

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

ORIGINAL APPLICATION NO. 121/2024 (WZ)

AND

ORIGINAL APPLICATION NO. 136/2024 (WZ)

SUO-MOTO COGNIZANCE

| COMPLAINANT

V/S

**1. MAHARASHTRA POLLUTION
CONTROL BOARD**

Through Member Secretary

**Having address at: Kalpataru Point,
3rd & 4th floor, Opp. PVR Cinema,
Sion Circle, Mumbai – 400 002**

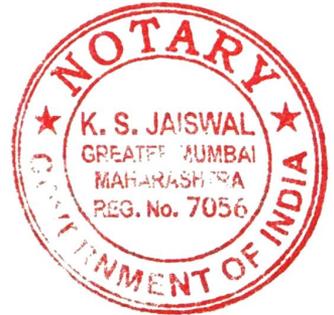
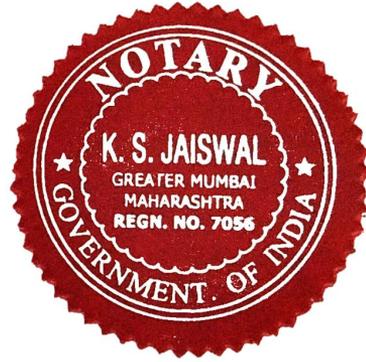
**2. MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION**

Through Chief Executive Officer

**Having address at: “Udyog Sarathi”,
Marol Indl. Area, Mahakali Caves Road,
Andheri (East), Mumbai – 400 093**

3. DISTRICT COLLECTOR – THANE

Having address at: Court Naka,



Ad Prabhakar Hegde Rd, Kharkar Alley,
Thane (West), Maharashtra – 400 601

4. CENTRAL POLLUTION CONTROL BOARD

Through Regional Directorate
Having address at: Survey No. 110,
Dhankude Multipurpose Hall,
Baner Road, Baner, Pune – 411 045

5. DIRECTORATE OF INDUSTRIAL SAFETY AND HEALTH

Having address at: Kamgar Bhawan,
5th Floor, C-20, E Block, Opp. R.B.I,
Bandra Kurla Complex, Mumbai – 400 051

6. AMUDAN CHEMICALS PVT. LTD.

Having address at: W-229, Phase – 2, MIDC,
Dombivli, Thane, Maharashtra – 421 203] OPPONENTS

**ADDITIONAL AFFIDAVIT IN
REPLY BY THE OPPONENT NO.
6 IS AS UNDER:**

To,
The Honourable Judicial / Expert Member,
The Honourable National Green Tribunal
Western Zone Bench
Pune, Maharashtra



I, Mr. Malay Mehta, Age: 39 years, residing at 1/B, 31, Kalpataru C.H.S, Parksite, L.B.S Road, Ghatkopar, Mumbai – 400 086 on behalf of the Opponent No. 6 and duly authorised and empowered by the Opponent No. 6 to duly file the reply do hereby state as under on the basis of documents and facts on basis of my knowledge:

1. I say that I have already filed an Affidavit dated 29/01/2025 in the above captioned matter. However as per the Hon'ble Tribunals directions vide order dated 3/2/2025 the respondent no.6 is hereby filing this additional affidavit.
2. I say that the Hon'ble tribunal has directed the respondent no.6 to provide list of injured persons, however it may be kindly noted that on the date of incident i.e on 23/05/2024 the director of respondent no.6, Mr. Malay Mehta was travelling to Nashik for pilgrimage purpose and as a result he was not present at site. That as soon as Mr. Malay Mehta acquired knowledge about the fire incident he started his journey back to Mumbai. That as soon as Mr. Malay Mehta reached Mumbai already a FIR 0714/2024 was filed against him and other director i.e his wife and as result he surrendered to the police authorities and was lying behind the bars since then. That Mr. Maly Mehta only acquired bail on 15/06/2024. As a result there was no opportunity for Mr. Malay Mehta to go at the site and assess the damage to property as well as the injured persons since quite a time had passed by before Mr. Malay Mehta was released from the jail. Hence Mr. Malay Mehta and Respondent no.6 do not have any first hand information with



regards to the number of persons injured or loss of property specifically due to the fire incident. As a result even respondent no.6 has no choice but to assume to the report filed by DISH authorities i.e. is the main joint committee report annexure V at page 55. However the respondent no.6 has acquired knowledge through newspaper about the injured persons having received compensation from CM relief fund.

3. I say that another query raised by the Hon'ble tribunal is with regards to the number of deaths and whether they were employees or contract employees and their details. I say that the list of persons who lost their life as per the record of respondent no.6 is as follows

a. Details of Deceased Persons Permanent Staff and Workers of Amudan Chemicals Pvt Ltd

Name	Age	Salary/Month	ESIC Covered INS no.
1. Satyanarayan Rajbhar	48	14820	3517457781
2. Ravi Rajbhar	45	14820	3517457747
3. Dhaval Waghani	38	55000	Not Registered
4. Riddhi A Khanvilkar	38	16000	3417421616

5. Rohini Kadam	C	26	18000	3417421857
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b. Details of deceased persons on Contract basis Through Contractor of Respondent no.6

Name	Age	Contractor name	ESIC Covered INS no.	Payment made by contractor as per May/2024 upto 23/05/2024
Manoj Jondhale	54	Disha Enterprises	3417344667	10323
Sirajuddin Ahmed	24	Sahara Multi Services	3416976471	11000
Bharat Jaiswar	43	Sahara Multi Services	3416091051	4950 (Has worked for 9 days only)

Manoj Chavan	35	Poonam Enterprises	3415848558	9500
Manish Kumar Das	22	Poonam Enterprises	3416802910	9500

4. The respondent no.6 states that the said information was also shared with MPCB authorities. That apart from one person all other deceased persons were ESIC registered and hence they shall receive the benefit of monthly pension under ESIC scheme. That the deceased persons with regards to the contractor are also likely to receive Pension under the provident fund scheme. That the deceased persons have also received an amount of Rs. 5,00,000/- each from the CM relief fund as per news articles. That the respondent no.6 personally hasn't paid any compensation to the deceased persons since the director of respondent no.6 is running hand to mouth since he is the only bread winner in the house and has lost his occupation due to the fire incident. That Mr. Malay Mehta's mother is also suffering from cancer stage 4 and Mr. Malay Mehta being the only breadwinner in the family has to also take care of the same.
5. The respondent no.6 is in no position to separately pay any compensation to the deceased persons which can be seen and comprehended from the balance sheet of respondent no.6. The same has also been annexed by the Joint committee report at annexure 12. It may kindly be noted that the respondent no.6 had



complied with all rules and regulations and accordingly no act of negligence or commission can be attributed upon respondent no.6 to extend such liability.

6. I say that the respondent no.6 is not able to provide any proof of above information since all the original files and registers were lying in the company premises and due to the untoward fire incident there are no traces with regards to the same.
7. I say that the tragic incident was a result of unforeseen thermal reactions triggered by high ambient temperatures. The Opponent No. 6 operated with due diligence, adhering to standard operating procedures and safety protocols. The occurrence was purely accidental, not attributable to any operational negligence, and the company remains committed to ensuring enhanced safety measures and continued regulatory compliance.
8. I say that the matter is currently subjudice and no Court of law has adjudicated or held the Opponent No. 6 including the directors guilty in connection with the incident. The absence of any judicial determination of fault underscores that the event was unforeseen and beyond human control. Given the circumstances and evidence, the incident qualifies as an “Act of God” arising from natural or unpreventable factors that could not have been anticipated or mitigated despite adherence to all the legal standards. This reinforces that the occurrence was accidental and devoid of any negligence or intentional wrongdoing.

I say that the statements and averments made hereinabove are true and correct to the best of my knowledge and we believe the same to be true.

Solemnly affirmed at Thane on this 19th day of December, 2024



[Signature]
Advocate

For AMUDAN CHEMICALS PVT. LTD.

[Signature]
Director
Deponent

For Opponent No. 6

Verification

I, MR. MALAY PRADIP MEHTA, Age - 39 years, Occ - Business Residing at -1/B, 31, Kalpataru C.H.S, Parksite, L.B.S Road, Ghatkopar, Mumbai - 400 086, the Opponent hereinabove, do hereby solemnly affirm that whatever stated hereinabove is true and correct to the best of my knowledge and we believe the same to be true.

For AMUDAN CHEMICALS PVT. LTD.

Malay

Director

OPPONENT NO. 6

Filed in Court

On - 14/02/2025

At - Thane

NOTARIAL
REG. NR. NO.
714/2025

Thakker

ADVOCATE FOR OPPONENT NO. 6

21 FEB 2025

As Per Aadhar Card no-
2793 7226 5193

(Mr. Jaideep V. Thakker)

(Mr. Samrat J. Thakker)

NOTARY
K. S. JAISWAL
GREATER MUMBAI
MAHARASHTRA
REG. No. 7056
GOVERNMENT OF INDIA

BEFORE ME
Kamlesh Prakash S. Jaiswal

KAMLESH PRAKASH S. JAISWAL
Advocate & Notary Govt. Of India
OIRL: Shop No. 7, In Law Kalpana Society,
Near Mulund Court, L.S.D. Road,
Mulund (W), Mumbai - 400 080.
Maharashtra

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