

SI. NO. 14 198 2025 NOV 28 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 219/ 2024 (WZ)

IN THE MATTER OF:

News Item titled “Five workers die due to asphyxiation while cleaning tank at agrotech firm in Gujarat” appearing in the Times of India dated 16.10.2024.

**ADDITIONAL AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NO. 5 – M/S. EMAMI AGROTECH LIMITED**



I, Mr. Indranil Ghosh, s/o Jagabandhu Ghosh, Age: 37 Years, Occupation: Assistant General Manager- Legal and authorized signatory/Power of Attorney holder of Respondent No. 5 above-named, do hereby solemnly affirm and state as under:

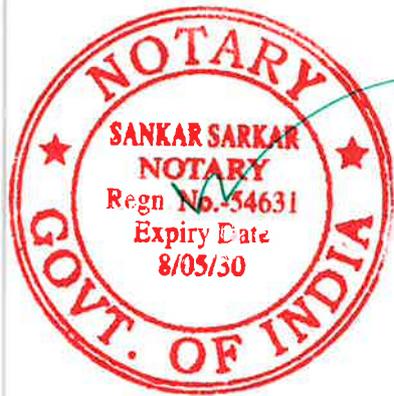
1. I say that I am presently employed as the Assistant General Manager-Legal with Respondent No. 5 and am duly authorized under a Board Resolution/Power of Attorney dated 24.12.2024 to represent Respondent No. 5 in the present legal proceedings and to sign, execute pleadings, affidavits, and depose on behalf of Respondent No. 5. I am well acquainted with the facts of the present case.
2. The present affidavit is being filed in compliance of the order dated 14/08/2025 (hereinafter referred to as “Order”). The relevant extract is reproduced hereinbelow:

....However, we direct learned counsel for respondent No.5 to file an affidavit showing therein the amount.

28 NOV 2025



which would be required to be paid to the legal heirs of the deceased persons as per the principles laid down by the Hon'ble Supreme Court in the case of Sarla Verma. Let the same be submitted in a chart indicating therein the age of the deceased at the time of the accident, their salary, number of injured persons, if any and their details and/or other properties and what steps have been taken by them for giving them compensation, shall also be indicated therein. The injuries sustained shall also be shown as to whether serious nature or mild nature, particularly keeping in view as to for how long, the injured persons remained in the hospital. Learned counsel for respondent No.5 states that there was no injured person. He is directed to file an additional affidavit stating therein all these details.



3. I say that the Reply Affidavit dated 31/03/2025 filed by the Respondent No. 5 be read as part and parcel of the present affidavit along with the annexures thereto. Additionally, Respondent No. 5 reserves the right to file an additional affidavit, if so, directed by this Hon'ble Tribunal or warranted at an appropriate stage in the captioned application.
4. I say that the amount of compensation determined in accordance with the principles laid down in *Sarla Verma & Ors. v. Delhi Transport Corporation & Anr.*, (2009) 6 SCC 121 (hereinafter referred to as "**Sarla Verma Judgment**") has been duly deposited in the accounts of the families of the victims. The chart in this respect as well as the other details as sought by this Hon'ble Tribunal by order dated



14/08/2025 has been duly provided by the Respondent No.5. The said chart is annexed hereto and marked as *Annexure – A*. Proof of payments evidencing the deposit of differential compensation amounts to the next of kin of the deceased victim, to whom compensation was earlier paid but was deficit, is annexed hereto and marked as *Annexure – B*.

5. I say that the charts annexed hereinabove demonstrates that the compensation that has been paid to the families of the deceased persons is in compliance of the said Order and in fact far exceeds the compensation payable as per the principles of *Sarla Verma Judgment*, and hence no further or additional compensation is payable to the deceased. I say that above compensation has been paid by the Respondent No.5 without prejudice to its rights and liabilities.

6. As far as the details regarding injuries to the deceased persons is concerned, I say that the deceased did not sustain any physical injury as such during the occurrence of the subject incident. As recorded in the reply filed by Respondent No. 4, the Deputy Collector, Anjar-Kachchh, all five persons were declared to have died due to cardio-respiratory arrest resulting from asphyxia caused by sulphide exposure [*Pg. 184 of Respondent No.4's Reply*]. Further, the doctors declared all five persons “*brought dead*” and none remained in the hospital for any form of treatment [*Pg. 183 of Respondent No.4's Reply*].

WHATEVER STATED BY ME HEREINABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND IN WITNESS WHEREOF I

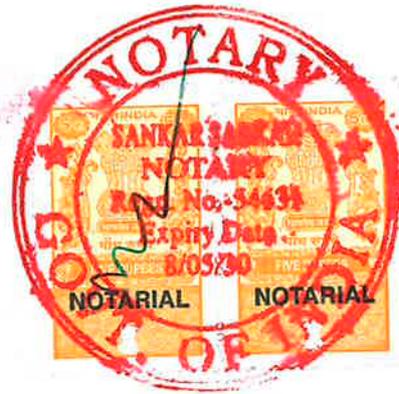
28 NOV 2025



HAVE SIGNED HEREUNDER ON THIS 28th DAY OF NOVEMBER 2025 AT Kolkata.

Indrajit Ghosh


For, RESPONDENT NO. 5



Witness affirmed & Declared before me on Identification of Ld. Advocate

[Signature] 28/11/2025
SANKAR SARKAR
NOTARY, GOVT. OF INDIA
REGN NO. 54631
HIGH COURT, CALCUTTA
CHAMBER 4 (479) M. B. ROAD, KOL-9
MAHAJATI HEIGHTS APT
Ph-0232445358

Identified by me
Beharabhority
Advocate
F/280/2024

28 NOV 2025

ANNEXURE - A

COMPENSATION CALCULATION AS PER SARLA VERMA CASE

Sr. No.	Name	Age	Salary	Future Prospect ¹	Addition to income C = A + (A x B)	No. of Dependant	(%) personal deduction ²	Expenses E = C - (C x D)	Income after expense deduction F = C - E	Multiplier	No. of Months	Compensation (Multiplier based) I = F x G x H	Loss of Estate	Funeral Expenses	Loss of Consortium	Compensation <u>TOTAL</u> S = I + J + K + L
			A	B	C = A + (A x B)		D	E = C - (C x D)	F = C - E	G	H	I = F x G x H	J	K	L	S = I + J + K + L
1.	Amjad Khan	31	14,685	50%	22,028	2	0.33	7,270	14,758	16	12	28,33,536	5,000	5,000	10,000	28,53,536
2.	Ashish Gupta	31	14,040	50%	21,060	1	0.50	10,530	10,530	16	12	21,21,760	5,000	5,000	N.A.	21,31,760
3.	Ashish Kumar	24	12,457	50%	18,686	2	0.50	9,343	9,343	18	12	20,18,088	5,000	5,000	N.A.	20,28,088
4.	Siddharth Tiwari	28	15,864	50%	23,796	1	0.50	11,898	11,898	17	12	24,27,192	5,000	5,000	N.A.	24,37,192
5.	Thakor Sanju Ji	29	14,751	50%	22,127	3	0.33	7,375	14,825	17	12	30,24,300	5,000	5,000	10,000	30,44,300

COMPENSATION PAID BY RESPONDENT NO. 5 - EMAMI AGROTECH

Sr. No.	Name	Compensation Paid before Labour Court	(Ex-gratia) Compensation paid by Emami	Total Compensation Paid Emami
		X	Y	Z = X + Y
1.	Amjad Khan	12,74,419	15,00,000	28,53,536
2.	Ashish Gupta	12,74,419	15,00,000	27,74,419
3.	Ashish Kumar	13,51,892	15,00,000	28,51,892
4.	Siddharth Tiwari	13,79,876	15,00,000	28,79,876
5.	Thakor Sanju Ji	13,56,239	15,00,000	30,44,300

¹ Even though the deceased were contractual employees, the future prospect has been considered at the maximum rate of 50%.

² Refer para 26 of the Judgment.



28 NOV 2025

Payment date	Narrative	Debit
25-11-2025	NEFT/IDFBH25329609899/RUKSAR BANO/PUNB0063800	79,117.00
25-11-2025	NEFT/IDFBH25329609704/THAKOR DAKSHABEN SANJUJI/BARBOKHAPAT	188,061.00



28 NOV 2025