

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

Original Application 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”

Date of hearing: 02.03.2021

**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. This matter has been put up in the light of media report titled Delhi: Man charred to death as ‘illegal’ factory catches¹ to the effect that a 35-year-old man was charred to death while three others, including two firefighters, were injured after a massive fire broke out at a factory in North Delhi’s Pratap Nagar in the wee hours on Saturday. Investigations revealed that it was an illegal unit where multiple factories and some packaging units were being operated from different rooms. The workers of the factory resided in the same complex as well. The building comprised ground plus two floors and the second floor had a temporary roof shed, which collapsed due to the fire. The door of the building was locked from outside and the call to the fire department was made much later. The deceased has been identified as Upchand Kumar (35), a resident of Siwan in Bihar. His body was recovered from one of the rooms on the first floor where a cylinder blast also occurred. The other injured was identified as Sushil, a resident of Kishanganj. Two other

¹ Dated 28.02.2021, The Times of India: <https://timesofindia.indiatimes.com/city/delhi/man-charred-to-death-as-illegal-factory-catches-fire/articleshow/81249707.cms>

injured persons were firefighters one of whom sustained a burn injury while trying to remove the body.

2. From the media reports, subject to further verification, there appears to be non-compliance of statutory safeguards under the provisions of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (“the 1989 Rules”), the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016 and the Plastic Waste Management Rules, 2016.

3. The owner/occupier of the hazardous activity is responsible for compensation to the victims and for restoration of the environment as per law laid down in *M.C Mehta v. UoI & Ors.*². **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.).
- 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

4. While directing **issuance of notice to the CPCB, the DPCC, the North Delhi Municipal Corporation and the District Magistrate, North Delhi by e-mail**, we constitute a five-member joint committee comprising CPCB, DPCC, Director Industrial Safety, Delhi the North Delhi Municipal Corporation and District Magistrate, North Delhi. The nodal agency for coordination and compliance will be the CPCB and the DPCC. The joint Committee may visit to the site 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 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

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”)

considering the present incident, also consider remedial measures for preventing such incidents in the area or by other establishments, even beyond the said area, in Delhi. 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 and compliance status of environment norms. 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 CPCB 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, DPCC, North Delhi Municipal Corporation, Director Industrial Safety, Delhi and District Magistrate, North Delhi by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 02, 2021
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