

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

O.A. No. 612 of 2024

In the matter of

Lakshmi & Ors

Applicant

Versus

State of U.P. & Ors

Respondents

INDEX

S.NO.	Particulars	Page No.
1.	Preliminary Response on behalf of the Applicant No.1 to the Reply of Respondent No2. UPPCB	1-6

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New Delhi

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PRELIMINARY RESPONSE ON BEHALF OF THE APPLICANT**No.1 TO THE REPLY OF THE UPPCB****MOST RESPECTFULLY SHOWETH:**

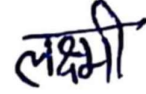
1. That the Applicants has filed the present Original Application aggrieved by the death and injuries of their near ones in the Pyrolysis factory of Respondent no.5 due to explosion in the boiler on 27.02.2024.
2. The Asst Director Factories, Meerut Division, and Labour Enforcement Officer Meerut Division inspected the Respondent factory on 04.03.2024 and found that the said incident happened due to failure in ensuring explosive limit of Pyro gas which came in contact with Oxygen and other gases in environment when few bolts of the Boiler were opened. On mixture with outer gases explosion took place in the Boiler.

3. That the report of Asst Director Factories was very particular on the aspect that there is absence of sensor to monitor the limit of flammable gas inside the reactor.
4. That the Applicant has also placed on record the response filed by the Respondent no.5 itself, wherein he has admitted in clear terms the there was no sensors placed in the system.
5. The Hon'ble Tribunal vide order dated 27.05.2024 was pleased to take note of violations regarding absence of device for measurement of Pressure and Temperature, and also the inspection report filed by the Asst Director of Factories and issued notice to all respondents.
6. That in compliance to it the Respondent no.2 UPPCB has filed reply dated 17.08.2024 (uploaded on NGT website on 05.09.2024) wherein the Respondent Unit is shown to be compliant.
7. The humble Applicant takes objection to the approach and line of reply adopted by UPPCB. It is submitted that the UPPCB has tried to evade the necessary details which are actually required for adjudication of the issue before the Hon'ble Tribunal. And instead attempted to show the present compliance status of Respondent no.5 and that too without any details and supporting documents.
8. That the most absurd part of the report is that the Respondent Unit no.5 is shown to be complied as on 27.07.2024 (date of inspection) despite the fact that the Unit is lying closed since 27.02.2024 when the accident took place.

9. That the reply has been prepared in mechanical manner wherein the UPPCB has shown the Project Proponent compliant against the various parameters laid down in SOP issued by MoEF&CC. It is submitted that said filling of table, at running page no. 139, without requisite particulars is mechanical submissions which can be filed by any layman sitting in comfort of his chair.
10. For illustration, at running page no. 139, it is shown that "**PLC is installed.**" However it is not mentioned whether at the time of accident the said PLC was existing or not. And when the current PLC as being claimed, is installed.
11. Further at running page 149 it is stated that "**At the end of pyrolysis process reactors are cooled in atmospheric temperature before removal of carbon**". However, it is not clear as to on what basis the UPPCB has come to this conclusion. It shows the approach of the Board bent in favour of non-compliant unit.
12. That in the humble understanding of the Applicant the UPPCB was supposed to reply on three aspects. **Firstly**, the status of compliance of various environmental norms as on the date of accident. **Secondly**, the status of compliance as it stands today. **Thirdly**, the facts relevant to the cause of accident.
13. That the UPPCB has not come out with the necessary facts with respect to the cause of accident and with respect to the status of compliance as on the date of accident.

Prayer

It is thus prayed from the Hon'ble Tribunal that the above response of applicant no.1 be kindly taken on record.



Applicant no.1

Through



Counsel

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AFFIDAVIT

I, Lakshmi W/o Shankar Lal Village Kishoripur, Bana Police Station Inholi Meerut Uttar Pradesh 251309 do hereby solemnly affirm and declare as under:

1. That I am the Applicant no.1 in the present Original Application and thus well conversant with the facts of the case and thus competent to swear the present Affidavit.

That the accompanying objections to the reply of the UPPCB has been drafted by my counsel under my instructions and same be read as part of this Affidavit.

3. That the said objections have been read over and explained to me by counsel in vernacular.
4. The contents of the present Affidavit have been explained to the deponent in vernacular by the Counsel. No part of this affidavit is wrong or incorrect.

DEPONENT

Verification

It is verified on _____ Sept 2024 at Meerut, that the contents of the present Affidavit are true and correct and nothing is concealed therefrom.

DEPONENT

Attested
Baldev Sahay Rastogi
Public Notary

6/9/24

