

Item No. 04

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

Appeal No. 08/2020/EZ  
(I.A. No. 64/2020/EZ)

Mridu Paban Phukon & 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.

**ORDER**

**I.A. No. 64/2020/EZ**

1. This application is for condonation of delay in filing Appeal No. 08/2020/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.

**Appeal No. 08/2020/EZ**

2. This Appeal seeks to assail Environmental Clearance (EC) dated 09.04.2020 granted by the MoEF&CC in favour of

M/s. Oil India Ltd. (OIL) for the proposed Onshore Oil & gas Development Drilling and Production in Mechaki Area covering Mechaki, Mechaki Extension, Baghjan and Tinsukia Extension PMLs in District Tinsukia (Assam) by OIL. The proposed project is stated to be in a highly ecologically sensitive and fragile area, where the Mechaki Block is located in close proximity to the Dibru-Saikhowa National Park, the Maguri-Motapung wetland complex and is part of the Dehing Patkai Elephant Reserve.

3. It is alleged that the EC has been granted in violation of the EIA Notification, 2006 in as much as the project proponent has concealed material informations in Form-1 regarding requirement of cumulative impact assessment as well as the location in a highly ecological sensitive and biodiversity rich landscape which includes a National Park, an important Bird Area (IBA) as well as an Elephant Reserve. It is contended that the project is an expansion project, with an addition of 16 new wells for exploration as well as laying of pipelines. The Mechaki Block PML is stated to be in close proximity of other PMLs were the project proponent has separate projects with respect to oil and gas exploration and hydrocarbon exploration and, according to the Appellant,

none of the projects have been considered for cumulative impact.

4. In the section on environmental sensitivity, all questions have been answered in the negative thereby concealing the fact that the Dibru-Saikhowa National Park as well as the Maguri-Motapung Wetlands are within close proximity of the proposed project location. The National Park is also stated to be at a distance of about 4 km and, therefore, clearly within the study area of 15 km radius of the proposed project in question. The entire Mechaki Block is said to fall within the Dehing-Patkai Elephant Reserve notified by the State of Assam in 2003. Further, there are several reserved forests within the Mechaki Block. The area is also said to be a rich habitat of rare fauna like Leopard, Hoolock, Gibbon, Capped Langur, Rhesus Macaque, Pit-tailed Macaque, Slow Loris, Malayan Giant Squirrel, Red Giant Flying Squirrel, Barking Deer and a small herd of Wild Water Buffalo. These critical informations, according to the Appellant, have not been furnished in Form-1 by the project proponent.

5. Next, it is contended that exemption from conducting public hearing for the project which would have large scale impact on the health of the local communities, was unjustified. Moreover, such exemption was granted on the ground that public hearing had already been conducted earlier which was incorrect information as the said public hearing was held for another project. It is further alleged that the EIA prepared by the project proponent is deficient and faulty in many aspects in as much as the Ambient Air Quality (AAQ) monitoring is a copy-paste content of other projects, the EIA report lacks proper impact assessment on terrestrial, avian and aquatic ecology, the risk assessment carried out in respect of the project is shoddy, erroneous and fails to highlight the actual risk posed from incidents of oil spills and oil well blow out fire and has been carried out as a mere formality in a mechanical manner.
  
6. Further, the noise impact has not been properly assessed and is not in conformity with the technical EIA Guidance Manual for Oil and Gas Exploration Industry and overlooks the fact that the Oil and Gas development activities generate noise during all phases of development including

the seismic surveys, construction activities, drilling and production, aerial surveys and/or road transportation.

7. Cumulative impact assessment has not been undertaken even when the proposed project is located close to several other existing projects of oil and gas as well as hydro carbon exploration. The entire landscape is rich in biodiversity and is highly ecologically sensitive.
8. 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.
9. Heard.
10. Issue notice returnable in six weeks.
11. The Appellant to furnish requisites within one week from hence.
12. 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.

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

14. List on 10.11.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

17<sup>th</sup> September, 2020  
Appeal No. 08/2020/EZ  
avt