

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI**

Original Application No. 438/2023

SUO MOTO

2 Minors Among Four Killed as Explosion Rock

Illegal Fire Cracker Godown in District Sambhal, (U.P)

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ND04. 13.10.2023

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Place: New Delhi

Dated:11.10.2023

THROUGH



**GIGI C. GOERGE
ADVOCATE**

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

O.A.NO.438/2023

SUOMOTO

2 MINORS AMONG 4 KILLED AS EXPLOSION ROCK

ILLEGAL FIRE CRACKER GODOWON IN DISTRICT SAMBHAL (U.P)

REPLY ON BEHALF OF RESPONDENT No.2, JOINT CHIEF CONTROLLER OF EXPLOSIVES, AGRA (U.P) PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO), UNION OF INDIA

I Kunwarpal Singh S/o. Shri Jairam Singh Aged about 49 years presently working as Deputy Controller of Explosives in Petroleum and Explosives Safety Organisation (PESO) office at North Circle, Faridabad.

I state that I am authorized in my official capacity to file the present reply on behalf of answering Respondent and as such, I am fully conversant with the facts and the circumstances arising in O.A.No.438/23 based on the records of the case.


 कुंवरपाल सिंह, आई.पी.ई.एस.एस.
 KUNWARPAL SINGH, IPES
 उप विस्फोटक नियंत्रक
 Dy. Controller of Explosives,
 कार्या. संयुक्त मुख्य विस्फोटक नियंत्रक
 O/o Joint Chief Controller of Explosives
 उत्तरी अंचल, फरीदाबाद
 North Circle, Faridabad

1. That this Hon'ble Tribunal on the basis of an article in India Today dt. 14.06.23 on a report "2 minors among 4 killed as explosion rocks illegal firecracker godown in District Sambhal, U.P. took the issue Suo moto and O.A. was registered as 438/2023 and notices were issued including the Answering Respondent.


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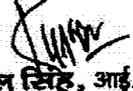
2. That a massive fire followed by an explosion occurred in an illegal firecracker premises in Gunnaur township, Uttar Pradesh's Sambhal district. This tragic incident resulted in the loss of four lives, including two minors, and injuries to seven others. The fireworks were manufactured at an unlicensed place and were kept for drying on the roof as told by the eyewitnesses. The godown owner, Sabir Ali, who had stored firecrackers in a residential area without any valid permission or licence, had been arrested in connection with the case.
3. That as per the Petroleum and Explosives Safety Organisation(PESO) a valid licence is required to manufacture any explosive products. The accused Sh. Sabir Ali on whose premises the explosion took place was not having any valid licence from PESO.
4. The reported cases which involves the storage of explosives or firecrackers at unauthorized locations are promptly forwarded to the District Authorities for immediate action to prevent any untoward accidents or incident and protect the well-being of the community in line with the Rule 127 of Explosives Rules, 2008 (Amended in 2019), the extract of which is reproduced below:-

"127. Power of officers to prevent dangerous practices. —(1) If in any matter which is not provided for by any express provision of, or condition of a licence granted under these rules and a Controller or District Magistrate finds any factory, magazine or place where an explosive is being manufactured, possessed or sold, or used or any part thereof, or anything or practice therein or connected therewith or with the handling or transport of explosives to be unnecessarily dangerous or defective so as, in his opinion, to tend to endanger the public safety or the bodily safety of any person, such Controller or District Magistrate may, by an order in writing, require the occupier of such factory magazine,


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store house or place or the owner of the explosive, to remedy the same within such time as may be specified in the order. (2) Where the occupier or owner objects to an order made under sub-rule (1), he may appeal to the appellate authority in accordance with rule 121."

5. That the District Sambhal (U.P) comes under the jurisdiction of Joint Chief Controller of Explosives, PESO, Agra. The Answering Respondents office is also carrying out surprise inspections of the licensed premises before the Deepawali time in compliance to the Chief Controller of Explosives; Nagpur's order every year to ensure adequate safety measures and to prevent any accident.
6. That in view of the above averments, it is humbly submitted that the answering respondent is ready to abide by any directions passed by this Hon'ble Tribunal.


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RESPONDENT

JOINT CHIEF CONTROLLER OF EXPLOSIVES, AGRA (U.P)

PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION

THROUGH 

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