



ऑयल इंडिया लिमिटेड
(भारत सरकार का उद्यम)
Oil India Limited
(A Government of India Enterprise)

Safety & Environment

Department

P.O. DULIAJAN-786602,

ASSAM, INDIA

Phone : 0374-2800542

Fax : 0374-2801796

Email: safety@oilindia.in

Ref No. S&E/E43 (14)/742

Date: 13.07.2023

To

The Director - IA, II(I) &

The Member Secretary, EAC Industry - II,

Ministry of Environment, Forest & Climate Change,

Indira Paryavaran Bhawan,

Jor Bagh Road,

New Delhi - 110 003.

Sub: Reply to ADS for the application seeking Environmental Clearance (EC) for Onshore Oil & Gas Development drilling and production in Dumduma-Pengeri Area in Tinsukia District under PMLs namely Mechaki PML, Borhapjan PML, Dumduma PML and Digboi PML.

Ref: Proposal No. IA/AS/IND2/220363/2007 & File No. J-11011/1251/2007 - IA II (I).

Sir,

Oil India Ltd. (OIL) submitted application for Environmental Clearance for the proposal "Onshore Oil & Gas Development drilling and production in Dumduma-Pengeri Area in Tinsukia District under PMLs namely Mechaki PML, Borhapjan PML, Dumduma PML and Digboi PML" vide proposal no. IA/AS/IND2/220363/2007.

An ADS was sought on 07.07.2023, the details of ADS and response are provided below.

S No.	Query	Response
1.	Please ask LA to provide inputs on status of Hon'ble Supreme Court case and National Green Tribunal's order dated 08.12.2017 urgently.	<p>On 27th April 2023, the Hon'ble Supreme Court passed an order (Copy enclosed as Annexure - I) which as follows:</p> <p>Quote</p> <p><i>So far as the complaint made by the appellant is concerned, we find that by passage of time, it has become infructuous and since the compliance reports have been placed on record by the stakeholders, it will be open for the tribunal to take a fresh look into the matter and proceed further after taking the compliances reports on the part of the record.</i></p> <p><i>After we have heard learned counsel for the parties, we are of the view that it will now be in the interest of justice to remit the matter back to the tribunal along with the compliances reports which are placed before us, as a part of the record In OA No.19/2014 on the file of the Tribunal.</i></p> <p><i>We request the tribunal to give a fresh look to the matter and take further course of action in accordance with law. Needless to say that order may be passed after affording opportunity of hearing to the respective parties.</i></p> <p><i>The appeals stand disposed of in the above terms.</i></p> <p><i>Let the parties record their presence before the tribunal on 24.07.2023.</i></p>

S No.	Queries	Response
		Unquote Therefore, the Hon'ble Supreme Court has remitted the matter back to the NGT and disposed of the present appeal.

You are requested to consider the above proposal for grant of Environmental Clearance based on the above information.

Thanking you

Yours faithfully,



(Ajit Chandra Haloi)
Executive Director (HSE) &
Nodal Officer (EC, FC, NBWL)
For Resident Chief Executive

(A C Haloi)
Executive Director (HSE)
Nodal Officer (EC/FC/NBWL)
OIL INDIA LIMITED

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL Nos. 9710-9711 OF 2018

COAL INDIA LIMITED

Appellant(s)

VERSUS

DR. KASHMIRA KAKATI & ORS.

Respondent(s)

O R D E R

The present appeals have been filed at the instance of Coal India Limited assailing order of the National Green Tribunal dated 08.12.2017. It reveals from the record that the applicant – Dr. Kashmira Kakati, who is the resident of Madhuban Hill, Govt. Press Road, Bamunimaidam, Guwahati, filed complaint before the Tribunal under Section 18 of the National Green Tribunal Act, 2010, including the protection of elephant population and he was more concerned about national conservation regarding elephant reserves/corridors, particularly in the State of Assam.

The learned Tribunal, after affording opportunity of hearing to the respective parties, passed a detailed order on 08.12.2017 with the following directions :-

“50. For the aforesaid reasons discussed in the text of the Judgment we shall make the following direction to be complied by the Central Government and State Government with a view to protect the elephant

population and other related issues:

- 1) *The Central Government shall in exercise of the power conferred by Section 5 of the Environment Protection Act, 1986 and read with the provisions of Wildlife (Protection) Act 1972 declare the area inhabited or used by elephants as conservation reserves.*
- 2) *We direct registration of separate case against the Coal India Limited and Oil India Limited for further enquiry in the matter relating to adverse effect caused to the environment consequent to the act of commission and omission in respect of oil extraction and coal extraction in their respective mines.*
- 3) *Declare Bogapani Corridor which connects upper Dehing via Bogapani tea estates as forming part of the elephant corridor and issue notification in this regard.*
- 4) *Conduct a Survey of the elephant population in each state and consequently declare the area surrounding thereto as eco-sensitive zone.*
- 5) *Declare south Bramhaputra elephant ranges known as Dihing-Patkai Elephant reserve established on 17th April, 2003 by project elephant as the elephant reserve/elephant corridor.*
- 6) *We Hereby restrain the Digboi Town Municipal Corporation from dumping municipal waste and garbage in Dihing-Patkai Elephant Reserve.*
- 7) *Respondent No. 7 i.e. Oil India Limited to forthwith stop releasing of untreated oil effluent in open sludge pits and seepage areas around oil rigs in the Digboi Oil field which falls within upper Dihing RF (East Block) and the Dihing-Patkai Elephant Reserve.*
- 8) *We hereby direct Coal India Limited to prevent discharge of toxic pollutant i.e. yellowish-orange water flowing out of old mines, abandoned by it within Jeypore RF and Dihing-Patkai Elephant Reserve.*
- 9) *We direct Digboi Town Committee, Assam not to allow any construction activity in and around the Digboi reserve.*
- 10) *We direct the State of Assam to work out a viable solution for handing over of the abandoned Coal mine of the Coal India Limited to the Forest Department for its proper maintenance and to prevent harm to the flora and fauna.*

11) We restrain permanent structure including residence in and around Golai Corridors by the Municipalities and Respondent Nos. 5, 6, 7 & 8 or private individuals.

12) We direct Central Government to exercise its power under Section 5 of the Environment Protection Act, 1986 and Wildlife Protection Act, 1972 to give legal recognition and status to the elephant corridors at Golai and Bogapani and other areas to ensure free passage of the endangered wildlife animals.

13) Respondent No. 1 to mandate before any proposed development within the established elephant habitat a prior wildlife clearance from the standing committee of the national board of wildlife is mandatory.

14) The Respondent No. 1 shall consult project elephant to specially assess the impact of development as part of EIA process and ensure such assessment under Section 36 (4) of the Bio Diversity Act.

15) We further direct the State Governments to constitute a State Level Committee comprising of Senior Officers headed by the Chief Conservator of Forest to conduct survey of the elephant population in each district in the State and demarcate the area of their habitation.

16) In the first instance the committee shall complete survey within a period of one year and submit the report to the Core Committee.

17) The Core Committee shall be constituted by the Central Government through Ministry of Environment, Forest & Climate Change to be headed by officer not below the rank of Additional or Joint Secretary in the Ministry who shall examine the report received from each State and to recommend declaration of area inhabited by the elephants as elephant reserve or elephant corridors by the Central Government as elephant reserve.

18) The core committee shall recommend to the Central Government further action in the matter relating to protection of elephants, declaration of elephant corridors, elephant reserves and for such other direction as may be necessary to fulfil the recommendation as contained in the Gajah (The Report of the Elephant Task Force).

19) The State level Committee and Core Committee shall submit its report to the Tribunal within a period of

one year from now and the Applicant will be entitled to approach this Tribunal for further direction as the circumstances may require."

It manifests from the record that the Tribunal made certain directions for necessary compliance by the stakeholders, including the Central Government, the State Government and their respective agencies, primarily with a view to protect the elephant population and their conservation reserves.

The Coal India Limited approached this Court against certain directions and particularly, Direction Nos. 2 and 8 where they are apprehending that the registration of a separate case against the Coal India Limited may cause prejudice to their rights and the Tribunal was exceeding in its jurisdiction. This Court under Order dated 14.09.2018 passed the order of status quo to be maintained by the parties in the meantime. This order was later clarified by this Court vide order dated 10.08.2022.

The stakeholders have submitted their compliance reports in terms of the directions of the Tribunal. We take all the compliance reports on record. The order indicates that after the compliance been made by the stakeholders, the Tribunal will later take a call and pass further orders as

required under law in reference to which the proceedings originally were initiated.

So far as the complaint made by the appellant is concerned, we find that by passage of time, it has become infructuous and since the compliance reports have been placed on record by the stakeholders, it will be open for the Tribunal to take a fresh look into the matter and proceed further after taking the compliance reports on the part of record.

After we have heard learned counsel for the parties, we are of the view that it will now be in the interests of justice to remit the matter back to the Tribunal along with the compliance reports which are placed before us, as a part of the record in OA No. 19/2014 on the file of the Tribunal.

We request the Tribunal to give a fresh look to the matter and take further course of action in accordance with law. Needless to say that orders may be passed after affording opportunity of hearing to the respective parties.

The appeals stand disposed of in the above terms.

Let the parties record their presence before the Tribunal on 24.07.2023.

The record of the case along with compliance reports be sent to the Tribunal forthwith.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[AJAY RASTOGI]

.....J.
[BELA M. TRIVEDI]

**NEW DELHI;
APRIL 27, 2023.**

ITEM NO.103

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 9710-9711/2018

COAL INDIA LIMITED

Appellant(s)

VERSUS

DR. KASHMIRA KAKATI & ORS.

Respondent(s)

(IA No. 165107/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ ANNEXURES)
(IA No. 107966/2018 - STAY APPLICATION)

Date : 27-04-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Mr. Vikramjit Banerjee, A.S.G.
Ms. Shruti Agarwal, Adv.
Mr. Neeraj Kumar Gupta, AOR
Mr. Kartik Dey, Adv.
Mr. Ranjeet Kumar Singh, Adv.

For Respondent(s) Mr. Sanjay Upadhyay, Adv.
Ms. Eisha Krishna, Adv.
Ms. Gitanjali Sanyal, Adv.
Ms. Mansi Bacheni, Adv.
Ms. Mayuri Raghuvanshi, AOR

Ms. Ruchi Kohli, Adv.
Mr. Shibashish Mishra, Adv.
Mr. Pashupati Razdan, Adv.
Ms. Archana Pathak Dave, Adv.
Dr. Arun Kumar Yadav, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Avijit Roy, AOR

Mr. Sridhar Potaraju, Adv.
Ms. Petal Chandhok, Adv.
Ms. Mimansi Sethi, Adv.
Mr. Aayush, Adv.
M/S. Trust Legal, AOR

Mr. Shuvodeep Roy, AOR
Mr. Sai Shashank, Adv.
Mr. Deepayan Dutta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeals are disposed of in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

(Signed order is placed on the file)