

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

**Original Application No. 283/2013
(M. A. No. 756/2013)
&
(M. A. No. 1057/2013)**

R. N. T. Plantations Ltd. V/s. Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant / Appellant :Mr. Raj Panjwani, Sr. Adv. and Mr. Amit Agarwal, Adv.
Respondent No. 1 :Ms. Panchajanya Batra Singh, Adv. with Mr. S. Khan and Mr. Nakul, Adv.
Respondent No. 2 :Mr. Ashish Kumar and Mr. Mohit Batra, Adv.
Respondent No. 3 :Mr. Shuvodeep Roy, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 4 May 6, 2014	<p>We have heard learned Sr. Counsel and learned Counsel appearing for the applicant and the respondents.</p> <p>Learned Sr. Counsel Mr. Raj Panjwani submitted that in view of the contradictory stand taken by the applicant and the respondents, on the factual position asserted in the application and denied in the replies submitted, it is beneficial to have an independent report on the disputed facts. Learned Counsel appearing for the ONGC and the MoEF submitted that pursuant to the order passed by this Tribunal on 17.12.2013, a scheme was already prepared and the scheme was produced before the Tribunal and the report of the Officials of the MoEF show that 90 % of the work is completed and in such circumstances, there is no necessity of an independent report.</p> <p>On hearing the Counsel, we find that the Tribunal should get a true and correct picture on the factual position in view of the contentions raised and the issues to be settled. Hence, it is necessary to have a report independently. In such circumstances, we direct the Central Pollution Control Board (CPCB) to depute a</p>

team of Officers comprising of Sr. Environmental Engineer and Sr. Scientists/Experts to inspect the disputed area and submit a detailed report on the following facts:

1. Whether the Rajgarjan and Gohainjan are natural water streams or man-made drains and whether they are blocked by the work carried out by ONGC.
2. Whether the ONGC has been discharging effluents/sludge, crude oil and other waste materials into the Rajgarjan and Gohainjan streams/man-made drains.
3. Whether the culverts constructed by the ONGC are undersized so as to allow free flow of water in Rajgarjan and Gohainjan streams/man-made drains.
4. Whether ONGC has been dumping oil, sludge and other waste materials including drilling mud and effluents openly in the tea estate of the applicant and in the nearby areas.
5. Whether there is continuous oil spillages from the pipelines laid-down by the ONGC in the tea estate of the applicant and thereby cause pollution.
6. Whether the pipeline laid-down by ONGC for carrying crude oil are over ground at various places and whether the said works as envisaged in the scheme prepared by ONGC has been carried out and if so whether they are effective.
7. Whether the wells/Christmas trees are fenced as required under law.
8. Whether the fertility of the soil of the estate of the applicant has been degraded due to the pollution hazard created by ONGC.
9. Whether the scheme envisaged by respondent no. 1 is sufficient to prevent further pollution. Whether the conditions provided in the EC granted on 08.08.2007 are fully complied with.

The report shall be filed by the CPCB within two months from today. The ONGC, State Pollution Control Board and the Deputy Commissioner of the District (respondent no. 4) shall afford all assistance to the team of CPCB. The Registry to furnish copy of this order to the Central Pollution Control Board for compliance. A copy of the order shall also be provided to the applicant and the respondents.

Stand over to 10th July, 2014.

....., JM
(M.S. Nambiar)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. (Dr.) P.C. Mishra)

....., EM
(Prof. A.R. Yousuf)

....., EM
(Ranjan Chatterjee)

