

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.15/2024/EZ
(I.A. No.08/2024/EZ)

IN THE MATTER OF:

1. Tapas Guha,
S/o Late Bikash Guha,
Residing at 1/3, Chittaranjan Colony, Jadavpur,
Kolkata - 700032,
The Secretary, Shanti Ganatantra Sanhati Mancha,
Sinchan Marker, 2nd Floor, M.B. Road, Birati,
Kolkata - 700051,
2. Pradip Roy,
S/o Late Nalini Charan Roy,
Residing at P 27/1 A-5 Udichi Bagmari Road,
Kankurgachi, Kolkata-700054,
The Convenor, Forum for Social Harmony,
Kolkata, Branch House No. 22, Sarada
Panchayet Road, Ranigirkhari, Silchar,
Pin - 788005,
3. Baidyanath Sengupta,
S/o Sushil Chandra Sengupte,
Residing at 2/53, Naktala, Kolkata- 700047,
The Editor of Samaj, Bigyan o Prokriti Porichoy,

..... Applicant(s)

Versus

1. Union of India,
Service through the Secretary,
Ministry of Civil Aviation,
Government of India,
Rajiv Gandhi Bhawan, Block,-B, Jorbagh
Safdarjung Airport Area,
New Delhi - 110003,
2. Secretary,
Ministry of Environment, Forest and Climate Change,
Government of India,
2nd floor, Agni Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110003,
3. Inspector General of Forest (C),
Ministry of Environment, Forest and Climate Change,
Integrated Regional Office, Guwahati,
4th Floor, Housefed Building, G.S. Road
Rukminigaon, Guwahati-781022,

4. Airports Authority of India,
Service through Chairman,
Gandhi Bhawan, Safdarjung Airport,
New Delhi - 110003,
5. State of Assam,
Service through the Chief Secretary,
Government of Assam,
Block-C, 3rd Floor Janata Bhawan, Dispur,
Guwahati-781006.
6. Additional Chief Secretary to the Govt. of Assam,
Environment and Forest Department,
D-BLOCK, 2nd Floor, Janata Bhawan,
Dispur - 781006,
7. Principal Secretary to the Government of Assam,
Revenue & Disaster Management Department,
F Block, 1st Floor, Assam Secretariat (Civil),
Dispur, Guwahati - 781006,
8. Director of Tea, Assam,
Guwahati Tea Auction Centre Premises,
Dispur, Guwahati - 781006,
9. State Level Environment Impact Assessment Authority, (SEIAA), Assam,
Service through Chairman,
Bamunimaidam, Guwahati,
Pin - 781021,
- 10 . Doloo Tea Company India Limited,
Service through Director,
Doloo Tea Estate, Post Office- Dolu,
District- Cachar, Silchar, Cachar,
Assam - 788111,

.....Respondent(s)

Date of hearing: 25.01.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Arka Maiti, Advocate

ORDER

1. Heard Mr. Arka Maiti, learned Counsel appearing for the Applicants.
2. The Applicants have filed the present Original Application, seeking a direction to the Respondents to cease further action

related to construction of the Greenfield Airport at Doloo Tea Estate till a comprehensive Environmental Impact Assessment (EIA) is conducted as per EIA Notification dated 14.09.2006 and to restore the Doloo Tea Estate to its original condition as of May 12, 2022, by replanting uprooted tea bushes, felled shade trees and rectifying the damage caused to the landscape and ecosystem. A further prayer has been made, *inter-alia*, for restraining the Respondent authorities from granting Site Clearance and In-principle approvals for the proposed Airport until complete and unbiased EIA report is prepared.

3. It is stated that the Doloo Tea Estate in the Cachar District of Assam traces its history to the 19th century and is divided into four divisions; Doloo, Moinagarh, Lalbagh and Murlidha Divisions, covering an area of 1202 hectares of land. It is stated that 12 million tea bushes exist with large number of about 2500 tea labourers work in these two divisions – Mayanagarh and Lalbagh. It is further stated that the Doloo Tea Estate produces about 2.4 million kilograms of Black CTC tea and the National Highway Authority of India has also made a four lane National Highway in the Tea Garden Road.
4. In para 7 of the Original Application, it is alleged that there have been rumors of establishing a Greenfield Airport at the Tea Estate under the 'Ude Desh Ka Aam Naagrik' (UDAN) Scheme, though the Central Government has denied the same. It is also stated that in response to a query made by a

Member of Parliament, the Hon'ble Minister for Civil Aviation, Government of India, by letter dated 08.06.2022 clarified that till date no proposal had been received by the Central Government for establishment of Greenfield Airport in Cachar District. Copy of letter dated 08.06.2022 has been filed as Annexure-A-7 to the Original Application.

5. It is also alleged that the State Government was readying itself to acquire 325 hectares of the Doloo Tea Company India Limited without any information to the plantation workers. It is also alleged that facing eviction from the Tea Estate the workers implored the authorities not to destroy the tea gardens. The State Government also imposed Section 144 CrPC restrictions.
6. It is also alleged that eviction drive proceeded as planned and 1050 bulldozers and excavators were engaged to clear 2500 bighas of land earmarked for the airport by the Assam Government as reported in the news report dated May 12, 2022.
7. It is also stated that subsequently the Hon'ble Minister of Civil Aviation made a statement in reply dated 28.07.2022 informing that the Assam government had acquired the land for construction of airport but the Central Government had not yet received any proposal for construction of any Greenfield Airport. It is, however, stated that the Airports Authority of India (AAI) conducted a Pre-Feasibility Study in January 2020 for three potential sites in Silchar for the

development of Greenfield Airport and the Doloo site was identified as the most suitable indicating a land requirement of 870 acres for Boeing A-321 type aircraft operations.

8. It is also stated that construction of Airport is a Category-A project for which detailed Environmental Impact Assessment is required. It is further alleged that a tender was floated through press release dated 24.07.2023 on behalf of the Ministry of Civil Aviation that Airports Authority of India (AAI) has submitted an application under GFA Policy, 2008, to the Ministry of Civil Aviation for grant of 'Site Clearance' for development of a Greenfield Airport at Doloo Tea Estate, Cachar, Assam. The allegation further is that till date Environmental Impact Assessment has not been carried out.
9. From a reading of the averments of the Original Application, we find that Environmental Impact Assessment Report is awaited and the Environmental Clearance for the Airport in question has not been granted, therefore, the relief praying that Respondents authorities may be restrained from granting Site Clearance and In-principle approvals for Airport at Doloo Tea Estate is, in our opinion, without any merit at this stage.
10. Learned Counsel for the Applicants has drawn our attention to the Government of India, Ministry of Civil Aviation, Notification dated 16.05.2008 (Annexure-II, page 124, to the Original Application), particularly column under the head 'Environment Clearances' and submits that even for grant of Site Clearance and In-principle approvals, Environmental

Clearance is necessary which can only be done once the EIA assessment study is done. In our opinion, mere inclusion of a clause under the head 'Environment Clearances' in a Form of the said Notification does not deem the same to be mandatory for purposes of EIA assessment study. The Clauses 3.1, 3.2, 3.3 and 3.4 under the heading Environment Clearances of the proforma only requires information to be given, if applicable, which is required to be considered by the Steering Committee.

11. In view of the above, the Original Application No.15/2024/EZ is dismissed.
12. I.As. if any, stand disposed of accordingly.
13. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

January 25, 2024,
Original Application No.15/2024/EZ
(I.A. No.08/2024/EZ)
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