

Item No. 01

**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: 20.07.2020

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

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

ORDER

1. Case taken up by video conference on *Vidyo App*.

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2. This application is for condonation of delay in filing Appeal No. 04/2020/EZ. Upon consideration of the facts and circumstances stated in the Application and upon hearing the learned Counsel for the Appellant, the Application is allowed and the delay is condoned. The Appeal be taken up for consideration.

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3. 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 did 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

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

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 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.

4. There are also other grounds raised but, for the moment we need not enter into those as we are satisfied that the Appellant has been able to make out a case for our consideration on the facts and circumstance set out above.
5. Heard.
6. Issue notice returnable in thirty days.
7. The Appellant to furnish requisites within one week from hence.
8. However, in view of the prevalent situation caused by the pandemic, the Appellant is at liberty to serve notice by e-mail, apart from the formal notice.

9. In the meanwhile, we direct the MoEF&CC and the State PCB to submit a report dealing with the specific questions raised by the Appellant for our consideration before the next date.

10. List on 13.08.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

20th July, 2020
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