

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI**

Original Application No. 29 of 2024 (SZ)

(in Earlier O.A.No.639 of 2023 (PB))

Suo Motu based on the news report published
in The Times of India, dated:10.10.2023, under the
caption "TN cracker unit blast kills 10, owner arrested".

Vs

The Central Pollution Control Board,
Through its Member Secretary,
New Delhi and Others.

...Respondents

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**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No. 29 of 2024
(in Earlier O.A. No. 639 of 2023 (PB))

Suo Motu based on the news report published
in The Times of India, dated 10.10.2023, under the
caption "*TN cracker unit blast kills 10, owner arrested*"

Vs.

The Central Pollution Control Board,
Through its Member Secretary,
New Delhi and others

...Respondents

REPORT FILED ON BEHALF OF SECOND RESPONDENT-
TAMIL NADU POLLUTION CONTROL BOARD

I, S.Palanisamy, S/o. Thiru.S.Santhappan, aged 59 years, having office
at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm
and sincerely stated as follows:-

1. I submit that I am the Joint Chief Environmental Engineer, Tamil Nadu
Pollution Control Board, Chennai – 600 032 and I am authorized to file
this report on behalf of the Second respondent (TNPCB) and as such I
am well acquainted with the facts of the case as per the records
available in office records.
2. It is respectfully submitted that earlier, the above OA No. 639 of 2023
(PB) was taken by the Hon'ble National Green Tribunal, Principal
Bench, New Delhi, based on the news item reported in 'The Times of
India' dated 10.10.2023 which has been transferred to the Hon'ble
National Green Tribunal Southern Bench and renumbered as Original
Application No.29 of 2024(SZ).
3. It is respectfully submitted as per the direction of Hon'ble NGT, the
detailed report is submitted along with present status of the unit herein.
4. It is respectfully submitted the fire cracker manufacturing unit in the
name and style of M/s. Deepam Fire Works located at SF.No.42/6C,
Veragalur Village, Ariyalur Taluk, Ariyalur District, owned by Thiru.

S. Palanisamy
27/8/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

K. Rajendiran, S/o. Kumarasamy, has obtained Licence (Form LE-1) from the District Revenue Officer, Ariyalur District vide Licence No. 01/2014 dated 30.04.2014 under the provisions of Explosives Act, 1884 as amended from time to time and the Explosives Rules, 2008 and subsequently renewed up to 31.03.2024. The unit has also obtained license from the Directorate of Industrial Safety and Health.

5. It is respectfully submitted that on 09.10.2023 around 9.30 A.M, an explosion causing massive fire accident is reported to have occurred at the fire cracker factory of M/s.Deepam Fire Works located at SF.No. 42/6C, Veragalur Village, Ariyalur Taluk, Ariyalur District which led to killing of 12 workers (The New Indian Express dated 13.10.2023 under caption "*Ariyalur firecracker unit blast death toll rises to 12*" and left 11 others with burns and other injuries. The preliminary findings suggest that the fire accident may be due to human negligence and unsafe handling of explosives.
6. It is respectfully submitted that the District Administration, Ariyalur as per its Authority's Proceeding No. R.C.C2/23/2023 dated 16.10.2023, ordered to permanently cancel the licence of the M/s. Deepam Fire Works manufacturing shop where the explosion has occurred.
7. It is respectfully submitted that on 27.12.2023 show-cause notice was issued vide Board's proceedings to the unit of M/s. Deepam Fire Works under Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981 as amended. The unit has received the Show cause Notice on 11.01.2024, no reply has been received from the unit till date. The unit of M/s. Deepam Fire Works was inspected on 17.10.2023 and observed that
 - a. The explosion causing massive fire reported to have occurred on 09.10.2023, on the event of not following the safety aspects which leads to killing of 12 workers and left 11 others with burns and other with injuries.
 - b. The unit had carried out firecracker manufacturing activity without obtaining prior consent of Tamil Nadu Pollution Control Board.

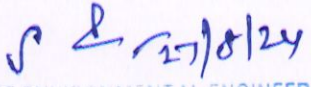
- c. The unit is functioning, since May 2014 without furnishing the details of onsite emergency plan as mandatory as per Rule 13 of the Manufacturing Storage and Import of Hazardous Chemicals Rules 1989. (Show-cause Notice dated 27.12.2023 attached here to and marked as **Annexure 1**).
8. It is respectfully submitted that subsequently the M/s Deepam Fire Works site was inspected on 22.04.2024 and observed the following: (Photograph taken while inspection attached here to and marked as **Annexure 2**).
- The site previously occupied by M/s. Deepam Fireworks was found vacant.
 - Presently, there is no structure or buildings found in the site and only construction debris (all the parts of brick walls and roof were found on the site) was found scattered all around the site with the remnants of the exploded crackers.
 - There is one shed in dilapidated condition remaining with steel structure alone.
 - The boundary of the premises was found with minimum number of the fencing posts in place, some of the fencing posts are in damaged condition and major part of the boundary of the premises is without fencing posts.
 - A caution banner with restriction to entry to the site was found at the time of inspection near the entrance.
9. It is respectfully submitted that the firecracker manufacturing units do not generate any waste water from the process and do not let out any process emission. Also no hazardous waste is generated from these units.
10. It is respectfully submitted that, the Petroleum & Explosives Safety Organization (PESO)/South Circle/Chennai/Govt. of India, Directorate of Industrial Safety and Health/Ariyalur/ Govt. of Tamil Nadu and the District Administration/Ariyalur District are the licensing authorities for the fire crackers manufacturing unit. The Chemical Accidents (Emergency Planning, Response Preparedness and Response) Rules, 1996 provide much needed statutory backup for Crisis Management

setup and organizational support. The Chemical Accidents (EPPR) Rules, 1996 envisage a Four-tier Crisis Management System in the country at the Central, State, District and Local levels. The Central Crisis Group is to be headed by the Secretary, Environment & Forests, the State Crisis Group by the Chief Secretary, the District and Local Crisis Groups by the District Collector and Sub- Divisional Magistrate respectively, where official of the Department of Industrial Safety and Health is the Member Secretary.

11. It is respectfully submitted that latest inspection to the site was conducted on 18.07.2024 and the details of the inspection are furnished as below.
- i. The unit's site found to be vacant.
 - ii. Presently, there is no structure / buildings found in the site and only construction debris (all the parts of brick walls and roof) was found scattered all around the site with the remnants of the exploded crackers.
 - iii. There is one shed in dilapidated condition remaining with steel structure alone.
 - iv. The boundary of the premises was found with minimum number of the fencing posts in place, some of the fencing posts are in damaged condition and major part of the boundary of the premises is without fencing posts.
 - v. The site is surrounded with agricultural lands and those lands were found ploughed and ready for cultivation.
 - vi. The photograph taken during the site inspection is enclosed.


27/8/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, S.Palanisamy, S/o. Thiru.S.Santhappan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board having office at No. 76, Anna Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

BY RPAD



TAMIL NADU POLLUTION CONTROL BOARD

Proc No. DEE/TNPCB/ARY/F.NA/A/2023 dated. 27.12.2023

Sub: TNPC Board-Issue of Show Cause Notice for contravention of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 to the unit of M/s.Deepam Fire Works, SF.No.42/6C, Veragalur Village, Ariyalur Taluk, Ariyalur District -Reg

- Ref: 1. Fire accident occurred in the unit on 09.10.2023
2. New appeared in "The Times of India" dated: 10.10.2023
3. The Hon'ble National Green Tribunal (Principal Bench) took a Suo Motu case O.A.No.639 of 2023 (PB) has been initiated on the basis of media report published in "The Times of India" dated: 10.10.2023
4. Inspection of the unit by TNPCB official on 17.10.2023.

The Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 is in force in Tamil Nadu (herein after referred to as the Act). The Tamil Nadu Pollution Control Board enforces the above Act.

Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 prohibits any person for operating any industrial plant for the purpose of any industry in an air pollution control area without the consent of the Board. Contravention of Section 21 is punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both.

Tamil Nadu Pollution Control Board serves this notice on you as occupier of the unit of M/s.Deepam Fire Works located at SF.No.42/6C, Veragalur Village, Ariyalur Taluk, Ariyalur District under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (herein after referred to as the Act) for the following reason.

Despatched

DI
27/12/23

The unit of M/s.Deepam Fire Works was inspected on 17.10.2023 and observed that

1. The explosion causing massive fire reported to have occurred on 09.10.2023, on the event of not following the safety aspects which leads to killing of 12 workers and left 11 others with burns and other injuries.
2. The unit had carried out firecracker manufacturing activity without obtaining prior consent of Tamilnadu Pollution Control Board.
3. The unit is functioning, since May-2014 without furnishing the details of onsite emergency plan as mandatory as per rule 13 of the Manufacturing Storage and Import of Hazardous Chemicals Rules 1989

Thereby you are violating the provisions of the Section 21 of the Act, which are an offences punishable under Section 37 of the Act with imprisonment for a term which shall not be less than one year and six months, but which may extend to six years and with fine.

Hence, you are directed to show cause within 7 days from the date of receipt of this notice as to why penal action for an offence punishable under section 37 of the Act should not be initiated against you, as occupier for contravention of the provisions of the section 21 of the Act and also to show cause as to why directions under Section 31-A of the Act should not be issued for closure of the unit, stoppage of power supply, water supply etc., to the said unit.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken against you on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.


District Environmental Engineer
Tamil Nadu Pollution Control Board
Ariyalur
27/10/2023

To

Thiru.K.Rajendran
The Proprietor,
M/s.Deepam Fire Works
Ward No.3, Therkku theru
Thirumalapadi Post
Ariyalur Taluk,Ariyalur District -621 851

BY RPAD

TAMIL NADU POLLUTION CONTROL BOARD

Proc No. DEE/TNPCB/ARY/F.NA/W/2023 dated. 27.12.2023

Sub: TNPC Board-Issue of Show Cause Notice for contravention of Section Section 25 of the Water (Prevention and Control of Pollution) Act,1974 as amended in 1988, to the unit of M/s.Deepam Fire Works, SF.No.42/6C, Veragalur Village, Ariyalur Taluk, Ariyalur District -Reg

- Ref: 1. Fire accident occurred in the unit on 09.10.2023
 2. New appeared in "The Times of India" dated: 10.10.2023
 3. The Hon'ble National Green Tribunal (Principal Bench) took a Suo Motu case O.A.No.639 of 2023 (PB) has been initiated on the basis of media report published in "The Times of India"dated: 10.10.2023
 4. Inspection of the unit by TNPCB official on 17.10.2023.

The Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 is in force in Tamil Nadu (herein after referred to as the Act). The Tamil Nadu Pollution Control Board enforces the above Act.

Tamil Nadu Pollution Control Board serves this notice on you as occupier of the unit M/s.Deepam Fire Works located at SF.No.42/6C, Veragalur Village, Ariyalur Taluk, Ariyalur District under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 for the following reason.

The unit of M/s.Deepam Fire Works was inspected on 17.10.2023 and observed that

1. The explosion causing massive fire reported to have occurred on 09.10.2023, on the event of not following the safety aspects which leads to killing of 12 workers and left 11 others with burns and other injuries.

Despatched

On *[Signature]* 27.12.2023

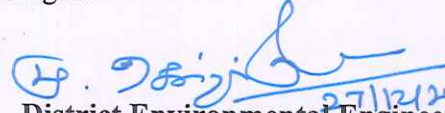
2. The unit had carried out firecracker manufacturing activity without obtaining prior consent of Tamilnadu Pollution Control Board.
3. The unit is functioning, since May-2014 without furnishing the details of onsite emergency plan as mandatory as per rule 13 of the Manufacturing Storage and Import of Hazardous Chemicals Rules 1989

Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988, requires the new/existing industries to obtain the previous consent of the Board for the discharge of sewage or trade effluent into any stream or well or sewer or on land by making an application to the Board in the prescribed form. Contravention of the provisions of Section 25 is punishable with imprisonment for a term which shall not be less than one year and six months, but which may extent to six years and with fine.

Hence, you are directed to show cause within 7 days from the date of receipt of this notice as to why penal action for an offence punishable under section 44 read with Section 45 A of the Act should not be initiated against you, as occupier and also to show cause as to why directions under Section 33-A of the Act should not be issued for closure of the unit, stoppage of power supply, water supply etc., to the said unit.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken against you on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.


27/12/2023
District Environmental Engineer
Tamil Nadu Pollution Control Board
Ariyalur

To

To
Thiru.K.Rajendran
The Proprietor,
M/s.Deepam Fire Works
Ward No.3, Therkku theru
Thirumalapadi Post
Ariyalur Taluk,Ariyalur District -621 851

M/s. Deepam Fire works

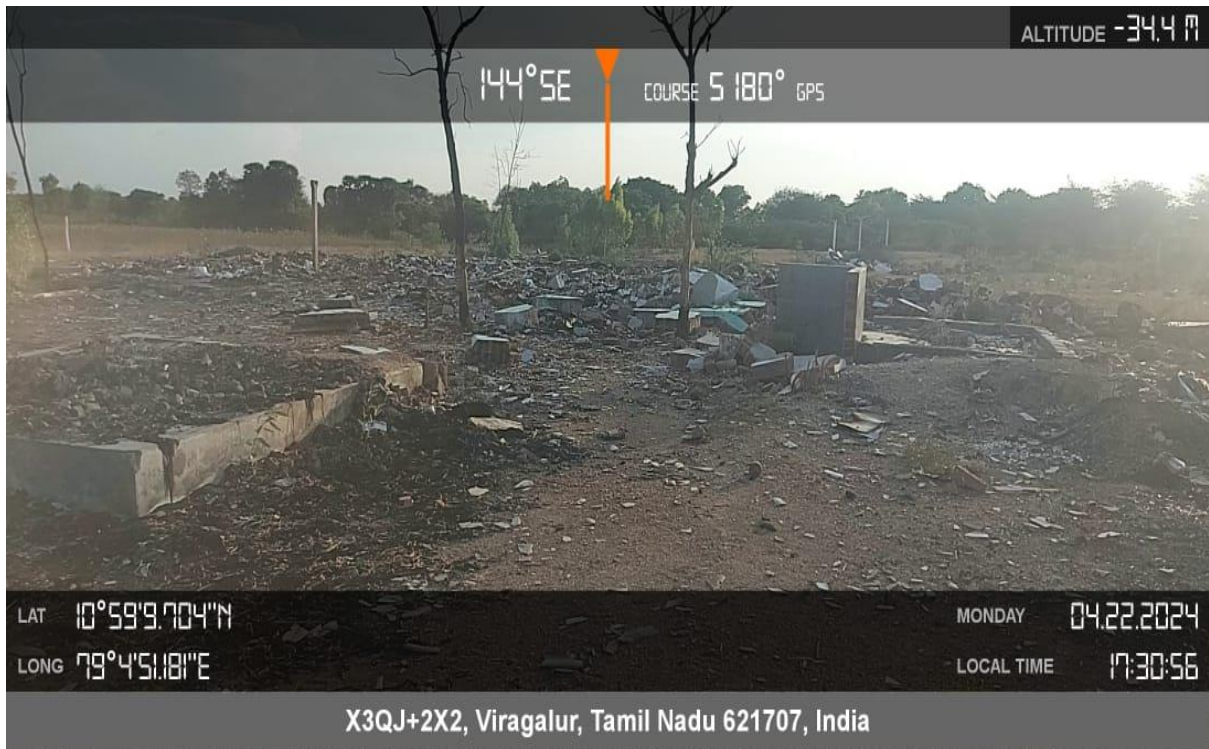
Photos taken during inspection on 22.04.2024



Construction debris



Construction debris scattered all around due to blast



Construction debris and remnants of exploded crackers



Steel structure of the damaged shed



Caution Banner displayed near entrance of the premises

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL SOUTHERN ZONE,
AT CHENNAI**

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Vs

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Through its Member Secretary,
New Delhi and Others.

...Respondents

**REPORT FILED ON BEHALF OF THE
SECOND RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 28.08.2024

Date of hearing on: 06.09.2024