

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

(By Video Conferencing)

Original Application No. 450/2022

In re: News item published in The Indian Express dated 05.06.2022 titled
**“12 dead in fire at Hapur factory that ‘produced firecrackers
illegally’ : ‘Saw people with burns jumping into drains”**

Date of hearing: 12.07.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Ms. Medha Roopam, District Magistrate, Hapur
Mr. Raj Kumar, Advocate for CPCB
Mr. Pradeep Misra, Advocate for UPPCB

ORDER

1. The matter has been taken up *suo motu* on the basis of captioned Media Report of death of 12 persons and injury to 13 persons in a factory fire at Ruhi Industries, Hapur, UP, operating in violation of environmental norms. The incident took place on 04.06.2022 at 2.30 PM.
2. In pursuance of advance notice issued by the Registry on 06.06.2022, response has been filed by the Director of Industries, UP, CPCB and State PCB. The District Magistrate, Hapur is present in person. None appears for the Ruhi Industries – the Project Proponent (PP), though notice was duly served on it. We have perused the reports and interacted with the District Magistrate, present in person.

3. The report of the CPCB dated 11.07.2022 is based on the information received from the District Administration and the State PCB as follows:-

“The unit is located at Plot No. F-128 in MG Road Industrial Area of Uttar Pradesh State Industrial Development Corporation (UPSIDC) site in Hapur’s Dhaulana area, Distt. Hapur, Uttar Pradesh, where the fire occurred. The following facts are placed on the record based on the information shared by UPPCB, Regional Office, Hapur:

- i. UPSIDA had allotted the said plot to M/s Ruhi Industries on 15.07.2019 for manufacturing of Electrical and Electronic Parts. However, during investigation by the aforesaid departments, it is found that the said premises were let out to a third person (Mr. Waseem), who was being used to manually fill the explosives in the pellets.*
- ii. As per the records of UPPCB, the Board had neither established nor issued any permission to operate the unit i.e. M/s Ruhi Industries.*
- iii. Since the unit was established and operating illegally without requisite permissions from UP Board, detailed submission in this regard has also been submitted by the UPPCB, Regional Officer, Ghaziabad to the Additional District Magistrate, Hapur on 14.06.2022 as part of ongoing magisterial enquiry set up by District Magistrate, Ghaziabad.*
- iv. On the day of the incident, 13 casualties were reported and 20 labourers were seriously injured. Further, 04 more labourers succumbed to the injuries taking the death toll to 17.*
- v. Show cause notice has been issued by UPPCB to the owner of the premises to deposit **Rs. 1,33,43,750/-** as environmental compensation. A copy of the show cause notice is annexed as Annexure-IV.*
- vi. Labour department has issued Notice the factory owner to deposit an amount of Rs. 1,74,52,978 for deceased and Rs. 40,08,819 for injured under the Worksmen’s Compensation Act, 1923 which is to be disbursed to the family of deceased and injured labourers.*
- vii. Against the operator and owner of the premises, following actions have been taken by the concerned departments of UP Government:*
 - Environmental Compensation imposed by the UPPCB;*
 - Notice issued by Labour Department;*
 - Allotment of Plot to M/s Ruhi Industries Ltd, has cancelled by UPSIDA; and*

- *FIR registered under sections 286, 287, 304, 308, 337 and 338 of IPC, 1860 by Police department.”*

4. The report of State PCB which is also annexed to the report of the CPCB shows that activities of the unit were illegal without mandatory consent to establish and to operate under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 for which violations, the proceedings have now been initiated by the State PCB, for recovery of compensation. Number of deaths has increased to 17. Labour Department has assessed compensation as per Workmen Compensation Act, 1923. Out of Chief Minister's Relief Fund, compensation of Rs. 2 lakhs each has been given to the families of the deceased and Rs. 50,000 to the family of the injured. Allotment of plot has been cancelled and criminal case registered.

5. Report of the Director of Industries, UP dated 07.07.2022 is to the effect that the factory was illegally given on rent by the allottee of the plot and used for the work of filling pallets with explosives, without requisite consents/license from the Explosive Department, Fire Department, Industries Department and Electricity Department or the District Administration. 33 workers were engaged. Cause of incident appears to be electric short circuit/firing of cigarette, resulting in instant death of 13 workers and injury to 20 workers. Later, death of 4 more workers took place out of the injured. On enquiry on 07.06.2022, it was found that 33 workers were engaged in manufacturing activities, without complying with the provisions of the Factories Act, 1948.

6. As per notice of the Commissioner under the Workmen's Compensation Act, 1923 dated 05.06.2022, (annexed to the report), the

compensation for the family of the deceased has been assessed is as follows:-

S. No.	Name of the deceased	Father's name and address	Age	Amount of compensation to be paid
1	Shri Irfan	Shri Ibban Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	22	10,54,828/-
2	Shri Bhure	Shri Gurbaksh Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	48	7,61,447/-
3	Shri Ramu	Shri Darshan Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	27	10,17,661/-
4	Shri Sarvesh	Shri Pappu Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	20	10,67,360/-
5	Shri Anup	Shri Rajesh Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	19	10,73,173/-
6	Shri Chote alias Anil Kumar	Shri Ramchander Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	40	8,77,570/-
7	Shri Prempal	Shri Ramsharan Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	35	9,38,991/-
8	Shri Chaviram	Shri Kallu Village Bhanderi, Post Hatheli, PS Kaanth, Distt. Shahajanapur, UP	20	10,67,360/-
9	Shri Dilshad	Shri Aafaq Village Bhaumeika, PS Kaccha Thaman, Kishanganj, Bihar	18	10,78,701/-

10	Shri Kurban	Shri Ramzan Village Kanpayiya, PS Hardi, Distt. Behraich, UP	19	10,73,173/-
11	Shri Noor Hasan	Shri Ispaq Mo. Bazarwali Bagh, PS Katra, Distt. Shahajanapur, UP	22	10,58,828/-
-	-	-	Total	1,10,69,092/-

7. The compensation assessed for the injured is as follows:-

S. No.	Name of the injured worker	Father/Husband name and address	Age	Amount of compensation to be paid
1	Shri Aijaj	Shri Aafaq Village Bhaumeka, PS Kaccha Thaman, Kishanganj, Bihar	27	8,54,835/-
2	Shri Shivam	Shri Krishanpal Village Chardhiya, PS Kaanth, Distt. Shahajanapur, UP	28	12,11,015/-
3	Shri Saroj	Shri Sukhram Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	26	12,30,971/-
4	Shri Rajesh	Shri Ramkhilauna Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	21	63,673/-
5	Shri Rihan	Shri Aas Mohd. Village Ubarpur, PS Hafizpur, Distt. Hapur	18	64,722/-
6	Shri Manoj	Shri Sukhram Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	18	64,722/-
7	Shri Chand	Shri Aamir Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	22	3,16,448/-

8	Ms. Jainav	Shri Badshah Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	22	63,290/-
9	Shri Babloo	Shri Shakoor Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	28	1,81,652/-
10	Shri Mustqim	Shri Badshah Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	35	2,25,358/-
11	Shri Amit Gupta	Shri Suresh Gupta Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	26	2,46,195/-
12	Shri Ankur	Shri Ramesh Gupta Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	18	4,53,055/-
13	Shri Sagar	Shri Titu R/o Supar Tank, Delhi Road, Meerut	23	3,77,302/-
14	Shri Pradeep	Shri Satpal Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	18	3,23,610/-
15	Shri Yusuf	Shri Latif, Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	28	2,42,203/-
16	Ms. Shahida	Shri Sarafat Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	18	1,94,166/-
17	Smt. Afsana	Shri Yusuf, Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	28	1,81,652/-
18	Shri Taalib	Shri Haqa, Village Uvarpur, PS Hafizpur, Distt. Hapur	19	6,43,904/-

19	Shri Sonu	Shri Ramesh Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	23	7,54,605/-
20	Ms. Aathiya	Shri Sarafat Village Bhanderi, PS Kaanth, Distt. Shahajanapur, UP	20	2,56,166/-
-	-	-	Total	79,49,544/-

8. Subsequent order dated 07.06.2022 in respect of 2 more workers who died is as follows:-

S. No.	Name of the deceased worker	Father/Husband name and address	Age	Amount of compensation to be paid
1	Late Shri Ranjeet alias Prem Narayas	Shree Rampal, Sikanderpur Afganan, PS Jalalabad, District Shahajahanpur, UP	25	10,33,576/-
2.	Late Shri Raghvendra	Shree Ram Naresh, Village Bhanderi Post Hathel, PS Kanth, District Shahajahanpur, UP	19	10,73,173/-

9. Further notice order dated 10.06.2022 in respect of 2 more workers who died later is as follows:

S. No.	Name of the deceased worker	Father/Husband name and address	Age	Amount of compensation to be paid
1	Late Shri Shivam	Shree Krishnapal, village Chardiya, PS Kanth, District Shahajahanpur, UP	23	10,48,062/-
2.	Late Shri Sanoj	Shree Sukhram, Village Bhanderi, PS Kanth, District Shahajahanpur, UP	19	10,73,173

10. Similarly, vide notice dated 11.06.2022 compensation has been assessed for 1 more worker who died as follows:-

S. No.	Name of the deceased worker	Father/Husband name and address	Age	Amount of compensation to be paid
1.	Late Shri Majruv Taaliv	Shree Haakam, village Uwarpur, PS Hafijpur, District Hapur	18	10,78,701/

11. In view of above, the District Magistrate, Hapur may take further action in accordance with law.

12. Apart from award of compensation to the victims, it may be necessary to review the monitoring processes for compliance of industrial safety norms by enhanced vigilance. We note that in recent past, we have dealt with number of industrial accidents resulting in deaths and injuries on account of failure to comply the environmental safety norms, namely:

1. *In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village Visakhapatnam in Andhra Pradesh, OA No. 73/2020 decided on 01.06.2020.*
2. *Aryavart Foundation through its President vs. Yashyashvi Rasayan Pvt. Ltd. & Anr., OA No. 85/2020 (Earlier OA 22/2020) (WZ) decided on 03.02.2021.*
3. *Bonani Kakkar vs. Oil India Limited & Ors., OA No. 43/2020(EZ) decided on 19.02.2021.*
4. *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...", OA No. 106/2020 decided on 22.12.2020.*
5. *News item published in the "Indian Express" dated 01.07.2020 titled "Tamil Nadu Neyveli boiler blast: 6 dead, 17 injured", OA No. 108/2020 decided on 22.12.2020.*
6. *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", OA No. 134/2020 decided on 22.12.2020.*
7. *News item published in the "Times of India" dated 20.11.2020 entitled "Six killed as blast tears through Malda Plastic recycling factory", OA No. 272/2020 decided on 18.12.2020.*

8. *News item published in the "Indian Express" dated 23.11.2020 entitled "Maharashtra: Two Killed, eight injured in methane gas leak in sugar factory", OA No. 274/2020 decided on 16.08.2021.*
9. *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", O.A No. 107/2020 decided on 08.01.2021.*
10. *In re : News item published in Navbharat Times dated 24.12.2020 titled "Gas leaks in IFFCO Plant, 2 Officers dead", O.A. No. 04/2021 decided on 04.06.2021.*
11. *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", O.A. No. 09/2021 decided on 11.02.2021.*
12. *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, O.A. No. 44/2021 decided on 03.03.2022.*
13. *In re: News item published in Times Now News dated 23.02.2021 titled "Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur", O.A. No. 59/2021 decided on 22.04.2022.*
14. *In re: News item published in The Hindu dated 23.02.2021 titled "Two dead, 5 missing in fire at UPL Plant", O.A. No. 60/2021 decided on 14.12.2021.*
15. *In re: News item published in The Times of India dated 28.02.2021 titled "Delhi : Man charred to death as illegal factory catches fire", O.A. No. 65/2021 decided on 31.08.2021.*
16. *In re: News item published in The Hindu dated 14.03.2021 titled "Safety lapses led to reactor blast at pharma unit", OA No. 79/2021 decided on 31.08.2021.*
17. *In Re: News item published in the "Indian Express" dated 04.11.2020 titled "Ahmedabad: Nine killed as godown collapses after factory blast", OA No. 258/2020 decided on 23.03.2021.*
18. *In re: News item published in The Times of India dated 08.06.2021 titled "18, mostly women, killed in fire at Pune chemical unit", OA 130/2021 decided on 01.02.2022.*
19. *Rakesh Suresh Chandra Kapadia v. Gujarat Pollution Control Board & Ors., OA No. 31/2021 (WZ), decided on 08.11.2021.*
20. *In re: News item published in The Hindustan Times dated 17.06.2021, titled "Blast in firecracker unit in Maharashtra's Palghar, at least 10 injured", OA No. 134/2021 decided on 25.06.2021.*
21. *In re: News item published in The Indian Express dated 12.07.2021 titled "Six killed in factory fire: Owner held, raids on to nab second accused", OA No. 171/2021 decided on 07.09.2021.*
22. *In re: News item published in The Indian Express dated 07.01.2022 titled "Gujarat: At least 06 dead, 20 sick after gas leak at industrial area in Surat", OA No. 05/2022 decided on 18.01.2022.*
23. *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”, OA No. 02/2022 decided on 22.04.2022.

24. *In re: News item published in The Economic Times dated 21.12.2021 titled “3 dead, 44 injured in flash fire at IOC’s Haldia refinery”, OA No. 440/2021 decided on 07.01.2022.*
25. *In re: News item published in The Tribune dated 22.02.2022 titled “7 killed in blast at firecrackers factory in Himachal Una”, OA No. 143/2022 decided on 08.03.2022.*
26. *In re: News item published in Hindustan Times dated 05.03.2022 titled “Bhagalpur: 14 dead in firecracker unit blast”, OA 198/2022 decided on 27.05.2022.*
27. *In re: News item published in The Times of India dated 12th April, 2022, titled “Six killed in chemical factory blast in Gujarat”, OA No. 272/2022 decided on 12.04.2022.*
28. *In re: News item in NDTV dated 14.04.2022 titled “6 killed, 12 injured after fire breaks out at Andhra Pradesh Pharma Unit”, OA No. 284/2022 decided on 20.04.2022.*

13. This may call for effective mechanism to check illegally operating commercial activities in the interest of safety of citizens. In this regard, we may refer to the observations of this Tribunal in a recent order dealing with the incident of death of 6 persons in a factory fire at Delhi vide order dated 07.09.2021 in O.A. No. 171/2021, *In re: News item published in The Indian Express dated 12.07.2021 titled “Six killed in factory fire: Owner held, raids on to nab second accused”* as follows:-

“1to6....xxx.....xxx.....xxx

7. As regards the remedial action against unauthorized unsafe constructions and violation of law in conducting business activities without requisite permissions and without requisite safety norms, remedial action be taken as proposed by the joint Committee which may be reviewed from time to time. We have noted the observations of the Committee that large number of fire incidents are taking place in Delhi resulting in loss of lives including the incidents mentioned in the report - in PVC Market Jawala Puri, fire cracker factory in Bawana and fire incident at wedding venue in North West Delhi’s Netaji Subhash Place. We have also noted that it is not desirable to permit hazardous activities at congested locations for which oversight mechanism needs to be strengthened in the light of above recommendations.

8. Recently, another case of fire incident resulting in charring of a person to death at Pratap Nagar at North Delhi has been dealt with by this Tribunal on 31.08.2021 in OA No. 65/2021, In re: News item published in The Times of India dated 28.02.2021 titled “Delhi: Man charred to death as

illegal factory catches fire”. The Tribunal constituted a Committee comprising of CPCB, DPCC, Director Industrial Safety & Health, Delhi, North Delhi Municipal Corporation and the District Magistrate, North Delhi. The Committee gave its report dated 24.08.2021 to the effect that the factory was being run in violation of judgment of the Hon’ble Supreme Court in *M.C. Mehta v. UOI & Ors.*¹, in residential area in violation of the safety and environmental norms. Fire took place on account of failure to observe safety norms. The Committee suggested that Special Task Force (STF) be constituted for conducting inspection atleast once in three months. The Tribunal accordingly directed taking of further remedial steps by the statutory authorities. It was also observed that constitution of zone-wise STF to check illegal industrial activities and godowns in violation of safety norms should be manned by officers of appropriately higher rank and this aspect may be reviewed by the Chief Secretary, Delhi. The operative part of the order is reproduced below:

“1 to 7. xxxxxx.....xx

8. In view of the above, further action may be taken by the Statutory Authorities, following due process. The compensation assessed may be recovered and if not paid within one month, coercive measures be taken against the concerned persons as well as against the property involved. We request the Member Secretary, Delhi State Legal Service Authority to ensure legal aid to the heirs of the deceased to enable due compensation to be paid to them. If the owners/tenant or other persons against whom action is taken are aggrieved, they are at liberty to take their remedies, including moving this Tribunal. The Authorities may also maintain vigil and take measures to prevent such incidents in future. We have noted the constitution of zone wise STF to check the illegal industrial activities and godowns in residential/non-conforming areas and are of the view that the same should be manned by officers of higher rank than the constitution now proposed. The Chief Secretary, Delhi may review the constitution accordingly.”

14. In view of the above, we direct a joint Committee of Additional Chief Secretary, Industries, Additional Chief Secretary, Environment, Chairman, State PCB and District Magistrate, Hapur to hold a joint meeting along with all the District Magistrates by Video Conferencing within one month to take stock of the mechanism for vigilance against

¹ (2004) 6 SCC 388

illegal operation of factories having potential for such incidents and remedial measures necessary for preventing such incidents. Existing mechanism may be appropriately updated and streamlined. The Chairman, State PCB will be the nodal agency for coordination and compliance.

15. We place on record our appreciation for the initiatives of the District Magistrate, Hapur inter-alia in taking on board all the District Magistrates for remedial action on the subject.

The application is disposed of.

A copy of this of this order be forwarded to the Chief Secretary, UP, Additional Chief Secretary, Industries, Additional Chief Secretary, Environment, Chairman, State PCB and District Magistrate, Hapur by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 12, 2022
Original Application No. 450/2022
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