3. Dr. Bhabesh Gogoi, Jr. Scientist, AICRP on Integrated Farming System, AAU, Jorhat
(9435352867)

Yours faithfully,


 Director of Research (Agri.)
 Assam Agricultural University
 Jorhat-13

Copy to :

1. Mr. G. G. Rasu, Dy. General Manager (S&E), Safety and Environment Department, OIL, Duliajan
2. The Chief Agronomist, AICRP on Integrated Farming System, AAU, Jorhat
3. The Prof. & Head, Dept. of Tea Husbandry & Technology/Horticulture, AAU, Jorhat
4. Dr. S. Gogoi, Pr. Scientist, AICRP on Vegetable Crops, Dept. of Horticulture, AAU, Jorhat
5. Dr. M. Deka, Prof., Dept. of Tea Husbandry & Technology, AAU, Jorhat
6. Dr. Bhabesh Gogoi, Jr. Scientist, AICRP on Integrated Farming System, AAU, Jorhat

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Annexure 11

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Daily Status Report of Relief Camps at Baghjan for 22.07.2020												
2	Sl No.	Parameters	Baghjan ME School	St Joseph High School	Gate Line LP School	Bandarkhatti LP & High School	7 No. Line LP School	8 No. Line Catholic Church	Palong Line LP School & Girls' School	Rupai TE ME School	Nagamati LP School	Gujjan High School	Total
3	1	Approx. no. of occupants	1024	0	151	1206	0	250	479	0	102	546	5758
4	2	Approx. no. of children below 6 years	200	0	8	80	0	18	70	0	21	183	580
5	3	Approx. no. of persons more than 60 years of age	171	0	15	45	0	aS-06BC-6542 (Camper)	35	0	10	75	351
6	4	No. of pregnant women	0	0	Nil	9	0	2	2	0	3	2	18
7	5	No. of cases referred for treatment at nearby hospital	1	0	Nil	1	0	Nil	Nil	0	Nil	1	3
8	6	Availability of clean drinking water	Yes	0	Yes	Yes	0	Yes	Yes	0	Yes	Yes	
9	7	Routine medical check-up at camp	Yes	0	Yes	Yes	0	Yes	Yes	0	Yes	Yes	
10	8	Availability of First Aid Kit and ORS at Camp	Yes	0	Yes	Yes	0	Yes	Yes	0	Yes	Yes	
11	9	Cleaning of toilet	Yes	0	Yes	Yes	0	Yes	Yes	0	Yes	Yes	
12	10	Quality of food	Satisfactory	0	Good	Good	0	Good	Good	0	Good	Satisfactory	
13	11	Details of attached vehicles in the camp	Tata Xenon AS-23-CC 3717 Bolero Camper AS 23-CC-0907	0	Bolero Camper: AS-06-BC-3962	AS-06BC-4070 (Sumo) and AS 23-CC 3564 Camper	0	AS-06BC-6542 (Camper)	AS-06BC-6568 (Xenon)	0	Tata Xenon AS-09-AC-5681	Tata Sumo AS-23-BC 6536	
14	12	Any other requirement	Nil	0	Nil	Nil	0	Nil	Nil	0	Nil	Nil	
15	13	Remarks (If any)	None	The Camp has been closed down	None		The Camp has been closed down	None	None		The Camp has been closed down	None	None
16													
17													

//TRUE COPY//

Annexure 12



OIL BLOWOUT REPORT AT 12:00 HOURS ON 19-07-2020

Sub: Blowout in Gas Well of Oil India Limited at Baghjan, Tinsukia District, Assam

1. Brief about the Well

- Well No.: BGN#05
- Location: Baghjan Gaon, Dighaltarang, Tinsukia District, Assam
- Date & Time of Occurrence of Blowout: 27.05.2020 at 10:30hrs.
- The Well caught Fire on 09-06-2020 at 13:14 hrs.

2. Fire Status in Well & Vicinity

- The extent of the fire has been contained to the well.
- In order to arrest any untoward incidents of flash fire, Fire Tenders are kept ready at site.

3. Environmental Impact Assessment

- **Air quality/Noise level/Gas presence monitoring by OIL:** Report dated 18-07-2020 is attached.
- **Environmental Impact Assessment by M/s ERM:** Impact Assessment study prior to Capping of well is completed. Next phase of study to be conducted post Capping operation.
- **TERI Study on Air Quality & Noise Level:** Job held up due to awaited results of COVID-19 test of TERI team.
- **TERI study on Bioremediation of Sludge:** Site preparation for bio remediation along the roadside from Kaliapani Bridge to Baghjan village is in progress.
- **CSIR-NEIST Seismological Study:** Recording is in progress for seismological study in the vicinity of Baghjan-5 well.
- **IIT- Guwahati Study on Thermal Mapping & Sonic Measurement:** The study could not be carried out yesterday due to blockade by local people.

4. Preparation for Capping the Well:

- **Blockade/Barricade by Locals:** A barricade was erected by local villagers blocking the road from well site since afternoon yesterday. More than 200 personnel from OIL, ONGC, Alert, Schlumberger and other contractors working at site including OIL Directors were not allowed to go out of the site after completing the

day's work yesterday. After prolonged efforts by OIL Management and District Authority, the barricade was removed but as late as at 02.30 hours this morning.

5. Relief and Rehabilitation

- **Survey for Damage Assessment:** Survey job for assessment of damage for compensation in Doomdooma Circle till 18.07.2020 is **596** however survey could not carried out yesterday due to blockade by local people. **29** more families were surveyed on 18.07.2020 making total family surveyed in Tinsukia Circle is **1155**. Total number of families surveyed till 18.07.2020 both combined in Tinsukia and Doomdooma Circle is **1751**.
- A separate consolidated report of all the camps is being sent daily.

6. Law and Order/Bandhs/Blockades etc.

- **Road Blockade:** As detailed under point (4) and point (8), the blockade/ barricade was lifted only at 2.30 AM this morning.
- **Forceful stoppage of Oil/Gas Wells of Baghjan EPS Continues:** 14 numbers of oil & gas wells under Baghjan EPS are shut in since 07-07-2020. As a result, approx. 1.5-1.6 MMSCMD gas has gone out from the grid which ultimately led to curtailment of gas supply to all consumers. Additionally, there is a daily oil production loss to the tune of around 500 KL from these wells. The cumulative loss is **5185 MT** of Crude Oil and **17.62 MMSCM** of Natural Gas in last **12** days.
- **Blockades in Drilling and Work Over Locations Continue:** Blockade at two drilling locations and three work over locations still continues since the beginning of June, 2020, which would severely impact OIL in achieving its annual target of drilling and work over at the end of the FY 2020-21.
- **Deployment of Police Forces:** Police forces are deployed at site by the District Administration. Indian Army is also assisting Assam Police.

7. Impact on Oil/Gas Production due to Protests by Locals

Product	Loss on 18.07.2020	Cumulative Loss since 27.05.2020	Production affected in areas due to Stoppage/ Blockades by locals
Crude Oil	442 MT	14385 MT	Dhakuwal, Barekuri, Borhapjan, Baghjan & Consequential losses at Makum area.
Natural Gas	1.62 MMSCM	29.59 MMSCM	Dhakuwal, Baghjan & Associated gas loss at Mechaki,

			Hapjan, Baghjan and Makum area.
--	--	--	---------------------------------

8. Any other Issues

- **Blockade/Barricade by Locals:** Initial rounds of talks between District Authority and the agitating group failed. At around 12 midnight, all working personnel at site marched out together defying torrential rain and moved towards the barricade put up by the Protesters. The District Authority intervened the march before reaching the barricade point. At around 2.30 AM, the picketers agreed to remove the barricade subject to announcing a favourable compensation package by 12 noon today, failing which they will once again resort to the protest.
- **Major Impact on Workforce:** Yesterday's ordeal of being forced to remain at site under torrential rain without food for 9-10 hours after the hard day's work till 2.30 AM has severely impacted the morale of the entire workforce OIL, ONGC, Alert, Schlumberger and other contractors.
- **Alert Experts' Concern:** Blowout Experts' team from M/s Alert, Singapore has expressed their serious concern/discomfort to work under such stressful condition. CMD-OIL requested Hon'ble Chief Minister of Assam for providing necessary assistance. Hon'ble CM has assured to take steps.
- **Weather Forecast:** Heavy to very heavy rain is forecasted today and for next 2 days. Weather of Tinsukia District forecasted by Indian Meteorological Department for today is as under.

Forecast Date	Forecast Validity	Rainfall (mm)	Temp Max (deg C)	Temp Min (deg C)	Humidity I (%)
2020-07-19	Valid From 08:30 AM OF 2020-07-18 TO 08:30AM OF 2020-07-19	26	28	24	99
2020-07-20	Valid From 08:30 AM OF 2020-07-19 TO 08:30AM OF 2020-07-20	58	28	23	99
2020-07-21	Valid From 08:30 AM OF 2020-07-20 TO 08:30AM	61	26	23	99

	OF 2020-07-21				
2020-07-22	Valid From 08:30 AM OF 2020-07-21 TO 08:30AM OF 2020-07-22	11	28	22	98

- Hon'ble Minister of Petroleum & Natural Gas & Minister of Steel and Hon'ble Chief Minister of Assam are keeping close watch of the situation.
- Secretary, MoPNG and Jt. Secretary (Exploration) are constantly monitoring the situation and CMD, OIL with Director (HR&BD), Director (E&D) and Director (Operations) are stationed at Duliajan.
- Tele-Communication facilities available at Baghjan # 05 Control Room

Call within OIL telephones	Call from mobile phone/outside (PSTN) landline
5010	0374 2806656
5696	0374 2806657 (Medical unit)
5697, 5698	0374 2806658 (main control room)
Other external phone nos.	
ISAT: 8991119364, shall be operational only in outdoors	
Fixed GSM: 9435039023	
Mobile phone: 7086041286	

Emergency Nos. at Duliajan Control Room: 0374-2804888, 0374-2808888

Blockade/Barricade by Locals



Blockade/Barricade by Locals



Wellhead



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OIL BLOWOUT REPORT AT 19:00 HOURS ON 20-07-2020

Sub: Blowout in Gas Well of Oil India Limited at Baghjan, Tinsukia District, Assam

1. Brief about the Well

- Well No.: BGN#05
- Location: Baghjan Gaon, Dighaltarang, Tinsukia District, Assam
- Date & Time of Occurrence of Blowout: 27.05.2020 at 10:30hrs.
- The Well caught Fire on 09-06-2020 at 13:14 hrs.

2. Fire Status in Well & Vicinity

- The extent of the fire has been contained to the well.
- In order to arrest any untoward incidents of flash fire, Fire Tenders are kept ready at site.

3. Environmental Impact Assessment

- **Air quality/Noise level/Gas presence monitoring by OIL:** Report dated 20-07-2020 will be submitted tomorrow.
- **Environmental Impact Assessment by M/s ERM:** Impact Assessment study prior to Capping of well has been completed. Next phase of study to be conducted post Capping operation.
- **TERI Study on Air Quality & Noise Level:** Job held up due to awaited results of COVID-19 test of TERI team.
- **TERI study on Bioremediation of Sludge:** Site preparation prior to bio remediation in high land areas along the roadside from Kaliapani Bridge to Baghjan village is in progress.
- **CSIR-NEIST Seismological Study:** Recording is in progress for seismological study in the vicinity of Baghjan-5 well.
- **IIT- Guwahati Study on Thermal Mapping & Sonic Measurement:** Measurement of sound emanating out from the blowout well for study is being carried out in Guijan Area till the time of reporting.

4. Preparation for Capping the Well:

- **Debris removal:** Completed.
- **Excavation of Cellar and other related activities:** Crew members from OIL, ONGC, Alert, Schlumberger and other contractors were at site today for carrying out concluding preparation job for the capping operation. After completion of excavation, cellar bed was prepared by placing bricks. A

dummy run of the smoking stake was carried out today and some improvements in the same were suggested for working against very high pressure of the well.

- **Water Deluge System:** Total six numbers (3 ONGC pumps and 3 OIL pumps) of CMT High Discharge Water Pumps are available at site for spraying water to the well head during the operation. Both the water reservoirs are being filled up periodically as per requirement. Pump Station No.1 on Dangori River is in operation while Pump Station No.2 is once again submersed under water.
- **Erection of Flare Pit Wall:** Erection of Asbestos wall surrounding the flare pit is in progress.

5. Relief and Rehabilitation

- **Survey for Damage Assessment:** Survey for assessment of damage for compensation in both Tinsukia and Doomdooma Circle is in progress. Total numbers of families surveyed today is not available at the time of reporting. Total number of families surveyed till 18.07.2020 both combined in Tinsukia and Doomdooma Circle is **1751**.
- A separate consolidated report of all the camps is being sent daily.

6. Law and Order/Bandhs/Blockades etc.

- **Forceful stoppage of Oil/Gas Wells of Baghjan EPS:** 14 numbers of oil & gas wells under Baghjan EPS are shut in since 07-07-2020. As a result, approx. 1.5-1.6 MMSCMD gas has gone out from the grid which ultimately led to curtailment of gas supply to all consumers. Additionally, there is a daily oil production loss to the tune of around 500 KL from these wells. The cumulative loss is **5627 MT** of Crude Oil and **19.24 MMSCM** of Natural Gas in last **13** days.
- **Blockade at Oil/Gas Installations at Dhakuwal, Barekuri and Borhapjan:** Forceful stoppage of operation at few oil & gas installations at Dhakuwal, Barekuri and Borhapjan area still continues resulting in further loss of production. Apart from the above, there are consequential losses of oil & gas production due to non-revival of original production after reopening of well post forceful closure of wells.
- **Blockades in Drilling and Workover Locations Continue:** Blockade at two drilling locations and three workover locations still continues since the beginning of June, 2020.

7. Impact on Oil/Gas Production due to Protests by Locals

Impact on Crude Oil & Natural Gas production for the day shall be assessed and reported tomorrow. Since 27-05-202 till 19-07-2020, losses due to protests by local people are as under.

Product	Loss on 19.07.2020	Cumulative Loss since 27.05.2020	Affected Areas
Crude Oil	442 MT	14827 MT	Dhakuwal, Barekuri, Borhapjan, Baghjan & Consequential losses at Makum.
Natural Gas	1.62 MMSCM	31.21 MMSCM	Dhakuwal, Baghjan and Associated gas loss at Mechaki, Hapjan, Baghjan & Makum.

8. Any other Issues

- **Rising Water Level at Dangori River:** Water level at Dangori level rose again resulting in submerging of Water Pump Station #02.
- **Review by Hon'ble Minister:** Hon'ble Minister for PNG and Steel, Sh Dharmendra Pradhan took a review meeting today over VC to take stock of the situation on OIL's Capping operation. Hon'ble Minister was briefed about the progress and further plan of action.
- **Weather Forecast:** Heavy to very heavy rain is forecasted for today. Weather of Tinsukia District forecasted by Indian Meteorological Department for next 2 days is as under.

Forecast Date	Forecast Validity	Rainfall (mm)	Temp Max (deg C)	Temp Min (deg C)	Humidity I (%)
2020-07-21	Valid From 08:30 AM OF 2020-07-20 TO 08:30AM OF 2020-07-21	61	26	23	99
2020-07-22	Valid From 08:30 AM OF 2020-07-21 TO 08:30AM OF 2020-07-22	11	28	22	98

- Secretary, MoPNG and Jt. Secretary (Exploration) are constantly monitoring the situation and CMD, OIL with Director (HR&BD), Director (E&D) and Director (Operations) are stationed at Duliajan.
- Tele-Communication facilities available at Baghjan # 05 Control Room

Call within OIL telephones	Call from mobile phone/outside (PSTN) landline
5010	0374 2806656
5696	0374 2806657 (Medical unit)
5697, 5698	0374 2806658 (main control room)
Other external phone nos.	
ISAT: 8991119364, shall be operational only in outdoors	
Fixed GSM: 9435039023	
Mobile phone: 7086041286	

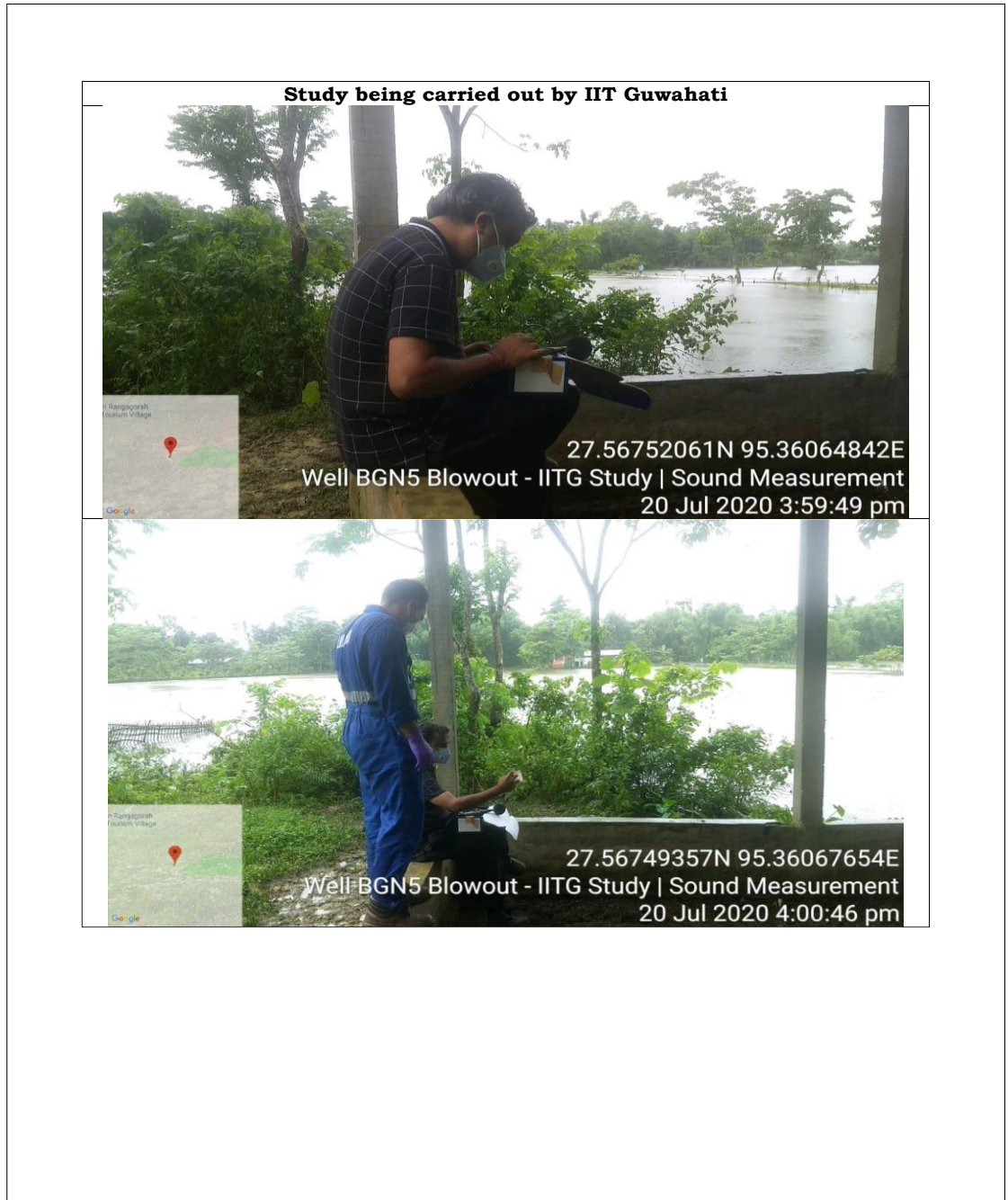
Emergency Nos. at Duliajan Control Room: 0374-2804888, 0374-2808888

Cellar Bed Preparation after Excavation



Submerged Water Pump #02 at Dangori River bank





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Annexure 14

Daily Status Report of Medical Camp / Medical Facility at Baghjan		
Sl. No.	Parameters	Date: 22.07.2020
1	No. Medical Camps organised by OIL / Third Party	3
2	Approx. no. of patients visited	142
3	No. of ambulances available at site for relief camps	6
4	No. of doctors of OIL available at site with name & designation	1. Dr. N. Saikia, SMO 2. Dr. M. Das, CMO 3. Dr. A. Dutta, SMO 4. Dr. D. Chetia, RD
5	Name of agencies conducted medical camps	1. OIL Medical Department 2. Project Sparsh under OIL CSR
6	No. of cases referred for medical treatment at nearby hospital	3
7	Remarks (if any)	

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Annexure 15



OIL INDIA LIMITED						
Instrument Details						
Batch Ref	: KMDJ20200611_019.csv	My-Product	: VENPAY			
Inst. Ref	:	Bank Product	: RTGS			
Activation Date	: 11/06/2020	Debit A/C	: 03332100000014			
Amount	: 4,83,00,000.00	Coll. Branch	: 641			
Drawee Branch	: 998	Print Branch	: 333			
UTR Sr No.	: KKBKR22020061100505357	Inst MICR No.	:			
Beneficiary Details						
Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia			
Bank	: 027	Address	:			
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in			
IFSC Code	: UTBIORRBAGB	Mobile	:			
Account	: 7154010000892	Charge	: 0			
Processing Details						
Present Dt	: 11/06/2020	Debit Dt	: 11/06/2020			
Proc. Rate	: 1	Pay Loc	: MUMBAI			
Debit Narration	: 8000208812	Credit Ref	: 8000208812			
Credit Narration	:	Maker Dt	: 11/06/2020 11:25:34			
Debit Ref	: 8000208812	Checker 1 Date	: 11/06/2020 11:27:45			
Reject Remarks	:	Checker 2 Date	: 11/06/2020 11:28:17			
Remarks	:	Sender Dt	: 11/06/2020			
Maker	: Rajoo	Cleared Dt	: 11/06/2020			
Checker 1	: Bawan Phira	Sent By	:			
Checker 2	: Sudhanshu Dash					
Payment Details						
Payment Details 1	:	Payment Details 3	:			
Payment Details 2	:	Payment Details 4	:			
Enrichment Details						
PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount0 00	Tax deduction0 00	Reference
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

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



OIL INDIA LIMITED						
Instrument Details						
Batch Ref	: KMDJ20200708_012.csv	My-Product	: VENPAY			
Inst. Ref	:	Bank Product	: RTGS			
Activation Date	: 08/07/2020	Debit A/C	: 03332100000014			
Amount	: 4,17,00,000.00	Coll. Branch	: 641			
Drawee Branch	: 998	Print Branch	: 333			
UTR Sr No.	: KKBKR22020070800226766	Inst MICR No.	:			
Beneficiary Details						
Beneficiary Code	:	Name	: Deputy Commissioner Tinsukia			
Bank	: 027	Address	:			
Branch	: UTBIRRBAGB	Email	: pa@oilindia.in			
IFSC Code	: UTBIORRBAGB	Mobile	:			
Account	: 7154010000892	Charge	: 0			
Processing Details						
Present Dt	: 08/07/2020	Debit Dt	: 08/07/2020			
Proc. Rate	: 1	Pay Loc	: MUMBAI			
Debit Narration	: 8000214234	Credit Ref	: 8000214234			
Credit Narration	:	Maker Dt	: 08/07/2020 13:51:04			
Debit Ref	: 8000214234	Checker 1 Date	: 08/07/2020 14:03:12			
Reject Remarks	:	Checker 2 Date	: 08/07/2020 14:16:50			
Remarks	:	Sender Dt	: 08/07/2020			
Maker	: Rajoo	Cleared Dt	: 08/07/2020			
Checker 1	: Sudhanshu Dash	Sent By	:			
Checker 2	: Trisonku Kotoky					
Payment Details						
Payment Details 1	:	Payment Details 3	:			
Payment Details 2	:	Payment Details 4	:			
Enrichment Details						
PAYMENT DETAILS 1	PAYMENT DETAILS 2	PAYMENT DETAILS 3	PAYMENT DETAILS 4	PAYMENT DETAILS 5	PAYMENT DETAILS 6	PAYMENT DETAILS 7
			KMA02	Gross Amount41700000 00	Tax deduction0 00	ReferenceED HRNA 02 119
PAYMENT DETAILS 8	PAYMENT DETAILS 9	PAYMENT DETAILS 10	PAYMENT DETAILS 11			
	ASSAM GRAMIN VIKASH BANK	TINSUKIA				

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

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ICICI Bank Advice Receipt
7/22/20 2:07 PM

Transaction Details

Account Number: **021305000001**

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

Transaction Amount: **INR 2,20,00,000.00**

Debit/Credit: **Debit**

Cheque Number : **-NIL-**

Transaction Description : **RTGS:ICICR22020071700
751508/Deputy
Commissioner Ti**

Transactio ID: **S15731118**

Transaction Remarks : **-**

Transaction Balance : **INR|4.125727754E7**

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

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Items No. 01 & 02

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

Original Application No. 43/2020/EZ And

Original Application No. 44/2020/EZ

Bonani Kakkar

Applicant(s)

Versus

Oil India Limited & Ors.

Respondent(s)

And

Wild Life and Environment
Conservation Organisation

Applicant(s)

Versus

Union of India Board & Ors.

Respondent(s) Date

of hearing: 24.06.2020

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

For Applicant(s): Mr. Siddhartha Mitra, Senior Advocate

along with Ms. Shruti Agarwal, Advocate in Item
No. 1.

Mr. Priyadarshi Chaitanyashil, Ms. Ranu Purohit,
and Mr. Sant Rakshit Manu, Advocates in Item No.
2.

ORDER

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

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

3. It is stated that on 27.05.2020 at around 10:30 AM the producing well of Baghjan 5 under the Baghjan Oilfield of OIL in Tinsukia District, Assam, released natural gas in an uncontrolled manner. Baghjan is one of the 23 oil wells set up by OIL to tap the large gas reserves in the Brahmaputra basin located near the Eco Sensitive Zone (ESZ) of the Dibru-Saikhowa National Park. The released gas is stated to be a mix of propane, methane, propylene and other gases that flow with the wind the condensate of which mostly falls on the bamboo groves, tea gardens, banana trees and betel nut trees in the area and also spread into the Dibru- Saikhowa National Park which, according to the Applicant, records over 40 mammals, 500 species of birds, 104 fish species, 105 butterfly species and 680 types of plants,

including a wide variety of rare orchids. It harbours the tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, Gangetic dolphin, besides critically endangered bird species such as the Bengal Florican, White Winged Duck, Greater Adjutant stork, White rumped vulture, slender billed vulture as well as the rare and endemic Black-breasted parrotbill.

4. The Dibru Saikhowa National Park and Biosphere Reserve is stated to lie at a point where rivers Siang, Dibang and Lohit meet to form the river Brahmaputra and is a mosaic of wetlands, swamps, grasslands and forests and hosts several critically endangered bird species and endangered Gangetic Dolphin. Gangetic river dolphins, India's national aquatic animal, have reportedly died due to the gas blow-out and many other endangered species of flora and fauna destroyed.
5. It is further stated that oil has spilled into the Dibru river causing a film of oil in the river that passes through the Maguri-Motapung wetlands, an Important Bird and Biodiversity Area, and along the Dibru Saikhowa National Park. The Maguri-Motapung Wetland, located less than 10 km from Dibru-Saikhowa National Park, is a part of the

Dibru-Saikhowa Biosphere Reserve (DSBR) and hosts some of the most vulnerable species of birds such as Swamp Francolin, Marsh Babbler, Greater Adjutant and Pallas's Fish-eagle, Red-headed Vulture and White-bellied Heron, and over 80 species of fish. River Dibru is a tributary of River Lohit which then forms river Brahmaputra in the lower reaches. Brahmaputra river system is also a home to Gangetic dolphins.

6. It is stated that enormous volume of inflammable natural gas was being released from the Baghjan-5 well since 27.05.2020 which caught fire on 09.06.2020 claiming lives of two fire-fighters. The blow-out has left behind huge volumes of residue as gas condensate which is a mixture of chemical compounds that are toxic for land and vegetation and is a known carcinogen. The blowout is not only hazardous to the health of the people but also severely affect their livelihood whose occupation is mainly agriculture, fishing and animal rearing.
7. The Applicant further contends that due to negligence and lapses on the part of the Respondent No. 1, OIL, the community as well as the biodiversity of the entire Dibru-

Saikhowa Biosphere Reserve is under threat of irreparable damage.

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

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

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

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

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

13. Issue notice returnable in 30 days.

14. Applicants to furnish requisite within 03 days without fail.

15. Keeping in view the entire facts and circumstances set out in the applications and upon consideration of the documents filed therewith as well as the oral submission of the learned Counsel for the Applicants, we are of the view that in order to proceed further in the matter effectively, it would be expedient, in the meantime, to constitute a Committee of Experts to look into the matter on the initial terms of reference which shall be set out below. The Committee shall comprise of the following:-

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

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

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

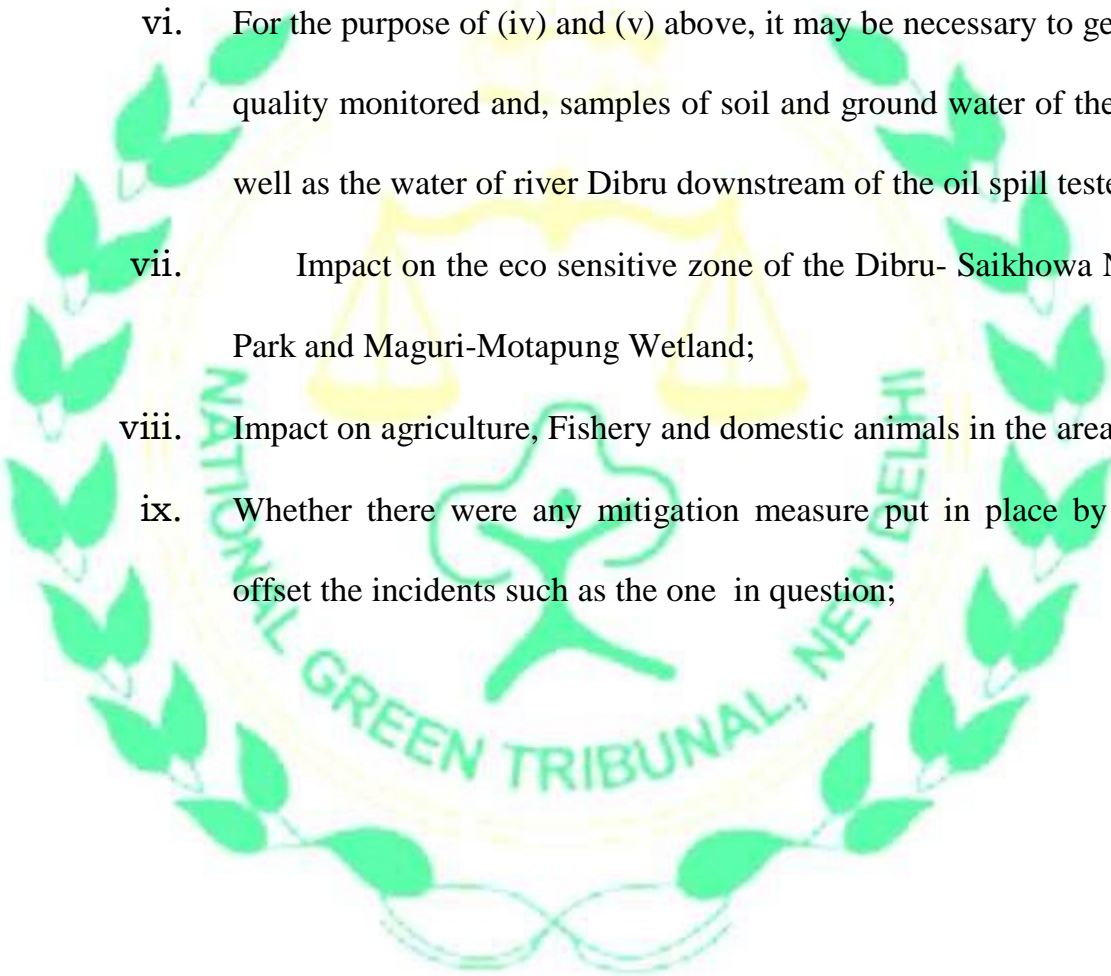
The Member Secretary, CPCB shall be the nodal agency for coordination.

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

16. The initial expenditure for the functioning of the Committee shall be borne by the State of Assam which may be reimbursed after the liability for the damage is assessed.

17. The Committee shall visit and inspect the site and the area in question and examine on the following aspects:-

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



- x. Persons responsible for the fire incidents and the cause of failure to prevent the incident;
- xi. Assessment of compensation for the victims and cost of restitution of the damage caused to property and the environment;
- xii. Preventive and remedial measures;
- xiii. Any other incidental or allied issues.

18. While dealing with the above questions, the Committee may also dwell on the action taken thus far either by the Government or by the OIL or by any other agency and the expenditure incurred towards mitigation. Opportunity may also be provided to the Respondent OIL to give its views and submissions.

19. The Committee shall submit its preliminary report to the Registry by e-mail at judicial-ngt@gov.in as expeditiously as possible not later than 30 days from hence.

20. In view of the prevalent situation caused by the pandemic, the Applicant may also furnish copies of the applications and its annexures along with a copy of this order to each of the Members of the Committee forthwith by e-mail.

21. In view of the *prima facie* case made out against OIL on the extent of damage caused to the environment and biodiversity, damage to both human and wildlife, public health and, having regard to the financial worth of the Company and the extent of damage, we direct the OIL to deposit an initial amount of ₹25 Crores with the District Magistrate, Tinsukia District, Assam and shall abide by further orders of the Tribunal.
22. Let copies of this order be sent to Hon'ble Mr. Justice B.P. Katakey, former Judge of the Gauhati High Court and other Members of the Committee facilitate early and convenient transaction of the matter. A copy of this order be also transmitted forthwith to the Chief Secretary, Government of Assam, who shall ensure compliance of the directions by all concerned Departments and Government agencies in the State.
23. List for further consideration on 29.07.2020.

S.P. Wangdi, JM

Siddhanta Das, EM

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Annexure 18

Item Nos. 03 & 13

Court No. 1

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

(By Video Conferencing)

I.A. No. 30/2020

(For modification/recall of order dated 24.6.2020)

IN

Original Application No. 43/2020(EZ)

Bonani Kakkar

Versus

Applicant(s)

Oil India Limited & Ors.

AND

Respondent(s)

I.A. No. 31/2020

(For modification/recall of order dated 24.6.2020)

IN

Original Application No. 44/2020(EZ)

Wildlife and Environment
Conservation Organisation

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

Date of hearing: 02.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**Mr. Mukul Rohatgi, Senior Advocate with Mr. Parthive K.
Goswami and Mr. Rahul Pratap, Advocates for OIL – Applicant in IAs –
original respondent in the OAsMr. Siddhartha Mitra, Senior Advocate with Ms. Shruti Agarwal,
Advocate – for original applicants – opposite parties in IAs**ORDER**1. This order will dispose of I.A. No. 30/2020 in O.A. No. 43/2020
(EZ) and I.A. No. 31/2020 in O.A. No. 44/2020(EZ) as both the

applications are same for all purposes, seeking modification/recall of common order passed by this Tribunal on 24.6.2020 in two original applications filed on same issue.

2. The issue pertains to claim for compensation to the victims and to the environment on account of damage in an incident of oil well blow out on 27.05.2020 at Baghjan in the Tinsukia District of Assam and other consequential events that followed. Case of the applicants is that Baghjan Oil well set up by the Oil India Limited (OIL) released **propane, methane, propylene** and other gases causing damage to bamboo groves, tea gardens, banana trees and betel nut trees in the area and also spread into the Dibru-Saikhowa National Park which, according to the Applicant, records over 40 mammals, 500 species of birds, 104 fish species, 105 butterfly species and 680 types of plants including a wide variety of rare orchids. The area harbours tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, Gangetic dolphin, besides critically endangered bird species such as the Bengal Florican, White Winged Duck, Greater Adjutant stork, White rumped vulture, slender billed vulture as well as the rare and endemic Black-breasted parrotbill. The oil also spilled into the Dibru river causing a film of oil in the river that passes through the Maguri-Motapung wetlands, an Important Bird and Biodiversity Area, and along the Dibru Saikhowa National Park. The Maguri-Motapung Wetland, located less than 10 km from Dibru-Saikhowa National Park, is a part of the Dibru-Saikhowa Biosphere Reserve (DSBR) and hosts some of the most vulnerable species of birds such as Swamp Francolin, Marsh Babbler, Greater Adjutant and Pallas's Fish-eagle, Red-headed Vulture and White-bellied Heron, and over 80 species of fish. River Dibru is a tributary of River Lohit which then forms river Brahmaputra in the lower reaches. Brahmaputra river

system is also a home to Gangetic dolphins. As a result of the blow-out, there was also a fire on 09.06.2020. The applicant has also stated that the blow-out has left behind huge volumes of residue as gas condensate which is a mixture of chemical compounds that are toxic for land and vegetation and is a known carcinogen. The blowout is not only hazardous to the health of the people but also severely affect their livelihood whose occupation is mainly agriculture, fishing and animal rearing. **1610 families were displaced as a result of the gas leak.**

3. This Tribunal, vide order dated 24.06.2020, considered the material placed on record by the applicants in two cases being *OA 43/2020(EZ)* and *OA 44/2020(EZ)* and issued notice. The Tribunal also constituted an Expert Committee headed by a former Judge of the Gauhati High Court with seven other members as follows:

- | | | | |
|---|---|---|----------|
| 1 | Hon'ble Mr. Justice B.P. Katakey,
former Judge of the Gauhati High
Court. | : | Chairman |
| 2 | Member Secretary, Central Pollution
Control Board (Online, if travel is
restricted due to Covid-19) | : | Member |
| 3 | A senior expert from Council of
Scientific and Industrial Research
(CSIR)
(Online, if travel is restricted due to
Covid-19) | : | Member |
| 4 | Dr. Sarbeswar Kalita, Professor and
Head of the Department of
Environment Science, Guwahati
University | : | Member |
| 5 | Shri. Abhay Kumar Johari, IFS
(retired), Former Member
Biodiversity Board | : | Member |
| 6 | Shri Ajit Hazarika, Ex-Chairman,
ONGCL | : | Member |
| 7 | Member Secretary/Senior
Scientist, Assam State Pollution
Control Board | | |
| 8 | District Magistrate, Tinsukia
District, Assam | : | Member |

The Committee is also granted liberty to co-opt as member or seek opinion from any other expert/ experts or institution/institutions including Wildlife Institute of India (WII), Dehradun, if felt necessary. The terms of reference on which the Committee is to give a report are:

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

xiii. Any other incidental or allied issues.

The Committee is also to dwell on the action taken thus far either by the Government or by the OIL or by any other agency and the expenditure incurred towards mitigation. Opportunity is also to be provided to the Respondent OIL to give its views and submissions.

The Tribunal also directed deposit of an interim amount of Rs. 25 crores to meet the cost of remediation of the damage to the environment, bio-diversity, human, wildlife and public health subject to final assessment.

4. We have heard Shri Mukul Rohatgi, learned Senior Counsel appearing for OIL in support of the applications filed by the OIL for modification/recall of the order dated 24.06.2020 which have been opposed by the Original Applicants represented by Shri Mitra, Senior Advocate.

5. It is submitted by Shri Rohtagi that the order passed by this Tribunal did not take into account the fact that on the same issue proceedings have been taken before the Gauhati High Court. The Central as well as State Governments have ordered enquiries. The Tribunal also did not take into the fact that the company itself has taken several measures for rehabilitation of the displaced families by setting up relief camps and providing food and other facilities. **The OIL has also deposited a sum of Rs. 4.83 crores with the District Magistrate, Tinsukia District as an interim relief for the affected families as per directions of the District Magistrate. The OIL has also set apart a budget of more than Rs. 130 crores towards operation cost in controlling the blow-out at Baghjan.** It has also hired international experts for remediation for the damage caused on account of the blow-

out and is undertaking requisite remediation and rehabilitation works. He submitted that the Committee is unnecessary and so is the direction to deposit the amount of Rs.25 crore with the District Magistrate as the **OIL is public Sector undertaking committed to compensate the victims and restitute the environment. It will pay whatever amount required on its liability being ascertained, apart from voluntary steps already taken.**

6. We do not find any ground for recall of the impugned order but are inclined to modify it with regard to immediate deposit of Rs.25 crore in view of the discussion as shall follow. Even though the order was passed *ex-parte*, the basis of the order remains even after considering the present IAs and after hearing learned senior counsel. Incident and damage remain largely undisputed. The Committee has been asked to undertake site visit and compile relevant information necessary for adjudication of the issue falling within the jurisdiction of this Tribunal under sections 14 and 15 of the NGT Act read with section 20. The Committee is also to consider the viewpoint of the OIL which would include steps already taken or planned for rehabilitation of the victims and restitution of the environment. Other enquiries are not a substitute for the information sought to be gathered by this Tribunal for exercise of its jurisdiction which is *sui generis* as laid down in Bhopal Gas Peedith Mahila Udyog Sangathan case (2012) 8 SCC 326 and Meghalaya Mining case, (2019) 8 SCC 177. Other enquiries are perhaps for discharge of functions of State and Central Govt under different statutes. Proceedings before High Court may involve several issues while this Tribunal is mandated by the statute to perform its functions within the four corners of its jurisdiction. Actions initiated by the company are in discharge of its duties but the same does not end jurisdiction of this Tribunal. Under

the law, liability for compensation of occupier undertaking hazardous activity is absolute in view of MC Mehta v UOI, (1987) 1 SCC 395. Further, liability of the Occupier as well as concerned the regulatory authorities of the State and Central govt has to be undergone under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 and the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996. In these circumstances, recall of order constituting Committee to compile all relevant facts and data in a transparent and fair manner is not called for. Doing so will be failure of the Tribunal to exercise its jurisdiction. All steps taken by the OIL can also be looked into by the Committee in the course of its recommendations.

7. We may refer to a recent order of this Tribunal dealing with another tragedy on account of toxic gas leak at Vizag being order dated 2.6. 2019 in OA 73/2020 In re: LG Polymer Chemical Plant wherein similar pleas of a company were rejected. **It was observed that safety of citizens and the environment are of great concern calling for strict action for failure at all levels and strengthening the regulatory mechanism.** While the State must take action against its erring authorities for such failure, MoEF&CC must review its monitoring mechanism, criminal or other administrative issue may be gone into in any other proceedings, adjudication of liability of the company with regard to compensation by this Tribunal is not debarred. The Tribunal direct the State and Central Govts to perform their duties as per 1989 and 1996 Rules and other provisions. Operative part of some of the directions in the said case is:

“Restoration plan may be prepared by a Committee comprising two representatives each of MoEF&CC, CPCB and three representatives of State Government to be named by the Chief Secretary, including the

District Magistrate, Vishakhapatnam and such other concerned Departments within two months from today. MoEF&CC will be the nodal agency for the purpose.

Final quantification of compensation may be assessed by a Committee comprising representatives of MoEF&CC, CPCB and NEERI. The said Committee will be at liberty to associate/co-opt any other expert institution or individual. The Secretary, MoEF&CC may ensure constitution of such Committee within two weeks from today. The Committee may give its report within two months thereafter. MoEF&CC will be the nodal agency for the purpose.

The Chief Secretary, Andhra Pradesh may identify and take appropriate action against persons responsible for failure of law in permitting the Company to operate without statutory clearances within two months and give a report to this Tribunal

The MoEF&CC may also constitute an Expert Committee to suggest ways and means to revamp monitoring mechanism to check and prevent violation of environmental norms and preventing any such recurrence in future in any of the establishments dealing with hazardous chemicals. A special drive may be initiated in this regard. An action taken report may be furnished within three months from today.”

8. We may now consider the prayer for deferment of the direction to deposit a sum of Rs.25 crore with the Distt. Magistrate to meet the liability for compensation to the victims and the cost of restoration of the environment. Shri Rohtagi has stated that some amount has been deposited with the Distt. Magistrate but, it is not clear whether the amount has been disbursed or not and what the disbursement plan for relief to the victims is, apart from shelter and food which are said to have been provided. The Committee has been requested to suggest the amount of compensation which will include suggesting disbursement and restoration plan. The OIL is stated to have set apart more than Rs.25 crore and Shri Rohtagi also categorically assures that OIL being a public sector undertaking, there will be no difficulty in promptly making available whatever amount required for discharge of its liability. In view of this assurance, we defer our direction for deposit of Rs. 25 crore till the actual amount and its disbursement plan are worked out in the light

of the report of the Committee after considering viewpoint of victims as well as the OIL. However, adequacy of steps taken by OIL will have to be looked into by the Committee and then by this Tribunal following due process of law.

9. Accordingly, the applications including I.A. No. 32/2020 which is formal stand disposed of in the above terms. The Chief Secretary, Assam may give action taken report with regard to the liability of the concerned officers of the State and MoEF&CC may also consider this incident in its report to be filed in OA 73/2020 relating to revamping of regulatory framework and strategies to ensure that such incidents do not occur to prevent harm to public health and environment and to ensure further safety norms and safeguards.

List for further consideration on the date already fixed i.e. 29.07.2020.

A copy of this order be sent to the Chief Secretary, Assam, Secretary MoEF&CC, Justice Katakey and other members of the Committee by email.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

July 2, 2020
I.A. Nos. 30 & 32/2020
In OA 43/2020 with
IA 31/2020 in OA 44/2020
DV

Gmail - Service of Preliminary Affidavit on behalf of Oil India Limited in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ

27/07/20, 3:18 PM



Parthiv Goswami <ronigoswami@gmail.com>

Service of Preliminary Affidavit on behalf of Oil India Limited in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ

1 message

Parthiv Goswami <ronigoswami@gmail.com>

Mon, Jul 27, 2020 at 3:17 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, lshan Bisht <ishanbisht8@gmail.com>, rahul pratap <rahulpratap.adv@gmail.com>, palakmahajanadv@outlook.com

Date: 27.07.2020

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 **Preliminary Affidavit on behalf of Oil India Limited in O.A. No. 43/2020/EZ and O.A. No. 44/2020/EZ (one attachment for each).**

Yours Sincerely,

Parthiv K. Goswami and Rahul Pratap
Advocates for the Applicant/OIL

2 attachments

 **O.A. No. 43_27.07.2020_Counter Affidavit-Preliminary-OA-43-44 NGT-Final draft-2.pdf**
13121K

 **O.A. No. 44_27.07.2020_Preliminary Affidavit.pdf**
12047K