

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Appeal No. 04/2020/EZ

Bimal Gogoi & Anr.

Applicant(s)

Versus

Union of India and Ors.

Respondent(s)

Date of hearing: 06.08.2021

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Ritwick Dutta, Advocate

For Respondent(s) : Mr. Gora Chand Roy Choudhury, Advocate for
Respondent No.1
Mr. Parthiv K. Goswami, Advocate for
Respondent No.2
Mr. Sarosij Dasgupta, Advocate
For Respondent No.3
Mr. Gautam Chaudhury, Advocate for
Respondent No. 4

ORDER

1. Mr. Ritwick Dutta, Ld. Counsel is present for the Appellant.
2. Mr. Gora Chand Roy Choudhury, Ld. Counsel is present for Respondent No.1, Ministry of Environment, Forest and Climate Change.
3. Mr. Parthiv K. Goswami, Ld. Counsel is present for Respondent No.2, Oil India Limited.
4. Mr. Sarosij Dasgupta, Ld. Counsel is present for Respondent No.3, Assam State Pollution Control Board.
5. No one is present for Respondent No.4, Assam State Bio-Diversity Board. We direct Mr. Gautam Chaudhury, Ld. Counsel, who ordinarily appears for the State of Assam and who is present today in another case, to take notice on behalf of Respondent No.4 and assist the Court.
6. With reference to the order dated 15.12.2020 passed by Principal Bench, it has been pointed out by Mr. Parthiv K. Goswami, ld. Counsel appearing for the Oil India Limited that the PIL No. 35/2020 is still pending for consideration before the Hon'ble Gauhati High Court and, therefore, this matter may be kept in abeyance till the decision of the High Court.

7. Mr. Ritwick Dutta, Ld. Counsel, on the other hand, submits that the Tribunal in its order had observed that the Hon'ble Supreme Court as well as the NGT is considering this matter which was denied by the counsel for the Petitioners before the Hon'ble High Court. The High Court, however, clarified by observing that "it is made clear that this interim order passed by us in this proceeding today will be subject to any order that may have been passed or may be passed by the Hon'ble Supreme Court or NGT as the case may be".
8. By this interim order, the Hon'ble High Court had directed that till the exercise of impact assessment is completed by the Assam State Bio-diversity Board the Environmental Clearance issued on 11.05.2020 may not be given effect for Extension Drilling and Testing of Hydrocarbons at 7(seven) locations by OIL under Dibru Saikhowa National Park area, Tinsukia.
9. We are of the view that in view of the clarification of the High Court the interim order passed by the High Court would not be an impediment to the NGT deciding the present matter raising identical issue on merit.
10. We would, therefore, proceed to hear the matter. The Ld. Counsel for the parties requested that this matter may come up on some other date.
11. We find that Assam State Bio-Diversity Board has filed an affidavit directly in the Tribunal without engaging any counsel. We direct the Respondent No.4 to file the affidavit in proper form through his counsel and if the said Authority does not want to be represented by a counsel the Member Secretary, Assam State Bio Diversity Board shall be present in person with the record on each date to assist the Court.

12. List on 31.08.2021.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

August 06, 2021
Appeal No.04/2020/EZ
AKC

