

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 19 of 2014**

**Dr. Kashmira Kakati Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**

<b>Applicant:</b>	<b>Mr. Sanjay Upadhyay, Ms. Eisha Krishn and Mr. Salik Shafique, Advocates</b>
<b>Respondent No. 1:</b>	<b>Mr. Vivek Chib and Mr. Kaushal Gupta, Adv.</b>
<b>Respondent Nos.2 &amp; 3:</b>	<b>Ms. Kankana Arandhara, Adv. for M/s. Corporate Law Group</b>
<b>Respondent No. 5:</b>	<b>Mr. Mahavir Singh, Adv.</b>
<b>Respondent No. 6:</b>	<b>Mr. Ganesh Kamath, Adv. for NHAI</b>
<b>Respondent No. 7:</b>	<b>MS. Deepika Singh Ghatowar, Adv/</b>
<b>Respondent No. 8 :</b>	<b>Mr. Neeraj K. Gupta, Adv.</b>
<b>Respondent No. 9,10 &amp; 12:</b>	<b>Ms.Kankana Arandhara, Adv. for M/s. Corporate Law Group</b>
<b>Respondent No. 11 :</b>	<b>Mr. Dharitry Phoolkan, Adv. Mr. Vivek Chib and Mr. Asif Ahmed, Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 08</b> <b>February 04, 2015</b>	<p>Having heard the Learned Counsel appearing for various parties before us, it is a clear case where there is a gross violation of environmental laws particularly the Bio-diversity and Wildlife Acts. It is not disputed before us that the Oil India Company or its predecessor are responsible for spilling of oil into the water bodies existing in the Elephant Reserve. Furthermore, the Digboi Town Committee has been throwing municipal waste now for the years in the Dehing Patkai Elephant reserve.</p> <p>The Learned counsel appearing for the Digboi Town Committee submits that it is not only they are dumping municipal waste and other waste but even Indian Oil Company has been dumping their waste as the land belongs to them. We may notice that there is also a dispute with regard to the fact as to whether various coal mines at these sites are within or beyond the 10 Kms. of the Elephant Reserve/Corridor.</p> <p>In view of the above, we direct that a joint team consisting of MoEF, State Govt., Pollution Control Board Assam and a representative from R.F.R.I., Johrat shall</p>

actually and physically conduct the survey of the area and report.

(1) Whether the sites shown at page-45-46 of the paper book in the Google image are at the distance of more than or less than the 10 Kms. from the limits of the Elephant Reserve /Corridor or not.

(2) Extent and quantum of damage caused by oil spilling, dumping of waste, encroachment of the elephant corridor. The state government shall also state whether the entire area is a reserved forest and its nature.

Let the report be positively submitted within four weeks from today well in advance of the next date of hearing.

The Town Committee Digboi, Indian Oil and Oil India Limited should show cause as to why they be not directed to pay compensation for restoration of environment degraded, particularly elephant corridor as well as to take various preventive measures to stop further pollution of the environment and abate such activities in the elephant corridor which are not permissible in accordance with law.

All the respondents shall file their individual affidavits in compliance of this order within two weeks from today.

List this matter for hearing on 10<sup>th</sup> March, 2015.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

		<p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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