

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

Original Application No. 453/2013

And

M.A. No. 1114/2013 & M.A. No. 1115/2013

Sh. Kalyan Bansingh & Ors. V/s HIL Ltd. & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE MR. B. S. SAJWAN, EXPERT MEMBER**

Present:

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| Applicant / Appellant | : Ms. Richa Relhan, Adv. |
| Respondents No. 1 | : Mr. Arvind Roy Adv. |
| Respondent Nos. 2,5&6 | : Mr. B.V. Niren, Adv. |
| Respondent No. 3 | : Mr. Vivek Chib and Mr. Asif Ahmed and Ms. Ruchira Goel, Adv. |
| Respondent No. 4 | : Mr. Kumar Anurag Singh, Adv. |

| Date and Remarks | Orders of the Tribunal |
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| Item No. 1 August 7, 2014 | <p>Heard. Perused.</p> <p>The Respondent Nos. 1 and 3 have filed their replies. Other Respondents seek time to file their replies. Two weeks time is granted. Advance copies of the replies be furnished to the Applicants. Rejoinder thereto, if any, shall be filed within a week thereafter.</p> <p>Parties shall note that no further time will be granted to them for the purpose of their replies. Time is granted only as and by way of indulgence and any further indulgence in that regard shall invite exemplary cost.</p> <p>Today before us the Director General of Mines Safety is present in person and makes a statement that the Respondent No. 6 (Director General of Mines Safety for District Singhbhum) works under him and there is no need to specifically implead him to the present petition as he can very well answer the present petition. In view of this, delete the Respondent No. 6 from the array of memo of parties. Amendment to be made forthwith.</p> <p>It has been the case of the Applicant that the Applicant has suffered from asbestos is as a result of they having worked in the</p> |

mine in Village Roro Hills West Singhbhum under control of the Respondent No. 1.

The Respondent No. 1 in its preliminary reply at para -15 categorically admits that the subject mine was duly closed by the Respondent No. 1 some 30 years back in 1983. The Respondent No. 1 further reveals in the reply that the matter being so old, the Respondent No. 1 has not been able to locate documents to shed light on the facts concerning the personnel working in the mine at the relevant time. However, Respondent No. 1 has further revealed in his reply that they are involved in manufacturing fibre cement roof for which the raw material is asbestos.

It is correct that the Respondent No. 1 has taken a plea of limitation on the ground that the factory was closed as far back as in the year 1983. However, Respondent No. 5 has made a statement that none of the mines in the area have been duly closed as per the norms prescribed for closure of the mines.

Respondent No. 1 shall furnish details of manufacture of fibre cement roof articles since 1980 onwards and the quantities of raw material sourced; and shall file a detailed affidavit revealing the said details before us.

Respondent No. 5 shall also give details of the mines located, both operational or abandoned, in the area referred to in the application.

List the matter on 28th August, 2014.

....., JM
(U.D. Salvi)

....., EM
(Dr. G.K. Pandey)

....., EM
(B. S. Sajwan)