

Item No. 02

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

Appeal No. 04/2020/EZ

(I.A. No. 34/2020/EZ)

Bimal Gogoi

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 13.08.2020

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

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

For Respondent(s): Mr.Mr. Gora Chand Roy Choudhury,
Advocate for Respondent No.1.
Mr. Parthiv K. Goswami, Mr. Rahul
Pratap & Mr. Palak Mahajan Advocates
for Respondent No. 2.
Mr. Saurabh Sharma and Ms. Meera
Gopal, Advocates for Respondent No.3

ORDER

1. Case taken up by video conference on *Vidyo App*.
2. This Appeal has been directed against Environmental Clearance (EC) dated 11.05.2020 granted in favour of M/s. Oil India Ltd. (OIL) for drilling seven wells for Hydrocarbon exploration. The primary ground raised in assailing the EC is that the MoEF&CC while considering the case for grant

for EC had overlooked the fact that OIL had failed to comply with the direction of the Hon'ble Supreme Court issued *vide* order dated 07.09.2017 in I.A. No. 3934 in W.P. (C) No. 202 of 1995¹ requiring the company to carry out Biodiversity Impact Assessment study through the Assam State Biodiversity Board, as drilling operation was being undertaken in the Dibru–Saikhowa National Park; (ii) no public hearing was conducted which was mandatory under the extant law being EIA Notification, 2006 as the requirement of such hearing was exempted merely on the ground that the project proponent had expressed that it could not be possible to conduct one owing to law and order situation. It is further contended that EIA Notification permits exemption on certain grounds on a report submitted by the State PCB. In the present case no such report has been submitted and under the law, the Environment Assessment Committee (EAC) has no jurisdiction to grant exemption on its own; (iii) the EIA grossly undermines the risk to the project in the EIA report stating that the risk due to “blowout” is “negligible” and has only considered the “blowout” risk applicable to the U.S. and deliberately did not give data from India in general. It

¹ *T.N. Godavarman Thirumulpad v. Union of India & Ors.*

also suppressed the recent “blowout” of Baghjan well no. 5 which has resulted in massive irreparable injury to the environment and the people of the surrounding villages.

3. By order dated 20.07.2020, direction was issued to the MoEF&CC and the Assam State Pollution Control Board (State PCB) to submit a report dealing with the specific questions raised by the Appellant for our consideration. Although, Mr. Gora Chand Roy Choudhury, submits that the MoEF&CC has filed the report on 10.08.2020 but it is not before us.
4. Mr. Roy Choudhury, is directed to ensure that the report is filed and placed before us. None appears for the State PCB despite notice.
5. In view of this, we direct the Chairman and the Member Secretary of the State PCB to be personally present before us on the next date.
6. List on 17.09.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

13th August, 2020
Appeal No. 04/2020/EZ
avt