

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL, BENCH, NEW DELHI
Original Application No. 846/2022**

IN THE MATTER OF:

News Report published in the newspaper the Hindu
dated 15.11.2022 titled

“Stone quarry collapses in Mizoram, 12 feared dead”

**AFFIDAVIT IN COMPLIANCE TO ORDER DATED
28.11.2022 ON BEHALF OF RESPONDENT - STATE OF
MIZORAM**

PAPER – BOOK

[For Index, please see inside]

**ADVOCATE FOR RESPONDENTS - STATE OF
MIZORAM- SIDDESH KOTWAL**

INDEX

SLNO.	PARTICULARS	PAGE NO
1.	AFFIDAVIT IN COMPLIANCE TO ORDER DATED 28.11.2022 ON BEHALF OF RESPONDENT – STATE OF MIZORAM	1 - 11
2.	<u>Annexure-1</u> A True copy of the order of this Hon'ble Tribunal dated 28.11.2022.	12 – 19
3.	<u>Annexure-2</u> A True Copy of aforesaid letters by the State and the PP.	20 – 42
4.	<u>Annexure-3</u> A True Copy of Sitting Report of Lok Adalat dated 17.01.2023.	43
5.	<u>Annexure-4</u> A True Copy Letter Certifying disbursement of PMRF compensation dated 19.12.2022.	44 – 46
6.	<u>Annexure-5</u> The True Copy of Comments on Incident Report dated 21.12.2022.	47 - 49
7.	<u>Annexure-6</u> A True Copy of Letter dated 29.12.2022 along with detailed Site Inspection Report.	50 – 62
8.	<u>Annexure-7</u> A True Copy of Letter dated 12.01.2023	63
9.	<u>Annexure-8</u> A True Copy of FIR no. 33 of 2022 dated 15.11.2022	64 – 67
10.	<u>Annexure-9</u> A True Copy of Order dated 16.01.2023 passed by Ld. Chief Judicial Magistrate, Hnahthial.	68 – 69
11.	<u>Annexure-10</u> A True Copy of Brief Report dated 17.01.2023	70 - 75

**BEFORE THE NATIONAL GREEN
TRIBUNAL PRINCIPAL, BENCH, NEW DELHI**

Original Application No. 846/2022

IN THE MATTER OF:

News Report published in the newspaper the Hindu dated 15.11.2022
titled

“Stone quarry collapses in Mizoram, 12 feared dead”

**AFFIDAVIT IN COMPLIANCE TO ORDER DATED 28.11.2022 ON
BEHALF OF RESPONDENT - STATE OF MIZORAM**

1. That this Hon’ble Tribunal vide order dated 28.11.2022 directed States to file :

“6. As laid down by the Hon’ble Supreme Court in M.C. Mehta v. UOI & Ors.³, liability of owner of any hazardous commercial activities for damage is absolute and not governed by Ryland v Fletcher rule. This Tribunal has held⁴ that in such cases, compensation should be @ Rs. 20 lakhs in respect of each of the deceased victim on principle in Uphaar Cinema⁵. If the PP fails to pay such compensation, the State has to pay and recover the same from PP.....

8. In view of the above, pending further orders, the State Authorities may ensure disbursement of compensation to the victims by taking such coercive measures as may be necessary against the PP failing which the State itself will be liable for payment. State may also take appropriate stringent measures against violation of law. Action to be taken by the State Authorities should include fixing responsibility for

violating environment and safety norms, including in handling of explosive for blasting.”

2

A True copy of the order of this Hon’ble Tribunal dated 28.11.2022 *in re: News report published in the Newspaper The Hindu dated 15.11.2022 titled “Stone quarry collapses in Mizoram, 12 feared dead” (Original Application No. 846/2022)”* is annexed herewith and marked as **“ANNEXURE-I”**

2. It is humbly submitted that, in respectful compliance of the directions of Para no. 6 to Para no.8 of the Order of the Hon’ble National Green Tribunal, ABCI Infrastructures Pvt. Ltd. were instructed by the Govt. of Mizoram to pay compensation to the deceased vide DM&R Department’s letter No.13012/169/2022-DMR dated 28.12.2022, No. C.18015/23/2022-DMR dated 29.12.2022, No. C.18015/23/2022-DMR dated 06.01.2023 and No. C.18015/23/2022-DMR dated 12.01.2023. ABCI Infrastructures Pvt. Ltd. stated in their letter dated 07.01.2023 that they have paid to each of the families of the deceased an interim relief on 16.12.2022 through the Deputy Commissioner, Hnahthial District amounting to Rs. 5,00,000/- and another Rs.1,00,000/- directly to the nextof kin on 19.11.2022.

3. Further, they stated that all the deceased workmen were insured with TATA AIG, vide Policy Number 2280073585, issued on 11.02.2022, which is a Workmen's Compensation Policy, which cover compensation to be paid under the Workmen's Compensation Act, 1923, now known as Employees Compensation Act, 1932. Hence, they claimed that the total compensation aid in respect of the 12 deceased employees would be tentatively Rs.2,63,35,425/- which is more than Rs.2,40,00,000/- directed to be paid by the Hon'ble Green Tribunal, by way of the subject order. A True Copy of aforesaid letters by the State and the PP are annexed herewith and marked as **"ANNEXURE-2"**

4. The District Legal Service Authority, Lunglei constituted two Lok Adalat sittings on 13.01.2023 and 17.01.2023. But since the matter is not resolved yet, the next Lok Adalat sitting for this instant case is fixed on 03.04.2023 for conciliation of the matter, and the parties are informed to be present at the Court of Justice JH Lalparmawii as per Section 89 of CrPc. A True Copy of Sitting Report of Lok Adalat dated 17.01.2023 is annexed herewith and marked as **"ANNEXURE-3"**

5. That, furthermore the deceased also received Ex-gratia compensation from the Prime Minister's Relief Fund amounting to Rs.2,00,000/- which was credited to the accounts of the next of kin of each of the victims. The disbursement of compensation was executed by the Deputy Commissioner, Hnahthial on urgent basis and the next kin of all the deceased have duly been compensated in this regard. A True Copy Letter Certifying disbursement of PMRF compensation dated 19.12.2022 is annexed herewith and marked as "ANNEXURE-4"
6. The Office of Superintendent of Police, Hnahthial District had submitted its report to the Home Department detailing steps taken in investigations and the findings thereto The following are extracts from the reports:
- 8.1 Action taken report submitted by Home Department: Inquest was conducted over all the 12 (twelve) dead bodies. They were all sent to District Hospital, Hnahthial for Post-Mortem examination after all formalities were observed. All the dead bodies were sent to their respective hometown.
- Seizure:** Damaged machineries such as:-
- a) *Excavator (Volvo) -5 No's. ii) ROC (Compressor) -2 no's.*

b) *Terex Crusher*

Documents such as:

a) *Duty detailment (roster) of ABCI company on 14.11.2022.*

b) *Quarry pass/ land lease agreement*

c) *Quarry power of Attorney from ABCI Infrastructure Pvt. Ltd*

Arrest: Three persons were arrested and released on bail after doing all formalities. They are:

- a) Shri Bharat Sharma (26) S/o Manak Chand Sharma P/A Khotari, Rajasthan. Camp: Maudarh Hnahthial District
- b) Shri Bajrang Lal Bhugari (56) S/o Malik Chand Bhugari of Newline, Dhora 1 Rajasthan. Camp: Base camp Kutkawk, Hnahthial
- c) Shri Pravin Kumar (40) S/o Gopal Chand of Charwas, Dist. Rajasthan. Camp: Maudarh Hnahthial District.

Requisition to General Manager, ABCI Infrastructure Pvt. Ltd. was served to produce Josep Marandi (Blaster/firer) at Maudarh stone quarry, who is on leave at present for, re-interrogation and further necessary action. Further report shall be submitted when required. Investigation is still under progress under the close supervision of Superintendent of Police, Hnahthial.

8.2 Action taken report submitted by Environment, Forest & Climate Change Department: The Department conducted an on-site inspection in December, 2022 and further investigations/inspections are on-going. In line with the inspection conducted by the Department in December, 2022, the following are recommended for necessary action:

- a. **Geology & Mineral Resources** Department may issue permission for operation of stone quarry only on obtaining prior Environmental Clearance and consent under Air Act, 1981.
- b. **Suitable safety operation guidelines** may be made available for safety of the workers , general public as well as the environment.
- c. **All Quarries may be monitored and supervised by the District Administration**, State Pollution Control Board, Labor Board/Department, and Geology & mineral Resources Department.

8.2 Action taken report submitted by Directorate of Geology & Mining: The Mines Act 1952 with the Metalliferous Regulations 1961, the Explosives Act, 1884 with the Explosives Rules 2008 are relevant laws for examination of this Stone Quarry at Maudarh, Leite located within Hnahthial District, Mizoram

Violations and Penalty Provisions:

- a. **Violation:** Reg. 106 of the Metalliferous Mines Regulations, 1961

(MMR 1961) i.e., Non-maintenance of overburden and mineral (stones) benches. Maximum permissible slope angle of face and sides ie. 60° from horizontal was exceeded and maintain high-wall exceeding prescribed limit of 6m.

Penalty: Section 73 of the Mines Act, 1952 ie. Punishable with imprisonment for a term which may extend to 3 months, or with fine which may extend to Rs. 1,000/- , or with both.

- b. Violation:** Reg. 34(1) of the MMR 1961 read with Section 17 of the Mines Act, 1952 ie. Non-appointment of qualified Manager at the mine for overall management, control, supervision and direction at the mine.

Penalty: Section 69 of the Mines Act, 1952 ie. Punishable with imprisonment for a term which may extend to 3 months, or with fine which may extend to Rs. 2,500/- , or with both.

- c. Violation:** Sub-section (1) of Section 23 of the Mines Act, 1952 ie. Failure to give notice of any accident occurrence at the mine by the mine owner.

Penalty: Section 70 of the Mines Act, 1952 ie. Punishable with imprisonment for a term which may extend to 3 months, or with fine which may extend to Rs. 500/- , or with both.

d. Violation: Rule 7 of the Explosives Rules, 2008 ie. Possession and use of explosives without holding Explosive Licence.

Penalty: Sub-section (b) of Section 9-B of the Explosives Act, 1884 ie. Punishable with imprisonment for a term which may extend to 2 years, or with fine which may extend to Rs. 3,000/- , or with both.

The True Copy of Comments on Incident Report dated 21.12.2022 is annexed herewith and marked as “**ANNEXURE-5**”

7. That the EF&CC Department vide letter dated 22. 12.2022 submitted a detail site inspection report in this regard. It was stated therein that Geology & Mineral Department may issue permission for operation of stone quarry only on obtaining prior EC and consent under Air Act, 1981. Furthermore, suitable guidelines and safety procedure may be put to place and all quarries may directly be monitored by District Administration, State Pollution Control Board and Geology & Mineral Department. A True Copy of Letter dated 22.12.2022 along with detailed Site Inspection Report is annexed herewith and marked as “**ANNEXURE-6**”

8. That furthermore, the Disaster Management & Rehabilitation Department vide letter dated 12.01.2023 had directed the Superintendent of Police, Hnahthial District to take coercive steps and attaché the properties of the PP to ensure that compensation is paid in timely manner to the victims. A True Copy of Letter

dated 12.01.2023 is annexed herewith and marked as “**ANNEXURE-7**”

9. That it is also submitted that a FIR was registered by the concerned police station subsequent to the date of incident. The FIR No. 33 of 2022 dated 15.11.2022 lodged under section 304A and 336 of IPC against the PP. It is humbly submitted that based on further investigation, the concerned officer, Hnahthial moved an application before the Chief Judicial Magistrate, Hnahthial for amendment of the charging section in the FIR. Accordingly, the Ld. CJM was pleased to pass order dated 16.01.2023 wherein section 304A was substituted by much graver section 304 of IPC. A True Copy of FIR no. 33 of 2022 dated 15.11.2022 is annexed herewith and marked as “**ANNEXURE-8**”

A True Copy of Order dated 16.01.2022 passed by Ld. Chief Judicial Magistrate, Hnahthial is annexed herewith and marked as “**ANNEXURE-9**”

10. That, it is humbly submitted that a brief report on the incident as well as investigation as well as steps taken accordingly, was prepared by the Superintendent of Police, Hnahthial. A True Copy of Brief Report dated 17.01.2023 is annexed herewith and marked as “**ANNEXURE-10**”

11. That it is humbly submitted that the State of Mizoram is taking every step to ensure adequate remedy is provided to the families of the deceased and no further mishaps occur in the State. The State undertakes to comply with directions of this Hon'ble Tribunal in interest of justice and public welfare.

Filed-19.01.2023

Place-New Delhi



Siddhesh Kotwal

Counsel for the Respondents/State of Mizoram

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL,
BENCH, NEW DELHI**

Original Application No. 846/2022

IN THE MATTER OF:

News Report published in the newspaper the Hindu dated 15.11.2022 titled
"Stone quarry collapses in Mizoram, 12 feared dead"

AFFIDAVIT

I, Amjad Tak S/O Shri Hasan Khan, aged 43 years presently working as Resident Commissioner, Government of Mizoram, Mizoram House, Chanakyapuri, New Delhi do hereby solemnly affirm and state as follows:

- 1) That I am authorized representative of the State of Mizoram in the captioned matter and as such I am competent to swear, affirm and file the instant affidavit based on my knowledge as derived from the official records maintained by the State in this regard and believed by me to be true and correct.
- 2) That I have read and understood the contents of the accompanying Report and I say that the contents mentioned therein are true and correct to my knowledge and belief the same has been drafted as per my instructions.
- 3) That the annexures filed along with the Report are true and correct copies of its originals.

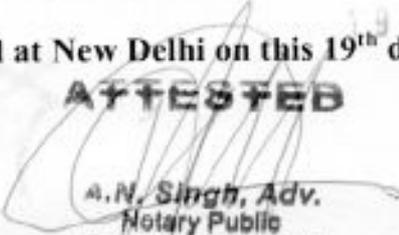

DEPONENT
AMJAD TAK
Resident Commissioner
Govt. of Mizoram
New Delhi

VERIFICATION:

The deponent above named do hereby solemnly affirm and verify that what is stated in the foregoing Affidavit is true to my knowledge and belief based on the records of the case and I believe the same to be true.

19 JAN 2023
Verified at New Delhi on this 19th day of January, 2023

ATTESTED


A.N. Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9718139591, 7982539115


DEPONENT
AMJAD TAK
Resident Commissioner
Govt. of Mizoram
New Delhi



19 JAN 2023

ANNEXURE-I

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Hybrid Mode)

Original Application No. 846/2022

In re: News report published in the Newspaper The Hindu dated 15.11.2022 titled **“Stone quarry collapses in Mizoram, 12 feared dead”**

Date of hearing: 28.11.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent(s): Mr. Siddhesh Kotwal, Advocate for the State of Mizoram
Mr. Aman Bhalla, Advocate for CPCB
Mr. Rajan Kumar Chourasia, Advocate for MoEF & CC
Mr. Amit Prasad & Ms. Devina Sehgal, Advocates for ABCI
Infrastructure Pvt. Ltd., the Project Proponent (PP)

ORDER

1. This matter has been put up in the light of media report titled **“Stone quarry collapses in Mizoram, 12 feared dead”**, to the effect that as a consequence of collapse of slope in Hnahthial District, Mizoram, 12 persons, who were the workers engaged by ABCI Infrastructure Private Limited, died.
2. Vide letter dated 16.11.2022, the Registry gave advance notice of today’s hearing to CPCB, State PCB, Regional Officer, MoEF&CC, Shillong, Mining Department and the ABCI, Infrastructure Pvt. Ltd.-PP.
3. In pursuance of above notice, counsel have entered appearance for the PP, MoEF&CC, CPCB and the State of Mizoram. However, no written response has been filed.

4. Learned counsel for the State has made an oral statement that the PP was indulging in illegal blasting for mining for which FIR has been lodged and investigation is in progress. Further action will be taken as per law. MoEF&CC and CPCB have not taken any stand. Learned counsel for the PP has stated that compensation of Rs. 1 lakh each has been given to the deceased and payment of *ex-gratia* is awaited from the PM Relief Fund. It was a case of accident for which the PP has no responsibility.

5. We express our regret that adequate sensitivity is not shown by the authorities in dealing with human tragedy of such magnitude. Least expected from the authorities and the PP was an affidavit setting out their respective versions. In such serious issues, investigation cannot be long drawn and statutory regulators could atleast give prima facie version. It is further surprising that compensation paid to the victims is ridiculously low. Compensation ought to have been paid atleast as per scale laid down in Employees/Workmen Compensation Act, 1923 or as per *Sarla Varma Vs. DTC*¹ and *National Insurance Company Vs. Pranay Sethi*² as laid down by this Tribunal dealing with cases of such disasters.

6. As laid down by the Hon'ble Supreme Court in *M.C. Mehta v. UOI & Ors.*³, liability of owner of any hazardous commercial activities for damage is absolute and not governed by *Ryland v Fletcher* rule. This Tribunal has held⁴ that in such cases, compensation should be @ Rs. 20 lakhs in respect of each of the deceased victim on principle in *Uphaar Cinema*⁵. If the PP fails to pay such compensation, the State has to pay and recover the same from PP.

¹ (2009) 6 SCC 121

² (2017) 16 SCC 680

³ (1987) 1 SCC 395

⁴ O.A. No. 804/2022, *In re : News item published in The Indian Express dated 01.11.2022 titled Delhi : 2 dead in factory fire in Delhi's Narela*

⁵ (2011) 14 SCC 481

7. We further note the discussion on the subject in order dated 11.01.2021 in O.A. 44/2021, 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”**, the **Tribunal observed as follow:-**

“xxx.....xxxx.....xxx

Norms for compensation

1. *The compensation that is payable for victims of the tragedy could never be arbitrary. The need to compensate or right to secure compensation could themselves be not a matter of debate at all. Only the scale of compensation and the persons who would become liable to pay the compensation will require to be appraised.*
2. *There are several compensation regimes for deaths and injuries and different enactments which are dis-similar and grossly variant. The Workmen Compensation Act, which is surely applicable, provides compensation that will have scales of compensation determined on the age and the income of the workman. The liability shall be on the principal employer. Here the problem is that the licensee has sub-leased the premises to three different persons whom we have named above but have not gathered statements from any one of them since they appear to be in judicial custody after arrest, pending investigation into criminal offences instituted against them.*
3. *The Public Liability Insurance Act casts an absolute liability, caps the entitlement to a paltry sum of Rs.50,000/- for death and Rs.25,000/- for grievous injury. It cannot be efficacious to look for relief under the said Act.*
4. *The scales of compensation under different enactments for transport accidents as in Carriage by Air Act, Railways & Motor Vehicles Act are different. In the first three enactments set out, there is absolute liability and the compensation ranges between Rs.8 lakhs and Rs.15 lakhs. The Motor Vehicles Act contemplates three regimes: absolute liability under Section 140, prescribing Rs.2 lakhs for death, Rs.50,000/- for grievous injuries and compensation up to Rs.800,000/- under a structured formula of strict liability norm under Section 163A. Just compensation under Section 166 is what is most scientific and driven essentially through two decisions in Sarla Varma Vs. DTC - (2009) 6 SCC 121 and as modified by National Insurance Company Vs. Pranay Sethi - (2017) 16 SCC 680. The compensation is determined based on a multiplier formula which will be applied against the multiplicand that is quantified as the likely contribution to the family by the deceased victim. The conventional heads of claims, such as, loss to estate, loss of love and affection, loss of consortium towards spouse, funeral expenses are all added. In the amendment contemplated by Amendment Act*

- 32 of 2019, the minimum threshold amount that will become payable shall be not less than Rs.5 lakhs for fatal accident and Rs.2 lakhs for grievous injuries.
5. *In traumatic accidents such as bomb blasts or fire accidents due to electrocution or terrorist activities, public law remedies have been resorted to, where the compensation shall not always be made to depend on the age of the victims and the number of dependents. They are invariably fixed sums within the broad age brackets, such as persons less than 20 years of age and above the said age limit. In MCD Vs. Uphaar Tragedy Victims Association - (2011) 14 SCC at page 481 - the compensation was fixed at Rs.10 lakhs in the case of those aged more than 20 years and Rs.7.5 lakhs to those aged less than 20 years and compensation of Re.1 lakh was awarded to each of the injured victims. The amount carried interest at 9%.*
 6. *In Dabwali Fire Tragedy Victims Vs. Union of India & Others, a Division Bench of the P & H High Court provided compensation by examining the recommendations of the One-man Commission that elicited details about the age of the victims, the number of dependents of each of them, the income of the deceased persons, in amounts ranging between Rs.1 lakh and Rs.15 lakhs. The decision of the Division Bench passed in CWP 13214 of 1996 through its decision on 09.11.2009, was confirmed by the decision of the Supreme Court in - (2013) 10 SCC at page 494. In Sanjay Gupta v State of UP (2015)5 SCC 283, the Supreme Court was dealing with an incident of devastating fire that broke out in a Consumer Show held at Victoria Park, Meerut. It was organised by a private company through contractors engaged by them after seeking permission from the State Government. It resulted in death of 64 persons and grievous injuries to several others. The Commission of Enquiry found the State and its authorities to be prima facie responsible for statutory violations while granting permission and during the show. No doubt, in this case there was no violation of any law in the grant of licence, but there had been a lack of care to see that the premises had been used only by the persons who held the licence.*
 7. *In Sanjay Gupta (Supra) the Supreme Court had taken note of the compensation awarded in Uphaar Tragedy Victims Association case, decided in 2011 as well as Dabwali fire tragedy case, decided in 2013. They observed that the State Government should see that the victims did not remain in a constant state of suffering and despair and interim compensation of Rs.30 lakhs was directed to be paid, which subsequently through a direction issued in the same case and reported in (2018) SCC 634, to be distributed on pro-rata basis through the Jurisdictional District Judge.*
 8. *There have been other earlier decisions of the Supreme Court when fixed sums have been awarded through public law remedy. In what was referred as boat tragedy case dealing with deaths of children due to boat capsizing in MS Grewal Vs. Deep Chand Sood (2001) 8 SCC 151, the court awarded compensation at the rate of Rs 5 lakhs for each child and on the recommendations of former Chief Justice Chandrachud's report in Lata Wadhwa Vs. State of Bihar in (2001) 8 SCC at*

page 187 – the compensation ranged between Rs.2 lakhs per child and an amount upto Rs.5 laksh per adult. To persons who had burn injuries to the extent of 10% or below, the Supreme Court awarded, in modification of the Chief Justice’s Report, a minimum amount of Rs.2 lakhs.

9. In all the cases before us, we do not have data of the number of dependents for the deceased persons. In respect of injuries, a few have been treated as outpatients and immediately discharged while some persons are still undergoing treatment. The percentage of burns have varied from 5% to 75%. Unfortunately, among the injured victims, there have been casualties during the treatment, for on as late as 05.04.2021, the tally of dead was 27. In this accident, there is no report of any child as having been injured or dead. We confronted only a few persons who are injured and who are less than 18 years of age. We do not think it would be proper for us to assess compensation for everyone by eliciting the age, income, etc. **It will be appropriate to take the examples of lumpsum amounts awarded through public law remedies and allow for independent rights to be pursued by any victim through statutory forums prescribed under the Workmen Compensation Act, if so advised. The Workmen Compensation Act itself does not recognise any payment other than through the Commissioner and any compensation that we will recommend could be directed to be paid to the party under notice to the Workmen Compensation Commissioner so that they are not treated as amounts awarded by ‘contracting out’. In the decisions which we have referred, the ex-gratia payment made by the government will not be required to be deducted. On the other hand, we believe that the State Government shall take responsibility for 10% of liability for lack of effective supervision through Inspector of Factories and 10% on the Central Government for their failure to implement the safety laws. Rest of the 80% shall be levied on the licensee and his lessees jointly and severally and the 10% each as we have fixed on the Central and State Governments shall be several. One of us, (Kulkarni) is of the view that on account of the quoted provision of immunity, the payment by the State and the Centre shall be by way of contribution in gratis rather than responsibility by default. Further, as per rule 2(37) of the aforesaid rules, the occupier who has the control and who is responsible for managing the affairs of premises is solely responsible for the accident for the violations of rules and conditions of the licence.**
10. **Taking note of the fact that in the Uphaar tragedy victims case the maximum compensation was Rs.10 lakhs, but it related to an incident that took place in 1997, almost 25 years back, we will double the compensation for death at Rs.20 lakhs per family 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. The amounts shall be directed to be paid within the time the Tribunal may set and direct a further liability of interest at 12% p.a. for default of payment. The compensation is not merely a financial reparation for the loss of lives and injuries that have restitutive attributes but also designed to be punitive for the criminal negligence in carrying out hazardous activities in brazen violation of several laws that we have outlined above. The compensation amounts must necessarily therefore, be higher than what could occasion in a straightforward case of granting compensation as a welfare measure such as under the Workmen's (Employees') Compensation Act."

8. In view of the above, pending further orders, the State Authorities may ensure disbursement of compensation to the victims by taking such coercive measures as may be necessary against the PP failing which the State itself will be liable for payment. State may also take appropriate stringent measures against violation of law. Action to be taken by the State Authorities should include fixing responsibility for violating environment and safety norms, including in handling of explosive for blasting.

9. Further, a joint Committee to be headed by the Chief Secretary, Mizoram with other members being Regional Officer, MoEF&CC, Shillong Regional Officer, CPCB, Shillong, District Magistrate, Hnahthial, Member Secretary, State PCB, State Disaster Management Authority, Secretary, Geology and Mining Department, Mizoram, nominee of Petroleum, Explosives Safety Organization (PESO), nominee of Chief Controller of Explosive, Nagpur and nominee of IIT Dhanbad may present a factual and action taken report in the matter with recommendations to prevent such disasters in future within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Member Secretary, State PCB will be the nodal agency for coordination and compliance. The Committee will

be free to take assistance from any other expert/institution. It may interact with the stake holders. It may particularly mention the cause of the incident, extent of damage, person responsible, remedial measures taken and measures required to be adopted to prevent such incidents. It will be free to conduct proceedings online except for the visit by the some of the concerned Members to the site, as may be decided by the Committee. It may meet within one week and prepare action plan for preparing its report. A copy of the report be placed on website of the State PCB for response of the PP or any other stake holder before the next date.

10. We also request the Mizoram State Legal Service Authority to provide legal assistance to the victims.

List for further consideration on 20.01.2023.

The District Magistrate, Hnahthial and SP may remain present on the next date by Video conferencing.

A copy of this order be forwarded to the Chief Secretary, Mizoram Regional Officer, MoEF&CC, Shillong Regional Officer, CPCB, Shillong, District Magistrate and SP, Hnahthial, Member Secretary, State PCB, State Disaster Management Authority, Secretary, Geology and Mining Department, Mizoram, Petroleum, Explosives Safety Organization (PESO), Chief Controller of Explosive, Nagpur, IIT Dhanbad and Mizoram State Legal Service Authority by email for compliance.

Adarsh Kumar Goel, CP

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

November 28, 2022
O.A. No. 846/2022
A

**No. B. 13012/169/2022-DMR
GOVERNMENT OF MIZORAM
DISASTER MANAGEMENT & REHABILITATION DEPARTMENT**

Aizawl, the 28th of December, 2022.

To

The ABCI Infrastructure Private Limited
Mizoram
0361-246405
delhi@abciinfra.com, ghy@abciinfra.com, hr@abciinfra.com

Subj. : Compensation for Maudarh Quarry Incident.

Dear Sir,

With reference to the above, I am directed to state that, by making a deposit of Rs. 60 lakh to the Deputy Commissioner, Hnahthial you have not fully complied with the Order dt.28.11.2022 passed by the hon'ble National Green Tribunal. You are directed to fully comply with the Order dt.28.11.2022 at para 6 within 18.1.2023 failing which the State Government will be constrained to take coercive action against you.

Yours faithfully,


(LALHRATPUIA) 28/12/22

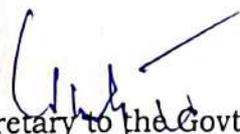
Additional Secretary to the Govt. of Mizoram

Disaster Management & Rehabilitation Department

Memo No. B. 13012/169/2022-DMR: Aizawl, the 28th of December, 2022

Copy to :

- 1) Deputy Commissioner, Hnahthial for information.
- 2) Director, DM&R for information.
- 3) Under Secretary, Law & Judicial Department for information.


Additional Secretary to the Govt. of Mizoram
Disaster Management & Rehabilitation Department

**No. C. 18015/23/2022-DMR
GOVERNMENT OF MIZORAM
DISASTER MANAGEMENT & REHABILITATION DEPARTMENT**

Aizawl, the 29th of December, 2022.

To

The ABCI Infrastructure Private Limited
Mizoram
0361-246405
delhi@abciinfra.com, ghy@abciinfra.com, hr@abciinfra.com

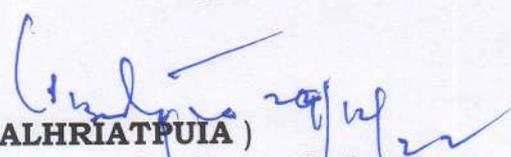
Subj. : Compensation to victims of Maudarh Quarry accident.

Ref. : No. B. 13012/169/2022-DMR dt. 28.12.2022.

Dear Sir,

In continuation and supersession of this Department's letter mentioned above, I am to direct you to pay full compensation to the victims of Maudarh incident, in compliance with Para 6 of the Order dt.28.11.2022 passed by the Hon'ble National Green Tribunal within one week of issue of this letter, failing which the State Government will be constrained to take coercive action against you.

Yours faithfully,


(**LALHRIATPUIA**)

Additional Secretary to the Govt. of Mizoram
Disaster Management & Rehabilitation Department

Memo No. C. 18015/23/2022-DMR : Aizawl, the 29th of December, 2022

Copy to :

- 1) Sr. P.P.S. to Chief Secretary, Government of Mizoram.
- 2) Staff Officer to Director General of Police, Mizoram.
- 3) Deputy Commissioner, Hnahthial for information.
- 4) Director, DM&R for information.
- 5) Superintendent of Police, Hnahthial District for information and necessary action.
- 6) Under Secretary, Law & Judicial Department for information.


Additional Secretary to the Govt. of Mizoram
Disaster Management & Rehabilitation Department

REMINDER

**No. C. 18015/23/2022-DMR
GOVERNMENT OF MIZORAM
DISASTER MANAGEMENT & REHABILITATION DEPARTMENT**

Aizawl, the 6th of January, 2023.

To

The ABCI Infrastructure Private Limited
Mizoram
0361-246405
delhi@abciinfra.com, ghy@abciinfra.com, hr@abciinfra.com

Subj. : Compensation to victims of Maudarh Quarry accident.

Dear Sir,

In continuation with our letter No. C. 18015/23/2022-DMR dated 29.12.2022 on the above subject. You are requested to submit compensation amount due to the victims in compliance with Para 6 of the Order dt.28.11.2022 passed by the Hon'ble National Green Tribunal since the time line set by this Department has already lapsed.

Yours faithfully,


(LALHRIATPUIA)

Additional Secretary to the Govt. of Mizoram
Disaster Management & Rehabilitation Department

Memo No. C. 18015/23/2022-DMR : Aizawl, the 6th of January, 2023

Copy to :

- 1) Sr. P.P.S. to Chief Secretary, Government of Mizoram.
- 2) Staff Officer to Director General of Police, Mizoram.
- 3) Deputy Commissioner, Hnahthial for information.
- 4) Director, DM&R for information.
- 5) Superintendent of Police, Hnahthial District for information and necessary action.
- 6) Under Secretary, Law & Judicial Department for information.


Additional Secretary to the Govt. of Mizoram
Disaster Management & Rehabilitation Department

No.C.18015/23/2022-DMR
GOVERNMENT OF MIZORAM
DISASTER MANAGEMENT & REHABILITATION DEPARTMENT

ANNEXURE-2

Aizawl, the 12th of January, 2023

To,

The Sr. General manager,
 ABCI Infrastructure Pvt. Ltd.,
 Mizoram, 0361-246405
 delhi@abciinfra.com, ghy@abciinfra.com, hr@abciinfra.com

Subject: Compliance of Order dt. 28.11.2022 passed by the Hon'ble National Green Tribunal Payment regarding payment of compensation to victims of Maudarh Stone Quarry accident.

Ref: **i) Letter of even No. dated 29.12.2022**
ii) Reminder letter of even No. dated 06.01.2023
iii) Your letter dated 07.01.2023.

Sir,

I am directed to state that the Hon'ble National Green Tribunal in Para-6 of its Judgement Order dt. 28.11.2022, directed to give compensation amounting to @ **20 lakh** in respect of the each deceased victim on principle in Uphaar Cinema.

As per Para- 7(10) of the said Order dt.28.11.2022, *the compensation amounts must necessarily therefore, be higher than what could occasion in a straightforward case of granting compensation as a welfare measure such as under the Workmen's (Employees') Compensation Act.*

Such being the case, you are informed to give compensation to each deceased victims as per Workmen Compensation Act, 1923 and a sum not less than the prescribed amount of the Hon'ble National Green Tribunal.

Action in this regard may be taken urgently under intimation to this Department.

Yours faithfully,


 (LALHRATPUIA)

Addl. Secretary to the Government of Mizoram
 Disaster Management & Rehabilitation Department

Memo No.C.18015/23/2022-DMR : Aizawl the 12th January, 2023

Copy to:

- 1) Under Secretary, L&J Department.
- 2) Deputy Commissioner, Hnahthial District.


 Addl. Secretary to the Government of Mizoram
 Disaster Management & Rehabilitation Department



ABCI INFRASTRUCTURES PVT. LTD.

CIN : U45202WB1993PTC058047



An ISO 9001 : 2015 Certified Company

January 07, 2023

To,
The Additional Secretary to the Govt. of Mizoram,
Disaster Management & Rehabilitation Department

Kind attn. : Sh. Lalhriatpuia

Sub. : Compensation to victims of Maudarh Quarry Incident

Ref. : 01. Your Memo no. 13012/169/2022-DMR dated 28.12.2022
02. Your Memo no. 18015/23/2022-DMR dated 29.12.2022
03. Your Memo No. 18015/23/2022-DMR dated 06.01.2023

36^c

Respected Sir,

This is in reference to your Memo's cited above instructing therein to comply with the Hon'ble NGT order dated 28.11.2022 for payment of compensation to the victims of stone quarry landslide at Maudarh village.

In this regard, we most humbly like to submit before your goodself that all the deceased workmen have been insured with TATA AIG, vide Policy Number 2280073585, issued on 11.02.2022, which is a Workmen's Compensation Policy, which covers compensation to be paid under the Workmen's Compensation Act, 1923, now known as Employee's Compensation Act, 1923. A copy of the insurance policy No. 2280073585, issued on 11.02.2022, by TATA AIG Insurance, is annexed herewith as Annexure 01. The claim has already been lodged under the said policy and all documents have already been submitted. The District Legal Services Authority, Lunglei has proposed to constitute Lok Adalat for settlement of claim of life insurance for the victims on 13.01.2023. A copy of the Secretary, District Legal Services Authority, Lunglei letter dated 15.12.2022 is enclosed herewith as Annex. 01 (a).

An ex-gratia financial assistance of Rs. one lakh was immediately paid to each deceased's family voluntarily on 19.11.2022, as an interim measure only to meet their immediate needs (Refer Annexure 02). Further, relief of Rs. five lakhs (in addition to Rs. one lakh already paid) for each deceased nominee has been deposited with the Deputy Commissioner, Hnathial District on 16.12.2022 (Refer Annexure 03).

That over and above the compensation which has already been paid i.e. Rs. 6 Lacs per deceased workman, upon payment of amount of compensation in accordance with formula under the Employee's Compensation Act, 1923, the total compensation paid in respect of the 12 deceased employees would be tentatively Rs. 2,63,35,425/- which is more than Rs. 2,40,00,000/- directed to be paid by the Hon'ble National Green Tribunal, by way of the subject order. A copy of chart showing calculation of compensation for the victims is annexed herewith as Annexure 04.

Thanking you and assuring you our best cooperation.

For ABCI Infrastructures Pvt. Ltd.

Authorized Signatory
Mr. Prafulla Borgohain
Senior General Manager

DM & R Department
Receipt No. 1872
Date 9/1/23

Cc to :

- 1) Sr. P.P.S. to Chief Secretary, Government of Mizoram
- 2) Staff officer to Director General of Police, Mizoram
- 3) Deputy Commissioner, Hnahthial
- 4) Director, DM&R Department
- 5) Superintendent of Police, Hnahthial District
- 6) Hon'ble Under Secretary, Law & Judicial Department
- 7) Hon'ble Secretary, DM&R Department
- 8) Hon'ble Deputy Secretary to the Government of Mizoram, DM&R Department
- 9) Hon'ble Ms. Helen Dawngliani, Secretary to the Govt. of Mizoram, Law & Judicial Department
- 10) Hon'ble H.C. Zonuthara, Under Secretary to the Govt. of Mizoram, Environment, Forests & Climate Change Department
- 11) Hon'ble JH Lalpamawii, Secretary, District Legal Services Authority, Lunglei
- 12) P.S. to the Minister, Environment, Forest & Climate Change Department
- 13) OSD to the Chief Secretary, Govt of Mizoram
- 14) The Member Secretary, Mizoram Pollution Control Board and Joint Committee
- 15) The Executive Director (P), NHIDCL, RO, Aizawl, Mizoram



LUNGLEI DISTRICT : LUNGLEI

District Court, Venglai, Lunglei

Phone : +91-372-2323527



Email : lungleidls2@gmail.com

L.A. Case No. 394/2022

To,

1. Mina Devi, relative of Khemlal Kumar
2. Punam Kumari, relative of Omprakash Kumar
3. Madusudha Mondal & Chinta Mondal, relative of Mintu Mondal
4. Debika Das, relative of Madan Das
5. Malatirani Raptam, relative of Subrata Raptan
6. Pranati Roy, relative of Surjit Roy
7. Sunil Mandal, relative of Buddhaded Mondal
8. Ashalata Biswas, relative of Rakesh Biswas
9. Mrs. Bishou Maya, relative of Ajoy Chakma C/o Lalthlamuana, Advocate
10. Habijakhatun, relative of Shofiqul Islam
11. Mrs. Saipuiti, relative of Kahamari
12. Samsul, relative of Jahidul Islam

Vrs

1. ABCI Infrastructure Pvt. Ltd.
Hnahthial Site (NH-54 Package-4)
2. Tata AIG General Insurance Company Ltd.
C/o General Manager(project), NHIDCL, PMU, Lunglei



The District Legal Services Authority, Lunglei has proposed to constitute Lok Adalat for settlement of claim of life insurance for the victim of Maudarh Stone Quarry Collapse on the mentioned date and place below. Therefore, you are requested to kindly make it convenient to attend the Lok Adalat either personally or through legal representative or any authorized person.

Date : Dt 13.01.2023 (Friday) @10:30 am
 Venue : District Court Building, Venglai Lunglei

Sd/-JH LALPARMAWII
 Secretary
 District Legal Services Authority
 Lunglei District, Lunglei.

Memo No. LA Case No. 394/2022....
2022

Dated the 15th December,

Copy to :-

1. District Magistrate, Hnahthial District for information and necessary action
2. General Manager (Project), NHIDCL, PMU Lunglei for information and necessary action
3. General Manager, ABCI Infrastructures Pvt. Ltd. (Package 4), Hnahthial Site for serving of summon and necessary action
4. Case record


Secretary

Compensation for the victims												
A	B	C	D	E	F	G	H	I = G X H	J = I/2	K	L	M = J+K+L
Sr.No.	Employee Name	DOJ	Age	Designation	Category	wages	Factor	Amount	Compensation under WC Policy (50% of the Amount)	Interim relief paid on 19.11.2022	Amount deposited with Deputy Commissioner, Hnaihthial District on 16.12.2022	Total Compensation
1	Khemiial Kumar	11-10-2022	23 years	Helper	Un-Skilled	15000	219.95	3299250	1649625.00	100000.00	500000.00	2249625.00
2	Om Prakash Kumar	11-10-2022	19 years	Helper	Un-Skilled	15000	225.22	3378300	1689150.00	100000.00	500000.00	2289150.00
3	Mintu Mondal	12-11-2022	23 years	Helper	Un-Skilled	15000	219.95	3299250	1649625.00	100000.00	500000.00	2249625.00
4	Madan Das	12-11-2022	25 years	Operator	Skilled	15000	216.91	3253650	1626825.00	100000.00	500000.00	2226825.00
5	Subrata Raptan	01-11-2022	25 years	Helper	Un-Skilled	15000	216.91	3253650	1626825.00	100000.00	500000.00	2226825.00
6	Surjit Roy	05-11-2022	26 years	Exacavator operator	Skilled	15000	215.28	3229200	1614600.00	100000.00	500000.00	2214600.00
7	Budhoev Mondal	12-11-2022	25 years	Helper	Un-Skilled	15000	216.91	3253650	1626825.00	100000.00	500000.00	2226825.00
8	Rakesh Biswas	12-11-2022	22 years	Helper	Un-Skilled	15000	221.37	3320550	1660275.00	100000.00	500000.00	2260275.00
9	Aicy Chakma	10-11-2021	26 years	Exacavator operator	Skilled	15000	215.28	3229200	1614600.00	100000.00	500000.00	2214600.00
10	Shofiqul Islam	10-03-2019	27 years	Exacavator operator	Skilled	15000	213.57	3203550	1601775.00	100000.00	500000.00	2201775.00
11	Kaham Rai	01-10-2022	49 years	Helper	Un-Skilled	15000	156.47	2347050	1173525.00	100000.00	500000.00	1773525.00
12	Jahidul Islam	09-03-2020	27 years	Exacavator operator	Skilled	15000	213.57	3203550	1601775.00	100000.00	500000.00	2201775.00
Total									19135425.00	1200000.00	6000000.00	26335425.00

Interim Relief of Rs. 1.0 Lac to the dependant of every deceased from ABCI Infrastructure Pvt. Ltd. as

ANNEXURE - 32

Sl. No.	Name	Bank Name	IFSC Code	Account no.	Amount	Remarks
1	Mina Devi	Bank of India	BKID0004834	483418210006127	1,00,000	Compensation
2	Punam Kumari	Union Bank	UBIN0564567	9470147576	1,00,000	Compensation
3	Madhurudhan Mondal	Allahabad Bank	ALLA0212651	50213725297	1,00,000	Compensation
4	Debika Das	State Bank of India	SBIN0008858	30863116067	1,00,000	Compensation
5	Malatirani Raptam	State Bank of India	SBIN0016919	35867312685	1,00,000	Compensation
6	Pranab Riny	Punjab National Bank	PUNB0RRDAGB	7377010050193	1,00,000	Compensation
7	Sunil Mandal	Canara Bank	CNRB0004094	4094101000425	1,00,000	Compensation
8	Ashalata Biswas	State Bank of India	SBIN0003153	35959353694	1,00,000	Compensation
9	Mrs Bishou Maya	Mizoram Roral Bank	SBIN0RRMIGB	97005201157	1,00,000	Compensation
10	Habiba Khatun	Punjab National Bank	PUNB0108620	1086201700043149	1,00,000	Compensation
11	Mrs Saipuib	State Bank of India	SBIN0016925	38405371577	1,00,000	Compensation
12	Saimul	State Bank of India	SBIN0014617	37293134661	1,00,000	Compensation
Total =					1200000	online payment 19.11.2022



ABCI INFRASTRUCTURES PVT. LTD.

CIN U45202WB1993PTC056047

An ISO 9001:2015 Certified Company

Ref. No. ABCI/SITE/DC/NH-54/PKG-4/2022-23/887

Date: 16.12.2022.

The Deputy Commissioner,
Hnahthial District, Mizoram.

Sub. : Compliance of Hon'ble NGT's order dt. 28.11.2022 in O.A. No. 846/2022 (In re : News Item published in The Hindu dated 15.11.2022 entitled "Stone quarry collapses in Mizoram, 12 feared dead").

Ref:

- i) Memo No. C. 18015/590/2022-LJC dated 07.12.2022.
- ii) Memo No. C. 18014/362/2022-FST/Pt dated 08.12.2022.
- iii) ABCI/SITE/DC/NH-54/PKG-4/2022-23/885 dated 13.12.2022.
- iv) Memo No. G.25022/1/2019-DC(H) dated 13.12.2022.

Dear Sir,

This is in reference to the Secretary to Govt. of Mizoram's Memo dated 07.12.2022 cited at (i) above and the Memo dated 08.12.2022 cited at (ii) above received from the Under Secretary to the Govt. of Mizoram regarding subject matter.

In this regard, please note that an interim relief of Rs. one lakh each has already been paid on 19.11.2022 and second installment of relief amounting to Rs. five lakhs for each deceased workers is being paid hereby against the compensation.

Please find enclosed herewith Cheque No. 51003265 dated 16.12.2022 drawn on Mizoram Cooperative Apex Bank Ltd. of Rs. 60,00,000/- (Rs. Sixty lakhs only) i.e. Rs. five lakhs each for the next kin of the 12 victims. A list of the victims with necessary details is also enclosed herewith.

Further, it may please be noted that all victims are insured under Workman Compensation policy taken by us. We have already taken necessary and coordinating for an early determination and disbursement of the compensation under the Workmen Compensation Policy and the matter is in advance stage.

You are requested to please take further necessary action and oblige

Thanking you and assuring our best cooperation all the times.

For ABCI Infrastructures Pvt. Ltd.


Authorized Signatory
Prafulla Borgohain – Sr. GM

Encl. As stated above.

Site Office: "NH-54, PKG-4" Base Camp, Ch. 176+400, LHS, Kutkawk, Hnahthial, Mizoram - 796571
Tel: 9461627382 / 9535398224, 9968256549 E-mail: abcinh54.4@gmail.com



ABCI INFRASTRUCTURES PVT. LTD.

CIN: U45202WB1993PTC058047



An ISO 9001:2015 Certified Company

Cc to:

1. Hon'ble Ms. Helen Dawngliani, Secretary to the Govt. of Mizoram, Law & Judicial Department, Aizawl.
2. Hon'ble H.C. Zonuthara, Under Secretary to the Govt. of Mizoram, Environment, Forests & Climate Change Department.
3. The Executive Director (P), NHIDCL, RO, Aizawl, Mizoram
4. NHIDCL Site Office (Pkg 4) Lunglei, Mizoram
5. Team Leader, TPF-Rodic, H No. 144B, Chanmari E, Lunglei Mizoram
6. RE office (Pkg 4), Hnahthial, Mizoram
7. Rodic Consultants Pvt. Ltd., Regional Office, Guwahati

Site Office: "NH-54, PKG-4" Base Camp, Ch. 176+400, LHS, Kutkawk, Hnahthial, Mizoram - 796571
Tel: 9461627382 / 9535398224, 9968256549 E-mail: abcinh54.4@gmail.com

ANNEXURE-2

Details of the victim who got deceased/seriously injured due to quarry collapse on 14.11.2022

Sl. No	1 Name of the Deceased	2 Age & Gender	3 Father's Name	4 Cause of Death	5 Name of Next Of kin & Relationship With deceased Who is entitled To get ex-gratia	6 Postal address With Pin code	7 Aadhar Number of Relative	8 Bank A/C Number, IFSC, Bank & Branch name of Relatives/Next of kin who is entitled to get ex-gratia
1	Khemlal Kumar	Male-23	Murli Mahto	Landslide at Maudarh Stone Quarry	Mina Devi	Village-Manamat,village Council-Karailbar, Post-Jori, Police Station-Jori,Mana Math, Chatra, Jharkhand-825403	9434 4413 9962	483418210006127, BKID0004834, BANK OF INDIA, BRANCH-CHATRA-GAYA ROAD
2	Omprakash Kumar	Male-19	Dalchand Mahto	Landslide at Maudarh Stone Quarry	Punam Kumar	Village-Manamat, Jori Khurd, Chatra, Jharkhand-825401	7759 8191 3531	110084808296, CNRB0005230, CANARA BANK
3	Minlu Mondal	Male-23	Madhusudan Mandal	Landslide at Maudarh Stone Quarry	a.Madhusudha Mondal, b. Chinta Mondal (Joint-account)	Vill-Tehatta, Tehatta, Tehatta, Nadia-741160	5556 0672 9677	50213725297, IDIB0001532, INDIAN BANK
4	Madan Das	Male-25	Sonatan Das	Landslide at Maudarh Stone Quarry	Debika Das	Pibragachhi, Nadia, Pipragachhi, West Bengal-741123	5870 0320 9413	30863116067,SBIN00 08858, STATE BANK OF INDIA,BRANCH-NADIA WEST BANGAL
5	Subrata Raptan	Male-25	Shyamal Raptan	Landslide at Maudarh Stone Quarry	Malatirani Raptan	Dhokhali, Khulna, Dhokhali, North Twenty, Four Parganas, West Bengal-743446	8378 4738 4993	35867312685, SBIN0016919, STATE BANK OF INDIA, BRANCH-DHAMAKHALI
6	Surjit Roy	Male-26	Situ Roy	Landslide at Maudarh Stone Quarry	Pranali Roy	Near LP School, Sharipur Part 1 PS Katigorah, Niz-Fulbari, Cachar, Assam-788802	4138 5716 4886	7377010050193, PUNBORRBAGB,PUNJ AB NATIONAL BANK,BRANCH-KAMRUP METROPOLITAN
7	Buddhaded Mondal	Male-25	Sunil Mondal	Landslide at Maudarh Stone Quarry	Sunil Mandal	Tehatta Kalitala Para, Tehatta, Tehatta Nadia-741160	7663 1271 9555	4094101000425, CNRB0004094,CANAR A BANK,BRANCH-NADIA TEHATTA WEST BANGAL

8	Rakesh Biswas	Male-22	Kalu Biswas	Landslide at Maudarh Stone Quarry	Ashalata Biswas	Tehatta Kalitola Para, Tehatta, Tehatta Nadia-741160	8028 7551 3932	35959353694, SBIN0003153, STATE BANK OF INDIA, BRANCH- TEHATTA
9	Ajoy Chakma	Male-26	Rangachand Chakma	Landslide at Maudarh Stone Quarry	Mrs. Bishou Maya	07-Old Khojaysury, Khojasuri, Lunglei, Mizoram-796751	9800 0750 8405	97005201157, SBINORMIGB, MIZORAM RURAL BANK, BRANCH- ZARKAWT AREA
10	Shafiqul Islam	Male-27	Mujahar Ali	Landslide at Maudarh Stone Quarry	Habija Khatun	Takimari, Jaleswar Bill, Goalpara, Assam-783132	7263 5336 8064	1086201700043149 PUNB0108620, PUNJAB NATIONAL BANK, BRANCH- HAKAMA ASSAM
11	Kahamrai	Male-49	Soroto L	Landslide at Maudarh Stone Quarry	Mrs. Saipuiti	Naisingpara, Gachirampara, Dasda, N. Tripura-796730	7210 54629 327	38405371577, SBIN0016925, STATE BANK OF INDIA, BRANCH-TRIPURA AREA OF AGARTALA
12	Jahidul Islam	Male-27	Samsul Haque	Landslide at Maudarh Stone Quarry	Samsul	Satrananara, Satra Kanara N.C, Barpeta, Assa781308	8268 9712 7513	37293134661, SBIN0014617, STATE BANK OF INDIA, BRANCH-MANDIA

Handwritten signature

IN COPY

FEDERAL BANK LIMITED

AIZAWL
Aizawl - 796007
IFSC : FDRL0001774

CC ACCOUNT
Valid for 3 months only

1 6 1 2 2 0 2 2
D O M M Y Y Y Y

Pay DC HNDHTHIAL MISCELLANEOUS

या धारक को or Bearer

रुपये Rupees Sixty Lacs only -xxx

₹ 60,000,00/-

आ. नं. A/c No. 17740200000034

Chq.No. 51003265
SG

AUTHORISED SIGNATORY

AUTHORISED SIGNATORY

AUTHORISED SIGNATORY

ABCI INFRASTRUCTURES PVT.LTD
ABCI Infrastructures Pvt. Ltd.

Rodhmel Baul

Authorized Signatory

PAYABLE AT ALL BRANCHES OF FEDERAL BANK

⑈003265⑈ 796049002⑈ 511774⑈ 30

11/20/22, 3:47 PM

Fwd: RE: Intimation of the incident occurred at Package-4 Project== WC Claim Intimation under policy number 2280073585.

Gmail

Search mail

Compose

Inbox 2,948

Starred

Snoozed

Sent

Drafts 2

More

Fwd: RE: Intimation of the incident occu



K L Baid

to me

Regards,

Labels

K.L. Baid
Executive Director
ABCI Infrastructures Pvt. Ltd.

----- Original Message -----

Subject: RE: Intimation of the incident occurred at Package-4 Project
WC Claim Intimation under policy number 2280073585

Date: 2022-11-16 16:21

From: "Peter, Mervin" <Mervin.Peter@tataaig.com>

To: Rajbir Saini <rajbir@salasarservices.com>

Cc: Suresh Chand Lahoti <suresh@salasarservices.com>, RAJU P,

<rajupal@abciinfra.com>, SURESH BAID <sureshbaid@abciinfra.c

<klbaid@abciinfra.com> <klbaid@abciinfra.com>, "Anchalia, Priyank

<Priyanka3 Anchalia@tataaig.com>, Rishav Dixit

<nshav@salasarservices.com>, Raghav Khaitan

<raghav.khaitan@salasarservices.com>, Tarun Kumar Chakraborty

<tarun@salasarservices.com>, Vishnu Kumar Jha

<vishnu@salasarservices.com>, "Claims, General"

<General.Claims@tataaig.com>, "Ghosh, Sourav" <Sourav.Ghosh@

Dear Rajbir

Claims team will revert shortly

Thanks & Regards

Mervin Peter

Relationship Manager - Broker Services

Tata AIG General Insurance Co. Ltd.

Constantia Office Complex, 2nd Floor, 11, Dr.U.N.Brahmachari

Street,Kol-700017



WORKMENS COMPENSATION

SCHEDULE

Agent/Broker Name -SALASAR SERVICES (INSURANCE BROKERS) PVT. LTD.
Agent/Broker License Code -143 : Agent/Broker:Contact No -9839932216 (mobile or landline)

Insured Name:	ABCI INFRASTRUCTURES PVT. LTD.	Business	Policy Number:
Address:	YC-03, VANLALFELA RO, BUILDING, DAWRKAUN, CHALTUANG, AIZAWL, MIZORAM, RAMHLUN, MIZORAM, TLANGNUAM - 796012 AIZAWL MIZORAM INDIA 15AACCM3317R1Z8(GSTIN Number) Place of supply -MIZORAM State code -15	Widening and up-gradation to 2-lane with paved shoulder configuration and geometric improvements from Km 166.00 to Km 208.00 (Package-4) on Aizawl-Tuipang Section of NH-54 in the state of Mizoram	2280073585
			Renewal: 01
			Endorsement: 00
			Period of Insurance
			From: 00:00hrs of 11/02/2022
			To: Midnight of 10/02/2023

Laws: 1. Workmen's Compensation Act, 1923
2. Fatal Accidents Act, 1855

The Employee's Compensation Act, 1923 and subsequent amendments of the said Act prior to the date of the issue of the Policy provided that the Insurance granted hereunder is not extended to include: any interest and/or penalty imposed on the Insured on account of his/their failure to comply with the requirements laid down under the Employee's Compensation Act 1923

Estimated Number Of Employees.	Occupation of Employees	Estimated Total Salaries(Wages) and other money earnings	Value of food fuel quarters and other consideration in addition to money earnings	Estimated Total Earnings	Place or Places of Employment.
3	Manager	₹ 36,00,000.00	--	₹ 36,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901
15	Engineer	₹ 84,60,000.00	--	₹ 84,60,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901
25	JUNIOR ENGINEER	₹ 96,00,000.00	--	₹ 96,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901
20	Supervisor	₹ 40,80,000.00	--	₹ 40,80,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901
35	Skilled Worker	₹ 63,00,000.00	--	₹ 63,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901
40	Semi skilled Worker	₹ 57,60,000.00	--	₹ 57,60,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901
75	Unskilled Worker	₹ 90,00,000.00	--	₹ 90,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram, Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,, TUIPANG, MIZORAM, MIZORAM, 796901

Premium	: ₹ 48,272.00
IGST @ 18%	: ₹ 8,689.00
Stamp Duty	: ₹ 24.14
Total Amount	: ₹ 56,985.14

Insurance is the subject matter of the solicitation. For more details on risk factors, terms and conditions, please read sales brochure carefully before concluding a sale
TATA AIG General Insurance Company Ltd. Regd. Office: 15th floor, Tower A, Peninsula Business Park, Gaspet, Kaduna Nagar, Off. Senapati Bapat Marg, Lower Panel, Mumbai - 400 013
IRDA Registration No: 108. CDN No: U851103HH2000PLC128425. PAN: AABCT3318Q. UIN No: IRDAN103CPO072V01201819
Website: www.tataaig.com 24x7 Tollfree Helpline: 1800-266-7780 E-mail: customersupport@tataaig.com



GSTIN : 19AABCT3518Q1ZT - WEST BENGAL, Service Accounting Code : 997137

Subject to:

1. Adjustment in the terms of Conditions 6. The estimated amount of wages salaries and other earnings on which Premium is based

COVERAGE SECTION W (WORKMENS COMPENSATION)

It is hereby understood and agreed that occupational diseases as defined under the Workmen's Compensation Act are not covered under this policy.

Jurisdiction- India

Including Medical Benefits upto ₹ 2,00,000.00 per person, under the policy.

Including cover for contractors' workers

Including cover for sub contractors' workers

Warranted that no underground work/tunneling and/ or blasting is carried out at the work site

Date : 10/02/2022
Issued at : KOLKATA

The stamp duty paid in cash or demand draft or by pay order, vide Receipt/Challan no: LOA/CSD/198/2021/4893 dated the 29/11/2021

For Tata AIG General Insurance Company LTD.

Authorized Signatory

This Policy and its conditions should be examined, and if incorrect returned at once for alteration. Every change affecting the risks insured by this Policy must be immediately advised to the Company. Failure to do this might result in the insurance ceasing to be of effect. The Policy is not transferable from the Insured to any person unless the Company's written consent has been obtained. In the event of any loss or damage, notice should be given IMMEDIATELY to the Company.

Policy Servicing Office
Tata AIG General Insurance Company Limited
2ND FLP, CONSTANTIA BLDG, 11 DR. UN BRAHMACHARI ROAD, KOLKATA, WEST BENGAL, KOLKATA-700017
Tel No:91-33-40806100



WITH YOU ALWAYS

ANNEXURE "W" to COVERAGE SECTION "W"
Attached to and forming part of the Policy No. 2280073585 01 00

Estimated Number Of Employees.	Occupation of Employees	Estimated Total Salaries(Wages) and other money earnings	Value of food fuel quarters and other consideration in addition to money earnings	Estimated Total Earnings	Place or Places of Employment.
3	Manager	₹ 36,00,000.00	--	₹ 36,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901
15	Engineer	₹ 84,60,000.00	--	₹ 84,60,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901
25	JUNIOR ENGINEER	₹ 96,00,000.00	--	₹ 96,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901
20	Supervisor	₹ 40,80,000.00	--	₹ 40,80,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901
35	Skilled Worker	₹ 63,00,000.00	--	₹ 63,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901
40	Semi skilled Worker	₹ 57,60,000.00	--	₹ 57,60,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901
75	Unskilled Worker	₹ 90,00,000.00	--	₹ 90,00,000.00	Aizawl-Tuipang Section of NH-54 in the state of Mizoram,Aizawl-Tuipang Section of NH-54 in the state of Mizoram,,,TUIPANG,MIZORAM,MIZORAM,796901

Insurance is the subject matter of the solicitation. For more details on risk factors, terms and conditions, please read sales brochure carefully before concluding a sale.
TATA AIG General Insurance Company Ltd. Regd. Office: 15th floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Off Senapati Bapat Marg, Lower Parel, Mumbai-400 013
IRDA Registration No.168, CIN No : U85110MH12000PLC128425, PAN : AABCT3518Q, UEN No : IRDAN10KCP0072V 01201819
Website : www.tataaig.com 24X7 Tollfree Helpline 1800-266-7780 E-mail : customersupport@tataaig.com



WORKMENS COMPENSATION

WHEREAS the Insured carrying on the Business described in the Schedule and no other for the purpose of this insurance by a proposal and declaration which shall be the basis of this contract and is deemed to be incorporated herein has applied to the Company for the insurance hereinafter contained and has paid or agreed to pay the Premium as consideration for such insurance.

NOW THIS POLICY WITNESSETH that if at any time during the Period of Insurance any employee in the Insured's immediate service shall sustain personal injury by accident or disease arising out of and in the course of his employment by the Insured in the Business and if the Insured shall be liable to pay compensation for such injury either under

the Law (s) set out in the Schedule

or at

Common Law

then subject to the terms exceptions and conditions contained herein or endorsed hereon the Company will indemnify the Insured against all sums for which the Insured shall be so liable and will in addition be responsible for all costs and expenses incurred with its consent in defending any claim for such compensation.

PROVIDED ALWAYS that in the event of any change in the Law(s) or the substitution of other legislation therefore this policy shall remain in force but the liability of the company shall be limited to such sum as the company would have been liable to pay if the Law(s) had remained unaltered.

EXCEPTIONS

The Company shall not be liable under the policy in respect of :

- a) any injury by accident or disease directly attributable to war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, mutiny, insurrection, rebellion, revolution, terrorism or military or usurped power ;
- b) the Insured's liability to employees of contractors to the Insured ;
- c) any liability of the Insured which attaches by virtue of an agreement but which would not have attached in the absence of such agreement ;
- d) any sum which the Insured would have been entitled to recover from any party but for an agreement between the Insured and any such party.

CONDITIONS

1. This policy and the Schedule shall be read together as one contract and any word or expression to which a specific meaning has been attached in any part of this Policy or of the Schedule shall bear such specific meaning wherever it may appear.
2. Every notice or communication to be given or made under this policy shall be delivered in writing to the Company.
3. The Insured shall take reasonable precautions to prevent accidents and disease and shall comply with all statutory obligations.
4. In the event of any occurrence which may give rise to a claim under this Policy the Insured shall as soon as possible give notice thereof to the Company with full particulars. Every letter claim writ summons and process shall be notified or forwarded to the Company immediately on receipt Notice shall also be given to the company immediately the Insured shall have knowledge of any impending prosecution inquest or fatal in connection with any such occurrence as aforesaid.
5. No admission offer promise or payment shall be made by or on behalf of the Insured without the consent of the company which shall be entitled if it so desires to take over and conduct in his name the defence or settlement of any claim or to prosecute in his name for its own benefit any claim for indemnity or damages or otherwise and shall have full discretion in the conduct of any proceedings and in the settlement of any claim and the Insured shall give all such information and assistance as the Company may require.



WORKMENS COMPENSATION

6. The first premium and all renewal premiums that may be accepted are to be regulated by the amount of wages and salaries and other earnings paid by the Insured to employees during each period of Insurance. The name of every employee together with the amount of wages salary and other earnings shall be properly recorded and the Insured shall at all times allow the Company to inspect such records and shall supply the Company with a correct account of all such wages salaries and other earnings paid during any period of Insurance within one month from expiry date of such Period of Insurance. If the amount so paid shall differ from the amount on which premium has been paid the difference in premium shall be met by a further proportionate payment to the Company or by a refund by the Company as the case may be.
7. The company may cancel this Policy by sending seven days notice by registered letter to the Insured at his last known address and in such event the premium shall be adjusted in accordance with Condition 6.
8. If any difference shall arise as to the quantum to be paid under this Policy, (liability being otherwise admitted) such difference shall independently of all other questions be referred to the decision of an arbitrator, to be appointed in writing by the parties in difference, or if they cannot agree upon a single arbitrator to the decision of two disinterested persons as arbitrators of whom one shall be appointed in writing by each of the parties within two calendar months after having been required so to do in writing by the order party in accordance with provisions of the Arbitration and Conciliation Act 1996, as amended from time to time and for the time being in force. In case either party shall refuse or fail to appoint arbitrator within two calendar months after receipt of notice in writing requiring an appointment, the other party shall be at liberty to appoint sole arbitrator; and in case of disagreement between the arbitrators, the difference shall be referred to the decision of any umpire who shall have been appointed by them in writing before entering on the reference and who shall sit with the arbitrators and preside at their meetings.

It is clearly agreed and understood that no difference or dispute shall be referable to arbitration as hereinbefore provided, if the company has disputed or not accepted liability under or in respect of this policy.

It is hereby expressly stipulated and declared that it shall be condition precedent to any right of action or suit upon this policy that the award by such arbitrator, arbitrators or umpire of the amount of the loss damage shall be first obtained.

It is also hereby further expressly agreed and declared that if the Company shall disclaim liability to the Insured for any claim hereunder and such claim shall not, within 12 calendar months from the date of such disclaimer have been made the subject matter of a suit in a court of law, then the claim shall for all purposes be deemed to have been abandoned and shall not thereafter be recoverable hereunder.
9. The due observance and fulfillment of the terms, conditions and endorsements of this Policy so far as they relate to anything to be done or not to be done by the Insured and the truth of the statements and answers in the Proposal shall be conditions precedent to any liability of the Company to make any payment under this Policy.



RECEIPT

Receipt No. : 104001027663050

Receipt Date : 09/02/2022

Policy No : 2280073585 01 00

Received with thanks from ABCI INFRASTRUCTURES PVT. LTD. a sum of ₹ 56,985.00 (Rupees Fifty Six Thousand Nine Hundred Eighty Five And Paise Zero Only)

Sr. No.	Policy Number	Total Premium (₹)	Utilized from the receipt for policy (₹)	Balance (₹)
1	2280073585 01 00	56,985.14	56,985.00	0.00

Note:

1. This is a computer generated receipt and does not require a signature.
2. Upon issuance of this Receipt, all previously issued temporary receipts, if any, related to this Policy shall be considered null and void.
3. Amounts received by cheque shall be subject to realisation.
4. Any amount received in excess of the Premium is being/shall be refunded by the Company.

GSTIN : 19AABCT3518Q1ZT - WEST BENGAL Service Accounting Code : 997137

Revenue (consolidated) Stamp Duty duly paid vide challan No.CSD/170/2021/4377 date 28/10/2021 for applicable cases.

ABCI

ABCI INFRASTRUCTURES PVT. LTD.

CIN: U45202WB1993PTC058047

An ISO 9001:2015 Certified Company

Ref. No. ABCI/SITE/DC/NH-54/PKG-4/2022-23/898

Date: 22.12.2022

To,
The Secretary to the Govt. of Mizoram,
Law and Judicial Department,
Government of Mizoram,
Aizawl

Kind attn. :Ms. Helen Dawngliani

Sub. : Compliance of Hon'ble NGT's order dt. 28.11.2022 in O.A. No. 846/2022 (In re : News Item published in The Hindu dated 15.11.2022 entitled "Stone quarry collapses in Mizoram, 12 feared dead")

Respected Ma'm,

This is in reference to your letter no. C. 18015/590/2022-LJC dated 07.12.2022 instructing therein to comply with the Hon'ble NGT order dated 28.11.2022 for payment of compensation to the victims of stone quarry landslide at Maudarh village by depositing the same to the Deputy Commissioner, Hnahthial District not later than 20.12.2022.

In this regard, we most humbly like to submit before your goodself that all the deceased workmen have been insured with TATA AIG, vide Policy Number 2280073585, issued on 11.02.2022, which is a Workmen's Compensation Policy, which covers compensation to be paid under the Workmen's Compensation Act, 1923, now known as Employee's Compensation Act, 1923. A true copy of the insurance policy No. 2280073585, issued on 11.02.2022, by TATA AIG Insurance, is annexed herewith and marked as Annexure 01. The claim has already been lodged under the said policy (Refer Annexure 02); all documents has already been submitted except post-mortem reports which are yet to be received from the concerned authorities. We are taking all necessary action for expediting the disbursement of compensation to the next of kin under the said policy.

An ex-gratia financial assistance of Rs. one lakh was immediately paid to each deceased's family voluntarily on 19.11.2022, as an interim measure only to meet their immediate needs (Refer Annexure 03). Further, relief of Rs. five lakhs (in addition to Rs. one lakh already paid) for each deceased nominee has been deposited with the Deputy Commissioner, Hnahthial District on 16.12.2022 (Refer Annexure 04).

That over and above the compensation which has already been paid i.e. Rs. 6 Lacs per deceased workman, upon payment of amount of compensation in accordance with formula under the Employee's Compensation Act, 1923, the total compensation paid in respect of the 12 deceased employees would be tentatively Rs. 2,63,35,425/- which is more than Rs. 2,40,00,000/- directed to be paid by the Hon'ble National Green Tribunal, by way of the subject order. A copy of chart showing calculation of compensation for the victims is annexed herewith as Annexure 05.

Thanking you and assuring you our best cooperation.

For ABCI Infrastructures Pvt. Ltd.


(Authorized Signatory)
Prafulla Borgohain – Sr. GM

Cc to : (i) The Deputy Commissioner, Hnahthial District
(ii) The Hon'ble Secretary, DM&R Department
(iii) The Executive Director (P), NHIDCL, RO, Aizawl, Mizoram

Site Office: "NH-54, PKG-4" Base Camp, Ch. 176+400, LHS, Kutkawak, Hnahthial, Mizoram - 796571
Tel: 9461627382 / 9535398224, 9968256549 E-mail: abcinh54.4@gmail.com

P.B. of Secretary
DM & R Department
Receipt No. 160
Date 9.1.2022


10/01
Suany


35
10/1
Suany

PB of Addl. Secretary
DM&R Department
Receipt No. 1073
Date 10.1.23

TRUE COPY



No.F.23018/1/2022-DLSA(LLI)/17

Dated Lunglei, the 17th January, 2023

REPORT OF SITTING ON DT. 17.01.2023

2nd LokAdalat sitting on the LokAdalat Case No. 394 of 2022 was conducted today in the Court room of Mrs JH. Lalpawmawii, JMFC (Presiding Judge of the instant Adalat Case. Wherein, all Conciliators were present as sitting conducted in the earlier sitting. The Presiding Judge namely Mrs JH. Lalpawmawii and Conciliators Mr. Malsawmdawngliana, Advocate and the Social Worker Mr. PC. Sangthuama passed the following order which runs as under :-

"Parties te an lokalvek a. Sitting hmasa a kansawitawhtesawichhunzawmin, compensation pek tur zatleh ABCI leh Tata AIG laminengzatnge an intumsemangtihtesawi a ni a. Supreme Court-in hethubuai a ngaihtuah dawn thuleh a ngaihtuahlehun tur atan April, 2023 a dahthusawilanani a. Tata AIG lam hianpek an inhuamrih mai lohavangleh, ABCI lam hian Tata AIG nen lo indawr that leh an duh thute an sawi a. Heivanghianhun an mamawhbelhthu an sawi a. Victim chungtechengNuairuk (6 Lakhs) theuh compensation atan ABCI lam hian an lo pektawhthu an sawilangbawk.

Inremna a awmbeiseiin 03.04.2023 hianLokAdalatthutlehnisekanti a, thutlehinkearah Tata AIG leh ABCI lam pawh lo indawrthaturinkanrawnawbaw a ni."

As such, next LokAdalat sitting for this instant case is fixed on dt.03.04.2023 for conciliation of the matter and the parties are informed to be present at the Court of Mrs.JH. Lalpawmawii at 11:00. The parties are informed to be present for this hearing for conciliation as per Section 89 of CPC.

Secretary,

No.B.17013/9/2022-DC(H)
GOVERNMENT OF MIZORAM
OFFICE OF THE DEPUTY COMMISSIONER
HNAHTHIAL DISTRICT: HNAHTHIAL

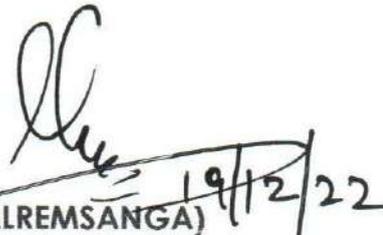
ANNEXURE-44

ANNEXURE-4

Dated Hnahtial, the 19th December, 2022

Certified that the under-mentioned names had received ex-gratia from PMNRF @ Rs- 200,000/- on account of Stone Quarry collapse accident at Maudarh Village Hnahtial District.

Sl.No	Name of Victims	Name of Next of Kin	Amount Paid	Remarks
1	Mr.Khemlal Kumar	Mina Devi	Rs. 200,000/-	Success
2	Mr. Omprakash Kumar	Punam Kumari	Rs. 200,000/-	Success
3	Mr. Mintu Mondal	a.Madhusudha Mondal. b. Chinta Mondal.	Rs. 200,000/-	Success
4	Mr. Madan Das	Debika Das	Rs. 200,000/-	Success
5	Mr. Subrata Raptan	Malatirani Raptam	Rs. 200,000/-	Success
6	Mr. Buddhaded Mondal	Sunil Mondal	Rs. 200,000/-	Success
7	Mr. Rakesh Biswas	Ashalata Biswas	Rs. 200,000/-	Success
8	Mr. Shofiqul Islam	Habija Khatun	Rs. 200,000/-	Success
9	Mr. Kahamrai	Mrs. Saipuiti	Rs. 200,000/-	Success
10	Mr. Jhidul Islam	Samsul	Rs. 200,000/-	Success
11	Mr. Ajoy Chakma	Mrs. Bishou Maya	Rs. 200,000/-	Success
12	Mr. Surjit Roy	Praniti Roy	Rs. 200,000/-	Success


(R. LALREMSANGA) 19/12/22
Deputy Commissioner
Hnahtial District, Hnahtial

Memo No.B.17013/9/2022-DC(H) : Dated Hnahtial, the 19th December, 2022
Copy to:-

1. P.S to Secretary Disaster Management & Rehabilitation (DM & R)
2. General Manager, ABCI Pvt. Ltd.


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TITLE: **STONE QUARRY COLLAPSE ACCIDENT IN HNAHTHIAL, MIZORAM ON 14.11.2022- EX GRATIA FROM PMNRF**
(INCIDENT ID: **82(2022/120)** (DT. 15/11/2022))

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Final Payment for Victims List

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S. NO.	ID	WEB REFERENCE NO.	NAME	GENDER	INJURY TYPE	FATHER'S NAME	UPLOADED BY	AMOUNT PAID BY PMO	REMARK BY PMO	PAYMENT DATE	PAYMENT STATUS	ACTION
1	VIT2985	Web-00023242022/2985	Mr. Surjit Roy	Male	Deceased	Situ Roy	Hnahthial	Rs.200000		2022-12-14 09:42:46	Success	
2	VIT2988	Web-00023272022/2988	Mr. Ajoy Chakma	Male	Deceased	Rangachand Chakma	Hnahthial	Rs.200000		2022-12-14 09:42:38	Success	
3	VIT2960	Web-00023192022	Mr. Khemial Kumar	Male	Deceased	Murli Mahto	Hnahthial	Rs.200000		2022-12-09 11:23:55	Success	
4	VIT2981	Web-00023202022	Mr. Omprakash Kumar	Male	Deceased	Dalchand Mahto	Hnahthial	Rs.200000		2022-12-09 11:23:40	Success	
5	VIT2982	Web-00023212022	Mr. Mintu Mondal	Male	Deceased	Madhusudan Mandal	Hnahthial	Rs.200000		2022-12-09 11:22:52	Success	
6	VIT2963	Web-00023222022	Mr. Madan Das	Male	Deceased	Sonatan Das	Hnahthial	Rs.200000		2022-12-09 11:22:44	Success	
7	VIT2984	Web-00023232022	Mr. Subrata Raptan	Male	Deceased	Shyamal Raptan	Hnahthial	Rs.200000		2022-12-09 11:22:31	Success	
8	VIT2986	Web-00023252022	Mr. Buddhaded Mondal	Male	Deceased	Sunil Mondal	Hnahthial	Rs.200000		2022-12-09 11:22:07	Success	
9	VIT2987	Web-00023262022	Mr. Rakesh Biswas	Male	Deceased	Kalu Biswas	Hnahthial	Rs.200000		2022-12-09 11:22:02	Success	
10	VIT2989	Web-00023282022	Mr. Shofiqul Islam	Male	Deceased	Mujahar Ali	Hnahthial	Rs.200000		2022-12-09 11:21:42	Success	

Showing 1 to 10 of 12 entries

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TITLE: STONE QUARRY COLLAPSE ACCIDENT IN HNAHTHIAL, MIZORAM ON 14.11.2022- EX GRATIA FROM PMNRF (INCIDENT ID: 82(2022/120) (DT. 15/11/2022)

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Final Payment for Victims List

SHOW 10 ROWS													COPY		EXCEL		CSV		PDF		PRINT		Search Victims	
S. NO.	ID	WEB REFERENCE NO.	NAME	GENDER	INJURY TYPE	FATHER'S NAME	UPLOADED BY	AMOUNT PAID BY PMO	REMARK BY PMO	PAYMENT DATE	PAYMENT STATUS	ACTION												
11	VIT2990	Web-00023292022	Mr. Kahamrai	Male	Deceased	Soroto L.	Hnahthial	Rs.200000		2022-12-09 11:21:33	Success													
12	VIT2991	Web-00023302022	Mr. Jahidul Islam	Male	Deceased	Samsul Haque	Hnahthial	Rs.200000		2022-12-09 11:21:26	Success													

Showing 11 to 12 of 12 entries

FIRST PREVIOUS 1 2 NEXT LAST

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TRUE COPY

No. SP (HNTL)/CRM-93/2022/01
OFFICE OF THE SUPERINTENDENT OF POLICE
HNAHTHIAL DISTRICT: HNAHTHIAL

Dated Hnahthial: The 21st December, 2022

To,

The Under Secretary
 Home Department
 Gov't of Mizoram

Subject: Comments on incidents report

Sir,

Kindly ref. to your letter No. C.13016/3/09-HM (HR) Dated 21st December 2022, I am submitting herewith Action taken report in C/W HNTL-PS C/No.33/22 Dt 15.11.2022 U/S 304 A/336 IPC as under:

INQUEST: Inquest was conducted over all the 12 (twelve) dead bodies namely;-

- (1) Buddhadeb Mondal (25) s/o Sunil Mondal, Nadia, West Bengal
- (2) Rakhesh Biswas (21) s/o Kalu Biswas, Nadia, West Bengal
- (3) Sorojit Roy (26) s/o Situ Roy, Cachar, Assam
- (4) Subrata Raptan (24) s/o Shymal Raptan, Khalikhula, West Bengal
- (5) Madan Das (25) s/o Sonatan Das, Nadia, West Bengal
- (6) Omprakash Kumar (18) s/o Dalchand Mahato, Manamat, Chalra, Jharkhan
- (7) Mintu Mandal (22) s/o Madhusudn Mandal, Tehatla, Nadia, West Bengal
- (8) Khemrul Kumar (22) s/o Murli Mehto, Manamat, Chatra, Jharkhan
- (9) Ajoy Chakma (25) s/o Rangachand Chakma, Khojaisuri, Lunglei District, Mizoram
- (10) Shifiquil Islam (26) s/o Muzahar Ali, Goalpara, Assam
- (11) Jahidur Islam (27) s/o Samsul Haque, Satrakanara, Assam
- (12) Kahamrai (49) s/o Sobroto (L), Zawlpui, Lunglei District, Mizoram

They all were sent to District Hospital, Hnahthial for Post-Mortem examination after all formalities were observed. All the dead bodies were sent to their respective hometown.

STATEMENT: The following statements were taken till date. They are;

- i) Josep Marandi - Blaster (firer) at Maudarh stone quarry
- ii) Pravin Kumar - Quarry supervisor at Maudarh
- iii) Bharat Sharma - Quarry supervisor at Maudarh

- iv) Bajrang Lal Bhugari - Commercial Manager, ABCI Company
 v) Santosh Kumar Patel - Excavator operator who was deployed on 14.11.2022 and escape with simple injury.
 vi) President, Village Council, Leite
 vii) Secretary, YMA, Leite
 viii) Pu Lianchhuma & Pu Vanlalhmuaka of Maudarh
 ix) Driver as well as workers (10 person) who were deployed on 14.11.2022 at Maudarh stone quarry.
 x) Two Excavator operator who had taken out the dead bodies from the debris.

SEIZURE: Damage machineries such as:-

- i) Excavator(Volvo) - 5 No's.
- ii) ROC(Compressor) - 2 no's.
- iii) Terex Crusher - 1 no

Documents such as:-

- i) Duty detailment (roster) of ABCI company on 14.11.2022
- ii) Quarry pass/ land lease agreement
- iii) Quarry power of Attorney from ABCI Infrastructure Pvt. Ltd.

QUESTIONNAIRE: - The following question were sent to General Manager, ABCI Infrastructure Pvt. Ltd. Their answer was also received.

1. Who is the land owner of Maudarh Stone Quarry and when did the Company (ABCI Infrastructure Pvt. Ltd.) obtained Land Lease Agreement with the original land owner? Please enclose the copy.
2. When did the Company (ABCI Infrastructure Pvt. Ltd.) obtained Mining Permit? Please enclose the copy.
3. When did the Company (ABCI Infrastructure Pvt. Ltd.) obtained explosive Licence? Please enclose the copy. Do your company have safety storage of explosive. Please give the location and who guard the safety store of explosive?
4. Does the Company (ABCI Infrastructure Pvt. Ltd.) has Mining Engineer for monitoring Maudarh Stone Quarry and blasting design? If yes, name them.
5. Who is the authority of Quarrying Management?
6. Who was the in-charge of Supervisor of Maudarh Stone Quarry on that day. i.e 14.11.2022.
7. How many persons were deployed at Maudarh Quarry on 14.11.2022? Name them with their designation and provide their deployment Roster etc.
8. How many machineries were engaged at Maudarh Quarry on 14.11.2022? Give details.
9. Give the lists of ABCI Infrastructure Pvt. Ltd. at NH-54, PKG-4, Hnahthial as of now.
10. Did the Company (ABCI Infrastructure Pvt. Ltd.) design Standard Operating Procedures for quarrying and blasting plan? If yes, copy should be enclosed.

11. Did the Company (ABCI Infrastructure Pvt. Ltd.) lay down safety measures or security precautions for their workers? If yes, copy should be enclosed.
12. Did the Company (ABCI Infrastructure Pvt. Ltd.) provide Personal Protective Equipment while engaging their work? If not, give the reason.
13. Who was the sole responsible for blasting on the day of that incident. i.e 14.11.2022?
14. How many persons were died and how many persons were injured due to that incident? Name them.
15. When did the Company (ABCI Infrastructure Pvt. Ltd.) obtained drilling and blasting permit? Enclosed the copy.
16. Did the Company (ABCI Infrastructure Pvt. Ltd.) deposit Royalty Challan to the department of Geology and Mining? If yes, enclose the copy.
17. Please provide memorandum and articles of Association of ABCI Infrastructure Pvt. Ltd. along with all connected documents.

ARREST:- Three persons were arrested and released on bail after doing all formalities. They are:

1. Bharat Sharma (26) S/o Manak Chand Sharma P/A Khotari, Rajasthan. Camp: Maudarh Hnahthial District
2. Bajrang Lal Bhugari (56) S/o Malik Chand Bhugari of Newline, Dhora Bass, Rajasthan. Camp: Base camp Kutkawk, Hnahthial
3. Pravin Kumar (40) S/o Gopal Chand of Charwas Dist. Rajasthan. Camp: Maudarh Hnahthial District.

Requisition to GM, ABCI, Infrastructure Pvt. Ltd. was served to produce Josep Marandi (Blaster/firer) at Maudarh stone quarry who is on leave at present for re-interrogation and further necessary action.

Further report shall be submitted when required. Investigation is still under progress under the close supervision of SP Hnahthial.

This is for favour of your kind information and necessary action please.

Yours faithfully

Wing
21.12.2022
(BIJOY GURUNG) MPS
Addl. Superintendent of Police
for Superintendent of Police
Hnahthial District: Hnahthial

ANNEXURE-6

IMMEDIATE

GOVERNMENT OF MIZORAM
ENVIRONMENT, FORESTS & CLIMATE CHANGE DEPARTMENT

Subj :- *Violation of Environmental Clearance in respect of Stone Quarry at Mandarh Village, Hamthial District.*

Secretary, Disaster Management & Rehabilitation Department may refer to the subject mentioned above and find enclosed herewith a copy of site inspection report furnished by CF, NC. In this regard, he is informed that this Department, in line with the inspection report, recommends the following for favour of necessary action:

1. Geology & Mineral Resources Department may issue permission for operation of stone quarry only on obtaining prior Environmental Clearance and consent under Air Act, 1981.
2. Suitable safety operation guidelines may be made available for safety of the workers, general public as well as the environment.
3. All Quarries may be monitored and supervised by the District Administration, State Pollution Control Board, Labor Board/Department, and Geology & Mineral Resources Department.

Secretary
Disaster Management & Rehabilitation Department
Ref No. 152
5.1.2022

DM & R Department
Receipt No. 1277
Date 9/1/23

(Signature)
29/12/2022
(H.C. ZONUNTHARA)
Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department.
Ph :- (0389)2335237(O)

Secretary
Disaster Management & Rehabilitation Department.

I.D. No.C.18014/362/2022-FST

Dated Aizawl, the 29th December, 2022

Copy to:

1. Secretary to the Govt. of Mizoram, Law & Judicial Department.
2. Principal Chief Conservator of Forests, Mizoram.
3. The Member Secretary, Joint Committee constituted to present factual and action taken report on Stone Quarry that collapsed in Mizoram & Mizoram Pollution Control Board.

(Signature)

(Signature)

PB of Addl. Secretary
DM&R Department
Date 6/1/23

(Signature)
9/1/23

742/51

ANNEXURE-3

GOVERNMENT OF MIZORAM
OFFICE OF THE CONSERVATOR OF FORESTS, NORTHERN CIRCLE
KOLASIB ::: MIZORAM

No. B.12011/10/2011-CF(N)/ 423

Dated 21st December, 2022

To,

The Under Secretary to the Govt. of Mizoram,
Environment, Forests & Climate Change Department,
Aizawl, Mizoram.

Subj : Site Inspection Report of Stone Quarry at Maudarh, Hnahthial District.

Ref : No.C.18014/362/2022 – FST Dated 9th December, 2022.

Sir,

With reference to your letter No. cited above, I am submitting herewith the site Inspection Report of Stone Quarry at Maudarh, Hnahthial District that collapsed on 14.11.2022.

Encl: Site Inspection Report.

Yours faithfully,


(PEE LEE ETE)

Conservator of Forests, Northern Circle,
Kolasib, Mizoram
Conservator of Forests,
Northern Circle
Mizoram, Kolasib

130

52

ANNEXURE-3

**SITE INSPECTION REPORT
OF
MAUDARH STONE QUARRY**

CONTENT

- 1) TOUR DIARY
- 2) PARTICULARS OF THE MAUDARH STONE QUARRY
- 3) OBSERVATION
- 4) CONCLUSION
- 5) RECOMMENDATION
- 6) PHOTOGRAPHS
- 7) ANNEXURES

Diary:

Plan for site inspection of the Maudarh Stone Quarry at Leitei, Hnahthial District, as per direction of Government order No.C.18014/362/2022-FST Dated 9th December, 2022 (copy attached as Annexure-1), was communicated to all concerned vide letter No.B.12011/10/2011-CF(N)/422 Dated 9th December, 2022 (copy attached as Annexure - 2). Simultaneously, the Divisional Forest Officer, Lunglei informed the Deputy Commissioner, Hnahthial District vide letter No.C.11015/1/2022-L/185-187 Dated 13th December, 2022 (copy attached as Annexure - 3).

Accordingly, the undersigned proceeded from Aizawl at 6:00 a.m. from Aizawl. At around 11:30 a.m. when I had crossed more than 20 km beyond Thenzawl town, the Divisional Forest Officer, Lunglei informed over my mobile that there was a landslide on Lunglei- Hnahthial road, as informed by his Range Officer, and it would be difficult to cross-across the landslide to reach Hnahthial. It necessitated me to turn back and move all the way back to the Thenzawl - Serchip Road.

As a result, it delayed my arrival to Hnahthial by more than 2 hours. By the time, I reached Hnahthial it was already 3:00 p.m.

Hurriedly, accompanied by Range Officer Hnahthial and his staff, I proceeded to the Quarry site (Maudarh) where members of the District Administration, represented by Sub-Deputy Commissioner & Sub-Divisional Police Officer along with the representatives of the ABCI Infrastructure Pvt. Limited and Landowner were waiting.

Right at the site, I began enquiring about the quarry, status of the area, ownership, name of owner, status of Statutory Clearances obtained, quantity being extracted, royalty being paid, etc.

Within half an hour, the darkness gradually overwhelmed the area. Therefore, I suggested that I would visit the site again next morning at 8:00 a.m.

On 20th December, 2022, I once again visited the site at 8:00 a.m. I moved about the site along with the representative of the ABCI Infrastructure Pvt. Ltd., Mr. Hanumanth Shekawath, Project Commercial Manager, Mr K. Lalremruata, Liaisoning Officer, and the Landowner.



Particulars of The Maudarh Stone Quarry
(as provided by ABCI Infrastructure Pvt. Ltd.)

Particulars	Descriptions
Quarry Google Coordinates	E=489023.427, N=2534102.355
Total Area of Quarry	10.70 bigha
Volume with Contingency (m3)	3,50,000.00 m3
Name of the Owner of Stone Crusher Plant	M/s. G.P Projects Pvt. Ltd
Name of Lessor of the Quarry	Mr. C. Lalremruata, 85, Lelte Village, Lunglei, Mizoram
Name of Lessee of Quarry	Mr. Pushpa Sharma, G.P Projects Pvt. Ltd., Vanialfela Building, Chaltlang, Mizoram
Licence Permission for Blasting	Refer to Annexure-G
Capacity of Crusher	220 TPH (2 Nos)
Project Length	42.00 KM
Area of Existing Clearing	No clearing /disposal were involved as site was already exposed with rock face for direct extraction.
Area of Proposed Quarrying	10.70 bigha
Topsoil / Overburden Storage Area	Not required, as site was having exposed rock face from previous operations.
Access	Access to quarry site is well developed due to continuous operations.
Camp Locations	No camp are built at the quarry location. Working personnel will be housed at the nearest construction camp ~2km away.
Safety	No unsafe practice/ shortcuts will be in use. Operators & workers will be well equipped with protective gears and prior warnings will be in place before any hazardous activity viz. blasting etc. with display of signages and guards deputed on either end of the location at safe distance to restrict /stop pedestrian and vehicular traffic.
Royalty	Payment of royalty as per the stipulated rate on the quarried quantities is being made regularly to the concerned department.
Inhabitants/ settlements	No settlement are located in the proximity of the quarry site. At present, there are no buildings/ structures at the site.

Documentary Facts:

Following are the documentary facts adduced by the ABCI Infrastructure Pvt. Ltd.:

1. The ABCI Infrastructure Pvt. Ltd. had entered into a Lease Agreement with Shri C. Lalremruata of Leite Village for an area of 10.70 Bigha, evidently for the purpose of Stone quarry only (Agreement of Lease attached as Annexure-4).
2. The name of Mining Permit holder of Maudarh Quarry is Shri. C. Lalremruata, and operated by the ABCI Infrastructure Pvt. Ltd., which had obtained Permit for Minor Minerals to be issued under the Mizoram Minor Mineral Concession Rules, 2000 for removing minor minerals from the Department of Geology & Mineral Resources, Government of Mizoram and paid Royalty accordingly (Form -L attached as Annexure -5).
3. The ABCI Infrastructure Pvt. Ltd. had also obtained No Objection Certificate under the Explosives Rules, 2008 from the District Magistrate, Hnahthial District (NOC attached as Annexure-6).
4. The District Magistrate, Hnahthial District, had granted permission to the ABCI Infrastructure Pvt. Ltd. to carry out drilling and blasting work at Maudarh Stone Quarry (Order attached as Annexure-7).
5. The ABCI Infrastructure Pvt. Ltd. had obtained No Objection Certificate for the purpose of setting up and operating Stone Quarry & Stone Crusher from the President of the Village Council, Leite Village (NOC attached as Annexure-8).
6. The ABCI Infrastructure Pvt. Ltd. had obtained 'Consent to Establish' & 'Consent to Operate' for installing & operating stone crusher from the Mizoram State Pollution Control Board (Consent Orders attached as Annexure-9).

Observations:

Based on the perusal of the documents pertaining to the Stone quarry furnished by the ABCI Infrastructure Pvt. Ltd., and inspection report submitted by the Mizoram State Pollution Control Board attached as Annexure - 10), the following are my observations:

1. The ABCI Infrastructure Pvt. Ltd. was operating a Stone quarry without obtaining Environmental Clearance from the Competent Authority. The quarry site is sufficiently large; the excavated area is perhaps more than 1 ha in extent (as per ocular observation).



- . The quarry site is located on higher pedestal at about 200 - 300 meters away from the Hnahthial - Lunglei Road.
- . The damaged/destroyed excavators and other machineries are accumulated and heaped on the site (Photographs attached).
- . Huge quantity of dump/heap of soil & rock debris is still lying on the site (Photographs attached).
- . A small spring also flows right beside, and during rainy season, it may be filled with good amount of water. Therefore, it's very likely that the muck/dump from the quarry site will be carried along with the rain water down the slope, leading further to more instances of soil erosion, flooding and damage in the valley and downstream side.
- . Measures such as Check dams, etc. to regulate the flow of muck from the site were not observed.
- . The boundary pillars showing the total leased area/quarry site were not seen.
- . There were no suitable avenue trees planted along the periphery of the site and/or open parking area.

Conclusion:

- . The Ministry of Environment, Forests & Climate Change, Government of India, vide number S.O. 1886 (E) dated the 20th April, 2022, made further amendment in the Notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006 in the Schedule against the item 1(a) Column 4, dealing with Mining of minerals under Category B projects. Consequently, the prior Environmental Clearance for all such activities falling under the item 1(a) Column 4 from the Competent Authority is mandatory henceforth (attached as Annexure - 11).
- . *Now therefore, it appears to the undersigned that the ABCI Infrastructure Pvt. Ltd. is responsible for any act(s) of omission and/or commission pertaining to violation of Environmental and safety norms.*
- . *Meanwhile, it is also assumed that while the onus of ensuring all measures, including safety, environmental as well as legal primarily falls upon the User Agency, there was a general lack of coordination and due diligence on the part of all Stakeholders in respect of monitoring and supervision of the operation of the Stone Quarry.*

Recommendation:

In view of the subsequent amendment vide number S.O. 1886 (E) dated the 20th April, 2022, in respect of item 1(a) Column 4 of the Schedule to the Environment Impact Assessment Notification, 2006, corresponding amendments may be done to the Mizoram Minor Mineral Concession Rules, 2000 so as to include relevant provisions in respect of mining of minor minerals, which are in sync, with the amendments in the EIA Notification, 2006 quoted above.

The Geology & Mineral Resources Department, therefore, may be apprised to not issue stone permit for operation of any stone quarry unless prior Environment Clearance is obtained.

Suitable safety operational guidelines must be made available for safety of the worker, the general public and also for the environment.

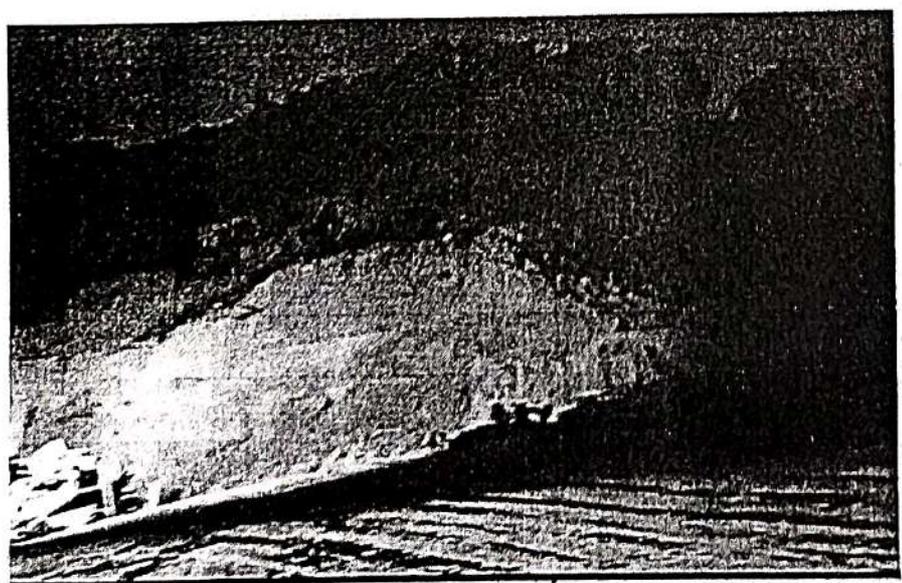
Regular/periodic field visits of all such quarries for proper monitoring & supervision by the District Administration; State Pollution Control Board; Labor Board/Department; Geology & Mineral Department are suggested.



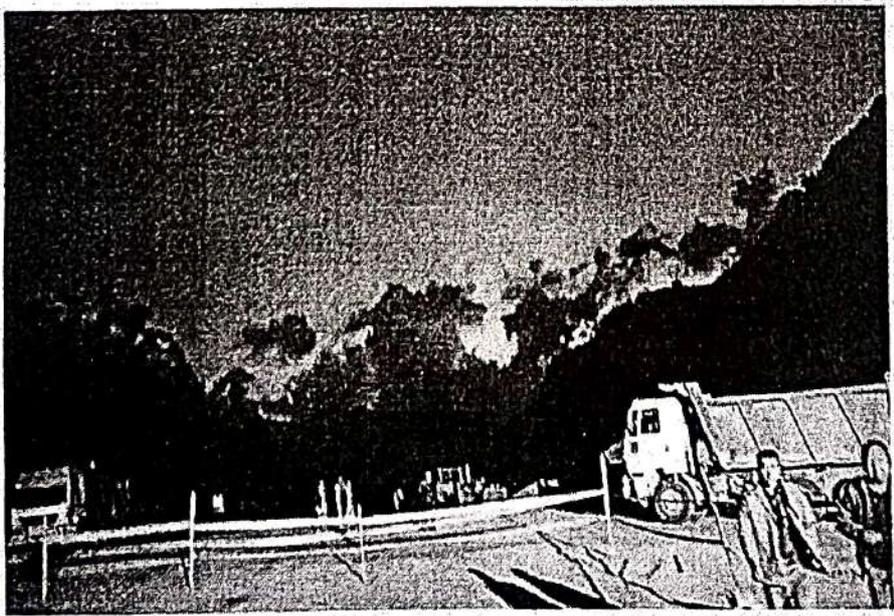
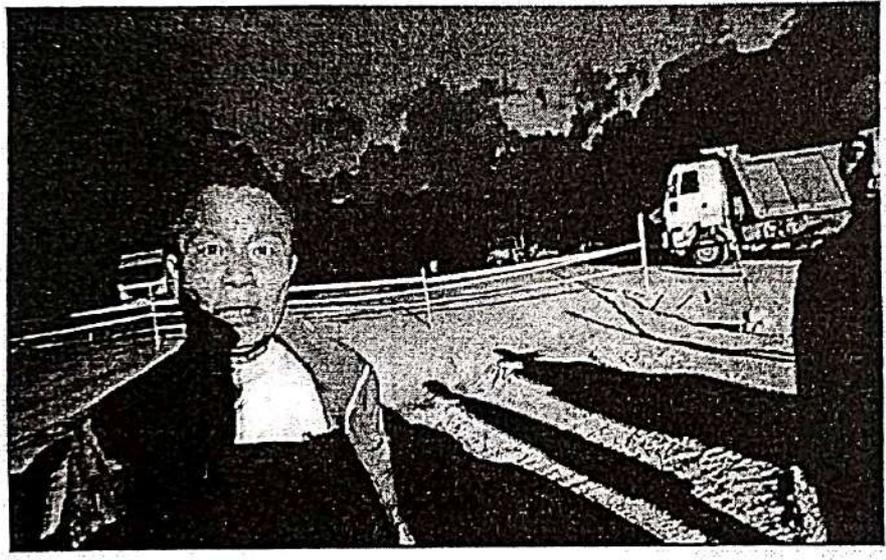
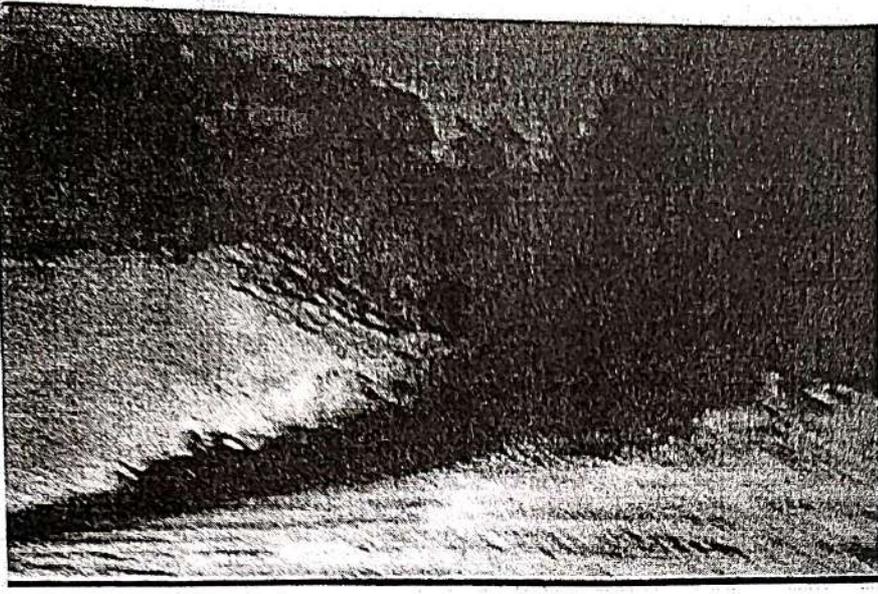
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Conservator of Forests, Northern Circle,
Kolasib, Mizoram
Conservator of Forests,
Northern Circle
Mizoram, Kolasib

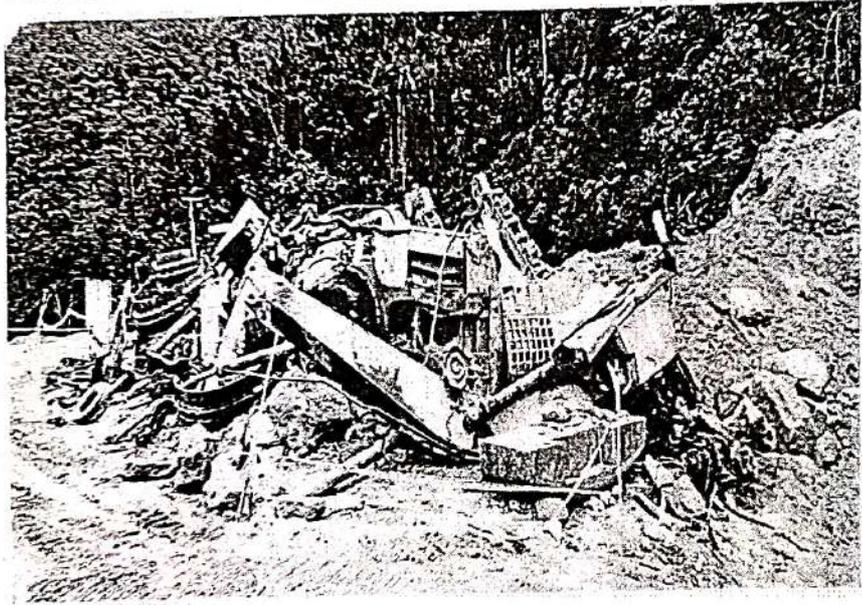
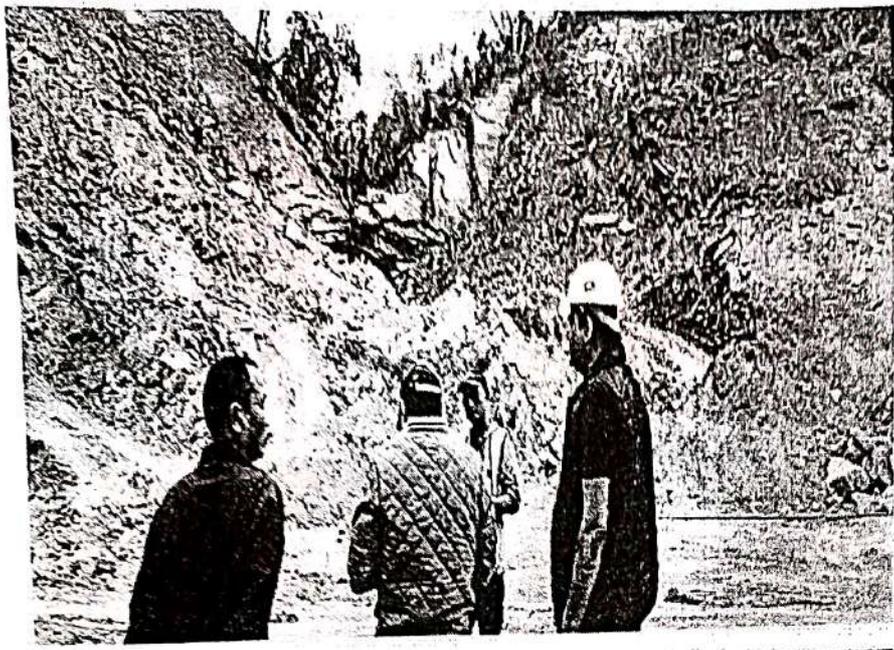
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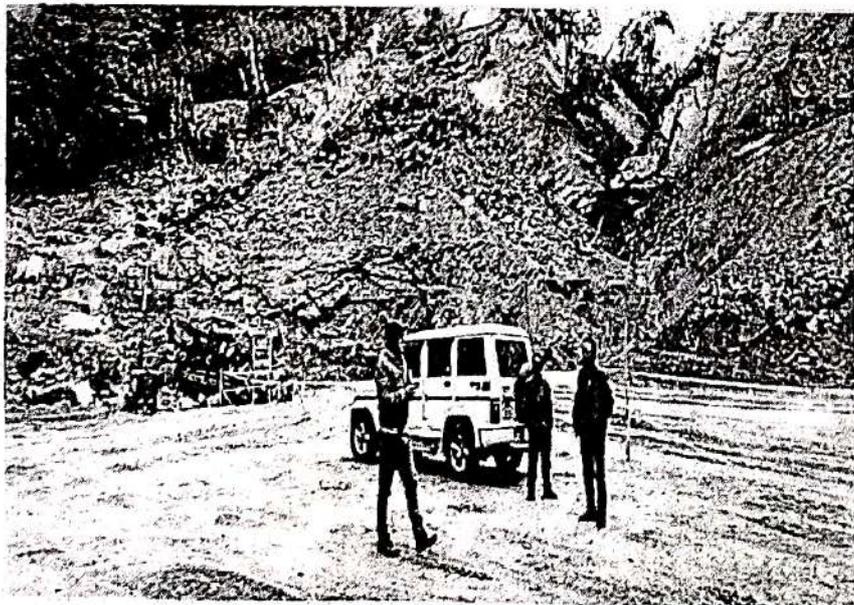
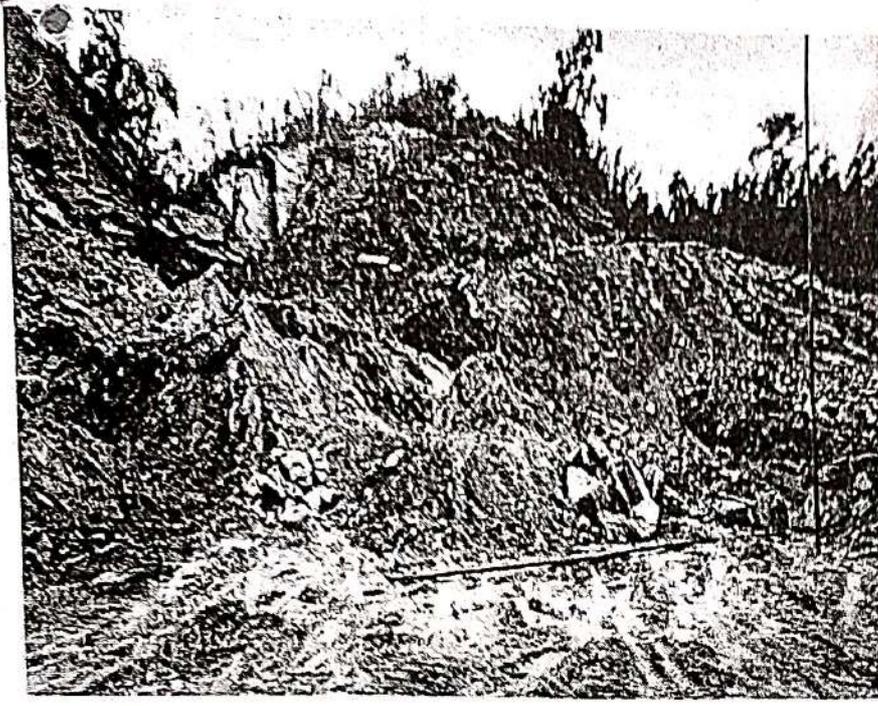
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ANNEXURE-3



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ANNEXURE-7

**GOVERNMENT OF MIZORAM
DISASTER MANAGEMENT & REHABILITATION DEPARTMENT**

Subject: Attachment of assets, etc. in connection with Maudarh Stone Quarry accident.

Under Secretary, Home Department is kindly requested to give directions to Superintendent of Police, Hnahthial District to take coercive actions against ABCI Infrastructure Pvt. Ltd. including attachment of assets to ensure payment of compensation to the victims of the Maudarh Stone Quarry Collapse as ABCI Infrastructure Pvt. Ltd. failed to give positive response to this department's letter of even No. dated 29.12.2022 and subsequent reminder dated 06.01.2023. He is also requested to direct him to undertake investigation for violation of laws i.e Explosive Acts, etc. and to charge their actions under IPC accordingly.


(LALHRIATPUIA) 14/1/23

Addl. Secretary to the Government of Mizoram
Disaster Management & Rehabilitation Department

Under Secretary,
Home Department

I.D. No.C.18015/23/2022-DMR/3 : Aizawl, the 12th of January, 2023

Copy to:

Superintendent of Police, Hnahthial District with a request to take immediate actions as stated above.

TRUE COPY

FIRST INFORMATION REPORT

ANNEXURE-8

(Under Section 154 Cr.P.C.)



1. *Dist. Aizawl *P.S. Hnahthial *Year 2022 *FIR No. 33/22 *Date 15/11/2022
2. (i) *Act IPC *Section 304A/336
 (ii) *Act The charge Section are - on after as below -
 (iii) *Act IPC ; Section 304/336/287
 (iv) *Other Acts & Sections Vidh. No HNTL-PS.C/NO-33/22/CTM(LU)/1 Dt. 16.1.23.
3. (a) *Occurrence of offence: *Day Monday *Date from 14.11.22 *Date to _____
 *Time-Period Daytime *Time from _____ *Time to _____
 (b) Information received at P.S.: Date 15/11/2022 Time 3:00pm.
 (c) General Diary Reference: Entry No. 9 Time 3:00pm
4. Type of Information: Written / Oral
5. Place of Occurance: (a) Direction and distance from P.S. 22kms South Beat No. _____
 (b) *Address ABEI Infrastructures Private Limited Stone Quarry near mandark, Leiti
 (c) In case, outside the limit of this Police Station, then the _____
 Name of P.S. _____ District _____
6. Complainant/Informant:
 (a) Name H. Lalliansanga
 (b) Father's/husband's Name Lalliantluanga
 (c) Date/Year of Birth: 15.1.1980 (d) Nationality: Indian
 (e) Passport No. _____ Date of Issue _____ Place of Issue _____
 (g) Occupation: Govt Servant.
 (g) Address: Hnahthial Police Station Complex, electric veg Hnahthial

Fdd to SP (H)
11/11/22
 15/11/22
 Officer-in-Charge
 Hnahthial Police Station
 Hnahthial

7. Details of known/suspected/unknown with full particulars :
(Attached separate sheet, if necessary)

ABC1 Infrastructures Private Limited

Physical features, deformities and other details of the suspect:

Sex	*Date/Year of Birth	*Build	*Height	*Complexion	*Identification Mark(s)
1	2	3	4	5	6

*Deformities/ Peculiarities	*Teeth	*Hair	*Eyes	*Habit(s)	*Dress Habit(s)
7	8	9	10	11	12

*Language/ Dialect	*Burn Mark	*Leucoderma	*Mole	*Scar	*Tattoo
13	14	15	16	17	18

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect. These will be used only for the purpose of preliminary retrieval to assist I.O.

A data base created will subsequently link one suspect in several cases, if any.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspicion.

Reason for delay in reporting by the complainant / informant

not delay

9. Particulars of properties stolen (Attach separate sheet, if necessary)

10. *Total value of property stolen/involved _____

11. Inquest Report/U.D.case No., if any _____

12. F.I.R Contents (Attach separate sheets, if required):

Attached in separate sheet.

13. Actions taken: Since the above information reveals commission of offence(s) U/S as mentioned at Item No.2., registered the case and took up the investigation/direct* Kam Thanga

Rank SI No. 19880 to take up the Investigation/Refused Investigation/
Transferred to P.S. _____ on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

[Handwritten signature]

[Handwritten signature] 15/11/22

Signature of Officer in charge, Police Station

14. Signature / Thumb impression of the complainant / informant.

*Name (ROBERT L. HNAMTE)
*Rank Inspector No. 2468

15. Date and time of despatch to the court :

Officer-in-Charge
Hnahthial Police Station
Hnahthial

To

The Officer In-Charge
Hnahthial Police Station
Hnahthial District

Subject : FIR

Sir

On dt 14.11.2022 at about 3:00 PM we got information that @ 2:40pm one stone quarry site operated by ABCI Infrastructures private Limited at Maudarh had collapse and some people were trapped inside debris. On receiving the information I immediately rushed to the spot. On reaching the spot, I saw that the stone quarry had collapsed. I was informed by ABCI Infrastructures Private Limited workers that Twelve (12) workers were buried inside the debris. After this I immediately informed all units and department for sending first aid and helping rescue operation. We immediately started the rescue operation and till 11:00Am Dt 15.11.2022 (today) 8 dead bodies had been recovered namely :

- (1) Buddhadeb Mondal (25) s/o Sunil Mondal, Nadia, West Bengal
- (2) Rakhesh Biswas (21) s/o Kalu Biswas, Nadia, West Bengal
- (3) Sorojit Roy (26) s/o Situ Roy, Cachar, Assam
- (4) Subrata Raptan (24) s/o Shymal Raptan, Khalikhula, West Bengal
- (5) Madan Das (25) s/o Sonatan Das, Nadia, West Bengal
- (6) Omprakash Kumar (18) s/o Dalchand Mahato, Manamat, Chakra, Jharkhan
- (7) Mintu Mandal (22) s/o Madhusudn Mandal, Tehatla, Nadia, West Bengal
- (8) Khemrul Kumar (22) s/o Murli Mehto, Manamat, Chatra, Jharkhan

Inquest was conducted over the dead bodies and forwarded to District Hospital, Hnahthial for Post mortem examination.

It was further observed that proper safety measures were not taken by ABCI Infrastructure Private Limited company as there was no proper assesment before the quarry operation. No safety measures were taken for the workers, the workers were also not provided safety equipment, no proper standard operating procedures were in place for operation and emergency purposes. This shows negligence on part of ABCI Infrastructures Private Limited company due to which Eight (8) persons have died so far and other four persons namely :- (1) Shofiquil Islam s/o Muzahar Ali of Takimari, Jaleswar Bill, Goalpara, Assam (2) Jahidur Islam c/o Samsul Hoque of Satrakanara, NC Barpeta, Assam (3) Ajoy Chakma s/o Rangachand Chakma of Khojaisuri, Lunglei District (4) Kahamrai s/o Sobroto (L) of Zawlpui, Lunglei District are still buried. Further rescue operations are ongoing to check for any more casualties or hurt cases. Hence, for this act of negligence FIR u/s 304A/336 IPC is made out.

Your Sincerely

Received & Registered

HNIC-PS C/N/O 33/22 dt 15.11.2022

u/s 304(A)/336 IPC

15/11/22

INSPE (ROBERT L. HNAMIE)

Officer-in-Charge
Hnahthial Police Station

SI (H.LALLIANSANGA)
Hnahthial Police Station
Hnahthial District

TRUE COPY

ANNEXURE-9

COPY OF ORDER PASSED BY CHIEF JUDICIAL MAGISTRATE,
LUNGLEI DISTRICT, MIZORAM

In connection with CrI. Tr. No. /2022, Hnahtial P.S. Case no. 33/2022
U/s 304 A/ 336 IPC Dated: 15.11.2022



STATE OF MIZORAM

-Versus-
UN-KNOWN

BEFORE
Shri Lalrinpuii,
Chief Judicial Magistrate

ORDER

Dated 16th January, 2023

1. Seen an application from SDPO, Hnahtial praying for alteration of charge section in regard to No. CRM (HNTL) /HNTL-PS C/No-33/2022/06 Dt. 13.01.2023.
2. The applicant stated that the instant case was registered on the basis of FIR lodged by SI H. Lalliansanga of Hnahtial Police Station regarding the responsibility for the collapse of Maudarh Stone Quarry on 14.11.2022 which is operated by ABCI Infrastructure Private Limited which resulted the death of 12 persons on the spot.
3. The applicant also stated that the investigation has so far revealed that the act done by the quarry operators, supervisors, manager and blaster is likely to cause the death of the workers. No proper benches was made on above the quarry to reduce the heavy burden to the toe and heavy explosives were blasted without proper blast design which destabilizing the over-burden slope. Heavy machineries were used for the extraction and breaking of boulders. It is also evident that ABCI Infrastructure Private Limited has no explosive permit for Maudarh stone quarry.

HNTL PS C/No.33/2022, U/S 304 A/336 IPC

2023/01/18 16:10

SI	SI	Zolhanzua
SI	SI	R. Lalbiak
ASI	ASI	Lalruzzia
SI	SI	F. Lalranga

4. On careful perusal of the application this Court deems it to allow the prayer of the application.

ORDER

(a) That the charge section of 304-A IPC in respect of the instant case No. CRM (HNTL) /HNTL-PS C/No- 33/2022/06 Dt. 15.11.2022 shall be altered to 304 IPC and that Section 287 IPC is also added in regard to the same.

(b) The application is allowed for re-arrest and alteration of the charge section.

(c) The concerned personnel shall do all the needful and reports shall be given to the concerned Court after execution of the same.

(d) Copy of this order shall be given to all concerned.

Sd/-LALRINPUII

Chief Judicial Magistrate
Lunglei District, Mizoram.

Memo No. HNTL-PS C.No.33/22/CJM(LI)/1 : Dated Lunglei, 16th Jan., 2023.

Copy to:

1. SOFO & IO, Hnahthial, Mizoram.
2. Case record.

PESHKAR
PESHKAR
to
Chief Judicial Magistrate
Lunglei District, Lunglei

TRUE COPY

ANNEXURE-10

H. No - 1, Bazar Veng
Hnahthial -796571, Mizoram
Phone : 0372-2332648
FAX : 0372-2332648
Email : hnahthial.sp-
mz@mizoram.gov.in

GOVERNMENT OF MIZORAM
OFFICE OF THE SUPERINTENDENT OF POLICE
HNAHTHIAL DISTRICT : HNAHTHIAL



No.SP(HNTL)/CRM-93/2021/02 : Dated Hnahthial, the 17th Jan 2023

BRIEF REPORT

IN C/W HNTL-PS C/No. 33/22 DT 15.11.2022 U/S 304 A/336 IPC
(MAUDARH STONE QUARRY INCIDENT)

On 14.11.2022 @ 3:00 PM telephonic information was received at Hnahthial PS from LO ABCI Infrastructure Pvt. Ltd, Hnahthial stating that on 14.11.2022 @ 2:40 PM, one stone quarry site at Maudarh Village under Hnahthial PS jurisdiction had collapsed and some twelve (12) persons were reportedly trapped inside the debris. On receiving the report of incident, SP Hnahthial along with officers from Hnahthial Police Station proceeded to the place of incident. SI H. Lalliansanga of Hnahthial PS was endorsed to take preliminary enquiry of the incident and to submit the report. Enquiry report was submitted by the Enquiry Officer S.I H. Lalliansanga which revealed that the stone quarry had collapsed and people working under ABCI Infrastructure Pvt. Ltd in the stone quarry numbering about 12 (twelve) people excavating stone quarry at Maudarh village are all trapped inside the debris. Information to all units and departments was sent to assisting for first aid and helping rescue operation.

The rescue operation at the quarry started from 14.11.2022 evening and on 15.11.2022 till 11:00 AM 8 (eight) dead bodies had been recovered (rescue operations for others continued) . Viz

1. Bhudhadev Mondal (25) S/o Sunil Mondal, Nadia West Bengal
2. Rakesh Buswas (21) S/o Kalu Biswas, Nadia, West Bengal
3. Sorojit Roy (26) S/o Situ Roy, Cachar Assam
4. Subrata Raptan (24) S/o Shymal Raptan, Khalikhula, West Bengal

5. Madan Das (25) S/o Sonatan Das, Nadia, West Bengal
6. Omprakash Kumar (18) S/o Dalchand Mahato, Manamat, Chalra, Jharkhand
7. Mikntu Mandal (22) S/o Madhusudan Mandal, Tehatla, Nadia, West Bengal
8. Khemrul Kumar (22) mS/o Murli Mehto, Manamat, Chatra, Jharkhand

Inquest was conducted over the dead bodies of the victims and forwarded to District Hospital, Hnahthial for Post Mortem Examination. The EO SI H. Lalliansanga observed that proper safety measures were not taken by ABCI Infrastructure Pvt. Ltd Company as there was no proper assessment before the quarry operation. No safety measure were taken for the workers, the workers were also not provided safety equipment, no SOPs were in place for operation and emergency purposes.

Due to these negligence on the part of ABCI Infrastructure Pvt. Ltd Company to which 8 (eight) persons have lost their valuable lives, and four other persons namely:

1. Shofigul Islam S/o Muzahar Ali of Takimari, Jaleswar Bill Goalpara (Assam)
2. Jahidur Islam C/o Samsul Hoque of Satrakanara, NC Barpeta, (Assam)
3. Ajoy Chakma S/o Rangachand Chakma of Khojaisuri, Lunglei District, Mizoram and
4. Kahamrai S/o Sobroto (L) of Zawlpui, Lunglei District, Mizoram are still buried by the debris.

Hence, FIR was submitted accordingly on 15.11.2022 @ 3:00 PM at Hnahthial PS by EO SI H. Lalliansanga of Hnahthial PS. Accordingly, Hnahthial PS C/No. 33/2022 Dated 15.11.2022 U/S 304 A/336 IPC was registered (suo-moto case).

On 17.11.2022 another dead body of one person identified as Ajoy Chakma S/o Rangachand Chakma of Khojoisuri, Lunglei District, Mizoram was recovered.

The last missing dead body of one Jahidur Islam C/o Samsul Hoque of Satrakanara, NC Barpeta, Assam was recovered on 2.12.2022 at around 8:00pm from the quarry stone debris.

Inquests on all the above four dead bodies were conducted by the Police i.e I/O of the case on the date of recovery respectively. The dead bodies were sent to District Hospital Hnahthial for PME and handed over to their respected relatives by ABCI Infrastructure Pvt. Ltd Company, Kutkawk, Hnahthial.

Investigation :

Due to sensitivity of the case it was transferred to Pu K. Lalnithanga, MPS SDPO, Hnahthial.

During investigation the following machinery was found submerged inside the stone debris and damaged due to stone quarry landslide.

They are viz:

- | | | |
|----------------------|---|--------------|
| 1. Excavator (Volvo) | - | 5 (five) Nos |
| 2. ROC (Compressor) | - | 2 (two) Nos |
| 3. Terex (Crusher) | - | 1 (one) No |
| 4. Dozer | - | 1 (one) No |
| 5. Tripper | - | 2 (two) Nos |
| 6. Bolero Camper | - | 1 (one) No |
| 7. Air Compressor | - | 1 (one) No |
| 8. Wagon Drill | - | 1 (one) No |
| 9. Rock breaker | - | 1 (one) No |

All the above machineries were seized at the PO

During investigation following documents were seized:

1. Duty detailment roster of 14.11.2022
2. Quarry pass Patta No. 209802/10/26/2005 located at Leite village, Lunglei District quarry covered @ 10.70 bigha.
3. Quarry power of Attorney: ABCI Infrastructure Pvt. Ltd stamp paper of R 100 Assam B. 556641 signed on 20th July, 2019

General Manager of ABCIL Infrastructure Pvt. Ltd was examined and a Questionnaire was prepared and handed over to General Manager, ABCI Infrastructure Pvt. Ltd to reply the questions and the reply was received, ABCI Infrastructure Pvt.

Stakeholders of ABCIL Infrastructure Pvt. Ltd working on the Quarry site was examined and their statements were also recorded.

All the relevant permissions and other documents were also seized from ABCI Infrastructure Pvt. Ltd.

Statements of eyewitnesses and family members of the deceased were also recorded.

91 CRPC notice were sent to DC Office, Director Geology & Mining, Government of Mizoram, Director Mining Safety, Government of India and Director Disaster Management & Rehabilitation, Government of Mizoram for ascertaining the cause of the mining collapse.

As per initial investigation 4 accused were arrested under section 304a/336 IPC :

1. Bharat Sharma (26) S/o Manak Chand Sharma P/A Khotari, Rajasthan
2. Pravin Kumar (40) S/o Gopal Chand of Charwas Dist. Rajasthan
3. Bajrang Lal Bhugari (56) S/o Malik Chand Bhugari of Newline, Rajasthan, Dhora Bass, Rajasthan

4. Josep Marandi (36) S/o Tungya Marandi, Village: Rengdil, Mamit District Mizoram

Further During course of investigation Report from Mining and Geology Department Government of Mizoram were obtained and taken on record

Based on the report and further investigation permission for adding section 304 /287 IPC along with re arrest permission was obtained from Chief Judicial Magistrate, Lunglei.

Upon obtaining orders from the court the 4 accused were re-arrested under section 304 IPC and sent for judicial custody.

Present Status:

Based on the initial incident, suo moto FIR no 33/2022 under section 304A/336 IPC was registered against ABCIL infrastructure private limited . After initial investigation 4 accused persons named:

1. Bharat Sharma (26) S/o Manak Chand Sharma P/A Khotari, Rajasthan
2. Pravin Kumar (40) S/o Gopal Chand of Charwas Dist. Rajasthan
3. Bajrang Lal Bhugari (56) S/o Malik Chand Bhugari of Newline, Rajasthan, Dhora Bass, Rajasthan
4. Josep Marandi (36) S/o Tungya Marandi, Village: Rengdil, Mamit District Mizoram

were arrested under sections 304A/336.

Upon further investigation section 304/287 IPC were added after taking due permission of the court and the 4 accused persons were re-arrested and sent to Judicial Custody.

Further reports are awaited from mining safety department government of India and Director Disaster Management & Rehabilitation, Government of Mizoram.

Sincere effort is being made to complete the investigation in a time bound manner

For kind perusal to be forwarded to Standing Counsel, NGT, Delhi

Vineet
(VINEET KUMAR)IPS
 Superintendent of Police
 Hnahthial District, Hnahthial

To

DIG(SR), Mizoram

Copy to:-

- | | | |
|--------------|---|-----------------------|
| 1. DGP(M) | } | For kind information. |
| 2. IGP(Hqrs) | | |
| 3. IGP(L&O) | | |

Vineet
(VINEET KUMAR)IPS
 Superintendent of Police
 Hnahthial District, Hnahthial

TRUE COPY