

Item No. 06

Court No. 1

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

Original Application 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”**

Date of hearing: 16.02.2021

**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 in the matter have been initiated on the basis of media report published in ‘The New Indian Express’ dated 12.02.2021 titled **“At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured”**<sup>1</sup> to the effect that in the process of filling of crackers with chemical 19 persons died and 30 persons (11 are women) critically injured in Nagpur-licensed **Sree Mariyammal Fireworks-factory at Achankulam Village** in Virudhunagar District **at 01:30 pm on 12.02.2021**. Some were taken to the Sattur Government hospital and some to Kovilpatti and Sivakasi Government Hospitals. Compensation of Rs. 2 lakhs to the family of those killed and Rs. 50,000/- to the family of those critically injured has been announced from the Prime Minister National Relief Fund and a sum of Rs. 3 lakhs to the families of those dead and Rs. 1 lakh to the families of those critically injured has been announced out of the Chief Minister’s Relief Fund.

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<sup>1</sup><https://www.newindianexpress.com/states/tamil-nadu/2021/feb/12/at-least-18dead-in-virudhunagar-firecracker-factory-blast-more-than-30injured-2263148.html>

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

3. It is thus necessary to determine the above 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 is preventive measures to avoid recurrence of such incidents in future in such activities.

4. Accordingly, we issue notice to the State of Tamil Nadu, Central Pollution Control Board (CPCB), State Pollution Control Board (State PCB), District Magistrate, Virudhunagar and Sree Mariyammal Fireworks-factory. Notice may be served by e-mail and response, if any be filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. To secure credible facts, we constitute following eight-member Committee:

- (i) Justice K. Kannan - Former Judge of Punjab & Haryana, and Madras High Courts, presently at Chennai - Chairman
- (ii) Representative of MoEF&CC – Member
- (iii) Representative of CPCB – Member
- (iv) Representative of State Disaster Management Authority - Member

- (v) Head of the Chemical Engineering Department of the IIT Chennai - Member
- (vi) Nominee of Chief Control of Explosives, Nagpur - Member
- (vii) Nominee of Petroleum and Explosives Safety Organization (PESO), Delhi – Member
- (viii) Chief Inspector of Factories, Tamil Nadu - Member

The District magistrate, Virudhunagar and Regional Office, State PCB may provide logistic support to the Committee to enable their fact-finding and reporting. State PCB will bear the initial cost of functioning of the Committee, including the honorarium to the non-official members to be determined in consultation with them. The Committee will be at liberty to take assistance of such experts, individuals and institutions as may be considered necessary. The State PCB and the CPCB will jointly act as nodal agency for coordination and compliance.

6. The Committee (or such members as the Chairman may decide depending on availability) may visit the site preferably within one week and give its report within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Committee may specifically report:

- a. The sequence of events;
- b. Causes of failure and persons and authorities responsible therefor;
- c. Status of onsite and offsite plans, mock drills and safety SoPs;
- d. Extent of damage to life, human and non-human; public health; and environment – including, water, soil, air;
- e. Steps to be taken for compensation of victims and restitution of the damaged property and environment, and the cost involved;
- f. Remedial measures to prevent recurrence;

g. Any other incidental or allied issues found relevant.

7. 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 incident 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., number of such units in the area and the carrying capacity of the area to sustain the same, whether siting criteria for such establishments needs to be reviewed having regard to the habitation or other establishments in the vicinity.

8. Since in the recent past, the Tribunal has dealt with similar issues of industrial accidents resulting in deaths and injuries<sup>2</sup> and Expert

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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 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").

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.

List for further consideration on 30.04.2021.

A copy of this order be forwarded to MoEF&CC, CPCB, State of Tamil Nadu, Justice K. Kannan, a former Judge of Punjab & Haryana, and Madras High Courts, the State PCB, the District Magistrate, Virudhunagar, State Disaster Management Authority, IIT Chennai, Chief Control of Explosives, Nagpur, Petroleum and Explosives Safety Organization (PESO), Delhi, Chief Inspector of Factories, Tamil Nadu and Sree Mariyammal Fireworks-factory, by email for compliance.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

February 16, 2021  
Original Application No. 44/2021  
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- 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")