

(2024) 05 NGT CK 0038

National Green Tribunal Principal Bench, New Delhi

Case No: Original Application No. 678 Of 2024

News Item titled "Explosion kills
one injures six in Chhattisgarh's
Bemetara factory blast" appearing
in the Deccan Herald dated
25.05.2024 Vs

APPELLANT

Vs

RESPONDENT

Date of Decision: May 31, 2024

Hon'ble Judges: Prakash Shrivastava, CP; Arun Kumar Tyagi, JM; Dr. A. Senthil Vel, EM

Bench: Full Bench

Final Decision: Disposed Of

Judgement

1. This original application is registered suo motu on the basis of the news item titled "Explosion kills one injures six in Chhattisgarh's Bemetara factory blast" appearing in the Deccan Herald dated 25.05.2024.

2. The news item relates to a blast that occurred at an explosive manufacturing factory, in Borsi village in Bemetara district of Chhattisgarh, resulting in the death of one worker and injury caused to six others. As per the article, one section of the factory, engaged in the production of liquid explosives, was reduced to a pile of rubble in the blast. The sound of the blast reportedly was heard even from the far distance about 10 to 20 km.

3. The news item alleges that the factory, established some 25 years ago, consists of three units and is spread over 40 acres. Each individual unit is built over an area measuring approx. 50,000 sq feet each. Prima facie cause of the explosion was reportedly due to leakage in one of the tanks (15,000-liter capacity) filled with explosive liquid. A nearby fire source triggered the major explosion in one of the units. Factory

workers reportedly claimed that the number of actual casualties would be more than the official figure.

4. The news item does not disclose if any compensation has been paid to the family members of the deceased workers or to the injured.

5. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Public Liability Insurance Act, 1992 and the Environment Protection Act, 1986.

6. Power of the Tribunal to take up the matter suo-motu has been recognized by the Hon'ble Supreme Court in the matter of **"Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors."** reported in 2021 SCC Online SC 897.

7. The Tribunal vide order dated 11.06.2021 passed in **O.A. No. 44/2021 titled as In re: News item published in The News Indian Express dated 12.02.2021 titled "At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured"** has directed payment of compensation to the extent of Rs. 20 Lakhs in such incidents and has directed as under:-

"XXXXXX.....XXX"

9.We also find that scale of compensation based on restitution principle needs to be awarded. Procedure of this Tribunal is summary and akin to public law remedy. Compensation can be assessed on reasonable basis guided by restitution principle atleast at floor level, leaving other remedies of the victims open. Thus, broadly agreeing with the Committee, we direct that the scale of compensation should be Rs.20 lakhs in respect of each of the deceased victims and Rs.15 lakhs to persons who have burns in excess of 50% and Rs.10 lakhs for persons who have burns from 25 to 50% and Rs.5 lakhs for persons who have injuries between 5 to 25%. Victims who were treated as outpatients and who had but minor degree of burns or other forms of simple injuries shall be paid Rs.2 lakhs."

8. Hence, we implead the following as respondents in the matter:

(1). Chhattisgarh State Pollution Control Board, through its Member Secretary, Paryavas Bhavan, North Block Sector-19, Atal Nagar, Raipur - 492002

(2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

(3). Ministry of Environment and Forest, Regional Office Integrated Regional Office, Aranya Bhawan, North Block, Sector-19 Naya Raipur, Atal Nagar, Chhattisgarh 492002

(4). District Magistrate, Bemetara, Collector Office, Bemetara (Chhattisgarh)

9. Issue notice to the above respondents for filing their response before the appropriate Bench of the Tribunal at least one week before the next date of hearing.
10. Since the matter falls within the jurisdiction of Central Zonal Bench of the Tribunal, therefore, the OA is transferred to the Central Zonal Bench, Bhopal for appropriate further action. Let the original record of the OA be transferred to Central Zonal Bench, Bhopal.
11. List before Central Zonal Bench at Bhopal on 30.07.2024.