

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9250 OF 2022

STATE OF BIHAR

... APPELLANT(S)

VS.

CENTRAL POLLUTION CONTROL BOARD & ANR.

... RESPONDENT(S)

O R D E R

IA No.14054/2024 for intervention is allowed.

We have heard the learned counsel appearing for the parties.

The present appeal takes exception to the judgment and order dated 27th May, 2022 passed by the National Green Tribunal, Principal Bench, New Delhi (for short, "the Tribunal"). On the basis of a media report regarding death of 14 persons in a firecrackers manufacturing unit at Bhagalpur, Bihar, *suo motu* cognizance was taken by the Tribunal. By the impugned order, the Tribunal directed that compensation of Rs.20,00,000/- (Rupees twenty lakhs) each shall be paid to next of the kin of the deceased who lost life in the incident and Rs.15,00,000/- (Rupees fifteen lakhs) to

each injured. The Tribunal appears to have acted upon the report of the District Magistrate, Bhagalpur dated 19th April, 2022 who identified 15 persons who died in the incident and 8 persons who sustained injuries. The District Magistrate, Bhagalpur recorded that there were 7 violators who were responsible for the blast in the manufacturing unit of the crackers, out of which 2 had died.

After having perused the impugned judgment, we find that firstly, a notice was not issued to the persons allegedly found responsible for the blast. Secondly, the identified injured persons and next of kin of the deceased persons were not issued notices and were not heard on the quantum of compensation.

In the circumstances, it will be appropriate if an order of remand is passed so that the Tribunal can hear all concerned persons. We, accordingly, set aside the judgment and order dated 27th May, 2022 in Original Application No.198 of 2022 and restore the Original Application to the file of the National Green Tribunal, Principal Bench, New Delhi.

The remanded application shall be listed before the Tribunal on 28th March, 2025 when the parties represented today shall remain present. The Tribunal shall issue notice to the District Magistrate, Bhagalpur calling upon him to give addresses of the injured persons and names and addresses of the legal representatives/next of kin of the deceased. He will also provide the names and addresses of the legal representatives of Lilavati Devi and Mahendra Mandal who are no more and who are held by him as responsible for the blast. He shall also give the names and addresses of other persons, if any, who are found to be responsible for the blast. The names and other details be furnished to the Registrar of the Tribunal. The Tribunal shall issue notices to the aforesaid persons.

After giving opportunity to all concerned of being heard, the Tribunal shall pass a fresh order as expeditiously as possible.

All issues are left open to be decided by the Tribunal.

The appeal is partly allowed on the above terms.

.....J.
(ABHAY S.OKA)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
March 05, 2025

ITEM NO.19

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s) . 9250/2022

STATE OF BIHAR

Appellant(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ANR.

Respondent(s)

(IA No. 190809/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 190810/2022 - EXEMPTION FROM FILING O.T.

IA No. 14054/2024 - INTERVENTION/IMPLEADMENT

IA No. 190807/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 190813/2022 - STAY APPLICATION)

Date : 05-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) :

Mr. Azmat Hayat Amanullah, AOR

Ms. Rebecca Mishra, Adv.

Mr. Tejasvi Kumar Sharma, Adv.

For Respondent(s) :

Mr. Avijit Roy, AOR

Mr. Kaushik Poddar, AOR

Mr. Rohit Kumar Singh , AOR

Mr. Gautam Singh, Adv.

Ms. Riya Parihar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is partly allowed in terms of the signed
order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)