

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH)**

AT PUNE

O.A. No. 4 of 2025 (WZ)

[Earlier O.A. No. 1384 of 2024 (PB)]

In the matter of:

News Item titled "four workers killed in storage tank explosion at Gujarat industrial unit" appearing in The Hindu dated 03.12.2024

INDEX

S. No.	Particulars	Page Nos.
1.	Additional Affidavit on behalf of Detox India Private Limited <i>i.e.</i> Respondent No. 5 in compliance with the order dated 30.01.2026	1 - 10
2.	Annexure A Calculation Table as per <i>Sarla Verma v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121</i>	11
3.	Proof of Service	12

Filed by:

Date: 12.02.2026

Place: Pune

Saurabh

12 FEB 2026
**Anindita Roy Chowdhury/Vatsala Rai/
Saurabh Batra/Arupa Malla/Jayant Joshi**

Advocates for the Respondent No. 5

AZB & Partners

Onyx Towers, 1101-B, 11th Floor, North Main
Road, Koregaon Park, Pune – 411001, Maharashtra

saurabh.batra@azbpartners.com

Mobile No: +91-9999291467

Saurabh

12 FEB 2026



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH)
AT PUNE
O.A. No. 4 of 2025 (WZ)
[Earlier O.A. No. 1384 of 2024 (PB)]**

In the matter of:

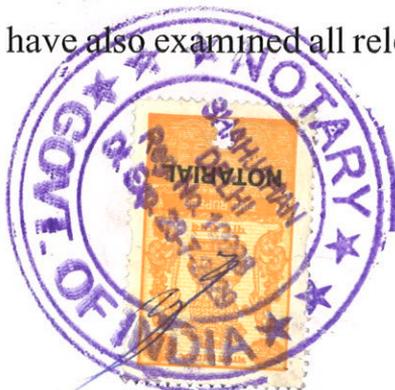
News Item titled "four workers killed in storage tank explosion at Gujarat industrial unit" appearing in The Hindu dated 03.12.2024

**ADDITIONAL AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 5 IN COMPLIANCE WITH THE
ORDER DATED 30.01.2026 PASSED BY THE THIS
HON'BLE TRIBUNAL**

MOST RESPECTFULLY SHOWETH:

I, Yogesh Gupta S/o Sh. Jagan Nath Gupta, aged about 56 years, having my office at Detox House, H. No. 2/819 to 823, Hira Modi Ni Seri, Ring Road, Sangrampura, Surat – 395002, Gujarat, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Authorised Representative of the Respondent No. 5/ Detox India Private Limited ("**Detox**") and competent to swear the present Affidavit on behalf of Detox. I am sufficiently conversant with the facts and circumstances of the case as derived from the records available with Detox and have also examined all relevant documents in relation thereto.



[Handwritten Signature]

2. I say that the present proceedings emanate from the *suo moto* cognizance taken by the Hon'ble NGT, Principal Bench, New Delhi *vide* its order dated 23.12.2024. Subsequently, the proceedings were transferred to this Hon'ble Tribunal.
3. That Detox filed an Affidavit dated 29.01.2025 ("**Detox January Affidavit**") submitting that Detox, without admission of guilt, has paid an *ex-gratia* compensation of INR 30,00,000/- (Rupees Thirty Lacs) each to the family members of deceased workers.
4. Thereafter, pursuant to the order dated 06.02.2025 passed by this Hon'ble Tribunal, Detox filed an Additional Affidavit dated 02.04.2025 ("**Detox April Affidavit**") in relation to the details of the deceased workers including their wages and computation of compensation under the Employees' Compensation Act, 1923 ("**EC Act**"). Detox craves leave of this Hon'ble Tribunal to refer and rely on the Detox January Affidavit and Detox April Affidavit, the contents of which are not being reiterated for the sake of brevity.
5. Thereafter, since the pleadings in the matter were complete, this Hon'ble Tribunal reserved the matter for judgment/order on 12.12.2025.
6. On 30.01.2026, after the case was already reserved for orders, this Hon'ble Tribunal *inter alia* directed Detox to provide calculation of compensation payable to the family of



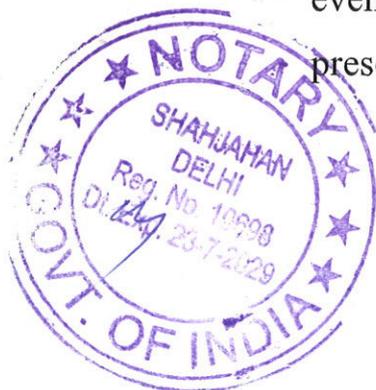
Handwritten signature or initials.

deceased workers as per the computation principles laid down in *Sarla Verma v. Delhi Transport Corporation & Anr.*, (2009) 6 SCC 121 (“**Sarla Verma judgment**”).

7. At the outset it is humbly submitted that the principles as laid down in the Sarla Verma judgment was in the context of motor vehicle accidents whereas the present case is arising in the context of workmen/employees who are covered within the ambit of various statutes. As such, the Sarla Verma judgment is inapplicable to the present case. The reasons for the same with background is provided in the subsequent paragraphs:

7.1. It is submitted that Detox had engaged the services of Panchmurati Fabricators (“**Contractor**”) to install hand railings in the premises of Detox. Resultantly certain direct employees of the Contractor were undertaking the installation of hand railings in the premises of Detox, when the unfortunate accident occurred.

7.2. In this context, the Contractor was the immediate employer of the workmen/employees and Detox, if at all, was akin to a principal employer. Accordingly, the Contractor paid the wages and other statutory dues to the deceased workers/employees whereas Detox (in the event of an unfortunate accident such as the one in the present case) at most would rely upon the compensation



[Handwritten signature]

mechanism provided under the EC Act to compensate the family members of the deceased.

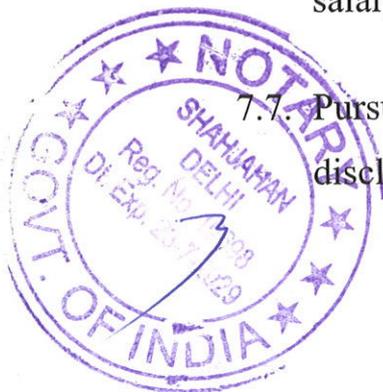
7.3. It is further submitted that since the unfortunate accident occurred in the premises of Detox, Detox immediately made an *ex-gratia* payment of INR 30,00,000/- per deceased worker between 04.12.2024 to 20.12.2024 which was even before the Hon'ble NGT, Principal Bench took *suo moto* cognizance of the unfortunate accident.

7.4. The said *ex-gratia* payment was made solely on compassionate grounds and to ensure that the family of deceased workers receive immediate financial support during their difficult time.

7.5. After the payment of the *ex-gratia* amount, the heirs of the deceased workers have voluntarily affirmed, by way of separate affidavits, that they have no complaints, claims or demands against Detox or its directors, officers or employees and such affidavits also form part of Detox January Affidavit.

7.6. That this Hon'ble Tribunal *vide* its order dated 06.02.2025 sought for more details in terms of age, salary etc., of the deceased to be brought on record.

7.7. Pursuant thereto, the Detox April Affidavit was filed disclosing all such details which was prepared by Detox



[Handwritten signature]

on the basis of the EC Act which also uses similar data like salary/wages, age of the deceased to arrive at a compensation amount for such deceased person's family. The details which were presented in Detox April Affidavit is also reproduced below for ease of reference-

TABLE A

Details of Deceased persons						
S. No.	Name	Age	Gross wage per month (INR)	Calculation of compensation under Employees' Compensation Act	Compensation payable under Employees' Compensation Act (INR)	Ex-gratia amount paid by Detox (INR)
1.	Ashok Ramvrishka	49 yrs	19,723/-	50% of 19,723 x 156.47	15,43,029/-	30,00,000/-
2.	Harinath Yadav	43 yrs	16,729/-	50% of 16,729 x 175.54	14,68,305/-	30,00,000/-
3.	Mukesh Singh	36 yrs	17,804/-	50% of 17,804 x 194.64	17,32,685/-	30,00,000/-
4.	Polesh Ram	33 yrs	28,166/-	50% of 28,166 x 201.66	28,39,977/-	30,00,000/-

7.8. From the above table, it is clear that the *ex-gratia* payments by Detox were infact more than what would have been granted to such deceased workers' families in accordance with the EC Act.

8. The reason for Detox to rely upon the EC Act is on account of Section 12 and Schedule 4 of the EC Act, which provide for a compensation methodology, if one assumed Detox is

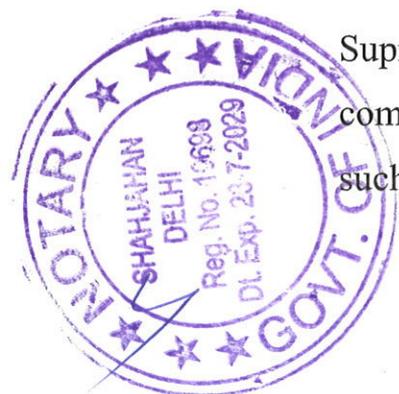


[Handwritten signature]

akin to a principal employer. Section 12 of the EC Act, is reproduced below for ease of reference-

“12. Contracting.—(1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any employee employed in the execution of the work any compensation which he would have been liable to pay if that employee had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the employee under the employer by whom he is immediately employed.”

9. It is submitted that the unfortunate accident at best covered within the ambit of EC Act with regard to Detox and as per Detox's understanding within the ambit of Employees' State Insurance Act, 1948, Payment of Gratuity Act, 1972 and Employees Provident Funds and Miscellaneous Provisions Act 1952 (as applicable) when it comes to the Contractor. As such, the Sarla Verma judgment which arose from a motor vehicles accident claim and in which case the Hon'ble Supreme Court laid down certain principles including a computation method, cannot be made applicable to cases such as the unfortunate accident which is already covered



under the aforementioned statutes and where even *ex-gratia* payments which is higher than the result of computation under the EC Act has already been provided.

10. Further, In light of section 17 of the National Green Tribunal Act, 2010, since Detox has already paid compensation exceeding the amount as would be computed under the EC Act i.e., the *ex-gratia* compensation of INR 30,00,000/- per deceased worker, it is humbly submitted that additional compensation cannot be granted by this Hon'ble Tribunal. [Ref: Order dated 15.03.2023 passed by the Hon'ble NGT, Principal Bench in O.A. No. 150/2023 and Order dated 28.02.2023 passed by the Hon'ble NGT, Principal Bench in O.A. No. 110/2023]. The relevant portion of the orders are extracted below for ease of reference:

- (i) **Order dated 15.03.2023 passed by the Hon'ble NGT, Principal Bench in O.A. No. 150/2023**

"5. On the issue of bar under section 17 of the NGT Act for claims in respect of workmen, it was held that the said bar will apply only if the PP has paid such compensation under the Workmen Compensation Act or any other law and not otherwise, object of bar being to avoid duplication and if no compensation has been paid, NGT can award compensation atleast at floor level.

6. Thus, while if workmen are covered by the Workmen Compensation Act, 1923 and are paid compensation under the provisions of the said Act, there can be no claim under the NGT Act, where compensation under Workmen Compensation Act has not been paid by the PP, the said bar will not apply and NGT can direct

2/2



payment of floor level compensation at the rate mentioned above, the PP has to be held liable to pay such compensation.”

(ii) Order dated 28.02.2023 passed by the Hon’ble NGT, Principal Bench in O.A. No. 110/2023

“6. M/s JSPL have filed an affidavit today that under Factories Act, 1948, compensation has been duly paid to all the workmen. Over and above statutory benefits, compensation and monthly pension is being paid to the families of the two deceased workmen. Under Section 17 of the NGT Act, workmen have been expressly excluded as their welfare is covered under various other statutes including the Factories Act.”

11. In a similar case concerning a fatal fire accident at Aether Industries Ltd.’s (“**Aether’s Case**”) plant and *suo moto* cognizance of a press report, this Hon’ble Tribunal had disposed of the case after *inter alia* reviewing the compensation disclosures filed by Aether. [**Ref: Order dated 13.08.2024 passed by this Hon’ble Tribunal in O.A. No. 220/2023 (WZ)**]

12. In the said Aether’s Case, this Hon’ble Tribunal directed Aether to furnish detailed data on deceased and injured employee/workers and while disposing of the said case relied on Aether’s reply/affidavit, which showed *ex-gratia* payments to families of the deceased and to permanently disabled workers, in addition to ESIC/WC claim processing. It also submitted that in the said Aether Case, there was no reference to a computation to be provided as per Sarla Varma judgment.



13. Without prejudice to the above and notwithstanding the inapplicability of the Sarla Verma Judgment, in compliance with the order dated 30.01.2026, Detox has attempted a calculation of the compensation payable to the families of the deceased workers as per the computation principles laid down in Sarla Verma judgment. The calculation table is annexed herewith and marked as **Annexure A**.
14. I say that the calculation of the compensation as per Sarla Verma judgment has been done by Detox on best effort basis and based on the documents and information as available with Detox. The computation table is being filed solely to comply with the order dated 30.01.2026 and 02.02.2026 as passed by this Hon'ble Tribunal.
15. I say that the contents of the present Affidavit are true and correct as per my own knowledge, belief and information. No part of it is false and nothing material has been concealed therefrom.

Solemnly affirmed at New Delhi
On this 12th day of February 2026

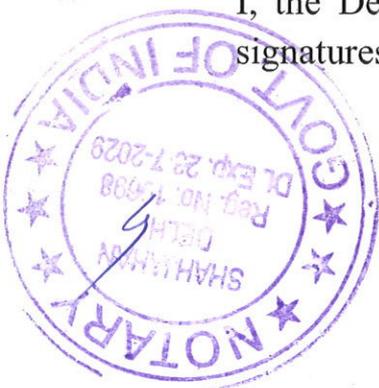


DEPONENT

VERIFICATION

12 FEB 2026

I, the Deponent, do hereby declare that this is my name and signatures and the contents of this affidavit are true and correct to



the best of my knowledge, belief and information. No part of this affidavit is false and nothing material has been omitted thereof.

Verified at New Delhi on this 12th day of February 2026

12 FEB 2026

[Signature]
DEPONENT

Register Entry No. 41
NOTARY
SHAHJAHAN
DELHI
Reg. No. 10698
Dt. Exp. 23-7-2029
GOVT. OF INDIA

12 FEB 2026

I identify the Deponent who has signed in my presence
[Signature]

ATTESTED
[Signature]
NOTARY DELHI

CERTIFIED THAT THE DEPONENT
is Smt./Mr./...
of D/o...
identified by ...
as solemnly declared before me at Delhi
that the contents of the Affidavit which
have been read & explained to me are
true and correct to this & knowledge
[Signature] A.R.C.

NOTARY
SHAHJAHAN
DELHI
Reg. No. 10698
Dt. Exp. 23-7-2029
GOVT. OF INDIA

Annexure- A

S.No.	Name of the Deceased	Age of the Deceased	Marital status of Deceased	No. of Dependants	Net pay per month	Addition to income for future prospect (%)	Total income	Deduction for personal expenses (%)	Multiplicand	Annual Multiplicand	Multiplier	Loss of Estate (average)	Loss of consortium (average)	Compensation as per Sarla Verma judgment (in INR)	Ex-gratia compensation paid by Detox (in INR)	Balance compensation payable
1	Ashok Ramvrishka	49	Married	4	17890	30	23257	25	17442.75	209313	13	7500	7500	2736069	3000000	-
2	Harinath Yadav	43	Married	3	16529	30	21487.7	33	14396.759	172761.108	14	7500	7500	2433655.512	3000000	-
3	Mukesh Singh	36	Married	4	16099	50	24148.5	25	18111.375	217336.5	15	7500	7500	3275047.5	3000000	275047.5
4	Polesh Ram	33	Married	2	27966	50	41949	33	28105.83	337269.96	16	7500	7500	5411319.36	3000000	2411319.36

Saurabh Batra

From: Saurabh Batra
Sent: 12 February 2026 23:03
To: 'membersecretarygpcb@gmail.com'; 'ms-gpcb@gujarat.gov.in'; 'ccb.cpcb@nic.in'; 'secfed@gujarat.gov.in'; 'collector-bha@gujarat.gov.in'; 'maulik@nanavatico.com'
Cc: Anindita Roy Chowdhury; Vatsala Rai; ngt-pune ngt-pune
Subject: O.A. No. 4 of 2025 (WZ) | Earlier O.A. No. 1384 of 2024 (PB) | NGT, Pune
Attachments: Addl. Affidavit by Detox.pdf

Importance: High

Tracking:**Recipient****Delivery**

'membersecretarygpcb@gmail.com'

'ms-gpcb@gujarat.gov.in'

'ccb.cpcb@nic.in'

'secfed@gujarat.gov.in'

'collector-bha@gujarat.gov.in'

'maulik@nanavatico.com'

Anindita Roy Chowdhury

Delivered: 12-02-2026 23:03

Vatsala Rai

Delivered: 12-02-2026 23:03

ngt-pune ngt-pune

Dear Madam/Sir,

We are concerned for Detox India Pvt. Ltd., *i.e.* the Respondent No. 5 in the captioned matter. Please find attached the additional affidavit being filed on behalf of the Respondent No. 5, as and by way of advance service upon you.

Kindly acknowledge the receipt of the same.

Regards,
Saurabh Batra
AZB & PARTNERS



Plot No. A-8 | Sector-4 | Noida 201301 | National Capital Region Delhi
 Tel: + 91 120 417 9999 | + 91 120 692 3700 | Fax: + 91 120 417 9900 | www.azbpartners.com



CONFIDENTIALITY CAUTION

This communication (including any accompanying documents) is intended only for the use of the addressee(s) and contains information that is PRIVILEGED AND CONFIDENTIAL. Unauthorized reading, dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (91-120) 4179999 or email at delhi@azbpartners.com and promptly destroy the original communication. Thank you for your cooperation. Communicating through email is not secure and capable of interception, corruption and delays and anyone communicating with AZB & PARTNERS by email accepts the risks involved and their consequences.