

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

O.A. No. 220 OF 2023

In ref: News item published in the Indian Express dated 14.03.2023 titled "Ludhiana: Three workers dead, two critical as fire breaks out in hosiery factory".

Reply in the form of Affidavit by Surabhi Malik, IAS,
Deputy Commissioner, Ludhiana

RESPECTFULLY SHOWETH

1. That undersigned is posted as District Magistrate, Ludhiana and thus filing the reply as respondent.
2. That Hon'ble Green Tribunal has passed the order dated 29.03.2023 by relying upon O.A. No. 110/2023, In re : New item published in Business Standard dated 09.02.2023 titled "Blast at JSPL's Raigarh plant kills two worker, two others injured" dated 28.02.2023 and In O.A. 09/2021, In re : News item published in The Indian Express dated 07.01.2021 titled "Four workers dead due to toxic gas leak in operative part of Rourkela Steel Plant". The order dated 29.03.2023 is reproduced as below :

"Prima facie, on same pattern compensation has to be paid to heirs of the deceased without prejudice to higher claim being raised at any other forum. In absence of information about the extent of injuries to the two injured, compensation is liable to be paid at least at the rate of Rs.10 lakhs to each of the injured. Thus, compensation of Rs. 80 lakhs is payable by the Project Proponent. In view of Section 17 of the NGT Act, if compensation has been paid under Workmen's Compensation Act, 1923/Employees State Insurance Act, 1948, remedy before this Tribunal

is not be available. However, we are not passing final order without notice to the project proponent (PP) and further enquiry. With regard to compliance of safety norms, matter has to be gone into after further enquiry.

Accordingly, a joint Committee of CPCB, District Magistrate and State PCB, with State PCB as nodal agency may ascertain whether and how much compensation has been paid to the victims so far and make recommendation on the pattern of earlier orders. Further, it may be ascertained whether unit in question was limited to dry process only without drying or washing to determine whether exemption from consent is applicable. Report may be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and the Project Proponent may also file its response, if any, within two months."

3. That a meeting of Municipal Corporation, Ludhiana , Punjab Pollution Control Board, Deputy Director, Factories, Assistant Labour Commissioner, and District Fire Officer, Ludhiana was convened on 10.05.2023 by the committee constituted vide above order. On the basis of reports received from above said departments, para wise reply is as follows:-

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Sr. No	Information sought	Reply
1.	The Labour Commissioner, to submit a report if any kind of one time compensation has been given to the persons deceased/injured during the incident or not.	<p>As per the latest report received from Assistant Labour Commissioner, Ludhiana dated 05.07.2023, a one time compensation has been given to the family members of the deceased & injured by the Employer (M/s Ganesh Trading Corporation). The detail is as under:</p> <p>1 Sh. Inderjeet Yadav(Deceased)- Rs 7 Lakhs Paid.</p> <p>2 Sh. Ravinder Singh(Deceased)- Rs 6 Lakhs Paid.</p> <p>3 Sh. Mohinder Singh(Deceased)- Rs 6 Lakhs Paid.</p> <p>4 Sh. Gulshan Kumar(Deceased)- Rs 8 Lakhs Paid</p> <p>5 Sh. Ashwani Kumar(Injured)- Rs 2.50 Lakhs Paid.</p> <p>(Report attached as Annexure -A)</p>
2.	The Labour Commissioner,	As per report received from

<p>to also submit a report whether there is any provision for giving one time compensation to the affected persons under the Workmen Compensation Act, 1923 or any other Act.</p>	<p>Assistant Labour Commissioner, Ludhiana dated 09.05.2023, it is submitted that there is no provision to give any One Time Compensation as the workers were covered under ESI Corporation.</p> <p>The dependents of the deceased persons have been given benefit by the ESI as follows:</p> <p>1 Sh. Inderjeet Yadav(Deceased)- Rs 15,000 Paid as funeral expenses on 13.04.2023 and dependent benefit/family pension to the nominee has been approved and disbursed @ of 283.80 per day.</p> <p>2 Sh. Mohinder Singh(Deceased)- Rs 15,000 Paid as funeral expenses on 13.04.2023 and dependent benefit/family pension to the nominee has been approved and disbursed @ of 274.80 per day.</p> <p>3 Sh. Gulshan Kumar</p>
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		<p>(Deceased)- Rs 15,000 Paid as funeral expenses on 08.05.2023.</p> <p>ESI has informed that the documents have been submitted by the dependents of Sh. Gulshan Kumar on 04.05.2023 and the case for release of dependent benefit/family pension is under process and will be released shortly.</p> <p>4 Sh. Ravinder Singh (Deceased)- Rs 15,000 Paid as funeral expenses to the dependent of the deceased on 13.04.2023.</p> <p>In the case of Sh. Ravinder Singh (Deceased) ESI has stated that since the wife of the deceased employee had expired and the children are more than 25 years of age and married no dependent benefit/Family Pension is applicable.</p> <p>5 Sh. Ashwani Kumar (Injured)- The Individual received minor injuries hence no dependent</p>
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		benefit/Family Pension is applicable in this case. (Report attached as Annexure -A)
3.	The District Fire Officer, Ludhiana to submit to the Committee a report on the fire safety arrangements made by the factory in which the fire occurred.	As per the latest report received from Assistant District Fire Officer, it is to be mentioned as per the report of Zonal Commissioner Zone-D that this factory is 35 to 40 years old and according to the records of the Fire Department no NOC has been issued to this building (factory). According to NBC 2005 and 2016, this unit comes under the Industrial Category-G sub-category G-2 of Moderate Hazards, and there was no fixed fire-fighting arrangement in this building regarding fire protection and fire-fighting, which shows the negligence of the owner. Therefore, considering the factory unsafe from fire hazard, an investigation has been started to seal down the factory as stated by Assistant Divisional Fire Officer,

		Ludhiana (Report attached as Annexure -B)
4.	The Deputy Director, Factories to submit a report on the compliance of factory building regulations to the committee.	<p>As per the report received from the O/o Deputy Director of Factories,</p> <p>During the investigation carried out, violations of the following clauses of the Factories Act, 1948 and the following rules under the Punjab Factory Rules, 1952 have come to light:-</p> <ol style="list-style-type: none"> 1. The additions/altered maps/forms of the Factory not deposited in the office of the Director of Factories, Punjab. Section 6 of Factories Act 1948 and Rule 3(A) of Punjab Factory Rules 1952. 2. The renewed stability certificate (after 5 years) of the Factory has not been submitted in the office Director of Factories, Punjab. Section 6 of Factories Act 1948 and Rule 4(2) of Punjab Factory Rules 1952. 3. Intimation of accident in writing on time in prescribed Form No. 18 has not been sent to the office of Deputy Director Factories Circle 5

		<p>Ludhiana. Section 88 of Factories Act 1948 and Rule 103 of Punjab Factory Rules 1952.</p> <p>4. Fire Exits not marked on emergency exit routes provided in the Factory. Section 38 of Factories Act 1948 and Rule 66 of Punjab Factory Rules 1952.</p> <p>5. Fire hydrant pipe line for extinguishing the fire not provided in the Factory. Section 38 of Factories Act 1948 and Rule 66 of Punjab Factory Rules 1952.</p> <p>6. No training was given to the workers regarding exit through Fire Exits routes during emergency Section 38 of Factories Act 1948 and Rule 66 of Punjab Factory Rules 1952.</p> <p>7. Insulation of Electrical wires not done properly in the Factory, due to which the short circuit occurred. Rule 67 (C) of Punjab Factory Rules 1952.</p> <p>It is also submitted that hosiery goods were manufactured in M/s Ganesh Trading Corporation, B-</p>
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		<p>1-1365, Ram Nagar, Civil Lines, Ludhiana. This manufacturing process does not come under the definition of hazardous process under Schedule (1) under Section 2(CB) of the Punjab Factories Act, 1948.</p> <p>(Report attached as Annexure -C)</p>
5.	<p>Punjab Pollution Control Board to visit factory and State that only Dry Process was being done in the factory or some kind of Wet Process was also being done in the factory.</p>	<p>As per the reports received from the PPCB, In compliance of the orders passed by Hon'ble NGT, The site of the industry M/s Ganesh Trading Corporation, Ram Nagar, Civil Lines, Ludhiana was visited by Assistant Environmental Engineer of Punjab Pollution Control Board along with Police officer of Division no. 08, Police Station, Ludhiana on 11.05.2023. During the visit, all the machinery installed by the factory was found burnt at site. Only Knitting, Cutting, Overlock and Sewing machines were installed in the</p>

		<p>factory. Representative of the factory informed that they were manufacturing readymade garments (hosiery goods) by using yarn (already dyed yarn) and cloth as raw material in the factory. No Water Polluting/Hazardous process generating machinery i.e Washing machinery was found installed in the premises of factory. Therefore, the process of the factory does not contain any pollution potential hence is exempted and not come under the consent management of the Board. Therefore, the factory was not violating the provisions of Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Environmental Protection Act, 1986. Further the Water (Prevention & Control of Pollution) Cess Act, 1977 had</p>
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		<p>been abolished by the Government of India, vide its Taxation Laws Amendment Act, 2017 with effect from the date of implementation of GST i.e. 1st July, 2017, Hence the unit is also not violating the Water (Prevention & Control of Pollution) CESS Act, 1977.</p> <p>The reports received from the Punjab Pollution Control Board are enclosed as Annexure-D</p>
7.	<p>The Forest Officer Ludhiana to state whether the Biological Diversity Act, 2002 and Forest Conservation Act, 1980 have been violated during the incidents or not.</p>	<p>1. As Per the Report submitted By Divisional Forest Officer, Ludhiana, M/s Ganesh Trading Corporation was not engaged in the biodiversity, biological products, So Biological Diversity Act, 2002 and Forest Conservation Act, 1980 has not been violated.</p> <p>2. As per the report of Range officer, Ludhiana the above mention site i.e. M/s. Ganesh Trading Corporation, B-1-</p>

		1365, Ram Nagar, Civil line, Ludhiana does not fall under the purview of Forest Department. So Forest Conservation Act, 1980 does not apply to the above mentioned site.
8.	The Punjab Pollution Control Board to also state whether the Public Liability Insurance Act, 1991 has been violated during the incident or due to the factory process.	As the industry was not carrying out any hazardous activity and was not generating any hazardous waste. Hence, the subject cited unit does not comes under the purview of the Public Liability Insurance Act, 1991, therefore it is not violating the provisions of said Act.
9.	The Labour Commissioner to also state the amount of assistance given under the Punjab Labour Welfare Fund Act, 1965 to the dependents of the deceased workers or not.	As Per the report submitted By the Assistant Labour Commissioner, Ludhiana dated 05.07.2023, it is stated as follows: 1. Sh. Inderjeet Yadav (Deceased) S/o Sh. Tapsi Ram (Ex-gratia claim of Rs 2 Lakhs and Rs 20,000 Funeral Expenses have been paid to the dependent.)

		<p>2. Sh. Mohinder Singh(Deceased) S/o Sh. Telu Ram.</p> <p>(Ex-gratia claim of Rs 2 Lakhs and Rs 20,000 Funeral Expenses have been paid to the dependent.)</p> <p>3.Sh. Gulshan Kumar (Deceased) @ Gulshan S/o Sh. Hari Chand</p> <p>(The claim application has been processed and sent to the Head Office of Labour Department for disbursal of benefits to the dependent.)</p> <p>4. Sh. Ravinder Singh @Ravinder Chopra Aka Ravinder Kumar S/o Sh. Tarsem Lal</p> <p>Since the wife of the deceased employee had expired and the children are more than 25 years of age and married no benefit under Punjab Labour Welfare Board is applicable.</p> <p>5. Sh. Ashwani Kumar (Injured) S/o Sh. Karamjit.</p> <p>(As Per the report of ESI, the</p>
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		<p>Individual received only minor injuries and was discharged from the hospital on 15.03.2023 and is absolutely fine. No benefit is payable to him under Punjab Welfare Fund Act,1965.</p> <p>(Report attached as Annexure-A)</p>
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On basis of above reports,the Joint Committee concludes as under:

- 1) It is stated that the dependents of the deceased persons namely Sh. Inderjeet Yadav, Shri Mohinder Singh, and Shri Gulshan Kumar have been paid funeral expenses amounting to Rs. 15,000 each along with the dependent pension by the ESI Corporation. Further, the son of Shri Ravinder Singh has been given funeral expenses amounting to Rs 15,000 by ESIC. However, the family member of Sh. Ravinder Chopra are not eligible for dependent pension as the wife of Ravinder Chopra had already expired long ago and the age of his children is more than 25 years and they are married. As such they were not eligible under ESIC to received dependent pension. Shri Ashwini Kumar had sustained only minor injuries and was discharged from the hospital after treatment. **(Detailed benefit provided to the dependents of the deceased workman under different provisions is attached with annexure "A")**

- 2) In reference to the payment of compensation under the NGT Act the provisions of Section 17 of the NGT Act are to be referred that provides for the liability to pay relief or compensation in certain cases. The relevant part of section 17 is reproduced below:

"Section 17. (1) Where death of, or injury to, any person (other than a workman) or damage to any property or environment has resulted from an accident or the adverse impact of an activity or operation or process, under any enactment specified in Schedule I, the person responsible shall be liable to pay such a relief or compensation for such death, injury

or damage, under all or any of the heads specified in schedule II, as maybe determined by the tribunal."

The term "workman" is defined under Section 2(o) of the NGT Act, 2010 as having the same meaning assigned to it in the Workmen's Compensation Act, 1923 (8 of 1923). The workmen who lost their lives in the accident, are 'Workmen' within the meaning of section 2(dd)(iii) of the Workmen's Compensation Act, read with clause (ii) of the Schedule II of the said Act. Further, the deceased were also 'insured person' under the Employees State Insurance Act, 1948 and the dependents of the deceased are paid the dependent benefits and pensions by the ESI Corporation. Further Section 53 of the ESI Act, 1948 puts a bar against dependents and insured person from receiving or recovering compensation or damages under any other law including the Workmen Compensation Act, 1923 in respect of employment injury suffered by the employees.

Hence, the applicability of section 17(1) of NGT act, 2010 is limited and applies in case of death of or injury to any person **other than a workman**, which is not the case at hand.

Even further as per section 17(1) read with the Schedule I of the NGT Act, 2010 the statutes mentioned therein i.e. **(The Water (Prevention and Control of Pollution) Act, 1974, The Water (Prevention and Control of Pollution) Cess Act, 1977, The Forest (Conservation) Act, 1980, The Air (Prevention and Control of Pollution) Act, 1981, The Environment (Protection) Act, 1986, The Public Liability Insurance Act, 1991, The Biological Diversity Act, 2002)** have not been violated as per the reports received from the respective departments, Hence this instant case is not found to fall under the benefits derailed in earlier OAs of this Hon'ble Tribunal pursuant to Section 17 of the NGT Act, 2010.

- 3) It is further submitted that the reports mentioned at serial number 6, 7, 8, of this reply clearly indicates that there is no violation of the Acts mentioned in Schedule 1 of section 17 of NGT Act, 2010 and also it is submitted that due benefits have been disbursed by ESIC and project proponent.

- 4) That in view of the submissions made herein above, necessary instructions may be passed and original application no 220 of 2023 may be disposed of accordingly by this Hon'ble Tribunal. That any instruction passed by this Hon'ble Tribunal to the undersigned shall be complied with in letter and spirit.

It is, therefore, prayed that the Original Application No. 220 of 2023 may kindly be Disposed off with appropriate orders.

Submitted by



(Surabhi Malik, IAS)

District Magistrate, Ludhiana

Verification:-

Verified that the contents of para no.1 to 4 of the above reply are true and correct to my knowledge as derived from the official record. No part of the above reply is false and nothing material has been kept concealed therein.



Dated:-

(Surabhi Malik, IAS)

Place:-

District Magistrate, Ludhiana

From

Assistant Labour Commissioner
Circle-4, Ludhiana

To,

Deputy Commissioner,
Mini Secretariat
Ludhiana.

No. 1853

Date: 05/07/2023

IN Ref.: Notice of hearing in Suo Moto matter in Re: news item published in the Indian Express, dated 14.03.2023 titled as "Ludhiana: Three workers dead, two critical as fire breaks out in Hosiery Factory"

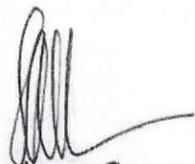
Subject: Report regarding disbursal of benefits under the ESI Act and Punjab Labour Welfare Fund Act.

Respected Sir,

Further to this office letter bearing No. 1186 dated 09.05.2023, 1680 dated 26.06.2023 and 1745 dated 30-06-2023 and with reference to the subject cited above, The status report as on 05.07.2023 for the above said case is attached along with this letter.

This is for your kind information and perusal.

Thanking you.


de Assistant Labour Commissioner,
Circle-4, Ludhiana

Endst. No. 1854

Date. 05/07/2023

A Copy of the above is forwarded to Labour Commissioner, Punjab, S.A.S. Nagar to information & necessary action, please.


de Assistant Labour Commissioner,
Circle-4, Ludhiana

Sr. No	Name of deceased Employee	One-Time Compensation/ Settlement given by Employer M/s Ganesh Trading Corp.	Benefits given by ESIC Department		Benefits given under Punjab Labour Welfare Board		Remarks
			Funeral Expenses	Dependent Benefit	Ex-gratia	Funeral Expenses	
1	Sh. Inderjeet Yadav S/o Sh. Tapsi Ram (deceased)	1. Rs. 4,00,000 paid to Asha w/o Sh. Inderjit vide cheque no. 004737 dated 28/06/2023 2. Rs. 1,00,000 paid to Ramesh Kumar S/O Inderjit vide cheque no. 004738 dated 28/06/2023 3. Rs. 1,00,000 paid to Dinesh Kumar S/O Inderjit vide cheque no. 004740 dated 28/06/2023 4. Rs. 1,00,000 paid to Umesh Kumar S/O Inderjit vide cheque no. 004739 dated 28/06/2023 (Total amount Paid- Rs. 7,00,000/-)	Amount -/15000 has been paid to the dependent of IP on .13.04.2023	The case of dependent benefit has been approved in favour of Mrs. Asha, wife of late Mr. Inderjit Yadav. The daily rate of dependent benefit is Rs.-/283.8 Also, three payments (Mar/23, Apr/23 & May/23) amounting 4541/- and 8514/- & 8798/- had already been disbursed to Smt. Asha. (Dependent benefits/Pension released)	The exgratia claim of Rs 2 Lac of the individual has been processed and the benefit has been credited in the bank account of the nominee. (Total amount Paid- 2,00,000/-)	The Funeral expenses claim of Rs 20,000/- of the individual has been processed and the benefit has been credited in the bank account of the nominee. (Total amount Paid- Rs. 20,000/-)	
2	Sh. Ravinder Singh @ Ravinder Chopra aka Ravinder Kumar S/o Sh. Tarsem Lal (deceased)	Rs. 6,00,000/- paid to Gaurav Chopra S/o Sh. Ravinder Chopra Vide two separate cheques, i.e., cheque No. 004623 dated 30.03.2023 of Rs. 4,00,000/- and another cheque No. 004669 dated 26.04.2023 of Rs. 2,00,000/- both cheques drawn on HDFC Bank, The Mall, Ludhiana. (Total amount Paid- Rs. 6,00,000/-)	Amount -/15000 has been paid to the dependent of IP on .13.04.2023	Dependent benefit is not payable.	Not eligible, as the wife of the employee had already expired and the children are more than 25 years of age and are married.	Not eligible, as the wife of the employee had already expired and the children are more than 25 years of age and are married.	ESIC- The age of the children of the IP is more than 25years and all are married. The wife of the IP has also died. Hence, the benefit is not payable to the dependents of the IP.

No	Name of deceased Employee	One-Time Compensation/ Settlement given by Employer M/s Ganesh Trading Corp.	Benefits given by ESIC Department		Benefits given under Punjab Labour Welfare Board		Remarks
			Funeral Expenses	Dependent Benefit	Ex-gratia	Funeral Expenses	
3	Sh. Mohinder Singh S/o Sh. Telu Ram (deceased)	1. Kamla Devi W/o Sh. Mohindar Singh given a sum of Rs. 4,00,000/- vide Cheque no. 004730 dated 16/06/2023 2. Harbans Singh S/o Sh. Mohindar Singh given a sum of Rs. 2,00,000/- vide Cheque no. 004731 dated 16/06/2023 Both cheques drawn on HDFC Bank, The Mall, Ludhiana. (Total amount paid-6,00,000/-)	Amount -/15000 has been paid to the dependent of IP on .13.04.2023	The case of dependent benefit has been approved in favour of Mrs. Kamla Devi, wife of late Mr. Mohinder Singh. The daily rate of dependent benefit is Rs.274.80.-/ Also, one payment (16/03/23 & 31/05/23) amounting 21601/- has been already disbursed to Smt. Kamla Devi. (Dependent benefits/Pension released)	The exgratia claim of Rs 2 Lac of the individual has been processed and the benefit has been credited in the bank account of the nominee. (Total amount Paid- Rs. 2,00,000/-)	The Funeral expenses claim of Rs 20,000/- of the individual has been processed and the benefit has been credited in the bank account of the nominee. (Total amount Paid- Rs. 20,000/-)	
4	Sh. Gulshan Kumar @ Gulshan S/o Sh. Hari Chand	1. Kamlesh Kumari W/o Sh. Gulshan Kumar paid Rs. 4,00,000/- vide Cheque no. 004665 dated 24/04/2023 2. Gagan Oberoi S/o Sh. Gulshan Kumar paid Rs. 2,00,000/- vide Cheque no. 004662 dated 24/04/2023 3. Naresh Kumar S/o Sh. Gulshan Kumar paid Rs. 2,00,000/- vide Cheque no. 004664 dated 24/04/2023 All cheques drawn on HDFC Bank, The Mall, Ludhiana. (Total amount paid-8,00,000/-) Remarks: Management incurred a sum of Rs. 4.50 Lakhs (approx) towards his medical expenses but his family took his discharge against medical advice [DAMA].	Amount -/15000 has been paid to the dependent of IP on 08.05.2023.	The accident report has been considered by the Dy. Director (Benefit Branch).	The exgratia claim of Rs 2 Lac of the individual has been processed and the benefit will be credited in the bank account of the nominee	The Funeral expenses claim of Rs 20,000/- of the individual has been processed and the benefit will be credited in the bank account of the nominee.	ESIC- Documents related to dependent benefits has been submitted by the dependents on 04.05.2023 in the branch office and Branch Manager has sent the case to Sub Regional Office ESIC on dated 08.05.2023. The case is under process.

Sl. No.	Name of Deceased Employee	One-Time Compensation/ Settlement given by Employer M/s Ganesh Trading Corp.	Benefits given by ESIC Department		Benefits given under Punjab Labour Welfare Board		Remarks
			Funeral Expenses	Dependent Benefit	Ex-gratia	Funeral Expenses	
5	Sh. Ashwani Kumar S/o Sh. Karamjit	<p>Rs. 2,50,000/- paid vide Cheque No. 004644 dated 10.04.2023 drawn on HDFC Bank, The Mall, Ludhiana.</p> <p>Remarks: Management incurred a sum of Rs. 94,000/- (approx.) towards his medical expenses and paid a sum of Rs. 30,000/- towards his diet and medicines.</p> <p>(Total amount Paid- Rs. 2,50,000/-)</p>	<p>Funeral Expenses</p> <p>Benefit is not payable.</p>	<p>Dependent Benefit</p> <p>Dependent benefit is not payable.</p>	<p>Ex-gratia</p> <p>He received only minor injuries and was discharged from the hospital and is absolutely fine therefore, no benefit is payable to him.</p>	<p>Funeral Expenses</p> <p>He received only minor injuries and was discharged from the hospital and is absolutely fine therefore, no benefit is payable to him.</p>	<p>ESIC- The insured person had only Minor Injuries and he has come home after being discharged from the hospital the next day on 15.03.2023 and IP is absolutely fine now. Therefore, no benefit is payable to him.</p>

OFFICE ASSISTANT DIVISIONAL FIRE OFFICER LUDHIANALetter no. 268/PB/DDate 05/7/2023

TO

Deputy Commissioner Office
M.A Branch, Ludhiana

Subject- Notice of hearing in Suo Motu matter in re: News item published in the Indian Express, dated 14-03-2023 titled "Three Workers Dead" tow critical as fire breaks out in hosiery factory".

Ref No: Letter no 3800-803/M.A Date: 28-03-2023 regarding.

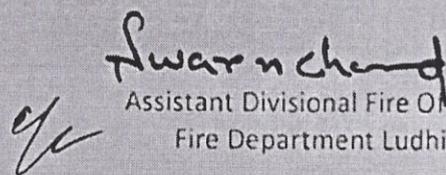
According to subject and reference no, you are informed that as per fire office record on 14-03-2023, a person named Nitin had called the office, by mob no 98153-44151, that Ganesh Trading Corporation, near Women Cell, civil line, Ludhiana catch fire. By got this information, 8 Fire tenders, from different stations, were sent to the spot.

While blowing down the fire, the owner was asked if any employ/worker was struck there as per interrogation done by every inspection team but the owner said that none of his employ/worker was struck inside the factory.

However, at the time of blowing down the fire, they found and rescued 4 employs inside the factory and with the help of police administration, they were sent to for medication to the hospital.

As per Zonal Commissioner (D) report, the factory is 35/40 years old and as per department, no NOC (No Objection Certificate) was issued against this factory (building). As per N.B.C 2005 and 2016, this factory comes under the regulation of Hazards G's Sub category G-2, but it was found that there was no remedy available to blow down the fire in the building which was negligence of the owner. Due to the incident happened and no proper measure to deal with such incident observe, investigation has been started to seal down the factory.

Report is submitted to you.


Assistant Divisional Fire Officer
Fire Department Ludhiana.

ਸਹਾਇਕ ਮੰਡਲ ਫਾਇਰ ਅਫਸਰ ਲੁਧਿਆ ।

ਪੱਤਰ ਨੰ.....

ਸੇਵਾ ਵਿਖੇ.

ਮਿਤੀ:.....

AC(P) / ADF
28/3/23

08/ਸੀ.ਸੀ.
31/4/23

ਦਫਤਰ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,

ਐਮ.ਏ ਸਾਖਾ, ਲੁਧਿਆਣਾ

ਵਿਸ਼ਾ : Notice of hearing in Suo Motu matter in re: News item published in the Indian Express, dated 14-03-2023 titled " Three Workers Dead" tow critical as fire breaks out in hosiery factory"

150/ਫੋ/੨
07/4/23

ਹਵਾਲਾ : ਪੱਤਰ ਨੰ:3800-803/ਐਮ.ਏ ਮਿਤੀ: 28-03-2023 ਸਬੰਧੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਨਿਮਰਤਾ ਸਹਿਤ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਫਾਇਰ ਵਿਭਾਗ ਦੇ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਮਿਤੀ:14-03-2023 ਨੂੰ ਸ੍ਰੀ ਨੀਤਿਨ ਨਾਮ ਦੇ ਵਿਆਕਤੀ ਨੇ ਮੋਬਾਇਲ ਨੰ 98153-44151 ਰਾਹੀਂ ਸਮਾ 13:25 ਤੇ ਇਤਲਾਹ ਦਿੱਤੀ ਕਿ ਗਨੇਸ਼ ਟਰੇਡਿੰਗ ਕਾਰਪੋਰੇਸ਼ਨ, ਨੇੜੇ ਵੁਮਨ ਸੈਲ, ਸਿਦਲ ਲਾਇਨ, ਲੁਧਿਆਣਾ ਵਿਖੇ ਫੈਕਟਰੀ ਵਿੱਚ ਅੱਗ ਲੱਗ ਗਈ ਹੈ। ਇਸ ਦੀ ਇਤਲਾਹ ਮਿਲਦੇ ਹੀ ਫਾਇਰ ਵਿਭਾਗ ਦੇ ਵੱਖ ਵੱਖ ਸਟੇਸ਼ਨਾਂ ਤੇ ਲਗਭਗ 8 ਫਾਇਰ ਟੈਂਡਰ ਮੋਕਾ ਅੱਗ ਤੇ ਭੇਜੇ ਗਏ ।

ਅੱਗ ਬੁਝਾਉਣੇ ਸਮੇਂ ਫੈਕਟਰੀ ਦੇ ਮਾਲਕ ਨੂੰ ਇਹ ਪੁੱਛਿਆ ਗਿਆ, ਜਿਵੇਂ ਹਰ ਅੱਗ ਤੇ ਵਿਭਾਗ ਵੱਲੋਂ ਹਰ ਅੱਗ ਦੀ ਘਟਨਾ ਤੇ ਪੁੱਛਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਫੈਕਟਰੀ ਦੇ ਅੰਦਰ ਕੋਈ ਕਰਮਚਾਰੀ ਤਾਂ ਨਹੀਂ ਫੱਸਿਆ ਪੁੱਤ੍ਰ ਮਾਲਕ ਵੱਲੋਂ ਕਿਸੇ ਦੀ ਕਰਮਚਾਰੀ ਦੇ ਅੰਦਰ ਨਾ ਫੱਸੇ ਹੋਣ ਬਾਰੇ ਹੀ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਗਈ ।

ਪੁੱਤ੍ਰ ਅੱਗ ਨੂੰ ਬੁਝਾਉਣੇ ਸਮੇਂ ਫਾਇਰ ਵਿਭਾਗ ਦੇ ਅਧਿਕਾਰੀਆਂ,ਕਰਮਚਾਰੀਆਂ ਵੱਲੋਂ ਫੈਕਟਰੀ ਦੇ ਅੰਦਰ ਫੱਸੇ 4 ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਰੈਸਕਿਉ ਕੀਤਾ ਗਿਆ ਅਤੇ ਪੁਲਿਸ ਪ੍ਰਸ਼ਾਸਨ ਦੀ ਮਦਦ ਨਾਲ ਮੈਡੀਕਲ ਸਹਾਇਤਾ ਲਈ ਹਸਪਤਾਲ ਭੇਜਿਆ ਗਿਆ ।

ਇੱਥੇ ਇਹ ਦੱਸਣਯੋਗ ਹੈ ਕਿ ਜੇਨਲ ਕਮਿਸ਼ਨਰ (ਡੀ) ਜੀ ਦੀ ਰਿਪੋਰਟ ਦੇ ਮੁਤਾਬਿਕ ਇਹ ਫੈਕਟਰੀ 35 ਤੋਂ 40 ਸਾਲ ਪੁਰਾਣੀ ਹੈ ਅਤੇ ਵਿਭਾਗ ਦੇ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਇਸ ਬਿਲਡਿੰਗ (ਫੈਕਟਰੀ) ਨੂੰ ਕੋਈ ਐਨਓਸੀ ਜਾਰੀ ਨਹੀਂ ਕੀਤੀ ਗਈ । ਐਨਓਸੀ 2005 ਅਤੇ 2016 ਦੇ ਅਨੁਸਾਰ ਇਹ ਇਕਾਈ ਹੈਜਰਡਸ ਜੀ ਕੈਟਾਗਰੀ ਦੀ ਸਬ-ਕੈਟਾਗਰੀ ਜੀ-2 ਅਧੀਨ ਆਉਂਦੀ ਹੈ। ਪੁੱਤ੍ਰ ਇਸ ਬਿਲਡਿੰਗ ਵਿੱਚ ਅੱਗ ਤੋਂ ਬਚਾਓ ਅਤੇ ਅੱਗ ਬੁਝਾਉ ਸਬੰਧੀ ਫਿਕਸ ਫਾਇਰ ਫਾਇਟਿੰਗ ਦਾ ਕੋਈ ਇੰਤਜਾਮ ਨਹੀਂ ਮਿਲੇ ਜੋ ਕਿ ਮਾਲਕਾਂ ਦੀ ਅਣਗਹਿਲੀ ਦੱਸਦੀ ਹੈ । ਇਸ ਲਈ ਫੈਕਟਰੀ ਨੂੰ ਅੱਗ ਤੋਂ ਅਸੁਰੱਖਿਅਤ ਸਮਝਕੇ ਹੋਏ ਇਕਾਈ ਨੂੰ ਸੀਲ ਕਰਨ ਦੀ ਕਾਰਵਾਈ ਆਰੰਭੀ ਗਈ ਹੈ ਜੀ ।

ਰਿਪੋਰਟ ਆਪ ਜੀ ਨੂੰ ਪੇਸ਼ ਹੈ ਜੀ।

ਸਹਾਇਕ ਮੰਡਲ ਫਾਇਰ ਅਫਸਰ.

ਫਾਇਰ ਵਿਭਾਗ ਲੁਧਿਆਣਾ।

ਉਤਾਰਾ : ਪੱਤਰ ਨੰ: 90/ਫੋ/੨ ਮਿਤੀ: 28/3/23

1) ਮਾਣਯੋਗ ਕਮਿਸ਼ਨਰ ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ ।

3) ਮਾਣਯੋਗ ਵਪੀਕ ਕਮਿਸ਼ਨਰ (ਅ)ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ।

2) ਜੇਨਲ ਕਮਿਸ਼ਨਰ (ਐਨ) ਜੇਨ-ਏ ।

Swarn chand
ਸਹਾਇਕ ਮੰਡਲ ਫਾਇਰ ਅਫਸਰ
ਫਾਇਰ ਵਿਭਾਗ, ਲੁਧਿਆਣਾ

Office of Deputy Director of Factories, Circle-5 Ludhiana.
adf.labldh5@punjab.gov.in

To

Office of the Deputy Commissioner,
Ludhiana,

No.118

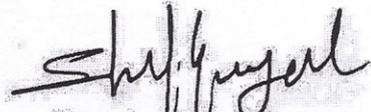
Date:28/06/2023

Subject: - Order passed in original Application no. 220/2023 (in ref. news item published in The Indian Express dated 14.03.2023 titled "Ludhiana. Three workers dead, two critical as fire breaksout in the hosiery factory. Order passed in original Application No. 220/2023 (In ref.news item published in The Indian Express dated 14.03.2023 titled "Ludhiana: Three workers dead, two critical as fire breaks out in the hosiery factory

Reference- Regarding English translation.

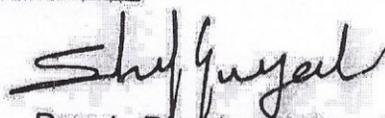
R/Sir,

In reference to meeting held on dated 27/06/2023, its was advised by you good office to send the English translation of the report. English translation of the violations (attached) is send to you good office for further action.


Deputy Director of Factories,
Circle-5 Ludhiana.

During the investigation conducted violations of the following sections of the Factories Act 1948 and the rules made their under the Punjab Factory Rules 1952.

1. The additions/altered maps/forms of the Factory not deposited in the office of the Director of Factories, Punjab. Section 6 of Factories Act 1948 and Rule 3(A) of Punjab Factory Rules 1952.
2. The renewed stability certificate (after 5 years) of the Factory has not been submitted in the office Director of Factories, Punjab. Section 6 of Factories Act 1948 and Rule 4(2) of Punjab Factory Rules 1952.
3. Intimation of accident in writing on time in prescribed Form No. 18 has not been sent to the office of Deputy Director Factories Circle 5 Ludhiana. Section 88 of Factories Act 1948 and Rule 103 of Punjab Factory Rules 1952.
4. Fire Exits not marked on emergency exit routes provided in the Factory. Section 38 of Factories Act 1948 and Rule 66 of Punjab Factory Rules 1952.
5. Fire hydrant pipe line for extinguishing the fire not provided in the Factory. Section 38 of Factories Act 1948 and Rule 66 of Punjab Factory Rules 1952.
6. No training was given to the workers regarding exit through Fire Exits routes during emergency Section 38 of Factories Act 1948 and Rule 66 of Punjab Factory Rules 1952.
7. Insulation of Electrical wires not done properly in the Factory, due to which the shot circuit occurred. Rule 67 (C) of Punjab Factory Rules 1952.



Deputy Director of Factories,
Circle-5 Ludhiana.



Punjab Pollution Control Board

Regional Office-III

Savitri Complex-1, (Dada Motors), Third Floor, Dholewal Chowk, G.T. Road, Ludhiana
ppcbro3@yahoo.com

No: R.O./LDH-III/.....¹⁴⁵⁸

Date.....^{16/05/23}

ਸੇਵਾ ਵਿਖੇ,

ਮਾਣਯੋਗ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਲੁਧਿਆਣਾ।

ਵਿਸ਼ਾ:- OA. No. 220 of 2023 regarding "News item published in the Indian Express, dated 14.03.2023 titled "Ludhiana: Three workers dead, two critical as fire breaks out in hosiery factory" ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਾਣਯੋਗ NGT ਵੱਲੋਂ ਮਿਤੀ 29.03.2023 ਨੂੰ ਕੀਤੇ ਗਏ ਹੁਕਮਾਂ ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਿਤੀ 06.04.2023 ਨੂੰ ਹੋਈ ਮੀਟਿੰਗ ਦੀ ਕਾਰਵਾਈ ਸੰਬੰਧੀ।

ਹਵਾਲਾ:- ਇਸ ਦਫਤਰ ਦਾ ਪੱਤਰ ਨੰ. 1452 ਮਿਤੀ 12/05/2023 ਦੇ ਸੰਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰ ਦੀ ਲਗਾਤਾਰਤਾ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਫੈਕਟਰੀ (ਮੈਸ. ਗਨੇਸ਼ ਟਰੇਡਿੰਗ ਕਾਰਪੋਰੇਸ਼ਨ, ਰਾਮ ਨਗਰ, ਸਿਵਲ ਲਾਇਨ, ਲੁਧਿਆਣਾ) ਦੇ ਭਾਈਵਾਲ ਸ਼੍ਰੀ ਨਿਤਿਨ ਮਹਿਰਾ (98153-44151) ਨਾਲ ਫੋਨ ਤੇ ਰਾਬਤਾ ਕਾਇਮ ਕਰਕੇ ਇਸ ਦਫਤਰ ਦੇ ਸਹਾਇਕ ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ ਵੱਲੋਂ ਮਿਤੀ 11/05/2023 ਨੂੰ ਪੰਜਾਬ ਪੁਲਿਸ, ਥਾਣਾ ਡਵੀਜ਼ਨ ਨੰ. 08, ਲੁਧਿਆਣਾ ਦੇ ਏ.ਐਸ.ਆਈ ਨਾਲ ਫੈਕਟਰੀ ਦਾ ਦੌਰਾ ਕੀਤਾ ਗਿਆ ਅਤੇ ਇਹ ਪਾਇਆ ਗਿਆ ਕਿ ਮੌਜੂਦਾ ਸਮੇਂ ਉੱਤੇ ਫੈਕਟਰੀ ਦੀ ਸਾਰੀ ਮਸ਼ੀਨਰੀ ਸੜ ਚੁੱਕੀ ਸੀ। ਫੈਕਟਰੀ ਵਿੱਚ ਕੇਵਲ Knitting, Cutting, Overlock and Sewing ਮਸ਼ੀਨਾਂ ਲਗਾਈਆਂ ਗਈਆਂ ਸਨ। ਫੈਕਟਰੀ ਮਾਲਕ ਵੱਲੋਂ ਦੱਸਿਆ ਗਿਆ ਕਿ ਫੈਕਟਰੀ ਵਿੱਚ ਧਾਗੇ (ਪਹਿਲਾ ਹੀ ਚੰਗੇ ਧਾਗੇ) ਅਤੇ ਕੱਪੜੇ ਤੋਂ ਰੇਡੀਮੇਟ ਗਾਰਮੈਂਟਸ (Hosiery Goods) ਬਣਾਏ ਜਾਂਦੇ ਸਨ। ਫੈਕਟਰੀ ਵਿੱਚ ਮੌਕੇ ਉੱਪਰ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦੀ Water Polluting/Air Polluting/Hazardous process generating ਮਸ਼ੀਨਰੀ ਨਹੀਂ ਲਗਾਈ ਗਈ ਅਤੇ ਨਾਂ ਹੀ ਫੈਕਟਰੀ ਵਿੱਚ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦਾ Water Polluting/Air polluting/Hazardous ਪ੍ਰੋਸੈਸ ਨਹੀਂ ਹੋ ਰਿਹਾ ਸੀ। ਇਸ ਲਈ ਫੈਕਟਰੀ Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 ਅਤੇ Environmental Protection Act, 1986 ਦੀ ਉਲੰਘਣਾ ਨਹੀਂ ਕਰ ਰਹੀ ਸੀ। ਫੈਕਟਰੀ ਦਾ ਮੌਜੂਦਾ ਪ੍ਰੋਸੈਸ ਬੋਰਡ ਦੀ ਕੰਨਸੈਟ ਮੈਨੇਜਮੈਂਟ ਦੇ ਅਧੀਨ ਨਹੀਂ ਆਉਂਦਾ ਹੈ ਜੀ।

ਇਹ ਆਪ ਜੀ ਦੀ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਹੈ ਜੀ।

2/3 ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ
16/05/23

ਪਿੱਠ ਅੰਕਣ ਨੰ: 1459

ਮਿਤੀ: 16/05/23

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸੀਨੀਅਰ ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ, ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ, ਜੇਨਲ ਦਫਤਰ-2, ਲੁਧਿਆਣਾ ਜੀ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ ਜੀ।

16/05/23
ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ

ਜਾਂ ਪ੍ਰਿਠ ਅੰਕਣ ਨੰ: 1459 ਦਾ ਉਤਾਰਾ ਸੀਨੀਅਰ ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ, ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ, ਜੇਨਲ ਦਫਤਰ-2, ਲੁਧਿਆਣਾ ਜੀ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ ਜੀ।

ਜਾਂ ਪ੍ਰਿਠ ਅੰਕਣ ਨੰ: 1459 ਦਾ ਉਤਾਰਾ ਸੀਨੀਅਰ ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ, ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ, ਜੇਨਲ ਦਫਤਰ-2, ਲੁਧਿਆਣਾ ਜੀ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ ਜੀ।



Punjab Pollution Control Board

Regional Office-III

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ppcbro3@yahoo.com

No: R.O./LDH-III/.....1596

Date: 19/05/2023

ਸੇਵਾ ਵਿਖੇ,

ਮਾਣਯੋਗ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਲੁਧਿਆਣਾ।

ਵਿਸ਼ਾ:- OA. No. 220 of 2023 regarding "News item published in the Indian Express, dated 14.03.2023 titled "Ludhiana: Three workers dead, two critical as fire breaks out in hosiery factory" ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਾਣਯੋਗ NGT ਵੱਲੋਂ ਮਿਤੀ 29.03.2023 ਨੂੰ ਕੀਤੇ ਗਏ ਹੁਕਮਾਂ ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਿਤੀ 06.04.2023 ਨੂੰ ਹੋਈ ਮੀਟਿੰਗ ਦੀ ਕਾਰਵਾਈ ਸੰਬੰਧੀ।

ਹਵਾਲਾ:- ਇਸ ਦਫਤਰ ਦਾ ਪੱਤਰ ਨੰ. 1452 ਮਿਤੀ 12/05/2023 ਅਤੇ 1458 ਮਿਤੀ 16/05/2023 ਦੇ ਸੰਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰਾਂ ਦੀ ਲਗਾਤਾਰਤਾ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਫੈਕਟਰੀ ਮੈਸ. ਗਨੇਸ਼ ਟਰੇਡਿੰਗ ਕਾਰਪੋਰੇਸ਼ਨ, ਰਾਮ ਨਗਰ, ਸਿਵਿਲ ਲਾਇਨ, ਲੁਧਿਆਣਾ Water (Prevention & Control of Pollution) Cess Act, 1977 ਦੀ ਉਲੰਘਣਾ ਨਹੀਂ ਕਰਦੀ ਹੈ। ਇੱਥੇ ਇਹ ਵੀ ਦੱਸਣ ਯੋਗ ਹੈ ਕਿ ਭਾਰਤ ਸਰਕਾਰ ਨੇ ਆਪਣੇ ਟੈਕਸ ਕਾਨੂੰਨ ਸੋਧ ਐਕਟ, 2017 ਰਾਹੀਂ, ਪਾਣੀ (ਪ੍ਰਦੂਸ਼ਣ ਦੀ ਰੋਕਥਾਮ ਅਤੇ ਨਿਯੰਤਰਣ) ਐਕਟ, 1977 ਦੇ ਉਪਬੰਧਾਂ ਦੇ ਤਹਿਤ ਲਗਾਏ ਗਏ ਵਾਟਰ ਸੈਸ ਨੂੰ ਖਤਮ ਕਰ ਦਿੱਤਾ ਹੈ, ਜੋ GST ਦੇ ਲਾਗੂ ਹੋਣ ਦੀ ਮਿਤੀ ਭਾਵ 1 ਜੁਲਾਈ, 2017 ਤੋਂ ਪ੍ਰਭਾਵੀ ਹੈ।

ਇਹ ਆਪ ਜੀ ਦੀ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਹੈ ਜੀ।

19/05/23
ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ



Punjab Pollution Control Board

Regional Office-III

Savitri Complex-1, (Dada Motors), Third Floor, Dholewal Chowk, G.T. Road, Ludhiana
ppcbro3@yahoo.com

No: R.O./LDH-III/.....1899

Date.....06/07/2023

To

The Deputy Commissioner,
Ludhiana.

Sub:- Regarding Hon'ble NGT OA No. 220 of 2023 titled as News item published in the Indian Express, dated 14.03.2023 titled "Ludhiana : Three workers dead, two critical as fire breaks out in hosiery factory."

It is intimated that industry M/s Ganesh Trading Corp. Ram Nagar, Civil Lines, Ludhiana was not carrying out any hazardous activity and was not generating any hazardous waste. Hence, the subject cited unit does not comes under the purview of the Public Liability Insurance Act, 1991, therefore it is not violating the provisions of said Act.

This is for your kind information and further necessary action, please.


Environmental Engineer