

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE.

ORIGINAL APPLICATION NO: 60/2022

IN THE MATTER OF:

ADITYA ROOP SINGH CHAUHAN..... Applicant

Versus

Government of India and Ors. 4 Respondents

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Through Applicant
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Pune

Dated: - 16-01-2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.**

ORIGINAL APPLICATION NO: 60/2022

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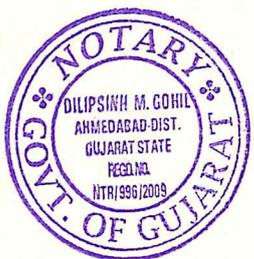
**REJOINDER AFFIDAVIT OF THE APPLICANT TO THE REPLY
OF THE RESPONDENT NO. 4.**

I, Aditya Roop Singh Chauhan, S/o Roop Singh Chauhan aged about 47 years, R/o 25/2, Jayshree Shopping Center GIDC, Vatva Road, VatvaAhemedabad – 382440, do herby solemnly affirm and state that I have gone through the contents of the reply of Respondent No. 4 and this affidavit is my response to the same.

1. That the contents of para 1 are matter of record.
2. That the contents of para 2 are denied. The applicant was directed to file detailed reply to the OA and seeking further liberty to do the same is mockery of the orders of this Hon'ble Tribunal.
3. That the contents of para 3 ate matter of record.
4. That the contents of para 4 are wrong and denied. Whether the blast occurred first and led to fire or Fire occurred first and led to blast, the applicant cannot tell for sure and do not know on what basis the R-4 is so sure that it is the blast that led to fire and not vice versa. R-4 be called upon to place evidence/ record regarding this averment. Times of India Article dated 18.05.2022 regarding the accident (accessed on the internet) categorically stated that the fire led to the blast and said article is annexed hereto as **Annexure A-9.**



5. That the averments are incomplete as it does not specify the nature of injuries suffered by 29 workers or their age profile; the numbers of workers who suffered permanent physical disability, if any. This information would certainly have helped this Hon'ble Tribunal in regard to the present OA.
- 6-7. That the contents of paras 6 & 7 are vague and hence denied. R-4 is the nodal agency in respect of the accident and upon direction of this Hon'ble Tribunal have filed their affidavit. The affidavit is vague and devoid of facts. No documents have been produced in support of the averments. Who and when, personnel from fire department, Directorate of Industrial Safety and Health, Pollution Control Board etc. visited the accident site and what report they submitted has been concealed. Similarly Test report of the samples of water collected or air quality ought to have been placed on record. In view of the above the applicant suspects that the respondent no. 4 is trying to conceal facts from fear of scrutiny.
8. That from the averments it can be made out that till date neither the cause of fire nor the extent of damage caused has been assessed by the Respondent No. 4 or any other statutory authority. It is not clear as to whether any enquiry at all is underway to access the same. In case there is one why not the report regarding the status of the said enquiries have been placed on record. The order of closure (Annexure R-1) allegedly issued by Respondent No. 4 carries no date and is farce. The said order calls upon the industry proponent to prohibit manufacturing activity, w.e.f 5.06.2022 and to deposit Rs. 1.5 Crore as interim environment damage compensation. In its reply filed by the industry proponent, the said order of closure is shown to have been received by them on 6.06.2022 at page no. 417 & 418 of paper-books. Though the industry proponent received the said order on 6.06.2022 calling upon them to deposit the sum of Rs. 1.5 Crore, the industry proponent actually deposited the said money on 3.06.2022



(para 42 of reply of R-5 at page 325). Further the industry proponent were in receipt of a stay order against the aforesaid order of closure on 5.06.2022, i.e one day before the received the closure order from the Respondent No. 4. All these facts do not inspire confidence in the conduct of Respondent No. 4, rather it casts aspersion on their conduct of being hands in glove with the wealthy industrialist. An independent inquiry committee constituted by this Hon'ble Tribunal is most appropriate in the facts and circumstances of the present case.

9-10. That the contents of paras 9 & 10 are wrong and disputed. The Respondents are relying upon 3 reports regarding structural stability, electrical fittings and hazard and operability study prepared by accredited agencies, all at the instance of the industry proponent to say that the building and plant A, B & C have not sustained **critical damage**. Respondents have not made any independent assessment but ratified the said report, basis which Plant A, B & C with some damage but not critical damage were allowed to reopen. The applicant would have conceded to a report prepared by accredit agencies empaneled with the State agencies and cost thereof could have been recovered from the industry proponent. None of the reports relied upon by have been placed on record. The Directorate of Industrial Safety and Health were served through State of Gujrat but have shown contempt for this Hon'ble Tribunal and to the applicant it appears that human lives and environment stand no chance at the hands of commerce, except with the intervention of this Hon'ble Tribunal.

11. That the contents of para 11 is wrong and denied. The R-4 has miserably failed to discharge its responsibility to quantify the damage caused to the environment because of the accident.

12. That the contents of para 12 are wrong and denied. It was a big fire, killing 8 people and injuring another 30 people; about 15 fire tenders were employed for more than 6 hours to douse



the fire. In light of above it is difficult to fathom that only 1396 kilo liters of waste water was generated in firefighting.

13. That the contents of para 13 are wrong and denied. On one hand there is admission that there was marked deuteriation in air quality due to accident but on the other hand a bald assertion that no respiratory problem were reported from the area without specifying the basis of such averment.
14. That the R-4 has admitted that the accident indeed has caused damage to the environment but they have not been able to access the nature and extent of damage caused by the accident blast and fire which resulted in release of chemicals and other material in the environment.
- 15-16. That the R-4 has correctly held the industry proponent liable to pay compensation. The contents of para 16 are wrong and denied. The compensation of 1.5 Crore is meagre and inadequate, in view of number of people killed (8), severely injured (29), size of the industry (industry proponent being national market leader) and environment damage caused due to the accident.
17. That more than 8 months have passed and R-4 is yet to ascertain the environment compensation and under the circumstances, it is fit case to constitute a committee to ascertain the same and lay guidelines for safety and assessing environment damage caused due accidents in chemical factories.
18. That the contents of para 18 are wrong and denied. In case the inspection was carried on 18.06.2022 then why was the order revoking the closure order issued as late as on 29.06.2022 when all actions associated with reopening of the industry in question was being carried on at jet speed and in case it was issued on 29.06.2022 then how was it served on the industry proponent on 5.06.2022, i.e, 24 days prior to issuance.
- 19-22. That the contents of para 19 to 22 are denied. Had R - 4 been diligent towards its duty the possibility of such accidents can be greatly reduced. R-4 has failed to perform its



statutory duty and after 8 months of the accident they are yet to ascertain the actual damage and no penal action has been taken till date. The order of closure (Annexure R-1) allegedly issued by Respondent No. 4 carries no date and is farce. The said order calls upon the industry proponent to prohibit manufacturing activity, w.e.f 5.06.2022 and to deposit Rs. 1.5 Crore as interim environment damage compensation. In its reply filed by the industry proponent, the said order of closure is shown to have been received by them on 6.06.2022 at page no. 417 & 418 of paper-books. Though the industry proponent received the said order on 6.06.2022 calling upon them to deposit the sum of Rs. 1.5 Crore, the industry proponent actually deposited the said money on 3.06.2022 (para 42 of reply of R-5 at page 325). Further the industry proponent were in receipt of a stay order against the aforesaid order of closure on 5.06.2022, i.e one day before the received the closure order from the Respondent No. 4. All these facts do not inspire confidence in the conduct of Respondent No. 4, rather it casts aspersion on their conduct of being hands in glove with the wealthy industrialist. An independent inquiry committee constituted by this Hon'ble Tribunal is most appropriate in the facts and circumstances of the present case.

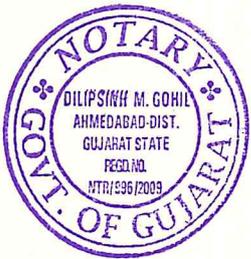
Deponent

Verification

Verified at _____ on this _____ day of January 2023 that the contents of the above affidavit are true and correct to my knowledge, no part of it is incorrect and nothing material has been concealed there from. Legal submissions made are based on advice received and believed to be correct.

Deponent

(Signature)



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.

ORIGINAL APPLICATION NO: 60/2022

IN THE MATTER OF:

Aditya Roop Singh Chauhan Applicant

Versus

Ministry of Environment and Forest and
Climate Change & Ors. 4 Respondents

AFFIDAVIT

I, Aditya Roop Singh Chauhan, S/o Roop Singh Chauhan aged about 47 years, R/o 25/2, Jayshree Shopping Center GIDC, Vatva Road, Vatva Ahmedabad - 382440, do hereby solemnly affirm and state as hereunder:-

1. That I am the applicant in the above referred matter and conversant with the facts and circumstances of the case and competent to swear the present affidavit.
2. That the contents of the accompanying application for condonation of delay are true and correct based on information received and believed to be correct.

Deponent

Verification 16 JAN 2023

Verified at _____ on this _____ day of January 2023 that the contents of the above affidavit are true and correct to my knowledge, no part of it is incorrect and nothing material has been concealed there from. Legal submissions made are based on advice received and believed to be correct.

SR NO. 12 /2023

DILIPSINH M. GOHEL
NOTARY
GOVT. OF GUJARAT
16 JAN 2023

SOLEMNLY AFFIRMED
BEFORE ME

Deponent



Aditya Roop Singh Chauhan
12



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THIS STORY IS FROM MAY 18, 2022

30 injured in chemical factory fire in Gujarat's Dahej

TNN / Updated: May 18, 2022, 05:58 IST

32 PTS SHARE (article/show/9162)

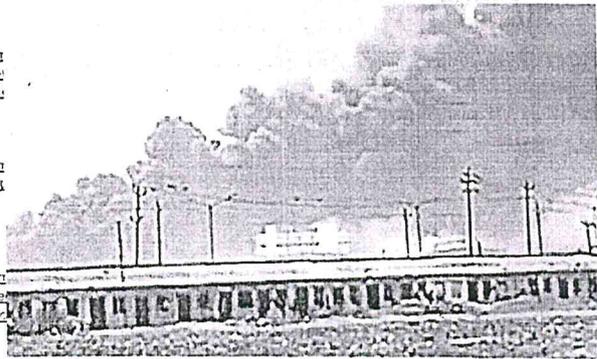
ARTICLES

https://timesofindia.indiatimes.com/injured-in-chemical-factory-dahej/articleshow/91629060

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https://timesofindia.indiatimes.com/war-its-diamond-workover-days/articleshow/91629060

https://timesofindia.indiatimes.com/worth-6-lakhs-seized-in-bharuch/articleshow/91605665.cms



Of those injured in the fire 10 persons are in critical condition
(https://timesofindia.indiatimes.com/city/surat/30-injured-in-chemical-factory-fire-in-dahej/articleshow/91629060.cms)

BHARUCH/SURAT: At least 30 people were injured in a fire at an agrochemical factory in Dahej, Bharuch, on Tuesday. District officials said that the fire broke out after an explosion in the factory's boiler.

Thick black smoke billowing from the factory of Bharat Rasayan's agrochemical unit could be seen from far away, said fire officials who had rushed to the site. According to fire officials, at least 30 people rescued from the factory have been shifted to two private hospitals in Bharuch. Out of those injured, the condition of 10 persons was critical, they added.

One fire official said that about 15 fire tenders from Dahej, Bharuch and Ankleshwar were pushed into service to control the fire. He said that though the exact reason for the fire was not known, the primary inquiry revealed that there was an explosion in one of the boilers in the factory.

Abhishek

ALSO WATCHED VIRAL VIDEOS

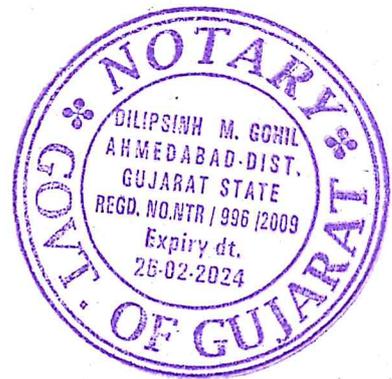


https://timesofindia.indiatimes.com/videos/400-kids-evacuated-as-massive-fire-breaks-out-at-factory-in-gate/articleshow/96032871.cms

https://timesofindia.indiatimes.com/videos/massive-fire-breaks-out-at-factory-in-gate-taluka/articleshow/96662473.cms

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On April 17, a massive explosion at Om Organics at Dahanu GIDC had claimed the lives of 54 workers. The blast was triggered by a fire during a chemical process.

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M **Mukesh Vadgama**
241 days ago

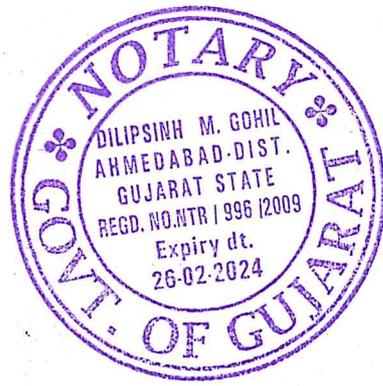
Very sad and shocking news for chemical industries. Recent repeated fire, reactor blast, Boiler blast incidents shows that no controls at factory level...Read More

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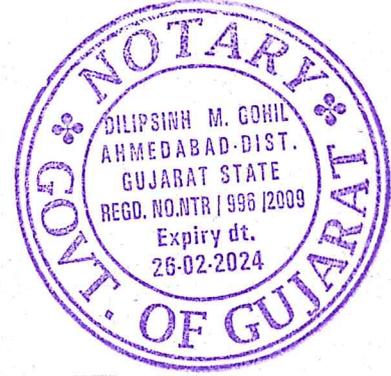
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आदित्य रूप सिंह चौहान
Aditya Roop Singh Chauhan
जन्म तारीख / DOB : 20/03/1976
पुरुष / Male

Issue Date: 30/08/2016

5610 4283 4359

मेरा आधार, मेरी पहचान



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Chauhan