

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

Original Application No. 59/2021

In re: News item published in Times Now News dated 23.02.2021 titled
“Karnataka: Six killed in quarry blast in Hiremagavalli,
Chikkaballapur”

Date of hearing: 25.02.2021

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON’BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Proceedings have been initiated in the present matter on the basis of the media report dated 23.02.2021 under the heading **“Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur”**¹. It is reported that six people were killed in quarry blast in Hiremagavalli, Chikkaballapur on Monday night (22.2.2021). One was injured when the blast took place at the quarry. The incident happened due to large amount of explosives at the site. District In-charge, who visited the spot said that **the explosives were illegally held**. According to the preliminary information shared by the police, the quarrying work was stopped at the site on February 7 after **local residents complained of rampant use of gelatin sticks. The work continued despite the ban, and another raid was conducted by the police, during which the contractor was warned not to use gelatin. The explosives went off when the men were trying to dispose them off.**

2. Above information gives rise to a substantial question of environment relating to compliance of the Manufacture, Storage and

¹ <https://www.timesnownews.com/india/article/karnataka-5-killed-in-quarry-blast-in-hiremagavalli-chikkaballapur-pm-modi-expresses-grief/723804>

Import of Hazardous Chemical Rules, 1989 (“the 1989 Rules”) and Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 (The 1996 Rules), which have been framed under the Environment (Protection) Act, 1986 (EP Act), falling in schedule to the NGT Act, 2010. It is necessary to determine the question and if necessary, award relief under Section 15 of the NGT Act to the victims and for restoration of the environment, after determining the liability of the persons engaged in such activity as well as role of the statutory regulators in failing to prevent the same. Further question of preventive measures to avoid recurrence of such incidents in future in such activities also needs to be gone into.

3. The 1989 Rules require preparation of onsite and offsite plan and conducting of mock drills. As per law laid down in *M.C Mehta v. UoI & Ors.*², principle of ‘Absolute Liability’ is attracted in such cases to compensate the victims of such accidents as well as to compensate the environment. **It is necessary to ascertain the cause of the incident, the extent of damage caused, the extent of compensation required to be paid for damage to the environment as well as for loss of lives, causing of injuries and steps required to be taken for preventing any such occurrence in future on the same pattern as the Tribunal has dealt with such accidents in the recent past**³.

² (1987) 1 SCC 395

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- i. Order dated 01.06.2020, relating to incident of gas leak dated 07.05.2020 in **LG Polymers India Pvt. Limited** at Vishakhapatnam, resulting in death of 11 persons and injuries to more than 100, apart from other damage (OA No. 73/2020, In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village Visakhapatnam in Andhra Pradesh);
- ii. Order dated 03.02.2021, relating to incident dated 03.06.2020 in a chemical factory, **Yashyashvi Rasayan Pvt. Ltd.** at Dahej, District Bharuch, Gujarat resulting in deaths and injuries and other damage (OA No. 85/2020) (Earlier OA 22/2020) (WZ), Aryavart Foundation through its President vs. Yashyashvi Rasayan Pvt. Ltd. & Anr.);
- iii. Order dated 06.08.2020, in relation to incident of **oil well blow out on 27.05.2020 at Baghjan in the Tinsukia District of Assam** resulting in deaths, injuries and damage to the environment (OA No. 43/2020(EZ), Bonani Kakkar vs. Oil India Limited & Ors.).

4. While directing **issuance of notice to the CPCB, State PCB, the Director, Mines, Karnataka and the District Magistrate, Chikkaballapur by e-mail**, we constitute a six-member joint committee comprising the CPCB, State PCB, District Magistrate, Chikkaballapur, nominee of Director General, Mines, GoI, Chief Controller of Explosives, Ministry of Commerce and Industry, Nagpur, and the Director, Mines, Karnataka to give a report to this Tribunal. The nodal agency for coordination and compliance will be the CPCB and the State PCB. The committee may visit the site preferably within next one week and give its report about the cause of the incident, the extent of damage caused, the extent of compensation required to be paid for damage to the

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- iv. Orders dated 06.07.2020 and 22.12.2020, relating to incident dated 30.06.2020 on account of gas leakage at **Sainor Life Sciences** factory at Parawada in industrial area on the outskirts of Vishakhapatnam (OA No. 106/2020, News item published in the local daily “Economic Times” dated 30.06.2020 titled “Another Gas Leakage at Vizag Factory kills two, critically injures four...”);
 - v. Orders dated 08.07.2020 and 22.12.2020, dealing with the incident dated 01.07.2020 resulting in death of 6 person and injury to 17 due to blast of boiler in **M/s Neyveli Thermal Power Station** (NLCIL), Cuddalore (OA No. 108/2020, News item published in the “Indian Express” dated 01.07.2020 titled “Tamil Nadu Neyveli boiler blast: 6 dead, 17 injured”) and;
 - vi. Orders dated 23.07.2020 and 22.12.2020, in relation to incident of **fire engulfed the chemical plant** of **Visakha Solvents Ltd**, Vizag on 13.07.2020 at Ramky CETP Solvents building in Pharma City resulting in injuries (OA No. 134/2020, News item published on 13.07.2020 in the local daily named “India Today” titled “Massive fire engulf Vizag chemical plant, explosions heard, injuries reported”).
 - vii. Order **dated 18.12.2020**, in relation to incident of **explosion in a plastic recycling factory at Sujapur in Malda on 1.12.2020** resulting in death of six persons, including two minors and serious injuries to four persons (OA No. 272/2020, News item published in the “Times of India” dated 20.11.2020 entitled “Six killed as blast tears through Malda Plastic recycling factory”).
 - viii. Order dated **18.12.2020**, in relation to incident of **methane gas leak in a sugar factory** called Lokenete Bapurao Patil Agro Industries Ltd. in Mohol Taluka of Solapur District, Maharashtra on 21.11.2020 resulting in deaths and injuries and other damage (OA No. 274/2020, News item published in the “Indian Express” dated 23.11.2020 entitled “Maharashtra: Two Killed, eight injured in methane gas leak in sugar factory”).
 - ix. Order dated 08.01.2021, in relation **to Gas Leak in Agro Company** (O.A No. 107/2020, In RE: News item published in the local daily “Indian Express Sunday Express” dated 28.06.2020 titled “Gas Leak in Agro Company Claims life of one”)
 - x. Order dated 18.01.2021, in relation to News item published in Navbharat Times dated 24.12.2020 titled “**Gas leaks in IFFCO Plant, 2 Officers dead**” (O.A No. 04/2020, In re : News item published in Navbharat Times dated 24.12.2020 titled “Gas leaks in IFFCO Plant, 2 Officers dead”)
 - xi. Order dated 11.02.2021, in relation to accident of toxic gas leak in Rourkela Steel Plant in Orissa” (O.A. No. 09/2021, In re: News item published in The Indian Express dated 07.01.2021 titled “Four workers dead due to toxic gas leak in Rourkela Steel Plant”)
 - xii. Order dated 16.02.2021, in relation to accident of Virudhunagar firecracker factory blast (O.A. No. 44/2021, In re: News item published in The News Indian Express dated 12.02.2021 titled “At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured”)

environment as well as for loss of lives, injuries and steps required to be taken for preventing any such occurrence in future within one month. Except for visit to the site at least once, the Committee will be free to conduct its proceedings online. It will be free to take the assistance from any other expert/organization. The Committee may suitably interact with the stakeholders and, apart from considering the present incident, also consider remedial measures for preventing such incidents in the area or by other establishments even beyond the said area. The Committee may compile information about existence and working of onsite and offsite plans in terms of 1989 Rules and conducting of mock drills and safety SOPs. Since in the recent past, the Tribunal has dealt with similar issues of industrial accidents resulting in deaths and injuries and Expert Committees in some of such accidents have given reports to this Tribunal, such reports may also be taken into account by the Committee to the extent relevant. The reports are available on the website of the CPCB. The report may be filed by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Simultaneously, the report may also be uploaded on the website of the State PCB to enable the concerned stakeholders to access the same and file their response, if any.

List for further consideration on 30.04.2021.

A copy of this order be forwarded to the CPCB, State PCB, District Magistrate, Chikkaballapur, Director General, Mines, GoI, the Chief Controller of Explosives, Ministry of Commerce and Industry, Nagpur, and the Director, Mines, Karnataka by email for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 25, 2021
Original Application No. 59/2021
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