

ITEM NO.7 Court 5 (Video Conferencing) 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).2201/2021

BONANI KAKKAR

Appellant(s)

VERSUS

OIL INDIA LIMITED & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.67425/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67424/2021-STAY APPLICATION and IA No.67426/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 01-07-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Mr. Siddharth Mitra, Sr. Adv.
Ms. Shruti Agarwal, AOR

For Respondent(s)

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

1 Mr Siddharth Mitra, learned Senior Counsel appearing on behalf of the appellant, has submitted that:

- (i) The National Green Tribunal¹, by its order dated 24 June 2020, constituted a Committee of Experts following the damage and destruction caused to the biodiversity of Dibru Saikhowa National Park and Biosphere Reserve due to the blowout which took place from Baghjan 5 Oil well on 27 May 2020;

1 "NGT"

- (ii) A preliminary report was submitted on 24 July 2020 by a Committee appointed by the NGT detailing the extent of the damage and the responsibility of the first respondent;
 - (iii) A progress report was thereafter filed on 31 October 2020 setting out the destruction of fish species and the severe environmental impact caused by the blowout; and
 - (iv) The NGT, in this backdrop has constituted:
 - (a) A six-member Committee to fix the responsibility for the failures of the concerned individuals present at the incident and to lay down a road map for ensuring compliance of safety protocols;
 - (b) A seven-member Committee to enquire into non-compliance with the statutory provisions; and
 - (c) A ten-member Committee to assess the damage to and restoration of the National Park and Wetland and to take over all surviving issues from the earlier Committee.
- 5 The precise grievance is two fold. Firstly, the earlier Committee had submitted a comprehensive report before the NGT: initially, a preliminary report which was followed by a progress report and, hence, the constitution of three new Committees will only delay the process. Secondly, for the determination of damages and compensation and for the restoration of the National Park and Wetland, a ten-member Committee has been constituted headed by the Chief Secretary, Assam in which the Managing Director of the Oil India limited has been inducted as a member. It has been submitted that this will be in breach of the principles of natural justice since the conduct of Oil India Limited is basically

in issue and, hence, the Managing Director ought not to be a member of the Committee in any case.

6 Arguable issues have been raised.

7 Issue notice, returnable in three weeks.

8 Dasti, in addition, is permitted.

9 Till the next date of listing, there shall be a stay of the operation of the impugned judgment and order of the NGT dated 19 February 2021 in Original Application No 43/2020/EZ.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER