

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

Original Application No. 59 of 2021

IN THE MATER OF:

**In re: News item published in Times Now News dated
23.02.2021 titled**

**“Karnataka: Six killed in quarry blast in Hiremagavalli,
Chikkaballapur”**

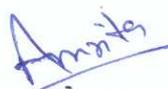
Date of Hearing 22.04.2022.

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New Delhi
Date 22/04/2022

Filled By :-


(Ms. Amrita Sharma Adv.)

Advocate for the Respondent

(M/s. Shirdi Sai Aggregates.)

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**STATEMENT OF OBJECTIONS ON BEHALF OF M/s SHIRDI
SAI AGGREGATES**

MOST RESPECTFULLY SHOWETH:

1. That vide order dated 11.06.2021 this Hon'ble Tribunal passed an order awarding Rs.1,25,47,500 (Rupees One Crore Twenty Five Lakhs, Forty Seven Thousand and Five Hundred) as compensation towards the death of six people as published in Times Now News dated 23.02.2021 titled “*Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur*”.
2. That Appellants are owners of a stone quarry in Chikkaballapur, Karnataka.
3. That on 01.03.2014, Building Stone Quarry Lease No. 100 was transferred to the appellant from the previous lease holder, Sri. H. S. Madhusudhana Reddy, over an extent of 3-

20 acres in part of Sy. No. 11 of Janalakunte Village, Chikkaballapura Taluk and District. On 28.11.2019, as per Rule 8A(2) of Karnataka Minor Mineral Concession Rules 1994, Quarry Lease No. 100 was extended for a period of 20 years with effect from original grant date, upto 20.07.2030.

4. That on 22.02.2021, a blast took place in Hiremagavalli, Chikkaballapur, in which six people were killed and one person was injured (**‘the blast incident’**).
5. It is submitted that following the blast incident, on 23.02.2021, a team of officials comprised of the district administration of Chikkaballapur, officials from the Department of Mines and Geology, Superintendent of Police and the District Health Officer visited the blast site.
6. That on 23.02.2021, a news article reporting the blast incident was published in Times Now News, titled *“Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur”*.
7. That based on the said news article, this Hon’ble Tribunal initiated suo moto proceedings in reference to the incident,

having O.A. No. 59/2021, and by order dated 25.02.2021, directed the Central Pollution Control Board to constitute a six-member Joint Committee to prepare a report on the blast incident.

8. That the said Joint Committee was then constituted by the Central Pollution Control Board, comprising of a member each from the Central Pollution Control Board and the State Pollution Control Board, the District Magistrate, Chikkaballapur, the Nominee of Director General, Mines, Government of India, the Chief Controller of Explosives, Ministry of Commerce and Industry, Nagpur, and the Director, Mines, Karnataka.
9. That On 06.04.2021, a meeting was conducted between the Joint Committee and the District Administration, the Police Department, the Labour Department, the Health Department and the Department of Mines & Geology to ascertain the facts, the cause of blast accident and the extent of damage due to the blast accident. On the said date the Joint Committee also visited the blast site to ascertain the sequence of events, the cause of blast accident and the extent

of damage caused due to the explosion. It was informed to the Joint Committee by the officials who had visited the site of the blast on 23.02.2021 that there was no major impact on the environment (flora, fauna, water body, atmosphere and livestock etc.).

10. That on 17.05.2021, the Joint Committee gave its report to the Hon'ble Tribunal. It was observed by the Joint Committee that there was no fire subsequent to the blast, no damage caused to any water bodies, public structures or government buildings and neither any impact on any livestock or the surrounding flora and fauna. For this reason, the Joint Committee did not suggest any environmental compensation to be charged.
11. That on 11.06.2021, this Hon'ble Tribunal passed an interim order directing the payment of compensation to be made by the Appellant herein.
12. It is respectfully submitted at the outset that while a perusal of the order dated 25.02.2021 reflects that no notice was issued to the Answering Respondents, it was incorrectly noted in the order dated 11.06.2021 that notice was issued

to the Answering Respondents. It is therefore submitted that the Answering Respondents were not given an opportunity to be heard before the order dated 11.06.2021 was passed.

13. It is most respectfully submitted that this Ld. Tribunal while passing the said order and fixing compensation has not considered the fact that the report of the committee has specifically observed that the investigation in respect of the blast are in a stage of Investigation and the report of experts is awaited.

“8. The type and name of explosives and accessories, being disposed could not be ascertained. However, the sample has been collected by the forensic department, which has been in turn sealed and handed over to Forensic Science Lab, Bengaluru by police department. The result of analysis is awaited for further examination.”

14. Because the Hon'ble NGT has overlooked the specific finding of the joint committee prior to imposing the Compensation of Rs.1,25,47,500 under Sec.15 of NGT Act. The Report of the Committee has emphasised that there is no environmental degradation or no impact on the flora and fauna due to the blast.

6.2 Impact on Environment

“It was observed that there were no residential colonies, government buildings/public structures, water bodies or vegetation in and around the blast site except small bushes within 200 metres. Therefore, no visible impact on the environment found. Photographs of the accident spot and the nearby areas before and after the blast incident are given below at Figure 6. “

No damage has been caused either to any water bodies, public structures or government buildings as observed in and around the surrounding area due to the incident. No loss of livestock and no impact on the flora and fauna around the site was observed as the site is a barren land. The same was confirmed with the officials who visited immediately after the incident, which comprised of district administration, Superintendent of Police, District Health Officer, Department of Mines and Geology etc.

15. It is submitted that the committee has finalised the report based on surmises and conjectures. The relevant para of the committee extracted below would emphasise that the committee has arrived the conclusion without concrete evidences.

Impact on Human Life

As per the information furnished by the driver involved in the incident to the police department, about 10-12 kg of explosives blasted at the site for less than a minute with a huge noise. Among seven persons involved in the unauthorized disposal, six persons died on the spot and one person suffered minor injuries. The person (driver) who suffered minor injuries was waiting in the vehicle that was parked at a distance of about 30 metres. The joint committee, therefore, assessed that the blast might have occurred due to either of the following: confinement of the explosives or presence of detonators or use of fire

or disposal of entire lot of explosives at a time or unscientific mode of disposal. The impact (viz., air pressure, noise, vibration, dust, particles etc.) might have occurred within the radius of 30 metres causing death of persons (06) who were in immediate vicinity.

16. It is also pertinent to note that any casualty/accidents occur under the Manufacture, Storage and Import of Hazardous Chemical Rules 1989 and Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 does not come under the purview of National Green Tribunal Act, 2010.
17. It is also submitted that the compensation has been granted for a blast which does not fall under the provisions of Sec.14 and Sec.15 of the NGT Act. Moreover, it is further submitted that the said blast has occurred outside the lease area of the answering Respondents, which they are not liable for.
18. It is submitted that the Answering Respondent has already paid an amount of Rs. 70 Lakhs to families of the victims.
19. It is submitted that the Superintendent of Police and Investigation officer, Special Enquiry Division CID, Bengaluru is conducting investigation on the blast in Crime No.34/2021 under Sections 286 and 304 of the IPC read with Section 356 of Explosives Substance Act.

20. Because the Principle of Absolute liability embarked in the case of M.C. Mehta v. UOI is not applicable to the facts and circumstances of the present case in so far as there is no environmental degradation or any loss of life due to mishandling of hazardous substance.
21. It is submitted that the quantum of compensation has not been calculated scientifically by the Committee and requires re-consideration.
22. The answering respondents are also undergoing major financial crisis on basis of the fact that they were in custody and have been undergoing major loss owing to the pandemic.

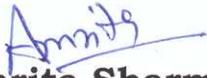
PRAYER

In view of the above facts and submissions, it is prayed that this Hon'ble Tribunal may be pleased to:

- a) Pass an order exempting the Answering Respondent (M/s Shirdi Sai Aggregates) from payment of environmental compensation in view of the Joint Committee's observation regarding there being no environmental damage;

- b) Pass an Order exempting the Answering Respondent from payment of workmen's compensation in view of the fact that the blast incident occurred outside the Answering Respondent's lease area;
- c) Pass an Order observing that the contents of this Hon'ble Tribunal's order dated 11.06.2021 shall not be treated as a precedent for the ongoing investigations and the investigating agencies shall examine the case on its own merits; and
- d) Any other order(s) in favour of the answering Respondent as this Hon'ble Tribunal may deem fit.

Filed By:


Ms. Amrita Sharma
Advocate

Place: New Delhi
Date: 22.04.2022