

Item No. 05

Court No.1

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

Appeal No. 04/2020/EZ

Bimal Gogoi & Anr.

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 29.09.2021

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

For Appellant(s) : Mr. Saurabh Sharma, Advocate

For Respondent(s): Mr. Gora Chand Roy Choudhury, Advocate for R-1,
Mr. Samrat Sen, Sr. Advocate a/w Mr. Rahul Pratap
and Mr. Anshuman Sharma, Advocates for R-2,
Mr. Sarosij Dasgupta, Advocate for R-3,
Mr. Gautam Choudhury, Advocate for R-4

ORDER

1. Mr. Saurabh Sharma, learned Counsel is present for the Appellant.
2. Mr. Gora Chand Roy Choudhury, learned Counsel is present for Respondent No.1, Ministry of Environment, Forest and Climate Change, Mr. Samrat Sen, learned Senior Counsel assisted by Mr. Rahul Pratap and Mr. Anshuman Sharma, learned Counsels are present for Respondent No.2, Oil India Limited, Mr. Sarosij Dasgupta, learned Counsel is present for Respondent No.3, Assam State Pollution Control Board, Mr. Gautam Choudhury, learned Counsel is present for Respondent No.4, Assam State Bio-Diversity Board.
3. An affidavit dated 23.08.2021 has been filed by Respondent No.4, Assam State Bio-Diversity Board, same is taken on record. Copy of the same however has not been served upon Mr. Saurabh Sharma and Mr. Gora Chand Roy Choudhury. We direct Mr. Gautam Choudhury to provide e-copy/soft copy of the affidavit dated 23.08.2021 to Mr. Saurabh Sharma and Mr. Gora Chand Roy Choudhury within 48 hours.
4. Mr. Samrat Sen, learned Senior Counsel has referred to the Additional Affidavit dated 20.01.2021 filed by the Respondent No.2, Oil India

Limited, and submits that the issue as to whether public consultation is mandatory for purpose of grant of Environmental Clearance is a matter pending before the Hon'ble Supreme Court in a petition filed under Article 32 of the Constitution of India, Rituraj Phukan vs. Union of India & Ors. in which the Government of India notification dated 16.01.2020 obviating the requirement of public consultation in the matter off-shore and onshore oil and gas exploration is under consideration.

5. He further submits that one of the prayers in the petition before the Hon'ble Supreme Court also is a direction to the Oil India Limited to immediately stop further oil exploration and drilling in Dibru Saikhowa National Park as well as across all other eco-sensitive and fragile biodiversity zones in North East without a proper Environmental Impact Assessment.
6. In view of the above, the hearing of this matter is adjourned *sine-die* till the issue is settled by the Hon'ble Supreme Court.
7. The learned Counsel for the Appellant as well as the other learned Counsel for the Respondents shall intimate this Tribunal the outcome of the judgment of the Hon'ble Supreme Court.
8. The matter is adjourned for *sine-die*.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 29, 2021
Appeal No. 04/2020/EZ
MN