

**BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE, PUNE.**

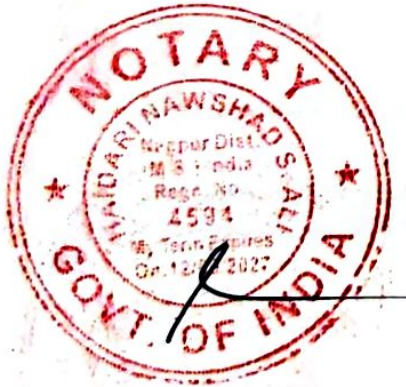
ORIGINAL APPLICATION NO.153/2024 (WZ)

APPLICANT:- SUO MOTU

: VERSUS :

- RESPONDENTS:-**
- i) Petroleum & Explosives Safety Organisation (PESO) through its administrative head.
A Block CGO Complex Fifth Floor Seminary Hills Nagpur- 440006,
 - ii) Maharashtra State Pollution Control Board,
Through its Member Secretary
Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai- 400 022,
 - iii) Ministry of Environment and Forest,
Regional Office Integrated Regional Office,
Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur,
 - iv) Central Pollution Control Board, Through its Member Secretary Parivesh Bhavan,
East Arjun Nagar, Delhi-110032,
 - v) District Magistrate, Nagpur,
Collector Office, Civil Lines, Nagpur,
 - vi) Fire Cracker Factory, namely "Chamundi Explosives Pvt. Ltd. office address Plot No. 210, Laxmi Nagar, In front of Dinsha Parlor, Nagpur- 440022 ".

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[AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENTS NO. (V).

Respondents No.(V) the District Magistrate, Nagpur, do hereby submits as under.

1) I say that, I have been arrayed as Respondents No.(v) in the present matter of which the Hon'ble National Green Tribunal, Principal Bench, New Delhi has taken suo motu cognizance of the news appeared in the Hindu News Paper on 13.06.2024 regarding "Six workers killed in explosion and injury caused to three others in a blast at firecracker manufacturing unit near Nagpur " and in this background the Hon'ble National Green Tribunal, Principal Bench, New Delhi issued notice against the respondents and since the matter relates to this Hon'ble Western Zone Bench at Pune, therefore, OA is transferred to this Hon'ble Tribunal at its Western Zone Bench for appropriate further action and as such the present OA is listed before this Hon'ble Tribunal on 09.09.2024.

2) I say and submit that on 08.07.2024 this matter was listed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi and the Hon'ble National Green Tribunal, Principal Bench, New



Delhi was pleased to observe certain facts, the relevant portion thereof are reproduced as under :-

2. "The matter relates to the death of at least six workers, including five women, and injury caused to three others in a blast at a firecracker manufacturing unit near Nagpur in Maharashtra."
4. "The news item does not indicate that any compensation has been paid to the family members of the deceased victims".
5. "The above news item indicates violation of the provisions of the Public Liability Insurance Act, 1992 and the Environment Protection Act, 1986".
6. "The news item raised substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment".
9. "Let notice be issued to the above respondents for filing their response before the Western Zonal Bench of the Tribunal at least one week before the next date of hearing. Respondent No. (vi) be served through respondent No.(v)".
10. "Since the matter relates to the Western Zone Bench, Pune, therefore, OA is transferred to the Western Zonal Bench for appropriate further action".
11. "List before Western Zonal Bench at Pune on 09.09.2024".



I say and submit that the said matter pertains to the death of workers in a blast at a firecracker manufacturing unit near Nagpur in Maharashtra and where the said incidence occurred

comes under the purview of the Commissioner of Police, Nagpur City as defined under the provisions of section 4 (c) of The Explosives Act, 1884 which reads as under- “District Magistrate”, in relation to any area for which a Commissioner of Police has been appointed, means the Commissioner of police thereof.

- 4) I say and submit that for the aforesaid reasons it is humbly submitted that the Commissioner of Police, Nagpur (City) is necessary party in the present matter and hence the said authority may kindly be impleaded in the present matter.
- 5) I further say and submit that thus the area where the incidence occurred does not come under the jurisdiction of the District Magistrate, Nagpur and hence the issue regarding compliance of the environmental norms and implementation of the provisions of scheduled enactment is beyond jurisdiction of this Respondent i.e. the District Magistrate, Nagpur and hence the name of District Magistrate, Nagpur in the present O.A. needs to be struck off from the array of the party respondent no. (v) and as such this

respondent prays to this Hon'ble Tribunal that this Hon'ble Tribunal may kindly be pleased to delete the name of Respondent No. (v) the District Magistrate Nagpur from the array of the respondents made in this O.A., in the interest of justice.

- 6) I also say and submit that so far as the para. No. 4 of the order dated 08.07.2024 as to "the news item does not indicate that any compensation has been paid to the family members of the deceased victims", is concerned it is respectfully submitted that the Government of Maharashtra by communication dated 19.06.2024 sanctioned relief of compensation of Rs. 10.00 lakhs each to the families of the victims out of the Hon'ble Chief Minister Assistance Fund. It is submitted that there are 7 deaths of women workers and 2 deaths of male workers in the said blast and accordingly the State Government has released total amount of Rs. 90.00 lakhs as financial assistance to the families of the 9 victims and accordingly the office of answering respondent has released the same as described under :-



Sr. No.	Name of the Victims	Name of the heirs of the victims	Relation with the victims	Cheque No.	Amount of financial Assistance in Rs.
1.	Rupali alias Pranjali Kisanaji Modare	Kisanaji Shyamrao Modare	Father	567176	10.00 Lakh
2.	Pranjali alias Prachi Shrikant Falke	Surekha Shrikant Falke	Mother	567177	10.00 Lakh
3.	Vaishali Aanandrao Kshirsagar	Vanita Aanandrao Kshirsagar	Mother	567178	10.00 Lakh
4.	Monali Shankarrao Alone	Shankar Kashinath Alone	Father	567179	10.00 Lakh
5.	Pannalal Rekhahal Bandewar	Sita Pannalal Bandewar	Wife	567180	10.00 Lakh
6.	Shital Ashish Chatap	Chabutai Kavdu Kshirsagar	Mother	567181	10.00 Lakh
7.	Dansa Fulnasa Maraskolhe	Fulnasa Maraskolhe	Father	567182	10.00 Lakh
8.	Shradhha Vanraj Patil	Bharti Vanraj Patil	Mother	567183	10.00 Lakh
9.	Pramod Chaware	Manisha Chaware	Wife	567184	10.00 Lakh
Total					90.00 lakhs

7) I further say and submit that the Hon'ble Tribunal issued direction in para No.9 of the order dated 08.07.2024 that, "Respondent No.(vi) be served through respondent No.(v)" and in

NOTARIAL REG.
ENTRY NO. 15468
DATE 6/8/24

compliance with the said direction, the office of this deponent has served the Notice on 30.07.2024 to the Respondent No. (vi) namely "Chamundi Explosives Pvt. Ltd. office address Plot No. 210, Laxmi Nagar, In front of Dinsha Parlor, Nagpur-440022".

8) Hence the reply is being submitted for due consideration of the Hon'ble Tribunal.

Place :Nagpur
Dated: 05.08.2024

[Signature]
Collector and District Magistrate, Nagpur
(Respondents No. (v))
Collector & District Magistrate Nagpur.

Solemn Affirmation

I Dr.Vipin Itankar, Aged about 40 years, Collector and District Magistrate, Nagpur do hereby take an oath and state on solemn affirmation that the contents as stated above from para. Nos. 1 to 8 are true and correct to the best of my knowledge and information received from official record and hence I have signed on this day of 05 August, 2024 at Nagpur.

I know the deponent.

[Signature] V.R. Shute
Adv.

[Signature]
SWORN / SOLEMNLY AFFIRMED
By Dr. Vipin Itankar
Collector & District Magistrate Nagpur
WHO IS PERSONALLY KNOWN TO ME / IDENTIFIED BY
BEFORE ME THIS THE 05th DAY OF Aug 24 AT NAGPUR
[Signature]
HAIDARI NAUSHAD S. ALI
NOTARY

