

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 02/2022

In re : News item published in India Today dated 26.12.2021 titled **“7 dead in boiler explosion at noodle factory in Bihar’s Muzaffarpur, probe ordered”**

Date of hearing: 11.01.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON’BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

Respondent: Mr. S.Chandrasekar, Member Secretary, Bihar State PCB
Ms. Soni Singh, Advocate for CPCB

ORDER

1. Proceedings have been initiated based on media report¹ that seven persons died and four sustained injury after a boiler explosion in the factory of the project proponent in Bela Industrial area, Phase-II, Muzaffarpur, Bihar. The Registry issued a notice dated 03.01.2022 to the State PCB, CPCB, District Magistrate, Director, Industries, Bihar and the project proponent for today’s hearing.

2. Accordingly, CPCB and State PCB have entered appearance. The State PCB has filed a copy of complaint filed before the jurisdictional CJM against M/s Anshul Snacks and Beverages Pvt. Ltd (the PP) alleging violation of the Water (Prevention and Control of Pollution) Act, 1974, the

¹ Dated 26.12.2021 published in India Today titled “7 dead in boiler explosion at noodle factory in Bihar’s Muzaffarpur, probe ordered”

Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in operating the factory without 'consent to operate'.

3. We have considered the matter. As per the principle of 'Absolute Liability,' laid down in *M.C Mehta v. UoI and Ors*², the Project Proponent (PP) is liable to compensate the environment and the heirs of the deceased and the injured and adopt safety norms to prevent such incidents in future. Thus, there is need to ascertain the cause of the incident, extent of damage to the environment and individuals, compensation paid and payable, status of compliance of environmental norms including the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 and preventive safety measures required to be taken so that such incidents are avoided in future. The suitability of the site, preparation of off-site and on-site emergency plans and holding of mock drills need to be verified.

4. The Tribunal has come across several industrial accidents in recent past resulting in deaths and injuries due to violation of environmental norms. After verification of facts, the Tribunal has directed payment of compensation and taking of safety measures to prevent such incidents.

5. In view of above, we constitute a six-member joint Committee comprising MoEF&CC (Integrated Regional Office, Ranchi), CPCB, State PCB, District Magistrate, Muzaffarpur, State Disaster Management Authority and Director, Industries, Bihar for the purpose. The CPCB and the State PCB will be the nodal agency for coordination and compliance.

² 1987) 1 SCC 395

The joint Committee may meet within two weeks and undertake visit to the site and ascertain status of compliance of environmental norms and remedial action. The joint Committee will be free to co-opt any other expert-institution and coordinate with any other concerned Department. The joint Committee may also interact with the stakeholders, including the PP. Earlier reports on the subject on the website of CPCB may also be looked into. The heirs of the deceased may be paid compensation at the rate of Rs. 15 lakhs (in respect of each deceased) and seriously injured victims (those who have been hospitalized) be paid compensation at the rate of Rs.2 lakh each and other injured (not hospitalized) at the rate of Rs. 50,000/- each. The District Magistrate may ensure recovery of such compensation from the project proponent. The project proponent is at liberty to move this Tribunal, if aggrieved. The Committee may give its report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 19.04.2022.

A copy of this order be forwarded to the MoEF&CC (Integrated Regional Office, Ranchi), CPCB, State PCB, District Magistrate, Muzaffarpur, State Disaster Management Authority, Bihar and the Director, Industries, Bihar, by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Saibal Dasgupta, EM

January 11, 2022
Original Application No. 02/2022
AB