

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, (DELHI)
O.A NO. 110/2023**

IN THE MATTER OF:

**IN RE: BLAST AT JSPL'S RAIGARH PLANT KILLS TWO WORKERS,
TWO OTHERS INJURED**

**REPLY ON BEHALF OF THE CHHATTISGARH ENVIRONEMENT
CONSERVATION BOARD**

FILED BY



**ABHINAY SHARMA
ADVOCATES FOR CECB
H-29, FIRST FLOOR,
JANGPURA EXTENSION,
NEW DELHI-11 0014**

Drawn on: 24.02.2023

FILED ON: 27.02.2023

PLACE: NEW DELHI

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**REPLY ON BEHALF OF THE CHHATTISGARH ENVIRONEMENT
CONSERVATION BOARD**

1. At the outset, it is submitted that a short reply is being filed by the Chhattisgarh Environment Conservation Board at this stage and craves leave and liberty from this Hon'ble Tribunal, to file a detailed reply to the aforesaid Application, if it is so directed by this Hon'ble Tribunal.
2. The present matter is based on an incident that took place on 10.06.2020, wherein there was a sudden explosion of the diesel tank located within the M/s Jindal Steel & Power Limited, (hereinafter referred as "**Factory**") Unit - 1, Kharsia Road Raigarh, District Raigarh, Chhattisgarh. Thereafter, the workers present at the time of the incident suffered serious injuries.
3. That pursuant to the notice dated 10.02.2023, issued by this Hon'ble Tribunal, Chhattisgarh Environment Conservation Board (hereinafter referred as "**CECB**") requested the Office of Deputy Director Industrial

Health & Safety, Raigarh Division to provide the requisite information and steps taken till date in the matter since the matter pertained to the year 2020.

4. Upon getting in touch with the Office of Deputy Director Industrial Health & Safety, Raigarh Division, the following facts came within the knowledge of the Answering Respondent:

- a. That on 10.06.2020, four workers namely Shri Arvind Kumar Singh (Supervisor), Shri Jayman Khellkon (Fitter), Shri Kanhaiya Lal Poddar (Fitter), and Shri Laluram (Helper), were working in the central garage located within the factory.
- b. That said work was related to the gas cutting/dismantling of diesel tank of a scrap bus. At about 11:40 a.m. on 10.06.2020, during the gas cutting of the said diesel tank, a sudden explosion occurred in the tank causing serious burns to all the aforementioned workers.
- c. Immediately after the accident, the workers were admitted to OP Jindal Fortis Hospital, Raigarh for their treatment.
- d. In the course of the treatment, two of the workers namely Mr. Shri Kanhaiya Lal Poddar and Shri Jayman Khellkon died on 12.06.2020.

5. That following the receipt of the notice in the captioned matter, a letter dated 14.02.2023 was issued by the Office of Deputy Director Industrial

Health & Safety, Raigarh Division to the Operator of Industrial Health & Safety, Raipur (Chhattisgarh), wherein details, cause of the incident and amount of compensation awarded to the families of the victims were stated by Deputy Director Industrial Health & Safety. A translated copy of the letter dated 14.02.2023 is annexed herewith as **Annexure- A**.

As per the abovementioned letter, the compensation amount was provided to the injured workers and family members of the deceased workers in the following manner:

a. Late Shri Kanhaiya Lal Poddar:

- i. He was registered under Employees State Insurance Corporation (hereinafter referred to as **E.S.I.C**), vide Registration No. is 5916584048. E.S.I.C is giving monthly pension at the rate of Rs.199.20 per day to the widow of the deceased worker.
- ii. Immediate assistance of Rs. 25000/- has been given by the factory management to the dependents of the deceased worker.
- iii. Amount of Rs. 2,00,000/- has been given to the widow of the deceased worker through JSPL Welfare Fund and Rs. 6000/- was being given to the dependents of the deceased worker through JSPL Welfare Pension Scheme.

- iv. Amount of Rs. 5,00,000/- has been given through GPA policy to the dependents of the deceased worker.

b. Shri Jaiman Khalkho-

- i. He was registered under ESIC vide Registration No. 5915443112. The deceased worker's widow, i.e., Smt. Anima Khalkho, receives a monthly pension of Rs. 142.30 per day from ESIC, and his two children, Sh. Deepak Khalkho and Sh. Raunak Khalkho, receives a monthly pension of Rs. 94.85 per day from ESIC.
- ii. Immediate assistance of Rs. 25000/- has been given by the factory management to the dependents of the deceased worker.
- iii. Amount of Rs. 2,00,000/- has also been given to the widow of the deceased worker through JSPL Welfare Fund and Rs. 6000/- is being given to the dependents of the deceased person through JSPL Welfare Pension Scheme.
- iv. Amount of Rs. 5,00,000/- has been given through GPA policy to the dependents of the deceased person.

c. Shri Arvind Kumar Singh:

- i. He was registered under the ESIC vide Registration No. 5915252284. Shri Arvind Kumar Singh did not suffer any permanent organ damage due to the said incident.

- ii. Shri Arvind Kumar Singh received the monthly salary from the factory management during the course of his treatment.

d. Shri Lalu Ram:

- i. He was registered under ESIC vide registration no. 5917111232. Shri Arvind Kumar Singh did not suffer any permanent organ damage due to the said incident.
- ii. Shri Arvind Kumar Singh received a monthly salary from the factory management during the course of his treatment.

6. Upon further inquiry, it came to the knowledge of CECB, that one prohibitory order dated 11.06.2020 was passed by office of Deputy Director Industrial Health and Safety against, the factory to restrict the presence of workers at the site of the incident. Furthermore, the Criminal Case No. 13/Factories Act/2020, was also filed against the factory occupier, Mr. Dinesh Kumar Sarawagi, and the factory manager, Mr. Vivek Garg, under Section 7A(2)(a), Section 41 read with the rule 73(1) and Section 37(4) of the Factories Act, 1948 (as amended upto 1987), before the Hon'ble Labour Court Raigarh on 07.07.2020.

7. That vide order dated 22.10.2021 in Criminal Case No. 13/ Factories Act/2020, the Hon'ble Labour Court observed that the dismantling/ cutting work was being done by the workers of the factory without using any safety

equipment(s) like safety shoes, safety helmets etc. Furthermore, the said incident occurred due to the following reasons:

- a. The scrap bus had a diesel tank with holding capacity of 300 liters of diesel.
 - b. The workers who were involved in the dismantling of the scrap bus, drained the diesel tank by taking out around 50-60 liters of diesel from the tank.
 - c. Thereafter, the workers poured 50% of water into the diesel tank and started the dismantling work without ensuring the presence of leftover diesel particles inside the tank.
 - d. Consequently, the tank exploded due to the heat generated from the dismantling work and this caused serious burns to the workers at the site of the incident.
8. Thereafter, the Ld. Labour Court vide order dated 22.10.2021, convicted the factory occupier, Mr. Dinesh Kumar Sarawagi, and the factory manager, Mr. Vivek Garg, and imposed the fine of Rs. 4,20,000/- on both the accused persons and further directed the simple imprisonment of three months, in case, the fine so imposed is not paid by them. A true translated copy of the order dated 22.10.2021 passed by the Hon'ble Labour Court in Criminal Case No. 13/Factories Act/2020 is marked and annexed herewith as **ANNEXURE -B**

9. Thus, it is submitted that in the said case, all the appropriate actions have been taken by the concerned departments against the accused persons and for safeguarding the interests of the victims and family members of the deceased workers.

10. Hence, the present reply is being submitted for the kind perusal of this Hon'ble Tribunal. This Hon'ble Tribunal may, therefore, take the present reply on record and pass any appropriate order(s) that it may deem fit, which will be complied with by CECB.

FILED BY



ABHINAY SHARMA
ADVOCATES FOR CECB
H-29, FIRST FLOOR,
JANGPURA EXTENSION,
NEW DELHI-11 0014

Drawn on: 24.02.2023

FILED ON: 27.02.2023

PLACE: NEW DELHI

R
Ramesh Kumar Sharma
Ad/ Notary
Raigarh (C.G.)



8



**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, (DELHI)
O.A NO. 110/2023**

IN THE MATTER OF:

**IN RE: BLAST AT JSPL'S RAIGARH PLANT KILLS TWO WORKERS,
TWO OTHERS INJURED**

AFFIDAVIT

I, Ankur Sahu, Authorised Representative of Chhattisgarh Environment Conservation Board, office at T.V. Tower Road, Raigarh, (C.G.), herein, do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of CECB in the present matter and am well conversant with the facts of the present case and competent to affirm this affidavit.
2. That I have read and understood the contents of the accompanying Reply which has been drafted under my instructions and state that the contents of the same are true and correct to my knowledge based on the records maintained by me.
3. The contents of the accompanying Reply have been explained to me in vernacular.



Ankur Sahu
DEPONENT
REGIONAL OFFICER
C.G. Environment Conservation Board
RAIGARH

24 FEB 2023

VERIFICATION

I, the Deponent above named, do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at 24 FEB 2023 on this 24 day of February 2023.

Asah
REGIONAL DEPONENT
 C.G. Environment Conservation Board
RAIGARH



Ankur Sahu पिता / प्रपिता का नाम D.L. SAHU
 निवासी RASARIA सह RASARIA RASARIA
 ता 24 FEB 2023 को मेरे सामने शपथ ग्रहण की
 है स्वयं उन्हें जानता हूँ अभ्या श्री
 के द्वारा शिनाख्त की गई जिनके हस्ताक्षर नहीं जोड़ा गया है / जोड़ा गया
 रमेश कुमार शर्मा
 नोटरी
 छपका



Office of Deputy Director Industrial Health & Safety, Raigarh Division
Above Shweta Medical, Chakradhar Nagar Chowk, Raigarh
(Chhattisgarh)

E-Mail - ddihsraigarh@gmail.com
Ph. No. - 07762-223035

Letter No. :- U.Sa.Ra./197 Raigarh,

Dated :- 14/02/2023

To

The Operator
Industrial Health & Safety,
Raipur (Chhattisgarh)

Subject :- Notice of hearing in Suo Motu matter in re News item published in the newspaper Business Standard, date 09.02.2023 entitled "Blast at JSPL's Raigarh plant kills two workers, two other injured".

Reference:- Your letter no. /Sanch./314 Raipur dated 13.02.2023.

--00--

Along with the letter referred under the above subject the Case number OA-No. 110/2023 of National Green Tribunal, New Delhi has been received on 28.02.2023. The information regarding the points of the said case is as follows: -

01. Name & address of the factory : M/s Jindal Steel & Power Ltd.,
Unit – 1, Kharsia Road, Raigarh,
District - Raigarh (Chhattisgarh)

02. Date of Accident : 10.06.2020
Time : 11:40 AM
03. Date of Accident Investigation : 10.06.2020
04. Name of the place of accident : Central Garage Maintenance Area.
05. Work to be done during accident: Cutting of diesel tank of 300 liters capacity of scrap bus by gas cutting torch.
06. Type and result of accident : 02 workers died and 02 workers were injured due to an explosion in the diesel tank.
07. Statement : In the process of accident investigation, the statements of Mr. Naimulla Khan (Section Incharge), Mr. Parmanand (Junior Foreman) have been recorded on 10.06.2020 and the statement of accident victim Mr. Arvind Kumar Singh has been on 11.06.2020.
08. Details of the accident:- In the M/s Jindal Steel & Power Limited, Unit - 1, Kharsia Road Raigarh, District Raigarh (Chhattisgarh) on 10.06.2020 workers Mr. Arvind Kumar Singh (Supervisor), Mr. Jaiman Khalkho, (Fitter), Mr. Kanhaiya Lal Poddar (Fitter) and Mr. Laluram (Helper) was working for cutting/dismantling of old vehicles in the

central garage established in the factory. During the work, the work of gas cutting of the diesel tank of an old bus started at 11:20 am. At about 11:40 a.m. during the gas cutting of the said diesel tank, a sudden explosion occurred in the tank, causing serious burns to all the workers employed. After the accident, the workers were admitted through ambulance to OP Jindal Fortis Hospital, Raigarh for proper treatment. Shri Jaiman Khalkhon and Shri Kanhaiya Lal Poddar died on 12.06.2020 during treatment. After treatment, laborers namely Mr. Kanhaiya Lal Poddar has attended work on 04.09.2020 and Mr. Jaiman Khalkhon has attended work on 10.12.2020. Mr. Kanhaiya Lal Poddar and Mr. Jaiman Khalkhon did not suffer any permanent organ damage due to the accident.

09. Cause of the accident:-

1. The internal cleaning of the diesel tank was not done properly, nor was the atmosphere of inert gas (nitrogen) maintained inside the tank. Due to which the increased temperature inside the tank during the gas cutting of the tank created an explosive environment from the fumes of diesel and residual material available inside and the mixer of oxygen available inside, due to which the tank exploded due to the fire.
2. Two baffle partitions were made inside the diesel tank. The impact of these waffle partitions on the internal cleanliness of the tank was not properly analyzed.
3. The hazards present from the hazardous work were not studied. Permit to work for this work was not obtained from the safety

department of the factory, nor was the risk assessment of this dangerous work done.

4. By providing heat-resistant aprons/suits to the laborers engaged in gas-cutting work, their use was not ensured.

10. Details of accident workers :-

- | | | | |
|----|---------------------------------|---|--|
| 1. | Name of the worker | : | Late Shri Kanhaiya Lal Poddar |
| | Father's name | : | Mr. Tarani Poddar |
| | Age | : | 52 years |
| | Address | : | Gorkha, Post - Gorkha,
Tehsil & District - Raigarh |
| | Type & designation of employer: | : | Contract labour (fitter) |
| | ESIC No. | : | 5916661974 |
| | Names of dependents | : | Smt. Ujali Bai Poddar (Wife) |
| 2. | Name of the worker | : | Late Shri Jaiman Khalkhon |
| | Father's name | : | Mr. Daniyal Khalkho |
| | Age | : | 35 years |
| | Address | : | Post - Mudbahla, Post - Kadro,
District - Jashpur (Chhattisgarh) |
| | Type & designation of employer: | : | Contract labour (fitter) |
| | ESIC No. | : | 5915443112 |
| | Names of dependents | : | 1. Smt. Anima Khalkho (Wife)
2. Shri Deepak Khalkho (Son)
3. Shri Raunak Khalkho (Son) |
| 3. | Name of the worker | : | Mr. Arvind Kumar Singh |

Father's name : Shri Bira Singh
 Age : 36 years
 Address : Post - Tilma Chaugri, Post –
 Gaching, District-Rohtas (Bihar)
 Type & designation of employer: Contract Labor (Supervisor)
 ESIC No. : 5915252284
 Names of dependents : 1. Smt. Poonam Devi (Wife)
 2. Kumari Varsha Singh
 (Daughter)
 3. Shri Rishu Kumar (Son)
 4. Smt. Jhalko Devi (Mother)
 5. Shri Bira Singh (Father)

4. Name of the worker : Shri Laluram
- Father's name : Mr. Tameshwar Singh
 Age : 23 years
 Address : Post - Dipparapara, Post
 Piparda, District-Janjgir
 Champa (Chhattisgarh)
 Type & designation of employer: Contract labor (helper)
 ESIC No. : 5917111232
 Names of dependents : 1. Mrs. Seema Patel (Wife)
 2. Shri Anmol Patel (Son)

11. Compensation:- The compensation amount given to the dependents of the Late Shri Jaiman Khalkhon and Late Shri Kanhaiya Lal Poddar is as follows:-

1. Shri Kanhaiya Lal Poddar:- Late Shri Kanhaiya Lal Poddar was registered under ESIC. His ESIC registration no. is 5916584048. ESIC is

giving a monthly pension at the rate of Rs.199.20 per day to the Dependent wife of the deceased worker, Smt. Ujali Bai Poddar. Immediate assistance of Rs.25,000/- was given by the Factory Management to the dependents of the deceased worker. Rs.2,00,000/- has been given to the wife of the deceased worker through JSPL Welfare Fund and Rs.5,00,000/- has also been given through the GPA policy and Rs.6,000/- monthly pension is being given from JSPL Welfare Pension Scheme.

2. Shri Jaiman Khalkho:- Late Shri Jaiman Khalkhon was registered under ESIC. His ESIC registration no. is 5915443112. ESIC is giving a monthly pension of Rs. 142.30 per day to the Dependent wife of the deceased laborer Smt. Anima Khalkhon and Rs. 94.85 per day to her two children Sh. Deepak Khalkhon and Sh. Raunak Khalkhon respectively. Immediate assistance of Rs.25,000/- was given to the dependents of the deceased worker by the Factory Management. Rs.2,00,000/- has been given to the wife of the deceased worker through JSPL Welfare Fund and Rs.5,00,000/- has also been given through the GPA policy and Rs.6,000/- monthly pension is being given from JSPL Welfare Pension Scheme.

3. Shri Arvind Kumar Singh:- Worker is registered under ESIC. The ESIC registration number of the worker is 5915252284. The worker has not suffered any permanent organ damage due to the accident. The factory management has given a monthly salary to the worker during his treatment. The worker attended the work on dated 04.09.2020.

4. Shri Lalu Ram:- Worker is registered under ESIC. The ESIC registration number of the worker is 5917111232. The worker has not

suffered permanent organ damage due to the accident. The factory management has given a monthly salary to the worker during his treatment. The worker attended the work on dated 10.12.2020.

12. Proceeding / Action:- To restrict the presence and work of the workers in the central workshop set up in the factory a Prohibitory Order No. U.sam.Ra./2020/Pra.Aap.Kra./463 dated 11.06.2020 was issued. After accident investigation while taking action against the factory management for violation of Section 7A (2) (a), Section 41 read with Rule 73 (1) and Section 37 (4) of the Factories Act 1948 amended 1987 a criminal case was filed against factory occupier Mr. Dinesh Kumar Saraogi and Factory Manager Mr. Vivek Garg in the Labour Court, Raigarh on 07.07.2020, whose case number is 13/Factory Act/2020. In the case, the accused have been punished by the Hon'ble Labor Court Raigarh on 22.10.2021 with a fine of Rs.2,10,000/- and Rs.2,10,000/- respectively. Photocopy of the Prohibitory Order, Show Cause Notice, and Charge Sheet are enclosed.

Therefore, in the said case, all the desired action has been taken by the office as per the rules, and the information is respectfully sent for information.

Enclosed:

1. Photocopy of the Prohibitory Order.
2. Photocopy of Show Cause Notice.
3. Photocopy of the Charge Sheet.

Sd/-
Deputy Director
Industrial Health and Safety
Raigarh (Chhattisgarh)

ANNEXURE- B**COURT OF JUDGE - LABOUR COURT RAIGARH
(CHHATTISGARH)**

(Presiding Officer – Kiran Kumar Jangde, Higher
Judicial Service)

FIR/ Criminal Case No. 13/ Factory Act/ 2020

Filing date: 07.07.2020

Dy. Director

Industrial Health and Security and

Dy. Chief Factory Inspector,

Government of Chhattisgarh,

Raigarh

...Complainant

Vs.

Dinesh Kumar Sarawagi, occupant

M/s. Jindal Steel and Power Limited

Unit -1, Kharsia Road,

Raigarh

District Raigarh (Chhattisgarh)

... Accused

Detail of offence

(Date: 22.10.2021)

I, Kiran Kumar Jangde, Judge, Labour Court by framing the following charge/ allegation on you the accused Dinesh Sarawagi, M/s. Jindal Steel and Power Limited, Unit -1, Kharsia Road, District Raigarh (Chhattisgarh), imposes the same: -

1. On 10.06.2020 at 11.20 am, you was taking/ conducting the work of cutting/ dismantling of the old vehicles by the team of Arvind Kumar Singh, Jaiman Khalkhon, Kanhaiya Lal Poddar and Laluram in the central garage in your factory located in M/s. Jindal Steel and Power Limited Unit -1 Kharsiya Road, District Raipur. Suddenly the tank got burst down during the course of cutting the diesel tank of the old bus while executing the work wherein all the working employees/ staffs got severely burnt and the employees/ staffs Jaiman Khalkhon and

Kanhaiya Lal Poddar had died. You by conducting the unsecure work system had drained the tank by taking off around 50 to 60 liters of diesel from the diesel tank of 300 liters capacity and by pouring 50 percent of water into the tank and had started the work of gas cutting without ensuring the presence of inferiority inside the tank. The tank exploded due to the heat generate from the gas cutting. Your aforesaid act is the violation of section 7A(2) of the Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948.

2. On the very same day, time and place, you was taking the service of the team of staff/ labour Arvind Kumar Singh, Jaiman Khalkhon, Kanhaiya Lal Poddar and Lalu Ram for the work of cutting/ dismantling the old vehicles in the central garage located in your factory. During

the course of cutting the diesel tank of the old bus suddenly the tank exploded from which all the staff/ labour was burnt seriously. The said accident took place due to starting the work from the gas cutting of the diesel tank without providing the personal security equipment, safety helmet, safety suit, resistance suit to the labour/ staff. Due to the tank explosion, the labour Jaiman Khalkhon and Kanhaiya Lal Poddar had burnt and died. Your aforesaid act is the violation of section 41 read with Rule 73 (1) of the Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948.

3. On the very same day, time and place, you was taking the service of the team of staff/ labour Arvind Kumar Singh, Jaymal Khalkho, Kanhaiya Lal Poddar and Lalu Ram for the work of cutting/ dismantling the old vehicles in the

central garage located in your factory. During the course of cutting the diesel tank of the old bus suddenly the tank exploded from which all the staff/ labour was burnt seriously and the labour Jaymal Khalkho and Kanhaiya Lal Poddar got died. You had drained the tank by taking off around 50 to 60 liters of diesel from the diesel tank of 300 liters capacity and by pouring 50 percent of water into the tank. But you had started the work of gas cutting without ensuring the presence of inferiority inside the tank. The tank exploded due to the heat generate from the gas cutting. Your aforesaid act is the violation of section 41 read with Rule 37 (4) of the Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948.

Your aforesaid act is the violation of section 7A(2)(a), section 41 read with Rule 73 (1) of the

Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948, which is pending consideration before this Court.

Thus it is hereby instructed that the trial of the aforesaid offence be started/ considered against you.

Sd/-
(Kiran Kumar Jagde)
Judge
Labour Court Raigarh
(Chhattisgarh)

PLEADING OF ACCUSED

The aforesaid offence of the accused read over and made understand to the accused. On hearing its contents, the accused pleads that: -

The offence is admitted. A trial be made today only.

Sd/-
(Kiran Kumar Jagde)
Judge
Labour Court Raigarh
(Chhattisgarh)

**COURT OF JUDGE - LABOUR COURT RAIGARH
(CHHATTISGARH)**

(Presiding Officer – Kiran Kumar Jangde, Higher
Judicial Service)

FIR/ Criminal Case No. 13/ Factory Act/ 2020/ Fetal

Filing date: 07.07.2020

Dy. Director

Industrial Health and Security and

Dy. Chief Factory Inspector,

Government of Chhattisgarh,

Raigarh

...Complainant

Vs.

Vivek Garg,

Factory Manager

M/s. Jindal Steel and Power Limited

Unit -1, Kharsia Road,

Raigarh

District Raigarh (Chhattisgarh)

... Accused

Detail of offence

(Date: 22.10.2021)

I, Kiran Kumar Jangde, Judge, Labour Court by framing the following charge/ allegation on you the accused Vivek Garg, Factory Manager, M/s. Jindal Steel and Power Limited, Unit -1, Kharsia Road, District Raigarh (Chhattisgarh), do hereby impose the same: -

1. On 10.06.2020 at 11.20 am, you was taking/ conducting the work of cutting/ dismantling of the old vehicles by the team of Arvind Kumar Singh, Jaymal Khalkho, Kanhaiya Lal Poddar and Laluram in the central garage in your factory located in M/s. Jindal Steel and Power Limited Unit -1 Kharsiya Road, District Raipur. Suddenly the tank got burst down during the course of cutting the diesel tank of the old bus while executing the work wherein all the working employees/ staffs got severely burnt and the employees/ staffs Jaymal Khalkho and Kanhaiya Lal Poddar had died. You by

conducting the unsecure work system had drained the tank by taking off around 50 to 60 liters of diesel from the diesel tank of 300 liters capacity and by pouring 50 percent of water into the tank and had started the work of gas cutting without ensuring the presence of inferiority inside the tank. The tank exploded due to the heat generate from the gas cutting. Your aforesaid act is the violation of section 7A(2) of the Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948.

2. On the very same day, time and place, you was taking the service of the team of staff/ labour Arvind Kumar Singh, Jaymal Khalkho, Kanhaiya Lal Poddar and Lalu Ram for the work of cutting/ dismantling the old vehicles in the central garage located in your factory. During the course of cutting the diesel tank of the old

bus suddenly the tank exploded from which all the staff/ labour was burnt seriously. The said accident took place due to starting the work from the gas cutting of the diesel tank without providing the personal security equipment, safety helmet, safety suit, resistance suit to the labour/ staff. Due to the tank explosion, the labour Jayman Khalkho and Kanhaiya Lal Poddar had burnt and died. Your aforesaid act is the violation of section 41 read with Rule 73 (1) of the Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948.

3. On the very same day, time and place, you was taking the service of the team of staff/ labour Arvind Kumar Singh, Jaymal Khalkho, Kanhaiya Lal Poddar and Lalu Ram for the work of cutting/ dismantling the old vehicles in the central garage located in your factory. During

the course of cutting the diesel tank of the old bus suddenly the tank exploded from which all the staff/ labour was burnt seriously and the labour Jaymal Khalkho and Kanhaiya Lal Poddar got died. You had drained the tank by taking off around 50 to 60 liters of diesel from the diesel tank of 300 liters capacity and by pouring 50 percent of water into the tank. But you had started the work of gas cutting without ensuring the presence of inferiority inside the tank. The tank exploded due to the heat generate from the gas cutting. Your aforesaid act is the violation of section 41 read with Rule 37 (4) of the Indian Factories Act, 1948 and is punishable offence under section 92 of the Indian Factories Act, 1948.

Your aforesaid act is the violation of section 7A(2)(a), section 41 read with Rule 73 (1) and section 37 (4) of the Indian Factories Act, 1948

and is punishable offence under section 92 of the Indian Factories Act, 1948.

The said case is pending consideration before this Court.

Thus it is hereby instructed that the trial of the aforesaid offence be started/ considered against you.

Sd/-
(Kiran Kumar Jagde)
Judge
Labour Court Raigarh
(Chhattisgarh)

PLEADING OF ACCUSED

The aforesaid offence of the accused read over and made understand to the accused. On hearing its contents, the accused pleads that: -

The offence is admitted. A trial be made today only.

Sd/-
(Kiran Kumar Jagde)
Judge
Labour Court Raigarh
(Chhattisgarh)

COURT OF JUDGE - LABOUR COURT RAIGARH
(CHHATTISGARH)

(Presiding Officer – Kiran Kumar Jangde, Higher
Judicial Service)

FIR/ Criminal Case No. 13/ Factory Act/ 2020/ Fetal

Filing date: 07.07.2020

Dy. Director

Industrial Health and Security and

Dy. Chief Factory Inspector,

Government of Chhattisgarh,

Raigarh

...Complainant

Vs.

1. Dinesh Kumar Sarawagi, occupant

2. Vivek Garg, Factory Manager

M/s. Jindal Steel and Power Limited

Unit -1, Kharsia Road,

District Raigarh (Chhattisgarh)

... Accused

JUDGMENT

(Pronounced on 22.10.2021)

1. Assistant Director, Industrial Health and Security and Dy. Chief Factory Inspector Raipur has filed a complaint under section 92 of the Indian Factories Act, 1948 against the accused for the violation of section 7A(2)(a), section 41 read with Rule 73 (1) and section 37 (4) of the Indian Factories Act, 1948.
2. The brief facts of the complaint filed by the complainant is that on 10.06.2020 at 11.20 am, the accused/ occupant and the Manager was taking/ conducting the work of cutting/ dismantling of the old vehicles by the team of Arvind Kumar Singh, Jaymal Khalkho, Kanhaiya Lal Poddar and Laluram in the central garage in the factory. Suddenly the tank got burst down during the course of cutting the diesel tank of the old bus while executing the work wherein all the working employees/ staffs

got severely burnt and the employees/ staffs Jaymal Khalkho and Kanhaiya Lal Poddar had died. You by conducting the unsecure work system had drained the tank by taking off around 50 to 60 liters of diesel from the diesel tank of 300 liters capacity and by pouring 50 percent of water into the tank and had started the work of gas cutting without ensuring the presence of inferiority inside the tank. The tank exploded due to the heat generate from the gas cutting, wherein the labour/ staff Jaymal Khalkhon and Kanhaiya Lal Poddar had burnt and died. The Complainant has filed the aforesaid complaint under section 92 of the Indian Factories Act, 1948 against the accused/ occupant on finding the violation of the necessary provisions against the occupant of the factory after conducting the enquiry of the occurrence.

3. On reading over and understanding the contents of the crime details to the accused persons, the accused persons have fairly admitted the offence as mentioned in the crime detail and on the basis of their fairly confession of the offence, they are hereby found to be guilty for the said offence and on the basis of their fairly confession of the offence, they are hereby convicted under section 92 of the Factories Act, 1948 for the violation of section 7A(2)(a), section 41 read with Rule 73(1) and section 37 (4) of the Factories Act, 1948.
4. From the facts and circumstances of the case, it is clear that on 10.06.2020, you by adopting the unsecure work system and without providing the personal security equipment to the labours/staffs, had drained the tank by taking off around 50 to 60 liters of diesel from the diesel tank of 300 liters capacity and by pouring 50 percent of

water into the tank and had started the work of gas cutting without ensuring the presence of inferiority inside the tank. The tank exploded due to the heat generate from the gas cutting and the labour/ staff Jaiman Khalkhon and Kanhaiya Lal Poddar had burnt and died wherein it is not justified to acquit the accused persons on probation of good conduct or after the denunciation. Though even other cases are pending consideration in this court against the accused persons under the Factories Act, 1948 but the fact of being effected the operation/ direction of the factory on convicting the accused of the imprisonment cannot be denied and the fact of affecting hundreds of workers/ staffs financial working in the factory cannot be denied and the purpose of the justice is not to punish the convicted accused with the punishment of imprisonment only. The accused Dinesh Sarawagi is an old person aged about 60

years. Keeping in view the said fact, by finding the offence under section 92 of the Factories Act, 1948 for violation of section 7A(2)(a), section 41 read with Rule 73 (1) and section 37 (4) of the Factories Act, 1948, as proved against the accused persons, each of the accused persons is hereby convicted for the imprisonment till the sitting of the Court and the penalty of Rs. 70,000 – 70,000 (Rupees: Seventy – Seventy Thousand only) for each of the offence, i.e. a total of Rs. 4,20,000/- (Rupees Four Lacs Twenty Thousand only). In case of not paying the penalty amount, the simple imprisonment of 3 – 3 months for each of the offence be made separately.

5. None of the property is present in this case.

Pronounced, signed and declared in an open Court.

Sd/-

(Kiran Kumar Jagde)
Judge, Labour Court

Raigarh (Chhattisgarh)

Judgment typed as per my instructions
Sd/-

(Kiran Kumar Jagde)
Judge, Labour Court
Raigarh (Chhattisgarh)

(TRUE TRANSLATED COPY)

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, (DELHI)
O.A NO. 110/2023**

IN THE MATTER OF:

**IN RE: BLAST AT JSPL'S RAIGARH PLANT KILLS TWO WORKERS, TWO
OTHERS INJURED**

V A K A L A T N A M A

KNOW ALL to whom these presents shall come that I/we, **Mr. Ankur Sahu**, Regional Officer authorized representative of Regional Office, Chhattisgarh Environment Conservation Board, T.V. Tower Road Raigarh, District-Raigarh (C.G.) do hereby appoint,

Abhinay Sharma (D/2192/2011), Pooran Chand Roy (D/11009/2021), Sakshi Jain (MP/2221/2020), Lakshmi Kant Shrivastava (D/9335/2021), Parul Khurana (D/5897/2022).

(Hereinafter called the Advocate) to be my/our Advocate in the above-noted case and authorize: -

To act, appear plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, replications appeal cross-objections or petitions for executions, review, revision, restorations withdrawal compromise or other petition, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive moneys, cheque and grant receipt thereof and to do all other acts and things Which may be necessary to be done for the progress and in the course of the prosecution of the case.

To appoint and instruct and other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the attorney on our behalf.

And I/We the undersigned do hereby agree to rectify and confirm acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing, or any negligence of the said Advocate/s or his/their Substitute.

And -1/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same. The free settled is only for the above case and Court.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to those presents the contents of which have been understood by me/us this24th ... day ofFebruary.....of 2023.

Accepted subject to the terms of fees.

Advocates

Abhinay Sharma
Pooran Chand Roy
Sakshi Jain
Lakshmi Kant Shrivastava
Parul Khurana



Asah
REGIONAL OFFICER
Chhattisgarh Environment Conservation Board
RAIGARH