

NEXT DATE
19/02/2025

**BEFORE HONOURBLE
NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 181/2024 (WZ)

NEWS ITEM TITLED No Applicant
MAHARASHTRA: 22 WORKERS Suo Motu
INJURED IN BOILER EXPLOSION through PB
AT STEEL FACTORY IN JALNA Delhi
APPEARING IN INDIA TV DATED
24.08.2024

VERSUS

MEMBER SECRETARY Respondents
MAHARASHTRA STATE
POLLUTION CONTROL BOARD.

**ADDITIONAL AFFIDAVIT AS PER DAILY
ORDER DATED 19/12/2024
BY RESPONDENT NO. 4
(GAJKESARI STEEL AND ALLOYS PVT. LTD.)**

INDEX ON NEXT PAGE

Date : **14/02/2025**

Place : Pune

Filed by:



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Raghunath Mahabal रघुनाथ भालचंद्र महाबळ
BE (Mechanical), ME (Industrial Management) VJTI Mumbai
Chartered Engineer, FIE, Arbitrator-IIE, LLM **ADVOCATE**

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**RESPONDENT NO. 4
GAJKESARI STEEL
& ALLOY PVT LTD**

MOST RESPECTFULLY SUBMITTED

1. I, **Deelipkumar C. Zha**, am working as Director with the Respondent No. 4 M/s Gajkesari Steel and Alloys Pvt Ltd hereafter referred as Respondent "Industry".

2. Hon'ble Tribunal had directed to furnish information as follows as per the last Daily Order dated 19/12/2024.

2. The Tribunal, on 15.10.2024, had directed respondent No.4-Project Proponent to furnish details of the salaries drawn by the deceased workers; details of the injuries received by the injured persons, who were hospitalized; and the period for which they remained under treatment in the hospital.

3. The said chart does not disclose any amount towards compensation paid to the injured persons. The details of the salaries drawn by the deceased and injured persons have also not been placed on record. Such details are necessary to ascertain as to whether just compensation has been paid to the victims. Such details are necessary to ascertain as to whether just compensation has been paid to the victims.

3. The Respondent has enclosed the following details based on the information available with the Respondents and records. **The list of Annexures enclosed is as given below. [■ Ax. A to D].**

- A.** Computation basis as per Workmen Compensation Act 1923
- B.** Compensation paid to workers who died
- C.** Details of injured persons' name, body part, body part/effect, burn %, status, period spent in hospital, no. of days
- D.** Details of salary paid

LAW POINTS

4. Respondent has already stated that the legal procedure in respect of this accident is complete and the compensation has been paid to the workmen. No outsider was affected or injured.

5. The Section 17 read with Schedule-II of the NGT, Act, 2010 covers death, permanent, temporary, total or partial disability or other injury in addition to the other heads. But it specifically empowers Hon'ble Tribunal only in case of "any person (other than a workman)"

6. Therefore, considering and adjudicating the matters specifically excluded u/s.17 of the NGTA and u/s.24 of the EPA is not permissible under the regime. Such matters will have to be exclusively dealt with by the respective act/s which have the first and foremost privity and specific jurisdiction under the law.

7. The Respondent has not disputed or raised

the question of the contributory negligence of the deceased or affected workmen. i.e. their own act or negligence resulting into accident. Even after following the principle of strict and absolute responsibility, which is not denied, the Respondent can't be punished and held responsible for the same mishap - twice.

8. Respondent states that he buys the Insurance Cover and protection anticipating the liability, which he did in the present case. All workmen were covered by the PF and ESIC as applicable by law. As such, the respondent too can't be exposed to unlawful risk and penalty which is not declared and clarified by law, and rather contradictory to the provisions of the law.

9. The law point raised by this respondent is that 'The National Green Tribunal Act 2010' (NGTA) u/s.19 empowers Hon'ble Tribunal to only decide in case of those who are not workers of the company.

10. The law point is that the NGTA has jurisdiction to only decide Acts that are covered under Schedule of the NGTA. The Environment (Protection) Act 1986 (EPA) which is covered under the Schedule of the NGTA, particularly accepts and gives overriding effect or priority to other Acts u/s. 24 of the EPA, that are covering the incidence and regulating the penalty.

11. These above law points were not raised, deliberated or decided in the past before Hon'ble Tribunal OR Hon'ble Supreme Court and have been upheld categorically. Hence, even if there is precedence in the form of Judgement, it is lacking the adjudication on the above law points.

12. Respondent states that the provisions of NGTA and EPA are quite clear, comprehensible and have a clear meaning. As such mere precedence can't override the letter of law or the specific provision of the Acts.

13. In light of all these facts, it is prayed that the matter should be disposed of as no further order is necessary.

AND for this act of kindness, respondent as duty bound shall ever pray.



Place: **Pune**
Date: **14/02/2025**

DEPONENT
Respondent No. 4

VERIFICATION AND AFFIDAVIT

I Deelipkumar C. Zha age about 46 years, resident of the Jalna, Taluka Jalna, District Jalna, do hereby state that I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter. I have submitted this Affidavit on solemn affirmation and oath.



**DEPONENT
Respondent No. 4**

Place: **Pune**

Date: **14/02/2025**

Identified by & before me:



Advocate Raghunath Mahabai

ANNEXURE - A
**COMPUTATION BASIS AS PER
WORKMEN COMPENSATION ACT
1923**

Age not more than	Relevant Age Factor	Age not more than	Relevant Age Factor
16	228.58	41	181.37
17	227.49	42	178.49
18	226.38	43	175.54
19	225.22	44	172.52
20	224	45	169.44
21	222.71	46	166.29
22	221.37	47	163.07
23	219.35	48	159.8
24	218.47	49	156.47
25	216.91	50	153.09
26	215.28	51	149.57
27	213.57	52	146.2
28	211.79	53	142.68
29	209.92	54	139.13
30	207.98	55	135.56
31	205.95	56	131.95
32	203.85	57	128.33
33	201.66	58	127.71
34	199.4	59	121.05
35	197.06	60	117.41
36	194.64	61	113.77
37	192.14	62	110.14
38	189.56	63	106.52
39	186.91	64	102.93
40	184.17	65 or more	99.37

ANNEXURE - B

COMPENSATION PAID TO PERSONS WHO DIED

NAME			Company Paid	Bal	TOTAL	ch.no	BANK NAME	DATE
RANJEET PRAJAPATI	211.79X7500	1588425.00	600000.00	988425.00	1588425.00	5120	SVC	03.10.2024
PITABAS JENA	172.52X7500	1293900.00	661000.00	632900.00	1293900.00	5121	SVC	03.10.2024
KRISHNA NAND YADAV	197.06X7500	1477950.00	250000.00	1227950.00	1477950.00	5122	SVC	03.10.2024
MANAT	194.64X7500	1459800.00	600000.00	859800.00	1459800.00	5123	SVC	03.10.2024
RAMDAYAL DHURVE	203.85X7500	1660275.00	550000.00	1110275.00	1660275.00	5124	SVC	03.10.2024
RAM SHRESHTH RAM	169.44X7500	1270800.00	700000.00	570800.00	1270800.00	5125	SVC	03.10.2024
KANTILAL UIKEY	205.95X7500	1544625.00	600000.00	944625.00	1544625.00	5126	SVC	03.10.2024
		10295775.00		6334775.00	10295775.00			

T.C



ANNEXURE - C

DETAILS OF INJURED PERSONS' NAME, BODY PART, BODY PART/EFFECT, BURN %, STATUS, PERIOD SPENT IN HOSPITAL, NO. OF DAYS

Sr	Patient Name	Body Effect Part	Burn %	status	Petient Period in Hospital		Days In Hospital
1	Ranjit Prajapati	Major	84 to 88	Death	24-08-2024	28-08-2024	4
2	Pitvasu Jena	Major	83 to 87	Death	24-08-2024	28-08-2024	4
3	Ramdayal Durve	Major	80 to 85	Death	24-08-2024	28-08-2024	4
4	Krishana Yadav	Major	72 to 80	Death	24-08-2024	27-08-2024	3
5	Ramshreth	Major	75 to 80	Death	24-08-2024	25-08-2024	1
6	Manat Vatke	Major	70 to 75	Death	24-08-2024	30-08-2024	6
7	Kantilal Uikey	Face / Chest / Upper Limb / Back	47 to 50	Death	24-08-2024	28-09-2024	35
8	Tulsiram Durve	Major	67 to 70	Dishcharge	24-08-2024	16-10-2024	53
9	Sunil Oraon	Face / Back / Upper Limb / Lower Limb	52 to 55	Dishcharge	24-08-2024	22-09-2024	29
10	Sonu Uhake	Face / Chest / Upper Limb / Lower Limb	55 to 56	Dishcharge	24-08-2024	23-09-2024	30
11	Suraj Oraon	Back / Upper Limb	36 to 40	Dishcharge	24-08-2024	23-09-2024	30
12	Manojkumar Rai	Upper Limb	4 to 5	Dishcharge	24-08-2024	26-08-2024	2
13	Moh. Raffiquddin Mod. Usman	Right Upper Limb / Right Lower Limb	35 to 40	Dishcharge	24-08-2024	25-11-2024	93
14	Shubham Shailendra Rai	Back / Upper Limb / Lower Limb	45 to 50	Dishcharge	24-08-2024	27-08-2024	3
15	Guddu Ram Rai	Face / Back / Upper Limb / Lower Limb	35 to 37	Dishcharge	24-08-2024	09-10-2024	46
16	Manoj Kumar Bisaram Rai	Face / Back / Right Upper Limb	27 to 30	Dishcharge	24-08-2024	09-10-2024	46
17	Vishal Kumar	Chest / Lower Limb	10 to 12	Dishcharge	24-08-2024	07-09-2024	14
18	Ajruddin Ansari	Leg Fracture	0	Dishcharge	24-08-2024	05-09-2024	12
19	Ashok Ramprasad	Leg Fracture	0	Dishcharge	24-08-2024	03-09-2024	10

T.C



ANNEXURE - D

DETAILS OF SALARY PAID

Sr	Name	Salary Rs./month	
1	Ranjeet Prajapati	15,000	
2	Tuliram Dhurve	16,000	
3	Pitabas Jena	16,500	
4	Manoj Kumar	14,000	
5	Krishna Nand Yadav	15,500	
6	Sunil Oraon	15,000	
7	Manat	16,000	
8	Ramdayal Dhurve	17,000	
9	Kantilal Uikey	16,000	
10	Sonu Aahkey	15,500	
11	Suraj Oraon	17,000	
12	Ajruddin Ansari	16,000	
13	Md Rafiuddin	15,500	
14	Shubham Rai	15,000	
15	Ashok S/o Ramprasad	22,000	Excluded
16	Vishal S/o Ramashankar	25,000	Excluded
17	Ram Shreshth Ram	30,000	Excluded
18	Manoj Kumar Rai	12,000	
19	Guddu Ram	15,000	

Note : The Person is excluded employees as per the provisions of The EPF and MP Act, 1952. Hence he was not PF members.

T.C





Gmail

Proof of Service

Raghunath Mahabal <mahabal60@gmail.com>

NGT OA 181/2024 (WZ) News Item Titled Maharashtra: 22 Workers Injured in Boiler Explosion Vs MS MPCB : Next Date: 19/02/2025 : R-4 Gajkesari Steel and Alloys Pvt. Ltd.: Additional Affidavit in Reply

1 message

Raghunath Mahabal <mahabal60@gmail.com>

14 February 2025 at 17:41

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Cc: Raghunath Mahabal <adv.rbmahabal@gmail.com>, Adv Sachin S Gore 7350212877 <ssgore2005@gmail.com>

I am pleased to circulate the Additional Affidavit in Reply in the above matter.

Regards

Dhananjay Chavan 7038383654

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R.B.Mahabal रघुनाथ भालचंद्र महाबळ +91-7400116222 mahabal60@gmail.com**Advocate** - National Green Tribunal, BE (Mech.), ME (Industrial Management) VJTI Mumbai, LL.M., FIE, Chartered Engineer, Arbitrator IIEB 202, Chandravijay Society, Opp Bansuri Hotel, Phule Road, [Mulund EAST, Mumbai-400081](https://www.google.com/maps/place/Mulund+East,+Mumbai-400081), Maharashtra, INDIA**(194-211) 2025-02-14 R-4 GAJKESARI Adl.Reply.pdf**

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