

Appeal No.04/2020/EZ

Appellant(s)

Respondent(s)

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Respondent(s) : Ms. Anamika Pandey, Adv. for MoEF&CC (in Virtual Mode),
Mr. Parthiv K. Goswami, Sr. Adv. a/w
Mr. Rahul Pratap, Adv. for R-2 (in Virtual Mode),
Ms. Malabika Roy Dey, Adv. for R-4

1. Mr. Ritwick Dutta, learned Counsel (in Virtual Mode) assisted by Mr. Kaustav Dhar, learned Counsel is present on behalf of the Appellants.
2. Affidavit dated 11.11.2024 has been filed on behalf of the Respondent No.4, Assam State Biodiversity Board; the same is taken on record.
3. Affidavit dated 02.09.2024 has been filed on behalf of the Respondent No.1, Ministry of Environment, Forests and Climate Change (MoEF&CC); the same is taken on record.
4. Additional affidavit dated 20.09.2024 has been filed on behalf of the Appellants; the same is taken on record.
5. Mr. Ritwick Dutta assisted by Mr. Kaustav Dhar, learned Counsel has referred to his additional affidavit filed by the Appellants wherein he has quoted the decision of the Forest Advisory

Committee (FAC). The extract of the decision of the Advisory Committee reads as under: -

*“4. Decision of the Advisory Committee: After detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong and State Government officials, the Committee decided to recommend for rejection of the proposal for non-forestry use of 0.069 ha. Of Dibru Saikhowa National Park area for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam in accordance with the orders of the Hon’ble Supreme Court dated 04.08.2006, reiterated vide its order on 26.04.2023 in T.N. Godavarman Thirumulpad v. Union of India & Ors (WP*C) No.202 of 2015) read with the Ministry letter No. 11/46/2020-FC dated 12.09.2023.”*

6. Mr. Parthiv K. Goswami, learned Senior Counsel submits that this recommendation has been communicated to the Respondent No.2, Oil India Limited against which the Oil India Limited has submitted a representation before the Ministry of Environment, Forests and Climate Change (MoEF&CC) but the decision of the Ministry has not been communicated to him till date.
7. Learned Counsel therefore submits that the matter may be adjourned today awaiting the outcome of the decision of the MoEF&CC.
8. We, accordingly, direct this case to be listed on 10.01.2025 by which date learned Counsel for the parties shall intimate the decision of the Ministry of Environment, Forests and Climate Change, if any, in this regard.

- 9. No one is present for the Respondent No.3, Assam State Pollution Control Board.
- 10. **List on 10.01.2025.**

.....
B. Amit Sthalekar, JM

November 12 2024,
Appeal No.04/2020/EZ
SKB

.....
Dr. Arun Kumar Verma, EM