

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

Original Application No.19/2020(WZ)

Sayed Mohammed Sabir Usman ... **Applicant**

Vs.

Union of India & Others ... **Respondents**

REPLY ON BEHALF OF M/S ANK PHARMA PVT. LTD.

THE RESPONDENT NO. 8

INDEX

SR NO	ANNE XURE	PARTICULARS	PAGE NOS.	
			From	To
1.		Copy of IA no. 233890 of 2023 filed in CA no. 3697 of 2023 giving details of the compensation and along with orders of compensation commissioner.		

PUNE

DATE 14/05/2024



ADVOCATE FOR RESPONDENT NO. 8

SECTION ...XVII

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. No. 233890 of 2023
IN
CIVIL APPEAL NO. 3697 OF 2023**

IN THE MATTER OF:

M/S. ANK PHARMA PVT. LTD ... APPELLANT

VERSUS

SAYYED MOHAMMED SABIR USMAN & ORS

... RESPONDENTS

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			Total	Rs.

Certified that copies are correct

Filed on 07.11.2023

Filed by

Anshula Grover

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Code No 2754

RECORD OF PROCEEDINGS

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. 233890 of 2023

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 3697 OF 2023

IN THE MATTER OF:

M/S. ANK PHARMA PVT. LTD ... APPELLANT
VERSUS

SAYYED MOHAMMED SABIR USMAN & ORS
... RESPONDENTS

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS HON'BLE COMPANION JUDGES
OF THE SUPREME COURT OF INDIA.

The humble application of the Applicants above named.

MOST RESPECTFULLY SHOWETH:

1. The captioned civil appeal has been preferred under Section 22 of the NATIONAL GREEN TRIBUNAL ACT, 2010 ('NGT Act') against the judgment and final order dated 31.03.2023 passed by the Hon'ble National Green Tribunal Western Zone Bench, Pune ('**Impugned Judgment**') in O.A. 19 of 2020 (WZ), whereby the Hon'ble NGT has imposed environmental compensation on the Appellant.
2. That this Hon'ble Court had by its order dated 17.05.2023 and its order dated 11.08.23, directed the Appellant to deposit a sum of Rs. 70,00,000/- in two tranches with the National Green Tribunal, Western Zone Bench, Pune, Maharashtra.
3. In terms of the said orders, the Appellant deposited a sum of Rs. 35,00,000/- (Rs. Thirty Five Lakh) on 17.08.2023 and a sum of Rs. 35,00,000/- (Rs. Thirty Five Lakh) on 14.09.2023 with the

National Green Tribunal, Western Zone Bench, Pune, Maharashtra.

A copy of proof of deposit of Rs. 35,00,000/- (Rs. Thirty-Five Lakh) dated 17.08.2023 is hereto marked and annexed as **ANNEXURE A-1 Pg. No 7.**

A copy of proof of deposit of Rs. 35,00,000/- (Rs. Thirty-Five Lakh) dated 14.09.2023 is hereto marked and annexed as **ANNEXURE A-2 Pg. No 8.**

4. Further, on 17.05.2023, this Hon'ble Court had also directed the Appellant to:

“file a copy of the order(s) passed by the Labour Commissioner/Labour Court awarding compensation to the legal representatives of the deceased and the injured workers.”

5. In terms of the said order the Appellant is placing on record the orders dated 11.08.2020, 19.08.2020 and 16.12.2021 passed by the Labour Commissioner, Thane awarding compensation to the legal representatives of the deceased.

A copy of the judgment dated 11.08.2020 passed by the Commissioner for Employees Compensation and Judge, First Labour Court Thane (Presided by D.S. Paikrao in Dist. Application (ECA) No. 76/A-11/2020 is hereto marked and annexed as **ANNEXURE A-3 Pg. No 9-12.**

A true and translated copy of the of the judgment dated 19.08.2020 passed by the Ld. Commissioner for Workman Compensation and the second Labour Court, Thane in Application (E.C.A) No. 77/A.12/2020 is hereto marked and annexed as **ANNEXURE A-4 Pg. No 13-19.**

A copy of the judgment dated 16.12.2021 passed by the Commissioner for Employees Compensation and Judge, First Labour Court Thane (Presided by Smt. Dhanashree G. More in Dist. Application (ECA) No. 341/A-55/2021 is hereto marked and annexed as **ANNEXURE A-5 Pg. No 20-24.**

6. In addition to the Rs. 70,00,000/- (Rupees Seventy Lakhs) the Appellant has deposited with the NGT, the Appellant has also paid Rs. 31,53,773, and as compensation and hospital expenses amounting to Rs. 23,16,253. A table recording compensation & hospital expenses paid by the Appellant is reproduced below:

Sr.	Name	Amount of Compensation	Remarks
1.	Mohan Suryabhan Ingle	Rs. 10,16,700/	Deposited in Court
2.	Mohammad Ilyas Ansari	Rs. 6,97,073/-	Deposited in Court
3.	Madhuri Devi	Rs.8,00,000/-	Deposited in Court
4.	Mohit Singh	Hospital Expenses paid + 25,000 cash	
5.	Nishu Singh	Rs.3,00,000	Deposited in Court
6.	Prachi Rahul Singh	Rs.50,000/- + Hospital Expenses paid	Cash
7.	Ritika Rahul Singh	Rs.50,000/- + Hospital Expenses paid	Cash
8.	Rajmati Devi	Rs. 1,40,000/-	Cash
9.	Golu Surendra Yadav	Rs.50,000/-	Cash
10.	Khushi Surendra Yadav	Rs.50,000/-	Cash
11.	Trinath Dasari	Rs.25,000/-	Cash
12.	Sachin Kumar Yadav	Hospital Expenses Paid	

13.	Rakesh Kumar	Hospital Expenses Paid	
14.	Mulayam Yadav	Hospital Expenses Paid	
15.	Natvarbhai V. Patel	Hospital Expenses Paid Rs. 20,16,253/-	
	Hospital Expenses paid to Thunga Hospital	Rs. 3,00,000/-	

7. This can also be confirmed at Annexure XIV in the Joint Committee Report (Annexure 6 at **Pg 120 and 120A of the Civil Appeal**).

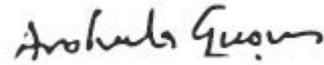
8. This application is being made *bona fide* and in the interest of justice.

PRAYER

9. In these circumstances, the Applicants pray that your Lordships may be pleased to: -

- (i) Permit the Applicant to place on record the aforesaid additional documents marked as **ANNEXURE A-1 to A-5**;
- (ii) Pass such other or further Orders as may be deemed fit and proper.

FILED BY



(Anshula Grover)

Advocate for the Appellant/Applicant

Dated: 07.11.2023

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
C.A. NO. 3697 OF 2023

NOTED	9322
Page No.	01 To 02
Date	3/10/23

M/S. ANK PHARMA PVT. LTD

... APPELLANT

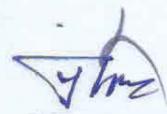
VERSUS

SAYYED MOHAMMED SABIR USMAN & ORS ... RESPONDENTS

AFFIDAVIT

I, Natvarbhai Vitthaldas Patel, s/o Vitthaldas Shankardas Patel, 60 years in age, Indian National, the Authorised Representative of the Appellant in the captioned matter, having registered office at B/707, Raj Madhur, Devidas Lane, Borivali (W) – Mumbai 400 103, do hereby solemnly affirm and declare as under:

1. That I am Director of the Appellant in the captioned matter, hence I am aware of facts of this case, and I have been duly authorised, hence I am competent to swear this affidavit.
2. That contents of the accompanying Applications have been drafted by my counsel under my instructions and after going through and carefully understanding the same, I state that the same are true and correct to the best of my knowledge and belief, as derived from the records of the case available with the Appellant, and the legal submissions made therein are based on legal advice which I believe to true. No part thereof is false and nothing material has been concealed therefrom.
3. That annexures enclosed with the said Applications are true copies of their respective originals.
4. That contents of this affidavit are true and correct.


DEPONENT



NOTED	9322
Page No.	02 To 02
Date	3/10/23

VERIFICATION

Verified at Boisar, Dist. Palghar, Maharashtra on this 3 day of October 2023 that the contents of forgoing affidavit are based on my knowledge and belief, no part thereof is false and nothing material has been concealed.

DEPONENT

I KNOW THE DEPONENT WHO SIGNED BEFORE ME
Witness as to Signature only
Document(s) not prepare
Reviewed of Advice upon
Solemnly Affirmed
and Executed before
me at Boisar on- 3/10/2023

deponent

MR. HEMANT P. PATIL
B. A. LL. B.
ADVOCATE & NOTARY
(GOVT. OF INDIA)



NOTED & REGISTERED	
Serial No.	9322 / 2023
Register No.	05 Dated 3/10/23
This Document Contains	
Total	02 Pages

17.08.2023

To,

The Assistant Registrar,
National Green Tribunal,
Western Zone Bench, Pune

Subject – Deposit as per order of Hon'ble Supreme Court in C.A. no. 3697 of 2023 dated 11.08.2023

Reference – 1. Judgment of Hon'ble NGT (WZ), Pune in O.A. no. 19/2020 dated 31.03.2023.

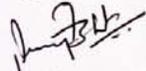
Respected Sir,

As per above cited subject please find enclosed herewith the demand draft of Rs. 35,00,000/- bearing no. 002508 drawn on Saraswat Bank.

This is in compliance of order of Hon'ble Supreme Court in C.A. no. 3697 of 2023 dated 11.08.2023.

You are requested to kindly accept the same and acknowledge.

Regards



Prashant Bhat
Advocate

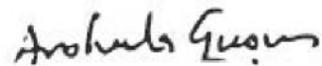
Encl –

1. Demand Draft of Rs. 35,00,000/- dated 14.08.2023 of Saraswat Bank bearing no. 002508.
2. Copy of Order of Hon'ble Supreme Court in C.A. 3697/2023 dated 11.08.2023.
3. Copy of Order of Hon'ble Supreme Court in C.A. 3697/2023 dated 17.05.2023.



Received.

18/08/2023

True copy

14.09.2023

To,

The Assistant Registrar,
National Green Tribunal,
Western Zone Bench, Pune

Subject – Deposit as per order of Hon'ble Supreme Court in C.A. no. 3697 of 2023 dated 11.08.2023

Reference – 1. Judgment of Hon'ble NGT (WZ), Pune in O.A. no. 19/2020 dated 31.03.2023.

Respected Sir,

As per above cited subject please find enclosed herewith the demand draft of Rs. 35,00,000/- bearing no. 002515 drawn on Saraswat Bank.

This is in compliance of order of Hon'ble Supreme Court in C.A. no. 3697 of 2023 dated 11.08.2023.

You are requested to kindly accept the same and acknowledge.

Regards



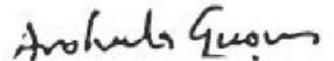
Prashant Bhat
Advocate

Encl –

1. Demand Draft of Rs. 35,00,000/- dated 11.09.2023 of Saraswat Bank bearing no. 002515.
2. Copy of Order of Hon'ble Supreme Court in C.A. 3697/2023 dated 11.08.2023.
3. Copy of Order of Hon'ble Supreme Court in C.A. 3697/2023 dated 17.05.2023.

True copy

NGT/WZ/PUNE/REG. NO. 728/2023
Date 14/09/2023
Sign 



1 L.C.T.

: 1 : A(ECA) No. 76/A-11/2020

BEFORE THE COMMISSIONER FOR EMPLOYEES'
COMPENSATION AND JUDGE,
FIRST LABOUR COURT THANE.
(PRESIDED BY: D. S. PAIKRAO)

DIST. APPLICATION (ECA) No. 76/A-11/2020
CNR : MHLC04-000240-2020

- 1] **Smt. Asma Banu Ansari,**
Age 50 years,
Wife of the deceased.
- 2] **Ms. Affrin Ansari Ilyas,**
Age 21 years,
Daughter of the deceased.
- 3] **Ms. Safa Ilyas Ansari,**
Age 17 years,
Daughter of the deceased.
- 4] **Mst. Ansari Abuzar,**
Age 15 years,
Son of the deceased.

All Residing At :

P-16, Sukla Compound,
Boisar (West), Saravali, Boisar,
Thane, Palghar, Maharashtra – 401501.

...Applicants.

V/s

Ank Pharma Pvt. Ltd.,
Plot No. M-2, MIDC, Tarapur,
Dist – Palghar, Maharashtra.

...Opponent.

Appearance:U.R Shri. PN. Singh for Applicants.

JUDGEMENT
(Delivered on11/08/2020)

- 1) This is an application for distribution under section 8 of

1 L.C.T.

: 2 : A(ECA) No. 76/A-11/2020

Employees' Compensation Act, 1923 filed by the applicants.

2) The opponent has deposited Rs. 6,97,073/- in D.S. No. 301/2019 for distribution sought in the application.

3) The applicant no. 1 is the wife of deceased and applicant no. 2 is the daughter of the deceased and applicant no. 3 & 4 are minor children of deceased namely late Mohammad Ilyas Ansari. The dependents mentioned are the dependents as per Section 2 of the Employees' Compensation Act, 1923.

4) The applicant no. 1 has filed claim affidavit at Exh.U-5 and submitted that the applicants are legal heirs of the deceased and they are depend on the income of the deceased. The applicants are legal heirs of the deceased and dependents on him and they are entitled for compensation amount deposited by opponent before this court. The applicant has filed application at Exh. U-6 that to waive the publishing of the public notice in the newspaper. She further deposed that she undertake to indemnify and deposit the amount, if any other dependent other than the applicants on record claims for compensation.

5) The applicant has filed identity proof below Exh.U-3 i.e. Aadhar cards and Ration Card of the applicants. The applicant lastly prayed that they are legal heirs of the deceased and they are entitled for compensation which is deposited by

1 L.C.T.

: 3 : A(ECA) No. 76/A-11/2020

opponent before this court.

6) That the applicant filed affidavit at Exh.U-5 and deposed that his deceased husband was working as a Supervisor with opposite party and died during the course of employment on 11/01/2020. The said accident occurred during and in the course of employment with opponent. She further deposed that the opponent has deposited compensation amount before this court, therefore, the applicants are dependents of the said deceased. He further deposed that the compensation amount may kindly be distributed amongst the applicants. In result, I pass following order.

ORDER

- 1) Application is allowed.
- 2) Rs. 1,74,269/- (Rupees One Lack Seventy Four Thousand Two Hundred Sixty Nine only) shall be paid to applicant no. 1 **Smt. Asma Banu Ansari** by account payee cheque.
- 3) Rs. 1,74,268/- (Rupees One Lack Seventy Four Thousand Two Hundred Sixty Eight only) shall be paid to applicant no. 2 **Ms. Affrin Ansari Ilyas** by account payee cheque.
- 4) Rs. 1,74,268/- (Rupees One Lack Seventy Four Thousand Two Hundred Sixty Eight only) each shall be deposited in the nationalized bank for saving scheme in the name of the applicant no. 3 **Ms. Safa Ilyas Ansari** applicant no.4 **Master Ansari Abuzar** and till their age of majority.

1 L.C.T.

: 4 : A(ECA) No. 76/A-11/2020

5) Application is finally disposed off.

Place : Thane.

Date : 11/08/2020

JSG/-

sd/-

(D.S.PAIKRAO)

Commissioner for Employees'
Compensation and Judge
First Labour Court, Thane.

True copy

Anubha Quora

Exh. O -

Received on : 03/03/2020
 Registered on : 03/03/2020
 Delivered on : 19/08/2020.
 Duration : 0 Y. 05 M. 16 D.

कर्मचारी भरपाई आयुक्त तथा न्यायाधीश, दुसरे कामगार न्यायालय,
 ठाणे यांच्या न्यायालयात.

(पिठासन अधिकारी श्रीमती.मं.यो.अमृतकर)

अर्ज (ई.सी.ए.) क्र.७७/ए-१२/२०२०

सीएनआर क्र. MHLC04000241-2020

- १) श्रीमती मंगला मोहन इंगळे
 वय - ४८ वर्ष, मयताची पत्नी
- २) श्री. गोविंदा मोहन इंगळे
 वय - २८ वर्ष, मयताची मुलगी
- ३) श्रीमती पंचफुला उर्फ पंचफुलाबाई सुर्यभान इंगळे
 वय - ७४ वर्ष, मयताची आई
- पत्ता : फ्लॅट नं.५, सी विंग, ओस्वाल वंडरसीटी,
 तक्षशिला अपार्टमेंट्स, ता. पालघर ... अर्जदार

विरुद्ध

- १) मे.अॅलेक्सो केमिकल्स
 पत्ता : बी-७०७, राज मधूर, देविदास लेन, बोरिवली (प),
 मुंबई ४०० १०३. ... प्रतिवादी

कोरम : श्रीमती एम.वाय. अमृतकर, कर्मचारी भरपाई आयुक्त.

उपस्थिती : अर्जदारांकरीता यु.आर. श्री. पी.एन.सिंग

अर्ज नुकसान भरपाईच्या वितरणाकरीता.

न्यायनिर्णय

(निर्णय न्यायालयीन कामकाजाच्या वेळेत न्यायालयात
 दि.१९/०८/२०२० रोजी दिला आहे.)

१. हया प्रकरणात मे.अॅलेक्सो केमिकल्स, मुंबई यांनी सी.इ.सी चलन नोंदवहीमधील डी.एस.क्र.३०२/२०१९ अन्वये रक्कम रु.१०,१६,७००/- न्यायालयाच्या खात्यामध्ये वाटपाकरिता जमा केली आहे. अर्जदार क्र.१ ही मयताची विधवा पत्नी असून अर्जदार क्र.२ हा मयताचा सज्जान मुलगा आहे. अर्जदार क्र.३ ही मयताची विधवा आई आहे. अर्जदार क्र.१ यांनी प्रदर्श क्र.यु-४ वर दाव्याचे प्रतिज्ञापत्र दाखल केले आहे. त्यात त्यांनी असे कथन

केले आहे की, मुळ अर्जदार श्री.सुर्यभान ओमकार इंगळे यांचे दि. ०४/१२/२०१२ रोजी निधन झालेले आहे. सोबत मुळ अर्जदाराच्या मृत्यूच्या प्रमाणपत्राची छायांकित प्रत दाखल केलेली आहे. सबब, अर्जदार क्र.१ व ३ यांच्या व्यतिरिक्त मयताचे इतर कोणीही कायदेशीर वारसदार नाहीत.

२. अर्जदार क्र.१ ते ३ यांचे आधार कार्डची छायांकित प्रत दाखल केलेली आहे व शिधा पत्रिकेची छायांकित प्रत दाखल केलेली आहे. अर्जदारांच्या वकीलांनी प्रदर्श क्र.यु-८ द्वारे पुरावा बंद केल्याची पुरसिस न्यायालयात दाखल केली असून सदर दाव्या विरुद्ध कोणत्याही इतर न्यायालयात अर्ज प्रलंबित नसल्याचे म्हटले आहे. अर्जदार क्र.२ हा मयताच्या मृत्यूसमयी सज्ञान असल्याने तो मयताच्या उत्पन्नावर अवलंबित नाही. सबब, अर्जदार क्र.१ व ३ हे मयताचे मृत्यू समयी अवलंबित असल्याने नुकसान भरपाईची रक्कम रु.१०,१६,७००/- मिळणेस पात्र आहेत. वरील कारणास्तव मी खालील आदेश पारीत करित आहे.

आदेश

१. अर्ज मंजूर.
२. मुळ अर्जदार श्री.सुर्यभान ओमकार इंगळे हे मयताचे वडील असून यांचे आजमितीस निधन झालेले आहे. अर्जदार क्र.१ ही मयताची पत्नी, अर्जदार क्र.२ हा मयताचा सज्ञान मुलगा असून अर्जदार क्र. ३ ही मयताची विधवा आई आहे. अर्जदार क्र.२ हा मयताच्या मृत्यूसमयी सज्ञान असल्याने तो मयताच्या उत्पन्नावर अवलंबित नाही. अर्जदार क्र. १ व ३ मृत्यूसमयी मयतावर अवलंबित असल्यामुळे अर्जदार क्र. १ व ३ यांना नुकसान भरपाईची रक्कम रु.१०,१६,७००/- देण्यात यावी.
३. अर्जदार क्र.१ यांना नुकसान भरपाईच्या रक्कमेपैकी रक्कम रु.८,१६,७००/- राष्ट्रीयकृत बँकेच्या धनादेशाद्वारे देण्यात यावी.

४. अर्जदार क्र.३ ही मयताची आई असल्याने यांना नुकसान भरपाईच्या रक्कमेपैकी रक्कम रू.२,००,०००/- राष्ट्रीयकृत बँकेच्या धनादेशाद्वारे देण्यात यावी.



Digitally signed
by Manjusha
Ramesh Kolhar

Date:
2020.09.05
11:35:47 +0530

ठिकाण : ठाणे.

दिनांक : १९/०८/२०२०.

अंमोअ/—

(श्रीमती मं.यो.अमृतकर)
कर्मचारी भरपाई आयुक्त तथा
न्यायाधीश,
दुसरे कामगार न्यायालय, ठाणे.

Argued on : 19/08/2020
Judgment dictated on : 19/08/2020
Judgment checked & signed on : 19/08/2020

LABOUR COURT

Translated copy of Annexure A-4

Application (ECA) No.77/A.12/2020

Exh.O

Received on : 03.03.2020

Registered on : 03.03.2020

Delivered on : 19.08.2020

Duration 0 Y 05 M 16 D

**BEFORE THE HON'BLE COMMISSIOER FOR WORKMAN
COMPENSATON AND THE SECOND LABOUR COURT, THANE**

(Smt. M. Y. Amrutkar – Presiding Officer)

Application (E.C.A.) No.77/A.12/2020

CNR No.MHLCO4000241-2020

1] Smt. Mangla Mohan Ingle

Age: 48 years, wife of deceased.

2] Shri. Govinda Mohan Ingle

Age: 28 years, daughter of deceased.

3] Smt. Panchphula @ Panchphyulabai Suryabhan Ingle.

Age 74 years, mother of deceased.

Address : Flat NO.5, C Wingh , Oswal Wondercity,

Takshashila Apartments,

Tal. Palghar.

....

Applicants.

Vs.

1] M/s Alexo Chemicals,

Address: B.707, Raj Madhur, Devidas Lane,

Borivali (West)

Mumbai 400 103

.... Respondents.

**CORAM : SMT. M.Y. AMTUTKAR, COMMISSIONER
FOR WORKMAN COMPENSATION**

Appearance : Shri. P. N. Singh, U.R. for applicant.

**APPLICATION FOR DISTRIBUTION OF
COMPENSATION.**

JUDGMENT

(Decision given during working hours of Court

On 19.08.2020.)

1] In this matter respondent M/s Alexo Chemicals, Mumbai has deposited an amount of Rs.10,16,700/- for distribution in the accounts of this Court vide CEC challan from register No.302/2019 . Applicant No.1 is a widow and was the wife of deceased, Applicant No.2 is the adult daughter of the deceased. Applicant No.3 is the mother of deceased. Applicant No.1 has filed her affidavit at Exh. U.4. In it she has stated that the original applicant Shri. Suryabhan Omkar Ingle died on 04.12.2012. Therefore, except applicant no.1 and 3 there are no other legal heirs of the deceased.

2] Xerox copies of the Aadhar Card of applicant Nos. 1

to 3 is produced on record and Xerox copy of ration card is produced on record. Advocate for the applicant has filed evidence at Exh U.8 and it has stated that except for this claim there is no any application pending before any other Court. Applicant No.2 is an adult at the time of death of the deceased and therefore, she is not dependent on the income of deceased. Therefore, as Applicant Nos. 1 and 3 are the dependents of deceased at the time of death, they are entitled to get compensation of Rs.10,16,700/-. For the reasons stated above I pass the following order.

ORDER

- 1] Application is allowed.
- 2] The original applicant Shri. Suryabhan Omkar Ingle is the father of deceased as on today he has expired. Applicant No.1 is the wife of deceased. Applicant No.2 was an adult at the time of death of deceased and not dependent on the income of deceased. Applicant Nos. 1 and 3 were dependent on the income of deceased at the time of death of deceased. Amount of compensation of Rs.10,16,700/- be paid to applicant Nos. 1 and 3.
- 3] An amount of Rs.8,16,700/- be paid to applicant No.1 by

cheque of nationalized bank as compensation amount.

4] Applicant No.3 is the mother of deceased, therefore, she be paid an amount of Rs.2,00,000/- by cheque of nationalized bank out of total compensation amount.

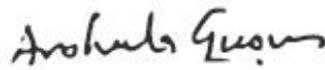
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Manjusha Ramesh Kolhar
Date: 2020.09.05
11.35.47.0530

Place : Thane:
Dated : 19.,08.2020

(Smt. M. Y. Amrutkar,
Commissioner for Workmen
Compensation and Judge, II nd Labour
Court, Thane.

Applied On 19.08.2020
Judgment dictated on :: 19.08.2020
Judgment checked and signed on : 19.08.2020

True translated copy



1 L.C.T.

1 Apln (ECA) No. 341/A-55/2021

Exh. O-
Filed On : 12/11/2021
Registered on : 01/12/2021
Decided on : 16/12/2021
Period : 00 Y., 01 M., 16 D.

**BEFORE THE COMMISSIONER FOR EMPLOYEES'
COMPENSATION AND JUDGE, FIRST LABOUR COURT THANE.
(PRESIDED BY: SMT. DHANASHREE G. MORE)**

**DIST. APPLICATION (ECA) No. 341/A-55/2021
CNR No. MHLC04-0000938-2021**

- 1] Shri. Rahul Bashishtha Singh,**
[aged 28 years, Husband of the deceased]
- 2] Kumari Prachi Rahul Singh,**
[aged 8 years, Daughter of the deceased]
- 3] Kumari Revatika Rahul Singh,**
[aged 5 years, Daughter of the deceased]

All Resides of : C/o Ank Farm Company, MIDC,
Tarapur, Kumbhavali, Plot No. M-2,
Taluka and District Palghar.

... Applicants.

V/S

Alexo Chemicals,
Having its address at :
Plot No. N - 174,
Tarapur MIDC, Boisar,
Taluka : Palghar,
Dist : Palghar.

... Opponent.

Claim : Application Under Section 8 of the Employees'
Compensation Act, 1923 for the distribution of
amount of Rs.3,00,000/-.

Appearances : -

For Applicants : Ld. Adv. Shri. S.M. Maghade.

JUDGMENT
(Delivered on 16/12/2021)

1. The applicants have filed this application below Exh.U-2 for the distribution of the amount of compensation of Rs.3,00,000/- (Rs. Three Lakhs Only) deposited by the opponent company named, Alexo Chemicals towards the death caused to their employee, Late Mrs. Nisha Rahul Singh under the Employees' Compensation Act, 1923.

2. **The brief facts of this application are as under : -**

It is submitted that the deceased Late Mrs. Nisha Rahul Singh was in the employment of the opponent. On dtd.11/01/2020, while she was in the course of her employment, she met with an accident in which she was died. At the time of his death, she was of 28 years old.

3. It is submitted that the applicant no.1, is her husband and applicants no.2 & 3 are minor daughters of the deceased. Except these applicants, no other legal heirs are there to claim the deposited amount of compensation.

4. It is submitted that the opponent has deposited the amount of compensation of Rs.3,00,000/- towards the death of Mrs. Nisha Rahul Singh. The said amount is admittable and acceptable to the applicants and therefore, they constrained to file this application for the distribution of said amount among themselves.

5. Perused the record of the case and it is seen that the opponent below Exh.O-1 have stated that they have deposited an amount of Rs.3,00,000/- (Rs. Three Lakhs Only) vide Cheque bearing no. 214460 dtd 30/10/2021 issued by The Saraswat Co-op. Bank Ltd, SME Vile Parle Branch in favour of Commissioner for Employees' Compensation, Thane in respect of death caused to Late Mrs. Nisha Rahul Singh. In 'Form A' attached with Exh.O-1, it is stated that the opponent do not desire to be made a party to the proceeding for distribution of aforesaid compensation amount to the heirs of deceased.

6. The record of the matter shows that the Senior Clerk, Account Section has submitted the report on this application stating that the opponent has deposited the compensation amount of Rs.3,00,000/- vide current account and the said amount has been taken to D.S.No. 139/21 of dtd.12/01/2021.

7. To substantiate their contentions, the applicants have filed the evidence affidavit below Exh.U-3, an application to waive publication below Exh.U-4, undertaking on affidavit below Exh.U-5, evidence closed pursis below Exh. U-6 and filed death certificate of the deceased, adhar card of applicant no. 1, and birth certificate of applicant no. 2 & 3 below List Exh.U-7.

8. In the light of aforesaid discussion and considering the financial constraint of the applicant no.1 to 3, for the interest of justice, this application deserves to be allowed and the amount of compensation is wholly distributed among the applicants no. 1 to 3 in the following manner. In the result, I proceed to pass the following order :

ORDER

1. The application below Exh. U-1 is hereby allowed.
2. The amount of compensation of Rs.3,00,000/- (Rs. Three Lakhs Only) be distributed in following manner :-
 - (i) The amount of past interest accrued on the fixed deposit amount of compensation of Rs.3,00,000/- till its maturity be paid to applicant no.1, **Shri. Rahul Bashishtha Singh**, by account payee cheque on his due identification and verification.
 - (ii) Out of the total amount of compensation, of Rs.3,00,000/-, an amount of Rs.1,00,000/- (Rs. One Lakh Only) be paid to the applicant no.1, **Shri. Rahul Bashishtha Singh** by account payee cheque on his due identification and verification.
 - (iii) Out of the remaining amount of compensation, an amount of Rs.1,00,000/- (Rs. One Lakh only) **each** be kept in a fixed deposit in the names of applicants no.2 & 3 namely, **Kumari Prachi Rahul Singh & Kumari Revatika Rahul Singh** till they attain the age of their majority in any nationalized bank.

1 L.C.T.

5 Apln (ECA) No. 341/A-55/2021

3. It is hereby made cleared that on maturity of fixed deposits, i.e. on attaining their age of majority, the amount along with interest accrued thereon shall be directly credited/transferred to the saving accounts of the applicants no. 2 & 3 on their due identification and verification.
4. The concerned Bank Manager is hereby directed to pay the amount of fixed deposits to applicant no. 2 & 3 only after their due identification and verification, **without the further order of this court.**

Place : Thane.
Date : 16/12/2021
JSG/-



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DHANASHREE
G MORE
Date:
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Argued on : 14/12/2021
Judgment Dictated on : 16/12/2021
Checked & signed on : 16/12/2021

True copy

Arohata Quora

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. No. 233891.. of 2023
IN
CIVIL APPEAL NO. 3697 OF 2023

IN THE MATTER OF:

M/S. ANK PHARMA PVT. LTD ... APPELLANT

VERSUS

SAYYED MOHAMMED SABIR USMAN & ORS
... RESPONDENTS

APPLICATION SEEKING EXEMPTION FROM FILING
OFFICIAL TRANSLATION OF AN ANNEXURE

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS OTHER COMPANION JUDGES OF THE
SUPREME COURT OF INDIA, NEW DELHI

THE HUMBLE APPLICATION
OF THE APPELLANT ABOVE
NAMED;

MOST RESPECTFULLY SHOWETH:

1. The captioned civil appeal that has been preferred under Section 22 of the NATIONAL GREEN TRIBUNAL ACT, 2010 ('NGT Act') against the judgment and final order dated 31.03.2023 passed by the Hon'ble National Green Tribunal Western Zone Bench, Pune ('Impugned Judgment') in O.A. 19 of 2020 (WZ), whereby the Hon'ble NGT has imposed environmental compensation on the Appellant.

2. That the facts leading to the filing of the instant application have been mentioned in detail in the captioned civil appeal and the same are not being reiterated for the sake of brevity and to avoid prolixity. The Appellant craves leave of this Hon'ble Court to refer to and rely upon the contents of the accompanying application for the purpose of the present application also.
3. It is submitted that the Appellant is filing the instant application seeking an exemption from filing the official translation of Annexure A-4 annexed with the accompanying interlocutory application. The said annexure is an order dated 09.08.2020 passed by the Labour Commissioner, Thane and was in Marathi language, and has already been translated privately by the local advocate of the Appellant. The Appellant undertakes to file official translations if so directed by this Hon'ble Court.
4. That the Appellant seeks leave of this Hon'ble Court to place on record the document as translated, without the assistance of official translators. This Hon'ble Court has by order dated 17.05.2023 directed the Appellants to file the order of the Labour Commissioner.
5. The Appellant has placed accurately translated copy of the said annexure, and therefore, in view of the urgency in the matter, this Hon'ble Court may be pleased to exempt the Appellant from filing official translation of Annexures A-4.

6. This application is being made *bona-fide* and in the interest of justice.

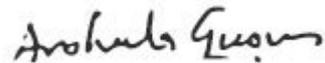
PRAYER

In the circumstances, it is therefore most humbly prayed that this Hon'ble Court may graciously be pleased to: -

- a. Allow the present application and exempt the Appellant from filing official translation of Annexure A-4, being translated copied of annexures from Marathi to English; and
- b. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPELLANT AS
IN DUTY BOUND SHALL EVER PRAY.

FILED BY



(Anshula Grover)

Advocate for the Appellant/Applicant

Dated: 07.11.2023



28

Gajendra Negi <gajendra.negi@chambers.net.in>

PROOF OF SERVICE - C.A. No. 3697 - / 2023 M/S. ANK PHARMA PVT. LTD. vs. SAYYED MOHAMMED SABIR USMAN

1 message

NITIKA GROVER <nitikagrover4599@gmail.com>

7 November 2023 at 12:08

To: avneeshlaw@gmail.com, shashanksinghadvocate@gmail.com, govtadvdelhi@gmail.com, Shankey Agrawal <shankey.agrawal@gmail.com>

Cc: Anshula Grover <anshula.grover@gmail.com>, gajendra.negi@chambers.net.in

Dear All,

Please find attached herein Application seeking permission to file Additional Document in the captioned matter, as and by way of service upon.

Kindly acknowledge receipt of the same by return mail.

Regards

Nitika Grover

Chambers of AoR Anshula Grover**IA for Add Doc in ANK PHARMA 061123.docx.pdf**

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