

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 56/2015/EZ
&
M.A. NO. 308/2017/EZ

SUBHAS DATTA

VS

UNION OF INDIA & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Mr. Ranjan Chatterjee, Expert Member

PRESENT:

Applicant	:	None
Respondent No. 1	:	Mr.Gora Chand Roy Chowdhury, Advocate Mrs. S. Roy, Advocate
Respondent No. 2	:	Mr. Ashish Chatterjee, SS (GP) Mr. D.N.Ray, Advocate, Mr. K. Guhathakurta, Advocate Mr. Kunal Dubey, Sr. Manager (Law)
Respondent No. 3 & 4	:	Mr. Prasun Mukherjee, Advocate Mr. A.K.Jana, Executive Director, GAIL
Respondent No. 5-7 & 12	:	Mr. Bikas Kargupta, Advocate
Respondent No. 8	:	Mr. Sibojyoti Chakraborty, Advocate
Respondent No. 9	:	Mr. S. Nigam, advocate Mr. R.Singh, Sr. Manager, GEECL
Respondent No. 10	:	Mr. Rajiv Lall, Advocate Mrs. Paushali Banerjee, Advocate Mr. Vilas Tawde, MD,
Respondent No. 11	:	Mr. Utkarsh Sharma, Advocate Mrs. Soumia , Advocate

Date & Remarks	Orders of the Tribunal
Item No. 1 1 st September, 2017.	<p>Pursuant to our order dated 20.7.2017, Mr. Ashish Chatterjee, Joint Secretary, Ministry of Petroleum & Natural Gas, Mr. A.K.Jana, Executive Director, GAIL India Ltd., Mr. Vilas Tawde, CEO of the new company Essar Oil and Gas Exploration and</p>

Production Ltd. including a representative from the Greater Calcutta Gas Supply Corporation are present.

Supplementary affidavit filed on behalf of the respondent No. 11, Natural Gas Regulatory Board, by Mr. Utkarsh Sharma, Ld. Advocate for the Board is ordered to be taken on record. It is submitted by Mr. Sharma that as directed by us correspondence had been made with the Greater Calcutta Gas Supply Corporation with regard to authorisation in favour of the Joint Venture company proposed to be set up for the purpose of supply of natural gas to Kolkata. It is stated that their letters seeking certain documents, like joint venture agreement and other particulars, have not been responded to by the said Corporation.

Mr. Bikas Kargupta, Ld. Advocate for the Corporation, who is served with a copy of the affidavit, shall seek instructions on this and if the position as stated by the Ld. counsel for the Board is correct, steps shall be taken immediately to respond and ensure that the authorisation is obtained expeditiously.

M.A. 308/2017/EZ :

This MA has been preferred seeking substitution of the present respondent No. 10, M/s Essar Oil Ltd. by the Essar Oil and Gas Exploration and Production Ltd. It is submitted by Mr. Rajiv Lall, Ld. Advocate for the new company, that the participatory interests of Essar Oil Ltd. have since been transferred to the new company,

i.e., Essar Oil and Gas Exploration and Production Ltd. with effect from 31.3.2017. It is stated that as a consequence of such transfer all assets and liabilities of M/s Essar Oil Ltd. now stand transferred to the latter.

For the aforesaid reason, it is prayed that Essar Oil and Gas Exploration and Production Ltd. be substituted in place of M/s Essar Oil Ltd. as respondent No. 10.

In view of the facts and circumstances set out in the application, we allow the prayer and consequently, M/s Essar Oil Ltd. impleaded as respondent No. 10, stands substituted as Essar Oil and Gas Exploration and Production Ltd.. Registry to take appropriate steps in the matter.

MA No. 308/2017/EZ stands disposed of accordingly.

Mr. Vilas Tawde, CEO of Essar Oil and Gas Exploration and Production Ltd. substituted as respondent No. 10, has been informed of the anxiety of this court and the records of the earlier proceedings. We have exhorted him to take a positive approach and ensure that the commitment made by the erstwhile respondent No. 10 is met in interest of public.

Mr. A.K.Jana, Executive Director, GAIL, informs us that certain rate had been offered for CBM by Essar Oil Ltd. earlier which is under their consideration.

Without going further into this, we direct the newly

substituted respondent No. 10 and the GAIL India Ltd. to have a sitting and deliberate on the question. The Joint Secretary, Ministry of Petroleum & Natural Gas, has informed us that the Ministry will also explore the possibility of meeting the demand of GAIL India Ltd. and the Greater Calcutta Gas Supply Corporation Ltd. for CBM considering the public interest involved in the matter.

The respondent No. 10, Ministry of Petroleum & Natural Gas, GAIL India Ltd. as well as Greater Calcutta Gas Supply Corporation shall file their respective action taken report before the next date.

In order to arrive at an expeditious resolution of the matter, it would be appropriate for all these authorities to deliberate on the questions relating to the above issues in a joint meeting at such place and venue to be decided by them. The Secretary, Ministry of Petroleum & Natural Gas shall be the convenor for the meeting.

Let such meeting/ meetings be held before the next date the outcome of which be incorporated in the action taken reports that shall be filed as already directed.

List on 25.10.2017.

.....
Justice S.P.Wangdi, JM
1-9-2017

.....
Ranjan Chatterjee, EM
1-9-2017

--	--

