

Item No. 06

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

Appeal No. 04/2020/EZ

(I.A. No. 34/2020)

Bimal Gogoi & Anr.

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.09.2020

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

For Appellant (s): Mr. Ritwick Dutta and Ms. Meera Gopal,
Advocates

For Respondent(s): 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. Sarosij Dasgupta, Advocate for
Respondent No.3

ORDER

1. In terms of order dated 20.07.2020, report in the form of an affidavit has been filed by the Respondent No. 3, the Assam State Pollution Control Board. Respondent No. 2, M/s. Oil India Ltd. (OIL) has also filed a preliminary affidavit. Let the affidavits be taken on record.

2. Report of the MoEF&CC has still not been placed before us although it is said to have been filed on 10.08.2020. Considering that the Appeal has been filed against the Environmental Clearance (EC) granted by the MoEF&CC in favour of the Respondent No. 2, OIL, on various grounds, the stand of the Ministry would be crucial for determination of the case.
3. Although the report of the MoEF&CC is not before us, it is stated by the learned Counsel for the Applicant and the Respondents No. 2 and 3 that they have received copies thereof. We, therefore, direct the MoEF&CC to file the same directly to the NGT, Principal Bench forthwith by e-mail at judicial-ngt@gov.in.
4. The Respondent No. 3, the Assam State Biodiversity Board, which has a critical role to play in the case, has also not filed its response despite it being arrayed as Respondent No. 4 and notice duly served upon the Board. Let the Assam State Biodiversity Board file its response in terms of the order of the Hon'ble Supreme Court directing in favour of the biodiversity study of the area said to have been issued

in the case of *T.N. Godavarman Thirumulpad v. Union of India*.¹

5. In compliance of the order dated 13.08.2020, the Chairman and the Member Secretary of the State PCB are present through Video Conferencing. The object of requiring their personal presence was to impress upon them the necessity to comply with the directions passed by the Tribunal diligently and to ensure that effective reports are filed whenever called for. Their presence stands dispensed with until further orders.
6. As directed above, let the report of the MoEF&CC be placed before us without fail before the next date.
7. List on 10.11.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

17th September, 2020
Appeal No. 04/2020/EZ
avt

¹ Order dated 07.09.2017 passed in I.A. 3934 IN W.P. (C) No. 202 of 1995