

प्रेषक,

जिलाधिकारी,
सम्भल।

सेवा में,

कंसलटेन्ट (ज्यूडिशियल)
मा. राष्ट्रीय हरित अधिकरण,
नई दिल्ली।

संख्या:- 319

/जि.आ.प्र.प्रा./2025-26

विषय:-

दिनांक:- 16 मार्च, 2026
मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में ओरिजिनल एप्लीकेशन नं.- 438/2023 में मा. अधिकरण
द्वारा पारित आदेश दिनांक-22.04.2025 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया अवगत कराना है कि मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली के स्वतः संज्ञान के क्रम में ओरिजिनल एप्लीकेशन नं. 438/2023 योजित हुई थी। प्रश्नगत ओ.ए. संख्या-438/2023 में मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा आदेश दिनांक-22.04.2025 पारित किया गया, जिसके बिन्दु संख्या 90 में मा. अधिकरण द्वारा निम्नवत् निर्देश पारित किये गये-

Direction to the District Magistrate, Sambhal

1. The District Magistrate, Sambhal is directed to ensure payment of 1 balance compensation amount of Rs. 16 lakhs each to legal heirs/dependents of Shivaia/Naseem wife of Pappu and Om son of Monu alias Jaswant respectively.
2. The District Magistrate is directed to decide the question of entitlement of other members of family of respondent no. 1-Shabir Ali (Project Proponent) for payment of compensation for death of Guddo wife and Anam daughter of Shabir Ali respectively in the fire incident by taking into consideration the relevant evidence/material regarding their involvement in the illegal activity and other attendant facts and circumstances after giving opportunity of being heard to them.
3. The District Magistrate, Sambhal is directed to ascertain the nature of injuries of all the injured persons. Percentage of burns suffered by them. disability if any suffered by them and medical expenses incurred by them and to determine and disburse the compensation payable on the basis of the compensation scale laid down by this Tribunal as per percentage of burns/grievous injury/disability suffered by the injured persons, as the case may be after giving opportunity of being heard.
4. The legal heirs/dependents of the deceased, the injured and owners of the neighbouring houses damaged cannot be made to suffer due to non-availability of sufficient funds in the District Administration as submitted by the District Magistrate, Sambhal. Therefore, in the facts of this case UPPCB is directed to transfer the amount of compensation, payable to the legal heirs/dependents of the deceased, the injured and owners of the neighbouring houses damaged, to the District Magistrate, Sambhal, on making of reference by him in this regard, out of the environmental compensation amount lying deposited with it, for disbursement thereof to the legal heirs/dependents of the deceased, the injured and owners of the neighbouring houses damaged.
5. However, after disbursement of the compensation as directed above, the District Magistrate, Sambhal shall recover the compensation amount paid from respondent no. 1-Shabir Ali as arrears of land revenue in accordance with law to the extent possible and transfer the amount recovered from respondent no. 1-Shabir Ali to UPPCB for deposit in environmental compensation account. In case the entire amount is not recovered from respondent no. 1-Shabir Ali, then the balance amount shall be payable by the State and the District Magistrate, Sambhal shall transfer the amount so paid by the State to UPPCB for deposit in environmental compensation account.

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सय (3)

OF 438/2023

20 APR 2026
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Signature
21/4

Mr. Bhangish

इसी क्रम में मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा प्रदेश के अन्तर्गत विभिन्न जनपदों में अवैध पटाखा गोदाम में हुए विस्फोट के दृष्टिगत विभिन्न वादों में जारी निर्देशों के अनुपालन हेतु मुख्य सचिव, उत्तर प्रदेश शासन की अध्यक्षता में दिनांक-22.09.2025 को आहूत बैठक में निम्नलिखित निर्णय लिया गया-

"ओ.ए. संख्या-438/2023 News item in India Today dated 14.06.2023 titled "2 minors among 4 killed as explosion rocks illegal firecracker godown in UP owners held" (जनपद-सम्भल) में पारित मा. अधिकरण के आदेश दिनांक-22.04.2025 के विरुद्ध मा. सर्वोच्च न्यायालय में Special Leave Petition दाखिल किये जाने का निर्णय लिये जाने की कार्यवाही सम्बन्धित जिलाधिकारी एवं गृह विभाग, उत्तर प्रदेश शासन द्वारा की जायेगी।"

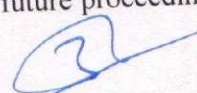
इस कार्यालय के पत्र संख्या- 200/जि.आ.प्र.प्रा./2025-26 दिनांक 12.12.2025 द्वारा प्रमुख सचिव उत्तर प्रदेश शासन लखनऊ को प्रश्नगत प्रकरण में मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक-22.04.2025 के विरुद्ध मा. उच्चतम न्यायालय, नई दिल्ली में विशेष अनुज्ञा याचिका (Special Leave Petition) दायर किये जाने की अनुमति प्रदान करने के साथ-साथ ए.ओ.आर. आबद्ध किये जाने का अनुरोध किया गया।

उपर्युक्त के क्रम में उप सचिव, उ.प्र. शासन के पत्र संख्या-/छ:-पु0-5/2025 गृह (पुलिस) अनुभाग-5 दिनांक-23.12.2025 के द्वारा मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. संख्या-438/2023 में पारित आदेश दिनांक-22.04.2025 के विरुद्ध मा. उच्चतम न्यायालय, नई दिल्ली में विशेष अनुज्ञा याचिका (Special Leave Petition) योजित किये जाने के संबंध में न्याय अनुभाग-3, उत्तर प्रदेश शासन द्वारा निर्गत शासनादेश संख्या-डी-1317/सात-न्याय- 3-2024-01/2001 दिनांक-28.10.2024 के माध्यम से नामित सम्बन्धित ए.ओ.आर. रुचिरा गोयल से सम्पर्क कर उनका परामर्श उपलब्ध कराये जाने की अपेक्षा की गयी।

जिसके क्रम में इस कार्यालय के पत्र संख्या-257/जि.आ.प्र.प्रा./2025-26 दिनांक-12.01.2026 के माध्यम से रुचिरा गोयल, एडवोकेट ऑन रिकॉर्ड, मा. उच्चतम न्यायालय, नई दिल्ली द्वारा ओ.ए. संख्या-438/2023 में पारित आदेश दिनांक-22.04.2025 के विरुद्ध मा. उच्चतम न्यायालय, नई दिल्ली में विशेष अनुज्ञा याचिका (Special Leave Petition) योजित किये जाने के सम्बन्ध में परामर्श उपलब्ध कराये जाने की अपेक्षा की गयी।

इसके क्रम में रुचिरा गोयल, एडवोकेट ऑन रिकॉर्ड, मा. उच्चतम न्यायालय, नई दिल्ली के पत्र दिनांक-04.02.2026 द्वारा विशेष अनुज्ञा याचिका (Special Leave Petition) दायर किये जाने हेतु उपलब्ध कराये गये परामर्श को इस कार्यालय के पत्रांक-278/जि.आ.प्र.प्रा./2025-26 दिनांक-04.02.2026 द्वारा उप सचिव, उत्तर प्रदेश शासन, लखनऊ को अवगत कराया गया। विधिक परामर्श निम्नवत् है-

1. From the record, it transpires that on 14.06.2023, an explosion occurred at premises situated in Gunnour Township, District Sambhal, which was being used as an illegal firecracker godown, resulting in the death of four persons, including two minors. The blast also caused significant damage to neighbouring houses and properties. The incident led to initiation of criminal proceedings against the person concerned, namely Shabbir Ali, who is stated to be the owner/operator of the premises. It is not in dispute that the activity being carried out at the site was wholly illegal and unauthorised, without any licence or permission from the competent authorities.
2. On the same date, a news item titled "2 minors among 4 killed as explosion rocks illegal firecracker godown in UP, owners held" was published in India Today. Taking Suo motu cognizance of the said report, the Hon'ble National Green Tribunal, Principal Bench, and New Delhi registered Original Application No. 438/2023.
3. Pursuant to the registration of the aforesaid Original Application, notices were issued by the Hon'ble Tribunal to the District Magistrate, Sambhal, the Uttar Pradesh Pollution Control Board, the Chief Controller of Explosives (PESO) and the State of Uttar Pradesh. In compliance with the directions of the Hon'ble Tribunal, the District Magistrate, Sambhal caused service of notice upon the alleged project proponent/owner, namely Shabbir Ali, and filed an Affidavit of Service dated 16.01.2025, duly affirmed and notarised, placing on record proof of service and acknowledgment of receipt by the said respondent.

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4. During the course of proceedings, the District Magistrate, Sambhal placed on record the factual details relating to the incident, including the registration of FIR No. 218/2023 against Shabbir Ali, the owner of the premises, under various provisions of the Indian Penal Code and the Explosives Act, 1884. The Hon'ble Tribunal has recorded that during investigation, a substantial quantity of explosive material, stated to be approximately 2000 kilograms (burnt/partially burnt), was recovered from the premises, clearly establishing that the activity being carried out was wholly illegal, unauthorised and in flagrant violation of the Explosives Act, 1884 and the Explosives Rules, 2008.
 5. The Hon'ble Tribunal has further recorded that, apart from FIR No. 218/2023, a separate FIR No. 219/2023 was also registered in relation to recovery of additional explosive material from another premises connected with the same accused. The accused Shabbir Ali was arrested, charge-sheeted and criminal proceedings are pending before the competent criminal court. The District Administration also placed on record the steps taken for rescue operations, medical treatment of the injured persons, and payment of ex-gratia compensation (Sanctioned amount) to the families of the deceased and injured persons under the applicable State Disaster Response Fund (SDRF) norms.
 6. After considering the reports of the District Magistrate, Sambhal, the UPPCB and PESO, the Hon'ble Tribunal by the impugned Order dated 22.04.2025 held that the incident attracts the principles of absolute liability as laid down in *M.C. Mehta v. Union of India*.
 7. The Hon'ble Tribunal has further held that the right to life under Article 21 of the Constitution of India includes the right to live in a safe and pollution free environment, and that the failure to prevent such hazardous activity amounts to a violation of constitutional obligations. Relying upon Articles 21 and 48A of the Constitution, as well as the provisions of the Disaster Management Act, 2005, the Hon'ble Tribunal has held that the State and its authorities cannot absolve themselves of responsibility, even where the activity is illegal and criminal in nature.
 8. In para 32-39 of the Impugned Order, the Hon'ble Tribunal has held that the liability of the State to compensate victims of such accidents is absolute and unconditional, and that the financial incapacity of the violator or the illegal nature of the activity cannot be a ground to deny or dilute compensation. The Tribunal has further observed that the State is under a continuing obligation to ensure effective regulation of hazardous activities and to provide redress to victims where such regulation fails.
 9. Applying the aforesaid principles, the Hon'ble Tribunal has disposed of the Original Application by directing that enhanced compensation be paid to the victim's families, fastening responsibility upon the State with liberty to recover the amount from the project proponent/violator and other responsible persons, including erring officers, if so advised.
 10. Further, the Ld. Tribunal has issued a series of directions for the District Magistrate, Sambhal, including directions to ensure payment of the balance compensation to the legal heirs/dependents of certain deceased victims. The District Magistrate has also been directed to decide the question of entitlement of the family members of the project proponent for payment of compensation in respect of certain deaths, after examining their alleged involvement in the illegal activity and after affording an opportunity of hearing. Further directions have been issued to reassess the nature and extent of injuries suffered by the injured persons, including the percentage of burns, disability, if any, and medical expenses incurred, and to determine and disburse compensation in accordance with the scale laid down by the Tribunal. The District Magistrate has additionally been directed to determine entitlement of compensation for destruction of the project proponent's house as well as for damage caused to neighbouring houses, After technical examination and after granting opportunity of hearing to the Concerned parties.
 11. Having examined the factual conspectus, I am of the considered view that the impugned order raises serious and substantial questions of law, particularly as regards the extent to which the Hon'ble Tribunal can fasten primary pecuniary liability upon the State exchequer for acts which are admittedly illegal, unauthorised and criminal, carried out by private individuals without any licence or sanction. If the said order is allowed to attain finality without challenge, it may severely prejudice the consistent legal position of the State of Uttar Pradesh in future proceedings before the Hon'ble Tribunal and other forums.
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12. In view of the detailed findings recorded by the Hon'ble Tribunal, the final nature of the impugned order, and the significant legal and financial implications involved, I am of the considered opinion that the present case is fit for filing a Civil Appeal under Section 22 of the National Green Tribunal Act, 2010 before the Hon'ble Supreme Court of India.

तत्क्रम में विशेष सचिव, उत्तर प्रदेश शासन, गृह (पुलिस) अनुभाग-5, लखनऊ के पत्र संख्या-..... /छ:-पु-5/2026 दिनांक-16.02.2026 द्वारा अवगत कराया गया कि न्याय (रिट विधि मंत्रणा) अनुभाग-6 के शासनादेश संख्या-आई/1239429/2026 दिनांक-16.02.2026 के माध्यम से ओ.ए. संख्या-438/2023 में मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक-22.04.2025 के विरुद्ध मा. उच्चतम न्यायालय, नई दिल्ली में Civil Appeal under Section 22 of the National Green Tribunal Act, 2010 योजित किये जाने हेतु अनुमति प्रदान करते हुये रुचिरा गोयल, एडवोकेट ऑन रिकार्ड, मा. उच्चतम न्यायालय, नई दिल्ली को आबद्ध किये जाने की अनुमति प्रदान की गयी।

जिसकी सूचना इस कार्यालय के पत्र संख्या-292/जि.आ.प्र.प्रा./2025-26 दिनांक-18.01.2026 के माध्यम से रुचिरा गोयल, एडवोकेट ऑन रिकार्ड, मा. उच्चतम न्यायालय, नई दिल्ली को उपलब्ध करायी गयी। प्रश्नगत प्रकरण मा. उच्चतम न्यायालय, नई दिल्ली में विचाराधीन है। अतः उपर्युक्त प्रकरण में मा. अधिकरण से अतिरिक्त समय प्रदान किये जाने हेतु अनुरोध करने का कष्ट करें।

भवदीय,

(डॉ. राजेन्द्र पैसिया)

जिलाधिकारी,

सम्भल।

दिनांक:- 16 मार्च, 2026

संख्या:- 319 / जि.आ.प्र.प्रा. / 2025-26

प्रतिलिपि-

5. मुख्य सचिव महोदय, उत्तर प्रदेश शासन, लखनऊ को सादर अवलोकनार्थ प्रेषित।
6. प्रमुख सचिव महोदय, गृह विभाग को सादर सूचनार्थ व आवश्यक कार्यवाही हेतु प्रेषित।
7. सदस्य सचिव महोदय, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, लखनऊ को आवश्यक कार्यवाही हेतु प्रेषित।
8. सुश्री प्रियंका स्वामी, स्थायी अधिवक्ता, मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली।

जिलाधिकारी,

सम्भल।